



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

Meeting held online via Zoom  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

November 24, 2020

**Present:** Robert Massey, Chair  
Lauren Loosveldt, Vice Chair  
Greg Hemer  
Amy Erdt  
Adam Khosroabadi  
Jacob Sherman  
**Absent:** Joseph Edge

**Staff:** Laura Weigel, Planning Manager  
Vera Kolias, Senior Planner

(00:13:00)

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

**Chair Massey** called the meeting to around 6:30 pm 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.milwaukieoregon.gov/meetings>.

(00:01:10)

### 2.0 Planning Commission Minutes

**2.1 Commissioner Hemer** had a correction to the work session item 6.1. He would like the ordinance to be called "Emergency Evacuation Shelter Plan."  
**Chair Massey** had a few corrections to the worksession as well. He would first replace the first sentence with the following text, "Commissioner Massey observed the code change specifically addressed natural disaster self-evacuees bringing their own shelter. While the other issues discussed are important, trying to solve all those problems would delay a quick resolution of the issue at hand." The last sentence should read, "A footprint standard should be used to determine the number of vehicles allowed for a given area rather than a set number of vehicles for all locations regardless of area."

**Commissioner Sherman** motioned to approve the minutes as amended.  
**Commissioner Loosveldt** seconded the motion. The amended minutes were approved.

(00:04:00)

**3.0 Information Items**

**3.1** No public testimony was presented for this portion of the meeting.

(00:04:10)

**4.0 Audience Participation**

**4.1** No public testimony was presented for this portion of the meeting.

(00:04:48)

**5.0 Public Hearings**

**5.1** Summary: The purpose of this discussion was to correct the review process going forward for PD-2020-001 Waverly Woods.

**Vera Kolias** explained that corrections were needed because the previous timeline did not allow for an updated staff report, findings, conditions, and an opportunity for the public to respond to the new information.

The proposed corrections were as follows:

- 11/10: deadline for new information/submittal of written testimony
- 11/17: deadline for responses to information submitted by November 10; notice sent for 11/24 Planning Commission meeting to consider a new schedule order
- 11/24: Planning Commission meeting; agenda to include a brief staff report to explain that the Planning Commission should establish a new order for the schedule of this land use review
- 12/8: continued Planning Commission hearing to include written and oral testimony regarding the information submitted to date, including the staff report, findings, and conditions
- 12/15: deadline for applicant's last written argument
- 1/12/21: continued Planning Commission hearing for deliberations

**Chair Massey** asked Ms. Kolias when would the 120 days expire?

**Ms. Kolias** responded, January 9, 2021 would be the 120<sup>th</sup> day. The Planning Commission needed an extension from the applicant and would seek one during the next Planning Commission hearing, which was scheduled for December 8, 2020. It was impossible to continue the hearing without an extension. The extension must account for the City Council hearing as well. The applicant was aware of the need for an extension.

**Chair Massey** asked, Ms. Kolias what outreach actions were conducted to ensure the community was aware of the changes mentioned above?

**Ms. Kolias** responded, the Planning Department sent a memo to all abutters within 400 ft of the project site and all identified interested parties. Also, the department emailed a memo to anyone who submitted comments orally or written during the October 27th hearing and individuals who submitted comments in the last several weeks. Every abutter within 400 feet of the property received a hard copy of the memo. Those were the same individuals who received the original public hearing notice.

**Chair Massey** responded, he appreciated the Planning Department's outreach to ensure the public was aware of the changes.

**Commissioner Hemer** motioned to update the motion that was approved on October 27th regarding the review process for land use application master file PD-2020-01 and its associated applications.

**Commissioner Khosroabadi** seconded the motion.

All Commissioner in attendance approved the motion.

(00:11:00)

## **6.0 Work Session Items**

**6.1** Summary: The purpose of this discussion was for Ms. Kolias to present an update about the Comprehensive Plan Implementation Project.

**Activities with the Consultant:** The consultant had submitted a draft of the code audit to staff for review. The code audit report was a detailed analysis that identified any conflicts or any issues with the current code and regulations. The report was related to the Planning Department's policy directives, opportunities to create more housing, House Bill 2001, tree preservation and protection, and residential off-street parking requirements.

**The Comprehensive Plan Implementation Committee meetings:** A copy of the draft was sent to the Comprehensive Plan Implementation Committee in time for their December 17th meeting. The committee had two weeks to review the draft prior to discussing the document. The consultant and staff

completed over 30 stakeholder interviews. During those interviews, they discussed key livability issues. On November 19th, the Comprehensive Plan Implementation Committee had their third meeting. The topics covered in the meeting were middle housing issues, key findings about the code audit, and barriers that were previously identified in the zoning code. Each member of the Comprehensive Plan Implementation Committee shared their housing experiences throughout the course of their lives to inspire the group to think of the different housing needs the community may be interested in. The next Comprehensive Plan Implementation meeting was on December 17th with the Design and Landmarks Committee and Tree board. The topic was initial code concepts and different approaches to discussing the code changes. The committee had an ongoing event that went live virtually on November 12th and closed on November 29th. There were various stations related to housing, tree preservation and trees in general and off-street parking. Also, there was a survey for individuals to complete.

**Stakeholder Interviews Key Themes:** The stakeholder interviewees included various residents, NDA representatives, builders and developers, neighborhood activists, housing advocates, and some representatives from the school department who were working with families of color and underrepresented communities. We asked the various stakeholders about housing, trees, and parking. The feedback we received were people loved the neighborhoods in Milwaukie and there was a general acceptance of the benefits of middle housing, concerns about affordability and integration in the neighborhoods, and the desire to be bold in our approach. Individuals wanted us to think outside of the box.

**Outreach:** Our outreach was primarily related to the virtual open house and the community survey. There was an article in the November Pilot and postings on the City's social media sites. The schools posted on their social media accounts and sent emails to their families. The Planning Department sent emails to our various listservs, which included the Neighborhood District Associations, the City's boards and committees, Comprehensive Plan email list, and the Black, Indigenous, People of Color (BIPOC) community. The Planning Department placed hard copies of all materials, which included the survey, flyers, and virtual materials in English and Spanish at the Library, Wichita Center, Hillside, and the Farmers Market.

**Virtual House Attendance:** On the English site, we have had 53 individuals complete the survey, 260 people who had visited the main page, 137 people who had clicked through the stations, and 54 people who had provided feedback. On the Spanish site, no had completed the survey, 2

people had opened it, 25 people had visited the main page, and 3 people had clicked through the stations. The survey closed on November 29.

**Materials discussed during the Comprehensive Plan Implementation**

**Committee meeting:** The consultants shared their analysis of existing conditions of every neighborhood in the city. They took pictures of the neighborhoods to take an inventory and to get a sense of what was happening on the ground before discussing possible code changes. The consultant created working sheets of the different neighborhoods. The consultant discussed zoning, lot sizes, and street conditions. After taking inventory of the various neighborhoods, the consultants created a diagram to better understand parking, trees, and middle housing and created goals for each subject. Below are key findings for the parking, trees, and middle housing.

- Parking: manage parking inventory, curbless street design, alley-ends, alleys, long driveways, and permeable paving parking lots that avoid tree root areas.
- Trees: large planting strip on-street, maintaining trees on private property, new tree planting, in streets and on private property, and narrow, queuing streets with trees and parking alternately occupying the same street zone (Island Station Neighborhood Greenway).
- Middle Housing: context-sensitive forms for different lot sizes and conditions and attached vs detached housing types: DLCD (Department of Land Conservation and Development) flexibility definition.

The goal was to understand what was currently happening to influence changes that will serve multiple situations and individuals.

The code audit will be about 20 pages of a summary report with overall findings and corrective actions. The report will discuss current issues with the code and different solutions the city can implement.

**Timeline:** The committee had almost completed reviewing the code audit that was submitted by the consultant. The committee started discussing the concept development and the community's review of the code concepts would start in the new year. The committee's next meeting is December 17<sup>th</sup>.

**Chair Massey** wondered, about the virtual turnout and if the numbers were good or not.

**Ms. Kolias** responded, the Planning Department was hoping for more public participation and would connect with the public via email and social media to increase participation before the survey closes.

**Commissioner Erdt** asked, are there any studies to understand which trees may withstand fires, especially as we considered climate change?

