

**Regular Session**

**RS**

**Milwaukie City Council**

**COUNCIL REGULAR SESSION**City Hall Council Chambers, 10501 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

**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](http://www.milwaukieoregon.gov).  
Written comments may be delivered to City Hall or emailed to [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov).

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

1. **CALL TO ORDER** (6:30 p.m.)
  - A. **Pledge of Allegiance**
  - B. **Native Lands Acknowledgment**
  
2. **ANNOUNCEMENTS** (6:31 p.m.) 1
  
3. **PROCLAMATIONS AND AWARDS**
  - A. **Millie's Pet Pal Challenge Winner Announcement – Award** (6:35 p.m.)  
Staff: Jordan Imlah, Strategic Engagement Manager, and  
Jason Wachs, Communications Engagement Coordinator
  
  - B. **Outstanding Milwaukie High School (MHS) / Milwaukie Academy of the Arts (MAA) Student – Award** (6:50 p.m.)  
Presenter: Louis Mair, MHS Principal
  
4. **SPECIAL REPORTS** (none scheduled)
  
5. **COMMUNITY COMMENTS** (7:05 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](mailto:ocr@milwaukieoregon.gov)), or in person to city staff.**
  
6. **CONSENT AGENDA** (7:10 p.m.)

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

  - A. **Approval of Council Meeting Minutes of:** 10
    1. **December 2, 2025, work session,**
    2. **December 2, 2025, regular session,**
    3. **December 9, 2025, study session,**
    4. **December 14, 2025, dinner,**
    5. **December 16, 2025, work session, and**
    6. **December 16, 2025, regular session.**
  
  - B. **Adoption of Updated Council Committee Assignments – Motion** 26
  
  - C. **Authorization of a Mobility Services Contract with AT&T – Resolution** 29

- 7. **BUSINESS ITEMS** (none scheduled)
- 8. **PUBLIC HEARINGS** (none scheduled)
  - A. **Adoption of Tree Code Amendments and Fee Schedule Revisions – Ordinance and Resolution** (7:15 p.m.) **33**  
 Staff: Katie Gavares, Climate & Natural Resources Manager, and Alfred Moussalli, Urban Forester
  - B. **Adoption of Housekeeping Code Amendments – Ordinance** (8:15 p.m.) **52**  
 Staff: Vera Koliass, Planning Manager
- 9. **COUNCIL REPORTS**
  - A. **Annual Board and Committee Recruitment – Update** (8:45 p.m.)  
 Staff: Scott Stauffer, City Recorder
  - B. **Legislative Update – Discussion** (8:50 p.m.)  
 Staff: Scott Stauffer, City Recorder
  - C. **Council Reports** (8:55 p.m.) **101**
- 10. **ADJOURNMENT** (9:00 p.m.)

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

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502. To request Spanish language translation services email [espanol@milwaukieoregon.gov](mailto: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](mailto:ocr@milwaukieoregon.gov) o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a [espanol@milwaukieoregon.gov](mailto: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.

2441<sup>st</sup> Meeting**COUNCIL REGULAR SESSION****MINUTES**

City Hall Council Chambers, 10501 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

JANUARY 20, 2026

**Council Present:** Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and  
Council President Will Anderson

**Council Absent:** Mayor Lisa Batey

<p><b>Staff Present:</b> Joseph Briglio, Acting City Manager Katie Gavares, Climate &amp; Natural Resources Manager Justin Gericke, City Attorney Millie the Goose, Mascot Jordan Imlah, Strategic Engagement Manager Vera Kolias, Planning Manager</p>	<p>Alfred Moussalli, Urban Forester Gabriela Santoyo Gutierrez, Equity &amp; Inclusion Coordinator Scott Stauffer, City Recorder Jason Wachs, Community Engagement Coordinator</p>
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**Council President Anderson** called the meeting to order at 6:35 p.m. and announced that Mayor Batey had been excused from the meeting.

**1. CALL TO ORDER****A. Pledge of Allegiance.****B. Native Lands Acknowledgment.****2. ANNOUNCEMENTS**

**Council President Anderson** announced upcoming activities including library events, a habitat enhancement event, and the volunteer of the year award nomination process.

Councilor Stavenjord arrived at the meeting at 6:44 p.m.

**3. PROCLAMATIONS AND AWARDS****A. Millie's Pet Pal Challenge Winner Announcement – Award**

**Wachs** provided an overview of the online nomination process for local pets to serve as Millie the Mascot's Pet Pal and announced that the 2026 pet pals were therapy geese Kiki and Mei. Council and staff welcomed Kiki and Mei and their owner, Milwaukie resident Chinatsu Mori.

**B. Outstanding Milwaukie High School (MHS) / Milwaukie Academy of the Arts (MAA) Student – Ward**

**Louis Mair**, MHS/MAA Principal, introduced Makenzie Van Dyke and Council congratulated them on their academic and extracurricular accomplishments.

**4. SPECIAL REPORTS** (none scheduled)**5. COMMUNITY COMMENTS**

**Council President Anderson** reviewed comment procedures. **Briglio** provided a follow-up report from the January 6 comments, explaining why the city had passed the

credit card use fee to customers and confirming that staff had communicated with a Linwood neighborhood resident about development projects in that part of the city.

**Philip Moen**, Milwaukie resident, asked for information about the Public Safety Advisory Committee (PSAC) and **Council President Anderson** briefly explained what the committee focused on. **Moen** commented on the danger of driving on snow and ice and suggested the city consider ways to encourage safe driving.

## **6. CONSENT AGENDA**

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

### **A. City Council Meeting Minutes:**

1. December 2, 2025, work session,
2. December 2, 2025, regular session,
3. December 9, 2025, study session,
4. December 14, 2025, dinner,
5. December 16, 2025, work session, and
6. December 16, 2025, regular session.

### **B. A motion to approve the Update Council Committee assignments.**

### **C. Resolution 6-2026: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the city manager to purchase cellular devices and services from AT&T Mobility.**

Motion passed with the following vote: **Councilors Anderson, Khosroabadi, Massey, and Stavenjord** voting “aye.” [4:0]

## **7. BUSINESS ITEMS** (none scheduled)

## **8. PUBLIC HEARING**

### **A. Adoption of Tree Code Amendments and Fee Schedule Revisions – Ordinance and Resolution**

Call to Order: **Council President Anderson** called the public hearing on the proposed tree code amendments and revised fees adoption, to order at 7:11 p.m.

Purpose: **Council President Anderson** announced that the purpose of the hearing was to receive the staff report, take public comment, and consider adopting the proposed code amendments and fee schedule revisions.

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

Ex-Parte Contacts: No Council member declared an ex-parte contact.

Staff Presentation: **Gavares** and **Moussalli** reviewed the proposed development and residential tree code amendments, which addressed fees related to significant tree removal, canopy mitigation, rare and threatened trees, and permit reasonableness. They noted that additional tree code amendments would be proposed later in 2026.

**Councilor Khosroabadi** remarked on current and proposed fees for removing large trees and expressed support for changing the code to not allow large trees to be removed. **Moussalli, Khosroabadi,** and **Gavares** remarked on a developer’s plans to remove a large tree, how tree removal fees were calculated, and how developers consider working around, and not removing, large trees.

**Gavares** noted that the city did not have a heritage tree code to protect old and large trees and remarked on the challenges of enforcing such a code for smaller cities. **Councilor Khosroabadi, Briglio, and Gericke** commented on the city's legal authority to stop a developer from removing a tree and how far a heritage tree code could go to protect trees while supporting the city's climate and housing goals.

**Council President Anderson** and **Councilor Khosroabadi** discussed balancing housing and tree canopy goals and possible future tree code revisions. **Gavares** confirmed that the proposed ordinance included an emergency clause to allow the tree code revisions to go into effect immediately upon adoption.

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

Close Public Comment: **It was moved by Councilor Massey and seconded by Councilor Stavenjord to close the public comment part of the tree code amendments and fee schedule revisions hearing. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord voting "aye." [4:0]**

**Council President Anderson** closed the public comment part of the hearing at 7:39 p.m.

Council Discussion: **Council President Anderson** asked that future tree code amendments revisit a carve out for affordable housing developments.

Council Decision: **It was moved by Councilor Massey and seconded by Councilor Stavenjord for the first and second readings by title only and adoption of the ordinance amending Municipal Code (MMC) Chapter 16.32 Tree Code for the purpose of strengthening tree preservation during development and declaring an emergency. Motion passed with the following vote: Councilors Anderson, Massey, and Stavenjord voting "aye," and Councilor Khosroabadi voting "no." [3:1]**

**Briglio** read the ordinance once by title only.

**Council President Anderson** announced that as the vote was not unanimous the second title reading and final roll call vote would be held on February 3, 2026.

