Regular Session RS

Milwaukie City Council

CITY OF MILWAUKIE

2353rd Meeting

COUNCIL REGULAR SESSION

AGENDA

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MARCH 1, 2022

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the city's YouTube channel or Comcast Cable channel 30 in city limits. **For Zoom login** visit https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-319.

To participate in this meeting by phone dial **1-253-215-8782** and enter Webinar ID **831 8669 0512** and Passcode: **023745**. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov. Council will take verbal comments.

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

1. **CALL TO ORDER** (6:00 p.m.)
   - A. **Pledge of Allegiance**
   - B. **Native Lands Acknowledgment**

2. **ANNOUNCEMENTS** (6:01 p.m.) **2**

3. **PROCLAMATIONS AND AWARDS**
   - A. **Women's History Month – Proclamation** (6:05 p.m.) **4**
     Presenters: The Milwaukie Historical Society
   - B. **Enid Briggs Memorial – Proclamation** (6:15 p.m.) **5**
     Presenters: The Milwaukie Historical Society

4. **SPECIAL REPORTS**
   - A. **City Manager Updates – Report** (6:25 p.m.)
     Staff: Ann Ober, City Manager

5. **COMMUNITY COMMENTS** (6:35 p.m.)
   To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to ocr@milwaukieoregon.gov), or in person to city staff.**

6. **CONSENT AGENDA** (6:40 p.m.)
   Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.
   - A. **Approval of Council Meeting Minutes of:** **7**
     1. **February 1, 2022, Work Session; and**
     2. **February 1, 2022, Regular Session.**

6. CONSENT AGENDA (continued)

B. An Appointment to the Park and Recreation Board (PARB) – Resolution **14**

C. Granting a Property Tax Exemption for a Northwest Housing Alternatives (NHA) Low-Income Housing Development – Resolution **17**

D. Authorization of an Intergovernmental Agreement for a Regional Inflow and Infiltration Reduction Grant Program – Resolution **25**

E. Authorization of a Contract for Permitting Software – Resolution **41**

7. BUSINESS ITEMS

A. Annexation of 5905 Hazel Place – Ordinance (6:45 p.m.) **46**
Staff: Brett Kelver, Senior Planner

8. PUBLIC HEARINGS

A. Comprehensive Plan Implementation, Housing and Parking Code Amendments, continued – Ordinance (6:50 p.m.) **75**
Staff: Vera Kolias, Senior Planner

9. COUNCIL REPORTS (8:50 p.m.)

10. ADJOURNMENT (8:55 p.m.)

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

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

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

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

Executive Sessions

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

CITY OF MILWAUKIE

2353rd Meeting

COUNCIL REGULAR SESSION

MINUTES

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MARCH 1, 2022

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
Brandon Gill, Information Technology (IT) Manager
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 Gamba called the meeting to order at 6:00 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba announced upcoming community activities, including a women's history month heritage lecture, two poetry reading events, and a mason bee workshop.

3. PROCLAMATIONS AND AWARDS

A. Women's History Month – Proclamation

Linda Carr, Milwaukie Historical Society, remarked on the impact women have had on the community. **Mayor Gamba** proclaimed March to be Women's History Month.

B. Enid Briggs Memorial – Proclamation

Carr and **Al Scott**, a member of the Brigg's family, commented on Enid's life and work in Milwaukie. **Mayor Gamba** read the proclamation memorializing Enid Briggs.

4. SPECIAL REPORTS

A. City Manager Updates – Report

Ober encouraged the public to watch the February 28 Budget Committee meeting video to learn about ongoing projects and provided an update on the replat of the current city hall site. **Ober** and **Stauffer** encouraged Council to project clearly into the Chambers microphones and the group commented on wearing masks during Council meetings.

5. COMMUNITY COMMENTS

Mayor Gamba reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the February 15 community comments. No audience member wished to speak to Council.

6. CONSENT AGENDA

It was moved by Councilor Batey and seconded by Councilor Falconer to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:
   1. February 1, 2022, Work Session, and
   2. February 1, 2022, Regular Session.

B. Resolution 17-2022: A resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Park and Recreation Board.

C. Resolution 18-2022: A resolution of the City Council of the City of Milwaukie, Oregon, granting an exemption from property taxes for a 28-unit low-income housing development owned and operated by Northwest Housing Alternatives, Inc.

D. Resolution 19-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an intergovernmental agreement with Clackamas County Water Environment Services for the regional inflow and infiltration reduction grant program.

E. Resolution 20-2022: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing execution of a contract with GovBuilt for software as a service to support permitting, licensing, land use, and code enforcement.

Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

7. BUSINESS ITEMS

A. Annexation of 5905 SE Hazel Place – Ordinance

Kolias explained that the request to annex the property was due to an emergency sewer connection. **Councilor Batey** and **Kolias** remarked on what caused an emergency sewer connection.

It was moved by Councilor Falconer and seconded by Councilor Batey for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30DA05100 and located at 5905 SE Hazel Pl into the city limits of the City of Milwaukie (File #A-2021-006). Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

Ober read the ordinance two times by title only.

Stauffer polled the Council with Councilors Batey, Nicodemus, Hyzy, and Falconer and Mayor Gamba voting "aye." [5:0]

Ordinance 2214:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30DA05100 AND LOCATED AT 5905 SE HAZEL PL INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2021-006).

8. PUBLIC HEARING

A. Comprehensive Plan Implementation, Housing and Parking Code Amendments (continued) – Ordinance and Resolution

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed amendments to the code, file #ZA-2021-002, to order at 6:34 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to receive the staff report and take public comment on the proposed housing and parking code amendments as part of a multi-meeting hearing on the Comprehensive Plan code implementation project.

Conflict of Interest: no Council member declared a conflict of interest.

Staff Presentation: **Kolias** provided an overview of the housing and parking code implementation project, noting the goal of the changes.

Kolias discussed the impacts of Oregon House Bill (HB) 2001 on the proposed code and the goal to reduce the number of residential zones. **Councilor Batey** and **Kolias** remarked on residential zoning types and noted that most zones were R-7.

Kolias discussed the goal to reduce the number of land use designations and changes to housing definitions in the code. **Councilor Batey**, **Kolias**, and **Mayor Gamba** commented on differences between the current and proposed land use designations and definitions in terms of how housing density is calculated. They noted that tree protections were not called out in the housing density calculations.

Kolias reviewed current and proposed housing development standards for different lot sizes. The group commented on the Planning Commission's consideration of whether to allow smaller lots to be developed into multiple housing units and how land value impacts a developers' ability to build multi-unit housing structures.

Kolias reported that the proposed code would allow attached and detached multi-unit housing developments. **Councilor Batey** and **Kolias** remarked on differences between detached housing units and accessory dwelling units (ADUs).

Kolias discussed the proposed building height standard changes. The group commented on how yard setbacks and building height impacts a neighborhood feel.

Kolias presented proposed changes to lot coverage and minimum vegetation standards and remarked on how building height could influence a developers' decision making in terms of saving trees and maximizing the use of a lot. **Mayor Gamba** and **Kolias** remarked on whether building height and size rules could trigger tree code requirements and if those rules could deter the city's ability to reach its tree canopy goal.

Kolias discussed example scenarios that illustrated what would be allowed under the proposed code given certain lot sizes for single-family and multi-unit housing types. The group remarked on the examples and the housing types the code would allow and noted the Planning Commission's deliberation on development standards.

Mayor Gamba and **Kolias** remarked on the public comments that had observed that some of the city's residential design standards were not energy efficient and the possibility of revisiting the standards to address such concerns.

Kolias reviewed proposed code changes related to ADUs. **Mayor Gamba**, **Kolias**, and **Councilor Batey** commented on building an ADU or a detached duplex, noting how each would have different parking, density requirements, and frontage improvements.

Councilor Batey and **Kolias** remarked on why the proposed code would treat three-year old garages differently in terms of ADU conversion processes. **Councilor Batey** suggested the three-year term would encourage some developers to cheat the system.

Kolias discussed the proposed code changes related to townhouses, noting HB 2001 requirements. **Councilor Batey** and **Kolias** remarked on how townhomes could be located next to each other in sets of four homes in a row.

Kolias reviewed proposed code changes related to cottage cluster developments in high and moderate density zones. **Mayor Gamba**, **Kolias**, and **Councilor Batey** remarked on whether carriage houses, garages that are remodeled to be ADUs, should be allowed.

Kolias provided an overview of proposed code changes related to flag lots and back lots and the impact of Oregon Senate Bill (SB) 458 on middle housing land divisions. **Councilor Batey** and **Kolias** noted how the "parent house" is determined on a property that similar additional units were built on. They remarked on how SB 458 requirements set-up developers' decisions on what type of middle housing to build.

Kolias discussed proposed parking code changes, noted requirements set by HB 2001 and the results of a city parking study, and the Planning Commission's recommendations related to how much parking to require per housing unit. **Mayor Gamba** asked staff to estimate how much street parking would be available for the different parking requirements levels based on the parking study data.

Kolias reported that staff had added a recommendation that Council amend the proposed code changes to require 0.5 parking spaces per dwelling units for middle housing developments located on certain arterial and collector streets. **Councilor Batey** and **Kolias** remarked on their conversations with a planner from the City of Tigard about that city's recent parking requirement changes that were like the proposed code.

Mayor Gamba recessed the meeting at 8:07 p.m. and reconvened at 8:15 p.m.

Audience Testimony:

Elvis Clark, Milwaukie resident, suggested that a parking study review be required for middle housing developments where no on-site parking was required and remarked on areas of Milwaukie where it was hard to find on-street parking.

Conduct of Hearing: **Mayor Gamba** reviewed the public commenting procedures.

Correspondence: staff reported that correspondence on the housing and parking code amendments had been received from Pamela Quinlan, Teresa Bresaw, 1000 Friends of Oregon, Elvis Clark, Jill Bowers, Teresa Evans, Siri Bernard, Judy Schoepp, Proud Ground, Claire Hobson, David Aschenbrenner, Bernie Stout, Ronelle Coburn and Chris Ortolano, Lisa Gunion-Rinker, the Oregon Education Association, Tory and Yvonne McVay, Krista Downs, and Becki Hayes.

Audience Testimony (continued):

Ronelle Coburn, Milwaukie RIP representative, read a statement encouraging Council to require one parking space per new middle housing unit. **Mayor Gamba** and **Coburn** remarked on the construction estimates used by members of the Planning Commission in the Commission's recommendation that Council adopt a parking code that requires zero on-site parking for new middle housing units.

Russ Stoll, Milwaukie resident, expressed support for the updated Comprehensive Plan and thank Council and staff for their work on the new document.

The group noted that Bernie Stout had submitted a speaker registration card to yield time to Coburn and had not wanted to speak.

Tony Jordan, Parking Reform Network President, remarked that other cities had removed on-site parking requirements and encouraged Council to adopt the parking code as recommended by the Planning Commission.

Joseph Edge, Planning Commissioner, remarked on the need for the city to encourage the development of affordable housing and suggested the proposed code would support such new construction.

Nate Ember, unincorporated Clackamas County resident, applauded the city's Comprehensive Plan update work and suggested that the proposed code be amended to allow for attached duplex style housing and incentives to preserve historic homes. **Mayor Gamba** and **Ember** commented on the definition of historic homes and other elements on a lot that the city might want to preserve. **Councilor Batey** and **Ember** noted why single-family housing units could not be stacked on top of each other without triggering other code sections that would make a construction project more expensive.

Michael Andersen, senior housing researcher at the Sightline Institute, suggested that it was unlikely that Milwaukie would see a lot of duplex and infill housing projects built once the code made it more feasible to do based on how few had been built in other cities in the region where such housing had been possible for decades. **Council President Hyzy** and **Andersen** remarked on research done by Andersen that looked at the economics of converting a single-family home into multi-family housing and how Milwaukie's market for multi-family housing compared to other cities.

Staff Response to Testimony: Staff had no response to the public comments.

Questions from Council to Staff: **Councilors Falconer** and **Batey** asked about the commercial building code requirements for stacked housing and **Kolias** suggested staff would provide such information at the next hearing.

Councilor Batey asked that staff provide additional definitions and triggers for affordable housing incentives and other items at the next hearing.

The group discussed how to proceed with the hearing at the current and next meetings.

Councilor Batey and **Mayor Gamba** noted several parts of the housing and parking code that may require wording changes or further consideration by Council. **Kolias** reported staff would follow-up on the items at the next hearing.

Mayor Gamba asked for Council feedback on the proposal to not require onsite parking for middle housing developments that are not on arterial or collector streets. The group discussed the proposal, and it was noted that Council wanted additional information from staff before making a decision.

Close Public Comment: **It was moved by Councilor Falconer and seconded by Council President Hyzy to close the public comment part of the hearing on the proposed housing and parking code amendments for the current session with the understanding that further public comment would be taken at the next session. Motion passed with the following vote: Councilors Batey, Nicodemus, Falconer, and Hyzy and Mayor Gamba voting "aye." [5:0]**

Mayor Gamba closed the public testimony part of the hearing at 8:54 p.m.

Continue Hearing: **It was moved by Councilor Falconer and seconded by Council President Hyzy to continue the hearing on the Comprehensive Plan Code Amendments, file #ZA-2021-002, to a date certain of March 15, 2022. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]**

Mayor Gamba closed the public hearing at 8:54 p.m.

9. COUNCIL REPORTS

None.

10. ADJOURNMENT

It was moved by Councilor Nicodemus and seconded by Councilor Falconer to adjourn the Regular Session. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

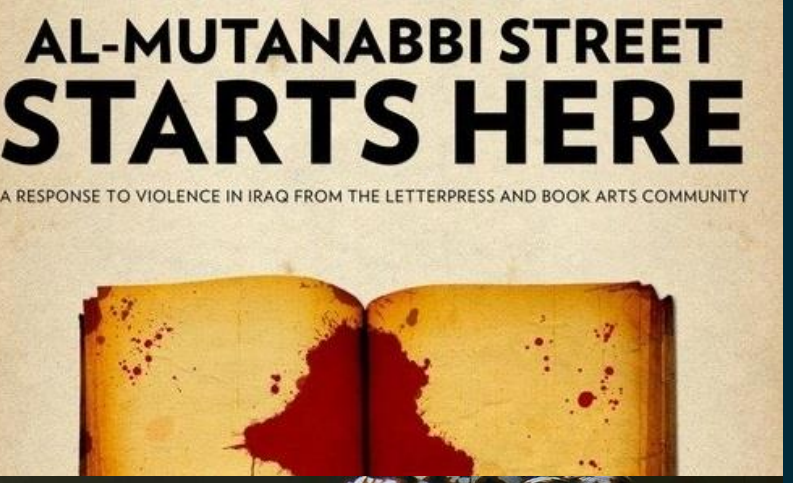
Mayor Gamba adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

RS Agenda Item 2

Announcements





Mayor's Announcements – March 1, 2022

- **Women's History Project – A Personal Perspective – Wed., Mar. 2 (6 PM)**
  - Join the next Ledding Library Lecture Series event of the year
  - Watch on Comcast Channel 30 or on the city's YouTube Channel

- **Bilingual Poetry Reading - Al-Mutanabbi Street Starts Here – Sat., Mar. 5 (2 - 4 PM)**
  - In partnership with the Iraqi Society of Oregon and Al-Mutanabbi Street Starts Here, the Milwaukie Poetry Committee, and Ledding Library are hosting a bilingual poetry reading in Arabic and English.
  - Questions and discussion will follow. Email Tom Hogan at tomhogan2@comcast.net to register.

- **Jessica Mehta Poetry Reading – Wed., Mar. 9 (6:30 – 7:30 PM)**
  - Jessica (Tyner) Mehta is a multi-award winning Aniyunwiya interdisciplinary author and artist.
  - For information or questions about the reading and to join the group list, contact Tom Hogan at 503-819-8367 or tomhogan2@comcast.net.

- **Mastering Mason Bees – Sat., Mar. 12 (10 AM)**
  - Blue Orchard Mason Bees are gentle and don't need much to be happy. Through visual and hands-on activities, learn about their life cycle and how to properly care for them. Tools, gloves, and refreshments provided.
  - Milwaukie Community Center, 5440 SE Kellogg Creek Dr.
  - Sign up at https://secure.rec1.com/OR/NCPRD/catalog

- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**

RS Agenda Item 3

Proclamations & Awards

PROCLAMATION

WHEREAS, Milwaukie women of every race, class, and ethnic background have made historic contributions to the growth and strength of our city in countless ways; and

WHEREAS, Milwaukie women have played and continue to play critical economic, cultural, and social roles in every sphere of the city by constituting a significant portion of the labor force working inside and outside the home; and

WHEREAS, Milwaukie women have played a unique role throughout the history of the city by providing most of the volunteer labor force of the city; and

WHEREAS, Milwaukie women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our city; and

WHEREAS, Milwaukie women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, Milwaukie women have courageously served our country in the national and state armed forces; and

WHEREAS, Milwaukie women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the industrial labor movement, the civil rights movements, and especially the peace movement; and

WHEREAS, despite these contributions, the role of women in Milwaukie, Oregon, and our national histories, has been overlooked and undervalued.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, and with the full support and sponsorship of the Milwaukie Historical Society, do hereby proclaim **MARCH 2022** to be **WOMEN'S HISTORY MONTH** in Milwaukie and do recommend its observance with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this **1st** day of **MARCH 2022**.

Mark Gamba, Mayor
ATTEST:

MILWAUKIE WOMEN'S HISTORY MONTH

Scott Stauffer, City Recorder

Milwaukie Museum

PRESERVING MILWAUKIE'S HISTORY FOR FUTURE GENERATIONS

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PDX DESIGNS

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David Parker Consulting LLC
Logistics, Transportation, Process Evaluation, Systems Review

ZANA
Construction Company

Ardenwald Johnson Creek Neighborhood Assn.

Lake Road Neighborhood Association

Two Sisters Play Cafe

Island Station

Hector Campbell Neighborhood

Milwaukie Garden Club

Dieringers Properties

CHACHACHA!
MEXICAN TAQUERIA

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CELEBRATE MILWAUKIE Inc.
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LEDDING LIBRARY LECTURE SERIES

Womens's History Project
A Personal Perspective

Wednesday March 2nd 6PM

Watch Live on Comcast Channel 30 and City of Milwaukie YouTube Channel

Starring



Emilia Gonzalez-Clements

Anthropologist, Interviewer, and Writer

MILWAUKIE WOMEN'S HISTORY PROJECT

Special Address By Councilor Katherine Hyzy

Personal Stories of Milwaukie Women

Former Mayor and State Rep: Carolyn Tomei

45 Year Employee of Ledding Library: Nancy Wittig

Social Justice and Sustainability Champion: Elizabeth Start

Minthorn Church and Milwaukie Museum Matriarch: Enid Briggs

To view the program please turn to Channel 30 on Comcast or City of Milwaukie YouTube Channel
(https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_m9cAw)
Find it on line during the day of the event by visiting the City Calendar at www.milwaukieoregon.gov

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WILLAMETTE FALLS STUDIOS

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Rendering of a winter lodge interior. *Library of Congress LC-USZ62-31244.*











LEDDING LIBRARY LECTURE SERIES

Womens's History Project
A Personal Perspective

Wednesday March 2nd 6PM

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Starring



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Former Mayor and State Rep: Carolyn Tomei

45 Year Employee of Ledding Library: Nancy Wittig

Social Justice and Sustainability Champion: Elizabeth Start

Minthorn Church and Milwaukie Museum Matriarch: Enid Briggs

To view the program please turn to Channel 30 on Comcast or City of Milwaukie YouTube Channel
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Find it on line during the day of the event by visiting the City Calendar at www.milwaukieoregon.gov

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WILLAMETTE FALLS STUDIOS

Milwaukie Museum

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CITY OF MILWAUKIE

PROCLAMATION

WHEREAS Enid Ruth Briggs, a long-time resident and tireless supporter and friend of Milwaukie passed away on Thursday December 16, 2021; and

WHEREAS Enid was born on May 3, 1925, at her family's home on Briggs Avenue, just south of Milwaukie city limits, and attended Milwaukie High School; and

WHEREAS during World War II Enid was as a cadet in the Civil Air Patrol and served as an observer looking for submarines along the Columbia River; and

WHEREAS Enid was a lifelong educator, receiving degrees from George Fox University and Linfield College, she taught at the high school level and coached track, softball, basketball, and volleyball in Knappa, Oregon, and in the North Clackamas County area; and

WHEREAS in retirement, Enid renewed her commitment to the Milwaukie community by teaching home science courses, staying active in her faith community, volunteering for non-profit organizations many of which focused on environmental learning and local history and included in the Milwaukie Garden Club and the Milwaukie Historical Society.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby memorialize the life and achievements of Enid Ruth Briggs, a pillar of the Milwaukie community for nearly a century, and I ask all residents of *The Dogwood City of the West* to reflect on Enid's selfless dedication to our community.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this **1st** day of **March 2022**.

Milwaukie Remembers



Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder



Enid Briggs

- Mentor to many kids
- Teacher, coach, Sunday School leader
- Charter member - Minthorn/Milw Coventant
- Milwaukie Museum hero

Enid Briggs









RS Agenda Item 5

Community Comments

20:17:55 From Council Chambers to Hosts and panelists:

If you are on the Zoom panel and are interested in speaking please raise your hand or leave a comment in the chat. The chat is open only to allow the audience to indicate they are interested in speaking. Please do not make any comments on the Zoom chat that are meant for Council. The Zoom chat is part of the meeting record.

20:18:08 From Council Chambers to Everyone:

If you are on the Zoom panel and are interested in speaking please raise your hand or leave a comment in the chat. The chat is open only to allow the audience to indicate they are interested in speaking. Please do not make any comments on the Zoom chat that are meant for Council. The Zoom chat is part of the meeting record.

RS Agenda Item 6

Consent Agenda

CITY OF MILWAUKIE

COUNCIL WORK SESSION

Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

FEBRUARY 1, 2022

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

Staff Present:
Joseph Briglio, Community Development Director
Kelly Brooks, Assistant City Manager
Justin Gericke, City Attorney
Robbie Graves, Police Captain
Jordan Imlah, Communications Program Manager
Vera Kolias, Senior Planner
Ann Ober, City Manager
Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder
Jason Wachs, Community Engagement Coordinator
Courtney Wilson, Urban Forester

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

Strategic Engagement Team (SET) Update

Brooks provided an update on SET staffing and duties, including communications, engagement, events, government relations, and emergency management.

1. Community Engagement Update – Report

Wachs discussed the community engagement coordinator's role, Council's 2020 engagement goals, and the launch of the Engage Milwaukie webpage. **Councilor Batey** and **Wachs** remarked on the Engage site's required user registration questions.

Wachs presented Engage site registered user demographic information and commented on plans to increase outreach efforts to under-represented groups. **Council President Hyzy** and **Wachs** agreed it would be helpful to compare neighborhood population to neighborhood representation on the Engage site and **Councilor Falconer** and **Wachs** noted that a user could only select one neighborhood.

The group remarked on how the city could distribute translated publications.

Wachs discussed plans to improve how demographic data is collected, how engagement activities would be evaluated using an equity lens and reviewed the in-person engagement activities that had happened in 2021 and were scheduled for 2022.

2. Communication Program Update – Report

Imlah provided an update on the city's branding and graphic design guidelines, marketing materials, newsletter, website, and social media accounts. **Imlah** remarked on the Arts Committee's work to promote the city. **Imlah** noted ongoing and upcoming marketing projects and the challenges of promoting the city during a pandemic.

Mayor Gamba, **Imlah**, and **Brooks** discussed the city crediting photographers more often in city documents and how SET interacts with other departments on projects.

It was noted that Councilor Batey left the meeting at 4:47 p.m. due to technical issues and returned at 4:50 p.m.

Councilor Batey and **Council President Hyzy** remarked that the city's website was in good shape and that the city did a good job on social media and branding.

Council President Hyzy reported that some people found it hard to navigate city job postings online and **Imlah** noted recent updates to the job listings webpage.

Councilor Falconer thanked staff for collecting and using demographic information to improve the city's work.

3. Hillside Manor Project and Services Update – Report

Briglio introduced the Housing Authority of Clackamas County's (HACC's) Development Manager Devin Ellin and Supportive Service's Manager Vahid Brown.

Ellin reviewed the services provided by HACC, which included operating affordable housing, providing resident support services, and administering the Metro affordable housing bond in the county which would include new housing in Milwaukie.

It was noted that Mayor Gamba left the meeting at 5:14 p.m. due to technical issues and returned at 5:15 p.m.

Brown discussed how affordable housing services are funded, how HACC supports low-income residents through strategies to address chronic homelessness by stabilizing housing and shelter programs. **Brown** reported that recent investments in housing had resulted in more families receiving services and finding housing.

Council President Hyzy and **Brown** remarked on what Milwaukie residents would notice as HACC's Hillside site was redeveloped, and services were expanded.

Councilor Batey and **Brown** commented on the short-term nature of the motel-based shelter program which HACC was ending as permanent housing became available. They noted the benefits of supporting individuals living in permanent housing.

Mayor Gamba and **Brown** discussed HACC's plans to expand mental health services along with housing services.

4. Adjourn

Mayor Gamba announced the executive session planned for after the work session would be rescheduled to February 15, 2022.

Mayor Gamba adjourned the meeting at 5:50 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

CITY OF MILWAUKIE

2351st Meeting

COUNCIL REGULAR SESSION

MINUTES

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

FEBRUARY 1, 2022

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

Staff Present:
Joseph Briglio, Community Development Director
Kelly Brooks, Assistant City Manager
Bonnie Dennis, Finance Director
Justin Gericke, City Attorney
Vera Kolias, Senior Planner
Keith McClung, Assistant Finance Director
Ann Ober, City Manager
Peter Passarelli, Public Works Director
Natalie Rogers, Climate and Natural Resources Manager
Scott Stauffer, City Recorder
Laura Weigel, Planning Manager
Courtney Wilson, Urban Forester

Mayor Gamba called the meeting to order at 6:08 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba announced upcoming activities, including opportunities for the public to comment on the Milwaukie Redevelopment Commission's (MRC's) five-year urban renewal plan, a heritage lecture, how to nominate individuals for the city's volunteer of the year award, and natural habitat enhancement work events.

3. PROCLAMATIONS AND AWARDS

A. Celebrating Black Excellence Month – Proclamation

Councilor Nicodemus, the Milwaukie Historical Society's **Greg Hemer**, and Milwaukie resident **Sabina Spicer** introduced the proclamation and remarked on the importance of celebrating Black excellence. **Mayor Gamba** proclaimed February to be Celebrating Black Excellence Month in Milwaukie.

4. SPECIAL REPORTS

A. Fiscal Year (FY) 2021 Audit – Report

Dennis introduced Tonya Moffit, partner with Merina + Co. the city's audit firm, and Mack Stilson, chair of the city's Audit Committee. **Moffit** explained how the audit was conducted, noted that the city had received awards for its financial statements, and reported that the city's audit for FY21 was clean, the highest result that can be given.

Stilson thanked Merina + Co., the Audit Committee, and finance department staff for their work to ensure the integrity of the audit process and report.

The group acknowledged that Merina + Co. would no longer be conducting audits and the city would issue a request for proposals (RFP) to find a new audit firm.

5. COMMUNITY COMMENTS

Mayor Gamba reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the January 18 community comments. It was noted that no audience member wished to address Council.

6. CONSENT AGENDA

It was moved by Councilor Batey and seconded by Councilor Falconer to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:
   1. January 4, 2022, work session, and
   2. January 4, 2022, regular session.

B. Resolution 11-2022: A resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Arts Committee.

C. Resolution 12-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a contract with GreenWorks, P.C. for community engagement, design, and development services for Balfour Park, Bowman-Brae Park, and Scott Park.

D. Resolution 13-2022: A resolution of the City Council of the City of Milwaukie, Oregon, nominating Wilda Parks to serve as the city's representative to Milwaukie Community Center / Community Advisory Board (C/CAB).

Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

7. BUSINESS ITEMS

A. None Scheduled.

8. PUBLIC HEARING

A. Comprehensive Plan Implementation, Tree Code Amendments (continued) – Ordinance and Resolution

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed tree code amendments, file #ZA-2021-002, to order at 6:40 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to take comment on the proposed code as part of the Comprehensive Plan implementation.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Rogers** reviewed the proposed code amendments, noting changes made since the January 18, 2022, Council hearing and clarifying aspects of the code related to tree preservation credits and tree removal permits and fees. **Council President Hyzy** and **Rogers** noted that no permit or fee would be required to remove a tree smaller than six inches in diameter or for pruning a tree.

Rogers and **Mayor Gamba** discussed residential non-development situations where a permit and fee would be required to remove a tree. The group remarked on how the city would provide guidance to private property owners in identifying replacement tree types, treating sick trees, and connecting property owners with planting assistance programs. They noted that the city would not buy, treat, or plant trees on private property.

Rogers, **Councilors Batey and Falconer**, and **Council President Hyzy** continued to discuss residential non-development situations where a permit and fee would be required to remove a tree, noting that property owners would be able to appeal a permit decision to the city manager. **Councilor Nicodemus**, **Rogers**, and **Mayor Gamba** commented on how often and why property owners removed healthy trees. **Council President Hyzy** and **Rogers** noted that removing invasive tree species would not require a permit or fee and thinning trees would only require the standard permit fee.

Councilor Nicodemus and **Rogers** commented on other cities' tree codes and whether they had led to an increase in the number of tree removal permits being applied for.

Rogers and **Mayor Gamba** noted when accessory dwelling unit (ADU) construction would require tree permits. **Rogers** and **Passarelli** reviewed how tree canopy would be measured using a tree species list and what fees would be assessed based on the type of development and trees being removed. The group discussed residential development situations where permits and fees would be assessed.

Rogers and **Passarelli** presented the proposed and alternate mitigation fee structures aimed at penalizing developers who remove large parts of the tree canopy. **Councilor Batey** and **Rogers** remarked on using tree canopy loss to determine a mitigation fee.

Rogers discussed the proposed residential development tree canopy standards meant to preserve the canopy through intentional plantings. **Councilor Batey**, **Passarelli**, and **Rogers** remarked on the possibility of developers planting but not caring for trees over time and the requirement to obtain financial bonds to protect tree plantings.

Rogers explained how the proposed canopy standards accounted for the preservation of significant trees. **Councilors Falconer and Batey** and **Rogers** remarked on the need to discuss the proposed tree code along with the housing code changes to weigh the costs of preserving trees with the need for more housing. **Mayor Gamba** suggested Council was getting into the deliberation part of the hearing.

Rogers discussed residential development tree removal situations where permits and fees would apply and what mitigation steps a developer could take to avoid fees while preserving the existing tree canopy. **Rogers** suggested the goal of the tree code was to make sure that trees were considered and incorporated into development projects.

Rogers reviewed the proposed tree code enforcement fees and how affordable housing developments could avoid the financial impacts of mitigation fees. **Rogers** noted next steps in the Council hearing process on the proposed tree code.

Correspondence: No additional correspondence had been received on the tree code.

Mayor Gamba recessed the meeting at 8:00 p.m. and reconvened at 8:08 p.m.

Conduct of Hearing: **Mayor Gamba** reviewed the public comment procedures.

Audience Testimony:

Neil Schulman, North Clackamas Watershed Council (NCWC), expressed support for the proposed tree code and remarked on how the city and NCWC could work with developers to build new housing and save trees. **Schulman** suggested that the proposed code should retain the city's tree canopy standards, that the alternate mitigation fee schedule introduced by staff should be adopted, and that the city work with NCWC to develop strong development tree planting plans.

Ted Labbe, Urban Greenspaces Institute (UGI), agreed with Schulman, suggested that the proposed code was unique among city codes in the region, and urged Council to adopt the proposed tree code and middle housing code changes.

Paul Anderson, Milwaukie resident, remarked that the city's 40% tree canopy goal was unrealistic and suggested that charging fees meant to help the community meet an unachievable outcome was not right. **Anderson** added that forgoing residential housing spacing requirements to protect trees was not a good idea.

Micah Meskel, Portland Audubon Society, and member of the Comprehensive Plan Implementation Committee (CPIC) commended the city for working on the proposed tree, housing, and parking code changes and agreed with Schulman and Labbe. **Meskel** suggested changes to the proposed tree code to further protect significant large heritage trees and the proposed housing code to better retain the tree canopy and replace trees lost to construction. **Meskel** commented on partnerships the Audubon Society had sought with private property owners to maintain existing trees.

Mayor Gamba commented on continuing the hearing to the next regular session and Council expressed support for the plan to take further testimony.

Staff Response to Testimony: **Rogers** commented on the feasibility of the city reaching the 40% tree canopy goal, noting how the goal had been developed through and remarking on how the goal would be balanced with construction needs on a development project-by-project basis.

Rogers responded to the proposal to change the code to further protect large heritage trees, noting that staff supported such a program and planned to investigate such a program after the code was adopted. **Mayor Gamba**, **Rogers**, and **Councilor Batey** remarked on whether the tree code could be adjusted to include additional large tree protections to protect heritage trees until the city had a heritage tree program.

Council President Hyzy asked about bonding for a tree and **Passarelli** explained when and how a property owner or developer would secure a warranty bond to ensure that newly planted trees are protected or replaced. **Councilor Batey** commented on personal experiences in seeking a bond for new plantings. **Councilor Batey** and **Passarelli** noted that bonding details would be in the Master Fee Schedule.

Audience Testimony (continued):

Anderson suggested the 40% tree canopy goal had not been tested and many properties would not be able to meet the goal and would have to pay a lot of fees.

Anthony Allen, Milwaukie resident, thanked the city for the work on the tree code and agreed with Anderson that the tree code seemed unfair to smaller property owners that would not be able afford fees imposed by the code. **Mayor Gamba** clarified that the canopy goal would only be triggered if a property were developed. **Rogers** concurred with Mayor Gamba, reported that many properties in the city were already at or near the canopy goal, and commented on what the community could do to meet the goal.

Stauffer noted that Anderson had expressed interest in speaking again and **Mayor Gamba** explained the public hearing comment process, noting opportunities for public comments to be made at future hearings on the tree code. **Rogers** noted that community members could email their questions to staff.

Mayor Gamba reviewed the plan to hear an updated staff report and take further comments at the next hearing on the proposed tree code.

Continue Hearing: **It was moved by Council President Hyzy and seconded by Councilor Falconer to continue the hearing on the Comprehensive Plan Code Amendments, file #ZA-2021-002, to a date certain of February 15, 2022. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]**

9. COUNCIL REPORTS

None.

10. ADJOURNMENT

It was moved by Councilor Nicodemus and seconded by Councilor Falconer to adjourn the Regular Session. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

Mayor Gamba adjourned the meeting at 8:57 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

CITY OF MILWAUKIE

RS 6. B. 3/1/22

OCR USE ONLY

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 18, 2022

Reviewed: Nicole Madigan, Deputy City Recorder

From: Scott Stauffer, City Recorder

Subject: **Appointment to the Park & Recreation Board**

ACTION REQUESTED

As outlined in the Milwaukie Municipal Code (MMC), Council is asked to consider approving a resolution making appointments to the Park and Recreation Board (PARB).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On July 1, 2021, PARB position 1 became vacant when Nicole Perry's third term ended.

Over the summer and fall, community members were recruited for three vacant PARB positions.

On December 16, a panel convened to interview applicants for PARB and the Public Safety Advisory Committee. The PARB panel included Councilors Lisa Batey and Angel Falconer, PARB staff liaison Natalie Rogers and PARB Chair Ben Johnson. The panel nominated two applicants to fill two of the three vacant PARB positions.

January 4, 2022: Council appointed the two nominated individuals to fill PARB positions and adopted Ordinance 2213, which amended the MMC to allow up to two PARB members to be non-residents of the city.

On February 17, a panel convened to interview PARB applicants, including non-city residents. The panel consisted of Councilors Lisa Batey and Angel Falconer, PARB Vice Chair Ali Feuerstein, and the city's Parks Development Coordinator Adam Moore.

ANALYSIS

Authority to fill city board and committee (BC) vacancies is granted to the Mayor and Council by Section 26 of the City Charter. To fill vacant positions, members of Council along with appropriate staff liaisons and committee chairs recruit volunteers and usually conduct interviews from applications received by the city, however interviews are not required by the MMC. Appointed individuals serve for a term length determined by the MMC. Upon the completion of a term, if the individual is eligible, they may be reappointed by Council to serve another term.

Committee appointments are made when a term expires or when a position is vacated. All BC terms expire on June 30. Some committees have positions nominated by neighborhood district associations (NDAs) instead of by an interview panel. NDA-nominated appointments are noted.

Most BC positions are term-limited, meaning there is a limit to the number of times that members can be re-appointed. The nominated individual would be appointed to complete a term that has already started. The nominated individual would be eligible for reappointment to future terms.

The December 16 interview panel decided to wait until Council had amended the MMC to allow for non-city residents to serve on PARB before nominating an applicant to fill the remaining vacant position. With the adoption of Ordinance 2213, at the direction of the panel, staff contacted all individuals who had applied for PARB since the summer of 2021 to see if they were still interested in being considered for nomination to the board. Two of the applicants contacted are not city residents, were previously ineligible to serve on the board, and both confirmed that they were still interested in serving on PARB. A total of eight applicants were contacted and three were interviewed on February 17.

The following individual has been nominated by the interview panel to fill the vacant position.

Jose Martin Alvarez Ruberte has been nominated to fill PARB position 1. Martin has lived in the Milwaukie area for eleven years and is a culturally responsive coordinator in the Tigard Tualatin School District who holds several school counseling and mental health professional licenses.

BUDGET, WORKLOAD, AND CLIMATE IMPACTS

There are no fiscal, workload, or climate impacts associated with the recommended actions.

COORDINATION, CONCURRENCE, OR DISSENT

Staff worked with Council members, PARB staff liaisons, and PARB chair and vice chair, to conduct interviews and confirm this nomination.

STAFF RECOMMENDATION

Staff recommends the following appointment:

PARB: 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	Martin Alvarez Ruberte	3/1/2022	6/30/2023

ALTERNATIVES

Council could decline to make the recommended appointment, which would result in a vacant position on the board.

ATTACHMENTS

1. Resolution

CITY OF MILWAUKIE

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, MAKING AN APPOINTMENT TO THE PARK AND RECREATION BOARD.

WHEREAS Milwaukie Charter Section 26 authorizes the Mayor, with the consent of the Council, to make appointments to boards and committees (BCs); and

WHEREAS a vacancy exists on the city's Park and Recreation Board (PARB); and

WHEREAS the city recruited applications and convened a panel of Council members, a BC staff liaison, and the PARB vice chair to interview the applicants; and

WHEREAS the interview panel has nominated the following individual for appointment to the board:

Park and Recreation Board (PARB):

Position	Name	Term Start Date	Term End Date
1	Jose Martin Alvarez Ruberte	3/1/2022	6/30/2023

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individual named in this resolution is appointed to the identified city board, committee, or commission for the term dates noted.

Introduced and adopted by the City Council on **March 1, 2022.**

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

CITY OF MILWAUKIE

RS 6. C. 3/1/22

OCR USE ONLY

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 10, 2022

From: Joseph Briglio, Community Development Director

Subject: **Annual Renewal of Northwest Housing Alternatives' Property Tax Exemption**

ACTION REQUESTED

Council is asked to adopt a resolution approving the renewal of the nonprofit low-income housing property tax exemption for Tax Year (TY) 2022-2023 for Northwest Housing Alternatives' (NHA) 28-unit affordable housing development at WALSH Commons, which serves families with incomes under 60% of the area median family (MFI) income.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

December 12, 2017**:** Staff from the city and NHA gave a presentation on the state's nonprofit low-income housing property tax exemption program, and NHA's request to be approved for the program for its 28-unit low-income housing development. Council was unanimous in support for providing a property tax exemption to NHA and directed staff to work with the North Clackamas School District (NCSD) to pursue the "local option" exempting NHA from all property taxes. When the combined rate of taxation of the city and the boards of other agencies agreeing to the exemption make up at least 51% of the total combined rate of taxation on the property, that property is eligible for the exemption. For NHA's property, the combined tax levy rate for the city and NCSD was approximately 60% of the total property tax rate.

January 11, 2018; January 25, 2018; and February 8 2018: The NCSD Board held study sessions to discuss NHA's property tax exemption request. Council submitted a letter of support to the NCSD board prior to the January 25 meeting and the NCSD Board had several questions for NHA about their request, which NHA staff responded to on January 17 and February 5. The NCSD Board also brought up concerns raised by Clackamas Fire District #1 (CFD1), who had submitted a letter noting that while they were not opposed to NHA's request, there were concerns about the impact to their tax base if additional requests were approved for other properties in the future. Following the February 8 discussion, the NCSD Board adopted Resolution R17/18-66 (Attachment 1) approving NHA's property tax exemption at the same meeting.

February 20, 2018; February 5, 2019; March 3, 2020; and March 2, 2021: Council passed resolutions to grant NHA an exemption from property taxes under Oregon Revised Statute (ORS) 307.540-548 for WALSH Commons.

ANALYSIS

ORS 307.540-548 permits local jurisdictions to grant property tax exemptions to nonprofit low-income developments that serve residents with incomes at or below 60% MFI. NHA's exemption request was approved under the "local option" detailed in ORS 307.543(2), which provides an exemption from all local property taxes (including those imposed by school and special service

districts). Approval of the local option required that the NCSD board adopt a resolution approving the exemption, which occurred on February 8, 2018.

ORS 307.545 requires NHA to submit an annual renewal request to the city by March 1 of the assessment year for which the exemption is requested. NHA is not required to seek annual approval from NCSD to extend the exemption. NHA has completed the required application form (Attachment 2), staff has reviewed, determined it meets all requirements of ORS 307.545, and has prepared a resolution for approval of NHA's property tax exemption request (Attachment 3).

BUDGET IMPACTS

The estimated assessed value of NHA's 28-unit development is $1.4 million. Approval of a nonprofit low-income property tax exemption would see the city forego property tax revenue of approximately $6,600 in Fiscal Year (FY) 2023.

WORKLOAD IMPACTS

The community development department has adequate staffing to support this nonprofit low-income housing tax exemption renewal request.

COORDINATION, CONCURRENCE, OR DISSENT

City staff and Council worked with NCSD and NHA in 2018 to adopt an NCSD resolution approving NHA's request.

STAFF RECOMMENDATION

Staff recommend that Council adopt a resolution approving the nonprofit low-income housing property tax exemption renewal request for NHA.

ALTERNATIVES

Council can elect to deny the exemption request from NHA, which would result in approximately $28,000 in total property tax liability for NHA in FY 2023.

ATTACHMENTS

1. NCSD Board Resolution Approving Exemption
2. NHA's 2022 Renewal Form for Nonprofit Low-Income Housing Property Tax Exemption
3. Resolution approving NHA's Nonprofit Low-Income Housing Property Tax Exemption

NORTH CLACKAMAS SCHOOL DISTRICT NO. 12

RESOLUTION R17/18-66

A RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH CLACKAMAS SCHOOL DISTRICT NO. 12, CLACKAMAS COUNTY, OREGON AUTHORIZING AN EXEMPTION FROM PROPERTY TAXES UNDER OREGON REVISED STATUTES FOR NORTHWEST HOUSING ALTERNATIVE CAMPUS REDEVELOPMENT APARTMENTS, AN AFFORDABLE APARTMENT DEVELOPMENT, TO BE OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.

WHEREAS, affordable housing provides permanent stable housing options for low-income families; and

WHEREAS, affordable housing provides school age children experiencing homelessness with transitional housing, through eviction prevention and rapid re-housing services; and

WHEREAS, stable housing reduces student mobility, improves school effectiveness, addresses attendance challenges and inhibits malnutrition; and

WHEREAS, Northwest Housing Alternatives (NHA), a not-for-profit organization, plans to break ground for the NHA Campus Redevelopment Apartments, an affordable housing development located on S.E. Willard Street in Milwaukie, Oregon; and

WHEREAS, a property tax exemption is essential to the development of the NHA Campus Redevelopment as affordable housing; and

WHEREAS, NHA, will direct 100% of the tax savings to the tenants located at S.E. Willard Street in Milwaukie, Oregon; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the District wishes to exercise the options set forth in those sections; and

WHEREAS, NHA has requested a property tax exemption for its Campus Redevelopment Apartments, located in Milwaukie, Oregon pursuant to ORS 307.543(2);

NOW, THEREFORE, BE IT RESOLVED THAT, the applicant, NHA, and its affordable housing development, Campus Redevelopment, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548 and that this resolution remain in effect unless and until termination occurs pursuant to ORS 307.548.

DATED this 8th day of February 2018.

School Board Chair

District Superintendent / Clerk

COMMUNITY DEVELOPMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7600
FAX: 503-774-8236
E-MAIL:
fadenrechtc@milwaukieoregon.gov

Low Income Housing Property Tax Exemption Certification Form

Please complete all sections by February 13, 2022 by notarized, hard copy to the email contact listed above. Any applications received after this date will not be accepted or eligible for exemption.

Please choose one: ☐ Original Application ☒ Renewal Application

Section A: General Information	Page 2
Section B: Property Considered for Exemption	Page 3
Section C: Eligible Property Checklist	Page 4
Section D: Description of Project Benefit	Page 4
Section E: Declarations	Page 5

Section A: GENERAL INFORMATION

Applicant/Sponsor Name: **Northwest Housing Alternatives**		SSN/Tax ID: XXXXXXXX
Address: 2316 SE Willard Street	City/State: Milwaukie	Zip: OR
Project Contact: Grant Christensen	Phone:503.654-1007 ext.111	Fax: 503.654.1319
E-mail: christensen@nwhousing.org	Additional Contact (as needed):	
Property Owner (if other than Applicant/Sponsor)		
Entity Name:	Signatory Name & Title:	
Address:	City/State:	Zip:
Contact Person:	Phone:	Fax:
Email:	Additional Contact (as needed):	

Briefly describe your organization's charitable purpose:

Northwest Housing Alternatives, founded in 1982, is Oregon's leading and most successful nonprofit developer and owner of affordable housing. Prior to the redevelopment of our campus in 208-2019, we had operated our staff offices, transitional housing, and the Annie Ross House emergency shelter on this site for over 30 years. Now that redevelopment is complete, we have reopened Annie Ross House and the offices, and have opened Walsh Commons, which comprises 28 units of permanently affordable housing for low-and very-low income Oregonians.

To date, the site has always received a tax exemption. This application is specifically regarding the 28 units of permanent affordable housing at Walsh Commons.

Section B: PROPERTY CONSIDERED FOR EXEMPTION

Property Tax Account #	Taxlot Account #	Address	Record Owner	Total Units	Total Low Income Units	Total SF	Total SF (Res.Use)	Total SF (Low Income Res. Use)*
00027580	**11E36BC06000**	**2316 SE Willard St. Milwaukie, OR 97222**	**Northwest Housing Alternatives**	**28**	**28**	**48,084 (total housing footprint)**	**29,851 (interior SF)**	**29,851 (interior SF)**

*Areas that are occupied by or used for providing housing for low-income tenants are eligible for exemption. This includes hallways, bathrooms, laundry rooms, on-site manager units, community rooms, etc.

