



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

City Hall Council Chambers  
10722 SE Main Street  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

September 27, 2022

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

**Staff:** Justin Gericke, City Attorney  
Adam Heroux, Associate Planner  
Vera Koliass, Senior Planner  
Laura Weigel, Planning Manager  
Brett Kelver, Senior Planner

**Absent:** (none)

(00:14:00)

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

**Chair Lauren Loosveldt** called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

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

(00:15:00)

### 2.0 Planning Commission Minutes

(00:15:04)

#### 2.1 August 9, 2022 Meeting Minutes

The August 9, 2022 Meeting Minutes were approved as written with a 7-0 vote.

(00:15:44)

#### 4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:16:15)

#### 3.0 Information Items

**Laura Weigel, Planning Manger** announced that the Housing Needs Survey was posted September 26, 2022. The survey can be accessed by going to the Engage Milwaukie site. **Weigel** shared that the Transportation System Plan Advisory Committee is in the process of recruiting for members. Currently, there

are 16 applications for 6 positions. In looking at the applications geographically Weigel pointed out that here are no current applications from the Historic Milwaukie neighborhood.

(00:17:40)

## 5.0 Community Involvement Advisory Committee (CIAC)

**Laura Weigel, Planning Manger** reminded the Commission that they will be holding their annual CIAC meeting on October 11, 2022. This meeting will also be the joint meeting between the Commission and the Neighborhood District Associations (NDAs). Jon Hennington, City of Milwaukie, Equity Program Manager, will attend the meeting to present an update on the city's equity work.

**Commissioner Robert Massey** shared that he reviewed the NDA joint meeting minutes from 2021 and recapped the NDAs responses to various topics. **Massey** noted that the topic of code did not warrant any discussion and Engage Milwaukie received a mixed response. **Massey** reviewed Goal 1: Citizen Involvement OAR 660-015-0000(1) from Oregon's Statewide Planning Goals & Guidelines and asked the Commission to think about these goals and the approach to the agenda for the joint NDA meeting. **Chair Loosveldt** stated that although there was not a lot of discussion about code, it should continue to be a topic to consider. **Loosveldt** stated that people may need more time to digest information related to code amendments which they come before the Planning Commission. **Commissioner Jacob Sherman** expressed his appreciation for staff and Jason Wachs, City of Milwaukie, Community Engagement Coordinator, who shared the Land Use 101 Training link in the weekly email sent to NDA's. **Massey** suggested that the Land Use 101 Training continue to be a resource that individuals can access. **Weigel** confirmed that the training is online and accessible.

**Commissioner Sherman** stated he was unaware if other commissioners were aware of City Council conversations related to Climate Action Goals around methane gas. From a CIAC perspective **Sherman** questioned whether decisions would go through a land use process. **Sherman** encouraged staff to involve the community in big decisions even if the matter wasn't a land use process. **Commissioner Massey** concurred with Sherman's observation and reminded the commission that there was a lengthy discussion about the CIAC focus and that the state law and bylaws, dictate that the CIAC focus is land use. **Weigel** agreed with Massey's statement that the CIAC's focus is land use. **Commissioner Greg Hemer** asked about sharing the NDA survey results during the October 11<sup>th</sup> meeting. **Weigel** said she would follow-up with Wachs.

(00:27:00)

## 6.0 Hearing Items

(00:27:04)

## 6.1 ZA-2022-002, High Density Residential Zones

**Vera Kolias, Senior Planner, and Adam Heroux, Associate Planner**, shared the staff report, summarizing the proposed code amendments, including changes in definitions, terminology of residential care facilities, and proposed consolidation of the existing 5 high density residential zones into 3 zones. Staff explained that the presentation was a detailed summary of the information discussed in the previous 3 work sessions on this topic and asked for confirmation that the proposed amendments included in the staff report were consistent with the work session discussion items. The request of the Commission was a recommendation to City Council.

**Commissioner Sherman** asked how the proposed amendments would affect existing development in the high-density zones. **Kolias** responded that the key amendment related to development standards was density and that the increase in the R-3 and R-2 zones could allow existing multi-unit developments to add dwelling units.

**Chair Looseveldt** asked about the discussion from the previous work session related to hotels and motels being permitted as conditional uses in the R-3 and R-2 zones. **Kolias** responded that the prior discussion involved a conclusion that hotels and motels would be subject to the development standards in the base zone and the likelihood of large-scale development in the neighborhoods was remote.

**Commissioner Hemer** asked about the notation of an "L" in the use table, which indicates a Limited Use. **Kolias** responded that the "L" is used in the North Milwaukie Industrial Area (NMIA) use table to indicate that the use is permitted, but with limitations.

**Vice Chair Joseph Edge** noted that it appeared that many homes in the R-1-B zone appeared to not meet the minimum front yard setback requirement of 20 ft and asked if staff had any statistics about compliance with the standard. **Kolias** responded that this is very likely the case because development occurred on these higher density lots under different requirements and then subsequent code amendments resulted in non-conforming development. **Kolias** further explained that a variance could be requested if new development could not meet the standard.

No public testimony was heard during the hearing. The public testimony portion of the hearing was closed. The Commission entered deliberation.

**Commissioner Sherman** commented that manufactured home parks are an important affordable housing option and that the city should work to preserve and protect existing manufactured home parks in the city. **Commissioner Amy Erdt** asked about including code language requiring that the parks be owned by the residents. **Vice Chair Edge** commented that Clackamas County has code

related to preserving manufactured home parks when they are proposed to be sold. It was concluded that the Commission would make a note in its recommendation to Council that the city should do more to ensure that manufactured home parks remain in place.

**Chair Looseveldt** voiced concerns about hotels and motels being permitted in the R-3 and R-2 zones. **Commissioner Massey** noted that the Commission discussed the topic at the work session and concluded that they function in a similar way to bed and breakfasts and vacation rentals, but that it is more an issue of scale. **Looseveldt** voiced discomfort allowing them as conditional uses in these zones. **Commissioner Hemer** stated that the conclusion was that bed and breakfasts, and vacation rentals are effectively the same and that they are not that different from hotels and motels because the scale of any potential development would be quite small. **Kolias** clarified that density is not applicable to hotels and motels but rather development standards. **Looseveldt** requested concerns related to hotels and motels be relayed to City Council. **Vice Chair Edge** supported the code amendments regarding hotels and motels and believed that the more likely type of development would be a boutique hotel located near downtown. It was decided that the Commission would make a note in its recommendation to Council that more discussion about hotels and motels take place given the concern about this type of development in neighborhoods.

**Commissioner Hemer** made the motion that the Commission recommend that City Council approve the proposed amendments with the additional comments regarding preservation and protection of manufactured home parks and additional discussion regarding hotels and motels in the R-3 and R-2 zones.

ZA-2022-002 was approved by a 7-0 vote with the ordinance and findings of approval presented in the staff report.

(01:26:53)

## 7.0 Work Session Items

(01:27:21)

### 7.1 Code Amendments: HB 2180 EV Charging Code

**Brett Kelter, Senior Planner**, presented the staff report that details the changes to state law regarding infrastructure for electric vehicle (EV) charging, in advance of corresponding amendments to the zoning code. House Bill 2180 and the Climate Friendly & Equitable Communities (CFEC) Rulemaking both dictate new requirements related to EV charging. The new requirements under HB 2180 are being implemented through building code and do not require an amendment to zoning code. The CFEC rules are required to be addressed by March 31, 2023. The new requirements are applicable to new construction, both mixed use and multifamily units. **Kelter** explained the different levels of EV Charging as well as

the spectrum of EV charging infrastructure. EV-capable will be the terminology used to encompass the state requirements which relates to space reserved on a panel and a conduit. **Adam Heroux, Associate Planner**, explained City Council's support for increased EV infrastructure requirements beyond the state level and compliance options that prioritize installed chargers.

The primary intent of the new rules is to improve access to EV charging infrastructure for renters and reduce local air pollution. **Heroux** pointed out the EV-related objectives in the Climate Action Plan.

**Commissioner Hemer** asked how the new parking requirements or lack thereof, will impact EV Infrastructure. **Kelver**, explained that he anticipates new developers are likely to include parking to meet the needs of renters and owners. **Kelver** and **Hemer** discussed stacked parking and the various implementation strategies related to the cost of charging. **Commissioner Massey** questioned why, if the goal is to get more EV infrastructure, that a 20% full installation option is being proposed vs for example an 80% backbone infrastructure, which would eventually lend itself to more EV charging stations. **Heroux** explained that Council has a desire to have actual chargers installed. **Commissioner Sherman** asked Heroux to give an example of an expanded compliance scenario related to residential development. **Sherman** stated he likes the direction Council is moving and suggested that other electric modes of transportation be considered when discussing EVs. **Commissioner Joshua Freeman** wanted to make sure that EV requirements do not deter builders from developing affordable housing and stated that individuals with low income are not likely to afford electric vehicles. **Vice Chair Edge** and **Sherman** agreed with Freeman's comment. The group discussed the possibility of adding flexibility to code requirements in relation to Median Income Guidelines and noted the need to gather more data. **Kelver** pointed out the nuances between commercial and residential EV charging and invited commissioners to think about the various options within the different levels of requirements. **Edge** declared he would like to see more EV charging stations within residential settings vs. commercial.

(02:12:46)

## 7.2 Code Amendments: Downtown Design Review

**Brett Kelver, Senior Planner**, reviewed the proposed amendments to the zoning code regarding the downtown design review process. **Kelver** explained that the Milwaukie Downtown Design Guidelines are not in alignment with the design elements in the zoning code. The Design and Landmarks Committee (DLC) has assessed the gaps and mismatches between code and the Milwaukie Downtown Design Guidelines. **Kelver** reviewed problems with the current code and the proposed solutions. The objective would be to repeal the Milwaukie Downtown Design Guidelines and integrate the applicable elements into the zoning code. Key changes outlined were to move design-related development standards into design standards, expand design standards from 7 elements to 14, require multifamily buildings downtown to be consistent with the downtown design fabric, and update graphics. **Kelver** shared the items addressed during

the August 9<sup>th</sup> meeting and the items that warranted more discussion.

The group discussed the potential impact of removing the step back requirement and questioned what other mechanisms are in place to ensure that step backs would be encouraged during design. **Kelver** stated there are other requirements that call out a base, middle, and top to a building. **Kelver** noted the Commissions' concerns regarding the proposed removal of the step back requirement. **Kelver** proposed to keep the step back requirement as is, if a review of the proposed amendments confirms that no other requirements are in place to ensure that a building achieves a step back appearance. **Kelver** agreed to look more into the other code requirements that may capture this design element. **Chair Looseveldt** explained that had it not been for the step back requirement, the Axletree building would not have had to come up with the alternative design elements to give the illusion of a step back. **Commissioner Hemer** pointed out that the step back becomes an issue when additional stories are in play, as with the green building and residential bonuses. **Commissioner Massey, Commissioner Sherman, and Looseveldt** recommended keeping the step back requirement. **Vice Chair Edge** recommended a change in process and suggested step backs could be channeled through a Type II review with a recommendation from the DLC. **Looseveldt** stated she would like the Commission to remain involved in these types of reviews and has concern because the DLC is a committee and not a commission. **Kelver** expressed concern about the review timeline and the need to change current process. **Sherman** questioned the expense related to a staff-intensive review. **Justin Gericke, City Attorney**, pointed out that a change in the process (to Type II review) would exclude City Council from having the final land use decision prior to a case going through the Oregon Land Use Board of Appeals.

**Kelver** circled back to the proposed code amendment that would allow any proposed new building that meets the applicable design standards to be reviewed and approved with an administrative Type I review instead of being subjected to the Type II process. **Commissioners Sherman, Hemer, and Chair Looseveldt** stated they felt comfortable with the proposed code amendment. **Kelver** recapped the additional recommendation that residential-only buildings adhere to the same design standards and guidelines as all new buildings downtown. The **Commission** agreed with this recommendation. The group continued with a discussion about how to notify the public about new developments downtown. **Vice Chair Edge** recommended that the Commission refer the topic to Council to see what Council proposes regarding an equitable means of communicating information around new development in downtown. **Loosveldt** agreed with Edge's recommendation.

**Kelver** summarized that the Commission did agree with the Type I proposed change to eliminate review for actions for which there are no standards. In addition, the Commission concurred that increasing the minimum density for townhomes in the DMU seemed reasonable and that it made sense to refer to the maximum height standard in "feet." **Commissioner Sherman** suggested

moving towards the use of "feet" within all planning process.

**Chair Loosveldt** reminded the group that building signage had been spoken about in the past and that there was no direct language in the design standards to address it. **Laura Weigel, Planning Manager**, stated she would review signage and bring information back to the Commission during the hearing process if need be. **Kelver** stated the sign code has clear standards and that developers are not usually ready to discuss signage in the beginning of development. The DLC did address lighting in the proposed amendments.

**Chair Loosveldt** noted that she would like there to be a process for art integration in new development. **Kelver** reminded the Commission that the mural on the south side of the Axletree building was likely due to the design not meeting some standards related to façade transparency. The art installation and public art mural were a result of the Axletree review process and met the DLC options for street-facing blank walls that exceeded the allowable size for a blank wall. **Loosveldt** pointed out that the mural is not on a street facing wall and asked if blank walls in general could be addressed. **Kelver** said a discussion could be had to expand the definition of "street facing" and agreed to review the Axletree documents to confirm how a mural was agreed upon. **Vice Chair Edge** suggested that the Council weigh in on clear and objective standards for public art. **Loosveldt** said she wanted art to be more specific to the new building design process. **Commissioner Sherman** questioned the proper mechanism to ensure the integration of art and would like to make a recommendation to Council. **Commissioner Hemer** would like the revision of code to include public art and noted that the Arts Commission could be involved in the process. **Hemer** stated that public art should not be prescriptive. **Loosveldt** and **Commissioner Massey** would like to see public art attached to the building design. The group discussed art as it relates to an architectural feature versus an art program that integrates public art on the property or within downtown. **Weigel** stated these are two different processes and that code can be looked at to address the design elements. **Loosveldt** asked the Commission if the integration of art into the building was something the Commission would like to advocate for and ask staff to explore implementation options for. All **Commissioners** agreed that art integration is important. **Edge** stated he still would like a fee-in-lieu-of option and more flexibility for art to be within the development and not necessarily tied to the building. **Weigel** explained that Council would need to be involved if an art option process expands the land use process. **Loosveldt** conducted a straw poll asking Commissioners if they agreed about revisiting the definition of street facing; all **Commissioners** agreed. **Commissioner Erdt** stated she liked the term "street visible."

(03:39:51)

## 8.0 Planning Department/Planning Commission Other Business Updates

**Commissioner Hemer** announced the Ledding Library Lecture Series.

(03:40:19)

**9.0 Forecast for Future Meetings:**

October 11, 2022	Hearing Item(s):	(none)
	Work Session Item(s):	1. Annual Joint Meeting with NDAs 2. Annual Meeting as CIAC
October 25, 2022	Hearing Item(s):	1. Code Amendments: Downtown Design Review (ZA-2022-003) 2. Code Amendments: EV Charging (ZA-2022-006)
	Work Session Item(s):	(none)

Meeting adjourned at approximately 10:00 p.m.

Respectfully submitted,

Suzanne Couttouw, Administrative Specialist II





# CITY OF MILWAUKIE

## AGENDA

September 27, 2022

### PLANNING COMMISSION

milwaukieoregon.gov

**Hybrid Meeting Format:** the Planning Commission will hold this meeting both in person at City Hall and through Zoom video. The public is invited to watch the meeting in person at City Hall, online through the City of Milwaukie YouTube page ([https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB\\_m9cAw](https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_m9cAw)), or on Comcast Channel 30 within city limits.

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

To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/bc-pc/planning-commission-104>) and follow the Zoom webinar login instructions.

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

1.1 Native Lands Acknowledgment

#### 2.0 Planning Commission Minutes – Motion Needed

2.1 August 9, 2022

#### 3.0 Information Items

**4.0 Audience Participation** — This is an opportunity for the public to comment on any item not on the agenda

#### 5.0 Community Involvement Advisory Committee (CIAC)

#### 6.0 Hearing Items

6.1 Code Amendments: High Density Zones

Summary: Proposed code and map amendments to the High Density zones.

