

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, January 10, 2012
6:30 PM**

COMMISSIONERS PRESENT

Lisa Batey, Chair
Nick Harris, Vice Harris
Mark Gamba
Scott Churchill
Russ Stoll

STAFF PRESENT

Katie Mangle, Planning Director
Ryan Marquardt, Associate Planner

COMMISSINERS ABSENT

Chris Wilson
Clare Fuchs

1.0 Call to Order – Procedural Matters

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

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

2.0 Planning Commission Minutes

2.1 October 11, 2011

Chair Batey noted a correction to 2.1 Page 8 Line 262: "River Rd was going to be getting some improvements under the Walk Safely Milwaukie Program sidewalks..."

Commissioner Gamba moved to approve the October 11, 2011, Planning Commission minutes as amended, and Commissioner Stoll seconded. Vice Chair Harris abstained. Motion passed unanimously.

3.0 Information Items

Katie Mangle, Planning Director, noted the new front door security system in City Hall.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings – None

6.0 Worksession Items

6.1 Summary: Residential Development Standards – Single-Family Development and Design, Conditional Uses
Staff: Katie Mangle and Ryan Marquardt

Ryan Marquardt, Associate Planner, presented the second briefing on the Residential Development Standards project and discussed single-family residential (SFR) development and design standards, and Conditional Uses. He noted that tonight's meeting was also to determine if the project was ready to go to public hearing in February or not.

The Commission directed staff to investigate options for: a list of prohibited materials on new SFR development; to allow a developer to request a Type III variance for creative home design; to keep with the recommendation to limit the garage width to 35% of the lot width and an alternative to limit it to 50% (and discuss this standard with Council); to allow garage door windows to count toward the minimum window requirement; to provide more examples of how the lot coverage standard would work. The Commission was in agreement regarding lot coverage increase allowance for single story, duplexes, ADUs and rowhouses. and new building height measurement methodology. The Commission discussed limited conditional uses in residential zones. The Commission was split and would like to discuss with City Council at a study session. The Commission agreed to schedule the public hearing for February 28, 2012.

7.0 Planning Department Other Business/Updates

7.1 Summary: Work Plan Forecast for 2012

Katie Mangle, Planning Director, noted the current workplan and schedule for 2012, current and upcoming projects and how they fit together with regard to workload, etc. She updated the Commission on the Tacoma Station, South Downtown implementation, Residential Development Standards project, Commercial Core Enhancement Program with regard to low hanging fruit code amendments and 32nd and 42nd Ave Corridor studies, and the UGMA area project which would indicate a Comprehensive Plan update. She reviewed last year's workplan with regard to light rail final design, Electronic Sign Code Amendments, population forecast, Transportation Plan update, Façade Improvement Program, Comprehensive Plan update, murals program, Dogwood Park, master planning for larger properties, and further wish list projects.

8.0 Planning Commission Discussion Items

Commissioner Gamba noted that regarding the recent questioning of the Planning Department's integrity, he wanted to publicly state that the Planning staff were excellent and in no way were in collusion with TriMet.

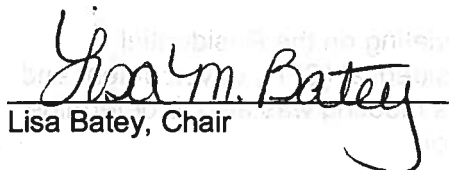
Chair Batey and **Vice Chair Harris** agreed.

9.0 Forecast for Future Meetings:

- | | |
|-------------------|--|
| January 24, 2012 | 1. Worksession: Residential Development Standards – Accessory Dwelling Units, Accessory Structures |
| January 31, 2012 | 1. Joint study session with City Council: Residential Development Standards project |
| February 14, 2012 | 1. Public Hearing: Residential Development Standards |

Meeting adjourned at approximately 8:33 p.m.

Respectfully submitted,
Alicia Martin, Administrative Specialist II


Lisa Batey, Chair



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday January 10, 2012, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
 - 2.1 October 11, 2011 *continued from 11/22/11*
- 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 Public Hearings** – Public hearings will follow the procedure listed on reverse
- 6.0 Worksession Items**
 - 6.1 Summary: Residential Development Standards – Single-Family Development and Design, Conditional Uses
Presentation: Katie Mangle and Ryan Marquardt
- 7.0 Planning Department Other Business/Updates**
 - 7.1 Summary: Work Plan forecast for 2012
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - January 24, 2012 1. Worksession: Residential Development Standards – Accessory Dwelling Units, Accessory Structures
 - January 31, 2012 1. Joint study session with City Council: Residential Development Standards project
 - February 14, 2012 1. Public Hearing: Residential Development Standards (tentative)

Milwaukee 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 speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukee.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukee.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukee.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME 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 the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

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 IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **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.
10. **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.
11. **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.

The City of Milwaukee will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukee Planning Commission:

Lisa Batey, Chair
Nick Harris, Vice Chair
Scott Churchill
Chris Wilson
Mark Gamba
Russ Stoll
Clare Fuchs

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelter, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Martin, Administrative Specialist II

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, October 11, 2011
6:30 PM**

COMMISSIONERS PRESENT

Lisa Batey, Chair
Chris Wilson
Mark Gamba
Russ Stoll
Clare Fuchs
Scott Churchill (arrived during Item 6.1)

STAFF PRESENT

Katie Mangle, Planning Director
Kenny Asher, Community Development and
Public Works Director
Susan Shanks, Senior Planner

COMMISSIONERS ABSENT

Nick Harris, Vice Chair

1.0 Call to Order – Procedural Matters

Chair Batey called the meeting to order at 6:37 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes – None.**3.0 Information Items – None.**

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings – None.

The Planning Commission addressed Agenda Item 7.0 at this time.

6.0 Worksession Items

This item was taken out of order.

- 6.1 Summary: Residential Design Standards Project – Conditional Uses in Residential Zones
- Staff Person: Susan Shanks

Susan Shanks, Senior Planner, distributed a paper copy of her PowerPoint presentation, which she reviewed as part of her staff report. The last three sets of images showed examples

of different building footprints in areas of Milwaukie with various building sizes and were provided as a reference when considering size limits.

The two key questions for the Commission were if the City should allow more Conditional Uses (CU) in its residential zones; and if so, should CUs have limits on location or size, for example, or should that be left to the CU review process.

She and **Katie Mangle, Planning Director**, addressed questions from the Commission as follows:

- A CU permit ran with the property and the use specifically approved by the Commission. All CU decisions were Type III Commission decisions.
- The Neighborhood District Associations (NDAs) would be part of the process, but had not been specifically approached about this project yet, although some NDA members were on the Residential Development Standards Steering Committee. Ms. Mangle had discussions with David Aschenbrenner about allowing more kinds of uses so people could walk to local neighborhood shops rather than having to go downtown or to big box stores.
- If acceptable to the Commission, staff would introduce the project to the community at the open house scheduled for October 20 and then do whatever outreach is needed.
- This project was completely separate from the Commercial Core Enhancement (CCEP), which was limited to specific geographical areas. This project addressed more of a citywide problem, but on residentially zoned lots along arterial streets, whereas the 32nd Ave and 42nd Ave Corridors Project dealt with commercially zoned lots.
- This project would be a nice compliment to the Corridors Project. For example, areas along 32nd Ave not zoned Commercial would benefit from this proposal.

Discussion amongst the Commission and staff continued with these key comments:

- **Commissioner Gamba** agreed this project was critical to the walkability issue, and although the proposal was moving in the right direction, it did not go far enough. As proposed, retail would not be allowed in some R-7 and R-10 Zones along some arterials, which was an area he would push further.
- Staff clarified that the Residential Design Standards Project was not about rezoning any areas or lots zoned residential along the corridors that traversed the city. This project was more of a Code adjustment project regarding the types of uses that would be allowed conditionally and not about rezoning property. The Corridors Project would be an appropriate place to rezone property.

