

## MINUTES

## MILWAUKIE CITY COUNCIL WORK SESSION

JUNE 2, 2009

**Mayor Ferguson** called the work session to order at 5:30 p.m. in the City Hall Conference Room.

**Council Present:** Mayor Jeremy Ferguson, Council President Deborah Barnes, Councilors Greg Chaimov, Joe Loomis, and Susan Stone

**Staff Present:** City Manager Mike Swanson, City Attorney Bill Monahan, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle, and Associate Planner Ryan Marquardt

**Code Update Projects Briefing**

**Ms. Mangle** said the City received a grant from the state to do a code assessment project. The focus would be on residential design standards and implementing downtown goals, streamlining processes, and manufacturing and employment zones to support business. Staff would share the findings in late July or early August. The second phase was the funding to help solve some of the problems and public involvement. She briefly discussed parking code amendments. During the Town Center project they noted deficiencies in standards in that the downtown area did not have standards. Parking requirements apply to almost every type of development in the City.

**Parking Code Update Project Briefing**

**Mr. Marquardt** discussed key policy issues being considered by the Planning Commission. The amendments addressed off-street parking on private property. Staff was updating the code because it affected every permit and land use application. There were some sections of the code that were poorly worded and did not reflect current best practices. The hope was to have smarter off-street regulations and to provide adequate but not excessive amounts of parking. Staff also hoped the code was easier for citizens and developers to navigate and easier for staff to be able to implement. Not all of the issues were considered in the scope of work. The scope was broad, and he noted the key issues. First, was the covered parking space requirement, which they were proposing to eliminate. They still want to have 2 spaces, but neither would need to be covered. This regulation was preventing some people from doing certain types of projects and was not what the staff had hoped for.

**Councilor Stone** asked if someone wanted to expand and remodel house and lived on a street that did not have off street parking were they exempt.

**Mr. Marquardt** said it was unclear in the code the way it was written, but if doing a substantial addition the City would require some kind of off street parking on a case by case basis.

**Councilor Stone** meant on-street parking not off-street.

**Mr. Marquardt** said there was no tie between property and on-street parking.

**Ms. Mangle** said Milwaukie had one of the highest standards in region with requiring 2 spaces. They talked with the Planning Commission about going down to 1 per unit, but there was a concern with that so they decided to remove the covered space requirement.

**Mr. Marquardt** said the second issue was determining parking requirements. Currently they evaluated the square footage proposed and then determined how much parking would be required based on the development size. He discussed what occurred during the recent school remodels in Milwaukie. The ratio did not provide the right answer. When applying the existing code in most situations they found they were requiring too little or too much parking even though the existing parking was adequate. They proposed that developers study their own development and compare to other cities to propose an individualized determination. The table was not flexible and was not giving accurate numbers for larger development. Third, was the process for upgrading existing parking areas. They dealt with a lot of existing development and when looking at remodel or a use change they needed to bring into conformance with current code. The direction in the code, however, was not good. It was not clear to citizens or developers what would be required or how much it might cost. They proposed providing a list of prioritized upgrades and setting a cap on the cost of parking upgrades that would be required. They were considering 10% of the permit value. That would codify existing policy provide developers with clear expectations.

**Councilor Stone** asked if 10% would be the cap.

**Ms. Mangle** responded they were not sure at this point. Several cities used a cap of 10%. They were more comfortable with having a cap, but it was more about the current condition of site.

**Mr. Marquardt**, said fourth was parking in residential areas, which was brought into focus by the Balfour facility. There may be some cap based on the area of the property, and they were working on a final proposal to limit that kind of situation. Second area of focus was a limit on the number of spaces for a residential facility. There was a loophole that tied these facilities with single-family residences, and there was no cap on the number of spaces so a project could propose any number of spaces they wanted. Two Planning Commission work sessions were held, and the proposals were presented to the Neighborhood District Association (NDA) leadership. Staff will have a final draft by the end of July and new code for adoption by the end of September. Staff was seeking direction from City Council on the covered parking matter and if it would like to see the draft of the residential parking standards in a work session.

**Ms. Mangle** added staff was planning a work session specific to the downtown parking study.

Consensus was to have work session.

**Councilor Stone** was there any limit to the amount of on-street parking with a residential facility?

**Ms. Mangle** replied on-street parking was regulated by another part of the code. Usually when the City limits on-street parking it would apply to everyone and was done primarily for safety reasons.

**Councilor Chaimov** asked how this matched with public area improvement requirements.

**Ms. Mangle** replied these were private area requirements.

**Councilor Chaimov** asked about the reference to the maximum distance that shared parking was allowed.

**Mr. Marquardt** replied shared parking was an agreement by which a development said required parking was being provided offsite by agreement. There was a cap in that section that it cannot be more than 300-feet away. Generally, they felt that was a short distance. Staff would like to see more of that because that was a good way not to require people to build excess parking. That was common in other codes.

### **Sunnybrook Extension Letter**

**Mr. Swanson** reported on May 5 Chair Peterson presented a concept for a road to the south of the Harmony campus. At that point in time asked the City's role and she asked the City get back to the Board of County Commissioners (BCC). He pointed out 2 changes to the first draft. He had made a couple of revisions to reflect suggested changes.

**Councilor Barnes** said it seemed like every Milwaukie NDA opposed the proposed Sunnybrook extension and she felt the letter should send that message.

**Councilor Chaimov** was fine with letter with the proposed changes. He had no substantial disagreement with Councilor Barnes, but the City needed a place at the table to influence any decision.

**Councilor Stone** felt the Council would be remiss if moving forward compromised the environment of the 3 Creeks and watershed area. She was in favor of sending a letter that stated strongly that the City was not for this particular invasion into the natural area. She agreed with Councilor Chaimov's approach about wanting a seat at the table.

