



CITY OF MILWAUKIE

AGENDA

February 28, 2023

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), 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. 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-110>) 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 January 24, 2023

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

7.0 Work Session Items

7.1 Variance code update

Summary: Package of proposed code amendments related to variances in multiple code sections.

Staff: Vera Koliass, Senior Planner

7.2 Parks Briefing

Summary: Update on Scott Park, Balfour Park, and Bowman-Brae Park Concept Plans

Staff: Adam Moore, Parks Development Coordinator

8.0 Planning Department/Planning Commission Other Business/Updates

9.0 Forecast for Future Meetings

March 14, 2023 Work session Items:

Draft Housing Production Strategy (LW/Consultant)

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.
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.
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 or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the city's YouTube channel and Comcast Channel 30 in city limits.

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

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

Milwaukie Planning Commission:

Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Aaron Carpenter
Amy Erdt
Joshua Freeman
Greg Hemer
Jacob Sherman

Planning Department Staff:

Laura Weigel, Planning Manager
Vera Kolias, Senior Planner
Brett Kelder, Senior Planner
Adam Heroux, Associate Planner
Ryan Dyar, Assistant Planner



PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

January 24, 2023

Present: Jacob Sherman, Chair
Joshua Freeman, Vice Chair
Aaron Carpenter
Amy Erdt
Greg Hemer

Staff: Justin Gericke, City Attorney
Brett Kelper, Senior Planner
Vera Kolias, Senior Planner
Laura Weigel, Planning Manager

Absent: Joseph Edge
Lauren Loosveldt

(00:05:24)

1.0 Call to Order — Procedural Matters*

Chair Sherman 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>.*

(00:07:05)

2.0 Planning Commission Minutes

No information was presented for this portion of the meeting.

(00:07:08)

3.0 Information Items

Planning Manager Laura Weigel informed the group that there are technical difficulties with the livestream.

(00:08:21)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:09:10)

5.0 Community Involvement Advisory Committee (CIAC)

Commissioner Hemer thanked all the NDA leaders and attendees for participating and being involved in the community.

(00:10:43)

6.0 Hearing Items

6.1 CU-2002-006, Conditional Use for a Vacation Rental in the R-MD Zone, Crystalyn Keating, (applicant's representative), 11611 SE 33rd Ave (Continued)

Senior Planner Vera Koliass announced the applicable sections of the Milwaukie Municipal Code (MMC): MMC19.301, MMC19.905 and MMC19.1006. **Chair Sherman** and **Commissioner Erdt** both noted that they were absent last hearing but that they have watched the video of the previous planning commission meeting and have reviewed all the materials. **Koliass** presented the staff report. **Koliass** gave an overview of the existing site. **Koliass** noted the property in question is zoned R-MD and is a single-unit dwelling built in 1967. **Koliass** defined a vacation rental and noted that vacation rentals are allowed in all residential zones as Conditional Use. **Koliass** reviewed the approval criteria and pointed out the three criteria that are most relevant to the application: (1) operations and physical characteristics of proposed use are reasonably compatible with nearby uses, (2) all identified impacts will be mitigated to extent practicable, (3) proposed use will not have unmitigated nuisance impacts greater than those usually generated by uses allowed outright. At this time **Koliass** summarized specifics to the proposal: no physical alterations are proposed, the rental will allow a maximum of 8 guests, management staff is nearby, decibel meters are present in the home to monitor noise during quiet hours, there are four off-street parking spaces provided and a rental agreement includes restrictions to mitigate potential nuisances in the neighborhood. (4) proposed use is consistent with applicable comprehensive plan policies. **Koliass** noted the impact of vacation rentals on housing within the city and that the city is monitoring and tracking how they are affecting the housing stock. **Koliass** noted the code does allow vacation rentals through this process; to date the city has approved 5 vacation rentals. **Koliass** specified the recommended conditions of approval 19.905.9.H.

- Prior to initial occupancy, the building official must verify that building code and fire code standards are satisfied.
- With annual filing of MMC Title 5 Business Tax, the operator must send a notice to neighbors within 300 ft.
- Record the Conditional Use with the county.

Koliass noted that a Conditional Use is not changed by ownership per code 19.905.6.D.

Commissioner Hemer asked if a new owner procures the property and applies for a business tax would they be required to send out notification to inform the public? **Koliass** responded yes. **Koliass** noted that staff received additional public comments since the last meeting. Of the comments submitted, most were generally about the policy allowing vacation rentals in the city. Staff noted that crime and things of that nature are policy items, not specific to the approval criteria.

Public Comments:

- Paul Hawkins, Lake Road NDA: No objections to the proposal.
- Patty & Julie Wisner, Wister St: Oppose the proposal
- Joan Egloff-Olson, 33rd Ave: Oppose the proposal

- Paul Olson, 33rd Ave: Oppose the proposal
- Stephen Thorpe, 33rd Ave: Oppose the proposal

Kolias stated that staff still recommends approval of the requested conditional use and to adopt the recommended Findings and Conditions of Approval. **Kolias** stated again that the City has five vacation rentals and that this would be the sixth. No complaints have been received about the existing vacation rentals in the city. The same code that has been applied to the other five vacation rentals is also applied here, there are no notable differences between those applications and this one that would warrant a different decision for this vacation rental. The applicant has submitted sufficient information showing compliance with the approval criteria. **Kolias** went over the decision options: (1) Approve the application, (2) approve the application with additional modifications, (3) continue the hearing, or (4) deny the application. The 120-day deadline for this application is April 4, 2023.

Weigel added that the testimonies had been forwarded to the planning commission prior to this meeting as well as copies of the letters. **Chair Sherman** added that in addition to the testimony on the slide, they also received two written letters from the public. **Sherman** noted that the conditional use being tied to the property for the properties existence is a policy discussion to have with City Council. **Kolias** said yes and that it would require a code amendment process. **Sherman** noted that there are several sentiments in the testimony in favor regarding the property no longer being vacant or overgrown, **Sherman** asked if there has ever been any code enforcement complaints. Staff was not aware of any. **City Attorney Justin Gericke** explained why the conditional use permit continues to live with a property once approved and stated that the use may change depending on who owns the property. **Commissioner Carpenter** asked what would be grounds for revoking the conditional use permit. **Kolias** explained that a change in use, loss of use status (over one year), and not complying with the conditions of approval would pull code enforcement into the process of revoking the conditional use. In addition, **Gericke** explained the code enforcement process. **Sherman** followed up on the conditions of approval and noted that the business tax, notifications, property manager, and police non-emergency line will be involved in oversight. **Sherman** questioned if there will also be code enforcement. **Kolias** clarified that code enforcement is housed within the police department. **Commissioner Hemer** questioned if commercial lodging needs to be ADA compliant. **Kolias** stated that would be part of the building code review. **Carpenter** questioned the comprehensive plan policy 7.2.9, asking how we are tracking that—would we be approaching an inflated housing market specifically as it pertains to vacation rental homes? **Kolias** stated that tracking processes are in place, but there is nothing concrete yet. **Kolias** listed the NDAs where current vacation rentals exist.

