



# CITY OF MILWAUKIE

## AGENDA

November 12, 2019

### PLANNING COMMISSION

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

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

#### 2.0 Planning Commission Minutes

- 2.1 March 26, 2019 Planning Commission Meeting Minutes
- 2.2 July 23, 2019 Planning Commission Meeting Minutes
- 2.3 September 10, 2019 Planning Commission Meeting Minutes
- 2.4 September 24, 2019 Planning Commission Meeting Minutes

#### 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 Public Hearings — Public hearings will follow the procedure listed on the reverse side

- 5.1 Summary: Major Modification to Conditional Use – Convert Office Space to Self-Storage  
Applicant: Michael Cerbo  
Address: 3701 SE International Way  
File: CU-2019-002  
Staff: Vera Kolas, Associate Planner
- 5.2 Summary: Interim ADU Code Amendments to Comply with House Bill 2001  
Applicant: Dennis Egner, FAICP, City of Milwaukie  
File: ZA-2019-002  
Staff: Vera Kolas, Associate Planner

#### 6.0 Work Session Items

- 6.1 Summary: Process and Schedule for Updating Comprehensive Plan Policies  
Staff: David Levitan, Senior Planner

#### 7.0 Planning Department Other Business/Updates

#### 8.0 Planning Commission Committee Updates and Discussion Items — This is an opportunity for comment or discussion for items not on the agenda.

#### 9.0 Forecast for Future Meetings

- November 26, 2019 No meeting items have been scheduled for this date.
- December 10, 2019 1. Hearing Item: S-2018-00,1 55<sup>th</sup> & Railroad Subdivision
- January 14, 2020 1. Hearing Item: Comprehensive Plan Policies Adoption

### 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 speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov). Thank you.
- 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 MEETING.** 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 the agenda item to a future date or finish the agenda item.

#### Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

- 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 IN SUPPORT.** Testimony from those in favor of the application.
- 5. NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
- 6. PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
- 7. QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
- 8. REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
- 9. 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.
- 10. 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.
- 11. 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.

*The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.*

#### **Milwaukie Planning Commission:**

Kim Travis, Chair  
John Henry Burns, Vice Chair  
Adam Argo  
Joseph Edge  
Greg Hemer  
Lauren Loosveldt  
Robert Massey

#### **Planning Department Staff:**

Denny Egner, Planning Director  
David Levitan, Senior Planner  
Brett Kever, Associate Planner  
Vera Koliass, Associate Planner  
Mary Heberling, Assistant Planner  
Dan Harris, Administrative Specialist II  
Alicia Martin, Administrative Specialist II



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

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

March 26, 2019

**Present:** Kim Travis, Chair  
John Henry Burns, Vice Chair  
Adam Argo  
Joseph Edge  
Greg Hemer

**Staff:** Denny Egner, Planning Director  
David Levitan, Senior Planner  
Vera Kolas, Associate Planner  
Justin Gericke, City Attorney

**Absent:** Robert Massey

### 1.0 Call to Order – Procedural Matters

**Chair Travis** called the meeting to order at 6:30 pm.

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

### 2.0 Planning Commission Minutes

- 2.1 September 25, 2018
- 2.2 November 27, 2018

Consideration of the September 25 and November 27, 2018 Planning Commission Minutes was postponed to next month's meeting.

### 3.0 Information Items

**Denny Egner, Planning Director**, noted several upcoming meetings regarding housing in Milwaukie:

- April 1 – Comprehensive Plan Advisory Committee (CPAC) meeting to discuss housing issues
- April 3 – Community open house on the cottage cluster and accessory dwelling unit (ADU) project
- April 16 – Joint Planning Commission/City Council meeting for a presentation on the cottage cluster/ADU work
- April 18 – Comprehensive Plan Town Hall focused on housing

**4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda. There were no public comments.

### 5.0 Public Hearings

- 5.1 Summary: Appeal of DEV-2019-002  
Applicant/Owner: Robert and Carla Pletka  
Address: 11380 SE 21<sup>st</sup> Ave  
File: AP-2019-002  
Staff: Vera Kolas, Associate Planner

**Chair Travis** called the hearing to order. She asked if any Commissioner wished to declare any bias, ex parte contact, or conflict of interest. None of the commissioners acknowledged any bias or conflict of interest regarding ex parte contacts.

**Vice Chair Burns** declared he was at the site earlier today and had a conversation with a neighboring property owner who shared the driveway access and noted his use of the driveway.

**Commissioner Hemer** declared he had spoken to Ms. Pletka by phone today as she had called the Milwaukie Museum looking for historical pictures of the property.

Neither **Vice Chair Burns** nor **Commissioner Hemer** noted that the contacts would affect their respective abilities to be fair and impartial.

**Vera Kalias, Associate Planner**, presented the staff report via PowerPoint, described the current and proposed uses of the subject property and the driveways, and reviewed the code pertaining to accessway spacing and the original conditions of approval to bring the site closer to conformance. Staff's opinion was that the applicable code was properly applied to the development review. She reviewed the Commission's decision-making options.

Staff addressed clarifying questions from the Commission with key discussion items as follows:

- An option for the appellant was to apply to modify the access spacing standard. Upon approval by the City Engineer, the development review approval would reflect the modification. The original approval would then be voided, and the appeal withdrawn.
- In order to comply with the Development Review decision, Driveway C would need to be removed and, the sidewalk and the curb would need to be reconstructed to full height.
- For the accessways to be in full compliance, Driveways A, B, and C would need to be closed. However, the approval did not require closure of Driveway A because it was shared with an adjacent property. The ideal situation would be for Driveway A to not be shared, Driveway C would remain as it was farthest from the intersection, and Driveway B as "enter-only" would ensure that maneuvering happened onsite. The City's Development Review decision was intended to bring the driveways into closer conformance with code informed by an understanding of how the site functioned, as well as the need for accessways for the neighboring properties.
- Containing all backing movements on the site was required by code.

**Chair Travis** called for the appellant's testimony.

**Carla Pletka**, 11380 SE 21<sup>st</sup> Ave, stated she and her husband ran a business named Eurotubes and they had been looking for a new location.

- Leaving the driveway intact would help reduce an already-strained demand for parking for other businesses at no additional cost to the City. They understood the City had authority to interpret its own codes to allow for flexibility and exceptions.

**Robert Pletka**, 11380 SE 21<sup>st</sup> Ave, stated he had been told by the seller of the property that the wall separating the parking lot from the high school was built 3 ft onto the school's property.

**Ms. Pletka** noted the parking was located at the southernmost location of any business in South Downtown Milwaukie and was not visible to the food cart location, the new public plaza, or Axletree. It also met the goals of the city vision to have employees park at the north and south ends of the city and therefore supported the vision of the South Downtown Concept Plan.

- Placement was needed for the garbage container and it could be placed near the driveway if

it was accessible.

- The driveway access was removed once and then replaced, demonstrating a case for it to be considered grandfathered for access to the site. Also, the property was still held by the current owner, Mr. Wheeler. With the light rail construction, TriMet's contractors inadvertently removed the access. The access was restored after Mr. Wheeler visited the City, avoiding a legal action.
- Parking in the area was a coveted commodity, especially around the food carts. If access was removed, the value of the property would be reduced. They had obtained use of the property with the full intention of having the driveway access as is.
- Eurotube's small driveway access had clear visibility from both sides of Lake Rd. She referred to a slide displaying the driveway, noting no issues existed with visibility of traffic or students into or out of the driveway. It was possible to see a long way from Driveways B and C even if traffic was backed up due to the train.
- The appellants were asking for the same consideration, flexibility, and exceptions given to the newer developments. They were not asking for something to increase the property's value, but only to maintain what they had. The access was very much needed for deliveries and other reasons.

**Mr. Pletka** noted if the business needed electrical, plumbing, or other kind of maintenance, they would have to have a truck park in front of the entrance doors to the building. Once the required ADA parking space was installed, there would be room for about two cars.

**Ms. Pletka** stated the taproom's occupancy was for 60 people, but there was no place to park 60 cars, and barely enough room existed to park five cars. People would have to park elsewhere and walk to the business. She asked for the Commission's consideration to allow Driveway C to remain open even though it was not a perfect situation.

**Vice Chair Burns** stated the Commission was to look for errors in fact or law and that was the extent of the decision they were allowed to make. However, the City had proposed an alternative through the opportunity to have a transportation study to justify the second access. He asked if the appellants were interested in pursuing a study.

**Ms. Pletka** stated they could not afford a transportation study because they were putting all their funds into the business. She noted that if the Commission decided against their appeal, they would be forced to consider a transportation study because they intended to use Driveway C. They knew a decision could be appealed to the Land Use Board of Appeals (LUBA). They asked if the Commission could grandfather in the driveway. She confirmed that one ADA parking space was required.

**Commissioner Edge** stated the Commission had limited discretion in outlining a path forward to legalize the current accesses. He appreciated what the appellants were trying to bring to the community, but this was a legally-prescribed process and the Commission needed to act in accordance to the law.

**Chair Travis** confirmed there was no public testimony and called for staff's additional comments.

**Ms. Kalias** stated that the City Building Official indicated that only if parking spaces were formalized would an ADA space be required. She further confirmed that creating parking spaces by painting lines for them would require an ADA space.

**Mr. Egner** did not believe an option existed for legalizing any parking spaces onsite due to the lack of room to maneuver.

- If the Commission denied the appeal, and the appellants agreed to close the driveway and they could pursue the modification to the accessway standard, Engineering would typically require that the improvements to close the driveway be completed first.
- He confirmed a condition to close the driveway could be based on a certain number of days to allow the appellants time to determine which application to submit.

**Ms. Koliass** clarified that if the appeal was denied, the development review approval would stand with its conditions. The final occupancy permit would be held up without the closure of Driveway C. If the modification to the accessway standard was pursued with the City Engineer, a condition of approval could be applied to the development review that would align with the timing of the modification process so work would go forward until the driveway situation was resolved.

**Mr. Egner** stated that the recommended conditions of approval assumed a denial of the appeal and would include a new condition added to the original approval as discussed.

**Chair Travis** called for the appellant's rebuttal and final remarks.

**Ms. Pletka** asked who would authorize changing the access spacing standard.

**Mr. Egner** replied that Kelly Brooks, Assistant City Manager and Acting City Engineer, would decide the approval on the recommendation of the Engineering staff which would be based on the application requirements. A stamped transportation engineer's report would be required.

**Justin Gericke, City Attorney**, clarified the condition was drafted so that if the appeal was denied tonight, the application would be approved without access through Driveway C. The condition of approval stated that within 180 days after denial, this appellant must enter the access modification process and if the modification was successful, they could retain access through Driveway C. If it was not successful, or if the appellants did not choose that route, they would have to close Driveway C.

**Mr. Egner** noted that if the business was ready to open before 180 days, they would receive a temporary occupancy permit. The City would enforce the closure of Driveway C by denying a permanent occupancy permit. He added that it would be unusual for the City to install curbs if Driveway C was closed.

**Chair Travis** confirmed there was no further testimony or comments and closed the public hearing.

### **Planning Commission Deliberation**

The Commission expressed concern that their decision could impact a small business that would be beneficial to Milwaukie and aligned with the City's goals and those of South Downtown. The Commission stated that this proposed approach provided flexibility to the appellants within the process. They added that they could not find errors in fact or law in the City's analysis or decision.

**Commissioner Edge moved and Commissioner Grau seconded to deny the appeal of DEV-2019-002, with an amendment to Condition 1A that removed the reference to**

**removing easternmost Driveway C, and with the new condition read into the record by staff as follows: "Within 365 days of the Planning Commission decision, the applicant must obtain approval of an access spacing modification that authorizes access from Driveway C. If an access modification is not granted, the applicant shall permanently close Driveway C per the Public Works Standards." Motion passed unanimously.**

## **6.0 Worksession Items**

- 6.1 Summary: Comprehensive Plan – Housing Update  
Staff: David Levitan, Senior Planner

**David Levitan, Senior Planner**, provided an update on housing block work of the Comprehensive Plan Update and discussed the Housing Town Hall and online Open House scheduled for April 18<sup>th</sup> where staff would discuss growth limitations and planning, and gather input from the community.

Key comments and responses to Commissioner questions by staff were as follows:

- A limitation on growth was the capacity of the Kellogg Wastewater Treatment Plant. Current use at the plant was 35,000 equivalent dwelling units (EDU) and maximum capacity for the plant was 40,000 EDU which left 5,000 EDU remaining to allow for growth. Most of the 10,000 EDUs in the urban growth management area (UGMA) were already treated at the plant.
- A base case scenario assumed the city could accommodate 2,900 dwelling units based on the buildable lands inventory. Three other scenarios would cover placing missing middle housing throughout the community, a “centers” focus, and a “hub and corridor” focus. The scenarios would be presented to the public at the Open House for evaluation of equity issues, affordability, sustainability, and livability.
- Missing middle housing was defined as the gap between the category of single-family homes and duplexes and the category of multi-family housing.
- Consideration was needed toward providing equity in additional housing types in all areas versus just near transit and services.
- A challenge would be to preserve visual and neighborhood character while increasing design flexibility and affordability as new housing types were introduced. Milwaukie had a lot of large lots compared to other cities and was dependent upon infill development.
- All aspects of the tradeoffs of growth needed to be considered and not simply those affecting affordability.
- Climate change could also affect growth scenarios due to displaced people and the 5,000 dwelling units of capacity in the treatment plant might not be adequate to accommodate the increase. Other possibilities in wastewater reuse and other solutions should be considered that could take pressure off the utilities.
- The information provided in the housing matrix was appreciated, but there was a lot going on in it. Allowing participants to discuss the scenarios and their trade-offs at their tables during the Open House would be a good educational opportunity.
- The data from the Neighborhood Hubs Survey could be included in a discussion of whether additional density should be located in the areas around neighborhood hubs. There was a wide range of opinions expressed by the community. Another discussion point could be whether increased affordability had to mean increased density.
- The introduction needed to be succinct but cover as many items as possible. A wide variety of backgrounds and levels of knowledge would be represented in the audience. Definitions should be included for terms like "gentrification," "affordable," or "equity."

- Over the past 30 years, Milwaukie had not seen a great population increase nor added many dwelling units. However, growth in the region was impacting the affordability of homes in the city, showing that local and regional issues could not be decoupled.

**Commissioner Hemer** thought that for most people living in Milwaukie, an increase in house pricing was a positive thing. Discussing an issue such as preparing for an influx of people may lead some community members to believe they were getting a bad deal.

**Commissioner Edge** responded that renters did not benefit from the same price mechanisms as homeowners and with the percentage of renters to homeowners in the city being about 60% versus 40%, in the spirit of equity, the focus of assistance should be on those who are disadvantaged. It was important to do more to benefit renters.

**Mr. Levitan** noted that Milwaukie's neighborhoods were dominated by R-7 zoning and did not allow much equity nor offer the opportunity for more diverse types of housing. The question was if more housing types should be offered to provide opportunities to people who could not afford a detached single-family home on a large lot.

**Commissioner Hemer** stated that the actual question should be whether to allow different housing types for everyone to be able to afford.

**Mr. Levitan** recommended providing a personalized example such as a teacher's income and what kind of housing would be affordable to that income level. On the other hand, both the Vision and Council direction said to focus on equity and affordability.

Additional key points of the discussion were as follows:

- Examples could be provided, such as purchasing a smaller house could cost less over time but gain more equity and could also have less impact from an environmental standpoint.
- Sequencing of proposed Comprehensive Plan blocks should be referenced; for example, the input on hub and corridors had an important tie between transportation and land use.
- Staff clarified that transportation would be addressed through a Transportation Systems Plan (TSP) update process. However, some transportation-related policies would be addressed in the next block.
- Focus should be on the total life-cycle cost of ownership, including housing and transportation. The impacts of parking and traffic on availability, affordability, and equity of housing should be considered.
- How to reduce onsite parking would be discussed as part of middle housing, ADUs, and cottage clusters. Concepts were being discussed, such as reducing the required onsite parking and the pros and cons of shifting parking to the street.

**Commissioner Grau** believed system development charge (SDC) waivers should be considered for everyone providing affordable housing. She clarified affordable housing built by nonprofits or the government should receive waivers through Construction Excise Taxes (CET) or Tax Increment Financing (TIF). The focus should be on the complete spectrum of housing affordability. The City's permitting process should also be looked at to avoid delays and difficulties with determining costs and obtaining funding for nonprofit housing providers.

**7.0 Planning Department Other Business/Updates** – There were none.

**8.0 Planning Commission Committee Updates and Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.



**Mr. Egner** noted a preapplication conference was coming up for the Coho Point development project.

**Mr. Levitan** stated the City's approach to the Comprehensive Plan policies was based on the Buildable Lands Inventory (BLI) that indicated the need for about 1,200 units for the next 20 years. However, that did not include the Hillside Housing Authority site although that project was outside of typical development.

**Commissioner Argo** noted it was Commissioner Grau's last meeting. The Commissioners thanked her for her service and **Commissioner Grau** stated she had enjoyed her time on the Commission.

**9.0 Forecast for Future Meetings:**

- |                |  |
|----------------|--|
| April 9, 2019  | 1. Public Hearing: WG-2019-001 Riverway Ln Single-Family Residence Replacement |
|                | 2. Public Hearing: RNR-2018-005 Elk Rock Estates <i>tentative</i>              |
| April 23, 2019 | 1. TBD   |

**Mr. Egner** confirmed the public hearing would not be held on April 9<sup>th</sup> for the Elk Rock Estates.

Meeting adjourned at approximately 8:43 pm.

Respectfully submitted,  
Alicia Martin, Administrative Specialist II

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Kim Travis, Chair



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

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

July 23, 2019

**Present:** Kim Travis, Chair  
John Henry Burns, Vice Chair  
Greg Hemer  
Lauren Loosveldt  
Robert Massey

**Staff:** Denny Egner, Planning Director  
Vera Koliass, Associate Planner  
Dalton Vodden, Associate Engineer  
Justin Gericke, City Attorney

**Absent:** Adam Argo  
Joseph Edge

### 1.0 Call to Order – Procedural Matters

**Chair Travis** called the meeting to order at 6:30 pm and read the conduct of meeting format into the record.

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

### 2.0 Planning Commission Minutes

#### 2.1 November 13, 2018

**Chair Travis** stated the word "provide" at the end of the Call to Order sentence should be deleted.

**Commissioner Hemer moved and Vice Chair Burns seconded to approve the November 13, 2018 Planning Commission meeting minutes as amended. Motion passed unanimously.**

#### 2.2 May 28, 2019

**Commissioner Hemer moved and Vice Chair Burns seconded to approve the May 28, 2019 Planning Commission meeting minutes as presented. Motion passed unanimously.**

### 3.0 Information Items

**Denny Egner, Planning Director**, noted the City Council had "pinned down" the housing policies at its last meeting. The Comprehensive Plan Advisory Committee (CPAC) would meet on July 30, 2019 to consider the final Block 3 policies; the policies would then come to the Planning Commission and City Council. The online open house received 188 responses so far and would close soon.

**4.0 Audience Participation –** This was an opportunity for the public to comment on any item not on the agenda. There was none.

## 5.0 Public Hearings

- 5.1 Summary: Elk Rock Estates (Continued from May 25, 2019)  
Applicant/Owner: Matthew Gillis, Gillis Properties  
Address: 12205/12225 SE 19<sup>th</sup> Ave  
File: NR-2018-005, LC-2018-001, WG-2018-001, VR-2018-014, VR-2018-015  
Staff: Vera Kalias, Associate Planner

**Chair Travis** called the continued hearing to order.

**Vera Kalias, Associate Planner, and Dalton Vodden, Associate Engineer,** presented the staff report via PowerPoint, noting the site's key features, including a slough bisecting the property, elements of the proposed project, and the variances requested by the applicant. Additional key considerations were as follows:

- Revised materials for proposed stormwater management and bioswale were submitted and distributed to the Commission.
- The cut and fill analysis had not been provided for the 1996 floodplain, but only for the FEMA 100-year floodplain. Also, the bankfull stage had not been identified by the applicant.
- Due to grading along the north property line, drainage impacts to neighboring properties may exist.
- As proposed, stormwater would be piped to a detention area located close to the river, but high flow events in the river could overtop the detention area and trap fish.
- Clarification was needed between the 1996 flood elevations and the FEMA base flood elevation (BFE). Rounding up to a 38 ft elevation would be more appropriate but was not in line with what the applicant submitted.
- Five design alternatives were submitted but did not include an alternative that avoided impacts to the natural resource areas. Avoiding or minimizing impacts was part of the approval criteria for the development.
- Staff had suggested a nine-unit cluster along 19<sup>th</sup> Ave as an illustrative alternative to avoid impacts to the HCA and floodplain. The applicant claimed that a nine-unit development was not an option because it was below minimum density, would reduce visitor parking for Spring Park, and would block views to the Willamette River. The applicant contended that the proposed 12 units was the only feasible alternative that minimized impacts to the natural resources.
- Additional information was needed from the applicant with regard to an alternative that would locate 12 units closer to 19<sup>th</sup> Ave and move the cluster away from the HCA as much as possible.
- The proposed mitigation site appeared to be suitable, but challenging due to periodic flooding, weeds, and shallow bedrock. Consideration was needed regarding its appropriateness and a monitoring program would be required to ensure the mitigation plantings were successful.
- A conditional use approval was required due to its location within the Willamette Greenway. Existing public views were currently limited and would not preclude approval of the conditional use.
- Staff believed the height variance for the three-story homes was a reasonable alternative and the structures would comply with the maximum measured height.

Staff responded to questions from the Commission as follows:

- The tax lots did not include the slough. Staff confirmed that any requirement that applied to the Willamette River would also apply to the slough.

- More design details of the stormwater facility were needed before permitting that facility.
- All of the new structures were proposed to have crawl spaces and garages on the lower level. On some designs, all sides of the lower level appeared to be below grade which required additional design considerations in high velocity areas. Based on the current proposal, building permits would not be issued for some buildings due to inadequate height above BFE.
- Water from the property and proposed private street would be piped to a stormwater facility but could back up to the original drains in a very high flow event.
- A specific planting plan for the mitigation area was requested as a condition of approval. Staff would confirm whether the madrone trees on the site were considered a natural species and if they were appropriate in a floodplain. Staff's interpretation of the Willamette Greenway code considered views from a public right-of-way or public space to the river, but not from private property to the Greenway.
- The applicant's alternatives for a cluster development in the natural resources area were inadequate and alternatives were needed that felt and looked like a single-family home subdivision.
- The applicant would need to provide the bankfull elevation before a permit would be approved. The private street and most of the buildings would be built on fill above BFE.
- The additional materials provided to the Commission included correspondence from the applicant's environmental and engineering consultants, an email from the City's engineering staff concerning the discrepancy in the data conversion for the flood elevation.

### **Applicant Presentation**

**Matt Gillis, Applicant**, stated he had been working on the application for the last 1½ years and had made consistent adjustments trying to meet the criteria. The project was designed with natural elements to tie into the neighborhood, met Willamette Greenway criteria, and satisfied mitigation requirements.

- After natural resource deductions, the site was zoned for a minimum of 12 units to a maximum of 18. The proposed plan was the most practical option to balance all code requirements and planning requests.
- No practical way existed to avoid the HCA because it covered approximately 80% of the site. A nine-unit cluster was not financially feasible. The proposed plan allowed for Elk Rock and trees beyond the houses to remain visible to 19<sup>th</sup> Ave.
- The current condition of the site had little environmental or riparian value. The project would benefit the natural resources area through mitigation by removing invasive species and planting trees and native shrubs totaling 40,000 sq ft of mitigation.
- The difficulties with alternatives related to grade, cut and fill requirements, location in the HCA, and greenway views.

**Todd Iselin, Iselin Architects**, stated he had been working with Mr. Gillis for about two years and had considered 40 or 50 different options for the design and layout of the site, including small cluster units and several different attached options. Based on the neighborhood and the feedback received, detached housing was desired.

- The cluster was located as high as possible on the site upon learning a map adjustment could not be done for the HCA area. By developing the upper section as much as possible, mitigating and enhancing the rest of the site was possible.
- The driveway slope limited the emergency vehicle turnaround location.

- He noted the site's challenges regarding correct flood elevation information, flood construction, river data, etc.
- The team sought the Commission's input on the project and hoped for some conditions that allowed them to move ahead. An environmental consultant and a civil engineer were available for questions.
- **Mr. Gillis** continued the presentation. He noted a geotechnical study showed the houses could be built on the site with standard flood vents and described how flood vents would function. The applicant asked the Commission to approve the proposal with conditions, acknowledging many considerations needed to be made.
- The requested number of the letter of map revision (LOMR) had been supplied in the most recent materials.

