



## PLANNING COMMISSION MINUTES

City Hall Council Chambers  
10722 SE Main Street  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

September 27, 2022

**Present:** Lauren Loosveldt, Chair  
Joseph Edge, Vice Chair  
Joshua Freeman  
Greg Hemer  
Robert Massey  
Jacob Sherman  
Amy Erdt

**Staff:** Justin Gericke, City Attorney  
Adam Heroux, Associate Planner  
Vera Koliass, Senior Planner  
Laura Weigel, Planning Manager  
Brett Kelver, Senior Planner

**Absent:** (none)

(00:14:00)

### 1.0 Call to Order — Procedural Matters\*

**Chair Lauren Loosveldt** 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>.*

(00:15:00)

### 2.0 Planning Commission Minutes

(00:15:04)

#### 2.1 August 9, 2022 Meeting Minutes

The August 9, 2022 Meeting Minutes were approved as written with a 7-0 vote.

(00:15:44)

#### 4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:16:15)

#### 3.0 Information Items

**Laura Weigel, Planning Manger** announced that the Housing Needs Survey was posted September 26, 2022. The survey can be accessed by going to the Engage Milwaukie site. **Weigel** shared that the Transportation System Plan Advisory Committee is in the process of recruiting for members. Currently, there

are 16 applications for 6 positions. In looking at the applications geographically Weigel pointed out that here are no current applications from the Historic Milwaukie neighborhood.

(00:17:40)

## 5.0 Community Involvement Advisory Committee (CIAC)

**Laura Weigel, Planning Manger** reminded the Commission that they will be holding their annual CIAC meeting on October 11, 2022. This meeting will also be the joint meeting between the Commission and the Neighborhood District Associations (NDAs). Jon Hennington, City of Milwaukie, Equity Program Manager, will attend the meeting to present an update on the city's equity work.

**Commissioner Robert Massey** shared that he reviewed the NDA joint meeting minutes from 2021 and recapped the NDAs responses to various topics. **Massey** noted that the topic of code did not warrant any discussion and Engage Milwaukie received a mixed response. **Massey** reviewed Goal 1: Citizen Involvement OAR 660-015-0000(1) from Oregon's Statewide Planning Goals & Guidelines and asked the Commission to think about these goals and the approach to the agenda for the joint NDA meeting. **Chair Loosveldt** stated that although there was not a lot of discussion about code, it should continue to be a topic to consider. **Loosveldt** stated that people may need more time to digest information related to code amendments which they come before the Planning Commission. **Commissioner Jacob Sherman** expressed his appreciation for staff and Jason Wachs, City of Milwaukie, Community Engagement Coordinator, who shared the Land Use 101 Training link in the weekly email sent to NDA's. **Massey** suggested that the Land Use 101 Training continue to be a resource that individuals can access. **Weigel** confirmed that the training is online and accessible.

**Commissioner Sherman** stated he was unaware if other commissioners were aware of City Council conversations related to Climate Action Goals around methane gas. From a CIAC perspective **Sherman** questioned whether decisions would go through a land use process. **Sherman** encouraged staff to involve the community in big decisions even if the matter wasn't a land use process. **Commissioner Massey** concurred with Sherman's observation and reminded the commission that there was a lengthy discussion about the CIAC focus and that the state law and bylaws, dictate that the CIAC focus is land use. **Weigel** agreed with Massey's statement that the CIAC's focus is land use. **Commissioner Greg Hemer** asked about sharing the NDA survey results during the October 11<sup>th</sup> meeting. **Weigel** said she would follow-up with Wachs.

(00:27:00)

## 6.0 Hearing Items

(00:27:04)

## 6.1 ZA-2022-002, High Density Residential Zones

**Vera Kolas, Senior Planner, and Adam Heroux, Associate Planner**, shared the staff report, summarizing the proposed code amendments, including changes in definitions, terminology of residential care facilities, and proposed consolidation of the existing 5 high density residential zones into 3 zones. Staff explained that the presentation was a detailed summary of the information discussed in the previous 3 work sessions on this topic and asked for confirmation that the proposed amendments included in the staff report were consistent with the work session discussion items. The request of the Commission was a recommendation to City Council.

