

MILWAUKIE COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE

MEETING PACKET #5

To: Milwaukie Comprehensive Plan Implementation Committee Members

From: Vera Kolas, Senior Planner

Subject: CPIC Meeting Packet #5

Hello Milwaukie Comprehensive Plan Implementation Committee members,

Thank you in advance for preparing for this Comprehensive Plan Implementation Committee (CPIC) Meeting. The fifth CPIC meeting is scheduled for February 18th, from 6 – 9 PM. Important Note: Due to public health concerns, this meeting will be held entirely over Zoom. Please do not plan to attend this meeting in person. City staff will send an email to you with your individual Zoom panelist link. Please log in to the meeting approximately 15 minutes early to avoid any potential technology issues.

Please note the change in the meeting duration from two hours to three hours. Please review the information provided in this packet thoroughly in advance of the meeting, including Attachment B: Project FAQ. We will have a full agenda and look forward to receiving your guidance on these topics.

Additionally, it may be helpful to keep a copy of this packet close by in the event that technology does not cooperate as we intend. We will reference packet page numbers when we are discussing specific items.

Request for Review and Comment on Meeting Packet Materials

In the spirit of working quickly and efficiently to meet our project deadlines, careful review of meeting packet materials is essential. It is expected that CPIC members come to each meeting prepared having read the materials and ready to discuss each topic in detail.

The primary objectives for CPIC #5 are to:

1. Share code concepts for input
2. Provide feedback on concepts;

Items to consider while looking over the memo and feedback needed in the meeting:

- a. Are these the right concepts? Are we missing anything?
 - b. Do you understand them? Could you explain them to others in your community and/or during the upcoming “meeting-in-a-box” engagement sessions?
3. Opportunity to ask project-related questions. These questions could stem from the FAQ document or the need to better understand anything related to the project.
 4. Learn about next steps in the project

CPIC Meeting Packet #5 Materials List

Number	Packet Item
1	Agenda (this document)
2	Attachment A: Approach to Public Engagement Round 2
3	Attachment B: FAQ sheet (developed from your questions sent to staff)
4	Attachment C: Code and Map Concepts Memo

If you have any questions on the materials in this packet, please feel free to contact me via phone or email, my information is listed below. We are grateful for your participation in this important work.

Thank you,
Vera Koliass, Senior Planner
koliassv@milwaukieoregon.gov
503-786-7653

Milwaukie Community Vision

In 2040, Milwaukie is a flourishing city that is entirely equitable, delightfully livable, and completely sustainable. It is a safe and welcoming community whose residents enjoy secure and meaningful work, a comprehensive educational system, and affordable housing. A complete network of sidewalks, bike lanes, and paths along with well-maintained streets and a robust transit system connect our neighborhood centers. Art and creativity are woven into the fabric of the city.

Milwaukie's neighborhoods are the centers of daily life, with each containing amenities and community-minded local businesses that meet residents' needs. Our industrial areas are magnets for innovation, and models for environmentally-sensitive manufacturing and high wage jobs.

Our residents can easily access the training and education needed to win those jobs. Milwaukie nurtures a verdant canopy of beneficial trees, promotes sustainable development, and is a net-zero energy city. The Willamette River, Johnson Creek, and Kellogg Creek are free flowing, and accessible. Their ecosystems are protected by a robust stormwater treatment system and enhanced by appropriate riparian vegetation. Milwaukie is a resilient community, adaptive to the realities of a changing climate, and prepared for emergencies, such as the Cascadia Event.

Milwaukie's government is transparent and accessible, and is committed to promoting tolerance and inclusion and eliminating disparities. It strongly encourages engagement and participation by all and nurtures a deep sense of community through celebrations and collective action. Residents have the resources necessary to access the help they need. In this great city, we strive to reach our full potential in the areas of education, environmental stewardship, commerce, culture, and recreation; and are proud to call it home.

Comprehensive Plan Implementation Committee Charge

The CPIC will support the City by helping to involve a variety of different stakeholders in the decision-making process, offering feedback on a code audit and draft code concepts and ensuring that the diverse interests of the Milwaukie community are reflected in the code and map amendments.

The CPIC are the primary liaisons to the Milwaukie community, and are expected to provide feedback on public involvement efforts, code concepts and amendments, and advance recommendations to the Planning Commission and City Council.

The CPIC will interact with City of Milwaukie staff, particularly the Planning Division and its consultant team. The CPIC will meet monthly throughout the code amendment process, with adoption of the final code package plan targeted for early Summer 2021. Subcommittees may also be established to work on specific tasks and will hold meetings as necessary. CPIC members are also encouraged to help facilitate meetings with their neighborhood district associations and other community organizations. The CPIC is encouraged to promote opportunities for public involvement, disperse information to the Milwaukie community, and solicit feedback concerning the Comprehensive Plan Implementation project.

MILWAUKIE COMPREHENSIVE PLAN IMPLEMENTATION | ATTENDEES

CPIC Members

Joel Bergman

Micah Meskel

Nicole Zdeb

Renee Moog

Sharon Johnson

Celestina DiMauro

Daniel Eisenbeis

Matthew Bibeau

Stephan Lashbrook

Ada Gonzalez

Dominique Rossi

Eugene Zaharie

Jennifer Dillan

Councilor Lisa Batey – City Council Liaison

Joseph Edge – Planning Commission Liaison

City Staff

Vera Koliass, Senior Planner

Laura Weigel, Planning Manager

Leila Aman, Community Development Director

Mary Heberling, Assistant Planner

Peter Passarelli, Public Works Director

Natalie Rogers, Climate Action and Sustainability Coordinator

Consultant Team

Marcy McNelly, Urbsworks, Inc.

