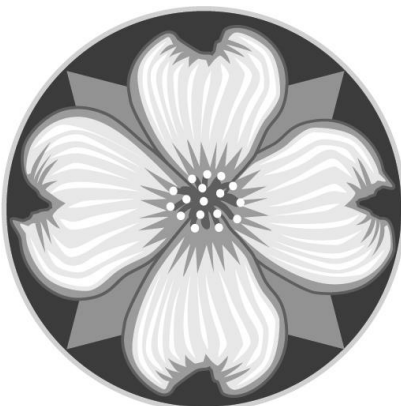


THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED



Work Session

WS

Milwaukie City Council

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED



COUNCIL WORK SESSION

Zoom Video Conference
www.milwaukieoregon.gov

AGENDA

FEBRUARY 16, 2021

Video Meeting: due to the governor's "Stay Home, Stay Healthy" order, the City Council will hold this meeting through Zoom video meetings. The public is invited to watch live on the [city's YouTube channel](#), Comcast Cable channel 30 in city limits, or by joining the Zoom webinar (visit <https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-271> for details).

Written comments may be submitted by email to ocr@milwaukieoregon.gov. Council may take limited verbal comments. **To speak during the meeting**, see the Zoom webinar login information (see meeting page link above).

Note: agenda item times are estimates and are subject to change.

Page #

- 1. Comprehensive Plan Implementation Project – Update** (4:00 p.m.) **1**
Staff: Vera Kolias, Senior Planner
- 2. Planning Commission Annual Update – JOINT MEETING** (4:45 p.m.) **29**
During this part of the meeting a majority of the Planning Commission may be present.
Staff: Laura Weigel, Planning Manager, and
Vera Kolias, Senior Planner
- 3. Adjourn** (5:30 p.m.)

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 or phone at 503-786-7502. To request Spanish language translation services email 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 o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a 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.

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



CITY OF MILWAUKIE

Memorandum

To: City Council
From: Leila Aman, Community Development Director
CC: Ann Ober, City Manager
Date: February 12, 2021
Re: Community Development Department Projects – City Council Update for February 16, 2021 Council meeting

Community Development/Economic Development/Housing	Planning	Building
▪ Covid-19-Related Business Relief ▪ ADU SDC Waiver ▪ Housing Update ▪ Rent Relief ▪ City Hall Blue Ribbon Committee	▪ Comprehensive Plan Implementation ▪ Planning Commission ▪ Design and Landmarks Committee ▪ Land Use/Development Review	▪ Jan 2021 review to come

COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/HOUSING

COVID-19 Related Business Relief

- The Business Relief Fund awarded \$252,000 in total to local businesses. A survey was sent out to all grant recipients from Rounds 1-3 to provide feedback about the impact of the BRF and how the city can assist Milwaukie businesses in the future. Staff have followed up with all businesses to connect them with resources such as the Business Recovery Center, the Downtown Milwaukie Business Association, and other needs as listed in the survey.
- The Temporary Use Permits for Outdoor Seating and Retail will be extended through November of 2021. Staff will work with Planning and Engineering to develop options to continue to support businesses that want to provide outdoor seating.

ADU SDC Waiver

- To date 10 applicants have completed waiver forms and are in line for the program that is scheduled to end on June 30, 2020. Of these 10 allocations for waivers, seven have received final approvals and three are pending land use application or building permit review. Three have been added to the waitlist and staff are no longer advertising the program or accepting new applications. Staff are tracking development of these 10 ADUS by requesting updates on construction and photographs of completed projects. For anyone interested in potential future funding or other ADU development news or resources they can email econdev@milwaukieoregon.gov or contact 503.786.7624 to receive updates.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

Housing Update

- City Council renewed the housing emergency and renter protections until June 2021. Staff will provide an update and provide council with options for permanent renter protections at a City Council meeting on March 16.
- City Council approved temporary use code amendments to allow warming and cooling shelters for a period of 90 days and one additional 30-day extension over the course of a year.
- Staff met with City Council on January 19 to discuss goals for the Sparrow site in terms of levels of affordability and housing types desired or needed. The city purchased the site from Trimet for the purpose of land banking to support affordable housing. Staff plan to release an RFQ by this summer to select a development partner for site design and remedial action plan work to begin this fall. Staff shared that due diligence through coordination with Engineering, nearby property owners and Trimet is being conducted to assess potential design and costs for access on 25th, 26th and Sparrow. Staff will return to City Council on March 21 for a resolution to adopt goals and declare the property as surplus.

Rent Relief

- The city and NHA finalized an agreement for Round 2 of \$25,000 in rent assistance to be disbursed to City of Milwaukie residents through this Winter and Spring.

City Hall Blue Ribbon Committee

- The City Hall Open House on the Engage Milwaukie platform, <https://engage.milwaukieoregon.gov/> closed on January 7, 2021. The Open House had over 130 participate in surveys on the webpage. The Open House was a visioning exercise and was used to gather information about community values to help inform the creation of goals that meet with City's financial objectives. Staff are in the process of developing these goals and will share them with the CHBRC at an upcoming meeting, and then with City Council.

PLANNING

Comprehensive Plan Implementation

- The next CPIC meeting will be held on February 18. This meeting will focus on code concepts and types of zoning code amendments which were developed based on the initial recommendations outlined in the code audit. The amendments are of various kinds—from those that are structural, and are needed to enable the other amendments, to those that were identified in the Code Audit package. Some of the amendments will involve re-mapping zones, and some amendments involve projects outside of the scope of this project, such as public works standards. A focus of the February 18 meeting will be an in-depth interactive exercise in break-out groups to help the committee members work through the options to help finalize the concepts for the larger public participation event in March.
- The arborist on the consultant team has been meeting with the Tree Board to understand the board's priorities in development the tree code applicable to private residential property. The consultant met with the Tree Board on February 4 with an outline of the proposed code structure to discuss specific aspects of the clear and objective standards related to tree preservation and removal.
- The parking expert on the consulting team has been working on a residential on-street parking inventory and utilization study. A draft summary report of the inventory work has been submitted to the city for review. The field work for the utilization of the on-street parking in the study areas was completed on February 2 – 3. The findings of the analysis are in process.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

Next steps:

- Continue planning next public outreach event –on-line participation and “meeting in a box” with smaller facilitated groups.
- Final synthesis report of recommended code concepts.
- Being planning next CPIC meeting and train facilitators for “meeting in a box” groups.

Planning Commission

- PD-2020-001 – The Planning Commission held a continued public hearing on January 12 for the application for a Planned Development at Waverly Woods. The proposal is for the phased development of four apartment buildings, a community center with a swimming pool, and a community room totaling 100 dwelling units. The Planning Commission voted 6-1 to recommend approval to the City Council. The City Council hearing date is scheduled for February 16. Hearing notices were sent on January 27.
- The Planning Commission continued discussing proposed revisions to their bylaws on January 12, 2021 and will discuss the revisions with City Council on February 16 at the joint meeting.
- ZA-2020-002 – Proposed amendments to Title 18 (Flood Hazard Regulations), in order to stay current with updated regulations from the Federal Emergency Management Agency (FEMA) and maintain the City's eligibility to participate in the National Flood Insurance Program. The Planning Commission will discuss the proposed amendments in a hearing on January 12, 2021, and the group's recommendation will be discussed in a City Council work session on February 2. A public hearing to consider adoption of the proposed amendments is tentatively scheduled for March 2, 2021.
- PD-2020-002: A Type III application for preliminary planned development review for the Hillside Master Plan was submitted on November 17. The application was deemed incomplete on December 15. The applicant submitted additional information and the application was deemed complete on January 7. Referrals were sent out on January 13. The public hearing with the Planning Commission was tentatively scheduled for February 23, but in order to accommodate a meeting with the Ardenwald NDA, the applicant asked to move the hearing to March 9. Notices will be sent out on February 17.
- DR-2021-001 (master file): A Type III application has been submitted for redevelopment of the City-owned Coho Point site at 11103 SE Main St. The project would construct a 6-story mixed-use building with ground-floor retail and restaurant space, off-street parking in the lower level, and 195 multifamily dwelling units on the upper floors. The submittal requires downtown design review, variance requests (including for building height, natural resource review, Willamette greenway review, parking modification, and transportation facilities review. The application is currently being reviewed for completeness, with a deadline for a completeness determination by February 26.
- VR-2021-002: A Type III application has been submitted for a sign adjustment to allow an electronic readerboard sign at Milwaukie High School. The application is currently being reviewed for completeness.

Design and Landmarks Committee

- The DLC's next regular meeting is tentatively scheduled for March 15, 2021, for a potential design review meeting for the Coho Point project (master file #DR-2021-001).