**Commissioner Sherman** asked how the proposed amendments would affect existing development in the high-density zones. **Kolas** responded that the key amendment related to development standards was density and that the increase in the R-3 and R-2 zones could allow existing multi-unit developments to add dwelling units.

**Chair Looseveldt** asked about the discussion from the previous work session related to hotels and motels being permitted as conditional uses in the R-3 and R-2 zones. **Kolas** responded that the prior discussion involved a conclusion that hotels and motels would be subject to the development standards in the base zone and the likelihood of large-scale development in the neighborhoods was remote.

**Commissioner Hemer** asked about the notation of an "L" in the use table, which indicates a Limited Use. **Kolas** responded that the "L" is used in the North Milwaukie Industrial Area (NMIA) use table to indicate that the use is permitted, but with limitations.

**Vice Chair Joseph Edge** noted that it appeared that many homes in the R-1-B zone appeared to not meet the minimum front yard setback requirement of 20 ft and asked if staff had any statistics about compliance with the standard. **Kolas** responded that this is very likely the case because development occurred on these higher density lots under different requirements and then subsequent code amendments resulted in non-conforming development. **Kolas** further explained that a variance could be requested if new development could not meet the standard.

No public testimony was heard during the hearing. The public testimony portion of the hearing was closed. The Commission entered deliberation.

**Commissioner Sherman** commented that manufactured home parks are an important affordable housing option and that the city should work to preserve and protect existing manufactured home parks in the city. **Commissioner Amy Erdt** asked about including code language requiring that the parks be owned by the residents. **Vice Chair Edge** commented that Clackamas County has code

related to preserving manufactured home parks when they are proposed to be sold. It was concluded that the Commission would make a note in its recommendation to Council that the city should do more to ensure that manufactured home parks remain in place.

**Chair Looseveldt** voiced concerns about hotels and motels being permitted in the R-3 and R-2 zones. **Commissioner Massey** noted that the Commission discussed the topic at the work session and concluded that they function in a similar way to bed and breakfasts and vacation rentals, but that it is more an issue of scale. **Looseveldt** voiced discomfort allowing them as conditional uses in these zones. **Commissioner Hemer** stated that the conclusion was that bed and breakfasts, and vacation rentals are effectively the same and that they are not that different from hotels and motels because the scale of any potential development would be quite small. **Kolias** clarified that density is not applicable to hotels and motels but rather development standards. **Looseveldt** requested concerns related to hotels and motels be relayed to City Council. **Vice Chair Edge** supported the code amendments regarding hotels and motels and believed that the more likely type of development would be a boutique hotel located near downtown. It was decided that the Commission would make a note in its recommendation to Council that more discussion about hotels and motels take place given the concern about this type of development in neighborhoods.

**Commissioner Hemer** made the motion that the Commission recommend that City Council approve the proposed amendments with the additional comments regarding preservation and protection of manufactured home parks and additional discussion regarding hotels and motels in the R-3 and R-2 zones.

ZA-2022-002 was approved by a 7-0 vote with the ordinance and findings of approval presented in the staff report.

(01:26:53)

## 7.0 Work Session Items

(01:27:21)

### 7.1 Code Amendments: HB 2180 EV Charging Code

**Brett Kelter, Senior Planner**, presented the staff report that details the changes to state law regarding infrastructure for electric vehicle (EV) charging, in advance of corresponding amendments to the zoning code. House Bill 2180 and the Climate Friendly & Equitable Communities (CFEC) Rulemaking both dictate new requirements related to EV charging. The new requirements under HB 2180 are being implemented through building code and do not require an amendment to zoning code. The CFEC rules are required to be addressed by March 31, 2023. The new requirements are applicable to new construction, both mixed use and multifamily units. **Kelter** explained the different levels of EV Charging as well as

the spectrum of EV charging infrastructure. EV-capable will be the terminology used to encompass the state requirements which relates to space reserved on a panel and a conduit. **Adam Heroux, Associate Planner**, explained City Council's support for increased EV infrastructure requirements beyond the state level and compliance options that prioritize installed chargers.