**Ms. Kolias** responded, two arborists are on the consultant team, the city arborist, and the tree board were working together to determine appropriate climate change species. The City's Urban Forester created a tree recommendation list to encourage residents to plant trees that were responsive to climate change.

**Commissioner Loosveldt** shared she was concerned about the feedback the City has received thus far and wondered what were the City's plans for moving forward?

**Ms. Kolias** responded, at the end of the participation period, the team would discuss the statistics and outcomes of the information already received. There was a possibility that the committee may extend the survey to ensure they had useful feedback.

**Commissioner Sherman** encouraged staff and the consultant team to think about future vehicles, such as electric vehicles and how the City is planning for that.

**Ms. Kolias** agreed.

**Commissioner Sherman** asked if there was an incentive for community members who completed the survey?

**Ms. Kolias** responded, the City was offering great prizes for participation.

(00:37:20)

## 6.2

Summary: The purpose of this discussion was for Laura Weigel to share the Planning Commissioner's 2020 Annual Work Plan and the revised bylaw proposal.

The Planning Commission and staff had a robust year, which included:

- Hosting over six public meetings regarding the Comprehensive Plan and participating in a tremendous amount of public outreach.
- Creating the Central Milwaukie Webpage, which is a webpage about projects taking place in Central Milwaukie.
- Designing the Pre-Application information webpage to share about new developments in the different neighborhoods around the city.
- Conducting several development reviews, including a subdivision that had four hearings, community service uses, conditional uses, a variance request, and a planned development that is still under the way.

Ms. Weigel shared the Planning Commission's 2020/2021 workplan, which included implementing the Comprehensive Plan Implementation Phase 1.

During Phrase 1, the Planning Commissions was evaluating the housing, parking, and tree codes and is scheduled to complete this phrase by June 2021. Phrase 2 would examine the commercial and industrial designations, as well as, update the transportation system plan, which would be another multi-year project between the Planning and Engineering Departments. The Planning Commission will be involved as well. Phrase 3 would primarily focus on updates to the Willamette Greenway and the City's historic and natural resources. The Planning Commission would also assist with the Central Milwaukie Bikeway Project, floodplain code updates, park institution zones, and the town center activities. The above projects are projected for completion in 2025.

**Commissioner Hemer** shared, the Milwaukie Museum would like to partner with the City of Milwaukie on their historic planning activities.

**Ms. Weigel** responded, she would like to get those individuals involved.

**Commissioner Sherman** asked, about the timeline and its relationship to available resources. He asked if there any areas that Council should give the Planning Department additional resources to complete some of the projects?

**Ms. Weigel** responded, if the Planning Department had more staff that may help. The Planning Department's consultant budget would assist in accomplishing some of the goals. With the size of the department and outside resources there was only so much the department could accomplish within a certain time frame which was why the timeline was over a 5-year time period.

**Commissioner Sherman** asked, besides head count was there a project you wish you could do right now?

**Ms. Weigel** responded, she was confident in the work plan as it was written and wants the Planning Department to complete the most important assignments first.

**Ms. Kolias** added, this was the work plan outside of development review. She also shared that we needed to be aware of outreach fatigue and hoped we could continue to move forward with our community without asking for too much.

**Commissioner Sherman** shared, at work we are leaning on past public participation to assist with new plans. This was useful when considering outreach fatigue.

**Ms. Kolias and Ms. Weigel** thanked, Commissioner Sherman for the suggestion.

There were not any additional questions. Weigel presented the revised bylaws.

An addition to the bylaws was "The commission shall serve as the Community Involvement Advisory Committee (CIAC) for the City until a separate CIAC is formed by the City Council." The other addition was about the duties of the Commission, which was "At least once per year, the Commission shall hold a meeting between the Commission and the Neighborhood District Association (NDA) leaders (e.g., the NDA chair and the chair of the land use committee)". If the Planning Commission agreed with revisions in principle, the Planning Department would share with City Council for recommended adoption. I would like to have a discussion in the spring regarding what the CIAC would do, the Committee's role, and understand when and how the meetings would operate.

**Commissioner Loosveldt** shared, during the Comprehensive Plan activities the Planning Commission received feedback that they were not the ideal group to be responsible for this work. There were concerns about giving the Planning Commission additional responsibilities due to their current workload. Another concern was regarding if the Commission represented the community because it felt like the Commission was policing their own. This did not appear to be an equitable way to move forward. She wondered if we could place a milestone on this assignment to ensure it was temporary.

**Commissioner Hemer** added, he wanted to echo Vice Chair Loosveldt's comments. This was introduced as part of goal one, which fell under the Planning Commission. What were the responsibilities of the Commission? Is the Commission community focused which was not the intent of goal one. A definition and a set of accomplishments for the Commission would be useful. The Planning Commission was at capacity and CIAC would require more meetings. He hoped we would really think about this a little more and add a sunset clause.

**Chair Massey** added, his remembrance of this discussion was the City Council was concerned about creating a new organization and believed the Planning Commission could temporarily take this on. They believed the Planning Commissioner had more interface with the public than the other commissions. They defaulted to that, which was understandable. He liked the idea of a sunset clause. Otherwise, this would become the way it is. There should be some parameters on the responsibilities and the times the Commission was scheduled to meet. The Commission needed to understand the expectations and role of the CIAC. The CIAC was expected to meet a requirement of the State's, which was more than land use and the broader issues needed to be discussed.

**Commissioner Hemer** suggested, the Planning Commission and NDA leaders were part of the CIAC. This would allow the Planning Commission to meet with the Neighborhood District Association. There was an assumption the Planning staff would oversee the CIAC.

**Ms. Weigel** responded, there were different ways the committees were structured in other cities. She expressed the need to understand what was



discussed during the Comprehensive Plan and the thoughts of the City Council and Planning Commission. She also expressed the need to understand exactly what the group was created to accomplish. The mission of the CIAC was very unclear and a discussion was needed to better understand the role of the CIAC and the Planning Commission.

**Chair Massey** asked, who on the city staff would be the point of contact?

**Ms. Weigel** responded, she assumed that the Planning Department would be the contact person. However, that was not discussed.

**Commissioner Sherman** shared, he was not present for the discussion and does not feel comfortable approving the revised bylaws. He would like to get better clarity on some of the functions before entertaining a bylaws amendment.

**Ms. Weigel** agreed and shared, she had captured the conversation from tonight and will share the group's thoughts with City Council and suggest a meeting between the Council and Commission to better understand the expectations of the CIAC.

**Commissioner Hemer** suggested, before the meeting with the City Council there should be a worksession to assist with the flow of conversation.

**Ms. Weigel** agreed, that was a great suggestion to have more clarity before City Council and the Planning Commission met.

**Commissioner Loosveldt** seconded what Commissioner Hemer said. She asked, Commissioner Hemer to help her remember the Planning Commission meeting where this was discussed at length. This would help Laura understand what was discussed and an idea regarding how to proceed.

**Commissioner Hemer** added, this was one of the first discussions regarding goal one.

**Ms. Weigel** shared, she was not aware of the meeting and will go back and review it.

**Commissioner Loosveldt** added, gaining clarity will help us understand how to proceed and accomplish the CIAC's goals.

**Commissioner Hemer** added, his concern was the CIAC may get ignored because the Planning Commission thinks it too difficult to accomplish and that is not fair to the residents of Milwaukie.

**Ms. Weigel** shared, the new Equity Manager may be able to add his expertise and assist us with moving forward.

**Commissioner Sherman** asked, was it okay to pivot to and discuss the second point? This may be an opportunity to engage the NDAs, the Land Use Chairs, and the Equity Manager.

**Ms. Weigel** explained, the second bylaw, which said, once a year the commission holds a meeting inviting the NDA leaders to discuss land use issues and community outreach.

**Chair Massey** thought it was a valuable session. It was a listening session more than anything else. He thought it was good.

**Commissioner Loosveldt** wondered, if once a year was enough. Maybe it should be biannually.

**Commissioner Hemer** shared, one thing that was written in the bylaws at some point in time was the Commission was supposed to meet with the Design and Landmark Committee (DLC). He noticed that clause was no longer in the bylaws. The Commission tried to meet with the DLC annually and only met with the committee every 18 months or two years. If the Commission recommends biannually it may only happen once a year which is fine. The meeting needed a purpose and a specific subject matter to give the meeting some purpose. The last meeting was great because the Planning Department developed a project list. If the Commission decided to meet twice a year that worked for him if they had two purposes to meet.

