



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

2406th Meeting**REVISED AGENDA****JULY 16, 2024**

(Revised July 12, 2024)

Council will hold this meeting in-person and by video conference. The public may come to City Hall, join the Zoom webinar, or watch 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-regular-session-375>. Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov.

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

Page #

1. **CALL TO ORDER** (6:00 p.m.)
 - A. **Pledge of Allegiance**
 - B. **Native Lands Acknowledgment**
2. **ANNOUNCEMENTS** (6:01 p.m.) 2
3. **PROCLAMATIONS AND AWARDS**
 - A. **None Scheduled.**
4. **SPECIAL REPORTS**
 - A. **Milwaukie Community Center – Update** (6:05 p.m.)
Presenters: Wilda Parks, Center Advisory Board, and
Marty Hanley, Center Manager
 - B. **Support for the Oregon Nurses Association – Resolution** (6:25 p.m.) 5
Presenters: Councilor Will Anderson, and
Councilor Adam Khosroabadi
5. **COMMUNITY COMMENTS** (6:35 p.m.) 7

To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed at the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to ocr@milwaukieoregon.gov), or in person to city staff.**
6. **CONSENT AGENDA** (6:40 p.m.)

Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.

 - A. **Approval of Council Meeting Minutes of:** 10
 1. **June 4, 2024, work session,**
 2. **June 4, 2024, regular session,**
 3. **June 11, 2024, study session,**
 4. **June 18, 2024, work session, and**
 5. **June 18, 2024, regular session.**
 - B. **Adoption of the Council Communication Agreement – Resolution** 24
 - C. **Adoption of Updated Council Committee Assignments** (removed from the agenda)

Schedule Note: Council will consider the public hearing item 8. A. before the business items. The estimated times below reflect this agenda order change.

8. PUBLIC HEARINGS

- A. Neighborhood Hubs Adoption – Ordinance, continued (6:45 p.m.) 71**
Staff: Vera Kolas, Senior Planner, and
Adam Heroux, Associate Planner

7. BUSINESS ITEMS

- A. Annexation of 9304 SE 55th Avenue (A-2024-001) – Ordinance (7:45 p.m.) 29**
Staff: Adam Heroux, Associate Planner
- B. Houseless Services – Report (8:00 p.m.) 65**
Staff: Emma Sagor, Acting City Manager

9. COUNCIL REPORTS (8:30 p.m.) 154

10. ADJOURNMENT (8:45 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 REGULAR SESSION

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

2406th Meeting

MINUTES

JULY 16, 2024

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

Staff Present: Joseph Briglio, Acting Assistant City Manager
Ryan Burdick, Chief of Police
Justin Gericke, City Attorney
Adam Heroux, Associate Planner
Vera Kolias, Senior Planner

Nicole Madigan, Deputy City Recorder
Michael Osborne, Finance Director
Emma Sagor, Acting City Manager
Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:01 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including the Porchfest concerts and library events including a drumming concert, a juggling show, and a puppet show.

Mayor Batey read a haiku poem about Porchfest.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. Milwaukie Community Center – Update

Center Advisory Board (CAB) members **Wilda Parks** and **Riley Clark-Long**, and Center Manager **Marty Hanley** provided a history of the center and updates on activities and projects at the Center, including CAB goals and membership changes, Meals on Wheels and social services, and facility improvement projects.

Councilor Stavenjord, Hanley, and Parks remarked on the Center's current and possible inter-generational programming. They noted the use of the Center's *Connections* newsletter to advertise the Center's programs and activities. They clarified that United States citizenship was not required to participate in Center activities.

Councilor Khosroabadi and Mayor Batey appreciated the Center's work and programs. **Batey and Parks** noted the recent unveiling of a new community mural at the Center.

B. Support for Oregon Nurses Association (ONA) – Resolution

Councilors Anderson and Khosroabadi explained that the resolution was meant to show support for ONA nurses who had gone on strike at Providence Milwaukie Hospital.

Mayor Batey noted that Providence Milwaukie Hospital had submitted a letter to Council regarding the strike and proposed resolution. **Councilor Anderson** noted a revision to the fourth paragraph and **Councilor Khosroabadi** encouraged the hospital to do better.

Mayor Batey, Sagor, and Gericke remarked on the use of footnotes in proclamations and resolutions and the length of such documents.

All Council members expressed support for the nurses and for adopting a statement and/or resolution regarding the strike. The group discussed how to proceed with the resolution, and it was the Council consensus to withdraw the resolution for further revisions and to bring it back at the August 6 regular session.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures. **Sagor** reported that there was no follow-up report from the July 9 community comments and that staff would follow-up to the written comments received for the July 16 meeting.

Josh Brown, with Waste Connections which operates Hoodview Disposal & Recycling, remarked on the solid waste rate review process and offered to answer Council questions.

Dave Huber, with Waste Management (WM), reviewed the services WM provides and discussed the solid waste rate review process and offered to answer Council questions.

6. CONSENT AGENDA

Councilor Khosroabadi proposed a correction to the July 11, 2024, study session and **Mayor Batey** suggested the minutes be removed from the agenda for further review.

It was moved by **Council President Massey** and seconded by **Councilor Anderson** to approve the Consent Agenda except item 6. A. 3.

A. City Council Meeting Minutes:

1. June 4, 2024, work session,
2. June 4, 2024, regular session,
3. ~~June 11, 2024, study session,~~ (removed from the agenda)
4. June 18, 2024, work session, and
5. June 18, 2024, regular session.

B. Resolution 39-2024: A resolution of the City Council of the City of Milwaukie, Oregon, adopting the Council Communication Agreement.

C. ~~A resolution updating Council committee assignments.~~ (removed from the agenda)

Motion passed with the following vote: **Councilors Anderson, Khosroabadi, Massey, and Stavenjord** and **Mayor Batey** voting “aye.” [5:0]

Mayor Batey announced that Council would proceed to item 8. A.

8. PUBLIC HEARING

A. Neighborhood Hubs Adoption – Ordinance, continued

Call to Order: **Mayor Batey** called the public hearing on the proposed neighborhood hubs code adoption, to order at 6:59 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to receive a staff update and continue the Council deliberation on the proposed code amendments.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Kolias** reviewed the proposed code amendments and discussed how the hubs project had developed and takeaways from the previous Council hearing on neighborhood hubs. **Kolias** and **Weigel** presented amendments to the code change package including conditional uses for drinking establishments and hub locations.

Mayor Batey noted Council would take additional public comment on the hubs.

Councilor Stavenjord remarked on the code amendments for drinking establishments and supported the proposal to deal with such establishments on a case-by-case basis.

Councilor Khosroabadi supported dealing with drinking establishments case-by-case and clarified with **Kolias** that drinking establishments were not the same as restaurants.

Mayor Batey and **Kolias** noted how a bar was different than a restaurant.

Councilor Anderson and **Kolias** commented on what zoning action needed to happen at the Milwaukie Floral site for it to become housing, noting that the previously proposed rezone had been withdrawn because the property owner did not support the change.

Mayor Batey and **Kolias** remarked on the location of the proposed hubs and plans for an economic development tool kit to support the growth of business in the hubs.

It was moved by Councilor Khosroabadi and seconded by Councilor Stavenjord to reopen the public testimony portion of the hearing. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Mayor Batey reviewed the comment procedures.

Audience Testimony

Lisa Gunion-Rinker, Ardenwald-Johnson Creek Neighborhood District Association (NDA), remarked on the proposal for drinking establishments in hubs and reported that the NDA would like to set operational hours for such businesses. **Gunion-Rinker** and **Kolias** commented on zoning around an historic church in the Ardenwald neighborhood.

Camden McKone, Lewelling NDA, on behalf of the chairs of the Hector Campbell, Historic Milwaukie, and Lake Road NDAs expressed support for the hubs code and moving to the hubs project Phase III as soon as possible.

Maitri Dirmeyer, Lewelling NDA, supported the hubs code and noted the Lewelling neighborhood did not have a hubs area but could have a hub pop-up developed through the project's Phase III.

Lorreina Guyett and **Morgan Buck**, unincorporated Clackamas County residents, supported the neighborhood hubs code adoption.

Stephan Lashbrook, Lewelling NDA, expressed support for the hubs code adoption.

Staff Response to Testimony: **Kolias** noted that the proposed code amendments would increase the opportunities for business pop-up uses. **Weigel** reported that allowing drinking establishment hours had been a popular idea at community outreach events.

Council Questions to Staff: **Mayor Batey** and **Kolias** remarked on whether a former church building in Ardenwald was on the city's historic structure inventory and whether that designation would have an impact on the code changes. **Heroux** reported that the property may have been removed from the inventory at the request of the property owner.

It was moved by Councilor Khosroabadi and seconded by Council President Massey to close the public testimony portion of the hearing. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Mayor Batey closed the public comment part of the hearing at 7:55 p.m.

Council Discussion

Councilors Stavenjord, Khosroabadi, and Anderson, and Council President Massey, discussed the benefits of hubs and expressed support for the hubs code and refining the program as it is implemented in Phase III. **Anderson** was disappointed the Milwaukie Floral site had been removed from the hubs code and remarked on focusing on placemaking in the hubs project Phase III.

Mayor Batey supported the hubs code package and expressed opposition to allowing drinking establishments in neighborhood hubs. **Councilor Khosroabadi** commented on the permitted business uses under the revised zones in the hubs code. **Councilor Anderson** supported flexible zoning and encouraging development in hub areas.

It was moved by Councilor Khosroabadi and seconded by Council President Massey for the first and second readings by title only and adoption of the ordinance amending the Milwaukie Comprehensive Plan Commercial Land Use Designations, Municipal Code (MMC) Title 11 Miscellaneous Permits, Title 19 Zoning Ordinance, Title 14 Signs, and the Zoning Map for the purpose of implementing Neighborhood Hubs (Primary File #ZA-2024-001). Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord voting “aye” and Mayor Batey voting “no.” [4:1]

Sagor read the ordinance one time by title only.

Mayor Batey noted that as the vote was not unanimous the second reading and roll call vote would be held at the August 6 Council regular session.

The group discussed when staff should bring the Neighborhood Hubs Phase III to Council for discussion, noting Council’s goal setting work in 2025, staff workload challenges, and community interest in developing hubs. There was Council consensus and staff support, to bring hubs Phase III to a Council agenda in fall 2024.

Mayor Batey recessed the meeting at 8:22 p.m. and reconvened at 8:35 p.m.

7. BUSINESS ITEMS

A. Annexation of 9304 SE 55th Avenue (A-2024-001) – Ordinance

Kolias reported that the requested annexation had been triggered by the need to connect the property to the city’s sewer system. **Councilor Khosroabadi** asked if the property would be billed for city stormwater service if it had a stormwater facility onsite and **Sagor** noted that staff would follow-up on the question.

It was moved by Councilor Khosroabadi and seconded by Council President Massey for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 12E30AC02200 and located at 9304 SE 55th Avenue into the city limits of the City of Milwaukie (File #A-2024-011). Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Sagor read the ordinance two times by title only.

Madigan polled the Council with Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Ordinance 2244:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 12E30AC02200 AND LOCATED AT 9304 SE 55th AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2024-001).

B. Houseless Services – Report

Sagor and **Councilor Stavenjord** provided updates on the city’s housing and behavioral health services, including services provided by the Milwaukie Police Department (MPD) behavioral health coordinator and community organizations at the Ledding Library, a rental assistance program, and grant applications submitted to the county to fund support services. The group remarked on services provided by the Clackamas Service Center (CSC) and how the public could access those services.

Councilor Khosroabadi and **Sagor** remarked on whether the city’s construction excise tax (CET) funds could be used for support services and whether the city could work with Central City Concern or other organizations. They noted the financial impact of staff overtime costs to provide support services. **Mayor Batey** noted Metro was looking at putting together a supportive housing services (SHS) bond measure that could support the city’s support services. **Councilor Stavenjord** explained how Clackamas County had sought to fund SHS through cities.

Sagor provided updates on plans to open a county-run stabilization center in Milwaukie, the city’s coordination with Providence Milwaukie Hospital to improve service delivery, and the opening of a warming shelter in downtown Milwaukie. The group noted upcoming Clackamas Board of County Commissioners meetings where SHS funding requests support would be decided.

9. COUNCIL REPORTS

Councilor Stavenjord and **Mayor Batey** reported on the Clackamas County Coordinating Committee’s (C4) legislative agenda and a request for the city to sign a joint values letter. The group discussed the letter, Milwaukie’s position on Interstate-205 tolling and transportation projects in the county, and it was Council consensus that the city would sign the C4 values letter.

Councilor Stavenjord asked if Council wanted to discuss the city’s youth engagement program at an upcoming meeting. It was Council consensus to discuss youth engagement at an upcoming work session.

Council President Massey reported on recent work done by the North Clackamas Watershed Council (NCWC) and the city’s Park and Recreation Board (PARB).

Councilor Anderson remarked on an invitation for Council to attend an upcoming Street Trust fundraiser dinner and a public comment on the safety of pedestrian crossings on McLoughlin Boulevard/Hwy 99E. **Mayor Batey** suggested Anderson discuss Hwy 99E with city staff before reaching out to the Oregon Department of Transportation (ODOT).

Councilors Anderson and Stavenjord and **Sagor** noted that Council would discuss Council's committee assignments at an upcoming meeting and whether Anderson could attend Transportation System Plan Advisory Committee (TSPAC) meetings.

Mayor Batey and **Councilor Stavenjord** remarked on the county's plan to acquire a North Clackamas Parks and Recreation District (NCPRD) property in unincorporated Clackamas County to use as a recovery center. The group discussed the county's recovery center proposal and the city's role in the location of a recovery center outside city limits. It was Council consensus to invite the county to report on the recovery center at a future meeting.

10. ADJOURNMENT

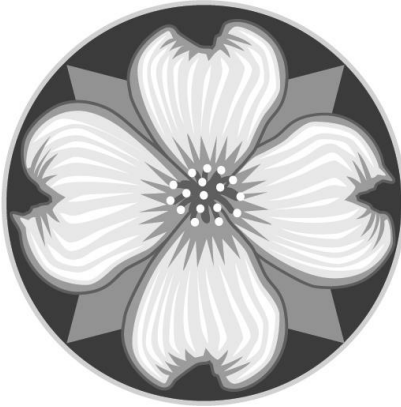
It was moved by Council President Massey and seconded by Councilor Khosroabadi to adjourn the Regular Session. Motion passed with the following vote: Councilors Abma, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting "aye." [5:0]

Mayor Batey adjourned the meeting at 9:58 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder



RS Agenda Item

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Announcements



Mayor's Announcements – July 16, 2024

- **En Taiko Drumming – Thu., Jul. 18 (10:30 AM)**
 - Ardenwald Park, 3667 SE Roswell St.
 - Free lunch from 11:30 a.m. – 12:30 p.m. inside Ardenwald Elementary School for ages 0-18.
 - Parking available at Ardenwald Elementary School, 8950 SE 36th Ave.
 - Thanks to Friends of Ledding Library for sponsoring the performance!
- **Milwaukie Porchfest – July 19 & 26 (6:30 – 8:30 PM)**
 - Porchfest is a free festival of performances all around the city.
 - Find a map of the performances at milwaukieporchfest.com.
- **Henrik Bothe Juggling Show – Thu., Jul. 25 (10:30 AM)**
 - Ardenwald Park, 3667 SE Roswell St.
 - Free lunch from 11:30 a.m. – 12:30 p.m. inside Ardenwald Elementary School for ages 0-18.
 - Parking available at Ardenwald Elementary School, 8950 SE 36th Ave.
- **Red Yarn – Thu., Jul. 25 (5 – 7 PM, Music begins at 6 PM)**
 - Ardenwald Park, 3667 SE Roswell St.
 - Andy Ferguson, known as Red Yarn, along with his puppet critters, will provide a 45-minute folk concert.
 - Concert brought to you by NCPRD. Learn more at ncprd.com/events.
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555f**

EN TAIKO DRUMMING

Thursday, July 18
at 10:30am
at Ardenwald Park



Friday evening fun!

Boogie down with your neighbors

Milwaukie Porchfest

- *Arts Committee*

Share your Milwaukie Haiku!
Email yours to bateyl@milwaukieoregon.gov



RS Agenda Item

4

Special Reports

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CALLING FOR A FAIR AND JUST SETTLEMENT OF NEGOTIATIONS WITH OREGON NURSES ASSOCIATION NURSES AT PROVIDENCE MILWAUKIE HOSPITAL, A COMMUNITY HOSPITAL OWNED BY PROVIDENCE ST. JOSEPH HEALTH.

WHEREAS nurses at Providence healthcare facilities have always been essential to the health, well-being, and safety of Oregonians, and

WHEREAS adequate nurse staffing keeps nurses at the bedside, reduces turnover, saves lives, and improves the quality of patient care, and

WHEREAS the COVID-19 pandemic certainly highlighted the workforce crisis for nurses and allied healthcare workers in hospitals, but understaffing was already the status quo, and

WHEREAS nurses are leaving the bedside due to short staffing, exhaustion, burnout, and moral injury — Oregon Nurses Association (ONA) nurses in a survey reported turnover rates in their units to be as 36-54%, twice the national average, and

WHEREAS in 2023 the Oregon State Legislature passed House Bill 2697, a bill brought forth to bring meaningful, long-term improvements to nurse workforce retention and to the quality of care by implementing minimum nurse-to-patient ratios, and

WHEREAS nurses are demanding urgent action, involving safe staffing, health insurance, and fair wages, and

WHEREAS Providence nurses have seen decline in healthcare benefits, and nurses have experienced a significant increase in mental health struggles without proper in-network coverage and providers to help, and

WHEREAS nurses at Providence Milwaukie engaged in a strike lasting from June 18th, 2024, to June 20th, 2024.

NOW THEREFOR BE IT RESOLVED that the City Council of the City of Milwaukie, Oregon expresses its solidarity with nurses and healthcare personnel in their efforts to secure an agreement that addresses safe staffing issues, affordable healthcare plans, and increased benefits for doctors, nurses, and caregivers, as well as fair wages representative of the competitive wage environment.

AND BE IT FURTHER RESOLVED that the Milwaukie City Council respects the authority of all unionized workers, and on this occasion especially those of the ONA, to exercise their right to strike and withhold labor.

AND BE IT FINALLY RESOLVED that the Milwaukie City Council urges Providence and the ONA to bargain in good faith through contract negotiations to reach an agreement and avoid putting the community at risk of not receiving the highest quality of care for both them and their families.

Introduced and adopted by the City Council on **July 16, 2024**.

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Nicole Madigan, Deputy City Recorder

Justin D. Gericke, City Attorney

COUNCIL RESOLUTION No. 34-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CALLING FOR A FAIR AND JUST SETTLEMENT OF NEGOTIATIONS WITH OREGON NURSES ASSOCIATION NURSES AT PROVIDENCE MILWAUKIE HOSPITAL, A COMMUNITY HOSPITAL OWNED BY PROVIDENCE ST. JOSEPH HEALTH.

WHEREAS the registered nurses at Providence Milwaukie Hospital have always been essential for the health, safety, and well-being of our community, and

WHEREAS during the ongoing pandemic, they have been on the front lines, risking their lives and their families' lives to provide quality, compassionate patient care to all in Milwaukie and surrounding communities, and

WHEREAS a 2020 report by the Oregon Health Authority demonstrates Oregon's nursing workforce is 86% female, and

WHEREAS a 2022 report from the United States Department of Labor demonstrates significant pay gaps exist between female-dominated professions such as nursing, and other professions with similar education and experience, and

WHEREAS since before the pandemic and consequently, nurses have been struggling with deteriorating staff-to-patient ratios, decreased resources available for patient care, rising healthcare costs, and difficulties with recruitment and retention, and

WHEREAS the collective bargaining agreement at Providence Milwaukie Hospital expired on May 31, 2022, and

WHEREAS nurses at Providence Milwaukie Hospital voted recently to authorize a strike 'nearly unanimously' over the hospital's unfair labor practices.

NOW, THEREFORE, BE IT RESOLVED that the Milwaukie City Council fully supports nurses' efforts to resolve unfair labor practices and secure an agreement which addresses on-going patient safety issues, chronic short-staffing, and market compensation disparities.

BE IT FURTHER RESOLVED that the Milwaukie City Council respects the authority of all unionized workers, and on this occasion especially those of the Oregon Nurses Association, to exercise the most fundamental right they possess to strike and withhold their labor.

BE IT FINALLY RESOLVED that Milwaukie City Council urges Providence St. Joseph Health to bargain in good faith through contract negotiations to reach agreement with our health care providers and avoid putting our community at risk of not receiving the highest quality care for patients and their families.

Introduced and adopted by the City Council on **June 7, 2022**.

This resolution is effective immediately.



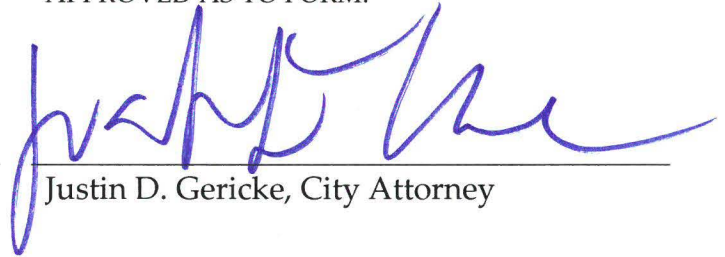
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder



Justin D. Gericke, City Attorney

Providence Milwaukie Hospital
10150 SE 32nd Ave.
Milwaukie, OR 97222
www.providence.org/pmh



July 16, 2024

Milwaukie City Council
City of Milwaukie
10501 SE Main St.
Milwaukie, OR 97222

Dear Mayor Batey and members of the council,

Providence takes our commitment to the City of Milwaukie seriously and our teams are working diligently to prevent any future disruption to health care access. The strike last month at Providence Milwaukie Hospital was difficult for everyone. We assure the Council that Providence remains committed to negotiating constructively with the Oregon Nurses Association to deliver a market-competitive pay and benefits package that supports our caregivers and their families, and is sustainable.

It was brought to our attention that a resolution vote is under consideration today, we thank you for the opportunity to provide some important clarification.

- **Adequate staffing:** The nurse-to-patient ratios in the new hospital staffing law (House Bill 2697), were supported by a joint management-labor coalition, which included ONA and Providence. The law has only been in effect since June 1, 2024 – Providence is committed to continue working through the law's implementation with our nurses.
- **Salary:** Adjusted for the cost of living, nurses in Oregon are the *fourth-highest* paid in the country as reported by [*Becker's Hospital Review*](#). According to our most recent payroll data, Providence's Oregon hospitals paid their nurses an average of \$66.94 per hour, including overtime, shift differentials, and other opportunities we offer nurses to add to their incomes. This equates to \$125,303 per year on average.
- **Benefits:** Providence covers approximately 82% of a typical nurse's health care coverage, and every nurse can choose an individual health plan that costs them zero dollars in insurance premiums. Plans that cover nurses' families are also comprehensive in nature and priced below what most Oregonians pay for their employer-provided health coverage.
- **Retention:** Recognizing the health care environment is challenging nationally, retaining our talented caregivers and promoting development has been a significant priority for Providence. Our turnover rate for patient facing nurses in Oregon is 12.9% - far less than the 36-54% cited in the resolution language.

Providence's ministries have a long history of working with ONA to resolve differences and hope to find agreement on contracts that all parties can feel good about. Please let us know if there are future opportunities for discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Henry", followed by a long horizontal line extending to the right.

Brad Henry
Chief Executive
Providence Milwaukie Hospital

From: [King, Renée](#)
To: [OCR](#)
Cc: [Emma Sagor](#)
Subject: RE: Letter re: proposed resolution on the City Council agenda for July 16, 2024
Date: Friday, July 19, 2024 2:39:24 PM

This Message originated outside your organization.

Dear Mayor Batey and members of the council,

Thank you for reviewing and referencing our letter of July 16 at your Council meeting of the same day. We have watched the recording of the meeting and want to reaffirm that it is a top priority to reach agreement with ONA. We value and respect our Providence Milwaukie nurses. We returned to the bargaining table on July 9 with ONA and a federal mediator. We intend to include a federal mediator at all bargaining sessions moving forward, and we have proposed several future bargaining dates and will continue to work with the mediator and ONA to get dates finalized. We do have one date, July 30, confirmed at this time.

We look forward to meeting with you on Aug. 13 to tour the Providence Milwaukie campus and get a deeper look at some of our special programs. In the meantime, feel free to reach out to me with any questions. Thank you,

Brad Henry
Chief Executive
Providence Milwaukie Hospital
Brad.henry@providence.org

From: King, Renée
Sent: Tuesday, July 16, 2024 4:23 PM
To: OCR <OCR@milwaukieoregon.gov>
Cc: Emma Sagor <sagorE@milwaukieoregon.gov>
Subject: Letter re: proposed resolution on the City Council agenda for July 16, 2024

Dear Mayor Batey and members of the council,

Attached is a letter from Brad Henry, chief executive, Providence Milwaukie Hospital, for your consideration.

Renée

Renée Boutin King
Government Affairs Officer
Providence Government and Public Affairs
C: 503-314-3496
renee.king@providence.org

anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete this message.



RS Agenda Item

5

Community Comments

Dear Mayor Batey, Council President Massey, and Councilors Stavenjord, Khosroabadi, Anderson; and Assistant City Manager Sagor, Jason Wachs, and City Engineer staff:

Community Comment, Agenda 5, July 16, 2024 Regular Session

Re: Thank you all for a thoroughly enjoyable Volunteer Picnic held July 11, 2024

Both My wife and I thank you all for celebrating Milwaukie's volunteers with a splendid Picnic. The food is awesome. The Bing game is great fun.

I played four cards at a time during the Bing game but still couldn't cheat my way to victory. But it was totally fun trying.

I also want to thank the City and its Engineering staff for paving a number of our neighborhood streets this summer. As a functional like neighborhood bicyclist – one who uses his bicycle for short commutes to the grocery store, gym, and garden plot – I can tell you that smooth roads are vastly more enjoyable than bopping in and out to get around pot holes, standing water, loose gravel, and other ruts in the roads.

So, Bravo to the City and its Engineering Department for making great progress on upping the quality of our neighborhood roads.

Sincerely,
Elvis Clark
resident of the City of Milwaukie

From: [Lisa Batey](#)
To: [City Council](#); [Joseph Briglio](#); [Jennifer Garbely](#)
Subject: FW: Please Address Long Wait Times at Pedestrian Crossings on McLoughlin Blvd and Hwy 224
Date: Tuesday, July 16, 2024 11:02:33 AM

Forwarding for the record and to loop in Engineering

From: Maitri Dirmeyer <tiadirmeyer@hotmail.com>
Sent: Tuesday, July 16, 2024 10:32 AM
To: Adam Khosroabadi <KhosroabadiA@milwaukieoregon.gov>; Robert Massey <MasseyR@milwaukieoregon.gov>; William Anderson <AndersonW@milwaukieoregon.gov>; Rebecca Stavenjord <StavenjordR@milwaukieoregon.gov>; Lisa Batey <BateyL@milwaukieoregon.gov>
Subject: RE: Please Address Long Wait Times at Pedestrian Crossings on McLoughlin Blvd and Hwy 224

This Message originated outside your organization.

Dear Milwaukie City Councilors,

I hope everyone is having a nice summer. I am writing to raise your awareness to a pressing issue that is impacting many community members and visitors of Milwaukie: the excessively long wait times at pedestrian crossings along McLoughlin Blvd and Hwy 224, particularly between SE Harrison and SE Washington streets.

McLoughlin Blvd and Highway 224 are essentially thoroughfares for cars driving to and from Portland; serving as barriers that divide our community, making it challenging for Milwaukie residents to access essential services, connect with their neighbors, and enjoy communal spaces such as Milwaukie Bay Park, Milwaukie Marketplace and downtown. For pedestrians and bicyclists, these roads can be extremely difficult to cross.

On that note I'd like to share a recent personal story; a couple weeks ago I was biking down SE Harrison towards Hwy 224 when I was stopped by an idling train on SE Harrison. After 15 minutes or so the train eventually passed far enough through SE Harrison near Mike's Drive In for me to safely cross the tracks on my bicycle. I was able to make it to the intersection of Hwy 224 and SE Harrison and press the walk signal. However, the signal would not initiate after more than five minutes of waiting, forcing me and a pedestrian on the west side of Hwy 224 to unsafely cross Hwy 224 without the walk signal. As I was crossing, a driver yelled at me and said I was an idiot cyclist. What's idiotic is how long I had to wait to cross when cars were able to proceed east along Hwy 224. The excessive wait time at this particular instance was probably due to the train crossing bars still being down, however as a cyclist or pedestrian you can cross even if the bars are down if it's safe to do so. Which I opted to do and see others commonly do as well.

Improving the efficiency and safety of pedestrian crossings in these corridors would greatly benefit the community by encouraging more walking and cycling and contributing to the overall livability of our city. While I appreciate larger projects like the Monroe Greenway and some 224 crossings, there are simple interventions the city could take now to address the challenges residents face when crossing these roads. **First and foremost is changing the signaling on McLoughlin and Highway 224 to reduce the wait time for pedestrians before crossing.** I know that some streets along both of these highways have priority pedestrian signaling, but it is far from uniform and inconsistent. For example, yesterday on a practice Bike Milwaukie ride, we had to wait nearly 2 minutes after pushing the pedestrian signal at SE Washington (coming up from the boat ramp at Milwaukie Bay Park) to cross McLoughlin Blvd. On a crossing that is vital in connecting our community with its downtown core and regional parks, providing more prioritization for pedestrians is important.

I believe addressing these issues aligns with the city's goals of promoting active transportation particularly walking and cycling and ensuring the safety of all residents and visitors. Your swift attention to this matter would be greatly appreciated by the community.

Thank you for considering my concerns. I look forward to hearing about any steps the City Council plans to take to address this issue.