The primary intent of the new rules is to improve access to EV charging infrastructure for renters and reduce local air pollution. **Heroux** pointed out the EV-related objectives in the Climate Action Plan.

**Commissioner Hemer** asked how the new parking requirements or lack thereof, will impact EV Infrastructure. **Kelver**, explained that he anticipates new developers are likely to include parking to meet the needs of renters and owners. **Kelver** and **Hemer** discussed stacked parking and the various implementation strategies related to the cost of charging. **Commissioner Massey** questioned why, if the goal is to get more EV infrastructure, that a 20% full installation option is being proposed vs for example an 80% backbone infrastructure, which would eventually lend itself to more EV charging stations. **Heroux** explained that Council has a desire to have actual chargers installed. **Commissioner Sherman** asked Heroux to give an example of an expanded compliance scenario related to residential development. **Sherman** stated he likes the direction Council is moving and suggested that other electric modes of transportation be considered when discussing EVs. **Commissioner Joshua Freeman** wanted to make sure that EV requirements do not deter builders from developing affordable housing and stated that individuals with low income are not likely to afford electric vehicles. **Vice Chair Edge** and **Sherman** agreed with Freeman's comment. The group discussed the possibility of adding flexibility to code requirements in relation to Median Income Guidelines and noted the need to gather more data. **Kelver** pointed out the nuances between commercial and residential EV charging and invited commissioners to think about the various options within the different levels of requirements. **Edge** declared he would like to see more EV charging stations within residential settings vs. commercial.

(02:12:46)

## 7.2 Code Amendments: Downtown Design Review

**Brett Kelver, Senior Planner**, reviewed the proposed amendments to the zoning code regarding the downtown design review process. **Kelver** explained that the Milwaukie Downtown Design Guidelines are not in alignment with the design elements in the zoning code. The Design and Landmarks Committee (DLC) has assessed the gaps and mismatches between code and the Milwaukie Downtown Design Guidelines. **Kelver** reviewed problems with the current code and the proposed solutions. The objective would be to repeal the Milwaukie Downtown Design Guidelines and integrate the applicable elements into the zoning code. Key changes outlined were to move design-related development standards into design standards, expand design standards from 7 elements to 14, require multifamily buildings downtown to be consistent with the downtown design fabric, and update graphics. **Kelver** shared the items addressed during

the August 9<sup>th</sup> meeting and the items that warranted more discussion.

The group discussed the potential impact of removing the step back requirement and questioned what other mechanisms are in place to ensure that step backs would be encouraged during design. **Kelver** stated there are other requirements that call out a base, middle, and top to a building. **Kelver** noted the Commissions' concerns regarding the proposed removal of the step back requirement. **Kelver** proposed to keep the step back requirement as is, if a review of the proposed amendments confirms that no other requirements are in place to ensure that a building achieves a step back appearance. **Kelver** agreed to look more into the other code requirements that may capture this design element. **Chair Looseveldt** explained that had it not been for the step back requirement, the Axletree building would not have had to come up with the alternative design elements to give the illusion of a step back. **Commissioner Hemer** pointed out that the step back becomes an issue when additional stories are in play, as with the green building and residential bonuses. **Commissioner Massey, Commissioner Sherman, and Looseveldt** recommended keeping the step back requirement. **Vice Chair Edge** recommended a change in process and suggested step backs could be channeled through a Type II review with a recommendation from the DLC. **Looseveldt** stated she would like the Commission to remain involved in these types of reviews and has concern because the DLC is a committee and not a commission. **Kelver** expressed concern about the review timeline and the need to change current process. **Sherman** questioned the expense related to a staff-intensive review. **Justin Gericke, City Attorney**, pointed out that a change in the process (to Type II review) would exclude City Council from having the final land use decision prior to a case going through the Oregon Land Use Board of Appeals.