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Land Use/Development Review¹

- EXT-2021-001: No comments have been received on the proposal to extend the expiring land use approval for the 170-unit senior housing development by Bonaventure Senior Living (master file #CU-2018-003) at 5801 SE Kellogg Creek Dr. The minimum required public comment period ended on February 5, and a decision to grant the extension is anticipated by February 12.

¹ Only land use applications requiring public notice are listed

BUILDING

Jan 2021 review to come

-



COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 9, 2021

Reviewed: Leila Aman, Community Development Director, and
Laura Weigel, Planning Manager

From: Vera Kolias, Senior Planner

Subject: **Comprehensive Plan Implementation – Project Update – Code Concepts**

ACTION REQUESTED

None. This is a project update.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

- [January 19, 2021](#): Staff provided Council with a project update
- [December 1, 2020](#): Staff provided Council with a project update.

ANALYSIS

This update relates to the initiation of the detailed code concepts discussion portion of the Comprehensive Plan implementation project (see detailed discussion below).

Project Background

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 single dwelling zones. In November 2019, Council discussed how to proceed with code amendments after the updated plan was adopted, setting the stage for the recently initiated implementation project.

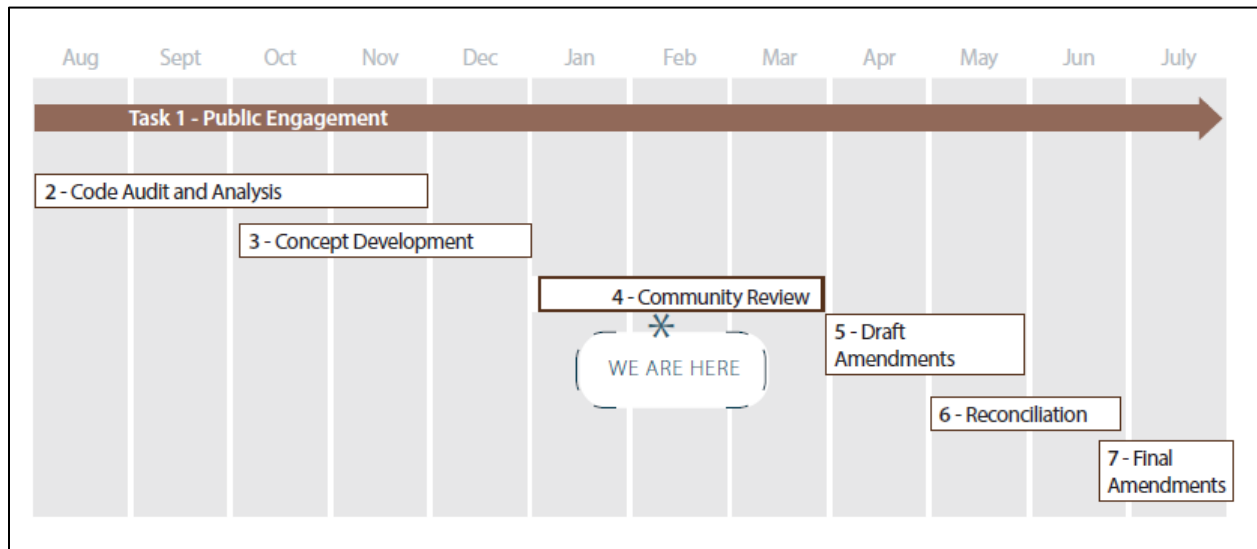
The focus of this phase of plan implementation is housing, but it also includes related changes to parking requirements in residential areas and tree protection and preservation related to private residential land. The outcome will be code amendments that balance the city's goal for a 40% tree canopy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

The scope of work for this project includes the following tasks:

1. Public Engagement
2. Map and Code Audit and Analysis
3. Detailed Code Concepts Development
4. Community Review and Testing
5. Draft Code Changes and Map Amendments
6. Code and Map Review and Reconciliation
7. Final Code and Map Changes and Adoption

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Project Schedule



Types of Zoning Code Amendments and Associated Changes

This list of concepts is based on the initial recommendations outlined in the Code Audit and a number of questions that have been raised since its publication.. This list covers amendments of various kinds—from those that are structural, and are needed to enable the other amendments, to those that were identified in the Code Audit package. Some of these amendments will involve re-mapping zones, and some amendments involve projects outside of the scope of this project, such as public works standards. The list also includes amendments that will be needed to allow the code to be published by the city’s online publishing contractor. Most of these amendments are interdependent, but they are listed here as discrete amendments.

1. Simplify the number of residential zones (from eight to three, or one)
This amendment is not strictly needed to comply with HB 2001, but may help the city implement Comprehensive Plan goals for equitable distribution of housing choices. There are a few implementation options that go beyond HB 2001 compliance and would implement the Comprehensive Plan.
2. Selectively apply existing development standards that currently provide additional building capacity (“bonuses”) to duplexes. Under HB 2001, duplexes must be permitted on all lots. Amend existing “bonus” allowances, e.g., the 20% additional lot coverage granted to duplexes, and instead of applying to all duplexes, grant these bonuses selectively to dwelling units within and around neighborhood hubs or other areas such as those served by transit. Note that this project would amend the application of the “bonuses” but not identify where they apply. Identifying the areas that these bonuses would apply to would be defined and mapped in a separate project – the Neighborhood Hubs project.

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3. Adopt a form-based approach for the code amendments.
 - a. A form-based code approach focuses on the form of development (not the use), emphasizes the design of buildings, and uses illustrations to support the text of the regulation. It connects urban form and land use. The approach pays more attention to the buildings, which will last many years, instead of the uses, which change over time. This approach makes the code easier to understand, focuses on what the community wants and prioritizes, and can make the code more predictable. The city's code already uses this approach in a number of ways, such as maximum lot coverage and the side yard height plane standards.
 - b. An example of this type of amendment would be to remove housing types from the land use table, and instead handle them in a development standards section of the zoning code. This would involve amending definitions and including a separate housing types table that is associated with the development standards, i.e., dimensional standards that specify minimum lot size, setbacks, height, and maximum lot coverage for each housing type. This amendment is needed to comply with HB 2001, and also enables other amendments that will implement the city's Comprehensive Plan.
4. Adopt a Tree Code applicable to private property in residential zones.

This amendment is not required for HB 2001 compliance but is required for Comprehensive Plan implementation and helps achieve the goals outlined in the Climate Action Plan and Urban Forest Management Plan. It will ensure that certain trees on private lots are handled in one of several ways: the tree is either subject to preservation, or its removal triggers replacement or payment of "in lieu" funds. This is after, through a clear and objective analysis, an existing tree is determined to be a tree that meets a Comprehensive Plan goal, i.e., contributes to the city's goal for increased tree canopy.
5. Amend (restrict) on-site parking requirements to one per dwelling unit. Provide additional parking choices, i.e., for parking to be provided on the street, instead of on-site.
6. Establish a pattern guide or menu illustrating how clear and objective standards can be applied in different neighborhood contexts (see below).
7. Adopt an additional street standard for compliance with street improvements (the "lighter, greener, cheaper" option).

Note: The development and approval of this public works standard would occur in a separate project.
8. Structure zoning code figures, tables, and text for online code publishing.

Community Testing and Review

The code concepts are potential ways to approach code amendments that will achieve the goals of the project and will be organized into a set of alternatives that can be evaluated and presented to the community for testing and review. At least one alternative will rely on the use of a form-based approach for the regulations to achieve housing goals. Alternatives related to parking for various housing types and the city's tree canopy goals will be included. The results of community testing of the code concepts through a public engagement process will directly inform the development of specific code language for the code and map amendments.

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Context Zones

Our approach to the code concepts is based on context zones. Similar to case studies, it is a way to illustrate the concepts in specific areas in the city with specific characteristics. There are five contexts whose characteristics are useful to compare and contrast, and whose characteristics will demand or require different approaches for housing, parking and trees. These are based on areas where the lots are zoned R-5, R-7, or R-10. In the two R-5 contexts, lots are frequently greater than the required minimum size.

- An R-5 zoned area with a mix of 5,000 through 7,000 square foot lots with mid-century era development pattern. The “mid-century” development pattern means low profile buildings that are typically one story, with larger building footprints.
- An R-5 zoned area with a mix of 5,000 through 7,000 square foot lots with pre-war development pattern. The “pre-war development pattern” means taller profile buildings that are typically two- to two-and-one-half stories, with smaller footprints.
- An R-7 zoned area with 7,000 square foot lots with mid-century era development pattern.
- An R-7 zoned area with 7,000 square foot lots with pre-war development pattern.
- An R-10 zoned area with 10,000 square foot lots.

