



# CITY OF MILWAUKIE

## AGENDA

July 25, 2023

### PLANNING COMMISSION

[milwaukieoregon.gov](http://milwaukieoregon.gov)

**Hybrid Meeting Format:** the Planning Commission will hold this meeting both in person at City Hall and through Zoom video. The public is invited to watch the meeting in person at City Hall, online through the City of Milwaukie YouTube page ([https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB\\_m9cAw](https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_m9cAw)), or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov). Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time. To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/planning/planning-commission-2>) and follow the Zoom webinar login instructions.

#### 1.0 Call to Order – Procedural Matters — 6:30 PM

- 1.1 Native Lands Acknowledgment

#### 2.0 Planning Commission Minutes – Motion Needed

- 2.1 June 27, 2023

#### 3.0 Information Items

**4.0 Audience Participation** — This is an opportunity for the public to comment on any item not on the agenda

#### 5.0 Community Involvement Advisory Committee (CIAC)

#### 6.0 Hearing Items

- 6.1 ZA-2023-005: Design and Landmarks Committee Code Amendments

Summary: Proposed code amendments related to the retirement of the DLC

Staff: Senior Planner Brett Kelver

#### 7.0 Work Session Items

- 7.1 Bicycle Parking Standards

Summary: Bicycle Parking Standards

Staff: Assistant Planner Ryan Dyar

#### 8.0 Planning Department/Planning Commission Other Business/Updates

#### 9.0 Forecast for Future Meetings

August 8, 2023 No items at this time

August 22, 2023 Hearing items: CSU reviews for Balfour and Bowman-Brae Park development

## Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.

1. **PROCEDURAL MATTERS.** If you wish to register to provide spoken comment at this meeting or for background information on agenda items please send an email to [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at [www.milwaukieoregon.gov/meetings](http://www.milwaukieoregon.gov/meetings).
3. **FORECAST FOR FUTURE MEETINGS.** These items are tentatively scheduled but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
4. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue an agenda item to a future date or finish the item.

### Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and city of residence for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners. Speakers are asked to submit their contact information to staff via email so they may establish standing.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY.** Comments or questions from interested persons and testimony from those in support or opposition of the application.
5. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
6. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
7. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience but may ask questions of anyone who has testified.
8. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
9. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, any person may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

### **Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice**

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502. To request Spanish language translation services email [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the city's YouTube channel and Comcast Channel 30 in city limits.

### **Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)**

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el canal de YouTube de la ciudad y el Canal 30 de Comcast dentro de los límites de la ciudad.

#### **Milwaukie Planning Commission:**

Jacob Sherman, Chair  
Joshua Freeman, Vice Chair  
Aaron Carpenter  
Joseph Edge  
Amy Erdt  
Lauren Loosveldt  
Will Mulhern

#### **Planning Department Staff:**

Laura Weigel, Planning Manager  
Brett Kelter, Senior Planner  
Vera Koliass, Senior Planner  
Adam Heroux, Associate Planner  
Ryan Dyar, Assistant Planner  
Petra Johnson, Administrative Specialist II



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

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

June 27, 2023

**Present:** Aaron Carpenter  
Joseph Edge  
Amy Erdt  
Greg Hemer

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

**Absent:** Jacob Sherman, Chair  
Joshua Freeman, Vice Chair  
Lauren Loosveldt

(00:07:08)

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

**Chair Pro Tem, Joseph 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>.

(00:09:23)

### 2.0 Planning Commission Minutes

- 2.1 April 25, 2023, minutes were approved as amended with a 4-0 vote.
- 2.1 May 23, 2023, minutes were approved as presented with a 4-0 vote.

(00:10:41)

### 3.0 Information Items

No information was presented for this portion of the meeting.

(00:10:51)

### 4.0 Audience Participation

Milwaukie residents, Michelle Hemer & Kathy Hyzy, spoke in acknowledgement and recognition of commissioner **Greg Hemer's** 10 years of service.

(00:13:34)

### 5.0 Community Involvement Advisory Committee (CIAC)

**Planning Manager Laura Weigel** gave an update on planning department staff attending NDA meetings to review and discuss the land use notification training.

(00:15:40)

## 6.0 Hearing Items

### 6.1 HR-2023-001, Historic City Hall Modifications, 10722 SE Main St.

**Vera Kolias, Senior Planner** announced the applicable sections of the Milwaukie Municipal Code (MMC): MMC19.304, MMC19.403, MMC19.508, MMC19.907, and MMC19.1006. **Kolias** presented the staff report via a power point presentation. Both are included in the meeting packet. Staff recommended the approval of the application. **Hemer** inquired about the rock dedication in front of the building. **Kolias** replied that the city has a plan to keep the rock. **Edge** asked if the recommendations from the DLC need to be attached as 'conditions of approval' to the application. **Kolias** replied that staff did include three of the recommendations as conditions of approval and that the other two recommendations can be added as conditions of approval. **City Attorney Justin Gericke** added that the two recommendations would likely be incorporated as conditions of approval by virtue of the third. **Oregon resident Travis Henry** introduced himself to the commission and noted that the dedication rock would be moving location. **Hemer** inquired about the location of historic City Hall's cornerstone. **Community Development Director Joseph Briglio** commented on the location of historic City Hall's corner stone as well as the future location of the dedication rock.

**Chair Pro Tem Edge** closed the public testimony portion of the hearing.

#### Commission Discussion:

**Hemer** noted that the blue-ribbon committee identified keeping the front façade of historic City Hall as very important, they also recognized that building modifications are necessary to preserve the structure. **Hemer** praised the development plan and the hard work of the DLC. **Commissioner Aaron Carpenter** commented that more detail and understanding of the detached awning would have been appreciated but the plan makes sense. **Hemer** made a motion to approve application HR-2023-001; DR-2023-002. **Carpenter** seconded the motion. The motion passed with a 4-0 vote.

(00:48:14)

## 7.0 Planning Department/Planning Commission Other Business/Updates

**Hemer** advertised 'Performance at the Museum' on behalf of the Milwaukie Museum. **Hemer** expressed sincere gratitude for his position in public office. **Hemer** thanked city staff, the commission, and Willamette Falls Studio for all their hard work. **Hemer** shared advice from his tenure and experience working on the planning commission. **Weigel** presented **Hemer** with a parting gift and words of gratitude for his 10 years of service and dedication to the Planning Commission. **Edge** thanked **Hemer** for his hard work and wished him luck in his future endeavors.

(00:47:49)

**8.0 Forecast for Future Meetings**

July 11, 2023, Canceled

July 25, 2023, Hearing Item(s): 1. DLC Code Amendments

Work Session Item(s): 1. Bicycle Parking Standards

Meeting adjourned at approximately 7:35 p.m.

Respectfully submitted,

Petra Johnson, Administrative Specialist II



# CITY OF MILWAUKIE

**To:** Planning Commission  
**Through:** Laura Weigel, Planning Manager  
**From:** Brett Kelter, Senior Planner  
**Date:** July 18, 2023, for July 25, 2023, Public Hearing  
**Subject:** Code Amendments to retire the Design and Landmarks Committee

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## **ACTION REQUESTED**

Staff is requesting that the Planning Commission recommend that City Council approve proposed amendments to the municipal code that would officially retire the Design and Landmarks Committee (DLC).

## **BACKGROUND INFORMATION**

### **History of the DLC**

Some version of the DLC has been in existence for nearly 50 years, though the entity has undergone several changes in name and function over the years.

- **August 1976:** Ordinance 1344 established design review regulations and a Design Review Board.
- **July 1978:** Ordinance 1397 repealed the design review program due to budgetary issues.
- **August 1990:** The Historic Review Committee (HRC) was established with Resolution 27-1990 to oversee newly adopted regulations for historic resources (November/December 1989). The HRC was comprised of five members, including two Planning Commissioners.
- **May 1993:** The HRC was changed from a committee to a commission, with decision-making authority concerning historic resources (Resolution 10-1993). The number of Planning Commissioners on the HRC was reduced from two to one.
- **May 1996:** The HRC was changed from Historic Review Commission to Historic Resources Commission (Ordinance 1799).
- **September 2000:** The Downtown Framework Plan was adopted (Ordinance 1880), and the HRC was renamed as the Design and Landmarks Commission (DLC), responsible for both historic resource review and downtown design review.

- **October 2004:** The DLC's status was downgraded from a commission to a committee, with authority only to make recommendations to the Planning Commission (Ordinance 1936).

### **The DLC Today**

The current version of the DLC is comprised of five members and no longer includes a member of the Planning Commission. Until the pandemic hit in March 2020, the committee met regularly each month (usually the first Monday). In addition to reviewing downtown design review (DDR) and historic resource review (HRR) applications as needed, over the years the group has been involved in a variety of special efforts:

- Consultation on code updates for downtown signs, residential and commercial design standards, and downtown and central Milwaukie design standards.
- Creation of a slide show of Milwaukie's historic properties for the city website.
- Development of a historic reference guide for downtown.
- Review of applications for the city's Façade Improvement Program.
- Provision of a public forum for light-rail-related design.
- Participation in design discussions related to the Adams Street Connector and Milwaukie Bay Park.