- 76 • Many uses could already be approved as a Community Service Use (CSU) within these
77 zones; so technically, only a minor amendment was being proposed.
- 78 • **Chair Batey** preferred that this project not be done generally across the zones, but along
79 certain streets, and perhaps not just streets defined as arterials because 32nd Ave might be
80 a good one for the part that was zoned residential. She suggested just naming the streets to
81 be included within the amendment.
- 82 • Should CUs have limits? If any residential property were allowed to have these types of
83 uses, the CU review process still provided a lot of discretion for evaluating impacts and the
84 appropriateness of citing that particular use.
- 85 • **Commissioner Fuchs** was concerned about the potential for the Commission to be
86 accused of showing partiality to certain businesses. The Code should provide some
87 predictability for allowing conditional office type uses on these streets. Without any
88 guidelines, a lot of time and money could be spent to have something not approved or
89 approved but with many conditions.
- 90 • Staff responded that would become a different kind of project. They were definitely not
91 proposing to come up with a new review process or new set of objective standards for
92 certain kinds of uses in certain locations.
- 93 • Something could be included, perhaps as an approval criterion in the CU Review
94 Chapter that the intent of allowing CUs was to result in businesses that served the
95 neighborhood. Such a statement was not really a criterion or hard and fast standard, but
96 would give some indication of whether or not the applicant might get approval, while also
97 provide the Commission more direction by which to judge the application.
- 98 • **Commissioner Stoll** noted there was a lot of room for offices in low-density residential
99 areas. Many businesses would be perfectly fine operating out of someone's home. If the City
100 was going to legalize these types of CUs, they should be allowed just about anywhere.
- 101 • Staff explained that many businesses operating in residential zones fall under the home
102 occupation category, which differed from CUs.
- 103 • A home occupation was when someone lived on a property and operated their
104 business from their home. Employees were allowed and home occupations did not
105 require approvals but had performance measures. As long as the City did not receive
106 complaints or the home occupation did not become a nuisance to the neighbors,
107 home occupation is allowed. Also, the home the business operates from must
108 maintain the character of a single-family home, and it could not look or act like a
109 business.

- 110 • Certain businesses were outright prohibited, such as auto repair, and the goods used
- 111 in the business operation could not be visible to the public. The goal of the home
- 112 occupation standards was to keep the business invisible.
- 113 • CUs did not have to be owner-occupied and allowed for more of a public face to the
- 114 community.
- 115 • In walkable neighborhoods, people get many of their needs met within a 20-minute walk.
- 116 With fewer limits, someone could have their business a block from their house and not have
- 117 to commute to other areas. With CUs, the Commission had the discretion to deny the use if
- 118 a business would be heinous for the neighborhood.
- 119 • Businesses that were home conversions were included under CUs in this project.
- 120 • Residential Design Standards would only apply to new construction, not to an existing home
- 121 where someone moved in and wanted a change of use.
- 122 • Adding onto an existing residential home [for business purposes] would result in the
- 123 home no longer being residential in some ways, but commercial and no commercial
- 124 design standards currently exist. Design standards were use based on and applied to a
- 125 specific use, not the zone.
- 126 • The new CU approval criteria were discretionary enough that the Commission would be
- 127 able to look at modifications to the building in the CU process. The CU process provided
- 128 for a lot of discretion in terms of mitigating impacts for things such as eyesores.
- 129 • Someone wanting to modify an existing CU did not have blanket approval for the use and
- 130 the site. Depending on the level of modification, it would be subject to either staff or
- 131 Commission review, similar to the CSU standard currently in place for modifications.
- 132 • **Commissioner Fuchs** believed lot coverage percentage should be limited, not building size
- 133 or square footage.
- 134 • Currently, most CUs did not come with their own set of development standards, but the
- 135 approval criteria required that the standards of the underlying zone be met. The
- 136 residential lot coverage, setback, and all those standards would still apply, but not the
- 137 design standards. Development standards were tied to the zone, not to the use.
- 138 • Again, the CU process would enable the Commission to alter things on a case-by-case
- 139 basis to make the use more compatible.
- 140 • CU permits were only revocable if a violation of the approval criteria occurred and/or a
- 141 condition of approval was not satisfied.

142

143 **Chair Batey** called for public testimony.

144

145 **David Mealey, 5111 SE Lake Rd**, addressed the Commission regarding his R-10 zoned
146 property on Lake Rd, the old Folio farmhouse, with the windmill and the barn. He hoped the new
147 Code would remain simple; adding a 2,500 sq ft limit was what he needed.

- 148 • He stated that the Lake Rd NDA supported his property moving from a home occupation to
149 an outright CU.
- 150 • Currently, his home occupation status had certain limitations. One key item was that the
151 proposal would permit him to put up a little signage, so people would not pass the property
152 and then call to ask for directions as they currently did 90% of the time. Presently, all he was
153 allowed was a 2 ft x2 ft sign.
- 154 • The property lent itself to a small office use more so than a residence.
- 155 • Being able to use the space without it being a split use would be helpful.
- 156 • The property was 1½ acres, of which ¾ of an acre was useful. The parking, if done
157 tastefully, would blend into the neighborhood without being an eyesore, while maintaining
158 the residential characteristics and lending itself to the walkability Commissioner Gamba
159 mentioned.
- 160 • He noted the use and 2,000 sq ft limitations in the proposal, adding he had a chiropractic
161 massage clinic and a yoga studio, which he would love to see added to the lower density
162 residence. If that did not happen, he would shut down the yoga studio, but he would love to
163 be allowed to use the properties in different ways.
- 164 • The benefit to the City, Commission, and residents was that the proposal provided some
165 yardstick to measure things by as some conditions had to be met and maintained, and the
166 Commission would determine whether an application met the conditions. This gave the
167 Commission an element of control and the businessperson something to aim for.

168

169 Staff confirmed that the reference in the current draft to office use being limited to no more than
170 2,000 sq ft was the actual floor area, not the footprint.

171

172 **Marty Stiven, Land Use Planning Consultant, 8 North St, Lake Oswego**, stated she had
173 been working with Mr. Mealey and the City and watching this process for the last year to figure
174 out how Mr. Mealey's business could be allowed not as a home occupation.

- 175 • She understood the concerns about allowing CUs throughout the city, and believed limiting it
176 to arterials was a good way to start. This would open the door for the many nonconforming
177 businesses that already exist.

- The CU process gave the Commission an opportunity to identify every use on every property and judge them on their own merits. Not only did the Commission get to look at the site and use, and require the applicant to meet the CU criteria, but the Commission could also impose very specific conditions of approval for each business for each use in each neighborhood based on each individual site.
- She was concerned about the 2,000 sq ft limitation because what would the business/property owner do if the whole building could not be converted? Was the goal to make nonconforming uses legitimate? A better performance standard than a size limitation was needed, because no matter what size was set, a remnant square footage would result.
- She questioned whether a performance standard was needed because the Commission would review each individual use. A 4,000 sq ft building might be perfectly acceptable in one location, where in a different location it needed to be limited to 1,000 sq ft because of the availability of land for parking, lighting, etc.
- Any proposals would be limited to the same setbacks, lot coverage, and heights as residents, so a building would be compatible in scale to the residential development. As to parking impact, if it were not appropriate, the Commission would not have to approve the application.

Mr. Mealey added that when he was pursuing other commercial properties, it was clear that if the property did not have enough room for parking, it would not be approved. He had looked but numerous properties turned out not to be feasible in terms of parking and other conditions listed under the existing regulations, such as egress and traffic impact. He did not see that this would be any different. Limiting CUs to arterials was important. He would not necessarily want to have a parking lot behind his house if he lived in a residential neighborhood. He liked the discussion about identifying defined roads that lent themselves to these kinds of clear-cut conditions.

Discussion amongst staff and the Commission continued as follows:

- Impacts regarding traffic, site distances, etc., are addressed in the approval criteria for CUs. The underlying concept of the proposed changes was to reduce car trips, and although valid long-term, there would be immediate traffic impacts as people tried to turn into or out of what used to be residential driveways.
- Staff introduced some reasonable requirements in the Transportation Code update for traffic studies, which were previously required no matter what. The Engineering Director would now look at applications on a case-by-case basis to see how that type of business would

operate and impact traffic before deciding if a traffic study was needed. This would be part of the CU review on staff's end.

