

Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

2439th Meeting

REVISED AGENDA

DECEMBER 16, 2025

(Revised December 12, 2025)

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** find the meeting event on the city calendar at www.milwaukieoregon.gov. **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 (6:30 p.m.)
 - A. Pledge of Allegiance
 - B. Native Lands Acknowledgment

2. ANNOUNCEMENTS (6:31 p.m.) 20

3. PROCLAMATIONS AND AWARDS
 - A. Outstanding Milwaukie High School (MHS) / Milwaukie Academy of the Arts (MAA) Student – Award (6:35 p.m.)
Presenter: Louis Mair, MHS Principal

4. SPECIAL REPORTS
 - A. None Scheduled.

5. COMMUNITY COMMENTS (6:50 p.m.)
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 (6:55 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: 26
 1. October 21, 2025, work session,
 2. October 21, 2025, regular session,
 3. ~~November 4, 2025, work session,~~
 4. ~~November 4, 2025, regular session, and~~
 5. ~~November 13, 2025, special session. (removed from the agenda)~~
 - B. Appointment to the Tree Board – Resolution 34
 - C. Defining Compensation Benefits – Resolution 37
 - D. Reinstating Banking Services with Columbia Bank – Resolution 64
 - E. Selecting a Vendor for the Sparrow Site – Resolution 67
 - F. Approval of a BizOregon Grant for the Hillside Project – Resolution 74

- 6. CONSENT AGENDA (continued)
 - G. Approving an Oregon Liquor and Cannabis Commission Application for Bigfoot Cide Co., 3055 SE Washington Street – Manufacturer 79
- 7. BUSINESS ITEMS
 - A. Historic Resources Inventory – Discussion (7:05 p.m.)
Presenters: Lisa Batey, Mayor, and
Will Anderson, Council President
 - B. Milwaukie Bay Park Intergovernmental Agreements – Update (7:30 p.m.)
Staff: Emma Sagor, City Manager
- 8. PUBLIC HEARINGS
 - A. Hillside Park Public Right-of-Way Vacation – Ordinance (8:00 p.m.) 81
Staff: Vera Kolias, Planning Manager
- 9. COUNCIL REPORTS (8:15 p.m.) 120
- 10. ADJOURNMENT (8:30 p.m.)

Executive Session.

After the regular session, Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

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)

2439th Meeting

MINUTES

DECEMBER 16, 2025

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

Staff Present: Joseph Briglio, Assistant City Manager
Justin Gericke, City Attorney
Vera Kolias, Planning Manager

Emma Sagor, City Manager
Scott Stauffer, City Recorder
Laura Weigel, Community Development Director

Mayor Batey called the meeting to order at 6:41 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including an Elk Rock Island restoration event, the city's annual Winter Solstice and Christmas Ships event, the annual Homeless Persons' Memorial Candlelight Vigil, the 2nd annual Bing in the New Year event, the deadline for Millie's Pet Pal Challenge on engage.milwaukieoregon.gov, and the 2025 Volunteer of the Year award submission process.

Sagor and **Mayor Batey** wished the community a happy Hannukah and happy holidays.

Mayor Batey read a Winter Solstice event inspired themed haiku poem.

3. PROCLAMATIONS AND AWARDS

A. Outstanding Milwaukie High School (MHS) / Milwaukie Academy of the Arts (MAA) Student – Award

Louis Mair, MHS/MAA Principal, introduced Isaias Flores and Council congratulated them on their academic and extracurricular activities.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

In response to the December 2 comments **Sagor** provided an overview of the city's work to create more affordable housing units in Milwaukie and how staff had approached the possibility of adopting a local moderate income revolving loan (MIRL) program. **Councilor Massey** and **Mayor Batey** remarked on an inaccurate quote and information in a press release that had been issued by the North Clackamas Chamber of Commerce regarding the city's position on adopting a local MIRL program. **Councilor Khosroabadi** and **Mayor Batey** noted that State Representative Mark Gamba would be at the January 6, 2026, work session and could answer questions about MIRL and state legislation. No audience member wished to address Council.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. October 21, 2025, work session,
2. October 21, 2025, regular session,
3. ~~November 4, 2025, work session,~~
4. ~~November 4, 2025, regular session, and~~
5. ~~November 13, 2025, special session.~~ (removed from the agenda)

B. Resolution 48-2025: A resolution of the City Council of the City of Milwaukie, Oregon, removing and appointment members to the Tree Board.

C. Resolution 49-2025: A resolution of the City Council of the City of Milwaukie, Oregon, defining certain benefits as included in official compensation.

D. Resolution 50-2025: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, reinstating a banking services agreement with Columbia Bank for general banking services.

E. Resolution 51-2025: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the award of the Sparrow Site Design and Development Project to DevNW and for the city manager to enter into an exclusive negotiating agreement with DevNW.

F. Resolution 52-2025: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a partnership between the city and Related NW to submit a grant application for the Oregon Business Development Department's Infrastructure Finance Authority Housing Infrastructure Financing Program to fund infrastructure improvements at Hillside Park.

G. Approval of an Oregon Liquor and Cannabis Commission (OLCC) application for Bigfoot Cider Co., 3055 SE Washington Street – Manufacturer.

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

7. BUSINESS ITEMS

A. Historic Resources Inventory – Discussion

Mayor Batey and Council President Anderson introduced a proposal for a pilot program for volunteers to conduct an historic resource inventory in coordination with Planning Commissioner Leesa Graetrek and the Milwaukie Historical Society and with oversight by a University of Oregon (UO) graduate student.

Councilors Khosroabadi and Massey expressed support for the pilot program.

Councilor Stavenjord asked who would supervise the UO graduate student. Mayor Batey and Council President Anderson noted that supervisory details had not been confirmed. The group commented on the intended use of the inventory data collected, and how the volunteers would conduct the work from the public right-of-way (ROW) and only interact with homeowners and renters as needed.

Sagor remarked on city staff's capacity to support the proposed pilot program in 2026. Mayor Batey, Sagor, and Council President Anderson noted which neighborhood the inventory would start with had not been determined yet.

It was Council consensus to support the historic resources inventory pilot program.

B. Milwaukie Bay Park (MBP) Intergovernmental Agreements (IGAs) – Update

Sagor provided an update on the city’s negotiations with the North Clackamas Parks Clackamas Parks and Recreation District (NCPRD) Board, which is the Clackamas Board of County Commissioners, on the parks services cooperative IGA and a project IGA to complete MBP, noting recent communication and the main proposals around property depreciations, funding, and programming.

Sagor reported that Council negotiation leads recommended that a final proposal to the NCPRD Board be prepared. **Mayor Batey** and **Councilor Massey** expressed frustration with the negotiations and lack of progress with the district board.

The group discussed the recommended IGA proposal points regarding MBP funding, the city’s share of Metro Local Share funds, management of MBP and Milwaukie Community Center (MCC) and when the city would take over management of MBP and MCC, whether the next proposal should be called “final,” grant opportunities for MBP, and when Council would revisit the city’s parks goals in 2026.

Sagor suggested Council supported a counterproposal to the NCPRD Board that the recommendation but without the Metro Local Share funds and waiver of permit fees, and to ask for a response by January 14, 2026. The group discussed the proposal to send to the district, when city staff should start seeking grant funding for the MBP project, the need to resolve whether the city or district owns the MBP project, and whether the city should give up Metro Local Share funds for MBP. Council expressed concern that the NCPRD Board was not negotiating in good faith with the city and the group discussed whether the next proposal should be referred to as “final.”

It was Council consensus to submit a proposal to the NCPRD Board making clear that the city is reaching the end of its ability to negotiate, leaving the SDC and Metro Local Share funding for MBP in place, and expressing interest in proceeding with staff-to-staff negotiations on the remaining issues, with a request to receive a response from the NCPRD Board by January 14.

Mayor Batey recessed the meeting at 9:00 p.m. and reconvened at 9:10 p.m.

8. PUBLIC HEARING

A. Hillside Park Public Right-of-Way (ROW) Vacation – Ordinance

Call to Order: **Mayor Batey** called the hearing to order at 9:10 p.m.

Purpose: **Mayor Batey** explained the purpose was to hear the staff report, take public comment, and adopt an ordinance vacating public ROW at Hillside Park.

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

Ex-Parte Contacts: No Council member disclosed any ex-parte contacts.

Staff Report: **Kolias** explained that the requested action was for Council to vacate sections of public ROW in the Housing Authority of Clackamas County’s (HACC’s) Hillside Park redevelopment project area.

Correspondence: The group noted that one email about the impacts of the project on Canadian Geese had been received. **Kolias** noted that the required environmental impact study had been completed for the project.

Audience Testimony: No audience member wished to speak to Council.

Questions from Council to Staff: No Council member had additional questions.

Close Public Comment: It was moved by **Councilor Khosroabadi** and seconded by **Councilor Stavenjard** to close public comment part of the Hillside Park ROW

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

Council Decision: It was moved by Councilor Khosroabadi and seconded by Councilor Stavenjord for the first and second readings by title only and adoption of the ordinance vacating the public street rights-of-way within the Hillside Park development designated as portions of SE Hillside Ct, SE A Street, SE B Street, and SE C Street. 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.

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

Ordinance 2259:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, VACATING THE PUBLIC STREET RIGHTS-OF-WAY WITHIN THE HILLSIDE PARK DEVELOPMENT DESIGNATED AS PORTIONS OF SE HILLSIDE CT, SE A STREET, SE B STREET, AND SE C STREET.

9. COUNCIL REPORTS

Councilor Massey announced that the Friends of the Ledding Library (FOLL) had received a generous donation and that FOLL treasurer Joe Sanford was retiring.

Councilor Stavenjord announced the availability of the Downtown Milwaukie Passport which included coupons and discounts to downtown businesses.

Mayor Batey noted holiday events, wished the community Happy Hannukah and expressed sadness about recent antisemitic events in Australia, and encouraged the community to support residents targeted by federal immigration agents.

10. ADJOURNMENT

Mayor Batey announced that after the meeting Council would meet in executive session per Oregon Revised Statute (ORS) 192.660 (2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

It was moved by Councilor Khosroabadi and seconded by Councilor Stavenjord 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 9:28 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder



CITY OF MILWAUKIE

Memorandum

To: City Council
 From: Joseph Briglio, Assistant City Manager,
 Laura Weigel, Community Development Director
 Peter Passarelli, Public Works Director
 CC: Emma Sagor, City Manager
 Date: December 16, 2025
 Re: Economic Development, Housing, Community Development & CIP
 Monthly Update

Economic Development & Housing	Planning	Development Services	CIP - Engineering
<ul style="list-style-type: none"> ▪ Economic Development ▪ Affordable Housing 	<ul style="list-style-type: none"> ▪ Comprehensive Plan Implementation ▪ Planning Commission ▪ Land Use/ Development Review 	<ul style="list-style-type: none"> ▪ November Review 	<ul style="list-style-type: none"> ▪ CIP ▪ Traffic/Parking Projects ▪ Right-of-Way Permits ▪ PIP ▪ Document Administration

ECONOMIC DEVELOPMENT & HOUSING

Economic Development

- Milwaukie was the cover story for the Portland Business Journal in February 2025 - <https://www.bizjournals.com/portland/news/2025/02/05/milwaukie-portland-housing-multifamily-pietros.html>
 - The Portland Business Journal staff re-toured Milwaukie in September 2025 and shared [this update on social media](#).
- [Bobs Red Mill](#) - On February 8, Bob's Red Mill announced that it would be [closing its Retail and Café](#) property on International Way on February 17. The company later [announced on social media](#) that it would be closing its doors on February 12. The closure only impacts on its retail and café operations.
 - The property is listed for sale at \$5.95M – [See Flyer](#)
 - Staff have reached out to a few businesses and developers to help generate interest.
- [The Business of Milwaukie](#), a city-wide business association, launched on November 1 with its "Meet Milwaukie Event" and subsequent Holiday Shopping/Small Business Saturday

campaign called "Sip Shop Support."

- Milwaukie was featured in two news stories in May 2025. [KOIN](#) covered the May First Friday event, and [Willamette Weekly](#) highlighted local businesses and attractions.
- Two Sisters Cafe had their grand re-opening under new ownership on July 5. The Oregonian ran [a story](#) on the new owners and how they reimagined the space and offerings while preserving the original business model: a place for kids and parents.
- Sock it to Me is moving their operations out of Oregon. The 30,000 sf building at 9592 SE Main is currently [for lease](#).
- Little Blue Store had their grand reopening ceremony on September 22. They were recipients of Clackamas County's [Healthy Retail](#) grant. As a result, they offer fresh produce instead of tobacco products.
- Swagelok hosted city, county, and state staff and elected officials for introductions, a company overview and facility tour in November. Swagelok is a 2025 applicant for the county's Business Development Grant.
- The International City Management Association selected Milwaukie to have a feature film at their 2025 conference. The film was debuted in November and is live on [YouTube](#).
- KGW8 covered the Umbrella Parade and [featured an interview](#) with a parade participant that highlighted the downtown businesses in their clip.
- NMIA:
 - For Sale: Anderson Pots. 2425 SE Moores St (Mixed) | \$9.85 million.
 - For Lease: 2312 – 2330 SE Clatsop (Industrial), 4,070 SF
 - For Lease: 2200 SE Mailwell Dr (Industrial), 4,000 – 37,112 SF
 - For Lease: Formerly, Sock it to Me. 9592 SE Main St (Office), 30,265 SF
 - For Lease: 2505 SE Stubb St (Industrial), 20,040 SF
- Business Industrial Area:
 - For Sale: 4040 SE Wister St (Industrial), 9,014 SF | \$1.85 million
 - For Sale: 5285 SE Mallard Way (Industrial), 35,000 SF | \$7.35 million
 - For Sale: Bob's Red Mill. 5000 SE International Way (Retail), 20,889 SF | \$5.95 million
 - For Lease: 4103 SE International Way (Flex), 5,768 SF
 - For Lease: 4120 SE International Way (Multiple), 624 – 4,688 SF
 - For Lease: 5565 SE International Way (Industrial), 17,600 SF
 - For Lease: 5699 SE International Way (Industrial), 1,600 SF
- Neighborhood Hubs

- For Sale: 9391 SE 32nd (Vacant Lot) | \$675,000
- For Lease: 6100 – 6130 King Rd (Retail), 640 SF
- The city has launched a new [bike rack request form](#) to intake and process bike rack requests in a more orderly fashion. The aim is to facilitate more bike access to commercial and employment areas.
 - Five new bike racks have been added downtown and one in the neighborhood hubs
 - Three bike corrals have been installed in front of pFriem, resulting in 24 bike parking spaces.

Downtown:

- The [Downtown Alliance of Milwaukie \(DAM\)](#) has started meeting regularly and taken the place of the now defunct Downtown Milwaukie Business Association (DMBA). Multiple city staff members have participated in their meetings and discussions and will continue to partner as much as resources allow. The group approved of its 2025 priorities, which are as follows:
 - Hanging flower baskets sponsored by businesses
 - Milwaukie food festival
 - Wayfinding signs/poster adoption and downtown 99E signs.
 - Utilize private parking lots for weekend events.
 - Elk Rock Island Float (Summer)
 - Milwaukie Bay Park Support
 - Oktoberfest
 - Main street holiday lights and decoration contest

DAM set up a website, <https://www.downtownmilwaukie.org/>, and recently received its 501C3 Non-Profit status.

DAM hosted their inaugural fundraising event, the [Little Float](#), on August 2, 2025.

DAM, in collaboration with Mayor Batey, is running point on ribbon cuttings for new businesses around downtown.

DAM has been awarded a placemaking grant from the City of Milwaukie to create the inaugural Winter Lights Festival. This year's theme is Glow with the Flow.

DAM is leading and collaborating with the city on several holiday events: Halloween Storefront Decorating competition, Trick or Treat on Main Street, and a Holiday Storefront Decorating competition.

DAM turned one in November. They have a draft 2026 work plan that will be presented to city staff and MRCCAC in the next quarter.

- [Giving Cafe & Bistro](#) recently opened at the old Ovation location.
- The sale of the Collectors Mall, along with the adjacent store fronts, closed in late summer 2024 and is actively soliciting for new tenants in the vacant spaces: [Updated Lease Flyer](#)
 - The property owner submitted an [Oregon Main Street](#) grant on March 13, which was supported by the city, to receive funding for restoring the building façade.
 - The property was awarded a \$400,000 Oregon Main Street grant on June 10.
 - The property at 10909 and 10933 SE Main St (corner of Main St and Monroe St) received land use approval for facade improvements and has submitted building permits for facade and interior tenant work to both demolish and construct new partition walls and tenant suites.
 - MRC approved a \$400,000 storefront and tenant improvement grant for the eight suites on December 2.
- Historic City Hall: [pFriem Beer](#) and [Keeper Coffee](#) are officially open as of April 7. The final tenant, [Circus](#), opened in August.
- The former Chase Bank property (10900 SE 21st Ave) was sold. The Planning Commission held a public hearing on the new owners' [land use application](#) for a 45-unit residential development on May 13, 2025. The project was approved at that hearing. The site is demolished, and construction should begin soon.
- [1847 Food Park](#) located at 1925 SE Scott St is under construction, with an anticipated opening sometime later this winter.
 - Migration Brewing was [announced](#) as the anchor tenant for the food park.
- [11138 SE Main Street \(Sapphire\) and 11222 SE Main Street \(Broken Arrow Archery/USPS\)](#) sold and the new owners have not proposed any changes or development plans.
- Dark Horse, DAM, and City Staff have been collaborating on updating many, if not all, of their storefronts and interior spaces. There will be more suite spaces opening up for businesses very soon.
 - Dark Horse is moving forward with design and planning for the Dark Horse pop-culture museum at their 10818 Main St building.
 - A new business, Brooklyn Barber and Drum, has moved into their 10951 SE 21st Ave space. The property owner previously leveraged the storefront improvement grant program to update the exterior and attract a new tenant. Now, Brooklyn Barber and Drum is leveraging the tenant improvement grant program to update the interior and prepare for opening. They will likely open in in the new year.
 - After leveraging the storefront improvement program to update the exterior of 10957 SE 21st Ave, the space has generated much interest from prospective tenants. However, in response to feedback from prospective tenants, the property owner has applied for a tenant improvement grant to add an ADA accessible bathroom and HVAC. They will create a move-in ready space for the future tenant.

- To help with the uptick in visitation, staff created a new public [parking map](#) that highlights the parking and transit options in and near downtown.
- Milwaukie Station: All cart spaces are currently occupied.
 - The final lease with the Johnson Group ends in fall 2026.
 - City Council discussed the future of Milwaukie Station at the September 2 regular session, choosing to explore an outcome where it remains a food truck pod for now.
 - Staff are working current tenants to explore a cooperative management model.

Milwaukie Marketplace:

- Kimco officially sold the marketplace to [Lincoln Property Company](#) (LPC), a Texas based commercial real estate company, in February. Staff is working with LPC on building new partnerships.
- Shari's Café & Pies has closed - <https://www.oregonlive.com/business/2024/10/struggling-sharis-cafe-pies-closes-additional-locations.html> - There are no updates on a future tenant yet.
- Pietro's Pizza renovated the old McGrath's Fish House. The new location is open.
 - Highlight: Planning staff assisted Pietro's with moving/approving their "historic," non-confirming sign, so that it could follow them to the new location.
- Milwaukie Marketplace is in the final design phase for PGE's Business Make Ready program. The project will result in 8 electric car parking spots. Economic Development and Natural Resources staff are working with both PGE and the Property Owner to help make this happen.

Enterprise Zone:

- Portland Polymers, a plastics recycler, is relocating to the North Milwaukie Innovation Area (NMIA) and recently received approval to take advantage of the North Clackamas Enterprise Zone tax incentives.
- The Overland Van Project was also approved a few months ago. Alpine Foods is in their final application stages and should receive approval soon. Swagelock has withdrawn its interest for now.
- The Overland Van Project was featured in Clackamas County's [Business Spotlight series](#), which highlighted the impacts of the enterprise zone and the county's Business Development Grants. Both Overland Van Project and Stumptown were Milwaukie-based recipients of the 2024 Business Development Grants.

Urban Renewal Area Economic Development Programs:

- Grant program information can be found here: https://www.milwaukieoregon.gov/departments/economic_development/business_improvement_grants/index.php

- The Milwaukie Redevelopment Commission Citizen Advisory Committee (MRCCAC) convened in February and May to discuss updates on the business improvement grant program, resulting in a rebranded and new grant program: Business Consulting & Support Services and a Community Placemaking Grant.
- The MRCCAC and MRC convened in November and December to review and approve a large grant request for the redevelopment of 10909, 10921, and 10933 SE Main St.
- The initial budget (\$600,000) for the programs was expended by spring 2025. Staff requested additional funding in August to continue the momentum and success of the programs. The grant fund was replenished with \$1 million for fiscal year 25-26.
- Since launching in August 2024, the program has served 23 applicants with approximately \$726,000 in grant funds

CET Economic Development Programs:

- Grant program information can be found here: https://www.milwaukieoregon.gov/departments/economic_development/business_improvement_grants/index.php
- The City launched the CET funded grant programs in October 2025, allowing city wide applicants to benefit from the grant programs.
- The initial budget is \$600,000 for CET grants.
- Since launching in October 2025, the program has served two applicants with approximately \$21,000 in grant funds.

HOUSING

Affordable Housing

Sparrow Site:

- On January 7, 2025, the council adopted the following development goals:
 - Affordable Homeownership models that serve households earning up to 80% Area Median Income (AMI)
 - Unit Mix. Preference for family-size units.
 - Equity in contracting and workforce development.
 - Preservation of tree canopy.
 - Sustainable design.
 - Affirmative outreach.
 - Minimize need for city financing.
 - Project delivery that is as soon as practicable.
- On August 15th, staff released a competitive Request for Proposals (RFP) for the Sparrow Site. Proposals were due on October 22, 2025, giving respondents just over nine (9) weeks to compile proposals. The evaluation period lasts until end of November, with council authorization to award the project taking place at the December 16th meeting.
- On November 21st, staff posted the Notice of Intent to Award to DevNW was publicly posted to all RFP respondents on the city’s procurement portal. The December 16th consent agenda will include a request to council for authorization to award and negotiate a development agreement with DevNW.

Coho Point:

- The Developer presented an update to the city council during its February 21, 2023, work session and requested a 12-month extension of the Disposition and Development Agreement (DDA) due diligence period because of extenuating circumstances involving supply chain and subcontractor timing issues related to the COVID-19 pandemic. The due diligence period was officially extended to March 31, 2024.
- Staff were notified on May 10, 2023, that Black Rock had submitted the CLOMR to FEMA. The review process typically takes several months, and FEMA has requested additional information from the applicant in September 2023, January 2024, and March 2024. The applicant has 90 days to address FEMA's comments and resubmit. In order to allow for the completion of the CLOMR/FEMA process, the City agreed to a fifth due diligence extension of December 31, 2024.
- Given that FEMA has expanded the scope of the CLOMR, Black Rock and the city agreed to an additional extension through June 2025.
- Black Rock received CLOMR approval from FEMA in March. Since that time, the developer has been working through next steps on their financing, due diligence items, and their timeline to construction. Staff have also been coordinating efforts between Coho Point and Kellogg Dam as the two projects could potentially end up with similar construction timelines, depending on how long it takes to confirm financing on both.
- The developer, Farid Bolouri, has received an additional extension to the due diligence period through January 31, 2026, and is scheduled to provide a status update to Council on October 7th, 2025.
- Farid Bolouri provided an update to council on October 7th stating that another 12- to 18-month extension will be needed, due to difficulties financing the project. Approving such an extension would mean the due diligence period continues until sometime between January and June of 2027.

Construction Excise Tax (CET) Program:

- The CET Program was established by the city council in 2017 and codified within chapter 3.60 (Affordable Housing Construction Excise Tax) of the municipal code. The CET levy's a one percent tax on any development over \$100,000 in construction value. In example, a property owner who is building an addition that has an assessed construction value of \$100,000 would have to pay \$1,000 in CET to the city. As development continues throughout the city, the CET fund increases in proportionality.
- The city released its inaugural competitive bid process for CET funds through a formal Request for Proposals (RFP). This resulted in Hillside Park Phase I being awarded \$1.7M (requested \$2M) and the Milwaukie Courtyard Housing Project (Now called Milwaukie Shortstack) with \$300K (requested \$600K).
- On March 7, 2023, the city council authorized the city manager to execute the necessary grant agreements in the amounts listed above. The grants agreements for both projects have been signed and executed, and initial funding disbursements have occurred. Staff will now work with the applicants to ensure that their projects meet the conditions for funding.

- In recent conversations with staff (February 18, 2025), the Council has directed staff to support the development of the Sparrow site with affordable housing related CET Funds.
- A portion of the Economic CET related funds will be programmed for a city-wide business grant program (outside the URA). The CET grant materials are live on the city website. Staff will begin accepting applications October 1, 2025.

Housing Production Strategy Implementation:

- Affordable Housing Code Incentive Package: ZA-2025-003: A Type V code amendment package proposing a new code section with targeted code incentives for affordable (income-restricted) housing. Council voted to adopt the code package on September 2 and the code amendments were effective immediately per Ordinance 2256.
- Staff submitted a grant application to DLCD on August 1 to implement the HPS strategy to “increase capacity in the Residential High Density (R-HD) zone.” Milwaukie seeks to revitalize its underdeveloped R-HD zone by conducting a pro forma analysis to determine feasible densities, adjusting zoning if needed, identifying tools to support redevelopment of underutilized parcels, and exploring rezoning additional land to R-HD to meet housing needs and encourage higher-density residential development. DLCD notified the city that the grant had been awarded on October 2, and the city was matched with a consultant on November 5. The initial scoping meeting with the consultant was on December 3. In November, staff and Council had an initial discussion about Land Banking that will be continued at the January 6 Work Session.

Moderate Income Revolving Loan Fund (MIRL)

- At the November 18th Regular Session, staff and Council discussed the MIRL program and Council decided to hold off until after the new rule making is issued sometime, next year. Council agreed to revisit sometime in March or April.
- Staff continues to monitor the rule making information coming from OHCS as well as conferring about the program with other jurisdictions such as Bend, Portland, Wilsonville, and HACC.

PLANNING

Comprehensive Plan Implementation

- Neighborhood Hubs: After a robust community engagement process the City adopted code and zoning amendments in August 2024, to expand opportunities for small businesses outside primary commercial areas, responding to community interest in having more businesses close to home. Since then, Council and staff have discussed next steps for the Hubs initiative. Staff has updated the [Temporary Use Permit application](#) to create more opportunities for micro-scale commercial activities in neighborhoods. Since 2024, five applicants used the program for temporary uses in neighborhoods such as the Bear Naked Bagel Company at 8684 SE 41st Ave and Resilient Seed Farmstand at 10244 SE 43rd Ave. Staff plan to promote the program again in the spring, when outdoor activities are more feasible. As noted in the Housing Production Strategy update, the City received a grant to study redevelopment barriers and opportunities in Residential High-Density (R-HD) zones, most of which are near small-scale commercial areas. Increased development in the R-HD zone could create additional opportunities for new businesses.

Transportation System Plan (TSP)

- The TSP kicked off in October 2023. The Technical and Advisory Committees met 11 times over the course of two years and have concluded their meetings. Staff are developing the draft TSP document with the consultant. The draft is a compilation of all the work that has occurred over past two years. The draft will be posted on Engage Milwaukie for the first two weeks in January. Hearings are tentatively slated to begin with the Planning Commission on January 27 and with City Council on March 17 or earlier.

Planning Commission

- ZA-2025-004: A Type V code amendment package of “housekeeping” amendments proposing clarifications and corrections in both the land division and zoning codes. At the December 9 public hearing, the Planning Commission unanimously voted to recommend approval of the code amendment package. The City Council hearing is scheduled for January 20.
- CPA-2025-001: A Type V application to adopt the new Transportation System Plan. The initial public hearing with the Milwaukie Planning Commission is tentatively scheduled for January 27, 2026.

Land Use/Development Review¹

- VR-2025-013: A Type II variance application has been submitted to reduce the side yard setback for a deck at 4515 SE White Lake Rd. The application is in completeness review.
- VR-2025-014: A Type II variance application has been submitted to allow an 8-ft fence along a portion of the perimeter of the property at 5860 SE King Rd. The application is in completeness review and will likely be deemed complete and referred for review and public comment during the week of December 8-12.

P-2025-001: A Type II parking quantity modification was submitted on November 19, 2025, for a proposed 21-unit cottage cluster development located on the flag lot west of 11909 SE Stanley Ave. The application is to increase the maximum allowed off-street parking from 1 space per unit (21 spaces) to 1.38 per unit (29 spaces). Public notice of the application was mailed on

¹ Only land use applications requiring public notice are listed.

November 26; the deadline for comments is December 10. Senate Bill 1537: [SB 1537](#) is a Housing Production Bill passed in 2024 as part of the state's ongoing efforts to address Oregon's housing crisis. The legislation introduces measures aimed at increasing housing production and affordability. It requires local governments to grant adjustments (variances) to specific development and design standards applied to the development of housing if the application meets certain conditions. On April 9, 2025, the City requested an exemption from SB 1537 from the Housing Accountability and Production office (HAPO). The request was approved with conditions on August 7, 2025. The City will continue applying its local processes to review adjustment requests in lieu of the mandatory adjustment provision of SB 1537, except in the few places that the City's existing adjustment (variance) regulations are superseded by the Mandatory Adjustments provisions, particularly in the DMU zone. Staff is required to notify prospective applicants of residential development of the HAPO decision. A webpage has been created to provide this information: https://www.milwaukieoregon.gov/departments/planning/oregon_senate_bill_1537.php

DEVELOPMENT SERVICES

PRIVATE DEVELOPMENT

Hillside Park

Construction of Phase 1 for this project is underway, and includes 3 new buildings, and their associated public improvements. Building C has been completed and Buildings A and B are nearing completion. Public improvements for this development include utilities, new roadway alignment, new sidewalk, ADA ramps, and new asphalt paving. Permits have been submitted for Phase 2, which includes 4 new buildings, new roadway alignment, and open space areas.

1847 Scott St Food Park

This new food park will provide up to 17 spaces for food carts, a new tap room and a covered canopy shelter, parking area, and frontage improvements. Frontage improvements include new sidewalks, and a new ramp at Main and Scott. The tap room and covered seating area are nearing completion.

Middle Housing Development – under construction

Monroe Cottages – adjacent to 5606 SE Monroe St

This is a cottage cluster development of five clusters totaling 44 cottages, an access drive, 44 parking spaces, and required common areas and bike parking. The middle housing land division creating separate lots for each cottage has been approved and the final plat has been submitted to the county for recording. Site work is expected to begin shortly, followed by submittal of the building permits for the cottages.

11625 SE 27th Ave

This is a detached duplex development with 4 parking spaces (double-car garage and two driveways). The property had a single detached dwelling, and a second unit was added. The property was also divided through a middle housing land division.

10905-10911 SE Home Ave

This is an attached quadplex development (townhouse style) with eight parking spaces (garages and driveways).

10980-10998 SE Stanley Ave

This is a detached quadplex development with eight parking spaces (garages and driveways).

12201-12207 SE River Rd

This is an attached duplex development with four parking spaces (garages and driveways).

10614 SE Home Ave

This is an attached quadplex development with 2 parking spaces.

5041 SE King Rd

This is an attached triplex development with six parking spaces (garages and driveways).

BUILDING PERMITS

Permit data for	November	FY to Date:
New single-family houses:	0	6
New ADU's	4	8
New Solar	3	13
Res. additions/alterations	5	45
Commercial New	0	2
Commercial Alterations	3	28
Demo's	4	7
Cottage Clusters	0	0
Townhouses	0	9

Total Number of Permits issued: 671
(includes fire, electrical, mechanical, plumbing, and other structural)

Total Number of Inspections: 2727

Total Number of active permits: 1020

ENGINEERING

Capital Improvement Projects (CIP):

CIP 2018-A13 Washington Street Area Improvements

Summary: This project combines elements of the SAFE, SSMP, Water, Stormwater, and Wastewater programs. SAFE improvements include upgrading and adding ADA compliant facilities along 27th Ave, Washington St, and Edison St. Street Surface Maintenance Program improvements are planned for Washington Street, 27th Avenue, and Edison Street. The Spring Creek culvert under Washington Street at 27th Avenue will be removed, and a new structure added. The water system along Washington Street will be upsized from a 6" mainline to an 8" mainline. The stormwater system along Washington Street will be upsized from 18" to 24" storm lines. The project is being designed by AKS Engineering and Forestry.

Update: Punch list items have been finalized. AKS is finalizing the as-built drawings, GIS files, and other final deliverables.

CIP 2016-Y11 Meek Street Storm Improvements

Summary: Project was identified in the 2014 Stormwater Master Plan to reduce flooding within this water basin. The project was split into a South Phase and a North Phase due to complications in working with UPRR.

Update: Working on closing out the project.

CIP 2022-W56 Harvey Street Improvements

Summary: The project includes water improvements and stormwater improvements on Harvey Street from 32nd Avenue to the east end, on 42nd Avenue from Harvey Street to Johnson Creek Boulevard, 33rd Avenue north of Harvey Street, 36th Avenue north of Harvey Street, Sherry Street west of 36th Avenue, 41st Street north of Wake Court, and Wake Court. Sanitary sewer work will be done on 40th Avenue between Harvey Street to Drake Street. The project also includes the installation of an ADA compliant sidewalk on Harvey Street from 32nd Avenue to 42nd Avenue and 42nd Avenue from Harvey Street to Howe Street. Roadway paving will be done throughout the project area.

Update: Tapani has received the notice to proceed from the City of Milwaukie. Tapani will start mobilization of equipment in November.

CIP 2021-W61 Ardenwald North Improvements

Summary: Project includes street repair on Van Water Street, Roswell Street, Sherrett Street, 28th Avenue, 28th Place, 29th Avenue, 30th Avenue, and 31st Avenue with a shared street design for bicycles, pedestrians, and vehicles. The sidewalk will be replaced on the north side of Roswell Street between 31st and 32nd Avenue. Stormwater catch basins in the project boundary will be upgraded, the water system will be upsized on 29th Avenue, 30th Avenue, 31st Avenue, and Roswell Street, and there will be wastewater improvements on 28th Avenue, 29th Avenue, and 31st Avenue to address multiple bellies and root intrusion to reduce debris buildup.

Update: The final punch list has been developed. Contractor is finalizing punchlist items.

CIP 2022-A15 King Road Improvements

Summary: King Road (43rd Avenue to city limits near Linwood Avenue) SAFE/SSMP Improvements will replace existing sidewalk and bike lane with a multi-use path, improve stormwater system, replace water pipe, and reconstruct roadway surface.

Update: On 11/19 the City, JLA, and Landis & Landis host the open house at Lewelling Elementary School. Approximately 50 people joined the conversation, shared their thoughts, asked questions and provided feedback to collaborate with construction stage.

Construction started the first week of December 2025, with the removal of the concrete median and the flashing lights in front of Wichita Center. Construction will start with water network updates on the north side of King Road, between Linwood and Stanley Avenues.

Biweekly updates are going to be posted on the City's project website and an email will be sent as well to the email list obtained from the Permit of Entry collections and the current business owner licensees list in the project area.

CIP 2024-N04 Downtown Streetscape Improvements

Summary: SE Main Street from Washington Street to the north end of City Hall: URA project to update and bring up to Downtown standards sidewalks, ramps and parking spaces. The design will be in-house led by the engineering department.

Update: After multiple round of meetings with all departments including Finance, Public Works, and Engineering the charter is under update that will result in a new cost estimate due to all the items added to the scope of work.

A new version of the charter and cost estimate will be sent to all departments again for final review, approval, and signatures. It is expected that procurement process will start early in 2026.

CIP 2025-T61 2025 Grind & Pavement

Summary: Annual street project that identifies city roads that need to be repaved and marked. The identification process was coordinated by the Engineering department and the Street Division.

Update: An infiltration test report was shared by the consultant and reviewed internally. The next step is to design a drywell and two catch basins to manage the stormwater pooling in front of 9905 SE 51st Avenue.

The engineering department and GRI will prepare a design to evaluate the feasibility of constructing it in-house or hire a contractor.

CIP 2025-S17 Slurry Seal 2025

Summary: Annual street project that identifies city roads that may benefit from a topical slurry seal treatment, so as to maintain an acceptable pavement condition index value. The identification process was coordinated by the Engineering department.

Update: The Slurry Seal Project is complete.

CIP 2025- First Fish Herons

Summary: As part of the IGA with the Confederated Tribes of Grand Ronde and the third phase of the Milwaukie Bay Park design the Engineering department is working with the Cultural Resources Department of the Tribes to complete the design and construct three art plinths for seasonal art exhibitions.