For the past six-plus years, the DLC was focused on amendments to the DDR code as well as making recommendations on downtown design review applications. Due to its highly technical nature, the code work was time consuming and very slow moving, and committee membership turned over considerably. There were stretches where it was difficult to have a quorum for conducting official business, although the option to meet virtually made it much easier for DLC members to be available and participate. Once the pandemic hit and staff work priorities shifted, the DLC began meeting only as necessary to move the DDR work forward or to review DDR applications.

Prior to 2020, when the DLC was meeting every month, a high level of staff time was required to manage the monthly meetings and the work associated with the committee. The staff liaison was responsible for creating the meeting agenda and preparing minutes, as well as completing the work coming out of the committee. Monthly management of this committee is very staff intensive.

Now that the DDR code amendments have been adopted, the DLC's primary role has returned to reviewing DDR and HRR applications as needed. Since 1990 the DLC has reviewed approximately 10 HRR applications (out of 30 total). Since 2000, when the DLC started participating in DDR, the DLC has reviewed approximately 12 (out of 50 total) DDR applications.

### **PROPOSED ACTION**

Over the years, the DLC has made recommendations to the Planning Commission on DDR and HR applications. Although valuable, staff would assert that the Commission is more than capable of handling that work on its own when the need arises, which has been infrequent. Since 2017, the DLC has only reviewed and made recommendations on five DDR applications and three HRR applications.

The adoption of the Comprehensive Plan in 2020 necessitated the development a multi-year implementation work plan that identifies several projects in the immediate and near future. Updating the Historic Resource inventory is not slated until 2025 or later; work on downtown planning is also slated for several years out.

With the low volume of application review, the recent improvements to the DDR code, the Commission's capacity to review these types of applications, and the lack of an immediate long-range project for the DLC, staff has discussed retiring the DLC with City Council (see packet materials and video of that discussion from [June 6, 2023](#)). The proposed code amendments reflect that course of action.

Community volunteers with interest in downtown design and historic preservation can be encouraged to apply for Planning Commission positions or can be recruited to serve on the advisory committees formed in the future as part of topic-specific projects like the historic resources update.

Retiring the DLC requires minor amendments to various sections of the municipal code, removing all references to the Committee and closing all applicable loops of action as needed. Attachments 1 and 2 provide ~~strikeout/underline~~ and clean versions, respectively, of the proposed amendments. Attachment 3 is the adopting ordinance for Council and Attachment 4 is the recommended findings in support of approval.

## CONCLUSIONS

### Staff recommendation to the Planning Commission is as follows:

1. Recommend that Council approve the proposed code amendments that would retire the DLC.
2. Recommend that Council adopt the attached Findings in Support of Approval.

## CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.902 Amendments to Maps and Ordinances
- MMC Section 19.1008 Type V Review

This application is subject to Type V review, which requires the Planning Commission to hold an initial evidentiary hearing to and then forward a recommendation to the City Council for a final decision. Type V applications are legislative in nature and involve the creation, revision, or large-scale implementation of public policy.

The Commission has 4 decision-making options as follows:

- A. Recommend that Council approve the proposed amendments as per to the recommended Findings in Support of Approval.



- B. Recommend that Council approve the proposed amendments with revisions, including modifications to the recommended Findings in Support of Approval. Such modifications need to be read into the record.
- C. Recommend that Council deny the proposed amendments.
- D. Continue the hearing.

There is no deadline for a final decision on Type V applications, as they are legislative in nature.

## COMMENTS

Notice of the proposed amendments to was posted online and at key City buildings on June 23, 2023. Notice was also provided to the following agencies and departments on July 12, 2023: City of Milwaukie Community Development Department; Milwaukie City Attorney; and Chairpersons & Land Use Committees (LUCs) for the Neighborhood District Associations (NDAs) of Ardenwald-Johnson Creek, Hector Campbell, Historic Milwaukie, Island Station, Lake Road, Lewelling, and Linwood.

No comments have been received to date.

## ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Public Copies	E-Packet
1. Draft code amendments ( <del>strikeout</del> / <u>underline</u> version)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
a. MMC Title 2 Administration and Personnel		
• MMC Chapter 2.10 Boards, Committees, and Commissions Generally		
• MMC Chapter 2.16 Planning Commission		
• MMC Chapter 2.17 Milwaukie Arts Committee		
• MMC Chapter 2.18 Design and Landmarks Committee		
b. MMC Title 14 Signs		
• MMC Chapter 14.16 Sign Districts		
• MMC Chapter 14.32 Adjustments		
c. MMC Title 19 Zoning		
• MMC Section 19.401 Willamette Greenway Zone WG		
• MMC Section 19.907 Downtown Design Review		
• MMC Section 19.911 Variances		
• MMC Chapter 19.1000 Review Procedures		
2. Draft code amendments (clean version)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(all chapters and sections as noted above for Attachment 1)		
3. Ordinance for Council Adoption	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Public Copies	E-Packet
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4. Recommended Findings in Support of Approval

Key:

Public Copies = materials posted online to application website (<https://www.milwaukieoregon.gov/planning/za-2023-005>)

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/planning/planning-commission-77>

**PROPOSED CODE AMENDMENTS RELATED TO RETIREMENT OF  
THE DESIGN AND LANDMARKS COMMITTEE (DLC)**  
(~~strikeout~~/underline version)

**TITLE 2 ADMINISTRATION AND PERSONNEL**

**CHAPTER 2.10 BOARDS, COMMITTEES, AND COMMISSIONS GENERALLY**

**SECTION 2.10.010 APPLICABILITY**

This chapter applies to all City boards, commissions, and committees unless mandated otherwise by State statute or City ordinance, including but not limited to the following boards, commissions, and committees:

- A. Budget Committee (ORS 294.336 and MMC 2.14, exclusive from monthly meetings);
- B. Center/Community Advisory Board (MMC 2.20 and IGA);
- C. Citizens Utility Advisory Board (MMC 2.11);
- ~~D. Design and Landmarks Committee (MMC 2.18);~~
- E.D. Library Board (ORS 357.400 to 357.621 and MMC 2.28);
- ~~F.E.~~ F. Park and Recreation Board (MMC 2.12);
- ~~G.F.~~ G. Planning Commission (ORS 227.010—227.030 and MMC 2.16);
- ~~H.G.~~ H. Public Safety Advisory Committee (MMC 2.24); and
- ~~I.H.~~ I. Milwaukie Arts Committee (MMC 2.17).

**CHAPTER 2.16 PLANNING COMMISSION**

**SECTION 2.16.010 ESTABLISHED—PURPOSE**

- ~~B. Coordination with the Design and Landmarks Committee~~

~~The Planning Commission shall meet at least twice annually with the Design and Landmarks Committee for reviewing prospective work program tasks related to urban design, architecture and design guidelines, historic preservation, and other areas of responsibility assigned to the Committee in Section 2.18.010.A.~~

**CHAPTER 2.17 MILWAUKIE ARTS COMMITTEE**

**SECTION 2.17.010 ESTABLISHMENT**

There is created a Milwaukie Arts Committee whose duties and responsibilities ~~shall be~~ are as follows:

- A. Support and promote the arts, artists, and art education within the Milwaukie area;
- B. Work cooperatively with other community groups and sources including, but not restricted to, Milwaukie's neighborhood district associations, ~~Design and Landmarks Committee~~, North Clackamas School District, North Clackamas Parks and Recreation District, Clackamas Arts Action Alliance, New Century Players, Portland Waldorf and other schools in and around

Milwaukie, Ledding Library, local businesses, area arts guilds and other groups already existing, or hereafter established, to promote the arts in the community.

**CHAPTER 2.18 ~~DESIGN AND LANDMARKS COMMITTEE~~** *[reserve chapter number for future use]*

**SECTION 2.18.010 ~~ESTABLISHED—PURPOSE, APPOINTMENT AND COMPOSITION, COORDINATION WITH PLANNING COMMISSION~~**

A. ~~The Design and Landmarks Committee is established to advise the Planning Commission on all matters specified in Sections 2.16.010.A.9 through 2.16.010.A.12.~~

B. ~~Appointment and Composition~~

~~The Design and Landmarks Committee shall have five (5) members appointed by the City Council for two (2) year terms. The Council shall have discretion to reappoint or remove Committee members. One (1) Committee member shall have demonstrated special interest, experience, training, or knowledge in the field of historic preservation or history. One (1) Committee member shall have demonstrated special interest, experience, training, or knowledge in the field of architecture, planning, landscape design, or similar field.~~

C. ~~Annual Meetings~~

~~The Design and Landmarks Committee shall meet with the Planning Commission in accordance with Section 2.16.010.B.~~

D. ~~Review and recommend appropriate design guidelines and design review processes and procedures to the City Council.~~

E. ~~Any other duties assigned by the City Council.~~

**TITLE 14 SIGNS**

**CHAPTER 14.04 GENERAL PROVISIONS**

**SECTION 14.04.030 DEFINITIONS**

Sign, Nonconforming. “Nonconforming sign” means a sign that complied with applicable standards when created or modified but which does not comply with existing standards. Signs that did not require Planning Commission or ~~Design and Landmarks Committee~~ approval when created ~~shall~~ will not be considered nonconforming if approval from ~~these bodies~~ that body is currently required.