**Chair Massey** agreed, with an annual meeting. He wanted to make sure the Commission accomplished its goals and meeting biannually may be difficult to do.

**Commissioner Loosveldt** added, what if there was an option for the second meeting and a vote was taken to determine if a meeting was needed?

**Chair Massey** responded, bylaws could say meet at a minimum of once a year and on an as needed basis.

**Commissioner Hemer** added, back to Commissioner Sherman's point regarding the Equity Manager and this was a great suggestion. He added, maybe the Community Development person, the person in charge of the NDAs, and the BIPOC group could attend the meeting too.

**Chair Massey** responded, he had one bylaw discussion item that was more administrative than anything else. He said that when the minutes were approved by the Commission, the City staff sent them to him by mail. Then he signed them and sent them back to the City. He thought this did not seem necessary. His proposal was once the minutes were approved by the Commission the person who took the minutes should sign and post them online. This would save money on postage and paper. Some of the other Boards and Commissioner were doing this. He looked up the Robert's Rules of Order and this was the way they preferred the committee to do things. That would be his proposal and would require a couple of changes to the bylaws. Changes needed are to eliminate "the chair signing all documents memorializing the commissions" and add a section about the minutes to read "upon approval of the minutes by the Commission a staff representative would sign the minutes and make available to the public to at a reasonable time."

**Ms. Weigel** had checked with staff and agreed, it was fine for that revision to be made.

**Commissioner Loosveldt** asked, can the Commission make suggestions for new bylaws?

**Ms. Weigel** responded, sure.

**Commissioner Loosveldt** asked, would the Commission ever consider a bylaw that would allow a virtual component for individuals to engage with the Planning Commission year-round no matter pandemic or not.? She expressed her desire to see the Planning Commission meetings virtually from here on out.

**Commissioner Sherman** added, he wanted to discuss this further. Zoom allowed individuals to engage and was the way of the future.

**Commissioner Khosroabadi** added, he was interested in discussing this further.

**Commissioner Hemer** added, with today's technology the Commission could have this. If there was public testimony, he certainly wanted to be the one on the diocese. He thought it was rude not to be there when someone came to speak. The Commission was supposed to be there for the people who wanted to talk to them. With that, one tv screen could be used for Zoom so that members who do not want to come in could interact virtually.

**Commissioner Loosveldt** responded, this opened the door for other Commissioners and future Commissioners who were single parents or working multiple jobs to participate. The Commission could utilize the diocese as much as possible which would allow the public an opportunity to engage in an avenue that was not previously available. In the future, people would not have to be present in person to participate.

**Commissioner Sherman** added, he had sat in more City Council meetings in the last six months than in the previous years prior because Council was on Zoom. He added that Commissioner Loosveldt's point was well taken.

**Commissioner Massey** agreed with the discussion to provide more opportunities for Commissioners and the public to participate. He also agreed with Commissioner Hemer that some people would not be comfortable participating online. When someone from the public comes in, he wanted them to see a commissioner, or two, or three. There needs to be a Commissioner in person for them to see. He asked if this needed to be in the bylaws.

**Commissioner Hemer** responded, this was something the Commission should ask the Council about. When former Councilor Powers was pregnant and could not attend meetings, she participated over the phone. This option was availability to other Councilors who could not attend in person meetings. The Council knew that was legal or within some parameters of legality. And it could work for individuals to participate via Zoom. He added it would be a great conversation for Justin Gericke, the City Attorney and City Council.

**Gericke** responded, the City tried a hybrid meeting at Council and it was a dismal failure. While the technology was great, it was not perfect. Currently, the law did not cover this specifically and this may change overtime. The

Commission may want to be careful because there may be times when the technology may be unavailable.

**Ms. Weigel** responded, the city and Commission also needed to understand how this would work with some of the Commissioners attending the meeting virtually and others in person. She added, another conversation would be needed to understand how this would look and function.

**Commissioner Hemer** asked, may the Commission make this a goal for 2021?

**Commissioner Sherman** added, as things come back to normal life, he imagined this was something that would be expected. He added that this would be a great goal for 2021. A place to integrate this would be on page 10 of the packet, which had a description of what Commission meetings were and the definition of quorum. For a quorum the text only talked about Commissioners being present. It did not say present in person. The Commission could work through that and have Zoom available for emergencies for Commissioners. All of this was to say, continued dialogue was needed prior to making any changes.

**Ms. Weigel** responded, the Commission needed to continue to talk about it and she would research what other governmental entities were doing.

(01:34:52)

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

There were no updates.

(01:35:00)

#### **8.0 Planning Commission Committee Updates and Discussion**

**Commissioner Hemer** shared, Happy Birthday everyone. The Planning Commission was established on November 28, 1938. He wanted to say Happy Birthday and asked the Commission to think about what the 100<sup>th</sup> year celebration would be like in 2038. Also, he mentioned the Blue-Ribbon Committee website launched last week and everyone should visit the website and spread the word.

(01:37:10)

#### **9.0 Forecast for Future Meetings**

- December 8, 2020: Waverly Woods
- December 8, 2020: Emergency Housing Code
- December 8, 2020: Central Milwaukie Bikeway Concept Plan and Title 18
- January 12: Comp Plan Implementation project update – code concepts

Meeting adjourned at approximately 8:15 PM



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Robert Massey, Chair

Respectfully submitted,  
N. Janine Gates  
Assistant Planner



# CITY OF MILWAUKIE

## AGENDA

November 24, 2020

### PLANNING COMMISSION

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

**Zoom Video Meeting:** due to the governor's "Stay Home, Stay Healthy" order, the Planning Commission will hold this meeting through Zoom video. The public is invited to watch the meeting online through the City of Milwaukie YouTube page ([https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB\\_m9cAw](https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_m9cAw)) or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov). Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time.

To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/bc-pc/planning-commission-63>) and follow the Zoom webinar login instructions.

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

#### **2.0 Planning Commission Minutes – Motion Needed**

2.1 November 10, 2020

#### **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 Hearing Items**

5.1 PD-2020-001 – Waverly Woods - Correction to review process

#### **6.0 Work Session Items**

6.1 Summary: Comprehensive Plan Implementation project update – code audit

Staff: Senior Planner Vera Kolas

6.2 Summary: Planning Commission Annual Work Plan and Bylaws discussion

Staff: Planning Manager Laura Weigel

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

#### **8.0 Planning Commission Committee Updates and Discussion Items — This is an opportunity for comment or discussion for items not on the agenda.**

#### **9.0 Forecast for Future Meetings**

December 8, 2020 Hearing Items: PD-2020-001 continued public hearing; ZA-2020-001: Emergency Temporary Housing Code Amendments

Work Session Items: Central Milwaukie Bikeways Concept Plan; Title 18 Flood Hazard regulation amendments

January 12, 2021 Hearing Items: PD-2020-001 continued public hearing (tentative)

Work Session Items: Comp Plan Implementation project update – code concept development

January 26, 2021 No items are currently scheduled for this meeting.

## Milwaukie Planning Commission Statement

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

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

### Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and address for the record, and remain available 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.

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

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

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

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

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

Robert Massey, Chair  
Lauren Loosveldt, Vice Chair  
Joseph Edge  
Greg Hemer  
Amy Erdt  
Adam Khosroabadi  
Jacob Sherman

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

Laura Weigel, Planning Manager  
Vera Kolias, Senior Planner  
Brett Kelter, Associate Planner  
Mary Heberling, Assistant Planner  
Janine Gates, Assistant Planner  
Tempest Blanchard, Administrative Specialist II



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

Meeting held online via Zoom  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

November 10, 2020

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

**Staff:** Laura Weigel, Planning Manager  
Vera Kolias, Senior Planner  
Mary Herberling, Assistant Planner  
N. Janine Gates, Assistant Planner

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

**Chair Massey** called the meeting to order at 6:36 pm 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.milwaukieoregon.gov/meetings>.