- Staff added that the City's concurrency policy regarding sidewalk and transportation improvements was rather aggressive, so proportional mitigation was required.
- The City currently allowed CSUs on all these locations, so a large government office building would be allowed, but not a small private office building. This Code change would provide for private offices. While the CSU and CU criteria were different, the City could still require transportation and other analyses. Engineering also requires accesses to be consolidated when necessary.

- If a home occupation wanted a CU for some reason, the owners could still reside there, because the residential use would still be an outright allowed use in the zone. Home occupation standards allow for a wide range of businesses.
- A much larger structure could be built on Mr. Mealey's property and still comply with the setbacks. If he was approved for a CU and decided to replace the current structure with an 8,000 sq ft structure it would be considered a modification and subject to additional review by staff and/or the Commission.
- Staff explained that a number of zones had existing CUs, such as the Type II ADUs only conditionally allowed in all residential zones. However, the CU process for the average person was daunting and could not be done lightly or quickly, so the proposed amendments would not open the floodgates for any rapid or big changes. The proposal would allow some motivated people or the right property and business to get a CU approval. This was not a big risk for the City in terms of suddenly getting lots of big, incompatible CUs in residential zones, whether along arterial streets or not. It was a pretty arduous process to go through and pay for.
- The gains for the City from this proposal included:
 - Having more personal, service-oriented businesses integrated into existing neighborhoods rather than being in single locations spread throughout the city. People might be able to walk down their street to go to doggy daycare, get a cup of coffee, or shop at a resale store, potentially reducing car trips.
 - More property becoming available for people wanting to incubate a small business, or who might otherwise be unable to lease a commercially zoned property.
 - The possibility of converting some nonconforming uses to CUs, changing the regulation framework under which they currently must operate which could be limiting for buying, selling, and changing the property.

- 245 • Given the nature of the CU process, the number of properties being discussed, and the fact
246 that this did not regard vacant land necessarily, the proposal did not seem to detract or pose
247 a risk of increasing vacancies in the downtown districts.
- 248 • The City has heard that Milwaukie citizens did not want everything focused on
249 downtown, but that the City pay attention to the corridors. Most land along the arterials
250 was zoned for residential, which was unusual. The fact that there were a lot of home
251 occupations, institutions, nonconforming, and potentially illegal uses along these
252 corridors was an indication that low density residential might not be the best use of land
253 along an arterial. Staff hoped this proposal would help make the corridors healthier in
254 terms of integrating more uses into the community, but in a way that could actually
255 increase the property values because the uses would be fully legal, growing home
256 occupations and not nonconforming.
- 257 • **Chair Batey** said that while the residential portions of 32nd Ave seemed an obvious place for
258 CUs, she could not see upper River Rd and 22nd Ave ever being a viable place for CUs
259 because of the traffic and egress for cars. Even if there was a business geared toward
260 walking, that was probably the single most dangerous place to walk in Milwaukie. The
261 arterial did not seem to be the right measure; listing streets seemed a better way to go.
262 Although River Rd was going to be getting sidewalks, etc., the improvements were not on a
263 large scale and would not happen anytime soon.
- 264 • **Commissioner Fuchs** suggested identifying 42nd Ave and the south frontage of Hwy 224
265 across from the Albertson's shopping center. She agreed the parcel on Hwy 224 between
266 Oak Street Square and Monroe Street should also be included.
- 267 • Successful neighborhoods in Portland were built around intersections or nodes. Opening up
268 a long linear arterial strip might not be an advantage. Identifying nodes of development,
269 such as in the Clinton neighborhood in southeast Portland, would help concentrate and grow
270 20-minute walkable neighborhoods.
- 271 • Staff would check with the City Attorney regarding the legal line where this Code
272 amendment would become a rezone.
- 273 • **Commissioner Churchill** said they were working backwards from the end result
274 envisioned. The ultimate arterial development was Hwy 99 in Milwaukie, which was not what
275 anyone wanted on the City's arterials. Nodes of small neighborhoods were better.
- 276 • Staff noted some areas like 32nd Ave had somewhat of a linear aspect especially with
277 regard to zoning. However, some great viable, bustling neighborhoods existed in
278 Portland that are in corridors, such as the Hawthorne Blvd area.

- 279 • Zoning around the Safeway area was literally just a block, and some businesses wanted
280 to string out from that area. While stringing the zoning out a long way was probably not
281 the way to go, the question was whether the Commission wanted that, and if so, to what
282 point was that acceptable.
- 283 • **Commissioner Wilson** preferred opening it up to the entire city as opposed to nitpicking the
284 map. The Commission could work on it in the future as applications came forward.
- 285 • **Commissioner Gamba** agreed opening it up might keep it from looking like a rezoning.
286 As the gatekeepers, the Commission would strategically look at what made sense for a
287 node.
- 288 • **Commissioner Fuchs** was worried that at that point, they were almost doing away with
289 zoning.
- 290 • **Commission Churchill** agreed, adding they would then just be looking at denial on a
291 case-by-case basis.
- 292 • **Chair Batey** could see the Commission having someone want to do something on a
293 completely residential street that the Commission did not want to allow, and then they would
294 have to justify why it was different from another project they had approved.
- 295 • **Commissioner Fuchs** added it would be on a street that was never planned or built for
296 that amount of traffic.
- 297 • **Commissioners Wilson and Gamba** explained that such projects were self-limiting
298 because applicants would still have to abide by the Residential Development Standards.
299 For example, a parking lot could not cover an entire lot because a certain amount of
300 green space is required.
- 301 • The CU aspect was not the core of the Residential Design Standards project. If the
302 Commission's direction was to develop and identify nodes, staff would probably not include
303 CUs in the project. The nodes suggestion would be better suited as its own individual project
304 and would need to be addressed in the Comprehensive Plan.
- 305 • CUs could be limited to arterials and collectors with the areas identified on a map and from
306 there the Commission could attempt to modify it.
- 307 • **Commissioner Churchill** cautioned that once they started that slippery slope and
308 opened it up without controlling the intent, it could get away from them. If the intent was
309 to drive development toward nodes, they should wait until they could identify or limit the
310 areas where that would be allowed.

- 311 • This could be accomplished with a Comprehensive Plan change and a zone change
312 for those nodes as a part of a bigger project; however, this would not happen for at
313 least two or three years.
- 314 • Nodes would not be created through the CU process but by a set of standards that worked
315 together with design, uses, and the entire thing. These were corridors. Corridors and main
316 streets were also part of the city, part of healthy neighborhoods, and part of how people get
317 around.
- 318 • Regarding the 32nd Ave and 42nd Ave Commercial Corridor Projects, they would be
319 discussing how to make 42nd Ave more of a node, but 32nd Ave would always be a
320 corridor, a main street. Each area was a little different. Moving forward with the CU
321 proposal would not weaken the other urban design conversations. Even if nodes were
322 the big idea, this project would be a bad tool to achieve that end.
- 323 • Opening it up to the collectors would create some nodes.
- 324 • **Chair Batey** was more concerned about having some control over the design and size, but
325 was less concerned about the strip aspect of it.
- 326 • Rather than having an arbitrary number concerning size, it could be tied either to the scale
327 of the neighborhood or size of the existing building. This same concept was used to govern
328 setbacks, where one could average the setback of the two houses on either side of the
329 proposed project. The new building being constructed would need to stay within some kind
330 of a mean or average of the surrounding buildings.
- 331 • Staff already struggled with the simple setback averaging standard in determining what
332 range should be used as the averaging tool. The CU process provides the Commission
333 a lot of discretion to make decisions versus creating objective standards. Remove the
334 arbitrary size limits was an option.
- 335
- 336 The Commission took the following straw polls:
- 337 • Should the City allow more CUs in its residential zones?
- 338 • All Commissioners responded 'yes' with the exception of Commission Churchill who
339 responded 'possibly'.
- 340 • Should there be limits on location for the CUs?
- 341 • All Commissioners responded 'yes' with the exception of Commissioner Wilson who
342 responded 'no'.
- 343 • Should there be limits on size for the CUs?