**Councilor Loomis** said he was fine with the letter as written.

**Councilor Barnes** asked how the City got a seat at the table and how that would help.

**Councilor Chaimov** said if the response is "no thanks" it might be prudent to send the letter Councilor Barnes was suggesting. At this point if the City said "no" the County would ignore Milwaukie's response and build. He hoped in the process there would be some change.

**Councilor Stone** commented the clear message was "no" all of the meetings.

**Councilor Barnes** said there had not been a "no" message from this Council. It was the message from the neighborhoods.

**Councilor Stone** said from her perspective she did not want to see anything built in that area. She thought something needed to be figured out to help the Clackamas Community College and OIT expansion. If the City said no, the County would just slam the door in our face. It was clear none of us liked the idea of building there, there needed to be another solution.

**Mayor Ferguson** said that Councilor Chaimov made an edit to the 3<sup>rd</sup> paragraph, which he felt it helped strengthen the letter and opened the door to continue the conversation with the County. Saying "no" without a solution did not open the door for communication.

**Councilor Barnes** said the public had given its opinion for 2 ½ - 3 years. Most of the people in this room had sat at the table. The decision had been made and it was up to this group to stand up and say "no."

**Councilor Loomis** did not think it was fair to say the County had not listened. There was a great difference from what was first proposed. He was concerned this did not address the Harmony/Linwood intersection and he had hoped to address Railroad Ave. It was not true to say the County did not listen. He wanted to support something that relieved car congestion.

**Councilor Barnes** said it still brings more traffic into the area but does not address the pinch point.

**Councilor Stone** suggested additional language to the 4<sup>th</sup> paragraph.


### **Goal Setting**

Council consensus was to meet on July 9, at 6 p.m.

### **Executive Session**

**Mayor Ferguson** announced the City Council would meet in executive session pursuant to ORS 192.660(2)(h) to consult with legal counsel immediately following adjournment of the work session.

Adjourned at 6:08 p.m.



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Pat DuVal, City Recorder

# WORK SESSION

# AGENDA

## WORK SESSION MILWAUKIE CITY COUNCIL JUNE 2, 2009

### MILWAUKIE CITY HALL

Second Floor Conference Room  
10722 SE Main Street

A light dinner will be served.

### **WORK SESSION – 5:30 p.m.**

#### Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	Parking Code Update Project Briefing	Ryan Marquardt/ Katie Mangle
2.	5:45 p.m.	Code Update Projects Briefing	Katie Mangle
3.	5:50 p.m.	Consider Letter to Board of County Commissioners regarding Sunnybrook Extension	Mike Swanson
4.	6:00 p.m.	<b>Executive Session</b> The Milwaukie City Council will go into Executive Session pursuant to ORS 192.660(2)(h) for consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.	
5.	6:45 p.m.	Adjourn	

### Information

Executive Session: All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

### Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- For assistance/service per the Americans with Disabilities Act (ADA) please dial TDD (503) 786-7555.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.



**To:** Mayor and City Council

**Through:** Mike Swanson, City Manager  
Kenneth Asher, Community Development and Public Works Director

**From:** Katie Mangle, Planning Director  
Ryan Marquardt, Associate Planner

**Subject:** Off-street Parking Code Amendments

**Date:** May 26, 2009 for June 2, 2009 Work Session

### **Action Requested**

None. This is a briefing for discussion only on proposed policy changes related to off-street parking. Staff seeks the Council's feedback on policy recommendations included in the draft proposal.

### **History of Prior Actions and Discussions**

**January 2008:** Council discussed the Planning Department's work plan for code improvement projects. The off-street parking code amendments project was identified as one of three priorities, along with Transportation Code Amendments and Residential Design Standards.

### **Background**

Planning Department staff has initiated a project to amend the City's off-street parking regulations. The City is reviewing the off-street parking regulations (Chapter 19.500 in Title 19 of the Milwaukie Municipal Code) because it is outdated and deficient, and affects nearly every development application. The proposed amendments regulate parking related to development; they do not affect the regulation of on-street parking.

The draft amendments have been prepared by staff, with input from Planning Commission work sessions, to generally follow the goals of:

- Making the regulations more environmentally friendly;
- Making the code easier to understand for citizens and developers, and for staff to implement; and;
- Updating policies to address local problem areas, such as requirements for downtown and in residential areas.

Staff believes that this comprehensive revision of the off-street parking chapter will result in regulations that reflect the best practices of off-street parking regulation, are clear and easy to implement, and that further Milwaukie's livability.

#### Summary of the Draft Proposal

The parking chapter amendments are extensive, and will revise nearly every section in the chapter. Some highlights of the amendments include:

- An updated and streamlined parking ratio requirements table
- An improved process for evaluating parking needs and requirements for large and multi-use sites
- Reorganization of the chapter to make it easier to use and implement

Some of the amendments being considered by the Planning Commission have policy implications. This staff report summarizes three aspects of the proposal that would most significantly change City policy.

#### **1. Eliminate the requirement to provide covered parking for single family residences.**

The City's current regulations require single family residences to have at least one covered off-street parking space, provided either in a garage or carport. This means that if a homeowner wants to expand a house that does not have a covered space, the City requires that one be created. If a homeowner wants to convert a garage into habitable space, the City requires that a covered parking space be constructed elsewhere on the property to replace the space(s) lost. In both of these situations, applicants often choose the least costly means of meeting the requirement: constructing a car port. In some cases the requirement to provide covered parking will mean the property owners may not be able to complete a remodeling project. The pictures below illustrate carports created to meet this requirement.