Testimony in support: None. Testimony in opposition: **David Derews**, Milwaukie resident, stated concern regarding commercial use within the residential neighborhood.

Matthew Bullard, Milwaukie resident, also stated concern regarding commercial use within the residential neighborhood. **Vice Chair Joshua Freeman** stated that he has reviewed both written testimonies in opposition and that he has reviewed them in their entirety. **Hemer** questioned what is currently dividing the adjoining properties. **Matthew Bullard** described the existing fence. **Chair Sherman** closed the public testimony portion

of the hearing. **Hemer & Carpenter** requested conditional fence height requirements. **Freeman** opposed the requested conditional fence height requirement. **Freeman** made a motion to approve CU-2002-006.

CU-2002-006, Conditional Use for a Vacation Rental in the R-MD Zone, was approved with a 4-1 vote.

(01:17:39)

6.2. ZA-2022-003 – Downtown Design Review Code Amendments (Continued)

Senior Planner Brett Kelter announced the applicable sections of the Milwaukie Municipal Code (MMC): MMC19.902 and MMC19.1008. **Kelter** presented the staff report. The proposal was to revise sections of code related to downtown design review (MMC 19.304, 19.508, 19.907), align design guidelines with design standards and eliminate gaps, establish two review paths for downtown projects (Type I & III), and repeal the separate downtown design guidelines document. The goal was to make the standards architecturally sound so that all new buildings are guaranteed to look good. **Kelter** highlighted the challenges with public art requirements: 1) No jurisdictions in Oregon have clear and objective standards for public art; 2) Fee in lieu of (FILO), construction excise tax (CET), One Percent for Art are not options; 3) "Takings" issues; 4) No authority over content or quality in a clear and objective review process. **Kelter** presented the decision options to the commission and noted that staff recommended approval of the proposed amendments as presented (with recommended findings in support of approval).

Chair Sherman thanked staff for all their work on this topic. **Sherman's** initial question was how "takings" relates to public art. **City Attorney Justin Gericke** explained government regulation and law regarding "takings" as it pertains to public purpose. **Elizabeth Decker**, code consultant with JET planning, weighed in on the distinction of the "clear and objective" standards as they pertain to residential and mixed use zoning in downtown Milwaukie. **Commissioner Hemer** asked Design and Landmarks Committee (**DLC**) **Chair Cynthia Schuster** if she worked with the Axeltree developers on how they included art and if it was discussed with the DLC. **Schuster** responded that yes, it was discussed with the DLC as well as recommended to the Planning Commission that they fill in the blank walls with public art. **Commissioner Hemer** opened the discussion with a thank you to the planning staff for their hard work on this. The group discussed a path forward, including the idea of working with members of the DLC and the Arts Committee to draft a letter to City Council in support of promoting public art downtown. **Hemer** made a motion that application ZA-2022-003 be forwarded to City Council for approval, with a recommendation that Council consider ways to incorporate a higher standard of artistic value in design.

The motion to recommend approval of ZA-2022-003 by City Council was approved with a 5-0 vote

(01:55:31)

7.0 Work Session Items

No information was presented for this portion of the meeting.

(01:55:41)

8.0 Planning Department/Planning Commission Other Business/Updates

Commissioner Hemer discussed CIP projects and burying utility lines. **Hemer** thanked KellyBrooks for her contributions to the city. **Hemer** also advertised for the Ledding Library.

Chair Sherman inquired about updates regarding the transportation system plan process. **Weigel** provided an update on the TSP timeline and the advisory committee appointments.

(02:02:16)

9.0 Forecast for Future Meetings

February 14, 2023, Hearing Item(s):

- 1.) Code Amendments: Climate Friendly Equitable Communities
- 2.) Code Amendments: Code Fix "Housekeeping"
- 3.) Variance Code Updates

Meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

Petra Johnson, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission
Through: Laura Weigel, Planning Manager
From: Vera Koliás, Senior Planner
Date: February 21, 2023, for February 28, 2023, Work Session
Subject: Variances and other substantive code amendments

ACTION REQUESTED

Staff requests feedback from the Planning Commission in advance of a future public hearing.

BACKGROUND INFORMATION

Over the course of several years, Planning Department staff has been tracking issues with current zoning code language and has made recommendations for amended language. These items have been identified through a variety of means, including:

- Questions about specific code language that have been raised by the public on multiple occasions and that are not easily answered;
- Changes in state law requiring amendments to local codes;
- Implementation of the comprehensive plan; and
- Code interpretation applications.

Over the past several months, planning staff has created categories for code amendment packages to help organize the various amendments and to help with the overall department workplan:

- **Large efforts** which will each be its own project – examples include: Willamette Greenway Overlay re-write (MMC 19.401); Natural Resources code re-write (MMC 19.402); Historic Preservation Overlay Zone (MMC 19.403)
- **Substantive code amendments** – examples include a review of Type III Variance applications to determine if changes are warranted to simplify processes.
- **Housekeeping** – these are amendments that are clarifications or minor tweaks that are not intended to affect meaning or intent of existing regulations. Housekeeping amendments are a way of cleaning up the code.