- All Commissioners responded 'yes' with the exception of Commissioners Wilson and Gamba who responded 'no'.

Discussion continued about the CU process addressing the size issue with these comments:

- The CU proposal was not necessarily just for existing buildings, but for residential lots with a new building, a modified home, or the removal and replacement of a home with a new business building.
- If the Residential Design Standards applied, they would already include some things about mass and compatibility with surrounding structures, so an arbitrary size limit might not be needed.
- Concern was expressed about the huge white house on the east side of 32nd Ave possibly being converted to a CU, like doctors' offices; it would not be a residential scale building at that point.
- The CU chapter included approval criteria as well as specific standards for specific kinds of CUs, which were very limited and covered things like surface mining. One standard for yards stated the yard of a CU in a residential zone had to be enough to make the building compatible. The standards could be beefed up to address some of the concerns.
- Since CUs had to come before the Commission to get their use at all, they did not have to be concerned about having a size limit because the Commission could just say 'no'.
- The Commission would need a tool to deny the CU on a very large lot. An appropriate size parcel and appropriate size development by residential standards on a very large lot would result in a very large commercial impact.
- A larger building would need more parking and have more potential traffic impacts. Through the CU process, the Commission could determine that too many impacts existed even without addressing the size of the building.
- Being on a collector or arterial, there were ways around impacts shown in traffic engineering reports.
- Staff had confirmed with the City Attorney that not having any standards and leaving it completely up to Commission's discretion would not open the City up to legal problems.
- Staff would research other cities to find different options or ways to craft some approval criteria or standards for the CU section, or find something not quite as arbitrary as a size limitation.

- 377 • **Commissioner Churchill** noted a size limit could be set and then take an exception case
378 on a very large lot. Leaving it wide open would leave them open to many things to have to
379 backtrack and try to constrain.
- 380 • The 2,000 sq ft size was a good size for a commercial use in a residential neighborhood
381 even on an arterial. Larger parcels and larger developments would have traffic
382 generation impacts off and on the arterial, which was what they were trying to avoid.
383 They did not want to generate trips but walkable, nodable neighborhoods with their own
384 character.
- 385 • He preferred starting with a limit and then the applicant could make a case for exceeding
386 the limit.
- 387 • Staff was also directed to look at size differences between existing buildings and scrape-
388 offs. If there was a 2,500 sq ft building and the limit was 2,000 sq ft, what was supposed to
389 be done with the remaining 500 sq ft?
- 390 • Staff clarified that the Commission had general concerns about impacts and compatibility
391 with the scale of the neighborhood.

392

393 **Mr. Mealey** reminded that the Code discussed specific uses like offices. The list of CUs was
394 very limited, and that list was being expanded to just a small extent to permit small offices and
395 other things in low-density zones. While the high-density zones allowed retail services, only a
396 half dozen more uses were added, which was important criteria to consider.

397

398 The Commission took a brief recess and reconvened at 8:24 p.m.

399

400 6.2 Summary: South Downtown – Implementation Strategy

401 Staff Presentation: Katie Mangle, Kenny Asher

402 **Ms. Mangle** stated City Council had adopted the South Downtown Concept as the vision for the
403 area south of Washington Street. Staff wanted to enlist the Commission's feedback on some
404 ideas as the project moved forward. She and Mr. Asher presented the South Downtown
405 Implementation Strategy, noting the changes property owners could make outside of any
406 regulatory changes would be critical to bringing South Downtown to life. A one-page handout
407 was distributed that outlined the latest informational update regarding the project and included
408 the resolution adopted by Council.

Kenny Asher, Community Development & Public Works Director, reviewed the City's history with the Center for Environmental Structure (CES) beginning in 2008, and the humanist development philosophy they worked by. CES had worked with the "Group of 9" to create a Pattern Language for South Downtown that highlighted the aspects of the area that the community wanted to celebrate and preserve.

- Due to communication issues, the City changed firms and partnered with Walker Macy to extract implementable ideas from the Pattern Language, and the project was now in Phase 4.
- He summarized the South Downtown Concept Plan, noting the public space circulation, plaza location, preserved views, and pedestrian connectivity with the light rail station.
- City Council adopted the plan on September 6, 2011. Staff had asked Council to adopt the Concept Plan by resolution. Adoption of the Concept Plan alone was not enough – staff was now working on how to implement the ideas.
- Presented a list of "Important Patterns for Buildings in the South Downtown" and noted that Ms. Mangle and he had reviewed the Pattern Language in depth to tease out the essentials and conflicts and determine the realities of implementation.

Ms. Mangle described the challenges with the concepts, and that holding to the great ideas in the Concept Plan and Pattern Language would require creativity and innovation. She noted that the adopted Downtown and Riverfront Framework Plan and the South Downtown Concept Plan had many similar ideas and concepts, including the mixed-use, people-oriented development; connection to parks and creeks; etc. However, there were specific use and anchor ideas that were different in the South Downtown Concept Plan. She noted the Concept Plan was geared toward smaller scale development and activity rather than bigger scale campus-type development.

Mr. Asher clarified that along with Council's endorsement of the Concept Plan, the resolution included a work plan for the Planning and Community Development Departments, which involved zoning code changes and other work to allow for the implementation of the Concept Plan and light rail station area plans. He reviewed the aspects of the Pattern Language that would be carried forward:

- The granularity and texture pattern allowed for development of the area over time with incremental changes, to make it more livable and comfortable. There would need to be a balance between flexibility and restrictions of development.

- The pattern that new construction is unregulated was inconsistent with other patterns and went too far. Although the City wanted to allow for faster transitions for development, there still needed to be some regulation.

Mr. Asher added that for early implementation, the Community Development Department understood that there needed to be more activity in that part of town. Some ideas for “small moves” to start using the area included adding a mid-week Farmers’ Market, cleaning and painting buildings, adding food carts, closing the street for events, etc.

- Work for the light rail station and with property owners was still continuing.

Comments and questions from the Commission were addressed by Mr. Asher and Ms. Mangle with additional discussion as noted:

- One suggestion for a “small move” was to have a band and food booths to create some kind of critical mass element in South Downtown on first Fridays. One month, the Clackamas County Parks and Recreation District had a kids van doing kids’ activities. The City should have things to get people to South Downtown and start thinking about it as place to go.
- Some of what used to be abandoned or nasty little parking lots were now some of the most hopping places in the entire city of Portland because of food carts. Nothing brings people together like little collections of great, cheap food.
 - Something to be considered with the food carts was their impact on the downtown restaurants, although the increased activity might encourage more business for them.
- An information kiosk could be placed in the plaza with a conceptual drawing including Kellogg Creek, Riverfront Park, and South Downtown so that people visiting the site would get excited about all the different plans.
- There should be something for teens in the area other than just a pizza place. This issue of doing whatever possible to connect with the high school had been brought up a lot during the Advisory Committee.
 - High school students liked the food cart idea as well.
- **Commissioner Churchill** agreed with compelling smaller scale development discussed in the second bullet of the staff report on 6.2 Page 3 but some existing buildings still did not have the appropriate scale for that plaza, such as the post office building.
 - Regarding the point that commercial space could receive occupancy space with minimal interior finishes, he stated that when trying to develop a fabric off a plaza like that,

encouraging commercial space to receive occupancy permits with minimal interior finishes could lead to the wrong scale development in that area.

- If the post office building, for example, was not encouraged to really break the scale down, it could detract from the concept of the plaza and the development in the area.