Comprehensive Plan Implementation Committee

The Comprehensive Plan Implementation Committee (CPIC) will be meeting on [February 18](#) to review and discuss the code concepts and implementation options. A series of interactive exercises in break-out groups will help the committee members work through the options to help finalize the concepts for the larger public participation event in March. At the writing of this staff report, the final materials for the meeting were not ready. However, in general, the implementation options that the committee will discuss are summarized as follows:

- Simplify the number of residential zones
 - Minimum compliance – no change in the zones.
 - Condense the number of residential zones from eight to just three: Large lot (R-10); Medium Lot (R-5 and R-7); small lot (R-3, R2.5, R-2, R-1.)
 - Condense residential zones to one; housing types are allowed to occupy lots that meet the minimum lot size requirement, wherever they occur.
- Amend (restrict) on-site parking requirements to one per dwelling unit. Provide additional parking choices, i.e., for parking to be provided on the street, instead of on-site.
 - Establish the maximum number of spaces to match up with the minimum off-street requirement, in essence limiting on-site parking to one per dwelling unit. Amend the code regarding the location of the required off-street parking space.
 - Establish a higher allowed maximum number of off-street parking spaces to allow for conditions we may see as a result of the parking inventory and utilization studies (car ownership patterns combined with street conditions). For example, one off-street parking space would be required, but two or three would be allowed.
 - Permit on-street parking to count toward the minimum.
 - Establish no minimums, only a maximum.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

- Establish a pattern guide or menu illustrating how clear and objective standards can be responded to in different contexts.
- Adopt a form-based approach for the code amendments.

Next Steps

- Continue planning next public outreach event – on-line participation and “meeting in a box” with smaller facilitated groups.
- Final synthesis report of recommended code concepts.
- Begin planning next CPIC meeting and train facilitators for “meeting in a box” groups.
- Residential parking utilization study results – Rick Williams.

BUDGET IMPACT

The active consultant contract runs through July 31, 2021.

WORKLOAD IMPACT

Staff from community development, planning, and public works departments have been assigned to work on this project. Coordination began in March 2020 and will continue through June 2021.

CLIMATE IMPACT

The objective of the implementation project is code amendments that will support a variety of housing opportunities throughout the city, including middle housing, and an updated tree code that will help the city achieve its stated goal of a 40% tree canopy.

COORDINATION, CONCURRENCE, OR DISSENT

Community development, planning, engineering, city manager’s office, and public works staff are working on this project.

ATTACHMENTS

1. February 18, 2021 CPIC meeting packet

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

u r b s w o r k s

MILWAUKIE COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE

MEETING PACKET #5

To: Milwaukie Comprehensive Plan Implementation Committee Members

From: Vera Kolias, Senior Planner

Subject: CPIC Meeting Packet #5

Hello Milwaukie Comprehensive Plan Implementation Committee members,

Thank you in advance for preparing for this Comprehensive Plan Implementation Committee (CPIC) Meeting. The fifth CPIC meeting is scheduled for February 18th, from 6 – 9 PM. Important Note: Due to public health concerns, this meeting will be held entirely over Zoom. Please do not plan to attend this meeting in person. City staff will send an email to you with your individual Zoom panelist link. Please log in to the meeting approximately 15 minutes early to avoid any potential technology issues.

Please note the change in the meeting duration from two hours to three hours. Please review the information provided in this packet thoroughly in advance of the meeting, including Attachment B: Project FAQ. We will have a full agenda and look forward to receiving your guidance on these topics.

Additionally, it may be helpful to keep a copy of this packet close by in the event that technology does not cooperate as we intend. We will reference packet page numbers when we are discussing specific items.

Request for Review and Comment on Meeting Packet Materials

In the spirit of working quickly and efficiently to meet our project deadlines, careful review of meeting packet materials is essential. It is expected that CPIC members come to each meeting prepared having read the materials and ready to discuss each topic in detail.

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The primary objectives for CPIC #5 are to:

1. Share code concepts for input
2. Provide feedback on concepts;

Items to consider while looking over the memo and feedback needed in the meeting:

- a. Are these the right concepts? Are we missing anything?
 - b. Do you understand them? Could you explain them to others in your community and/or during the upcoming "meeting-in-a-box" engagement sessions?
3. Opportunity to ask project-related questions. These questions could stem from the FAQ document or the need to better understand anything related to the project.
 4. Learn about next steps in the project

CPIC Meeting Packet #5 Materials List

Number	Packet Item
1	Agenda (this document)
2	Attachment A: Approach to Public Engagement Round 2
3	Attachment B: FAQ sheet (developed from your questions sent to staff)
4	Attachment C: Code and Map Concepts Memo

If you have any questions on the materials in this packet, please feel free to contact me via phone or email, my information is listed below. We are grateful for your participation in this important work.

Thank you,

Vera Kolas, Senior Planner

koliasv@milwaukieoregon.gov

503-786-7653

Milwaukie Community Vision

In 2040, Milwaukie is a flourishing city that is entirely equitable, delightfully livable, and completely sustainable. It is a safe and welcoming community whose residents enjoy secure and meaningful work, a comprehensive educational system, and affordable housing. A complete network of sidewalks, bike lanes, and paths along with well-maintained streets and a robust transit system connect our neighborhood centers. Art and creativity are woven into the fabric of the city.

Milwaukie's neighborhoods are the centers of daily life, with each containing amenities and community-minded local businesses that meet residents' needs. Our industrial areas are magnets for innovation, and models for environmentally-sensitive manufacturing and high wage jobs.

Our residents can easily access the training and education needed to win those jobs. Milwaukie nurtures a verdant canopy of beneficial trees, promotes sustainable development, and is a net-zero energy city. The Willamette River, Johnson Creek, and Kellogg Creek are free flowing, and accessible. Their ecosystems are protected by a robust stormwater treatment system and enhanced by appropriate riparian vegetation. Milwaukie is a resilient community, adaptive to the realities of a changing climate, and prepared for emergencies, such as the Cascadia Event.

Milwaukie's government is transparent and accessible, and is committed to promoting tolerance and inclusion and eliminating disparities. It strongly encourages engagement and participation by all and nurtures a deep sense of community through celebrations and collective action. Residents have the resources necessary to access the help they need. In this great city, we strive to reach our full potential in the areas of education, environmental stewardship, commerce, culture, and recreation; and are proud to call it home.

Comprehensive Plan Implementation Committee Charge

The CPIC will support the City by helping to involve a variety of different stakeholders in the decision-making process, offering feedback on a code audit and draft code concepts and ensuring that the diverse interests of the Milwaukie community are reflected in the code and map amendments.

The CPIC are the primary liaisons to the Milwaukie community, and are expected to provide feedback on public involvement efforts, code concepts and amendments, and advance recommendations to the Planning Commission and City Council.

The CPIC will interact with City of Milwaukie staff, particularly the Planning Division and its consultant team. The CPIC will meet monthly throughout the code amendment process, with adoption of the final code package plan targeted for early Summer 2021. Subcommittees may also be established to work on specific tasks and will hold meetings as necessary. CPIC members are also encouraged to help facilitate meetings with their neighborhood district associations and other community organizations. The CPIC is encouraged to promote opportunities for public involvement, disperse information to the Milwaukie community, and solicit feedback concerning the Comprehensive Plan Implementation project.

MILWAUKIE COMPREHENSIVE PLAN IMPLEMENTATION | ATTENDEES

CPIC Members

Joel Bergman

Micah Meskel

Nicole Zdeb

Renee Moog

Sharon Johnson

Celestina DiMauro

Daniel Eisenbeis

Matthew Bibeau

Stephan Lashbrook

Ada Gonzalez

Dominique Rossi

Eugene Zaharie

Jennifer Dillan

Councilor Lisa Batey – City Council Liaison

Joseph Edge – Planning Commission Liaison

City Staff

Vera Kolias, Senior Planner

Laura Weigel, Planning Manager

Leila Aman, Community Development Director

Mary Heberling, Assistant Planner

Peter Passarelli, Public Works Director

Natalie Rogers, Climate Action and Sustainability Coordinator

Consultant Team

Marcy McNelly, Urbsworks, Inc.

Kimi Sloop, Barney and Worth, Inc.

Keith Liden, Land Use Planner

Rick Williams, Rick Williams Consulting

Todd Prager, Teragan

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Milwaukie Comprehensive Plan Implementation Committee Virtual Meeting (CPIC #5)

February 18, 2020; 6:00 pm – 9:00 pm

By Zoom Web Conference

This meeting will be recorded and posted to the city website.

Public comment: Members of the public that wish to make a public comment should submit their written comment to koliasv@milwaukieoregon.gov.