Update: A second round of design is in process by HP Civil after the meetings with Arts Department. Scope changes were identified during the first round of design, following the Arts Departs and initial design preferences.

A follow up meeting with the Arts Department will take place on Mid December to narrow down the design and start construction early 2026.

CIP 2024-XXXX Stanley Avenue Improvement Project

Summary: This project is a collaboration between the Clackamas County Development Agency and the City. The work will comply with the IGA signed in 2024. The limits of the project will be from King Road to Johnson Creek boulevard. The County will lead the design stage while the city will lead the construction stage.

Update: The county completed the bidding process for the selection of the consultant during June and July 2025. The selected consultant is DOWL. The City and County are drafting the scope and fee for the design that will start in Fall 2025.

Line 33 – Better Bus Project (TriMet)

Summary: As part of the Better Bus Project TriMet and Clackamas County are working together to bring Transit Signal Priority (TSP) to the Line 33 bus. This will improve reliability and reduce the delays the route currently experiences.

As part of this project, TriMet is consolidating bus stops and retrofitting the infrastructure of the route. A consolidation of bus stops will take place on SE Harrison Street between 26th Avenue and OR 224. Two eastbound and two westbound stops will be consolidated into a one bus stop at 2816 SE Harrison Street by the Bridge City Community Church

The Engineering and Planning Departments are working closely with TriMet and Clackamas County evaluating the design and helping coordinating permits and utility relocation. It is expected that construction takes place in Fall 2025.

Update: TriMet sent the 30% design plans for City’s review. Engineering staff reviewed the plans and sent comments back to TriMet. It is expected that plan reviews will be provided at 60%, and 90% before construction.

CIP 2023-X41 Waverly Heights Sewer Reconfiguration

Summary: Waverly Heights Wastewater project was identified in the 2010 Wastewater System Master Plan. The project may replace approximately 2,500 feet of existing clay and concrete pipes.

Update: The design team is complete with drawings and specifications and preparing to go out to bid. Once easements are in place then we will bid the project.

Monroe Street Greenway

Summary: The Monroe Street Greenway will create a nearly four-mile, continuous, low-stress bikeway from downtown Milwaukie to the I-205 multi-use path. Once complete, it will serve as the spine of Milwaukie's active transportation network connecting users to the Max Orange Line, Max Green Line, Trolley Trail, 17th Avenue Bike Path, I-205 path, neighborhoods, schools, and parks. Funding grants through ODOT and Metro will allow the city to complete our 2.2-mile section of the Monroe Greenway from the Trolley Trail to Linwood Ave. The Clackamas County portion of the Greenway, from Linwood Avenue to Fuller Road, has moved to the construction phase.

Community Engagement:

Open-Houses were hosted on February 29, 2024, for the Greenway, ODOT's Highway-224 project, the City's TSP, and Kellogg Creek Restoration and Community Enhancement Project, and on September 12, 2024, for the East segment of the Greenway. The City received mixed feedback for moving forward with the project. Feedback from February and September 2024 open houses has been incorporated into the design and city staff prepared an engagement plan to share with the public in October 2024. City staff presented the status of the East Segment of the Monroe Greenway (Washington-Monroe Greenway) to the City Council on December 3, 2024. Members of the public attended the presentation and participated in the public comments portion of the city council meeting.

Staff sent a mailer to residents with frontage along the East Segment in March 2025 to provide early warning for potential impacts to fences, mailboxes, and landscaping in the right-of-way. A second mailer will follow closer to construction with additional information for residents.

Staff hosted a drop-in Open House October 22, 2025, from 5-6:30 pm in the Community Safety Building for the Central Segment of the greenway. Roughly 20 people attended. Feedback largely included additional safety measures such as raised crosswalks and additional speed bumps.

Segment Update:

East Segment (37th to Linwood): Staff have come to an agreement with ODOT and contracted CONSOR for the design. CONSOR has submitted the Design Approval Package to ODOT (approximately 60% design). The Plans, Specifications, and Estimate (PS&E) submittal was provided to ODOT in August 2025 and is under review by ODOT and City staff. Final project design is expected in April 2026, and the project is expected to go to bid in Summer 2026 with construction starting in Fall 2026.

City staff applied for approximately \$1.7 million of additional funding through the Regional Flexible Funds Allocation (RFFA) grant program to mitigate scope reductions due to inflation. Approximately \$1.5 million was awarded. Updates to the Statewide Transportation Improvement Plan (STIP) and Metropolitan Transportation Improvement Plan (MTIP) were adopted in July 2025. Priorities for the additional funding include paving, a flashing beacon at the 37th Avenue/Washington Street Crossing, and sidewalks on Monroe west of Garrett to complete the Monroe sidewalks from the greenway/bikeway to 37th Avenue.

Monroe Street & 37th Avenue (34th to 37th): This segment is complete. It was constructed as part of the private development of the 7 Acres Apartments.

Central Segment (21st to 34th): The city and ODOT have signed an IGA that will transfer \$1.55 M in STIP funding to the city to construct this segment of the Monroe Street Greenway. City staff have contracted with 3J Consulting to negotiate work at the Oak Street and 37th Avenue railroad

crossings and agreements for Union Pacific Railroad plan review are in place. Resolution 30-2025 was adopted at the June 17, 2025, City Council Meeting, approving a contract with Burgess & Niple, Inc for up to \$472,865 for the design of the central segment of the greenway. Design is underway, with a 30% design anticipated in December 2025, and construction beginning Summer 2026.

Monroe Street & Highway-224 Intersection: This portion of the project was combined with a larger ODOT project to mill and overlay Highway-224 from 17th Avenue to Rusk Road in Fiscal Year 2026. The City received early concerns regarding the development of Highway-224 and Monroe Greenway pushing traffic from Monroe Street onto Penzance Street. The water main in Monroe Street underlying Highway 224 was replaced by pipe bursting in December 2024. Construction of the diverter at Highway-224 was completed in Summer 2025 and signal updates are underway. Staff have received complaints about removing left turns on Monroe and communicated those complaints to ODOT who modified nearby signal timing to compensate for new traffic patterns at Monroe Street.

Downtown Monroe Greenway (Trolley Trail to 21st Avenue): The city is investigating funding to enhance the Monroe Greenway through downtown Milwaukie.

Stanley Reservoir Improvements

Summary: The Stanley Reservoir is a 3.0 million gallon at-grade welded steel tank constructed in 1970 and is supplied directly from Well #6 on the same site. The coating system on the exterior had failed and large pieces of exterior coating were peeling. The project consisted of abrasive blasting the exterior to a near white blast (SP-10) and then coating with a three-coat zinc, epoxy, stripe coat with urethane finish. Due to lead paint on the exterior, the project required a full containment tent using shrink wrap plastic with scaffolding access around and over the top. The interior of the tank was blasted, tested, repaired, and coated with a three-coat epoxy system as well. The project included the installation of a seismic valve, seismic upgrades to roof rafter systems, a new mixing system for improved water quality, and fabricating and installing a dual-action pump head at well 6 so the pump can either pump into the reservoir or directly into pressure zone 2 if the reservoir needed to be taken offline in the future. Updates were also made to the SCADA remote monitoring system and to the chlorine disinfection system at the site.

Update: The project was awarded to T. Bailey and work began in October 2024. Water Systems Consulting, Inc., was contracted to manage the project. The reservoir was brought back online in May 2025 and has remained in service since that time. The project was substantially complete as of October 31, 2025. Remaining punchlist items include painting of exterior grout, to be completed in the spring when the weather is more favorable, and reseeding the grass if the applied grass seed doesn't take.

Railroad Avenue Multiuse Path

Summary: The TSP identifies a separated multiuse path on the north side of Railroad Avenue between 37th Avenue and Linwood Avenue as part of the bicycle network.

Update: Staff successfully applied to the 2028-2030 Metro Regional Flexible Funding Allocation (RFFA) grant program for \$2,707,217 for design of the multiuse path. Staff will work with Metro as necessary leading up to project kick-off in 2028. Local match requirement for the grant is \$309,853.

Linwood/Harmony/Railroad Intersection

Summary: The TSP identifies safety improvements to the Linwood/Harmony/Railroad intersection. The project is located at the City boundary and will require coordination with Clackamas County and ODOT Rail to execute. Staff have coordinated with Clackamas County and are programmed to receive \$750,000 from Clackamas County in FY2027 to update a previously completed study.

Wastewater Pump Station Evaluation and Upgrades

Summary: The City maintains a wastewater collection system which includes 5 pump stations, Island Pump Station, Harrison Pump Station, Home and Monroe Pump Station, Brookside Pump Station, and 55th Avenue Pump Station. The 2022 Wastewater Master Plan identified potential deficiencies in the city's wastewater collection system and pump stations and suggested upgrades to the pump station's instrumentation and communication, electrical systems, mechanical pumping and/or seismic resiliency. The Brookside Pump Station equipment is near its end-of-life and emergency repairs at the Brookside Pump Station are causing operational burdens to city staff. The city will contract with an engineering firm to assess the 5 existing pump stations, determine repair/rebuild costs, retrofit the Brookside Pump Station to meet current city public works standards, rebuild the Island Pump Station, and perform other facility maintenance as identified. The consultant may be asked to assist with a new sewer pump station as part of the Kellogg Creek dam removal project.

Water Program

Summary: The City has identified water projects in the Capital Improvement Plan 2025-2030, including but not limited to, PFAS treatment evaluation and design, rehabilitation or reinstallation of Well 8, pump station evaluation and upgrades, pressure zone analysis, evaluating and negotiating an intertie with Oak Lodge Water Services, siting and design of additional water storage capacity for the City, seismic and climate resiliency of the water distribution system, and identifying funding sources for the programmed water work. In March 2024 the City contracted Water Systems Consulting, Inc. (WSC) and RH2 Engineering, Inc. (RH2) for \$3,000,000 each to support the City with funding and completion of the water projects identified in the Capital Improvement Plan 2025-2030. The City met with WSC and RH2 through 2024 and 2025 to develop a program charter, review and prioritize projects, and identify funding sources.

Water Treatment Upgrades:

Water testing indicates that PFAS treatment will be required at both the upper and lower treatment plants. The lower treatment plant does not have sufficient area to add PFAS treatment, therefore the upper and lower treatment plants will be combined at the upper treatment plant. Combining the water treatment plants carries efficiencies in safety upgrades as well as long-term operations. Raw water will be diverted from the lower treatment plant to the upper treatment plant, which will be upgraded and sized to treat all water for PFAS and VOCs. PFAS treatment column testing will begin in January 2026.

Funding:

In February 2025 council adopted resolution 13-2025 accepting \$125,000 of federal funds through the State of Oregon to complete a PFAS feasibility study.

In February 2025 the City submitted a letter of interest to BizOregon, identifying \$27,000,000 of improvements to the city's drinking water infrastructure that would be eligible for funding through the Safe Drinking Water Revolving Loan Fund (SDWRLF). Council adopted resolution 44-2025 to apply for \$6,000,000 of funding through the SDWRLF to fund construction of a raw water pipeline

to direct water from the lower treatment plant to the upper treatment plant, equipment purchase, and site preparation for the water treatment upgrades at the upper treatment plant.

The city is reviewing eligibility for the funding for the design and construction of PFAS treatment through the Safe Drinking Water Revolving Loan Fund Emerging Contaminants (SDWRLF-EC) loan administered by Oregon Department of Environmental Quality.

Kellogg Creek Restoration and Community Enhancement Project

Summary: Project to remove the Kellogg Creek dam, replace the McLoughlin Blvd. bridge, improve fish passage, and restore the wetland and riparian area. City of Milwaukie staff are part of the project Leadership Team, Core Technical Team, Design Coordination Team, and the Technical Advisory Committee. The Leadership Team and Core Technical Team both meet monthly. The Design Coordination Team meets bi-weekly. In addition to city staff, these groups include staff from North Clackamas Watershed Council (NCWC), Oregon Department of Transportation (ODOT), and American Rivers. The Technical Advisory Committee (TAC) for the Kellogg Creek Restoration & Community Enhancement Project involves all collaborative partners that include the Confederated Tribes of the Warm Springs Indian Reservation of Oregon, the Confederated Tribes of Grand Ronde, Clackamas Water Environment Services, Metro, North Clackamas Parks and Recreation District, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Division of State Lands, the Native Fish Society, and the Natural Resources Office of Governor.

Update: The 30% project design package was submitted to all project partners for review on June 18, 2025. The city as well as all other project partners have provided review comments to the design team, which will be prioritized and discussed at a design workshop on 07/03/25. The project team has also submitted appropriations requests to each of Oregon's legislators, each of which were supported for the next steps in the appropriations review process. There is an upcoming TAC meeting in November.

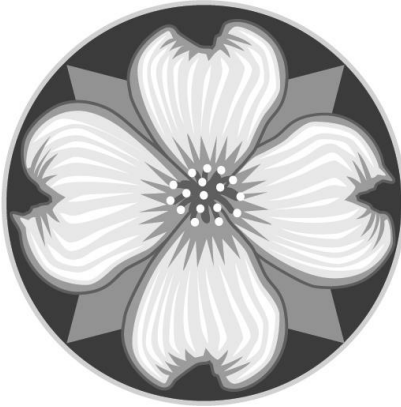
Right-Of-Way (ROW) Permits (includes tree, use, construction, encroachment)

Downtown Trees and Sidewalks

Update: Staff have a contract with AKS; working on what type of design works best now and in the future with both the trees and sidewalks & curbs.

Document Administration

Plans Summary: WSC is preparing the Stormwater System Plan.



RS Agenda Item

2

Announcements

Native Lands Acknowledgment

The City of Milwaukie respectfully acknowledges that our community is located on the ancestral homeland of the Clackamas people. In 1855, the surviving members of the Clackamas signed the Willamette Valley Treaty also known as the Kalapuya etc. Treaty with the federal government in good faith. We offer our respect and gratitude to the indigenous people of this land.

SATURDAY, DEC 20 · 9:30 AM – 12 PM

SE 19th Ave. and SE Sparrow St.

Elk Rock Island Volunteer Restoration – Help to remove invasive plants while picking up litter at this beloved natural area!

SATURDAY, DEC 20 · 4:30 PM – 7:30 PM

Milwaukie Bay Park, 11211 SE McLoughlin Blvd.

Winter Solstice & Christmas Ships – Join the annual celebration to view the ships, warm by a fire, and purchase some tasty treats!

SUNDAY, DEC. 21 · 6 PM – 7 PM

Liberty Plaza, 815 Main St., Oregon City

Homeless Persons' Memorial Candlelight Vigil – Renew our community's commitment to ending homelessness.

More information at milwaukieoregon.gov or call 503.786.7555



WEDNESDAY, DEC. 31 · 6 PM – 9 PM*SE Harrison St. & SE Main St., Downtown Milwaukie*

Bing in the New Year – Free, outdoor, family-friendly New Year's Eve event that culminates with a 9 p.m. drop of a 7-foot, lighted Bing Cherry!

**FRIDAY, JAN. 2 · DEADLINE***engage.milwaukieoregon.gov*

Millie's Pet Pal Challenge – Nominate your pet today and vote for your favorites!

**WEDNESDAY, FEB. 11 · DEADLINE***engage.milwaukieoregon.gov*

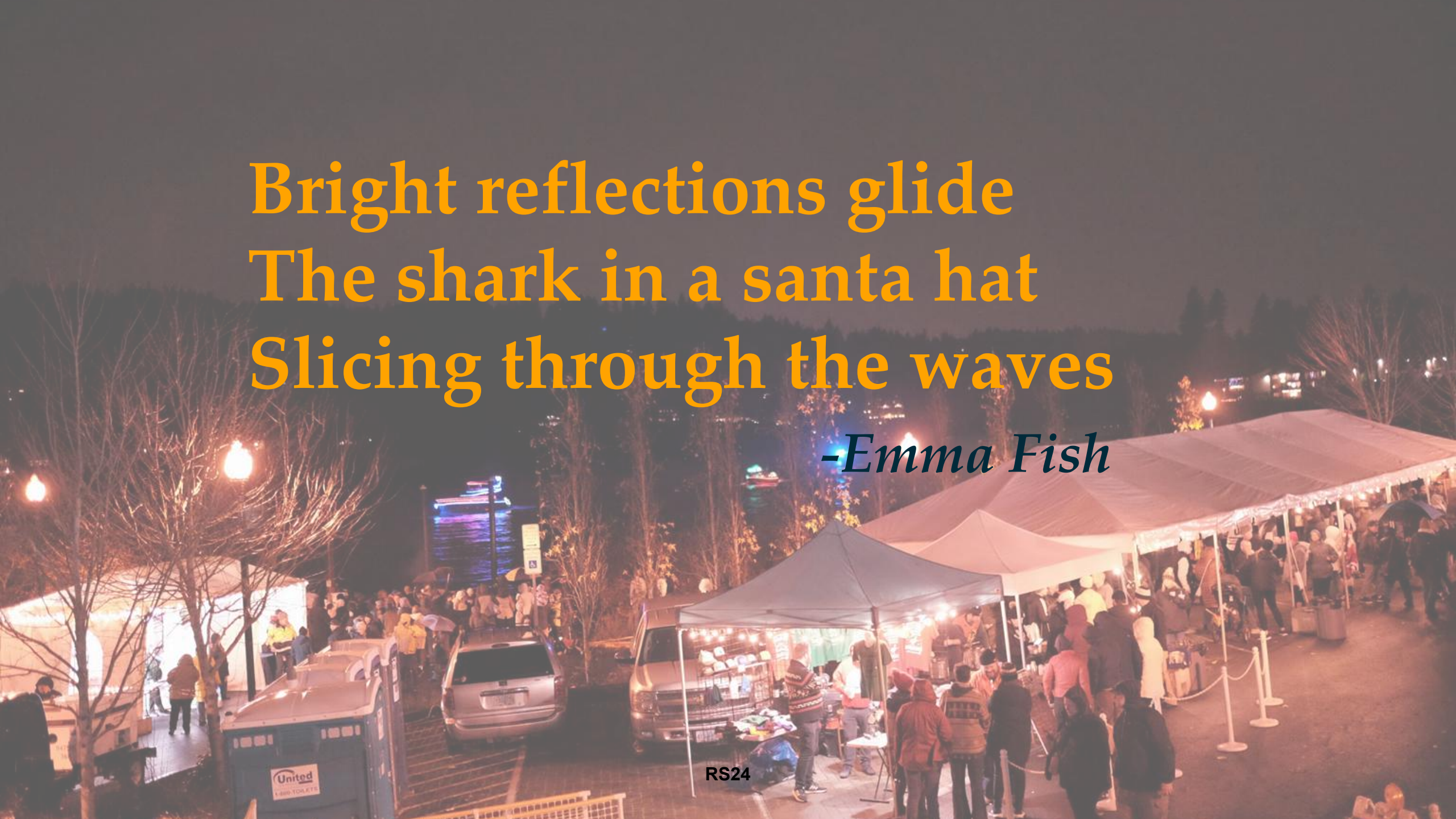
2025 Volunteer of the Year – Nominate someone who has gone above and beyond in 2025!

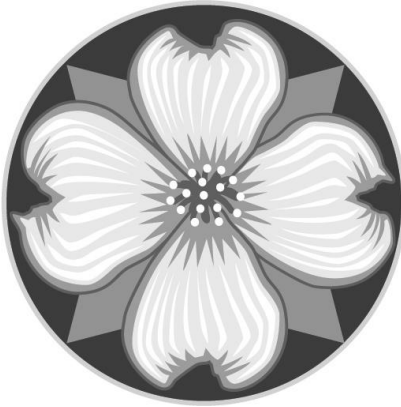


More information at milwaukieoregon.gov or call 503.786.7555

Bright reflections glide
The shark in a santa hat
Slicing through the waves

-Emma Fish





RS Agenda Item

3

**Proclamations
& Awards**

Isaias Flores

- 3.9 GPA
- On track to graduate with Honors Diploma

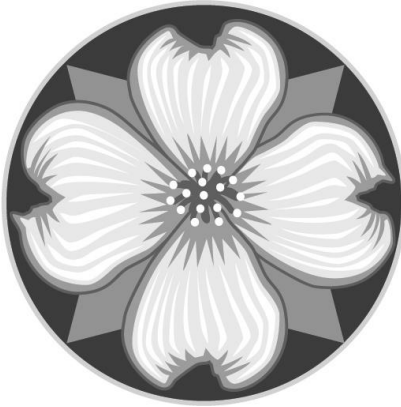


Leadership and Involvement

- Student Government - ASB President
- Member of Milwaukie A-Choir and Pony Pipers
- Milwaukie Track and Field
- Community 101
- Milwaukie Principal's Council

Advanced Courses

- AP Literature and Composition
- AP Language and Composition
- AP Biology
- AP Government
- AP U.S. History
- AP World History



RS Agenda Item

5

Community Comments

AFFORDABLE HOUSING OVERVIEW

City of Milwaukie



Background

The City of Milwaukie has long identified housing affordability as a top priority as many households struggle to afford their rent or mortgage. The city declared a housing crisis in 2020, as well as deployed the Milwaukie Housing Affordability Strategy (MHAS), which offered a five-year action plan (2018-2023) focused on supporting the development of new units, preventing displacement, retaining affordable housing stock, and connecting people to resources.

In 2023, the city adopted a Housing Capacity Analysis and Housing Production Strategy (HPS) to build on the MHAS framework. And in 2025, City Council adopted Affordability as one of its three-year Council goals. Under this goal, the city continues to drive forward its HPS, adopting incentives and tools that further unlock the ability to create more affordable home options in city limits.

By the Numbers

243

Affordable housing units
built/rehabbed in
Milwaukie since 2019

228 units for households earning less than 60% area median income (AMI)

15 units for households earning 60 – 120% AMI

228 rental units

15 home ownership units

175

Affordable housing units in
the development pipeline
as of December 2025

40 units for households earning less than 60% AMI

135 units for households earning 60 – 120% AMI

175 rental units

TOOLS IN THE TOOLBOX

Construction Excise Tax (CET) Fund

The CET program was established in 2017 as a one percent tax on development of \$100,000 or more in assessed construction value. It helps fund affordable housing projects as well as economic development activities.

As of 2025, the city has awarded \$2M in funding to develop affordable housing projects using CET—Shortstack Milwaukie and Hillside Park Phase 1. Combined, these projects add 290 units of affordable housing stock.

The city is also using CET funds to help develop the Sparrow site into 16-22 affordable home ownership units. Construction is expected to start on Sparrow in 2027.

SHORTSTACK MILWAUKIE (built 2025)



15 homeownership units
(\$250K each)

HILLSIDE PARK PHASE 1 (under construction 2025-26)



275 affordable rental units
(30-80% AMI)

SPARROW SITE (planned for 2031)



16-22 homeownership units
(70-80% AMI)

Non-Profit Low-Income Housing Tax Exemption

The city, in partnership with the North Clackamas School District, adopted the Non-Profit Low-Income Housing Tax Exemption. Qualifying properties must be owned by a non-profit organization and provide housing for people earning 60-80% AMI. NW Housing Alternatives took advantage of this program in 2022 for WALSH Commons near downtown and is planning to build another 20+ unit project in East Milwaukie next year.

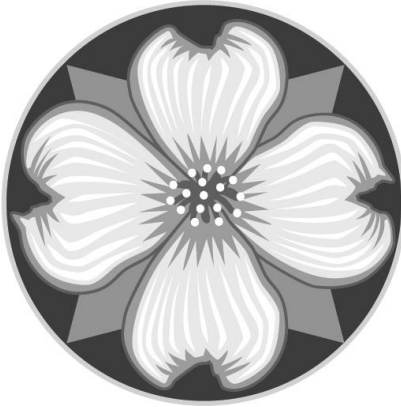
WALSH COMMONS (built 2019)



28 affordable rental units

Other Tools on Offer

- **Grant assistance:** The city can apply as a sponsoring jurisdiction for state and federal grants to enable developers to tap resources for affordable housing development.
- **Pre-development assistance:** For projects located within the city's Urban Renewal Area, the city offers grants for up to \$50,000 that can go toward items like environmental assessments, conceptual design, feasibility studies, and other similar reports.
- **System Development Charge (SDC) waivers:** In some cases where a developer is proposing deeply affordable units, the city may consider the possibility of waiving certain SDCs. This is highly dependent on the city's financial resources and budget strength.
- **Affordable Housing Code Incentives:** The Milwaukie Municipal Code was updated in 2025 to provide incentives to develop income-restricted housing. The code can be read at: <https://ecode360.com/47633759>



RS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

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

MINUTES

OCTOBER 21, 2025

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

Staff Present: Joseph Briglio, Assistant City Manager
Justin Gericke, City Attorney
Vera Kolias, Planning Manager

Emma Sagor, City Manager
Scott Stauffer, City Recorder
Laura Weigel, Community Development Director

Mayor Batey called the meeting to order at 4:06 p.m.

1. Middle Housing Town Hall Review – Discussion

Sagor reviewed the July 28 Middle Housing Town Hall, summarizing key themes, community feedback, and areas where Council may wish to provide direction

Councilor Khosroabadi arrived at the meeting at 4:10 p.m.

The group discussed potential code changes related to building separation for detached units, noting community concerns but acknowledging the state's recommendation to avoid amendments until Oregon House Bill (HB) 2138 rulemaking concluded in 2027.

The group discussed the balance between lot coverage, separation, and usable common space in middle housing, the limitations imposed by state law and ongoing rulemaking, incentivizing green space, and whether the tree code could be used to increase green space. Council and staff agreed to revisit potential code updates once state rulemaking concludes in January 2027, while continuing to explore what incentives, data gathering, and development feedback could inform future options.

The group discussed design standards and how incentives intersect. Members of Council expressed interest in exploring incentives that could encourage desired features such as shared amenities, co-housing or single room occupancy (SRO) style models, or expanded green space, and acknowledged the challenges of calculating system development charge (SDC) impacts and the limited influence available under by-right permitting. **Sagor** noted that staff would bring back additional incentive analysis and that there was no Council majority direction to revisit design standards.

Kolias reviewed examples of the orientation of attached- and detached-plexes. Kolias noted that configurations where the front of the building does not face the street require multiple variances under current code and highlighted that accommodating this layout in future projects would require targeted code adjustments. The group discussed where these configurations might be feasible, the tradeoffs between reduced curb cuts and the loss of traditional street-facing frontage, how similar layouts appear in existing developments, and allowing private drives or walkways to function as shared spaces including potential green space.

Sagor reviewed ongoing work to improve communication and code coordination for middle housing projects, including the transition of the code compliance division to the community development department and the creation of new materials such as developer checklists and neighbor tip sheets. **Sagor** also outlined questions around fee

in lieu of construction (FILOC) for right-of-way (ROW) improvements, noting the benefits of flexibility on non-standard streets as well as the challenges of limited revenue and the program oversight required. Council was asked to provide direction on whether to pursue a more proactive fee-in-lieu approach or continue requiring constructed improvements.

The group agreed to plan a larger discussion around fee-in-lieu of ROW improvements and commented on sidewalk construction, sidewalk obligations, and liability for sidewalk maintenance. Staff noted that future updates to public works standards would be required to align fee-in-lieu calculations with the Transportation System Plan (TSP). The group also briefly discussed code compliance capacity, including interest in revisiting a potential property maintenance code.

Sagor asked whether Council wanted staff to explore proactive parking management or continue monitoring current conditions. The group discussed concerns raised by residents and the city's existing neighborhood parking management regulation. Council members noted that while some localized issues were emerging, overall demand did not yet warrant developing a new program. The group supported continued monitoring, improving public awareness of the existing tool, and considering future engagement to assess interest in neighborhood-initiated parking management.

Sagor asked whether Council wanted staff to bring back a tree code discussion on December 2. Council expressed interest in exploring updates that would strengthen preservation requirements for development while easing routine private property maintenance and requested additional data on recent development-related tree removals before determining next steps.

Sagor recapped Council direction, which included continuing to monitor building separation through state rulemaking, returning with incentive options, scheduling a separate fee-in-lieu study session, monitoring parking while improving awareness of existing tools, and bringing back tree code updates for discussion.

2. Increasing High Density Housing Capacity – Discussion

Weigel provided an update on work stemming from the neighborhood hubs project and the Housing Production Strategy (HPS), noting that staff were reviewing the residential high-density zone with support from a new Oregon Department of Land Conservation and Development (DLCD) grant, have paused corridor planning on 32nd Avenue and King Road until 2026, were updating the temporary use permit program to support small neighborhood stands, and were preparing outreach to remind residents of new property-use opportunities created through hubs.

Mayor Batey asked about further discussions around placemaking efforts to highlight existing hubs, such as banners or similar activation tools. **Sagor** noted that the new placemaking grant could serve as a first step and that additional hub activation work could be explored by the economic development team in 2026.

Council President Anderson expressed support for expanding the focus beyond the residential high density (RHD) zone to include comparable neighborhood-scale mixed-use areas and emphasized exploring growth that adds housing capacity in a more localized, livability-focused way, particularly near existing hubs, rather than relying solely on higher-density apartment development.

The group discussed how upcoming RHD analysis funded by the DLCDC grant should relate to broader planning for hubs and corridors, including whether to focus first on technical fixes and barrier analysis within the existing RHD areas or also plan for future mixed-use and corridor work in this goal period. Council members expressed interest in integrating hubs and corridors into a longer-range planning work plan, while recognizing staff and community capacity limits, and staff committed to proceed with phase one RHD analysis and return with a proposed planning work plan and future discussion on potential zone expansions and corridor-focused work.

3. Adjourn

Mayor Batey adjourned the meeting at 6:10 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

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

2435th Meeting

MINUTES

OCTOBER 21, 2025

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

Staff Present: Joseph Briglio, Assistant City Manager
Ciara Fox, Economic Development Coordinator
Jennifer Garbely, City Engineer
Justin Gericke, City Attorney
Emma Sagor, City Manager

Gabriela Santoyo Gutierrez, Equity & Inclusion Coordinator
Scott Stauffer, City Recorder
Laura Weigel, Community Development Director

Mayor Batey called the meeting to order at 6:35 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey remarked on a recent gathering of regional mayors in support of the City of Portland's challenges dealing with federal immigration actions in that city.

Mayor Batey announced upcoming activities, including open houses for the Monroe Greenway project, the city manager, and Council President Anderson, the opening of a new warming shelter at St. John the Evangelist Episcopal Church, the annual Trick-of-Treat on Main Street event, the Ledding Library's fall author series, a Hector Campbell Neighborhood Trick-or-Treat event, and a community Day of the Dead event.

Mayor Batey read a fall pollinator themed haiku poem.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

Mayor Batey announced that due to scheduling requests, Council would move to item 5. Community Comments before the special reports.

5. COMMUNITY COMMENTS

Sagor reviewed correspondence about the Harrison & Main Lot, traffic safety cameras, and a proposal to start a community free store that had been received, and in response to October 7 comments, provided an overview of incidents at the library, noting that staff had responded appropriately. **Mayor Batey**, **Sagor**, and **Councilor Khosroabadi** remarked on the library incidents. **Mayor Batey** reviewed the comment procedures.

Dave Aschenbrenner, Milwaukie resident, encouraged the Milwaukie Police Department (MPD) to proactively enforce parking regulations in residential areas, asked for clarity on where vehicles can park on Home Avenue, and noted that October 26 would be the final Milwaukie Farmers Market of the season.

Elvis Clark, Ardenwald/Johnson Creek Neighborhood District Association (NDA) transportation representative, expressed neighborhood concern about traffic safety incidents at 37th Avenue and Harrison Street and encouraged the city engineer to look at safety improvements at the intersection.

Debra Torres, Milwaukie resident, remarked on the incidents at the library and expressed support for the federal immigration actions in the City of Portland.

4. SPECIAL REPORTS

A. New Business Introductions

Owners and representatives of the Little Blue Store, Toolbox Gallery, Circus Upcycled, and 1847 Food Park, introduced themselves and provided updates on their business activities. Council asked questions about services provided, upcoming events, and when the food park planned to open.

B. Clackamas County Water Environment Services (WES) – Annual Report

Geist provided WES' annual report to the city, reviewing the agency's mission, governance structure, rates structure, master and capital plans, and work to improve the Tri-City Water Resource Recovery Facility. The group remarked on the branding and outreach effort related to the Tri-City improvements.

Geist discussed WES' efforts to reduce odors around the Kellogg Creek Water Resource Recovery Facility in Milwaukie. **Mayor Batey** and **Geist** remarked on the recent increase of odor from the Kellogg plant.

Geist reported on the Intertie 2 Pump Station improvements project, a new centrifuge and administration building projects at the Kellogg plant, a tree planting event at Milwaukie Bay Park, and how WES is testing and addressing perfluoroalkyl and polyfluoroalkyl substances (PFAS) concerns.

Geist and **Mayor Batey** noted how WES works with the city through events, activities, facility tours, and utility billing discount programs. They commented on water quality testing WES does and how those test results could be shared with the community. **Sagor** expressed the city's interest in working with WES on water quality reporting.

Councilor Khosroabadi thanked **Geist** and WES for their work. Mayor Batey thanked WES for working with the city on the utility billing low-income assistance program.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. **September 9, 2025, study session,**
2. ~~September 16, 2025, work session, and~~
3. ~~September 16, 2025, regular session.~~ (removed from the agenda)

B. Resolution 41-2025: A resolution of the City Council of the City of Milwaukie, Oregon, amending the Milwaukie Parks and Recreation Board (PARB) Bylaws.

C. Resolution 42-2025: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the purchase of a 2025 Ford electric transit van with camera equipment.

D. Resolution 43-2025: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing an increase in the project authorization for a public improvement contract with Lands & Landis Construction, LLC for the Ardenwald North Improvements Project (CIP-2021-W61).

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

7. BUSINESS ITEMS

A. Annexation of 5815 SE Laural Street (A-2025-003) – Ordinance

Weigel explained that Council was asked to approve the annexation ordinance.

It was moved by Councilor Khosroabadi and seconded by Councilor Stavenjord for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30AD04500 and located at 5815 SE Laural Street into the city limits of the City of Milwaukie (File #A-2025-003). 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.

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

Ordinance 2257:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AD04500 AND LOCATED AT 5815 SE LAUREL STREET INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2025-003).

Mayor Batey recessed the meeting at 8:12 p.m. and reconvened at 8:20 p.m.

Mayor Batey announced that per scheduling requests, Council would proceed to agenda item 7. C. and then 7. B.

C. Parks District Intergovernmental Agreements (IGAs) – Discussion

Sagor provided an overview of and update on the city’s ongoing negotiations with the North Clackamas Parks and Recreation District (NCPRD) Board, which is the Clackamas Board of County Commissioners, regarding IGAs for Milwaukie Bay Park (MBP) Phase 3 construction and the maintenance of all parks in Milwaukie city limits. As of October 21, the NCPRD Board had verbally proposed beginning separation proceedings for the city to leave the district with \$3.1 million in system development charge (SDC) funds and \$2.5 million in Metro Local Share funds for MBP.

Councilor Massey, Mayor Batey, and Sagor reviewed and remarked on the city’s draft counter proposals that focused on the city and NCPRD continuing to prioritize funding and building MBP Phase 3 and did not discuss the possibility of the city leaving the district. They noted the district would need to ask voters for more funding for the district.

The group appreciated the work of city and district staff on the IGAs and discussed how to respond to the NCPRD Board proposal and how to complete the MBP project. They

discussed asking the NCPRD Board to put their verbal proposal in writing while also providing the city's counter proposal to the district in writing.

Council President Anderson, Mayor Batey, and Sagor remarked on whether the city should leave the district and the possibility that the district will ask voters to recreate the district into a different governance structure with a higher tax rate. **Councilor Massey** encouraged Council to focus on MBP and not district governance.

Sagor summarized Councilor Stavenjord's proposal to send a letter asking the district to put their verbal proposal in writing and restating the city's request for a formal position on the drafted IGAs from the NCPRD Board by November 1. Council remarked on the wording of the letter and the city's position, and it was Council consensus to send the proposed letter to the NCPRD Board.

Mayor Batey noted the NCPRD Board meets at the Milwaukie Community Center in the next week and asked Council to consider attending that meeting.

Councilor Massey left the meeting at 9:20 p.m.

B. Transportation System Plan (TSP) Update Project – Discussion

Weigel reviewed changes to the updated TSP since the last Council discussion and reported that the TSP Advisory Committee (TSPAC) had held its final meeting.

