Work Session WS

Milwaukie City Council

CITY OF MILWAUKIE

COUNCIL WORK SESSION

Zoom Video Conference
www.milwaukieoregon.gov

AGENDA

DECEMBER 21, 2021

Council will hold this meeting through video conference. The public may attend the meeting by watching live on the city's YouTube channel or Comcast Cable channel 30 in city limits, or by joining the Zoom webinar. **Written comments** may be submitted by email to ocr@milwaukieoregon.gov. Council may take limited verbal comments. **For Zoom webinar login information** visit https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-291.

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

1. **Comprehensive Plan Implementation – Update** (4:00 p.m.) **1**
   Staff: Vera Kolias, Senior Planner

2. **Adjourn** (5:30 p.m.)

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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

COUNCIL WORK SESSION

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MINUTES

DECEMBER 21, 2021

Council Present: Councilors Lisa Batey, Angel Falconer, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

Staff Present: Joseph Briglio, Community Development Director
Justin Gericke, City Attorney
Vera Kolias, Senior Planner
Ann Ober, City Manager
Peter Passarelli, Public Works Director
Natalie Rogers, Climate & Natural Resources Manager
Scott Stauffer, City Recorder
Laura Weigel, Planning Manager
Courtney Wilson, Urban Forester

Mayor Mark Gamba called the meeting to order at 4:01 p.m.

1. Comprehensive Plan Implementation - Update

Kolias provided an overview of the Comprehensive Plan implementation process, noting upcoming Council hearings on the proposed code changes, and the new Comprehensive Plan's housing, tree, and parking related mandates.

Kolias discussed the proposed housing code changes that sought to ensure that the code conformed to Oregon House Bill (HB) 2001 requirements through consolidated residential zones and an amended accessory dwelling unit (ADU) approval process. **Mayor Gamba** and **Kolias** noted what ADU approval requirements would not change with the code amendments and they discussed how the size of an ADU should be determined. They remarked on the system development charges (SDCs) for ADUs and the city's use of the term "ADU" for certain structures.

Councilor Batey asked if a property could have a triplex and an ADU on a lot and **Kolias** explained that an ADU was intended to go with a single dwelling unit.

Council President Hyzy asked about a state law that suggested there could be no income level restrictions on housing smaller than a quad-plex. **Councilor Falconer** believed the law was meant to incentivize affordable housing that were quadplexes or bigger. The group discussed whether state law allowed cities to incentivize new ADUs and it was noted that the city could not require income-level restrictions on ADUs.

Councilor Falconer asked if an existing home could become an ADU when another house is built on a property. **Kolias** didn't believe the code precluded a house from becoming an ADU. **Councilor Batey** wondered why a home becoming an ADU wouldn't be considered a detached duplex. **Kolias** would investigate the code more.

Council President Hyzy suggested the code changes would require new planning process guides to support the public doing more things on their property. **Mayor Gamba** wondered if there was a simpler way to allow the public to build housing on their property. **Kolias** replied that the size of a property would inform the type and size of housing that could be built. **Gamba** and **Kolias** remarked on development examples that could be built under the new code development standards.

Kolias presented and discussed proposed code changes related to development standards for lot size, setbacks, and side yard height plane. **Councilor Falconer** was concerned about maintaining different building heights and setbacks and wanted the

code to allow inter-generational housing which may require a third level. **Kolias** explained how the code and other cities defined and measured stories and building height, noting questions that could be explored during the Council hearing. **Mayor Gamba** supported changing the code to simplify height, massing, and setback calculation requirements. **Falconer** suggested such changes could help preserve trees.

Briglio observed that Council supported the code moving away from counting stories and instead used building height. Council agreed with Briglio's observation.

Kolias presented and discussed proposed design standard changes for one to four units of middle housing types. **Councilor Batey** and **Kolias** noted that the existing and proposed code would continue to allow a minimum 12-foot-wide garage door.

Kolias explained how the proposed code would change townhouse requirements. **Mayor Gamba** and **Kolias** remarked on the proposed limit of four townhouses on a site and noted there would be a variance process for property owners who wanted to build more than four townhouses. **Councilor Batey** and **Kolias** noted that a unit's townhouse status was determined by whether it was on its own lot or not.

Kolias and **Ober** noted the time and the remaining number of items to cover.

Kolias discussed how cottage clusters would be affected by the proposed code, noting HB 2001 requirements and that increased densities would be allowed. **Council President Hyzy**, **Councilor Batey**, and **Kolias** noted there was no minimum building footprint for cottage cluster units but there were maximum building sizes.

Kolias explained how the Planning Commission and county had approached flag and back lots. **Councilor Batey** and **Kolias** noted that the difference between flag and back lots was whether the lane was part of a lot or an easement with another property.

Kolias summarized how flag lots had been allowed and banned in Milwaukie over the years, noting that the proposed code aimed to encourage middle housing development.

Councilor Falconer was concerned that flag and back lot requirements would not allow for the preservation of trees and remarked that the difference between which house on a lot came first was arbitrary. **Falconer** and **Kolias** discussed current and proposed code language related to flag lot setbacks and desired distance between houses. **Falconer** and **Mayor Gamba** agreed that the code should be flexible and consistent while still incentivizing middle housing types.

Council President Hyzy commented on preserving middle housing incentives and balancing affordable housing, livability, trees, and parking. **Kolias**, **Hyzy**, and **Councilor Falconer** discussed height plane standards for side and front yard setbacks.

Ober observed the time and suggested Council could continue discussing the code changes at the end of the December 21, 2021, regular session. **Councilor Falconer** and **Ober** noted that Council needed to avoid deliberating on the changes during the current discussion item. **Kolias** and **Briglio** noted topics to be covered with Council and topics that had not been addressed in the process yet.

Councilor Batey believed additional Council discussion on the code changes would be necessary and observed that neither the Comprehensive Plan Implementation Committee (CPIC) or the Engage Milwaukie online open house had discussed setbacks. **Ober** suggested staff would ensure Council had adequate time to discuss setbacks and that the proper public notice would be posted.

Kolias reviewed the proposed code changes related to maximum lot coverage and asked for Council input on the proposed coverage increases. **Gamba** asked why the code would incentivize single-story developments. **Kolias** and **Council President Hyzy** remarked that in some cases single-story buildings can help mitigate the impact of a new development on neighboring homes. **Falconer** did not believe the code should incentivize bigger building footprints if a building could go taller and help preserve tree canopy and greenspace at the same time. **Kolias** remarked that there would be more Council and staff discussion on lot coverage.

Kolias discussed HB 2001 parking related requirements and how staff had applied those requirements to the proposed code which would have no minimum parking requirement per middle housing units except for cottage cluster developments. **Mayor Gamba** believed there was confusion about the proposed parking rules, explaining that a developer could add more than one parking space per unit and that the city was trying to plan for when there could be less of a demand for parking.

Councilor Batey believed Council was veering into deliberation of the proposed code.

Ober noted that Council would continue discussing housing code at the January 4, 2022, work session, and the tree code at the end of the December 21 regular session.

Council President Hyzy thanked the CPIC for their work on the code changes and pointed out where in the work session meeting packet the parking study was located. Kolias explained that the parking study included an inventory and occupancy analysis.

2. Adjourn

Mayor Gamba adjourned the meeting at 5:29 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

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16:04:33 From Council Pres Kathy Hyzy (she/hers) to Everyone: I am here, but my laptop screen went dark, so I had to close it. Seeing everything on my attached monitor.

CITY OF MILWAUKIE

WS 1. 12/21/21

OCR USE ONLY

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 14, 2021

Reviewed: Laura Weigel, Planning Manager and Peter Passarelli, Public Works Director

From: Vera Kolias, Senior Planner and Natalie Rogers, Climate and Natural Resources Manager

Subject: **Comprehensive Plan Implementation: Proposed Code Language**

ACTION REQUESTED

The purpose of this report is to review with the Council the proposed code amendments related to the Comprehensive Plan Implementation project in advance of the first public hearing in January 2022.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

December 1, 2020: Staff provided Council with a project update.

January 19, 2021: Staff provided Council with a project update

February 16: The Council packet included a project update.

April 6: Staff provided Council with a project update.

April 20: Staff led a discussion with Council about flag lots and the minimum lot size approach.

May 11: Staff led a study session discussion about Oregon House Bill (HB) 2001 and the model code, parking code recommendations, and standards in the proposed consolidated residential zones.

June 15: Staff provided Council with a project update ahead of the posting of the proposed draft code for public comment over the summer.

Following three work sessions in August, the Planning Commission held three public hearings on the proposed amendments (October 12, October 26, and November 9). On November 9, the Commission voted 5-2 to recommend approval of the amendments with specific revisions and recommendations to the Council.

ANALYSIS

This update and discussion relate to the proposed code amendment package in advance of Council's first public hearing on January 18, 2022.

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 Oregon's Housing Choices Bill (HB 2001), passed by the state legislature in July 2019, requires the expansion of middle housing options throughout the state.

Starting in the summer of 2020, the city conducted a 13 months-long process to develop the proposed code amendments, which represent Phase 1 of the implementation of the comprehensive plan, including:

- Pilot newsletter articles: 12 articles
- Comprehensive Plan Implementation Committee (CPIC) meetings: 9
- Stakeholder interviews: 32 interviews in October
- Virtual open houses: 3 (English and Spanish)
- Community Surveys: 2 (English and Spanish)
- Email blasts and social media posts
- Handouts (English and Spanish)
  - Library, Farmers Market, Hillside, Wichita Center, Northwest Housing
- Neighborhood District Association (NDA) presentations
- Small group discussions (in both Spanish and English)
- Monthly Planning Commission and City Council updates

Public outreach for the public hearings that started in October included:

- September 1: 35-day public notice
  - Project webpages (city and Engage Milwaukie)
  - Email blast
  - Executive Summary posted
  - City social media
- September 22: 20-day notice
  - Email blast
  - Mailed postcard to all residential and business properties (English and Spanish)
- September 28: presentation to Milwaukie Rotary
- NDA's: Materials send to each NDA in September
- October 10: Materials available at Farmers Market
- October Pilot newsletter article
- October 6 and October 20: Measure 56 notice mailed re: Tree code

Please see Attachments 3 and 4 for a summary of the public engagement process for the project.

Zoning code and map amendments to allow middle housing options in residential zones will move the city closer to realizing its goal of providing "safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability".

Through these updates to the city's zoning code, the following policy mandates are addressed:

1. Increasing the supply of middle and attainable housing, and providing equitable access and housing choice for all
2. Increasing the tree canopy and preserving existing trees to support the city's goal of a 40% tree canopy
3. Managing parking to enable middle housing and protect trees

HB 2001 requires middle housing options to be permitted in ALL residential areas zoned for detached single-unit dwellings throughout the state. Middle housing includes duplex, triplex,

quadplex, townhouse, and cottage cluster development – the types of housing that fill the gap between single-unit housing and apartment or mixed-use buildings.

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 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 in compliance with HB 2001.

Throughout the project, staff and the consultant team used the comprehensive plan goals and policies to guide the code amendments. All the amendments are connected to the adopted comprehensive plan – see Attachment 1a for a detailed analysis.

The adoption of the Comprehensive Plan establishes a mandate for Milwaukie to update any lagging land use policies and practices that may be holding the city back from realizing its vision. One major area where current policies and practices need to be updated is the zoning code. The city made it an early priority to update the zoning code for single dwelling residential areas. These areas of the zoning code need to be amended to achieve a number of Comprehensive Plan goals related to increasing community diversity, preparing for population growth, protecting natural resources, and improving climate resiliency. Additionally, revising the code for residential areas begins the process of addressing historic patterns of inequity by allowing different types of housing types, other than single unit housing, that may be an option for people at different income levels.

As noted above, the policy mandates from the comprehensive plan have been distilled to three key themes: housing, tree canopy, and parking. A summary of the connection between the proposed code amendments and these policy mandates is as follows:

Policy Mandate 1: Increase the supply of middle and attainable housing and provide equitable access and housing choice for all

Goal 7 of the Comprehensive Plan recognizes that for different forms of housing to be built the zoning and code will need to be revised to remove barriers to development. Additionally, the Milwaukie Housing Affordability Strategy cites the need to enable equitable housing options that meet the needs of all residents, including allowing more housing types to be allowed in low and medium density zones.

Further support for the development of denser forms of housing is found in the 2016 Housing Needs Analysis (HNA). The HNA notes a projected need for 1,150 additional new housing units by 2036, with 54% of these new units anticipated to be some form of attached housing. The scale and location of this new housing should be consistent with city goals of tree protection and complement the public realm.

Milwaukie's Comprehensive Plan goals are aligned with the intent of Oregon's Housing Choices Bill (HB 2001) to increase the amounts and types of housing available across Oregon. This will require establishing development standards that regulate size, shape, and form rather than focusing exclusively on density. Additional regulatory and maps changes will be needed for the city to be compliant with House Bill 2001 and the accompanying proposed Oregon Administrative Rule (OAR) Division 46, known as OAR 660-046.

Code amendments that will support this policy mandate are found in the following sections:

1. Title 17 - Land Division – Sections regarding Application Procedure and Approval Criteria, Flag Lot Design and Development Standards
2. Title 19 – Zoning (all sections)

Policy Mandate 2: Increase the Tree Canopy and Preserve Existing Trees

It is clear that trees are very important to Milwaukians, are a major contributor to the quality of life in Milwaukie and could be considered a signature feature of the city to be nurtured and protected. Additionally, trees are important to reducing stormwater runoff and associated utility costs, improving residents' health outcomes, helping the city meet its climate goals, reducing the urban heat island effect, and can increase property values.

Most trees in Milwaukie are on private property, therefore it is appropriate that these trees be considered for additional protections to achieve the community's goals. As a result, trees on private property will be regulated differently than they have been in the past. These protections will help preserve the existing canopy and contribute to the future canopy of the city.

A culture shift will be required on the part of Milwaukians, the development community, and city staff; one that promotes a collaborative approach to tree preservation and planting. Staff and community members will begin to have tree specific conversations early in the development application process, as a result there will be a much better understanding of the community's goals regarding trees.

The city's Tree Board, established in 2017, and city departments now view trees as a form of citywide green infrastructure that needs to be managed just like other forms of built infrastructure. Unlike hard infrastructure, trees are the only urban infrastructure that exponentially increase in community benefits and value over time. Urban trees offer an important opportunity to mitigate climate change induced high temperatures and air quality impacts faced by Milwaukie residents. The potential of trees to regulate temperature is widely acknowledged in scientific literature and daytime temperatures can be significantly reduced at the city block scale when canopy exceeds 40%.

Both broad and detailed support for preserving and increasing the tree canopy throughout Milwaukie is found in the Comprehensive Plan, Climate Action Plan, Urban Forestry Management Plan, and Community Vision. In Goal 3 of the Comprehensive Plan a target is established to have 40% tree canopy throughout the City using a combination of development code and other strategies. Comprehensive Plan goals recognize that flexibility is needed in the siting and design of buildings and design standards to preserve existing large and old-growth trees while also increasing the tree canopy in areas that are currently deficient. The Urban Forestry Management Plan and Climate Action Plan bolster these objectives with possible implementation actions, but do not indicate which regulatory changes might contribute the most to achieving canopy goals. The Urban Forestry Management Plan further notes that the tree canopy is not equitable across the city and supports implementation actions that, while reducing barriers to affordable housing, also increase equitable access to trees and their benefits.

Code amendments that support this policy mandate are found in the following sections:

1. Title 16 – Environment, 16.32 – Tree Code (and related code section, Public Works Standards, 5.0030)
2. 19.200 Definitions, Tree-related definitions
3. 19.402 Natural Resource Overlay Zone

Policy Mandate 3: Manage parking to enable middle housing and protect trees

Goals 6 and 8 of the Comprehensive Plan, along with strategies identified in the Climate Action Plan (CAP) and Milwaukie Housing Affordability Strategy (MHAS), offer strong support for minimizing parking in new developments to encourage the use of alternate transportation and to reduce vehicle emissions.

Additionally, the MHAS identifies right sizing parking requirements to user patterns as critical to achieving this. Right sizing parking can help provide flexibility and both reduce the cost of housing production and increase viability for a range of unit types. Appropriate management may also be necessary. Reducing the amount of parking provided will also preserve more trees.

Code amendments that support this policy mandate are found in the following sections:

1. 19.200 Definitions, Parking-related definitions
2. 19.505.4 Parking Spaces Location
3. 19.600 Off-Street Parking and Loading

Summary of Key Amendments

The final draft code amendments were posted on September 1, 2021 in advance of the first public hearing with the Planning Commission on October 12. Following a review by the Oregon Department of Land Conservation and Development, as well as the Planning Commission hearings and additional staff review, several recommendations were made to the posted code language. The following is a discussion of the key amendments and includes the recommendations from the Planning Commission at their public hearing on November 9.

Amendments Related to the Zoning Map

Amendments to the existing single-unit residential zones reduce the number of residential zones in Milwaukie and broaden the range of housing types permitted throughout the city for a wider range of incomes.

Currently, the eight single-unit residential zones on the zoning map include a list of permitted and prohibited uses and have different development standards. The current zoning code does not comply with new Comprehensive Plan policies and HB 2001 and must be amended.

The proposed amendments update Milwaukie's Comprehensive Plan zoning map and the zoning ordinance to consolidate the existing low density residential zones (R-5, R-7, and R-10) into one new zone; the existing medium and high-density zones are maintained as is, for a total of six residential zones. The amendments include updated lists of permitted land use designations that includes middle housing wherever detached single dwellings are permitted.

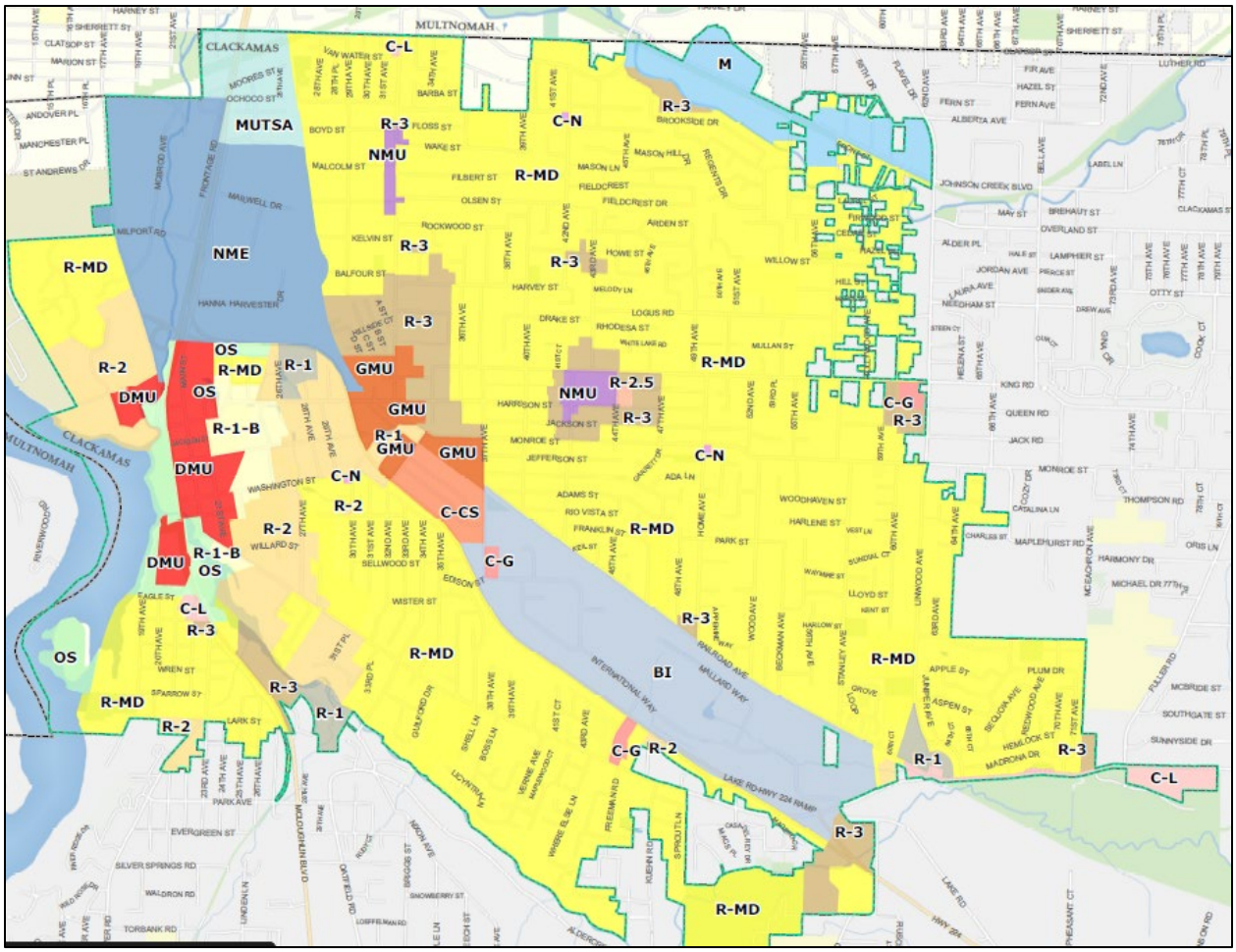


Figure 1. Proposed zoning map - consolidation of R-5, R-7, and R-10 into R-MD

Amendments Related to Housing

In addition to reducing the number of residential base zones, code amendments related to housing provide greater detail as to how housing permitted under the new base land use zones will be designed and built. They address the form of the housing allowed in the residential zones which provides the ability to apply standards based on the site conditions and lot size.

Under the existing zoning code, the standards limit the form and type of housing allowed within the existing zones. The proposed amendments update the zoning code to simplify existing residential zones, permit a broader range of middle housing types, and remove certain development and approval standards for middle housing types so they are subject to the same level of review currently used for single dwellings. These updates meet the policy goals of creating housing that is priced at a range of income levels citywide and clarify existing code language.

All housing types must address certain development standards including:

- maximum lot coverage
- minimum landscaping
- minimum setbacks
- maximum building heights
- side yard height plane

Lot Size	Permitted Housing Types currently	Permitted Housing Types proposed
1,500 sq. ft.	Rowhouse (townhouse)	Rowhouse (townhouse) Cottages (when in a cottage cluster)
3,000 sq. ft. to 4,999 sq. ft.	Detached single dwelling Detached single dwelling + ADU Duplex	Detached single dwelling Detached single dwelling + 2 ADU Duplex Triplex Quadplex
5,000 sq. ft. to 6,999 sq. ft.	Detached single dwelling Detached single dwelling + ADU Duplex	Detached single dwelling Detached single dwelling + 2 ADU Duplex Triplex Quadplex
7,000 sq. ft. and greater	Detached single dwelling Detached single dwelling + ADU Duplex	Detached single dwelling Detached single dwelling + 2 ADU Duplex Triplex Quadplex Cottage Cluster

Under the proposed design standards, middle housing types can be built as attached (stacked or side-by-side) or detached units, allowing more flexibility for the size of lot that housing can be built on. All other design standards would still apply.

Key amendments include:

- Amend base residential zones, permitted uses and development standards to permit middle housing
- Allow detached single dwelling and all middle housing types (except cottage clusters) on 3,000 square foot lots
- Remove allowances for encroachments into side yard height plane to limit the size of single detached dwellings
- Permit more than one primary dwelling per lot in residential zones
- Amend single detached dwelling and duplex building design standards to include triplexes and quadplexes
- Remove minimum structure size for manufactured homes to treat same as single dwellings currently
- Amend review type for accessory dwelling units (ADUs) and duplexes to allow outright (same as single detached units); update some ADU standards for clarity.
- Implement new cottage cluster code development and design standards
- Amend current rowhouse (townhouse) standards

- Amend flag lot standards, allow back lots, and allow flag lots and back lots in new subdivisions
- Reduce minimum setbacks for income-restricted housing with a Type II variance

Amendments Related to Parking

The proposed code amendments reduce on-site parking requirements and provide alternatives for locating parking which can reduce the cost of housing and decrease impervious surface.

Current code requirements for off-street parking do not count parking in the driveway toward the requirement of at least one parking space per dwelling unit. The current parking requirements do not comply with HB 2001 and must be amended.

The proposed amendments update the Milwaukie Municipal Code (MMC), Title 19.600 off-street parking and loading, to clarify the locations for on-site parking, lower the minimum number of on-site parking spaces required for each dwelling unit, and modify code language to allow for flexible approaches to parking.

Key amendments include:

- Remove minimum off-street parking requirements for middle housing (except cottage clusters).
- Reduce minimum off-street parking requirements for cottage clusters to 0.5 spaces per dwelling unit.
- Allow the location of off-street parking space be within front setback or within 15 feet of front lot line or within side setback.
- Include a by-right reduction in minimum off-street parking for income-restricted (affordable) housing
- Amend the parking modification process to include preservation of priority trees as a criterion for parking reduction

Amendments Related to Trees

Amendments related to trees on private property are intended to make the existing Milwaukie tree code consistent with the policies in the Comprehensive Plan and Urban Forestry Management Plan.

The existing tree code addresses only trees in the public right of way or on public property, like park or street trees. To meet the city's goal of a 40% tree canopy, as identified in the CAP, Urban Forest Management Plan, and Comprehensive Plan policies, trees on private residential property must also be preserved and protected.

In this package of code amendments, private tree code is proposed to protect canopy on private residential property. The proposed tree code focuses on the adoption of tree preservation standards, tree canopy standards, mitigation standards, soil volume, and protection standards for development situations, and a simplified permitting process for non-development residential tree removal. For residential development projects, tree canopy protection is prioritized, and tree replacement will be required if trees are removed. For other healthy non-development tree removal on private property, a permit will be required as well as tree replacement or mitigation. There will be exceptions and a streamlined process for unhealthy or

dying trees, trees posing safety hazards, invasive species, and trees significantly impacting infrastructure without practical mitigation.

The proposed amendments to MMC Title 16 and Title 19 clarify existing code language and update desired tree and plant types to meet city policy goals for greater forest diversity, more native and climate-resilient species, improving the ecological function and creating multi-level, uneven-aged canopy.

Key amendments include:

- Regulate preservation and protection of trees on private property in residential zones, including:
    - Define standards for preserving and protecting trees
    - Create a process for application and development review
    - Define rare or threatened trees
    - Establish minimum tree canopy of 40% per lot in development situations
- Amend "Vegetation Buffer Requirements" in MMC 19.401 Willamette Greenway overlay zone to be consistent with updated tree code
- Update "Native Plant List" referenced in Natural Resource Overlay Zone to include other vegetation types and nuisance/prohibited plants
- Update native vegetation and native plant definitions to be consistent with new tree code.

Planning Commission recommendations

The proposed code amendment package was posted on September 1. Following the Planning Commission hearing process, the following key revisions were recommended in the final vote to recommend approval of the code package (See Attachment 1):

- Allow flag lots and back lots in subdivisions.
- Reduce minimum off-street parking for middle housing to 0 spaces per dwelling unit for middle housing, except cottage clusters
    - Reduce minimum off-street parking for cottage clusters in the R-MD zone to 0.5 spaces per cottage
- Reduce the minimum lot size for all middle housing types, except cottage clusters and townhouses, to 3,000 sq ft.
- Reduce minimum setbacks for income-restricted housing via a Type II variance
- Recommendation that the Council consider additional ways, within the code, to incentive deeply affordable housing. Examples can be found in the November 9 letter from the Sightline Institute (see Attachment 4).
- Revise the non-development tree code type 1 healthy tree removal approval standard to allow for one healthy tree removal under 12" diameter at breast height instead of 18" diameter at breast height.
- Add tree preservation and tree canopy standards variance language to MMC 19.911 and refer to the new MMC 19.911.8 in the tree code.
- Discuss bonding requirements for development related tree code with City Council as allowed in draft residential tree code (MMC 16.32.J.1.c.5)

NEXT STEPS

- 30-day hearing notice: Posted on December 18
- Council public hearing #1: January 18, 2022
- Council public hearing #2: February 1, 2022
- Council public hearing #3 (adoption): February 15, 2022

BUDGET IMPACT

None.

WORKLOAD IMPACT

Some additional permits will likely be submitted when the new code is adopted, but this additional activity will be absorbed by staff.

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 worked on this project.

ATTACHMENTS

1. Proposed Draft code amendment language as revised by Planning Commission (underline/strikeout)
    a. Middle Housing Code Amendments
    b. Tree Code Amendments
2. Public outreach summary table
3. Public outreach summary report dated July 29, 2021
4. Public comments submitted during Planning Commission hearings
5. Public comments spreadsheet tracker

Underline/Strikeout Amendments

COMPREHENSIVE PLAN

Comprehensive Plan Land Use Map

Updated to show two residential designations reflecting changes to zoning map per 19.107. (Attachment 1)

Comprehensive Plan Residential Land Use Designations

~~Low Density Residential: Zones R-10 (3.5-4.4 units/acre) & R-7 (5.0-6.2 units/acre) - 50% of City~~

- ~~a. Permitted housing types include single-unit detached, accessory dwelling units, and duplexes on large lots.~~
- ~~b. Transportation routes are limited primarily to collectors and local streets.~~
- ~~c. Sites with natural resource or natural hazard overlays may require a reduction in density.~~

Moderate Density Residential: ~~Zones R-5 (7.0-8.7 units/acre)~~ Zone R-MD (5.0 – 34.8 units/acre)

a. Permitted housing types include single-unit detached on moderate to small lots, accessory dwelling units, ~~and~~ duplexes, triplexes, quadplexes, townhouses, and cottage clusters.
b. Transportation routes are limited primarily to collectors and local streets.
c. Sites with natural resource or natural hazard overlays may require a reduction in density.
~~b. Convenient walking distance to a transit stop or close proximity to commercial and employment areas distinguish moderate density residential from low density residential.~~

~~Medium Density Residential: Zones R-3 (11.6-14.5 units/acre) & R-2.5, R-2 (11.6-17.4 units/acre)~~

- ~~a. Permitted housing types include single-unit detached on small lots, duplexes, accessory dwelling units, cottage clusters, and in limited areas, multi-unit development.~~
- ~~b. These areas typically have access to major or minor arterials. Siting should not result in increased traffic through Low Density Residential areas.~~
- ~~c. Medium Density areas are to be located near or adjacent to commercial areas, employment areas or transit stops.~~

High Density: ~~High Density: Zones R-1 & R-1-B (25.0-32.0 units/acre)~~ Zones R-3 (11.6-14.5 units/acre), R-2.5 and R-2 (11.6-17.4 units/acre), and R-1 and R-1-B (25-32 units/acre)

a. A wide variety of housing types are permitted including single-unit detached on moderate to small lots, accessory dwelling units, and duplexes, triplexes, quadplexes, townhouses, and cottage clusters, with the predominant housing type being multi-unit development.
b. These areas should be adjacent to or within close proximity to downtown or district shopping centers, employment areas and/or major transit centers or transfer areas.
c. Access to High Density areas should be primarily by major or minor arterials.
d. Office uses are outright permitted, and commercial uses are conditionally permitted in limited areas within close proximity of downtown.

Title 19 Zoning Ordinance

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1Classification of Zones	
Zone Description	**Abbreviated Description**
Base Zones	
~~Residential~~	~~R-10~~
~~Residential~~	~~R-7~~
Residential	~~R-5~~ R-MD
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Manufacturing	M-TSA
General Mixed Use	GMU
Neighborhood Mixed Use	NMU
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F
Tacoma Station Area	TSA

19.107.2 Zoning Map

Updated to show six residential designations reflecting changes to zoning map per 19.107.1 (Attachment 2).

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

Refer to individual chapters of this title for chapter-specific definitions.

As used in this title:

~~"Flag lot" means a lot that has a narrow frontage on a public street with access provided via a narrow accessway or "pole" to the main part of the lot used for building, which is located behind another lot that has street frontage. There are 2 distinct parts to the flag lot; the development area or "flag" which comprises the actual building site, and the access strip or "pole" which provides access from the street to the flag.~~

"Lot" means a legally defined unit of land other than a tract that is a result of a subdivision or partition. For general purposes of this title, lot also means legal lots or lots of record under the lawful control, and in the lawful possession, of 1 distinct ownership. When 1 owner controls an area defined by multiple adjacent legal lots or lots of record, the owner may define a lot boundary coterminous with 1 or more legal lots or lots of record within the distinct ownership. Figure 19.201-1 illustrates some of the lot types defined below.

"Back lot" means a lot that does not have frontage on a public street, typically accessed via an easement over another property.

"Flag lot" means a lot that has a narrow frontage on a public street with access provided via a narrow accessway or "pole" to the main part of the lot used for building, which is located behind another lot that has street frontage. There are 2 distinct parts to the flag lot; the development area or "flag" which comprises the actual building site, and the access strip or "pole" which provides access from the street to the flag.

"Corner lot" means a lot abutting 2 or more streets, other than an alley, at their intersection.

"Interior lot" means a lot other than a corner lot.

"Legal lot" means a unit of land other than a tract created through a subdivision or partition approved by the City.

"Lot of record" means a unit of land for which a deed or other instrument dividing the land was filed with the Clackamas County Recorder, which was not created through a partition or subdivision approved by the City, and which was created prior to October 5, 1973.

"Through lot" means an interior lot having frontage on 2 streets.

"Allowed By Right" means any land use permitted without land use approval by the City's Planning Department or Planning Commission, such as is required by a Type I – V review process.

"Owner" means any person who owns land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owner's written consent ~~includes an authorized agent of the owner~~.

"Planning Manager" means the person who is the manager/supervisor of the city's Planning Department, or the City Manager's designee to fill this position. This position can also be described as the Planning Director.

"Street tree" means a tree ~~located in the right-of-way in a center median or island or in a landscape strip or tree well between the street and the sidewalk~~ , shrub, or other woody vegetation on land within 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 ~~a woody plant characterized by one main stem or trunk of at least 6-in diameter, according to the measurement standards established in Subsection 19.202.3~~.

Residential Uses and Structures

"Duplex" means two dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. ~~means a structure on 1 lot that contains 2 dwelling units. The units in a duplex must share a common structural wall or a common floor/ceiling. In instances where a second dwelling unit within a structure can meet the definition for both a duplex and an accessory dwelling unit, the property owner has the option of electing whether the entire structure is considered a duplex or a primary dwelling unit with an attached accessory dwelling unit.~~

"Cottage" means a structure containing one dwelling unit on one lot within an area that was divided to create a cottage cluster development, per Subsection 19.505.4.

"Cottage Cluster" means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard per Subsection 19.505.4. Cottage Cluster units may be located on a single lot or parcel, or on individual lots or parcels.

"Cottage Cluster Project" means two or more cottage clusters constructed, or proposed to be constructed.

"Manufactured home" means a single ~~-family~~ residential structure, as defined in ORS 446.003(25)(a)(C), which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Section 5401 et seq.) as amended on August 22, 1981.

"Middle Housing" means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.

"Mobile home" means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

"~~Multifamily~~ Multi-unit development" means a structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-unit development includes structures commonly called garden apartments, apartments, and condominiums. ~~means 3 or more dwelling units on 1 lot Condominium lots do not count as separate lots for purposes of this definition. The dwelling units may be located in 1 or more structures on the lot. The dwelling units may be arranged with 1 dwelling unit per structure or with multiple dwelling units within a structure that are separated vertically and/or horizontally. Multifamily developments~~

~~include the forms of housing that are typically called apartments and condominiums. Multifamily~~ Multi-unit ~~developments may include structures that are similar in form to rowhouses, cottage clusters, duplexes, or single-family dwellings.~~

"Quadplex" means four dwelling units on a lot or parcel in any configuration.

"Single~~-family~~ detached dwelling" means a structure, or manufactured home, containing 1 dwelling unit with no structural connection to adjacent units.

"~~Rowhouse~~ Townhouse" means a residential structure on its own lot that shares 1 or more common or abutting walls with at least 1 or more dwelling units on adjoining lots. The common or abutting wall must be shared for at least 25% of the length of the side of the building. The shared or abutting wall may be the wall of an attached garage. A Townhouse does not share common floors/ceilings with other primary dwelling units.

"Triplex" means three dwelling units on a lot or parcel in any configuration.

19.202 MEASUREMENTS

19.202.4 Density Calculations

Minimum required and maximum allowed dwelling unit density will be calculated as described below, except that residential cluster development on lands containing natural resource areas are subject to the density calculations in Subsection 19.402.14.C. The purpose of these calculations is to ensure that properties develop at densities consistent with the densities in the Comprehensive Plan. The area deductions for minimum required density allow properties to utilize land that can be built upon. The area deductions for maximum allowed density include sensitive lands where development should be avoided.

C. Discrepancy between Minimum Required and Maximum Allowed Density

~~In situations where the calculation of maximum allowed density results in a number smaller than the calculation of minimum required density, the result from the minimum allowed density is both the minimum required and maximum allowed density.~~ If the calculation results are that minimum density is equal to maximum density, then the minimum required density is reduced by one. If the calculation results are that minimum density is larger than maximum density, then the minimum required density is reduced to one less than the maximum. If the calculation results are that the maximum density calculation is equal to zero, then the minimum density is one.

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

The moderate density residential zone is Residential Zone R-MD. This zone implements the Moderate Density residential land use designation in the Milwaukie Comprehensive Plan.

19.301.1 Purpose

The moderate density residential zone is intended to create, maintain, and promote neighborhoods with larger lot sizes while allowing a broad range of housing types. Some non-household living uses are allowed, but overall the character is one of residential neighborhoods.

19.301.2 Allowed Uses in Moderate Density Residential Zones

Uses allowed, either allowed by right or conditionally, in the moderate density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.301.2
Moderate Density Residential Uses Allowed

Use	R-MD	Standards/Additional Provisions
Residential Uses		
Single detached dwelling	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development
Duplex	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development
Triplex	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development
Quadplex	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development
Townhouse	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development **Subsection 19.505.5** Standards for Townhouses
Cottage Cluster	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development **Subsection 19.505.4** Cottage Cluster Housing
Residential home	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	**Subsection 19.910.1** Accessory Dwelling Units
Manufactured dwelling park	N	**Subsection 19.910.3** Manufactured Dwelling Parks.
Senior and retirement housing	CU	**Subsection 19.905.9.G** Senior and Retirement Housing
Commercial Uses		
Bed and breakfast or Vacation rental	CU	**Section 19.905** Conditional Uses
Accessory and Other Uses		
Accessory use	P	**Section 19.503** Accessory Uses
Agricultural or horticultural use	P	**Subsection 19.301.3** Use Limitations and Restrictions
Community service use	CSU	**Section 19.904** Community Service Uses
Home occupation	P	**Section 19.507** Home Occupation Standards
Short-term rental	P	**Section 19.507** Home Occupation Standards

P = Permitted/allowed by right

N = Not permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

II = Type II review required.

III = Type III review required.

~~19.301 LOW DENSITY RESIDENTIAL ZONES~~

~~The low density residential zones are Residential Zone R-10, Residential Zone R-7, and Residential Zone R-5. These zones implement the Low Density and Moderate Density residential land use designations in the Milwaukie Comprehensive Plan.~~

~~19.301.1 Purpose~~

~~The low density residential zones are intended to create, maintain, and promote neighborhoods with larger lot sizes where the land use is primarily single-family dwellings. They allow for some nonhousehold living uses but maintain the overall character of a single-family neighborhood.~~

~~19.301.2 Allowed Uses in Low Density Residential Zones~~

~~Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.~~

~~See Section 19.201 Definitions for specific descriptions of the uses listed in the table.~~

~~Table 19.301.2~~
~~Low Density Residential Uses Allowed~~

~~Use~~	~~R-10~~	~~R-7~~	~~R-5~~	~~Standards/Additional Provisions~~
~~Residential Uses~~				
~~Single-family detached dwelling~~	~~P~~	~~P~~	~~P~~	~~**Subsection 19.505.1** Single-Family Dwellings and Duplexes~~
~~Duplex~~	~~P/II~~	~~P/II~~	~~P~~	~~**Subsection 19.505.1** Single-Family Dwellings and Duplexes~~ ~~**Subsection 19.910.2** Duplexes~~
~~Residential home~~	~~P~~	~~P~~	~~P~~	~~**Subsection 19.505.1** Single-Family Dwellings and Duplexes~~
~~Accessory dwelling unit~~	~~P/II~~	~~P/II~~	~~P/II~~	~~**Subsection 19.910.1** Accessory Dwelling Units~~
~~Manufactured dwelling park~~	~~N~~	~~III~~	~~III~~	~~**Subsection 19.910.3** Manufactured Dwelling Parks.~~
~~Senior and retirement housing~~	~~CU~~	~~CU~~	~~CU~~	~~**Subsection 19.905.9.G** Senior and Retirement Housing~~
~~Commercial Uses~~				
~~Bed and breakfast or Vacation rental~~	~~CU~~	~~CU~~	~~CU~~	~~**Section 19.905** Conditional Uses~~

~~Accessory and Other Uses~~				
~~Accessory use~~	~~P~~	~~P~~	~~P~~	~~**Section 19.503** Accessory Uses~~
~~Agricultural or horticultural use~~	~~P~~	~~P~~	~~P~~	~~**Subsection 19.301.3** Use Limitations and Restrictions~~
~~Community service use~~	~~CSU~~	~~CSU~~	~~CSU~~	~~**Section 19.904** Community Service Uses~~
~~Home occupation~~	~~P~~	~~P~~	~~P~~	~~**Section 19.507** Home Occupation Standards~~
~~Short-term rental~~	~~P~~	~~P~~	~~P~~	~~**Section 19.507** Home Occupation Standards~~

~~P = Permitted.~~

~~N = Not permitted.~~

~~CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.~~

~~CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.~~

~~II = Type II review required.~~

~~III = Type III review required.~~

19.301.3 Use Limitations and Restrictions

A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.

1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.

B. Marijuana production is not permitted in ~~low~~ moderate density residential zones except as follows:

1. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards set forth in Subsection 19.509.2.
2. Growing marijuana indoors or outdoors for personal use is permitted consistent with state laws.

19.301.4 Development Standards

In the moderate density residential zone~~s~~, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.301.5.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Table 19.301.4 Moderate Density Residential Development Standards					
Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999	7,000 and up	
A. Permitted Dwelling Type					
	Townhouse, Cottage[1]	Single Detached Dwelling, Single Detached Dwelling, with 2 ADUs, Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with 2 ADUs, Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster,	**Subsection 19.501.1** Lot Size Exceptions
B. Lot Standards					
1. Minimum lot width (ft)	20	30	50	60	
2. Minimum lot depth (ft)	70	80	80	80	
3. Minimum street frontage requirements (ft)					
a. Townhouse	20				
b. Standard lot	35	30	35	35	
c. Flag lot	NA[2]	25	25	25	
d. Double flag lot	NA[2]	35	35	35	
C. Development Standards					
1. Minimum yard requirements for primary structures (ft)[3]					**Subsection 19.301.5.A** Yards **Subsection 19.501.2** Yard

[1] For a Cottage within a Cottage Cluster only
[2] Townhouses are not permitted on flag lots
[3] Cottage Cluster developments are subject to the standards in Section 19.505.4

Table 19.301.4 Moderate Density Residential Development Standards					
Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999	7,000 and up	
a .Front yard	20 [4]	20	20	20	Exceptions **Subsection 19.504.8** Flag Lot and Back Lot Design and Development Standards **Subsection 19.505.4** Cottage Cluster Housing **Subsection 19.505.5** Townhouses
b. Side yard	5 [4]	5	5	5/10	
c. Street side yard	15 [4]	15	15	20	
d. Rear yard	15 [4]	20	20	20	
2. Maximum building height for primary structures	2.5 stories or 35 ft,whichever is less				**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit a. Height above ground at minimum required side yard depth (ft) b. Slope of plane (degrees)	20 45				**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
4. Maximum lot coverage(percent of total lot area)	45%	35%	35%	30%	**Section 19.201 "Lot coverage"** definition **Subsection 19.301.5.B** Lot Coverage
5. Minimum vegetation(percent of total lot area)	15%	25%	25%	30%	**Subsection 19.301.5.C** Front Yard Minimum Vegetation **Subsection 19.504.7** Minimum

[4] For lots 3,000 sq ft and smaller: Where a newly created small lot abuts a larger or pre-existing lot, when abutting a 5,000-sq-ft lot, rear and side yard setback standards for 5,000-sq-ft lots apply; when abutting a 7,000-sq-ft lot, rear and side yard setback standards for 7,000-sq-ft lots apply, and when abutting a 10,000-sq-ft lot, rear and side yard setback standards for 10,000-sq-ft lots apply.

Table 19.301.4 Moderate Density Residential Development Standards					
Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999	7,000 and up	
					Vegetation
C. Other Standards					
1. Density requirements(dwelling units per acre)					**Subsection 19.301.5.D** Residential Densities **Subsection 19.501.4** Density Exceptions For Cottage Clusters and Townhouse Density Exceptions, see 19.501.4
a. Minimum	25	7.0	7.0	5.0	
b. Maximum	25 [6]	8.7 [5]	8.7 [5]	6.2 [5]	

19.301.5 Additional Development Standards

A. ~~Side~~ Yards

On lots greater than 7,000 sq ft in the R-MD Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots

   The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single~~-family~~ detached dwelling, duplex, or residential home on a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.

2. Increased Lot Coverage for Single~~-Family~~ Detached Dwelling~~s~~

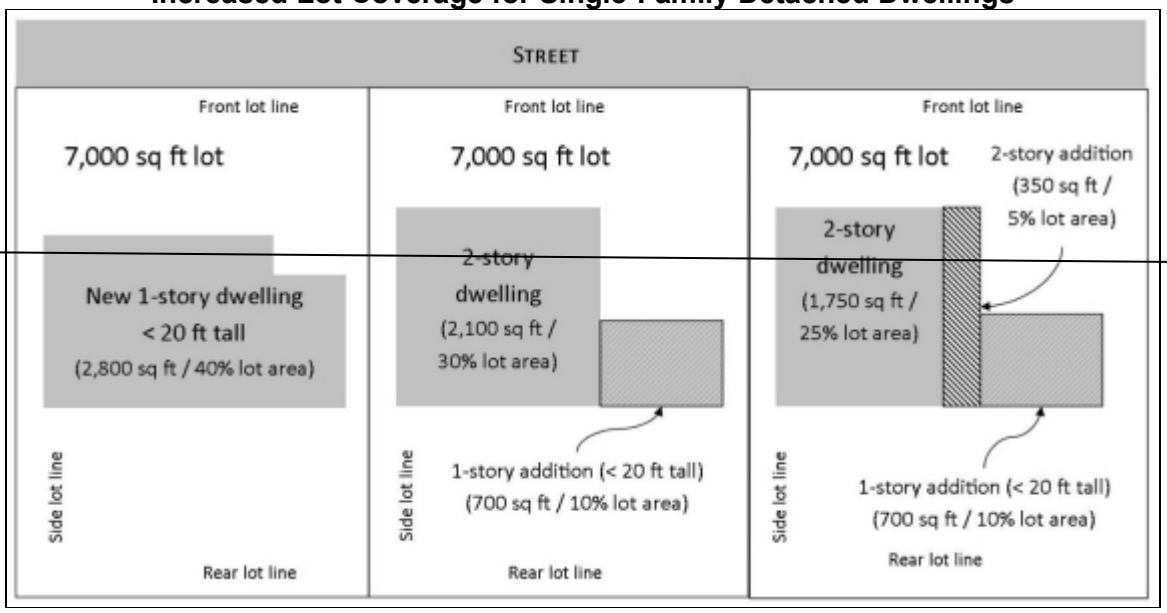
   The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of ~~a single-family detached dwelling, or~~ an addition to an existing single~~-family~~ detached dwelling, provided that the portions of

[5] Townhouses are allowed at four times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, Triplexes, Quadplexes, and Cottage clusters are exempt from density maximums.

the structure that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure that are less than 20 ft and no taller than one story are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

Figure 19.301.5.B.2
Increased Lot Coverage for Single-~~Family~~ Detached Dwellings



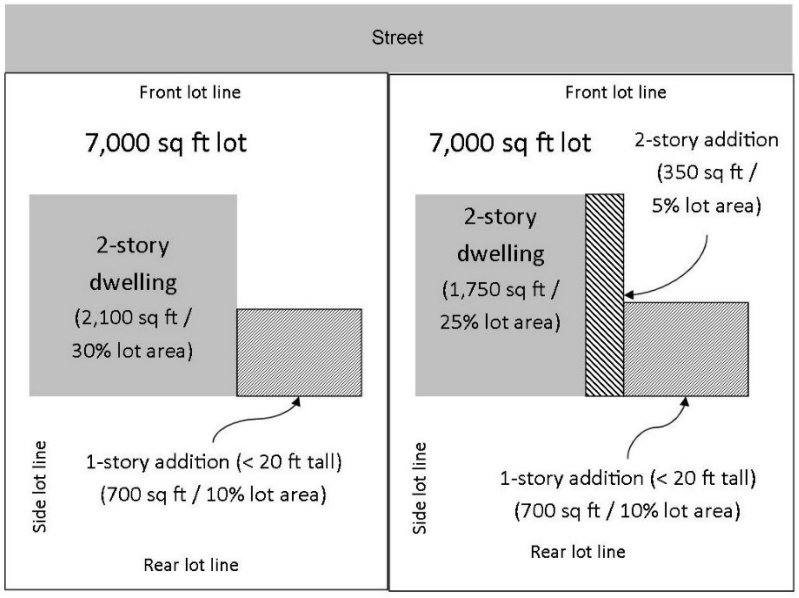


Figure 19.301.5.B.2 illustrates an example of increased lot coverage for lots in Residential Zone R-MD. ~~R-7 based on 7,000 sq ft lot area.~~

3. Increased Lot Coverage for ~~Duplexes~~ Middle Housing

   The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by ~~20~~10 percentage points for ~~a duplex~~ One to Four Dwelling Units, provided that the portions of the structure(s) that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4.

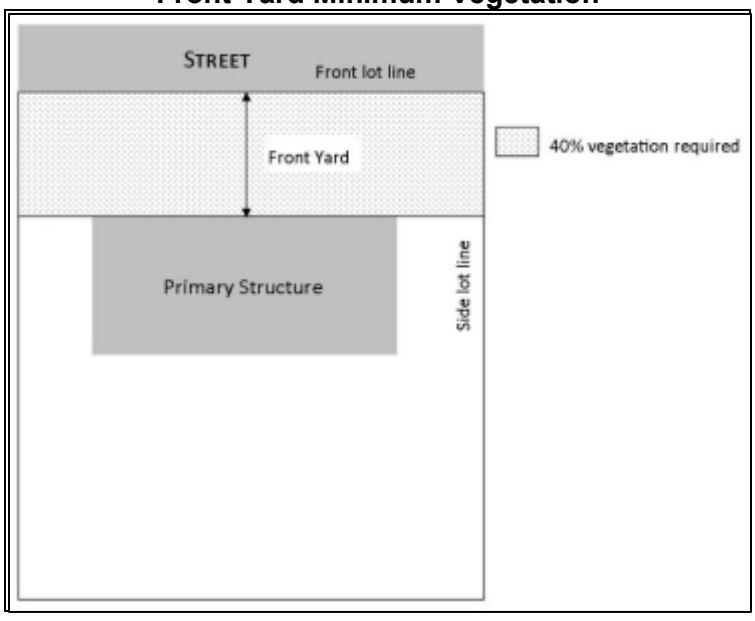
4. Increased Lot Coverage for Detached Accessory Dwelling Units

   The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Figure 19.301.5.C
Front Yard Minimum Vegetation



D. Residential Densities

The minimum ~~and maximum~~ development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots. Maximum densities apply to single detached dwellings; middle housing is exempt from maximum density, except for townhouses.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

~~F. Number of Dwelling Structures~~

~~In the low density residential zones, 1 primary building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.~~

F. ~~G~~.Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

G. ~~H~~.Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

H. ~~I.~~ Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.8 Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.505.1 ~~Single-Family Dwellings and Duplexes~~ One to Four Dwelling Units
4. Subsection 19.505.2 Garages and Carports
5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

(Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2051 § 2, 2012)

~~19.301.4 Development Standards~~

~~In the low density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.301.5.~~

~~See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.~~

~~Table 19.301.4~~
~~Low Density Residential Development Standards~~

Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (sq ft)				**Subsection 19.501.1** Lot Size Exceptions
a. Single-family detached	10,000	7,000	5,000	
b. Duplex	14,000	14,000	10,000	
2. Minimum lot width (ft)	70	60	50	
3. Minimum lot depth (ft)	100		80	
4. Minimum street frontage requirements (ft)				
a. Standard lot			35	

Table 19.301.4 CONTINUED
Low Density Residential Development Standards

Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards CONTINUED				
b. Flag lot			25	
c. Double flag lot			35	
B. Development Standards				
1. Minimum yard requirements for primary structures (ft)				**Subsection 19.301.5.A** Side Yards
a. Front yard	20	20	20	**Subsection 19.501.2** Yard Exceptions
b. Side yard	10	5/10	5	**Subsection 19.504.8** Flag Lot Design and Development Standards
c. Street side yard	20	20	15	
d. Rear yard	20	20	20	

Table 19.301.4 CONTINUED
Low Density Residential Development Standards

Standard	R-10	R-7	R-5	Standards/ Additional Provisions
B. Development Standards CONTINUED				
2. Maximum building height for primary structures	2.5 stories or 35 ft,whichever is less			**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit				**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
a. Height above ground at minimum required side yard depth (ft)			20	
b. Slope of plane (degrees)			45	
4. Maximum lot coverage(percent of total lot area)		30%	35%	**Section 19.201 "Lot coverage"** definition **Subsection 19.301.5.B** Lot Coverage
5. Minimum vegetation(percent of total lot area)	35%	30%	25%	**Subsection 19.301.5.C** Front Yard Minimum Vegetation

				~~**Subsection 19.504.7** Minimum Vegetation~~
~~**C. Other Standards**~~				
~~1. Density requirements(dwelling units per acre)~~				~~**Subsection 19.301.5.D** Residential Densities~~
~~a. Minimum~~	~~3.5~~	~~5.0~~	~~7.0~~	~~**Subsection 19.501.4** Density Exceptions~~
~~b. Maximum~~	~~4.4~~	~~6.2~~	~~8.7~~	

19.302 HIGH DENSITY RESIDENTIAL ZONES

The high density residential zones are Residential Zone R-3, Residential Zone R-2.5, Residential Zone R-2, Residential Zone R-1, and Residential-Business Office Zone R-1-B. These zones implement the High Density residential land use designations in the Milwaukie Comprehensive Plan.

19.302.1 Purpose

The high density residential zones are intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses.

19.302.2 Allowed Uses in ~~Medium and~~ High Density Residential Zones

Uses allowed, either allowed by right or conditionally, in the high density residential zone~~s~~ are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.302.2
~~Medium and~~ High Density Residential Uses Allowed

Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses						
Single-~~family~~ detached dwelling	P	P	P	P	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development ~~**Subsection 19.505.1** Single-Family Dwellings and Duplexes~~
Duplex	P	P	P	P	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development

						~~**Subsection 19.505.1** Single-Family Dwellings and Duplexes~~
Triplex	P	P	P	P	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development
Quadplex	P	P	P	P	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development
Residential home	P	P	P	P	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development ~~**Subsection 19.505.1** Single-Family Dwellings and Duplexes~~
Accessory dwelling unit	P/~~II~~	P/~~II~~	P/~~II~~	P/~~II~~	P/~~II~~	**Subsection 19.910.1** Accessory Dwelling Units
Manufactured dwelling park	III	N	N	N	N	**Subsection 19.910.3** Manufactured Dwelling Parks
~~Rowhouse~~ Townhouse	P	P	P	P	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development ~~**Subsection 19.505.1** Single-Family Dwellings and Duplexes~~ **Subsection 19.505.5** Standards for ~~Rowhouses~~ Townhouses
Cottage cluster ~~housing~~	P	P	P	P	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development **Subsection 19.505.4** Cottage Cluster Housing ~~Cottage cluster land division requires Type III review~~

Table 19.302.2 CONTINUED
Medium and High Density Residential Uses Allowed

Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses CONTINUED						
~~Multifamily~~ Multi-unit	CU	CU	P	P	P	**Subsection 19.505.3** ~~Multifamily Housing~~ Multi Unit Housing **Subsection 19.302.5.F** Residential Densities

						Subsection 19.302.5.H Building Limitations
Congregate housing facility	CU	CU	P	P	P	**Subsection 19.505.3** ~~Multifamily Housing~~ Multi Unit Housing **Subsection 19.302.5.F** Residential Densities **Subsection 19.302.5.H** Building Limitations
Senior and retirement housing	CU	CU	CU	P	P	**Subsection 19.905.9.G** Senior and Retirement Housing
Boarding house	CU	CU	CU	CU	CU	**Section 19.905** Conditional Uses
Commercial Uses						
Office	CU	CU	CU	CU	P	**Subsection 19.302.3** Use Limitations and Restrictions
Hotel or motel	N	N	N	N	CU	**Section 19.905** Conditional Uses
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	**Section 19.905** Conditional Uses
Accessory and Other Uses						
Accessory use	P	P	P	P	P	**Section 19.503** Accessory Uses
Agricultural or horticultural use	P	P	P	P	P	**Subsection 19.302.3** Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	CSU	CSU	**Section 19.904** Community Service Uses
Home occupation	P	P	P	P	P	**Section 19.507** Home Occupation Standards
Short-term rental	P	P	P	P	P	**Section 19.507** Home Occupation Standards

19.302.3 Use Limitations and Restrictions

A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.

1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock.
3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.

B. Office uses allowed in the ~~medium and~~ high density zone~~s~~ are offices, studios, clinics, and other similar professional offices. Corporate offices for marijuana businesses are permitted provided that no marijuana or marijuana products associated with the business are on-site. Marijuana testing labs and research facilities are not permitted office uses in these zones.

C. Marijuana production is not permitted in ~~medium and~~ high density residential zone~~s~~ except as follows:

1. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards set forth in Subsection 19.509.2.
2. Growing marijuana indoors or outdoors for personal use is permitted consistent with state laws.

19.302.4 Development Standards

In the ~~medium and~~ high density residential zone~~s~~, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

In the high density residential zones the following housing types are permitted on lot sizes as follows:

Between 1,500 to 2,999 sq ft: Townhouse, Cottage, Single Detached Dwelling, Single Detached Dwelling with ADU, and Duplex.

Between 3,000 to 4,999 sq ft: Single Detached Dwelling, Single Detached Dwelling with ADU, and Duplex.

Between 5,000 to 6,999 sq ft: Single Detached Dwelling, Single Detached Dwelling with ADU, Duplex, and Triplex.

7,000 sq ft and up: Single Detached Dwelling, Single Detached Dwelling with ADU, Duplex, Triplex, Quadplex, Cottage Cluster, Multi Unit Housing.

Table 19.302.4
~~Medium and~~ High Density Residential Development Standards

Standard	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
A. Lot Standards						
1. Minimum lot size (sq ft)	1,500					**Subsection 19.501.1** Lot Size Exceptions

			Subsection **19.505.4** Cottage Cluster Housing **Subsection** **19.505.5** Rowhouses
2. Minimum lot width (ft)	20		
3. Minimum lot depth (ft)	70		
4. Minimum street frontage requirements (ft) a. Rowhouse b. Standard lot c. Flag lot d. Double flag lot	 20 35 25 35		
B. Development Standards			
1. Minimum yard requirements for primary structures (ft) a. Front yard b. Side yard c. Street side yard d. Rear yard	 	 20 See Subsection 19.302.5.A 15 15	**Subsection** **19.302.5.A** Side Yards **Subsection** **19.501.2** Yard Exceptions **Subsection** **19.504.8** Flag Lot and Back Lot Design and Development Standards
2. Maximum building height for primary structures	2.5 stories or 35 ft,whichever is less	3 stories or 45 ft,whichever is less	**Subsection** **19.302.5.E** Height Exceptions **Subsection** **19.501.3** Building Height and Side Yard Height Plane Exceptions **Subsection** **19.302.5.I** Transition Measures

3. Side yard height plane limit a. Height above ground at minimum required side yard depth (ft) b. Slope of plane (degrees)	- 20 45	- 25 45		**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
4. Maximum lot coverage (percent of total lot area)	40%	45%	50%	**Section 19.201 "Lot coverage"** definition
5. Minimum vegetation (percent of total lot area)	35%		15%	**Subsection 19.504.7** Minimum Vegetation **Subsection 19.302.5.D** Front Yard Minimum Vegetation **Subsection 19.302.5.C** Minimum Vegetation
C. Other Standards				
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum[5]	- 11.6 14.5	- 11.6 17.4	- 25.0 32.0	**Subsection 19.202.4** Density Calculations **Subsection 19.302.5.F** Residential Densities **Subsection 19.501.4** Density Exceptions

[5] Townhouses are allowed at four times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, Triplexes, Quadplexes, and Cottage clusters are exempt from density maximums.

~~Table 19.302.4~~ ~~Medium and High Density Residential Development Standards~~						
~~Standard~~	~~R-3~~	~~R-2.5~~	~~R-2~~	~~R-1~~	~~R-1-B~~	~~Standards/ Additional Provisions~~
~~**A. Lot Standards**~~						
~~1. Minimum lot size~~	-	-	-	-		~~**Subsection 19.501.1** Lot~~

(sq ft) a. Rowhouse b. Duplex c. All other lots	3,000 6,000 5,000	2,500 5,000 5,000	2,500 7,000 5,000	1,400 6,400 5,000	Size Exceptions **Subsection 19.505.4** Cottage Cluster Housing **Subsection 19.505.5** Rowhouses
2. Minimum lot width (ft) a. Rowhouse b. All other lots	- 30 50		- 25 50	- 20 50	-
3. Minimum lot depth (ft) a. Rowhouse b. All other lots	- 80 80	- 75 75	- 80 80	- 70 80	-
4. Minimum street frontage requirements (ft) a. Rowhouse b. Standard lot c. Flag lot d. Double flag lot	- 30 35 25 35	- 	- 25 35 25 35	- 20 35 25 35	-
B. Development Standards					
1. Minimum yard requirements for primary structures (ft) a. Front yard b. Side yard c. Street side yard d. Rear yard			- 15 See Subsection 19.302.5.A 15 15		**Subsection 19.302.5.A** Side Yards **Subsection 19.501.2** Yard Exceptions **Subsection 19.504.8** Flag Lot Design and Development Standards
2. Maximum building height for primary structures	2.5 stories or 35 ft,whichever is less		3 stories or 45 ft,whichever is less		**Subsection 19.302.5.E** Height Exceptions **Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions **Subsection 19.302.5.I** Transition

				Measures
3. Side yard height plane limit a. Height above ground at minimum required side yard depth (ft) b. Slope of plane (degrees)	- 20 45		- 25 45	**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
4. Maximum lot coverage (percent of total lot area)	40%	45%	50%	**Section 19.201 "Lot coverage"** definition
5. Minimum vegetation (percent of total lot area)	35%		15%	**Subsection 19.504.7** Minimum Vegetation **Subsection 19.302.5.D** Front Yard Minimum Vegetation **Subsection 19.302.5.C** Minimum Vegetation
C. Other Standards				
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum	- 11.6 14.5	- 11.6 17.4	- 25.0 32.0	**Subsection 19.202.4** Density Calculations **Subsection 19.302.5.F** Residential Densities **Subsection 19.501.4** Density Exceptions

19.302.5 Additional Development Standards

A. Side Yards

In the ~~medium and~~ high density zone~~s~~, the required side yard is determined as described below. These measurements apply only to required side yards and do not apply to required street side yards.

1. The side yard for development other than a ~~row~~townhouses shall be at least 5 ft.
2. There is no required side yard for townhouses that share 2 common walls. The required side yard for an exterior ~~row~~townhouse that has only 1 common wall is 0 ft

for the common wall and 5 ft for the opposite side yard. An exterior ~~row~~townhouse on a corner lot shall meet the required street side yard setback in Subsection 19.302.4.B.1.b.

B. Lot Coverage

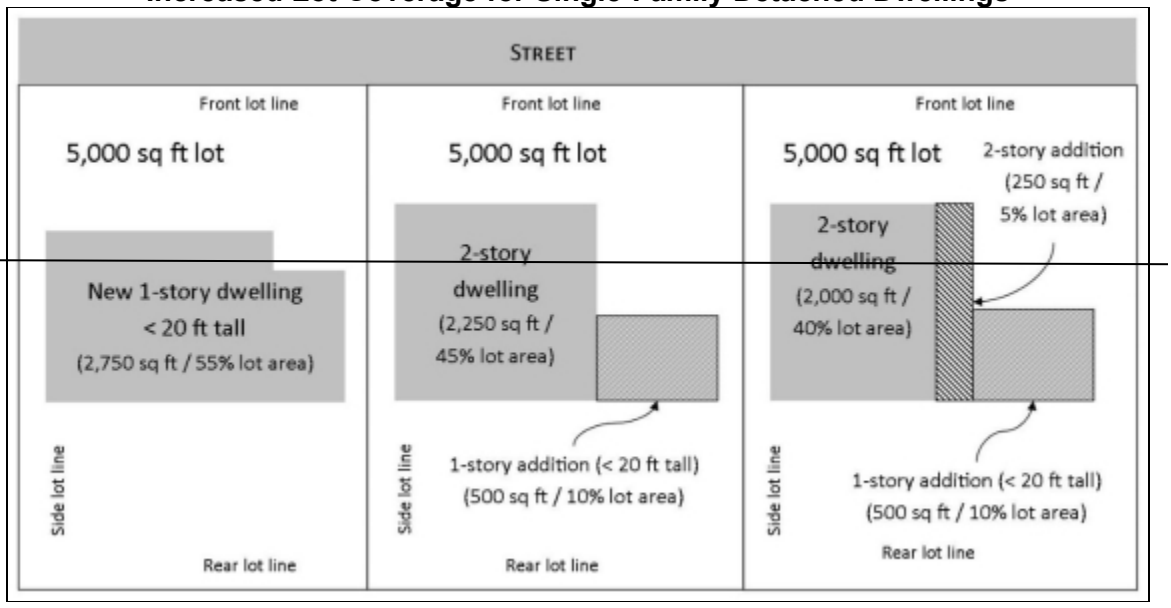
The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

1. Increased Lot Coverage for Single~~-Family~~ Detached Dwelling~~s~~

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 10 percentage points for development of ~~a single-family detached dwelling, or~~ an addition to an existing single~~-family~~ detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of 1 story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure that are less than 20 ft high, and no taller than 1 story, are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

Figure 19.302.5.B.1
Increased Lot Coverage for Single~~-Family~~ Detached Dwellings



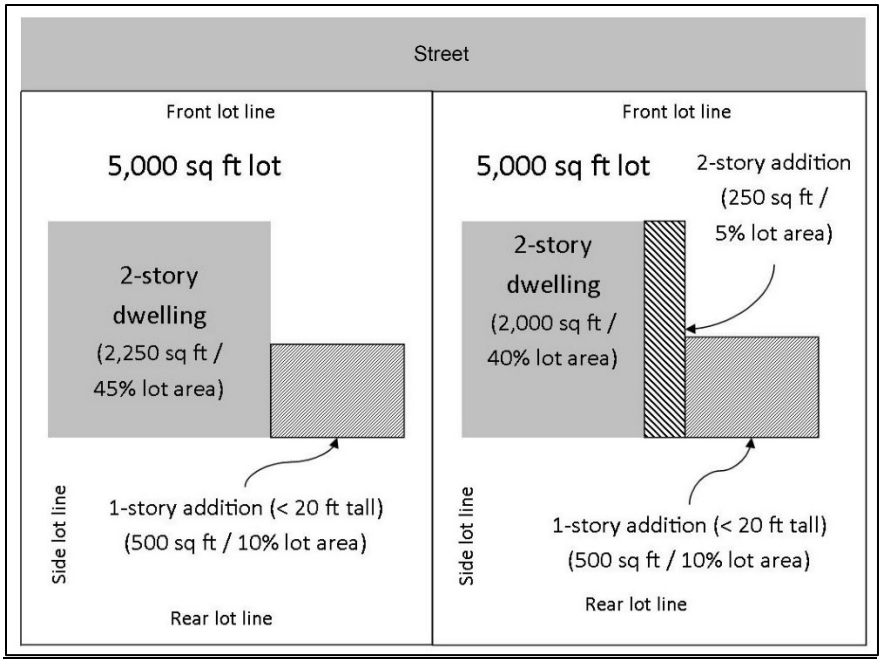


Figure 19.302.5.B.1 illustrates an example of increased lot coverage for lots in the high density zones based on 5,000-sq-ft lot area.

2. Increased Lot Coverage for One to Four Dwelling Units ~~Duplexes~~ and Townhouses. ~~Rowhouses.~~

   The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by ~~20~~ 10 percentage points for One to Four Dwelling Units ~~a duplex~~ or Townhouse ~~rowhouse~~.

3. Increased Lot Coverage for Detached Accessory Dwelling Units

   The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

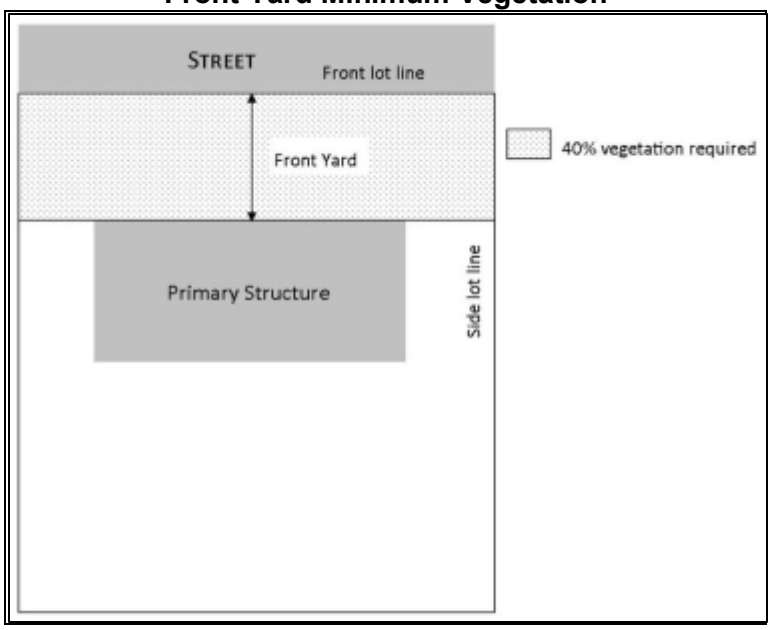
C. Minimum Vegetation

At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents, and not have extreme topography or dense vegetation that precludes access.

D. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Figure 19.302.5.D
Front Yard Minimum Vegetation



E. Height Exceptions

1 additional story may be permitted in excess of the required maximum standard. For the ~~each~~ additional story, an additional 10% of site area beyond the minimum is required to be retained in vegetation.

F. Residential Densities

1. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land divisions, replats that change the number of lots, and any development that would change the number of dwelling units on a lot. Development of ~~a~~ One to Four Dwelling Units, Cottage Clusters, ~~single-family detached dwelling~~ or an accessory dwelling ~~is~~ are exempt from the minimum and maximum density requirements.

   If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

   2. Multifamily development in the R-2, R-1, and R-1-B Zones is subject to the minimum site size requirements in Table 19.302.5.F.2. In the event that the minimum site size requirements conflict with the development densities in Subsection 19.302.4.C.1, the site size requirements in Table 19.302.F.2 shall prevail.

Table 19.302.5.F.2
Minimum Site Size for Multifamily Development in the R-2, R-1, and R-1-B Zones

Units	R-2 Zone	R-1 and R-1-B Zone

First Dwelling Unit	5,000 sq ft per unit	5,000 sq ft per unit
Additional Dwelling Units	~~2,500~~ 1,500 sq ft per unit	1,400 sq ft per unit

G. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

H. Building Limitations

~~1. In the R-3 Zone, 1 single-family detached dwelling or 1 duplex is permitted per lot. See Subsection 19.504.4. A detached accessory dwelling may be permitted in addition to a single-family detached dwelling, per Subsection 19.910.1.~~

~~2. Multifamily~~ Multi-unit buildings shall not have an overall horizontal distance exceeding 150 linear ft as measured from end wall to end wall.

~~I. Transition Measures~~

~~The following transition measures apply to multifamily development that abuts an R-10-, R-7-, or R-5-zoned property.~~

~~1. In the portion of the site within 25 ft of the lower density residential zone, the building height limits are equal to those of the adjacent residential zone.~~

~~2. Where the boundary of the lower density zone lies within, or on the edge of, a right-of-way; the building height limit, for the portion of the site within 15 ft of the lot line bordering the right-of-way, is equal to the height limit of the lower density residential zone.~~

~~J~~I. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

~~K~~J. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

~~L~~K. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.8 Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.504.9 On-Site Walkways and Circulation
4. Subsection 19.504.10 Setbacks Adjacent to Transit
5. Subsection 19.505.1 ~~Single-Family Dwellings and Duplexes~~ Single Detached and Middle Housing Residential Development
6. Subsection 19.505.2 Garages and Carports
7. Subsection 19.505.3 Multi~~family~~ Unit Housing
8. Subsection 19.505.4 Cottage Cluster Housing
9. Subsection 19.505.5 Townhouses

10. Subsection 19.505.8 Building Orientation to Transit

11. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

~~19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES~~

~~The medium and high density residential zones are Residential Zone R-3, Residential Zone R-2.5, Residential Zone R-2, Residential Zone R-1, and Residential-Business Office Zone R-1-B. These zones implement the Medium Density and High Density residential land use designations in the Milwaukie Comprehensive Plan.~~

~~19.302.1 Purpose~~

~~The medium and high density residential zones are intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses.~~

~~19.302.2 Allowed Uses in Medium and High Density Residential Zones~~

~~Uses allowed, either outright or conditionally, in the medium and high density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.~~

~~See Section 19.201 Definitions for specific descriptions of the uses listed in the table.~~

~~Table 19.302.2~~
~~Medium and High Density Residential Uses Allowed~~

~~Use~~	~~R-3~~	~~R-2.5~~	~~R-2~~	~~R-1~~	~~R-1-B~~	~~Standards/ Additional Provisions~~
~~**Residential Uses**~~						
~~Single-family detached dwelling~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~**Subsection 19.505.1** Single-Family Dwellings and Duplexes~~
~~Duplex~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~**Subsection 19.505.1** Single-Family Dwellings and Duplexes~~
~~Residential home~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~**Subsection 19.505.1** Single-Family Dwellings and Duplexes~~
~~Accessory dwelling unit~~	~~P/II~~	~~P/II~~	~~P/II~~	~~P/II~~	~~P/II~~	~~**Subsection 19.910.1** Accessory Dwelling Units~~
~~Manufactured dwelling park~~	~~III~~	~~N~~	~~N~~	~~N~~	~~N~~	~~**Subsection 19.910.3** Manufactured Dwelling Parks~~
~~Rowhouse~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~**Subsection 19.505.1** Single-Family Dwellings and Duplexes~~ ~~**Subsection 19.505.5** Standards for Rowhouses~~
~~Cottage cluster housing~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~**Subsection 19.505.4** Cottage Cluster Housing~~ ~~Cottage cluster land division requires Type III review~~

Table 19.302.2 CONTINUED Medium and High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses CONTINUED						
Multifamily	CU	CU	P	P	P	**Subsection 19.505.3** Multifamily Housing **Subsection 19.302.5.F** Residential Densities **Subsection 19.302.5.H** Building Limitations
Congregate housing facility	CU	CU	P	P	P	**Subsection 19.505.3** Multifamily Housing **Subsection 19.302.5.F** Residential Densities **Subsection 19.302.5.H** Building Limitations
Senior and retirement housing	CU	CU	CU	P	P	**Subsection 19.905.9.G** Senior and Retirement Housing
Boarding house	CU	CU	CU	CU	CU	**Section 19.905** Conditional Uses
Commercial Uses						
Office	CU	CU	CU	CU	P	**Subsection 19.302.3** Use Limitations and Restrictions
Hotel or motel	N	N	N	N	CU	**Section 19.905** Conditional Uses
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	**Section 19.905** Conditional Uses
Accessory and Other Uses						
Accessory use	P	P	P	P	P	**Section 19.503** Accessory Uses
Agricultural or horticultural use	P	P	P	P	P	**Subsection 19.302.3** Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	CSU	CSU	**Section 19.904** Community Service Uses
Home occupation	P	P	P	P	P	**Section 19.507** Home Occupation Standards
Short-term rental	P	P	P	P	P	**Section 19.507** Home Occupation Standards

P = Permitted.

N = Not permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

II = Type II review required.

~~III = Type III review required.~~

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.4 Definitions

"Diameter at breast height" means the measurement of mature trees as measured at a height 4.5 feet above the mean ground level at the base of the tree. Trees existing on slopes are measured from the ground level on the lower side of the tree. If a tree splits into multiple trunks below 4.5 feet above ground level, the measurement is taken at its most narrow point below the split.

"Large trees" means trees with at least a 6-in diameter at breast height (DBH) ~~caliper at 5 ft of height~~.

19.401.8 Vegetation Buffer Requirements

A. A buffer strip of native vegetation shall be identified along the river, which shall include the land area between the river and a location 25 ft upland from the ordinary high water line. This area shall be preserved, enhanced, or reestablished, except for development otherwise allowed in this title, and subject to the requirements of Subsection 19.401.8.B below.

B. Prior to development (e.g., removal of substantial amounts of vegetation or alteration of natural site characteristics) within the buffer, a vegetation buffer plan for the buffer area shall be submitted for review and approval. The plan shall address the following areas and is subject to the following requirements:

1. Riverbank Stabilization

   The plan shall identify areas of riverbank erosion, and provide for stabilization. Bioengineering methods for erosion control shall be used when possible. When other forms of bank stabilization are used, pocket plantings or other means shall be used to provide vegetative cover.

2. Scenic View Protection (Screening)

   The plan shall identify the impact of the removal or disturbance of vegetation on scenic views from the river, public parks, public trails, and designed public overlooks.