Comprehensive Plan Implementation Committee Meeting #5 - Agenda		
Time	Topic	Who
5:45 – 6:00 pm	Login to Webinar and Conference Line	CPIC members
5 minutes 6:00 – 6:05 pm	· Meeting protocol and introductions · Overview of process – where we are, where we're going	Vera Kolias
30 minutes 6:05 – 6:35 pm	Overview of Code Concepts	Marcy McInelly
10 minutes 6:35 – 6:45 pm	Questions – Code Concepts	Kimi Sloop, Marcy McInelly
105 minutes 6:45 – 8:30 pm	CPIC input on Code Concepts - Interactive Exercise	Marcy McInelly
75 minutes 6:45 – 8:00	· Break out groups	CPIC members
30 minutes 8:00 – 8:30	· Report out from break out groups and discussion	CPIC members
10 minutes 8:30 – 8:40 PM	Summary of Code Concepts discussion	Marcy McInelly
20 minutes 8:40 – 9:00 PM	Next Steps · Public Engagement · Refined Code Concepts	Kimi Sloop
9:00 PM	Adjourn	

Project Memorandum

February 10, 2021

To: Milwaukie CPIC

From: Kimi Sloop, Barney & Worth, Inc.
Marcy McInelly, Urbsworks

Re: Public Engagement Round Two

Purpose

The purpose of the second round of public engagement is to share and seek feedback on the code concepts being considered to implement the Comprehensive Plan policies and HB 2001 requirements. The specific topics to probe with the public are still being determined.

Elements of Engagement

This round of public engagement will include both 1) a virtual open house and community survey (using Engage Milwaukie) that individuals can do on their own time and 2) a series of “meetings-in-a-box” (a.k.a., small group discussions/focus groups) that will be facilitated by City staff and CPIC members. Two versions of meeting-in-a-box will be created. A short version (approximately 15 minutes) will provide an overview of the project and direct people to the Engage Milwaukie portal to participate in the virtual open house and provide feedback. A longer version (approximately 60 minutes) will engage meeting participants in discussion. The format of the longer meeting-in-a-box will follow the virtual open house: facilitators will walk the group through the open house stations, and then lead a discussion using the same, or similar, questions from the community survey. The proposed engagement elements, and initial thoughts of what they will look like, are listed below.

Outreach component	Notes
Project information fliers	• Advertises the event. Same format as round 1. Extent of distribution TBD, depending on COVID reopening phase.
Engage Milwaukie virtual open house	• Similar to round 1, with lessons learned applied. Likely includes a video/taped presentation to introduce the open house.
Community survey	• No more than six questions, including at least one open ended question and an opportunity to provide general comments. Ideally, questions will focus

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	heavily on graphics – have people look at choice responses or “other” to help get at what is important to them.
Project fact sheets	Information the same as in the virtual open house, plus FAQ. Project fact sheets are intended for those who do not have access to the digital version/prefer a paper copy. City staff will distribute materials upon request.
“Meetings-in-a-box” materials to enable community groups to hold their own discussions	Two versions of the presentation will be created: a long and short version. The long version follows the same outline as the virtual open house. The facilitator will walk the group through the open house stations and lead the group discussion using the same or similar survey questions. The short version will provide an overview of the project and direct people to the Engage Milwaukie portal to provide feedback. A facilitator’s guide will be developed so the format is the same for all meetings. Facilitators are assumed to be City staff with CPIC member assistance. At least one session provided in Spanish.
Email blasts and website updates	City-staff leads
Project bookmark distribution	City-staff leads
Translation into Spanish	Similar to round 1, with lessons learned applied.

Target Audience

We will seek input from all residents in Milwaukie, with targeted outreach to:

- BIPOC community
- Spanish speakers
- Renters
- Low-income residents

We have set two goals for outreach:

1. Increase participation, including the number of survey responses, over the round one participation. No specific number has been identified.
2. Twelve percent of all survey responses from people of color, consistent with the overall demographics of the city.

We are seeking assistance from the City’s Equity Manager and Communications Staff to identify various groups and methods to engage the targeted audiences.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

CPIC Role – Meetings-in-a-Box

As part of the second round of public engagement, we will be holding small group discussions with interested groups around Milwaukie. We are asking CPIC members to help us with these small group discussions in one of three ways:

1. Assist staff with meeting facilitation/note taking for a meeting that is scheduled by City staff.
2. Attend a small group discussion to listen to what the public has to say.
3. “Host” a meeting by inviting your friends and neighbors to a virtual meeting facilitated by City staff. Note the number of these meetings will be determined based on staff capacity.

The organization of the meetings-in-a-box discussions will follow that of the virtual open house. A facilitator’s guide will be developed to provide a script to lead the discussion. The February 16 CPIC #5 meeting will introduce the code concepts to be presented in meetings-in-a-box and solicit feedback on how to make materials more understandable to the public. In addition, the March 18 CPIC #6 meeting will serve as a dry run of the small group discussions so that CPIC members can be part of the “audience” of a small group discussion.

The meetings-in-a-box discussions are starting to be scheduled. The short version of the meeting-in-a-box, which provides an overview of the project and directs people to the Engage Milwaukie portal to participate in the virtual open house, will be given to most groups. The longer meeting format, where the facilitator walks the group through the virtual open house and facilitates a group discussion, will be given to groups that represent our target audience described above. Examples of groups that will be contacted by City staff to gauge interest in a meeting-in-a-box presentation include:

- Neighborhood District Associations, homeowner associations and apartment complexes
- Social groups - book clubs and coffee clubs
- Schools and churches – church fellowship groups and Parent Teacher Organizations
- Neighbors – residential and business

Schedule

Round two of public engagement will occur in late March to early April. Key dates are:

- Development of outreach/meeting/open house materials: now – March 4
- Scheduling of small group meetings: now – March 23
- Facilitator agenda available for small group discussions: March 15
- CPIC dry run of the open house/small groups: March 18 (CPIC meeting)
- Virtual open house opens: March 22
- Small group discussions/meeting in box: March 23 – April 8

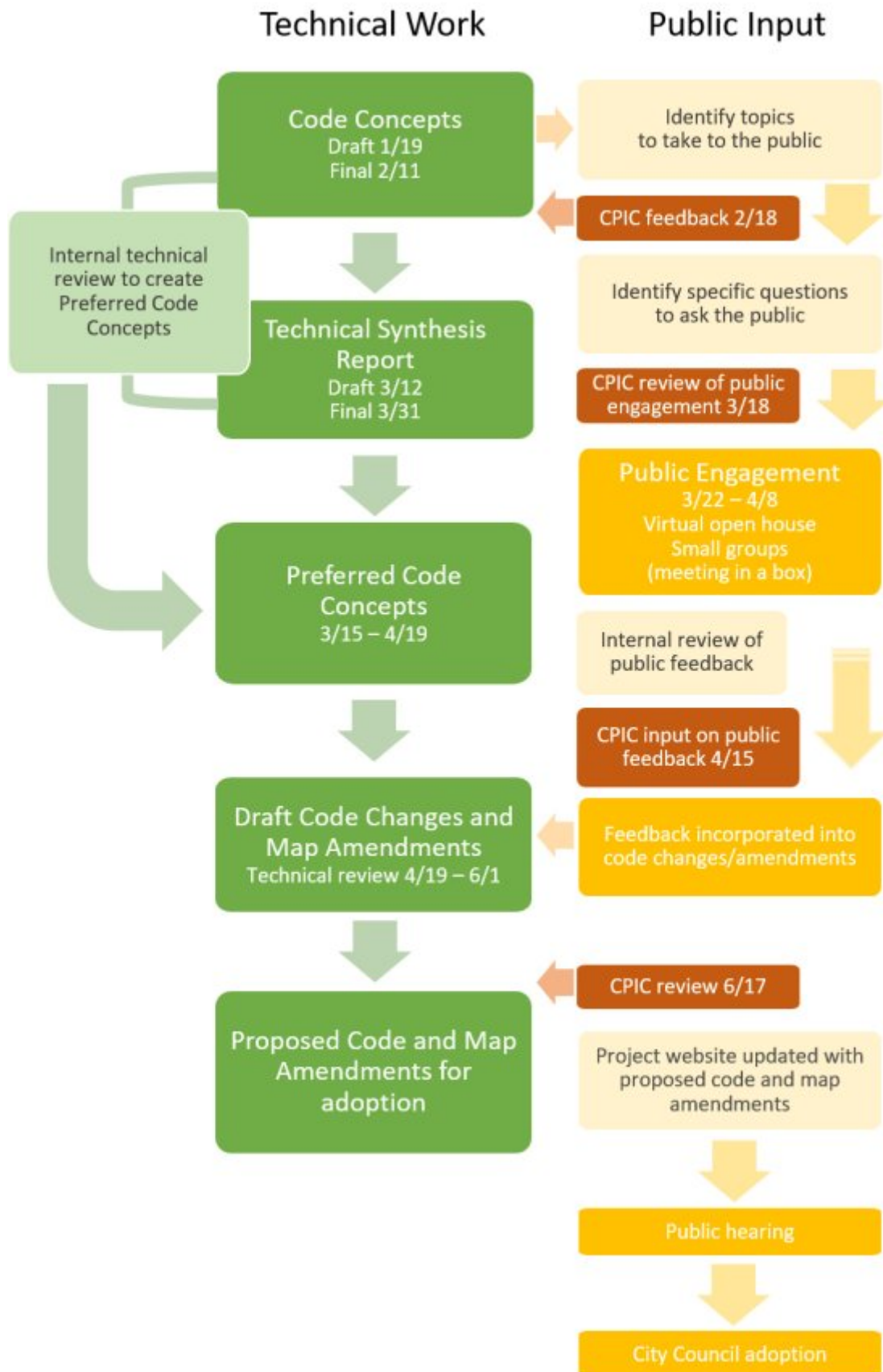
THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