Regards,

Maitri Dirmeyer

Bike Milwaukie Leader and Milwaukie Resident



CITY OF MILWAUKIE
CITY COUNCIL

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

Speaker Card

The City of Milwaukie encourages all residents to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speaker Card, once submitted to the City Recorder, becomes part of the public record.

Name: Josh Brown

Address: 9602 SE Clackamas Rd.

Organization: HOODVIEW DISPOSAL & RECYCLING

Phone: 406-210-8639

Email: joshb@wcnx.org

Meeting Date: 7/16/24

Topic: _____

Agenda Item You Wish to Speak to:

☒ #5 Community Comments

Note: Council generally does not respond to comments during this meeting. The city manager will respond to comments at the next regular session.

☒ #7 Other Business, Topic: SOLID WASTE & RECYCLING

☐ #8 Public Hearing, Topic: _____

Comments:

You are Speaking...

☐ in Support

☐ in Opposition

☐ from a Neutral Position

☐ to ask a Question



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Name:

DAVE Huber

Address:

Phone:

Email:

Organization:

Meeting Date:

7/16/24

Topic:

Solid Waste & Recycling

Agenda Item You Wish to Speak to:

☒ **#5 Community Comments**

Note: Council generally does not respond to comments during this meeting. The city manager will respond to comments at the next regular session.

☐ **#7 Other Business, Topic:** _____

☐ **#8 Public Hearing, Topic:** _____

Comments:

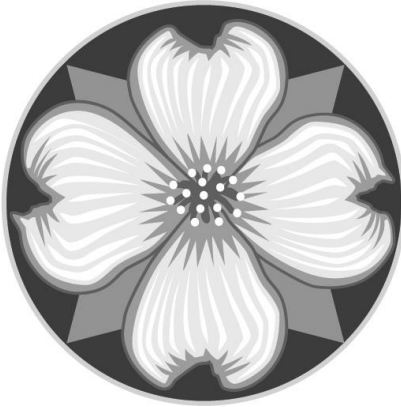
You are Speaking...

☐ **in Support**

☐ **in Opposition**

☐ **from a Neutral Position**

☐ **to ask a Question**



RS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

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

MINUTES

JUNE 4, 2024

Council Present: Councilors Shane Abma, Adam Khosroabadi, and Council President Robert Massey, and Mayor Lisa Batey

Council Absent: Councilor Rebecca Stavenjord

Staff Present: Joseph Briglio, Acting Assistant City Manager
Justin Gericke, City Attorney
Kimberly Graves, Municipal Court Judge

Mary Quinn, Court Clerk
Emma Sagor, Assistant City Manager
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 4:02 p.m.

1. Municipal Court – Update

Graves reported that the court had seen an increase in defendants on court days. **Councilor Abma** and **Graves** remarked on the increase in court attendance and citations being issued by the Milwaukie Police Department (MPD). The group noted the court had previously met three times a month and had changed to twice a month since 2015 and they remarked on how court days flowed at new city hall.

Council President Massey, Sagor, and Mayor Batey noted that MPD had dedicated additional staffing to traffic enforcement. The group commented on the increased traffic flow around the Milwaukie Marketplace.

The group discussed the informality of court operations and Graves' efforts to make court proceedings unintimidating.

Councilor Abma asked if the city could better support the court. **Graves** noted Quinn's work to improve court communications. **Mayor Batey** asked about the court amnesty program and **Graves** and **Quinn** noted the program had been paused due to a change in the city's collection agency, former Governor Kate Brown's executive order to reinstate licenses, and the diminishing number of customers participating in the program.

Mayor Batey and **Graves** noted the work done by the Clackamas Workforce Partnership's (CWP's) records expungement clinic. **Sagor** and **Graves** noted that a Spanish language interpreter was available at one court session a month and that there had been technical issues with one of the interpreter services. The group noted which languages had been most requested during court days and whether the court's communication materials note the availability of other language services.

2. Kellogg Dam Removal Project – Update

Briglio introduced Neil Schulman with the North Clackamas Watersheds Council (NCWC) and Leslie King with the Oregon Department of Fish and Wildlife (ODFW).

Schulman provided an update on the dam removal project, noting the status of the creek restoration design phase, fundraising efforts, engagement work.

King discussed how the dam removal project was an environmental justice project, citing socio-economic demographic and geographic data that showed inequitable access to nature around watersheds across the state and around the Kellogg Creek Dam.

King described the pattern of displacement and gentrification that occurs before the inequal access to nature is improved. The group remarked on the potential for displacement around the dam removal in Milwaukie, the importance of making all people feel welcome at the new natural area around the creek once the dam was gone, and what the city can do to ensure equal access to the creek.

The group remarked on the most densely populated areas in the North Clackamas region that have the least access to natural areas and tree canopy and the impacts of redlining practices in the development of housing on people of color. They noted the importance of community engagement and ensuring all voices are heard in the dam removal project.

3. Adjourn

Mayor Batey adjourned the meeting at 5:31 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL REGULAR SESSION

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

2404th Meeting

MINUTES

JUNE 4, 2024

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

Staff Present: Keisha Brewster, Administrative Specialist III
Joseph Briglio, Acting Assistant City Manager
Matt Deeds, Assistant Finance Director
Shawn Flye, Cross Connection Specialist
Jessalynn Gale, Children's Librarian
Justin Gericke, City Attorney
Ben Green, Engineering Technician I
Adam Heroux, Associate Planner
Brent Husher, Library Director
Jacob Lehrbach, Water Treatment Operator
Brandi Leos, Human Resources Director
Korin Liebl, Administrative Specialist II
Christine Mackie, Adult Service Librarian

Nicole Madigan, Deputy City Recorder
Michael Osborne, Finance Director
Brandon Pederson, Information Technology (IT) Analyst I
Emma Sagor, Assistant City Manager
Gabriela Santoyo Gutierrez, Equity & Inclusion Coordinator
Scott Stauffer, City Recorder
Nicole Tetrack, Library Assistant I
Damian Tucker, Utility Technician I
Jacob White, Utility Technician II
Courtney Wilson, Urban Forester
Eanna Zaya, Engineering Technician I

Mayor Batey called the meeting to order at 6:01 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including the 2024 State of the City (SOTC) address, bulky waste pick-up days, Juneteenth and Pride events, restoration events at Elk Rock Island and Minthorn Springs Wetlands, and the Porchfest concert series.

Mayor Batey read a haiku poem.

3. PROCLAMATIONS AND AWARDS

A. Pride Month – Proclamation

Abma, Spoke and Word bookshop owner **Cierra Cook**, and **Husher** remarked on the importance of marking Pride month, remaining vigilant in defending lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual (LGBTQIA+) rights, and creating a welcoming community. **Mayor Batey** proclaimed June to be Pride Month in Milwaukie.

Councilor Stavenjord remarked on the importance of taking Pride Month action beyond Milwaukie's borders.

B. Juneteenth – Proclamation

Mayor Batey noted the upcoming Juneteenth event and Planning Commission Vice Chair **Josh Freeman** and Milwaukie residents **Miles and Naomi Freeman** remarked on the importance of Juneteenth. **Mayor Batey** proclaimed June 19th to be Juneteenth.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures. **Sagor** provided an update on May 21 comments regarding the maintenance of trees in public right-of-way (ROW).

Madigan, speaking on behalf of the American Federation of State, County, and Municipal Employees (AFSCME) Local 350-5, remarked on the challenges of balancing work and life and asked Council to consider adopting a four-day work week.

Heroux and **Lehrbach**, speaking on behalf of AFSCME 350-5, remarked on the union's collective bargaining requests including increased wages and balancing workloads, and empowering staff to make decisions.

Tucker, speaking on behalf of AFSCME 350-5, read a statement from Administrative Specialist II Emilie Bushlen regarding the challenges of living in Milwaukie on a city salary.

Gale, speaking on behalf of AFSCME 350-5, read a statement from Library Assistant I Nicole Tetrick regarding the cost of healthcare benefits for part-time employees.

Mayor Batey thanked AFSCME members for respectfully addressing Council.

Rodney Smith, Milwaukie resident, expressed solidarity with AFSCME 350-5, and commented on the Oregon Department of Transportation's (ODOT's) response to inquiries about the maintenance of trees in public ROW.

Will Anderson, Councilor-elect, thanked AFSCME members for addressing Council and encouraged Council to work on the budget over the next two years.

6. CONSENT AGENDA

It was moved by Councilor Khosroabadi and seconded by Councilor Abma to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. May 7, 2024, work session, and
2. May 7, 2024, regular session.

B. Resolution 23-2024: A resolution of the City Council of the City of Milwaukie, Oregon, making appointments to city boards and committees.

C. Resolution 24-2024: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing a personal services agreement with Willamette Falls Studios to provide government and public access broadcast services.

D. Resolution 25-2024: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing a contract with Moss Adams LLP for financial audit services.

E. ~~A resolution authorizing a purchase order for PetroCard Secondary Fueling System.~~ (removed from the agenda)

F. Resolution 26-2024: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a collective bargaining agreement with the Milwaukie Police Employees Association (MPEA).

Motion passed with the following vote: Councilors Abma, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting "aye." [5:0]

7. BUSINESS ITEMS

A. None scheduled.

8. PUBLIC HEARING

A. 2025-2026 Consolidated Fee Schedule Adoption – Resolution

Call to Order: **Mayor Batey** called the public hearing on the proposed Consolidated Fee Schedule to order at 6:56 p.m. and announced that the purpose of the hearing was to hear the report, take public comment, and consider adopting the fee schedule.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Osborne** introduced Deeds, the new assistant finance director, and provided an overview of the proposed revised fee schedule noting significant changes.

Correspondence: No correspondence had been received on the topic.

Audience Testimony: No audience member wished to comment on the topic.

Close Public Comment: **It was moved by Councilor Abma and seconded by Council President Massey to close the public comment part of the hearing on the proposed Consolidated Fee Schedule. Motion passed with the following vote: Councilors Khosroabadi, Massey, Stavenjord, and Abma, and Mayor Batey voting “aye.” [5:0]**

Mayor Batey closed the public comment part of the hearing at 7:07 p.m.

Council Discussion: **Councilors Stavenjord and Khosroabadi** expressed interest in discussing fees for mobile homes in the next fiscal year. **Sagor** noted staff’s intention to move to a quarterly fee and budget review cycle in the next year.

Council Decision: **It was moved by Councilor Khosroabadi and seconded by Councilor Stavenjord to approve the resolution revising fees and charges and updating the Consolidated Fee Schedule for fiscal years 2025 and 2026. Motion passed with the following vote: Councilors Khosroabadi, Massey, Stavenjord, and Abma, and Mayor Batey voting “aye.” [5:0]**

Resolution 27-2024:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REVISING FEES AND CHARGES AND UPDATING THE CONSOLIDATED FEE SCHEDULE FOR FISCAL YEARS 2025 AND 2026.

B. 2025-2026 State Revenue Sharing Election – Resolutions (2)

Call to Order: **Mayor Batey** called the public hearing on the proposed state revenue sharing election to order at 7:10 p.m. and announced that the purpose of the hearing was to hear the report, take public comment, and consider accepting state revenues.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Osborne** explained that the city was required to elect to receive state shared revenues from the sale of regulated products and certify that the city provided certain services. The group discussed how shared revenues are estimated and if Milwaukie and other cities were planning for the projected decline of gas tax revenue.

Correspondence: No correspondence had been received on the topic.

Audience Testimony: No audience member wished to comment on the topic.

Close Public Comment: It was moved by Council President Massey and seconded by Councilor Stavenjord to close the public comment part of the hearing on the proposed state revenue sharing election. Motion passed with the following vote: Councilors Khosroabadi, Massey, Stavenjord, and Abma, and Mayor Batey voting “aye.” [5:0]

Mayor Batey closed the public comment part of the hearing at 7:16 p.m.

Council Decision: It was moved by Councilor Khosroabadi and seconded by Council President Massey to approve the resolution certifying that the city is eligible in the 2025-2026 biennium to receive state shared revenues because it provided four or more municipal services. Motion passed with the following vote: Councilors Khosroabadi, Massey, Stavenjord, and Abma, and Mayor Batey voting “aye.” [5:0]

Resolution 28-2024:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CERTIFYING THAT THE CITY IS ELIGIBLE IN THE 2025-2026 BIENNIUM TO RECEIVE STATE SHARED REVENUES BECAUSE IT PROVIDES FOUR OR MORE MUNICIPAL SERVICES.

It was moved by Councilor Khosroabadi and seconded by Council President Massey to approve the resolution declaring the city’s election to receive state revenue sharing funds (general funds of the state) in the 2025-2026 biennium. Motion passed with the following vote: Councilors Khosroabadi, Massey, Stavenjord, and Abma, and Mayor Batey voting “aye.” [5:0]

Resolution 29-2024:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY’S ELECTION TO RECEIVE STATE REVENUE SHARING FUNDS (GENERAL FUNDS OF THE STATE) IN THE 2025-2026 BIENNIUM.

C. 2025-2026 Biennial City Budget and Capital Improvement Plan (CIP) Adoption – Resolution

Call to Order: **Mayor Batey** called the hearing on the budget and CIP to order at 7:18 p.m. and announced that the purpose of the hearing was to hear the report, take comments, and consider adopting the budget and CIP.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Osborne** provided an overview of the budget creation process and reviewed the fiscal challenges the city faces beyond the 2025-2026 biennium.

Correspondence: No correspondence had been received on the topic.

Audience Testimony: No audience member wished to comment on the topic.

Questions from Council to Staff: **Council President Massey** encouraged the public to watch the Budget Committee meetings for further details on the budget and **Osborne** suggested the public contact finance department staff with any questions.

Close Public Comment: It was moved by Council President Massey and seconded by Councilor Abma to close the public comment part of the hearing on the proposed 2025-2026 biennial budget. Motion passed with the following vote: Councilors Khosroabadi, Massey, Stavenjord, and Abma, and Mayor Batey voting “aye.” [5:0]

Mayor Batey closed the public comment part of the hearing at 7:23 p.m.

Council Decision: **It was moved by Councilor Khosroabadi and seconded by Councilor Abma to approve the resolution adopting the City of Milwaukie budget and Capital Improvement Plan for the biennium commencing July 1, 2024, making appropriation, levying ad valorem taxes, and classifying levies pursuant to Section 11b, Article XI of the Oregon Constitution. Motion passed with the following vote: Councilors Khosroabadi, Massey, Stavenjord, and Abma, and Mayor Batey voting “aye.” [5:0]**

Resolution 30-2024:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE CITY OF MILWAUKIE BUDGET AND CAPITAL IMPROVEMENT PLAN FOR THE BIENNIUM COMMENCING JULY 1, 2024, MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND CLASSIFYING LEVIES PURSUANT TO SECTION 11b, ARTICLE XI OF THE OREGON CONSTITUTION.

9. COUNCIL REPORTS

Council President Massey reported on recent North Clackamas Watershed Council (NCWC) meetings and projects including the Kellogg Creek Dam removal.

Councilor Stavenjord reported on recent meetings of the Houseless Solutions Coalition and low-income housing developments in Oregon City.

Mayor Batey remarked on low-income housing services opening in Milwaukie, the upcoming 2024 SOTC address, how the City of West Linn’s SOTC address had gone, and how the West Linn City Council structured their goals.

10. ADJOURNMENT

Mayor Batey announced that after the meeting Council would first convene as the Milwaukie Redevelopment Commission (MRC) and would then reconvene as Council to meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

It was moved by Council President Massey and seconded by Councilor Stavenjord to adjourn the Regular Session. Motion passed with the following vote: Councilors Abma, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Mayor Batey adjourned the meeting at 7:38 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STUDY SESSION

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

MINUTES

JUNE 11, 2024

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

Staff Present: Joseph Briglio, Acting Assistant City Manager Scott Stauffer, City Recorder
Emma Sagor, Acting City Manager

Mayor Batey called the meeting to order at 5:18 p.m.

1. New Business Introduction: New Seasons Market – Report

Joe McCarthy, Derek Yates, and Katie Schoen with New Seasons Market provided an overview of the New Seasons Market company, the new store at the Milwaukie Marketplace, and the company's approach to providing community-based sustainable and local grocery products.

Councilor Stavenjord and McCarthy remarked on New Seasons Market's "B-Corporation" status for meeting social and environmental standards, the company's preference for supporting local products and non-profit organizations and causes.

The group discussed the successful opening and projected growth of the new Milwaukie store and the impact of the new store on nearby New Season Market stores and other tenants at the Milwaukie Marketplace. They also noted plans for addressing the amount of paved area in the parking lot at the Milwaukie store.

2. 3-Dimensional (3D) Printed Homes – Report

Ron Dillon with Carbonic Heat and **Shawn McKay** with Layerline 3D provided an overview of the use of large-scale 3D printers and carbonic heat technology to build houses and other structures, in part to address Oregon's need for more housing.

Councilor Khosroabadi noted that the United States Department of Defense (DoD) had started to use carbonic heat.

Mayor Batey and McKay remarked on whether 3D printed homes would get cheaper as more were built in the future.

Councilor Khosroabadi suggested the city work with Clackamas County to build 3D printed homes on the city-owned Sparrow Site to provide transitional housing. **McKay** expressed interest in working on housing projects. The group noted that Layerline 3D had worked with local and state building officials for a project in Ontario, Oregon.

3. Clackamas Workforce Partnership – Report

Bridget Dazey with Clackamas Workforce Partnership (CWP) provided an overview of CWP and the statewide workforce partnership and the solutions they provide, including service coordination, advocacy, and oversight.

Council President Massey and Dazey remarked on the number of construction workers in the Portland metro region and the quality and quantity of jobs available in the area.

The group noted the trends in transition from a demand for entry-level positions to professional career growth tracks jobs and what the city can do to advocate for and support job growth. There was Council interest in the city informing municipal court customers about CWP's monthly records expungement clinics.

Mayor Batey and **Dazey** commented on how CWP connects employers, workers, and cities to provide skillset development and support services.

4. Council Reports

Council President Massey provided an update on recent Regional Water Consortium meetings dealing with per- and polyfluoroalkyl substances (PFAS) regulations, and infrastructure and cybersecurity projects.

The group noted the city was hosting a Clackamas Cities Association (CCA) dinner on June 13 and that several Council members were attending the Clackamas County Coordinating Committee (C4) retreat June 14-15.

The group thanked Councilor Abma for serving as an interim appointee, noting that Abma's term would end with the swearing-in of an elected Councilor at the June 18 regular session. **Councilor Abma** thanked staff and Council for their work.

5. Adjourn

Mayor Batey adjourned the meeting at 7:33 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL WORK SESSION

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

MINUTES

JUNE 18, 2024

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

Staff Present: Joseph Briglio, Acting Assistant City Manager
Justin Gericke, City Attorney
Brent Husher, Library Director
Kelli Lamm, Library Circulation Manager
Brandi Leos, Human Resources Director
Adam Moore, Parks Development Coordinator
Peter Passarelli, Public Works Director
Emma Sagor, Acting City Manager
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 4:00 p.m. and noted that Councilor Stavenjord was participating via Zoom, Councilor Khosroabadi would be late to the meeting, and that Councilor Anderson would be sworn-in after the meeting.

1. Library Strategic Plan – Report

Husher provided an overview of the Ledding Library strategic plan, explaining the purpose and priorities of the plan. The group discussed potential impacts of ending the daily overdue book fine and adding book hold pick-up lockers in east Milwaukie.

Councilor Khosroabadi arrived at 4:15 p.m.

The group continued to discuss budget impacts of ending the daily fine, noting how the Friends of the Ledding Library (FOLL) and the Libraries in Clackamas County (LINCC) district support the library. **Husher** and **Sagor** noted that proposed fee structure changes wouldn't be implemented until the beginning of fiscal year (FY) 2026.

Husher discussed possible library staffing changes and how library resources could be focused to provide more equitable services and maintain a healthy library organization.

Council expressed support for easing fee burdens on community members. **Husher** remarked on where library operations could be in five years.

Mayor Batey and **Husher** commented on the role of the Ledding Library Foundation in supporting the library's operations and possibly expanded services. **Councilor Khosroabadi** and **Husher** noted how the library district tracks where materials are requested. **Sagor** thanked library staff for their work.

Mayor Batey and **Husher** noted that the library held a volunteer appreciation event separately from the city's boards and committee volunteer dinner.

2. Council Parks Goal Update – Report

Sagor provided updates on parks related issues, including the city's relationship and legal actions with the North Clackamas Parks and Recreation District (NCPRD), the construction of three neighborhood parks, and phase III of the Milwaukie Bay Park project. The group discussed previously identified grant funding and other funding opportunities that could help finish Milwaukie Bay Park.

Councilor Anderson and **Mayor Batey** noted the issues that led to the Clackamas Board of County Commissioners (BCC), which acts as the NCPRD Board, pausing the adoption of previously proposed intergovernmental agreements (IGA) to finish Milwaukie Bay Park.

Sagor asked for Council input on whether staff should re-engage NCPRD staff on the Milwaukie Bay Park project and general maintenance IGAs and whether city urban renewal funding should be used to complete Milwaukie Bay Park. The group discussed the timing of pursuing a master maintenance IGA or specific park project IGAs, noting that it was unknown when a state appeals court would rule on the city's validation action related to what legal mechanism the city could use to leave NCPRD. Council commented on whether the city would give up the district exit clause in the existing IGA and whether staff should re-engage NCPRD staff.

Mayor Batey and **Councilors Anderson** believed NCPRD system development charge (SDC) funds should be sought for Milwaukie Bay Park before urban renewal funds are used. Council commented on the future of NCPRD as an entity and whether NCPRD would engage with the city on park-specific project IGAs. **Councilor Stavenjord** preferred to not use urban renewal funds for Milwaukie Bay Park.

Council commented on what Milwaukie residents wanted in park services and whether the city should take local control of its parks or remain in the district, noting that funding for parks would likely need to increase in any outcome.

Sagor summarized that there was Council consensus for staff to engage NCPRD staff on park specific agreements and not the master maintenance agreement. **Mayor Batey** and **Council President Massey** agreed with Sagor's summary and Council discussed whether staff or Council should reach out to NCPRD first. It was Council consensus that staff should make the first effort to engage NCPRD on park-specific IGAs.

3. Tree Code Amendments – Report (removed from the agenda)

4. Adjourn

Mayor Batey adjourned the meeting at 5:26 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL REGULAR SESSION

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

MINUTES

JUNE 18, 2024

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

Staff Present: Joseph Briglio, Acting Assistant City Manager
Justin Gericke, City Attorney
Brent Husher, Library Director

Brandi Leos, Human Resources Director
Emma Sagor, Acting City Manager
Scott Stauffer, City Recorder

Swearing-In of New Councilor – Oath of Office

Graves administer the oath to Councilor Anderson.

Mayor Batey called the meeting to order at 6:03 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming community activities including a Kellogg Dam removal event, a city manager open door session, a Milwaukie Pride event, July First Friday activities, the Porchfest music event, and a concert fundraiser at Milwaukie Bay Park.

Mayor Batey read a haiku poem.

Stauffer noted the upcoming filing window for those interested in running for Council.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures. In response to comments made at the June 4 regular session **Sagor** noted the city was in ongoing negotiations with the American Federation of State, County, and Municipal Employees (AFSCME) and reported that staff had spoken with Milwaukie resident Rod Smith.

Terrell Garret, Greenway Recycling, expressed concern about the city's use of the Metro South Transfer Station due to low construction material recovery rates.

David and Dean Chitsazan, Milwaukie residents, expressed frustration with Council's lack of response to requests for a proclamation regarding the Palestinian conflict.

6. CONSENT AGENDA

It was moved by Council President Massey and seconded by Councilor Khosroabadi to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. May 13, 2024, study session,
2. ~~May 21, 2024, work session, and (removed from the agenda)~~
3. ~~May 21, 2024, regular session.~~

B. Resolution 31-2024: A resolution of the City Council of the City of Milwaukie, Oregon, certifying the results of the May 21, 2024, election.

C. Resolution 32-2024: A resolution of the City Council of the City of Milwaukie, Oregon, removing and appointing members of the Tree Board.

D. Resolution 33-2024: A resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Public Safety Advisory Committee (PSAC).

E. Resolution 34-2024: A resolution of the City Council of the City of Milwaukie, Oregon, adopting revisions to the Neighborhood Grant Program, including a new title and criteria for approval.

F. Resolution 35-2024: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the acting city manager to sign a purchase order not to exceed \$1,000,000 with PetroCard to provide cardlock and fuel services.

G. Resolution 36-2024: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing increased contingency for Contract #C2024-003 for Paul Brothers, Inc. for Scott, Bowman-Brae, and Balfour Parks Project.

H. Resolution 37-2024: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an administrative services agreement with MissionSquare for the administration and record keeping of employee deferred compensation accounts.

Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

7. BUSINESS ITEMS

A. Council President Election – Motion

Batey explained that a council president was elected following the seating of newly elected Council members.

It was moved by Councilor Anderson and seconded by Councilor Stavenjord to appoint Councilor Massey to serve as Council President. Motion passed with the following vote: Councilors Anderson, Khosroabadi, and Stavenjord and Mayor Batey voting “aye,” and Council President Massey abstaining. [4:0:1]

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

Mayor Batey announced that Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations, and (a) to

consider the employment of a public officer, employee, staff member, or individual agent.

Councilor Anderson thanked family and friends for attending the swearing-in ceremony and remarked on the city's housing work and Providence Milwaukie's nurses' strike.

Councilor Khosroabadi and **Mayor Batey** remarked on the Clackamas County Children's Commission's move to a location in Milwaukie.

Councilor Stavenjord reported on housing discussions held during the Clackamas County Coordinating Committee (C4) retreat.

Sagor noted Council would revisit its communication agreement and committee assignments at its upcoming retreat.

10. ADJOURNMENT

It was moved by Councilor Anderson and seconded by Councilor Khosroabadi to adjourn the Regular Session. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting "aye." [5:0]

Mayor Batey adjourned the meeting at 6:35 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, Acting City Manager

Reviewed: (none)

From: Scott Stauffer, City Recorder

Subject: **Council Communication Agreement 2024**

Date Written: July 3, 2024

ACTION REQUESTED

Council is asked to adopt an updated version of its communication agreement by resolution.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[February 21, 2023](#): Council adopted the previous communication agreement by resolution.

[July 9, 2024](#): Council reviewed the communication agreement and directed staff to prepare a new resolution to re-adopt the agreement.

ANALYSIS

To facilitate open and efficient government, Council adopts a communication agreement to guide Council, staff, and public behavior and conversations. The proposed communication agreement is based on the last adopted Council communication agreement in 2023 and was reviewed by the current Council on July 9.

BUDGET, CLIMATE, AND WORKLOAD IMPACTS

None.

EQUITY IMPACT

To foster open and honest dialogue among Milwaukie's elected leaders it has been useful for Council to adopt and maintain a communication agreement. By ensuring that all Council members, as well as staff and individuals and groups that interact with Council, operate by the same rules and procedures, Council is working towards an equitable approach to governing.

COORDINATION, CONCURRENCE, OR DISSENT

Council, the city manager, and city attorney concur with the proposed communication agreement.

STAFF RECOMMENDATION

Staff recommends Council adopt the proposed communication agreement.

ALTERNATIVES

Council could decline to adopt the proposed communication agreement.

ATTACHMENTS

1. Resolution
2. Communication Agreement

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
ADOPTING THE COUNCIL COMMUNICATION AGREEMENT.**

WHEREAS open, direct, and positive communication among the Mayor and Councilors and between them, staff, and the public is critical to ensuring clear and easily understood public information, and

WHEREAS open, direct, and positive communication among the Mayor and Councilors and between them, staff, and the public is essential to a healthy community-wide debate on issues, and

WHEREAS the Council Communication Agreement is intended to ensure open public processes that lead to closure.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that:

Section 1: The Council Communication Agreement (Exhibit A) is adopted.

Section 2: Resolution 9-2023, adopted February 21, 2023, is repealed.

Section 3: This resolution is effective immediately upon adoption.

Introduced and adopted by the City Council on **July 16, 2024.**

This resolution is effective immediately.

ATTEST:

Lisa M. Batey

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL COMMUNICATION AGREEMENT

Guaranteed access to clear and easily understood information is a value of the City of Milwaukee. This agreement is intended to foster conduct that realizes that value and ensures a healthy debate about competing ideas. Finally, it seeks closure and a community that moves forward together, secure in the knowledge that decisions were made openly and fairly.

This agreement has one common behavioral thread—mutual respect. Thus, if the list does not anticipate a situation, a response that is respectful of all concerned should suffice.

1. In all city business, in my role as a member of Council, I will:
 - a) demonstrate respect for all who are involved,
 - b) respect various thoughts and avoid denigrating others,
 - c) clarify facts and opinions to ensure understanding,
 - d) clearly state my own opinion as being mine,
 - e) look for ways to praise worthwhile efforts and accomplishments, and
 - f) stay focused and participate.
2. In working with the Mayor and other Councilors, I will:
 - a) provide prompt notice of items requiring Council action I am introducing at meetings,
 - b) always represent the city's position before other jurisdictions unless none has been adopted, in which case I will inform the Mayor and Council in a timely manner of the position(s) I have taken,
 - c) work toward consensus,
 - d) not publicly (including all internet and written content) criticize Council, individual members of Council, or Council decisions, but may respectfully disagree with a decision, and
 - e) first address a concern about either a violation of these agreements or any other matter in a direct, appropriate, private, and timely manner.
3. In working to seek broad-based community support, I will:
 - a) communicate with the community openly and freely to exchange information and ideas,
 - b) engage the community in a shared dialogue, and
 - c) listen and respond to well-founded and constructive criticism made to, or by, Council or city staff, or citizens.
4. In working with staff, I will:
 - a) provide direction through the city manager with the concurrence of the Mayor and Council and with respect given to the city's chain of command,
 - b) refrain from contacting line staff (non-management) with requests or inquiries; this does not apply to questions stemming from Council packets when in preparation for the upcoming meeting,

- c) respect the city's "one-hour" guideline, not requesting work product from the city manager, assistant city manager, or responsible city manager / director that takes more than an hour to produce without first securing the support of a majority of Council, and
- d) never, in any public way, insult or denigrate any staff member, and if I have an unresolved disagreement concerning a staff member's actions, I will bring it to the city manager.