- Mr. Asher responded that the tension in the Concept Plan was captured in those two patterns. On one hand, they wanted a place that could develop with a certain quality of almost yeoman-like, do-it-yourself, noncorporate, organic approach to development, which meant the Codes could not be too prohibitive. There needed to be a certain freedom to allow individuals to exercise their construction or craft. In this planning process, people got excited that this really was about the community and about real people doing real work in creating and using the area. They were trying not to lose that creative element while also trying to protect the area from being downtrodden or ramshackle. Protecting plaza and outdoor spaces, the scale of buildings and how to address public spaces, etc., were all important, but also created that tension.
 - Staff discussions regarded this area coming together over time, and maybe the rules would change over time. If the plaza was not finished in the first five years, maybe they did not need to hold those buildings to the standard of protecting the plaza but encourage life and reuse in the area. They could get to the point where adjustments are needed, because the place was maturing and the plaza was in their sights, so at that point, the buildings had a different job to do.
 - Trying to insert that fourth dimension of time into the regulatory framework was one way to deal with the tension, because the job of the place would change over time.
 - If the existing buildings remained for a long time and low rent uses are allowed forever, the City would not get some of the qualities and spaces desired. On the other hand, if certain qualities and spaces were required on Day One, they would not get the life and artisan quality that people wanted.
- Staff was asked to remind the Commission who owned the parcels indicated on Pages 14 of the parcel framework and Page 22 of the Walker Macy plan.
 - The .13 acres on the southwest corner of Washington St and Main St was owned by Dr. Belori, the dentist. Everything else in the lighter shade of purple was owned by the City. Across Main St, the .13 acre, .08 acre, .26 acre and .13 acre was owned by the Bernards. The .26 acre and .18 acre was owned by the Shipleys. Across Adams St to the south, the .37 acre, which people called the post office building, was also owned by the Shipleys. Everything in yellow overlapping the light rail station, and the .16 acre on

the east side of the light rail station in purple, would all be owned by TriMet. Even though today it was a combination of Union Pacific and private ownership, TriMet would acquire that property for the light rail project. The triangle site to the east of the light rail platforms hopefully would be sold for development to do the train station building which was an idea that came from this planning process.

- **Commissioner Churchill** noted it came down to two primary landowners, the Shipleys and Bernards. He asked how the City would encourage development of those parcels in a way that reinforced the organic growth so it becomes the fabric they were trying to achieve from earlier studies, given the existing compilation.

- **Mr. Asher** replied that was another tension. Everyone in the community might love the plan except for the property owners, and they needed to be careful about that because laws exist that would protect their property rights.

- They needed to think about the sequencing of development and desired outcome, but also the common sense of incremental development.

- The garage in the Bernard holdings was particularly well suited for an adaptive reuse in short order. As an example, the auto shops in Portland that have become brew pubs. The configuration of the building facing Washington St is tailor-made for that idea, which has been shared with Mr. Bernard.

- Issues exist about where retail use is allowed, but three buildings were present that had potential. The idea was not to think about South Downtown as one ultimate plan, but to plan for a process of enlivening the area by changing the zoning.

- The City needed a zoning code that worked over time and with different scales of buildings.

- One issue was that the current downtown zoning Code mandated the ultimate build-out now, which was one thing holding them back. The block with Bernard's Garage was a perfect case study. The owners had bigger visions, but were limited by the zoning. Redevelopment using new buildings, old buildings, or a combination was possible that met the goals of the Pattern Language. Code language was needed to allow for all those scenarios, but insisted on what is important.

- The areas across Washington St and across 21st Ave would be the first areas outside the South Downtown area to be impacted by new development, as well as the area right across from the light rail station. Would the new zoning tools apply to those areas as well?

- 543 • **Ms. Mangle** replied 'no'. The study was very specific to the South Downtown area
544 largely because it was so highly redevelopable. In that way, it was different from areas
545 north of Washington St.
- 546 • One aspect of the Commercial Core Enhancement Program was a downtown Code
547 refresh. They had a good vision, but some Code elements were hindering them from
548 realizing that vision. They hoped to do the refresh for all of downtown. In trying not to
549 hold that off for too many years, staff had been identifying the low hanging fruit for
550 that project. Similar to the CUs conversation, the City might be able to allow a more
551 robust list of uses with a few small changes and without having to turn it into a huge
552 project.
- 553 • Staff was thinking about the whole area, while also trying to limit the scope, because
554 all the work being done was so specific to this area, and they wanted to respect that.
555 Also, in terms of workload management, staff wanted to make sure they were not
556 biting off more than they could chew.
- 557 • The original group talked about the South Downtown project being a Genesis point,
558 where they changed the way things were done and then that would spread throughout
559 the city.
- 560 • The .18 acre lot owned by the Shipleys across from the post office would be a great
561 backdrop for a series of food carts. It would not have to be right on the plaza center, but
562 would certainly draw to downtown and feed to the high school.
- 563 • Adams St would have to be closed sooner rather than later because of light rail, so with
564 that parking lot plus the Adams St right-of-way, there was quite a bit of space for that
565 type of thing.
- 566 • In thinking about next steps, it was important to remember that the area would be torn up
567 almost entirely on the 21st Ave side as soon as the light rail construction began. They
568 needed to be careful about what they took on and tried to pull off during all the construction
569 activity.
- 570 • The little section of Lake Rd between Main St and 21st Ave was being renamed by Council
571 direction to Main St, as a continuation of Main St, which was a good change.
- 572 • The light rail project would provide quite a few street improvements, and maybe staff would
573 figure out how to get improvements on Adams St as well. The construction would be
574 unfortunate, but a lot of the streetscapes would become a lot nicer as a result of the light rail
575 project.

- During light rail construction, at least one lane of 21st Ave would have to stay open because emergency vehicles could not make it under the existing railroad trestle.
- The presence of the construction was important to consider when wanting to draw high school students to the plaza for lunch to spark vitality in South Downtown.

Ms. Mangle stated staff would return for additional discussion on this issue.

The Commission continued to Item 9.0 Forecast for future meetings at this time.

7.0 Planning Department Other Business/Updates

7.1 Neighborhood Corridors Project: 32nd and 42nd Avenues

This item was taken out of order and addressed following 5.0 Public Hearings.

Ms. Mangle explained the Commercial Core Enhancement Program has been envisioned as a multifaceted Planning project to deal with various issues such as economic development, urban renewal, downtown and commercial area enhancement. The City was awarded a grant by Metro of more than \$200,000 to do that work, but it was now stuck in a lawsuit, limiting access to the funds. Staff has been considering what to move forward on without the grant, and decided to focus on the 32nd Ave and 42nd Ave corridor areas. The project would not be very complex, but would require a lot of neighborhood and property owner involvement, specifically from commercial property owners in the area. Key items to address would be zoning and policy changes to nurture economic development and maintain a nice scale. Some Planning budget funding would be dedicated to the project, and a team of Portland State University graduate students from the Planning program would be recruited to help with outreach, including interviewing property owners, etc. This project would probably start up in early 2012. Parts of the project would involve uses, building design standards, and could include signs.

7.2 Electronic Signs Project: Council Hearing

Ms. Mangle stated staff was preparing for a City Council public hearing on October 18 on the Electronic Sign Code Amendments package adopted by the Commission last month. She wanted to ensure that at least one Commissioner attended the hearing so Council could hear directly from someone on the Commission. Councilors expressed concerns about three aspects of the proposal, the time limit, size limit, and retroactivity, which involved whether proposed time

The Commission had deliberately stated that the standards would apply to all signs regardless of when they were constructed.

- Staff was asked to prepare a few alternatives, which would be shared with the Commission on Friday when presented to Council. The sense was there was not a question about the overall goals of the project, but about the same details the Commission had heard from people and had wrestled with. No new letters or correspondence had been received outside of what had been included in the Commissioners' meeting packets.
- In the Sign Code draft, the time limit was two minutes and the size limit was 50% or 50 sq ft, whichever was larger.

Chair Batey encouraged everyone who was able to attend the City Council hearing.

The Planning Commission returned to 6.0 Worksession Items at this time.