Kimi Sloop, Barney and Worth, Inc.

Keith Liden, Land Use Planner

Rick Williams, Rick Williams Consulting

Todd Prager, Teragan

Milwaukie Comprehensive Plan Implementation Committee Virtual Meeting (CPIC #5)

February 18, 2020; 6:00 pm – 9:00 pm

By Zoom Web Conference

This meeting will be recorded and posted to the city website.

Public comment: Members of the public that wish to make a public comment should submit their written comment to koliasv@milwaukieoregon.gov.

Comprehensive Plan Implementation Committee Meeting #5 - Agenda		
Time	Topic	Who
5:45 – 6:00 pm	Login to Webinar and Conference Line	CPIC members
5 minutes 6:00 – 6:05 pm	<ul style="list-style-type: none"> Meeting protocol and introductions Overview of process – where we are, where we’re going 	Vera Kolias
30 minutes 6:05 – 6:35 pm	Overview of Code Concepts	Marcy McInnelly
10 minutes 6:35 – 6:45 pm	Questions – Code Concepts	Kimi Sloop, Marcy McInnelly
105 minutes 6:45– 8:30 pm	CPIC input on Code Concepts - Interactive Exercise	Marcy McInnelly
75 minutes 6:45 – 8:00	<ul style="list-style-type: none"> Break out groups 	CPIC members
30 minutes 8:00 – 8:30	<ul style="list-style-type: none"> Report out from break out groups and discussion 	CPIC members
10 minutes 8:30– 8:40 PM	Summary of Code Concepts discussion	Marcy McInnelly
20 minutes 8:40 – 9:00 PM	Next Steps <ul style="list-style-type: none"> Public Engagement Refined Code Concepts 	Kimi Sloop
9:00 PM	Adjourn	

Project Memorandum

February 10, 2021

To: Milwaukie CPIC
From: Kimi Sloop, Barney & Worth, Inc.
Marcy McInelly, Urbsworks
Re: Public Engagement Round Two

Purpose

The purpose of the second round of public engagement is to share and seek feedback on the code concepts being considered to implement the Comprehensive Plan policies and HB 2001 requirements. The specific topics to probe with the public are still being determined.

Elements of Engagement

This round of public engagement will include both 1) a virtual open house and community survey (using Engage Milwaukie) that individuals can do on their own time and 2) a series of “meetings-in-a-box” (a.k.a., small group discussions/focus groups) that will be facilitated by City staff and CPIC members. Two versions of meeting-in-a-box will be created. A short version (approximately 15 minutes) will provide an overview of the project and direct people to the Engage Milwaukie portal to participate in the virtual open house and provide feedback. A longer version (approximately 60 minutes) will engage meeting participants in discussion. The format of the longer meeting-in-a-box will follow the virtual open house: facilitators will walk the group through the open house stations, and then lead a discussion using the same, or similar, questions from the community survey. The proposed engagement elements, and initial thoughts of what they will look like, are listed below.

Outreach component	Notes
Project information fliers	<ul style="list-style-type: none">Advertises the event. Same format as round 1. Extent of distribution TBD, depending on COVID reopening phase.
Engage Milwaukie virtual open house	<ul style="list-style-type: none">Similar to round 1, with lessons learned applied. Likely includes a video/taped presentation to introduce the open house.
Community survey	<ul style="list-style-type: none">No more than six questions, including at least one open ended question and an opportunity to provide general comments. Ideally, questions will focus

	heavily on graphics – have people look at choice responses or “other” to help get at what is important to them.
Project fact sheets	<ul style="list-style-type: none"> Information the same as in the virtual open house, plus FAQ. Project fact sheets are intended for those who do not have access to the digital version/prefer a paper copy. City staff will distribute materials upon request.
“Meetings-in-a-box” materials to enable community groups to hold their own discussions	<ul style="list-style-type: none"> Two versions of the presentation will be created: a long and short version. The long version follows the same outline as the virtual open house. The facilitator will walk the group through the open house stations and lead the group discussion using the same or similar survey questions. The short version will provide an overview of the project and direct people to the Engage Milwaukie portal to provide feedback. A facilitator’s guide will be developed so the format is the same for all meetings. Facilitators are assumed to be City staff with CPIC member assistance. At least one session provided in Spanish.
Email blasts and website updates	<ul style="list-style-type: none"> City-staff leads
Project bookmark distribution	<ul style="list-style-type: none"> City-staff leads
Translation into Spanish	<ul style="list-style-type: none"> Similar to round 1, with lessons learned applied.

Target Audience

We will seek input from all residents in Milwaukie, with targeted outreach to:

- BIPOC community
- Spanish speakers
- Renters
- Low-income residents

We have set two goals for outreach:

1. Increase participation, including the number of survey responses, over the round one participation. No specific number has been identified.
2. Twelve percent of all survey responses from people of color, consistent with the overall demographics of the city.

We are seeking assistance from the City’s Equity Manager and Communications Staff to identify various groups and methods to engage the targeted audiences.

CPIC Role – Meetings-in-a-Box

As part of the second round of public engagement, we will be holding small group discussions with interested groups around Milwaukie. We are asking CPIC members to help us with these small group discussions in one of three ways:

1. Assist staff with meeting facilitation/note taking for a meeting that is scheduled by City staff.
2. Attend a small group discussion to listen to what the public has to say.
3. “Host” a meeting by inviting your friends and neighbors to a virtual meeting facilitated by City staff. Note the number of these meetings will be determined based on staff capacity.