The proposed amendments would eliminate the requirement for an off-street covered parking space on single-family residential properties. Residents would still be able to construct covered parking if they choose to do so.

## 2. New Process for Determining Parking Requirements

When a property owner submits a proposal to develop a property, Planning staff refers to the parking ratio table in the parking chapter to determine how much parking can and should be provided (see Attachment 1 for an excerpt of the City's existing parking ratio table<sup>1</sup>). For most projects, planners only need to refer to this table, which lists the typical number of parking spaces needed for a type of use. This works most of the time, but the ratios in the table are based on typical situations and best practices, and don't consider unique aspects of a site or proposal. While the ratio table is likely to be accurate for smaller projects with a single use, it may not accurately predict the parking required for larger developments with multiple uses, such as the King Road Shopping Center. This can result in an over-supply of parking, which in turn under-utilizes the site's development potential.

To allow for site-specific consideration of parking needs, staff proposes an alternative approach to the ratio table. The proposed amendments include a new process that would allow some applicants to conduct a parking study to determine the amount of parking required. The determination process is intended to be used by large developments with 50-100 spaces or more and developments that do not lend themselves to a 'one-size fits all' ratio, such as hospitals and colleges. The study would examine parking data from similar existing uses and other relevant data, and propose parking ratios specific to the use(s). This approval process would require public notice to properties within 300 feet, but would not necessarily be considered at

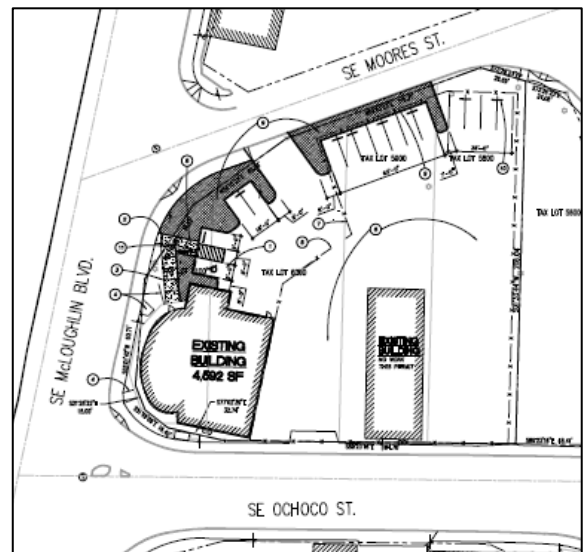
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<sup>1</sup> Land uses in the parking ratio are listed on the left hand side. The minimum required parking ratio is the second column from the left. The two columns on the right contain the ratio for the maximum amount of parking allowed. Properties located closer to transit service are in Zone A, while properties further away are in Zone B. There are few uses in the table where this distinction makes any difference, and nearly all non-residential uses are located in Zone A.

a public hearing unless it is associated with another application that requires a hearing.

### 3. Better process for upgrading existing parking areas

Many existing parking lots do not meet current City standards for qualities such as landscaping or the number of spaces provided to serve a particular use. When a property owner proposes to improve a building that has such a non-conforming parking lot, the City requires that some improvements be made to the parking lot at the time of development. An example of the improvements that Planning staff typically require of applicants who propose redevelopment of existing sites is illustrated in the aerial photograph and site plan below.



The aerial photograph shows one of the old Thomason sites as it currently exists on the east side of McLoughlin Blvd. As part of the project to remodel the site, staff required the creation of new landscape areas, striping of parking spaces, and installation of new bike racks. Currently, the code does not provide parameters for upgrading this type of non-conforming parking area when redevelopment is proposed. Staff is therefore proposing code amendments that would provide a prioritized list of improvements (e.g., providing the correct number of parking spaces, landscape areas, bicycle parking, etc.) and cap the required improvements at 10% of the building permit value. These amendments will provide clarity for property owners and staff about the cost and type of improvements that could be required when bringing non-conforming parking areas closer to conformance with City standards.

## **Summary of Other Policy Changes**

Other aspects of the proposed amendments will improve the clarity and usefulness of the parking chapter overall. These include:

- Reorganization of the chapter and its subsections;
- Changes to the parking space and drive aisle dimensions;
- A revision of the parking ratio table that will reduce the large number of very specific and seldom used categories (such as mini-golf courses), and instead have fewer, more general categories.
- Increase the maximum distance for which shared parking agreements are allowed from 300 feet between sites to 1,000 feet.

Staff anticipates the following next steps for this code amendment process:

- June 2009 – proposed amendment drafts distributed for public review and comments
- June 23, 2009 – tentative third worksession to be held with the Planning Commission
- July 7, 2009 – tentative second worksession to be held with the City Council
- September 8, 2009 – tentative Planning Commission public hearing on the proposed amendments
- September 29, 2009 – tentative City Council hearing for adoption of the proposed amendments

## **Concurrence**

The Planning Commission has given their input on the proposed policy changes and concurs with the proposed changes described in this report. Code Enforcement and Engineering staff have helped draft proposed policies related to their areas of responsibility.

## **Fiscal Impact**

None. This work is being carried out within the adopted Planning Department budget for the current fiscal year.

## **Work Load Impacts**

The Planning Director and planning staff will continue to spend time in researching, writing new code, conducting public outreach, taking amendments through adoption process

**Alternatives**

None.