3. Retain Existing Native Vegetation and Large Trees

   The plan shall provide for the retention of existing large trees and existing native vegetation, including small trees, ground covers, and shrubs, within the vegetation buffer area. The regulations in Chapter 16.32 Tree Code apply in addition to the regulations in this chapter. Removal of native vegetation and large trees is allowed pursuant to the following standards:

a. Large trees that are diseased, dead, or in danger of falling down may be removed if there is a clear public safety hazard or potential for property damage.

b. Grading or tree removal is allowed in conjunction with establishing a permitted use. Only the area necessary to accommodate the permitted use shall be altered.

c. Tree and vegetation removal may be allowed to create 1 view window from the primary residential structure to the river when suitable views cannot be achieved through pruning or other methods. The width of a view window may not exceed 100 ft or 50% of lineal waterfront footage, whichever is lesser. The applicant must clearly demonstrate the need for removal of trees and vegetation for this purpose.

4. Restore Native Vegetation

   The plan shall provide for restoring lands within the buffer area which have been cleared of vegetation during construction with native vegetation.

5. Enhance Vegetation Buffer Area

   The plan may provide for enhancing lands within the buffer area. Regular pruning and maintenance of native vegetation shall be allowed. Vegetation that is not native, except large trees, may be removed in accordance with the regulations in Chapter 16.32. New plant materials in the buffer strip shall be native vegetation.

6. Security that the Plan will be Carried Out

   The approved vegetation buffer shall be established, or secured, prior to the issuance of any permit for development.

C. The vegetation buffer requirements shall not preclude ordinary pruning and maintenance of vegetation in the buffer strip.

19.402 NATURAL RESOURCES NR

19.402.2 Coordination with Other Regulations

A. Implementation of Section 19.402 is in addition to, and shall be coordinated with, Title 19 Zoning, Title 18 Flood Hazard Regulations, and Chapter 16.28 Erosion Control, and Chapter 16.32 Tree Code.

B. For properties along the Willamette River, Section 19.402 shall not prohibit the maintenance of view windows, as allowed by Section 19.401 Willamette Greenway Zone WG.

C. Except as provided for in Subsection 19.402.2.B, when applicable provisions of Sections 19.402 and 19.401 or Chapter 16.32 are in conflict, the more restrictive provision shall be controlling.

D. Nonconforming development that was legally existing for WQRs as of January 16, 2003, the effective date of Ordinance #1912, or that was legally existing for HCAs as of September 15, 2011, the effective date of Ordinance #2036, and that is nonconforming

solely because of Section 19.402, shall not be subject to the provisions of Chapter 19.800 Nonconforming Uses and Development. However, development that is nonconforming for other reasons shall be subject to the provisions of Chapter 19.800.

E. The requirements of Section 19.402 apply in addition to all applicable local, regional, State, and federal regulations, including those for wetlands, trees, and flood management areas. Where Section 19.402 imposes restrictions that are more stringent than regional, State, and federal regulations, the requirements of Section 19.402 shall govern.

19.402.4 Exempt Activities

A. Outright Exemptions

The following activities in WQRs or HCAs are exempt from the provisions of Section 19.402:

1. Action taken on a building permit for any portion of a phased development project for which the applicant has previously met the applicable requirements of Section 19.402, including the provision of a construction management plan per Subsection 19.402.9. This exemption applies so long as the building site for new construction was identified on the original application, no new portion of the WQR and/or HCA will be disturbed, and no related land use approvals have expired per Subsection 19.1001.7. This exemption also extends to projects initiated prior to September 15, 2011, the effective date of Ordinance #2036, which have already been approved through Water Quality Resource Review.

2. Stream, wetland, riparian, and upland enhancement or restoration projects and development in compliance with a natural resource management plan or mitigation plan approved by the City or by a State or federal agency.

3. Emergency procedures or activities undertaken that are necessary to remove or abate hazards to person or property, provided that the time frame for such remedial or preventative action is too short to allow for compliance with the requirements of Section 19.402. After the emergency, the person or agency undertaking the action shall repair any impacts to the designated natural resource resulting from the emergency action; e.g., remove any temporary flood protection such as sandbags, restore hydrologic connections, or replant disturbed areas with native vegetation.

4. The planting or propagation of plants categorized as native species on the Milwaukie Native Plant List.

5. Removal of plants categorized as nuisance species on the Milwaukie Native Plant List. After removal, all open soil areas shall be replanted and/or protected from erosion.

6. Removal of trees under any of the following circumstances:

a. The tree is a “downed tree” as defined in Section 19.201, the tree has been downed by natural causes, and no more than 150 sq ft of earth disturbance will occur in the process of removing the tree.

b. The tree is categorized as a nuisance species on the Milwaukie Native Plant List, no more than 3 such trees will be removed from 1 property during any 12-month period,

the requirements in Chapter 16.32 are met, and no more than 150 sq ft of earth disturbance will occur in the process of removing the tree(s).

c. The tree presents an emergency situation with immediate danger to persons or property, as described in Subsection 19.402.4.A.3. Emergency situations may include, but are not limited to, situations in which a tree or portion of a tree has been compromised and has damaged, or is damaging, structures or utilities on private or public property, or where a tree or portion of a tree is prohibiting safe passage in the public right-of-way. Examples are trees that have fallen into or against a house or other occupied building, or trees downed across power lines or roadways. This exemption is limited to removal of the tree or portion of the tree as necessary to eliminate the hazard. Any damage or impacts to the designated natural resource shall be repaired after the emergency has been resolved. The requirements in Chapter 16.32 must also be met after the emergency has been resolved.

d. Removal of the tree is in accordance with the requirements in Chapter 16.32 and an approved natural resource management plan per Subsection 19.402.10.

e. Major pruning of trees within 10 ft of existing structures in accordance with the requirements in Chapter 16.32.

Landscaping and maintenance of existing landscaping and gardens. This exemption extends to the installation of new irrigation and drainage facilities and/or erosion control features, as well as to landscaping activities that do not involve the removal of native plants or plants required as mitigation, the planting of any vegetation identified as a nuisance species on the Milwaukie Native Plant List, or anything that produces an increase in impervious area or other changes that could result in increased direct stormwater discharges to the WQR.

8. Additional disturbance for outdoor uses, such as gardens and play areas, where the new disturbance area does not exceed 150 sq ft; does not involve the removal of any trees of larger than 6-in diameter or otherwise regulated by Chapter 16.32; and is located at least 30 ft from the top of bank of a stream or drainage and at least 50 ft from the edge of a wetland.

17. Establishment and maintenance of trails in accordance with the following standards:

a. Trails shall be confined to a single ownership or within a public trail easement.

b. Trails shall be no wider than 30 in. Where trails include stairs, stair width shall not exceed 50 in and trail grade shall not exceed 20%, except for the portion of the trail containing stairs.

c. Trails shall be unpaved and constructed with nonhazardous, pervious materials.

d. Trails shall be located at least 15 ft from the top of bank of all water bodies.

e. Plants adjacent to trails may be trimmed, but trimming clearances shall not exceed a height of 8 ft and a width of 6 ft.

f. Native trees of larger than 6-in diameter, other trees regulated by Chapter 16.32, and native shrubs or conifers larger than 5 ft tall, shall not be removed.

18. Installation and maintenance of erosion control measures that have been reviewed and approved by the City.

19.402.6 Activities Requiring Type I Review

Within either WQRs or HCAs, the following activities and items are subject to Type I review per Section 19.1004:

A. Limited Tree Removal

1. The Planning Manager ~~Director~~ may approve an application for limited tree removal or major pruning within WQRs and HCAs when the applicable requirements in Chapter 16.32 are met, except where exempted by Subsection 19.402.6.A.2, under any of the following circumstances:

a. The tree removal is necessary to eliminate a hazardous, nonemergency situation, as determined by the Planning Manager ~~Director~~. A situation may be deemed hazardous if a tree, or portion of a tree, has undergone a recent change in health or condition in a manner that may pose a danger to people, to structures on private property, to public or private utilities, or to travel on private property or in the public right-of-way. Examples of imminent hazards may include, but are not limited to, trees that are broken, split, cracked, uprooted, or otherwise in danger of collapse. Approval shall be limited to removal of the tree, or portion of the tree, as necessary to eliminate the hazard.

c. The proposal would remove more than 3 trees during any 12-month period that are categorized as nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List. ~~Milwaukie Native Plant List.~~

d. The tree is a downed tree, but more than 150 sq ft of earth disturbance is necessary to remove it.

e. The tree is a nuisance species, but more than 150 sq ft of earth disturbance is necessary to remove it.

f. The tree is not categorized as either a nuisance or native species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List ~~on the Milwaukie Native Plant List~~ and is not located in a WQR categorized as Class A (“Good”), according to Table 19.402.11.C, provided that no more than 3 such trees will be removed during any 12-month period, and complies with the applicable requirements in Chapter 16.32.

3. The Planning Manager ~~Director~~ shall require the application to comply with all of the following standards:

a. A construction management plan shall be prepared in accordance with Subsection 19.402.9. When earth disturbance is necessary for the approved removal or pruning, all open soil areas that result from the disturbance shall be replanted and/or protected from erosion.

b. All pruning and/or tree removal shall be done in accordance with the standards of the International Society of Arboriculture (ISA) and complies with the applicable requirements in Chapter 16.32.

19.402.8 Activities Requiring Type III Review

Within either WQRs or HCAs, the following activities are subject to Type III review and approval by the Planning Commission under Section 19.1006, unless they are otherwise exempt or permitted as a Type I or II activity.

A. The activities listed below shall be subject to the general discretionary review criteria provided in Subsection 19.402.12:

8. Tree removal in excess of that permitted under Subsections 19.402.4 or 19.402.6. Tree removal must also comply with the requirements in Chapter 16.32.

19.402.9 Construction Management Plans

A. Construction management plans are not subject to Type I review per Section 19.1004 but shall be reviewed in similar fashion to an erosion control permit (MMC Chapter 16.28).

B. Construction management plans shall provide the following information:

1. Description of work to be done.

2. Scaled site plan showing a demarcation of WQRs and HCAs and the location of excavation areas for building foundations, utilities, stormwater facilities, etc.

3. Location of site access and egress that construction equipment will use.

4. Equipment and material staging and stockpile areas.

5. Erosion and sediment control measures.

6. Measures to protect trees and other vegetation located within the potentially affected WQR and/or HCA. Tree protection must be consistent with the requirements in Section 16.32.042.F. ~~A root protection zone shall be established around each tree in the WQR or HCA that is adjacent to any approved work area. The root protection zone shall extend from the trunk to the outer edge of the tree's canopy, or as close to the outer edge of the canopy as is practicable for the approved project. The perimeter of the root protection zone shall be flagged, fenced, or otherwise marked and shall remain undisturbed. Material storage and construction access is prohibited within the perimeter. The root protection zone shall be maintained until construction is complete.~~

When required for a property that does not include a designated natural resource, the construction management plan shall show the protective measures that will be established on the applicant's property.

19.402.11 Development Standards

A. Protection of Natural Resources During Site Development

During development of any site containing a designated natural resource, the following standards shall apply:

11. The applicable provisions of Chapter 16.32 shall be met.

B. General Standards for Required Mitigation

Where mitigation is required by Section 19.402 for disturbance to WQRs and/or HCAs, the following general standards shall apply:

4. Plant Spacing

Trees shall be planted between 8 and 12 ft on center. Shrubs shall be planted between 4 and 5 ft on center or clustered in single-species groups of no more than 4 plants, with each cluster planted between 8 and 10 ft on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements. Note that in meeting the Tree Canopy Requirements in subsection 16.32.042.C, the Urban Forester may only credit those trees that meet the spacing and setback requirements in Table 16.32.042.H. The additional trees required by this subsection may be excluded from contributing to the Tree Canopy Requirements in subsection 16.32.042.C.

19.402.11.D.Nondiscretionary Standards for HCAs

The following nondiscretionary standards may be applied to proposals that are subject to Type I review and located within HCAs only. These standards do not apply to activities proposed within WQRs.

1. Disturbance Area Limitations in HCAs

To avoid or minimize impacts to HCAs, activities that are not otherwise exempt from the requirements of Section 19.402, and that would disturb an HCA, are subject to the following disturbance area limitations, as applicable:

a. ~~Detached and Attached Single-Family~~ Single Detached and Middle Housing Residential Uses

The amount of disturbance allowed within an HCA for ~~detached and attached single-family~~ residential uses, including any related public facilities as required by Section 19.700 Public Facility Improvements, shall be determined by subtracting the area of the lot or parcel outside of the HCA from the maximum disturbance area calculated per Figure 19.402.11.D.1.a. Such disturbance shall be subject to the mitigation requirements described in Subsection 19.402.11.D.2.

Figure 19.402.11.D.1.a
Method for Calculating Allowable Disturbance within an HCA
for ~~Detached and Attached Single-Family~~ Single-unit and Middle Housing Residential Uses

X = The maximum potential disturbance area within the HCA , which is 50% of the total HCA, up to a maximum of 5,000 sq ft.

Y = The area of the lot or parcel outside the total resource area (WQR and HCA).

Z = The net amount of disturbance area allowed within the HCA (Z = X - Y)

If (Y) is greater than (X), development shall not be permitted within the HCA; otherwise, the applicant may disturb up to the net amount of disturbance area allowed (Z) within the HCA.

Example 1: 8,000-sq-ft lot with 3,000 sq ft of HCA and 5,000 sq ft outside of

HCA/WQR

X = 1,500 sq ft (50% of HCA)

Y = 5,000 sq ft outside of HCA/WQR

Z = - 3,500 sq ft (1,500 sq ft – 5,000 sq ft)

Conclusion: Y is greater than X; therefore, development is not permitted within the HCA.

Example 2: 8,000-sq-ft lot with 6,000 sq ft of HCA and 2,000 sq ft outside of HCA/WQR

X = 3,000 sq ft (50% of HCA)

Y = 2,000 sq ft outside of HCA/WQR

Z = 1,000 sq ft (3,000 sq ft – 2,000 sq ft)

Conclusion: Y is not greater than X; therefore, the applicant may disturb up to the value of Z (1,000 sq ft) within the HCA.

2. Mitigation Requirements for Disturbance in HCAs

To achieve the goal of reestablishing forested canopy that meets the ecological values and functions described in Subsection 19.402.1, when development intrudes into an HCA, tree replacement and vegetation planting are required according to the following standards, unless the planting is also subject to wetlands mitigation requirements imposed by state and federal law.

These mitigation options apply to tree removal and/or site disturbance in conjunction with development activities that are otherwise permitted by Section 19.402. They do not apply to situations in which tree removal is exempt per Subsection 19.402.4 or approvable through Type I review.

An applicant shall meet the requirement of Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the disturbance area is 1 acre or more, the applicant shall comply with Mitigation Option 2. The Urban Forester may allow the mitigation requirements in this subsection to satisfy the mitigation requirements in Chapter 16.32 except that the mitigation requirements in subsection 16.32.042 shall be met when applicable.

C. Limitations and Mitigation for Disturbance of HCAs

2. Discretionary Review to Approve Mitigation that Varies the Number and Size of Trees and Shrubs within an HCA

An applicant seeking discretionary approval to proportionally vary the number and size of trees and shrubs required to be planted under Subsection 19.402.11.D.2 (e.g., to plant fewer larger trees and shrubs or to plant more smaller trees and shrubs), but who will comply with all other applicable provisions of Subsection 19.402.11, shall be subject to the following process:

a. The applicant shall submit the following information:

(5) An explanation of how the applicable requirements in Chapter 16.32 will also be met.

b. Approval of the request shall be based on consideration of the following:

(1) Whether the proposed planting will achieve, at the end of the third year after initial planting, comparable or better mitigation results than would be achieved if the applicant complied with all of the requirements of Subsection 19.402.11.D.2.

(2) Whether the proposed mitigation adequately addresses the plant diversity, plant survival, and monitoring practices established in Subsection 19.402.11.B.

(3) Whether the applicable requirements in Chapter 16.32 will also be met.

19.403 HISTORIC PRESERVATION OVERLAY ZONE HP

19.403.8 Uses Permitted

A. Primary Uses

A resource may be used for any use which is allowed in the underlying district, subject to the specific requirements for the use, and all other requirements of this section.

B. Conditional Uses

Except within ~~low and~~ moderate density residential designations, uses identified in Subsection 19.403.8.C below which would not be allowed in the underlying zones may be allowed when such use would preserve or improve a resource which would probably not be preserved or improved otherwise, subject to the provisions of Subsection 19.403.6. Such uses may also be allowed in the ~~low and~~ moderate density residential designations if located along minor or major arterial streets, with the exception of bed and breakfast establishments, which may be located on any street. Approval of such uses shall include conditions mitigating adverse impact of the use on neighboring properties and other requirements as per Section 19.905 Conditional Uses.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.1 Lot Size Exceptions

Any legal lot or lot of record that does not meet the area or dimensional requirements specified in Chapter 19.300 may be put to a use permitted by the requirements of the Zoning Ordinance, ~~with the following limitations:~~ provided the

~~A. The~~ development ~~must~~ conforms ~~to~~ with all other applicable standards of Title 19, unless a variance is granted per Section 19.911.

~~B. Single-family detached dwellings shall not be built on a lot with less than 3,000 sq ft of lot area.~~

19.501.2 Yard Exceptions

C. A covered porch on a single-~~family~~ unit detached dwelling, or middle housing unit, may extend 6 ft into a required front yard if the following standards are met.

1. The porch is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.

2. The surface of the porch does not exceed 18 in high above the average grade.

3. The porch is at least 5 ft from the front lot line.

19.501.3 Yard Exceptions

B. The following encroachments into a side yard height plane are allowed:

1. Roof overhangs or eaves, provided that they do not extend more than 30 in horizontally beyond the side yard height plane.

~~2. The gable end of a roof, provided that the encroachment is not more than 8 ft high above the side yard height plane or more than 40 ft wide.~~

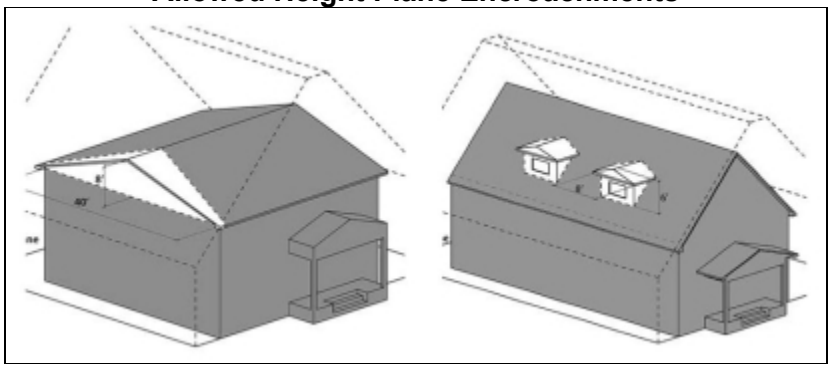
~~3. Dormers, with the following limitations:~~

~~a. The highest point of any dormer is at or below the height of the primary roof ridge.~~

~~b. The encroachment is not more than 6 ft high above the side yard height plane or more than 8 ft wide.~~

~~c. The combined width of all dormers does not exceed 50% of the length of the roof on which they are located.~~

~~**Figure 19.501.3.B**~~
~~**Allowed Height Plane Encroachments**~~



~~**19.504.4 Buildings on the Same Lot**~~

~~A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.~~

~~B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.~~

19.504.8 Flag Lot and Back Lot Design and Development Standards

A. Applicability

Flag lots and back lots in all zones are subject to the development standards of this subsection, where applicable.

B. Development Standards – Flag Lots

1. Lot Area Calculation

The areas contained within the accessway or pole portion of the lot shall not be counted toward meeting the minimum lot area requirement, except for the development of middle housing in which case the areas contained within the accessway or pole portion can be counted toward meeting the minimum lot area requirement.

2. Yard Setbacks for Flag Lots

a. Front and rear yard: The minimum front and rear yard requirement for a single detached dwelling on a flag lot is 30 ft. This requirement is reduced to 20 ft for the development of middle housing.

b. Side yard. The minimum side yard for principal and accessory structures in flag lots is 10 ft.

~~C.~~ 3. Variances ~~Prohibited~~

Variances of lot area, lot width, and lot depth standards for flag lots are subject to a Type III variance per MMC 19.911. ~~are prohibited for flag lots.~~

~~D.~~ 4. Frontage, Accessway, and Driveway Design

~~1.~~ a. Flag lots shall have frontage ~~and~~ or access on a public street. The minimum width of the accessway and street frontage is 25 ft. The accessway is the pole portion of the lot that provides access to the flag portion of the lot.

~~2.~~ b. Abutting flag lots shall have a combined frontage and accessway of 35 ft. For abutting accessways of 2 or more flag lots, the accessway of any individual lot shall not be less than 15 ft.

~~3.~~ c. Driveway Design and Emergency Vehicle Access

(1) ~~a.~~ Driveways shall be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.

~~(2) b. Driveways serving single flag lots shall have a minimum paved width of 12 ft.~~

(2) ~~c.~~ Driveways shall be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.

(3) ~~d.~~ A paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.

~~e. Driveways serving 2 flag lots shall be consolidated and have a minimum shared driveway width of 16 ft.~~

(4) ~~f.~~ The flag lot driveway shall be consolidated with the driveway on the parent lot to the greatest extent practicable.

(5) ~~g.~~ Design standards for shared driveways serving ~~more than~~ 3 or more lots shall be specified by the ~~Engineering Director~~ City Engineer after consultation with the Fire Marshal.

(6) ~~h.~~ Parking along any portion of the driveway within the accessway is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.

C. Development Standards – Back Lots

1. Yard Setbacks for Back Lots

a. Front and rear yard: The minimum front and rear yard requirement for a single detached dwelling on a back lot is 30 ft. This requirement is reduced to 20 ft for the development of middle housing.

b. Side yard. The minimum side yard for principal and accessory structures in back lots is 10 ft.

2. Variances

Variances of lot area, lot width, and lot depth standards for back lots are subject to a Type III variance per MMC 19.911.

3. Frontage, Accessway, and Driveway Design

1. The driveway serving a back lot must have a minimum pavement width of 14 ft and maximum pavement width of 20 ft, subject to the requirements of the Fire Marshal and Chapters 12.16 and 12.24 and the Public Works Standards.

2. The easement for access to a back lot must have a minimum width of 6 ft wider than the driveway throughout its entire length.

3. Driveway Design and Emergency Vehicle Access

a. Driveways shall be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.

b. Driveways shall be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.

c. A paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.

e. The back lot driveway shall be consolidated with the driveway on the parent lot to the greatest extent practicable.

f. Design standards for shared driveways serving more than 3 lots shall be specified by the City Engineer after consultation with the Fire Marshal.

g. Parking along any portion of the driveway within the accessway is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.

~~E~~D. ~~Protection~~ Screening of Adjoining Properties

Flag lots and back lots must be screened in accordance with this subsection. ~~to minimize potential adverse impacts to abutting properties.~~ Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing shall conform to the standards of Subsection 19.502.2.B.

1. Planting and screening must be provided at the time of development. Installation of required screening and planting is required prior to final inspections and occupancy of the site unless a bond or other surety acceptable to the City Attorney is provided. Screening and landscaping shall be installed within 6 months thereafter or the bond will be foreclosed. The property owner shall maintain required screening and planting in good and healthy condition. The requirement to maintain required screening and planting is continuous.

2. Driveways on flag lots and back lots must be screened to the greatest extent practicable. ~~Impacts to neighboring lots due to use of the flag lot, or back lot, driveway shall be mitigated to the greatest extent practicable through screening and planting.~~ Continuous screening along lot lines of the flag lot, or back lot, abutting any neighboring lot that is not part of the parent lot from which the flag lot, or back lot, was created is required as described below. See Figures 19.504.8.E. and 19.504.8.F.

a. Any combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction for the benefit of adjoining properties within 3 years of planting is allowed.

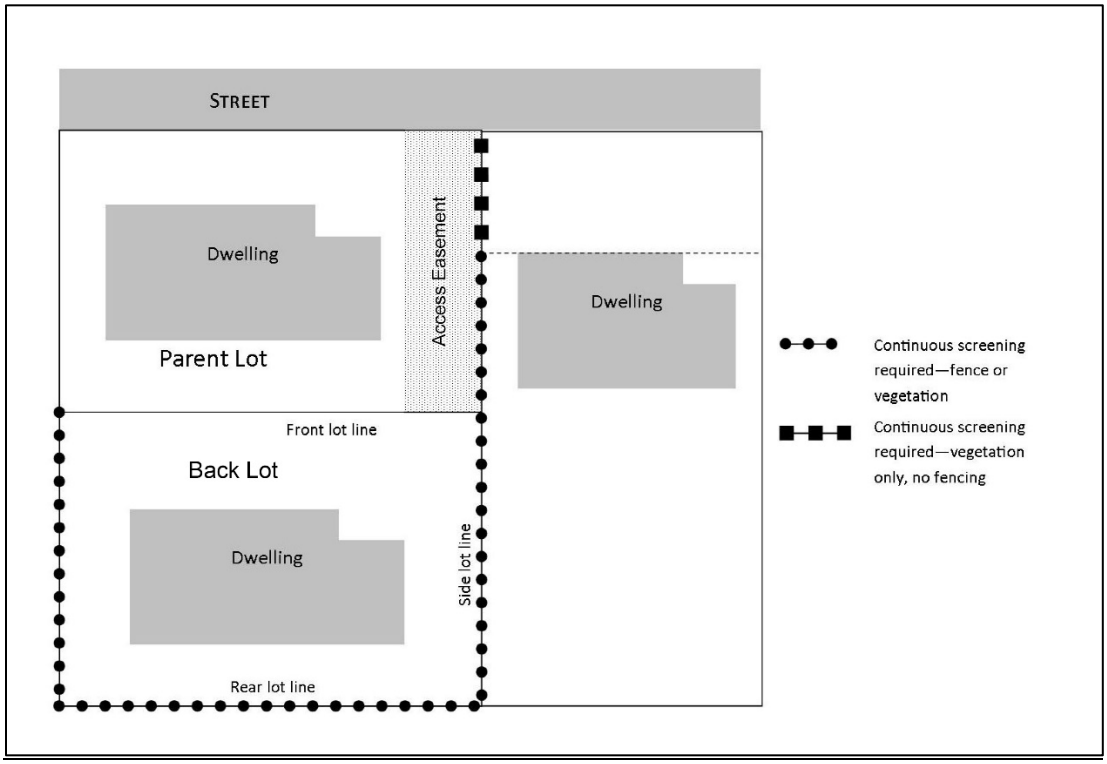
b. Fencing along an accessway may not be located nearer to the street than the front building line of the house located on lots that abut the flag lot, or back lot, accessway. Dense planting shall be used to provide screening along the accessway in areas where fencing is not permitted.

c. All required screening and planting shall be maintained and preserved to ensure continuous protection against potential adverse impacts to adjoining property owners.

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Figure 19.504.8.F

Back Lot Screening



~~F~~E. Landscaping Plan Required – Flag Lots and Back Lots

A landscaping plan shall be submitted to the Planning Manager prior to issuance of a building permit for new construction. The plan shall be drawn to scale and shall accompany development permit applications. The plan shall show the following information:

1. A list of existing vegetation by type, including number, size, and species of trees.
2. Details for protections of existing trees.
3. List of existing natural features.
4. Location and space of existing and proposed plant materials.
5. List of plant material types by botanical and common names.
6. Notation of trees to be removed.
7. Size and quantity of plant materials.
8. Location of structures on adjoining lots, and location of windows, doors, and outdoor use areas on lots that adjoin the flag lot driveway.

~~F. Tree Mitigation~~

~~All trees 6 in or greater in diameter, as measured at the lowest limb or 4 ft above the ground, whichever is less, shall be preserved. Where trees are required to be removed for site development, at least 1 evergreen or deciduous tree, of a species known to grow in the region, shall be replanted for each tree removed. At planting, deciduous trees shall be a minimum of 2 in caliper and evergreen trees shall be a minimum of 5 ft tall.~~

19.504.9 On-Site Walkways and Circulation

A. Requirement

All development subject to Chapter 19.700 (excluding single~~-family~~ detached and multi-unit~~family~~ residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system, where sidewalks exist, or to the edge of the paved public street, where sidewalks do not exist. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

route.

19.505.1 ~~Single-Family Dwellings and Duplexes~~ Single Detached and Middle Housing Residential Development

A. Purpose

The design standards for ~~single-family dwellings and duplexes~~ one to four (1 - 4) unit dwellings (including single detached dwellings, duplexes, triplexes, and quadplexes), cottage clusters, and townhouses require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.

Dwellings must address the following design objectives:

- Articulation – All street-facing buildings must incorporate design elements that break up façades into smaller planes.
- Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.
- Main entrance – On street-facing façades, at least 1 main entrance must meet standards for location, orientation, and visibility.
- Detailed design – All street-facing buildings must include several features selected from a menu.

In addition, site design standards are intended to facilitate the development of attractive housing that encourages multimodal transportation. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

Site design is intended to meet the following objectives:

1. Livability –Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.
2. Compatibility –Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukie.
3. Safety and Functionality –Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.
4. Sustainability –Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

B. Applicability

The design standards in this subsection apply to the types of development listed below when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line.

1. ~~New single-family detached dwellings, residential homes, duplexes, and rowhouses on individual lots.~~ Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.

Table 19.505.1.B.1 Applicability by Housing Type

Design Standard	Applicability		
	1-4 units	cottage clusters	townhouses
Articulation	[2]	[2]	[2]
Eyes on the street	[2] [3]	[2] [3]	[2] [3]
Main entrance	[2] [3]	[2] [3]	[2] [3]
Detailed design	[2]	[2]	[2]
Common open space		[1]	
Pedestrian circulation	[1] [5]	[1] [5]	
Off-street parking		[1] [4]	
Privacy and screening	[1]	[1]	[1]
Recycling areas	[4]	[4]	[4]
Sustainability	[6]	[6]	[6]

1. Applicable to the entire site
2. Applicable to dwellings facing the street
3. Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path.
4. Applicable to clustered parking where parking spaces exceed 4
5. Applicable only for additions or new buildings
6. Applicable only for new buildings

2. Expansions of structures in Subsection 19.505.1.B.1 that add area to any street-facing façade. The design standards for such expansions are applicable as follows:
   a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.
   b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The

expanded façade area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.

c. Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:

(1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.

(2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.

(3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.

d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.

e. ~~Expansions to street-facing façades of less than 200 sq ft are limited to no more than 1 expansion every 5 years, calculated from the date of issuance for the development permit.~~ Multiple expansions are allowed within a 5-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.

3. Remodels that convert an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:

a. Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.

b. Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.

C. Dwelling Standards

All buildings that meet the applicability provisions in Subsection 19.505.1.B shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings ~~shall~~ must incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

a. For buildings with 30-60 ft of street frontage, a minimum of 1 of the following elements ~~shall~~ must be provided along the street-facing façades.

   (1) A porch at least 5 ft deep.

   (2) A balcony that is at least 2 ft deep and is accessible from an interior room.

   (3) A bay window that extends at least 2 ft wide.

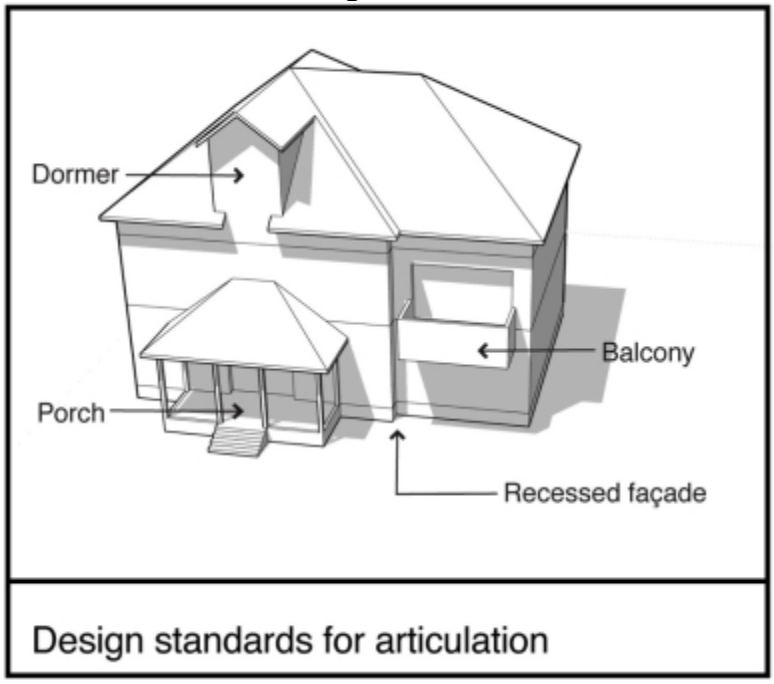
   (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.

   (5) A gabled dormer.

b. For buildings with over 60 ft of street frontage, at least 1 element in Subsection 19.505.1.C.1.a(1)-(4) above ~~shall~~ must be provided for every 30 ft of street frontage. Elements ~~shall~~ must be distributed along the length of the façade so that there are no more than 30 ft between 2 elements.

c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

Figure 19.505.1.C.1
Building Articulation



2. Eyes on the Street

   At least ~~12%~~ 15% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.

   a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.

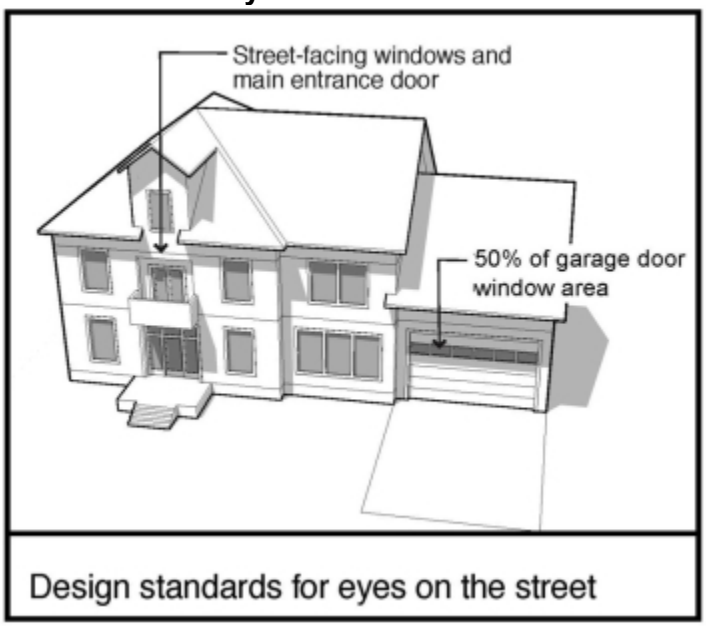
b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

c. Window area is considered the entire area within the outer window frame, including any interior window grid.

d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.

e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

Figure 19.505.1.C.2
Eyes on the Street



3. Main Entrance

At least 1 main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances. Dwellings on flag lots or back lots are exempt from these main entrance design standards.

a. Be no further than 8 ft behind the longest street-facing wall of the building.

b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.

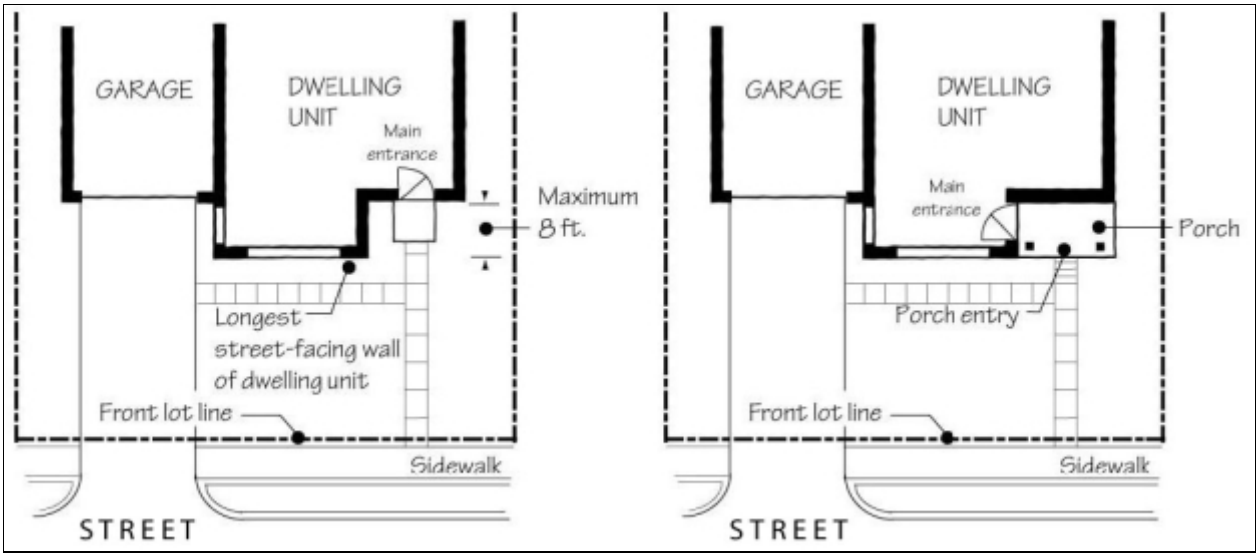
(1) Be at least 25 sq ft in area with a minimum 4-ft depth.

(2) Have at least 1 porch entry facing the street.

(3) Have a roof that is no more than 12 ft above the floor of the porch.

(4) Have a roof that covers at least 30% of the porch area.

Figure 19.505.1.C.3
Main Entrances



4. Detailed Design

   All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

   a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.

   b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.

   c. Offset on the building face of at least 16 in from 1 exterior wall surface to the other.

   d. Dormer that is at least 4 ft wide and integrated into the roof form.

   e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.

   f. Roof line offsets of at least 2 ft from the top surface of 1 roof to the top surface of the other.

   g. Tile or wood shingle roofs.

   h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.

   i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.

   j. Gable roof, hip roof, or gambrel roof design.

   k. Window trim around all windows at least 3 in wide and 5/8 in deep.

   l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.

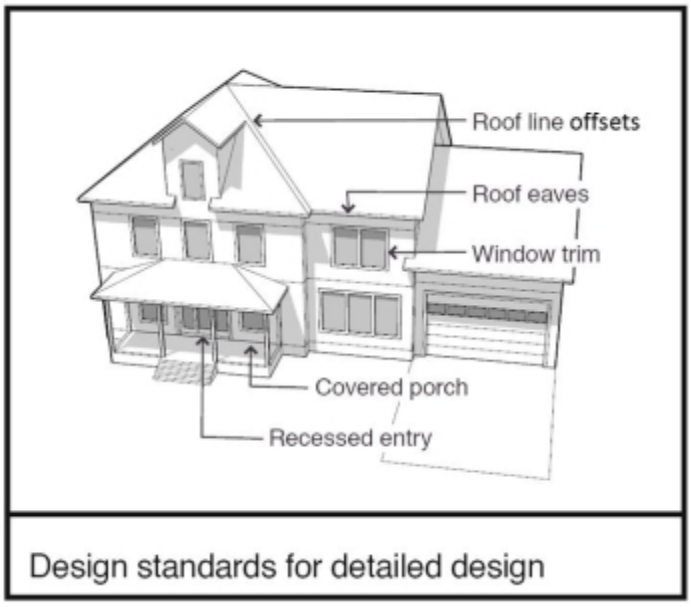
   m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.

n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.

o. Bay window at least 2 ft deep and 5 ft long.

p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade

Figure 19.505.1.C.4
Detailed Design Elements



D. Site Design Standards

Minimum separation between detached units is 6 feet.

1. Common Open Space

Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

a. The common courtyard must be a single, contiguous piece.

b. Cottages must abut the common courtyard on at least two sides of the courtyard.

c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).

d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include

recreational amenities. Impervious elements of the common courtyard must not exceed 75 percent of the total common courtyard area.

f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

2. Pedestrian circulation

The on-site pedestrian circulation system must include the following:

a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.

b. At least 1 pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.

c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.

d. Walkways must be constructed with a hard surface material, must be permeable for stormwater, and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

3. Off-Street Parking

a. Off-street parking may be arranged in clusters, subject to the following standards:
   i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
   ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
   iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
   iv. Clustered parking areas may be covered.

b. Off-street parking spaces and vehicle maneuvering areas must not be located:
   i. Within of 20 feet from any street property line, except alley property lines;
   ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
   iii. Off-street parking spaces must not be located within 10 feet of any other property line, except alley property lines.

Driveways and drive aisles are permitted within 10 feet of other property lines.

c. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.

d. Garages and carports (whether shared or individual) must not abut common courtyards.

e. Individual attached garages up to 200 square feet must be exempted from the calculation of maximum building footprint for cottages.

f. Individual detached garages must not exceed 400 square feet in floor area.

g. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

4. Privacy and screening

a. Mechanical and communication equipment and outdoor garbage and recycling areas must be screened so they are not visible from streets and common open spaces.

b. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment must be not be located within 5 ft of a front entrance and must be screened with sight-obscuring materials.

c. All fences on the interior of the development must be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

5. Sustainability

In order to promote more sustainable development, developments must incorporate the following elements.

4. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.

5. Windows that are operable by building occupants.

6. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.

~~5. Standards for Duplexes~~

~~In addition to the other standards in Subsection 19.505.1, duplexes shall also comply with the following standards.~~

~~a. The exterior finish of the structure must be the same for both units.~~

~~b. The eaves must be uniform for the entire structure.~~

~~c. The window and door trim must be the same in type, size, and location for the entire structure.~~

~~d. Windows must match in proportion and orientation for the entire structure.~~

~~e. For duplexes or corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, 1 main entrance with internal access to both units is allowed.~~

~~f. For duplexes facing 1 frontage, the following standards apply.~~

~~(1) Only 1 entrance is required to face the frontage.~~

~~(2) Where more than 1 entrance to the structure faces the street, each separate entrance is required to meet the standards of Subsection 19.505.1.C.3.~~

~~(3) A second entrance from a side or rear yard is not allowed within 10 ft of the side or rear property line.~~

19.505.3 Multi~~family~~-unit Housing

A. Purpose

The purpose of these design standards is to facilitate the development of attractive multi-unit ~~family~~ housing that encourages multimodal transportation. They encourage good site and building design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

The guidelines and standards are intended to achieve the following principles that the City encourages for multi-unit ~~family~~ development:

1. Livability

Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.

2. Compatibility

Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukie.

3. Safety and Functionality

Development should be safe and functional, by providing visibility into and within a multi-unit ~~family~~ development and by creating a circulation system that prioritizes bicycle and pedestrian safety.

4. Sustainability

Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multi-unit ~~family~~ and congregate housing developments with 3 or more dwelling units on a single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3.

Housing development that is on a single lot and emulates the style of cottage cluster housing or rowhouses is subject to the standards of this subsection.

1. All new multi-unit ~~family~~ or congregate housing development is subject to the design elements in this subsection.

2. The following design elements are applicable for work that would construct a new building or increase the floor area on the site by more than 1,000 sq ft. Elements that are applicable only to additions do not apply to the site's existing development.

   a. Subsection 19.505.3.D.1 Private Open Space, for the entire site.

   b. Subsection 19.505.3.D.2 Public Open Space, for the entire site.

   c. Subsection 19.505.3.D.5 Building Orientation and Entrances, only for additions or new buildings.

   d. Subsection 19.505.3.D.6 Building Façade Design, only for additions or new buildings.

   e. Subsection 19.505.3.D.7 Building Materials, only for additions or new buildings.

   f. Subsection 19.505.3.D.8 Landscaping, for the entire site.

   g. Subsection 19.505.3.D.9 Screening, only for additions or new buildings.

   h. Subsection 19.505.3.D.11 Sustainability, only for new buildings.

   i. Subsection 19.505.3.D.12 Privacy Considerations, only for additions or new buildings.

   j. Subsection 19.505.3.D.13 Safety, only for additions or new buildings.

3. Table 19.505.3.D.7 Building Materials is applicable for work that would replace more than 50% of the façade materials on a building within a 12-month period. The element applies only to the building on which the new façade materials are installed.

4. Any activity not described in Subsections 19.505.3.D.2.a-c is exempt from the design elements in this subsection.

C. Review Process

Two possible review processes are available for review of multi-unit ~~family~~ or congregate housing development: objective and discretionary. An applicant may choose which process to use. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

1. Projects reviewed through the objective process will be evaluated through a Type I development review, pursuant to Chapter 19.906.

2. Projects reviewed through the discretionary process will be evaluated through a Type II development review, pursuant to Chapter 19.906.

3. A project can be reviewed using only one of the two review processes. For example, a project may not use some of the objective standards and some of the discretionary guidelines in one application.

D. Design Guidelines and Standards

Applicable guidelines and standards for multi-unit ~~family~~ and congregate housing are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

Table 19.505.3.D
Multi-unit ~~family~~ Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
8. Landscaping	Landscaping of multi-unit ~~family~~ developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management	a. For every 2,000 sq ft of site area, 1 tree shall be planted or 1 existing tree shall be preserved. Preserved tree(s) must be at least 6 inches in diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukie Native Plant List. b. Trees shall be planted to provide, within 5 years, canopy coverage for at least ⅓ of any common open space or courtyard. Compliance with this standard is based on the expected growth of the selected trees. c. On sites with a side or rear lot line that abuts an R-10, R-7, or R-5 Zone, landscaping, or a combination of fencing and landscaping, shall be used to provide a sight-obscuring screen 6 ft high along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting. d. For projects with more than 20 units: (1) Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system. (2) To reduce the “heat island” effect, highly reflective paving materials with a solar reflective index of at least 29 shall be used on at least 25% of hardscape surfaces.

10. Recycling Areas	Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.	A recycling area or recycling areas within a multi-unit ~~family~~ development shall meet the following standards. a. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum. b. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area. c. Recycling containers must be covered by either a roof or weatherproof lids. d. The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof. e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m. f. The recycling collection area and containers must be labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants. g. Fire Department approval will be required for the recycling collection area. h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.
11. Sustainability	Multi-unit ~~family~~ development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, should be used whenever possible. Sustainable architectural elements shall be incorporated to increase occupant health and maximize a building's positive impact on the environment. When appropriate to the context, buildings should be	In order to promote more sustainable development, multi-unit ~~family~~ developments shall incorporate the following elements. a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces. b. Windows that are operable by building occupants. c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration. d. Projects with more than 20 units shall incorporate at least 2 of the following elements: (1) A vegetated ecoroof for a minimum of 30% of the total roof surface. (2) For a minimum of 75% of the total roof surface, a white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3/12 roof pitch or less, or SRI of 29 or higher if the roof has a roof pitch

	placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area of the roof, are to be considered.	greater than 3/12. (3) A system that collects rainwater for reuse on-site (e.g., site irrigation) for a minimum of 50% of the total roof surface. (4) An integrated solar panel system for a minimum of 30% of the total roof or building surface. (5) Orientation of the long axis of the building within 30 degrees of the true east-west axis, with unobstructed solar access to the south wall and roof. (6) Windows located to take advantage of passive solar collection and include architectural shading devices (such as window overhangs) that reduce summer heat gain while encouraging passive solar heating in the winter.
12. Privacy Considerations	Multi-unit ~~family~~ development should consider the privacy of, and sight lines to, adjacent residential properties, and be oriented and/or screened to maximize the privacy of surrounding residences.	In order to protect the privacy of adjacent properties, multi-unit ~~family~~ developments shall incorporate the following elements: a. The placement of balconies above the first story shall not create a direct line of sight into the living spaces or backyards of adjacent residential properties. b. Where windows on a multi-unit ~~family~~ development are within 30 ft of windows on adjacent residences, windows on the multi-unit ~~family~~ development shall be offset so the panes do not overlap windows on adjacent residences, when measured at right angles. Windows are allowed to overlap if they are opaque, such as frosted windows, or placed at the top third of the wall, measured from floor to ceiling height in the multi-unit ~~family~~ unit.
13. Safety	Multi-unit ~~family~~ development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design:	a. At least 70% of the street or common open space frontage shall be visible from the following areas on 1 or more dwelling units: a front door; a ground-floor window (except a garage window); or a second-story window placed no higher than 3.5 ft from the floor to the bottom of the windowsill. b. All outdoor common open spaces and streets shall be visible from 50% of the units that face it. A unit meets this criterion when at least 1 window of a frequently used room—such as a kitchen, living room and dining room, but not bedroom or bathroom—faces a common open space or street. c. Uses on the site shall be illuminated as follows: (1) Parking and loading areas: 0.5 footcandle

	• Natural Surveillance: Areas where people and their activities can be readily observed. • Natural Access Control: Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting. • Territorial Reinforcement: Increased definition of space improves proprietary concern and reinforces social control.	minimum. (2) Walkways: 0.5 footcandle minimum and average of 1.5 footcandles. (3) Building entrances: 1 footcandle minimum with an average of 3.5 footcandles, except that secondary entrances may have an average of 2.0 footcandles. d. Maximum illumination at the property line shall not exceed 0.5 footcandles. However, where a site abuts a nonresidential district, maximum illumination at the property line shall not exceed 1 footcandle. This standard applies to adjacent properties across a public right-of-way. e. Developments shall use full cut-off lighting fixtures to avoid off-site lighting, night sky pollution, and shining lights into residential units.

19.505.4 Cottage Cluster Housing

A. Purpose

Cottage clusters provide a type of housing that includes the benefits of a single detached dwelling while also being an affordable housing type for new homeowners and households that do not require as much living space. These standards are intended to: support the growth management goal of more efficient use of urban residential land; support development of diverse housing types in accordance with the Comprehensive Plan; increase the variety of housing types available for smaller households; provide opportunities for small, detached dwelling units within existing neighborhoods; increase opportunities for home ownership; and provide opportunities for creative and high-quality infill development that is compatible with existing neighborhoods.

B. Applicability

These standards apply to cottage cluster housing, as defined in Section 19.201, wherever this housing type is allowed by the base zones in Chapter 19.300.

~~C. Land Division~~

~~1. A subdivision or replat is required prior to the development of cottage cluster housing, to create the lots and tracts that will comprise the cottage cluster development. The subdivision or replat shall be reviewed per the procedures in Title 17 and be subject to the requirements of Chapter 19.700.~~

~~2. Cottage cluster development is exempt from the lot size and dimension standards in Section 19.302.~~

~~3. The minimum and maximum density standards in Section 19.302 apply to the subdivision or replat that creates the cottage cluster development. Areas proposed for commonly owned tracts, including off-street parking areas, shall be included in calculations for minimum and maximum density.~~

~~4. Cottage cluster development in the R-2, R-1, or R-1-B Zone is also subject to the site size standards in Table 19.302.5.F.2.~~

~~5. Access easements shall be required, to provide adequate access rights for units of land within the cottage cluster that do not have frontage on a public street, and to provide adequate vehicle and pedestrian circulation through the site.~~

~~D~~C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.~~The base zone development standards for height, yards, lot coverage, and minimum vegetation, and the design standards in Subsection 19.505.1 are not applicable to cottage cluster housing.~~

~~Figure 19.505.4 illustrates the basic layout of a typical cottage cluster development.~~

Table 19.505.4.C.1
Cottage Cluster Development Standards

Standards	R-MD	R-1, R-2, R-2.5, R-3, R-1-B
A. Home Types		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 8 maximum dwelling units
B. Home Size		
1. Max building footprint per home	900 sf	
b. Max average floor area per dwelling unit	1,400 sf	
C. Height		
a. Max height	25 feet or two (2) stories, whichever is greater	
b. Max structure height between 5 & 10 ft of rear lot line	15 ft	

3. Max height to eaves facing common green	1.618 times the narrowest average width between two closest buildings	
D. Setbacks, Separations, and Encroachments		
a. Separation between structures (minimum)[6]	6 ft[7]	
b. Side and rear site setbacks	5 ft[8]	
3. Front site setback (minimum)	10 ft	
4. Front site setback (maximum)	10 ft	
E. Impervious Area, Vegetated Area		
1. Impervious area (maximum)	60%	65%
2. Vegetated site area (minimum)	35%	35%
F. Community and Common Space		
1. Community building footprint (maximum)	1,000 sf	1,000 sf
2. Common Space	19.505.1.D	19.505.1.D
G. Parking (see also 19.505.1.D.3)		
1. Automobile parking spaces per primary home (minimum)	0.5	0.5
2. Dry, secure bicycle parking spaces per home (minimum)	1.5	

[6] If the structure has eaves, the 6-foot minimum separation applies between eaves.
[7] For lots 20,000 square feet and over, when there is more than one cottage cluster, the minimum space between clusters is 20 feet.
[8] Lots 20,000 square feet and over must have 10 feet side and rear setbacks.

3. Guest bicycle parking spaces perhome (minimum)	0.5

~~1.~~ D. Cottage Standards

1. Size

The total footprint of a cottage unit ~~shall~~ must not exceed ~~700~~ 900 sq ft, and the ~~the total floor area of each cottage unit shall not exceed 1,000 sq ft.~~ maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit.

2. Height

The height for all structures ~~shall~~ must not exceed 25 feet or two (2) stories, whichever is greater. ~~18 ft. Cottages or amenity buildings having pitched roofs with a minimum slope of 6/12 may extend up to 25 ft at the ridge of the roof.~~

3. Orientation

a. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:

(1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.

(2) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

(a) Have a main entrance facing the common courtyard;

(b) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

(c) Be connected to the common courtyard by a pedestrian path.

(3) Cottages within 20 feet of a street property line may have their entrances facing the street.

(4) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

~~The front of a cottage is the façade with the main entry door and front porch. This façade shall be oriented toward either a common open space or public street. If a cottage is not contiguous to either of these, it shall be oriented toward an internal pedestrian circulation path.~~

~~(2) At least half of the cottages in a cottage cluster shall be oriented toward a common open space.~~

~~d. Required Yards~~

~~(1) The yard depth between the cottage dwelling structure and either the public street, common open space, or internal pedestrian circulation path~~

shall be at least 10.5 ft. The front porch of a cottage is allowed to encroach into this yard.

(2) The required rear yard depth from the rear of the cottage to the rear lot line shall be at least 7.5 ft. The rear yard is the yard on the opposite side of the cottage as the front porch.

(3) The required yard depth for all yards other than a front or rear yard is 5 ft.

(4) There shall be a minimum of 10 ft of space between cottages. Architectural features and minor building projections—such as eaves, overhangs, or chimneys—may project into this required separation by 18 in.

(5) All structures in the cottage cluster shall comply with the perimeter setback areas in Subsection 19.505.4.D.2.f. This requirement may increase the required yard depths listed above.

e. Cottage Design Standards

The intent of the cottage cluster design standards is to create cottages consistent with traditional northwest cottage design and small home craftsmanship.

(1) Cottages fronting a street shall avoid blank walls by including at least one of the following:

(a) Changes in exterior siding material.

(b) Bay windows with a minimum depth of 2 ft and minimum width of 5 ft.

(c) Wall offsets of at least 1 ft deep.

(2) Trim around windows and doors shall be at least 3 in wide and ⅝ in deep.

(3) All roofs shall have a minimum roof pitch of 4/12.

(4) Windows and doors shall account for at least 15% of the façade area for façades oriented toward a public street or common open space.

(5) At least 60% of the siding material on each wall shall be either horizontal lap siding, between 3 to 7 in wide once installed, or shake siding.

f. Front Porches

Each cottage shall have a porch on the front of the cottage. The porch is intended to function as an outdoor room that extends the living space of the cottage into the semipublic area between the cottage and the open space.

(1) The minimum porch depth shall be 6.5 ft.

(2) The width of the porch shall be at least 60% of the width of the overall length of the front façade.

(3) The front door of the dwelling must open onto the porch.

~~(4) The entire area of the front porch must be covered.~~

~~(5) The surface of the front porch may not exceed 24 in above grade, as measured from the average ground level at the front of the porch.~~

~~2.~~E. Site Design and Other Standards

~~a.~~ 1. Number of Cottages Allowed

~~The number of cottages allowed shall not exceed the dwelling unit maximum of the base zone in which the cottage cluster development is located, as specified in Subsection 19.505.4.C.4.~~ A cottage cluster ~~development~~ ~~shall~~ must include a minimum of ~~4~~ 3 cottages and a maximum of 12 cottages, subject to Table 19.505.4.B.1.

~~b. Common Open Space~~

~~An adequately sized and centrally located common open space is a key component of cottage cluster developments. A common open space shall meet the following standards.~~

~~(1) The common open space shall have at least 100 sq ft of area for each cottage in the cottage cluster development.~~

~~(2) The minimum dimension for the common open space is 20 ft on 1 side.~~

~~c. Private Open Space~~

~~Each cottage shall have a private open space on the same lot as the cottage. The space shall be at least 100 sq ft with no dimension of less than 10 ft on 1 side. It shall be contiguous to each cottage for the exclusive use of the cottage residents.~~

~~d. Maximum Lot Coverage and Impervious Area~~

~~The total footprint of all structures shall not exceed 40% of the site area. Impervious surfaces, including all structures, shall not exceed 60% of the site area.~~

~~e. Internal Pedestrian Circulation~~

~~The cottage cluster development shall include continuous pedestrian paths for internal circulation on site. The minimum width for pedestrian paths shall be 3~~ 6 ft. ~~Paths must provide a continuous connection between the front porch of each cottage, common open space, adjoining rights-of-way, parking areas, and any other areas of common use within the development.~~

~~f. Perimeter Setback Areas~~

~~All structures within a cottage cluster development shall be located at least 15 ft from the rear lot line(s) and at least 5 ft from the side lot line(s) of the site on which the cottage cluster is developed,~~

~~g~~ 2. Off-Street Parking

a. There shall be at least 0.5 off-street parking spaces per dwelling unit in the R-MD zone and 0.5 spaces per dwelling unit in the high density zones, per Table 19.505.4.B.1. The parking space shall be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.

b. A cottage cluster parking area ~~shall~~ must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.

c. If there are more than 8 units in a cottage cluster, there ~~shall~~ must be at least 2 separate parking areas with a minimum of 4 parking spaces in each area. A drive aisle connecting the 2 areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.

d. Parking spaces may be located within a garage. Garages in a cottage cluster may not contain more than 4 parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage shall not exceed 8 ft high, unless a modification is requested for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per 19.911 Variances.

e. Parking spaces that are not in a garage shall be screened from common open space, public streets, and adjacent residential uses by landscaping and/or screen, such as a fence. Chain-link fencing with slats shall not be allowed as a screen.

~~h.~~ 3. Fences

All fences on the interior of the development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

4. Conversions

A preexisting single-detached dwelling may remain on a Lot or Parcel with a Cottage Cluster as described below:

a. The preexisting single-detached dwelling may be nonconforming with respect to the requirements of the applicable code;

b. The preexisting single-detached dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single-detached dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;

c. The preexisting single-detached dwelling shall count as a unit in the Cottage Cluster;

d. The floor area of the preexisting single-detached dwelling shall not count towards any Cottage Cluster average or Cottage Cluster project average or total unit size limits.

~~Figure 19.505.4~~
~~Cottage Cluster Development~~

19.505.5 ~~Rowhouses~~ Townhouses

A. Purpose

Townhouses ~~Rowhouses~~ provide a type of housing that includes the benefits of a single~~-family~~ detached dwelling, such as fee simple ownership and private yard area, while also being an affordable housing type for new homeowners and households that do not require as much living space. ~~The purpose of these standards is to allow rowhouses in medium to high density residential zones.~~ Townhouses ~~Rowhouses~~ are allowed at four times the maximum density allowed for single detached dwelling in the same zone or 25 dwelling units per acre, whichever is less, ~~the same density as single-family detached and multifamily dwellings~~, and the general design requirements are very similar to the design requirements for single~~-family~~ detached dwellings. Two important aspects of these standards are to include a private-to-public transition space between the dwelling and the street and to prevent garage and off-street parking areas from being prominent features on the front of Townhouses ~~Rowhouses~~.

B. Applicability

1. The standards of Subsection 19.505.5 apply to single~~-family~~ dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least 1 other dwelling, and where the lots meet the standards for a townhouse ~~rowhouse~~ lot in both Section 19.302 and Subsection 19.505.5.E. Townhouse ~~Rowhouse~~ development may take place on existing lots that meet the lot standards for townhouse ~~rowhouse~~ lots or on land that has been divided to create new townhouse ~~rowhouse~~ lots.

2. Development standards for townhouses ~~rowhouses~~ are in Subsections 19.301.4 and 19.302.4.

3. Design standards for single~~-family~~ detached dwellings in Subsections 19.505.1-2 are also applicable to townhouses ~~rowhouses~~.

4. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for either One to Four Dwelling Units ~~duplexes~~ or multi~~family~~ unit housing.

C. Townhouse ~~Rowhouse~~ Design Standards

1. Townhouses ~~Rowhouses~~ are subject to the design standards for single detached dwelling ~~-family~~ housing in Subsection 19.505.1.

2. Townhouses ~~Rowhouses~~ ~~shall~~ must include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.

   a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 4 ft ~~5 ft~~ from the front lot line.

   b. A horizontal transition shall be a covered porch with a depth of at least 6 ft. The porch may encroach into the required front yard, but it ~~shall~~ must be at least 4 ft ~~7 ft~~ from the front lot line.

D. Number of Townhouses ~~Rowhouses~~ Allowed

In the High Density Zones , no more than 4 consecutive townhouses ~~rowhouses~~ that share a common wall(s) are allowed. A set of 4 townhouses ~~rowhouses~~ with common walls is allowed to be adjacent to a separate set of 4 townhouses ~~rowhouses~~ with common walls.

In the R-MD zone, the maximum number of consecutive attached townhouses is 4 ~~2~~.

E. Townhouse ~~Rowhouse~~ Lot Standards

~~1. Townhouse Rowhouse development is not allowed on lots with a lot width of more than 35 ft.~~

1. ~~2~~.Townhouse ~~Rowhouse~~ development is allowed only where there are at least 2 abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Tables 19.301.4 and 19.302.4.

2. ~~3~~.Townhouse ~~Rowhouse~~ development ~~in the R-3 and R-2.5 Zones~~ must meet the minimum lot size of 1,500 sq ft. ~~standards in Subsection 19.302.4.A.1.~~

~~4. Rowhouse development in the R-2, R-1 and R-1-B Zones must meet the minimum lot size standards in Subsection 19.302.4.A.1. In addition, the rowhouse development must meet the minimum site size requirements in Table 19.505.5.E.4.~~

~~Table 19.505.5.E.4~~
~~Minimum Site Size for Rowhouse Development in the R-2, R-1, and R-1-B Zones~~

~~Number of Rowhouses~~	~~R-2 Zone~~	~~R-1 and R-1-B Zone~~
~~2~~	~~7,500 sq ft~~	~~6,400 sq ft~~
~~3~~	~~10,000 sq ft~~	~~7,800 sq ft~~
~~4~~	~~12,500 sq ft~~	~~9,200 sq ft~~

F. Driveway Access and Parking

1. Garages on the front façade of a townhouse ~~rowhouse~~, off-street parking areas in the front yard, and driveway accesses in front of a townhouse ~~rowhouse~~ are prohibited unless the following standards are met. See Figure 19.505.5.F.1.

   ~~a. Each rowhouse lot has a street frontage of at least 30 ft on a street identified as a Neighborhood Route or Local Street in the Transportation System Plan Figure 8-3b.~~

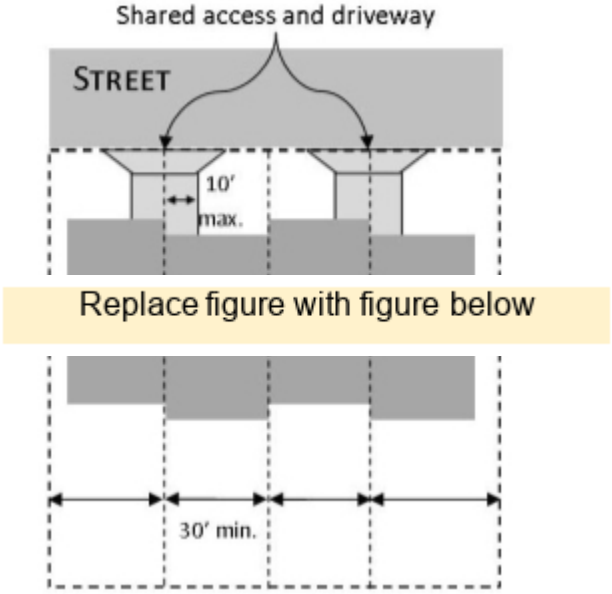
   b. Development of 2 or 3 townhouses ~~rowhouses~~ has at least 1 shared access between the lots, and development of 4 townhouses ~~rowhouses~~ has 2 shared accesses.

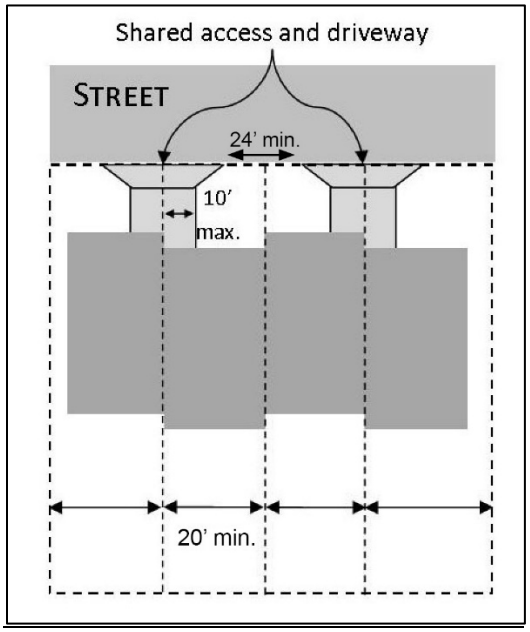
   c. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.

   d. The garage width does not exceed 10 ft, as measured from the inside of the garage door frame.

   e. Shared accesses are spaced a minimum of 24 feet apart.

Figure 19.505.5.F.1
Townhouse ~~Rowhouse~~ Development with Front Yard Parking



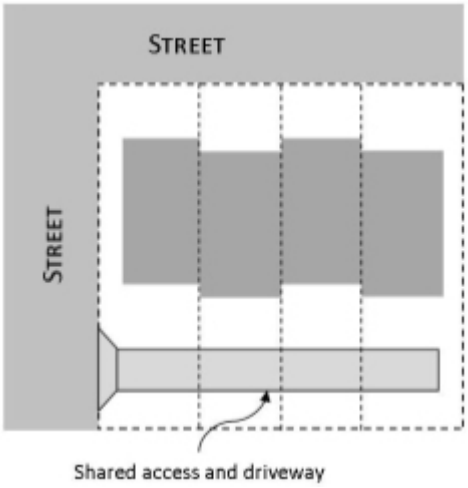


2. The following rules apply to driveways and parking areas for townhouse ~~rowhouse~~ developments that do not meet all of the standards in Subsection 19.505.5.F.1.

   a. Off-street parking areas ~~shall~~ must be accessed on the back façade or located in the rear yard. ~~No off-street parking shall be allowed in the front yard or side yard of a rowhouse.~~

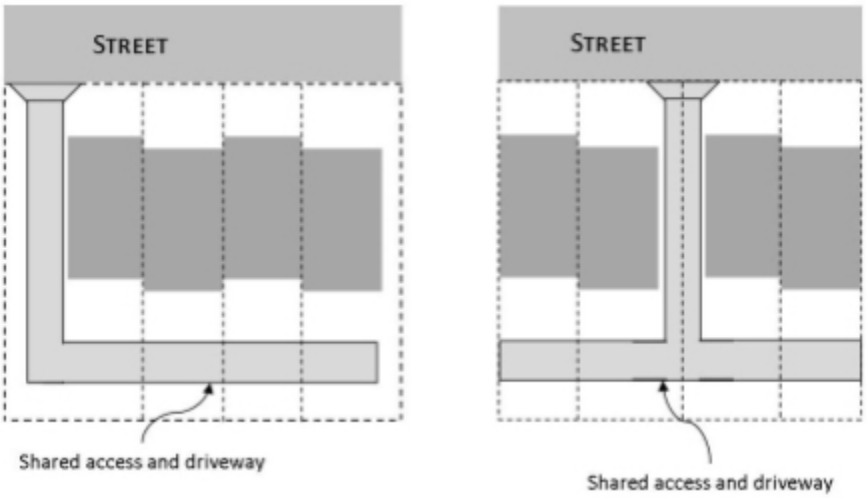
   b. Townhouse ~~Rowhouse~~ development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The ~~Engineering Director~~ City Engineer may alter this requirement based on street classifications, access spacing, or other provisions of Chapter 12.16 Access Management. See Figure 19.505.5.F.2.b.

Figure 19.505.5.F.2.b
Townhouse ~~Rowhouse~~ Development with Corner Lot Access



c. Townhouse ~~Rowhouse~~ development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the townhouse ~~rowhouses.~~ See Figure 19.505.5.F.2.c.

Figure 19.505.5.F.2.c
Townhouse ~~Rowhouse~~ Development with Consolidated Access



d. A townhouse ~~rowhouse~~ development that includes consolidated access or shared driveways shall grant appropriate access easements to allow normal vehicular access and emergency access.

G. Accessory Structure Setbacks

On townhouse ~~rowhouse~~ lots with a lot width of 25 ft or less, there is no required side yard between an accessory structure and a side lot line abutting a townhouse ~~rowhouse~~ lot. All other accessory structure regulations in Subsection 19.502.2.A apply.

19.506 Manufactured Dwelling Siting and Design Standards

19.506.4 Siting Standards

Manufactured homes are allowed by right in any zone that allows single-family detached dwellings by right. Manufactured homes placed on individual lots shall meet the single-family design standards in Subsection 19.505.1 and the following standards:

~~A. The unit shall be multisectional (double-wide or wider) and enclose a floor area of not less than 1,000 sq ft.~~

A. The unit shall be placed on an excavated and backfilled foundation with the bottom no more than 12 in above grade and enclosed at the perimeter by skirting of pressure treated wood, masonry, or concrete wall construction and complying with the minimum setup standards of the adopted State Administrative Rules for Manufactured Dwellings, Chapter 918.

B. Bare metal shall not be allowed as a roofing material and shall not be allowed on more than 25% of any façade of the unit.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: provide adequate, but not excessive, space for off-street parking; ~~avoid parking-related congestion~~ support efficient ~~on the~~ streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700. The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official. (Ord. 2106 § 2 (Exh. F), 2015; Ord. 2025 § 2, 2011)

19.604.2 Parking Area Location

Accessory parking shall be located in one or more of the following areas:

A. On the same site as the primary use for which the parking is accessory.

B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.

C. Where parking is approved in conformance with Subsection 19.605.2

~~C.~~ D. Where shared parking is approved in conformance with Subsection 19.605.4.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

Table 19.605.1 Off-street Parking Requirements

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	**Minimum Required**	**Maximum Allowed**
A. Residential Uses		
1. Single~~-family~~ detached dwellings, including ~~rowhouses and~~ manufactured homes.	1 space per dwelling unit.	No maximum.
2. Multi-Unit Dwellings ~~a. Dwelling units with 800 sq ft of floor area or less and all units located in the DMU Zone.~~ ~~b. Dwelling units with more than 800 sq ft of floor area.~~	1 space per dwelling unit. ~~1.25 spaces per dwelling unit.~~	 2 spaces per dwelling unit. ~~2 spaces per dwelling unit.~~
3. Middle Housing a. Duplexes b. Triplexes c. Quadplexes d. Town Houses e. Cottage Clusters	 0 0 0 0 0.5 spaces per dwelling unit	 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit
~~3~~ 4. Residential homes and similar facilities allowed by right in residential zones.	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
4. 5. Accessory dwelling units (ADU)~~—Types I and II~~.	No additional space required unless used as a vacation rental, which requires 1 space per rental unit	No maximum.

19.605.2 Quantity Modifications and Required Parking Determinations

Subsection 19.605.2 allows for the modification of minimum and maximum parking ratios from Table 19.605.1 as well as the determination of minimum and maximum parking requirements. Parking determinations shall be made when the proposed use is not listed in Table 19.605.1 and for developments with ~~large~~ parking demands that are either lower than the minimum required or higher than the maximum allowed.

A. Applicability

The procedures of Subsection 19.605.2 shall apply in the following situations:

1. If the proposed use is not listed in Table 19.605.1 and the quantity requirements for a similar listed use cannot be applied.
2. If the applicant seeks a modification from the minimum required or maximum allowed quantities as calculated per Table 19.605.1.

B. Application

Determination of parking ratios in situations listed above shall be reviewed as a Type II land use decision, per Section 19.1005 Type II Review. The application for a determination must include the following:

1. Describe the proposed uses of the site, including information about the size and types of the uses on site, and information about site users (employees, customers, residents, etc.).
2. Identify factors specific to the proposed use and/or site, such as the proximity of transit, parking demand management programs, availability of shared parking, and/or special characteristics of the customer, client, employee or resident population that affect parking demand.
3. Provide data and analysis specified in Subsection 19.605.2.B.3 to support the determination request. The Planning ~~Director~~ Manager may waive requirements of Subsection 19.605.2.B.3 if the information is not readily available or relevant, so long as sufficient documentation is provided to support the determination request.
    a. Analyze parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Institute of Transportation Engineers, American Planning Association, Urban Land Institute, or other similar organizations.
    b. Review parking standards for the proposed use or similar uses found in parking regulations from other jurisdictions.
    c. Present parking quantity and parking use data from existing developments that are similar to the proposed development. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development.
    d. For middle housing, provide occupancy and use data quantifying conditions of the on-street parking system within one block of the middle housing development.
    e. Identify factors specific to the site, such as the preservation of a priority tree or trees, or planting of new trees to achieve 40% canopy, as identified in MMC 16.32.
4. Propose a minimum and maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a range (low and high number of parking spaces) for each development phase and both a minimum and maximum number of parking spaces to be provided at buildout of the project.
5. Address the approval criteria in Subsection 19.605.2.C.

C. Approval Criteria

The Planning Manager ~~Director~~ shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Manager ~~Director~~, based on the applicant's materials and other data the Planning Manager ~~Director~~ deems relevant, shall set the minimum parking requirement and maximum parking allowed. Conditions of approval may be placed on the decision to ensure compliance with the parking determination.

1. All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity requirements for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.
2. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to decrease the amount of minimum required parking shall meet the following criteria:
    a. The use, frequency, and proximity of transit, parking demand management programs, and/or special characteristics of the site users will reduce expected vehicle use and parking space demand for the proposed use or development, as compared with the standards in Table 19.605.1.
    b. The reduction of off-street parking will not adversely affect available on-street parking.
    c. The requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site, or is otherwise consistent with city or comprehensive plan policy.
3. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria:
    a. The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.
    b. The parking demand cannot be accommodated by shared or joint parking arrangements or by increasing the supply of spaces that are exempt from the maximum amount of parking allowed under Subsection 19.605.3.A.
    c. The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

19.605.3 Exemptions and By-Right Reductions to Quantity Requirements

The following exemptions and by-right reductions cannot be used to further modify any parking modification or determination granted under Subsection 19.605.2.

A. Exemptions to Maximum Quantity Allowance

The following types of parking do not count toward the maximum amount of parking allowed on a site. This exemption applies only to the quantity requirements of Section 19.605 and not to the other requirements of Chapter 19.600. The City may impose conditions to ensure that parking spaces associated with these parking types are appropriately identified and used for the intended purpose.

1. Spaces for a parking facility.
2. Spaces for a transit facility or park and ride facility.
3. Storage or display areas for vehicle sales.
4. Employee carpool parking, when spaces are dedicated or reserved for that use.
5. Fleet parking.
6. Truck loading areas.

B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. The total reduction in required parking is increased to 30% in the Downtown Mixed Use Zone DMU. The total reduction in required parking is increased to 50% for affordable housing units as defined in Subsection 19.605.3.8. Applicants may not utilize the reduction in Subsection 19.605.3.B.1 in conjunction with any other reduction in Subsection 19.605.3.B.

1. Reductions for Neighborhood Commercial Areas

   The minimum parking requirements of Table 19.605.1 shall be reduced by 50% for the properties described below:

   a. Properties zoned Commercial Limited (C-L).

   b. Properties zoned Commercial Neighborhood (C-N).

   c. Properties in the Neighborhood Mixed-Use (NMU) Zone in the area bounded by 42nd Avenue, King Road, 40th Avenue, and Jackson Street.

   d. Properties in the Neighborhood Mixed-Use (NMU) Zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.

2. Proximity to Public Transit

   a. Parking for commercial and industrial uses may be reduced by up to 10% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.

   b. Parking for ~~multifamily~~ multi-unit dwellings and middle housing may be reduced by up to 20% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.

   c. Parking for all uses except single~~-family attached and~~ detached dwellings may be reduced by 25% if the development is within 1,000-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a light rail transit stop, or if it is located in the Downtown Mixed Use Zone DMU.

   d. In determining walking distance, the applicant shall measure the shortest route along sidewalks, improved pedestrian ways, or streets if sidewalks or improved pedestrian ways are not present. Walking distance shall be measured along the shortest course from the point on the development site that is nearest to the transit stop.

3. Multitenant Commercial Sites

   Where multiple commercial uses occur on the same site, minimum parking requirements shall be calculated as described below. The Planning Manager ~~Director~~ shall have the authority to determine when multiple uses exist on a site.

   a. Use with highest parking requirement. The use that has the largest total number of minimum parking spaces required shall be required to provide 100% of the minimum number of parking spaces.

   b. All other uses. All other uses on the site shall be required to provide 80% of the minimum number of parking spaces.

4. Carpool/Vanpool

   Commercial and industrial developments that provide at least 2 carpool/vanpool parking spaces may reduce the required number of parking spaces by up to 10%. This reduction may be taken whether the carpool/vanpool space is required pursuant to Section 19.610 or voluntarily provided.

5. Bicycle Parking

   The minimum amount of required parking for ~~all~~ non-single~~-family~~ unit residential uses, other than middle housing, may be reduced by up to 10% for the provision of covered and secured bicycle parking in addition to what is required by Section 19.609. A reduction of 1 vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Section 19.609. If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.