File: ZA-2022-002

Staff: Senior Planner Vera Kolas & Associate Planner Adam Heroux

#### 7.0 Work Session Items

7.1 Code Amendments: HB 2180 EV Charging Code

Summary: Review and provide feedback on the proposed updates to the MMC to conform with Oregon House Bill 2180 (HB 2180)

Staff: Senior Planner Brett Kolver & Associate Planner Adam Heroux

7.2 Code Amendments: Downtown Design Review

Summary: Review and provide feedback on the staff proposal to update the downtown design review code language and review process.

Staff: Senior Planner Brett Kolver

#### 8.0 Planning Department/Planning Commission Other Business/Updates

#### 9.0 Forecast for Future Meetings

October 11, 2022 Annual joint meeting with Neighborhood District Associations (NDAs)  
Annual meeting as CIAC

October 25, 2022 Hearing Items: ZA-2022-003 Downtown Design Review Code Amendments  
ZA-2022-006 HB 2180 EV Charging Code Amendments

## Milwaukie Planning Commission Statement

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

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

### Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and city of residence for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners. Speakers are asked to submit their contact information to staff via email so they may establish standing.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY.** Comments or questions from interested persons and testimony from those in support or opposition of the application.
5. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
6. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
7. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience but may ask questions of anyone who has testified.
8. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
9. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, any person may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

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

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

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

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

#### Milwaukie Planning Commission:

Lauren Loosveldt, Chair  
Joseph Edge, Vice Chair  
Amy Erdt  
Joshua Freeman  
Greg Hemer  
Robert Massey  
Jacob Sherman

#### Planning Department Staff:

Laura Weigel, Planning Manager  
Vera Koliás, Senior Planner  
Brett Kolver, Senior Planner  
Adam Heroux, Associate Planner  
Ryan Dyar, Assistant Planner



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

City Hall Council Chambers  
10722 SE Main Street  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

August 9, 2022

**Present:** Joseph Edge, Vice Chair  
Greg Hemer  
Robert Massey  
Jacob Sherman

**Staff:** Adam Heroux, Associate Planner  
Brett Kolver, Senior Planner  
Vera Kolias, Senior Planner  
Laura Weigel, Planning Manager

**Absent:** Lauren Loosveldt, Chair  
Amy Erdt

(00:02:26)

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

**Vice Chair Edge** called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

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

(00:04:25)

### 2.0 Meeting Minutes

(00:04:26)

#### 2.1 May 24, 2022 Meeting Minutes

The May 24, 2022 minutes were approved as written with a 4-0 vote.

(00:05:23)

#### 2.2 June 28, 2022 Meeting Minutes

The June 28, 2022 minutes were approved as written with a 4-0 vote.

(00:06:00)

### 3.0 Information Items

No information was presented for this portion of the meeting.

(00:16:07)

### 4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:6:31)

## 5.0 Community Involvement Advisory Committee (CIAC)

**Laura Weigel, Planning Manager**, noted that staff is working to provide direction to the CIAC and plan to provide an update at the following meeting when Chair Loosveldt returns. Weigel also noted that Commissioner Massey will represent the CIAC at the Quarterly Neighborhood District Association (NDA) leadership meeting September 15. **Commissioner Massey** requested that staff provide direction at the next meeting regarding what role he should serve at the quarterly NDA meeting.

(00:08:24)

## 6.0 Work Session Items

(00:08:25)

### 6.1 Code Amendments: Downtown Design Review

**Brett Kelter, Senior Planner**, shared that staff has worked with the Design and Landmarks Committee (DLC) since March of 2016 to update the Downtown Design Guidelines document (DDG) and the downtown design review code. Project goals evolved throughout the process, originally focusing on updating images in the DDG and later broadening to include updating the DDG text and the downtown design review code itself. The relevant code sections are MMC 19.304 Downtown Development Standards, 19.508 Downtown Design Standards, MMC 19.907 Downtown Design Review, and the DDG. Nonresidential and mixed-use buildings downtown that meet design standards are subject to a Type II review; those buildings that do not are subject to Type III review to address the applicable design guidelines. Multifamily buildings downtown may be subject to a Type I, II, or III review and can elect to be reviewed under multifamily or downtown design standards or guidelines.

Kelter continued, the DLC identified several issues with the current code and review processes including misalignment of design standards and guidelines, unclear applicability of guidelines, and development standards that impact design. To remedy the identified issues the DLC has recommended revising code sections related to downtown design review, aligning design standards and guidelines, and repealing the DDG. Key changes include expanding the design standards from seven elements to 14, moving design-related development standards into the design standards section, and updating graphics. Additionally, the DLC proposed requiring multifamily buildings downtown to address the downtown design standards/guidelines while retaining a Type I review process. Notably, the proposed Type I review process would include a public notice to inform nearby properties of the proposed development but without an opportunity for public comment.

**Commissioner Hemer** noted the difficulty in defining Milwaukie's downtown character and expressed a preference for clear and objective standards. Hemer suggested requiring applicants for any new downtown building to meet with the Historic Milwaukie NDA prior to application submittal. Hemer suggested that meeting with the NDA could replace public noticing for the proposed Type I review process. **Vice Chair Edge** reiterated Commissioner Hemer's suggestion. **Commissioner Massey** asked staff if the City can require applicants to meet with the applicable NDA. **Weigel** responded yes in general, but that staff would need to confirm that the City can require meeting with the applicable NDA for a Type I application. **Commissioner Sherman** expressed concerns about extending timelines for applicants and suggested eliminating the NDA requirement in favor of simply encouraging applicants to meet with the NDA. **Vice Chair Edge** reiterated Commissioner Sherman's concerns regarding longer timelines due to NDA requirements but noted support for the requirement even so. **Commissioner Hemer** suggested there is often a long amount of time between a preapplication conference and the application submittal. **Kelver** responded that the time between preapplication conference and application submittal varies. Kelver continued, noting the importance of clear and objective standards when establishing design regulations and cautioning against inviting public comment in situations where applicants have met the current standards. **Commissioner Hemer** responded that conversations between the applicant and the NDA early in the application process could result in design changes that are preferable to community members. **Commissioner Sherman** noted that the Commission can recommend design standards to City Council that voice the community's preferences, which could prevent the need to meet with the NDA for each application.

**Commissioner Massey** asked for clarification regarding the proposed review processes for development in the Downtown Mixed Use (DMU) zone. **Kelver** responded that staff proposes to eliminate the current Type II review for nonresidential and mixed-use buildings that meet design standards and instead use the Type I review process currently used by multifamily residential buildings that meet the design standards. **Vice Chair Edge and Commissioner Sherman** expressed support for reducing the review process of any building that meets design standards from a Type II to a Type I process.

**Commissioner Hemer** asked if the activities proposed to no longer require downtown design review will be reviewed under another process. **Kelver** responded that some activities may be reviewed under other parts of the zoning code where applicable. Kelver added, the activities staff is proposing to remove from the list of those needing downtown design review do not currently have any design standards against which to review. **Vice Chair Edge, Commissioner Massey, and Commissioner Sherman** noted support for removing certain activities lacking applicable design standards from the downtown design review process.

**Kelver** continued, the DLC suggested reducing the step back standard for

buildings that exceed the base height from 6 ft along the entire frontage to 6 ft for at least 50% of frontage, with a minimum setback length of 20 ft.

**Commissioner Hemer** noted the controversy of the previous increases in maximum building height, with those increases acting as the impetus for the step back standard. Hemer requested public engagement if the standard will be reduced as proposed and suggested using Engage Milwaukie for the public engagement.

**Kelver** noted additional housekeeping items, including increasing the minimum density standard for townhouses to maintain consistency with density standards in the R-MD zone and removing the maximum height limit based on number of stories while retaining the maximum height limit measured in feet. **Vice Chair Edge and Commissioner Sherman** noted support for the proposed amendments. **Commissioner Hemer** requested background information regarding why both height measures are currently being used. **Commissioner Massey** expressed concern for removing the number of stories measure as it is a more accessible way to understand proposed building heights.

**Commissioner Hemer** requested that public art installations, zero-energy buildings, and electric vehicle (EV) charging station requirements be included in further downtown design discussions. **Kelver** requested clarification on the suggested zero-energy requirement. **Hemer** responded that the requirement would ensure that buildings produce zero greenhouse gasses. **Commissioner Sherman** suggested implementing energy efficiency requirements through building performance standards like what is used by the City of Portland. **Kelver** added that staff is working on a code package for EV charging requirements that will be reviewed by the Commission before the end of the year. **Commissioner Sherman** noted similar EV charging requirements being implemented by the City of Portland and regulations coming from the US Access Board regarding EV parking space design. **Commissioner Massey** suggested using LEED certification levels as standards for new buildings in the downtown mixed-use zone. **Vice Chair Edge** noted support for using third-party certifications or standards for City performance standards.

(01:29:15)

## 6.2 Code Amendments: Boarding House - definitions

**Adam Heroux, Associate Planner and Vera Koliass, Senior Planner**, shared the staff report, provided background on boarding houses in the City, historic use of the dwelling type and proposed a replacement definition. Boarding houses are permitted on a conditional use basis within the City and have been included in City code since the first code created in 1946, currently there are no existing boarding houses. Historically a low-cost residential room with some shared facilities including kitchen, eating, and bathroom and separated units has been referred to as residential hotels, boarding houses, rooming houses, and lodging houses. The term single room occupancy (SRO) is used to encapsulate all these terms. Staff proposes removing the current term boarding house from City code

and replacing it with micro-unit development. A micro-unit development is a room offered for rent which would not otherwise constitute an independent dwelling. **Commissioner Hemer** asked if a single-family home renting two rooms individually would be considered a micro development under the new definition. **Heroux** responded that if the units were fully separated, having their own locks, then yes.

**Commissioner Hemer** expressed concern with a definition that reclassifies single-unit homes that are currently renting rooms such that the use is no longer permitted and suggested adding language specifying the development as a multi-unit building.

**Commissioner Massey** asked if there is a demand for market-rate SROs. **Heroux** responded that there is current demand in larger markets such as New York and Seattle.

**Commissioner Sherman** asked for clarification around the distinction between SROs and similar units where the length of stay is typically less than a month. **Heroux** responded similar configurations with shorter stays would be considered a hotel and subsequently a commercial use.

**Commissioner Hemer** asked for clarification regarding the distinction between micro-unit developments and transitional housing. **Kolias** responded that staff will review both definitions to ensure each are used to describe a unique use. **Commissioner Sherman** asked what the distinction was between micro units and adult foster care facilities. **Kolias** responded that adult foster care facilities are defined by the state and are intended for facilities where residents receive care from licensed nurses.

**Vice Chair Edge** asked why the development located at NW 14<sup>th</sup> and NW Pettygrove in Portland wasn't included as an example of micro-units in Portland. **Weigel** responded that it may have been inadvertently excluded from staff's research.

**Commissioner Hemer** asked if there are any restrictions preventing a micro unit development from being built under our current code and if a micro unit development is a unique use.

**Commissioner Sherman** suggested staff research Kevin Cavanaugh's properties in the Portland metro.

(02:07:00)

## 8.0 Planning Department/Planning Commission Other Business/Updates

**Weigel** shared that a new Planning Commissioner was appointed at the last Council meeting.

(02:08:45)

**10.0 Forecast for Future Meetings:**

August 23, 2022	Hearing Item(s):	1. VR-2022-005, 2433 SE Dove St 2. NR-2022-001, Milwaukie Bay Park, 11211 SE McLoughlin Blvd
	Work Session Item(s):	1. Downtown Design Review 2. Code Amendments: High Density Zones
September 13, 2022	Hearing Item(s):	1. VR-2022-007, 9696 SE Omark Dr.
	Work Session Item(s):	1. Code Amendments: Climate Friendly Equitable Communities

Meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

Will First, Administrative Specialist II





# CITY OF MILWAUKIE

**To:** Planning Commission  
**Through:** Laura Weigel, Planning Manager  
**From:** Vera Kolas, Senior Planner  
**Date:** September 20, 2022, for September 27, 2022, Public hearing  
**Subject:** File #ZA-2022-002 – Proposed Code Amendments: High Density Residential Zones

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## **ACTION REQUESTED**

Open the public hearing for land use file #ZA-2022-001. Discuss the proposed amendments to the Milwaukie Municipal Code (MMC) Title 19 (Zoning), Zoning map, and Comprehensive Plan Land Use map, take public testimony, and provide direction to staff regarding any desired revisions to the proposed amendments.

The requested action this evening is that the Planning Commission recommend City Council approval of file #ZA-2022-002 and adoption of the proposed ordinance and recommended Findings in Support of Approval found in Attachment 1.

## **BACKGROUND INFORMATION**

Consolidation of the high density residential zones was originally envisioned as part of the Phase 1 Comprehensive Plan Implementation project. However, due to the complexity involved in the permitted uses and their respective review processes across the high density zones, the effort was paused until it was restarted at the Planning Commission's June 28, 2022 work session. The process for developing the proposed code amendments was:

- Step 1: Revise definitions and terminology for allowed residential uses
- Step 2: Review and potentially revise the review process for each use and consider adding additional permitted uses; potentially consolidate the city's existing five high density residential zones

The Planning Commission held three work sessions resulting in the code amendments in Attachment 1:

- [August 23, 2022](#): The Planning Commission reviewed the proposed consolidation, development standards, and other recommended related amendments.

- [August 9, 2022](#): The Planning Commission reviewed the definition and other questions related to boarding houses.
- [June 28, 2022](#): The Planning Commission reviewed the first set of definitions.

Please review the work session materials for detailed background information and analysis.

## **ANALYSIS**

### **Definitions**

Milwaukie’s code includes outdated definitions for several residential use types, including several housing types typically occupied by seniors. Despite having similar land use impacts, the city is inconsistent in how it treats these housing types in high density residential zones. This inconsistency has impacted the development and land use review processes for some recent projects, in some cases requiring applicants to pursue both a Community Service Use (CSU) and Conditional Use (CU) process for the same site. Additionally, neighboring jurisdictions, including Tigard and Beaverton, have simplified their codes to better match the evolving terminology for these types of residential uses.

The proposed amendments revise the code so that:

- 1) The code defines Use Categories by the external impacts of the use, such as foot and vehicle traffic, rather than biasing the land use review process with a focus on the internal aspects of the use.
- 2) The definitions in the code reflect those used by the State of Oregon in its licensing of Community Based Care Settings and used by the city to issue Certificates of Occupancy.
- 3) The term “boarding house” is replaced with the term “single room occupancy” (SRO).

### **Zone consolidation, review processes, and development standards**

During the middle housing code amendment process, consolidation of both the medium and high density zones was discussed. However, as noted during the [August 5, 2021](#) work session, a number of inconsistencies exist between the high density zones. To consolidate the zones, a decision would have to be made to either change some uses to be permitted by right that are now subject to Type III Conditional Use review or make those same uses now subject to Type III review where they are permitted by right. This is particularly concerning when addressing multifamily housing, for example. Because the city’s goal is to provide more opportunities for the development of different types of housing, staff does not recommend making these types of developments subject to a Type III review in the R-2, R-1, and R-1-B zones. Conversely, to allow multifamily development by right in the R-3 and R-2.5 zones during the middle housing discussion would have introduced a new topic to the discussion that would have distracted from the main focus of this project which was to provide middle housing opportunities throughout the residential zones in the city.

The key differences between the high density zones are:

- Where manufactured dwelling parks are permitted

- How multi-unit developments are permitted (Conditional Use or Permitted outright)
- How residential care facilities are permitted (Conditional Use or Permitted outright)
- Which commercial uses are permitted and what type of land use review is required (Conditional Use or Permitted outright)

**Summary of Key Changes**

**Amendments related to definitions**

*Amendments update and consolidate existing residential use definitions to better match current terminology used by the State of Oregon.*

Table 1 below summarizes the current residential use terms, new replacement definitions, and the new use type for each.

<b>Table 1. New Definitions and Use Types</b>		
<b>Current Use Type</b>	<b>New Definition</b>	<b>New Use Type</b>
<b>Residential Home</b>	Adult foster/care home	Adult foster care/home
<b>Congregate Housing Facility</b>	Assisted Living	Residential Care Facility
<b>Senior and Retirement Housing</b>	Assisted Living	Residential Care Facility
<b>Nursing or Convalescent Home</b>	Nursing Facility, Memory Care Community	Residential Care Facility
<b>Boarding House</b>	Single Room Occupancy	Single Room Occupancy

**Residential Home** is an outdated term that is not used by any of the neighboring jurisdictions researched by staff for this code project. Staff propose replacing it with the state’s definition of **Adult Foster/Care Home** for clarity and consistency with state licensing standards.