The current package of proposed **substantive** code amendments includes the following: (Please refer to Attachment 1 for draft language):

1. Access Management (MMC 12.16 – multiple sections)
 - **Revise and reorganize** this code section to clarify standards and, more importantly, expand the City Engineer’s authority to modify requirements based on studies and evidence submitted by the applicant. The current code provides for a modification process for some standards and requires a Type III variance for relief from others. The proposed language gives the City Engineer the authority, based on specific required evidence, to modify this subsection’s requirements to provide more appropriate design flexibility determined by sound engineering principles. The Type III variance process is not a good avenue for resolving engineering and safety issues. Since the City Engineer already has this authority, it is reasonable to expand that authority to cover the entire subsection. The proposed language also includes revised requirements for the access study and provides for an appeal process.
2. Definitions (MMC 19.201)
 - **Add** a definition for “plex development” which is used in the code to distinguish duplexes, triplexes, and quadplexes from cottage clusters and townhouse development. Using the general term of “middle housing” to cover all of those housing types is not specific enough in some cases because there are instances where cottage clusters or townhouses require different standards due to the number of units or that they are on individual lots, for example.
3. Residential Zones (MMC 19.301 and 19.302)
 - **Revise** the minimum lot size for townhouses on corner lots. The proposed amendments would allow townhouses on corner lots up to 3,500 sq ft in size. Currently, townhouses are only allowed on lots that are between 1,500 – 2,999 sq ft. The amendment is necessary because the street-side-yard setback, which is 15 ft, combined with the maximum lot size of 2,999 sq ft has the effect of disallowing townhouses on a standard corner lot in the city. This is because a typical townhouse is at least 20 ft wide; if you add in the required 15-foot street-side-yard setback, the true minimum width required to accommodate a townhouse is 35 ft. A typical depth for many lots in the city is 100 ft. A lot that is 35 x 100 feet deep exceeds the maximum lot size for a townhouse. The intent of the minimum lot size was not to disallow townhouses on corner lots, so the proposed amendments are limited to corner lots so that these developments are possible.
4. Commercial Mixed-Use Zones (MMC 19.303)
 - **Remove** the requirement for a Type III building height variance for developments using both building height bonuses in the GMU zone. The existing code includes height bonuses in the GMU zone, but requires a Type III building height variance in order to use them. It is not a bonus if a Type III variance is required. This requirement was established during the Central Milwaukie phase of the Moving Forward Milwaukie project. It was intended to provide a discretionary review

with public notice for 5-story buildings. However, as written, the language is misleading and confusing: if the code provides height bonuses based on meeting certain requirements, why is additional land use review required?

The DMU zone (downtown) has similar height bonus provisions without the need for a height variance. Both the GMU and DMU have specific height variance language in MMC 19.911, but this variance should be required only for developments exceeding the height bonus provisions or proposing developments that do not meet the height bonus standards.

The building design standards in Subsection 19.505.7 that apply to non-residential development in the GMU zone were written to ensure quality design of buildings in this zone. Requiring a Type III discretionary variance for buildings using height bonuses provided in the code conflicts with the purpose of a height bonus, which should be a clear and objective process.

5. North Milwaukie Innovation Area – NMIA (MMC 19.312.7)
 - **Revise** the applicability of design standards for new construction to only those developments where the closest wall of the street-facing façade is within 50 ft of a front or street side lot line. The proposed amendment acknowledges that developments set far back from the street should not be held to detailed design standards and is consistent with the applicability of residential design standards. This proposed amendment responds to the recently approved variance application for an addition on SE Moores St, which was a good example of why this amendment is appropriate.
6. Supplementary Development Regulation (MMC 19.500)
 - **Revise** the language allowing front porches to encroach up to 6 ft into the front yard setback to include covered decks in the backyard (MMC 19.501.2). The proposed language would require that back decks seeking this exception would need to meet the same standards as front porches (unenclosed and no more than 18 inches above grade). Staff has reviewed several proposals for covered back decks on homes constructed with the minimum rear yard setback, which would require a variance. The proposed language would allow for reasonable additional use of a property's back yard without the need for a costly variance application.
 - **Revise** the design standards for accessory structures to increase the maximize size for structures proposing metal siding to a Type B accessory structure (600 sq ft and/or 15 ft tall – MMC 19.502.2). Common prefabricated metal sheds/shops are typically up to 600 sq ft; this proposed amendment responds to numerous resident requests to install such a structure without the requirement of adding wood siding to cover the metal siding or require a more expensive stick-built structure to meet the standard to avoid a Type III variance. Maximum lot coverage and minimum setbacks remain in place – the only change is allowance of reasonable design flexibility for larger accessory structures.
7. Building Design Standards – Cottage Cluster Housing (MMC 19.505.4)
 - **Revise** the development standards to allow attached cottages in the R-MD zone.

The proposed amendment would allow up to three attached cottages, providing an opportunity for a more efficient design and construction of cottage developments in addition to the more traditional single unit cottage. All other size standards for each individual dwelling unit would remain.

- **Revise** the development standards to limit the number of attached cottages in the R-HD zone to four. This ensures that a cottage cluster development proposal will not conflict with the multi-unit residential definition of five or more units in a building.

8. Off-Street Parking (MMC 19.600)

- **Revise** the parking code language to clarify that the new requirements for electric vehicle (EV) charging infrastructure apply when new parking spaces are constructed, and the new or existing use involves a building. The amendments also extend the EV charging requirement to commercial parking structures (as new parking spaces involving a building).

ATTACHMENTS

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

	PC Packet	Public Copies	Packet
1. Proposed code (underline/strikeout)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

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

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-110>.

Underline/Strikeout Amendments

TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

A. Access

Private property shall must be provided street access with the use of accessways. Driveway approaches shall must be constructed as set forth in the Milwaukie Public Works Standards.

B. ~~Access Spacing~~ Accessway Location

Spacing and location criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity, and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

1. ~~Standards~~ Spacing Between Accessways

Spacing between accessways is measured between the closest edges of driveway aprons where they abut the roadway. Spacing between accessways and street intersections is measured between the nearest edge of the driveway apron and the nearest face of curb of the intersecting street. Where intersecting streets do not have curb, the spacing is measured from the nearest edge of pavement.

a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, shall must be a minimum of six hundred (600) feet.

b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, shall must be a minimum of three hundred (300) feet.

~~c. For middle housing development, access spacing requirements may be modified by the City Engineer per Subsection 12.16.040.B.2 based on a variety of factors, including average daily traffic, anticipated increase of traffic to and from the proposed development, crash history at or near the access point, sight distance, and/or other safety elements.~~

2. Double Frontage

ATTACHMENT 1

When a lot has frontage on two (2) or more streets, access must be provided first from the street with the lowest classification. For example, access must be provided from a local street before a collector or arterial street.

3. Location Limitations

Individual access to single detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

4. Distance from Property Line

The nearest edge of the driveway apron must be at least five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.