The organization of the meetings-in-a-box discussions will follow that of the virtual open house. A facilitator’s guide will be developed to provide a script to lead the discussion. The February 16 CPIC #5 meeting will introduce the code concepts to be presented in meetings-in-a-box and solicit feedback on how to make materials more understandable to the public. In addition, the March 18 CPIC #6 meeting will serve as a dry run of the small group discussions so that CPIC members can be part of the “audience” of a small group discussion.

The meetings-in-a-box discussions are starting to be scheduled. The short version of the meeting-in-a-box, which provides an overview of the project and directs people to the Engage Milwaukie portal to participate in the virtual open house, will be given to most groups. The longer meeting format, where the facilitator walks the group through the virtual open house and facilitates a group discussion, will be given to groups that represent our target audience described above. Examples of groups that will be contacted by City staff to gauge interest in a meeting-in-a-box presentation include:

- Neighborhood District Associations, homeowner associations and apartment complexes
- Social groups - book clubs and coffee clubs
- Schools and churches – church fellowship groups and Parent Teacher Organizations
- Neighbors – residential and business

Schedule

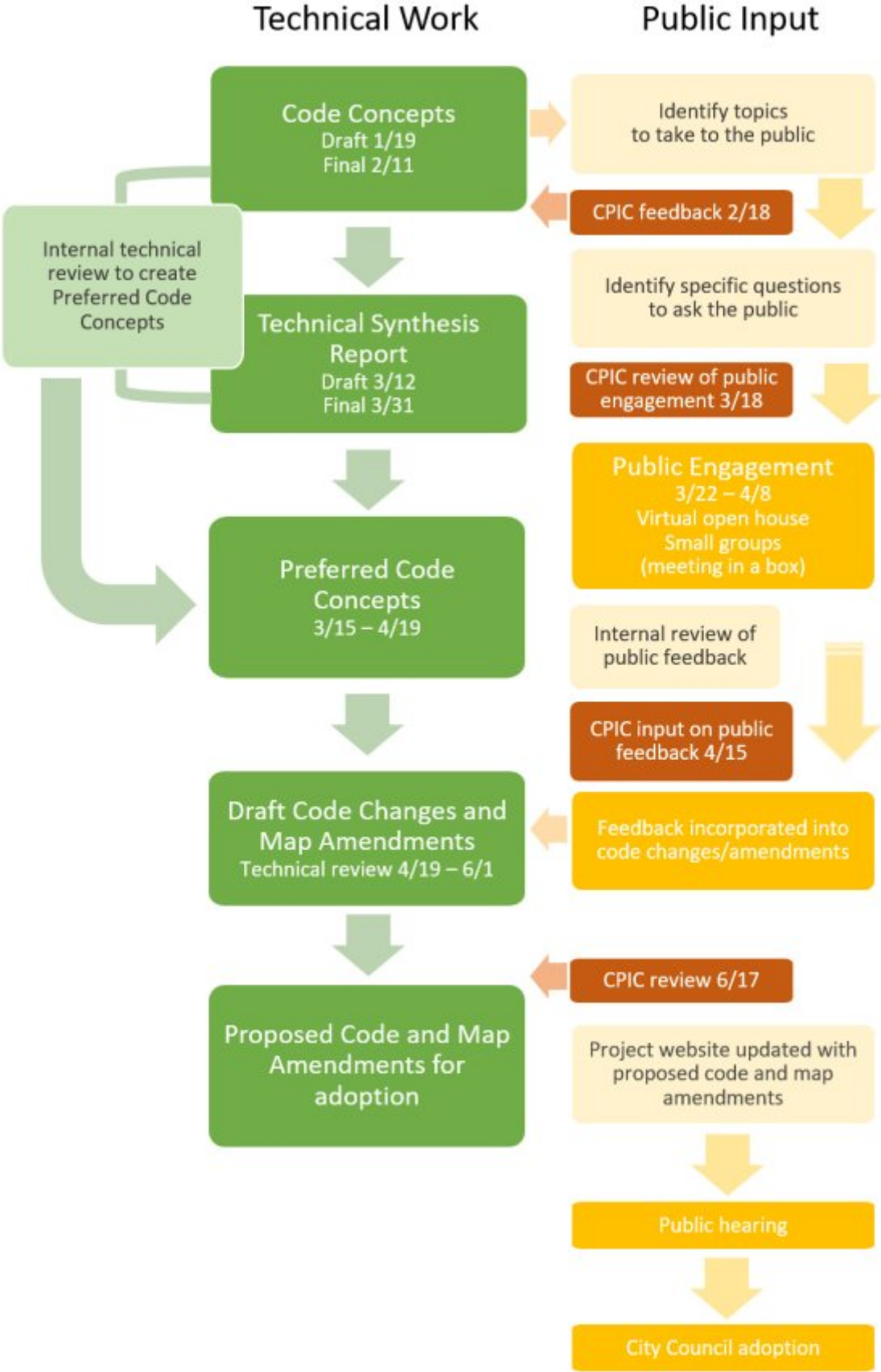
Round two of public engagement will occur in late March to early April. Key dates are:

- Development of outreach/meeting/open house materials: now – March 4
- Scheduling of small group meetings: now – March 23
- Facilitator agenda available for small group discussions: March 15
- CPIC dry run of the open house/small groups: March 18 (CPIC meeting)
- Virtual open house opens: March 22
- Small group discussions/meeting in box: March 23 – April 8

- Virtual open house closes: April 8
- Feedback summarized/presented to CPIC: April 15 (CPIC meeting)

Outreach for the remainder of the project will include Engage Milwaukie updates and articles in the Milwaukie Pilot. Before the public hearing on the proposed code and map amendments is held, the Engage Milwaukie project page will be updated with the proposed code and map amendments for public review. The public will also be encouraged to provide feedback through the public hearing process.