Staff propose using the term **Residential Care Facility** as an umbrella for several of these pre-existing uses. This consolidation makes it necessary for the commission to reconcile the inconsistent CU and CSU processes that these uses are subject to in the high density zones.

Staff propose replacing the term **Boarding House** with **Single Room Occupancy**, a term with a long history dating back to the mid-nineteenth century. Examples of SROs include low-cost residential hotels, boarding houses, rooming houses, lodging houses, and the renting out of rooms in private apartments. These are examples of group living in a building with multiple separated bedroom units that include shared cooking and eating facilities, and may include other shared elements like bathrooms, common rooms, and other resident services.

Table 2 below contains the proposed definitions for new use terms.

<b>Table 2. Proposed Definitions</b>	
<b>Proposed Terms</b>	<b>Proposed Definition</b>
<b>Adult foster/care homes</b>	A dwelling unit operated to provide a permanent residence and licensed care for up to five people who are elderly, disabled, handicapped, or otherwise require such a residence.
<b>Residential care facility</b>	A living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to Assisted Living Facilities, Nursing Facilities, and Memory Care Facilities.
<b>Residential Care Facility Types</b>	<b>Assisted living facility</b> are licensed settings providing housing and care services to six or more people. A registered nurse is on staff or under contract. The nurse does not have to be there all the time. Caregivers do not need to be certified, but they are trained in providing care services.
	<b>Nursing facility</b> gives licensed 24-hour supervised nursing care. Licensed nursing facilities' caregivers must be certified as nursing assistants; the State Board of Nursing must approve their training. Nurses and certified nurse aides provide personal, therapeutic, and nutritional care.
	<b>Memory care community</b> is an environment where staff care for people with dementia who have needs that require a more secure setting. Each setting is licensed by the state as a residential care, assisted living or nursing facility. The state also requires memory care facilities to train staff to care for residents with dementia and provide specialized services.
<b>Single Room Occupancy Housing</b>	A building wherein five (5) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). Micro-units are designed to be occupied by long-term residents on a monthly or longer basis. Micro-unit housing developments are permitted outright in all residential zones that permit multi-unit development. In each case, density standards of the zone shall determine number of units allowed.

**Amendments related to the consolidation and the Zoning Map**

*Amendments to the existing high density residential zones reduce the number from five to three through a consolidation that provides more housing opportunities in the high density zones than currently exists.*

The following tables show a progression of the proposed consolidation, starting with the existing code but updated with revised uses and nomenclature as discussed in earlier work sessions.

Table 3 shows the existing code updated with revised uses as discussed in the earlier work sessions. Highlighted sections identify the key differences.

Residential Uses	Table 3. Existing Code (with new uses)				
	R3	R2.5	R2	R1	R1B
Single Detached Dwelling	P	P	P	P	P
Duplex	P	P	P	P	P
Triplex	P	P	P	P	P
Quadplex	P	P	P	P	P
Townhouse/Rowhouse	P	P	P	P	P
Cottage Cluster	P	P	P	P	P
Adult foster/care homes	P	P	P	P	P
Accessory Dwelling Unit	P	P	P	P	P
Manufactured Dwelling Park	III	N	N	N	N
Multi-unit Development	CU	CU	P	P	P
Single Room Occupancy Housing	CU	CU	CU	CU	CU
Residential Care Facility	CU	CU	P	P	P
<i>Assisted Living</i>	-	-			
<i>Nursing Facility</i>	-	-			
<i>Memory care community</i>	-	-			
	-	-			
<b>Commercial Uses</b>					
Office	CU	CU	CU	CU	P
Hotel or motel	N	N	N	N	CU
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU
<b>Accessory and Other Uses</b>					
Accessory Use	P	P	P	P	P
Agricultural or horticultural	P	P	P	P	P
Community Service Use	CSU	CSU	CSU	CSU	CSU
Home occupation	P	P	P	P	P
Short-term rental	P	P	P	P	P

Table 4 is the proposed consolidation from 5 zones to 3 with the following key differences:

1. Multi-unit housing is allowed by right in the R3 instead of through a CU process
2. Single Room Occupancy is allowed by right in R3, R2 and R1B instead of through a CU process.
3. Residential care facilities are permitted by right instead of through a CU
4. Business/personal services (such as salons and pet groomers) are included in the list of allowed commercial activities based on the numerous requests for such businesses in the R-1-B zone. These uses are proposed to be permitted by right as limited uses (floor area limited to 2,000 sq ft) in the R3 and R2 zones.
5. Office uses are proposed to be consolidated from three types to two types and ensure their consistent use throughout the code to reduce confusion. Office uses are proposed to be permitted by right as limited uses (floor area limited to 2,000 sq ft) in the R3 and R2 zones.
6. Hotel and motel uses are proposed to be permitted as conditional uses in the R3 and R2 zones rather than be prohibited.

<b>Table 4. Proposed Consolidation</b>			
<b>Residential Uses</b>	<b>R3</b>	<b>R2</b>	<b>R1B</b>
Single Detached Dwelling	P	P	P
Duplex	P	P	P
Triplex	P	P	P
Quadplex	P	P	P
Townhouse/Rowhouse	P	P	P
Cottage Cluster	P	P	P
Adult foster/care homes	P	P	P
Accessory Dwelling Unit	P	P	P
Manufactured Dwelling Park	III	N	N
Multi-unit Development	P	P	P
Single Room Occupancy Housing	P	P	P
Residential Care Facility	P	P	P
<i>Assisted Living</i>	-	-	
<i>Nursing Facility</i>	-	-	
<i>Memory care community</i>	-	-	
<b>Commercial Uses</b>	-	-	
Personal/Business Services	L	L	P
Office			
<i>Production related office</i>	L	L	P
<i>Professional and administrative office</i>			
Hotel or motel	CU	CU	CU
Bed and breakfast or vacation rental	CU	CU	CU
<b>Accessory and Other Uses</b>			
Accessory Use	P	P	P
Agricultural or horticultural	P	P	P
Community Service Use	CSU	CSU	CSU
Home occupation	P	P	P
Short-term rental	P	P	P

R3 = R3, R2.5  
 R2 = R2, R1  
 R1B = R1B

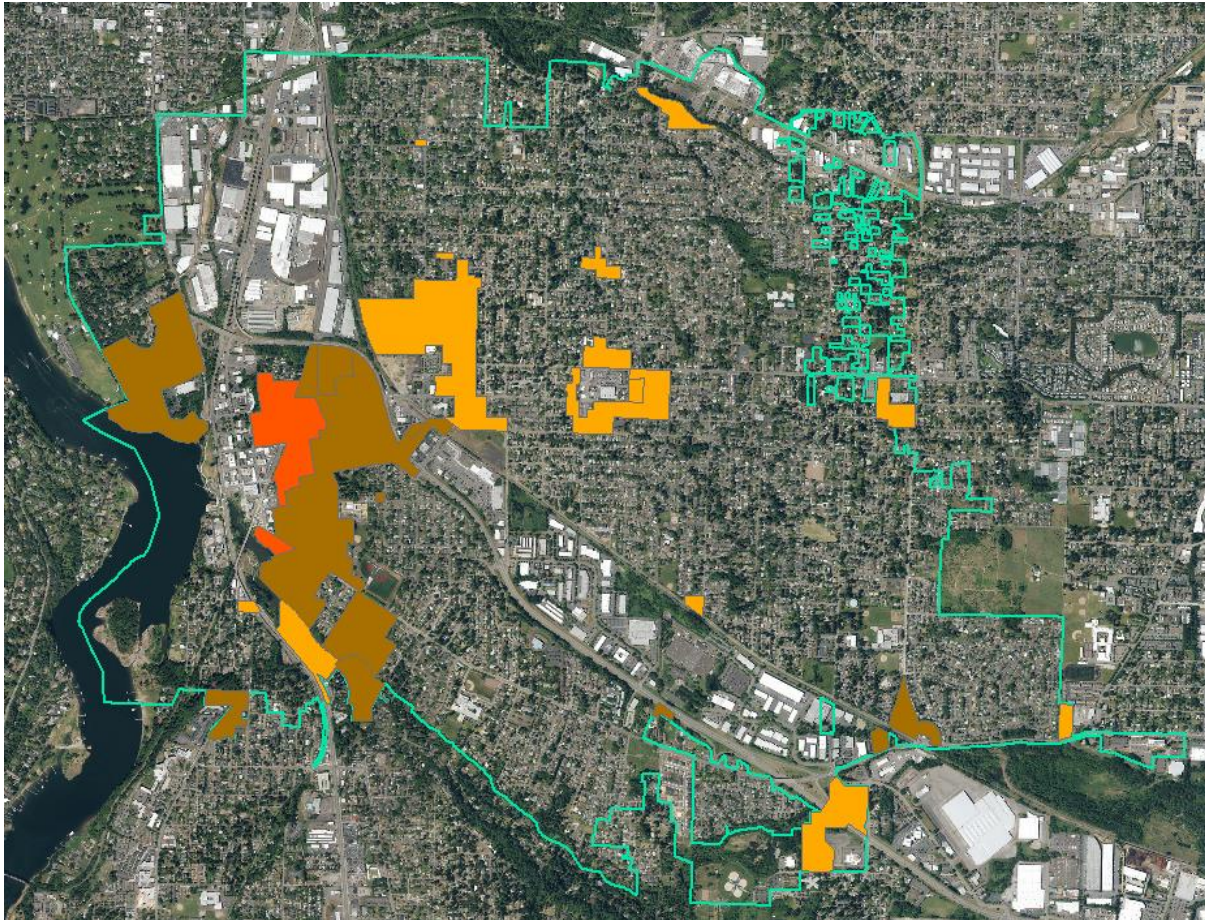
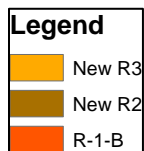


Figure 1. Proposed consolidation of High Density zones



Please refer to the proposed zoning map in Attachment 1 for the complete zoning map with the proposed consolidation.



### Development Standards

The proposed consolidation of the zones also affects development standards, which are currently different across the zones for various standards. The main differences are for maximum building height, maximum lot coverage, minimum vegetation, and density.

Table 5 proposes to consolidate the standards to be consistent with the intent and purpose of the high density zones as well as the goals of the comprehensive plan. The proposed density range for the new R2 zone is the current R1 density.

Standard	Existing Code				
	<i>R3</i>	<i>R2.5</i>	<i>R2</i>	<i>R1</i>	<i>R1B</i>
Max Building height	35 ft	35 ft	45 ft	45 ft	45 ft
Max lot coverage	40%	40%	45%	45%	50%
Min vegetation	35%	35%	15%	15%	15%
density (du/ac)					
min.	11.6	11.6	11.6	25	25
max.	14.5	17.4	17.4	32	32

Standard	Table 5. Proposed Consolidation		
	<i>R3</i>	<i>R2</i>	<i>R1B</i>
Max Building height	35 ft	45 ft	45 ft
Max lot coverage	40%	45%	50%
Min vegetation	35%	15%	15%
density (du/ac)			
min.	11.6	25	25
max.	17.4	32	32

R3 = R3; R-2.5

R2 = R2, R1

R1B = R1B

Additionally, the proposed amendments eliminate the “Minimum Site Size” requirements for multi-unit developments in the R-2, R-1, and R-1-B zones established in 19.302.5.F.2.

Excerpt from 19.302.5.F.2 proposed for removal:

*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.*

<del>Table 19.302.5.F.2</del>		
<del>Minimum Site Size for Multifamily Development in the R-2, R-1, and R-1-B Zones</del>		
<del>Units</del>	<del>R-2 Zone</del>	<del>R-1 and R-1-B Zone</del>
<del>First Dwelling Unit</del>	<del>5,000 sq ft per unit</del>	<del>5,000 sq ft per unit</del>
<del>Additional Dwelling Units</del>	<del>1,500 sq ft per unit</del>	<del>1,400 sq ft per unit</del>

These site size requirements may unintentionally discourage or prevent development of multi-unit housing. As with other zones, the proposed amendments rely upon the density standards to regulate development size, rather than the size of the lot. This recommendation also addresses the issue that middle housing does not have maximum densities; this would bring multi-unit development more in line with the goals and objectives of the high density zones.

**Additional proposed amendments related to office uses**

During the consolidation process staff also noticed there are some inconsistencies in the code around the term office use and propose to remedy these inconsistencies. As part of the Moving Forward Milwaukie project in 2015, the downtown code amendments proposed a variety of types of offices in an effort to distinguish certain types when located at street level. These types were meant to acknowledge that some office types can help activate the street because they generate foot traffic (such as banks or medical offices) while others do not (such as data processing or call centers). In the current code, these office types replaced the previous generic “office” or “general office” use categories:

**Office:**

*“Production-related office” means offices that are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers; and medical and dental labs.*

**“Professional and administrative office”** means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

**“Traditional office”** means offices that are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.

While these office types are regulated in both the DMU and NMIA zones, they were not carried over into the other commercial zones in the city, which still retain the singular “office” use category or some variation on that category. Because office uses are permitted either outright or as conditional uses in the high density zones, this is an opportunity to create consistency throughout the code. It is also an opportunity to consolidate the types as there is some overlap between the definitions for “professional and administrative office” and “traditional office”.

The proposed amendments include the following related to office uses:

- Keeps production-related office as is
- Consolidates the other two office types:
  - “Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations, including government, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

Further, the proposed amendments:

- Consolidate the terms in the use tables for the DMU and NMIA zones
- Revise the use tables in the other commercial zones that currently allow offices to allow both types of offices.

## CONCLUSIONS

### Staff recommendation to the Planning Commission

1. Recommend that the City Council approve the proposed amendments to MMC Title 19 (Zoning), the Zoning Map, and to the Comprehensive Plan presented in Attachments 1-b and 1-c.
2. Recommend that the City Council adopt the proposed ordinance and attached Findings in Support of Approval presented in Attachments 1 and 1-a, respectively.

## CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.902 Amendments to Maps and Ordinances
- MMC Section 19.1008 Type V Review

This application is subject to Type V review, which requires the Planning Commission to hold an initial evidentiary hearing to and then forward a recommendation to the City Council for a final decision. Type V applications are legislative in nature and involve the creation, revision, or large-scale implementation of public policy.

The Commission has 4 decision-making options as follows:

- A. Recommend that Council approve the proposed amendments as per to the recommended Findings in Support of Approval.
- B. Recommend that Council approve the proposed amendments with revisions, including modifications to the recommended Findings in Support of Approval. Such modifications need to be read into the record.
- C. Recommend that Council deny the proposed amendments.
- D. Continue the hearing.

There is no deadline for a final decision on Type V applications, as they are legislative in nature.

## COMMENTS

Notice was provided as described in MMC 19.1008, with a 30-day notice and code commentary made available online and to all Neighborhood District Associations (NDAs) on August 26, 2022. The required 35-day notice to Metro and the Department of Land and Conservation Development was posted on August 23, 2022. Notice was also posted at City Hall, the Johnson Creek Facility, the Milwaukie Police Department, and the Ledding Library. Additional outreach was done via city social media outlets.

## ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	EPacket
1. Ordinance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
a. Recommended Findings in Support of Approval (including Metro and State Findings)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Draft code amendment language (underline/strikeout)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Draft code amendment language (clean)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Draft zoning map amendments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Draft comprehensive plan amendments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Comments received	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

PC Packet = materials provided to Planning Commission 7 days prior to the meeting.

E-Packet = packet materials posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-104>, available 7 days prior to the meeting.



## COUNCIL ORDINANCE No.

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE COMPREHENSIVE PLAN RESIDENTIAL LAND USE DESIGNATIONS, MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE, TITLE 14 SIGNS, AND THE ZONING MAP FOR THE PURPOSE OF ADDRESSING THE CONSOLIDATION OF THE HIGH DENSITY RESIDENTIAL ZONES (FILE #ZA-2022-002).**

**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 attainable housing and providing equitable access to housing for all; and to streamline processes and simplify the code where possible; and

**WHEREAS**, the proposed code amendments implement several of the goals and policies of the city' comprehensive plan related to housing; and

**WHEREAS**, legal and public notices have been provided as required by law, and multiple opportunities for public review and input has been provided; and

**WHEREAS**, on September 27, 2022, the Milwaukie 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 Milwaukie 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 \_\_\_\_\_.