**It was moved by Councilor Massey and seconded by Councilor Stavenjord to approve the tree code fee revisions resolution.** The group noted that the fees proposed in the resolution depended on the adoption of the ordinance and should be considered after the final ordinance vote. **Councilor Massey withdrew the motion.**

## **B. Adoption of Housekeeping Code Amendments – Ordinance**

Call to Order: **Council President Anderson** called the public hearing on the proposed housekeeping code amendments adoption, to order at 7:45 p.m.

Purpose: **Council President Anderson** announced that the purpose of the hearing was to receive the staff report, take public comment, and consider adopting the proposed code amendments.

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

Ex-Parte Contacts: No Council member declared an ex-parte contact.

Staff Presentation: **Kolias** reviewed the proposed code amendments which addressed changes to general language, Zoning definitions, residential setbacks, Willamette Greenway reviews, site and building design standards among other clarifications.

**Kolias** reported that the Planning Commission had recommended Council adopt the proposed code changes and reviewed Council’s decision options.

Correspondence: No correspondence had been received.

Audience Testimony: No audience member wished to address Council.

Close Public Comment: **It was moved by Councilor Massey and seconded by Councilor Stavenjord to close the public comment part of the housekeeping code amendments hearing. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord voting “aye.” [4:0]**

**Council President Anderson** closed the public comment part of the hearing at 8:03 p.m.

Council Discussion: **Councilors Massey and Stavenjord** appreciated staff’s work to clean up the code. **Kolias** confirmed that staff had not used artificial intelligence (AI) to review and draft the code change language.

Council Decision: **It was moved by Councilor Massey and seconded by Councilor Stavenjord for the first and second readings by title only and adoption of the ordinance amending Municipal Code (MMC) Title 17 Land Division and Title 19 Zoning to make minor changes to select sections for the purpose of clarification and improved effectiveness (File #ZA-2025-004). Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord voting “aye.” [4:0]**

**Briglio** read the ordinance two times by title only.

**Stauffer** polled the Council with **Councilors Anderson, Khosroabadi, Massey, and Stavenjord** voting “aye.” [4:0]

**Ordinance 2260:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) TITLE 17 LAND DIVISION AND TITLE 19 ZONING TO MAKE MINOR CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2025-004).**

**9. COUNCIL REPORTS**

**~~A. Annual Board and Committee Recruitment – Update~~** (moved to the January 20, 2026, work session)

**~~B. Legislative Update – Discussion~~** (moved to the January 20 work session)

**C. Council Reports – Discussion**

**Councilor Khosroabadi** remarked on the North Clackamas School District (NCSD) Wichita Center’s need for an industrial refrigerator to support the work of their food pantry service. The group discussed how Council could raise the necessary funds for the refrigerator through a regional fundraiser or using Councilor budgets. They remarked on whether Councilor budgets could be used to purchase equipment and **Briglio** confirmed that staff would report back to Council on approved uses of the funds.

**Council President Anderson** noted there were several properties on Lake Road that were about to be redeveloped and remarked on whether the city should consider land banking options and take steps to preserve community livability. **Kolias** confirmed the status of the project to redevelop the former Milwaukie Floral property.

**10. ADJOURNMENT**

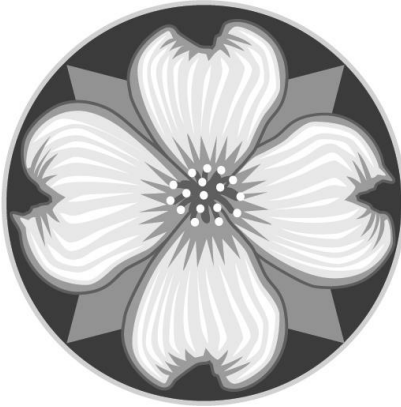
**It was moved by Councilor Massey and seconded by Councilor Stavenjord to adjourn the Regular Session. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord voting “aye.” [4:0]**

**Council President Anderson** adjourned the meeting at 8:19 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Scott Stauffer, City Recorder

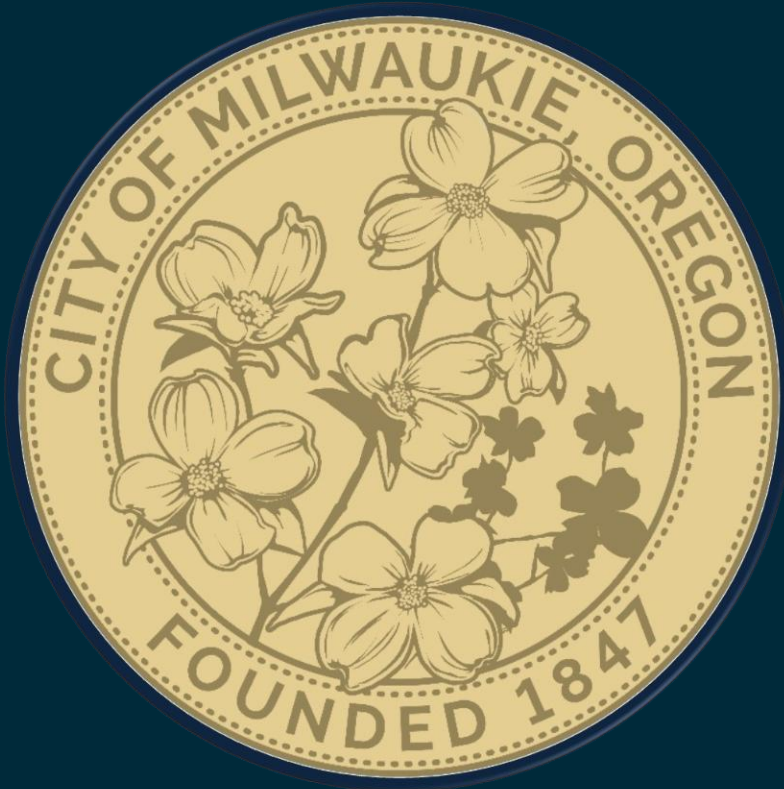
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**RS Agenda Item**

**2**

# **Announcements**



# REGULAR SESSION

January 20, 2026

6:30 p.m.

## Translation Services Available

Spanish translation services are available upon request. The public is asked to request translation and other meeting accessibility services at least 48 hours before the meeting. For more information, contact the City Recorder at (503) 786-7502.

*Servicios de traducción en español esta disponible cuando sea solicitado. Se pide al público que solicite servicios de traducción y otros servicios de accesibilidad por lo menos Cuarenta y Ocho horas antes de la reunion. Para obtener más información, llama a el secretario de la ciudad a (Cinco-Cero-Tres) Siete-Ocho-Seis, Siete-Cinco-Cero-Dos.*

Translation services are also available in other languages.

# Pledge of Allegiance



## 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.*

**WEDNESDAY, JAN 21 · 6 PM – 7:15 PM**

*Ledding Library, 10660 SE 21<sup>st</sup> Ave.*

**Home for All: A Panel Discussion on Housing and Homelessness** – An examination of local services and solutions for those most in need

**SATURDAY, JAN 24 · 12 PM – 2 PM**

*Ledding Library, 10660 SE 21<sup>st</sup> Ave.*

**Meet the Artists** – Meet some of the volunteers on the Arts Committee and view some of their art!

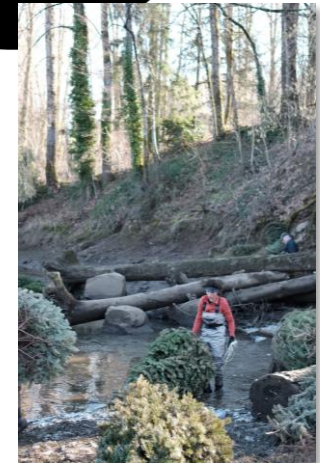
**SATURDAY, JAN 24 · 1 PM – 3 PM**

*Spring Park Natural Area, 2001 SE Sparrow St.*

**Spring Park Habitat Enhancement & Christmas Tree Tie-Down** – Volunteer to help fish habitat by placing trees in the river and help plant native plants

**More information at [milwaukieoregon.gov](http://milwaukieoregon.gov) or call 503.786.7555**

RS6



## SATURDAY, JAN 31 · DEADLINE TO TAKE SURVEY

Visit [trimet.org/servicecuts](https://trimet.org/servicecuts)

**Proposed 2026 Transit Service Changes** – Weigh in on proposed service efficiencies and cuts set to begin Aug. 23, 2026, as TriMet reduces spending.