6. Car Sharing

   Required parking may be reduced by up to 5% if at least 1 off-street parking space is reserved for a vehicle that is part of a car sharing program. The car sharing program shall be sufficiently large enough, as determined by the Planning Manager ~~Director~~, to be accessible to persons throughout Milwaukie and its vicinity. The applicant must provide documentation from the car sharing program that the program will utilize the space provided.

7. Provision of Transit Facility Improvements

   The number of existing required parking spaces may be reduced by up to 10% for developments that provide facilities such as bus stops and pull-outs, bus shelters, or other transit-related facilities. A reduction of 1 parking space is allowed for each 100 sq ft of transit facility provided on the site.

8. Affordable Housing
   Parking minimums in Table 19.605.1 may be reduced for the following:

   a. For any multiunit dwelling unit or middle housing dwelling unit that that meets the exemption standards as defined in MMC 3.60.050, the minimum parking requirement for that unit may be reduced by 25 percent.

19.606 PARKING AREA DESIGN AND LANDSCAPING

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development except for ~~cottage clusters, rowhouses, duplexes,~~ middle housing, single~~-family~~ detached dwellings, and residential homes.

19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.607.1 Residential Driveways and Vehicle Parking Areas

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for single detached dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, ~~rowhouses, cottage clusters, duplexes, single-family detached dwellings,~~ and residential homes in all zones, unless specifically stated otherwise.

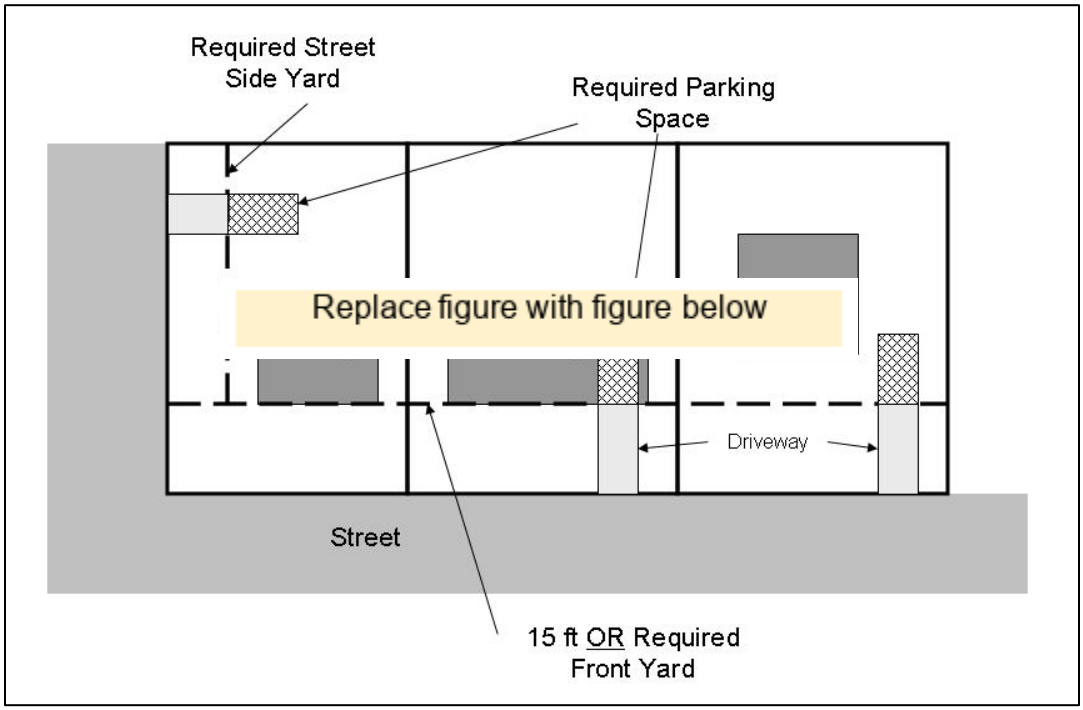
A. Dimensions

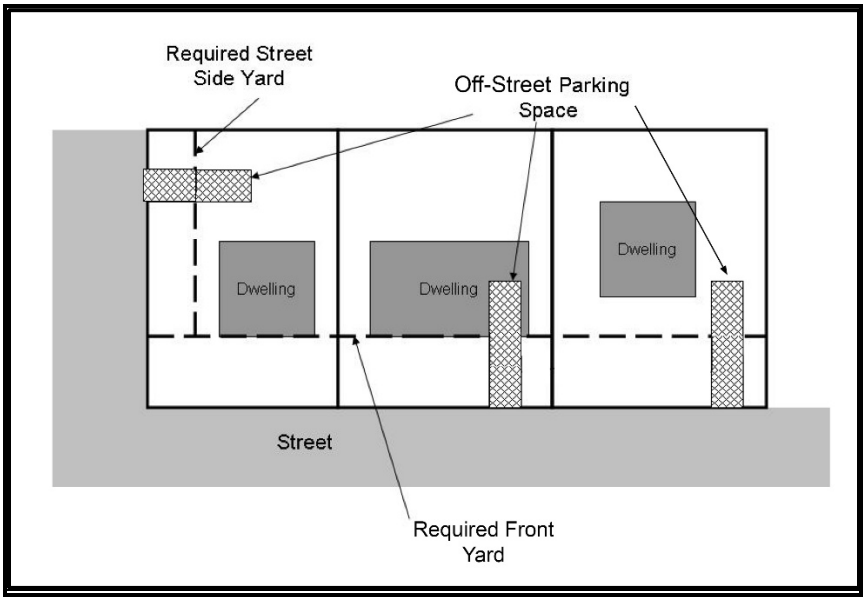
Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

B. Location

1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4. Tandem (end-to-end) parking is allowed for individual units.
2. No portion of the required parking space is allowed within the following areas. See Figure 19.607.1.B.2. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
   a. Within ~~the required front yard or within 15 ft of the front lot line, whichever is greater~~ an adjacent public street right-of-way or access easement.
   b. ~~Within a required street side yard~~ Over a public sidewalk.

Figure 19.607.1.B.2
Required Parking Space Location





C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.
    a. Required parking space(s).
    b. All vehicle parking spaces and maneuvering areas located within a ~~required~~ front or side yard. Areas for boat or RV parking are exempt from this requirement and may be graveled.
    c. All off-street parking and maneuvering areas for a residential home.
2. Maneuvering areas and unrequired parking areas that are outside of a required front or side yard are allowed to have a gravel surface.

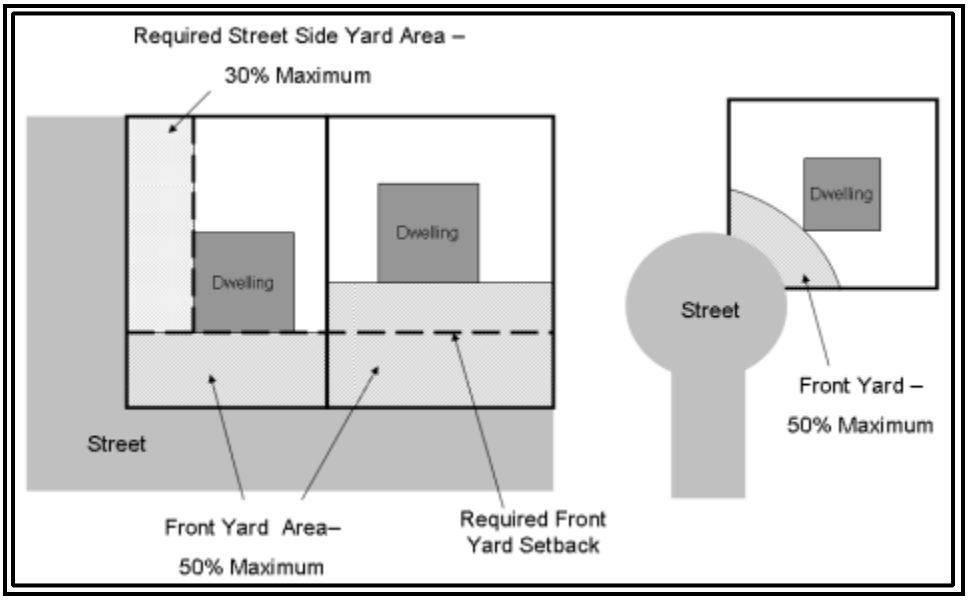
D. Parking Area Limitations

Uncovered parking spaces and maneuvering areas for vehicles, and for recreational vehicles and pleasure craft as described in Subsection 19.607.2.B, have the following area limitations. See Figure 19.607.1.D. The pole portion of a flag lot is not included in these area limitations.

These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4; nor to townhouses ~~rowhouses,~~ which are subject to the standards in Subsection 19.505.5.

a. Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area.
b. Uncovered parking spaces and maneuvering areas cannot exceed 30% of the required street side yard area.
c. No more than 3 residential parking spaces are allowed within the required front yard. A residential parking space in the required front yard is any 9- x 18-ft rectangle that is entirely within the required front yard that does not overlap with another 9- x 18-ft rectangle within the required front yard.

Figure 19.607.1.D
Front and Street Side Yard Parking Area Limits



E. Additional Driveway Standards

1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approved driveway approach within 5 ft of the right-of-way boundary (Option 1—see Figure 19.607.1.E.1). Alternately, a gradual widening of the onsite driveway is allowed to the 10-ft point at a ratio of 1:1 (driveway width: distance onto property), starting 2 ft behind the ~~front property line~~ right-of-way boundary (Option 2—see Figure 19.607.1.E.2).

Figure 19.607.1.E.1
Driveway Widening Limitation—Option 1

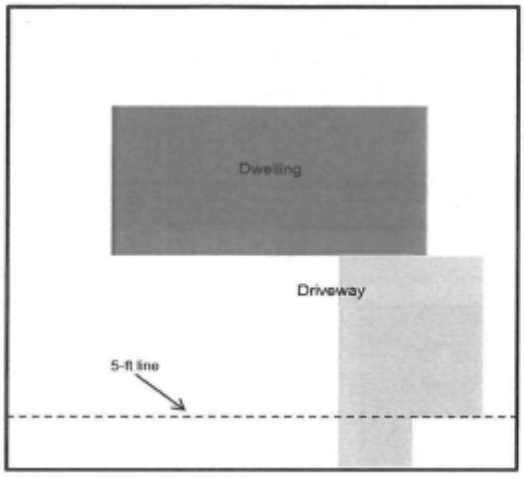
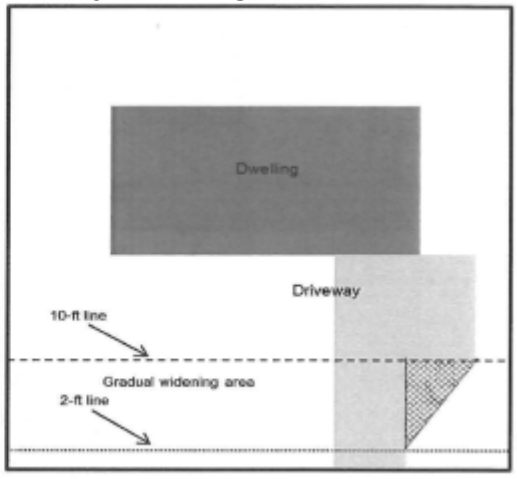


Figure 19.607.1.E.2
Driveway Widening Limitation—Option 2



2. Properties that take access from streets other than local streets and neighborhood routes shall provide a turnaround area on site that allows vehicles to enter the right-of-way in a forward motion.

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.702 APPLICABILITY

19.702.1 General

Chapter 19.700 applies to the following types of development in all zones:

A. Partitions.

B. Subdivisions.

C. Replats.

D. New construction.

E. Modification or expansion of an existing structure or a change or intensification in use that results in any one of the following. See Subsections 19.702.2-3 for specific applicability provisions for single ~~-family~~ detached residential development and development in downtown zones.

1. A new dwelling unit.

2. Any increase in gross floor area.

3. Any projected increase in vehicle trips, as determined by the ~~Engineering Director~~ City Engineer.

19.702.2 Single ~~-Family~~ Detached and Duplex Residential Expansions

Chapter 19.700 applies to single ~~-family~~ detached and duplex residential expansions as described below. The City has determined that the following requirements are roughly proportional to the impacts resulting from single ~~-family~~ detached and duplex residential expansions.

A. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by 1,500 sq ft or more, all of Chapter 19.700 applies.

B. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by at least ~~200~~ 800 sq ft, but not more than 1,499 sq ft, right-of-way dedication may be required pursuant to the street design standards and guidelines contained in Subsection 19.708.2.

C. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by less than ~~200~~ 800 sq ft, none of Chapter 19.700 applies.

D. single ~~-family~~ detached and duplex residential expansions shall provide adequate public utilities as determined by the ~~Engineering Director~~ City Engineer pursuant to Section 19.709.

E. Construction or expansion of garage and carport structures shall comply with the requirements of Chapter 12.16 Access Management. Existing nonconforming accesses may not go further out of conformance and shall be brought closer into conformance to the greatest extent possible.

19.702.4 Exemptions

Chapter 19.700 does not apply to the following types of development in all zones:

A. Modifications to existing single~~-family~~ detached and duplex residential structures that do not result in an increase in gross floor area.

19.703 REVIEW PROCESS

19.703.4 Determinations

There are four key determinations related to transportation facility improvements that occur during the processing of a development permit or land use application. These determinations are described below in the order in which they occur in the review process. They are also shown in Figure 19.703.4. In making these determinations, the ~~Engineering Director~~ City Engineer will take the goals and policies of the TSP into consideration and use the criteria and guidelines in this chapter.

A. Impact Evaluation

For development that is subject to Chapter 19.700 per Subsection 19.702.1, the ~~Engineering Director~~ City Engineer will determine whether the proposed development has impacts to the transportation system pursuant to Section 19.704. Pursuant to Subsection 19.704.1, the ~~Engineering Director~~ City Engineer will also determine whether a ~~transportation impact study~~Transportation Impact Study (TIS) is required, or for smaller developments, if an Access Study or Transportation Memo is sufficient. If a TIS is required, a transportation facilities review land use application shall be submitted pursuant to Subsection 19.703.2.B.

For development that is subject to Chapter 19.700 per Subsection 19.702.2, the City has determined that there ~~are~~ could be impacts to the transportation system if the proposed single~~-family~~ detached residential expansion/conversion is greater than ~~200~~ 800 sq ft.

B. Street Design

Given the City's existing development pattern, it is expected that most transportation facility improvements will involve existing streets and/or will serve infill development. To ensure that required improvements are safe and relate to existing street and development conditions, the ~~Engineering Director~~ City Engineer will determine the most appropriate street design cross section using the standards and guidelines contained in Section 19.708 or in conformance to the Public Works Standards. On-site frontage improvements are not required for downtown development that is exempt per Subsection 19.702.3.B.

C. Proportional Improvements

When transportation facility improvements are required pursuant to this chapter, the ~~Engineering Director~~ City Engineer will conduct a proportionality analysis pursuant to Section 19.705 to determine the level of improvements that are roughly proportional to the level of potential impacts from the proposed development. Guidelines for conducting a proportionality analysis are contained in Subsection 19.705.2.

D. Fee in Lieu of Construction (FILOC)

If transportation facility improvements are required and determined to be proportional, the City will require construction of the improvements at the time of development. However, the applicant may request to pay a fee in lieu of constructing the required transportation facility improvements. The ~~Engineering Director~~ City Engineer will approve or deny such requests using the criteria for making FILOC determinations found in Chapter 13.32 Fee in Lieu of Construction.

19.704 TRANSPORTATION IMPACT EVALUATION

19.704.4 Mitigation

A. Transportation impacts shall be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. With phased developments, transportation impacts must be mitigated at the time that particular phase of development identified in the TIS creates the need for the improvements to occur.

B. The following measures may be used to meet mitigation requirements. Other mitigation measures may be suggested by the applicant or recommended by a State authority (e.g., ODOT) in circumstances where a State facility will be impacted by a proposed development. The ~~Engineering Director~~ City Engineer or other decision-making body, as identified in Chapter 19.1000, shall determine if the proposed mitigation measures are adequate.

1. On- and off-site improvements beyond required frontage improvements.
2. Development of a transportation demand management program.
3. Payment of a fee in lieu of construction.
4. Correction of off-site transportation deficiencies within the study area that are not substantially related to development impacts.
5. Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.

(Ord. 2025 § 2, 2011)

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.2 Street Design Standards

A. Additional Street Design Standards

These standards augment the dimensional standards contained in Table 19.708.2 and may increase the width of an individual street element and/or the full-width right-of-way dimension.

1. Minimum 10-ft travel lane width shall be provided on local streets with no on-street parking.

2. Where travel lanes are next to a curb line, an additional 1 ft of travel lane width shall be provided. Where a travel lane is located between curbs, an additional 2 ft of travel lane width shall be provided.

3. Where shared lanes or bicycle boulevards are planned, up to an additional 6 ft of travel lane width shall be provided.

4. Bike lane widths may be reduced to a minimum of 4 ft where unusual circumstances exist, as determined by the Engineering Director, and where such a reduction would not result in a safety hazard.

5. Where a curb is required by the Engineering Director, it ~~shall~~ must be designed in accordance with the Public Works Standards.

6. Center turn lanes are not required for truck and bus routes on street classifications other than arterial roads.

7. On-street parking in industrial zones ~~shall~~ must have a minimum width of 8 ft.

8. On-street parking in commercial zones ~~shall~~ must have a minimum width of 7 ft.

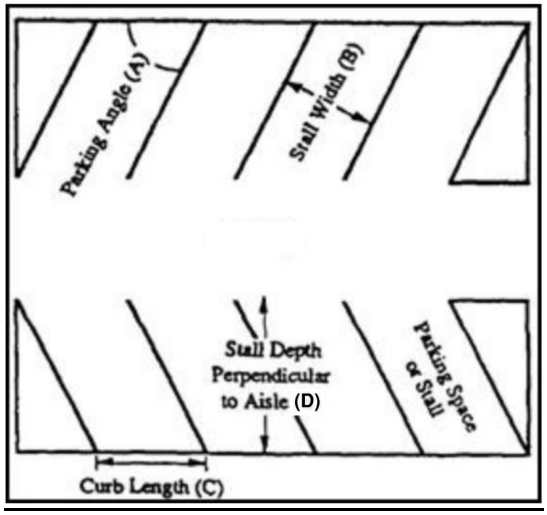
9. On-street parking in residential zones ~~shall~~ must have a minimum width of 6 ft.

10. On-street parking on local streets in residential zones adjacent to Middle Housing, Community Service Use, or other uses as allowed by code and as approved by the City Engineer may include diagonal parking, with minimum dimensions as provided in Table 19.708.3. Diagonal parking would be allowed as determined by the City Engineer, where sufficient right-of-way exists outside of the paved street area, and where it would not result in a safety hazard.

TABLE 19.708.3			
Full and Mid-Size Vehicles			
Angle (A)	Width (B)	Curb Length (C)	Depth (D)
0 ° (parallel)	8	22	8
30 °	8	16	16.5
45 °	8	11.5	18.5
60 °	8	9.5	19
90 ° (perpindicular)	8	8	18
Compact Size Vehicles			
Angle (A)	Width (B)	Curb Length (C)	Depth (D)
0 ° (parallel)	7	20	7
30 °	7	14	14.5
45 °	7	10	16.5
60 °	7	8.5	17
90 ° (perpindicular)	7	7	16

Figure 19.708.1

Parking Dimension Factors



11. The dimension and number of vehicle parking spaces provided for disabled persons must be according to federal and State requirements.

12.~~10~~. Sidewalk widths may be reduced to a minimum of 4 ft for short distances for the purpose of avoiding obstacles within the public right-of-way including, but not limited to, trees and power poles.

13.~~11~~. Landscape strip widths shall be measured from back of curb to front of sidewalk.

14.~~12~~. Where landscape strips are required, street trees shall be provided a minimum of every 40 ft in accordance with the Public Works Standards and the Milwaukie Street Tree List and Street Tree Planting Guidelines.

15. ~~13~~. Where water quality treatment is provided within the public right-of-way, the landscape strip width may be increased to accommodate the required treatment area.

16. ~~14~~. A minimum of 6 in shall be required between a property line and the street element that abuts it; e.g., sidewalk or landscape strip.

CHAPTER 19.900 LAND USE APPLICATIONS

19.901 INTRODUCTION

Table 19.901 CONTINUED
Land Use Applications

Application Type	Municipal Code Location	Review Types
Land Divisions:	Title 17	
Final Plat	Title 17	I
Lot Consolidation	Title 17	I
Partition	Title 17	II
Property Line Adjustment	Title 17	I, II
Replat	Title 17	I, II, III
Subdivision	Title 17	III
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Modification to Existing Approval	Section 19.909	I, II, III
Natural Resource Review	Section 19.402	I, II, III, V
Nonconforming Use Alteration	Chapter 19.804	III
Parking:	Chapter 19.600	
Quantity Determination	Subsection 19.605.2	II
Quantity Modification	Subsection 19.605.2	II
Shared Parking	Subsection 19.605.4	I
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.311	IV
Residential Dwellings:	Section 19.910	
~~Accessory Dwelling Unit~~	~~Subsection 19.910.1~~	~~I, II~~
~~Duplex~~	~~Subsection 19.910.2~~	~~II~~
Manufactured Dwelling Park	Subsection 19.910.3	III
Temporary Dwelling Unit	Subsection 19.910.4	I, III
Sign Review	Title 14	Varies

Transportation Facilities Review	Chapter 19.700	II
Variances:	Section 19.911	
Use Exception	Subsection 19.911.5	III
Variance	Subsection 19.911.1-4	II, III
Willamette Greenway Review	Section 19.401	III

CHAPTER 19.900 LAND USE APPLICATIONS

19.906 DEVELOPMENT REVIEW

19.906.2 Applicability

A. Type I Review

The following development proposals must submit a development review application and are subject to the requirements of this section, unless explicitly stated otherwise in an applicable land use approval, waived by the Planning Manager ~~Director~~ at the time of development permit submittal, allowed by right, or exempted per Subsection 19.906.2.C**.**

1. New development and expansions or modifications of existing development that require review against standards and criteria that are either clear and objective, or that require the application of limited professional judgment.
2. A change in primary use.
3. Parking lot expansions or modifications that change the number of parking spaces by 5 spaces or more.

C. Exemptions

The following development proposals are not required to submit a development review application and are exempt from the requirements of this section. Proposals that are exempt from this section must still comply with all applicable development and design standards. For proposals that require a development permit, compliance with standards will be reviewed during the permit review process.

1. New or expanded ~~single-family~~ single detached dwelling or middle housing detached or attached residential dwellings.
2. ~~Single-family r~~ Residential accessory uses and structures including accessory dwelling units.
3. Interior modifications to existing buildings that do not involve a change of use.
4. Construction of public facilities in the public right-of-way.
5. Temporary events as allowed in Chapter 11.04.

19.910 RESIDENTIAL DWELLINGS

19.910.1 Accessory Dwelling Units

A. Purpose

To provide the means for reasonable accommodation of accessory dwelling units, providing affordable housing, opportunity to house relatives, and a means for additional income for property owners, thereby encouraging maintenance of existing housing stock. ~~It is the intent of this subsection that development of accessory dwelling units not diminish the single-family character of a neighborhood.~~

B. Applicability

The procedures and standards of this chapter apply to the establishment of any accessory dwelling unit.

C. Procedures

An application to establish an accessory dwelling unit must be ~~evaluated through a Type I review, per Section 19.1004, or a Type II review, per Section 19.1005, as per~~ allowed by right. Accessory dwelling units shall be subject to the standards of Table 19.910.1.E.4.B.

~~Where a detached accessory dwelling unit is proposed that would undergo a Type I review, properties adjoining the site shall receive mailed notice of the proposed development. The notice shall include a site plan, building elevations, and a description of the standards and review process for the development. The notice shall be mailed within 7 days of the date that the application is deemed complete per Subsection 19.1003.3.~~

D. Approval Standards and Criteria

1. An application for an accessory dwelling unit is allowed by right provided ~~reviewed through a Type I review shall be approved~~ each of the following standards are met.
    a. An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.
    b. The primary use of property for the proposed accessory dwelling unit is a single~~-family~~ detached dwelling.
    c ~~One accessory dwelling unit per lot is allowed~~. Up to two accessory dwelling units are allowed on a site with a single detached dwelling. If there are two accessory dwelling units on the site, only one may be attached to or within the primary structure.
    d. The development standards of Subsection 19.910.1.E are met.
    e. The proposal complies with all other applicable standards of this title.

~~2. An application for an accessory dwelling unit reviewed through a Type II review shall be approved if the following criteria are met.~~

~~a. The standards in Subsection 19.910.1.D.1 are met.~~

~~b. The accessory dwelling unit is not incompatible with the existing development on the site, and on adjacent lots, in terms of architectural style, materials, and colors.~~

~~c. The massing of the accessory dwelling unit and its placement on the site maximizes privacy for, and minimizes impacts to, adjacent properties.~~

~~d. There will be an appropriate level of screening for nearby yards and dwellings, provided by the design of the accessory dwelling unit and existing and proposed vegetation and other screening.~~

E. Standards

1. Creation

   An accessory dwelling unit may be created by conversion of an existing structure, addition to an existing structure, or construction of a new structure. It is permissible to combine both an addition to an existing structure and conversion of space in the structure for the creation of an accessory dwelling unit.

2. Coordination of Standards

   ~~The more restrictive provisions shall be applicable in~~ In the event of a conflict between standards in Subsection 19.910.1.E and other portions of this title, the more restrictive provisions are applicable except where specifically noted.

3. Standards for Attached Accessory Dwelling Units

   The standards listed below apply to accessory dwelling units that are part of the primary structure on the property. ~~An attached accessory dwelling unit shall be reviewed by a Type I review per Subsection 19.1004.~~

   a. Maximum Allowed Floor Area

      The floor area of an attached accessory dwelling unit is limited to 800 sq ft or 75% of the floor area of the primary structure, whichever is less. The measurements are based on the floor areas of the primary and accessory dwelling units after completion of the accessory dwelling unit. This maximum size standard does not apply when the basement of a primary dwelling unit is converted to an accessory dwelling unit and the primary dwelling unit has been on the site for at least 5 years.

   b. Design Standards

      (1) The façade of the structure that faces the front lot line ~~shall~~ must have only 1 entrance. A secondary entrance for the accessory dwelling unit is allowed on any other façade of the structure.

      (2) Stairs, decks, landings, or other unenclosed portions of the structure leading to the entrance of the accessory dwelling unit are not allowed on the façade of the structure that faces the front lot line.

      (3) Proposals for attached accessory dwelling units that would increase floor area through new construction are subject to the following design standards.

         (a) The exterior finish on the addition ~~shall~~ must match the exterior finish material of the primary dwelling unit in type, size, and placement.

         (b) Trim must be the same in type, size, and location as the trim used on the primary dwelling unit.

(c) Windows on street-facing façades must match those in the primary dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).

(d) Eaves must project from the building walls at the same proportion as the eaves on the primary dwelling unit.

4. Standards for Detached Accessory Dwelling Units

The standards in Subsection 19.901.1.E.4 apply to accessory dwelling units that are separate from the primary structure on the property. The design standards for detached accessory dwelling units require a minimum level of design. These standards are intended to promote attention to detail, while affording flexibility to use a variety of architectural styles.

a. Maximum Allowed Floor Area

The floor area of the accessory dwelling unit is limited to 800 sq ft or 75% of the floor area of the primary structure, whichever is less.

b. Footprint, Height, and Required Yards

The maximum structure footprint, height, and yard regulations for a detached accessory dwelling unit are listed in Table 19.910.1.E.4.b. Structures that exceed any of the maximums associated with a ~~Type I~~ Type B ADU ~~review~~ require Type II ~~review. Structures are not allowed to exceed any of the maximums associated with a Type II review without~~ approval of a variance per Section 19.911.

Table 19.910.1.E.4.b
Footprint, Height, and Required Yards for Detached Accessory Dwelling Units

Standard	~~Type I~~ Type A ADU	~~Type I~~ Type B ADU
Maximum Structure Footprint	600 sq ft	800 sq ft
Maximum Structure Height	15', limited to 1 story	25', limited to 2 stories
Required Side and Rear Yard	5 ft ~~Base zone requirement for side and rear yard~~	Base zone requirement for side and rear yard ~~5 ft~~
Required Front Yard	10′ behind front yard as defined in Section 19.201, unless located at least 40′ from the front lot line.	
Required Street Side Yard	Base zone requirement for street side yard	

c. Design Standards

(1) A detached accessory structure ~~shall~~ must include at least ~~2~~ two of the design details listed below. An architectural feature may be used to comply with more than ~~1~~ one standard.

(a) Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.

(b) Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.

(c) Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.

(d) Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.

(e) Window trim around all windows at least 3 in wide and 5/8 in deep.

(2) An applicant may request a variance to the design standards in Subsection 19.901.1.E.4.c(1) through a Type II variance review, pursuant to Subsection 19.911.3.B.

(3) An accessory dwelling unit structure with a floor-to-ceiling height of 9 ft or more is required to have a roof pitch of at least 4/12.

(4) ~~A yurt may be used as a detached accessory dwelling unit and is exempt from the design standards of Subsection 19.901.1.E.4.c.(1). To be used as a detached accessory dwelling unit, a yurt must be approved as a dwelling by the Building Official, and must meet all other applicable development standards.~~

d. Privacy Standards

(1) Privacy standards are required for detached accessory dwelling units~~. processed through a Type I review. A detached accessory dwelling unit permitted through a Type II review may be required to include privacy elements to meet the Type II review approval criteria.~~

Privacy standards are required on or along wall(s) of a detached accessory dwelling unit, or portions thereof, that meet all of the following conditions.

(a) The wall is within 20 ft of a side or rear lot line.

(b) The wall is at an angle of 45 degrees or less to the lot line.

(c) The wall faces an adjacent residential property.

(2) A detached accessory dwelling unit meets the privacy standard if either of the following standards is met.

(a) All windows on a wall ~~shall~~ must be placed in the upper third of the distance between a floor and ceiling.

(b) Visual screening is in place along the portion of a property line next to the wall of the accessory dwelling unit, plus an additional 10 lineal ft beyond the corner of the wall. The screening ~~shall~~ must be opaque; shall be at least 6 ft high; and may consist of a fence, wall, or evergreen shrubs. Newly planted shrubs ~~shall~~ must be no less than 5 ft above grade at time of planting, and they ~~shall~~ must reach a 6-ft ~~high~~ height within 1 year. Existing features on the site can be used to comply with this standard.

e. Conversion of Existing Structure

Creation of a detached accessory dwelling unit through conversion of an accessory structure legally established less than three (3) years before the

time of the ADU permit submittal ~~established on or after December 1, 2012, the effective date of Ordinance #2051,~~ is required to meet all applicable standards for a new detached accessory dwelling unit.

Creation of a detached accessory dwelling unit through the conversion of an existing accessory structure that was legally established a minimum of three (3) years before the time of the ADU permit submittal ~~prior to December 1, 2012, the effective date of Ordinance #2051,~~ is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except for the design standards in Subsection 19.910.1.E.4.c. and the maximum structure footprint. However, the floor area of the ADU must not exceed the maximum floor area standard in Subsection 19.910.1.D.4.a. ~~However, the~~ The conversion ~~shall~~ must not bring the accessory structure out of conformance, or further out of conformance if already nonconforming, with any design standards in that subsection.

F. Additional Provisions

~~1. Either the primary or accessory dwelling unit shall be occupied by the owner of the property. At the time an accessory dwelling unit is established, the owner shall record a deed restriction on the property with the Clackamas County Recording Division that 1 of the dwellings on the lot shall be occupied by the property owner. A copy of the recorded deed restriction shall be provided to the Milwaukie Planning Department.~~

~~The Planning Director may require verification of compliance with this standard. Upon the request of the Planning Director, the property owner shall provide evidence, such as voter registration information or account information for utility services, to demonstrate residence in 1 of the dwelling units.~~

1~~2~~. Accessory dwelling units are not counted in the calculation of minimum or maximum density requirements listed in this title.

2~~3~~. Additional home occupations are allowed for a property with an accessory dwelling unit in accordance with the applicable standards of Section 19.507.

~~19.910.2 Duplexes~~

~~A. Purpose~~

~~This subsection is intended to allow duplexes in order to increase available housing in the city. while maintaining the coherence of single-family residential neighborhoods.~~

~~B. Applicability~~

~~The regulations of Subsection 19.910.2 apply to proposals to construct a new duplex or to convert, or add on to, an existing structure to create a duplex. They also apply to additions and modifications to existing duplexes.~~

~~C. Review Process~~

~~1. The following review process is required for proposals to establish a duplex, either by construction of a new structure or conversion of, or addition to, an existing structure.~~

~~a. In Residential Zones R-5, R-3, R-2.5, R-2, R-1, R-1-B, and R-O-C, a duplex is allowed outright, subject to the lot size requirements for the zone. The review~~

~~of applicable development and design standards that occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are not applicable.~~

~~b. A duplex in Residential Zone R-10 or R-7 is allowed outright, subject to the lot size requirements for the zone, in either of the following situations. The review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are not applicable.~~

~~(1) The property has frontage on a collector or arterial street, as identified by the Milwaukie Transportation System Plan.~~

~~(2) The property is a corner lot.~~

~~c. A duplex in Residential Zone R-10 or R-7 that is not eligible as an outright allowed use under Subsection 19.910.2.C.1.b is allowed through a Type II review per Section 19.1005.~~

~~d. A duplex in the Limited Commercial Zone C-L is allowed through a Type II review per Section 19.1005.~~

~~2. For additions or modifications to an existing duplex, the review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are applicable.~~

~~D. Approval Criteria~~

~~1. A duplex in Residential Zone R-10 or R-7 that is not eligible as an outright allowed use, under Subsection 19.910.2.C.1.b, must meet the following criteria.~~

~~a. The location of a duplex at the proposed site will not have a substantial impact on the existing pattern of single-family detached dwellings within the general vicinity of the site.~~

~~b. The design of the proposed duplex is generally consistent with the surrounding development.~~

~~c. The proposed duplex is designed as reasonably as possible to appear like a single-family detached dwelling.~~

~~2. A duplex in the Limited Commercial Zone C-L must meet the following criteria.~~

~~a. The proposed residential use will not be incompatible with existing and outright-allowed commercial uses in the Limited Commercial Zone.~~

~~b. The approval of a duplex will not significantly diminish the ability of the area zoned as Limited Commercial to provide goods and services to the surrounding neighborhoods.~~

19.911 VARIANCES

19.911.3 Review Process

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.

2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.

3. A variance of up to 10% to lot coverage or minimum vegetation standards.

4. A variance of up to 10% to lot width or depth standards.

5. A variance of up to 10% to a lot frontage standard.

6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.

7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.

8. A variance to fence height to allow up to a maximum of 6 ft for front yard fences and 8 ft for side yard, street side yard, and rear yard fences. Fences shall meet clear vision standards provided in Chapter 12.24.

9. A variance of up to a 25% increase in the size of a Type B Accessory Dwelling unit as identified in Subsection 19.910.1.E.4.

10. A variance to interior height of a garage in a cottage cluster to allow up to a maximum of 15 ft for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height.

11. For any middle housing development, except townhouses and cottage clusters, that includes at least 1 dwelling unit that is affordable that meets the exemption standards as defined in MMC 3.60.050, the minimum setbacks in Table 19.301.4 may be reduced to the following:

a. Front yard: 10 ft
b. Rear yard: 15 ft
c. Side yard: 5 ft
d. Street side yard: 10 ft

19.911.4 Approval Criteria

A. Type II Variances

An application for a Type II variance shall be approved when all of the following criteria have been met:

1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.

2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.

3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.

4. Impacts from the proposed variance will be mitigated to the extent practicable.

5. The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by MMC 16.32.

19.911.8 Tree Preservation and Tree Canopy Standards Variance

A. Intent

To provide a discretionary option for variances to the tree preservation and/or tree canopy standards in MMC 16.32.042 to reward projects that provide significant environmental benefit.

B. Applicability

The Type III tree preservation and tree canopy variance is an option for proposed developments that chooses not to, or cannot, meet the tree preservation and/or tree canopy standards specified in MMC 16.32.042.

C. Review Process

The tree preservation and tree canopy variance shall be subject to Type III review and approval by the Planning Commission, in accordance with Section 19.1006.

D. Approval Criteria

The approval authority may approve, approve with conditions, or deny the tree preservation and/or tree canopy variance based on the following approval criteria. The applicant is required to demonstrate that equivalent or greater environmental benefits are provided as preserving or planting the required tree canopy. Examples of activities that may justify a variance include but are not limited to:

1. Use of techniques that minimize hydrological impacts beyond regulatory requirements (examples include porous pavement, green roofs, infiltration planters/rain gardens, flow through planters, LIDA (low impact development approach) swales, vegetated filter strips, vegetated swales, extended dry basins, and constructed water quality wetlands).
2. Use of techniques that minimize reliance on fossil fuels and production of greenhouse gases beyond regulatory requirements through the use of energy efficient building technologies, on-site energy production technologies, and green buildings standards (MMC 19.510).

3. Use of techniques that preserve and enhance wildlife habitat beyond regulatory requirements, including, but not limited to, the use of native plant species in landscape design, removal of invasive plant species, and restoration of native habitat and preservation of habitat through the use of conservation easements or other protective instruments.
4. Use of techniques that preserve open space for sustainable urban agriculture through the use of conservation easements or other protective instruments at sites that are not compatible with tree canopy preservation or planting.

CHAPTER 19.1000 REVIEW PROCEDURES

19.1001 GENERAL PROVISIONS

19.1001.4 Review Types

All land use applications have both a review type and an application type. This chapter establishes the review procedures associated with each review type. Chapter 19.900 contains a list of application types and their associated review types.

A. Review Types

There are five types of review: Types I, II, III, IV, and V. Table 19.901 contains a list of the City's land use applications and their associated review types. In addition there are land uses that are allowed by right. These land uses do not require land use review and are only required to obtain a building permit.

19.1005 TYPE II REVIEW

Type II applications involve uses or development governed by subjective approval criteria and/or development standards that may require the exercise of limited discretion. Type II review provides for administrative review of an application by the Planning Manager ~~Director~~ and includes notice to nearby property owners to allow for public comment prior to the decision. The process does not include a public hearing.

CHAPTER 19.1200 SOLAR ACCESS PROTECTION

19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

19.1203.1 Purpose

The purposes of solar access provisions for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

19.1203.2 Applicability

The solar design standards in Subsection 19.1203.3 shall apply to applications for a development to create lots in the R-MD zone ~~single-family zones~~, except to the extent the ~~Director~~ Planning Manager finds that the applicant has shown one or more of the conditions listed in Subsections 19.1203.4 and 5 exist, and exemptions or adjustments provided for therein are warranted.

Title 17 Land Division

CHAPTER 17.28 DESIGN STANDARDS

17.28.050 FLAG LOT AND BACK LOT DEVELOPMENT AND FUTURE ACCESS

Applicants for flag lot and back lot partitioning must show that access by means of a dedicated public street is not possible. Consideration shall be given to other inaccessible adjacent or nearby properties for which a jointly dedicated public right-of-way could provide suitable access and avoid other flag lots or back lots. The creation of flag lots or back lots shall not preclude the development of street access to surrounding properties. Where there is the potential for future development on adjacent lots with new roadway development, flag lots or back lots may be allowed as an interim measure. In this case, Planning Commission review shall be required and the flag lot(s) or back lots must be designed to allow for future street development. Dedication of the future street right-of-way shall be required as part of final plat approval. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

17.28.060 FLAG LOT AND BACK LOT DESIGN STANDARDS

A. Consistency with the Zoning Ordinance

Flag lot and back lot design shall be consistent with Subsection 19.504.8.

B. More than 2 Flag Lots or Back Lots Prohibited

The division of any unit of land shall not result in the creation of more than 2 flag lots or back lots within the boundaries of the original parent lot. Successive land divisions that result in more than 2 flag lots or back lots are prohibited. (Ord. 2051 § 2, 2012; Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

17.28.070 FLAG LOT AND BACK LOTS IN SUBDIVISIONS ~~LIMITATIONS~~

Flag lots and back lots are permitted ~~prohibited~~ in new subdivisions. ~~and subdivisions platted after August 20, 2002, the effective date of Ordinance #1907. (Ord. 2051 § 2, 2012; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)~~

Title 12 Streets, Sidewalks, and Public Places

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.020 APPLICABILITY

A. New accessways are subject to all access management requirements of Chapter 12.16.

B. Modification of existing conforming accessways shall conform with the access management requirements of Chapter 12.16.

C. Modification of existing nonconforming accessways shall be brought into conformance with the access management requirements of Chapter 12.16. Where access management requirements cannot be met due to the location or configuration of an existing building that will remain as part of the development, the existing accessways shall be brought into conformance with the requirements of Chapter 12.16 to the greatest extent feasible as determined by the ~~Engineering Director~~ City Engineer. (Ord. 2004 § 1, 2009)

12.16.030 ACCESS PERMITTING

A permit from the City is required for establishing or constructing a new accessway to a public street and for modifying or reconstructing an existing driveway approach. No person, firm, or corporation shall remove, alter, or construct any curb, sidewalk, driveway approach, gutter, pavement, or other improvement in any public street, alley, or other property owned by, dedicated to, or used by the public, and over which the City has jurisdiction to regulate the matters covered by this chapter, without first obtaining a permit from the City.

A. Application for permits for access to a street, construction of a new accessway, or modification or reconstruction of an existing driveway approach shall be made to the ~~Engineering Director~~ City Engineer on forms provided for that purpose. A permit fee, as approved by the City Council, shall accompany each application.

B. The access permit application shall include ~~three (3) copies of~~ an electronic copy (AutoCAD, Adobe PDF, Bluebeam, or other acceptable format) of a scaled drawing showing the location and size of all proposed improvements in the right-of-way.

C. The ~~Engineering Director~~ City Engineer shall review access permits and drawings for conformance with the provisions and standards set forth in this chapter and the Milwaukie Public Works Standards.

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

A. Access

Private property shall be provided street access with the use of accessways. Driveway approaches shall be constructed as set forth in the Milwaukie Public Works Standards.

B. Access Spacing

Spacing criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity, and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

1. Standards

Spacing between accessways is measured between the closest edges of driveway aprons where they abut the roadway. Spacing between accessways and street intersections is measured between the nearest edge of the driveway apron and the nearest face of curb of the intersecting street. Where intersecting streets do not have curb, the spacing is measured from the nearest edge of pavement.

a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of six hundred (600) feet.

b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of three hundred (300) feet.

c. For Middle Housing development, access spacing requirements may be modified by the City Engineer per MMC 12.16.040.B.2 based on a variety of factors, including average daily traffic, anticipated increase of traffic to and from the proposed development, crash history at or near the access point, sight distance, and/or other safety elements,

2. Modification of Access Spacing

Access spacing may be modified with submission of an access study prepared and certified by a registered ~~professional traffic engineer~~ Professional Traffic Operations Engineer (PTOE) in the State of Oregon. The ~~access study~~ Access Study shall assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study shall include the following:

a. Review of site access spacing and design;

b. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;

c. Review of all modes of transportation to the site;

d. Mitigation measures where access spacing standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the ~~Engineering Director~~ City Engineer.

C. Accessway Location

1. Double Frontage

When a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

2. Location Limitations

Individual access to single~~-family~~ detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the

~~Engineering Director~~ City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

3. Distance from Property Line

The nearest edge of the driveway apron shall be at least ~~seven-and-one-half (7½)~~five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.

4. Distance from Intersection

To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curbs, the distance shall be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified with a modification as described in MMC Section 12.16.040.B.2.

a. At least forty-five (45) feet for single~~-family~~ detached residential properties accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron shall be located as far from the nearest intersection street face of curb as practicable.

b. At least one hundred (100) feet for multi-unit ~~family~~ residential properties and all other uses accessing local and neighborhood streets.

c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

D. Number of Accessway Locations

1. Safe Access

Accessway locations shall be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

2. Shared Access

The number of accessways on collector and arterial streets shall be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multi-unit ~~family~~ areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses shall be established by means of common access easements.

3. Single~~-Family~~ Detached Residential

One accessway per property is allowed for single~~-family~~ detached residential uses.

a. For lots with more than one street frontage on a local street and/or neighborhood route, one additional accessway may be granted. Under such circumstances, a street frontage shall have no more than one driveway approach.

b. For lots with one street frontage on a local street and/or neighborhood route, one additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the ~~Engineering Director~~ City Engineer. The spacing is measured between the nearest edges of the driveway aprons. Where the fifty (50) foot spacing cannot be met, an additional accessway shall not be granted.

c. No additional accessways shall be granted on collector and arterial streets.

4. All Uses Other than Single-~~Family~~ Detached Residential

The number of accessways for uses other than single~~-family~~ detached residential is subject to the following provisions:

a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B;

b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.

E. Accessway Design

1. Design Guidelines

Driveway approaches shall meet all applicable standards of the Americans with Disabilities Act, U.S. Access Board guidelines or requirements, and Milwaukie Public Works Standards.

2. Authority to Restrict Access

The ~~Engineering Director~~ City Engineer may restrict the location of accessways on streets and require that accessways be placed on adjacent streets upon finding that the proposed access would:

a. Cause or increase existing hazardous traffic conditions;

b. Provide inadequate access for emergency vehicles; or

c. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.

3. Backing into the Right-of-Way Prohibited

Accessways shall be designed to contain all vehicle backing movements on the site, except for detached or attached single~~-family~~ detached residential uses on local streets and neighborhood routes.

F. Accessway Size

The following standards allow adequate site access while minimizing surface water runoff and reducing conflicts between vehicles, bicyclists, and pedestrians.

1. Accessways shall be the minimum width necessary to provide the required number of vehicle travel lanes. The ~~Engineering Director~~ City Engineer may require submission of vehicle turning templates to verify that the accessway is appropriately sized for the intended use.

2. Single~~-family~~ detached attached and detached residential uses shall have a minimum driveway apron width of nine (9) feet and a maximum width of twenty (20) feet.

3. Multi-unit ~~family~~ residential Middle Housing units ~~uses~~ comprised of up to four (4) units,~~with three (3) dwellings~~ shall have a minimum driveway apron width of twelve feet on local or neighborhood streets and sixteen (16) feet on collector or arterial streets, and a maximum driveway apron width of twenty (20) feet on all streets.

4. Multi-unit~~family~~ residential uses comprised of a combination of Middle Housing units or other multi-unit uses with between ~~four (4)~~five (5) and ~~seven (7)~~eight (8) ~~dwellings~~ units shall have a minimum driveway apron width of sixteen (16) feet on local or neighborhood streets and twenty (20) feet on collector or arterial streets, and a maximum driveway apron width of twenty-four (24) feet.

5. Multi-unit~~family~~ residential uses with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, shall have a minimum driveway apron width of twenty (20) feet on local or neighborhood streets and twenty-four (24) feet on collector or arterial streets, and a maximum driveway apron width of thirty (30) feet.

6. Commercial, office, and institutional uses shall have a minimum driveway apron width of ~~twelve (12)~~sixteen (16) feet and a maximum width of thirty-six (36) feet.

7. Industrial uses shall have a minimum driveway apron width of ~~fifteen (15)~~twenty-four (24) feet and a maximum width of forty-five (45) feet.

8. Maximum driveway apron widths for commercial and industrial uses may be increased if the ~~Engineering Director~~City Engineer determines that more than two (2) lanes are required based on the number of trips anticipated to be generated or the need for on-site turning lanes.

(Ord. 2168 § 2, 2019; Ord. 2004 § 1, 2009)

CHAPTER 12.24 CLEAR VISION AT INTERSECTIONS

12.24.040 COMPUTATION

A. The clear vision area for all driveway accessways to streets, street intersections and all street and railroad intersections shall be that area described in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets." ~~The~~

~~clear vision area for all street and driveway or accessway intersections shall be that area within a twenty (20)-foot radius from where the lot line and the edge of a driveway intersect.~~

B. Modification of this computation may be made by the ~~Engineering Director~~City Engineer after considering the standards set forth in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets" and taking into consideration the type of intersection, site characteristics, types of vehicle controls, vehicle speed, and traffic volumes adjacent to the clear vision area. (Ord. 2004 § 1, 2009; Ord. 1679 § 4, 1990)

Title 13 Public Services

CHAPTER 13.30 REIMBURSEMENT DISTRICTS

13.30.010 DEFINITIONS

The following terms are definitions for the purposes of this chapter.

"Applicant" means a person, as defined in this section, who is required or chooses to finance some or all of the cost of a street, water, storm sewer, or sanitary sewer improvement which is available to provide service to property, other than property owned by the person, and who applies to the City for reimbursement for the expense of the improvement. The applicant may be the City.

"City" means the City of Milwaukie.

"~~Engineering Director~~ City Engineer" means the person who is the manager/supervisor of the city's Engineering Department, or the City Manager's designee to fill this position. This position can also be described as the Engineering Director or Engineering Manager. ~~holding the position of Engineering Director or any officer or employee designated by that person to perform duties stated within this chapter.~~

"Front footage" means the linear footage of a lot or parcel owned by an intervening property owner which is served by a reimbursement district public improvement and on which the intervening property owner's portion of the reimbursement may be calculated. Front footage shall be the amount shown on the most recent County Tax Assessor maps for the intervening property or, in the event such information is not available, any other reasonable method established by the ~~Engineering Director~~City Engineer for calculating front footage. Front footage does not include property owned by the City, including rights-of-way.

CHAPTER 16.32 TREE CODE

16.32.005 PURPOSE

The purpose of this chapter is to establish processes and standards that ensure the City maximizes the environmental, economic, health, community, and aesthetic benefits provided by its urban forest. It is the intent of this code to establish, maintain, and increase the quantity and quality of tree cover in residential zones and on land owned or maintained by the City and within rights-of-way, and to ensure our urban forest is healthy, abundant, and climate resilient.

This code is designed to:

1. Foster urban forest growth to achieve 40% canopy coverage by 2040.
2. Maintain trees in a healthy condition through best management practices.
3. Manage the urban forest for a diversity of tree ages and species.
4. Manage street trees appropriately to maximize benefits and minimize hazards and conflicts with infrastructure.
5. Ensure the preservation and planting of tree canopy with development and redevelopment of housing in residential zones.
6. Regulate the removal, replanting, and management of trees prior to and following development and redevelopment in residential zones.
7. Implement applicable urban forest goals, policies, objectives, and action items in the Comprehensive Plan, Climate Action Plan, and Urban Forest Management Plan.

16.32.010 DEFINITIONS

The following definitions will ~~shall~~ apply for terminology, used in this chapter. If a definition is not listed in this chapter, the definition in Title 19 will apply. Where definitions are not provided in this chapter or Title 19, their normal dictionary meaning will apply:

"Arbor Day/Week" means a day/week designated by the City to celebrate and acknowledge the importance of trees in the urban environment.

"Arboriculture" means the practice and study of the care of trees and other woody plants in the landscape.

"City" means the City of Milwaukie.

"City Engineer" means the city engineer of the City of Milwaukie or designee.

"City Manager" means the city manager or the city manager's authorized representative or designee.

"Council of Tree and Landscape Appraisers (CTLA)" means the publishers of the Guide for Plant Appraisal.

"Crown" means area of the tree above the ground, measured in mass, ~~or~~ volume, or area and including the trunk and branches.

"Cutting" means the felling or removal of a tree, or any procedure that naturally results in the death or substantial destruction of a tree. Cutting does not include normal trimming or pruning but does include topping of trees.

"DBH" means the diameter at breast height.

"Dead tree" means a tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, or branches exist to sustain life.

"Diameter at breast height" means the measurement of mature trees as measured at a height 4.5 feet above the mean ground level at the base of the tree. Trees existing on slopes are measured from the ground level on the lower side of the tree. If a tree splits into multiple trunks below 4.5 feet above ground level, the measurement is taken at its most narrow point below the split.

"Drip line" means the perimeter measured on the ground at the outermost crown by drawing an imaginary vertical line from the circumference of the crown, straight down to the ground below.

"Dying tree" means a tree that is diseased, infested by insects, deteriorating, or rotting, as determined by a professional certified in the appropriate field, and that cannot be saved by reasonable treatment or pruning, or a tree that must be removed to prevent the spread of infestation or disease to other trees.

"Hazardous tree" means a tree or tree part the condition or location of which presents a public safety hazard or an imminent danger of property damage as determined by an ISA Qualified Tree Risk Assessor, and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

"Invasive species" means a tree, shrub, or other woody vegetation that is on the Oregon State Noxious Weed List or listed on the City of Milwaukie Invasive Tree List in the Public Works Standards.

"ISA" means the International Society of Arboriculture.

"ISA Best Management Practices" means the guidelines established by ISA for arboricultural practices for use by arborists, tree workers, and the people who employ their services.

"Major tree pruning" means removal of over 20% of the live crown, or removal of or injury to over 15% of the root system during any 12-month period.

"Master Fee Schedule" is the schedule of City fees and charges adopted by City Council for the services provided by the City.

"Minor tree pruning" means the trimming or removal of less than 20% of any part of the branching structure of a tree in either the crown or trunk, or less than 10% of the root area during a 12-month period.

"NDA" means Neighborhood District Association.

"Noxious weed" means a terrestrial, aquatic, or marine plant designated by the State Weed Board under ORS 569.615.

"Owner" means any person who owns land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owner's written consent.

"Park tree" means a tree, shrub, or other woody vegetation within a City park.

"Person" means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit ~~means any individual, firm, association, corporation, agency, or organization of any kind~~.

"Planning ~~Director~~ Manager" means the planning ~~director~~ manager of the City of Milwaukie or designee.

"Public agency" means any public agency or public utility as defined in ORS 757.005, or a drainage district organized under ORS Chapter 547.

"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.

"Public Works Director" means the public works director of the City of Milwaukie or designee.

"Right-of-way" means ~~the area between boundary lines of a public way~~ means an area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public is usually in a tract or easement.

"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.

"Street tree" means a tree, shrub, or other woody vegetation on land within the right-of-way. When any portion of the trunk of a tree crosses a public right-of-way line at ground level, it is considered a street tree.

"Street Tree List" is the list of tree and shrub species approved by the City for planting within the right-of-way.

"Topping" means a pruning technique that cuts branches and/or the main stem of a tree to reduce its height or width.

"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.

"Tree Board" means the city of Milwaukie Tree Board.

"Tree Canopy" means the aggregate or collective tree crowns.

"Tree Fund" means the Tree Fund as created by this chapter.

"Tree removal" means the cutting or removal of 50% or more of the crown, trunk, or root system of a plant, the uprooting or severing of the main trunk of the tree, or any act that causes, or may reasonably be expected to cause the tree to die as determined by an ISA Certified Arborist.

"Urban forest" means the trees that exist within the City.

"Urban Forester" means the Urban Forester of the City of Milwaukie, or designee.

"Urban Forest Management Plan" is the management plan adopted by City Council for the management of the City's urban forest.

"Utility" is a public utility, business, or organization that supplies energy, gas, heat, steam, water, communications, or other services through or associated with telephone lines, cable service, and other telecommunication technologies, sewage disposal and treatment, and other operations for public service.

16.32.014 ADMINISTRATION.

A. The City Manager is authorized to administer and enforce the provisions of this chapter.

B. The City Manager is authorized to adopt procedures and forms to implement the provisions of this chapter.

C. The City Manager may delegate as needed any authority granted by this chapter to the Public Works Director, the Urban Forester, the Planning ~~Director~~ Manager, the City Engineer, or such other designee as deemed appropriate by the City Manager.

16.32.015 CREATION AND ESTABLISHMENT OF THE TREE BOARD

A. Tree Board Composition

The Tree Board will consist of seven members, at least five of which must be residents of the City, one must be an ISA Certified Arborist, and all seven must be appointed by the Mayor with approval of the City Council.

B. Term of Office

The term of the seven persons appointed by the Mayor will be three years except that the term of two of the members appointed to the initial Tree Board will serve a term of only one year, and two members of the initial Tree Board will be for two years. In the event that a vacancy occurs during the term of any member, their successor will be appointed for the unexpired portion of the term. Tree Board members will be limited to serving three consecutive terms.

C. Compensation

Members of the Tree Board will serve without compensation.

D. Duties and Responsibilities

The Tree Board will serve in an advisory capacity to the City Council. Its responsibilities include the following:

1. Study, investigate, develop, update, and help administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of the Urban Forest. The plan will be presented to the City Council for approval every five years and will constitute the official Urban Forestry Management Plan for the City;

2. Provide advice to City Council on policy and regulatory issues involving trees, including climate adaptation and mitigation efforts;

3. Provide outreach and education to the community on tree-related issues and concerns;

4. Organize and facilitate the City's tree planting events and other public events involving trees and Urban Forestry education;

5. Assist City staff in preparing recommendations regarding the application, membership, and ongoing participation by the City in the Tree City USA Program;

6. Provide leadership in planning the City's Arbor Day/Week proclamation and celebration; and

7. Provide recommendations to City Council on the allocation of funds from the Tree Fund.

The Tree Board, when requested by the City Council, will consider, investigate, make findings, report, and make recommendations on any special matter or question coming within the scope of its work.

E. Operation

The Tree Board will choose its own officers, make its own rules and regulations, and keep minutes of its proceedings. A majority of the members will constitute a quorum necessary for the transaction of business.

16.32.016 CREATION OF A TREE FUND

A. Establishment

A City Tree Fund is hereby established for the collection of any funds used for the purpose and intent set forth by this chapter.

B. Funding Sources

The following funding sources may be allocated to the Tree Fund:

1. Tree permit revenue;

2. Payments received in lieu of required and/or supplemental plantings;

3. Civil penalties collected pursuant to this chapter;

4. Agreed-upon restoration payments or settlements in lieu of penalties;

5. Sale of trees or wood from City property;

6. Donations and grants for tree purposes;

7. Sale of seedlings by the City; and

8. Other monies allocated by City Council.

C. Funding Purposes

The Tree Board will provide recommendations to the City Council during each budget cycle for how the fund will be allocated. The City will use the Tree Fund for the following purposes:

1. Expanding, maintaining, and preserving the urban forest within the City;
2. Planting and maintaining trees within the City;
3. Establishing a public tree nursery;
4. Supporting public education related to urban forestry;
5. Assessing urban forest canopy coverage; or
6. Any other purpose related to trees, woodland protection, and enhancement as determined by the City Council.

16.32.017 TREE PLANTING ON LAND OWNED OR MAINTAINED BY THE CITY AND WITHIN THE PUBLIC RIGHT-OF-WAY

A. Species

Any tree, shrub, or other woody vegetation to be planted on land owned or maintained by the City or within the public right-of-way must be a species listed on the Street Tree List unless otherwise approved by the Urban Forester.

B. Spacing, size and placement

The spacing, size, and placement of street trees, shrubs, and other woody vegetation must be in accordance with a permit issued by the City under this section. The City may approve special plantings designed or approved by a landscape architect, or for ecological restoration projects where trees are likely to be planted at a much higher density to mimic natural conditions in forest regeneration and account for expected mortality.

C. Permit

No person may plant a street tree without first obtaining a permit from the City. A permit application must be submitted in writing or electronically on a form provided by the City. This permit is at no cost.

16.32.018 STREET AND PUBLIC TREE CARE

The City will have the right to plant, prune, maintain and remove trees, shrubs, and other woody vegetation on land owned or maintained by the City and within the right-of-way as may be necessary to ensure public safety or that poses a risk to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infested with any injurious fungus, insect, or other pest as determined by the Urban Forester. Unless otherwise exempted in this chapter, the City must obtain a permit for any activities performed under this section.

16.32.019 TREE TOPPING

No person will top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or trees existing under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Urban Forester.

16.32.020 PRUNING, CORNER CLEARANCE

Subject to enforcement under MMC_12.12.010, any tree, shrub, or other woody vegetation overhanging any street or right-of-way within the City must be maintained by the owner to ensure that no vegetation obstructs the right-of-way.

16.32.021 DEAD OR DISEASED TREE REMOVAL ON PRIVATE LAND

The City may require the removal of any tree, shrub, or other woody vegetation that is dead, diseased, or infested and that poses a significant risk to the public or the urban forest as determined by the Urban Forester. The City or its agents will notify the owners of such trees in writing.

Removal under this section must be completed within the time period specified in the written notice unless extended in writing by the Urban Forester. The owner must notify the City in writing when the required removal has been completed. If the owner does not remove the dead, diseased, or infested vegetation within the time period specified in the notice or extension granted in writing by the Urban Forester, the City will have the right to remove the dead, diseased, or infested vegetation and charge the cost of removal to the owner pursuant to MMC Chapter 8.04. In cases where the owner demonstrates extreme financial hardship, the City Manager may grant a cost waiver in accordance with MMC 16.32.038.

16.32.022 REMOVAL OF STUMPS

All stumps of street trees must be removed by the adjacent property owner below the surface of the ground so that the top of the stump does not project above the surface of the ground.

16.32.023 INTERFERENCE WITH CITY

No person will prevent, delay, or interfere with the Urban Forester or designee while they are engaged in work activities including, but not limited to inspection of trees subject to the provisions of this chapter, planting, cultivating, mulching, pruning, spraying, or removing any street trees, park trees, or dead, diseased, or infested trees on private land, as authorized in this chapter.

16.32.024 ARBORISTS LICENSE

All businesses doing arboricultural work within the City must have a current business license with the City, and at least one staff member who is an ISA Certified Arborist. The Certified Arborist must be on site for the duration of any arboricultural work being performed and is responsible for certifying that all arboricultural work is performed in accordance with ISA Best Management Practices.

16.32.026 PERMIT FOR MAJOR PRUNING OR REMOVAL OF STREET TREES OR TREES ON LAND OWNED OR MAINTAINED BY THE CITY

A. Applicability

1. No person will perform major tree pruning or remove any tree in a public right-of-way or on public land, without first obtaining a permit issued by the City.

   a. For public trees, only the City, a public agency charged with maintaining the property, or a utility may submit a permit application.
   b. For street trees, the applicant must be the owner of the adjacent property, or be authorized in writing by the owner of the adjacent property, where the tree will be pruned or removed.
   c. No person can remove a street tree without first obtaining a permit from the City. Permit approval may be conditioned upon either replacement of the street tree with a tree listed on the Street Tree List or a requirement to pay to the City a fee as provided in the master fee schedule.

2. For trees on land owned or maintained by the City, this chapter will ~~shall~~ be applied in conjunction with any applicable standards in Title 19 Zoning.

B. Permit Review Process

1. Application

A permit application must be submitted in writing or electronically on a form provided by the City and be accompanied by the correct fee as established in the Master Fee Schedule.

2. Public Notice and Permit Meeting

Upon the filing of a permit application, the applicant must post notice of the major pruning or tree removal permit application on the property in a location that is clearly visible from the public right-of-way. The applicant must mark each tree, shrub, or other woody vegetation proposed for major pruning or removal by tying or attaching orange plastic tagging tape to the vegetation. The City will provide the applicant with at least one sign containing adequate notice for posting, tagging tape, and instructions for posting the notice. The notice must state the date of posting and that a major pruning or tree removal permit application has been filed for the vegetation marked by orange plastic tagging tape. The notice must state that any person may request a meeting with the City within 14 days from the date of posting to raise questions or concerns about the proposed pruning or tree removal prior to issuance of the permit.

If a meeting is requested, it must be held within 14 days of the request. The City will consider all concerns raised at the meeting but will have final decision-making authority over issuance of the permit based on the criteria and approval standards set forth in subsection C below.

3. Declaration

The applicant will file a declaration on a form provided by the City stating that notice has been posted and that the vegetation proposed for major pruning or removal has been marked.

Once a declaration is filed with the City, the City will provide notice of the application to the appropriate NDA.

4. Exemptions from Public Notice

The following trees, shrubs, or other woody vegetation may be removed without public notice subject to the City's review of the application:

a. A tree, shrub, or other woody vegetation that is considered an unreasonable risk to the occupants of the property, the adjacent property, or the general public as determined by an ISA Certified Arborist in accordance with current ISA Tree Risk Assessment standards.
b. A tree, shrub, or other woody vegetation that is an invasive species and that is less than 8 inches in diameter at breast height.
c. A street tree or public tree that is less than 2 inches in diameter at breast height.

C. Review Criteria and Approval Standards

The City may issue the permit, deny the permit, or may issue the permit subject to conditions of approval. The City's decision will be final and valid for a period of one

year after issuance unless a different time period is specified in the permit. Nothing prevents an application from requesting an amendment to an unexpired permit if the conditions and circumstances have changed.

1. Review Criteria

The City will not permit the major pruning or removal of a healthy, functioning Street Tree or Public Tree without a demonstration by the applicant that extraordinary circumstances exist. Maintenance or the replacement of sidewalks or curbs, removal of tree litter, or other minor inconveniences do not constitute extraordinary circumstances. Decisions regarding major pruning or removal of healthy, functioning Street Trees or Public Trees are fact-specific and are made on a case-by-case basis by the Urban Forester. In determining whether extraordinary circumstances exist that warrant the major pruning or removal of a healthy tree, the Urban Forester will consider:

a. Whether the species of tree is appropriate for its location,
b. Whether the species of tree is an invasive species;
c. Whether the crown, stem, or root growth has developed in a manner that would prevent continued healthy growth or is negatively impacting other trees;
d. Whether maintenance of the tree creates an unreasonable burden for the property owner; and
e. Whether the major pruning or removal will have a negative impact on the neighborhood streetscape and any adopted historic or other applicable design guidelines.

2. Approval Standards

A permit will be issued only if the following criteria are met as determined by the Urban Forester:

a. The proposed major pruning or tree removal will be performed according to current ISA Best Management Practices and an ISA Certified Arborist will be on site for the duration of the tree work.
b. The tree, shrub, or other woody vegetation proposed for major pruning or removal meets one or more of the following criteria:

(1) The tree, shrub, or other woody vegetation is dead or dying and cannot be saved as determined by an ISA Certified Arborist in accordance with ISA standards.
(2) The tree, shrub, or other woody vegetation is having an adverse effect on adjacent infrastructure that cannot be mitigated by pruning, reasonable alternative construction techniques, or accepted arboricultural practices.

(3) The tree, shrub, or other woody vegetation has sustained physical damage that will cause the vegetation to die or enter an advanced state of decline. The City may require additional documentation from an ISA Certified Arborist to demonstrate that this criterion is met.

(4) The tree, shrub, or other woody vegetation poses an unreasonable risk to the occupants of the property, the adjacent property, or the general public, as determined by an ISA Certified Arborist in accordance with current ISA Tree Risk Assessment standards.

(5) Major pruning or removal of the tree, shrub, or other woody vegetation is necessary to accommodate improvements in the right-of-way or on City-owned land, and it is not practicable to modify the proposed improvements to avoid major pruning or removal.

(6) The tree, shrub, or other woody vegetation is on the Oregon State Noxious Weed List.

(7) The tree, shrub, or other woody vegetation is part of a stormwater management system and has grown too large to remain an effective part of the system.

c. Any approval for the removal of a healthy tree, shrub, or other woody vegetation must require the applicant to pay a fee as established in the Master Fee Schedule.

D. Performance of Permitted Work

All work performed pursuant to a permit issued by the Urban Forester must be completed within the time period specified in the permit unless a different time period is authorized in writing by the Urban Forester.

E. Replanting

The City will require replanting as a condition of permit approval for the major pruning or removal of a street tree or public tree.

1. The replanted tree must be a species included on the Street Tree List unless otherwise approved by the Urban Forester.

2. The City will consider alternative planting locations for street trees when replanting at the location of removal conflicts with surrounding infrastructure and the interference would impair the replanted tree.

   a. For street trees, replanted trees must be planted within the right-of-way fronting the property for which the permit was issued or, subject to the approval of the Urban Forester and with permission in writing from the adjacent property owner, within the right-of-way fronting the adjacent property.

b. In lieu of replanting and subject to approval of the Urban Forester, the City can require the owner to pay a fee as established in the Master Fee Schedule.
c. For public trees, replanted trees must be planted on the land from which the tree was removed unless a different location is approved by the Urban Forester.

3. The optimal time of year for planting is from September through November. If planting is necessary in other months, the City may condition permit approval to require extra measures to ensure survival of the newly planted tree.

16.32.028 PROGRAMMATIC PERMITS

Programmatic permits may be issued by the Urban Forester for routine public facility or utility operation, planned repair and replacement, and on-going maintenance programs on public properties and rights-of-way. The purpose of a programmatic permit is to eliminate the need for individual permits for tree removal, pruning, or for ongoing activities that cover a wide geographic area and may include the pruning or removal of numerous public and street trees. Programmatic permits are evaluated to prevent cumulative adverse impacts to the urban forest and ensure that any permitted activities meet the goals and objectives of the Urban Forest Management Plan.

A. Application Requirements

Applications for programmatic permits must be submitted in writing or electronically on forms provided by the City and be accompanied by the correct fee.

B. Applicability

Programmatic permits may only be issued to a public agency or a utility as defined in this chapter.

C. Completeness

1. If the Urban Forester determines an application is incomplete, the Urban Forester will provide written notice to the applicant that describes the additional information needed.

2. The applicant must submit the additional information within 30 days from the date of the notice unless extended in writing by the Urban Forester.

3. If the applicant does not furnish the additional information within 30 days from the date of the notice or any extension granted in writing by the Urban Forester, the application will be denied.

D. Notice of Complete Application

When the Urban Forester determines that the application is complete, the Urban Forester must provide written notice that the application is complete to the applicant and the Tree Board. The notice must provide instructions for how to obtain additional information about the application, comment on the application, and request notification of the Urban Forester's decision.

E. Review Criteria

The Urban Forester may approve a programmatic permit upon a determination that the following criteria are satisfied or will be satisfied with conditions:

1. The proposed activity will result in a net gain to the urban forest functions and benefits described in the purpose statement in MMC 16.32.005 considering the applicant's proposed performance measures, proposed tree planting, and other activities proposed to improve the overall health of the urban forest.

2. The applicant's proposed outreach and notification program provides adequate notice to residents, businesses, and the City prior to performing work authorized under the programmatic permit.

F. Decision

The Urban Forester must issue the permit, deny the permit, or may issue the permit subject to conditions of approval within 120 days of determining the application is complete. The Urban Forester's decision will be final and, if approved, the permit will be valid for a period of up to two years. Nothing prevents an applicant from requesting an amendment to an unexpired permit if the conditions and circumstances have changed. The Urban Forester's decision will be based on an evaluation of the application against the applicable review criteria in MMC 16.32.028 F.

G. Permit

Approved permits must include the following required information. The Urban Forester may modify the permit at any time to respond to any questions, changes in regulations, or previously unforeseen issues, provided the applicant is notified in writing.

1. Duration. The Urban Forester may approve a programmatic permit for a period of up to 2 years;

2. Geographic area covered by the permit;

3. Permitted activities and any restrictions on the method, number, type, location, or timing of activities;

4. Procedures and thresholds for providing notice to residents, businesses, and the City impacted by the performance of work under the permit;

5. Monitoring, performance tracking, and reporting requirements. The Urban Forester may prescribe rules or procedures that specify the manner in which such tracking and reporting occur; and

6. Traffic control requirements.

7. Annual Report

   On the anniversary of permit issuance, the applicant must submit an annual report on a form supplied by the City detailing any work performed under the permit and any work scheduled to be performed.

8. Tree Size Limits
   a. The programmatic permit will not allow the removal of trees 6 or more inches in diameter, except as provided in this section.
   b. If an applicant requests removal of a healthy tree 6 or more inches in diameter at time of application or during the period in which the programmatic permit is in effect, an opportunity for public comment will ~~shall~~ be provided in accordance with MMC 16.32.026 B.2
   c. For any request, the Urban Forester may further limit allowed tree removal in order to meet the review criteria in MMC 16.32.028F.

9. Tree Work

All work performed under a programmatic permit must be performed in accordance with ISA arboricultural practices.

H. Revocation
   1. The Urban Forester may revoke a programmatic permit upon a determination that the applicant is not adhering to the terms of the permit or is acting beyond the activities authorized by permit.

16.32.030 PERMIT AND FEE EXEMPTIONS ON LAND OWNED OR MAINTAINED BY THE CITY AND WITHIN THE PUBLIC RIGHT-OF-WAY

A. Hazardous Tree

If a tree on public properties and rights-of-way is determined to be a hazardous tree by the Urban Forester, the City may issue an emergency removal permit. The removal must ~~shall~~ be in accordance with ISA best management practices, and be undertaken with the minimum necessary disturbance to eliminate the imminent danger.

B. Maintenance

A permit for trees on public properties and rights-of-way is not required for regular maintenance or minor tree pruning that does not require removal of over 20% of the crown, tree topping, or disturbance of more than 10% of the root system during any 12-month period.

C. Public Infrastructure Improvements

Any tree on land owned or maintained by the City and requires removal or pruning to accommodate a city public infrastructure improvement project will require a permit and must meet replanting requirements imposed by this chapter. If it is demonstrated that tree planting, establishment, and tree care-related project costs exceed the tree removal fee costs, the permit will not be subject to a removal fee.

D. Private Utility Services and Dwelling Units

If the Urban Forester determines that a tree, shrub, or other woody vegetation proposed for removal on public properties and rights-of-way has an adverse effect on adjacent private utility services or threatens the structural integrity of a dwelling unit that cannot be mitigated by pruning, reasonable alternative construction techniques, or accepted arboricultural practices, the permit will not be subject to a removal fee.

16.32.038 LOW INCOME ASSISTANCE

To the extent that City funds are available, the City Manager may grant a property owner an exemption or a reduction in permit fees, removal fees, replanting fees and/or may provide assistance in removing a dead or diseased tree within ~~in~~ the right of way and residential zones. Eligibility and extent of assistance will be based on a percentage of the property owner's median household income for the Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area. A schedule of different fee reduction and exemption will be determined by the City Manager.

16.32.040 PENALTY

A person who removes a street tree or public tree without first obtaining the necessary permit from the City, removes a tree in violation of an approved permit, or violates a condition of an approved permit must pay a fine in an amount established in the Master Fee Schedule. Any fine imposed under this section must not be less than the cost of the permit and the associated removal fee for which a permit should have been obtained.

16.32.042 TREE PRESERVATION AND PLANTING IN RESIDENTIAL ZONES

A. Applicability

The tree preservation and planting standards in this subsection apply to the following types of development in residential zones:

1. Land Divisions.

2. Construction of New Residential Dwelling Unit.

B. Clear and Objective Tree Preservation Standards

Trees are required to be preserved except when their removal is required for construction, demolition, grading, utilities, and other development impacts. Not more than 25 percent of onsite tree canopy maybe removed below the overall 40 percent site canopy coverage standard unless mitigation is provided according to MMC 16.32.042.D. Tree species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List are not to be included in the total canopy coverage calculations. Affordable housing developments that meet the exemption standards in MMC 3.60.050 (A)1 and 2 may remove up to 50% of the existing canopy below the 40 % site canopy coverage standard without mitigation. See Table 16.32.042 B1. Public right-of-way is not considered part of the development site for the purposes of these calculations.

Table 16.32.042 B1

Development Type	Standard	Allowable Reduction not requiring Mitigation	Remaining Site Canopy Coverage
Residential Developments	40% Site Canopy Coverage	25% below 40%	30%
Eligible Affordable Housing Developments	40% Site Canopy Coverage	50% below 40%	20%

Trees listed on the City of Milwaukie Rare or Threatened Tree List must be prioritized for preservation and will incur an additional fee if removed as listed on the Master Fee Schedule. When the trunk of a tree crosses a property line at ground level it is considered an onsite tree for the purposes of these tree preservation standards.

C. Clear and Objective Tree Canopy Standards

In addition to the preservation of onsite trees, at least 40 percent tree canopy is required for a development site unless mitigation is provided according to MMC 16.32.042.D. Public right-of-way is not considered part of the development site for the purposes of these calculations. Tree species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List are not to be included in the total canopy coverage calculations. The following is eligible for credit towards tree canopy requirements when planted or preserved in accordance with City of Milwaukie standards:

1. Seventy-five percent (75%) of the mature crown area of planted onsite trees from the City of Milwaukie Street Tree List or as otherwise approved by the Urban Forester.

2. Fifty percent (50%) of the mature crown area of planted street trees in the public right-of-way directly abutting the development site.

3. One hundred percent (100%) of the existing canopy or mature crown area of onsite trees that are preserved, whichever is greater. In cases where a portion of the crown area of onsite trees extends offsite, the entire crown area is eligible for credit towards the tree canopy requirements. In cases where a portion of the crown area of offsite trees extends onsite, the crown area is not eligible for credit towards the tree canopy requirements.

4. Fifty percent (50%) of the existing crown area of street trees that are preserved in the public right-of-way directly abutting the development site.

When the trunk of a tree crosses a property line at ground level it is considered an onsite tree except when the trunk crosses a public right-of-way line at ground level, it is considered a street tree for the purposes of these tree canopy standards.

D. Mitigation Standards

If the Tree Preservation and/or Tree Canopy Standards are not met, mitigation fees must be provided to the Tree Fund as follows:

1. The tree preservation fee in the Master Fee Schedule based on the percentage of canopy that if preserved would meet the minimum tree canopy preservation standard as shown in Table 16.32.042 B1.

2. The per-square foot tree canopy fee in the Master Fee Schedule based on the square footage of tree canopy that would be required to meet the 40 percent tree canopy standard.

E. Variance Procedure.

1. An applicant may apply for a variance to the tree preservation and/or tree canopy standards. An application for a variance will be heard and decided by the Planning Commission in accordance with the provisions of MMC 19.1006 (Type III review) according to MMC 19.911. The applicant is required to demonstrate that equivalent or greater environmental benefits are provided as preserving or planting the required tree canopy. Examples of activities that may justify a variance include but are not limited to:

a. Use of techniques that minimize hydrological impacts beyond regulatory requirements (examples include porous pavement, green roofs, infiltration planters/rain gardens, flow through planters, LIDA (low impact development approach) swales, vegetated filter strips, vegetated swales, extended dry basins, and constructed water quality wetlands).
b. Use of techniques that minimize reliance on fossil fuels and production of greenhouse gases beyond regulatory requirements through the use of energy efficient building technologies, on-site energy production technologies, and green buildings standards (MMC 19.510).
c. Use of techniques that preserve and enhance wildlife habitat beyond regulatory requirements, including, but not limited to, the use of native plant species in landscape design, removal of invasive plant species, and restoration of native habitat and preservation of habitat through the use of conservation easements or other protective instruments.
d. Use of techniques that preserve open space for sustainable urban agriculture through the use of conservation easements or other protective instruments at sites that are not compatible with tree canopy preservation or planting.