The graphic on the following page illustrates how the technical work and the public engagement work are integrated through the rest of the project.



Attachment B

Comprehensive Plan Implementation Project

FAQs

1. Would "upzoning" every parcel of single-family residential increase property values?

A search of articles and analysis reveals that upzoning of exclusively single-family residential land is a relatively new phenomenon and land markets and regulations differ from city to city, so there are few studies that analyze the effects on property values. The basic premise is that by increasing the number of dwellings that can be built on each private parcel, upzoning lowers the cost of land per unit, which can increase housing choices. However, it can also make the property more valuable if a private property owner can do more with it. The price of land, the cost to build or renovate a home, and what the market is willing to pay for a home all combine to drive a property owner's math.

2. What tools do we have to keep development affordable?

The City has several tools either in progress or in place to incentivize the development of more housing units, including more affordable (income restricted) units. Those include:

- *Vertical Housing Development Zone: This is a 10-year partial tax exemption on the value of new construction or rehabilitation for 20 percent per eligible floors up to 80 percent, available to qualifying developments within the city's approved vertical housing zone: <https://www.milwaukieoregon.gov/verticalhousing>. This zone near the downtown core incentivizes higher density, mixed-use and transit-oriented development in our core to help increase supply of affordable housing and expansion of retail and business opportunities.*
- *Upcoming in 2021: Affordable Housing Construction Excise Tax grant program to support the development of income-restricted residential housing units. Staff are in the process of developing the program guidelines, application, legal agreements, and compliance processes to kick this program off in 2021, ideally when the new housing code from this project is adopted. A community-based oversight group was convened to set criteria for this program. The preferred criteria include preference for middle housing types, housing located near transit, and financial need. Income levels served are between 0-120% of Area Median Income. More information can be found here: <https://www.milwaukieoregon.gov/communitydevelopment/milwaukie-construction-excise-tax-cet>.*

- *Affordable Housing Construction Excise Tax (CET) Exemption Program: Developers building multi family housing who elect to provide income restricted units may apply for an exemption to the City's CET if they can demonstrate that they have provided income restricted housing where the foregone revenue for holding those units as income restricted is at least 2 times that of the CET. The intent is to incentivize income restricted units in market rate apartment buildings.*
 - *Nonprofit Low-Income Housing Tax Exemption. The City has supported a case by case approval for exemptions for non-profits providing income restricted housing. Currently Northwest Housing Alternatives (Walsh Commons in South Downtown) has been approved for an exemption for a 28-unit low income housing development through the state program. NHA applies for a renewal annual in Milwaukie to help maintain affordability.*
 - *Downtown Mixed Use (DMU) and General Mixed Use (GMU) zones both offer residential housing density bonuses.*
3. What tools do we have to encourage more multifamily and middle housing units as ownership units versus rentals? How can we get more condos than apartments?
- *Middle housing options that will become more available because of the HB 2001 code amendments include new dwellings on small, fee simple lots, such as townhouses. Small, fee simple lots will provide homeownership options that do not currently exist.*
 - *Developers have not been building condominiums in Oregon in recent years due to builders' exposure to lawsuits over construction defects. There has been an attempt in the state legislature to manage developer liability, but none have passed*
 - *The ADU waiver pilot program that waived SDCs for ten (10) ADUs in the city supported the development of middle housing. This program wasn't restricted based on whether units were for ownership or rentals.*
 - *A list of general homeownership resources is available on the city website at: www.milwaukieoregon.gov/housingaffordability/homeownership-resources.*
 - *In general, increased homeownership is not a goal expressed in the Comprehensive Plan. However, the city can provide the opportunity to develop all types of housing that can be owned or rented, but the market will determine whether units are renter or owner occupied. Staff will be mindful of how the code is written to ensure that it does not contain barriers to potential homeownership of middle housing dwellings.*
4. Through this process the idea of a form based code has been discussed. What are the advantages of FBC? HB 2001 requires, to some degree, that we revisit lot sizes and number of units, but not necessarily that we adopt form-based code, right? So why is FBC preferable? Are there examples of how FCB has worked in other cities? Please provide examples of how FBC would work in Milwaukie.

We are proposing a form based approach for the city's code. It is important to note that the city already uses a form based approach for many of its existing standards for single unit dwellings such as lot coverage and side yard height plane. Using a form based approach involves clear and objective requirements, usually expressed in feet and inches, square footage area, or a percentage, that regulate the shape, size, and location of buildings and other items on a lot (parking, landscaping, open space). These standards are outlined in tables and supported with graphics; they are visual and easier to understand. A form based approach also allows for standards tailored to fit a specific neighborhood context or condition. For example, through this project additional study of context zones will identify different tradeoffs for housing, parking, and trees. The resulting code amendments will respond to the Comprehensive Plan Goal of creating complete neighborhoods that offer a range of housing types and enhance local identity and character. A form based approach is more responsive to the unique conditions on the ground in Milwaukie and will result in better outcomes than a blanket approach where one size fits all of amending the code according to HB 2001 requirements.

5. Should we rezone widely/everywhere, or rezone around transit corridors and neighborhood hubs where greater density is appropriate? Is there a way to incentivize/encourage density in certain locations (such as on streets with frequent transit or higher traffic streets)?

One way to do this could be regulatory incentives (using the code to incentivize these locations). An example would be to increase lot coverage or off-street parking reduction requirements/bonuses in specific areas in the city where development is desired. The current code already has some regulatory bonuses, like increased lot coverage for duplexes and by-right off-street parking reductions in certain areas. Code amendments from this project could include these kinds of incentives to encourage certain housing types in certain areas that meet specific criteria.