5. In working with the city attorney, I will:

- a) respect that the city attorney represents the city as a whole, and if the Council's direction to the city attorney conflicts with the city attorney's ethical obligations to the city, the city attorney must resolve this conflict in favor of the city,
- b) remember that information a Council member shares with the city attorney is not confidential with respect to other Council members, and the information may be disclosed to the entire Council,
- c) contain my requests for information or assistance to items that can be responded to quickly and will work to secure the support of the majority of Council for items taking more than an hour, and
- d) respect that all responses to legal questions will be sent to the entire Council in an effort to protect all parties, keep all City Councilors informed, and ensure there is no perception of favoritism.

Council Position 1 – Adam Khosroabadi

Council Position 2 – Robert Massey

Council Position 3 – Will Anderson

Council Position 4 – Rebecca Stavenjord

Mayor – Lisa Batey



RS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, Acting City Manager

Reviewed: Joseph Briglio, Acting Assistant City Manager, and
Laura Weigel, Planning Manager

From: Adam Heroux, Associate Planner

Subject: **Annexation of Property at 9304 SE 55th Ave**

Date Written: July 11, 2024

ACTION REQUESTED

Council is asked to approve application A-2024-001, an annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation into the city of 9304 SE 55th Ave (Tax Lot 1S2E30AC02200), the “annexation property.”
- Application of a moderate density (MD) Comprehensive Plan land use designation and a residential-moderate density (R-MD) zoning designation to the annexation property.
- Amendments to the city’s Comprehensive Plan land use map and zoning map to reflect the city’s new boundary and the annexation property’s new land use and zoning designations.
- Withdrawal of the annexation property from the following urban service districts:
 - Clackamas County Service District for Enhanced Law Enforcement
 - Clackamas County Service District #5 for Street Lights

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

July 1990: Clackamas County Order No 90-726 established an urban growth management agreement (UGMA) in which the city and county agreed to coordinate the future delivery of services to the unincorporated areas of north Clackamas County. With respect to Dual Interest Area “A,” the agreement states: “The city shall assume a lead role in providing urbanizing services.”

January 2010: Council annexed the rights-of-way (ROW) in the Northeast Sewer Extension (NESE) project area making all properties in this area contiguous to the city limits and eligible for annexation (Ordinance 2010).

June 2010: Council approved the first annexation of property in the NESE project area (Ordinance 2016, land use file #A-10-01). Since then, Council has approved the annexation of approximately 172 additional properties in the NESE area. To date, there are approximately 87 properties within the NESE project area that have not yet been annexed.

April 2024: The property owners at 9304 SE 55th Ave approached the city’s community development department to initiate the expedited annexation process and make an emergency connection to the city sewer system. The owners signed a consent to annex form and paid the necessary fees and charges. No NESE reimbursement fee was required because the city did not

Annexation Approval Criteria

The annexation application is subject to Milwaukie Comprehensive Plan Section 12 Urban Growth Management, Oregon Revised Statutes (ORS) Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1100 Annexations and Boundary Changes.

Expedited annexations must meet the approval criteria of MMC 19.1102.3. Compliance with the applicable criteria is detailed in Attachment 1 (Exhibit A, Findings).

Utilities, Service Providers, and Service Districts

The city is authorized by ORS 222.120(5) to withdraw the annexation property from non-city service providers and districts upon annexation to the city. This allows for a more unified and efficient delivery of urban services to the newly annexed property and is in keeping with the city's Comprehensive Plan policies relating to annexation.

- Wastewater: The annexation property is within the city's sewer service area and, via an emergency connection allowed in conjunction with the proposed annexation, is served by the city's 8-inch sewer line accessible in SE 55th Ave.
- Water: The annexation property is currently served by Clackamas River Water (CRW) through CRW's existing water line in SE 55th Ave. Pursuant to the city's intergovernmental agreement (IGA) with CRW, water service will continue to be provided by CRW and the annexation property will not be withdrawn from this district at this time.
- Storm: The annexation property is not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.
- Fire: The annexation property is currently served by Clackamas Fire District #1 and will continue to be served by this fire district upon annexation since the entire city is within this district.
- Police: The annexation property is currently served by the Clackamas County Sheriff's Office and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. To avoid duplication of services, the site will be withdrawn from this district upon annexation to the city. The city has its own police department, and this department can adequately serve the site.
- Street Lights: As of July 1, 2011, an IGA between the city and Clackamas County Service District No. 5 for Street Lights (the "district") transferred operational responsibility to the city for the street lights and street light payments in the city's NESE project area. The annexation property will be withdrawn from the district upon annexation to the city.
- Other Services: Community development, public works, planning, building, engineering, code enforcement, and other municipal services are available through the city and will be available to the site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

BUDGET IMPACTS

This annexation will have minimal fiscal impact on the city. As with most annexations of residential properties, the costs of providing governmental services will likely be offset by the collection of property taxes. According to Clackamas County Assessor data, the total current assessed value of the annexation property is \$156,810. Based on the latest information available (from the Clackamas County Rate Book for 2023; tax code 012-252), total property tax collection of approximately \$3,436 is anticipated for the annexation property. The city will be provided with approximately \$732 of this total.

WORKLOAD IMPACTS

For most city services, workload impacts from the annexation itself will be minimal and will likely include, but are not limited to, utility billing, provision of general governmental services, and the setting up and maintenance of property records.

CLIMATE IMPACTS

The annexation is not expected to have any impact on the climate. The property is currently occupied by a single-unit home and redevelopment is not anticipated in the short term.

EQUITY IMPACTS

The annexation is not expected to have any equity impacts.

COORDINATION, CONCURRENCE, OR DISSENT

All city departments, necessary parties, interested persons, and residents and property owners within 400 feet of the annexation property were notified of these proceedings as required by city, regional, and state regulations. The Lewelling Neighborhood District Association (NDA) also received notice of the annexation petition and the Council meeting.

The city did not receive comments from any necessary parties with objections to the proposed annexation.

STAFF RECOMMENDATION

Approve the application and adopt the ordinance and findings in support of approval.

ALTERNATIVES

Council has two decision-making options:

1. Approve the application and adopt the ordinance and findings in support of approval.
2. Deny the application and adopt findings in support of denial.

ATTACHMENTS

1. Annexation Ordinance
 - Exhibit A. Findings in Support of Approval
 - Exhibit B. Legal Description and Annexation Map
2. Annexation Site Map
3. Applicant's Annexation Application
4. Correspondence

COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 12E30AC02200 AND LOCATED AT 9304 SE 55th AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2024-001).

WHEREAS the territory proposed for annexation is contiguous to the city's boundary and is within the city's urban growth management area (UGMA); and

WHEREAS the requirements of the Oregon Revised Statutes (ORS) for initiation of the annexation were met by providing written consent from a majority of electors and all owners of land within the territory proposed for annexation; and

WHEREAS the territory proposed for annexation lies within the territory of the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District #5 for Street Lights; and

WHEREAS the annexation and withdrawals are not contested by any necessary party; and

WHEREAS the annexation will promote the timely, orderly, and economic provision of public facilities and services; and

WHEREAS Table 19.1104.1.E of the Milwaukie Municipal Code (MMC) provides for the automatic application of city zoning and comprehensive plan land use designations; and

WHEREAS the city conducted a public meeting and mailed notice of the public meeting as required by law; and

WHEREAS the city prepared and made available an annexation report that addressed all applicable criteria, and, upon consideration of such report, the City Council favors annexation of the tract of land and withdrawal from all applicable districts based on findings and conclusions attached as Exhibit A.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. The Findings in Support of Approval attached as Exhibit A are adopted.

Section 2. The tract of land described and depicted in Exhibit B is annexed to the City of Milwaukie.

Section 3. The tract of land annexed by this ordinance and described in Section 2 is withdrawn from the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District #5 for Street Lights.

Section 4. The tract of land annexed by this ordinance and described in Section 2 is assigned a Comprehensive Plan land use designation of moderate density (MD) and a municipal code zoning designation of residential-moderate density (R-MD).

Section 5. The city will immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030, ORS 222.005, and ORS 222.177. The annexation and withdrawal will become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

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

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

EXHIBIT A

FINDINGS IN SUPPORT OF APPROVAL

Based on the staff report for the annexation of 9304 SE 55th Avenue, the “annexation property,” the Milwaukie City Council finds:

1. The annexation property consists of one tax lot comprising 0.29 acres (tax lot 1S2E30AC02200). The annexation property is contiguous to the existing city limits along the public right-of-way (ROW) of SE 55th Ave to the west and where adjacent to the neighboring property at 9300 SE 55th Ave to the north. The annexation property is within the regional urban growth boundary and also within the city’s urban growth management area (UGMA).
The annexation property is currently developed with a single-unit house built in 1962; the immediate surrounding area consists primarily of single-unit houses to the south, east, and west, with manufacturing land uses to the north.
2. The annexation petition was initiated by consent of all owners of land on April 8, 2024, with an application for annexation submitted to the city on April 17, 2024. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsections 19.1104.1.A.3 and 19.1102.2.C.
3. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC 19.1104. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.
4. The expedited annexation process provides for automatic application of city comprehensive plan land use and zoning designations to the annexation property based on their existing comprehensive plan land use and zoning designations in the county, which are low density residential (LDR) and (R7), respectively. Pursuant to MMC Table 19.1104.1.E, the automatic city comprehensive plan land use and zoning designations for the annexation property are moderate density (MD) and residential-moderate density (R-MD), respectively.
5. The applicable city approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
 - A. The subject site must be located within the city’s urban growth boundary (UGB);
The annexation property is within the regional UGB and within the city’s UGMA.
 - B. The subject site must be contiguous to the existing city limits;
The annexation property is contiguous to the existing city limits along the public ROW of SE 55th Avenue to the west and where adjacent to the neighboring property at 9304 SE 55th Ave to the north.

- C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;

Travis and Cathrine Ramson, the current property owners, consented to the annexation by signing the petition. The current property owners are the only registered voters for the annexation property. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors, if any, residing in the annexation territory.

- D. The proposal must be consistent with Milwaukie Comprehensive Plan policies;

Chapter 12 of the comprehensive plan contains the city's annexation policies. Applicable annexation policies include: (1) delivery of city services to annexing areas where the city has adequate services and (2) requiring annexation in order to receive a city service. With annexation, the city will take over urban service provision for the property. City services to be provided include wastewater collection, stormwater management, police protection, and general governmental services. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.

- E. The proposal must comply with the criteria of Metro Code Sections 3.09.045(d) and, if applicable, (e).

The annexation proposal is consistent with applicable Metro code sections for expedited annexations as detailed in Finding 6.

- F. The proposal must comply with the criteria of Section 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.

The annexation would add new territory within the city limits, and the new territory must be designated on both the zoning map and the comprehensive plan map for land use. These additions effectively constitute amendments to the zoning and comprehensive plan land use maps.

The approval criteria for zoning map amendments and comprehensive plan amendments are provided in MMC 19.902.6.B and 19.902.4.B, respectively.

Collectively, the criteria address issues such as compatibility with the surrounding area, being in the public interest and satisfying the public need, adequacy of public facilities, consistency with transportation system capacity, consistency with goals and policies of the Milwaukie Comprehensive Plan and relevant Metro plans and policies, and consistency with relevant State statutes and administrative rules.

MMC Table 19.1104.1.E establishes automatic zoning map and comprehensive plan land use map designations for expedited annexations. If a proposed designation is consistent with the table, it is consistent with the various applicable plans and policies.

In the case of the proposed annexation, the annexation property will assume the zoning and comprehensive plan designations provided in MMC Table 19.1104.1.E, which are residential-moderate density (R-MD) and moderate density (MD), respectively. The approval criteria for both proposed amendments are effectively met.

6. Prior to approving an expedited annexation, the city must apply the provisions contained in Section 3.09.045.D of the Metro Code. They are listed below with findings in italics.

A. Find that the change is consistent with expressly applicable provisions in:

(1) Any applicable urban service agreement adopted pursuant to ORS 195.065;

There is one applicable urban service agreement adopted pursuant to ORS 195 in the area of the proposed annexation (see Finding 7, Street lights). The City has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. The proposed annexation is in keeping with the city's policy of encouraging properties within the UGMA to annex to the city.

The City has an intergovernmental agreement with Clackamas Water Environment Services (WES) regarding wholesale rates for wastewater treatment, but that agreement does not address issues related to annexations.

(2) Any applicable annexation plan adopted pursuant to ORS 195.205;

There are no applicable annexation plans adopted pursuant to ORS 195 in the area of the proposed annexation.

(3) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020
(2) between the affected entity and a necessary party;

There are no applicable cooperative planning agreements adopted pursuant to ORS 195 in the area of the proposed annexation.

(4) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Clackamas County completed a North Clackamas Urban Area Public Facilities Plan in 1989 in compliance with Goal 11 of the Land Conservation and Development Commission for coordination of adequate public facilities and services. The city subsequently adopted this plan as an ancillary comprehensive plan document. The plan contains four elements:

- Sanitary Sewerage Services*
- Storm Drainage*
- Transportation Element*
- Water Systems*

The proposed annexation is consistent with the four elements of this plan as follows:

Wastewater: *The City is the identified sewer service provider in the area of the proposed annexation and maintains a public sewer system that can adequately serve the annexation property via an 8-inch sewer line accessible in SE 55th Avenue.*

Storm: *The annexation property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.*

Transportation: *Access is provided to the annexation property via the public ROW of SE*

55th Avenue, a local street maintained by the city. The City may require public street improvements along the annexation property's frontage when new development occurs.

Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, the City's more recent UGMA agreement with the county identifies the City as the lead urban service provider in the area of the proposed annexation. The City's water service master plan for all of the territory within its UGMA addresses the need to prepare for future demand and coordinate service provision changes with CRW. As per the City's intergovernmental agreement (IGA) with CRW, CRW will continue to provide water service to the annexation property through its existing water line in SE 55th Avenue.

(5) Any applicable comprehensive plan.

The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous pages. The Clackamas County Comprehensive Plan contains no specific language regarding city annexations. The comprehensive plans, however, contain the city-county UGMA agreement, which identifies the area of the proposed annexation as being within the city's UGMA. The UGMA agreement requires that the City notify the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has already annexed and taken jurisdiction of the public ROW in SE 55th Avenue adjacent to the annexation property.

B. Consider whether the boundary change would:

(1) Promote the timely, orderly, and economic provision of public facilities and services;

With annexation, the City will be the primary urban service provider in the area of the proposed annexation, and the annexation will facilitate the timely, orderly, and economic provision of urban services to the annexation properties.

The City has public sewer service in this area in SE 55th Avenue.

(2) Affect the quality and quantity of urban services; and

The annexation property consists of one tax lot developed with a single-unit detached dwelling. Annexation of the site is not expected to affect the quality or quantity of urban services in this area, given the surrounding level of urban development and the existing level of urban service provision in this area.

(3) Eliminate or avoid unnecessary duplication of facilities and services.

Upon annexation, the annexation property will be served by the Milwaukie Police Department. In order to avoid duplication of law enforcement services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement upon annexation.

7. The City is authorized by ORS Section 222.120(5) to withdraw annexed territory from non-City service providers and districts upon annexation of the territory to the city. This allows

for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's comprehensive plan policies relating to annexation.

Wastewater: The annexation property is within the City's sewer service area and, via an emergency connection allowed in conjunction with the proposed annexation, is served by the City's 8-inch sewer line accessible in SE 55th Avenue.

Water: The annexation property is currently served by CRW through CRW's existing water line in Laurel Street. Pursuant to the City's IGA with CRW, water service will continue to be provided by CRW and the annexation property will not be withdrawn from this district at this time.

Storm: The annexation property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Fire: The annexation property is currently served by Clackamas Fire District #1 and will continue to be served by this fire district upon annexation, since the entire city is within this district.

Police: The annexation property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site will be withdrawn from this district upon annexation to the city.

Street Lights: As of July 1, 2011, an intergovernmental agreement between the City and Clackamas County Service District No. 5 for Street Lights (the "District") transferred operational responsibility to the City for the street lights and street light payments in the City's northeast sewer extension project area. The annexation property will be withdrawn from the District upon annexation to the city.

Other Services: Community development, public works, planning, building, engineering, code enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

Exhibit B

Annexation to the City of Milwaukie LEGAL DESCRIPTION

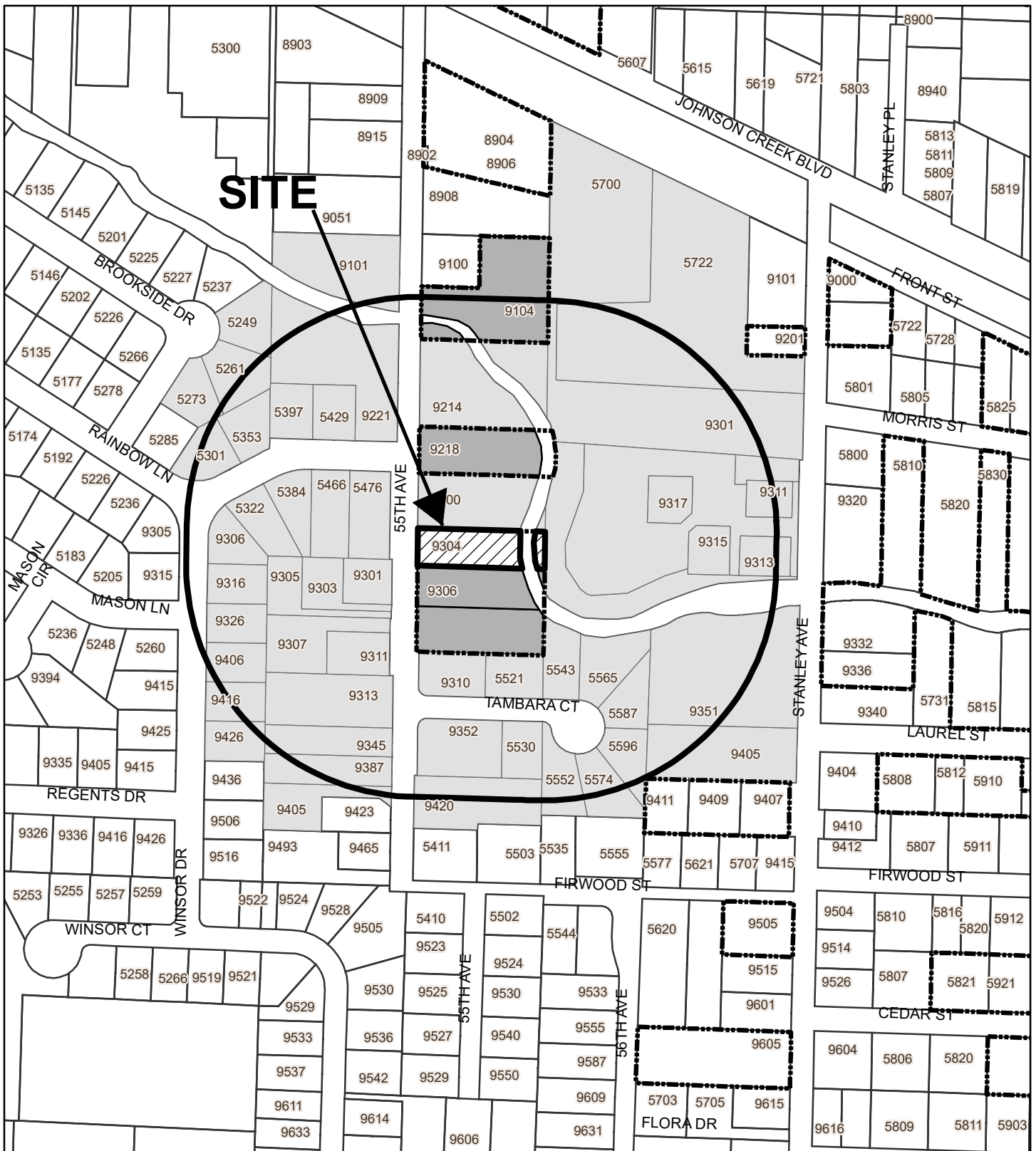
Milwaukie Annexation File No. A-2024-001

Property Address: 9304 SE 55th Ave, Portland, OR 97222

Tax Lot Description: 12E30AC02200

Legal Description: The South 65 feet of lot 4, Gibson's Subdivision of the tracts numbered 10, 11, 12, and 13, and the west 480 feet of tracts 1 and 2 of the Logus Tracts, in the County of Clackamas and State of Oregon.

Attachment 2. Annexation Site Map



Site Map
9304 SE 55th Avenue
(12E30AC02200)
File# A-2024-001



0 65 130 260 390 520 Feet

Legend



400ft Buffer



A-2024-001 Site



City Limit

RS41



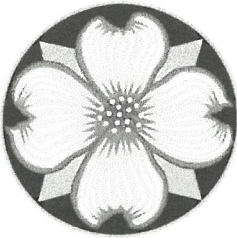
City of Milwaukie Notices



Clackamas County Notices



Taxlots



MILWAUKIE PLANNING
 10501 SE Main St.
 Milwaukie OR 97222
 503.786.7630
 planning@milwaukieoregon.gov

Expedited Annexation Application

File # A-2024-001

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant): <u>TRAVIS RAMSON / CATHRINE R. RAMSON</u>	
Mailing address: <u>9304 SE 55th AVE</u>	Zip: <u>97222</u>
Phone(s): <u>(480) 277-1828 / (928) 230-8913</u>	Email: <u>CHATTYRAM@YAHOO.COM</u>
APPLICANT'S REPRESENTATIVE (if different than above):	
Mailing address:	Zip:
Phone(s):	Email:

SITE INFORMATION:

Address(es): <u>9304 SE 55th Ave</u>	Map & Tax Lot(s): <u>152E 30AC02200</u>
Existing County zoning: <u>R-7</u>	Proposed City zoning: <u>R-MD</u> Property size: <u>12,696 sq ft.</u>
Existing County land use designation: <u>Residential</u>	Proposed City land use designation: <u>Residential</u>

PROPOSAL (describe briefly):

Annexation of 9304 SE 55th Ave into the city of Milwaukie with a MD (moderate density)
Comprehensive Plan designation and a R-MD (residential-moderate density) zoning designation.

LIST OF ALL CURRENT UTILITY PROVIDERS:

Check all that apply (do not list water or sewer service providers)

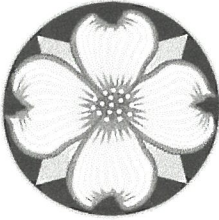
Cable, internet, and/or phone:	<input checked="" type="checkbox"/> Comcast	<input type="checkbox"/> CenturyLink
Energy:	<input checked="" type="checkbox"/> PGE	<input checked="" type="checkbox"/> NW Natural Gas
Garbage hauler:	<input type="checkbox"/> Waste Management	<input checked="" type="checkbox"/> Hoodview Disposal and Recycling
	<input type="checkbox"/> Wichita Sanitary	<input type="checkbox"/> Oak Grove Disposal <input type="checkbox"/> Clackamas Garbage
<input type="checkbox"/> Other (please list):		

SIGNATURE:

ATTEST: I am the property owner, or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County are not made legal upon annexation to the City. To the best of my knowledge, the information provided within this application package is complete and accurate.	
Submitted by: <u>Travis Ramson and Cathrine Ramson</u>	Date: <u>4/15/2024</u>

THIS SECTION FOR OFFICE USE ONLY:

File #: A-2024-001 Fee: \$150	Receipt #:	Recd. by: CD	Date stamp:
Associated application file #'s:			
Neighborhood District Association(s): ewelling			
Notes (include discount if any):			

**MILWAUKIE PLANNING DEPARTMENT**

6101 SE Johnson Creek Blvd
Milwaukie, OR 97206
503.786.7600
planning@milwaukieoregon.gov

Confidential Census Form

Date:	Street Address:	
Housing Type: (Use one form per housing unit)	<input checked="" type="checkbox"/> Single-Family Structure <input type="checkbox"/> Multi-Family Structure <input type="checkbox"/> Mobile Home <input type="checkbox"/> Group Housing <input type="checkbox"/> Other Housing	Occupancy: <input checked="" type="checkbox"/> Owner-Occupied <input type="checkbox"/> Renter-Occupied <input type="checkbox"/> Seasonal <input type="checkbox"/> Vacant
Number of Residents: 2		

If you indicated Group Housing or Other Housing above, please complete the appropriate table below.

Group Housing
Facility Type: <input type="checkbox"/> Adult Correctional Facility <input type="checkbox"/> Juvenile Facility e.g., group home, correctional or non-correctional <input type="checkbox"/> College/University Student Housing Includes off-campus housing owned by a college/university <input type="checkbox"/> Military Quarters <input type="checkbox"/> Other Institutional Facility e.g., psychiatric hospitals, inpatient hospice facilities <input type="checkbox"/> Nursing/Skilled-Nursing Facility e.g., assisted living and memory care <input type="checkbox"/> Non-Institutional Facility e.g., emergency and transitional shelters, residential treatment centers for adults, religious group quarters
Facility Name:

Other Housing
Housing Unit Type: <input type="checkbox"/> Camper/RV <input type="checkbox"/> Car/Van <input type="checkbox"/> Tent <input type="checkbox"/> Motels/Hotels <input type="checkbox"/> Houseboat <input type="checkbox"/> Other Boat <input type="checkbox"/> Other, please specify: _____

The information you share on this form is being collected for use by the Portland State University Population Research Center. For questions about the way these census data are used, please contact the Population Research Center at 503-725-3922.

**EXPEDITED ANNEXATION
PETITION OF OWNERS OF 100% OF LAND AREA
AND PETITION OF AT LEAST 50% OF REGISTERED VOTERS**

TO: The Council of the City of Milwaukie, Oregon

RE: Petition for Annexation to the City of Milwaukie, Oregon

We, the petitioners (listed on reverse), are property owners of and/or registered voters in the territory described below. We hereby petition for, and give our consent to, annexation of this territory to the City of Milwaukie.

This petition includes a request for the City to assign a zoning and land use designation to the territory that is based on the territory's current zoning designation in the County, pursuant to the City's expedited annexation process.

The territory to be annexed is described as follows:

(Insert legal description below OR attach it as Exhibit "A")

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map _____) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name Andy Mehos
Title GIS Cartographer II
Department Assessment And Taxation
County of Clackamas
Date 4/4/24



**CERTIFICATION OF PROPERTY OWNERSHIP OF
100% OF LAND AREA**

I hereby certify that the attached petition contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

Name Andy Mehos
Title GIS Cartographer II
Department Assessment And Taxation
County of Clackamas
Date 4/4/24



¹ Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.



After recording return to:
Travis Ramson and Cathrine R.
Ramson
9304 SE 55th Avenue
Milwaukie, OR 97222

Until a change is requested all tax
statements shall be sent to the
following address:
Travis Ramson and Cathrine R.
Ramson
9304 SE 55th Avenue
Milwaukie, OR 97222

File No.: 7012-2983388 (MC)
Date: December 13, 2017

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2018-003547

01/17/2018 01:56:01 PM

D-D Cnt=1 Stn=53 CINDY
\$10.00 \$16.00 \$10.00 \$22.00

\$58.00

STATUTORY WARRANTY DEED

Dawn & James Ventures LLC, Grantor, conveys and warrants to **Travis Ramson and Cathrine R. Ramson, husband and wife**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

THE SOUTH 65 FEET OF LOT 4, GIBSON'S SUBDIVISION OF THE TRACTS NUMBERED 10, 11, 12 AND 13, AND THE WEST 480 FEET OF TRACTS 1 AND 2 OF THE LOGUS TRACTS, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$349,900.00**. (Here comply with requirements of ORS 93.030)



BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 17 day of January, 2018.

Dawn & James Ventures LLC

By: _____

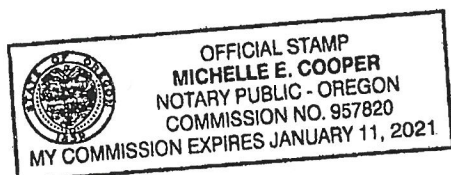
Name: James D. Plumlee
Title: Manager/Member

STATE OF Oregon)

County of Clackamas)

)ss.

This instrument was acknowledged before me on this 17 day of January, 2018 by James D. Plumlee as Manager/Member of Dawn & James Ventures LLC, on behalf of the LLC.



Michelle E. Cooper
Notary Public for Oregon
My commission expires: 1/11/21

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least 50% of the electors registered in the territory proposed for annexation as described in the attached petition.

Name Tiffany Clark
Title Elections Analyst / Deputy Clerk
Department Clerk - Elections
County of Clackamas
Date 4-4-2024



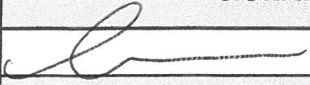
CERTIFIED COPY OF THE ORIGINAL
CATHERINE MCMULLEN, COUNTY CLERK

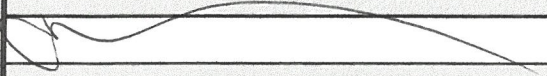
BY: Tiffany Clark

PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or voter precinct number.

*PO = Property Owner RV = Registered Voter OV = Owner and Registered Voter

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	TRAVIS RAMSON	X			4/4/24
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
9304 SE 55th AVE					420

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Cathrine R Ramson	X			4/4/24
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
9304 SE 55th Ave					420

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

NOTICE LIST

(This form is NOT the petition)

LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION.