F. Tree Protection Standards

Trees to be retained must be protected from development impacts according to the standards in this subsection to be eligible for tree preservation and tree canopy credit. A tree protection plan prepared by an ISA certified arborist that demonstrates adequate protection of the trees to be preserved as determined by the Urban Forester is required. Tree protection methods and specifications must be consistent with ISA best management practices using either the following prescriptive path or performance path tree protection methods:

1. Prescriptive Path for Tree Protection.

a. Establish a root protection zone:

(1) For onsite trees and offsite trees with root protection zones that extend into the site - a minimum of 1-foot radius (measured horizontally away from the center of the tree trunk) for each inch of trunk diameter at breast height. Root protection zones for offsite trees may be estimated.

(2) For street trees – the Urban Forester may prescribe greater or lesser protection than required for onsite and offsite trees.

(3) Existing encroachments into the root protection zone, including structures, paved surfaces and utilities, may remain. New encroachments into the root protection zone are allowed provided:

(a) the area of all new encroachments is less than 25 percent (25%) of the remaining root protection zone area when existing encroachments are subtracted; and

(b) no new encroachment is closer than 1/2 the required radius distance (see Figure 16.32.042.F)

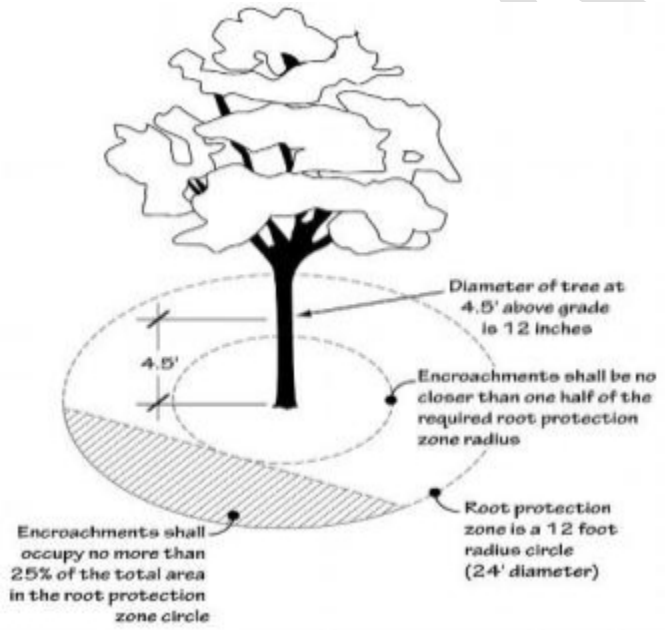


Figure 16.32.042.F – Example of Permissible RPZ Encroachments

b. Protection fencing:

(1) Protection fencing consisting of a minimum 4-foot high metal chain link or no-climb horse fence, secured with 6-foot metal posts must be established at the edge of the root protection zone and permissible encroachment area on the development site. Existing structures and/or existing secured fencing at least 3.5 feet tall can serve as the required protective fencing.

(2) When a root protection zone extends beyond the development site, protection fencing is not required to extend beyond the development site. Existing structures and/or existing secured fencing at least 3.5 feet tall can serve as the required protective fencing.

c. Signage designating the protection zone and penalties for violations must be secured in a prominent location on each protection fence.

d. Installation of landscaping is not an encroachment. Any in-ground irrigation systems are considered encroachments.

e. The following is prohibited within the root protection zone of each tree: ground disturbance or construction activity including vehicle or equipment access (but excluding access on existing streets or driveways), storage of equipment or materials including soil, temporary or permanent stockpiling, proposed buildings, impervious surfaces, underground utilities, excavation or fill, trenching or other work activities.

f. The fence is required to be installed before any ground disturbing activities or construction begins, including clearing and grading, and will remain in place until final inspection.

2. Performance Path for Tree Protection.

When the prescriptive path cannot be met for onsite trees as determined by the Urban Forester, the applicant may propose alternative measures to modify the prescriptive root protection zone, provided the following standards are met:

a. The alternative root protection zone plan is prepared by an ISA certified arborist who has examined the specific tree's size, location, and extent of root cover, evaluated the tree's tolerance to construction impacts based on its species and health, and identified any past impacts that have occurred within the root zone.

b. The arborist has prepared a plan providing the rationale used to demonstrate that the alternate method provides an adequate level of protection based on the findings from the site visit.

c. The protection zone is marked with signage, stating that penalties will apply for violations, and providing contact information for the arborist.

d. If the alternative tree protection method involves alternative construction techniques, an explanation of the techniques and materials used must be provided by the arborist.

e. Variances for the Tree Protection standard for offsite trees are prohibited.

G. Soil Volume Standards

Trees to be planted must be provided access to at least 1,000 cubic feet of soil volume according to the standards in this subsection to be eligible for tree canopy credit. A soil volume plan by an ISA certified arborist is required that demonstrates 1,000 cubic feet of soil volume is available per tree as determined by the Urban Forester or designee. Soil volume methods and specifications must be consistent with ISA best management practices using either the prescriptive path or performance path soil volume methods. The project arborist must verify with the Urban Forester in writing that the soil volume plan has been successfully implemented prior to tree planting.

1. Prescriptive Path for Soil Volume.

a. If the existing soils at the site and abutting sites are determined by the project arborist or Urban Forester to be adequate to support healthy tree growth to maturity based on factors including but not limited to compaction levels, drainage, fertility, pH, and potential contaminants, the existing soils may be used to meet the soil volume requirements.

b. The assumed soil depth will be 3 feet unless otherwise determined by the project arborist or Urban Forester.

c. A soil volume area of at least 333 square feet must be accessible to each tree when the assumed soil volume depth is 3 feet.

d. The soil volume areas must be contiguous and within a 50-foot radius of the tree to be planted. Contiguous soil volumes must be at least 3 feet wide for the entire area.

e. Trees may share the same soil volume area provided that all spacing requirements are met.

f. Soil volume areas must be protected from construction impacts through any combination of the following methods:

(1) Protection fencing:

(a) Fencing consisting of a minimum 4-foot high metal chain link or no-climb horse fence, secured with 6-foot metal posts established at the edge of the soil volume area on the development site. Existing secured fencing at least 3.5 feet tall can serve as the required protective fencing.

(b) When a soil volume area extends beyond the development site, protection fencing is not required to extend beyond the development site. Existing secured fencing at least 3.5 feet tall can serve as the required protective fencing.

(c) Signage designating the protection zone and penalties for violations must be secured in a prominent location on each protection fence.

(2) Compaction prevention options for encroachment into soil volume areas:

(a) Steel plates placed over the soil volume area.

(b) A 12-inch layer of coarse wood chips over geotextile fabric continuously maintained over the soil volume area.

(c) A 6-inch layer of crushed gravel over geotextile fabric continuously maintained over the soil volume area.

g. Soil contaminants are prohibited from the soil volume areas.

2. Performance Path for Soil Volume.

a. If the existing soils at the site and abutting sites are determined by the Urban Forester to be inadequate to support healthy tree growth to maturity based on factors such as compaction levels, drainage, fertility, pH, and potential contamination prior to or resulting from development, a performance path soil volume plan is required.

b. Soils in areas of construction access that do not receive compaction prevention treatment and soils in areas of grading, paving, and construction are considered inadequate for tree growth unless a performance path soil volume plan is provided.

c. The performance path soil volume plan is required to demonstrate the methods that will be used to provide at least 1,000 cubic feet of soil volume with the capacity to support healthy growth to maturity per tree to be planted.

d. The soil volume areas must be contiguous and within a 50-foot radius of the tree to be planted. Contiguous soil volumes must be at least 3 feet wide for the entire area.

e. Trees may share the same soil volume area provided that all spacing requirements are met.

f. The following items may be addressed in performance path soil volume plans but are dependent on specific site conditions and should be

verified on a project basis in coordination with other professionals such as civil and geotechnical engineers, landscape architects, and soil scientists as needed:

(1) Compaction Reduction
- (a) tilling
- (b) backhoe turning
- (c) subsoiling

(2) Soil Amendments
- (a) organic amendments
- (b) mineral amendments
- (c) biological amendments
- (d) chemical amendments

(3) Topsoil Replacement (when soil contamination or soil removal occurs)

(4) Soil Under Pavement
- (a) structural soil cells
- (b) structural tree soils
- (c) soil vaults
- (d) soils under suspended pavement

H. Submittal Requirements

An ISA certified arborist that is also tree risk assessment qualified (TRAQ) must demonstrate compliance with the applicable provisions of MMC 16.32.042.B through G. Other professionals such as engineers, landscape architects, soil scientists, and surveyors may assist the project arborist as needed in preparing the required information, but the arborist must organize, review, and approve the final product. The minimum submittal requirements include an inventory of existing trees, tree preservation plan, tree canopy plan, and arborist report with the following elements:

1. Tree Inventory Requirements

a. Survey the locations of all trees at least 6-inch DBH, and trees less than 6-inch DBH as specified on the City of Milwaukie rare or threatened tree list. Trees that must be surveyed include those that are onsite, within abutting public rights-of-way, and on abutting sites with root protection zones that extend into the site. The locations and information for trees on abutting sites may be estimated.

b. Number each tree for identification at the site and on the plans.

c. Identify the common name and scientific name of each tree.

d. Measure the DBH of each tree in inches according to accepted ISA standards.

e. Measure the approximate average crown radius of each tree in feet.

f. Provide the crown area of each tree using the formula: (crown radius)^2 x π.

g. Assess the health condition of each tree using the following categories:

(1) Good (no significant health issues)
(2) Fair (moderate health issues but likely viable for the foreseeable future)
(3) Poor (significant health issues and likely in decline)
(4) Very Poor or Dead (in severe decline or dead)

h. Identify whether the tree is on the Milwaukie Rare or Threatened Tree List.

i. Identify whether the tree is proposed for removal or retained.

j. Organize the tree inventory information in a table or other format approved in writing by the Urban Forester.

2. Tree Preservation Plan Requirements

a. Provide a site plan drawn to scale.

b. Include the existing tree locations and corresponding tree numbers from the tree inventory.

c. Identify rare or threatened trees as described in the City of Milwaukie rare or threatened tree list.

d. Identify the following site disturbances:

(1) Demolition
(2) Tree removal
(3) Staging, storage, and construction access
(4) Grading and filling
(5) Paving
(6) Construction of structures, foundations, and walls
(7) Utility construction
(8) Trenching and boring
(9) Excavation
(10) Any other demolition or construction activities that could result in ground disturbances and/or tree damage

e. Locate tree and soil protection fencing to scale.

f. Locate soil compaction prevention methods to scale.

g. Identify performance path tree protection and soil volume areas.

h. Include tree and soil volume protection specifications from the arborist report on the plans including a detail and description of tree and soil volume protection fencing and signage.

i. The elements of the tree preservation plan may be included on multiple plan sheets for clarity.

j. The final approved set of construction drawings must include the tree preservation plan to ensure contractors, inspectors, and other professionals have access to the information.

3. Tree Canopy Plan

a. Provide a site plan drawn to scale.

b. Include the existing trees to be retained and their crown areas to scale.

c. Include the trees to be planted and their mature crown areas to scale based on the City of Milwaukie tree canopy list.

d. Identify the soil volume areas for each tree to be planted to scale.

e. For performance path soil volume areas, identify the methods and specifications as applicable for:

(1) Compaction Reduction;
(2) Soil Amendments;
(3) Topsoil Replacement; and/or
(4) Soil Under Pavement

f. Include a diagram depicting the tree planting that is consistent with ISA best management practices.

g. The minimum size of planted trees is 1.5-inch caliper for broadleaf trees and 5-foot tall for conifers unless otherwise approved by the Urban Forester. Nursery stock must be in good health with the size and quality consistent with ISA best management practices and ANSI Z60.1 standards.

h. The minimum spacing and setback requirements in Table 16.32.042.H must be met based on the mature size class of the tree from the City of Milwaukie tree canopy list unless otherwise approved by the Urban Forester:

Table 16.32.042.H

Spacing/Setback	**Small Stature**	**Medium Stature**	**Large Stature**
between existing and new trees	15 feet	25 feet	35 feet
from habitable buildings	10 feet	15 feet	20 feet
from pavement	2 feet	3 feet	4 feet

i. Root barriers must be installed according to the manufacturer's specifications when a tree is planted within 5 feet of pavement or an underground utility box unless otherwise approved by the Urban Forester.

j. Where there are overhead high voltage utility lines, the tree species selected must be of a type that, at full maturity, will not require pruning to avoid interference with the lines.

k. Where there is existing mature tree canopy or other areas with significant shade, the species selected must be capable of growing as an understory tree according to available scientific literature. However, understory trees can only be planted when the planting of non-understory trees is precluded due to site constraints.

l. The elements of the tree canopy plan may be included on multiple plan sheets for clarity.

m. The final approved set of construction drawings must include the tree canopy plan to ensure contractors, inspectors, and other professionals have access to the information.

4. Arborist Report

a. Provide a written narrative that summarizes the information from the tree inventory, tree preservation plan, and tree canopy plan.

b. Provide findings and calculations that demonstrate whether the tree preservation standards in MMC 16.32.042.B have been met.

c. Provide findings and calculations that demonstrate whether the tree canopy standards in MMC 16.32.042.C have been met.

d. If the tree preservation and/or tree canopy standards have not been met, provide calculations for the applicable tree mitigation fees as required by MMC 16.32.042.D.

e. If the applicant is seeking a variance to the tree preservation and/or tree canopy standards in place of providing mitigation fees, provide findings that demonstrate the proposal provides equivalent or greater environmental benefits as preserving or planting the required tree canopy consistent as required by MMC 16.32.042.E.

f. Provide findings that demonstrate compliance with the tree protection standards in MMC 16.32.042.F.

g. Provide findings that demonstrate compliance with the soil volume standards in MMC 16.32.042.G.

I. Non-Development Tree Permit Requirements

1. Applicability: A permit is required prior to the removal of the following trees in residential zones on property that is outside the right-of-way and not owned or maintained by the City:

a. Trees that are at least 6-inch DBH.

b. Trees that are less than 6-inch DBH as specified on the City of Milwaukie threatened tree list.

c. Trees that were planted to meet any requirements in MMC 16.32.042.

Permits are not required in residential zones when tree removal is approved with development listed in MMC 16.32.042.A. Permits are also not required in residential zones for the removal of trees that are grown for commercial agricultural or horticultural purposes including fruit trees, nut trees, or holiday trees.

2. Type 1 Tree Removal Permit: The following approval standards will be applied to type 1 tree removal permits by the Urban Forester:

a. Approval Standards: A type 1 permit will be issued only if the following criteria are met as determined by the Urban Forester:

(1) The proposed tree removal will be performed according to current ISA Best Management Practices.

(2) The tree proposed for removal meets one or more of the following criteria:

(a) The tree is dead or dying and cannot be saved as determined by an ISA Certified Arborist in accordance with ISA standards.

(b) The tree is having an adverse effect on adjacent infrastructure or buildings that cannot be mitigated by pruning, reasonable alternative construction techniques, or accepted arboricultural practices.

(c) The tree has sustained physical damage that will cause it to die or enter an advanced state of decline. The City may require additional documentation from an ISA Certified Arborist to demonstrate that this criterion is met.

(d) The tree poses an unreasonable risk to the occupants of the property, the adjacent property, or the general public, as determined by an ISA Certified Arborist in accordance with current ISA tree risk assessment standards.

(e) The tree is on the Oregon State Noxious Weed List or the Milwaukie Invasive Tree List.

(f) The tree is part of a stormwater management system and has grown too large to remain an effective part of the system.

(g) The tree location conflicts with areas of public street widening, construction or extension as shown in the Transportation System Plan and there is no practicable alternative to removing the tree.

(h) Tree removal is required for the purposes of a building or land use permit, utility or infrastructure installation or utility or infrastructure repair and there is no practicable alternative to removing the tree.

(i) The tree is recommended for removal by a designated fire marshal for Clackamas County because it presents a significant fire risk to habitable structures or limits emergency access for rescue workers, and the risk or access issue cannot be abated through pruning or other means that results in tree retention.

(j) An ISA certified arborist determines that thinning of interior trees within a stand of trees is necessary for overall stand health, the thinning will result in no less than 80 percent canopy cover at maturity for the area to be thinned, and that thinning of non-native trees is maximized prior to thinning of native trees.

(k) Healthy trees. One (1) healthy tree may be removed per site per calendar year if the tree meets the following:

i. The tree is less than 12 inches in diameter;

ii. None of the trees are required to be preserved by a condition of a land use review, q provision of this chapter or Title 19, or as part of a required stormwater facility;

(3) Unless removed for thinning purposes (MMC 16.32.042.I.2.a.j) the Urban Forester will condition the removal of each tree upon the planting of a replacement tree as follows:

(a) The minimum size of replacement trees is 1.5-inch caliper for broadleaf trees and 5-foot tall for conifers unless otherwise approved by the Urban Forester. Nursery stock

must be in good health with the size and quality consistent with ISA best management practices and ANSI Z60.1 standards.

(b) Replacement trees must be planted in a manner consistent with ISA best management practices. (c) The replacement tree must substantively replace the function and values of the tree that was removed wherever practicable. For example, a long-lived evergreen native tree that abuts a Natural Resources Overlay Zone must be replaced with a long-lived evergreen native tree that abuts a Natural Resources Overlay Zone.

(d) If planting a replacement tree is not practicable, the Urban Forester may allow a tree replacement fee in lieu according to the Master Fee Schedule based on the cost of planting and maintaining a replacement tree for three years.

3. Type 2 Tree Removal Permit: A type 2 tree removal permit may be approved by the Urban Forester if the type 1 tree removal approval standards cannot be met. The type 2 process is more discretionary than the type 1 process and may consider a range of options for approving, approving with conditions, or denying a tree removal permit application.

a. Review criteria: The City encourages retention of healthy private trees where practical alternatives to removal exist, and where those alternatives meet the owner's objectives for reasonable use and enjoyment of the property. Factors are considered to ensure that significant adverse impacts are avoided or mitigated, weighing the broader economic, ecological, and community concerns. These decisions are fact-specific and are made on a case-by-case basis. The City will not issue a type 2 permit for the removal of a healthy, functioning tree without a demonstration by the applicant that extraordinary circumstances exist. Maintenance or the replacement of pavement, removal of tree litter, or other minor inconveniences do not constitute extraordinary circumstances. Decisions regarding removal of healthy, functioning trees are fact-specific and are made on a case-by-case basis by the Urban Forester. In determining whether extraordinary circumstances exist that warrant the major pruning or removal of a healthy tree, the Urban Forester will consider:

(1) Whether the species of tree is appropriate for its location;

(2) Whether the species of tree is an invasive species;

(3) Whether the crown, stem, or root growth has developed in a manner that would prevent continued healthy growth or is negatively impacting other trees;

(4) Whether maintenance of the tree creates an unreasonable burden for the property owner; and

(5) Whether the removal will significantly affect public safety or neighborhood character based on the following:

(a) The age, size, form, general condition, pruning history and any unique qualities or attributes of the trees;

(b) The cumulative impacts of current and prior tree removals in the area; and

(c) When the tree is associated with a grove, whether removal of the tree will have a significant adverse impact on the viability of other trees or make other trees considerably more vulnerable to windthrow.

b. Approval Standards: The Urban Forester will at a minimum condition the removal of tree based on MMC 16.32.042 I.2.a.(3) and the Urban Forester may require up to an equivalent number of inches be planted for the total diameter inches of the tree being removed if the tree is greater than 18" DBH.

4. Applications: An application for a tree removal permit must be made upon forms prescribed by the City and contain the following:

a. Photograph(s) that clearly identify the tree(s) proposed for removal.

b. The number, DBH, species, and location of the trees proposed to be cut on a site plan of the property drawn to scale.

c. Information as to whether the tree is within a Habitat Conservation Area overlay district or is part of an approved landscape or mitigation plan.

d. Any additional information required by the City.

e. An application for a tree cutting permit must be accompanied by the correct fee as established in the Master Fee Schedule.

5. Application Procedures Type 1 Tree Removal Permit: Type 1 permits are technical determinations regarding the facts of a particular request, and applications of city standards to ensure that work is performed in accordance with best management practices to protect trees, the public, or public infrastructure, and to ensure appropriate tree replacement. Type 1 permits are reviewed administratively by the Urban Forester without public notice, and the decision may be appealed to the City Manager by the applicant.

a. Application Procedures Type 1 Tree Removal Permit.

(1) Applications for a Type 1 Tree Removal Permit must meet the requirements of Section MMC 16.32.042. I.4.

(2) Additional information required.

(a) If the Urban Forester requires additional information to review an application, the Urban Forester will send a notice to the applicant requesting the additional information.

(b) The applicant will have a maximum of 30 days from the date of the Urban Forester's notice to submit the additional information.

(c) If the additional information is not received by the Urban Forester within 30 days from the date of the Urban Forester's notice, the application will be voided on the 31st day. The City will not refund the filing fee.

b. Decision by the Urban Forester.

(1) The Urban Forester's decision will be based on an evaluation of the facts and applicable standards and review criteria in MMC 16.32.042 I.2.a.

(2) The Urban Forester may issue the permit, deny the permit, or may apply conditions of approval to the permit to ensure the request complies with the applicable review criteria and standards.

(3) Any work done under a permit must be performed in strict accordance with the terms and provisions of this chapter and conditions of approval of the permit.

(4) The Urban Forester must notify the applicant of the decision in writing.

(5) If no appeal is filed as specified in subsection 7, the decision of the Urban Forester is final.

6. Application Procedures Type 2 Tree Removal Permit: Type 2 Tree Removal permits involve the consideration of relevant technical and qualitative factors to prevent risks to public health and safety and to ensure that the impacts of tree removal are mitigated and may require public notice as set forth below. Type 2 permits are reviewed administratively by the Urban Forester, and the decision may be appealed to the City Manager by the applicant.

a. Application.

(1) Generally. Applications for a Type 2 Tree Removal Permit must meet the requirements of Section 16,32.042. I.4.

(2) Additional information required:

(a) If the Urban Forester requires additional information to review an application, the Urban Forester will send a notice to the applicant requesting the additional information.

(b) The applicant will have a maximum of 30 days from the date of the Urban Forester's notice to submit the additional information.

(c) If the additional information is not received by the Urban Forester within 30 days from the date of the Urban Forester's notice, the application will be voided on the 31st day. The City will not refund the filing fee.

(d) Public notice is required if the tree is healthy and larger than 12 inches in diameter.

b. Decision by the Urban Forester.

(1) The Urban Forester's decision must be based on an evaluation of the facts and applicable standards and review factors in MMC 16.32.042 I.3.

(2) The Urban Forester may issue the permit, deny the permit, or may apply conditions of approval to the permit to ensure the request complies with the applicable review factors and standards.

(3) Any work done under a permit must be performed in strict accordance with the terms and provisions of this chapter and conditions of approval of the permit.

(4The Urban Forester must notify the applicant of the decision in writing.

(5). If no appeal is filed as specified in subsection 7. below, the decision of the Urban Forester is final.

c. Appeal. The applicant may appeal the Urban Forester's decision. Appeals must be:

(1) Filed with the Urban Forester on forms prescribed by the City;

(2) Filed within 14 days from the date of the Urban Forester's decision; and

(3) Specifically identify how the Urban Forester erred in applying the standards or review criteria.

(4) Appeals are heard by the City Manager.

(5) The City Manager will consider the application against the applicable standards or review criteria, taking into consideration information provided by the applicant and City staff.

(5) The City Manager may affirm or reverse the Urban Forester's decision or remand the decision to the Urban Forester to determine appropriate mitigation.

(6) The appeal decision of the City Manager is final and may not be appealed to another review body within the City.

J. Enforcement

1. City Authority: The City has the ultimate authority to:

a. Interpret the provisions of MMC 16.32.042 and determine whether code criteria have been met.

b. Establish conditions of permit and land use approval to ensure MMC 16.32.042 is properly implemented.

c. Create rules and procedures as needed to implement MMC 16.32.042. Rules and procedures may include but are not limited to:

(1) City of Milwaukie tree lists.
(2) Tree protection standards, specifications, and procedures.
(3) Tree planting standards, specifications, and procedures.
(4) Tree establishment and maintenance standards, specifications, and procedures.
(5) Performance bonding, letters of credit, and cash assurances to help ensure proper tree protection, planting, and establishment.
(6) Tree protection inspections and oversight.
(7) Soil protection inspections and oversight.
(8) Performance path tree protection standards and specifications.
(9) Performance path soil volume standards and specifications.
(10) Fees for permit applications, reviews, mitigation, inspections, and violations.

2. Penalties: The following penalties may apply to violations of the provisions of MMC 16.32.042:

a. The penalty for illegal tree removal must not be less than the amount established in the Master Fee Schedule and up to the appraised value of the illegally removed tree as determined by an ISA certified arborist plus the arborist's reasonable appraisal fee.

b. Topping, pruning, or otherwise inflicting willful and negligent damage to a tree crown or roots in a manner that is inconsistent with ISA best management practices:

(1) Up to the amount established in the Master Fee Schedule or up to the appraised loss in value of the illegally topped or pruned tree as determined by an ISA certified arborist plus the arborist's reasonable appraisal fee.

(2) Restoration of the tree crown, trunk, or root system as prescribed by an ISA certified arborist and approved by the Urban Forester.

c. Tree protection zone violations:

(1) Up to the amount established in the Master Fee Schedule.

(2) Restoration of the tree protection zone as prescribed by an ISA certified arborist and approved by the Urban Forester.

d. Evidence of Violation.

(1) If a tree is removed without a type 1 or 2 tree removal permit, a violation will be determined by measuring the stump. A stump that is eight (8) caliper inches or more in diameter will be considered prima facie evidence of a violation of this chapter.

(2) Removal of the stump of a tree removed without a tree removal permit is a violation of this chapter.

(3) Proof of violation of this chapter will be deemed prima facie evidence that such violation is that of the owner of the property upon which the violation was committed.

DRAFT

Comp Plan Implementation Project - Public Outreach tracking

Date	Activity	Notes
7/30/2020	CP Imp email subscription created	https://www.milwaukieoregon.gov/subscribe
	CP Imp project website	https://www.milwaukieoregon.gov/planning/comprehensive-plan-implementation
	Worksessions	
9/15/2020	City Council	https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-262
10/27/2020	Planning Commission	https://www.milwaukieoregon.gov/bc-pc/planning-commission-61
11/24/2020	Planning Commission	https://www.milwaukieoregon.gov/bc-pc/planning-commission-63
12/1/2020	City Council	https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-289
1/12/2021	Planning Commission	https://www.milwaukieoregon.gov/bc-pc/planning-commission-meeting
1/19/2021	City Council	https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-269
2/16/2021	Council (cancelled but packet posted)	https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-271
3/23/2021	Planning Commission	https://www.milwaukieoregon.gov/bc-pc/planning-commission-69
4/6/2020	City Council	https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-274
4/20/2021	City Council	https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-275
4/27/2021	Planning Commission	https://www.milwaukieoregon.gov/bc-pc/planning-commission-71
5/11/2021	City Council	https://www.milwaukieoregon.gov/citycouncil/city-council-study-session-117
5/25/2021	Planning Commission	https://www.milwaukieoregon.gov/bc-pc/planning-commission-73
6/8/2021	Planning Commission	https://www.milwaukieoregon.gov/bc-pc/planning-commission-74
6/15/2021	City Council	https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-279
8/5/2021	Planning Commission	https://www.milwaukieoregon.gov/bc-pc/planning-commission-special-meeting
8/10/2021	Planning Commission	https://www.milwaukieoregon.gov/bc-pc/planning-commission-78
8/24/2021	Planning Commission	https://www.milwaukieoregon.gov/bc-pc/planning-commission-82
	Pilot Articles	https://www.milwaukieoregon.gov/citymanager/city-newsletter-pilot
	Sep-20	
	Nov-20	
	Dec-20	
	Feb-21	
	Mar-21	
	Apr-21	
	May-21	
	Jun-21	
	Jul-21	
	Aug-21	
	Oct-21	
Nov 12 - 29, 2020	**Open House #1**	https://engage.milwaukieoregon.gov/
	Email blasts (x2) to: all boards and committees; project email list; comprehensive plan email list; NCSD; El Puente; MHS; Rowe Middle School	

	Printed packets distributed to: Ledding Library; Hillside Park; Wichita Center (English and Spanish)	
	Bookmarks provided at Ledding Library	
	Engage Milwaukie site: English and Spanish	
	Pilot Article	
	Social media posts	
March 22 - April 15, 2021	**Open House #2**	https://engage.milwaukieoregon.gov/
	Email blasts (x2) to: all boards and committees; project email list; comprehensive plan email list; NCSD; El Puente; MHS; Rowe Middle School; Axeltree Apts; Waverley Greens; Hillside Park; Northwest Housing	
	Email to Engage Milwaukie subscription list	
	BIPOC email (x2)	
	Spanish language group email (x2)	
	Presentations to all NDAs - meeting in a box	
4/8/2021	Open presentation to general public	
4/1/2021	BIPOC meeting in a box	
3/31/21 and 4/14/2021	Spanish language meeting in a box	
	Social media posts	
3/17/2021	Milwaukie Leadership Academy meeting in a box	
3/9/2021	City staff/residents meeting in a box	
Opened on June 25	**Open House #3**	https://engage.milwaukieoregon.gov/
	High level summary of proposed amendments	
	Comment box left open	
	Staff responses as needed	
	Email blasts (x2) to: all boards and committees; project email list; comprehensive plan email list; NCSD; El Puente; MHS; Rowe Middle School; Axeltree Apts; Waverley Greens; Hillside Park; Northwest Housing	
	Email to Engage Milwaukie subscription list	
	BIPOC email	
	Spanish language group email	
	City social media posts	
	Emails to NDAs	
	CPIC meetings x10	https://www.milwaukieoregon.gov/planning/comprehensive-plan-advisory-committee-cpic
	Meeting packets posted 7 days in advance	
	Notices sent to project email list	
	Meeting videos posted	

	Powerpoint presentations posted	
	Meeting notes posted	
	Breakout groups included public	
	Tree Board	https://www.milwaukieoregon.gov/bc-tb
2/4/21; 2/24/21; 3/17/21; 4/21/21; 5/12/21; 5/19/21	Meetings to discuss proposed tree code	
	35-day Notice	https://www.milwaukieoregon.gov/planning/za-2021-002
8/31/2021	Required notice sent to Metro and DLCD	
	Code and code commentary posted on city website. Email blast and Engage Milwaukie site updated with all information for October 12 public hearing	
	Postcard	
9/14/2021	Postcard in English and Spanish mailed to all residential and business addresses in the city with information on how to get information about the code amendments, the October 12 public hearing, and how to provide comments.	
	Milwaukie Rotary	
9/28/2021	Staff presentation regarding code amendments and October 12 public hearing	
	Measure 56 Notice - Tree Code	
10/6/2021	Measure 56 notice related to the proposed tree code mailed to all residential addresses 20 days prior to October 26 public hearing.	

Project Memorandum

July 29, 2021

To: Milwaukie Comprehensive Plan Implementation Project Management Team

From: Kimi Sloop, Barney & Worth, Inc.

Re: Milwaukie Comprehensive Plan Implementation Public Engagement Summary

As part of the Comprehensive Plan Implementation Project Phase 1 process, a robust public engagement process was established to include all members in the Milwaukie community in the process. The following is a summary of the project's community engagement goals and strategies implemented to address those goals.

Project Community Engagement Goals

At the beginning of the project, community engagement goals for the project were established. The goals included:

- Creating opportunities for as wide a reach of engagement as possible given the schedule and budget limitations.
- Making a concerted effort to engage historically under-represented communities. To quantify this goal, the project targeted having participation in the community surveys being approximately equivalent to the overall demographics in the city of Milwaukie.
- Focusing communications and seeking input in no-contact techniques while reaching out to multiple groups in smaller venues (via Zoom), rather than holding large city-wide open house events due to Covid.
- Communicating information in a way that people can provide meaningful input on the complex issues, such as by breaking down topics into understandable pieces and using visual images and examples to illustrate different policy concepts.
- Having a transparent and inclusive process that seeks both to educate and provide opportunities for input.
- Providing an open and welcoming process, with emphasis placed on using inclusive language in conversations, materials and plan and policy recommendations.
- Documenting public input and responding to individual comments.

Communication Activities & Tools

With the project goals in mind, various strategies were used to engage the public throughout the project, including:

- Project webpages (City of Milwaukie and Engage Milwaukie)
- Pilot newsletter articles
- Comprehensive Plan Implementation Committee (CPIC)
- Stakeholder interviews
- Virtual open houses, with accompanying community surveys
- Neighborhood District Association (NDA) presentations
- Small group discussions (in both Spanish and English)
- Planning Commission updates

Project Webpages

Information about the project was available on both the City of Milwaukie's website and at Engage Milwaukie, the City of Milwaukie's online engagement platform.

General project information was available on the City's website (https://www.milwaukieoregon.gov/planning/comprehensive-plan-implementation), including project background, CPIC meeting information, summaries of the open houses, and contact information.

Engage Milwaukie (https://engage.milwaukieoregon.gov/comprehensive-plan-implementation) was utilized for the virtual open houses, community surveys, and to provide a forum for ongoing feedback. When the community surveys were closed, Engage Milwaukie also maintained the information from the open houses to be accessed by the public as desired. After registering, the public could comment on the project at any time during the process. Comments provided on Engage Milwaukie were included in the open house and community survey summaries.

Pilot Newsletter

Articles about the project were included monthly in the Pilot Newsletter, distributed to all residents within the City of Milwaukie. Articles provided background information about the project, informed people of upcoming opportunities for public input and provided updates of key project milestones.

Comprehensive Plan Implementation Committee (CPIC)

The city appointed a Comprehensive Plan Implementation Committee (CPIC) in the spring of 2020 to provide feedback on the zoning code and map amendments. The 18-member committee (13 community members and five planning commissioners/City Councilors) offered feedback on code concepts, and ensured that the diverse interests of the Milwaukie community were reflected in the code and map amendments, while also adhering to the state's requirements. The

CPIC met 10 times from June 2020 through July 2021. Their input was incorporated into the draft code amendments that were brought before the Planning Commission for review.

CPIC members included:

- Joel Bergman
- Matthew Bibeau
- Jennifer Dillan
- Celestina DiMauro
- Daniel Eisenbeis
- Ada Gonzalez
- Sharon Johnson
- Stephan Lashbrook
- Micah Meskel
- Renee Moog
- Dominique Rossi
- Eugene Zaharie
- Nicole Zdeb
- Joseph Edge, Planning Commissioner
- Lauren Loosveldt, Planning Commissioner - Alternate
- Lisa Batey, City Councilor
- Mark Gamba, City Mayor - Alternate
- Angel Falconer, City Councilor – Alternate

Stakeholder Interviews

In October 2020, project team members conducted interviews with 32 Milwaukie stakeholders. The purpose of the interviews was to seek input on key livability issues and perspectives on housing, parking and tree preservation. The stakeholders included Milwaukie residents, housing advocates, housing developers, NDA chairs, City Councilors, and members of the Milwaukie community with ties to those who are historically under-represented in public processes. A summary of the stakeholder interviews is provided in Appendix A.

Virtual Open Houses, with Accompanying Community Surveys

Due to COVID restrictions, no in-person outreach events occurred. Engage Milwaukie, the digital community engagement platform used by the City of Milwaukie, was used to provide

three opportunities for the public to engage with the process virtually. Information provided at the open houses were translated into Spanish and paper copies of materials were available upon request.

The public was notified of the open house events via social media, project email list, bookmarks at Ledding Library, direct emails to city committee members, and Pilot newsletter.

Open house #1: Fall 2020

The first virtual open house and community survey was available from November 12 through November 29, 2020. The purpose of the first open house was to educate the public about the project, including the policy mandates guiding the project, and to seek input on the community's preferences. As part of the open house, participants could provide open-ended comments on each topic and/or could participate in the community survey. The survey sought input on the priorities of the Milwaukie community related to housing, trees and parking.

Ninety-three people provided feedback through the community survey. Approximately one-third of the responses came from people living in the Ardenwald-Johnson Creek neighborhood. Approximately 89% of the respondents self-identified as Caucasian, 5% as people of color and 9% as other.

Feedback from the first open house, in conjunction with CPIC input, was used to develop project values and identify priorities and preferences for the code concepts regarding housing, parking and tree preservation.

A summary of the community survey results is provided in Appendix B.

Open house #2: Spring 2021

The virtual open house was available from March 22 through April 15, 2021. The second open house provided code concepts for public review and comment. Concepts explored included parking locations, tree requirements and priorities related to the design of middle housing. A community survey asked for feedback on specific scenarios for parking location and the number of parking spaces, and building form. Questions also sought to gain insight on preferences for site design and code flexibility.

There were 121 completed surveys and 149 people either provided comments and/or completed the survey. The neighborhoods best represented by the survey responses included Ardenwald-Johnson Creek, and Lake Road. Approximately 84% of the respondents self-identified as Caucasian, 12% as people of color and 3% as other.

Feedback from the second open house, in conjunction with CPIC input, was used to refine the code concepts and create draft code amendments.

A summary of the community survey results is provided in Appendix C.

Open house #3: Spring 2021

A third open house, available starting June 25, 2021 and staying open throughout the adoption process, presented the draft code amendments for public review and comment. Open house participants could either provide feedback through comments on Engage Milwaukie or by emailing the City's project manager. The open house also laid out the code amendment adoption process and identified how the public can provide public testimony during the process.

Neighborhood District Association (NDA) Presentations

Throughout the process, City planning staff provided project updates at Neighborhood District Association (NDA) meetings. In an effort to encourage as many people as possible to participate in the second open house and take the survey, city staff facilitated virtual discussions with each NDA at their regular monthly meetings in March and April, 2021.

Small Group Discussions

In an effort to increase participation from a diverse cross-section of the Milwaukie community, City planning staff held virtual meetings advertised to target audiences.

Spanish language small group meeting

On April 14, 2021, city staff and a professional Spanish language interpreter facilitated a virtual small group discussion for people who preferred to engage in Spanish. The meeting included a PowerPoint presentation (in Spanish) that summarized the project goals and processes, and the entire discussion was held in Spanish, with city staff providing answers to questions in English, which were then translated into Spanish. Twelve people participated in the meeting, including a member of CPIC.

Black, Indigenous, people of color (BIPOC) small group meeting

On April 1, 2021 city staff, including the city's Equity Manager, facilitated a virtual small group discussion for BIPOC community members. The meeting included a PowerPoint presentation that summarized the project goals and processes as part of a larger open discussion. Three people participated in the meeting.

In addition, City planning staff facilitated an open meeting via Zoom advertised on Nextdoor and the city's Facebook and Instagram sites.

Feedback from these small group discussions were incorporated into the draft code amendments.

Planning Commission and City Council Updates

Throughout the process, City planning staff provided updates on the project, project and code concepts to the Milwaukie Planning Commission and City Council.

Milwaukie Comprehensive Plan Implementation Project Phase 1

Stakeholder Interview Summary

Introduction

In October 2020, project team members conducted interviews with 32 Milwaukie stakeholders. The purpose of the interviews was to seek input on key livability issues and perspectives on housing, parking and tree preservation. The key themes are summarized below.

Key Themes

1. People genuinely love the neighborhoods in Milwaukie. They shared more positives than negatives, and focused on the sense of community, scale and form of development and quality of life.

   Positives: "quiet, friendly neighborhood" "privacy that comes with bigger lots" "peaceful, close to the school" "I know most of the neighbors" "close knit" "good access to downtown, natural areas, river" "walkable"

   Negatives: "not walkable" "not a lot of diversity" "feels a bit insular" "on-street parking" "trees being cut down" "cookie-cutter housing"

2. There is a general understanding and acceptance of the benefits of integrating middle housing into Milwaukie's neighborhoods.

   "increases density" "rents could be lower" "diversity of people, backgrounds and cultures" "younger generations moving in" "more inclusive" "more opportunities for folks of all ages, abilities, income, etc." "lower carbon footprint"

3. There are concerns that, when designed and built, middle housing will not achieve the desired benefits, especially affordability. Other noted concerns with middle housing were lack of parking, consistency with scale and form, quality of life for existing residents and quality of construction.

   "middle housing implies mid-level worker housing, but not necessarily affordable. Middle housing does not mean middle income. It doesn't assure it is affordable" "that it doesn't actually happen – that it is still not affordable housing" "huge traffic impacts" "be aware of the neighborhood – the context of the road – more density on road with no sidewalks" "if you are taking single dwelling housing out or modifying it, you lose the sense of place. The quality of life for neighborhoods – less space, ownership/maintenance" "healthy vibrant communities are not created via duplexes"

4. Creating affordable housing so that everyone who works in Milwaukie can live in Milwaukie is an important goal. There was also acknowledgement that affordability in Milwaukie is partly tied to the regional housing market.

"Not attainable for most people" "Housing is competitive, not affordable, hard to come by" "people need places to live" "create more economic diversity – options for affordability " "a better strategy may be to focus on other affordable housing strategies than middle housing" "affordable housing so everyone has a house"

5. Integrating middle housing into neighborhoods with the existing scale and form of neighborhoods and the existing transportation network is as an important element of how middle housing types are designed and where they are located. Reducing parking requirements was perceived as a challenge if there are not options for transit, walking, or biking.

   "focus on walkability – make it so people don't feel like they need multiple cars" "focus on the way that design characteristics create neighborhoods that people want to walk through, live in" "need to meet the character criteria – lawn, plants, fits into the neighborhood"

6. The perception is that there is not a parking issue currently in Milwaukie neighborhoods. The lack of sidewalks in many neighborhoods raises concerns about increasing on-street parking. There was mixed sentiment if parking should be provided on-site or reliant on on-street parking.

   "address the affordability question with parking" "parking needs to be part of the package of the housing project – built into the project – not the responsibility of neighbors" "streets without curbs, sidewalks don't have the street pieces to help organize on-street parking" "parking is not a right, it is a privilege"

7. There is a lack of knowledge about Milwaukie's current tree protection policies. Those who did comment perceive the tree protection requirements to be lacking. People generally thought trees should be protected and did not want to see trees removed for development, yet they understood this might conflict with the rights of private property owners.

   "not familiar with what they are" "tree protections should be strengthened" "Current tree protections are cumbersome to understand and are overly generous towards builders" "private property rights and preserving trees – not sure what you can do"

8. There is a desire for the City to be bold and think about the long term with integrating middle housing, reducing parking and tree protection. Stakeholders mentioned the need to think about what the city will be like in 20 years, and not focus on the limitations of today. There will be a transition period that will be challenging for the neighborhoods.

   "housing for the future has to address the economic reality of the new generation that are not the same economics of boomers who occupied the suburbs" "on the road we are going, we can't get there on the road that brought us here – we need to think differently" "make it good!" "be bold!"

Single Most Important Piece of Advice

Participants were asked to provide their "single most important piece of advice for the City as they develop new code language related to middle housing in residential neighborhoods." All participant responses are presented verbatim below, organized into broad categories.

Equity in decision-making/providing opportunities to be heard

- *Make sure that you are including voice – real equity is including voice. Do an ample effort to include people.*
- *Have a real dialogue. Make sure to get the voices of those who will be one that will be those who are the audience for middle housing. Not just single-family residents. The people who will live in middle housing.*
- *Transparency and getting the word out there*
- *Remember that the loudest voice is not necessarily the most important voice.*

Communicate and educate

- *Find as many ways and get as much information out as possible to try and control fears before people get bad information.*
- *Education is really important. Dispel the myths – use facts. People need common understanding and framework.*
- *There is some fear out there, and the "what-ifs". Once we have code and we have a potential project, get buy-in from the neighbors. Present design proposals in a way that somehow includes them in the process.*
- *Communicate & Educate! Find success stories and share the heck out of them!*
- *Frame middle housing as an enhancement rather than as change.*
- *Be sure affected neighborhoods are informed of the process. Use all communication sources including U.S. mail.*

Learn from others

- *It seems like there might be lessons learned from other cities? Milwaukie has a strong City Council who are willing to support innovative and creative approaches—finding a balance across housing, natural resources and other city needs may require new, fresh thinking and approaches.*
- *Infill design toolkit for medium density development from Portland – great framework. Why reinvent the wheel?*
- *Shine a light on what currently exists. What number of units exists in each category now? Where are they? What do they look like? Show through example. Have someone with a ADU share their experience.*
- *Don't need to reinvent the wheel from scratch! There is information out there. Alternative building practices, tree protections, it's out there, we just need to read the book. Same with parking, other communities have faced these problems and solved them in creative ways.*

Balancing housing, parking and the environment

- *Take into consideration parking. Make sure there is enough parking.*
- *Balance trees, parking and housing. Keep in mind nature.*
- *Make sure it's not just about the people. Also the environment, wildlife and quality of life.*
- *Parking will always be a challenge, and there will never be enough in a thriving neighborhood - and that's okay! I say that as someone who lives here.*

- *Think about "externalizing internalities" - think of the full cost of your decisions before you make them. Equity cost, environmental cost, aesthetic cost, make sure you know the real cost*
- *Integrate, not segregate. Value all of the elements together.*
- *Prioritize the environment and making housing affordable for all.*

Design of housing/design standards

- *Be flexible. Don't be too stringent on development rules.*
- *Have a discretionary component for the planners in the code to determine if the type of housing fits within the neighborhood or street condition.*
- *Balance development with culture change for typical suburban single-family culture.*
- *Critical in general. Get the combination of density, tree protection and parking just right. Be seen as accepted long term as policy, need to hit the balance. Look at it through the lens of those who will built the housing. See the economics of middle housing. Better housing by design. Crunched proformas. Need to be a lot of work to get it right.*
- *Be careful what you wish for – there are lots of unknowns. Tree removal; horrible parking; social issues. You end up encouraging developers to build stuff without any concern for the future of the city. You can't safeguard your community – need to build trust.*
- *Please focus on quality, not quantity of housing. (Trees add to the quality).*
- *Don't shove it down people's throat. Think about what you want to accomplish and where is the best place to do that? Is it the best to build middle housing away from services? NO! If we need to increase the density of the City, focus it in downtown near the major transportation and shopping areas. Don't blanket R5 and R7 – need* system to support it too.

Housing

- *Don't waste time and money to create something that won't solve the problem you are trying to solve. Don't think it is going to solve affordability unless it really will solve the problem. Do the bare minimum and approach it differently.*
- *Everybody needs somewhere warm and safe to sleep at night.*

Be bold

- *Make it good!*
- *What is Milwaukie proud to show off? Would you want to live in it, or your parent or your child?*
- *Be the experts. At the end of the day the NIMBYS will be combatted by the experts that lead this conversation. Use fact and figures. Know exactly what you are saying and be brave!*
- *The status quo is not working.*
- *Be bold! We have lots of opportunity. Take advantage of it.*
- *Stay true to the vision. Be sustainable. Be equitable.*
- *Don't be afraid* to break from tradition, things can be done differently!

Stakeholders Interviewed

- Rebecca Alves, Tree Board
- Harry Apelbaum, Rowe Middle School
- David Aschenbrenner, Neighborhood Associations
- Lisa Batey, City Council
- Hamid Shibata Bennett, Milwaukie Resident
- Kathleen Brennan-Hunter, Tree Board
- Jon Brown, Tree Board
- Charley Clark, Development community
- Elvis Clark, Milwaukie Resident
- Ronelle Coburn, Milwaukie Resident
- Gina Dake, Tree Board
- Pam Denham, Neighborhood Associations
- Maitri Dirmeyer, Milwaukie Resident
- Douglas Edwards, Milwaukie Resident
- Nate Ember, Development community
- Angel Falconer, Council President
- Alma Flores, Reach CDC
- Mark Gamba, Mayor
- Ley Garnett, Tree Board
- Carmen Gelman, Milwaukie High School
- Lisa Gunion-Rinker, Neighborhood Associations
- Christina Harris, Tree Board
- Kathy Hyzy, City Council
- Ted Labbe, Urban Greenspaces Institute
- Robert Massey, Planning Commission Chair
- Stephen McMurtrey, Housing Authority of Clackamas County
- Carmen and Brian Mojica, Local Business Owner/Resident
- Ann Ober, City Manager
- Wilda Parks, City Council
- Liz Start, recommended by Ann
- Kim Travis, Milwaukie Resident
- Madison Tucker, Tree Board
- Ruth Tucker, El Puente Elementary

Project Memorandum

December 3, 2020

To: Milwaukie Comprehensive Plan Implementation Project Management Team

From: Kimi Sloop, Barney & Worth, Inc.

Re: Community Survey #1 Results Summary

The first virtual open house and community survey for the Milwaukie Comprehensive Plan Implementation Project, phase 1, was available from November 12 through November 29, 2020. There were over 450 visits to the open house site, and 93 people provided feedback through the community survey. The following summary provides the key takeaways from the feedback, the actual responses to the questions, and an analysis of lessons learned for future outreach efforts.

Key Takeaways

- **Priorities that benefit the entire Milwaukie community are the most important to survey respondents.** They identified "providing greater equity throughout Milwaukie by increasing housing options, protecting/increasing the tree canopy and reducing parking requirements" as the most important priority, followed by the need to "balance the community needs of providing more housing, protecting the environment, and reducing the focus on the car."
- **Consistency of the middle housing design with the scale and form of the existing neighborhoods was ranked the least important priority** in relation to providing greater equity, balancing community need, and building housing that is affordable. However, it was identified as a **concern to almost half of the respondents**.
- **Respondents felt more positively than negatively about middle housing.** Most people listed three different benefits compared to one perception (concern) of middle housing. The benefits identified most frequently include increasing the supply of housing, housing choice, and housing diversity.
- **Almost all (90%) of the respondents believe that tree protections will provide shading/cooling and environmental benefits.** On average, people noted three benefits compared to one negative impact of tree preservation.
- **Reducing parking requirements appeared to be of the greatest concern to the survey respondents.** People identified more negative impacts than benefits and were particularly concerned about the availability of parking and the lack of existing multi-modal networks in neighborhoods.

- **For all three topics (providing middle housing, tree preservation, and reducing parking), respondents were concerned that the desired goals may not be achieved with implementation.** For example, the housing may not be affordable, it will be too easy for developers to get exceptions to tree preservation regulations, and reducing parking requirements will not make neighborhoods more accessible or affordable.

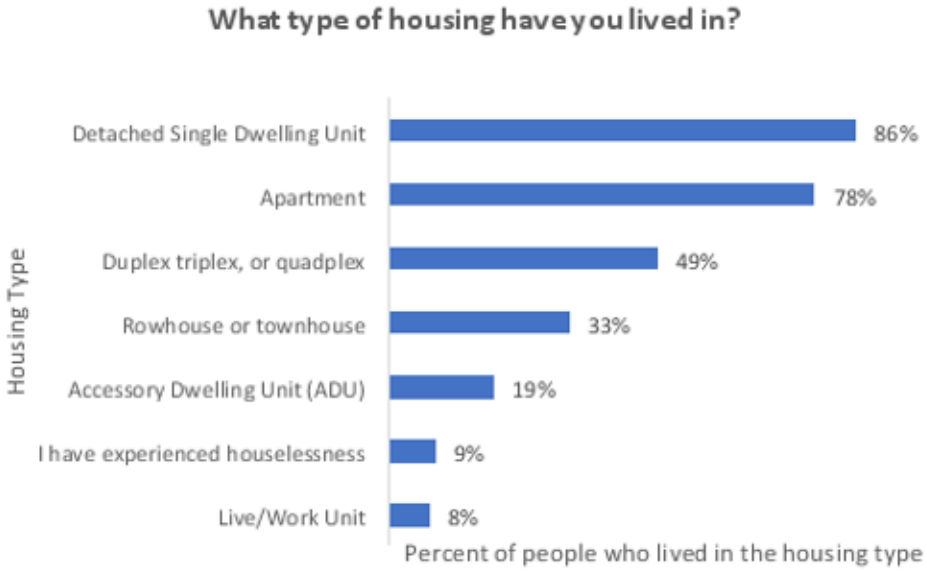
Survey Demographics

- There were over 450 visits to the open house site. Over 200 people looked through multiple stations, with the earlier stations (background, housing, trees) being more popular and stations later in the sequence (parking, next steps, provide input) receiving fewer visits. It also appears that many people may have gone straight to the survey without clicking through the open house stations.
- Ninety-three people completed the survey. All surveys were completed in English. Approximately one-third of the responses came from people living in the Ardenwald-Johnson Creek neighborhood.
- On average, respondents have lived in three different types of housing, with apartments and single dwelling units being the most popular housing types. Currently, 80% of the respondents own their own home.
- Approximately 89% of the respondents self-identified as Caucasian, 5% as people of color and 9% as other.

Survey Responses

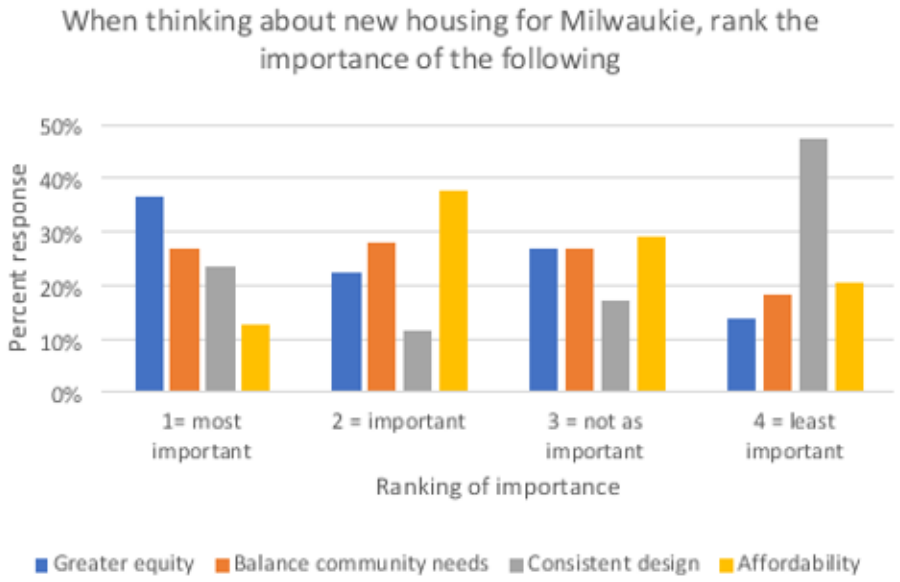
Types of Housing

On average, people responded that they had lived in three types of housing, with detached single dwelling units being the most popular (86%) followed by apartments (78%).



Priorities for New Housing

- "Providing greater equity throughout Milwaukie by increasing housing options, protecting/increasing the tree canopy and reducing parking requirements in all residential neighborhoods in Milwaukie" was identified as the most important priority (37% ranked it as 1 being important).
- "Designing new housing consistent with the scale and form of the surrounding neighborhood" was identified as the least important priority (47% ranked it as 4 being less important).
- For those that identified equity as the most important priority, over half identified "building housing that is affordable as rentals and creates more opportunities for home ownership" as the second most important priority.



Greater equity = Providing greater equity throughout Milwaukie by increasing housing options, protecting/increasing the tree canopy and reducing parking requirements in all residential neighborhoods in Milwaukie.

Balancing community needs = Balancing the community needs of more housing, protecting the environment and reducing the focus on the car.

Consistent design = Designing new housing consistent with the scale and form of the surrounding neighborhood.

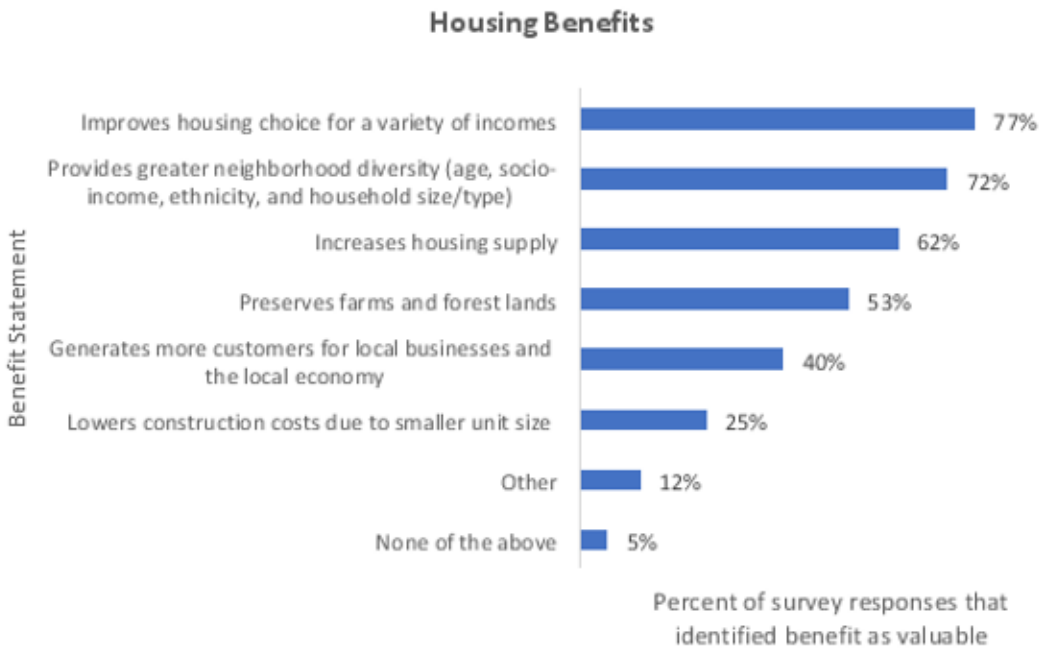
Affordability = Building housing that is affordable as rentals and creates more opportunities for home ownership.

- When grouping the statements ranked one and two as being most important, the priority is as follows:

	Important (ranked one or two)	Not as important (ranked three or four)
Providing **greater equity** throughout Milwaukie by increasing housing options, protecting/increasing the tree canopy and reducing parking requirements in all residential neighborhoods in Milwaukie.	59%	41%
Balancing the community needs of more housing, protecting the environment and reducing the focus on the car.	55%	45%
Designing new housing **consistent with the scale and form** of the surrounding neighborhood.	35%	65%
Building **housing that is affordable** as rentals and creates more opportunities for home ownership.	51%	49%

Benefits of middle housing

People were asked to identify the benefits of middle housing (duplex, triplex, quad, townhouse and cottage cluster) they find to be the most valuable. On average, people identified between three and four benefits. Housing choice and neighborhood diversity were mentioned the most.

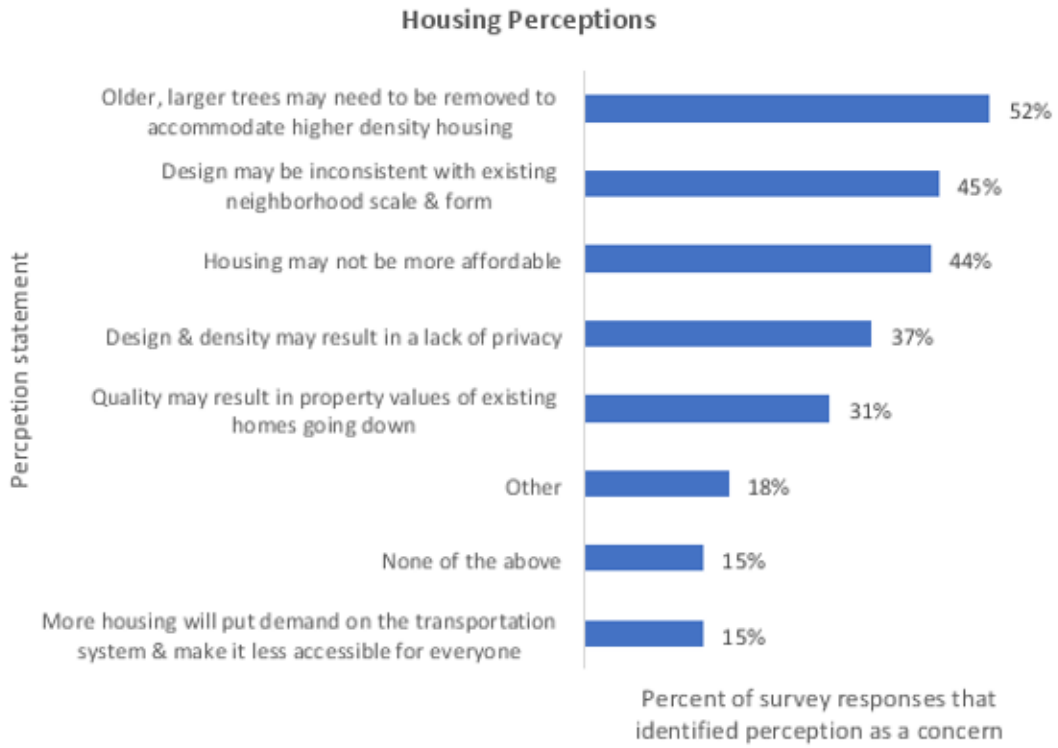


Other benefits identified included:

- Environmental benefits - opportunities for zero carbon transportation options, microgrids, water/wastewater systems, environmentally conscious infrastructure, and energy efficiency
- Increase city tax base
- Sense of community
- Preserve natural habitat areas
- Age in place
- Lower energy/maintenance costs

Perceptions of middle housing

People were asked to identify perceptions about middle housing they might have. On average, people identified between two and three perceptions. The need to remove larger trees, the design being inconsistent with the existing neighborhood scale and form, and the possibility that the housing may not be more affordable were identified the most.

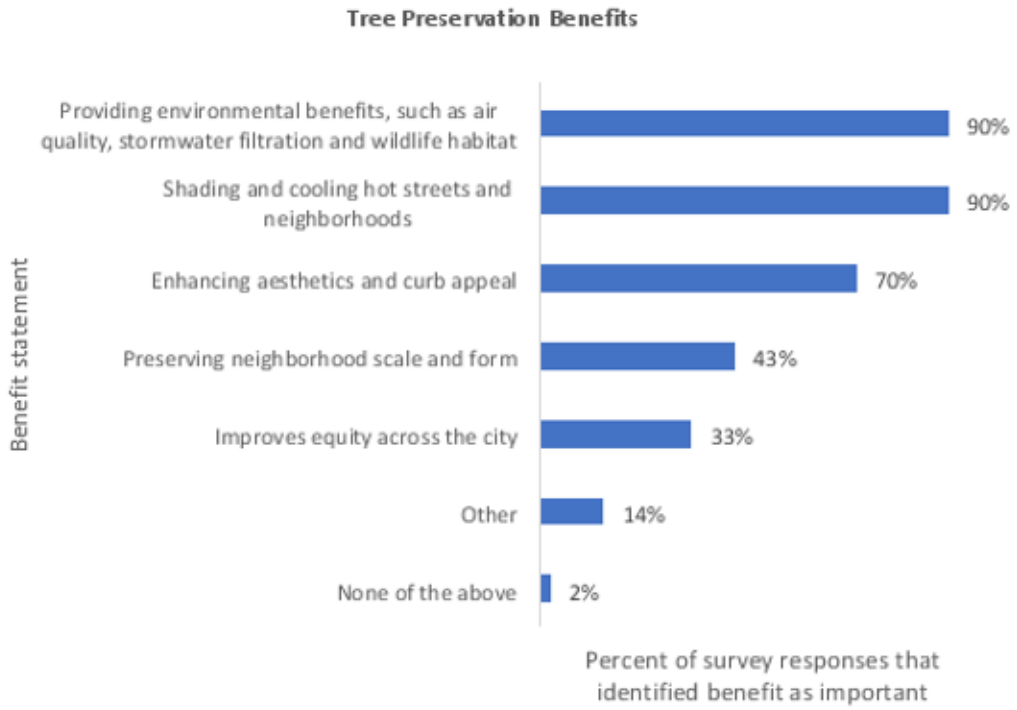


Other housing perceptions identified include:

- May not provide increased ownership opportunities
- Negative impacts to climate and watershed goals and natural ecosystems
- Lack of quality construction and design
- Parking and traffic problems, and need for increased street maintenance
- Potential to reduce access to green open space

Benefits of tree preservation

People were asked to identify the benefits of tree preservation they find to be the most important. On average, people identified between three and four benefits. Shading/cooling and other environment benefits (air quality, stormwater filtration and wildlife habitat) were mentioned the most.

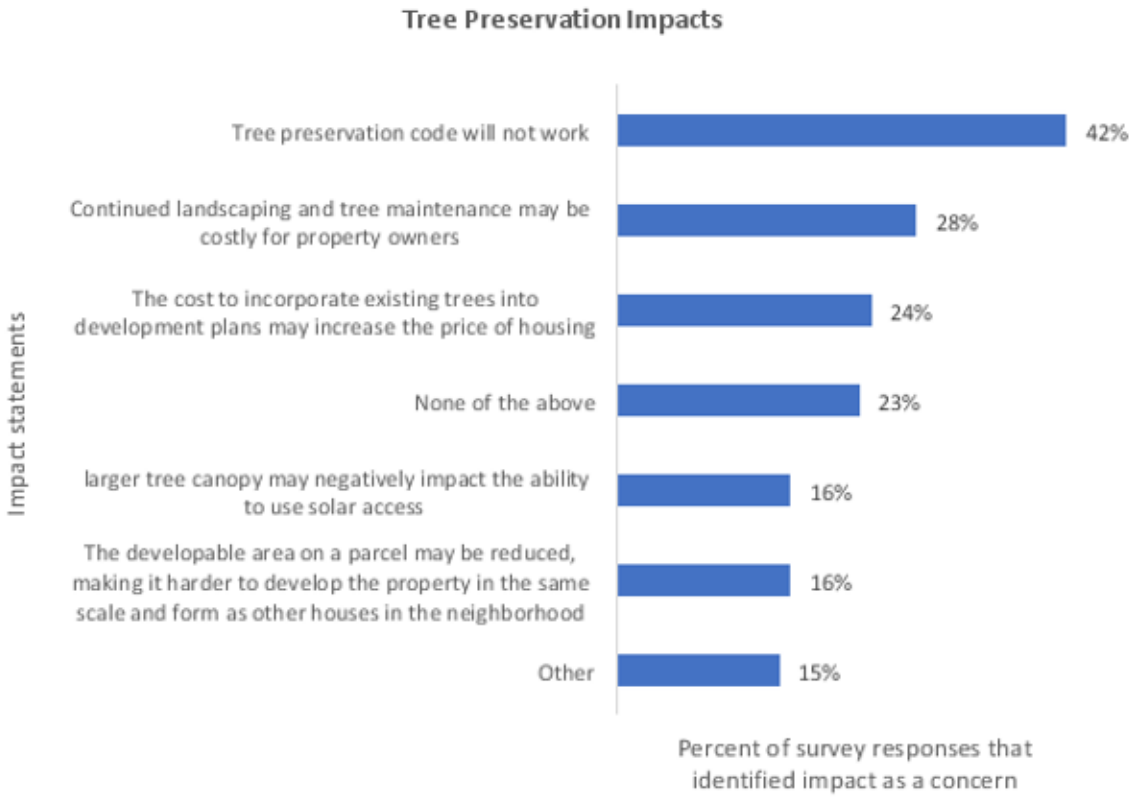


Other tree preservation benefits identified included:

- Food production potential
- Impacts on human health, physical and mental wellness
- Wildlife habitat
- Preserve urban foraging
- Provides an environment that encourages walking and biking
- Carbon capture
- Landscape that reflects the "wildness" of the river

Impacts of tree preservation

People were asked to identify the impacts of tree preservation they find to be of most concern. On average, people identified one or two impacts they are concerned about, with the potential of it being too easy for developers to get an exception to the tree preservation regulations being the top concern.

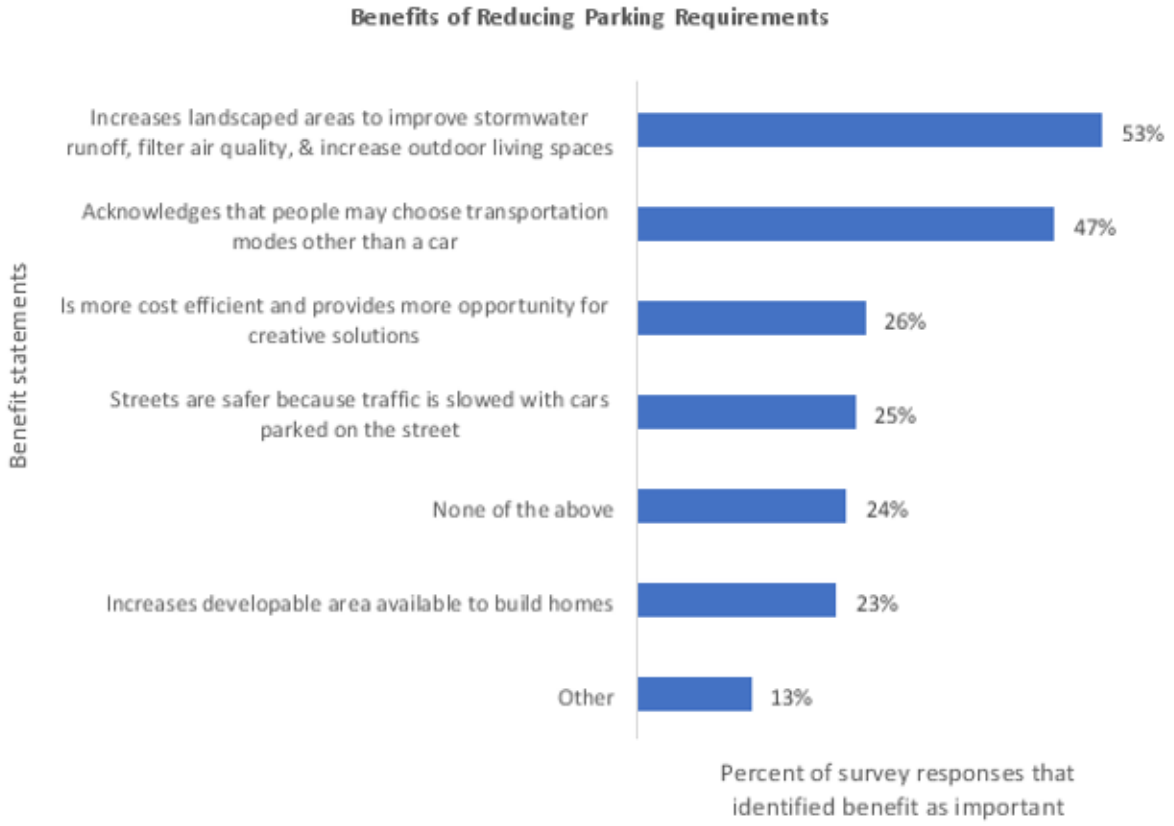


Other tree preservation impacts identified included:

- Limitations on the bigger environmental benefit of higher density living (zero carbon transportation, solar energy)
- Less light for gardening/creating independent food sources
- Damage caused by large tree limbs falling during windstorms
- Possible reductions in buildable area of a property
- Tree root damage to home foundation and streets
- Requiring sidewalks may result in removing trees

Benefits of reducing parking requirements

People were asked to identify the benefits of reducing parking requirements they find to be the most important. On average, people identified two benefits. The benefits of "increasing the landscaped areas to improve stormwater runoff, filter air quality and increase outdoor living space," and "acknowledging other transportation modes beside the car" were mentioned the most.

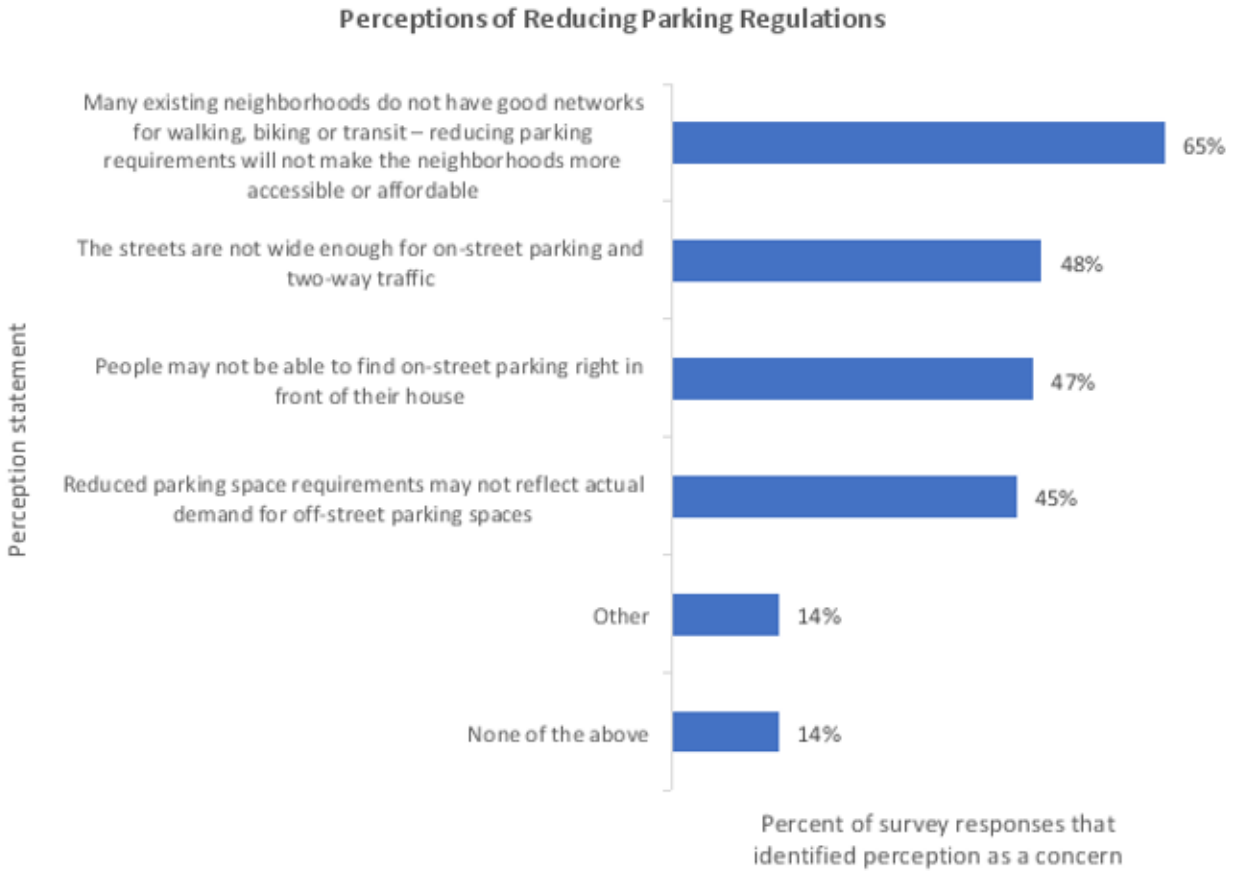


Other benefits of reducing parking requirements included:

- Encouraging community discussions on reducing dependency on the car
- Potential to open up more space for green infrastructure
- Ability for trees to absorb water
- Acknowledges reduction of car ownership
- Potential for more attractive, nature filled areas in front of homes and porches closer to the street
- Increases housing supply

Perceptions of reducing parking requirements

People were asked to identify perceptions about reducing parking requirements they might have. On average, people identified between two to three perceptions. The lack of good networks for walking or biking and availability of transit in existing neighborhoods was mentioned the most, followed by streets not being able to accommodate on-street parking, a concern that the reduced parking requirements will not reflect actual demand, and a lack of on-street parking close to people's destinations.



Other perceptions related to reducing parking requirements included:

- Resistance to bike parking requirements
- Immediate neighbors might be impacted by reduced parking requirement for multi-unit complexes
- Streets would not safe or friendly for pedestrians and cyclists – poor lines of sight and lack of sidewalks make it dangerous
- Negative impacts on lower economic groups because they rely on their car for work
- Concerns about electrical vehicles charging stations

Outreach Lessons Learned

There were over 450 visits to the open house main page, including 42 who visited the open house's Spanish language version, although only 93 completed the survey. We will continue to analyze the data to determine how to improve the conversion rate of those who visit the site to those who provide input. The open house site will remain active, and we will provide "discussion boards" and comment forms for people to continue to provide input.

Some of the lessons learned from this round of outreach include:

- **People did not register on Bang the Table, and therefore could not provide feedback.** Less than half the people who visited the open house registered with Bang the Table. The project team will work with the City's communications team to better explain to the public the purpose of registering in hopes to reduce concerns about how the demographic information is being used.
- **The response rate from the BIPOC community in particular was low.** The most recent City demographic data (2016) identified 89% of Milwaukie residents as white and 11% as people of color. Our survey response rate was 5% for people of color. Although we did do directed outreach to people of color, we know more specific outreach is needed. For the next round of community input, we will work with the City's new Equity Program Manager to enhance our outreach efforts.
- **The people who did respond to the survey did so as a result of a personal "ask."** Over 75% of the people heard about the open house from their neighborhood association, a personal invitation from a friend, or a direct email from the City. We will continue to focus our outreach efforts using more personal approaches. Ideas under consideration for the next round of outreach include a meeting in a box and focus groups.
- **No paper survey responses were received, nor were any surveys completed in Spanish.** Although these efforts did not yield public input, we believe that the City needs to continue to provide these opportunities. More advertising and more one-on-one invitations can help to raise awareness and encourage feedback.
- **Current events out of our control may have reduced participation.** Although we did take the November election into consideration when the scheduled the outreach, we did not anticipate a state-wide COVID "freeze" which resulted in not being able to implement all the outreach strategies as planned. Based on general sentiment, it also appears that there is a desire to un-plug from the computer whenever possible.