6. What are "residential designations?" Are "residential zone districts" different from "residential zones?" Is "residential land" a zoning designation or a description?

All of these terms, for the purposes of this project, are intended to refer to residential zones: R-10, R-7, R-5, R-3, R-2, R-2.5, R-1, and R-1-B. Going forward, we will be more consistent in referring to these areas as "residential zones."

7. Is there a definition of “cottage cluster?” I have seen the term applied to vastly different size developments.

A common definition of cottage cluster is small, single-level, detached units, often on their own lots and sometimes clustered around pockets of shared open space. A cottage is typically under 1,000 square feet in footprint. For the purposes of this project, we will primarily be referring to the two definitions below.

- *HB 2001 defines a cottage cluster as: a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet that includes a common courtyard. They can be located on a single lot or parcel, or on individual lots or parcels.*
- *The Milwaukie Municipal Code 19.201 Definitions sections states “Cottage” means a structure containing 1 dwelling unit on 1 lot within an area that was divided to create a cottage cluster development, per Subsection 19.505.4.*

8. Clarify the use of the terms “permitted” and “allowed” regarding uses. Is there a difference?

When used in code discussions, they are interchangeable. A permitted use is an allowed use. It does not refer to a use that requires a permit.

9. How many people who use other transportation modes don’t actually own a car?

This is a hard question to answer, because it varies by area. There is a high relationship between car ownership and access to alternative modes, however there is not a lot of detailed data at the neighborhood level. One study finds that about 14% of Portlanders do not own cars. See <https://www.governing.com/archive/gov-car-free-households-cities.html>

10. Have other neighborhoods that have built housing without parking actually reduced the number of vehicles?

In neighborhoods that charge for parking on the street or parking on the site, people own fewer cars per dwelling unit than neighborhoods that have no limit and do not charge for parking. When people pay for parking, they make different choices about how many cars to own, whether to have a car, or whether to store a car on site. In neighborhoods that charge for parking on the street or on the site, we see fewer cars per unit than in neighborhoods that have unlimited, free parking.

11. Terms used in the comprehensive plan include: “tree canopy”, “canopy tree”, “urban forestry”, “street/private/public trees”. What are the distinctions?

It is important to note that these are terms used in the Comprehensive Plan, which is a policy document, but they are not likely to be the same ones used in the regulatory tree code. For the purposes of the plan document, the following are the generally accepted definitions:

- **Tree canopy** is the top portion of a tree comprised of branches and leaves or needles.
- A **canopy tree** is a tree that has a large canopy or provides a large amount of shade. In a forest, these trees make up the highest layer of leaf coverings and consist of the largest and oldest trees.
- **Urban forestry** is the care and management of trees in urban settings for the purpose of improving the urban environment. The urban forest is the collective trees, including street, private, and public trees, within an urban setting.
- A **street tree** is any tree that is growing in the City right-of-way, whether in improved (between the sidewalk and the curb) or unimproved (no sidewalk and/or curb) right-of-way. A **private tree** is a tree located on private property, while a **public tree** is located on public property like a park or greenway.

In the current tree code for public property (a regulatory document) are the following definitions (http://www.qcode.us/codes/milwaukie/view.php?topic=16-16_32&frames=off):

- **Street tree** means a tree, shrub, or other woody vegetation on land within the right-of-way.
- **Public tree** means a tree, shrub, or other woody vegetation on land owned or maintained by the City, but does not include a tree, shrub, or other woody vegetation in the right-of-way.
- **Tree** means any living woody plant characterized by one main stem or trunk and many branches, or a multi-stemmed trunk system with a defined crown, that will obtain a height of at least 16 feet at maturity.
- **Shrub** means any plant with multiple woody stems that does not have a defined crown and does not grow taller than a height of 16 feet.

12. Is the city proposing any mechanisms to support existing homeowners with new tree plantings?

The city is growing its urban forest program. The city currently hosts multiple tree giveaways to provide free trees to residents, and partners with community organizations like Friends of Trees, North Clackamas Watershed Council, and Johnson Creek Watershed Council for tree planting events. Watch the city’s event calendar and social media pages for updates on future tree giveaways and planting events!

13. Is the city only implementing tree code for new developments?

The city recently adopted new code for public trees in November. For phase 1 of the comprehensive plan implementation process, the city is looking at developing tree code applicable to residential development. The new code would apply to new development and existing properties (i.e. tree removal not related to development). Commercial and industrial development will be handled in a subsequent phase of comprehensive plan implementation.

Date 09 February 2021

Subject Milwaukie Comprehensive Plan Implementation Project

To Comprehensive Plan Implementation Committee (CPIC)

From Marcy McInelly, Urbsworks Inc.

ATTACHMENT C | **CODE AND MAP CONCEPTS MEMO**

Contents

- Schedule for Code Concepts and project timeline
- Introduction to the Code Concepts
- Needed code updates (amendments)
- *A Livability Code* for Milwaukie
- Context zones for detailed siting studies
- Implementation options

Schedule for Code Concepts

FEBRUARY	MARCH	APRIL	MAY	JUNE
Draft Code Concepts	Refined Code Concepts	Draft Amendments	Adoption-ready Amendments	
<ul style="list-style-type: none"> · Review at CPIC #5 · Incorporate technical feedback from staff · Refine code concepts for staff review · Tree Board review · PC and CC briefings 	<ul style="list-style-type: none"> · Staff meetings: technical and administrative review · Public engagement via meeting in a box and website · PC and CC briefings 	<ul style="list-style-type: none"> · CPIC #6 · PC and CC briefings · CPIC #7 	<ul style="list-style-type: none"> · CPIC #8 (Reconciliation) · PC and CC briefings* 	

* Adoption process hearings begin in July 2021, will involve Planning Commission (PC) and City Council (CC)

Introduction to the Code Concepts

Where we are, where we are going, where we have been

We are entering the middle phase of the Milwaukie Comprehensive Plan Implementation project, Code Concepts, which will take place between now and mid-April. This phase will inform the code amendments that are scheduled to be ready for adoption beginning in mid-June.