### 2.0 Planning Commission Minutes

2.1 No public testimony was presented for this portion of the meeting.

### 3.0 Information Items

3.1 No public testimony was presented for this portion of the meeting.

### 4.0 Audience Participation

4.1 No public testimony was presented for this portion of the meeting.

### 5.0 Public Hearings

5.1 Summary: The purpose of this hearing is to consider applications for VR-2020-004 ADU-2020-005 for a proposed Accessory Dwelling Unit (ADU) within an 840 sq ft accessory structure. The actual ADU will be 200 sq ft. Hayley and Scott Avila, "the applicant," is seeking a variance because the footprint of the structure is over 800 sq ft, which does not align with the Milwaukie Municipal code's ADU standards. An approval from the Planning Commission would allow an ADU within the 840 sq ft accessory structure.

**Chair Massey** asked Mary to site the zoning ordinance sections where the criteria can be found, which were:



- Section 19.301: Low Density Residential
- Chapter 19.700: Public Facility Improvements
- Section 19.910.1: Accessory Dwelling Units
- Chapter 19.911: Variances
- Title 12: Streets Sidewalks and Public Places
- Section 19.1006: Type III Review

All testimony and evidence must be directed towards the applicable substantive criteria.

No Commissioners wished to abstain or report any ex-parte contracts. Chair Massey and Commissioners Edge and Hemer visited the site and did not speak to anyone.

**Mary Herberling, Assistant Planner** presented the staff report. This is for application VR-2020-0004, ADU-2000-005 at 8809 SE 43<sup>rd</sup> Ave. The property is surrounded by large properties and single unit dwellings. The site currently has a single unit dwelling and an accessory structure. The accessory structure was the topic of discussion for the meeting.

The proposal is to covert 200 sq ft on an existing 840 sq ft accessory structure into an ADU. The applicant is seeking a variance because the footprint of the existing structure is 40 ft more than the maximum square footage permitted for an ADU. The applicant has applied for an ADU waiver, which is a current program offered by the City. If the applicant receives support from this hearing, they are closer to having those improvements waived as long as other requirements from the waiver program are met.

The key issues regarding the variance are:

- Alternative analysis, which would require the applicant to remove 40 sq ft of the building to accommodate the ADU requirement. They had the shop structure prior to their interest in building an ADU. The shop was approved and was/is within code. It would be difficult to reduce the structure size by 40 sq ft.
- This building will not impact the surrounding areas more than it already is. The structure currently exists.
- This property is a public benefit because it is offering an additional housing option for individuals and meeting the density standards for the R-7 zone.
- The proposed ADU will not impact the natural environment or remove any trees since no changes to the existing structure have been proposed.

The key issue regarding the ADU requirements is the building footprint. The proposed ADU meets all other applicable standards pertaining to building height

and setbacks, lot coverage, minimum vegetation, and the specific criteria for ADUs in MMC 19.910.1.

The City received three comments of support, which are in the Commissioners' packets.

**Herberling** shared four decision making options, which were:

1. Approve the application subject to the recommended Findings and Conditions of Approval, which is what staff recommends.
2. Approval the application with modified Findings and Conditions of Approval.
3. Deny the application upon finding that it does not meet approval criteria.
4. Continue the hearing.

The **applicant** did not have any additional comments to share and believed Mary did a wonderful job representing them.

**Commissioner Loosveldt** wondered what their plans for the ADU were.

**The applicant** shared, they were not entirely sure. They are interested in a short-term rental, a place for family and friends to visit, or a long-term rental.

**Commissioner Loosveldt** wanted to know if the waiver program was helpful?

**The applicant** responded, "yes."

The Planning Commissioner and staff discussed the application, which shared below.

**Commissioner Sherman** asked, if they approve the variance for the 200 sq ft, what would happen if there was a plan to convert the entire structure into an ADU?

**Herberling** responded, the current application is for 200 sq ft. If the applicant were interested in modifying the structure it would depend on the requested changes. There are options for a Type I review for a minor modification or Type II review for a major modification, which needs the Planning Manager approval.

The Commissioners did not have any additional questions or comments.

**Commissioner Hemer** made a motion to approve the application and adopted the recommended Findings and Conditions of Approval. **Commissioner**

**Khosroabadi** seconded the motion. The Commission unanimously approved of the minutes.

## **6.0 Work Session Items**

- 6.1** Summary: the purpose of the work session is to allow for emergency housing as a temporary use during certain situations, such as wildfires, Covid-19, extreme cold, or heat events. However, the code does not allow for this. The Community Development Department would like to offer temporary housing uses for public, non-profit, and religious sites. Staff hopes this will help clarify their response to temporary emergency housing for the applicants and staff. The Community Development Department believes this is a minor modification and allows us to respond quickly.

**Vera Kolas, Senior Planner** presented the staff report. The proposed amendments have to do with Chapter 11.05: Temporary Uses, Permits, and Regulations. Currently, the program allows the city to use temporary use permits for construction parking and restaurants' outdoor seating. The code does not give the city a direct process to approve temporary use permits for temporary emergency housing. Staff would like to propose some strategic code fixes to provide language that defines temporary housing as an allowed use.

Proposed amendments included the following requirements and limitations

- Emergency declaration by Council; this is a key question for the Commission to answer
- Limited to public, non-profit, or religious sites
- Sanitary facilities and garbage disposal services required
- Storage area for person items required
- Outdoor housing limited to 6 vehicles
- Indoor shelter must adhere to applicable building codes
- Limited to two 3-month permits in 12 months

The key issue was an Emergency declaration by Council. What is the right parameter to reflect the focused nature of the proposed amendments? Staff wanted to make sure that responses to emergencies can be made quickly and not wait for Council to decide.

Staff looked at other cities to understand how they were responding to emergency situations; the City of Eugene was one such example.

**Commissioner Edge** asked, if the county or staff could declare housing as an emergency, which would mean the city would not have to so. He wondered if the number of vehicles can be scaled to each site. Is there a reason Eugene agreed to 6 vehicles?

**Ms. Kolias** responded, the City of Eugene offers a variety of options for transitional housing. The city allowed for 6 vehicles because it streamlined the review and approval process with a strict limitation. She agreed with the idea of scaling the number of vehicles to the site and will investigate this further.

**Commissioner Edge** agreed and like the idea of evaluating each request based on how much they can safely offer. He asked, will be allow a RV to park on a residential area?

**Ms. Kolias** responded that the current code does not allow RVs to be used as dwellings. This proposal is for public, non-profit, and religious agencies to offer temporary emergency housing in their parking lots.

**Commissioner Edge** stated, with the nearly adopted Comprehensive Plan, we are concerned about climate related displacement. Is this a type of emergency we can include with the code changes?

**Commissioner Loosveldt** added that she was concerned about the parking being so specific and it should be based on each use. She hoped mass shelters would be considered and the time frame could be more flexible. She also shared Portland's experiences with temporary emergency shelters that expanded into longer short-term housing. She would like Milwaukie to plan for longer-term short-term rental.

**Ms. Kolias** shared that our goal is to address wildfire relief and allow individuals to park in a church's parking lot, which was recently approved. What Commissioner Loosveldt shared is something we are proposing during a different phrase of the code. Leila Aman, Director Community Engagement is looking into programs like what Portland is offering. A proposal like such would require development design and community engagement. This plan is more a one-off short-term plan.

**Leila Aman, Community Development Director**, further explained the purpose of the current code additions. Staff is updating the code because this is a yearly experience: churches seeking permission to offer temporary housing. Staff would like to offer some clarification because every year there must be a determination if temporary emergency housing is allowed or not. Staff would like the Planning Commission and Council to give permission to move forward. Also, the Community Development Department is thinking and planning for longer short-term emergency housing. The goal is to implement an initiative at the same time as the housing code.

**Commissioner Loosveldt** responded, while the incident may be temporary, it is an event that caused someone to experience houselessness and this will last longer

for the person who was displaced. What will we do when the organizations received approval for the second temporary use and the person(s) is still houseless? Where will that person go?

**Commissioner Erdt** added that if there is a big earthquake people will seek shelter in Milwaukie. Another thought she had was if caseworkers would be onsite to assess the needs of the people seeking temporary shelter and assist with next steps.

**Commissioner Khosroabadi** wanted to know if there is any flexibility in the timeframe, especially when considering Covid-19, which has lasted longer than 6 months.