5. Distance from Intersection – public streets and private access drives

To protect the safety and capacity of street intersections, the following minimum distances from the nearest intersecting street face of curb to the nearest edge of driveway apron must be maintained. Where intersecting streets do not have curbs, the distances must be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified as described in MMC Section 12.16.050.

a. At least forty-five (45) feet for single detached residential properties, plex development (i.e., a duplex, triplex, or quadplex), cottage clusters with four (4) or fewer units, and townhouses of four (4) or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron must be located as far from the nearest intersection street face of curb as practicable; in such cases a formal modification is not required.

b. At least one hundred (100) feet for multi-unit residential properties, or cottage cluster developments of five (5) or more units and all other uses accessing local and neighborhood streets.

c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

2. Modification of Access Spacing

Access spacing may be modified with submission of an access study prepared and certified by a registered Professional Traffic Operations Engineer (PTOE) in the State of Oregon. The Access Study shall assess transportation impacts adjacent to the project

ATTACHMENT 1

~~frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study shall include the following:~~

- ~~a.— Review of site access spacing and design;~~
- ~~b.— Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;~~
- ~~c.— Review of all modes of transportation to the site;~~
- ~~d.— Mitigation measures where access spacing standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the City Engineer.~~

~~C.— Accessway Location~~

~~1.— Double Frontage~~

~~When a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.~~

~~2.— Location Limitations~~

~~Individual access to single detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.~~

~~3.— Distance from Property Line~~

~~The nearest edge of the driveway apron shall be at least five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.~~

~~4.— Distance from Intersection~~

~~To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curbs, the distance shall be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified with a modification as described in MMC Section 12.16.040.B.2.~~

ATTACHMENT 1

~~a. At least forty five (45) feet for single detached residential properties or middle housing developments of four (4) or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron shall be located as far from the nearest intersection street face of curb as practicable.~~

~~b. At least one hundred (100) feet for multi-unit residential properties or middle housing developments of five (5) or more units and all other uses accessing local and neighborhood streets.~~

~~c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.~~

~~d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.~~

DC. Number of Accessway Locations

1. Safe Access

Accessway locations ~~shall~~must be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

2. Shared Access

The number of accessways on collector and arterial streets ~~shall~~must be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multi-unit areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses ~~shall~~must be established by means of common access easements.

3. Single Detached Residential and Middle Housing

One accessway per property is allowed for single detached residential uses, plex development, cottage cluster development up to four units, and townhouses ~~and middle housing developments up to four (4) units.~~

a. For lots with more than one street frontage on a local street and/or neighborhood route, one additional accessway may be granted. Under such circumstances, a street frontage ~~shall~~must have no more than one driveway approach.

b. For lots with one street frontage on a local street and/or neighborhood route, one additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the City Engineer. The spacing is measured between the nearest edges of the driveway aprons. Where the fifty (50) foot spacing cannot be met, an additional accessway shall not be granted.

c. No additional accessways shall be granted on collector and arterial streets.

ATTACHMENT 1

4. All Uses Other than Single Detached Residential and Middle Housing

The number of accessways for uses other than single detached residential and middle housing developments up to four (4) units is subject to the following provisions:

- a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B~~2~~.
- b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.

ED. Accessway Design

1. Design Guidelines

Driveway approaches ~~shall~~must meet all applicable standards of the Americans with Disabilities Act, U.S. Access Board guidelines or requirements, and Milwaukie Public Works Standards.

2. Authority to Restrict Access

The City Engineer may restrict the location of accessways on streets and require that accessways be placed on adjacent streets upon finding that the proposed access would:

- a. Cause or increase existing hazardous traffic conditions;
- b. Provide inadequate access for emergency vehicles; or
- c. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.

3. Backing into the Right-of-Way Prohibited

Accessways ~~shall~~must be designed to contain all vehicle backing movements on the site, except for detached or attached single detached residential uses on local streets and neighborhood routes.

FE. Accessway Size

The following standards allow adequate site access while minimizing surface water runoff and reducing conflicts between vehicles, bicyclists, and pedestrians.

1. Accessways ~~shall~~must be the minimum width necessary to provide the required number of vehicle travel lanes. The City Engineer may require submission of vehicle turning templates to verify that the accessway is appropriately sized for the intended use.

ATTACHMENT 1

2. Single attached and detached residential uses ~~shall~~must have a minimum driveway apron width of twelve (12) feet and a maximum width of twenty (20) feet.
3. Plex development, cottage cluster developments with up to four units, or townhouse developments ~~Multi-unit residential or middle housing development~~ comprised of up to four (4) units, ~~shall~~must have a minimum driveway apron width of twelve (12) feet on local or neighborhood streets and sixteen (16) feet on collector or arterial streets, and a maximum driveway apron width of twenty (20) feet on all streets.
4. Multi-unit residential or ~~middle housing~~cottage cluster developments with between five (5) and eight (8) units ~~shall~~must have a minimum driveway apron width of sixteen (16) feet on local or neighborhood streets and twenty (20) feet on collector or arterial streets, and a maximum driveway apron width of twenty-four (24) feet.
5. Multi-unit residential or ~~middle housing~~cottage cluster developments with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, ~~shall~~must have a minimum driveway apron width of twenty (20) feet on local or neighborhood streets and twenty-four (24) feet on collector or arterial streets, and a maximum driveway apron width of thirty (30) feet.
6. Commercial, office, and institutional uses ~~shall~~must have a minimum driveway apron width of sixteen (16) feet and a maximum width of thirty-six (36) feet.
7. Industrial uses ~~shall~~must have a minimum driveway apron width of twenty-four (24) feet and a maximum width of forty-five (45) feet.
8. Maximum driveway apron widths for commercial and industrial uses may be increased if the City Engineer determines that more than two (2) lanes are required based on the number of trips anticipated to be generated or the need for on-site turning lanes. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2, 2019; Ord. 2004 § 1, 2009)

12.16.050 VARIANCE MODIFICATIONS

~~Relief from any access management requirement or standard of Section 12.16.040 may be granted through a variance process, which requires submission and approval of a Variance land use application. Variance criteria and procedures are located in Section 19.911. (Ord. 2025 § 3, 2011; Ord. 2004 § 1, 2009)~~

Access management standards may be modified with submission of an access study prepared and certified by a registered Professional Traffic Operations Engineer (PTOE) in the State of Oregon, when required by the City Engineer based on street classification. The Access Study must assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study must include the following:

1. Review of site access spacing and design;

ATTACHMENT 1

2. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;
3. Traffic Safety: provide ODOT crash data (for the most recent five-year period for which data is available) adjacent to the site within a distance equal to the access spacing distance from the project site;
4. Review of all modes of transportation to the site;
5. Evaluation of traffic volume, traffic type, and speed of existing traffic on street(s) where access is proposed to be taken;
6. Mitigation measures where access standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the City Engineer.