Through this project, the City will implement the goals that the Milwaukie community memorialized in its Comprehensive Plan. The resulting code amendments will provide the framework for the community to realize its stated future vision. At the same time, the project will make sure that the updated Milwaukie zoning code complies with state legislation for middle housing (HB 2001).

As noted in the Code Audit, there are several areas of the community vision that will be impossible to realize unless the current zoning code is updated. The Code Audit identified *policy mandates* that guide code amendments. They are:

- Policy Mandate 1: Increase the supply of middle and attainable housing and provide equitable access and housing choice for all
- Policy Mandate 2: Increase the tree canopy and preserve existing trees
- Policy Mandate 3: Manage parking to enable middle housing and protect trees

Needed code updates (amendments)

In this Code Concepts phase, we will be looking at some new ways of structuring the zoning code and writing needed code updates, e.g., amendments. The Code Concepts seek to implement the policy mandates. Six (6) Draft Code Concepts have been identified. They encapsulate big picture thinking about how the City should re-structure its code to foster the vision for Milwaukie.

1. **Simplify the number of residential zones**
This amendment is not strictly needed to comply with HB 2001, but may help the city implement Comprehensive Plan goals for equitable distribution of housing choices. There are a few implementation options or choices (from eight to three, or one; see Implementation Options). These options go beyond HB 2001 compliance, and would implement the City's Comprehensive Plan.
2. Adopt a **form based approach** for the code amendments
An example of this type of amendment is to remove housing types from the land use table, and instead handle them in development standards section of the zoning code. This would involve amending definitions and in a separate housing types table that is associated with the development standards, i.e. dimensional standards that specify minimum lot size, setbacks, height, and maximum lot coverage. The City already uses a form based approach for many of these standards. This amendment is needed to comply with HB 2001, and also enables other amendments that will implement the City's Comprehensive Plan.
3. Selectively apply existing development standards that **provide additional building capacity ("bonuses") to duplexes**
Under HB 2001, duplexes must be permitted on all lots. The City has an existing "bonus" allowance granted to duplexes citywide (an additional 20% lot coverage is permitted). In order to implement the Comprehensive Plan vision of clustering activity in neighborhood hubs, this amendment would apply the existing "bonus" only to dwelling units within and around neighborhood hubs. This would incentivize the development of middle housing in areas of the City that already have or will have services and infrastructure to support more residents. This includes transportation infrastructure including light rail, bus lines, bike lanes, etc. This bonus could be applied to other areas described in the Comprehensive Plan as desirable for residential uses.
4. Adopt a **Tree Code applicable to private property in residential zones**
This amendment is not required for HB compliance but is required for Comprehensive Plan implementation. It would help achieve the goals outlined in the Climate Action Plan and Urban Forest Management Plan. It will ensure that certain trees on private lots are handled in one of several ways; If a tree is determined through a clear and objective process to be a tree that contributes to an increased tree canopy (Comprehensive Plan Goal), then the tree is either a) preserved or b) removed and either replaced or a payment "in lieu" is made to a city fund.
5. **Amend (restrict) on-site parking requirements** to one per dwelling unit. Provide additional parking choices, i.e., for parking to be provided on the street, instead of on-site. This amendment is needed to comply with HB 2001, and also enables implementation of the City's Comprehensive Plan.

- 6. Establish a **pattern guide or menu** illustrating how clear and objective standards can be responded to in different neighborhood contexts.

Additional policy and regulatory amendments

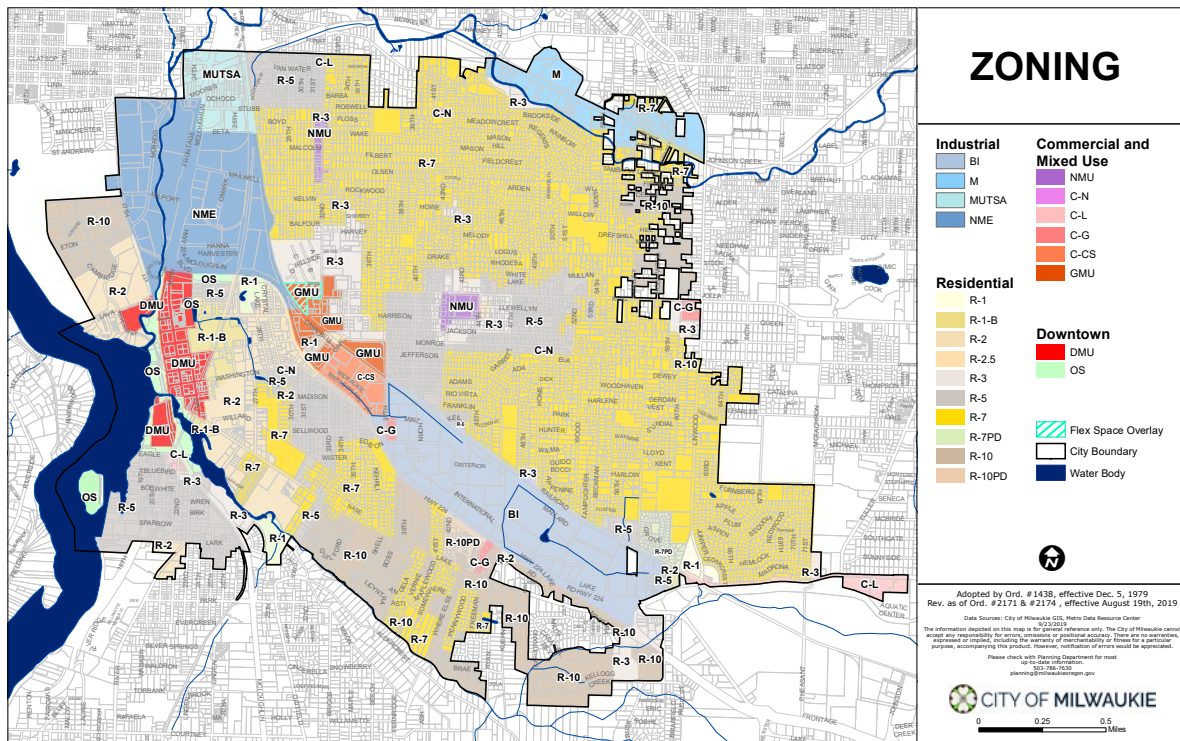
There are several policy and regulatory amendments that have been identified that are needed to support implementation of the Comprehensive Plan. These amendments are not part of this project and will occur in separate projects.