## WEDNESDAY, FEB. 11 · DEADLINE TO SUBMIT NOMINATIONS

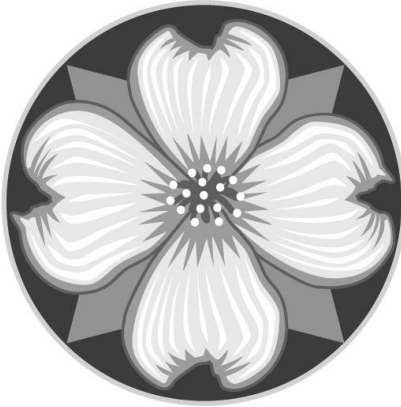
[engage.milwaukieoregon.gov](https://engage.milwaukieoregon.gov)

**2025 Volunteer of the Year** – Nominate a community member who has gone above and beyond in 2025!

More information at [milwaukieoregon.gov](https://milwaukieoregon.gov) or call 503.786.7555



Our river it bends here  
Always in motion, affright  
The pup leaps *-Jeff Loudon*



**RS Agenda Item**

**3**

**Proclamations  
& Awards**

# Millie's Pet Pal Challenge

October 21, 2025 – January 2, 2026

[engage.milwaukieoregon.gov/millies-pet-pal](https://engage.milwaukieoregon.gov/millies-pet-pal)




# Goals



- Fun and interactive opportunity for the community to use **Engage Milwaukie**, the city's online engagement platform
- Introduce some of Milwaukie's most loved pets to the community.
- Find the city's beloved mascot, **Millie**, a **new pet friend!**



A decorative pattern of hexagons at the top of the slide. The hexagons are arranged in two rows. The top row consists of five hexagons: blue, white, blue, blue, and blue. The bottom row consists of four hexagons: white, orange, white, and purple. The hexagons are connected by thin lines, creating a honeycomb-like structure.

We don't have time to go into detail about the nominees tonight, but this presentation will be posted on Engage Milwaukie if you want to take a look later!

**[engage.milwaukieoregon.gov](https://engage.milwaukieoregon.gov)**

# Nominees

## Shadow the Lovebug (2 votes)



"I know, I love his eyes too. This fluffy ball of fur is Shadow. Shadow has a unique Milwaukie birth story. He is the runt out of one of four different stray litters born in early April of 2015. Four different mother cats decided to deliver on the same day, and in the same Milwaukie backyard. He is shy at first, but has a huge personality both at home and at the vet. From the moment he was brought home, he has always jumped barriers to followed his favorite person, and loves to voice his opinions loudly. About five years ago, he had a life saving surgery due to a bladder blockage. I and his family are so thankful Shadow made a full recovery and pulled through. These days as he is older, he is loves watching and cackling to birds, squirrels, leaves, and more. While getting his cuddle and play time in, and doing a few tricks for his favorite treats (cantaloupe, tangerines, and peanut butter to name a few). As long as you are not a loud noise or a plastic bag, Shadow will eventually warm up to you, and show you how talkative and lovable he truly can be."



# Nominees

## Sockeye (2 votes)



“Sockeye's favorite part about living in Milwaukie is the newly improved Balfour Park. Sockeye thinks of it as "Peacock Park." He is very curious about the pretty birds who live nearby, but he would never harm a living creature.”



# Nominees

## Chutney (3 votes)



“Chutney’s here to brighten your day! Our cheerful rescue loves all the smells and squirrels Milwaukie has to offer. He may be blind, but he sure knows when we’re about to get a treat at Great American and always says hello to the neighboring geese. He could charm the stem off a Bing cherry with his big puppy smile, and is ready to be Millie’s new best friend!”



# Nominees

Oreo (3 votes)



“Oreo is a snuggle bunny who loves cheek pets. His favorite thing to do is lay under the Christmas tree. He loves other animals and his treats.”



# Nominees

## Teddy McFrazz – Friend to Everyone (3 votes)



“Meet Teddy McFrazz! Teddy is a special blend of "Whatcha-ma-Terrier." He melts hearts with his soulful eyes and sweet disposition, is a champion snuggler and loves to explore. He is new to Milwaukie and has enjoyed meeting so many new people and dog pals.”



# Nominees

## James at the Coast (3 votes)



“James has true Milwaukie spirit! In his youthful days he used to run and chase the geese 🦢 he now enjoys long naps and cuddles, and just relaxing. His best trick is if you put a piece of candy in anything, he will stop at no means to get that bad boy, just ask all the Christmas presents he dove into the other day. He’s a sweet, loyal boy, who always brings a smile to everyone that meets him. Milwaukie is a relaxing, small town, and James has that small town charm.”



# Nominees

Scout (6 votes)



“Scout absolutely loves living in Milwaukie! She is a regular at every tree and sniff spot in Ardenwald, and loves visiting Elk Rock!”



# Nominees

Wade (7 votes)



“Our friendly rescue pup, Wade, loves greeting Milwaukie’s kids with a happy tail wag and endless patience. His favorite stops around town include dropping his human brother off at preschool, saying hello to the middle schoolers outside Rowe, and relaxing at the park near the library. Wade would be thrilled to be Millie’s new best friend—and to keep spreading smiles to kids all across Milwaukie.”

# Nominees

Stanley (7 votes)



“Stanley loves taking walks in Ardenwald and anywhere along the river! He thinks all delivery drivers have treats for him and he gave holiday cards to several of his pet and people friends this year. He is very friendly and of course he is a bird dog so being Millie’s friend is a match made in heaven.”

# Nominees

Winnie (7 votes)



“Winnie is a sweet pup who loves to chase squirrels, cuddle at the base of your feet, and actively protest against apartheid/human rights abuses. Her favorite places to visit in Milwaukie is any park that has birds (aka all of them) and any outdoor spot where people can scratch behind her ears.”



# Nominees

Ranger (8 votes)



“Ranger loves exploring Milwaukie! He fetches the ball from the river, plays with his Linwood friends, and loves the slide at Wichita Park.”

# Nominees

## Mabel from Milwaukie (9 votes)



“Mabel is the most friendly and playful girl around town. She came to us via California 1.5 years ago and since has been loving the Dogwood City life. Some of her favorite activities include sniffing the air around Milwaukie Cafe, having daily conversations with the peacocks on Balfour, choosing dog treats at Happy Tails and chasing squirrels at Ardenwald. You can often find her securing any pillow in the house, chilling with her neighbors Buck and Obi at doggy play dates and—our neighbors’ favorite—being a dog potato on the back of the couch, pressed up against the picture window watching the action on VanWater go by.”



# Nominees

## Freddy the Basset Hound (11 votes)



“Freddy is our 95lb European Basset Hound. We got him as a small puppy and he is a regular fixture in the Hector Campbell neighborhood. We take him walking everyday. Westmoreland, Homewood and Water Tower Parks are a few of his favorites. He meets up with his dog friends at Hector Campbell School most evenings. Everybody knows Freddy. People stop their cars in the middle of the street just to pet him. He makes everyone smile and loves the attention, if you have a treat he will be your friend for life. I’ve grown up and lived most of my life in the Milwaukie area and Freddy is a great representation of Milwaukie. He’s friendly, happy to meet new people and always up for a new adventure. He’s a treasured gem in the Hector Campbell Neighborhood.”



# Nominees

## Biscuit (17 votes)



“Biscuit, or more commonly referred to as Bikky, displays all the qualities of a true Milwaukian even at the young age of 2. She loves to watch the geese from her downtown apartment, chittering at them with civic pride. She has taken to our tradition of bowling - or rather her version of it - toppling over anything that might be precariously perched on a ledge. And she is a proud patron of local business, having visited Main Street shops in her backpack.”



# Nominees

## Jeeves (25 votes)



“Jeeves is a super silly corgi-monster that is also known as “The Doofus Dog.” He spends his days acting SOOO tired from doing basically nothing but begging for food. He’s extremely good at booffing at scary sounding noises outside and covering literally EVERYTHING in his fur. He would make a great companion for Millie because he rolls in goose poop at the park!”

# Nominees

## Egret (40 votes)



"Egret is the perfect cat, I fear. She is multi-talented, able to solve a treat puzzle toy in under a minute, open a bag of dry food all by herself, and recognize string cheese just by the sound of the wrapper.

