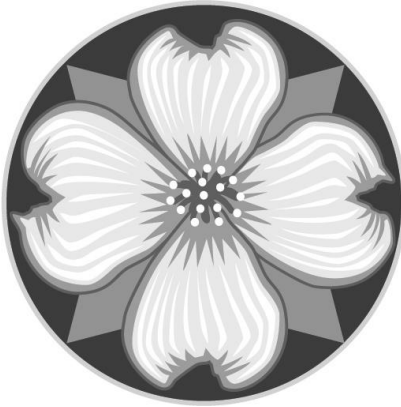




Work Session

WS

Milwaukie City Council

COUNCIL WORK SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

AGENDA

NOVEMBER 7, 2023

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. For Zoom login visit <https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-336>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 897 8131 1965 and Passcode: 519687. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov. Council may take limited verbal comments.

Note: agenda item times are estimates and are subject to change.

Page #

- | | |
|---|-----------|
| 1. Building Energy Update – Report (4:00 p.m.)
Staff: Natalie Rogers, Climate & Natural Resources Manager | 1 |
| 2. Library Board – Annual Report (5:00 p.m.)
Staff: Brent Husher, Library Director | 12 |
| 3. Adjourn (5:30 p.m.) | |

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's YouTube channel](#) and Comcast Channel 30 in city limits.

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

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

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



COUNCIL WORK SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

NOVEMBER 7, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present:

Jessalynn Gale, Children's Librarian	Ann Ober, City Manager
Justin Gericke, City Attorney	Natalie Rogers, Climate & Natural Resources Manager
Brent Husher, Library Director	Emma Sagor, Assistant City Manager
Kelly Lamm, Library Manager	Scott Stauffer, City Recorder
Nicole Madigan, Deputy City Recorder	

Mayor Batey called the meeting to order at 4:04 p.m.

1. Building Energy Update – Report

Rogers reminded Council of the history behind the building energy discussion by noting the city's climate goals, state decarbonization regulations, and what the city had accomplished to date via resolutions. **Rogers** presented the current and ongoing decarbonization projects that involved community partnerships, state and federal funded projects and grants, and provided an update on the solar installation project for the city's Johnson Creek Building (JCB).

Mayor Batey and **Rogers** commented on the review process for the green tariff program through the Oregon Public Utility Commission (PUC) and what buildings would qualify to be reviewed under the building performance standards. The group discussed what block grants would be offered for and how funds could be distributed.

Rogers explained that Council had an opportunity to fund additional climate and energy work by increasing licensing and right-of-way (ROW) franchise fees for Portland General Electric (PGE) and NW Natural Gas. **Rogers** noted an increase in fees to utility providers were often passed onto utility customers. The group discussed the difference between licensing and franchise fees, adoptions of fees, how fees were passed onto customers, and if other utility companies could have their ROW fees increased.

Rogers presented new ideas for development incentives and a building emission regulation program that were still being developed. **Ober** noted concerns around the city enforcing building emissions.

Rogers asked how Council would like staff to proceed. The group discussed how to have flexibility in setting fees without being locked into multi-year rates and that a conversation on how the city could collect fees to generate funds would be occurring at the November 14, 2023, special session.

Councilor Stavenjord was interested in collaborating on initiating forward action from the Clackamas County Board of Health around environmental health hazards. The group discussed ways to collaborate.

There was Council interest and consensus in continuing the conversation around funding climate work.

2. Library Board – Annual Report

Husher introduced members of the Library Board, explained that library operations and attendance were returning to normal pre-COVID levels, noted that the library serves about 40,000 patrons from Milwaukie and unincorporated Clackamas County, and explained where funding for library services comes from.

Karla Branson, Library Board Chair, explained who was on the board, when meetings occur, and noted that a board member attends the Clackamas County Library District Advisory Board meetings.

Bee Perkins and **Ingrid Kesswood**, members of the Library Teen Advisory Board (TAB), shared their views on the importance of the services and events that the library offers to the teenage community and explained what the TAB does and how they meet.

Maryruth Storer Library Board member, detailed programming events at the library and noted how many attendees had been participating. **Shawne Smith** Library Board member, explained the importance of having the Friends of the Ledding Library (FOLL) group, noting the group has existed for 72 years, how many volunteers had worked over the last year, and how much money had been raised through the bookstore. **Smith** shared how using the library's community room had improved FOLL events. **Husher** explained that funding for library programming had come from FOLL fund raising events and store.

Mayor Batey appreciated hearing from the TAB and **Husher** acknowledged the importance of TAB and having them present to Council.

Councilor Khosroabadi asked if Council could help facilitate filling gaps in assisting library patrons in need of assistance services. **Branson** noted that Council may want to speak to library staff but understood that the addition of the police department's behavioral health specialist and community partners were helping.

Councilor Stavenjord shared personal experiences of having a child that participates in TAB, thanked TAB, and asked the TAB members what they were reading. **Stavenjord** and **Gale** noted that libraries have access to upcoming young adult (YA) books and offers them to TAB members.

3. Adjourn

Mayor Batey adjourned the meeting at 5:36 p.m.

Respectfully submitted,


 Nicole Madigan, Deputy City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Peter Passarelli, Public Works Director, and
Sasha Freeman, Administrative Specialist (as to form)

From: Natalie Rogers, Climate & Natural Resource Manager

Subject: **Building Energy Discussion**

Date Written: Oct. 23, 2023

ACTION REQUESTED

Council is asked to discuss potential pathways for moving forward on the city's building energy goals and provide feedback.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[January 18, 2022:](#) Mayor Gamba introduced a resolution directing city staff to coordinate with regional stakeholders to develop code which would require new construction to be electric-only, develop a roadmap to decarbonization of existing buildings and require electrification of city buildings purchased and renovated exceeding established thresholds.

[July 12, 2022:](#) Council heard informational presentations from NW Natural Gas and Climate Solutions on the topics of methane gas, utility services, climate goals, and gas-related impacts.

[September 6, 2022:](#) Council discussed resolutions addressing building carbon emission reduction and city climate goals, including a resolution for city-owned building decarbonization, a resolution for existing building electrification outreach, and a resolution for new construction decarbonization through a natural gas connection ban. Council heard testimony and directed staff to return with staff recommendations on each resolution.

[November 1, 2022:](#) Council heard public testimony and staff recommendations on the proposed resolutions and directed staff to bring back revised versions of the city-owned buildings decarbonization resolution and the new construction resolution.

[December 6, 2022:](#) Council continued public testimony and discussion on the proposed decarbonization resolutions and adopted the city-owned buildings and residential new construction resolutions.

[June 20, 2023:](#) Staff gave a climate action goal overview, highlighting work to date and priority projects. Portland General Electric (PGE) gave an update on their clean energy plan.

ANALYSIS

The city adopted the Climate Action Plan (CAP) in 2018, which called for emission reductions from buildings to achieve local climate goals. The city's 2020 Climate Emergency Declaration accelerated the community's climate goal timeline, including the net-zero emissions from buildings goal, which was moved to 2035. Staff are working on a variety of building energy policies, projects, and programs that could assist in reaching the 2035 goal. Staff are looking to

receive feedback from Council on where to focus efforts and resources and hear any feedback on ongoing programs.

Decarbonization Resolutions

The city has implemented two resolutions to decarbonize city-owned buildings ([Resolution 80-2022](#)) and to accelerate the decarbonization of new construction residential buildings ([Resolution 81-2022](#)).

Resolution to Electrify City-Owned Buildings

This resolution establishes decarbonization requirements and retrofits for city-owned or city-financed buildings. The resolution makes replacement of inoperable assets with decarbonized options effective immediately and requires the city to perform asset replacement with large city building investments or renovations starting July 1, 2024. To meet the requirements of the resolution, staff have started the contracting process for creating a building electrification feasibility report for Council review by June 30, 2024. Staff have been challenged to find funding for the creation of this report as consultant quotes have ranged from \$42K to \$96K. Lower cost alternative solutions are being explored, though the city may need to budget for this expense in the upcoming budget.

Resolution to Decarbonize New Buildings

This resolution calls for a prohibition on new connections to fossil fuel infrastructure for residential buildings. This resolution establishes a timeline for city engagement and consideration of a similar prohibition on new connections exclusively for commercial and industrial buildings. This resolution does not introduce any mandates or requirements for buildings that have existing fossil fuel connections.

Regional conversations about phasing out emission-intensive fossil fuels and the public health impacts of natural gas on indoor air quality have continued as more information is presented on the [impacts of indoor natural gas use](#). Oregon cities have been exploring preventing new connections to natural gas infrastructure rather than influencing the design of the building, avoiding state building code challenges. The City of Eugene lead this work in Oregon, passing a resolution in 2022 to create a ban on gas hookups in new low-rise residential buildings, with Milwaukie's own resolution passing shortly thereafter. On February 6, 2023, Eugene City Council passed an [ordinance](#) prohibiting fossil fuel infrastructure in new low-rise residential buildings. Eugene City Council later [repealed the ordinance](#) in July 2023 due to the United States Circuit Court of Appeals for the 9th Circuit's April 2023 decision invalidating the City of Berkley, California's attempted gas ban and after a NW-Natural funded referendum campaign pushed the Eugene ordinance to the November 2023 ballot. Eugene has instead chosen to explore incentive based options.

Franchise Agreement and Right of Way Code As an alternative to or a bridge towards a future ban of new natural gas infrastructure, the city could consider using its authority under its right-of-way (ROW) code to regulate natural gas and other utilities..

Milwaukie currently has franchise agreements with NW Natural and PGE that regulate the utilities energy infrastructure installation, operation, and maintenance in the ROW. These franchise agreements are negotiated with the utility partner and cannot be changed during the franchise period without agreement between both parties. Both PGE and NW Natural's franchise agreements include a 5% franchise fee on gross utility revenue to be paid to the city's general fund. PGE also pays a 1.5% privilege tax in addition to the 5% franchise fee.

While longer term franchise agreements can save time on renewal processes, the ability for a utility to negotiate favorable terms limits Milwaukie's ability to influence current and future utility operations, including future infrastructure expansion. With [PGE's current franchise agreement](#) expiring January 1, 2024, and [NW Natural's franchise agreement](#) expiring on February 4, 2024, the city has decided to not renew these franchise agreements and instead use existing licensing authority to regulate utilities in the ROW.

Milwaukie passed Ordinance 2164 in 2018 and Ordinance 2131 in 2016 (codified at Chapter 21.04 of the Milwaukie's Municipal Code (MMC)), which established the regulation of utilities within the city's ROW. MMC 21.04.08 establishes the licensing requirement for utilities operating without a valid franchise agreement, and grants Council the authority to set the amount of the license fee under this section by way of Council resolution.

The licensing program offers several advantages over the franchise agreement. It allows flexibility in setting fees, the term of the license, and allows the city to adopt policies that provide conditions for utility use of the ROW.

Milwaukie could consider increasing its right of way licensing fees to generate additional revenue to direct towards energy programs and projects. The current franchise fee for PGE and NW Natural is set at 5%, with PGE paying an additional 1.5% privilege tax, like the current franchise agreements (see table below for franchise and privilege tax revenues collected over last five years). Increasing these fees could generate additional revenue to support climate programming in the city and energy related infrastructure improvements. The City of Gresham increased their licensing fees for NW Natural and PGE two times – 5% to 7% in 2011, and up to 10% in 2020. Both NW Natural and PGE challenged Gresham's rate increases in 2016, but it was upheld by the Oregon Supreme Court. The 2020 fee increase has not been challenged.

**City of Milwaukie - Franchise Fee Revenue for
Past Five Fiscal Years (Dollars)**

		FY 19	FY 20	FY 21	FY22	FY 23
PGE	Rate					
Franchise Fee	5%	738,866	772,463	784,003	824,380	860,760
Privilege Tax	1.5%	311,875	328,934	337,381	352,892	368,638
NW Natural	Rate					
Franchise Fee	5%	236,064	244,749	255,022	286,042	383,687

An increase from 5% to 10% on the licensing fee based on the 5-year average franchise fee could generate an additional \$281,000 in revenue from NW Natural and an additional \$341,000 in revenue from PGE that includes a 3.5% increase to the total fee.

It is important to note that any increase in licensing fees will be passed directly from the utility provider to the utility customer. Programs developed from these funds should consider the potential rate impacts on customers and design programs to provide cost saving and other benefits to the most impacted communities when possible. If Milwaukie were to explore increased licensing fees, the additional revenue generated by this increased fee could be directed towards programs that assist in reducing the energy burden for low-income customers, funding source for undergrounding powerlines, and for climate programming.