- Virtual open house closes: April 8
- Feedback summarized/presented to CPIC: April 15 (CPIC meeting)

Outreach for the remainder of the project will include Engage Milwaukie updates and articles in the Milwaukie Pilot. Before the public hearing on the proposed code and map amendments is held, the Engage Milwaukie project page will be updated with the proposed code and map amendments for public review. The public will also be encouraged to provide feedback through the public hearing process.

The graphic on the following page illustrates how the technical work and the public engagement work are integrated through the rest of the project.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED



Attachment B

Comprehensive Plan Implementation Project

FAQs

1. Would "upzoning" every parcel of single-family residential increase property values?

A search of articles and analysis reveals that upzoning of exclusively single-family residential land is a relatively new phenomenon and land markets and regulations differ from city to city, so there are few studies that analyze the effects on property values. The basic premise is that by increasing the number of dwellings that can be built on each private parcel, upzoning lowers the cost of land per unit, which can increase housing choices. However, it can also make the property more valuable if a private property owner can do more with it. The price of land, the cost to build or renovate a home, and what the market is willing to pay for a home all combine to drive a property owner's math.

2. What tools do we have to keep development affordable?

The City has several tools either in progress or in place to incentivize the development of more housing units, including more affordable (income restricted) units. Those include:

- *Vertical Housing Development Zone: This is a 10-year partial tax exemption on the value of new construction or rehabilitation for 20 percent per eligible floors up to 80 percent, available to qualifying developments within the city's approved vertical housing zone: <https://www.milwaukieoregon.gov/verticalhousing>. This zone near the downtown core incentivizes higher density, mixed-use and transit-oriented development in our core to help increase supply of affordable housing and expansion of retail and business opportunities.*
- *Upcoming in 2021: Affordable Housing Construction Excise Tax grant program to support the development of income-restricted residential housing units. Staff are in the process of developing the program guidelines, application, legal agreements, and compliance processes to kick this program off in 2021, ideally when the new housing code from this project is adopted. A community-based oversight group was convened to set criteria for this program. The preferred criteria include preference for middle housing types, housing located near transit, and financial need. Income levels served are between 0-120% of Area Median Income. More information can be found here: <https://www.milwaukieoregon.gov/communitydevelopment/milwaukie-construction-excise-tax-cet>.*

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

- *Affordable Housing Construction Excise Tax (CET) Exemption Program: Developers building multi family housing who elect to provide income restricted units may apply for an exemption to the City's CET if they can demonstrate that they have provided income restricted housing where the foregone revenue for holding those units as income restricted is at least 2 times that of the CET. The intent is to incentivize income restricted units in market rate apartment buildings.*
 - *Nonprofit Low-Income Housing Tax Exemption. The City has supported a case by case approval for exemptions for non-profits providing income restricted housing. Currently Northwest Housing Alternatives (Walsh Commons in South Downtown) has been approved for an exemption for a 28-unit low income housing development through the state program. NHA applies for a renewal annual in Milwaukie to help maintain affordability.*
 - *Downtown Mixed Use (DMU) and General Mixed Use (GMU) zones both offer residential housing density bonuses.*
3. What tools do we have to encourage more multifamily and middle housing units as ownership units versus rentals? How can we get more condos than apartments?
- *Middle housing options that will become more available because of the HB 2001 code amendments include new dwellings on small, fee simple lots, such as townhouses. Small, fee simple lots will provide homeownership options that do not currently exist.*
 - *Developers have not been building condominiums in Oregon in recent years due to builders' exposure to lawsuits over construction defects. There has been an attempt in the state legislature to manage developer liability, but none have passed*
 - *The ADU waiver pilot program that waived SDCs for ten (10) ADUs in the city supported the development of middle housing. This program wasn't restricted based on whether units were for ownership or rentals.*
 - *A list of general homeownership resources is available on the city website at: www.milwaukieoregon.gov/housingaffordability/homeownership-resources.*
 - *In general, increased homeownership is not a goal expressed in the Comprehensive Plan. However, the city can provide the opportunity to develop all types of housing that can be owned or rented, but the market will determine whether units are renter or owner occupied. Staff will be mindful of how the code is written to ensure that it does not contain barriers to potential homeownership of middle housing dwellings.*
4. Through this process the idea of a form based code has been discussed. What are the advantages of FBC? HB 2001 requires, to some degree, that we revisit lot sizes and number of units, but not necessarily that we adopt form-based code, right? So why is FBC preferable? Are there examples of how FCB has worked in other cities? Please provide examples of how FBC would work in Milwaukie.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

We are proposing a form based approach for the city's code. It is important to note that the city already uses a form based approach for many of its existing standards for single unit dwellings such as lot coverage and side yard height plane. Using a form based approach involves clear and objective requirements, usually expressed in feet and inches, square footage area, or a percentage, that regulate the shape, size, and location of buildings and other items on a lot (parking, landscaping, open space). These standards are outlined in tables and supported with graphics; they are visual and easier to understand. A form based approach also allows for standards tailored to fit a specific neighborhood context or condition. For example, through this project additional study of context zones will identify different tradeoffs for housing, parking, and trees. The resulting code amendments will respond to the Comprehensive Plan Goal of creating complete neighborhoods that offer a range of housing types and enhance local identity and character. A form based approach is more responsive to the unique conditions on the ground in Milwaukie and will result in better outcomes than a blanket approach where one size fits all of amending the code according to HB 2001 requirements.

5. Should we rezone widely/everywhere, or rezone around transit corridors and neighborhood hubs where greater density is appropriate? Is there a way to incentivize/encourage density in certain locations (such as on streets with frequent transit or higher traffic streets)?

One way to do this could be regulatory incentives (using the code to incentivize these locations). An example would be to increase lot coverage or off-street parking reduction requirements/bonuses in specific areas in the city where development is desired. The current code already has some regulatory bonuses, like increased lot coverage for duplexes and by-right off-street parking reductions in certain areas. Code amendments from this project could include these kinds of incentives to encourage certain housing types in certain areas that meet specific criteria.

6. What are "residential designations?" Are "residential zone districts" different from "residential zones?" Is "residential land" a zoning designation or a description?

All of these terms, for the purposes of this project, are intended to refer to residential zones: R-10, R-7, R-5, R-3, R-2, R-2.5, R-1, and R-1-B. Going forward, we will be more consistent in referring to these areas as "residential zones."

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

7. Is there a definition of “cottage cluster?” I have seen the term applied to vastly different size developments.

A common definition of cottage cluster is small, single-level, detached units, often on their own lots and sometimes clustered around pockets of shared open space. A cottage is typically under 1,000 square feet in footprint. For the purposes of this project, we will primarily be referring to the two definitions below.

- *HB 2001 defines a cottage cluster as: a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet that includes a common courtyard. They can be located on a single lot or parcel, or on individual lots or parcels.*
- *The Milwaukie Municipal Code 19.201 Definitions sections states “Cottage” means a structure containing 1 dwelling unit on 1 lot within an area that was divided to create a cottage cluster development, per Subsection 19.505.4.*

8. Clarify the use of the terms “permitted” and “allowed” regarding uses. Is there a difference?

When used in code discussions, they are interchangeable. A permitted use is an allowed use. It does not refer to a use that requires a permit.

9. How many people who use other transportation modes don’t actually own a car?

This is a hard question to answer, because it varies by area. There is a high relationship between car ownership and access to alternative modes, however there is not a lot of detailed data at the neighborhood level. One study finds that about 14% of Portlanders do not own cars. See <https://www.governing.com/archive/gov-car-free-households-cities.html>

10. Have other neighborhoods that have built housing without parking actually reduced the number of vehicles?

In neighborhoods that charge for parking on the street or parking on the site, people own fewer cars per dwelling unit than neighborhoods that have no limit and do not charge for parking. When people pay for parking, they make different choices about how many cars to own, whether to have a car, or whether to store a car on site. In neighborhoods that charge for parking on the street or on the site, we see fewer cars per unit than in neighborhoods that have unlimited, free parking.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

11. Terms used in the comprehensive plan include: “tree canopy”, “canopy tree”, “urban forestry”, “street/private/public trees”. What are the distinctions?