While Egret is strictly an indoor cat, that doesn't stop her from admiring Milwaukie. She enjoys long sits on the porch, staring out of the window, and is an avid bird watcher (hence her namesake).

After long days of foraging for food around the house and embracing her inner naturalist, Egret loves nothing more than to curl up on top of her doting parents. She is passionately anti-personal space and the sweetest cat you'll ever meet, not a mean bone in her body.

We adore her, and she deserves all the recognition in the world."



# Nominees

## Pogo the Coolest Bearded Dragon (68 votes)



“Pogo joined my family in June last year. I’ve never thought I would adopt a reptile in my life. He has been actively visiting local nursing homes, senior centers, businesses, public parks and schools as one of the unique “therapy” reptiles. He goes out with a leash with me and greets not only humans but other feathery or furry friends. He has judgy facial expressions, but he is very attractive to many others. He and my cat, Misono are known as unlikely best friends. Millie would love to hang out with him for sure.”



# Nominees

## Misono the Most Mellow Cat (68 votes)



“Misono has been to many local places on a leash, in a stroller or in a carrier bag. Her favorite parks in Milwaukie are Milwaukie Bay Park and Sellwood Park. She enjoys riding a car as well. She also hikes on trails with me no problem. She visited Seattle, WA this month. She greets people and enjoys being petted by various age groups. She is so popular everywhere she goes. Not many people are expected to see a cat on a leash, in a stroller or sitting on a backpack with her wide opened curious eyes. She has been living with us for 2 years now. She made it to the Semi-Finalist for American Modern Cat Magazine cover in 2024. Millie, I promise you, she will protect you and you will find her as the most kindness and mellow cat friend!”



# Winners!

## Kiki and Mei the Happy Glamorous Geese (92 votes)

“Kiki is a white Sebastopol goose. Mei is a brown American Buff goose. They are both 6 years old. They were adopted from a farm in 2019. We stroll around our neighborhood area and businesses like Made in Milwaukie. They both have appeared on local news channels, KGW8 and KATU2 because they visit places around the town by wave of their happy “webbed feet” in glamorous pearls and diapers. They have been actively visiting local nursing homes, senior centers, businesses, public parks and schools as one of the unique “therapy” pet geese. They have done events with Mike Benette the Portland Visual Artist, The Unipiper and Mtn. Peaks Therapy Llamas and Alpacas in the past. Millie needs feathered friends like Kiki and Mei. Not sure if Millie remembers the moment, but the girls met you on the day of Milwaukie High School Holiday Bazaar last year (December 2024). Kiki fell in love with Millie. We see thousands of Canada geese flying over our house each year. We love people in Milwaukie. Their children’s books are available at Made in Milwaukie.”





# Thank you!

- Continue to connect and weigh-in on topics that are important to you on Engage Milwaukie at [engage.milwaukieoregon.gov](https://engage.milwaukieoregon.gov).

# Makenzie Van Dyke

## Academic Goal

- 4.0 GPA
- On track to graduate with an **Honors Diploma**



## LEADERSHIP & INVOLVEMENT

- Student Government (ASB Secretary)
- Principal's Council
- National Honors Society
- Blood Drive Chair
- School's Student Accreditation Panel Member
- Swim Team (4 years ) & Two Time Team Captain

## COMMUNITY & PROFESSIONAL EXPERIENCE

- Kaiser Sunnyside Volunteer
- Lifeguard (Head Guard) & Swim Instructor (North Clackamas Aquatic Park)

## ADVANCED ACADEMIC PURSUITS

- AP Literature & Composition
- AP World History
- AP US History
- Spanish 4
- Pre-Calculus
- Government/Economics
- Student Government



The **City of Milwaukie**  
is proud to recognize for

# Outstanding Student Achievement

in academics, civic engagement, and extra-curricular activities at  
Milwaukie High School (MHS) / Milwaukie Academy of the Arts (MMA)

## Makenzie Van Dyke

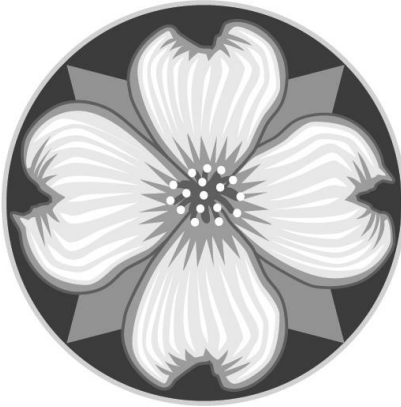
Let it be known to all that on this twentieth day of January 2026, the City Council of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, recognized this student as an excellent example of the bright future of this community and nation.



---

Will Anderson, Council President





**RS Agenda Item**

**5**

**Community Comments**



**CITY OF MILWAUKIE  
CITY COUNCIL**

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

# Speaker Card

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

**Name:** Philip Moen

Organization: \_\_\_\_\_

**Address:** 3826 SE Hewelllyn St  
Milwaukie 97222  
**Phone:** \_\_\_\_\_  
**Email:** 503-786-6979

**Meeting Date:** 1-20-26      **Topic:** Safety

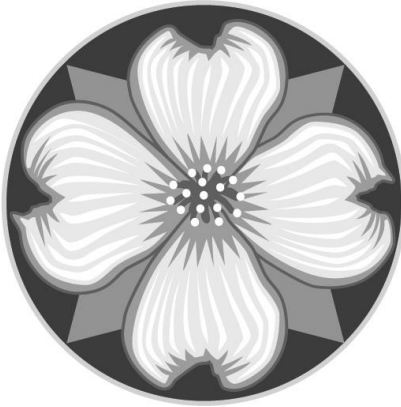
Agenda Item You Wish to Speak to:

- #5 Community Comments  
**Note:** Council generally does not respond to comments during this meeting. The city manager will respond to comments at the next regular session.
- #7 Other Business, Topic: \_\_\_\_\_
- #8 Public Hearing, Topic: \_\_\_\_\_

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

**Comments:**



**RS Agenda Item**

**6**

# **Consent Agenda**

**COUNCIL WORK SESSION**

City Hall Council Chambers, 10501 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

**MINUTES**

DECEMBER 2, 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  
Mandy Byrd, Development Project Manager  
Justin Gericke, City Attorney  
Michael Osborne, Finance Director  
Peter Passarelli, Public Works Director  
Emma Sagor, City Manager  
Scott Stauffer, City Recorder

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

**1. Council Goal Update: Affordability – Report**

**Sagor** introduced the topic, outlined the meeting structure. **Briglio** provided an update on the community survey, noting that a consultant change delayed its launch; the survey was expected to be issued in the first quarter (Q1) of calendar year (CY)2026, with results anticipated in the second quarter (Q2).

**Passarelli** provided an update on utility affordability efforts, including ongoing water and wastewater rate studies and discussions with the Community Utility Advisory Committee (CUAC). Efforts were described to align capital project timing with available funding and staff capacity to moderate rate impacts, refocus the Safe Access for Everyone (SAFE) program on spot and street safety improvements, and continue coordination with Finance to improve utility billing and service-area data using geographic information systems (GIS).

The group discussed stormwater billing accuracy related to impervious area, planned data updates, potential incentives to reduce impervious surfaces, and a broader shift toward aligning capital planning and utility decisions with affordability considerations.

Councilor Khosroabadi arrived at the meeting at 4:15 p.m.

**Osborne** provided an update on utility affordability efforts, highlighting customer outreach and education on billing assistance programs, recent and planned utility assistance events, proposed code changes to increase flexibility around shutoffs, and ongoing work to improve administrative efficiency amid limited staffing capacity.

**Mayor Batey** suggested better coordination between climate staff and staff conducting home visits would help identify residents who may benefit from weatherization or retrofit assistance.

**Briglio** provided an update on Sparrow Site development project, reporting that a notice of intent to award had been issued to Development Northwest. Next steps included Council direction to enter exclusive negotiations and development of an agreement, with further details to return to Council as negotiations proceed.

The group discussed the Sparrow Site request for proposals (RFP) process, and acknowledged efforts to elevate the project's visibility, expressed optimism about

negotiations, and highlighted the value of the public-private partnership and the selected proposer's experience working on constrained sites.

**Briglio** referenced prior Council discussions on high-density housing capacity supported by an Oregon Department of Land Conservation and Development (DLCD) grant, with further analysis expected in the coming months, and noted that initial land banking conversations would return to Council in January 2026 for additional direction.