Ongoing Building Energy Program and Project Opportunities

Staff have been exploring and developing the following building energy projects with regional jurisdictions and utilities. These projects are not yet finalized, and staff will ask for future Council guidance on project elements and community needs. There are numerous state and federal grant opportunities that staff are watching -- the opportunities listed below have been prioritized considering existing staff resources.

Building Performance Standards Project

The cities of Milwaukie, Beaverton, Portland, Bend, and Eugene, along with the Oregon Department of Energy (ODOE) have partnered with Earth Advantage and New Buildings Institute on a multi-year project focused on existing building performance standards. Building performance standards are typically used for larger buildings to establish benchmarks for energy use intensity, emissions, fuel consumption, or other building energy related metrics. This project is funded by the U.S. Department of Energy's (USDOE) Resilient and Efficient Codes Implementation grant. While the project budget is still being finalized, the multi-year project will involve city staff in the development of statewide performance standards and exploration of local standards and impacts. The proposed budget allocated \$240,000 to Milwaukie, split across three years, to pay for staff involvement and city-specific project elements that remain to be developed.

The project team will be wrapping up budget negotiations with USDOE and stakeholders this year, with implementation planned to begin in early 2024. As more details are finalized with project budget and scope, staff will update Council on project stages and seek feedback on program development.

Energy Efficiency and Conservation Block Grant (EECBG)

As part of the Infrastructure Investment and Jobs Act, over \$550 million was appropriated into the Energy Efficiency and Conservation Block Grant Program (EECBG Program). The program is designed to assist states, local governments, and Tribal Governments in implementing strategies to reduce energy use, to reduce fossil fuel emissions, and to improve energy efficiency. While cities over 100,000 residents may apply directly for USDOE funding, ODOE has requested \$1.9 million from USDOE for competitive grants for smaller jurisdictions (including Milwaukie). These grants will range from \$50,000 to \$100,000 per award with 40% of the awarded funds allocated to communities identified as disadvantaged through the USDOE [Climate and Economic Justice Screen tool](#). Grant funded projects could include a variety of energy efficiency, electrification, and resiliency projects. Staff are waiting for ODOE to announce the final grant details and are currently exploring ideas internally and with ODOE and regional agency partners.

Milwaukie Solar Array Installation

City staff are coordinating on the installation of a solar array at the Johnson Creek Boulevard (JCB) campus using funds allocated to the city in [Oregon Senate Bill \(SB\) 5506](#). The solar array will be a 120 kW-DC Solar system at its JCB public works facility. This system is estimated to produce approximately 118,000 kWh of electricity annually, which would provide approximately 65% of the current load. Future increases in total load due to increased vehicle charging will more than likely reduce to this to 50%. This project would be a roof installation and take advantage of the open roof space available on the facilities at JCB. The estimated project cost is \$450,000 with allocations in SB 5506 providing \$375,000 in supporting funds. The project will be completed by the end of 2024.

Community Green Tariff

Staff continue to discuss a new voluntary product option with PGE through a community green tariff. Based on stakeholder feedback, PGE is revising the tariff language for submittal to the Oregon Public Utility Commission (PUC) by the end of 2023. While originally envisioned to be a simple opt-out product providing bulk purchased carbon-free energy to residents, the guiding language in Oregon House Bill (HB) 2021 allows for jurisdictions to incorporate more programmatic and project elements to the product focused on demand response, energy efficiency, and resiliency. As the tariff moves through the PUC approval process, the city will need to consider whether to include additional programming in the product considering cost, impact, and community interest. Potential programs could include asset replacement and installation programs, outreach and education, tree plantings, and other programs that positively impact community building energy reduction and electrification goals.

Additional Opportunities for Exploration

Council is asked to explore the following ideas and provide staff guidance on whether to explore these concepts further:

Development Process Incentives

To incentivize building electrification and decarbonization, Milwaukie could explore development process incentives to influence builders to choose efficient and/or electric assets. Administrative process changes like expedited permit review timelines or reduced fees could sway developers to make sustainable design choices. Additional development-related incentive ideas that could be leveraged to promote building electrification and efficiency could include vertical housing credits, city-paid system development charges, using urban renewal area funds for monetary incentives, or tax abatement. Each of these ideas come with city-borne costs that would need to be explored further based on Council interest.

BUDGET IMPACT

Staff are currently exploring and developing programs using existing budgeted resources. Further program implementation or expansion in Milwaukie may require additional funding and capacity. Based on Council's interests or direction, staff may need to follow up with potential budgetary impacts of specific projects and programs.

WORKLOAD IMPACT

In-depth exploration of grant and program opportunities beyond staff's current scope could require reprioritization of projects to free up workload. Implementation of the projects and programs discussed in this report could impact the workloads of a variety of staff at the city, including public works staff, community development staff, and code compliance staff.

CLIMATE IMPACT

Each of these opportunities have carbon reduction, resiliency, and climate education potential that is needed to reach Milwaukie's adopted climate goal of net-zero building energy by 2035. Most of these projects have co-benefits for community and city operations, and further Milwaukie's role as an advocate and demonstrator of climate-forward initiatives.

COORDINATION, CONCURRENCE, OR DISSENT

City staff continue to coordinate with regional governments and authorities on these efforts. Engagement efforts with residents, businesses, internal staff, local utility customers, utility providers, and advocates will occur through these discussions with Council.

STAFF RECOMMENDATION

Staff recommends that Council discuss the current programs and opportunities that the city is participating in, as well as staff's ideas for further city influence on community building energy, and provide feedback on concerns, interests, and priority projects moving forward.

ALTERNATIVES

None.

ATTACHMENTS

None.

**WS 1. 11/7/23
Presentation**



CITY OF MILWAUKIE

Building Energy Discussion

City Council Regular Session
November 7, 2023

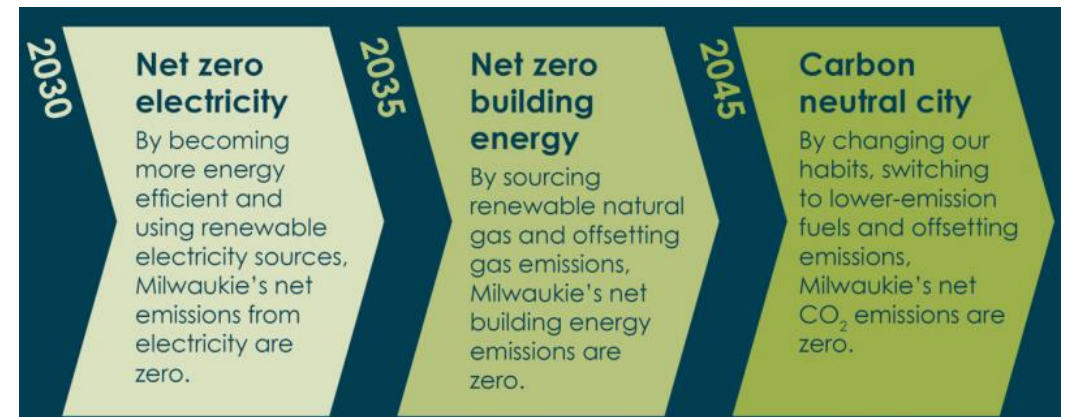
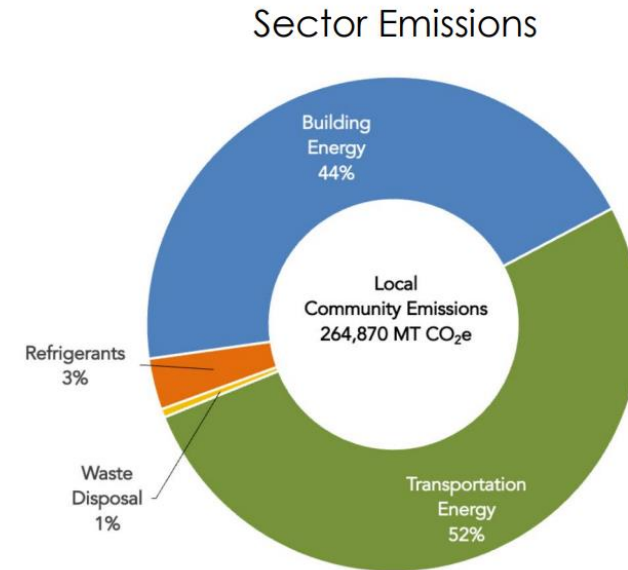
Natalie Rogers

Climate and Natural Resources Manager



Building Energy and Climate Goals

- Building energy top emission sector in community
 - Must reduce or offset to meet 2035 goal
- HB 2021 requires decarbonization of electricity utilities by 2040
 - Transition to solar, wind, and inclusion of large hydro
 - Does not regulate natural gas industry
- Burning renewable natural gas in buildings produces emissions at time of use, limited supply available



Decarbonization Resolutions

- City-owned buildings
 - Large investments in city buildings trigger electrification (\$500k purchase, \$200k renovation)
 - City chooses electric for individual asset replacement
 - Feasibility study in progress, contracting challenges
 - Due June 30, 2024
- New residential development
 - Ban on new connections to natural gas infrastructure – code by March 1, 2024
 - 9th Circuit court ruled Berkley's ban was in violation of federal law (energy choice)
 - Communities looking for alternative code or strategies to reduce natural gas usage



Ongoing decarbonization efforts

- Community green tariff
 - Tariff draft potentially by Q1 2024
- Building performance standards (existing buildings)
 - Finalizing budget
 - Three year project
 - First year discussions on statewide BPS
- Energy efficiency conservation block grant
 - ODOE distributed funds
 - Climate justice community prioritization
- Solar installation at JCB
 - \$450k project, \$375k funded by SB 5506
 - 120kW array – 65% of current JCB load



ROW Licensing Fee

- Franchise agreement expiration for PGE and NW Natural in 2024
- MMC 21.04 establishes existing right of way licensing requirement
 - For utilities w/o franchise agreement
 - Licensing fee in consolidated fee schedule
- Consider increasing fee or phased increase to 10% for utilities
 - New revenue opportunity
 - Increased fees passed to utility customers
 - Gresham increased from 5-7% in 2011, 7-10% in 2020
- Additional revenue could be spent on:
 - Climate programming
 - Community incentives
 - Undergrounding electric infrastructure
 - Other general fund purposes

City of Milwaukie - Franchise Fee Revenue for
Past Five Fiscal Years (Dollars)

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PGE	Rate					
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NW Natural	Rate					
Franchise Fee	5%	236,064	244,749	255,022	286,042	383,687

Other opportunities for consideration

- Development process incentives
 - Electrification
 - Administrative process changes
 - Free reduction/payment by city
- NOx specific building emission regulation
 - Air quality emission specific regulation
 - Could be explored in BPS project
 - Potential risk for being first community to implement



Questions for Council

Should staff return to council with proposal to increase ROW licensing fees?

Does council have questions, interest or concerns regarding the ongoing or potential decarbonization opportunities for staff?



Thank you!

Natalie Rogers

Climate and Natural Resources Manager

RogersN@milwaukieoregon.gov

503 786 7668

Learn more at
milwaukieclimateaction.com



From: [Lisa Batey](#)
To: [City Council](#); [Peter Passarelli](#); [Natalie Rogers](#)
Subject: further background for tomorrow's work session on potential regulation of gas connections
Date: Monday, November 6, 2023 12:42:02 PM
Attachments: [Concept Ordinance - Building NOx Emissions - 9.20.23.pdf](#)

All: Please do not reply to this. Scott, please put this into the meeting record for tomorrow.

In addition to the potential for raising the license fee (which, as noted in the staff report, will get passed along to ratepayers) there are other potential ways to regulate gas which do not run afoul of the Ninth Circuit decision in the *Berkeley* case. One of the key ways is to regulate building emissions. Attached is a memo and concept ordinance drafted by folks at Lewis & Clark – note footnote 2, which indicates how long such regulations have been in place in various locations around the country.

Other recent articles, resources:

[California's Cities Lead the Way on Pollution-Free Homes and Buildings | Sierra Club](#) [list of what different cities have done]

[Transition to clean energy in Oregon homes will prevail, despite fossil fuel industry's tactics – Oregon Capital Chronicle](#)

[How gas utilities used tobacco tactics to sell more gas stoves : NPR](#)

https://www.nytimes.com/2023/06/17/climate/gas-stoves-benzene-cigarettes.html?unlocked_article_code=1.8Uw.lR8J.uCTzLzAwlQTQ&smid=url-share

Lisa M. Batey, Mayor (she/her)
City of Milwaukie
E-mail: bateyl@milwaukieoregon.gov
Phone: 503-786-7512

Oregon Residential Building Emission Standard Concept Ordinance - NOx

I. Introduction

The Green Energy Institute at Lewis & Clark Law School, together with the help of experts and advocates, has developed a concept ordinance for use by cities that sets a nitrogen oxide (NO_x) emissions limit on residential buildings. Nitrogen oxides (NO_x) are a combination of pollutants made up of nitric oxide (NO) and nitrogen dioxide (NO₂). There are a number of reasons to control NO_x emissions from buildings. NO_x impacts air quality,¹ jurisdictions outside of Oregon already regulate NO_x from appliances,² and NO_x is produced from fuel combustion. Limiting NO_x can simultaneously drive down greenhouse gas emissions.