	Name of Owner/Voter	Mailing Street Address	Property Address
		Mailing City/State/Zip	Property Description (township, range, ¼ section, and tax lot)
1	TRAVIS RAMSON	9304 SE 55th AVE	9
		MILWAUKIE OR, 97222	
2	Cathrine R Ramson	9304 SE 55th Ave	
		Milwaukie OR 97222	
3			
4			
5			
6			
7			
8			
9			
10			

AFTER RECORDING RETURN TO:

Planning Manager
City of Milwaukie
10501 SE Main St.
Milwaukie, OR 97206

TRAVIS RAMSON / CATHERINE RAMSON

FOR OFFICE USE ONLY

Annexation File No. A-2024-001

Date Received 04/08/24

This Space For County Recording Use Only

Clackamas County Official Records
Catherine McMullen, County Clerk

2023-045378



02656849202300453780030036

\$103.00

12/27/2023 12:19:39 PM

D-ANXCON Cnt=1 Stn=9 COUNTER1
\$15.00 \$16.00 \$62.00 \$10.00

**CITY OF MILWAUKIE
CONSENT TO ANNEXATION &
AGREEMENT NOT TO CONTEST ANNEXATION**

In consideration for the City of Milwaukie for the property described below:

All owners of the property listed below, and their successors and assigns, consent to annex the following described real property into the City of Milwaukie by preparing and signing all relevant annexation documents that the City of Milwaukie desires, including but not limited to a "Petition" for annexation and/or a "Covenant of Waiver of Rights and Remedies," so that the following described real property located in Clackamas County, Oregon, and within the Urban Growth Management Area of the City of Milwaukie, can be annexed into the City of Milwaukie.

All owners of the property listed below further agree that they, their successors and assigns, will not oppose, in any manner, requests or attempts to annex the following described real property into the City of Milwaukie:

OWNERS

TRAVIS RAMSON 12/27/23 Cathrine Ramson 12/27/23

PROPERTY DESCRIPTION

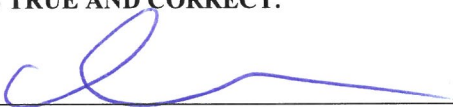
Street Address: 9304 SE 55th AVE

City: MILWAUKIE State: OR Zip Code: 97122


Tax Map ID: Township 1S Range 2E Section 30AC Tax Lot(s) 02200

Deed Ref # 2018-003547 FILE NO. 7012-2983388

I/WE, THE UNDERSIGNED PROPERTY OWNER(S), AFFIRM BY MY/OUR SIGNATURE(S)
THAT THE INFORMATION CONTAINED IN THIS DOCUMENT AND ASSOCIATED
SUBMISSIONS IS TRUE AND CORRECT.

Property Owner  Date: 12/27/23
Signature

TRAVIS RAMSON
Printed Name

Property Owner  Date: 12/27/23
Signature

Catherine Ramson
Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

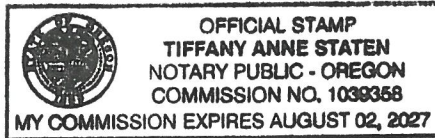
Property Owner _____ Date: _____
Signature

Printed Name

Each property owner's signature must be notarized. Submit additional sheets as necessary.

STATE OF OREGON)
Clackamas) ss.

Personally appeared the above named Travis Ramson
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this
27th day of December, 2023.

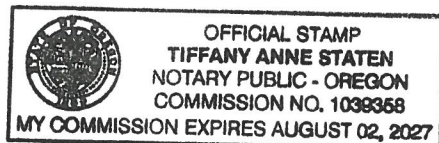


[Signature]
Notary Public of Oregon

My Commission Expires: 8-2-2027

STATE OF OREGON)
Clackamas) ss.

Personally appeared the above named Cathrine Renee Ramson
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this
27 day of December, 2023.



[Signature]
Notary Public of Oregon

My Commission Expires: 8-2-2027

STATE OF OREGON)
) ss.

Personally appeared the above named _____
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this
_____ day of _____, 20____.

Notary Public of Oregon

My Commission Expires: _____



CITY OF MILWAUKIE

20-DAY NOTICE OF PUBLIC MEETING

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

TO: Property Owners and Residents
DATE: June 25, 2024
FILE: Annexation A-2024-001
LOCATION: 9304 SE 55th Ave
APPLICANT/OWNER: Travis and Cathrine Ramson
MEETING INFO: Tuesday, July 16, 2024, at 6:00 p.m.

This meeting will be conducted in person at Milwaukie City Hall (10501 SE Main St) and online via Zoom. Information regarding how to access the virtual meeting will be made available in advance at <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-375>. The meeting can also be viewed on the city's YouTube channel or Comcast Cable channel 30 within the city limits.

Please note that there are usually many items on the Council agenda. If you would like to get an idea of when this proposal will be considered, view the Council Regular Session agenda online at www.milwaukieoregon.gov/meetings or check with City staff (see contact information on the reverse of this letter).

The **Milwaukie City Council** will consider approving an expedited annexation petition (File #A-2024-001) to annex 9304 SE 55th Ave into the City of Milwaukie. The property proposed for annexation is more specifically identified on the enclosed map. You are receiving this notice because you either live or own property within 400 feet of the property proposed for annexation.

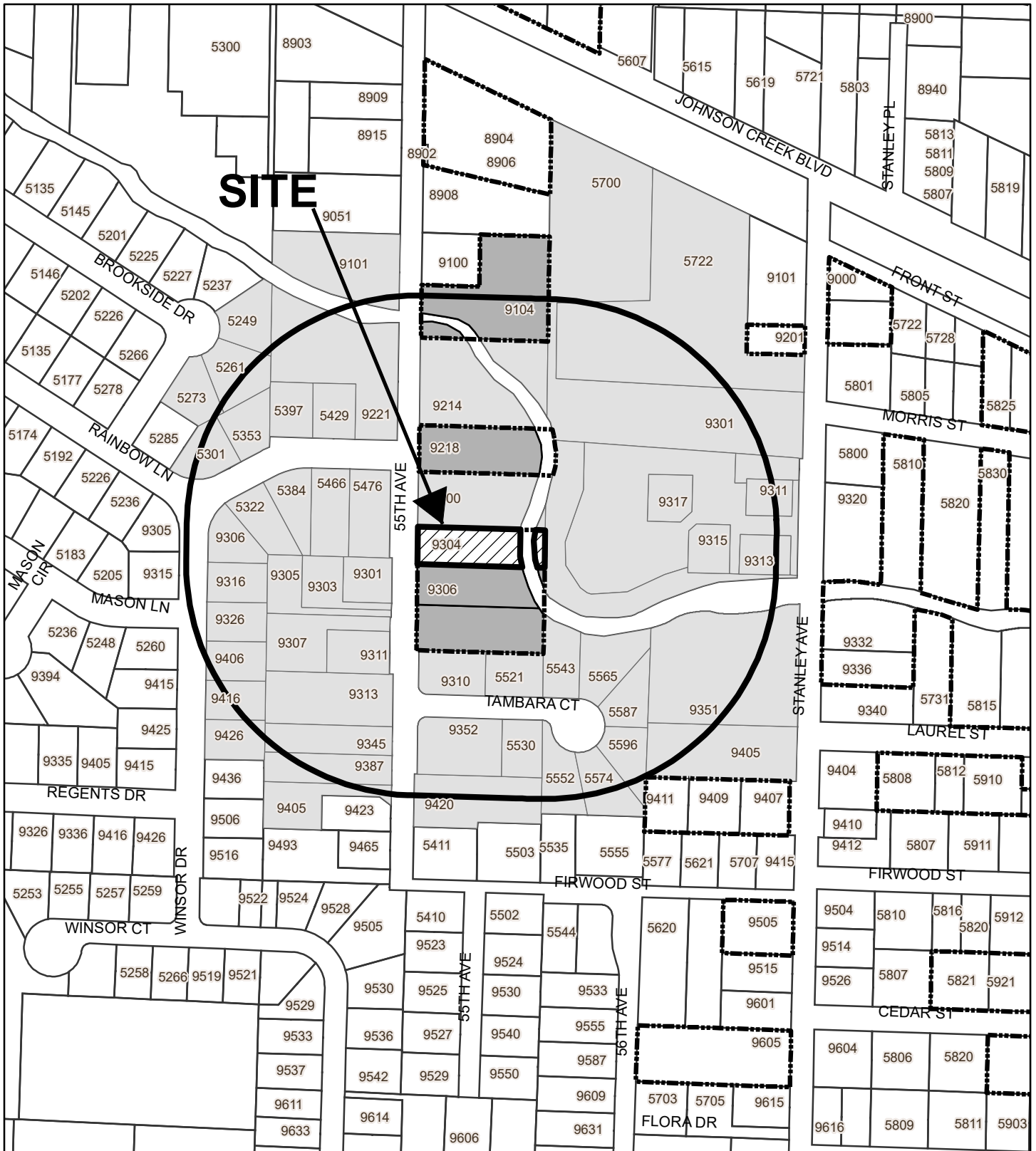
Expedited annexation process: An expedited annexation application is not a land use decision and does not require a public hearing. It does, however, require approval by City Council at a regularly scheduled public meeting. Pursuant to Metro Code Section 3.09.045(b), an annexation applicant cannot use the expedited annexation process if a necessary party objects to the proposed annexation in writing prior to the scheduled City Council meeting. A necessary party is any county, city, district, or local unit of government whose boundary includes, or who provides services to, the area proposed to be annexed.

Expedited annexation approval criteria: The criteria to be used by City Council in reaching a decision are found in Milwaukie Municipal Code Section 19.1102.3 Boundary Change Approval Criteria, Milwaukie Comprehensive Plan Chapter 6 City Growth and Governmental Relationships, Metro Code Chapter 3.09 Local Government Boundary Changes, and Oregon Revised Statutes Chapter 222 City Boundary Changes. Copies of these criteria are available upon request.

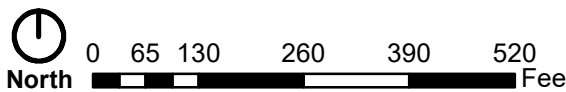
How to submit comments: You are invited to submit written comments on this annexation prior to the meeting by emailing the Milwaukie City Recorder at ocr@milwaukieoregon.gov. Council may take limited verbal comments on the proposed annexation at the meeting. To participate in the Zoom meeting, see the login information via the Council meeting webpage at <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-375>.

Where to get more information: If you have any questions about the proposed annexation, please contact Adam Heroux, Associate Planner, in the Planning Department at 503-786-7658 or heroux@milwaukieoregon.gov, or visit the project webpage at <http://www.milwaukieoregon.gov/planning/2024-001>. The staff report on the proposed annexation will also be available for public viewing by **Friday, July 12, 2024**, on the City website at www.milwaukieoregon.gov/meetings.

The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act (ADA). If you need special accommodations, please call 503-786-7600 at least 48 hours prior to the meeting.



Site Map
9304 SE 55th Avenue
(12E30AC02200)
File# A-2024-001



Legend

400ft Buffer

A-2024-001 Site

City Limit

RS59

City of Milwaukie Notices

Clackamas County Notices

Taxlots



Brett Kelter, Senior Planner
City of Milwaukie
6101 SE Johnson Creek Blvd
Milwaukie, Or 97206

EMAIL AND MAIL

July 8, 2024

RE: Proposed Expedited Process for Annexation:

- File No: A-2024-001
9304 SE 55th Ave, Milwaukie, OR 97222 - Tax Lot 02200 of Tax Map 1S2E30AC

Dear Brett Kelter:

This is file notice of Clackamas River Water (CRW) having no objections to the expedited process relating to the above referenced proposed annexation. CRW as the domestic water supply district organized under ORS Chapter 264 and is therefore a necessary party to this proceeding.

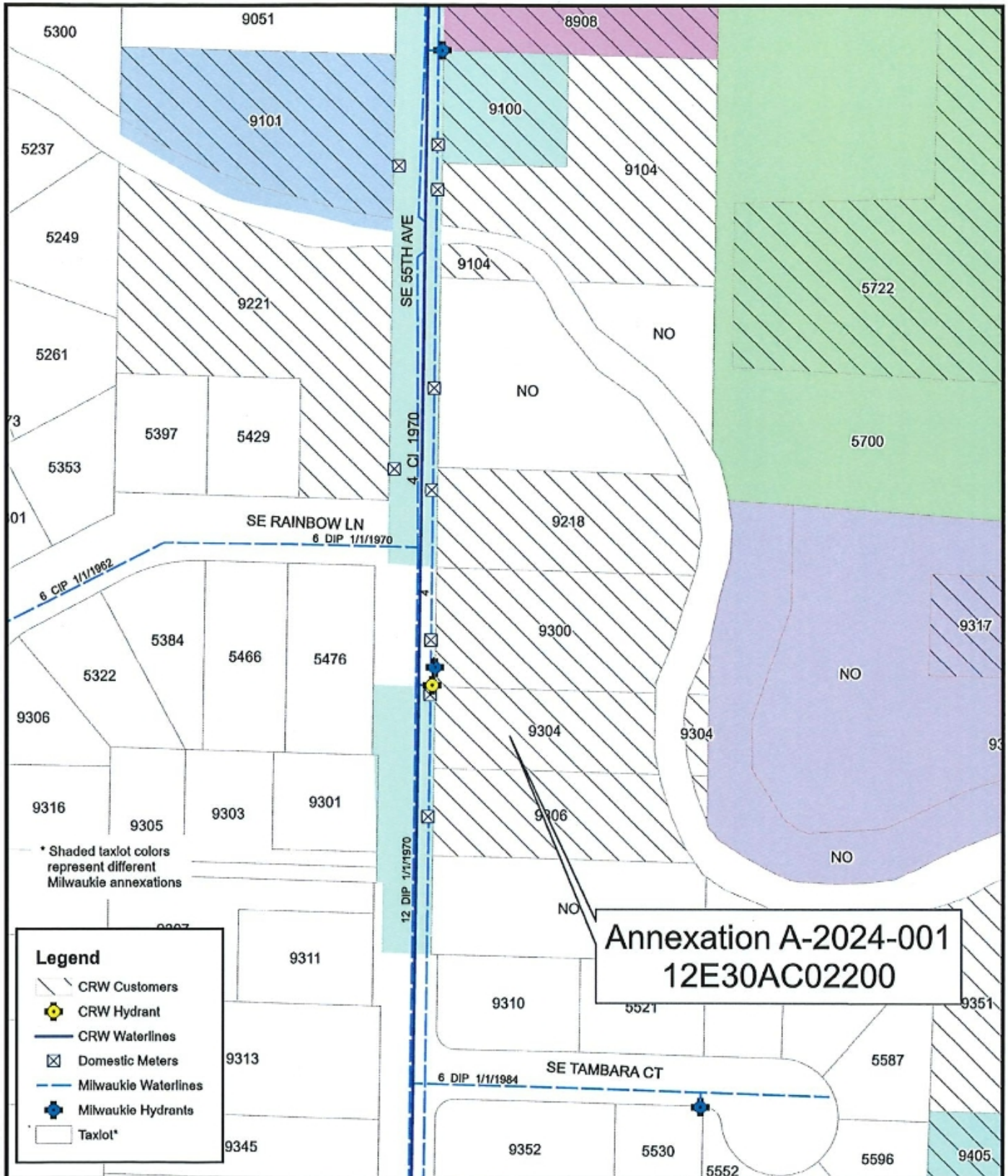
For purposes of the record, we want to confirm our previous discussions with respect to the continued supply of domestic water by CRW in the affected right of way annexation for NE Milwaukie Sewer Extension Project area and per the Amended and Restated Agreement for Water Supply dated as of June 17, 2008 (paragraph 2). CRW will remain the domestic water service supplier for the term of the agreement or any extension, unless the parties agree otherwise as provided in the agreement. The confirmation of this understanding is the basis on which CRW will not object to the expedited process for the proposed annexation of the area right-of-ways and have no objection for the annexation for Tax Lot 02200 of Tax Map 1S2E30AC.

Please let me know if there are any additional comments or questions concerning annexation issues. Once again, thank you and your staff for your willingness to discuss this matter.

Very truly yours,


for Todd Heidgerken (AIC for TH)
General Manager

City of Milwaukie Annexations of Clackamas River Water Customers ANNEXATIONS THRU 10/21/22



Date: July 8, 2024
Drawing Name: MILWAUKIE ANNEXATIONS
Drawing Location: F:\AGENCIES & WATER PROVIDERS\Milwaukie
Milwaukie-Annexations\GIS Drawings
Drawing By: A. Steele



CLACKAMAS RIVER WATER
GEOGRAPHIC INFORMATION SYSTEM

16770 SE Edin Drive - Clackamas, Oregon
503.722.1020 - www.clackamaswater.com



CITY OF MILWAUKIE

NOTICE OF PROPOSED ANNEXATION

To: Necessary Parties¹
From: City of Milwaukie
Date: June 25, 2024
Subject: File: A-2024-001 (Expedited Annexation)
Applicant(s): Travis and Cathrine Ramson
Address: 9304 SE 55th Avenue

Pursuant to Metro Code Section 3.09.030 Notice Requirements for annexations, the City of Milwaukie is providing notice to all necessary parties of the proposed annexation of the property described above. Please see the Notice of Public Hearing on the reverse side for where you can obtain a copy of the annexation staff report and when and where the City of Milwaukie will consider the proposed annexation.

¹ Necessary Parties are defined by Metro Code Section 3.09.020(l) as any county, city, district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory; Metro; or any other local unit of government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory.



CITY OF MILWAUKIE

20-DAY NOTICE OF PUBLIC MEETING

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

TO: Properly Owners and Residents
DATE: June 25, 2024
FILE: Annexation A-2024-001
LOCATION: 9304 SE 55th Ave
APPLICANT/OWNER: Travis and Cathrine Ramson
MEETING INFO: Tuesday, July 16, 2024, at 6:00 p.m.

This meeting will be conducted in person at Milwaukie City Hall (10501 SE Main St) and online via Zoom. Information regarding how to access the virtual meeting will be made available in advance at <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-375>. The meeting can also be viewed on the city's YouTube channel or Comcast Cable channel 30 within the city limits.

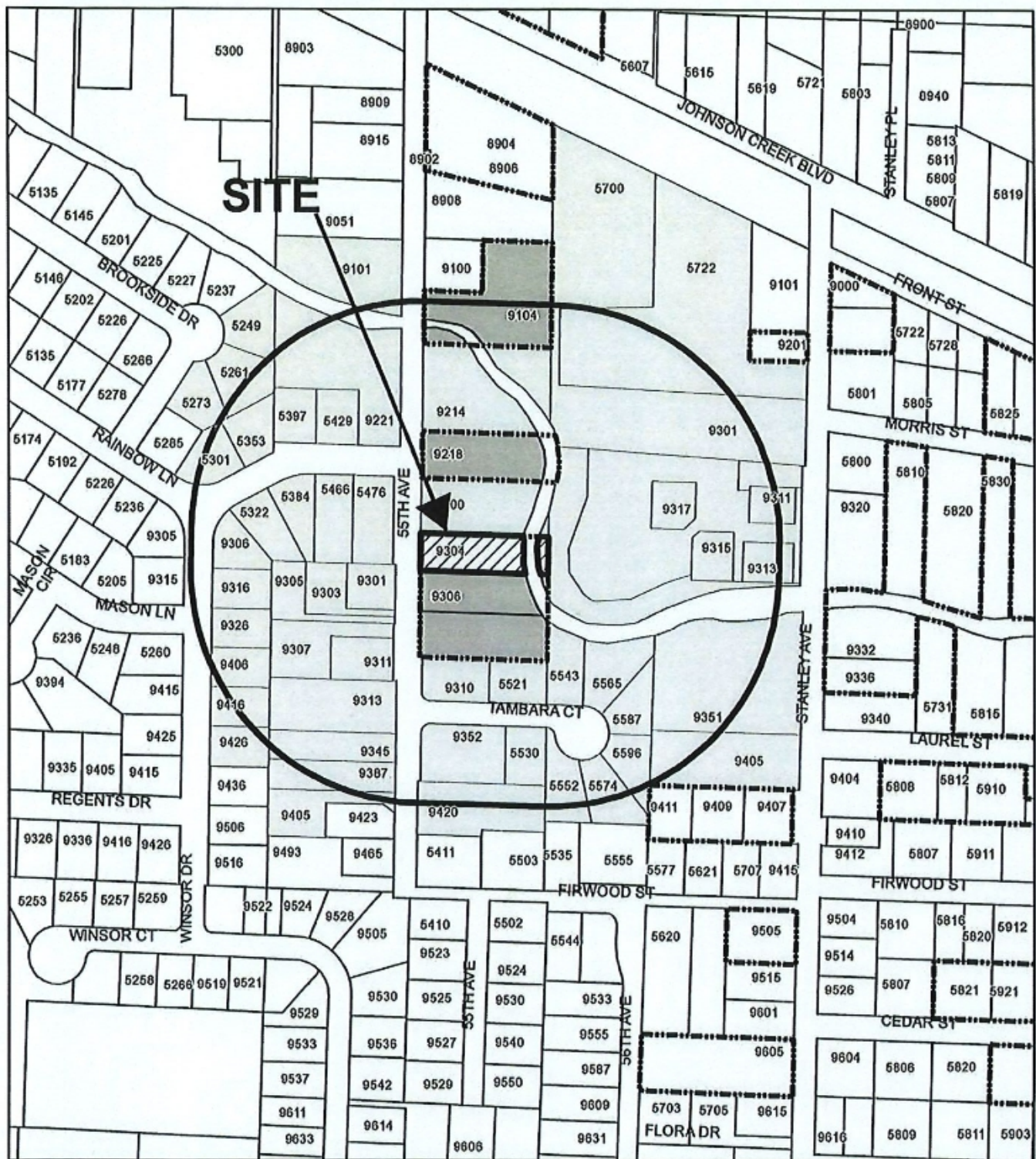
Please note that there are usually many items on the Council agenda. If you would like to get an idea of when this proposal will be considered, view the Council Regular Session agenda online at www.milwaukieoregon.gov/meetings or check with City staff (see contact information on the reverse of this letter).

The Milwaukie City Council will consider approving an expedited annexation petition (File #A-2024-001) to annex 9304 SE 55th Ave into the City of Milwaukie. The property proposed for annexation is more specifically identified on the enclosed map. You are receiving this notice because you either live or own property within 400 feet of the property proposed for annexation.

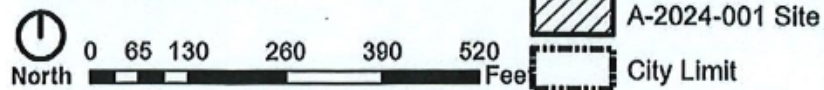
Expedited annexation process: An expedited annexation application is not a land use decision and does not require a public hearing. It does, however, require approval by City Council at a regularly scheduled public meeting. Pursuant to Metro Code Section 3.09.045(b), an annexation applicant cannot use the expedited annexation process if a necessary party objects to the proposed annexation in writing prior to the scheduled City Council meeting. A necessary party is any county, city, district, or local unit of government whose boundary includes, or who provides services to, the area proposed to be annexed.

COMMUNITY DEVELOPMENT
BUILDING • ECONOMIC DEVELOPMENT • ENGINEERING • PLANNING
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




RS63



Site Map
9304 SE 55th Avenue
(12E30AC02200)
File# A-2024-001



Legend

- | | | | |
|---|-----------------|--|---------------------------|
|  | 400ft Buffer |  | City of Milwaukie Notices |
|  | A-2024-001 Site |  | Clackamas County Notices |
|  | City Limit |  | Taxlots |

COUNCIL STAFF REPORT

To: Mayor and City Council

Reviewed: Dan Harris, Events and Emergency Management Coordinator,
Jason Wachs, Community Engagement Coordinator,
Glen Suchanek, Behavioral Health Specialist,
Ryan Burdick, Chief of Police, and
Brent Husher, Library Director

From: Emma Sagor, Acting City Manager

Subject: **Houseless Services Update**

Date Written: July 7, 2024

ACTION REQUESTED

Council is asked to receive an update on various city activities related to supporting houseless community members.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

January 16, 2024: Council received an update on the initial proposal for supportive housing funds.

[February 6, 2024](#): Council received an update on houseless support services, including five projects submitted by the city to the via Clackamas County's Notice of Funding Opportunity for City-led Homelessness Initiatives.

April 2024: The city was informed that three of the proposals it submitted for the Notice of Funding Opportunity were supported.

ANALYSIS

The city has for several years provided support to houseless community members via the public safety department, particularly our behavioral health specialist (who joined the city in 2022), and the Ledding Library. With the increasing rates of homelessness in our community and the broader region, as well as grant funding opportunities created by the passage of Metro's Supportive Housing Services (SHS) tax, the city has been able to increase the services it either directly provides or engages in as a local partner to support houseless and housing insecure Milwaukians.

In late 2023, Clackamas County city managers were notified that the county would make SHS funds and state houseless funds provided to Oregon counties available for qualifying city-prioritized projects. The city submitted five fundings requests:

- Opening the Ledding Library as an extended hours cooling center (\$30,000, ongoing).
- Funding the city's behavioral health specialist (\$105,000, ongoing).
- Establishing a pilot rental assistance and supportive services pilot at the Clackamas Service Center (\$450,000, two-year pilot).
- Funding to ensure alignment between the proposed stabilization center and regional partners (\$150,000 annually).

- Increased staffing for peer support specialists at Providence Milwaukie and Providence Willamette Falls (\$183,000, ongoing).

The first two requests were for funds to come to the city itself to support services; the following three were all requests submitted on behalf of other organizations by the city, with the intention that no funds would come directly to the city.

The Clackamas Board of County Commissioners (BCC) approved the following requests:

- \$30,000 annually for three years for the Ledding Library Cooling Center.
- \$450,000 annually for a two-year pilot rental assistance program operated by the Clackamas Service Center.

Finally, in late June 2024, the city submitted an additional request on behalf of St. John's Episcopal Church of Milwaukie, LoveOne, and the Father's Heart to establish a warming center at the church. We have not yet heard back on this request.

The rest of this staff report provides updates on these bodies of work—including those funded and unfunded by the County's funds.

Ledding Library Extended Hours Cooling Center

A cooling center is a place where members of the Milwaukie community can come to get some relief from the heat. The Milwaukie Ledding Library has operated as a de facto cooling center during operating hours for several years. Beginning in summer 2024, the city has expanded the hours that the cooling center is open until 10:00 p.m. during times of especially high heat risk, as determined by the National Weather Service (NWS). During these extended hours, staff from across city departments will provide cool water, snacks, and space to anyone who wants it and can share the space safely and respectfully with their neighbors. Library services are not offered during the extended cooling center hours but remain available during normal business hours.

The recent heatwave that began on July 5 prompted the first opening of the cooling center. Across the three evenings of operation at time of writing (July 5 – July 9), the center has served an average of 14 community members a night (65 total people through the doors).

County funding will support purchase of supplies (water, snacks, chargers, etc.) and overtime payments for represented staff. In total, 29 employees and Council members registered interest in being part of the staffing roster for the cooling center. The city anticipates receiving an intergovernmental agreement (IGA) and contract language from the county in late summer/early fall 2024.

City's Behavioral Health Program + Library Outreach Services

Glen Suchanek, the city's behavioral health specialist, continues to do tremendous work supporting community members in crisis. Glen responds with officers, follows up on reports and takes community calls and referrals for our neighbors struggling with a mental health crisis. Glen works frequently with Don Holden and others from LoveOne to provide housing assistance support to people in need. These can include and are not limited to survival gear, referrals to shelters, clean and sober housing, transitional housing, permanent housing and outreach support to meet our houseless community where they are.

In its April 2024 funding request, the city asked the County to consider funding part of Glen's personnel costs and part of the materials and services costs related to the city's behavioral

health program. This request was not granted. Separately, the city negotiated an agreement with Clackamas County in 2022 to fund a position at Central City Concern dedicated to providing housing support services within the city boundaries. The involved parties—the city, Clackamas County, and Central City Concern—agreed to conclude this arrangement in spring 2024 given the support was not being provided as intended due to staffing issues at Central City Concern. The County committed to exploring new pathways to provide this county-funded support to the city, but these discussions are still ongoing.

The Milwaukie Ledding Library provides information, resources, and support to community members experiencing housing or behavioral health challenges. Library staff regularly contact and connect with social service partners to facilitate referrals for service. For example, between June 2023 and June 2024, library staff made 33 social service referrals, distributed 1,200 granola bars and water bottles, and handed out 72 bus passes. Additionally, the library serves as a welcoming and inclusive meeting center to support partners and provide services including a monthly Mobile Outreach Unit with Clackamas County Sheriff's Office (CCSO) Probation and Parole (20 client check-ins in June 2024) and weekly Tuesday outreach events with MPD, 4D Recovery, and LoveOne (12 clients served in June 2024).

Pilot rental assistance program administered by the Clackamas Service Center

The County approved funding for a two-year pilot rental assistance program to be run by the Clackamas Service Center (CSC). Today, CSC provides more than 350 Milwaukie residents customized food boxes, and they have recently expanded one-stop stability services through their new Annex West Building. Integrating short-term rent assistance and eviction prevention services with CSC's core basic survival and health and wellness support services will increase ease of access, strengthen the continuum of care, and reduce housing insecurity.

The funding will specifically support the following:

- Service Navigation Personnel co-located at Clackamas Service Center - 1.0 FTE; \$75,000
- Program Director - .30 FTE \$20,000
- Program materials/supplies - \$30,000
- Short- and long-term rent assistance allocation - \$275,000
- Nutritional Support Personnel - .25 FTE \$15,000
- Food Box Delivery - \$25,000
- Organizational Management and Administration - \$10,000

The County will contract directly with CSC to transfer the funds for this pilot. That is expected to occur in late summer/early fall 2024.

County-run stabilization center on McBrod Ave

The County did not choose to fund the city's proposal for personnel and programmatic expenses to support navigation and case management related to the 23-hour stabilization center that the County expects to open later this or next year in Milwaukie. The County explained they plan to build these costs into the overall project budget.

The project's communications workgroup has been meeting periodically to develop the communications and community engagement plan in anticipation of project launch. The county is currently working on carrying out solicitations and executing contracts for construction and program delivery, but the timeline for doing so is tentative.