**Ma. Kolia**s responded that this was intended for 6 months. She took a note and will look into it.

**Commissioner Sherman** wanted us to look at each situation case by case and determine what the site can offer. He thought it would be useful to clarify the intent of the Chapter 11.05 Temporary Uses, Permits, and Regulations. If the intent was to solely focus on a natural disaster, does this not apply to social disasters? Maybe the county and governor could implement a state of emergency. Maybe we should consider the flexibility of the use? What kind of insurance or liability information should we be aware of? How does the organization's insurance extend to the guests?

**Commissioner Hemer** responded that he was unsure how Covid-19 created housing insecurity. He believed we had warming shelter rules. He wanted staff to clearly state what we need and call the policy what it is. If it is warming and cooling shelter rules, let's create that. If we want a place for houseless people to, let's create that. The name of the change should be called Emergency Evaluation/Shelter Plan.

**Commissioner Loosveldt** encouraged staff to clearly state what it is we are looking for. Clearly name it, which would better serve the community.

**Commissioner Hemer** reminded the Commission that we are a town of 20,000 and we are not in Portland. If the big mudslide comes and affects Portland, we should provide some relief to them. Remember that our houseless needs are not the same as Portland. He stated that he thinks the city needs warming and cooling shelters and not what is being proposed.

**Commissioner Massey** responded that he thinks the code change is specific and believed we need to address warming and cooling shelter needs as well. One

person should make this declaration and that is the Mayor. The Mayor can be informed by other declarations of emergency and is the right person to call an emergency in Milwaukie. He would like some flexibility with the number of vehicles a site can offer. It should be based on the footprint of each buildings.

**Commissioner Loosveldt** added we needed to plan for individuals who have cars or not. Both could seek temporary emergency housing.

**Commissioner Erdt** added that someone with an RV that has a bathroom and two families is different than a family of four in a car without access to a bathroom. Should the RV count against the allotted car allowance?

**Commissioner Loosveldt** added what is the thresholds between this code amendment and the next step? What will trigger the procedures for semi-permanent and permanent housing. How does the community get involved? These things do not tend to come to closure quickly.

**Ms. Kolas** responded that the next steps were a work session with Council on December 15<sup>th</sup> and returning to the Planning Commission for a public hearing on December 8<sup>th</sup>.

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

**Laura Weigel** shared the Planning Department launched a survey for the Comprehensive Plan Implementation project. It was released on Thursday, November 12, 2020. She would appreciate it with the Commissioners would complete the survey and send it to others.

## **8.0 Planning Commission Committee Updates and Discussion**

**Commissioner Hemer** gave an update about the Blue-Ribbon City Hall meeting. They had a presentation about the real estate options and the group found out that multi-family housing is overbuilt. The group is launching a website. This will be an opportunity for individuals to participate virtually and share what they would like to see in the building. He also asked that individuals complete the survey when it is released.

**Commissioner Sherman** shared about the Frog Ferry project, which has plans to travel along the Willamette River from Vancouver, WA through Portland, and with a proposed stop at Milwaukie Bay Park. Commissioner Sherman wondered how the City has been involved in these discussions. Wondered if there were any updates to share?

**Ms. Weigel** responded that she has heard about the project and was unsure if the City of Milwaukie was involved. She asked Ms. Aman if she was aware of any conversations about the project?

**Ms. Aman** shared that the City has been involved. Kelly Brooks, Assistant City Manager and the Engineering Department had been in contact with the organizers. She was unsure of the extent of their interactions. She will look into this and let the Commission know.

**Commissioner Loosveldt** thanked Chair Massey and Commissioner Khosroabadi for their service since Wednesday was Veterans Day.

## **9.0 Forecast for Future Meetings**

November 24, 2020

- Work session: Comprehensive Plan Implementation Project Update. This is tentative.
- Annual work plan and bylaws update.
- Ms. Kolias will share a Waverly Woods update as it pertains to next steps.

December 8, 2020

- PD-2020-001 cont. public hearing; individuals will be able to verbally testify.
- Temporary use permits – housing – public hearing
- Central Milwaukie Bike way Update
- Title 18 Flood Hazard Area regulation amendments

December 22, 2020

- There is no meeting scheduled.

January 19, 2021

- Joint City Council and Planning Commission meeting.

Meeting adjourned at approximately 8:00 PM

Respectfully submitted,  
N. Janine Gates  
Assistant Planner

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Robert Massey, Chair



# CITY OF MILWAUKIE

**To:** Planning Commission

**Through:** Laura Weigel, Planning Manager

**From:** Vera Kolas, Senior Planner and Dalton Vodden, Associate Engineer

**Date:** November 17, 2020, for November 24, 2020, Meeting

**Subject:** **File:** PD-2020-001

**Applicant/Owner:** Walker Ventures, LLC

**Address:** 10415 SE Waverly Ct

**Legal Description (Map & Tax Lot):** 11E26DC 02100, 02200, 02400

**NDA:** Historic Milwaukie

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## ACTION REQUESTED

Correct the motion made on October 27 regarding the review process for land use application master file #PD-2020-001 and its associated applications. This action would alter the original motion as follows:

- 11/10: deadline for new information/submittal of written testimony
- 11/17: deadline for responses to information submitted by November 10
  - notice for 11/24 Planning Commission meeting to consider a new schedule order
- ~~11/24: deadline for applicant's rebuttal~~
- 11/24: Planning Commission meeting agenda to include a brief staff report to explain that the Planning Commission should establish a new order for the schedule of this land use review
- 12/8: continued Planning Commission hearing ~~for deliberations only~~ to include written and oral testimony regarding the information submitted to date, including the staff report, findings, and conditions.
- 12/15: deadline for applicant's last written argument.
- 1/12/21: Planning Commission deliberations

A waiver of the 120-day clock is necessary to accommodate this revised schedule.

## ANALYSIS

This action is requested by staff to accommodate the submittal of a staff report, revised Findings, and revised Conditions of Approval to the Planning Commission for the December 8 continued public hearing. The public, including the applicant, must have the ability to provide



testimony on the staff report. The existing timeframe for review does not provide that opportunity. The correction is to account for legal rights not adequately addressed in the prior schedule.

The final decision on the applications, which includes any appeals to the City Council, must be made by January 9, 2021 in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant will need to submit a waiver of this time period.

Notice of the correction and the establishment of the new schedule order was provided to all Interested Parties and was posted on the application webpage on November 17, 2020.



# CITY OF MILWAUKIE

**To:** Planning Commission  
**Through:** Laura Weigel, Planning Manager  
**From:** Vera Kolias, Senior Planner  
**Date:** November 17, 2020 for November 24, 2020 Worksession  
**Subject:** Comp Plan Implementation Project Update – Code Audit

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## **ACTION REQUESTED**

None. This is a briefing for discussion only.

## **ANALYSIS**

This update relates to the code audit portion of the Comprehensive Plan Implementation Project. Prior to consultant selection and receipt of the grant award, community development, public works, and planning staff conducted a preliminary code audit that identified existing code conflicts with both plan policies and HB 2001 requirements. The preliminary code audit was shared with Urbsworks, who is now conducting a detailed code analysis and will produce a final map and code audit report. This report will set the stage for the detailed code concept development.

The Comprehensive Plan Implementation Committee (CPIC) received an update on the code audit at its meeting on [November 19](#). Staff will provide an update on the code audit report and feedback from the CPIC at the worksession.

Staff will also provide an update to Council on community engagement efforts to date, including any available information about the results of the first [virtual open house](#). Emails, fliers, and bookmarks with information about the project and all open house materials were provided (in both English and Spanish) to:

- City boards and committees
- Project subscriber list
- Comprehensive Plan email list
- Posted to city social media
- Wichita Center (hard copies of all materials added to all food boxes)
- Ledding Library

## **ATTACHMENTS**

None.

**COUNCIL STAFF REPORT**

**To:** Mayor and City Council  
Ann Ober, City Manager

**Date Written:** Oct. 14, 2020

**Reviewed:** Ann Ober, City Manager, and  
Leila Aman, Community Development Director

**From:** Laura Weigel, Planning Manager

**Subject:** **Joint Meeting — Planning Commission Work Program/Bylaws Review**

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**ACTION REQUESTED**

Council is asked to review and discuss the draft Planning Commission work program and bylaw recommendations for 2021.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

The Planning Commission holds a yearly, joint meeting with the Council to discuss the Commission's work program and bylaws.