**Attachments**

1. Excerpt of the City's existing parking ratio table

# ATTACHMENT 1

## Excerpt of the City’s existing parking ratio table

### 19.503.9 Number of Required Off-Street Parking Spaces.

Table 19.503.9 MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS			
Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
A. Residential Uses			
1. 1- and 2-unit attached home; manufactured home; single-family detached	2 spaces per dwelling unit, one of which must be covered.	Not applicable.	Not applicable.
2. Flag lots	2 spaces per dwelling unit, one of which must be covered, plus 1 additional parking space per dwelling unit, which shall not be located within any access strip or required paved turnaround area.	Not applicable.	Not applicable.
3. Studio or 1-bedroom unit 600 sf or less (see Chapter 19.100)	1 space per dwelling unit; enclosure/cover not required.	None.	None.
4. Attached dwellings containing 3 or more dwelling units	1.25 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	Same as Zone A

Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
5. Mobile home park	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 10 dwelling units for recreational vehicles, boats, etc.	Same as minimum.	Same as Zone A
6. Residential employees, staff, caregivers, and caretakers	1 space per each full-time equivalent (FTE) employee or fraction thereof over .5 FTE, in addition to the normal residential space requirements.	Same as minimum.	Same as Zone A
<b>B. Residential Support Uses</b>			
1. Church	1 space per 5 seats, or 1 space per 12 lineal feet of bench.	1 space per 3 seats, or 1 space per 8 lineal feet of bench.	Same as Zone A
2. College, university, institute of higher learning	1 space per 3 students.	1 space per 2 students.	Same as Zone A
3. Daycare center	1 space per employee on the largest shift, plus 1 per facility vehicle, plus 1 space per 8 pupils.	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 5 pupils.	Same as Zone A
4. School—elementary or junior high	1.75 spaces per classroom.	1.5 spaces per classroom.	Same as Zone A
5. School—senior high	.33 spaces per student, plus 1 space per staff.	.25 space per student, plus 1 space per staff.	Same as Zone A
<b>C. Lodging Places</b>			
1. Motel, hotel	.9 space per lodging unit.	1.1 spaces per lodging unit.	Same as Zone A
2. Boarding house	1 space per guest room.	1.25 spaces per guest room.	Same as Zone A

Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
3. Bed and breakfast establishments	1 space per guest room, plus 1.5 spaces per permanent residents.	1 space per guest room, plus 2 spaces per permanent residents.	Same as Zone A
<b>D. Places of Public Assembly</b>			
1. Auditorium or meeting room (other than church or school)	1 space per 4 seats, or 1 space per 60 square feet of floor area.	1 space per 3 seats, or 1 space per 45 square feet of floor area.	Same as Zone A
2. Club, lodge, or association	1 space per 4 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	1 space per 3 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	Same as Zone A
3. Library, museum, art gallery	1 space per 1,000 square feet of gross floor area.	1.2 spaces per 1,000 square feet of gross floor area.	Same as Zone A
<b>E. Commercial Uses—Recreational</b>			
1. Amusement park	1 space for each 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
2. Billiard hall	1 space per table, plus 1 space per employee of the largest shift.	Same as minimum.	Same as Zone A
3. Bowling alley	2 spaces for each alley, plus 1 space per employee of the largest shift.	4 spaces for each alley, plus 1 space per employee of the largest shift.	Same as Zone A
4. Dance hall, skating rink, or gymnasium	1 space per 100 square feet of gross floor area.	1 space per 50 square feet of gross floor area.	Same as Zone A
5. Golf driving range	1 space per each driving tee.	1.5 spaces per each driving tee.	Same as Zone A
6. Indoor arena or theater	1 space per 4 seats, or 1 space per 5 occupants as calculated under the Uniform Building Code.	1 space per 3 seats.	Same as Zone A

Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
7. Miniature golf	1.25 spaces per hole.	1.5 spaces per hole.	Same as Zone A
8. Race track or stadium	1 space per 4 seats, or 1 space for 8 feet of bench length.	1 space per 3.5 seats, or 1 space for 6 feet of bench length.	Same as Zone A
9. Indoor racquet courts	2 spaces per court, plus 1 space per employee of largest shift.	3 spaces per court, plus 1 space per employee of largest shift.	Same as Zone A
<b>F. Commercial Uses—Retail Goods</b>			
1. Eating and drinking establishments			
a. Sit-down	10 spaces per 1,000 square feet of gross floor area.	15 spaces per 1,000 square feet of gross floor area.	Same as Zone A
b. Fast food	9.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off- street waiting spaces per drive-in lane.	12.4 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off- street waiting spaces per drive-in lane.	14.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off- street waiting spaces per drive-in lane.
2. Convenience store	4 spaces 1,000 square feet of gross floor area.	5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
3. Grocery store	1 space per 245 square feet of gross floor area.	1 space per 200 square feet of gross floor area.	1 space per 165 square feet of gross floor area.
4. Apparel and department stores	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
5. Furniture and home furnishings	1 space per 1,000 square feet of gross floor area.	1.5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
6. Gas stations			
a. Gas-only	1 space per 4 pumps.	1.25 spaces per 4 pumps.	Same as Zone A

Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
b. Full-service	1 space per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	1.25 spaces per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	Same as Zone A
7. Auto, boat, or trailer sales	1 space per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	2 spaces per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	Same as Zone A
<b>G. Commercial Uses—Services</b>			
1. Banking			
a. Automatic teller	2 spaces per machine.	Same as minimum.	Same as Zone A
b. Bank (walk-in only)	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
c. Bank (with drive-in windows)	3 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	3.5 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	Same as Zone A
2. Barber shop or beauty parlor	1 space per 125 square floor area.	1 space per 100 square feet of floor area.	Same as Zone A
3. Health practitioner's office	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
4. Animal hospital/veterinary clinic	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
5. Hospital	1 space per bed.	2 spaces per bed.	Not applicable.

Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
6. Nursing, convalescent, and extended-care facilities	1 space per 4 beds.	1 space per 3 beds.	Same as Zone A
7. Professional services	1 space per 370 square feet of gross leasable area.	1 space per 295 square feet of floor area.	1 space per 245 square feet of floor area.
8. Personal services	1 space per 125 square feet of floor area.	1 space per 100 square feet of floor area.	Same as Zone A
9. Repair shops (items other than motorized vehicles)	1 space per 350 feet of gross floor area.	1 space per 300 feet of gross floor area.	Same as Zone A
10. Car wash			
a. Self-serve	2 spaces, plus 1 space per wash bay (clear of the right-of-way)	2 spaces, plus 2 spaces per wash bay (clear of the right-of-way)	Same as Zone A
b. Full-serve	1 space per 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
11. Dry cleaners	1 space per 350 square feet of gross floor area.	1 space per 300 square feet of gross floor area.	Same as Zone A
12. Mortuary/funeral home	1 space per each 5 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	1 space per each 4 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	Same as Zone A
13. Automotive, truck, and trailer rental	1 space per 400 square feet of gross floor area.	1 space per 350 square feet of gross floor area.	Same as Zone A
<b>H. Industrial Uses</b>			
1. Manufacturing	1 space per 1,000 square feet of gross floor area.	1.25 spaces per 1,000 square feet of gross floor area.	Same as Zone A

Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
2. Storage, warehouse, wholesale establishment less than 150,000 square feet	1 space per 1,500 square feet of gross floor area.	1 space per 1,000 square feet of gross floor area.	Same as Zone A
3. Storage, warehouse, wholesale establishment greater than or equal to 150,000 square feet	1 space per 3,000 square feet of gross floor area.	1 space per 2,500 square feet of gross floor area.	1 space per 2,000 square feet of gross floor area.
4. Mini- warehouse; self- service storage	1 space per 12 storage units, plus 1 space per employee of the largest shift.	1 space per 10 storage units, plus 1 space per employee of the largest shift.	Same as Zone A



**To:** Mayor and City Council

**Through:** Mike Swanson, City Manager  
Kenneth Asher, Community Development and Public Works Director

**From:** Katie Mangle, Planning Director

**Subject:** Zoning Code Assessment Project and Related Planning Department Work

**Date:** April 26, 2009 for June 2, 2009 Work Session

### **Action Requested**

None. This is a briefing for discussion only. The purpose of this report is to inform Council of the many projects underway to review and update the City's Zoning and Land Division ordinances.

### **History of Prior Actions and Discussions**

**November 2008:** The Planning Commission authorized Chair Klein to sign a letter in support of an application for a grant from the State of Oregon to fund a project to assess and update the City's Zoning and Land Division Codes.

**May 2008:** Council directed staff to continue to actively implement the Downtown and Riverfront Plan. Council also encouraged staff to review the development standards, which are very prescriptive, to identify opportunities to allow for a little more flexibility as downtown and its real estate market evolves.

**January 2007:** Council discussed the Planning Commission's work program for fiscal year 2007-8, which included several code amendment projects. Staff shared its 20-page list of problems with the zoning code.

## **Background**

Ongoing maintenance and improvement of a zoning code is always a good idea, and best professional practices lead planners to continually look for the best tools a community can use to achieve its vision. Milwaukie has the additional burden of implementing a code that was written decades ago and updated incrementally over time. Over the past few years, the Milwaukie Planning Commission, City Council, and staff have identified numerous problems with the City's zoning code. These include outdated review procedures, confusing language, and low (or nonexistent) standards for sign and building aesthetics. As development projects in Milwaukie are built to City standards, a few times each year the community's attention is drawn to specific issues that reveal policies that do not adequately reflect the intent or values of the community. Some recent examples of questions raised in the community include:

- How does the City expect downtown property owners to contribute to required frontage improvements?
- Why are buildings built to house adult foster care homes so much larger than homes in the surrounding neighborhood?
- Why does Milwaukie's approach to regulating residential facilities seem to be more lenient than necessary to comply with the Federal Fair Housing Act?

In addition to these policy questions, overseeing an outdated, overly complex zoning code has its own ramifications. Because the zoning code is difficult to read and understand, and contains many outdated standards and conflicting procedures, Planning staff spends a great deal of time interpreting sections of the code that are not clear, and creating "cheat sheets" to help applicants understand what they are required to do.

To address both the community's desire for policy changes and the need to improve the effectiveness of the code, staff is working with the City Attorney and the Planning Commission to review select Zoning and Land Division ordinances and identify alternative approaches. There are several projects underway to review and update the Code. The projects, and the goals for each, are listed in Attachment 1.

## **Code Assistance Grant Award**

The City just began a specific code improvement project that has the potential to help Milwaukie address some of the highest priority problems.

In early 2009, the state Transportation Growth Management (TGM) program awarded a grant to the City of Milwaukie to fund a code assessment project. This project will allow the City to strategically review several problematic sections of the Zoning Code and identify potential amendments that the Commission could recommend the City adopt in the future. The TGM Program promotes smart development principles that enable

communities to meet transportation needs while retaining their livability and economic vitality.

Over the next several months, the consultant will conduct an initial assessment of the current regulations. Though the consultant will review all of the code, the review will focus on three key areas:

- **Residential Design Standards:** Milwaukie does not have any design standards for multifamily housing outside of downtown, and its single family design standards are overly simplistic. The consultant will evaluate the City's existing residential design standards and recommend options that would address multi-family standards, supplement the current single family standards, and propose additional development review tools to ensure infill development is built at a scale that fits existing neighborhoods.
- **Process and Code Structure Improvements:** The consultant will evaluate the City's Zoning and Land Division ordinances and develop recommendations to refine the City's standards, approval criteria and review procedures. The review will include recommendations for improving the efficiency and effectiveness of the City's approval processes.
- **Downtown Development Standards:** The consultant will review the Downtown Design Standards in chapter 19.312 to assess how the policies may affect implementation of the Downtown and Riverfront Plan. The review will include identifying opportunities for added flexibility in the standards to address the evolving development/ real estate market.