Peer support specialists at Providence Milwaukie

The County did not choose to fund the proposal submitted by the city on behalf of Providence to fund outreach specialists and peer support specialists to support their Milwaukie and Willamette Falls hospitals. The County explained they are having separate conversations with Providence about how best to support these efforts.

City staff—including the city manager, police chief and captains, and behavioral health specialist—continue to meet quarterly with Providence staff to build trust, discuss and improve protocols for working with community members in crisis, and explore better ways to partner. Council will be taking a tour of Providence Milwaukie at its August 13 study session.

Warming Shelter at St. John's Church

The board of St. John's Episcopal Church voted in late spring of this year to move forward with establishing an overnight warming shelter. The city has applied for grant funding from Clackamas County to facilitate shelter operations and building modifications.

If the county grant is approved, St. John's will work with The Father's Heart to provide overnight accommodations, including food, to up to 20 guests per night on dangerously cold nights. Depending on the timing of the grant approval, building modifications may begin as early as this fall with plans to have the center operational before the end of the year. If funding is delayed, it is likely that the facility will open toward the end of 2025.

The city manager's office continues to communicate with St. John's about the status of the project.

BUDGET IMPACT

The city will receive \$30,000 annually from Clackamas County to support the extended hours cooling center. The County has told the city to expect contractual documents in late summer/early fall. The rest of the city's efforts related to houseless services are built into the recently adopted biennial budget, though as demand for these services increases, the need for additional funds to support this work will also rise.

CLIMATE IMPACT

Climate change has a disproportionate impact on those who are unhoused. As severe weather events become more frequent, the efforts the city is taking to support emergency cooling and warming centers are an important climate adaptation strategy.

EQUITY IMPACT

The work described above is all core to the Team Milwaukie priority of Helping Milwaukians Most in Need. Community members living on low-incomes or experiencing housing insecurity are disproportionately burdened by rising housing costs, health care costs, substance abuse crises and more. Allocating city facilities, staff time, and budget to these services helps address these disparities in our community and support improved outcomes for marginalized community members.

WORKLOAD IMPACT

Increasing rates of houselessness and behavioral health challenges in our community undoubtedly put a strain on city resources and staff workload. Operating the extended hours

cooling center requires the availability of staff willing and interested in working extra hours and would only be possible with county funding to pay for staff overtime.

COORDINATION, CONCURRENCE, OR DISSENT

None.

STAFF RECOMMENDATION

Staff recommend Council receive the update and ask staff any questions they have about this work.

ALTERNATIVES

N/A

ATTACHMENTS

1. None.

Houseless and Behavioral Health Services Update

July 16, 2024



1. Funding update

2. Activity updates

- Ledding Library extended hours cooling center
- City's behavioral health program and library outreach services
- Pilot rental assistance program administered by Clackamas Service Center
- County-run stabilization center on McBrod Ave
- Coordination with Providence Milwaukie
- Proposed warming shelter at St. John's Church

3. Questions/discussion



Funding update

- City funds 1 behavioral health specialist in the police department
- Library staff and events/emergency management coordinator also support this work as part of their general funded scope
- All other efforts currently require grant funding



Funding update

- In April 2024, applied for funding from Clackamas County's Notice of Funding Opportunity for City-led Homelessness Initiatives
- Five proposals submitted
 - Three with City as grantee
 - Two on behalf of partners
- Two selected by County for funding; IGAs/contracts still in development
 - Extended hours cooling center
 - Pilot rental assistance program through Clackamas Service Center
- Additional proposal submitted in June 2024 on behalf of St. John's Church for emergency warming shelter
 - No update yet

Activity Update: EXTENDED HOURS COOLING CENTER

- \$30,000 in grant funding authorized by BCC for two-year pilot (IGA/contract in progress)
- Mobilization criteria
 - When heat risk is Major or Extreme as defined by the National Weather Service
 - When we have sufficient staffing available (currently require three employees, at least one of whom is a manager)
- First operational stretch: July 5 – July 9
 - 65 total people through the doors (avg of 13 a night)
 - Leading Library community room and lobby open until 10 p.m.
 - Water, popsicles, snacks, chargers provided



Activity Update: CITY SUPPORT AND OUTREACH SERVICES

- Glen Suchanek, Behavioral Health Specialist, funded by the city
 - County did *not* approve request to fund part of these costs
 - City negotiated separate agreement with County to fund housing support position dedicated to Milwaukie in 2022; currently not being provided. City in ongoing negotiations with County to restart this.
- Glen works frequently with partners from LoveOne to provide housing assistance and other support services to people in need
- The Milwaukie Ledding Library support for community members experiencing housing or behavioral health challenges
 - In last year:
 - 33 social service referrals
 - 1,200 granola bars
 - 72 bus passes
 - Hosts monthly Probation and Parole monthly outreach clinics
 - Hosts weekly outreach events with MPD, 4D Recovery, and LoveOne



Activity Update: PILOT RENTAL ASSISTANCE PROGRAM

- County approved funding for two-year pilot program
 - Money to go directly to Clackamas Service Center (CSC)
- Funding will support:
 - Service Navigation Personnel co-located at Clackamas Service Center - 1.0 FTE; \$75,000
 - Program Director - .30 FTE \$20,000
 - Program materials/supplies - \$30,000
 - Short- and long-term rent assistance allocation - \$275,000
 - Nutritional Support Personnel - .25 FTE \$15,000
 - Food Box Delivery - \$25,000
 - Organizational Management and Administration - \$10,000



Activity Update: STABILIZATION CENTER

- County-led project
- To be housed at the County-owned facility on McBrod Ave
- Communications workgroup has been meeting periodically to develop the communications and community engagement plan in anticipation of project launch
- Update to Board of County Commission on July 30
- County to give City Council an update on August 6

Activity Update: PROVIDENCE COORDINATION

- Peer support specialist ask not funded by the County
 - County having separate conversations with Providence about how best to support coordination needs
- MPD leadership, City Manager, and Providence leadership meeting quarterly
- August 13 site visit



Activity Update: WARMING SHELTER AT ST. JOHN'S

- Funding ask submitted on behalf of St. John's, LoveOne, and Father's Heart to the County in June
- If grant approved:
 - St. John's will work with the Father's Heart to provide overnight shelter space for up to 20 guests
 - Funds to be used for building modifications



**QUESTIONS OR
COMMENTS?**





RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, Acting City Manager

Date Written: July 12, 2024

Reviewed: Laura Weigel, Planning Manager and Joseph Briglio, Community Development Director

From: Vera Kolias, Senior Planner, and
Adam Heroux, Associate Planner

Subject: **Neighborhood Hubs – Proposed Code Amendments**

ACTION REQUESTED

Council is asked to re-open the public hearing for land use file #ZA-2024-001, discuss the proposed amendments to the Milwaukie Municipal Code (MMC) Title 19 (Zoning), Zoning map, Comprehensive Plan Land Use Designations, and Comprehensive Plan Land Use map, consider taking additional public testimony, provide direction to staff regarding any desired revisions to the proposed amendments, and vote to approve file #ZA-2024-001 and adopt the proposed ordinance and recommended Findings in Support of Approval found in Attachment 1.

PROJECT HISTORY AND BACKGROUND INFORMATION

Please refer to the staff report for the [May 7, 2024](#) public hearing for project history and complete background information.

Staff did not receive direction from Council to make any changes to the proposed code package, so none are reflected in this staff report or attachments. However, staff did hear comments about the existing NMU zone, which are addressed in the following section.

ANALYSIS

Council discussion at the May 7, 2024 public hearing included comments about the existing Neighborhood Mixed Use Zone (NMU) and its permitted uses and development standards. Staff thought it would be useful to summarize the history of that zone before moving on to discuss the new proposed Small-Scale Mixed-Use Zone (SMU) and its role in the Hubs project.

History of the NMU zone

The NMU zone was adopted in 2015 as phase 3 of the [Moving Forward Milwaukie](#) initiative. The code was informed by a previous initiative called [Neighborhood Main Streets](#) (completed in 2012).

The result of the 2015 code amendments is the current NMU zone, which was developed as a neighborhood-scale version of the General Mixed-Use zone developed for central Milwaukie. The numerous public hearings and discussions resulted in a new zone that reflected the goals of both prior initiatives and built on the desire to provide more opportunity in these areas – to have code language supporting a zone that is pedestrian-oriented in a neighborhood-serving building district. MMC 19.303.2 details the variety of uses permitted in both mixed-use zones and how they are permitted. Similarly, MMC 19.303.3 includes the development standards for both zones where, for example, the base maximum building height is 45-feet, but the GMU

allows for a height bonus; the NMU does not include a height bonus. The organization of Tables 19.303.2 and 19.303.3 shows the difference in development intensity between the two zones, recognizing the different scales of each area.

The NMU zone is a commercial mixed-use zone, with more emphasis on commercial uses than residential. Generally, residential uses are intended to be higher density and developed with a commercial component. The NMU zone, currently located along 32nd Ave and in the 42nd Ave area and proposed to expand to add other areas as discussed below, is intended to be a neighborhood commercial center with a mix of smaller-scale retail and service uses. Most commercial uses, except for vehicle-related and drinking establishments, are permitted by right. Standalone residential uses are permitted as conditional uses. Along the 32nd Ave corridor, this means that many properties are de facto conditional uses, since they are developed with single detached dwellings. Since the zone was created along this corridor in 2015, very little development has occurred.

Proposed code changes identified through Phase 2

Key amendments in the proposed package of code amendments include the following:

- Re-zone properties in the C-L to NMU and eliminate the Limited Commercial zone.
- Create a new Small-Scale Mixed-Use zone (SMU)
- Re-zone properties in the Neighborhood Commercial zone (C-N) to Small-Scale Mixed Use and eliminate the Neighborhood Commercial zone.
- Expand the 42nd Ave NMU zone by re-zoning the Chapel Theatre site at 4107-4117 SE Harrison St from Residential-High Density to NMU
- ~~Re-zone the Milwaukie Floral site on Lake Rd to the new Small Scale Mixed Use zone~~
 - At the May 7 public hearing, the property owner of the Milwaukie Floral site expressed uncertainty about the proposed amendments. He is planning his estate and wants to be sure that the zoning of his property supports the best value for the future. He asked that Council continue the hearing so that he could consult with others to make the right decision about the future of the site.
 - Staff followed up with the property owner to answer any questions and discuss any decisions regarding the proposed zoning. The property owner has elected to decline the proposed rezoning so that standalone residential uses would be permitted by right.
 - Staff has revised the proposed zoning map to remove the SMU designation from the Milwaukie Floral site; the property will remain zoned R-MD.
 - The commercial uses currently on the property can remain as pre-existing non-conforming uses, subject to MMC 19.800.

Please refer to Attachment 2 for tables that summarize the key differences between existing and proposed zoning for each hub.

Responses to comments raised at May 7 public hearing

At the May 7 public hearing, staff heard some questions and comments about building height, allowed uses and hours of operation in the NMU zone. Staff would like to address those here:

- Building height
 - As noted above, the maximum building height in the NMU zone is 45 ft (approximately 3 stories) which mimics the base building height in the GMU zone. No height bonuses are permitted. This building height allows for ground floor commercial uses with 2 stories of residential above in a mixed use building, for example, and provides for a reasonable amount of development in a commercial corridor to activate development in the zone. The maximum building height in the surrounding residential area is 35 ft; the additional 10 ft recognizes the need for additional density for commercial and mixed use developments while still being complementary to residential development.
- Allowed uses
 - The mixed use zones are currently comprised of the GMU and NMU zones. The table of uses in Table 19.303.2 is organized such that broad categories of uses, such as retail, office, and restaurant are listed for the zones. These categories are generally consistent with the downtown mixed-use zone, which was developed just before these zones as part of the Moving Forward Milwaukie initiative. This collection of uses is typical in a mixed use zone that is not overly prescriptive and provides flexibility so that developers are able to tailor developments to the market and to desired uses in a commercial corridor at a neighborhood scale.
- Hours of operation
 - In general, the zoning code does not include hours of operation for categories of uses, with the one exception being marijuana retailers. Hours of operation can be regulated through the conditional use or community service use processes for a specific application, but for uses permitted by right, the zoning code does not include them. Rather, the code relies on other regulations, such as noise or nuisance code, or applicable state regulations, such as OLCC.

The new Small-scale Mixed Use Zone (SMU), proposed as part of the Neighborhood Hubs project, is intended as a complimentary commercial mixed-use zone, at a smaller scale than is allowed in the NMU zone. Attachment 3 includes the allowed uses and development standards for all three mixed-use zones and identifies the Hubs associated with each zone.

Staff's focus in this project was the identified Neighborhood Hub locations and ensuring that the proposed zoning reflected the expressed desire for additional commercial opportunities at an appropriate scale at these locations. This phase of the Neighborhood Hubs project did not re-open the existing NMU zoning language beyond two narrow proposed amendments:

- proposing to add live theatre and performance spaces to the list of permitted uses. This proposed amendment reflects the desire to have the Chapel Theatre property rezoned to NMU to support its activities.
- proposing to allow drinking establishments as permitted uses in the NMU, rather than as conditional uses, to provide additional commercial opportunities in the zone and remove barriers to development. Conditional uses are processed through a Type III land use application. This takes time and money. First, the applicant must prepare a land use application and pay a \$2,000 application fee. Then there is a required public hearing with the Planning Commission who may or may not recommend approval; the process can take 60 – 90 days to complete with no guarantee of success. Potential business

owners may not have the time and money and risk required to go through this process. By allowing drinking establishments as a permitted use, these hurdles are removed.

All of the proposed changes in this code package are focused on removing barriers to development based on the desire of the community expressed over many years during many planning processes to create more vibrant neighborhoods where people can live within walking or riding distance to amenities.

Relationship to Comprehensive Plan

As identified previously, the proposed amendments directly implement Section 8 of the Comprehensive Plan (Urban Design and Land Use); specifically, Policy 8.1.4 – Neighborhood Hubs:

- Provide opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for residents of the surrounding area.
- Ensure that new development is compatible with the height, massing and building form allowed by zoning on adjacent residential properties. A hub development need not be identical to the height, massing or form of buildings allowed by nearby zoning for a finding of compatibility.
- Ensure new development contributes to a pedestrian friendly environment along the property frontage.
- Encourage development of multi-season outdoor seating areas and pedestrian plazas.
- Provide for a high level of flexibility in design and incentives to accommodate a variety of start-ups, temporary uses and incremental expansions and explore innovative techniques for waiving or deferring full site development and parking requirements.
- Provide a process to allow start-up and temporary uses that take advantage of incentives and deferral programs to make a smooth transition to status as a permanent use.

The proposed amendments encourage and allow a wider variety of commercial and civic activities in residential neighborhoods, including: upzone commercial areas currently zoned Limited Commercial (C-L) to NMU, upzone commercial areas currently zoned Neighborhood Commercial (C-N) to a new zone called Small-Scale Mixed Use, and rezone an existing longstanding commercial area from Moderate Density Residential to Small-Scale Mixed Use. The proposed amendments include revisions to the code section related to temporary uses to allow additional flexibility in pop-up activities and pilot projects to test new uses in other areas of existing neighborhoods, including outdoor seating, food carts, or other temporary businesses. Combined with the economic development toolkit, the proposed package of amendments sets the stage for opportunities and improvements in Neighborhood Hubs, as outlined in the Comprehensive Plan.

Potential Ideas for Hubs Phase 3

As part of this project, staff has identified potential Phase 3 Hubs work that will build off the current work:

- *Home Occupations and Accessory Commercial Uses (ACUs)*
The COVID-19 pandemic has led to people spending more time at home in their neighborhoods. Some US cities allow limited ACUs to spur small, desirable commercial activities within traditionally single-dwelling neighborhoods. ACUs create opportunities for small businesses to expand and build wealth, spending less up-front capital than required to rent a traditional commercial space. As a result, ACUs are considered a

‘missing middle’ for commercial uses that could help neighborhoods like Lewelling which have no commercial Hubs and no zoning to allow them to emerge. Examples include a front porch coffee shop, garage convenience store, barbershops, pizza window, co-working office spaces, micro boutiques, cafes, and bakeries.

- *Small-Scale Area Plans*

There are a few areas staff have identified that could benefit from small area plans that could indicate to businesses and property owners that the city is an active partner in promoting hub development. These plans could be as simple as installing some decorative street lighting, pole banners, bike racks, and landscaping. Potential areas could include Trolley Trail Hub, 42nd Avenue and Harrison Street Hub, 32nd and Olsen Hub.

- *Economic Development*

Phase 2 included an economic development toolkit tailored to Neighborhood Hubs. Staff proposes to explore advancing some economic development incentives to support activities in the Hubs.

Additional upcoming scheduled work

The following are additional work efforts not directly related to the Hubs initiative:

- *Community Service Uses (CSU) Analysis*

Through outreach, staff engaged with several CSU property owners who are interested in expanding the use of their properties to include activities consistent with Neighborhood Hubs, but not currently allowed by our code. The CSU analysis has already been programmed in the work plan as part of a larger review of public uses and institutions. A small part of this work includes Hubs-specific strategies as well.

- *NMU Zone*

If Council wishes to have staff re-visit the permitted uses, boundaries, or other aspects of the existing NMU zone, then this would have to be a separate project with robust community and business owner engagement. Staff requests that Council provide clear direction on such an effort so that we can outline a detailed scope of work and project timeline.

These ideas are not exhaustive, and staff would look forward to further direction from Council on the elements to include in a potential Phase 3 of the Hubs project. Staff propose discussing potential Hubs Phase 3 work with Council at a future work session to receive collective direction from Council on what (if any) work staff should undertake and budget for in a potential Phase 3.

CONCLUSIONS

Staff recommendations to City Council

1. That Council vote to approve the proposed amendments to MMC Title 11 (Miscellaneous Permits), Title 14 (Signs), Title 19 (Zoning), the Zoning Map, the

Comprehensive Plan Land Use Maps, and to the Comprehensive Plan presented in Attachments 1-b through 1-e.

2. That Council vote to adopt the proposed ordinance and attached Findings in Support of Approval presented in Attachments 1 and 1-a, respectively.

Code Authority and Decision-Making Process

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

- MMC Section 19.902 Amendments to Maps and Ordinances
- MMC Section 19.1008 Type V Review

This application is subject to Type V review, which states that the Council make the final decision. Type V applications are legislative in nature and involve the creation, revision, or large-scale implementation of public policy.

Council has 4 decision-making options as follows:

- A. Approve the proposed amendments as per to the recommended Findings in Support of Approval.
- B. Approve the proposed amendments with revisions, including modifications to the recommended Findings in Support of Approval. Such modifications need to be read into the record.
- C. Deny the proposed amendments.
- D. Continue the hearing.

There is no deadline for a final decision on Type V applications, as they are legislative in nature.

Comments

Notice was provided as described in MMC 19.1008, with a 30-day notice and code commentary made available online on February 7, 2024. Email notice was sent to all NDAs on February 12, 2024. The required 35-day notice to Metro and the Oregon Department of Land and Conservation Development (DLCD) was posted on February 6, 2024. Measure 56 notices were mailed to all properties affected by the proposed amendments on February 14, 2024. Notice was also mailed to all properties within 300 feet of the affected properties on February 14, 2024. Notice was also posted at City Hall and the Ledding Library. Additional outreach was done via city social media outlets and the Pilot newsletter.

BUDGET IMPACT

The Neighborhood Hubs project has been accounted for in the planning department budget. Future Council discussions on the scope of any potential Phase 3 Hubs work may have budgetary impact if other work is not re-prioritized.

CLIMATE IMPACT

Neighborhood Hubs are intended to provide more services within neighborhoods and be accessible by bike and walking. Changes to our code could result in additional, yet still very low, density in historically low-density neighborhoods, making neighborhoods more compact and energy efficient. Improved bike and pedestrian infrastructure are a key factor in the success of decarbonization efforts as they relate to the Neighborhood Hubs project. Creating new spaces for gathering and connecting between neighbors makes people more resilient in responding together to climate instability. Recent wildfires, intense winter storms, and the COVID-19

pandemic have all demonstrated the value of neighbors banding together to support one another in times of crisis.

EQUITY IMPACT

Staff engaged directly with property and business owners in the Hubs in this phase of the project to identify ways the code might be amended to help businesses grow in the Hubs identified in the 2020 Report. It should be noted that in previous phases of Hubs work there was not an emphasis on reaching out to underrepresented communities that staff is aware of.

While the focus of the engagement for this phase of the project was primarily around specific geographic Hubs and those business and property owners, the project team recognizes the need to engage underrepresented community members who might want to grow or start businesses that may or may not be in Hubs. This outreach will be a key component of the economic development grant assistance program which will be developed over the next few years.

Staff is also in the process of developing a potential Phase 3 of the Hubs work which includes researching the possibility of allowing Accessory Commercial Units (ACUs) and auditing the current home occupation code to remove barriers/costs of starting micro home businesses. This work, if it moves forward, will stress the importance of reaching out to underrepresented communities who may want to expand a home-based business or start a new one.

The current proposed amendments include revisions to the code related to temporary commercial uses to allow additional flexibility for pop-up activities and pilot projects to test new uses in other areas of existing neighborhoods, including outdoor seating, food carts, or other temporary businesses. This will provide more opportunity for small business owners who might be typically priced out of more traditional brick and mortar business locations. The pending economic development grant program combined with the proposed package of amendments sets the stage for opportunities and improvements for current Neighborhood Hubs, including financial assistance for current and future, small and local businessowners. The amendments also aim to reduce confusion in code language and make it more accessible.

Gentrification and displacement may result from the development of Hubs and the city overall as improvements are made over time. Increased access to desirable amenities will increase livability which could increase property values and rents for housing and commercial spaces. To reduce the likelihood that improved livability leads to displacement, the city could explore anti-displacement strategies city-wide.

WORKLOAD IMPACT

The Neighborhood Hubs project is included in the planning department work plan.

COORDINATION, CONCURRENCE, OR DISSENT

Neighborhood Hubs has been led primarily by staff from the planning and community development departments.

STAFF RECOMMENDATION

Staff recommend approval of the proposed code amendments.

ALTERNATIVES

None.

ATTACHMENTS

1. Ordinance
 - a. Recommended Findings in Support of Approval (including Metro and State Findings)
 - b. Proposed code amendment language (underline/strikeout)
 - c. Proposed code amendment language (clean)
 - d. Proposed zoning map amendments
 - e. Proposed comprehensive plan and map amendments
2. Summary Chart – Proposed Zoning Comparisons
3. Summary Charts – Mixed Use Zones
4. Correspondence

COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE COMPREHENSIVE PLAN COMMERCIAL LAND USE DESIGNATIONS, MUNICIPAL CODE (MMC) TITLE 11 MISCELLANEOUS PERMITS, TITLE 19 ZONING ORDINANCE, TITLE 14 SIGNS, AND THE ZONING MAP FOR THE PURPOSE OF IMPLEMENTING NEIGHBORHOOD HUBS (PRIMARY FILE #ZA-2024-001).

WHEREAS it is the city's intent to support and promote small areas of commercial and civic activity in residential neighborhoods, known as Neighborhood Hubs; and to streamline processes and simplify the code where possible; and

WHEREAS the proposed code amendments implement several of the goals and policies of the city's comprehensive plan related to urban design and land use, namely the opportunity for Neighborhood Hubs; and

WHEREAS legal and public notices have been provided as required by law, and multiple opportunities for public review and input has been provided; and

WHEREAS on March 12, 2024, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; and

WHEREAS the City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The MMC, the Milwaukie Comprehensive Plan, the Zoning Map, and the Land Use Map are amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

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

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

ATTEST:

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Exhibit A.

Findings in Support of Approval File #ZA-2024-001; CPA-2024-001; ZC-2024-001 Neighborhood Hubs Code Amendments

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

1. The applicant, the City of Milwaukie, proposes to amend the zoning map, comprehensive plan, and make code amendments to Titles 11, 14 and 19 related to Neighborhood Hubs. The intent is to implement Section 8 of the city's comprehensive plan. The land use application file numbers are ZA-2024-001, CPA-2024-001, and ZC-2024-001.
2. The proposed amendments relate to implementation of Section 8, Policy 8.1.4 of the Comprehensive Plan related to identified Neighborhood Hubs located in several locations in the city within residential zones. Providing opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for residents in the surrounding areas has been a goal for the community. The adopted Comprehensive Plan policies call for expanded commercial and civic opportunities in the city's residential areas and consolidation of zones where possible to simplify the code.
3. Amendments are proposed in several titles of the municipal code, as follows:
 - Milwaukie Comprehensive Plan
 - Comprehensive Plan Commercial Land Use Designations
 - Municipal Code – Title 11 Miscellaneous Permits
 - Section 11.05 – Temporary Permits, Uses, and Regulations
 - Municipal Code - Title 19 Zoning Ordinance
 - Chapter 19.100 – INTRODUCTORY PROVISIONS
 - Section 19.107 Zoning
 - Chapter 19.300 – BASE ZONES
 - Section 19.303 Commercial Mixed Use Zones
 - Section 19.305 Neighborhood Commercial Zone C-N
 - Section 19.306 Limited Commercial Zone C-L
 - Chapter 19.1100 ANNEXATIONS AND BOUNDARY CHANGES
 - Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes
 - Municipal Code - Title 14 Signs
 - 14.16.030 Neighborhood Commercial Zone
 - 14.16.040 Commercial Zones
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Chapter 19.1000 Review Procedures

5. Sections of the MMC not addressed in these findings are found to be not applicable to the decision on this land use application.
6. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on March 12, 2024, May 7, 2024, and July 16, 2024 as required by law.
7. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
 - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Manager, or any individual.

The amendments were formally initiated by the Planning Manager on January 5, 2024.

- b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:

- (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Opportunity for public comment and review has been provided as follows:

The project team conducted a variety of engagement activities prior to the formal hearing process to get feedback from the public to help hone the final proposed amendment language. These efforts included: meetings with all NDAs, an online survey on the Engage Milwaukie platform, stakeholder interviews, and a series of in-person workshops.

The Planning Commission had a work session about the proposed code amendment language in January and the City Council had a work session in December 2023. The current version of the draft amendments has been posted on the application webpage since February 6, 2024. On February 12, 2024 staff e-mailed NDA members and stakeholders with information about the hearing and a link to the draft proposed amendments. On February 14, 2024, a Measure 56 notice was sent to all properties affected by the code amendments and a notice to all properties within 300 ft of those properties was also sent.

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

A notice of the Planning Commission's March 12, 2024 hearing was posted as required on February 8, 2024. A notice of the City Council's May 7, 2024 hearing was posted as required on April 4, 2024.

- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The proposed amendments will apply to several discrete geographic areas. Notices were sent to all affected property owners on February 14, 2024.

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on February 6, 2024

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on February 6, 2024

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments will apply to properties deemed to be Neighborhood Hubs and propose changes to permissible uses on the properties. However, the vast majority of the changes increase the number of permitted uses and/or streamline or eliminate land use review processes. Notice was sent to all affected property owners on February 14, 2024.

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held a duly advertised public hearing on March 12, 2024 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on May 7, 2024 and July 16, 2024 and approved the amendments.

8. MMC 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.3 establishes requirements for amendments to the text of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.3.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on March 12, 2024 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on May 7, 2024 and July 16, 2024 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.3.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

- (a) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

The only amendments proposed to the text of the comprehensive plan are in the section related to commercial land use designations. The proposed amendments reflect the proposed zoning map amendments that affect Neighborhood Hubs, a stated goal in the Comprehensive Plan.

- (b) MMC Subsection 19.902.3.B.2 requires that the proposed amendment is in the public interest with regard to neighborhood or community conditions.

The proposed amendments reflect the community's desire for policies and regulations that provide opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for residents of the surrounding area. As noted above, the only text amendment to the comprehensive plan reflects the creation of a new small-scale mixed use zone that reflects the proposed zoning map amendments.

- (c) MMC Subsection 19.902.3.B.3 requires the public need be best satisfied by this particular proposed amendment.

The proposed amendments confirm the community's vision for provision of areas of commercial and civic activity in residential neighborhoods. As noted above, the only text amendment to the comprehensive plan reflects the creation of a new small-scale mixed use zone that reflects the proposed zoning map amendments.

- (d) MMC Subsection 19.902.3.B.4 requires that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to residential capacity.

The Metro Urban Growth Management Functional Plan includes Title 12: Protection of Residential Neighborhoods, the intent of which is to protect neighborhoods from air and water pollution and also address provision of adequate levels of public services. Section 3.07.1230 is the most relevant section to review given the proposed amendments related to Neighborhood Hubs.

- (a) Section 3.07.1230 Access to Commercial Services

The proposed amendments expand opportunities for convenient locations of commercial activities within established residential neighborhoods. By identifying these Neighborhood Hubs and allowing more commercial uses and areas of activity, the city strives to reduce air pollution and traffic congestion.

- (b) Title 7 Housing Choice

The proposed amendments also reduce barriers to the development of mixed use buildings that will support Metro's policies for expanding housing choice with a needed housing type in Milwaukie.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies. Additional findings specific to the UGMFP are included with these findings. The proposed code amendments are in compliance with Metro's Functional Growth Management Plan.

- (e) MMC Subsection 19.902.3.B.5 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

DLCD has not identified any areas where the proposed amendments are inconsistent with State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. Additional findings have been prepared demonstrating compliance with the Statewide Planning Goals.

- b. MMC 19.902.4 establishes requirements for amendments to the maps of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.4.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on March 12, 2024 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on May 7, 2024 and July 16, 2024 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.4.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

- (a) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

Changes to the maps of the Milwaukie Comprehensive Plan must be evaluated against the approval criteria in Subsection 19.902.3.B. A quasi-judicial map amendment shall be approved if these criteria are met. A legislative map amendment may be approved if these criteria are met.

The findings for compliance with MMC 19.902.3.B apply to the findings for these map amendments as well. Refer to the findings above for compliance with this code section.

9. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.
- a. MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on March 12, 2024 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on May 7, 2024 and July 16, 2024 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (1) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments coordinate and are consistent with other provisions of the Milwaukie Municipal Code.