**Kelver** circled back to the proposed code amendment that would allow any proposed new building that meets the applicable design standards to be reviewed and approved with an administrative Type I review instead of being subjected to the Type II process. **Commissioners Sherman, Hemer, and Chair Looseveldt** stated they felt comfortable with the proposed code amendment. **Kelver** recapped the additional recommendation that residential-only buildings adhere to the same design standards and guidelines as all new buildings downtown. The **Commission** agreed with this recommendation. The group continued with a discussion about how to notify the public about new developments downtown. **Vice Chair Edge** recommended that the Commission refer the topic to Council to see what Council proposes regarding an equitable means of communicating information around new development in downtown. **Loosveldt** agreed with Edge's recommendation.

**Kelver** summarized that the Commission did agree with the Type I proposed change to eliminate review for actions for which there are no standards. In addition, the Commission concurred that increasing the minimum density for townhomes in the DMU seemed reasonable and that it made sense to refer to the maximum height standard in "feet." **Commissioner Sherman** suggested

moving towards the use of "feet" within all planning process.

**Chair Loosveldt** reminded the group that building signage had been spoken about in the past and that there was no direct language in the design standards to address it. **Laura Weigel, Planning Manager**, stated she would review signage and bring information back to the Commission during the hearing process if need be. **Kelver** stated the sign code has clear standards and that developers are not usually ready to discuss signage in the beginning of development. The DLC did address lighting in the proposed amendments.

**Chair Loosveldt** noted that she would like there to be a process for art integration in new development. **Kelver** reminded the Commission that the mural on the south side of the Axletree building was likely due to the design not meeting some standards related to façade transparency. The art installation and public art mural were a result of the Axletree review process and met the DLC options for street-facing blank walls that exceeded the allowable size for a blank wall. **Loosveldt** pointed out that the mural is not on a street facing wall and asked if blank walls in general could be addressed. **Kelver** said a discussion could be had to expand the definition of "street facing" and agreed to review the Axletree documents to confirm how a mural was agreed upon. **Vice Chair Edge** suggested that the Council weigh in on clear and objective standards for public art. **Loosveldt** said she wanted art to be more specific to the new building design process. **Commissioner Sherman** questioned the proper mechanism to ensure the integration of art and would like to make a recommendation to Council. **Commissioner Hemer** would like the revision of code to include public art and noted that the Arts Commission could be involved in the process. **Hemer** stated that public art should not be prescriptive. **Loosveldt** and **Commissioner Massey** would like to see public art attached to the building design. The group discussed art as it relates to an architectural feature versus an art program that integrates public art on the property or within downtown. **Weigel** stated these are two different processes and that code can be looked at to address the design elements. **Loosveldt** asked the Commission if the integration of art into the building was something the Commission would like to advocate for and ask staff to explore implementation options for. All **Commissioners** agreed that art integration is important. **Edge** stated he still would like a fee-in-lieu-of option and more flexibility for art to be within the development and not necessarily tied to the building. **Weigel** explained that Council would need to be involved if an art option process expands the land use process. **Loosveldt** conducted a straw poll asking Commissioners if they agreed about revisiting the definition of street facing; all **Commissioners** agreed. **Commissioner Erdt** stated she liked the term "street visible."

(03:39:51)

## 8.0 Planning Department/Planning Commission Other Business Updates

**Commissioner Hemer** announced the Ledding Library Lecture Series.

(03:40:19)

**9.0 Forecast for Future Meetings:**

October 11, 2022	Hearing Item(s):	(none)
	Work Session Item(s):	1. Annual Joint Meeting with NDAs 2. Annual Meeting as CIAC
October 25, 2022	Hearing Item(s):	1. Code Amendments: Downtown Design Review (ZA-2022-003) 2. Code Amendments: EV Charging (ZA-2022-006)
	Work Session Item(s):	(none)

Meeting adjourned at approximately 10:00 p.m.

Respectfully submitted,

Suzanne Couttouw, Administrative Specialist II