**CHAPTER 14.16 SIGN DISTRICTS**

**SECTION 14.16.060 DOWNTOWN ZONES**

H. Illumination

Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.

2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs ~~shall~~ must not be internally illuminated. Features on an awning sign may be externally illuminated subject to review ~~by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings,~~ and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:
  - a. Sign lighting should be designed as an integral component of the building and sign composition.
  - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
  - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination ~~shall~~ must be directed away from, and not be reflected upon, adjacent premises.
5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to review ~~by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings,~~ and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:
  - a. The sign should be a unique design that responds to the ~~Milwaukee Downtown Design Guidelines~~ downtown design guidelines in Subsection 19.508.4.
  - b. The sign copy should be lighter than the sign background.
  - c. The sign background should use a predominance of dark color or be opaque when the light source is on.

## CHAPTER 14.32 ADJUSTMENTS

### SECTION 14.32.010 AUTHORIZATION TO GRANT OR DENY ADJUSTMENTS

- A. The Planning Commission may authorize adjustments to the requirements of this chapter per Section 19.1006 Type III Review where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard ~~shall~~ will not be a basis for granting an adjustment. In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.
- ~~B. The Design and Landmarks Committee shall hold a public meeting and prepare a report for adjustment applications that require Planning Commission review per Section 19.1011 Design Review Meetings. The Planning Commission shall consider the findings and recommendations contained in the report during the public hearing on the proposal.~~
- ~~C.~~ B. Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the guiding principles of the ~~Downtown Design Guidelines~~ downtown design guidelines in Subsection 19.508.4, and the adjustment meets either of the following criteria:

1. Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard ~~shall~~ does not constitute a hardship; or
2. The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs.

In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.

## TITLE 19 ZONING

### CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

#### SECTION 19.401 WILLAMETTE GREENWAY ZONE WG

##### Subsection 19.401.6 Criteria

The following ~~shall~~ will be taken into account in the consideration of a conditional use:

- A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan;
- B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river;
- C. Protection of views both toward and away from the river;
- D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable;
- E. Public access to and along the river, to the greatest possible degree, by appropriate legal means;
- F. Emphasis on water-oriented and recreational uses;
- G. ~~Maintain~~ Maintenance of or increase in views between the Willamette River and downtown;
- H. Protection of the natural environment according to regulations in Section 19.402;
- ~~I. Advice and recommendations of the Design and Landmark Committee, as appropriate;~~
- ~~J.~~ J. Conformance to applicable Comprehensive Plan policies;
- ~~K.~~ J. The request is consistent with applicable plans and programs of the Division of State Lands;
- ~~L.~~ K. A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C.

### CHAPTER 19.900 LAND USE APPLICATIONS

#### SECTION 19.907 DOWNTOWN DESIGN REVIEW

##### Subsection 19.907.3 Review Process

###### B. Review Types

To achieve the purpose of the downtown design standards and guidelines, there are three downtown design review processes through which to apply for approval:

1. Type I  
The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508.
2. Type II  
The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the design standards and applicable guidelines in Section 19.508.
3. Type III  
The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the ~~Design and Landmarks Committee~~ and Planning Commission determines compliance with the downtown design guidelines in Section 19.508.

#### **~~Subsection 19.907.6 Report and Recommendation by Design and Landmarks Committee~~**

~~The Design and Landmarks Committee will hold a public meeting and prepare a downtown design review report for Type III applications pursuant to Section 19.1011. The Planning Commission shall consider the findings and recommendations contained in the downtown design review report during a public hearing on the proposal.~~

#### **Subsection 19.907.76 Variances**

- A. Variances cannot be granted for the downtown design standards of Section 19.508. Applications unable to meet one or more standards must meet the applicable downtown design guideline(s) in Subsection 19.508.4 instead and use the Type III discretionary downtown design review process.
- B. Variances can be granted for the downtown development standards of Section 19.304 unless otherwise specified, through the variance review process in Section 19.911.

### **SECTION 19.911 VARIANCES**

#### **Subsection 19.911.6 Building Height Variance in the Downtown Mixed Use Zone**

##### **C. Review Process**

The building height variance ~~shall~~ will be subject to Type III review and approval by the ~~Design and Landmarks Committee~~ and the Planning Commission, in accordance with Chapter 19.907 and Section 19.1011. The building height variance ~~shall~~ will be consolidated with downtown design review.

1. Because the building height variance provides substantial flexibility and discretion, additional time ~~will~~ may be required for public input and technical evaluation of the proposal. To use this option, the applicant ~~shall~~ will sign a waiver of the 120-day decision requirement.
2. ~~The applicant may request design advice from the Design and Landmarks Committee prior to submitting an application. Design advice requests provide the opportunity to~~

~~assess approval potential prior to committing excessive time or money to detailed design plans.~~

- ~~3. Design advice requests may not be made for a specific project or site with an active land use review application.~~
- 4.2. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

## **CHAPTER 19.1000 REVIEW PROCEDURES**

### **SECTION 19.1005 TYPE II REVIEW**

#### **Subsection 19.1005.3 Type II Public Notice**

##### **A. Referral**

Within 7 days after the application has been deemed complete, the City ~~shall~~ will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
- ~~2. The Design and Landmarks Committee for applications in downtown zones or involving a designated historic resource.~~
- 3.2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

### **SECTION 19.1006 TYPE III REVIEW**

Type III applications are quasi-judicial in nature and are subject to approval criteria that require the exercise of discretion and judgment and about which there may be broad public interest. Impacts may be significant and development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with applicable approval criteria and development standards. The review process requires notice to nearby property owners and at least one public hearing before the Planning Commission.

~~When the Design and Landmarks Committee is required to conduct a design review meeting for applications in the downtown zones per Section 19.907, the design review meeting shall be in addition to the public hearing before the Planning Commission. The procedures for a design review meeting are contained in Section 19.1011.~~

#### **Subsection 19.1006.3 Type III Public Notice**

##### **C. Referral**

Within 7 days after the application has been deemed complete, the City ~~shall~~ will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.



1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
- ~~2. The Design and Landmarks Committee for applications in downtown zones or involving a designated historic resource.~~
- 3.2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

## **SECTION 19.1007 TYPE IV REVIEW**

### **Subsection 19.1007.3 Type IV Public Notice**

#### **C. Referral**

Within 7 days after the application has been deemed complete, the City ~~shall~~ will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 400 ft of the subject property.
- ~~2. The Design and Landmarks Committee for applications in downtown zones or involving a designated historic resource.~~
- 3.2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

## **SECTION 19.1010 APPEALS**

### **Subsection 19.1010.6 Specific Provisions for Appeal of a Type III Decision**

- A. A Type III decision may be appealed by the applicant, applicant's representative, or any other person or organization who participated in the original decision by providing either testimony or evidence on the record leading to the decision by the review authority.
- B. At least 20 days prior to the appeal hearing, the City ~~shall~~ will mail written notice of the appeal hearing to all parties who were entitled to Type III public notice per Subsection 19.1006.3.D.1, interested persons, the appellant(s), and Planning Commission, ~~and Design and Landmarks Committee if they made a recommendation on the initial land use application.~~

### **~~SECTION 19.1011 DESIGN REVIEW MEETINGS~~**

~~The Design and Landmarks Committee shall conduct a design review meeting when required by Section 19.907 for applications in the downtown zones. The meeting shall occur prior to the initial Planning Commission hearing on the application. Design review meetings provide an opportunity for the Design and Landmarks Committee to hear public comment, evaluate the proposal against relevant approval criteria, and vote on a recommendation to forward to the Planning Commission.~~

### **~~Subsection 19.1011.1 Responsibility of City for Design Review Meetings~~**

~~The City shall:~~

- A. ~~Schedule land use applications for design review before the Design and Landmarks Committee at the earliest available scheduled meeting. If the Design and Landmarks Committee is unable to schedule a design review meeting with sufficient time for the Planning Commission to hold a public hearing in compliance with the 120-day decision requirement (or within 100 days for a project meeting all provisions of ORS 197.311), one of the following shall occur:~~
1. ~~The applicant may extend the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311) per Subsection 19.1001.7.C in order to accommodate Design and Landmarks Committee review of the application.~~
  2. ~~If the applicant does not extend the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311), the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.907.6.~~
- B. ~~Provide public notice of the design review meeting per Subsections 19.1011.2.A-C below.~~
- C. ~~Prepare minutes for the design review meeting that include the Design and Landmarks Committee recommendation and the reasons for the recommendation.~~