Section C: ELIGIBLE PROPERTY CHECKLIST

1.	Do you own the property in question?	☒ YES	☐ NO
2.	If you do not own the property, do you have a leasehold interest in the property? • If yes, describe your interest and include a statement describing how you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants rather than the owner or corporation from whom you lease:	☐ YES	☐ NO
3.	If you lease the property identified in the application, please explain to what extent your lease agreement coincides with the timeframe of the qualifying tax year:	☐ YES	☐ NO
4.	If your organization is not the property owner, but has an ownership interest in the property, describe your interest in the property. NOTE: Your nonprofit organization must be responsible for day-to-day operations to be eligible for exemption in this program:	☐ YES	☐ NO
5.	Are you applying for an exemption for vacant land being held for the development of low-income housing for residents with incomes of less than 60% MFI? • If yes, provide the below information for each piece of land being held: i. When did you originally purchase the land? The holding period may not exceed six years: ii. Describe in detail your plans for this property including the income levels served by the development, number of units and unit types, available amenities, and your estimated time frame for completion of this plan:	☐ YES	☒ NO
6.	Is all or a portion of the property being used for charitable purpose? • If a portion, approximately what percentage of the property?	☒ ALL	☐ PORTION
7.	Will any property on the list be purchased prior to July 1, 2021? • If yes, please list:	☐ YES	☒ NO

Internal Revenue Service
District Director
P O BOX 486
LOS ANGELES, CA 900530486

Department of the Treasury

AUG 24 1988

Date:

Employer Identification Number:
XXXXXXXX
Case Number:
958131104
Contact Person:
TERRY IZUMI
Contact Telephone Number:
(213) 894-4170

NORTHWEST HOUSING ALTERNATIVES INC
2316 SOUTH EAST WILLARD STREET
MILWAUKIE, OR 97222

Our Letter Dated:
Dec.17, 1985
Caveat Applies:
no

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi). Your exempt status under section 501(c)(3) of the code is still in effect.

Grantors and contributors may rely on this determination until the Internal Revenue Service publishes a notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If the heading of this letter indicates that a caveat applies, the caveat below or on the enclosure is an integral part of this letter.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

Frederick C. Nielsen
District Director

Letter 1050(CG)

Section D: DESCRIPTION OF PROJECT BENEFIT

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1.	Reduce rents that your very low income residential tenants pay on the property? If yes, by approximately how much? **$127/unit/month**	[X] YES	[ ] NO
2.	Provide greater services to your very low income residential tenants? If yes, please explain: **NHA provides a robust resident services program to assist our WALSH Commons tenants in finding assistance and creating a sense of community**	[X] YES	[ ] NO
3.	Provide any other benefit to your very low income residential tenants? If yes, please explain:	[ ] YES	[X] NO

Section E: DELCARATIONS

Please read carefully and sign before a notary.

1. I declare that my organization has been granted an exemption from income taxes under 26 U.S.C. Section 501(c)(3) or (4) as amended before December 1, 1984, and submit proof of that status with this application.
2. I have attached documentation as proof of the owner relationship to the name of the applicant.
3. I am aware that the income-qualifying tenants must meet the income guidelines in accordance with 42 U.S.S. Section 1437 (a) (b)(2) as amended.
4. I am aware of all requirements for tax exemption imposed by ORS 307.540-407.548 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987), and implemented by the City of Milwaukie
5. The above described property or properties qualify or will qualify upon completion of any improvement or construction and subsequent occupancy for property tax exemption within 30 days of the March 1 application or the date of approval.
6. All the information in this application is true to the best of my belief and knowledge and is for all purposes of determining eligibility for the tax exemption program authorized by the City of Milwaukie.

Northwest Housing Alternatives

For: Organization's Name

Trell Anderson

By: Organization's Chief Executive Officer (signature)

Trell Anderson

Organization's Chief Executive Officer (print)

SUBSCRIBED AND SWORN before me this 7th day of February, 2022

Deborah Ellen Scott

Notary Public for Oregon (signature)

Deborah Ellen Scott

Notary Public for Oregon (print or type name)

OFFICIAL STAMP
DEBORAH ELLEN SCOTT
NOTARY PUBLIC-OREGON
COMMISSION NO. 983928
MY COMMISSION EXPIRES FEBRUARY 18, 2023

My Commission Expires: February 18, 2023

CITY OF MILWAUKIE
COUNCIL **RESOLUTION No.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, GRANTING AN EXEMPTION FROM PROPERTY TAXES FOR A 28-UNIT LOW-INCOME HOUSING DEVELOPMENT OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.

WHEREAS in response to rapidly rising residential rents and a lack of affordable housing options for low-income families, the City Council declared a housing emergency on April 19, 2016, and continues to explore opportunities to provide affordable housing across a range of different incomes; and

WHEREAS Oregon Revised Statute (ORS) 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by nonprofit corporations and occupied by low-income persons, and the city wishes to adopt the policy set forth in those sections; and

WHEREAS Northwest Housing Alternatives (NHA), a nonprofit organization, has constructed a 28-unit development, known as WALSH Commons for households with incomes at or below 60% of the area median income for 60 years at 2316 SE Willard Street as part of its campus redevelopment; and

WHEREAS the city and North Clackamas School District (NCSD) property tax levies jointly comprise more than 51 % of the total combined rate of taxation for NHA's WALSH Commons development; and

WHEREAS on February 8, 2018, the NCSD Board of Directors adopted Resolution R17/18-66 and the city adopted Resolution 12-2018, approving a property tax exemption for NHA's development, with an annual renewal until it is terminated; and

WHEREAS NHA has submitted an annual renewal certification request for property tax exemption that has been determined by the city to meet the requirements of ORS 307.545.

Now, Therefore, be it Resolved as follows:

Section 1: The City of Milwaukie adopts the provisions of ORS 307.540 to 307.548.

Section 2: NHA qualifies for a property tax exemption for WALSH Commons, its 28-unit development at 2316 SE Willard St.

Section 3: The finance director is directed to request the Clackamas County Assessor to exempt the development from taxation by all taxing jurisdictions, commencing on the first day of the tax assessment year beginning July 1, 2022.

Section 4: This resolution is to remain in effect unless and until termination occurs.

Section 5: This resolution is effective upon adoption.

Introduced and adopted by the City Council on _____.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

CITY OF MILWAUKIE

RS 6. D. 3/1/22

OCR USE ONLY

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 16, 2022

Reviewed: Jennifer Lee (as to form), Administrative Specialist

From: Peter Passarelli, Public Works Director

Subject: **REGIONAL INFLOW AND INFILTRATION REDUCTION AGREEMENT**

ACTION REQUESTED

Council is asked to authorize the city manager to sign the regional infiltration and inflow (I&I) reduction agreement.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

July 2012: The city and Clackamas County Service District #1 (CCSD#1) signed an intergovernmental agreement (IGA) for the provision of wastewater treatment services and the establishment of a good neighbor committee.

February 15, 2022: Staff and Clackamas County Water Environment Services (WES) provided a brief presentation to Council on the proposed regional I&I reduction agreement.

ANALYSIS

WES, an intergovernmental partnership (an Oregon Revised Statute (ORS) 190 entity) formed by the consolidation of CCSD#1 and Tri-City Service District (TCSD), provides wholesale wastewater treatment services to the city.

WES has identified the reduction of I&I as a priority within the collection systems that convey wastewater to the Kellogg and Tri-Cities wastewater treatment facilities. I&I is water from rain or naturally occurring groundwater that can seep into cracked or broken sewer pipes, adding to the flow of water into our wastewater treatment facilities. In many cases, excessive I&I can be a significant cause of sanitary sewer overflows and basement backups.

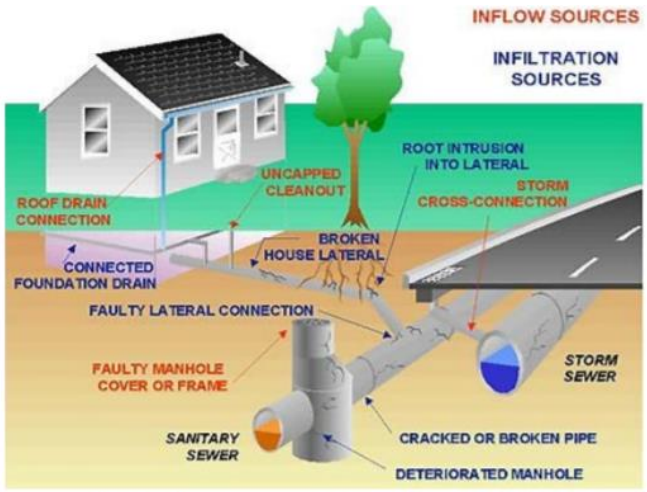
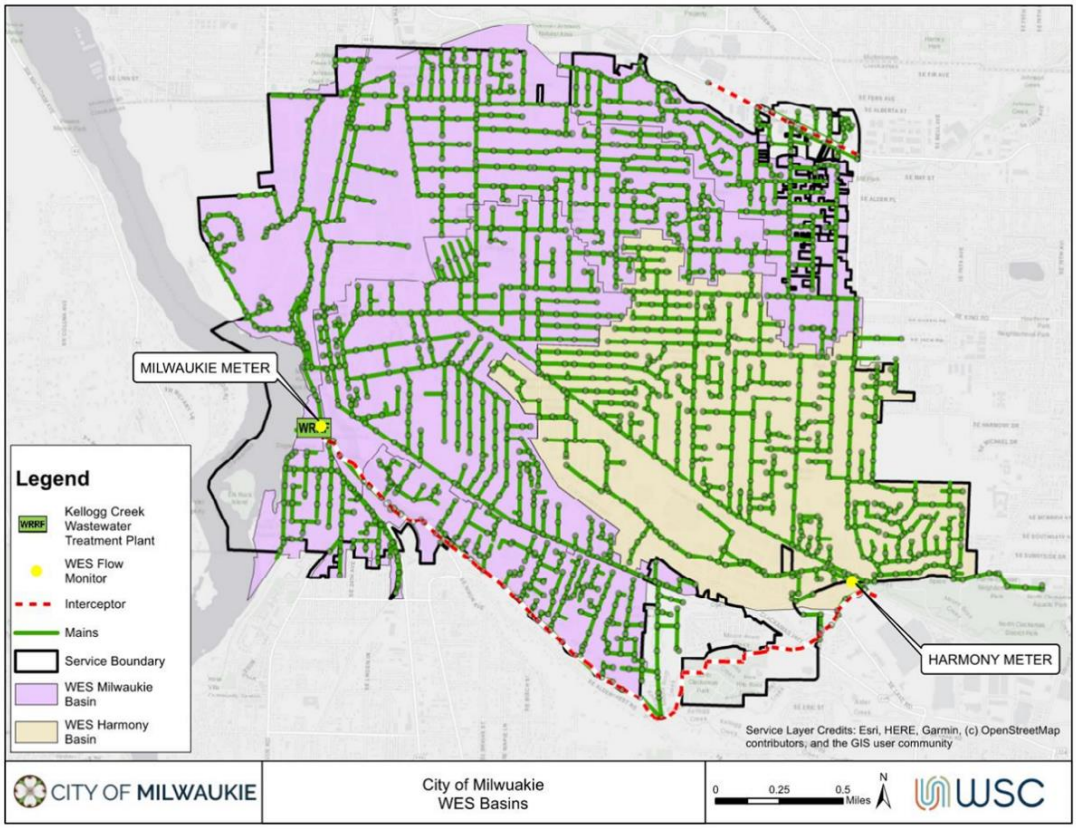


Figure 1: Typical sources of I/I in sanitary sewer systems. (Adapted from WE&RF, 2003)

WES has launched an I&I reduction program stemming from the findings presented in their 2019 Sanitary Sewer System Master Plan. WES performed a cost-benefit analysis to determine the optimal balance of I&I reduction versus treatment and conveyance infrastructure expansion to handle future flows. The study concluded that a 65% reduction in I&I would result in the lowest life cycle cost for its ratepayers and member agencies. As a result, WES is working with partner jurisdictions to cooperate in reducing I&I.

The city's wastewater collection system consists of two WES basins – the Milwaukie Basin and the Harmony Basin (see figure below). Target levels of I&I have been established for both basins, with the Milwaukie Basin identified as one of 19 high-priority basins across the WES system. To achieve the most cost-effective plan, high priority basins must achieve target reductions of I&I by 2040.



WES has developed a proposed grant program to assist its partner agencies in achieving the target I&I reductions. As proposed, the agreement would cover 33% of costs on all I&I projects undertaken by the partner agencies within the priority basins. WES would agree to reimburse thirty-three percent (33%) of the actual costs incurred by the city in the completion of work arising out of an approved qualified proposal from revenues received through the collective wholesale sewer rate. This is an expansion in funding from our current IGA with WES, in which WES agreed to contribute ten percent (10%) of the city's costs for all wastewater collection system projects designed to reduce I&I within the city.

This funding could cover expenses relating to flow monitoring studies, consultant services to analyze flow monitoring results, I&I source identification, rehabilitation design and construction, and post flow monitoring services.

WES's goal is to have one single agreement that is executed by WES and all its city partners to provide transparent and guaranteed support for undertaking I&I reduction efforts.

The city intends to submit the Waverly Clay Pipe Replacement project scheduled for fiscal year (FY) 2024 for consideration. This project's total cost is currently estimated at $2.8 million, and this agreement could reimburse 33% of the I&I related elements

BUDGET IMPACT
Funding through this agreement would allow the city to further expand its I&I reduction efforts.

WORKLOAD IMPACT
This agreement will not impact staff workload.

CLIMATE IMPACT
This agreement supports city climate efforts by providing another mechanism for the city to construct projects that minimizes both the city's and WES's carbon and energy footprints within the city's wastewater collection system and at WES's treatment facilities.

COORDINATION, CONCURRENCE, OR DISSENT
Milwaukie is joined by the cities of Gladstone, Happy Valley, Johnson City, Oregon City, and West Linn in support of this agreement.

STAFF RECOMMENDATION
Staff recommends that Council authorize the city manager to sign the regional I&I reduction agreement.

ALTERNATIVES
Council could decline to sign the agreement resulting in the city not participating in the WES I&I grant funding program.

ATTACHMENTS
1. Agreement
2. Resolution

INTERGOVERNMENTAL AGREEMENT BETWEEN WATER ENVIRONMENT SERVICES AND PARTNER CITIES FOR REGIONAL INFLOW AND INFILTRATION REDUCTION

THIS REGIONAL INFLOW AND INFILTRATION REDUCTION AGREEMENT (this "**Agreement**") is entered into between Water Environment Services ("**District**"), an intergovernmental entity formed pursuant to ORS Chapter 190, and those Cities (defined below) that execute this Agreement (collectively, the "**Partners**" or individually "**Partner**"). The District and the Partners are collectively referred to as the "**Parties**" and each a "**Party**."

RECITALS

Oregon Revised Statutes Chapter 190.010 confers authority upon local governments to enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform.

The District provides sanitary sewer treatment to over 190,000 people in Clackamas County. This service area includes the City of Gladstone, the City of Happy Valley, the City of Johnson City, the City of Milwaukie, the City of Oregon City, and the City of West Linn, all Oregon municipal corporations (collectively the "Cities" and each a "City"). There are thousands of miles of underground pipes that convey sewage from homes and businesses in Partner jurisdictions to the District's regional wastewater treatment facilities. Some of those pipes allow clean groundwater to enter the system during the winter, through a process called "infiltration." In other cases, there are accidental or illicit connections such as downspouts or street drains that allow rain water to enter the sanitary sewer system, through a process called "inflow." Together, this additional water is called infiltration and inflow, or by its' industry shorthand "**I/I**."

Analysis shows that the amount of I/I entering into District's system is higher than industry norms. This surge of water during wet weather events is approaching the maximum peak flow capacities of the District's Tri-City and Kellogg Creek water resource reclamation facilities and that of portions of the regional collection system. Excessive I/I can result in higher-than-needed costs to the District's and Partner's ratepayers, given that under the Clean Water Act, a treatment provider must convey and treat every drop of water that arrives at a treatment facility as wastewater. This additional treatment capacity and effort for cleaning what is essentially rainwater or groundwater is inefficient and expensive. It can also require upsizing of buried infrastructure at significant cost.

To most effectively reduce excessive I/I, a regional I/I program is needed to manage peak flows in the wastewater collection and treatment systems in the most cost-effective manner. The program is the implementation of the recommended capital improvement program outlined in the Sanitary Sewer Master Plan for Water Environment Services ("**SSMP**") (Jacobs, 2019). The SSMP identified reduction targets throughout the regional system, not just that portion of the collection system directly managed by the District. All Partner systems were included in the review, except for the City of Johnson City's collection system; however, leadership for the city has been engaged on this topic.

The SSMP identified 19 sub-basins as priority investment areas ("**Target Areas**"), further described in Exhibit A ("**Technical Memos**"), due to the high rate of I/I present, the

cost of conveying the peak flow downstream, and ultimately the cost of treating it. These Target Areas are located throughout the regional wastewater network, in both District-owned and Partner-owned collection systems.

The SSMP found the most cost-effective alternative for all parties was a sixty-five percent (65%) I/I reduction in the Target Areas by 2040. Removal of 65% in Target Areas over the time period study of 2020-2040 is considered ambitious within the industry and will take a significant amount of investment to reach. However, this yields to lowest cost for ratepayers, resulting in a net savings for the regional system of approximately $120 million in avoided capital and operational expenditures during the next 20 years, with the cost savings growing larger in the outer years. In order to achieve the lowest cost solution for District ratepayers, a collective effort from all Partners is required to implement this regional I/I reduction.

In 2019, this recommendation was presented to the Technical Advisory Team ("**TAT**"), made up of District engineers, Partner public works directors, and Partner engineers, which broadly agreed that a focus on 65% level of I/I removal in Target Areas, balanced with other necessary improvements in the collection and plant treatment systems, is the most cost-effective regional solution to managing peak flows. The Water Environment Services Advisory Committee ("**District Advisory Committee**") agreed that these targets should be the baseline for the regional discussion in 2019.

In an effort to implement the program recommended in the SSMP and by the advisory committee, the District and the Partners desire to establish a pilot program to determine the long-term feasibility of the District providing funding to Partners in support of projects that will help achieve the collective goal of reducing I/I by 65% in the Target Areas ("**Regional I/I Reimbursement Program**" or the "**Program**"). Beyond just this Program, it is the District's desire that this be the first step towards establishing a more collaborative relationship with the Partners moving forward to address I/I and other regional issues using common studies, common approaches and common solutions.

In consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

TERMS

1. **Term.** The Agreement shall be effective between the District and any individual Partner upon execution by the District and Partner ("**Effective Date**"). After District execution, a City may sign on to the Agreement at a later date by executing the signature page below. A lack of execution by one City shall not impact the validity of the Agreement as to any other Partner. The Agreement shall expire on June 30, 2026. It is the intent of the Parties to evaluate the effectiveness of the Program and, if significant progress is being made towards the goal of 65% I/I reduction in Target Areas, continue this approach. The term of this Agreement may be extended by the Parties in five (5) year increments upon a writing signed by all Parties.

2. **Cost Sharing.** The District agrees to reimburse thirty-three percent (33%) of the actual costs incurred by a Partner in the completion of work arising out of a Qualified Proposal that has received an Approval Letter (both defined below) ("**Reimbursement Contribution**") from revenues received through the collective wholesale sewer rate. The amount the District is contributing reflects the mutual savings to ratepayers with

respect to wholesale sewer expenditures through regional collective action. Note that these contributions are intended to supplement, not replace, collection system service charges already being charged by District or Partners.

3. **Program Proposal Process.**

   A. Qualified Proposals. Partners will identify qualified proposal projects to submit for review. A "**Qualified Proposal**" means a project proposal that meets the base threshold of being designed for I/I reduction purposes and occurring within the Target Areas. A Qualified Proposal should include a project description, project area/boundary, flow-metering data if available (I/I rates), rehabilitation method (if applicable), project statistics (i.e. number of manholes, linear feet of pipe or number of laterals to be rehabilitated), construction schedule, and anticipated I/I flow reduction. Potential eligible projects may include, but are not limited to, flow-metering studies, consulting services to analyze flow-metering results, I/I source identification, rehabilitation design or construction, post-construction flow monitoring, etc.

   B. Approval of Qualified Proposals. Each Partner will bring forward their proposed projects for approval by the TAT. The TAT will review the proposal and determine if it satisfies the elements of a Qualified Proposal identified in Section A above. If the TAT members approve, by majority vote of those present, a proposal as being an eligible Qualified Proposal, the Partner will be provided with a letter of approval in a form substantially similar to Exhibit B ("**Approval Letter**").

   C. Annual Notification of Proposals. Each Partner agrees to submit an annual list summarizing the potential Qualified Proposals planned for the following year, including their estimated cost, to the District no later than February 1st of each year, in order to provide the District with sufficient time to budget appropriately for the upcoming fiscal year. Failure to provide the notice will not automatically prevent funding of a Qualified Proposal, but such funding may be delayed by a fiscal year. Notwithstanding the above, upon execution of the Agreement by a Partner, the Partner may immediately submit Qualified Proposals for the current fiscal year.

   D. Annual Reports. Each Partner receiving funding pursuant to this Agreement will provide an annual report out to the District Advisory Committee, indicating the projects completed with the funding provided and their anticipated or actual reduction of I/I in the impacted Target Area. The Partners may elect to provide the report at the end of each fiscal year or calendar year.

   E. TAT Membership. The Parties acknowledge that thus far the TAT has been an informal advisory group of technical experts meeting to share knowledge and collaborate on infrastructure strategy, and that a more formalized procedure will be needed to allow the TAT to effectuate the purposes of this Agreement. Therefore, bylaws will be drafted creating, amongst other provisions, a voting procedure with each of the District and Partners having a single vote for the purposes of approving a Qualified Proposal.

4. **Reimbursement.** In order to receive the Reimbursement Contribution, the Partners agree to submit a single invoice after the completion of the work performed related to their Qualified Proposal, with a copy of their Approval Letter from the TAT included.

Invoices shall describe the work performed with particularity, by whom it was performed, and shall itemize and explain the expenses for which reimbursement is claimed, noting the elements of the project correlated with I/I reduction. Reimbursement Contribution payments shall be made by the District to the Partner within forty-five (45) days of receipt of an invoice that complies with the requirements of this section. The District is not obligated to pay any amount in excess of the Reimbursement Contribution amount identified above.

5. **Representations and Warranties**.
   A. Party Representations and Warranties. Each Party represents and warrants to the other Parties that it has the power and authority to enter into and perform this Agreement, and this Agreement, when executed and delivered, shall be a valid and binding obligation of the Party enforceable in accordance with its terms.

6. **Withdrawal; Termination**.
   A. Any Partner may withdraw from this Agreement at any point and for any reason upon thirty (30) days' written notice to the District. If one Party withdraws from this Agreement, such withdrawal shall not affect the Agreement with the remaining Partners.
   B. The District may terminate the Agreement with any individual Partner at any point and for any reason upon thirty (30) days' written notice. Any termination of the Agreement with an individual Partner shall not affect the Agreement as to the remaining Partners.
   C. Either the District or the Partners may terminate this Agreement in the event of a material breach of the Agreement by the other. Prior to such termination however, the Party seeking the termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If the breaching Party has not entirely cured the breach within fifteen (15) days of deemed or actual receipt of the notice, then the Party giving notice may terminate the Agreement at any time thereafter by giving written notice of termination stating the effective date of the termination. If the default is of such a nature that it cannot be completely remedied within such fifteen (15) day period, this provision shall be complied with if the breaching Party begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable. The Party giving notice shall not be required to give more than one (1) notice for a similar default in any twelve (12) month period.
   D. The District or the Partners shall not be deemed to have waived any breach of this Agreement by any other Party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.
   E. The District may terminate this entire Agreement with all Parties upon fifteen (15) days' written notice in the event the District fails to receive expenditure authority sufficient to allow the District, in the exercise of its reasonable administrative discretion, to continue to perform under this Agreement, or if federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the

work under this Agreement is prohibited or the District is prohibited from paying for such work from the planned funding source. The District agrees to provide a Reimbursement Contribution for all Qualified Proposals that receive an Approval Letter prior to the date of termination identified in the notice provided pursuant to this subsection.

F. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

7. **Indemnification**.

A. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the District agrees to indemnify, save harmless and defend the Partners, and their officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts or omissions of the District or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the District has a right to control.

Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, each Partner agrees to indemnify, save harmless and defend the District, Clackamas County and any other Partner, as well as each of their officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts or omissions of the Partner or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the Partner has a right to control.

8. **Dispute Resolution**. In the event of a dispute arising out of this Agreement, the Parties involved in the dispute agree to meet with one another in a good faith attempt to resolve the dispute prior to taking any other action against another Party. In these discussions, city managers will represent the affected Partners and the District will be represented by its Director. If a dispute cannot be resolved through these discussions, then the Parties may seek relief from any available method.

9. **Insurance.** The Parties agree to maintain levels of insurance, or self-insurance, sufficient to satisfy their obligations under this Agreement and all requirements under applicable law.

10. **Notices; Contacts.** Legal notice provided under this Agreement shall be delivered personally, by email or by certified mail to the business address for the party thereof as published. Any communication or notice so addressed and mailed shall be deemed to be given upon receipt. Any communication or notice sent by electronic mail to an address indicated herein is deemed to be received 2 hours after the time sent (as recorded on the device from which the sender sent the email), unless the sender receives an automated message or other indication that the email has not been delivered. Any communication or notice by personal delivery shall be deemed to be

given when actually delivered. Each Party shall provide a separate written designation for notices relating to this Agreement, and any Party may change such Party's contact information, or the invoice or payment addresses by giving prior written notice thereof to the other Party at its then current notice address.

11. **General Provisions.**

A. **Oregon Law and Forum.** This Agreement, and all rights, obligations, and disputes arising out of it will be governed by and construed in accordance with the laws of the State of Oregon without giving effect to the conflict of law provisions thereof. Any claim between District and Partners that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Clackamas County for the State of Oregon; provided, however, if a claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this section be construed as a waiver by any Party of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the Eleventh Amendment to the Constitution of the United States or otherwise, from any claim or from the jurisdiction of any court. Each Party, by execution of this Agreement, hereby consents to the in personam jurisdiction of the courts referenced in this section.

B. **Compliance with Applicable Law**. All Parties shall comply with all applicable local, state and federal ordinances, statutes, laws and regulations. All provisions of law required to be a part of this Agreement, whether listed or otherwise, are hereby integrated and adopted herein. Failure to comply with such obligations is a material breach of this Agreement.

C. **Non-Exclusive Rights and Remedies**. Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive, and shall be in addition to and cumulative with any and all rights and remedies otherwise available at law or in equity. The exercise by any Party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach, or for any other default or breach, by any other Party.

D. **Access to Records**. Each Party shall retain, maintain, and keep accessible all records relevant to this Agreement ("**Records**") for a minimum of six (6) years, following Agreement termination or any longer period as may be required by applicable law, or until the conclusion of an audit, controversy or litigation arising out of or related to this Agreement, whichever is later. Each Party shall maintain all financial records in accordance with generally accepted accounting principles. All other Records shall be maintained to the extent necessary to clearly reflect actions taken. During this record retention period, the Party's shall permit the District's or

another Party's authorized representatives' access to the Records at reasonable times and places for purposes of examining and copying.

E. **Work Product**. Reserved.

F. **Hazard Communication**. Reserved.

G. **Debt Limitation.** This Agreement is expressly subject to the limitations of the Oregon Constitution and Oregon Tort Claims Act, and is contingent upon appropriation of funds. Any provisions herein that conflict with the above referenced laws are deemed inoperative to that extent.

H. **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the Parties.

I. **Integration, Amendment and Waiver.** Except as otherwise set forth herein, this Agreement constitutes the entire agreement between the Parties on the matter of the Project. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind any Party unless in writing and signed by all Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of any Party to enforce any provision of this Agreement shall not constitute a waiver by such Party of that or any other provision.

J. **Interpretation**. The titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

K. **Independent Contractor**. Each of the Parties hereto shall be deemed an independent contractor for purposes of this Agreement. No representative, agent, employee or contractor of one Party shall be deemed to be a representative, agent, employee or contractor of the other Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each Party hereby specifically disclaims any such relationship.

L. **No Third-Party Beneficiary.** The Partners and the District are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as

intended beneficiaries of the terms of this Agreement. No contractors or agents of the Partners performing work on Qualifying Projects are considered intended beneficiaries for the purposes of this Agreement.

M. **Assignment**. No Partner shall assign or transfer any of its interest in this Agreement by bankruptcy, operation of law or otherwise, without obtaining prior written approval from the District, which shall be granted or denied in the District's sole discretion.

N. **Counterparts**. This Agreement may be executed in several counterparts (electronic or otherwise), each of which shall be an original, all of which shall constitute the same instrument.

O. **Survival.** All provisions in Sections 5, 7, 8 and 10 (A), (C), (D), (G), (H), (I), (J), (L), (Q), and (T) shall survive the termination of this Agreement, together with all other rights and obligations herein which by their context are intended to survive.

P. **Necessary Acts.** Each Party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement.

Q. **Time is of the Essence**. With the ambitious goal of reducing I/I by 65% in Target Areas, the Parties are encouraged to act expeditiously in submitting and completing Qualified Proposal work.

R. **Successors in Interest.** The provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective authorized successors and assigns.

S. **Force Majeure.** Neither the Partners nor District shall be held responsible for delay or default caused by events outside of the Partners' or District's reasonable control including, but not limited to, fire, terrorism, epidemic, riot, acts of God, or war.

T. **No Attorney Fees.** In the event any arbitration, action or proceeding, including any bankruptcy proceeding, is instituted to enforce any term of this Agreement, each party shall be responsible for its own attorneys' fees and expenses.

Signature Page Follows

IN WITNESS HEREOF, the Parties have executed this Agreement by the date set forth opposite their names below.

Water Environment Services

_____
Chair

_____
Date

City of Gladstone

_____
Authorized Signatory

_____
Title

_____
Date

City of Happy Valley

_____
Authorized Signatory

_____
Title

_____
Date

City of Johnson City

_____
Authorized Signatory

_____
Title

_____
Date

City of Milwaukie

_____
Authorized Signatory

_____
Title

_____
Date

City of Oregon City

_____
Authorized Signatory

_____
Title

_____
Date

City of West Linn

_____
Authorized Signatory

_____
Title

_____
Date

Exhibit A

Technical Memos

Exhibit B

Form Letter

[Insert Date]

[Insert Name]
[Insert Address]

RE: Regional I/I Reimbursement Program – [Insert Qualified Proposal Title or Description]

Dear _____,

Thank you for the submittal and presentation of your Qualified Proposal to the Technical Advisory Team ("TAT").

This letter serves as notification that the TAT has approved your project for reimbursement as a part of the Regional I/I Reimbursement Program, in accordance with the terms of the IGA for Regional Inflow and Infiltration Coordination ("IGA"). The total amount of fund reimbursed will be determined in accordance with Section 2 of the IGA.

Please retain a copy of this letter in your records, as you will be required to provide it along with documentation of your expenses when you seek reimbursement from Water Environment Services once your project is complete.

On behalf of WES and all the cities participating in this I/I reduction effort, we appreciate your commitment to addressing this regional issue. Thank you!

Sincerely,

Chair,
Technical Advisory Team

CITY OF MILWAUKIE

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY WATER ENVIRONMENT SERVICES FOR THE REGIONAL INFLOW AND INFILTRATION REDUCTION GRANT PROGRAM.

WHEREAS the city maintains a sanitary sewer collection system; and

WHEREAS Clackamas County Water Environment Services (WES) provides wastewater treatment services to the city; and

WHEREAS WES has identified inflow and infiltration (I&I) reduction as an immediate priority; and

WHEREAS WES wishes to establish a cost sharing program related to I&I reduction projects and agrees to reimburse 33% of actual costs incurred by the city in the completion of work arising out of qualified proposals; and

WHEREAS this results in significant cost savings to the city for completion of capital projects related to I&I reduction.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon**,** that the city manager or their designee is authorized to sign the intergovernmental agreement with WES for regional I&I reduction.

Introduced and adopted by the City Council on **March 1, 2022**.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

CITY OF MILWAUKIE

RS 6. E. 3/1/22

OCR USE ONLY

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 17, 2022

Reviewed: Bonnie Dennis, Administrative Services Director, and
Kelli Tucker, Accounting & Contracts Specialist

From: Brandon Gill, Information Technology (IT) Manager

Subject: **Contract Authorization for Permitting, Licensing, Land Use, and Code Enforcement**

ACTION REQUESTED

Council is asked to authorize the city manager to execute a contract with GovBuilt to provide a software as a service (SaaS) solution for permitting, licensing, land use, and code enforcement.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

January 2012: The city went live with the state's permitting system, Accela. The city was a beta tester for the program. As such, the program interface was customized for Milwaukie to follow the city workflow.

January 2015: The state sent correspondence to the city that the customized program interface from Accela could not be supported, and that staff would be migrated to the standard version. This change created a large and sustained inconvenience for staff, residents, and the business community. The workarounds caused additional workload that was not anticipated.

May 2019: Online Solutions LLC's CitizenServe product was selected as the business registration software solution. Due to the need at the time, staff followed an intermediate procurement process that limited the contract to $150,000. The current contract for CitizenServe is $13,000 per year; the finance department agreed to review other software programs to meet the need of consolidating systems for city-wide efficiencies.

November 2021: Based on the number of programs in need of a permitting system, city staff issued a formal solicitation with the intent to consolidate all permitting, licensing, and code enforcement tracking.

December 2021: City staff issued a request for proposal (RFP).

January 2022: City staff entered formal negotiations with CitizenServe

February 2022: City staff terminated formal negotiations due to multiple concerns that staff and CitizenServe were unable to agree.

ANALYSIS

In compliance with the city's Public Contracting Rule (PCR) 70.020(A), staff issued a formal, competitive solicitation for a software solution for permitting, licensing, land use, and code enforcement. An internal committee consisting of department staff members from building, engineering, finance, planning, police, and public works developed the solicitation, evaluated,

received demonstrations, and made the recommendation of a firm that would meet the overall needs of the city.

The city received seven proposals, all of which were evaluated on service understanding, firm qualifications, understanding and project management approach, category-specific technical personnel, and pricing.

Of the seven proposals received, the city selection panel narrowed proposals to the top three firms to view and score a demo of their product in accordance with the RFP. The panels evaluated and scored each proposal and selected CitizenServe. Due to cost variances, inability to meet contractual terms, and terms in the RFP, staff terminated negotiations with CitizenServe and contacted the next highest proposer, GovBuilt. The difference in scoring between the two vendors is one point.

The proposed contract will be for an initial five-year term with an option to renew for three additional five-year terms. The first-year implementation cost includes a not to exceed amount of $150,000. Each year thereafter is estimated at $32,000 per year but could fluctuate based on the per user count change. Funding for the system will include 85%-90% of the costs from the city's building fund using the collected technology fee ($129,000) that started in 2019. The city's stormwater fund will capture costs related to the anticipated adoption of a tree code, which is approximately 3%-5%, and the remainder of the costs (5%) will come from general fund departments, including code enforcement, public works, planning, and the city manager's office. Ongoing maintenance costs will be allocated by user in the fund/department and function. Current savings in the general fund will cover the costs of the additional expense in each department.

The current work schedule includes development of the tree permit process, which will begin in March 2022. Once the tree code is implemented the building department will be the next priority and other departments will follow. It is expected that all systems will be operating by winter 2023.

BUDGET IMPACT

Implementation costs in the first year includes a not to exceed amount of $150,000. The building fund will pay approximately 85%-90% of the costs and the remainder will be allocated to the other departments based on function, fund, and department. Annual fees will be charged to each department based on user count, which is currently estimated at $32,000 per year. A supplemental budget will be initiated in February to move funds to cover the implementation costs in the associated departments.

WORKLOAD IMPACT

Normal schedules within each department will be impacted by the implementation phase, which will require approximately 10-20 hours per week. Additional workload may be required for staff to develop new processes to match the system including creating new merchant service accounts and connecting general ledger coding and testing.

CLIMATE IMPACT

The contract and resulting software will allow a streamlined permitting process for tree permits. This work supports the climate goals and urban forest goals of the city by reducing barriers to compliance for tree preservation and removal permits.

COORDINATION, CONCURRENCE, OR DISSENT

The building official, planning manager, code compliance coordinator, climate and natural resources manager, assistant finance director, and IT manager concur with this recommendation. The city manager and department heads have agreed to the additional expenditures from the department budgets.

STAFF RECOMMENDATION

Staff recommends that Council authorize the city manager to sign a contract with GovBuilt for an initial five-year term for their software solution, including options to renew.

ALTERNATIVES

Council could decide to reject the proposed contract award and direct staff to issue another formal solicitation or remain as-is.

ATTACHMENTS

1. Resolution

CITY OF MILWAUKIE

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING EXECUTION OF A CONTRACT WITH GOVBUILT FOR SOFTWARE AS A SERVICE TO SUPPORT PERMITTING, LICENSING, LAND USE, AND CODE ENFORCEMENT.

WHEREAS the city requires software for daily building permits, licensing, land use, and code enforcement to meet residential and customer needs; and

WHEREAS the city has historically used the State of Oregon's shared system, Accela, for building and engineering permits; however, with state system changes over the years staff have not been successful with its continued use; and

WHEREAS staff identified the need for a consolidated permitting system for multiple city programs, including building permits, tree code, land use, and code enforcement; and

WHEREAS the city issued a formal competitive solicitation under Public Contracting Rule 70.020(A) for a permitting, license, land use, and code enforcement software solution and selected GovBuilt as the most qualified firm in the requested categories to provide services to the city.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager or their designee, is authorized to execute a software as a service contract, including renewals and any subsequent documents, with GovBuilt for their software solution.

Introduced and adopted by the City Council on **March 1, 2022.**

This resolution is effective immediately.

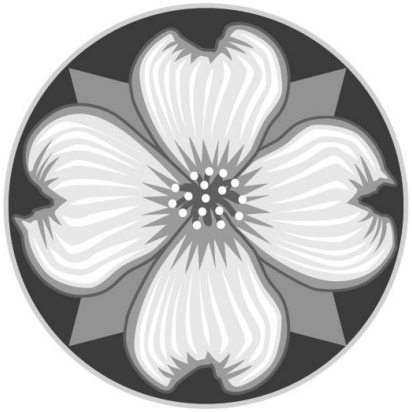
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



RS Agenda Item 7

Business Items

CITY OF MILWAUKIE

RS 7. A. 3/1/22

OCR USE ONLY

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 14, 2022

Reviewed: Joseph Briglio, Community Development Director, and
Laura Weigel, Planning Manager

From: Brett Kelver, Senior Planner

Subject: **Annexation of Property at 5905 SE Hazel Pl**

ACTION REQUESTED

Council is asked to approve application A-2021-006, an annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation into the city of 5905 SE Hazel Pl (Tax Lot 1S2E30DA05100), the "annexation property."
- Application of a low density residential (LD) Comprehensive Plan land use designation and a residential (R-10) zoning designation to the annexation property.
- Amendments to the city's Comprehensive Plan land use map and zoning map to reflect the city's new boundary and the annexation property's new land use and zoning designations.
- Withdrawal of the annexation property from the following urban service districts:
    - Clackamas County Service District for Enhanced Law Enforcement

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

July 1990: Clackamas County Order No 90-726 established an urban growth management agreement (UGMA) in which the city and county agreed to coordinate the future delivery of services to the unincorporated areas of north Clackamas County. With respect to Dual Interest Area "A," the agreement states: "The city shall assume a lead role in providing urbanizing services."

January 2010: Council annexed the rights-of-way (ROW) in the Northeast Sewer Extension (NESE) project area making all properties in this area contiguous to the city limits and eligible for annexation (Ordinance #2010).

June 2010: Council approved the first annexation of property in the NESE project area (Ordinance #2016, land use file #A-10-01). Since then, Council has approved the annexation of approximately 166 additional properties in the NESE area. To date, there are approximately 93 properties within the NESE project area that have not yet annexed.

November 2021: The property owner at 5905 SE Hazel Pl approached the city's community development department to initiate the expedited annexation process and make an emergency connection to the city sewer system. The owner signed a consent to annex form and paid the necessary fees and charges.

ANALYSIS

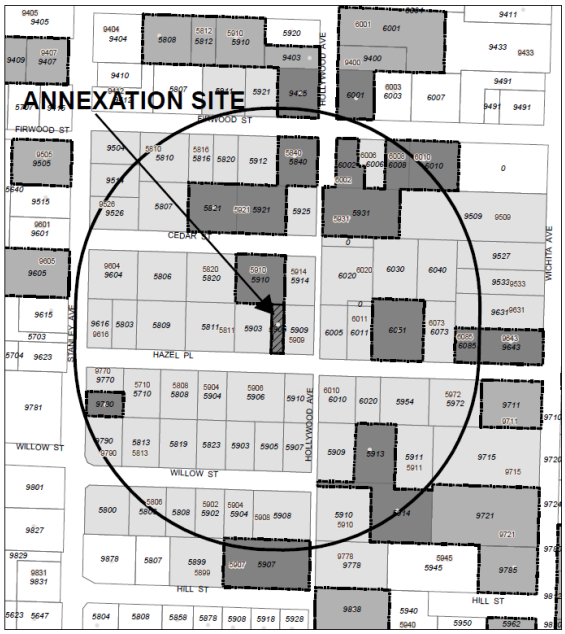
Proposal

The applicant, Kinh Nguyen, has applied to annex the approximately 2,500-sq-ft (0.06-acre) site to the city. The annexation property is developed with a single-family detached dwelling. It has residential Clackamas County land use and zoning designations and will receive equivalent residential city land use and zoning designations upon annexation.

Site and Vicinity

The annexation property is within the city's UGMA and is contiguous to the existing city limits along the public right-of-way (ROW) of Hazel Place to the south (see Figure 1). The annexation property is currently developed with a single-family house; the surrounding area consists primarily of single-family residential dwellings.

Figure 1. Site Map



Annexation Petition

The petition is being processed as an expedited annexation. Under the expedited process, a city land use and zoning designation is automatically applied to the annexation property upon annexation. Any property that is within the UGMA and contiguous to the city boundary may apply for an expedited annexation so long as all property owners of the area to be annexed and at least 50% of registered voters within the area to be annexed consent to the annexation. Clackamas County has certified that these thresholds are met for the annexation property.

As set forth in Milwaukie Municipal Code (MMC) Table 19.1104.1.E, the expedited annexation process automatically assigns city land use and zoning designations to the annexation property based on the existing Clackamas County land use and zoning designations. The existing county Comprehensive Plan land use designation for the annexation property is low density residential (LDR), which corresponds to the city's low density (LD) Comprehensive Plan designation upon annexation. The current county zoning designation for the annexation property is urban low-density residential R-10, which corresponds to a city zoning designation of residential R-10 upon annexation.

Pursuant to city, regional, and state regulations on expedited annexations, all necessary parties, interested persons, and residents and property owners within 400 feet of the site were notified of these proceedings under MMC 19.1103.4.1.C. A public hearing is not required for an expedited annexation; however, Council must adopt an ordinance to implement the annexation.

Annexation Approval Criteria

The annexation application is subject to Milwaukie Comprehensive Plan Chapter 6 City Growth and Governmental Relationships, Oregon Revised Statutes (ORS) Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1100 Annexations and Boundary Changes.

Expedited annexations must meet the approval criteria of MMC 19.1102.3. Compliance with the applicable criteria is detailed in Attachment 1 (Exhibit A, Findings).

Utilities, Service Providers, and Service Districts

The city is authorized by ORS 222.120(5) to withdraw the annexation property from non-city service providers and districts upon annexation to the city. This allows for a more unified and efficient delivery of urban services to the newly annexed property and is in keeping with the city's Comprehensive Plan policies relating to annexation.

- Wastewater: The annexation property is within the city's sewer service area and, via an emergency connection allowed in conjunction with the proposed annexation, is served by the city's 8-inch sewer line accessible in Hazel Place.
- Water: The annexation property is currently served by Clackamas River Water (CRW) through CRW's existing water line in Hazel Place. Pursuant to the city's intergovernmental agreement (IGA) with CRW, water service will continue to be provided by CRW and the annexation property will not be withdrawn from this district at this time.
- Storm: The annexation property is not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.
- Fire: The annexation property is currently served by Clackamas Fire District #1 and will continue to be served by this fire district upon annexation since the entire city is within this district.
- Police: The annexation property is currently served by the Clackamas County Sheriff's Office and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The city has its own police department, and this department can adequately serve the site. To avoid duplication of services, the site will be withdrawn from this district upon annexation to the city.
- Street Lights: As of July 1, 2011, an IGA between the city and Clackamas County Service District No. 5 for Street Lights (the "district") transferred operational responsibility to the city for the street lights and street light payments in the NESE project area. The annexation property is not within the district. The city has operational responsibility for any future street lights and street light payments.
- Other Services: Community development, public works, planning, building, engineering, code enforcement, and other municipal services are available through the city and will be available to the site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

BUDGET IMPACTS

This annexation will have minimal fiscal impact on the city. As with most annexations of residential properties, the costs of providing governmental services will likely be offset by the collection of property taxes. According to Clackamas County Assessor data, the total current assessed value of the annexation property is $68,153. Based on the latest information available (from the Clackamas County Rate Book for 2021), total property tax collection of approximately $1,234 is anticipated for the annexation property. The city will receive approximately $306 of this total.

WORKLOAD IMPACTS
For most city services, workload impacts from the annexation itself will be minimal and will likely include, but are not limited to, utility billing, provision of general governmental services, and the setting up and maintenance of property records.

CLIMATE IMPACTS
The annexation is not expected to have any impact on the climate. The property is currently occupied by a single-family home and redevelopment is not anticipated in the short term.

COORDINATION, CONCURRENCE, OR DISSENT
All city departments, necessary parties, interested persons, and residents and property owners within 400 feet of the annexation property were notified of these proceedings as required by city, regional, and state regulations. The Lewelling Neighborhood District Association (NDA) also received notice of the annexation petition and the Council meeting.

The city did not receive comments from any necessary parties with objections to the proposed annexation.

STAFF RECOMMENDATION
Approve the application and adopt the ordinance and findings in support of approval.

ALTERNATIVES
Council has two decision-making options:

1. Approve the application and adopt the ordinance and findings in support of approval.
2. Deny the application and adopt findings in support of denial.

ATTACHMENTS

1. Annexation Ordinance
   Exhibit A. Findings in Support of Approval
   Exhibit B. Legal Description and Annexation Map
2. Annexation Site Map
3. Applicant's Annexation Application
4. Comments Received

COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30DA05100 AND LOCATED AT 5905 SE HAZEL PL INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2021-006).

WHEREAS the territory proposed for annexation is contiguous to the city's boundary and is within the city's urban growth management area (UGMA); and

WHEREAS the requirements of the Oregon Revised Statutes (ORS) for initiation of the annexation were met by providing written consent from a majority of electors and all owners of land within the territory proposed for annexation; and

WHEREAS the territory proposed for annexation lies within the territory of the Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS the annexation and withdrawals are not contested by any necessary party; and

WHEREAS the annexation will promote the timely, orderly, and economic provision of public facilities and services; and

WHEREAS Table 19.1104.1.E of the Milwaukie Municipal Code (MMC) provides for the automatic application of city zoning and comprehensive plan land use designations; and

WHEREAS the city conducted a public meeting and mailed notice of the public meeting as required by law; and

WHEREAS the city prepared and made available an annexation report that addressed all applicable criteria, and, upon consideration of such report, the City Council favors annexation of the tract of land and withdrawal from all applicable districts based on findings and conclusions attached as Exhibit A.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. The Findings in Support of Approval attached as Exhibit A are adopted.

Section 2. The tract of land described and depicted in Exhibit B is annexed to the City of Milwaukie.

Section 3. The tract of land annexed by this ordinance and described in Section 2 is withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

Section 4. The tract of land annexed by this ordinance and described in Section 2 is assigned a Comprehensive Plan land use designation of low density residential (LD) and a municipal code zoning designation of residential R-10.

Section 5. The city will immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030, ORS 222.005, and ORS 222.177. The annexation and withdrawal will become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Read the first time on _____ and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

_____
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

_____
Scott S. Stauffer, City Recorder

_____
Justin D. Gericke, City Attorney

EXHIBIT A

FINDINGS IN SUPPORT OF APPROVAL

Based on the staff report for the annexation of 5905 SE Hazel Pl, the "annexation property," the Milwaukie City Council finds:

1. The annexation property consists of one tax lot comprising 0.06 acres (tax lot 1S2E30DA05100). The annexation property is contiguous to the existing city limits along the public right-of-way (ROW) in Hazel Place to the south. The annexation property is within the regional urban growth boundary and also within the city's urban growth management area (UGMA).