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Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney

**Findings in Support of Approval**  
**File #ZA-2022-002; CPA-2022-001; ZC-2022-001**  
**High Density Residential Zones 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 map, comprehensive plan, and make code amendments to Titles 14 and 19 related to permitted uses in the high density residential zones and additional amendments for consistency across the various code sections. The intent is to implement portions of the city's comprehensive plan. The land use application file numbers are ZA-2022-002, CPA-2022-001, and ZC-2022-001.
2. The proposed amendments relate to implementation of portions of the Comprehensive Plan related to housing in, and consolidation of, the city's high density residential zones. Creating and supporting housing opportunities has been a key goal for Council and the community. The adopted Comprehensive Plan policies call for expanded housing opportunities throughout the city and consolidation of zones where possible to simplify the code.
3. Amendments are proposed in several titles of the municipal code, as follows:
  - Milwaukie Comprehensive Plan
    - Comprehensive Plan Residential Land Use Designations
  - Municipal Code - Title 19 Zoning Ordinance
    - Chapter 19.100 – INTRODUCTORY PROVISIONS
      - Section 19.107 Zoning
    - Chapter 19.200 – DEFINITIONS AND MEASUREMENTS
    - Chapter 19.300 – BASE ZONES
      - Section 19.301 Moderate Density Residential Zone
      - Section 19.302 High Density Residential Zones
      - Section 19.303 Commercial Mixed-Use Zones
      - Section 19.304 Downtown Zones
      - Section 19.306 Limited Commercial Zones
      - Section 19.307 General Commercial Zone
      - Section 19.312 North Milwaukie Innovation Area
    - Chapter 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS
      - Section 19.505 Building Design Standards
    - Chapter 19.600 OFF-STREET PARKING
    - Chapter 19.900 LAND USE APPLICATIONS
      - Section 19.904 Community Service Uses
      - Section 19.905 Conditional Uses
    - Chapter 19.1100 ANNEXATIONS AND BOUNDARY CHANGES
      - Section 19.1104 Expedited Process
    - Municipal Code - Title 14 Signs
      - Chapter 14.04 GENERAL PROVISIONS



o Section 14.04.030 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 September 27, 2022 and December 6, 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 1, 2022.*
  - 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 as follows:*

*The Planning Commission had 3 work sessions about the proposed code amendment language in June and August. The current version of the draft amendments has been posted on the application webpage since August 25, 2022. On August 29, 2022 staff e-mailed NDA leaders with information about the hearing and a link to the draft proposed amendments. On September 1, 2022, the city posted information about the public hearing on social media.*
    - (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 September 27, 2022 hearing was posted as required on August 25, 2022. A notice of the City Council's December 6, 2022 hearing was posted as required on November 3, 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 high density residential properties in the city, not a discrete geographic area. Individual notice was not required.*

- (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 23, 2022.*

- (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 23, 2022.*

- (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 high density residential properties in the city but do not reduce the permissible uses or development opportunities on the properties.*

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

*The Planning Commission held a duly advertised public hearing on September 27, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on December 6, 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 a duly advertised public hearing on September 27, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on December 6, 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 high density residential zones.*

- (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 continue to provide opportunities for high density housing development in the city's high density residential zones.*

- (b) Title 7 Housing Choice

*The proposed amendments will continue to provide the opportunity for much-needed high density housing in the city's high density zones. The amendments also reduce barriers to the development of multi-unit housing, residential care facilities, and single room occupancy housing within these zones. The proposed amendments 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 Growth Management Functional Plan or relevant regional policies. Additional findings specific to the UGMFP are*

*included with these findings. The proposed code amendments are in compliance with Metro's Functional Growth Management Plan.*

- (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. Additional findings have been prepared demonstrating compliance with the Statewide Planning Goals.*

- 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 a duly advertised public hearing on September 27, 2022 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on December 6, 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 a duly advertised public hearing on September 27, 2022 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on December 6, 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 consolidate the high density zones and the allow multi-unit housing by right.*

- (c) 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.

(d) 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 multi-unit housing. The amendments propose to consolidate the existing five high density residential zones into three zones, simplify the review process for multi-unit housing in the new consolidation, re-define residential care facilities to use state-accepted terminology and allow them outright where multi-unit housing is permitted,*

*and redefine boarding houses using a more widely used term, single room occupancy, and allowing this use where multi-unit housing is permitted. The amendments simplify the code and also help to move the city closer to realizing its goal of providing “safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability”.*

- (e) 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 additional opportunities for multi-unit housing development throughout the city’s high density residential zones.*

- (ii) *Title 7 Housing Choice*

*The proposed amendments will provide additional opportunities for multi-unit development and group housing, as well as residential care facilities in the city’s high density 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 Growth Management Functional Plan or relevant regional policies. The proposed code amendments are in compliance with Metro’s Functional Growth Management Plan.*

- (f) 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. Additional findings have been prepared demonstrating compliance with the Statewide Planning Goals.*

- (g) 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-3, R-2.5, R-2, R-1, and R-1-B, as well as commercially zoned properties for terminology clarifications. The amendments are legislative in nature and subject to Type V review.*

*The Planning Commission held a duly advertised public hearing on September 27, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on December 6, 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-3, R-2.5, R-2, R-1, and R-1-B zones into three zones: R-3, R-2, and R-1-B. The zones remain high density residential in nature, with amendments related to the land use review process, terminology, and the addition of personal service uses in the already mixed use R-1-B zone.*

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

*As noted above, the proposed zoning map amendments affect the R-3, R-2.5, R-2, R-1, and R-1-B zones which are currently predominantly residential in nature at a high density with limited permitted commercial uses. The consolidation of this zone reflects the intent of the comprehensive plan to simplify the zoning code.*

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

*Given that the amendments consolidate existing high density zones, and propose some changes to the land use review process for some uses, the change in development pattern in some areas may include a modest increase. The*



*intent of the amendments package is to consolidate and simplify the code and review processes, but not make significant changes to allowed uses.*

- (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 five high density residential zones to three high density zones to simplify the code and make modest adjustments to streamline land use review.*

- (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 high 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 may increase the demand on the facilities, utilities, or services in the area, which have been planned for.*

- (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 is unlikely to intensify the development potential of the high density residential zones. Any increase in development will likely be modest 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 and simplification of the code. 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.*

## Attachment 1.a.1

## UGMFP Findings for Milwaukie Code Amendments for High Density Residential Zones

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

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 consolidation of the city's high density residential zones 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 consolidation of the high density residential zones from five zones to three zones, updating of outdated definitions of residential care facilities, and streamlining of land use review processes in these zones. No changes or reduction to the areas zoned for high density residential uses are proposed and, in some cases, the permitted densities are increased. The amendments are intended to increase the supply of attainable housing, and provide equitable access and housing choice for all. The findings demonstrating compliance with city code requirements include information from the Housing Needs Analysis evaluating housing capacity and demonstrate 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 local code findings, 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 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 high density zones 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. Multi-unit development, residential care facilities, and single room occupancy housing are now proposed to be permitted by right in all high density 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.

## Statewide Findings for Milwaukie Plan and Code Amendments – Consolidation of High Density Residential Zones

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 10: Housing
- Goal 11: Public Facilities
- Goal 12: Transportation
- Goal 13: Energy
- Goal 14: Growth Management

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 to support the proposed code amendments related to consolidation of the high density residential zones.

#### Planning Commission and City Council Updates

City staff conducted three worksessions with the City’s Planning Commission and City Council to review the status of the work and solicit feedback on key issues.

The specific proposed code language was posted with a code commentary on the City’s website on August 26, 2022. Prior to the public hearings the Planning Commission had 3 work sessions about the proposed code amendment language in July and August 2022. These meetings also were open to the public and were recorded and available for public viewing after the meetings. A work session with the City Council was held before the City Council hearing on the amendments. Specific notice of the draft amendments and the September 27, 2022 public hearing was as follows: email notices were sent to all Neighborhood District Association members, members of the middle housing code project steering committee, and to everyone who registered on the Engage Milwaukie platform as part of the middle housing code project.. The current version of the draft amendments have been posted on the application webpage since August 26, 2022.

Based on the findings above, the Zoning Code 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 consolidation of the city’s high density residential zones. Only changes that reduce the required level of land use review for a limited number of residential uses 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 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 proposed code amendments implement a variety of goals and policies related to housing and will support consistency with Statewide Planning Goal 10. By increasing density in some high density zones, streamlining the land use review process for multi-unit development, single room occupancy housing, and residential care facilities, housing choice and opportunities to expand housing options are made possible.

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 high density housing on land capacity.

The proposed amendments relate to implementation of portions of the Comprehensive Plan related to housing in, and consolidation of, the city's high density residential zones. Creating and supporting housing opportunities has been a key goal for Council and the community. The adopted Comprehensive Plan policies call for expanded housing opportunities throughout the city and consolidation of zones where possible to simplify the code. The amendments also reduce barriers to the development of multi-unit housing, residential care facilities, and single room occupancy housing within these zones.

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 providers 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 consolidation of the high density residential zones.

## **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 the high density zones consolidation, 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 consolidation of the high density residential zones, 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 consolidation of the high density residential zones, 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.

**Underline/Strikeout Amendments****Title 14 Signs****14.040.030 Definitions**

“Residential zones” means the R-MD, R-3, ~~R-2.5~~, R-2, and R-1-B Residential Zones as defined in the Zoning Ordinance.

**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:

<b>Table 19.107.1 Classification of Zones</b>	
<b>Zone Description</b>	<b>Abbreviated Description</b>
<b>Base Zones</b>	
Residential	R-MD
Residential	R-3
<del>Residential</del>	<del>R-2.5</del>
Residential	R-2
<del>Residential</del>	<del>R-1</del>
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 Mixed Use	MUTSA
General Mixed Use	GMU
North Milwaukie Employment	NME
Neighborhood Mixed Use	NMU

Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F

**CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS**

**19.201 DEFINITIONS**

~~“Boarding house” means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily, by persons paying consideration for sleeping purposes where meals may or may not be provided, and which is not occupied as a single-family unit. Lodging capacity is subject to provisions of the Uniform Building Code.~~

~~“Congregate housing facility” means a multidwelling unit, permanent housing center with individual or common housekeeping facilities and services provided for residents who require or desire a more supportive living environment than typically available to residents in traditional apartment or single-family residential housing. These facilities may provide regular on-premises supervision by registered medical staff or care providers. Occupants of these facilities may include the elderly, disabled, handicapped, or other persons as defined in the Federal Fair Housing Amendments Act of 1988. Congregate housing facilities are permitted outright in all residential zones that permit multifamily apartments, and they require conditional use approval in those residential zones that allow multifamily uses conditionally. In each case, density standards of the zone shall determine number of units allowed.~~

Office:

“Production-related office” means offices that are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers; and medical and dental labs.

“Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations, including government, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and

dental clinics, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

~~“Traditional office” means offices that are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.~~

Residential Uses and Structures:

“Adult foster/care homes” means a dwelling unit operated to provide a permanent residence and licensed care for up to five people who are elderly, disabled, handicapped, or otherwise require such a residence.

“Single room occupancy housing (SRO)” means a building wherein five (5) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). SRO developments are designed to be occupied by long-term residents on a monthly or longer basis. SRO developments are permitted outright in all residential zones that permit multi-unit development. In each case, density standards of the zone shall determine number of units allowed.

“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. Residential care facilities are considered a type of multi-unit development.

~~“Residential home” means a dwelling unit operated as a single housekeeping unit for the purpose of providing a permanent residence—which includes food, shelter, personal services, and care—for the elderly, disabled, handicapped, or others requiring such a residence, as defined by the Federal Fair Housing Amendments Acts of 1988.~~

~~“Senior and retirement housing” means a multiunit dwelling where persons who are of retirement age reside. Activity levels, including traffic generation and parking of cars, are generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care, medical supplies, and personal services may be provided on a limited basis. One person may own the entire complex, or each dwelling unit may be owned separately as in a condominium.~~

“Residential care facility” means a licensed living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to assisted living facilities, nursing facilities, and memory care facilities.

“Temporary or transitional facility” means a facility which ~~may~~ provides temporary or transitional services to families or individuals, including lodging where the average stay is 60 days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers, and detention and detoxification facilities.

**CHAPTER 300 BASE ZONES**

**19.301 MODERATE DENSITY RESIDENTIAL ZONES**

<b>Table 19.301.2 Moderate Density Residential Uses Allowed</b>		
<b>Use</b>	<b>R-MD</b>	<b>Standards/Additional Provisions</b>
<b>Residential Uses</b>		
Single detached dwelling	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Duplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Triplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Quadplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Townhouse	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.5</b> Standards for Townhouses
Cottage Cluster	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.4</b> Cottage Cluster Housing
<u>Residential home Adult foster/care home</u>	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	<b>Subsection 19.910.1</b> Accessory Dwelling Units
Manufactured dwelling park	III	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks.
<u>Senior and retirement housing Residential care facility Examples include: assisted living, nursing facilities, and memory care communities</u>	<u>CU CSU</u>	<del><b>Subsection 19.905.9.G</b> Senior and Retirement Housing</del> <b>Subsection 19.904.8</b> <u>Specific Standards for Residential Care Facilities</u>

### 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-4~~, and Residential-Business Office Zone R-1B. 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
<b>Residential Uses</b>						
Single detached dwelling	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Duplex	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Triplex	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Quadplex	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Residential home	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Accessory dwelling	P	P	P	P	P	<b>Subsection 19.910.1</b>



unit						Accessory Dwelling Units
Manufactured dwelling park	III	N	N	N	N	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks
Townhouse	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.5</b> Standards for Townhouses
Cottage cluster	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.4</b> Cottage Cluster Housing

<b>Table 19.302.2 CONTINUED</b>						
<b>High Density Residential Uses Allowed</b>						
<b>Use</b>	<b>R-3</b>	<b>R-2.5</b>	<b>R-2</b>	<b>R-1</b>	<b>R-1-B</b>	<b>Standards/ Additional Provisions</b>
<b>Residential Uses CONTINUED</b>						
Multi-unit Housing	CU	CU	P	P	P	<b>Subsection 19.505.3</b> Multi-Unit Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Congregate housing facility	CU	CU	P	P	P	<b>Subsection 19.505.3</b> Multi-Unit Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Senior and retirement housing	CU	CU	CU	P	P	<b>Subsection 19.905.9.G</b> Senior and Retirement Housing
Boarding house	CU	CU	CU	CU	CU	<b>Section 19.905</b> Conditional Uses
<b>Commercial Uses</b>						
Office	CU	CU	CU	CU	P	<b>Subsection 19.302.3</b> Use Limitations and Restrictions
<u>Personal/Business Services</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>P</u>	
Hotel or motel	N	N	N	N	CU	<b>Section 19.905</b> Conditional Uses
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	<b>Section 19.905</b> Conditional Uses
<b>Accessory and Other Uses</b>						
Accessory use	P	P	P	P	P	<b>Section 19.503</b> Accessory Uses
Agricultural or	P	P	P	P	P	<b>Subsection 19.302.3</b> Use

horticultural use						Limitations and Restrictions
Community service use	CSU	CSU	CSU	CSU	CSU	<b>Section 19.904</b> Community Service Uses
Home occupation	P	P	P	P	P	<b>Section 19.507</b> Home Occupation Standards
Short-term rental	P	P	P	P	P	<b>Section 19.507</b> Home Occupation Standards

<b>Table 19.302.2 High Density Residential Uses Allowed</b>				
<u>Use</u>	<u>R-3</u>	<u>R-2</u>	<u>R-1-B</u>	<u>Standards/ Additional Provisions</u>
<b><u>Residential Uses</u></b>				
<u>Use</u>	<u>R-3</u>	<u>R-2</u>	<u>R-1-B</u>	<u>Standards/ Additional Provisions</u>
Single detached dwelling	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Duplex	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Triplex	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Quadplex	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Adult foster/care home	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Accessory dwelling unit	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.910.1</b> Accessory Dwelling Units
Manufactured dwelling park	<u>III</u>	<u>N</u>	<u>N</u>	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks
Townhouse	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.5</b> Standards

				for Townhouses
<u>Cottage cluster</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Subsection 19.505.1</u></b> Single Detached and Middle Housing Residential Development <b><u>Subsection 19.505.4</u></b> Cottage Cluster Housing
<u>Multi-unit Housing</u>	<u>CU P</u>	<u>P</u>	<u>P</u>	<b><u>Subsection 19.505.3</u></b> Multi-Unit Housing <b><u>Subsection 19.302.5.F</u></b> Residential Densities <b><u>Subsection 19.302.5.H</u></b> Building Limitations
<u>Single room occupancy housing</u>	<u>CU P</u>	<u>P</u>	<u>P</u>	<b><u>Subsection 19.505.3</u></b> Multi-Unit Housing <b><u>Subsection 19.302.5.F</u></b> Residential Densities <b><u>Subsection 19.302.5.H</u></b> Building Limitations
<u>Residential Care Facility</u>  <u>Examples include: assisted living, nursing facilities, and memory care communities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Subsection 19.505.3</u></b> Multi-Unit Housing <b><u>Subsection 19.302.5.F</u></b> Residential Densities <b><u>Subsection 19.302.5.H</u></b> Building Limitations
<u>Office: Production-related office and Professional and administrative office</u>	<u>L</u>	<u>L</u>	<u>P</u>	<b><u>Subsection 19.302.3</u></b> Use Limitations and Restrictions
<u>Personal/Business Services</u>	<u>L</u>	<u>L</u>	<u>P</u>	
<u>Hotel or motel</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<b><u>Section 19.905</u></b> Conditional Uses
<u>Bed and breakfast or vacation rental</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<b><u>Section 19.905</u></b> Conditional Uses
<u>Accessory use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Section 19.503</u></b> Accessory Uses
<u>Agricultural or horticultural use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Subsection 19.302.3</u></b> Use Limitations and Restrictions
<u>Community service use</u>	<u>CSU</u>	<u>CSU</u>	<u>CSU</u>	<b><u>Section 19.904</u></b> Community Service Uses
<u>Home occupation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Section 19.507</u></b> Home Occupation Standards
<u>Short-term rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Section 19.507</u></b> Home Occupation Standards

**19.302.3 Use Limitations and Restrictions**

B. Office uses allowed in the high density zones 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. Office and personal service uses in the R-3 and R-2 zones are permitted provided the floor area does not exceed 2,000 sq ft.