A city in Oregon has legal authority to adopt this ordinance if it is permitted to do so by its charter and if it is not preempted from doing so by state and/or federal law.³ If the city's charter grants a city the maximum authority allowable by law, as city charters in Oregon typically do, Oregon's home rule doctrine dictates that the central inquiry is whether any state or federal statute prohibits the local action, not whether any statute authorizes it.⁴ The federal Clean Air Act expressly protects the rights of states and local governments to enact emission standards.⁵

¹ Regulatory Assistance Project, NO_x Standards for Water Heaters: Model Rule Technical Support Document 3 (Feb. 2023), <https://www.raponline.org/wp-content/uploads/2023/03/rap-seidman-nox-water-heat-model-rule-tech-support-2023-february.pdf> (contributes to smog, precursor to fine particle formation, visibility impairment, acid rain, water eutrophication).

² See *id.* at 32, App'x: Existing Emissions Limits (water heaters); see also Wash. SW Clean Air Agency, General Regulations for Air Pollution Sources, SWCAA 400 (regulating water heaters since 2010 at the equivalent of 40 ng/J), <https://www.swcleanair.gov/docs/regs/reg400.pdf>; Cal. South Coast Air Quality Mngmt Dist. (SCAQMD), Rule 1121, Control of Nitrogen Oxides from Residential Type, Natural Gas-Fired Water Heaters (regulating water heaters since 2002 and ratcheting down the emissions limit to 10 ng/J as of 2006), <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1121.pdf?sfvrsn=4>; Cal. SCAQMD, PAR 1111, Reduction of NO_x Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces (regulating residential furnaces since 1984, and ratcheting the limit down to 14 ng/J), <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2014/2014-sep5-032.pdf>; see also Texas Comm'n on Env't'l Quality, Control of Air Pollution from Nitrogen Compounds, Rule § 117.3205 (regulating natural gas-fired boilers, process heaters, and water heaters since 2002), [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&p_pg=1&p_tac=&ti=30&pt=1&ch=117&rl=3205](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&p_pg=1&p_tac=&ti=30&pt=1&ch=117&rl=3205); Utah State Construction & Fire Codes Act, Nitrogen Oxide emission limits for natural gas-fired water heaters, 15A-6-102 (regulating water heaters and pool or spa water heaters since 2018), https://le.utah.gov/xcode/Title15a/C15A_1800010118000101.pdf.

³ Green Energy Inst. & Breach Collective, Regulating Natural Gas in Oregon's Buildings 9 (Feb. 2023), <https://law.lclark.edu/live/files/34365-regulating-natural-gas-in-oregons-buildings-a>.

⁴ *Id.*

⁵ Clean Air Act, 42 U.S.C. § 7416 (“[N]othing in this chapter shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce . . . any standard or limitation respecting emissions of air pollutants” and states and political subdivisions “may not adopt or enforce any emission standard

Furthermore, even if a city is in “attainment” of the national ambient air quality standards (NAAQS) set by the U.S. Environmental Protection Agency (EPA) under the Clean Air Act, a government may act to maintain attainment.⁶ Additionally, nothing in Oregon’s air quality laws affords Oregon’s Environmental Quality Commission or Department of Environmental Quality the exclusive authority to regulate air pollution from residential buildings. Finally, adoption of this concept ordinance would not conflict with any state law addressing NOx from residential buildings.⁷

This concept ordinance would require a notice of construction if a building would emit or have the potential to emit (through the operation or installation of any appliance, equipment, or process) NOx emissions in a “covered building.” A city may engineer this concept ordinance to fit its needs. Thus, a city could make the ordinance applicable to a specified kind of “covered building” by limiting the ordinance’s application to new residential construction or it could expand its application to existing buildings by including triggering events such as additions or major renovations. Failure to comply with the ordinance could lead to penalties and/or result in revocation of the certificate of occupancy.

One important note. The city will need to determine at what level to set the building-wide NOx limit. Some jurisdictions have enacted NOx emission standards as low as 10 ng/J for specific equipment types.⁸ Zero-emitting alternatives to combustion equipment are also widely available,⁹ and some jurisdictions have developed zero-NOx standards for certain equipment types.¹⁰ These existing equipment standards provide ample support for setting limits for a

or limitation which is less stringent than the standard or limitation under such plan or sections.”); *see also* 42 U.S.C. § 7401 (a)(3) (findings include that “air pollution prevention (that is, the reduction or elimination, through any measures, of the amount of pollutants produced or created at the source) and air pollution control at its source is the primary responsibility of States and local governments”).

⁶ *See* LegalPlanet, State Air Regulations Can Go Above and Beyond National Standards (Aug. 22, 2023), <https://legal-planet.org/2023/08/22/state-air-regulations-can-go-above-and-beyond-national-standards/>.

⁷ *Supra* note 3, Regulating Natural Gas in Oregon’s Buildings 4-5, citing *City of La Grande v. Pub. Emps. Retirement Bd.*, 281 Or. 137, 148 (1978); *Thunderbird Mobile Club v. City of Wilsonville*, 234 Or. App. 457, 473 (2010).

⁸ *See* Cal. SCAQMD, Rule 1121, Control of Nitrogen Oxides from Residential Type Natural Gas-Fired Water Heaters, List of Certified Units Pursuant to Rule 1121, (Rev. 5/5/2023), <http://www.aqmd.gov/docs/default-source/permitting/1121-list/current-rule-1121-certified-model-list.pdf?sfvrsn=8>. Equipment-specific low-NOx standards vary by jurisdiction and equipment type, with existing standards covering a range of emission levels including 14 ng/J, 40 ng/J and others. *See, e.g.*, Cal. SCAQMD, PAR 1111, Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces (14 ng/J for residential furnaces), <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2014/2014-sep5-032.pdf>; Texas Comm’n on Env’tl Quality, Control of Air Pollution from Nitrogen Compounds, Rule § 117.3205 (40 ng/J for medium-sized water heaters and boilers), [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&p_pg=1&p_tac=&ti=30&pt=1&ch=117&rl=3205](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&p_pg=1&p_tac=&ti=30&pt=1&ch=117&rl=3205).

⁹ For example, electric appliances do not emit NOx.

¹⁰ *See* Cal. Air Resources Bd., Zero Emission Appliance Standards, <https://ww2.arb.ca.gov/our-work/programs/building-decarbonization/zero-emission-appliance-standards/faq>, last visited Sept. 12, 2023 (rulemaking to consider a variety of options to limit emissions from appliances); *see also* Cal. Bay Area Air Quality Mngmt. Dist., Reg. 9, Rule 4: Nitrogen Oxides from Natural Gas-Fired Furnaces (Mar.

building's combined NOx emissions (the sum of all equipment emissions) at a health-protective level that provides climate co-benefits.

It is helpful to understand that other jurisdictions' NOx standards are calculated at different levels for different equipment types, and generally apply to all newly-installed equipment (as opposed to newly-constructed buildings).¹¹ For example, the California South Coast Air Quality Management District (SCAQMD) sets NOx emissions limits for natural gas-fired water heaters, boilers, and emergency internal combustion engine backup generators.¹² Equipment certified to meet these or other existing standards can be assumed to emit at the rates to which they are certified or the rates required by the standards, as described in Table 1 below. Assumed emission rates for unabated equipment are calculated by the EPA in its "AP-42 Compilation of Air Pollutant Emissions Factors."¹³ Considering these existing emission rates can help a city determine a covered building's overall NOx emission rate or "budget."¹⁴

Bracketed and highlighted language either requires the addition of specific language applicable to the municipality or reflects optional language a municipality may select as appropriate.

II. Concept Ordinance Language

SECTION 1. [City] Municipal Code Title X Health [or similar title] is hereby amended as follows.

SECTION 2. Section X.XX.XX is hereby added to the [City] Municipal Code to read as follows:

15, 2023), https://www.baaqmd.gov/~media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20230315_rg0904-pdf.pdf?la=en (zero NOx emission standard for natural gas-fired furnaces manufactured and installed in 2027 and onward); BAAQMD, Reg. 9, Rule 6: Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters (Mar. 15, 2023), https://www.baaqmd.gov/~media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20230315_rg0906-pdf.pdf?la=en (zero NOx emission standard for natural gas-fired boilers and water heaters installed in 2027 and onward).

¹¹ See Table 1 for an exhaustive list of NOx emissions rates for specific equipment types.

¹² Cal. SCAQMD, Rule 1121, Control of Nitrogen Oxides from Residential Type Natural Gas-Fired Water Heaters, List of Certified Units Pursuant to Rule 1121, (Rev. 5/5/2023), <http://www.aqmd.gov/docs/default-source/permitting/1121-list/current-rule-1121-certified-model-list.pdf?sfvrsn=8>; Cal. SCAQMD, Rule 1146.2, Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters, List of Certified Units Pursuant to Rule 1146.2 (updated May 5, 2023), <http://www.aqmd.gov/docs/default-source/permitting/1146-2-boiler-list/rule-1146-2-certified-boilers.xlsx?sfvrsn=62>; <http://www.aqmd.gov/docs/default-source/permitting/certified-ice/certified-ice-list.xlsx?sfvrsn=38>.

¹³ US Env't Protection Agency, *1 AP-42: Compilation of Air Emissions Factors 1.4* (1988) https://www.epa.gov/sites/default/files/2020-09/documents/1.4_natural_gas_combustion.pdf.

¹⁴ See Table 1.

Section X.XX.XX Definitions.

For the purposes of this chapter, the following definitions apply:

“*Building emissions*” means air pollutants directly emitted by appliances, activities, or processes involving the combustion of any fossil fuel or combination of fossil fuels, including natural gas, propane, and any petroleum-based fuel, from a covered building, including but not limited to emissions generated through the operation of appliances, equipment, or processes used for space heating, water heating, clothes drying, or cooking in a covered building. Building emissions do not include:

A. [Emissions from the combustion of wood or other biofuels in a solid fuel burning device regulated under chapter [code]; or]

B. Emissions from any appliance, equipment, or process that is designed for exclusive use outside of a covered building and from a non-piped fuel source, including but not limited to emergency generators and outdoor grills powered by propane or charcoal.

“*NOx emissions*” means the sum of nitric oxide and nitrogen dioxide (oxides of nitrogen), collectively expressed as nitrogen dioxide.

“*Covered building*” means a [residential dwelling] that is a [permanent structure].

[“*Permanent structure*” means a structure, as defined by [code] which has been constructed and placed on a permanent foundation for the purpose of occupancy.]

“*Potential to emit*” means the maximum capacity of an appliance, equipment, or process, or a combination of appliances, equipment, and/or processes, to emit NOx emissions from a covered building.

[“*Residential Dwelling*” means a structure as defined by [code]].

SECTION 3. Section X.XX.XX is hereby added to the [City] Municipal Code to read as follows:

Section X.XX.XX Building emissions limit.

- A. A covered building that commences construction on or after [DATE] shall not emit or have the potential to emit, through the operation or installation of any appliance, equipment, or process, NOx emissions that exceed the building emissions limit established in this section.

B. A building may not emit nor have the potential to emit more than [X] nanograms of NO_x (calculated as NO₂) per Joule of heat output from equipment with the potential to emit NO_x.

C. The covered building's NO_x emission rate shall be calculated as:

$$ER_{avg} = (\sum (ER_{eq} * EI_{eq})) / (\sum EI_{eq})$$

Where:

ER_{avg} = building-wide average NO_x emission rate (ng/J)

ER_{eq} = equipment NO_x emission rate (ng/J), as specified in Table 1.

EI_{eq} = equipment energy input capacity (BTU/hr), as specified by the manufacturer.

Sums ($\sum$) include all emitting equipment, as listed in [Section 4.B.4], in the building.

D. For any appliance and equipment listed in Table 1, an applicant may use a NO_x emissions rate that is lower than the value listed in Table 1 if the applicant demonstrates that the actual NO_x emissions rate of the appliance or equipment to be used is lower than the listed value through testing or certification that satisfies the requirements of California South Coast Air Quality Management District Test Method 100.1, U.S. EPA Reference Method RM-7 (40 C.F.R. Part 60, Appendix A, Test Method 7E) (as described in California Bay Area Air Quality Management District Rule 9-4-601)[, or a similar test or certification method that is deemed acceptable by a [City official]].

SECTION 4. Section X.XX.XX is hereby added to the [City] Municipal Code to read as follows:

Section X.XX.XXX Reports.