   The annexation property is developed with a single-family detached dwelling unit. The surrounding area consists primarily of single-family dwellings.

2. The current owner of the annexation property seeks annexation to the city to access city services, namely sewer service. The owner has signed a consent to annex form and paid the necessary fees and charges to allow an emergency connection to the city sewer service.

3. The annexation petition was initiated by consent of all owners of land on November 22, 2021, with an application for annexation submitted to the city that same day. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsections 19.1104.1.A.3 and 19.1102.2.C.

4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC 19.1104. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.

5. The expedited annexation process provides for automatic application of city comprehensive plan land use and zoning designations to the annexation property based on their existing comprehensive plan land use and zoning designations in the county, which are urban low density residential (LDR) and residential R-10, respectively. Pursuant to MMC Table 19.1104.1.E, the automatic city comprehensive plan land use and zoning designations for the annexation property are low density residential (LD) and residential R-10, respectively.

6. The applicable city approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.

   A. The subject site must be located within the city's urban growth boundary (UGB);

      The annexation property is within the regional UGB and within the city's UGMA.

   B. The subject site must be contiguous to the existing city limits;

      The annexation property is contiguous to the existing city limits along the public ROW of Hazel Place to the south.

C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;

Kinh Nguyen, the current property owner, consented to the annexation by signing the petition. There are no registered voters for the annexation property. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors, if any, residing in the annexation territory.

D. The proposal must be consistent with Milwaukie Comprehensive Plan policies;

Chapter 12 of the comprehensive plan contains the city's annexation policies. Applicable annexation policies include: (1) delivery of city services to annexing areas where the city has adequate services and (2) requiring annexation in order to receive a city service. With annexation, the city will take over urban service provision for the property. City services to be provided include wastewater collection, stormwater management, police protection, and general governmental services. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.

E. The proposal must comply with the criteria of Metro Code Sections 3.09.045(d) and, if applicable, (e).

The annexation proposal is consistent with applicable Metro code sections for expedited annexations as detailed in Finding 7.

F. The proposal must comply with the criteria of Section 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.

The annexation would add new territory within the city limits, and the new territory must be designated on both the zoning map and the comprehensive plan map for land use. These additions effectively constitute amendments to the zoning and comprehensive plan land use maps.

The approval criteria for zoning map amendments and comprehensive plan amendments are provided in MMC 19.902.6.B and 19.902.4.B, respectively. Collectively, the criteria address issues such as compatibility with the surrounding area, being in the public interest and satisfying the public need, adequacy of public facilities, consistency with transportation system capacity, consistency with goals and policies of the Milwaukie Comprehensive Plan and relevant Metro plans and policies, and consistency with relevant State statutes and administrative rules.

MMC Table 19.1104.1.E establishes automatic zoning map and comprehensive plan land use map designations for expedited annexations. If a proposed designation is consistent with the table, it is consistent with the various applicable plans and policies.

In the case of the proposed annexation, the annexation property will assume the zoning and comprehensive plan designations provided in MMC Table 19.1104.1.E, which are R-10 and low density residential, respectively. The approval criteria for both proposed amendments are effectively met.

7. Prior to approving an expedited annexation, the city must apply the provisions contained in Section 3.09.045.D of the Metro Code. They are listed below with findings in italics.

   A. Find that the change is consistent with expressly applicable provisions in:

      (1) Any applicable urban service agreement adopted pursuant to ORS 195.065;

      There is one applicable urban service agreement adopted pursuant to ORS 195 in the area of the proposed annexation (see Finding 8, Street lights). The City has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. The proposed annexation is in keeping with the city's policy of encouraging properties within the UGMA to annex to the city.

      The city has an intergovernmental agreement with WES regarding wholesale rates for wastewater treatment, but that agreement does not address issues related to annexations.

      (2) Any applicable annexation plan adopted pursuant to ORS 195.205;

      There are no applicable annexation plans adopted pursuant to ORS 195 in the area of the proposed annexation.

      (3) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

      There are no applicable cooperative planning agreements adopted pursuant to ORS 195 in the area of the proposed annexation.

      (4) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

      Clackamas County completed a North Clackamas Urban Area Public Facilities Plan in 1989 in compliance with Goal 11 of the Land Conservation and Development Commission for coordination of adequate public facilities and services. The city subsequently adopted this plan as an ancillary comprehensive plan document. The plan contains four elements:

      - *Sanitary Sewerage Services*
      - *Storm Drainage*
      - *Transportation Element*
      - *Water Systems*

      The proposed annexation is consistent with the four elements of this plan as follows:

      <u>Wastewater</u>: The city is the identified sewer service provider in the area of the proposed annexation and maintains a public sewer system that can adequately serve the annexation property via an 8-inch sewer line accessible in Hazel Place.

      <u>Storm</u>: The annexation property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

      <u>Transportation</u>: Access is provided to the annexation property via the public ROW of Hazel Place, a local street maintained by the city. The city may require public street improvements

along the annexation property's frontage when new development occurs.

Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, the city's more recent UGMA agreement with the county identifies the city as the lead urban service provider in the area of the proposed annexation. The city's water service master plan for all of the territory within its UGMA addresses the need to prepare for future demand and coordinate service provision changes with CRW. As per the city's intergovernmental agreement (IGA) with CRW, CRW will continue to provide water service to the annexation property through its existing water line in Hazel Place.

(5) Any applicable comprehensive plan.

The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous pages. The Clackamas County Comprehensive Plan contains no specific language regarding city annexations. The comprehensive plans, however, contain the city-county UGMA agreement, which identifies the area of the proposed annexation as being within the city's UGMA. The UGMA agreement requires that the city notify the county of proposed annexations, which the city has done. The agreement also calls for city assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The city has already annexed and taken jurisdiction of the public ROW in Hazel Place adjacent to the annexation property.

B. Consider whether the boundary change would:

(1) Promote the timely, orderly, and economic provision of public facilities and services;

With annexation, the city will be the primary urban service provider in the area of the proposed annexation, and the annexation will facilitate the timely, orderly, and economic provision of urban services to the annexation properties.

The city has public sewer service in this area in Hazel Place.

(2) Affect the quality and quantity of urban services; and

The annexation property consists of one tax lot developed with a single-family residence. Annexation of the site is not expected to affect the quality or quantity of urban services in this area, given the surrounding level of urban development and the existing level of urban service provision in this area.

(3) Eliminate or avoid unnecessary duplication of facilities and services.

Upon annexation, the annexation property will be served by the Milwaukie Police Department. In order to avoid duplication of law enforcement services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement upon annexation.

8. The city is authorized by ORS Section 222.120(5) to withdraw annexed territory from non-city service providers and districts upon annexation of the territory to the city. This allows for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the city's comprehensive plan policies relating to annexation.

Wastewater: The annexation property is within the city's sewer service area and, via an emergency connection allowed in conjunction with the proposed annexation, is served by the city's 8-inch sewer line accessible in Hazel Place.

Water: The annexation property is currently served by CRW through CRW's existing water line in Hazel Place. Pursuant to the city's IGA with CRW, water service will continue to be provided by CRW and the annexation property will not be withdrawn from this district at this time.

Storm: The annexation property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Fire: The annexation property is currently served by Clackamas Fire District #1 and will continue to be served by this fire district upon annexation, since the entire city is within this district.

Police: The annexation property is currently served by the Clackamas County Sheriff's Department and are within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The city has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site will be withdrawn from this district upon annexation to the city.

Street Lights: As of July 1, 2011, an intergovernmental agreement between the city and Clackamas County Service District No. 5 for Street Lights (the "district") transferred operational responsibility to the city for the street lights and street light payments in the city's northeast sewer extension project area. The annexation property is not within the district. The city has operational responsibility for any future street lights and street light payments.

Other Services: Community development, public works, planning, building, engineering, code enforcement, and other municipal services are available through the city and will be available to the site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

EXHIBIT B

Annexation to the City of Milwaukie
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-2021-006

Property Address: 5905 SE Hazel Pl, Milwaukie OR 97222

Tax Lot Description: 1S2E30DA05100

Legal Description:

The East one-quarter of Lot 7, Block 4, HOLLYWOOD PARK, in the County of Clackamas and State of Oregon, the West line of said quarter lot being parallel with the East line of said lot.

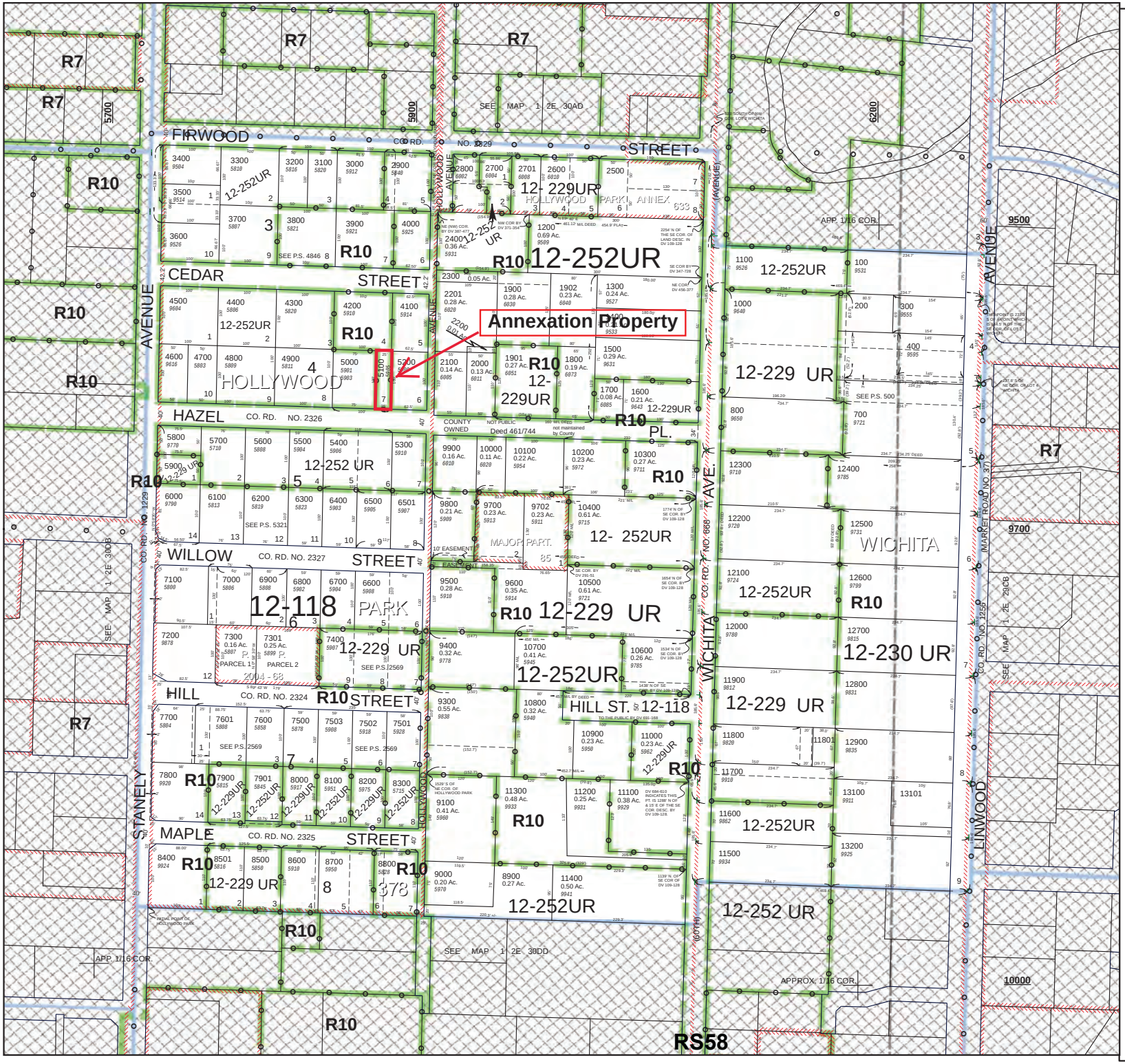


Exhibit B

1 2 E 30DA

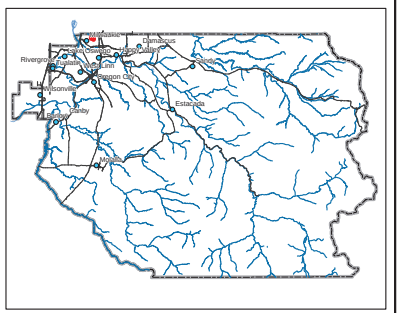
N.E.1/4 S.E.1/4 SEC.30 T.1S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
HECTOR CAMPBELL NO. 41

Cancelled Taxlots

500
600
701
900
6001
7101
7201
7701
7801
8401
9200
9701
13000

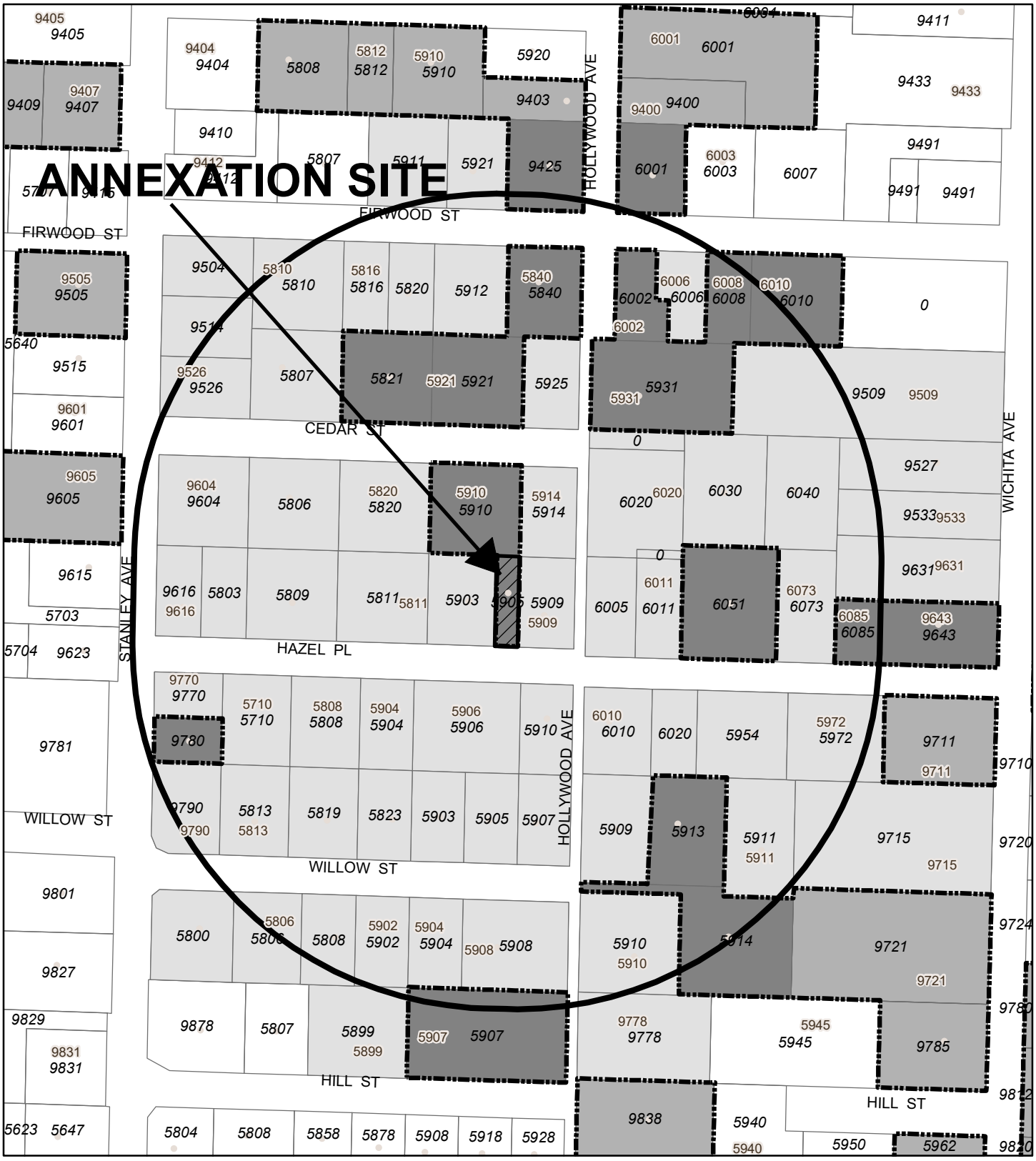
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

11/8/2021

1 2 E 30DA



Site Map
5905 SE Hazel Pl
(Tax ID: 1S2E30DA, lot 5100)
File #A-2021-006

North

0 45 90 180 270 360 Feet

RS59

Legend

- A-2021-006 site
- 400-ft public notice boundary
- City Limit
- Properties receiving notice (Milwaukie)
- Properties receiving notice (unincorporated)
- Other tax lots (Milwaukie)
- Other tax lots (unincorporated)

MILWAUKIE PLANNING
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503.786.7630
planning@milwaukieoregon.gov

Expedited Annexation Application

File # A-2021-006

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant):	KINH NGUYEN
Mailing address:	P.O. Box 372, Beaverton, OR Zip: 97075
Phone(s): 360-556-9866	Email: migoi@hotmail.com
APPLICANT'S REPRESENTATIVE (if different than above):	
Mailing address:	Zip:
Phone(s):	Email:

SITE INFORMATION:

Address(es): 5905 SE Hazel Pl.	Map & Tax Lot(s): 1S2E30DA05100	
Existing County zoning: R10	Proposed City zoning: R-10	Property size: 0.6 acres
Existing County land use designation:	Proposed City land use designation: LDR	

PROPOSAL (describe briefly):

Annex to connect to City sewer.

LIST OF ALL CURRENT UTILITY PROVIDERS:

Check all that apply (do not list water or sewer service providers)

Cable, internet, and/or phone:	☐ Comcast	☐ CenturyLink	
Energy:	☒ PGE	☐ NW Natural Gas	
Garbage hauler:	☐ Waste Management	☒ Hoodview Disposal and Recycling	
	☐ Wichita Sanitary	☐ Oak Grove Disposal	☐ Clackamas Garbage
☐ **Other (please list):**			

SIGNATURE:

ATTEST: I am the property owner, or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County are not made legal upon annexation to the City. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: [signature] Date: 11-22-21

CONTINUED ON REVERSE

RESET

THIS SECTION FOR OFFICE USE ONLY:

File #: A-2021-005 Fee: $ 150.00 Receipt #: Recd. by:	Date stamp:
Associated application file #'s:	RECEIVED NOV 22 2021 CITY OF MILWAUKIE PLANNING DEPARTMENT
Neighborhood District Association(s):	
Notes (include discount if any):	

EXPEDITED ANNEXATION
PETITION OF OWNERS OF 100% OF LAND AREA
AND PETITION OF AT LEAST 50% OF REGISTERED VOTERS

TO: **The Council of the City of Milwaukie, Oregon**

RE: **Petition for Annexation to the City of Milwaukie, Oregon**

We, the petitioners (listed on reverse), are property owners of and/or registered voters in the territory described below. We hereby petition for, and give our consent to, annexation of this territory to the City of Milwaukie.

This petition includes a request for the City to assign a zoning and land use designation to the territory that is based on the territory's current zoning designation in the County, pursuant to the City's expedited annexation process.

The territory to be annexed is described as follows:

(Insert legal description below OR attach it as Exhibit "A")

See attached legal description

PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or voter precinct number.

*PO = Property Owner RV = Registered Voter OV = Owner and Registered Voter

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
[signature]	KINH NGUYEN	X			11/22/2021
PROPERTY ADDRESS	**PROPERTY DESCRIPTION**				**VOTER PRECINCT #**
	TOWNSHIP	**RANGE**	**¼ SEC.**	**LOT #(S)**	
5905 SE Hazel Pl.	1S	2E	30DA	5100	420

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	**PROPERTY DESCRIPTION**				**VOTER PRECINCT #**
	TOWNSHIP	**RANGE**	**¼ SEC.**	**LOT #(S)**	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	**PROPERTY DESCRIPTION**				**VOTER PRECINCT #**
	TOWNSHIP	**RANGE**	**¼ SEC.**	**LOT #(S)**	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	**PROPERTY DESCRIPTION**				**VOTER PRECINCT #**
	TOWNSHIP	**RANGE**	**¼ SEC.**	**LOT #(S)**	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	**PROPERTY DESCRIPTION**				**VOTER PRECINCT #**
	TOWNSHIP	**RANGE**	**¼ SEC.**	**LOT #(S)**	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	**PROPERTY DESCRIPTION**				**VOTER PRECINCT #**
	TOWNSHIP	**RANGE**	**¼ SEC.**	**LOT #(S)**	

Fidelity National Title #60222109620/451421241150

RECORDING REQUESTED BY:
Fidelity National Title
Company of Oregon

500 Liberty St. SE, Ste 200
Salem, OR 97301

Clackamas County Official Records Sherry Hall, County Clerk	2021-083719 09/13/2021 02:54:01 PM
D-D Cnt=1 Stn=73 LESLIE $10.00 $16.00 $10.00 $62.00	$98.00

GRANTOR'S NAME:
Christina M. Cole

GRANTEE'S NAME:
Kinh Nguyen

AFTER RECORDING RETURN TO:
Order No.: 60222109620-SK
Kinh Nguyen
5905 SE Hazel Place
Milwaukie, OR 97222

SEND TAX STATEMENTS TO:
Kinh Nguyen
5905 SE Hazel Place
Milwaukie, OR 97222

APN: 00081039 **12E30DA05100** **00081039**
5905 SE Hazel Place, Milwaukie, OR 97222

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Christina M. Cole, Grantor, conveys and warrants to **Kinh Nguyen**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

The East one-quarter of Lot 7, Block 4, HOLLYWOOD PARK, in the County of Clackamas and State of Oregon, the West line of said quarter lot being parallel with the East line of said lot.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED THIRTY-FIVE THOUSAND AND NO/100 DOLLARS **($135,000.00)**. (See ORS 93.030).

Subject to:

Current taxes, assessments, reservations in patents, and all agreements, easements, right-of-way, encumbrances, liens, setback lines, reservations, powers of special districts, convents, conditions and restrictions as my appear of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

cks

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 9-13-2021

Christina M. Cole

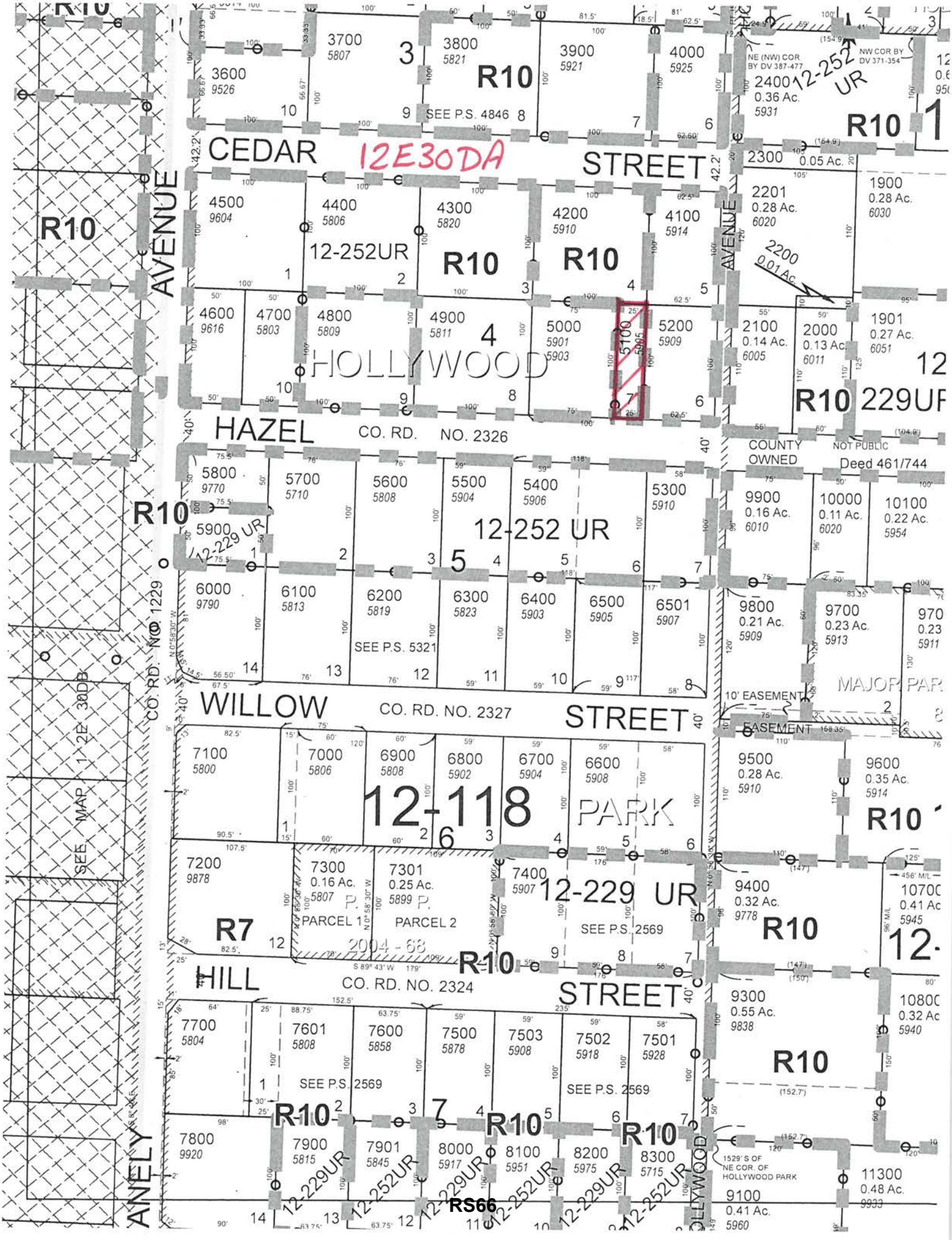
State of Oregon
County of Marion

This instrument was acknowledged before me on 9/13/2021 by Christina M. Cole.

Notary Public - State of Oregon

My Commission Expires: Nov. 05, 2024

OFFICIAL STAMP
ANNE MARIE ROBERTS
NOTARY PUBLIC - OREGON
COMMISSION NO. 1005724
MY COMMISSION EXPIRES NOVEMBER 05, 2024


12E30DA
CEDAR STREET
HAZEL CO. RD. NO. 2326
WILLOW CO. RD. NO. 2327 STREET
HILL CO. RD. NO. 2324 STREET
AVENUE
HOLLYWOOD
12-252UR
12-252 UR
12-229 UR
12-118
PARK
R10
R7
SEE P.S. 4846
SEE P.S. 5321
SEE P.S. 2569
PARCEL 1
PARCEL 2
2004 - 68
COUNTY OWNED
NOT PUBLIC
Deed 461/744
10' EASEMENT
EASEMENT
MAJOR PAR
SEE MAP 1 2E 30DB
CO. RD. NO. 1229
ANELY
1529' S OF NE COR. OF HOLLYWOOD PARK
NE (NW) COR BY DV 387-477
NW COR BY DV 371-354
RS66

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 1S2E30DA) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.



Name Carlton Smith

Title GIS Cartographer 3

Department Tax Assessors Office

County of Clackamas

Date 11/30/2021

CERTIFICATION OF PROPERTY OWNERSHIP OF 100% OF LAND AREA

I hereby certify that the attached petition contains the names of the owners[1] (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.



Name Carlton Smith

Title GIS Cartographer 3

Department Tax Assessors Office

County of Clackamas

Date 11/30/2021

[1] Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least 50% of the electors registered in the territory proposed for annexation as described in the attached petition.

No Registered Voters at address

Name Rebekah Stern Doll

Title Deputy Clerk

Department Elections

County of Clackamas

Date 11/30/21



NOTICE LIST

(This form is NOT the petition)

LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION.

	Name of Owner/Voter	Mailing Street Address Mailing City/State/Zip	Property Address Property Description (township, range, ¼ section, and tax lot)
1	Kinh Nguyen	P.O. Box 372 Beaverton, OR 97075	5905 SE Hazel Pl. 1S2E30DA05100
2			
3			
4			
5			
6			
7			
8			
9			
10			

EXPEDITED ANNEXATION CODE EXCERPTS

MILWAUKIE MUNICIPAL CODE SECTIONS

19.1104.1 Expedited Process

A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.

5. Approval criteria for annexations are found in subsection 19.1102.3.

19.1102.3 Annexation Approval Criteria. The city council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria.

A. The subject site must be located within the city urban growth boundary;

B. The subject site must be contiguous to the existing city limits;

C. The requirements of the Oregon Revised Statutes for initiation of the annexation process must be met;

D. The proposal must be consistent with Milwaukie comprehensive plan policies;

E. The proposal must comply with the criteria of Metro Code Sections 3.09.050(d) and, if applicable, (e).

F. The proposal must comply with the criteria of Section 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.

METRO CODE SECTIONS

3.09.050 Hearing & Decision Requirements for Decisions Other Than Expedited Decisions.

(d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.

MILWAUKIE COMPREHENSIVE PLAN

Chapter 6: City Growth and Governmental Relationships; City Growth Element

Goal Statement: To identify the City's future planning and service area, establish the respective responsibilities for reviewing and coordinating land use regulations and actions within the area, and determine the most cost-effective means to provide the full range of urban services within the area.

Applicant Response

The proposal meets the applicable requirements listed above.

X _____

(Applicant's Signature)

Clackamas River Water

Brett Kelver, Senior Planner
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

EMAIL AND MAIL

February 17, 2022

RE: Proposed Expedited Process for Annexation:

- File No A-2021-006
  5905 SE Hazel Pl, Milwaukie - Tax Lot 5100 of Tax Map 1S2E30DA

Dear Brett Kelver:

This is file notice of Clackamas River Water (CRW) having no objections to the expedited process relating to the above referenced proposed annexation. CRW as the domestic water supply district organized under ORS Chapter 264 and is therefore a necessary party to this proceeding.

For purposes of the record, we want to confirm our previous discussions with respect to the continued supply of domestic water by CRW in the affected right of way annexation for NE Milwaukie Sewer Extension Project area and per the Amended and Restated Agreement for Water Supply dated as of June 17, 2008 (paragraph 2). CRW will remain the domestic water service supplier for the term of the agreement or any extension, unless the parties agree otherwise as provided in the agreement. The confirmation of this understanding is the basis on which CRW will not object to the expedited process for the proposed annexation of the area right-of-ways and have no objection for the annexation for Tax Lot 5100 of Tax Map 1S2E30DA.

Please let me know if there are any additional comments or questions concerning annexation issues. Once again, thank you and your staff for your willingness to discuss this matter.

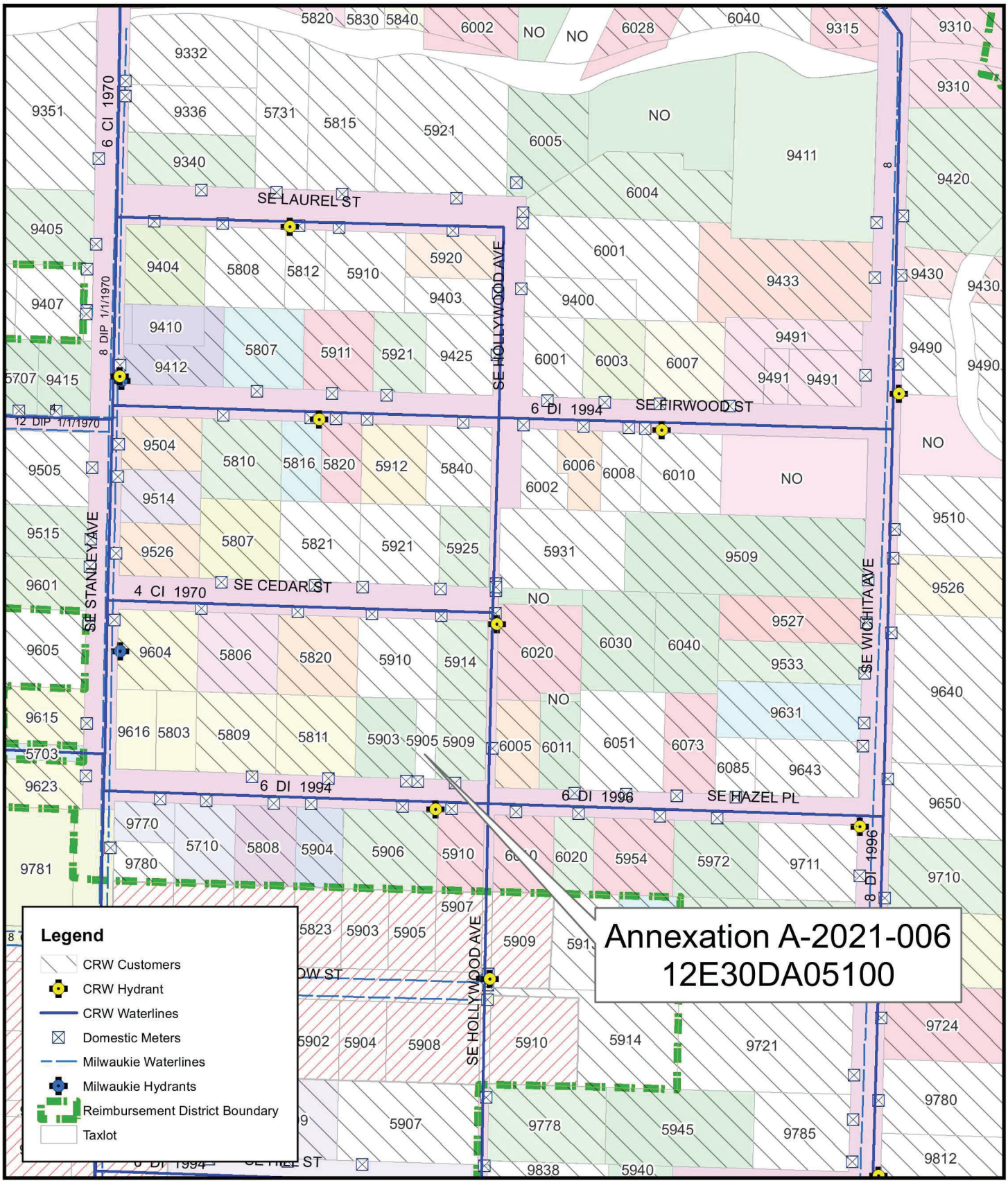
Very truly yours,

Adam Bjornstedt, AIC [Adam Bjornstedt, Chief Engineer]

for Todd Heidgerken
General Manager

City of Milwaukie Annexations of Clackamas River Water Customers

ANNEXATIONS THRU 02/17/22



Date: February 17, 2022
Drawing Name: MILWAUKIE_ANNEXATIONS
Drawing Location: F:\AGENCIES & WATER PROVIDERS\Milwaukie\Milwaukie-Annexations\GIS Drawings
Drawing By: B. Johnson

Clackamas River Water

CLACKAMAS RIVER WATER
GEOGRAPHIC INFORMATION SYSTEM
16770 SE 82nd Drive - Clackamas, Oregon
503-722-9220 - www.crwater.com

RS73

RS Agenda Item 8

Public Hearings

CITY OF MILWAUKIE

RS 8. A. 3/1/22

OCR USE ONLY

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 17, 2022

Reviewed: Laura Weigel, Planning Manager, and
Joseph Briglio, Community Development Director

From: Vera Kolias, Senior Planner

Subject: **Comprehensive Plan Implementation: Code Amendments – Housing & Parking**

ACTION REQUESTED

Council is asked to open the public hearing for land use file #ZA-2021-002, discuss the proposed amendments to Milwaukie Municipal Code (MMC) Title 19 (Zoning), Title 17 (Land Division), Zoning map, Comprehensive Plan, and Comprehensive Plan Land Use map related to middle housing and parking, take public testimony, and ask any clarifying questions of staff regarding the proposed amendments.

Council is also asked to continue the hearing regarding middle housing and parking to March 15, 2022. The requested action on March 15 is to hear any additional information from staff, receive additional public testimony, deliberate (or continue the hearing as necessary), and approve file #ZA-2021-002 and adopt the proposed ordinance and recommended Findings in Support of Approval referenced in the February 15 packet.

Public hearing #3, held on February 15 focused on the proposed Tree Code and proposed fee schedule. Council took public testimony, deliberated, and continued the hearing to March 15. Council also opened the hearing on the housing and parking code amendments and immediately continued the hearing to March 1. For a history of prior actions and discussions, project background, and detailed analysis of the proposed code amendments (including recommendations from Planning Commission and discussion items from Council), and a comprehensive package of attachments, please refer to the full staff report posted for the February 15 public hearing.

NEXT STEPS

- Council public hearing #5: March 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. Draft Ordinance
2. Comments received for Council hearings related to housing and parking - updated

CITY OF MILWAUKIE

COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE COMPREHENSIVE PLAN LAND USE MAP AND RESIDENTIAL LAND USE DESIGNATIONS, MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE, TITLE 17 LAND DIVISION, TITLE 16 ENVIRONMENT, AND AMENDING THE ZONING MAP FOR THE PURPOSE OF ADDRESSING MIDDLE HOUSING AND RESIDENTIAL PARKING (FILE #ZA-2021-002).

WHEREAS it is the intent of the City of Milwaukie to support and promote housing opportunities and housing choice throughout the city; increase the supply of middle and attainable housing and providing equitable access to housing for all; increase the city's tree canopy and preserve existing trees to support efforts to achieve a 40% city-wide tree canopy; and to manage parking to enable middle housing and to protect trees; and

WHEREAS the proposed code amendments implement several of the goals and policies of the city' comprehensive plan related to housing and tree preservation and comply with Oregon House Bill (HB) 2001; and

WHEREAS legal and public notices have been provided as required by law, and that all residential addresses in the city were notified of the amendments and multiple opportunities for public review and input has been provided over the past 15 months; and

WHEREAS on October 12, October 26, and November 9, 2021, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; and

WHEREAS the City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code (MMC) is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on_____, and moved to second reading by_____vote of the City Council.

Read the second time and adopted by the City Council on_____.

Signed by the Mayor on_____.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Recommended Findings in Support of Approval
File #ZA-2021-002; CPA-2021-001; ZC-2021-002
Middle Housing and Residential Parking Code Amendments

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend the zoning and comprehensive plan maps, comprehensive plan, and make code amendments to Titles 12, 13, 16, 17, and 19 related to tree code on residential property, required off-street parking, and permitted middle housing types in all residential zones. The intent is to implement portions of the city's comprehensive plan and Oregon House Bill 2001 (HB 2001). The land use application file numbers are ZA-2021-002, CPA-2021-001, and ZC-2021-002.

2. The proposed amendments relate to implementation of portions of the Comprehensive Plan related to housing, tree preservation, and parking. 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 policies call for expanded housing opportunities throughout the city. 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.

3. Amendments are proposed in several titles of the municipal code, as follows:

    - Milwaukie Comprehensive Plan
        - Comprehensive Plan Land Use Map
        - Comprehensive Plan Residential Land Use Designations
    - Municipal Code - Title 19 Zoning Ordinance
        - Section 19.107 Zoning
        - Chapter 19.200 DEFINITIONS AND MEASUREMENTS
            - Section 19.301 Low Density Residential Areas
            - Section 19.302 Medium and High Density Residential Areas
            - Section 19.401 Willamette Greenway Zone WG
            - Section 19.402 Natural Resources NR
        - Chapter 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS
            - Section 19.501 General Exceptions
            - Section 19.504.8 Flag Lot Design and Development Standards
            - Section 19.505.1 Single Family Dwellings and Duplexes
            - Section 19.505.3 Multifamily Housing
            - Section 19.505.4 Cottage Cluster Housing
            - Section 19.505.5 Rowhouses
            - Section 19.506 Manufactured Dwelling Siting and Design Standards
        - Chapter 19.600 OFF-STREET PARKING AND LOADING

- Section 19.605 Vehicle Parking Quantity Requirements
- Section 19.605.2 Quantity Modifications and Required Parking Determinations
- Section 19.605.3 Exemptions and By-Right Reductions to Quantity Requirements
- Section 19.607 Off-Street Parking Standards for Residential Areas

- Chapter 19.700 PUBLIC FACIILTY IMPROVEMENTS
  - Section 19.702.1 General
  - Section 19.702.2 Single Unit Residential Expansions
  - Section 19.702.4 Exemptions
  - Section 19.703.4 Determinations
  - Section 19.704.4 Mitigation
  - Section 19.708.2 Street Design Standards
- Chapter 19.900 LAND USE APPLICATIONS
  - Section 19.901 Introduction
  - Section 19.906 Development Review
  - Section 19.910.1 Accessory Dwelling Units
  - Section 19.901.2 Duplexes
  - Section 19.911 Variances
- Municipal Code - Title 17 Land Division
  - Chapter 17.28 DESIGN STANDARDS
    - Section 17.28.050 Flag Lot Development and Future Access
    - Section 17.28.060 Flag Lot Design Standards
    - Section 17.28.070 Flag Lot Limitation
- Municipal Code - Title 12 Streets, Sidewalks, and Public Places
  - Chapter 12.16 ACCESS MANAGEMENT
    - Section 12.16.030 Access Permitting
    - Section 12.16.040 Access Requirements and Standards
- Municipal Code - Title 13 Public Services
  - Chapter 13.30 REIMBURSEMENT DISTRICTS
    - Section 13.30.010 Definitions

4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):

   - MMC Section 19.902 Amendments to Maps and Ordinances
   - MMC Chapter 19.1000 Review Procedures

5. Sections of the MMC not addressed in these findings are found to be not applicable to the decision on this land use application.

6. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on October 12, 2021, October 26,

2021, January 18, 2022, February 1, 2022, February 15, 2022, and March 1, 2022 as required by law.

7. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.

   a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Manager, or any individual.

      The amendments were initiated by the Planning Manager on August 13, 2021.

   b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:

      (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

      Opportunity for public comment and review has been provided over the past 15 months during the code development process as follows:

      - *monthly Comprehensive Plan Implementation Committee meetings*
      - *monthly Pilot articles*
      - *monthly worksessions with the Planning Commission and City Council*
      - *three online open houses and two community surveys*
      - *small group meeting with BIPOC community members*
      - *small group meeting in Spanish with Spanish speaking community members*
      - *presentations to all NDAs*
      - *numerous emails to all city committee members and project email subscribers, social media posts*
      - *staff available at the Milwaukie Farmers Market*

      Regarding the specific code language, the draft language was posted on the Engage Milwaukie webpage on June 25, 2021 as part of an informative virtual open house. In addition, the Planning Commission had 3 worksessions about the proposed code amendment language. Specific notice of the draft amendments and October 12, 2021 public hearing was as follows: notice was sent to all residential addresses in the city via a mailed postcard on September 14, 2021 and a Measure 56 notice related to the proposed tree code was mailed to all residential addresses on October 6, 2021; email notices were sent to all city committee members and the project email subscription list on September 1, 2021; posts were made to city social media on September 1, 2021. The current version of the draft amendments have been posted on the application webpage since August 31, 2021. On September 1, 2021 staff e-mailed NDA leaders with information about the hearing and a link to the draft proposed amendments.

(2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's October 12, 2021, hearing was posted as required on September 1, 2021. A notice of the City Council's February 15, 2022, hearing was posted as required on January 13, 2022.

(3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The proposed amendments will apply to all residential properties in the city. All residential properties were notified of the first hearing date via a mailed postcard, which was sent on September 14, 2021.

(4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on August 31, 2021.

(5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on August 31, 2021.

(6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments will apply to all residential properties in the city. All residential properties were notified of the first hearing date via a mailed postcard, which was sent on September 14, 2021.

(7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held duly advertised public hearings on October 12, October 26, and November 9, 2021 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on January 18, 2022, February 1, 2022, February 15, 2022, and March 1, 2022, and approved the amendments.

8. MMC 19.902 Amendments to Maps and Ordinances

a. MMC 19.902.3 establishes requirements for amendments to the text of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

(1) MMC Subsection 19.902.3.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held duly advertised public hearings on October 12, October 26, and November 9, 2021 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on January 18, 2022, February 1, 2022, February 15, 2022, and March 1, 2022, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

(2) MMC Subsection 19.902.3.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

(a) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

The only amendments proposed to the text of the comprehensive plan are in the section related to residential land use designations. The proposed amendments reflect the proposed zoning map amendments that consolidate the low density residential zones. The amendments rename the Low Density Residential designation to Moderate Density Residential: Zone R-MD. The remaining residential zones are renamed High Density. The amended description in both of these land use designations includes a list of middle housing types within the permitted housing types section.

(b) MMC Subsection 19.902.3.B.2 requires that the proposed amendment is in the public interest with regard to neighborhood or community conditions.

The proposed amendments reflect the community's desire for policies and regulations that encourage a variety of high-quality, attractive residential development throughout the city. As noted above, the only text amendment to the comprehensive plan consolidates the residential land use designations to reflect the proposed zoning map amendments.

(c) MMC Subsection 19.902.3.B.3 requires the public need be best satisfied by this particular proposed amendment.

The proposed amendments confirm the community's vision for broad housing choice throughout the city. As noted above, the only text amendment to the comprehensive plan consolidates the residential land use designations to reflect the proposed zoning map amendments.

(d) MMC Subsection 19.902.3.B.4 requires that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to residential capacity.

The Metro Urban Growth Management Functional Plan includes a number of titles that address various aspects of the region's goals and policies for urban development.

(a) Title 1 Housing Capacity

The proposed amendments will provide opportunities for middle housing development throughout the city's residential zones.

(b) Title 7 Housing Choice

The proposed amendments will provide the opportunity for much-needed middle housing and incentives for income-restriction housing throughout all of the city's residential zones and will support Metro's policies for expanding housing choice with a needed housing type in Milwaukie.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Grown Management Functional Plan or relevant regional policies. The proposed code amendments are in compliance with Metro's Functional Growth Management Plan.

Staff has included the Metro findings as Exhibit 1 of this attachment.

(e) MMC Subsection 19.902.3.B.5 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

DLCD has not identified any areas where the proposed amendments are inconsistent with State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

Exhibit 2 to this attachment has been prepared to illustrate how the proposed amendment is consistent with all relevant State statutes and administrative rules.

b. MMC 19.902.4 establishes requirements for amendments to the maps of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

(1) MMC Subsection 19.902.4.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held duly advertised public hearings on October 12, October 26, and November 9, 2021 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public

hearings on January 18, 2022, February 1, 2022, February 15, 2022, and March 1, 2022, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

(2) MMC Subsection 19.902.4.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

(a) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

Changes to the maps of the Milwaukie Comprehensive Plan must be evaluated against the approval criteria in Subsection 19.902.3.B. A quasi-judicial map amendment shall be approved if these criteria are met. A legislative map amendment may be approved if these criteria are met.

The findings for compliance with MMC 19.902.3.B apply to the findings for these map amendments as well. Refer to the findings above for compliance with this code section.

9. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.

a. MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held duly advertised public hearings on October 12, October 26, and November 9, 2021 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on January 18, February 1, February 15, and March 1, 2022, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

(1) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

(a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments coordinate and are consistent with other provisions of the Milwaukie Municipal Code.

(b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

The goals and policies of the Comprehensive Plan support the amendments to allow middle housing opportunities in all residential zones in the city and the development of a new tree code:

(c) Section 3 – Natural Resources and Environmental Quality:

Protect, conserve, and enhance the quality, diversity, quantity and resiliency of Milwaukie's natural resources and ecosystems, and maintain the quality of its air, land, and water. Utilize a combination of development regulations, incentives, education and outreach programs, and partnerships with other public agencies and community stakeholders.

(a) Policy 3.4.2:

Pursue the City's goal of creating a 40% tree canopy through a combination of development code and other strategies that lead to preservation of existing trees and planting of new trees and prioritize native and climate-adapted species, while also considering future solar access.

