



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

April 25, 2023

Present: Jacob Sherman, Chair
Joshua Freeman, Vice Chair
Aaron Carpenter
Joseph Edge
Greg Hemer

Staff: Justin Gericke, City Attorney
Adam Heroux, Assistant Planner
Vera Kolias, Senior Planner

Absent: Amy Erdt
Lauren Loosveldt

(00:16:57)

1.0 Call to Order — Procedural Matters*

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

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

(00:17:25)

2.0 Planning Commission Minutes

2.1 February 14, 2023, minutes were approved with a 5-0 vote.

2.2 February 28, 2023, minutes were approved with a 5-0 vote.

(00:19:06)

3.0 Information Items

No information was presented for this portion of the meeting.

(00:19:25)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:19:39)

5.0 Community Involvement Advisory Committee (CIAC)

Senior Planner Vera Koliás updated the commission on the boards and committees' recruitment process, total number of applicants, and number of applicants specifically applying for the planning commission. **Koliás** also updated the commission on the planning staff's informational presentation plan to engage the NDA's regarding land use applications. **Commissioner Greg Hemer** complimented the Community Development director's quarterly report. **Hemer** also commented on Milwaukie's bylaws as being prohibitive and suggested allowing NDA members to sit in on the planning commission's work session meetings. **Chair Jacob Sherman** and **City Attorney, Justin Gericke** discussed the current bylaw process.

(00:27:01)

6.0 Hearing Items

(00:27:14)

6.1 Housekeeping and Code Amendments; ZA-2023-002

Vera Koliás announced the applicable sections of the Milwaukie Municipal Code (MMC): MMC19.902, MMC19.100. **Koliás** presented the staff report.

Background; Project goals:

- -Review of Type III variance applications
- -Clarification
- -More substantive
- -Not a departure from established policy
- The process included; Planning Commission: 1 worksession, City Council: 1 worksession, notification provided to the NDAs, code commentary posted with a 30-day notice, as well as a public hearing.

Proposed Amendment: Title 12 Access Management

- Expand City Engineer's authority to modify requirements
 - Modification with access study rather than variance).

Hemer questioned the existence of the type III variance, **Koliás** noted not having the legislative history specific to type III variances. **Commissioner Joseph Edge** expressed concern and questioned if the City Engineer's decisions would be consistent with policies in the comprehensive plan & transportation system plan and if there would be any assurances that the City Engineer would not override any of the city's adopted policies. **Koliás** clarified that the specified planning documents encompass capital improvement projects that are part of the engineering departments scope of work.

Proposed Amendment: New definition for 'plex development'.

Proposed Amendment: Corner lots; specifically for town house development. The purpose of the amendment is related to the lot size for townhouses, currently the

maximum lot size for townhouse development is 2,999 square feet. This has the effect of disallowing townhouses on corner lots because of the street side yard setback requirements. The intent of the code amendment to is increase the maximum lot size of townhouses on a corner lot to 3,500 square feet.

Proposed Amendment: MMC 19.303 – GMU Zone; was removed from the code amendment package.

Proposed Amendment: MMC 19.312 – NMIA

-Revise the applicability of design standards

- Only for development within 50 ft of a front or street side lot line
- 2017 SE Moores St example (VR-2022-009)

Proposed Amendment: Supplementary Development Regulations (MMC 19.500)

-Allow back decks to encroach up to 6 ft into rear yard setback: same standard as front porches. Pertains to ground level back decks only, the deck back may have a roof but cannot be enclosed.

-Revise applicability of design standards to a Type B accessory structure

- up to 600 square feet = metal siding

Chair Sherman clarified that the proposed amendment only pertains to the characteristic of the siding material. **Hemer** asked a clarifying question regarding the definition of 'not enclosed'. **Kolias** explained that the city currently defines 'not enclosed' as only having posts, no walls. Given the use of a back porch, staff may review each application on a case-by-case basis. If there are only partial sections of one wall, it is arguably not enclosed. **Hemer** asked if the proposed amendment is changing the current design standards. **Kolias** responded that it would not change the current design standards. **Commissioner Aaron Carpenter** asked what the specific issue is that the proposed amendment is addressing in regards to the back yard setbacks for decks. **Kolias** responded that because residents have been wanting covers over their decks, all applicants were needing to also apply for a Type III variance. **Chair Sherman** clarified the current setbacks and building expectations. **Kolias** read the current code for porches.