<b>Table 19.302.4</b>						
<b>High-Density Residential Development Standards</b>						
<b>Standard</b>	<b>R-3</b>	<b>R-2.5</b>	<b>R-2</b>	<b>R-1</b>	<b>R-1-B</b>	<b>Standards/ Additional Provisions</b>
<b>A. Lot Standards</b>						
Minimum lot size (sq ft)			1,500			<b>Subsection</b> <b>19.501.1</b> Lot Size Exceptions  <b>Subsection</b> <b>19.505.4</b> Cottage Cluster Housing  <b>Subsection</b> <b>19.505.5</b> Townhouses
Minimum lot width (ft)			20			-
Minimum lot depth (ft)			70			
Minimum street frontage requirements (ft)			-			
Townhouse			20			
Standard lot			35			
Flag lot			25			
Double flag lot			25			
<b>B. Development Standards</b>						
Minimum yard requirements for primary structures (ft)						- 20
Front yard						See Subsection 19.302.5.A

Side yard		45	
Street side yard		45	
Rear yard			
Maximum building height for primary structures	35 ft	45 ft	<p><b>Subsection 19.302.5.E</b> Height Exceptions</p> <p><b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions</p> <p><b>Subsection 19.302.5.I</b> Transition Measures</p>

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Table 19.302.4 CONTINUED						
High Density Residential Development Standards						
Standard	R-3	R-2.5	R-2	R-1	R-1B	Standards/ Additional Provisions
Side yard height plane limit		-			-	<b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions
Height above ground at minimum required side yard depth (ft)		20			25	
Slope of plane (degrees)		45			45	
Maximum lot coverage (percent of total lot area)		40%		45%	50%	<b>Section 19.201</b> "Lot coverage" definition
Minimum vegetation (percent of total lot area)		35%			15%	<p><b>Subsection 19.504.7</b> Minimum Vegetation</p> <p><b>Subsection 19.302.5.D</b> Front Yard Minimum Vegetation</p> <p><b>Subsection 19.302.5.C</b> Minimum</p>

				Vegetation
<b>C. Other Standards</b>				
Density requirements (dwelling units per acre)	-	-	-	<b>Subsection 19.202.4</b> Density Calculations
Minimum	41.6	41.6	25.0	
Maximum <sup>2</sup>	44.5	47.4	32.0	<b>Subsection 19.302.5.F</b> Residential Densities
				<b>Subsection 19.501.4</b> Density Exceptions

Table 19.302.4				
High Density Residential Development Standards				
Standard	R-3	R-2	R-1-B	Standards/ Additional Provisions
<b>A. Lot Standards</b>				
Minimum lot size (sq ft)		1,500		<b>Subsection 19.501.1</b> Lot Size Exceptions  <b>Subsection 19.505.4</b> Cottage Cluster Housing  <b>Subsection 19.505.5</b> Townhouses
Minimum lot width (ft)		20		
Minimum lot depth (ft)		70		
Minimum street frontage requirements (ft)		-	20	

Townhouse		<u>35</u>	
Standard lot		<u>25</u>	
Flag lot		<u>25</u>	
Double flag lot			
<b>B. Development Standards</b>			
Minimum yard requirements for primary structures (ft)			- <u>20</u>
Front yard		<u>See Subsection 19.302.5.A</u>	
Side yard			<u>15</u>
Street side yard			<u>15</u>
Rear yard			
Maximum building height for primary structures	<u>35 ft</u>		<u>45 ft</u> <b>Subsection 19.302.5.E</b> Height Exceptions <b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions <b>Subsection 19.302.5.I</b> Transition Measures

<b>Table 19.302.4 CONTINUED</b>				
<b>High Density Residential Development Standards</b>				
<b>Standard</b>	<b>R-3</b>	<b>R-2</b>	<b>R-1B</b>	<b>Standards/ Additional Provisions</b>
Side yard height plane limit	-	-		<b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions
Height above ground at	<u>20</u>	<u>25</u>	<u>25</u>	
	<u>45</u>	<u>45</u>	<u>45</u>	

<u>minimum required side yard depth (ft)</u>				
<u>Slope of plane (degrees)</u>				
<u>Maximum lot coverage (percent of total lot area)</u>	40%	45%	50%	<b>Section 19.201 “Lot coverage” definition</b>
<u>Minimum vegetation (percent of total lot area)</u>	35%	15%	15%	<b>Subsection 19.504.7 Minimum Vegetation</b> <b>Subsection 19.302.5.D Front Yard Minimum Vegetation</b> <b>Subsection 19.302.5.C Minimum Vegetation</b>
<b>C. Other Standards</b>				
<u>Density requirements (dwelling units per acre)</u>	-	-	-	<b>Subsection 19.202.4 Density Calculations</b>
<u>Minimum</u>	11.6	25.0	25.0	<b>Subsection 19.302.5.F Residential Densities</b>
<u>Maximum<sup>2, 3</sup></u>	14.5	32.0	32.0	<b>Subsection 19.501.4 Density Exceptions</b>

<sup>3</sup> The density for single room occupancy (SRO) developments is calculated as follows: four SRO rooms equal one dwelling unit.

### 19.302.4 Development Standards

In the high density residential zones, 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 in a cottage cluster

Between 3,000 to 4,999 sq ft: Duplex, Triplex, and Quadplex.

Between 5,000 to 6,999 sq ft: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, and Quadplex.<sup>1</sup>



7,000 sq ft and up: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster, Multi-Unit Housing.

All other uses require a minimum lot size of 5,000 sq ft.

**19.302.5 Additional Development Standards**

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 single detached dwelling or accessory dwelling units are exempt from the minimum and maximum density requirements. Middle housing, except for townhouses, is exempt from 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	1,500 sq ft per unit	1,400 sq ft per unit

19.303 COMMERCIAL MIXED-USE ZONES

Table 19.303.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
<b>Residential</b>			
Single-family detached	N	CU	<b>Subsection 19.505.1</b> Single Family Dwellings <b>Section 19.905</b> Conditional Uses
Rowhouse <sup>1</sup>	P	CU	<b>Subsection 19.505.5</b> Rowhouses
Multifamily <u>Multi-unit Housing</u>	P	CU	<b>Subsection 19.505.3</b> Multifamily <u>Multi-unit Housing</u>
Cottage cluster housing	P	CU	<b>Subsection 19.505.4</b> Cottage Cluster Housing
Mixed use <sup>2</sup>	P	P	<b>Subsection 19.505.7 Nonresidential Development</b>
Live/work units	P	P	<b>Subsection 19.505.6</b> Live/Work Units
Senior and <i>retirement</i> housing	P	CU	<b>Subsection 19.505.3</b> Multifamily <u>Multi-unit Housing</u>

Table 19.303.2 CONTINUED			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
<b>Commercial<sup>3, 4</sup> CONTINUED</b>			
General office  General office means professional, executive, management, or administrative offices of firms or organizations.  Examples include professional services such as lawyers, architects, or accountants; financial businesses such as lenders, credit unions, or real estate agents; sales offices; offices for testing and research-related businesses (including marijuana testing and research), and medical and dental clinics.	P	P	<b>Subsection 19.303.6.C</b> Marijuana testing and research facilities

<u>Production-related office</u>			
<u>Professional and administrative office</u>			
Commercial lodging.  Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.  Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. <del>Does not include senior and retirement housing.</del>	P	P	

**19.304 DOWNTOWN ZONES**

Table 19.304.2			
Uses Allowed in Downtown Zones			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
<b>Residential</b>			
Boarding house	<u>CU</u>	<u>N</u>	<b>Section <u>19.905</u></b> Conditional Uses
<u>Single room occupancy housing</u>	<u>P</u>	<u>N</u>	<b>Subsection <u>19.505.3</u></b> Multi-unit Housing
Rowhouse	P	N	<b>Subsection <u>19.304.3.A.1</u></b> Downtown residential use limitations  <b>Subsection <u>19.505.5</u></b> Rowhouses
<del>Multifamily</del> <u>Multi-unit Housing</u>	P	N	<b>Figure <u>19.304-2</u></b> Ground-Floor Residential Permitted  <b>Subsection <u>19.304.3.A.1</u></b> Downtown residential use limitations  <b>Subsection <u>19.505.3</u></b> <del>Multifamily</del> <u>Multi-unit Housing</u>
Live/work units	P	N	<b>Subsection <u>19.304.3.A.1</u></b> Downtown residential use limitations  <b>Subsection <u>19.505.6</u></b> Live/Work

			Units
Second-story housing	P	N	<b>Section 19.508</b> Downtown Site and Building Design Standards
Senior and retirement housing	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations  <b>Subsection 19.505.3</b> Multifamily Multi-unit Housing

**Table 19.304.2 CONTINUED**  
**Uses Allowed in Downtown Zones**

Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
<b>Commercial</b>			
<p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. <del>Does not include senior and retirement housing.</del></p>	P/CU	N	<b>Section 19.905</b> Conditional Uses (for vacation rentals only)
<p>Production-related office</p> <p><del>Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the</del></p>	P/CU	N	<p><b>Subsection 19.304.3.A.2</b> Main St limitations</p> <p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Subsection 19.509.2</b> Security and odor</p>

<p>development, testing, research, production, processing, packaging, or assembly of goods and products.</p> <p>Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers; marijuana testing and research facilities, and medical and dental labs.</p>			<p>control for certain marijuana business</p> <p><b>Section 19.905</b> Conditional Uses</p> <p>Note: Production, processing, packaging, and assembly uses must meet the standards listed below under Manufacturing.</p>
<p><del>Traditional office</del></p> <p><del>Traditional office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</del></p> <p><del>Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.</del></p>	<p><del>P/CU</del></p>	<p><del>N</del></p>	<p><del><b>Subsection 19.304.3.A.3</b> Commercial use limitations</del></p> <p><del><b>Section 19.905</b> Conditional Uses</del></p>
<p><u>Professional and Administrative Office</u></p>	<p><u>P/CU</u></p>	<p><u>N</u></p>	<p><u><b>Subsection 19.304.3.A.3</b> Commercial use limitations</u></p> <p><u><b>Section 19.905</b> Conditional Uses</u></p>

**19.304.5 Detailed Development Standards**

J. Residential Density

1. Intent

There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied to residential development in the DMU Zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.

2. Standards

a. Minimum densities for rowhouses and live/work units shall be 10 units per acre.

b. Minimum densities for stand-alone multifamily dwellings ~~and senior/retirement housing~~ in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.

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### 19.306 LIMITED COMMERCIAL ZONE C-L

#### 19.306.2 Conditional Uses and Community Service Uses Permitted

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section [19.905](#):

- A. Funeral home;
- B. Marina and boat sales;
- C. Parking facility;
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- E. Financial institution;
- F. Trade or commercial school;
- G. ~~Single-family~~ unit detached dwelling;
- H. Agricultural or horticultural use, provided that poultry or 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. Marijuana production is not permitted as an agricultural use;
- I. ~~Duplex or multifamily development~~ Middle housing or multi-unit housing;

J. ~~Adult foster/care home~~ Senior and retirement housing;

K. ~~Residential home;~~

L. ~~Congregate housing facility;~~

In a C-L Zone the following community service uses and their accessory uses are permitted subject to the provisions of Section 19.904:

A. Residential care facility

### 19.307 GENERAL COMMERCIAL ZONE C-G

In a C-G Zone the following regulations shall apply:

#### 19.307.1 Uses Permitted Outright

In a C-G Zone the following uses and their accessory uses are permitted outright:

A. Production-related office: ~~Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature;~~

B. Professional and administrative office: ~~Offices for administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, testing, scientific or statistical businesses or organizations;~~

### 19.312 NORTH MILWAUKIE INNOVATION AREA

Table 19.312.2			
Uses Allowed in the North Milwaukie Innovation Area			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
Commercial			

<p>Office</p> <p>1. Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products.</p> <p>Examples include: corporate headquarters, architects, engineers, financial services or accounting firm headquarters, call offices/call centers; software and internet</p>	<p>P</p>	<p>P</p>	
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<p><b>Table 19.312.2 CONTINUED</b></p> <p>Uses Allowed in the North Milwaukie Innovation Area</p>			
<p><b>Uses and Use Categories</b></p>	<p><b>NME</b></p>	<p><b>MUTSA</b></p>	<p><b>Standards/Additional Provisions</b></p>
<p>content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; government and utility research offices; call centers, marijuana testing and research facilities, and medical and dental labs or research/bioscience facility.</p> <p><u>2. Professional and Administrative Office</u></p>			



<b>Table 19.312.2 CONTINUED</b>			
<b>Uses Allowed in the North Milwaukie Innovation Area</b>			
<b>Uses and Use Categories</b>	<b>NME</b>	<b>MUTSA</b>	<b>Standards/Additional Provisions</b>
<p><del>2. Service-related office</del></p> <p><del>Traditional service-related office uses are characterized by activities that generally focus on direct in-person, customer-focused services including government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</del></p> <p><del>Examples include: professional services such as lawyers; financial businesses such as lenders, retail brokerage houses, bank branches, or real estate agents; sales offices; government offices and public utility offices; counseling offices; and medical and dental clinics.</del></p>	L	L	<p><b>Subsection 19.312.4.A</b> Standards for Limited Uses</p>

**CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS**

**19.505 BUILDING DESIGN STANDARDS**

**19.505.3 Multi-unit Housing**

**B. Applicability**

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multi-unit developments and residential care facilities ~~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.

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

**C. Review Process**

Two possible review processes are available for review of ~~multifamily~~ multi-unit or residential care facilities ~~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.

D. Design Guidelines and Standards

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

**CHAPTER 19.600 OFF-STREET PARKING**

**19.605 VEHICLE PARKING QUANTITY REQUIREMENTS**

<b>Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Minimum Required</b>	<b>Maximum Allowed</b>
<b>A. Residential Uses</b>		
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 <sup>1</sup>		
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. Townhouses <sup>2</sup>	0	1 space per dwelling unit
e. Cottage Clusters	0.5 spaces per dwelling unit	1 space per dwelling unit
4. <del>Residential homes</del> <u>Adult foster/care homes</u> 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.
<b>B. Community Service and Other Public Uses</b>		
7. <del>Residential care facilities</del> <u>Nursing, convalescent, and extended-care facilities.</u>	1 space per 4 beds.	1 space per 3 beds.