#### **~~Subsection 19.1011.2 Design Review Meeting Notice Requirements~~**

- A. ~~When a design review meeting is required by Section 19.907, the City shall mail written notice of the design review meeting at least 10 days prior to the meeting. The written notice shall be mailed to:~~
1. ~~The applicant and/or applicant's authorized representative.~~
  2. ~~The owner(s) of record of the subject property.~~
  3. ~~Owners of record of properties located within 300 ft of the perimeter of the subject property.~~
  4. ~~Any City recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.~~
- B. ~~The mailed public notice shall meet the requirements of Subsection 19.1006.3.D.2.~~
- C. ~~At least 5 days prior to the design review meeting, notice of the application shall be posted on the subject property by the applicant and shall remain posted continuously until the meeting. Sign notice shall meet the requirements of Subsection 19.1001.6.C.1.b.~~

#### **~~Subsection 19.1011.3 Rules of Procedure~~**

- A. ~~Design review meetings shall be conducted in accordance with the bylaws and rules of procedure adopted for the Design and Landmarks Committee by City Council. Additionally, the provisions in Subsections 19.1011.4-11 below apply to all design review meetings.~~
- B. ~~At the commencement of a design review meeting, a statement shall be made to those in attendance that:~~
1. ~~Lists the applicable approval criteria.~~

2. ~~States that public comment must be directed toward the applicable approval criteria or other criteria in the Zoning Ordinance or Comprehensive Plan that the person commenting believes is applicable to the proposal.~~
- C. ~~The design review meeting is not a public hearing, but shall be organized in the following manner:~~
1. ~~The applicant shall have an opportunity to make a presentation on the application.~~
  2. ~~The public shall be allowed to comment on the application.~~
  3. ~~The Design and Landmarks Committee shall deliberate on the application and presentation and shall make findings and a recommendation on the application per Subsection 19.1011.10.~~
- D. ~~An abstaining or disqualified member of the committee shall be counted for purposes of forming a quorum. If all members of the committee abstain or are disqualified, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.907.6.~~

#### **~~Subsection 19.1011.4 Challenges to Impartiality~~**

- A. ~~A meeting participant may challenge the qualifications of a member of the committee to participate in the recommendation. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the member of the committee cannot participate in an impartial manner.~~
- B. ~~The challenged person shall have an opportunity to respond to the challenge. The challenge and any response to the challenge shall be incorporated into the record of the meeting.~~

#### **~~Subsection 19.1011.5 Financial Interests and Conflicts of Interest~~**

~~An employee or elected or appointed official of the City who has a direct or substantial financial interest in a proposal may not give an official opinion to the hearing body on the proposal. An elected or appointed official of the City who has a conflict of interest shall refrain from participating as a public official in any discussion or debate on the proposal out of which the actual conflict arises or from voting on the proposal per ORS 244.~~

#### **~~Subsection 19.1011.6 Ex Parte Contacts~~**

~~Committee members shall reveal any relevant premeeting or ex parte contacts at the commencement of the design review meeting. If such contacts have impaired the member's impartiality or ability to vote on the proposal, the member shall so state and shall abstain from voting. In addition, parties who had the communication with the member have the right to rebut the substance of the communication at the commencement of the meeting on the proposal.~~

#### **~~Subsection 19.1011.7 Disqualification~~**

~~Disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of the committee who are present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.~~

#### **~~Subsection 19.1011.8 Burden and Nature of Proof~~**

~~The applicant shall bear the burden of proof and persuasion that the proposal complies with all applicable approval criteria and development standards. The applicant and any opponents may~~

~~submit a set of written findings or statements of factual information which are intended to demonstrate that the proposal complies, or fails to comply, with any or all applicable criteria and standards.~~

**~~Subsection 19.1011.9 Continuance of Meeting~~**

- A. ~~A design review meeting may be continued if the Planning Director determines that there is sufficient time to hold a continued meeting before the Design and Landmarks Committee and a public hearing before the Planning Commission within the required 120 days or if the applicant waives the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311) per Subsection 19.1001.7.C.~~
- B. ~~Design review meeting continuance proceedings shall be per Subsection 19.1009.11.~~

**~~Subsection 19.1011.10 Design Review Recommendation~~**

~~Following the close of the public portion of the design review meeting, the Design and Landmarks Committee shall prepare a written report to the Planning Commission that recommends either approval, approval with conditions, or denial of the application.~~

- A. ~~The written recommendation shall contain the following:~~
- ~~1. The applicable approval criteria against which the application was evaluated.~~
  - ~~2. A statement of the facts that the committee relied upon to determine whether the application satisfied or failed to satisfy each applicable approval criterion and development standard.~~
  - ~~3. The decision to recommend approval or denial of the application, and, if the recommendation is for approval, any recommended conditions of approval. Recommended conditions of approval shall ensure conformance with the applicable approval criteria and development standards and mitigate the anticipated impacts, if any, of the proposal.~~
- B. ~~The recommendation of the Design and Landmarks Committee shall be forwarded to the Planning Commission, which shall consider the recommendation and integrate it into the review process applicable to the proposal.~~
- C. ~~Design and Landmarks Committee recommendations are not appealable.~~

**~~Subsection 19.1011.11 Record of Proceedings~~**

~~The City shall prepare and maintain minutes of all proceedings in accordance with the bylaws adopted by the City Council for the Design and Landmarks Committee.~~

**PROPOSED CODE AMENDMENTS RELATED TO RETIREMENT OF  
THE DESIGN AND LANDMARKS COMMITTEE (DLC)**  
(clean version)

**TITLE 2 ADMINISTRATION AND PERSONNEL**

**CHAPTER 2.10 BOARDS, COMMITTEES, AND COMMISSIONS GENERALLY**

**SECTION 2.10.010 APPLICABILITY**

This chapter applies to all City boards, commissions, and committees unless mandated otherwise by State statute or City ordinance, including but not limited to the following boards, commissions, and committees:

- A. Budget Committee (ORS 294.336 and MMC 2.14, exclusive from monthly meetings);
- B. Center/Community Advisory Board (MMC 2.20 and IGA);
- C. Citizens Utility Advisory Board (MMC 2.11);
- D. Library Board (ORS 357.400 to 357.621 and MMC 2.28);
- E. Park and Recreation Board (MMC 2.12);
- F. Planning Commission (ORS 227.010—227.030 and MMC 2.16);
- G. Public Safety Advisory Committee (MMC 2.24); and
- H. Milwaukie Arts Committee (MMC 2.17).

**CHAPTER 2.16 PLANNING COMMISSION**

**SECTION 2.16.010 ESTABLISHED—PURPOSE**

~~B.~~—*[subsection deleted]*

**CHAPTER 2.17 MILWAUKIE ARTS COMMITTEE**

**SECTION 2.17.010 ESTABLISHMENT**

There is created a Milwaukie Arts Committee whose duties and responsibilities are as follows:

- A. Support and promote the arts, artists, and art education within the Milwaukie area;
- B. Work cooperatively with other community groups and sources including, but not restricted to, Milwaukie's neighborhood district associations, North Clackamas School District, North Clackamas Parks and Recreation District, Clackamas Arts Action Alliance, New Century Players, Portland Waldorf and other schools in and around Milwaukie, Ledding Library, local businesses, area arts guilds and other groups already existing, or hereafter established, to promote the arts in the community.

**CHAPTER 2.18 DESIGN AND LANDMARKS COMMITTEE** *[chapter content deleted—reserve chapter number for future use]*

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**TITLE 14 SIGNS****CHAPTER 14.04 GENERAL PROVISIONS****SECTION 14.04.030 DEFINITIONS**

Sign, Nonconforming. "Nonconforming sign" means a sign that complied with applicable standards when created or modified but which does not comply with existing standards. Signs that did not require Planning Commission approval when created will not be considered nonconforming if approval from that body is currently required.

**CHAPTER 14.16 SIGN DISTRICTS****SECTION 14.16.060 DOWNTOWN ZONES****H. Illumination**

Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.
2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs must not be internally illuminated. Features on an awning sign may be externally illuminated subject to review and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:
  - a. Sign lighting should be designed as an integral component of the building and sign composition.
  - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
  - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination must be directed away from, and not be reflected upon, adjacent premises.
5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to review and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:
  - a. The sign should be a unique design that responds to the downtown design guidelines in Subsection 19.508.4.
  - b. The sign copy should be lighter than the sign background.
  - c. The sign background should use a predominance of dark color or be opaque when the light source is on.

**CHAPTER 14.32 ADJUSTMENTS****SECTION 14.32.010 AUTHORIZATION TO GRANT OR DENY ADJUSTMENTS**

- A. The Planning Commission may authorize adjustments to the requirements of this chapter per Section 19.1006 Type III Review where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard will not be a basis for granting an adjustment. In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.
- B. Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the guiding principles of the downtown design guidelines in Subsection 19.508.4, and the adjustment meets either of the following criteria:
1. Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard does not constitute a hardship; or
  2. The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs.

In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.