(b) Policy 3.4.3:

Provide flexibility in the division of land, the siting and design of buildings, and design standards in an effort to preserve the ecological function of designated natural resources and environmentally sensitive areas and retain native vegetation and trees.

(d) Section 6 – Climate Change and Energy Goals and Policies:

Promote energy efficiency and mitigate the anticipated impacts of climate change in Milwaukie through the use of efficient land use patterns, multimodal transportation options, wise infrastructure investments, and increased community outreach and education as outlined in the City's Climate Action Plan.

(a) Policy 6.1.4:

Develop standards and guidelines that contribute to a 40% citywide tree canopy.

(b) Policy 6.16:

Encourage the creation of compact, walkable neighborhoods and neighborhood hubs throughout the City that provide a mix of uses and help reduce transportation emissions and energy usage.

(e) Section 7 – Housing:

Provide safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability within dwellings and

neighborhoods that are entirely equitable, delightfully livable, and completely sustainable.

(a) Goal 7.1 – Equity:

Enable and encourage housing options that meet the needs of all residents, with a specific focus on uplifting historically disenfranchised communities and eliminating disparities for populations with special needs or lower incomes.

(i) Policy 7.1.1:

Provide the opportunity for a wider range of rental and ownership housing choices in Milwaukie, including additional middle housing types in low and medium density zones.

(ii) Policy 7.1.2:

Establish development standards that regulate size, shape, and form and are not exclusively focused on regulating density.

(iii) Policy 7.1.3:

Promote zoning and code requirements that remove or prevent potential barriers to home ownership and rental opportunities for people of all ages and abilities, including historically marginalized or vulnerable populations such as people of color, aging populations, and people with low incomes.

(b) Goal 7.2 – Affordability:

Provide opportunities to develop housing that is affordable at a range of income levels.

(i) Policy 7.2.2:

Allow and encourage the development of housing types that are affordable to low or moderate-income households, including middle housing types in low and medium density zones as well as larger apartment and condominium developments in high-density and mixed-use zones.

(ii) Policy 7.2.4:

Provide a simplified permitting process for the development of accessory dwelling units (ADUs) or conversion of single-unit homes into duplexes or other middle housing types.

(c) Goal 7.3 – Sustainability:

Promote environmentally and socially sustainable practices associated with housing development and construction.

(i) Policy 7.3.1:

Provide flexibility of footprint and placement of new housing to be consistent with city goals to preserve open spaces, achieve a 40% citywide tree canopy, and protect wetland, floodplains, and other natural resource or hazard areas.

(ii) Policy 7.3.8:

Allow for a reduction in required off-street parking for new development within close proximity to light rail stations and frequent bus service corridors.

(f) Section 8 – Urban Design and Land Use Goals and Policies:

Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

(a) Goal 8.3 – Process:

Provide a clear and straight forward design review process for development in Milwaukie along with incentives to achieve desired outcomes.

(i) Policy 8.3.2:

Ensure that a clear and objective process is available for all housing types that meet design standards, provide adequate open space, and fit into the community, while offering an alternative discretionary path for projects that cannot meet these standards.

The proposed amendments implement sections of the comprehensive plan related to middle housing, residential parking, and tree preservation and are in compliance with Oregon House Bill 2001. Zoning code and map amendments to allow middle housing options in all 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:

- *Increasing the supply of middle and attainable housing, and providing equitable access and housing choice for all*

- *Increasing the tree canopy and preserving existing trees to support the City's goal of a 40% tree canopy*
- *Managing parking to enable middle housing and protect trees*

(g) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to residential capacity.

The Metro Urban Growth Management Functional Plan includes a number of titles that address various aspects of the region's goals and policies for urban development.

(i) Title 1 Housing Capacity

The proposed amendments will provide opportunities for middle housing development throughout the city's residential zones.

(ii) Title 7 Housing Choice

The proposed amendments will provide the opportunity for much-needed middle housing and incentives for income-restriction housing throughout all of the city's residential zones and will support Metro's policies for expanding housing choice with a needed housing type in Milwaukie.

Exhibit 1 to this attachment has been prepared to illustrate how the proposed amendment is consistent will all relevant State statutes and administrative rules.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Grown Management Functional Plan or relevant regional policies. The proposed code amendments are in compliance with Metro's Functional Growth Management Plan.

(h) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. The DLCD did not identify any areas where the proposed amendments were inconsistent with State statutes and administrative rules.

(i) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

The City Council finds that the Federal Fair Housing Amendments Act of 1988 is relevant to the proposed amendments. The proposed amendments provide a clear

and objective review process for middle housing development in the residential zones.

b. MMC 19.902.6 establishes requirements for amendments to the Zoning Map. The City Council finds that these requirements have been met as follows.

(1) MMC Subsection 19.902.6.A states that changes to the Zoning Map shall be evaluated through either a Type III or a Type V review.

The Zoning Map amendments involve all properties zoned R-5, R-7, and R-10. The amendments are legislative in nature and subject to Type V review.

The Planning Commission held duly advertised public hearings on October 12, October 26, and November 9, 2021 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on January 18, 2022, February 1, 2022, February 15, 2022, and March 1, 2022 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

(2) MMC Subsection 19.902.6.B contains approval criteria for changes to the Zoning Map.

(a) The proposed amendment is compatible with the surrounding area based on the following factors:

i. Site location and character of the area.

The proposed zoning map amendments are a consolidation of the existing R-5, R-7, and R-10 zones into one zone: R-MD. The zones remain residential in nature, with amendments related to the allowance of middle housing types.

ii. Predominant land use pattern and density of the area.

As noted above, the proposed zoning map amendments affect the R-5, R-7, and R-10 zones which are currently predominantly residential in nature at a low to moderate density. The consolidation of this zone reflects the intent of the comprehensive plan and HB 2001 to allow middle housing types in all residential zones in the city. They will remain residential zones, subject to design and development standards, but at a higher density as required by HB 2001.

iii. Expected changes in the development pattern for the area.

Given the nature of the proposed amendments related to middle housing, the development pattern in some areas may intensify over time. The intent of the amendments package is to provide more opportunities for housing choice throughout the city which requires the allowance of middle housing types and not just single detached dwellings. The need for and overall lack of a variety

of housing in the single unit zones suggests that development in the area will intensify following the adoption of the proposed amendments.

(b) The need is demonstrated for uses allowed by the proposed amendment.

Per the City's 2016 Housing Needs Analysis (HNA), Milwaukie currently has a range of housing types, including single dwelling detached and attached homes, duplexes, multi-unit, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years. The HNA includes the City's buildable lands inventory (BLI) for housing within the UGB, showing that the city has sufficient zoned capacity to meet the projected housing needs over the next 20 years. Relevant findings from the HNA include:

(i) The projected growth in the number of non-group households over 20 years (2016-2036) is roughly 1,070 households, with accompanying population growth of 2,150 new residents. The supply of buildable land includes properties zoned to accommodate a variety of housing types. Single dwelling residential zones with larger minimum lot sizes will accommodate single dwelling detached housing. Medium density residential zones will accommodate single dwelling attached homes (e.g., townhomes or rowhouses, duplexes and triplexes) and multi-family and mixed-use zones can accommodate high density housing.

(iii) Over the next 20 years, Milwaukie is likely to be attractive to younger adults seeking relatively affordable housing near transportation options and employment centers. Some in this generation are already starting families and will be well into middle age during the 20-year planning period. More of these households may move from areas like central Portland to communities like Milwaukie for more attainable housing, more space, and schools.

The availability is shown of suitable alternative areas with the same or similar zoning designation.

Staff has interpreted this criterion to mean that the finding shall show that there is no suitable alternative area with the same or similar zoning designation.

As noted above the proposed zoning map amendments would consolidate the existing low density residential zones to one moderate density residential zone to accommodate the proposed amendments related to middle housing.

(c) The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

The public transportation facilities, public utilities, and services in the low density residential zones are adequate to support the proposed amendments. The subject properties are already being used for, or are zoned for, residential development. The

proposed amendments would increase the demand on the facilities, utilities, or services in the area, which have been planned for. The application was referred to the City Engineering and Public Works departments for review and no service-related issues were identified.

(d) The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

The proposed amendment would intensify the development potential of the low-density residential zones, but it is expected that the development will occur incrementally and not in a manner that would result in a failure level of service on the city's transportation system. The city's TSP anticipates residential development in these zones and the TSP is being fully revised in 2022-2023.

(e) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

The subject areas are designated for residential development and will continue to be designated as such. The goals and policies of the Comprehensive Plan for residential development are noted above in Finding 9 and the primary purpose of the amendments is to implement the comprehensive plan as it relates to housing, tree preservation, and residential parking. The proposed amendment is consistent with those goals and policies.

(f) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

See Finding 8.a.(1)(d) above.

(g) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

See Finding 8.a.(1)(e) above.

UGMFP Findings for Milwaukie Code Amendments for Middle Housing, Tree Preservation, and Residential Parking

The Metro Urban Growth Management Functional Plan (UGMFP) provides tools to meet regional goals and objectives adopted by Metro Council, including the 2040 Growth Concept and the Regional Framework Plan. Under the Metro Charter, the City of Milwaukie's Comprehensive Plan and implementing ordinances are required to comply and be consistent with the UGMFP. The UGMFP consists of 11 code titles with policies and compliance procedures for the following topics:

- Title 1: Housing Capacity
- Title 7: Housing Choice
- Title 8: Compliance Procedures
- Title 13: Nature in Neighborhoods

Metro requires "substantial compliance" with requirements in the UGMFP. Per the definition in Title 10, "substantial compliance" means that the City's zoning code conforms with the purposes of the performance standards in the functional plan "on the whole." Any failure to meet individual performance standard requirements is considered technical or minor in nature.

Based on the findings described below, the proposed code amendments related to middle housing, tree preservation, and residential parking substantially comply with all applicable titles of the Urban Growth Management Functional Plan.

Title 1: Housing Capacity

Finding: Title 1 of the UGMFP is intended to promote efficient land use within the Metro urban growth boundary (UGB) by increasing the capacity to accommodate housing. Metro's 2020 Compliance Report concluded that Milwaukie is in compliance for the City's Title 1 responsibilities.

Milwaukie has established minimum densities in its Zoning Code (Title 19 of the Municipal Code) (Code) for each residential base zone. These minimum and maximum densities comply with Title 1 for all zones where dwelling units are authorized. The proposed code updates are primarily related to middle housing to implement applicable sections of the comprehensive plan to promote a diversity of housing types and efficient residential development and to be in compliance with Oregon House Bill 2001. The proposed amendments do not reduce residential densities. The proposed zoning code and map amendments allow middle housing options in all residential zones and 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". The amendments are

intended to increase the supply of middle and attainable housing, and provide equitable access and housing choice for all. The findings for Statewide Planning Goal 10 (found in Exhibit 2 of the findings) include information from the Housing Needs Analysis evaluating housing capacity and demonstrates how the proposed code amendments support compact, dense development, especially in the city's high-density residential zones.

Based on the findings above, the proposed amendments are consistent with Title 1.

Title 7: Housing Choice

Finding:

Title 7 is designed to ensure the production of affordable housing within the UGB. Under Title 7, the City is required to ensure that its Comprehensive Plan and implementing ordinances include strategies to: ensure the production of a diverse range of housing types, maintain the existing supply of affordable housing, increase opportunities for new affordable housing dispersed throughout the City, and increase opportunities for households of all income levels to live in affordable housing (3.07.730). Metro's 2020 Compliance Report concluded that Milwaukie is in compliance for the City's Title 7 responsibilities.

The findings for Statewide Planning Goal 10 Housing, based on the City's 2016 Housing Needs Analysis (HNA), include findings that demonstrate that Milwaukie currently has a range of housing types, including single dwelling detached and attached homes, duplexes, multi-family, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years. The City plans to update the HNA in 2022 to further solidify these findings. The findings for Statewide Planning Goal 10 also illustrate how the proposed code amendments implement the policies in the new comprehensive plan that promote a diverse range of housing types, with a focus on housing affordability, equity, sustainability, and livability. The proposed amendments allow a variety of housing options for households of all incomes, ages and living patterns, sited in a dispersed manner throughout the City to help ensure access to services, community amenities, and employment centers. A mix of housing types combined with the higher densities will support development of smaller units with lower land costs and increased opportunities for transit, all of which can facilitate more affordable housing.

In addition to the recently adopted comprehensive plan which has multiple policies supporting housing affordability, equity and choices, the City has conducted several recent planning efforts aimed at addressing similar goals. The *Milwaukie Housing Affordability Strategy* and *Equitable Housing Policy & Implementation Plan* identify a variety of specific strategies to further these goals, many of which are already being implemented by the City and its local and regional partners. The proposed code amendments are the result of an evaluation of the existing zoning ordinance to reduce barriers to and encourage the development of smaller, potentially more affordable housing types. Accessory dwelling

units, cottage cluster housing, townhouses, and other middle housing types are now proposed to be permitted by right in all residential zones in the city.

Based on the findings above, the proposed amendments are consistent with Title 7.

Title 8: Compliance Procedures

Finding: Title 8 establishes a process for ensuring compliance with requirements of the UGMFP. An amendment to the City comprehensive plan or land use regulations is deemed to comply with the UGMFP only if the City provided notice to Metro as required by section 3.07.820(a). The City of Milwaukie provided Metro a set of draft code amendments on August 31, 2021, which was more than 35 days prior to the first evidentiary hearing, scheduled for October 12, 2021.

Based on the findings above, the proposed amendments are consistent with Title 8.

Title 13: Nature in Neighborhoods

Finding: The purpose of Title 13 is twofold: (1) to conserve, protect, and restore a continuous ecologically viable streamside corridor system in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality and prevent water pollution. The City is required to comply with Title 13 for all mapped resources located within the City. By meeting the requirements of Title 13, the City also complies with Statewide Planning Goal 5 for riparian areas and wildlife habitat. Metro's 2020 Compliance Report concluded that Milwaukie is in compliance with Title 13.

The proposed code amendments do not propose any changes to the City's habitat protection program or inventory of habitat resources. Further the amendments strengthen the City's approach to habitat conservation with a new tree code that applies to residential properties. The new tree code applies to both new development and non-development activities.

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 current tree code addresses only trees in the public right of way or on public property, like park or street trees. In order to meet the City's goal of a 40% tree canopy, as identified in the Climate Action Plan, Urban Forestry Management Plan, and Comprehensive Plan policies, trees on private residential property must also be preserved and protected.

In the proposed 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 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 the City's municipal code 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.

Based on the findings above, the proposed amendments are consistent with Title 13.

Statewide Findings for Milwaukie Plan and Code Amendments – Middle Housing

This memo summarizes the consistency of the proposed code amendments with the following statewide goals, as well as key Oregon Revised Statutes (ORSs) and Oregon Administrative Rules (OARs):

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 5: Natural and Historic Resources
- Goal 6: Air, Land and Water
- Goal 7: Natural Hazards
- Goal 8: Parks and Recreation
- Goal 9: Economic Development
- Goal 10: Housing
- Goal 11: Public Facilities
- Goal 12: Transportation
- Goal 13: Energy
- Goal 14: Growth Management
- Goal 15: Willamette Greenway

Other Statewide Planning Goals are not directly applicable to the proposed code amendments. Goals related to agriculture and forestry do not apply to land intended for future urbanization within the urban growth boundary. Additionally, the proposed amendments do not involve land or resources designated as part of Oregon's coastal zone.

Consistency with the applicable goals is a requirement for any amendment to a City's land use ordinances.

Based on the findings described below, the proposed code amendments comply with the applicable Statewide Goals and associated ORS and OAR provisions.

Goal 1: Citizen Involvement

Finding: Goal 1 requires the City to employ an appropriately-scaled involvement program to ensure the opportunity for meaningful public involvement throughout the land use planning process. Goal 1 requires the City to incorporate six key components in its public involvement program:

- Citizen Involvement: An officially-recognized committee for public involvement broadly representative of geographic areas and interests related to land use and land-use decisions to provide for widespread public involvement;
- Communication: Mechanisms for effective two-way communication between the public and elected/appointed officials;

- Influence: Opportunities for the public to be involved in all phases of the planning and decision-making process including developing, evaluating, and amending plans;
- Technical Information: Access to technical information used in the decision-making process, provided in an accessible and understandable format;
- Feedback Mechanisms: Programs to ensure that members of the public receive responses from policy-makers and that a written record for land-use decisions is created and made accessible; and,
- Financial Support: Adequate resources allocated for the public involvement program as an integral component of the planning budget.

Following is a summary of activities undertaken by the City associated with each of these elements of the City's community engagement effort undertaken to support the proposed code amendments related to middle housing, tree preservation, and residential parking.

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.

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.

https://www.milwaukieoregon.gov/citymanager/city-newsletter-pilot

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.

Advisory Committee

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 15-member committee (13 community members and two planning commissioners/City Councilors) offered feedback on code concepts and ensured that the diverse interests of the Milwaukie community are 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 and City Council for review. All meetings of the CPIC were held virtually over Zoom due to Covid restrictions, but were open to the public and time was reserved at each meeting for non-committee members to comment.

All CPIC meetings were recorded and the video for each meeting, including all meeting packets and PowerPoint presentations, were posted on the committee webpage: https://www.milwaukieoregon.gov/planning/comprehensive-plan-advisory-committee-cpic.

Virtual Open Houses, with Accompanying Community Surveys

Due to COVID restrictions, no in-person outreach events occurred. Engage Milwaukie (https://engage.milwaukieoregon.gov/comprehensive-plan-implementation), the digital community engagement platform used by the City was used to provide three opportunities for the public to engage with the process virtually. All of the online open houses were translated into Spanish. Paper copies of materials (in English and Spanish) were available upon request.

The public was notified of the open house events via social media, project email list, bookmarks and postcards at the Ledding Library, direct emails to all city committee members, and the Pilot newsletter.

- Open house #1: Fall 2020

  The first virtual open house and corresponding 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 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 identify priorities and preferences for the code concepts regarding housing, parking and tree preservation.

- Open house #2: Spring 2021

  The virtual open house and corresponding survey 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. The corresponding 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. 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.

- 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, 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

City staff conducted worksessions with the City's Planning Commission and City Council throughout the project to review the status of the work and solicit feedback on key issues. When the draft code amendments were made available for public review, the City conducted

three worksessions with the Planning Commission to discuss specific code language for refinement and to see direction for the final proposed code language. These meetings also were open to the public and were recorded and available for public viewing after the meetings.

The specific proposed code language was posted on the Engage Milwaukie webpage on June 25, 2021 as part of an informative virtual open house. Prior to the public hearings the Planning Commission had 3 worksessions about the proposed code amendment language in July and August 2021. Specific notice of the draft amendments and the October 12, 2021 public hearing was as follows: notice was sent to all residential addresses in the city via a mailed postcard on September 14, 2021; email notices were sent to all city committee members and the project email subscription list on September 1, 2021; posts were made to city social media on September 1, 2021. The current version of the draft amendments have been posted on the application webpage since August 31, 2021. On September 1, 2021 staff e-mailed NDA leaders with information about the hearing and a link to the draft proposed amendments.

Based on the findings above, the Comprehensive Plan Update is consistent with Oregon Statewide Planning Goal 1.

Goal 2: Land Use Planning

Goal 2. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Goal 2 requires the City to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed plan and code amendments are related directly to implementation of the city's comprehensive plan as it relates to the provision of middle housing throughout the city's residential zones. No changes are proposed that impact the land use planning process or policy framework within the city.

Goal 2 does not apply to the proposed amendments.

Goal 5: Natural and Historic Resources

Goal 5. To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: Goal 5 directs the City to inventory, evaluate, and develop conservation programs for specific natural and cultural resources.

The proposed code amendments do not propose any changes to the City's habitat protection program or inventory of habitat resources. Further the amendments strengthen the City's approach to habitat conservation with a new tree code that applies to residential properties.

The proposed code amendments do not propose any changes to the City's historic resources code or inventory of historic resources. Pursuant to Oregon House Bill 2001, the proposed code amendments do not prohibit the development of middle housing on historic properties that otherwise permit detached single unit dwellings.

Goal 5 does not directly apply to the proposed ordinance because no new Goal 5 program is advanced by this ordinance and no existing Goal 5 program is changed by this ordinance.

Goal 6: Air, Water, and Land Resources Quality

Goal 6. To maintain and improve the quality of the air, water, and land resources of the state.

Finding: Goal 6 requires cities and counties to ensure that solid waste, thermal, noise, atmospheric, or water pollutant and contaminant process discharges from existing and future developments do not violate state or federal environment environmental quality standards or degrade the quality of air, water, or land resources. Implementing ordinances must demonstrate consistency with the administrative rules related to air, water, and land quality established by the Environmental Quality Commission (EQC).

The proposed code amendments do not propose any changes or impacts to mapped resources in the city. The proposed amendments strengthen the City's approach to environmental quality through the efficient use and/or preservation of land and air resources through compact development patterns via middle housing and carbon emissions reductions as well as the new tree code requiring preservation and/or new plantings on residential properties.

Goal 6 does not directly apply to the proposed ordinance because no new Goal 6 program is advanced by this ordinance and no existing Goal 6 program is changed by this ordinance.

Goal 7: Natural Hazards

Goal 7. To protect people and property from natural hazards.

Finding: Goal 7 requires Comprehensive Plans to reduce the risk to people and property from natural hazards, including floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires.

The City of Milwaukie already complies with Goal 7 by regulating development in hazard-prone areas through the Municipal Code. Code sections address the following types of natural hazard conditions: seismic hazards (Chapter 16.12), weak foundation soils (Chapter 16.16), and flood hazard areas (Chapter 18.04). The proposed code amendments do not make any changes to these code sections.

Goal 7 does not apply to the proposed code amendments.

Goal 9: Economic Development

Goal 8. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Goal 9 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, ensuring citizens have adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon.

The proposed code amendments do not propose any changes to the City's mixed use, commercial, or industrial zones. All amendments related to middle housing are restricted to the city's existing residential zones.

Goal 9 does not apply to the proposed code amendments.

Goal 10: Housing

Goal 10: To provide for the housing needs of citizens of the state.

Finding: Goal 10 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, providing flexibility in housing location, type, and density to ensure the availability and prices of housing units are commensurate with the needs and financial capabilities of Oregon households. Comprehensive plans are required to include an analysis of community housing needs by type and affordability, an assessment of housing development potential, and an inventory of residential land; contain policies for residential development and supportive services based on that analysis that increase the likelihood that needed housing types will be developed; and provide for an adequate supply of a variety of housing types consistent with identified policies and meeting minimum density and housing mix requirements (established by OAR 660, Division 007).

The City's 2016 Housing Needs Analysis (HNA), included findings that demonstrate that Milwaukie currently has a range of housing types, including single-family detached and attached homes, duplexes, multi-family, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years.

In 2017 the City adopted its Community Vision which includes the following statement about housing:

"Milwaukie invests in housing options that provide affordability, high quality development and good design, promoting quality living environments. It maintains the small neighborhood feel through creative use of space with housing options that embrace community inclusion and promotes stability."

In order to realize the full vision for the community the next step was to complete a full overhaul of its Comprehensive Plan which was adopted in 2020. The housing component of the plan is critical to realizing the vision and Council has made housing a top priority of the City for the last several years.

In addition to the updated Comprehensive Plan policies supporting housing affordability, equity and choices, the City has conducted several recent planning efforts aimed at addressing similar goals, including the following.

The **Milwaukie Housing Affordability Strategy (MHAS)** was adopted by the Milwaukie City Council in 2018 after the Council identified housing affordability as its number one priority for the 2017–2018 biennium. The MHAS is a blueprint for providing equitable affordable housing opportunities and is intended to help increase the amount of affordable housing in the City. It serves as an overarching framework, combining existing land uses, needs assessments, housing policy analysis, and an analysis of best practices from peer cities. The MHAS includes a total of 31 proposed actions or programs focused around the following three goals:

- Develop New Units
- Prevent Displacement and Keep Affordable Units Affordable
- Connect People to Existing Affordable Housing

The **Milwaukie Housing Equity Policy Implementation Plan (EHPIP)** was prepared in 2019 with funding provided through a grant from the Oregon Department of Land Conservation and Development. The EHPIP builds on the work conducted for the MHAS, as well as other housing affordability and equity initiatives in Milwaukie. It identifies a variety of specific strategies to further these goals, with a strong focus on how they will promote geographic, racial, and income equity in Milwaukie. The EHPIP also includes a cross-referencing of EHPIP strategies with draft Comprehensive Plan goals and policies.

The **Accessory Dwelling Unit (ADU) Code Audit** was undertaken by the City in 2018-2019 as part of implementation of the MHAS. This projected included an assessment of the existing zoning code standards and fees related to ADUs and develop recommendations aimed at enabling the development of more cost-effective ADUs in the City.

The **Cottage Cluster Feasibility Study** was conducted by the City in 2018-2019 and was funded through Metro's Equitable Housing Strategies grant. Cottage Cluster housing is a way to provide housing that is affordable for groups that have been identified by community partners as having a demonstrated need for equitable housing in Milwaukie. The purpose of the study was to understand what code changes might be needed to make cottage cluster housing possible in Milwaukie. The project team conducted a financial feasibility analysis and preliminary site design work for 4 real-world test sites to assess their potential to provide a cottage cluster development.

The proposed code amendments implement a variety of goals and policies related to housing and will support consistency with Statewide Planning Goal 10. By allowing middle housing in

all residential zones in the city, housing choice and opportunities to expand housing options are made possible.

HB 2001 requires that local governments consider ways to increase the affordability of middle housing. The city has made strides in this effort as follows:

- System Development Charges (SDCs)

  The city controls approximately one-third for the total SDCs associated with development (Clackamas County controls the remainder). The city continues to have conversations with the County to address the issue of SDCs and their effect on the cost of development. The city has developed a Bancroft financing program which allows an applicant to finance the required SDCs over a period of 10 years to reduce the upfront cost of these charges. Further, the city has a program in place to reduce the city controlled SDCs for dwellings that are less than 1,500 sq ft in size.

- Construction Excise Tax (CET)

  The development and retention of affordable housing is one of the city's priorities referenced in the Milwaukie Community Vision, the Comprehensive Plan, and the Milwaukie Housing Affordability Strategy (MHAS). To support this effort, Council established a CET in 2017, enabled by State Senate Bill 1533, and dedicated revenue to support the development of new affordable housing units in the city. The CET affordable housing grant program is designed to help offset the cost of developing new housing so that it can remain affordable.

  Since adoption of the CET, the city has collected approximately $500,000 in total CET revenue. The funds drawn from residential and commercial development are allocated in ways specified by state law and Milwaukie's local enabling ordinance. Over the last year, City staff have been implementing the program components to prepare for a request for proposals (RFP) process. The next step is for the city to issue an RFP to solicit grant applications for the development of income and rent restricted housing units.

Additionally, the City plans to update the HNA in 2022 when the city can further consider the impacts of the proposed code amendments related to middle housing on land capacity.

The intent of the proposed code amendments, in addition to implementing the city's comprehensive plan and policies supporting a diverse range of housing types, with a focus on housing affordability, equity, sustainability and livability, is to be in compliance with HB 2001. The proposed amendments implement comprehensive plan policies related to housing affordability and equity by allowing for a variety of housing options for households of all incomes, ages and living patterns. Housing is sited in a dispersed manner throughout the City to help ensure access to services, community amenities, and employment centers. A mix of housing types combined with the higher densities will support development of smaller units

with lower land costs and increased opportunities for transit, all of which can facilitate more affordable housing.

The city's Community Development Department will continue to work on ways to assist in the development of housing, provide incentives for regulated affordable housing development, provide incentives for the retention or conversion of existing affordable housing supply, and provide incentives and reduce barriers within the development code.

Based on the findings above, the Comprehensive Plan Amendment is consistent with Statewide Planning Goal 10.

Goal 11: Public Facilities

Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Goal 11 requires the City to *"plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."* The City of Milwaukie coordinates with several other local service provides to ensure timely, orderly and efficient arrangement and provision of public services to serve development within the City of Milwaukie and its planning area between the city limits and UGB. The City of Milwaukie provides planning and zoning services inside the city limits, as well as provision of water, conveyance of wastewater, transportation facilities on city-owned facilities, law enforcement, and library services. The City is already in compliance with Goal 11 and the preparation and adoption of updated specific facility master plans for water, wastewater and stormwater are underway at this time.

Goal 11 is not applicable to the proposed code amendments related to middle housing.

Goal 12: Transportation

Goal 12: To provide and encourage a safe, convenient and economic transportation system.

Finding: Goal 12 and the State Transportation Planning Rule (TPR; OAR 660, Division 012) require cities to provide and encourage a safe, convenient, and economic transportation system. Together, they require the City to develop and maintain a Transportation System Plan (TSP), which must be incorporated as part of the Comprehensive Plan. A local TSP acts as a guiding policy document for long-term transportation planning and presents the City's goals and policies while outlining and prioritizing proposed improvements for pedestrian, bicycle, public transit, motor vehicle, and freight systems; downtown parking; and neighborhood traffic management.

The city was in compliance with Goal 12 prior to these code amendments and with the planned update to the TSP in 2022-2023 reflecting the proposed code amendments for middle housing, the proposal is consistent with Goal 12 Transportation and the Transportation Planning Rule.

Goal 13: Energy

Goal 13: To conserve energy.

Finding: Goal 13 requires that any spatial changes to future patterns of allowed land uses must conserve energy.

The city's Comprehensive Plan is already in compliance with Goal 13 and the proposed code amendments provide greater opportunities for more compact development and efficient use of land which will result in a reduction in energy consumption, including in transportation and utilities.

The proposed code amendments, related to middle housing, are consistent with Statewide Planning Goal 13.

Goal 14: Growth Management

Goal 14: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The entirety of the city and its Municipal Planning Area (MPA) is located within the Urban Growth Boundary (UGB). As such, the proposed amendments will not result in the transition of any land from rural to urban uses or result in population or employment growth outside of the UGB.

The proposed amendments are directly related to the provision of middle housing opportunities in all residential zones in the city which will enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

Goal 14 does not directly apply to the proposal but the amendments are consistent with Goal 14.

Goal 15: Willamette Greenway

Goal 15. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Goal 15 requires cities and counties to maintain and implement local greenway plans. This includes applying a local review process and criteria to review intensifications of use, changes of use and new development that are consistent with criteria in the goal. Greenway compatibility reviews are intended to insure, "the best possible appearance, landscaping and public access" is achieved for development along the river.

House Bill 2001 requires applicable cities to amend development codes governing the development of housing in areas that allow for the development of single-family detached dwellings to allow the development of middle housing. The proposed amendments do not include significant amendments to the city's Willamette Greenway code, but the city has plans in the future to review this code section in the future to ensure consistency with the intent and purpose of ORS 197.307.

As proposed, the code amendments are consistent with Goal 15.

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~~

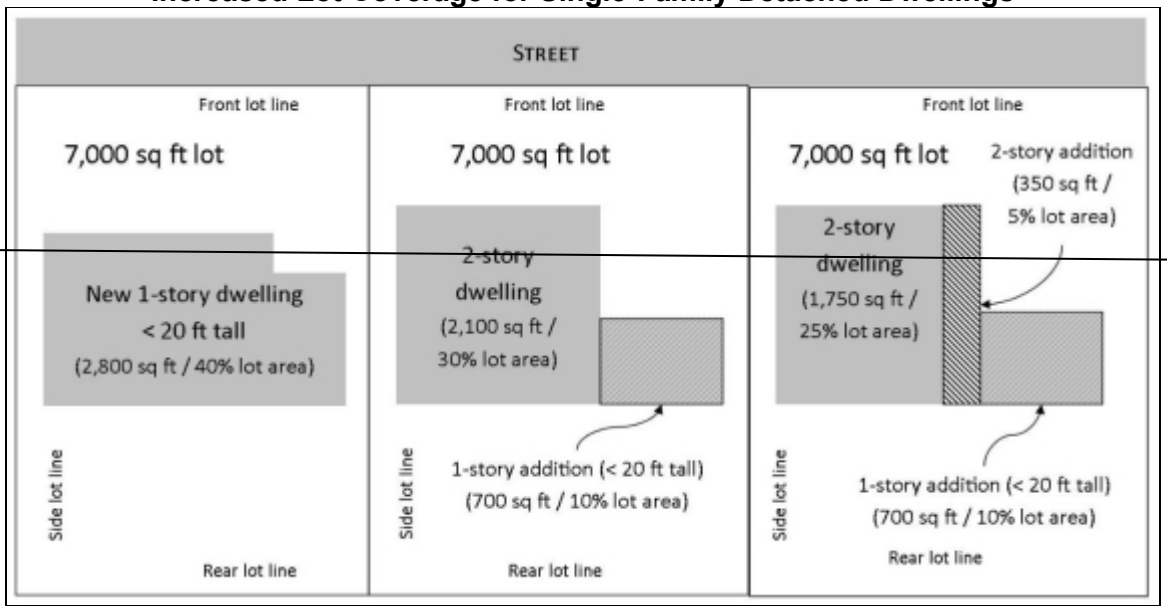
   The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of ~~a single-family detached dwelling, or~~ an

[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.

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 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



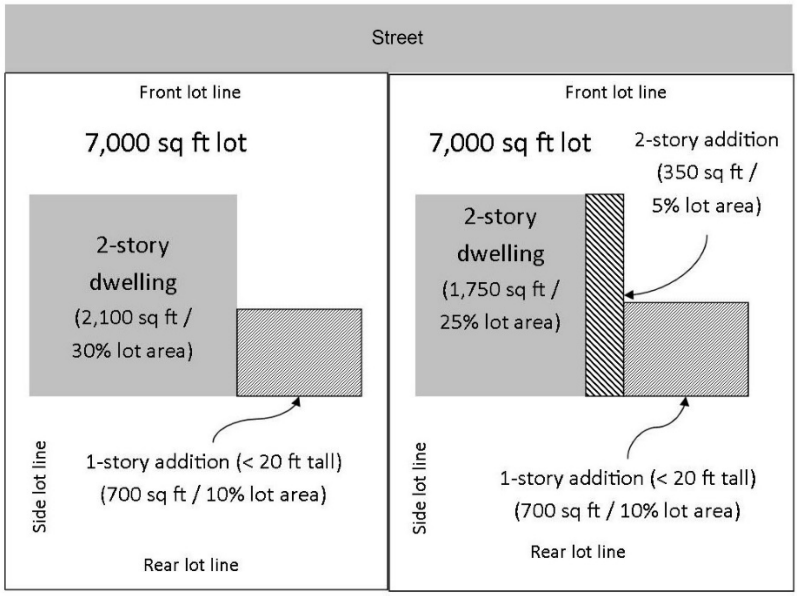


Figure 19.301.5.B.2 illustrates an example of increased lot coverage for lots in Residential Zone R-MD. ~~R-7 based on 7,000 sq ft lot area.~~

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.

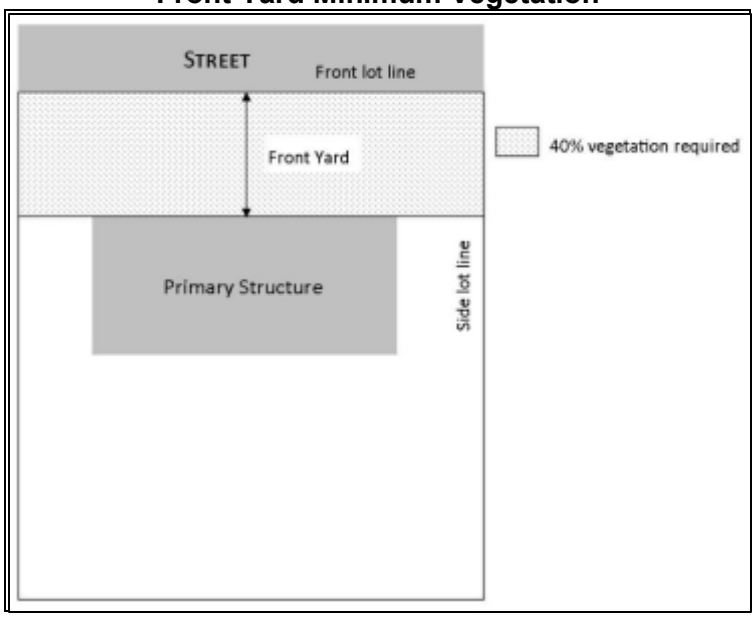
4. Increased Lot Coverage for Detached Accessory Dwelling Units

   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 **Subsection 19.501.2** Yard Exceptions **Subsection 19.504.8** Flag Lot Design and Development Standards
a. Front yard	20	20	20	
b. Side yard	10	5/10	5	
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 **Subsection 19.501.4** Density Exceptions
a. Minimum	3.5	5.0	7.0	
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	P/~~II~~	P/~~II~~	P/~~II~~	P/~~II~~	P/~~II~~	**Subsection 19.910.1**

unit						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	20					
b. Standard lot	35					

c. Flag lot	25			
d. Double flag lot	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 (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~~		**~~Subsection 19.501.1~~** ~~Lot 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	See Subsection 19.302.5.A		- 15 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	35%	15%		**Subsection**

~~vegetation (percent of total lot area)~~				~~**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.

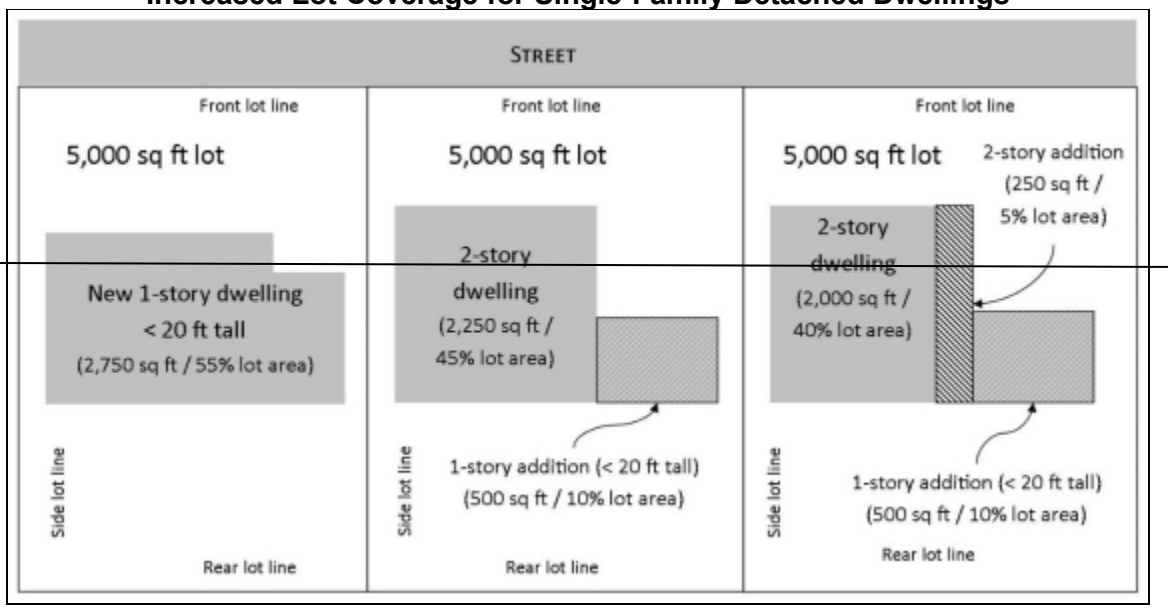
1. Increased Lot Coverage for Single~~-Family~~ Detached Dwelling~~s~~

   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



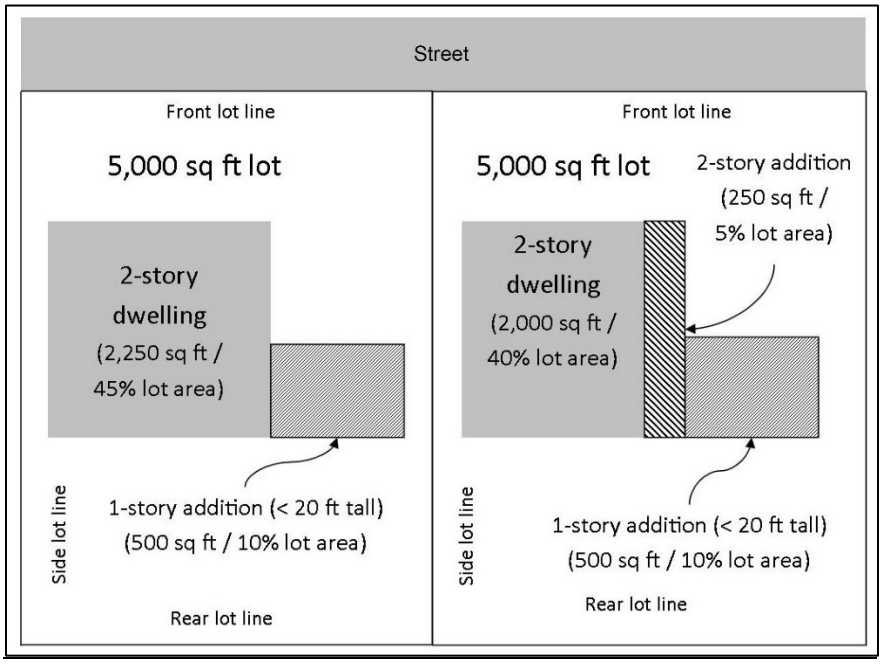


Figure 19.302.5.B.1 illustrates an example of increased lot coverage for lots in the high density zones based on 5,000-sq-ft lot area.

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.

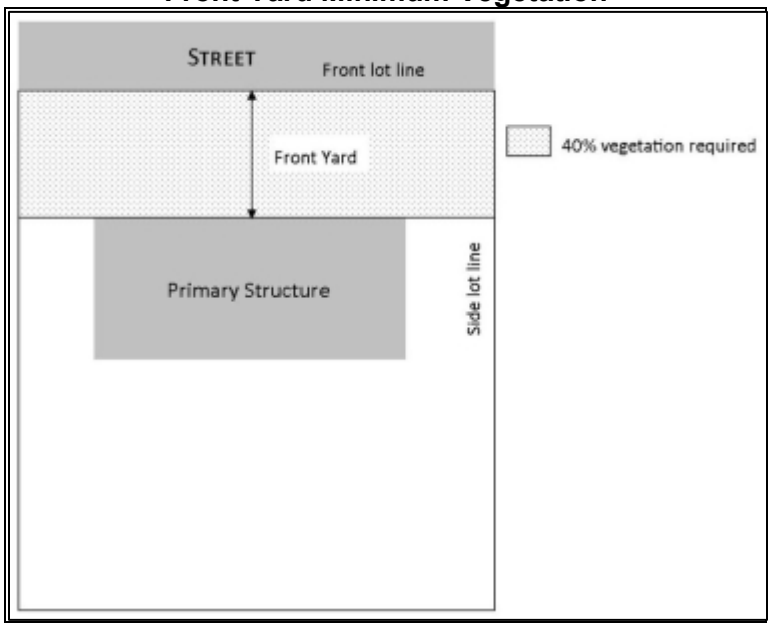
C. Minimum Vegetation

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.~~

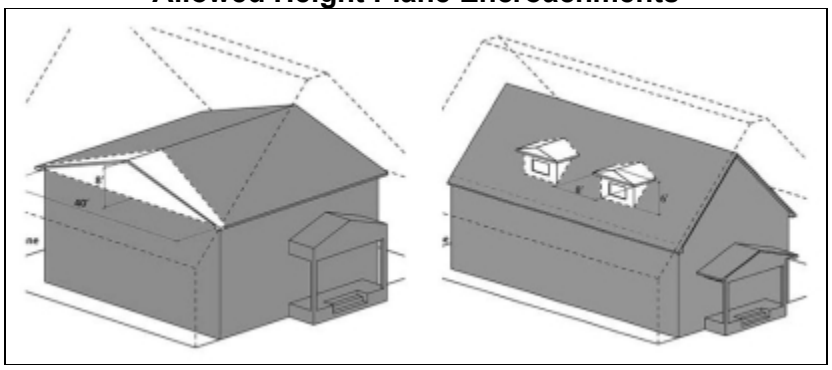
~~3. Dormers, with the following limitations:~~

~~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 <u>and Back Lot Design</u> and Development Standards

A. Applicability

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

B. Development Standards <u>– Flag Lots</u>

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, <u>except for the</u>

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.

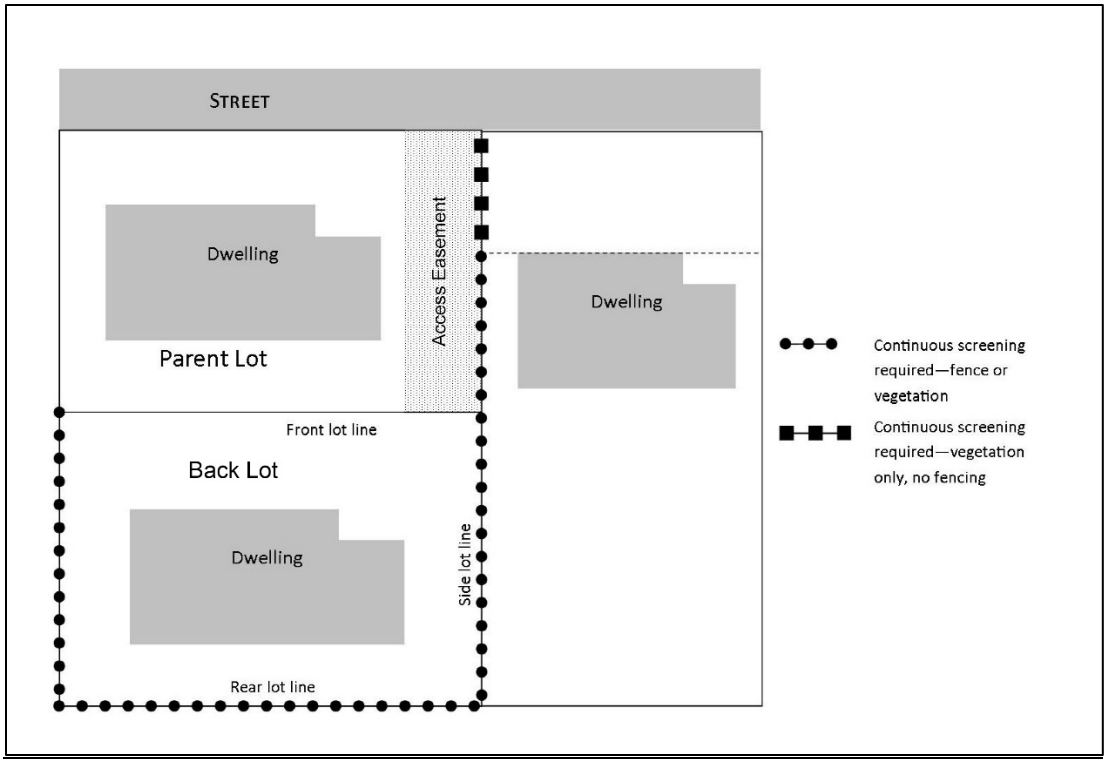
   a. Any combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction for the benefit of adjoining properties within 3 years of planting is allowed.

   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.

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.