The Planning Commission and City Council will each discuss the code assessment and potential alternative strategies at upcoming work sessions in June 2009. The final step for this part of the project will be for the consultant to identify a future course of action for priority code changes. Staff will present the final report to the Commission and Council in September 2009. The TGM program may fund a second phase of this project, which could begin as early as October 2009, to prepare code amendments to resolve issues identified in the assessment.

### **Concurrence**

It is the Planning Commission's role to work closely with staff to develop and recommend code amendments for Council's consideration. The Planning Commission supports this project and staff's ongoing efforts to improve the quality and usability of the zoning code. The Community Development and Public Works Director supports this project.

### **Fiscal Impact**

The TGM program manages a Code Assistance grant source to provide specific help to local governments to identify and update comprehensive plan policies and land use regulations. The Code Assistance program hires consultant firms with whom the TGM program contracts directly to provide assistance to local governments. The value of this grant is approximately \$15,000. Local governments are not required provide cash or in-kind match, although City staff will be expected to assist with meetings and other logistical support. The consulting firm selected to assist Milwaukie with this project is Angelo Planning Group, a firm that is familiar with Milwaukie and has provided excellent assistance to staff on recent code amendment projects.

TGM staff has indicated that it appears likely the City will receive a similar grant during the 2009-10 fiscal year to prepare plan and code amendments for consideration by the Planning Commission. If the City chooses to move forward with such a project, it would include a higher level of involvement and review from Milwaukie citizens and stakeholders.

Code review and amendment projects have been on the Planning Department's work program for many years, but progress has been slow. With the recent addition of a fifth staff planner and an increase in the department's budget for consulting services, work on code improvement projects has increased. Planning staff strive to balance a workload that includes review of proposed development, customer service, long range planning, and code improvements. The TGM grant is a significant opportunity to increase the pace of the City's progress toward improving the Code.

### **Work Load Impacts**

Code review and amendment projects will continue to be a significant focus for Planning staff during 2009. This grant-funded consultant assistance will allow the department to achieve much more in the coming year than would have been possible with existing City resources.

The zoning code improvement projects listed in Attachment 1 will be pursued in tandem with other projects related to development review, long range planning, and capital project implementation (see Attachment 2, the current work plan for the Planning Department). Since the land use permit process includes strict legal deadlines, Planning department staff spend a majority of their time managing the City's development review process. With current staffing levels, approximately one Full Time Employee (FTE) equivalent is available for completing code amendments and other planning projects. While this is an increase over recent years, it will still be an on-going challenge for staff to complete code maintenance projects. As much as possible, staff work on code amendments and planning projects will be balanced with on-going efforts to manage the

City's development review permit process, provide timely and clear information to the public, and serve the City's neighborhood involvement processes.

**Alternatives**

None. This is a briefing for information only.

**Attachments**

1. Code Improvement Projects, April 2009
2. 2008-20010 Draft Planning Department Work Plan

**Current Work Plan for Planning Department Code Improvement Projects  
April 2009**

ATTACHMENT 1

Project Title	Project description	Code sections Affected	Primary Objectives	Due Date for Staff	Effective Date (Estimate)
<b>Code Improvement Projects In the Adoption Process</b>					
<b>Transportation Code Amendments</b>	Implement TSP policies, change process and standards for exacting improvements from development.	19.1400 - Transportation Planning, 19.400 - Supplementary Regulations, 19.321 - Downtown Zones, Title 17 - Land Division, Title 12 - Sidewalks	Resolve issues related to proportionality, flexible street design, difficult review processes, and FILOC.	Apr-09	
<b>Community Service Use - Major Utilities</b>	Makes major utility facilities a nonconforming use.	19.321 - Community Service Uses	Allows the City to control the location and impacts of a major utility facility.	Jul-09	pending approval (TBD)
<b>Standardization of Tables</b>	Corrections to numbering and placement of Tables. Related to Code Republishing project (see below).	Titles 14 - Signage, 19 - Zoning, and 17 - Land Division	Consistent numbering of Tables and in-text references to tables. Requires Council adoption by ordinance.	Jun-09	Nov-09
<b>Code Improvement Projects Getting Ready for Adoption / Implementation</b>					
<b>Parking standards</b>	Developing a new parking chapter to replace the existing outdated one.	19.500 - Off-Street Parking, 19.321 - Downtown Zones	Revise parking requirements for downtown development, refine standards for residential areas, and revise parking ratios and design standards. Restrict parking in front yards of residential lots.	Jun-09	Aug-09
<b>Residential Facilities</b>	Revise definitions for residential homes and facilities.	19.100, 19.300	Update how the City regulates residential homes and facilities to ensure compliance with Federal Fair Housing Act but provide appropriate regulation.	May-09	Aug-09
<b>Code re-publishing</b>	Working with QCP, the company that publishes the Milwaukee Municipal Ordinance, to republish the entire code.	All	Covert text to one-column format, apply updated style guide. Will dramatically improve legibility, usability for the public, consistent grammar and formatting, and one column format. No content changes, therefore adoption by Council is not necessary.	Jun-09	Nov-09
<b>Code Improvement Projects In Development</b>					
<b>Zoning Code Assessment (TGM grant project)</b>	Assessment of targeted sections of the code to evaluate for best practices, opportunities to streamline review, and develop standards that more effectively help the community manage change.	19.400 - Supplementary Regulations, 19.425 - Design standards for single-family housing, 19.301 - 308 - Residential zones	<ul style="list-style-type: none"> <li>▪ Evaluate the existing Residential Design Standards and recommend code options that would address multi-family standards, supplement the current single family standards, and encourage a greater variety of housing types in residential and mixed use zones. Develop tools to ensure infill development is built at a scale that fits with existing neighborhoods.</li> </ul>	Aug-09	N/A - assessment only
		19.700 - Variances, 19.800 - Nonconforming Uses, 19.900 - Amendments, 19.1000 - Administrative Provisions,	<ul style="list-style-type: none"> <li>▪ Evaluate the Zoning and Land Division ordinances (Chapters 19 and 17 of the Milwaukee Municipal Code) and develop recommendations to refine City's standards, approval criteria and review procedures. Provide recommendations for improving the organization of the Zoning Code and improving the efficiency and effectiveness of the City's approval processes.</li> </ul>		
		19.314 - Manufacturing zone	<ul style="list-style-type: none"> <li>▪ Evaluate City's Manufacturing (M) zone, which regulates uses in the North Industrial Area and provide recommendations to clarify approval standards and improve implementation of existing City Policy Objectives</li> </ul>		
		19.312 - Downtown zones	<ul style="list-style-type: none"> <li>▪ Review the Downtown Standards in chapter 19.312 to assess how the policies may affect implementation of the Downtown and Riverfront Plan. The review will include identifying opportunities for added flexibility in the standards to address the evolving development/real estate market.</li> </ul>		
<b>Habitat Conservation Areas (Title 13 compliance)</b>	Adopt maps and standards to restrict development in regionally-identified high value habitat areas.	19.322 - Water Quality Resources	Required to comply with Title 13 of the Metro Regional Functional Plan. Part of the City's goal to protect habitat and encourage sustainable approaches to development.	Jul-09	Sep-09