Project Memorandum

May 11, 2021

To: Milwaukie Comprehensive Plan Implementation Project Management Team

From: Kimi Sloop, Barney & Worth, Inc.

Re: Community Engagement Spring 2021 Survey Summary

In March and April, community outreach was conducted for the Milwaukie Comprehensive Plan Implementation Project. This outreach included a series of meetings in a box and a virtual open house on the Engage Milwaukie site. The virtual open house was available from March 22 through April 15, 2021. In total, we received 121 completed surveys and 149 people either providing comments and/or completing the survey.

In an effort to encourage as many people as possible to take the survey, city staff facilitated ten virtual discussions about the project and the open house with each NDA at their regular monthly meetings as well as an open meeting via Zoom that was advertised on Nextdoor and the city's Facebook and Instagram sites. Additionally, staff facilitated two virtual small group discussions: one entirely in Spanish, and one with BIPOC community members. Also included in this effort were: bookmarks at the Ledding Library, articles in the Pilot, email blasts, and numerous posts on city social media outlets.

Spanish language small group meeting

On April 14, city staff and a professional Spanish language interpreter, facilitated a virtual small group discussion for people who preferred to engage in Spanish. The meeting included a PowerPoint presentation (in Spanish) that summarized the project goals and process and the entire discussion was held in Spanish with city staff providing answers to questions in English, which were then translated into Spanish. Twelve people participated in the meeting, including a member of CPIC. The participants asked a lot of questions and shared many thoughts about housing in Milwaukie, and housing in general:

- Support for ADUs and multiple ADUs on properties for multigenerational or larger families
- Support for allowing a cottage cluster on the same property as a single-family home
- Duplexes and triplexes are very important for larger families
- Participants preferred to not have a parking maximum, as larger families may have multiple vehicles
- Access to trees and parks in all neighborhoods is very important
- The American Dream is to be a homeowner, and participants really want the opportunity to be able to how their own home. Affordability is a key concern because housing is so expensive in the Portland region.
    - Several comments included the lack of resources for first time Latinx homebuyers and those without documentation, such as credit or a social security number

- The participants greatly appreciated the opportunity to hear about the project, to share their thoughts, and that they could do so in Spanish

BIPOC small group meeting

On April 1, city staff, including the city's Equity Manager, facilitated a virtual small group discussion for BIPOC community members. The meeting included a PowerPoint presentation that summarized the project goals and process as part of a larger open discussion. Three people participated in the meeting. The participants asked many questions and shared many thoughts about housing in Milwaukie, and housing in general:

- Encouraged the city to provide an arborist assistance program for residents to help take care of the trees on their property.
    - Offering help will encourage people to preserve their trees.
    - Provide incentives to help plant more trees and help maintain the trees.
- Affordability is very important to the BIPOC community.
- The group encouraged the city to look at successful examples of where these kinds of codes have worked.
- The group encouraged the city to include deconstruction requirements like the city of Portland does.

The following summary provides the key takeaways from the community survey, demographics of survey respondents, and a summary of the input received.

Key Takeaways

- When considering the trade-offs between housing, trees and parking, people appeared to prioritize trees and housing over on-site parking. People did not question the concept that trade-offs are required.

    "I strongly support allowing on-street parking to count towards parking requirements. Preserving lot area for trees and homes is a much more important use of space."

    "It seems a good compromise for human & tree living space"

    "Maintaining trees, reducing concrete (high embodied carbon) and use of valuable site area with parking should be the top priorities."

- **Preserving trees, open space and yards is a benefit that resonates with people.** In the written open-ended comments, over 435 responses included the term "trees" or "open space."

    "Trees are necessary infrastructure for communities and their preservation should be prioritized over aesthetic or convenience "

    "Please save our trees"

    "Trees provide more public benefit than cars and pavement for parking"

- **Flexibility is important to encourage middle housing.** In the comments provided, many people mentioned that how development fits in to the existing neighborhood is important and that the application of the code should be flexible to encourage the right type of development in each neighborhood.

  "We need more flexibility to accommodate new housing options"

  "I think its most important to make parking, height and yards sizes requirements as flexible as possible to maximize tree protections."

  "Let's allow more flexibility for individual applicants that are trying to help the City meet its middle housing goals on a micro level, rather than heavily favoring developers on a macro level."

  "Flexibility is key to successful growth. Allowing for taller buildings and a variety of styles that can consume up to 35-75% of a lot and be able to provide affordable housing."

- People generally support a change in the existing parking location requirements, but not necessarily a significant change in the number of parking spaces required. There are concerns that the existing car ownership trends and available transit do not support a reduction in parking spaces required.

  "Most Milwaukians have to drive for work, shopping, family activities. Most families have 2 or more cars"

  "People need their own space for their cars, and is best if it is on their own property (rented or owned) so that there is no competition for public parking space"

  "I don't believe that Milwaukie currently has the public transportation infrastructure to support less than one parking space per dwelling unit"

  "I am in support of a future with less cars and more human-propelled transportation, but we are not there yet."

- **Counting on-street parking as part of the required parking has mixed reviews.** Some people are in support of counting the on-street parking if it means that the site can be developed with more efficiently. Many have concerns about neighborhood aesthetics and pedestrian and bicycle safety with on-street parking, in addition to the logistics of on-street parking for residents and visitors.

  "Too crowded, not safe for pedestrians, bicyclists, children."

  "I don't want to live in a neighborhood where everyone parks on the street"

  "As a previous renter (and female), that can create a potentially dangerous situation with street parking"

- People seemed to prefer the opportunity for creative design with multiple buildings on a site for multi-plex middle housing rather than having one long and skinny structure. Key benefits cited include privacy and autonomy for residents as well as neighbors, preservation of trees and the ability for buildings to blend into the neighborhoods more seamlessly.

  "The ability for multiple stories and multiple buildings per lot allows for greater variation in design. It also allows for more space for gardens, green space, trees, etc."

  "I really think smaller detached homes is the way of the future. It provides more feelings of autonomy for those who live in them. Aesthetically the preservation of trees makes a neighborhood feel more protected."

  "Multiple buildings and more trees is nicer for the trees and those living in those homes – more privacy, more trees, more interesting shape."

Survey Demographics

- There were 121 completed surveys, including one Spanish survey and one paper copy.
- Of the responses, 81 people stated that they live in Milwaukie, 79 people stated they own a home in Milwaukie while 9 people stated they rent a home in Milwaukie. Note that people could select more than one response or could choose to select just one response.
- The neighborhoods with the most responses included Ardenwald-Johnson Creek, Lake Road and people who live outside Milwaukie (Oak Grove, unincorporated Clackamas County and Portland). Eighteen percent of the respondents did not specify the neighborhood they live in.
- The age of the participants was well spread out: 11% under the age of 34; 26% between the ages of 35 and 44; 17% between the ages of 45 and 54; 13% between the ages of 55 and 64; and 26% over the age of 65.
- Approximately 84% of the respondents self-identified as Caucasian, 12% as people of color and 3% as other.

Survey Responses

Parking Questions

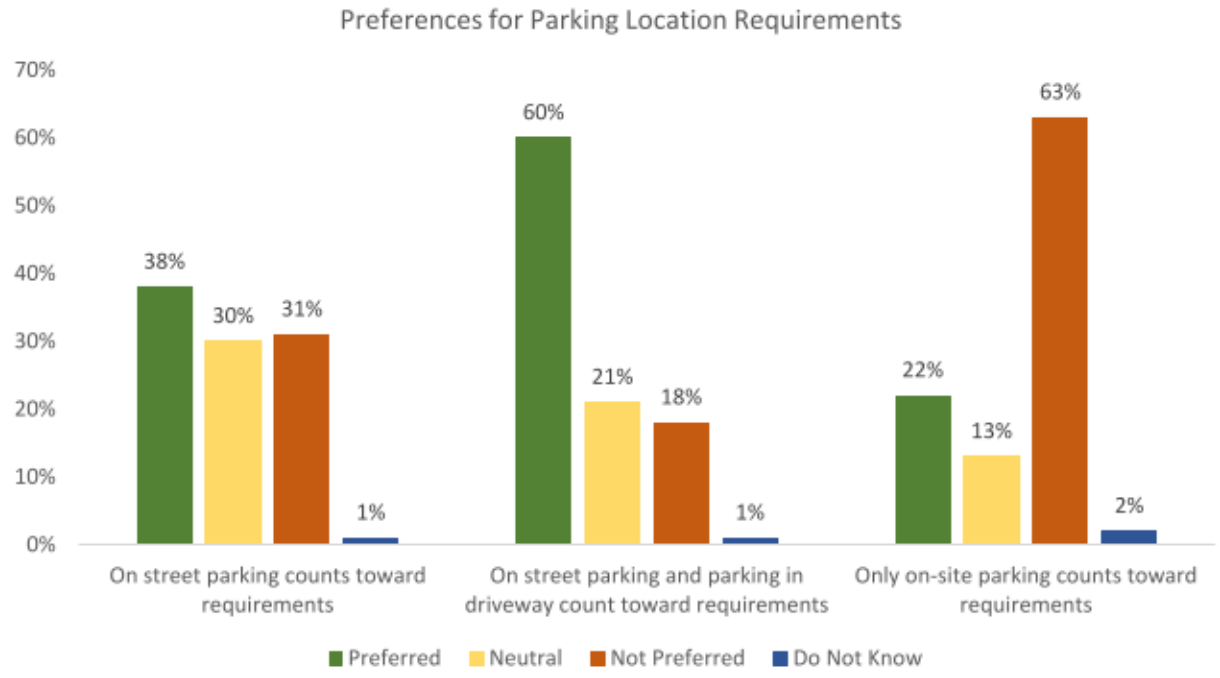
Survey responses and comments related to parking indicated a clear preference for modifying the current parking requirements. There was not clear direction on whether fewer parking spaces should be required.

Location of Parking

When asked about preferences for parking, three options were given:

1. On-street parking counts toward requirements
2. On-street parking and parking in the driveway count toward requirements
3. Only on-site parking counts toward requirements

Most respondents preferred being able to include on-street parking and/or driveways as part of the parking requirements. The current code requirement of only counting on-site parking was significantly the least preferred.



Respondents mentioned the following reasons why either on-street parking and/or parking in driveway should count toward the parking requirements:

- protect greenspace and saving trees
- create more livable spaces on the lots, increase the efficiency of space
- increase the flexibility for developers and site development (assuming that developers are not prohibited from building more parking spaces on site if they want)
- provide options for people who do not drive

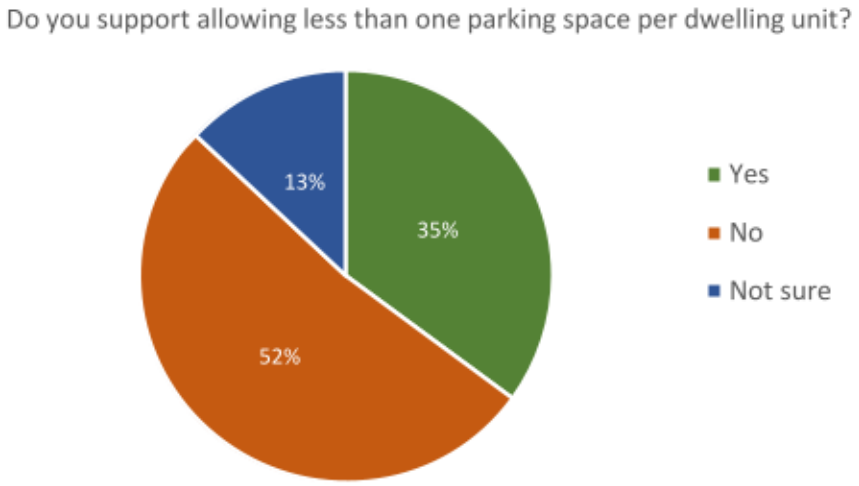
Concerns about on-street parking and parking in the driveway followed several themes:

- access to properties – cars on the street blocking driveways
- pedestrian and bicycle safety – cars blocking sidewalks, unsafe walking environment next to street edge, reduced visibility for both drivers and pedestrians
- aesthetics – streets being lined with cars
- daily logistics of parking – distance of the on-street parking space to the home, challenge of parking in a different on-street location each day, electric vehicle plug-ins, safety of walking from parking to homes, visitor/guest parking

The flexibility to provide different parking standards in different locations was also mentioned in the comments. For example, allowing on-street parking to count toward parking requirements in areas near transit, or requiring off street parking where sidewalks do not exist.

Number of Parking Spaces

When asked whether they support less than one parking space per dwelling unit, 52% said that they would *not* support less than one parking space per dwelling unit. Thirty-five percent said they would support less than one parking space per dwelling unit.



Reasons cited for not supporting fewer than one parking space per dwelling unit included:

- lack of available transit throughout Milwaukie
- perceived current car ownership trends of people owning more than one car per dwelling unit – cars would have to park on the street
- perceived street conditions, aesthetics and safety of cars being parked on the streets
- perceived lack of available parking for visitors, care providers, etc.

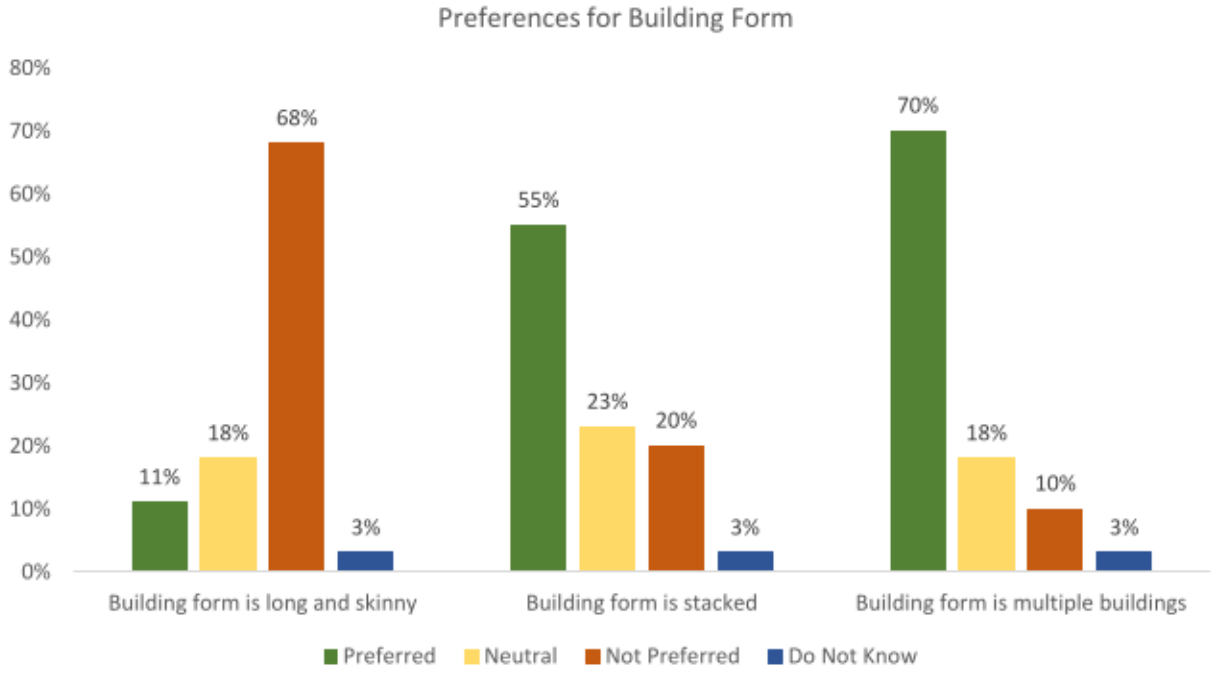
Building Form

Survey responses and comments related to building form indicated a clear preference for stacked or multiple buildings on a lot. They are not supportive of long skinny buildings.

Building Form on Sites

When asked about preferences for building form, three options were given:

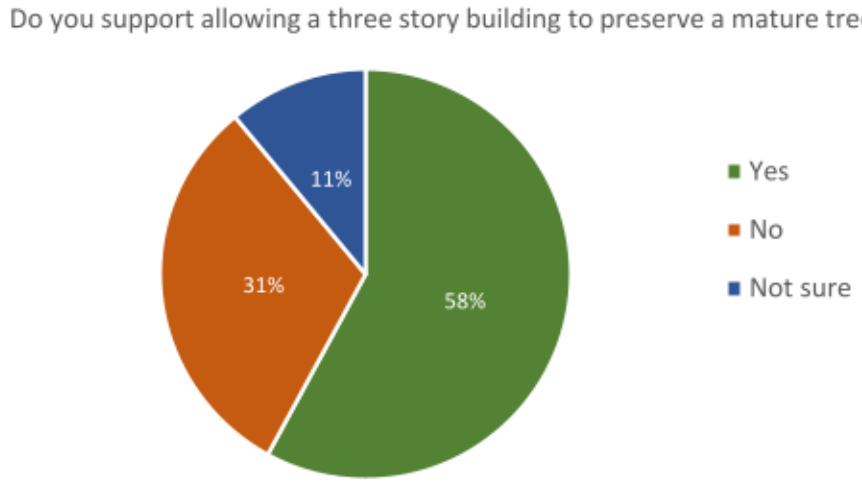
1. Building form is long and skinny
2. Building form is stacked
3. Building form is multiple buildings



The primary reason that people preferred stacked buildings is the ability to preserve and maintain landscaping, green space, and trees. People preferred multiple smaller buildings because it provides privacy and autonomy for residents, better quality of life with not having another dwelling above or below your unit, creative use of space and design, preserving trees and green space, and blending in better with the neighborhood.

Building Height

When asked if they would support the building height going up to three stories if it meant a tree on the site could be preserved, 58% said that they would.



People are generally supportive of taller buildings to preserve mature trees, with many comments related to the importance of preserving trees. Concerns about the building height noted were:

- impacts to view corridors and sight lines
- privacy of adjacent neighbors
- solar access on adjoining lots
- consistency with neighborhood style and feel

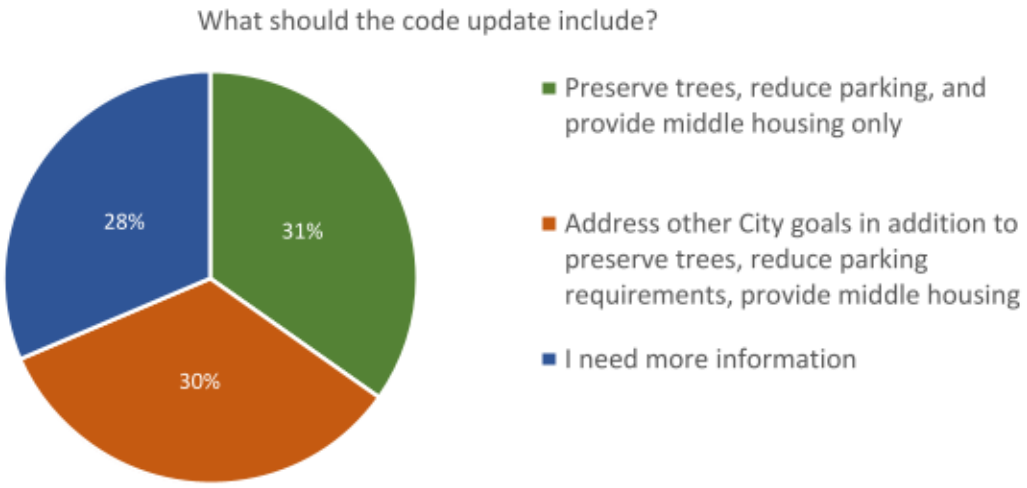
Comments were also made regarding the ability to count the basement as a third story and allowing three stories based on specific location and consistency with the existing neighborhood feel.

Code Flexibility

Survey participants were asked to weigh in on what the code update should include:

- Option 1: Flexibility to preserve trees on site and reduce parking requirements in addition to the state mandated middle housing requirements, only when certain conditions are met.
- Option 2: Flexibility to address other City goals, in addition to providing middle housing, preserving trees, and reducing parking requirements, only when certain conditions are met.

Responses were split evenly between the two options and needing more information to give an opinion.



When asked what conditions needed to be met, many of the responses related to conditions to allow for parking reductions. People suggested that parking reductions could be granted if the following conditions were met:

- increase in outdoor space
- cohousing situation with access to car sharing
- near transit, specifically high frequency transit
- near neighborhood greenways, bikeable/walkable area
- provision for bike parking/facilities
- parking study that adequate street parking is available
- preservation of trees

- addition to the social/ecological well-being of the community (i.e., bioswale, community garden)
- specialized housing for those who may not drive

Respondents identified the following topics as other City goals that could met by the code update related to middle housing, parking, and trees:

- green building practices (i.e., solar panels, stormwater treatment)
- affordable housing
- walkability
- passive house design
- sidewalk and street frontage improvements

Envisioning Your Neighborhood

To get a better understanding of the elements that are important to define the look and feel of neighborhoods, the public's input on the importance of certain site design features was sought. The following includes the percentage of respondents who noted each photo as being important for their household.

Size/width of yard (front, back, side setbacks)



37%
Small yard



79%
In between small and large



19%
Large yard

Location of parking



42%
In the front of the house



53%
In the front of house & on-street



64%
In an alley or behind the house

The amount/ size the building takes up on a lot (lot coverage)



24%
Building covers over 50% of lot



72%
Building covers 35% - 50% of lot



43%
Building covers 35% of lot

Height of building(s)

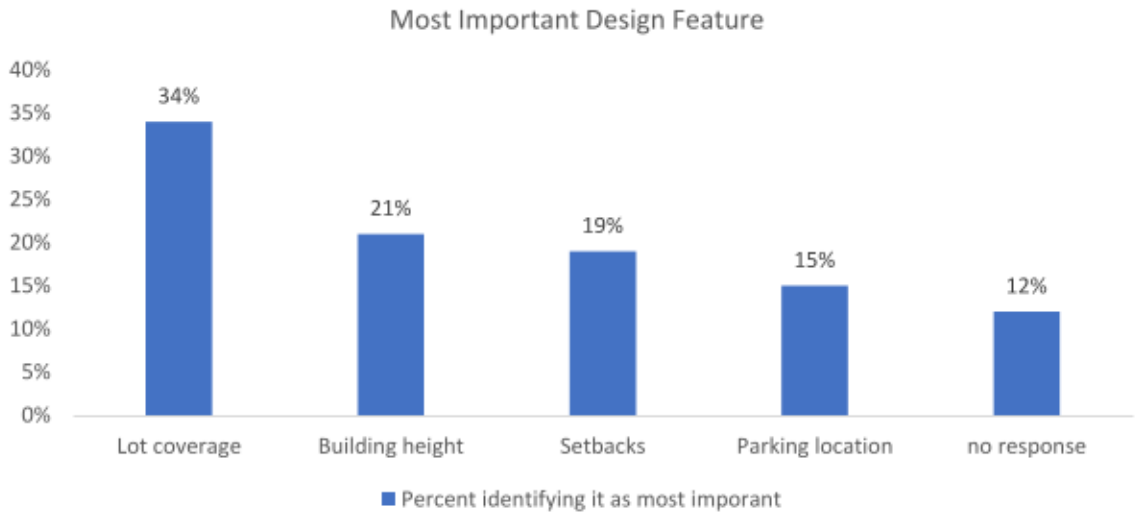


50%
Maximum two and one-half stories (current code)



57%
Maximum three stories

Participants were asked to identify their most important design feature. Overall, lot coverage was the most important design feature to people. Many people also noted that, regardless of the design standards, it is the quality of design and the ability for the building to fit into the aesthetics of the neighborhood that is most important element.



Individual comments

People who viewed the virtual open house had the opportunity to provide comments through the community survey or within each station of the open house. In addition to the over 450 open ended survey responses received, there were over 130 station comments. The themes of the comments included:

- Clarification of the middle housing requirements in Oregon HB 2001
- Role of the City regarding tree regulation on private property, including replacement and maintenance
- Areas within Milwaukie for future development
- Development review process, including the difficulty of developing middle housing currently and public review of plans
- Loss of green space around the city due to development and need for more green space
- Housing needs and types of housing in Milwaukie, including affordable housing and home ownership
- Examples/discussion of housing developments that people like or do not like
- Concerns about higher density housing, Airbnb use, etc.
- Importance of the Vision and Comprehensive Plan and relationship to other City goals
- Importance of linking the transportation infrastructure (transit, biking, and walking) to housing
- On-street parking, existing street improvements and parking requirements
- Design features of middle housing
- Neighborhood livability
- Green buildings
- Need for regulation and flexibility (both in support and opposition)
- Appreciation for communication, open house materials and survey
- Technical difficulty related to the survey and open house (note: staff responded and fixed the issues immediately)

Next Steps

The information from the community survey has been reviewed and discussed by the Project Team. The feedback, along with the CPIC direction and city priorities, will be reflected in the recommendations presented to the CPIC for the code update.

Before the code amendments are presented to the Planning Commission in July, the public will be given an opportunity to review the draft amendments. The public will have an opportunity to comment through the code adoption process.

Sightline Institute is an independent think tank working to advance sustainability in the Pacific Northwest. We believe it exists at the intersection of environmental health and social justice.

We're writing to offer feedback on Milwaukie's comp plan implementation process. Our perspective is informed by our past work helping assess, inform and in some cases urge amendments of the recent middle housing legalizations in Portland, Eugene and Hood River, as well as House Bill 2001 and its subsequent state rulemaking process.

Our animating interest in these issues is simple. **Small homes and attached homes are green**; they make it easier for people to use less stuff and burn less energy. (An Oregon Department of Environmental Quality life-cycle analysis found that more than 80 percent of the lifetime energy consumption of a home occurs from heating and cooling.) **Giving people the option to live close to each other is green**, too; proximity is a key ingredient to creating walkable, bikeable-transit rich neighborhoods that offer lots of amenities within a short distance.

The policy work of environmentalism can be gloomy. In many cases, leaving a healthy planet for our grandchildren and their peers requires trying to get people to do things they don't want to, or to stop doing things they like.

Greening our zoning laws is a happy exception. Here's how it works: **people who want to reduce their own energy consumption get the option to do so.** In some cases, lowering the invisible walls in our zoning codes also gives *more* people the option to save energy. For example, we can broaden access to low-energy living when we allow multiple households to divvy up the cost of valuable urban land, or when we stop forcing people to pay for parking spaces they don't need.

Those who don't want to change their energy consumption, meanwhile, aren't forced to.

With these proposals, especially including the recent amendments by the planning commission, Milwaukie proposes to join many other cities in Oregon and elsewhere by ending its bans on less expensive, less energy-intensive housing types.

After listening to much of the Planning Commission's deliberation so far, it seems worth commenting specifically on three subjects: the likely pace of change, the role of parking mandates, and the potential for size or unit-count bonuses for projects that offer regulated affordability.

The pace of change

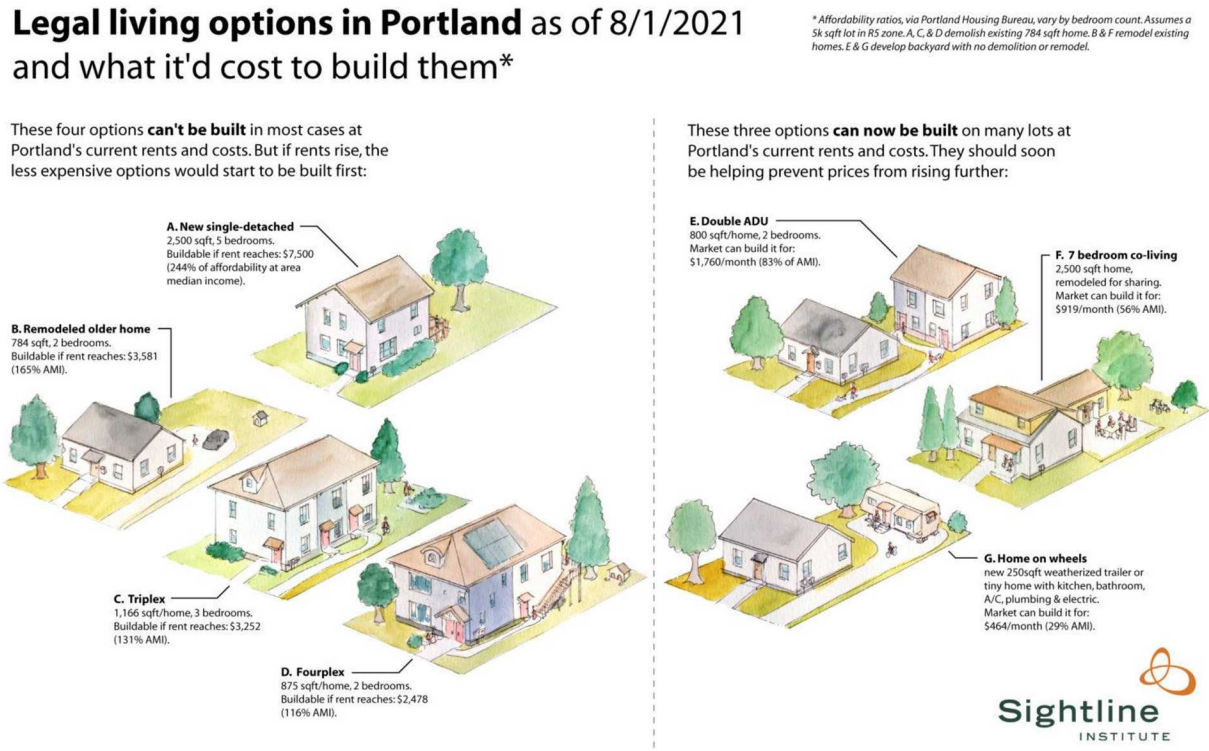
Every quantitative analysis of middle housing we're aware of suggests that, for better or worse, re-legalizing middle housing options will change a city quite slowly.

Economic analysis of Portland's recent reform to its low-density zones concluded that the vast majority of additional homes created over the next 20 years would result not from a higher rate of redevelopment, but from the fact that when a project happens, it would probably create a triplex rather than a oneplex. The effects of such a shift are to:

- sharply reduce the market price of the typical newly built home in lower-density zones (mostly because the triplex units would tend to be smaller)
- modestly increase the total number of units in the city
- barely increase the overall redevelopment rate

Notably, this shift toward triplexes was found to be likely *only* after Portland chose to incentivize duplexes and triplexes by allowing them to be a bit larger than a oneplex. Before the city introduced this sliding-scale size cap, the same calculations (by the local firm Johnson Economics) had found that many redevelopments would be oneplexes despite the fourplex legalization.

Sightline followed up on this analysis with one of its own that used a different method. If we gaze into the future of a $320,000 lot with a crumbling old home, what scenarios are likeliest? This approach suggested that in most cases, given the size constraints Portland put on all new structures (height limit of 30', floor area ratio of 0.7), the only additional housing that could be created at or below today's market prices would be options that don't require demolition of the existing structure – true "infill" options such as ADUs, remodeled group homes, and backyard homes on wheels. (Milwaukie's "flag lot" and "back lot" proposals would also fall in this category.)



However, these numbers also suggested that when a structure reaches the true end of its useful life, it will now be more likely to be replaced by a triplex or fourplex than by a oneplex.

These specific cost projections are unique to the size limits and rent conditions in Portland, but the basic principle applies in every city. New housing is more valuable than old housing, but rarely so much more valuable that it's worth demolishing a habitable building to create only a bit more of it.

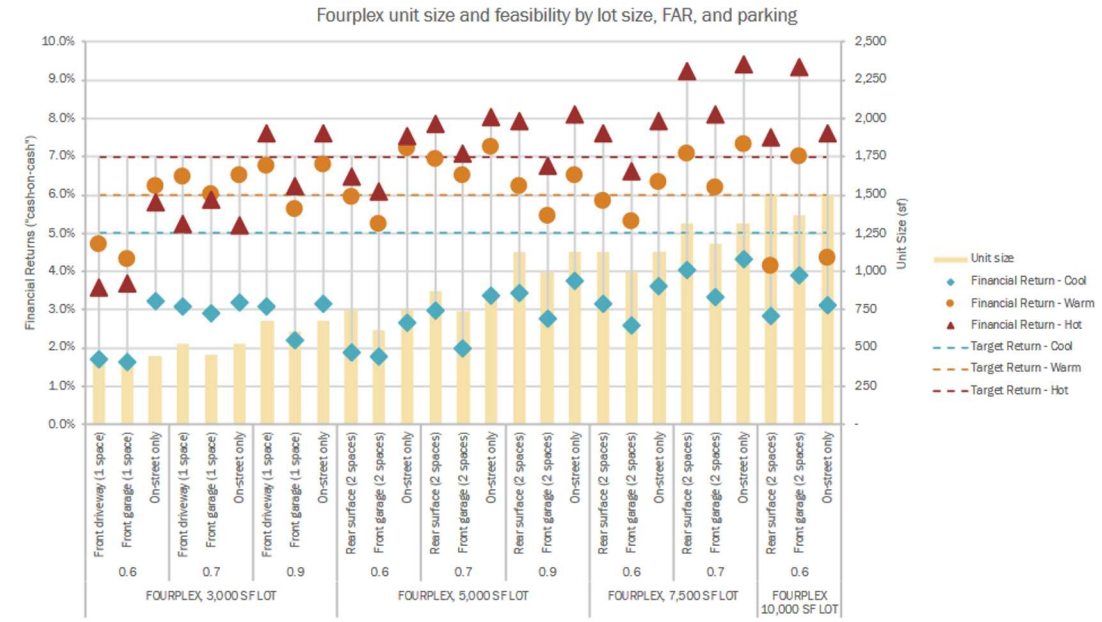
Parking and middle housing

When a jurisdiction makes parking mandatory with new residential or commercial projects, it has literally prioritized the creation of additional parking spaces over homes and jobs.

For the forseeable future, most newly built homes in most of Milwaukie will be built with off-street parking whether or not parking is mandatory. Most new commercial buildings will be, too. But if anyone ever *figures out a way* to create a home or a job without also creating a parking space, parking mandates would make it illegal for them to do so.

This tradeoff is very real. When calculating the relationship between parking and project viability to inform Oregon's rulemaking process for House Bill 2001, local firm ECONorthwest concluded that "on small lots, even requiring more than one parking space per development creates feasibility issues."

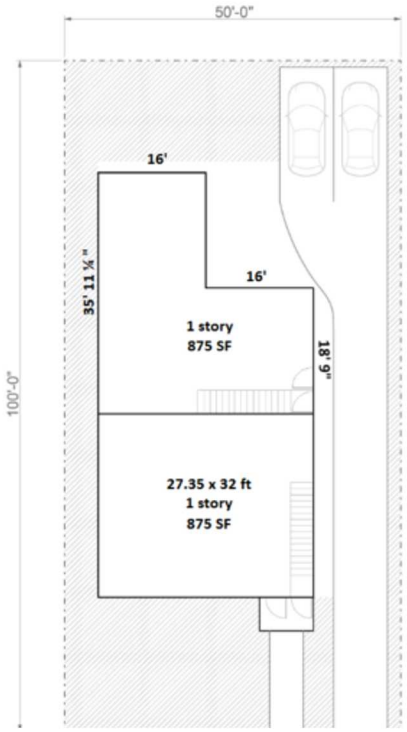
Exhibit 1: Fourplex Results Summary by Lot Size, FAR, and Parking



Source: ECONorthwest

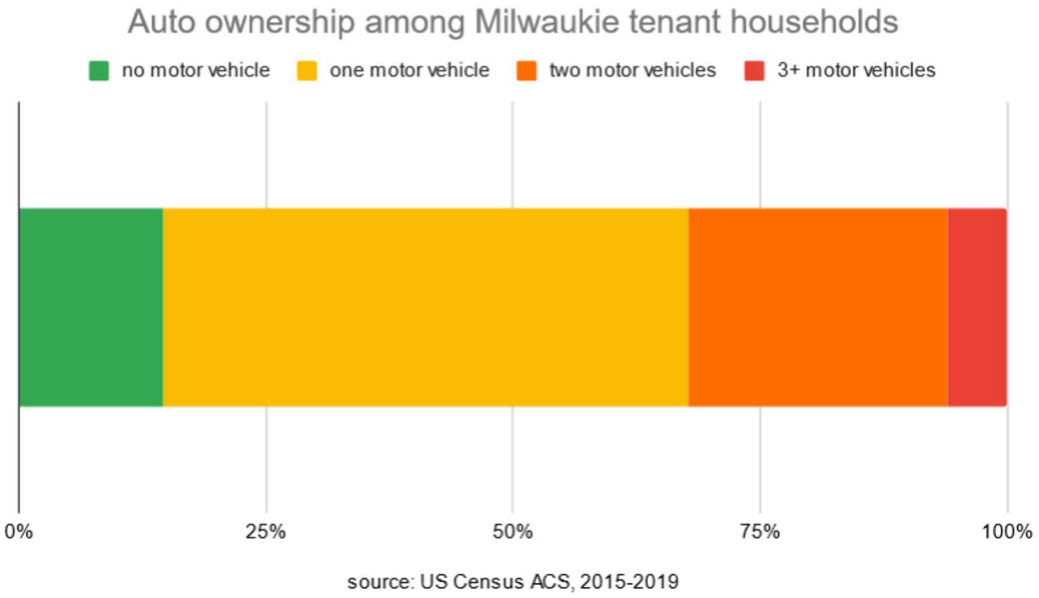
The firm didn't even bother to model the cost of parking requirements above two spaces per lot, because it would make so many projects geometrically impossible.

Lot Size: 5,000 SF **Units:** 4
Lot Width: 50 Lot Depth: 100
Buildable Dimensions: 40' x 65'
FAR: 0.7 GFA: 3,500
Unit SF: 875 Floors: 2
Building Footprint: 1,750 SF
Layout:
Stacked units.
Two rear parking spaces.



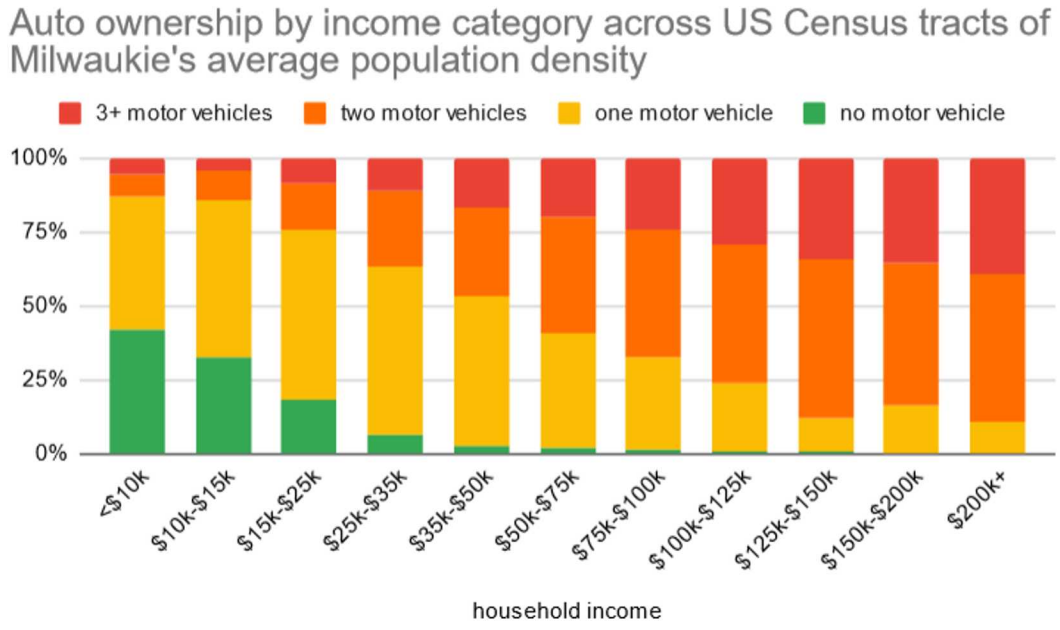
Parking mandates are a particular burden on tenants, especially lower-income tenants.

Though many Milwaukie households have multiple cars (and many Milwaukie homes offer multiple off-street parking spaces), many households do not. Fully two-thirds of the city's tenant households own either zero or one car.



source: US Census ACS, 2015-2019

There isn't great city-level data on auto ownership by income bracket. But in places across the United States that have population density similar to Milwaukie's, the 2017 National Household Transportation Survey shows that households with zero or one car are overwhelmingly, though not exclusively, lower-income:



Removing parking mandates – which is to say, letting Milwaukie residents decide for themselves how many parking spaces they want to pay for when they're looking for a home – is an incremental reform with potentially large long-term effects.

In the short term, again, this reform is likely to have very little effect. As in Tigard, which effectively removed its parking mandates from low-density zones in 2018, most new construction will continue to include on-site parking. Most people in cities like Milwaukie or Tigard own cars, and those that do tend to find a home slightly less valuable if it doesn't have on-site parking.

The effect of ending parking mandates, however, is to allow new homes to also occasionally be optimized for households that own fewer cars, or for sites that already offer plenty of parking nearby.

A final consideration about parking is aesthetics. Here is an example of a recently built fourplex with two off-street parking spaces:



Photo: Kol Peterson

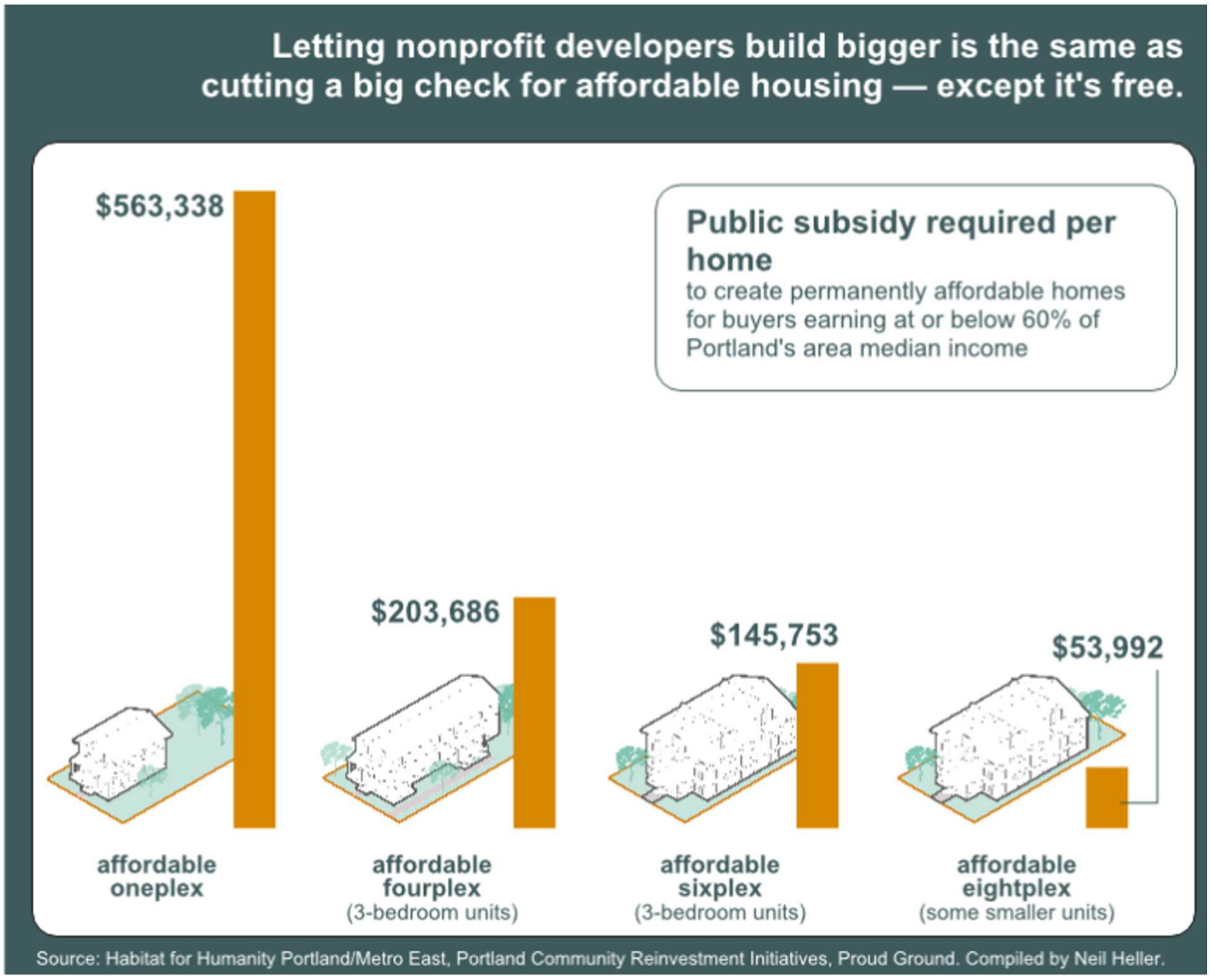
And an older fourplex with none:



In both cases, the low parking ratios help allow room for street trees and street-facing windows – not to mention for curbside parking spaces, since each additional curb cut removes a public parking space (essentially privatizing it).

Regulated affordability

A key feature of Portland's middle-housing legalization is sometimes referred to as the "deeper affordability option." It was based in part on research by Sightline showing the significant per-unit savings that allowing higher unit counts can bring to an affordable housing project by an affordable middle-housing developer like Habitat for Humanity.



This is the same function, of course, that allows market-rate plexes with higher unit counts to pencil at lower price points; in both cases, more households are divvying up the fixed costs, such as land. In the case of affordable housing, allowing more units (and proportionally larger buildings) is the financial equivalent of cutting a large check to a project for no additional cost.

Cities also have many options for how to structure what is essentially an inclusionary zoning bonus. Though the graphic above assumes that all homes are price-regulated, Portland ultimately decided to further encourage their construction by allowing up to half the homes in its “deeper affordability” projects to be market rate.

One important note here is that on any Oregon lot where the state requires a fourplex to be legal, state law doesn’t allow affordability to be a condition for any of the first four units. This makes it somewhat complicated for a city like Milwaukie to make affordability a condition for the fourth unit in any structure.

Theoretically, a city could make fourplexes legal by right on enough parcels to comply with state law, then allow fourplexes on other parcels only if they meet affordability covenants. More straightforward is Portland's method of allowing up to four units by right on all lots and allowing the deeper affordability option for projects of four to six units. Another approach is for a city to allow up to four units regardless of price, but allow larger sizes for projects meeting affordability thresholds.

Conclusion

With the Planning Commission's amendments so far, Milwaukie is considering one of the greener and more pro-housing zoning reforms in Oregon. We are glad for the chance to help inform the city about some of the issues this discussion has raised, and would be happy to offer further information that might help inform this process.

Michael Andersen
senior researcher, housing and transportation
michael@sightline.org

From: Aine Seitz McCarthy
To: Milwaukie Planning
Subject: Support!
Date: Tuesday, November 9, 2021 8:37:34

This Message originated outside your organization.

Hi there,
I can't make the meeting tonight bc I have kiddos but I would like to express my strong support for protecting and growing trees, and also housing affordability in Milwaukie. I'm an ardenwald local, on Olsen st .
Thank you for your hard work!
Aine
--
Aine Seitz McCarthy
ainesmccarthy@gmail.com

From: OCR
To: Vera Kolias
Cc: OCR
Subject: RE: One Half Verse One Parking Spot Requirement
Date: Tuesday, November 9, 2021 9:20:59

From: Bernie Stout <usabs1@nethere.com>
Sent: Tuesday, November 9, 2021 7:41 AM
To: koliasv@milwaukieor.gov
Cc: OCR <OCR@milwaukieoregon.gov>
Subject: One Half Verse One Parking Spot Requirement

This Message originated outside your organization.

To: City of Milwaukie Oregon

- One Half – Verse – One Parking Spot Requirement
- Lack of infrastructure – Pavement, sidewalks, Complete Greenways and Complete Multi-use paths, and more Buses

If future growth in Milwaukie is going work we need to Plan Better.

- One Half Verse One Parking Spot Requirement will collide into the lack of infrastructure to support the goal of getting people out

  of their vehicles, gas or electric. We are building out and not giving the citizens alternatives. The city is talking about taking out pavement rather than

maintaining it. People will be

less inclined to bike or walk in that environment.

We do not have enough buses in Milwaukie but, we have no control of that. Get more buses then consider this.

- First the city needs to complete the Railroad Avenue **Multi-Use Path** from SE 37th up to SE Linwood. The Kiel Crossing at SE 42nd has completed their portion and it

  looks great. **Separate from traffic** and much safer route connecting to the current Clackamas County Sunnyside Road/Multi-Use improvements (much wider overpass at Hwy

  205). Also install **all the features** to complete the **Monroe Street Greenway.**

  The Monroe Apartments (started last week), Milwaukie Market Place, Hill Top, and the Murphy site are in the center of Milwaukie and are creating more growth. The impact will be tremendous.

  Please do not go below one parking space per unit built.

  Thank you,

  Bernie Stout

Written testimony for, Agenda item 6.2, Public Hearing as pertaining to Proposed Tree Code Amendments

Planning Commission Meeting, November 9, 2021

Hello: Chair Looseveldt, Vice Chair Edge, commissioners Hemer, Erdt, Khosroabadi, Sherman; Senior Planner Kolias, and Urban Forester Rogers

I *Oppose* the proposed Tree Code for Non-Development, private property.

The proposed language for Type 1 Tree Removal (citation in packet, 6.2 page 174) is too costly and burdensome for homeowners, failing to provide a fair balance between personal freedom and community interest.

I recommend modifying the proposed Type 1 Tree Removal code to strike a better balance between the personal freedoms of the homeowner versus the interests of the community.

1. Recommend exempting removal of one healthy tree per year with diameter of less than 12 inches from ISA Best Management Practices - 2.a.[1], 6.2 page 174.

I infer ISA Best Management practices means having to hire or consult with tree expert/ services.

The narrower a tree becomes below 12 inches, generally there becomes a fair chance the homeowner can physically remove such tree on their own, avoiding the increasingly costly tree services and allowing the homeowner more pride of managing their own property.

The **City of Portland**, by comparison, **does not regulate private property, non-developmental trees with less than 12-inch diameters.**

There are several good reasons for not making one tree removal per year as onerous as proposed in the language of 6.2 page 174 with its "Best Practices" provision in the case of trees less than 12 inches DBH (Diameter at Breast Height):

(1) Such restrictions on a homeowner managing their property's trees will discourage the homeowner from trying to stay within the spirit of the City's tree preservation efforts. **As a tree becomes narrower towards six inches, enforcement in the case of violation becomes spottier**; and relies increasingly on neighbors filing complaints against their own neighbors, potentially making for bad relations among neighbors.

(2) **As a tree becomes wider than 12 inches, the odds are much more certain the homeowner will need the assistance of tree experts/services anyways** for removing the tree.

(3) Given the weight of the proposed permit fees, removal fees and restrictions; the best practices provision for small trees not much bigger than 6 inches in width, I suspect will deter many homeowners from growing new trees in the first place.

(4) The monies a homeowner can save on small tree management, by avoiding costly tree services, are monies thus available to the homeowner for managing other more mature, larger trees.

2. Drop the Type 1 Permit Fee to zero for the removal of one healthy tree in a year in cases in which the homeowner maintains at least four mature trees; or has planted and is growing four new trees in the last year.

Related to this recommended modification, I note the City of Portland provides a water bill credit for those homeowners maintaining four large, mature trees on their property.

As proposed, the tree code changes for non-development private property trees do not provide enough **'carrots' in encouraging homeowners to plant and grow news trees**; and dropping the permit fee for type 1 healthy tree removal for those already managing and caring for several trees would be a form of acknowledging *their* applied success in tree growing practices.

Also, even a permit fee of $50 is consequential enough to tempt homeowners to try evading the permitting process altogether, particularly for narrower trees in the 6-to-12-inch range (more physically removable by homeowner than wider and larger trees).

And lastly,

3. Modify the replacement tree provision for tree removal - I.(3) 6 page 175; so that homeowners are exempted from it, if they have recently already planted and are growing four or more trees on their property, or are already maintaining four large, mature trees on their property.

I believe these three modifications of the proposed tree code for non-developmental, private property are very necessary to lessen the burden on homeowners of tree regulation and strike a better balance between individual liberties and community interest.

Sincerely,
Elvis Clark,
Ardenwald neighborhood,
Milwaukie 97222

To: Milwaukie planning commission
Re: In support of private tree code
Date: 11/9/21

I am writing today in support of the development and non development private tree code.

I am a volunteer member of the tree board. Over the last year we have worked with consultants to craft and refine the code to meet the unique needs of Milwaukie.

I am also an ISA board certified master arborist with knowledge and experience in tree protection and the many constructive alternatives to tree removal.

I want to highlight the importance of protecting *healthy* trees on private property.

Think back to the heat dome off this past summer. Extreme heat is the most deadly form of climate change. Residential trees help to cool homes. Preservation of existing healthy trees on private property is a first line of defense against future extreme heat events.

The informational notice sent to all residents in advance of this hearing states that regulation of private trees *may* affect property values. A well regarded US Forest Service study (conducted in Portland) agrees: mature healthy trees *increase* home values 10-20%.

Our city has set ambitious climate action goals including increasing canopy coverage to 40% throughout the city. Currently the city enjoys 23% canopy coverage, yet 80% of trees are located on private property. Regulation of trees on private property can help to meet climate action goals which help all of us.

It is important to not conflate regulation with prohibition; the code allows tree removal for a number of circumstances, including a provision to allow one healthy tree removal per property per year. Regulation is needed as a check to deter excessive and unwarranted removal of healthy trees.

We need only look at the events of last week at the Monroe street development to see the need for strong development tree code. The Mission park debacle of a few years ago provides even stronger evidence that trees need standing protection from development.

Tree protection is not incompatible with development. We need both. Preservation minded arborists have the tools and technology to help builders work around existing trees. As the city pursues the important goal of increasing middle housing, we need accompanying tree code to compel developers to partner with arborists to protect trees on development sites.

On non development private property the code asks property owners to seek professional counsel from a certified arborist and to explain their reasoning for tree removal as part of the permit application process. This is a reasonable request, not dissimilar from requirements for

other types of private property permits. More information is not a bad thing. Professional consultation and city review will identify and facilitate removal of unhealthy trees and ensure that healthy trees are retained.

Surely many will have written to oppose the code as government overreach. From my perspective as a tree professional, I suggest viewing the code as proactive community support. Helping trees helps people.

Thank you,
Jon Brown

3023 SE Malcolm Street
Milwaukie Oregon 97222

Sightline Institute is an independent think tank working to advance sustainability in the Pacific Northwest. We believe it exists at the intersection of environmental health and social justice.

We're writing to offer feedback on Milwaukie's comp plan implementation process. Our perspective is informed by our past work helping assess, inform and in some cases urge amendments of the recent middle housing legalizations in Portland, Eugene and Hood River, as well as House Bill 2001 and its subsequent state rulemaking process.

Our animating interest in these issues is simple. **Small homes and attached homes are green**; they make it easier for people to use less stuff and burn less energy. (An Oregon Department of Environmental Quality life-cycle analysis found that more than 80 percent of the lifetime energy consumption of a home occurs from heating and cooling.) **Giving people the option to live close to each other is green**, too; proximity is a key ingredient to creating walkable, bikeable-transit rich neighborhoods that offer lots of amenities within a short distance.

The policy work of environmentalism can be gloomy. In many cases, leaving a healthy planet for our grandchildren and their peers requires trying to get people to do things they don't want to, or to stop doing things they like.

Greening our zoning laws is a happy exception. Here's how it works: **people who want to reduce their own energy consumption get the option to do so.** In some cases, lowering the invisible walls in our zoning codes also gives *more* people the option to save energy. For example, we can broaden access to low-energy living when we allow multiple households to divvy up the cost of valuable urban land, or when we stop forcing people to pay for parking spaces they don't need.

Those who don't want to change their energy consumption, meanwhile, aren't forced to.

With these proposals, especially including the recent amendments by the planning commission, Milwaukie proposes to join many other cities in Oregon and elsewhere by ending its bans on less expensive, less energy-intensive housing types.

After listening to much of the Planning Commission's deliberation so far, it seems worth commenting specifically on three subjects: the likely pace of change, the role of parking mandates, and the potential for size or unit-count bonuses for projects that offer regulated affordability.

The pace of change

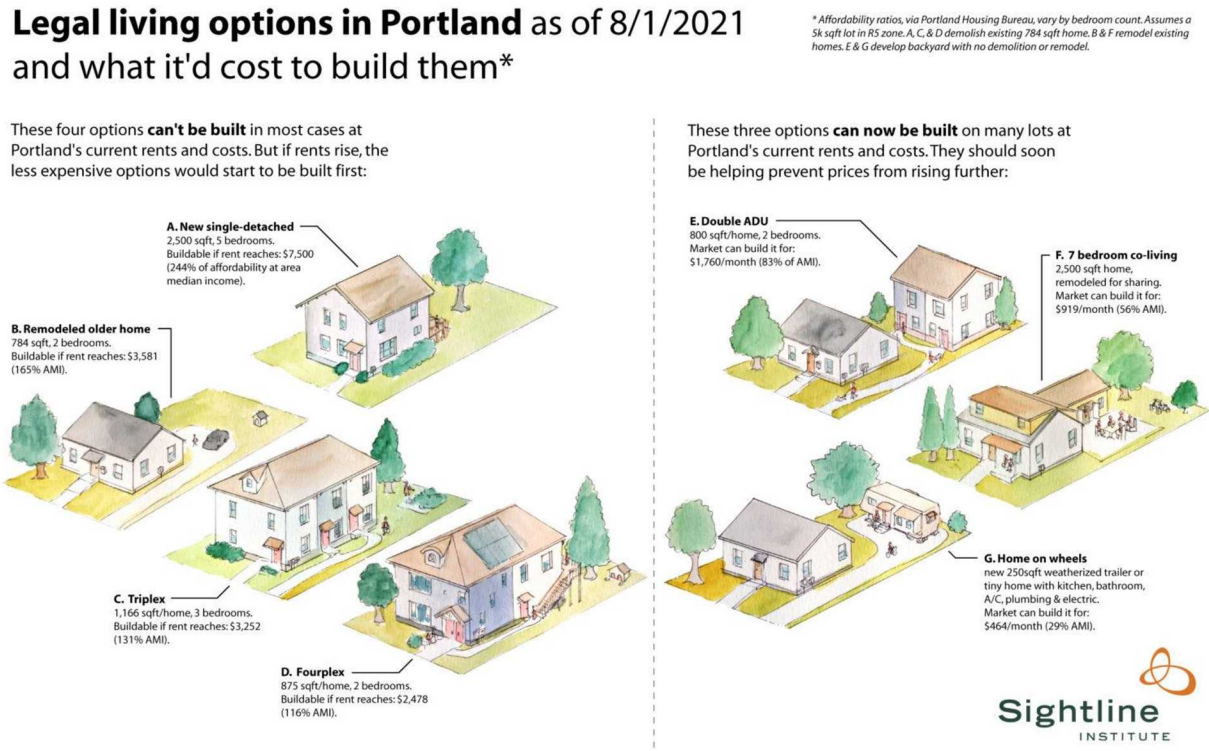
Every quantitative analysis of middle housing we're aware of suggests that, for better or worse, re-legalizing middle housing options will change a city quite slowly.

Economic analysis of Portland's recent reform to its low-density zones concluded that the vast majority of additional homes created over the next 20 years would result not from a higher rate of redevelopment, but from the fact that when a project happens, it would probably create a triplex rather than a oneplex. The effects of such a shift are to:

- sharply reduce the market price of the typical newly built home in lower-density zones (mostly because the triplex units would tend to be smaller)
- modestly increase the total number of units in the city
- barely increase the overall redevelopment rate

Notably, this shift toward triplexes was found to be likely *only* after Portland chose to incentivize duplexes and triplexes by allowing them to be a bit larger than a oneplex. Before the city introduced this sliding-scale size cap, the same calculations (by the local firm Johnson Economics) had found that many redevelopments would be oneplexes despite the fourplex legalization.

Sightline followed up on this analysis with one of its own that used a different method. If we gaze into the future of a $320,000 lot with a crumbling old home, what scenarios are likeliest? This approach suggested that in most cases, given the size constraints Portland put on all new structures (height limit of 30', floor area ratio of 0.7), the only additional housing that could be created at or below today's market prices would be options that don't require demolition of the existing structure – true "infill" options such as ADUs, remodeled group homes, and backyard homes on wheels. (Milwaukie's "flag lot" and "back lot" proposals would also fall in this category.)



However, these numbers also suggested that when a structure reaches the true end of its useful life, it will now be more likely to be replaced by a triplex or fourplex than by a oneplex.

These specific cost projections are unique to the size limits and rent conditions in Portland, but the basic principle applies in every city. New housing is more valuable than old housing, but rarely so much more valuable that it's worth demolishing a habitable building to create only a bit more of it.

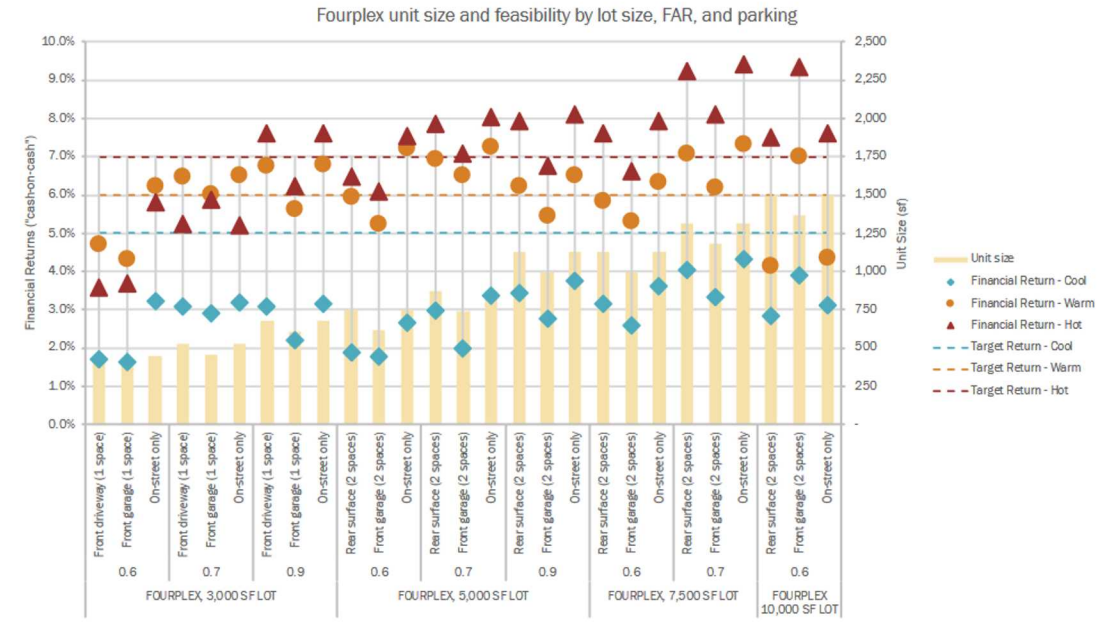
Parking and middle housing

When a jurisdiction makes parking mandatory with new residential or commercial projects, it has literally prioritized the creation of additional parking spaces over homes and jobs.

For the forseeable future, most newly built homes in most of Milwaukie will be built with off-street parking whether or not parking is mandatory. Most new commercial buildings will be, too. But if anyone ever *figures out a way* to create a home or a job without also creating a parking space, parking mandates would make it illegal for them to do so.

This tradeoff is very real. When calculating the relationship between parking and project viability to inform Oregon's rulemaking process for House Bill 2001, local firm ECONorthwest concluded that "on small lots, even requiring more than one parking space per development creates feasibility issues."

Exhibit 1: Fourplex Results Summary by Lot Size, FAR, and Parking



Source: ECONorthwest

The firm didn't even bother to model the cost of parking requirements above two spaces per lot, because it would make so many projects geometrically impossible.

Lot Size: 5,000 SF **Units:** 4

Lot Width: 50 Lot Depth: 100

Buildable Dimensions: 40' x 65'

FAR: 0.7 GFA: 3,500

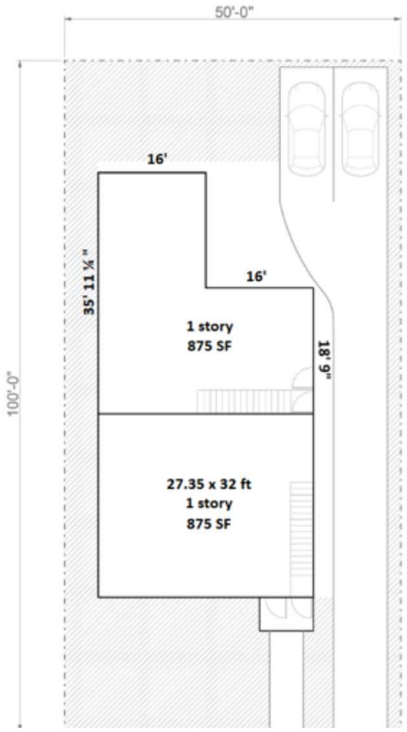
Unit SF: 875 Floors: 2

Building Footprint: 1,750 SF

Layout:

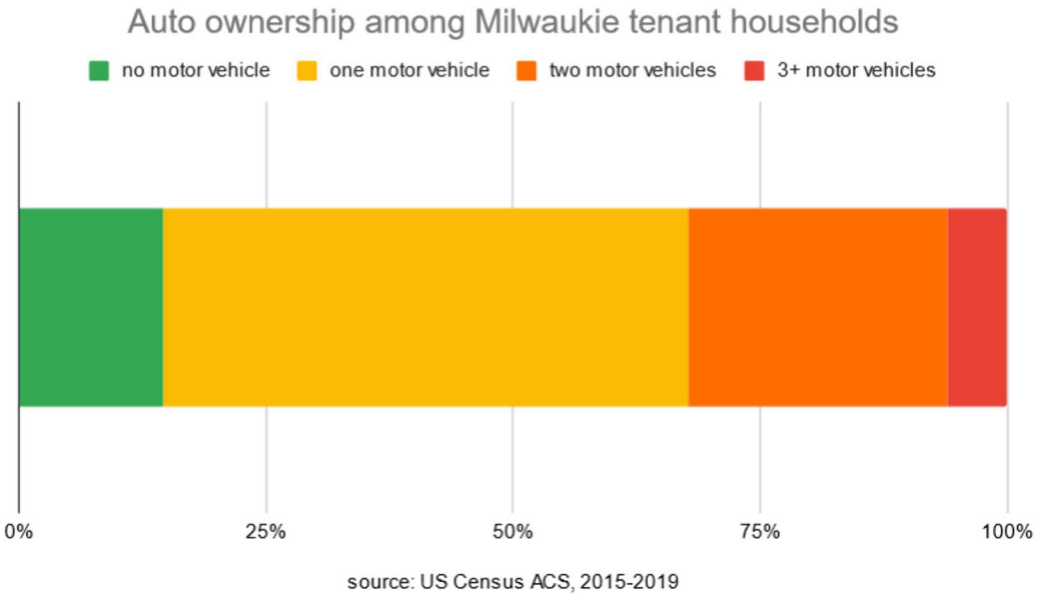
Stacked units.

Two rear parking spaces.



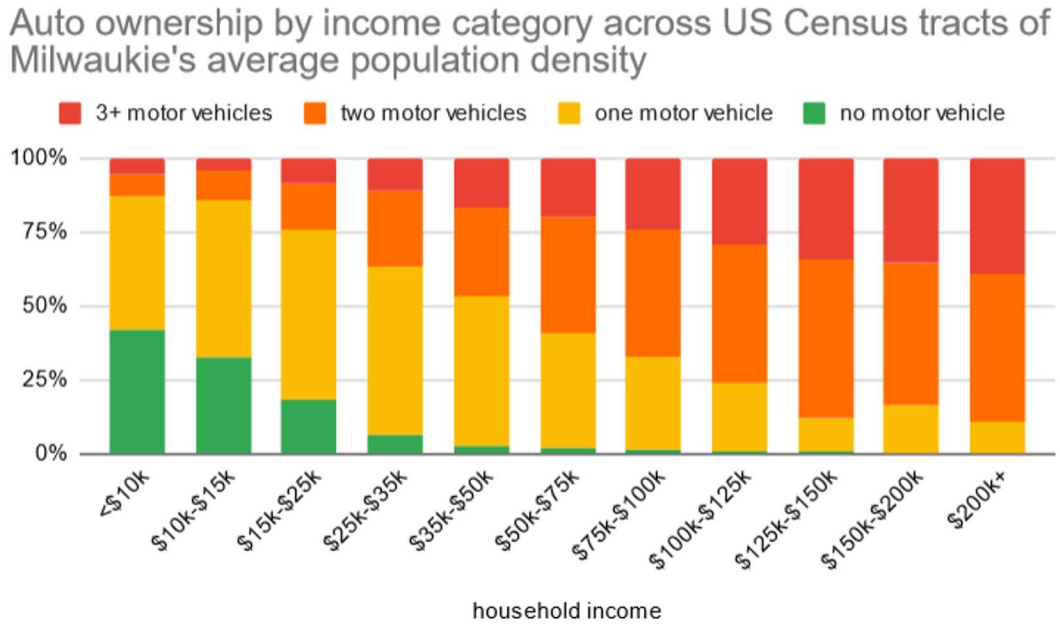
Parking mandates are a particular burden on tenants, especially lower-income tenants.

Though many Milwaukie households have multiple cars (and many Milwaukie homes offer multiple off-street parking spaces), many households do not. Fully two-thirds of the city's tenant households own either zero or one car.



source: US Census ACS, 2015-2019

There isn't great city-level data on auto ownership by income bracket. But in places across the United States that have population density similar to Milwaukie's, the 2017 National Household Transportation Survey shows that households with zero or one car are overwhelmingly, though not exclusively, lower-income:



Removing parking mandates – which is to say, letting Milwaukie residents decide for themselves how many parking spaces they want to pay for when they're looking for a home – is an incremental reform with potentially large long-term effects.

In the short term, again, this reform is likely to have very little effect. As in Tigard, which effectively removed its parking mandates from low-density zones in 2018, most new construction will continue to include on-site parking. Most people in cities like Milwaukie or Tigard own cars, and those that do tend to find a home slightly less valuable if it doesn't have on-site parking.

The effect of ending parking mandates, however, is to allow new homes to also occasionally be optimized for households that own fewer cars, or for sites that already offer plenty of parking nearby.

A final consideration about parking is aesthetics. Here is an example of a recently built fourplex with two off-street parking spaces:



Photo: Kol Peterson

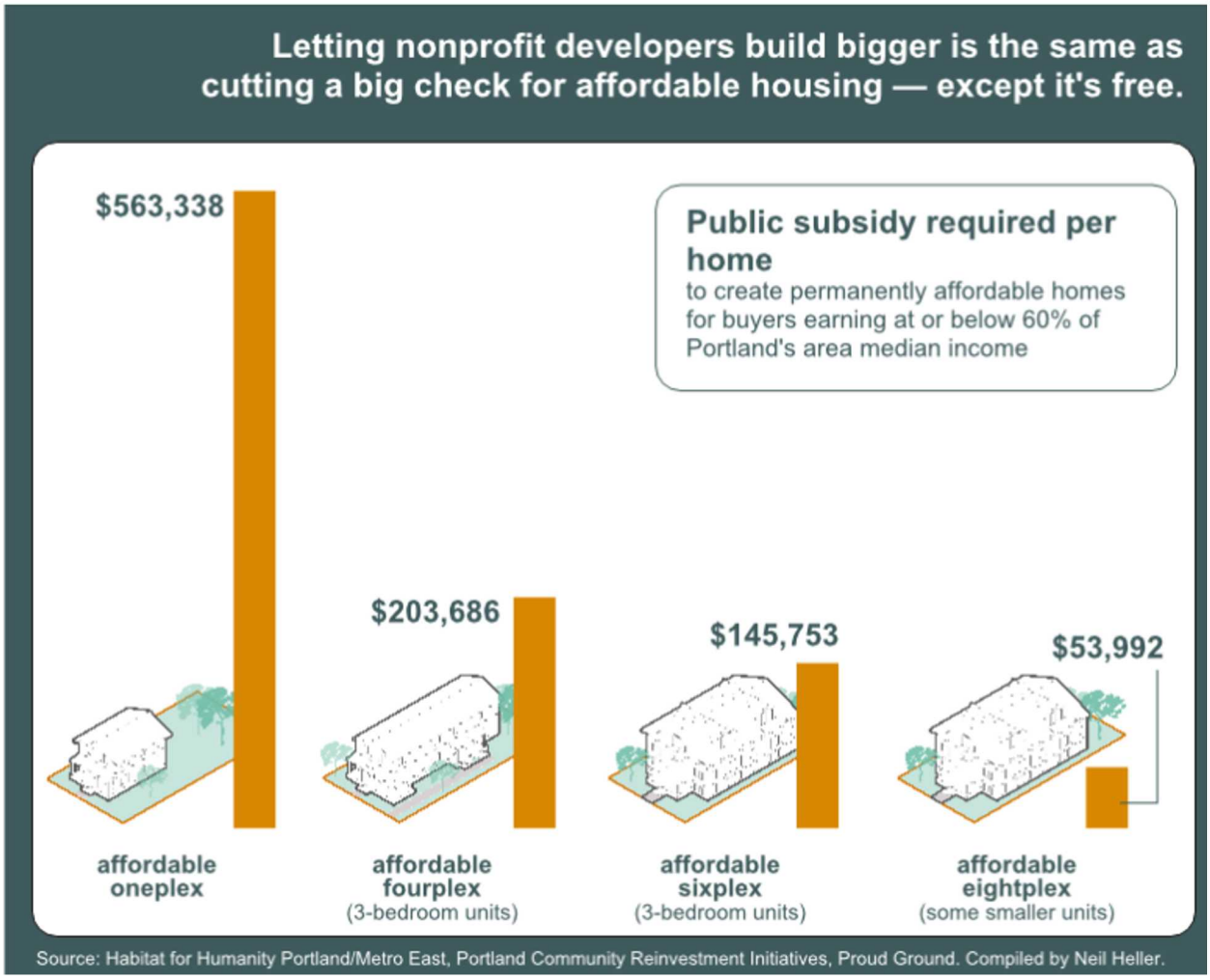
And an older fourplex with none:



In both cases, the low parking ratios help allow room for street trees and street-facing windows – not to mention for curbside parking spaces, since each additional curb cut removes a public parking space (essentially privatizing it).

Regulated affordability

A key feature of Portland's middle-housing legalization is sometimes referred to as the "deeper affordability option." It was based in part on research by Sightline showing the significant per-unit savings that allowing higher unit counts can bring to an affordable housing project by an affordable middle-housing developer like Habitat for Humanity.



This is the same function, of course, that allows market-rate plexes with higher unit counts to pencil at lower price points; in both cases, more households are divvying up the fixed costs, such as land. In the case of affordable housing, allowing more units (and proportionally larger buildings) is the financial equivalent of cutting a large check to a project for no additional cost.

Cities also have many options for how to structure what is essentially an inclusionary zoning bonus. Though the graphic above assumes that all homes are price-regulated, Portland ultimately decided to further encourage their construction by allowing up to half the homes in its “deeper affordability” projects to be market rate.

One important note here is that on any Oregon lot where the state requires a fourplex to be legal, state law doesn’t allow affordability to be a condition for any of the first four units. This makes it somewhat complicated for a city like Milwaukie to make affordability a condition for the fourth unit in any structure.

Theoretically, a city could make fourplexes legal by right on enough parcels to comply with state law, then allow fourplexes on other parcels only if they meet affordability covenants. More straightforward is Portland's method of allowing up to four units by right on all lots and allowing the deeper affordability option for projects of four to six units. Another approach is for a city to allow up to four units regardless of price, but allow larger sizes for projects meeting affordability thresholds.

Conclusion

With the Planning Commission's amendments so far, Milwaukie is considering one of the greener and more pro-housing zoning reforms in Oregon. We are glad for the chance to help inform the city about some of the issues this discussion has raised, and would be happy to offer further information that might help inform this process.

Michael Andersen
senior researcher, housing and transportation
michael@sightline.org

From: Jill B
To: Vera Kolias
Subject: Housing and Osrking
Date: Tuesday, November 9, 2021 7:39:50

This Message originated outside your organization.

To the Planning Commission,

It is vital to allow at least one parking space per living unit. If you disregard the wishes of most probably the majority of Milwaukie citizens, and pass the zero parking space per unit, you are absolutely not serving the city, you are making Milwaukie an undesirable place to live, not only for property owners, but also for potential renters in the multiple unit dwellings.

I beg you to preserve the quality of life we enjoy in Milwaukie and allow a MINIMUM of one parking space!

Sincerely,
Jill Bowers
--

From: Aine Seitz McCarthy
To: Milwaukie Planning
Subject: Support!
Date: Tuesday, November 9, 2021 8:37:34

This Message originated outside your organization.

Hi there,
I can't make the meeting tonight bc I have kiddos but I would like to express my strong support for protecting and growing trees, and also housing affordability in Milwaukie. I'm an ardenwald local, on Olsen st .
Thank you for your hard work!
Aine
--
Aine Seitz McCarthy
ainesmccarthy@gmail.com

From: OCR
To: Vera Kolias
Cc: OCR
Subject: RE: One Half Verse One Parking Spot Requirement
Date: Tuesday, November 9, 2021 9:20:59

From: Bernie Stout <usabs1@nethere.com>
Sent: Tuesday, November 9, 2021 7:41 AM
To: koliasv@milwaukieor.gov
Cc: OCR <OCR@milwaukieoregon.gov>
Subject: One Half Verse One Parking Spot Requirement

This Message originated outside your organization.

To: City of Milwaukie Oregon

- One Half – Verse – One Parking Spot Requirement
- Lack of infrastructure – Pavement, sidewalks, Complete Greenways and Complete Multi-use paths, and more Buses

If future growth in Milwaukie is going work we need to Plan Better.

- One Half Verse One Parking Spot Requirement will collide into the lack of infrastructure to support the goal of getting people out

  of their vehicles, gas or electric. We are building out and not giving the citizens alternatives. The city is talking about taking out pavement rather than

maintaining it. People will be

less inclined to bike or walk in that environment.