Mayor Batey and Council President Anderson asked why the TSPAC had proposed moving Project P110, a pedestrian project on 37th Avenue, to the Tier 1 list. **Weigel** reported the change had been based on a TSPAC member request. **Matt Hughart, Kittelson & Associates,** reported that the TSP project lists, with the inclusion of P110 on Tier 1, would meet the funding goal amount of \$27.5 million.

The group discussed project P110, why other projects had been moved to different priority listings, and what projects to prioritize within the funding goal amount.

Sagor noted the time and that Council needed to extend the meeting past 10:00 p.m.

Councilor Khosroabadi moved, and Council President Anderson seconded, to extend the meeting to 10:15 p.m. Motion passed with the following vote: Councilors Anderson, Khosroabadi, and Stavenjord and Mayor Batey voting "aye." [4:0]

The group continued to discuss the prioritization of specific projects taking into consideration Americans with Disabilities Act (ADA) requirements and projects already funded that will also improve ADA ramps. **Weigel** summarized that it was Council consensus to move project P110 down the list, and move projects P10, B81 and B84 and P23 up the list.

Mayor Batey, Hughart, and Council President Anderson remarked on the dotted line on project maps that indicated plans to add a sidewalk on Oregon Department of Transportation (ODOT) and other properties in the future.

Mayor Batey, Garbely, and Hughart observed that the only TSP projects in the Milwaukie Business District, along International Way, were for new sidewalks.

Mayor Batey noted that not all projects listed included right-of-way (ROW) acquisition disclaimer language and that staff intended to look at the Harrison Street and 37th

Avenue intersection. **Garbely** added that staff would look at several intersections on Harrison Street.

Council President Anderson proposed adding a TSP sidewalk project from Oak Street to 37th Avenue. **Weigel** agreed that adding such a project was reasonable and **Hughart** noted that a wetland along Hwy 224 could present an obstacle for a sidewalk project in that area. **Weigel** and **Council President Anderson** agreed it was worth adding the project to the list with a note about the natural hazard issue.

Weigel reviewed next steps in presenting the TSP adopted by February 2026.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

Mayor Batey type text

10. ADJOURNMENT

It was moved by Councilor Stavenjord and seconded by Councilor Khosroabadi to adjourn the Regular Session. Motion passed with the following vote: Councilors Anderson, Khosroabadi, and Stavenjord and Mayor Batey voting “aye.” [4:0]

Mayor Batey adjourned the meeting at 10:13 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

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

Reviewed: Scott Stauffer, City Recorder, and
Katie Gavares, Climate and Natural Resources Manager

From: Nicole Madigan, Deputy City Recorder

Subject: Tree Board Member Removal and Appointment

Date Written: Dec. 3, 2025

ACTION REQUESTED

As outlined in the Milwaukee Municipal Code (MMC) and detailed in the Boards and Committees (BC) Code of Conduct, Council is asked to consider approving a resolution to vacate a seat on the Tree Board and make an appointment to fill the vacancy.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The individual who had occupied Tree Board position 2, Ley Garnett, was an original member of the Board who was in good standing until staff learned of his passing. Therefore, staff recommend that Council officially vacate position 2 in order to appoint a new member. The individual recommended for appointment as a replacement, Linda Callahan, had been identified by the Tree Board's annual recruitment interview panel as an alternate.

ANALYSIS

As detailed in the Code of Conduct, Council has the authority to remove members from BCs. As the Tree Board member in position 2 has not been able to attend meetings, Council can take necessary actions to remove the member from the board as authorized by MMC Chapter 2.10.040.

Authority to fill city BC vacancies is granted to the Mayor and Council by Section 26 of the City Charter. To fill vacant positions, members of Council along with staff liaisons and BC chairs recruit volunteers and usually conduct interviews from applications received by the city, however interviews are not required by the MMC. Appointed individuals serve for a term length determined by the MMC. Upon the completion of a term, if the individual is eligible, they may be reappointed by Council to serve another term.

The individual nominated for appointment was identified during the annual recruitment as a candidate for Tree Board based on their application, resume (when available), and their interview.

If appointed, this would be the nominated individual's first time serving on the board and their first term would be served as a zero term, meaning their first term was not complete and had been started before they were appointed.

BUDGET IMPACT

It is vital for the city to have functional BCs that reflect the community they support. By making the proposed removal and appointment, Council is helping to ensure that the Tree Board can continue that vital work. The proposed board appointment has no financial impact; however certain BCs have authority to make fiscal decision recommendations.

CLIMATE IMPACT

Making appointments to the Tree Board ensures we have robust representation of community voices that will help to shape and meet Milwaukie’s climate goals.

EQUITY IMPACT

Staff strive to make participation with the city’s BCs as accessible as possible by holding hybrid meetings and offering BC applications translated into other languages. The recommended board appointment would help the city achieve its goal of providing a diverse spectrum of voices. The nominated individual brings experience and expertise to their nominated position.

WORKLOAD IMPACT

By holding an annual recruitment process, staff can dedicate less time throughout the year to arranging interviews and BCs can continue work uninterrupted.

COORDINATION, CONCURRENCE, OR DISSENT

The office of the city recorder (OCR) and city manager’s office staff worked with the Tree Board’s staff liaison and the Mayor to attempt to reach the individual named for removal.

STAFF RECOMMENDATION

Staff recommends making the following removal and appointments:

Tree Board: three-year terms, three consecutive terms.

Individual to be removed:

Position	Name	Term Start Date	Term End Date
2	Ley Garnett	7/1/2024	6/30/2026

Individual to appoint:

Position	Name	Term Start Date	Term End Date
6	Linda Marie Callahan	12/16/2025	6/30/2026

ALTERNATIVES

Council could decline to make the recommended removal and/or appointment, which would result in a vacancy on the noted committee.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REMOVING AND APPOINTING MEMBERS OF THE TREE BOARD.

WHEREAS the removal portion of the boards and committees appointment section of the Milwaukie Municipal Code (MMC) states that members of the city’s boards, commissions, and committees serve at the pleasure of the governing body, and

WHEREAS the boards and committees code of conduct states that members are expected to attend all board and committee meetings with allowance to miss up to 25% of meetings a year, and that members may be removed at any time by the City Council for nonperformance of duty, and

WHEREAS the Tree Board member named below for removal, is unable to attend meetings, and

WHEREAS Milwaukie Charter Section 26 authorizes the Mayor, with the consent of the Council, to make appointments to boards and committees, and

WHEREAS a vacancy will be declared once the current Tree Board member is removed from position 2, and

WHEREAS the individual named below for appointment has been nominated by the Tree Board’s interview panel during the annual recruitment.

Tree Board

Individual to be removed:

Position	Name	Term Start Date	Term End Date
2	Ley Garnett	7/1/2024	6/30/2026

Individual to appoint:

Position	Name	Term Start Date	Term End Date
6	Linda Marie Callahan	12/16/2025	6/30/2026

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individuals named in this resolution are as named removed and appointed to the Tree Board of the City of Milwaukie for the term dates noted.

Introduced and adopted by the City Council on **December 16, 2025.**

This resolution is effective immediately.

ATTEST:

Scott S. Stauffer, City Recorder

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Reviewed: Justin Gericke, City Attorney

From: Scott Stauffer, City Recorder

Subject: Compensation Benefits Definitions – Resolution

Date Written: Dec. 4, 2025

ACTION REQUESTED

Council is asked to adopt a resolution defining certain benefits received by elected officials, members of city boards, committees, and commissions, city officers and staff as part of the compensation offered by the city.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[May 19, 2020](#): Council adopts [Ordinance 2191](#) and [Resolution 33-2020](#), adopting the current Council compensation policy after a multi-year Council Compensation Jury process.

February 2024: The city updated [Policy 400 Meals & Taxable Fringe Benefits](#) (Attachment 3).

May 9, 2025: The Oregon Government Ethics Commission (OGEC) issued an opinion on the ethics of local governments providing food and beverages to elected officials, city staff, and city volunteers.

[September 2, 2025](#): Council discussed adopting a policy to address OGEC's ethical concerns and to allow the city to continue providing food and beverages to elected officials, city staff, and city volunteers.

ANALYSIS

On May 9, 2025, the Oregon Government Ethics Commission (OGEC) issued an opinion in response to questions asked by the League of Oregon Cities (LOC), who had asked for clarification on a previous OGEC opinion about public officials receiving publicly purchased food and beverages. The OGEC concluded that it is unethical for a local government to provide food and beverages to elected officials or employees unless those items are included in their official compensation package.

This OGEC opinion set off a firestorm of concern from local government leaders and staff across the state. Out of this concern and dialogue amongst various local government officials, policy templates were created that would allow cities to continue to provide food and beverage and remain in compliance with the OGEC's interpretation of the state's ethics laws.

Until the OGEC opinion, it was the practice of many cities, including Milwaukie, to:

- Provide snacks and beverages to a variety of meetings, including Council, boards and committees and other meetings where city officials and the public might be present.
- Provide a meal and beverages to Council during evening meetings that overlap with the time people usually eat dinner.
- Provide snacks or a lunch during Council goal setting or at a retreat.

- Provide food at employee recognition events such as the staff picnic and all staff meetings.

The OEGC's opinion stated that these benefits need to be adopted by the governing body as part of an official compensation package to comply with Oregon ethics laws. Currently, the city's code provides two types of compensation to elected officials:

- Mayor and Councilors receive a monthly stipend to cover expenses for serving on Council (\$369 per month for the Mayor and \$307 per month for each Councilor). See adopted [Ordinance 2191](#) setting the current formula for paying the Mayor and Councilors based on the Consumer Price Index (CPI).
- The Mayor and Councilors may be reimbursed for expenses they incur while representing the city at conferences and trainings. See [Resolution 33-2020](#) which set the current policy of reimbursing Council members for certain expenses.

Members of city boards and committees serve as volunteers and receive no financial benefit through their work for the city. Recognition events are a longstanding practice of the city but have never been considered "compensation."

To align city practices with the OEGC guidance, staff recommend that Council adopt the proposed resolution (Attachment 1) which explains that meals, snacks, and beverages provided during city business – or at recognition events – count as compensation for elected and appointed officials, charter officers, and city employees.

The city already gives employees certain nominal benefits, like corporate discounts, which were established through normal administrative processes. Since Council is adopting food and drink benefits, staff recommends including existing benefits in the resolution as well.

Finally, because these benefits will now be defined as "compensation," recipients may have personal tax obligations. As outlined in city Policy 400, Council is considered "other compensated officials" and is therefore covered by existing policy. Since the value of the benefit varies from person to person, tracking is not feasible at the city level. Staff recommend encouraging recipients to consult their own tax advisor to determine whether any reporting is needed.

BUDGET IMPACT

There is no anticipated budget impact related to adopting this resolution. The city already includes funds for food and beverages across multiple department budgets.

CLIMATE IMPACT

None.

EQUITY IMPACT

Providing food and beverages at public meetings and events, especially when volunteers are being asked to give their time and energy, is a primary way to encourage public engagement in the city's work and to equalize the ability of all community members to participate. Adopting a policy to allow – and encourage – the city to continue to provide this form of compensation will support the city's work and goals related to equity and justice.

WORKLOAD IMPACT

There are no anticipated workload impacts. If adopted, this resolution would support the work staff already does to provide food and beverages.

COORDINATION, CONCURRENCE, OR DISSENT

The city attorney, city recorder, city manager, and elected officials have engaged in discussions with officials and staff from other cities, agencies, and professional associations. There is a growing consensus across the state that cities ought to adopt such policies as is proposed to provide these benefits and comply with OGEC guidance.

STAFF RECOMMENDATION

Staff recommend Council adopt the proposed resolution to define compensation benefits provided by the city.

ALTERNATIVES

Council could decline to adopt the resolution, which would leave the city's existing code and policy directives related to compensation for elected officials, city staff, and volunteers.

ATTACHMENTS

1. Resolution
2. OGEC Opinion (5/9/25)
3. Policy 400

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DEFINING CERTAIN BENEFITS AS INCLUDED IN OFFICIAL COMPENSATION.

WHEREAS Oregon Ethics Law (Oregon Revised Statute (ORS) 224.010) prohibits public officials, including elected and appointed officials and public employees from using their position for financial gain or to avoid financial loss, except for salary and official benefits; and

WHEREAS a recent advisory opinion by the Oregon Government Ethics Commission (OGE) concluded that certain city purchases may violate state ethics laws unless authorized as compensation by the governing body of the city; and

WHEREAS the City Council believes it is reasonable and respectful to provide a simple meal to elected officials and by persons appointed to city boards, commissions, and committees when they are attending to city business; and

WHEREAS providing such meals is a basic gesture of appreciation for their service to the community and ensures they can effectively fulfill their public duties; and

WHEREAS the City Council also wants to clarify that certain benefits currently provided by the city to its officers and employees are included in their official compensation.

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

Section 1. The following are benefits provided to City of Milwaukie to city employees, elected officials, boards, commissions, and committee members, and charter officers as part of their overall compensation package:

- Food and beverages provided during or immediately before work-related events such as public meetings of the City Council or city advisory groups, team building activities, Council goal setting, all day staff trainings or retreats, and conferences.
- Food and non-alcoholic beverages provided to public officials or employees who are required to work through their meal break. The provision of food and beverages must be reasonably required to complete city business. For example, a meeting that must extend over the lunch hour takes place during the dinner hour or in the evening or can be expected to last more than three hours.
- Resident registration rates for all library or recreational programs, facilities, and events.
- Occasional discounts at certain retail stores or events as announced periodically (such as passes to the Columbia, Nike, Adidas stores or regional events such as trade shows and traveling entertainment).

- Savings or discounts offered by hotel providers, telecommunications carriers, and other service providers.
- Savings or discounts for services provided by the city's retirement planning provider.
- Savings or discounts for services provided by the city's medical or dental health insurance provider, payroll software provider, or employee assistance program.
- Rewards of loyalty programs (frequent flier miles, hotel rewards, credit card rewards or rebates).
- Combining personal and city travel by extending a trip by arriving early or staying later than required, provided that the city does not pay any additional costs, including higher lodging, airfare, or mileage costs for the personal portion of the trip.
- Travelling with others on a city business trip so long as the city does not pay any additional costs from the presence of additional people.
- Door or raffle prizes provided at business related events, city events or relating to employee program, so long as the prizes do not exceed the gift limits in Oregon Ethics Law.
- Food, snacks, beverages or meals offered in appreciation of city employees or provided at business-related events or functions. This includes seasonal staff parties, the annual staff picnic, and recognition of special events such as public service week.
- Meals provided to city employees who are assigned to work over their meal break at an offsite location or who volunteer to serve at city events.
- Flowers given to mark important life moments, like when a baby is born, someone is very sick, or a family member has died.
- Other small and occasional gift items with the city or department logo, such as a coffee cup, water bottle, t-shirt, hat, sweatshirt or fleece.

Section 2. City elected and appointed officials, charter officers, and employees are responsible for any tax reporting and payment obligations related to these benefits per the city's adopted Policy 400 Meals & Taxable Fringe Benefits and are encouraged to consult with their own tax professional.

Introduced and adopted by the City Council on **December 16, 2025**.

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



Oregon

Tina Kotek, Governor

Government Ethics Commission

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May 9, 2025

Sent via email

Jayme Pierce, General Counsel
League of Oregon Cities
1201 Court St. NE, Ste. 200
Salem, Oregon 97302-4194

Dear Jayme Pierce:

At its May 9, 2025 meeting, the Oregon Government Ethics Commission (Commission) adopted the following advisory opinion in response to your request to the Commission, dated January 16, 2025. The Commission extended the period for this advisory opinion by an additional 60 days, as authorized by ORS 244.280(2).

OREGON GOVERNMENT ETHICS COMMISSION ADVISORY OPINION NO. 25-126A

SYNOPSIS OF FACTS AS PRESENTED TO THE COMMISSION:

On September 2, 2024, the Commission, through its Executive Director, issued a letter of advice to Lacy Beaty, Mayor of Beaverton (Advice No. 24-406I). This letter of advice addressed how the Oregon Government Ethics Laws in ORS Chapter 244 applied to a “team at a team-building event” where individual public officials, and their relatives or household members, consumed food and beverages provided by the city, and the alcoholic beverages provided by the Mayor personally.

Following issuance of Advice No. 24-406I, you submitted a request for a Commission Advisory Opinion, on behalf of the League of Oregon Cities, addressing a number of hypothetical situations involving city staff and the provision of food and beverages. In your request, you note that city officials and employees may attend various city-sponsored meetings and events where food and beverages are provided. Examples of such meetings and events could include:

- City staff attend a lunch hour staff meeting and the city provides attendees with lunch.
- City staff are celebrating an employee’s personal milestone, such as a baby shower that occurs during working hours. City funds are utilized to provide light snacks and refreshments for those in attendance.

- The city hosts a holiday party to celebrate city staff and volunteers. Food and beverages are provided by the city for those in attendance.
- A department hosts a teambuilding event for department staff. Food and beverages are provided by the city for those in attendance.

QUESTIONS:

Your request for a Commission Advisory Opinion seeks to clarify how the Commission would apply the provisions in and ORS 244.040 and ORS 244.025 to a public official's receipt of food and beverages, under the following circumstances:

- (1) If a city staff member attends any of the above situations and consumes the food and beverages provided by the city, do they violate ORS 244.040 or any other provisions of ORS Chapter 244?
- (2) If the city's personnel manual contains the following as part of staff compensation, does ORS 244.040(2)(a) and related OAR 199-005-0005(3) apply?

"Food, beverage, and other related items provided by the city to employees including any of their relatives or household members who are accompanying them during work-related events such as, but not limited to meetings, team building activities, and conferences, are provided as part of the employee's official compensation package."

- (3) If an individual or multiple staff members provide the food and beverages at any of the above-described situations (i.e., potluck), and no city funds are utilized to purchase said food and beverage, if a city staff member consumes the food and beverages provided by other staff, do they violate ORS 244.025, or any other provisions of ORS Chapter 244?
- (4) The city wants to provide a meal for their elected officials for a gathering prior to a public meeting, for purposes not related to city business, but rather team building. Does an elected official who consumes the food or beverages provided by the city violate ORS 244.040, or any other provisions of ORS Chapter 244?
- (5) If individual city elected officials provide the food and beverage (i.e., potluck) during a gathering prior to a public meeting for purposes not related to city business but rather team building, does an elected official who consumes the food or beverages provided violate ORS 244.025, or any other provisions of ORS Chapter 244?

ANALYSIS:

We first clarify that the Commission cannot provide guidance or opine on how a city chooses to allocate its resources, whether a city may lawfully provide food and beverages to its officials and employees in the scenarios described above, or whether any provision of such food and beverage is taxable. Rather, the Commission’s guidance in this Opinion is limited to how the laws in ORS Chapter 244 would apply to a public official’s acceptance of food and beverages in the circumstances described.

There are three separate laws that relate to whether a public official may accept food and beverage. The first is the use of office provisions set forth in ORS 244.040. The second and third relate are the gift laws and include ORS 244.020(7), defining “gift,” and ORS 244.025, which establishes the gift limits. However, because ORS 244.040 incorporates the gift laws and its exceptions, your questions can be fully answered by analyzing ORS 244.040. See ORS 244.040(2)(e)-(g).

Use of Office Prohibitions

ORS 244.040(1) provides that a public official may not use or attempt to use their office or position to obtain a financial gain or avoid a financial detriment, for themselves or for their relatives, household members, or any businesses with which they are associated, if that financial gain or avoidance of detriment would not otherwise be available but for the fact they hold their office or position. Importantly, the statute prohibits a public official from either using or attempting to use their office for personal gain. In other words, an attempt is sufficient to violate the statute.

When a public body offers its elected officials and employees something of value, the financial gain or avoidance of detriment is being made available to the officials and employees because they hold their positions as public officials with that public body. Under ORS 244.040, the default is that any acceptance of free food or beverage by virtue of one’s position as a public official is a violation of ORS 244.040(1). However, ORS 244.040(2)(a) through (h) provides several exceptions to the general prohibition in ORS 244.040(1). The relevant exceptions in ORS 244.040(2) applicable to food and beverage consumed by a public official are subsections (a), (e), (f), and (g). These subsections establish that the use of office prohibitions do not apply to:

(a) Any part of an official compensation package as determined by the public body that the public official serves.

* * *

(e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the

household of the public official from a source that could reasonably be known to have a legislative or administrative interest.

(f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest.

(g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.

Therefore, we analyze the relevant provisions in ORS 244.040(2) to determine if a public official may accept food and beverage.

A. Official Compensation – ORS 244.040(2)(a)

ORS 244.040(2)(a) allows a public official to accept "[a]ny part of an official compensation package as determined by the public body that the public official serves." The Commission adopted a definition of "official compensation package" in OAR 199-008-0005(3), which provides:

The term "official compensation package" means the wages and other benefits provided to the public official. To be part of the public official's "official compensation package", the wages and benefits must have been specifically approved by the public body in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials. "Official compensation package" also includes the direct payment of a public official's expenses by the public body, in accordance with the public body's policies.

This administrative rule is consistent with Oregon's employment laws and tax laws. See, e.g., ORS 652.210(1)(a) (" 'Compensation' includes wages, salary, bonuses, benefits, fringe benefits and equity-based compensation."); ORS 652.210(14) (" 'Wages' means all compensation for performance of service by an employee for an employer, whether paid by the employer or another person, or paid in cash or any medium other than cash."); ORS 653.010(10) (" 'Wages' means compensation due to an employee by reason of employment, payable in legal tender of the United States or check on banks convertible into cash on demand at full face value, subject to such deductions, charges or allowances as are permitted in ORS 653.035."); ORS 653.010(11) (" 'Work time' includes both time worked and time of authorized attendance."); ORS 657.105 (1) ("* * * 'wages' means all remuneration for employment, including the cash value, as determined by the Director of the Employment Department under the regulations of the director, of all remuneration paid

in any medium other than cash.”); ORS 653.035 (1) (“Employers may deduct from the minimum wage to be paid employees under ORS 653.025, 653.030 or 653.261, the fair market value of lodging, meals or other facilities or services furnished by the employer for the private benefit of the employee.”); IRC § section 3401(c) (an officer, employee, or elected official of government is an employee for income tax withholding purposes.)

As set forth in rule, “official compensation package” includes the “direct payment of a public official's expenses by the public body, in accordance with the public body's policies.” When a public body is paying for a meal for its officials or employees, the public body, acting as an employer, is paying the direct meal or beverage expenses for its officials or employees. Therefore, for the public official to be allowed to accept the food and beverage, the public body must have formally adopted a union contract, employment contract, policy, or other compensation authorization provision that authorizes the public official to accept the food and beverage provided by the public body.

Both ORS 244.040(2)(a) and OAR 199-008-0005(3) require the compensation to be determined by the “public body” that the public official serves. Requiring that a public official accept food and beverage only as provided by a policy or contract formally adopted by a public body is wholly consistent with the requirements of ORS Chapter 244 and the public trust ORS Chapter 244 is intended to protect. The broad policy of the ethics laws is to ensure that government employees do not gain personal financial advantage through their access to the assets and other attributes of government. See *Davidson v. Oregon Gov't Ethics Comm'n*, 300 Or 415, 422 (1985). We find no countervailing policy in ORS Chapter 244 that argues against a requirement that a public official accept food and beverage from its public body *only* when such compensation has been formally adopted by the public body. The concept of public trust extends to all matters within the duties of public office.

Therefore, if the public body adopted an ordinance, resolution, collective bargaining agreement, human resource policy, or applicable contract provision (Policies), authorizing the provision of food and beverage to its employees and elected officials, the employee or elected official is authorized to accept the food and beverage consistent with the Policies the public body adopted. The public official will need to review the applicable Policies authorizing their acceptance to determine if they can accept the food and beverage. If the public official accepts food and beverage that is not authorized by the Policies adopted by the public body, the public official violates ORS 244.040(1).

City elected officials would also need to be mindful of, and comply with, the conflicts of interest provisions in ORS 244.120(2) and ORS 244.020(1) and (13) when adopting any food and beverage policy that would or could apply to themselves as elected officials.

B. Gifts and Gift Exceptions – ORS 244.040(2)(e), (f), and (g); ORS 244.020(7); and ORS 244.025.

1. Gift Laws Inapplicable to Employer Provided Food and Beverage.

The gift laws and relevant gift exceptions in ORS 244.040(2)(e), (f), and (g), ORS 244.020(7), and ORS 244.025 are not applicable to the situation where a public official accepts food and beverage from their own public body. An analysis of Oregon Government Ethics law governing gifts and the relevant gift exceptions applies only when someone other than the public official's own public body provides the food and beverage. This is because, under ORS 244.020(7)(a), something qualifies as a "gift" if the thing provided is either "[w]ithout valuable consideration of equivalent value" or for "valuable consideration less than that required from others who are not public officials." ORS 244.020(7); See also, Honorable Fred W. Heard Honorable Grattan Kerans, 40 Or. Op. Atty. Gen. 371, p. 5-6 (1980) (whether something is a gift "requires that a determination be made whether the official provided something of substantially equivalent economic value in exchange, or whether the item received was available to non-public officials on the same terms.").

When a public body provides food and beverage to an employee or elected official, it is doing so in exchange for the valuable consideration of public service that the employee or elected official provides to the public body itself, which value far exceeds the value of the food and beverage provided. Additionally, when food and beverage is provided by a public body only to its public officials, the food and beverage is not available to non-public officials at all and not on the same terms. Therefore, the food and beverage provided by a public body to its own public officials is not a "gift" that should be analyzed under the gift laws. Rather, it is "compensation" and analyzed under the official compensation provisions in ORS 244.040(2)(a), as outlined above.

2. Gift Laws Applicable to Food and Beverage.

ORS 244.040(2)(e), (f), and (g) govern when a public official may accept food and beverage from a person, business, or other entity that are not the public body that the public official serves. ORS 244.040(2)(e), (f), and (g) cross-reference the gift provisions in ORS 244.020(7) and ORS 244.025. Therefore, we analyze those relevant provisions using the four-step process set forth below.

Step 1 – Is the Food and Beverage Provided a "Gift?"

The first step in the analysis of whether a public official may accept food and beverage from a person, business, or other entity (Source) is to determine whether the food and beverage being offered qualifies as a "gift" for purposes of ORS Chapter 244. ORS 244.020(7)(a) defines a gift as:

“Gift” means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or

(B) For valuable consideration less than that required from others who are not public officials or candidates.

In other words, a “gift” is something of economic value given to a public official, or their relative or household member, without equivalent consideration or at a discount, and that is not offered to others who are not public officials on the same terms and conditions. Consequently, if the food and beverage being offered to the public official is being provided to non-public officials on the same terms and conditions, then the public official may accept the food and beverage, regardless of value. If it is not being offered to non-public officials on the same terms and conditions, then the food and beverage is a “gift” for purposes of ORS Chapter 244 and the public official must proceed to the next step of the analysis.

Step 2 – Is Food and Beverage Provided from a Source that has Given the Public Official \$50 or Less in Value in a Calendar Year?

If the food and beverage being offered is a “gift,” then the next step in the analysis is to determine whether it is a gift that the public official can accept. ORS 244.040(2)(e) authorizes a public official to accept the food and beverage if the gift “do[es] not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest.” ORS 244.025(1) provides that a public official, and their relatives or household members, may not solicit or receive any gift or gifts with an aggregate value in excess of \$50 in a calendar year from a Source that could reasonably be known to have a legislative or administrative interest in the public official’s decisions or votes. To determine the value, the public official must consult OAR 199-005-0005.

Therefore, the second step in the analysis requires the public official to determine the value of the food and beverage being provided, as well as the value of any other gifts that the public official received from that Source during the calendar year, using the method prescribed by OAR 199-005-0005. If the cumulative value of the food and beverage and all other gifts received from that Source during the calendar year is \$50 or less, the public official may accept the food and beverage from that Source. If, however, the cumulative value of the food and beverage and all other gifts received from that Source in a calendar

year exceeds \$50, then it is necessary for the public official to proceed to the third step in the analysis.

Step 3 – Is the Food and Beverage from a Source Reasonably known to have a Legislative or Administrative Interest in the Public Official’s Decision or Votes?

ORS 244.040(2)(e) prohibits a public official from accepting a gift if the cumulative value of all gifts from that Source exceeds \$50 in a calendar year *and* the source could reasonably be known to have a legislative or administrative interest. Likewise, ORS 244.040(2)(f) authorizes a public official to receive gifts “from a source that *could not* reasonably be known to have a legislative or administrative interest.” (emphasis added). Therefore, these two provisions together outline the third step of the analysis, which requires the public official to determine whether the source of the gift has a legislative or administrative interest.

The term “legislative or administrative interest” means an economic interest, distinct from that of the general public, in any matter subject to the decision or vote of the public official, acting in their official capacity. See ORS 244.020(10)(a). OAR 199-005-0003 provides examples of what constitutes a legislative or administrative interest and further clarifies that the term does not include “recommendations” made by the public official. By way of example, an entity that contracts with the city would have a legislative or administrative interest in city officials who approve the contract or vote on the budget; a person who owns residential or commercial property in a city would have a legislative or administrative interest in a planning commissioner or city councilor who could make land-use decisions concerning that property; and a city employee would have a legislative or administrative interest in the city administrator or city councilors, as those public officials could make decisions (on matters such as salary, promotions, or leave) that would have an economic impact on the employee.

When it comes to gifts provided by one’s colleagues, a key factor is whether the person receiving the gift is in a position where they could make a decision that could financially impact those colleagues providing the gift. In most cases, city staff could accept gifts from their colleagues because city staff are not in positions where they could make decisions that could financially impact their colleagues. For the same reasons, city staff could accept gifts from their supervisors, managers, the city administrator, or the city councilors (i.e., their appointing authorities). The analysis is different, however, when it is the appointing authorities who are accepting gifts from their employees or subordinates, as those employees could have legislative or administrative interests in the decisions that those appointing authorities could make.

The final aspect of Step 3 is the standard that must be used by a public official to determine whether the person providing the food and beverage has a legislative or administrative

interest in the public official's decision or votes. If it "could not reasonably be known" by the public official that the person has a legislative or administrative interest in the public official's decision or votes, then ORS 244.040(2)(e) and (f) would authorize the public official to accept the food and beverage, regardless of its value. In other words, the analysis is factually dependent under a reasonableness standard. If the facts establish that the public official could have reasonably known that the person providing the food and beverage has a legislative or administrative interest in the public official's decisions or votes, the public official is prohibited from accepting the food and beverage. The only exception to this prohibition is if gift exception applies, as described in Step 4.

Step 4 – Does a Gift Exception Apply?

ORS 244.040(2)(g) authorizes a public official to receive any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020. Therefore, the next step is for the public official to determine whether the food and beverage being provided falls within one of the gift exceptions in ORS 244.020. If it does, then the public official may accept the food and beverage, regardless of value.

ORS 244.020(7)(b) establishes a list of exceptions to the definition of gift. Many of the gift exceptions relate to food and beverage in specific circumstances. For purposes of this analysis, it appears the relevant gift exceptions are ORS 244.020(7)(b)(E), (I), and (L)

We examine each relevant exception separately.

(E) - Food and Beverage Consumed by a Public Official At a Reception, Meal or Meeting.

ORS 244.020(7)(b)(E) authorizes a public official to be provided food and beverage "at a reception, meal or meeting held by an organization when the public official represents state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117." Several administrative rules elucidate the meaning of this statute:

- First, OAR 199-005-0001(8) defines "reception" as "a social gathering." The rule goes on to explain that "[r]eceptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal."
- Second, OAR 199-005-0001(4) defines "Meeting" as "an event that includes multiple attendees who are members of an organization or members of the general public who have been invited to the event. The purpose or agenda for the meeting would be included in any advance notice of the event."

- Third, OAR 199-005-0001(6) defines “Organization” as “any public body, corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust, or other entity other than an individual.”
- Fourth, OAR 199-005-0001(7) defines “representing government” as “a public official is representing a state or local government or a special government body when the public official attends an event on behalf of the government agency.” The rule then provides multiple examples of when a public official represents government, including a fire chief attending an event to honor protection services representatives who attends on behalf of the station in an official capacity and a department manager in their official capacity attending a conference sponsored by a vendor that sold products to the agency in the past.
- Fifth, OAR 199-005-0015, establishes a list of factors for consideration in determining compliance with ORS 244.020(7)(b)(E). Those factors include: “(1) A large number of people or groups are invited. For example, all members of an organization are invited. (2) The invitations or programs are sent in advance. (3) The event is publicized. (4) The reception, meal, or meeting is open to the public. [and] (5) Written materials such as a printed program are available.”
- Sixth, OAR 199-005-0015 specifically provides that “private meals where the participants engage in discussion” is not authorized.

Together, these statutes and rules authorize a public official to consume food and beverage if the public official is representing their government agency in an official capacity and they attend a reception, meal or meeting held by an organization that is not their employing government agency. However, private meals where the participants engage in discussion is prohibited. For example, a city councilor or city employee would be authorized to consume food and beverages when attending the local chamber of commerce breakfast. However, they would be prohibited from consuming food and beverage with a vendor at a private lunch meeting between only them and the vendor.

Importantly, and as detailed above, this analysis *does not* apply to the public body’s own public meetings or to the public body providing food and beverage to their own public officials. A public body’s provision of food and beverage to their own public officials is a form of “compensation,” not a gift, and must be analyzed under the official compensation provisions set forth in ORS 244.020(2)(a) as described in Section A above.

(l) - Food or beverage consumed by a public official acting in an official capacity involving certain financial transactions.

ORS 244.020(7)(b)(l) authorizes a public official acting in an official capacity to consume food and beverage while involved with certain financial transactions. Specifically, the consumption of food and beverage is not considered a gift if it is provided:

(i) In association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;

(ii) While engaged in due diligence research or presentations by the office of the State Treasurer related to an existing or proposed investment or borrowing; or

(iii) While engaged in a meeting of an advisory, governance or policy-making body of a corporation, partnership or other entity in which the office of the State Treasurer has invested moneys.

A determination of whether this exception applies would be dependent on the factual circumstance. If the factual circumstances establish compliance with this section, the public official may consume the food and beverage provided. Given the limited nature of this provision, it will not be applicable to many public officials.

Like the other gift exceptions, this exception does not apply to the public body's own public meetings or to the public body providing food and beverage to their own public officials. A public body's provision of food and beverage to their own public officials is a form of "compensation," not a gift, and must be analyzed under the official compensation provisions set forth in ORS 244.020(2)(a) as described in Section A above.

(L) - Food and beverage consumed at a reception and that is provided as an incidental part of the reception and no cost is placed on the food and beverage.

ORS 244.020(7)(b)(L) authorizes a public official to consume food and beverage "at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage." As noted previously, OAR 199-005-0001(8) defines reception as "a social gathering" and provides that "[r]eceptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal." This exception is further clarified by OAR 199-005-0005(5), which establishes that food and beverage provided under this exception is permitted without regard to the fair market value of the food and beverage.

Under this exception, if the public official is attending a social gathering and the food and beverage does not include a sit-down meal, then the public official may accept the food and beverage. We note there is some overlap between ORS 244.020(7)(b)(E) and (L).

However, only ORS 244.020(7)(b)(E), outlined above, could allow the public official to consume the food and beverage if the event is a sit down meal or a meeting.

Like the exception in ORS 244.020(7)(b)(E), this exception does not apply to the public body's own public meetings or to the public body providing food and beverage to their own public officials. A public body's provision of food and beverage to their own public officials is a form of "compensation," not a gift, and must be analyzed under the official compensation provisions set forth in ORS 244.020(2)(a) as described in Section A above.

ANSWERS

In light of the above analysis, the answers to your specific questions are as follows:

Questions (1) and (2)

Question (1) asks whether city staff members accepting food and beverages provided by the city would violate ORS 244.040 or any other provision of ORS 244. Question (2) then asks whether the exception in ORS 244.040(2)(a) and OAR 199-008-0005(3) would apply if the city's personnel manual included the following policy statement:

"Food, beverage, and other related items provided by the city to employees including any of their relatives or household members who are accompanying them during work-related events such as, but not limited to meetings, team building activities, and conferences, are provided as part of the employee's official compensation package."

Assuming the policy was formally adopted by the public body as outlined above, city staff members may accept food and beverages paid for or provided by the city, consistent with the specifications of the policy. Such acceptance is authorized under ORS 244.040(2)(a). As for whether such actions may violate any other provisions in ORS Chapter 244, the facts you present do not allow us to analyze *all* of ORS Chapter 244. However, we note that it is certainly possible for factual circumstances involving the provision of food and beverage to implicate other violations. For instance, if the person in charge of purchasing the food for the city purchases the food from their relative's restaurant, such action may violate the use of office provisions in ORS 244.040 and the conflict of interest provisions in ORS 244.020. Likewise, if the compensation of the meal is taxable and a city human resources or finance employee in charge of ensuring the city complies with tax laws fails to report their own receipt of a meal, this action may violate ORS 244.040 as using their position to avoid a taxable gain. The determination of whether ORS 244 is violated is dependent on the particular factual circumstances involved.