8.0 Planning Commission Discussion Items – None.

9.0 Forecast for Future Meetings:

October 25, 2011 1. Public Hearing: CSU-11-02 Ukrainian Bible Church
2. Worksession: Residential Design Standards Project Draft Code
Amendments

November 8, 2011 1. Public Hearing: WG-11-01 Kellogg Lake light rail bridge
2. Public Hearing: MOD-11-01 Trolley Trail for light rail

Ms. Mangle confirmed the forecast was still accurate and briefly reviewed the upcoming meeting items. Chair Batey was the only sitting Commissioner when the CSU was previously approved for the Ukrainian Bible Church; this modification was minor comparatively. She sought direction about how to navigate through the Residential Design Standards Project without having to repeat policy discussions at the Commission that were addressed by the Steering Committee. She encouraged the Commissioners to meet for a study session with Ms. Shanks if needed. Staff tentatively scheduled two hearings for the Kellogg Lake Bridge and Trolley Trail applications.

643

644 Meeting adjourned at 9:17 p.m.

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647 Respectfully submitted,

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652 Paula Pinyerd, ABC Transcription Services, Inc. for

653 Alicia Martin, Administrative Specialist II

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657 _____
Lisa Batey, Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Katie Mangle, Planning Director

From: Ryan Marquardt, Associate Planner

Date: January 4, 2012, for January 10, 2012, Worksession

Subject: Residential Development Standards Recommendations – Single-family Dwelling Development & Design Standards; Conditional Uses (briefing 2 of 3)

ACTION REQUESTED

None. This is a briefing for discussion only. This is the 2nd of 3 worksessions scheduled to prepare the Planning Commission for the first hearing on code amendments related to the Residential Development Standards (RDS) project.

BACKGROUND INFORMATION

A. History of Prior Actions and Discussions

- **December 13, 2011:** The Commission was briefed on topics in the RDS code amendments, focusing on multifamily standards, cottage cluster housing, rowhouses, and land/building ownership configurations.
- **October 25, 2011:** The Commission was briefed on the proposed code amendments for the Residential Development Standards project and identified topics for further discussion.
- **October 11, 2011:** The Commission discussed one aspect of the project: conditional uses in residential zones.
- **September, 2011:** The Planning Commission discussed some aspects of the proposed multifamily design standards during a joint study session with City Council.
- **June, 2011:** The Planning Commission discussed some aspects of the proposed single family design and development standards during a joint work session with City Council.
- **October 2010:** Staff provided the Planning Commission with a project setup summary including the scope of work and project schedule, and discussed the formation of a Commission subcommittee to guide the project.

- **March 2010:** Staff provided the Planning Commission with a copy of the intergovernmental agreement between the City and the State of Oregon that commits the City to prepare draft code amendments based on priorities that were identified in the 2009 *Smart Growth Code Assessment Final Report*.
- **October 2009:** Staff presented the 2009 *Smart Growth Code Assessment Final Report* to Council. Council concurred with the code amendment priorities identified in the report and requested that staff move forward with the next phase of the project.
- **August 2009:** Planning Commission reviewed and provided concurrence on the Action Plan presented in the 2009 *Smart Growth Code Assessment Final Report*.
- **July - August 2009:** Planning Commission held two worksessions to discuss the consultant's code assessment findings prepared during Phase I of the Smart Growth Code Assistance project.

B. Adoption Schedule

At the January 10th meeting, staff will ask the Planning Commission if it is ready to hold the first hearing on adoption of the RDS code amendments on February 14, 2012. This schedule would allow for one more worksession on January 24, 2012 to discuss accessory dwelling units, accessory structure regulations, and any other topics that commissioners want to revisit before opening the public hearing. Staff anticipates at least two Planning Commission public hearings on the amendments.

If the Commission indicates it is ready to proceed on February 14th, staff will send out a Measure 56 notice by January 25, 2012. This notice is required by state law to be sent to all property owners when proposed regulations may affect the permissible uses on their property. The notice must be sent out no later than 20 days prior to the first hearing on the proposed regulations. Staff estimates the notice will be sent to over 7,000 properties in the city. A draft of the Measure 56 notice is in Attachment 1, and staff welcomes any comments commissioners may have on the notice and its content.

Staff encourages commissioners to read through the commentary sections of the most recent draft of the code amendments. The most recent draft is available on the Planning Department home page (<http://www.ci.milwaukie.or.us/planning>) under the "Residential Development Standards Update Project" heading. Reading the commentary will provide an overview of the contents of the amendments. It may help commissioners decide if one more worksession is adequate to address questions or comments about the amendments before considering the amendments at a public hearing.

RESIDENTIAL DEVELOPMENT STANDARDS PROJECT TOPICS

This section of the report describes the topics that staff will cover at the worksession on January 10, 2012. The Planning Commission selected these topics for further discussion in October 2011.

A. Single-family Dwelling Design Standards

One of the major goals of the RDS project is to improve the design of new and significantly expanded single-family dwellings. The zoning code currently has a very minimal set of design standards that are among least stringent in the region. The RDS amendments would improve include the following standards.

1. Articulation

The standards require elements on the dwelling's façade that prevent the building from presenting a blank wall. One element is required for every 30 lineal feet of the façade, and the elements may include a porch, balcony, bay window, or offset in the building's face.

2. Eyes on the Street

This requires that the street-facing façade have windows and entry doors on at least 15% of its area. This standard is intended to increase the visibility of the street from private dwellings, which helps to increase the overall safety of the street. It also makes dwellings appear more inviting.

3. Main Entrances

Main entrances are required to face the street or open onto a porch that faces the street. A door must also be either on the longest street-facing wall or be no further than 8 ft behind the longest street-facing wall.

4. Design Details

A dwelling must include 5 out of a list of 14 design details. The details include items such as siding, eave depth, or larger porch area. These details are intended to enhance the appearance of the dwelling through inclusion of quality materials and façade elements.

These standards would apply to new dwellings, the street-facing façade of additions greater than 300 sq ft, and the street-facing façade of garage conversions.

B. Garage Standards

The RDS amendments include some basic standards for the placement of garages. The basic standard is that a garage cannot be closer to the street than the front of the house. There are exceptions that allow the garage to be up to 5 ft in front of the house if the garage is even with a front porch or there is a second story with windows above the garage. Attached garages are also limited to 35% of the width of a street-facing wall, though an attached garage of up to 12 ft in width is allowed regardless of the percentage.

C. Garage Standards

The RDS amendments include some basic standards for the placement of garages. The basic standard is that a garage cannot be closer to the street than the front of the house. There are exceptions that allow the garage to be up to 5 ft in front of the house if the garage is even with a front porch or there is a second story with windows above the garage. Attached garages are also limited to 35% of the width of a street-facing wall, though an attached garage of up to 12 ft in width is allowed regardless of the percentage.

D. Lot Coverage

The Planning Commission wanted more information about the different lot coverage allowances. Lot coverage is a development standard that regulates how much of a lot's area is covered by structures. Patios, driveways, and other impervious surfaces are not counted as lot coverage, though they count against the standard that requires a certain percentage of a lot to be vegetated. The current lot coverage standard is a set numerical percentage that

applies equally to all lots in the same zone. The RDS amendments would modify the lot coverage standards as follows.

1. Decreased Lot Coverage for Large Lots

Large lots would be defined as any lot in the R-10, R-7, or R-5 zone that is at least 2.5 times the minimum lot size for the zone. The lot coverage for large lots would be decreased by 10 percentage points. The rationale for this change is to prevent structures on these lots from being out of scale in comparison to structure sizes allowed on most lots within the zone. Though the lots may be larger, the structures are not necessarily spaced further apart from neighboring properties, particularly for lots with a large lot depth.

As an example, a 7,000 sq ft lot in the R-7 zone allows 2,100 sq ft of lot coverage (30%). A 17,500 sq ft lot in the R-7 zone allows a lot coverage of 5,250 sq ft. The proposed change would limit the lot coverage to 3,500 sq ft (20%).

2. Increased Lot Coverage for Accessory Dwelling Units

Lot coverage would be increased by 5 percentage points for construction of a new detached Accessory Dwelling Unit (ADU). This would make it somewhat easier for properties to be able to add an ADU. For a 7,000 sq ft lot, the 5% increase would allow an additional 350 sq ft of lot coverage.