**Ken Valentine** stated he was the civil engineer on the project. He responded to key issues as follows:

- Prior to this hearing, the design had been based on the FEMA 100-year flood level, which differed from the 1996 flood level. He noted adjustments could be made to the elevations.
- The bankfull stage could be interpreted numerous ways, sometimes as the top of the bank, and sometimes as a two-year event, as Metro indicated. The applicant could provide that information.
- The site would be graded to allow most stormwater to drain to the stormwater facility which was designed based on the City of Portland's Stormwater Management Manual for a vegetated swale. A similar facility was at Milwaukie Bay Park which was below the 100-year floodplain line. It was feasible to put a water quality facility below the floodplain line because two-year storm events or lower were intended to be treated, not the 100-year events.
- The staff report stated it was necessary to raise the road elevation by 3 inches, which could easily be done. The centerline of the roadway was 1 ft above the 100-year floodplain and the road was crowned, so the gutters would have potentially been below that 1 ft.
- The floodplain model of the Willamette River was done in 1978, but the team found a recent study for the Tilikum Bridge crossing which had a no-rise analysis, LOMR, and velocity studies. By comparing the study to the project site, the velocity rate was believed to be much lower than 5 ft per second.
- The stormwater management facility would be a vegetated swale as shown by the landscape plan and would improve water quality before discharging to the river.

**John McConnaughey, Environmental Technology Consultants**, noted he had distributed a letter to the Commission. Regarding the proposed mitigation area, he explained that floodplains and riparian areas were the most valuable habitat areas, which was why the application focused on mitigation in these areas.

The applicant's team addressed questions from the Commissioners as follows:

- A Homeowner's Association (HOA) would be responsible for maintaining the mitigation for the standard two-year period or longer if conditioned; a bond would ensure the success of the mitigation.
- The criteria required access and views to the Greenway. The applicant was not opposed to alternatives for public access but, at this point, the criteria had been met.
- Only one driveway was planned, and the applicant was not requesting a variance.
- **Mr. Gillis** stated he had talked with Milo Denham at the beginning of the project and had spoken at the Island Station Neighborhood District Association (NDA) meeting.
- The Comprehensive Plan addressed maintaining the single-family character of the

neighborhood, which was zoned R-5. For any variation of the plan, the excavation and the cut and fill would disturb the HCA, and an additional driveway would also push the houses into the HCA and block views.

- Although the code stated to avoid, minimize, and mitigate to the extent practicable, clustering near 19<sup>th</sup> Ave was not the best option due to impact on views.
- A nearby tree with an inactive nest would not be removed or otherwise affected by the development and was at least 50 ft away from the proposed structures.
- The applicant confirmed that all of staff's recommended conditions of approval could be met.

**Chair Travis called for public testimony.**

**Lorna Murray, 6245 SW Capital Hwy, Portland**, stated that once completed, the site would be better than before the applicant had purchased it. She said she supported the proposed project.

**Milo Denham, 12106 SE 19<sup>th</sup> Ave**, clarified he was testifying as a citizen, not as the Island Station NDA Chair, nor as a budget committee member. He lived close to the proposed development and supported the project. The NDA had understood that even higher densities were allowed on the two subject sites, so a 12-unit proposal was appealing. He liked the proposed home designs and believed the project would complement the neighborhood. He was not in support of public access through the property and noted there was public access to the river through Spring Park and Elk Rock Island.

- Parking was a key concern. He requested parking be added on one side of the accessway, instead of requiring sidewalks.
- He was pleased to see the Commission's review of the key areas of the floodplain, natural resource areas, and the Willamette Greenway, and he appreciated their work.

**Pam Denham, 12106 SE 19<sup>th</sup> Ave**, stated she was the Island Station land use committee chair but was speaking as a private citizen. She believed the proposed development was thoughtfully designed and appreciated the applicant's communication with the neighborhood.

- Views would be impacted no matter what was constructed on the site, but the proposal included view corridors.
- She was concerned about traffic as 19<sup>th</sup> Ave was a shared roadway for pedestrians, bicycles, and vehicles. She suggested stop signs at 19<sup>th</sup> Ave, Sparrow St, Bluebird, and at 22<sup>nd</sup> Ave to help drivers and visitors to the new housing adjust to the shared roadway.
- She thought space for sidewalks would be better used for parking.

**Chris Roberts, 12203 SE 19<sup>th</sup> Ave**, stated he had just purchased his home neighboring the subject sites, and had learned of the development. He believed there was no good reason to build in the floodplain as climate change had increased flooding events and would continue to do so. He was not against development, but the current site seemed like an obvious place to not develop.

**Applicant Rebuttal**

**Mr. Robinson** noted a revised schedule had been discussed with staff during the recess. On behalf of the applicant, he asked the Commission to hold the record open for additional written testimony until August 6 followed by a period for rebuttal to any submissions by August 13. Staff would issue a report on August 27, and the applicant would submit final written arguments on September 3. The Commission would deliberate to a tentative decision on September 10, adopt

findings, and make a final decision on October 8. The applicant had extended the 120-day period until November 22 if the Commission agreed to the revised schedule. In case of an appeal, that would allow enough time for the Council to at least schedule the hearing. The applicant would grant reasonable extensions if more time was required for the City to render a final decision on the application. He addressed questions raised by the Commissioners and additional concerns as follows:

- Criteria regarding views were derived from Goal 15, the Willamette River Greenway Goal, and the City's code embodied some of those factors in Section 19.401.6. Goal 15 referred to the river and not the Greenway. If the applicant were to construct the houses at the street on 19<sup>th</sup> Ave, the view impact would be greater than what the applicant proposed.
- The applicant would address in writing all five criteria regarding residential clusters in Code Section 19.402.
- Regarding engineering staff's response on the design flood height, he recommended clarification from the city attorney about the flood elevations, i.e. 1996 flood elevation versus the FEMA 100-year flood elevation.
- The applicant agreed with all the conditions of approval, including the extended 10-year mitigation monitoring period.

**Commissioner Hemer moved and Vice Chair Burns seconded to close the public hearing and leave the record open for written testimony, and to continue the hearing to a date certain of September 10, 2019 for deliberation and a tentative decision. Motion passed unanimously.**

**Chair Travis** closed the public hearing.

- 5.2 Summary: Lake Rd & Kuehn Rd Public Right-of-Way Annexation  
Applicant/Owner: City of Milwaukie  
Address: SE Lake Rd and SE Kuehn Rd near 4900 SE Lake Rd  
File: A-2019-002  
Staff: Denny Egner for Brett Kever, Associate Planner

**Denny Egner, Planning Director**, presented the staff report and explained the right-of-way annexation process. He addressed clarifying questions and noted the annexed property would be zoned like the adjacent property with the right-of-way center line being the dividing line between two different zones. The right-of-way annexation included both the street and sidewalk.

**Vice Chair Burns moved and Commissioner Massey seconded to recommend approval to City Council of the annexation A-2019-002 including adoption of the proposed ordinance and exhibits found in Attachment 1. Motion passed unanimously.**

**6.0 Worksession Items** — None

**7.0 Planning Department Other Business/Updates**

7.1 Street Renaming—Keil Crossing Subdivision

**Mr. Egner** stated Milwaukie Police Department had requested renaming a section of street in the Keil Crossing Subdivision because the current addresses on 43<sup>rd</sup> Ave could be confused with Portland addresses in the 911 emergency response system.

The Commission agreed the name Keil St was appropriate given the name was associated with the historic house that had occupied the property.

**Commissioner Massey moved and Vice Chair Burns seconded to recommend to City Council that 43<sup>rd</sup> Ave be renamed Keil St to reflect the historical connection in the neighborhood. Motion passed unanimously.**

**8.0 Planning Commission Committee Updates and Discussion Items** – This was an opportunity for comment or discussion for items not on the agenda.

**Mr. Egner** stated the revised Block 3 policies for the Comprehensive Plan update would be distributed tomorrow. About 50 to 60 people attended the open house. A report would be generated from the compiled materials.

**Commissioner Hemer** requested that the map for the Block 3 discussion indicate high, medium, and low densities in color.

**9.0 Forecast for Future Meetings:**

- |                 |  |
|-----------------|--|
| August 13, 2019 | 1. Public Hearing: VR-2019-004 Home Occupation Variance                              |
|                 | 2. Worksession: Hillside Master Plan   |
|                 | 3. Worksession: Comp Plan Block 3 Policies   |
| August 27, 2019 | 1. Public Hearing: Continuation of NR-2018-005 Elk Rock Estates (Tentative)          |
| Sept. 10, 2019  | 1. Public Hearing: Code Amendments for Downtown Design Rev. (Target Date, Tentative) |
|                 | 2. Public Hearing: S-2018-003 Railroad Ave Subdivision                               |

Meeting adjourned at approximately 9:29 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

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Kim Travis, Chair





# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

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

September 10, 2019

**Present:** Kim Travis, Chair  
John Henry Burns, Vice Chair  
Joseph Edge  
Greg Hemer  
Lauren Loosveldt  
Robert Massey

**Staff:** Denny Egner, Planning Director  
Vera Koliass, Associate Planner  
Justin Gericke, City Attorney

**Absent:** Adam Argo

### 1.0 Call to Order – Procedural Matters

**Chair Travis called the meeting to order at 6:30 pm and read the conduct of meeting format into the record.**

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

### 2.0 Planning Commission Minutes

#### 2.1 January 22, 2019

**Commissioner Hemer** noted that the January 22<sup>nd</sup> minutes were unclear as to which commissioner motioned for Chair Travis to be nominated and should be amended for clarity. (Commissioner Hemer had made the nomination and the January 22<sup>nd</sup> minutes were subsequently amended.)

**Chair Travis opened the floor for motion to approve the minutes as amended. Commissioner Hemer made a motion for approval. The motion was unanimously approved.**

### 3.0 Information Items

**Denny Egner, Planning Director**, stated that although the application submitted for the Monroe Street Apartments had been deemed incomplete, he expected that the application would be resubmitted. He noted that if the application was resubmitted it would be subject to administrative review, but that the Planning Commission and City Council were both bodies to which an administrative decision could be appealed. For this reason, Mr. Egner recommended that the commissioners avoid ex parte contact regarding the apartments.

**Justin Gericke, City Attorney**, concurred with Mr. Egner's recommendation.

**Chair Travis** asked whether any of the commissioners had questions about ex parte contact. None did.

**Mr. Egner** indicated that the hearing for S-2018-001 listed on the forecaster as occurring on September 24 would need to be continued to a future meeting.

#### **4.0 Audience Participation**

**Chair Travis** indicated that public testimony would not be heard at this meeting because it was not allowed at this stage in deliberation.

#### **5.0 Public Hearings**

- 5.1** Summary: Elk Rock Estates (Continued from July 23, 2019)  
Applicant/Owner: Matthew Gillis, Gillis Properties  
Address: 12205/12225 SE 19th Ave  
File: NR-2018-005, LC-2018-001, WG-2018-001, VR-2018-014, VR-2018-015  
Staff: Vera Kolias, Associate Planner

**Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record. She also read the hearing history of the file. She asked if any Commissioner wished to declare any bias, ex parte contact, or conflict of interest. None did. She asked for commissioners who had visited the site prior to the hearing to raise their hands. All did.**

#### **Planning Commission Deliberation**

**Vice Chair Burns** asked whether it would be possible to deny the application because of only one finding or if it would be required that the Planning Commission work through all the findings before them.

**Mr. Gericke** said that the commission should work through the findings before them in order to create a basis for the final findings and any future appeal.

**Mr. Egner** clarified that the commission could deny the application based on failure to meet a single approval criterion.

**Vice Chair Burns** indicated that he felt that the applicant had failed to demonstrate through an alternatives analysis that impacts were mitigated or avoided to the maximum extent practical. He stated that this was a requirement for natural resource cluster developments. He stated that he was willing to deny the application on that basis alone without ruling on other criteria.

**Commissioner Edge** concurred with Vice Chair Burns. He also stated that he felt that there was insufficient evidence that the current plan would meet the threshold for FEMA requirements for development in the floodplain.

**Commissioner Massey** and **Commissioner Loosveldt** concurred with Commissioner Edge.

**Commissioner Hemer** asked for Vice Chair Burns to answer questions in his capacity as a licensed Civil Engineer regarding the application. He began by asking about

concerns raised in the staff report regarding fish being trapped in a hole in the floodplain created by this development.

**Vice Chair Burns** declined to answer as a Civil Engineer and instead referred to the findings provided by City staff which showed that other similar features had been allowed at other similar locations on the Willamette nearby.

**Commissioner Hemer** asked Vice Chair Burns about whether it would be better to mitigate water runoff at the source of the runoff or at the bottom of the hill.

**Vice Chair Burns** indicated that there were merits to both methods and that they were both routinely applied. He stated that it would be up to a design engineer to make that determination.

**Commissioner Hemer** asked Vice Chair Burns about whether there should be grates in the driveways to allow water to run off given the relative elevations of the street, the driveways, and the houses.

**Vice Chair Burns** declined to comment on drainage design, deferring to City staff and the applicant to make determinations about the appropriateness of any given design. He granted that it was generally a good idea to make provision for water to drain from low points.

**Commissioner Hemer** stated that he felt conflicted because while he believed that the property owner should be allowed to do what he wanted with his property, Commissioner Hemer was concerned about the potential for damage from water runoff to the house at the lower elevation. He further indicated that he would be willing to deny the application based on the height of the driveways and the potential for trapping water. He proposed that if the application were approved, streets coming off of SE 19<sup>th</sup> Ave be designated as woonerfs, which he defined as having no sidewalks and some parking.

**Vice Chair Burns** indicated that the details of design described by Commissioner Hemer were outside of the scope of the current hearing and that he preferred to leave those determinations to City staff reviewing the development in the permitting process.

**Chair Travis** concurred with Vice Chair Burns and asked whether any of the commissioners wished to continue the discussion or if anyone would prepare a motion.

**Commissioner Hemer** stated that he would be willing to deny the application based on the design not meeting FEMA floodplain requirements, but that he felt uncomfortable denying based on insufficient alternatives analyses. He indicated that he would be willing to vote on the application without further discussion.

**Mr. Egner** asked for Vice Chair Burns and Commissioner Edge to restate their concerns around the floodplain for the record and asked for clarification about whether the basis for their denial could be found in the draft findings presented by the Planning Department or if they came from another source.

**Commissioner Edge** referenced the draft findings in support of denial related to Title 18 of the Milwaukie Municipal Code, particularly Finding 5 which included references to “foundations” and “lowest enclosed floor”. He reaffirmed his belief that FEMA would likely require the design to be changed on review. He indicated that he believed any such revision to the design would be so significant as to require a new hearing by the Planning Commission.

**Mr. Egner** asked Commissioner Edge for clarification about the relationship between the rationale for the decision and the findings, stating that the Planning Department could expand upon the point in its final findings as necessary.

**Commissioner Edge** stated that he believed the draft findings offered sufficient support for the denial in their current state.

**Vice Chair Burns** and **Commissioner Edge** discussed the relative merits of continuing to deliberate on the application, deciding that a narrow decision would be of more benefit to the City and applicant than a broad one.

**Vice Chair Burns** suggested that the Planning Commission should direct staff to prepare findings for denial based on draft Finding 5.

**Vera Kalias, Associate Planner**, asked whether it would be acceptable to include the entirety of the draft findings on natural resources rather than limiting to just the text concerning the alternative analysis.

**Vice Chair Burns** asked that findings regarding the proposed mitigation plan be excluded.

**Chair Travis** asked Mr. Egner about whether, procedurally, the motion should be to deny the application or a preliminary denial.

**Mr. Egner** clarified that the motion would be for preliminary denial and a direction to staff to prepare finalized findings in support of denial

**Vice Chair Burns moved for a preliminary denial based on flood hazard regulations and insufficient alternatives analysis as described in the draft findings. The motion specifically excluded any determination on the mitigation plan. Commissioner Edge seconded the motion. Chair Travis called for a vote. Chair Travis, Vice Chair Burns, and Commissioners Massey, Loosveldt, and Edge voted in favor of the motion. Commissioner Hemer voted in opposition to the motion. Chair Travis read the conditions of appeal into the record and indicated that the final vote would take place at the Planning Commission meeting on October 8.**

## **6.0 Work Session Items**

There were no Work Session items for this meeting.

## **7.0 Planning Department Other Business/Updates**

**Mr. Egner** provided an update on the ongoing work of the Comprehensive Plan Advisory Committee (CPAC). He stated that the CPAC discussed Urban Design policies including policies requiring that for eligible zone changes proximity to parks, commercial areas, and transit be considered. He indicated that the

Planning Department intended to bring the policies before the Planning Commission in November with an open house to be scheduled prior to that.

**Commissioner Hemer** asked how neighborhood greenway routes would interact with the proposed higher density.

**Mr. Egner** replied that it would be necessary to examine the interaction of neighborhood greenways and the increased density during the coming discussion of the Transportation System Plan in order to resolve the current conflict between the actual traffic volumes on collector streets and the traffic volumes on neighborhood greenways.

**Chair Travis** asked whether there were any future CPAC meetings planned.

**Mr. Egner** stated that there were more meetings planned; the next meeting would be to review the full Comprehensive Plan package and to discuss implementation priorities. He notified the Planning Commission that they were invited to the City Council Study Session on October 15 for the annual review of the Planning Commission workplan.

**Chair Travis** asked whether there would be a meeting for active synthesis of the proposed Comprehensive Plan policies.

**Mr. Egner** stated that that synthesis discussion would be forthcoming, but that some additional work would be done on ensuring consistency of policies throughout the plan. He said it would also be necessary to ensure that the plan aligned with state goals.

**Commissioner Edge** asked whether there had been any consideration given to seeking early-adopter assistance from the state relating to adoption of HB 2001.

**Mr. Egner** said that there was, and that City staff had been in contact with the Department of Land Conservation and Development (DLCD) about becoming an early adopting city. He said that he had drafted a three-year plan for the implementation of the Comprehensive Plan. He noted that the City was also in the process of revising its floodplain development standards following a DLCD audit. He said that like HB 2001, this revision process had an external timeline that would accelerate the City's timelines.

He notified the council that he had been in conversation with the DLCD about getting some additional assistance in the form of a state grant to examine the City's development of bicycle facilities in and around the Murphy site.

**Commissioner Hemer** asked about the Neighborhood District Association (NDA) boundaries and whether those boundaries were drawn as part of the Comprehensive Plan revision. He mentioned that this could be discussed more at an upcoming meeting of NDA leaders.

**Chair Travis** indicated that she wanted to find different strategies for outreach given the increased levels of public interest in the Comprehensive Plan. She suggested that members of the Planning Commission could attend NDA meetings.

**The Planning Commission** discussed this, and it was agreed that Chair Travis would connect with David Levitan, Senior Planner, to schedule times for those visits.

**Chair Travis** proposed a staff-led walking tour of some part of Milwaukie to help residents to understand land use with real-world examples.

**Mr. Egner** suggested that the September 24<sup>th</sup> Planning Commission meeting could be used for that purpose.

**The Planning Commission** discussed this and agreed.

### **8.0 Planning Commission Committee Updates and Discussion Items**

There were no committee updates or other discussion items for this meeting.

### **9.0 Forecast for Future Meetings**

- |               |   |
|---------------|---|
| Sept 24, 2019 | 1. Hearing Item: S-2018-001, Railroad Ave Subdivision           |
| Oct 8, 2019   | 1. Hearing Item: NR-2018-005, Elk Rock Estates (Final Decision) |
| Oct 22, 2019  | 1. No agenda items are currently scheduled for this meeting.    |

Meeting adjourned at approximately 7:34 PM

Respectfully Submitted,  
Dan Harris  
Administrative Specialist II

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Kim Travis, Chair



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

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

September 24, 2019

**Present:** Kim Travis, Chair  
Adam Argo  
Greg Hemer  
Lauren Loosveldt  
Robert Massey

**Staff:** Leila Aman, Community  
Development Director  
Vera Koliass, Associate Planner

**Absent:** John Henry Burns, Vice Chair  
Joseph Edge

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

**Chair Travis called the meeting to order at 6:00 pm and read the conduct of meeting format into the record.**

### 2.0 Work Session Items

**2.1** Summary: Downtown Walking Tour  
Staff: Leila Aman, Community Development Director and  
Vera Koliass, Associate Planner

**The Planning Commission** participated in a walking tour of Downtown Milwaukie led by City staff.

### 3.0 Public Hearings

**3.1** Summary: Railroad Ave Subdivision  
Applicant/Owner: I & E Construction, Inc.  
Address: Taxlot 12E31DD03000  
File: S-2018-001  
Staff: Mary Heberling, Assistant Planner

**Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record.**

**Commissioner Hemer moved to continue the hearing to the Planning Commission meeting on October 22, 2019. Commissioner Massey seconded the motion. Chair Travis called for a vote. The Commissioners in attendance voted unanimously to continue the hearing to October 22, 2019.**

### 4.0 Forecast for Future Meetings

- |                 |  |
|-----------------|--|
| October 8, 2019 | <ol style="list-style-type: none"><li>1. Hearing Item: Continuation of NR-2018-005, Elk Rock Estates Final Decision</li><li>2. Work Session Item: Comprehensive Plan Update, Comment on Final Version of Policies (Including Urban Design)</li></ol> |
|-----------------|--|

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of September 24, 2019

Page 2

- October 15, 2019      3. Work Session Item: Planning Commission Work Program
- October 15, 2019      1. Joint Session with City Council: Planning Commission Work Program
- October 22, 2019      1. Hearing Item: MLP-2018-002, Two-Lot Partition of 5084 SE King Rd
- October 22, 2019      2. Hearing Item: S-2018-001, Railroad Ave Subdivision
- October 22, 2019      3. Work Session Item: Comprehensive Plan Update, Final Work Session Prior to Public Hearing

Meeting adjourned at approximately 7:30 PM

Respectfully submitted,  
Dan Harris  
Administrative Specialist II

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Kim Travis, Chair





# CITY OF MILWAUKIE

**To:** Planning Commission  
**Through:** Dennis Egner, Planning Director  
**From:** Vera Kalias, Associate Planner  
**Date:** November 5, 2019, for November 12, 2019, Public Hearing  
**Subject:** **File:** CU-2019-002  
**Applicant:** Michael Cerbo, Galloway  
**Property Owner:** SHURGARD-MILWAUKIE #38010 (Public Storage)  
**Address:** 3701 SE International Way  
**Legal Description (Map & Tax Lot):** 1S1E36DA 0100  
**NDA:** (none)

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## **ACTION REQUESTED**

Approve land use application master file #CU-2019-002 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow approximately 4,800 sq ft of existing tenant office space to be converted into 98 self-storage units.

## **BACKGROUND INFORMATION**

The Planning Commission approved a conditional use for self-storage facilities on the site in 1989 (land use file #CU-89-02). The majority of the 145,000-sq ft site is zoned BI. Approximately 25% of the site, fronting 37<sup>th</sup> Ave, is zoned C-G. At the time of the conditional use approval for the site, self-storage was determined to be a “similar use” to the list of conditional uses in the C-G zone. One of the original conditions of approval required that +/- 6,000 sq ft of the structure facing 37<sup>th</sup> Ave to be used for uses permitted outright in the C-G zone. The applicant is seeking land use approval to allow the conversion of 4,800 sq ft of underutilized office space, that is within the C-G zone, into an additional 98 units of self-storage space. The remaining office space would continue to be used as office space for Public Storage. No modifications outside of the existing building area are proposed. This expansion of the self-storage use requires approval of a major modification to a conditional use.

## A. Site and Vicinity



Figure 1. Site and vicinity

The project area is located at the corner of 37<sup>th</sup> Ave and International Way at 3701 SE International Way. The site is developed with 598 storage units, employee office space, and approximately 4,800 sq ft of tenant office space (see Figure 1). The immediately surrounding area is comprised primarily of developments with multiple office-type buildings on large parcels with shared off-street parking.

**B. Zoning Designation**

Business  
Industrial and  
General  
Commercial (B-I  
and CG, see  
Figure 2)

**C. Comprehensive Plan Designation**

Commercial (C)  
and Industrial (I)

**D. Land Use History**

As noted above,  
the existing self-  
storage facility  
was approved as  
a conditional use  
in 1989 (land use  
file #CU-89-02).