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

A. Institutions—Public/Private and Other Public Facilities

1. Schools, public or private, and their accompanying sports facilities, day-care centers, private kindergartens;
2. Government office buildings for local, state, or federal government such as a City hall, courthouse, police station, or other similar buildings;
3. Hospital;
4. Cemetery;
5. ~~Nursing or convalescent home~~ Residential care facility;

~~19.904.8 Specific Standards for Nursing or Convalescent Homes~~

~~A. Public services must be adequate to serve the facility.~~

~~B. Facilities will access on arterial or collector streets.~~

~~C. Setbacks must be the greater of 25 ft or the setback of an adjacent residential zone or of the underlying zone.~~

~~D. Maximum height shall not exceed 45 ft.~~

~~E. Buffering of noise and light from adjacent streets and between adjacent properties may be required.~~

~~F. Sites which could cause hazard to disoriented patients through proximity to heavily traveled streets, water hazards, or ravines or steep slopes shall not be approved unless the applicant can satisfy the commission that safety measures will be used to prevent injury to patients.~~

~~G. On parcels surrounded by existing dwellings, additional conditions may be necessary to:~~

~~1. Mitigate the effects of traffic caused by shift changes, particularly regarding noise at night and safety of school children in transit; and/or~~

~~2. Maintain neighborhood scale, particularly regarding size of structure, width of driveway, signs, exterior lighting, and placement of parking facilities.~~

H. ~~Conversion of existing dwellings may be allowed if state codes and rules can be met and the conditions of this subsection are satisfied.~~

I. ~~Off street parking must be provided as per Chapter 19.600.~~

J. ~~15% of the total site is to be landscaped~~

**19.904.4410 Standards for Wireless Communications Facilities**

C. Application Process

3. Type II Review

Placement, construction, or modification of WCFs not involving the construction of a new monopole, other than those activities described in Subsection 19.904.4410.C.1, are subject to Section 19.1005 Type II Review, provided that the antennas and base equipment comply with the standards contained in this subsection. Also see Table 19.904.4410.C.

4. Type III Review

All proposed new monopole towers, and projects exceeding the applicability for Type II review, are subject to Section 19.1006 Type III Review. Also see Table 19.904.4410.C.

<b>Table 19.904.4410.C Wireless Communication Facilities—Type and Review Process</b>				
<b>Towers</b>		<b>WCFs Not Involving New Tower</b>		
<b>Zones</b>	<b>New Monopole Tower up to 100 Ft</b>	<b>Building Rooftop or Wall Mounted Antenna</b>	<b>Water Towers, Existing Towers, and Other Stealth Designs</b>	<b>On Existing Utility Pole in Row with or w/out Extensions</b>
BI	III	P/I/II	P/I/II	P/I/II
M	III	P/I/II	P/I/II	P/I/II
M-TSA	III	P/I/II	P/I/II	P/I/II
C-N	N	P/I/II	P/I/II	P/I/II
C-G	N	P/I/II	P/I/II	P/I/II
C-L	N	P/I/II	P/I/II	P/I/II
C-CS	N	P/I/II	P/I/II	P/I/II
OS	N	P/I/II	P/I/II	P/I/II
DMU	N	P/I/II	P/I/II	P/I/II
GMU	N	P/I/II	P/I/II	P/I/II
NMU	N	P/I/II	P/I/II	P/I/II

R-1-B	N	P/I/II	P/I/II	P/I/II
<del>R-1</del>	<del>N</del>	<del>N</del>	<del>P/I/II</del>	<del>P/I/II</del>
R-2	N	N	P/I/II	P/I/II
<del>R-2.5</del>	<del>N</del>	<del>N</del>	<del>P/I/II</del>	<del>P/I/II</del>
R-3	N	N	P/I/II	P/I/II
R-MD	N	N	P/I/II	P/I/II

**F. Location and Size Restrictions**

**1. Separation for New Monopole Towers**

New monopole towers may not be constructed within 1,500 ft of any preexisting tower. The Planning Commission has the authority to approve a reduction in the minimum separation requirement to not less than 1,000 ft, provided that the applicant can demonstrate the need to the satisfaction of the Planning Commission, for the distance reduction. A tower shall include any preexisting tower or any tower for which the City has issued a building permit, or for which a land use application has been filed and not denied. This distance shall be measured in a straight line from the base of the existing tower to the base of the proposed tower.

**2. Height: maximum heights. Also see Table 19.904.4410.C.**

d. For antennas on utility poles in the right-of-way, one 15-ft extension is permitted to the original installation by the owner. The carrier may replace the existing pole with a new utility pole not to exceed 15 ft above the height of the pole that is to be replaced. Equipment cabinets shall be attached to the utility pole. Where this is not practicable, the base equipment shall be subject to requirements of Subsection 19.904.4410.G.1.b.

**G. Development Standards for All WCFs**

**1. Setbacks and Equipment Cabinets**

a. Setbacks for new monopole towers and equipment cabinets shall be established from the property line and not the leased area. Regardless of the zone, the setbacks shall be as follows:

(5) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

b. For antennas placed on existing utility pole and other support structures located in the right-of-way, the equipment cabinet shall be located on the utility pole to the greatest extent.

(3) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

c. Equipment cabinets for water towers, “stealth” designs or other antenna support structures not covered by the previous subsections.

(2) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

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## 19.905 CONDITIONAL USES

### 19.905.9 Standards Governing Conditional Uses

#### ~~G. Senior and Retirement Housing~~

~~In considering a conditional use application for senior and retirement housing, the Planning Commission shall consider the following:~~

- ~~1. Pedestrian access to transit.~~
- ~~2. Pedestrian access to convenience facilities such as grocery store, pharmacy, laundromat, park and open space, and senior activity center.~~
- ~~3. Pedestrian access to banking, churches, hospitals, and restaurants.~~
- ~~4. Quality of project as a living environment for residents.~~
- ~~5. Minimizing impact on the surrounding area.~~

~~An applicant shall submit materials and the Planning Commission shall attach conditions that will ensure that the special nature of the housing, and the groups to be served, are clearly defined and maintained in perpetuity. A project is required to meet the definition for this type of housing in Section [19.201](#).~~

#### ~~HG. Vacation Rentals~~

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## CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

### 19.1104.1 Administration and Approval Process

<b>Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes</b>		
<b>County Zoning Designation</b>	<b>Assigned City Zoning Designation</b>	<b>Assigned Comprehensive Plan Land Use Designation</b>
R-20	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-15	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-10	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-8.5	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-7	R-MD	<del>Low</del> <u>Moderate</u> density residential
MR1	R-2	<del>Medium</del> <u>High</u> density residential
MR2	R-2	<del>Medium</del> <u>High</u> density residential

**19.910.3 Manufactured Dwelling Parks**

**D. Development Requirements**

All manufactured dwelling parks shall meet the following minimum requirements:

1. The minimum size of a manufactured dwelling park shall be 2 1 acres.

**Clean Amendments****Title 14 Signs****14.040.030 Definitions**

“Residential zones” means the R-MD, R-3, R-2, and R-1-B Residential Zones as defined in the Zoning Ordinance.

**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:

<b>Table 19.107.1 Classification of Zones</b>	
<b>Zone Description</b>	<b>Abbreviated Description</b>
<b>Base Zones</b>	
Residential	R-MD
Residential	R-3
Residential	R-2
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 Mixed Use	MUTSA
General Mixed Use	GMU
North Milwaukie Employment	NME
Neighborhood Mixed Use	NMU
<b>Overlay Zones</b>	
Willamette Greenway	WG



Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F

**CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS**

**19.201 DEFINITIONS**

Office:

“Production-related office” means offices that are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers; and medical and dental labs.

“Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations, including government, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

Residential Uses and Structures:

“Adult foster/care homes” means a dwelling unit operated to provide a permanent residence and licensed care for up to five people who are elderly, disabled, handicapped, or otherwise require such a residence.

“Single room occupancy housing (SRO)” means a building wherein five (5) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). SRO developments are designed to be occupied by long-term residents on a monthly or longer basis. SRO developments are permitted outright in all residential zones that permit multi-unit development. In each case, density standards of the zone shall determine number of units allowed.

“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. Residential care facilities are considered a type of multi-unit development.

“Residential care facility” means a licensed living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to assisted living facilities, nursing facilities, and memory care facilities.

“Temporary or transitional facility” means a facility which ~~may~~ provides temporary or transitional services to families or individuals, including lodging where the average stay is 60 days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers, and detention and detoxification facilities.

**CHAPTER 300 BASE ZONES**

**19.301 MODERATE DENSITY RESIDENTIAL ZONES**

<b>Table 19.301.2 Moderate Density Residential Uses Allowed</b>		
<b>Use</b>	<b>R-MD</b>	<b>Standards/Additional Provisions</b>
<b>Residential Uses</b>		
Single detached dwelling	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Duplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Triplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Quadplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Townhouse	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.5</b> Standards for Townhouses
Cottage Cluster	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.4</b> Cottage Cluster Housing
Adult foster/care home	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	<b>Subsection 19.910.1</b> Accessory Dwelling Units
Manufactured dwelling park	III	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks.
Residential care facility	<u>CSU</u>	<b>Subsection 19.904.8</b> Specific Standards for Residential

Examples include: <i>assisted living, nursing facilities, and memory care communities</i>		Care Facilities
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**19.302 HIGH DENSITY RESIDENTIAL ZONES**

The high density residential zones are Residential Zone R-3, Residential Zone R-2, and Residential-Business Office Zone R-1B. 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.

<b>Table 19.302.2 High Density Residential Uses Allowed</b>				
Use	R-3	R-2	R-1-B	Standards/ Additional Provisions
<b>Residential Uses</b>				
Use	R-3	R-2	R-1-B	Standards/ Additional Provisions
Single detached dwelling	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Duplex	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Triplex	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Quadplex	P	P	P	<b>Subsection 19.505.1</b> Single

				Detached and Middle Housing Residential Development
Adult foster/care home	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	P	P	<b>Subsection 19.910.1</b> Accessory Dwelling Units
Manufactured dwelling park	III	N	N	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks
Townhouse	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.5</b> Standards for Townhouses
Cottage cluster	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.4</b> Cottage Cluster Housing
Multi-unit Housing	CU P	P	P	<b>Subsection 19.505.3</b> Multi-Unit Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Single room occupancy housing	CU P	P	P	<b>Subsection 19.505.3</b> Multi-Unit Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Residential Care Facility  Examples include: assisted living, nursing facilities, and memory care communities	P	P	P	<b>Subsection 19.505.3</b> Multi-Unit Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Office: Production-related office and Professional and administrative office	L	L	P	<b>Subsection 19.302.3</b> Use Limitations and Restrictions
Personal/Business Services	L	L	P	
Hotel or motel	CU	CU	CU	<b>Section 19.905</b> Conditional Uses

Bed and breakfast or vacation rental	CU	CU	CU	<b>Section 19.905</b> Conditional Uses
Accessory use	P	P	P	<b>Section 19.503</b> Accessory Uses
Agricultural or horticultural use	P	P	P	<b>Subsection 19.302.3</b> Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	<b>Section 19.904</b> Community Service Uses
Home occupation	P	P	P	<b>Section 19.507</b> Home Occupation Standards
Short-term rental	P	P	P	<b>Section 19.507</b> Home Occupation Standards

**19.302.3 Use Limitations and Restrictions**

B. Office uses allowed in the high density zones 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. Office and personal service uses in the R-3 and R-2 zones are permitted provided the floor area does not exceed 2,000 sq ft.

<b>Table 19.302.4</b>				
<b>High Density Residential Development Standards</b>				
Standard	R-3	R-2	R-1-B	Standards/ Additional Provisions
<b>A. Lot Standards</b>				
Minimum lot size (sq ft)		1,500		<b>Subsection 19.501.1</b> Lot Size Exceptions  <b>Subsection 19.505.4</b> Cottage Cluster Housing  <b>Subsection 19.505.5</b> Townhouses
Minimum lot width (ft)		20		
Minimum lot depth (ft)		70		
Minimum street frontage				

requirements (ft)	20	
Townhouse	35	
Standard lot	25	
Flag lot	25	
Double flag lot		
<b>B. Development Standards</b>		
Minimum yard requirements for primary structures (ft)	20	
Front yard	See Subsection 19.302.5.A	
Side yard	15	
Street side yard	15	
Rear yard		
Maximum building height for primary structures	35 ft	45 ft
		<p><b>Subsection 19.302.5.E</b> Height Exceptions</p> <p><b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions</p> <p><b>Subsection 19.302.5.I</b> Transition Measures</p>

**Table 19.302.4 CONTINUED**

**High Density Residential Development Standards**

Standard				Standards/ Additional Provisions
	R-3	R-2	R-1B	
Side yard height plane limit				<b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions
Height above ground at minimum required side yard depth (ft)	20	25	25	
Slope of plane (degrees)	45	45	45	

Maximum lot coverage (percent of total lot area)	40%	45%	50%	<b>Section 19.201</b> “Lot coverage” definition
Minimum vegetation (percent of total lot area)	35%	15%	15%	<b>Subsection 19.504.7</b> Minimum Vegetation  <b>Subsection 19.302.5.D</b> Front Yard Minimum Vegetation  <b>Subsection 19.302.5.C</b> Minimum Vegetation
<b>C. Other Standards</b>				
Density requirements (dwelling units per acre)				<b>Subsection 19.202.4</b> Density Calculations
Minimum	11.6	25.0	25.0	<b>Subsection 19.302.5.F</b> Residential Densities
Maximum <sup>2, 3</sup>	14.5	32.0	32.0	<b>Subsection 19.501.4</b> Density Exceptions

<sup>3</sup> The density for single room occupancy (SRO) developments is calculated as follows: four SRO rooms equal one dwelling unit.

**19.302.4 Development Standards**

In the high density residential zones, 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 in a cottage cluster
- Between 3,000 to 4,999 sq ft: Duplex, Triplex, and Quadplex.
- Between 5,000 to 6,999 sq ft: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, and Quadplex.<sup>1</sup>
- 7,000 sq ft and up: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster, Multi-Unit Housing.

All other uses require a minimum lot size of 5,000 sq ft.

**19.302.5 Additional Development Standards**

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 single detached dwelling or accessory dwelling units are exempt from the minimum and maximum density requirements. Middle housing, except for townhouses, is exempt from 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.

**19.303 COMMERCIAL MIXED-USE ZONES**

Table 19.303.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
<b>Residential</b>			
Single-family detached	N	CU	<b>Subsection 19.505.1</b> Single Family Dwellings <b>Section 19.905</b> Conditional Uses
Rowhouse <sup>1</sup>	P	CU	<b>Subsection 19.505.5</b> Rowhouses
Multi-unit Housing	P	CU	<b>Subsection 19.505.3</b> Multi-unit Housing
Cottage cluster housing	P	CU	<b>Subsection 19.505.4</b> Cottage Cluster Housing
Mixed use <sup>2</sup>	P	P	<b>Subsection 19.505.7</b> Nonresidential Development
Live/work units	P	P	<b>Subsection 19.505.6</b> Live/Work Units
Production-related office	P	P	<b>Subsection 19.303.6.C</b> Marijuana testing and research facilities
Professional and administrative office			
Commercial lodging.	P	P	



Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.			
Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments.			

**19.304 DOWNTOWN ZONES**

Table 19.304.2			
Uses Allowed in Downtown Zones			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
<b>Residential</b>			
Single room occupancy housing	P	N	<b>Subsection 19.505.3</b> Multi-unit Housing
Rowhouse	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations  <b>Subsection 19.505.5</b> Rowhouses
<u>Multi-unit Housing</u>	P	N	<b>Figure 19.304-2</b> Ground-Floor Residential Permitted  <b>Subsection 19.304.3.A.1</b> Downtown residential use limitations  <b>Subsection 19.505.3</b> <u>Multi-unit Housing</u>
Live/work units	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations  <b>Subsection 19.505.6</b> Live/Work Units
Second-story housing	P	N	<b>Section 19.508</b> Downtown Site and Building Design Standards
Commercial lodging  Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1	P/CU	N	<b>Section 19.905</b> Conditional Uses (for vacation rentals only)

month.  Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments.			
Production-related office	P/CU	N	<p><b>Subsection 19.304.3.A.2</b> Main St limitations</p> <p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Subsection 19.509.2</b> Security and odor control for certain marijuana business</p> <p><b>Section 19.905</b> Conditional Uses</p> <p>Note: Production, processing, packaging, and assembly uses must meet the standards listed below under Manufacturing.</p>
Professional and Administrative Office	P/CU	N	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Section 19.905</b> Conditional Uses</p>

**19.304.5 Detailed Development Standards**

J. Residential Density

1. Intent

There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied to residential development in the DMU Zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.

2. Standards

- a. Minimum densities for rowhouses and live/work units shall be 10 units per acre.