A. **Notice of Intent to Construct.** If a proposed covered building will have the potential to exceed the building emissions limit established in this chapter, through the operation or installation of any appliance, equipment, or process, the owner of the proposed covered building shall submit to [the City] a Notice of Intent to Construct a Covered Building. This Notice must be submitted prior to commencing construction of a covered building.

B. **Construction Report.** Within 30 days of construction completion, the owner of a covered building shall file with [the City] a report that includes the following information for the building:

1. Address

2. Total square footage
3. A description of the building's HVAC system, including the primary fuel type or power source for the system
4. A complete list of all appliances and equipment installed in the building that emit or have the potential to emit NOx, including but not limited to appliances and equipment installed for cooking, space heating, water heating, and clothes drying, and any fireplace that is not a solid fuel burning device regulated under chapter [code], along with the model number of the appliance and equipment.

SECTION 5. Section X.XX.XX is hereby added to the [City] Municipal Code to read as follows:

Section X.XX.XX. Penalties.

Any person violating the building emissions standard or failing to comply with the requirements of this chapter is subject to the general penalty provisions in chapter [code]. [A separate violation occurs for each day the violation continues.]

A building official may revoke a certificate of occupancy for a covered building that is not in compliance with the provisions and requirements of this chapter.¹⁵

SECTION 6. Section X.XX.XX is hereby added to the [City] Municipal Code to read as follows:

Section X.XX.XX. Severability.

The provisions of this chapter are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any word, definition, clause, section or provision of this chapter shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this chapter shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the [City's] express legislative intent that this chapter would have been adopted had such an unconstitutional or otherwise invalid provision not been included herein.

¹⁵ OAR § 918-480-0140(4) states: "A building official may revoke a certificate of occupancy or a temporary certificate of occupancy when the residential dwelling or townhouse is in violation of applicable law that poses a threat to health and safety. The revocation must be in writing and state the basis for the revocation of the certificate of occupancy."

SECTION 7. Table 1 is hereby added to the [City] Municipal Code to read as follows:

Table 1. Equipment NO_x Emission Rates

Equipment Type	NO_x emission rate (ng/J)	Citation	Notes
Natural gas furnace (generic unabated)	39	EPA AP-42	Converted from lbs/MMscf to ng/J
Natural gas water heater (generic unabated)	39	EPA AP-42	Converted from lbs/MMscf to ng/J Natural gas water heater emissions assumed to be equivalent to furnace emissions
Natural gas cookstove (generic unabated)	21.7	Lebel et.al, 2022	
Natural gas oven (generic unabated)	25	Lebel et.al, 2022	
Fuel oil furnaces and water heaters (generic unabated)	56	EPA AP-42	Converted from lbs/10 ³ gal to ng/J Water heater emissions assumed to be equivalent to furnace emissions
Propane furnaces, water heaters, and boilers (generic unabated)	61	EPA AP-42	Converted from lbs/10 ³ gal to ng/J Furnace and water heater emissions assumed to be equivalent to boiler emissions
Water Heater (specific models)	As specified in South Coast Air Quality Management District	http://www.aqmd.gov/docs/default-source/permitting/112	

	Certification table	1-list/current-rule-1121-certified-model-list.pdf?sfvrsn=8	
Boiler (specific models)	As specified in South Coast Air Quality Management District Certification table, or Bay Area Air Quality Management Certification table	http://www.aqmd.gov/docs/default-source/permitting/1146-2-boiler-list/rule-1146-2-certified-boilers.xlsx?sfvrsn=62 ; https://www.baaqmd.gov/~media/Files/Compliance%20and%20Enforcement/Compliance%20Assistance/9-7%20Cert/9-7_Certification_List_Master.ashx	
Emergency internal combustion engine backup generators (specific models)	As specified in South Coast Air Quality Management District Certification table	http://www.aqmd.gov/docs/default-source/permitting/certified-ice/certified-ice-list.xlsx?sfvrsn=38	
Other equipment	As specified by applicable certification or test procedure, pursuant to [Section 3.D]		

September 20, 2023

https://law.lclark.edu/centers/green_energy_institute/

gei@lclark.edu

(503) 768-6634

Scott Stauffer

From: Brian Stewart <brianstewart@electrifynow.net>
Sent: Thursday, November 2, 2023 5:01 PM
To: OCR
Subject: Milwaukie Building Electrification

This Message originated outside your organization.

Mayor Batey and City Councilors, thank you for providing this opportunity for testimony. My name is Brian Stewart, and I am the co-founder of Electrify Now. We are a volunteer organization which provides education to the public on the benefits of building and transportation electrification and the transition to clean renewable energy.

We are excited that Milwaukie is seriously exploring ways to make the city safer and lower energy expenses as well as carbon emissions by taking measures to limit the use of natural gas and promote building electrification. Studies show that these actions are critical to meet our climate goals and also cost effective measures that add to the value of our homes and buildings and protect the health of our communities by lowering exposure to the toxic by-products of fossil fuels combustion.

We urge you to pass sensible policies to eliminate the use of gas for heating our buildings. Increasing NW Natural right of way fees is a good step in this direction, but ordinances to require all-electric new construction or zero NOx building standards are even more effective.

As you know, urgent action to prevent a climate disaster is needed, and we hope you will take bold action to serve the residents of Milwaukie.

Thank you

Brian Stewart

Brian Stewart
C: 503 803 5020



Scott Stauffer

From: Heather Jacobs <campaigns@good.do>
Sent: Friday, November 3, 2023 12:28 PM
To: OCR
Subject: I implore you to please prioritize the transition to clean, renewable electricity!

This Message originated outside your organization.

Dear Milwaukie City Councilmember,

As a resident of Milwaukie, I urge you to prioritize our city's transition to clean, renewable electricity.

After another year of historic climate-fueled weather – including fires, deadly heat waves, and severe winter weather – it is especially important that our City takes this opportunity to reduce the most climate emissions for the least cost while protecting vulnerable communities from the impacts of the climate crisis.

To reach this goal, the City must require that all new buildings be all-electric and create a plan to decarbonize existing buildings, with an emphasis on supporting low-income, BIPOC, and historically marginalized communities in this transition. To do this, the City's climate program must be properly funded and staffed.

It's time for the City of Milwaukie to join other cities in Oregon in implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

I ask that the City Council move forward with actions to:

- 1) commit to all-electric public buildings in our community, and
- 2) raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program.

Ratepayers should not foot the bill for NW Natural's emissions reductions. We need to hold polluters accountable. We must work to prioritize our most vulnerable communities in the transition off of fossil fuels including BIPOC, low-income, and historically marginalized demographics.

Milwaukie can make a difference for the future of the climate. Homes and buildings consume nearly 43% of all energy in Oregon and cause about one-third of the state's climate pollution, the second largest source of climate pollution after the transportation sector. This comes from gas burned in furnaces, water heaters, stoves, and dryers. Repowering our buildings to run on clean, high-efficiency electric appliances instead is key to stemming the worst impacts of climate change – and doing this work can support jobs in communities everywhere.

Thank you for your consideration of this critical matter.

Yours sincerely,
Heather Jacobs
Milwaukie, Oregon, 97222, United States

This email was sent by Heather Jacobs via Do Gooder, a website that allows people to contact you regarding issues they consider important. In accordance with web protocol RFC 3834 we have set the FROM field of this email to our generic no-reply address at campaigns@good.do, however Heather provided an email address (jacobsheatherbeiden@gmail.com) which we included in the REPLY-TO field.

Please reply to Heather Jacobs at jacobsheatherbeiden@gmail.com.

To learn more about Do Gooder visit www.dogooder.co

To learn more about web protocol RFC 3834 visit: <https://tools.ietf.org/html/rfc3834>

Scott Stauffer

From: Elena Villa <campaigns@good.do>
Sent: Friday, November 3, 2023 2:46 PM
To: OCR
Subject: Please prioritize the transition to clean, renewable electricity!

This Message originated outside your organization.

Dear Milwaukie City Councilmember,

As a resident of Milwaukie, I urge you to prioritize our city's transition to clean, renewable electricity.

After another year of historic climate-fueled weather – including fires, deadly heat waves, and severe winter weather – it is especially important that our City takes this opportunity to reduce the most climate emissions for the least cost while protecting vulnerable communities from the impacts of the climate crisis.

To reach this goal, the City must require that all new buildings be all-electric and create a plan to decarbonize existing buildings, with an emphasis on supporting low-income, BIPOC, and historically marginalized communities in this transition. To do this, the City's climate program must be properly funded and staffed.

It's time for the City of Milwaukie to join other cities in Oregon in implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

I ask that the City Council move forward with actions to:

- 1) commit to all-electric public buildings in our community, and
- 2) raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program.

Ratepayers should not foot the bill for NW Natural's emissions reductions. We need to hold polluters accountable. We must work to prioritize our most vulnerable communities in the transition off of fossil fuels including BIPOC, low-income, and historically marginalized demographics.

Milwaukie can make a difference for the future of the climate. Homes and buildings consume nearly 43% of all energy in Oregon and cause about one-third of the state's climate pollution, the second largest source of climate pollution after the transportation sector. This comes from gas burned in furnaces, water heaters, stoves, and dryers. Repowering our buildings to run on clean, high-efficiency electric appliances instead is key to stemming the worst impacts of climate change – and doing this work can support jobs in communities everywhere.

Thank you for your consideration of this critical matter.

Yours sincerely,
Elena Villa

This email was sent by Elena Villa via Do Gooder, a website that allows people to contact you regarding issues they consider important. In accordance with web protocol RFC 3834 we have set the FROM field of this email to our generic no-reply address at campaigns@good.do, however Elena provided an email address (elena_vll@yahoo.com) which we included in the REPLY-TO field.

Please reply to Elena Villa at elena_vll@yahoo.com.

To learn more about Do Gooder visit www.dogooder.co

To learn more about web protocol RFC 3834 visit: <https://tools.ietf.org/html/rfc3834>

Scott Stauffer

From: Lisa Abramovic <campaigns@good.do>
Sent: Saturday, November 4, 2023 2:22 PM
To: OCR
Subject: Please prioritize the transition to clean, renewable electricity!

This Message originated outside your organization.

Dear Milwaukie City Councilmember,

As a resident of Milwaukie, I urge you to prioritize our city's transition to clean, renewable electricity.

After another year of historic climate-fueled weather – including fires, deadly heat waves, and severe winter weather – it is especially important that our City takes this opportunity to reduce the most climate emissions for the least cost while protecting vulnerable communities from the impacts of the climate crisis.

To reach this goal, the City must require that all new buildings be all-electric and create a plan to decarbonize existing buildings, with an emphasis on supporting low-income, BIPOC, and historically marginalized communities in this transition. To do this, the City's climate program must be properly funded and staffed.

It's time for the City of Milwaukie to join other cities in Oregon in implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

I ask that the City Council move forward with actions to:

- 1) commit to all-electric public buildings in our community, and
- 2) raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program.

Ratepayers should not foot the bill for NW Natural's emissions reductions. We need to hold polluters accountable. We must work to prioritize our most vulnerable communities in the transition off of fossil fuels including BIPOC, low-income, and historically marginalized demographics.

Milwaukie can make a difference for the future of the climate. Homes and buildings consume nearly 43% of all energy in Oregon and cause about one-third of the state's climate pollution, the second largest source of climate pollution after the transportation sector. This comes from gas burned in furnaces, water heaters, stoves, and dryers. Repowering our buildings to run on clean, high-efficiency electric appliances instead is key to stemming the worst impacts of climate change – and doing this work can support jobs in communities everywhere.

Thank you for your consideration of this critical matter.

Yours sincerely,
Lisa Abramovic

This email was sent by Lisa Abramovic via Do Gooder, a website that allows people to contact you regarding issues they consider important. In accordance with web protocol RFC 3834 we have set the FROM field of this email to our generic no-reply address at campaigns@good.do, however Lisa provided an email address (lisamina@gmail.com) which we included in the REPLY-TO field.

Please reply to Lisa Abramovic at lisamina@gmail.com.

To learn more about Do Gooder visit www.dogooder.co

To learn more about web protocol RFC 3834 visit: <https://tools.ietf.org/html/rfc3834>



November 6, 2023

Dear Mayor Batey, City Councilors and City Manager Ober,

Ahead of your November 7 work session, please find **attached** a letter that was previously submitted to you on behalf of over 30 organizations, businesses and local governments encouraging the City of Milwaukie to take action on gas use in new residential construction.

We again strongly encourage you to explore all potential legal pathways to regulate gas emissions in new residential construction. Additionally, ahead of the expiration of the City of Milwaukie's franchise agreement with NW Natural in February, 2024, we call on you to use your existing authority under Chapter 21.04 of the Milwaukie City Code to increase the license fee on gas utilities set by Council Resolution No. 3-2019 from 5% to 10%, and to dedicate the additional revenue from this increase to funding low-income retrofits and other efficiency upgrades.