- Adopt an additional street standard for compliance with street improvements (the “lighter, greener, cheaper” option).
- Identify areas where density bonuses would be applied through Neighborhood Hubs project.

A Livability Code for Milwaukie

Land use zones are designated on the Milwaukie Zoning Map. Each land use zone corresponds to a list of permitted and prohibited land uses and specific development standards, such as minimum lot size. Several current land use zones, such as the R-5 (Residential, 5,000 square foot lots) Moderate Density Residential zone, need to be updated because they do not currently allow the middle housing types that HB 2001 requires. HB 2001 requires that middle housing types be permitted in any zone that also permits single detached homes. Middle housing types are permitted based on a minimum lot size. For example, triplexes—the term for three homes on one lot—will be allowed on any lot which is 5,000 square feet or greater in size. Quadplexes (four homes on one lot) will be allowed on any lots which are 7,000 square feet or greater in area.

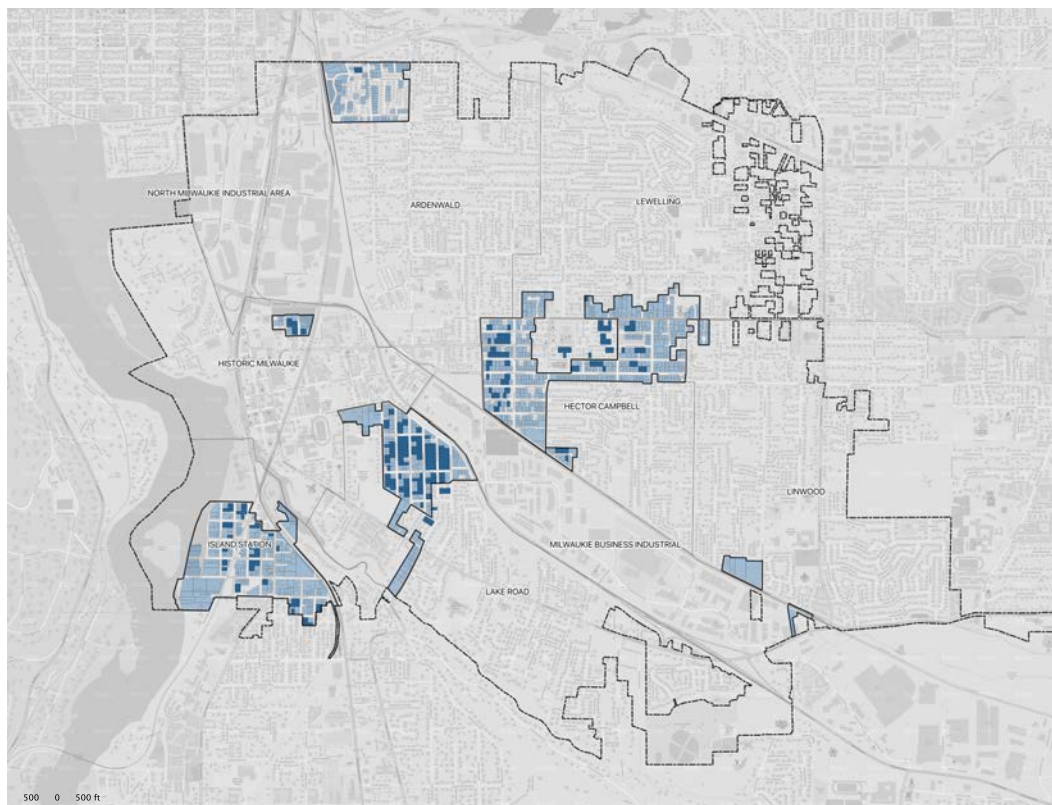
Figure 1: Milwaukie – Existing Zoning Map



5,000 square-foot lots generally occur in the R-5 zone. However, there are also lots in the R-5 zone that are bigger than the minimum lot size; some lots are 7,000 or 10,000 square feet in area. Figure 2 below shows lots that are 5,000 square feet in dark blue while lots that are larger than 5,000 square feet are noted in light blue. This same

phenomenon holds true across other residential land use zones. In other words, lot size does not exactly correspond to the zoning districts, yet housing types will be permitted wherever a suitably sized lot exists. Take for instance quadplexes; quadplexes will be permitted on any lot which provides the minimum lot area (7,000 square feet), no matter which zone it is in. But it should not be assumed that the resulting quadplexes will overwhelm the site. Their form will be regulated through standards addressing size, height, and yard setbacks. A new quadplex on a 7,000 square-foot lot will not be permitted to be any larger than a single dwelling has historically been permitted to be.