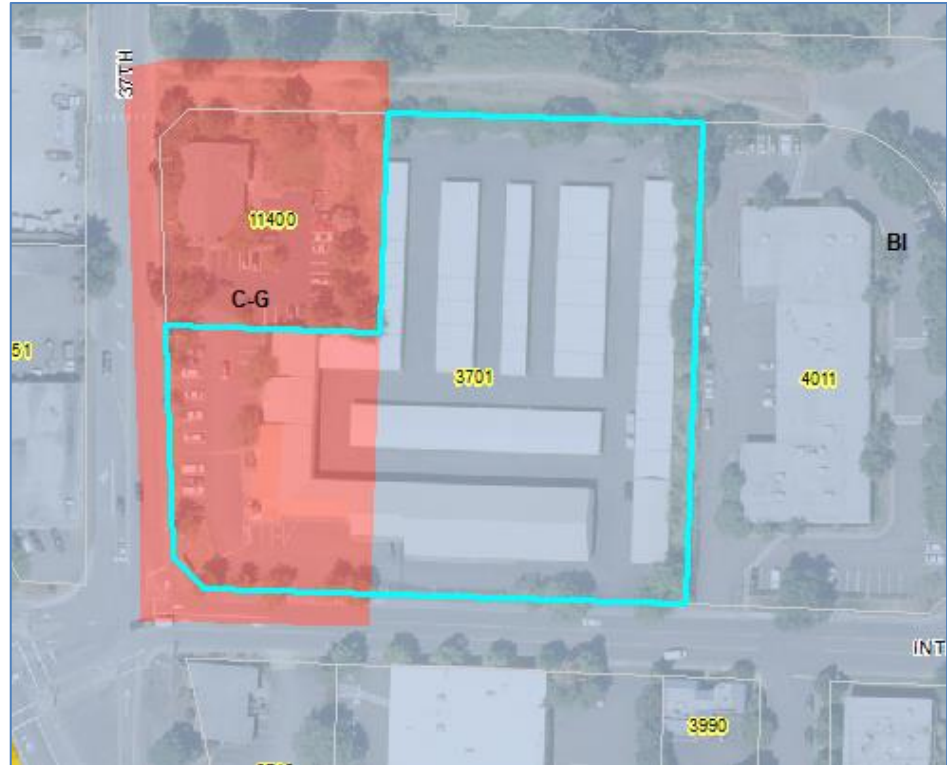


Figure 2. Zoning designation

**E. Proposal**

The applicant is seeking land use approval to convert approximately 4,800 sq ft of tenant office space to approximately 98 self-storage units. The applicant states that over the last 8 years or so, the occupancy in the office space has never gone above 50%. There has been one long term tenant, but the other units have had constant turn over and collection issues. The highest rental rate obtained was \$1.12 per sq ft and it is the opinion of Public Storage that the highest and best use is self-storage at this location. The existing office space utilized for self-storage operations will remain.

No exterior modifications are proposed and all of the new self-storage units will be enclosed within the existing building.

Because the project would affect a condition of approval, the proposal requires approval of a major modification to a conditional use.

**KEY ISSUE ANALYSIS**

Staff has identified the following key issue for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

### **Would the proposed additional self-storage units result in any impacts that require mitigation?**

Staff has not identified any negative impacts from the proposal. Adding 98 storage units to the existing 598 existing storage units represents a 16% increase in the number of units on the site. Access to the units is between 6:00 a.m. and 9:00 p.m. seven days a week. A 16% increase is not significant given that the units are accessible 15 hours per day. Vehicular and pedestrian access, parking configuration, and site circulation will remain as they exist today. In general, the self-storage use will decrease the intensity of the use at this location, generating fewer vehicular trips and decreasing the impact on public infrastructure, particularly when compared to uses allowed outright in the C-G zone, such as offices, retail trade and eating establishments.

No special impacts are anticipated, so staff does not believe any specific mitigation is required.

## **CONCLUSIONS**

### **A. Staff recommendation to the Planning Commission is as follows:**

1. Approve the Conditional Use application (CU-2019-002) to allow the conversion of tenant office space into self-storage units.
2. Adopt the attached Findings in Support of Approval.

Staff does not recommend any conditions of approval.

## **CODE AUTHORITY AND DECISION-MAKING PROCESS**

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

- MMC Section 19.307 General Commercial Zone (C-G)
- MMC Section 19.310 Business Industrial Zone (B-I)
- MMC Section 19.905 Conditional Uses
- MMC Section 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.

D. Continue the hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by February 1, 2020, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

**COMMENTS**

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Building and Engineering Departments; Clackamas Fire District #1 (CFD#1); Clackamas County Department of Transportation and Development (DTD); Metro; TriMet; and properties within 300 ft of the subject site.

No comments were received regarding the application.

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

	Early Web Posting	PC Packet	Public Copies	Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Applicant's Narrative and Supporting Documentation (stamped received on October 3, 2019)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early Web Posting = Materials posted to the land-use application webpage at the time of public notice 20 days prior to the hearing.

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

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

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-39>.

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**Recommended Findings in Support of Approval  
File #CU-2019-002  
Major Modification to a Conditional Use for Public Storage**

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

1. The applicant, Michael Cerbo on behalf of Public Storage Properties, has applied for a minor modification to a conditional use to allow a conversion of approximately 4,800 sq ft of office space into additional self-storage space. The property is split into two zones: The Business Industrial zone (BI) and the General Commercial zone (C-G). The proposed office conversion is located in the C-G zone. The project area is located at 3701 SE International Way. The land use application file number is CU-2019-002.
2. The Planning Commission approved a conditional use for self-storage facilities on the site in 1989 (land use file #CU-89-02). One of the original conditions of approval required that +/- 6,000 sq ft of the structure facing 37<sup>th</sup> Ave to be used for uses permitted outright in the C-G zone. The majority of the 145,000-sq ft site is zoned BI. Approximately 25% of the site, fronting 37<sup>th</sup> Ave, is zoned C-G. At the time of the conditional use approval for the site self-storage was determined to be a “similar use” to the list of conditional uses in the C-G zone. The applicant is seeking land use approval to allow the conversion of 4,800 sq ft of underutilized office space, that is within the C-G zone, into an additional 98 units of self-storage space. No modifications outside of the existing building area are proposed. This expansion of the self-storage use requires approval of a major modification to a conditional use.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.307 General Commercial Zone (C-G)
  - MMC Section 19.905 Conditional Uses
  - MMC Section 19.1006 Type III Review

The applicant’s submittal is an application for Major Modification to a Conditional Use. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review.

Public notice was sent to property owners and current residents within 300 ft of the subject property on October 23, 2019. A public hearing was held on November 12, 2019, as required by law.

4. MMC Section 19.307 General Commercial Zone (C-G)

MMC 19.307 establishes the allowable uses and development standards for the C-G zone.

  - a. MMC Subsection 19.307.2 Conditional Uses Permitted

MMC 19.307.2 establishes the uses allowed with conditional use approval in the C-G zone, including animal hospital or boarding kennel, auditorium or stadium, contractor's storage yard, sheet metal shop, and other similar uses.

*As determined in the original 1989 land use approval, self-storage is similar to the listed use "contractor's storage" and could be evaluated as a conditional use.*

*Consistent with the original conditional use approval, and that 26 storage units currently are located in the C-G zone, the Planning Commission finds that self-storage is an allowed use subject to conditional use approval in the C-G zone.*

*As proposed, and as addressed elsewhere in these findings, the Planning Commission finds that the proposal is subject to conditional use approval.*

5. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes a process for evaluating certain uses that may be appropriately located in some zoning districts, if appropriate for the specific site on which they are proposed. MMC Subsection 19.905.2.A provides that the provisions of Section 19.905 apply to uses identified as a conditional use in the base zone in Chapter 19.300, such as those identified for the C-G zone in MMC Subsection 19.307.2. MMC Subsection 19.905.3.A provides that the major modification of a conditional use shall be evaluated through a Type III review per Section 19.1006.

*The proposal to convert 4,800 sq ft of office space into additional storage units in the operation of Public Storage at the subject property constitutes a request to modify an existing conditional use in the C-G zone and to alter a condition of approval, which is determined to be a major modification and is subject to Type III review.*

a. MMC Subsection 19.905.4 Approval Criteria

MMC Subsection 19.905.4.A establishes the following approval criteria for a major modification of a conditional use:

- (1) The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

*Adding 98 storage units to the existing 598 existing storage units represents a 16% increase in the number of units on the site. Access to the units is between 6:00 a.m. and 9:00 p.m. seven days a week. A 16% increase is not significant given that the units are accessible 15 hours per day. In general, the self-storage use will decrease the intensity of the use at this location, generating fewer vehicular trips and decreasing the impact on public infrastructure, particularly when compared to uses allowed outright in the C-G zone, such as offices, retail trade & eating establishments.*

- (2) The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

*No exterior improvements or additions are proposed. All existing infrastructure and facilities will remain intact and undisturbed. Vehicular and pedestrian access, parking*



*configuration, and site circulation will remain as they exist today. The proposed conversion to self-storage will have no impact on the site's existing compliance with development standards. There are no overlay zones or special areas on the site. The minimum and maximum off-street parking requirement for self-service storage is 1 space per 45 units plus 1 space per employee and 1 space per 20 storage units plus 1 space per employee. As proposed, the site would require a minimum of 19 parking spaces and would allow a maximum of 38 parking spaces. There are 27 existing parking spaces on the site.*

- (3) All identified impacts will be mitigated to the extent practicable.

*The proposed additional self-storage units are not a significant increase over what it existing. No exterior improvements are proposed; all development is proposed to be within the existing building footprint. All existing infrastructure and facilities will remain intact and undisturbed, having no impact on nearby uses.*

- (4) The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

*The proposal to allow additional self-storage units will not result in any unmitigated nuisance impacts.*

- (5) The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

*The proposed conditional use would not physically change the subject property and would operate within the constraints of the existing development.*

- (6) The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

*Chapter 4 (Land Use): Economic Base & Industrial/Commercial Land Use Element, Objective 2 (Employment Opportunity) – Policies in this section include those that encourage the retention of existing businesses and recruitment of new businesses that provide long-term employment opportunities, as well as those that encourage new professional and service-oriented employment opportunities to meet the needs of city residents.*

*Allowing the proposed conversion of office space to additional self-storage units allows an existing business to expand and fill vacant space with a needed use and service.*

- (7) Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

*The proposed conditional use would not increase trips to the office park as a whole, which is assumed to have a mix of uses that may vary over time according to specific tenancies. International Way and 37<sup>th</sup> Ave, the adjacent public streets, are adequate to serve the proposed conditional use, as are all other existing public facilities in the area.*

*The Planning Commission finds that the proposed conversion of tenant office space into additional self-storage units meets the approval criteria for a major modification of a conditional use as established in MMC 19.905.4.A. This standard is met.*

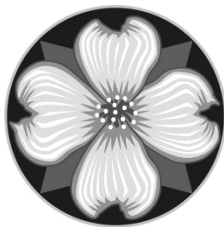
*As proposed, the Planning Commission finds that proposal meets the applicable standards of MMC 19.905 and is approvable as a major modification of a conditional use.*

6. The application was referred to the following departments and agencies on October 4, 2019:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Clackamas Fire District #1 (CFD#1)
- Clackamas County Department of Transportation and Development (DTD)
- Metro
- TriMet

In addition, notice of the public hearing was mailed to owners and residents of properties within 300 ft of the subject property on October 23, 2019.

No comments were received.



**PLANNING DEPARTMENT**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503-786-7630  
 planning@milwaukieoregon.gov

# Application for Land Use Action

Master File #: CU-2019-002

Review type\*:  I  II  III  IV  V

**CHOOSE APPLICATION TYPE(S):**

~~Modification to Existing Approval~~

Conditional Use - Major Modification

...

...

...

Received by Milwaukie Planning Dept:  
 October 3, 2019

**Use separate application forms for:**

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): **Galloway - Michael Cerbo**

Mailing address: **6162 S Willow Drive, Suite 320** Zip: **80111**

Phone(s): **303-770-8884** Email: **mikecerbo@gallowayus.com**

**APPLICANT'S REPRESENTATIVE** (if different than above):

Mailing address: Zip:

Phone(s): Email:

**SITE INFORMATION:**

Address: **3701 SE International Way** Map & Tax Lot(s): Parcel #01414286 | Tax Lot 11E36AD06502

Comprehensive Plan Designation: **C** Zoning: **C-G** Size of property: **3.33 Acres**

**PROPOSAL (describe briefly):**

Majority of Property is zoned BI and identified as I-Industrial on the comprehensive plan. The portion of the property that this application applies to is zoned C-G and the purpose of this application is to enable a conversion of existing, underutilized office space into self-storage units.

**SIGNATURE:**

**ATTEST:** I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: **Michael S Cerbo**



Date: **July 25, 2019**

## IMPORTANT INFORMATION ON REVERSE SIDE

\*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

**WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION** (excerpted from MMC Subsection 19.1001.6.A):

**Type I, II, III, and IV** applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

**Type V** applications may be initiated by any individual.

**PREAPPLICATION CONFERENCE:**

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

**REVIEW TYPES:**

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

**THIS SECTION FOR OFFICE USE ONLY:**

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
<b>SUBTOTALS</b>		\$			\$	

TOTAL AMOUNT RECEIVED: \$

RECEIPT #:

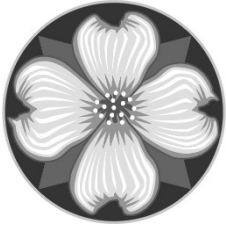
RCD BY:

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s):

Notes:

\*After discount (if any)



**MILWAUKIE PLANNING**  
6101 SE Johnson Creek Blvd  
Milwaukie OR 97206  
503-786-7630  
planning@milwaukieoregon.gov

# Submittal Requirements

**For all Land Use Applications**  
(except Annexations and Development Review)

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov) for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.

*Applications without the required application forms and fees will not be accepted.*

2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

*Where written authorization is required, applications without written authorization will not be accepted.*

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

*Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.*

4. **Detailed statement** that demonstrates how the proposal meets the following:

A. All applicable development standards (listed below):

1. **Base zone standards** in Chapter 19.300.
2. **Overlay zone standards** in Chapter 19.400.
3. **Supplementary development regulations** in Chapter 19.500.
4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

B. All applicable application-specific approval criteria (check with staff).

*These standards can be found in the MMC, here: [www.qcode.us/codes/milwaukie/](http://www.qcode.us/codes/milwaukie/)*

5. **Site plan(s), preliminary plat, or final plat** as appropriate.

*See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.*

6. **Copy of valid preapplication conference report**, when a conference was required.

**APPLICATION PREPARATION REQUIREMENTS:**

- Five hard copies of all application materials are required at the time of submittal. Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness. Provide an electronic version, if available.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

**ADDITIONAL INFORMATION:**

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: [www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association](http://www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association).
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) \_\_\_\_\_, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

---

**Official Use Only**

Date Received (date stamp below):

Received by: \_\_\_\_\_

July 24, 2019

RE: CUP Minor Amendment – Milwaukie, OR – Letter of Authorization: 3701 SE International Way

To Whom It May Concern:

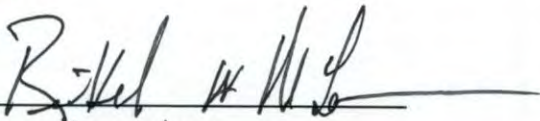

PUBLIC STORAGE PROPERTIES XIX INC- DEPT P.T. CO 219 ("OWNER") as owner of the above-referenced Property hereby designates Galloway & Company, Inc., authorized representative of Owner to submit an application for a CUP Minor Amendment and other necessary applications as they pursue necessary approvals for the Public Storage at the referenced Property.

This letter confirms that the undersigned represents the sole ownership of the Property and that no other party's consent is required to represent said ownership for required development and permitting applications.

Mr. Rick McKeever

Sign: \_\_\_\_\_

Date: \_\_\_\_\_

To: Vera Kolas, AICP – Associate Planner

From: Mike Cerbo – Site Development Project Manager

Date: September 30, 2019

Re: **CUP Major Modification – Public Storage, 3701 SE International Way, Milwaukie, OR**

This purpose of this application is to enable the conversion of approximately 4,800 sf of underutilized office space, that lies within a C-G zone district, into a self-storage use. The property owner, Public Storage, wishes to convert the existing office space into approximately 98 additional self-storage units and provide a single, consistent use throughout their property. Attached to this memorandum is a floor plan portraying the conversion.

The subject property is located at 3701 SE International Way and is owned by Public Storage.

There are two zoning classifications present on the subject property today - C-G and BI (Business industrial) - and self-storage is an existing use within both classifications.

We request the major modification (Type III) of an existing conditional use to enable the expansion of self-storage within office space that exists today but lies within the C-G (General Commercial) zoned area. There are two specific reasons why this request is necessary:

1. A conversion to self-storage does not comply with the original conditions associated with the original conditional use approval letter, dated July 18, 1989. Specifically, Condition #1, which states:

1. **The development shall occur as specified on the site plan with the exception that +/- 6,000 square feet of the structural area on grade and fronting 37th Avenue (in the C-G Zone area) shall be utilized for uses permitted outright within the C-G Zone. Minor modifications may be approved by Staff.**

**Request:** That the original condition of approval, number one, be removed from the existing Conditional Use.

2. Self-storage is not listed as a permitted or conditional use within the C-G zone district.

**Request:** That the existing “similar use determination” for self-storage, as was determined per the original Conditional Use application (please refer to original, 1988 staff report for the project - dated June 28, 1988 - with an excerpt shown below for convenience), apply to additional self-storage area within the C-G zone district.





### 3. Conditional Use Permit Criteria:

The proposed use requiring a conditional use is a Shurgard self-storage business. Shurgard proposes to offer enclosed storage units available to the general public on a rental basis. Storage units will be available in sizes ranging from 5' x 5' to 12' x 30'. The units will be sealed to ensure dryness and control of pests. Access to the storage units and security will be controlled with a front gate, security guard, and electronic security. The office will be open 9 a.m. to 6 p.m., daily. Access to storage units will be available 6 a.m. to 9 p.m. daily.

Staff has made a "similar use determination" that the proposed self-storage business could be allowed as a conditional use within the General Commercial (C-G) Zone. This determination was made by first evaluating whether self-storage is allowed under the existing Manufacturing (M) Zone. Self-storage is not listed as a permitted or conditional use, and under the current M Zone provisions, there is no authority to make similar use determinations. Therefore, Staff suggested the C-G zone. Staff determined that, the permitted uses in the C-G zone were not similar. "Contractor's storage", a conditional use in the C-G zone, was the only use that appeared similar. Therefore, Staff concludes that self-storage could be evaluated as a conditional use in this zone. In addition, the conditional use determination was based on concern there may be future proposals received for self-storage uses in C-G that may be adjacent to residential areas. The conditional use process could offer a means to measure compatibility in such cases.

No modifications outside of the building area that will be reconfigured into self-storage space are proposed, and we respectfully request approval of the major modification to allow for this conversion.

As shown on the email attached to the memorandum, Public Storage can report that over the last 8+/- years the occupancy has never reached above 50%. There has been one, quality long term tenant, but the other units have had constant turn over and collections issue. The highest rental rate obtained was \$1.12 per foot and it is their professional opinion that the highest and best use is storage at this location.

Existing office space utilized for self-storage operations will remain.

The purpose of this memorandum is to explain why this application for a major modification to a conditional use does not violate the remaining conditions of approval the apply to the site, complies with the development standards of the base zoning district, meets the approval criteria and will not have an adverse effect on the surrounding area.

Compliance with the C-G zone district development standards and the Conditional Use Approval Criteria from Section 19.905.4.A of code are shown below:

### **Code Criteria**

1. Base zone standards in Chapter 19.307.3 are demonstrated below:

A. Lot size – minimum: Width 50' x Length 80'

- As shown on the existing, approved site plan, the lot exceeds minimum lot size requirements

B, C & D. No Front, Side or Rear yard requirements

- Per the approved site plan, buffer/yards are provided that vary between 4' and 30' in width.

E. Transition area, per Subsection 19.504.6, does not apply because the site does not abut, nor is across a right-of-way from, a lower-density zone. Please refer to explanation of code criteria #3, shown below.

F. Frontage requirements - Abut a public street for at least 35 ft.

- The site has approximately 195 linear feet of frontage along SE 37<sup>th</sup> Ave, and 438' along SE International Way.

G. Off-street parking and loading – please refer to explanation of code criteria #4, shown below.

H. Height Restriction – 3 stories

- No modifications to the height of the existing building are proposed, and the maximum height, per the approved elevations, is approximately 30'-6".

I. Lot Coverage - 85% total lot area, 15% living material minimum

- Per the approved site plan:
  - Lot Size – 145,202 sf
  - Land Area – 179,216.42 sf
  - LS Area – 28,900 sf
- Based on these values, the site complies with the lot coverage requirement and exceeds the living material requirement
  - LS Area, applied to Lot Size – 19.90%
  - LS Area, applied to Land Area - 16.10%, as shown on approved site plan

J. Open use – does not apply because open uses are not proposed. All self-storage units will be in a completely enclosed building.

K. Minimum Vegetation – 15% minimum vegetation requirement

- Per the approved site plan:
  - Lot Size – 145,202 sf
  - Land Area – 179,216.42 sf
  - LS Area – 28,900 sf
- Based on these values, the site exceeds the minimum vegetation requirement
  - LS Area, applied to Lot Size – 19.90%
  - LS Area, applied to Land Area - 16.10%, as shown on approved site plan

L. Transportation Requirements and Standards, per section 19.700

- The standards are not applicable, as a conversion from office space to self-storage will reduce vehicular trips and any associated impact on public facilities.

2. Overlay zone standards in Chapter 19.400 - Overlay Standards do not apply to this property

3. Supplementary development regulations in Chapter 19.500.

Subsection 19.504.6, Transition Area, does not apply, as the subject property is surrounded by BI Zoning and is not adjacent across a right-of-way from a residential use.

4. Off-street parking and loading standards and requirements in Chapter 19.600.

- Self-Storage Use:
  - Min – 1 space per 45 storage units, plus 1 space per employee of the largest shift
  - Max – 1 space per 20 storage units, plus 1 space per employee of the largest shift
- General Office
  - Min – 2/1,000 sf
  - Max – 3.4/1,000 sf
- Parking Stall Dimensions – 18' x 9'
  - As shown on Note 1 of the approved Site Plan, the parking stalls are consistent with the required dimensional standards:

NOTES:

- I. PARKING STALL SIZES: COMPACT 8'-0" x 16'-0"  
STANDARD 9'-0" x 18'-0"  
HANDICAPPED 12'-0" x 18'-0"

It is important to note that a conversion from office use to self-storage will result in a decrease in parking demand.

Per the approved unit schedule on sheet G-1 of the approved plans, there are 598 existing storage units. It is anticipated that 98 additional storage units can be added with the conversion, which would result in 696 total storage units. Accounting for three (3) employees during the largest shift the required parking would result in

**Minimum: (696 existing units / 45 units per space) + 3 total employees = 19 spaces**

**Maximum: (696 existing units / 20 units per space) + 3 total employees = 38 spaces**

There are 27 existing parking spaces today, which complies with the parking requirements for a self-storage use within the C-G zone.

5. Public facility standards and requirements, including any required street improvements, in Chapter 19.700.

The standards are not applicable, as a conversion to storage will reduce vehicular trips and any associated impact on public facilities.

### **Approval Criteria**

1. The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

The primary use on the lot today is self-storage. The lot's size, shape, location, topography and natural features have proven to be well suited for the existing self-storage use and is suitable for the small increase of self-storage use that will bring a single, consistent use throughout the property.

The existing improvements will be more than adequate for additional self-storage units, as the proposed self-storage use will generate fewer vehicular trips and decrease the need for customer parking spaces, when compared to the office space that exists today.

2. The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

The existing self-storage use today has proven to be compatible with the nearby uses.

As a self-storage use will decrease traffic associated with property, it will not impact traffic conditions near the three-way intersection of SE International Way, SE 37<sup>th</sup> Way and the Milwaukie Expressway.

The physical characteristics of the building will remain as-is and improvements outside of the building area are not proposed. Minor, exterior modifications are more specifically described below:

- a. Existing doors will be secured and utilized for access into the converted self-storage area.
- b. Existing, transparent windows that abut the converted self-storage area will be made opaque for security purposes.
- c. An existing roll-up door on the south end of the building, adjacent to SE International Way, to be removed and replaced with a wall to match the existing building, for security purposes.
- d. Two new doors will be installed on the south end of the building, adjacent to SE International Way, to provide access into the converted self-storage area.
- e. Existing office space utilized for self-storage operations will remain as-is.

3. All identified impacts will be mitigated to the extent practicable.

No impacts have been identified, as no site improvements are proposed. Access, parking configuration and site circulation will remain as it exists today, and the proposed self-storage use will decrease the intensity of the use at this location, generating fewer vehicular trips and decreasing the impact on public infrastructure.

4. The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

The proposed self-storage use will decrease the intensity of the use at this location, generating fewer vehicular trips and no unmitigated nuisance impacts have been identified when compared to uses allowed outright in the C-G zone.

Permitted uses in the C-G zone such as offices, retail trade & eating establishments, parking facilities, department stores, vehicle or equipment sales & services and automobile service stations are uses of higher intensity, generate more vehicular trips and nuisance impacts from noise, odor and/or vibrations.

In addition, Contractor Storage, the conditional use that self-storage has been compared to in the “similar use designation,” per the original Conditional Use application (please refer to original, 1988 staff report for the project - dated June 28, 1988), would result in more vehicular trips from larger vehicles, such as construction and delivery trucks.

5. The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

The proposed modifications do not impact compliance with development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

Compliance with the base zone standards, and any overlay or special areas, are portrayed under the **Code Criteria** section of this memorandum.

Public storage is committed to compliance with the standards in section 19.905, and compliance with Section 19.905.4 – Approval Criteria is contained within the **Approval Criteria** section of this memorandum.

6. The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

The conversion from office to self-storage use is consistent with many Comprehensive Plan policies, specifically:

- a. Chapter 4 – Land Use, Economic Base and Industrial/Commercial Land Element
  - i. Objective #1 – Economic Development – the proposed conversion to self-storage not only supports economic development activity by increasing the utilization of the existing space, but it also represents an investment and commitment to the property by Public Storage.