**Current Work Plan for Planning Department Code Improvement Projects  
April 2009**

ATTACHMENT 1

<b>Future Code Improvement Projects</b>					
<b>Strengthen Sign Code</b>	Propose new sign design standards for Commercial areas.	Title 14	Address sign lighting and size limitations.		
<b>Illegal Lots</b>	Develop process for dealing with illegally created lots.	TBD	Develop policy to allow staff to resolve situations in which lots were created illegally. In response to 2007 ORS revision.		
<b>Strengthen CSU Code</b>	Address how City permits modifications to uses not originally permitted as CSUs.	19.321			
<b>Strengthen Historic Resources Code</b>	Criteria, standards, and review process are outdated and confusing.				
<b>Ongoing Code fix list</b>	Staff maintains a list of code problems, now numbered at 300 items.		Correct inconsistent code language, track problems as they are identified.	ongoing	

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service 2009-10	Wish List
<b>CURRENT PLANNING / PERMITTING</b>						
Public Information, Counter, & Phones	<p>Provide timely, accurate, and reliable information and service to internal and external customers.</p> <p>Return incoming phone calls within 24 hours.</p> <p>Provide a time-certain to customers for requests that cannot be handled by the next day of the request.</p>	<p>5 calls and 5 counter visits per day</p> <p>Planner on Duty available 32 hours each week.</p>			<ul style="list-style-type: none"> <li>Continually increase staff knowledge of Code.</li> <li>Improve handouts, application checklists, and public information.</li> </ul>	
Sign & Building Permit Review & Inspections	<p>Thoroughly review plans for compliance with code and/or land use decision.</p> <p>Approve 80% of complete building permits within 10 workdays.</p> <p>Approve 100% of complete permits within 15 workdays.</p> <p>Same-day inspection for small projects. Ongoing monitoring of large projects under construction.</p>	<p>Review 5 small permit applications/ week, 1 large application / month.</p> <p>Small project = 1-4 hrs.</p> <p>Large project = 20+ hrs.</p>				
Tree Removal Permits	<p>Process permits for removal or major pruning of trees in the right of way.</p> <p>Issue approval or denial of a permit application within 14 days (MMC 16.32.020.B.7)</p>	<p>Average one permit requested per month.</p> <p>Each takes 4 hours.</p>				Change code to allow City to require replanting when a tree is removed.
Code Compliance	<p>Respond to complaints about code compliance. Work with Code Compliance Officer to resolve issue through voluntary compliance.</p> <p>Monitor land divisions processed with the County Surveyor to ensure that all were properly processed with the City.</p> <p>Resolve zoning complaints within 2 weeks of receipt of the complaint. For the purpose of this objective, "resolve" means to confirm the complaint and take the first action.</p>	<p>Average one complaint per month. Resolution takes 1-12 hrs.</p>				
Pre-application Assistance	<p>Assist customers during pre-application conference. Explain process and regulations, advise on project decisions.</p> <p>Pre-application conference is held on Thursday, 2 weeks from date of request.</p> <p>Staff notes due 2 weeks after meeting.</p>	<p>Average one pre-application conference per month. 10 hrs of staff time each.</p>			<ul style="list-style-type: none"> <li>Reduce staff time spent preparing meeting notes for applicant by improving pre-application notes database.</li> <li>Develop 1-page pre-application FAQ handout to better prepare applicants.</li> </ul>	