We do not have enough buses in Milwaukie but, we have no control of that. Get more buses then consider this.

- First the city needs to complete the Railroad Avenue **Multi-Use Path** from SE 37th up to SE Linwood. The Kiel Crossing at SE 42nd has completed their portion and it

  looks great. **Separate from traffic** and much safer route connecting to the current Clackamas County Sunnyside Road/Multi-Use improvements (much wider overpass at Hwy

  205). Also install **all the features** to complete the **Monroe Street Greenway.**

  The Monroe Apartments (started last week), Milwaukie Market Place, Hill Top, and the Murphy site are in the center of Milwaukie and are creating more growth. The impact will be tremendous.

  Please do not go below one parking space per unit built.

  Thank you,

  Bernie Stout

Renee Moog
Planning Commission Meeting Nov 9th, 2021
Public comments to read

Relying on street parking is not a "one-size-fits-all" proposition because parking supply and demand varies from one type of street to another. Our code changes need to consider hyper-local needs as well as safety and equity issues.

One day last week, my driveway was blocked by two work vehicles. I asked if there was a problem and one of the drivers said the gate next door where they had a service call was closed and said, "there is literally no place to pull over." He couldn't have said it better – "There is literally no place to pull over."

Future parking needs may shift but currently and in the foreseeable future, on-site parking is a critical need to many people and something that should not exclusively be available in certain neighborhoods to certain populations based on the type of housing they are able to afford. Our code must consider that on-street parking is not an equitable option for all units and will need to include distinct modifications for minimum required parking for distinct types of streets.

Several commissioners justified eliminating on-site parking requirements based on the premise that current on-street parking capacity will accommodate all future parking needs. I question this premise and ask that commissioners, city council and the public take a more critical and thorough look at the data.

In the October 26th meeting it was stated:

"Milwaukie has 765 buildable lots. At 3% market absorption rate for getting middle housing on new lots, we are (only) looking at 24 new dwellings of middle housing city wide."

I question these numbers:

- By "24 dwellings" did you mean 24 lots or units? Is this per year or over 20 years?
- If it's lots, has the potential number of units that could be developed been calculated and considered?
- Is it possible that the number of identified buildable lots will increase as properties are subdivided and middle housing is built on lots that were previously single family?
- Has the reduction of on-street parking supply based on planned street improvements been calculated and considered?
- Have you included the additional parking demand of approximately 1400 new units as detailed in November's Pilot article? (These units aren't necessarily middle housing but more units means more cars and will affect parking supply and demand.)

Besides discussing the quantity of on-street parking, have you discussed quality issues related to safety, livability, traffic flow due to increased number of parked cars?

And finally, have you discussed equity issues? By incentivizing housing density near transit, minimizing or eliminating on-site parking for middle housing and income-restricted housing, our policies are effectively driving those with limited housing options to forego equitable access to on-site parking. Our community vision puts an emphasis on equity issues but proposed policy is not supporting equitable opportunity for all groups.

I would ask that you adequately discuss parking as an integral component of our new code before making any recommendations. Please take the time needed to consider a wider framework and put forth an equitable, informed and data supported recommendation. Thank you.

From: Jay Panagos
To: Vera Kolias
Subject: 1 unit=1parking space
Date: Tuesday, November 9, 2021 10:59:20

This Message originated outside your organization.

Hello,
I believe 1 parking space should be provided for 1 unit. Ideally, in order to control vehicle emissions which affect our health and planet, alternative modes of transportation should become more prevalent (bikes, scooters, buses, trains,etc). However, alternative modes of transportation will not always fit the circumstances.

Jay

Sent from my iPhone

From: David Aschenbrenner
To: Vera Kolias
Subject: Planning Commission Comments
Date: Tuesday, November 9, 2021 11:13:07

This Message originated outside your organization.

Dear Planning Commission,
As a citizen of Milwaukie and one that has been involved in Milwaukie for many years, Please reconsider the parking requirements for middle housing. As you know many of Milwaukie streets are not built out to a standard that allows for on street parking and in some neighborhood where parking on street is allowed, there is no space to add more on street parking.
As an example the street I live on, Home Ave., will be adding sidewalks to the west side of the street which will remove all the present parking that is possible on the west side. The rebuilt street width will not allow for parking on most of the west side as the street is it will be to narrow to allow emergency vehicles to access the area if cars are parked on the west side.

Milwaukie is not a city that has a grid network of streets that allows for more places to park. Milwaukie is not Portland, look at the problems and conflicts that has raised over parking in establish neighborhoods in Portland.

Please reconsider your decisions, Listen to the groups that have spend hours looking into this topic. There needs to be some off street parking.

Thank You for your time on the Planning Commission

David Aschenbrenner
11505 SE Home Ave.
Milwaukie, OR

Sent from Mail for Windows

City of Milwaukie Planning Commission 11-9-2021 Public Tes

Milwaukie Middle Housing, Tree Code, and Residential Parking
RE: Proposed Code Amendment 19.605 - Vehicle Parking Quantity Requirements

Dear City of Milwaukie Planning Commission:

While we support the City's goals to reduce carbon emissions by increasing density, we do not support the City of Milwaukie's revision to the Proposed Code Amendments for middle housing parking requirements without concomitant increase in muliti-modal infrastructure.

SUMMARY

Over much of this year a group of Milwaukie citizens participated in the Comprehensive Plan Implementation Committee (CPIC), which addressed changes to housing development, trees, and parking requirements for our city that must be made due to Oregon House Bill (HB) 2001.Online community surveys were conducted to request citizens' preferences for housing code, tree protections, and parking requirements. **Now we ask for your consideration of the following 5 key points:**

1. We do not yet have the multi-modal infrastructure to support such a significant reduction in Middle Housing parking occupancy requirements.

2. The Planning Commission has disregarded CPIC (Comprehensive Plan Implementation Committee) and Engage Milwaukie participants' points of view in their decision making process.

3. We need a phased-in, incremental approach based on neighborhood specific criteria to establish a timeline for reducing Middle Housing parking requirements from 1 off-street parking spot per unit to .05 parking spots, then 0 parking spots.

4. We propose an additional Planning Commission meeting for public testimony to further consider the data, discussions, and public testimony specific to Middle Housing parking requirements before the PC submits their recommendations to Council.

5. We wish to further explore impacts of proposed parking requirements specific to lower income households and their need for automobile transportation.

The development of parking code amendments, as part of a comprehensive code review process including specific to Middle Housing, heritage tree protection, and parking occupancy is a community wide decision making process and must continue to reflect that in the diversity of opinions from within the community by the Planning Commission as the consider their final recommendations to City Council.

INTRODUCTION

In the absence of significant pedestrian and bicycle infrastructure, reducing minimum residential parking requirements below 1 per unit for middle housing does not make sense and is NOT supported by a majority of Milwaukie citizens who participated in surveys and committees.

As long as people need cars to get things done, and public transit is insufficient, inconvenient, and deemed unsafe, people will continue to choose to own and drive personal cars. The recommended revisions to proposed code amendments below, from the upcoming 11-9-21 Planning Commission meeting packet, are completely unacceptable.

Table 19.605.1 Off-street Parking Requirements

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	**Minimum Required**	**Maximum Allowed**
A. Residential Uses		
3. Middle Housing		
a. Duplexes	0	1 space per dwelling unit
b. Triplexes	0	1 space per dwelling unit
c. Quadplexes	0	1 space per dwelling unit
d. Town Houses	0	1 space per dwelling unit
e. Cottage Clusters	0.5 spaces per dwelling unit	1 space per dwelling unit

This would mean that a new du- tri- or fourplex or a would have a minimum requirement of ZERO on-site parking spaces. **Yet the possibility of a minimum zero parking space requirement has *never* been discussed with the community as a potential code amendment.**

In fact, the following documents support the need for a minimum off-street residential parking requirements requirement of one space per unit for Middle Housing:

1. Proposed Code Amendments
2. Residential Parking Occupancy Study
3. CPIC Community Survey #1 Summary
4. Planning Commission Meeting on 10/26/21

1. PROPOSED CODE AMENDMENTS - SEPTEMBER 2021

In September 2021, the City of Milwaukie published and proposed Chapter 19.600 which regulates off-street parking and loading areas on private property outside the public right-of-way.

*The purpose of Chapter 19.600 is to: **provide adequate, but not excessive, space for off-street parking;** support efficient streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of*

parking areas; and minimize environmental impacts of parking areas.

Proposed code amendments 19.605.1 Off-street Parking Requirements for Middle Housing Units are a minimum of 1 space per dwelling unit and a maximum of 1 space per dwelling unit.

Table 19.605.1 Off-street Parking Requirements

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	**Minimum Required**	**Maximum Allowed**
A. Residential Uses		
1. Single detached dwellings, including manufactured homes.	1 space per dwelling unit.	No maximum.
2. Multi-Unit Dwellings	1 space per dwelling unit.	2 spaces per dwelling unit.
3. Middle Housing a. Duplexes b. Triplexes c. Quadplexes d. Town Houses e. Cottage Clusters	 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit	 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit
4. Residential homes and similar facilities allowed by right in residential zones.	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
5. Accessory dwelling units	No additional space required unless used as a vacation rental, which requires 1 space per rental unit	No maximum.

2. RESIDENTIAL PARKING OCCUPANCY STUDY - CITY of MILWAUKIE

As part of the **Comprehensive Plan Implementation Committee (CPIC)** the City of Milwaukie hired Rick Williams Consulting to perform a Residential Parking Occupancy Study - link here.

As stated in the **Executive Summary of the Residential Parking Occupancy Study**

- *Data from the occupancy study suggests the City take the minimum compliance approach to meet State mandate for parking requirements for new middle housing projects. According to the new regulations, a city may not require more than a total of* ***one off-street parking space per dwelling unit.*** *(Where minimum compliance equals one off-site parking spot per unit.)*

- Total parking supply averages approximately 4.05 stalls per residential unit across all four neighborhoods. Within this average, Lewelling has the highest parking supply total of 4.93 stalls per residential unit: Ardenwald the lowest at 3.13 stalls per residential unit

- **Minimum parking demand averages approximately 1.99 vehicles** per residential unit at the peak hour across all four neighborhoods; this includes both the on and off-street parking systems. Within this average, Lake Road has the highest demand for parking at 2.05 vehicles per residential unit: Lewelling the lowest at 1.89 vehicles per residential unit.

- *Much on-street parking is unimproved, **which could reduce on-street supply** if improvements are made.*

This conclusion is further supported by the Summary table below, which suggests that Milwuakie's neighborhoods are currently designed to support 1.99 total vehicles per unit.

Summary Table: Residential Peak Parking Demand per Unit by Neighborhood and by Combined Average

		Lake Road	Lewelling	Ardenwald	Island Station	Total
	Residential Units	190	154	171	131	**646**
Supply	**On-Street Stalls/Unit**	2.37	2.64	1.20	2.18	**2.09**
	Driveway Stalls/Unit	1.75	2.29	1.68	1.82	**1.87**
	Surface Lot Stalls/Unit	-	-	0.25	0.14	**0.09**
	Total Stalls Studied/Unit	4.12	4.93	3.13	4.13	**4.05**
Demand*	**On-Street Vehicles/Unit**	0.89	0.29	0.29	0.36	**0.48**
	Driveway Vehicles/Unit	1.16	1.60	1.58	1.48	**1.44**
	Surface Lot Vehicles/Unit	-	-	0.18	0.11	**0.07**
	[1]Total Vehicles/Unit	2.05	1.89	2.05	1.95	**1.99**

*All demand observations shown represent the 2:00 AM overnight peak hour.

Yet even planning for one off-street parking requirement per Middle Housing unit may exacerbate current parking, transportation, and public safety problems due the lack of uniformity and unique constraints that are present in Milwaukie's neighborhoods.

Per HB 2001, the State of Oregon has already mandated a maximum requirement of 1 on-site (garage, driveway) per Middle Housing dwelling unit as stated in the Proposed Code Amendment 19.605 Vehicle Parking Quantity Requirements.

Reducing parking requirements to the HB 2001 maximum on-site parking requirements is already a significant reduction, given that many households have 2 or more vehicles (including RVs, boats, other recreational vehicles) and the parking study noted that a "notable number of households have 3 or more vehicles." The reduction of the 1 parking space to 1 dwelling unit parking requirement may actually serve to limit who can choose to live in these middle housing neighborhoods if they need on-site parking that is not available to them (such as the elderly, the disabled, and people with children), some of the very people "middle housing" is aimed to provide shelter for.

3. CPIC COMMUNITY SURVEY #1 SUMMARY

It is not clear that CPIC made any determination with regards to Middle Housing parking requirements. However the Engage Milwaukie survey summary link here (95 participants total) clearly states that **reducing parking requirements appeared to be of the greatest concern** to the survey respondents.

People identified more negative impacts than benefits to reductions in on-site parking requirements, and were concerned about the availability of parking and the lack of safe multi-modal (pedestrian & bicycle) networks.

Perceptions of reducing parking requirements

People were asked to identify perceptions about reducing parking requirements they might have. On average, people identified between two to three perceptions. The lack of good networks for walking or biking and availability of transit in existing neighborhoods was mentioned the most, followed by streets not being able to accommodate on-street parking, a concern that the reduced parking requirements will not reflect actual demand, and a lack of on-street parking close to people's destinations.

Other perceptions related to reducing parking requirements included:

- Resistance to bike parking requirements
- Immediate neighbors might be impacted by reduced parking requirement for multi-unit complexes
- Streets would not safe or friendly for pedestrians and cyclists – poor lines of sight and lack of sidewalks make it dangerous
- Negative impacts on lower economic groups because they rely on their car for work
- Concerns about electrical vehicles charging stations

10/26/21 10/26/21 Planning Commission meeting- Middle House Code Continued Hearing #2

As Commissioner Massey clearly states during the 10/26 PC meeting, it is incumbent on the Planning Commission to carefully consider the opinions of our community members who participated as CPIC volunteers, submitted surveys, and public comments during the public hearing process, and not just rely on the characterization of CPIC by a minority of PC commissioners (2) who participated in the CPIC meetings.

And during this Planning Commission meeting, Ms. Kolias presented findings related to the Residential Parking Occupancy study, but did not have time to represent the CPIC findings, nor the Engage Milwaukie surveys nor the open house comments. (Nor was she requested to do so by a majority of the Planning Commissioners).

Planning Commissioners are not appointed by Council to selectively determine which findings are most important, while ignoring community surveys and open house comments which may contradict their views.

Yet this is exactly what transpired on October 26, first with Commissioner Edge and followed by at least 4 other Planning Commissioners who joined together in a hastily coordinated series of votes to reach a determination that does not also reflect the findings of the CPIC, results of community surveys, or even the independent parking consultant's recommendations.

Notably very few CPIC members,or any members of the community, were present during the final hour of the 10/26/21 PC meeting discussion, which was facilitated by Planning Commissioner Edge, and focused almost

entirely on his own calculations related to parking supply relative to findings of the Residential Occupancy Study.

The impunity with which Commissioner Edge makes determinations about how members of the CPIC would interpret the findings of the Residential Parking Study, and the impression that he is somehow authorized to summarize the opinions of that group and other community members who participated, is exceedingly disturbing as it undermines the integrity of the community involvement process.

As stated in the MMC, the PC is the governing body responsible for engaging the citizens around matters of community development, specifically Middle Housing and the impacts it will have on neighborhood safety and traffic impacts, and also serves as the Citizen Involvement Advisory Committee (CIAC).

How does the Planning Commission propose to recommend any Middle Housing requirements below the initial Proposed Code Amendments of one off-site parking spot per unit, without further informing members of the broader engaged community that such significant changes are under consideration?

As stated in Milwaukie Municipal Code (MMC) Comprehensive Plan Part 1. Fostering Community, Culture, and Belonging, Section 1: Community Engagement Goals and Policies:

OVERARCHING SECTION GOAL

Engage in inclusive, *collaborative, transparent, accountable,* and equitable decision-making through a broad range of strategies that inform and involve a full spectrum of community members, in particular those traditionally left out of the planning process.

GOAL 1.1 - FOSTER BROAD, EFFECTIVE, AND COLLABORATIVE COMMUNITY PARTICIPATION

> Implement and encourage practices that increase community participation by providing detailed information, consulting with the community, and fostering collaborative partnerships.

Based on these MMC Community Engagement Goals as stated above, the Planning Commission has not acted in a collaborative, transparent, and accountable fashion with regards to recommendations it made to City Staff relative to specific Middle Housing parking requirements and revisions to the Proposed Code Amendments.

With what right does the Planning Commission ignore the recommendation for minimum compliance with HB 2001, and expect to represent the views of the previously engaged Milwaukie community, and *also state during this meeting that an in-depth conversation to discuss the data had never happened in the past?*

This state of mind, of a majority of Planning Commissioners as they made their recommendations to City Staff, represents a conflict of interest and potentially violates the Planning Commission's charter's requirements in their role as the Community Involvement Advisory Committee per MMC goals.

CONCLUSION

We, the named below, unanimously agree that Middle Housing is required for the City of Milwaukie by the State of Oregon and that it will have both positive and negative outcomes for residents of our neighborhoods.

We agree that there is a need to increase density, to mitigate climate change, promote a 40% tree canopy, and reduce the cost of construction to make Middle Housing more affordable. However, we also feel that an incremental approach to Proposed Code Changes should not deviate from the minimum standard as defined by HB 2001, and any attempt to do so represents a significant distortion of the community engagement process.

As the impacts of requiring 1, 0.05, and 0 off-site parking spaces have the most impacts at the local level, specific to already burdened intersections and streets subject to cut-through traffic, and as there have been no studies presented to the community relative to the impacts of reducing parking requirements at the local level during any stage of the community engagement process, it is extremely disingenuous for the Planning Commissioners to deviate in any way from the Proposed Code Changes as stated in Section 1 above.

As Stephan Lashbrook, a CPIC member, commented re: the 19.605 proposed code amendment:

Reducing the parking standard for residential developments still concerns me because there is so much variation in available parking from one block to another.

I realize that the State has mandated a reduced parking standard and I suppose that the best I can do is simply say that there will be problems when residents discover that the on-street parking they have relied on for years is now occupied by overflow parking from other properties.

I wish we had frequent transit service in every neighborhood and a thoroughly connected sidewalk and bike system all over town. We do not and we probably never will.

Without those alternative transportation improvements, we are going to create parking problems for some people in some parts of town.

Yet, despite citizen concerns of limiting Middle Housing residential parking requirements to the HB2001 maximum allowed 1 minimum required parking spot per unit for middle housing, BURIED on page 388 of a 423 page meeting packet, there is now a recommendation of ZERO on-site parking spaces required per unit of new Middle Housing built.

Given the City of Milwaukie's engagement with the community, participation of CPIC members, data derived from the Residential Parking Occupancy Study, and it's own proposed code change amendments 19.605.1 as of September 2021, it is imperative that the Planning Commission accept and approve the proposed Middle Housing off-street parking minimum requirement of 1 space per unit, and not the revised requirements of 0 parking spaces per unit.

Public Comment Supporters and City of Milwaukie residents

	First Name	Last Name	Neighborhood
1.	Chris	Ortolano (Author)	Hector Campbell
2.	Clodine	Mallinckrodt	Hector Cambell
3.	Bernie	Stout	Hector Campbell
4.	Michael	Bishop	Hector Campblell
5.	Linda	Keating	Hector Campblell
6.	Janice	Pearlman	Ardenwald
7.	Gwenn	L. Alvarez	Lake Road
8.	Vincent	Alvarez	Lake Road

	Signature	Printed Name	Neighborhood
9.		JEFFREY MUMFORD	ARDENWALD
10.		DIANA GREGG	ARDENWALD
11.		Stacy Gregg	ARDENWALD
12.		DAVID SILVERMAN	ARDENWALD
13.	John Kirk Phillips	JOHN KIRK PHILLIPS	ARDENWALD
14.	Elvis Clark	Elvis Clark	Ardenwald
15.	Renee Moog	Renee Moog	Ardenwald
16.	Lisa Gunion-Rinker	Lisa Gunion-Rinker	Ardenwald/JC
17.	Matt Rinker	MATT RINKER	AJC
18.	Michelle E Greeley	Michelle Greeley	AJC
19.	Mitch Miguel	Mitch Miguel	AJC
20.	Ronelle M Coburn	Ronelle Coburn	AJC

Milwaukie Middle Housing, Tree Code, and Residential Parking
RE: Proposed Code Amendment 19.605 - Vehicle Parking Quantity Requirements

Dear City of Milwaukie Planning Commission:

On Friday it was brought to our attention that suddenly there is a 0 parking space per 1 dwelling unit proposed recommendation buried on page 388 of tonight's 423 page meeting packet based on a late night Planning Commission vote on 10/26, that completely disregards this year's countless hours of service by the Comprehensive Implementation Committee, the community surveys conducted through the new Engage Milwaukie website, and also in direct contradiction to the independent parking consultant's report and final recommendation of maintaining 1 on-site parking space for each unit of forthcoming Middle Housing for du-tri- and quad-plexes.

Furthermore, Cottage Cluster & Townhouse parking requirements have been reduced to 0.5 on-site parking spaces per 1 unit…something that also has not been presented to the Milwaukie Community at any time this year.

At this moment, the proposed amendments to the Housing, Parking, and Trees portion of the new Comprehensive Plan, posted on the Engage Milwaukie website, all refer to 1 on-site parking space per 1 dwelling unit for ALL forms of Middle Housing.

As this issue is of crucial concern to many citizens, due to the impact of cars on our streets due to a preponderance of unimproved and derelict street conditions, lack of safe and efficient bicycle and pedestrian facilities, and radically differing conditions from street to street, we set up an online survey that went up midday on Saturday and ran for just 72 hours before sending in this public testimony.

Clearly citizens are very concerned about the possibility of a zero parking requirement and the Planning Commission's late night decision to blatantly override this year's citizen input.

It is clear in the 10/26 meeting that at least some of the commissioners who voted, against the community's evident documented wishes, have little knowledge of the outcomes of this year's citizen engagement processes and that an actual in-depth review of community surveys, CPIC discussions, and the parking consultant's recommendations is needed for a more substantive conversation amongst the PC members.

It seems incumbent upon the Commission to be fully informed and to choose to represent the greater Milwaukie community BEFORE voting on such a vital matter. Also: <u>any substantive changes to what has already been presented should be RE-presented to the larger community before such a small body as the Planning Commission takes it upon itself to make decisions on behalf of the rest of us.</u>

With all due respect on behalf a significant number of OUR city's residents:



Ronelle Coburn
Ardenwald Resident
Milwaukie RIP

And by proxy:

Chris Ortalano
Hector Campbell
Milwaukie RIP

ONLINE PETITION & RESULTS AS OF 11-9-21 @ 12noon
RUNTIME: 72 Hours

CITY OF MILWAUKIE PARKING BAIT & SWITCH

Milwaukie's Planning Department is playing a game of bait and switch with its citizens by IGNORING both independent parking consultant's and residents' surveyed preferences over new proposed residential on-site residential parking requirements. They must be stopped and we need your support NOW before the Planning Commission meets this Tuesday, November 9th.

Over much of this year a group of Milwaukie citizens participated in the Comprehensive Plan Implementation Committee which addressed changes to housing development, trees, and parking requirements for our city that must be made due to Oregon state mandate HB2001 which aims at allowing multiplex housing development (du- tri- & four-plexes, cottage clusters and townhouses) in what have historically been single family residential zones (SFR). SFR zoning has been abolished in all communities with 25,000 residents or more and in metropolitan areas and this type of multiplex "middle housing" or "residential infill projects" (RIP) will now be allowed throughout the mandated cities.

Online community surveys were also conducted to glean citizens' preferences for housing form code, tree protections, and parking requirements.

The clear conclusion drawn regarding citizen preferred on-site parking requirements was for 1 on-site (garage, driveway) per 1 dwelling unit. Also, the hired consulting firm concluded that the MINIMUM average demand for parking across all of our neighborhoods is 2 vehicles per unit with a "notable percentage of residential untis with multiple vehicles (3 or more) parking on-site."

Despite the consensus amongst CPIC, the private consultant, and a majority of survey respondents, Milwaukie citizens desire the highest number of on-site parking spaces be required for new middle housing construction. Per the state mandate, HB2001, the maximum number of allowable parking spaces is 1 on-site space per 1 dwelling unit.

*So WHY??? BURIED on page 388 (of a 423 page meeting packet), is city staff suddenly recommending a requirement of ZERO on-site parking spaces per unit of new housing built? This would mean that a new du- tri- or fourplex or a would have ZERO on-site parking. Just do a little simple math and then think of whether or not there will be anywhere enough street parking to handle the load as our city urbanizes? And is it realistic to think that enough people will decide to take the currently cumbersome transit or ride a bicycle/walk when we lack a comprehensive walking or bicycling network that is safe or convenient and there are no plans to create and build such a network?

Also, it's proposed that new cottage clusters or townhouse properties with 8 or more units would have only 0.5 on-site parking spaces per unit built.

As it is, even with a maximum allowable of 1 on-site parking space per 1 dwelling unit MANY properties will get reductions due to being either within 1,000 feet of a Max line stop (25% reduction) or within 500 feet of a bus line with service intervals of 30 minutes or less (20% reduction).

Given the big picture of multiplex infill development coming our way, it is vital to require 1 onsite parking space per 1 dwelling unit as recommended by the professional parking consultant, the CPIC committee, and as supported by the majority of citizens who have taken the online surveys put out on the Engage Milwaukie website by the city. Even with this standard, in time, our streets will be beyond flooded by cars long before our streets are improved, mass transit is viable for many, and long before alternative transportation networks exist (if they ever do).

It is beyond outrageous and incredibly disrespectful that our own city staff are trying to slip a fast one past us at the last moment, on the last page of a huge packet, AND at a meeting that is presented as being focused on the new Tree Code! A zero minimum on-site parking requirement was never presented in the public outreach efforts of the city and should not be making a last second appearance now.

PLEASE JOIN US in OPPOSING anything less than a minimum 1 on-site parking space to 1 dwelling unit ratio for residential parking in Milwaukie's moderate density neighborhoods.

AND please consider participating in Tuesday's Planning Commission meeting with either your quick written comments (send to KoliasV@milwaukieoregon.gov) and/or 3 minute or less verbal testimony. Details for the zoom conference meeting are here: https://www.milwaukieoregon.gov/bc-pc/planning-commission-84

PLEASE SHARE WITH YOUR NEIGHBORS

WITHOUT YOUR VOICE MILWAUKIE WILL BECOME A PLACE YOU DON'T WANT TO LIVE!

Questions? Please feel free to contact us at milwaukierip@gmail.

3-DAY SURVEY RESULTS & RESPONSES

64 Milwaukie resident signatories | SEE TABLE pp. 5-6
Petition shared 25 times from change.org

Online petition comment responses to the question, “Why did I sign?”

"I’m signing because the parking spaces are not guaranteed to be sufficient relative to construction expansion."

"When the citizens speak as-to what they want, which was 1 parking spot minimum per dwelling, your responsibility is to listen, not go against what the consultants and the citizens have stated. We, as citizens do not want dwellings with no parking."

"I was perfectly happy with the change to one parking spot per house but I am NOT ok with zero parking. I lived in Portland for many years and watched this become huge problem. People in milwaukie mostly can’t get by without cars. We don’t need to fill the streets with parking. Many places here don’t even have sidewalks, now cars will take up space where people need to walk safely."

"It is not realistic to have no place for residents to park. This is guaranteed to create congestion in our neighborhoods. Doing this will only benefit builders. This type of building is not responsible."

"I moved out of Portland due to infill, no parking, and City leaders who did/do not listen. I went to some of the Milwaukie meetings prior to COVID and still felt they didn't listen and only a few concerned people were there to voice concerns on infill. I don't want to live next to apartments or six tiny houses. They are paving over the good things about Oregon and it sucks. If I wanted California I would live there."

COMMENTS FROM SOCIAL MEDIA

Karen Havran
Thank you for leading this. I've been commenting on lack of parking in city planning for a long time, going to open houses, leaving comments, etc. You're right, it falls on deaf ears. We don't all ride bikes like some of our elected officials but they seem to assume we do because they leave adequate parking out of planning. I will enthusiastically sign!

Like · Reply · 2d 1

Mary Zellharie
I Agee, we need to have a minimum of 1 parking place.

Like · Reply · 2d 4

Mike Mick Miller
I agree we need 1for 1

Like · Reply · 2d 3

Mike Mick Miller
Another case of sticking it to car owners who pay the bills for these roads and parking. It shows disrespect for older people who cannot go places without parking spaces.



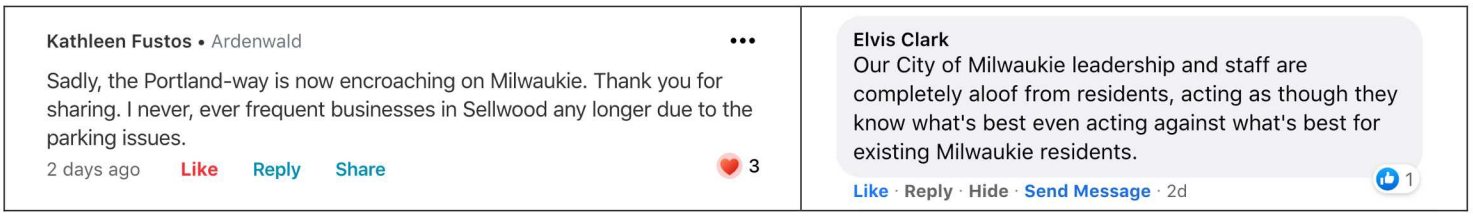
Like · Reply · 2d 5

Kiersten Wolfe
Amy Erdt I really appreciate you linking the video. I did not watch it previously, because I choose to help the community in other ways and nobody has time to keep an eye on everything. Why else do we have a democratic republic where we elect officials to represent us? As a curiosity. I'm happy they encourage public participation, but it shouldn't be necessary for everybody to watch when the people's desires have been surveyed. In fact, when the CPIC majority opinion was brought up, they couldn't say what the consensus was. One man expressed genuine surprise that they didn't have that data.

So please everybody, if this is an issue you feel strongly about, we need to stay on them about it. That being said, if you are participating in the community in other ways and don't have time to take on another issue, it is understood. When it's time, remember to vote to represent your beliefs.

Pamela Brooks Rook
This is no longer the Milwaukie I moved to when I was in college. I'm not a fan of this one at all with it's apparent disregard for citizens and its own history.

Like · Reply · 1d 2



Kathleen Fustos • Ardenwald

Sadly, the Portland-way is now encroaching on Milwaukie. Thank you for sharing. I never, ever frequent businesses in Sellwood any longer due to the parking issues.

2 days ago Like Reply Share 3

Elvis Clark

Our City of Milwaukie leadership and staff are completely aloof from residents, acting as though they know what's best even acting against what's best for existing Milwaukie residents.

Like · Reply · Hide · Send Message · 2d 1

SURVEY SIGNATURE DATA as of 12noon 11-9-21

	Name	City	State	Postal Code	Signed On
1.	Ronelle Coburn	Milwaukie	OR	97222	11/6/21
2.	Chris Ortolano	Portland	OR	97222	11/6/21
3.	Mysty Dionne	Portland	OR	97222	11/6/21
4.	Anthony Allen	Portland	OR	97206	11/7/21
5.	Jean Shannon	Milwaukie	OR	97222	11/7/21
6.	Jill Bowers	Portland	OR	97222	11/7/21
7.	Theresa Hawkins	Portland	OR	97222	11/7/21
8.	Mary Meier	Milwaukie	OR	97267	11/7/21
9.	Renee Stilson	Milwaukie	OR	97222	11/7/21
10.	Kristine Pearl	Milwaukie	OR	97222	11/7/21
11.	Jessica Soares	Milwaukie	OR	97222	11/7/21
12.	Anita Christensen	Portland	OR	97222	11/7/21
13.	Kari Schumacher	Portland	OR	97222	11/7/21
14.	David Smith	Milwaukie	OR	97222	11/7/21
15.	Barbara-Lee Orloff	Milwaukie	OR	97222	11/7/21
16.	Tracy Hokanson	Milwaukie	OR	97222	11/7/21
17.	Sarah Powers	Portland	OR	97222	11/7/21
18.	Leah Stone	Milwaukie	OR	97222	11/7/21
19.	Donna Smith	Milwaukie	OR	97222	11/7/21
20.	Mollie Thorniley	Portland	OR	97212	11/7/21
21.	Maryruth Storer	Milwaukie	OR	97222	11/7/21
22.	Charles Meeker	Portland	OR	97222	11/7/21
23.	Rebecca Ray	Portland	OR	97222	11/7/21
24.	Cindy Thurman	Milwaukie	OR	97222	11/7/21
25.	Julie Fagan	Milwaukie	OR	97222	11/7/21
26.	Steven Fagan	Portland	OR	97222	11/7/21
27.	Will Sellars	Portland	OR	97267	11/7/21
28.	Kathleen Meyer	Eugene	OR	97402	11/7/21
29.	Justin Brandon	Portland	OR	97222	11/7/21
30.	Deborah Trudeau	Portland	OR	97222	11/7/21
31.	Jim Collias	Portland	OR	97222	11/7/21
32.	Nancy Pierce	Portland	OR	97267	11/7/21

33.	Laurie Palmer	Portland	OR	97222	11/7/21
34.	Pamela Denham	Milwaukie	OR	97222	11/7/21
35.	Audrey Trubshaw	Portland	OR	97222	11/7/21
36.	Jason Smith	Milwaukie	OR	97222	11/7/21
37.	Burrell Palmer	Portland	OR	97222	11/7/21
38.	Natalie Jones	Portland	OR	97267	11/7/21
39.	Melinda Stanfield	Milwaukie	OR	97222	11/7/21
40.	Mary Potter	Portland	OR	97222	11/7/21
41.	Krystina Thomas	Portland	OR	97206	11/7/21
42.	Marietta Metteer	Portland	OR	97222	11/7/21
43.	Sean McCoy	Portland	OR	97222	11/7/21
44.	David Hedges	Milwaukie	OR	97222	11/7/21
45.	Sarah McCoy	Milwaukie	OR	97222	11/7/21
46.	Jerilyn Lindquist	Milwaukie	OR	97222	11/7/21
47.	Geenie Yourshaw	Milwaukie	OR	97222	11/8/21
48.	Austin Brown	Milwaukie	OR	97222	11/8/21
49.	Erik Yourshaw	Milwaukie	OR	97222	11/8/21
50.	Siri Bernard	Milwaukie	OR	97222	11/8/21
51.	Mary Blount	Portland	OR	97222	11/8/21
52.	Shana Ralls	Portland	OR	97222	11/8/21
53.	Sarah Smith	Portland	OR	97222	11/8/21
54.	J Vasi	Portland	OR	97222	11/8/21
55.	Carla Buscaglia	Portland	OR	97222	11/8/21
56.	Mikayla Forkner	Portland		97213	11/8/21
57.	Sharon Konsa	Portland	OR	97222	11/8/21
58.	David Thomas	Portland	OR	97222	11/8/21
59.	Judy Schribman	Milwaukie	OR	97222	11/9/21
60.	Margaret Jamison	Portland	OR	97222	11/9/21
61.	Andrea Hopkins	Portland	OR	97206	11/9/21
62.	MaryEllen Edwards	MILWAUKIE	OR	97222	11/9/21
63.	Pamela Joslin	Portland	OR	97222	11/9/21
64.	Zina Seal	Portland	OR	97222	11/9/21

From: sarah@thegardensmith.com
To: Vera Kolias
Subject: Comments on ZA-2021-002 Trees, minimum setbacks, and Parking
Date: Tuesday, November 9, 2021 14:11:36

This Message originated outside your organization.

I applaud the Cities work on improving our tree canopy. I'm concerned about allowing smaller setbacks in new development, smaller setbacks leave less room for trees to grow. I'm in favor of a minimum 15 foot setback and 10 foot side setbacks.
The proposal for zero parking spaces is concerning. While some people don't need a vehicle, there are many who do. Mobility challenged people may need parking close to their homes. And public transportation is not available in many of our neighborhoods. I would like to see one parking space per dwelling.
Thank you for considering my comments.

--
Sarah Smith
SE Washington St
Milwaukie, OR 97222

Re: 6.2 Middle Housing Code
Dear Planning Commissioners of Milwaukie,

I am writing to you as a subject matter expert on the topic of parking policy and as the father of two children who live in the Portland Metro Region. I am the co-founder of the Parking Reform Network, an international non-profit organization with a mission to educate the public about the impact of parking policy on climate change, housing affordability, and traffic violence, a co-founder of Portland: Neighbors Welcome, a housing advocacy organization, and the founder of Portlanders for Parking Reform.

I understand that you are considering the tough political position of recommending middle-housing options for HB2001 implementation without any costly car parking mandates, and I applaud you and strongly encourage you to stay the course. If you succumb to pressure and impose costly parking mandates on these housing types, you will all but ensure that many homes will not be built and the ones which are built will be more expensive.

Furthermore, your decision will contribute to the imposition of car dependency upon future generations of the region, making it harder, if not impossible, for my children, and yours, to live low-carbon lifestyles and remain near their parents and grandparents.

This is not hyperbole, already your own commissioned study shows a massive amount of parking available in the neighborhoods of Milwaukie. It's nearly impossible that every household will need parking for 3 or four cars in 15 years, if we're still arguing over parking at that point, all hope is lost. I am truly puzzled why a consultant would recommend taking the route of minimal compliance here. The trend in the region is to build housing, not car storage. This consultant's advice is not in line with anything I have heard from mainstream planners in my recent experience. Even the Institute of Traffic Engineers (ITE) no longer recommends costly parking mandates. The conclusion of this consultant is outdated.

What is even the point of doing such a survey if not to plainly state the obvious, there is plenty of parking in Milwaukie, what is lacking is political willpower and courage to say enough is enough.

You are members of the planning commission, what future are you planning for? Your job is not to plan to continue to accommodate the currently disastrous levels of car ownership and drive alone trips, it's to guide your community to meet its climate action and housing goals and to leave this world in a better place than it would be without your actions.

Be strong, your first instinct was correct. Future generations will thank you. Do not impose costly parking mandates on middle housing.

All the best,
Tony Jordan
971.207.1348

From:	Milwaukie Planning
To:	Vera Kolias
Subject:	FW: Tree preservation plan
Date:	Tuesday, November 9, 2021 15:29:56

BRETT KELVER, AICP
Senior Planner
he • him • his

From: chinaconsulting@gmail.com <chinaconsulting@gmail.com>
Sent: Tuesday, November 9, 2021 3:28 PM
To: Milwaukie Planning <Planning@milwaukieoregon.gov>
Subject: Tree preservation plan

This Message originated outside your organization.

My name is David Kohl. I live at 12006 SE McLoughlin Blvd. This is the historic Birekemeir-Sweetland estate.
I am very much in support of tree preservation and further tree propagation. My family is involved in forest management in a non-commercial manner.
We engage in woodland maintenance to have healthy forests.
That said, I am curious about hazard trees. How does this change affect forest maintenance for safety and sustainable growth of other trees?
Thank you,
David W Kohl

Sent from Mail for Windows

From:	Pamela Denham
To:	Vera Kolias
Subject:	Table 19.605.1 Off-street Parking Requirements
Date:	Tuesday, November 9, 2021 15:58:35

This Message originated outside your organization.

Dear Ms Kolias,

I am unhappy to see that the minimum, which is what most developers will do, is zero off street parking per dwelling unit.

Milwaukie is not ready for SE Division Street type developments with no parking on site pushing residents and visitors into the neighborhoods. Our roads are not equipped to handle all the off street parking, not to mention the impact of residents who own homes in the area.

Please reconsider table 19.605.1 to at least 1 off street parking spot per dwelling unit.

Pam Denham
Milwaukie

From:	Gary & Sharon Klein
To:	Vera Kolias
Cc:	Richard Recker; k1ein23@comcast.net; milwaukierip@gmail.com
Subject:	Parking issues in downtown MILWAUKIE
Date:	Tuesday, November 9, 2021 18:07:43

This Message originated outside your organization.

MILWAUKIE,
We are having an issue with parking in downtown MILWAUKIE from time to time. Also at the same time we are loosing places to park. Also new buildings have very reduced internal parking, like Coho Point. The property that is now know as Coho Point was originally bought for a future site of a parking structure because MAX (light rail) was most likely coming to Milwaukie. Also phase two of Milwaukie Bay Park was being finalized too. But because at that time light rail (MAX) was going to stop here, not at Park Avenue as it does now. So the parking was reduced in Milwaukie Bay Park to the current numbers that it is now. The current parking in Milwaukie Bay Park is Insufficient for that park and especially when phase 3 is completed in the near future. We (The River Front Board, which I was part of) thought with the parking structure on McLoughlin Boulevard and Washington Street by Milwaukie Bay Park, we would have ample parking. Plus at that time before McLoughlin Boulevard was redone it had parking in downtown Milwaukie area on both sides of the street.
Then it all changed! McLoughlin Boulevard now has NO Parking in the down town area. Now Coho Point is not a parking structure. Coho Point is getting an over size structure (by Milwaukie code standards) with very very limited parking.
Things (parking areas) are not going right and folks in homes, condos and apartments around The Historic MILWAUKIE neighborhood are loosing out. Businesses in Milwaukie may be loosing customers too. Things need to change before we are a ghost town with a parking problem.

MILWAUKIE Historic 2nd generation home owner,
Gary E. Klein
Sent from my iPhone

From: Steve Klingman
To: Milwaukie Planning
Subject: Enhanced Rules for Tree Removal
Date: Tuesday, November 9, 2021 18:30:14

This Message originated outside your organization.

There are lots of things to consider here. My main concern is that where there are trees, no matter what size, that are a nuisance or a danger, the homeowner is allowed to remove them without penalty. Certainly the cost of removal, assuming they are the homeowner's property, will be their responsibility. But there should be no kind of a penalty.

Also, there should be a consideration for tree removal in a place where there are a plethora of trees.

THanks.

--
Steve Klingman
National Design Advisor
Presentation Design Group
steve.k@pdgdesign.net
541.556.9376 (direct)
541.344..0857 (studio -not currently used due to COVID)
www.pdgdesign.net
www.giftmap.com

NORTH CLACKAMAS WATERSHEDS COUNCIL

2416 SE Lake Road, Milwaukie, OR 97222 - 503-550-9282 –northclackamaswatersheds.org

Testimony on Tree Code, Middle Housing, and Parking
Milwaukie Planning Commission
Neil Schulman, Executive Director
11/9/2021

Overall: The City is to be commended on a tree code that meets the needs of watersheds and people

I remember looking at my thermometer outside the Council office on 6/28. It read 114 degrees. We all know that we'll see more of that. That's why this decision is vital.

The Codes Proposed is forward looking on several fronts for which the City should be commended, and which we strongly urge the Planning Commission to adopt. Even if these things may be unpopular with some folks, they are smart and will make Milwaukie a leader in small cities in our region.

1. Reaching the 40% canopy goal is key to so many aspects of livability: respiratory health, climate resilience, equity, carbon sequestration, healthy streams, and reduced flooding, to name a few
2. Considering Trees, Middle Housing, and Parking together.
3. We strongly support proposal to remove parking requirements below cottage clusters. The two huge needs Milwaukie has is for more housing, and more trees. This is an essential step to having room for both. The PC is to be commended for this proposal and we strongly support it.
4. We strongly support the protection of trees above 6"dbh. Without protecting small trees, they won't have a chance to grow to big ones
5. Taking a broad view of mitigation, and having it off site. This will allow us to be sure that all parts of Milwaukie have good tree cover and reach the City's equity goals.

In the code itself, and the future tree plan, there are several gaps that the Commission should address:

1. The first and best way to a tree canopy to protect trees that already exist and are big enough to provide value. This means it is vital that the City's code, and practices, engage with proposed developers early, so that tree preservation is part of initial designs rather than an afterthought. City Arborist & tree staff need to be engaged at the preconference phase.
2. The Fee Schedule must be high enough to incentivize keeping existing trees, rather than just thinking of mitigation funds as "the cost of doing business". Current Fee Schedule ($2,700 fee for removing an 18" dbh tree) is too low. Most folks will just pass that on in the cost of the development. This needs to be assessed to incentivize keeping existing trees in place.
3. The development of a Tree Plan/Manual that helps chart a course to a 40% canopy, where trees are in all neighborhoods, and plantings are done strategically to meet human and watershed health targets. This should follow the approval of the code

<u>There are also some issues in the code that need to be addressed, as they will likely have the opposite of the desired effect:</u>

16.32.042.B: Tree Preservation Standards and Affordable Housing
Milwaukie should not have a lesser standard for site canopy coverage than other housing. People of limited incomes need tree cover more, not less, than others. This flies in the face of the City's equity goals; low income neighborhoods and communities of color have 26% less park space than median neighborhoods. (Trust for Public Land). These populations also carry a higher disease burden and vulnerability to the Urban Heat Island Effect (EPA)
We should use other incentives for affordable housing: height bonuses, less parking. The Council supports the reduced mitigation.

16.32.042.E. Variance Procedure:
This section should be struck. The techniques described, while good, only provide one benefit- stormwater, efficient building, etc.. However, they do not provide the multifunctional benefits that a healthy canopy does. Furthermore, they are challenging to assess with rigor, and don't apply when the city is trying to reach tree, climate, and equity goals together.

2.a(2)(k)Non-Development Permits:
This section creates a loophole that allows the removal of a healthy tree a year up to 18" DBH with no mitigation. This should be removed. It's is loophole for losing a lot of very large trees. An 18' dbh tree is large enough to provide benefits – shade, habitat, stormwater interception-across property lines, and an 18" oak, for instance, is a very old tree that won't grow again in our lifetimes. The Commission should close this loophole. At the *very least*, it should be restricted to a 6" dbh size.

I'm reminded of a while back, when Elon Musk offered a $100 million prize for an invention that removed CO2 from the atmosphere. That technology already exists. It called a tree. We have them. We just need to keep them and plant more.

From: David Aschenbrenner
To: Vera Kolias
Subject: Planning Commission Comments
Date: Tuesday, November 9, 2021 11:13:07

This Message originated outside your organization.

Dear Planning Commission,
As a citizen of Milwaukie and one that has been involved in Milwaukie for many years, Please reconsider the parking requirements for middle housing. As you know many of Milwaukie streets are not built out to a standard that allows for on street parking and in some neighborhood where parking on street is allowed, there is no space to add more on street parking.
As an example the street I live on, Home Ave., will be adding sidewalks to the west side of the street which will remove all the present parking that is possible on the west side. The rebuilt street width will not allow for parking on most of the west side as the street is it will be to narrow to allow emergency vehicles to access the area if cars are parked on the west side.

Milwaukie is not a city that has a grid network of streets that allows for more places to park. Milwaukie is not Portland, look at the problems and conflicts that has raised over parking in establish neighborhoods in Portland.

Please reconsider your decisions, Listen to the groups that have spend hours looking into this topic. There needs to be some off street parking.

Thank You for your time on the Planning Commission

David Aschenbrenner
11505 SE Home Ave.
Milwaukie, OR

Sent from Mail for Windows

From:	Milwaukie Planning
To:	Vera Kolias
Subject:	FW: Tree preservation plan
Date:	Tuesday, November 9, 2021 15:29:56

BRETT KELVER, AICP
Senior Planner
he • him • his

From: chinaconsulting@gmail.com <chinaconsulting@gmail.com>
Sent: Tuesday, November 9, 2021 3:28 PM
To: Milwaukie Planning <Planning@milwaukieoregon.gov>
Subject: Tree preservation plan

This Message originated outside your organization.

My name is David Kohl. I live at 12006 SE McLoughlin Blvd. This is the historic Birekemeir-Sweetland estate.
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We engage in woodland maintenance to have healthy forests.
That said, I am curious about hazard trees. How does this change affect forest maintenance for safety and sustainable growth of other trees?
Thank you,
David W Kohl

Sent from Mail for Windows

City of Milwaukie Planning Commission 11-9-2021 Public Tes

Milwaukie Middle Housing, Tree Code, and Residential Parking
RE: Proposed Code Amendment 19.605 - Vehicle Parking Quantity Requirements

Dear City of Milwaukie Planning Commission:

While we support the City's goals to reduce carbon emissions by increasing density, we do not support the City of Milwaukie's revision to the Proposed Code Amendments for middle housing parking requirements without concomitant increase in muliti-modal infrastructure.

SUMMARY

Over much of this year a group of Milwaukie citizens participated in the Comprehensive Plan Implementation Committee (CPIC), which addressed changes to housing development, trees, and parking requirements for our city that must be made due to Oregon House Bill (HB) 2001.Online community surveys were conducted to request citizens' preferences for housing code, tree protections, and parking requirements. **Now we ask for your consideration of the following 5 key points:**

1. We do not yet have the multi-modal infrastructure to support such a significant reduction in Middle Housing parking occupancy requirements.

2. The Planning Commission has disregarded CPIC (Comprehensive Plan Implementation Committee) and Engage Milwaukie participants' points of view in their decision making process.

3. We need a phased-in, incremental approach based on neighborhood specific criteria to establish a timeline for reducing Middle Housing parking requirements from 1 off-street parking spot per unit to .05 parking spots, then 0 parking spots.

4. We propose an additional Planning Commission meeting for public testimony to further consider the data, discussions, and public testimony specific to Middle Housing parking requirements before the PC submits their recommendations to Council.

5. We wish to further explore impacts of proposed parking requirements specific to lower income households and their need for automobile transportation.

The development of parking code amendments, as part of a comprehensive code review process including specific to Middle Housing, heritage tree protection, and parking occupancy is a community wide decision making process and must continue to reflect that in the diversity of opinions from within the community by the Planning Commission as the consider their final recommendations to City Council.

INTRODUCTION

In the absence of significant pedestrian and bicycle infrastructure, reducing minimum residential parking requirements below 1 per unit for middle housing does not make sense and is NOT supported by a majority of Milwaukie citizens who participated in surveys and committees.

As long as people need cars to get things done, and public transit is insufficient, inconvenient, and deemed unsafe, people will continue to choose to own and drive personal cars. The recommended revisions to proposed code amendments below, from the upcoming 11-9-21 Planning Commission meeting packet, are completely unacceptable.

Table 19.605.1 Off-street Parking Requirements

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	**Minimum Required**	**Maximum Allowed**
A. Residential Uses		
3. Middle Housing		
a. Duplexes	0	1 space per dwelling unit
b. Triplexes	0	1 space per dwelling unit
c. Quadplexes	0	1 space per dwelling unit
d. Town Houses	0	1 space per dwelling unit
e. Cottage Clusters	0.5 spaces per dwelling unit	1 space per dwelling unit

This would mean that a new du- tri- or fourplex or a would have a minimum requirement of ZERO on-site parking spaces. **Yet the possibility of a minimum zero parking space requirement has *never* been discussed with the community as a potential code amendment.**

In fact, the following documents support the need for a minimum off-street residential parking requirements requirement of one space per unit for Middle Housing:

1. Proposed Code Amendments
2. Residential Parking Occupancy Study
3. CPIC Community Survey #1 Summary
4. Planning Commission Meeting on 10/26/21

1. PROPOSED CODE AMENDMENTS - SEPTEMBER 2021

In September 2021, the City of Milwaukie published and proposed Chapter 19.600 which regulates off-street parking and loading areas on private property outside the public right-of-way.

*The purpose of Chapter 19.600 is to: **provide adequate, but not excessive, space for off-street parking;** support efficient streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of*

parking areas; and minimize environmental impacts of parking areas.

Proposed code amendments 19.605.1 Off-street Parking Requirements for Middle Housing Units are a minimum of 1 space per dwelling unit and a maximum of 1 space per dwelling unit.

Table 19.605.1 Off-street Parking Requirements

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	**Minimum Required**	**Maximum Allowed**
A. Residential Uses		
1. Single detached dwellings, including manufactured homes.	1 space per dwelling unit.	No maximum.
2. Multi-Unit Dwellings	1 space per dwelling unit.	2 spaces per dwelling unit.
3. Middle Housing a. Duplexes b. Triplexes c. Quadplexes d. Town Houses e. Cottage Clusters	 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit	 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit
4. Residential homes and similar facilities allowed by right in residential zones.	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
5. Accessory dwelling units	No additional space required unless used as a vacation rental, which requires 1 space per rental unit	No maximum.

2. RESIDENTIAL PARKING OCCUPANCY STUDY - CITY of MILWAUKIE

As part of the **Comprehensive Plan Implementation Committee (CPIC)** the City of Milwaukie hired Rick Williams Consulting to perform a Residential Parking Occupancy Study - link here.

As stated in the **Executive Summary of the Residential Parking Occupancy Study**

- *Data from the occupancy study suggests the City take the minimum compliance approach to meet State mandate for parking requirements for new middle housing projects. According to the new regulations, a city may not require more than a total of* ***one off-street parking space per dwelling unit.*** *(Where minimum compliance equals one off-site parking spot per unit.)*

- Total parking supply averages approximately 4.05 stalls per residential unit across all four neighborhoods. Within this average, Lewelling has the highest parking supply total of 4.93 stalls per residential unit: Ardenwald the lowest at 3.13 stalls per residential unit

- **Minimum parking demand averages approximately 1.99 vehicles** per residential unit at the peak hour across all four neighborhoods; this includes both the on and off-street parking systems. Within this average, Lake Road has the highest demand for parking at 2.05 vehicles per residential unit: Lewelling the lowest at 1.89 vehicles per residential unit.

- *Much on-street parking is unimproved, **which could reduce on-street supply** if improvements are made.*

This conclusion is further supported by the Summary table below, which suggests that Milwuakie's neighborhoods are currently designed to support 1.99 total vehicles per unit.

Summary Table: Residential Peak Parking Demand per Unit by Neighborhood and by Combined Average

		Lake Road	Lewelling	Ardenwald	Island Station	Total
	Residential Units	190	154	171	131	**646**
Supply	**On-Street Stalls/Unit**	2.37	2.64	1.20	2.18	**2.09**
	Driveway Stalls/Unit	1.75	2.29	1.68	1.82	**1.87**
	Surface Lot Stalls/Unit	-	-	0.25	0.14	**0.09**
	Total Stalls Studied/Unit	4.12	4.93	3.13	4.13	**4.05**
Demand*	**On-Street Vehicles/Unit**	0.89	0.29	0.29	0.36	**0.48**
	Driveway Vehicles/Unit	1.16	1.60	1.58	1.48	**1.44**
	Surface Lot Vehicles/Unit	-	-	0.18	0.11	**0.07**
	[1]Total Vehicles/Unit	2.05	1.89	2.05	1.95	**1.99**

*All demand observations shown represent the 2:00 AM overnight peak hour.

Yet even planning for one off-street parking requirement per Middle Housing unit may exacerbate current parking, transportation, and public safety problems due the lack of uniformity and unique constraints that are present in Milwaukie's neighborhoods.

Per HB 2001, the State of Oregon has already mandated a maximum requirement of 1 on-site (garage, driveway) per Middle Housing dwelling unit as stated in the Proposed Code Amendment 19.605 Vehicle Parking Quantity Requirements.

Reducing parking requirements to the HB 2001 maximum on-site parking requirements is already a significant reduction, given that many households have 2 or more vehicles (including RVs, boats, other recreational vehicles) and the parking study noted that a "notable number of households have 3 or more vehicles." The reduction of the 1 parking space to 1 dwelling unit parking requirement may actually serve to limit who can choose to live in these middle housing neighborhoods if they need on-site parking that is not available to them (such as the elderly, the disabled, and people with children), some of the very people "middle housing" is aimed to provide shelter for.

3. CPIC COMMUNITY SURVEY #1 SUMMARY

It is not clear that CPIC made any determination with regards to Middle Housing parking requirements. However the Engage Milwaukie survey summary link here (95 participants total) clearly states that **reducing parking requirements appeared to be of the greatest concern** to the survey respondents.

People identified more negative impacts than benefits to reductions in on-site parking requirements, and were concerned about the availability of parking and the lack of safe multi-modal (pedestrian & bicycle) networks.

Perceptions of reducing parking requirements

People were asked to identify perceptions about reducing parking requirements they might have. On average, people identified between two to three perceptions. The lack of good networks for walking or biking and availability of transit in existing neighborhoods was mentioned the most, followed by streets not being able to accommodate on-street parking, a concern that the reduced parking requirements will not reflect actual demand, and a lack of on-street parking close to people's destinations.

Other perceptions related to reducing parking requirements included:

- Resistance to bike parking requirements
- Immediate neighbors might be impacted by reduced parking requirement for multi-unit complexes
- Streets would not safe or friendly for pedestrians and cyclists – poor lines of sight and lack of sidewalks make it dangerous
- Negative impacts on lower economic groups because they rely on their car for work
- Concerns about electrical vehicles charging stations

10/26/21 10/26/21 Planning Commission meeting- Middle House Code Continued Hearing #2

As Commissioner Massey clearly states during the 10/26 PC meeting, it is incumbent on the Planning Commission to carefully consider the opinions of our community members who participated as CPIC volunteers, submitted surveys, and public comments during the public hearing process, and not just rely on the characterization of CPIC by a minority of PC commissioners (2) who participated in the CPIC meetings.

And during this Planning Commission meeting, Ms. Kolias presented findings related to the Residential Parking Occupancy study, but did not have time to represent the CPIC findings, nor the Engage Milwaukie surveys nor the open house comments. (Nor was she requested to do so by a majority of the Planning Commissioners).

Planning Commissioners are not appointed by Council to selectively determine which findings are most important, while ignoring community surveys and open house comments which may contradict their views.

Yet this is exactly what transpired on October 26, first with Commissioner Edge and followed by at least 4 other Planning Commissioners who joined together in a hastily coordinated series of votes to reach a determination that does not also reflect the findings of the CPIC, results of community surveys, or even the independent parking consultant's recommendations.

Notably very few CPIC members,or any members of the community, were present during the final hour of the 10/26/21 PC meeting discussion, which was facilitated by Planning Commissioner Edge, and focused almost

entirely on his own calculations related to parking supply relative to findings of the Residential Occupancy Study.

The impunity with which Commissioner Edge makes determinations about how members of the CPIC would interpret the findings of the Residential Parking Study, and the impression that he is somehow authorized to summarize the opinions of that group and other community members who participated, is exceedingly disturbing as it undermines the integrity of the community involvement process.

As stated in the MMC, the PC is the governing body responsible for engaging the citizens around matters of community development, specifically Middle Housing and the impacts it will have on neighborhood safety and traffic impacts, and also serves as the Citizen Involvement Advisory Committee (CIAC).

How does the Planning Commission propose to recommend any Middle Housing requirements below the initial Proposed Code Amendments of one off-site parking spot per unit, without further informing members of the broader engaged community that such significant changes are under consideration?

As stated in Milwaukie Municipal Code (MMC) Comprehensive Plan Part 1. Fostering Community, Culture, and Belonging, Section 1: Community Engagement Goals and Policies:

OVERARCHING SECTION GOAL

Engage in inclusive, *collaborative, transparent, accountable,* and equitable decision-making through a broad range of strategies that inform and involve a full spectrum of community members, in particular those traditionally left out of the planning process.

GOAL 1.1 - FOSTER BROAD, EFFECTIVE, AND COLLABORATIVE COMMUNITY PARTICIPATION

> Implement and encourage practices that increase community participation by providing detailed information, consulting with the community, and fostering collaborative partnerships.

Based on these MMC Community Engagement Goals as stated above, the Planning Commission has not acted in a collaborative, transparent, and accountable fashion with regards to recommendations it made to City Staff relative to specific Middle Housing parking requirements and revisions to the Proposed Code Amendments.

With what right does the Planning Commission ignore the recommendation for minimum compliance with HB 2001, and expect to represent the views of the previously engaged Milwaukie community, and *also state during this meeting that an in-depth conversation to discuss the data had never happened in the past?*

This state of mind, of a majority of Planning Commissioners as they made their recommendations to City Staff, represents a conflict of interest and potentially violates the Planning Commission's charter's requirements in their role as the Community Involvement Advisory Committee per MMC goals.

CONCLUSION

We, the named below, unanimously agree that Middle Housing is required for the City of Milwaukie by the State of Oregon and that it will have both positive and negative outcomes for residents of our neighborhoods.

We agree that there is a need to increase density, to mitigate climate change, promote a 40% tree canopy, and reduce the cost of construction to make Middle Housing more affordable. However, we also feel that an incremental approach to Proposed Code Changes should not deviate from the minimum standard as defined by HB 2001, and any attempt to do so represents a significant distortion of the community engagement process.

As the impacts of requiring 1, 0.05, and 0 off-site parking spaces have the most impacts at the local level, specific to already burdened intersections and streets subject to cut-through traffic, and as there have been no studies presented to the community relative to the impacts of reducing parking requirements at the local level during any stage of the community engagement process, it is extremely disingenuous for the Planning Commissioners to deviate in any way from the Proposed Code Changes as stated in Section 1 above.

As Stephan Lashbrook, a CPIC member, commented re: the 19.605 proposed code amendment:

Reducing the parking standard for residential developments still concerns me because there is so much variation in available parking from one block to another.

I realize that the State has mandated a reduced parking standard and I suppose that the best I can do is simply say that there will be problems when residents discover that the on-street parking they have relied on for years is now occupied by overflow parking from other properties.

I wish we had frequent transit service in every neighborhood and a thoroughly connected sidewalk and bike system all over town. We do not and we probably never will.

Without those alternative transportation improvements, we are going to create parking problems for some people in some parts of town.

Yet, despite citizen concerns of limiting Middle Housing residential parking requirements to the HB2001 maximum allowed 1 minimum required parking spot per unit for middle housing, BURIED on page 388 of a 423 page meeting packet, there is now a recommendation of ZERO on-site parking spaces required per unit of new Middle Housing built.

Given the City of Milwaukie's engagement with the community, participation of CPIC members, data derived from the Residential Parking Occupancy Study, and it's own proposed code change amendments 19.605.1 as of September 2021, it is imperative that the Planning Commission accept and approve the proposed Middle Housing off-street parking minimum requirement of 1 space per unit, and not the revised requirements of 0 parking spaces per unit.

Public Comment Supporters and City of Milwaukie residents

	First Name	Last Name	Neighborhood
1.	Chris	Ortolano (Author)	Hector Campbell
2.	Clodine	Mallinckrodt	Hector Cambell
3.	Bernie	Stout	Hector Campbell
4.	Michael	Bishop	Hector Campblell
5.	Linda	Keating	Hector Campblell
6.	Janice	Pearlman	Ardenwald
7.	Gwenn	L. Alvarez	Lake Road
8.	Vincent	Alvarez	Lake Road

	Signature	Printed Name	Neighborhood
9.		JEFFREY MUMFORD	ARDENWALD
10.		DIANA GREGG	ARDENWALD
11.		Stacy Gregg	ARDENWALD
12.		DAVID SILVERMAN	ARDENWALD
13.	John Kirk Phillips	JOHN KIRK PHILLIPS	ARDENWALD
14.	Elvis Clark	Elvis Clark	Ardenwald
15.	Renee Moog	Renee Moog	Ardenwald
16.	Lisa Gunion-Rinker	Lisa Gunion-Rinker	Ardenwald/JC
17.	Matt Rinker	MATT RINKER	AJC
18.	Michelle E Greeley	Michelle Greeley	AJC
19.	Mitch Miguel	Mitch Miguel	AJC
20.	Ronelle M Coburn	Ronelle Coburn	AJC

From: Gary & Sharon Klein
To: Vera Kolias
Cc: Richard Recker; k1ein23@comcast.net; milwaukierip@gmail.com
Subject: Parking issues in downtown MILWAUKIE
Date: Tuesday, November 9, 2021 18:07:43

This Message originated outside your organization.

MILWAUKIE,
We are having an issue with parking in downtown MILWAUKIE from time to time. Also at the same time we are loosing places to park. Also new buildings have very reduced internal parking, like Coho Point. The property that is now know as Coho Point was originally bought for a future site of a parking structure because MAX (light rail) was most likely coming to Milwaukie. Also phase two of Milwaukie Bay Park was being finalized too. But because at that time light rail (MAX) was going to stop here, not at Park Avenue as it does now. So the parking was reduced in Milwaukie Bay Park to the current numbers that it is now. The current parking in Milwaukie Bay Park is Insufficient for that park and especially when phase 3 is completed in the near future. We (The River Front Board, which I was part of) thought with the parking structure on McLoughlin Boulevard and Washington Street by Milwaukie Bay Park, we would have ample parking. Plus at that time before McLoughlin Boulevard was redone it had parking in downtown Milwaukie area on both sides of the street.
Then it all changed! McLoughlin Boulevard now has NO Parking in the down town area. Now Coho Point is not a parking structure. Coho Point is getting an over size structure (by Milwaukie code standards) with very very limited parking.
Things (parking areas) are not going right and folks in homes, condos and apartments around The Historic MILWAUKIE neighborhood are loosing out. Businesses in Milwaukie may be loosing customers too. Things need to change before we are a ghost town with a parking problem.

MILWAUKIE Historic 2nd generation home owner,
Gary E. Klein
Sent from my iPhone

From: Jay Panagos
To: Vera Kolias
Subject: 1 unit=1parking space
Date: Tuesday, November 9, 2021 10:59:20

This Message originated outside your organization.

Hello,
I believe 1 parking space should be provided for 1 unit. Ideally, in order to control vehicle emissions which affect our health and planet, alternative modes of transportation should become more prevalent (bikes, scooters, buses, trains,etc). However, alternative modes of transportation will not always fit the circumstances.

Jay

Sent from my iPhone

From: Jill B
To: Vera Kolias
Subject: Housing and Osrking
Date: Tuesday, November 9, 2021 7:39:50

This Message originated outside your organization.

To the Planning Commission,

It is vital to allow at least one parking space per living unit. If you disregard the wishes of most probably the majority of Milwaukie citizens, and pass the zero parking space per unit, you are absolutely not serving the city, you are making Milwaukie an undesirable place to live, not only for property owners, but also for potential renters in the multiple unit dwellings.

I beg you to preserve the quality of life we enjoy in Milwaukie and allow a MINIMUM of one parking space!

Sincerely,
Jill Bowers
--

Re: 6.2 Middle Housing Code
Dear Planning Commissioners of Milwaukie,

I am writing to you as a subject matter expert on the topic of parking policy and as the father of two children who live in the Portland Metro Region. I am the co-founder of the Parking Reform Network, an international non-profit organization with a mission to educate the public about the impact of parking policy on climate change, housing affordability, and traffic violence, a co-founder of Portland: Neighbors Welcome, a housing advocacy organization, and the founder of Portlanders for Parking Reform.

I understand that you are considering the tough political position of recommending middle-housing options for HB2001 implementation without any costly car parking mandates, and I applaud you and strongly encourage you to stay the course. If you succumb to pressure and impose costly parking mandates on these housing types, you will all but ensure that many homes will not be built and the ones which are built will be more expensive.

Furthermore, your decision will contribute to the imposition of car dependency upon future generations of the region, making it harder, if not impossible, for my children, and yours, to live low-carbon lifestyles and remain near their parents and grandparents.

This is not hyperbole, already your own commissioned study shows a massive amount of parking available in the neighborhoods of Milwaukie. It's nearly impossible that every household will need parking for 3 or four cars in 15 years, if we're still arguing over parking at that point, all hope is lost. I am truly puzzled why a consultant would recommend taking the route of minimal compliance here. The trend in the region is to build housing, not car storage. This consultant's advice is not in line with anything I have heard from mainstream planners in my recent experience. Even the Institute of Traffic Engineers (ITE) no longer recommends costly parking mandates. The conclusion of this consultant is outdated.

What is even the point of doing such a survey if not to plainly state the obvious, there is plenty of parking in Milwaukie, what is lacking is political willpower and courage to say enough is enough.

You are members of the planning commission, what future are you planning for? Your job is not to plan to continue to accommodate the currently disastrous levels of car ownership and drive alone trips, it's to guide your community to meet its climate action and housing goals and to leave this world in a better place than it would be without your actions.

Be strong, your first instinct was correct. Future generations will thank you. Do not impose costly parking mandates on middle housing.

All the best,
Tony Jordan
971.207.1348

From:	Pamela Denham
To:	Vera Kolias
Subject:	Table 19.605.1 Off-street Parking Requirements
Date:	Tuesday, November 9, 2021 15:58:35

This Message originated outside your organization.

Dear Ms Kolias,

I am unhappy to see that the minimum, which is what most developers will do, is zero off street parking per dwelling unit.

Milwaukie is not ready for SE Division Street type developments with no parking on site pushing residents and visitors into the neighborhoods. Our roads are not equipped to handle all the off street parking, not to mention the impact of residents who own homes in the area.

Please reconsider table 19.605.1 to at least 1 off street parking spot per dwelling unit.

Pam Denham
Milwaukie

Milwaukie Middle Housing, Tree Code, and Residential Parking
RE: Proposed Code Amendment 19.605 - Vehicle Parking Quantity Requirements

Dear City of Milwaukie Planning Commission:

On Friday it was brought to our attention that suddenly there is a 0 parking space per 1 dwelling unit proposed recommendation buried on page 388 of tonight's 423 page meeting packet based on a late night Planning Commission vote on 10/26, that completely disregards this year's countless hours of service by the Comprehensive Implementation Committee, the community surveys conducted through the new Engage Milwaukie website, and also in direct contradiction to the independent parking consultant's report and final recommendation of maintaining 1 on-site parking space for each unit of forthcoming Middle Housing for du-tri- and quad-plexes.

Furthermore, Cottage Cluster & Townhouse parking requirements have been reduced to 0.5 on-site parking spaces per 1 unit…something that also has not been presented to the Milwaukie Community at any time this year.

At this moment, the proposed amendments to the Housing, Parking, and Trees portion of the new Comprehensive Plan, posted on the Engage Milwaukie website, all refer to 1 on-site parking space per 1 dwelling unit for ALL forms of Middle Housing.

As this issue is of crucial concern to many citizens, due to the impact of cars on our streets due to a preponderance of unimproved and derelict street conditions, lack of safe and efficient bicycle and pedestrian facilities, and radically differing conditions from street to street, we set up an online survey that went up midday on Saturday and ran for just 72 hours before sending in this public testimony.

Clearly citizens are very concerned about the possibility of a zero parking requirement and the Planning Commission's late night decision to blatantly override this year's citizen input.

It is clear in the 10/26 meeting that at least some of the commissioners who voted, against the community's evident documented wishes, have little knowledge of the outcomes of this year's citizen engagement processes and that an actual in-depth review of community surveys, CPIC discussions, and the parking consultant's recommendations is needed for a more substantive conversation amongst the PC members.

It seems incumbent upon the Commission to be fully informed and to choose to represent the greater Milwaukie community BEFORE voting on such a vital matter. Also: <u>any substantive changes to what has already been presented should be RE-presented to the larger community before such a small body as the Planning Commission takes it upon itself to make decisions on behalf of the rest of us.</u>

With all due respect on behalf a significant number of OUR city's residents:



Ronelle Coburn
Ardenwald Resident
Milwaukie RIP

And by proxy:

Chris Ortalano
Hector Campbell
Milwaukie RIP

ONLINE PETITION & RESULTS AS OF 11-9-21 @ 12noon
RUNTIME: 72 Hours

CITY OF MILWAUKIE PARKING BAIT & SWITCH

Milwaukie's Planning Department is playing a game of bait and switch with its citizens by IGNORING both independent parking consultant's and residents' surveyed preferences over new proposed residential on-site residential parking requirements. They must be stopped and we need your support NOW before the Planning Commission meets this Tuesday, November 9th.

Over much of this year a group of Milwaukie citizens participated in the Comprehensive Plan Implementation Committee which addressed changes to housing development, trees, and parking requirements for our city that must be made due to Oregon state mandate HB2001 which aims at allowing multiplex housing development (du- tri- & four-plexes, cottage clusters and townhouses) in what have historically been single family residential zones (SFR). SFR zoning has been abolished in all communities with 25,000 residents or more and in metropolitan areas and this type of multiplex "middle housing" or "residential infill projects" (RIP) will now be allowed throughout the mandated cities.

Online community surveys were also conducted to glean citizens' preferences for housing form code, tree protections, and parking requirements.

The clear conclusion drawn regarding citizen preferred on-site parking requirements was for 1 on-site (garage, driveway) per 1 dwelling unit. Also, the hired consulting firm concluded that the MINIMUM average demand for parking across all of our neighborhoods is 2 vehicles per unit with a "notable percentage of residential untis with multiple vehicles (3 or more) parking on-site."

Despite the consensus amongst CPIC, the private consultant, and a majority of survey respondents, Milwaukie citizens desire the highest number of on-site parking spaces be required for new middle housing construction. Per the state mandate, HB2001, the maximum number of allowable parking spaces is 1 on-site space per 1 dwelling unit.

*So WHY??? BURIED on page 388 (of a 423 page meeting packet), is city staff suddenly recommending a requirement of ZERO on-site parking spaces per unit of new housing built? This would mean that a new du- tri- or fourplex or a would have ZERO on-site parking. Just do a little simple math and then think of whether or not there will be anywhere enough street parking to handle the load as our city urbanizes? And is it realistic to think that enough people will decide to take the currently cumbersome transit or ride a bicycle/walk when we lack a comprehensive walking or bicycling network that is safe or convenient and there are no plans to create and build such a network?

Also, it's proposed that new cottage clusters or townhouse properties with 8 or more units would have only 0.5 on-site parking spaces per unit built.

As it is, even with a maximum allowable of 1 on-site parking space per 1 dwelling unit MANY properties will get reductions due to being either within 1,000 feet of a Max line stop (25% reduction) or within 500 feet of a bus line with service intervals of 30 minutes or less (20% reduction).

Given the big picture of multiplex infill development coming our way, it is vital to require 1 onsite parking space per 1 dwelling unit as recommended by the professional parking consultant, the CPIC committee, and as supported by the majority of citizens who have taken the online surveys put out on the Engage Milwaukie website by the city. Even with this standard, in time, our streets will be beyond flooded by cars long before our streets are improved, mass transit is viable for many, and long before alternative transportation networks exist (if they ever do).

It is beyond outrageous and incredibly disrespectful that our own city staff are trying to slip a fast one past us at the last moment, on the last page of a huge packet, AND at a meeting that is presented as being focused on the new Tree Code! A zero minimum on-site parking requirement was never presented in the public outreach efforts of the city and should not be making a last second appearance now.

PLEASE JOIN US in OPPOSING anything less than a minimum 1 on-site parking space to 1 dwelling unit ratio for residential parking in Milwaukie's moderate density neighborhoods.

AND please consider participating in Tuesday's Planning Commission meeting with either your quick written comments (send to KoliasV@milwaukieoregon.gov) and/or 3 minute or less verbal testimony. Details for the zoom conference meeting are here: https://www.milwaukieoregon.gov/bc-pc/planning-commission-84

PLEASE SHARE WITH YOUR NEIGHBORS

WITHOUT YOUR VOICE MILWAUKIE WILL BECOME A PLACE YOU DON'T WANT TO LIVE!

Questions? Please feel free to contact us at milwaukierip@gmail.

3-DAY SURVEY RESULTS & RESPONSES

64 Milwaukie resident signatories | SEE TABLE pp. 5-6
Petition shared 25 times from change.org

Online petition comment responses to the question, “Why did I sign?”

"I’m signing because the parking spaces are not guaranteed to be sufficient relative to construction expansion."

"When the citizens speak as-to what they want, which was 1 parking spot minimum per dwelling, your responsibility is to listen, not go against what the consultants and the citizens have stated. We, as citizens do not want dwellings with no parking."

"I was perfectly happy with the change to one parking spot per house but I am NOT ok with zero parking. I lived in Portland for many years and watched this become huge problem. People in milwaukie mostly can’t get by without cars. We don’t need to fill the streets with parking. Many places here don’t even have sidewalks, now cars will take up space where people need to walk safely."

"It is not realistic to have no place for residents to park. This is guaranteed to create congestion in our neighborhoods. Doing this will only benefit builders. This type of building is not responsible."

"I moved out of Portland due to infill, no parking, and City leaders who did/do not listen. I went to some of the Milwaukie meetings prior to COVID and still felt they didn't listen and only a few concerned people were there to voice concerns on infill. I don't want to live next to apartments or six tiny houses. They are paving over the good things about Oregon and it sucks. If I wanted California I would live there."

COMMENTS FROM SOCIAL MEDIA

Karen Havran
Thank you for leading this. I've been commenting on lack of parking in city planning for a long time, going to open houses, leaving comments, etc. You're right, it falls on deaf ears. We don't all ride bikes like some of our elected officials but they seem to assume we do because they leave adequate parking out of planning. I will enthusiastically sign!

Like · Reply · 2d 1

Mary Zellharie
I Agee, we need to have a minimum of 1 parking place.

Like · Reply · 2d 4

Mike Mick Miller
I agree we need 1for 1

Like · Reply · 2d 3

Mike Mick Miller
Another case of sticking it to car owners who pay the bills for these roads and parking. It shows disrespect for older people who cannot go places without parking spaces.



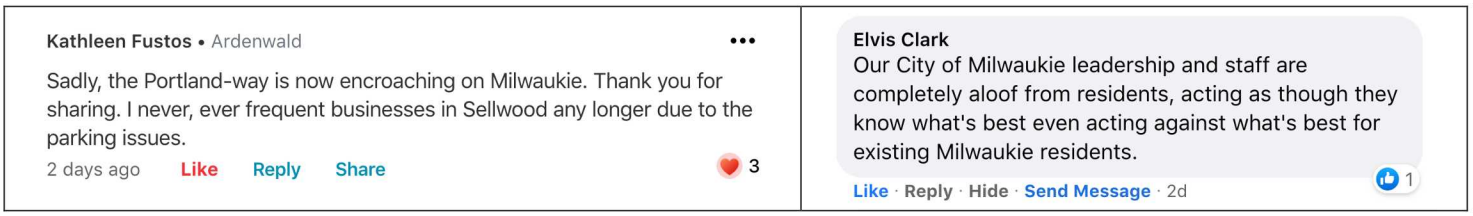
Like · Reply · 2d 5

Kiersten Wolfe
Amy Erdt I really appreciate you linking the video. I did not watch it previously, because I choose to help the community in other ways and nobody has time to keep an eye on everything. Why else do we have a democratic republic where we elect officials to represent us? As a curiosity. I'm happy they encourage public participation, but it shouldn't be necessary for everybody to watch when the people's desires have been surveyed. In fact, when the CPIC majority opinion was brought up, they couldn't say what the consensus was. One man expressed genuine surprise that they didn't have that data.