- b. Chapter 5 – Transportation, Public Facilities and Energy Conservation
    - i. Transportation Element – Goals #1-9 - a conversion to self-storage will decrease the number of vehicular trips generated from the site, when compared to office uses. This will be beneficial overall, but especially because of the site’s proximity to the three-way intersection of SE International Way, SE 37<sup>th</sup> Way and the Milwaukie Expressway.
    - ii. Public Facilities and Services Element – a conversion to self-storage will decrease the intensity of the use and reduce the impact the site has on the City’s public water & sewer facilities. The site’s drainage characteristics will remain the same and not impact the city’s drainage infrastructure.
  - c. The land use of the site is designated C – Commercial on Milwaukie’s Comprehensive Plan Map 8 and is surrounded by I - Industrial zoning. Maintaining the “similar use designation” and permitting a conversion to self-storage would be consistent with the Comprehensive Plan. Considering the site is surrounded by I-Industrial, it is worth noting that self-storage often functions similar to an industrial use, with items being picked up and dropped off, but that self-storage generates fewer trips by smaller vehicles.
7. Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

The proposed modification will not have an impact on transportation facilities and public utilities.

Trips to self-storage facilities are primarily made by single occupancy vehicles and are rarely accessed by public transportation, if ever.

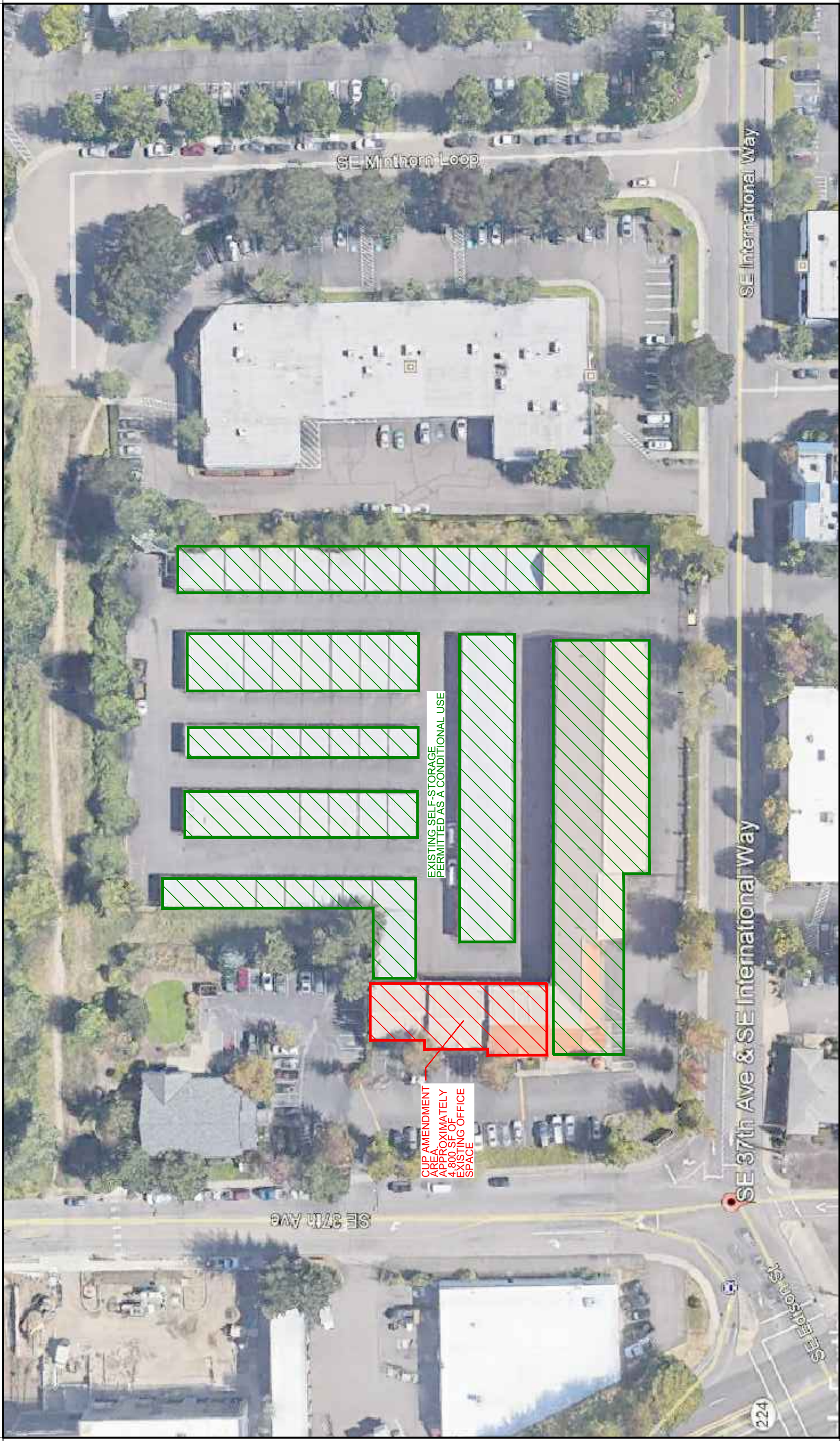
As stated above, a conversion to self-storage will decrease the intensity of the use and reduce the impact the site has on the City’s public water & sewer facilities. The site’s drainage characteristics will remain the same and not impact the city’s drainage infrastructure

**Existing Conditional Use & Conditions**

We would also like to note that, under the assumption that this application is approved and that condition of approval number one does not apply, the proposed modification does not violate any conditions of approval stipulated in the original conditional use approval letter, dated July 18, 1989 and shown below:

1. The development shall occur as specified on the site plan with the exception that +/- 6,000 square feet of the structural area on grade and fronting 37th Avenue (in the C-G Zone area) shall be utilized for uses permitted outright within the C-G Zone. Minor modifications may be approved by Staff.
2. Requirements of the Fire Marshal as specified in Exhibit 5 of the Staff Report shall be met.
3. Permits for cut and fill activities shall be obtained, if applicable, from the U.S. Army Corps of Engineers and the Oregon Division of State Lands (DSL).
4. Compliance is required with Public Works as authorized by the City Public Facilities Improvements Ordinance and specified in Exhibit 4 of the Staff Report.
5. S-89-02 (Minthorn Business Center) must receive final approval prior to occupancy of these proposed facilities. This site shall be designated as one lot as part of the S-89-02 final approval.
6. Wetlands determination by DSL must occur prior to construction.
7. Security fencing must be placed on the property side of the proposed perimeter landscaping.
8. The Applicant shall provide for Staff approval, a modified site plan for the C-G Zoned portion verifying adequacy of parking and landscaping to C-G standards.

Thank you for your consideration and review. Please do not hesitate to contact us if you have any questions or comments.



1 inch = 30 ft.

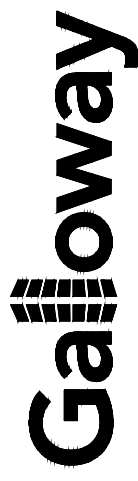
# Milwaukie, OR

Public Storage

EXHIBIT

07.23.2019

5.1 Page 23 copyrighted by Galloway & Company, Inc. All rights reserved.







Mike Cerbo

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From: Rick McKeever <rmckeeper@publicstorage.com>  
Sent: Friday, September 20, 2019 7:31 AM  
To: Mike Cerbo  
Cc: Zell Cantrell  
Subject: FW: Property 08528 - 3701 SE International Way, Milwaukie OR

Mike,

Please find below the info from the leasing manager for the commercial spaces at property 08528. We can use these facts in the narrative for the level 3 application.

Let me know if you have any questions,

**Rick McKeever** | Construction Manager

Public Storage – Trusted Nationwide Since 1972

Cell: [\(727\) 560-7022](tel:7275607022) | [rmckeeper@publicstorage.com](mailto:rmckeeper@publicstorage.com)

[PublicStorage.com](http://PublicStorage.com) | [Blog](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#)

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From: Candess Wing <cwing@publicstorage.com>  
Sent: Thursday, September 19, 2019 2:50 PM  
To: Rick McKeever <rmckeeper@publicstorage.com>  
Subject: 3701 SE International Way, Milwaukie OR

Rick,

Concerning the property referenced above I handled leasing for the last 8+ years and the occupancy never reached above 50%. We had one long term tenant but the other units had constant turn over and collections issue. The highest rental rate obtained was 1.12 p.f. It is in my professional opinion that the highest and best use is storage at this location.

All the best,

**Candess Wing** | Regional Leasing Manager

Public Storage – Trusted Nationwide Since 1972

Office: [\(678\) 567-4971](tel:6785674971) | Fax: (678) 567-4971

Cell: [\(770\) 334-7647](tel:7703347647) | [cwing@publicstorage.com](mailto:cwing@publicstorage.com)

[PublicStorage.com](http://PublicStorage.com) | [Blog](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#)



# CITY OF MILWAUKIE

September 30, 2019

Mike Cerbo  
Galloway & Company  
6162 S Willow Dr, Ste 320  
Greenwood Village, CO 80111

**Re: Preapplication Report**

Dear Mike:

Enclosed is the Preapplication Report Summary from your meeting with the City on September 19, 2019, concerning your proposal for action on property located at 3701 SE International Way.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Dan Harris  
Administrative Specialist II

Enclosure

cc: Vera Kolas, Associate Planner  
Dalton Vodden, Associate Engineer  
Zell Cantrell  
Rick McKeever  
file

**PRE-APPLICATION CONFERENCE REPORT**

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**This report is provided as a follow-up to a meeting that was held on 9/18/2019 at 10:00am**

**Applicant Name:** Mike Cerbo  
**Company:** Galloway & Company  
**Applicant 'Role':** Owner  
**Address Line 1:** 6162 S Willow Dr, Ste. 320  
**Address Line 2:**  
**City, State Zip:** Greenwood Village CO 80111

**Project Name:** Office to Storage Conversion  
**Description:** Conversion of 4800 sq ft of retail/office space to self-storage use.  
**ProjectAddress:** 3701 SE International Way  
**Zone:** CG and BI  
**Occupancy Group:**  
**ConstructionType:**  
**Use:** Commercial (C) and Industrial (I)  
**Occupant Load:**  
**AppsPresent:** Mike Cerbo, Zell Cantrell, Rick McKeever  
**Staff Attendance:** Vera Kolias, Dalton Vodden

**BUILDING ISSUES**

**ADA:**  
**Structural:**  
**Mechanical:**  
**Plumbing:**  
**Plumb Site Utilities:**  
**Electrical:**

**Notes:** All access shall conform to the Oregon Structural Specialty Code (OSSC) and the Oregon Fire Code (OFC).  
All remodels or new constructions shall meet all current codes

**Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.**

### **FIRE MARSHAL ISSUES**

**Fire Sprinklers:**

**Fire Alarms:**

**Fire Hydrants:**

**Turn Arounds:**

**Addressing:**

**Fire Protection:**

**Fire Access:**

**Hazardous Mat.:**

**Fire Marshal Notes:** See attached.

### **PUBLIC WORKS ISSUES**

**Water:** The applicant proposes no change to the existing connection. The site currently has four water meters. The applicant may decommission superfluous water meters through contacting Milwaukie Engineering.

**Sewer:** The applicant proposes no change to the existing connection. System development charges may be assessed if additional plumbing fixtures are installed.

**Storm:** The applicant proposes only internal modification. No impervious surface is being developed or redeveloped.

**Street:** The proposed development will result in converting small office building (ITE land use 712) to mini-storage (ITE land use 151). The difference in use is a reduction in vehicle trips.

**Frontage:** Chapter 19.700 of the Milwaukie Municipal Code (MMC) applies to partitions, subdivisions, new construction and modification and or expansions of existing structures or uses that produce a projected increase in vehicle trips. No projected increase in vehicle trips is expected.

**Right of Way:**

**Driveways:** No accessway modification is being proposed.

**Erosion Control:** No grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, of which results in the disturbance or exposure of soils exceeding five hundred square feet is proposed.

**Traffic Impact Study:** MMC 19.704 states the Engineering Director will determine whether a proposed development has impacts on the transportation system by using existing transportation data. If the Engineering Director cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. It is the

responsibility of the applicant to provide enough detailed information for the Engineering Director to make a TIS determination. The Engineering Director has determined that sufficient existing transportation data is available for the City to determine the transportation system impacts of the development and a project specific TIS is not required for this development at this time. Changes to the application may alter this determination.

**PW Notes:**

**APPLICABILITY OF PRE-APPLICATION REVIEW**

The comments provided are preliminary and intended to address the original application materials submitted unless otherwise specifically called out in the notes. The information contained within these notes may change over time due to changes or additional information presented for the development. This pre-application review is for the following:  
The conversion of office space to mini-storage.

**SYSTEM DEVELOPMENT CHARGES (SDC'S)**

All SDC's are calculated, assessed, and collected at the time of building permit is issued. Any changes in the proposed use may result in a change in the SDC's that are assessed.

**REQUIREMENTS AT CERTIFICATE OF OCCUPANCY**

- Changes to the application may require additional requirements.

**PLANNING ISSUES**

**Setbacks:**

The property is bisected by the General Commercial - CG zone and the Business Industrial - BI zone. The proposal will not expand the existing building footprint – all modifications will be interior to the structure.

CG zone setbacks: Front yard: none, except as provided in Subsections 19.307.3.E and 19.501.2.A; side yard. None, except as provided in Subsections 19.307.3.E and 19.501.2.A; and rear yard. None, except as provided in Subsections 19.307.3.E and 19.501.2.A.

BI zone setbacks: Front yard: minimum 20 ft unless additional setback is required in Subsection 19.501.2.A; side yard: no side yard shall be required except on corner lots where a side yard shall be at least 10 ft on the side abutting the street, unless additional setback is required in Subsection 19.501.2.A; and rear yard: no rear yard shall be required except as provided in Subsection 19.501.2.A.

**Landscape:**

In the CG zone, a minimum of 15% of the site must be landscaped. Vegetated areas may be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7).

Maximum lot coverage is 85%.

In the BI zone, a minimum of 15% of the site must be landscaped. Vegetated areas may be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7).

Maximum lot coverage is 85%.

**Parking:**

As per the off-street parking standards of MMC Table 19.605.1, general office uses must provide 2 off-street parking spaces per 1,000 sq ft of floor area with a maximum of 3.4 spaces per 1,000 sq ft of floor area.

Self-storage uses must provide a minimum of 1 space per 45 storage units, plus 1 space per employee

for the largest shift with a maximum of 1 space per 20 storage units plus employee parking.

**Transportation Review:** Please see the Public Works notes for more information about the requirements of MMC 19.700.

**Application Procedures:** The proposal is to convert existing office space into self-storage units in the structure located in the CG zone. This development was approved in 1989 as a conditional use to construct a self-storage facility. At the time of the approval, city staff determined that self-storage was similar to other conditional uses permitted in the CG zone; office uses are permitted outright in the CG zone. The approval included a condition of approval that the 6,000 sq ft of structural area fronting 37th Ave (CG zone) shall have uses permitted outright in the CG zone. In order to convert the existing office space into self-storage, the following land use applications are required:

- \* Major modification of a Conditional Use (Type III)
- \* Development Review (Type I review) = concurrent with building permit application

#### Major Modification of a Conditional Use

The proposal would modify the original 1989 conditional use approval for the development. The application materials must address the approval criteria established in MMC 19.905.4.A. Staff did not identify any impacts as a result of the proposal.

#### Development Review

At the time of building permit application, an application for Development Review is required to confirm that the project is in substantial conformance with the conditional use approval. The approval criteria for Type I Development Review can be found in MMC 19.906.4.

Land use application submission materials are listed below. Please refer to the land use application and submittal requirements form for detailed information.

1. All applicable land use applications forms with signatures of property owners.
2. All applicable land use application fees.
3. Completed and signed "Submittal Requirements" form.
4. 5 copies of an existing conditions and a proposed conditions site plan, both to scale. These two site plans can be combined onto one site plan. Once the application is deemed complete, additional copies will be requested for distribution to City departments, applicable governmental agencies, and the neighborhood district association for review.
5. Detailed narrative describing compliance with all applicable code sections.

For Type III review, once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Staff will determine the earliest available date that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to the hearing.

Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. Permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.

Application fees are based on the current fee schedule. Fees are typically updated on July 1st of each year.



Current application fees relevant to the proposal:

\* Development Review (Type I): \$200.

\* Major Modification of a Conditional Use (Type III) = \$2,000

**Natural Resource Review:** Not applicable. The development site is not in any natural resource overlay zone.

**Lot Geography:** The subject property has an area of approximately 3.3 acres and has frontage on 37th Ave and International Way.

**Planning Notes:** The applicant was provided with the following list of items to be included in the application materials:

- 1.Explain, as much as possible, the reason for the transition from office to storage units. Provide any tenant history or vacancy rates as available.
  - 2.Clarify that no changes to the site or access to the site are proposed.
  - 3.Clarify that no changes to the exterior of the building are proposed, which maintains the streetscape and storefront design goals of the CG zone.
  - 4.Identify the number of parking spaces on the site.
  - 5.Identify the area of remaining office space on the site – for employees’ use.
  - 6.Identify the existing and proposed number of storage units.
  - 7.Clarify how the new storage units will be accessed (via the existing office doors, thereby maintaining the building façade and justifying the existing parking area).
  - 8.Provide a conceptual floor plan of the area with the new storage units showing access points.
- The full zoning code can be found here:  
<http://www.qcode.us/codes/milwaukie/view.php?topic=19&frames=off>.

#### **ADDITIONAL NOTES AND ISSUES**

**County Health Notes:**

**Other Notes:**

**This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.**

**Sincerely,**

**City of Milwaukie Development Review Team**

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**BUILDING DEPARTMENT**

**Samantha Vandagriff - Building Official - 503-786-7611**

**Stephanie Marcinkiewicz**

**- Inspector/Plans Examiner - 503-786-7613**

**ENGINEERING DEPARTMENT**

**Kelly Brooks - Acting Engineering Director - 503-786-7573**

**Alex Roller - Engineering Tech II - 503-786-7695**

**COMMUNITY DEVELOPMENT DEPARTMENT**

**Alma Flores - Comm. Dev. Director - 503-786-7652**

**Leila Aman - Development Manager - 503-786-7616**

**Alicia Martin - Admin Specialist - 503-786-7600**

**PLANNING DEPARTMENT**

**Dennis Egner - Planning Director - 503-786-7654**

**David Levitan - Senior Planner - 503-786-7627**

**Brett Kelter - Associate Planner - 503-786-7657**

**Vera Kolas - Associate Planner - 503-786-7653**

**Mary Heberling - Assistant Planner - 503-786-7658**

**CLACKAMAS FIRE DISTRICT**

**Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673**

**Matt Amos - Fire Inspector - 503-742-2661**

# Clackamas County Fire District #1

## Fire Prevention Office



### E-mail Memorandum

**To:** City of Milwaukie Planning Department  
**From:** Izak Hamilton, Fire Inspector, Clackamas Fire District #1  
**Date:** 9/24/2019  
**Re:** 19-014PA, 3701 SE International Way, Milwaukie, OR

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This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

Clackamas Fire District has no comments at this time.



# CITY OF MILWAUKIE

**To:** Planning Commission  
**Through:** Dennis Egner, Planning Director  
**From:** Vera Koliass, Associate Planner  
**Date:** November 5, 2019, for November 12, 2019 Public Hearing  
**Subject:** Interim Accessory Dwelling Unit Code Amendments

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## ACTION REQUESTED

Open the public hearing for application ZA-2019-002. Discuss the proposed amendments, take public testimony, and provide direction to staff regarding any desired revisions to the proposed amendments. Recommend City Council approval of application ZA-2019-002 and adoption of the recommended Findings of Approval found in Attachment 2.

The current zoning code permits accessory dwelling units (ADU) in residential districts, subject to specific regulations. Currently, the City's zoning code requires the following for ADU's:

- MMC 19.910.1.F.1: Owner occupancy of either the primary home or the ADU; and
- Table 19.605.1.4: An additional off-street parking space for the ADU.

The proposed amendments relate to requirements outlined in HB 2001: (<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled>).

A provision of the bill prohibits certain requirements for ADUs and amends ORS 197.312. The language in ORS 197.312 identifies limitations on municipal authority to prohibit certain kinds of housing, including ADUs. HB 2001 states that these requirements have an effective date of January 1, 2020, which is why the city is proposing these code amendments in advance of the larger package of code amendments that will implement the comprehensive plan.

The proposed revisions are intended to meet the amendments to ORS 197.312, effective January 1, 2020, related to "reasonable local regulations relating to siting and design" for ADUs.

The legislation allows communities to have reasonable regulations, but Section 7(5)b)(B) of House Bill 2001 specifically notes that local regulations cannot require owner-occupancy for either the primary structure or ADU, and cannot require ADUs to provide additional off-street parking (with the exception of ADUs used as vacation rentals).

In order to comply with this state requirement, the City is proposing limited amendments related specifically to the issues identified above:

- remove the owner occupancy requirement; and
- remove the requirement for an additional off-street parking space for properties with an ADU, unless the ADU will be used as a vacation rental.

These amendments, which would void the existing deed restrictions and off-street parking requirements, would be effective on January 1, 2020, as required by the state.

## 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	<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"/>

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-39>.



**COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 19 ZONING TO MAKE CHANGES TO SELECT CODE SECTIONS FOR THE PURPOSE OF COMPLIANCE WITH OREGON HOUSE BILL 2001 (FILE #ZA-2019-002).**

WHEREAS, the proposed amendments to Title 19 make changes required by Oregon House Bill 2001 and void the existing deed restrictions and off-street parking requirements for accessory dwelling units; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on November 12, 2019, the Milwaukie Planning Commission conducted a public hearing, as required by MMC 19.1008.5 and adopted a motion in support of the amendment; 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 is amended as described in Exhibit B (Title 19 Zoning underline/strikeout version), and Exhibit C (Title 19 Zoning clean version).

Section 3. Effective Date. The amendments shall become effective on January 1, 2020.

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

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Mark Gamba, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Scott Stauffer, City Recorder

\_\_\_\_\_  
Justin D. Gericke, City Attorney

**Recommended Findings in Support of Approval  
File #ZA-2019-002, Accessory Dwelling Units 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 regulations that are contained in Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2019-002.
2. The purpose of the proposed code amendments is to amend code language related to accessory dwelling units (ADUs) so that Title 19 complies with Oregon House Bill 2001. The amendments affect the following title of the municipal code:

Zoning Ordinance:

- MMC 19.910.1 – Accessory Dwelling Units
  - Table 19.605.1 – Minimum to Maximum Off-Street Parking Requirements
3. The proposal is subject to the criteria and procedures outlined in the following sections of the Milwaukie Municipal Code (MMC):
    - MMC Section 19.902 Amendments to Maps and Ordinances
    - MMC Chapter 19.1000 Review Procedures
  4. Sections of the MMC or Milwaukie Comprehensive Plan (MCP) not addressed in these findings are found to be not applicable to the decision on this land use application.
  5. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. A public hearing was held on November 12, 2019 and December 17, 2019 as required by law.
  6. 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 Director, or any individual.

*The amendments were initiated by the Planning Director on October 4, 2019.*
    - 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. The current version of the draft amendments has been posted on the City's web site since October 10, 2019. On October 10, 2019 staff e-mailed NDA leaders with information about the Planning Commission hearing and a link to the draft proposed amendments.*

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

*A notice of the Planning Commission's November 12, 2019, hearing was posted as required on October 10, 2019. A notice of the City Council's December 17, 2019 hearing was posted as required on November 15, 2019.*

- (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 Planning Director has determined that the proposal affects a large geographic area.*

- (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 October 8, 2019.*

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to Metro on October 8, 2019.*

- (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 generally do not further restrict the use of property. In general, the proposed amendments add flexibility.*

- (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 November 12, 2019 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on December 17, 2019 and approved the amendments.*

## 7. MMC 19.902 Amendments to Maps and Ordinances

- a. 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.

- (1) 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 November 12, 2019. A public hearing before City Council is tentatively scheduled for December 17, 2019. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- (2) 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 have been coordinated with 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.

*Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.*

The Goal statement of the Residential Land Use and Housing Element reads as follows:

To provide for the maintenance of existing housing, the rehabilitation of older housing and the development of sound, adequate new housing to meet the housing needs of local residents and the larger metropolitan housing market, while preserving and enhancing local neighborhood quality and identity.

Objective #5 – Housing Choice states:

To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.

The Planning Concept within Objective #5 states:

While the predominant housing type is expected to continue to be single family detached, the City will encourage a wide range of housing types and densities in appropriate locations within individual neighborhood areas including duplexes, rowhouses, cottage clusters, accessory dwelling units, live/work units, multifamily, manufactured housing, and mobile home parks.

Policy #1 within Objective #5 states:

The City will encourage the development of infill housing that uses innovative development techniques for the purpose of reducing housing costs as well as creating an attractive living environment. Such techniques may include the reduction of lot size standards in established neighborhoods; allowing duplex housing units in appropriate areas; and encouraging the

construction of small housing units. The Milwaukie Zoning Code has development and design standards that help ensure infill development is compatible with its surroundings.