It is important to note that these are terms used in the Comprehensive Plan, which is a policy document, but they are not likely to be the same ones used in the regulatory tree code. For the purposes of the plan document, the following are the generally accepted definitions:

- **Tree canopy** is the top portion of a tree comprised of branches and leaves or needles.
- A **canopy tree** is a tree that has a large canopy or provides a large amount of shade. In a forest, these trees make up the highest layer of leaf coverings and consist of the largest and oldest trees.
- **Urban forestry** is the care and management of trees in urban settings for the purpose of improving the urban environment. The urban forest is the collective trees, including street, private, and public trees, within an urban setting.
- A **street tree** is any tree that is growing in the City right-of-way, whether in improved (between the sidewalk and the curb) or unimproved (no sidewalk and/or curb) right-of-way. A **private tree** is a tree located on private property, while a **public tree** is located on public property like a park or greenway.

In the current tree code for public property (a regulatory document) are the following definitions (http://www.qcode.us/codes/milwaukie/view.php?topic=16-16_32&frames=off):

- **Street tree** means a tree, shrub, or other woody vegetation on land within the right-of-way.
- **Public tree** means a tree, shrub, or other woody vegetation on land owned or maintained by the City, but does not include a tree, shrub, or other woody vegetation in the right-of-way.
- **Tree** means any living woody plant characterized by one main stem or trunk and many branches, or a multi-stemmed trunk system with a defined crown, that will obtain a height of at least 16 feet at maturity.
- **Shrub** means any plant with multiple woody stems that does not have a defined crown and does not grow taller than a height of 16 feet.

12. Is the city proposing any mechanisms to support existing homeowners with new tree plantings?

The city is growing its urban forest program. The city currently hosts multiple tree giveaways to provide free trees to residents, and partners with community organizations like Friends of Trees, North Clackamas Watershed Council, and Johnson Creek Watershed Council for tree planting events. Watch the city’s event calendar and social media pages for updates on future tree giveaways and planting events!

13. Is the city only implementing tree code for new developments?

The city recently adopted new code for public trees in November. For phase 1 of the comprehensive plan implementation process, the city is looking at developing tree code applicable to residential development. The new code would apply to new development and existing properties (i.e. tree removal not related to development). Commercial and industrial development will be handled in a subsequent phase of comprehensive plan implementation.

Date 09 February 2021

Subject Milwaukie Comprehensive Plan Implementation Project

To Comprehensive Plan Implementation Committee (CPIC)

From Marcy McInelly, Urbsworks Inc.

ATTACHMENT C | CODE AND MAP CONCEPTS MEMO

Contents

- Schedule for Code Concepts and project timeline
- Introduction to the Code Concepts
- Needed code updates (amendments)
- *A Livability Code* for Milwaukie
- Context zones for detailed siting studies
- Implementation options

Schedule for Code Concepts

FEBRUARY	MARCH	APRIL	MAY	JUNE
Draft Code Concepts	Refined Code Concepts	Draft Amendments	Adoption-ready Amendments	
· Review at CPIC #5 · Incorporate technical feedback from staff · Refine code concepts for staff review · Tree Board review · PC and CC briefings	· Staff meetings: technical and administrative review · Public engagement via meeting in a box and website · PC and CC briefings	· CPIC #6 · PC and CC briefings · CPIC #7	· CPIC #8 (Reconciliation) · PC and CC briefings*	

* Adoption process hearings begin in July 2021, will involve Planning Commission (PC) and City Council (CC)

Introduction to the Code Concepts

Where we are, where we are going, where we have been

We are entering the middle phase of the Milwaukie Comprehensive Plan Implementation project, Code Concepts, which will take place between now and mid-April. This phase will inform the code amendments that are scheduled to be ready for adoption beginning in mid-June.

Through this project, the City will implement the goals that the Milwaukie community memorialized in its Comprehensive Plan. The resulting code amendments will provide the framework for the community to realize its stated future vision. At the same time, the project will make sure that the updated Milwaukie zoning code complies with state legislation for middle housing (HB 2001).

As noted in the Code Audit, there are several areas of the community vision that will be impossible to realize unless the current zoning code is updated. The Code Audit identified *policy mandates* that guide code amendments. They are:

- Policy Mandate 1: Increase the supply of middle and attainable housing and provide equitable access and housing choice for all
- Policy Mandate 2: Increase the tree canopy and preserve existing trees
- Policy Mandate 3: Manage parking to enable middle housing and protect trees

Needed code updates (amendments)

In this Code Concepts phase, we will be looking at some new ways of structuring the zoning code and writing needed code updates, e.g., amendments. The Code Concepts seek to implement the policy mandates. Six (6) Draft Code Concepts have been identified. They encapsulate big picture thinking about how the City should re-structure its code to foster the vision for Milwaukie.

1. **Simplify the number of residential zones**
This amendment is not strictly needed to comply with HB 2001, but may help the city implement Comprehensive Plan goals for equitable distribution of housing choices. There are a few implementation options or choices (from eight to three, or one; see Implementation Options). These options go beyond HB 2001 compliance, and would implement the City's Comprehensive Plan.
2. Adopt a **form based approach** for the code amendments
An example of this type of amendment is to remove housing types from the land use table, and instead handle them in development standards section of the zoning code. This would involve amending definitions and in a separate housing types table that is associated with the development standards, i.e. dimensional standards that specify minimum lot size, setbacks, height, and maximum lot coverage. The City already uses a form based approach for many of these standards. This amendment is needed to comply with HB 2001, and also enables other amendments that will implement the City's Comprehensive Plan.
3. Selectively apply existing development standards that **provide additional building capacity ("bonuses") to duplexes**
Under HB 2001, duplexes must be permitted on all lots. The City has an existing "bonus" allowance granted to duplexes citywide (an additional 20% lot coverage is permitted). In order to implement the Comprehensive Plan vision of clustering activity in neighborhood hubs, this amendment would apply the existing "bonus" only to dwelling units within and around neighborhood hubs. This would incentivize the development of middle housing in areas of the City that already have or will have services and infrastructure to support more residents. This includes transportation infrastructure including light rail, bus lines, bike lanes, etc. This bonus could be applied to other areas described in the Comprehensive Plan as desirable for residential uses.
4. Adopt a **Tree Code applicable to private property in residential zones**
This amendment is not required for HB compliance but is required for Comprehensive Plan implementation. It would help achieve the goals outlined in the Climate Action Plan and Urban Forest Management Plan. It will ensure that certain trees on private lots are handled in one of several ways; If a tree is determined through a clear and objective process to be a tree that contributes to an increased tree canopy (Comprehensive Plan Goal), then the tree is either a) preserved or b) removed and either replaced or a payment "in lieu" is made to a city fund.
5. **Amend (restrict) on-site parking requirements** to one per dwelling unit. Provide additional parking choices, i.e., for parking to be provided on the street, instead of on-site. This amendment is needed to comply with HB 2001, and also enables implementation of the City's Comprehensive Plan.

6. Establish a **pattern guide or menu** illustrating how clear and objective standards can be responded to in different neighborhood contexts.