12.16.060 RIGHT OF APPEAL

If the applicant is dissatisfied with the written decision of the City Engineer for a modification request submitted pursuant to Subsection 12.16.050, the applicant may file a written appeal with the Community Development Director no later than thirty (30) days from the date that the decision was mailed. The appeal must contain a statement of the reasons why the applicant is dissatisfied with the written decision, and must be signed by the applicant, or by someone authorized to sign on the applicant's behalf. A notice of receipt must be mailed to the applicant by registered mail within five (5) days of the receipt of the appeal. The Community Development Director must act upon the appeal no later than sixty (60) days after receipt, and a copy of the written decision must be mailed to the applicant by registered mail no later than five (5) days after preparation of the decision. The decision of the Community Development Director shall be final.

Appeal of the decision of the City Engineer for a modification request submitted pursuant to Subsection 12.16.050 any access management requirement or standard of Section 12.16.040 not associated with a land use decision is subject to the provisions of Section 19.1006 Type III Review. (Ord. 2025 § 3, 2011; Ord. 2004 § 1, 2009)

12.16.070 VIOLATION PENALTY

Any person, firm, or corporation violating any of the provisions of this chapter, or causing, permitting, or suffering the same to be done, shall be fined not more than two hundred fifty dollars (\$250.00). Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (Ord. 2004 § 1, 2009)

Title 17 Land Division

CHAPTER 17.28 DESIGN STANDARDS

17.28.040 GENERAL LOT DESIGN

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

C. Limits on Compound Lot Line Segments

Changes in direction alongside and rear lot lines ~~shall~~must be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding ~~40%~~ 20% of the distance between opposing lot corners along a given lot line may only be permitted through the variance provisions of MMC Subsection 19.911. Changes in direction ~~shall~~must be measured from a straight line drawn between opposing lot corners.

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

Residential Uses and Structures

“Plex development” means a duplex, triplex, or quadplex.

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONE

Table 19.301.4 Moderate Density Residential Development Standards

Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000- 6,999 ²	7,000 and up	
A. Permitted Dwelling Type					
	Townhouse ¹ , Cottage ⁴	Cottage ⁴ , Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling,	Single Detached Dwelling, Single Detached Dwelling,	Subsection 19.501.1 Lot Size Exceptions

ATTACHMENT 1

			with up to 2 ADUs, Cottage ¹ , Duplex, Triplex, Quadplex Quadplex	with 2 ADUs, Cottage ¹ , Duplex, Triplex, Quadplex, Cottage Cluster
--	--	--	---	---

1 ~~For a cottage within a cottage cluster only.~~ A townhouse is permitted on a corner lot up to 3,500 sq ft in area.

19.302 HIGH DENSITY RESIDENTIAL ZONE

19.302.4 Development Standards

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

Between 1,500 to 2,999 sq ft: Townhouse; a townhouse is permitted on a corner lot up to 3,500 sq ft in area. ; ~~Cottage in a cottage cluster~~

Table 19.302.2 High Density Residential Uses Allowed		
Use	R-HD	Standards/ Additional Provisions
Residential Uses		
Use	R-HD	Standards/ Additional Provisions
Mixed Use	<u>P</u>	<u>Subsection 19.505.7 Nonresidential Development</u>

19.303 COMMERCIAL MIXED-USE ZONES

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

B. Building Height

1. Intent

Maximum building height standards promote a compatible building scale and relationship of one structure to another.

2. Standards

a. The base maximum building height in the GMU Zone is ~~3~~three stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.

b. Buildings in the GMU Zone ~~shall~~must provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.

c. The maximum building height in the NMU Zone is ~~3~~three stories or 45 ft, whichever is less. No building height bonuses are available in the NMU Zone.

3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components, increase area vibrancy, and/or help meet sustainability goals.

A building in the GMU Zone can utilize up to ~~2~~two of the development incentive bonuses in Subsection 19.303.4.B.3.a. and Section 19.510, for a total of ~~2~~two stories or 24 ft of additional height, whichever is less. ~~Buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.~~

a. Residential

~~New~~ Buildings that devote at least one story or 25% of the gross floor area to residential uses are permitted ~~4~~one additional story or an additional 12 ft of building height, whichever is less.

b. Green Building

ATTACHMENT 1

Project proposals that receive approvals and certification as identified in Section 19.510 are permitted ~~four~~one additional story or an additional 12 ft of building height, whichever is less.

c. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

19.312 NORTH MILWAUKIE INNOVATION AREA

19.312.7 Design Standards for All Uses in the MUTSA and on NME Key Streets

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

A. Design Standards for All New Construction and Major Exterior Alterations

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards in this section ~~generally~~ apply to the street-facing façades of new, and major alterations to, commercial, institutional, manufacturing, and mixed-use buildings when the closest wall of the street-facing façade is within 50 ft of a front or street-side lot line. Exterior maintenance and repair and minor exterior alterations are not subject to these standards. Subsection 19.312.7.B below defines exterior maintenance and repair and major/minor exterior and interior alterations.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.2 Yard Exceptions

C. A covered porch or deck on a single detached dwelling or middle housing unit may extend 6 ft into a required front or rear yard if all of the following standards are met:

1. The porch or deck is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural

ATTACHMENT 1

supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.

2. The surface of the porch or deck does not exceed 18 in high above the average grade.
3. The porch or deck is at least 5 ft from the front and/or rear lot line.

19.502 ACCESSORY STRUCTURES

19.502.2 Specific Provisions for Accessory Structures

A. The following standards apply for residential accessory structures on single detached unit, townhouse, cottage cluster, and plex development properties. ~~family detached, duplex, rowhouse, and cottage cluster properties.~~ The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these standards is to allow accessory structures that accommodate the typical needs of a ~~single family detached residence. while protecting the character of single family neighborhoods.~~

1. Development Standards

b. Other Development Standards

~~(3) A minimum of 5 ft is required between the exterior wall of an accessory structure and the exterior wall of any other structure on a site, excluding a fence or similar structure.~~

~~(4)~~ (3) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space, and is all of the following, which results in an addition and is not an accessory structure:

2. Design Standards

a. Metal siding is prohibited on structures more than ~~40~~ 15 ft high or with a footprint greater than ~~200~~ 600 sq ft, unless the siding replicates the siding on the primary dwelling or has the appearance of siding that is commonly used for residential structures.