We ask that you take this request and the attached letter's contents into consideration ahead of the work session.

Sincerely,

Danny Noonan
Climate and Energy Strategist
Breach Collective
(on behalf of the below signatories)



June 19, 2023

Dear Mayor Batey, City Councilors, and City Manager Ober,

Re: June 20, 2023 City Council Meeting, Agenda Item 7.C – Climate Action Overview

We, the undersigned organizations, write to express our support for ambitious climate change and energy policy in the City of Milwaukie. Specifically, we support this Council and the City’s efforts to expeditiously implement the directive contained within Section 1 of the Council’s Resolution No. 81-2022:

“The city staff are directed to develop code changes or take other actions, as necessary, to achieve the following outcome: Fuel gas piping, defined as conveying hydrocarbon ‘fossil fuels’ including natural gas, propane, manufactured gas, liquefied petroleum gas

or mixtures of these gases, is prohibited from connecting to any residential building after March 1, 2024.”¹

This direction to City staff remains sound, and we believe that draft code language envisioned by the resolution should be developed without delay.

In support of this, this letter first reviews the overwhelming factual case in favor of electrification. Electrification is a critical emissions reduction tool, and is superior to a so-called “decarbonized gas system” on emissions, economic, environmental, health, and safety grounds. The letter then addresses the Ninth Circuit Court of Appeals’ recent decision in *California Restaurant Association v. City of Berkeley*. Despite our objections to the holding in that case that the federal Energy Policy and Conservation Act (“EPCA”) preempts a straightforward prohibition of fossil fuel infrastructure within new buildings, enacted via changes to city codes (cf. building codes), we believe the majority’s opinion leaves ample room for achieving the December 6, 2022 resolution’s directives via other means.

1. Electrification of new residential construction is vastly superior to gas utility decarbonization plans, and is supported by all available, credible evidence

Multiple studies from a plethora of sources all confirm that reducing greenhouse gas (“GHG”) emissions in buildings through electrification is more effective, cheaper, and is associated with fewer health and environmental concerns than reducing emissions via a so-called “decarbonized” gas system. We summarize this evidence as follows:

GHG emissions: Studies have shown that all-electric buildings have lower GHG emissions than gas buildings *even with the current energy mix provided by electric utilities*.² This is because, in essence, electric heat pumps are vastly more energy efficient than even the most efficient gas appliances, and electricity utilities already have a significant level of renewables penetration in their energy mix. A frequent refrain of NW Natural and other fossil fuel industry-aligned opponents of electrification has been that these policies only achieve marginal reductions. NW Natural in particular has honed in on an analysis conducted in Eugene to purport that emissions reductions from electrification of new buildings are marginal. On the contrary:

¹ See *Milwaukie City Council Resolution No. 81-2022* (Dec. 6, 2022),

https://www.milwaukieoregon.gov/sites/default/files/fileattachments/ordinance/124274/r81-2022_bldgenenergy-new.pdf

² Rachel Golden and Carra Bottorff, *New Analysis: Heat Pumps Slow Climate Change in Every Corner of the Country* (Apr. 23, 2020),

<https://www.sierraclub.org/articles/2020/04/new-analysis-heat-pumps-slow-climate-change-every-corner-country>.

- (1) The analysis showed that there would be significant annual and cumulative GHG emissions reductions in the gas sector,³ even under the study’s questionable assumptions.⁴
- (2) A more recent and more relevant analysis conducted for the City of Eugene found that “Over the next 20 years significant cumulative emissions can be saved if electrification of homes is pursued instead of waiting for the Climate Protection Program requirements to achieve reductions in household gas use.”⁵ That is, even when factoring in NW Natural’s required emissions reductions under the Climate Protection Program, electrification immediately results in lower emissions, and by 2050 cumulative emissions are only 20% of those of gas homes, on a per-household basis.⁶

It is worth emphasizing that even with a partially “dirty” mix of energy, new all-electric buildings (i.e., those installed with heat pump space and water heating) have fewer GHG emissions than buildings with gas appliances. Additionally, although Portland General Electric (“PGE”)’s energy mix is not as clean as that of the Eugene Water and Electricity Board (>90%), it is approaching the halfway mark (approximately 39%).⁷ It is further worth noting that PGE has already achieved, in 2022, a 25% reduction in annual GHG emissions from its 2010-2012 baseline,⁸ and that it is further required by HB 2021 to achieve 80% reductions from baseline by 2030 and 100% by 2040 – a more ambitious emissions reduction pathway than that required of NW Natural by the Climate Protection Program.

³ Specifically, the City of Eugene’s Sustainability Manager, in a letter to the State Legislature clarifying the analysis’ findings, wrote that, based on the analysis, “a policy restricting new fossil fuel infrastructure in residential and commercial buildings would reduce forecasted natural gas emissions in 2037 by 13% compared to a 2017 – 2019 annual average baseline.” Additionally, the Sustainability Manager noted that, according to the analysis, cumulative emissions savings would be 535,000 MT CO₂e by 2050. See City of Eugene, *Letter to Joint Task Force on Resilient Efficient Buildings* (Dec. 12, 2022), <https://olis.oregonlegislature.gov/liz/202111/Downloads/CommitteeMeetingDocument/258329>.

⁴ Specifically, the analysis assumed that residential gas use in Eugene would increase at only 0.12% per year from 2022 onwards. The basis for such a low growth assumption is entirely unclear, as gas use in Eugene increased at a rate of 2.49% per year between 2010 and 2019; and as the total volume of gas supplied by NW Natural increased over the last two years alone by 9.58%. Similarly, the analysis assumed that, contrary to local and State GHG emissions targets, Eugene’s emissions would grow by 1% annually in all other sectors in Eugene. Both assumptions had the effect of minimizing emissions savings from electrification.

⁵ The Good Company, *City of Eugene community decarbonization by 2045 for existing residential, commercial, and industrial buildings energy use* (Oct. 26, 2022), 37, https://omninet.s3-us-west-2.amazonaws.com/sites/134/documents/cc_agenda_packet_10-26-22_ws_post.pdf?naV3w.ERjy.uRjnMRuRI2kKkbo_c0IuI.

⁶ *Id.*, Figure 24.

⁷ PGE, *Clean Energy Plan and Integrated Resource Plan 2023* (2023), 15, https://downloads.ctfassets.net/416ywc1laqmd/6B6HLox3jBzYLXOBgskor5/db59c8b594a3c380b9d42e90ec9a35aa/2023_PGE_CEP-IRP.pdf.

⁸ PGE, *PGE’s Path to Decarbonization Our 2023: Clean Energy Plan and Integrated Resource Plan* (2023), https://assets.ctfassets.net/416ywc1laqmd/1WCldfqPiIFCqWdap3Xt6A/6331261d388594c8fc2e011a09fab666/2023_CEP-IRP_Fact_Sheet.pdf.

In summary, while per-household emissions savings from electrification may be somewhat lower in Milwaukie than in Eugene, those emissions savings exist *today* and will only grow over time, even if NW Natural achieves its stated emissions reduction goals.⁹

Cost: All available evidence indicates that building new homes all-electric is cheaper than building them with gas, especially in Milwaukie’s relatively mild climate.¹⁰ The simple reason for this is that building all-electric avoids the cost of a gas connection and meter, and avoids the need for a second appliance to provide space cooling (i.e. heat pumps provide effective heating and cooling in a single, ultra-efficient appliance).

Environment, health and safety: All-electric homes provide significant resiliency advantages in a warming climate. First, as mentioned above, heat pumps provide both heating *and cooling*, the latter of which is increasingly becoming essential in a warming climate with increasingly frequent and severe summer heatwaves.¹¹ Second, all-electric cooking appliances do not produce nitrogen oxides (NO_x), benzene, and other chemicals associated *specifically* with gas stoves.¹² Importantly, none of the

⁹ We further note here the truly paltry amount of renewables currently in NW Natural’s gas system. NW Natural’s two largest investment projects announced to-date – the Lexington and Dakota City Tyson Foods renewable natural gas (“RNG”) facilities – are touted to achieve emissions reductions of between 240,000 and 290,000 MMBtu of comparatively low-carbon RNG annually. This is only about 4% of the *growth* in gas supplied by NW Natural across its distribution system from 2021 to 2022 (6,756,200 MMBtu). Additionally, the physical gas from these facilities will never be delivered to Milwaukie, as NW Natural instead decouples the “Renewable Thermal Certificates” from the gas and applies those Certificates to its existing gas supplies. Consequently, new gas buildings in Milwaukie are and will continue to be supplied with virtually 100% fracked fossil gas, with NW Natural’s touted RNG investments merely functioning as an offsets scheme. See NW Natural, *NW Natural begins producing RNG at second Tyson Foods facility* (May 2, 2023), <https://ir.nwnaturalholdings.com/news/news-details/2023/NW-Natural-Begins-Producing-RNG-at-Second-Tyson-Foods-Facility/default.aspx> (providing RNG volumes for NW Natural’s two Tyson Foods investments); Coalition of Communities of Color et al., *Opening Testimony* (PUC Docket No. UG 435, Apr. 22, 2022), Coalition/100, Apter/18-19, <https://edocs.puc.state.or.us/efdocs/HTB/ug435htb16597.pdf> (describing NW Natural’s decoupling of RTCs); NW Natural, *Form 10-K* (Feb. 24, 2023), 9, <https://ir.nwnaturalholdings.com/financials/sec-filings/default.aspx> (including figures for NW Natural’s gas supply volumes for 2021 and 2022).

¹⁰ See, e.g., RMI, *Letter to Eugene Mayor Lucy Vinis and City Councilors re: RMI Economic and Energy Analysis of Building Electrification in Eugene* (Apr. 7 2022), 1, <https://drive.google.com/file/d/1M92YWhu3KrvBxC-sEF22VqSidMsPMA6k/view> (“Economic and emissions analysis shows that all-electric construction in the City of Eugene would both lower greenhouse gas emissions and reduce building construction and operation costs.”); Synapse Energy Economics, *Toward Net Zero Emissions from Oregon Buildings Emissions and Cost Analysis of Efficient Electrification Scenarios* (Jun. 23, 2022), <https://www.synapse-energy.com/sites/default/files/Net-Zero-Emissions-from-Oregon-Buildings-21-127.pdf>.

¹¹ Lacey Tan & Mohammad Hassan Fathollahzadeh, *Why Heat Pumps Are the Answer to Heat Waves* (RMI, Aug. 12, 2021), <https://rmi.org/why-heat-pumps-are-the-answer-to-heat-waves/>.

¹² See Liam McCabe, *Should You Ditch Your Gas Stove?* (The New York Times, Jan. 12, 2023), <https://www.nytimes.com/wirecutter/blog/dont-need-ditch-your-gas-stove-yet/>. See also Drew R. Michanowicz et al., *Home is Where the Pipeline Ends: Characterization of Volatile Organic Compounds Present in Natural Gas at the Point of the Residential End User* 56(14) Environmental Science and Technology 10258 (2022), <https://pubs.acs.org/doi/10.1021/acs.est.1c08298>; Harvard T. H. Chan School of Public Health, *Natural Gas Used in*

decarbonization technologies proposed by NW Natural – renewable natural gas (RNG),¹³ hydrogen blending,¹⁴ and synthetic methane¹⁵ – address the specific air quality issues concerned with gas stoves. In the case of hydrogen blending, evidence indicates this may in fact *increase* nitrogen dioxide (NO₂) emissions.¹⁶ Third, all-electric buildings avoid the known seismic and explosion risks associated with gas infrastructure.¹⁷ Fourth, there are growing environmental and climate concerns associated with the cornerstone of NW Natural’s short-term emissions reduction strategy – RNG – due to the potential for a growing RNG market to incentivize more waste-intensive agricultural practices.¹⁸

Homes Contains Hazardous Air Pollutants (June 28, 2022),

<https://www.hsph.harvard.edu/c-change/news/natural-gas-used-in-homes/>.

¹³ RNG is methane gas produced from waste sources. For one critique (among many) of gas utilities’ plans for RNG development, see Laura Feinstein & Eric de Place, *The Four Fatal Flaws of Renewable Natural Gas* (Sightline Institute, Mar. 9, 2021), <https://www.sightline.org/2021/03/09/the-four-fatal-flaws-of-renewable-natural-gas/>.