The Planning Commission bylaws were established in 2010 and were revised in 2017.

On [October 8, 2019](#), the Planning Commission discussed its draft work program for 2020.

**DISCUSSION**

The Planning Commission serves the City by reviewing and advising on matters related to planning and zoning, as set forth in the Comprehensive Plan and Zoning, Sign, and Land Division ordinances. It does this by deciding land use and development applications, developing long-range plans, and proposing updates and amendments to the Milwaukie Municipal Code and Comprehensive Plan. Planning staff works closely with the Commission to make progress in all of these areas. Below, staff outline the major accomplishments of the last year, and the workplan for the coming year.

**A. Major Accomplishments in 2019/2020**

The Planning Commission has worked on a number of significant projects since the last discussion of the Commission's work program. Projects included:

- Comprehensive Plan Update – The Comprehensive Plan Update policy document was adopted by City Council on August 18, 2020. This was a 2.5-year long process that received input from at least 500 community members. Listed below are all of the outreach efforts conducted during this process:
  - 24 meetings of the 15-member Comprehensive Plan Advisory Committee at which committee members offered guidance for policy development
  - In-person outreach at Neighborhood District Associations (NDAs), canvassing at concerts in the park events and the Milwaukie Farmers Market

- Three town halls with 100+ participants each, two open houses with 60+ participants each, all included simultaneous Spanish translation
  - Four online open houses/surveys that corresponded with the in-person town halls/open houses (all were in English and Spanish)
  - Three Spanish-language focus groups with 50+ participants total
  - A wide variety of outreach methods including city-wide notice through the Milwaukie Pilot, website/social media, and a 500+ person email list of interested community members
  - Robust and engaging public hearings at both the Planning Commission and City Council
- Central Milwaukie Information: In response to concerns from community members about wanting to be informed about development proposals within the Central Milwaukie area of the city; Planning, Community Development, and Admin staff made a Central Milwaukie webpage where community members can find out more of what is happening in that area: [www.milwaukieoregon.gov/centralmilwaukie](http://www.milwaukieoregon.gov/centralmilwaukie). An email subscription was also created for people to sign-up and receive notices/development information on any projects within the Central Milwaukie area.
  - Preapplication Conference Report Information: During a Planning Commission meeting with Neighborhood District Association (NDA) leaders, it was brought up that preapplication conference reports should be more readily available to the public. Planning and Admin staff created a webpage where it now houses those pre-application conference reports for anyone to view: [www.milwaukieoregon.gov/preapplication-conference-reports](http://www.milwaukieoregon.gov/preapplication-conference-reports). It also is on the homepage of the Planning Department webpage.
  - Development Review: The development review counter at the JCB office has been closed since March 2020 due to public health concerns related to COVID-19. Staff adjusted immediately to this closure and have been providing development review services over the phone and through email and web-based meetings and preapplication conferences. Staff have been able to maintain the same high level of customer service even during the COVID 19 office closures.
    - Planning Commission development review has required a large component of the Commission's time over the past year. The Commission held 12 public hearings on seven different land use applications including:
      - 1 Comprehensive Plan Update (6 hearings)
      - 1 Subdivision (4 hearings)
      - 2 Community Service Uses
      - 1 Conditional Use
      - 1 Variance Request
      - 1 Planned Development (hearings still underway)

## **B. 2020-2021 Work Program**

The purpose of the joint meeting on November 17 between the Planning Commission and Council is to provide an opportunity for discussion and to build a mutual understanding of goals and priorities moving forward. Suggested topics for discussion include:

- Project List – Is the project list complete?
- Priorities – Do the Council and the Planning Commission have the same priorities for 2020?

### **Comprehensive Plan Implementation Project, Phase 1**

Creating and supporting housing opportunities, primarily middle housing options in all neighborhoods, has been a key goal for Council and the community. The adopted Comprehensive Plan (Plan) policies call for expanded housing opportunities throughout the city and House Bill 2001 (HB 2001), passed by the state legislature in July 2019, requires the expansion of middle housing options. In November 2019, Council discussed how to proceed with code amendments after the updated Plan was adopted, setting the stage for this Phase 1 implementation project.

The focus of this phase of plan implementation is housing, but it also includes related changes to parking requirements in residential areas and tree protection and preservation on residential land. The outcome will be code amendments that balance the city's goal for a 40% tree canopy and implementation of the housing policies outlined in the Plan that are also in compliance with HB 2001.

- Work currently underway:
  - Public Engagement Plan
  - Regular Comprehensive Plan Implementation Committee (CPIC) meetings
  - Initial stakeholder interviews
  - Comprehensive Plan Implementation webpage
  - Code Audit
  - Public Event #1

Key deliverables as part of this project include a code audit report, detailed code and map concepts with alternatives, a synthesis report of public input, a stakeholder database, and the code language and map amendments. Final adoption of phase 1 work is anticipated to be before Planning Commission by June 2021.

### **Comprehensive Plan Implementation Project, Phase 2**

After the completion of phase 1, staff will begin working on phase 2 projects. It is anticipated that phase 2 will start mid-2021.

- Prepare a new Transportation Systems Plan (TSP). This will be a multi-year effort.
- Potentially create a new neighborhood hub zone or overlay – zone all hub sites.
  - Eliminate or consolidate outdated commercial designations – Community Shopping (C-CS), General Commercial (C-G), Limited Commercial (C-L), and Neighborhood Commercial (C-N) and rezone the sites with Neighborhood Mixed Use (NMU) and General Mixed Use (GMU) zones and a potential new neighborhood hub zone.

- Assist engineering in updating key elements of the Public Facilities Plan – water and wastewater components.

### **Comprehensive Plan Implementation Project, Phase 3**

The update to the Transportation System Plan will likely continue after the other phase 2 projects, but phase 3 projects should begin in the third or fourth quarter of 2022.

- Update the Natural Resources Inventory.
- Expand Flood Plain Protection.
- Designate park and school sites with a new parks/institutions zone.
- Revise the Willamette Greenway zone to establish two tiers of review and create a clear and objective path for housing.
- Eliminate the current outdated Town Center Plan and replace it with the downtown and central Milwaukie plans.
- Expand the Historic Resources Inventory.
- Update the Urban Growth Management Agreement (UGMA) and develop an annexation program.

### **Other Planning-Related Code Amendments and Projects**

- Update floodplain code section as required by DLCD.
- Develop a Central Milwaukie Bikeways Concept Plan.  
Overview: Staff is using a Quick Response grant from the Oregon Department of Land Conservation and Development (DLCD) to work with a consultant team from Alta Planning + Design to identify a safe bicycle connection through Central Milwaukie. The project involves analysis of existing conditions, conversations with property-owner stakeholders, and consideration of the imminent redevelopment of the Hillside Manor and Murphy sites in order to identify alternative route options that will link the 29<sup>th</sup> Avenue and Monroe Street Neighborhood Greenways.
- Revise the downtown design review standards and process.  
Overview: For the past two years, the Design and Landmarks Committee (DLC) has been working to update the downtown design guidelines and better integrate them with the design standards in the code. The effort will eliminate existing gaps between the current design standards and design guidelines and should reduce ambiguity in the discretionary review process. Emergency shelter during natural disasters and temporary transitional housing for those experiencing houselessness - code updates
- Emergency shelter during natural disasters and temporary transitional housing for those experiencing houselessness - code updates
- Revise the sign code.
- Develop an annexation incentive program.
- Conduct regular code housekeeping.

### **Other Non-Planning Code Amendments**

The work program includes five code-related projects that are led by other city departments and have limited planning involvement. These include updates to code sections addressing boards and committees, business registration, dangerous buildings, building codes, and transitional housing. There may be a role for the Planning Commission and the planning

staff in the update to requirements for boards and committees and in review of transitional housing requirements.

In addition to the tasks identified above, the Planning Commission and planning staff are responsible for current planning review. Projects that are expected to be reviewed in 2020 include the Hillside Master Plan and related Comprehensive Plan designation and zone change and the Coho Point at Kellogg Creek project.