- b. Minimum densities for stand-alone multifamily dwellings in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.
- 

## **19.306 LIMITED COMMERCIAL ZONE C-L**

### 19.306.2 Conditional Uses and Community Service Uses Permitted

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section [19.905](#):

- A. Funeral home;
- B. Marina and boat sales;
- C. Parking facility;
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- E. Financial institution;
- F. Trade or commercial school;
- G. Single- unit detached dwelling;
- H. Agricultural or horticultural use, provided that poultry or 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. Marijuana production is not permitted as an agricultural use;
- I. Middle housing or multi-unit housing;
- J. Adult foster/care home;

In a C-L Zone the following community service uses and their accessory uses are permitted subject to the provisions of Section [19.904](#):

- A. Residential care facility
-

**19.307 GENERAL COMMERCIAL ZONE C-G**

In a C-G Zone the following regulations shall apply:

**19.307.1 Uses Permitted Outright**

In a C-G Zone the following uses and their accessory uses are permitted outright:

- A. Production-related office;
- B. Professional and administrative office;

**19.312 NORTH MILWAUKIE INNOVATION AREA**

Table 19.312.2			
Uses Allowed in the North Milwaukie Innovation Area			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<b>Commercial</b>			
Office	P	P	
1. Production-related office			
2. Professional and Administrative Office	L	L	<b>Subsection 19.312.4.A</b> Standards for Limited Uses

**CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS**

**19.505 BUILDING DESIGN STANDARDS**

**19.505.3 Multi-unit Housing**

**B. Applicability**

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multi-unit developments and residential care facilities 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.

1. All new multi-unit or residential care facilities is subject to the design elements in this subsection.

**C. Review Process**

Two possible review processes are available for review of multi-unit or residential care facilities: 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.

**D. Design Guidelines and Standards**

Applicable guidelines and standards for multi-unit and residential care facilities are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

**CHAPTER 19.600 OFF-STREET PARKING**

**19.605 VEHICLE PARKING QUANTITY REQUIREMENTS**

<b>Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Minimum Required</b>	<b>Maximum Allowed</b>
<b>A. Residential Uses</b>		
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 <sup>1</sup>		
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. Townhouses <sup>2</sup>	0	1 space per dwelling unit
e. Cottage Clusters	0.5 spaces per dwelling unit	1 space per dwelling unit
4. Adult foster/care 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.
<b>B. Community Service and Other Public Uses</b>		
7. Residential care facilities	1 space per 4 beds.	1 space per 3 beds.

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**CHAPTER 19.900 LAND USE APPLICATIONS**

**19.904 COMMUNITY SERVICE USES**

A. Institutions—Public/Private and Other Public Facilities

1. Schools, public or private, and their accompanying sports facilities, day-care centers, private kindergartens;
2. Government office buildings for local, state, or federal government such as a City hall, courthouse, police station, or other similar buildings;
3. Hospital;
4. Cemetery;
5. Residential care facility;

**19.904.10 Standards for Wireless Communications Facilities**

C. Application Process

3. Type II Review

Placement, construction, or modification of WCFs not involving the construction of a new monopole, other than those activities described in Subsection 19.904.4410.C.1, are subject to Section 19.1005 Type II Review, provided that the antennas and base equipment comply with the standards contained in this subsection. Also see Table 19.904.4410.C.

4. Type III Review

All proposed new monopole towers, and projects exceeding the applicability for Type II review, are subject to Section 19.1006 Type III Review. Also see Table 19.904.10.C.

<b>Table 19.904.10.C Wireless Communication Facilities—Type and Review Process</b>				
<b>Towers</b>		<b>WCFs Not Involving New Tower</b>		
<b>Zones</b>	<b>New Monopole Tower up to 100 Ft</b>	<b>Building Rooftop or Wall Mounted Antenna</b>	<b>Water Towers, Existing Towers, and Other Stealth Designs</b>	<b>On Existing Utility Pole in Row with or w/out Extensions</b>
BI	III	P/I/II	P/I/II	P/I/II
M	III	P/I/II	P/I/II	P/I/II
M-TSA	III	P/I/II	P/I/II	P/I/II
C-N	N	P/I/II	P/I/II	P/I/II
C-G	N	P/I/II	P/I/II	P/I/II
C-L	N	P/I/II	P/I/II	P/I/II
C-CS	N	P/I/II	P/I/II	P/I/II
OS	N	P/I/II	P/I/II	P/I/II
DMU	N	P/I/II	P/I/II	P/I/II
GMU	N	P/I/II	P/I/II	P/I/II
NMU	N	P/I/II	P/I/II	P/I/II
R-1-B	N	P/I/II	P/I/II	P/I/II
R-2	N	N	P/I/II	P/I/II
R-3	N	N	P/I/II	P/I/II
R-MD	N	N	P/I/II	P/I/II

F. Location and Size Restrictions

1. Separation for New Monopole Towers

New monopole towers may not be constructed within 1,500 ft of any preexisting tower. The Planning Commission has the authority to approve a reduction in the minimum separation requirement to not less than 1,000 ft, provided that the applicant can demonstrate the need to the satisfaction of the Planning Commission, for the distance reduction. A tower shall include any preexisting tower or any tower for which the City has issued a building permit, or for which a land use application has been filed and not denied. This distance shall be measured in a straight line from the base of the existing tower to the base of the proposed tower.

2. Height: maximum heights. Also see Table 19.904.10.C.

d. For antennas on utility poles in the right-of-way, one 15-ft extension is permitted to the original installation by the owner. The carrier may replace the existing pole with a new utility pole not to exceed 15 ft above the height of the pole that is to be replaced. Equipment cabinets shall be attached to the utility pole. Where this is not practicable, the base equipment shall be subject to requirements of Subsection 19.904.10.G.1.b.

G. Development Standards for All WCFs

1. Setbacks and Equipment Cabinets

a. Setbacks for new monopole towers and equipment cabinets shall be established from the property line and not the leased area. Regardless of the zone, the setbacks shall be as follows:

(5) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.10.G.6 Landscaping and Fencing Requirements.

b. For antennas placed on existing utility pole and other support structures located in the right-of-way, the equipment cabinet shall be located on the utility pole to the greatest extent.

(3) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.10.G.6 Landscaping and Fencing Requirements.

c. Equipment cabinets for water towers, “stealth” designs or other antenna support structures not covered by the previous subsections.

(2) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.10.G.6 Landscaping and Fencing Requirements.

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**19.905 CONDITIONAL USES**

19.905.9 Standards Governing Conditional Uses

G. Vacation Rentals

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**CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES**

**19.1104.1 Administration and Approval Process**

<b>Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes</b>		
<b>County Zoning Designation</b>	<b>Assigned City Zoning Designation</b>	<b>Assigned Comprehensive Plan Land Use Designation</b>
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

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

















**19.910.3 Manufactured Dwelling Parks**

D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

1. The minimum size of a manufactured dwelling park shall be 1 acre.

## 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-B
-  R-2
-  R-3



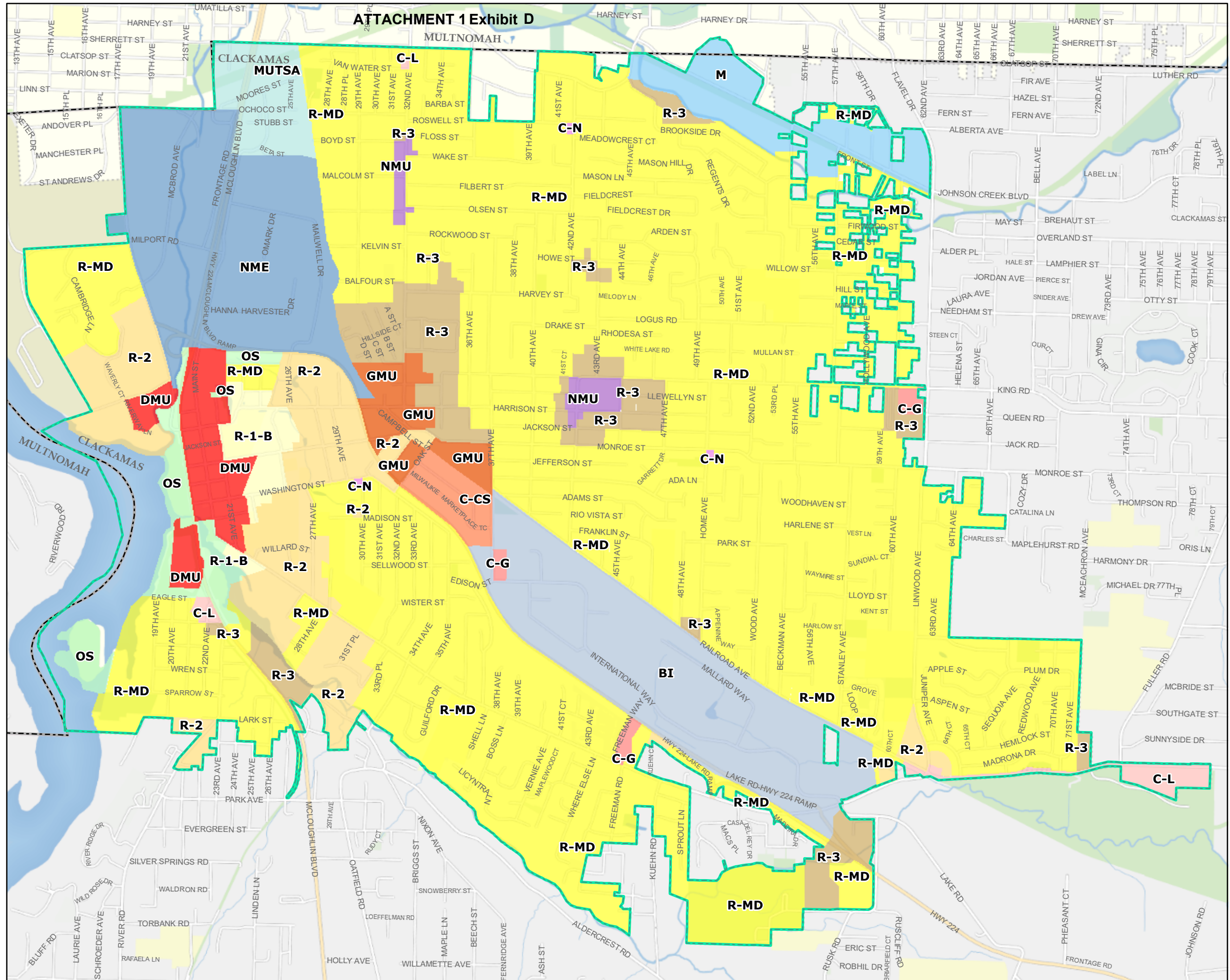
Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

Date: Monday, August 22, 2022

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.

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City of Milwaukie  
6101 SE Johnson Creek Blvd.  
Milwaukie, OR 97206  
(503) 786-7687

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# CITY OF MILWAUKIE

**To:** Planning Commission

**Through:** Laura Weigel, Planning Manager

**From:** Brett Kelter, Senior Planner, and  
Adam Heroux, Associate Planner

**Date:** September 20, 2022, for September 27, 2022, Work Session

**Subject:** Requirements for EV Charging

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## ACTION REQUESTED

None. Staff is briefing the Planning Commission on changes to state law regarding infrastructure for electric vehicle (EV) charging, in advance of corresponding amendments to the zoning code.

## BACKGROUND INFORMATION

### Changes to State Law

Over the last year, the state government has taken several actions toward expanding EV-ready infrastructure in Oregon. This report details the implications of two of these efforts:

- 1) Oregon House Bill 2180 ([HB 2180](#)), which passed in May 2021; and
- 2) Oregon Administrative Rule ([OAR 660-12-0410](#)), which emerged from the Climate-Friendly and Equitable Communities (CFEC) rulemaking process.

**HB 2180** – In May 2021, the Oregon Legislature enacted HB 2180, requiring that all newly constructed buildings include EV-capable electrical service capacity<sup>1</sup> at no less than 20% of the vehicle parking spaces in the garage or parking area. Effective as of July 1, 2022, these new state building code requirements apply to commercial buildings as well as multifamily and mixed-use buildings with five or more dwelling units. These requirements are implemented by the building department as a part of the building permit process. In general, jurisdictions are not allowed to exceed requirements of the base building code in the state of Oregon, and specific code language is required in the state building code to allow jurisdictions to establish requirements that exceed base code requirements. HB 2180, codified in [ORS 455.417](#), includes

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<sup>1</sup> This means that enough electrical capacity is installed to support future EV charging, including the installation of a conduit system labeled for EV charging that extends from the building's electrical service.

an exception allowing jurisdictions to require a higher percentage of EV-capable parking spaces than the base state building code. HB 2180 and the resulting changes to the building code specific to EV charging create an opportunity for the city to explore expanded EV-charging requirements that better reflect the adopted climate goals and policies in the Climate Action Plan and Comprehensive Plan.

**Climate-Friendly & Equitable Communities (OAR 660-12-0410)** – On March 10, 2020, Governor Kate Brown issued [Executive Order 20-04](#), directing state agencies to reduce climate pollution. In response, the Land Conservation and Development Commission (LCDC) initiated an update to Oregon's Transportation Planning administrative rules in September 2020. The new rules, adopted in May 2022, apply in Oregon's eight urban areas with populations over 50,000 people, including the Portland Metro region. **OAR 660-12-0410** expands requirements for EV-capable (level 2) infrastructure (Table 2) by an additional 20% beyond the 20% HB 2180 requires in the building code. Combined, these rules require new mixed use and multifamily buildings with five or more units to provide EV-capable (level 2) infrastructure serving no less than 40% of parking spaces.

Table 1 summarizes and compares aspects of these two new legal requirements.

<b>Table 1 New State Requirements for EV-capable infrastructure</b>		
	<b>HB 2180 (ORS 455.417)</b>	<b>CFEC (OAR 660-12-0410)</b>
<b>Amends the State Building Code</b>	<b>Yes</b>	<b>No</b>
<b>Mandates amendments to Milwaukie city code</b>	<b>No</b>	<b>Yes</b>
<b>Applies to Mixed Use &amp; Multifamily Buildings with 5+ units</b>	<b>Yes</b>	<b>Yes</b>
<b>Applies to Commercial Buildings</b>	<b>Yes</b>	<b>No</b>
<b>Applies only to new construction</b>	<b>Yes</b>	<b>Yes</b>
<b>Requires EV-capable parking spaces that can support level 2 chargers</b>	<b>Yes (20%)</b>	<b>Yes, (40%)</b>
<b>Effective date</b>	<b>07/01/2022</b>	<b>03/31/2023</b>

### **Service Capacity and Types of Charging Stations**

Interest groups and federal agencies share some common definitions for different levels of electrical service capacity. These new state requirements focus on EV-capable spaces to accommodate level 2 chargers.

Tables 2 and 3 compare the various levels of service capacity and charging type.







Table 2 Levels of EV Charging*		
Level 1	Level 2	Level 3 (aka DC Fast Charging)
 <ul style="list-style-type: none"> <li>• Great for overnight charging</li> <li>• Plug into a typical grounded outlet</li> <li>• All you need is the charging cable that comes with your car</li> </ul>	 <ul style="list-style-type: none"> <li>• Uses 240-volt outlet (dedicated EV-charging)</li> <li>• Ideal for all-electric car charging at home, at work, or on the road</li> <li>• Recharge in just a few hours</li> </ul>	 <ul style="list-style-type: none"> <li>• Recharge in less than an hour</li> <li>• Plug shape matters:                             <ol style="list-style-type: none"> <li>1) CHAdeMO standard for Japanese and Korean cars</li> <li>2) CCS Combo standard for most American and European cars</li> <li>3) Tesla (unique plug shape)</li> </ol> </li> </ul>
<p>* These definitions were sourced from Forth, a nonprofit working to “electrify transportation by bringing people together to create solutions that reduce pollution and barriers to access.”</p>		

Table 3 Spectrum of EV Charging Infrastructure	
<h3>EV Capable</h3>	
 <p>Enough electrical capacity is installed—or space is reserved at the panel—to support future EV charging spots. Additionally, a conduit system labeled for EV charging is installed from the building electrical service, or from the dedicated space or location for a future electrical service.</p>	
<h3>EV Ready</h3>	<h3>EV Installed</h3>
 <p>EV-capable requirements are met, in addition to wiring &amp; junction box or 240-volt outlet (like for a clothes dryer).</p>	 <p>All EV-capable and EV-ready requirements are met, plus an actual EV charging station is installed.</p>

## **OPTIONS FOR COMPLIANCE WITH THE NEW RULES**

### **Achieving minimum compliance**

As noted above in Table 1, the changes required by HB 2180 are implemented through the state building code, so it was not necessary to amend the City's zoning code by July 1, 2022, to be compliant with HB 2180. This requires that 20% of parking spaces must be EV-ready (level 2) for new commercial development and for new mixed-use or multi-unit residential development with five or more residential units.