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**TITLE 19 ZONING****CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS****SECTION 19.401 WILLAMETTE GREENWAY ZONE WG****Subsection 19.401.6 Criteria**

The following will be taken into account in the consideration of a conditional use:

- A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan;
- B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river;
- C. Protection of views both toward and away from the river;
- D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable;
- E. Public access to and along the river, to the greatest possible degree, by appropriate legal means;
- F. Emphasis on water-oriented and recreational uses;
- G. Maintenance of or increase in views between the Willamette River and downtown;

- H. Protection of the natural environment according to regulations in Section 19.402;
- I. Conformance to applicable Comprehensive Plan policies;
- J. The request is consistent with applicable plans and programs of the Division of State Lands;
- K. A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C.

## **CHAPTER 19.900 LAND USE APPLICATIONS**

### **SECTION 19.907 DOWNTOWN DESIGN REVIEW**

#### **Subsection 19.907.3 Review Process**

##### **B. Review Types**

To achieve the purpose of the downtown design standards and guidelines, there are three downtown design review processes through which to apply for approval:

##### **1. Type I**

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508.

##### **2. Type II**

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the design standards and applicable guidelines in Section 19.508.

##### **3. Type III**

The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the Planning Commission determines compliance with the downtown design guidelines in Section 19.508.

#### **Subsection 19.907.6 Variances**

- A. Variances cannot be granted for the downtown design standards of Section 19.508. Applications unable to meet one or more standards must meet the applicable downtown design guideline(s) in Subsection 19.508.4 instead and use the Type III discretionary downtown design review process.
- B. Variances can be granted for the downtown development standards of Section 19.304 unless otherwise specified, through the variance review process in Section 19.911.

### **SECTION 19.911 VARIANCES**

#### **Subsection 19.911.6 Building Height Variance in the Downtown Mixed Use Zone**

##### **C. Review Process**

The building height variance will be subject to Type III review and approval by the Planning Commission, in accordance with Chapter 19.907. The building height variance will be consolidated with downtown design review.



1. Because the building height variance provides substantial flexibility and discretion, additional time may be required for public input and technical evaluation of the proposal. To use this option, the applicant will sign a waiver of the 120-day decision requirement.
2. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

## **CHAPTER 19.1000 REVIEW PROCEDURES**

### **SECTION 19.1005 TYPE II REVIEW**

#### **Subsection 19.1005.3 Type II Public Notice**

##### **A. Referral**

Within 7 days after the application has been deemed complete, the City will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

### **SECTION 19.1006 TYPE III REVIEW**

Type III applications are quasi-judicial in nature and are subject to approval criteria that require the exercise of discretion and judgment and about which there may be broad public interest. Impacts may be significant and development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with applicable approval criteria and development standards. The review process requires notice to nearby property owners and at least one public hearing before the Planning Commission.

#### **Subsection 19.1006.3 Type III Public Notice**

##### **C. Referral**

Within 7 days after the application has been deemed complete, the City will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

**SECTION 19.1007 TYPE IV REVIEW****Subsection 19.1007.3 Type IV Public Notice****C. Referral**

Within 7 days after the application has been deemed complete, the City will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 400 ft of the subject property.
2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

**SECTION 19.1010 APPEALS****Subsection 19.1010.6 Specific Provisions for Appeal of a Type III Decision**

- A. A Type III decision may be appealed by the applicant, applicant's representative, or any other person or organization who participated in the original decision by providing either testimony or evidence on the record leading to the decision by the review authority.
- B. At least 20 days prior to the appeal hearing, the City will mail written notice of the appeal hearing to all parties who were entitled to Type III public notice per Subsection 19.1006.3.D.1, interested persons, the appellant(s), and Planning Commission.

**~~SECTION 19.1011 DESIGN REVIEW MEETINGS~~ [entire section deleted]**



## COUNCIL ORDINANCE No.

### **AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING VARIOUS PARTS OF THE MUNICIPAL CODE (MMC) AS NECESSARY TO FORMALLY RETIRE THE DESIGN AND LANDMARKS COMMITTEE (DLC) (FILE #ZA-2023-005).**

**WHEREAS** the DLC was established to advise the Planning Commission on matters related to downtown design and historic preservation; and

**WHEREAS** the DLC has provided recommendations to the Planning Commission on applications for downtown design review and historic resource review and has been involved in a variety of special efforts related to downtown design and historic preservation; and

**WHEREAS** the DLC worked for several years on amendments to the downtown design review portion of the zoning code to facilitate the review process and ensure the code is delivering the quality of design the city desires, with the amendments adopted by City Council in March 2023; and

**WHEREAS** the volume of downtown design and historic resource applications needing DLC review has been low and infrequent over the past several decades, the Planning Commission has the capacity to evaluate those applications on its own, and there are no other long-range projects for the DLC on the near horizon; and

**WHEREAS** on July 25, 2023, the Planning Commission conducted a public hearing as required by MMC Subsection 19.1008.5 and adopted a motion in support of the proposed amendments; and

**WHEREAS** the City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

#### **Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. Findings. Findings of fact in support of the proposed amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The MMC is amended as described in Exhibit B (strikeout/underline format) and Exhibit C (clean format).

Section 3. Effective Date. The amendments will become effective 30 days from the date of adoption.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

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Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney

**ATTACHMENT 4**  
**Recommended Findings in Support of Approval**  
**File #ZA-2023-005**  
**Code Amendments to Retire the Design and Landmarks Committee**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend the Milwaukie Municipal Code (MMC) to formally retire the Design and Landmarks Committee (DLC). Amendments are proposed to various sections of MMC Title 2 Administration and Personnel, MMC Title 14 Signs, and MMC Title 19 Zoning. The land use application file number is ZA-2023-005.
2. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.902 Amendments to Maps and Ordinances
  - MMC Section 19.1008 Type V Review

The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on July 25, 2023, and August 15, 2023, as required by law.

3. MMC Section 19.902 Amendments to Maps and Ordinances

MMC 19.902 establishes the general process for amending the City's Comprehensive Plan and land use regulations within the municipal code. MMC Subsection 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows:

- a. MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the municipal code be evaluated through a Type V review per MMC Section 19.1008.

*The Planning Commission held a duly advertised public hearing on July 25, 2023, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on August 15, 2023, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- b. MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (1) MMC Subsection 19.905.B.1 requires that the proposed amendments be consistent with other provisions of the Milwaukie Municipal Code.

*The proposed amendments are consistent with other provisions of the Milwaukie Municipal Code, including Title 2 Administration and Personnel, Title 14 Signs, and Title 19 Zoning.*

*This standard is met.*

- (2) MMC Subsection 19.902.5.B.2 requires that the proposed amendments be consistent with the goals and policies of the Comprehensive Plan.

*The following goals and policies of the Comprehensive Plan support the proposed amendments:*

#### Section 2 – History, Arts, & Culture

Encourage and implement projects and programs that weave history, art, and culture into the fabric of the city, and that celebrate Milwaukie’s diversity and unique historic, archaeological, and cultural heritage.

##### Goal 2.1 – Milwaukie’s Heritage

Research, celebrate, document, and protect Milwaukie’s unique and diverse historic, archaeological, and cultural heritage.

Policy 2.1.1 – Work with local residents, businesses, and organizations to document and preserve Milwaukie’s diverse history.

Policy 2.1.4 – Provide educational materials and information regarding preservation to property owners and other interested persons and assist property owners in applying for designation as a locally significant historic resource.

Policy 2.1.7 – Maintain an official inventory of Milwaukie’s historic and cultural resources and regularly update the inventory as additional properties become eligible and are nominated for designation.

Policy 2.1.8 – Ensure that City processes for inventorying, altering, removing, or demolishing historic and cultural resources remain consistent with state and federal criteria as well as community priorities.

Policy 2.1.9 – Coordinate historic preservation activities with the Milwaukie Historical Society and the Oregon State Historic Preservation Office and follow all state and federal regulations for identifying and protecting archaeological resources.

#### Section 8 – Urban Design & Land Use

Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

##### Goal 8.1 – Design

Use a design framework that considers location and development typology to guide urban design standards and procedures that are customized by zoning district.

##### Policy 8.1.1 – Downtown Milwaukie Policies

- f) Ensure that design standards and guidelines reflect a well-defined community vision for the downtown.

#### Goal 8.3 – Process

Provide a clear and straightforward design review process for development in Milwaukie along with incentives to achieve desired outcomes.

Policy 8.3.1 – Use a two-track development review process to ensure that new non-residential development and redevelopment projects are well designed. Provide a clear and objective set of standards as well as an optional, discretionary track that allows for greater design flexibility provided design objectives are satisfied.

#### Policy 8.3.2

Ensure that a clear and objective process is available for all housing types that meet design standards, provide adequate open space, and fit into the community, while offering an alternative discretionary path for projects that cannot meet these standards.