So please everybody, if this is an issue you feel strongly about, we need to stay on them about it. That being said, if you are participating in the community in other ways and don't have time to take on another issue, it is understood. When it's time, remember to vote to represent your beliefs.

Pamela Brooks Rook
This is no longer the Milwaukie I moved to when I was in college. I'm not a fan of this one at all with it's apparent disregard for citizens and its own history.

Like · Reply · 1d 2



Kathleen Fustos • Ardenwald

Sadly, the Portland-way is now encroaching on Milwaukie. Thank you for sharing. I never, ever frequent businesses in Sellwood any longer due to the parking issues.

2 days ago Like Reply Share 3

Elvis Clark

Our City of Milwaukie leadership and staff are completely aloof from residents, acting as though they know what's best even acting against what's best for existing Milwaukie residents.

Like · Reply · Hide · Send Message · 2d 1

SURVEY SIGNATURE DATA as of 12noon 11-9-21

	Name	City	State	Postal Code	Signed On
1.	Ronelle Coburn	Milwaukie	OR	97222	11/6/21
2.	Chris Ortolano	Portland	OR	97222	11/6/21
3.	Mysty Dionne	Portland	OR	97222	11/6/21
4.	Anthony Allen	Portland	OR	97206	11/7/21
5.	Jean Shannon	Milwaukie	OR	97222	11/7/21
6.	Jill Bowers	Portland	OR	97222	11/7/21
7.	Theresa Hawkins	Portland	OR	97222	11/7/21
8.	Mary Meier	Milwaukie	OR	97267	11/7/21
9.	Renee Stilson	Milwaukie	OR	97222	11/7/21
10.	Kristine Pearl	Milwaukie	OR	97222	11/7/21
11.	Jessica Soares	Milwaukie	OR	97222	11/7/21
12.	Anita Christensen	Portland	OR	97222	11/7/21
13.	Kari Schumacher	Portland	OR	97222	11/7/21
14.	David Smith	Milwaukie	OR	97222	11/7/21
15.	Barbara-Lee Orloff	Milwaukie	OR	97222	11/7/21
16.	Tracy Hokanson	Milwaukie	OR	97222	11/7/21
17.	Sarah Powers	Portland	OR	97222	11/7/21
18.	Leah Stone	Milwaukie	OR	97222	11/7/21
19.	Donna Smith	Milwaukie	OR	97222	11/7/21
20.	Mollie Thorniley	Portland	OR	97212	11/7/21
21.	Maryruth Storer	Milwaukie	OR	97222	11/7/21
22.	Charles Meeker	Portland	OR	97222	11/7/21
23.	Rebecca Ray	Portland	OR	97222	11/7/21
24.	Cindy Thurman	Milwaukie	OR	97222	11/7/21
25.	Julie Fagan	Milwaukie	OR	97222	11/7/21
26.	Steven Fagan	Portland	OR	97222	11/7/21
27.	Will Sellars	Portland	OR	97267	11/7/21
28.	Kathleen Meyer	Eugene	OR	97402	11/7/21
29.	Justin Brandon	Portland	OR	97222	11/7/21
30.	Deborah Trudeau	Portland	OR	97222	11/7/21
31.	Jim Collias	Portland	OR	97222	11/7/21
32.	Nancy Pierce	Portland	OR	97267	11/7/21

33.	Laurie Palmer	Portland	OR	97222	11/7/21
34.	Pamela Denham	Milwaukie	OR	97222	11/7/21
35.	Audrey Trubshaw	Portland	OR	97222	11/7/21
36.	Jason Smith	Milwaukie	OR	97222	11/7/21
37.	Burrell Palmer	Portland	OR	97222	11/7/21
38.	Natalie Jones	Portland	OR	97267	11/7/21
39.	Melinda Stanfield	Milwaukie	OR	97222	11/7/21
40.	Mary Potter	Portland	OR	97222	11/7/21
41.	Krystina Thomas	Portland	OR	97206	11/7/21
42.	Marietta Metteer	Portland	OR	97222	11/7/21
43.	Sean McCoy	Portland	OR	97222	11/7/21
44.	David Hedges	Milwaukie	OR	97222	11/7/21
45.	Sarah McCoy	Milwaukie	OR	97222	11/7/21
46.	Jerilyn Lindquist	Milwaukie	OR	97222	11/7/21
47.	Geenie Yourshaw	Milwaukie	OR	97222	11/8/21
48.	Austin Brown	Milwaukie	OR	97222	11/8/21
49.	Erik Yourshaw	Milwaukie	OR	97222	11/8/21
50.	Siri Bernard	Milwaukie	OR	97222	11/8/21
51.	Mary Blount	Portland	OR	97222	11/8/21
52.	Shana Ralls	Portland	OR	97222	11/8/21
53.	Sarah Smith	Portland	OR	97222	11/8/21
54.	J Vasi	Portland	OR	97222	11/8/21
55.	Carla Buscaglia	Portland	OR	97222	11/8/21
56.	Mikayla Forkner	Portland		97213	11/8/21
57.	Sharon Konsa	Portland	OR	97222	11/8/21
58.	David Thomas	Portland	OR	97222	11/8/21
59.	Judy Schribman	Milwaukie	OR	97222	11/9/21
60.	Margaret Jamison	Portland	OR	97222	11/9/21
61.	Andrea Hopkins	Portland	OR	97206	11/9/21
62.	MaryEllen Edwards	MILWAUKIE	OR	97222	11/9/21
63.	Pamela Joslin	Portland	OR	97222	11/9/21
64.	Zina Seal	Portland	OR	97222	11/9/21

Renee Moog
Planning Commission Meeting Nov 9th, 2021
Public comments to read

Relying on street parking is not a "one-size-fits-all" proposition because parking supply and demand varies from one type of street to another. Our code changes need to consider hyper-local needs as well as safety and equity issues.

One day last week, my driveway was blocked by two work vehicles. I asked if there was a problem and one of the drivers said the gate next door where they had a service call was closed and said, "there is literally no place to pull over." He couldn't have said it better – "There is literally no place to pull over."

Future parking needs may shift but currently and in the foreseeable future, on-site parking is a critical need to many people and something that should not exclusively be available in certain neighborhoods to certain populations based on the type of housing they are able to afford. Our code must consider that on-street parking is not an equitable option for all units and will need to include distinct modifications for minimum required parking for distinct types of streets.

Several commissioners justified eliminating on-site parking requirements based on the premise that current on-street parking capacity will accommodate all future parking needs. I question this premise and ask that commissioners, city council and the public take a more critical and thorough look at the data.

In the October 26th meeting it was stated:

"Milwaukie has 765 buildable lots. At 3% market absorption rate for getting middle housing on new lots, we are (only) looking at 24 new dwellings of middle housing city wide."

I question these numbers:

- By "24 dwellings" did you mean 24 lots or units? Is this per year or over 20 years?
- If it's lots, has the potential number of units that could be developed been calculated and considered?
- Is it possible that the number of identified buildable lots will increase as properties are subdivided and middle housing is built on lots that were previously single family?
- Has the reduction of on-street parking supply based on planned street improvements been calculated and considered?
- Have you included the additional parking demand of approximately 1400 new units as detailed in November's Pilot article? (These units aren't necessarily middle housing but more units means more cars and will affect parking supply and demand.)

Besides discussing the quantity of on-street parking, have you discussed quality issues related to safety, livability, traffic flow due to increased number of parked cars?

And finally, have you discussed equity issues? By incentivizing housing density near transit, minimizing or eliminating on-site parking for middle housing and income-restricted housing, our policies are effectively driving those with limited housing options to forego equitable access to on-site parking. Our community vision puts an emphasis on equity issues but proposed policy is not supporting equitable opportunity for all groups.

I would ask that you adequately discuss parking as an integral component of our new code before making any recommendations. Please take the time needed to consider a wider framework and put forth an equitable, informed and data supported recommendation. Thank you.

From: sarah@thegardensmith.com
To: Vera Kolias
Subject: Comments on ZA-2021-002 Trees, minimum setbacks, and Parking
Date: Tuesday, November 9, 2021 14:11:36

This Message originated outside your organization.

I applaud the Cities work on improving our tree canopy. I'm concerned about allowing smaller setbacks in new development, smaller setbacks leave less room for trees to grow. I'm in favor of a minimum 15 foot setback and 10 foot side setbacks.
The proposal for zero parking spaces is concerning. While some people don't need a vehicle, there are many who do. Mobility challenged people may need parking close to their homes. And public transportation is not available in many of our neighborhoods. I would like to see one parking space per dwelling.
Thank you for considering my comments.

--
Sarah Smith
SE Washington St
Milwaukie, OR 97222

From: Steve Klingman
To: Milwaukie Planning
Subject: Enhanced Rules for Tree Removal
Date: Tuesday, November 9, 2021 18:30:14

This Message originated outside your organization.

There are lots of things to consider here. My main concern is that where there are trees, no matter what size, that are a nuisance or a danger, the homeowner is allowed to remove them without penalty. Certainly the cost of removal, assuming they are the homeowner's property, will be their responsibility. But there should be no kind of a penalty.

Also, there should be a consideration for tree removal in a place where there are a plethora of trees.

THanks.

--
Steve Klingman
National Design Advisor
Presentation Design Group
steve.k@pdgdesign.net
541.556.9376 (direct)
541.344..0857 (studio -not currently used due to COVID)
www.pdgdesign.net
www.giftmap.com

NORTH CLACKAMAS WATERSHEDS COUNCIL

2416 SE Lake Road, Milwaukie, OR 97222 - 503-550-9282 –northclackamaswatersheds.org

Testimony on Tree Code, Middle Housing, and Parking
Milwaukie Planning Commission
Neil Schulman, Executive Director
11/9/2021

Overall: The City is to be commended on a tree code that meets the needs of watersheds and people

I remember looking at my thermometer outside the Council office on 6/28. It read 114 degrees. We all know that we'll see more of that. That's why this decision is vital.

The Codes Proposed is forward looking on several fronts for which the City should be commended, and which we strongly urge the Planning Commission to adopt. Even if these things may be unpopular with some folks, they are smart and will make Milwaukie a leader in small cities in our region.

1. Reaching the 40% canopy goal is key to so many aspects of livability: respiratory health, climate resilience, equity, carbon sequestration, healthy streams, and reduced flooding, to name a few
2. Considering Trees, Middle Housing, and Parking together.
3. We strongly support proposal to remove parking requirements below cottage clusters. The two huge needs Milwaukie has is for more housing, and more trees. This is an essential step to having room for both. The PC is to be commended for this proposal and we strongly support it.
4. We strongly support the protection of trees above 6"dbh. Without protecting small trees, they won't have a chance to grow to big ones
5. Taking a broad view of mitigation, and having it off site. This will allow us to be sure that all parts of Milwaukie have good tree cover and reach the City's equity goals.

In the code itself, and the future tree plan, there are several gaps that the Commission should address:

1. The first and best way to a tree canopy to protect trees that already exist and are big enough to provide value. This means it is vital that the City's code, and practices, engage with proposed developers early, so that tree preservation is part of initial designs rather than an afterthought. City Arborist & tree staff need to be engaged at the preconference phase.
2. The Fee Schedule must be high enough to incentivize keeping existing trees, rather than just thinking of mitigation funds as "the cost of doing business". Current Fee Schedule ($2,700 fee for removing an 18" dbh tree) is too low. Most folks will just pass that on in the cost of the development. This needs to be assessed to incentivize keeping existing trees in place.
3. The development of a Tree Plan/Manual that helps chart a course to a 40% canopy, where trees are in all neighborhoods, and plantings are done strategically to meet human and watershed health targets. This should follow the approval of the code

<u>There are also some issues in the code that need to be addressed, as they will likely have the opposite of the desired effect:</u>

16.32.042.B: Tree Preservation Standards and Affordable Housing
Milwaukie should not have a lesser standard for site canopy coverage than other housing. People of limited incomes need tree cover more, not less, than others. This flies in the face of the City's equity goals; low income neighborhoods and communities of color have 26% less park space than median neighborhoods. (Trust for Public Land). These populations also carry a higher disease burden and vulnerability to the Urban Heat Island Effect (EPA)
We should use other incentives for affordable housing: height bonuses, less parking. The Council supports the reduced mitigation.

16.32.042.E. Variance Procedure:
This section should be struck. The techniques described, while good, only provide one benefit- stormwater, efficient building, etc.. However, they do not provide the multifunctional benefits that a healthy canopy does. Furthermore, they are challenging to assess with rigor, and don't apply when the city is trying to reach tree, climate, and equity goals together.

2.a(2)(k)Non-Development Permits:
This section creates a loophole that allows the removal of a healthy tree a year up to 18" DBH with no mitigation. This should be removed. It's is loophole for losing a lot of very large trees. An 18' dbh tree is large enough to provide benefits – shade, habitat, stormwater interception-across property lines, and an 18" oak, for instance, is a very old tree that won't grow again in our lifetimes. The Commission should close this loophole. At the *very least*, it should be restricted to a 6" dbh size.

I'm reminded of a while back, when Elon Musk offered a $100 million prize for an invention that removed CO2 from the atmosphere. That technology already exists. It called a tree. We have them. We just need to keep them and plant more.

From: Bernie Stout
To: Vera Kolias; Natalie Rogers
Cc: OCR; corinn@chapeltheatremilwaukie.com; Sarah Smith; cdortolano@gmail.com
Subject: Land use #ZA-2021-002 TREES
Date: Sunday, October 31, 2021 8:46:41
Attachments: image001.png
image002.png
We sent you safe versions of your files.msg
TREES 2019 DROUGHT.docx

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This Message originated outside your organization.

Sunday, October 31, 2021

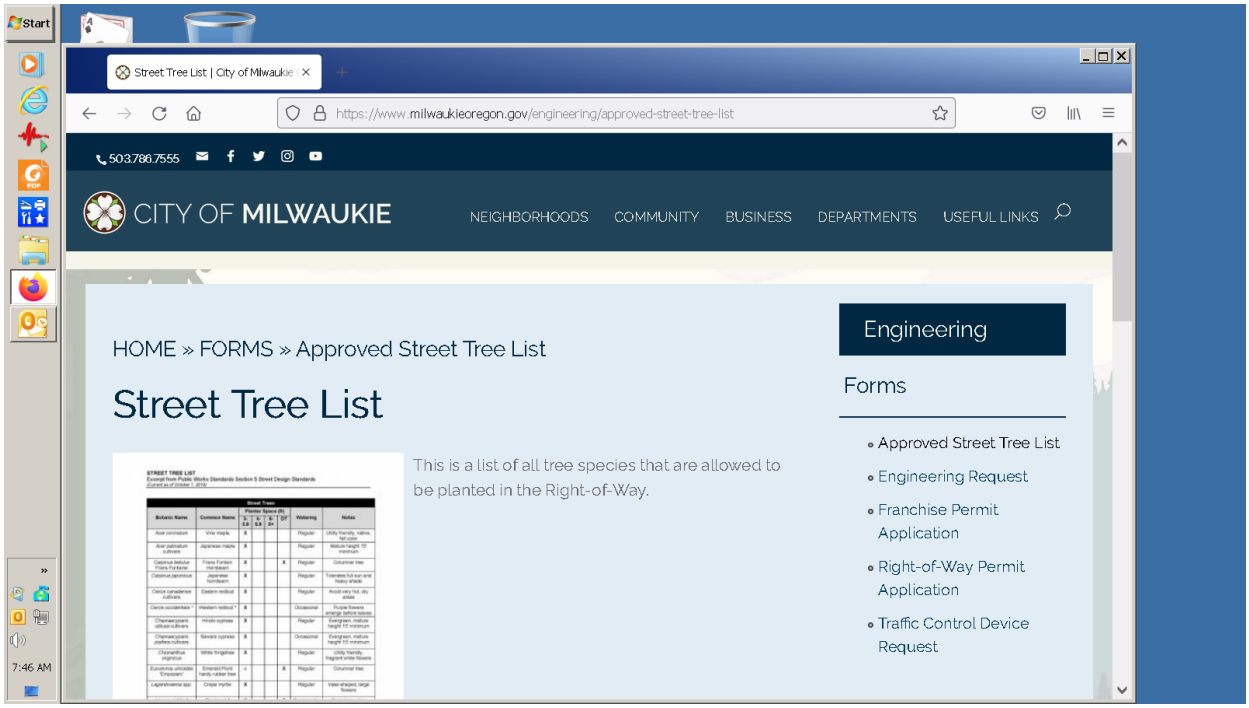
Am writing in regards to: Land use #ZA-2021-002

1. ESTABLISH FUND TO HELP HOME OWNERS WITH EXPENSE OF PLANTING OR REPLACING TREES. REMOVAL, NEW TREES, AND MOST IMPORTANTLY INSTALLATION OF **ROOT BARRIER** WITH CONFIRMATION OF INSTALLATION WHEN INSPECTION IS DOCUMENTED.
2. TREE ON MILWUAKIE'S LIST NOT ALLOWED IN PORTLAND.
3. AREAS THAT HAVE POWER LINES NEED MORE DIRECTION REGARDING IF THE TREE WILL MATURE TOO HIGH. THE CITY NEEDS TO ENFORCE THIS BETTER. IT WILL HELP WITH STORM OUTAGES.

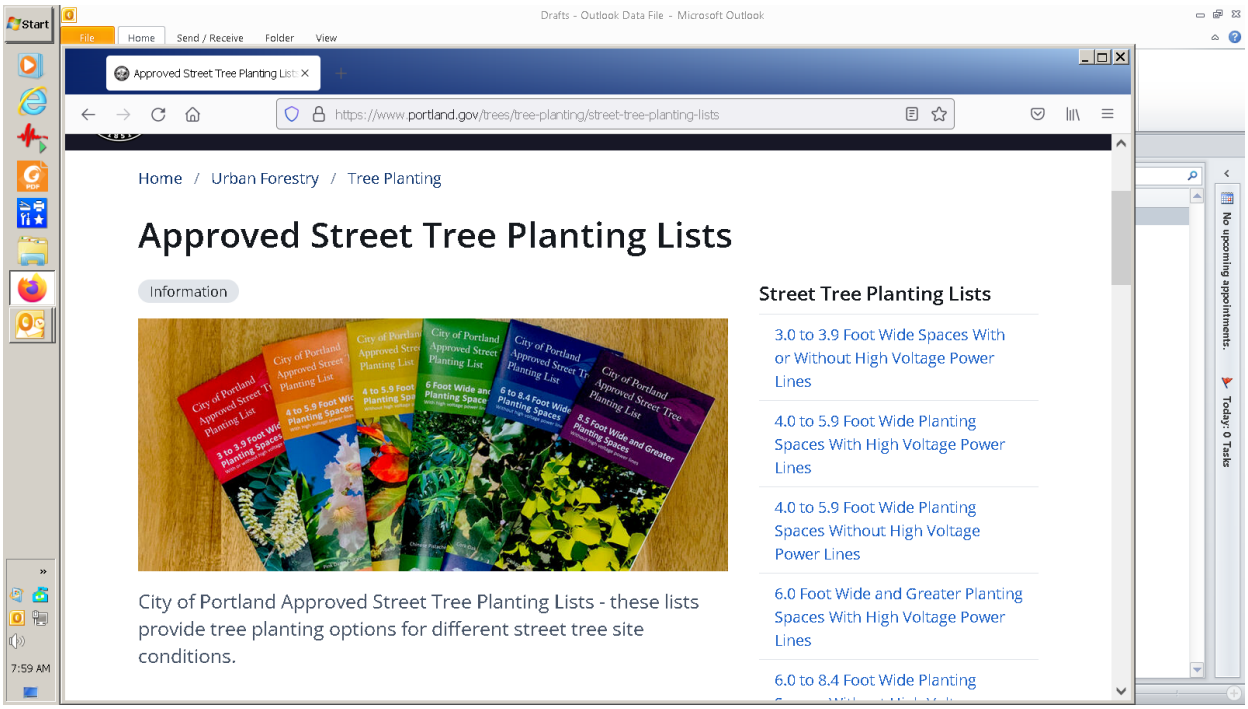
4. PORTLANDS HAS DEVELOPED MORE DETAILED FLYERS ABOUT VARIETIES.

   With changes in climate and severity of storms Milwaukie needs to consider future damage and the ability of the trees on the current list being able to tolerate severe conditions.

   Please see attached article -



https://www.milwaukieoregon.gov/engineering/approved-street-tree-list



Right Tree, Right Place - Find Your Tree!

The best street tree is one that fits well in the available space, or "right tree, right place." To help property owners choose the right tree, the City maintains Approved Street Tree Planting Lists based on the width of the planting strip and the presence or absence of overhead high voltage power lines. Click on any of the following links to explore street tree planting options for different sites:

- 3.0 to 3.9 Foot Wide Spaces **With** or **Without** High Voltage Power Lines
- 4.0 to 5.9 Foot Wide Planting Spaces **With** High Voltage Power Lines
- 4.0 to 5.9 Foot Wide Planting Spaces **Without** High Voltage Power Lines
- 6.0 Foot Wide and Greater Planting Spaces **With** High Voltage Power Lines
- 6.0 to 8.4 Foot Wide Planting Spaces **Without** High Voltage Power Lines
- 8.5 Foot Wide and Greater Planting Spaces **Without** High Voltage Power Lines

Street Tree Planting Lists

- 3.0 to 3.9 Foot Wide Spaces With or Without High Voltage Power Lines
- 4.0 to 5.9 Foot Wide Planting Spaces With High Voltage Power Lines
- 4.0 to 5.9 Foot Wide Planting Spaces Without High Voltage Power Lines
- 6.0 Foot Wide and Greater Planting Spaces With High Voltage Power Lines
- 6.0 to 8.4 Foot Wide Planting Spaces Without High Voltage Power Lines
- 8.5 Foot Wide and Greater Planting Spaces Without High Voltage Power Lines
- Identifying High Voltage Power Lines
- Street Tree Planting List FAQs

https://www.portland.gov/trees/tree-planting/street-tree-planting-lists

Thank you,

Bernie Stout

Written testimony for, Agenda item 6.2, Public Hearing as pertaining to Proposed Tree Code Amendments

Planning Commission Meeting, November 9, 2021

Hello: Chair Looseveldt, Vice Chair Edge, commissioners Hemer, Erdt, Khosroabadi, Sherman; Senior Planner Kolias, and Urban Forester Rogers

I *Oppose* the proposed Tree Code for Non-Development, private property.

The proposed language for Type 1 Tree Removal (citation in packet, 6.2 page 174) is too costly and burdensome for homeowners, failing to provide a fair balance between personal freedom and community interest.

I recommend modifying the proposed Type 1 Tree Removal code to strike a better balance between the personal freedoms of the homeowner versus the interests of the community.

1. Recommend exempting removal of one healthy tree per year with diameter of less than 12 inches from ISA Best Management Practices - 2.a.[1], 6.2 page 174.

I infer ISA Best Management practices means having to hire or consult with tree expert/ services.

The narrower a tree becomes below 12 inches, generally there becomes a fair chance the homeowner can physically remove such tree on their own, avoiding the increasingly costly tree services and allowing the homeowner more pride of managing their own property.

The **City of Portland**, by comparison, **does not regulate private property, non-developmental trees with less than 12-inch diameters.**

There are several good reasons for not making one tree removal per year as onerous as proposed in the language of 6.2 page 174 with its "Best Practices" provision in the case of trees less than 12 inches DBH (Diameter at Breast Height):

(1) Such restrictions on a homeowner managing their property's trees will discourage the homeowner from trying to stay within the spirit of the City's tree preservation efforts. **As a tree becomes narrower towards six inches, enforcement in the case of violation becomes spottier**; and relies increasingly on neighbors filing complaints against their own neighbors, potentially making for bad relations among neighbors.

(2) **As a tree becomes wider than 12 inches, the odds are much more certain the homeowner will need the assistance of tree experts/services anyways** for removing the tree.

(3) Given the weight of the proposed permit fees, removal fees and restrictions; the best practices provision for small trees not much bigger than 6 inches in width, I suspect will deter many homeowners from growing new trees in the first place.

(4) The monies a homeowner can save on small tree management, by avoiding costly tree services, are monies thus available to the homeowner for managing other more mature, larger trees.

2. Drop the Type 1 Permit Fee to zero for the removal of one healthy tree in a year in cases in which the homeowner maintains at least four mature trees; or has planted and is growing four new trees in the last year.

Related to this recommended modification, I note the City of Portland provides a water bill credit for those homeowners maintaining four large, mature trees on their property.

As proposed, the tree code changes for non-development private property trees do not provide enough **'carrots' in encouraging homeowners to plant and grow news trees**; and dropping the permit fee for type 1 healthy tree removal for those already managing and caring for several trees would be a form of acknowledging *their* applied success in tree growing practices.

Also, even a permit fee of $50 is consequential enough to tempt homeowners to try evading the permitting process altogether, particularly for narrower trees in the 6-to-12-inch range (more physically removable by homeowner than wider and larger trees).

And lastly,

3. Modify the replacement tree provision for tree removal - I.(3) 6 page 175; so that homeowners are exempted from it, if they have recently already planted and are growing four or more trees on their property, or are already maintaining four large, mature trees on their property.

I believe these three modifications of the proposed tree code for non-developmental, private property are very necessary to lessen the burden on homeowners of tree regulation and strike a better balance between individual liberties and community interest.

Sincerely,
Elvis Clark,
Ardenwald neighborhood,
Milwaukie 97222

From: Vera Kolias
To: Adam Khosroabadi; Amy Erdt; Greg Hemer; Jacob Sherman; Joseph Edge ; Lauren Loosveldt; Robert Massey
Cc: Laura Weigel; Justin Gericke
Subject: FW: CPIC/Parking Requirement Planning Commission discussion
Date: Tuesday, November 2, 2021 7:24:00

Good morning all,

Below please find a public comment that was submitted after the PC packet was posted.

-Vera

VERA KOLIAS, AICP
Senior Planner
she • her • hers
503.786.7653
City of Milwaukie
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

Please note that my work schedule is Monday – Thursday from 6 a.m. – 4:30 p.m.

From: Joel Bergman <jwbpdx@hotmail.com>
Sent: Monday, November 1, 2021 3:37 PM
To: OCR <OCR@milwaukieoregon.gov>
Subject: CPIC/Parking Requirement Planning Commission discussion

This Message originated outside your organization.

Planning Commissioners:

I was just able to review the Planning Commission discussion on Comprehensive Plan and the parking requirements discussion on 10/26. As a CPIC member, it should be noted that the parking question was never framed to the CPIC as asking for "less than one-space-per-unit". There may have been some general discussion about what other options (both MORE & LESS) would mean, but my understanding was that the recommendation to the Planning Commission from STAFF would be "one-space-per-unit". I'm sure the Planning Commissioners have their own opinions on this, but in the context of what the CPIC was to recommend, I think there should be some consistency.

It is also very important to note that this Planning Commission discussion really highlighted how ineffective & impotent the CPIC process was as it relates to actual policy recommendations. This was made crystal clear when early in the discussion, Commissioner Massey asked "what the CPIC recommendation was?" Vera accurately answered that basically there wasn't one; some members felt one way, some another, etc...there was never any vote or official recommendation made by the CPIC body as a whole during the entire process. I understand we took some "polls" throughout the meeting schedule, but those mostly amounted to requests for more information or further clarification on topics. We didn't make any concrete decisions

or debate any issues with opposing viewpoints and it's being dramatically highlighted by these discussions during the Planning Commission.

The stated committee goal of the CPIC was "advises city staff and consultants on Phase 1 of the Comprehensive Plan Implementation Project that focuses on housing, residential parking and urban forestry." The staff & consultants did a great job presenting the information to our committee during the meetings and there was both robust & sometimes redundant discussion about the concepts presented, but there was no process or opportunity for the committee members as a group to make a formal recommendation to staff that would be shared with the Planning Commission or City Council. It was not what I had expected and I'm not entirely sure what purpose our CPIC truly served to further the implementation of the Comprehensive Plan other than it's members perhaps having a deeper understanding of the guidance provided by city staff & consultants. This has put the entire process of the Comp plan implementation at a disadvantage in my opinion, as it was my understanding the CPIC was meant to provide meaningful policy recommendations that could be easily digested by the Planning Commission, City Council and residents of the City of Milwaukie; yet we only yielded interpretations of discussions.

I hope that the future CPIC process is re-tooled, with the goal to provide clear policy recommendations & those that are not unanimously made, have the polling data of the CPIC members available to those interpreting the information.

Regards,
Joel Bergman

To: Milwaukie planning commission
Re: In support of private tree code
Date: 11/9/21

I am writing today in support of the development and non development private tree code.

I am a volunteer member of the tree board. Over the last year we have worked with consultants to craft and refine the code to meet the unique needs of Milwaukie.

I am also an ISA board certified master arborist with knowledge and experience in tree protection and the many constructive alternatives to tree removal.

I want to highlight the importance of protecting *healthy* trees on private property.

Think back to the heat dome off this past summer. Extreme heat is the most deadly form of climate change. Residential trees help to cool homes. Preservation of existing healthy trees on private property is a first line of defense against future extreme heat events.

The informational notice sent to all residents in advance of this hearing states that regulation of private trees *may* affect property values. A well regarded US Forest Service study (conducted in Portland) agrees: mature healthy trees *increase* home values 10-20%.

Our city has set ambitious climate action goals including increasing canopy coverage to 40% throughout the city. Currently the city enjoys 23% canopy coverage, yet 80% of trees are located on private property. Regulation of trees on private property can help to meet climate action goals which help all of us.

It is important to not conflate regulation with prohibition; the code allows tree removal for a number of circumstances, including a provision to allow one healthy tree removal per property per year. Regulation is needed as a check to deter excessive and unwarranted removal of healthy trees.

We need only look at the events of last week at the Monroe street development to see the need for strong development tree code. The Mission park debacle of a few years ago provides even stronger evidence that trees need standing protection from development.

Tree protection is not incompatible with development. We need both. Preservation minded arborists have the tools and technology to help builders work around existing trees. As the city pursues the important goal of increasing middle housing, we need accompanying tree code to compel developers to partner with arborists to protect trees on development sites.

On non development private property the code asks property owners to seek professional counsel from a certified arborist and to explain their reasoning for tree removal as part of the permit application process. This is a reasonable request, not dissimilar from requirements for

other types of private property permits. More information is not a bad thing. Professional consultation and city review will identify and facilitate removal of unhealthy trees and ensure that healthy trees are retained.

Surely many will have written to oppose the code as government overreach. From my perspective as a tree professional, I suggest viewing the code as proactive community support. Helping trees helps people.

Thank you,
Jon Brown

3023 SE Malcolm Street
Milwaukie Oregon 97222

From:	Barbara McGinnis
To:	Vera Kolias
Subject:	Parking 24 7 Llewellyn
Date:	Saturday, October 30, 2021 19:05:17

This Message originated outside your organization.

Hello Vera,
I live @ 2336 SE Llewellyn and have for about 40 years. When the Waldorf school opened the parking on the street got very difficult if not impossible during school hours, although the school administration had promised not to let the teachers & students park in the neighborhood We also have a large apartment in our back yard @ 23 & Llewellyn. They charge for a parking space there so many tenants park on the street as well. These people are not paying the $42360.76 property taxes, I am, but I could never count on being able to park on the street or have my guests park anywhere close. Now the city thinking of cutting the parking space per apartment requirement from 1 down to 1/2 space??? Please consider us home owners in the close in neighborhoods.
thank you, Barbara McGinnis

From:	Bradley Bondy
To:	Milwaukie Planning
Subject:	Comments for the October 26th Planning Commission Meeting regarding middle housing code
Date:	Monday, October 25, 2021 16:31:55

This Message originated outside your organization.

Please allow for all middle housing types on 3,000sqft lots, as well as for reducing the required parking to .5 spaces per home. Both of these changes would help to create an abundance and variety of housing options in Milwaukie. I also feel that Milwaukie has made a strong commitment towards advancing affordability in it's comprehensive plan, and adopting the bare minimum to comply with state law doesn't scream "doing all we can to advance affordability."

Please also approve the changes for set back requirements for income restricted housing, and further expand that change to apply for all housing regardless of deed restrictions on affordability. It's ok for homes to have smaller setbacks. Many neighborhoods in the region have similar setback requirements, and they're all perfectly pleasant places to live.

Thanks for your time,
Bradley Bondy

From: Corliss
To: Milwaukie Planning
Subject: Tree Preservation Meeting
Date: Tuesday, October 26, 2021 6:24:07

This Message originated outside your organization.

Dear Planning Committee:

A few days ago I became aware of your implementation project focused on tree preservation. Of particular concern are the following discussion points:

a. "Require a permit for non-development tree removal if the tree is equal to or greater than six inches in diameter breast height (DBH), if the tree is less than six inches in DBH but is a species specified on the city's rare or threatened tree list, or if it was planted to meet any requirements in the private tree code.
b. The code establishes mitigation fees and replanting requirements for healthy tree removal. The code further establishes approval standards to waive mitigation fees for trees which are dead, dying, or a hazard For these trees replanting is required.
c. No permits are required for removal of agricultural trees (i.e., a Christmas tree farm does not need a permit to remove each tree). The City Manager may exempt property owners from the permit and replanting fees when the owner demonstrates household income at or below 80% of median household income for the Portland-Vancouver-Hillsboro Metropolitan Statistical Area.
d. Commissioner Rogers stated, " ways to waive permit costs are being considered for trees on the noxious weed list. And " permit costs are intended to cover much of the labor necessary to process the permits."

I agree with point c above, where you've exempted the agricultural population along with household incomes at or below 80% of median household income. However, I was very disheartened that I did not find mention of specific efforts to avoid financial hardships and/or burdens on the average homeowners. Or, pn most vulnerable property owners, which are our disabled seniors.

Also, adding a way to charge fees on a homeowners land resulting from a newly implemented tree code feels like double dipping. Especially living in one of the highest property tax areas in the state of Oregon that covers the dwelling and land. Are the trees not a part of the land we are already taxed on-of course they are. So if a new mandate is not required for longtime residents their trees should either be grandfathered in. Or have their property taxes reduced by whatever costs are incurred, including permit costs and labor costs, in order to meet the new tree codes.

That is only fair. You have considered the huge impact this tree code potentially has to group c. But those of us long-term residents (16 yrs, 10 months) who have worked 19 years and saved for

retirement are close to being pushed out of the neighborhood. Not because we cannot afford our mortgage payments. But, because we cannot afford the property taxes and potential fees prosed. Even if I was mortgage free, Id still face paying an almost $1000 monthly payment for property taxes and insurance alone. Adding new costs outside of those costs is not something easily accepted.

For example: I receive an annual annuity payment every Oct 1st. This year, 50% ($10.000) went to my property taxes, 20% ($4000) to Fed taxes, 10% ($2000) to Oregon State taxes. Thus., out of $20000, $16000 went to various taxes leaving a $4000 balance. So, the thought of paying additional costs is extremely stressful and disturbing. Especially, when one of my main property attractions was the trees. Had this tree code been in effect 16 years ago I would have chosen to pass buying in Milwaukie Therefore, in addition to feeling like the trees are already included in the cost of my property taxes. It also feels a little "big brother-ish" with some of my personal preference being taken.

I understand the intent of your tree preservation efforts. However, it should not cause an undue hardship on your most vulnerable population, who are already at-risk of being run out of the neighborhood. As stated we have paid our dues over the years and chose to live on our property due to personal choice. It should not be taken away.

New developers, and individual homeowners will have the choice to move into the area with the tree code in place. We deserve that same right Since we do not have the choice to move into an area with the tree code in place At the very least we should be grandfathered-in. Or have our property taxes reduced by any cost we incur having to meet the new tree code.

Sincerely,

Corliss Mc Keever

From: Urban Forest
To: Vera Kolias
Subject: FW: Land use proposal
Date: Tuesday, October 19, 2021 14:54:03

Are we adding these to the spreadsheet, or are we keeping track elsewhere?

NATALIE ROGERS
Climate and Natural Resources Manager
she • her • hers
P: 503-786-7668
CITY OF MILWAUKIE
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

To learn more, visit Milwaukieoregon.gov/sustainability

From: Fida Hurlock <peaceloveandpalestine@gmail.com>
Sent: Saturday, October 16, 2021 12:17 PM
To: Urban Forest <UrbanForest@milwaukieoregon.gov>
Subject: Land use proposal

This Message originated outside your organization.

Hello,

I am unable to attend the Milwaukie Planning Commissions hearing later this month and was hoping to email my testimony instead.

I have grown up in Milwaukie nearly most of my life. I love Milwaukie and have seen it change and grow in so many ways. I think one of the beautiful things in this city is the greenery, especially during the summer and fall months.

Currently I own my home in Milwaukie as well as work for the CIty! Originally my home had two enormous silver maple trees in the backyard. Prior to us purchasing the home, one of those tree's ended up splitting in 3 and destroyed the neighbors shed, truck and garden and eventually fell on my house and smashed half of it. After we lived in our home for about a year we noticed that the soil was very poor and whenever it rained it flooded the backyard, side and front yard. We have spent thousands of dollars trying to fertilize and treat our soil in order for it to absorb and grow tree's to no avail. Sadly our only remaining silver maple rottened and was infested with termites. It was no longer safe for us to keep the tree as it swayed on windy days and we feared if it fell it would crush my husband and I in our sleep (as it was hovering over our bedroom) with 3 small children we couldn't let that happen. We removed it as fast as we could.

We have since then tried, unsuccessfully, to plant other trees only for their growth to be stunted and die. Again this summer we spent thousands of dollars to finally strip, grade and remove soil and lay partial asphalt gravel in our side and back yard. All of our neighbors have the same problem, many of them do not have any trees especially in the back yards. We all live a few blocks away from Johnson creek and though the flooding that occurs there doesn't reach us the water naturally flows from our homes to that direction. Our homes were built entirely on river rock with some top soil added. If you

dig 2 feet down you will always hit river rock.

Although having people replant trees is a novel idea, I urge you to please consider zoning this requirement to those that have proper soil and can safely replant a tree. Additionally, requiring a permit to cut down a tree is not appropriate for homes that have safety issues such as ours did. It can be costly and unattainable for many people that need to ensure the safety of their family and homes first and foremost and use those fees to pay a professional to remove the tree in question.

After speaking to many neighbors that are originally owners I have learned that the City of Milwaukie is aware of this issue, as they had many years ago sent a City employee that graphed the natural flow of the water in our area.

I urge you to reconsider.

Thank you for your time
Warmly,
Fida Hurlock
971-340-6320

--
"I remember", said Milo eagerly. "Tell me now"
"It was impossible", said the King, looking at the Mathematician.
"Completely impossible", said the Mathematician, looking at the King.
"Do you mean....." stammered the bug, who suddenly felt a bit faint.
"Yes, indeed", they repeated together;" but if we'd told you then, you might not have gone-and, as you've discovered, so many things are possible, just as long as you don't know they are impossible."

"The Phantom Tollbooth"
By Norton Juster 1961

From: Paul A.
To: Vera Kolias
Subject: Proposed Tree Preservation Ordinance
Date: Wednesday, October 13, 2021 13:46:38

This Message originated outside your organization.

Hi Vera,

I wish to challenge the need for the Policy Mandate 2: Increase the Tree Canopy and Preserve Existing Trees.

I posted the following comments online on the engage.milwaukieoregon.gov website but also am sending them to you to make sure they get passed on to the planning commission members.

As I look around the city of Milwaukie, I see an abundance of trees. I would guess the current canopy is around 20%. How did those trees get there? Was it because of some government edict? No, it was because people voluntarily planted them or let volunteer trees grow. Is there a big push by Milwaukians to cut them down so that the planning commission feels the need to preserve them? No, people like trees and will continue to plant them. This proposed ordinance looks to me like a solution to a nonexistent problem.

In the October 5, 2021 letter from you to the planning commission it is stated: trees "are a major contributor to the quality of life in Milwaukie", and they are "to be nurtured and protected". How is it that a planning commission can somehow know how to improve my, or anyone else's, quality of life? Last year I had a large tree in my front yard cut down, and guess what? Removing that tree increased the quality of life for me and my next-door neighbor. I no longer have to pay to have it trimmed. I no longer have to rake leaves for weeks and haul them away. I no longer have to worry about the tree's roots damaging my sprinkler system and plugging my roof drain piping (this happened a few years ago, causing water to back up in my yard and threatening my house's foundation). I don't have to worry about limbs breaking off in wind or ice storms and damaging my or my neighbor's house. My neighbor doesn't have to rake the leaves that fall or blow into her yard from my tree and her garden produces more now that it isn't being shaded by that tree. It is also nice to now be able to see some sky from my living room window.

The new ordinance would not have allowed me to cut down that tree, depriving me of improving my quality of life. Everyone's situation is different. The planning commission can't possibly know what is best for everyone or write an ordinance that would account for every possible situation. This country was founded on individual rights and freedoms and it has served us well for over 200 years. To switch to a mindset that we should subvert our individual rights and freedoms for what someone in the bureaucracy considers a common good would be a big mistake. We all know that socialism and communism don't work.

I also want to challenge the goal of increasing the tree canopy to 40%. Where did the 40% come from? It looks to be both arbitrary an unrealistic. To force new construction to have a 40% tree canopy doesn't make sense. My lawn covers about 40% of my lot. If I also had a 40% tree canopy, then none of my lawn would ever get any sunshine and it would feel like I live in a forest. I don't want to live in a forest. I also noticed that the Hillside development that is in the process of being approved has only a 29% tree canopy, and yet it looks like plenty to me.

Is the 40% canopy goal somehow related to preventing global warming? If so, does the planning commission really think that adding approximately one square mile of tree canopy over the next 20 years is going to have an effect on global warming? In contrast, Oregon now loses 1,300 to 1,500 square miles of forest to fires every year, which, over the next 20 years would add up to at least 26,000 square miles. If we really wanted to reduce

global warming, we would go back to managing forests like we did 20 to 40 years ago when we only lost about 100 square miles per year to forest fires.

Most importantly, the proposed tree ordinance goes directly contrary to the goal of providing more affordable housing in Milwaukie. The ordinance adds another layer of red tape, requiring builders to hire a certified arborist to write a tree preservation plan, build fencing to protect the trees during construction, plant more trees, and pay increased fees. All of this adds to the cost and ultimately the price of housing. The planning commission needs to set priorities. Which is more important, reducing global warming by an infinitesimal, unmeasurably small amount, or providing affordable housing? I would say that providing affordable housing is far more important.

Finally, any time the government increases regulation it adversely affects small businesses more than large businesses. So, unless the planning commission likes the idea of driving out small contractors from our area in favor of big builders, they should scrap this ordinance.

Thank you,

Paul Anderson

503-753-9852

October 10, 2021

Vera Kolias, AICP
Senior Planner
Milwaukie, Oregon

Dear Vera:

Please accept these comments and provide them to the Planning Commission for its consideration during the public hearing on code amendments that is about to begin. I will start by thanking you and your team for all of your work on this project.

For those who don't know me, I suppose it is pertinent to point out that I am a retired city planner with over 45 years of professional experience and I served on both the Comprehensive Plan Advisory Committee and the Comp Plan Implementation Committee.

My comments are mostly of a general nature, with just a few specific suggestions. That said, I am generally supportive of the document now under consideration. I believe it will do much to help the community achieve the Future Vision it has embraced, while also addressing the requirements of House Bill 2001. Here are my general concerns:

* I fear that we are not doing enough to protect solar access for energy production and for gardens. I know this requires a careful balance between tree canopy goals and building height/setback regulations and my guess is that we are about to sacrifice solar access in some cases for other goals. I am not prepared to offer specific suggestions except to say that I have long felt that building setbacks and height standards on the north side of a property that adjoins other developed or developable properties should be regulated to protect solar access on those adjacent properties.

* As we encourage more development on properties with trees, I am certain that a growing number of those trees will be damaged, especially where there is simply not enough room on a site to allow for adequate protection of tree roots. Roots are routinely cut because they are in the path of utilities or foundations. Roots are also often damaged by construction equipment driving over them or parking on them. I realize that tree protection is the subject of a continuation of this hearing but I felt it was appropriate to point out my concerns while the consideration of density standards is pending.

* Reducing the parking standard for residential developments still concerns me because there is so much variation in available parking from one block to another. I realize that the State has mandated a reduced parking standard and I suppose that the best I can do is simply say that there will be problems when residents discover that the on-street parking they have relied on for years is now occupied by overflow parking from other properties. I wish we had frequent transit service in every neighborhood and a thoroughly connected sidewalk and bike system all over town. We do not and we

probably never will. Without those alternative transportation improvements, we are going to create parking problems for some people in some parts of town.

Now to more specifics:

One question — are the standards intended to apply to a quadplex the same as for a cottage cluster of four units? If not, I think they should be the same.

One suggestion — rewrite the definition of a "half story" used in the current Code (following) and carried forward in the recommended provisions. Here is the current language:

"'Half-story' means a story under a gable, gambrel, or hip roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story. If the floor level directly above a basement or unused under-floor space is less than six ft above grade, for more than 50% of the total perimeter and is not more than 10 ft above grade at any point, such basement or unused under-floor space shall be considered as a half-story."

That definition consists of two distinct thoughts that have little to do with one-another. The first sentence of that definition, although somewhat challenging to track, does seem relevant to the height standards for residential structures set at "2 1/2 stories or 35 feet, whichever is less."

My complaint lies with the second sentence, which applies only to basements or under-floor spaces. It does nothing legitimate to help in the regulation of building height and only serves to potentially reduce the amount of floor space that might be developed on a residential property. Let me be more specific.

In the Lewelling Neighborhood, where I live, there are many ranch style homes constructed in the 1950s, many of which look very much like one-another. Some of the homes have full basements, others do not. Very few have daylight basements, but some do. Other than the homes with daylight basements, the other homes with basements cannot be distinguished from those without basements from a street view. However, the second sentence of the definition of "half story" would impose a more strict height standard on the homes with a conventional basement than those without. What is missing from the definition is a more specific application to homes with daylight basements, because they tend to appear, from at least one side, to be taller than nearby homes without daylight basements.

I will leave it to the decision-makers to decide whether more strict height standards are needed for homes with daylight basements. For homes with conventional basements, I would urge you to amend the rules to treat them just like visually similar houses without basements. Please delete or restructure the second sentence of the definition.

One final suggestion — add more graphics to the Code. This could be the perfect time to do it because the design experts at UrbsWorks are extremely talented in creating such graphics. If it were up to me, I would have more graphics and a lot fewer words in the Code.

Thank you for your consideration of my comments and for all of the volunteer work you do for this community. I would be happy to answer any questions that you may have about my comments.

Sincerely,

Stephan A. Lashbrook, AICP retired
4342 SE Rockwood Street
Milwaukie 97222
drampa82@gmail.com
(503) 317-0283

From:	Tim Taylor
To:	Milwaukie Planning
Subject:	Testimony for potential housing code changes
Date:	Tuesday, October 26, 2021 7:05:47

This Message originated outside your organization.

Hello,

My name is Tim Taylor, I'm a resident of Milwaukie, a small business owner, and I helped contribute to the most recent election for Milwaukie's newest Commissioner.

I'm writing to express my support of the proposed changes to reduce parking minimums to 0.5 spaces per unit for middle housing (duplex, triplex, and quadplex). This change will prioritize Milwaukie's housing affordability and climate action goals, instead of putting car parking ahead of those goals.

I believe Milwaukie should be focused on providing housing for people and space for tree canopy, not cars. As a young professional, I have friends who are interested in moving to Milwaukie but haven't due to a lack of affordable housing. These are individuals who may not be able to afford a single-family home, but would likely be able to afford a duplex.

I love living in Milwaukie, but I also want to see it grow. I want small businesses to move here, but as a business owner myself, Milwaukie is not yet a desirable location to expand or start a new business. There is simply not enough people in certain areas to support a new brand.

Thank you for considering my opinion on this matter and thank you for caring about the future of our beautiful city.

Tim Taylor

Christopher and Ruth Burkett

RECEIVED
By Vera Kolias at 9:23 am, Oct 01, 2021

October 12, 2021
Milwaukie Planning Commission

Good evening,

The proper function of government is the preservation of property, not the taking of property.

Private ownership of property is the very foundation of freedom. These proposed changes subjugate our private property ownership and take away the freedoms which are guaranteed by the Constitution of the United States.

Let us not be under any illusions. When individuals are harmed through bureaucratic depredation, society is harmed. "The public" is merely a group of individuals. The idea that "the public interest" supersedes private interests and rights can only mean that the interests and rights of some individuals take precedence over the interests and rights of others. You cannot harm individuals and claim a greater good for society.

We will be heavily impacted and harmed if these regulations are approved. With the help of ISA certified arborists, we have carefully maintained hundreds of trees on our two properties for over twenty years. We have planted many new trees, integrating new trees into a mature landscape, with plans based on 20, 50 and 100 year time frames.

It is crucial for us to be able to make our own aesthetic and practical decisions to insure a cohesive and healthy landscape in accordance with our long range plans. This would be utterly prohibited under these regulations, as our aesthetic decisions and long range design plans are specifically excluded from consideration. Our idyllic properties and our quality of life will be seriously harmed if these regulations are approved. No good can come from this.

Therefore, we cannot consent to your claim of authority of our forested land. We plead with you to allow us to continue to live undisturbed on our land, at peace with our neighbors and in harmony with nature.

Sincerely,

Christopher and Ruth Burkett

4512 SE Ryan Court, Post Office Box 22[illegible] Milwaukie, Oregon 97222 • (503) 970-2309

Dear Milwaukie Planning Commission:

As a teacher in Milwaukie and property owner, we strongly support the changes in the code to allow middle and cottage cluster housing in the new R-MD zone. We believe this will strengthen the ability of housing developers to meet the need for missing middle housing in Milwaukie and produce walkable, bikeable, desirable neighborhoods, which foster community connections.

We do have some comments on the proposed codes that we think would help achieve the goal of providing additional missing middle housing in Milwaukie.

1. Parking
   We strongly support the proposal to reduce required parking numbers through several methods, including tree preservation, via a Type II parking modification. The summary of "key amendments," however, suggests a more flexible arrangement of parking for middle and cottage cluster developments than is specified in the code language and we would support the more flexible language in the summary, including allowing parking in some of the required setbacks. We also want to advocate for a more flexible approach to parking in general. For example, requiring parking for cottage cluster developments to be in a common area would create a large, paved surface vs. having parking spaces placed individually, some even associated closely with individual units, which seems more in keeping with the character of surrounding neighborhoods. These additional requirements for parking, including placement, limits the number of housing units on a lot, which restricts affordability.

2. Detailed Design
   While we understand that the intent of the Detailed Design standards is to have housing that is appropriate for the neighborhood, we would note that the 15 listed features do not constitute a known style and adhering to them would not necessarily produce esthetic housing or housing compatible with the neighborhood. We support the inclusion of porches and several other non-stylistic features, but, for example, bay windows, changes in roof height and other façade offsets add construction costs to units that are meant to be affordable and decrease energy performance (impacting climate and operational affordability). Additionally, the choice of wood shingles for roofs or walls is problematic, as these are a fire hazard. More consideration could be given for alternative materials. We realize that applicants may go through a Type II variance application to avoid compliance with 5 out of the 15 features, but an alternative would be to reconsider the list of required features so that more developments could forgo the variance application, which increases development timelines, housing cost and inhibits design innovation.

3. Cottage Clusters
   We understand that the definition of a cottage is one home/house. However, if a duplex cottage (two units) can meet the maximum footprint of 900 sq. ft. and the massing (height, roof slope, etc.) requirements for a single cottage, we would advocate for the code to allow for that type of cottage within a cottage cluster.

We appreciate the consideration of these comments for inclusion in the proposed code updates.

Sincerely,

Wibke and Mark Fretz

Updated December 7, 2021				
Commenter	**Date Received**	**Municipal Code Section**	**Comment**	**City Staff Response/Recommendation**
Zoning Map				
Bradley Bondy	7/26/2021	Zoning Map	*Rezone properties in close proximity to downtown or frequent service bus lines to the new R-1 zone, and those within 10 minute walk to downtown or MAX to the new R-1-b.*	Staff will be working on the high density zones in the next phase of code amendments and comprehensive plan implementation.
12106SE (Engage Milwaukie)	9/15/2021	Zoning Map	*It is difficult to tell on the zoning map if the Clackamas Community College Campus is included in the Comp. Plan. It appears that it is not.*	The college campus property is zoned Limited Commercial, not residential, so the proposed code amendments will not directly affect this property.
Title 19 Zoning				
Bradley Bondy	8/24/2021	19.301 and 19.302	*The proposed minimum lot size requirements for different forms of middle housing should not be included as is in the final code. I ask that the Planning Commission reduce minimum lot sizes for 3-plexes and 4-plexes to something that doesn't strongly discourage their construction.*	The minimum lot sizes proposed for triplexes and quadplexes reflect the requirements of HB2001.
Bradley Bondy	8/24/2021	19.301.5.B.3	*In 19.301.5.B.3, middle housing is provided a 10% lot coverage bonus, however it's written such that only the first floor can be built within that bonus, second floors are restricted to the same area as a single detached dwelling. This reduces the possible square footage of middle housing, thus reducing their viability. This greater restriction is not present in the R-1 and R-1b zones, and it should be not included in the R-2 zone.* *SUGGESTED EDITS: "Increaased Lot Coverage for ~~Duplexes~~ Middle Housing.* *The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by ~~20~~ 10 percentage points for a ~~duplex~~ middle housing, provided that the portions of the structures(s) that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4.*	
Bradley Bondy	8/24/2021	19.301.5.B.3	*The draft code proposes a reduction to the lot coverage bonus for middle housing from 20%, down to 10%. This change should be dropped. It's both fine and good to allow buildings in which 2-4 families live to be a fair bit larger than a single detached home where only 1 family lives. Keeping this reduction in hte final code would discourage the building of hte middle housing that the adopted comp plan makes clear is a high priority for the city.*	
Bradley Bondy	7/26/2021	19.605	*Eliminate parking minimum in the R-1-b zone. This zone exists exclusively within a short walk to downtown, the MAX, and the transit center where 8 bus lines all converge. It's also a neighborhood where a significant number of folks already don't own cars.*	By-right reductions to required off-street parking include credits for proximity to transit.
Bradley Bondy	7/26/2021	19.302	*Modify the R-1-b zone to allow 4-plexes on 5,000 sq ft lots. No adjustments to setback or lot coverage standards needed.*	The minimum lot sizes proposed for triplexes and quadplexes reflect the requirements of HB2001.
Bradley Bondy	7/26/2021	19.302	*Allow Single Room Occupancies (SROs) within the R-1-b zone.*	SROs and other similar types of housing will be addressed in a future phase of code amendments.

Wibke and Mark Fretz	9/25/2021	19.505.1	*While we understand that the intent of the Detailed Design standards is to have housing that is appropriate for the neighborhood, we would note that the 15 listed features do not constitute a known style and adhering to them would not necessarily produce esthetic housing or housing compatible with the neighborhood. We support the inclusion of porches and several other non-stylistic features, but, for example, bay windows, changes in roof height and other façade offsets add construction costs to units that are meant to be affordable and decrease energy performance (impacting climate and operational affordability). Additionally, the choice of wood shingles for roofs or walls is problematic, as these are a fire hazard. More consideration could be given for alternative materials. We realize that applicants may go through a Type II variance application to avoid compliance with 5 out of the 15 features, but an alternative would be to reconsider the list of required features so that more developments could forgo the variance application, which increases development timelines, housing cost and inhibits design innovation.*	Determining a new list of design details was beyond the scope of this project. As proposed, the existing list of design details for single detached dwellings would apply to middle housing as well to be consistent. This list was put together in a public process in 2012.
Wibke and Mark Fretz	9/25/2021	19.505.4	*We understand that the definition of a cottage is one home/house. However, if a duplex cottage (two units) can meet the maximum footprint of 900 sq. ft. and the massing (height, roof slope, etc.) requirements for a single cottage, we would advocate for the code to allow for that type of cottage within a cottage cluster.*	As proposed, duplex cottages are permitted in the High Density zones, but not in the R-MD zone.
Bradley Bondy	7/26/2021	19.607	*Allow on-street parking spaces directly in front of a property to count towards the minimum. Car parking takes up a ton of space and can greatly reduce the amount of living space that is possible to build, and it eats into yard space, likely reducing the number of trees on a property. The city's on-street parking capacity is greatly underuitilized. Limited on-street parking is not an issue.*	In order to account for each property's specific on-street parking availability, the code provides for a Type II parking modification process to allow for this type of flexibility on a case by case basis.
Rob Reynolds	9/1/2021	19.600	*Why does the city want more street parking?*	The proposed code requirements for on-street parking are in line with the requirements of HB 2001, but, more importantly, we recognize that building off-street parking increases the cost of development and one of the goals of the comprehensive plan is to find ways to reduce the cost of housing. As part of this code project, we had a Residential Parking Occupancy Study done to help ground-truth how the amendments might affect on-street parking. We posted this document on the Engage Milwaukie site. It is available here: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/117711/residential_occupancy_parking_study_-milwaukie.pdf.

Rob Reynolds			*Thanks for your response, but you still did not answer my questions. Why is the city pushing their political view for my property and future property owners? What is the number of people that you are referring to? We do not have a large involvement of all the residents in Milwaukie. I would like to see that change. But with that said I am not sure what standing you are using when you say that this is what the people in Milwaukie want. If these were safety issues that a contractor was causing I could see the code changes. But all I see is a political view being forced on the people milwaukie.*	The proposed code amendments reflect the multi-year comprehensive plan process that involved hundreds of Milwaukie residents, the nearly 16-month process of the current implementation process that also involved hundreds of Milwaukie residents, and the required compliance with Oregon House Bill 2001. Staff has worked diligently to ensure that the proposed amendments reflect the expressed goals and policies in the adopted comprehensive plan as well as compliance with state law.
Donald Courson	9/6/2021	19.605.3	*Key amendment item states "Include a by-right reduction in minimum off-street parking for middle housing located near transit." A clear definition of "transit" is not referenced, and a quantitative definition of "near transit" is not included. Given Trimet's current level of coverage, this would allow for any housing to be deemed "near transit" and eliminate the requirement for off-street parking in all cases. My position is that the city needs to revise to include both a clear definition of "transit" and quantified definition of "near".*	Proximity to transit is already a reduction in the existing code – we are adding middle housing to the types of development that can get this reduction:
			Key amendment item states: "include a by-right reduction in minimum off-street parking for income restricted (affordable) housing." The terms "income restricted (affordable) housing" are a broad term, subject to interpretation resulting complexity to enforce. Recommend that the city revises to provide a clearly enforceable definition of "income restricted (affordable) housing" in a manner such as "income restricted (affordable) housing as defined by XX", or even stating a definition in detail. Otherwise, potential developers may be concerned with whether their build plans would meet the city's regulations, and the city may have limitations in situations where they disagree that a developer's plans are in the best interest of the city and affected neighborhood.	Income-restricted housing code language has been included in the proposed amendments.
Brad Thompson	9/9/2021	19.605	*I would preferably like to see only onsite parking with no street parking as this could cause pedestrian traffic accidents.*	
Charles ISN (Engage Milwaukie)	9/20/2021	19.605	*The amendment does not address the need for more parking per unit. With a couple each with a car plus a teenager and a boat more off street parking would be critical. Please adjust the amendment to include more off street parking.*	Oregon House Bill 2001 does not allow us to require more than 1 off-street parking space per dwelling unit. This is the requirement for single detached homes as well, so the proposed code is applying the same requirements to single detached homes and middle housing.

Wibke and Mark Fretz	9/25/2021	19.600	*We strongly support the proposal to reduce required parking numbers through several methods, including tree preservation, via a Type II parking modification. The summary of "key amendments," however, suggests a more flexible arrangement of parking for middle and cottage cluster developments than is specified in the code language and we would support the more flexible language in the summary, including allowing parking in some of the required setbacks. We also want to advocate for a more flexible approach to parking in general. For example, requiring parking for cottage cluster developments to be in a common area would create a large, paved surface vs. having parking spaces placed individually, some even associated closely with individual units, which seems more in keeping with the character of surrounding neighborhoods. These additional requirements for parking, including placement, limits the number of housing units on a lot, which restricts affordability.*	The proposed code amendments do provide for an allowance for parking within the required setbacks. The cottage cluster code amendments reflect HB2001 and the model code to ensure compliance with these requirements. The parking modification process is available to provide flexibility as needed on a case by case basis.
Rice99_97068 (Engage Milwaukie)	9/24/2021	19.600	*As far as the residential parking in yards and side areas i think its a great idea. Milwaukie is a city of families and families like to do stuff the may enjoy camping a have travel trailers or classic cars the family's enjoy of like water sports so have jet skis or boats, and some of the houses were not build with enough driveway space to park more then a car or 2 but there is plenty of other areas on the property that would be great to park*	
Stephan Lashbrook	10/11/2021	19.605	*Reducing the parking standard for residential developments still concerns me because there is so much variation in available parking from one block to another. I realize that the State has mandated a reduced parking standard and I suppose that the best I can do is simply say that there will be problems when residents discover that the on-street parking they have relied on for years is now occupied by overflow parking from other properties. I wish we had frequent transit service in every neighborhood and a thoroughly connected sidewalk and bike system all over town. We do not and we probably never will. Without those alternative transportation improvements, we are going to create parking problems for some people in some parts of town.*	
Jay Panagos (Engage Milwaukie)	9/1/2021		*Are "Tiny Houses" included in Cottage Cluster Development?*	Thank you for your question. If by "tiny homes" you mean very small homes on a wheeled chassis, then no, they are not permitted as dwellings because they are considered vehicles. Current code does not permit people to live in vehicles. Cottages in a cottage cluster development must meet certain minimum design and development standards – you can review them in code sections 19.505.1 and 19.505.4.
Erik (Engage Milwaukie)	9/21/2021		*I have serious reservations with the idea of combining housing type zones (essentially rezoning) for the quiet neighborhoods like many around Milwaukie. The way I read this, it would presumably allow a developer to build a high-density condo-like complex right along side single family homes. In my Hector Campbell neighborhood, we already have monstrous, brand new houses being built that tower high above all our little single-story ranch-style homes that have been here for decades, which appear intrusive. These ridiculously large houses are out of place enough already, I can't even imagine a 4+ story, 30-dwelling condo complex building on the corner of my block, casting its shadow on my already sun-starved garden (tree requirements), filled with people staring down into my windows and overseeing my activities in my yard from above. Sure, this is an extreme example, but this plan would allow for it.*	The proposed code amendments apply to middle housing and not to large multiunit developments. The proposed design and development standards include maximum building height for middle housing that is the same as for single detached units, so a 4+ story building would not be permitted in the medium density zones. The Engineering and Public Works Departments are part of the project team for these proposed amendments as well.

			I would also like to echo the previous commenter's concerns regarding additional traffic on our streets, which mine hasn't been paved since its first (only) layer of asphalt was laid down in 1946, and is now so broken and cratered it's worse than driving on the surface of the Moon. Another major concern I have is the current capacity of our existing utilities - water, gas, electrical, storm/sewer, broadband internet, phone/cell, etc... Some parts of Milwaukie are already at (or above) the limits for many of these services. We have areas in older neighborhoods with chronic sewage issues and/or low water pressure. Most of our upper-North Milwaukie neighborhoods have overhead electrical lines running old, thin copper conductors that are not tree-rated, and which already max out their current rating during the coldest weather of each Winter.	
			If you're just going to railroad these changes through anyway (Re: TriMet MAX) then at least prepare the area for potential impacts, and upgrade roads and work with utility providers toward expansion ahead of construction, instead of playing catch-up after the fact or just flat-out ignoring and denying these problems and the needs of Milwaukie's residents altogether.	
Dawntim17 (Engage Milwaukie)	9/17/2021		*Not all zones being changed to allow higher density housing have a street infrastructure to support the additional traffic. Before higher density housing is permitted, there needs to be street infrastucture improvement to support it, lest Milwaukie become the next Sellwood.*	
12106SE (Engage Milwaukie)	9/15/2021		*So the new code would require subdividing the lot for cottage cluster or could they be owned as tenants in common?*	A cottage cluster can be owned in common.
12106SE (Engage Milwaukie)	9/15/2021		*I understand the need for more middle housing. I am ok with adding duplexes and triplexes ONLY if we have stricter zoning as to what is acceptable. I don't want to live next door to a 'skinny house' that has a door and single garage facing the street. They need to fit the character of the neighborhood and that is something, I believe, that the City would need to put into the code. Also, while adding more residents to Milwaukie, what is the plan to keep up the infrastructure of the City - roads, sewer, etc? That is something we really need to have plans for.*	All new middle housing development would need to comply with minimum design standards (just like single family homes do). The Public Works and Engineering Departments are involved in this project as it relates to infrastructure needs.
Milwaukieres (Engage Milwaukie)	9/27/2021		*We are aware and understanding of the housing crisis. However, we feel that tiny home/cottage clusters and other multiple unit dwellings will ruin the charm and draw to Milwaukie and neighborhood property values will decline. It would directly affect the livability for my family. It's one thing to have neighbors next door, but it's another when there's multiple sets of neighbors next door. We live on a well traveled street and already experience many issues with traffic on a daily basis as is, so adding more people in our neighborhood would only contribute to the issue. More people=more cars=more congestion=Unhappy, established longtime homeowners. We don't want to live next door to or down the street from any more duplexes or tiny home clusters.*	Tiny homes (small homes on wheeled chassis) are not part of the proposed code amendments. The proposed code amendments reflect the multi-year comprehensive plan process that involved hundreds of Milwaukie residents, the nearly 16-month process of the current implementation process that also involved hundreds of Milwaukie residents, and the required compliance with Oregon House Bill 2001. Staff has worked diligently to ensure that the proposed amendments reflect the expressed goals and policies in the adopted comprehensive plan as well as compliance with state law. The proposed amendments also include design and development standards so that new housing will compliment existing neighborhoods.
Stephan Lashbrook	10/11/2021	Trees and Solar Access	*I fear that we are not doing enough to protect solar access for energy production and for gardens. I know this requires a careful balance between tree canopy goals and building height/setback regulations and my guess is that we are about to sacrifice solar access in some cases for other goals. I am not prepared to offer specific suggestions except to say that I have long felt that building setbacks and height standards on the north side of a property that adjoins other developed or developable properties should be regulated to protect solar access on those adjacent properties.*	

Stephan Lashbrook	10/11/2021		*One question — are the standards intended to apply to a quadplex the same as for a cottage cluster of four units? If not, I think they should be the same.*	Cottage cluster development shares some standards with a quadplex, but many of the standards are specific to cottage clusters as required in HB 2001.
Stephan Lashbrook	10/11/2021		*Use more graphics in the code - fewer words*	
Stephan Lashbrook	10/11/2021	Definitions	*One suggestion — rewrite the definition of a "half story" used in the current Code (following) and carried forward in the recommended provisions. Here is the current language: "'Half-story' means a story under a gable, gambrel, or hip roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story. If the floor level directly above a basement or unused under-floor space is less than six ft above grade, for more than 50% of the total perimeter and is not more than 10 ft above grade at any point, such basement or unused under-floor space shall be considered as a half-story."*	
			That definition consists of two distinct thoughts that have little to do with one-another. The first sentence of that definition, although somewhat challenging to track, does seem relevant to the height standards for residential structures set at "2 1/2 stories or 35 feet, whichever is less." My complaint lies with the second sentence, which applies only to basements or under-floor spaces. It does nothing legitimate to help in the regulation of building height and only serves to potentially reduce the amount of floor space that might be developed on a residential property. Let me be more specific.	
			In the Lewelling Neighborhood, where I live, there are many ranch style homes constructed in the 1950s, many of which look very much like one-another. Some of the homes have full basements, others do not. Very few have daylight basements, but some do. Other than the homes with daylight basements, the other homes with basements cannot be distinguished from those without basements from a street view. However, the second sentence of the definition of "half story" would impose a more strict height standard on the homes with a conventional basement than those without. What is missing from the definition is a more specific application to homes with daylight basements, because they tend to appear, from at least one side, to be taller than nearby homes without daylight basements. I will leave it to the decision-makers to decide whether more strict height standards are needed for homes with daylight basements. For homes with conventional basements, I would urge you to amend the rules to treat them just like visually similar houses without basements. Please delete or restructure the second sentence of the definition.	
Bradley Bondy	10/25/2021	lot size and parking	*Please allow for all middle housing types on 3,000sqft lots, as well as for reducing the required parking to .5 spaces per home. Both of these changes would help to create an abundance and variety of housing options in Milwaukie. I also feel that Milwaukie has made a strong commitment towards advancing affordability in it's comprehensive plan, and adopting the bare minimum to comply with state law doesn't scream "doing all we can to advance affordability." Please also approve the changes for set back requirements for income restricted housing, and further expand that change to apply for all housing regardless of deed restrictions on affordability. It's ok for homes to have smaller setbacks. Many neighborhoods in the region have similar setback requirements, and they're all perfectly pleasant places to live.*	

Tim Taylor	10/26/2021	19.605	*My name is Tim Taylor, I'm a resident of Milwaukie, a small business owner, and I helped contribute to the most recent election for Milwaukie's newest Commissioner. I'm writing to express my support of the proposed changes to reduce parking minimums to 0.5 spaces per unit for middle housing (duplex, triplex, and quadplex). This change will prioritize Milwaukie's housing affordability and climate action goals, instead of putting car parking ahead of those goals. I believe Milwaukie should be focused on providing housing for people and space for tree canopy, not cars. As a young professional, I have friends who are interested in moving to Milwaukie but haven't due to a lack of affordable housing. These are individuals who may not be able to afford a single-family home, but would likely be able to afford a duplex. I love living in Milwaukie, but I also want to see it grow. I want small businesses to move here, but as a business owner myself, Milwaukie is not yet a desirable location to expand or start a new business. There is simply not enough people in certain areas to support a new brand. Thank you for considering my opinion on this matter and thank you for caring about the future of our beautiful city.*	
andersem (Engage Milwaukie)	10/28/2021	Zoning Map	*Simplifying the zoning map seems good, and allowing structures of similar size to exist seems good, too. People already have every right to share detached homes in any neighborhood, and often do; over the long term, the main thing this would do is give people the option of having their own kitchen and entrance if they want to prioritize that. In the short term, this should give people the option to prioritize location over home size (for any given budget) if they choose to do that.Increasing the number of homes in the city is the only way Milwaukie will be able to gracefully adapt to people relocating from elsewhere, often with quite a bit of money to spend on housing. If Milwaukie doen't allow more homes to exist, people with more money will just outbid people with less, which means the prices of existing homes will keep going up faster than is healthy for the city.*	
andersem (Engage Milwaukie)	10/28/2021		*Allowing units in a "plex" to be physically detached from each other is a great way to increase flexibility, save trees and reduce needless demolitions. Great idea. I don't understand why it should be illegal to put a triplex on a 4,999 square foot lot, or a fourplex on a 5,000 square foot lot. Splitting the land cost among more households should reduce the cost of the project (relative to other new construction).To the traffic concerns some have shared: there are only three ways to reduce auto traffic. One is to have fewer people. That's not in the cards for this region in the forseeable future. The second is for many people to have less money to spend. Probably nobody wants that. The third is to shift more trips from cars to foot, transit, bike, etc. Trying to control traffic by making it illegal for someone who wants to live in Milwaukie to do so only leads to them living somewhere else, presumably farther from their desired destinations, which means more driving. Allowing more people to live close to each other allows the sort of walkable retail and more frequent transit that we already see in the parts of Milwaukie that were built before we started building cities around cars.*	

andersem (Engage Milwaukie)	10/28/2021	Parking (19.600)	*These proposals are an improvement on the status quo. Having lots of parking space is nice, but it's not more important than housing, and making parking mandatory with every new (whether or not the people who live in the home want it) literally implies that parking spaces are more important than homes.It's likely that some public curbsides will gradually become more crowded. The only people who will be harmed by this are ... people who are already parking on the public curbsides. So I'm not clear on what grounds they have to object.If we truly want to preserve curbside space, though, requiring one parking space per home doesn't make much sense to me. Every additional driveway basically eliminates one curbside space (and removes a space for a potential tree). So if a bunch of homes go in with one off-street driveway parking space, and have to install curb cuts to do so, the only thing we're doing is removing one parking space from the street (which can be used by anyone) in order to create it off-street (which can be used only by the owners). That seems inefficient.Also, the only way to actually stop people from parking in the public street is to have permits or meters or something. Otherwise, some folks are never going to bother to clear out their garage.*	
Barbara McGinnie	10/30/2021	Parking (19.600)	*I live @ 2336 SE Llewellyn and have for about 40 years. When the Waldorf school opened the parking on the street got very difficult if not impossible during school hours, although the school administration had promised not to let the teachers & students park in the neighborhood We also have a large apartment in our back yard @ 23 & Llewellyn. They charge for a parking space there so many tenants park on the street as well. These people are not paying the $42360.76 property taxes, I am, but I could never count on being able to park on the street or have my guests park anywhere close. Now the city thinking of cutting the parking space per apartment requirement from 1 down to 1/2 space??? Please consider us home owners in the close in neighborhoods.*	
Title 16.32 Tree Code				
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	Definitions	*"Crown" is defined, but there is no definition for "mature tree crown." How will this be determined?*	Urban Forester will create species characteristics lists for street trees and yard trees using best available information. Lists will be updated and posted online for community use.
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	Definitions	*"Right-of-way" is defined but "abutting right-of-way" is not. This should be defined.*	

Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	Definitions	*"Street tree" is defined as a tree, shrub, or other woody vegetation on land within the right-of-way. The "other woody vegetation" language may be broad, and complicate things for the City if it is required to regulate the clearing of woody vegetation. To simplify this and reduce complaints, the City might consider a "height threshold when fully grown" for the purpose of regulating their removal/pruning, and remove mention of anything smaller in stature.*	Tree is defined as ""“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."
Elvis Clark	7/11/2021	16.32.023	*Objection to proposed language on interference with city: This language taken at just its word would seem to give the Urban Forester the ability to just enter one's private property without getting permission from the property owner or through proper judicial process to override the proeprty owner's resistance.*	Intent is to allow for hazard tree removal or diseased tree/pest treatment to control infection spread
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.040	*16.32.040 Penalty: The current language suggests that penalties only apply to a person who removes a street tree or a public tree without first obtaining a permit, or for a person who removes a tree in violation of an approved permit. However, no penalty is mentioned in the event that someone removes a private residential yard tree in a non-development situation without a permit. This language should be clarified to include removal of a tree on private property without permit in situations that require a permit under Section I.1.*	16.32.042.J.2
Elvis Clark	7/11/2021	16.32.042	*Objection to proposed language including exception on residential building heights: I prefer no such exception for developers to use to build houses higher than the current 2 and half story height limit contained in the proposed Comprehensive Plan Implementation*	
Elvis Clark	7/11/2021	16.32.042	*Ojection to 6-inch DBH standard in non-development tree permit requirements: This is too narrow a diameter for private property, non-developmental tree regulation. The City of Portland uses 12 inches DBH for residential tree removal requirments. Seems unrealistic as enforcement is very unlikely to be able to enforce consistently and fairly over private property.*	
Elvis Clark	9/22/2021	16.32.402	*I believe 8 inch Diameter is too low a diameter to be practical in enforcing code. I think the focus by the City should be on regulating private property/non-development trees with diameters of at least 20 inches and greater (DBH) I think the public consternation of tree falling on private property surrounds more the mature and tall firs, oaks, elms, etc. typcially these being well over 20 inches DBH. I can't imagine the City wanting to so micro manage even small trees down to 8 inch DBH. These small trees should maybe be the subject of informational encouragement rather than enforcement. 8 inch will also cause too much friction between neighbors, as the only way it gets consistently enforced is if neighbors are "ratting on one another." Arborists and tree cutters are no longer so cheap, too; and so many folks do there own managing of trees; and so here again, there should be more balance between imposing costs beyond the 20 DBH and greater on Milwaukie property owners. I make this plea again against a draconian launch into private property tree codes, down to the 8 inch diameter range at (DBH).*	

Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Support for 6-inch DBH: We strongly support the inclusion of trees above 6" DBH in Tree Inventory Requirements (H.1) and in Non-Development Tree Permit Requirements (I.1.a) This stringency is critical to protecting the urban forest and giving small trees a chance to contribute to a multi-age sustainable canopy as the urban forest ages.*	
Elvis Clark	7/11/2021	16.32.042	*Objection to on going maintenance language: This is both too intrusive over non-development, private property owners, and unrealistic per code enforcement. It seems way overboard for government to oversee such matters, and, costly if the property owner must hire an arborist to "properly prune."*	Removed from recent draft of code.
Elvis Clark	7/11/2021	16.32.042	*Objection to illegal tree removal language: The City should stick to a fixed Master Fee Schedule for all illegal tree removal. Appraised Value opens a can of worms as for instance guessing what a tree's assessed value is in the aftermath of its falling and even possible removal.*	Appraised value is based on ISA BMPs
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Integration of strategies to achieve 40% tree cover and equity considerations into regulatory mechanisms: There is no clear articulation of how the City plans to achieve a 40% tree cover from the 26% cover noted in the 2019 Urban Forest Management Plan. The Plan describes the need to "analyze the potential of a tree planting program to increase canopy coverage to 40% by 2040, prioritizing lower income neighborhoods that do not have adequate canopy coverage." This is an admirable goal we strongly support. A planting program obviously would require staffing and funding, in addition to partnerships. The timeline for this to be determined is unclear. However, we also belive the code framework can be an effective tool to pursue both tree coverage and equity geographically. Geospacial tools offer a decision tool for ensuring equity as trees are planted. This information is now available on Branch Out Milwaukie at the census tract level. An approach such as this provides a methodology for ensuring equity. No census tract in Milwaukie has a canopy cover greater than 35% based on current data. The aforementioned future tree planting program could help create equitable outcomes.*	Staff intend to develop an additional implementation and planting plan as follow up to UFMP to address the 40% canopy gap
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Tree preservation and planting in residential zones: Section B. Tree Preservation Standards, establishes a base requirement that one third of the existing priority tree canopy be preserved. Given the goal of 40% canopy and an existing coverage of 26%, we again feel that we cannot judge the adequacy of this 33% standard in meeting this 40% goal. How was it arrived at?*	

Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Adequacy of tree fund payment schedule: We do not believe that the Tree Fund Payment schedule is adequate enough to incentivize developers and landowners to perserve existing trees. Conversations with city staff indicated that they predicted that most developers would simply consider these fees part of the cost of doing business, remove many large trees, adn pass the cost to homebuyers. It is absolutely critical that if the city offer a payment instead of preservation option that the cost be high enough that serves to protect large old trees and is only used as a last resort.*	
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Role of Urban Forester: The Urban Forester is obviously a position that will hold extensive expertise in urban tree management, this latitude places a lot of power to grant exceptions to this individual with the faith that they will be forward-looking and seeking to maximize urban forest versus providing streamlined process for development. Given that positions inevitably transition, the city should 1) specify how adequate oversight of these discretionary processes will occur, and by whom, and 2) create a process by with Urban Forester exemptions and determinations can be appealed to the Tree Board before any trees are felled.*	Tree board does not serve as an appeals body in current code. Discretionary language will be limited and standards set.
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Clearer standards, criteria, and determining parties: Section D, Mitigation Standards, does not specify who determines whether or not "tree preservation and/or tree canopy standards are practicable to meet", what criteria will be used in this determination, and what routes of appeal of this decision are available to applicants, impacted parties, and/or other stakeholders. One method to clarify this could be the Urban Forester advising the lead development permit planner to approve/deny the option to remove and mitigate trees at a development site (this would parallel the process under E. Discretionary Review Alternative - where the Tree Board provides a recommendation to the Planning Commission). One can predict that arborists and consultants, operating on behalf of their clients, will often be able to justify the removal of trees, or why preservation and/or replanting are not feasible. A clear method should be established for when the Urban Forester and the applicant's arborist disagree, and that is transparent, equitable, and serves the urban forest and the public interest.*	
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Submittal, Tree Preservation Plan, and Tree Canopy Plan Requirements for Development Tree Permits: The burden of proof and a rigorous standard should be clearly placed on the applicant to demonstrate that first, protection of existing trees is not possible, including changing the footprint of proposed buildings, parking, etc. We do not believe that this code articulates this burden or standard sufficiently. One strategy to improve this dynamic is for the city to require predevelopment site visits in which the Urban Forester verify inventories of existing tree canopy and help developers craft a site plan that accomplishes multiple goals, including retaining existing trees. The submittal, tree preservation, and canopy plans should assess the site within its human and ecological context, including: amount of tree canopy, percentage of impervious surface, and urban heat island effect in that census tract; impact of any loss of trees, on wildlife habitat connectivity; impact of any loss trees, on riparian shade; impact of any loss of trees on stormwater and flood attenuation.*	

Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Discretionary Review Alternative (E 1a-ad): We are very concerned that the net benefit/loss of these techniques to the environment and the community will be lower and/or difficult to assess. The Discretionary Review Alternative distracts the City from the primary goal with teh most collateral benefits: expanding Milwaukie's urban forest. Typically, assessing the value of these discretionary alternative techniques requires expertise of a type beyond that of an arborist or the Tree Board (expertise in stormwater design, carbon sequestration, etc.) Many constructed stormwater facilites such as cartridge systems or detention vaults provide benefit in one sphere only (stormwater) but none of the collateral benefits that trees to (urban heat island effect reduction, shade, increase to nearby property values, wildlife habitat, carbon sequestration, etc.) This strategy should therefore be removed.*	
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Non-Development tree permit requirements: We strongly support the language that replacement trees "must sustantively replace the function and values of the tree that was removed wherever practicable."*	
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Non-Development tree permit requirements: We recommend further strengthening this requiement to state that the replacement tree be as lare as maturity as the site can reasonably accommodate.*	
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Non-Development tree permit requirements: We strongly support explicit language that "maintenance or the replacement of pavement, removal of tree litter, or other minor inconveniences do not constitute extraordinary circumstances."*	

Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Non-Development tree permit requirements: We recommend that additional language be added to the review criteria for section 2.a to include: whether the tree provides significant wildlife and/or fish habitat; whether the tree is providing shade and/or erosion control to a stream, wetland, or other waterway.*	
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Funding the Tree Fund with Payments of Preservation: We presume that it is the City's intent that future planting efforts be funded by the Tree Fund, generated via mitigaiton fees (D. 1-2). This creates a potential dynamic in which funds for planting are reliant on Tree Preservation and Canopy Standards are not being met. If trees are not preserved, there will be funds for planting but the City will lose a lot of its existing tree cover including old trees. This funding mechanism will make it very difficult to achieve the 40% canopy standard and equity goals because there will be either insufficient funds for significant planting, or because too many trees will be removed. This funding structure also creates a potential incentive to provide exceptions to the preservation goal, which goes against the intent of these policies. We are happy to work with the city to help identify and advocate for such funding streams.*	
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	Commercial and Industrial zones: This plan applies to residential zones in the City of Milwaukie. Significant land, and significant urban heat island effect, is generated by commercial/industrial land as well. We believe that addresses the urban forest on these lands is essential and look forward to it being generated.	
Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Performance bonds for tree maitenance by HOAs: We recommend the City consider Performance Bonds for trees planted as mitigation as a way to ensure that either these trees survive to maturity and that if they do not the City ahs resources to maintain/replace them. Many mitigation plantings in general do not survive. Performance Bonds would likely manage by HOAs after construction. Given the experiences of neighboring jurisdictions (Clackamas Water Environment Services and Oak Lodge Water Services) with HOAs managing and maintaining stormwater facilites given the rapid turnover of HOA boards, these agencies have and/or are considering charging HOAs fees to manage these facilities themselves rather than see these facilities cease to function. Planning for tree maitenance should take these experiences into account to ensure tree survival and growth.*	

Ted Labbe, Urban Greenspaces Institute; Micah Meskel, Portland Audubon; Neil Schulman, North Clackamas Watersheds Council	8/5/2021	16.32.042	*Permit and Fee Exemptions on Land Owned or Maintained by the City and Within the Public Right of Way: B Maintenance code states that no permit is required for regular maintenance or minor tree pruning for trees on public properties and rights-of-way. This seems to apply implies that a permit may be required for minor tree pruning in other situations. Based on our reading of this outright exemption, anyone (adjacent landowner or private citizen) can prune trees in street right-of-ways or on public lands. We assume that the city does not intend to authorize anyone to do minor tree pruning for all trees on public land. This should be clarified. Perhaps in lieu of a permit for minor tree pruning, the City could require notification to the Urban Forester for any party wishing to undertake tree pruning in these settings (but not for private yard trees.)*	
Rob Reynolds	9/1/2021	16.32.042	*How do you cover 40% of your lot with tree canopy? It seems that the City is setting unrealistic expectations for our property and for our city property. What does a 40% canopy achieve? Why does the city want to set up another charge, why do they think we have more money to spend on programs that not everyone agrees with?*	The origination of the tree canopy goal for Milwaukie started with the community visioning process. Through an award-winning engagement effort, the Milwaukie Community Vision was created which states that by 2040, “Milwaukie nurtures a verdant canopy of beneficial trees, promotes sustainable development, and is a net-zero energy city”. From this direction, the city created the Climate Action Plan which established the 40% canopy goal. This 40% value was created as an aspirational target, using guidance at the time from the American Forests Institute (who now recommends a 40-60% canopy cover in forested states such as Oregon) but also community feedback and opinion. The Urban Forest Management plan, adopted in 2019, developed recommendations to achieve that goal, and the Comprehensive Plan (adopted in 2020) baked that goal into policy, also with robust community engagement. According to the most recent community survey, 78% of community respondents felt like Milwaukie’s urban forest was an important city investment.
				While 40% is a target value that the city has created, it’s really just a number to represent the canopy needed to fully maximize the community benefits of trees. Our urban forest shades hot streets and sidewalks (reducing urban heat island effect), improves air quality, provides habitat, raises property values, decreases stormwater runoff and treatment costs, improves community health, and more. Especially after our record summer heat, these benefits are more important than ever! Many cities, neighborhoods, and lots in the Portland Metro region are at or above 40% cover already. You can check out some of this data here.

				In the proposed code, only newly developed properties and sites going through a development review process are required to meet the 40% canopy goal with new plantings and existing trees. Canopy cover of new plantings are based on their canopy at maturity, not on their current, young smaller canopy. There is nothing in the code that requires existing homes to plant up to 40%, though the tree fund may help with education, outreach and assistance to help homeowners who want to plant more trees on their property.
Teresa Bresaw	9/21/2021	16.32.042	*The city of Milwaukie should be putting their efforts in educating and encouraging citizens to plant the "right" tree, maintain, and protect trees on private property. The 40% lot coverage goal can't reasonably be done on the average sized lot. Trees should not be planted close to houses for fire prevention, ice and wind storms, damage to roofs and gutters. Trees are normally not recommended to be planted where there are utility easements. Large roots can cause damage to water lines, driveways and sidewalks. New construction with 3 car garages and the residential density that is encouraged again makes it difficult to get this 40% tree coverage. You would have better results concentrating on parks, green spaces (including wetlands that may be privately owned), public right of ways and city owned properties. If you want to compare the city of Durham to Milwaukie, in regards to the goal of 40% tree canopy, then you need to ask how many acres of parks and green spaces do they both have and the percentage? Also what percentage of land is residential and industrial in each? Durham is 262 acres with 50 acres in parks and green spaces. Milwaukie is 3200 acres and I suspect Milwaukie is way below average for parks. I personally love trees and recognize the importance of them. They are a huge expense, commitment, and lots of work! At least 7 neighbors have told me that they do not support mandating on their private property. I hope Milwaukie doesn't copy the city of Portland. I did review West Linns tree ordinance and agreed with many of their ideas. All 3 cities are completely different. We can increase tree canopy but mandating it on private property is not the way. Removal of nuisance trees should be decided by the property owner not the city that has zero responsibility. Having a city arborist on staff or on contract would be be a benefit to all. Possibly neighborhood grant money could help fund this. Large undeveloped lots likely have development standards relating to trees. There are many other ways to increase the tree canopy. Let's find places to actually plant these needed trees (with irrigation). Writing up more regulations is not the best way to do this. Furthermore tax dollars need to be efficiently used to increase this tree canopy which would create goodwill (not anger at government control, even though we need a certain amount). Milwaukie would be better served in helping residents plant the "right" tree in the "right" space with education on pruning, irrigation and preserving existing trees AND eradicating weeds like ivy!*	
eschutz (Engage Milwaukie)	9/12/2021	16.32.042	*In going through the documents I have seen incentives for utilizing native species mentioned and alternative plan options, such as solar. What I don't see is a penalty or strong incentive to remove plants such as ivy. Does our comprehensive plan already have staff and a budget to facilitate removing all the non-native pest plants to increase the native animal habitats?*	Thanks for participating in the conversation! The city does have code which prevents invasive species (species listed on the Oregon Noxious Weed List) on public property and in the right-of-way. Milwaukie has a small but mighty natural resources crew who goes around the city removing invasive species in public spaces and water quality facilities. Milwaukie also partners with organizations and non-profits like the North Clackamas Watersheds Council, Johnson Creek Watershed Council, Backyard Habitat Program and Friends of Trees to perform and promote habitat restoration on public and private property.

				The comprehensive plan calls for an analysis of the city's habitat connectivity (the connection of greenspaces across the city) and includes more robust natural resources policies. In later phases of the comprehensive plan implementation, when we look at natural resources code in more depth, the city can explore how to best incentivize or regulate invasive species. Thank you for the suggestion!
Emylou (Engage Milwaukie)	9/27/2021	16.32.42	*I think it might be useful to clarify "hazardous tree." For example, if a tree, limb, or any part of a tree already fell (due to storms, winds, non-human interaction), it would be good to clarify whether that would be considered a hazardous tree subject to removal permits or if it would be considered yard debris and no longer subject to removal permits.*	
Stephan Lashbrook	10/11/2021	16.32.42	*As we encourage more development on properties with trees, I am certain that a growing number of those trees will be damaged, especially where there is simply not enough room on a site to allow for adequate protection of tree roots. Roots are routinely cut because they are in the path of utilities or foundations. Roots are also often damaged by construction equipment driving over them or parking on them. I realize that tree protection is the subject of a continuation of this hearing but I felt it was appropriate to point out my concerns while the consideration of density standards is pending.*	
Paul Anderson	10/13/2021	16.32.42	*I wish to challenge the need for the Policy Mandate 2: Increase the Tree Canopy and Preserve Existing Trees.*	
			As I look around the city of Milwaukie, I see an abundance of trees. I would guess the current canopy is around 20%. How did those trees get there? Was it because of some government edict? No, it was because people voluntarily planted them or let volunteer trees grow. Is there a big push by Milwaukians to cut them down so that the planning commission feels the need to preserve them? No, people like trees and will continue to plant them. This proposed ordinance looks to me like a solution to a nonexistent problem.	
			In the October 5, 2021 letter from you to the planning commission it is stated: trees "are a major contributor to the quality of life in Milwaukie", and they are "to be nurtured and protected". How is it that a planning commission can somehow know how to improve my, or anyone else's, quality of life? Last year I had a large tree in my front yard cut down, and guess what? Removing that tree increased the quality of life for me and my next-door neighbor. I no longer have to pay to have it trimmed. I no longer have to rake leaves for weeks and haul them away. I no longer have to worry about the tree's roots damaging my sprinkler system and plugging my roof drain piping (this happened a few years ago, causing water to back up in my yard and threatening my house's foundation). I don't have to worry about limbs breaking off in wind or ice storms and damaging my or my neighbor's house. My neighbor doesn't have to rake the leaves that fall or blow into her yard from my tree and her garden produces more now that it isn't being shaded by that tree. It is also nice to now be able to see some sky from my living room window.	
			The new ordinance would not have allowed me to cut down that tree, depriving me of improving my quality of life. Everyone's situation is different. The planning commission can't possibly know what is best for everyone or write an ordinance that would account for every possible situation. This country was founded on individual rights and freedoms and it has served us well for over 200 years. To switch to a mindset that we should subvert our individual rights and freedoms for what someone in the bureaucracy considers a common good would be a big mistake. We all know that socialism and communism don't work.	
			I also want to challenge the goal of increasing the tree canopy to 40%. Where did the 40% come from? It looks to be both arbitrary an unrealistic. To force new construction to have a 40% tree canopy doesn't make sense. My lawn covers about 40% of my lot. If I also had a 40% tree canopy, then none of my lawn would ever get any sunshine and it would feel like I live in a forest. I don't want to live in a forest. I also noticed that the Hillside development that is in the process of being approved has only a 29% tree canopy, and yet it looks like plenty to me.	

			Is the 40% canopy goal somehow related to preventing global warming? If so, does the planning commission really think that adding approximately one square mile of tree canopy over the next 20 years is going to have an effect on global warming? In contrast, Oregon now loses 1,300 to 1,500 square miles of forest to fires every year, which, over the next 20 years would add up to at least 26,000 square miles. If we really wanted to reduce global warming, we would go back to managing forests like we did 20 to 40 years ago when we only lost about 100 square miles per year to forest fires.	
			Most importantly, the proposed tree ordinance goes directly contrary to the goal of providing more affordable housing in Milwaukie. The ordinance adds another layer of red tape, requiring builders to hire a certified arborist to write a tree preservation plan, build fencing to protect the trees during construction, plant more trees, and pay increased fees. All of this adds to the cost and ultimately the price of housing. The planning commission needs to set priorities. Which is more important, reducing global warming by an infinitesimal, unmeasurably small amount, or providing affordable housing? I would say that providing affordable housing is far more important.	
				Finally, any time the government increases regulation it adversely affects small businesses more than large businesses. So, unless the planning commission likes the idea of driving out small contractors from our area in favor of big builders, they should scrap this ordinance.
Fida Hurlock	10/16/2021		*I am unable to attend the Milwaukie Planning Commissions hearing later this month and was hoping to email my testimony instead.* *I have grown up in Milwaukie nearly most of my life. I love Milwaukie and have seen it change and grow in so many ways. I think one of the beautiful things in this city is the greenery, especially during the summer and fall months. Currently I own my home in Milwaukie as well as work for the CIty! Originally my home had two enormous silver maple trees in the backyard. Prior to us purchasing the home, one of those tree's ended up splitting in 3 and destroyed the neighbors shed, truck and garden and eventually fell on my house and smashed half of it. After we lived in our home for about a year we noticed that the soil was very poor and whenever it rained it flooded the backyard, side and front yard. We have spent thousands of dollars trying to fertilize and treat our soil in order for it to absorb and grow tree's to no avail. Sadly our only remaining silver maple rottened and was infested with termites. It was no longer safe for us to keep the tree as it swayed on windy days and we feared if it fell it would crush my husband and I in our sleep (as it was hovering over our bedroom) with 3 small children we couldn't let that happen. We removed it as fast as we could.* *We have since then tried, unsuccessfully, to plant other trees only for their growth to be stunted and die. Again this summer we spent thousands of dollars to finally strip, grade and remove soil and lay partial asphalt gravel in our side and back yard. All of our neighbors have the same problem, many of them do not have any trees especially in the back yards. We all live a few blocks away from Johnson creek and though the flooding that occurs there doesn't reach us the water naturally flows from our homes to that direction. Our homes were built entirely on river rock with some top soil added. If you dig 2 feet down you will always hit river rock.* *Although having people replant trees is a novel idea, I urge you to please consider zoning this requirement to those that have proper soil and can safely replant a tree. Additionally, requiring a permit to cut down a tree is not appropriate for homes that have safety issues such as ours did. It can be costly and unattainable for many people that need to ensure the safety of their family and homes first and foremost and use those fees to pay a professional to remove the tree in question. After speaking to many neighbors that are originally owners I have learned that the City of Milwaukie is aware of this issue, as they had many years ago sent a City employee that graphed the natural flow of the water in our area. I urge you to reconsider.*	Hi Fida, Thank you for your comment, and it has been added to the record. I encourage you to reach out to Courtney Wilson, our urban forester, to talk more about what you can do on your site. Sounds like you've put a lot of thought and care into it already! The proposed tree code establishes approval standards for tree removals, including dead/dying/hazardous trees, which streamline the permitting process. No removal fees beyond the initial permit application fee (which may be waived for some circumstances) will be required. What the permit process allows is a chance for Courtney to reach out to the homeowner to discuss the tree removal and see if there's an opportunity to help. I will add your suggestion for additional considerations for site limitations such as soil quality to the list of code revision suggestions. Thank you again for reaching out, and please let me know if you have any other questions! Thanks! Natalie

Charles Bird	10/18/2021		*Thank you for considering this.* *Consider adding and incentive for growing, conserving and maintaining large trees. I recommend $50 per tree larger than 6" DBH per year to all land owners for each of their trees. This could be in the form of a property tax credit. As the new tree ordinance is coming into play as a deterrent to unnecessary tree removal this would offer an incentive to maintain and add new large trees on private property.* *Further consider upping the tax reduction by $5 per year per inch DBH as time passes. Yes there would be work for the urban forester to audit the trees on a property however as Milwaukie is committed to trees this cost could be easily included in the budget.* *It could also be a deterrent to developers and the planning department to issues permits for developments that propose to remove old trees. If a developer unnecessarily cuts these large trees the permit would be cancelled for a period until the tree(s) are replace by new trees with a 6" DBH tree hopefully natives.* *Charles L. Bird, P.E.* *ARO KG7OJJ - GMRS WQZJ967* *12312 SE River Road* *Milwaukie, Oregon 97222* *503.318.5065*	
Bernie Stout	10/20/2021	16.32.42	*Are lots developed by developers exempt from the 40% canopy requirement?*	All residential lots, whether as part of a development or not, would be subject to the new tree code. The 40% tree canopy applies to lots under development – there is an entire section in the proposed code that includes the standards and requirements for trees during a development project.
			Will there be an option to purchase "off site trees"?	The draft code does offer an option for a fee in lieu of replacement.
			Will inappropriately planted trees be removed?	The draft tree code does not force anyone to remove trees on private property. It is up to the property owner to determine if a tree needs to be removed. Significant infrastructure damage, hazardous trees, sick or dying trees are just a few of the many approval standards for a removal permit.
			Will there be a program through the City of Milwaukie to help people remove invasive species?	Staff are working on developing a streamlined process for the removal of invasive species. The tree fund, expanded through the draft code, may be a source of funding for incentives and financial assistance for removal of these species.
			What does PGE require for tree distance?	PGE requires vegetation to be a safe distance away from powerlines. They perform their own trimming and pruning to ensure this distance is met. For more information, visit https://portlandgeneral.com/outages-safety/safety/tree-maintenance

			What about solar panels and the 40% canopy goal?	The 40% canopy standard only applies to development situations, and not existing properties looking to remove a tree for landscaping. The city will work with developers when they want to install solar panels to chose appropriate trees and placement. Your neighbor will not need to plant any trees that block their existing panels. If they are looking to plant a tree, our urban forester can help them choose an appropriate species. Nothing in the tree code precludes a neighbor from planting a tree that in time may affect the adjacent property – we encourage property owners to work together to choose an appropriate site and tree species to prevent these situations. New construction may utilize the solar access for new development code (MMC 19.1203).
			Who pays for structural damage from trees on private property?	The property owner is responsible, and should contact their homeowners insurance.
			Who pays for the leaf clean up?	This comes out of the stormwater utility funds.
Daniel Stahlnecker	10/19/2021		*This is a noble goal but a clear case of government overreach. It's really none of the cities business how many trees I have on my property. Another complicated permitting process is unacceptable.* *This will also hamper development while we're already having an affordable housing crisis. Requiring 40% of a property to be canopy will require large lot sizes in order to develop. Residents buying these lots will have to deal with hazard trees and root damage since developers will be trying to cram as many trees as possible as close as possible to houses.* *Want more trees? Start with parks and school property.* *Any members of the council that vote in favor of this have lost my vote.*	
Kari Liebert	10/20/2021		*HI,* *I would like to be added to those in favor of the Tree Proposal for City of Milwaukie.* *Thank you,* *Kari Liebert 5800 SE King RD Milwaukie, OR 97222* *(I am reside in unincorporated Clackamas County, but work in Milwaukie part of the year. I also want to speak towards positive tree management and what it requires to keep our tree line in good standing in Milwaukie and why it is good.)*	

Kevin Stahl	10/21/2021		*To whom it may concern,* *I am writing to express my concern regarding the proposed mitigation fees. It does not include any information regarding income assistance or sliding scale for property owners. The ice storm earlier this year caused many issues for Milwaukie residents. Many of the trees in the area were left unsafe and well over the 6 inches in diameter at breast height (DBH) as proposed. My concern is that for property owners that cannot afford the costs of unsafe removal and the additional mitigation fees will be a barrier to protecting adjacent properties. I would like to see a revised draft with additional information for these scenarios.* *Additionally, many of the businesses along McLoughlin Blvd have little or no landscaping including tree canopy coverage. I think planting trees and landscaping needs to be included in future permitting and land use requirements.* *I appreciate your consideration in these matters.* *Regards,* *Kevin Stahl* *12374 SE 43rd Ave* *Milwaukie, OR 97222* *503-799-5580*	Low income assistance is included in the draft code. Dead/dying/hazardous trees are included in the approval standards and do not incur additional fees.
Dolores Julien	10/22/2021		*Dear Ms. Rogers,* *Having received the Notice regarding the Hearing Date of November 9, 2021 I have read the summary of Proposed changes. The second point states the establishment of a minimum tree canopy of 40% per lot. What does this mean?* *My property at 3725 SE Harvey St. has a very tall colonnade crabapple tree, several small fruit trees and medium sized trees such as Rhamnus, crape myrtle, pomegranate,* *Pinus Parviflora and Abies Koreana. By intent there are no large trees as the whole property is garden and therefore covered with plants and bushes.* *I do not want a tree canopy to shade out the property. Surely the garden provides the oxygen producing plants to provide the equivalent of the canopy suggested.* *What will this new proposal mean therefore in this case?*	The draft tree code does not require planting trees outside of development situations and a 1 for 1 tree removal in non-development situations. In addition, there are alternatives to mitigation proposed in the draft code in development situations, including habitat preservation or improvements.
Nico Varela	10/22/2021		*Hi Natalie,* *In the proposed changes it says "Establishes minimum tree canopy of 40% per lot"* *No where does it address how this might affect existing lots that might be below 40%. From my understanding there won't be any impact unless a tree is to be removed. Is that correct?*	Correct, there is no requirement for residents to plant trees unless a tree is removed or a lot is being developed.
Erica Talarico	10/23/2021		*Hello,* *As a resident of Milwaukie, I am in favor of protecting our existing trees and having clear guidelines for tree canopy on developing lots. As someone who owns an old property with trees that were planted very close together/crowded, I would like to add a comment about tree removal. It would make sense if the tree removal process allowed for some removal without fees or replacement, depending on the size of the lot. If that is not already written in, I would like that to be considered. As someone who treasures trees, I have removed a couple on my property due to crowding which was damaging the health of the surrounding trees. But in respect to my lot size, I still have a lot of tree coverage.*	Removals for the approved standards, inlcuding thinning, do not incur additional fees beyond the application fee for the permit. Thinning removals do not require replacement.

Gail Jenkins	10/24/2021		*To the planning committee,* *40% canopy for established residences is an unfair and unrealistic requirement for these reasons:* *There are many variables from one home to another.* *A storm or other severe incident could change the canopy in a matter of minutes.* *Older homes often have older trees which must be removed.* *It takes 15 years or longer for a young tree to mature.* *It is highly unlikely that the City of Milwaukie could measure or enforce a 40% canopy requirement.* *Homeowners should have as much freedom and responsibility for their own trees as feasibly possible.* *On the other hand, some Milwaukie trees are being* *•severely trimmed,* *•or incorrectly trimmed* *•or removed without good reason.This is wrong and should be stopped.* *I agree that there should be rules for trees over 6 inches in diameter.* *But the rules need to be as fair and reasonable as possible for the homeowner.* *The homeowner shouldn't need a permit if the tree is:* *•a non-native invasive species.* *•diseased* *•severely damaged by storm or other incident.* *•causing damage or at risk of damaging his or his neighbor's property.* *If your goal is to reduce the effects of global warming, why not, instead of targeting homeowners of established residences,* *make rules for tree goals for new construction of homes and businesses and for refurbished parking lots which, without adequate foliage, reflect a tremendous amount of heat into the atmosphere.*	40% canopy standard only applies to development sites. The canopy standard includes calculation consiterations for newly planted trees, facturing their size at maturity. Non-development residential tree removals do not require replanting up to 40% canopy, only 1:1 replacement in most situations. Significant outreach will be performed for tree care in the community. Permits will be required for dead/diseased/invasive, however, they will be streamlined and fees potentially waived.
Susanne Richter	10/24/2021		*Dear Ms. Rogers,* *I saw the abbreviation DBH in the notice of land use regarding trees on residential properties and wanted to know what is the exact height of DBH, Imperial System and/or metric.* *Thank you for your help,*	Hi Susanne, DBH stands for the diameter at breast height. It is a measurement of a tree trunk’s diameter (in inches) that is taken from 4.5 feet up from the highest point of the ground. Let me know if you have further questions.

Corliss McKeever	10/25/2021		*A few days ago I became aware of your implementation project focused on tree preservation. Of particular concern are the following discussion points:* *a. Require a permit for non-development tree removal if the tree is equal to or greater than six inches in diameter breast height (DBH), if the tree is less than six inches in DBH but is a species specified on the city's rare or threatened tree list, or if it was planted to meet any requirements in the private tree code.* *b. The code establishes mitigation fees and replanting requirements for healthy tree removal. The code further establishes approval standards to waive mitigation fees for trees which are dead, dying, or a hazard For these trees replanting is required.* *c. No permits are required for removal of agricultural trees (i.e., a Christmas tree farm does not need a permit to remove each tree). The City Manager may exempt property owners from the permit and replanting fees when the owner demonstrates household income at or below 80% of median household income for the Portland-Vancouver-Hillsboro Metropolitan Statistical Area.* *d. Commissioner Rogers stated, " ways to waive permit costs are being considered for trees on the noxious weed list. And " permit costs are intended to cover much of the labor necessary to process the permits."* *I agree with point c above, where you've exempted the agricultural population along with household incomes at or below 80% of median household income. However, I was very disheartened that I did not find mention of specific efforts to avoid financial* *hardships and/or burdens on the average homeowners. Or, pn most vulnerable property owners, which are our disabled seniors.* *Also, adding a way to charge fees on a homeowners land resulting from a newly implemented tree code feels like double dipping. Especially living in one of the highest property tax areas in the state of Oregon that covers the dwelling and land. Are the trees not a part of the land we are already taxed on-of course they are. So if a new mandate is not required for longtime residents their trees should either be grandfathered in. Or have their property taxes reduced by whatever costs are incurred, including permit costs and labor costs, in order to meet the new tree codes.*	
			That is only fair. You have considered the huge impact this tree code potentially has to group c. But those of us long-term residents (16 yrs, 10 months) who have worked 19 years and saved for retirement are close to being pushed out of the neighborhood. Not because we cannot afford our mortgage payments. But, because we cannot afford the property taxes and potential fees prosed. Even if I was mortgage free, Id still face paying an almost $1000 monthly payment for property taxes and insurance alone. Adding new costs outside of those costs is not something easily accepted.	
Bernie Stout	10/31/2021		*For example: I receive an annual annuity payment every Oct 1st. This year, 50% ($10.000) went to my property taxes, 20% ($4000) to Fed taxes, 10% ($2000) to Oregon State taxes. Thus., out of $20000, $16000 went to various taxes leaving a $4000 balance. So, the thought of paying additional costs is extremely stressful and disturbing. Especially, when one of my main property attractions was the trees. Had this tree code been in effect 16 years ago I would have chosen to pass buying in Milwaukie Therefore, in addition to feeling like the trees are already included in the cost of my property taxes. It also feels a little "big brother-ish" with some of my personal preference being taken.*	
			I understand the intent of your tree preservation efforts. However, it should not cause an undue hardship on your most vulnerable population, who are already at-risk of being run out of the neighborhood. As stated we have paid our dues over the years and chose to live on our property due to personal choice. It should not be taken away.	

			New developers, and individual homeowners will have the choice to move into the area with the tree code in place. We deserve that same right Since we do not have the choice to move into an area with the tree code in place At the very least we should be grandfathered-in. Or have our property taxes reduced by any cost we incur having to meet the new tree code.	
			4. PORTLANDS HAS DEVELOPED MORE <u>DETAILED FLYERS</u> ABOUT VARIETIES.	
			With changes in climate and severity of storms Milwaukie needs to consider future damage and the ability of the trees on the current list being able to tolerate severe conditions	
Dwight Dillon	11/4/2021		*Natalie Rogers, C & N Resource Manager* *The Proposal for Tree Canopy needs additional thoughts.* *Trees on or over City R/W should be Thought About. Current City Clearence to Roadway is 12 feet. Garbage Trucks and RV's have Trouble with the 12 feet Canopy. New RV's especially 5th Wheel models (as example) body's are near 12 feet +/- before Air Coditioners units on the Roof which add another 12 inches +/-.* *Currently the City is not Monitoring the Hang Over of the R/W which should have12 Feet Plus Clearence to Street and continues to be a Problem to these Higher Rigs which is legal for Public Rightway.* *Additional Thoughts need to be inplace on New Housing on the New Lots of minimal square feet and above that the City has Approved to increase Population. These Lots should have multipal Trees that have an existing trunk of greater than 4 inches Diameter (near the 5 height level) installed in the Landscaping for the New Installation. This would increase the City's Canopy.* *If these are not Part of New Proposal then the City is Falling Short of the Canopy Needed.* *Thanks for allowing Input.* *Dwight* *11815 SE Stanley*	Hi Dwight, Thank you for sharing this, I'll add it to our testimony tracker. For the public right-of-way clearance, per the city code, the adjacent property owner is responsible for maintaining clearance over sidewalks and roads. The city has decided to help out in these efforts on the street side of the right-of-way, though it's still encouraged that property owners maintain the street trees in front of their homes and businesses. Our natural resource crews will be pruning street trees for clearance over the next few months which will help with traffic safety and ROW compliance. Thanks again, please let me know if you have any other input or questions, Natalie **Tree stock for planting with larger DBH are more expensive and show lower survival rates.**
Elvis Clark	11/4/2021		*Hey, Natalie.* *I think we are close on the proposed tree code!* *What I would like to see is waiving of tree permit fee for those non-development property owners (residential) who are maintaining four mature trees (18 inch plus diameter DBH) and/or have four new trees planted in the last year (for instance, Friends of Trees plantings) and these are still growing in place (both of these conditions being post removal of the one healthy tree less than 18 inches allowed per year).* *This is in recognition of the City of Portland's granting of water bill relief for four mature trees for the purposes of helping with the City's storm water (and there being no such relief in the case of Milwaukie). But also this waiving of permit fee provides encouragement for residents to plant and maintain trees - rather than just being all "stick (penalty, that is)."* *I am still developing my testimony for this coming Tuesday's Planning Commission hearing on this issue.* *FYI,* *Elvis*	

Anthony Allen	11/9/2021		*Hello City of Milwaukie,* *I am writing to express my strong opposition to amending the existing tree code. I have several reasons for my opposition, the first being your proposal of regulating any tree on private property seems completely ludicrous when the City frequently mismanages its own properties, including the removal of many mature trees in Kronberg Park a few years ago to install a pathway that is rarely used by resident expect high school students looking for a place to skip school classes, and the very infrequent cyclist or pedestrian. That project cost taxpayers millions of dollars, has displaced a multitude of wildlife, and has also increased noise levels in the Lake Road neighborhood. None of this has improved the quality of life for Milwaukie residents, though it has increased revenues for City coffers and the various contractors involved.* *Another strong objection I have is that the City wants to regulate trees on private property that are over 6 inches in diameter at chest level. The fact that the PNW has several weed and noxious tree species growing here means that many properties have trees that are either planted or otherwise seed themselves in places, especially in very close proximity to houses, that outgrow your proposed 6-inch diameter in a very few short years, frequently causing either damage to homes or property, or causing undesirable effects such as the creation and accumulation of moss, mold, and other conditions that not only decrease the value of properties but also causes health problems. There is a wild cherry tree in my yard that most likely grew from a bird dropping. This was 9 years ago. The tree is far too close to the house, perhaps 4 feet away, and is over the 6-inch diameter you are proposing. The tree will soon be removed since its ultimate size would cause major problems in its current location. There are many people who are completely unaware that they have misplaced trees on their property until the tree is well beyond your proposed size of regulation. It will already cost upwards of $1000 to have a moderately sized tree professionally removed. To include City generated fees on top of that is completely unfair, and really, it only makes residents feel as though it is yet another way for the City to fill its coffers while its employees are paid higher than deserved wages (considering most of their training, or lack thereof) while many residents struggle to pay their mortgage or rent. I find it offensive that the City thinks it could be a better steward of this or any property than either myself or the property owner. Again, I've seen several instances of mismanagement on the part of the City of Milwaukie in the almost decade that I have lived here.* *While the stated reasoning behind this proposal is not lost on me, I think the proposal is ultimately misguided. I also*	Invasive species incur no permit fee. Unmitigable infrastructure impacts included on approval standards for simple type 1 tree removal permit (no removal fee).
Vivian Scott	11/9/2021		*Dear Planning Commissioners:* *Please address how large, mature Arborvitae hedges will be treated under the proposed tree code amendments. The mature, 40 year old, 20-foot-tall Arborvitae hedge on my property runs about 100 linear feet, with at least 60 trees, the majority of which are more than 6-inch DBH. The current code amendment language states that when such trees are removed, they are to be replaced with 5-foot-tall conifers. When our current hedge needs to be removed, a purchase of that magnitude will constitute a significant financial burden, is cost prohibitive, and is therefore not feasible. We have already consulted a certified arborist about the estimated expense involved in replacing the hedge. Other alternative privacy screens and/or fencing are reasonable considerations and should be accounted for in the tree code amendments.* *Thank you for addressing this concern.* *Vivian Scott* *vsncsb@msn.com* *503.956.9815*	Staff looking to exempt hedge or 'linearly planted trees'

Susan Wherry	11/19/2021		*Hi!* *As a Milwaukie resident, I hope that the codes for urban forest protections as presented by the Milwaukie Planning Commission are adopted. The trees in my neighborhood helped cool and protect my family during the summer's hottest days, particularly during the heat dome, and were one of the main reasons we decided to move to this town. I'm so encouraged that other people in the community are fighting for their protection.* *Sincerely,* *Susan Wherry and family*	
Michael Ossar	12/4/2021		*Hi Ms Kolias--* *I just have a couple of comments on the draft tree code.* *I hope that permits allowing people to remove one healthy tree/year will not be routinely approved but only when there is a compelling reason to do so.* *Maybe I'm not paying enough attention, but does the sentence "Property owners only need to plant a tree if they . .. pay a fee in lieu of replanting" make sense?* *~~~~~~* *Michael Ossar (pronouns: who, this, whose)* *13505 SE River Road #7203* *Portland, OR 97222* *(971) 347-1213 landline* *(503) 754-4634 cell* *mossar@gmail.com*	Must pay fee in leiu if NOT replanting a tree

Part of this Presentation was presented during the 12/21/21 RS.

WS 1. 12/21/21 Presentation

Comprehensive Plan Implementation Project – Proposed Code Amendments

City Council Worksession

December 21, 2021

Vera Kolias, Senior Planner &

Natalie Rogers, Climate and Natural Resources Manager

Council Code Review Schedule

TONIGHT: Council work session – questions/concerns for Hearing #1

January 18 : Hearing #1

February 1: Hearing #2

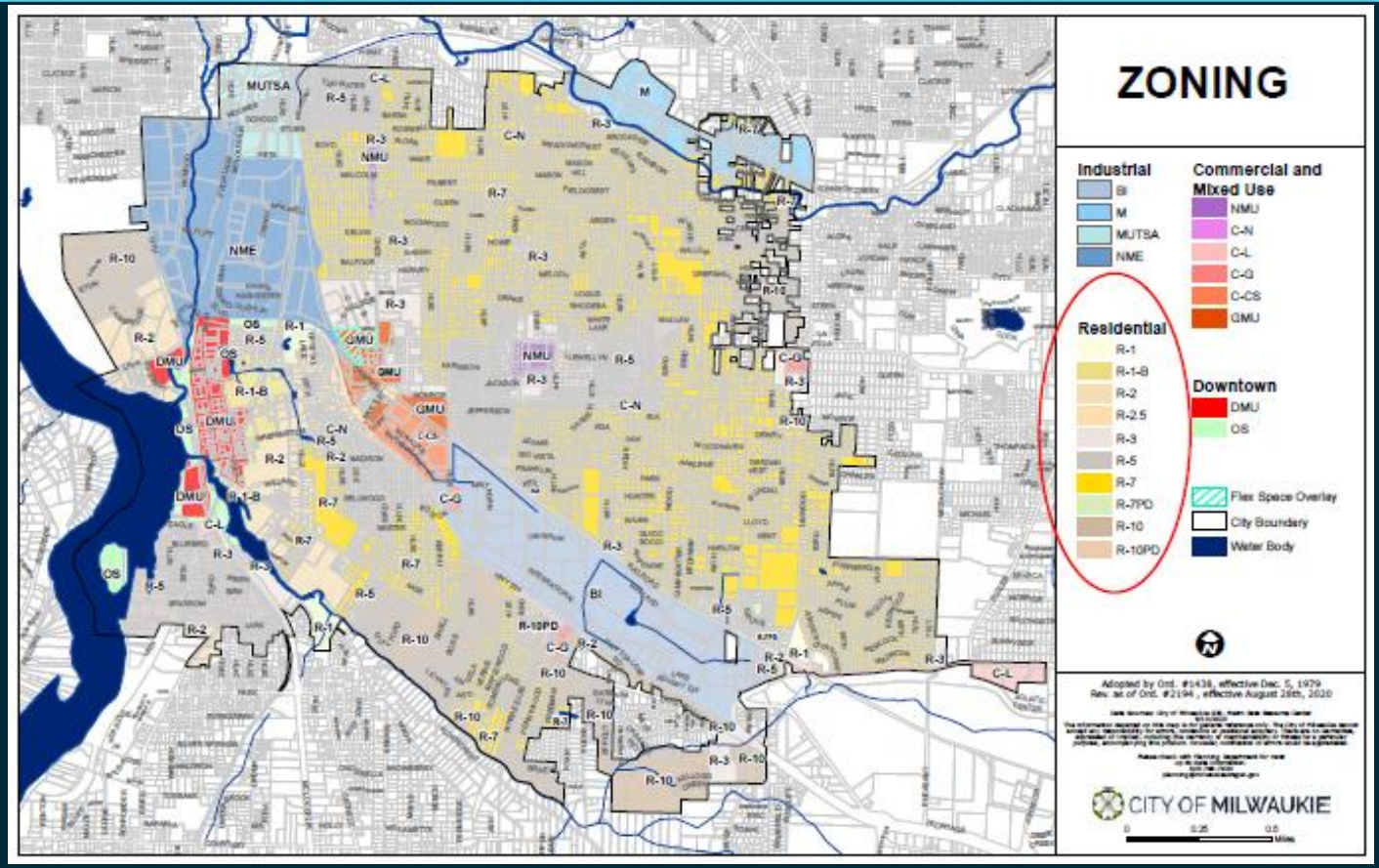
February 15: Hearing #3 – Adoption

Comprehensive Plan - Policy Mandates

- Increase supply of middle housing; provide housing choice
- Increase the tree canopy and preserve existing trees; support the goal of 40% tree canopy
- Manage parking to enable middle housing and protect trees



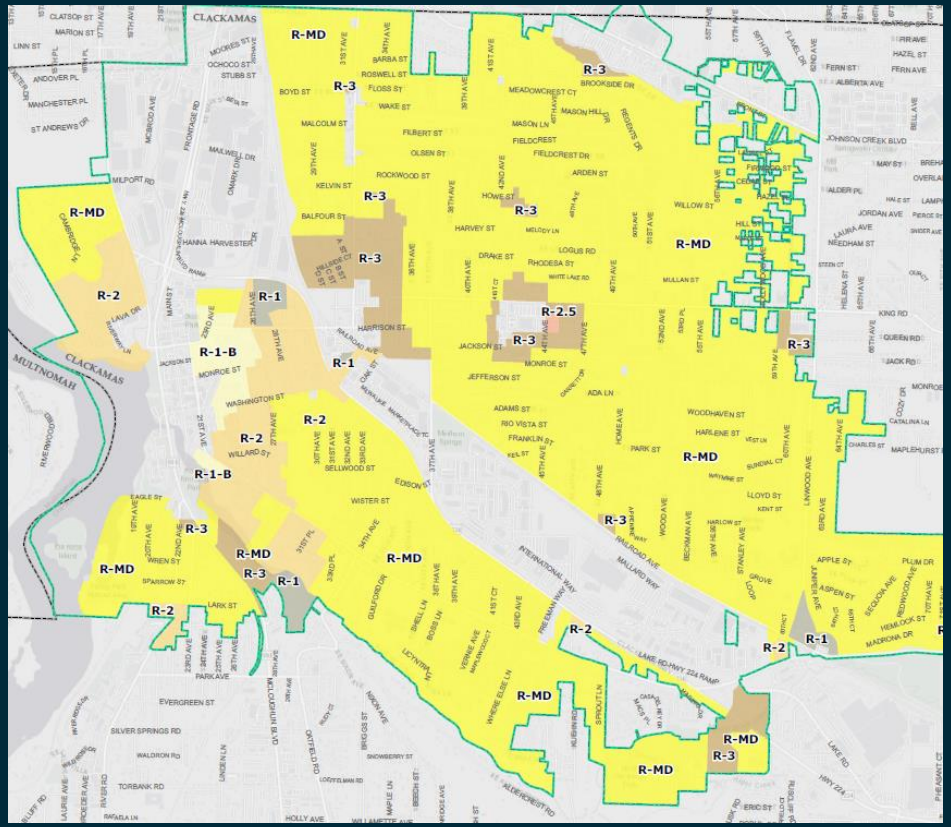
Code Amendments – Zoning Map



Code Amendments – Zoning Map

Consolidate 8 residential zones to 6:

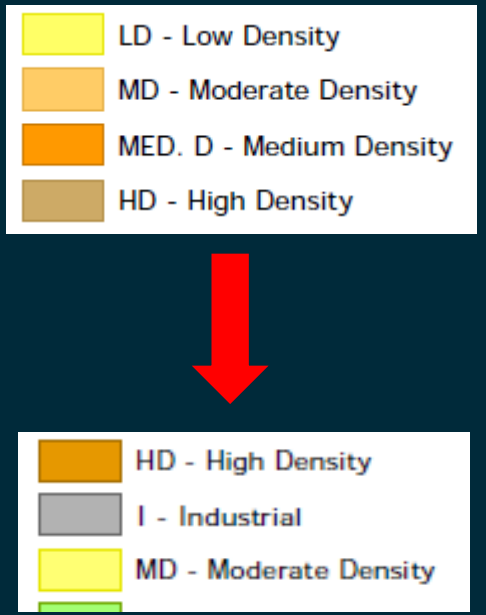
- R-1
- R-1-B
- R-2
- R-2.5
- R-3
- R-MD (MD) =
  R-5, R-7, R-10



Comprehensive Plan – Map 8 – Land Use

Consolidate 4 residential land use designations to 2:

- Low Density (LD) + Moderate Density (MD) = Moderate Density (MD)
- Medium Density (MED. D) + High Density (HD) = High Density (HD)



QUESTIONS?



Code Amendments - ADUs

Key amendments:

- Permitted by right, subject to design and development standards
- Revisions to footprint requirement for accessory structures more than 3 years old when converted to ADU
- New Type II variance for Type B ADUs for small increases in the size (rather than Type III every time)
- Allow up to 2 ADUs for a single unit dwelling

QUESTIONS?



Development Standards – Minimum Lot Size

Lot Size	Permitted Housing Types ***currently***	Permitted Housing Types ***proposed***
1,500 sq. ft.	Rowhouse (townhouse)	Townhouse
3,000 sq. ft. to 4,999 sq. ft.	Detached single dwelling Detached single dwelling + ADU Duplex	Detached single dwelling Detached single dwelling + 2 ADU Duplex Triplex Quadplex
5,000 sq. ft. to 6,999 sq. ft.	Detached single dwelling Detached single dwelling + ADU Duplex	Detached single dwelling Detached single dwelling + 2 ADU Duplex Triplex Quadplex
7,000 sq. ft. and greater	Detached single dwelling Detached single dwelling + ADU Duplex	Detached single dwelling Detached single dwelling + 2 ADU Duplex Triplex Quadplex Cottage Cluster

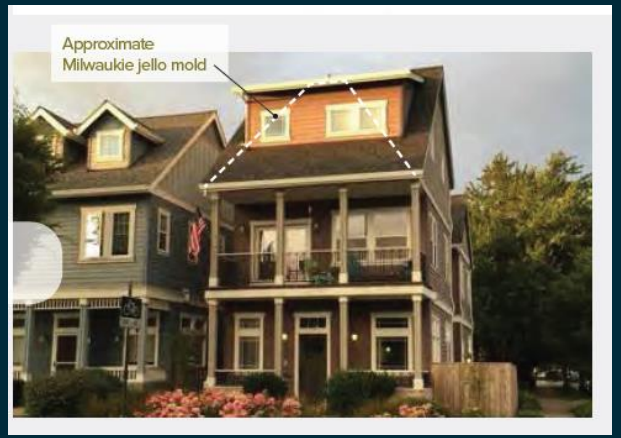
Code Amendments – Development Standards

Attached and Detached units will be permitted.



Development standards would apply:

- Maximum lot coverage
- Minimum landscaping
- Minimum setbacks
- Maximum building height
- Side yard height plane



Code Amendments – Design Standards: 1-4 units

Current code includes design standards for:

- Single-family dwellings and duplexes
- Garages and carports

Proposed amendments – a universal set of design standards that ***applies to all middle housing***

- Extend standards to apply to attached and detached forms of single and middle housing up to four units
- Two new subsections for Cottage Clusters and Townhouses

R-MD: Development Standards – Max. Lot Coverage

Lot Size (sq ft)	Proposed	Option
1,500 – 2,999	45% (10% bonus for single-story)	• Increase % bonus • Allow bonus for second story
3,000 – 6,999	35% (10% bonus for single-story)	• Increase % bonus • Allow bonus for second story
7,000 and up	30% (10% bonus for single-story)	• Increase % bonus • Allow bonus for second story

QUESTIONS?

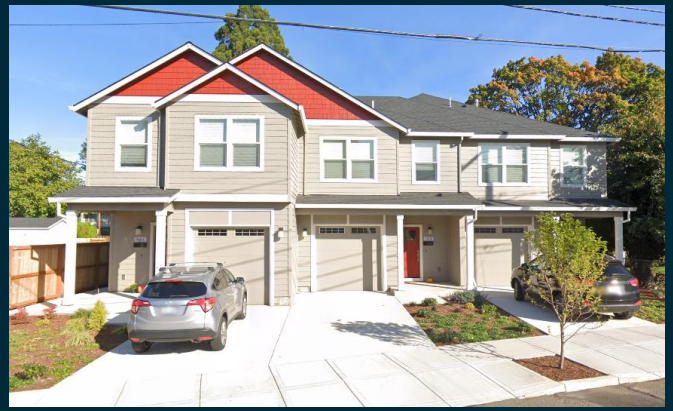


Code Amendments – Townhouses

2012: Townhouse code adopted – none built to date

Proposed standards are a combination of:

- Large City Model Code
- Design modeling and recommendations from project consultant



Code Amendments – Townhouses

Townhouse standards are generally the same as standards for single dwelling, or the proposed one to four units standards.

Proposal:

- In the R-MD zone: max. of 4 townhouses
- Min lot size = 1,500 sq ft
- Min street frontage = 20 ft
- Allow 4 townhouses
- Ensure sufficient curb and plant strip area
- Shared accesses spaced min. 24 ft apart



QUESTIONS?



Code Amendments – Cottage Clusters

General characteristics

- Homes clustered around shared open space
- Parking is often grouped in a shared lot
- Cottages are small in size and footprint
- Can have shared resources or amenities such as garden, common building, workshop, etc
- Individual lots or single lots







Code Amendments – Cottage Clusters

HB 2001

- Permitted on all lots over 7,000 sq ft
- Building footprint is limited
- Lot coverage and max. density do NOT apply
- Design standards are addressed in the Large City Model Code







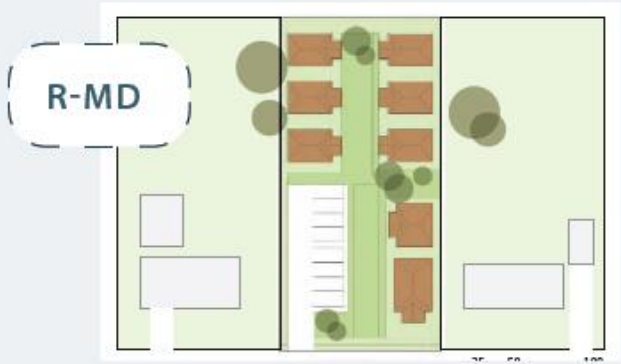
Code Amendments – Cottage Clusters

High Density zones

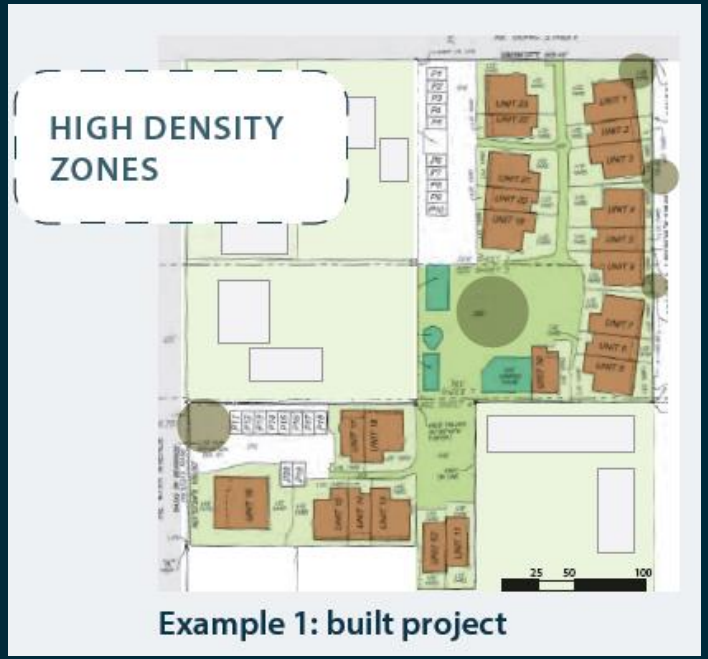
- Greater density
- Attached units

Moderate Density zone

- Detached units only



Example 2: unbuilt prototype



Example 1: built project

Code Amendments – Cottage Clusters

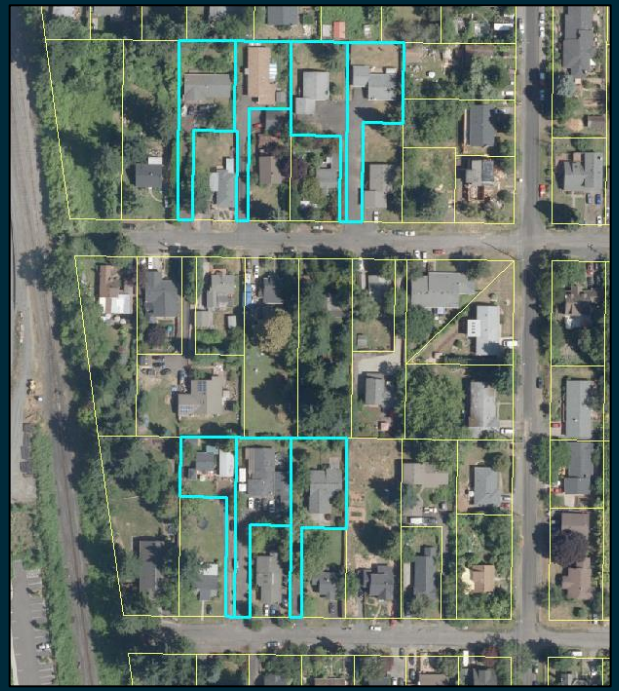
Standard	R-MD zone	High Density zones
Number of cottages per cluster	Min = 3 Max = 12	Min = 3 Max = 12 Attached permitted
Max building footprint	900 sq ft	900 sq ft
Max building height	2 stories/25 ft	2 stories/25 ft
Front/side/rear setbacks	10 ft/5 ft/5 ft	10 ft/5 ft/5 ft
Min site vegetation	35%	35%
Min open space/cottage	150 sq ft	150 sq ft
Min parking space/cottage	0.5	0.5

QUESTIONS?



Code Amendments – Flag Lots & Back Lots

Flag lots and back lots are an opportunity for more infill housing and “hidden density”.





Flag Lots & Back Lots – History

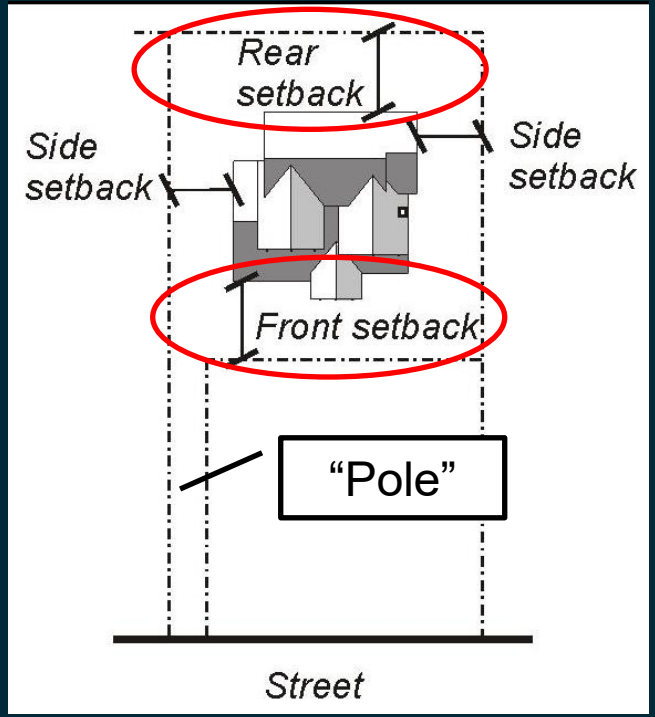
2002 code amendments:

- Increased width of accessway from 20 feet to 25 feet
- 2-lot limitation on the number of flag lots that can be created from a parent parcel
- Prohibited flag lots in subdivisions
- Increased front, rear, and side yard setback requirements
- Prohibited variances of lot area, lot width, and lot depth
- New driveway design standards
- Improved landscaping requirements to help protect neighboring properties
- New provision requiring houses to be oriented to the street

Code Amendments – Flag Lots & Back Lots

Proposed language to incentivize middle housing:

- Reduce front and rear setbacks on flag lots for middle housing to 20 ft (not 30 ft)
- Allow the “pole” portion to count toward min. lot size for middle housing
- Allow variances to lot standards
- Allow flag lots and back lots in new subdivisions

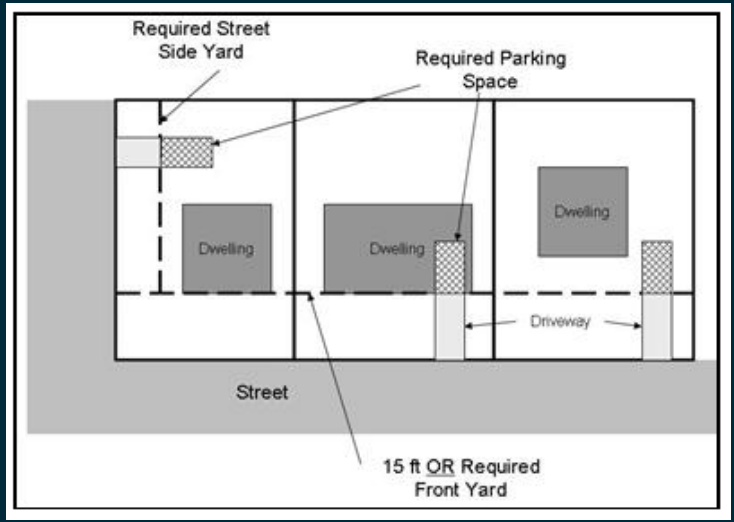


QUESTIONS?



Key Code Amendments - Parking

- **0 spaces** per unit required for middle housing (except cottage clusters)
- Parking space can be in the **driveway or setback**
- Allow alternatives to parking location
  - ❖ Parking modification process



Existing code requirements

QUESTIONS?

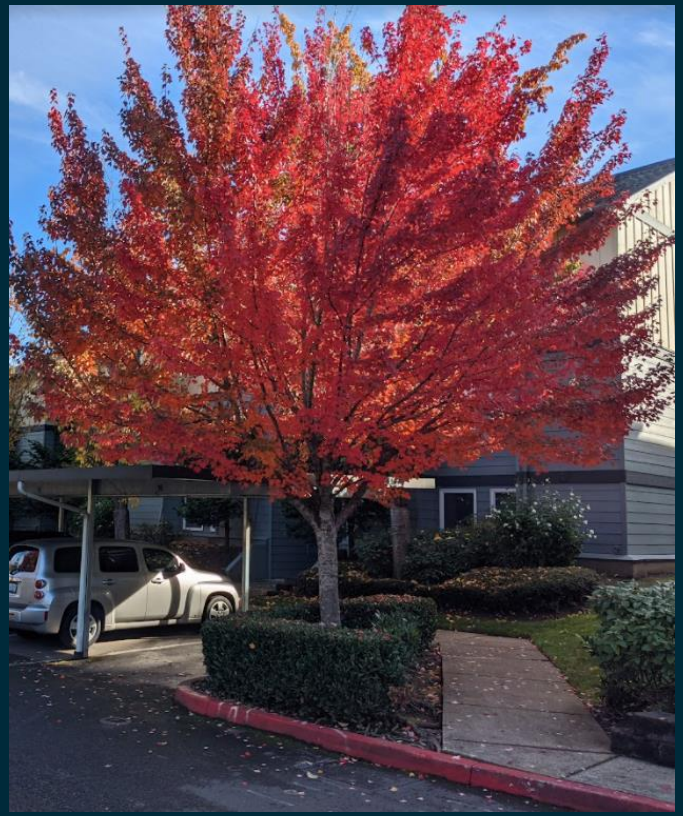


Draft Tree Code Overview

- Supplement to public tree code
- Residential zones only

Presentation Outline…

- Residential Non-Development
- Residential Development
  - Additional housing unit/land subdivision
- Low-income assistance
- Key Questions



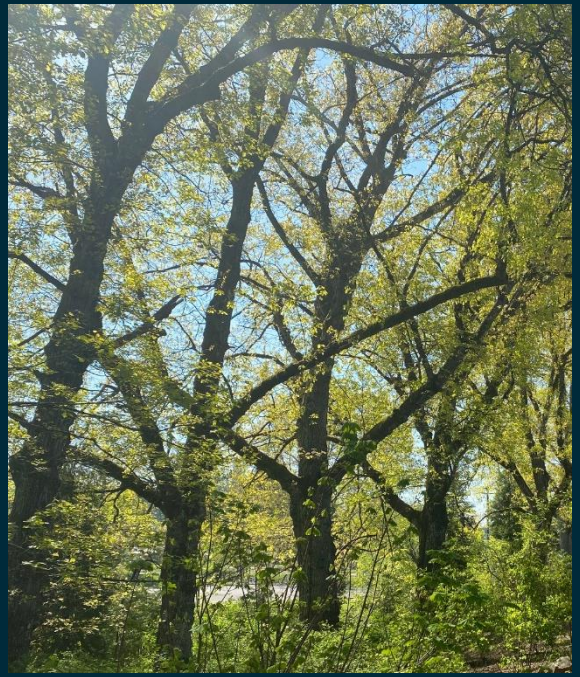
Residential Non-Development

Tree removals not related to development

- Landscaping
- Tree-specific removals

Permit required for removal if tree DBH >6”

- Type 1 Permit for streamlined approval standards
- Type 2 Permit for multiple removals or removals not meeting Type 1 standards
- City Manager Appeal Process



Residential Non-Development

Permit required for trees* >6" diameter at breast height (DBH)

Type 1 Tree Permit

- Dead/dying/diseased
- Unmitigable infrastructure impacts
- Public safety risk
- Invasive
- Fire hazard
- Public transportation ROW projects
- Utility infrastructure or building permit
- One Healthy Tree per Year <**12**" DBH

Type 2 Tree Permit

- Healthy tree >12" DBH
  - *Public notice required*
- More than one healthy tree >6"DBH approved through type 1 removal

Replanting Requirements

- Replanting requirement for type 1 and type 2 tree removals
- Additional replanting inches required for Type 2 >18" DBH tree removal
- Exemption for invasive tree removal or approved thinning removal
- Fee-in-lieu of replanting option available

* Agricultural trees exempted from tree code

Residential Development

- Tree removals and preservation related to development
  - Land Divisions
  - Construction of new residential dwelling units
- Key standards
  - Preservation Standards
  - Canopy Standards
  - Protection Standards
  - Soil Volume Standards



Residential Development – Preservation Standards

- Established to protect existing trees on site
- No breakdown of species priority besides additional fees for removal of rare or threatened species
- Invasive species not included
- Mitigation required if removing past 30% onsite canopy (20% for affordable housing)

New Canopy Coverage	Mitigation Fee
<30% - 22.5%	$
<22.5% - 15%	$
<15% - 7.5%	$
<7.5% - 0%	$



30% Existing Site Canopy
Removal of tree
24% site coverage
Ex. 1 x $ Mitigation Fee



50% Existing Site Canopy
Removal of tree
20% site coverage
Ex. 2 x $ Mitigation Fee



90% Existing Site Canopy
Removal of 3 trees
70% site coverage
Ex. No Mitigation Fee

Residential Development – Canopy Standards

- Tree canopy goals of 40% canopy cover by 2040
- Canopy standards ensure **intentional preservation and planting** on development sites to achieve canopy goals
- 40% tree canopy coverage required on completed development sites through **existing tree canopy** or through **future mature canopy of new plantings**
- Mitigation is performed if unable to meet canopy standards



Tree Location	% Canopy Credit
Existing onsite	100%
Planted onsite	75%
Existing ROW	50%
Planted ROW	50%

10% Site Canopy after Removal

- 7000 sq ft lot
- 700 sq ft existing canopy
- Needs 2800 sq ft to meet canopy standard

New plantings:

2 white oak
2000 sq ft at maturity
x 75% Canopy Credit
x 2 *trees*

= **3000 sq ft canopy credit**

3700 total site canopy coverage
52.8% Final Canopy Coverage

Alternatively…
1 Oak @ 1500 sq ft credit
2200 total site canopy coverage
600 sq ft mitigation required

Residential Development – Protection and Soil Volume Standards

Protection Standards

- Avoid tree harm / death from construction practices
- Protection standards must be followed to obtain preservation and canopy credits
- Must submit protection plan with root protection zone, fencing, etc.
- Performance path available under ISA arborist guidance



Soil Volume Standards

- Ensures new plating success
- 1000 cubic feet per tree
- Must submit protection plan with root protection zone, fencing, etc.
- Performance path available under ISA arborist guidance



Residential Development : Mitigation Standards

- Mitigation standards are established when tree preservation or canopy standards cannot be met.
  - Mitigation fees associated with the **percent canopy removed** (preservation standard) and the **total canopy percentage needed** to meet 40% lot coverage (canopy standard) would be paid by the permit applicant
- Applicants may apply for a variance in lieu of a mitigation fee for alternative construction designs and techniques that provide additional sustainability benefits to the site
  - Planning Commission Review



Credit: Murphy Mears Architects

Development Process for Trees

Tree Inventory

Arborist inventories trees over 6" DBH and creates site map

- Keep/Remove
- Canopy Size
- Species
- Condition
- Rare or Threatened
- Invasive
- Total site canopy

Preservation Plan

Arborist/contractor collects preservation and construction plans for site

- Map to scale
- Construction, fencing, soil compaction and BMP areas

Tree Canopy Plan

Arborist/contractor creates planting and site canopy plan site

- Map of existing trees and new plantings' canopies at maturity
- Soil volume areas and details
- Setbacks and root barriers
- Final site canopy including new trees

Arborist Report

Arborist summarizes prior steps and justifies mitigation

- Preservation standard
- Canopy standard
- Tree protection standard
- Soil volume standard
- Variance proposal

Private Tree Code – Low Income Assistance

- To the extent that city funds are available, the City Manager may exempt a property owner from the permit fee, removal fees and replanting fees when the owner demonstrates household income that is at or below 80 percent of median household income for the Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area.
- Consistent with CET, HES and public tree code



Key Questions

- Should the development standards be triggered by any additional housing unit(s), or only additional unit(s) that expand the footprint of the building?
- Any suggestions or questions that you would like staff to explore ahead of the hearing?

Thank you!
Questions:
urbanforest@milwaukieoregon.gov
503-786-7655

Public hearing #1: January 18

How to provide Comments:

- Testimony at hearing
- engage.milwaukieoregon.gov
- koliasv@milwaukieoregon.gov

QUESTIONS?



Scott Stauffer

From: Mark Gamba <mark@markgamba.com>
Sent: Tuesday, December 21, 2021 5:56 AM
To: Scott Stauffer; _City Council
Subject: Fwd: Proposed Draft Code
Attachments: IMG-5994.jpg; Screenshot 2021-12-20 at 17-49-48 AGENDA - 0 01_pc_packet_11 09 2021 pdf.png; Screenshot 2021-12-20 at 17-50-40 AGENDA - 0 01_pc_packet_11 09 2021 pdf.png; Screenshot 2021-12-20 at 17-51-11 AGENDA - 0 01_pc_packet_11 09 2021 pdf.png

Please add this to the record.

All the best,

Mark Gamba
971-404-5274

All typos courtesy of Android voice type.

---------- Forwarded message ---------
From: **Nile Hagen** <nilehagen@gmail.com>
Date: Mon, Dec 20, 2021, 6:44 PM
Subject: Proposed Draft Code
To: Mark Gamba <mark@markgamba.com>

Hi Mark,

Hope that you are well and thriving! I wanted to send a quick follow up because I believe you are going to be voting on the draft code tomorrow to finalize what is proposed and I know there is a possibility council will make some minor modifications when it votes. I sent you a quick email previously detailing some changes that could help people like me maximize the opportunity to add housing units to the region and I wanted to send a photo of a duplex a friend just finished in Wilsonville to give you a sense of how changing setbacks could practically impact future development. In context, I am referencing this document that was released on November 9th at the last planning meeting I could find.

https://www.milwaukieoregon.gov/sites/default/files/0.01_pc_packet_11.09.2021.pdf

Below is a photo of the duplex, which has approximately a 2,200 SF total footprint. As you can see, the front setback is six feet and the side is 5 with the rear being 8-10 feet. The proposed code in Milwaukie that I have seen would require 20 foot front setbacks, 15-20 foot rear and 5 foot side yard setbacks. In practice, those setbacks for a 1,500 SF townhome/attached housing unit would limit the size of footprint to 600 SF or 40% lot coverage even though 45% max coverage is allowed. It will similarly impact a 3,000 SF lot built as a single residence, where you will face similar challenges with lot coverage ratios and footprint sizing.

I completely understand the need for setbacks larger than the six feet shown in the photograph below, but I think that making the front setback 10-15 feet and the rear 10 feet would help all parties attempting to build the missing middle we all know is needed.

Relatedly, increasing the lot coverage percentages by 5-10% per housing type would also make it easier to add additional units moving forward.

I know how hard you and the city council have worked on this, so thank you for your efforts. Also, thank you for taking the time to discuss and to walk the Johnson Creek property. I look forward to seeing what is passed tomorrow and also to sitting down again after the holidays.

Thanks again for your time and I trust this finds you well.

Warmly,
Nile Hagen

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Nile Hagen | Photographer
www.nilehagen.com



Table 19.301.4
Moderate Density Residential Development Standards

Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999	7,000 and up	
A. Permitted Dwelling Type					
	Townhouse, Cottage[1]	Single Detached Dwelling, Single Detached Dwelling, with ADU, Duplex	Single Detached Dwelling, Single Detached Dwelling, with ADU, Duplex, Triplex	Single Detached Dwelling, Single Detached Dwelling, with ADU, Duplex, Triplex, Quadplex, Cottage Cluster,	**Subsection 19.501.1** Lot Size Exceptions
B. Lot Standards					
1. Minimum lot width (ft)	20	30	50	60	
2. Minimum lot depth (ft)	70	80	80	80	
3. Minimum street frontage requirements (ft)					
a. Townhouse	20				
b. Standard lot	35	30	35	35	

a. Townhouse	20				
b. Standard lot	35	30	35	35	
c. Flag lot	NA[2]	25	25	25	
d. Double flag lot	NA[2]	35	35	35	
. Development Standards					
Minimum yard requirements for primary structures (ft)					**Subsection 19.301.5.A** Side Yards **Subsection 19.501.2** Yard Exceptions **Subsection**
a .Front yard	20 [3]	20	20	20	
b. Side yard	5 [3]	5	5	5/10	

[1] For a Cottage within a Cottage Cluster only

[2] Townhouses are not permitted on flag lots

[3] For lots 3,000 sq ft and smaller: Where a newly created small lot abuts a larger or pre-existing lot, when abutting a 5,000-sq-ft lot, rear and side yard setback standards for 5,000-sq-ft lots apply; when abutting a 7,000-sq-ft lot, rear and side yard setback standards for 7,000-sq-ft lots apply, and when abutting a 10,000-sq-ft lot, rear and side yard setback standards for 10,000-sq-ft lots apply.

Table 19.301.4
Moderate Density Residential Development Standards

Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999	7,000 and up	
c. Street side yard	15 [3]	15	15	20	**19.504.8** Flag Lot and Back Lot Design and Development Standards **Subsection 19.505.4** Cottage Cluster Housing **Subsection 19.505.5** Townhouses
d. Rear yard	15 [3]	20	20	20	
2. Maximum building height for primary structures	2.5 stories or 35 ft,whichever is less				**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit a. Height above ground at minimum required side yard depth (ft) b. Slope of plane (degrees)	20 45				**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
4. Maximum lot	45%	35%	35%	30%	**Section 19.201**

Scott Stauffer

From: Mark Gamba <mark@markgamba.com>
Sent: Tuesday, December 21, 2021 5:59 AM
To: Scott Stauffer; _City Council
Subject: Fwd: Thanks again for meeting

Please add this to the record.

All the best,

Mark Gamba
971-404-5274

All typos courtesy of Android voice type.

---------- Forwarded message ---------
From: **Nile Hagen** <nilehagen@gmail.com>
Date: Sun, Nov 21, 2021, 10:26 PM
Subject: Thanks again for meeting
To: Mark Gamba <mark@markgamba.com>

Hi Mark,

Thanks again for meeting me on site yesterday. I just sent Eli Spevak an email and I look forward to speaking with him this week. If you have time to send information about the proposals that LCDC is making regarding higher density and 9 story height limits that would also be appreciated. I searched on their website but have yet to find the relevant material.

Regarding the latest draft code, I have been reading the version released on November 9th, which I believe was the last to be presented.

https://www.milwaukieoregon.gov/sites/default/files/0.01_pc_packet_11.09.2021.pdf

I was going through the issues we discussed, namely the lot coverage ratios, required setbacks and parking minimums. When I look at pages 93/94 for lot coverage and required setbacks I believe they have remained the same at 35-45% and 20 feet for front and rear yards (save for the rear yards of townhomes).

On page 96/97 it appears to state that lot coverages may be increased by 10% for the primary story of a building but must conform to the lower percentage of lot coverage above the first story. While that is helpful, it would be even more helpful to allow for an extra 10% lot coverage for all stories of the structure.

When we look at our site, I think it would be very helpful to have an additional 5-10% lot coverage for missing middle housing types, and combining that possibility with shortened required front and rear setbacks (between 5-15 feet apiece, especially in the rear yard, as the front yard will allow for on site parking without a garage) would allow us more flexibility and higher density. Relatedly, I see an allowance for an additional 5% lot coverage for a detached ADU but it appears as though that allowance does not apply to attached ADUs.

Regarding parking, I read the new proposals on page 155 to require 1 spot per dwelling unit but on 157 and 158 there appear to be potential reductions for our site, particularly because it is located next to the bus line. That could allow for a 20% reduction and perhaps a bike parking area and some shared vehicles could allow for an extra 20% reduction.

I will continue reading through things to see what else might relate directly to our projects, and I thank you again for your time and conversation.

Thanks again and I hope this finds you well.

Warmly,
Nile Hagen
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Nile Hagen | Photographer
www.nilehagen.com

Scott Stauffer

From: Lisa Batey
Sent: Tuesday, December 21, 2021 10:29 AM
To: _City Council; Vera Kolias; Laura Weigel; Steve Adams; Jennifer Garbely; Luke Strait
Subject: food for thought on street design, density and parking requirements
Attachments: 218121F9-74CC-404A-B604-19800DA6AAFC.jpeg; DC527927-47B0-45AC-A4D4-B326D27F70E8.jpeg; DAE8CEEB-69B0-4122-A435-2E453D5D277D.jpeg

All: [Scott, Vera, please add to comments for the housing/tree code package]

The discussion two weeks ago about the designs for the "Ardenwald North" streets, coupled with the upcoming discussions of the housing code, prompt me to send along three photos as food for thought ahead of those discussions. I hope we can find a good street design for Ardenwald North (or really Ardenwald Northwest), which does seem an area with the short streets that really work for thinking about pedestrians first, but how that works with discussions of reducing off-street parking creates a number of questions.

Although we have a 19th Avenue shared street (let's use that term that Jennifer Garbely used, rather than "woonerf," please) "design," so to speak, none of that has ever been built. As far as I know, we have only two short segments of alternative low-volume street which have been built -- one on Eagle Street in Island Station, and one off Stanley in Lewelling, near the Springwater Corridor path. And neither were built to the specifications we discussed in the 19th Avenue process. Attached is a photo of the former -- a one-block stretch which serves three homes all on the same side of the street (the WES plant property is on the other side). I actually find this curbless design problematic where, as here, it doesn't involve building a swale to catch run-off -- given the slope, we're encouraging road runoff down into a natural area. Moreover, both sides of the road are labeled to prohibit parking. The homes all have garages and driveways, so on a day-to-day basis, the parking restriction is not a big deal, apart from deliveries. But when one of them has guests, it becomes problematic, as the two adjacent blocks have little open on-street parking availability, either. The residents of the block get along, and normally give each other advance notice of any gatherings, but a busybody neighbor on 20th Avenue regularly calls the police if anyone parks on the road. It's not really clear to me why parking should be banned on *both* sides. On a street with homes on both sides, the prohibition would be even more problematic.

The other attached photos come from a friend's neighborhood in Camas. The lots are smaller than 5,000 square feet (my friend's is 3,400) and thus the driveways are very close together, leaving very little on-street parking. The homes in this area all have two-car garages and driveways which can hold two cars, but again, when people have visitors it becomes problematic, with cars blocking neighbors' driveways, increased police calls, etc. [As an aside, the streets are built with nice meandering curves, which does seem to have some traffic calming impact.]

Thanks,
Lisa


NO
PARKING