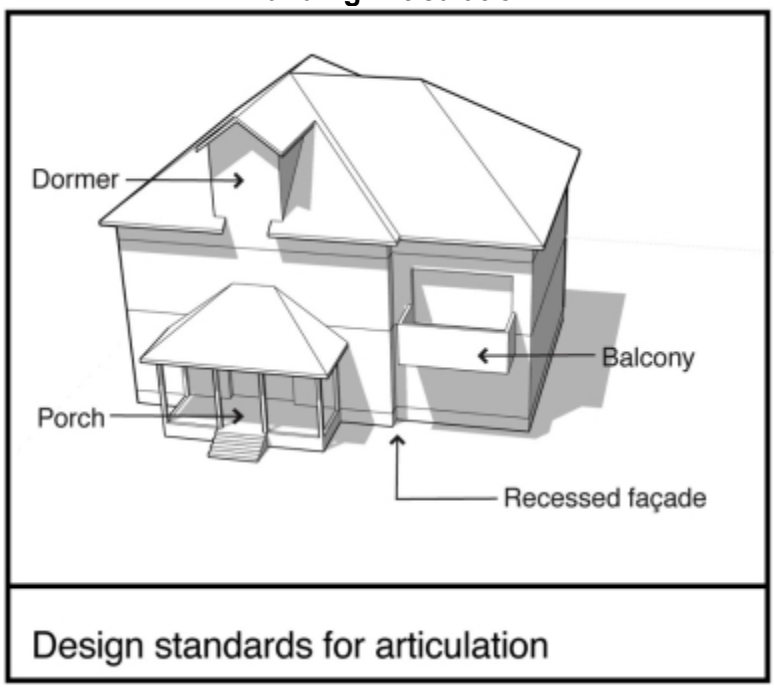
        (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.

        (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.

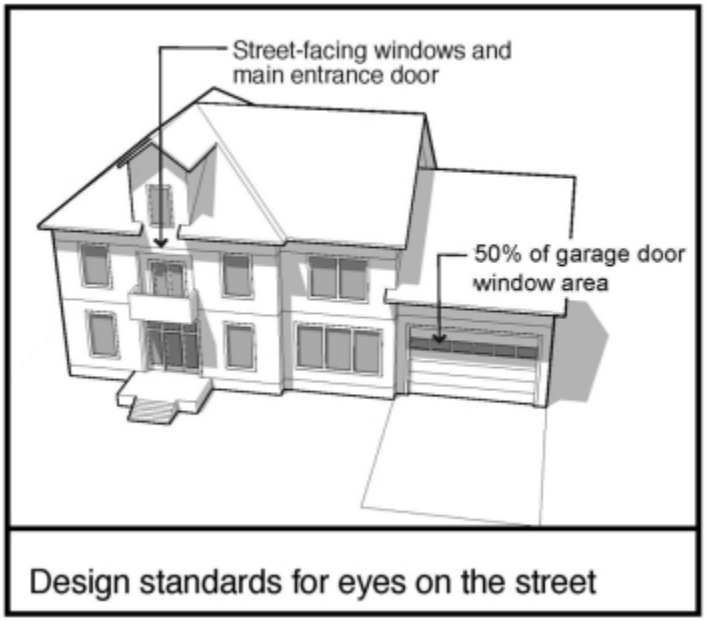
   b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

   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.

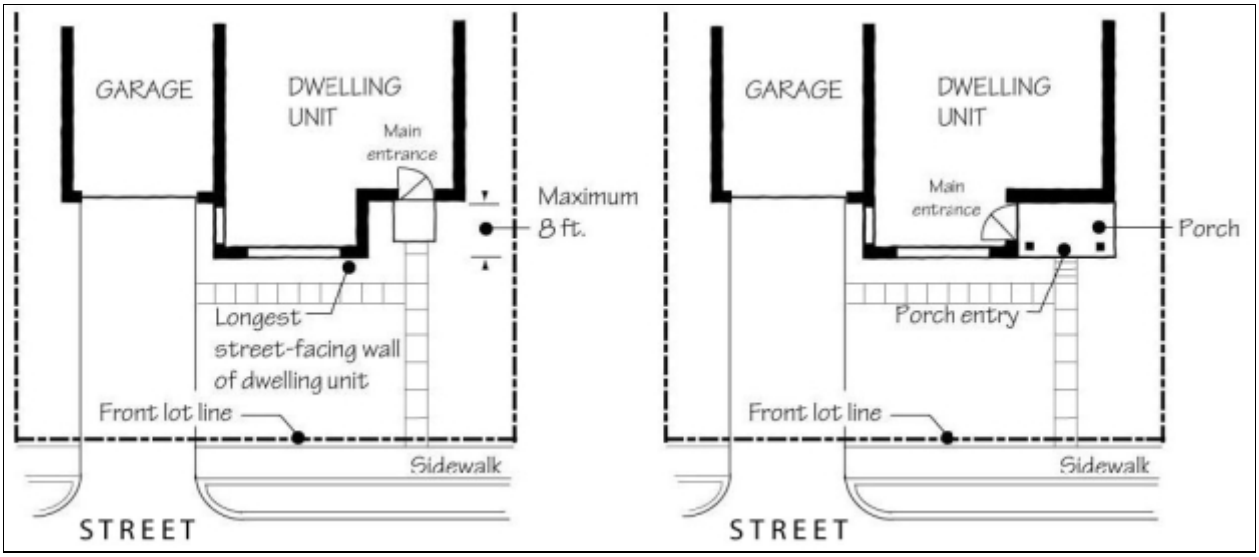
      (1) Be at least 25 sq ft in area with a minimum 4-ft depth.

      (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.

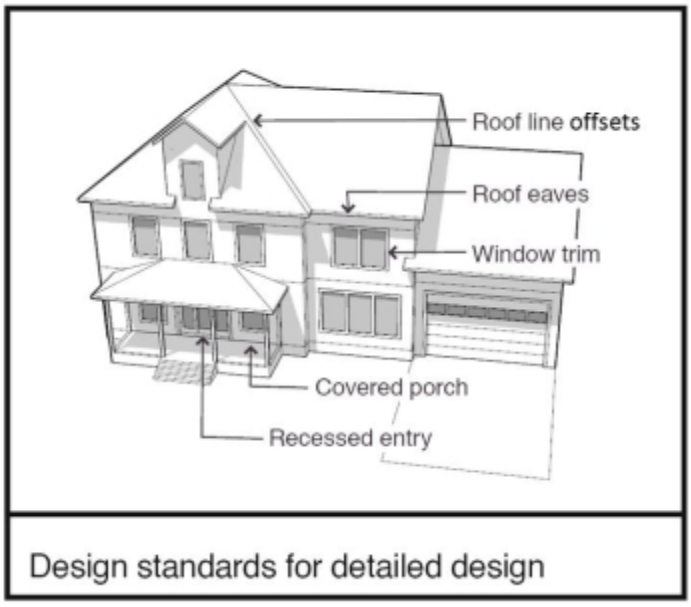
   m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.

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	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

	context, buildings should be 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	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:

	Environmental Design: • 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.	(1) Parking and loading areas: 0.5 footcandle 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	15 ft	

line		
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	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.

spaces per home (minimum)	
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.~~

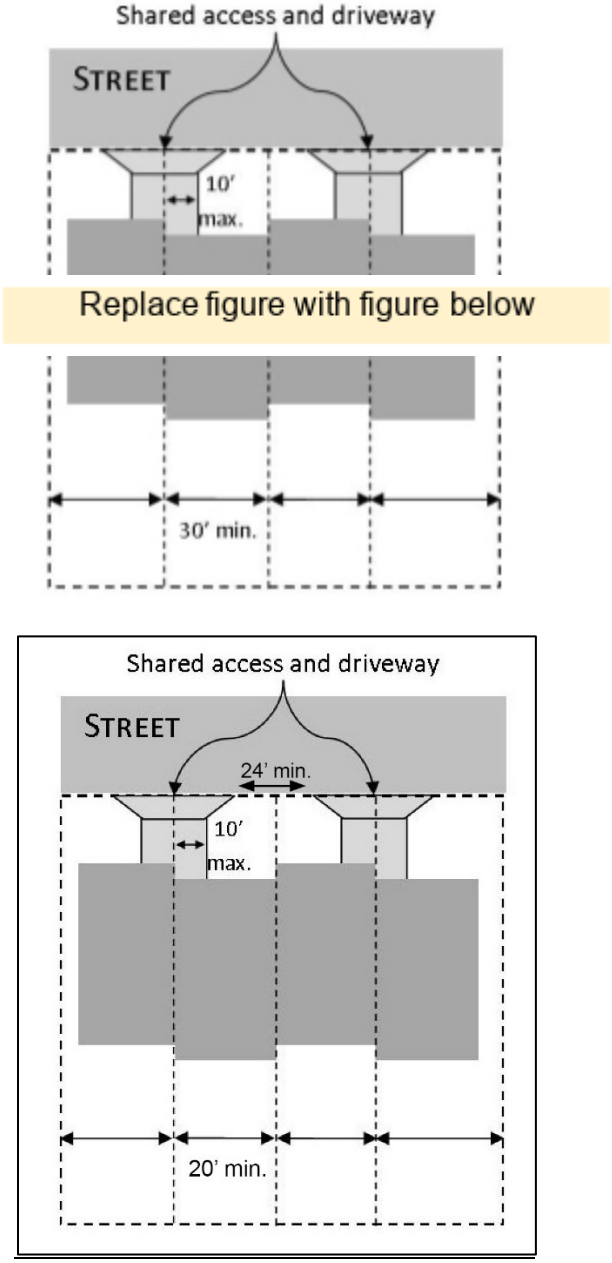
b. Development of 2 or 3 townhouses ~~rowhouses~~ has at least 1 shared access between the lots, and development of 4 townhouses ~~rowhouses~~ has 2 shared accesses.

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

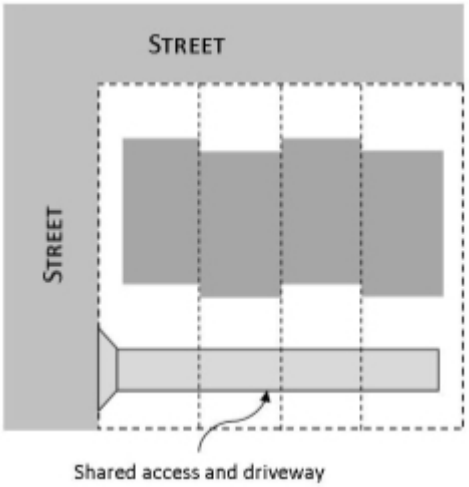


2. The following rules apply to driveways and parking areas for townhouse ~~rowhouse~~ developments that do not meet all of the standards in Subsection 19.505.5.F.1.

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.~~

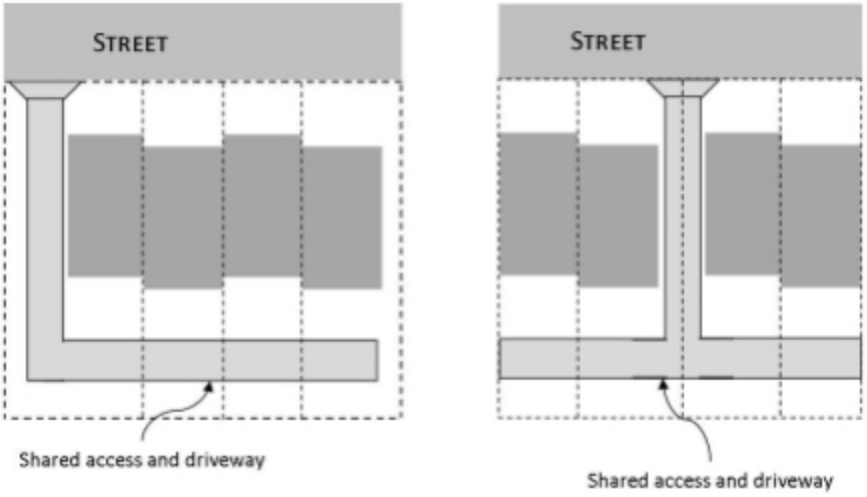
b. Townhouse ~~Rowhouse~~ development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The ~~Engineering Director~~ City Engineer may alter this requirement based on street classifications, access spacing, or other provisions of Chapter 12.16 Access Management.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

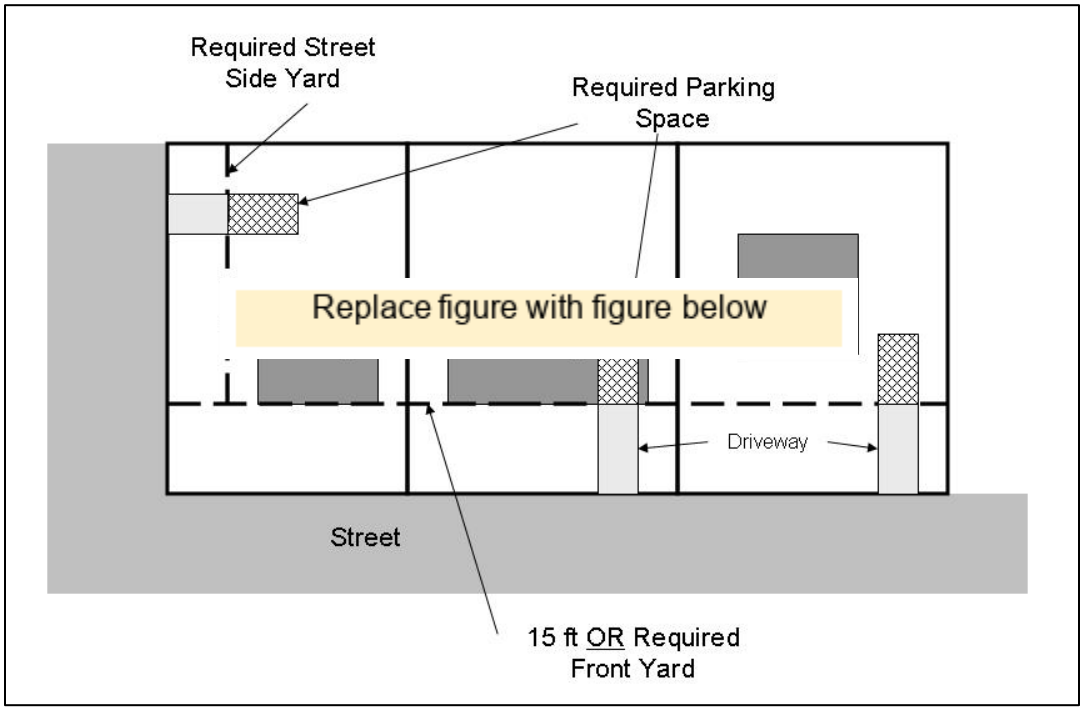
A. Dimensions

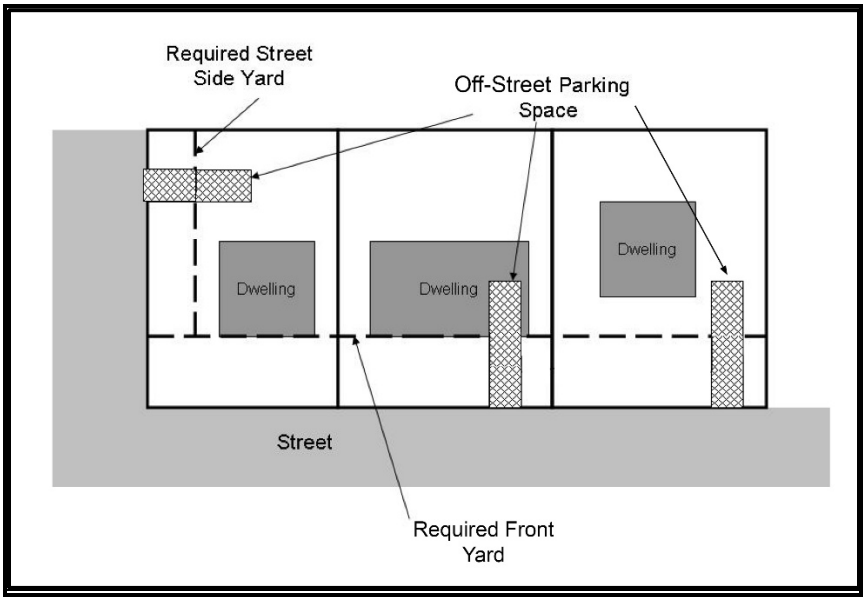
Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

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.

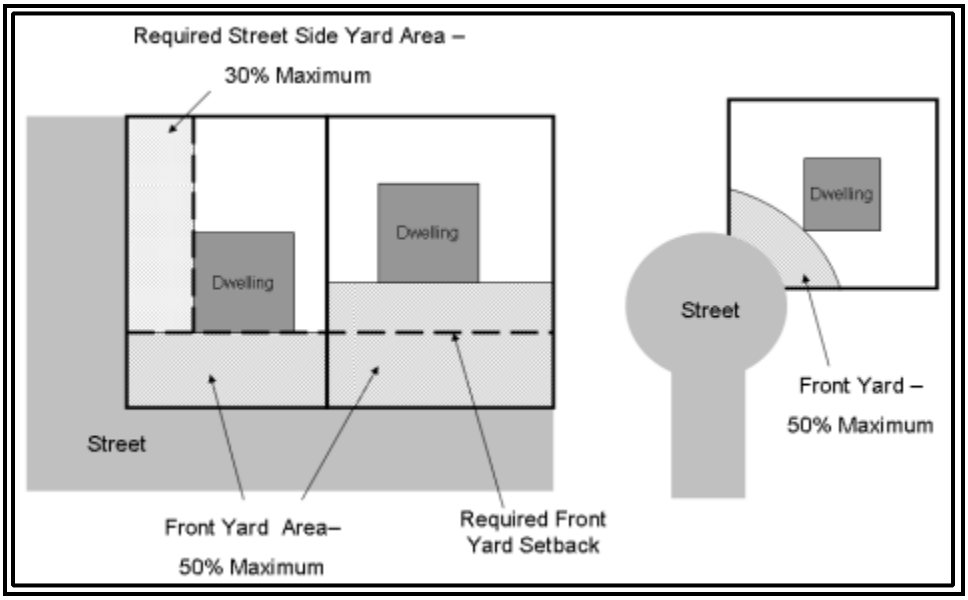
D. Parking Area Limitations

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

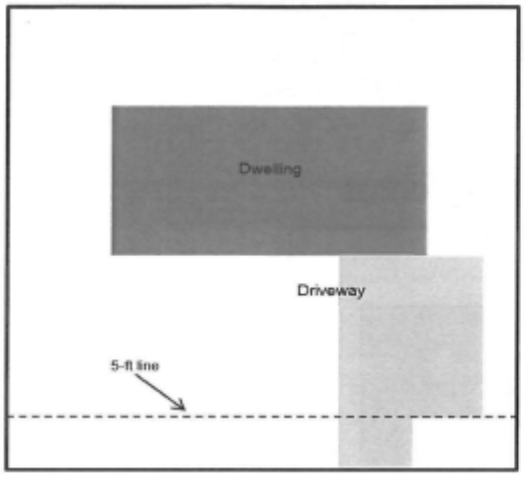
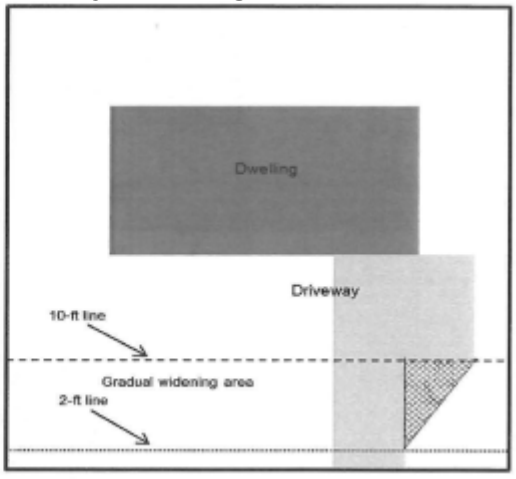


Figure 19.607.1.E.2
Driveway Widening Limitation—Option 2



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.

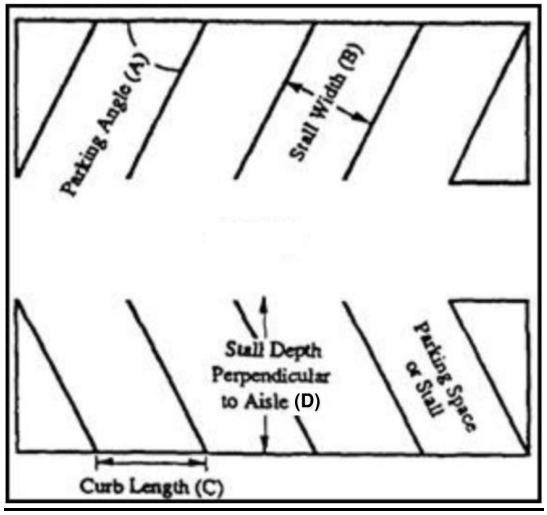
9. On-street parking in residential zones ~~shall~~ must have a minimum width of 6 ft.

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 allow 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 approval criteria found in MMC 16.32.042.E.

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.

19.1104 EXPEDITED PROCESS

19.1104.1 Administration and Approval Process

A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.

E. The City zoning and Comprehensive Plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table 19.1104.1.E, provided below:

Table 19.1104.1.E
Zoning and Land Use Designations for Boundary Changes

County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
R-20	~~R-10~~ R-MD	~~Low~~ Moderate density residential
R-15	~~R-10~~ R-MD	~~Low~~ Moderate density residential
R-10	~~R-10~~ R-MD	~~Low~~ Moderate density residential
R-8.5	~~R-7~~ R-MD	~~Low~~ Moderate density residential

R-7	~~R-7~~ R-MD	~~Low~~ Moderate density residential
MR1	R-2	~~Medium~~ High density residential
MR2	R-2	~~Medium~~ High density residential
PMD	R-1-B	High density residential
HDR	R-1-B	High density residential
SHD	R-1	High density residential
C3	C-G	Commercial
OC	C-L	Commercial

Table 19.1104.1.E CONTINUED
Zoning and Land Use Designations for Boundary Changes

County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
RTL	C-L	Commercial
PC	C-CS	Commercial
LI	BI	Industrial
GI	M	Industrial
BP	BI	Industrial
OSM	R-10/CSU	Public

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.

LAND USE

(EXISTING)

Milwaukie Comprehensive Plan
Map 8

- City Boundary
- Tacoma Station Area
- LD - Low Density
- MD - Moderate Density
- MED. D - Medium Density
- HD - High Density
- C - Commercial
- C/HD - Mixed Use
- I - Industrial
- P - Public
- TC - Town Center
- Water Body

Rev. as of Ord. #2194 , effective August 28th, 2020

Data Sources: City of Milwaukie GIS, Metro Data Resource Center

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503-786-7630
planning@milwaukieoregon.gov

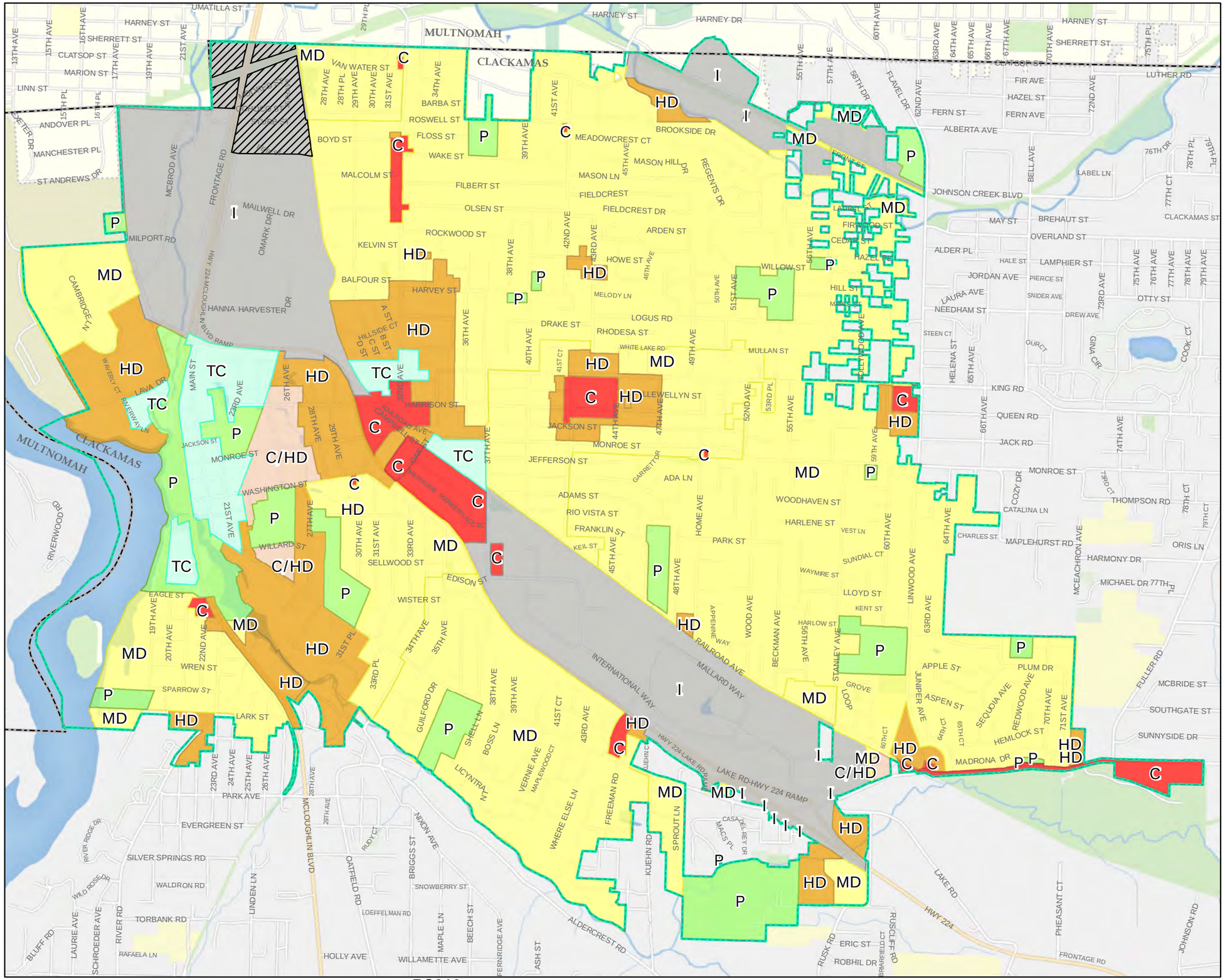
CITY OF MILWAUKIE

0 0.25 0.5 Miles

CITY OF MILWAUKIE

Milwaukie Comprehensive Plan
Proposed Landuse

- City of Milwaukie
- County Boundary
- Tacoma Station Area
- C -Commercial
- C/HD - Mixed Use
- HD - High Density
- I - Industrial
- MD - Moderate Density
- P - Public
- TC - Town Center



Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

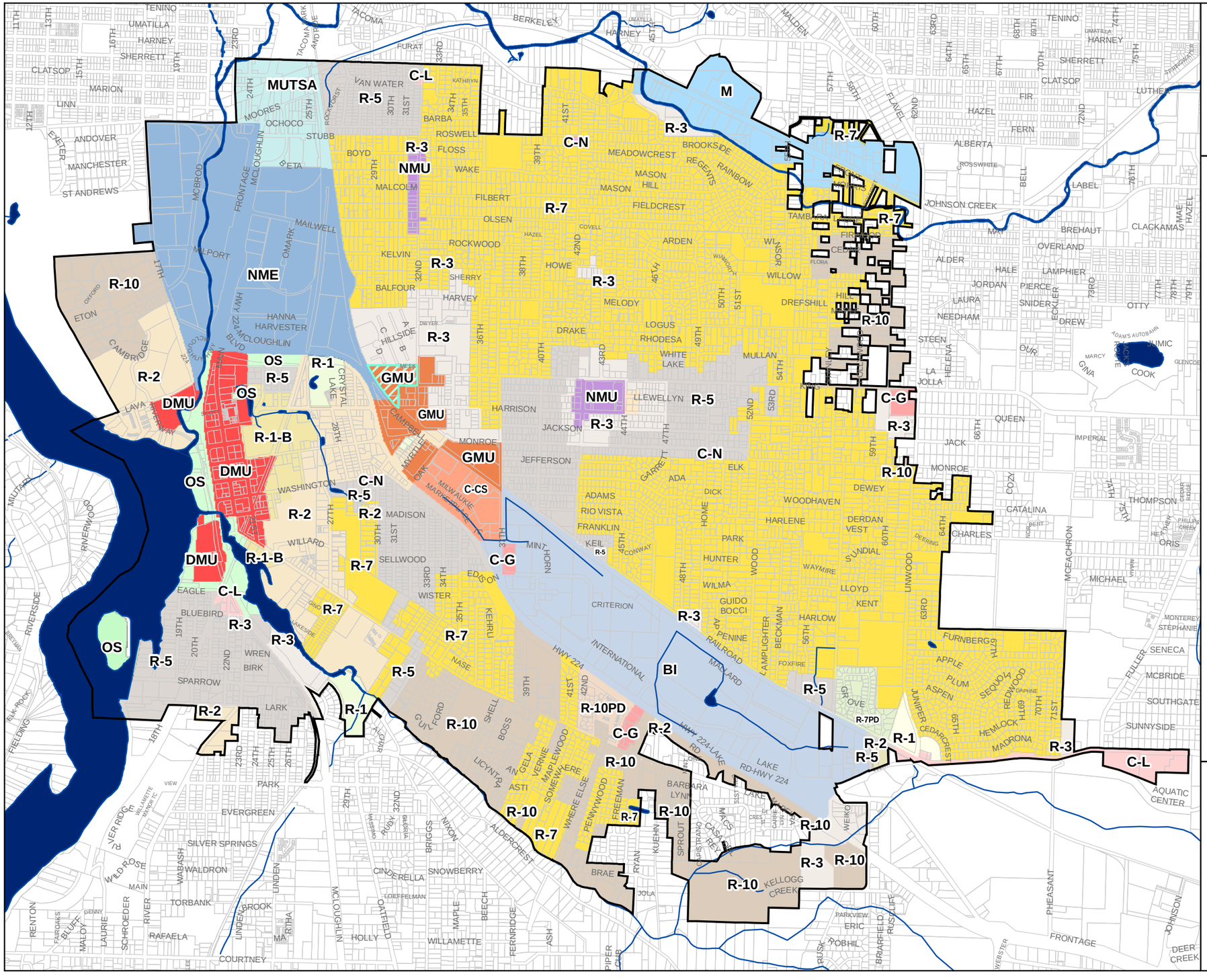
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GIS Coordinator
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
(503) 786-7687

0 0.25 0.5 Miles

RS216



ZONING

(EXISTING)

Industrial
- BI
- M
- MUTSA
- NME

Residential
- R-1
- R-1-B
- R-2
- R-2.5
- R-3
- R-5
- R-7
- R-7PD
- R-10
- R-10PD

Commercial and Mixed Use
- NMU
- C-N
- C-L
- C-G
- C-CS
- GMU

Downtown
- DMU
- OS

- Flex Space Overlay
- City Boundary
- Water Body

Adopted by Ord. #1438, effective Dec. 5, 1979
Rev. as of Ord. #2194 , effective August 28th, 2020

Data Sources: City of Milwaukie GIS, Metro Data Resource Center
9/10/2020

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planning@milwaukieoregon.gov

CITY OF MILWAUKIE

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CITY OF MILWAUKIE

Milwaukie Comprehensive Plan
Zoning Proposed Designations

- City of Milwaukie
- County Boundary
- MUTSA
- BI
- GMU
- C-CS
- DMU
- C-G
- C-L
- C-N
- NMU
- OS
- M
- NME
- R-MD
- R-1
- R-1-B
- R-2
- R-2.5
- R-3

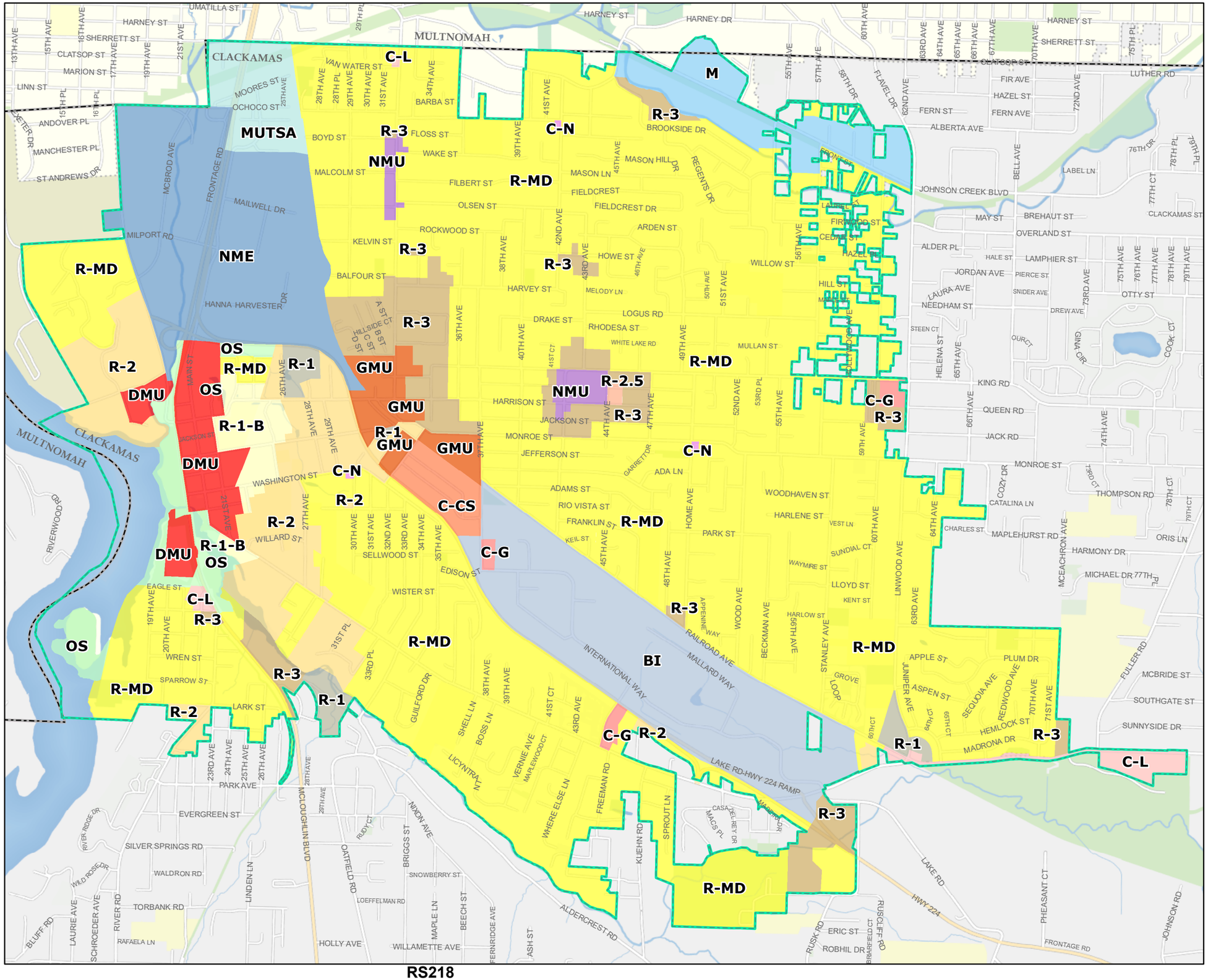
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Date: Thursday, July 22, 2021

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GIS Coordinator
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
(503) 786-7687

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RS218

Clean 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

Moderate Density Residential: 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, 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.

High Density: 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-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:

"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

"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 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.

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.

"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 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.

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.

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

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

"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

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.

19.301.3 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. 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 Detached Dwelling~~s~~

   The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of an addition to an existing single ~~-family~~

[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.

detached dwelling, provided that the portions of 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 Detached Dwellings

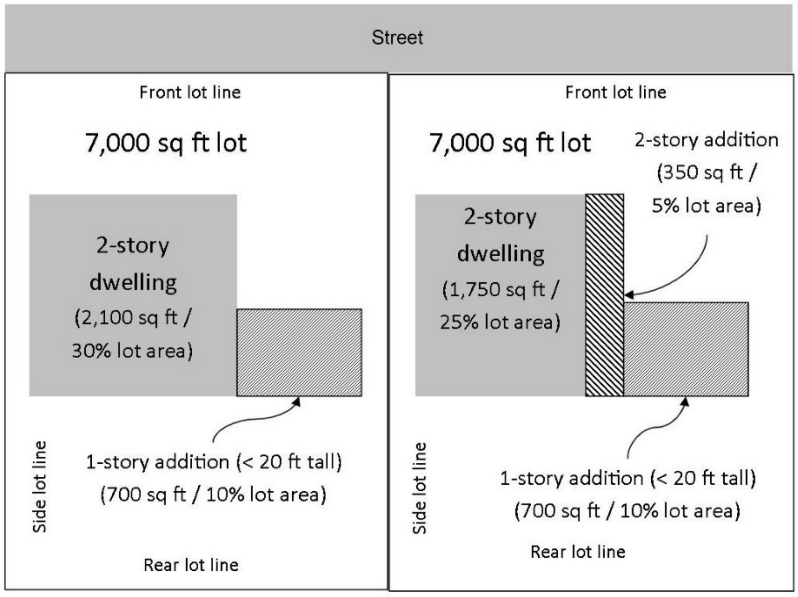


Figure 19.301.5.B.2 illustrates an example of increased lot coverage for lots in Residential Zone R-MD.

3. Increased Lot Coverage for Middle Housing

   The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for 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.

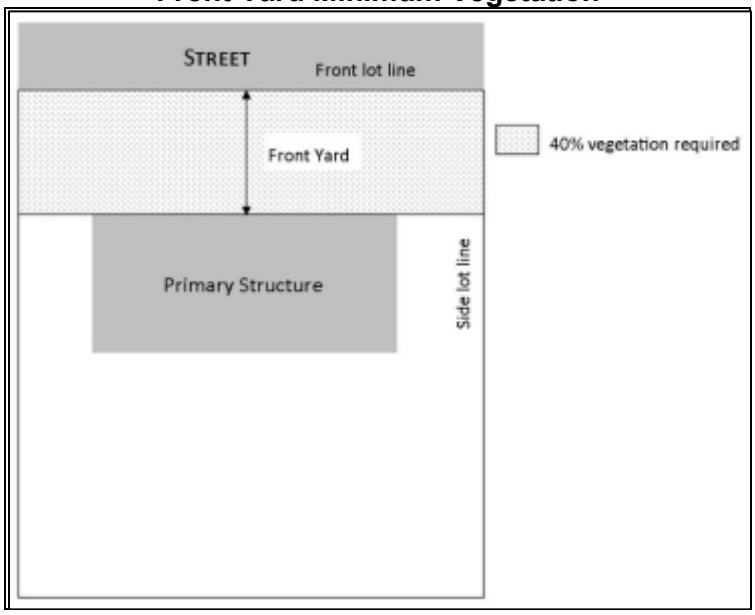
4. Increased Lot Coverage for Detached Accessory Dwelling Units

   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 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. Off-Street Parking and Loading

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

G. Public Facility Improvements

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

H. 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 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)

19.302 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 High Density Residential Zones

Uses allowed, either allowed by right or conditionally, in the 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
High Density Residential Uses Allowed

Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses						
Single detached dwelling	P	P	P	P	P	**Subsection 19.505.1** Single Detached and Middle

						Housing Residential Development
Duplex	P	P	P	P	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development
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
Accessory dwelling unit	P	P	P	P	P	**Subsection 19.910.1** Accessory Dwelling Units
Manufactured dwelling park	III	N	N	N	N	**Subsection 19.910.3** Manufactured Dwelling Parks
Townhouse	P	P	P	P	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development **Subsection 19.505.5** Standards for Townhouses
Cottage cluster	P	P	P	P	P	**Subsection 19.505.1** Single Detached and Middle Housing Residential Development **Subsection 19.505.4** Cottage Cluster Housing

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						
Multi-unit	CU	CU	P	P	P	**Subsection 19.505.3** 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** 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 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 high density residential zones~~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 high density residential zones~~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	20	25	**Subsection** **19.501.3** Building Height and Side Yard Height Plane

required side yard depth (ft) b. Slope of plane (degrees)	45	45		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.

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 Detached Dwellings

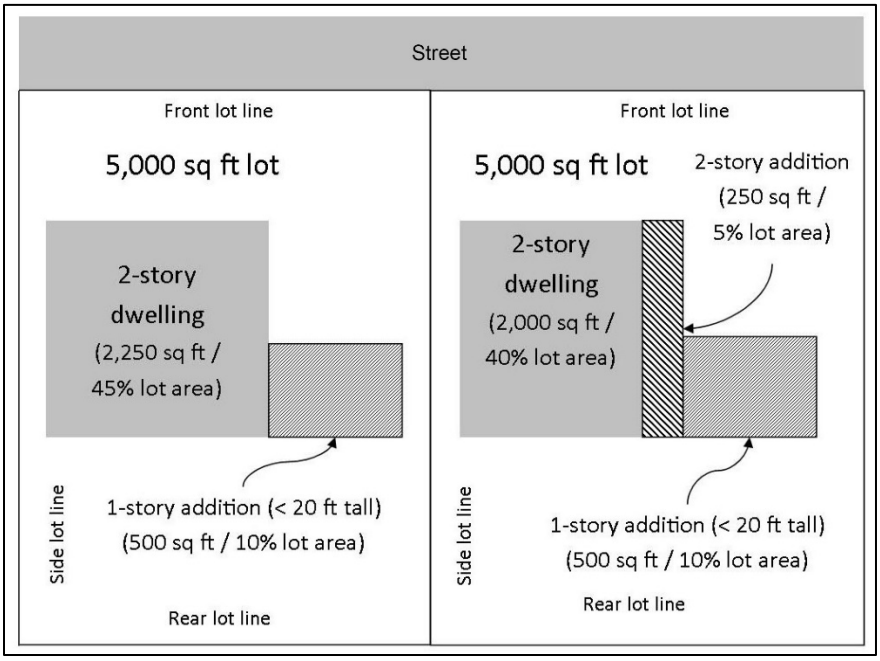


Figure 19.302.5.B.1 illustrates an example of increased lot coverage for lots in the high density zones based on 5,000-sq-ft lot area.

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

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

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.

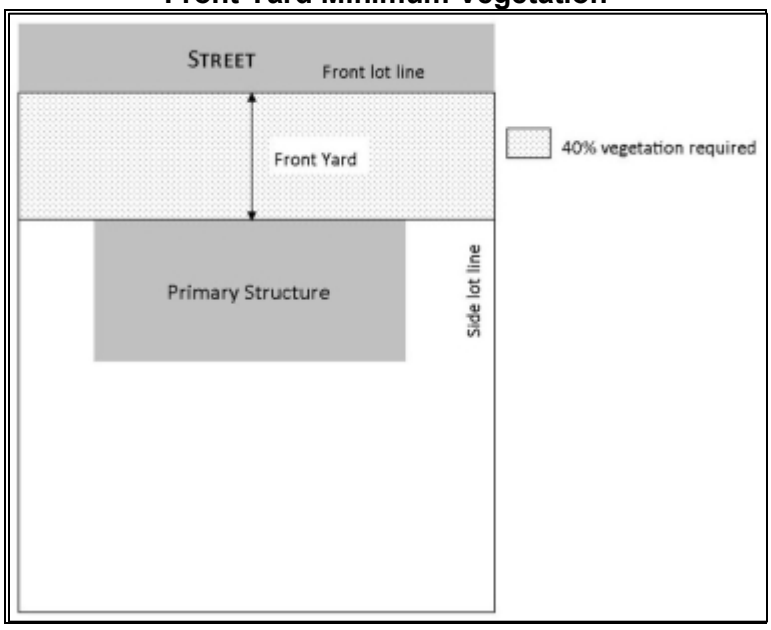
C. Minimum Vegetation

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 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 One to Four Dwelling Units, Cottage Clusters, or an accessory dwelling 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

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

I. Off-Street Parking and Loading

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

J. Public Facility Improvements

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

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 Detached and Middle Housing Residential Development
6. Subsection 19.505.2 Garages and Carports
7. Subsection 19.505.3 Multi 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

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).

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.

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 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 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.

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. 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 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, provided the development conforms with all other applicable standards of Title 19, unless a variance is granted per Section 19.911.

19.501.2 Yard Exceptions

C. A covered porch on a single 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.

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.

3. Variances

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

4. Frontage, Accessway, and Driveway Design

a. Flag lots shall have frontage 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.

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.

c. Driveway Design and Emergency Vehicle Access

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

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

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

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

(6) 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.

D. Screening of Adjoining Properties

Flag lots and back lots must be screened in accordance with this subsection. 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. 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.

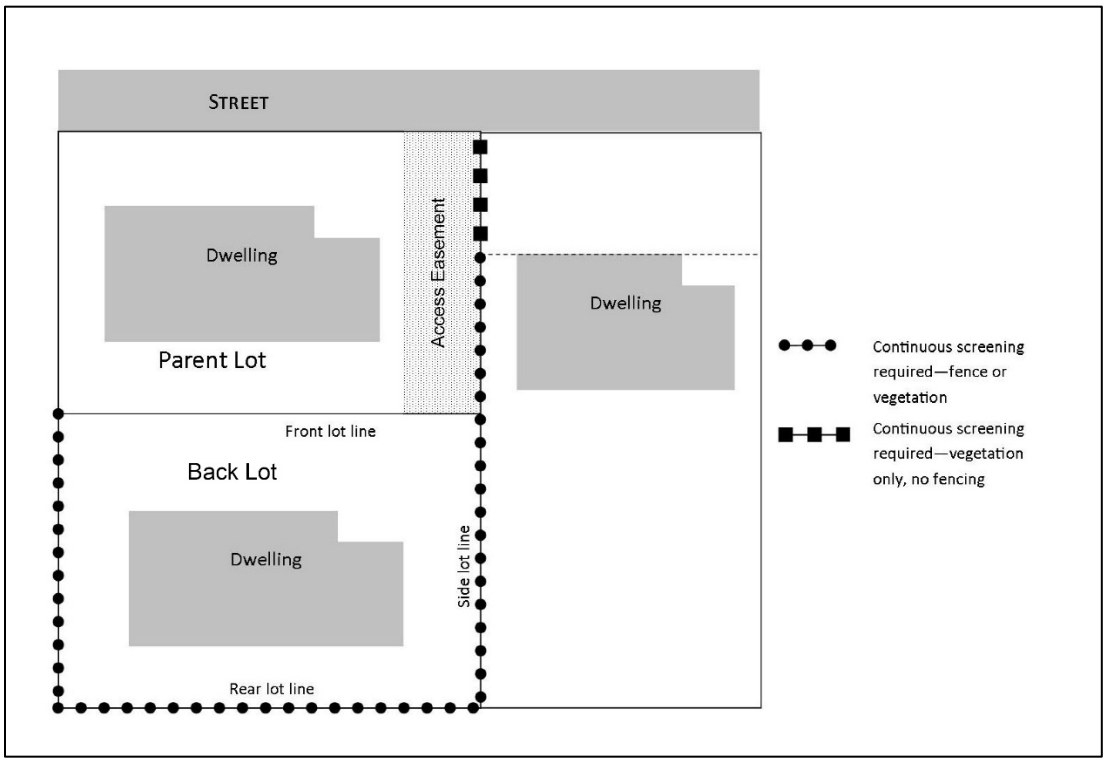
a. Any combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction for the benefit of adjoining properties within 3 years of planting is allowed.

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.

Figure 19.504.8.F

Back Lot Screening



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.

19.504.9 On-Site Walkways and Circulation

A. Requirement

All development subject to Chapter 19.700 (excluding single detached and multi-unit 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 Detached and Middle Housing Residential Development

A. Purpose

The design standards for 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. 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. 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 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 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.