Proposed Amendment: Cottage Clusters (MMC 19.505.4)

-Allow up to 3 attached cottages in the R-MD

- Provides for more efficient construction
- All other size standards for dwellings remain

-Limit attached cottages in the R-HD to 4

- Eliminate perceived conflict with multi-unit development

Chair Sherman asked a clarifying question regarding the limit of 4 attached units in the R-HD zone. **Kolias** replied that you can build a maximum of 12 units total in a cottage cluster, attached cottage clusters are 4 units or less, **Kolias** then explained the difference between a multi-unit structure and a cottage cluster. **Carpenter** asked a clarifying question regarding lot size and cottage clusters. **Hemer** asked a clarifying question regarding the term plex development. **Kolias** explained the requirements for the various development options. **Carpenter** emphasized making sure that the addition of allowing 3 units to be attached doesn't preclude the other requirements regarding

access to the green space. **Kolias** confirmed the intent is that everything would stay the same.

Proposed Amendment: Parking (MMC 19.600)

-Clarify applicability of EV infrastructure requirements

- New parking spaces AND new structure
- Includes new commercial parking structure

Edge asked how the proposed amendment relates to a car dealership. **Associate planner Adam Heroux** clarified the requirements and defined what constitutes creating new parking spaces. **Chair Sherman** asked if the term 'new structure' includes major renovations. **Heroux** replied that there is still some ambiguity whereas projects would need to be reviewed on a case-by-case basis for final determination.

Proposed Amendment: Conditional Uses (MMC 19.905)

-Revise standards for vacation rentals

- Require screening similar to flag and back lots.
- Sight obscuring fencing/landscaping required alongside and rear lot lines.

Carpenter asked a clarifying question regarding exemption from the requirement.

Kolias replied that there are no considerations for exemption. **Carpenter** asked if there is a definition for 'screening'. **Kolias** replied that the code does not provide guidance other than 'sight obscuring fencing/landscaping'. **Vice Chair Joshua Freeman** commented that the proposed amendment is a departure from the existing policy.

Freeman asked what qualifies a major change in policy or departure from established policy. **Kolias** clarified that this proposal would be adding an additional requirement and is not technically a policy change. **Carpenter** asked to clarify if vacation rentals are separate from short term and long-term rentals. **Kolias** replied yes, vacation rentals are the only one that requires a conditional use application.

Staff recommended approval of the amendments to City Council.

Chair Sherman closed the public testimony portion of the hearing.

The commission discussed each proposed amendment.

The commission held a straw vote to remove proposed amendment: Conditional Uses (MMC 19.905) from the package of Housekeeping and Code Amendments; ZA-2023-002.

Commissioner Edge made a motion to approve the package of amendments ZA-2023-002 as proposed by staff except for access management title 12 with a recommendation of the addition of criteria for review that considers the adopted comprehensive plan, goals and polices, transportation system plan polices and those of any other adopted plan and that they do not recommend conditional uses for the vacation rental screening. **Vice Chair Freeman** seconded the motion. The motion was approved by a 4-1 vote.

(02:52:09)

7.0 Work Session Items

(02:52:42)

7.1 Neighborhood Hubs Project Update

Associate Planner, Adam Heroux presented the Neighborhood Hubs Project Update. **Heroux** defined what Neighborhood Hubs are and gave a brief history of the project. **Heroux** described the different types of Hubs and presented what actions the City can take regarding zoning, development, and program support.

Heroux provided the following bullet points:

Equity Considerations:

- Gentrification & displacement
- Communities engaged
- Distribution of Hubs

Proposed approach:

- Focused community engagement
- Hub refinement – types and location
- Update zoning and development code
- Economic development & placemaking programs
- Coordination with other City projects

Community engagement

- Engage with property & business owners to explore possibilities
- Focused engagement with people of color, renters, immigrants, and people with disabilities.
- Explore how neighborhood needs have changed since the pandemic.

Next Steps

- Continue to upgrade the Engage Milwaukie webpage
- Outreach to property and business owners
- Code review and analysis

Edge asked about zoning / regulating the neighborhood hubs. **Heroux** explained that the program is still in its infancy and more information is needed. **Kolias** reminded the commission that every hub is different, and goals still need to be established for each hub. **Vice Chair Freeman** asked about public outreach for those who do not want to register their information through Engage Milwaukie. **Heroux** detailed the different strategies staff is currently working on to reach more community members. **Chair Sherman** expressed concern regarding the relationship between land use and transportation as well as zoning and economic competition. **Edge** agreed with Chair Sherman's sentiments.

(03:24:00)

8.0 Planning Department/Planning Commission Other Business/Updates

Hemer announced that May is preservation month.

Edge announced that the 6th and final meeting of the housing capacity technical committee is happening later in the week. They will be reviewing the proposed housing production strategy.

(03:25:37)

9.0 Forecast for Future Meetings

May 9, 2023		Canceled
May 23, 2023	Hearing Items:	1. Psilocybin Code Amendments 2. Housing Capacity Analysis
	Work Session Item:	1. Housing Production Strategy Review

Meeting adjourned at approximately 10:00 p.m.

Respectfully submitted,

Petra Johnson, Administrative Specialist II