~~b. Structures located in a front, side, or street side yard that are visible from the right of way at a pedestrian level shall use exterior siding and roofing materials that are commonly used on residential structures.~~

19.505 BUILDING DESIGN STANDARDS

19.505.4 Cottage Cluster Housing

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD
A. Home Structure Types		
1. Building types allowed, minimum and maximum number per cluster	Detached <u>and Attached</u> cottages 3 minimum 12 maximum dwelling units <u>Maximum number of attached units = 3</u>	Detached and Attached <u>cottages</u> 3 minimum 12 maximum dwelling units <u>Maximum number of attached units = 4</u>
B. Home Dwelling Unit Size		
1. Max building footprint per <u>home dwelling unit</u>	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.602.3 Applicability for Development and Change in Use Activity

The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.

- A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site shall also conform to the requirements of Chapter 19.600. The construction of new off-street parking spaces may be subject to the electric vehicle charging requirements of Subsection 19.605.5. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.

19.602.4 Applicability not Associated With Development or Change in Use

- A. Any parking or loading area developed to serve an existing use(s) that is not associated with development activity or a change in use described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611, as well as to the electric vehicle (EV) charging requirements of Subsection 19.605.5 as applicable. The total number of spaces in the existing parking area and new parking area shall not exceed the maximum allowed quantity of parking as established in Section 19.605.

 - B. Any parking or loading area that is not developed to serve an existing use and is not associated with development activity or a change in use as described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611. The requirements of Section 19.605 do not apply to parking areas described under Subsection 19.602.4.B.
-

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.

19.605.5 Electric Vehicle (EV) Charging Requirements

Required EV charging spaces. All buildings that are commercial, industrial, multi-unit with 5 or more dwelling units, or mixed-use with 5 or more dwelling units and that provide off-street parking must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

- A. **Commercial and Industrial Parking Buildings.** For commercial and industrial buildings that provide off-street parking, where new off-street parking spaces are constructed, choose one of the following:
 - 1) At least 50% of the total number of newly constructed 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**

 - 2) At least 20% of the total number of newly constructed 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% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

ATTACHMENT 1

- B. **Multi-Unit and Mixed-Use Residential Parking Buildings.** For multi-unit and mixed-use buildings with five or more dwelling units, where new off-street parking spaces are provided constructed, choose one of the following:
- 1) All (100%) of the newly constructed 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**
- 2) At least 40% of the total number of newly constructed 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 10% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.
- C. **Structured Parking Facilities.** For structured parking facilities, where new off-street parking spaces are constructed, choose one of the following:
- 1) At least 50% of the total number of newly constructed 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**
- 2) At least 20% of the total number of newly constructed 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% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager; Peter Passarelli, Public Works Director

From: Adam Moore, Parks Development Coordinator

Date: February 28

Subject: Update on Scott Park, Balfour Park, and Bowman-Brae Park Concept Plans

ACTION REQUESTED

None. This is a project update only. Staff expects to return next to submit separate land use applications for all three parks in April 2023.

BACKGROUND INFORMATION

The State of Oregon awarded Milwaukie federal funding to complete the design and construction of the city's remaining neighborhood parks. This includes the refinement of existing plans for Balfour and Bowman-Brae parks (adopted in 2015), and the creation of a new concept plan for Scott Park. Awarded American Recovery Plan Act (ARPA) funding totaled \$2,250,000 and the City is considering the use of additional City funds, Metro Local Share funding, and applying for a State of Oregon Park grant and Metro Nature in Neighborhood grant to round out funding of the project.

City staff completed a grant agreement with the state to accept the ARPA funds on January 24, 2022, and on February 1 City Council authorized staff to enter a contract with GreenWorks, P.C. to provide park design and development services.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Balfour & Bowman-Brae Parks

[August 11, 2015:](#) The Planning Commission recommended adoption by Council of the park plans for Balfour, Bowman-Brae, and Robert Kronberg Nature Park.

[October 20, 2015:](#) Following a public hearing, the park plans were adopted by Council but were not implemented due to lack of funding.

Scott Park

[November 6, 1990](#): Council adopted the Scott Park plan, which has not been fully implemented.

[May 1, 2018](#): Council repealed the Scott Park plan after a public hearing. Repeal of the plan had been recommended by the Planning Commission after a separate public hearing.

City Council Updates

[September 14, 2021](#)

[January 4, 2022](#)

[June 7](#)

[September 20](#)

[November 1](#)

[November 15](#)

[December 6](#): Council adopted resolutions for individual concept plans for Scott Park, Balfour Park, and Bowman-Brae Park

PROJECT UPDATE

Scott Park

The Scott Park plan was adopted by Council in the early 1990s, though the construction of the new library has made that plan obsolete. In 2018, the Scott Park plan was repealed to allow for the development of the new library. Given the park's downtown location and the popularity of the library, as well as the natural resources on the site, Scott Park has a much broader interest than the other two parks.

In May, August, and October 2022, three engagement events were held at Scott Park in conjunction with three rounds of online surveys on Engage Milwaukie (see Attachment 1 for a summary of the overall community engagement effort for parks planning). Based on feedback provided by over 215 people at the May event, two draft concepts plans were created. Feedback was gathered on the two draft plans in August and October to refine each concept and then blend them into one. The final concept was presented to the public and the Parks and Recreation Board (PARB) in November and then to Council on December 6, 2022 (see Attachment 2).

Overall, 289 surveys were submitted either online or in person across the three rounds of public engagement. Of those surveys, 13% came from community members who identify as BIPOC and 30% came from people who said they had not previously participated in Milwaukie planning events.

Scott Park is zoned as OS (Open Space), which allows parks as an outright permitted use. A large portion of Scott Park is covered by Habitat Conservation Area (HCA) and Water Quality Resource (WQR) overlays, which will require a Type III land use review.

Staff anticipates submitting the necessary land use application in Spring 2023. Adjacent properties to the south, west, and north are zoned DMU (Downtown Mixed Use) and properties to the east are zoned HDR (High Density Residential Zone). Scott Park shares an existing parking lot and existing amphitheater with the Ledding Library. The concept plan and park development work will make the shared amphitheater accessible for people with disabilities and mobility devices as required by the Americans with Disabilities Act (ADA).

Staff have received comments on the natural resources on site from the Oregon Department of State Lands (DSL) and Oregon Department of Fish and Wildlife (ODFW) regarding the Scott Park project. After a conversation with DSL, it was determined no additional state permits for impacts on wetlands will be required for the development of Scott Park as the Spring Creek Ponds are outside the project boundary. Staff will comply with recommendations from ODFW for waterfowl protection, invasive species removal, and habitat improvement that are inside the project boundary. Comments from the Oregon Department of Environmental Quality are still pending at the time of this report.