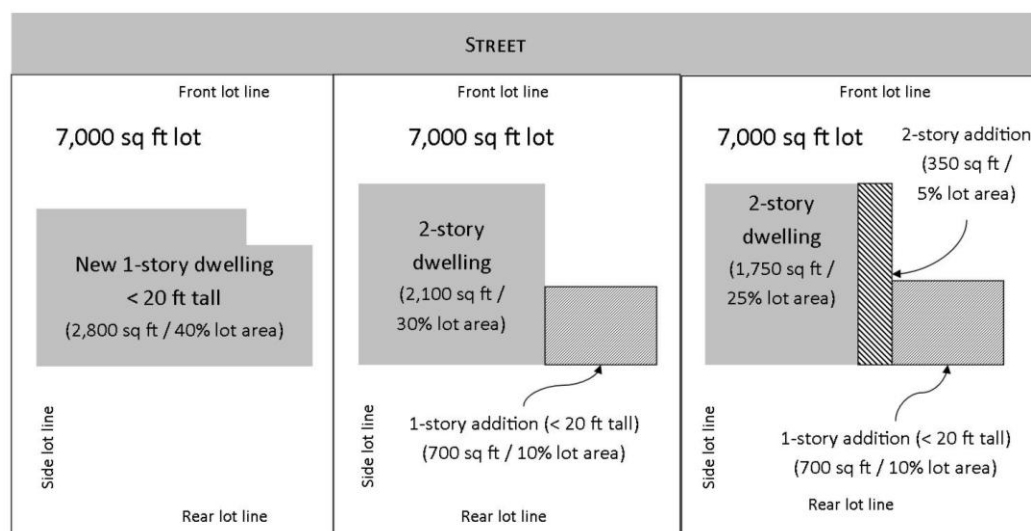
3. Increased Lot Coverage for Duplexes and Rowhouses

Lot coverage would be increased by 20 percentage points for duplexes and rowhouses. Duplexes are allowed outright in the R-5 – R-1-B zones, and allowed in specific places or with discretionary review in the R-10 and R-7 zones. Rowhouses are allowed only in the R-3 – R-1-B zones. The lot coverage increases may make both of these types of development more feasible to build.

4. Increased Lot Coverage for Single-Family Dwellings

Lot coverage would be increased by 10 percentage points for single-family detached dwellings, regardless of whether they are new development or additions to existing development. The limitation on this increase is that portions of the building in excess of the regular lot coverage standard are limited to 20 ft / 1-story in height. All other development standards (setbacks, minimum vegetation) must be met. Milwaukie's lot coverage standards are more stringent than most other jurisdictions in the region, and this allowance provides some flexibility from the standard while also limiting the mass of the increased building size. This allowance is available in all residential zones (R-10 – R-1-B).

The figures below illustrate how the increased lot coverage could work for a 7,000 sq ft lot.



Figures illustrate lots at 40% lot coverage in various configurations. Not to scale.

These lot coverage adjustments are all allowed outright, meaning that no additional land use approvals are needed. The adjustments also work cumulatively, so that a property could take advantage of an increase for an ADU as well as an increase for an addition to a single-family dwelling.

Staff did explore other approaches to controlling the massing of development on a lot. The most common alternative to lot coverage appears to be regulating the Floor Area Ratio (FAR) of a lot. This approach limits the amount of floor maximum amount of floor area (habitable areas within a dwelling) based on the lot size. One drawback of this approach is that that there is less certainty about the form of a building. An FAR regulation may result in a 2-story building that is roughly similar to the footprint of nearby existing developments, or a 1-story building that has twice the footprint of the nearby developments. Lowering the FAR to limit the footprint of a 1-story building would result in correspondingly narrower 2-story houses. Staff believes that the combination of height limits and lot coverage standards will yield a more predictable style of development. Regulating FAR also introduces complications about regulating sheds, carports, and garages. The area in or under these structures do not count as floor area. Switching to an FAR regulation would still require a lot coverage standard to address the size of these structures.

E. Building Height Measurement

Planning Commission asked for a more detailed explanation of how building height is measured. The proposed amendments would change the method for determining building height. Building height is determined by the distance between the base and top of the building. These two points can be defined in different ways.

The current code defines the base as either “the adjoining street centerline grade” or “the average elevation of the finished grade at the front of the building” if the building is set back from the street. The top of the building is defined as “the highest point of the roof surface of a

flat roof, [...] the deck line of a mansard roof, or [...] the mean height between the eaves and the ridge for a gable, hip, or gambrel roof”.

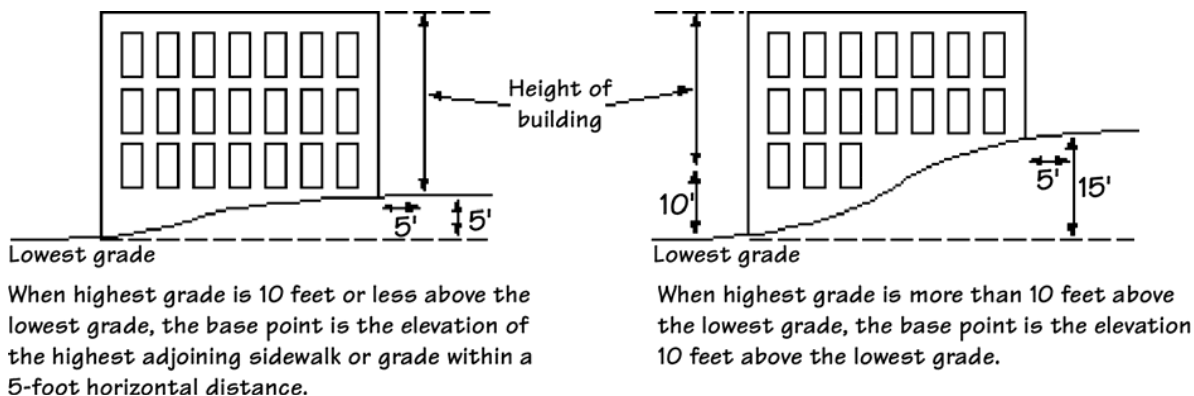
An issue with this method of measurement is when a lot slopes downward from the street. Although the height limit on the front of the building is limited, the building height at the rear of the building can be very tall if the land slopes downward steeply.

The proposed amendments would determine a base point as described in the figure below. For flat lots (less than 10 ft elevation difference), the base is the highest point within a 5 ft distance of the building. For lots that have more than a 10 ft elevation difference, the base is a point that is 10 ft above the lowest grade.

The measurement of height on flat lots would not change in any significant way, while the measurement of height on sloped lots would better account for topography in measurement of the building height.

The proposed measurement for the roof height would not change in any substantive way. Figures would be added to better illustrate the roof heights for various roof styles.

Proposed Building Height Measurement Methodology



F. Conditional Uses

The Planning Commission wanted to further discuss the allowance for a broader range of commercial uses as conditional uses in some residential zones.

In the current code, professional offices and similar uses are allowed as conditional uses in the R-3, R-2, R-2.5, and R-1 zones. They are permitted outright in the R-1-B zone, and not allowed in the R-10, R-7, and R-5 zones. There are not any further criteria that would qualify or disqualify a site from having an office use, such as location or site size.

The RDS amendments would not change the allowance for offices in the R-3 – R-1-B zones. The amendments would add ‘personal and business services’ (dry cleaners, salon, etc.) as conditionally allowed uses in the R-3 – R-1-B zones. There would not be any further location or other criteria that would qualify or disqualify a site from these uses.

The other change in the RDS amendments is that offices would be allowed as conditional uses in the R-10, R-7 and R-5 zones. There are two limitations on office uses in these zones: (1) The property is located on an arterial street; and (2) The use is limited to 2,000 sq ft or

less, with an exemption that may be granted to exceed 2,000 sq ft for use of an existing building.

An alternate idea for allowance of office uses in the R-10 – R-5 zones is to allow them at nodes where major streets intersect, rather than along arterial streets.