*The proposed amendments are required to comply with HB 2001, but are also consistent with the comprehensive plan goals and policies to encourage a variety of housing types to provide housing choice. The proposed amendments remove two barriers to development of ADUs, thereby providing more opportunity for their development.*

- (c) 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 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.*

- (d) 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. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.*

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

*Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore, the proposal is found to be consistent with federal regulations that are relevant to local government planning.*

## Underline/Strikeout Amendments

### Title 19 Zoning Ordinance

#### 19.900 LAND USE APPLICATIONS

##### 19.910 RESIDENTIAL DWELLINGS

This section contains applications for types of residential dwellings that require land use approval.

##### 19.910.1 Accessory Dwelling Units

###### F. Additional Provisions

~~1. Either the primary or accessory dwelling unit shall be occupied by the owner of the property. At the time an accessory dwelling unit is established, the owner shall record a deed restriction on the property with the Clackamas County Recording Division that 1 of the dwellings on the lot shall be occupied by the property owner. A copy of the recorded deed restriction shall be provided to the Milwaukie Planning Department.~~

~~The Planning Director may require verification of compliance with this standard. Upon the request of the Planning Director, the property owner shall provide evidence, such as voter registration information or account information for utility services, to demonstrate residence in 1 of the dwelling units.~~

12. Accessory dwelling units are not counted in the calculation of minimum or maximum density requirements listed in this title.

23. Additional home occupations are allowed for a property with an accessory dwelling unit.

##### 19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

<b>Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements</b>		
Use	Minimum Required	Maximum Allowed
<b>A. Residential Uses</b>		
1. Single-family dwellings, including rowhouses and manufactured homes.	1 space per <u>primary</u> dwelling unit.	No maximum.
2. Multifamily dwellings containing 3 or more dwelling units (includes senior and retirement housing).		
a. Dwelling units with 800 sq ft of floor area or less and all units located in the DMU Zone.	1 space per dwelling unit.	2 spaces per dwelling unit.
b. Dwelling units with more than 800 sq ft of floor area.	1.25 spaces per dwelling unit.	2 spaces per dwelling unit.

**Proposed Code Amendment**

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3. Residential homes and similar facilities allowed outright 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.
<del>4. Accessory dwelling units (ADU)—Types I and II.</del>	<del>Property containing an ADU and primary dwelling must have 2 spaces.</del>	No maximum.
4. Accessory dwelling units (ADU)—Types I and II.	<u>No additional space required unless used as a vacation rental, which requires 1 space per rental unit.</u> <del>Property containing an ADU and primary dwelling must have 2 spaces.</del>	No maximum.

Re: Written Testimony **Agenda item 1, Comprehensive Plan Review Process update**, Work Session, November 5, 2019

Hello: Mayor Gamba, Council President Falconer, and Councilors Batey, Parks, Hyzy; and City Manager Ober and Senior Planner Levitan

The Planning Commission is scheduled to deliberate November 12, 2019, to amend code eliminating the **off-street parking requirement for Accessory Development Units (ADUs)**, aligning code with Oregon House Bill (HB2001).

**(1)** Considering the elimination of off-street parking, I believe it only fair for City Council to **re-affirm frontage improvements (sidewalk installation) remain required for new ADU construction**; and for that matter, all new residential unit construction.

**(2)** Furthermore, **as a matter of overall fairness to water bill payers**, when there is new construction where SAFE (Safe Access for Everyone) monies have already been spent beforehand installing side walk and improvements; **those undertaking new construction should pay into the SAFE revenue account(s) to the degree their side walk improvement costs are reduced by the existing SAFE funded sidewalk/frontage improvements.**

On the first count, **if off-street parking is not maintained** as a new construction requirement, neighborhood streets (most not covered by the current SAFE program) are at risk of becoming significantly **more difficult for those walking and/or bicycling (inconsistent with Comp Plan goal/policy 8.2.1)**. This is because a lack of off-street parking with new construction can be expected to result in significant increases in streets becoming crowded by cars parked on-street. In other words, removal of off-street parking particularly where there are no sidewalks causes a social cost for residents who want to walk and bicycle safely (increased competition for space on streets). HB2001 does allow for reasonable local regulations (Section 7 (5) B, HB2001).

(It might also be reasonable to levy an in-lieu-of-frontage fee to be paid into SAFE revenue account(s) so as to finance the extending of the SAFE program to provide sidewalks more thoroughly across neighborhoods; or other compensating public transportation infrastructure benefits. **Comp Plan goal/policy 10.1.6 is limited to 'developers' paying their proportionate share, and this speaks of the need to expand to include property owners and others who undertake new residential unit construction – not just the developer class.**)

On the second count, the SAFE program provides for only partial sidewalk coverage of the City and its neighborhoods; and as such, it seems rather reasonable to require new unit construction benefitting from pre-existing SAFE sidewalks to refund SAFE. Such additional

monies would allow the SAFE program to be extended to provide more neighborhoods with sidewalk coverage; and/or other public transportation infrastructure benefits; or perhaps decrease the level of debt financing for SAFE capital improvements.

**So, please consider re-affirming fair treatment of pedestrians, bicyclists and water bill payers by regulating development fees and frontage requirements in such manner as to offset the public costs of new unit construction when it comes with no off-street parking (i.e infill without its own off-street parking space.)**



Howe Street between 40<sup>th</sup> and 42d, currently before infill



Aside from sidewalks, **the Comp Plan lacks the reality of current poor conditions of many of our neighborhood streets....**pictured here is 36<sup>th</sup> to Harrison.

Sincerely,  
Elvis Clark  
Ardenwald neighborhood  
Milwaukie 97222

## Vera Kolia

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**From:** Pepi Anderson <pepi.anderson6@gmail.com>  
**Sent:** Thursday, October 10, 2019 2:40 PM  
**To:** Vera Kolia  
**Subject:** ORS 197.312

I don't understand how we can allow people to pack more housing in smaller spaces and provide no parking. It's difficult to get through some of our neighborhoods without dodging parked cars and other moving vehicles doing the same thing

## Vera Kalias

---

**From:** Daniel Harris  
**Sent:** Thursday, October 10, 2019 1:43 PM  
**To:** Vera Kalias  
**Subject:** FW: ZA-2019-002 Public Notice of Code Amendment Hearings

With respect,

**DAN HARRIS**

Administrative Specialist II, Community Development  
he/him/his  
City of Milwaukie

**From:** Leslie Schockner <leslieschockner@gmail.com>  
**Sent:** Thursday, October 10, 2019 1:39 PM  
**To:** Daniel Harris <HarrisD@milwaukieoregon.gov>  
**Subject:** Re: ZA-2019-002 Public Notice of Code Amendment Hearings

Thanks for the update. FWIW, I'm in favor of the amendments to bring Milwaukie code in line with new legislation, not to mention in favor of the policy of the change. I do not plan to attend.

On Thu, Oct 10, 2019 at 1:21 PM Daniel Harris <[HarrisD@milwaukieoregon.gov](mailto:HarrisD@milwaukieoregon.gov)> wrote:

Good afternoon:

This email is being sent to notify you of upcoming code amendment hearings related to accessory dwelling units (ADUs). You are receiving this email because you represent an NDA or have expressed interest in the comprehensive plan or ADUs.

Currently, the City's zoning code requires the following for ADU's:

- Owner occupancy of either the primary home or the ADU; and
- An additional off-street parking space for the ADU.

The proposed amendments relate to a state requirement outlined in HB 2001 (<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled>). This section of the bill, which prohibits certain requirements for ADUs, amends ORS 197.312 and is therefore subject to the effective date of January 1, 2020.



The legislation allows for “reasonable local regulations related to siting and design” of ADUs. However, the bill does not permit communities to include owner occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking (Section 7 (5)(b)(B)).

In order to comply with this state requirement, the City is proposing limited amendments related specifically to the issues identified above. In short, the proposed code amendments will remove the owner occupancy requirement and the off-street parking space for properties with an ADU. These amendments would be effective on January 1, 2020, as required by the state.

The Planning Commission hearing for these amendments will be on November 12<sup>th</sup>; the City Council hearing will be on December 17<sup>th</sup>. Attached is the 30-day public hearing notice for the Planning Commission hearing. You are welcome to attend these hearings.

Information related to the code amendments can be found on the application web page here: <http://www.milwaukieoregon.gov/planning/za-2019-002>.

Please direct any questions to Vera Koliass, Associate Planner: [koliassv@milwaukieoregon.gov](mailto:koliassv@milwaukieoregon.gov) or 503-786-7653.

With respect,

**DAN HARRIS**

Administrative Specialist II, Community Development

he/him/his

City of Milwaukie

o: 503.786.7600 d: 503.786.7634

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

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"It Takes a Choir To Raise a Song" - Everyone Welcome Community Choir, Anne Weiss, Director Extraordinaire  
([www.anneweiss.com](http://www.anneweiss.com))

Leslie Schockner  
Milwaukie, OR  
503/659-1371  
[leslieschockner@gmail.com](mailto:leslieschockner@gmail.com)



# CITY OF MILWAUKIE

**To:** Planning Commission  
**Through:** Dennis Egner, Planning Director  
**From:** David Levitan, Senior Planner  
**Date:** November 5, 2019, for November 12, 2019 Worksession  
**Subject:** Process and schedule to adopt Comprehensive Plan goals and policies

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## **ACTION REQUESTED**

Discuss the process and schedule for updating the Comprehensive Plan's new goals and policies, which have been "pinned down" via a series of Council resolutions over the last 18 months. The Comprehensive Plan document will be updated to include these pinned policies and is scheduled to be adopted by ordinance in March 2020, following public hearings with the Planning Commission and City Council. Staff will provide an overview of the adoption process, opportunities available for the public to comment on the policies, as well as work items that are scheduled to follow adoption of the Comprehensive Plan policies, including the land use map and zoning map, zoning code, and Transportation System Plan (TSP).

## **History of Prior Actions and Discussions**

- [May 22, 2018](#): The Commission provided feedback on the block 1 policies.
- [June 26, 2018](#): The Commission provided additional feedback on the block 1 policies, which were later "pinned down" by the City Council on August 7, 2018.
- [November 27, 2018](#): The Commission provided feedback on the block 2 policies, which were later "pinned down" by the City Council on January 15, 2019.
- [June 11, 2019](#): The Commission provided feedback on the housing block policies, which were later "pinned down" by the City Council on July 16, 2019.
- [June 25, 2019](#): The Commission provided their initial feedback on the public facilities, natural resources, and environmental quality policies.
- [July 9, 2019](#): The Commission reviewed the urban design policies.
- [August 13, 2019](#): The Commission was updated on the status of the Block 3 policies, and briefly discussed the urban design policies.
- [August 27, 2019](#): The Commission provided more in-depth comments on the urban design policies.

## **BACKGROUND**

### The Community Vision

The City is currently undertaking the first major update to its Comprehensive Plan in 30 years. The Comprehensive Plan Update builds upon the community values and priorities that were established during the development of the [Community Vision](#), which was adopted by Council resolution in September 2017. The vision statement lays out the ideal Milwaukie of 2040, while the Community Vision’s action plan establishes the roadmap for achieving that vision.

The Community Vision is organized around four lenses – the four “P’s” of People, Place, Planet and Prosperity, which serve to represent the full spectrum of impacts and benefits that can result from the City’s actions. Below each “P” are three goal statements, and under each goal statement are a series of action items designed to help achieve that goal statement and the overall vision statement. Priority action items were then categorized and consolidated into five “superactions”, which have been carried over into the Comprehensive Plan’s organization framework.

### Transition from the Vision to the Comprehensive Plan

In late 2017, the City began work on a complete update of the Comprehensive Plan’s goals and policies, except for the Transportation section, which will be updated following work on the TSP in 2020/2021 (see below for more information). The updated goals and policies provide guidance for the City’s growth and development over the next 20 years. They will replace the existing goals and policies for topics such as housing, natural resources, community engagement, and other topic areas that the [Oregon statewide land use planning goals](#) require to be addressed in comprehensive plans. The work will also result in new sets of goals and policies for topics such as climate change and urban design, which the statewide planning goals do not require but which have been identified as important community priorities.

Policy work included 12 topics areas (see Attachment 1 for list of topic areas) and was broken into four distinct blocks of work, including a separate housing block that ran alongside blocks 2 and 3. At the end of each block, the Council has adopted a resolution “pinning down” the list of goals and policies for each topic area. To date, all goals and policies have been pinned down except for the new urban design policies, which have been reviewed on multiple occasions by the Comprehensive Plan Advisory Committee (CPAC) and Planning Commission but were not pinned down by Council. Rather than add the extra step necessary to pin down these policies, they have been “rolled forward” into the packet of policies that is being brought forward for public hearings and adoption.

### Public Engagement

Each block of work to update the policies has included extensive engagement with the Milwaukie community. The core of the engagement effort has been the CPAC, a group of 15 dedicated community members that includes representatives from City Council (Mayor Gamba and Councilor Batey) and Planning Commission (Chair Travis). The CPAC has met monthly for the past two years to review key issues, develop new goal and policy language, and help guide the project’s broader community engagement efforts.

In addition to the CPAC’s work, public outreach for the project has included:

- Town Halls for Blocks 1 and 2 and the Housing Block, which were attended by approximately 100 people each
- Open Houses for Block 3 and the “synthesis” stage (see below for more info on the October 23 event), each of which were attended by approximately 60 people
- Online open houses or surveys for Blocks 1-3 and the Housing Block, all of which were translated into Spanish
- Spanish language focus groups to discuss the draft policies
- Numerous articles, event notices, and Councilor/neighborhood district association (NDA) columns in the Milwaukie Pilot newsletter, including invitations for all five town halls and open houses and information about the neighborhood hubs concept
- Updates on the City website and social media feeds and via the project’s 550-person email list
- Attendance at NDA meetings, concerts in the park, and summer picnics. Topics addressed include exploration of the neighborhood hubs concept (Summer 2018 picnics/concerts and March 2019 meetings) and an overview of the upcoming adoption process (October 2019)
- 13 work sessions with the Planning Commission (including two joint meetings with Council) to discuss project scope and schedule, discuss policy priorities, and review draft policies
- 19 updates to or policy discussions with the City Council, including 5 work sessions to review draft policies and 4 meetings to “pin down” the policies

### Where We Are Now: Synthesis and Document Preparation

Following the Council’s resolution to pin down the Block 3 policies, work shifted to the “synthesis” and document preparation stage of the project. Staff is currently completing these tasks and will provide a draft of the Comprehensive Plan policy document for the Planning Commission to review and provide feedback on during a December 2019 work session, prior to the first public hearing in January.

The synthesis stage involves the following work tasks:

1. Organizing the document into groups of related topic areas

The action items in the Community Vision are organized around a series of five “Super Actions”, and the Vision called on utilizing the same framework for the Comprehensive Plan. Staff has grouped and organized the Comprehensive Plan’s 13 policy sections (including the existing transportation section) into five different categories that are derived from the Super Actions, as illustrated in Attachment 1. The current draft of the goals and policies, organized under the new format, can be found in Attachment 2.

2. Reviewing the goals and policies for structure, consistency, clarity, and redundancy

City staff and its consultants, working with the CPAC, are currently reviewing the policies to standardize the format and structure of the policy language, and to identify areas of conflict, overlap, and redundancy that may require further discussion and/or revisions. The

results of this process, and any recommended changes to the pinned down goals and policies, will be presented to the Planning Commission during work sessions prior to the upcoming public hearings.

### 3. Opening the public review process for the draft policies

In preparation for the October 23 Open House, the draft goals and policies (Attachment 2) were uploaded to the [project website](#), where Milwaukie community members were invited to review them and submit comments via email. The Planning Commission will be provided an overview of any comments received prior to their December work session, and a full list of comments will be included in the materials compiled for the public hearing(s) in early 2020.

### 4. Providing the necessary background and context for the new goals and policies

While the goals and policies form the core of the Comprehensive Plan, it is important to establish the proper framework and context for the goals and policies. Staff is currently drafting narrative text for the document introduction that details the history of the city and the regulatory framework for comprehensive planning in the region and state, as well as section introductions that frame the key issues for each topic area. A complete draft of the Comprehensive Plan policy document will be available for review during a future work session with the Commission.

### 5. Adding graphics, figures, and other visual aids

While the goals and policies are the foundation of the Comprehensive Plan, it is also important to make the plan a visually pleasing and easy to follow document. Staff is currently working to incorporate a number of photos, maps, and other graphics that help illustrate and support the policy language.

## Key dates and tasks leading up to the adoption of the new goals and policies

As staff works to prepare a draft of the Comprehensive Plan policy document and incorporate public comment, below are a few key dates and tasks, based upon an initial Planning Commission public hearing date of January 14:

- December 2019
  - Issue 35-day notice to Metro and the Oregon Department of Land Conservation and Development (DLCD). Staff has already provided drafts of the goals and policies to both agencies and hopes to incorporate any agency comments in advance of the next work session with the Commission.
  - Issue 30-day public notice of Planning Commission public hearing, as required for Type V legislative amendments.
  - Hold final work sessions with Planning Commission and City Council to review draft of the whole Comprehensive Plan document (introduction, graphics, etc.)

- January 2020
  - Planning Commission public hearing(s): The Planning Commission will review the Comprehensive Plan policy document and make a recommendation to the City Council. The public will have an opportunity to provide written and/or verbal comments at the hearing.
- March 2020
  - City Council public hearing(s): The Council will consider adoption of the updated policy document. The public will have an additional opportunity to provide written and/or verbal comments.

Work scheduled to begin prior to final adoption of the Comprehensive Plan goals and policies

The Council is scheduled to discuss the Planning Commission’s 2020-2022 work plan during a joint session on December 17. Below are a few work plan items that are scheduled to begin prior to completion of the Comprehensive Plan process listed above.

- Potential amendments to the land use map and land use designations

The two major components of the Comprehensive Plan are the goals and policies and the land use map. The public hearings in early 2020 will amend the goals and policies, but no amendments are currently proposed for the existing Comprehensive Plan land use map and land use designations (Attachment 3), which would be carried over on an interim basis.

Staff has separated the map amendment process from the policy work for several reasons. First, the discussion of which land uses are appropriate in which areas of the City is different in scope and nature from the discussion of high-level goal and policy language, and as such warrants its own public engagement process. Staff is beginning to discuss and develop a public outreach strategy for potential amendments to the Comprehensive Plan land use map and designations.

Second, the Comprehensive Plan map and land use designations will need to be amended to comply with House Bill (HB) 2001 and other recent state legislation. HB 2001 requires cities in the Metro region to allow for middle housing types (triplexes, fourplexes, cottage clusters) in all zoning districts that allow for detached single family residences. DLCD is just starting the process to develop rules for cities to follow when considering amendments to their Comprehensive Plan and Zoning Code; Council Falconer will be involved in that process for Milwaukie. Staff has reached out to DLCD and requested to be one of the first cities to receive state support and funding.

- Zoning code and map amendments to comply with HB 2001

HB 2001 requires cities in the Metro region to amend their zoning codes to permit duplexes on any property that allows for a detached single-family residence, and to allow for other middle housing types (triplexes, fourplexes, and cottage cluster) in at least some portion of all zoning districts that allow for detached single-family residences. Staff will be working with DLCD to develop a work plan and public outreach process for amending the zoning code and map to comply with HB 2001.

- Zoning code and map amendments to implement updated Comprehensive Plan policies

The updated Comprehensive Plan policies include language that recommend several updates to the zoning code and map, including:

- creating a specific zoning district for parks, schools, and other public facilities (most are currently approved through the community service use process)
  - creating a revised Willamette Greenway boundary that provides a more streamlined process for minor improvements within the overlay zone
  - creating a new overlay zone for neighborhood hubs
  - allowing housing in most, if not all, of the City’s commercial zoning districts
- Updates to the Transportation System Plan (TSP) and Transportation Section

The TSP is the City’s long-term plan for transportation improvements, and its goals and policies also serve as the Comprehensive Plan’s transportation section. The TSP has been updated more recently and frequently than most other sections of the Comprehensive Plan (including major updates in 2007 and 2013). Updating the TSP is a major effort that, like the updates to the zoning and land use maps, merits its own outreach and engagement process. The Planning and Engineering departments will be collaborating on the update to the TSP, which is anticipated to begin in mid-2020.

Question for Commissioners

- Are there questions about the process over the next three to four months, leading up to the planned adoption of the updated goals and policies in March 2020?
- Beyond the planned work sessions and public hearings, are there additional opportunities that should be offered for public review and comment?

**ATTACHMENTS**

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

	PC Packet	Public Copies	E-Packet
1. Crosswalk between Vision Super Action and Comp Plan Chapters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Current draft of Comprehensive Plan goals and policies	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Existing Comp Plan land use map and land use designations	<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-39>.



# WHAT IS A COMPREHENSIVE PLAN?

## HOW IS THE COMPREHENSIVE PLAN RELATED TO THE VISION?

**The Vision's five "superactions" served as a framework for the Comprehensive Plan Goals and Policies. See how below:**

### VISION SUPERACTIONS



### COMPREHENSIVE PLAN SECTIONS

Cultivate a Sense of Community, Culture, and Belonging by Encouraging Public Involvement, Diversity, Equity, and Inclusion.

#### Fostering Community and Culture

- 1 Community Engagement
- 2 History, Arts and Culture

Make Milwaukie a Model of Resiliency, Environmental Stewardship and Disaster-Preparedness

#### Environmental Stewardship and Community Resiliency

- 3 Natural Resources and Environmental Quality
- 4 Willamette Greenway
- 5 Natural Hazards
- 6 Climate Change and Energy

Create Complete Neighborhoods that Offer a Range of Housing Types, Amenities and Enhance Local Identity and Character

#### Creating Complete Neighborhoods

- 7 Housing
- 8 Land Use and Urban Design
- 9 Parks and Recreation
- 10 Public Facilities and Services

Support Local Businesses and Entrepreneurship through Training, Programs and Partnerships

#### Supporting Economic Development and Growth

- 11 Economic Development
- 12 Urban Growth Management

Continually Improve our Transportation System so that it Provides Safety and Connectivity for All Users

#### Transportation

*(Existing; will be updated following the Transportation Systems Plan update)*

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## **Section 1: Community Engagement**

**Goal 1.1 - Foster Broad and Collaborative Community Participation: Implement and encourage practices that increase community participation by providing thorough information, consulting with the community, and fostering collaborative partnerships.**

**Policy 1.1.1:** Generate interest and encourage diverse participation in City committees and commissions through broad outreach.

**Policy 1.1.2:** Ensure publications and printed materials regarding current issues and proposed policies are readily accessible for all ages and abilities, allowing for dialogue between policy-makers and the community.

**Policy 1.1.3:** Keep the community informed of opportunities for involvement using a range of outreach tactics that may include media, presenting information at fairs and events, and direct outreach to existing organizations.

**Policy 1.1.4:** Enhance and extend community involvement by using emerging technologies, methods and techniques.

**Policy 1.1.5:** Improve engagement and dialogue with property owners, tenants, and employees in Milwaukee's commercial and employment areas.

**Goal 1.2 - Promote Inclusion and Diversity: Involve a diverse cross-section of the community in community events and decision making related to land use and comprehensive planning, including people from a variety of geographic areas, interest areas, income, races, ethnicities, genders, sexual orientations, and all ages and abilities.**

**Policy 1.2.1:** Build engagement across Milwaukee's diverse communities by notifying and facilitating participation in all land use and Comprehensive Plan related activities.

**Policy 1.2.2:** Provide information to the community in multiple languages where appropriate.

**Policy 1.2.3:** Seek public input on major land use issues through community organizations, such as faith groups, business associations, school districts, non-profits, service organizations and other bodies to encourage broad participation.

**Policy 1.2.4:** Reduce barriers to participation by considering language, meeting time, location, and required level of involvement.

**Goal 1.3 - Maintain Transparency and Accountability: Ensure transparency and accountability in City and land use policy decision-making by maintaining access to City leadership and making a commitment to equitable engagement practices.**

**Policy 1.3.1:** Recognize the Planning Commission as the City's Community Involvement Advisory Committee (CIAC) to evaluate community involvement practices related to land use and comprehensive planning. The CIAC shall meet annually to specifically review community involvement practices.

**Policy 1.3.2:** Establish a Comprehensive Plan Advisory Committee (CPAC) to assist in periodic review or major updates of the Plan.

**Policy 1.3.3:** Evaluate the success of community involvement activities regularly and make results available to the community.

**Policy 1.3.4:** Prioritize funding in the planning budget to support inclusive community engagement and participation.

**Goal 1.4 - Uphold Neighborhood District Associations (NDA): Continue to support, inform, consult, and empower community members through the Milwaukie Neighborhood District Associations (NDAs).**

**Policy 1.4.1:** Encourage and support NDA leadership to develop and implement strategies to nurture new leaders and increase participation while intentionally reflecting the diversity in each neighborhood.