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

The goals and policies of the Comprehensive Plan support the amendments to re-zone and/or expand permitted uses in identified Neighborhood Hubs.

- (c) Section 8 – Urban Design and Land Use:

Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

- (a) Policy 8.1.4 Neighborhood Hubs

a) Provide opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for residents of the surrounding area.

b) Ensure that new development is compatible with the height, massing and building form allowed by zoning on adjacent residential properties. A hub development need not be identical to the height, massing or form of buildings allowed by nearby zoning for a finding of compatibility.

c) Ensure new development contributes to a pedestrian friendly environment along the property frontage.

- d) Encourage development of multi-season outdoor seating areas and pedestrian plazas.
- e) Provide for a high level of flexibility in design and incentives to accommodate a variety of start-ups, temporary uses and incremental expansions and explore innovative techniques for waiving or deferring full site development and parking requirements.
- f) Provide a process to allow start-up and temporary uses that take advantage of incentives and deferral programs to make a smooth transition to status as a permanent use.

The proposed amendments implement this section of the comprehensive plan related to Neighborhood Hubs. The amendments propose to do a number of things to encourage and allow a wider variety of commercial and civic activities in residential neighborhoods, including: upzone commercial areas currently zoned Limited Commercial (C-L) to Neighborhood Mixed Use, and upzone commercial areas currently zone Neighborhood Commercial (C-N) to a new zone called Small-Scale Mixed Use. The proposed amendments include revisions to the code section related to temporary uses to allow additional flexibility in pop-up activities and pilot projects to test new uses in other areas of existing neighborhoods, including outdoor seating, food carts, or other temporary businesses.

- (d) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to residential capacity.

The Metro Urban Growth Management Functional Plan includes Title 12: Protection of Residential Neighborhoods, the intent of which is to protect neighborhoods from air and water pollution and also address provision of adequate levels of public services. Section 3.07.1230 seems to be the most relevant section to review given the proposed amendments related to Neighborhood Hubs.

- (a) Section 3.07.1230 Access to Commercial Services

The proposed amendments expand opportunities for convenient locations of commercial activities within established residential neighborhoods. By identifying these Neighborhood Hubs and allowing more commercial uses and areas of activity, the city strives to reduce air pollution and traffic congestion.

- (b) Title 7 Housing Choice

The proposed amendments also reduce barriers to the development of mixed use buildings that will support Metro's policies for expanding housing choice with a needed housing type in Milwaukee.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies. Additional findings specific to the UGMFP are included with these findings. The proposed code amendments are in compliance with Metro's Functional Growth Management Plan.

- (e) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. The DLCD did not identify any areas where the proposed amendments were inconsistent with State statutes and administrative rules. Additional findings have been prepared demonstrating compliance with the Statewide Planning Goals.

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

The City Council finds that the Federal Fair Housing Amendments Act of 1988 is relevant to the proposed amendments. The proposed amendments provide a clear and objective review process for middle housing development in the residential zones.

- b. MMC 19.902.6 establishes requirements for amendments to the Zoning Map. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.6.A states that changes to the Zoning Map shall be evaluated through either a Type III or a Type V review.

The Zoning Map amendments involve all properties zoned C-L, C-N, and a portion of a property zoned R-HD, as well as properties zoned NMU for allowance of live theatre and playhouses. The amendments are legislative in nature and subject to Type V review.

The Planning Commission held a duly advertised public hearing on March 12, 2024 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on May 7, 2024 and July 16, 2024 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.6.B contains approval criteria for changes to the Zoning Map.

- (a) The proposed amendment is compatible with the surrounding area based on the following factors:

- i. Site location and character of the area.

The proposed zoning map amendments:

- Rezone properties zoned C-L to NMU
- Eliminate the C-L zone
- Rezone properties zoned C-N to a new SMU zone (Small-Scale Mixed Use)
- Eliminate the C-N zone
- Rezone a property located at 4107-4117 SE Harrison St to NMU

- ii. Predominant land use pattern and density of the area.

As noted above, the proposed zoning map amendments predominantly affect the C-L and C-N zones, which are already commercial zones. The proposed amendments expand some permitted uses, streamline land use review, correct existing non-conformities, and simplify the zoning code by eliminating and consolidating zones.

- iii. Expected changes in the development pattern for the area.

Given that the amendments affect existing commercially-zone properties, the change in development pattern in some areas may include a modest increase in intensity of use. The amendments implement goals and policies established in the comprehensive plan for Neighborhood Hubs.

- (b) The need is demonstrated for uses allowed by the proposed amendment.

Per the City's 2020 comprehensive plan, the city anticipates working with local residents, property owners, businesses, and others to create a series of neighborhood hubs intended to improve neighborhood livability by providing ready access to places to eat, drink, shop, gather, and play. "Neighborhood hubs" is a concept that emerged during the development of Milwaukie's Community Vision and Action Plan and aims to enhance livability and provide residents with access to amenities and services close to where they live. Design and future development or redevelopment of these hubs will vary and will reflect the scale and needs of the adjacent neighborhoods.

- (c) The availability is shown of suitable alternative areas with the same or similar zoning designation.

Staff has interpreted this criterion to mean that the finding shall show that there is no suitable alternative area with the same or similar zoning designation.

As noted above the proposed zoning map amendments would consolidate some commercial zones, and upzone others, to simplify the code, provide opportunities for commercial and civic activities in residential neighborhoods, and make adjustments to streamline land use review.

- (d) The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

The public transportation facilities, public utilities, and services in the existing neighborhood-scale commercial areas are adequate to support the proposed amendments. The subject properties are already being used for, or are zoned for, smaller scale commercial development. The proposed amendments may increase the demand on the facilities, utilities, or services in the area, which have been planned for.

- (e) The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

The proposed amendment may intensify the development potential of some of the identified Hub areas. Any increase in development will be modest and not result in a failure level of service on the city's transportation system. The city's TSP anticipates neighborhood-scale development in these zones and the TSP is being fully revised in 2024-2025.

- (f) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

The subject areas are designated for commercial development and will continue to be designated as such. The goals and policies of the Comprehensive Plan for Neighborhood Hubs development are noted above in Finding 9 and the primary purpose of the amendments is to implement the comprehensive plan as it relates to Neighborhood Hubs. The proposed amendment is consistent with those goals and policies.

- (g) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

See Finding 8.a.(1)(d) above.

- (h) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

See Finding 8.a.(1)(e) above.

UGMFP Findings for Milwaukie Code Amendments for Neighborhood Hubs

The Metro Urban Growth Management Functional Plan (UGMFP) provides tools to meet regional goals and objectives adopted by Metro Council, including the 2040 Growth Concept and the Regional Framework Plan. Under the Metro Charter, the City of Milwaukie's Comprehensive Plan and implementing ordinances are required to comply and be consistent with the UGMFP. The UGMFP consists of 14 code titles with policies and compliance procedures.

Metro requires "substantial compliance" with requirements in the UGMFP. Per the definition in Title 10, "substantial compliance" means that the City's zoning code conforms with the purposes of the performance standards in the functional plan "on the whole." Any failure to meet individual performance standard requirements is considered technical or minor in nature.

Based on the findings described below, the proposed code amendments related to Neighborhood Hubs substantially comply with all applicable titles of the Urban Growth Management Functional Plan.

Title 12: Protection of Residential Neighborhoods

Finding:

Title 12 is designed to protect existing neighborhoods from air and water pollution and also address provision of adequate levels of public services. Under Title 12, the City is required to ensure that its Comprehensive Plan and implementing ordinances include strategies to reduce air pollution and traffic congestion by making commercial retail services more accessible to residents of neighborhoods (3.07.1230).

The local code findings state that the proposed amendments expand opportunities for convenient locations of commercial activities within established residential neighborhoods. The proposed amendments affect existing neighborhood-scale commercial areas and expand existing uses and/or streamline land use review processes by eliminating Conditional Use review. By identifying these Neighborhood Hubs and allowing more commercial uses and areas of activity, the city strives to reduce air pollution and traffic congestion.

The proposed code amendments are the result of an evaluation of the existing zoning ordinance and extensive community outreach and engagement to reduce barriers to and encourage the development of properties with small-scale commercial and civic activities in existing residential areas.

Based on the findings above, the proposed amendments are consistent with Title 7.

Title 8: Compliance Procedures

Finding: Title 8 establishes a process for ensuring compliance with requirements of the UGMFP. An amendment to the City comprehensive plan or land use regulations is deemed to comply with the UGMFP only if the City provided notice to Metro as required by section 3.07.820(a). The City of Milwaukie provided Metro a set of draft code amendments on February 6, 2024, which was more than 35 days prior to the first evidentiary hearing, scheduled for March 12, 2024.

Based on the findings above, the proposed amendments are consistent with Title 8.

Statewide Findings for Milwaukie Plan and Code Amendments – Neighborhood Hubs

This memo summarizes the consistency of the proposed code amendments with the following statewide goals, as well as key Oregon Revised Statutes (ORSs) and Oregon Administrative Rules (OARs):

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 10: Housing
- Goal 9: Economic Development
- Goal 11: Public Facilities
- Goal 12: Transportation
- Goal 13: Energy
- Goal 14: Growth Management

Other Statewide Planning Goals are not directly applicable to the proposed code amendments. Goals related to agriculture and forestry do not apply to land intended for future urbanization within the urban growth boundary. Additionally, the proposed amendments do not involve land or resources designated as part of Oregon's coastal zone.

Consistency with the applicable goals is a requirement for any amendment to a City's land use ordinances.

Based on the findings described below, the proposed code amendments comply with the applicable Statewide Goals and associated ORS and OAR provisions.

Goal 1: Citizen Involvement

Finding: Goal 1 requires the City to employ an appropriately-scaled involvement program to ensure the opportunity for meaningful public involvement throughout the land use planning process. Goal 1 requires the City to incorporate six key components in its public involvement program:

- **Citizen Involvement:** An officially-recognized committee for public involvement broadly representative of geographic areas and interests related to land use and land-use decisions to provide for widespread public involvement;
- **Communication:** Mechanisms for effective two-way communication between the public and elected/appointed officials;
- **Influence:** Opportunities for the public to be involved in all phases of the planning and decision-making process including developing, evaluating, and amending plans;

- **Technical Information:** Access to technical information used in the decision-making process, provided in an accessible and understandable format;
- **Feedback Mechanisms:** Programs to ensure that members of the public receive responses from policy-makers and that a written record for land-use decisions is created and made accessible; and,
- **Financial Support:** Adequate resources allocated for the public involvement program as an integral component of the planning budget.

Following is a summary of activities undertaken by the City to support the proposed code amendments related to Neighborhood Hubs.

Community Engagement

The project team used several methods to communicate about the project, share information, and learn more about the goals for Hubs from those most interested or affected. This included:

ACTIVITY	DESCRIPTION
Engage Milwaukie <ul style="list-style-type: none"> • 1,215 page visits, 35 new EM registrations, 99 engagements • Business/Property Owner Survey 22 stakeholder survey responses 	Created and maintained a project webpage as a place for people to learn more about the project, ask questions of the team, set up the initial property owner/tenant survey, and to set the stage for the fall workshops including an online workshop.
Milwaukie Pilot <ul style="list-style-type: none"> • Published 5 project updates 	Published and mailed project updates in April, May, October, November, and December 2023.
Milwaukie Farmers Market	Promoted the project at the market on 3 occasions.
Equity Steering Committee <ul style="list-style-type: none"> • Attended 3/23; Sent updates 11/22 	Collected feedback on community engagement and provided a progress report on equity considerations.
Neighborhood District Associations (NDAs) <ul style="list-style-type: none"> • 79 participants in Spring meetings 	Staff met with all 7 NDAs in the spring to provide a project update and learn more about the goals and desires for each of their Hubs.
Stakeholder interviews	Staff engaged property and business owners in direct interviews to identify potential partners interested in

<ul style="list-style-type: none"> • 18 interviews, 23 participants (9 were survey participants) 	hub development and identify current barriers. List below.	
<ul style="list-style-type: none"> • K. Marie • Naphtali's • NW Family Services • Sunny Corner Market • Chapel Theater • 2 Sisters Play Café • Eric's Market 	<ul style="list-style-type: none"> • River Roadhouse Grill • Central Planning • Clackamas Community College • Milwaukie Floral • Milwaukie Lutheran • The Vital Element 	<ul style="list-style-type: none"> • Milwaukie Café +Bottle Shop • Valerie Hunter (9391 SE 32nd Ave) • Paul Lisac (9250 SE 32nd Ave) • North Clackamas School District • Peter Perrin (9616 SE Stanley) • Lisa Dorn Design
Fall workshops <ul style="list-style-type: none"> • 123 participants — 74 in-person, 49 online. • 83% support, 10% neutral, 7% oppose 	Hosted six in-person workshops and one online to provide residents, businesses, and property owners opportunities to shape proposed code changes that can help Hubs grow. The online workshop asked about safety walking and biking. On average, very few participants opposed the proposed changes.	

Planning Commission and City Council Updates

City staff conducted two work sessions with the City's Planning Commission and City Council to review the status of the work and solicit feedback on key issues. These meetings also were open to the public and were recorded and available for public viewing after the meetings.

The specific proposed code language was posted with a code commentary on the City's website on February 7, 2024. Specific notice of the draft amendments and the March 12, 2024 public hearing was as follows: Measure 56 notices mailed to all affected properties; public notice mailed to all properties within 300 ft of the affected properties; and email notices were sent to all Neighborhood District Association members and stakeholders identified during the earlier engagement efforts.

An article with information about the proposed amendments and links to the draft code language was published in the March edition of the city's monthly newsletter, which is mailed to all addresses in the city. The current version of the draft amendments have been posted on the application webpage since February 7, 2024.

Based on the findings above, the Zoning Code update is consistent with Oregon Statewide Planning Goal 1.

Goal 2: Land Use Planning

Goal 2. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Goal 2 requires the City to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed plan and code amendments are related directly to implementation of the city's comprehensive plan as it relates to Neighborhood Hubs (Goal 8, Policy 8.1.4).

The proposed Zoning Code update is consistent with Oregon Statewide Planning Goal 2.

Goal 9: Economic Development

Goal 9: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Finding: Goal 9 requires the City to have a comprehensive plan and policies that "...contribute to a stable and health economy in all regions of the state." The City of Milwaukie is already in compliance with Goal 9 regarding adequate provision of commercial and industrial land. The proposed code amendments make modest changes to existing commercially-zoned properties to expand the opportunity for neighborhood-scale commercial and civic activities.

The proposed Zoning Code update is consistent with Oregon Statewide Planning Goal 9.

Goal 11: Public Facilities

Goal 11: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Finding: Goal 11 requires the City to "plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." The City of Milwaukie coordinates with several other local service providers to ensure timely, orderly and efficient arrangement and provision of public services to serve development within the City of Milwaukie and its planning area between the city limits and UGB. The City of Milwaukie provides planning and zoning services inside the city limits, as well as provision of water, conveyance of wastewater, transportation facilities on city-owned facilities, law enforcement, and library services. The City is already in compliance with Goal 11 and the preparation and adoption of updated specific facility master plans for water, wastewater and stormwater are underway at this time.

Goal 11 is not applicable to the proposed code amendments related to Neighborhood Hubs.

Goal 12: Transportation

Goal 12: *To provide and encourage a safe, convenient and economic transportation system.*

Finding: Goal 12 and the State Transportation Planning Rule (TPR; OAR 660, Division 012) require cities to provide and encourage a safe, convenient, and economic transportation system. Together, they require the City to develop and maintain a Transportation System Plan (TSP),

which must be incorporated as part of the Comprehensive Plan. A local TSP acts as a guiding policy document for long-term transportation planning and presents the City's goals and policies while outlining and prioritizing proposed improvements for pedestrian, bicycle, public transit, motor vehicle, and freight systems; downtown parking; and neighborhood traffic management.

The city was in compliance with Goal 12 prior to these code amendments and with the planned update to the TSP in 2024-2025 reflecting the proposed code amendments for Neighborhood Hubs, the proposal is consistent with Goal 12 Transportation and the Transportation Planning Rule.

Goal 13: Energy

Goal 13: To conserve energy.

Finding: Goal 13 requires that any spatial changes to future patterns of allowed land uses must conserve energy.

The city's Comprehensive Plan is already in compliance with Goal 13 and the proposed code amendments provide greater opportunities for more compact development and efficient use of land which will result in a reduction in energy consumption, including in transportation and utilities.

The proposed code amendments, related to Neighborhood Hubs, are consistent with Statewide Planning Goal 13.

Goal 14: Growth Management

Goal 14: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The entirety of the city and its Municipal Planning Area (MPA) is located within the Urban Growth Boundary (UGB). As such, the proposed amendments will not result in the transition of any land from rural to urban uses or result in population or employment growth outside of the UGB.

The proposed amendments are directly related to Neighborhood Hubs which will enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

Goal 14 does not directly apply to the proposal but the amendments are consistent with Goal 14.

Underline/strikeout Amendments

TITLE 11 MISCELLANEOUS PERMITS

11.05 TEMPORARY USES, PERMITS, AND REGULATIONS

11.05.010 USES

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as:

A. Seasonal sales uses on private property and on land owned by the City of Milwaukie. These activities include, but are not limited to, the sale of produce, rental of recreational equipment, provision of recreational lessons, or sale of products at a park owned by the City of Milwaukie.

B. Temporary real estate offices;

C. Construction parking;

D. Construction trailers;

E. Construction offices;

F. Shelters for warming, cooling, or hazardous air quality, subject to the Milwaukie and Clackamas Fire District Joint Policy for Temporary Emergency Shelters;

G. Outdoor dining and seating areas, on private property and where not permitted by right

H. Food carts where not permitted by right

I. Play equipment and sporting events

J. Bicycle parking, such as a bike corral or bike station

K. Other temporary uses similar to those listed above as determined by the City Manager.

Approval may be granted provided such uses are consistent with the intent of the underlying zoning district. ~~and comply with other provisions of this code~~ These activities are intended to be in use for a limited duration and shall not become a permanent part of a site. (Ord. 2198 § 2, 2021; Ord. 2168 § 2, 2019)

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107 ZONING

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-MD
Residential	R-HD
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Mixed Use	MUTSA
General Mixed Use	GMU
North Milwaukie Employment	NME
Neighborhood Mixed Use	NMU
<u>Small Mixed Use</u>	<u>SMU</u>
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES NEIGHBORHOOD HUBS 2024 CODE AMENDMENTS

DRAFT DATE 4/1/2024

2

19.302 HIGH DENSITY RESIDENTIAL ZONES

19.303 COMMERCIAL MIXED-USE ZONES

19.304 DOWNTOWN ZONES

19.305 ~~NEIGHBORHOOD COMMERCIAL ZONE C-N~~ Hold for future use

19.306 ~~LIMITED COMMERCIAL ZONE C-L~~ Hold for future use

19.303 COMMERCIAL MIXED-USE ZONES

19.303.1 Purpose

A. The General Mixed Use Zone is intended to recognize the importance of central Milwaukie as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high-quality urban development that is pedestrian-friendly and complementary to the surrounding area.

B. The Neighborhood Mixed Use Zone is intended to recognize certain established areas 32nd and 42nd Avenues as neighborhood commercial centers. This zone allows for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity.

C. The Small-Scale Mixed Use Zone is intended to allow for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity. This zone supports neighborhood hubs, which are gathering places where residents have easy access to goods and services close to their homes. They are places where neighbors create meaningful relationships with each other.

19.303.2 Uses

A. Permitted Uses

Uses allowed outright in the commercial mixed-use zones are listed in Table 19.303.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.303.2 as “CU” are permitted only as conditional uses in conformance with Section 19.905.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the commercial mixed-use zones may continue in existence. Alteration or expansion of a nonconforming use, structure, or development that brings the use, structure, or development closer to compliance may be allowed through development review pursuant to Section 19.906. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

D. Prohibited Uses

Uses not listed in Table 19.303.2, and not considered accessory or similar pursuant to Subsections 19.303.2.E and G below, are prohibited. Uses listed with an “N” in Table 19.303.2 are also prohibited.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards.

F. Drive-Through Uses

For the purpose of this section, drive-through uses are not considered accessory uses and must be approved through a conditional use review in the NMU Zone in conformance with Section 19.905. Drive-through facilities must also conform to Section 19.606.3.

G. Similar Uses

The Planning ~~Manager~~ Director, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.303.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Table 19.303.2

Uses Allowed in Commercial Mixed-Use Zones

Uses and Use Categories	GMU	NMU	<u>SMU</u>	Standards/Additional Provisions
Residential				
Single detached dwelling	N	CU	<u>CU</u>	Subsection 19.505.1 One- to Four-Unit Residential Development Section 19.905 Conditional Uses
Rowhouse <u>Townhouses</u> ¹	P	CU	<u>CU</u>	Subsection 19.505.5 Rowhouses <u>Townhouses</u>
<u>Duplex, Triplex, Quadplex</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>Section 19.905 Conditional Uses</u>
Multi-unit housing	P	CU	<u>CU</u>	Subsection 19.505.3 Multi-Unit Housing
Cottage cluster housing	P	CU	<u>CU</u>	Subsection 19.505.4 Cottage Cluster Housing
Mixed use ²	P	P	<u>P</u>	Subsection 19.505.7 Nonresidential Development
Live/work units	P	P	<u>P</u>	Subsection 19.505.6 Live/Work Units
Accessory dwelling units	N	CU	<u>CU</u>	Section 19.905 Conditional Uses Subsection 19.910.1 Accessory Dwelling Units
Boarding house	CU	CU	<u>CU</u>	Section 19.905 Conditional Uses
Commercial^{3, 4}				
Production-related office Professional and administrative office	P	P	<u>P</u>	Subsection 19.303.6.C Marijuana testing and research facilities
Drinking establishments Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption. Examples include taverns, bars, or cocktail lounges.	P	CU <u>P</u>	<u>CU</u>	Section 19.905 Conditional Uses
Eating establishments	P	P	<u>P</u>	

<p>Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include incidental sales of alcoholic beverages.</p> <p>Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.</p>				
<p><u>Mobile food trucks and food carts on private property</u></p>	<u>P</u>	<u>P</u>	<u>P</u>	
<p>Indoor recreation</p> <p>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; <u>and movie theaters, live theaters, and playhouses.</u></p>	P	P	<u>P</u>	
<p>Retail-oriented sales</p> <p>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	P	P	<u>P</u>	

<p>Marijuana retailer</p> <p>Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</p>	P	P	<u>N</u>	Subsection 19.303.6.A Marijuana retailers
<p>Vehicle sales and rentals⁵</p> <p>Vehicle sales and rentals means a business that sells or leases consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles.</p>	P	N	<u>N</u>	
<p>Personal/business services</p> <p>Personal/business services are involved in providing consumer services.</p> <p>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing</p>	P	P	<u>P</u>	
<p>Repair-oriented</p> <p>Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, and office equipment; tailors and seamstresses; shoe repair; locksmiths; and upholsterers.</p>	P	P	<u>P</u>	
<p>Vehicle repair and service⁶</p>	P	CU	<u>N</u>	Section 19.905 Conditional Uses

<p>Firms servicing passenger vehicles; light and medium trucks; and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Also includes quick-servicing activities, where the driver generally waits in the car before and while the service is performed.</p> <p>Examples include gas stations, quick oil change shops, car washes, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shop, auto detailing, and tire sales and mounting.</p>				
<p>Day care⁷</p> <p>Day care is the provision of regular child care, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</p> <p>Examples include nursery schools, before- and after-school care facilities, and child development centers.</p>	P	P	<u>P</u>	
<p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments.</p>	P	P	<u>CU</u>	
<p><u>Automobile</u> parking facility</p> <p>Parking facilities provide <u>automobile</u> parking that is not</p>	N	CU	<u>N</u>	Section 19.611 Parking Structures

<p>accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.</p> <p>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>				
Manufacturing and Production				
<p>Manufacturing and production⁸</p> <p>Manufacturing and production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used.</p> <p>Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; marijuana processors; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and toys. Marijuana production is prohibited.</p> <p><u>Within the SMU, the following manufacturing and production uses are also prohibited: marijuana processing, automotive manufacture and assembly, and auto-repair shops.</u></p>	P	P	<u>P</u>	Subsection 19.509.2 Security and odor control for certain marijuana businesses

Institutional				
Community service uses	CSU	CSU	<u>CSU</u>	Section 19.904 Community Service Uses
Accessory and Other				
Accessory use	P	P	<u>P</u>	Section 19.503 Accessory Uses
Home occupation	P	P	<u>P</u>	Section 19.507 Home Occupation Standards
Short-term rentals	P	P	<u>P</u>	Section 19.507 Home Occupation Standards

P = Permitted.

N = Not permitted.

CSU = Permitted with community service use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

1. The limit of 4 consecutive ~~rowhouses~~ townhouses established in 19.505.5 does not apply in the GMU Zone. In the GMU Zone, there is no limit on the number of consecutive rowhouses.

2. Residential uses built as part of a vertical mixed-use building are not subject to conditional use review in the NMU Zone.

3. In the NMU Zone, unless otherwise specified in this section, all nonresidential uses listed in Table 19.303.2 shall be no greater than 10,000 sq ft in area per use. A nonresidential use greater than 10,000 sq ft in area may be approved through a conditional use review pursuant to Section 19.905.

4. The 10,000 sq ft size limitation in Footnote 3 of Table 19.303.2 does not apply to "retail-oriented sales" uses established within the existing lot and building situated at 4320 SE King Rd, within the lot's boundaries that exist on February 13, 2016, the effective date of Ordinance #2112. Redevelopment of the site is subject to all standards of Table 19.303.2.

5. Vehicle retail sales are permitted in the GMU Zone only when conducted within a completely enclosed building (including inventory display and storage).

6. Vehicle repair and service uses are permitted in the commercial mixed-use zones only when conducted within a completely enclosed building.

7. Day care and child care uses are limited to 5,000 sq ft.

8. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on the site would not be considered manufacturing or production.

19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3				
Commercial Mixed Use Zones—Summary of Development Standards				
Standard	GMU	NMU	SMU	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (sq ft)	1,500	1,500	<u>1,500</u>	
2. Minimum street frontage (ft)	25	25	<u>25</u>	
B. Development Standards				
1. Minimum floor area ratio	0.5:1	0.5:1	<u>0.5:1</u>	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft)				Subsection 19.303.4.B Building Height
a. Base maximum	45	45	<u>35</u>	Section 19.510 Green Building Standards
b. Maximum with height bonus	57–69	Height bonus not available	<u>Height bonus not available</u>	Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone
3. Street setbacks (ft)				Subsection 19.303.4.C Street Setbacks
a. Minimum street setback	0–15 ¹	None	<u>10</u>	Section 19.501.2 Yard Exceptions
b. Maximum street setback	10–20 ²	10	<u>15</u>	
c. Side and rear setbacks	None	None	<u>5/10</u>	
4. Frontage occupancy	50%	None	<u>None</u>	Subsection 19.303.4.D Frontage Occupancy Requirements

				Figure 19.303.4.D Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	<u>85%</u>	
6. Minimum vegetation	15%	15%	<u>15%</u>	Subsection 19.504.6 Minimum Vegetation
7. Primary building entrances	Yes	Yes	<u>Yes</u>	Subsection 19.303.4.E Primary Building Entrances
8. Off-street parking required standards	Yes	Yes	<u>Yes</u>	Chapter 19.600 Off-Street Parking and Loading
9. Transit street	Yes	Yes	<u>Yes</u>	Subsection 19.505.8 Building Orientation to Transit
10. Transition measures	Yes	Yes	<u>Yes</u>	Subsection 19.504.5 Transition Area Measures
C. Other Standards				
1. Residential density requirements (dwelling units per acre)				Subsection 19.202.4 Density Calculations
a. Stand-alone residential				Subsection 19.303.4.F Residential Density
(1) Minimum	25	11.6	<u>7.0</u>	Subsection 19.501.4 Density Exceptions
(2) Maximum	50	14.5		
b. Mixed-use buildings	None	None		
2. Signs	Yes	Yes	<u>Yes</u>	Subsection 14.16.040 Commercial Zone

1. Residential edge treatments apply to properties as shown in Figure 19.303.5.

2. Commercial edge treatments apply to properties as shown in Figure 19.303.4.C.2.b.

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

A. Floor Area Ratio

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that the intensity of development is controlled. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum FAR in Table 19.303.3 applies to all nonresidential building development.
- b. Required minimum FAR shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of FAR to determine conformance with minimum FAR.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

- a. Parking facilities.
- b. Public parks and plazas.

B. Building Height

1. Intent

Maximum building height standards promote a compatible building scale and relationship of one structure to another.

2. Standards

- a. The base maximum building height in the GMU Zone is ~~3 stories or 45 ft., whichever is less.~~ Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
- b. Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.
- c. The maximum building height in the NMU Zone is ~~3 stories or 45 ft., whichever is less.~~ No building height bonuses are available in the NMU Zone.
- d. The maximum building height in the SMU Zone is 35 ft. No building height bonuses are available in the SMU Zone.

19.303.5 Standards for Residential Street Edges

For properties shown as having a residential edge on Figure 19.303.5, and for development that occurs adjacent to or abutting ~~an R-3 or R-5~~ residential zone, the following standards apply:

- A. A minimum setback of 15 ft shall apply.
- B. Along the property line adjacent to the residential zone, buildings within 50 ft of 37th Avenue and Monroe Street shall provide a step back of at least 15 ft for any portion of the building above 35 ft.
- C. An additional minimum 8-ft-wide densely planted buffer is required along property lines where flex space development abuts a residential zone.