Balfour Park

The Balfour Park plan was adopted by Council in 2015, though the plan has been updated to allow for a more equitable planning process to pull in additional voices, and also to allow for considerations arising from the Covid-19 pandemic, such as the need to add additional community gathering space.

In July and October 2022, there were two Balfour Park planning events, along with two coinciding rounds of online surveys on Engage Milwaukie. Based on feedback provided from 120 surveys in July, a draft concept plan was created that revised the existing plan. In October, feedback on the new draft plan was gathered from 59 surveys and the concept was revised. The final concept was presented to the public and PARB in November and then to Council on December 6, 2022 (see Attachment 3).

Overall, 179 surveys were submitted either online or in person across the two rounds of public engagement. Of those surveys, 6% came from community members who identify as BIPOC and 27% came from people who said they had not previously participated in Milwaukie planning events.

Balfour Park is on two parcels that are zoned as Moderate Density Residential (R-MD), which allows for parks as a Community Service Use (CSU) through a Type III land use review. The necessary CSU application will be submitted in Spring 2023. All adjacent properties are private residences and are also zoned R-MD.

Bowman-Brae Park

As with Balfour Park, the Bowman-Brae Park plan was adopted by Council in 2015, and a similar desire has since been expressed to update the plan to allow for a more

equitable planning process.

In August and October 2022, there were two Bowman-Brae Park public planning events, along with two coinciding rounds of online surveys on Engage Milwaukie. Based on feedback provided from 88 surveys at the August event, a draft concept plan was created that revised the existing plan. In October, feedback was gathered on the new draft plan, both at a planning meeting and from 63 surveys, and the concept was revised. The final concept was presented to the public and PARB in November and then to Council on December 6, 2022 (see Attachment 4).

Overall, 151 surveys were submitted either online or in person across the two rounds of public engagement. Of those surveys, 11% came from community members who identify as BIPOC and 22% came from people who said they had not previously participated in Milwaukie planning events.

Bowman-Brae Park is on a single parcel that is zoned R-MD, which allows for parks as a CSU (Type III review). All adjacent properties are private residences. Parcels to the north, west, and south are zoned R-MD; the parcels to the east are outside the Milwaukie city limit and zoned R8.5. The necessary CSU application will be submitted in Spring 2023.

NEXT STEPS

Spring 2023

- Land Use Applications and Permitting
Note: The Planning Commission is not tasked with the design or programming of any of these parks; rather, the Commission will be responsible for determining whether the approval criteria are met for the application(s) it is reviewing. For Scott Park, that will only be in the context of natural resources; for Balfour and Bowman-Brae parks, that will only be as CSUs (i.e., looking at compatibility of hours and levels of operation, public benefits versus any negative impacts, appropriateness of location, etc.).

Winter 2023 – Fall 2024

- Construction and Completion (all three parks)

ATTACHMENTS

1. Community Engagement Summary
2. Scott Park Final Concept Plan
3. Balfour Park Final Concept Plan
4. Bowman-Brae Park Final Concept Plan

Community Engagement Summary for Parks Planning

In 2020, City Council adopted a new goal focusing on equity, inclusion, and justice. The City spent a significant amount of time this year honing outreach efforts to assure engagement with the Black, Indigenous, and People of Color (BIPOC) community and people with disabilities. The City has been working with the newly created Equity Steering Committee (ESC) and the BIPOC community throughout the design process to assure these voices and the voices of our changing community are heard prior to parks development. In March 2022, the consulting team led by GreenWorks held an equity and public involvement discussion with members of the Parks and Recreation Board (PARB), the ESC, City staff, and North Clackamas Parks and Recreation District (NCPRD) staff to gather feedback and revise a draft on the project's public involvement plan (PIP). The PIP provides several recommendations to the City to ensure that community engagement is approachable and removes barriers from participation for all, especially members of the BIPOC community.

Over the course of the park engagement process, staff and the consulting team used a layered approach to engagement and communications. The planning process for each park started with an open house in the park that included food, games, and activities for families. These were followed by hybrid (in-person and online) planning meetings with meals. Each step of the planning process also had an accompanying online survey for those who could not attend in person. A combination of bilingual postcards, Pilot articles, social media, yard signs, and website postings were used to alert residents of the opportunities every step of the way. In some cases, postcards were mailed to the full 97222 zip code and Milwaukie's Urban Growth Boundary; at other times, the postcards only went to addresses within a half mile of each park. All meeting materials were in both English and Spanish and interpreters were on site. Participants also had the opportunity to request interpretation into other languages or other accommodations ahead of the meeting. Staff worked with Clackamas County Housing Authority staff to have text message alerts sent to their residents who live in the housing complex near Balfour Park.

Focus groups were also held for high-level conversations on park policy, access, and amenities. Focus groups convened people with disabilities as well as members of our local Spanish speaking population and BIPOC community. Staff followed up individually with focus group attendees to ensure they were personally invited to other engagement meetings and events. Focus group participants received stipends in the form of Fred Meyer cards. Food and children's activities were provided at the meeting.

Staff provided regular updates to PARB during their meetings (NDA and Library Board members were also invited to attend these sessions). Updates were also provided at City Council to provide information and receive direction from City Council. These updates were recorded and posted online for those who were unable to attend.

In total, 276 people participated in the park planning process, with a total of 631 in-person or online surveys filled out. Twenty-eight percent (28%) of these surveys came from people who are new to the Milwaukie planning process; 13% came from members of our BIPOC community.