**Policy 1.4.2:** Provide opportunities for NDAs to give relevant and effective testimony to the City Council and Planning Commission on matters affecting their neighborhoods.

**Policy 1.4.3:** Assist NDAs by providing financial assistance, subject to budgetary allocations as approved by the City Council.

**Policy 1.4.4:** Notify NDAs and solicit feedback on proposed land use actions and legislative changes as required by ordinances.

## **Section 2: History, Arts and Culture**

### **Goal 2.1 - Milwaukie's Heritage: Research, celebrate, document, and protect Milwaukie's unique and diverse historic, archaeological, and cultural heritage**

**Policy 2.1.1:** Work with local residents, businesses, and organizations to document and preserve Milwaukie's diverse history.

**Policy 2.1.2:** Recognize the Milwaukie area's indigenous cultures, people, and history that existed prior to the establishment of the city and ensure that historic preservation and documentation programs are representative of all cultures and time periods in the area's history.

**Policy 2.1.3:** Appropriately memorialize historic sites, objects, or structures through signs or plaques which convey the historic significance of a resource.

**Policy 2.1.4:** Provide educational materials and information regarding preservation to property owners and other interested persons and assist property owners in applying for designation as a locally significant historic resource.

**Policy 2.1.5:** Provide land use flexibility for properties with historic resources to encourage the restoration and maintenance of historic resources for both continuing uses and the adaptive reuse of properties.

**Policy 2.1.6:** Pursue partnerships and private and public sources of funding for use by property owners in the renovation and maintenance of historic or cultural resources.

**Policy 2.1.7:** Maintain an official inventory of Milwaukie's historic and cultural resources and regularly update the inventory as additional properties become eligible and are nominated for designation.

**Policy 2.1.8:** Ensure that City processes for inventorying, altering, removing, or demolishing historic and cultural resources remain consistent with state and federal criteria as well as community priorities.

**Policy 2.1.9:** Coordinate historic preservation activities with the Milwaukie Historical Society and the Oregon State Historic Preservation Office and follow all state and federal regulations for identifying and protecting archaeological resources.

### **Goal 2.2 - Art that Reflects the Community: Collaborate with community partners to create art and programs that reflect Milwaukie's diversity.**

**Policy 2.2.1:** Provide opportunities and programs for art and cultural events to be located throughout Milwaukie.

**Policy 2.2.2:** Prioritize the commissioning of art that reflects the diversity of Milwaukie's community.

**Policy 2.2.3:** Promote visual art as a means of defining vibrant public and private spaces and neighborhood identity.

**Policy 2.2.4:** Incentivize development sites to include spaces conducive to public events, community gathering, and the provision of public art.

**Policy 2.2.5:** Support a wide variety of community events that integrate the arts, showcase Milwaukie's diverse culture and history, and bring recognition and visitors to Milwaukie.

**Policy 2.2.6:** Encourage a diverse range of community event types and event participants throughout Milwaukie by reducing barriers for holding community events.

**Policy 2.2.7:** Encourage and support arts education in Milwaukie schools and other community organizations.

**Goal 2.3 - Fostering Creative Spaces: Encourage the development of creative spaces throughout Milwaukie.**

**Policy 2.3.1:** Make visual and performing art spaces more accessible to a diverse range of artists and residents throughout Milwaukie.

**Policy 2.3.2:** Assist in the identification of properties with the potential for artists and other creative spaces which are financially, geographically, and spatially accessible.

**Policy 2.3.3:** Partner with the Arts Committee (artMOB), local organizations, and educational institutions to market Milwaukie as a place that values the arts.

## **Section 3: Natural Resources and Environmental Quality**

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

**Goal 3.1: Prioritize the protection of Milwaukie’s natural resources and environmental quality through the use of best available science and increased community awareness and education.**

**Policy 3.1.1:** Partner with community groups, environmental organizations, and others to pursue legislative and administrative rule changes and regional, state, and federal funding for the acquisition, protection, or enhancement of natural resources.

**Policy 3.1.2:** Promote public education and encourage collaboration with community partners and organizations when developing strategies to protect air and water quality and other natural resources.

**Policy 3.1.3:** Support the clean-up and remediation of brownfields and other potentially contaminated land by identifying and pursuing available resources for such work in an effort to protect natural resources and the City’s groundwater supply.

**Policy 3.1.4:** Periodically update the City’s inventory of wetlands, floodplains, fish and wildlife habitat and corridors, and other natural resources through both technology and in-field verification.

**Goal 3.2: Enhance water quality and water resources.**

**Policy 3.2.1:** Support programs and regulations to enhance and maintain the health and resilience of watersheds, riparian and upland zones, and floodplains.

**Policy 3.2.2:** Support efforts to restore Kellogg and Johnson Creeks and their tributaries and remove the Kellogg Dam.

**Policy 3.2.3:** Improve and expand coordination with adjacent jurisdictions on the protection and restoration of local rivers, creeks, and other natural resources.

**Policy 3.2.4:** Maintain the City’s regulatory hierarchy that requires a detailed analysis, including alternatives, of how development will 1) avoid, 2) minimize, and 3) mitigate for impacts to natural resources.

**Policy 3.2.5:** Regulate floodplains to protect and restore associated natural resources and functions, increase flood storage capacity, provide salmon habitat, minimize the adverse impacts of flood events, and promote climate change resiliency.

**Policy 3.2.6:** When considering development proposals, take into account changes in water flow and quantity associated with climate change and evaluate the downstream impacts of development in upland areas.

**Policy 3.2.7:** Protect water quality of streams by using best available science to help control the amount, temperature, turbidity, and quality of runoff that flows into them, in partnership with other regulatory agencies.

**Policy 3.2.8:** Improve stormwater detention and treatment standards through the use of best available science, technology, and management practices to meet water quality standards and achieve wildlife habitat protection and connectivity goals and standards. Establish the City's preference for sustainable stormwater facilities that utilize natural systems and green technology through the use of incentives as well as future code changes.

**Policy 3.2.9:** Monitor water table levels and ensure protection of the City's groundwater supply, particularly those water resources that provide the City with potable water.

**Policy 3.2.10:** Coordinate and partner with State and federal regulatory programs to protect the quality of the City's groundwater resources from potential pollution, including potential impacts associated with infiltration from water, wastewater and stormwater pipes.

**Goal 3.3: Protect and conserve fish and wildlife habitat.**

**Policy 3.3.1:** Protect habitat areas for indigenous fish and wildlife species that live and move through the City, especially those subject to Native American fishing rights. Focus these efforts on habitat that is part of or helps create an interconnected system of high-quality habitat, and also considers downstream impacts of activities within Milwaukie.

**Policy 3.3.2:** Consider impacts to habitat connectivity when reviewing development proposals.

**Policy 3.3.3:** Work with regulatory agencies and private property owners to remove barriers to fish passage and wildlife movement corridors between the Willamette River and its tributaries.

**Policy 3.3.4:** Protect and enhance riparian vegetation that provides habitat and improves water quality along creeks and streams through the use of best available science and management practices to promote beneficial ecosystem services, such as managing water temperature and providing woody debris for habitat.

**Policy 3.3.5:** Require mitigation that restores ecological functions and addresses impacts to habitat connectivity as part of the development review process.

**Policy 3.3.6:** Encourage and incentivize voluntary restoration of natural resource areas, including removal of invasive-species vegetation, on-site stormwater management, and planting of native-species or climate-adapted vegetation.

**Policy 3.3.7:** Develop a habitat connectivity analysis and strategic action plan.

**Goal 3.4: Develop a healthy urban forest in Milwaukie.**

**Policy 3.4.1:** Implement and maintain an urban forestry program.

**Policy 3.4.2:** Pursue the City's goal of creating a 40% tree canopy through a combination of development code and other strategies that lead to preservation of existing trees and planting of new trees and prioritize native and climate-adapted species.

**Policy 3.4.3:** Provide flexibility in the division of land, the siting and design of buildings, and design standards in an effort to preserve the ecological function of designated natural resources and environmentally-sensitive areas and retain native vegetation and trees.



**Policy 3.4.4:** Prioritize increased tree canopy in areas that are currently canopy-deficient and can help provide a more equitable distribution of trees in the city, including street trees.

**Policy 3.4.5:** Enhance protections for existing native-species and climate-adapted trees that contribute to a diverse and multi-aged tree canopy.

**Policy 3.4.6:** Evaluate the stormwater impacts associated with tree removal as part of the development review process.

**Goal 3.5: Encourage and incentivize sustainable design and development practices.**

**Policy 3.5.1:** Provide information about alternatives to conventional construction and site planning techniques that can help increase energy efficiency, utilize existing buildings and reclaimed materials, and reduce long-term costs

**Policy 3.5.2** Incorporate sustainable and low-impact building- and site-planning technologies, habitat-friendly development strategies, and green infrastructure into City codes and standards.

**Policy 3.5.3:** Identify and develop strategies to remove barriers to sustainable design and development, including affordability and regulatory constraints.

**Policy 3.5.4:** Identify additional opportunities for partner agencies and environmental organizations to provide early feedback and recommendations on reducing environmental impacts associated with development.

**Policy 3.5.5:** Examine development code changes that help reduce impacts on wildlife, such as bird-friendly building design.

**Goal 3.6: Maintain a safe and healthy level of air quality and monitor, reduce, and mitigate noise and light pollution.**

**Policy 3.6.1:** Coordinate with federal and state agencies to help ensure compliance with state and federal air quality standards, while advocating for improved regional air quality standards.

**Policy 3.6.2:** Advocate for a consistent, effective level of environmental monitoring of local industrial activities by state and federal agencies to ensure that applicable State and federal air quality standards are met.

**Policy 3.6.3:** Support local efforts such as good-neighbor agreements and partner with community organizations and/or governments that aim to evaluate and reduce local sources of air and noise pollution and their impacts on local residents.

**Policy 3.6.4:** Encourage or require building and landscape design, land use patterns, and transportation design that limit or mitigate negative noise impacts to building users and residents, particularly in areas near freeways, regional freight ways, rail lines, major city traffic streets, and other sources of noise.

**Policy 3.6.5:** Continue to enforce and enhance noise standards and pursue other nuisance codes such as odor to address the adverse impacts of industries and vehicles.

**Policy 3.6.6:** Evaluate impacts to both humans and wildlife related to light and noise pollution and require appropriate mitigation.

**Policy 3.6.7:** Create standards and best practices for the demolition of buildings to reduce impacts associated with creation or release of dust and air pollutants.

**Policy 3.6.8:** Incorporate emission reduction and other environmental requirements into the city's contracting process to reduce air quality impacts associated with use of city equipment and activities on city-owned properties or developments.

## **Section 4: Willamette Greenway**

**Overarching Chapter Goal:** Protect, conserve, enhance, and maintain the lands and water that comprise the City's portion of the Willamette River Greenway in a manner that recognizes the unique natural, scenic, historical, economic, and recreational qualities that exist along the Willamette River.

**Goal 4.1 - Willamette Greenway Boundary: Maintain the Willamette Greenway Boundary and utilize a Greenway Compatibility Review Boundary to implement Statewide Planning Goal 15.**

**Policy 4.1.1:** Utilize the Greenway Compatibility Review Boundary to identify where the highest level of compatibility review will occur. The Greenway Compatibility Review Boundary will apply within 150 feet of the ordinary high-water line of the Willamette River and in other adjacent areas that have been identified as being in the 100-year floodplain of the Willamette River or areas that have unique or significant environmental, social, or aesthetic qualities. The Greenway Compatibility Review Boundary is depicted on Map XX.

**Policy 4.1.2:** Kronberg Park and the area occupied by Kellogg Lake are included within the Willamette River Greenway Boundary.

**Goal 4.2 - Greenway Design Plan: Allow preparation of a Greenway Design Plan within the Willamette Greenway Boundary.**

**Policy 4.2.1:** The adopted park master plans for Kronberg Park and Spring Park, the downtown design review approval for Milwaukie Bay Park, and the Elk Rock Island management plan will serve the same purpose as a Greenway Design Plan for each of the parks. All future park master plans or amendments to plans will be adopted through the community service use process.

**Policy 4.2.2:** A Greenway Design Plan may be prepared and adopted as an ancillary plan to the Comprehensive Plan. The Greenway Design Plan may apply to the entire Willamette Greenway or any portion of the greenway. An adopted Greenway Design Plan may provide an alternative review process for development within the greenway provided it is consistent with the adopted plan, and should be updated periodically to reflect best available science and changing conditions along the greenway, including those induced by climate change.

**Goal 4.3 - Land Use Review Process: Coordinate public and private land uses and ensure compatibility of uses within the Willamette Greenway.**

**Policy 4.3.1:** Utilize the Willamette Greenway Zone in combination with underlying land use designations to manage uses and implement City Willamette Greenway objectives and Statewide Planning Goal 15.

**Policy 4.3.2:** Two levels of review will be employed to determine the appropriateness and compatibility of new or intensified uses with the Willamette Greenway.

- a. Within the Greenway Compatibility Review Boundary, a Willamette Greenway Conditional Use Permit must be obtained prior to new construction or intensification of an existing use when the new or intensified use is not identified as a permitted planned use within an adopted park master plan or the Greenway Design Plan. Special criteria addressing use, siting, size, scale, height, and

site improvements will be used to review and guide development within the Compatibility Review Boundary.

- b. Outside of the Greenway Compatibility Review Boundary, new construction and intensification of uses will be allowed, provided that the scale and nature of the use meets the standards specified in the Willamette Greenway Zone. Development standards for these uses will be used to allow certain forms of development as a use by right.

The review process will require consistency with the following plans: Willamette Greenway Chapter of the Comprehensive Plan, parks master plans, the Greenway Design Plan, and the Downtown and Riverfront Land Use Framework Plan.

**Policy 4.3.3:** Setbacks for new or intensified uses may be established through the park master planning process or through a Greenway Design Plan. When not established through these plan processes, the Willamette River Greenway conditional use process will be used to establish setbacks. For uses that are not water-dependent or water related, setbacks will be determined on a case-by-case basis and the uses will be directed away from the river. Existing and proposed uses that are water-dependent and water-oriented may be permitted near or at the water's edge.

**Goal 4.4 - Natural Resource Protection: Protect and conserve the natural resources within the Willamette River Greenway while recognizing recreation needs.**

**Policy 4.4.1:** Within the Willamette Greenway, protect and conserve natural resources through the City's two Natural Resource overlay zones: WQR - Water Quality Resource and HCA – Habitat Conservation Area.

**Policy 4.4.2:** Promote an increase in tree canopy within the Willamette Greenway through tree planting programs and by mitigating for any lost tree canopy that occurs through development, while recognizing the importance of certain public views of the river.

**Policy 4.4.3:** Support the removal of the Kellogg Creek Dam and the restoration of Kellogg Creek through revegetation of riparian areas with native species. Removal of the Kellogg Creek Dam is consistent with the greenway chapter of the plan and will not require greenway review.

**Policy 4.4.4:** Manage Elk Rock Island as a natural area park.

**Policy 4.4.5:** Allow and support environmental education and interpretative displays within the Willamette Greenway.

**Goal 4.5 - Recreation: Enhance the recreational use of lands within the Willamette Greenway boundaries while protecting and conserving natural resources.**

**Policy 4.5.1:** Use park master plans to outline the major recreational uses, activities, and conceptual design for each of the parks within the Willamette Greenway.

**Policy 4.5.2:** The parks within the Willamette River Greenway will serve a variety of needs for the City including:

- Access to the Willamette River for water sports - boating, fishing, swimming, kayaking etc.,

- Recreational trails along the river,
- River and natural area viewing,
- Picnicking, and
- Community events.

The Parks and Recreation Chapter of the Comprehensive Plan will define the primary intent and purpose of each park.

**Policy 4.5.3:** Within the Willamette Greenway, accommodate a trail system along the river that is intended to connect with future Willamette Greenway trails to the north and south of the City. Develop a trail plan, acquire right-of-way, and build trail segments as funding becomes available.

**Policy 4.5.4:** Connect City bicycle and pedestrian trail systems with the trail system through the Willamette Greenway.

**Goal 4.6 - Public Access and View Protection: Provide, improve, and maintain public access and visual access to the lands and water that make up the Willamette River Greenway.**

**Policy 4.6.1:** Encourage new public access and views within the greenway and to the Willamette River, through dedications, easements, acquisitions or other means.

**Policy 4.6.2:** Undertake efforts to make existing points of public access more accessible and usable through maintenance and signing.

**Policy 4.6.3:** As part of the Greenway Compatibility Review process, evaluate proposals for new development and intensification of use for their effect on visual access to the Willamette River and Kellogg Creek from publicly owned land and the public right-of-way. Where impacts are significant, efforts will be made to preserve visual access to the river and creek through dedications, easements, acquisitions or other means.

**Policy 4.6.4:** As part of the planning effort for parks and other public improvements, ensure that trees and other features are intentionally placed to frame and enhance views of the Willamette River and Kellogg Creek. Enhancing riparian vegetation along Kellogg Creek to improve aquatic habitat conditions for native species will be a higher priority than maintaining or improving views of the creek.

**Policy 4.6.5:** Based on the Public Use Doctrine, the City acknowledges that the public has the right to recreate on land and water below the ordinary high-water line of the Willamette River.

**Goal 4.7 – Downtown: Maintain Milwaukie Bay Park, Dogwood Park, and Kronberg Park as the key public amenities in the downtown that attract people to the area to enjoy the open space, public trails, riverfront access, and riverfront-related development, consistent with the Downtown and Riverfront Land Use Framework Plan and park master plans.**

**Policy 4.7.1:** Provide safe pedestrian connections between the downtown Milwaukie and the Willamette River consistent with the Downtown and Riverfront Land Use Framework Plan.

**Policy 4.7.2:** Work with Clackamas County Water Environment Services to accommodate recreational and water-related uses at the treatment plant site. This could include full redevelopment and relocation of the facility, shrinking the footprint, adding wetland features, adding a community water quality education center, providing physical access to the river, or capping the treatment plant with park facilities over the plant.

**Policy 4.7.3:** Within the Willamette Greenway, provide opportunities for limited commercial and recreational services that are focused to support users of the river, the parks, or the trail systems.

## **Section 5: Natural Hazards**

**Overarching Chapter Goal:** Protect the Milwaukie community from the threats of natural hazards, including those induced by climate change, through risk minimization, education, and adaptation.

**Goal 5.1 - Identifying and Reducing Hazard Potential: Identify areas with high natural hazard potential and develop policies and programs to reduce potential negative impacts.**

**Policy 5.1.1:** Ensure that City natural hazard maps stay updated and reflect the most recent information and best available science for natural hazard areas, including flooding, landslides, liquefaction, unstable soils, wildfire, earthquakes, drought and sea level rise.

**Policy 5.1.2:** Require the submittal and neutral third-party review of detailed technical reports for proposed development within high risk flood, liquefaction and landslide hazard areas.

**Policy 5.1.3:** Encourage and prioritize development in areas with low risk of natural hazards and restrict development in areas with high risk that cannot be adequately mitigated.

**Policy 5.1.4:** Regulate floodplain areas in a manner that protects the public, recognizes their natural functions as waterways and critical habitat, and provides open space/recreational opportunities.

**Goal 5.2 - Partnerships and Education: Continue and expand partnerships with government agencies, utilities, and other groups that can help Milwaukie residents prepare for natural hazards.**

**Policy 5.2.1:** Continue to coordinate with regional, state and federal agencies on disaster preparedness efforts

**Policy 5.2.2:** Work with agency partners to address and respond to increased episodes of poor air quality resulting from wildfires in the region.

**Policy 5.2.3:** Ensure that mapping of the 100- and 500-year floodplain areas stays current and accurate.

**Policy 5.2.4:** Work with the county, state, and regional partners to regularly update the City's Hazard Mitigation Plan.

**Policy 5.2.5:** Increase outreach and education for hazard awareness and natural disaster preparedness, especially for low-income, elderly, non-English speaking, and other vulnerable populations.

**Goal 5.3 - Infrastructure and Building Resiliency: Ensure that the City's built environment and infrastructure are adequately prepared for natural disasters.**

**Policy 5.3.1:** Ensure that relevant sections of the Milwaukie Municipal Code, most notably those that deal with Flood Hazards, Seismic Conditions, and Soils, are maintained to reflect best available science.

**Policy 5.3.2:** Increase the quality, resiliency, and redundancy of utility and transportation infrastructure to increase chances of continued service following a natural disaster.

**Policy 5.3.3:** Promote the retrofitting of buildings for better natural disaster resiliency through education and potential incentives for residential and commercial property owners.

**Policy 5.3.4:** Encourage development that exceeds minimum building code standards and is built to withstand high intensity natural disasters.

**Policy 5.3.5:** Prohibit essential public facilities and uses with vulnerable populations from being located within areas at high risk of flooding, landslides, liquefaction, and fire, and aim to relocate existing uses in these areas.

**Goal 5.4 - Adaptation and Mitigation: Develop programs that inform the public about the increased risks from natural hazards and create strategies for how to deal with them.**

**Policy 5.4.1:** In areas where there is a high risk of flooding or other natural hazards, support efforts by the City and other public and private entities to acquire properties for conservation purposes. Restrict development to uses that have a demonstrated community benefit and for which the natural hazard risks and environmental impacts can be adequately mitigated.

**Policy 5.4.2:** Increase requirements for protecting large trees, riparian vegetation and wetlands that have the potential to consume and retain large amounts of surface and storm water.

**Policy 5.4.3:** Coordinate with local, regional, state and federal agencies on disaster preparedness efforts, including coordination for major seismic and flooding events.

**Policy 5.4.4:** Encourage, and eventually require, green infrastructure and development practices.

**Policy 5.4.5:** Support expansion of the City's Community Emergency Response Team (CERT) to aid in responding to natural hazard events.

**Policy 5.4.6:** Create designated emergency routes and provide an array of disaster recovery facilities, with emergency supplies, that can withstand major natural hazard events, and keep the public informed of them through a variety of different outreach methods.



## **Section 6: Climate Change and Energy**

**Overarching Chapter Goal:** Conserve energy and be prepared for the anticipated impacts of climate change in Milwaukie through efficient land use patterns, multimodal transportation options, wise infrastructure investments, increased community education and incorporating strategies from the City's Climate Action Plan.

**Goal 6.1 - Built Environment: Create a built environment that prioritizes energy efficiency and climate resiliency and seamlessly integrates the natural environment.**

**Policy 6.1.1:** Encourage the use of innovative design and building materials that increase energy efficiency and natural resource conservation, and minimize negative environmental impacts of building development and operation.

**Policy 6.1.2:** Provide flexibility in development standards and permitted uses for projects that address climate change and energy conservation through strategies identified in the Climate Action Plan and/or best available science.

**Policy 6.1.3:** Advocate at the local, state, and federal level for building codes that increase energy conservation and facilitate emission reductions, and be a model for implementing these higher standards.

**Policy 6.1.4:** Develop standards and guidelines that contribute to a 40% citywide tree canopy.

**Policy 6.1.5:** Create a more energy efficient land use pattern that includes but is not limited to infill and cluster development, neighborhood hubs and increased density.

**Policy 6.1.6:** Encourage the creation of compact, walkable neighborhoods and neighborhood hubs throughout the city that provide a mix of uses and help reduce transportation emissions and energy usage.

**Policy 6.1.7:** Work with property owners and developers to facilitate the adaptive reuse of existing buildings.

**Policy 6.1.8:** Incorporate climate change criteria into city decision making processes, including land use applications and development review.

**Policy 6.1.9:** Streamline review for solar projects on rooftops, parking lots, and other areas with significant solar capacity.

**Goal 6.2 - Transportation and Utility Infrastructure: Maintain and expand Milwaukie's transportation and utility infrastructure in a manner that facilitates greater redundancy, energy conservation, and emissions reductions.**

**Policy 6.2.1:** Increase the quantity, quality and variety of Milwaukie's active transportation options, including trails, bike lanes, sidewalks, and transit.

**Policy 6.2.2:** Work with local businesses and regional partners to increase transit usage and develop last mile solutions to Milwaukie homes, businesses, and neighborhood hubs.

**Policy 6.2.3:** Identify desired transportation mode splits and use best available science to develop programs and standards to ensure that they are met.

**Policy 6.2.4:** Reduce barriers to developing renewable energy projects.

**Policy 6.2.5:** Aim to increase the use of renewable energy vehicles through a mix of infrastructure improvements, incentives, and development requirements.

**Policy 6.2.6:** Account for rapidly changing technologies such as autonomous vehicles and other intelligent transportation systems during site development review and capital improvement planning.

**Policy 6.2.7:** Prioritize natural stormwater management systems.

**Goal 6.3 - Adaptation and Mitigation: Ensure that the Milwaukie community is informed and prepared to address a changing climate and the need to modify historic norms and behavior.**

**Policy 6.3.1:** Educate residents, businesses, developers and other community members on climate science and the most effective ways they can take action to adapt and mitigate for a changing climate, including transportation and energy choices, local food production and consumption, the sharing economy, sustainability at work programs and waste reduction.

**Policy 6.3.2:** Be an advocate and early adopter of emerging technologies and strive to be a model for how small cities can adapt to climate change.