Question (4)

Question (4) asks whether city elected officials may consume a meal at a gathering provided by the city prior to a public meeting. You indicate that the purpose of the gathering is not for conducting city business but rather for team building. You ask whether an elected official who accepts the city provided food and beverages at such an event would violate ORS 244.040 or any other provisions of ORS Chapter 244.

This analysis would also fall under ORS 244.040(1) and (2)(a). If the meal is authorized as part of the elected officials' official compensation packages, then the exception in ORS 244.040(2)(a) would apply and the elected officials could accept the city paid or provided meals. If the city has not adopted an official compensation package that includes meals for their elected officials, then accepting food and beverage violates ORS 244.040(1). If the city has not adopted an official compensation package that includes meals for their elected officials, but is thinking of doing so, city elected officials need to be mindful of, and comply with, the conflicts of interest provisions in ORS 244.120(2) and ORS 244.020(1) and (13) when adopting the official compensation policy.

Questions (3) and (5)

These two questions ask about city staff members and elected officials accepting food and beverages provided not by the city but by other city staff or officials, such as at a potluck. You ask whether the city staff members or the elected officials would violate ORS 244.025 or any other provisions in ORS Chapter 244 by accepting the food and beverages at such a potluck.

When the food and beverages are being provided by persons or entities other than an employing public body, the analysis falls under ORS 244.040(2)(e), (f), and (g). As explained above, each city staff and official attending the potluck would need to determine: (1) whether the food and beverage qualifies as a gift; (2) the value of the gift and the cumulative value of all other gifts received in the calendar year by the Source providing the food and beverage; (3) whether the Source providing the food and beverage could be reasonably known to have legislative or administrative interest in the city employee's or city official's decisions or votes; and (4) whether any of the gift exceptions apply.

As also noted above, for the majority of city employees, mere participation in a city potluck would not result in a violation of the statutes discussed above because the employees attending do not have a legislative or administrative interest in their fellow employees' decisions or votes. However, that is not the case for elected officials, supervisors, and managers who receive food and beverage from their subordinate public officials. Elected officials, supervisors, and managers will need to proceed through the steps above to determine if they can accept the food and beverage items provided at the potluck from their subordinates. That said, in the majority of circumstances an elected official, supervisor, or

manager participating in a potluck likely falls within the gift exception in ORS 244.020(7)(b)(L).

THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO ORS 244.280. A PERSON SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY GOOD FAITH ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN.

Issued by Order of the Oregon Government Ethics Commission at Salem, Oregon on the 9th day of May, 2025.

David M. Fiskum

David Fiskum, Chairperson

Sean Brady

Sean T. Brady, Senior Assistant Attorney General

RELEVANT STATUTES AND ADMINISTRATIVE RULES: The following Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) are applicable to the issues that are addressed in this opinion:

ORS 244.020(7)(a): "Gift" means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or

(B) For valuable consideration less than that required from others who are not public officials or candidates.

* * * * *

ORS 244.020(7)(b): "Gift" does not mean:

* * * * *

(E) Admission provided to or the cost of food or beverage consumed by a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, at a reception, meal or meeting held by an organization when the public official represents state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(I) Food or beverage consumed by a public official acting in an official capacity:

(i) In association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;

(ii) While engaged in due diligence research or presentations by the office of the State Treasurer related to an existing or proposed investment or borrowing; or

(iii) While engaged in a meeting of an advisory, governance or policy-making body of a corporation, partnership or other entity in which the office of the State Treasurer has invested moneys.

(L) Food or beverage consumed by a public official or candidate at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

ORS 244.020(10): "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in:

(a) Any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official; or

(b) Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official.

* * * * *

ORS 244.020(11): "Member of the household" means any person who resides with the public official or candidate.

* * * * *

ORS 244.020(15): "Public official" means the First Partner and any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

* * * * *

ORS 244.020(16): "Relative" means:

(a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;

(b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate;

(c) Any individual for whom the public official or candidate has a legal support obligation;

(d) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment; or

(e) Any individual from whom the candidate receives benefits arising from that individual's employment.

* * * * *

ORS 244.025(1) Gift Limit: During a calendar year, a public official, a candidate or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest.

ORS 244.040 Prohibited use of official position or office; exceptions; other prohibited actions:

(1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial

detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

- (2) Subsection (1) of this section does not apply to:
- (a) Any part of an official compensation package as determined by the public body that the public official serves.

 - (e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest.
 - (f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest.
 - (g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.

OAR 199-005-0001 Definitions. The following definitions are provided for works or terms as they are used in ORS Chapter 244, especially in the exceptions to the definition of a gift in ORS 244.020(7)(b):

(4) A "Meeting" is an event that includes multiple attendees who are members of an organization or members of the general public who have been invited to the event. The purpose or agenda for the meeting would be included in any advance notice of the event.

(5) "Official capacity" means that the public official attends an activity while engaged in duties or responsibilities that are customary to their office or position.

(6) "Organization" means any public body, corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust, or other entity other than an individual.

(7) "Representing Government" means that a public official is representing a state or local government or a special government body when the public official attends an event on behalf of the government agency. The following examples are offered to illustrate the meaning of "representing government," but are not meant to be the only circumstances that would define representing government:

(a) A fire chief attends an event to honor protection services representatives and attends on behalf of the station in an official capacity.

(b) A department manager attends a conference being sponsored by a vendor that has in the past sold products to the agency in which the manager is employed. The

manager's official duties include the responsibility of attending conferences on behalf of the governing body.

(c) An executive director for a state agency attends ceremonial events; the director's official duties include representing the agency at such events.

(d) A state employee who works in the IT department whose responsibilities include reviewing and recommending software attends a workshop on software applications held by a professional membership organization.

(e) A planning commissioner speaks to a non-profit organization on behalf of the county planning department.

(f) A volunteer for a city park department attends an event representing the department at a meeting to discuss issues surrounding volunteerism.

(g) A legislator attends an event being sponsored by a Native American tribe on behalf of a legislative committee on which the legislator serves.

(h) A city councilor attends the local chamber of commerce breakfast.

(8) "Reception" means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.

OAR 199-008-0005(3) Definitions of terms in ORS Chapter 244:

(1) The purpose of this rule is to define certain terms and to clarify substantive provisions of ORS Chapter 244.

* * * * *

(3) The term "official compensation package" means the wages and other benefits provided to the public official. To be part of the public official's "official compensation package", the wages and benefits must have been specifically approved by the public body in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials. "Official compensation package" also includes the direct payment of a public official's expenses by the public body, in accordance with the public body's policies.



SUBJECT: Meals & Taxable Fringe Benefits	EFFECTIVE: November 2006 REVIEWED: December 2012; November 2021 REVISED: February 2024
CATEGORY: 400 (Finance) POLICY NUMBER: 400.4	CROSS REFERENCE:

Purpose

To set reasonable minimum standards for city payment or reimbursement of reasonable expenses incurred in the course of official city business. Considerations in this policy include taxability, Oregon ethics law, and capacity of city staff to administer the policy. Purchases made under this policy need to be approved in advance.

Definitions

Business purpose: A statement that adequately describes the expense as a necessary, reasonable and appropriate business expense; and confirms that a particular good, service or activity supports or advances the goals, objectives and mission of the city.

De Minimis: Benefits that have little value and are infrequently provided. Items over \$100 per person are never de minimis, no matter the circumstances.

De minimis meal: A meal that is less than, or equal to, the GSA amount for that location and meal.

Infrequent: Occurring four times a year or less.

Taxable fringe benefits: Benefits provided by the city which are subject to taxation under the IRS regulations. Fringe benefits are a form of pay for the performance of services (includes property, services, cash or cash equivalent).

Scope

This policy applies to all employees and public officials of the city and participants in city outreach.

Policy

Meals for employees and other compensated officials provided by the city are not taxable if they are for a documented business purpose and one of the following criteria are met:

- **The meal is for the convenience of the employer and on work premises.**
If the meal is for a recurring meeting or event that does not meet the definition of “infrequent”, then the business purpose and convenience of the employer must be documented and approved by the City Manager, or designee, in advance. The documentation must outline why the employee(s) could not reasonably provide and have time provided to eat their own meal in advance of, or after, the recurring event. For guidance, please reference

[IRS Publication 5137](#) and refer to the section on “Meals and Lodging”.

- Examples include lunch brought on site for a project meeting or interview panel; employee is required to work an emergency and is unable to secure a meal
- **The value of the meal or refreshment is de minimis and infrequent.**
 - Examples include All-employee picnic, a manager takes their team out to a moderately priced restaurant once or twice a year, a Council retreat, or a community outreach event.

Meals for uncompensated officials and volunteers may be provided under the guidelines in Section 1 above.

- If the meals provided are frequent, they may be taxable; however, if the total amount of the meals and other taxable benefits from the city for each individual is less than \$600 in a calendar year, then the city is not required to report the value of the meals (and other taxable benefits).

Catered meals at large city events

- Are not taxable as long as they are infrequent and the meal/refreshment is de minimis.
 - Examples include all-employee picnic or a grand opening event for a city facility

Retirement events with gift

- The cake/refreshments for the event are not taxable as long as the event is during business hours and the value of the refreshments are de minimis.
- Gift is not taxable as long as the gift is not cash or cash equivalent (e.g. gift card) and the monetary value of the gift is under \$100.

Economic development opportunity meetings or community outreach opportunities for coffee, lunch, or dinner that involve staff, businesses, and/or community members.

- Coffee or similar is not taxable as long as it is infrequent.
- When done infrequently, a meal for the employee is not taxable if the value of the meal is de minimis.
- If the developer or community member pays, it is not taxable to the employee; however, the employee must maintain a record of the value as public officials are limited to gifts of up to \$50 per calendar year from any source that has legislative or administrative interest.
- Food and Beverage associated with financial transactions or business agreements, business related to proposed investment or borrowing, meeting with a governance, advisory or policy making body which the entity has invested money is not taxable and does not fall under the \$50 per calendar year limit under Oregon law.
 - An example of this is a meal to celebrate a bond closing that is hosted by the Financial Advisors.

Community Outreach

- Childcare and food for community at a townhall type of meeting is not taxable to staff or community as long as the event is open to the general public.
- Gift cards are always taxable to the community. As long as the total amount that is provided

to any individual does not equal or exceed \$600, the city is not required to report the income to the IRS.

- T-shirts, hats, and other low value schwag are not taxable to staff and the community as long as the value is de minimis and infrequent. Very low value schwag (e.g. stickers) is not taxable as its value is de minimis and is available to the community.
- Stipends for community service and speaker honorariums are taxable. As long as the total amount that is provided to any individual does not equal or exceed \$600, the city is not required to report the income to the IRS.
- TriMet Hop cards provided to houseless persons are not taxable.

Clothing is taxable, except:

- It is specifically required as a condition of employment and is not worn or adaptable to general use as ordinary clothing.
 - Inclusion in a union contract does not make clothing exempt from tax.
 - Example includes police uniforms.
- Safety equipment is excludable if the equipment is provided to help the employees perform their job in a safer environment.
 - Examples include a hardhat, anti-glare screen for computers, and safety shoes.

City Vehicles:

- City vehicles should not be driven home. There may be exceptions for those in law enforcement that are assigned an on-call vehicle by the Chief of Police in order to respond to emergency situations. Any non-work-related travel must be documented on a monthly basis and submitted to Finance and may be subject to taxation. This use of a City vehicle is exempt from taxation. Any take home privileges, or personal use of a City vehicle may be subject to taxation under the IRS regulations.

Responsibilities

Employees:

- To be aware of the regulations regarding taxable fringe benefits
- Use clothing or safety equipment provided or reimbursed by the city for work purposes only.

Supervisors:

- Be aware of the regulations regarding taxable fringe benefits and take steps to avoid compromising what is taxable and what is excluded.
- Approve expenses for your department that fall under this policy in advance of the expenditure.

Finance:

- Follow IRS regulations with regards to withholding taxes.
- Follow city policy with regards to reimbursable expenses to avoid a situation where something that would otherwise not be a taxable fringe benefit becomes one, such as reimbursing without itemized receipts or detailed description of items.

- Periodically audit city procedures in conjunction with Human Resources to comply with regulations.

Human Resources:

- Periodically audit city procedures in conjunction with Finance to comply with regulations.

Payroll:

- When made aware of a taxable event by the Supervisor or Finance staff, collect needed documentation and process payroll accordingly.

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Date Written: Dec. 3, 2025

Reviewed: Kelli Tucker, Accounting & Contracts Specialist

From: Michael Osborne, Finance Director

Subject: Reinstatement of Contract for Banking Services with Columbia Bank

ACTION REQUESTED

Council is asked to approve the reinstatement of a banking services contract with Columbia Bank for services related to the functions of general banking and money management services.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[July 21, 2020](#): Council authorized the contract award for general banking services to Columbia Bank (formerly Umpqua Bank) via [Resolution 52-2020](#) with the contract initial term ending on October 31, 2025 and allowing for renewal terms.

ANALYSIS

The services provided by Columbia Bank include depository accounts, disbursements, lock box, online accounting and reporting, and purchase card services for the city. These banking services are imperative to the city to meet operational needs and support customers.

In September 2025, the procurement staff notified finance staff that the contract with Columbia Bank was nearing expiration at the end of October, providing sufficient time to execute an amendment to extend the term. The finance director missed this deadline in an oversight. Columbia Bank has since inquired about the city's wish to renew services for a new term. Staff began discussions with Columbia bank to extend the term for five years through October 2030, as was originally allowed for in the contract.

The lapse in contract was unintentional, and staff are actively pursuing an extension. Columbia Bank continues to provide banking services to the city during this interim period as the services are necessary to complete the city's banking needs. Reinstating the contract will ensure continuity of services and support and allow the city to make banking transactions for services performed after the contract's original expiration date.

To remedy this lapse, staff is requesting Council authorization under the city's Public Contracting Rule (PCR) 90.025, which provides a mechanism for reinstating contracts that have expired and require completion of services. Reinstatement of the contract with Columbia Bank will allow the bank to continue services as if the contract had not expired.

Staff will endeavor to regard the procurement team's advance notice of expiring contracts and begin the amendment process sooner to prevent the recurrence of unwanted contract expirations in the future and to ensure there is sufficient time to complete the amendment process.

BUDGET IMPACT

Funding for this work is included in the existing budget for the Finance Department. No additional budget appropriation is required.

CLIMATE IMPACT

There is no direct climate impact associated with reinstating this contract.

EQUITY IMPACT

There are no direct equity impacts from this action.

WORKLOAD IMPACT

Minimal. Finance staff will coordinate the contract amendment execution and resume banking services with Columbia Bank.

COORDINATION, CONCURRENCE, OR DISSENT

This action has been reviewed and supported by procurement staff.

STAFF RECOMMENDATION

Staff recommend that Council approve reinstatement of the Columbia Bank contract to allow for the continuation of the city's banking services.

ALTERNATIVES

Council may choose not to reinstate the contract. This could delay banking progress and require a new procurement process for banking services.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, REINSTATING A BANKING SERVICES AGREEMENT WITH COLUMBIA BANK FOR GENERAL BANKING SERVICES.

WHEREAS the city requires a banking relationship with services for depository accounts, disbursements, online accounting and reporting, lock box, and purchase card services; and

WHEREAS the initial contract term with Columbia Bank for banking services ended on October 31, 2025; and

WHEREAS the contract expired before an amendment to extend the term was executed by staff; and

WHEREAS staff determined that banking services are necessary to continue meeting the city's operational needs; and

WHEREAS staff wish to reinstate the contract with Columbia Bank and renew the contract term through October 31, 2030, as originally allowed for in the contract; and

WHEREAS Council has the authority to reinstate contracts under the city's Public Contracting Rules (PCR) 90.025.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the banking services agreement with Columbia Bank is reinstated effective upon execution of a contract amendment between the city and Columbia Bank. Upon execution of the amendment, the contract will be in full force and effect, as if it had not expired.

Introduced and adopted by the City Council on **December 16, 2025**.

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Reviewed: Kelli Tucker, Accounting & Contracts Specialist

From: Joseph Briglio, Assistant City Manager, and
Mandy Byrd, Development Project Manager

Subject: Sparrow Site Design & Development Award

Date Written: Nov. 20, 2025

ACTION REQUESTED

Council is asked to approve a resolution authorizing the award of the Sparrow Site project to DevNW, and to authorize the city manager or designee to enter into an exclusive negotiating agreement with DevNW for the purpose of establishing terms for a development and disposition agreement for development of affordable homeownership at the Sparrow Site.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

June 20, 2018: Staff met with the Island Station Neighborhood District Association (NDA) to provide an in-person update of city plans to land bank property for the purpose of housing development opportunities.

[March 19, 2019](#): Council delegated signing authority to the city manager to purchase the Sparrow Site from TriMet for \$33,287.

[February 18, 2020](#): Council reviewed and provided input on development goals and received an update on the proposed project community engagement plan.

[January 19, 2021](#): Council received an update on the Sparrow Site and reviewed project goals.

[March 16, 2021](#): Council received an update on the Sparrow Site, the Site Access Study, and reviewed project goals.

[April 6, 2021](#): Council received an update on the Sparrow Site, the Site Access Study, and reviewed project goals.

[May 18, 2021](#): Council considered a resolution to approve the project goals for the TriMet Remnant Lot (Sparrow Site).

[June 1, 2021](#): Council adopted a resolution to approve the project goals for the TriMet Remnant Lot (Sparrow Site).

[June 8, 2021](#): Council held an executive session and received an update on the Sparrow Site, the results of the Site Access Study, and reviewed property acquisition options.

[June 21, 2022](#): Council delegated signing authority to the city manager to purchase the 0.30-acre site at 12302 SE 26th Ave (Tax Lot No. 11E36CC05100) (the "Sparrow Auxiliary Site") from the Tri-County Metropolitan Transportation District (TriMet) within the incorporated area of

Milwaukie for the agreed amount of \$84,000. The deed for this purchase was recorded on January 17, 2023.

[September 17, 2024](#): Council received a project update and provided general direction on the project goals for Sparrow.

[December 10, 2024](#): Council held a study session to learn more about ownership models for affordable housing.

[December 17, 2024](#): Council discussed and gave final direction on the 2024 updated Sparrow Site project goals.

[January 7, 2025](#): Council approved the updated project goals.

[February 18, 2025](#): Council held a public hearing to declare the two Sparrow parcels as surplus.

ANALYSIS

Council adopted revised project goals and declared the Sparrow Site as surplus earlier this year, after which the city issued a competitive Request For Proposals (RFP) solicitation process to developers on August 15, 2025. The solicitation was administered in compliance with the city's Development Agreement Policy, and three proposals were received by the submission deadline.

Staff formed a five-member evaluation committee to review and score proposals based on the project goals and criteria set forth in the RFP. There were two internal and three external evaluation committee members. Two of the external evaluation committee members were selected based on their technical expertise including direct experience with affordable housing development, real estate financing, and RFP evaluation. The remaining external evaluation committee member was nominated by the Island Station NDA to serve on the committee. Specifically, the evaluation committee was made up of the following members:

- Joseph Briglio – Assistant City Manager, City of Milwaukie
- Mandy Byrd – Development Project Manager, City of Milwaukie
- Andrew Crampton – Senior Housing Developer, Housing Authority of Clackamas County (HACC)
- Ivy Grant – Senior Loan Coordinator, Portland Housing Bureau
- Ashly Hoffman – Resident Appointee from Island Station NDA

The evaluation committee scored proposals based on the project goals and criteria listed in the RFP. Ultimately, the scoring results identified DevNW as the highest-ranked proposer and most qualified to develop the Sparrow Site. The scoring results reflected DevNW's exemplary response to Council's goals and vision for the site, and the criteria noted in the RFP. Specifically, DevNW teamed up with Ink Built Architecture and proposed 22 townhomes at 70-80% AMI in a \$13.6M development that features:

- 16 three-story, four-bedroom and two-bathroom townhomes
- 4 two-story, three-bedroom and two-bathroom townhomes designed to be visitable for individuals with mobility needs
- 2 fully ADA-compliant, single-story, two-bedroom and one-bathroom units
- Driveway or garage parking at each unit
- Balconies or fenced backyards at each unit
- 99-year affordability term using a land trust model

The RFP included a provision for the evaluation committee to hold interviews if needed, however, this step was waived based on the scoring and feedback from individual evaluators indicating that it was unlikely that interviews would have made a difference in the outcome. Once the scoring analysis was complete, the notice of intent to award to DevNW was publicly posted through the city's online procurement portal, notifying all respondents of the RFP result.

Next Steps

Once Council authorizes the award of the Sparrow Site project to DevNW and for the city manager to enter negotiations, staff will proceed with entering into an exclusive negotiating agreement with DevNW for the purpose of establishing terms for a development and disposition agreement.

BUDGET IMPACT

It is possible that the city will expense up to \$450,000 in Construction Excise Tax (CET) Fund dollars to help support affordable housing development on the site.

CLIMATE IMPACT

The city's 2023 climate goals update indicated that transportation emissions amount to 52% of Milwaukie's total emissions. Transit Oriented Development (TOD) housing projects, like the Sparrow Site, have the potential to mitigate transportation-related carbon emissions by promoting access to alternative and public transportation. Street and pedestrian improvements provided by the Safe Access for Everyone program that are a part of the project also mitigate greenhouse gas emissions through increased access to alternative transportation infrastructure.

Environmental remediation may improve the possibility of healthy vegetation on the site, which could align with city canopy goals if appropriate tree preservation and arboricultural construction practices are followed. The Sparrow Site development will help implement the city's Comprehensive Plan, which includes the city's climate action goals.

Additionally, two of the proposed project goals are specifically targeted at increasing the project's climate impact including: 1) preservation of the tree canopy, and 2) sustainable and energy efficient design and construction methods.

EQUITY IMPACT

The housing crisis has a disproportional impact on marginalized populations. If the Sparrow project comes to fruition, it could potentially create much needed affordable housing for underserved community members. This will promote the city's equity goals by creating housing units affordable to a more diverse population.

Additionally, two of the proposed project goals are specifically targeted at increasing the project's equity impact including: 1) good faith efforts to diversify contracting, and 2) affirmative outreach to diversify future residents of the property.

WORKLOAD IMPACT

The city's assistant city manager, community development director, and development project manager, as well as public works, planning, and engineering staff will work together to facilitate this project.

COORDINATION, CONCURRENCE, OR DISSENT

The city manager, assistant city manager, city attorney, community development director, and development project manager have coordinated this effort.

STAFF RECOMMENDATION

Staff and the RFP evaluation committee highly recommend City Council authorize the award of this project to DevNW and authorize the city manager to enter into an exclusive negotiating agreement with DevNW for the purpose of establishing terms for a development and disposition agreement for the Sparrow Site.

ALTERNATIVES

No alternative outcome is recommended at this time.

ATTACHMENTS

1. Resolution
2. Notice of Intent to Award Letter

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE AWARD OF THE SPARROW SITE DESIGN AND DEVELOPMENT PROJECT TO DEVNW AND FOR THE CITY MANAGER TO ENTER INTO AN EXCLUSIVE NEGOTIATING AGREEMENT WITH DEVNW.

WHEREAS the city purchased the Sparrow Site (Tax Lot No. 11E36CC00300) from TriMet in March 2019 for redevelopment targeted to help meet the city’s affordable housing goals; and

WHEREAS the city developed project goals to be included in a competitive request for proposals (RFP) solicitation process for development of the Sparrow Site based on the city’s affordable housing goals and City Council’s established goals for the project; and

WHEREAS to accomplish the project goals through an RFP for future development, the acquisition of an additional parcel (Sparrow Auxiliary Site) was needed for right-of-way access improvements; and

WHEREAS the city purchased the Sparrow Auxiliary Site (Tax Lot No. 11E36CC05100) from TriMet in January 2023; and

WHEREAS the two Sparrow Site lots were designated as surplus, authorizing the city manager or designee to sell, transfer, or lease the properties after an RFP process; and

WHEREAS the city issued an RFP for the purpose of identifying a development partner for the Sparrow Site property; and

WHEREAS an evaluation committee consisting of city staff and external evaluators identified DevNW as the most qualified developer to meet the goals and vision for the Sparrow Site.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, authorizes the award of the Sparrow Site design and development project to DevNW and authorizes the city manager or designee to enter into an exclusive negotiating agreement with DevNW for the purpose of establishing terms for a development agreement that is consistent with the objectives and criteria stated in the RFP for the Sparrow Site.

Introduced and adopted by the City Council on **December 16, 2025.**

This resolution is effective immediately.

ATTEST:

Scott S. Stauffer, City Recorder

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Justin D. Gericke, City Attorney



CITY OF MILWAUKIE

NOTICE OF INTENT TO AWARD

Notice Posted Date: November 21, 2025
 Project Title: Request for Proposals for Design and Development of the Sparrow Site
 Solicitation Reference #: RFP-2025-042

Dear Proposers,

Thank you for taking time to submit a proposal to the City of Milwaukie’s Request for Proposals for Design and Development of the Sparrow Site, and for your interest in building affordable homeownership units in Milwaukie. The evaluation group has completed evaluations of all responsive proposals and has decided not to hold interviews as part of the selection process.

It is our intent at this time to award the development project to DevNW, who was selected as the top-ranking proposer to complete the design and development of the Sparrow Site. The city will contact the selected proposer soon to discuss next steps - this notice is not a notice to proceed.

The following page outlines the responsive proposers and identifies the total average points awarded to each proposer by the evaluation group (consisting of five members). There were no eliminated or non-responsive proposers; all proposals were evaluated.

Authorization of the developer selection will be determined by City Council at its regular session on December 16, 2025, beginning at 6:30 p.m. PST at Milwaukie City Hall, 10501 SE Main Street, 3rd Floor, Milwaukie, Oregon 97222 or online through the city’s YouTube channel.

In the event a proposer is adversely affected or aggrieved by the city’s award to another proposer, the proposer may protest the notice of the award. Protests must be in writing, specifying the grounds upon which the protest is based, and submitted to Procurement@milwaukieoregon.gov by 2:00 p.m. PST on Monday, December 1, 2025.

If you have any questions or need additional information regarding this notice, please email Procurement@milwaukieoregon.gov.

Sincerely,

City of Milwaukie
10501 SE Main Street
Milwaukie, OR 97222



CITY OF MILWAUKIE

The table below outlines the responsive proposers and identifies the total average points awarded to each proposer by the evaluation group for solicitation # RFP-2025-042.

Proposer	A-1 - Specialized Skills and Experience 10 pts	A-2 - Overall Experience and Qualifications 5 pts	A-3 - Green Building Expertise 5 pts	B - Project Vision 20 pts	B-1 - Project Goal Approach 10 pts	B-2 - Mitigating Site Constraints 5 pts	B-3 - Community Engagement 5 pts	C - Conceptual Site Design and Feasibility 25 pts	C-1 - Financial Feasibility 5 pts	C-2 - Site Constraints and Opportunities 5 pts	C-3 - Alternative Plans 5 pts	C-4 - Construction Feasibility 5 pts	C-5 - Long-term Management Plan 5 pts	D - Public Benefit 15 pts	D-1 - Strength of Public Benefit 10 pts	D-2 - Long-term Feasibility 5 pts	Total 80 pts
DevNW	9.8	4.8	5	17.8	8.8	4.6	4.4	22.9	4.7	4.6	4.4	4.8	4.4	13.2	8.6	4.6	73.5
Hacienda CDC	6.6	4.8	4.8	17.9	8.2	4.7	5	21.9	4.5	5	4.4	4.6	3.4	12	8.4	3.6	68
Fisher and Janisse Builders LLC	4.6	3.2	3.2	12	5.6	3.4	3	14.1	3	3.2	3.4	3.5	1	7.2	5	2.2	44.3

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Reviewed: Joseph Briglio, Assistant City Manager

From: Mandy Byrd, Development Project Manager

Subject: BizOR Infrastructure Grant for Hillside Buildings D&E

Date Written: Nov. 20, 2025

ACTION REQUESTED

Council is asked to adopt a resolution authorizing staff to partner with RelatedNW in a joint application for \$3 million in grant funds from the State of Oregon Business Development Department's Infrastructure Finance Authority (OBDD) to pay for infrastructure at Hillside buildings D and E, and if awarded, to enter into a contract with OBDD for those grant funds.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

April 19, 2016: Council declared a housing emergency in response to a combination of low vacancy rates and rapidly increasing rents and home sale prices. This emergency has been extended numerous times.

[June 6, 2023](#): Council adopted the city's HPS.

October 1, 2024: Council authorized the city to work in partnership with Clackamas County Housing and Community Development Division on a housing grant to support Hillside Park Redevelopment.

[February 4, 2025](#): Council approved Resolution 10-2025, adopting Council goals for calendar years 2025 to 2027.

[June 3, 2025](#): Council reviewed the Affordability Goal Action Plan.

[December 2, 2025](#): Council directed staff to pursue the BizOR Infrastructure Grant for Hillside Buildings D&E during the quarterly Affordability Goal Action Plan update.

ANALYSIS

Background

Consistent with housing trends in Clackamas County, and throughout the State of Oregon, the City of Milwaukie struggles with a lack of affordable housing supply. In response to this shortage, the city adopted the 2018-2023 Milwaukie Affordable Housing Strategy (MHAS) and 2023 Housing Production Strategy (HPS). Both strategy documents identify housing production action items, several of which have been adopted including: a construction excise tax (CET) to fund affordable housing development and a land bank strategy to facilitate the purchase of sites by nonprofit developers.

Clackamas County has shown regional leadership in housing production by spearheading the redevelopment of Hillside Park, a master-planned redevelopment of a low-density public

housing site that previously included 100 detached housing units across 13.7 acres. When complete, the redevelopment will achieve construction of roughly 500 new affordable housing units in various categories of income and tenure, spanning the continuum from <30% of area median income (AMI) permanent supportive housing (PSH) units to affordable homeownership.

The Housing Authority of Clackamas County (HACC) has contracted Related NW to develop Phases 1 and 2 of Hillside Redevelopment. Phase 1 is made up of buildings A, B, and C (see site map attached), which results in 275 total units of amenity-rich affordable housing in three adjacent buildings serving households with incomes at or below 60% AMI.

Phase 2 will include buildings D and E and will result in 164 units of income restricted affordable housing between 30%-80% AMI, construction of which is scheduled to commence mid-year 2026. Buildings D and E have approval of Local Innovation and Fast Track (LIFT) funding and a private activity bond allocation from the state, but there is still a gap in the project's capital funding budget.

The development team from RelatedNW has brought to staff's attention an RFP that recently opened for grant funds through OBDD's Housing Infrastructure Financing Program (HIFP). The purpose of this grant program is to offset infrastructure burdens on affordable housing projects across the state. After looking at the grant requirements, the team thinks that buildings D and E at Hillside are extremely well positioned for an application. Unlike other affordable housing funding that is obtained by the developer, the HIFP requires that a public entity apply on behalf of a scope of work, and housing authorities are explicitly not allowed to be a public entity sponsor. For that reason, the team from RelatedNW would need to partner with the City of Milwaukie on an application. While their team would take the lead on completing the application materials, they need some support from city staff.

Therefore, staff are seeking authorization to apply for \$3M in grant funds from OBDD's Housing Infrastructure Financing Program in partnership with RelatedNW and HACC, to support buildings D and E.

BUDGET IMPACT

There should be no impact on the city's budget. The HIFP grant award would go directly towards supporting infrastructure needs for Hillside Park Phase 2 development (Buildings D and E).

CLIMATE IMPACT

The city's 2023 climate goals update indicated that transportation emissions amount to 52% of Milwaukie's total emissions. Transit Oriented Development (TOD) housing projects, like Hillside have the potential to mitigate transportation-related carbon emissions by promoting access to alternative and public transportation. More durable cladding and solar panels both improve energy efficiency and decrease climate impacts.

Additionally, city-wide preservation of the tree canopy and sustainable and energy efficient design and construction methods will also have a positive climate impact.

EQUITY IMPACT

In a process co-developed through the city manager's office and led by a consultant from Equity Analytics Group, the city is developing equity indicators to track five outcomes identified

uplifted in the Milwaukie Community Vision. The first one, "Milwaukie residents enjoy affordable housing," is a community-wide outcome jointly identified by Council and the city's Equity Steering Committee (ESC).

The housing crisis has a disproportional impact on marginalized populations. Affordable housing opportunities at Hillside Phase 2 will create much needed affordable housing for underserved community members. This will promote the city's equity goals by creating housing units affordable to a more diverse population.

WORKLOAD IMPACT

If the grant is awarded, there will be some grant administration required on behalf of the city. City staff believe that there is capacity for this as it should be fairly limited in scope and management. The city would not be required to manage any income eligibility of the future units to be developed.

COORDINATION, CONCURRENCE, OR DISSENT

The assistant city manager, community development director, finance director, and development project manager have coordinated this effort.

STAFF RECOMMENDATION

Staff are seeking Council authorization, through adoption of the attached resolution, to proceed in partnership with RelatedNW on the OBDD grant application.

ALTERNATIVES

Council could instruct staff to move in a different direction.

ATTACHMENTS

1. Resolution
2. Hillside Site Plan



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING A PARTNERSHIP BETWEEN THE CITY AND RELATEDNW TO SUBMIT A GRANT APPLICATION FOR THE **OREGON BUSINESS DEVELOPMENT DEPARTMENT'S** INFRASTRUCTURE FINANCE AUTHORITY HOUSING INFRASTRUCTURE FINANCING PRORAM TO FUND INFRASTRUCTURE IMPROVEMENTS AT HILLSIDE PARK.

WHEREAS the City of Milwaukie, Clackamas County, Metro, and the State of Oregon have prioritized affordable housing, and

WHEREAS RelatedNW has invited the City of Milwaukie to partner in applying for state grant funds to help pay for critical infrastructure at Hillside Park in Milwaukie, and

WHEREAS this grant opportunity would directly support the development of 164 affordable housing units in Buildings D and E of the Hillside Park development.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager or their designee is authorized to partner with Related NW to apply for the Oregon Business Development Department's (OBDD's) Housing Infrastructure Financing Program grant funds to support infrastructure improvements at Hillside Park, Buildings D and E in Milwaukie, and if awarded, to enter into a contract with OBDD for those grant funds.

Introduced and adopted by the City Council on **December 16, 2025.**

This resolution is effective immediately.

ATTEST:

Lisa Batey, Mayor

APPROVED AS TO FORM:

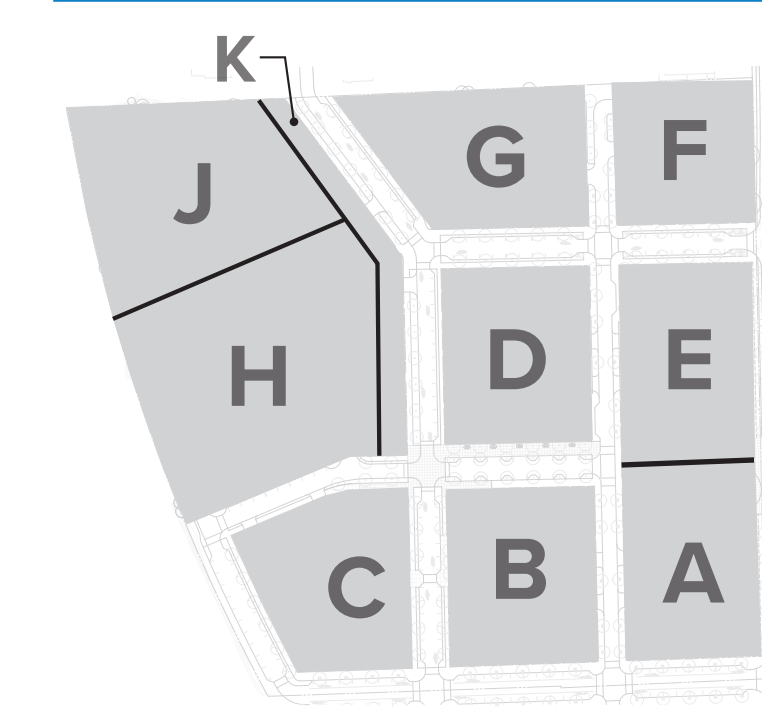
Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Attachment 6. F. 2.