~~19.305 NEIGHBORHOOD COMMERCIAL ZONE C-N~~

~~In a C-N Zone the following regulations shall apply:~~

~~19.305.1 Uses Permitted Outright~~

~~In a C-N Zone the following uses and their accessory uses are permitted outright:~~

~~A. No uses permitted outright.~~

~~19.305.2 Conditional Uses Permitted~~

~~In a C-N Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:~~

~~A. A food store not exceeding 2,500 sq ft of floor area;~~

~~B. A store providing convenience goods and services for a local area;~~

~~C. Laundry;~~

~~D. Eating establishment;~~

~~E. Any other use similar to the above and not listed elsewhere.~~

~~19.305.3 Standards~~

~~In a C-N Zone the following standards shall apply:~~

~~A. Lot size. Lot area shall be at least 5,000 sq ft but not greater than 25,000 sq ft. Lot width shall be at least 50 ft. Average lot depth shall be at least 80 ft.~~

~~B. Front yard. A front yard shall be at least 15 ft.~~

~~C. Side yard. A side yard shall be at least 5 ft, and there shall be additional 1 ft of side yard for each 3 ft of height over 2 stories or 25 ft, whichever is less, except on corner lots a side yard shall be at least 15 ft on the side abutting the street.~~

~~D. Rear yard. A rear yard shall be at least 10 ft.~~

~~E. Off street parking and loading. As specified in Chapter 19.600.~~

~~F. Height restriction. Maximum height of a structure shall be 2.5 stories or 35 ft, whichever is less.~~

~~G. Lot coverage. Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40% of the total area of the lot.~~

~~H. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, etc., shall be 20% of the total area of the lot.~~

~~I. Screening. Neighborhood commercial uses must be screened from adjacent residential uses.~~

~~J. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft.~~

~~K. Transportation requirements and standards. As specified in Chapter 19.700.~~

~~19.305.4 Prohibited Uses~~

~~The following uses and their accessory uses are prohibited:~~

~~A. Adult entertainment business. (Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)~~

~~19.306 LIMITED COMMERCIAL ZONE C-L~~

~~In a C-L Zone the following regulations shall apply:~~

~~19.306.1 Uses Permitted Outright~~

~~In a C-L Zone the following uses and their accessory uses are permitted outright:~~

~~A. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.~~

~~B. Offices for administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, testing, scientific, or statistical businesses or organizations.~~

~~C. Retail trade establishment such as a food store, drugstore, gift shop, hardware store, selling primarily from a shelf goods inventory.~~

~~D. Personal/business services such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.~~

~~E. Eating establishments, provided the floor area does not exceed 3,250 sq ft and the use does not include drive-through facilities.~~

~~F. Marijuana retailer subject to the standards of Subsection 19.509.1.~~

~~G. Bed and breakfast.~~

~~H. Vacation rental.~~

~~I. Short term rental when associated with a legally permitted dwelling unit.~~

~~J. Any other use similar to the above and not listed elsewhere.~~

~~19.306.2 Conditional Uses and Community Service Uses Permitted~~

~~A. In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:~~

~~1. Funeral home;~~

~~2. Marina and boat sales;~~

~~3. Parking facility;~~

~~4. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;~~

~~5. Financial institution;~~

~~6. Trade or commercial school;~~

~~7. Single unit detached dwelling;~~

~~8. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock. Marijuana production is not permitted as an agricultural use;~~

~~9. Middle housing or multi-unit housing;~~

~~10. Adult foster/care home;~~

~~-~~

~~11. High impact commercial, except adult entertainment businesses;~~

~~12. Hotels and motels;~~

~~13. Eating establishments that exceed 3,250 sq ft in floor area;~~

~~14. Any other use similar to the above and not listed elsewhere.~~

~~B. In a C-L Zone the following community service uses and their accessory uses are permitted subject to the provisions of Section 19.904:~~

~~1. Residential care facility.~~

~~19.306.3 Standards~~

~~In a C-L Zone the following standards shall apply:~~

~~A. Lot size. None, except as follows for dwelling. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,000 sq ft. Lot width shall be at least 50 ft. Lot depth shall be at least 80 ft.~~

~~B. Front yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.~~

~~C. Side yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.~~

~~D. Rear yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.~~

~~E. Transition area. A transition area shall be maintained according to Subsection 19.504.6.~~

~~F. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft except as permitted under the Land Division Ordinance.~~

~~G. Off-street parking and loading. As specified in Chapter 19.600.~~

~~H. Height restriction. Maximum height of any structure shall be 3 stories or 45 ft, whichever is less.~~

~~I. Open use. A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 ft high.~~

~~J. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15% of the total area of the lot.~~

~~K. Transportation requirements and standards. As specified in Chapter 19.700.~~

~~L. Offices for marijuana research or testing shall be subject to the security and odor control standards of Subsection 19.509.2.~~

~~19.306.4 Prohibited Uses~~

~~The following uses and their accessory uses are prohibited:~~

~~A. Adult entertainment businesses. (Ord. 2224 § 2, 2022; Ord. 2168 § 2, 2019; Ord. 2140 § 2, 2017; Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2094 § 2, 2015; Ord. 2089 § 2, 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)~~

19.505.4 Cottage Cluster Housing

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD, GMU, NMU, SMU

CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

19.1104 EXPEDITED PROCESS

19.1104.1 Administration and Approval Process

E. The City zoning and Comprehensive Plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table 19.1104.1.E, provided below:

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
MR2	R-HD	High density residential
PMD	R-HD	High density residential

HDR	R-HD	High density residential
SHD	R-HD	High density residential
C3	C-G	Commercial
OC	C-L NMU	Commercial
RTL	C-L NMU	Commercial
PC	C-CS	Commercial
LI	BI	Industrial
GI	M	Industrial
BP	BI	Industrial
OSM	R-MD/CSU	Public

TITLE 14 SIGNS

CHAPTER 14.16 Sign Districts

14.16.030 ~~NEIGHBORHOOD COMMERCIAL~~ SMALL-SCALE MIXED USE ZONE

No sign shall be installed or maintained in a ~~C-N~~ SMU Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.030.

Table 14.16.030 Standards for Signs in Neighborhood Commercial Zones C-N <u>Small-Scale Mixed Use Zone SMU</u>				
Sign Type	Area	Height	Number	Illumination ¹
Freestanding signs	1.5 SF per lineal ft. of street frontage, not exceeding 40 SF per display surface and 80 SF overall.	May not project over the top of a building or max. 20 ft., whichever is less.	1 permitted. ²	External only
Wall signs ²	Max. 20% of building face. ³	Cannot extend above roofline or top of a parapet wall, whichever is higher.	Dictated by area requirements. ⁴	External only
Awning signs	Max. 25% of surface of	No higher than the point where	1 per frontage per occupancy.	External only

	awning, not to exceed 20% of building face.	the roofline intersects the exterior wall.		
Hanging sign suspended beneath awning or other portion of the building	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to the lowest portion of awning or suspended sign.	1 hanging sign per awning.	External only
Projecting sign	Max. 20% of face of building to which the sign is attached ⁵ .	Min. clearance 8 ft. from ground level to the lowest portion of projecting sign.	1 projecting sign per building face	External only
Daily display signs ⁶	Max. 8 SF per display surface and 16 SF overall.	Max. 6 ft. above ground level.	1 per property or occupancy.	External only

¹ Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination must be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

² ~~In addition to one wall sign.~~

² Location: limited to the building surface or surfaces facing the public right-of-way.

³ In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign will be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

⁴ Wall signs are permitted in addition to one freestanding sign.

⁵ If a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces must not exceed 20% of the face of the building.

⁶ Must not be located within required landscaped area, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

⁷ Existing freestanding or roof signs in the SMU zone established prior to XXX, 2024, the effective date of Ordinance XXX, are allowed to remain and may be re-faced and/or repaired, so long as the size or height of the sign does not increase.

(Ord. 2078 § 2 (Exh. B), 2014; Ord. 2001 § 2, 2009; Ord. 1965 §§ 2, 3, 2006; Ord. 1733 § 1(1) (Exh. A), 1993)

14.16.040 COMMERCIAL ZONES

No sign shall be installed or maintained in the ~~C-L~~, C-CS, NMU, and GMU Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.040.

Table 14.16.040 Standards for Signs in Commercial Zones C-L , C-CS, NMU, and GMU					
Sign Type	Area	Height	Location	Number	Illumination ¹
Freestanding signs	1.5 sq ft per lineal ft. of street frontage and 1 additional sq ft per each lineal ft. of frontage over 100 ft ²	Max. 25 ft from ground level, 14 ft min. clearance below lowest portion of a sign in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way. ³	1 multifaced sign per street frontage. ⁴	Permitted
Wall signs	Max. 20% of building face. ⁵	Not above roofline or top of parapet wall, whichever is higher.	NA.	No limit.	Permitted

Clean Amendments

TITLE 11 MISCELLANEOUS PERMITS

11.05 TEMPORARY USES, PERMITS, AND REGULATIONS

11.05.010 USES

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as:

- A. Seasonal sales uses on private property and on land owned by the City of Milwaukie. These activities include, but are not limited to, the sale of produce, rental of recreational equipment, provision of recreational lessons, or sale of products at a park owned by the City of Milwaukie.
- B. Temporary real estate offices;
- C. Construction parking;
- D. Construction trailers;
- E. Construction offices;
- F. Shelters for warming, cooling, or hazardous air quality, subject to the Milwaukie and Clackamas Fire District Joint Policy for Temporary Emergency Shelters;
- G. Outdoor dining and seating areas, on private property and where not permitted by right
- H. Food carts where not permitted by right
- I. Play equipment and sporting events
- J. Bicycle parking, such as a bike corral or bike station
- K. Other temporary uses similar to those listed above as determined by the City Manager.

Approval may be granted provided such uses are consistent with the intent of the underlying zoning district. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site. (Ord. 2198 § 2, 2021; Ord. 2168 § 2, 2019)

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107 ZONING

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-MD
Residential	R-HD
Downtown Mixed Use	DMU
Open Space	OS
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Mixed Use	MUTSA
General Mixed Use	GMU
North Milwaukie Employment	NME
Neighborhood Mixed Use	NMU
Small Mixed Use	SMU
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

19.302 HIGH DENSITY RESIDENTIAL ZONES

19.303 COMMERCIAL MIXED-USE ZONES

19.304 DOWNTOWN ZONES

19.305 Hold for future use

19.306 Hold for future use

19.303 COMMERCIAL MIXED-USE ZONES

19.303.1 Purpose

A. The General Mixed Use Zone is intended to recognize the importance of central Milwaukee as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high-quality urban development that is pedestrian-friendly and complementary to the surrounding area.

B. The Neighborhood Mixed Use Zone is intended to recognize certain established areas as neighborhood commercial centers. This zone allows for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity.

C. The Small-Scale Mixed Use Zone is intended to allow for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity. This zone supports neighborhood hubs, which are gathering places where residents have easy access to goods and services close to their homes. They are places where neighbors create meaningful relationships with each other.

19.303.2 Uses

A. Permitted Uses

Uses allowed outright in the commercial mixed-use zones are listed in Table 19.303.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.303.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the commercial mixed-use zones may continue in existence. Alteration or expansion of a nonconforming use, structure, or development that brings the use, structure, or development closer to compliance may be allowed through development review pursuant to Section 19.906. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

D. Prohibited Uses

Uses not listed in Table 19.303.2, and not considered accessory or similar pursuant to Subsections 19.303.2.E and G below, are prohibited. Uses listed with an “N” in Table 19.303.2 are also prohibited.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards.

F. Drive-Through Uses

For the purpose of this section, drive-through uses are not considered accessory uses and must be approved through a conditional use review in the NMU Zone in conformance with Section 19.905. Drive-through facilities must also conform to Section 19.606.3.

G. Similar Uses

The Planning Manager, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.303.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Table 19.303.2

Uses Allowed in Commercial Mixed-Use Zones

Uses and Use Categories	GMU	NMU	SMU	Standards/Additional Provisions
Residential				
Single detached dwelling	N	CU	CU	Subsection 19.505.1 One- to Four-Unit Residential Development Section 19.905 Conditional Uses
Townhouse ¹	P	CU	CU	Subsection 19.505.5 Townhouses
Duplex, Triplex, Quadplex	CU	CU	CU	Section 19.905 Conditional Uses
Multi-unit housing	P	CU	CU	Subsection 19.505.3 Multi-Unit Housing
Cottage cluster housing	P	CU	CU	Subsection 19.505.4 Cottage Cluster Housing
Mixed use ²	P	P	P	Subsection 19.505.7 Nonresidential Development
Live/work units	P	P	P	Subsection 19.505.6 Live/Work Units
Accessory dwelling units	N	CU	CU	Section 19.905 Conditional Uses Subsection 19.910.1 Accessory Dwelling Units
Boarding house	CU	CU	CU	Section 19.905 Conditional Uses
Commercial^{3, 4}				
Production-related office Professional and administrative office	P	P	P	Subsection 19.303.6.C Marijuana testing and research facilities
Drinking establishments Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption. Examples include taverns, bars, or cocktail lounges.	P	P	CU	Section 19.905 Conditional Uses
Eating establishments	P	P	P	

<p>Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include incidental sales of alcoholic beverages.</p> <p>Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.</p>				
Mobile food trucks and food carts on private property	P	P	P	
<p>Indoor recreation</p> <p>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; movie theaters, live theaters, and playhouses.</p>	P	P	P	
<p>Retail-oriented sales</p> <p>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	P	P	P	

<p>Marijuana retailer</p> <p>Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</p>	P	P	N	Subsection 19.303.6.A Marijuana retailers
<p>Vehicle sales and rentals⁵</p> <p>Vehicle sales and rentals means a business that sells or leases consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles.</p>	P	N	N	
<p>Personal/business services</p> <p>Personal/business services are involved in providing consumer services.</p> <p>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing</p>	P	P	P	
<p>Repair-oriented</p> <p>Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, and office equipment; tailors and seamstresses; shoe repair; locksmiths; and upholsterers.</p>	P	P	P	
<p>Vehicle repair and service⁶</p>	P	CU	N	Section 19.905 Conditional Uses

<p>Firms servicing passenger vehicles; light and medium trucks; and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Also includes quick-servicing activities, where the driver generally waits in the car before and while the service is performed.</p> <p>Examples include gas stations, quick oil change shops, car washes, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shop, auto detailing, and tire sales and mounting.</p>				
<p>Day care⁷</p> <p>Day care is the provision of regular child care, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</p> <p>Examples include nursery schools, before- and after-school care facilities, and child development centers.</p>	P	P	P	
<p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments.</p>	P	P	CU	
<p>Automobile parking facility</p> <p>Parking facilities provide automobile parking that is not</p>	N	CU	N	Section 19.611 Parking Structures

<p>accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.</p> <p>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>				
Manufacturing and Production				
<p>Manufacturing and production⁸</p> <p>Manufacturing and production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used.</p> <p>Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; marijuana processors; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and toys. Marijuana production is prohibited.</p> <p>Within the SMU, the following manufacturing and production uses are also prohibited: marijuana processing, automotive manufacture and assembly, and auto-repair shops.</p>	P	P	P	Subsection 19.509.2 Security and odor control for certain marijuana businesses

Institutional				
Community service uses	CSU	CSU	CSU	Section 19.904 Community Service Uses
Accessory and Other				
Accessory use	P	P	P	Section 19.503 Accessory Uses
Home occupation	P	P	P	Section 19.507 Home Occupation Standards
Short-term rentals	P	P	P	Section 19.507 Home Occupation Standards

P = Permitted.

N = Not permitted.

CSU = Permitted with community service use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

1. The limit of 4 consecutive townhouses established in 19.505.5 does not apply in the GMU Zone. In the GMU Zone, there is no limit on the number of consecutive rowhouses.

2. Residential uses built as part of a vertical mixed-use building are not subject to conditional use review in the NMU Zone.

3. In the NMU Zone, unless otherwise specified in this section, all nonresidential uses listed in Table 19.303.2 shall be no greater than 10,000 sq ft in area per use. A nonresidential use greater than 10,000 sq ft in area may be approved through a conditional use review pursuant to Section 19.905.

4. The 10,000 sq ft size limitation in Footnote 3 of Table 19.303.2 does not apply to "retail-oriented sales" uses established within the existing lot and building situated at 4320 SE King Rd, within the lot's boundaries that exist on February 13, 2016, the effective date of Ordinance #2112. Redevelopment of the site is subject to all standards of Table 19.303.2.

5. Vehicle retail sales are permitted in the GMU Zone only when conducted within a completely enclosed building (including inventory display and storage).

6. Vehicle repair and service uses are permitted in the commercial mixed-use zones only when conducted within a completely enclosed building.

7. Day care and child care uses are limited to 5,000 sq ft.

8. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on the site would not be considered manufacturing or production.

19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3				
Commercial Mixed Use Zones—Summary of Development Standards				
Standard	GMU	NMU	SMU	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (sq ft)	1,500	1,500	1,500	
2. Minimum street frontage (ft)	25	25	25	
B. Development Standards				
1. Minimum floor area ratio	0.5:1	0.5:1	0.5:1	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft)				Subsection 19.303.4.B Building Height Section 19.510 Green Building Standards Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone
a. Base maximum	45	45	35	
b. Maximum with height bonus	57–69	Height bonus not available	Height bonus not available	
3. Street setbacks (ft)				Subsection 19.303.4.C Street Setbacks Section 19.501.2 Yard Exceptions
a. Minimum street setback	0–15 ¹	None	10	
b. Maximum street setback	10–20 ²	10	15	
c. Side and rear setbacks	None	None	5/10	
4. Frontage occupancy	50%	None	None	Subsection 19.303.4.D Frontage Occupancy Requirements

				Figure 19.303.4.D Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	85%	
6. Minimum vegetation	15%	15%	15%	Subsection 19.504.6 Minimum Vegetation
7. Primary building entrances	Yes	Yes	Yes	Subsection 19.303.4.E Primary Building Entrances
8. Off-street parking required standards	Yes	Yes	Yes	Chapter 19.600 Off-Street Parking and Loading
9. Transit street	Yes	Yes	Yes	Subsection 19.505.8 Building Orientation to Transit
10. Transition measures	Yes	Yes	Yes	Subsection 19.504.5 Transition Area Measures
C. Other Standards				
1. Residential density requirements (dwelling units per acre)				Subsection 19.202.4 Density Calculations
a. Stand-alone residential				Subsection 19.303.4.F Residential Density
(1) Minimum	25	11.6	7.0	Subsection 19.501.4 Density Exceptions
(2) Maximum	50	14.5		
b. Mixed-use buildings	None	None		
2. Signs	Yes	Yes	Yes	Subsection 14.16.040 Commercial Zone

1. Residential edge treatments apply to properties as shown in Figure 19.303.5.

2. Commercial edge treatments apply to properties as shown in Figure 19.303.4.C.2.b.

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

A. Floor Area Ratio

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that the intensity of development is controlled. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum FAR in Table 19.303.3 applies to all nonresidential building development.
- b. Required minimum FAR shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of FAR to determine conformance with minimum FAR.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

- a. Parking facilities.
- b. Public parks and plazas.

B. Building Height

1. Intent

Maximum building height standards promote a compatible building scale and relationship of one structure to another.

2. Standards

- a. The base maximum building height in the GMU Zone is 45 ft. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
- b. Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.
- c. The maximum building height in the NMU Zone is 45 ft. No building height bonuses are available in the NMU Zone.
- d. The maximum building height in the SMU Zone is 35 ft. No building height bonuses are available in the SMU Zone.

19.303.5 Standards for Residential Street Edges

For properties shown as having a residential edge on Figure 19.303.5, and for development that occurs adjacent to or abutting a residential zone, the following standards apply:

- A. A minimum setback of 15 ft shall apply.
 - B. Along the property line adjacent to the residential zone, buildings within 50 ft of 37th Avenue and Monroe Street shall provide a step back of at least 15 ft for any portion of the building above 35 ft.
 - C. An additional minimum 8-ft-wide densely planted buffer is required along property lines where flex space development abuts a residential zone.
-

19.505.4 Cottage Cluster Housing

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD, GMU, NMU, SMU

CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

19.1104 EXPEDITED PROCESS

19.1104.1 Administration and Approval Process

E. The City zoning and Comprehensive Plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table 19.1104.1.E, provided below:

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
MR2	R-HD	High density residential
PMD	R-HD	High density residential
HDR	R-HD	High density residential
SHD	R-HD	High density residential
C3	C-G	Commercial
OC	NMU	Commercial
RTL	NMU	Commercial
PC	C-CS	Commercial
LI	BI	Industrial
GI	M	Industrial
BP	BI	Industrial

OSM

R-MD/CSU

Public

TITLE 14 SIGNS

CHAPTER 14.16 Sign Districts

14.16.030 SMALL-SCALE MIXED USE ZONE

No sign shall be installed or maintained in a C-N SMU Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.030.

Table 14.16.030 Standards for Signs in Small-Scale Mixed Use Zone SMU				
Sign Type	Area	Height	Number	Illumination ¹
Wall signs ²	Max. 20% of building face. ³	Cannot extend above roofline or top of a parapet wall, whichever is higher.	Dictated by area requirements. ⁴	External only
Awning signs	Max. 25% of surface of awning, not to exceed 20% of building face.	No higher than the point where the roofline intersects the exterior wall.	1 per frontage per occupancy.	External only
Hanging sign suspended beneath awning or other portion of the building	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to the lowest portion of awning or suspended sign.	1 hanging sign per awning.	External only
Projecting sign	Max. 20% of face of building to which the sign is attached ⁵ .	Min. clearance 8 ft. from ground level to the lowest portion of projecting sign.	1 projecting sign per building face	External only
Daily display signs ⁶	Max. 8 SF per display surface and 16 SF overall.	Max. 6 ft. above ground level.	1 per property or occupancy.	External only

¹ Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination must be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

² Location: limited to the building surface or surfaces facing the public right-of-way.

³ In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign will be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

⁴ Wall signs are permitted in addition to one freestanding sign.

⁵ If a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces must not exceed 20% of the face of the building.

⁶ Must not be located within required landscaped area, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

⁷ Existing freestanding or roof signs in the SMU zone established prior to XXX, 2024, the effective date of Ordinance XXX, are allowed to remain and may be re-faced and/or repaired, so long as the size or height of the sign does not increase.

(Ord. 2078 § 2 (Exh. B), 2014; Ord. 2001 § 2, 2009; Ord. 1965 §§ 2, 3, 2006; Ord. 1733 § 1(1) (Exh. A), 1993)

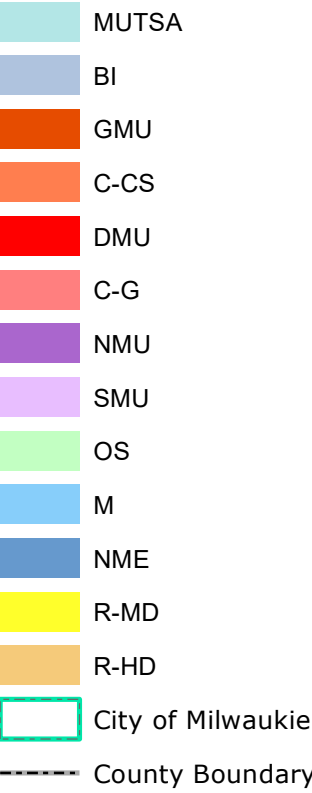
14.16.040 COMMERCIAL ZONES

No sign shall be installed or maintained in the ~~C-L~~, C-CS, NMU, and GMU Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.040.

Table 14.16.040 Standards for Signs in Commercial Zones C-CS, NMU, and GMU					
Sign Type	Area	Height	Location	Number	Illumination ¹
Freestanding signs	1.5 sq ft per lineal ft. of street frontage and 1 additional sq ft per each lineal ft. of frontage over 100 ft ²	Max. 25 ft from ground level, 14 ft min. clearance below lowest portion of a sign in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way. ³	1 multifaced sign per street frontage. ⁴	Permitted

Wall signs	Max. 20% of building face. ⁵	Not above roofline or top of parapet wall, whichever is higher.	NA.	No limit.	Permitted
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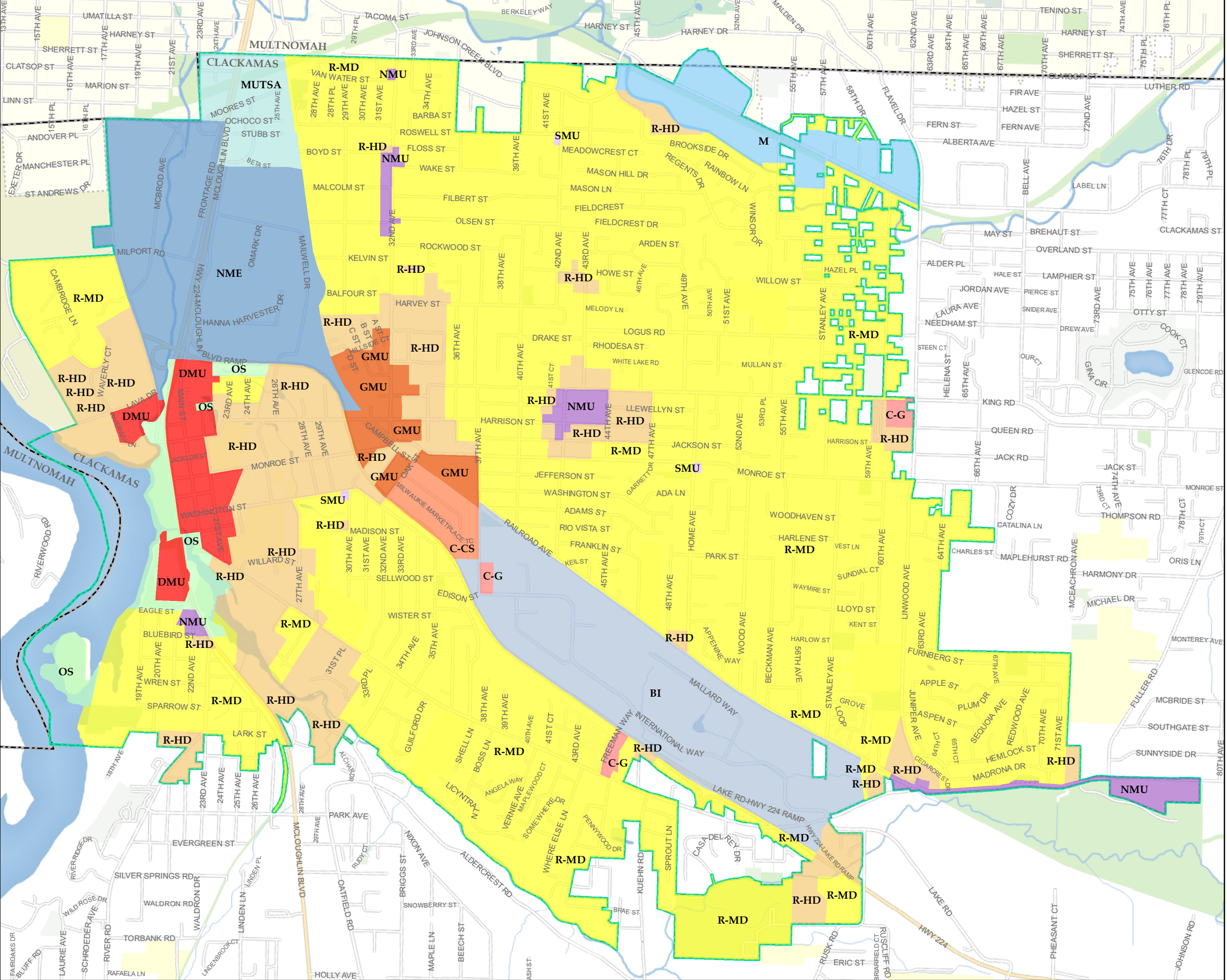
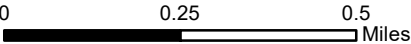
Proposed Milwaukie Zoning



Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center
Date: Monday, June 24, 2024

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
(503) 786-7687



Proposed Milwaukie
Comprehensive Plan



Attachment 2.