**Briglio** noted a potential grant opportunity to support the Clackamas County Hillside Park redevelopment project in partnership with Development Northwest. The group discussed timing, funding competitiveness, and administrative capacity, and indicated support for pursuing the application pending Council authorization.

**Sagor** outlined upcoming affordability-related work and noted that, as part of the 2026 business registration renewal process, a business survey would examine rental and landlord data to inform broader discussions on renter protections.

**Councilor Khosroabadi** reflected on recent progress toward affordability goals and commented on realistic utility capital planning, potential expansion of consumption-based incentives, and improving public awareness of existing relief programs, while acknowledging gaps in eligibility.

The group discussed the upcoming timeline for budget and utility rate decisions. Discussion highlighted the role of the CUAC in reviewing tiered rate options, concerns about equity impacts such as multigenerational household water use, and opportunities for continued refinement through the fee schedule process alongside budget adoption.

**Councilor Khosroabadi** noted recent affordability achievements, including adoption of housing incentives and progress on Hillside Park, Short Stack Milwaukie, and the county's 23-Hour Stabilization Center, emphasizing expanded housing options and strong intergovernmental collaboration.

The group discussed ongoing coordination and oversight related to the Stabilization Center, noting regular biweekly staff meetings with county partners and law enforcement coordination. It was suggested that periodic updates be scheduled in 2026, alongside other behavioral health and service updates.

**Councilor Khosroabadi** summarized recent Council affordability actions which included tenant screening fee limits, continued exploration of high-density residential zoning and land banking strategies, and the Moderate Income Revolving Loan (MIRL) program. **Khosroabadi** emphasized that no decision had been made regarding MIRL, and that Council and staff were continuing to gather information and conduct due diligence before returning the topic for further discussion.

The group discussed upcoming state-level rulemaking related to the MIRL program, potential impacts on county coordination, and timing considerations for future Council direction. Questions were raised about staff capacity and the feasibility of adding additional staff positions, with staff noting that budget adjustments could be made if direction was provided. It was also noted that State Representative Mark Gamba would be invited to a future meeting to further discuss plans for the program.

The group discussed cross-cutting affordability issues emerging across committees, including potential access to multifamily energy-use data to better inform tenants, and coordination with upcoming business survey data to understand cost pressures on local businesses. Discussion highlighted the importance of transit access for cost-burdened

households, regional funding and governance challenges facing transit agencies, and opportunities for future advocacy through regional partners and state-level engagement, while noting the value of forthcoming needs assessment and survey data to inform future policy direction.

Council agreed they still wanted to tour the Clackamas Service Center (CSC) and that Briglio would take the lead on getting the tour scheduled.

The group discussed topics to raise with Portland General Electric (PGE) leadership at the December 16 meeting, including how electricity costs were allocated between data centers and other ratepayers, potential impacts of pending state-level regulatory actions, and challenges related to transmission capacity and bottlenecks that could affect future consumer pricing.

**Councilor Khosroabadi** and **Sagor** asked Council what information Council wants to receive regarding affordable housing development.

Council discussed priorities for affordable housing work in 2026, noting a shift toward a greater focus on housing following completion of utility affordability efforts, and emphasized providing clear direction to support housing production aligned with affordability, economic development, and transit goals. Council identified potential future focus areas not yet programmed, including system development charge (SDC) waivers for additional dwelling units (ADUs) and exploration of alternative housing models, and noted the importance of early prioritization to inform future work planning.

**Sagor** summarized next steps. **Mayor Batey** suggested adding interim housing production targets to the goal actions matrix to better track progress toward the state-mandated 2043 goal.

## **2. Adjourn**

**Mayor Batey** announced that after the meeting Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations, and (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

**Mayor Batey** adjourned the meeting at 5:17 p.m.

Respectfully submitted,

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Nicole Madigan, Deputy City Recorder

**COUNCIL REGULAR SESSION**

City Hall Council Chambers, 10501 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

**MINUTES**

DECEMBER 2, 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  
Katie Gavares, Climate & Natural Resources Manager  
Justin Gericke, City Attorney

Alfred Moussalli, Urban Forester  
Peter Passarelli, Public Works Director  
Emma Sagor, City Manager  
Scott Stauffer, City Recorder

**3. PROCLAMATIONS AND AWARDS****Arbor Day – Proclamation**

At 6:36 p.m. Council gathered near the corner of SE Harrison Street and SE 21<sup>st</sup> Avenue to plant a tree in celebration of Arbor Day. **Mayor Batey** read the Arbor Day proclamation before Council returned to City Hall to continue the rest of the meeting.

**Mayor Batey** called the meeting to order at 7:05 p.m.

**1. CALL TO ORDER**

**A. Pledge of Allegiance.**

**B. Native Lands Acknowledgment.**

**2. ANNOUNCEMENTS**

**Mayor Batey** announced upcoming activities, including the city's leaf drop program, a winter celebrations event, the annual Umbrella Parade and Tree Lighting event, the mayor's monthly office hours, Clackamas Fire District #1's (CFD1's) Operation Santa Clause events, the city's Arbor Day event, and [www.engagemilwaukie.gov](http://www.engagemilwaukie.gov) surveys.

**Mayor Batey** read a Milwaukie Bay inspired haiku poem.

**Ley Garnett Memorial Remarks**

**Mayor Batey** remarked on the passing of Milwaukie resident Garnett who had served on the city's Tree Board and had encouraged the city to protect trees.

**4. SPECIAL REPORTS**

**A. None Scheduled.**

**5. COMMUNITY COMMENTS**

**Mayor Batey** reviewed the comment procedures. **Sagor** reported there was no follow-up from the November 18 comments.

Milwaukie residents **Breona Diamond, Sharmon Martin, Michael Strejc, Ryan Ticknor, Jennifer Murphy, Hope Garcia, Andy Fisher**, unincorporated Clackamas County residents **Bruce Bruns, Tyler King, and Gary Whitehall**, and Portland resident

**Austin Turner**, urged Council to adopt an ordinance to allow the city to participate in the state’s Moderate Income Revolving Loan (MIRL) program to encourage the development of affordable housing options.

## **6. CONSENT AGENDA**

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

### **A. City Council Meeting Minutes:**

#### **1. October 14, 2025, Council retreat.**

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

## **7. BUSINESS ITEMS**

### **A. Tree Code Review – Discussion**

**Passarelli** and **Gavares** noted previous Council discussions on the tree code and presented three proposed revisions to mitigate the impacts of significant tree removal and canopy mitigation fees and adopt a rare and threatened tree species list.

**Council President Anderson, Gavares, and Passarelli** remarked on how the canopy mitigation fee was currently applied and how it would be applied if it were revised.

The group discussed the proposal to adopt a rare and threatened tree species list and establish a removal fee, including how the proposed fee would interact with existing tree removal fees and the rationale for the fee amount. Discussion also addressed how the rare and threatened species list was developed by the city’s urban forester, how the fee was calibrated to achieve the intended outcomes, and how the proposal would support preservation of unique trees and contribute to the city’s overall tree canopy goals.

The group remarked on how the city determines what amount to set fees at to get the desired result.

**Mayor Batey** noted an audience member wished to address Council.

**Rod Smith**, Milwaukie resident, commented on setting fees at an amount to get the desired outcome of achieving the city’s climate goals, and expressed support for the proposed tree code and fee revisions.

Council discussed the proposed tree code revisions. It was Council consensus to support the staff proposal to change the significant tree removal fee.

The group discussed the proposed canopy mitigation fee change and how the fee was applied to the development of smaller properties. It was Council consensus to support the staff proposal to change the canopy mitigation fee.

It was Council consensus to support the staff proposal to adopt a rare and threatened tree species list.

**Gavares** and **Passarelli** discussed Council’s previous direction that staff look at how to make the tree code clearer and more flexible and presented a reasonableness policy for the removal of trees within 10-feet of a dwelling and establishing a reasonableness framework. **Councilor Khosroabadi** and **Passarelli** remarked on how the reasonableness approach would be applied to tree related litigation situations. The group noted that in Oregon property owners were responsible for maintaining the

sidewalks on their properties and that the city may provide guidance when sidewalks are impacted by trees.

The group remarked on how low-income residents could apply to use the city's tree assistance fund to fix tree-related maintenance problems.

**Council President Anderson, Gavares, and Councilor Khosroabadi** noted that the fee to remove a tree that is within 10-feet of a dwelling would apply to existing units and not new developments and to trees that created significant infrastructure problems. **Moussalli** explained how staff determined how dangerous a tree was to structures.

**Gavares** and **Sagor** noted staff would present the tree code changes for Council consider adopting in February 2026.