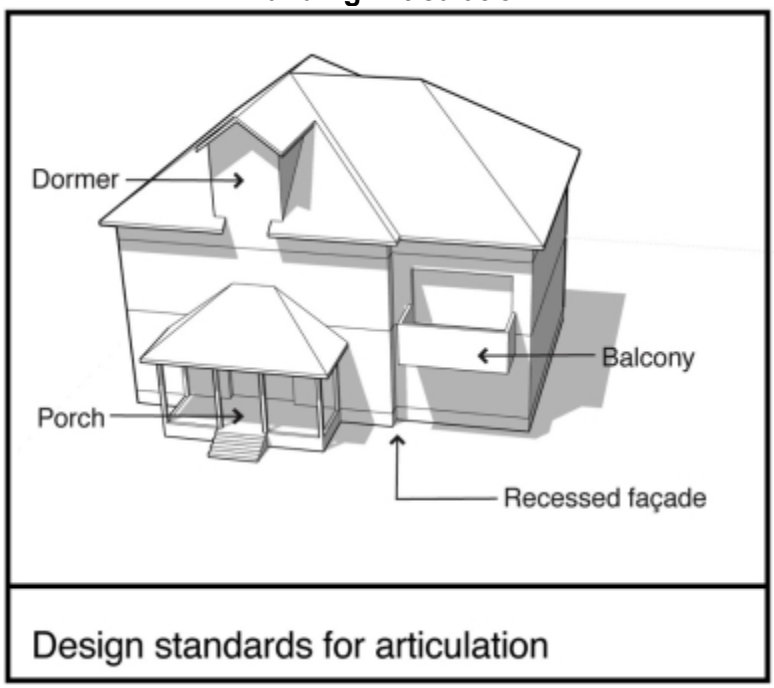
      (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.

      (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 must be provided for every 30 ft of street frontage. Elements 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 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.

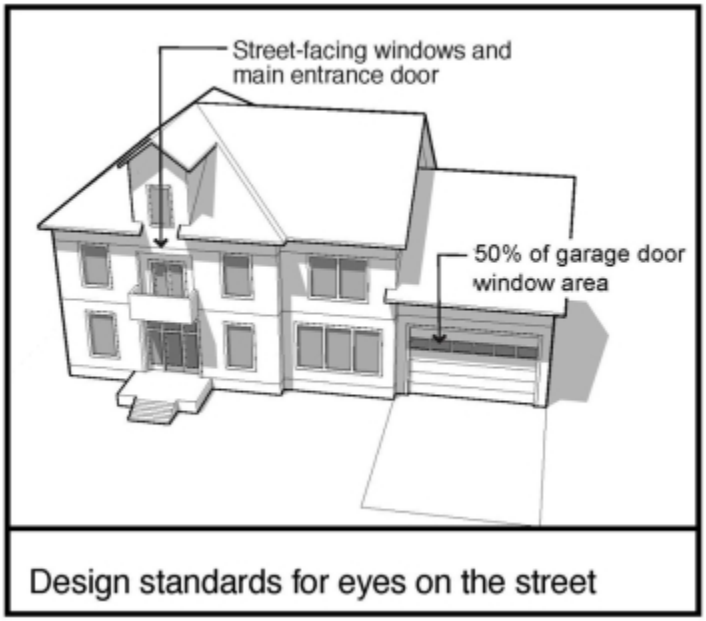
   b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

   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.

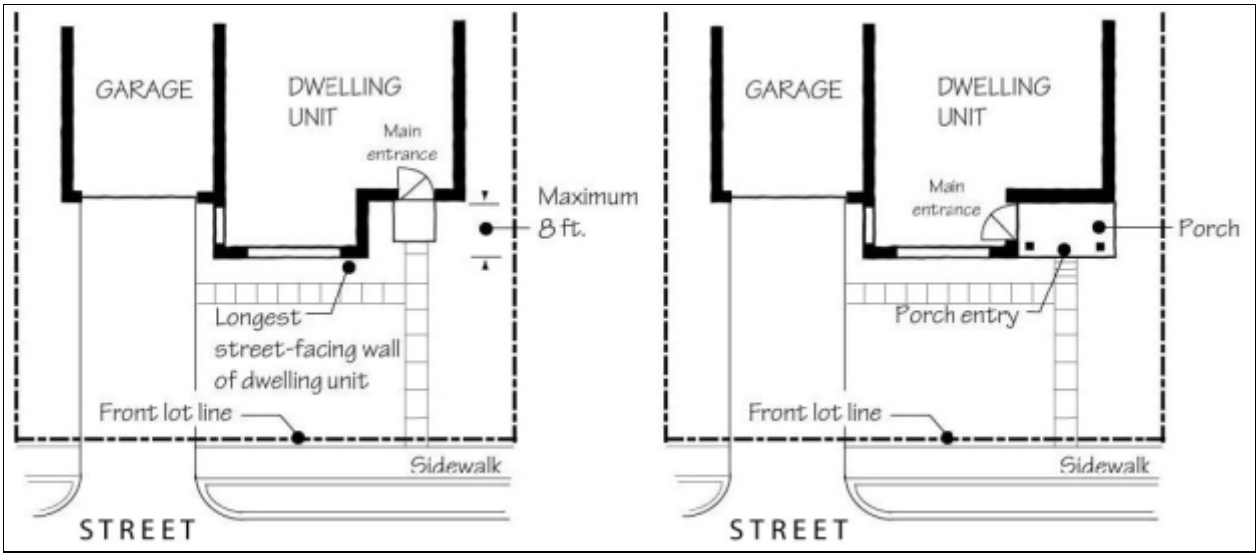
      (1) Be at least 25 sq ft in area with a minimum 4-ft depth.

      (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.

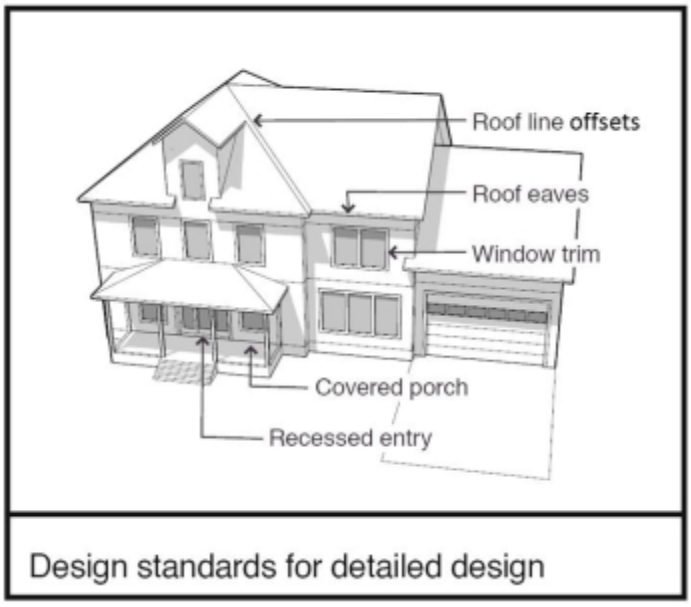
   m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.

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.

19.505.3 Multi-unit Housing

A. Purpose

The purpose of these design standards is to facilitate the development of attractive multi-unit 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 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 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 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 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 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 Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
8. Landscaping	Landscaping of multi-unit developments should be used to provide a canopy for open spaces and courtyards, and to buffer the	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

	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	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 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 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 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.	In order to promote more sustainable development, multi-unit 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 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: • 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.	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 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. 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.

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	1.618 times the narrowest average width between two closest buildings	

eaves facing common green		
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	
3. Guest bicycle parking spaces	0.5	

[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.

perhome (minimum)	

~~1.~~ D. Cottage Standards

1. Size

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

2. Height

The height for all structures must not exceed 25 feet or two (2) stories, whichever is greater.

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.

E. Site Design and Other Standards

1. Number of Cottages Allowed

A cottage cluster must include a minimum of 3 cottages and a maximum of 12 cottages, subject to Table 19.505.4.B.1.

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 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 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.

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.

19.505.5 Townhouses

A. Purpose

Townhouses provide a type of housing that includes the benefits of a single 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. Townhouses 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, and the general design requirements are very similar to the design requirements for single 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.

B. Applicability

1. The standards of Subsection 19.505.5 apply to single 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 lot in both Section 19.302 and Subsection 19.505.5.E. Townhouse development may take place on existing lots that meet the lot standards for townhouse lots or on land that has been divided to create new townhouse lots.
2. Development standards for townhouses are in Subsections 19.301.4 and 19.302.4.
3. Design standards for single-detached dwellings in Subsections 19.505.1-2 are also applicable to townhouses.
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 or multiunit housing.

C. Townhouse Design Standards

1. Townhouses are subject to the design standards for single detached dwelling - housing in Subsection 19.505.1.
2. Townhouses 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 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 must be at least 4 ft from the front lot line.

D. Number of Townhouses Allowed

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

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

E. Townhouse Lot Standards

1. Townhouse 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. Townhouse development must meet the minimum lot size of 1,500 sq ft.

F. Driveway Access and Parking

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

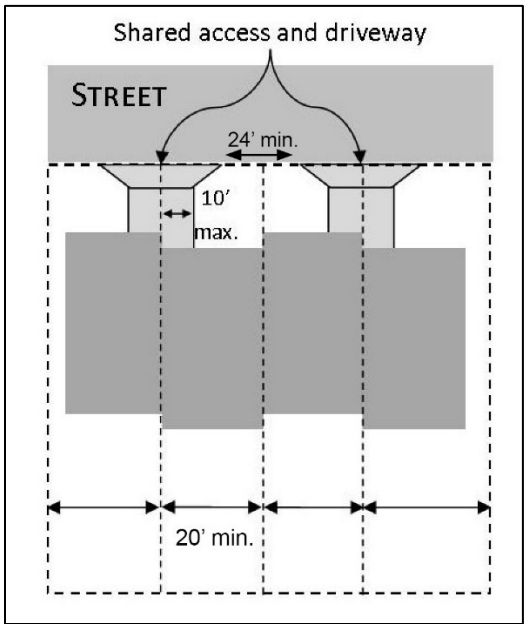
   a. Development of 2 or 3 townhouses has at least 1 shared access between the lots, and development of 4 townhouses has 2 shared accesses.

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

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

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

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

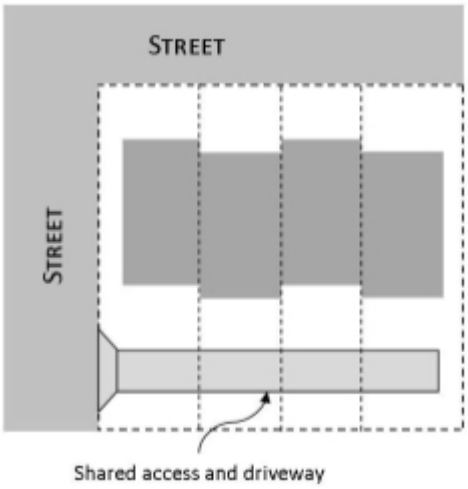


2. The following rules apply to driveways and parking areas for townhouse developments that do not meet all of the standards in Subsection 19.505.5.F.1.

a. Off-street parking areas must be accessed on the back façade or located in the rear yard.

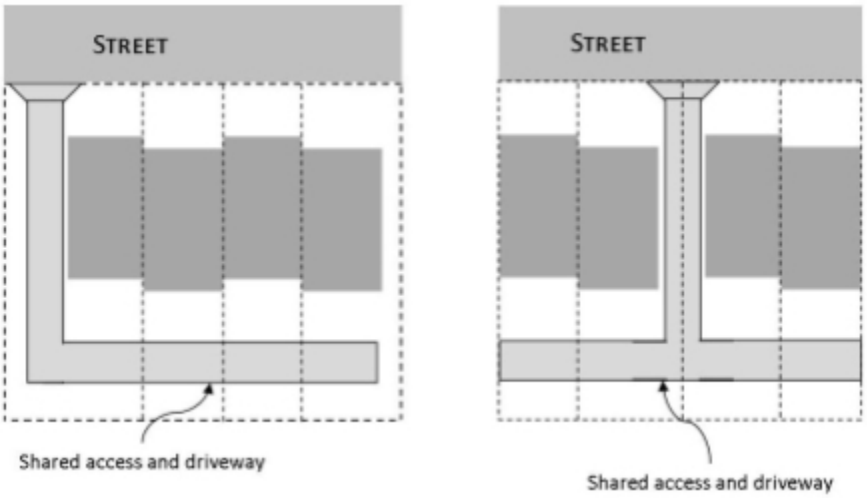
b. Townhouse development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The City Engineer may alter this requirement based on street classifications, access spacing, or other provisions of Chapter 12.16 Access Management. See Figure 19.505.5.F.2.b.

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



c. Townhouse 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. See Figure 19.505.5.F.2.c.

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



d. A townhouse 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 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 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 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; 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.

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 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	 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)	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 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 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 shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Manager, based on the applicant's materials and other data the Planning Manager 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 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 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 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 non-single detached 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, 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 middle housing, single 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, and residential homes in all zones, unless specifically stated otherwise.

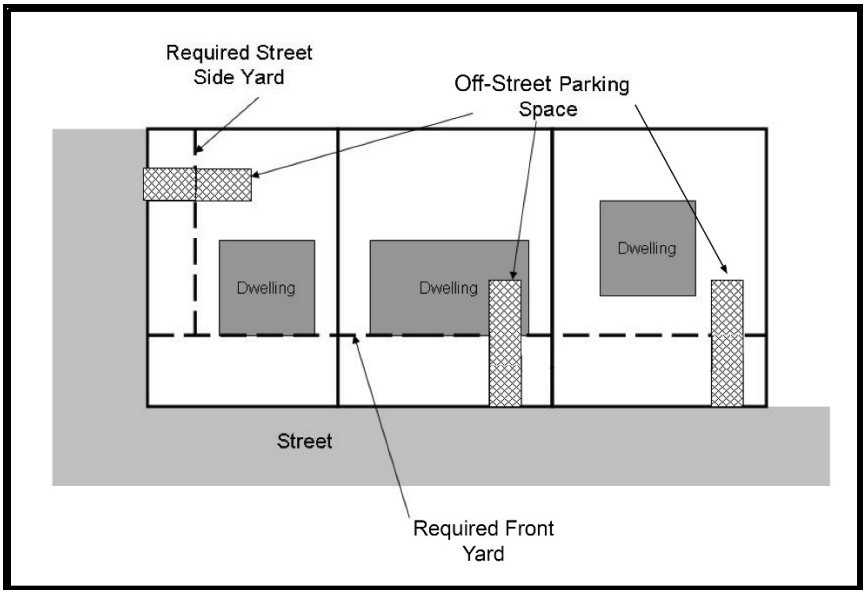
A. Dimensions

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 an adjacent public street right-of-way or access easement.
   b. 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.

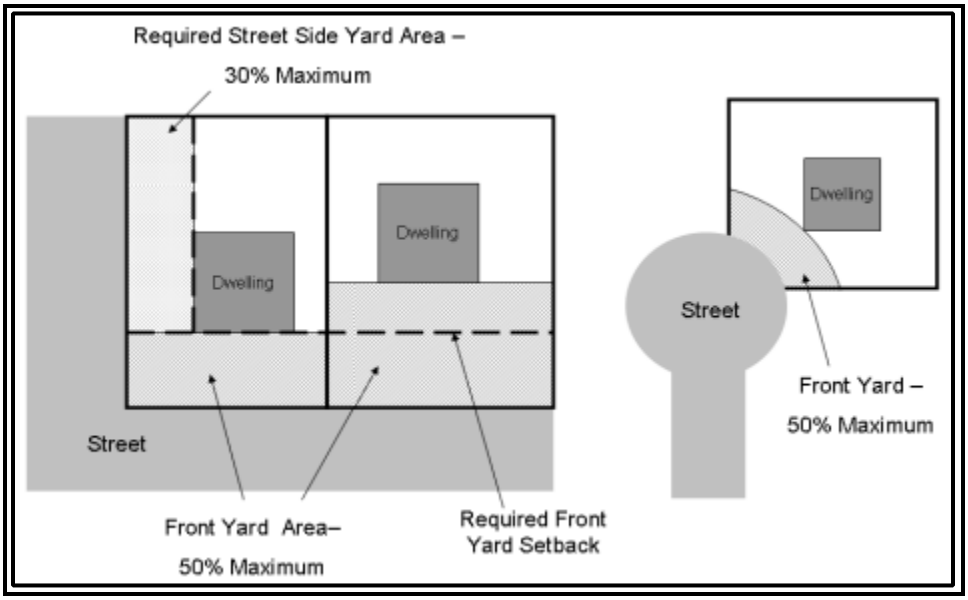
D. Parking Area Limitations

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 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 right-of-way boundary (Option 2—see Figure 19.607.1.E.2).

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

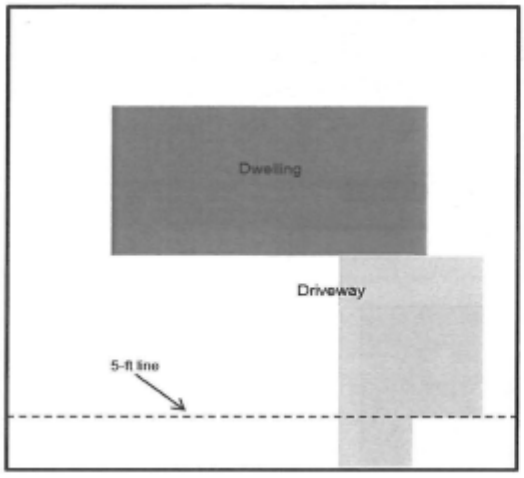
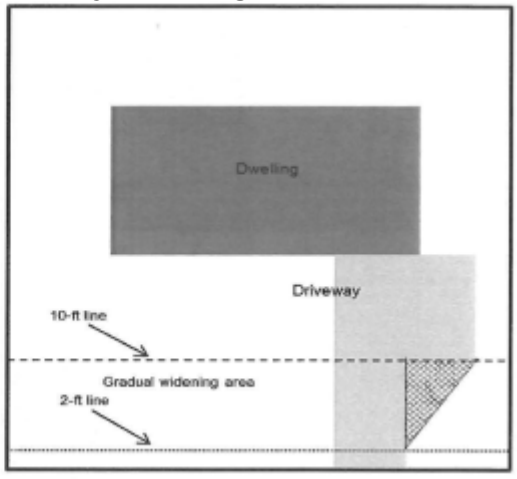


Figure 19.607.1.E.2
Driveway Widening Limitation—Option 2



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 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 City Engineer.

19.702.2 Single Detached and Duplex Residential Expansions

Chapter 19.700 applies to single 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 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 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 800 sq ft, none of Chapter 19.700 applies.

D. single detached and duplex residential expansions shall provide adequate public utilities as determined by the 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 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 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 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 City Engineer will also determine whether a 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 could be impacts to the transportation system if the proposed single detached residential expansion/conversion is greater than 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 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 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 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 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 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 must have a minimum width of 8 ft.

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

9. On-street parking in residential zones 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

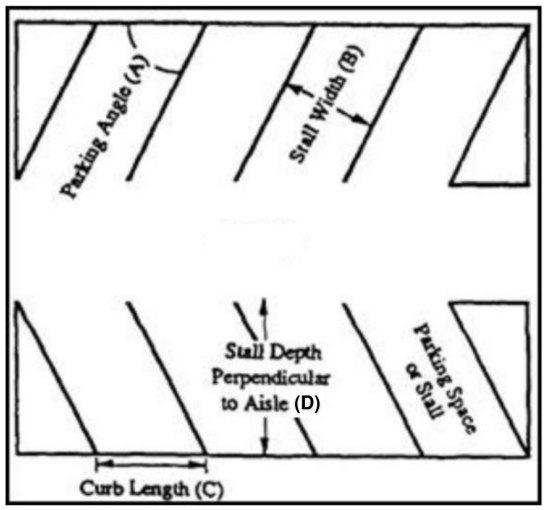
Angle (A)	Width (B)	Curb Length (C)	Depth (D)
0 ° (parallel)	8	22	8
30 °	8	16	16.5
45 °	8	11.5	18.5
60 °	8	9.5	19
90 ° (perpindicular)	8	8	18

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

14. 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. 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. 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	
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 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 detached dwelling or middle housing detached or attached residential dwellings.
2. 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.

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 allowed by right. Accessory dwelling units shall be subject to the standards of Table 19.910.1.E.4.B.

D. Approval Standards and Criteria

1. An application for an accessory dwelling unit is allowed by right provided 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 detached dwelling.

   c . 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.

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

   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.

   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 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 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 B ADU require Type II 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 A ADU	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
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	Base zone requirement for street side yard	

Side Yard	

c. Design Standards

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

d. Privacy Standards

(1) Privacy standards are required for detached accessory dwelling units.

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 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 must be opaque; shall be at least 6 ft high; and may consist of a fence, wall, or evergreen shrubs. Newly planted shrubs must be no less than 5 ft above grade at time of planting, and they must reach a 6-ft 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 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 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. The conversion 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. Accessory dwelling units are not counted in the calculation of minimum or maximum density requirements listed in this title.

2. Additional home occupations are allowed for a property with an accessory dwelling unit in accordance with the applicable standards of Section 19.507.

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 allow 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 approval criteria found in MMC 16.32.042.E.

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 and includes notice to nearby property owners to allow for public comment prior to the decision. The process does not include a public hearing.

19.1104 EXPEDITED PROCESS

19.1104.1 Administration and Approval Process

A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.

E. The City zoning and Comprehensive Plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table 19.1104.1.E, provided below:

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
R-20	R-MD	Moderate density residential
R-15	R-MD	Moderate density residential
R-10	R-MD	Moderate density residential
R-8.5	R-MD	Moderate density residential
R-7	R-MD	Moderate density residential
MR1	R-2	High density residential
MR2	R-2	High density residential
PMD	R-1-B	High density residential
HDR	R-1-B	High density residential
SHD	R-1	High density residential
C3	C-G	Commercial
OC	C-L	Commercial

Table 19.1104.1.E CONTINUED Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
RTL	C-L	Commercial
PC	C-CS	Commercial
LI	BI	Industrial
GI	M	Industrial
BP	BI	Industrial
OSM	R-10/CSU	Public

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, except to the extent the 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

Flag lots and back lots are permitted in new subdivisions.

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 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 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 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 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 Operations Engineer (PTOE) in the State of Oregon. The 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 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 detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the 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 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 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 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 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 Detached Residential

One accessway per property is allowed for single 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 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 Detached Residential

The number of accessways for uses other than single 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 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 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 City Engineer may require submission of vehicle turning templates to verify that the accessway is appropriately sized for the intended use.

2. Single 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 residential or Middle Housing units comprised of up to four (4) units, 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 residential uses comprised of a combination of Middle Housing units or other multi-unit uses with between five (5) and eight (8) 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 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 sixteen (16) feet and a maximum width of thirty-six (36) feet.

7. Industrial uses shall have a minimum driveway apron width of 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 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."

B. Modification of this computation may be made by the 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.

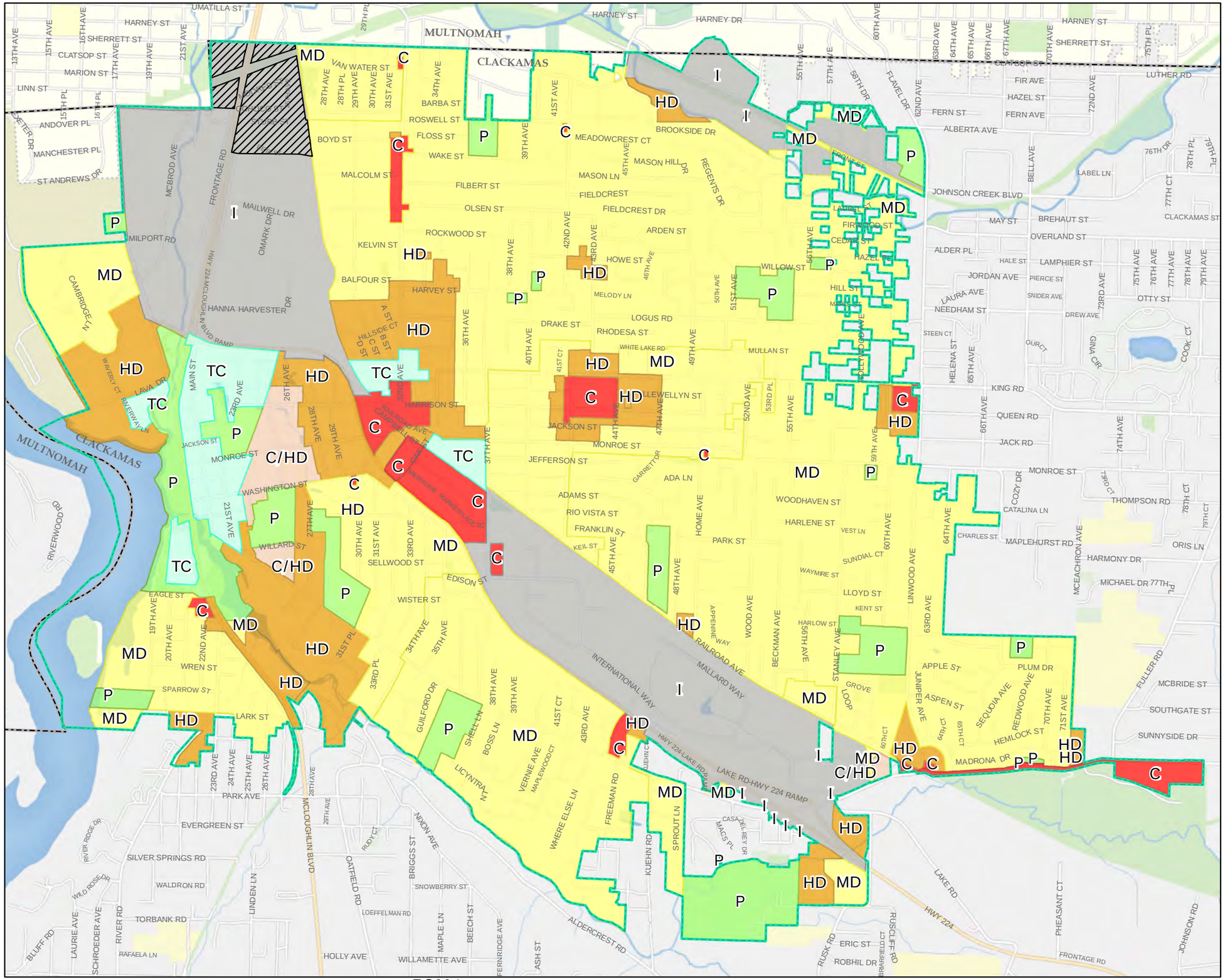
"City Engineer" means the person who is the manager/supervisor of the city's Engineering Department, or the City Manager's designee to fill this position. This position can also be described as the Engineering Director or Engineering Manager.

"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 City Engineer for calculating front footage. Front footage does not include property owned by the City, including rights-of-way.

CITY OF MILWAUKIE

Milwaukie Comprehensive Plan
Proposed Landuse

- City of Milwaukie
- County Boundary
- Tacoma Station Area
- C -Commercial
- C/HD - Mixed Use
- HD - High Density
- I - Industrial
- MD - Moderate Density
- P - Public
- TC - Town Center



Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

Date: Wednesday, June 9, 2021

The information depicted on this map is for general reference only.The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
(503) 786-7687

0 0.25 0.5 Miles

RS304

CITY OF MILWAUKIE

Milwaukie Comprehensive Plan Zoning Proposed Designations

- City of Milwaukie
- County Boundary
- MUTSA
- BI
- GMU
- C-CS
- DMU
- C-G
- C-L
- C-N
- NMU
- OS
- M
- NME
- R-MD
- R-1
- R-1-B
- R-2
- R-2.5
- R-3

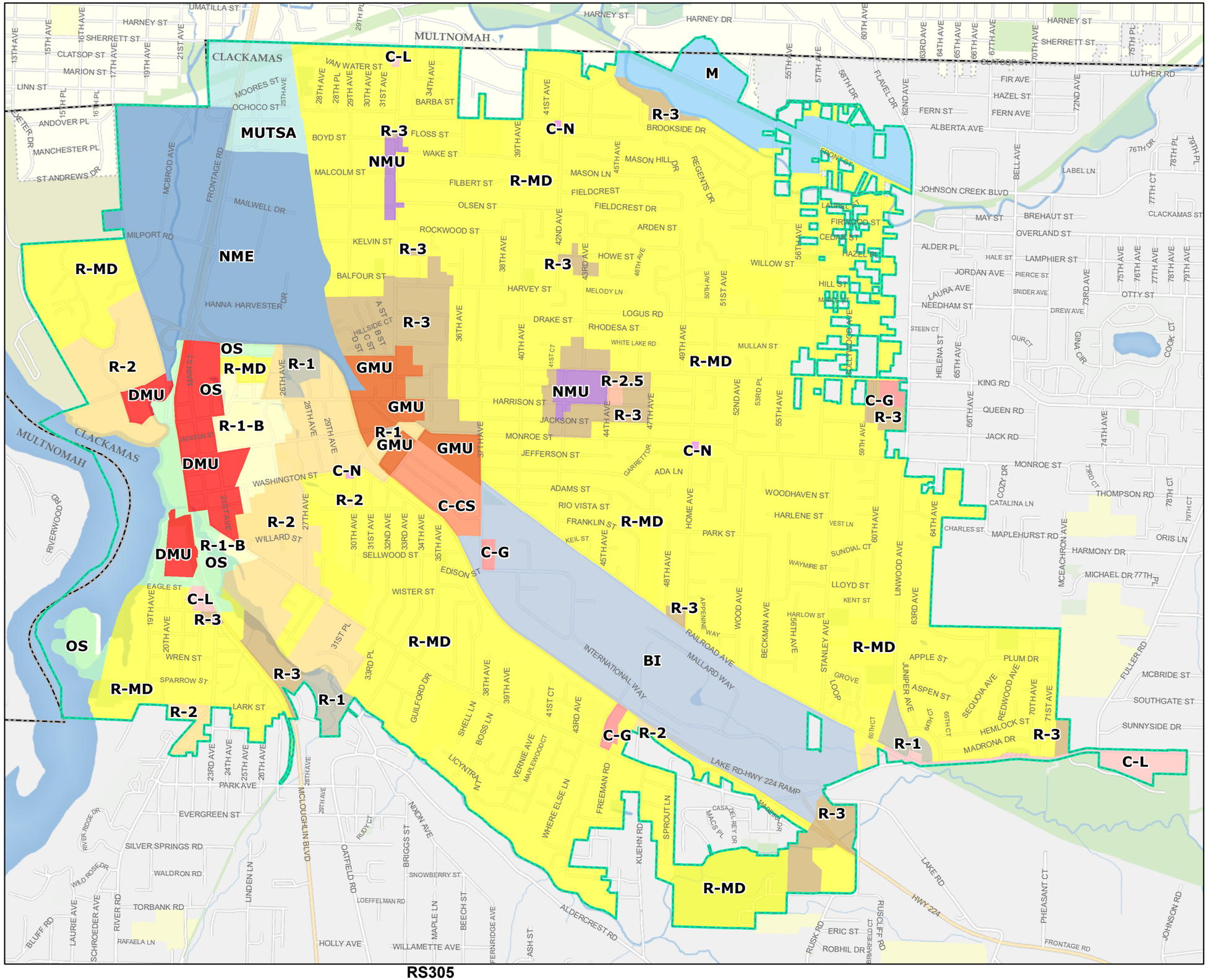
Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

Date: Thursday, July 22, 2021

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GIS Coordinator
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
(503) 786-7687

0 0.25 0.5 Miles



RS305

February 8, 2022

Mayor Gamba
Council President Hyzy
Councilor Batey
Councilor Falconer
Councilor Nicodemus

Re: ZA-2021-002 Middle Housing and Parking Code Amendments

Dear Mayor Gamba, Council President Hyzy, and fellow Councilors:

As two appointed, volunteer members of your Planning Commission, we are deeply invested in the city of Milwaukie. While we both have different experiences of the city — one of us has a deep history in the area and the other is newer and raising a young family here — we both have a genuine interest in the long term health and success of Milwaukie. Although you will recognize us as members of the Planning Commission, we are writing to express our perspectives as individuals and we are not representing the Planning Commission as a body.

The important job before you today is to adopt the proposed changes to Milwaukie Municipal Code that will implement new housing policies in support of our city's Comprehensive Plan. We expect you will hear from many stakeholders who may have many questions or express concern during the City Council's public hearings process about some of the recommended code amendments that are now before you. As two Planning Commissioners who directly advanced several policy changes to better promote housing affordability in Milwaukie, including reducing minimum lot sizes and allowing for two Accessory Dwelling Units on many lots, we write to share more perspective on the policy recommendation to reduce required parking minimums for Middle Housing, including Cottage Clusters. We hope you will find the information and analysis in this letter useful as you deliberate on how best to implement the Comprehensive Plan, and we encourage you to to pass these important Middle Housing and Parking Code amendments.

Policy Development Process

In 2015, the City of Milwaukie set out to update its Community Vision, an aspirational document intended to serve as a guide for the city's subsequent comprehensive planning process. City residents enthusiastically engaged in the visioning process, culminating in City Council adopting the Community Vision in 2017. Importantly, this Community Vision calls for affordable housing, a complete network of sidewalks and bicycle lanes, and robust transit, amongst other features. The vision does not call for a driveway or garage for every home, nor does it prioritize driving or parking at all.

Next, the process to update the city's Comprehensive Plan was initiated in 2017 and included several phases to develop long range land use policies with deep engagement from the community. The Comprehensive Plan Advisory Committee (CPAC), Planning Commission, and City Council studied proposed policies using the Four Lenses of affordability, equity, livability,

and sustainability. As you well remember, the Comprehensive Plan was adopted in 2020 and its suite of policies went to great lengths to prioritize housing choice, encourage private investors to build smaller homes that people from all walks of life could better afford, reduce automobile dependency, and help the city to be a leader of environmental stewardship and climate change mitigation. We thank you all for your leadership during that process.

During the process to update the city's Comprehensive Plan, the Oregon Legislature passed House Bill 2001 (HB2001) to require cities across the state to allow Middle Housing in areas zoned for single-unit detached dwellings. Middle Housing includes Accessory Dwelling Units (ADUs), duplexes, triplexes, quadplexes, and cottage clusters. Housing affordability has become a major issue with Oregonians struggling to find housing options across the state. While there was considerable overlap in the policy objectives for HB2001 and the city's own direction, the Milwaukie's housing policy development process was a response to the adopted Community Vision — not because of a state mandate.

Following adoption of the new Comprehensive Plan in 2020, the city appointed a Comprehensive Plan Implementation Committee (CPIC) charged with advising staff and consultants as they drafted new policies to balance tree preservation, Middle Housing production, and parking needs. The consultant team led the CPIC through many exercises to identify preferences for a variety of options to flexibly legalize Middle Housing. This input was largely affirmed through multiple surveys and virtual workshops using the Engage Milwaukie platform.

However, although the Community Vision was the impetus for the city's housing policy development, the consultant instead advanced a proposal of *minimum compliance* with state rules implementing HB2001. Several CPIC members expressed frustration during Planning Commission hearings that, although they were presented with some options and code concepts at CPIC, they rarely dug into details and were not asked to prioritize or vote on code concepts. For example, there was never serious consideration of allowing three- and four-plexes on smaller lot sizes than the minimums mandated by HB2001 rules, and there was no substantive discussion of the projected impacts of reducing minimum parking below the maximum threshold imposed by HB2001 rules. Additionally, there was no information shared about expected Middle Housing production, so CPIC never had a sense of how different policy options might impact the number of families who could benefit from any code amendments.

The Planning Commission had several opportunities to hear about and discuss the code amendments before public hearings commenced in the autumn of 2021. However, it was only during the public hearings when the Planning Commission first analyzed and discussed projected aggregate benefits and impacts of the proposed code amendments on increasing Middle Housing. Using the city's own data from the Buildable Lands Inventory and the Rick Williams Consulting (RWC) Residential Parking Occupancy Study, the Commission was able to calculate projected aggregate benefits and impacts of different policy choices over the 20-year Comprehensive Plan horizon. This analysis was persuasive to five members of the Planning Commission who voted to amend and approve the proposed code package for City Council's

deliberation. Dissenting comments from two Commissioners did not question the supporting data, impact analysis methodology, or conclusions.

Policy Context

During the process to update the city's Comprehensive Plan, city staff ensured the CPIC, Planning Commission, and City Council were deliberately educated about the history of structural racism in housing policy that has not only perpetuated segregation in our cities, but has also left generations of Black Americans at a wealth disadvantage when compared to their white counterparts that have significantly benefited from these same policies. As was discussed in those sessions, in the 1940s these racist laws and practices were ruled unconstitutional by U.S. courts and, by 1960, most U.S. cities and counties across America had shifted to using restrictive zoning ordinances to codify these racist practices without using illegal language. Instead minimum lot sizes, setbacks, minimum parking requirements, and other seemingly innocuous regulations took their place, ensuring that most residential land could only be developed for families who could afford a detached dwelling. City staff should be commended for advancing the city's equity goals by making sure that CPIC, Planning Commission, and City Council members understood the ramifications of this harmful history.

To understand how past practices may continue to impact Milwaukie today, it is important to look at the data. Census data reveals that urban northern Clackamas County, including Milwaukie, experienced a building boom in the 1960s and 1970s, adding nearly 20% to its housing stock in just the ten years from 1970 to 1980, in compliance with the modern zoning ordinances that, as previously mentioned, were often designed to perpetuate racial segregation. However, since 1980, housing production and population growth have substantially been directed to other portions of the Metro area, with only tepid increases in housing supply in North Clackamas that have resulted in young families being priced out of our city as demand for housing has increased. This effect was exacerbated by the recession of 2008-09, when regional population growth continued apace but housing production essentially stopped. Although we started building again, cities have never recovered from the deficit and house prices continue to rise while individual wages have stagnated for decades, putting access to housing out of reach for an increasing number of families in our region. We must be clear: Unless we decide to chart a new path, we will continue to promote a built environment that is largely comprised of housing developments that were historically designed to perpetuate racial segregation.

As you know, there are many factors that positively or negatively impact housing production. Over the past decade, academic research and public policy attention has been increasingly focused on the impacts of parking on people living in urban areas, on the built environment, and on other public policy objectives. In regions like ours, each surface parking space can cost $20,000 to $30,000 to build — in addition to taking up valuable land that may accommodate dwellings. This adds significantly to the cost of construction and raises the price point at which the dwelling must be rented or sold to meet investment targets. This could also result in a project not being built at all, thereby adding no new housing units for Milwaukie families. Increased rents and higher sale prices mean there are more and more families at the margins

who are harmed by the prioritization of parking requirements over the provision of housing for people.

In addition to that research, other research by the Sightline Institute demonstrates the causal relationship between minimum parking requirements and vehicle ownership. Where jurisdictions prioritize the use of land for parking, people adapt to that signal by driving more and even adding vehicles to their household. Where jurisdictions do not prioritize using land for parking, people drive less and are more likely to walk, ride a bicycle, or use transit, and these people are more likely to reduce the number of vehicles in their household over time.

Given the ongoing climate emergency, it is reasonable to focus on the levers cities have influence over to mitigate the climate impacts caused by activities within its borders. In Oregon, the largest share of carbon pollution comes from the transportation sector. The city has influence over the use of land and can — and should — use its influence to implement regulations that are shown to reduce activities that contribute to carbon pollution. Due to the links between parking supply and driving — and driving to carbon pollution — the city should adopt policies and regulations that, by 2040, will result in less carbon pollution.

Impact Analysis

To inform the process to update the Comprehensive Plan, the City commissioned Rick Williams Consulting to prepare a Residential Occupancy Parking Study and analyze representative parking supply and demand in four of the city's residential neighborhoods. The study was conducted early in the pandemic when residential parking demand was higher than historic trends. While the researchers counted parking spaces in driveways and on-street, they only estimated garage parking spaces and generally excluded it from their analysis. In Planning Commission analysis and deliberation on reducing required parking minimums to incentivize Middle Housing options, the Commission focused its discussion on available parking stalls in driveways and on-street spaces. Without accounting for any additional parking space that may exist in residents' garages, the city's parking consultant counted over 2,600 parking spaces available for use by residents and their visitors in the four neighborhoods.

Page 33 of the study also documents that residents in the study areas had, on average, two (1.99) vehicles per household and that roughly 50% of the total on-street and off-street parking spaces were occupied during the overnight period. This means that for every two vehicles parked overnight at a housing unit, there were two more empty parking stalls available at the same unit. If estimated capacity for garages were also included, the consultants suggest that there are more than three empty parking spots alongside every two parked vehicles at each housing unit in the study area. Furthermore, the study shows that many of those excess parking spots are located in on-street stalls. As discussed by the Planning Commission, the City of Milwaukie's Residential Occupancy Parking study demonstrates there is significantly more capacity for on-street parking in the city and, although some stakeholders may believe otherwise, the evidence is clear.

It is worth noting that the ratio of 1.99 vehicles per household in the study neighborhoods is significantly higher than is often seen for low-income households (0.5 vehicles per household) or households living in market rate transit oriented developments (0.7 vehicles per household), both of which might be more attracted to new Middle Housing options, like ADUs, duplexes, triplexes, quadplexes, and Cottage Clusters. However, the Planning Commission used the higher value from the RWC study (1.99 vehicles per household) for its impact analysis, which means any projected parking impacts from new Middle Housing may be overstated.

When drafting HB2001, legislators included a provision to help cities estimate the impact of HB2001 on Housing Needs Analyses as used for determining Urban Growth Boundary expansions. The resulting provision directs cities to estimate a 3% market absorption rate — or, increase in density — in non-urbanized ("greenfield") areas, or a 1% increase for infill areas like Milwaukie, unless the city can demonstrate why it believes a larger increase is likely. During the Planning Commission's public hearings, there was no testimony that indicated Middle Housing production would exceed this 1% infill projection in Milwaukie. In fact, testimony to the Planning Commission from the Sightline Institute indicated that even this lower rate is considered optimistic. In this case, the Planning Commission again used the higher value in its impact analysis (3%), which should overestimate Middle Housing production compared to what is expected.

The City's current Buildable Lands Inventory identifies 765 potential new residential lots or redevelopment sites in areas zoned for single-unit detached dwellings. These are the candidate lots for new Middle Housing development. Using the higher (3%) market absorption rate, this would project roughly 22 additional Middle Housing units city-wide over the 20-year planning horizon. Using the lower market absorption rate for infill areas (1%), the expected Middle Housing production would total seven (7) additional dwellings over 20 years.

In considering the impact of new Middle Housing on the on-street parking supply, the Planning Commission looked at the RWC study to estimate that each new dwelling adds approximately two new vehicles. To estimate the most extreme impact — that all new Middle Housing built over the next 20 years contributes zero parking spaces to the supply — we multiplied two vehicles by the number of Middle Housing units expected to be built over that period. For the sake of simplicity, we multiplied two vehicles by the 22 additional Middle Housing units to get to a total of 44 new vehicles using on-street parking citywide over the next 20 years. As mentioned previously, these might be overestimates, particularly when considering the lower household vehicle ratios for low income residents and people living in transit oriented developments. When compared to the available supply of parking spaces in the four studied neighborhoods (1,300 parking spaces available from a supply exceeding 2,600 total), the Planning Commission looked at the evidence and agreed that reducing required parking minimums to incentivize Middle Housing production will have *de minimis* impact on the citywide on-street parking supply.

The Four Lenses

The Comprehensive Plan housing policy development phase featured a very deliberate effort to view the draft policies through the Four Lenses of affordability, equity, livability, and

sustainability. Because these Middle Housing code amendments derive from those policies, the recommended code amendments to reduce parking requirements for Middle Housing should be analyzed through these same Four Lenses to ensure consistency with the housing policy objectives.

The minimum parking standard that best satisfies a goal of ***affordability*** is no minimum parking standard at all. As mentioned previously, even basic surface parking spaces can cost over $20,000 per stall to construct. Each parking space is a cost borne by the new residents of the development. A requirement by the City to build parking guarantees that every resident of every Middle Housing development will be paying some of their housing costs towards parking, whether or not they use it. As such, required parking minimums for Middle Housing do not support affordability objectives.

A minimum parking standard benefits people who own a vehicle. People who own vehicles tend to have higher incomes, are more likely to be white, and have a greater number of options for places they can choose to live. People who don't own vehicles tend to live on lower incomes, are more likely to be from communities of color, and have fewer options for places they can live while continuing to have good access to basic services and to employment. An ***equitable*** regulation would deliberately create opportunities for housing for people who do not own vehicles, particularly in inner-ring suburbs like Milwaukie where basic services and employment can be found in all directions. Additionally, removing or reducing required parking minimums does not mean on-site parking will not be built. Developers have the choice to continue to build on-site parking so long as parking maximums are not exceeded. These recommended code changes provide more flexibility to develop Middle Housing, creating more likelihood that people from all income levels can find housing options in Milwaukie.

Livability is a subjective lens, where some might argue that 44 additional vehicles parked on the streets in 20 years from now is a detriment. Others might argue that livability is improved by safer streets with slower traffic and more sidewalks. New Middle Housing developments will certainly contribute their fair-share to street frontage improvements, including sidewalks, and research confirms that vehicles using on-street parking helps slow traffic and leads to safer road conditions for users of all ages and abilities. However, regardless of those debates, the small number of additional vehicles expected to be parked on the street will have *de minimis* impact on livability city-wide.

Sustainability is undeniably advanced by reducing driving, which as noted above is the greatest source of harmful greenhouse gas emissions in Oregon. Even if widespread adoption of electric cars were possible, the manufacturing processes and expense to households is both environmentally and economically challenging at scale. Additionally, other impacts caused by all vehicles — including water pollution from metals that are extremely toxic to endangered juvenile salmonids passing through our cities — result in unsustainable paradigms that we cannot mitigate our way out of. According to a sustainability lens, the best course of action for a city is to adopt regulations that are shown to reduce unsustainable activities; reducing the minimum parking standard for Middle Housing is one such regulation.

Conclusion

The Planning Commission used the best available data to carefully consider the potential positive and negative impacts of reducing required parking minimums for Middle Housing. In a majority vote, the Commission concluded that the impact of shifting to on-street parking for Middle Housing is supported by the evidence, by our Community Vision and our Comprehensive Plan goals, and is a worthwhile policy choice to help ensure parking is not a barrier to more affordable housing options being added into the city's housing supply. The number of estimated Middle Housing units expected to be produced is so small and the available supply of on-street parking is so large that it is not reasonable to conclude any near-term livability risks exist as a result of these proposed code amendments. As such, we encourage you to adopt the proposed code amendments with a reduced minimum parking requirement for Middle Housing, including for Cottage Clusters.

Thank you for taking the time to weigh this testimony, and we would be happy to answer any questions. We appreciate your leadership and thank each of you for your service to our community.

Respectfully,

Joseph P. Edge
Oak Grove resident

Jacob Sherman
Ardenwald resident

From: OCR
To: City Council
Cc: Vera Kolias; Natalie Rogers; Laura Weigel; Peter Passarelli
Subject: FW: 2/15/22 Milwaukie City Council Parking & Housing Code amendment testimony
Date: Thursday, February 10, 2022 8:09:25

Good Morning – please see the correspondence below; it will be included in the record of the 2/15 RS.

SCOTT STAUFFER, CMC
City Recorder
he • him • his
City of Milwaukie
p: 503.786.7502

From: Joel Bergman <jwbpdx@hotmail.com>
Sent: Thursday, February 10, 2022 8:06 AM
To: OCR <OCR@milwaukieoregon.gov>
Subject: 2/15/22 Milwaukie City Council Parking & Housing Code amendment testimony

This Message originated outside your organization.

To the Milwaukie City Council:

Speaking as a member of the Comprehensive Plan Implementation Committee, 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 that was to go to the Planning Commission from STAFF would be "one-space-per-unit". I'm sure the Planning Commissioners & City Councilors have their own opinions on this, but in the context of what the CPIC was to "recommend", I think there should be some consistency and transparency.

It is also very important to note that during the 10/26/21 Planning Commission discussion, it was really highlighted how ineffective & impotent the CPIC process was as it relates to actual policy recommendations, specifically with regards to Parking. 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, MOTION, or official recommendation made by the CPIC body as a whole during the entire process. We didn't make any concrete decisions or debate any issues with opposing viewpoints and it's being dramatically highlighted by these discussions initially during the Planning Commission hearings on this.

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 its 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.

I appreciate all your time & efforts and hope the CPIC process can more be more effective moving forward.