*The proposed amendments do not diminish the Planning Commission's charge to implement the goals and policies of the comprehensive plan related to historic preservation and urban design. Even without the assistance of the DLC, staff and the Planning Commission will continue to be responsible for maintaining an inventory of Milwaukie's historic and cultural resources and coordinating activities with the Milwaukie Historical Society and other similar entities to ensure the City is following state and federal regulations for historic properties. These activities help educate the public about historic preservation. Staff and the Planning Commission will utilize the newly updated downtown design review process to ensure that new development and redevelopment projects provide the desired high quality of design.*

*This standard is met.*

- (3) MMC Subsection 19.902.5.B.3 requires that the proposed amendments be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed amendments are consistent with the Metro Urban Growth Management Functional Plan. A detailed analysis of the Functional Plan will be provided if requested.*

*This standard is met.*

- (4) MMC Subsection 19.902.5.B.4 requires that the proposed amendments be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed amendments are consistent with the following relevant statewide planning goals:*

#### Goal 1 – Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

*The City has an adopted and acknowledged amendment process and has followed that process in making the proposed amendments. Public hearings on the proposed amendments have been held and public notice was published prior to each hearing. In addition, the Planning Commission members are appointed by an elected City Council, following an open and public selection process.*

#### Goal 2 Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

*The City's zoning code has an established process for reviewing land use applications related to downtown design and historic resources. The proposed amendments remove the DLC and its advisory role from those types of review but retain the Planning Commission as the primary decision maker and do not change the approval criteria for either review.*

#### Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

*The City's zoning code includes protections for designated historic resources. The proposed amendments remove the DLC and its advisory role for that review but retain the Planning Commission as the primary decision maker and do not change the approval criteria.*

*This standard is met.*

- (5) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

*The proposed amendments are not inconsistent with any relevant federal regulations.*

*This standard is met.*

*The City Council finds that the proposed amendments to MMC Title 2 (Administration and Personnel), Title 14 (Signs), and Title 19 (Zoning) are consistent with the applicable approval criteria for zoning text amendments as established in MMC 19.902.5.B.*

*The City Council finds that the proposed zoning text amendments are approvable in accordance with the applicable procedures and standards of MMC 19.902.*

#### 4. MMC Section 19.1008 Type V Review

MMC 19.1008 establishes the procedures and requirements for Type V review, which is the process for legislative actions. The City Council, Planning Commission, Planning Manager, or any individual may initiate a Type V application.



*The amendments were initiated by the Planning Manager on June 20, 2023.*

- a. MMC Subsection 19.1008.3 establishes the public notice requirements for Type V review.

- (1) MMC Subsection 19.1008.3.A General Public Notice

MMC 19.1008.3.A establishes the requirements for public notice.

- (a) MMC Subsection 19.1008.3.A.1 requires opportunity for public comment.

*The City Council had a work session about the proposed code amendments on June 6, 2023. Proposed code amendments were first posted on the application webpage on June 20, 2023, and have been updated since as needed. On July 12, 2023, staff emailed Neighborhood District Association (NDA) leaders with information about the proposed amendments and a link to the July 25 Planning Commission meeting page.*

- (b) MMC Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

*A notice of the Planning Commission's July 25, 2023, hearing was posted as required on June 23, 2023. A notice of the City Council's August 15, 2023, hearing was posted as required on July 14, 2023.*

- (c) MMC Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

*The proposed amendments apply to the existence of the DLC and its role in reviewing specific types of land use applications, so there is no direct impact to any specific property.*

- (2) MMC Subsection 19.1008.3.B DLCD Notice

MMC Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was provided to DLCD on June 20, 2023.*

- (3) MMC Subsection 19.1008.3.C Metro Notice

MMC Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to Metro on June 20, 2023.*

- (4) MMC Subsection 19.1008.3.D Property Owner Notice (Measure 56)

MMC Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

*The proposed amendments will not affect the permissible uses of land, they will effectively retire the DLC and remove its role from the downtown design and historic resource review processes. A Measure 56 notice is not relevant.*

b. MMC Subsection 19.1008.4 Type V Decision Authority

MMC 19.1008.4 establishes that the City Council is the review authority for Type V applications and may approve, approve with conditions, amend, deny, or take no action on a Type V application after a public hearing.

*The City Council held a public hearing to consider this application on August 15, 2023, and approved the proposed amendments as presented.*

c. MMC Subsection 19.1008.5 Type V Recommendation and Decision

MMC 19.1008.5 establishes the procedures for review and a decision on Type V applications. The process includes an initial evidentiary hearing by the Planning Commission and a recommendation to the City Council, followed by a public hearing and decision by the City Council.

*The Planning Commission held an initial evidentiary hearing on July 25, 2023, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on August 15, 2023, and approved the proposed amendments as presented.*

*The City Council finds that the applicable requirements of MMC 19.1000 have been met.*



# CITY OF MILWAUKIE

**To:** Planning Commission  
**Through:** Laura Weigel, Planning Manager  
**From:** Ryan Dyar, Assistant Planner  
**Date:** July 13, 2023, for July 25, 2023, Work Session  
**Subject:** File #ZA-2023-004 – MMC Section 19.609 – Bicycle parking amendments

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## **ACTION REQUESTED**

Review the issues staff identified through the code audit and provide direction about implementing the changes under consideration. This is a briefing for discussion only in advance of a public hearing.

## **BACKGROUND INFORMATION**

For several years, Planning Division staff have recognized the city's existing bicycle parking requirements (MMC Section 19.609) are insufficient to ensure standards are clear and objective and that adequate bicycle parking is provided. The standards—which have not been comprehensively evaluated since 2011—contain insufficient design and development requirements for multifamily residential development and non-residential commercial, industrial, or institutional development.

Additionally, recent changes to the Oregon Transportation Planning Rule through the Climate Friendly Equitable Communities (CFEC) Rulemaking process have disrupted the methodology the city uses to calculate the minimum number of bicycle parking spaces for new and redeveloping commercial, industrial, and institutional uses. Currently, the minimum number of spaces is derived from the minimum number of required vehicle parking spaces; with the elimination of minimum vehicle parking requirements, the city needs a new approach to ensure that an adequate quantity of bicycle parking spaces is provided. Staff discussed this methodology issue with the Planning Commission during the work sessions and the public hearing for ZA-2022-005.

## **ANALYSIS**

Staff conducted a preliminary audit of the existing bicycle parking code to identify issues. Those issues can be grouped into two broad categories:

1. How many bicycle parking spaces should be provided (quantity standards)

2. How the required parking spaces are installed (development standards)

**BICYCLE PARKING QUANTITY STANDARDS**

Challenges

<p><i>CFEC disrupts existing methodology for calculating required bicycle parking</i></p>	<p>As previously stated, the reliance on minimum vehicle parking ratios is problematic considering recent changes to state law. This, at best, creates a situation where the administration of the existing bicycle parking code is unclear; however, it could also mean that the city cannot require bicycle parking for new development where no off-street automobile parking is required.</p>
<p><i>Clarifying and expanding long- and short-term parking requirements</i></p>	<p>For non-residential development, the current code lacks provisions for differentiating between short and long-term parking. Long-term parking is defined as parking that is secure for longer stays (more than two hours) and may be provided through lockable enclosures or covered and secured designated bike storage areas. Whereas short-term bicycle parking is designed to meet the need of people visiting a location for shorter stays (under two hours). This missing distinction means long-term parking is not required for commercial, industrial, or institutional uses; it also means short-term parking is not guaranteed for multi-unit residential development.</p>
<p><i>Reevaluating methodology for required parking</i></p>	<p>The origin of the existing bicycle parking quantity standard is unclear, as are the data and assumptions underlying the vehicular parking quantity requirements in MMC 19.605. It is worth considering if there is a more rigorous alternative methodology for calculating the minimum quantity of bicycle parking than taking a percentage of the required vehicular parking.</p>

Improvement Proposal(s)

1. Adopt new definitions for short- and long-term bicycle parking into the code.
2. Adopt a new methodology to calculate the number of required bicycle parking spaces for both short and long-term parking based on the methodology that the City of Portland uses (discussed below).

Proposed Approach Discussion

While we can confidently critique the existing methodology used to calculate the minimum quantity of required bicycle parking, identifying an improved method is more challenging.

The City of Portland provides a potential model. Staff acknowledges that Portland is very different in many ways from Milwaukie. Our density, volume of development, cycling infrastructure, and mode split goals (discussed more below) are not the same as Portland. That said, Portland went through an extensive process to update its code in 2019, and overall, staff believes that Portland’s methodology provides a data-centered alternative to calculating bicycle parking based on required automobile parking.<sup>1</sup> Portland’s methodology employs various data points to calculate the amount of short- and long-term bicycle parking required for different types of development. Those equations, shown below attempt to tie requirements to data that is reasonably associated with bicycle parking demand; they also posit that demand is likely influenced by the availability of bicycle parking.

**Long-Term Bicycle Parking Quantity Equation:**

$$[employee\ density] \times [commute\ mode\ split\ target]^2$$

**Short-Term Bicycle Parking Quantity Equation:**

$$[person\ trips] \times [visitation\ rates] \times [mode\ split\ target]$$

It should be noted that Portland’s overall mode split target for all trip types (regardless of purpose) is quite ambitious—one-quarter of all trips by the year 2035.<sup>3</sup> However, Portland’s code also recognizes that not all areas in the city have the same ridership rates. It, therefore, includes two separate mode split standards: one standard for the central city and inner neighborhoods (Standard A in Figure 1) and another for outer neighborhoods and those with hilly terrain (Standard B in Figure 1).