KEYNOTES

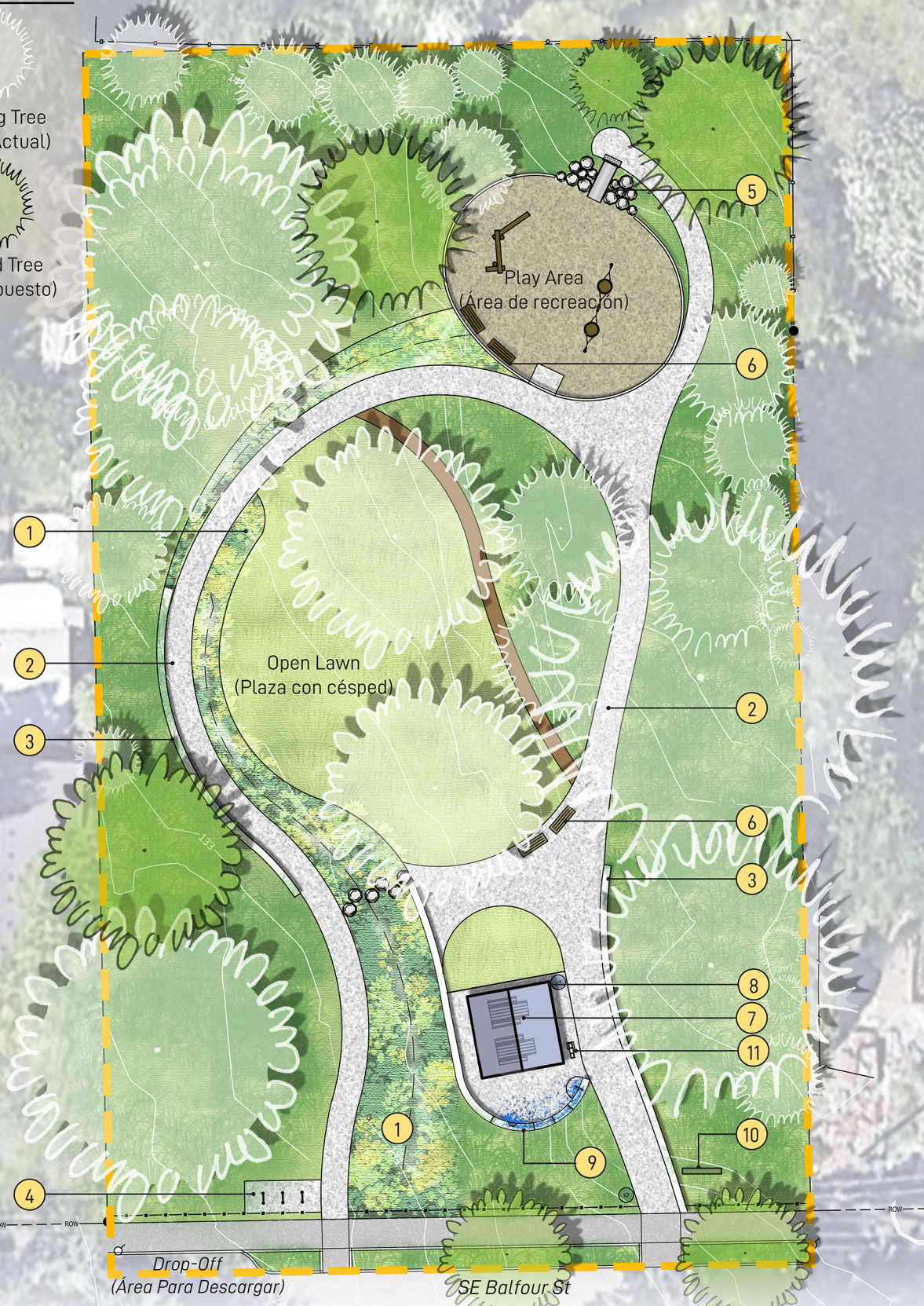
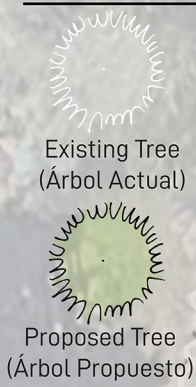
- ① PLAYGROUND
(EL CAMPO DE JUEGOS)
- ② POND PLATFORM
(PLATAFORMA DEL ESTANQUE)
- ③ STAGE
(ESCENARIO)
- ④ BENCH
(BANCA)
- ⑤ RIPARIAN
(RIBEREÑO)
- ⑥ NATIVE PLANTING
(PLANTA NATIVA)
- ⑦ LAWN
(CÉSPED)
- ⑧ ROCK STEPPERS
(ADOQUINES)
- ⑨ LOG
(LEÑO)
- ⑩ ACCESSIBLE PICNIC TABLE
(MESA DE PICNIC ACCESIBLE)
- ⑪ DRINKING FOUNTAIN
(FUENTE DE AGUA)
- ⑫ BIKE RACK
(PORTABICICLETAS)



December 2022/Diciembre 2022

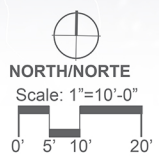


TREE KEY:



LEGEND/LEYENDA

- | | | | |
|--|-------------------------------|---|---|
| 1 Stormwater Swale (Pantano de aguas de tormentas) | 4 Bike Rack (Portabicicletas) | 7 Picnic Table (Mesa de picnic) | 10 Park Entry Sign (Letrero de entrada al parque) |
| 2 6'-8' Wide Pathway (Camino 6' - 8' de ancho) | 5 Slide Mound (Montículo) | 8 Picnic Shelter (Área cubierta para comer) | 11 Drinking Fountain (Fuente de Agua) |
| 3 Low Retaining Wall (Muro de contención pequeño) | 6 Bench (Banco) | 9 Water Feature (Instalación de Agua) | |

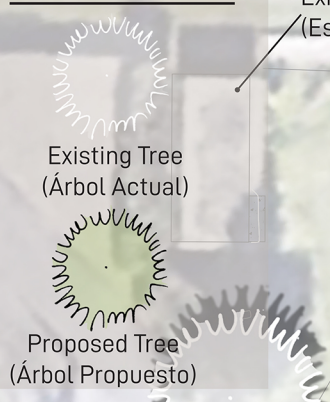


December 2022/Diciembre 2022

ATTACHMENT 4

Property to be Acquired
Propiedad será Adquirida

TREE KEY:

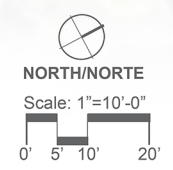


Existing Pump House
(Estación de bombeo actual)



LEGEND (LEYENDA)

- | | | | |
|--|---------------------------------------|---|---------------------------------------|
| 1 Stormwater Swale (Pantano de aguas de tormentas) | 4 Bench (Banco) | 7 Picnic Shelter (Área cubierta para comer) | 10 Log (Leño) |
| 2 6'-9' Wide Pathway (Camino 6' - 9' de ancho) | 5 Bike Rack (Portabicicletas) | 8 Screening Shrubs (Arbustos de ocultación) | 11 Drinking Fountain (Fuente de agua) |
| 3 Picnic Table (2) (Mesa de picnic -2) | 6 Main Park Entry (Entrada principal) | 9 Pollinator Garden (Jardín de Polinizadoras) | 12 Entry Sign (Letrero de Entrada) |



December 2022/Diciembre 2022