¹⁴ Gas utilities, including NW Natural, propose to add hydrogen gas produced by electrolysis (using electricity to split water into oxygen and hydrogen) from renewable electricity into their gas distribution system in blends of up to 20% hydrogen (with the remaining 80% being methane). For a critique of this technology, see Physicians for Social Responsibility, *Hydrogen pipe dreams* (June 22, 2022), <https://psr.org/resources/hydrogen-pipe-dreams-why-burning-hydrogen-in-buildings-is-bad-for-climate-and-health/hydrogen-pipe-dreams/>.

¹⁵ Synthetic methane or methanated hydrogen, in the renewables context, is the process of producing methane gas from hydrogen and “waste” carbon dioxide. Synthetic methane forms the majority of the renewables in NW Natural’s long term system decarbonization plans, according to its latest IRP. For a critique of the feasibility of NW Natural’s synthetic hydrogen procurement plans, see Green Energy Institute at Lewis & Clark Law School et al., *Opening Comments* (PUC Docket No. LC 79, Dec. 30, 2022), 22-34, <https://apps.puc.state.or.us/edockets/edocs.asp?FileType=HAC&FileName=lc79hac14421.pdf&DocketID=23476&numSequence=47>.

¹⁶ Physicians for Social Responsibility, *Hydrogen pipe dreams* (June 22, 2022), <https://psr.org/resources/hydrogen-pipe-dreams-why-burning-hydrogen-in-buildings-is-bad-for-climate-and-health/hydrogen-pipe-dreams/>, citing Mehmet S. Celtek & Ali Pinarbaşı, *Investigations on Performance and Emission Characteristics of an Industrial Low Swirl Burner While Burning Natural Gas, Methane, Hydrogen-Enriched Natural Gas and Hydrogen as Fuels*, 43(2) International Journal of Hydrogen Energy 1194–1207 (2018), <https://doi.org/10.1016/j.ijhydene.2017.05.107>; Alistair C. Lewis, *Optimizing air quality co-benefits in a hydrogen economy: a case for hydrogen-specific standards for NOx emissions*, 1 Environ. Sci. Atmos. 201 (2021), <https://doi.org/10.1039/D1EA00037C>.

¹⁷ Jan Rosenow, *Is heating homes with hydrogen all but a pipe dream? An evidence review*, 6(1) ScienceDirect P2225 (2022), [https://www.cell.com/joule/fulltext/S2542-4351\(22\)00416-0](https://www.cell.com/joule/fulltext/S2542-4351(22)00416-0). See also Accufacts Inc., *Report: Safety of Hydrogen Transportation by Gas Pipelines* (Nov. 28, 2022) (Finding, *inter alia*, that hydrogen-methane blending is effectively unsafe in existing gas distribution networks at *any* blending level, due to the high explosion and leakage risks associated with hydrogen’s particular chemical properties. The report also found that a 20% blend of hydrogen with methane results in only a 7% reduction in gas combustion emissions, and even fewer reductions if leakage is factored in.).

¹⁸ See Adam Kotin et al., *Diversified Strategies for Reducing Methane Emissions from Dairy Operations* (California Climate & Agricultural Network, Oct. 2015), <https://calclimateag.org/wp-content/uploads/2015/11/Diversified-Strategies-for-Methane-in-Dairies-Oct.-2015.pdf> (finding that switching from liquid to dry waste management strategies in dairy farms would reduce methane production); Markus Lauer et al., *Making money from waste: The economic viability of producing biogas and biomethane in the Idaho dairy industry*, 222 Applied Energy 621 (2018), <https://www.sciencedirect.com/science/article/pii/S0306261918305695> (finding that economically producing biogas and biomethane from dairy farms requires >3,000 cows per farm).

In light of the above evidence, there is an overwhelming factual case for pursuing an electrification ordinance for new residential buildings.

2. There are viable, legally-defensible legal pathways to electrifying new residential construction

The Ninth Circuit’s decision in *California Restaurant Association v. City of Berkeley* – and specifically its holding that the City of Berkeley’s prohibition on gas infrastructure within new buildings is preempted by the federal Energy Policy and Conservation Act – impedes implementation of local electrification policy at the local level in Oregon. Nevertheless, we believe the obstacles put in place by the decision are far from insurmountable, for the following reasons:

The Ninth Circuit’s decision may be overturned by *en banc* review: On May 31, the City of Berkeley filed its petition seeking *en banc* review by an 11-judge panel of the Ninth Circuit.¹⁹ The City’s brief points out the many flaws and incoherencies in the Ninth Circuit’s ruling; the difficulties it presents for effective administration of EPCA going forward; and the ambiguities that exist around the Ninth Circuit’s interpretation of Supreme Court precedent regarding the presumption against preemption. The United States Department of Energy has also submitted an *amicus curiae* brief in support of the City of Berkeley.²⁰ In our view, the petition is likely to be granted, and *en banc* review is likely to reverse, or at least significantly alter or narrow, the original Ninth Circuit panel’s decision.

The decision likely does not apply to ordinances that regulate building emissions, especially if carefully crafted. Since air pollution is addressed at the federal level by the Clean Air Act, not EPCA, a regulation crafted as an air emissions standard should pass muster under the Ninth Circuit’s decision if considered carefully. The way such an ordinance would work is as follows. A building emissions ordinance would require a notice of construction if a building would emit or have the potential to emit (through the operation or installation of any appliance, equipment, or process) carbon dioxide, methane, and nitrogen oxides in a “covered building.” The ordinance would set limits on each of the pollutants. The City could make the ordinance applicable to a specified kind of “covered building” (e.g. the City could limit the ordinance’s application to residential buildings). Failure to comply with the ordinance would result in revocation of the certificate of occupancy and potentially lead to penalties. One optional addition to the ordinance, offering further legal certainty, would permit an

¹⁹ *California Restaurant Association v. City of Berkeley* (9th Cir., No. 21-16278), Defendant-Appellee City of Berkeley’s Petition for Rehearing *En Banc* (May 31, 2023), <https://legal-planet.org/wp-content/uploads/2023/05/Berkeley-petition.pdf>.

²⁰ *California Restaurant Association v. City of Berkeley* (9th Cir., No. 21-16278), Brief for The United States as *Amicus Curiae* in Support of Petition for Rehearing (Jun. 12, 2023), <https://legal-planet.org/wp-content/uploads/2023/06/DOE-amicus-ISO-Petition.pdf>.

owner to pay an emissions fee in lieu of meeting the building emissions limits. Details of such a fee would depend on how a local government seeks to consider and balance local administrative needs with desired benefits.

The decision does not apply to electrification ordinances effectuated via changes to building codes: An important feature of the *City of Berkeley* decision is that its holding likely was limited to ordinances of this type that were effectuated via changes to city code, rather than via changes to building codes that comply with EPCA. This is because EPCA has an explicit carve-out to its preemption clause for building codes, provided that they comply with seven* requirements.²¹ As a result, the decision arguably left the ordinances that have been passed by changes to local building codes largely unaffected, so long as they comply with the seven requirements. One additional obligation in Oregon involves the statewide uniform building code.²² Importantly, municipalities may apply to the Building Codes Division for a “local amendment” to the statewide uniform building code.²³ The local amendment application includes a further public process prior to submission to the Building Codes Division, which would provide a structured opportunity for community feedback and education around the benefits of electrification. The local amendment application further would allow the City to design an ordinance that includes, *inter alia*, consideration for different building types, appliances, and other construction standards.. If approved by the Building Codes Division, the local amendment would be extremely resilient to legal challenge (assuming it also complied with the aforementioned requirements under EPCA). If this City decides to pursue this option, then we recommend that the ordinance be written so that it can be easily modified to add requirements for commercial and industrial buildings at the City's earliest opportunity.

3. Conclusion

The undersigned organizations strongly support the City of Milwaukie to move quickly to develop and implement policy in line with the Council's December 6 Resolution to require that new construction in the City is not built with polluting methane gas, and instead takes full advantage of the clean, renewable electricity that is increasingly available in the State. The evidence summarized above overwhelmingly supports local governments promoting building electrification as sound climate mitigation and adaptation policy, and a prudent public health and safety measure. Other cities in Oregon are not waiting on the outcome of litigation to proceed with developing and implementing

²¹ 42 U.S. Code § 6297(f). See also the discussion in Amy Turner, *Ninth Circuit Holds Berkeley's Gas Ban Preempted by U.S. Energy Policy & Conservation Act* (Climate Law: A Sabin Center Blog, April 18, 2023), <https://blogs.law.columbia.edu/climatechange/2023/04/18/ninth-circuit-holds-berkeleys-gas-ban-preempted-by-u-s-energy-policy-conservation-act/>.

²² ORS 455.040.

²³ ORS 455.040(1); OAR 918-020-0370.

these policies,²⁴ and we strongly encourage you to do the same. The legal, technical and policy experts within our coalition look forward to continuing to engage with City Council and Staff in the development of this policy.

Sincerely,

--

Diane Hodiak, Executive Director, **350 Deschutes**

Patricia Hine, President, **350 Eugene**

Dineen O'Rourke, Campaign Manager, **350PDX**

Philip Carver, Co-coordinator, **350 Salem**

Danny Noonan, Climate and Energy Strategist, **Breach Collective**

Bethany Cotton, Conservation Director, **Cascadia Wildlands**

Nick Keenan & Karen Harrington, Renewable Energy & Legislative Committee Chairs, **Climate Reality Project Portland Chapter**

Greer Ryan, Oregon Clean Buildings Policy Manager, **Climate Solutions**

Kate Ayres, Policy and Advocacy Manager, **Community Energy Project**

Wendy Woods, Co-founder, **Electrify Corvallis**

Brian Stewart, Co-Founder, **Electrify Now**

Stephen Aiguier, President, **Green Hammer Inc**

Linda Craig, Member Steering Committee, **Metro Climate Action Team (MCAT)**

Eli Spevak, Founder, **Orange Splot LLC**

Julia DeGraw, Coalition Director, **Oregon League of Conservation Voters**

Samantha Hernandez, Climate Justice Organizer, **Oregon Physicians for Social Responsibility**

²⁴ Gosia Wozniacka, *Ashland moves toward natural gas ban in new homes* (The Oregonian, Jun. 7, 2023), <https://www.oregonlive.com/environment/2023/06/ashland-moves-toward-natural-gas-ban-in-new-homes.html>.

Ariel Knox, Founder, **Oregonizers**

Jess Grady-Benson, Organizing Director, **Rogue Climate**

Anne Pernick, Senior Advisor, **SAFE Cities at Stand.earth**

Dylan Plummer, Senior Campaign Rep., **Sierra Club**

Dirk Larson, Founder, **Resilient Retrofits**

Ashley Haight, Manager, **ZERO Coalition**, and the following ZERO Coalition members: **Birdsmouth, BlueGreen Alliance, Bora Architecture & Interiors, Dream Home Building and Design, Earth Advantage, Harka Architecture, The Environmental Center, Fossil Free Eugene, Green Hammer, Multnomah County Office of Sustainability, NorthWest AeroBarrier, NW Energy Coalition, Opsis Architecture, Passive House Northwest, Salazar Architects, Scott Edwards Architecture, SERA Architects, City of Tigard, Walsh Construction**

From: [Brad Reed](#)
To: [OCR](#)
Subject: Public comment for Work Session 11/7 (all-electric homes and buildings)
Date: Monday, November 6, 2023 10:53:16 AM

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

Ahead of your work session on Tuesday, November 7, I'm writing as a resident of the Hector-Campbell neighborhood, a NW Natural Gas customer, and as a professional who works closely on policy for resilience, affordability, and zero-pollution in our homes and buildings. I strongly urge you to continue your work and redouble your commitment to an all-electric Milwaukie powered by renewable energy.

On two points particularly the Council should take action: 1) raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program; 2) continue to work with staff to bring forward policies and programs to transition Milwaukie's homes and buildings from burning methane gas to using clean electricity for heating, hot water, and other daily needs. These efforts should prioritize benefits to our low-income neighbors and those on the frontlines of climate harms like extreme heat and wildfire smoke.

Now is the time to take advantage of the opportunity of ending the harmful expansion of the fossil fuel system in our community. Through Inflation Reduction Act programs, the federal government is investing in and subsidizing the deployment of electric heat pumps for heating, cooling, and hot water. More than \$100 million in rebates for low- and middle-income households will begin flowing to our state in 2024, and generous tax breaks are already in effect. Stacked with already existing and some developing programs at the state level and with electric utilities, this work has never been more affordable and accessible.

Local action will complement state-level actions. The State of Oregon recently adopted a new goal of deploying 500,000 new heat pumps by 2030, and a directive to orient all state energy efficiency programs and other incentive programs toward achieving this goal and lowering climate pollution from burning fossil fuels (House Bill 3409). Both the Energy Trust of Oregon and Oregon Department of Energy are expanding staff rapidly to meet the moment of beneficial transition to clean electricity in our homes and buildings and help Oregonians pay for better efficiency, resilience, and health upgrades.