## **B. Milwaukie Bay Park (MBP) – Update**

**Sagor** provided an update on the city's ongoing negotiations with the North Clackamas Parks and Recreation District (NCPRD) Board, which was the Clackamas Board of County Commissioners, reporting on staff-to-staff meetings and that no formal district board response had been received which meant it was unlikely that new intergovernmental agreements (IGAs) would be resolved by the end of 2025. City staff believed additional discussion was needed with NCPRD and Metro staff about the distribution and use of Metro Local Share grant funds for MBP.

**Councilors Massey, Khosroabadi, and Stavenjord** believed that Metro would not agree with NCPRD's proposed repayment plan for the Local Share grant. **Mayor Batey** and **Sagor** agreed Metro was not likely to agree to any plan that involved the city paying the district back for the Local Share grant funds.

**Councilor Massey** observed that the city's willingness to accept certain maintenance concessions should be recognized by the district. **Council President Anderson** supported asking for the full Local Share grant amount from the district.

**Sagor** noted the city would wait for a formal response from the NCPRD Board.

## **8. PUBLIC HEARING**

### **A. None Scheduled.**

## **9. COUNCIL REPORTS**

### **A. Semi-Annual Council Budget Review – Report**

**Stauffer** and **Sagor** provided an update on the balances of each Council members' education and training budget for the current 2025-2026 biennium.

### **B. Council Reports**

**Mayor Batey** presented a proposed Council letter to the Oregon Public Utilities Commission (PUC) regarding how the PUC accounts for the impact of data centers. It was Council consensus to send the letter on behalf of the entire Council.

**Council President Anderson**, in response to comments about the state MIRL program made during community comments, suggested that despite the uncertainty about the MIRL program's details it was important for the city to move sooner than March 2026 to adopt a local MIRL program.

**Councilor Khosroabadi** expressed support for the MIRL program's goals and concern about how the program had been hurriedly pushed and inaccurately described by a local developer. **Khosroabadi** suggested Council was looking for answers about the program before deciding whether to adopt it and expressed concern about how the developer had spoken to and about city staff. **Mayor Batey** and **Councilor Massey** agreed with Councilor Khosroabadi's remarks.

**Councilor Massey** reported on an upcoming League of Oregon Cities (LOC) workshop on revenue modeling and reform.

## **10. ADJOURNMENT**

**Mayor Batey** announced that after the meeting Council would meet as the Milwaukie Redevelopment Commission (MRC).

**It was moved by Councilor Massey and seconded by Council President Anderson 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 9:24 p.m.

Respectfully submitted,

---

Scott Stauffer, City Recorder

## COUNCIL STUDY SESSION

City Hall Bing Cherry Conference Room (third floor)  
10501 SE Main Street & Zoom Video Conference  
([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

## MINUTES

DECEMBER 9, 2025

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

**Staff Present:** Katie Gavares, Climate and Natural Resources Manager  
Nicole Madigan, Deputy City Recorder  
Adam Moore, Parks and Greenspace Development Manager

Alfred Moussalli, Urban Forester  
Peter Passarelli, Public Works Director  
Marta Petteni, Emergency Management and Resilience Coordinator  
Emma Sagor, City Manager

**Mayor Batey** called the meeting to order at 4:03 p.m.

### 1. New Staff Introductions – Report

**Council President Anderson** explained that Mayor Batey was in another meeting and would join the study session later.

**Sagor, Gavares, and Passarelli** introduced new staff, Alfred Moussalli, Urban Forester, and Marta Petteni, Emergency Management and Resilience Coordinator. **Petteni** and **Moussalli** provided background information on what brought them to Milwaukie.

**Sagor** explained how the new staff's work connected to Council goals. The group discussed the potential impacts of the emerald ash borer infestation on the city's tree canopy, the balance between tree preservation and housing development, and the feasibility of meeting the city's tree canopy goal.

**Council President Anderson** asked for Petteni's perspective on differences between local governance in Italy and the United States, and **Petteni** shared that Milwaukie's pace of change, openness to new ideas, and ability to implement policy at a local scale felt faster and more dynamic than what had been experienced in Italy. **Councilor Khosroabadi** and **Petteni** discussed Petteni's experience with tiny house development.

### 2. Milwaukie Nature-in-Neighborhoods Idea

**Moore** presented an overview of Metro's Nature in Neighborhoods grant program, focusing on the Community Choice program and the need to strategically narrow Milwaukie's project list ahead of the final development and voting phase. **Moore** explained which projects should be removed, why, and how the projects could still be achieved by other means and emphasized that removing projects from the list did not eliminate them from future consideration but allowed the city to focus resources on projects most likely to succeed in the final round. **Moore** presented the final list of projects.

Mayor Batey and Councilor Stavenjord joined the meeting at 4:57pm

The group discussed the recommended project list, funding and match implications, and how Metro's upcoming design workshops and final vote would refine scope and feasibility; Council also raised questions about specific projects and noted that proposals could be adjusted, withdrawn, or pursued through other funding paths if needed.

**Moore** explained next steps for the projects list. **Sagor** commented on Metro's process and staff coordination.

### **3. Council Reports**

**Mayor Batey** reported on updates from the Metro Mayors' Consortium call, noting a significant increase in demand for food assistance. **Batey** encouraged the community to support the Clackamas Service Center (CSC) through donations and highlighted regional coordination efforts to distribute food through schools and community partners. **Batey** also shared updates on reforms to Metro's Supportive Housing Services (SHS) oversight structure, which prompted a Council discussion on efforts to standardize data collection and metrics across counties.

### **4. Adjourn**

**Mayor Batey** adjourned the meeting at 5:33 p.m.

Respectfully submitted,

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Nicole Madigan, Deputy City Recorder

## COUNCIL DINNER

Home of the Mayor, 11912 SE 19<sup>th</sup> Avenue  
([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

## MINUTES

DECEMBER 14, 2025

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

**Council Absent:** Councilor Adam Khosroabadi

**Staff Present:** Emma Sagor, City Manager

Council convened the dinner at 5:00 p.m.

Members of Council and the city manager met for a social dinner. No city business was discussed.

The group adjourned the dinner at 7:15 p.m.

Respectfully submitted,

---

Emma Sagor, City Manager

## COUNCIL WORK SESSION

City Hall Council Chambers, 10501 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

## MINUTES

DECEMBER 16, 2025

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

**Council Absent:** Councilor Rebecca Stavenjord

<b>Staff Present:</b> Joseph Briglio, Assistant City Manager	Adam Moore, Parks Development Coordinator
Mandy Byrd, Development Project Manager	Nicole Madigan, Deputy City Recorder
Jennifer Garbely, City Engineer	Peter Passarelli, Public Works Director
Katie Gavares, Climate & Natural Resources Manager	Emma Sagor, City Manager
Justin Gericke, City Attorney	Scott Stauffer, City Recorder

**Mayor Batey** called the meeting to order at 4:03 p.m.

### 1. Municipal Court Update – Report

**Graves** provided an update on recent court activity, including efforts to provide American Sign Language (ASL) interpretation services for court attendees and court of record software changes. The group remarked on the differences between the Council Chambers audio/visual (AV) set-up for Council meetings and court.

**Graves** and **Sagor** noted the city would be hiring a court specialist to support the workload of the court. They also remarked on the impact of the three-percent credit card fee, approved by Council earlier in the year, on court processes and customers.

**Council President Anderson** and **Graves** commented on factors that increase the court's workload, noting the number of citations issued by code enforcement staff and police officers, increased use of attorneys in general, and changes in state law.

**Mayor Batey**, **Sagor**, and **Graves** briefly noted that the city would be looking at reinstating a red-light camera program in the next year or two.

### 2. Kellogg Restoration Project Update – Report

**Councilor Massey** introduced the discussion and noted a letter Council had sent to the project leadership team that expressed support for the project while noting the changing position of the federal government.

The project leadership team introduced themselves: **April McEwen** with American Rivers' Northwest Dam Removal program, **Karen Tatman** with Consor Engineers, **Shelli Romero** with the Oregon Department of Transportation (ODOT), and **Amy van Riesen** and **Neil Schulman** with the North Clackamas Watersheds Council (NCWC). **Briglio** introduced city staff on the project team.

**McEwen** provided an overview of the project, noting desired outcomes that align with city goals, reporting on the status of pre-construction and design work to-date, and discussing the project funding sources. The group discussed the status of funds identified by state and federal agencies for the project.