Best,
Joel Bergman

From: Scott Stauffer
To: City Council
Cc: Vera Kolias; Laura Weigel
Subject: FW: In support of Planning Commission"s Missing Middle recommendations
Date: Tuesday, February 15, 2022 14:50:25

Good Afternoon – please see the comments below; they will be shared with the PC and included in the record of the 2/15 RS.

SCOTT STAUFFER, CMC
City Recorder
he • him • his
City of Milwaukie
p: 503.786.7502

From: Cole Merkel <cjmerkel@gmail.com>
Sent: Tuesday, February 15, 2022 2:36 PM
To: OCR <OCR@milwaukieoregon.gov>
Subject: In support of Planning Commission's Missing Middle recommendations

This Message originated outside your organization.

Hi there,
I wanted to write a quick note to thank the Planning Committee for their hard work on recommending ways to change Milwaukie's zoning code to allow for more development of missing middle housing.

This work, when implemented, will help more people afford housing in Milwaukie and will help Milwaukie lead the region--and especially Clackamas County--as a place that prioritizes affordability, density and community.

I hope the City Council will approve these recommendations so staff can begin implementing them immediately.

All best,
Cole Merkel
Resident of Oak Grove

February 15, 2022

Re: ZA-2021-002 Middle Housing and Parking Code Amendments

Dear Mayor Gamba, Council President Hyzy, and fellow Councilors:

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 was pleased to see that the Planning Commission has proposed to go further than minimal legal compliance with HB2001 and has recommended the re-legalization of many middle housing options with no costly car parking mandates.

I encourage you to adopt the proposed code amendments, but I also urge you to go further and allow cottage clusters to be built with no off-street car parking.

The proposed amendments, and my friendly suggestion, are not radical. Planning Commissioners Edge and Sherman have submitted excellent testimony supporting this proposal with ample evidence that legalizing middle housing with no car parking is not only in-line with Milwaukie's values and goals, but also will have little to no negative impact for residents who may choose to still own cars and drive.

Milwaukie will be joining hundreds of cities in the United States which have eliminated some car parking mandates. The scope of these reforms vary in their scope and which land uses are exempted, but the trend is definitely toward repeal of parking mandates in favor of more abundant housing and safer streets. You can view the evidence yourself at the Parking Reform Network's Parking Mandates Map (https://parkingreform.org/resources/mandates-map/)

But, perhaps more importantly, this proposal is an essential step Milwaukie must take if we are going to meet our regional housing, climate, and transportation goals. The study by Rick Williams Consulting shows that Milwaukie could not meet regional transportation and climate targets if existing parking supply is fully utilized, after all that would mean more than twice the existing number of cars on already congested roads.

There are many things we must do to ensure a stable and sustainable future for our children. Allowing homes to be built without car parking doesn't guarantee that future but requiring more car parking is a sure sign that we aren't even going to try for it.

Tony Jordan
Portland, OR - 971.207.1348

From: Scott Stauffer
To: City Council
Cc: Vera Kolias; Laura Weigel
Subject: FW: Proposed Recommendations on Middle Housing
Date: Tuesday, February 15, 2022 9:03:51

Good Morning – please see the correspondence, below; this will be included in the 2/15 RS record.

SCOTT STAUFFER, CMC
City Recorder
he • him • his
City of Milwaukie
p: 503.786.7502

From: Sara Gross Samuelson <sara@storylinecommunitypdx.org>
Sent: Tuesday, February 15, 2022 9:01 AM
To: OCR <OCR@milwaukieoregon.gov>
Subject: Proposed Recommendations on Middle Housing

This Message originated outside your organization.

To the City Council and Planning Commission of the City of Milwaukie,
I am writing to express my support, pride and congratulations on this first hearing of proposed changes to city code that allow for more variety in housing options including what we have named as the "missing middle". I am a resident of this city in the Ardenwald neighborhood, but I am also a pastor and a community organizer in this city and a volunteer alongside many of our long-standing neighbors who struggle to find and keep stable housing in this economy.
The Clackamas Land and Housing Cohort, a community organizing coalition of faith communities that includes three communities rooted right here in the City of Milwaukie (Milwaukie Lutheran, St. Paul UMC and Storyline Community where I am the pastor/organizer), has been journeying with our housing and land stories. Our leaders have uncovered the hard reality that you cannot separate the history of our region's racist actions and policies from our current housing crisis. You cannot tell the story of Asian-American hatred or red-lining neighborhoods without also connecting it to the story of how our city struggles with rent and mortgage-burdened households. According to State of Oregon records, in 2021 just over 1/4 of our households in this city paid *more than 50% of their income* on rent. Some of those households are my neighbors. And anecdotally, of the handful of households I know through working alongside organizations like LoveOne Laundry and our school district, the majority of those who might fall into that statistic are not white.... leaving me to notice a dissonance between our previous housing policies and zoning and our city's equity goals.
Establishing zoning and coding that allows for more middle housing options will improve this situation. Establishing zoning and coding that makes it possible for more kinds of housing to be built will alleviate this burden. Establishing zoning that increases density in our city is the equitable thing to do. If we want to say that black and brown lives matter in Milwaukie, these changes are overdue. If we want to say that our schools and the stability of our kids matter, these changes are overdue.
Thank you so much Planning Commission, councilors, and Planning staff for your dedication and work in these proposals. May these changes be swift and may we work together to get more of our neighbors out of burden and into stable and affordable housing.

Peace to you all,
Rev. Sara Gross Samuelson
co- Lead Pastor/Organizer
Storyline Community
--

Sara Gross Samuelson
co-lead pastor/organizer - Storyline Community
cell: 503-367-7439
sara@storylinecommunitypdx.org
pastorsara@storylinecommunitypdx.org
Work rhythms = Monday mid-day - Thursday

"Don't let shame get in the way of your healing. I know. I know. I know how you've been feeling. But don't. let. shame. get in the way." - Abigail Bengson

From: Scott Stauffer
To: City Council
Cc: Vera Kolias; Laura Weigel
Subject: FW: Middle Income Housing Recommendation
Date: Tuesday, February 15, 2022 8:42:01

Good Morning, please see the comments below regarding the 2/15 hearing on housing; this will be included in the 2/15 RS record.

SCOTT STAUFFER, CMC
City Recorder
he • him • his
City of Milwaukie
p: 503.786.7502

From: Adam Ericksen <adamericksen@gmail.com>
Sent: Monday, February 14, 2022 5:06 PM
To: OCR <OCR@milwaukieoregon.gov>
Subject: Middle Income Housing Recommendation

This Message originated outside your organization.

Hello,

I am writing in support of the Planning Commission's recommendation to legalize middle housing. The housing market has skyrocketed during the last few years, leaving many people unable to afford housing. I would love to see more low and middle income housing develop throughout Milwaukie. It is crucial that we seek solutions to our houseless crisis, and this is a great step in that direction.

Thank you for all the work you do.

Sincerely,

Rev. Adam Ericksen

Pastor, Clackamas United Church of Christ
adam@c-ucc.org

Re: Written Testimony for **Agenda 8.B, Parking Code Amendments**, Regular Session, February 15, 2022

Hello: Mayor Gamba, Council President Hyzy, and Councilors Batey, Nicodemus, Falconer; City Manager Ober and Senior Planner Kolias

I ask that Council Modify the Minimum Parking Requirement for Middle Housing.

> ***Cap, at 30, the total number of new middle housing units to be constructed with zero off-street parking spaces*** *(excepting Cottage Clusters, as referenced in Table 19.605.1).*
>
> ***Alternatively, allow a limited on-street parking space variance review, if the total number of new middle housing units with zero off-street parking exhausts this 30-unit total Cap. This review would weigh the on-street parking and safety aspects of the middle housing site.***

Justification for this modification in Middle Housing:

The proposed minimum parking requirement for Middle Housing submitted to the Planning Commission initially required one off-street parking space for each new Middle Housing Unit constructed (ADUs and Cottage Clusters excepted). The Planning Commission struck this proposed Parking Amendment, eliminating the requirement to provide for off-street parking in new Middle Housing.

The Planning Commission struck the Middle Housing Parking Minimum stating that only 20 to 30 Middle Housing units are likely to be built over the next 20 years – an inconsequential number either way.

But what if this linear projection turns out to be too low? Then there is a more adverse result for public safety for walkers and bicyclists, depending on the conditions of the street (block) servicing a new middle housing unit. I do not have to tell you that many of Milwaukie's neighborhood streets lack sidewalks and are often with rutted, potted surfaces (neighborhood streets are generally not within the SAFE program improvement plan which concentrates more on main arterials and school zones). Additionally, there may be several cars typically parked already on these streets. Then there is topography which may be hilly or curvy rather than straightway like. **Line of site becomes more obstructed** in these conditions, and adding yet more cars parked on the street can add to this obstruction.

Finally, many **Milwaukie residents have been involved** in developing the proposed amendments and **the product of their involvement included the one parking space minimum** for new Middle Houses – the Planning Commission later strikes without seeming unanimity.

I should think the Council would give at least some deference to the public input process and require some modification to the zero minimum off-street parking approved by the Planning Commission. *The Planning Commission's parking space code for middle housing is too binary and should be modified to provide for flexibility/adaptability along the lines I recommend.*

Sincerely,
Elvis Clark
Member of the Public Safety Advisory Committee
Ardenwald neighborhood
Milwaukie 97222

From: Scott Stauffer
To: City Council
Cc: Vera Kolias; Laura Weigel
Subject: FW: One Unit One Parking Space Please
Date: Tuesday, February 22, 2022 8:09:05

Good Morning – please see the brief note below regarding the proposed parking code change; this will be included in the 3/1 RS record.

SCOTT STAUFFER, CMC
City Recorder
he • him • his
City of Milwaukie
p: 503.786.7502

From: PAMELA Quinlan <pamelaquinlan@msn.com>
Sent: Monday, February 21, 2022 11:02 AM
To: OCR <OCR@milwaukieoregon.gov>
Subject: One Unit One Parking Space Please

This Message originated outside your organization.

Howdy. My neighbors all have work trucks. They need safe parking. I don't want a crowded street. Thanks.

From:	Scott Stauffer
To:	City Council
Cc:	Natalie Rogers; Vera Kolias; Laura Weigel; Peter Passarelli
Subject:	FW: Process for proposed code changes and city"s role.
Date:	Wednesday, February 23, 2022 8:14:25

Good Morning – please see the comments below; they will be included in the record of the 3/1 RS.

SCOTT STAUFFER, CMC
City Recorder
he • him • his
City of Milwaukie
p: 503.786.7502

From: Teresa Bresaw <tbresaw50@gmail.com>
Sent: Wednesday, February 23, 2022 8:10 AM
To: OCR <OCR@milwaukieoregon.gov>
Subject: Process for proposed code changes and city's role.

This Message originated outside your organization.

We know state law has required the city to make changes to the zoning rules for affordable housing. Still great care needs to be taken to prevent the city from losing what makes it attractive. Jumping on the band wagon and doing what's in trend and going along with the crowd is easy. It takes courage to ask, are the consequences going to make it harder for people to stay in Milwaukie.
Tree board volunteers obviously have a bias (as we all do), but because of covid going on for over 2 years that has prevented people from getting involved until mail was delivered. Not everyone has cable, computer, zoom etc.
The permit and removal fees were recently written up and people are just now trying to understand the code language and how it could affect them. There was general agreement that trees are valuable. That is NOT approval and agreement of the permit and removal fees, that were recently done.
A very large percentage of people are close to 80% of the median income but would not qualify for waiving of fees.
Please consider that your decisions affect many citizens and you will discourage them from planting trees (other than dwarf) and encourage them to move out of the city.
Of course there is an appeal process and that might be the best way to stop this.
To be a caring and open- minded representative requires one who can change direction when it is warranted. I don't see any compromise, but I do see the arrogance of some who think they know best.
If state law now requires a minimum 1 off-site parking, then why would Milwaukie want to go down to zero?
Do you think everyone is going to get rid of their cars? Only children, some disabled and some elderly don't drive. Mass transit only works to a certain point. Bicycles are for a specific segment of the population. Majority of persons cannot walk to stores and needed destinations. Are you going to plan enough spaces for pick up and drop off parking for residents? Are you going to get a grocery store built close to all of these planned developments to reduce traffic?

Does Milwaukie plan on getting federal funding to build affordable housing with minimal parking?
The representatives making decisions should live next (or very close) to these planned developments to understand the negative conflicts.
It would have been a good idea to have the city's employees respond to a questionnaire (anonymous) to get their feedback before proposed code was even begun.
Enforcement is going to be a problem and cost the city money. But I forgot it's not coming out of your pocket, since the taxpayers foot the bill.
Sincerely
Teresa Bresaw

Scott Stauffer

From: PAMELA Quinlan <pamelaquinlan@msn.com>
Sent: Monday, February 21, 2022 11:02 AM
To: OCR
Subject: One Unit One Parking Space Please

This Message originated outside your organization.

Howdy. My neighbors all have work trucks. They need safe parking. I don't want a crowded street. Thanks.

Scott Stauffer

From: Teresa Bresaw <tbresaw50@gmail.com>
Sent: Wednesday, February 23, 2022 8:10 AM
To: OCR
Subject: Process for proposed code changes and city's role.

This Message originated outside your organization.

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Enforcement is going to be a problem and cost the city money. But I forgot it's not coming out of your pocket, since the taxpayers foot the bill.
Sincerely
Teresa Bresaw

1000 friends of Oregon

Main Office • 133 SW 2nd Ave, Ste 201 • Portland, OR 97204
Willamette Valley Office • 454 Willamette St, Ste 213 • Eugene, OR 97401
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528

February 24, 2022

Milwaukie City Council
10722 SE Main Street
Milwaukie, Oregon 97222

RE: HB 2001 Middle Housing Implementation

Dear Mayor Gamba and City Councilors,

1000 Friends of Oregon is a non-profit charitable organization dedicated to working with Oregonians to support livable communities. Our membership includes Milwaukie residents who support the mission and values of the Oregon land use program. Among these values are the provision of housing that meets the needs of all members of our communities.

We are excited to support Milwaukie's proposed code amendments to implement policies that create opportunities to build more diverse and accessible housing types in you community. In particular, we strongly support your flexible use of minimum lot sizes and parking standards to encourage middle housing development.

Reducing minimum parking standards goes a long way in reducing barriers and the cost of middle housing development. Of course, many developers choose to create off-street parking to accommodate market forces – many people expect off-street parking at their home. However, more flexibility in your code will create housing opportunities for people in your community who don't have a personal vehicle or have readily available on-street parking in their neighborhood.

We appreciate Milwaukie's robust implementation of HB 2001 and look forward to further policy discussions that address the challenging issue of housing accessibility and affordability.

Sincerely,

Alexis Biddle

Alexis Biddle
Great Communities Program Director and Staff Attorney
1000 Friends of Oregon

(503) 497-1000 • friends.org

Scott Stauffer

From: Elvis Clark <eclarkmilwor@yahoo.com>
Sent: Friday, February 25, 2022 2:08 PM
To: OCR
Subject: Written testimony for March 1, 2022 Regular Session Middle Houseing/Parking code public hearing
Attachments: We sent you safe versions of your files; CouncilTest22Mar01.pdf

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This Message originated outside your organization.

Hi, Scott.

I resubmit basically the same written testimony on Middle Housing Parking Code as was to have been taken up by City Council during its February 15, 2022, Regular Session; but which ended up deferred.

This time the Agenda item is 8 A for this March 1, 2022 City Council Regular Session agenda. I do add parenthetically that recently enacted SB 458 Oregon's middle housing partitioning law may increase significantly the number of middle housing units that will actually be built in our Milwaukie neighborhoods over the next 20 years - possibly putting Planning Commissioner Edge's inconsequential middle housing build numbers in serious doubt.

What am I and other neighborhood folks after? We acknowledge that infill is going to happen, but that we want the infill not to significantly impact the important walkability and bicycle-ability of our neighborhood streets. This suggests the real need to have some review for the street impacts on middle housing applications which do not provide for off street parking.

Thank you for forwarding this written testimony, and I plan to present oral testimony in-person this coming Tuesday Regular session at this public hearing.

Sincerely,
Elvis Clark
Ardenwald Neighborhood

Sent from Yahoo Mail. Get the app

Re: Written Testimony for **Agenda 8.A, Parking Code Amendments**, Regular Session, March 1, 2022

Hello: Mayor Gamba, Council President Hyzy, and Councilors Batey, Nicodemus, Falconer; City Manager Ober and Senior Planner Kolias

I ask that Council Modify the Minimum Parking Requirement for Middle Housing.

> ***Cap, at 30, the total number of new middle housing units to be constructed with zero off-street parking spaces*** *(excepting Cottage Clusters, as referenced in Table 19.605.1).*
>
> ***Alternatively, allow a limited on-street parking space variance review, if the total number of new middle housing units with zero off-street parking exhausts this 30-unit total Cap. This review would weigh the on-street parking and safety aspects of the middle housing site.***

Justification for this modification in Middle Housing:

The proposed minimum parking requirement for Middle Housing submitted to the Planning Commission initially required one off-street parking space for each new Middle Housing Unit constructed (ADUs and Cottage Clusters excepted). The Planning Commission struck this proposed Parking Amendment, eliminating the requirement to provide for off-street parking in new Middle Housing.

The Planning Commission struck the Middle Housing Parking Minimum stating that only 20 to 30 Middle Housing units are likely to be built over the next 20 years – an inconsequential number either way.

But what if this linear projection turns out to be too low **(For instance, Oregon's SB458 recently enacted encourages more partitioning of residential lots, which makes this Planning Commission assumed projection quite possibly already outdated**)? Then there is a more adverse result for public safety for walkers and bicyclists, depending on the conditions of the street (block) servicing a new middle housing unit. I do not have to tell you that many of Milwaukie's neighborhood streets lack sidewalks and are often with rutted, potted surfaces (neighborhood streets are generally not within the SAFE program improvement plan which concentrates more on main arterials and school zones). Additionally, there may be several cars typically parked already on these streets. Then there is topography which may be hilly or curvy rather than straightway like. **Line of site becomes more obstructed** in these conditions, and adding yet more cars parked on the street can add to this obstruction.

Finally, many **Milwaukie residents have been involved** in developing the proposed amendments and **the product of their involvement included the one parking space minimum** for new Middle Houses – the Planning Commission later strikes without seeming unanimity.

I should think the Council would give at least some deference to the public input process and require some modification to the zero minimum off-street parking approved by the Planning Commission. *The Planning Commission's parking space code for middle housing is too binary and should be modified to provide for flexibility/adaptability along the lines I recommend.*

Sincerely,
Elvis Clark
Member of the Public Safety Advisory Committee
Ardenwald neighborhood
Milwaukie 97222

Scott Stauffer

From: Jill B <tinyjillbo@gmail.com>
Sent: Sunday, February 27, 2022 5:16 PM
To: OCR
Subject: Re zero onsite parking

This Message originated outside your organization.

The City of Milwaukie has turned deaf ears and blind eyes on the wishes of its residents once again regarding issues such as this one, which lower quality of life for both current and future residents under this proposal. Listen to your residents. Give them opportunities to reply. Your Milwaukie residents do not want this. They are saying no.

Please, please do not push through the zero onsite parking planning proposal for new multiple dwellings.

Jill Bowers
Milwaukie resident since 1981

--

Scott Stauffer

From: tle2068@aol.com
Sent: Sunday, February 27, 2022 5:46 PM
To: OCR
Subject: Zero onsite parking

This Message originated outside your organization.

Decision makers; I am a resident of the City of Milwaukie and I oppose the zero onsite parking initiative. This is a bad idea for current residents and future residents. Already parking on streets has been reduced by bike lanes in my neighborhood (Island Station). Tight parallel parking along the west side of River Road makes exiting driveways very dangerous. Even residents that bike or take public transportation own cars. The requirements for any new building should include some onsite parking. It would be a disservice to the community, property tax payers, and residents if you push this through.

Teresa Evans
Homeowner on River Road near McLoughlin

Scott Stauffer

From: Siri Bernard <siribernard@comcast.net>
Sent: Monday, February 28, 2022 9:43 AM
To: OCR
Subject: City council refusing to listen to it's citizens.

This Message originated outside your organization.

Stop the No Parking change! Everyone will always have at least one vehicle of some kind and we need to provide at least ONE parking place per unit! Otherwise we end up like Sellwood where I won't shop anymore because parking is so hard to find.

We need One parking slot per unit, or at least 75%.

Siri Bernard
503-515-4322
2437 SE Lake Rd

Scott Stauffer

From: Judy Schoepp <suenjude@msn.com>
Sent: Monday, February 28, 2022 12:14 PM
To: OCR
Subject: Parking spaces

This Message originated outside your organization.

Sent from Mail for Windows
I support one parking space per unit. Several years back, the City of Milwaukie put in sidewalks on 32nd Ave. effectively removing all street parking. If you have visitors they have to look for a space on a side street .and then walk 2 plus blocks away. If you have more than 1 car, you have to park second or third vehicle down a side street. After trying to deal with this, I had to widen my driveway to accommodate my own vehicles plus room for guests, to the tune of $8500 dollars. It is ridiculous not to require off street parking! Sincerely, Judith Schoepp

Proud Ground
Diane Linn, Executive Director
dianelinn@proudground.org

March 1, 2022

Dear Mayor Gamba and members of the Milwaukie City Council:

Hello my name is Diane Linn, Executive Director for Proud Ground. We are dedicated to creating permanently affordable homeownership opportunities for working families through the community land trust model. Proud Ground has over 50 permanently affordable homes in Clackamas County and is work in partnership with the County and a private developer to expand the number of homes available for working families presently. We are committed to Clackamas County and the City of Milwaukie in our work to match units with families to achieve affordability, stability and wealth creation especially for children who are at risk for generational poverty. I am also active on Housing Oregon's Portland Metro Policy Council and served on the Board of Directors.

This testimony addresses the Residential Infill Project proposal and its potential impact on our ability to serve more families their children and specifically people of color. ***On behalf of the board and staff of Proud Ground, we ask you to open the door to more affordable homeownership opportunities for diverse Milwaukie working families by approving this ordinance.*** We stand in support of our partner organizations to build more affordable units of all kinds because as you well know, the need facing our communities is urgent and growing.

We understand that three matters are under consideration in the draft ordinance: housing, tree preservation and parking. On these points, we consider the following:

- As community leaders, you are aware of crisis as documented by the State of Housing Report and local data. You know about the problem – we see it on the streets in our neighborhoods region wide with Clackamas County deeply impacted by the lack of affordable housing options. In this process, you are in a position to help bring relief to so many individuals and families by allowing us and our partners including Habitat for Humanity Portland Region to build more units while balancing the character of the special neighborhoods of Milwaukie. While affordable rental housing is crucial, we are promoting the benefits of homeownership and the stability it brings to

families and the community by making it possible for families to afford a home – anchoring their children in neighborhoods for educational focus, better health and employment outcomes and more community involvement. This strategy breaks the cycle of poverty. We need residential infill AND affordability whenever possible – so it's a "yes And" proposition. Without environmentally-sound infill policy, we can't make progress on the homeownership affordability.

- As a native Oregonian, I recognize the importance of increasing the tree canopy and support efforts to reasonably establish a balance of protecting tress, adding more and of building efficiently on infill lots. Both can be achieved at the same time.

- As for parking concerns, we must consider the tradeoffs involved with the serious decisions before you. Would we deny a child a bedroom to protect parking in neighborhoods where there has been historically effective accommodated cars and parking? Would we suggest that space for cars to park is more important than the quality of life for a family who has worked hard but cannot save for a downpayment in this market. Parking is an important consideration but should not override the dire need for families and children to really thrive in a home they own.

Proud Ground has over 500 families on our wait list – and we'd have a thousand more if we continued outreach efforts. 71% of these families are people of color. I watch parents bring their children into our office hoping sometimes, beyond hope that they will be able to purchase a home and be rescued from this brutal rental market – they have done everything right and many are mortgage ready to purchase but only when we can bring subsidies, supports and/or the ability to build homes affordable. Of those households on the waiting list, the median household income is $38,000/year, which equates to 50% median MFI. This amount is close what a majority of amount working families are making in the region – they need more housing options!

Thank you for your consideration of this message. Please support residential infill and appropriate tree and parking policies in the ordnance.

Sincerely,



Diane Linn, Executive Director
Proud Ground

Scott Stauffer

From: Claire and Nathan Hobson <sixhobsons@comcast.net>
Sent: Monday, February 28, 2022 10:03 PM
To: OCR
Subject: New Middle Housing Parking

This Message originated outside your organization.

As a citizen of Milwaukie, **I urge City Council to implement a one off-street parking space of for each unit of middle housing built in the City of Milwaukie**. It is my understanding that this is consistent with the recommendation of: 1) the citizens' Comprehensive Plan Implementation Committee, 2) city staff, 3) a parking consultant hired to provide guidance to the city and, 4) the overwhelming consensus of Milwaukie's residents as evidenced in written comment, public testimony and in City of Milwaukie survey responses. Quite frankly, it seems compelling enough to require one off-street parking space for each unit of middle housing simply considering the parking nightmare that has unfolded in Sellwood after several years of middle housing development. A zero parking requirement is irresponsible, misguided and not consistent with the wishes of those you serve.

While I choose to believe that HB2001 was well-intentioned, I have concerns about the ripple effects of implementation that is rigid. Milwaukie Planning Commission's advocacy for zero on-site parking is untenably rigid and will unnecessarily impact the livability of many Milwaukie neighborhoods. I implore City Council to adhere to a standard of reasonableness by not eliminating off street parking entirely.

Respectfully submitted,

Claire Hobson
4004 SE Licyntra Lane
Milwaukie, OR 97222

Sent from Mail for Windows

Scott Stauffer

From: 2dasch@gmail.com
Sent: Tuesday, March 1, 2022 8:28 AM
To: Scott Stauffer; Ann Ober
Subject: Comments for Council Tonight

This Message originated outside your organization.

Dear Council and City Staff,
I would like to on record as to opposing the parking regulations that are being proposed. I am in favor of at least one parking space per unit for all R-5, R-7 and R-10 zones.

I see problems with residential parking now. As an example, with the rebuild of Home Ave, long time parking on the street is being removed for sidewalks. When the project is complete neighbors will have to park on side streets, this will move parking to in front of others houses and take their spaces in front of their houses. O ya that's my problem not yours but you created it.

As for your wish that cars go away and everyone lives and works in their neighborhood and will not need a car is a grand Idea but not reality.

What is the plan for parking enforcement in the neighborhoods? Do we call the police every time the street is blocked by delivery trucks and people parking on both sides of the street making problems for fire trucks and other trucks. This is just what neighbors want to do, call the police on their neighbors to report them.

Let's also talk about parked vehicles that never move for whatever reason. expired tadg, broken down or trailers. Would you be allowed to repair your car when parked on the street. Is this safe? How long would a car under repair be allowed to be on the street?

Take a look at all the cars that park downtown overnight and on weekends.

Please reconsider this concept and add back in one space per unit in the residential areas.

--
David Aschenbrenner
11505 SE Home Ave
Milwaukie, OR 97222

Scott Stauffer

From: Bernie Stout <usabs1@nethere.com>
Sent: Tuesday, March 1, 2022 11:14 AM
To: OCR
Subject: PLANNING COMMENTS ZERO PARKING

This Message originated outside your organization.

March 1, 2022

Dear Planning Commission

Onsite residential parking space to ZERO per new unit, should be tied to the current **Urban Renewal time-line**.

The Monroe Apartments between SE Oak & SE 37th Ave. are currently being built with **on street parking and a Cycle Track on SE Monroe.** This building site is in the Urban Renewal designated area.

Based on the need projected for this site numerous **onsite parking & on street parking** have been allowed. But may already not meet the parking needs that a possible **SIX HUNDRED AND THIRTY**

FOUR OCCUPANTS will require. Please wait for Urban Renewal to work and then consider the Zero Parking option when **Urban Renewal runs out**.

Sincerely,
Bernie Stout

City of Milwaukie City Council 03-1-2022: Ortolano Public Testimony

Milwaukie Middle Housing, Tree Code, and Residential Parking
RE: Proposed Code Amendment 19.605 - Vehicle Parking Quantity Requirements

Dear City of Milwaukie City Council:

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 City Council:

Many citizens are extremely concerned about the current Planning Commission recommendation before you to eliminate on-site parking space requirement for duplex, triplex, and quadplex middle housing units.

Many are also concerned about the Planning Commission Voting Majority's disregard of:

• **residents' strongly demonstrated desire** to maintain the 1:1 ratio of parking spaces to middle housing units as evidenced by online surveys.

• the **independent hired consultant's final recommendation** to maintain 1:1 ratio due to extremely poor street conditions in much of the city.

• the **absence of any presentation of a zero parking recommendation** to citizens.

• the **lack of any updating of citizens** via any online platforms, surveys, or city email lists.

• citizens disfavor for a **"one size fits all" recommendation**, which ignores the widely varying street conditions across the city. Some streets already cannot accommodate more on-street parking. The simple argument that "we have lots of open on-street parking" is insufficient to justify adding any significant number of cars to the street given current street conditions and no wide ranging improvements in the foreseeable future.

• taking a **practical incremental approach** to the issue and re-evaluating in the future if/when street conditions improve, pedestrian and bicycling facilities are built, and transit improves.

• **questionable calculations** in forecasting new middle housing units. Edge's calculation uses ONLY the "buildable lots" number, which is a count only of our larger properties with only one house. But ALL residential lots will be subject to middle housing code and average sized lots with older houses will surely be bought, scraped, and redeveloped as well. There's a BIG difference between 765 and the 6,278 current lots eligible for middle housing development.

During the 11-9 Planning Commission meeting, Edge claims that, **"all current evidence says we'll be lucky to see a quadplex built in the next 10 years."** By happenstance, I know of SEVEN new units of middle housing that are already planned (a quadplex and triplex) in Ardenwald as soon as the codes change. Using Edge's range of 7-22 new units over 20 years, either all or almost a third of all prospective middle housing units will be built in the first year. Practical reality already points at a *very* different picture.

Furthermore, Cottage Cluster & Townhouse parking requirements have been also been reduced to 0.5 on-site parking spaces per unit…something that also has never been presented to the Milwaukie Community at any time.

To add insult to injury, a representative from the developer backed Sightline Institute was given the most speaking time at the 11-9 Planning Commission meeting, in the guise of providing neutral testimony, and he used ***low-income*** **vehicle ownership numbers in application to parking for middle housing units**…which I've been assured, in past meetings of this body, are NOT low income housing. The application of low-income car ownership numbers to middle housing is nothing short of misleading. Given the lack of any mechanisms to assure low income affordability for middle housing, and the high costs of construction, we won't be getting any voluntarily built *low income* middle housing units.

Also, in their February 8th letter to Council, Commissioners Edge and Sherman state that **"each surface parking space can cost up to $20,000-$30,000 to build."** This is NOT the cost for a surface parking space, but the construction for concrete parking structure stalls. The cost of surface reinforced concrete parking spaces runs from $2,500-$5,000 each, which is a HUGE difference that anyone sitting on the Planning Commission should be aware of.

And on page 5 of the same letter, the two commissioners also refer to **low-income resident car ownership numbers and middle housing units** as justification for a zero parking recommendation.

City staff had the right idea with their original proposal for an incremental parking adjustment process to assess sites on a case-by-case basis to see if eliminating the off-street parking requirement makes sense. This is overwhelmingly what residents have expressed a preference for.

If it's true we don't get much middle housing built, then what's the harm with starting with an incremental approach with a re-evaluation in 10 years time? There's zero risk involved.

And is it really worth the blatant betrayal of Milwaukie residents' desires, citizen time spent participating, and the City's own public engagement processes to push though this proposal right now?

Sometime in the future, if working and commuting patterns change, and perhaps more households live with only a single vehicle, and if/when Milwaukie has a viable, convenient and safe pedestrian and cycling infrastructure, it may make sense to eliminate off-street parking requirements. That's a lot of "who knows when" and "ifs." All we can say right now is that hopefully future increases in population density lead to more public transit, the resources to renovate our streets and a reduced dependency on cars.

But until that time, the City Council should listen to its residents, preserve neighborhood livability, safety and harmony, and reject the one-size-fits-all recommendation to eliminate off-street parking requirements based on historic and questionable figures that do not accurately reflect what is likely to happen as Milwaukie's housing and population densities increase.

With all due respect on behalf a significant number of OUR city's residents:



Ronelle Coburn
Ardenwald Resident
Milwaukie RIP

And by proxy:

Chris Ortolano
Hector Campbell
Milwaukie RIP

ONLINE PETITION & RESULTS AS OF 3-1-22 @ 9am

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.

PETITION RESULTS & SOCIAL MEDIA COMMENTS

101 Milwaukie resident signatories | SEE BELOW
Petition & posts shared 50 times from change.org & social media

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."

"This isn't what the community wants and the City isn't listening to its residents. We need a better plan, this isn't it."

"I support cars and parking spaces"

Not planning any parking in developments is not appropriate or adequate when most families have two vehicles. This is just plain stupidity. I work within 5 miles of my home, but bus transportation would take 2 hours."

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

Pamela Quinaln
Okay. Let's imagine a young family renting that missing middle space. To afford the space they need a car or work truck. Keep their work trucks safe!!! Young families cannot get ahead without a safe place to keep the car or truck they depend on for their livelihood.

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

Maggie Sheldon
ANY common sense being used AT All?

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 9:00am 3-1-22

1	Ronelle Coburn	Milwaukie	OR	97222	2021-11-06
2	Chris Ortolano	Portland	OR	97222	2021-11-06
3	Mysty Dionne	Portland	OR	97222	2021-11-06
4	Rebecca Lindquist	Portland	OR	97222	2021-11-07
5	Anthony Allen	Portland	OR	97206	2021-11-07
6	Jean Shannon	Milwaukie	OR	97222	2021-11-07
7	Jill Bowers	Portland	OR	97222	2021-11-07
8	Theresa Hawkins	Portland	OR	97222	2021-11-07
9	Mary Meier	Milwaukie	OR	97267	2021-11-07
10	Renee Stilson	Milwaukie	OR	97222	2021-11-07
11	Kristine Pearl	Milwaukie	OR	97222	2021-11-07
12	Jessica Soares	Milwaukie	OR	97222	2021-11-07
13	Anita Christensen	Portland	OR	97222	2021-11-07
14	Kari Schumacher	Portland	OR	97222	2021-11-07
15	David Smith	Milwaukie	OR	97222	2021-11-07
16	Barbara-Lee Orloff	Milwaukie	OR	97222	2021-11-07
17	Tracy Hokanson	Milwaukie	OR	97222	2021-11-07
18	Sarah Powers	Portland	OR	97222	2021-11-07
19	Leah Stone	Milwaukie	OR	97222	2021-11-07
20	Donna Smith	Milwaukie	OR	97222	2021-11-07
21	Mollie Thorniley	Portland	OR	97212	2021-11-07
22	Maryruth Storer	Milwaukie	OR	97222	2021-11-07
23	Charles Meeker	Portland	OR	97222	2021-11-07
24	Rebecca Ray	Portland	OR	97222	2021-11-07
25	Cindy Thurman	Milwaukie	OR	97222	2021-11-07
26	Julie Fagan	Milwaukie	OR	97222	2021-11-07
27	Steven Fagan	Portland	OR	97222	2021-11-07
28	Will Sellars	Portland	OR	97267	2021-11-07
29	Justin Brandon	Portland	OR	97222	2021-11-07
30	Deborah Trudeau	Portland	OR	97222	2021-11-07
31	Jim Collias	Portland	OR	97222	2021-11-07

32	Nancy Pierce	Portland	OR	97267	2021-11-07
33	Laurie Palmer	Portland	OR	97222	2021-11-07
34	Pamela Denham	Milwaukie	OR	97222	2021-11-07
35	Audrey Trubshaw	Portland	OR	97222	2021-11-07
36	Jason Smith	Milwaukie	OR	97222	2021-11-07
37	Burrell Palmer	Portland	OR	97222	2021-11-07
38	Natalie Jones	Portland	OR	97267	2021-11-07
39	Melinda Stanfield	Milwaukie	OR	97222	2021-11-07
40	Mary Potter	Portland	OR	97222	2021-11-07
41	Krystina Thomas	Portland	OR	97206	2021-11-07
42	Marietta Metteer	Portland	OR	97222	2021-11-07
43	Sean McCoy	Portland	OR	97222	2021-11-07
44	David Hedges	Milwaukie	OR	97222	2021-11-07
45	Sarah McCoy	Milwaukie	OR	97222	2021-11-07
46	Jerilyn Lindquist	Milwaukie	OR	97222	2021-11-07
47	Geenie Yourshaw	Milwaukie	OR	97222	2021-11-08
48	Austin Brown	Milwaukie	OR	97222	2021-11-08
49	Erik Yourshaw	Milwaukie	OR	97222	2021-11-08
50	Siri Bernard	Milwaukie	OR	97222	2021-11-08
51	Mary Blount	Portland	OR	97222	2021-11-08
52	Sarah Smith	Portland	OR	97222	2021-11-08
53	J Vasi	Portland	OR	97222	2021-11-08
54	Carla Buscaglia	Portland	OR	97222	2021-11-08
55	Sharon Konsa	Portland	OR	97222	2021-11-08
56	David Thomas	Portland	OR	97222	2021-11-08
57	Judy Schribman	Milwaukie	OR	97222	2021-11-09
58	Margaret Jamison	Portland	OR	97222	2021-11-09
59	Andrea Hopkins	Portland	OR	97206	2021-11-09
60	MaryEllen Edwards	Milwaukie	OR	97222	2021-11-09
61	Pamela Joslin	Portland	OR	97222	2021-11-09
62	Zina Seal	Portland	OR	97222	2021-11-09
63	Del Scharffenberg	Portland	OR	97222	2021-11-09
64	Lisa Hamaoka	Milwaukie	OR	97222	2021-11-09

65	Trisha Garvin	Portland	OR	97222	2021-11-09
66	Michael Stone	Milwaukie	OR	97222	2021-11-09
67	Kelly Locati	Portland	OR	97222	2021-11-10
68	Allen Burrell	Portland	OR	97222	2021-11-10
69	Harriet Toombs	Portland	OR	97222	2021-11-23
70	Patti king	Milwaukie	OR	97222	2021-11-24
71	SP Clarke	Portland	OR	97222	2022-02-21
72	Cheryl Guthrie	Milwaukie	OR	97222	2022-02-21
73	Brandi Erskine	Portland	OR	97086	2022-02-21
74	Mike and Carol Miller	Portland	OR	97222	2022-02-21
75	Gail Walker	Portland	OR	97222	2022-02-21
76	Louise Taylor	Milwaukie	OR	97222	2022-02-21
77	Annette Stacey-Whitmore	Milwaukie	OR	97222	2022-02-22
78	Kelly Peterson	Milwaukie	OR	97267	2022-02-22
79	Chritine Campbell	Vancouver	WA	98682	2022-02-22
80	Andrew Young	Milwaukie	OR	97222	2022-02-23
81	Melinda Serven	Portland	OR	97222	2022-02-24
82	Rachel Schommers	Portland	OR	97267	2022-02-24
83	Diana Platas	Milwaukie	OR	97267	2022-02-25
84	Jill Younce	Portland	OR	97222	2022-02-28
85	Sharon Klein	Portland	OR	97222	2022-02-28
86	Gary Klein	Milwaukie	OR	97222	2022-02-28
87	Teresa Evans	Milwaukie	OR	97222	2022-02-28
88	Sara Liming	Portland	OR	97267	2022-02-28
89	Paul Allen	Portland	OR	97267	2022-02-28
90	Judy Davis	Milwaukie	OR	97222	2022-02-28
91	Carol Moyer	Milwaukie	OR	97222	2022-02-28
92	Barbara Harris	Portland	OR	97222	2022-02-28
93	Ross Lehman	Portland	OR	97202	2022-02-28
94	Concetta Antonelli	Milwaukie	OR	97222	2022-02-28
95	Judith Schoepp	Portland	OR	97222	2022-02-28
96	Kelly Doering	Portland	OR	97222	2022-02-28
97	Chris Pease	Portland	OR	97222	2022-02-28

98	Jay Panagos	Milwaukie	OR	97222	2022-02-28
99	Pamela Denham	Milwaukie	OR	97222	2022-02-28
100	Patricia Meeker	Portland	OR	97222	2022-03-01
101	Judith Griffin	Milwaukie	OR	97222	2022-03-01

2-15-2022

Dear Milwaukie Councilors,

I have been an involved citizen during the discussion concerning housing and parking in the City of Milwaukie along with the need for a private property tree code. I attended many of the CPIC meetings and while I cannot say that I agree with everything that has been discussed, decided, and moved forward on all three issues, I understand the need, the time, and consideration that has been required over the past 2 and more years. It was my understanding that both the consultant hired and the CPIC recommended that having 1 off-street parking space per unit should be the number required, but now see that 0 off-street parking spaces are being proposed. I request that councilors follow the recommendation of their selected committee and hired consultants. Each neighborhood in Milwaukie is different and has different challenges. I see that approaching development (rezoning/code changes) with moderation using incremental steps will benefit Milwaukie much more in the long run.

Anyway, I am not in favor of having 0 off-street parking spaces required for missing middle income housing and highly doubt that the affordable missing middle housing units sought will be achieved by the current code revisions. Opening the zoning requirements will undoubtedly create new construction/housing units in neighborhoods, and the city will be more prosperous with a larger population base, but with nothing specifying that this new construction be affordable, developers will make the most money possible on the properties that they buy.

As high as property values are currently, most of the property values in Milwaukie are still lower than the surrounding region and developers, land agents, and real estate professionals clearly see this. Sellwood-Moreland neighbors have already faced a flurry of development and new construction with higher property values than ours. Again, I see moderation as key here and if trends change in the next 5 years, what is the harm in taking another look at specific parts of the rezoning/code and at that point lower the parking requirements, approve flag lotting and see if things really fit the vision Milwaukie citizens have for their community? I know it is impossible to change things back once they are implemented, so please think about your community, and follow the advice of your selected committee and consultant concerning housing, parking, and trees.

From my perspective, I see the current housing legislation as driven by the haves and they have determined to take the last of the wealth from anyone who owns anything except them. It is the same old tune, except with a frenzied tempo. Please read and review the link I have included.

Buying Starter Homes Gets Harder as Wall Street Uses Zillow to Buy Thousands - Bloomberg

The highlights are that Wall Street is using home-flipping iBuying firms to create a secret pipeline for big investors to snap up properties, squeezing average buyers out of housing markets.

- **Two out of 10 homes** flipped by the biggest iBuyers—Zillow, Opendoor and Offerpad Solutions—wound up sold to landlords backed by big investors, analysis of 100,000 property records shows.
- **Flips are happening at a higher rate** in communities of color, adding to criticism of institutional landlords for crowding out regular families.
- **Investors scooped up** more than 18% of all U.S. home sales between July and September, according to Redfin, the highest share since at least 2000.

Based on this article you can conclude that the haves don't care about allowing anyone else to build wealth and they are playing with the housing market, off/under the table as part of their business creating ownership housing shortages. They have determined that they can have it all and allow businesses working for them to create rental housing as the norm and not allow anyone to accrue equity and wealth generation or eventually own a home. Build for rent markets are ramping up, and over time developers working for Wall Street investors will determine what is most profitable for their clients.

Sincerely,

Lisa Gunion-Rinker
Ardenwald/Johnson Creek resident

OREGON EDUCATION ASSOCIATION

Date: March 1st, 2022

To: Milwaukie City Council

Re: OEA support of middle housing code changes

The Oregon Education Association represents educators across the state of Oregon and has actively engaged for years in efforts to support unhoused youth.

Housing insecurity has a profound effect on a student's ability to learn. Housing insecurity causes immense amounts of stress, and more than any other students, those affected by the housing crisis need to build on academic victories, strengthen the few friendships they have, and maintain relationships with adults who have finally earned their trust.

Every step our communities can take towards improving the housing supply, helps students stay in their communities, and build future generations up. We encourage Milwaukie to support legalizing missing middle housing.

Louis De Sitter, Oregon Education Association, (541) 399-3319

Scott Stauffer

From: McVay, Yvonne <Yvonne.McVay@claconnect.com>
Sent: Tuesday, March 1, 2022 1:28 PM
To: OCR
Cc: McVay, Tory (tory.mcvay@onpointcu.com)
Subject: Middle Housing Parking

This Message originated outside your organization.

Hello –

We are long-term Milwaukie residents who are active in our community. We recently became aware that certain members of our city government and planning commission are recommending that future middle housing built in our city not be required to provide any parking. It is also our understanding that this policy is against the recommendations of the Comprehensive Plan Implementation Committee, city staff, consultants, and more importantly, the wishes of most Milwaukie residents surveyed. We believe that development in our city should be required to provide parking. Any other policy is irresponsible. While we understand and appreciate your desire to encourage more public transportation, walking and biking, it is not feasible or accurate to assume that middle housing residents will not own vehicles! We also understand that middle housing is being forced upon cities whether they like or not, but cities do have the power to mandate parking requirements. In addition, our greatest need is low income housing, which in most cases is apartments. Middle housing options will not benefit the people most in need of housing, and the residents of middle housing will most likely not be very low income people. It is unwise to assume that they will not own vehicles. We urge you to at least try to maintain the character of our long-standing single-home neighborhoods. We live in Milwaukie because we enjoy living a suburban life. We urge you to require onsite parking for middle housing in our city.

Thank you,

M. Tory and Yvonne McVay
12951 SE Vernie Ave
Milwaukie, OR 97222
503.654.7585

Yvonne McVay, CPA
Signing Director
Tax

Direct 503-808-4118 Mobile 503-887-7368
CLA (CliftonLarsonAllen LLP)
yvonne.mcvay@CLAconnect.com

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CliftonLarsonAllen LLP

Scott Stauffer

From: Krista Downs <KRISTADOWNS9165@msn.com>
Sent: Tuesday, March 1, 2022 2:19 PM
To: OCR; Scott Stauffer
Subject: Off Street Parking for "middle housing"

This Message originated outside your organization.

I would like to remind Milwaukie City Council how imperative parking is within the City and the citizens of the of Milwaukie. It is so important that when it was presented; parking at 1 space per residential space was given overwhelming citizen support during planning meetings.

As someone that works in Milwaukie, I have to leave my job to move my car during the work day. Why? Because of the poor parking situation/solution that was created by the City. Vehicles are being pushed to parking in school neighborhoods because of a lack of parking for those that work in the city and those that use the transportation options offered in Milwaukie. Once we lose the Metro parking lot currently used by city employees, those vehicles will take up the already limited parking near Main Street. How are the few businesses left in Milwaukie going to survive without customer parking?

Another reason for onsite parking is the lack of sidewalks within the Milwaukie community. How safe is it going to be for the community to negotiate the increase in cars parked on the street and walk their kids to school or take the family dog for a walk or enjoy a bike ride. No sidewalks mean that we are already using the side of the road that is now under consideration for residential parking. Narrow roads, no sidewalks, cars parking and moving on the side streets will definitely become a safety issue for the City.

As a suggestion, I would like the City council to look at the cul-de-sac off of 55th and Jackson Street between Monroe and King Road. That particular cul-de-sac is entirely duplexes. All of them provide off street parking. Middle housing in Milwaukie is not a new concept, but it might be new to the council and planning commission. Sure, developers are going to argue against it, but it's your job as City council to protect our community from developer over-reach.

Sincerely,
Krista Downs

Scott Stauffer

From: Bernie Stout <usabs1@nethere.com>
Sent: Tuesday, March 1, 2022 3:02 PM
To: OCR
Subject: Planning Commision Keep Park

This Message originated outside your organization.

Tuesday, March 1, 2022

Dear Planning Commission,

This is an additional observation to first communication.

Low income advocates have complained even more since Covid reduced public transportation.

Example sited: many low income have to have multiple jobs just to barely meet family housing & needs. In order to work enough they may have three jobs and have to commute each day three times to

separate locations. The MAX line shuts down when it ices up and slows down when the lines are too hot. Bus routes have been slashed along with more time between the buses that do run. The remedy for

most is to **own a car**.