KEY PLAN



LEGEND

- parking ratio
- # of stories (res.) / over commercial
- # of units
- Building

TABULATIONS

Lot A	= 1.34 ac	75 du/ac
Lot B	= 1.38 ac	78 du/ac
Lot C	= 1.29 ac	50 du/ac
Lot D	= 1.39 ac	39 du/ac
Lot E	= 1.39 ac	67 du/ac
Lot F	= 0.99 ac	40 du/ac
Lot G	= 1.52 ac	18 du/ac
Lot H	= 2.45 ac	37 du/ac
Lot J	= 1.79 ac	0 du/ac
Lot K	= 1.06 ac	11 du/ac
Total	= 14.61 ac	

Hillside Manor (existing)	= 100 units
Hillside Park (replacement units)	= 100 units
Net New Units (to be developed)	= 400 units

Grand Total = 600 units

Off-street parking* = 352 stalls

On-street parking = 137 stalls

Total = 489 stalls

MASTER PLAN



MP 1.3





MILWAUKIE POLICE DEPARTMENT

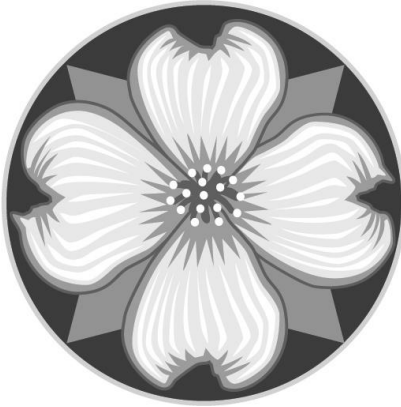
Memorandum

To: Mayor Batey and Milwaukie City Council
From: Ryan Burdick, Police Chief *RB*
Through: Emma Sagor, City Manager
Date: December 2, 2025
Re: OLCC Application – Bigfoot Cider Co.

Action requested:

It is respectfully requested the council approve the OLCC application for Bigfoot Cider Company located at 3055 SE Washington St. Milwaukie, OR 97222.

We have conducted a background check and find no reason to deny the request for the liquor license.



RS Agenda Item

7

Business Items

**RS 7. A.
12/16/25
Exhibit**

From: [Lisa Batey](#)
To: [City Council](#); [Laura Weigel](#); [Vera Kalias](#)
Subject: concept paper on historic inventory pilot for discussion tonight
Date: Tuesday, December 16, 2025 1:23:35 PM
Attachments: [Concept paper on historic inventory Dec 2025.docx](#)
[MilwaukieNDAPropertyDates.pdf](#)

OCR: Please add to packet for tonight's regular session.

All: Please do not reply all.

My apologies for the lateness here – I intended to get this in for the packet last Friday, but it has been a busy last ten days or so!

Attached is a 3-page paper outlining the proposal that the Council President and I want to discuss tonight. The PDF file is some color-coded mapping, just by way of background.

Thanks!

--Lisa

Lisa M. Batey
Mayor, City of Milwaukie
Email: bateyl@milwaukieoregon.gov
Message line: 503-786-7512

Concept paper for Historic Inventory pilot project

To: Milwaukie City Council and relevant staff

From: Mayor Batey and Council President Anderson

Date: Tuesday, December 16, 2025

In the fall of 2023, Council voted to disband the Design and Landmarks Committee. That decision reflected several considerations, including the understanding that the Planning Department would not have the capacity to undertake the long-overdue Historic Resources code update or a comprehensive historic property inventory for several years. While delays in the code-related work have persisted, launching a pilot historic resources inventory now could provide much-needed momentum and help lay the groundwork for that future update.

Through conversations with architectural historian and Planning Commissioner Leesa Gratreak, as well as Steve Bennett of the Milwaukie Historical Society, we believe a pilot inventory could be initiated using a corps of trained volunteers overseen by a consultant or project manager, ideally a graduate student from the [University of Oregon Historic Preservation Program](#). Because such students will be looking to sign up for internships and other opportunities early in the new year, we are hoping to get consensus from Council on this approach now.

General Ages of Milwaukie Residential Areas

In 2023, Steve Bennett worked with Nick Lindekugel, the City's GIS Coordinator, to compile county tax assessor data alongside existing City data to develop a preliminary snapshot of residential building ages across Milwaukie neighborhoods. While this dataset is far from perfect (indeed, ground-truthing and the addition of exterior photographs must be a part of any formal inventory), it provides a useful baseline for understanding where historic resources are likely concentrated.

Year built	Ardenwald	Campbell	Historic	Island St	Lake Rd	Lewelling	Linwood
1929 or older	289	91	96	59	101	152	63
1930s	137	51	25	19	43	69	34
1940s	158	76	27	23	103	113	43
1950s	236	307	33	7	175	290	118
1960s	134	192	7	3	100	402	431
1970s	74	68	9	34	83	94	371
Total	1,028	785	197	145	605	1,120	1,060

In addition to these counts, a color-coded map depicting the residential building ages of lots across Milwaukie is included below.

As Commissioner Gratrek advised, structures built before 1980 are now at least 45 years old, which is a common threshold for inclusion in historic resource inventories. While an initial concept was to focus on a specific neighborhood — likely east of Highway 224, where substantial mid-20th-century development occurred — we recommend, for purposes of this pilot, working with the selected consultant to identify an area of approximately 500 homes that includes a significant concentration of mid-century residential structures.

Volunteers and a Hired Consultant

We are hopeful that a graduate student can be secured to serve as project manager for this pilot project, with an estimated stipend of approximately \$5,000. This figure is preliminary and speculative; the actual cost will depend on interest and availability among graduate students once outreach begins. In parallel with recruiting a project manager, Council would launch a volunteer recruitment effort in collaboration with the Milwaukie Historical Society.

Subject to agreement with the project manager, that individual would develop and deliver basic training for volunteers focused on identifying architectural styles, construction eras, and defining exterior features. Volunteers would then be assigned specific, multi-block areas with a list of addresses to inventory. All work would be conducted from the public right-of-way. Volunteers would not approach homeowners, knock on doors, or enter private property. To ensure transparency and comfort for residents, volunteers would be provided with identifying lanyard badges and half-sheet informational flyers explaining the project and its purpose, to share if homeowners have questions or concerns about exterior photography. Depending on the number of volunteers recruited, it is anticipated that initial field data collection could be completed within approximately two months. Following that phase, the project manager would spend an additional one to two months conducting quality control, standardizing entries, and preparing the data for submission to the State Historic Preservation Office (SHPO).

The groundwork laid in this pilot and the feedback received from SHPO would inform the development of a workplan to complete a city-wide inventory.

Cost and Fund Administration

The estimated \$5,000 cost for the project manager stipend would be funded through discretionary council funds contributed by Mayor Batey and Council President Will Anderson, as well as some limited funding that the Milwaukie Museum previously set aside for this work. In addition, we may seek modest financial support from any neighborhood district associations (NDAs) participating in the pilot area, and we would welcome contributions from other councilors who are interested in supporting this effort through their own council budgets.





We are currently exploring the most appropriate vehicle for administering these funds and contracting for the project manager. As part of that work, we plan to discuss this project with the Milwaukie Historical Society as a potential fiscal and administrative partner.

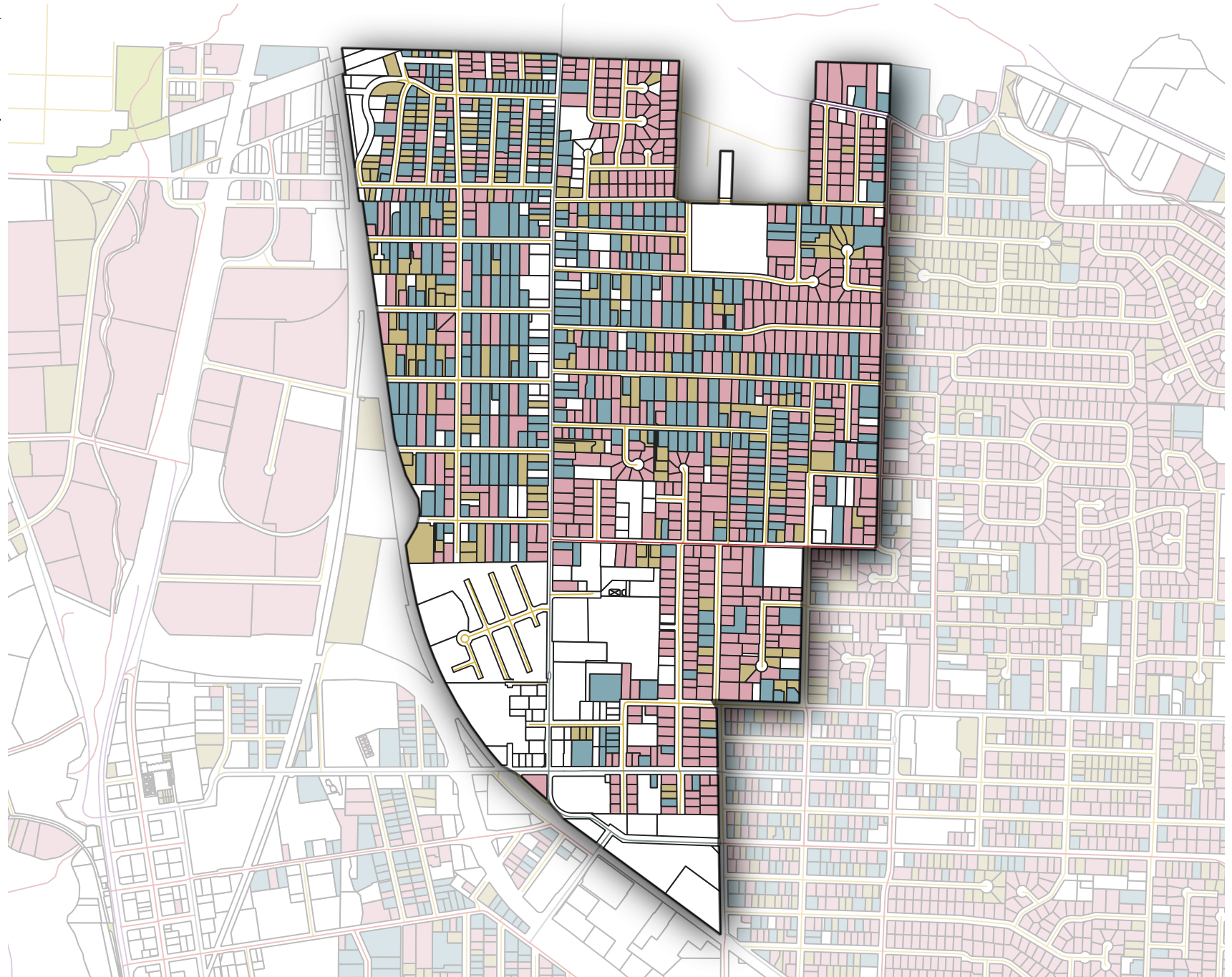
Ardenwald NDA

The map shows the property lot locations. The date of home/building construction, when known, is color-coded. The data is based on Clackamas County Tax Records.

Locations in white have no given construction date. Records from 1850-1938 are often not precisely known.

Period of Building Construction

-  No Date Specified
-  1850-1938
-  1939-1975
-  Over 1973







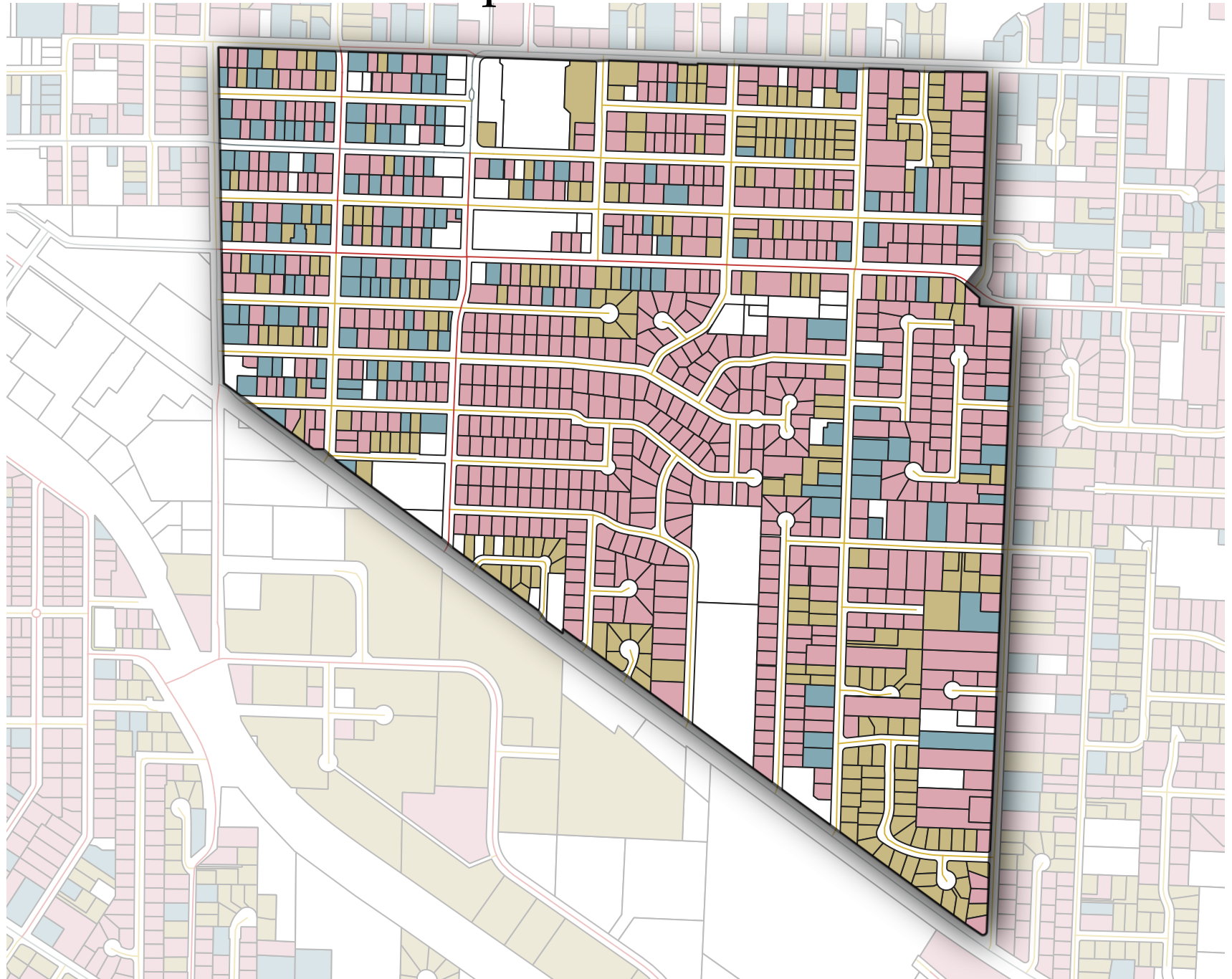
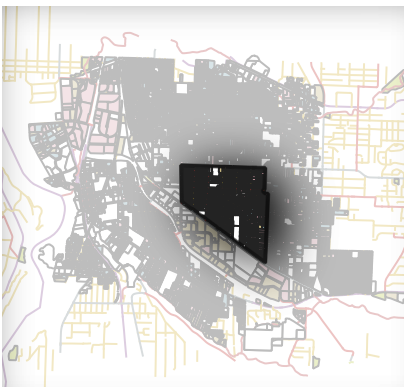
Hector Campbell NDA

The map shows the property lot locations. The date of home/building construction, when known, is color-coded. The data is based on Clackamas County Tax Records.

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Period of Building Construction

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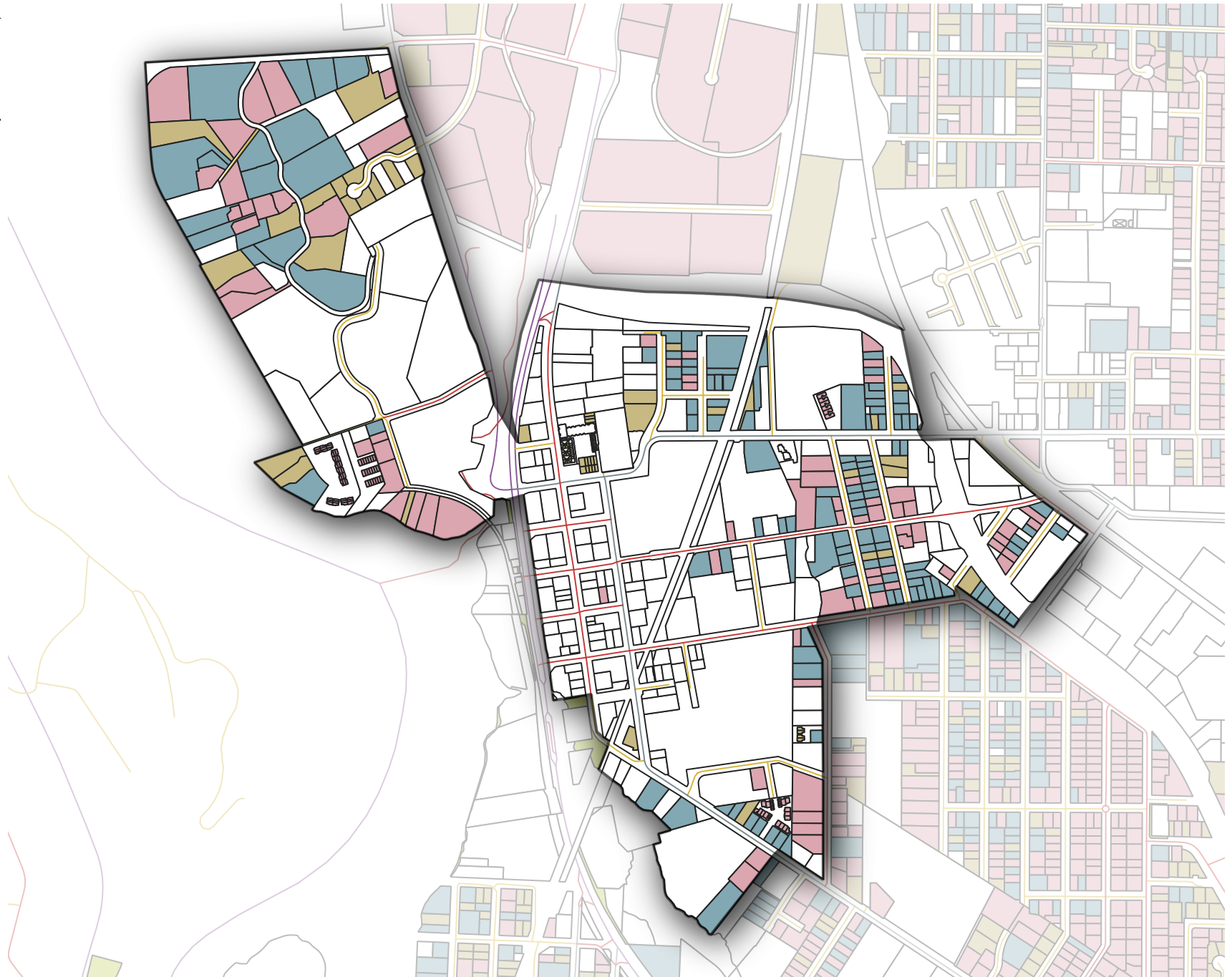
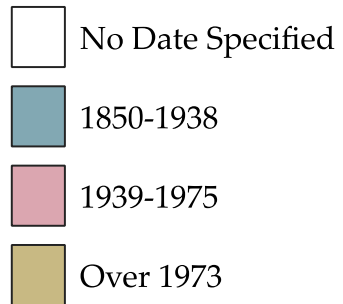


Historic Milwaukie NDA

The map shows the property lot locations. The date of home/building construction, when known, is color-coded. The data is based on Clackamas County Tax Records.

Locations in white have no given construction date. Records from 1850-1938 are often not precisely known.

Period of Building Construction







Island Station NDA

The map shows the property lot locations. The date of home/building construction, when known, is color-coded. The data is based on Clackamas County Tax Records.

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Period of Building Construction

-  No Date Specified
-  1850-1938
-  1939-1975
-  Over 1973







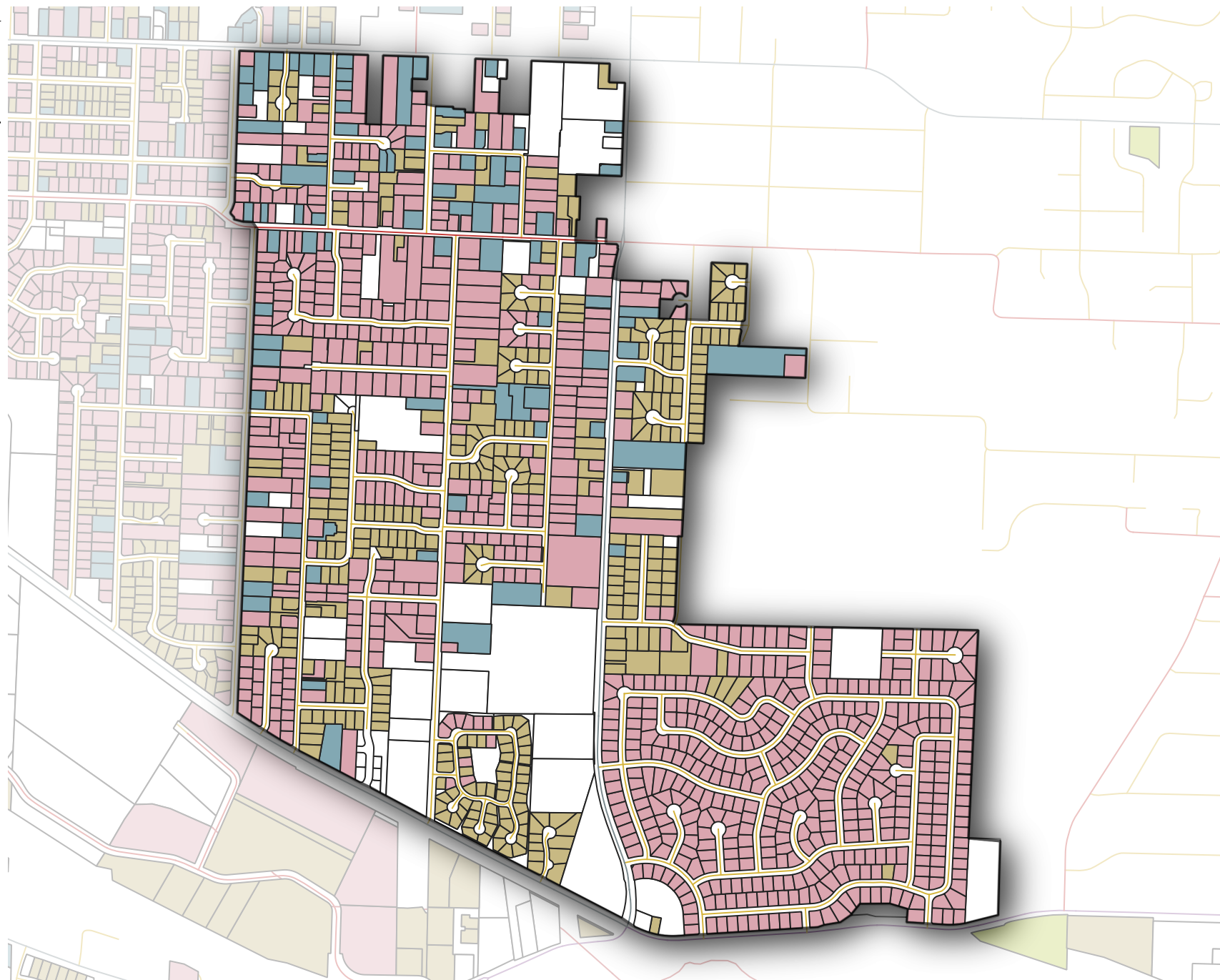
Linwood NDA

The map shows the property lot locations. The date of home/building construction, when known, is color-coded. The data is based on Clackamas County Tax Records.

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Period of Building Construction

-  No Date Specified
-  1850-1938
-  1939-1975
-  Over 1973







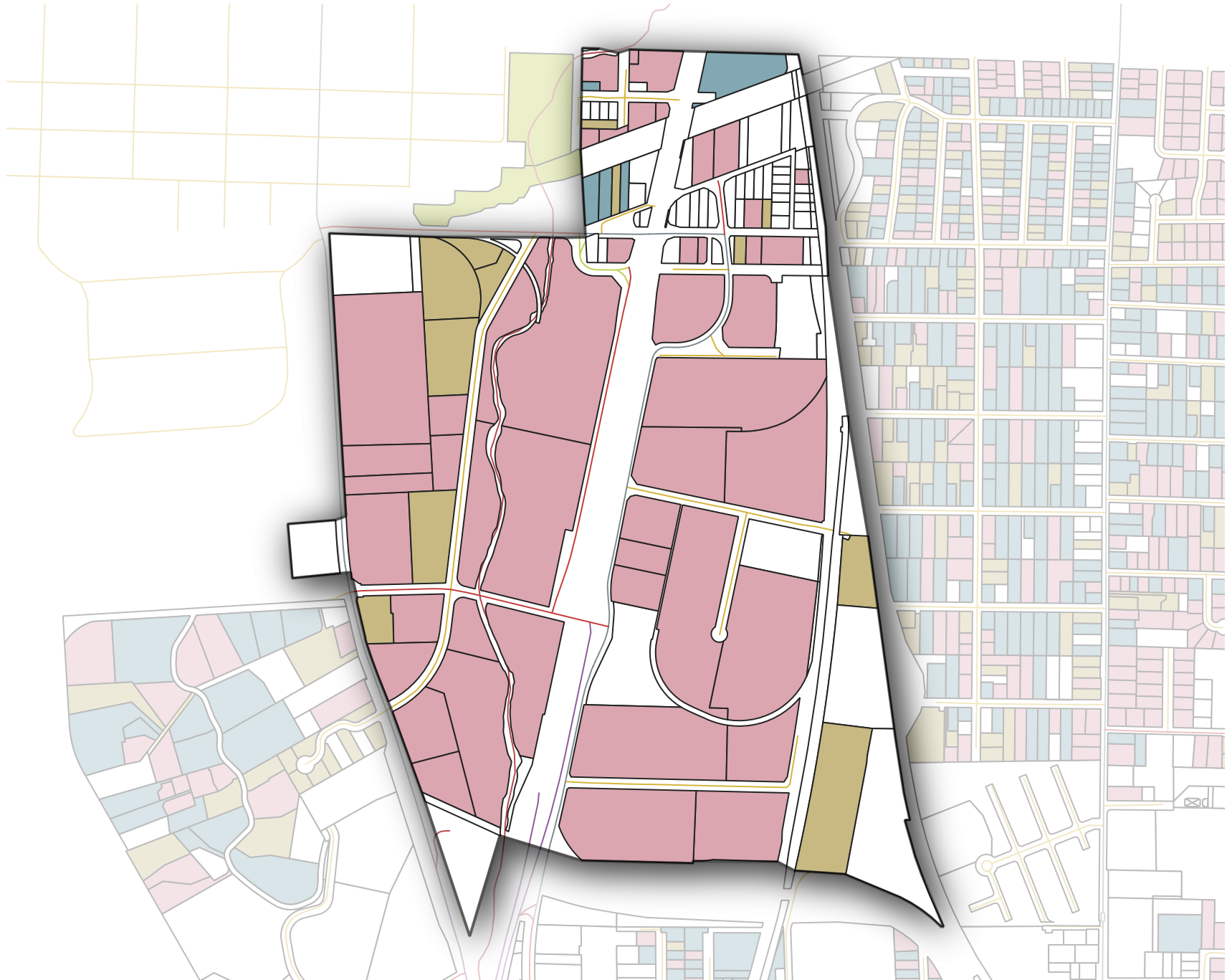
North Milwaukie Industrial NDA

The map shows the property lot locations. The date of home/building construction, when known, is color-coded. The data is based on Clackamas County Tax Records.

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Period of Building Construction





-  No Date Specified
-  1850-1938
-  1939-1975
-  Over 1973

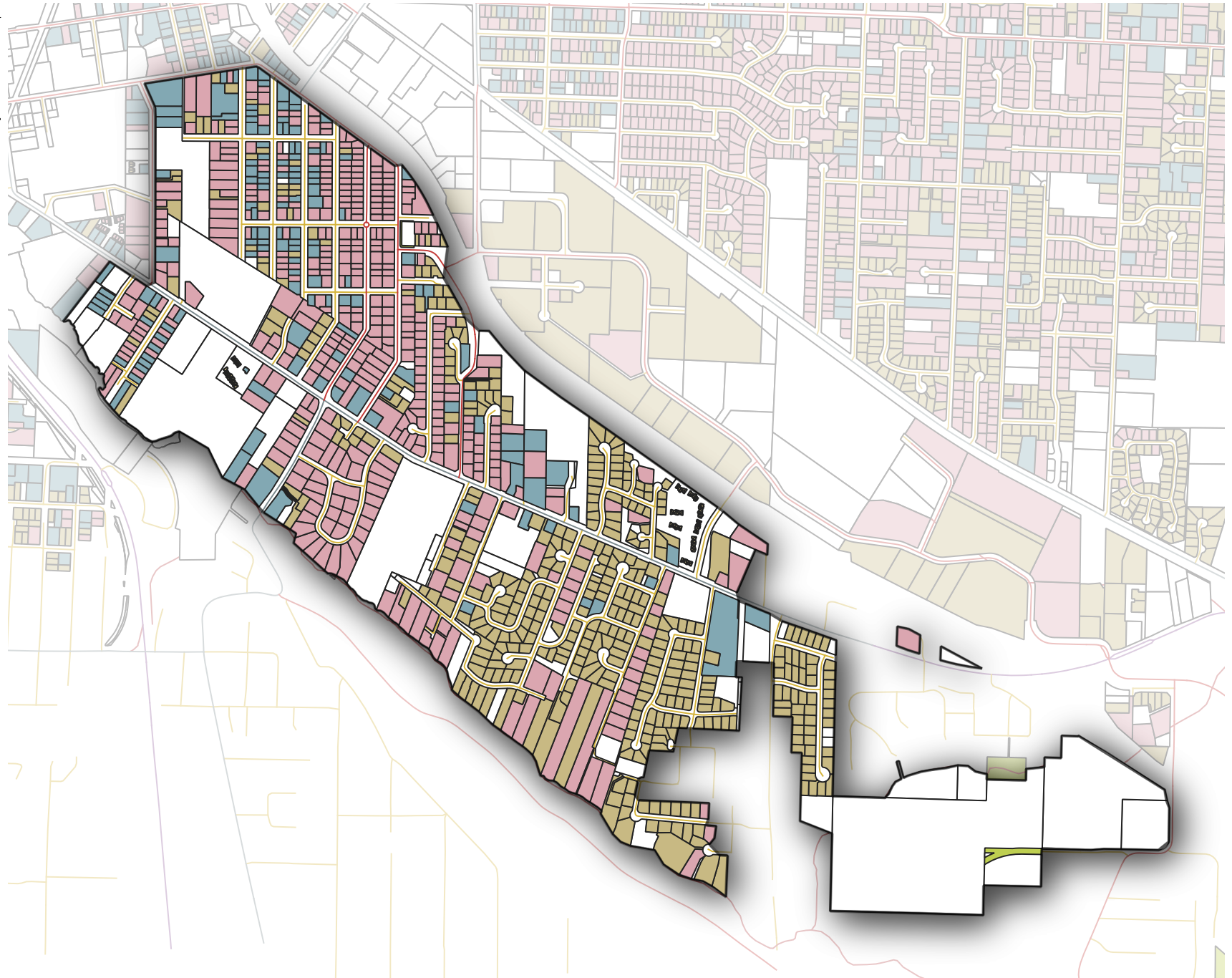
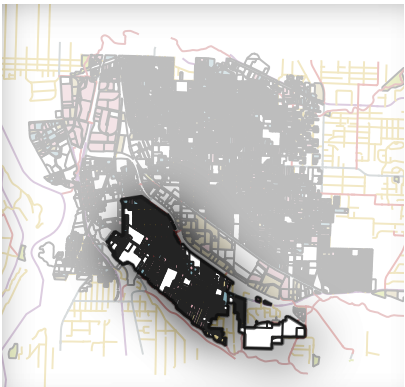


Lake Road NDA

The map shows the property lot locations. The date of home/building construction, when known, is color-coded. The data is based on Clackamas County Tax Records. Locations in white have no given construction date. Records from 1850-1938 are often not precisely known.

Period of Building Construction





-  No Date Specified
-  1850-1938
-  1939-1975
-  Over 1973

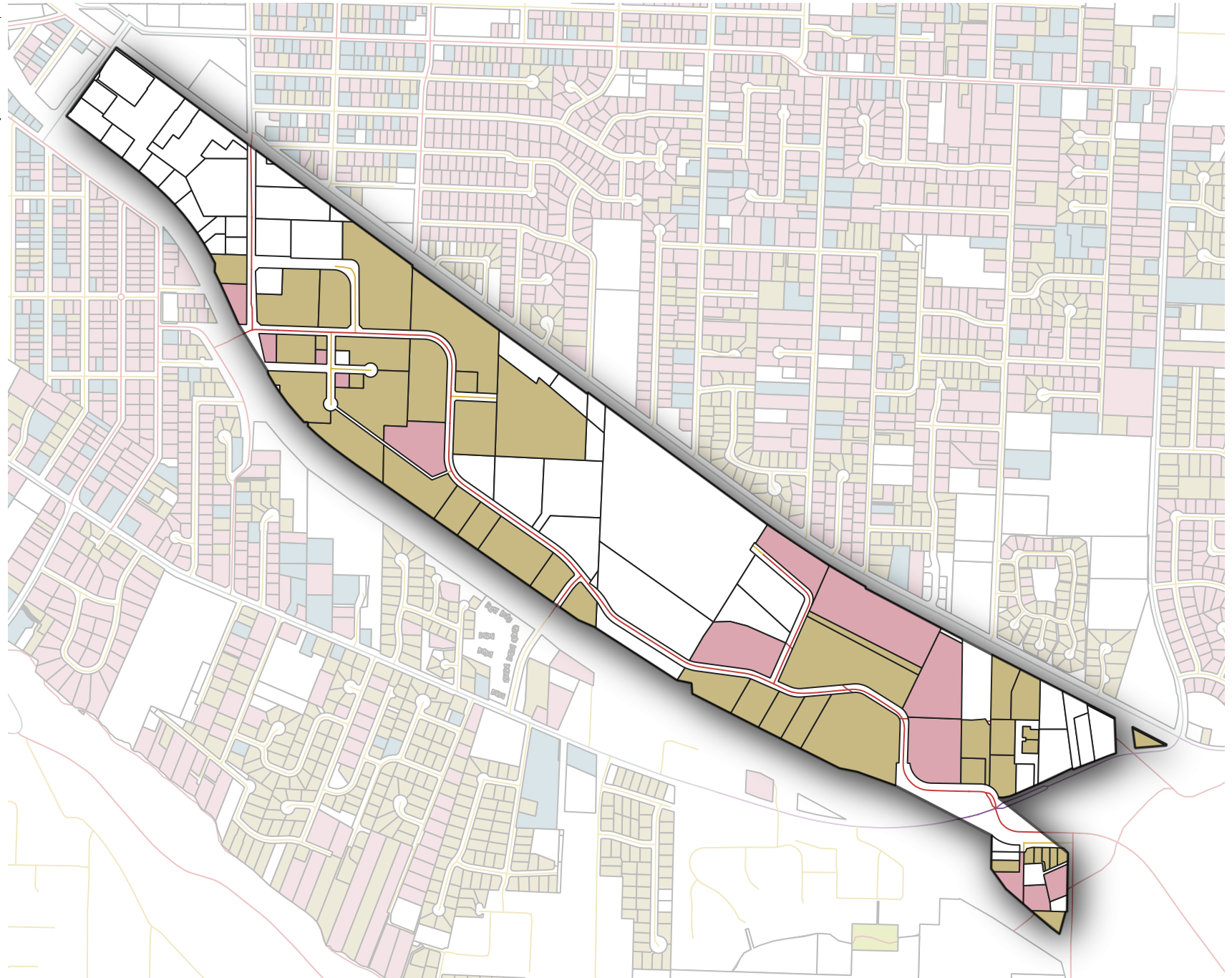


Milwaukie Business Industrial NDA

The map shows the property lot locations. The date of home/building construction, when known, is color-coded. The data is based on Clackamas County Tax Records. Locations in white have no given construction date. Records from 1850-1938 are often not precisely known.