**McEwen** continued to provide an overview of the project, noting the team structure.

**Tatman** discussed the value engineering study that looked at the shared use path that would connect downtown Milwaukie, Dogwood Park, and Milwaukie Bay Park via a tunnel under Highway 99E. The group remarked on the challenges presented by the ordinary high-water mark of the Willamette River that would cover the pathway or tunnel during flood events or possibly annually and would require the path to close. **Romero** and **van Riesen** noted user and maintenance challenges that similar underpass pathways have experienced.

**Tatman** discussed the project's desired habitat restoration goals that conflicted with existing sewer pipelines that cross Kellogg Creek. The group commented on the sewer lines that cross the creek. **Tatman** and **McEwen** reviewed alternatives to relocate or replace the pipelines and reported that the recommendation was for ODOT and the city to realign the sewer line routes. **McEwen** and **Sagor** noted when the city's design work for the pipelines would be needed to keep the project on schedule.

The group remarked on the city's other infrastructure projects and where the pipeline realignment ranked on the city's Capital Improvement Plan (CIP) list.

**McEwen** and **Sagor** reviewed next steps in the project, which involved engaging project partners and determining what the city could contribute to the project. **Tatman** noted how far along the project was compared to other projects competing for funding.

**Mayor Batey** asked if the existing railroad bridge would need to be replaced and **Tatman** reported on the work of staff to determine the safety of the bridge and noted that the railroad would likely be shutting down the entire line for a couple years to repair another bridge. **Romero** provided an update on ODOT's end of the restoration project.

### **3. Portland General Electric (PGE) Leadership Update – Report**

**Larry Bekkedahl**, PGE Senior Vice President, and **Heidi Bell**, PGE Local Government Affairs Manager, provided an overview of PGE's growth and rate changes in response to increasing demand, weather events, security risks, and aging infrastructure.

Mayor Batey left the meeting at 5:49 p.m. and returned at 5:51 p.m.

**Bekkedahl** and **Bell** discussed PGE's work to move their system to clean energy while keeping residential rates affordable, noting that 72% of Milwaukie households were enrolled in PGE's income discount program. They explained how PGE sets its rates and the group remarked on how often the rates were reviewed and adjusted.

**Councilor Khosroabadi** and **Bekkedahl** commented on the impact of data center energy use increases on residential customers and why PGE shareholders made a profit while asking ratepayers to pay more.

### **4. Adjourn**

**Mayor Batey** adjourned the meeting at 6:23 p.m.

Respectfully submitted,

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Scott Stauffer, City Recorder

**COUNCIL REGULAR SESSION**

City Hall Council Chambers, 10501 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

**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 2<sup>nd</sup> annual Bing in the New Year event, the deadline for Millie's Pet Pal Challenge on [engage.milwaukieoregon.gov](http://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 Stavenjord** 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,

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Scott Stauffer, City Recorder

**COUNCIL STAFF REPORT**

**To:** Mayor and City Council

**Date Written:** Jan. 9, 2026

**Reviewed:** Scott Stauffer, City Recorder

**From:** Joseph Briglio, Acting City Manager

**Subject:** **2026 City Council Committee Assignments**

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**ACTION REQUESTED**

Council is asked to approve by motion the 2026 City Council committee assignments matrix.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

Every January, Council reviews, updates, and approved the council committee matrix to designate which of its members serve on various intergovernmental and regional advisory bodies. Council reviewed the 2026 assignments at its [January 6 work session](#).

**ANALYSIS**

During the January 6 work session, Council members reviewed their committee assignments and directed staff to make any necessary changes. The updated Council committee assignments matrix is attached (Attachment 1) and ready for formal approval.

**ATTACHMENTS**

1. Council Committee Assignments Matrix

LAST UPDATED: 7-Jan-26

Committee	Focus	Governing Authority	2026 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule (subject to change)	Policy areas
<b>Audit Committee</b>	The City of Milwaukie created an Audit Committee of the Milwaukie City Council to ensure that audits of the City's financial statements are completed annually in accordance with Oregon state law, to share oversight responsibility of the City's independent auditors with management, and to assist City management in the review and selection of the City's independent auditor (Res. No. 56-2012).	The Audit Committee is to consist of one member of the City Council and one member of the City Budget Committee each appointed by the Council for two-year staggered terms and two citizen members with an interest in City government financial operations, with preference first given to a Certified Public Accountant residing within City limits and second to a Certified Public Accountant with City affiliation, also for a two year term.	<u>Robert Massey</u>	Michael Osborne	Yes	Meetings are held at least twice annually	Finance
<b>Boards, Committees, and Commissions (BCC) Selection Committee</b>	Purpose is to interview citizens who have applied to serve on citywide Boards, Committees, and Commissions.	Comprised of the Mayor, rotating Councilor, and Staff Liaison.	<u>Lisa Batey</u>	Scott Stauffer	Yes	Interviews are held as needed.	Public engagement
<b>Budget Committee</b>	The Budget Committee is established in accordance with the provisions of ORS 294.336 to review the annual city budget document as prepared by the city budget officer and to recommend an approved budget to the City Council for adoption.	The Committee includes five City Councilors plus an equal number of City residents who are registered voters. The Council appoints the citizen members for four-year terms. The Budget Committee meets as directed by City Council. Typically, the budget preparation meetings are held in the early spring, with additional meetings scheduled as needed and to review revenue and expenditure reports.	<u>Mayor and Council</u>	Emma Sagor, Michael Osborne	Yes	Meetings are held quarterly	Finance
<b>Clackamas Cities Association (CCA)</b>	12 cities in Clackamas County get together for dinner and speaker events to share ideas and to network.	City of Lake Oswego provides general coordination for cities.	<u>Mayor and Council</u>	Emma Sagor, Scott Stauffer	No	Dinners are held monthly. Typically, dinners are held on the third Thursday of the month.	Intergovernmental Affairs
<b>Clackamas County Coordinating Committee (C-4)</b>	C-4 was founded by the County to promote a partnership between the County, its Cities, Special Districts, Hamlets, Villages and Community Planning Organizations (CPOs). C-4 provides Councilors with an opportunity to network and work on building consensus on regional issues.	Voting membership shall consist of one elected representative and an elected alternate appointed by the City Council	<u>William Anderson</u> <u>Alternate: Lisa Batey</u>	Emma Sagor	Yes	Meetings are held on the first Thursday of the month starting at 6:45 p.m. in the Public Services Building of Clackamas County.	Land use and development, Transportation, Intergovernmental Affairs
<b>Clackamas County Coordinating Committee (C-4) – Metro Subcommittee</b>	C-4 members who are within the Metro jurisdiction shall be a subcommittee of C-4 named Metro subcommittee to discuss JPACT and MPAC issues. This subcommittee shall at a minimum be the body which nominates and elects cities' representatives to: JPACT, MPAC, TPAC, MTAC, respectively.	Nominations and elections shall occur in November of each even numbered year in accordance with Metro Charter requirements.	<u>William Anderson</u> <u>Alternate: Lisa Batey</u>	Emma Sagor, Joseph Briglio	Yes	Meetings are held on the third Wednesday of the month at 7:30 in the Clackamas County's Development Services Building.	Transportation, Land use and development
<b>Clackamas County Fire District #1 District Board Subcommittee</b>	Purpose is to discuss collaborative opportunities, long-term facility needs, emergency preparedness, impacts of compression, and other challenges facing communities being served.	Subcommittee consists of two Fire Board members and two Council Members appointed by respective jurisdiction.	<u>Adam Khosroabadi</u> <u>Vacant</u>	Emma Sagor Joseph Briglio	Yes	Development Services Building 150 Beaver Creek Rd. Oregon City, OR 97045	Public safety
<b>Clackamas County Library District Advisory Committee</b>	Purpose is to advise the Clackamas County Library Service District (Board of County Commissioners) to support two county libraries and ten city libraries.	Committee involves 10 members that are typically appointed by respective library board. The advisory committee was created after the 2008 District creation.	<u>No Council Rep Needed</u>	Brent Husher	No	Meetings are held as needed.	Libraries
<b>Clackamas County Childcare for All Task Force</b>	A group convened by Clackamas County and Clackamas Education Service District on ways to provide greater access to affordable childcare options.		<u>Adam Khosroabadi</u>			Meeting schedule under development.	Housing and human services
<b>Clackamas County Mayor and Chair</b>	Broad topics that fall outside the scope of C4.	Ad hoc group – no formal appointment process.	<u>Lisa Batey</u>	Emma Sagor	No	Oregon City Library	Intergovernmental Affairs
<b>Community Action Board</b>	Members are appointed by the Clackamas County Board of County Commissioners. The group advocates both locally and at the state level on issues related to people and households with low incomes.	Board is run by Clackamas County. 8 members and one alternate.	<u>Adam Khosroabadi</u>		No	Meetings are the first Wednesday of each month, 7:30 a.m. to 9 a.m.	Housing and human services
<b>Downtown Alliance of Milwaukie (DAM)</b>	Business association for the downtown core.	DAM Executive Board	<u>No Council Rep</u>	Ciara Fox Joseph Briglio	No	Monthly and quarterly	Economic development
<b>League of Oregon Cities (LOC)</b>	Legislative Committees (any councilor can participate)	LOC Energy Policy Committee Community Development Committee	<u>Any Councilor can participate in legislative committees</u>	Emma Sagor	Yes		Intergovernmental Affairs
<b>Local Contract Review Board</b>	Purpose is to review and adopt public contracting rules and findings as to amendments of professional services	Established via Resolution by Council.	<u>City Council</u>	Kelli Tucker	Yes	Meetings are held as needed.	Finance
<b>Metro Mayor's Consortium</b>	Advocate at Metro and State on issues that affect all metro cities.	Membership limited to 20 local mayors of the Portland Metro Region.	<u>Lisa Batey</u>	Emma Sagor	Yes	Meetings are held monthly on Wednesdays during lunchtime.	Intergovernmental Affairs
<b>Milwaukie Redevelopment Commission</b>	Facilitate and support urban renewal efforts in targeted areas of the City of Milwaukie	MRC	<u>City Council</u>	Joseph Briglio Ciara Fox	Yes	Meet as needed during Council work, study, and regular sessions	Land use and development