Additional policy and regulatory amendments

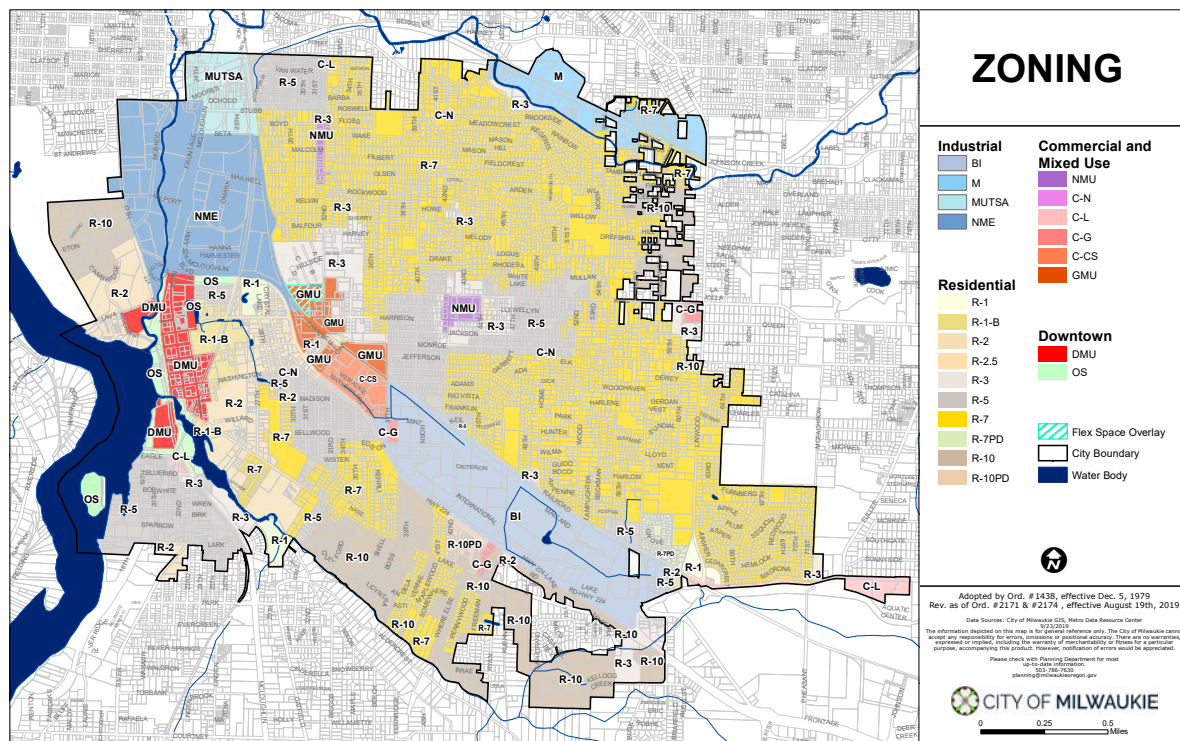
There are several policy and regulatory amendments that have been identified that are needed to support implementation of the Comprehensive Plan. These amendments are not part of this project and will occur in separate projects.

- Adopt an additional street standard for compliance with street improvements (the “lighter, greener, cheaper” option).
- Identify areas where density bonuses would be applied through Neighborhood Hubs project.

A Livability Code for Milwaukie

Land use zones are designated on the Milwaukie Zoning Map. Each land use zone corresponds to a list of permitted and prohibited land uses and specific development standards, such as minimum lot size. Several current land use zones, such as the R-5 (Residential, 5,000 square foot lots) Moderate Density Residential zone, need to be updated because they do not currently allow the middle housing types that HB 2001 requires. HB 2001 requires that middle housing types be permitted in any zone that also permits single detached homes. Middle housing types are permitted based on a minimum lot size. For example, triplexes—the term for three homes on one lot—will be allowed on any lot which is 5,000 square feet or greater in size. Quadplexes (four homes on one lot) will be allowed on any lots which are 7,000 square feet or greater in area.

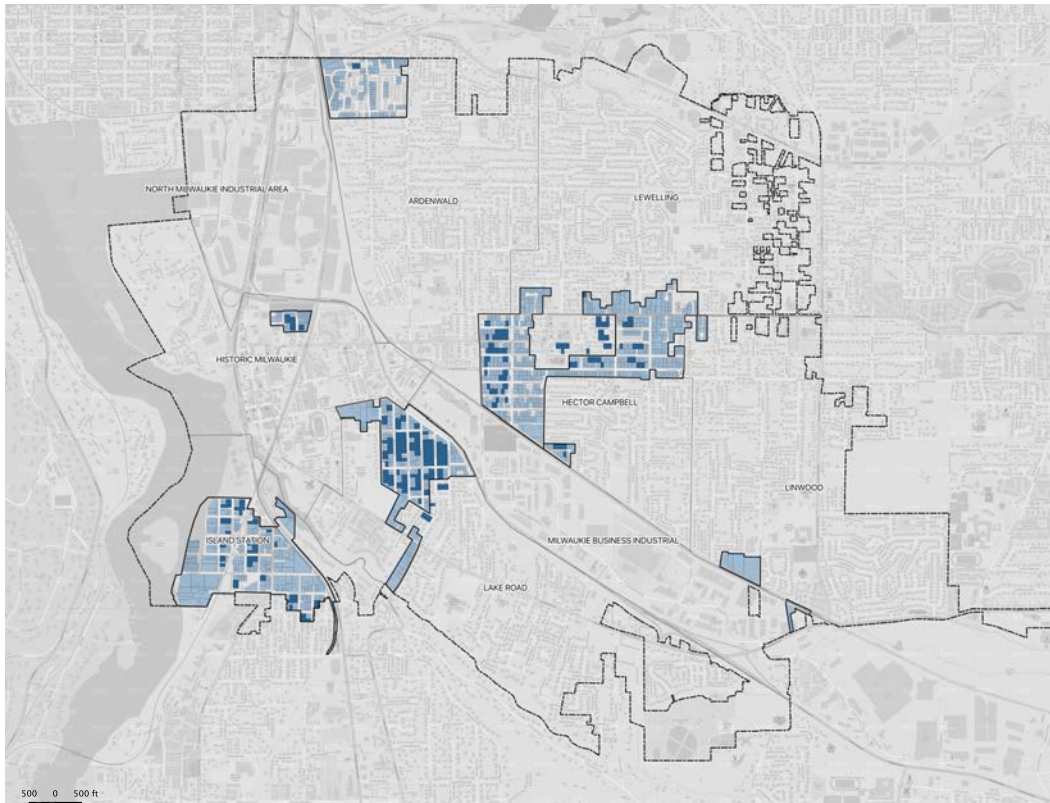
Figure 1: Milwaukie – Existing Zoning Map



5,000 square-foot lots generally occur in the R-5 zone. However, there are also lots in the R-5 zone that are bigger than the minimum lot size; some lots are 7,000 or 10,000 square feet in area. Figure 2 below shows lots that are 5,000 square feet in dark blue while lots that are larger than 5,000 square feet are noted in light blue. This same

phenomenon holds true across other residential land use zones. In other words, lot size does not exactly correspond to the zoning districts, yet housing types will be permitted wherever a suitably sized lot exists. Take for instance quadplexes; quadplexes will be permitted on any lot which provides the minimum lot area (7,000 square feet), no matter which zone it is in. But it should not be assumed that the resulting quadplexes will overwhelm the site. Their form will be regulated through standards addressing size, height, and yard setbacks. A new quadplex on a 7,000 square-foot lot will not be permitted to be any larger than a single dwelling has historically been permitted to be.

Figure 2: Sizes of Lots in R-5 Zones



This suggests a different approach to zoning: If development in the R-7 zone looks the same as in the R-5 in implementation then what does a zone mean? Should the zoning boundaries be modified, simplified, or even abolished? As described above in the example of a new quadplex, a zoning approach corresponding to the size, shape, siting, location, and configuration dictated by the lot size instead of by a mapped district outline might be more effective—particularly when one considers that the zoning boundaries were drawn more than fifty years ago and have not been updated since.

The city's zoning as it exists today doesn't implement the city's newly adopted goals. An improved zoning code would intentionally regulate form to optimize the policy mandates, and focus on the form, i.e., adopt a form-based approach. A form-based approach is not entirely foreign to Milwaukie, since the city's zoning code already employs a number of form-based approaches, such as setbacks, maximum height, diagonal planes, and lot coverage.

A "livability code" would be intentionally designed to provide more housing and more housing choices for people; to maximize the number of trees that can contribute to the tree canopy and the city's climate resiliency; and to minimize unnecessary paved surfaces for parking. Through this project Milwaukie has the opportunity to define a livability code that fits the context of its neighborhoods and is thoughtfully drafted to implement the vision.

Context zones for detailed siting studies

As opposed to a blanket approach to zoning, where one size fits all, a form-based zoning approach is able to respond to different contexts in order to get better outcomes. For that reason, several Milwaukie contexts have been identified. The unique combination of characteristics within each context zone will demand or require different a different set of tradeoffs for housing, parking, and trees. These studies will be documented as part of the Code Concepts refinement task.

The identified context zones are based on areas where the lots are zoned R-5, R-7, or R-10. These make up the primary residential land use patterns found in Milwaukie's current land use zones. By studying specific conditions which occur in different types of neighborhood contexts, we can better understand the issues identified in the prior section of this memo. An R-5 zoned area with a mix of 5,000 through 7,000 square foot lots with mid-century era development pattern. The "mid-century" development pattern means low profile buildings that are typically one story, with larger building footprints.