Please do not reduce the parking until infrastructure is improved and stable.

Bernie Stout

Scott Stauffer

From: Becki Hayes <bee.reb@gmail.com>
Sent: Tuesday, March 1, 2022 4:55 PM
To: OCR
Cc: Angel Falconer; Shrestha, Bandana
Subject: Milwaukie's: Missing Middle Housing - Written Comments

This Message originated outside your organization.

Attention: City Council Regular Session, March 1, 2022

Mayor Gamba & City Council,

My name is Becki Hayes a former resident of Milwaukie. Having been priced out of my home in Milwaukie, I have a personal stake in seeing more housing options for Milwaukie. My family still lives here, and I would like to return should housing options allow it.

I have been involved in Milwaukie's Visioning phase, a member of the Comprehensive Planning Advisory Committee and an AARP Volunteer Leader working to promote livable and age-friendly communities. According to the AARP Home and Community Preference Survey, nearly 80 percent of adults aged 50-plus and older want to remain in their communities and homes as they age. That means our communities need housing available that are different sizes, and types and accessible to people at various income levels whether you are a renter or owner.

Middle housing which includes duplexes, triplexes, fourplexes, cottage clusters, and smaller multiplexes – were once common in our communities. But they are largely absent from our communities now and greatly needed. We need policies that support building these types of homes in our communities.

The Planning Commission's proposal is a great start to addressing the housing crisis and putting in place policies that support expanding housing options . We need more missing middle housing in our communities to meet people at every stage of their life.

I would urge Milwaukie City Council to support policies that help to create more accessible, affordable and varied housing types in Milwaukie so that people will not have to be displaced in the future.

Thank You,
Rebecca 'Becki' Hayes

Scott Stauffer

From: Nate Ember <nate@inkbuiltdesign.com>
Sent: Thursday, March 3, 2022 6:00 PM
To: OCR
Subject: March 1 council session - comments on middle housing

This Message originated outside your organization.

Thank you again for the opportunity to comment during the recent hearing. I wanted to follow up with a few more additional comments and clarifications in writing.

Cottage clusters that only include independent single dwellings remain somewhat cost inefficient to build, and are likely to lead to micro communities that are less economically diverse than one that could include attached ADUs for instance. For the sake of economic diversity and energy and resource efficiency, please consider allowing duplexes and/or attached ADUs within them.

Regarding my comment about residential vs. commercial building code in the proposed scenarios, there are a number of considerations to be aware of when it comes to thinking about what is and isn't likely to be developed. Most housing at this scale is likely to be developed under the residential code due to lower construction costs and the availability of contractors who build homes and ADUs only in that sector and who are not generally familiar with or licensed to build under commercial code. Commercial code is triggered anytime separate dwellings are built on top of each other with the possible exception of an ADU above or below a primary unit. In many places, commercial development triggers additional permitting costs, public ROW improvements, and other things as well that would easily push a small infill housing project beyond the realm of feasibility.

Some jurisdictions such as Portland allow a stacked ADU (with specific additional criteria for life safety). That said, strange building code scenarios can occur. Consider a recent experience we had trying to permit a project under the new RIP in Portland:

> A client owned an existing single level duplex that has an existing basement level garage on one side. They wanted to convert that garage to an ADU, which presumably would be a simple thing to achieve and would make sense economically at an assumed $100K budget. Upon submitting an application, the city interpreted the ADU as being a 3rd dwelling on the site which pushed it from residential code to commercial. Under commercial code, fire sprinklers and street improvements were also triggered, which altogether pushed the cost of this simple conversion to more than double its anticipated budget. The city does have a path to allow an ADU under a townhouse using the residential code which would require separating the existing duplex with a continuous 2-hour rated fire wall and adding fire sprinklers, but this is also an expensive and difficult retrofit that would displace existing tenants and still add significant cost.
>
> None of these considerations were well understood by planning and permitting staff, so the process was very difficult, ultimately resulting in an abandoned project.

It's easy to see the many complex and interacting issues at play that can prohibit the development you and the authors of HB2001 want to encourage. It's much easier to think about planning rules for triplexes and quadplexes through the lens of side-by-side dwelling units in a townhouse configuration (with solid vertical fire separation walls between each dwelling) or multiple duplexes (also side-by-side). These of course can be multilevel dwellings within themselves, but a reasonable footprint of roughly 450sf per dwelling is still a useful place to start. When thinking about preserving existing homes, any new dwellings would likely stay 6 feet away at minimum from the existing home in order to stay under residential code requirements and to preserve daylight and egress for the existing home. Since most existing homes sit dead center in a lot, it is necessary to reduce other setbacks significantly in order to allow for new dwellings behind or in front of an existing home.

Related to this is the conversation the city has been having for some years now in terms of ADUs triggering street/sidewalk improvements. That can be an onerous cost for small secondary dwellings that are best suited to provide affordable housing for young people, seniors aging in place, and other significant needs. I think it's critical to remove that trigger for ADUs in order to truly unleash that housing resource, and to couple it with SDC waivers for affordable rentals along with other incentives. This need not apply to primary dwellings like plexes unless you also want to provide some affordability incentives there as well.

Since this is a set of issues I am passionate about and have a lot of direct working knowledge in terms of designing and permitting real projects that have to navigate this criteria, I'm happy to be a professional resource as needed.

Thank you,
Nate

--

Nate Ember, AIA (he/him)
Architect, Principal
LEED AP Homes | ILFI-Cascadia

Ink:built Architecture
m| 503-975-4055
Inkbuiltdesign.com



Comprehensive Plan Implementation Project – Proposed Code Amendments Housing and Parking

City Council

March 1, 2022

Vera Kolias, Senior Planner

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**



HOUSING – HB 2001 MANDATES

HB 2001 requires **middle housing options** be permitted in all residential areas zoned for detached single-unit dwellings.



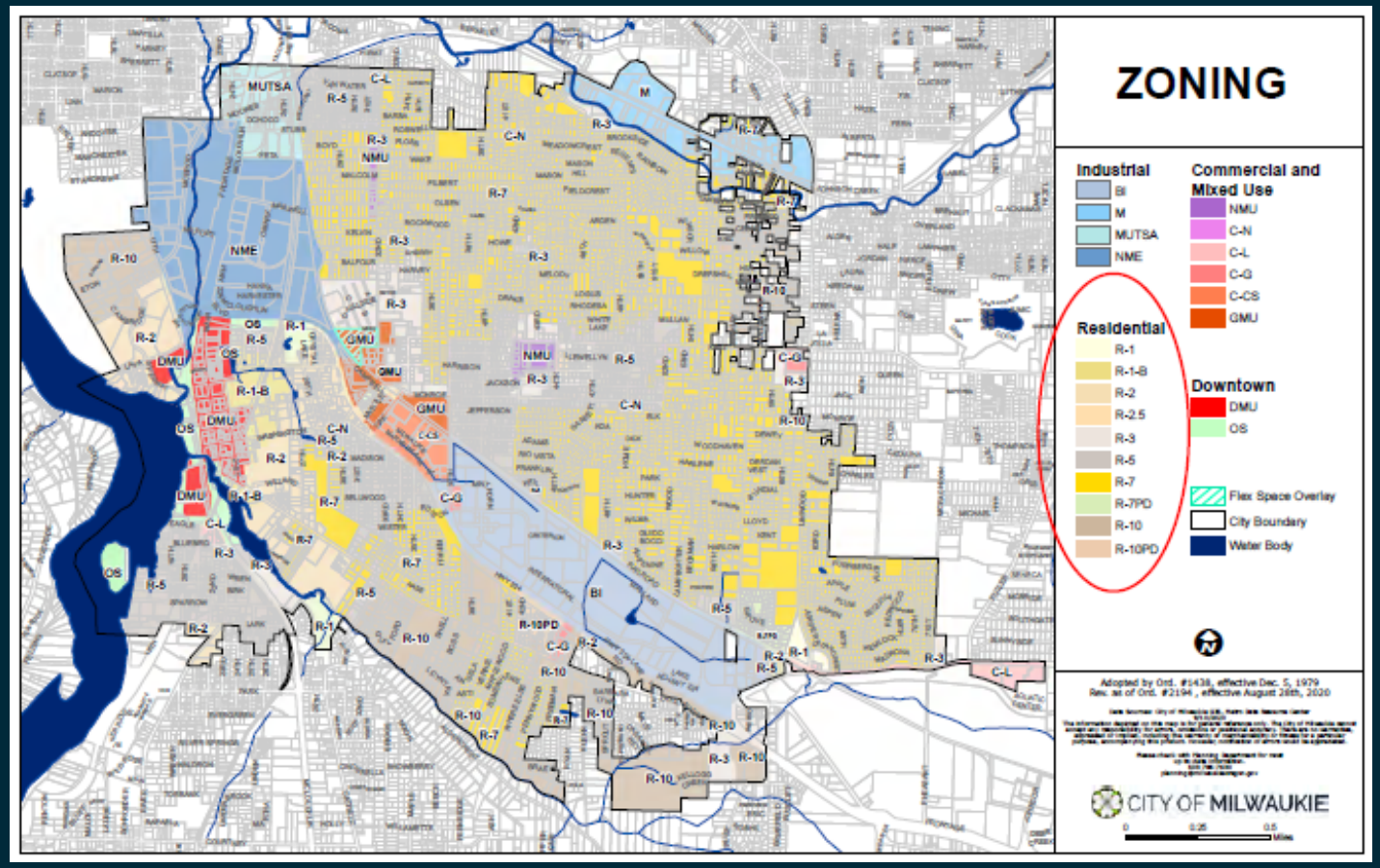
Townhomes

Cottage Cluster

ADU

Plexes

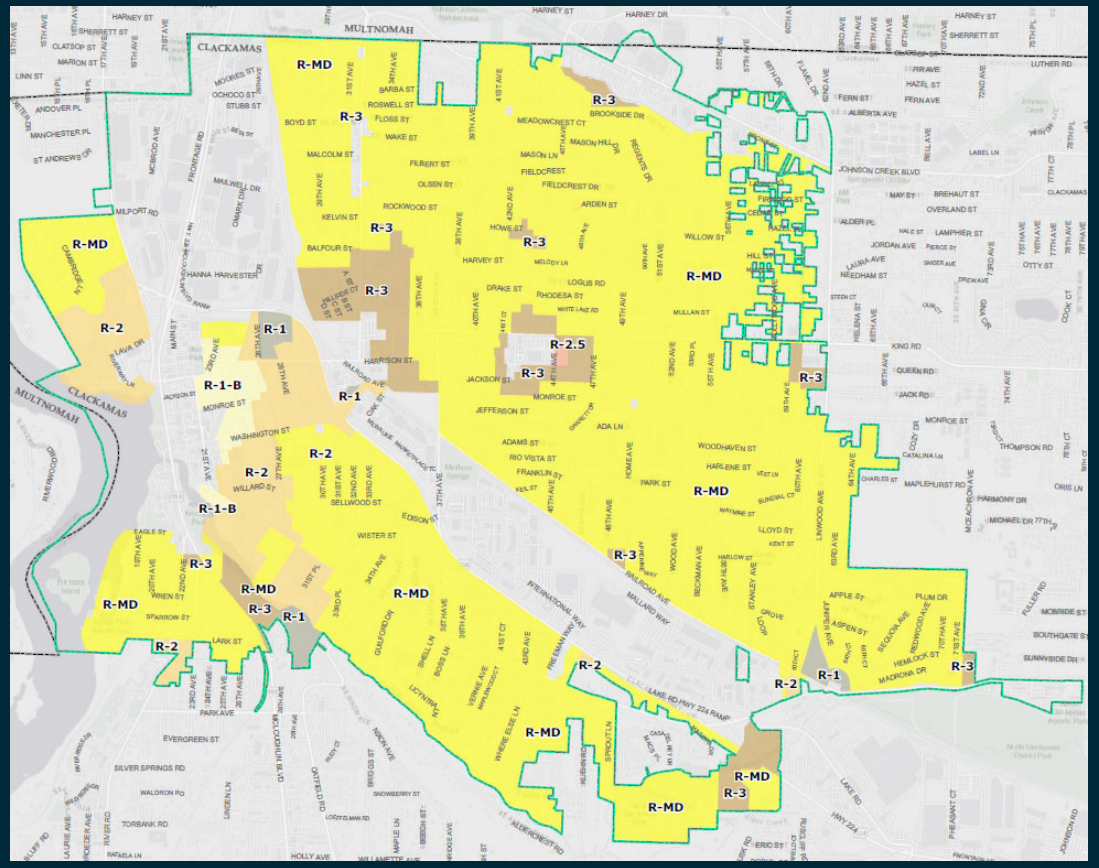
Code Amendments – Zoning Map



Code Amendments – Zoning Map

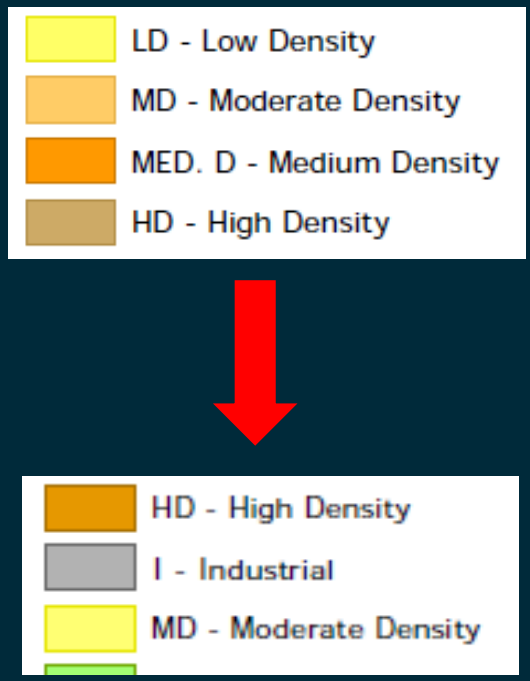
- Consolidate 8 residential zones to 6 zones:
  - R-1; R-1-B; R-2; R-2.5; R-3
  - R-MD (MD) = R-5, R-7, R-10

- Comp Plan policy: equitable distribution of housing choices



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)



Proposed Amendments - Definitions

- Outright Allowed
- Owner
- Street tree
- Tree
- Density calculation
- Flag lot
- Back lot

- Duplex
- Cottage Cluster
- Cottage Cluster project
- Middle Housing
- Multi-unit development
- Quadplex
- Townhouse
- Triplex
- Single detached dwelling

QUESTIONS?

HOUSING

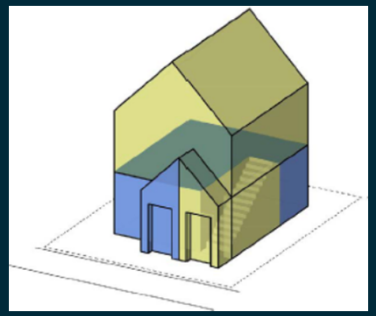
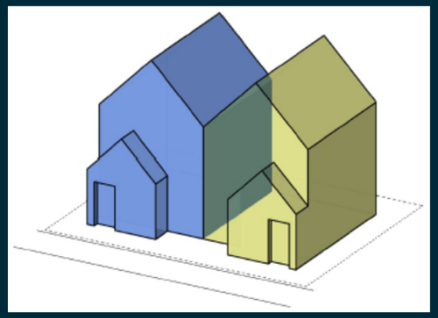
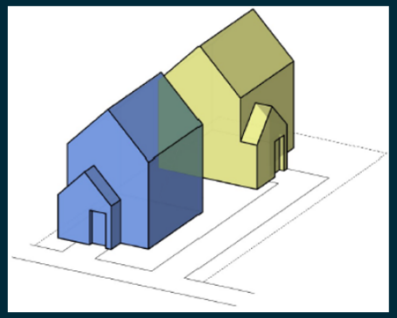


Code Amendments – Development Standards

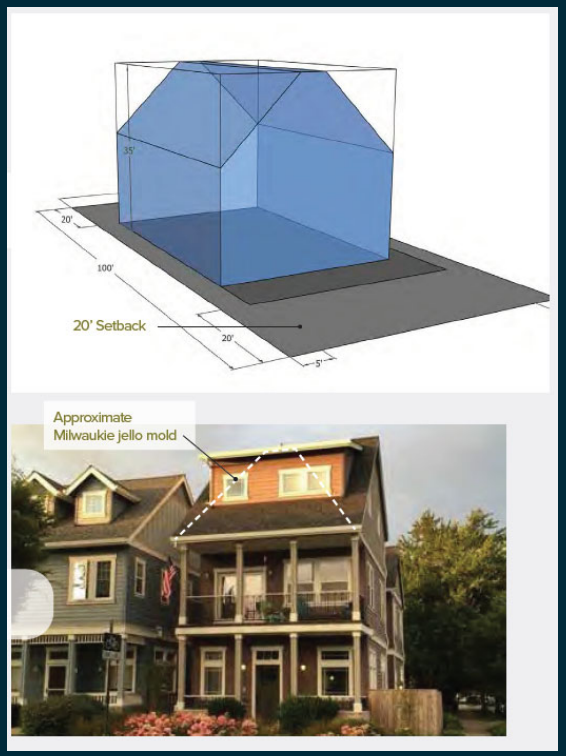
Lot Size	Permitted Housing Types currently	Permitted Housing Types proposed
1,500 sq. ft.	Rowhouse (townhouse)	Townhouse
3,000 sq. ft. to 6,999 sq. ft.	Detached single dwelling if a lot of record Detached single dwelling + ADU	Detached single dwelling Detached single dwelling + 2 ADU Duplex Triplex Quadplex
7,000 sq. ft. and greater	Detached single dwelling Detached single dwelling + ADU Duplex if lot is 10,000 sq ft or larger	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



Development Standards – Building Height

Standard (R-MD Zone)	Existing	Proposed
Max. Building Height	35 ft or 2.5 stories	35 ft

- Side yard height plane standard would still apply
- Most 2.5 story homes are close to 30 ft already



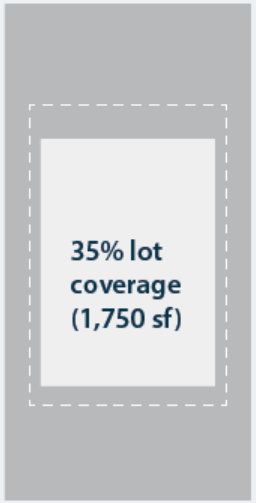


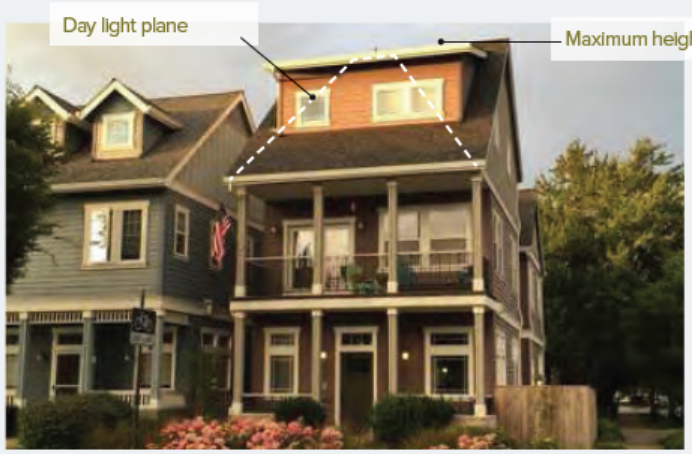


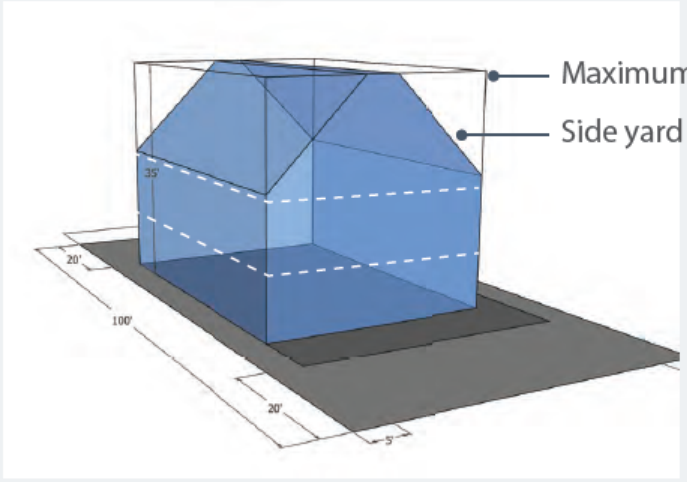
Development Standards – Lot Coverage and Veg

Lot Size (sq ft)	Proposed Max. Lot Coverage	Amount of Building	Proposed Min. Vegetation
1,500 – 2,999	45% (10% bonus for single story or addition)		15%
3,000	35% (10% bonus for single story or addition)	= 1,050 sq ft footprint	25% = 750 sq ft
5,000	35% (10% bonus for single story or addition)	= 1,750 sq ft footprint (2-story triplex with 1,150-sq ft units.)	25% = 1,250 sq ft
7,000 and up	30% (10% bonus for single story or addition)	= 2,100 sq ft footprint	30% = 2,100 sq ft

A typical 5,000 square foot lot

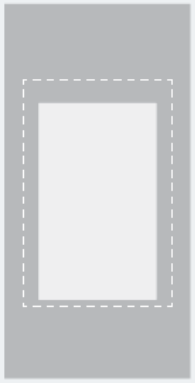


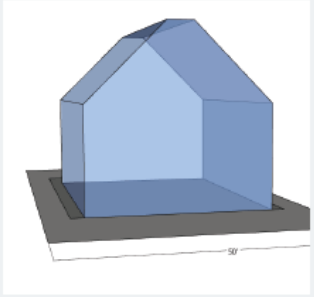




- Tools to address the shape and bulk of a house and impacts to neighbors:
  - Max. lot coverage
  - Min. vegetation
  - Min. setbacks
  - Side yard height plane
- The tools create the “’jello mold”. The units must fit into that jello mold.

5,000 square foot



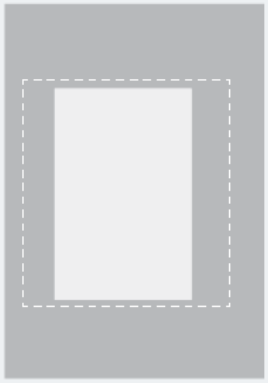


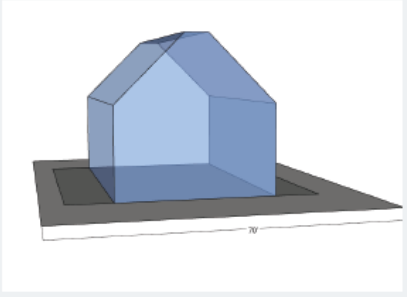
Maximum buildable area in square feet:

4,375

at 1,000 square feet per unit, this volume may be able to accommodate 4 dwellings

7,000 square foot





Maximum buildable area in square feet:

5,250

at 1,000 square feet per unit, this volume may be able to accommodate 5 dwellings

- **What determines how much can be built on a residential lot?**
  - Determined by calculating the floor area that can fit into the jello mold.
  - The height in residential zones is 35 feet
  - This is the maximum buildable area

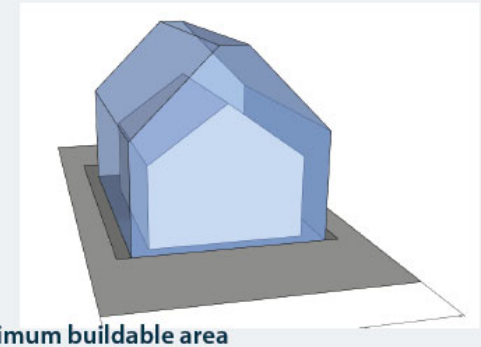


Pre-War



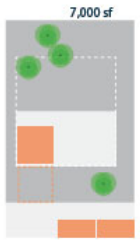
Total floor area of a typical Milwaukie house, in square feet

1,960

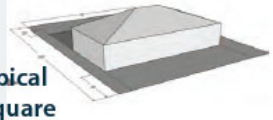


Maximum buildable area in square feet:

4,375

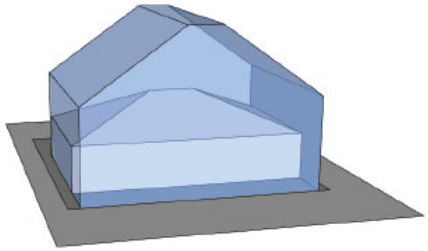


Mid-Century



Total floor area of a typical Milwaukie house, in square feet

1,500



Maximum buildable area in square feet:

5,250

- What is the size of a pre-existing house we see in Milwaukie today?

Permitted Today

Permitted today

Lot size = 5,180 sq ft

House = 1,768 sq ft

Details = 3 BR; 2 BA



Lot size = 5,119 sq ft

House = 2,629 sq ft

Details = 4 BR; Den; 2.5 BA



- This is a 3,400 sq ft lot on Edison St.
- House = 2,006 sq ft
  - Rear setback = 27 ft
  - Front setback = 20 ft
  - Side setbacks = 5 ft; 5.5 ft
  - Lot coverage = 34.9%
  - Landscaping = 50.4%

Code Amendments – Design Standards: 1-4 units

- Current code includes design standards for:
  - Single-family dwellings and duplexes (19.505.1)
  - Garages and carports
  - Multi-unit housing (5 units and up in a single structure, not touched in this code update, does not apply)

Code Amendments – Design Standards: 1-4 units

- Proposed code amendments –
  A universal set of design standards that applies to all middle housing
  - Apply existing standards contained in 19.505.1
  - Two new stand-alone subsections for
    - Cottage Clusters
    - Townhouses
  - Right-size and merge some multi-unit housing standards into the universal set

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)

CODE AMENDMENTS - ADUS

Standard/Requirement	Primary Home + ADU (600 sq ft)	Primary Home + ADU (800 sq ft)	Detached Duplex
SDCs	ADU	ADU	2 x ADU
Affordable Housing CET	Exempt until 11/21/22	Exempt until 11/21/22	$1,958
Min Parking	1 for primary home + 0 for ADU (per state law)	1 for primary home + 0 for ADU (per state law)	Max 1/du; proposed as 0
Setbacks			
Front	N/A (not allowed in front yard)	N/A (not allowed in front yard)	20 ft
Rear	5 ft	20 ft	20 ft
Side	5 ft	10 ft	5 ft/ 5/10
Privacy Standards	Yes	Yes	No
Limits on size	yes (not if in basement)	yes (not if in basement)	No
Conversion of existing structure	Yes	Yes	N/A
Counts toward density	No	No	Yes
Design standards	Yes (fewer)	Yes (fewer)	Yes

Code Amendments - ADUs

- Things to keep in mind:
  - State law does not permit requiring off-street parking for ADUs
  - SB 458 does not apply to ADUs
  - Duplexes are not regulated by maximum size: no incentive to construct smaller units

Option: Keep detached ADUs but allow them all to be up to 800 sq ft and apply the 600-sq ft standards to encourage smaller dwellings.

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 consultant



HB 2001 requirements:
- Min lot size = 1,500 sq ft
- Min street frontage = 20 ft
- Allow 4 townhouses

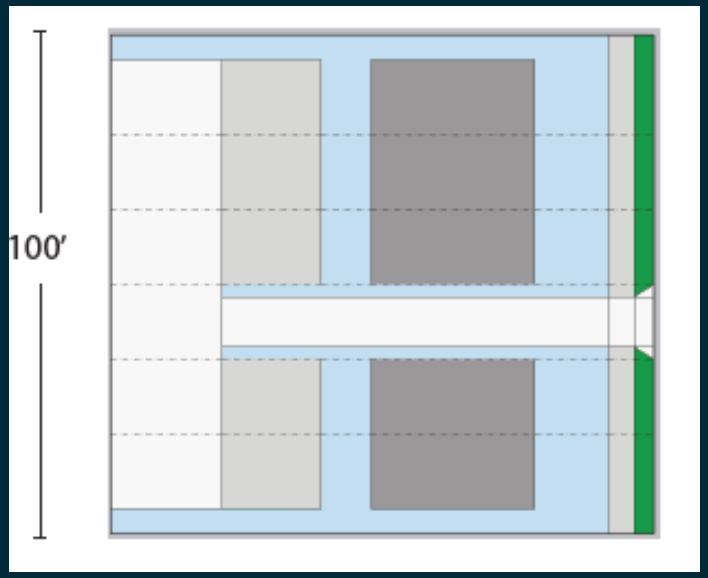
Code Amendments – Townhouses

- Townhouse standards are generally the same as standards for single dwelling, or the proposed one to four units standards.

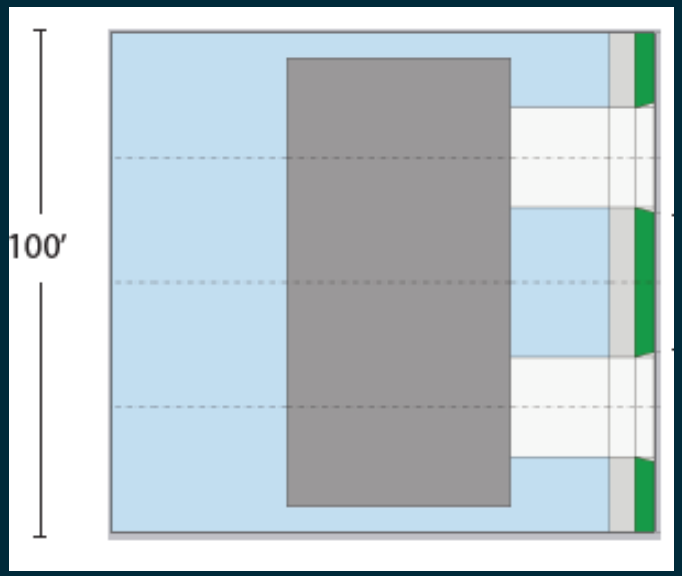
- Proposal:
  - R-MD zone: max. of 4 townhouses
  - Sufficient curb and plant strip area
  - Shared accesses spaced min. 24 ft apart



Code Amendments – Townhouses



- Shared single drive to back parking
  - 10,000 square foot lots divided
  - Ample separation between driveways



- Attached paired front driveways
  - 2 5,000 square foot lots divided
  - Enough space between driveways

QUESTIONS?

Code Amendments – Cottage Clusters

- General characteristics
  - Detached and attached homes clustered around shared open space
  - Cottages are small in size and footprint
  - Shared resources/ amenities such as garden, common building, workshop, etc
  - Parking is often grouped in a shared lot
  - Units can be on their own lot or on a single lot



Code Amendments – Cottage Clusters

- The proposed code amendments are intended to:
  - Homes affordable to households of a variety of incomes and sizes
  - Design that balances a reduction in private outdoor space with shared outdoor common area
  - Build community within a housing cluster and surrounding neighborhood

Code Amendments – Cottage Clusters

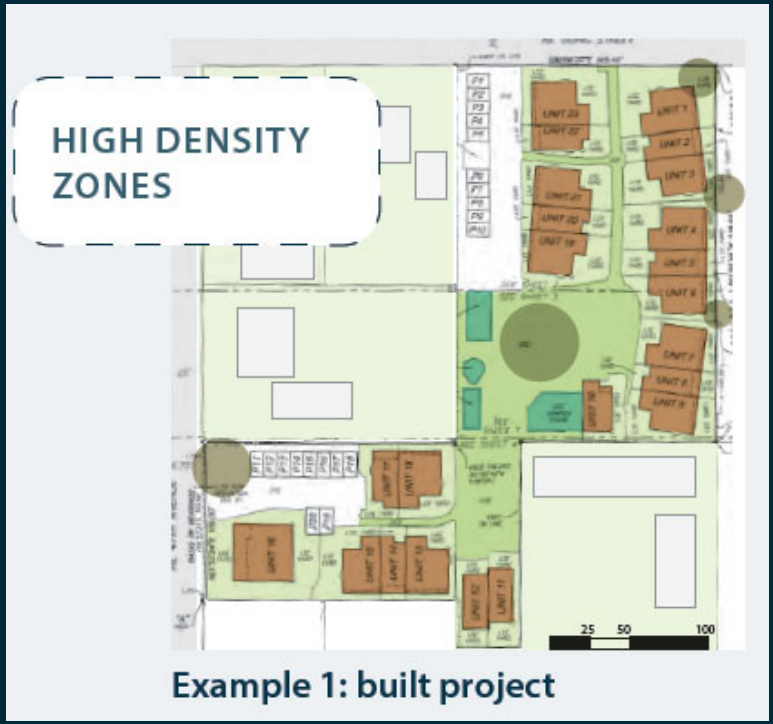
- HB 2001
  - Permitted on all lots over 7,000 sq ft
  - Building footprint is limited
  - Lot coverage and max. density do NOT apply
  - Design standards are addressed in the Large City Model Code
  - An important housing type, especially for addressing attainability





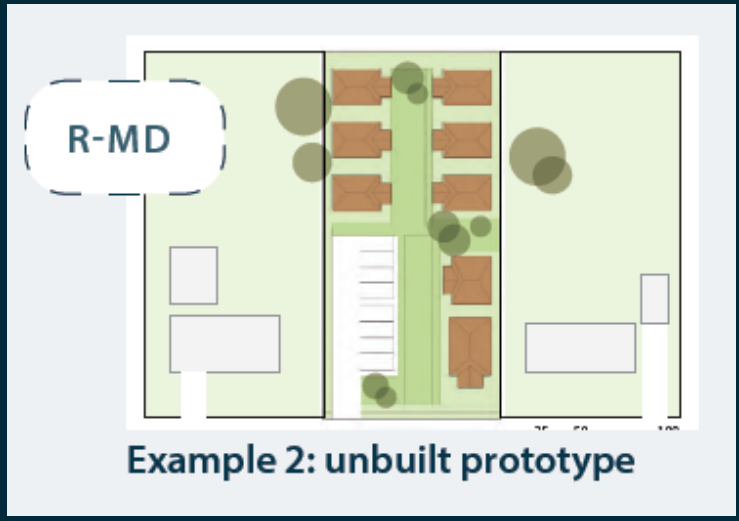
Code Amendments – Cottage Clusters

- **High Density zones**
  - Greater density
  - Attached units



Example 1: built project

- **Moderate Density zone**
  - Detached units only



Example 2: unbuilt prototype

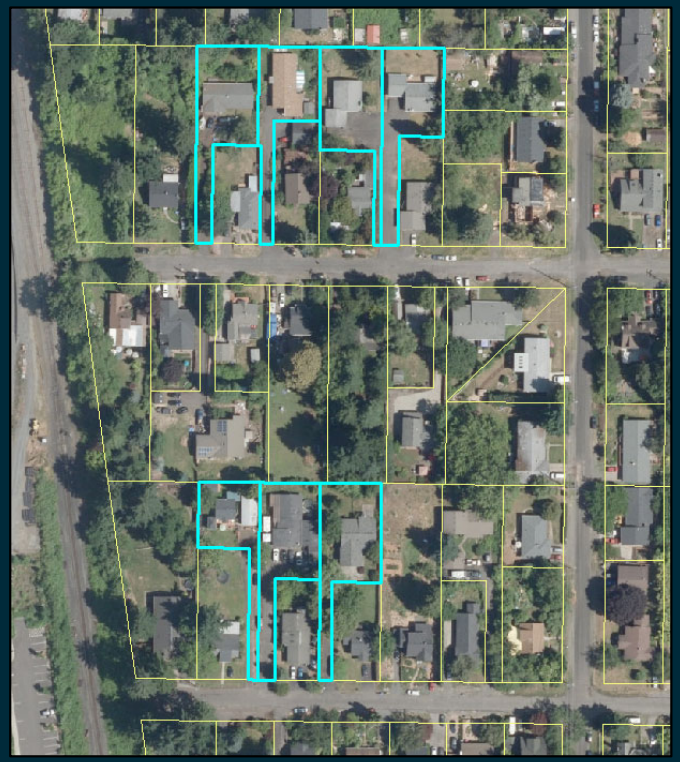
Code Amendments – Cottage Clusters

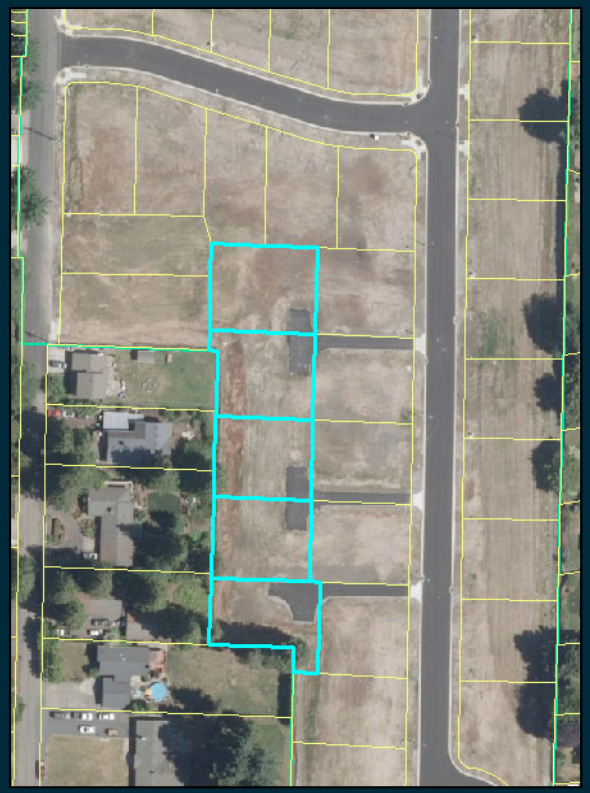
Standard	R-MD zone	High Density zones
Number of cottages per cluster	Min = 3 Max = 12 Detached only	Min = 3 Max = 8 Attached permitted
Max building footprint	900 sq ft	900 sq ft
Max building height	2 stories/25 ft	2 stories/25 ft
Front/side/rear setbacks (min)	10 ft/5 ft/5 ft	10 ft/5 ft/5 ft
Min site 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

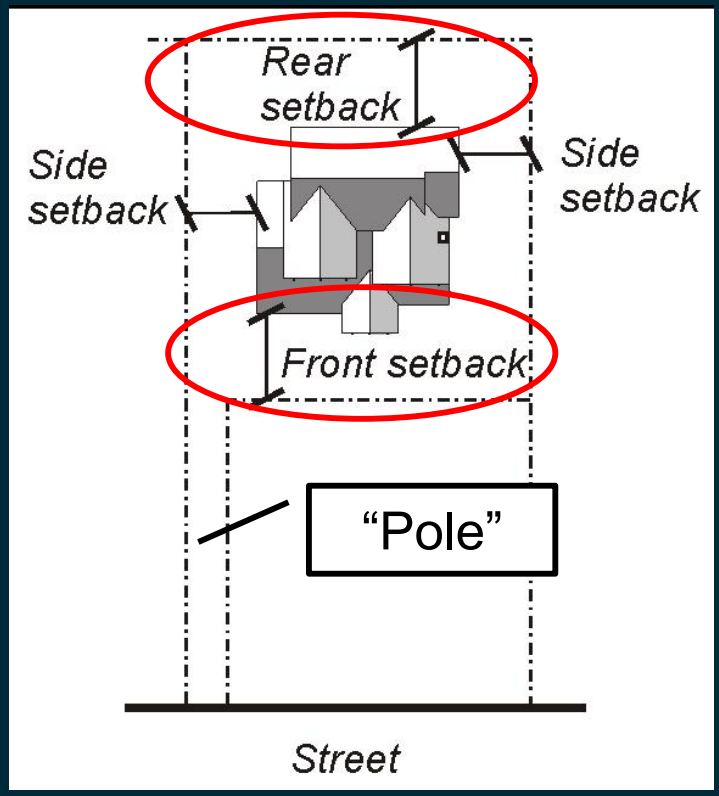
Flag lots and back lots are an opportunity for more infill housing and “hidden density”





Code Amendments – Flag Lots & Back Lots

- Variances permitted – Type III
- 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



QUESTIONS?

SB 458 Background

- Land Divisions for middle housing
- Follow up to House Bill 2001 (HB2001)
- Applies to middle housing land divisions permitted on or after 6/30/2022
- Allows lot divisions for middle housing, enabling units to be sold or owned individually.
  - ADUs NOT eligible for land division

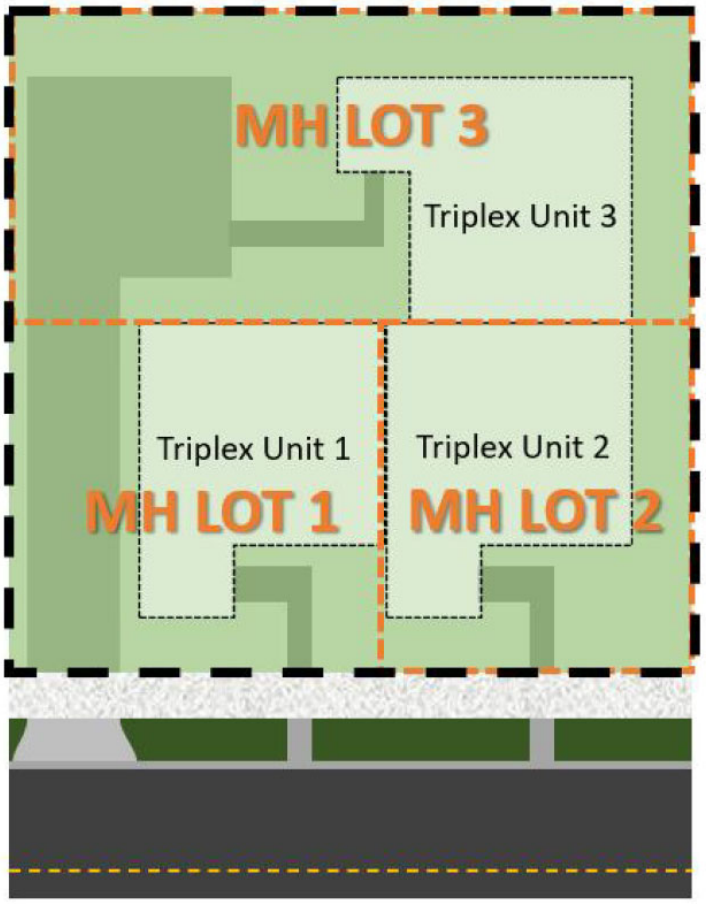
SB 458 - REQUIREMENTS

- All middle housing types
- Land division must result in 1 dwelling per lot
- Separate utilities for each dwelling
- Easements
  - Ped access; common areas; driveways and parking areas; utilities
- Building code compliance
- Expedited review time frame – compressed Type II review

SB 458 – Cannot Require

- Street frontage for new lots
- Parking or driveway to each lot
- Min. lot size or dimensions
- Other review criteria
  - ONLY what is in SB 458
- Conditions of approval
  - ONLY what is in SB 458

SB 458 - Example



TRIPLEX PARENT LOT:
Three Dwellings on a Lot.
Parent lot must meet triplex lot standards.

3 MIDDLE HOUSING LOTS:
One for each unit. Allows division to support ownership, does not grant additional development rights. Each Dwelling Unit still considered one unit of a triplex.

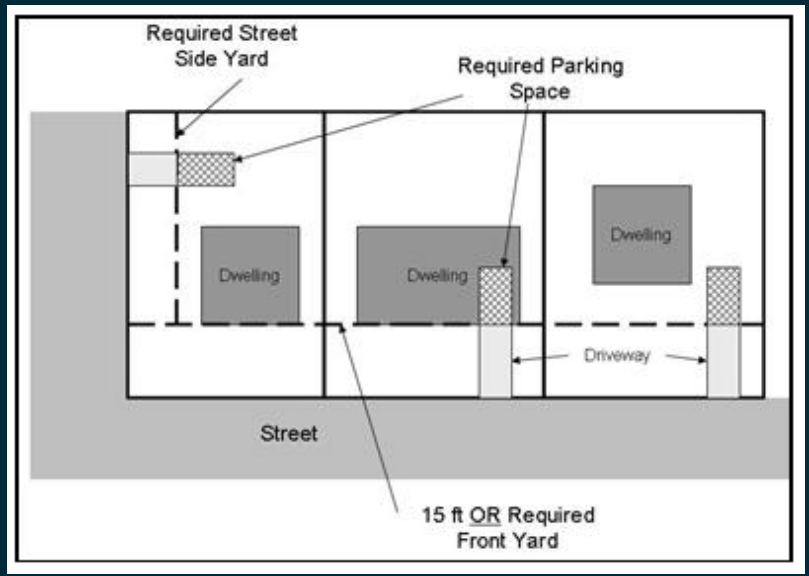
QUESTIONS?

PARKING



Key Code Amendments - Parking

- **0 on-site spaces** per unit required – **0.5** for cottages
  - (reductions for proximity to transit and income-restricted housing)
- Parking space can be in the **driveway or setback**
- Allow alternatives to parking location
  - Parking modification process
  - Includes tree preservation as a criterion



Existing code requirements

Parking – Planning Commission Recommendation

- Based on the Parking Study and 4 study areas:
  - Capacity: 1,331 on-street parking spaces
  - Average vehicles per dwelling: 1.99
  - 1,331/1.99 = 669.
  - 669: the number of dwelling units required to take up all of the on-street parking capacity in the study areas (if 0 on-site parking is provided and each dwelling has 2 cars)
- PC recommendation reflects an assumption that this level of housing production is unlikely AND that most new development will provide parking
  - Removing requirements will not have little impact and is an incentive for middle housing

Parking

Arterials	Collectors
Harrison St	32nd Ave
Linwood Ave	Monroe St
Lake Rd	Washington St
Oatfield Rd	42nd Ave
River Rd	43rd Ave (Howe to King)
22nd Ave	Monroe St
17th Ave	Stanley Ave
King Rd	37th Ave (Harrison to Railroad
21st Ave (Harrison to Lake)	Howe St (42nd to 43rd)
	JCB (40th to Brookside)
	Railroad Ave

- Concern about development where on-street parking is not available or permitted
- Recommended revision
  - For middle housing developments located on streets classified as Arterials or Collectors in the Transportation System Plan, off-street parking is required: 0.5 spaces/dwelling unit.

QUESTIONS?

Next Steps

- March 15: Continued public hearing

PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.

3/1/2022 | **8. A. Comprehensive Plan Implementation, Housing & Parking Amendments – Ordinance**

Land Use File No. ZA-2021-002

NAME	ADDRESS	PHONE	EMAIL
Elvis Clark	3536 SE Sherry Ln	503-654-8895	EClarkMilwOr@Yahoo.com
Ronelle Coburn	Ardenwald		for milwaukierlp@gmail

CITY OF MILWAUKIE
CITY COUNCIL

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

Name: Elvis Clark

Address: 3536 SE Sherry LN Milwa

Organization:

Phone: 503-654-8895

Email: EClarkMILWORD@yahoo.com

Meeting Date: 3/1/22 **Topic:** Parking Requirements

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☒ ~~#5~~ Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☐ in Support
- ☐ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

Comments:

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Name: Ronelle Coburn

Organization:

Address: 29th St
Phone: 510-219-9647
Email: milwaukierip@gmail.com

Meeting Date: 3-1-21 **Topic:** Parking & Middle Housing

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☒ #5 Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☐ in Support
- ☒ in Opposition of zero parking
- ☐ from a Neutral Position
- ☐ to ask a Question

Comments:

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Name: Russ Stoll

Organization:

Address: 8710 SE 42nd
Phone: 773 350 7724
Email: rrussell@designameri.com

Meeting Date: 3/1 **Topic:**

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☐ #5 Public Hearing, Topic:
- ☒ #6 Other Business, Topic: Comp Plan

You are Speaking...

- ☒ in Support
- ☐ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

Comments:

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Name: BERNIE STOUT

Organization:

Address: CODE TIME TO RONNEBERG

Phone:

Email:

Meeting Date: 3/2/2022 **Topic:** PARKING

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☒ #5 Public Hearing, Topic: Parking
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☐ in Support
- ☒ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

Comments: