



CITY OF MILWAUKIE

AGENDA

April 14, 2020

PLANNING COMMISSION

www.milwaukieoregon.gov

Zoom Video Meeting: due to the governor's "Stay Home, Stay Healthy" order, the Planning Commission will hold this meeting through Zoom video. The public is invited to watch the meeting online through the [City of Milwaukie Youtube page](#) or on Comcast channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at planning@milwaukieoregon.gov. Comments can be submitted before or during the Planning Commission meeting. Any comments submitted before the Planning Commission meeting will be provided to the Planning Commissioners ahead of time.

If you wish to provide oral comments during the meeting via the Zoom Video application, please contact planning@milwaukieoregon.gov before the meeting to register and to allow the staff to send you the link to the Zoom meeting.

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

2.0 Planning Commission Minutes — Motion Needed

- 2.1 June 11, 2019
- 2.2 June 25, 2019
- 2.3 August 13, 2019
- 2.4 August 27, 2019
- 2.5 February 25, 2020
- 2.6 March 10, 2020

3.0 Information Items

4.0 Audience Participation — This is an opportunity for the public to comment via Zoom or by email on any item not on the agenda

6.0 Worksession Items

- 6.1 Summary: Comprehensive Plan Implementation Update
Staff: Vera Kalias, Associate 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

- | | |
|----------------|--|
| April 28, 2020 | 1. Hearing Item: CSU-2020-001, Ardenwald Elementary Parking |
| | 2. Hearing Item: S-2018-001, Railroad Ave Subdivision |
| May 12, 2020 | 1. Hearing Item: CU-2020-001, SE Riverway Ln Vacation Rental |
| May 26, 2020 | No agenda items are currently scheduled for this meeting. |

Milwaukie Planning Commission Statement

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

1. **PROCEDURAL MATTERS.** If you wish to register to provide spoken comment at this meeting or for background information on agenda items please send an email to planning@milwaukieoregon.gov.
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
3. **FORECAST FOR FUTURE 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 fewer than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Robert Massey, Chair
Lauren Loosveldt, Vice Chair
Joseph Edge
Greg Hemer
John Henry Burns

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kelter, 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

June 11, 2019

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

Staff: Denny Egner, Planning Director
David Levitan, Senior Planner
Mary Heberling, Assistant Planner
Justin Gericke, City Attorney

Absent: John Henry Burns, Vice Chair
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 is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.

2.0 Planning Commission Minutes

2.1 October 23, 2018

Commissioner Hemer moved to approve the minutes. Commissioner Argo seconded the motion. The Planning Commission voted 5-0 to approve the minutes.

3.0 Information Items

Denny Egner, Planning Director, stated that he had no informational items.

4.0 Audience Participation

No public testimony was presented for this portion of the meeting.

5.0 Public Hearings

5.1 Summary: New Private Dock in Willamette Greenway
Applicant/Owner: Eric Schilling and Marie Hoskins
Address: 12435 SE 18th Ave
File: WG-2019-002
Staff: Mary Heberling, Assistant Planner

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

Mary Heberling, Assistant Planner, presented the staff report via PowerPoint noting

features of the site and describing the circumstances of the application. Key points were as follows:

- The property owners were seeking approval for construction of a private, floating dock.
- Private docks are allowed in the Willamette Greenway.
- This dock would extend 90ft into the river with a design like those on nearby properties.
- City staff believed that the dock met the applicable approval criteria but noted that the City intended to not enforce the Milwaukie Municipal Code (MMC) requirement that the dock be painted in an earth tone, because this section of code was inconsistent with modern environmental practices.
- The project would be required to meet applicable vegetation buffer requirements.
- The dock was designed to minimize adverse impact on fish and wildlife.
- Staff recommended approval with the conditions described in the staff report.

Ms. Heberling responded to a question from the Planning Commission by confirming that there was no requirement for a specific minimum distance between docks listed in the MMC.

Applicant Testimony

Marie Hoskins, 12435 SE 18th Ave, testified that while an identical version of the current proposal had been approved by the Planning Commission in 2008, circumstances outside the applicants' control had prevented them from building the dock at the time. In response to a question from the Planning Commission, she indicated that the seasonal high-water line for the property was above where the dock reached the shore, and that the geology of the property made it inhospitable to most vegetation.

Planning Commission Deliberation

Commissioner Hemer noted his discomfort with approving the proposal without some formal recognition that one of the requirements described in the MMC (the painting of the dock in earth tones) was being ignored, but stated that he was willing to move forward with the approval because city staff did not object.

Commissioner Hemer moved to approve the application with the conditions described in the staff report. Commissioner Argo seconded the motion. The Planning Commission voted 5-0 in favor of approval.

- 5.2** Summary: Clack. Comm. College Harmony Campus/Harmony Rd ROW Annexation
Applicant: City of Milwaukie
Address: 7716, 7726, 7738 SE Harmony Rd
File: A-2016-006
Staff: Denny Egner, Planning Director

Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record. She asked if any commissioner wished to declare any bias, ex parte contact, or conflict of interest. Commissioner Loosveldt recused herself from deliberation based on a conflict of interest. None of the other commissioners acknowledged any bias or conflict of interest regarding ex parte contacts.

Mr. Egner presented the staff report via PowerPoint noting features of the site and describing the circumstances of the application. Key points were as follows:

- The city was seeking to annex the Clackamas Community College – Harmony Road Campus, and the associated ROW on Harmony Rd from Linwood across the college frontage.
- The application stemmed from a request to connect new buildings on the campus to the city sewer system, and to keep remaining buildings connected to the Milwaukie water system.
- The property met the applicable approval criteria including being contiguous to city limits, transferring to receiving services from the city, and compliance with city zoning.
- Staff recommended that the Planning Commission recommend this annexation to the City Council.

Planning Commission Deliberation

Chair Travis expressed some concern that adding this tax-exempt property to the city would increase the workload for the Milwaukie Police Department without any additional property tax revenue to pay for that work.

Commissioners Hemer and **Argo** noted that the police department had offered no additional comments about the proposed annexation, suggesting that this meant they were not especially concerned about the additional workload.

Commissioner Hemer moved to recommend to the City Council that the property be annexed. Commissioner Massey seconded the motion. The Planning Commission voted 4-0 in favor of the motion.

6.0 Work Session Items

- 6.1** Summary: Comprehensive Plan Housing Policies
Staff: David Levitan, Senior Planner

David Levitan, Senior Planner, presented the staff report noting the following main points:

- The current version of policies being reviewed by the Planning Commission had been developed with the assistance of the City Council and the Comprehensive Plan Advisory Committee (CPAC).
- The Planning Commission was now being asked to provide additional feedback on the policies.
- The policies had been updated to include a policy under each of the four goals requiring the use of metrics to track the success of the city in accomplishing those goals.

- A policy requiring the use of metrics to track different housing types was also included.

Key comments from the commissioners and staff on the Urban Design and Land Use Policies in Attachment 1 were as follows:

Equity Goal:

- There were concerns that density restrictions could be used as exclusionary zoning. Conversations would take place with the community regarding any potential Development Code amendments.
- The Planning Commission expressed support for the goals as written but felt that consideration was needed about how to achieve them.
- Tenant stability should be a priority for the city.
- In Policy 5, commissioners suggested adding "new and existing" to "development of homes".
- In Policy 8, commissioner recommended changing the word "enable" to "foster" or "promote".
- Support was expressed for call out boxes to offer explanations for terms such as "middle housing" or "tenant protection" and to not include the definition in the policy itself.
- Language was needed to address affordable housing as a regional problem and to work with federal, state, and municipal entities on proportionality for low, temporary, and long-term housing and supportive services.

Affordability Goal:

- Policy 4 should state, "provide a simplified" or "provide a fast-track" permitting process instead of the current text, which implied the process might not be simple, straightforward, or cost effective.
- Policy 5 should include existing housing. Additionally, any time new development was proposed, recognition should also be given to preserving existing housing.
- Staff noted that the CPAC decided to strike the location and quantity elements of Policy 9, as they felt it was unnecessary to be prescriptive or descriptive regarding monitoring and regulating. Further, it did not need to be related just to location and quantity, which could be defined through the Development Code.

Sustainability Goal:

- Promoting the use of various modes of transit was desired in order to offer options. Providing more reliable transportation options would promote choice and a healthy lifestyle.
- Policy 5 should also reflect rehabilitation in addition to existing building stock which would also induce more transit by creating more demand.
- A suggestion was made to remove Policy 7, but it was pointed out that buildable land inventory was called out specifically by Statewide Planning Goal 10.

- Policy 9 would be amended to state "with the potential for residential growth."

Livability Goal (6.1 Page 7):

- The Livability Goal definition needed more work.
- Policy 7 had strong support from several commissioners.
- Policy 9 would be retained because it was consistent across all the goals.
- Policy 6 needed commas after the words "cohousing" and "communities." The intention of the Policy 6 was to allow some flexibility for intentional or cohousing communities to build a shared facility.

Mr. Levitan briefly updated the Planning Commission on work for the Block 3 goals and policies, which include Natural Resources, Environmental Quality, Public Facilities, and Urban Design. He noted additional meetings were needed and possibly another joint meeting. More community engagement, including focus groups, would also be necessary.

7.0 Planning Department Other Business/Updates

There were no updates for this section.

8.0 Planning Commission Committee Updates and Discussion

There were no updates for this section.

9.0 Forecast for Future Meetings

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|---------------|----|---|
| June 25 ,2019 | 1. | Hearing Item: ZA-2019-002, ADU Code Change |
| | 2. | Hearing Item: CU-2019-002, 3701SE International Way |
| | 3. | Work Session Item: Review Draft Comprehensive Plan |
| | 4. | Work Session Item: Planned Development Code |
| July 9, 2019 | 1. | Hearing Item: AP-2019-001, Appeal of MLP-2018-001 |
| July 23, 2019 | 1. | Hearing Item: NR-2018-005, Elk Rock Estates |

Meeting adjourned at approximately 8:30 PM

Respectfully submitted,
Dan Harris
Administrative Specialist II

Robert Massey, Chair

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CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

June 25, 2019

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

Staff: Denny Egner, Planning Director
David Levitan, Senior Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner

Absent: Lauren Loosveldt

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

No minutes from prior meetings were reviewed at this meeting.

3.0 Information Items

Denny Egner, Planning Director, invited Mayor Gamba and Council President Falconer, the two members of the City Council in the audience, to sit at the dais. This was in anticipation of the arrival of Councilor Lisa Batey whose added presence would constitute quorum of the City Council.

4.0 Audience Participation

Cindy Cole, 4316 SE Washington St, asked questions about the bike trails in the City of Milwaukie, particularly the Monroe Neighborhood Greenway.

- **Mr. Egner** provided information about the city's application for a grant to fund the project, the way that the project would likely be rolled out in phases, and the opportunity to attend the Public Safety Advisory Committee meeting on the coming Thursday evening where the Monroe Neighborhood Greenway would be discussed.

5.0 Work Session Items

5.1 Summary: Cottage Cluster/ADU Presentation and Discussion
Staff: Dennis Egner, Planning Director

Garlynn Woodsong, Cascadia Partners, gave a presentation on cottage clusters and accessory dwelling units (ADUs).

- Housing prices had increased significantly in Milwaukie over the last six years, leading to a quarter of Milwaukie residents spending more than 50% of their income on rent.
- Milwaukie would need to add 55-60 new housing units per year for the next five years to keep up with demand.
- Most new housing units constructed in Milwaukie since 2010 had been single-family homes, which tended to be comparatively expensive for renters.
- An increase in the stock of “missing middle” housing options was proposed to help lower and stabilize rental prices.
- Milwaukie’s current laws effectively precluded development of cottage clusters and made ADUs cost prohibitive.
- There were several arrangements of cottage clusters that could be developed on existing lots in Milwaukie.
- Community feedback indicated that the public was broadly supportive of allowing location flexibility, and design rather than density as the primary zoning consideration.
 - Parking remained as a major item of concern.
- The proposed mechanism for ensuring the construction of workforce housing was a requirement for a maximum average home size in cottage cluster developments to ensure that if a large house was built on a lot, numerous smaller homes would need to be built to drag down the average size.
- Proposals for code changes included removing the off-street parking requirement for ADUs and allowing development of a type of ADU called a “carriage house”.

Responding to questions from the City Council and Planning Commission, Mr. Woodsong provided the following information:

- The costs used for calculations were made based on prevailing market rates.
- Smaller buildings generally cost more per square foot to build than larger buildings.
- There are open questions regarding how partitions would occur, if at all, in cottage clusters.
- It was recommended that frontage improvements be required for new developments, including cottage clusters.
- In developing the policy proposal, the team tried to strike a balance between increased density, for workforce housing, and maintaining the current appearance of the neighborhoods.
- The minimum separation between buildings was set at four feet, but that could be changed based on the desires of the Planning Commission and the City Council.

6.0 Public Hearings

- 6.1** Summary: Height Variance for 5 Story Multi-Family Building (Continued from 5/28/19)
Applicant/Owner: Dean Masukawa/Tyee Management Company
Address: SE Monroe Street & SE 37th Avenue
File: VR-2019-003
Staff: Vera Koliass, Associate Planner

Chair Travis reopened the hearing and read the conduct of quasi-judicial hearing format into the record. 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.

Vera Kolias, Associate Planner, presented the staff report via PowerPoint noting features of the site and describing the circumstances of the application. Key points were as follows:

- This application was only for a variance to allow a five-story building. A subsequent application for the whole apartment development was expected to be forthcoming.
- The application was presented at neighborhood district association (NDA) meetings for Ardenwald-Johnson Creek, Hector Campbell, and notice was sent to Historic Milwaukie with no objections to a five-story building received from those groups, and with two of them voicing explicit approval for the variance.
- The variance request would not result in a greater number of units than would normally be allowed at the site without a variance.
- City staff found that the application met the relevant approval criteria.
- City staff recommended approval of the application as submitted.

Responding to questions from the Planning Commission, Ms. Kolias provided the following information:

- Considerations of the site generally were not part of this hearing, only the specific variance for the five-story building.
- The proposed design had been altered per the Planning Commission discussion at the first part of this hearing.
- Several public comments had been submitted, which generally expressed concern regarding traffic arising from the proposed development.

Applicant Testimony

Mark Wyzykowski & Tom Messervy, both of Johnson Development, and Dean Masukawa, LRS Architects, provided testimony about the application to the effect that the design had been revised in response to a lengthy public feedback process and that they believed the design now met both the variance requirements and the desires of a majority of local residents.

Public Comment

Chris Ortolano, 11088 SE 40th Ave, was the recipient of time cessions from four other members of the audience in order to allow him to speak for a total of 15 minutes. He provided testimony about the concerns of his neighborhood and clarified that he was not representing his NDA. His testimony described ways that he believed that the applicant had failed to meet the approval criteria.

Matthew Rinker, 3012 SE Balfour St, testified on behalf of the Ardenwald-Johnson Creek NDA about concerns regarding the increase in housing units in the neighborhood. He expressed the support of the NDA for the five-story building as opposed to multiple four-story buildings offered by the developers as an alternative. However, he noted concerns about the remainder of the site being developed under a Type II process which would not include a public hearing.

Applicant Response

Mr. Wyzykowski & Mr. Messervy responded to the public testimony and particularly

disputed Mr. Ortolano's conclusions.

Commissioner Hemer asked, "Does JDL [*sic*] see the bicycle path as a public amenity that is used for the height variance?"

Mr. Wyzykowski & Mr. Messervy responded that they had ceded a large amount of square footage to the city and agreed to make improvements to it to be used as a bicycle path. When Commissioner Hemer pushed, they stated that the bicycle path was part of the height variance and the right choice for the site.

Planning Commission Deliberation

The Planning Commission deliberated about the application with the following main points:

- The scope of the decision was legally restricted to the narrow question of the building height variance.
- If the Planning Commission denied the application, the applicant would likely proceed with the four-story option which did not require a variance.
- The five-story option was preferable to the four-story option for several reasons.

Commissioner Hemer attempted to include recommendations to staff about how the bicycle lane should be created.

Mr. Egner discouraged this because of the chance that the eventual Type II decision being appealed to the Planning Commission, and the implicit threat to the impartiality of the Planning Commission if the body became involved in the design process before a hearing.

Chair Travis, Vice Chair Burns, and Commissioner Argo contended that the applicant had not stated that the bike path was part of the height variance.

Commissioner Edge, after speaking with Mr. Egner, noted that the bike path was part of the agreement around the overall site, and would go forward irrespective of the eventual disposition of the current application. Commissioner Hemer accepted this conclusion.

Commissioner Hemer moved to approve the application as submitted. Commissioner Edge seconded the motion. The Planning Commission voted 6-0 in favor of approving the application.

Commissioner Hemer recommended, before the hearing closed, that the Planning Director go in person to a meeting of the three NDAs involved in this project to explain his decision once it was made. He offered to moderate the event.

Mr. Egner agreed that this would be a good idea. He suggested that he might even like to go to such a meeting before making a decision but noted that there had been no application submitted yet.

7.0 Work Session Items

- 7.1 Summary: Comprehensive Plan Block 3 Policies
Staff: David Levitan, Senior Planner

David Levitan, Senior Planner, presented Block 3 policies to the Planning

Commission and asked for feedback.

Topics of discussion included the following:

- Requiring on-the-ground surveys of wetland and natural resources areas
- Addressing wildlife movement corridors and habitat connectivity in the policy language
- Calling out lists that are non-exclusive
- Requiring more transparent justification from applicants whose projects do not avoid natural resource areas
- Encouraging the use of stormwater detention facilities that mimic natural systems as closely as possible
- Not listing priorities in Goal 1
- Avoiding the word “ensure” in favor of specific verbs
- Removing “not compromised” from Goal 1.1
- Rephrasing Goal 1.2 to use more positive language
- Setting specific targets to reduce water usage
- Establishing a local stormwater management policy manual
- Balancing the need for fire and safety vehicle access with the desire to make streets safe for active transportation
- Encouraging recycling education and reducing waste from commercial sources

In the course of the discussion, Commissioner Edge moved to extend the meeting by five minutes. Commissioner Hemer seconded the motion. The Planning Commission voted 4-1-1 in favor of the motion with Chair Travis as the dissenting vote and Vice Chair Burns abstaining.

8.0 Planning Department Other Business/Updates

There were no updates for this section.

9.0 Planning Commission Committee Updates and Discussion

There were no updates for this section.

10.0 Forecast for Future Meetings

- | | | |
|-----------------|----|---|
| July 9, 2019 | 1. | Hearing Item: AP-2019-001, Continuation of Appeal on MLP-2018-001 |
| | 2. | Hearing Item: ZA-2019-001, PD Code Amendments |
| July 23, 2019 | 1. | Hearing Item: NR-2018-005, Elk Rock Estates |
| | 2. | Hearing Item: A-2019-002, Annexation of Lake Road ROW |
| August 13, 2019 | 1. | Hearing Item: VR-2019-004, Home Occupation Variance |
| | 2. | Work Session Item: Hillside Master Plan |
| | 3. | Work Session Item: Comp Plan Block 3 Policies |

Meeting adjourned at approximately 10:03 PM

Respectfully submitted,
Dan Harris
Administrative Specialist II

Robert Massey, Chair

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CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

August 13, 2019

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

Staff: Denny Egner, Planning Director
Brett Kelter, Associate Planner
Vera Kolas, Associate Planner
Mary Heberling, Assistant Planner
Erin Maxey, Housing & Economic
Development Coordinator
Justin Gericke, City Attorney

Absent: John Henry Burns, Vice Chair

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. She provided an extensive statement detailing the nature of the night's hearing and noting that the Hillside Master Plan item on the agenda was strictly a Work Session item. She explained the implications of public testimony on issues for which no application had yet been submitted.

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

No previous minutes were reviewed at this meeting.

3.0 Information Items

No information items were presented at this meeting.

4.0 Audience Participation

Beatrice Macleod, 2840 SE Olsen St, testified about traffic concerns she had regarding potentially extending 29th Avenue.

Clifton Koski, 2903 SE Van Water St, testified in support of increasing density in the Hillside site.

Ronelle Coburn, 9114 SE 29th Ave, testified about concerns she had regarding "site contamination" at the Hillside site. She indicated that connecting 29th Ave with the site would lead to less use of public transit in the neighborhood.

Matt Rinker and Lisa Gunion-Rinker, 3012 SE Balfour St, speaking on behalf of the Ardenwald-Johnson Creek Neighborhood District Association, testified about concerns around transparency in this project, and their frustration with the

changes that were made to the Hillside Master Plan without consultation from the community.

Eugene Trapp, 9819 SE 36th Ave, testified about his concerns regarding the potential for increased density on SE Harvey St.

Elvis Clark, 3536 SE Sherry Ln, testified about his concerns regarding SE 29th Ave being connected with the Hillside Site, and about traffic in Milwaukie more generally.

Steve Lee, 9876 SE 36th Ave, testified about concerns regarding city infrastructure and the increased strain on that infrastructure that would be caused by additional housing density.

Floris Trapp, 9819 SE 36th Ave, testified about her concerns regarding Portlanders moving to Milwaukie and about the dangers of population growth generally.

Eric Fosgard, 2758 SE Olsen St, testified about his concerns regarding traffic in Milwaukie.

Chair Travis allowed the following three speakers to testify following the Hillside Manor presentation:

Jon Brown, 3023 SE Malcolm St, testified about his concerns regarding the ability of property developers to bring trees to healthy maturity, and ways to ensure that the trees in this design actually came to maturity.

Chris Costello, 9906 SE 29th Ave, testified about his concerns regarding traffic on SE 29th Ave. He expressed worries about people rummaging through his trash cans.

Heather Sparks, 10232 SE 37th Ave, testified about her concerns regarding the proposed layout of the Hillside site.

5.0 Work Session Items Part I

5.1 Summary: Hillside Master Plan

Staff: Erin Maxey, Housing and Economic Development Coordinator, and Vera Koliass, Associate Planner

Vera Koliass, Associate Planner provided an overview of the process that an application for the Hillside Master Plan would be subject to when that application was eventually submitted.

Stephen McMurtrey, Housing Authority of Clackamas County, and Lisa McClellan, Scott | Edwards Architecture, gave a presentation on the current version of the Hillside Master Plan including the following major points:

- The current site included 200 housing units
- The new site would include up to 600 units
- The county was investing numerous funding options for the site.
- The site would include some combination of mixed-use residential/commercial development.
- SE C Street was listed as eventually linking with SE 29th Ave in the city's Transportation System Plan.

- The development team had solicited community input and used that input to inform their design.
- Bike connection “sharrows” would be used on most of the site to maintain consistency with the surrounding community.
- The site would feature numerous pedestrian paths
- The plan called for phased development.
- Hillside Manor would be left in place but would be renovated in 2020.
- The plan called for preservation of some existing mature trees, particularly along the northern property line.

Responding to questions from the Planning Commission, the developers provided the following information:

- The current residents had mixed feelings about these proposed changes.
- The commercial spaces would be relatively small.
- Car ownership on the site was lower than an average community at the time of the study.
- The number of parking spaces for each building was calculated based on Milwaukie Municipal Code (MMC) minimum requirements.

6.0 Public Hearings

6.1 Summary: Home Occupation Variance Request

Applicant/Owner: David Mealey

Address: 5111 SE Lake Rd

File: VR-2019-004

Staff: Brett Kolver, Associate Planner

Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record. 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. In the interest of transparency, Commissioner Edge did note that this application had been reviewed by the Oak Grove Community Council, of which he was a member, at a meeting that he did not attend. He indicated that he did not believe this prior contact with the application affected his impartiality.

Brett Kolver, Associate Planner, presented the staff report via PowerPoint noting features of the site and describing the circumstances of the application. Key points were as follows:

- The site in question had been operated as a home-occupation business, a wellness center, for a decade.
 - A second business had been opened at the site sometime later.
 - The MMC required that properties with more than one home-occupation business not have any non-resident employees.
- The intention of the MMC limitations on home-occupation businesses was to support and encourage home-based businesses while maintaining the residential character of neighborhoods. The applicant was seeking three specific variances from the current home occupation standards:
 - Allow non-resident employees when there is more than one home occupation at the site.
 - Allow more than two home-occupation businesses.
 - Allow non-resident owner-partners to work at the wellness center.

- Staff hoped to get the Planning Commission's thoughts about potential future changes to the section of the code governing home-occupation businesses.
- The property was adjacent to a section of Lake Rd controlled by Clackamas County as well as an onramp to State Highway 224.
- There were several structures on the property already being used for home-based businesses.
- The site had two existing driveways, one on Lake Rd and one on Lena Ave.
- Staff asked the Planning Commission to consider the following three issues:
 - What is the difference between a commercial property and a home-occupation business?
 - What is the appropriate level of business activity at this specific site?
 - What improvements are necessary to ensure safe access at the site?
- Based on MMC approval criteria for variance requests, staff recommended approval of the first two variance requests with the following conditions:
 - Limit non-resident employees to no more than two at a time.
 - Allow up to four home-occupation businesses, limited to the four proposed by the applicant.
 - Close the Lake Rd driveway.
 - Replace landscaping at the corner of Lake Rd and Lena Ave to improve visibility.
- Staff recommended denial of the variance request for non-resident owner-partners on the grounds that this would stray too far from the intent of the code governing home-occupation businesses

Responding to questions from the Planning Commission, Mr. Kelter provided the following information:

- The MMC's home occupation standards were relatively flexible.
- Changing the zoning would trigger so many required improvements that it would likely be cost prohibitive based on the currently proposed uses.
- There was a previous court ruling that allowed the Lake Rd driveway to remain open, but that was in the context of the site being used only as a private residence.

Applicant's Testimony

David Mealey, 5111 SE Lake Rd, provided testimony about the application with the following major points:

- In the past, the site had been used for more intensive business operations than what he was proposing currently.
- Two employees were insufficient for the number of businesses he wanted to operate on the site.
- He was in negotiation to purchase the only adjoining property, which would allow Lena Ave to be moved east to align with 51st Ave.
- Clackamas County allowed for up to five employees for certain home-occupation businesses.
- Leaving the driveway open on Lake Rd would improve safety, not impede it.

- He wanted to have a non-resident owner-partner in order to transition the business to a new owner while he moved toward retirement.

Responding to questions from the Planning Commission, Mr. Mealey provided the following information:

- It would be difficult to guarantee that the use of the property would not intensify if an owner-partner were brought on board .
- Allowing two non-resident employees to be on the site at one time would be enough for him, if it was not limited to two employees in total.
 - At the request of the Planning Commission, Mr. Kelter confirmed that the city's recommendation was to allow only two non-resident employees to be on site at a time, not two non-resident employees total.
- He was essentially asking that the *status-quo* of the site's function be maintained.

Planning Commission Deliberation

The Planning Commission deliberated over the application with the following major points:

- Other than the improvements likely to be required by ODOT and Clackamas County, whether the property could, and perhaps should, be zoned for commercial use.
- The importance of the terms "accessory and incidental" in the MMC as they refer to home-occupation businesses.
- The way that Clackamas County governed home-occupation businesses.
- How many non-resident employees would be an acceptable number.
- Whether to require that the Lake Rd driveway be closed.

Chair Travis briefly reopened the testimony portion of the hearing to ask Mr. Mealey whether the additional non-resident owner-partners would operate under his business license or if they would be independently licensed.

Mr. Mealey indicated that any additional medical practitioners would operate under the Milwaukie Wellness Center license.

Commissioner Edge moved to approve the application, including all three variance requests; with the first recommended condition of approval edited to allow no more than three non-resident employees or operators to be present at the site at any one time, and the remainder of the conditions included as proposed by city staff. Commissioner Argo seconded the motion. The Planning Commission voted 6-0 in favor of the motion.

7.0 Work Session Items Part II

Commissioner Loosveldt left the meeting at the beginning of this part of the meeting.

Commissioner Edge moved that the meeting be extended to 10:15. Commissioner Hemer seconded the motion. The Planning Commission voted 5-0 in favor of the motion.

7.1 Summary: Comprehensive Plan Block 3 Policies
Staff: Mary Heberling, Assistant Planner

Mary Heberling, Assistant Planner, briefed the Planning Commission on updates to Block 3 of the Comprehensive Plan Policy Document noting the following main points:

- The city hosted an open house and distributed an online survey.
- Public input, as well as input from the Comprehensive Plan Advisory Committee (CPAC) and the City Council had influenced the policy development.
- Language had been added about "daylighting" creeks as part of habitat conservation and restoration rather than just being done in an arbitrary fashion.
- The CPAC wanted to ensure that Urban Design Policies were given appropriate attention, and so those policies were being temporarily separated from the rest of Block 3.

Commissioner Edge noted the dangers associated with overbuilding streets for fire engines, and the way that this could encourage unsafe driving by private automobile drivers.

8.0 Planning Department Other Business/Updates

Chair Travis asked for a volunteer to serve on CPAC instead of her until October.

Commissioner Massey volunteered to serve on CPAC.

9.0 Planning Commission Committee Updates and Discussion

Commissioner Hemer noted that there would be a Styrofoam recycling opportunity at the August 25 Farmer's Market.

10.0 Forecast for Future Meetings

August 27, 2019	No agenda items are were scheduled for this meeting.
September 10, 2019	1. Hearing Item: S-2018-003, Railroad Ave Subdivision 2. Hearing Item: NR-2018-005, Elk Rock Estates Deliberation and Tentative Decision
September 24, 2019	No agenda items are were scheduled for this meeting.

Meeting adjourned at approximately 10:15 PM

Respectfully submitted,
Dan Harris
Administrative Specialist II

Robert Massey, Chair



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

August 27, 2019

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

Staff: Denny Egner, Planning Director
David Levitan, Senior Planner
Mary Heberling, Assistant Planner
Justin Gericke, City Attorney

Absent: Lauren Loosveldt

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 8, 2019

Commissioner Hemer motioned to approve the minutes as submitted. Commissioner Massey seconded. The Planning Commission voted 6-0 in favor of approving the motion.

3.0 Information Items

Denny Egner, Planning Director, provided the following updates:

- The Elk Rock Estates application, as well as the Railroad Avenue Subdivision application, would come before the Planning Commission at the September 10, 2019 meeting.
- The planning department had issued an incompleteness determination for the apartments proposed for the McFarland Site.
- The Comprehensive Plan Advisory Committee (CPAC) would be meeting next Thursday, September 5.
- It was pointed out at the most recent City Council meeting that many members of the public were not tracking the progress of several projects in Central Milwaukie. In response city staff were creating a Central Milwaukie webpage, with a goal of having it online by mid-September.

4.0 Audience Participation

Ken Kraska, 9975 SE 36th Ave, testified about his concern that recent State of Oregon legislation would reduce the ability of cities to set their own zoning policies. He also expressed concerns about the potential for increased density in the City of Milwaukie. He stated that he thought the idea of affordable housing was being

used as a lever to allow out-of-state developers to engage in a "land grab".

Mollie Thorniley, 10020 SE 37th Ave, testified that many of her neighbors were concerned about parking and traffic.

Steve Fagan, 3703 SE Harvey St, testified that he was concerned about there being insufficient infrastructure, including stores, to support new residents.

Chris Holle-Bailey, 8731 SE 40th Ave, testifying on behalf of the Ardenwald-Johnson Creek Neighborhood District Association (NDA), expressed thanks to the Planning Commission for volunteering their time. She stated that the NDA wanted to work with the city to reach out to neighborhood residents who were concerned about the density changes proposed for the city.

5.0 Public Hearings

There were no public hearings at this meeting.

6.0 Work Session Items

6.1 Summary: Comprehensive Plan Block 3 Policies – Urban Design and Land Use Staff: David Levitan, Senior Planner

David Levitan, Senior Planner, presented the staff report via PowerPoint noting the following key points:

- House Bill 2001 will require cities in the Portland Metro Area to allow middle housing options in some parts of zones where single-family housing was allowed.
- The Comprehensive Plan Update project began in Fall 2017 following the adoption of the city's Community Vision.
- City staff members were working with the CPAC and consultants to organize new and revised policies and to synthesize them with existing ones.
- The city's work program called for the Comprehensive Plan to be adopted by City Council by the end of 2019.
- Following adoption, the city would begin work on code updates to implement the new Comprehensive Plan.
- The city had made extensive efforts to engage the public in the Comprehensive Plan Update and had received a large volume of public input. This input informed the development of policies.
- Urban Design policies would constitute a new chapter in the updated Comprehensive Plan.
- Policy 3.4 included a map that showed areas eligible for rezoning, not areas that necessarily would be rezoned.
- The map was created based on proximity to transit, parks, and other services.
 - City staff, responding to a series of questions from Commissioner Hemer, explained that the Comprehensive Plan and the city's zoning map should match. A discrepancy between actual zoning and eligible zoning would be only one of many factors considered if someone later applied for rezoning of a property.
 - Additionally, if a street were ultimately designated down from an arterial to a collector street that new designation could potentially change the rezoning eligibility for nearby properties.

- The city was reliant on infill to accommodate population growth, since it is fully developed and can't expand into undeveloped areas
- Definitions of medium and high-density residential zoning had been revised somewhat in the newest updated draft.

City staff and the Planning Commission discussed Urban Design policies, including the following main points:

- How to more actively involve NDAs early in the land use application review process, especially for medium and high-density projects
- The use of technical terms in the document and the need for a glossary or call-out boxes to explain them
- How to use data in determining the effectiveness of policies
- Balancing the use of general language versus specific language in the Comprehensive Plan
- The conversion of parking lots to other uses
- Anti-displacement issues arising from new housing
- Transportation planning and the relationship between the Transportation System Plan and the Comprehensive Plan
- The number of non-residents who responded to the community engagement survey

7.0 Planning Department Other Business/Updates

There were no updates for this section.

8.0 Planning Commission Committee Updates and Discussion

There were no updates for this section.

9.0 Forecast for Future Meetings

September 10, 2019	1.	Hearing Item: S-2018-001, Railroad Ave Subdivision
	2.	Hearing Item: NR-2018-005, Elk Rock Estates
September 24, 2019		No agenda items are currently scheduled for this meeting.
October 8, 2019	1.	Hearing Item: NR-2018-005, Elk Rock Estates

Meeting adjourned at approximately 8:18 PM

Respectfully submitted,
Dan Harris
Administrative Specialist II

Robert Massey, Chair

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CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

February 25, 2020

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

Staff: Denny Egner, Planning Director
David Levitan, Senior Planner
Mary Heberling, Assistant Planner
Justin Gericke, City Attorney

Absent:

1.0 Call to Order – Procedural Matters

Chair Massey 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 28, 2020

2.2 February 11, 2020

Commissioner Hemer made two separate motions, one for each of the sets of minutes to approve them as submitted. Commissioner Edge seconded both motions. The Planning Commission voted 6-0 in favor of the motions.

3.0 Information Items

Denny Egner, Planning Director, noted that recruitment for the Comprehensive Plan Implementation Committee (CPIC) was moving forward and that eight new members and four members of the Comprehensive Plan Advisory Committee (CPAC) had been selected to serve as the CPIC.

4.0 Audience Participation

Ken Kraska, 9975 SE 36th Ave, attempted to provide written testimony that he stated was not about the Comprehensive Plan.

Commissioner Massey determined that the written testimony was about the Comprehensive Plan which was an item on this meeting's agenda. He noted that this section of the meeting was reserved for testimony about items not on the agenda, that the time for public testimony for the Comprehensive Plan hearing had closed already, and stated based on those facts that Mr. Kraska's testimony would not be included as part of the record for this hearing. He offered a reminder that there would be additional opportunity for public testimony when the plan went before the City Council later in the spring.

5.0 Public Hearings

5.1 Summary: SE 55th Ave & SE Railroad Ave Subdivision

Applicant: I&E Construction, Inc.

Address: Taxlot 12E31DD03000

File: S-2018-001

Staff: Mary Heberling, Assistant Planner

Chair Massey reopened the hearing and read the conduct of quasi-judicial hearing format into the record. He 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.

Commissioner Hemer moved to continue the hearing to a date certain of March 24, 2020. Commissioner Edge seconded the motion. The Planning Commission voted 6-0 in favor of the motion.

5.2 Summary: Comprehensive Plan Draft Policy Document

Applicant: City of Milwaukie

Address: 10722 SE Main St

File: CPA-2019-001

Staff: David Levitan, Senior Planner

Chair Massey reopened the hearing and read the conduct of quasi-judicial hearing format into the record. He 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.

David Levitan, Senior Planner, presented the staff report. He reviewed the deliberation that the Planning Commission had undertaken on February 11 and proposed a framework for deliberation for that evening.

The Planning Commission and city staff reviewed the changes to the Comprehensive Plan Document that had been made following the prior meeting's deliberation.

Commissioner Travis questioned the use of the phrase "left out" in the overarching goal for Section 1, but agreed, based on a suggestion from Chair Massey, to wait until a specified point later in the meeting to have that discussion in the wider context of section goals.

Other than Commissioner Travis' comment, the Planning Commission broadly approved of the changes made to Sections 1, 4, 9, 10, 11, 12, and 7.1-7.3.

Comprehensive Plan Section 7

The Planning Commission and city staff discussed Section 7 of the Comprehensive Plan Policy Documents beginning with Section 7.4 having ended the prior meeting with Section 7.3. The discussion included:

- Revising the wording of Policy 7.4.1
- Changing the term "housing projects" in Policy 7.4.2 to "development"
- Defining the term "public realm" in Policy 7.4.3

- Defining the term “adequate” as it related to open space in Policy 7.4.4
- Altering the language of Policy 7.4.5, including removing the phrase “to help create”
- Adding the term “intentional community” to the glossary
- Dropping Policy 7.4.7 as redundant

Comprehensive Plan Section 8

The Planning Commission and city staff discussed Section 8 of the Comprehensive Plan Policy Documents. The discussion included:

- Dropping “local and regional” as descriptions of visitors in Policy 8.1.1 g
- Using the term “mode split” in Policy 8.1.1 c
- Removing discrepancies in Policies 8.1.2 d and 8.1.3 e
- Supporting incremental development, particularly in commercial hubs
- Protecting natural areas including adjacent riparian zones and tributaries
- Clarifying that “regional center” refers to Clackamas Regional Center
- Removing “help” from Policy 8.2
- Promoting the use of multiple modes of transportation depending on differing classifications of streets
- Balancing the needs of people in motorized vehicles with those of people outside of motorized vehicles
- Removing “where there is public benefit” from Policy 8.2.3 c
- Establishing parking standards that contribute to active transportation
- Requiring landscape plan approval as part of the development review process
- Providing adequate public seating, including weather protection, in spaces where people are intended to gather
- Encouraging sustainable building practices
- Using CIP projects as a trigger to allow for up-zoning

During the deliberation about Section 8, Commissioner Edge moved to extend the meeting to 10:15. Commissioner Travis seconded the motion. The Planning Commission voted 4-1 in favor of the motion with Vice Chair Loosveldt as the sole dissenting vote.

Commissioner Burns moved to continue the hearing to a date certain of March 10, 2020. Commissioner Travis seconded the motion. The Planning Commission voted 5-0 in favor of the motion.

6.0 Planning Department Other Business/Updates

There were no updates for this section.

7.0 Planning Commission Committee Updates and Discussion

There were no updates for this section.

8.0 Forecast for Future Meetings

March 10, 2020 1. Hearing Item: CPA-2019-001, Comprehensive Plan Update

March 24, 2020 1. Hearing Item: CU-2019-002, 3701SE International Way

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of February 25, 2020

Page 4

April 14, 2020

2. Hearing Item: S-2018-001, Railroad Ave Subdivision
1. Worksession Item: Review Draft Comprehensive Plan

Meeting adjourned at approximately 10:12 PM

Respectfully submitted,
Dan Harris
Administrative Specialist II

Robert Massey, Chair



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

March 10, 2020

Present: Robert Massey, Chair
Lauren Loosveldt, Vice Chair
Joseph Edge
John Henry Burns

Staff: Denny Egner, Planning Director
David Levitan, Senior Planner
Mary Heberling, Assistant Planner
Justin Gericke, City Attorney

Absent: Greg Hemer
Kim Travis

1.0 Call to Order – Procedural Matters

Chair Massey 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 Information Items

Denny Egner, Planning Director, noted that the city had contracted with a consultant to begin finalizing a draft document governing Downtown Design Review. The intention was to bring this document before the Planning Commission in the summer.

3.0 Audience Participation

Elvis Clark, 3536 SE Sherry Ln, provided testimony about the increased risks of disease transmission arising from increased population density and the use of public transit.

4.0 Public Hearings

4.1 Summary: Comprehensive Plan Draft Policy Document
Applicant: City of Milwaukie
Address: 10722 SE Main St
File: CPA-2019-001
Staff: David Levitan, Senior Planner

Chair Massey reopened the hearing and read the conduct of quasi-judicial hearing format into the record. He 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.

David Levitan, Senior Planner, provided a brief review of the Planning Commission's discussion the prior meeting. He recommended that the Planning Commission review Sections 7.4 and 8 of the Comprehensive Plan, noting that these sections had been edited to include input from the commissioners at the previous hearing.

He then proposed a framework for the evening's discussion.

Comprehensive Plan Section 7

Chair Massey asked about the insertion of a call-out box for Policy 7.4.1. concerning the term "intentional communities"

Comprehensive Plan Section 8

Comments on the changes to Section 8 included questions about:

- Standardizing the language about height and massing of buildings in Policy 8.1.4 b
- Including a callout box describing the importance of "daylighting" creeks
- Clarifying the language about the relationship between zoning density and capital improvements in Policy 8.3.7

Overarching Section Goals

The Planning Commission and city staff discussed the Overarching Section Goals of the Comprehensive Plan. The discussion included:

- The intent of having Overarching Section Goals and the various phases in which they were developed, which explained why some weren't developed until late 2019
- Whether there were strong enough connections between Community Vision goals and the Overarching Section Goals
- How to make the language in the Overarching Section Goals both clearer and more concise while still maintaining the intentions of the Comprehensive Plan Advisory Committee (CPAC)

Commissioner Burns noted that some of the policies included in the draft findings (he specifically pointed out Policy 8.1.1) were from earlier iterations of the policy document. He indicated that any vote made in the current meeting to recommend the document should be understood to refer to a version of the document containing the revisions agreed to by the Planning Commission.

Comprehensive Plan Section 3

Mary Heberling, Assistant Planner, noted edits made to this section by the public works director and city manager. The Planning Commission was supportive of these edits.

Vice Chair Loosveldt asked that a new picture be provided as the cover image for this section because the picture showed a portion of South Downtown that was experiencing significant construction and would soon look different. City staff agreed to this request.

Vice Chair Loosveldt moved to recommend approval of the Comprehensive Plan Draft Policy Document as amended by the Planning Commission with the findings as updated. Commissioner Edge seconded the motion. The Planning Commission voted 4-0 in favor of the motion.

Commissioner Edge expressed gratitude to the other members of the Planning Commission, past and present, to the CPAC, and to all the other people who had worked on the Comprehensive Plan up to that point.

Commissioner Burns returned that expression of gratitude to Commissioner Edge.

Chair Massey made closing remarks on the Comprehensive Plan

5.0 Planning Department Other Business/Updates

Commissioner Edge asked about contingencies for online/remote meeting in the event of cancelation due to COVID-19.

Justin Gericke, City Attorney, and **Mr. Egner** indicated that the practical and legal concerns related to a remote meeting were being assessed and that more information would be forthcoming.

6.0 Planning Commission Committee Updates and Discussion

There were no updates for this section.

7.0 Forecast for Future Meetings

- | | |
|----------------|--|
| March 24, 2020 | 1. Hearing Item: CU-2019-002, 3701SE International Way |
| | 2. Hearing Item: S-2018-001, Railroad Ave Subdivision |
| April 14, 2020 | 1. Work Session Item: Review Draft Comprehensive Plan |
| April 28, 2020 | No items were scheduled for this meeting. |

Meeting adjourned at approximately 8:40 PM

Respectfully submitted,
Dan Harris
Administrative Specialist II

Robert Massey, Chair

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CITY OF MILWAUKIE

To: Planning Commission
Through: Dennis Egner, Planning Director
From: Vera Koliás, Associate Planner
Date: April 7, 2020, for April 14, 2020, Worksession
Subject: Comprehensive Plan Implementation Project

ACTION REQUESTED

None. This is a briefing for discussion only.

BACKGROUND INFORMATION

In late 2019, staff provided an update to the City Council regarding options for implementation of draft housing policies following the adoption the Comprehensive Plan. The Council suggested formation of an advisory committee that includes a mix of members from the current CPAC, new community members, and subject area experts. In January, Planning staff provided recommendations to Council for the formation of such an advisory committee. Following that meeting, staff began the recruitment process for the Comprehensive Plan Implementation Committee (CPIC). The CPIC will be responsible for reviewing code concepts with staff and providing input on proposed amendments to the Milwaukie Municipal Code (MMC). The Planning Commission will be responsible for making a recommendation to Council on amendments to the code. Council will ultimately make the final decision on changes to the MMC.

A. History of Prior Actions and Discussions

- **March 13, 2020:** The city posted a Request for Proposals seeking a consultant team to assist the city with code amendments that implement the Comprehensive Plan policies related to housing, urban forestry, and parking as well as bring the city's code into compliance with House Bill 2001.
- **[March 3, 2020:](#)** City Council adopted a resolution creating the Comprehensive Plan Implementation Committee (CPIC). The following individuals were appointed as members of the CPIC: Members: Joel Bergman, Matthew Bibeau, Jennifer Dillan, Celestina DiMauro, Daniel Eisenbeis, Ada Gonzalez, Sharon Johnson, Stephan Lashbrook, Micah Meskel, Renee Moog, Dominique Rossi, Eugene Zaharie, and

Nicole Zdeb. Liaison members: Joseph Edge for Planning Commission; Lauren Loosveldt as alternate; Lisa Batey for City Council; Angel Falconer as alternate.

B. Request for Qualifications

Please refer to Attachment 1 to review the posted RFQ. Please note that the filing deadline has been extended to May 1, 2020, in light of the coronavirus situation. This is the first phase of the implementation of the Comprehensive Plan and will require consulting assistance to update the residential designations on the Comprehensive Plan map, to make corresponding changes to the zoning map, and to make changes to the zoning and land division ordinances related to housing, parking and the protection and preservation of trees on private property and in the public right-of-way.

In order for staff to track which consultants have obtained a copy of the RFQ, we have required firms to access the RFQ through the city’s bid site at <http://bids.milwaukieoregon.gov/>. We are sharing a PDF Copy with the Commission. If you know of a consultant who might be interested in the RFQ, please do not share your PDF copy with them. Rather, direct them to the city website.

C. CPIC

Although originally scheduled for May 7, 2020, the first meeting of the CPIC has been rescheduled to June 4. This schedule change reflects the ongoing coronavirus situation and the delay in the City Council adoption of the updated Comprehensive Plan. The first Council hearing on the plan is scheduled for June 2.

ATTACHMENTS

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

	PC Packet	Public Copies	Packet
1. Request for Qualifications	<input checked="" type="checkbox"/>	<input 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-48>.



CITY OF MILWAUKIE

REQUEST FOR QUALIFICATIONS FOR COMPREHENSIVE PLAN IMPLEMENTATION

1. ANNOUNCEMENT

The City of Milwaukie is requesting proposals from qualified and experienced consultants with expertise in community planning, land use and zoning regulations, tree protection, and community engagement processes for a project that implements the 2020 Milwaukie Comprehensive Plan. The project includes related changes to parking requirements in residential areas and tree protection and preservation related to residential development.

Request for Qualifications (RFQ) documents may be obtained at <http://bids.milwaukieoregon.gov/>. Proposers will be required to create a free login in order to access the documents.

Proposals will be received until **4:00 p.m. (PST), on Friday, April 10, 2020**. Proposals received after the deadline will not be considered. Sealed proposals shall be submitted to:

Vera Koliass, Associate Planner
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
koliassv@milwaukieoregon.gov

2. GENERAL INFORMATION

2.1 City Information

Located six miles south of downtown Portland, on the banks of the Willamette River, Milwaukie offers a small-town feel with easy access to the region's urban center, recreational activities and services. Known as the "Dogwood City of the West", this suburban city of over 20,000 residents is economically linked with the greater Portland Metropolitan area. South Downtown Milwaukie has recently completed a revival with new apartments and retail space accompanying the redeveloped Milwaukie Bay Park. Milwaukie is home to Dark Horse Comics' international headquarters, Bob's Red Mill, a modern-day gristmill and natural foods company, and Blount International Inc., a Fortune 500 company. The City is comprised of seven neighborhood districts and two business industrial districts.

Milwaukie is a community where citizens, businesses and city government work together to ensure that the community retains its small-town character, natural beauty, and thriving public events.

The City is a full-service municipality that operates under a council-manager form of government. The four elected councilors and the elected mayor comprise the City Council and act as representatives of the citizens. City Council sets policies for city government, enacts ordinances and hires, directs and evaluates the city manager, city attorney and municipal judge. In turn, the city manager is the City's chief executive officer, responsible for overall management and administration.

2.2 Proposal Submission

Vera Koliass, Associate Planner is the point of contact for this RFQ. Questions and clarifications on this RFQ shall be addressed through the City's Bid Management System. For other inquiries related to this solicitation, please email koliassv@milwaukieoregon.gov.

Proposals will be received until **4:00 p.m. (PST), on Friday, April 10, 2020**. Proposals received after the deadline will not be considered and will be returned unopened to the Proposer(s). Sealed proposals shall be submitted in-person, by mail or electronically sent to:

Vera Koliass, Associate Planner
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
koliassv@milwaukieoregon.gov

2.3 Schedule of Events

The City anticipates the following general timeline for receiving and evaluating the proposals. This schedule is subject to change if it is in the City's best interest to do so. Any change to the submission deadline will be done by an addendum to this RFQ.

- | | |
|---|--------------------------|
| • Request for Qualifications release | March 13, 2020 |
| • Deadline for clarifications and questions | March 27, 2020 at Noon |
| • Deadline for protests of solicitation | March 30, 2020 at Noon |
| • Deadline to issue addenda | April 1, 2020 |
| • Proposals due | April 10 at 4:00 PM |
| • Evaluations of proposals complete | April 27, 2020 |
| • Interviews | April 30 – May 8, 2020 |
| • Posting of notice of intent to award | May 11, 2020 |
| • Deadline for protests of award | May 18, 2020 at 10:00 AM |
| • City Council approval | June 2, 2020 |
| • Notice of award | June 3, 2020 |

2.4 Changes to Solicitation by Addenda

The City reserves the right to make changes to the RFQ by written addenda. Addenda shall be sent to all prospective proposers known to have obtained the solicitation documents at the time addenda is issued.

Proposers should consult the City's Bid Management System regularly until the proposal due date and time to assure that they have not missed any addendum announcements. By submitting a proposal, each Proposer thereby agrees that it accepts all risks, and waives all claims, associated with or related to its failure to obtain addendum information.

A prospective Proposer may request a change in the RFQ by submitting a written request to the address set forth in Subsection 2.2. The request must specify the provision of the RFQ in question and contain an explanation of the requested change. All requests for changes to the RFQ must be submitted to the City no later than the date set forth in Subsection 2.3.

The City will evaluate any request submitted but reserves the right to determine whether to accept the requested change. Changes that are accepted by the City shall be issued in the form of an addendum to the RFQ. All addenda shall have the same binding effect as though contained in the main body of the RFQ. Written or oral instructions or information concerning the scope of work of the project given out by anyone other than Vera Koliass shall not bind the City.

No addenda will be issued later than the date set in Subsection 2.3, except an addendum, if necessary, postponing the date for receipt of proposals, withdrawing the invitation, modifying elements of the proposal resulting from delayed process, or requesting additional information, clarification, or revisions of proposals leading to obtaining best offers or best and final offers. Each Proposer is responsible for obtaining all addenda prior to submitting a proposal. Receipt of each addendum should be acknowledged in writing as part of the proposal.

2.5 Confidentiality

All information submitted by Proposers shall be public record and subject to disclosure pursuant to the Oregon Public Records Act, except such portions of the proposals for which Proposer requests exception from disclosure consistent with Oregon Law. All requests shall be in writing, noting specifically which portion of the proposal the Proposer requests exception from disclosure. Proposer shall not copyright, or cause to be copyrighted, any portion of any said document submitted to the City as a result of this RFQ. Proposer should not mark the entire proposal document "Confidential."

2.6 Cancellation

The City reserves the right to cancel contract award for Comprehensive Plan implementation at any time before execution of the contract by both parties if cancellation is deemed to be in the City's best interest. In no event shall the City have any liability for the cancellation of contract award.

2.7 Late Proposals

All proposals that are not received by the proposal due date in Subsection 2.3 will not be considered and will be returned unopened to the Proposer. Delays due to mail and/or delivery handling, including, but not limited to delays within the City's internal distribution systems, do not excuse the Proposer's responsibility for submitting the proposal to the correct location by the proposal due date. Postmarks are not considered proof of delivery.

2.8 Disputes

In case of any doubt or differences of opinion as to the items or service to be furnished hereunder, or the interpretation of the provisions of the RFQ, the decision of the City shall be final and binding upon all parties.

2.9 Proposer's Representation

Proposers, by the act of submitting their proposals, represent that:

- A. They have read and understand the proposal documents and their proposal is made in accordance therewith;
- B. They have familiarized themselves with the local conditions under which the work will meet their satisfaction;
- C. Their proposal is based upon the requirements described in the proposal documents without exception, unless clearly stated in the response.

2.10 Submittal Conditions

By the act of submitting a proposal in response to this RFQ:

- A. The Proposer and each person signing on behalf of any Proposer certifies, and in the case of a sole proprietorship, partnership or corporation, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief, no elected official, officer, employee, or person, whose salary is payable in whole or part by the City, has a direct or indirect financial interest in the Proposal, or in the services to which it relates, or in any of the profits thereof other than as fully described in the Proposer's response to this solicitation.
- B. The Proposer has examined all parts of the RFQ, including all requirements and contract terms and conditions thereof, and, if its proposal is accepted, the Proposer shall accept the contract documents thereto unless substantive changes are made in same without the approval of the Proposer.
- C. The Proposer, if an individual, is of lawful age; is the only one interested in this proposal; and that no person, firm, or corporation, other than that named, has any interest in the proposal, or in the proposed contract.
- D. The Proposer has quality experience providing professional planning services to government entities in a capacity similar to the duties outlined within the scope of services.

2.11 Interpretation of RFQ Documents

Proposers shall promptly notify the City of any ambiguity, inconsistency or error, which they may discover upon examination of the proposal documents. Proposers requiring clarification or interpretation of the proposal documents shall make a written request for the same to the City's point of contact.

The City shall make interpretations, corrections, or changes to the proposal documents in writing by published addenda in accordance with Subsection 2.4. Interpretations, corrections, or changes to the proposal documents made in any other manner will not be binding, and Proposers shall not rely upon such interpretations, corrections, and changes.

2.12 Requests for Additional Information

Requests for information regarding city services, programs, or personnel, or any other information shall be submitted in writing to the City's point of contact. The City shall respond to requests for additional information in writing by published addenda in accordance with Subsection 2.4. Responses to requests for additional information made in any other manner will not be binding.

2.13 Competition

Proposers are encouraged to comment, either in their proposals or at any other time, in writing, on any specification or requirement with this RFQ, which the Proposer believes, will inordinately limit competition.

2.14 Complaints and Inequities

All complaints or perceived inequities related to the RFQ or award of work referenced herein shall be in writing and directed to the City's point of contact. Such submittals will be reviewed upon receipt and will be answered in writing.

2.15 Cost of RFQ and Associated Responses

The City is not liable for any costs incurred by a Proposer in the preparation and/or presentation of a proposal. The City is not liable for any cost incurred by a Proposer in protesting the City's selection decision.

2.16 Requests for Clarification, Additional Research, and Revisions

The City reserves the right to obtain clarification of any point in a proposal or to obtain additional information necessary to properly evaluate a particular proposal. Failure of a Proposer to respond to such a request for additional information or clarification may result in a finding that the Proposer is non-responsive and consequent rejection of the proposal.

The City may obtain information from any legal source for clarification of any proposal or for information of any Proposer. The City need not inform the Proposer of any intent to perform additional research in this respect or of any information thereby received.

The City may perform, at its sole option, investigations of the responsible Proposer. Information may include but shall not necessarily be limited to current litigation and contracting references. All such documents, if requested by the City, become part of the public records and may be disclosed accordingly.

The City reserves the right to request revisions of proposals after the submission of proposals and before award for the purpose of obtaining best offers or best and final offers.

2.17 Solicitation Protest Procedures

Any and all complaints regarding this solicitation must be presented in writing by the date identified in Section 2.3. The City will address all timely submitted protests within a reasonable time following the City's receipt of the protest and will issue a written decision to the protesting Proposer.

Solicitation protests shall be addressed as follows:

City of Milwaukie
Attn: Vera Koliass
6101 SE Johnson Creek Blvd
Milwaukie, OR 97206
koliassv@milwaukieoregon.gov

Protests must include:

- A. The identity of the Proposer;
- B. A clear reference to this RFQ;
- C. Reason for the protest;
- D. Proposed changes to the RFQ provisions and/or statement of work; and
- E. All required information as described in ORS 279B.405(4).

Protests that do not include the required information will not be considered by the City.

2.18 Rejection of Proposals

The City reserves the right to reject any or all proposals received as a result of this RFQ. Proposals may be rejected for one or more of the following reasons, including but not limited to:

- A. Failure of the Proposer to adhere to one or more of the provisions established in the RFQ.
- B. Failure of the Proposer to submit a proposal in the format specified herein.
- C. Failure of the Proposer to submit a proposal within the time requirements established herein.
- D. Failure of the Proposer to adhere to ethical and professional standards before, during, or following the proposal process.

The City may reject any proposal not in compliance with all prescribed public procurement procedures and requirements and may reject for good cause any or all proposals upon a finding of the City that it is in the public interest to do so.

2.19 Modification or Withdrawal of Proposal by Proposer

A Proposal may not be modified, withdrawn, or canceled by the Proposer for 90 calendar days following the time and date designated for the receipt of proposals. Proposals submitted early may be modified or withdrawn only by notice to the City prior to the proposal due date. Such notice shall be in writing with the signature of the Proposer and submitted to the City's point of contact. All such communication shall be so worded as not to reveal material contents of the original Proposal.

Withdrawn proposals may be resubmitted up to the proposal due date and time, provided that they are then fully in conformance with the RFQ.

2.20 Proposal Ownership

All Proposals submitted become and remain the property of the City and, as such, are considered public information and subject to public disclosure within the context of the federal Freedom of Information Act and ORS 192.345 and 192.355.

Unless certain pages or specific information are specifically marked "proprietary" and qualify as such within the context of the regulations stated in the preceding paragraph, the City shall make available to any person requesting information through the City processes for disclosure of public records, any and all information submitted as a result of this RFQ without obtaining permission from any Proposer to do so after the contract has been executed.

2.21 Affirmative Action/Nondiscrimination

By submitting a proposal, the Proposer agrees to comply with the Fair Labor Standard Act, Civil Rights Act of 1964, Executive order 11246, Fair Employment Practices, Equal Employment Opportunity Act, Americans with Disabilities Act, and Oregon Revised Statutes. By submitting a proposal, the Proposer specifically certifies, under penalty of perjury, that the Proposer has not discriminated against minority, women or emerging small business enterprises in obtaining any required subcontracts.

3. SCOPE OF WORK

3.1 Project Background

In 2017, the City adopted a 20-year vision and in 2018 the City began a two-year process to update the Comprehensive Plan. It is anticipated that the City will adopt new Comprehensive Plan Policies in April of 2020. In addition, in 2018 City Council the Milwaukie Affordable Housing Strategy and the Milwaukie Community Climate Action Plan. In 2019, City Council adopted an Urban Forest Management Plan and in January 2020 declared a climate emergency. In addition, studies have recently been completed related to Cottage Cluster Development, and Accessory Dwelling Units (ADUs). The referenced strategies and studies are available as follows:

- 2020 Comprehensive Plan:
<https://www.milwaukieoregon.gov/planning/comprehensive-plan-update>
- City Council Community Engagement 2019/2020 Goal Report (see Attachment 1)
- Housing and Residential Land Needs Assessment (HNA) – 2016-2036:
https://www.milwaukieoregon.gov/sites/default/files/fileattachments/housing_affordability/page/91991/2016-2036_milwaukie_housing_needs_analysis.pdf
- Milwaukie Affordable Housing Strategy – 2018-2023 Action Plan:
https://www.milwaukieoregon.gov/sites/default/files/fileattachments/community_development/page/78261/final_mhas_report.pdf
- Milwaukie Community Climate Action Plan:
https://www.milwaukieoregon.gov/sites/default/files/fileattachments/sustainability/page/85191/2018_1003_climateactionplan.pdf
- City of Milwaukie 2019 Urban Forest Management Plan:
https://www.milwaukieoregon.gov/sites/default/files/fileattachments/sustainability/page/99281/2019_0307_urbanforestplan_finalpp_bam.pdf
- Milwaukie Cottage Cluster Analysis, June 2019:
https://www.milwaukieoregon.gov/sites/default/files/fileattachments/community_development/page/91731/milwaukie_cc_final_report_final.pdf
- Milwaukie ADU Code Audit Summary, May 19, 2019:
https://www.milwaukieoregon.gov/sites/default/files/fileattachments/housing_affordability/page/100631/milwaukie_adu_task_3_memo_-_code_audit_-_may_29_2019.pdf

The City recognizes that successful implementation of the policies and strategies outlined in these documents need to be coordinated to ensure success of the 2020 Milwaukie Comprehensive Plan. The first phase of implementation will require consulting assistance to update the residential designations on the Comprehensive Plan map, to make corresponding changes to the zoning map, and to make changes to the zoning and land division ordinances related to housing, parking and the protection and preservation of trees on private property and in the public right-of-way.

3.2 Professional Services Required

The selected consultant will assist the City in updating its municipal code and zoning and Comprehensive Plan maps to implement the Comprehensive Plan’s housing element, including related changes to residential parking requirements and the development of new code provisions to protect trees in Milwaukie. This work represents the first phase of Comprehensive Plan implementation. The proposed scope of work below outlines the tasks, roles and responsibilities, timeline, and desired outcomes and deliverables for the project.

The City is open to additional project components and methodologies that have proven successful in code amendment and plan implementation efforts. The response should be clear

in the specific tasks, schedule, and responsibilities (consultant vs. City staff) for each component and task in the scope of work.

Based on the draft scope of work, the selected consultant should include staff that have skills and knowledge in the following areas:

- Preparation of development code standards and review procedures related to:
 - residential land use and zoning
 - missing middle housing types
 - residential housing compatibility using form-based elements
 - natural resource protection including floodplain regulation
 - urban forest enhancement including tree preservation and protection
 - parking in residential areas
- Preparation of Comprehensive Plan map amendments
- Preparation of findings in support of code amendments and/or map amendments
- Facilitation of committee and public meetings
- Preparation of materials and work to carryout community engagement programs that include outreach to underrepresented community members including Spanish-speaking residents and other non-English speaking residents

Knowledge and experience in the following areas may be needed for Phase II but are not required for work on the first phase of implementation:

- Preparation of commercial and industrial zoning requirements
- Working with Willamette Greenway requirements
- Working with institutional zoning for hospitals, schools, and/or parks

3.3 Scope of Work

A. General Scope of Work and Assumptions

The following categories in the Scope of Work outline the City’s minimum areas of work for respondents to address. The City is open to additional project components and methodologies that have proven successful in similar code amendment planning efforts. The response to add or modify components should be clear in the specific tasks, schedule, and responsibilities (consultant vs. City staff) for each component and task in the scope of work.

The City is budgeting adequate resources to accomplish the significant work set forth in this scope of work. Following the selection of a preferred consultant, the City will negotiate budget and contract terms.

The City anticipates the code amendments and mapping to be adopted by April 2021.

B. Project Management and Identification of Roles

The City will have a Project Manager as part of approximately 1.5 FTE dedicated to the project. The City Project Manager will be responsible for coordination and communication with the Planning Commission, City Council, Tree Board, and Comprehensive Plan Implementation Committee (CPIC); coordination of process logistics and support; and oversight of consultant work. The consultant will be responsible for the development of background reports and detailed code concepts, either in a lead or support role (as identified below); working with the CPIC and other City boards/commissions to identify, refine, and select the recommended code concepts; assistance in preparing graphics and presentation materials for all community engagement activities; and direct staff support in the production of draft and final code and mapping amendments and related documentation such as findings, code commentary, and other compliance materials.

The following bodies will be involved in the Comprehensive Plan implementation process and the selected consultant team will be expected to meet regularly with each. Respondents are welcome to comment on the proposed structure based on their experience with other code amendment and Comprehensive Plan implementation efforts.

- Comprehensive Plan Implementation Committee (CPIC): The CPIC will be responsible for advising on the content and language of the code amendments and helping with community engagement but will not be involved in the preparation and review of actual code language. The CPIC is made up of 13 community members plus liaisons from the Planning Commission and City Council. The CPIC may be expanded to include subject matter experts when needed. The consultant should budget monthly meetings with the CPIC.
- Planning Commission: Staff intends to provide updates to the Planning Commission on an as-needed basis. Meetings will be timed to correspond with project products and with public hearings.
- City Council: Staff intends to provide updates to the City Council on an as-needed basis. Meetings will be timed to correspond with project products and with public hearings.

C. Project Description

Task 1 - Public Engagement Strategy

Task Description

The selected consultant will work with City staff to develop a comprehensive engagement strategy for all phases of the project. It is expected that public engagement will be conducted at various levels and with specifically defined goals including but not limited to the following:

- Comprehensive Plan Implementation Committee (CPIC) – Committee meetings will be facilitated by a member of the consultant team. Meeting logistics will be managed

by City staff. CPIC will be consulted for feedback on detailed code concepts and map changes related to Comprehensive Plan implementation.

- Equitable General Public Outreach – The City expects that a minimum of three large public events would be part of this effort; the response should propose what type of outreach is recommended at specific points in the process, including specific techniques that would be recommended to share information, collect and compile input, and bring people together.

With an eye toward the IAP2 Spectrum of Public Participation, this consultant-led task will include outreach to engage the community in the form of town halls, focus groups, stakeholder interviews, tabling, online surveys and other forms of outreach to educate, inform and get feedback from the public on code concepts, and Comprehensive Plan and zoning map changes. Feedback will be used to inform proposed code language. Outreach will focus on the detailed code concepts not the technical code language. Opportunities will be available to comment on technical code language during Planning Commission and City Council public hearings.

In addition, the team should propose methods to get comments on map changes and regulatory concepts from members of Milwaukie’s Spanish-speaking community, and other non-English speaking communities, as well as other communities that have been historically left out of the process; such as youth, persons of color, lower income community members, those with disabilities, and more.

- Communications and Branding – The engagement strategy will reflect city branding standards and specific communication goals for this project set by the City prior to project initiation. All informational materials will receive approval from the Communications Program Manager or Assistant City Manager prior to release. All content will be shared on City managed platforms (website, social media accounts, etc.) unless specifically approved as part of the engagement plan.
- City Board, Committee, and Neighborhood District Association (NDA) Outreach – Along with staff liaisons, the consultant team will conduct outreach to relevant City boards, committees, and NDAs at key times during the project. Special attention will be given to the Tree Board and the Design and Landmarks Committee.
- Planning Commission and City Council – Commission and Council will provide input and feedback on code concepts and map changes. These bodies will ultimately make decisions related to the adoption of code language.
- The consultant will work with city staff to:
 - Create and maintain a stakeholder database which includes the first and last name, contact information, dates of contact and notes on issues and questions raised. This database will be provided to the City in Excel at the close of the project.

- Manage, analyze, respond to, and save comments received about the project that are then included in the summary report described below.
- Ensure that all website content and documents are migrated to a permanent home on the City website and / or archived in HPRM.
- Provide a summary report on all engagement activities that includes:
 - Total number of people contacted and by what outreach method
 - Total number of people reached from priority stakeholder groups (if identified as a goal in the engagement plan)
 - Total number of events hosted – in person or online
 - Include up to 20 completed Rapid Review Worksheets (or a similar event participant evaluation form) to gain insights from participants on how to improve future outreach activities (see Attachment 2).

***Desired Outcome:** Successful engagement with community to involve, inform, and develop new or amended zoning code and map designations to implement Comprehensive Plan policies related to housing and environmental protection.*

***Consultant Deliverable(s):** Comprehensive Public Engagement Plan modeled on IAP2 Spectrum of Public Participation, including: strategic advice on process and community engagement activities; translation and culturally specific engagement for non-English speaking community members; engagement of communities that have been historically left out of the process; development of draft and final meeting agendas and identification of materials needed for each meeting for staff and CPIC review; and meeting and event facilitation.*

***Timeline:** June 2020 through project completion*

Task 2 – Map and Code Audit and Analysis

Task Description

Consultant will review Comprehensive Plan and zoning ordinance and maps to identify inconsistencies, conflicts, and obstacles to fulfilling Comprehensive Plan goals and policies. Consultant will prepare a Code Audit which must consider how well the code carries out the goals and policies of the new Comprehensive Plan, goals stated in the MHAS, the Climate Action Plan, the Urban Forestry Management Plan, and House Bill 2001. The purpose of this task is to understand existing code, how it relates to City and state goals, identify places where changes would need to be made in order to deliver on city and state goals, and to use that information to engage with the public for input. The work should focus on how current design and development standards present obstacles for various housing types and propose options for how those obstacles can be mitigated with new code language.

Using a matrix or coding system, the audit should describe which plans and/or policies apply and how/whether the code requirement needs to be enhanced, modified, or removed.

In addition, the consultant will examine MMC 19.402 – Natural Resources, MMC 19.700 – Public Facility Improvements, Title 17 – Land Division, Public Works Standards, the Climate Action Plan, the Urban Forestry Management Plan, and the Tree Board’s draft provisions to protect trees on private property. This analysis will examine code requirements and standards, including Public Works Standards, to determine what obstacles may interfere with the City goal of achieving a 40% tree canopy by 2040.

The audit work will involve meeting(s) with technical experts and staff as needed to identify code problems and assess how well existing code sections satisfy state requirements, Comprehensive Plan policies, and other City plans including the Climate Action Plan. The technical committee will include key City staff and may include outside experts with knowledge in key topic areas.

This task will result in a report that identifies map conflicts and problems with the current set of code requirements in meeting city and state objectives. This information will be presented in a matrix format or other method that allows the information to be easily understood by the CPIC and the community.

***Desired Outcome:** Public has a clear understanding of opportunities and constraints in current code to implement policy objectives. Clear understanding of plan and zone map conflicts and opportunities. Education and outreach to inform the public.*

***Consultant Deliverable(s):** A report that identifies map conflicts and problems with the current set of code requirements in meeting city and state objectives. The report should provide a matrix or coding system to describe which City plans/policies apply and whether the code requirement needs to be enhanced, modified, or removed. The consultant will at least facilitate an open house or town hall to review audit findings with community members prior to advancing to the concept development stage of the project*

***Timeline:** June – August 2020*

Task 3 – Detailed Concept Development

Task Description

Consultant will conduct a work session or sessions with City staff to identify code and map concepts that would allow the City to modify its codes and maps to satisfy Comprehensive Plan policies, meet the requirements of HB 2001, resolve existing map or code conflicts, parking, and achieve urban forestry goals.

The work will consider code concepts and ideas developed in the MHAS, the Housing Needs Analyses, the Cottage Cluster Analysis, and the ADU Code Audit Summary. The detailed code and map concepts will be organized into a set of alternatives that can be evaluated and presented to the community for testing and review. At least one alternative will rely on the use of form-based regulations to achieve housing goals. Alternatives related to parking for various housing types should be included.

The concepts should also address the possible ways that the code would be restructured or reformatted to better facilitate desired housing development and to provide greater clarity to the development community and public. The work will also address methods of meeting the urban forestry objectives of the Urban Forestry Management Plan while at the same time achieving housing goals.

Based on the Code Audit, the consultant will develop “sets” of code concepts to address deficiencies that were identified. Concepts could be organized in a manner that responds to the audit results. It is expected the concepts will be developed to:

- Eliminate plan/zone map conflicts
- Enhance the effectiveness of residential zone districts in meeting policies (e.g. are there too many zones?)
- Remove provisions that limit equity or to add concepts that would promote equity
- Promote compatibility between uses through design and form-based standards
- Limit development in areas subject to natural resource and floodplain restrictions but provide a clear and objective path for development that is allowed
- Provide for an increase in tree canopy to achieve 40% tree canopy city-wide by 2040
- Modify public works standards to address housing needs and tree canopy goals

For public review, provide a mechanism where it is clear why concepts are being proposed – connect the concept to the policy objective. The detailed concepts and the analysis will be packaged in an easy to understand format that will be suitable for review and comment by the community.

In addition to regular meetings with the CPIC, outreach activities during this task should include, at a minimum, work sessions with, the Tree Board, the Design and Landmarks Committee (DLC), and the Planning Commission.

Desired Outcome: *As part of the Detailed Concept Development task, the consultant will conduct an analysis that examines the effectiveness of the different map and code concepts in meeting City and state housing objectives. The analysis will also examine the effectiveness of the concepts in meeting City urban forestry and tree protection objectives. Community involvement in generating a set of map and code concepts.*

Consultant Deliverable(s): Detailed map and code concepts formatted for use in a variety of community engagement activities. Multiple concepts and options will be provided to bring to the community in Task 4.

Timeline: August – September 2020

Task 4 – Community Review/Testing

Task Description

Consultant will lead an effort to test map and code concepts with the community. The City is looking for creative and innovative ways to actively engage with the public. The testing should include a community-wide design workshop or charrette to generate concepts for map changes and corresponding code provisions. Additionally, this process should also include an on-line open house or survey. Focus groups or similar techniques will be used to test concepts with non-English speakers, persons of color, lower income community members, and community-based organizations that serve marginalized or underrepresented populations. Follow-up meetings will occur with the CPIC and may include site visits or tours of locations with examples of development types being considered.

Input shall be summarized in a report indicating the detailed concepts that are believed to be the most effective and the best fit in Milwaukie.

Desired Outcome: Informed feedback from the public on the detailed code and map concepts.

Consultant Deliverable(s): Active community engagement process to review and test the detailed code and map concepts. A report that is a synthesis of all public input, summarizes the testing process, how public feedback is reflected, and identifies the detailed concepts that are recommended for Milwaukie.

Timeline: September – November 2020

Task 5 - Draft Code Changes and Map Amendments

Task Description

Consultant will convene a meeting with the City staff and the CPIC to review community feedback on concepts and determine the best direction for map and code amendments. Consultant will update staff and the CPIC on the progress of the HB 2001 Rules Committee and work being done on a model code.

Based on input from the CPIC, staff, and summarized feedback from the community, the consultant will prepare the following:

- Draft amendments to Comprehensive Plan and zoning maps to eliminate conflicts and better implement housing policies;

- Draft amendments and reformatted portions of the development standards and procedures within the Municipal Code to facilitate production of desired housing, achieve urban forestry objectives, and to provide greater clarity to the development community and public;
- Recommended revisions to existing development standards and new standards as they relate to urban forestry and the future development of housing projects consistent with City and state objectives.

It is expected that code work will include, at a minimum, new code language and/or revisions to the zoning code for permitted uses, dimensional standards, site design standards, off-street parking standards, required public improvements, and building design standards. Where possible and practical, the Consultant will also simplify the code, shorten or reformat, improve readability, and remove unneeded or unclear standards, as related to the City’s housing and urban forestry objectives.

In addition, the Consultant will prepare:

- New draft code language for tree protection and preservation on private property;
- Any necessary code amendments to MMC 19.402 – Natural Resources to provide adequate tree protection and also address habitat connectivity; and
- Any necessary code amendments to Title 17 – Land Division.

The draft code will be compatible with the proposed code framework and will support the goals and actions outlined in the Urban Forest Management Plan, Climate Action Plan, and the Comprehensive Plan. All work must ensure that there is a clear and objective option for housing consistent with state law (ORS 197.307).

***Desired outcome:** Code language that reflects community feedback, addresses HB 2001, and will result in providing housing that meets City policy objectives. Tree Code language that allows for flexible development patterns that are complementary of housing affordability goals, ensures future development considers mature tree preservation and protection with mitigation requirements when standards cannot be met, and reflects the community’s desire to grow, preserve and protect our urban forest.*

***Consultant Deliverable(s):** Draft code language and amendments to Comprehensive Plan and zoning maps in a format that can be incorporated into the current code and plan.*

***Timeline:** November – December 2020*

Task 6 – Code and Map Review and Reconciliation

Task Description

The consultant will hold work sessions with the City Council, the Planning Commission, and the Tree Board to review draft code language and maps. Based on feedback, the

consultant will revise the code and maps and prepare final documents for public hearings.

Desired outcome: General agreement by decision making and advisory bodies that the draft code language and maps that reflect City policy objectives and are in a format ready for public hearings and adoption.

Consultant Deliverable(s): Meeting facilitation. Direct support to staff to produce code language and maps that reflect City policy objectives and are in a format ready for public hearings and adoption. Provide direct support to staff to reconcile any cross-referencing to ensure all applicable code amendments are accounted for.

Timeline: December 2020 – February 2021

Task 7 - Final Code and Map Changes and Adoption

Task Description

Conduct public hearings before the Planning Commission and City Council and make adjustments necessary for adoption. A community open house should be included at this stage to inform the public about the final package of amendments. Materials should be available online as well.

Desired outcome: Code language and maps that reflect City policy objectives

Consultant Deliverable(s): Direct support to staff to produce final amendments to the code and Comprehensive Plan and zoning maps; direct assistance in the production of 30-day code commentary, findings, and Metro compliance documentation. Direct support to staff in the production of any public hearing presentation materials and attendance at public hearings.

Timeline: February – April 2021

Task 8 – Phase II Work (To Be Determined)

A subsequent project phase may be necessary to address commercial and industrial districts, Willamette Greenway zoning, institutional zoning for parks and schools, and other aspects related to implementation of the Comprehensive Plan.

Task Description

Prepare code amendments to implement other Comprehensive Plan policies including policies related to commercial and industrial uses, zoning of the Willamette Greenway, and institutional zoning for parks and schools. Such Comprehensive Plan amendments may include the implementation of neighborhood hubs, code and map updates related to mixed-use zones, code and map updates related to existing industrial zones,

amendments to the Town Center Plan, and code and map amendments to the Willamette Greenway.

It is the City's intent to negotiate the scope of work and compensation for Phase II work with the same consultant team that is selected through this RFQ process, should the subsequent project phase move forward. The City will negotiate Phase II work with the awarded Proposer under a separate contract. The City reserves the right to negotiate final terms of the separate contract as the City determines to be in its best interest. If the City cannot come to terms with the awarded Proposer for Phase II work, then the City will terminate negotiations and conduct a new public procurement process in order to contract for services to complete the project.

Desired outcome: Code language and maps that reflects City policy objectives

Consultant Deliverable(s): Direct support to staff to produce final amendments to the code.

Timeline: April – November 2021

D. Consultant Responsibilities

Consultant will assume responsibility for quality, performance, and timely completion of all work identified in the project scope.

Consultant will maintain records, notes, maps, photographs, and reports related to all work performed for the City and make them available to the City upon request.

4. SUBMITTAL REQUIREMENTS

4.1 Proposal Format

Responses to this RFQ must not exceed the page limits identified after each item listed below in subsection 4.3. Each side of a piece of paper is considered one page; minimum font size is 11 pt; resumes must not exceed two (2) pages. If a proposal exceeds these page limits, the City may decline to review information beyond the page limit maximum. If a proposal is submitted in person or via mail, please submit five (5) copies.

4.2 Proposer Requirements

The firm submitting a proposal must meet the minimum requirements:

- A.** Must be a legal entity, currently registered to do business in the State of Oregon;
- B.** Must have been in business for at least two (2) years;
- C.** Must have relevant experience with other public sector clients of similar scope and complexity;
- D.** Ability to best respond to various needs contained within this RFQ; and

- E. Must agree to execute a contract with the City, if awarded.

4.3 Proposal Requirements

- A. Letter of Interest/Statement of Understanding: Briefly state the firm’s interest in providing the City with the requested professional services. Describe your understanding of the City’s goals for the project and any obstacles that may need to be overcome to reach those goals. **(Maximum 2 pages)**

- B. Team Experience and Capabilities: Describe the firm’s experience with land use and zoning regulations, particularly housing, urban forestry and tree codes, residential parking standards, natural resources, subdivision regulations, and community engagement. Describe capabilities and resources in relation to the requested professional services, including the qualifications of key staff that would likely provide these services. Include resumes on each person involved in the project with verifiable references as well as a description of the firm’s organizational framework, special resources, and any other information to demonstrate that the Proposer can effectively and efficiently provide the requested product.

Include the number of organizations the Proposer has worked with in performing the type of services covered by this RFQ, the range of sizes of those organizations and a brief description of the services provided.

Include examples of innovative community engagement efforts, including specific techniques that were used, and examples of the firm’s use of graphics and graphic design to explain complex land use topics. **(Maximum 10 pages not including resumes. Resumes should not exceed more than two pages in length)**

- C. Project Approach: Review the draft scope of work and describe the firm’s approach for collaborating with City staff to conduct the work described. Provide any proposed recommendations for changes to the scope of work to better provide an efficient and effective process that engages the community and provides sound, defensible measures to implement the City’s new Comprehensive Plan policies. Based on the scope of work and any proposed revisions, outline the specific tasks to be performed, indicating which team members will be conducting the work. Provide an overall schedule for major tasks. . Please identify a Project Manager and key members of the team and include an assessment of the capacity of each staff member to perform the work given their workload forecast **(Maximum 12 pages)**

5. SELECTION CRITERIA AND EVALUATION

5.1 Selection Panel and Scoring

Each proposal will be judged on its completeness and the quality of its content. The City reserves the right to reject any and all proposals and is not liable for any cost the Proposer

incurs while preparing or presenting the proposal. All responses will become part of the public file, without obligation to the City.

The Selection Panel will be comprised of at least three (3) members from the City. The Selection Panel will evaluate the qualifications of all Proposers responding to this solicitation by the deadline and select from among the respondents a minimum of three (3) prospective firms who evidence the highest level of qualification. Should fewer than three (3) proposals be received then each prospective firm submitting a proposal that meets the minimum qualifications will be evaluated. Top ranked firms will be invited to participate in an interview with City staff.

Proposals will be ranked by the City based on evaluation of responses and interviews with the first-ranked proposal being that Proposer which is deemed to be the most appropriate and fully able to perform the services, and the second-ranked Proposer being the team next most appropriate, all in the sole judgment of the City.

Upon selection of the most qualified Proposer, the City will request compensation requirements from such Proposer. Compliant with City's purchasing procedures and state law, price is not considered as part of the proposal evaluation. **UNDER NO CIRCUMSTANCES WILL THE CITY DISCUSS OR CONSIDER PRICING POLICIES OR OTHER PRICING INFORMATION FROM PROPOSERS UNTIL AFTER A PROPOSER IS SELECTED AS MOST QUALIFIED.**

Upon selection of a preferred consultant team, the City will enter into contract negotiations. If a contract cannot be agreed upon, the City may enter negotiations with another consultant team. The City reserves the right to negotiate final terms of the agreement as the City determines to be in its best interest.

5.2 Evaluation Criteria

Each proposal shall be limited in length and judged as a demonstration of the Proposer's capabilities and understanding of the project. Proposers responding to this RFQ will be evaluated by the Selection Panel based on the following criteria:

- A. Responsive Proposal (Pass/Fail)
- B. Understanding the project (15 pts)
Understanding the nature of the project, chief issues, and types of services necessary to accomplish the work.
- C. Team capabilities and experience with similar projects (40 pts)
Experience, knowledge, and skills of the assigned staff as they relate to the project tasks, especially in regard to housing, land use, zoning, environmental regulation, urban forestry, residential parking standards, facilitation, and community engagement.

D. Project approach (35 pts)

Methods and capabilities the firm will use to achieve the outcomes and deliver the products described in the scope of work.

E. Project Schedule and Staff Availability (10 pts)

Capacity of assigned staff and the certainty that work will be completed in the timeframe described in the project schedule.

F. Bonus for Promotion of Certified Firms (maximum of 5 pts)

Milwaukie is committed to increasing contracting and subcontracting opportunities for State of Oregon certified disadvantaged, minority-owned, women-owned, and emerging small business enterprises (collectively, “Certified Firms”) in order to promote their growth, capacity-building, and economic success of these businesses. As part of your response to this RFQ, address the following:

- Certification Status: Is your firm currently a Certified Firm or has your firm recently applied for certification with the State of Oregon’s Certification Office of Business Inclusion and Diversity (“COBID”)?
- Subcontracting: Please identify any subcontractors, the approximate amount of any anticipated subcontract, and if the subcontractor is a COBID-certified firm.

5.3 Proposal Rejection

The City reserves the right to:

- A. Reject any and all proposals not in compliance with all public procedures and requirements;
- B. Reject any proposal not meeting the specifications set forth herein;
- C. Waive any or all irregularities in proposals submitted;
- D. Award any or all parts of any proposal; and
- E. Request references and other information to determine responsiveness.

5.4 Intent of Award

Upon evaluation and interviews (if any) of the Proposers, the City will provide written notice of its intent to award the contract to the firm who best meets the overall needs of the City.

5.5 Protest of Award

In accordance with the City’s Public Contracting Rule 70.015(A)(4)(c) and ORS 279B.410, any adversely affected or aggrieved Proposers have seven (7) calendar days from the issuance of intent to award to file a protest, as identified in Section 2.3.

6. CONTRACTUAL REQUIREMENTS

The City's sample Personal Services Agreement (Attachment 3) is included with this RFQ to inform Proposers of the City's contractual requirements. The City reserves the right to negotiate final terms of the contract as the City determines to be in its best interest.

The award of a contract is accomplished by executing a written Personal Services Agreement that incorporates the proposal, clarifications, addenda, additions, and insurance. All such materials constitute the complete contract documents.

City Council will authorize the award of contract at a regular session, as identified in Section 2.3.