- A. An R-5 zoned area with a mix of 5,000 through 7,000 square foot lots with pre-war development pattern. The "pre-war development pattern" means taller profile buildings that are typically two- to two-and-one-half stories, with smaller footprints.
- B. An R-7 zoned area with 7,000 square foot lots with mid-century era development pattern.
- C. An R-7 zoned area with 7,000 square foot lots with pre-war development pattern.
- D. An R-10 zoned area with 10,000 square foot lots

Figure 3: Example Milwaukie Context Zones



Context zones have different lot sizes and lot patterns from very large and irregular to smaller and more regular. These aerial images show an array of different contexts throughout the city

Implementation Options

Two of the Code Concepts offer some choices for implementation. The tables below illustrate these. The choices are characterized as a) *minimal compliance with HB 2001* or b) *going beyond compliance* to fulfill the greater promise of the community vision and Comprehensive Plan.

Code Concept 1: Simplify the number of residential zones	
Currently there are eight different residential zones in the city. The code concept is to consolidate some or all of these residential zones into a smaller set of residential zones. The new consolidated zones would share the same development standards for setbacks, height, and site coverage. The boundaries of the current zoning districts would be remapped as a result.	
This amendment is needed to comply with HB 2001	No
This amendment is needed to implement Comprehensive Plan goals	Yes. The options listed below as “b)” and “c)” go beyond minimal compliance with HB 2001 to more fully implement the Comprehensive Plan.
Code Concept choices	a) Amend the code to permit housing types on eligible lots in order to comply with HB 2001, but maintain the current eight zones. This is the minimum compliance option.
	b) Condense the number of residential zones from eight to three: · Large lot (R-10) · R-5 and R-7 · R-3, R2.5, R-2, R-1
	c) Condense the number of residential zones from eight to one; housing types are allowed to occupy lots that meet the minimum lot size requirement, wherever they occur.

Code Concept 5: Amend (restrict) on-site parking requirements to one per dwelling unit.	
Provide additional parking choices, i.e., for parking to be provided on the street, instead of on-site.	
HB 2001 requires reducing parking requirements for middle housing. Dedicating site area and constructing parking adds to the cost of housing development and, in some cases, can render a project (especially smaller projects) economically infeasible. HB 2001 requires one off-street parking space per dwelling unit. Required parking can be provided on the street.	
This amendment is needed to comply with HB 2001	Yes

Code Concept 5: Amend (restrict) on-site parking requirements to one per dwelling unit.

Provide additional parking choices, i.e., for parking to be provided on the street, instead of on-site.

This amendment is needed to implement Comprehensive Plan goals	Yes, however, the option listed below as “b)” may not be consistent with goals of the Comprehensive Plan.
Code Concept choices	a) Establish the maximum number of spaces to match up with the minimum off-street requirement, in essence limiting on-site parking to one per dwelling unit. Amend the current required location of the on-site space to allow in front yard setback. This would prevent a site from being dominated by parking spaces.
	b) Establish a higher allowed maximum number of off-street parking spaces to allow for conditions we may see as a result of the parking inventory and utilization studies (car ownership patterns combined with street conditions). For example, one off-street parking space would be required, but two or three would be allowed.
	c) Permit on-street parking to count toward the minimum.
	d) Establish no minimums, only a maximum.



COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Jan. 22, 2021

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**

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

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

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

On [November 24, 2020](#), the Commission discussed its draft work program and revised its bylaws, and on [January 12, 2021](#), continued discussing the revised bylaws, which they approved for recommendation to Council for its consideration.

DISCUSSION

The 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. The Commission does this by presiding over land use and development applications, guiding the development of long-range plans, and proposing updates and amendments to the Milwaukie Municipal Code (MMC) and Comprehensive Plan. Planning department staff works closely with the Commission to make progress in all of these areas. The major accomplishments of the last year and the workplan for the coming year are outlined below.

A. Major Accomplishments in 2019/2020

The Commission worked on a number of significant projects since the last discussing its work program with Council. Projects included:

- Comprehensive Plan Update – The Comprehensive Plan Update policy document was adopted by 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 (CPAC) at which committee members offered guidance for policy development.

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- 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 a total of 50+ participants.
 - 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 Commission and Council.
- Central Milwaukie: In response to concerns from community members about wanting to be informed about development proposals within the Central Milwaukie area of the city; planning and community development staff created a Central Milwaukie webpage where community members can find out more of what is happening in that area: www.milwaukieoregon.gov/centralmilwaukie. An email subscription list was also created for people to sign-up and receive notices/development information on projects within the Central Milwaukie area.
 - Preapplication Conference Reporting: During a Commission meeting with NDA leaders, making preapplication conference reports more readily available to the public was discussed. In response, planning staff created a webpage for the public to access pre-application conference reports : www.milwaukieoregon.gov/preapplication-conference-reports. It is also on the homepage of the planning department webpage.
 - Development Review: The development review counter at the city's Johnson Creek Boulevard (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.
 - Development review has required a significant amount of the Commission's time over the past year. The Commission held 13 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

B. 2020-2021 Work Program

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

The purpose of the joint meeting on February 16 between the Commission and Council is to provide an opportunity for discussion and to build a mutual understanding of goals and priorities moving forward.

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.

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 the Commission by summer 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.
- Update Comprehensive Plan Map
 - 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

Comprehensive Plan Implementation Project, Phase 3

The update to the TSP will likely still be in progress after the other phase 2 projects are completed. Staff anticipate that the phase 3 projects will begin sometime in the third or fourth quarter of 2022. Those projects include:

- Updating the Natural Resources Inventory
- Expanding Flood Plain Protection
- Designating a park and school sites with a new parks/institutions zone
- Revising 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.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

- Expand the Historic Resources Inventory.
- Update the Urban Growth Management Agreement (UGMA) and develop an annexation program.

Other Planning-Related Code Amendments and Projects in progress:

- February 2021 Adoption: Update floodplain code section as required by the Oregon Department of Land Conservation and Development (DLCD).
- April 2021 Recommendation: Develop a Central Milwaukie Bikeways Concept Plan.
Overview: 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 29th Avenue and Monroe Street neighborhood greenways.
- Restart process June 2021: 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.

Development Review

In addition to the tasks identified above, the Commission and planning staff are responsible for current planning review. Projects that are expected to be reviewed in 2021 include the Hillside Master Plan and related Comprehensive Plan designation and zone change and the Coho Point at Kellogg Creek project as well as the redevelopment of the former Kellogg Bowl property. **These are complex projects that require a large amount of staff time and may impact long range planning project timelines.**

C. Planning Commission Bylaws

On October 8, 2019, the Commission discussed outreach and coordination with the city's 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 Commission meeting to discuss increased outreach and communication between the Commission and NDAs. At that meeting, both the Commission and NDA leaders agreed that a yearly joint meeting would be very beneficial and should be included in the Planning Commission Bylaws.

Last year a new comprehensive plan policy was adopted 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 Commission to serve as the CIAC or to create a new independent committee when funding was available. Until a larger discussion regarding the creation of a new committee occurs, the draft update to the bylaws states that the Council will appoint the Commission as the CIAC. The Commission requests that the Council include a sunset clause in the bylaws as well as language regarding when the Commission will meet as the CIAC.

Additionally, the current bylaws state that the Commission minutes be signed by the chair. The Commission requests to revise the bylaws to have a staff representative sign the minutes once they've been approved by the Commission.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

The joint meetings with Council provide an opportunity to review the revised bylaws and suggest any changes that are needed. A copy of the revised bylaws is attached. Once the bylaws are agreed upon, staff will prepare a resolution for Council to adopt

BUDGET IMPACT

The planning department has sufficient 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 Commission will be working on a variety of projects that may impact the climate goals for the community. The Comprehensive Plan Implementation Project 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 project 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 the Commission, such as the Central Milwaukie Bikeways Project and the TSP 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 Commission concurs with the workplan moving forward.

STAFF RECOMMENDATION

Staff recommends that the Council and Commission review and discuss the workplan and proposed bylaw changes.

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
CURRENT PLANNING																									
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	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 Zones and Map updates	Yes	Yes	Moderate	Lead: Planning Support: None	No																				
3. Housing Needs Analysis Update																									
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 – Code update	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																				

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				
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)																								
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	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 - Code updates	No	Yes	Moderate & High	Lead: CDD Support: Planning	Maybe																								
4.5 Temporary transitional housing for those experiencing houselessness - Code Updates																													
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																								

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.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

- 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

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

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.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

Upon approval of the minutes by the Commission, a staff representative will sign and make the minutes available to the public within a reasonable time after the 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.

THIS MEETING WAS CANCELED, AGENDA ITEMS WERE RESCHEDULED

- 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.
- 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 December 31, 2022 when a separate

CIAC may be 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 December 31, 2022 when a separate CIAC may be 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. The Planning Commission reserves time on every agenda to meet if needed as the CIAC, and holds at least one annual meeting to review the Citizen Involvement Guidelines and program as it relates to land use.

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) are invited to discuss land use issues and community outreach with the Commission.

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.