Period of Building Construction

-  No Date Specified
-  1850-1938
-  1939-1975
-  Over 1973

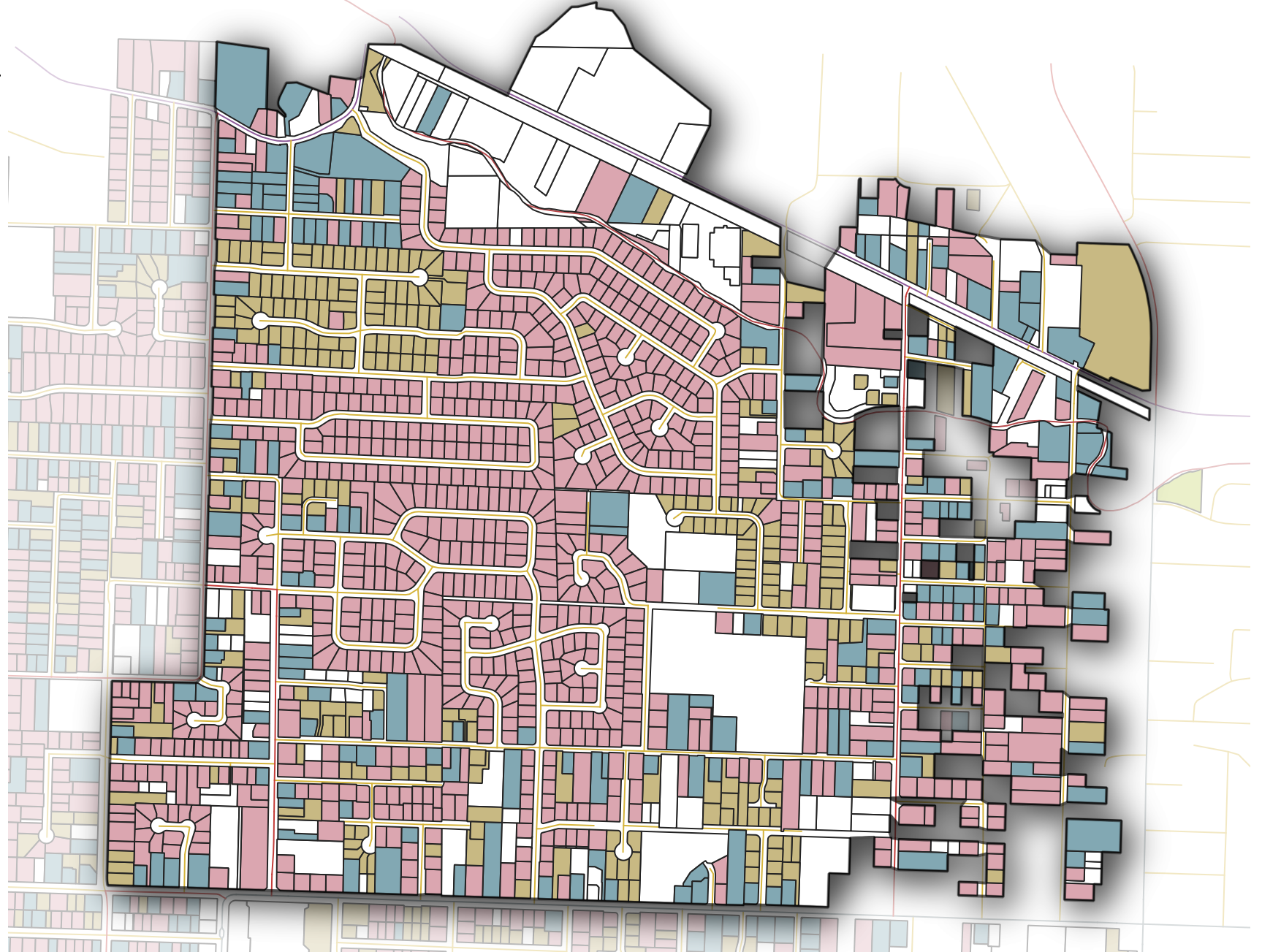
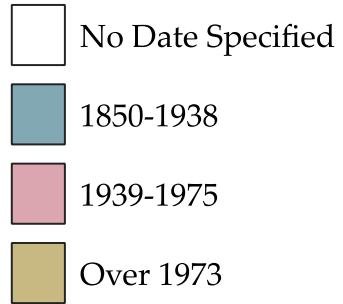


Lewelling NDA

The map shows the property lot locations. The date of home/building construction, when known, is color-coded. The data is based on Clackamas County Tax Records.

Locations in white have no given construction date. Records from 1850-1938 are often not precisely known.

Period of Building Construction





COUNCIL STAFF REPORT

To: Mayor and City Council

Date Written: Dec. 15, 2025

Reviewed: Joseph Briglio, Assistant City Manager

From: Emma Sagor, City Manager

Subject: **Intergovernmental Agreements (IGAs) with the North Clackamas Parks and Recreation District (NCPRD) - Update**

ACTION REQUESTED

Council is asked to receive an update on negotiations with NCPRD regarding an amendment to the Cooperative IGA between the City and NCPRD and an IGA to advance Milwaukie Bay Park.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

- A comprehensive timeline (last updated Nov. 13) of negotiations with NCPRD can be found [online here](#).
- Since that date, the following steps have occurred:
 - Nov. 4: NCPRD provides updated draft IGAs to city just before regular session
 - Nov. 13: City holds special session to discuss a response
 - Nov. 14: City counterproposal transmitted to NCPRD staff by City staff (see Attachment 2)
 - Nov. 24: Staff meet to discuss counterproposal (NCPRD Board on break until Dec. 1)
 - Dec. 1: City staff send additional memo and redlines to accompany counter proposal slides transmitted on Nov. 14 (see Attachment 3)
 - Dec. 9: Formal NCPRD Board counterproposal received by City Attorney
 - Dec. 11: Metro attorney clarifies local share dollars can't be subject to payback/claw back terms

ANALYSIS

On December 16, staff will share an update on efforts to negotiate two IGAs with NCPRD. The city forwarded its latest counter proposal to NCPRD on November 14, following its special session on November 13. The city received the NCPRD Board's formal response on Dec. 9.

Attachment 1 summarizes the latest status of the remaining terms under negotiation between the two parties.

On December 16, staff and the negotiation team will present a proposal to respond with a "last and final" offer to the NCPRD board and reconvene on January 6, 2026, to review the Board's response and discuss pathways to advance the project if terms are not accepted.

BUDGET, CLIMATE, EQUITY, WORKLOAD IMPACT

None at this time. Staff will summarize comprehensive impacts once the IGAs have reached final draft stage.

COORDINATION, CONCURRENCE, OR DISSENT

Mayor Batey and Councilor Massey were appointed by Council as the main negotiators on this effort. They have been supported by the city manager, assistant city manager, city attorney, and public works staff throughout this process.

STAFF RECOMMENDATION

Staff recommend Council receive the update and weigh in on the recommendation from the appointed negotiation team.

ALTERNATIVES

Council could suggest an alternative path forward from what the negotiation team is recommending.

ATTACHMENTS

1. Slides summarizing status of negotiation sticking points (prepared for Dec. 16 meeting).
2. Slides sent to NCPRD summarizing city's counter proposal (prepared after Nov. 13 special session)
3. Memo sent to NCPRD staff summarizing city's previous counter proposal (transmitted on Dec. 1)

Update: Negotiations with NCPRD about Milwaukie Bay Park

December 16, 2025



Reminder: What's happened over last two months

- **Oct. 21:** Separation agreement proposed; city rejects
- **Nov. 4:** NCPRD provides updated draft IGAs to city just before regular session
- **Nov. 13:** City holds special session to discuss a response
- **Nov. 14:** City counterproposal transmitted to NCPRD staff by City staff
- **Nov. 24:** Staff meet to discuss counterproposal (NCPRD Board on break)
- **Dec. 9:** Formal NCPRD Board counterproposal received by City Attorney
- **Dec. 11:** Metro attorney clarifies local share dollars can't be subject to payback/claw back terms

Main points of the city's Nov. 14 counter proposal

Amendment to cooperative IGA:

- **Depreciation:** Capital asset depreciation terms should be based on Governmental Accounting Standards
- **District approval of city-funded park improvements:** District should not have veto power over City-funded improvements in City parks; they reserve right to not operate or maintain those parks
- **Programming authority:** City should be responsible for managing programming and issuing permits at parks it maintains and operates, including MBP
- **Programming fees:** District should waive certain permit/programming fees for City, City Board and Commission, and City NDA events in City parks

MBP IGA

- **Zone 1 SDCs:** Full balance of Zone 1 (Milwaukie) SDCs should be allocated to the City for MBP at time of signing and SDCs collected in Zone 1 between IGA signing and construction commencement/Dec. 31, 2027 (whichever is soonest) should be held by the City for use on MBP
- **Metro local share:** Clarification needed from Metro on whether loan/claw back offer is even feasible. City still wants fair share of local share dollars allocated to project
- **Maintenance responsibility:** Transfer date should be moved to Dec. 31, 2027

Dec. 9 NCPRD Board response: Cooperative IGA

City requested:

- **Depreciation:** Capital asset depreciation terms should be based on Governmental Accounting Standards
- **District approval of city-funded park improvements:** District should not have veto power over City-funded improvements in City parks; they reserve right to not operate or maintain those parks
- **Programming authority:** City should be responsible for managing programming and issuing permits at parks it maintains and operates, including MBP
- **Programming fees:** District should waive certain permit/programming fees for City, City Board and Commission, and City NDA events in City parks

NCPRD Board response

- **Rejected, new proposal provided:** Does not want to reference an outside standard; instead depreciate all assets over 25 years. Increased capitalization threshold to \$10,000
- **Rejected, new proposal provided:** District requests requirement for NCPRD “written approval” of any City-funded improvement remain to allow for meaningful coordination. Instead, they ask for an annual review of the list of parks they maintain/operate
- **Rejected:** District claims auditors require programming rights at MBP be maintained by the District if SDCs are spent there
- **Rejected:** District says the City may elect to cover these fees for organizations at their expense or host them at City managed and operated parks

Dec. 9 NCPRD Board response: MBP IGA

City Requested:

- **Zone 1 SDCs:** Full balance of Zone 1 (Milwaukie) SDCs should be allocated to the City for MBP at time of signing and SDCs collected in Zone 1 between IGA signing and construction commencement/Dec. 31, 2027 (whichever is soonest) should be held by the City for use on MBP
- **Metro local share:** Clarification needed from Metro on whether loan/claw back offer is even feasible. City still wants fair share of local share dollars allocated to project
- **Maintenance responsibility:** Transfer date should be moved to Dec. 31, 2027

NCPRD Board response

- **Rejected:** While current Zone 1 balance is \$3.69M, dollars already allocated to other projects bring balance down to \$3.1M. District has also already spent \$900K of Zone 1 UGMA SDCs and \$210K of General Fund on MBP design work. Undecided on future Zone 1 SDCs—Board feels North Clackamas Park is a more urgent need for those dollars.
- **Updated proposal:** District offers \$901,677 of Metro Local Share, with 10-year claw back provision (*Metro attorney email from Dec. 11 states this is not valid offer*)
- **Rejected:** District wants to keep maintenance transfer date of July 1, 2027 for easier fiscal year budgeting

Appointed Council Lead Recommendation

- Prepare a last and final proposal and share with Board and publicly
 - Same terms as 11/14 counterproposal + \$900K of Metro Local Share with no loan/claw back provision
- Schedule next Council discussion for 1/6 Regular Session
 - At that meeting:
 - Review Board response, if received
 - Discuss pathways to advance project if terms are not accepted

Summary of gives and gains

City of Milwaukie would assume responsibility for:

- Capital maintenance and repair at Milwaukie Community Center (**~\$560K - ~\$1.06M over 5 years**)
- Project management, construction oversight, long-term maintenance and filling the financial gap on Milwaukie Bay Park (**~\$10M of capital costs, plus annual maintenance and project management costs**)

GIVES:

- ~\$11M of added financial responsibilities over 5 years

GAIN:

- Control of Milwaukie Bay Park Phase III

NCPRD would provide:

- Zone 1 (City) SDCs, paid by Milwaukians, currently in account + accrued between signing and construction (**~\$3.6M**)
- Proportional Metro local share (**~\$900K**)
- Trolley trail grant (**~\$658,000**)
- Fee reduction/waivers for City-affiliated events in City-owned parks (**~\$3,000 max annually**)

GIVES:

- ~\$5.1M of financial contributions to Milwaukie Bay Park
- Modest annual fee waivers, consistent with historic practice

GAIN:

- Clarity over depreciation and capitalization of District assets in City-owned parks
- Reduced maintenance responsibilities (MBP, MCC)
- Ability to provide programs for District residents at #1 most visited park and regional asset





Special Session: Negotiations with NCPRD about Milwaukie Bay Park

November 13, 2025

Plan for this Special Session

- 1. Background:** Milwaukie Bay Park (MBP) history and negotiation timeline
- 2. Council discussion** on latest proposed intergovernmental agreement (IGA) terms
- 3. Public testimony**
- 4. Conclusion:** Decisions on next steps and direction to staff

Background

- **1990:** NCPRD is formed and original cooperative intergovernmental agreement (Cooperative IGA) signed with the City of Milwaukie.
- **2008:** Cooperative IGA is amended to reflect new parks, including “Riverfront Park” (original name of Milwaukie Bay Park)
- **2012:** City completes Phase I of MBP development
- **2015:** City completes Phase II of MBP development
- **2017:** NCPRD requests to lead Phase III of MBP Development
- **2019:** NCPRD reveals designs for Phase III following two years of public involvement
- **2020-21:** City approves original funding and construction IGAs for MBP Phase III; NCPRD will not adopt funding IGA without update to Cooperative IGA
- **2022-23:** Parties dispute terms in original IGA regarding withdrawal method from the District. City files a validation action to confirm terms; NCPRD Board implements communication freeze.

Background, ctd: 2025 negotiations

- **Jan. 25:** City requests a meeting with the NCPRD Board to restart discussions on MBP. NCPRD Board agrees to being 2:2 session.
- Mayor Lisa Batey and Councilor Robert Massey appointed representatives for the City of Milwaukie
- **City's objective:** Get MBP back on track and delivered substantially by end of 2027
- Through course of negotiations, parties agree to work on two IGAs:
 - Amendment to the 2008 Cooperative IGA
 - Milwaukie Bay Park IGA
- **Since January:**
 - 6 2:2 negotiation sessions
 - 10+ staff-to-staff meetings to work on draft IGA terms
- **Latest update:** Draft terms received from County counsel on November 4. These terms of are subject of discussion tonight.

Cooperative IGA Amendment: Key topics and Council position

- **Topic: Asset capitalization and depreciation schedule**

- If the District plans for and pays for capital improvements over \$5,000 in value, NCPRD will capitalize the assets on their books. If the City pays for improvements, the City will capitalize the assets on their books.
- In the event of any future withdrawal from the District, the City will pay the District the current depreciated value of all outstanding District Capitalized Assets located within City parks if any depreciated values remain.
- The District's current language discusses a depreciation schedule "consistent with State or Federal Law" and also references a 25-year depreciation schedule elsewhere.

Council position: Support but modify

Milwaukie would like to propose agreeing to a common, shared depreciation schedule based on Government Accounting Standards and append it to the agreement

Milwaukie would also like to consider tying the value amount to either a specific financial policy capitalization threshold OR index the \$5,000 to inflation

Cooperative IGA Amendment: Key topics and Council position

- **Topic: New parks or park improvements led by the City**

- The City is able to construct new parks or park improvements at any time at their own expense, and shall coordinate with District staff throughout the planning, design, and construction phase.
- The District's current proposed language would provide the District approval authority of all construction drawings or specifications.

Council position: Reject as written, request modification

Milwaukie would like to change word "coordinate" to "communicate" and remove approval authority from District in the case of City led and paid-for new or improved parks.

NCPRD retains the right to deny maintenance responsibility for any City-led and paid-for new or improved parks per language in the 2008 IGA.

Cooperative IGA Amendment: Key topics and Council position

- **Topic: Programming at Parks**

- Current language clarifies District is the primary programming provider at Milwaukie parks, including Milwaukie Bay Park
- The District's current proposed language does not state anything about preference for City or city-affiliated groups (board and committees, NDAs, etc.) to use City parks

Council position: Support but modify

Milwaukie supports NCPRD as the primary programming provider at Milwaukie parks.

Milwaukie requests a provision that gives preference for City and City-affiliated groups to hold events and programs in City parks, including waiver of permit fees and related costs

Cooperative IGA Amendment: Key topics and Council position

- **Topic: Milwaukie Community Center**

- Proposed language clarifies the city is responsible for funding capital improvements, repairs, and replacements at the Milwaukie Community Center.
- District remains responsible for programming, operations, and general maintenance.

Council position: Support but modify

Milwaukie would like to modify language to ensure definitions of capital improvement, repair and replacement are defined consistent with definitions included earlier in the IGA Amendment.

Milwaukie requests inclusion of more specific definitions for equipment, clarifying the city's responsibility is for "facility equipment" rather than "programming equipment"

Cooperative IGA Amendment: Key topics and Council position

- **Topic: Opportunity to ask for a statement of support for future funding measures**

- Proposed language clarifies either party can pursue measures to secure additional funding related to capital or operational needs and can ask the other party for a statement of support for those efforts

Council position: Support as written

MBP IGA Key topics and Council position

- **Topic: Contribution of Zone 1 (Milwaukie) system development charge (SDC) revenue to the project by NCPRD**

- Latest terms offered by the District are for NCPRD to contribute \$3.1M in Zone 1 (City) SDCs to the project.

Council position: Respond with counterproposal:

- Milwaukie would like to ask for \$3.6M (full Zone 1 fund balance) for MBP at time of IGA signing
- Milwaukie proposes that the City collect and retain Parks SDCs generated in Zone 1 to be used on MBP until MBP construction begins or Dec. 31, 2027, whichever comes soonest (given other Zones are not contributing to this regional asset)

MBP IGA Key topics and Council position

- **Topic: Contribution of Metro Local Share dollars to the project by NCPRD**
 - Latest terms offered by the District are to loan \$2.5M of Metro Local Share grant dollars to the city, to be repaid via 10 annual payments of \$250,000

Council position:

Response pending clarification with Metro

Milwaukie has thoughts on a counterproposal but feels greater clarity is needed from Metro on if/how local share dollars can be reassigned or transferred

MBP IGA Key topics and Council position

- **Topic: Contribution of trail improvement grant dollars**
 - Latest terms offered by the District are to re-assign \$658,027 in Metro grant dollars to MBP

Council position:

Accept as proposed

MBP IGA Key topics and Council position

- **Topic: Transfer project management responsibilities**

- Latest terms offered by the District are to transfer responsibilities for project design and construction of MBP to the City upon signing
- District would also transfer all design and construction contracts and drawings

Council position:

Accept as proposed

MBP IGA Key topics and Council position

- **Topic: Transfer maintenance responsibilities**

- Latest terms offered by the District are to transfer maintenance responsibilities to the City when construction starts or by July 1, 2027, whichever is sooner

Council position:

Accept, but request maintenance responsibilities begin when construction begins or no later than December 31, 2027, given protracted negotiation process.

MBP IGA Key topics and Council position

- **Topic: Programming rights at MBP**
 - Latest terms offered by the District are that NCPRD shall remain responsible for scheduling programs and issuing special use permits at MBP, including collection of appropriate fees

Council position:

Reject as written and propose modifications

Milwaukie feels the City should take over permitting rights as the park operator and maintainer, but the District should retain rights to program at the park and permission for any District programming should not be unreasonably withheld by the city

Public testimony

3 minutes each

Direction requested

Is Council supportive of staff responding to the NCPRD Board with the items discussed tonight?

By what deadline would Council like to ask for a response?



Attachment 7. B. 3.

December 1, 2025

Dear Gary,

My sincere thanks to you and Kia for meeting with Joseph and I last week to discuss the responses and counterproposals from Milwaukie City Council that we transmitted on November 14. We really appreciate all the work you and your team have done to get us close to agreements that work for both of our agencies.

As requested, I am following up to provide red-lined versions of the two agreements so you can see in-line what changes the City of Milwaukie is requesting. Milwaukie's latest proposed changes can be found in comment bubbles and in **purple text**; the other colored track changes were in the version distributed last by your Counsel. Please note this has not undergone full legal review—given our shared desire to wrap up negotiations, if possible, before the end of the year, I didn't want to delay getting this back to you. We feel once the parties have agreed to substantive terms, County and City counsel can both do a full review of language.

I also wanted to provide a cover memo summarizing the significant points of continued discussion to aid your team in their discussions tomorrow:

Outstanding Issues - Cooperative IGA Addendum

- *Capital asset depreciation terms*: The City requests that the agreement point to the Governmental Accounting Standards Board (GASB) standards for depreciation of public assets, rather than a 25-year schedule across the board.
- *District approval of construction drawings/specifications of improvements in City parks funded wholly by City of Milwaukie*: The City agrees it should communicate with District staff throughout planning, design, and construction, but if the City is fully funding an improvement, they should have final decision making authority. The District still has “no obligation to maintain or operate such parks unless otherwise agreed to in writing,” as stipulated in the IGA Addendum draft.
- *Programming at City parks and special use permit fees*: The City requests that it be responsible for programming at any park maintained by the City, including Milwaukie Bay Park. Priority would be given for District programs and permission for District activities would not be unreasonably withheld. The City also requests that the District waive certain special use permit fees when City-affiliated groups (which only includes the City, City Boards and Committees, and City neighborhood district associations) seek to use City-owned parks for events. In FY 25, this totaled approximately 12 events. This is consistent with past practice prior to 2025. We understand and respect the need for cost recovery, but as the City already issues its own Temporary Event Permits for events in City-owned parks (and therefore already assumes some administrative oversight), we feel costs that are not directly associated specifically with maintenance/garbage/etc. should be waived.

Outstanding Issues – MBP IGA

- *Zone 1 (Milwaukie) SDCs:* The City requests the District consider allocating all Zone 1 (Milwaukie) SDCs to the project upon signing of the agreement, and also requests that SDCs collected by the City in Zone 1 between signing and construction commencement or Dec. 31, 2027 (whichever comes first) be retained by the City for exclusive use at Milwaukie Bay Park. This request is made recognizing that no other SDC zone funds will be used to construct this regional asset, despite other regional assets (like Concord) receiving proportional allocations from all Zones.
- *Metro Local Share:* It is the City's understanding that Metro will not allow local share dollars to be provided as a loan. The City would consider a few alternative proposals to what was suggested by the District in the 11/4 draft:
 - District contributes \$2.5M of metro local share to the project. In a separate deal, the City and District work out a repayment plan of \$100,000 annually over 25 years. *(This is only if Metro is comfortable with the two separate deal approach)*
 - District contributes proportional share of Metro local share dollars (18%, approximately \$900,000) to Milwaukie Bay Park with no loan or claw-back terms.
 - District contributes \$2.5M of metro local share to the project with a 10-year claw-back provision that the money be returned to the District were the City of withdraw from NCPRD.
- *Date for City assuming maintenance responsibility:* The City requests that the date for assuming maintenance responsibility be moved to December 31, 2027 or upon the commencement of construction, whichever happens sooner, given the protracted nature of these negotiations.

Again, I sincerely appreciate yours and Kia's efforts to try to get these agreements over the finish line. I am hopeful we are close to a deal that makes smart financial sense for the District, enables the City to advance this priority project for our community, and benefits all District residents.

Thanks so much,
Emma



Update: Negotiations with NCPRD about Milwaukie Bay Park

December 16, 2025

Reminder: What's happened over last two months

- **Oct. 21:** Separation agreement proposed; city rejects
- **Nov. 4:** NCPRD provides updated draft IGAs to city just before regular session
- **Nov. 13:** City holds special session to discuss a response
- **Nov. 14:** City counterproposal transmitted to NCPRD staff by City staff
- **Nov. 24:** Staff meet to discuss counterproposal (NCPRD Board on break)
- **Dec. 9:** Formal NCPRD Board counterproposal received by City Attorney
- **Dec. 11:** Metro attorney clarifies local share dollars can't be subject to payback/claw back terms

Main points of the city's Nov. 14 counter proposal

Amendment to cooperative IGA:

- **Depreciation:** Capital asset depreciation terms should be based on Governmental Accounting Standards
- **District approval of city-funded park improvements:** District should not have veto power over City-funded improvements in City parks; they reserve right to not operate or maintain those parks
- **Programming authority:** City should be responsible for managing programming and issuing permits at parks it maintains and operates, including MBP
- **Programming fees:** District should waive certain permit/programming fees for City, City Board and Commission, and City NDA events in City parks

MBP IGA

- **Zone 1 SDCs:** Full balance of Zone 1 (Milwaukie) SDCs should be allocated to the City for MBP at time of signing and SDCs collected in Zone 1 between IGA signing and construction commencement/Dec. 31, 2027 (whichever is soonest) should be held by the City for use on MBP
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Dec. 9 NCPRD Board response: Cooperative IGA

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NCPRD Board response

- **Rejected, new proposal provided:** Does not want to reference an outside standard; instead depreciate all assets over 25 years. Increased capitalization threshold to \$10,000
- **Rejected, new proposal provided:** District requests requirement for NCPRD “written approval” of any City-funded improvement remain to allow for meaningful coordination. Instead, they ask for an annual review of the list of parks they maintain/operate
- **Rejected, unclear solution:** District claims auditors require programming rights at MBP be maintained by the District if SDCs are spent there
- **Rejected:** District says the City may elect to cover these fees for organizations at their expense or host them at City managed and operated parks

Dec. 9 NCPRD Board response: MBP IGA

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- **Rejected:** District wants to keep maintenance transfer date of July 1, 2027 for easier fiscal year budgeting

Cost/Benefit Analysis: Summary of gives and gains

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GIVES:

- ~\$11M of added financial/fundraising responsibilities over 5 years

GIVES:

- ~\$5.1M of financial contributions to Milwaukie Bay Park
- Modest fee waivers for City events in City-owned parks, consistent with historic practice

GAIN:

- Control of Milwaukie Bay Park Phase III
- Waiver of some fees for City events in City-owned parks

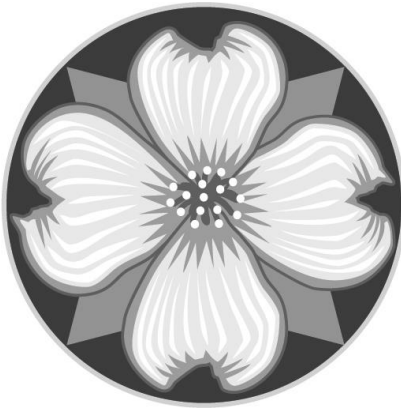
GAIN:

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- Reduced maintenance responsibilities (MBP, MCC)
- Ability to provide programs for District residents at #1 most visited park and regional asset

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- Schedule next Council discussion for 1/6 Regular Session
 - At that meeting:
 - Review Board response, if received
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RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

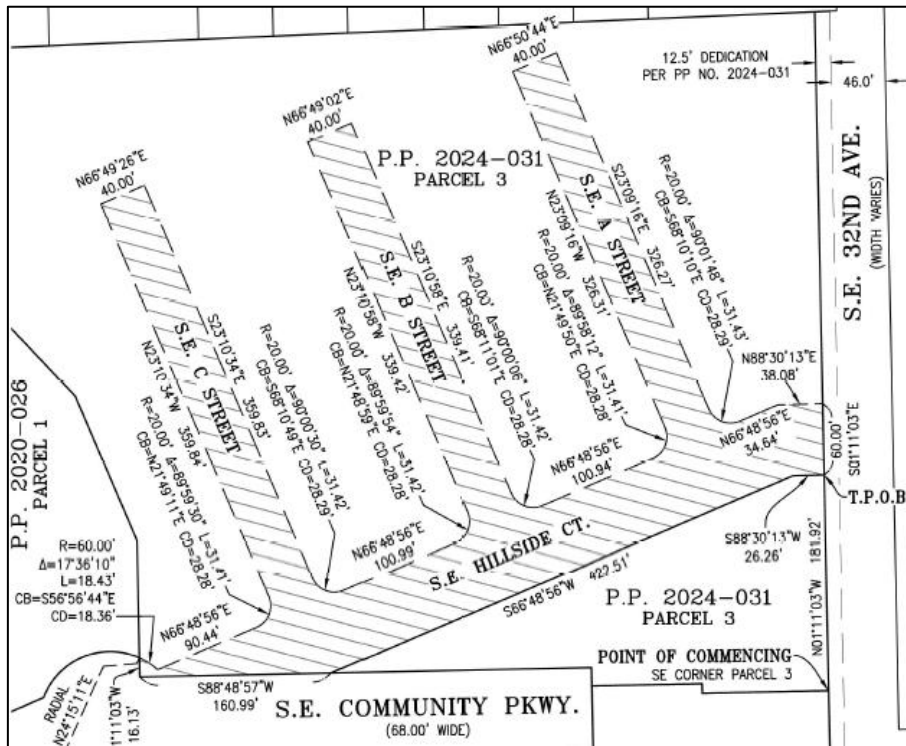
Reviewed: Laura Weigel, Community Development Director and
Jeff Tolentino, Assistant City Engineer

From: Vera Kalias, Planning Manager

Subject: Hillside Park Public Right-of-Way (ROW) Vacation – Phase 2

Date Written: Dec. 1, 2025

ACTION REQUESTED



Council is asked to hold a public hearing and consider an ordinance to vacate a portion of the public right-of-way (ROW) within Hillside Park designated as A Street, B Street, C Street, and Hillside Ct (see Figure 1 and Attachment 1). This is for Phase 2 of the Hillside Park development, which will include a new ROW alignment and associated dedications.

Figure 1. Area of ROW vacation Phase 2

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

November 16, 2021: Council adopted [Ordinance 2210](#), which adopted the final development plan and program for Hillside Park (File #PD-2021-001).

March 19, 2024: Council adopted [Ordinance 2240](#), which vacated portions of public right-of-way related to Phase 1 of the Hillside Park development.

ANALYSIS

Land Use History

Hillside Manor and Hillside Park is a multifamily development owned and operated by the Housing Authority of Clackamas County (HACC).

The 99 detached dwellings with one duplex were built in the 1940s prior to any zoning requirements on the site.

- **1969 (file #VR-69-7):** The existing Hillside Manor tower was originally approved on the site through a 1969 Variance that allowed the building to vary from the normal height and parking requirements of the zoning at the time. In the current R-3 zone multifamily housing is permitted through a conditional use. Therefore, the tower development also has “de facto” conditional use status on the site.
- **Community Service Use review:** There is an existing wireless communication facility on the tower building. That facility has been permitted, and subsequently adjusted, via a number of Type II Community Service Use applications per Milwaukie Municipal Code (MMC) 19.905.11 – Wireless Communication Facilities (file #CSU-10-08; CSU-11-03; CSU-12-01; CSU-12-05).
- **2019 (file #MLP-2019-003; VR-2019-011; CU-2019-003):** This partition created two parcels to separate the Manor tower from the remainder of the site for financing purposes. No new or additional development on either of the two parcels was proposed as part of this partition request. A variance was approved to allow a side yard setback of 4.1 ft rather than 5 ft resulting from the partition. An easement was placed over the open space area to assure that the residents of the Tower would still be able to access this area even though it was on a separate lot from the Tower.
- **2021 (File #PD-2021-001; TFR-2020-003):** The Planning Commission approved the preliminary Planned Development on [March 23, 2021](#). On [October 12, 2021](#), the Planning Commission voted unanimously to recommend approval of the final planned development.
- **2023:** Council adopted [Ordinance 2240](#), a street vacation application for Phase 1 of the Hillside Park development.

Project Description - Summary

The planned development approved in 2021 is for the redevelopment of Hillside Park, which is owned and operated by the HACC. At the time of approval, the 16-acre property consists of 100 single-family dwelling units and the 100-unit Hillside Manor tower. The tower, which was partitioned onto a separate lot in early 2020, will remain on site and has been extensively refurbished. The remainder of the site will be redeveloped with apartments and mixed-use buildings for a total of 600 units on the property (400 new units, 100 replacement units, and 100 units in the Hillside Manor tower) at the end of all phases of development.

In addition to the residential development, the proposal includes open space, recreational areas, playgrounds, and the development of small-scale commercial uses in the mixed-use buildings facing onto 32nd Avenue and Meek Street. To achieve the new density proposed, the site was rezoned to R-HD High Density Residential on the north and GMU (General Mixed Use) on the

south. The Comprehensive Plan designations were changed from Medium Density Residential to High Density Residential on the north and Town Center on the south.

The redevelopment on the site will involve the phased demolition of the existing improvements, including removal of the structures, demolition of the existing roads, and removal or abandonment of the underground infrastructure. A new street grid and infrastructure plan is proposed, with the streets to be realigned and dedicated.

Phase 1 is currently under construction and includes three buildings, a new street grid, and associated improvements. Building C in Phase 1 is complete and Buildings A and B are currently under construction and nearing completion.

Phase 2 of the development, and the subject of this street vacation application, will result in the development of four buildings totaling 164 dwelling units and associated parking, open space, and landscaping improvements (See Figure 2).

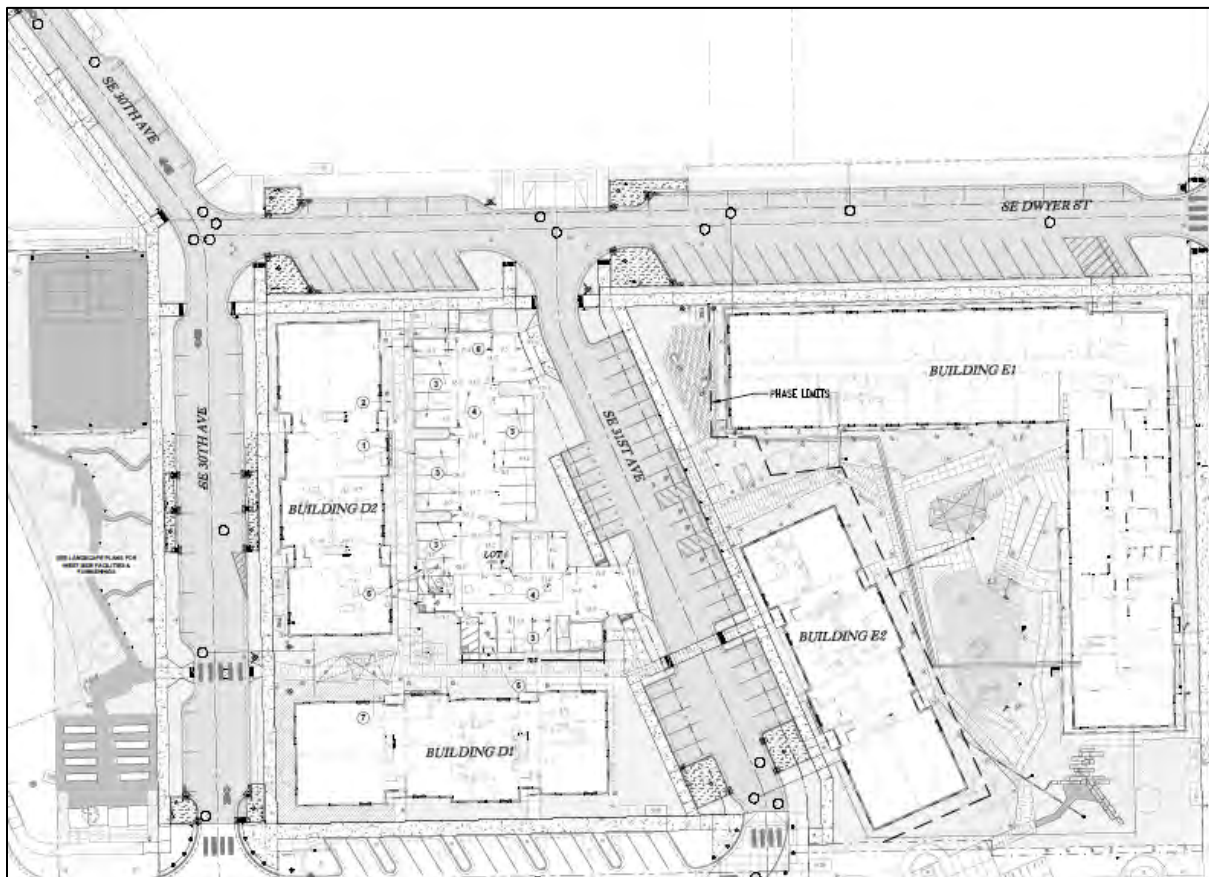


Figure 2. Phase 2 site plan with new ROW configuration – subject of this street vacation application

Standard of Review

Per Oregon Revised Statutes (ORS) 271.120, the standard of review for a petition for street vacation is as follows:

- has the consent of the owners of the requisite area been obtained;
- has notice been duly given; and
- whether the public interest will be prejudiced by the street vacation

As shown in Attachment 5, HACC is the petitioner and the sole property owner of the area affected by the proposed street vacation. Therefore, consent has been obtained.