The CFEC rule requires adoption of the HB 2180 requirements into the zoning code, though only for new mixed-use and multi-unit buildings with five or more residential units and not for new commercial buildings. The CFEC rule requires an additional 20% of parking spaces be EV-ready (level 2), for a total of 40% when combined with HB 2180.

### **Exceeding minimum compliance**

Since HB 2180 gives cities the authority to exceed the state building code requirements of 20% EV-capable parking spaces for multifamily, mixed-use, and commercial buildings, it is worth considering whether to have Milwaukie's code require more than the minimum. Important considerations are (1) the city's goals and policies for climate action, housing, and economic development; and (2) understanding the pros and cons of going beyond the minimum state requirements. Jurisdictions wishing to go beyond these building code requirements—for instance, requiring installed chargers—would need to follow the local amendment process established by [OAR 455.040](#) and detailed by [OAR 918-020-0370](#).

Staff discussed these EV-charging requirements in a work session with City Council on August 16, and Council indicated support for going well beyond the minimum requirements of the rules. Council directed staff to develop compliance options that would provide opportunities for EV charger installation. Council suggested requiring that up to 100% of parking spaces be made EV-capable, with the option of meeting a reduced EV-capable requirement if the applicant includes a smaller percentage of installed EV chargers. Council expressed support for utilizing this approach for both multi-unit residential and commercial developments.

Table 4 below outlines several compliance options for the Planning Commission to consider. Scenario 1 represents the minimum requirements and is included for comparison's sake. Scenarios 2 and 3 provide increased EV-capable requirements for commercial and residential developments, with the option to meet a reduced standard if a percentage of spaces provided include an installed EV charger. Installed chargers count toward the EV-capable requirement.

<b>Table 4 Total EV-Capable Spaces Created and EV Chargers Installed by Compliance Scenarios</b>																					
Scenarios		Commercial		Spaces Created with EV infrastructure								Residential		Spaces Created w EV infrastructure							
				(Parking Lot Size)										(Parking Lot Size)							
				2	6	10	15	25	50	75	100			2	6	10	15	25	50	75	100
Scenario 1 Minimum Compliance	Option A	% EV capable	20%	1	2	2	3	5	10	15	20	% EV capable	40%	1	3	4	6	10	20	30	40
Scenario 2 Expanded Minimum Compliance (Choose A or B)	Option A	% EV capable	40%	1	3	4	6	10	20	30	40	% EV capable	80%	2	5	8	12	20	40	60	80
	Option B	% EV capable	20%	1	2	2	3	5	10	15	20	% EV capable	40%	1	3	4	6	10	20	30	40
		% Chargers	5%	1	1	1	1	2	3	4	5	% Chargers	10%	1	1	1	2	3	5	8	10
Scenario 3 Expanded Compliance (Choose A or B)	Option A	% EV capable	50%	1	3	5	8	13	25	38	50	% EV capable	100%	2	6	10	15	25	50	75	100
	Option B	% EV capable	30%	1	2	3	5	8	15	23	30	% EV capable	50%	1	3	5	8	13	25	38	50
		% Chargers	10%	1	1	1	2	3	5	8	10	% Chargers	15%	1	1	2	3	4	8	12	15
Note: Spaces with an installed charger count toward the EV capable requirements.												100% EV-capable spaces									
												75-99.99% EV-capable spaces									
												50-74.99% EV-capable spaces									

## **ADDITIONAL ANALYSIS**

### **Equity**

A primary intent of the new rules is to improve access to EV charging infrastructure for renters. Access to charging is a major factor in deciding whether to buy an EV. More than 80% of EV charging occurs at home, yet renters often lack the access to an EV charger or an electrical outlet close to parking that is capable of providing charging services for sufficient amounts of time. In the US, homeowners are three times more likely than renters to own an EV. Some barriers for renters include a lack of off-street parking, high cost of charging installations, and unwillingness of apartment-building owners to install charging infrastructure. Given that renters move more often than homeowners, lack of charging access could negatively affect housing choice for renters who are EV owners. These new requirements eliminate some costly barriers to charging station installation, ensuring increased access to EV charging for Milwaukie renters residing at future multi-unit developments.

Milwaukie's Climate Action Plan also includes several strategies meant to increase access to EVs and EV charging infrastructure. Installing charging infrastructure at time of development is much cheaper than the cost of retrofits if charging infrastructure is pursued post-development. While development requirements imposed on new construction can create increased rent pressures, an economic study commissioned for Portland's EV-ready code project estimated that their proposed changes would contribute to an increase in rents of less than 1%.

### **Climate Impacts**

Milwaukie's 2018 Climate Action Plan (CAP) includes EV-ready zoning regulations as a priority mitigation strategy for transportation emissions. While alternative transportation methods including bikes and pedestrian transportation can provide greater emission reduction potentials, automobiles are expected to remain a significant part of our transportation mix over the lifespan of the CAP. EVs as a form of vehicle transportation provide an opportunity to reduce local emissions from transportation, though their lifecycle emission reduction potential is dependent upon use of carbon free electricity for charging. Recent initiatives from the city including efforts to create a new, more affordable voluntary carbon-free electricity product for the community and promotion of rooftop solar would increase the availability of carbon-free electricity for EV charging and could lower Milwaukie's transportation emissions with community utilization.

Conduit installation during construction is critical for achieving Oregon's state goal that more than 90% of new vehicles are EVs by 2035, especially given that buildings typically have 80- to 100-year lifespans. The CAP also proposes that the City create: 1) a program to install EV charging infrastructure at multi-unit housing complexes and 2) incentives for workplace EV charging.



## STAFF RECOMMENDATION

Staff recommends that the Commission weigh the benefits and drawbacks to the proposed scenarios and ultimately choose to endorse Scenario 2 or Scenario 3. These scenarios were developed to meet criteria outlined by Council in its August 16 work session and would benefit from any modifications that the Commission believes will strengthen the impact of the code changes. An initial draft of the proposed code amendments is provided in Attachment 1.

## ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Public Copies	E-Packet
1. Proposed Code Amendments for EV Charging Infrastructure (draft)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Public Copies = materials posted online to application website (<https://www.milwaukieoregon.gov/planning/za-2022-006>).

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-104>.

## Proposed Code Amendments for EV Charging Infrastructure

### Milwaukie Municipal Code (MMC) Section 19.605 – Vehicle Parking Quantity Requirements

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Subsection 19.605.5 details requirements for installing electric vehicle (EV) charging infrastructure in multi-unit, mixed-use, commercial, and industrial developments. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

~~Nonresidential development in the Downtown Mixed Use (DMU) and Open Space (OS) Zones is exempt from the requirements of Section 19.605.~~

### MMC Subsection 19.605.5 Electric Vehicle (EV) Charging Requirements

A. Required EV charging spaces. All uses that are commercial, industrial, multi-unit with 5 or more units, or mixed use with 5 or more units must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required electric vehicle charging spaces.

1. Commercial and Industrial Parking. For Commercial and Industrial uses that provide parking, choose one of the following:
  - a) At least 50 percent of the total number of parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger.  
**OR**
  - b) At least 20 percent of the total number of parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5 percent of parking spaces must include an installed Level 2 or Level 3 EV charger. Installed chargers count toward the 20 percent requirement.
  
2. Multi-unit and Mixed-Use Residential Parking. For buildings with five or more dwelling units where parking spaces are provided, the following standards apply:
  - a) At least 80 percent of the spaces must include electrical conduit adjacent to the spaces that will allow for installation of at least a Level 2 electric vehicle charger.  
**OR**
  - b) At least 40 percent of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for installation of at least a Level 2 electric vehicle charger. At least 10 percent of parking spaces must include an installed Level 2 or Level 3 electric vehicle charger. Installed chargers count toward the 40 percent requirement.



# CITY OF MILWAUKIE

**To:** Planning Commission  
**Through:** Laura Weigel, Planning Manager  
**From:** Brett Kelper, Senior Planner  
**Date:** September 20, 2022, for September 27, 2022, Work Session  
**Subject:** Code Amendments for Downtown Design Review

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## **ACTION REQUESTED**

None. Staff is briefing the Planning Commission on proposed amendments to the zoning code regarding the downtown design review process.

## **BACKGROUND INFORMATION**

The work session set for August 23 was postponed. At the August 9 work session, staff provided the Planning Commission with an orientation to the downtown design review code amendment project, which the Design and Landmarks Committee (DLC) has been working on since 2016. The effort has been focused on reorganizing the existing code to eliminate gaps and make the review process clearer for the applicant, staff, and review bodies. Although a substantial number of changes are proposed, including the repeal of the separate Downtown Design Guidelines document, the effort is not creating a wholesale new design palette for downtown, it is more of a realignment of existing design principles.

The DLC has spent countless hours discussing and debating whether to adjust specific numerical standards and how to organize the collection of design elements that are in the current code. Staff's recommendation is for the Planning Commission to focus its review and discussion on the bigger-picture issues and specific questions that the DLC and staff have identified.

## **Follow-up on Discussion Items from August 9 Work Session**

The following issues were discussed at the August 9 meeting and warranted some follow-up:

- **Review types for residential-only and other new buildings**

Two key recommendations from staff and the DLC involve the level of review for new buildings downtown.

(1) For residential-only buildings, the recommendation is to remove the option to address the more general multifamily standards and guidelines in Milwaukie Municipal Code

(MMC) Subsection 19.505.3 and instead require them to adhere to the same design standards and guidelines as all other new buildings downtown. There would be two review tracks—Type I (clear and objective) and Type III (discretionary). It appears that the primary reason multifamily buildings were afforded so many options for review in the current code is that state law requires that residential-only developments have access to a clear and objective review, and the current code requires other new buildings downtown to go through at least Type II review, which is not considered clear and objective.

(2) With the proposal to ensure that a sufficiently robust set of design elements has well aligned guidelines, there will be greater clarity in the downtown design review process. It seems reasonable to understand that when any proposed new building (residential-only, mixed-use, or nonresidential) meets the applicable design standards, it should be reviewed and approved with administrative (Type I) review instead of being subjected to a Type II process with even limited discretion. Therefore, the recommendation is that all new buildings should have the option for either Type I or Type III review.

- **Public notice and NDA involvement for new buildings**

Downtown serves as the living room for the entire community, and new downtown buildings are understandably something that the public wants to be informed about. Projects going through Type III review include a public notice component. Staff has suggested that Type I review for new buildings downtown could include some form of public notice, but with no opportunity for comment or discretion, since the project meets the clear and objective standards.

At the August 9 work session, the Commission expressed interest in the idea of requiring the developer to meet with the Historic Milwaukie Neighborhood District Association (NDA) before an application for a new downtown building is submitted. This would allow an opportunity for the NDA to make suggestions and have a dialogue that might influence the design before it is set in stone.

Internal discussions with staff, including the Equity Manager and the City Attorney confirmed that introducing a requirement for a pre-submittal meeting with the NDA raises concerns that need more in-depth discussion on a larger scale. It would introduce an element of discretion from a body whose membership is not appointed by City Council and that does not have as formal a hearing process as the DLC or Planning Commission. It also raises questions about equity, since applicants can vary greatly in their experience, organizational scale, resources, etc., and so may be treated and/or influenced by the NDA differently. Likewise, the NDA membership and meeting participation may vary in its representation of the diversity of the larger community.

The spirit of the Planning Commission's suggestion is understood, but the challenge of finding ways to give the larger public a chance to hear about and influence proposals earlier in the process is one that demands careful consideration, and not just for downtown projects. If the Planning Commission would like to recommend additional NDA involvement to Council, staff will include that recommendation with its report to Council.

- **Step back question**

One question that staff presented on August 9 had to do with the requirement that the upper stories above the base maximum height be stepped back at least 6 ft. The Axletree, Henley Place, and Coho Point buildings all went through discretionary review rather than meet the step back requirement, citing concerns over losing additional floor area and units. The Dogwood Station building was reviewed as a multifamily development and was not subject to the step back standard. All four buildings have been approved without providing a step back, raising the question of whether the requirement might unnecessarily push projects into Type III review.

The DLC developed an alternative for the Planning Commission and City Council to consider—requiring a 6-ft step back on only 50% of the façade above the base maximum height, in sections at least 20 ft long. The DLC viewed this alternative as a compromise between the current step back requirement and removing it entirely, but it is not clear whether the alternative would be an improvement. Based on the recent developments downtown, building massing has not proven to be controversial. Other design standards, including those related to façade articulation, roofline transitions, and transparency have so far worked successfully to address concerns about building massing and engagement of the pedestrian realm.

A commissioner suggested asking the public the question related to step back options, as building height was a topic when the bonus height allowance and step back requirement were adopted into the code. The specific suggestion was to use the Engage Milwaukie website to poll the public on the issue. Staff has considered this suggestion and believes that an online poll is not an appropriate tool for this question, as it is difficult to present graphically online and is architecturally technical in nature. The DLC was curious to see what the Planning Commission thinks about the issue, and staff believes a Commission-level discussion is currently preferable to a broader public engagement effort.

- **Eliminating design review for actions with no standards**

As discussed in the August 9 meeting, staff believes there is no logic in requiring downtown design review for three or four actions that have no corresponding downtown design standards to use as approval criteria. There are some triggers for downtown design review that are recommended for elimination, such as modifications to parking areas or to landscaping, where other parts of the code will still provide a form of review if necessary (including the variance option). For downtown fences, if the Commission believes they should be regulated, then it would be advisable to develop some standards that can serve as a basis for review and approval. Otherwise, the code will continue to require review without sufficient guidance for applicants, staff, or the decision maker(s).

- **Townhouse density**

As noted in the August 9 meeting, the recent changes to the residential zoning code for the Moderate Density Residential (R-MD) zone included an increase in the minimum density for townhouses, to 25 units per acre. The current standard for townhouses in the Downtown Mixed Use (DMU) zone is a minimum of 10 units. Staff recommends revising the DMU

standard to a minimum of 25 units per acre, as the DMU zone is expected to provide more density than the R-MD zone, not less.

- **Building height—feet, not stories**

The recent Dogwood Station project highlighted the discrepancy between the current code's use of both feet and number of stories to set the building height limit in the DMU. Although the proposed building met the maximum allowed height in feet, it had to go through the variance process because it went one story over. Staff has recommended eliminating the consideration of number of stories for building height, since feet are the truer measure of the actual height of a building.

A commissioner expressed concern about stories being an easier measure of height to visualize than the number of feet, and that eliminating stories from the code would make it more difficult for the public to have a sense for building scale. Staff agrees but notes that “stories” does not have to remain in the code to be used to describe a building in the staff report and other public information presented about a project. Maintaining two measures of building height in the code is problematic, and it is easy enough to describe a project in the publicly available materials using the number of stories.

- **Request for additional standards—public art, carbon neutral buildings, electric vehicle charging requirements**

Commissioner Hemer shared a list of three topics he would like to see introduced into the downtown design standards as requirements for new downtown buildings—for public art, carbon-neutral buildings, and electric vehicle charging.

Introducing public art as a standard is beyond the scope of this project, as it would need to be thoroughly researched, discussed, and vetted. Determining the parameters of what is art is highly discretionary and hard to quantify. (What is art? How big or how much art should be required? Etc.) The Planning Commission could recommend to City Council that this subject be taken up when time permits.

The DLC did discuss establishing some design standards related to sustainability but decided to defer that issue until a larger effort to develop green building standards for new buildings citywide could be undertaken. There are also some restrictions for zoning rules that aim to require more than the current building code. The current DMU code provides height-related incentives for green buildings but does not require them.

Finally, new statewide requirements for electric vehicle (EV) charging have recently come into effect and other rules are on the way in early 2023. These new rules relate to requiring that new commercial, mixed-use, and multifamily buildings ensure that a minimum number of the parking spaces provided have the capacity for EV charging. To be clear, that does not extend to requiring that actual EV chargers be installed, only to providing the most basic infrastructure (e.g., conduit, panel capacity, physical space) that will make it easier to install actual chargers in the future. Like the carbon-neutral issue discussed above, there are limitations on how far the city can go in requiring things that affect building code requirements (such as for electrical systems or green building elements). Staff is briefing

City Council on this issue at a work session on August 16—the commissioners are encouraged to view that session for more background.

Incentives for carbon-neutral building design and EV charging could be developed, but, as noted above, these are large subjects that are above and beyond the scope of this project.

## **ATTACHMENTS**

None