Attachment 2 shows areas eligible for offices as a conditional use based on having frontage on an arterial street. The major areas where offices could be permitted are along Linwood Ave, Lake Rd, King Rd east of 42nd Ave, and Harrison St between 34th and 40th.

Attachment 3 shows areas eligible for offices as a conditional use based on being within 300 ft of the intersection of a highway or arterial street and a collector, highway, or arterial. These criteria are staff's initial thoughts on the appropriate intersections and distances. The major nodes where offices would now be allowed are 2 nodes on River Rd at 22nd Ave and McLoughlin Blvd; Lake Rd at Oatfield Rd/34th Ave; Oak St at Highway 224; and 37th at Harrison St.

Staff supports the proposal to allow offices as a conditional use along arterial streets for multiple reasons.

1. Lots along arterial streets are often not as desirable for residential uses.

A general analysis of land values supports the idea that lots along arterials streets are not as desirable. Attachment 4 illustrates land value per square foot for lots in the R-10, R-7 and R-5 zones. The map shows that lots on arterial streets tend to have a lower land value than lots not located on arterials. A rough calculation of average land values confirms this general trend. The average land value (price per square foot) of R-10, R-7 and R-5 lots on arterials streets is about \$5.86 per square foot, while the average land value of all other lots in these zones is \$10.03 per square foot.

The land value map and statistics are a broad-level analysis that is influenced by multiple variables. However, the data does show that the subset of R-10, R-7 and R-5 lots on arterial streets does have a lower average land value.

2. Allowing offices as a conditional use helps to allow the best use of residentially zoned properties on arterial streets.

In addition to being less desirable for residential uses, lots along arterial streets are likely more desirable for office uses, as evidenced by the high number of home occupations and nonconforming office uses that exist in these corridors. Staff believes that site visibility and proximity to higher traffic volumes is the main factor in being less desirable for residential and more desirable for office uses.

3. Allowing offices as a conditional use along arterial allows more options for land uses for a larger number properties.

Allowing office uses for nodes would allow some properties in the city to take advantage of having a wider array of possible uses. However, it would extend this to a more limited number of properties than allowing office uses along arterial streets. There are about 300 lots that would be eligible based on having frontage on an arterial street. There are approximately 100 lots that would be eligible based on node areas described above. This is mostly a function of Milwaukie having few intersections of major streets that are not already zoned for commercial or high density residential uses.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Draft Measure 56 Notice
2. Map of Properties Eligible for Office Uses – Arterial Frontage
3. Map of Properties Eligible for Office Uses – Major Street Intersection Nodes
4. Map of Properties Eligible for Office Uses – Land Value of R-10, R-7 and R-5 Lots

THIS IS TO NOTIFY YOU THAT THE CITY IS CONSIDERING ADOPTION OF LAND USE REGULATIONS THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY
(Land Use File #ZA-11-03)



MILWAUKIE
Dogwood City of the West

WHY THE CITY IS SENDING THIS NOTICE

State law requires cities to inform property owners about proposed land use regulation changes that may affect what development projects can be constructed on their property. You are receiving this notice because you are the owner of residential property in the City, and the proposed changes to the City's residential development and design standards potentially affect every residential property in Milwaukie.

HOW THE PROPOSED REGULATIONS MIGHT AFFECT YOUR PROPERTY

The land use regulations will revise the standards for residential development and design. If you are considering development or redevelopment of a residential property in the City, the proposed regulations may affect the standards the project is subject to and the process it would have to go through to gain approval.

WHY THE CITY IS PROPOSING NEW REGULATIONS

The City currently has design standards for new single-family homes, but there has been neighborhood concern about new infill housing (and significant additions) not being compatible with existing housing in height or scale. In addition, the City doesn't have design standards for multifamily housing and doesn't allow certain kinds of housing that many property owners want, such as detached accessory dwelling units (i.e. granny flats or mother-in-law suites), rowhouses, and cottage clusters. In response to these community concerns, City Council directed staff to address these issues through this project. To address these issues, the City is proposing to change its land use regulations, which are located in Title 19 of the Milwaukie Municipal Code, to revise the City's residential development and design standards.

THE PUBLIC PROCESS TO DATE

City Council directed the City's Planning Department to begin this project in 2009. These proposed regulations are the result of an 18-month long project to update the City's residential development and design standards. To date, City staff has conducted online surveys; interviews with community members; hosted stakeholder focus groups with Neighborhood Association leaders and developers; held a Housing Choices Workshop and a project Open House; and provided 13 staff updates to the Planning Commission and City Council. In February 2011, staff convened a 10-member project steering committee to guide the project policy. A full description of public outreach activities to date is located at <http://www.ci.milwaukie.or.us/planning/community-involvement-and-outreach>. Although a great deal of work has been done, the project is ongoing and there are still opportunities for participation and comment.

HOW TO LEARN MORE ABOUT THE PROPOSED REGULATIONS

- The City will be hosting an informal question and answer session about the proposed amendments on **Wednesday, January 18, from 3 to 6 p.m. in the City Hall Conference Room, 2nd floor.**
- Project information is available on the City's website: <http://www.ci.milwaukie.or.us/planning/residential-development-standards-update-project>.
- The proposed regulations, all supporting documents, and all applicable City ordinances are available for review at the Johnson Creek Facility (address at bottom of page) or online at: <http://www.ci.milwaukie.or.us/planning/residential-development-standards-update-project>. Copies of the materials can be obtained at a reasonable cost.

SUMMARY OF PROPOSED CHANGES

- The regulations apply to new single-family houses and new multifamily buildings, as well as some additions to existing residential buildings.
- Density standards (the number of dwelling units permitted per acre) will not change. Rather, the regulations will provide additional tools to shape the design and form of multifamily development where it is already allowed.
- Proposed revisions to single-family standards include:
 - Establishing a maximum percentage of a house's façade that can be composed of a garage to make sure that garages do not dominate the front of the house.
 - Requiring additional design features on the street-facing walls of new houses to make sure that new houses contribute positively to the neighborhood and pedestrian environment.
 - Compatibility standards to make sure new houses respect existing houses.
 - Permitting detached accessory dwelling units in all residential zones. This would allow a property owner to have a smaller house in the rear of the lot, or an apartment above a detached garage.
- Proposed revisions to multifamily standards include:
 - Establishing design standards for multifamily residential development. This would require new multifamily development to meet site and building design standards.
 - Allow cottage cluster and rowhouse development in the zones where multifamily development is already allowed.
- Proposed revisions to accessory structure standards include:
 - Allowances for larger accessory structures with additional setbacks. Currently, accessory structures cannot exceed 500 square feet for a typical lot in the City.
 - Prohibiting tarps and other fabric structures where they can be seen from the sidewalk or street.
 - A new section for sustainability-related accessory structures, such as rainwater cisterns and wind mills.

HOW TO COMMENT ON THE PROPOSED REGULATIONS

The Milwaukie Planning Commission will hold a public hearing on the proposed changes (Land Use File #ZA-11-03) at the date, time, and location listed below:

Date: Tuesday, February 14, 2012

Time: 6:30 p.m.

Location: Milwaukie City Hall – 10722 SE Main Street – Council Chambers, 2nd floor

The materials provided to the Planning Commission for the hearing will be available at 8:00 a.m. on Wednesday, **February 8, 2012**, at the Planning Department, Ledding Library (local information shelf), City Hall (10722 SE Main St), and online at <http://www.ci.milwaukie.or.us/planning/planning-commission-50>. If the Planning Commission recommends approval, the proposed regulations will be considered for adoption by the Milwaukie City Council at a future public hearing.

The Planning Commission is interested in hearing your comments on this proposal. You are invited to attend any or all of the hearings and/or submit written comments to the Planning Department before the hearing begins. You may also submit written comments or present verbal testimony at any or all of the hearings.

Contact Info: Li Alligood, Assistant Planner
 Planning Department; 6101 SE Johnson Creek Blvd; Milwaukie, OR 97206
 Email: alligoodl@ci.milwaukie.or.us
 Phone: 503-786-7627

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