For large, commercial buildings, a new, statewide Building Performance Standard will soon be in place, requiring ever more stringent energy efficiency standards over time. Such efficiency will be difficult and expensive to achieve with a dependence on the gas system. Responsible future construction in the large commercial sector in Oregon will therefore trend toward all-electric.

Electrification is the most certain and effective pathway to reducing pollution from homes and buildings. Oregon's utility consumer advocate, the Citizens' Utility Board, has warned NW Natural is not prepared to meet Oregon's mandatory targets for lowering climate pollution over time. The more they expand the fossil fuel system, the more difficult it becomes. Failing to regulate expansion of the gas system enables NW Natural to try to spend ratepayer dollars investing in expensive, risky new technologies rather than maximize efficiency and electrification, and to essentially trap new customers onto an increasingly expensive gas system. As more and more homes and buildings go electric, as is the trend and the momentum, those left on the gas system will face increasing volatility and likely higher bills. With early action prioritizing low-income and other vulnerable neighbors, the City of Milwaukie can help us avoid this future while benefiting from lower bills, increasing

resilience to extreme heat and smoke, and eliminating fumes in our homes from leaking or burned methane.

As has been noted by both City Staff and Councilors, this work would benefit greatly from dedicated personnel. Increasing the fee on NW Natural in the city's existing right of way ordinance to 10% will hold the fossil gas utility responsible for paying for this important work. This increase would generate approximately a quarter million dollars annually.

With increased heat waves and wildfire smoke inundations in the summer, and the rising cost of using gas to heat our homes in the winter, this is an immediate need to protect our citizens. Increasing efficiency measures like insulation and sturdier windows and doors, coupled with an efficient electric heat pump for heating in winter and added cooling in the summer, will make a big difference in people's health, comfort, and energy bills.

Thank you for your consideration and I look forward to further conversations, and actions, in the city on this topic.

Sincerely,

Brad Reed
Hector-Campbell neighborhood
Milwaukie, OR

Testimony to the City of Milwaukie**November 7, 2023****Jacqui Treiger, Campaign Manager: Climate and Transportation
Oregon Environmental Council**

Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative and equitable solutions to Oregon's environmental challenges for today and future generations.

Dear Mayor Batey, City Councilors, and City Manager Ober,

I am writing to voice our support for the City of Milwaukie taking ambitious action towards decarbonizing buildings and transitioning to renewable, clean energy.

This past summer's record-breaking, climate-fueled heatwaves are just the latest reminder of what we face if we do not act with the urgency the climate crisis demands. Seven of the hottest global days in the last 100,000 years occurred this summer¹. We do not have the luxury of time to act.

Homes and buildings are the second largest source of climate pollution in Oregon, and consume nearly 43% of all energy statewide. These emissions are from the fossil gas used for power and burned in furnaces, water heaters, stoves, and dryers. Swapping out gas appliances for efficient, electric alternatives will significantly reduce climate emissions, and could reduce the average Oregon household's climate footprint by 50% - the equivalent of completely giving up your car². It also supports local jobs.

Not only does replacing gas burning appliances cut climate emissions, it is also important for improving air quality and health. Homes with gas stoves have 50 percent to over 400 percent higher nitrogen dioxide levels in their indoor air than homes with electric stoves³. Nitrogen dioxide can lead to heart failure and asthma. One hour of cooking on a gas stove produces

¹ Thompson, Andrea. "July 2023 Is Hottest Month Ever Recorded on Earth." Scientific American, July 27, 2023. <https://www.scientificamerican.com/article/july-2023-is-hottest-month-ever-recorded-on-earth/>.

² Sierra Club. "New Analysis: Heat Pumps Slow Climate Change in Every Corner of the Country," April 23, 2020. <https://www.sierraclub.org/articles/2020/04/new-analysis-heat-pumps-slow-climate-change-every-corner-country>.

³ Rocky Mountain Institute. "Gas Stoves: Health and Air Quality Impacts and Solutions." RMI, March 2, 2022. <https://rmi.org/insight/gas-stoves-pollution-health>.



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nitrogen dioxide levels that would be illegal if found outdoors⁴. Lastly, children in homes with gas stoves have a 42 percent increased risk of asthma symptoms⁵.

For the health of all those who live in Milwaukie, we urge the City of Milwaukie to commit to all-electric public buildings and to raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program. This increase would generate approximately a quarter million dollars annually.

Thank you for the opportunity to submit written comments.

Sincerely,

Jacqui Treiger
Campaign Manager: Climate and Transportation
Oregon Environmental Council
jacquit@oeonline.org

⁴ "Effects of Residential Gas Appliances on Indoor and Outdoor Air Quality and Public Health in California.Pdf | Powered by Box," n.d. <https://ucla.app.box.com/s/xyzt8jclixnetiv0269qe704wu0ihif7>.

⁵ Armand, Wynne, MD. "Have a Gas Stove? How to Reduce Pollution That May Harm Health." Harvard Health, September 7, 2022.
<https://www.health.harvard.edu/blog/have-a-gas-stove-how-to-reduce-pollution-that-may-harm-health-202209072811>.

November 6, 2023

Milwaukie City Council
10722 SE Main Street
Milwaukie, OR 97222

RE: Building Energy Policy

Dear Mayor Batey and City Councilors,

My name is Greer Ryan and I'm a resident of the Hector Campbell neighborhood in Milwaukie. I'm also a climate and energy policy professional and have presented to the City in my previous role as Clean Buildings Policy Manager with the regional nonprofit Climate Solutions. I write to you today in my personal capacity.

It's been nearly a year since Milwaukie's City Council voted to pass two critical resolutions to slash carbon pollution and improve the health and safety of new residential and public buildings. This was a move of climate leadership. It was one rooted in understanding that addressing the climate crisis and energy affordability are both urgent and necessary and that the best way to do both is to ensure that buildings are built right from the start – without dependence on polluting, risky fossil fuels like methane gas.

I understand from reading the work session packet for tomorrow that City staff have done a lot of work to plan some tangible and impactful next steps. I wanted to share some significant developments in federal and state policy that I hope will support staff's plan and ultimately help inform this Council's next steps. For example, Oregon's legislature passed a landmark climate package which includes a set of policies called the "Resilient Buildings" package. This package was designed to help Oregonians tap into once-in-a-generation federal funding to help deploy energy efficient technologies like heat pumps, weatherization, and financial support for climate-friendly new construction. Among other things, the package set a new state goal of 500,000 heat pumps by 2030 and directed the Department of Energy to create a "One-Stop Shop" to help individuals and professionals access various electric heat pump incentives. With more than \$100 million in rebates set to flow into our state in 2024 and generous tax breaks already in effect, Milwaukie stands to benefit significantly from these initiatives. As these policies are developed, the City can do a lot to help educate, prepare, and encourage residents to take advantage of these financial resources.

With these developments in mind, and in support of City staff's suggestions, I urge you to:

1. **Raise the Right of Way (ROW) Licensing Fee for NW Natural to at least 10%.** This could help raise funds to support staffing the City's climate work to implement essential climate initiatives and support the transition to local clean energy solutions.
2. **Implement Tangible Policies and Programs to Support Building Electrification.** Council can work closely with staff to bring forward policies and programs that help

support all Milwaukie residents – but especially lower-income households – to transition to healthy, affordable electric alternatives such as heat pumps and induction stoves. It can also be used to help educate and inform residents about state and federal funding opportunities.

By taking these and other concrete actions in the near-term, Milwaukie can serve as a model for other communities, demonstrating our City's commitment to environmental sustainability, public health, and social equity.

Finally, on a personal note, I know from experience that financial incentives and some education on the health and economic benefits of electrification can go a long way. I found out about a month living in my new (80+ year-old) Milwaukie home that the gas furnace was broken and presented a risk of carbon monoxide poisoning. I already knew that I wanted to replace it with a heat pump so that I could have both heating and cooling and save some money on my utility bills, but I was worried about the upfront cost of replacing such a big appliance. I was lucky to know enough about who to ask and where to look to ensure that I was taking advantage of all of the available incentives to help drive down that cost – from federal tax credits to Energy Trust of Oregon (ETO) incentives. But I know that not everyone has this information or even knows what questions to ask. Even a small amount of outreach on the City's part could go a long way to helping others know where to look and what questions to ask when (ideally *before*) they get to a point where they're in need.

Thank you for your climate leadership and dedication to building a cleaner, healthier, and more sustainable future for Milwaukie and all its residents.

Sincerely,
Greer Ryan

Scott Stauffer

From: Ashley Haight <ashleyhaight7@gmail.com>
Sent: Tuesday, November 7, 2023 2:11 PM
To: OCR
Subject: Milwaukie City Council meeting - public comment

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

To reach this goal, it is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, we need to ensure that the climate program at the City is properly funded and staffed.

As such, we hope the City Council will move forward with actions to 1) commit to all-electric public buildings in our community, 2) raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program. This increase would generate approximately a quarter million dollars annually.

Thank you for your consideration.

Ashley

--

Ashley Haight
541.510.9620

Scott Stauffer

From: KB Mercer <kb@travelinglantern.com>
Sent: Tuesday, November 7, 2023 2:19 PM
To: OCR
Subject: Building Decarbonization & NW Natural's fees

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

I have always been so proud of Milwaukie for being ahead of the curve on climate. It's time we commit to all-electric buildings, and I hope you will act on the following suggestions from ZERO Coalition.

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

To reach this goal, it is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, we need to ensure that the climate program at the City is properly funded and staffed.

As such, we hope the City Council will move forward with actions to 1) commit to all-electric public buildings in our community, 2) raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program. This increase would generate approximately a quarter million dollars annually.

Thank you for your consideration.

KB Mercer
Managing Director



www.travelinglantern.com

800 936 4723

[FB](#) [Twitter](#) [Instagram](#) [Blogspot](#)

Scott Stauffer

From: Jenn Lanius <jenn@emaarchitecture.com>
Sent: Tuesday, November 7, 2023 2:34 PM
To: OCR
Subject: building decarbonization & NW Natural's fees

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

To reach this goal, it is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, we need to ensure that the climate program at the City is properly funded and staffed.

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Thank you for your consideration.

Thanks,
Jenn Lanius, Architect
LEED AP (BD+C)

EMA Architecture, LLC

721 NW 9th Ave Suite 280, Portland OR 97209
Office 503.224.1282 | www.EMAarchitecture.com
Cell: 317-435-6198
Direct: 971 256-3746
jlanius@emaarchitecture.com

Scott Stauffer

From: Thor Hinckley <thorhinckley53@gmail.com>
Sent: Tuesday, November 7, 2023 2:51 PM
To: OCR
Subject: Requested City Council Action

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

To reach this goal, it is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, we need to ensure that the climate program at the City is properly funded and staffed.

As such, we hope the City Council will move forward with actions to 1) commit to all-electric public buildings in our community, 2) raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program. This increase would generate approximately a quarter million dollars annually.

Thank you for your consideration.

Thor Hinckley

Scott Stauffer

From: Helena Birecki <earthsanity@gmail.com>
Sent: Tuesday, November 7, 2023 2:54 PM
To: OCR
Subject: All-electric new buildings are critical for climate, health, and affordability

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie and other cities and counties in Oregon to implement concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

To reach this goal, it is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, we need to ensure that the climate program at the City is properly funded and staffed.

As such, we hope the City Council will move forward with actions to 1) commit to all-electric public buildings 2) raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program. This increase would generate approximately a quarter million dollars annually.

Thank you for your consideration.

Helena Birecki

Oregon resident, member of ZERO Coalition and Climate Reality Project

Scott Stauffer

From: Susan Palmiter <spalmiter@gmail.com>
Sent: Tuesday, November 7, 2023 2:54 PM
To: OCR
Subject: Climate proofing!

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

To reach this goal, it is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, we need to ensure that the climate program at the City is properly funded and staffed.

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Thank you for your consideration and your service.

Susan Palmiter
Spalmiter@gmail.com

Scott Stauffer

From: RAND SCHENCK <RANDSCHENCK@msn.com>
Sent: Tuesday, November 7, 2023 3:03 PM
To: OCR
Subject: Enabling a Fossil Fuel Free Future

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

Please know that I am a committed climate activist/volunteer and am greatly encouraged that the City is looking to do its part in helping us move to a fossil fuel free future. The statements below represent my views precisely.

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

To reach this goal, it is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, we need to ensure that the climate program at the City is properly funded and staffed.

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Thank you for your consideration.

Rand Schenck
Steering Committee member, MCAT, Mobilizing Climate Action Together

Scott Stauffer

From: Bill Harris <bbharris1936@gmail.com>
Sent: Tuesday, November 7, 2023 3:10 PM
To: OCR; Quinton Blanton
Subject: Another chance to do our share

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

To reach this goal, it is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, we need to ensure that the climate program at the City is properly funded and staffed.