Summary Tables of Zone Comparisons

Table 1. Trolley Trail Hub, 7-11 Hub, 32 nd & Van Water area		
<u>Use</u>	<u>Existing: C-L Zone</u>	<u>Proposed: NMU zone</u>
Office	Permitted	Permitted
Retail	Permitted	Permitted
Personal/Business Service	Permitted	Permitted
Restaurant	Permitted (max. 3,250 sq ft)	Permitted
Bank	CU	Permitted
Repair-oriented	CU	Permitted
Multi-unit housing	CU	CU
Mixed use development	N/A	Permitted
Middle housing; single-detached dwelling	N/A	CU
<u>Development Standards</u>	<u>Existing: C-L Zone</u>	<u>Proposed: SMU zone</u>
Min. Lot Size	None	1,500 sq ft
Max. Building Height	45 ft	45 ft
Max. Lot Coverage	None	85%
Min. Vegetation	15%	15%

Table 2. Roswell Market Hub, Sunny Corner Market, Little Blue Store		
<u>Use</u>	<u>Existing: C-N Zone</u>	<u>Proposed: SMU zone</u>
Food store	CU (max. 2,500 sq ft)	Permitted
Convenience store	CU	Permitted
Laundry/personal business service	CU	Permitted
Restaurant	CU	Permitted
Drinking Establishment	N/A	CU
Repair-oriented	N/A	Permitted
Multi-unit housing	N/A	CU
Mixed use development	N/A	Permitted

Middle housing; single-detached dwelling	N/A	CU
<u>Development Standards</u>	<u>Existing: C-N Zone</u>	<u>Proposed: SMU zone</u>
Min. Lot Size	5,000 sq ft	1,500 sq ft
Max. Building Height	35 ft	35 ft
Max. Lot Coverage	40%	85%
Min. Vegetation	20%	15%

Table 3. Milwaukie Floral Hub		
<u>Use</u>	<u>Existing: R-MD Zone</u>	<u>Proposed: SMU zone</u>
Retail	N	Permitted
Personal business service	N	Permitted
Restaurant	N	Permitted
Drinking Establishment	N	CU
Repair-oriented	N	Permitted
Multi-unit housing	N	CU
Mixed use development	N	Permitted
Middle housing; single-detached dwelling	Permitted	CU
<u>Development Standards</u>	<u>Existing: R-MD Zone</u>	<u>Proposed: SMU zone</u>
Min. Lot Size	Varies; min. 3,000 sq ft	1,500 sq ft
Max. Building Height	35 ft	35 ft
Max. Lot Coverage	30-35%	85%
Min. Vegetation	25-30%	15%

Table 4. Chapel Theatre		
<u>Use</u>	<u>Existing: R-HD Zone</u>	<u>Proposed: NMU zone</u>
Office	Permitted	Permitted
Retail	N	Permitted
Personal business service	Permitted	Permitted
Restaurant	N	Permitted
Drinking Establishment	N	CU

Repair-oriented	N	Permitted
Multi-unit housing	Permitted	CU
Mixed use development	Permitted	Permitted
Middle housing; single-detached dwelling	Permitted	CU
<u>Development Standards</u>	<u>Existing: R-HD Zone</u>	<u>Proposed: NMU zone</u>
Min. Lot Size	1,500 sq ft	1,500 sq ft
Max. Building Height	45 ft	45 ft
Max. Lot Coverage	50%	50%
Min. Vegetation	15%	15%

Table 19.303.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	SMU (NEW)
Hub Phase 2		<ul style="list-style-type: none"> • Trolley Trail Hub • Chapel Theatre • 7-11 • 32nd and Van Water 	<ul style="list-style-type: none"> • Roswell Mkt • Sunny Corner Mkt • Little Blue Store
Single detached dwelling	N	CU	<u>CU</u>
Rowhouse Townhouses ¹	P	CU	<u>CU</u>
<u>Duplex, Triplex, Quadplex</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>
Multi-unit housing	P	CU	<u>CU</u>
Cottage cluster housing	P	CU	<u>CU</u>
Mixed use ²	P	P	<u>P</u>
Live/work units	P	P	<u>P</u>
Accessory dwelling units	N	CU	<u>CU</u>
Boarding house	CU	CU	<u>CU</u>
Production-related office Professional and administrative office	P	P	<u>P</u>
Drinking establishments Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption. Examples include taverns, bars, or cocktail lounges.	P	<u>CU-P</u>	<u>CU</u>
Uses and Use Categories	GMU	NMU	SMU (NEW)

Attachment 3. Mixed Use Zones Comparison - Summary

<p>Eating establishments</p> <p>Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include incidental sales of alcoholic beverages.</p> <p>Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.</p>	P	P	<u>P</u>
<p><u>Mobile food trucks and food carts on private property</u></p>	<u>P</u>	<u>P</u>	<u>P</u>
<p>Indoor recreation</p> <p>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; and movie theaters, <u>live theaters, and playhouses.</u></p>	P	P	<u>P</u>
Uses and Use Categories	GMU	NMU	<u>SMU (NEW)</u>

Attachment 3. Mixed Use Zones Comparison - Summary

<p>Retail-oriented sales</p> <p>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	P	P	<u>P</u>
<p>Marijuana retailer</p> <p>Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</p>	P	P	<u>N</u>
Uses and Use Categories	GMU	NMU	<u>SMU (NEW)</u>

Attachment 3. Mixed Use Zones Comparison - Summary

Vehicle sales and rentals ⁵ Vehicle sales and rentals means a business that sells or leases consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles.	P	N	<u>N</u>
Personal/business services Personal/business services are involved in providing consumer services. Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing	P	P	<u>P</u>
Repair-oriented Repair-oriented uses are establishments providing product repair of consumer and business goods. Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, and office equipment; tailors and seamstresses; shoe repair; locksmiths; and upholsterers.	P	P	<u>P</u>
Uses and Use Categories	GMU	NMU	<u>SMU (NEW)</u>

Attachment 3. Mixed Use Zones Comparison - Summary

<p>Vehicle repair and service⁶</p> <p>Firms servicing passenger vehicles; light and medium trucks; and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Also includes quick-servicing activities, where the driver generally waits in the car before and while the service is performed.</p> <p>Examples include gas stations, quick oil change shops, car washes, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shop, auto detailing, and tire sales and mounting.</p>	P	CU	<u>N</u>
<p>Day care⁷</p> <p>Day care is the provision of regular child care, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</p> <p>Examples include nursery schools, before- and after-school care facilities, and child development centers.</p>	P	P	<u>P</u>
Uses and Use Categories	GMU	NMU	<u>SMU (NEW)</u>

Attachment 3. Mixed Use Zones Comparison - Summary

<p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments.</p>	P	P	<u>CU</u>
<p><u>Automobile parking</u> facility</p> <p>Parking facilities provide <u>automobile parking</u> that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.</p> <p>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>	N	CU	<u>N</u>
Uses and Use Categories	GMU	NMU	<u>SMU (NEW)</u>

Attachment 3. Mixed Use Zones Comparison - Summary

<p>Manufacturing and production⁸</p> <p>Manufacturing and production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used.</p> <p>Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; marijuana processors; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and toys. Marijuana production is prohibited.</p> <p><u>Within the SMU, the following manufacturing and production uses are also prohibited: marijuana processing, automotive manufacture and assembly, and auto-repair shops.</u></p>	P	P	<u>P</u>
Uses and Use Categories	GMU	NMU	<u>SMU (NEW)</u>

Attachment 3. Mixed Use Zones Comparison - Summary

Community service uses	CSU	CSU	<u>CSU</u>
Accessory use	P	P	<u>P</u>
Home occupation	P	P	<u>P</u>
Short-term rentals	P	P	<u>P</u>

P = Permitted.

N = Not permitted.

CSU = Permitted with community service use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

1. The limit of 4 consecutive townhouses established in 19.505.5 does not apply in the GMU Zone. In the GMU Zone, there is no limit on the number of consecutive rowhouses.
2. Residential uses built as part of a vertical mixed-use building are not subject to conditional use review in the NMU Zone.
3. In the NMU Zone, unless otherwise specified in this section, all nonresidential uses listed in Table 19.303.2 shall be no greater than 10,000 sq ft in area per use. A nonresidential use greater than 10,000 sq ft in area may be approved through a conditional use review pursuant to Section 19.905.
4. The 10,000 sq ft size limitation in Footnote 3 of Table 19.303.2 does not apply to "retail-oriented sales" uses established within the existing lot and building situated at 4320 SE King Rd, within the lot's boundaries that exist on February 13, 2016, the effective date of Ordinance #2112. Redevelopment of the site is subject to all standards of Table 19.303.2.
5. Vehicle retail sales are permitted in the GMU Zone only when conducted within a completely enclosed building (including inventory display and storage).
6. Vehicle repair and service uses are permitted in the commercial mixed-use zones only when conducted within a completely enclosed building.
7. Day care and child care uses are limited to 5,000 sq ft.
8. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on the site would not be considered manufacturing or production.

19.303.3 Development Standards

Attachment 3. Mixed Use Zones Comparison - Summary

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3			
Commercial Mixed Use Zones— Summary of Development Standards			
Standard	GMU	NMU	<u>SMU (NEW)</u>
Hub Phase 2		<ul style="list-style-type: none"> • Trolley Trail Hub • Chapel Theatre • 7-11 • 32nd & Van Water 	<ul style="list-style-type: none"> • Roswell Mkt • Sunny Corner Mkt • Little Blue Store
1. Minimum lot size (sq ft)	1,500	1,500	<u>1,500</u>
2. Minimum street frontage (ft)	25	25	<u>25</u>
1. Minimum floor area ratio	0.5:1	0.5:1	<u>0.5:1</u>
2. Building height (ft)			
a. Base maximum	45	45	<u>35</u>
b. Maximum with height bonus	57–69	Height bonus not available	<u>Height bonus not available</u>
3. Street setbacks (ft)			
a. Minimum street setback	0–15 ¹	None	<u>10</u>
b. Maximum street setback	10–20 ²	10	<u>15</u>
c. Side and rear setbacks	None	None	<u>5/10</u>
Standard	GMU	NMU	<u>SMU (NEW)</u>
4. Frontage occupancy	50%	None	<u>None</u>

Attachment 3. Mixed Use Zones Comparison - Summary

5. Maximum lot coverage	85%	85%	<u>85%</u>
6. Minimum vegetation	15%	15%	<u>15%</u>
7. Primary building entrances	Yes	Yes	<u>Yes</u>
8. Off-street parking required <u>standards</u>	Yes	Yes	<u>Yes</u>
9. Transit street	Yes	Yes	<u>Yes</u>
10. Transition measures	Yes	Yes	<u>Yes</u>
1. Residential density requirements (dwelling units per acre)			
a. Stand-alone residential			
(1) Minimum	25	11.6	<u>7.0</u>
(2) Maximum	50	14.5	
b. Mixed-use buildings	None	None	
2. Signs	Yes	Yes	<u>Yes</u>



RS 8. A. 7/16/24
Presentation

PROPOSED CODE AMENDMENTS: NEIGHBORHOOD HUBS

City Council Public Hearing
July 16, 2024

Vera Kolas, Senior Planner
Laura Weigel, Planning Manager

WHAT ARE NEIGHBORHOOD HUBS?

Neighborhood Hubs are gathering places where residents have **easy access to goods and services close to their homes**. They are places where neighbors create meaningful relationships with each other.

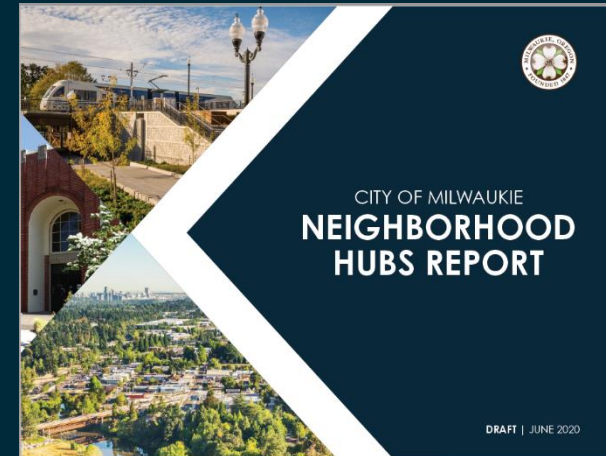
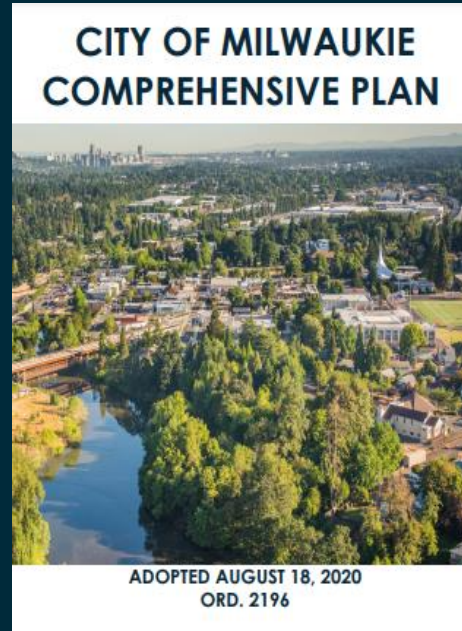


PROJECT HISTORY

2017



2020



HUBS PHASE 2

- **Refine** Hub locations and types identified in 2018 and 2019
- **Explore** Economic Development programs
- **Review and refine** the Development Code



PROPOSED AMENDMENTS: INTENT

- **Expand opportunities** for commercial and civic activities in the identified Hub areas.
- **Streamline** land use review processes where applicable.
- **Provide opportunities** for temporary pop-up uses to help test concepts and pilot programs within neighborhoods.
- **Streamline** the zoning map by consolidating and/or eliminating some zones.
- Directly implements Section 8 of the Comp Plan (Policy 8.1.4)



TOP TAKEAWAY – PUBLIC ENGAGEMENT

**Broad support for Hubs and associated
Economic Development Tools**
and virtually no opposition



PROPOSED AMENDMENTS: OVERVIEW

Hub Location	Existing Zone	Proposed Zone
Trolley Trail Hub, 7-11 Hub, 32nd & Van Water Area	Commercial – Limited (eliminate)	Neighborhood Mixed Use
Chapel Theater	Residential – High Density	Neighborhood Mixed Use
Roswell Market, Sunny Corner Market, Little Blue Store	Commercial – Neighborhood (eliminate)	Small Mixed Use (New Zone)
Milwaukie Floral	Residential – Medium Density	Small Mixed Use (New Zone)



NMU ZONE - HISTORY

2015: NMU zone adopted as part of the Moving Forward Milwaukee initiative

- **Neighborhood-scale** version of the GMU zone – more emphasis on **commercial** rather than residential development
- **Neighborhood** commercial center
- **Support businesses and mixed-use development** – most permitted by right
 - Offices
 - Restaurants
 - Retail
 - Repair
- **45-ft building height (3 stories)** – no height bonus

Proposed Small-Scale Mixed Use Zone (SMU) zone

- **Complementary** smaller scale mixed-use zone



NMU ZONE – WHAT WE HEARD

- **Building Height**
 - Max height = 45 ft; no bonus allowed
 - 10 ft taller than surrounding residential height (35 ft)
 - Allows ground floor commercial with 2 stories residential above
- **Allowed Uses**
 - Broad array of uses
 - Generally consistent with DMU and GMU zones at neighborhood scale
 - Not overly prescriptive; flexibility to respond to the market
 - Most permitted by right (except vehicle-related and drinking establishments)
- **Hours of Operation**
 - Typically not regulated in zoning code
 - Can be established with CU or CSU review, but not for by-right uses
 - Rely on noise, nuisance, or state regulations



NMU ZONE – NARROW AMENDMENTS

- Add live theatre and performance spaces to the list of permitted uses to accommodate the activities of the Chapel Theatre
- Allow drinking establishments as **permitted uses**, rather than as **conditional uses**, to provide additional commercial opportunities in the zone and remove barriers to development.



CONDITIONAL VS. PERMITTED USE

- Allow drinking establishments as **permitted uses**, rather than as **conditional uses**, to provide additional commercial opportunities in the zone and remove barriers to development.
 - Processed through a Type III land use application
 - This takes time and money
 - Applicant must prepare a land use application
 - Pay a \$2,000 application fee
 - Required public hearing with the Planning Commission who may or may not recommend approval
 - The process can take 60 – 90 days to complete with no guarantee of success

Neighborhoods are not notified about permitted uses.



PROPOSED AMENDMENTS: OVERVIEW

Hub Location	Existing Zone	Proposed Zone
Trolley Trail Hub, 7-11 Hub, 32nd & Van Water Area	Commercial – Limited (eliminate)	Neighborhood Mixed Use
Chapel Theater	Residential – Medium Density	Neighborhood Mixed Use
Roswell Market, Sunny Corner Market, Little Blue Store	Commercial – Neighborhood (eliminate)	Small Mixed Use (New Zone)
Milwaukie Floral	Residential – Medium Density	Small Mixed Use (New Zone)



Chapel Theater

Rezone
to NMU



Trolley Trail Hub, 32nd & Van Water, 7-11 Hub

	Commercial - Limited (eliminate)	Neighborhood Mixed Use
Office	Permitted	Permitted
Retail	Permitted	Permitted
Personal/Business Service	Permitted	Permitted
Restaurant	Permitted (limited to 3,250 sq ft)	Permitted
Drinking Establishment	N/A	CU/Permitted (proposed)
Bank	Conditional Use	Permitted
Repair-oriented	Conditional Use	Permitted
Multi-unit housing	Conditional Use	Conditional Use
Mixed use development	N/A	Permitted



TROLLEY TRAIL HUB, 32ND & VAN WATER, 7-11

Standard	Commercial- Limited (eliminate)	Neighborhood Mixed Use
Min. Lot Size	None	1,500 sq ft
Max. Building Height	45 ft	45 ft
Max Lot Coverage	None	85%
Min. Vegetation	15%	15%



ROSWELL MARKET, SUNNY CORNER MARKET, LITTLE BLUE STORE

Use	Commercial - Neighborhood (eliminate)	Small Mixed Use (New)
Food store	Conditional Use (max. 2,500 sq ft)	Permitted
Convenience store	Conditional Use	Permitted
Laundry/personal business service	Conditional Use	Permitted
Restaurant	Conditional Use	Permitted
Drinking Establishment	N/A	Conditional Use
Repair-oriented	N/A	Permitted
Multi-unit housing	N/A	Conditional Use
Mixed use development	N/A	Permitted



ROSWELL MARKET, SUNNY CORNER MARKET, LITTLE BLUE STORE

Standard	Commercial Neighborhood (eliminate)	Small Mixed Use (New)
Min. Lot Size	5,000 sq ft	1,500 sq ft
Max. Building Height	35 ft	35 ft
Max. Lot Coverage	40%	85%
Min. Vegetation	20%	15%



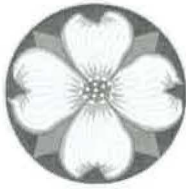
DECISION MAKING OPTIONS

1. Recommend that Council approve the proposed amendments per the recommended Findings in Support of the Approval (staff recommendation).
2. Recommend that Council approve the proposed amendments with revisions, including modifications to the recommended Findings in Support of Approval (modification must be read into the record).
3. Recommend that Council deny the proposed amendments.
4. Continue the hearing.



END OF PRESENTATION





PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

If you wish to have appeal standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.

7/16/2024

RS 8. A. Neighborhood Hubs Adoption – Ordinance (continued)

Land Use File No. ZA-2024-001

NAME	ADDRESS	PHONE	EMAIL
Lisa Gunion-Rinker	3012 SE Balfour Str.	503-754-1655	astrantialgr@gmail.com
DAVE Huber	7227 NE 55th Ave	503-849-2310	dhuber@wns.com
Martin Dimmeyer	8415 SE Regatta Dr	503-228-8889	tiadimyer@hotmail.com

Attachment 8. A. 4.

From: [Greg Hemer](#)
To: [Milwaukie Planning](#); [City Council](#)
Subject: Comment for July 16th packet Neighborhood Hubs
Date: Tuesday, July 9, 2024 3:58:08 PM

In 19.303.1

Definition for Neighborhood Mixed Use refers only to 42nd/32nd...that reference should be eliminated as NMU are granted beyond that area.

Thanks

From: [Jacob Sherman](#)
To: [Lisa Batey](#); [Adam Khosroabadi](#); [Rebecca Stavenjord](#); [William Anderson](#); [Robert Massey](#); [OCR](#); [Laura Weigel](#); [Joseph Briglio](#)
Cc: [jef99](#); [Joseph Edge](#); [Aaron Carpenter](#); [Leesa Gratreak](#); [Ernestina Machado](#); [Will Mulhern](#)
Subject: Planning Commission testimony for tonight's hearing on Neighborhood Hubs
Date: Tuesday, July 16, 2024 7:27:09 AM

This Message originated outside your organization.

July 16, 2024

Mayor Batey and Members of the Milwaukie City Council,

As the Milwaukie Planning Commission, we are writing to advocate for the progression of the Neighborhood Hubs work as outlined in the 2020 Comprehensive Plan. These Neighborhood Hubs are crucial for improving the quality of life in Milwaukie. **We strongly urge the City Council to approve Phase 2 of the Neighborhood Hubs Program and promptly begin work on Phase 3 in order to ensure that community input is effectively integrated.**

The remarkable level of resident participation in the planning and early stages of the Neighborhood Hubs initiative highlights its significance to Milwaukie residents. Over the past year, the city has hosted more than 15 Neighborhood District Association (NDA) meetings and workshops, engaging directly with community leaders and residents alike. Through these meetings, City staff identified key opportunities for mixed-use development across the city, pinpointing where the community sees the greatest need and potential for development. In addition to these meetings, the city conducted a survey via Engage Milwaukie that garnered massive response, with an overwhelming **85% expressing strong support for the establishment and expansion of Neighborhood Hubs**. This widespread endorsement underscores the community's desire for vibrant, connected spaces that enhance local living.

While the efforts in Phases 1 and 2 are appreciated, **the City still has much work to do to effectively implement the feedback from the community**. The community has identified where they would like to see more mixed-use development. There is high demand within Milwaukie for this type of development, and Phase 3 must provide more opportunities for mixed-use pockets and on transportation corridors throughout the city. In addition to allowing for more mixed-use development, community feedback shows the need to identify 2-3 priority hubs, and provide economic incentives that will stimulate development.

In 2017, the City Council incorporated Neighborhood Hubs into the Milwaukie Community Vision & Action Plan after a city-wide engagement process that engaged more than 1,000 residents and helped guide the creation of the 2020 Comprehensive Plan. However, despite the creation of an NMU zone many years ago, actual development in these zones has been extremely limited. **This tells us that our strong community desire for more vibrant and connected spaces does not match market realities**. We encourage you to also adjust zoning regulations to accommodate community desires and unlock development in the NMU zone. By doing so, you can create an environment that provides more housing and is more attractive and feasible for development, meeting the high community demand for progress.

By advancing Phase 2 and initiating Phase 3 as outlined above, the City Council will affirm its commitment to the priorities of Milwaukie's residents. **Phase 2 and 3 of the Neighborhood Hubs project – bolstered by extensive engagement efforts and strong community support – has the potential to transform our city into a more vibrant, cohesive, and sustainable community.** We look forward to working with the City Council in our role as Planning Commissioners to build upon the proposal before you today and implement the community vision for Neighborhood Hubs.

Sincerely,

The Milwaukie Planning Commission

Dear Members of the City Council,

We, as undersigned chairs of Milwaukie's Neighborhood District Associations (NDAs), are writing to express our strong support for the continued development of Neighborhood Hubs across our city, as outlined in the 2020 Comprehensive Plan. We believe that these hubs are essential for fostering vibrant, connected communities and enhancing the overall quality of life for Milwaukie residents. As such, we call on City Council to pass Phase 2 of the Hubs Program and immediately begin work on Phase 3.

Neighborhood hubs are critical for creating spaces where residents can easily access commercial development services, socialize, and engage in community activities. These hubs create walkable neighborhoods, support local businesses, and create a sense of belonging among residents. Promoting a blend of residential, commercial, and recreational spaces within Neighborhood Hubs will ensure that they are a space for the community to gather and connect. Additionally, providing the right economic incentives will attract and support businesses that contribute to the vitality of these hubs. These spaces enhance social connections and provide venues for local businesses to thrive, contributing to the overall development of the Neighborhood Hubs. For these reasons, the development of Neighborhood Hubs was a central component of our 2020 Comprehensive plan and 2040 Community Vision.

The implementation of Neighborhood Hubs aligns with several key priorities for our residents:

1. **Building a Stronger Sense of Community:** Neighborhood hubs provide common spaces where residents can gather, eat, drink, shop, and play. These interactions are crucial for building strong, supportive relationships among neighbors, and enhancing overall community cohesion.
2. **Supporting our Local Economy and Small Businesses:** By creating designated areas for local businesses to thrive, Neighborhood Hubs can stimulate economic growth within our community. Small businesses are the backbone of our local economy, and their success directly contributes to the vibrancy and sustainability of our neighborhood.
3. **Meeting our Climate Goals:** Neighborhood Hubs are specifically called for in our 2018 Climate Action Plan. Hubs provide residents access to a variety of services or goods within walking or biking distance of their homes, reducing our carbon footprint.
4. **Maintaining Affordability:** Developing Neighborhood Hubs supports the development of mixed-use zoning and will increase our supply of housing. By implementing incentives for affordable development in the NMU and SMU, City Council has the potential to bring much-needed affordable units to all neighborhoods.

While we appreciate the initial work City Council has put into the Hubs proposal in Phases 1 and 2, **there is still much work to be done to support the development of Neighborhood Hubs**. 10 years ago, City Council established the NMU zone as a part of the city's Neighborhood Main Streets program. 7 years ago, community feedback obtained by City Council inspired the concept of neighborhood hubs. 6 years ago the development of hubs was identified as an important step to meet our climate goals in our Climate Action Plan. 4 years ago, the city's Comprehensive Plan outlined development in hubs as a key priority. In this time we have seen minimal development in these zones.

As we enter Phase 3, we are calling on City Council to rezone the areas identified during community engagement in Phase 2 to allow for mixed-use development in pockets across Milwaukie. While there are NMU zones on 32nd Ave and 42nd Ave, many neighborhoods still have no local access to NMU zones. In addition to permitting more mixed-use development, we would like to see City Council identify 2-3 priority hubs supplemented with incentives that encourage development. These developments will not only expand access to local businesses, if City Council uses this as an opportunity to incentivize more affordable development in the NMU and SMU zones, this will bring more affordable housing to Milwaukie.

We ask the City Council to continue its commitment to the development of Neighborhood Hubs and to

allocate the necessary resources and support for these initiatives. By focusing on creating vibrant, accessible, and sustainable hubs, and providing the right economic incentives, we can ensure that Milwaukie remains a great place to live, work, and play for all its residents.

We appreciate your attention to this important matter and look forward to collaborating with you to achieve these goals.

Regards,

Camden McKone, Lewelling NDA Chair

Debbie Liptan, Historic Milwaukie NDA Co-Chair

Val Hubbard, Historic Milwaukie NDA Co-Chair

Corinn deTorres, Hector Campbell NDA Chair

Debby Patten, Lake Road NDA Co-Chair

Carla Bantz, Lake Road NDA Co-Chair

Scott Stauffer

From: Jay Panagos <jaypanagos64@gmail.com>
Sent: Tuesday, July 16, 2024 7:22 PM
To: OCR
Subject: Hubs

This Message originated outside your organization.

Hello,

In regards to neighborhood hubs. Community gardens in each hub to promote a healthy environment and coincides either the climate action plan.

Thank you,

Jay panagos

Sent from my iPhone



PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

If you wish to have appeal standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.

7/16/2024

RS 8. A. Neighborhood Hubs Adoption – Ordinance (continued)

Land Use File No. ZA-2024-001

NAME	ADDRESS	PHONE	EMAIL
Lisa Gunion-Rinker	3012 SE Balfour Str.	503-754-1655	astrantialgr@gmail.com
DAVE Huber	7227 NE 55th Ave	503-849-2310	dhuber@wns.com
Martin Dimmeyer	8415 SE Regatta Dr	503-220-8889	tiadimyer@hotmail.com



**CITY OF MILWAUKIE
CITY COUNCIL**

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

Speaker Card

The City of Milwaukie encourages all residents to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speaker Card, once submitted to the City Recorder, becomes part of the public record.

Name: Lisa Gunion-Rinker

Organization: Ardenwald/JC Land Use

Address: 3012 SE Balfour Street 97222

Phone: 503-754-1655

Email: astrantia1@gmail

Meeting Date: 7.16.24

Topic: Neighborhood HUBS

Agenda Item You Wish to Speak to:

☐ #5 Community Comments

Note: Council generally does not respond to comments during this meeting. The city manager will respond to comments at the next regular session.

☐ #7 Other Business, Topic: _____

☒ #8 Public Hearing, Topic: HUBS

Comments:

You are Speaking...

☐ in Support

☐ in Opposition

☐ from a Neutral Position

☒ to ask a Question

Present info. at



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Name: Camden McKone **Address:** 5036 SE Mason Ln Milwaukie
Organization: _____ **Phone:** _____
Email: _____

Meeting Date: 7/16 **Topic:** Hubs

Agenda Item You Wish to Speak to:

☐ #5 Community Comments

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The city manager will respond to comments at the next regular session.

☐ #7 Other Business, Topic: _____

☒ #8 Public Hearing, Topic: Hubs

Comments:

You are Speaking...

☒ in Support

☐ in Opposition

☐ from a Neutral Position

☐ to ask a Question



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Name: Martin DiMeyer **Address:** 9415 SE Regents Dr
Organization: Self **Phone:** 503-228-8389
Meeting Date: 7/16/24 **Email:** tradimeyer@hotmail.com
Topic: Neighborhood Hubs

Agenda Item You Wish to Speak to:

☒ **#5 Community Comments**

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☐ **#7 Other Business, Topic:** _____

☐ **#8 Public Hearing, Topic:** _____

Comments:

You are Speaking...

☒ **in Support**

☐ **in Opposition**

☐ **from a Neutral Position**

☐ **to ask a Question**



RS Agenda Item

9

Council Reports

DRAFT Joint Values and Outcomes DRAFT

Ahead of the 2025 State Legislative Transportation Package

Communities of Clackamas County

The jurisdictions named here support a seamless, functional transportation system that prioritizes safety and the reliable movement of people and goods.

We acknowledge that without adequate transportation funding to address maintenance and capital projects in our communities, our collective transportation system will continue to struggle, maintenance projects will become capital projects, and our transportation systems will fail to meet public expectations and uses. As the state legislature considers funding solutions to address state and local needs, the values and outcomes named here will be the foundation of our advocacy.

These values are not an endorsement of any collective or particular funding proposal.

To ensure an equitable, balanced, and seamless system for all, a transportation package should...

- Develop in collaboration with local voices and jurisdictions
- Protect and retain the 50/30/20 revenue formula from the State Highway Fund
- Secure operations and maintenance funding for state and local partners
- Increase safety for all travel modes and reduce diversion

To ensure maximum and efficient utilization of public dollars, a transportation package should...

- Provide local jurisdictions with the resources to implement state requirements
- Build trust through budget transparency, implement cost saving measures, and limit administrative costs
- Maximize our opportunity to leverage federal funds
- Secure varied revenue sources to provide for the needs of different communities

To advance projects of statewide significance, a transportation package should ...

- Finish legislatively directed capital projects from HB 2017 and HB 3055
- Formulate a list of secondary projects for future funding, including Sunrise Corridor

To provide accessibility and funding to multimodal facilities and services a transportation package should...

- Address complete connections and systems, including gaps in transit service
- Improve transit operations, including regional coordination and equitable access to transit
- Invest in transit so that it is a convenient, reliable, and safe travel option
- Provide sustainable long-term funding for first and last mile transit solutions
- Consider emerging micro-mobility options

To support housing production and economic opportunity, a transportation package should...

- Accelerate robust, multimodal, and well connected transportation networks in developing areas
- Improve the operations of regional freight routes and arterials