Notice, as required, has been duly given as follows:

As required by ORS 271.110, the petitioner-initiated vacation process involves publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. Notice of the proposed vacation was published in The Oregonian on November 26, 2025, and December 3, 2025. Notice signs were posted on the property on November 24, 2025, giving the public an opportunity to object to the proposed vacation in writing.

To date, staff have not received any questions or comments about the proposed vacation, and no written objections have been received.

Finally, the public interest will not be prejudiced by the proposed street vacation. As described above, the proposed vacation was anticipated and allows for an approved, and much-needed, residential development to move forward that will provide an additional 500 units of affordable housing in the city. The vacated ROW will be replaced by a new public ROW alignment as shown in Figure 3.

BUDGET IMPACTS

The proposed ROW vacation presents no significant costs to complete.

WORKLOAD IMPACTS

The proposed ROW vacation allows the Hillside Park development to proceed, which has been anticipated in staff workloads.

CLIMATE IMPACT

The proposed ROW vacation would not have any direct impact on climate, as the action is a formality related to development of Hillside Park.

COORDINATION, CONCURRENCE, OR DISSENT

Planning staff have coordinated with engineering staff and the city attorney on this issue.

STAFF RECOMMENDATION

Staff recommends that Council grant the petition and adopt the ordinance vacating the ROW as proposed if it finds that the required consent has been obtained, notice has been duly given, and the public interest will not be prejudiced by the vacation.

ALTERNATIVES

Council could deny the petition and decline to adopt the ordinance or grant the petition in part and deny it in part as appears to be for the public interest. Such an action would result in the development not moving forward as approved.

ATTACHMENTS

1. Ordinance vacating the ROW as proposed
 - Exhibit A. Legal description
 - Exhibit B. Sketch of area to be vacated
2. Utilities Plans
3. Tax Map showing area of proposed ROW vacation
4. Title Report
5. Applications
6. Affidavit of Noticing – The Oregonian



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, VACATING THE PUBLIC STREET RIGHTS-OF-WAY WITHIN THE HILLSIDE PARK DEVELOPMENT DESIGNATED AS PORTIONS OF SE HILLSIDE CT, SE A STREET, SE B STREET, and SE C STREET.

WHEREAS part of the land that constitutes the current site of the Hillside Park development includes public right-of-way (ROW) designated as portions of SE Hillside Ct, SE A Street, SE B Street, and SE C Street, located north of SE Community Parkway and west of SE 32nd Ave; and

WHEREAS the City of Milwaukie is working with the sole owner of the site, the Housing Authority of Clackamas County (HACC), to complete phase 2 of the Hillside Park redevelopment project to provide new affordable housing as approved in the Hillside Planned Development land use decision for land use file #PD-2021-001; and

WHEREAS HACC filed a petition to vacate a portion of the public ROW within the current Hillside Park development designated as Hillside Ct, A St, B Street, and C Street, in order to proceed with redevelopment of the site; and

WHEREAS all streets proposed to be vacated were dedicated to the City of Milwaukie per document recorded January 23, 1996, as Record No. 96-005192; and

WHEREAS the city followed the provisions of Oregon Revised Statutes (ORS) Chapter 271 upon HACC filing its petition; and

WHEREAS notice was given and a public hearing was held on December 16, 2025.

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

1. The portions of SE Hillside Ct, SE A Street, SE B Street, and SE C Street, located north of SE Community Parkway and west of SE 32nd Ave, as described and depicted in Exhibit A, are vacated.
2. The city engineer is authorized to take any administrative action necessary to complete the vacation.

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

APPROVED AS TO FORM:

ATTEST:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



EXHIBIT A

July 1, 2025

W.B. WELLS & ASSOCIATES
JOB NO. 5103-011

RIGHT-OF-WAY VACATION DESCRIPTION – HILLSIDE PARK PHASE II

THOSE PORTIONS OF S.E. HILLSIDE COURT, S.E. A STREET, S.E. B STREET AND S.E. C STREET AS DEDICATED PER DOCUMENT RECORDED JANUARY 23, 1996, AS RECORDING NO. 96-005192, CLACKAMAS COUNTY DEED RECORDS, LYING NORTHERLY OF THE NORTH RIGHT-OF-WAY LINE OF S.E. COMMUNITY PARKWAY (68.00 FEET WIDE), EXCEPTING THEREFROM THE EASTERLY 12.50 FEET OF SAID S.E. HILLSIDE COURT TO BE RETAINED AS PART OF THE PUBLIC RIGHT-OF-WAY OF S.E. 32ND AVENUE, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF MILWAUKIE, COUNTY OF CLACKAMAS AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PARCEL 3 OF PARTITION PLAT NO. 2024-031, CLACKAMAS COUNTY PLAT RECORDS, ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID S.E. 32ND AVENUE AS DEDICATED IN SAID PARTITION PLAT 2024-031; THENCE NORTH $01^{\circ}11'03''$ WEST, ALONG THE EAST LINE OF SAID PARCEL 3 AND SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 181.92 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID S.E. HILLSIDE COURT AND THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE SOUTH $88^{\circ}30'13''$ WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT, A DISTANCE OF 26.26 FEET TO AN ANGLE POINT THEREIN; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH $66^{\circ}48'56''$ WEST, A DISTANCE OF 422.51 FEET TO THE INTERSECTION WITH SAID NORTH RIGHT-OF-WAY LINE OF S.E. COMMUNITY PARKWAY; THENCE SOUTH $88^{\circ}48'57''$ WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 160.99 FEET TO AN ANGLE POINT THEREIN; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH $01^{\circ}11'03''$ WEST, A DISTANCE OF 16.13 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SAID S.E. HILLSIDE COURT, BEING A POINT OF NON-TANGENT CURVE THEREIN, A RADIAL LINE THROUGH WHICH POINT BEARS NORTH $24^{\circ}15'11''$ EAST; THENCE ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $17^{\circ}36'10''$ (CHORD BEARS SOUTH $56^{\circ}56'44''$ EAST, 18.36 FEET), AN ARC LENGTH OF 18.43 FEET; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT, NORTH $66^{\circ}48'56''$ EAST, A DISTANCE OF 90.44 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $89^{\circ}59'30''$ (CHORD BEARS NORTH $21^{\circ}48'11''$ EAST, 28.28 FEET), AN ARC LENGTH OF 31.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID **S.E. C STREET**; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH $23^{\circ}10'34''$ WEST, A DISTANCE OF 359.84 FEET TO THE NORTHWEST CORNER OF SAID S.E. C STREET; THENCE ALONG THE NORTH LINE OF SAID S.E. C STREET, NORTH $66^{\circ}49'26''$ EAST, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SAID S.E. C STREET, SOUTH $23^{\circ}10'34''$ EAST, A DISTANCE OF 359.82 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $90^{\circ}00'30''$ (CHORD BEARS SOUTH $68^{\circ}10'49''$ EAST, 28.29 FEET), AN ARC LENGTH OF 31.42 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT, NORTH $66^{\circ}48'56''$ EAST, A DISTANCE OF 100.99 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $89^{\circ}59'54''$ (CHORD BEARS NORTH $21^{\circ}48'59''$ EAST, 28.28 FEET), AN ARC LENGTH OF 31.42 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID **S.E. B STREET**; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH $23^{\circ}10'58''$ WEST, A DISTANCE OF 339.42 FEET TO THE NORTHWEST CORNER OF SAID S.E. B STREET; THENCE ALONG THE NORTH LINE OF SAID S.E. B STREET, NORTH $66^{\circ}49'02''$ EAST, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SAID S.E. B STREET, SOUTH $23^{\circ}10'58''$ EAST, A DISTANCE OF 339.41 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $90^{\circ}00'06''$ (CHORD BEARS SOUTH $68^{\circ}11'01''$ EAST, 28.28 FEET), AN ARC LENGTH OF 31.42 FEET

RIGHT-OF-WAY VACATION DESCRIPTION – HILLSIDE PARK PHASE II (continued)

TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT, NORTH 66°48'56" EAST, A DISTANCE OF 100.94 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 89°58'12" (CHORD BEARS NORTH 21°49'50" EAST, 28.28 FEET), AN ARC LENGTH OF 31.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID **S.E. A STREET**; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 23°09'16" WEST, A DISTANCE OF 326.31 FEET TO THE NORTHWEST CORNER OF SAID S.E. A STREET; THENCE ALONG THE NORTH LINE OF SAID S.E. A STREET, NORTH 66°50'44" EAST, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SAID S.E. A STREET, SOUTH 23°09'16" EAST, A DISTANCE OF 326.27 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90°01'48" (CHORD BEARS SOUTH 68°10'10" EAST, 28.29 FEET), AN ARC LENGTH OF 31.43 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH 66°48'56" EAST, A DISTANCE OF 34.64 FEET TO AN ANGLE POINT THEREIN; THENCE NORTH 88°30'13" EAST, A DISTANCE OF 38.08 FEET TO THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE WITH SAID EAST RIGHT-OF-WAY LINE OF S.E. 32ND AVENUE; THENCE SOUTH 01°11'03" EAST, PARALLEL WITH AND 12.50 FEET WESTERLY OF THE EAST TERMINUS LINE OF SAID S.E. HILLSIDE COURT, A DISTANCE OF 60.00 FEET TO **THE TRUE POINT OF BEGINNING**.

CONTAINING 76,151 SQUARE FEET MORE OR LESS

THE EAST LINE OF SAID PARCEL 3, HAVING A BEARING OF NORTH 01°11'03" WEST PER SAID PARTITION PLAT NO. 2024-031, WAS USED AS THE BASIS OF BEARINGS FOR THIS DESCRIPTION.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
SCOTT M. GRUBBS
54728

EXPIRES: 6-30-27

EXHIBIT B

PUBLIC RIGHT-OF-WAY VACATION SKETCH

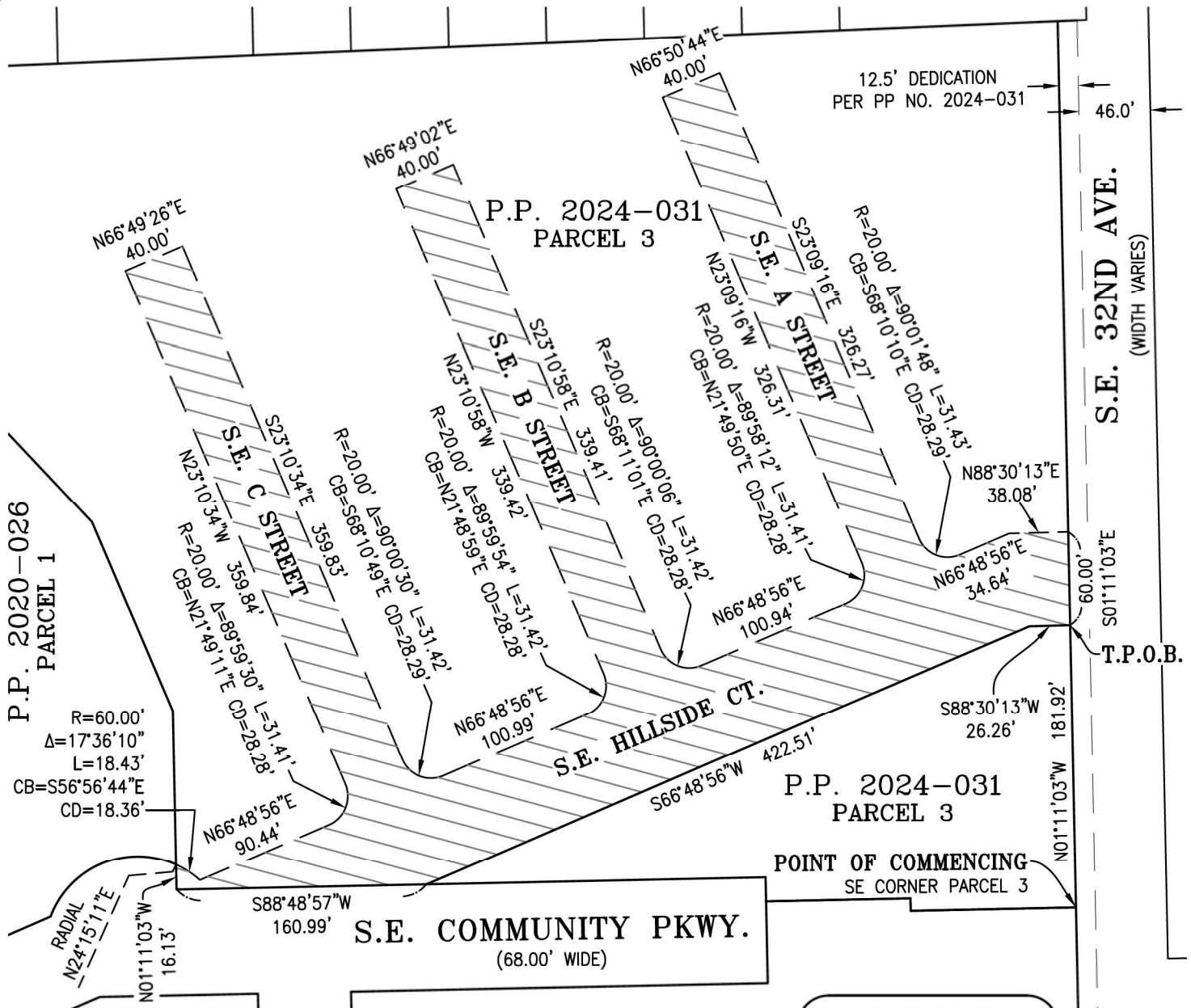
SITUATED IN THE SW 1/4 OF SECTION 25, T 1 S, R 1 E,
WILLAMETTE MERIDIAN, CITY OF MILWAUKIE,
COUNTY OF CLACKAMAS, STATE OF OREGON

JOB NO. 5107-011

DATE: 07-01-25

SCALE: 1" = 100'

WBW
W.B. Wells
& ASSOCIATES
An Emerio Design Company
SURVEYORS-PLANNERS



LEGEND



RIGHT-OF-WAY VACATION AREA
76,151 SQUARE FEET ±

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott M. Grubbs

OREGON
JULY 13, 2004
SCOTT M. GRUBBS
54728

EXPIRES: 6-30-27

RS88

**HILLSIDE PARK
PH2 - BUILDING
E1**

JOB NO. 24-049



DD 100%

06.03.2025

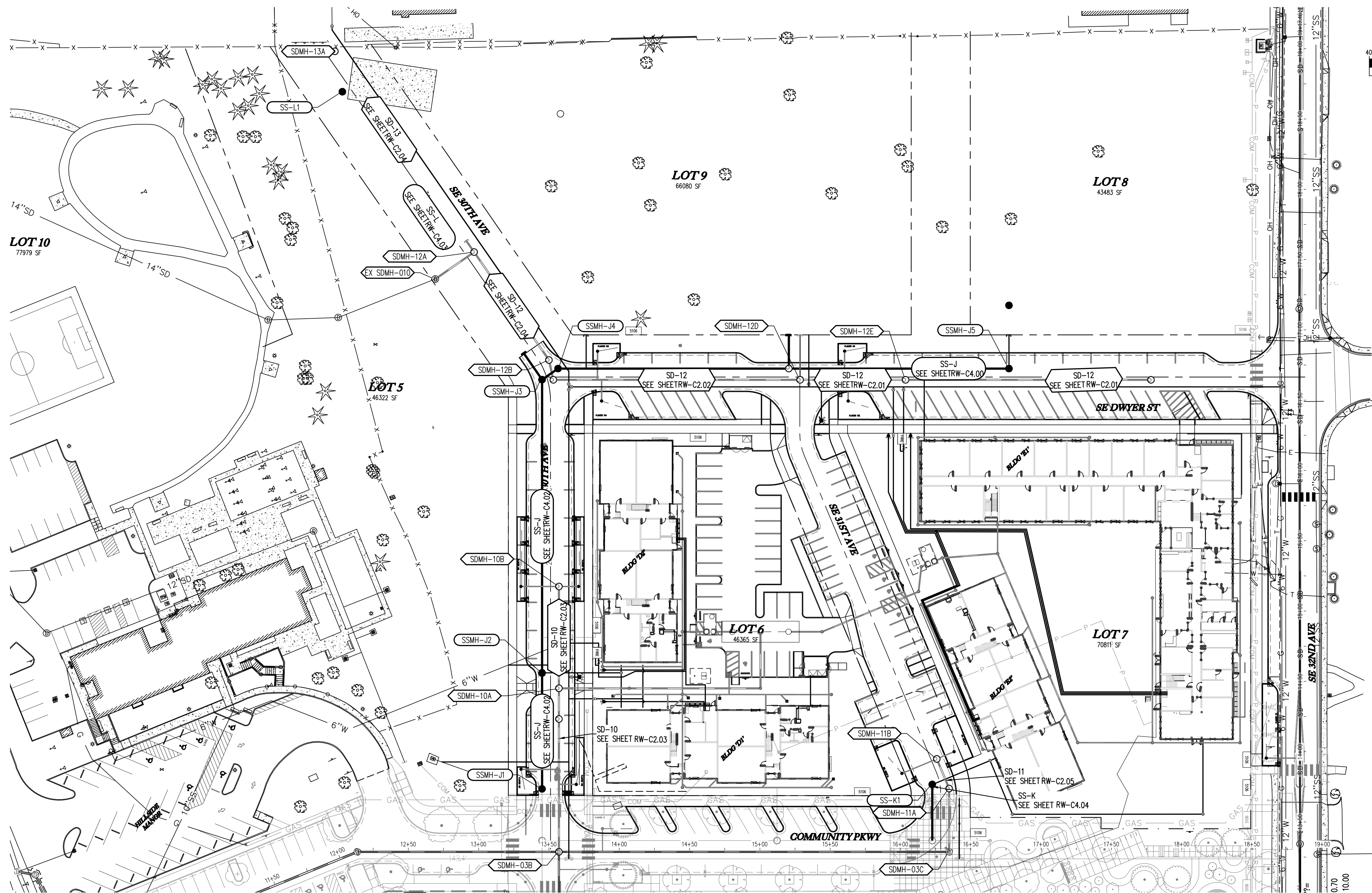
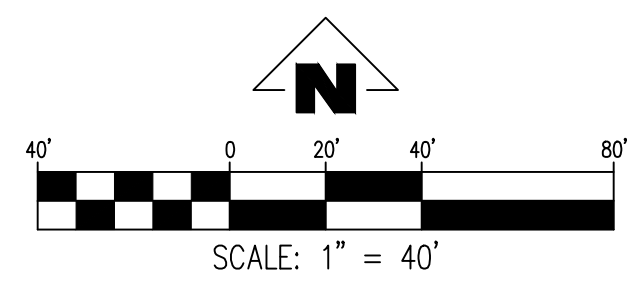
issue:	date:
50% DD	04.16.2025
100% DD	06.03.2025

revision: _____ date: _____

title:
**COMPOSITE
UTILITY PLAN**

sheet:

RW-C3.00



**PROPOSED UTILITIES
AND NEW RIGHT-OF-WAY
LOCATIONS**

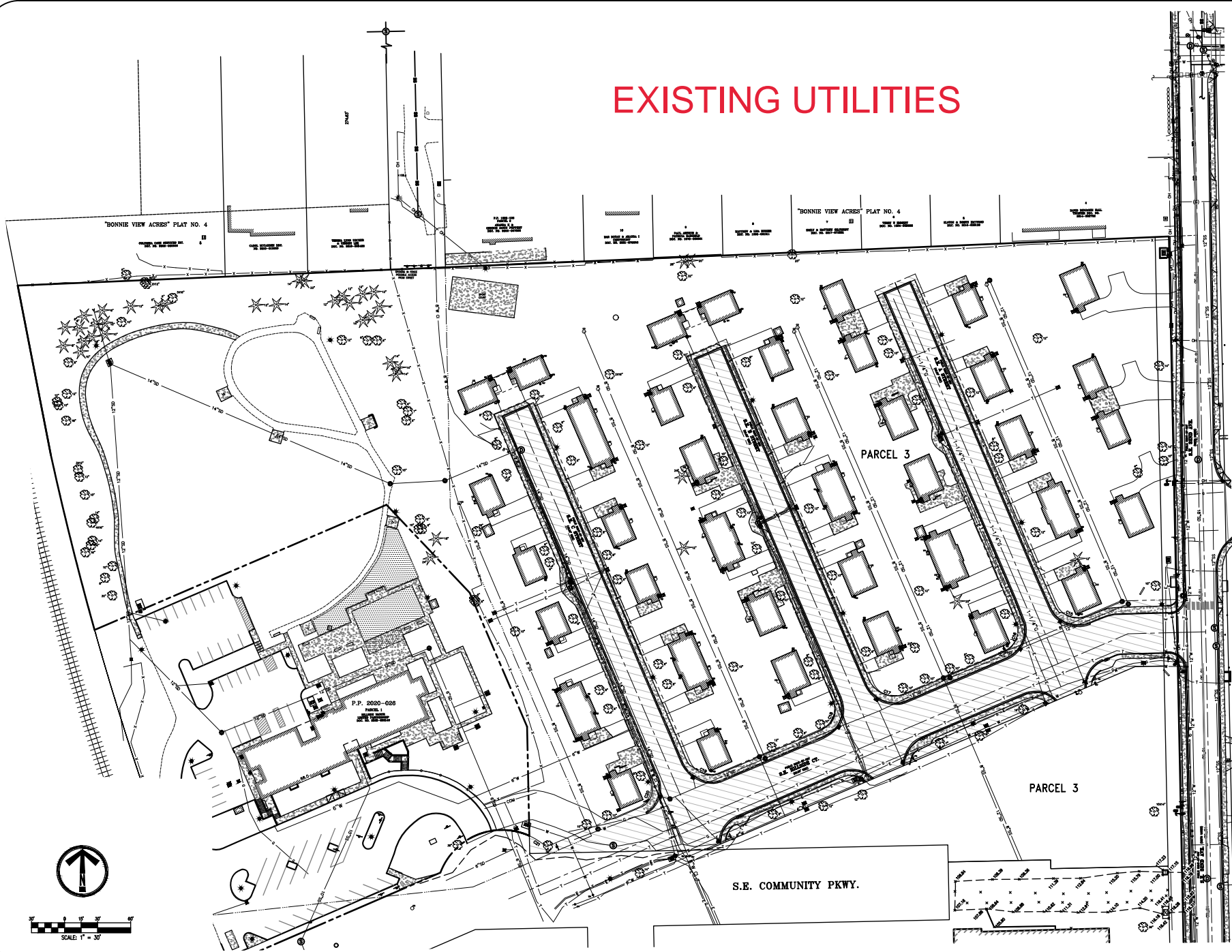
GENERAL NOTES:

- THE CONTRACTOR SHALL FIELD VERIFY THE SIZE, LOCATION & DEPTH OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.
 - BACKFILL NOTE: UNLESS NOTED OTHERWISE, PIPES UNDER PAVED SURFACE REQUIRE GRANULAR BACKFILL. FOR PIPES OUTSIDE PAVEMENT, NATIVE BACKFILL IS PERMITTED.
 - SEE SHEET RW-C5.00 FOR TYPICAL STREET SECTIONS.
- 1 SEE CURB RETURN DETAIL SHEETS FOR CURB RETURN DATA.

UTILITY LEGEND

	EXISTING STORM SEWER & MANHOLE		PROPOSED SANITARY LATERAL
	EXISTING STORM SEWER & INLET		PROPOSED WATER LINE
	EXISTING SANITARY SEWER & MANHOLE		PROPOSED FIRE HYDRANT AND LATERAL
	EXISTING WATERLINE & SERVICE		PROPOSED FIRE SERVICE BACKFLOW VAULT
	EXISTING WATER VALVE & BOX		PROPOSED FIRE DEPARTMENT CONNECTION
	EXISTING GAS LINE		PROPOSED POST INDICATOR VALVE
	PROPOSED STORM DRAIN MANHOLE		PROPOSED DOMESTIC METER BACKFLOW VAULT
	PROPOSED STORM DRAIN CATCH BASIN		PROPOSED BLOW OFF VALVE
	PROPOSED STORM BEEHIVE AND LATERAL		PROPOSED CLEAN OUT
	PROPOSED STORM FACILITY		PROPOSED STREET LIGHT
	PROPOSED SANITARY SEWER & MANHOLE		

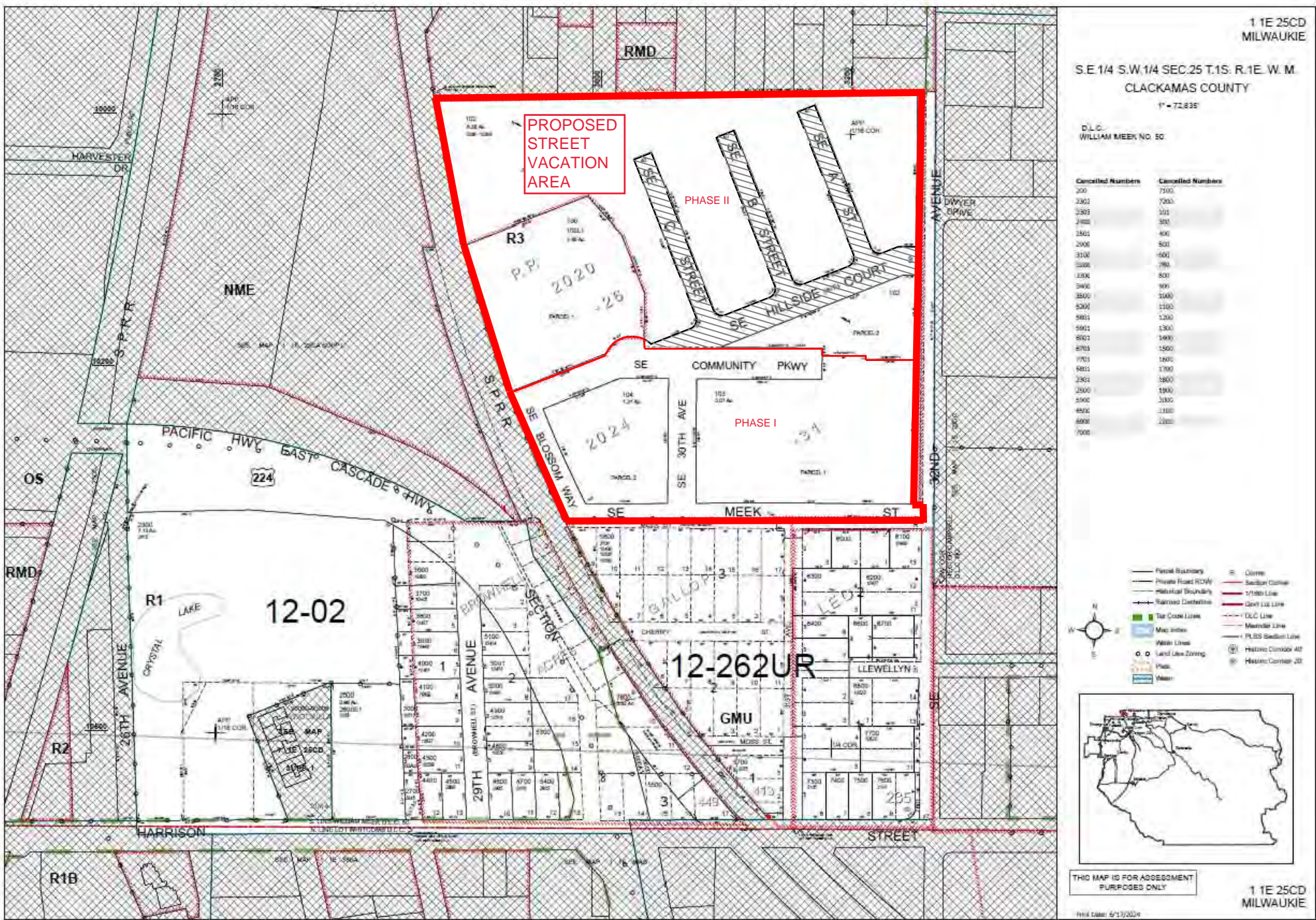
EXISTING UTILITIES



REVISIONS	
NO. 1	DATE

HILLSIDE PHASE II - EXISTING UTILITIES MAP
 FOR
RELATED NORTHWEST
 PARCEL 3 OF PARTITION PLAT NO. 2020-020, CLATSOP COUNTY PLAT RECORDS
 LOCATED IN THE SW 1/4 SECTION 25, T16.00N, R12.00W, CLATSOP COUNTY, OREGON

W.B. WELLS
 SURVEYING & CIVIL ENGINEERS
 6445 SW Fallbrook Pl. Ste. 100
 Beaverton, Oregon 97008
 Phone: 503.638.1100
 Fax: 503.638.1101
 www.wbwells.com





Fidelity National Title
Company of Oregon

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Fidelity National Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a/an Florida corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

A handwritten signature in cursive script that reads "Tara Waterman".

Tara Waterman



Fidelity National Title

Company of Oregon

900 SW 5th Avenue, Portland, OR 97204
(503)222-2424 FAX (503)227-2274

PRELIMINARY REPORT

ESCROW OFFICER: Lori Medak
Lori.Medak@fnf.com
(503) 222-2424

ORDER NO.: 45142411508
Supplement 1: Update

TITLE OFFICER: Robert Fleming
Robert.Fleming@titlegroup.fntg.com
(503)796-6607

TO: Fidelity National Title Company of Oregon
900 SW 5th Avenue
Portland, OR 97204

ESCROW LICENSE NO.: 901000243

BUYER/BORROWER: Housing Authority of Clackamas County

PROPERTY ADDRESS: NSA, Oregon City, OR 97045

EFFECTIVE DATE: November 3, 2025, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Loan Policy 2021	\$ TBD	\$ TBD
Extended Lender's		
Proposed Insured: Related Northwest		

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Housing Authority of Clackamas County, an Oregon public body corporate and politic, which acquired title as Housing Authority of the County of Clackamas, Oregon

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF MILWAUKIE, COUNTY OF CLACKAMAS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A"
Legal Description

Parcel 3, PARTITION PLAT NO. 2024-031, according to the official plat recorded June 14, 2024 as Document No. 2024-020995, in the City of Milwaukie, Clackamas County, Oregon.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or which may be asserted by persons in possession thereof.
3. Easements, or claims thereof, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien, or right to a lien, for services, labor, material or equipment rental, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. The subject property is under public, charitable, fraternal, or religious organization ownership and is exempt from ad valorem taxation. Any change in ownership prior to delivery of the assessment roll may result in tax liability.
[Tax Account No.: 05036128](#)
Map No.: 11E25CD00102
7. The rights of the public in and to that portion of the premises herein described lying within the limits of roads and highways.
8. Declaration of Trust, including the terms and provisions thereof, given to secure an indebtedness for bonds and notes with interest thereon and such future advances as may be provided therein.
Dated: August 6, 1964
Recorded: August 7, 1964
Recorder's Fee No.: 13941
Book: 599 Mortgage Records
Page: 178
Amount: Not set forth
First Party: The Housing Authority of the County of Clackamas, Oregon
Second Party: The Public Housing Administration
Loan No.: Project No. ORE-1-1
(Affects other property also)

Amended Declaration of Trust, including the terms and provisions thereof, given to secure an indebtedness for bonds and notes with interest thereon and such future advances as may be provided therein.

Dated: May 5, 1989

Recorded: July 5, 1989

Recorder's Fee No.: 89-28799

Amount: Not set forth

Executed By: The Housing Authority of the County of Clackamas, Oregon

Project No.: OR16P001005

(Affects other property also)

Partial Release of Declaration of Trust

Recording Date: May 14, 2020

[Recording No.: 2020-035145](#)

Partial Release of Declaration of Trust

Recording Date: May 14, 2020

[Recording No.: 2020-035147](#)

Partial Release of Declaration of Trust

Recording Date: June 28, 2024

[Recording No.: 2024-023996](#)

9. An easement created by instrument, including terms and provisions thereof;

Dated: February 22, 1995

Recorded: January 23, 1996

Recorder's Fee No.: 96-005192

In Favor Of: The City of Milwaukie

For: Sanitary sewer and storm sewer

Affects: Various locations

10. An easement created by instrument, including terms and provisions thereof;

Dated: January 4, 2000

Recorded: September 22, 2000

Recorder's Fee No.: 2000-062080

In Favor Of: TCI Cablevision of Georgia, Inc. and AT&T Corp.

For: Voice, data and video/cable television

Affects: No specific location is named

11. Lease, including the terms and provisions thereof.

Dated: April 16, 2006

A memorandum of which was:

Recorded: May 10, 2006

Recorder's Fee No.: 2006-042571

Lessor: Housing Authority of the County of Clackamas, Oregon

Lessee: New Cingular Wireless PCS, LLC, a Delaware limited liability company

The present ownership of the leasehold created by said lease and other matters affecting the interest of the lessee are not shown herein.

12. An easement created by instrument, including terms and provisions thereof;
Dated: May 19, 2005
Recorded: August 23, 2006
Recorder's Fee No.: 2006-077397
In Favor Of: The City of Milwaukie
For: Stormwater facilities and access to the stormwater facilities
Affects: See document for locations
13. The effect, if any, of the Easement Deed by Court Order in Settlement of Landowner Action including the terms and provisions thereof,
Recording Date: September 24, 2013
[Recording No: 2013-067267](#)
Between: Telecommunications cable system
And: Qwest Communications Company, LLC. et al
Affects: No specific location is named
14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Comcast of Oregon II, Inc.
Purpose: Broadband utilities
Recording Date: September 14, 2017
[Recording No: 2017-063025](#)
15. An easement agreement created by instrument, including the terms and provisions thereof,
Recording Date: August 29, 2019
[Recording No: 2019-052056](#)
Purpose: Storm Drainage Utility Easement
In Favor Of: City of Milwaukie, an Oregon municipal corporation
16. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat
Name of Plat: [PARTITION PLAT NO 2020-026](#)
Recording Date: April 16, 2020
Recording No: 2020-027265
17. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the [PARTITION PLAT NO. 2020-026](#);

Purpose: 15' Public waterline for the benefit of Parcel 1
Affects: A portion Parcel 3 herein described abutting the easterly line of Parcel 1 of Partition Plat 2020-026
18. Declaration of Open Space Easement including the terms and provisions thereof,
Recording Date: April 16, 2020
[Recording No: 2020-027266](#)
Executed By: Housing Authority of Clackamas County, an Oregon public body corporate and politic
(Affects other property also)
19. Public Water Pipeline Easement Agreement including the terms and provisions thereof,
Recording Date: April 16, 2020
[Recording No: 2020-027268](#)
Executed By: Housing Authority of Clackamas County, an Oregon public body corporate and politic
In Favor Of: The City of Milwaukie, an Oregon municipal corporation

20. Conditions and Restrictions contained in the instrument entitled including the terms and provisions thereof
Recording Date: June 28, 2022
[Recording No: 2022-037221](#)
Entitled: Notice of Zoning and Final Development Plan and Program
Executed By: City of Milwaukie
21. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by Ordinance No. 2240
Recording Date: April 5, 2024
[Recording No: 2024-011830](#)
22. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat
Name of Plat: PARTITION PLAT NO. 2024-031
Recording Date: June 14, 2024
Recording No: 2024-020995
23. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the PARTITION PLAT NO. 2024-031:

Purpose: Public utilities, temporary public sanitary sewer easement, storm drain, waterline, gasoline
Affects: Refer to Plat for locations
24. An easement created by instrument including the terms and provisions thereof.
Recording Date: June 14, 2024
[Recording No: 2024-020996](#)
Between: Public Pedestrian Access Easement
In Favor Of: The City of Milwaukie, an Oregon municipality
Executed By: The Housing Authority of Clackamas County, a public body corporate and politic of the State of Oregon
25. An easement created by instrument including the terms and provisions thereof.
Recording Date: June 14, 2024
[Recording No: 2024-020997](#)
Between: Public Pedestrian, Bicycle and Emergency Vehicle Access Easement
In Favor Of: The City of Milwaukie, an Oregon municipality
Executed By: The Housing Authority of Clackamas County, a public body corporate and politic of the State of Oregon
26. Use Agreement including the terms and provisions thereof.
Recording Date: June 28, 2024
[Recording No: 2024-023998](#)
Between: The Housing Authority of Clackamas County, a public body corporate and politic of the State of Oregon
And: United States of America, acting by and through the Secretary of Housing and Urban Development
27. Temporary Emergency Vehicle Access Easement Agreement including the terms and provisions thereof.
Recording Date: October 23, 2024
[Recording No: 2024-039198](#)
Between: The Housing Authority of Clackamas County, a public body corporate and politic of the State of Oregon
And: Hillside Park Buildings A&B Housing Partners Limited Partnership, an Oregon limited partnership

28. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.
29. Personal property taxes, if any.
30. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
31. NOTE: The following are required when a principal to the proposed transaction is an instrumentality of the state, such as a municipality, a county or other governmental body:
 - Certification, with supporting documentation, that the board or other governing authority of the governmental body has approved the transaction in accordance with applicable practices, procedures, rules, ordinances and statutes.
 - Certification that a named person or persons, identified by name and position, are authorized to act on behalf of the governmental body in the proposed transaction.
 - Verification of the current legal name and good standing of the governmental body when it is a local governmental body other than a city or county.