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Thank you for your consideration.
Hopefully,
Bill Harris

From: [Emily Herbert](#)
To: [OCR](#)
Subject: Decarbonize Buildings and RAise fees on NW Natural
Date: Tuesday, November 7, 2023 3:21:14 PM

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

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Thank you for your consideration.

Emily Herbert
Portland

--

“Another world is not only possible, she is on her way. On a quiet day, I can hear her breathing.”

— Arundhati Roy

Scott Stauffer

From: Juliette Grummon-Beale <jgbeale@seallp.com>
Sent: Tuesday, November 7, 2023 3:23 PM
To: OCR
Subject: Bldg Decarbonization & NW Naturals Fees

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

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Thank you for your consideration.

Juliette Grummon-Beale, RA, LEED AP BD+C
Sustainability Director
[she/her/hers]

D 503.896.5336



Scott Edwards Architecture LLP
2525 E Burnside St. Portland, OR 97214
503.226.3617 • seallp.com

Scott Stauffer

From: cyndi mc Alpine <mc Alpine.cyndi@gmail.com>
Sent: Tuesday, November 7, 2023 3:27 PM
To: OCR
Subject: Urgent: Milwaukie City Council on building decarbonization & NW Natural's fees

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

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Thank you for your consideration.

Cyndi McAlpine
Third Act Oregon

We do not inherit the earth from our ancestors, we borrow it from our children.

- Native American Proverb

Scott Stauffer

From: Ann Turner <annturnerpx106@gmail.com>
Sent: Tuesday, November 7, 2023 3:30 PM
To: OCR
Subject: Electrification

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

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Thank you for your consideration.

Ann Turner, MD
Oregon Physicians for Social Responsibility

Scott Stauffer

From: Jeanette LeTourneux <jetlet10@gmail.com>
Sent: Tuesday, November 7, 2023 3:35 PM
To: OCR
Subject: Milwaukie City Council on building decarbonization & NW Natural's fees

This Message originated outside your organization.

Dear Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

To reach this goal, it is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, we need to ensure that the climate program at the City is properly funded and staffed.

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Thank you for your consideration.

Sincerely,
Jeanette LeTourneux

Scott Stauffer

From: Tim Elley <tim.elley@pae-engineers.com>
Sent: Tuesday, November 7, 2023 3:42 PM
To: OCR
Cc: Ruwan Jayaweera
Subject: Support for Decarbonization Policies

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

I would like to voice my support for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

As such, we hope the City Council will move forward with actions to 1) commit to all-electric public buildings in our community, 2) raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program.

Thank you!

Tim

Tim Elley, PE, LEED AP
ASSOCIATE PRINCIPAL

PAE
d: 503.542.0522
[Get connected](#)

Scott Stauffer

From: Kathleen Boylan <kathyaboylan@gmail.com>
Sent: Tuesday, November 7, 2023 3:49 PM
To: OCR
Subject: Building decarbonization & NW Natural's Fees

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

To reach this goal, it is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, we need to ensure that the climate program at the City is properly funded and staffed.

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Thank you for your consideration.

Scott Stauffer

From: Linda S Craig <lindacraigpdx@gmail.com>
Sent: Tuesday, November 7, 2023 4:02 PM
To: OCR
Subject: Electrify now....please

This Message originated outside your organization.

Dear Mayor Batey and City Council,

Gas indoor appliances have been shown to harm children's health. Please take this opportunity to electrify your new buildings. Milwaukie's children (and parents) will thank you, and the planet will thank you as you diminish methane emissions.

Reducing methane is one of the most important things we can do for the planet as soon as possible. Reducing methane is better than reducing carbon because its life in the atmosphere is shorter. Thus, we can make a near term difference by reducing methane. We dare not delay if we want a livable future.

Thanks for considering this measure. Please pass it now.

Sincerely,

Linda Craig

Scott Stauffer

From: Eileen Fromer <eileenfromer4@gmail.com>
Sent: Tuesday, November 7, 2023 4:15 PM
To: OCR
Subject: Our Climate

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

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Thank you for your consideration.

Eileen Fromer

Scott Stauffer

From: Jean Root <jvonbargen@mwaarchitects.com>
Sent: Tuesday, November 7, 2023 5:19 PM
To: OCR
Subject: Building decarbonization & NW Natural's fees

This Message originated outside your organization.

Mayor Batey and Milwaukie City Council,

After another year of historic climate-fueled weather events – including fires, deadly heat waves, and severe winter weather, NOW is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

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Thank you for your consideration.

Jean von Barga Root AIA, LEED AP BD+C, NOMA, PMP, Assoc. DBIA (she/her)

Principal | Director of Sustainability

MWA ARCHITECTS INC.

San Francisco | Portland

📞 503.973.5151 | 📠 503.705.0653

jvonbargen@mwaarchitects.com | www.mwaarchitects.com

Our Portland office has moved! We are now located at [501 SE 14th Ave, Suite 103, Portland, OR 97214](#).

Scott Stauffer

From: Joseph Stenger <joseph.stenger@gmail.com>
Sent: Wednesday, November 8, 2023 2:41 PM
To: OCR
Subject: Decarbonization

This Message originated outside your organization.

Dear Mayor Batey and Milwaukie City Council:

We continue to struggle through cascading weather disasters - if Lahaina can burn, so can we. If northern Canada can have unprecedented fires, so can we. If Pennsylvania can flood, so can we. We escaped a heat dome this past summer, but who knows when that will hit us again. I want my grandchildren to have a chance at life rather than be faced with a devastated world.

We know the path to a better future! This is the time for the City of Milwaukie to join other cities in Oregon by implementing concrete policies to decarbonize our buildings and transition to clean, renewable electricity.

To reach this goal, it is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, we need to ensure that the climate program at the City is properly funded and staffed.

We urge the City Council to move forward with actions to 1) commit to all-electric public buildings in our community, 2) raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program. This increase would generate approximately a quarter million dollars annually.

Thank you for your consideration.

Joseph Stenger MD
97211

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Oct. 29, 2023

Reviewed: Jana Hoffman, Library Manager, and
Kelly Lamm, Library Manager

From: Karla Branson, Library Board Chair, and
Brent Husher, Library Director

Subject: **Library Annual Report FY 2023**

ACTION REQUESTED

Council is asked to review and discuss the Library Board's annual report for 2022-2023.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Library Board reports are presented to Council on an annual basis. The board's duties, under the general direction of Council, include, among other things, reviewing and commenting on rules and policies for the operation of the library, on the acceptance or rejection of donations of real or personal property or funds donated to the library, and on sites for public library buildings or for location of library facilities. The board also works to obtain adequate financial support for the library, although the board has no responsibility for the budget or for any financial transactions. The board assists the library in being responsive to current and future community needs.

In addition to the formal Library Advisory Board, the library team has created a new Teen Advisory Board (TAB). This informal group of 6th-12th graders meet and provide input for library programs and collections. In addition, members can develop leadership skills, and earn volunteer hours.

Library Board Highlights of 2022-2023

- Current Board Members include Karla Branson (Chair), Ann Heiliger (Vice Chair), Joel McLemore (Secretary), Deepak Kadetotad, Maryruth Storer, Shawne Smith, and Krystina Thomas.
- The board transitioned back to in-person monthly meetings.
- Policies Reviewed:
 - Meeting Rooms Policy
 - Community Bulletin Board Policy
 - Service Animal Policy
- The board learned more about library operations and the work of library teammates each month in a new recurring agenda item: "Meet the Team."
- The board is excited to develop library strategic priorities in the Spring that align with the City's strategic plan.

Teen Advisory Board (TAB) Highlights, Since Created

- It held 14 meetings.
- 13 teens participated.
- Teens logged 69 volunteer hours.
- Teens planned and set up an after-hours lock-in event.
- Chose Teen Summer Reading prizes.
- Created flyers for teen events.
- Provided volunteer assistance at library sponsored programs aimed at children.
- Provided input to NCPRD staff for teen programming ideas in parks.

Library Operations

This year, the library returned to in-person programming, a final step of reopening services after emergency operations required during the COVID-19 pandemic. While there may be fewer programs than pre-pandemic times, the library team is focused on facilitating the highest quality programs with the greatest impact, and at the same time recognizes the limited capacity of the team.

Implementation of LibCal created a scheduling system that allowed library users to see availability and reserve the library study rooms, conference room and community room online. This process also streamlined the staff time required to manage the reservations of these spaces.

Overall, the library team has focused on partnering and collaborating with a succinct goal in mind: one library; one city. This approach impacts work at all levels: internally to the library, internal to the city and to the broader community.

The library began using a single schedule across the library divisions, so that all staff could understand when and where teammates were working. Understanding the work of each library division and how it fits into the whole has led to much broader collaboration. This has increased the strength of the larger library team. Divisional cross training has created a more flexible team where folks are better able to identify impact.

Because the library is a seven day per week operation that includes open hours as late as 8 p.m., it is difficult to schedule all library teammates for city meetings and training. Library management has emphasized the importance of joining our city teammates, so that we all continue to develop our larger team. This has also meant spending extra time to adjust schedules and, at times, opening hours, so that everyone is able to participate. No one wants to reduce library hours on a whim, but participation is that important.

The library has continued to see an increased number of users in crisis and those experiencing homelessness. Additionally, staff are facing more severe behavioral challenges while working at public service desks. Our approach is to respect everyone in our spaces, expand our partnerships to bring in others to supplement our expertise, connect those in need with services where we can, and balance the needs of all library users.

In terms of connecting folks to resources, and supplementing our expertise, we've worked closely with the Milwaukie Police Department's (MPD's) behavior health specialist, Glen Suchanek. Glen has brought in social workers from LoveOne and Central City Concern to help.

The management team meets regularly with this group, and most weeks, social workers are meeting a couple of hours here at the library so users can connect.

Library Statistics	22-23	21-22	19-20	18-19	17-18
• Circulation:	619,636	570,967	397,577	512,487	621,790
• New Accounts:	3967	3398	2535	1552	2620
• Total Accounts:	18,765	17058	18,756	18964	21,040
• Visitor count:	192,823	149,899	113,855	158,027	251,470
• Volunteers:	780	585	756	937	1386
• Volunteer Hours:	5882	4346	3621	6135	7758
• Programs:	393	183	379	471	624
• Program attendance:	15,193	9364	12,743	13,992	19,838

Library Budget 22-23

Income	
District Funds	\$2,065,057
City Contribution	\$ 851,840
Fines & Replacement Costs	\$ 25,885
Copies & Prints	\$ 4,214
Grants	<u>\$ 6,718</u>
Total	\$2,953,714
Expense	
Personnel	\$1,875,986
Materials, Services, Programs	\$ 219,910
Other City Support	<u>\$ 851,840</u>
Total	\$2,947,736

Additional financial support towards library collections, programing, and equipment is provided by the [Friends of the Ledding Library \(FOLL\)](#), a separate 501c3 non-profit organization. FOLL volunteers accept and sell donated items at their Sunday book sales aligned with Sunday Market days, host quarterly book sales, host an annual plant sale, and sell donated books and new merchandise in their book shop in the library's lobby. The funds they raise go directly back into supporting the library.

Between January and December 2023, FOLL designated \$46,460 for the Library. This financial support funded a variety of initiatives including the following:

- Cultural Pass Program
- Summer Reading Prizes for children, teens, and adults
- New PA System for the Library's Community Room
- Children's Performers and Programs
- Spanish Language Storytimes
- Annual Music License for the City and Library (BMI)
- Movie License (so films can legally be shown in Library programs)
- Books for the Lucky Day Program
- Inaugural Fall Authors Series

BUDGET IMPACTS

None.

WORKLOAD IMPACTS

The staff liaison to the board, the library director, will attend all board meetings as well as post meeting agendas and minutes on the library's website.

COORDINATION, CONCURRENCE, OR DISSENT

The Library Board and the library director have reviewed and concur with this report.

STAFF RECOMMENDATION

The library director recommends that Council accept this report and thank the board members, all of whom are volunteers.

ATTACHMENTS

None.

WS 2. 11/7/23
Presentation

LIBRARY ANNUAL REPORT

2022-2023



INTRODUCTION

- Overview
- Library Advisory Board
- Teen Advisory Board



Presenter: Brent Husher, Library Director

LIBRARY ADVISORY BOARD



Presenter: Karla Branson, Library Advisor Board Chair

TEEN ADVISORY BOARD (TAB)



Presenters: Bea Perkins & Ingrid Kesswood, TAB Members



FRIENDS OF LEDDING LIBRARY & PROGRAMS



Presenters: Maryruth Storer & Shawne Smith, Library Advisory Board Members



QUESTIONS