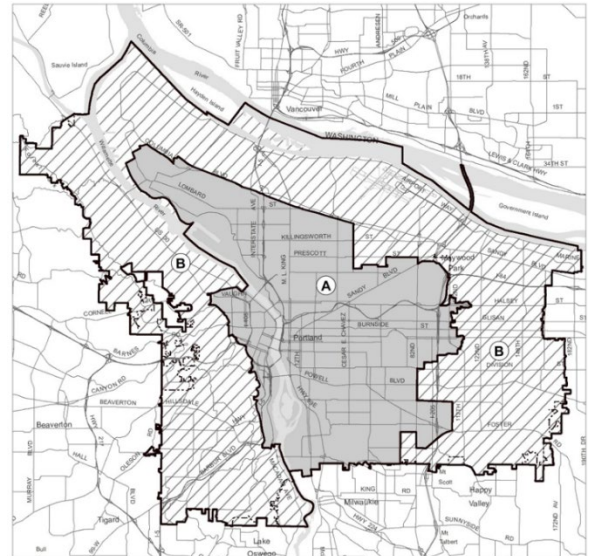


Figure 1. Portland's code recognizes differences in bicycle infrastructure investments and ridership rates in the city; it, therefore, includes two sets of standards. Requirements are higher in Region A because ridership rates are higher.

Commissioners should keep in perspective that finding a secure space to leave a bicycle is likely

<sup>1</sup>Portland’s new code has received considerable [pushback from the development community](#) and local housing advocates. Opponents of the updated standards claim the ambitious quantity requirements represent an unrealistic mode split target, that the requirements crowd out other community amenities, and that much of the required parking goes utilized.

<sup>2</sup> Mode split refers to the distribution or proportion of trips taken by different modes of transportation, such as walking, cycling, public transit, or private vehicles. Commissioners can read more about the methodology in Attachment 2.

<sup>3</sup> In 2020, the U.S. Census Bureau’s American Community Survey (5-YR Estimates. Table S0801) estimated the percentage of Portlanders commuting by bicycle was headed in the wrong direction, down from its peak of 7.2% in 2014 to 5.4% in 2020.

only one factor in someone’s propensity to travel by bicycle.<sup>4</sup> Perhaps more important is a jurisdiction’s investment in bicycle infrastructure in the right-of-way, the proximity of travelers’ origins and destinations, and policy decisions regarding other modes of transportation.

Key Questions – Parking Quantity Standards

Milwaukie does not currently have a mode share target for trips taken by bicycle. Currently somewhere between 0.7% and 1.4% of Milwaukie residents commute to work by bicycle.<sup>5</sup>

1. Is 5% an appropriate mode share target for Milwaukie?
2. Should Milwaukie include different standards based on geography/urban form? For example, might the city’s designated Region 2040 area have higher requirements than development in other areas? The Region 2040 center includes a more traditional gridded street network, downtown, the MAX Orange Line, and land zoned for high-density residential and mixed-use development.
3. Should Milwaukie include a Type II parking quantity modification process that would allow builders to propose alternative quantity requirements based on specified approval criteria?

**BICYCLE PARKING DEVELOPMENT STANDARDS**

Challenges

<p><i>Lack of development standards for long-term parking.</i></p>	<p>Recent multi-unit projects have requested to supply a portion of their required bicycle parking inside dwelling units. The code does not clearly state that this is allowed, nor does it provide any clear standards for what an in-unit bicycle parking space should look like. It only stipulates that 50% of required parking for multi-unit projects be in a locker or secured room; it does not specify what that locker should look like or if the secured room may be a dwelling unit.</p> <p>Similarly, cottage clusters are now required to provide both short- and long-term bicycle parking but lack sufficient guidelines on how that parking should be provided.</p>
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<sup>4</sup> While it is intuitive that the availability of bicycle parking plays an important role in someone’s willingness to travel by bicycle, a 2019 literature review on the topic found that there has been insufficient research on the relationship to draw any firm conclusions. There are very few studies that evaluate the effect of zoning policies on stimulating cycling, and staff found no studies that just look at the role of bicycle parking in changing travel behaviors.

<sup>5</sup> According to U.S. Census Bureau’s American Community Survey 2021 5-YR Estimates, Table B08006.

	<p>Because long-term bicycle parking is not required for commercial, industrial, or institutional development, the code is also lacking development standards that would apply in those contexts.</p>
<p><i>Rack spacing standards are limited to standard horizontal racks and don't accommodate newer space-efficient designs.</i></p>	<p>The city currently has minimum spacing standards for rack design that do not account for the diversity of rack designs that are currently in use. For example, they assume all bicycle parking will be provided on ground-mounted horizontal racks, whereas new multi-family buildings are increasingly employing newer, more space-efficient racks, such as wall-mounted vertical racks and double-decker stacked racks.</p> <p>Apart from the design requirement for ground-anchoring and U-shaped lock usage, the code is silent on rack design. Yet not all bicycle racks are created equally; ribbon racks, for example, may not be suitable for securing bicycles properly. While they satisfy the security requirement of locking the bicycle frame and one wheel, they fail to provide two points of contact for the bicycle, leading to toppled bicycles or improper parking.</p>

Improvement Proposal(s)

1. Update the spacing standards that account for various and more space-efficient rack designs.
2. Adopt location standards for long-term bicycle parking, including:
  - o Specifying and limiting the percentage of parking spaces that can be installed in residential units for multi-unit and mixed-use development to 50%; unless the building has 12 or fewer units. These smaller building can accommodate all their required bicycle parking inside residential units.
  - o Requiring that in-unit racks be installed within 15 ft of the unit entrance.
  - o Limiting in-unit storage to the ground floor of a mixed-use or multi-unit building unless the development includes an elevator.
3. Add security standards for long-term bicycle parking to account for differences in residential and non-residential uses. Allow non-residential development to accommodate required long-term parking in areas that are enclosed and secure, but not primarily designed for bicycle parking.
4. Clarify that for short-term bicycle parking, the rack must provide two points of contact for a standard bicycle frame (thereby disallowing wave-style or ribbon racks).
5. Adopt standards for bicycle parking signage where parking is not clearly visible to from the main entrance or street right-of-way.
6. For large projects (those with more than 20 required bicycle parking spaces), adopt standards that accommodate diverse bicycle parking needs, including:

- Require that 5% of spaces have electric charging capacity through the provision of access to a standard 120V outlet.
  - Required that 5% of spaces accommodate larger bicycles, such as cargo, family, or recumbent bicycles by ensuring adequate spacing.
  - Requiring that at least 30% of required parking be provided in the form of a horizontal rack or on the lower level of a stacked parking rack to ensure those unable to lift their bicycle can still utilize safe storage.
7. Specify dimensional requirements for bicycle lockers and require that they be ground mounted.

### Proposed Approach Discussion

Overall, the proposed improvements aim to update and clarify the existing standards, provide guidance for different types of developments, accommodate diverse rack designs and user needs, enhance security measures, and improve the accessibility and usability of bicycle parking facilities.<sup>6</sup> Many of the proposed improvements are straightforward and require no further discussion.

Staff emphasizes that the standards for residential development deserve particular attention due to the ongoing statewide housing shortage. These standards aim to provide guidance and clarity for builders regarding bicycle parking requirements while also ensuring that required parking is usable. Staff is also cognizant that the accumulation of standards can make new development financially infeasible or might displace other amenities that might be more desirable to residents.

### Key Questions – Parking Development Standards

1. Do Commissioners have any questions, concerns, or comments regarding the standard that allows up to 50% of required parking to be in a residential unit? Should Milwaukie allow multi-unit and mixed-use development with 12 or fewer units to provide all their required parking in dwelling units, provided all units are on the ground floor or there is an elevator?
2. Do Commissioners have any questions, concerns, or comments regarding the requirement that spaces provided in-unit be located within 15 ft of the unit entrance?
2. Do Commissioners have any questions or concerns about the requirement that 30% of required parking for residential development be horizontally oriented, ground-mounted racks?

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<sup>6</sup> In response to the development standard challenges, staff proposes again borrowing from Portland, as they did extensive work through the 2019 update to survey users of bicycle parking to better understand what makes parking facilities useable. Commissioners interested in better understanding the reasoning behind each development standard can read more in Portland's [Bicycle Parking Code Update Staff Report](#) and in the [Stakeholder Advisory Committee Report](#).



**ATTACHMENTS**

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	EPacket
1. Relevant Comprehensive Plan Policies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Proposed quantity methodology explainer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

PC Packet = materials provided to Planning Commission 7 days prior to the meeting.

E-Packet = packet materials posted online at <https://www.milwaukieoregon.gov/planning/planning-commission-62>, available 7 days prior to the meeting.