WARNING REGARDING DEED OR CONTRACT TO TAX-EXEMPT GOVERNMENTAL TRANSFEREE.
Oregon law prohibits the county recording officer from recording a deed or contract to a tax-exempt governmental transferee, unless the deed or contract is accompanied by a certificate of payment of ad valorem county taxes. The certificate must be attested by the county assessor using a form prescribed by the Oregon Department of Revenue. Failure to allow adequate time for obtaining a certificate of payment may delay recording. This requirement is contained in Chapter 96, Oregon Laws 2015, effective Oct. 5, 2015.

32. The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
33. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.
34. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.
35. Any encroachment (of existing improvements located on the subject Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject Land.

The Company will require a survey of the Land by a professional surveyor, and this exception may be eliminated or limited as a result thereof.

ADDITIONAL REQUIREMENTS/NOTES:

- A. Well sites located on subject land. This informational note will not appear in the title insurance policy as this is not a matter within the scope of policy coverages.
Well Identification No.: 515306,543766
- B. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- C. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final ALTA Policy unless removed prior to issuance.
- D. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, processing, manufacture, sale, dispensing or use of marijuana and psilocybin, the Company is not able to close or insure any transaction involving Land associated with these activities.

- E. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Multnomah	\$86.00	\$5.00
Washington	\$81.00	\$5.00
Clackamas	\$93.00	\$5.00

Note: When possible the company will record electronically. An additional charge may be applied.

Note: Please send any documents for recording to the following address:

Portland Title Group
Attn: Recorder
1455 SW Broadway, Suite 1450
Portland, OR. 97201

- F. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.
- G. Note: This [map/plat](#) is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

H. NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS

Fiscal Year:	July 1 st through June 30 th
Taxes become a lien on real property, but are not yet payable:	July 1 st
Taxes become certified and payable (approximately on this date):	October 15 th
First one third payment of taxes is due:	November 15 th
Second one third payment of taxes is due:	February 15 th
Final payment of taxes is due:	May 15 th

Discounts: If two thirds are paid by November 15th, a 2% discount will apply.
If the full amount of the taxes are paid by November 15th, a 3% discount will apply.

Interest: Interest accrues as of the 15th of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.

EXHIBIT ONE

2021 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (07-01-2021) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions, or location of any improvement on the Land;
 - iii. the subdivision of land; or
 - iv. environmental remediation or protection.
- b. any governmental forfeiture, police, regulatory, or national security power.
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
 - a. created, suffered, assumed, or agreed to by the Insured Claimant;
 - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;
 - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
- e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser or encumbrancer had been given for the Insured Mortgage at the Date of Policy.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business law.
5. Invalidity or unenforceability of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or Consumer Protection Law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction creating the lien of the Insured Mortgage is a:
 - a. fraudulent conveyance or fraudulent transfer;
 - b. voidable transfer under the Uniform Voidable Transactions Act; or
 - c. preferential transfer:
 - i. to the extent the Insured Mortgage is not a transfer made as a contemporaneous exchange for new value; or
 - ii. for any reason not stated in the Covered Risk 13.b
7. Any claim of a PACA-PSA Trust. Exclusion 7 does not modify or limit the coverage provided under Covered Risk 8.
8. Any lien on the Title for real estate taxes or assessments imposed by a governmental authority and created or attaching between the Date of Policy and the date of recording of the Insured Mortgage in the Public Records. Exclusion 8 does not modify or limit the coverage provided under Covered Risk 2.b. or 11.b.
9. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2021 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (07-01-2021) EXCLUSIONS FROM COVERAGE

The following matters are excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions or location of any improvement on the Land;
 - iii. the subdivision of land; or
 - iv. environmental remediation or protection;
- b. any governmental forfeiture, police, regulatory, or national security power
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
- Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
 - a. created, suffered, assumed or agreed to by the Insured Claimant;
 - b. not known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;
- d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
- e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
 - a. fraudulent conveyance or fraudulent transfer, or
 - b. voidable transfer under the Uniform Voidable Transactions Act; or
 - c. preferential transfer:
 - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
 - ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
 - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
 - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. **DO NOT** use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** **DO NOT** send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do **NOT** reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:

<http://www.fbi.gov>

Internet Crime Complaint Center:

<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective January 1, 2025

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g., Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g., loan or bank account information);
- biometric data (e.g., fingerprints, retina or iris scans, voiceprints, or other unique biological characteristics); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for these main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To prevent and detect fraud;
- To maintain the security of our systems, tools, accounts, and applications;
- To verify and authenticate identities and credentials;
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.
- To provide reviews and testimonials about our services, with your consent.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

State-Specific Consumer Privacy Information:

For additional information about your state-specific consumer privacy rights, to make a consumer privacy request, or to appeal a previous privacy request, please follow the link [Privacy Request](#), or email privacy@fnf.com or call (888) 714-2710.

Certain state privacy laws require that FNF disclose the categories of third parties to which FNF may disclose the Personal Information and Browsing Information listed above. Those categories are:

- FNF affiliates and subsidiaries;
- Non-affiliated third parties, with your consent;
- Business in connection with the sale or other disposition of all or part of the FNF business and/or assets;
- Service providers;
- Law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (fnf.com/california-privacy) or call (888) 413-1748.

For Nevada Residents: We are providing this notice pursuant to state law. You may be placed on our internal Do Not Call List by calling FNF Privacy at (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. For further information concerning Nevada's telephone solicitation law, you may contact: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: aginquiries@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes. For additional information about your Oregon consumer privacy rights, or to make a consumer privacy request, or appeal a previous privacy request, please email privacy@fnf.com or call (888) 714-2710

FNF is the controller of the following businesses registered with the Secretary of State in Oregon:

Chicago Title Company of Oregon, Fidelity National Title Company of Oregon, Lawyers Title of Oregon, LoanCare, Tigor, Title Company of Oregon, Western Title & Escrow Company, Chicago Title Company, Chicago Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Liberty Title & Escrow, Novare National Settlement Service, Tigor Title Company of California, Exos Valuations, Fidelity & Guaranty Life, Insurance Agency, Fidelity National Home Warranty Company, Fidelity National Management Services, Fidelity Residential Solutions, FNF Insurance Services, FNTG National Record Centers, IPEX, Mission Servicing Residential, National Residential Nominee Services, National Safe Harbor Exchanges, National Title Insurance of New York, NationalLink Valuations, NexAce Corp., ServiceLink Auction, ServiceLink Management Company, ServiceLink Services, ServiceLink Title Company of Oregon, ServiceLink Valuation Solutions, Western Title & Escrow Company

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice: Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information: Contact Us

If you have questions or would like to correct your Personal Information, visit FNF's [Privacy Request](#) website or contact us by phone at (888) 714-2710, by email at privacy@fnf.com, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

EXHIBIT ONE

2021 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (07-01-2021) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions, or location of any improvement on the Land;
 - iii. the subdivision of land; or
 - iv. environmental remediation or protection.
 - b. any governmental forfeiture, police, regulatory, or national security power.
 - c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
 3. Any defect, lien, encumbrance, adverse claim, or other matter:
 - a. created, suffered, assumed, or agreed to by the Insured Claimant;
 - b. not known to the Company, not recorded in the Public Records at the Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;
 - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser or encumbrancer had been given for the Insured Mortgage at the Date of Policy.

4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business law.
5. Invalidity or unenforceability of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or Consumer Protection Law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction creating the lien of the Insured Mortgage is a:
 - a. fraudulent conveyance or fraudulent transfer;
 - b. voidable transfer under the Uniform Voidable Transactions Act; or
 - c. preferential transfer:
 - i. to the extent the Insured Mortgage is not a transfer made as a contemporaneous exchange for new value; or
 - ii. for any reason not stated in the Covered Risk 13.b.
7. Any claim of a PACA-PSA Trust. Exclusion 7 does not modify or limit the coverage provided under Covered Risk 8.
8. Any lien on the Title for real estate taxes or assessments imposed by a governmental authority and created or attaching between the Date of Policy and the date of recording of the Insured Mortgage in the Public Records. Exclusion 8 does not modify or limit the coverage provided under Covered Risk 2.b. or 11.b.
9. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2021 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (07-01-2021) EXCLUSIONS FROM COVERAGE

The following matters are excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions or location of any improvement on the Land;
 - iii. the subdivision of land; or
 - iv. environmental remediation or protection;
- b. any governmental forfeiture, police, regulatory, or national security power
- c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.

Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.

2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
 - a. created, suffered, assumed or agreed to by the Insured Claimant;
 - b. not known to the Company, not recorded in the Public Records at the Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;

- d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
- e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
 - a. fraudulent conveyance or fraudulent transfer, or
 - b. voidable transfer under the Uniform Voidable Transactions Act; or
 - c. preferential transfer:
 - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
 - ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
 - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
 - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective January 1, 2025

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g., Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g., loan or bank account information);
- biometric data (e.g., fingerprints, retina or iris scans, voiceprints, or other unique biological characteristics); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for these main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To prevent and detect fraud;
- To maintain the security of our systems, tools, accounts, and applications;
- To verify and authenticate identities and credentials;
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.
- To provide reviews and testimonials about our services, with your consent.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

State-Specific Consumer Privacy Information:

For additional information about your state-specific consumer privacy rights, to make a consumer privacy request, or to appeal a previous privacy request, please follow the link [Privacy Request](#), or email privacy@fnf.com or call (888) 714-2710.

Certain state privacy laws require that FNF disclose the categories of third parties to which FNF may disclose the Personal Information and Browsing Information listed above. Those categories are:

- FNF affiliates and subsidiaries;
- Non-affiliated third parties, with your consent;
- Business in connection with the sale or other disposition of all or part of the FNF business and/or assets;
- Service providers;
- Law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (fnf.com/california-privacy) or call (888) 413-1748.

For Nevada Residents: We are providing this notice pursuant to state law. You may be placed on our internal Do Not Call List by calling FNF Privacy at (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. For further information concerning Nevada's telephone solicitation law, you may contact: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: aginquiries@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes. For additional information about your Oregon consumer privacy rights, or to make a consumer privacy request, or appeal a previous privacy request, please email privacy@fnf.com or call (888) 714-2710

FNF is the controller of the following businesses registered with the Secretary of State in Oregon:

Chicago Title Company of Oregon, Fidelity National Title Company of Oregon, Lawyers Title of Oregon, LoanCare, Tigor, Title Company of Oregon, Western Title & Escrow Company, Chicago Title Company, Chicago Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Liberty Title & Escrow, Novare National Settlement Service, Tigor Title Company of California, Exos Valuations, Fidelity & Guaranty Life, Insurance Agency, Fidelity National Home Warranty Company, Fidelity National Management Services, Fidelity Residential Solutions, FNF Insurance Services, FNTG National Record Centers, IPEX, Mission Servicing Residential, National Residential Nominee Services, National Safe Harbor Exchanges, National Title Insurance of New York, NationalLink Valuations, NexAce Corp., ServiceLink Auction, ServiceLink Management Company, ServiceLink Services, ServiceLink Title Company of Oregon, ServiceLink Valuation Solutions, Western Title & Escrow Company

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice: Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information: Contact Us

If you have questions or would like to correct your Personal Information, visit FNF's [Privacy Request](#) website or contact us by phone at (888) 714-2710, by email at privacy@fnf.com, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer



ENGINEERING DEPARTMENT
10501 SE Main St
Milwaukie OR 97222

PHONE: 503-786-7600
FAX: 503-774-8236
E-MAIL: engineering@milwaukieoregon.gov

APPLICATION for Street Vacation

Applicant(s): Housing Authority of the County of Clackamas, Oregon Phone: (503) 655-8267

Address: 2889 SE Hillside Ct, Milwaukie, OR Zip: 97222

Proposal (describe briefly): Vacate portions of S.E. Hillside Court, A St., B St. and C St., lying north of S.E. Community Parkway and west of S.E. 32nd Avenue, to allow for the realignment of public streets and redevelopment of the surrounding property.

Map and abutting parcels' Tax Lot Number(s) (format: "T 1S, R 1E, Sec. 25 ") Tax Lots: 00100, 00102, 00103, 00104

Origin of street: All streets proposed to be vacated were dedicated to the City of Milwaukie per document recorded January 23, 1996 as Recording No. 96-005192.

Fee title holder if any (provide title report or copy of County Assessor's records): _____

City or public utility assets within the public right-of-way (attach map showing existing assets and proposed relocation):
City and public utility assets are proposed to be relocated during redevelopment of the surrounding property.

An easement is intended to be reserved over the vacated streets until such time as redevelopment is complete, allowing for construction within the vacated street areas after City of Milwaukie City Engineer approval.

Relationship of the area to be vacated to any current or planned road or bike path system (attach vicinity map showing existing street and bike path system):


Area to be vacated does not connect to any current or known planned bike path system.

Continued on reverse

Proximity of the proposed vacation area to a Natural Resource area, Greenway, Kellogg Lake, or the Willamette River:
Proposed vacation area does not lie in close proximity to any known Natural Resource area

ATTEST:

To the best of my knowledge, the information provided within this application package is complete and accurate. The site plan, notice labels, and other relevant information as required for this application are attached.

Submitted by:  Date: 11/4/25

Office Use

File # _____ Fee \$ _____ Date: _____

Accepted by: _____



ENGINEERING DEPARTMENT
10501 SE Main St
Milwaukie OR 97222

PHONE: 503-786-7600
FAX: 503-774-8236
E-MAIL: engineering@milwaukieoregon.gov

CONSENT to Street Vacation

The undersigned property owner abutting or affected by the vacation of A, B, C, Hillside Ct (street) from S.E. 32nd Ave. to Southern Pacific R/R consents to the vacation. (See attached map.) A copy of the **Petition for Street Vacation** is printed on the reverse side of this consent form. The undersigned property owner understands that all property annexed to his or her property by approval of this vacation may be subjected to property taxes.

Property owner: Housing Authority of the County of Clackamas, Oregon

Address: 2889 SE Hillside Ct, Milwaukie, OR 97222

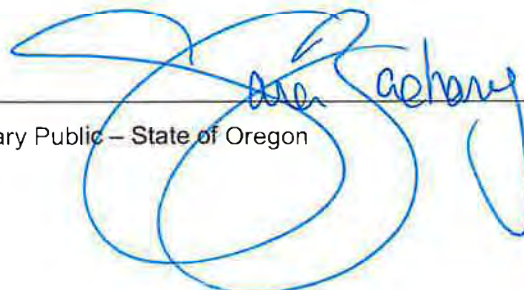
Legal description: Parcel 1, PARTITION PLAT 2020-026, Parcels 1, 2 and 3, PARTITION PLAT 2024-031, both of Clackamas County Plat Records

 11/4/25
Signature Date

Signature Date

State of OREGON
County of Clackamas

Signed or attested before me on Nov 11, 2025 by Shannon Callahan


Notary Public – State of Oregon



Attachment 8. A. 6.

Oregonian Media Group
1500 SW 1st Ave Suite 500
Portland, OR 97201



Oregonian

AD#: 0011045592

CITY OF MILWAUKIE
6101 SE JOHNSON CRK BLVD
MILWAUKIE, OR 97206

Sales Rep: Kimberlee O'Neill
Account Number:1000837887
AD#: 0011045592

Remit Payment to:
Oregonian Media Group
Dept 77571
P.O. Box 77000
Detroit, MI 48277-0571

Date	Position	Description	P.O. Number	Ad Size	Costs
12/03/2025	PublicNotices OR	Legal Notice City of Milwaukie On November 5, 2025, the Housing	Hillside St Vacation V Kolia	1 x 29 L	
				Basic Ad Charge - 11/26/2025	\$164.80
				Basic Ad Charge - 12/03/2025	\$134.80
				Total	\$299.60

FOR QUESTIONS CONCERNING THIS AFFIDAVIT, PLEASE CALL 877-317-5175

AD#: 0011045592

State of Oregon,) ss
County of Multnomah)

Stacey Tredici being duly sworn, deposes that he/she is principal clerk of Oregonian Media Group; that Oregonian is a public newspaper published in the city of Portland, with general circulation in Oregon, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

Oregonian 11/26, 12/03/2025

Stacey Tredici



Principal Clerk of the Publisher

Sworn to and subscribed before me this 09th day of December 2025

*Kimberlee Wright
O'Neill*



Notary Public



KIMBERLEE WRIGHT O'NEILL
NOTARY PUBLIC - OREGON
COMMISSION NO. 1026818
MY COMMISSION EXPIRES 08/15/2026

Online Notary Public. Notarization
facilitated by SIGNiX®

Legal Notice - City of Milwaukie
On November 5, 2025, the Housing Authority of Clackamas County initiated the vacation of public right-of-way within Hillside Park. The area to be dedicated is portions of SE A Street, B Street, C Street, and SE Hillside Ct lying north of SE Community Parkway and west of SE 32nd Ave to allow for the realignment of public streets and redevelopment of the surrounding property. The Milwaukie City Council will hold a public hearing to consider the proposed vacation on December 16, 2025. Any objection must be made in writing and filed with the City Recorder prior to the time of the hearing. For more information, contact Milwaukie Planning at 503-786-7653. To be published on November 26, 2025 and December 3, 2025.



**RS 8. A.
12/16/25
Presentation**

Hillside Park ROW Vacation

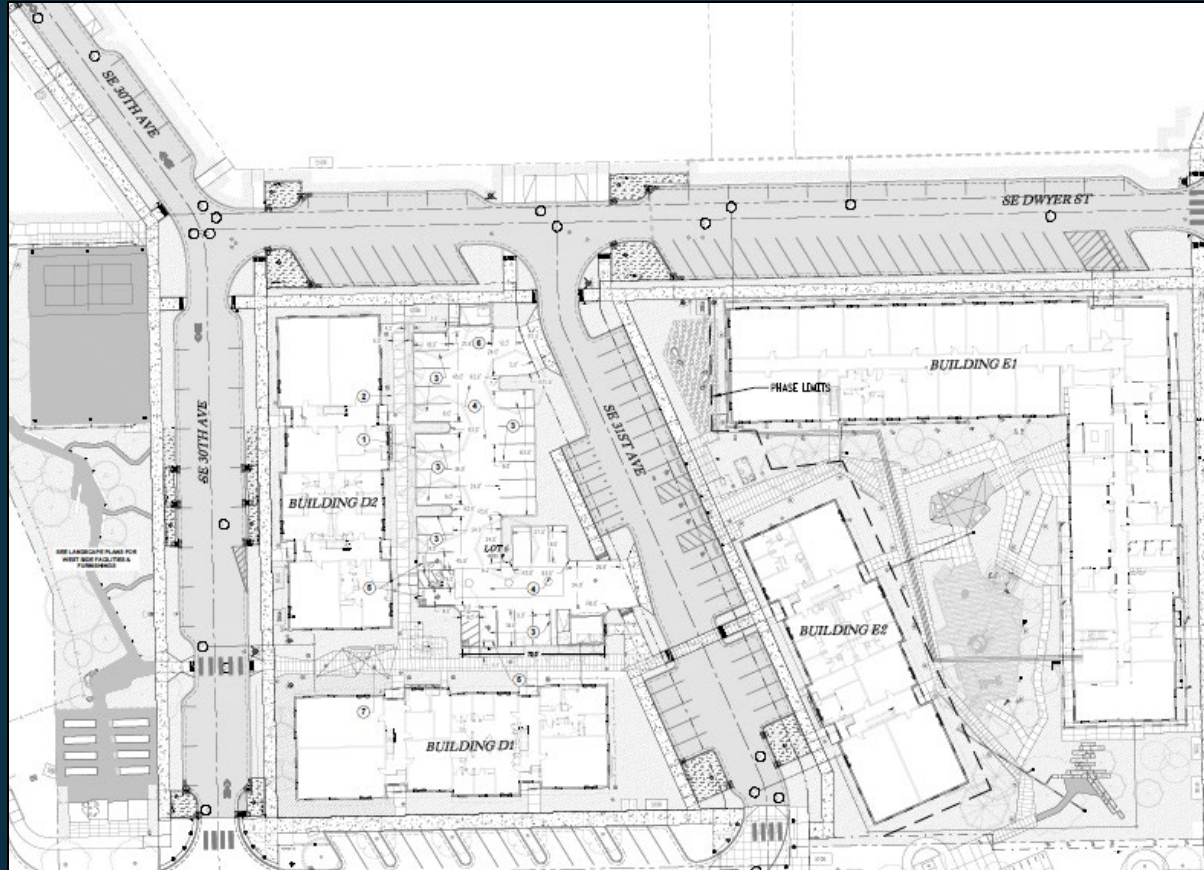
City Council Regular Session
December 16, 2025
Vera Kolas, Planning Manager

Project Location & Vicinity



Proposed
vacation area

Proposed Development



Hillside Park – Phase 2

ROW Vacation Process

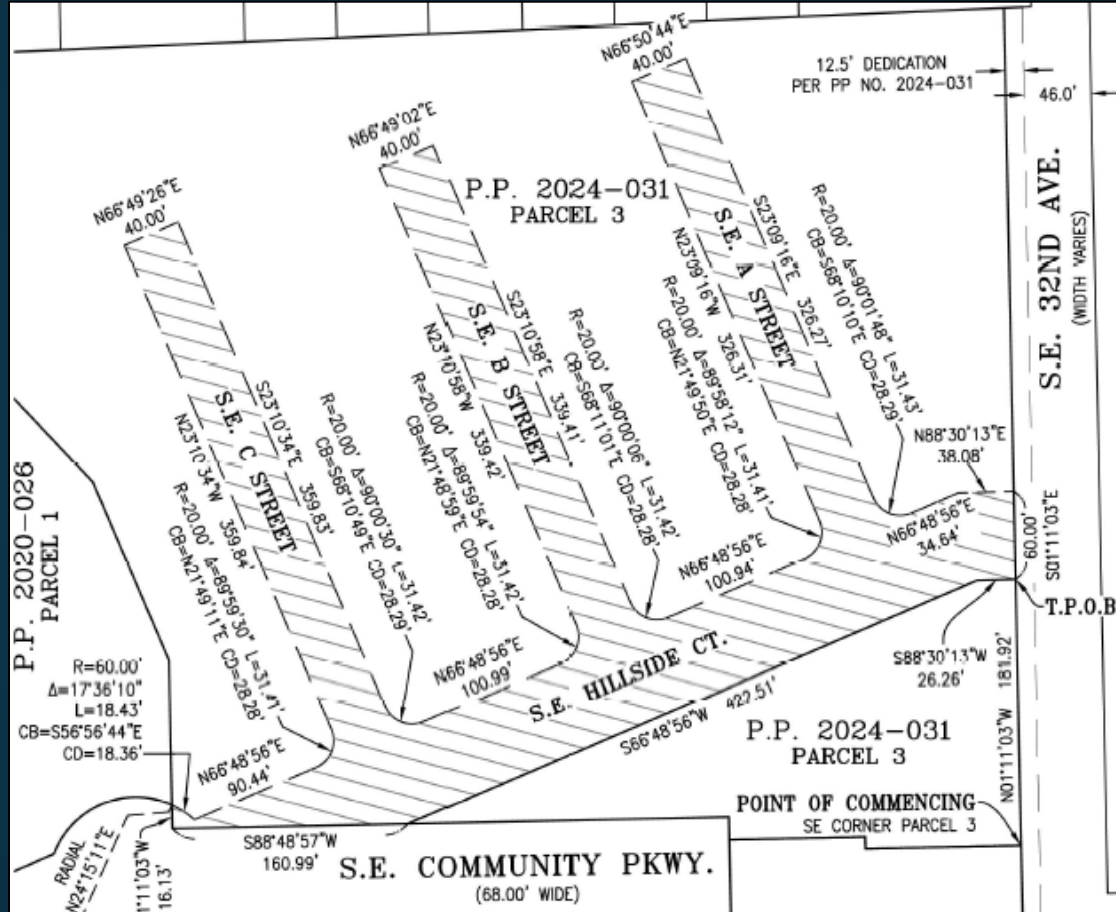
1. HACCC submits a petition for the vacation
2. Staff prepares legal notice to be published (Oregonian – November 26 and December 3)
3. Petitioner posts signs on site
4. Council holds a public hearing (tonight).

Legal Notice – City of Milwaukie

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To be published on November 26, 2025 and December 3, 2025.

ROW Vacation Area



ROW Vacation Standard of Review

- ORS 271.120
 - Consent of owners
 - Notice duly given
 - Public interest prejudiced



Staff Recommendation

- Council grant the petition and adopt the ordinance vacating the ROW as proposed.

Contact Us

Vera Kolas

Planning Manager

koliasv@milwaukieoregon.gov



From: [Vera Kolas](#)
To: [OCR](#)
Subject: FW: Street Vacation Public hearing
Date: Monday, December 15, 2025 12:17:30 PM

Hello OCR,

This email was sent to me today regarding the Hillside street vacation hearing.

VERA KOLIAS, AICP

Planning Manager
she • her
503.786.7653
City of Milwaukie
10501 SE Main St • Milwaukie, OR 97222

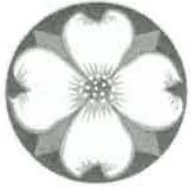
Please note that my work schedule is Monday – Thursday from 6 a.m. – 4:30 p.m.

From: benjamin barber <starworks5@gmail.com>
Sent: Monday, December 15, 2025 9:22 AM
To: Vera Kolas <KolasV@milwaukieoregon.gov>
Subject: Street Vacation Public hearing

This Message originated outside your organization.

<https://chatgpt.com/share/69404281-6174-800d-aa16-377e4c60cd8e>

The areas near 32nd where you have posted the notices of street vacation, are likely in violation of federal / state / international law, with regards to the disturbances of the habitat for the canadian geese which are currently using the areas to graze and forage, and having reviewed the environmental impact study that was performed, it did not address specifically what mitigations were needed for the canadian geese population, and only spoke in generalities to how they will plant shrubs, which does not speak to the specific environmental needs of the canadian geese which do not actually need shrubs at all, but large take off and landing areas to eat grasses, and to not be disturbed while they are grazing.



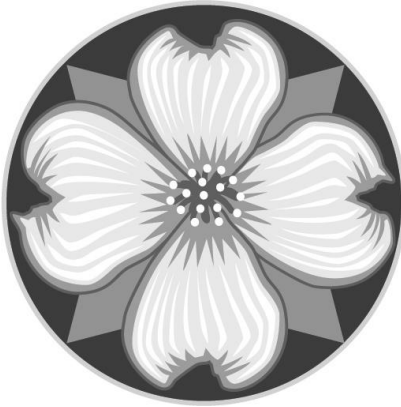
PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

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.

12/16/2025 | **RS 8. A. Hillside Park Public Right-of-Way
Vacation – Ordinance**

Land Use File No. (none)

NAME	ADDRESS	PHONE	EMAIL



RS Agenda Item

9

Council Reports

**RS 9. 12/16/25
Council Reports
Mayor Batey**

From: [Lisa Batey](#)
To: [City Council](#); [Michael Osborne](#); [Peter Passarelli](#); [Laura Weigel](#)
Subject: Council Report: Willamette Falls Locks Authority meeting
Date: Sunday, December 7, 2025 11:34:55 PM
Attachments: [WFLA One Pager.pdf](#)

OCR: Please add this email and the attachment to an upcoming meeting packet.

All:

On Wednesday afternoon, I attended a meeting convened by Christine Lewis as the Chair of the Willamette Falls Locks Authority (WFLA). Mayors of Oregon City, West Linn, and Wilsonville were there, along with BCC Chair Roberts, members of the WFLA Board, representatives from the Port of Portland, from state and county tourism offices, from shipping and tourboat operators.

This was a gathering following on a WFLA Board meeting earlier in the afternoon. The packet for that meeting is here:

[b96d8e_1acef284a91446c6ad3e90c1e7cf0601.pdf](#)

It soon became apparent that the point of this meeting was seeking financial support for the WFLA operating expenses over the next several years until the locks are open and operational. They are looking at state and federal funding for the capital expenses of repairing and reopening the locks, which are outlined on the attached two-page flyer. But they are looking for support from cities and others to the tune of about \$300K annually in operational and oversight expenses. Apparently Oregon City, West Linn, and Lake Oswego regularly contribute to the WFLA.

This is just an FYI at this point, but I do anticipate a direct request for some funding before we finalize the next budget. You can get a sense of their arguments for the locks as an economic benefit for cities along the Willamette in the attachment.

Lisa M. Batey
Mayor, City of Milwaukie
Email: bateyl@milwaukieoregon.gov

Message line: 503-786-7512



Construction Ready Project

Restoring Operations of the Willamette Falls Locks

Willamette Falls Locks Authority Recommendation

The Willamette Falls Locks Authority seeks funding for the remaining \$11.431 million needed for construction and repair of the Locks from the State Legislature, as well as \$225,000 of state funding for operating expenses. This funding is critical to implement the capital upgrades necessary to make the Locks seismically resilient and operational again and to reconnect local communities via the Willamette River.

The United States Army Corps of Engineers currently owns the Locks and is in the process of transferring the property and its assets to the Authority. The transfer is scheduled for completion between late 2026 and early 2027, at which point construction will begin. The Authority has agreed to secure an access permit with USACE which will allow pre-construction work to be completed before the transfer. Since 2009, USACE has spent \$14 million on studies, repairs, seismic upgrades, and preparing the historic Locks for transfer.

Alongside federal funding, the day-to-day operations of the Authority have been funded by contributions from neighboring cities, tribes, Clackamas County, PGE, and Metro totaling more than \$750,000 to date. Utilizing the \$7.25 million already set aside by the Oregon Legislature (2021), we anticipate a bond sale this Spring to start preconstruction.

Financial Investments from Our Partners

- Federal (since 2009): **\$14 million**
- Local (to date): **more than \$750,000**
- OR Legislature (2021): **\$7.25 million**

2nd Portion of State Match to Implement Repairs

- **\$11.431 million**

Economic benefits of reopening the locks*

- › Serve as a marine transportation option in the event of a Cascadia earthquake, contributing to the region's resiliency and emergency preparedness.
- › Enhance revitalization opportunities for river fronts in cities including West Linn, Oregon City, Wilsonville and Newberg.
- › Facilitate ship maintenance of upriver maritime resources needing repairs and inspections below the current Falls bottleneck.
- › Welcome Oregonians to the 1873 Canal, an asset of the Willamette Falls State Heritage Area, listed on the National Register of Historic Places, and designated as a Civil Engineering Landmark.
- › Promote collaborative economic development through historical tourism and outdoor recreational opportunities, including tours to wineries and agricultural tourism destinations in Clackamas, Yamhill and Marion County.
- › Reduce greenhouse gas carbon dioxide through barging for valley commodities that are now transported by truck. Reduce congestion and road wear on major arterials and highways.
- › Connect Willamette Valley towns. Once again offer paddlers recreational and experiential environmental learning along the 187-mile Willamette River Water Trail from Springfield to Portland.



\$12 - 49 million Transportation benefits	\$12 - \$50 million Recreation benefits	80,000 - 220,000 Truck trips removed from Portland area roads	11,000 - 32,000 Metric tons of CO ₂ reduced
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The average standard trucking cargo capacity is 32 tons per truck and trailer, while one 2-barge load moved 1,000-2,000 tons.

That's 62 trucks for the equivalent 2,000 tons

The ECONorthwest study estimated that

40 trucks per day*

of aggregate would be removed from Portland area roadways if the locks were reopened.



What the local communities need from the State of Oregon

Additional state funding is fundamental to complete the construction that will make the Locks safe and operational. The total scope of work is just over \$18.5 million. The requested amount for capital is \$11.431 million, joining the initial \$7.25 million committed to the project by the 2021 Legislature. The request includes the continuation of the state funding of \$225,000 for operating expenses, which is supplemented by local partners pledging more than \$750,000 to date.

Granting the \$11.431 million requested will connect local communities and cities along the river, creating economic, environmental, and recreational opportunities for decades to come.

History

- Locks opened January 1, **1873**, under private ownership.
- **1915** The USACE bought the Canal and Locks for \$375,000 from Portland Railway, Light & Power, providing free passage around the Falls.
- **2011** The Locks closed in December due to safety concerns, and the Locks moved to "Caretaker" status.
- **2015** The Willamette Falls Locks Task Force was established through Senate Bill 131.
- **2017** SB 256 followed the Task Force's recommendations, enlisting Oregon Solutions to facilitate a new Willamette Falls Locks Commission.
- **2021** HB 2564 established the Willamette Falls Locks Authority as a public corporation.
- **2023** The Locks celebrated its 150th birthday.

Authority Member Roster

Authority Board

Christine Lewis - Chair
Metro Council

Russ Axelrod - Vice Chair
Geologist and Former Mayor, West Linn

Sandy Carter - Secretary
Advocates for Willamette Falls Heritage

Denyse McGriff - Treasurer
Oregon City Mayor

David Penilton
Oregon Tourism Commission/MERC Commission

Robert Kentta
Treasurer, Confederated Tribes of Siletz Indians

Chris Mercier
Vice Chair, Confederated Tribes of Grand Ronde

Mary Baumgardner
West Linn Council President

Kristin Meira
American Cruise Lines

Preston Korst
Portland General Electric (PGE)

Authority Advisors

Rep. Jules Walters
Sen. Mark Meek
Sen. Daniel Bonham

From: [Lisa Batey](#)
To: [City Council](#); [Peter Passarelli](#); [Laura Weigel](#)
Subject: Council reports: MMC update and tomorrow"s regional ally training
Date: Monday, December 8, 2025 10:51:23 AM

OCR: Please include in an upcoming council packet.

All: [Please do not reply all]

Just a couple of short notes from the MMC Executive Committee session, and a reminder of tomorrow's regional ally training.

Regarding that training, involving seven metro area cities (Beaverton, Portland, Hillsboro, Forest Grove, Tualatin, Wilsonville, West Linn and Milwaukie), in addition to trying to share the training outlined there (links below), it is also a good exercise in terms of linking cities, and might be something to replicate in times of natural disaster or other challenges affecting the metro area.

It appears that the effort to refer the transportation bill to the voters will have enough signatures, and there is little hope of defeating it at the ballot box. So ODOT and TriMet cuts may become another big topic in the short session.

Watch for more after Thursday's full MMC meeting on SHS reformation, a new legislative work group being formed on Goal 1, and the Governor's recently announced economic development priority (info on that was part of the "Oregon State Update" I sent late Friday).

Some in the legislature are apparently trying to preempt local control of streets with a bill in the short session to facilitate deployment of Waymo autonomous vehicles. I'm sure we'll hear more on that in the weeks ahead.

Regarding tomorrow's ally training session, we should get a tentative headcount later today, but help promoting it would still be appreciated. Links below to materials.

- [Event flyer](#)
- [Social media post options](#)
- [FAQ sheet](#)
- Registration Link: https://docs.google.com/forms/d/e/1FAIpQLScq9q-mh9V_xJglqVXcdvqgsWCZRjP9h4LoFjIVhcws1fgJxA/viewform?usp=send_form

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

Memorandum for the Record - December 12, 2025

At the 11/18/25 meeting of the Milwaukie City Council a presentation was given, and testimony was heard about the state's Moderate-Income Revolving Loan (MIRL) program. During that meeting the council discussed concerns about administering the program and potential financial risks to the city. Based on those discussions the council decided not to initiate a MIRL ordinance but to revisit the program in March to allow more time for those concerns to be thoroughly addressed.

During a subsequent council meeting on 12/02/2005 public testimony was heard in support of MIRL. It also became known that a press release went out that day by a supporter of MIRL.

In that release I was quoted as saying:

“I'm in no support of the ordinance.”

That is inaccurate which can be verified in the meeting video – what I said was:

“I'm not in support of an ordinance at this point.”

There is a significant difference between the two, and the actual quote is in line with the council's direction to not close the door but to seek further clarification.

I have no issue with anyone quoting me because I stand behind my words, but I do take exception to being misquoted on a topic as important as affordable housing.

Robert Massey - Milwaukie City Council