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service	Wish List
<b>2009-10</b>						
Land Use Application Review	Work with applicant to comply with code, complete application. Prepare staff report and decision documents that are complete and defensible. Provide notice to neighbors and NDAs. Type I Application: Decision within 10 days. Type II Application: Decision within 14 days. MQJ Application: <ul style="list-style-type: none"> <li>Decision 60 days from completeness.</li> <li>Council appeals decided within 120-day clock.</li> </ul>	Estimated # of applications processed in 2008, and staff time required  Type I: 10; 4 hrs Type II: 6; 10 hrs MQJ: 17; 10-40 hrs				
Records Management	Maintain records on applications. Maintain historic records to facilitate records searches.					
<b>LAND USE/ DEVELOPMENT POLICY</b>						
Code Housekeeping	Maintain an ongoing "Paramedic Code Fix List" for the Planning Commission Correct inconsistent and confusing code language.	6 month process	<ul style="list-style-type: none"> <li>Housekeeping code revisions</li> <li>Standardization of Tables</li> </ul>	<ul style="list-style-type: none"> <li>Re-publish code into 1-column format</li> <li>Code audit to identify inefficiencies and inconsistencies.</li> </ul>		
Policy Modifications	6 month process		<ul style="list-style-type: none"> <li>Complete update of Section 1400 – Transportation Planning Design Guidelines and Procedures</li> <li>Residential Facilities definitions</li> <li>Section 500 – Update parking standards</li> </ul>	<ul style="list-style-type: none"> <li>Identify code amendments need to comply with Title 13 - Nature in Neighborhoods.</li> <li>Residential Design Standards</li> </ul>		<ul style="list-style-type: none"> <li>Complete amendments to R-O-C/MU zones – amend to simplify, improve development readiness</li> <li>Strengthen annexation policy/code regarding extensions of public utilities.</li> <li>Sign Code – Design Standards for Commercial Areas, and address sign design</li> <li>Complete amendments to R-O-C/MU zones – amend to simplify, improve development</li> <li>Create design review or standards for commercial projects.</li> </ul>

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service 2009-10	Wish List
						· Fix the non-conforming uses code.

**COMMITTEES**

Planning Commission	Provide staff support to empower commissioners to make defensible decisions that implement the community vision. Organize trainings. Provide sound, understandable information.  Meet twice a month.  Recommend code and Comp Plan changes to protect and improve the community.	Prepare packet, attend meetings, prepare minutes.  12 hrs/month			Develop standards and templates for staff reports.	
Design and Landmarks Committee	Support DLC's mission to advise the Planning Commission and City Council on urban design, architectural, and historic preservation activities.  Organize bi-monthly meetings.	Prepare packet, attend meetings, prepare minutes.	Historic property photo project.	· Review downtown and historic project applications as required.  · Advise planning commission on creation of design review criteria for commercial projects.		
Design Review Team	Facilitate inter-departmental review team to coordinate on pre-application meetings, permit review.	1 hr per week for all staff.				
Metro Technical Advisory Committee	Attend 60% of MTAC meetings to maintain understanding of regional programs and requirements.	8 hrs/ month				

**LONG-RANGE PLANNING PROJECTS**

Land Use and Transportation Planning	Special projects as funding is available.		Bicycle Wayfinding Signage Plan			· Hwy. 224 Triangle Rezone/Redevelopment Support
Community Development	Ongoing support to CD/PW Director on regional projects.	Provide technical and management support as requested.		<ul style="list-style-type: none"> <li>• Support Downtown Urban Renewal study.</li> <li>• Assist with effort to remove Kellogg</li> <li>• Support Downtown Main Street Initiative.</li> </ul>		
Metro Planning Projects	Attend 1 3hr meeting per month.			<ul style="list-style-type: none"> <li>· Local Aspirations</li> <li>· Urban and Rural Reserves TAC committee</li> </ul>		

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service	Wish List
<b>CAPITAL PROJECT IMPLEMENTATION PLANNING</b>	Attend project team meetings, inter-agency meetings. 10 hrs/ week of work			<ul style="list-style-type: none"> <li>Support Light Rail permitting and design.</li> </ul>	<b>2009-10</b>	
	Attend project team meetings, plus 4 hrs/ week of work.			<ul style="list-style-type: none"> <li>Support NE Milwaukie sewer extension project. Includes planning for annexation of 250 properties.</li> </ul>		
	Attend project team meetings.			<ul style="list-style-type: none"> <li>Support Jackson Street bus stops project.</li> </ul>		

May 20, 2009

Chair Peterson,

Thank you for attending the Milwaukie City Council meeting on May 5<sup>th</sup> to present the County's latest concept for the Sunnybrook extension. As was clear from the meeting, the project has raised a chorus of concerns in Milwaukie, even as it has been refined to its current dimensions. The City of Milwaukie will certainly receive downstream impacts from any road built in the Three Creeks Natural Area, including vehicular traffic, stormwater runoff, and related habitat degradation.

Milwaukie is committed to stewarding our local natural resources through projects like the restoration of fish passage at the mouth of Kellogg Creek, habitat protection in the City's riparian corridors (including Mount Scott Creek, Kellogg Creek, and Minthorn Creek), and adopting best practices to manage storm water and improve water quality. Remember that unlike most communities, Milwaukie's drinking water comes from our groundwater, so the connection between our community's health and the health of the environment is a very real one to Milwaukie citizens

While we appreciate the County's efforts to improve its overall approach to the Sunnybrook extension project, the Milwaukie City Council is not convinced that the projects' benefits outweigh its impacts to our community. Given the many sensitivities that exist in Milwaukie's neighborhoods and environmental community, we would respectfully request that the Board of County Commissioners not commit to the current project design without the City's concurrence.

Together I am sure we can find the best solution to determine not just what kind of road to build in the Three Creeks Area, but when to build it. We trust that the County and City are equally committed to upholding the values that so many of our citizens expressed at the May 5 meeting.

I look forward to your response to the City's request for concurrence, and will make time to meet with you on this matter as it is of great concern to our community and Council.

Yours Sincerely,

Jeremy Ferguson  
Interim Mayor