### **C. Planning Commission Bylaws**

On October 8, 2019 the Commission discussed outreach and coordination with the city's neighborhood district association (NDA) leaders. Commission members recommended an adjustment to the bylaws to include an annual joint meeting between the Commission and the chairs and land use committees of the NDAs. On December 10, 2019, NDA leaders attended the Planning Commission meeting to discuss increased outreach and communication between the Planning Commission and NDAs. At that meeting, both the Planning Commission and NDA leaders agreed that a yearly joint meeting would be very beneficial and should be included in the Planning Commission Bylaws.

Additionally, a new comprehensive plan policy was adopted in 2020 that impacts the bylaws. The new plan policy states that the Council will appoint a Community Involvement Advisory Committee (CIAC). The policy was left open to give the Council freedom to appoint the Planning Commission or to create a new independent committee when funding was available. Until a larger discussion is had regarding the creation of a new committee the draft update to the bylaws states that the City Council will appoint the Planning Commission as the CIAC.

The joint meetings with City Council provide an opportunity to review bylaws and suggest any changes that are needed. A copy of the bylaws is attached.

### **BUDGET IMPACT**

The Planning Department has enough funding to carry out the objectives for the current biennium.

### **WORKLOAD IMPACT**

The work for the current biennium has been assigned to specific staff and workloads are being adjusted to accommodate projects in addition to providing a high level of customer service at the development review counter.

### **CLIMATE IMPACT**

The Planning Commission will be working on a variety of projects that may impact the climate goals for the community. The Comprehensive Plan Implementation Project (CPIC) focuses on code amendments that will support a variety of housing opportunities throughout the city, as well as a conversation about appropriate parking requirements. In addition, the CPIC will include an update to the city tree code, offering more protections to the urban forest and helping the city achieve the stated goal of 40% canopy cover by 2040.

Alternative transportation projects addressed by Planning Commission, such as the Central Milwaukie Bikeways Project and the Transportation System update, will assist the city in lowering transportation sector emissions by increasing the availability and accessibility of safe bike and pedestrian infrastructure.

#### **COORDINATION, CONCURRENCE, OR DISSENT**

The Planning Commission concurs with the workplan moving forward.

#### **STAFF RECOMMENDATION**

Discussion

#### **ALTERNATIVES**

None

#### **ATTACHMENTS**

1. 2021-2025 Planning Work Forecast
2. Revised Bylaws



Planning Work Forecast 2021-2025																									
Task	Plan/Zone Map	Code Change	Engagement Level	Team	Consultant Needed	2021				2022				2023				2024				2025			
						Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
A. Comp Plan Implementation- Phase 1 + HB 2001																									
1. Housing, Tree and Parking Code implementation April Adoption	Maybe	Yes	High	Co-Lead: CD & Planning Support: Engineering (SDCs) + Outreach: CMO	Yes																				
B. Comp Plan Implementation - Phase 2																									
1. Transportation Systems Plan – Update – multi-year effort	Yes	Maybe	High	Lead: Planning Support: Engineering + Outreach: CMO	Yes																				
2. Neighborhood Hubs - Create a new zone	Yes	Yes	High	Lead: Planning Support: CD; Engineering + Outreach: CMO	No																				
2.5 Commercial & Industrial Zone and Map updates	Yes	Yes	Moderate	Lead: Planning Support: None	No																				
3. Public Facilities Plan – Update – new water master plan and wastewater master plan	Yes	Maybe	Moderate	Lead: Public Works Support: Planning & Engineering	Yes (Public Works)																				
C. Comp Plan Implementation - Phase 3																									
1. Natural Resources Inventory and Code Update	Yes	Maybe	High	Lead: Planning Support: None + Outreach: CMO	Yes																				
2. Flood Protection – Consider creating a zoning overlay for added protection	Yes	Yes	High	Lead: Planning Support: Engineering																					
3. Parks and Institutions Zone – Create a new zone	Yes	Yes	Moderate	Lead: Planning Support: None	Maybe																				
4. Willamette Greenway – Update code	Yes	Yes	Moderate	Lead: Planning Support: None	Maybe																				
5. Town Center – Replace current Town Center Plan with new document that consolidates the Downtown/Riverfront and the Central Milwaukie Plans as two components of the Town Center Plan	Yes	No	Moderate	Lead: Planning Support: None	Maybe																				
6. Historic Resources Inventory Update	Yes	Yes	Moderate	Lead: Planning Support: CMO + Outreach: CMO	Yes																				
7. Urban Growth Management Agreement – adopt a new agreement with the County	Yes	No	Low	Lead: Planning & City Attorney Support: Public Works, CMO, & Engineering	Maybe (Attorney)																				

Planning Work Forecast 2021-2025																									
Task	Plan/Zone Map	Code Change	Engagement Level	Team	Consultant Needed	2021				2022				2023				2024				2025			
						Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
D. Other Planning-Related Plan/Code Amendments																									
1. Flood Protection – Update code section required by DLCD	Maybe	Yes	Moderate	Lead:Planning Support: Engineering	No																				
2. Central Milwaukie Bikeways Plan – TSP and Central Milwaukie Plan Amendment	Yes	No	Moderate	Lead:Planning Support: Engineering	Yes – Grant Funded																				
3. Downtown Design Guidelines and Code – Update	No	Yes	Moderate	Lead: Planning Support: None	Maybe																				
4. Emergency shelter during natural disasters and temporary transitional housing for those experiencing houselessness - code updates	No	Yes	Moderate & High	Lead: CDD Support: Planning	Maybe																				
5. Sign Code Update	No	Yes	Moderate to High	Lead: Planning Support: City Attorney	Maybe (Attorney)																				
6. Annexation Incentive Program	No	Yes	Low	Lead: Planning Support: CD, CMO, and Engineering	No																				
7. Bi-annual Housekeeping Code Amendments	No	Yes	Low	Lead: Planning Support: None	No																				
8. Natural Resources Code Amendment – Add clear and objective standards (if required)	No	Yes	Moderate	Lead: Planning Support: City Attorney	No																				
E. Other Non-Planning Code Amendments																									
1. Public Records Update	No	Yes	Low	Lead: City Recorder	No																				
2. MMC Title 2 - Boards and Commissions Update	No	Yes	Moderate	Lead: City Recorder	No																				
3. MMC Title 5 - Business Registration Program	No	Yes	Low	Lead: Finance	No																				
4. MMC Title 15 - Dangerous Structures	No	Yes	Low	Lead: Building	No																				
5. Transitional Housing	Maybe	Yes	High	Lead: Building	Maybe																				
6. MMC Title 15 - Building Code Admin Changes	No	Yes	Moderate	Lead: Building	No																				

**MILWAUKIE PLANNING COMMISSION BYLAWS**

**ARTICLE I NAME**

The name of this commission is the Planning Commission (Commission).

**ARTICLE II PURPOSE, AUTHORITY, AND OBJECTIVE**

- A. **Purpose.** The purpose of the Commission is to serve as an advisory body to, and a resource for, the City Council in land use matters. In addition, the Commission shall carry out the roles and responsibilities as assigned under Milwaukie Municipal Code (MMC) Section 2.16.010.
- B. **Authority.** The Commission is authorized by ORS 227 and MMC Chapter 2.16.
- C. **Objective.** The Commission's objectives include articulating the community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.
- D. **Open Meetings.** All meetings of the Commission are open to the public. The Commission has the authority to conduct an executive session under ORS 192.660.

**ARTICLE III MEMBERSHIP**

- A. **Appointment.** Each Commission member shall be appointed by the Mayor with the consent of Council, consistent with MMC 2.10.030 G. Members shall serve at the pleasure of the Council.
- B. **Term of Office.** Terms are for a period of four years. Commission members may serve no more than two consecutive full terms, unless there is an interval of at least one term prior to reappointment. The Council may waive this limitation if it is in the public interest to do so.
- C. **Membership.** The Commission consists of seven members. No more than two members may be non-residents, and no more than two members shall be engaged in the same kind of occupation, business, trade, or profession. No member may be a City of Milwaukie officer, agent, or employee; and no more than two voting members of the Commission may engage principally in the buying, selling, or developing of real estate for profit as individuals; or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit.
- D. **Vacancies and Removal.** Vacancies are filled in the same manner as the original appointments. A member of the Commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.
- E. **Attendance.** Upon failure of any member to attend three consecutive meetings, the Commission may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.