**Policy 6.3.3:** Incorporate best available science related to energy conservation and climate change adaptation into planning and development review.

**Policy 6.3.4:** Regularly update the City's Climate Action Plan to identify strategies for addressing climate change and include emerging technologies and programs.

**Policy 6.3.5:** Promote climate-resilient vegetation, landscaping, and local food systems.

**Policy 6.3.6:** Pursue the development of heat shelters and shading sites, including indoor community spaces that can serve as clean air and cooling centers and shaded outdoor community spaces

**Policy 6.3.7:** Encourage property owners to retrofit their properties to accommodate renewable energy production.

**Policy 6.3.8:** Explore opportunities for increasing distributed renewable energy generation through community solar projects and other collective efforts.

**Policy 6.3.9:** Consider equity and affordability when developing city programs and development standards related to energy conservation and climate change and identify strategies for reducing potential impacts related to increased costs.

**Policy 6.3.10:** Consider increased population growth due to climate refugees, moving to the area to escape less hospitable climates, and identify metrics and triggers for when additional planning is needed to address potential impacts to housing, infrastructure, and the economy.

**Policy 6.3.11:** Encourage the use of materials and site development techniques that can mitigate for climate-change induced impacts such as heat island effect and increased flooding.

## **Section 7: Housing**

**Goal 7.1 - Equity: Provide housing options and reduce housing barriers for people of all ages and abilities, with a special focus on people of color, aging populations, and people with low incomes.**

**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.

**Policy 7.1.2:** Establish development standards that focus more on regulating size, shape, and form and less on the number of housing units.

**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.

**Policy 7.1.4:** Leverage resources and programs that aim to keep housing (including existing housing) affordable and available to residents in all residential neighborhoods of Milwaukie.

**Policy 7.1.5:** Encourage development of new homes and modification of existing homes to accommodate people of all ages and abilities through use of universal design.

**Policy 7.1.6:** Consider cultural preferences and values when adopting development and design standards, including but not limited to the need to accommodate extended family members and provide opportunities for multi-generational housing.

**Policy 7.1.6:** Support the Fair Housing Act and other federal and state regulations that aim to affirmatively further fair housing.

**Policy 7.1.7:** Collaborate with community partners to provide a continuum of programs that address the needs of unhoused persons and families, including temporary shelters, long-term housing, and supportive services.

**Policy 7.1.8:** Reduce the displacement of renters through tenant protection policies.

**Policy 7.1.9:** Develop, monitor and periodically update metrics that evaluate the City's success in achieving Goal 7.1.

**Goal 7.2 - Affordability: Provide opportunities to develop housing that is affordable at a range of income levels.**

**Policy 7.2.1:** Continue to research, leverage and implement housing affordability strategies that meet the needs of Milwaukie households and can adapt to changing market conditions.

**Policy 7.2.2:** Allow and encourage development of housing types with lower construction costs and sales prices per unit that can help meet the needs of 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.

**Policy 7.2.3:** Consider programs and incentives that reduce the impacts that development/design standards and fees have on housing affordability, including modifications to parking requirements, system development charges, and frontage improvements.

**Policy 7.2.4:** Provide a simplified permitting process for the development of accessory dwelling units (ADUs) or conversion of single-family homes into duplexes or other “middle housing” types.

**Policy 7.2.5:** Expand partnerships with non-profit housing developers and other affordable housing providers and agencies that preserve or provide new low to moderate income-housing units, create opportunities for first-time homeownership, and help vulnerable homeowners maintain and stay in their homes.

**Policy 7.2.6:** Support the continued use and preservation of manufactured homes, both on individual lots and within manufactured home parks as an affordable housing choice.

**Policy 7.2.7:** Support the use of tiny homes as an affordable housing choice, while addressing adequate maintenance of these and other housing types through the City’s code enforcement program.

**Policy 7.2.8:** Clearly define and implement development code provisions to permit shelters and transitional housing for people without housing.

**Policy 7.2.9:** Monitor and regulate vacation rentals to reduce their impact on availability and long-term affordability of housing.

**Policy 7.2.10:** Work with other jurisdictions as well as regional and state agencies to identify the region’s housing needs and pursue a shared approach to improve housing affordability across all household income ranges.

**Policy 7.2.11:** Develop, monitor and periodically update metrics that evaluate the City’s success in achieving Goal 7.2.

**Goal 7.3 – Sustainability: Promote environmentally and socially sustainable practices associated with housing development and construction.**

**Policy 7.3.1:** Ensure that the scale and location of new housing is consistent with city goals to preserve open spaces, achieve a 40% citywide tree canopy, and protect wetland, floodplains, and other natural resource or hazard areas.

**Policy 7.3.2:** Provide additional flexibility in site design and development standards in exchange for increased protection and preservation of trees and other natural resources.

**Policy 7.3.3:** Use incentives to encourage, and where appropriate require, new housing development, redevelopment, or rehabilitation projects to include features that increase energy efficiency, improve building durability, produce or use renewable energy, conserve water, use deconstructed or sustainably produced materials, manage stormwater naturally, and/or employ other environmentally sustainable practices.

**Policy 7.3.4:** Promote the use of active transportation modes and transit to provide more reliable options for neighborhood residents and help reduce driving.

**Policy 7.3.5:** Increase economic opportunities for locally owned and operated businesses by encouraging the development and redevelopment of more housing near transit, shopping, local businesses, parks, and schools.

**Policy 7.3.6:** Encourage the adaptive reuse of existing buildings in residential and mixed-use areas that can help meet Milwaukee's housing needs.

**Policy 7.3.7:** Prepare, regularly monitor and periodically update an inventory of the buildable supply of residential land that can help meet the City's future housing needs in an efficient and sustainable manner.

**Policy 7.3.8:** Allow for a reduction in required off-street parking for new development within close proximity to light rail stations and frequent bus service corridors.

**Policy 7.3.9:** Advocate for additional frequent transit service in areas with the potential for significant residential growth.

**Policy 7.3.10:** Develop, monitor and periodically update metrics that evaluate the City's success in achieving Goal 7.3.

**Goal 7.4 - Livability: Enhance the ability of Milwaukie's neighborhoods to meet community members' economic, social, and cultural needs, and promote their contributions to health, well-being, and universal access and design.**

**Policy 7.4.1:** Implement land use and public investment decisions and standards that foster creation of denser development in centers, corridors, and neighborhood hubs to support community gathering places, commercial uses, and other amenities that give people opportunities to socialize, shop, and recreate together.

**Policy 7.4.1:** Require that new housing projects improve the quality and connectivity of active transportation modes by providing infrastructure and connections that make it easier and more direct for people to walk or bike to destinations such as parks, schools, commercial services, and neighborhood gathering places.

**Policy 7.4.1:** Administer development code standards that require new housing to engage with the public realm and provide for appropriate setback and lot coverage standards.

**Policy 7.4.1:** Require that multi-family housing units have access to usable open space, either on-site or adjacent to the site.

**Policy 7.4.1:** Implement development or design requirements to help create transitions between lower and higher density residential development areas where the mass, size or scale of the developments differ substantially. Requirements could include massing, buffering, screening, height, or setback provisions.

**Policy 7.4.1:** Reduce development code barriers to cohousing and other types of intentional communities that help foster a sense of community.

**Policy 7.4.1:** Create and monitor performance measures and metrics that track the City's 1) success in developing new housing and preserving existing housing for households of all income levels, household sizes, and housing tenure and 2) infrastructure improvements needed to accommodate future growth targets.

**Policy 7.4.1:** Develop, monitor and periodically update metrics that evaluate the City's success in achieving Goal 7.4.

## **Section 8: Urban Design and Land Use**

**Goal 8.1 - Design: Use a design framework that considers location and development typology to guide urban design standards and procedures that are customized by zoning district.**

### **Policy 8.1.1: Downtown Milwaukie**

- a) Allow for a variety of dense urban uses in multi-story buildings that can accommodate a mix of commercial, retail, office and higher density residential uses.
- b) Provide a high-quality pedestrian environment that supports safe, convenient access to the area's multiple transportation modes.
- c) Prioritize pedestrian access and movement in the downtown while also improving safety and access for cyclists. Establish mode split targets in the Transportation System Plan (TSP) for alternative transportation modes.
- d) Encourage development that takes advantage of proximity to and views of the Willamette River and the Willamette Greenway.
- e) Ensure that buildings are designed with storefront windows and doors, weather protection, and details that contribute to an active, pedestrian oriented streetscape.
- f) Ensure that design standards and guidelines reflect a well-defined community vision for the downtown.
- g) Encourage a diverse mix of commercial services and amenities that serve downtown residents and employees as well as local and regional visitors.
- h) Support uses that contribute to the vibrancy of the downtown area, including special events and outdoor uses such as the Milwaukie Farmer's Market.

### **Policy 8.1.2: Central Milwaukie**

- a) Ensure that new development and redevelopment supports better transportation connectivity through the Central Milwaukie district, especially for pedestrians and cyclists. Increased connectivity should include pedestrian and bicycle improvements through large sites.
- b) Enhance Highway 224 intersections to increase the safety and comfort for pedestrians and cyclists traveling on cross streets. Implement these safety improvements through the Transportation Systems Plan.
- c) Ensure buildings and sites are designed to support a pedestrian-friendly streetscape and establish a storefront environment along key streets as set out in the Central Milwaukie Land Use and Transportation Plan.
- d) Manage the bulk and form of buildings to provide a transition between Central Milwaukie and adjacent areas with a lower density residential comprehensive plan designation.



- e) Broaden the scope of the Central Milwaukie Land Use and Transportation Plan to include the Milwaukie Market Place, Providence Hospital, and the Hillside Development.

**Policy 8.1.3: Neighborhood Mixed Use (NMU)**

- a) Provide opportunities for a mixture of neighborhood commercial services and housing which are well-connected to the surrounding neighborhoods by sidewalks and bikeways.
- b) Ensure that development is designed to minimize impacts to surrounding residential areas through appropriate setbacks, building placement, buffers, and landscaping.
- c) Require that new development connect to surrounding neighborhoods for pedestrians and others using active transportation modes to travel to and within the district.
- d) Ensure that new mixed use and commercial buildings provide a commercial storefront environment with sidewalks and amenities appropriate to create an active, pedestrian-focused streetscape.
- e) Ensure that new development is designed to create a transition to adjoining residentially zoned properties in terms of height, massing, setbacks and building form.

**Policy 8.1.4: Neighborhood Hubs (outside of NMU areas)**

- a) Provide opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for residents of the surrounding area.
- b) Ensure that new development projects are at a scale that fits with the height, bulk and form of development that have been historically permitted in the neighborhood.
- c) Ensure new development contributes to a pedestrian friendly environment along the property frontage, recognizing that a storefront environment is not mandatory in a neighborhood hub setting.
- d) Encourage development of multi-season outdoor seating areas and pedestrian plazas.
- e) Provide for a high level of flexibility in design and incentives to accommodate a variety of start-up uses and explore innovative techniques for waiving or deferring full site development and parking requirements.
- f) Provide a process to allow start-up and temporary uses that take advantage of incentives and deferral programs to make a smooth transition to status as a permanent use.

**Policy 8.1.5: North Milwaukie Innovation Area**

- a) Provide opportunities for a wide range of employment uses including manufacturing, office, and limited retail uses, as well as mixed-use residential in the area close to the Tacoma Station Area.
- b) Ensure that the design of new development and redevelopment projects contribute to a pedestrian and bike friendly environment within the Tacoma Station Area.

- c) Provide for active transportation connections throughout the NMIA.
- d) Implement provisions of the North Milwaukie Innovation Plan.

**Policy 8.1.6: International Way Business District**

- a) Provide flexibility to allow a wide variety of employment uses including industrial, research, office, and limited commercial in the district.
- b) Protect natural resources in the district including Minthorn Natural Area and the waterways that connect to it. Daylight the creek where feasible.
- c) Require landscaping along street frontages in the district.
- d) As new development and redevelopment occurs, require pedestrian and active transportation improvements throughout the district.
- e) Work to ensure that the district is well-served by public transportation options and that transit stops and shelters are safe, comfortable, and easy to access.

**Policy 8.1.7: Johnson Creek Industrial Area**

- a) Provide opportunities for a wide variety of manufacturing, industrial, production and warehousing uses as well as more limited office and commercial uses.
- b) Protect Johnson Creek and the adjacent riparian areas.
- c) Consider the impacts of business operations on adjacent residential areas, including to air and water quality
- d) Encourage development that takes advantage of the area's access to transit and the Springwater Trail and helps improve the pedestrian environment.

**Policy 8.1.8: Corridors**

- a) Provide opportunities for higher intensity development in areas within walking distance of existing or planned frequent transit service.
- b) Ensure that design standards require direct pedestrian connections to the closest transit line.
- c) If new development includes a commercial component, require a storefront design.
- d) Ensure that all new development contributes to a safe, well-connected, and attractive pedestrian environment.
- e) Maintain development and design standards that provide for a transition in development intensity between the development site and adjoining areas designated or planned for lower density residential uses.

**Policy 8.1.9: Regional Center**

- a) Develop and adopt a planning framework and zoning for the Clackamas Regional Center recognizing that this area is within the area subject to the Milwaukie Urban Growth Management Agreement and will eventually be annexed to the City.
- b) Within the Regional Center:
  - Provide for high-intensity development to accommodate projected regional increases in housing and employment, including mixed-use development;
  - Provide for and capitalize on frequent and dependable transit service;
  - Allow for a mix of land uses to support public transportation and bicycle and pedestrian usage;
  - Provide for the open space and recreation needs of residents and employees of the area; and
  - Support a multimodal street network.

**Goal 8.2 – Livability: Enhance livability by establishing urban design concepts and standards that help improve the form and function of the built environment.****Policy 8.2.1: Policies to promote a great pedestrian and bicycle environment for all include:**

- a) Prioritize enhancement of the environment for pedestrians, bicyclists and people using other active transportation modes when expending public funds on street improvements.
- b) Ensure that improvements are inclusive and provide access for people of all ages and abilities
- c) Require new development and public improvements to be designed in a manner that contributes to a comfortable and safe environment for everyone, including pedestrians and other non-motorized users in the public right-of-way.
- d) Enhance pedestrian spaces through adequate landscaping, trees, public art, and amenities such as benches and lighting.
- e) Encourage small-scale storefront retail to be developed along street frontages in commercial and mixed-use districts.
- f) Provide for pedestrian connectivity and access by other active transportation modes.
- g) Use urban design features to reduce trips or slow traffic through areas where pedestrian safety is especially a concern, e.g. NMU districts and neighborhood hub areas.
- h) To enhance the pedestrian experience, explore opportunities for woonerf and living street designs in areas with appropriate traffic volumes.
- i) Prioritize the safety of pedestrians and bicyclists when designing and improving the public right of way.

- j) Provide a regularly scheduled review process that evaluates pedestrian comfort, safety, and accessibility using the best available science.

**Policy 8.2.2:** Policies related to parking design include:

- a) Establish parking standards that rely on higher levels of active transportation and increased use of transportation demand management programs to achieve community design patterns that are more sustainable.
- b) As technology, development patterns, and transportation options evolve, plan for the potential conversion of parking spaces within the public right-of-way and encourage the redevelopment or conversion of existing private and public parking lots to other uses.
- c) In the town center, buffer parking lots from the pedestrian environment with a combination of landscaping, stormwater facilities, public art, or decorative walls.
- d) Encourage on-street parking on frontages that have commercial storefronts.
- e) Ensure that public and private parking remains available for those that cannot walk or bike
- f) Maintain lighting, walkway, and other design standards that contribute to improved public safety
- g) Restrict off-street parking between the public sidewalk and the front of any new commercial retail or mixed-use building.
- h) Expand the number of electric vehicle charging stations in both public and private parking areas
- i) Require canopy trees and swales in parking lots to reduce stormwater runoff and better manage urban temperatures.
- j) Prioritize pedestrian and bicycle safety over parking convenience to minimize conflicts between modes.

**Policy 8.2.3:** Policies to enhance integration of the urban and natural environment include:

- a) Maintain landscaping design standards that require landscape plan approval as part of the development review process.
- b) Use the landscape plan review process to ensure that new development provides tree canopy cover consistent with city urban forestry objectives and to achieve better habitat connectivity throughout the City.
- c) Allow for vertical landscaping or green roofs to substitute for ground landscaping in situations where sites are constrained and there is a public benefit associated with the project.
- d) Encourage, and in the case of new development require, the undergrounding of utilities.
- e) Ensure that street trees are climate resilient, consistent with the City's urban forestry goals, and consider potential benefits to pollinators and local wildlife.

- f) Utilize green infrastructure (bioswales, rain gardens, pervious pavement, and green roofs) to minimize impervious surfaces and to capture and treat stormwater on site.
- g) Where appropriate, integrate natural features such as trees, creeks, wetlands, and riparian areas into the site planning process while also ensuring that designated natural resources are protected and conserved.
- h) Encourage the daylighting of creeks and drainages.

**Policy 8.2.4:** Policies for the design of public spaces include:

- a) Provide clear standards for the design and improvement of public spaces and streets as set forth in design objectives of adopted project plans or special area plans.
- b) Design streets to provide for the equitable allocation of space for different modes including pedestrians, bicycles, and transit.
- c) Provide multi-season seating in public spaces where people are intended to gather. Areas of public seating should have access to direct sunlight and shade as well as options for rain protection.

**Policy 8.2.5:** Policies to promote community character include:

- a) Limit the size and display characteristics of commercial signage, especially along Highway 224 and Highway 99E.
- b) Where feasible, design of buildings should include views and orientation toward the Willamette river or other waterways.
- c) Encourage green buildings through a program that allows extra building height with the development of a green building.
- d) Ensure that policies and codes related to urban design are consistently and regularly enforced.

**Goal 8.3 – Process: Provide a clear and straight forward design review process for development in Milwaukie along with incentives to achieve desired outcomes.**

**Policy 8.3.1:** Use a two-track Development Review process to ensure that new non-residential development and redevelopment projects are well designed. Provide a clear and objective set of standards as well as an optional, discretionary track that allows for greater design flexibility provided design objectives are satisfied.

**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.

**Policy 8.3.3:** Expand opportunities for neighborhood district associations (NDAs) and other stakeholders to review and provide feedback early in the development process and respond to community concerns with clear, concise, objective information.

**Policy 8.3.4:** Expand incentives and refine development standards that help to:

- a) Provide flexibility for commercial use of existing residential structures within Neighborhood Hubs and Neighborhood Mixed Use districts.
- b) Provide flexibility for the types of uses permitted as home occupations where it can be demonstrated that the home occupation will help meet the daily needs of residents in the surrounding neighborhood.
- c) Consider the use of vertical housing tax abatements and other financial tools to encourage development in Neighborhood Hubs
- d) Improve housing affordability
- e) Incorporate universal design standards that improve access for people of all ages and abilities and expand opportunities for aging in place

**Policy 8.3.5:** Require that comprehensive plan amendment applications to medium density residential, high density residential, and mixed-use residential consider walkability, access to frequent transit service, and proximity to parks, schools and commercial services.

## **Section 9: Parks and Recreation**

**Overarching Chapter Goal:** To provide for the recreational needs of present and future City residents, while also preserving natural areas. The City will maximize the use of existing public facilities, encourage development of indoor public or private recreational facilities and trails, support dedication and acquisition of land for recreational use and/or habitat conservation, and maintain existing natural areas for conservation. Future expansion and development of recreational uses and natural areas should be encouraged and focused in existing underserved areas of the Milwaukie community and accessible for all ages and abilities.

**Goal 9.1 – Partnerships and Funding: Continue to work with the City’s parks and recreation provider, other public and governmental agencies, and private organizations in providing park and recreational facilities and services, and habitat conservation.**

**Policy 9.1.1** – Work with the City’s “parks and recreation provider” to complete, adopt, and maintain an overall parks comprehensive plan and a trails master plan.

**Policy 9.1.2** – The City will continue to initiate and support joint-use construction and maintenance agreements with the North Clackamas School District (NCS D) and work to provide recreational opportunities on school properties.

**Policy 9.1.3** – The City will participate in regional recreation planning and implementation programs through Metro, and will coordinate activities with Clackamas County parks and utility providers and relevant state and federal agencies.

**Policy 9.1.4** – Pursue prioritizing proportional contributions from new development and redevelopment for the expansion of public recreation opportunities in underserved areas of Milwaukie.

**Policy 9.1.5** – Maintain a flexible system with the City’s park provider where the City can accept land or developed park and trail facilities, when appropriate, in lieu of System Development Charges (SDCs).

**Policy 9.1.6** – Continue to support and work with public or private organizations on habitat conservation and rehabilitation of natural areas.

**Goal 9.2 – Planning and Design: Plan, develop, and enhance natural areas, parks, and recreation opportunities that meet the needs of community members of all ages, abilities, cultures, and incomes while creating solutions that are environmentally sustainable.**

**Policy 9.2.1** – Expansion and/or redevelopment of parks and new recreation opportunities shall be tailored towards the needs and abilities of diverse communities.

**Policy 9.2.2** – Pursue solar power and other forms of renewable energy with updates to and expansions of existing parks and recreation opportunities and the creation of new parks and recreation opportunities.

**Policy 9.2.3** – Investigate the feasibility of providing park and open space amenities on land owned by other public agencies, considering safety and security of users and facilities.

**Policy 9.2.4** – Work with local, regional, state, and federal partners to plan, design and protect areas for habitat viability, including the safe movement of wildlife necessary to maintain biodiversity and ecological balance.

**Policy 9.2.5** – Pursue the creation of community gardens and urban food forests in public parks and on land owned by the City and partner agencies.

**Policy 9.2.6** – Explore conversion of parking lots to parks and recreation opportunities when parking demand decreases.

**Policy 9.2.7** – Enhance community use of the open space at Kellogg Water Treatment Plant site and consider options for park uses covering treatment plant facilities. Incorporate a public education component at the treatment plant site.

**Goal 9.3 – Transportation and Connectivity: Increase safe and convenient access to and between natural areas, parks, and recreation opportunities for community members of all ages and abilities through a variety of transportation options.**

**Policy 9.3.1** – Provide an active transportation network to increase connectivity and access between natural areas, parks, and recreation opportunities, including routes identified in the City’s Transportation System Plan and Metro Regional Trails System Plan.

**Policy 9.3.2** – Bicycle trails, sidewalks, and walking trails provide convenient access for pedestrians and bicyclists to natural areas, parks, and recreation opportunities.

**Policy 9.3.3** – Encourage transit access to community parks and facilities.

**Policy 9.3.4** – Encourage North/South trail connections along the Willamette River.

**Goal 9.4 – Park Development and Maintenance: Maintain, develop, and expand a City-wide park and recreation system which meets the needs and delivers services for all neighborhoods and members of the City as a whole.**

**Policy 9.4.1** – Establish a Parks, Recreation, and Open Space zone within the Municipal Zoning Code.

**Policy 9.4.2** – Utilize the park classifications in Appendix XX to guide maintenance, development, and expansion.

**Policy 9.4.3** – Encourage interim recreation opportunities on vacant and underutilized sites on private or public land to be community member initiated, with a fixed time frame for the proposed use.

**Policy 9.4.4** – The City will work with the parks district to acquire land for parks, trails, recreational uses, and habitat conservation.

**Policy 9.4.5** – Private industry will be encouraged to provide recreation opportunities and facilities for employees in employment areas. New commercial development is encouraged to provide parks and other recreational amenities for the general enjoyment of the public.



**Policy 9.4.6** – New residential projects may be required to dedicate land or build facilities for public park, green space, or public open space uses if the development corresponds to areas where park deficiencies, natural areas, or habitat linkages have been identified.

**Policy 9.4.7** – In exchange for the dedication of park land, the allowable density on the remaining lands may be increased, so that the overall parcel density remains the same. A density bonus may be allowed for including larger proportions of land dedication for open spaces that protect and conserve habitat or provide identified needs in public park and recreational uses by the park district or the parks comprehensive plan.

## **Section 10: Public Facilities and Services**

**Overarching Chapter Goal – Plan, develop and maintain an orderly and efficient system of public facilities and services to serve urban development.**

**Goal 10.1: Provide high quality public services to current and future Milwaukie residents.**

**Policy 10.1.1:** Maintain and enhance levels of public facilities and services to City residents, businesses, and vulnerable populations as urban development or growth occurs.

**Policy 10.1.2:** Ensure that existing residents and taxpayers do not pay for services that don't directly benefit Milwaukie residents.

**Policy 10.1.3:** As an element of the Comprehensive Plan, maintain a Public Facilities Plan, in conformance with Statewide Planning Goals, that incorporates key components of the master plans for water, wastewater, stormwater, and other public facilities under City control.

**Policy 10.1.4:** Use the Public Facilities Plan to help guide the programming of improvements as the City's Capital Improvement Plan is updated, and to establish Public Work Standards that identify the public facilities improvements that are required for properties to develop.

**Policy 10.1.5:** Use public facilities to strategically invest in different parts of the City and to help reduce disparities, enhance livability, promote growth and redevelopment, and to maintain affordability.

**Policy 10.1.6:** Require developers to pay their proportionate share of the cost of utilities and facilities needed to support their developments, except in such cases where the City may provide incentives to achieve priorities outlined in the City's vision.

**Policy 10.1.7:** To maximize the efficient provision of all services and to encourage cooperation and coordination, maintain up-to-date intergovernmental agreements with all public service agencies and service agreements with the providers of private services.

**Policy 10.1.8:** Work with other regional service providers in to plan for supply security, new technologies, and resiliency in the delivery of urban services.

**Policy 10.1.9:** Provide infrastructure, facilities and systems that are resilient to changes in climate, can reasonably withstand natural or man-made disasters, and will continue to function during an emergency event.

**Policy 10.1.10:** Design, upgrade and maintain systems to ensure that they are sustainable and resilient and utilize best available science and technology.

**Goal 10.2: Provide an adequate supply and efficient delivery of water services.**

**Policy 10.2.1:** Maintain and safeguard clean groundwater as the primary water supply source for the community. Utilize wellhead protection zones and land use restrictions to avoid impacts on wells and to maintain water quality.

**Policy 10.2.2:** Increase storage capacities and provide interconnections with the water systems of other providers in the region to ensure a reliable water supply for use during emergencies or periods of extremely high demand and to mitigate the impacts of climate change.

**Policy 10.2.3:** Continue to develop water storage and well sources to provide adequate water supply and water pressure in all areas of the City, including levels sufficient for firefighting throughout the City.

**Policy 10.2.4:** Provide a self-sufficient and resilient water system that meets the demands of current and future City residents.

**Policy 10.2.5:** Develop programs and establish targets for water conservation by customers of the City's water system and achieve them through community outreach and education, clearly identified metrics, and incentives.

**Policy 10.2.6:** Encourage and remove code barriers to the use of grey water systems and rainwater collection, with clear strategies and targets for expanding water supply and reducing the demand for water provided by the City.

**Goal 10.3: Continue to provide adequate wastewater collection and treatment services to all Milwaukee residents.**

**Policy 10.3.1:** Comply with federal and State clean water requirements in managing the wastewater collection system.

**Policy 10.3.2:** Maintain and improve the existing sanitary sewer collection system through preventive maintenance and ongoing appraisal.

**Policy 10.3.3:** Encourage alternative distributive systems and other wastewater microsystems that help increase the efficiency and resiliency of the wastewater system.

**Policy 10.3.4:** Encourage the optimization and improvement of the Kellogg Water Resource Recovery Facility (the sewage treatment plant). Encourage capacity expansion through water conservation and the use of pre-treatment by heavy users.

**Policy 10.3.5:** Work with plant operators to minimize or eliminate external impacts of the wastewater treatment process by reducing the overall physical footprint of the plant, covering portions of the plant, reducing vehicle trips, eliminating odors, or other viable strategies.

**Policy 10.3.6:** Participate in developing long-term plans for the treatment plant, including examining the potential for generating energy from plant and system operations, recovery of nutrients and other resources, and the possible acquisition of the plant by the City.

**Goal 10.4: Maintain and improve the City's stormwater management system to ensure that waterways are clean and free flowing.**

**Policy 10.4.1:** Preserve and restore natural functioning and historic floodplains and healthy uplands to better manage flood events, provide and enhance wildlife habitat, improve water quality, and increase climate change resiliency.

**Policy 10.4.2:** Require that stormwater be managed and treated on-site, except where to the City determines it to be infeasible.

**Policy 10.4.3:** To the extent possible, stormwater should be managed with green infrastructure such as green roofs, water quality swales, rain gardens, and the intentional placement of appropriate trees.

**Policy 10.4.4:** Restrict development within drainageways and their buffers to prevent erosion, regulate stormwater runoff, protect water quality, and protect and enhance the use of drainageways as wildlife corridors.

**Policy 10.4.5:** Provide resources and tools to facilitate stormwater retrofits for existing development.

**Policy 10.4.6:** Consider potential stormwater impacts during the land use review process.

**Policy 10.4.7:** Examine the feasibility of daylighting creeks that provide opportunities to conserve or enhance vegetation and wildlife habitat.

**Policy 10.4.8:** Expand public outreach and education programs on how the community can help protect Milwaukie waterways.

**Policy 10.4.9:** Encourage and incentivize the reduction of impervious surfaces for both existing development and redevelopment.

**Goal 10.5: Improve and expand solid waste services available to City residents.**

**Policy 10.5.1:** Utilize franchise agreements with private operators to coordinate the collection of solid waste, recyclable materials, and yard/food waste, reduce environmental impacts, identify strategies to reduce waste generation, and provide educational materials and programs to Milwaukie residents.

**Policy 10.5.2:** Manage and monitor the adequacy of the solid waste hauler service and communicate with private operators when problems arise.

**Policy 10.5.3:** Require solid waste haulers to provide curbside or onsite recycling and composting services.

**Policy 10.5.4:** Examine and pursue strategies to reduce food waste and expand opportunities for composting.

**Policy 10.5.5:** Require new development to provide on-site and enclosed space for recycling.

**Policy 10.5.6:** Create an equity and inclusion strategy that aims to increase opportunities for underrepresented groups and reduce the potential for monopolies through implementation and enhancement of the City's solid waste franchise system.

**Policy 10.5.7:** Work with partners, including haulers, to educate residents on recycling and waste reduction.

**Policy 10.5.8:** Establish clear targets for waste reduction by residential, commercial, and industrial customers.

**Goal 10.6: Maintain facilities and personnel to respond to public safety needs quickly and efficiently.**

**Policy 10.6.1:** Support efforts to implement Crime Prevention Through Environmental Design (CPTED) principles in building and site design and transportation corridors.

**Policy 10.6.2:** Increase public awareness of crime prevention methods and involve the community in crime prevention programs.

**Policy 10.6.3:** Coordinate with the fire department to address fire safety in the design of buildings and through site planning, consistent with state fire code requirements and other best practices for fire protection.

**Policy 10.6.4:** Distribute resources throughout the city for responding to fires, floods, and other natural and human-induced disasters, including staff designated to help coordinate the city's response.

**Policy 10.6.5:** Work with partners to require streets be designed and maintained to meet the minimum needs of emergency services providers while also ensuring that street widths are appropriate and create a quality environment for pedestrians and bicycles.

**Goal 10.7: Coordinate with local partners in planning for schools, medical facilities, and other institutional uses.**

**Policy 10.7.1:** Coordinate community development activities and public services with the school district.

**Policy 10.7.2:** Work with the district, in coordination with the City's park and recreation provider, to meet community and neighborhood recreational and educational needs.

**Policy 10.7.3:** Provide transportation improvements such as sidewalks and bikeways that promote safe access to schools.

**Policy 10.7.4:** Support creation of a master plans for institutional uses such as parks, schools and hospitals.

**Policy 10.7.5:** Support the provision of temporary housing for the families of local medical patients.

**Policy 10.7.6:** Establish a Transportation Demand Management (TDM) program for schools and other large institutions and businesses.

**Goal 10.8: Provide high quality administrative services to the people of Milwaukie while maintaining cost-effectiveness and convenience.**

**Policy 10.8.1:** Maintain the efficiency of the City's land development processing, including provision of a one-stop development permit center.

**Policy 10.8.2:** Maintain and improve library service levels and facilities that keep pace with the demands of existing and future residents.

**Policy 10.8.3:** Maintain a public safety building which houses City police services.

**Policy 10.8.4:** Strive to consolidate public-facing city services (other than public safety) in one city facility.

**Goal 10.9: Ensure that energy and communications services are adequate to meet residential and business needs.**

**Policy 10.9.1:** Coordinate with public utility and communications companies to provide adequate services, while minimizing negative impacts on residential neighborhoods, natural and scenic resources, and recreational areas.

**Policy 10.9.2:** Encourage grid modernization to promote energy security and grid resiliency and to work toward producing enough renewable energy to fully meet the community's energy demand.

**Policy 10.9.3:** Encourage the provision of electric vehicle charging stations in appropriate locations.

**Policy 10.9.4:** Explore opportunities to create a public communications utility to expand equitable access to high speed broadband internet service.

**Policy 10.9.5:** Work with utility companies to underground utility systems and infrastructure to improve aesthetics and reduce damage from storm events and other natural disasters.

**Policy 10.9.6:** Promote and prioritize renewable energy production and use.

## **Section 11: Economic Development**

**Goal 11.1 - Current and Future Economic Land Use: Provide a diverse range of uses, services and amenities that contribute to a sustainable, equitable and resilient economy and are adaptable to changing land uses and technology.**

**Policy 11.1.1:** Coordinate the City's economic strategies and targeted industries with those in the Milwaukie Planning Area and surrounding communities.

**Policy 11.1.2:** Adapt to industry trends and emerging technologies that have the potential to affect employment, land use, and infrastructure needs, such as automation, the sharing economy, autonomous vehicles and other future technological advances.

**Policy 11.1.3:** Develop strategies to help stabilize existing businesses and mitigate displacement in areas experiencing increased investment and redevelopment.

**Policy 11.1.4:** Work to maintain a diverse set of local businesses and traded sector industries in an effort to strengthen economic resiliency in the event of a natural disaster or economic collapse.

**Policy 11.1.5:** Focus industrial and manufacturing uses in the City's three existing major industrial and employment areas along Johnson Creek Blvd, Highway 99-E and Highway 224, with limited light manufacturing uses permitted in the City's mixed-use and commercial zones.

**Policy 11.1.6:** Allow shared spaces, co-location, artist space and other emerging uses in industrial areas.

**Policy 11.1.7:** Encourage the creation of community amenities such as green spaces and gathering places within commercial and employment areas.

**Policy 11.1.8:** Facilitate the development of housing that meets the needs of local employees across a wide range of price ranges and housing types in zones that allow residential development.

**Policy 11.1.9:** Foster a series of distinct neighborhood hubs that include services and amenities such as child care, gathering places, restaurants and fresh food sources to which residents can walk, bike, or ride transit.

**Policy 11.1.10:** Make Downtown Milwaukie a regional destination with uses and amenities that capitalize on its proximity to the Willamette waterfront and multimodal transportation options.

**Policy 11.1.11:** Aim to reduce Milwaukie's carbon footprint by encouraging local food production, import substitution, rail access, low carbon and renewable energy, and active transportation.

**Goal 11.2 - Economic Land Supply: Ensure the City has an adequate supply of land with access to reliable public services that meets the City's economic and employment needs.**

**Policy 11.2.1:** Frequently monitor the City's vacant employment land to help inform short-term and long-term economic growth.

**Policy 11.2.2:** Improve infrastructure and utilities throughout the City in a manner that facilitates greater economic development

**Policy 11.2.3:** Help businesses flourish in Milwaukie, either on their current site or on sites that provide more opportunity for growth and expansion.

**Policy 11.2.4:** Support increased employment density in the City's industrial and commercial areas.

**Policy 11.2.5:** Support more of the City's projected employment growth within home-based businesses.

**Policy 11.2.6:** Pursue the study and clean-up of brownfields and other contaminated sites.

**Policy 11.2.7:** Assist existing and new employers in identifying and/or assembling properties that meet their needs and support economic development goals.

**Goal 11.3 - Workforce, Training, and Collaboration: Help local businesses attract and develop a skilled workforce that positions Milwaukie to be one of the strongest economies in the region.**

**Policy 11.3.1:** Partner with state and regional agencies, local businesses, non-profits, and educational institutions to help provide the workforce and training needed to make Milwaukie businesses competitive in the region and beyond.

**Policy 11.3.2:** Focus recruiting and marketing efforts on businesses that can capitalize on Milwaukie business clusters (groups of businesses in the same industry) or serve an identified community need.

**Policy 11.3.3:** Attract and foster businesses that hire local residents and provide job training, continuing education opportunities and family-wage jobs for employees in a variety of different industries.

**Policy 11.3.4:** Support programs that encourage entrepreneurship, business incubation, business retention and expansion and the sharing of ideas and resources.



## **Section 12: Urban Growth Management**

**Goal 12.1 - Regional Coordination: Coordinate with Metro, Clackamas County, Happy Valley, Portland, and other governmental agencies to plan for and manage growth and development in Milwaukie and the surrounding area.**

**Policy 12.1.1:** Utilize the Urban Growth Management Agreement (UGMA) with Clackamas County as an effective tool to guide planning and growth management decisions in the area surrounding Milwaukie.

**Policy 12.1.2:** Maintain Urban Service Agreements with special service districts to ensure that the ability of the City to provide its residents with urban services is not compromised while ensuring that the community has access to excellent urban services at reasonable costs.

**Policy 12.1.3:** Maintain Intergovernmental Agreements with the cities of Portland and Happy Valley to clearly establish urban service area boundaries.

**Goal 12.2 - Milwaukie Planning Area: Identify the future urban service area and jurisdictional boundary for the City of Milwaukie in order to better coordinate planning actions.**

**Policy 12.2.1:** Maintain a Milwaukie Planning Area (MPA) map that is included as part of the UGMA with Clackamas County, urban service agreements with special districts, and IGA's with adjoining cities to identify the areas for which the City of Milwaukie will be the ultimate provider of urban services or will be the coordinating body for the delivery of the services. The MPA map identifies the areas that, over time, are expected to annex to the City of Milwaukie.

**Policy 12.2.2:** Identify a Jurisdictional Impact Area (JIA) on the MPA map. The JIA is generally the area within a ½ mile of the MPA boundary and is an area under the jurisdiction of Clackamas County or a neighboring city and where their land use and transportation decisions may have a significant impact on the City of Milwaukie.

**Goal 12.3 - Urban Growth Management Agreement with Clackamas County: Use the Urban Growth Management Agreement (UGMA) with Clackamas County to enable the City to work toward annexation of areas within the MPA and to better coordinate regarding County land use and transportation decisions in the area surrounding the City.**

**Policy 12.3.1:** Within the UGMA, define the procedures and responsibilities for City and County staff for the review of plans and development applications for the unincorporated areas identified in the MPA and the JIA. The UGMA may define subareas within the MPA where the City Comprehensive Plan and implementation ordinances apply and where development applications are reviewed by the City. In the areas where subareas are not designated, County planning documents and procedures shall apply.

**Policy 12.3.2:** The UGMA shall clearly acknowledge that the MPA represents the area that is envisioned as the area that will ultimately be annexed to the City and come under City jurisdiction.

**Goal 12.4 - Annexation: Annex lands within the Milwaukie Planning Area.**

**Policy 12.4.1:** Maintain a proactive annexation program that encourages and promotes annexation to the City of Milwaukie.

**Policy 12.4.2:** Develop annexation plans and consider the use of financial and service incentives to promote annexation of land within the MPA.

**Policy 12.4.3:** Ensure that annexation programs respect Milwaukie's community identity and maintain levels of service for current Milwaukie residents.

**Policy 12.4.4:** As part of the overall annexation program, prioritize annexation of properties that are surrounded by land within the incorporated city limits.

**Policy 12.4.5:** Require annexation where properties receive or utilize City utilities or where intergovernmental agreements allow for annexation in exchange for providing City services.

**Policy 12.4.6:** Support City annexation of property within the MPA and oppose annexation of land within the MPA by another city.

**Goal 12.5 - Urban Services: The City of Milwaukie will coordinate the provision of urban services for land within the MPA.**

**Policy 12.5.1:** Coordinate with special districts to ensure that the full range of urban services are available while ensuring that the City's ability to provide services within the MPA is not compromised.

**Policy 12.5.2:** Unless created in partnership with the City, oppose any new special service district or the expansion of a special service district within the MPA.

**Policy 12.5.3:** Unless established through an intergovernmental agreement, oppose efforts by another City to provide urban services within the MPA.

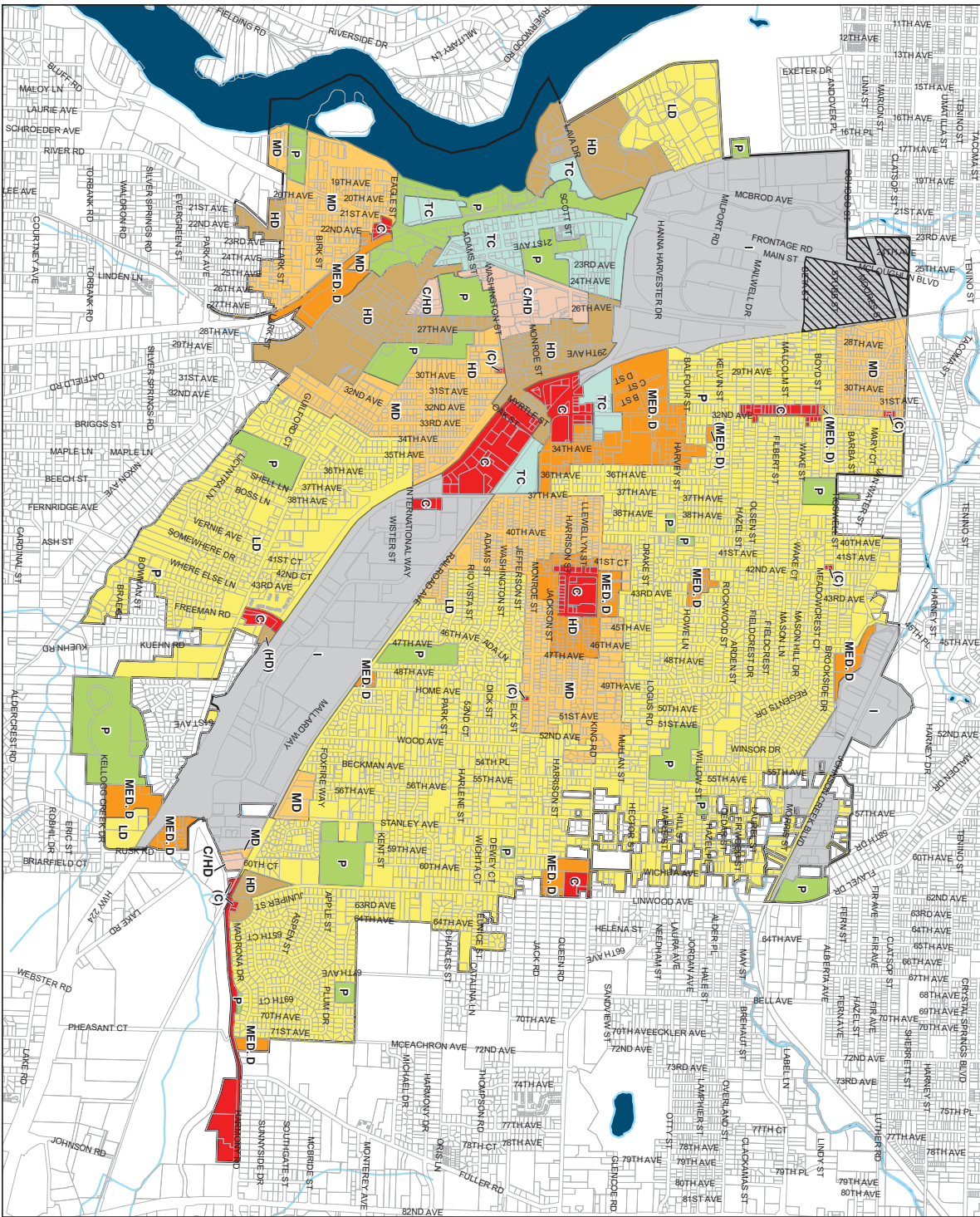
**Policy 12.5.4:** While implementing the community vision to create a highly livable city, seek cost-effective means of providing urban service to properties within the MPA.

**Policy 12.5.5:** Coordinate with Clackamas County and special service districts to maintain an integrated public facilities plan (PFP) for the MPA. The PFP shall clearly state who has responsibility for each urban service in the MPA.

**Goal 12.6 - Urban Form: Ensure that the City of Milwaukie (City) maintains an urban form that supports a highly livable community and the efficient use of land and resources.**

**Policy 12.6.1:** Support and implement key aspects of the Metro 2040 Growth Concept for Milwaukie and the surrounding area (see map) that help protect resource lands outside of the regional urban growth boundary (UGB) and achieve an efficient and transit-friendly urban form inside the UGB.

**Policy 12.6.2:** To use land more efficiently, encourage infill on underutilized parcels and encourage intensification or redevelopment of land and buildings in the downtown, mixed use districts, and areas designated for commercial, industrial or employment use.



# LAND USE

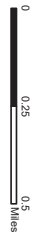
Milwaukie Comprehensive Plan  
Map 8

- City Boundary
- Tacoma Station Area
- LD - Low Density
- MD - Moderate Density
- MED-D - Medium Density
- HD - High Density
- C - Commercial
- C/HD - Mixed Use
- I - Industrial
- P - Public
- TC - Town Center
- Water Body

Revised Ord. #2171 & #2174, effective August 19th, 2019



**CITY OF MILWAUKIE**



The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any liability for any errors or omissions, including the warranty of representation of fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated. Please check with Planning Department for most current information.  
 Planning Department  
 503-786-7200  
 planning@milwaukie.org

## Comp Plan Land Use Designations

The following list of land use designations are carried over, with minor updates, from the previous iteration of the Comprehensive Plan and reflect changes through Ordinance 2163. They will be updated by June 30, 2022 to comply with the requirements of House Bills 2001 and 2003, which were passed by the Oregon Legislature in July 2019.

### **Low Density Residential (Zones R-10, R-7) - up to 6.2 units per net acre**

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

### **Moderate Density Residential (Zone R-5) – 7.0 to 8.7 units per net acre**

- a. Permitted housing types include single family detached on moderate to small lots, accessory dwelling units, and duplexes.
- b. Convenient walking distance to a transit stop or close proximity to commercial and employment areas distinguish moderate density residential from low density residential.

### **Medium Density Residential (Zones R-3, R-2.5, R-2) – 11.6 to 17.4 units per net acre**

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

### **High Density (Zones R-1, R-1-B) – 25.0 to 32.0 units per net acre**

- a. A wide variety of housing types are permitted, with the predominant housing type being multifamily units.
- b. These areas should be adjacent to or within close proximity to the downtown or district shopping centers, employment areas and/or major transit centers or transfer areas.
- c. Access to High Density areas should be primarily by major or minor arterials.
- d. Office uses are outright permitted in limited areas within close proximity of downtown.

### **Town Center (Zones DMU and GMU)**

- a. Mixed-use development combining residential high-density housing with retail, service commercial, and/or offices is encouraged.
- b. The Downtown and Riverfront Land Use Framework Plan and the Downtown Mixed -Use Zone shall implement Subarea 1 of the Town Center Master Plan.
- c. Downtown Milwaukie is part of the Milwaukie Town Center, which is a regional destination in the Metro 2040 Growth Concept
- d. The Town Center Area shall be served by multimodal transportation options; therefore, on-street parking, shared parking, and enclosed parking are the most appropriate parking options in the Town Center Area.
- e. A variety of higher density housing is desired in the Town Center Area, and the City shall work cooperatively with the private sector to provide a diverse range of affordable housing.
- f. Downtown public improvements should be coordinated with private improvement efforts by local property owners and should aim to stimulate and support private investments in the area.
- g. Central Milwaukie is part of the Milwaukie Town Center that serves the larger Milwaukie community with goods and services and seeks to provide opportunities for a dense combination of commercial retail, office, services, and housing uses.

- h. The City will continue to work closely with Metro and Tri-Met in planning for transit improvements.
- i. More detailed design concepts and principles for these areas are included in the Urban Design section.

**Commercial (Zones NMU, C-N, C-L, C-G, C-CS)**

- a. The City's commercial areas aim to meet a wide variety of local and regional needs for shopping and services.
- b. Larger commercial centers are located along arterials and state highways
- c. Neighborhood Mixed Use Areas are located primarily along collector or arterial roads and provide opportunities for a mixture of neighborhood commercial services and housing which are well-connected to the surrounding neighborhoods by sidewalks and bikeways
- d. Neighborhood hubs are dispersed throughout Milwaukie and provide opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for nearby residents.
- e. Corridors are located along existing or planned frequent transit lines and provide opportunities for higher intensity development in areas within walking distance of existing or planned frequent transit service.
- f. More detailed design concepts and principles for these areas are included in the Urban Design section.

**Industrial (Zones M, BI, MUTSA and NME)**

- a. Industrial uses are concentrated in three major areas:
  - i. The **North Milwaukie Innovation Area** along State Route 99 is one of the City's main employment areas that has identified redevelopment opportunities.
  - ii. The **Johnson Creek Industrial Area** is an important employment area within close proximity of Johnson Creek and residential neighborhoods
  - iii. The **International Way Business District** is a major employment area off of International Way and Highway 224
- b. More detailed design concepts and principles for these areas are included in the Urban Design section.

**Public (Zone OS and as allowed through Community Service Use process)**

- a. The Public land use designation is intended for schools, parks, public open space, and other community uses.
- b. With the exception of the downtown Open Space (OS) zone, the City currently lacks a zoning district for public uses. Public parks are approved through park master plans, while schools are approved through the community service use land use process.
- c. The City shall explore the creation of zoning districts that outright permit public uses such as parks and schools.