Figure 2: Sizes of Lots in R-5 Zones



This suggests a different approach to zoning: If development in the R-7 zone looks the same as in the R-5 in implementation then what does a zone mean? Should the zoning boundaries be modified, simplified, or even abolished? As described above in the example of a new quadplex, a zoning approach corresponding to the size, shape, siting, location, and configuration dictated by the lot size instead of by a mapped district outline might be more effective—particularly when one considers that the zoning boundaries were drawn more than fifty years ago and have not been updated since.

The city’s zoning as it exists today doesn’t implement the city’s newly adopted goals. An improved zoning code would intentionally regulate form to optimize the policy mandates, and focus on the form, i.e., adopt a form-based approach. A form-based approach is not entirely foreign to Milwaukee, since the city’s zoning code already employs a number of form-based approaches, such as setbacks, maximum height, diagonal planes, and lot coverage.

A “livability code” would be intentionally designed to provide more housing and more housing choices for people; to maximize the number of trees that can contribute to the tree canopy and the city’s climate resiliency; and to minimize unnecessary paved surfaces for parking. Through this project Milwaukee has the opportunity to define a livability code that fits the context of its neighborhoods and is thoughtfully drafted to implement the vision.

Context zones for detailed siting studies

As opposed to a blanket approach to zoning, where one size fits all, a form-based zoning approach is able to respond to different contexts in order to get better outcomes. For that reason, several Milwaukie contexts have been identified. The unique combination of characteristics within each context zone will demand or require different a different set of tradeoffs for housing, parking, and trees. These studies will be documented as part of the Code Concepts refinement task.

The identified context zones are based on areas where the lots are zoned R-5, R-7, or R-10. These make up the primary residential land use patterns found in Milwaukie’s current land use zones. By studying specific conditions which occur in different types of neighborhood contexts, we can better understand the issues identified in the prior section of this memo. An R-5 zoned area with a mix of 5,000 through 7,000 square foot lots with mid-century era development pattern. The “mid-century” development pattern means low profile buildings that are typically one story, with larger building footprints.

- A. An R-5 zoned area with a mix of 5,000 through 7,000 square foot lots with pre-war development pattern. The “pre-war development pattern” means taller profile buildings that are typically two- to two-and-one-half stories, with smaller footprints.
- B. An R-7 zoned area with 7,000 square foot lots with mid-century era development pattern.
- C. An R-7 zoned area with 7,000 square foot lots with pre-war development pattern.
- D. An R-10 zoned area with 10,000 square foot lots

Figure 3: Example Milwaukie Context Zones



Context zones have different lot sizes and lot patterns from very large and irregular to smaller and more regular. These aerial images show an array of different contexts throughout the city

Implementation Options

Two of the Code Concepts offer some choices for implementation. The tables below illustrate these. The choices are characterized as a) *minimal compliance with HB 2001* or b) *going beyond compliance* to fulfill the greater promise of the community vision and Comprehensive Plan.

Code Concept 1: Simplify the number of residential zones	
Currently there are eight different residential zones in the city. The code concept is to consolidate some or all of these residential zones into a smaller set of residential zones. The new consolidated zones would share the same development standards for setbacks, height, and site coverage. The boundaries of the current zoning districts would be remapped as a result.	
This amendment is needed to comply with HB 2001	No
This amendment is needed to implement Comprehensive Plan goals	Yes. The options listed below as “b)” and “c)” go beyond minimal compliance with HB 2001 to more fully implement the Comprehensive Plan.
Code Concept choices	a) Amend the code to permit housing types on eligible lots in order to comply with HB 2001, but maintain the current eight zones. This is the minimum compliance option.
	b) Condense the number of residential zones from eight to three: <ul style="list-style-type: none"> · Large lot (R-10) · R-5 and R-7 · R-3, R2.5, R-2, R-1
	c) Condense the number of residential zones from eight to one; housing types are allowed to occupy lots that meet the minimum lot size requirement, wherever they occur.

Code Concept 5: Amend (restrict) on-site parking requirements to one per dwelling unit.	
Provide additional parking choices, i.e., for parking to be provided on the street, instead of on-site.	
HB 2001 requires reducing parking requirements for middle housing. Dedicating site area and constructing parking adds to the cost of housing development and, in some cases, can render a project (especially smaller projects) economically infeasible. HB 2001 requires one off-street parking space per dwelling unit. Required parking can be provided on the street.	
This amendment is needed to comply with HB 2001	Yes

<p>Code Concept 5: Amend (restrict) on-site parking requirements to one per dwelling unit. Provide additional parking choices, i.e., for parking to be provided on the street, instead of on-site.</p>	
<p>This amendment is needed to implement Comprehensive Plan goals</p>	<p>Yes, however, the option listed below as “b)” may not be consistent with goals of the Comprehensive Plan.</p>
<p>Code Concept choices</p>	<p>a) Establish the maximum number of spaces to match up with the minimum off-street requirement, in essence limiting on-site parking to one per dwelling unit. Amend the current required location of the on-site space to allow in front yard setback. This would prevent a site from being dominated by parking spaces.</p>
	<p>b) Establish a higher allowed maximum number of off-street parking spaces to allow for conditions we may see as a result of the parking inventory and utilization studies (car ownership patterns combined with street conditions). For example, one off-street parking space would be required, but two or three would be allowed.</p>
	<p>c) Permit on-street parking to count toward the minimum.</p>
	<p>d) Establish no minimums, only a maximum.</p>