## Attachment 1: Milwaukie Comprehensive Plan Relevant Goals and Policies

### Bicycle Parking Code Update | ZA-2023-004

Staff has identified several goals and policies from the comprehensive plan that are relevant to the conversation regarding bicycle parking standards, acknowledging that certain ones hold greater significance than others. This selection serves to emphasize that the comprehensive plan encompasses a range of objectives and guidelines, some of which may appear conflicting. Notably, there exists a potential tension between the need to reduce regulatory barriers to promote housing affordability (Policy 6.3.9 and Policy 7.2.3) and the city's desire to promote more active transportation (Policy 6.2.5 and Policy 7.3.4).

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#### SECTION 6: CLIMATE CHANGE & ENERGY GOALS & POLICIES

Promote energy efficiency and mitigate the anticipated impacts of climate change in Milwaukie through the use of efficient land use patterns, multimodal transportation options, wise infrastructure investments, and increased community outreach and education as outlined in the City's Climate Action Plan.

- **GOAL 6.1 – Built Environment:** Create a built environment that prioritizes energy efficiency and climate resiliency and seamlessly integrates the natural environment.
  - **POLICY 6.1.6:** Encourage the creation of compact, walkable neighborhoods and neighborhood hubs throughout the city that provide a mix of uses and help reduce transportation emissions and energy use.
- **GOAL 6.2 – Transportation and Utility Infrastructure:** Maintain and expand Milwaukie's transportation and utility infrastructure in a manner that facilitates greater redundancy, resiliency, energy conservation, and emissions reductions.
  - **POLICY 6.2.5:** Aim to increase the use of electric and other clean energy vehicles through a mix of infrastructure improvements, incentives, and development requirements.
- **GOAL 6.3 Adaptation and Mitigation:** Ensure that the Milwaukie community is informed and prepared to address a changing climate and the need to modify historic norms and behavior.
  - **POLICY 6.3.9:** Consider equity and affordability when developing city programs and development standards related to energy conservation and climate change

and identify strategies for reducing potential impacts related to increased costs.

### **GOAL 7 - HOUSING**

Provide safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability within dwellings and neighborhoods that are entirely equitable, delightfully livable, and completely sustainable.

- **GOAL 7.2 – Affordability:** Provide opportunities to develop housing that is affordable at a range of income levels.
  - **POLICY 7.2.3:** Pursue programs and incentives that reduce the impacts that development/design standards and fees have on housing affordability, including modifications to parking requirements, system development charges, and frontage improvements.

**GOAL 7.3 – Sustainability:** Promote environmentally and socially sustainable practices associated with housing development and construction.

- **POLICY 7.3.3.** Incentivize, and where appropriate require, new housing development, redevelopment, or rehabilitation projects to include features that increase energy efficiency, improve building durability, produce or use clean energy, conserve water, use deconstructed or sustainably produced materials, manage stormwater naturally, and/ or employ other environmentally sustainable practices.
- **POLICY 7.3.4:** Promote the use of active transportation modes and transit to provide more reliable options for neighborhood residents and help reduce driving.

### **GOAL 11 ECONOMIC DEVELOPMENT**

Support a vibrant, resilient, inclusive, and environmentally sustainable local economy that promotes innovation and enhances the prosperity of Milwaukie businesses, workers, and residents.

- **GOAL 11.1 – Current and Future Economic Land Use:** Provide a diverse range of uses, services, and amenities that contribute to a sustainable, equitable, and resilient economy and are adaptable to changing land uses and technology.
  - **POLICY 11.1.11** Aim to reduce Milwaukie’s carbon footprint by encouraging local food production, import substitution, rail access, clean and carbon-free energy, and active transportation.

## Attachment 2: Proposed Bicycle Parking Methodology Explainer

### Bicycle Parking Code Update | ZA-2023-004

The following offers a more detailed explanation of the long- and short-term bicycle parking equations proposed in the staff report. It includes a description of the various factors employed and examples illustrating the application of these equations. Finally, there is a brief note about the limitations of the underlying data.

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#### Long-Term Bicycle Parking Quantity Equation Explanation

The Long-Term Bicycle Parking Quantity Equation calculates the minimum quantity of bicycle parking required based on two factors: employment density per 1000 square feet of floor area and a commute mode split target of 5%.

##### Long-Term Parking Quantity Equation:

$$[\text{employee density per 1000 sq ft}] \times [\text{commute mode split}]$$

1. Employment Density per 1000 sq ft of Floor Area: This factor represents the number of employees or individuals per 1000 square feet of floor space in a particular area or workspace.
2. Commute Mode Split Target: This is the target percentage set by the city, representing the desired proportion of employees who are expected to commute to work using bicycles.

To calculate the minimum quantity of bicycle parking, you multiply the employment density per 1000 square feet of floor area by the commute mode split target. This equation assumes that the target proportion of employees will choose to commute by bicycle, and the quantity of bicycle parking needed is directly proportional to the number of individuals who opt for cycling.

#### Long-Term Bicycle Parking Quantity Example:

Let's say you have an employment density of 1.3 employees per 1000 square feet of floor area for a retail sales and services use, and a commute mode split target of 5%. To calculate the minimum quantity of bicycle parking, you would perform the following calculation:

**Minimum Quantity of Long-Term Bicycle Parking Stalls:** *[employment density per 1000 sq ft] x [commute mode split]*

*[1.3] x [0.05] = 0.065 bicycle parking spaces per 1000 sq ft of proposed floor area.*

*Put differently, this is 1 long-term space per 15,385 sq ft of proposed floor area*

In this scenario, for a retail sales and services use with an employment density of 1.3 employees per 1000 square feet of floor area, you would need a minimum of 0.065 bicycle parking spaces per 1000 square feet of floor area to accommodate the commuting needs of the employees based on the given employment density and the city's target percentage of 5% for cycling as a commute mode.

It's important to note that when the mode-split target is set at a low percentage like 5%, the equation will often result in a low requirement, which might not adequately accommodate the needs of the employees or the potential for increased cycling. To address this limitation, it is recommended to include a minimum of 2 bicycle parking spaces regardless of the calculation's outcome. This minimum requirement ensures that even with a low mode-split goal, there are at least 2 spaces to accommodate long-term parking needs.

### Short-Term Bicycle Parking Quantity Equation Explanation

The Short-Term Bicycle Parking Quantity Equation calculates the minimum quantity of short-term bicycle parking required based on three factors: person trips, visitation rates, and a mode split target.

#### Short-Term Bicycle Parking Quantity Equation:

*[person trips] x [visitation rates] x [mode split target]*

1. **Person Trips:** This factor represents the number of individuals making trips to a specific location or facility.
2. **Visitation Rates:** This factor represents the percentage of individuals making a trip to the location or facility that are just visiting the location or staying for fewer than two hours.
3. **Mode Split Target:** This is the target percentage set by the city, representing the desired proportion of visitors who are expected to arrive by bicycle.

To calculate the minimum quantity of short-term bicycle parking, you multiply the person trips by the visitation rates by the mode split target. This equation assumes that the target proportion of visitors will choose to arrive by bicycle, and the quantity of short-term bicycle parking needed is directly proportional to the number of individuals who opt for cycling.

**Short-Term Bicycle Parking Quantity Example:**

Let's say you have a retail sales and services operation where there are 2 person trips per 1000 square feet at the PM peak hour (typically between 4:00 and 6:00 p.m.), a visitation rate of 75%, and a mode split target of 5%. To calculate the minimum quantity of short-term bicycle parking, you would perform the following calculation:

**Minimum Quantity of Short-Term Bicycle Parking Stalls:**  $[person\ trips] \times [visitation\ rates] \times [mode\ split\ target]$

$[2] \times [0.75] \times [0.05] = 0.075$  short-term bicycle parking spaces per 1000 sq ft

*Put differently, this is 1 short-term space per 13,333 sq ft of proposed floor area.*

In this scenario, based on the given assumptions, you would need a minimum of 0.075 short-term bicycle parking spaces per 1000 square feet of floor area for a retail sales and services operation to accommodate the cycling needs of visitors during the PM peak hour.

Again, with such a low mode split goal, the equation will often result in a low requirement, which might not adequately accommodate the needs of folks traveling by bicycle. To address this limitation, it is recommended to include a minimum of 2 bicycle parking spaces regardless of the calculation's outcome. This minimum requirement ensures that even with a low mode-split goal, there are at least 2 spaces to accommodate short-term parking needs.

**Data Limitations for Long- and Short Term Parking Equations**

While the proposed methodology for estimating bicycle parking requirements is data-centered, it is important to acknowledge that there are significant limitations associated with this approach. One key limitation lies in the variability of data sources identified for the factors involved, such as employment density, visitation rates, and person trips. These data sources often provide a range of numbers rather than precise figures, making it challenging to arrive at a definitive calculation. Additionally, contextual factors, such as the specific location, specific nuances of the facility, and other local regulations, can greatly influence the actual bicycle parking needs.