1 Adopted by Resolution 19-2010; Amended by Resolution XX-2020, Effective XXXXX, 2020

- F. **Compensation.** Commission members shall receive no compensation for their service, but shall be fully reimbursed for all duly authorized expenses.

#### ARTICLE IV OFFICERS AND STAFFING

- A. **Officers.** The officers consist of a Chair and a Vice Chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the Commission's first meeting of the calendar year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term.
- B. **Chair.** The Chair shall preside at all deliberations and meetings of the Commission and call special meetings in accordance with these Bylaws and review Commission agendas with the staff liaison. The Chair shall sign all documents memorializing Commission actions in a timely manner after action by the Commission.
- C. **Vice Chair.** During the absence, disability, or disqualification of the Chair, the Vice Chair shall exercise or perform all duties and be subject to all the responsibilities of the Chair. In the absence of the Chair and Vice Chair, the remaining members present shall elect an acting Chair.
- D. **Staff.** The City of Milwaukie Planning Department will provide staff support to the Commission for: land use issues, meeting notifications, postponements, final disposition of matters, and other steps taken or acts performed by the Commission, which include administrative housekeeping functions such as word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

#### ARTICLE V ORGANIZATIONAL PROCEDURES

- A. **Meetings.** The Commission shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law. Typically, the Commission meets at least once a month on the second and/or fourth Tuesday at 6:30 p.m. at City Hall. Commission meetings shall end no later than 10:00 p.m., unless extended by majority vote of the Commissioners present and participating in the Agenda item that is under consideration at that time. An extension to 10:30 p.m. is allowed by Commission action. If a meeting has not concluded at 10:30 p.m., the Commission may vote on the Agenda item, consider another extension of up to 30 minutes, or vote to continue the item to the next available meeting.
- B. **Quorum.** A quorum is four of the voting membership of the Commission. The concurrence of a majority of the Commission members present shall be required to decide any matter. In the case of a tie vote, the matter is not complete. One new motion may be made. If a majority vote is not obtained on that motion the agenda item fails. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be cancelled. In the event it is known by the Director prior to a meeting that a quorum will not be present at any meeting, the Director shall notify the Commission members. All items scheduled for the meeting shall be automatically continued to a regularly scheduled meeting unless the Director determines that a special meeting is needed. The Director shall post notice of the continuance on the exterior

doors of City Hall notifying the public of the continuance and specifying the date and time when the continued items will be before the Commission. The Notice shall remain through the evening on which the meeting is originally scheduled.

- C. **Order of Business.** The Chair shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:

1. Call to order – Procedural Matters
2. Minutes
3. Information Items
4. Audience Participation
5. Public Hearings
6. Worksession Items
7. Planning Department Other Business/Updates
8. Planning Commission Discussion Items
9. Forecast for Future Meetings.

- D. **Voting.** All members who are present at a Commission Meeting, including the Chair and Vice Chair, are allotted one vote each on all motions. A motion may be made by any Commissioner with the exception of the presiding officer. All Commissioners, when a vote is taken, shall vote unless he or she abstains from voting and cites the reason for the record. Staff shall call the roll, altering the order of members called. The Chair shall vote last.

- E. **Reconsideration of Actions Taken.** A member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commission.

- F. **Minutes.** A staff representative or designee shall be present at each meeting and shall provide for a sound, video, or digital recording, or written minutes of each meeting. The record of the meeting, whether preserved in written minutes or sound, video, or digital recording, shall include at least the following information:

- Names of the Commission members present;
- All motions and proposals, and their disposition;
- The results of all votes and the vote of each Commission member by name;
- The substance of any discussion on any matters; and,
- A reference to any document discussed at the meeting;

Written minutes need not be a verbatim transcript, but give a true reflection of the matters discussed at the meeting and the views of the participants.

Written minutes of a meeting will be made available to the public within a reasonable time after the meeting.

Minutes shall be reviewed and voted upon by the Commission at a regular meeting.

- G. **Repeal or Amendments.** The Commission may review these bylaws periodically and forward suggested revisions to the Council for approval. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Council on its own initiative, or upon a recommendation from the Commission.
- H. **Meeting Conduct.** The meeting conduct for this Commission is these bylaws except where superseded by or local, state, or federal law.
- I. **Statement of Economic Interest.** Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.

#### ARTICLE VI DUTIES OF OFFICERS

- A. **Duties of the Chair.** The Chair or Vice Chair, in addition to the duties in Article IV, shall preserve the order and decorum of the meeting.
  - 1. The Chair may assess the audience at the beginning of the meeting, and, with the consent of the Commission, announce reasonable time limits.
  - 2. The Chair will direct the planning staff to summarize the issues to be addressed and the criteria to be applied by the Commission during its deliberations, following the conclusion of public hearing testimony.
  - 3. The Chair will summarize the hearing results and state the appeal process at the conclusion of the public hearing.
- B. **Requesting Response and Opinion.** The Chair will ask for response and opinion from the members of the Commission.
- C. **Appointments to Specific Projects on Committees.** The Chair may appoint Commissioners to specific projects or committees, and may select a Commissioner to be spokesperson for the Commission when the Chair or Vice Chair is unavailable.
- D. **Confer with Director.** The Chair or Vice Chair shall confer with the Planning Director (Director) on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.
- E. **Orientation of New Members.** The Chair, in conjunction with the Director, shall orient new members.

#### ARTICLE VII DUTIES OF THE COMMISSION

- A. **Duty of Commissioner.** Commissioners shall address all those who come before the Commission in a formal and courteous manner.
- B. **Absence From a Meeting.** If a Commissioner is unable to attend a meeting, it is that Commissioner's responsibility to inform the Community Development staff and/or the Commission Chair of that fact prior to the meeting to be missed.

## ATTACHMENT 2

- C. **Site Visits.** Prior to Commission meetings, Commissioners are encouraged to visit sites that are subjects for land use actions. If a Commissioner visits a site, he or she shall report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
- D. **Method of Handling Conflicts by Members.** In accordance with ORS 244.135: (1) A member of the Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:
1. The Commission or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the Commissioner;
  2. Any business in which the Commissioner is then serving or has served within the previous two years; or
  3. Any business with which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
  4. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.
- E. **Meeting Preparation.** Commissioners shall prepare for participation at a meeting by fully reviewing the staff report and materials provided by the Director. If a Commissioner is unable to attend a hearing on a quasi-judicial application that is continued to another hearing, the Commissioner shall not take part in the continuance hearing unless the Commissioner:
1. Reviews the staff report and materials provided by the Director as well as:
    - a. all materials submitted at the hearing, and
    - b. any additional materials prepared by the planning staff applicable to the application, and
    - c. either the audio recording of the hearing or the draft minutes of the hearing.
  2. Declares that they are prepared to participate.
- F. **Duties Assigned by Council.** The Commission shall carry out the duties assigned to it by Council relating to development, updating, and general maintenance of the Milwaukie Zoning Ordinance and the Milwaukie Comprehensive Plan.

1. The Commission shall serve as the Community Involvement Advisory Committee (CIAC) for the City until a separate CIAC is formed by the City Council. Each Commissioner shall be considered appointed to the CIAC at the same time as he or she is appointed to the Commission and shall serve on the CIAC for the duration of their term or until a separate CIAC is

formed. Upon the formation of a separate CIAC, the Commission shall no longer serve as the CIAC.

a. The CIAC shall implement the City's Citizen Involvement Program pursuant to the requirements and relevant guidelines set forth in Statewide Planning Goal 1 and the Comprehensive Plan.

2. **Other Duties.** At least once per year, the Commission shall hold a meeting at which Neighborhood District Association (NDA) leaders (e.g., the NDA chair and the chair of the land use committee) have been invited to discuss land use issues and community outreach with the Commission.

Deleted: ¶

#### ARTICLE VIII GOALS AND OBJECTIVES

- A. **Annual Goal Review.** The Commission shall review the Council goals annually for establishment of Commission goals which enhance and augment those of the Council.
- B. **Establishment of Commission Goals.** The Commission shall establish goals, at a minimum, annually.

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