Committee	Focus	Governing Authority	2026 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule (subject to change)	Policy areas
Milwaukie Redevelopment Commission Community Advisory Committee	Advise MRC on investment opportunities within the tax increment financing district.	MRC	<u>Rebecca Stavenjord</u>	Joseph Briglio Ciara Fox	Yes	Meets as needed to develop recommendations for MRC.	Land use and development
Milwaukie Parks and Recreation Board (PARB)	Advises City Council on parks related issues.	Comprised of 8 members appointed by City Council.	<u>Robert Massey</u>	Peter Passarelli	Yes	Meetings are held on the 4th Wednesday of every month at 4:30 at the Ledding Library.	Parks
North Clackamas Chamber of Commerce and Public Policy Team	Purpose is to discuss policy issues in front of the Chamber for position consideration.	Representatives appointed by the Chamber Board.	<u>Rebecca Stavenjord</u> <u>Alt.</u> <u>Adam Khosroabadi</u>	Ciara Fox Joseph Briglio	No	Meetings are held on the first Monday of the month from 12 p.m. to 1:15 p.m. at the Chamber Offices. Virtual is also available.	Economic development
North Clackamas Parks and Recreation District Advisory Board (DAC)	Purpose is to make recommendations to the District Board of Directors on the design, planning and development of parks and the provision of recreational programs in the district.	Section E(2) of the May 1, 1990 Agreement between Clackamas County and the City provide for representation to the DAC. City Council appoints the DAC member.	<u>Lisa Batey</u>	Peter Passarelli	No	DAB meets monthly on the second Wednesday of every month from 5:00 to 7:00 PM	Natural Resources and Parks
North Clackamas Watershed Council	The North Clackamas Watershed Council's purpose is to advocate for the protection and enhancement of the watersheds' fish and wildlife habitat and improve water quality through partnership with public and private entities, habitat restoration projects, community education and outreach, and strategic planning.	The number of Council Representatives may vary between a minimum of four (4) and a maximum of thirty (30). A minimum of one position will be reserved for each of the following watersheds and sub-basin areas; Upper Kellogg, Lower Kellogg, Lower Mt Scott, Dean, Middle Mt Scott/Cedar, Phillips, Upper Mt Scott, Minthorn Spring, Boardman Creek, River Forest, and Rinearson Creek. The term of office for Council Representatives shall be three	<u>Robert Massey</u>	Peter Passarelli	No	Meetings are held on the third Wednesday of the month from 6:00 p.m. to 8:00 p.m. at Oak Lodge Sanitary District.	Natural Resources and Parks
Oregon Mayors Association (OMA), Portland Metro Region Team	Purpose is to create a forum for discussing a wide variety of issues, and, most importantly, a unified voice in Salem. Established in 1972, the Oregon Mayors Association is a voluntary association of persons who hold the office of mayor. OMA is recognized as an affiliate organization in cooperation with the League of Oregon Cities. Over two-thirds of Oregon mayors are active members of OMA.	The leadership of the OMA is vested in a Board of ten directors which include a President, President-elect, Secretary-Treasurer, Immediate Past President and six members at-large. The Immediate Past President and the Secretary- Treasurer serve as ex-officio-Directors. The Secretary-Treasurer position is a nonvoting position held by the Executive Director of the League of Oregon Cities Board members are elected at the annual meeting of the OMA, held at the League of Oregon Cities' Annual Conference. The OMA constitution requires that consideration be given to geographic and size diversity on	<u>Lisa Batey</u>	Emma Sagor	Yes	Meetings are held as needed either by way of teleconference or at League of Oregon Cities' Meetings.	Intergovernmental Affairs
Regional Water Providers Consortium	The Regional Water Providers Consortium serves as a collaborative and coordinating organization to improve the planning and management of municipal water supplies in the greater Portland, Oregon metropolitan region. Primary focus is conservation and planning interties of water systems to address emergency needs.	Formed in 1997, the Consortium serves the Multnomah, Clackamas, and Washington counties and is made up of 21 water providers and the regional government Metro. Together, these entities provide about 95 percent of the Portland metropolitan area's drinking water. Members of the Consortium are cities, water districts and a people's utility district throughout the Portland, Oregon metropolitan area. The regional government Metro is also a member. Participation in the Consortium is voluntary and is funded through membership dues.	<u>Robert Massey</u>	Peter Passarelli	No	Meetings are held three times per year. Typically, from 6:00 p.m. to 8:30 p.m. at Metro. Usually in the Metro Chambers.	Natural Resources and Parks, Public Utilities
Rotary City of Peace		Milwaukie Rotary	<u>William Anderson &amp; Adam Khosroabadi</u>	Emma Sagor	No	Tuesdays at 12:00pm at pFriem	Intergovernmental Affairs
WES Advisory Committee	On Sept. 14, 2017, the Board of County Commissioners of Clackamas County (BCC) acting as the governing body of WES, created a standing advisory committee consisting of customers, stakeholders and city representatives referred to as the Water Environment Services Advisory Committee.	Clackamas County	<u>Adam Khosroabadi</u>	Peter Passarelli	Yes		Natural Resources and Parks, Public Utilities

**COUNCIL STAFF REPORT**

**To:** Mayor and City Council  
Joseph Briglio, Acting City Manager

**Date Written:** Jan. 2, 2026

**Reviewed:** Michael Osborne, Finance Director and  
Kelli Tucker, Accounting & Contracts Specialist

**From:** Joe Gardner, Information Technology (IT) Manager

**Subject:** **Authorization to purchase AT&T Mobility cellular devices and services**

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**ACTION REQUESTED**

Council is asked to adopt a resolution authorizing the city manager to sign an agreement with AT&T Mobility for a five-year term.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

2018: Staff completed cellular carrier consolidation from four providers down to one, selecting Verizon Wireless.

2020: Staff become aware that an upcoming change to the state contract with Verizon Wireless would result in increased city costs and impacted services.

[February 2, 2021](#): Council authorized purchase of cellular devices and services from AT&T Mobility for a five-year term.

**ANALYSIS**

In early 2021 city cellular service was switched to AT&T Mobility, as the provider has a dedicated First Responder Cellular network that provides reliable emergency telecommunications, which the city utilizes for police and public works.

Staff use AT&T Mobility services on city-issued iPhones, iPads, and for various other cellular devices such as mobile hotspots, E911 backup phone lines, and the Supervisory Control and Data Acquisition (SCADA) system.

In accordance with section 10.040 of the city's Public Contracting Rules (PCRs), staff will purchase cellular devices and services from AT&T Mobility for a five-year term by way of established price agreement #MA149 and State of Oregon participating addendum #1663 with the cooperative purchasing program, National Association of State Procurement Officials (NASPO) ValuePoint.

Additionally, since the total purchase amount will exceed \$250,000 over the five-year term, staff will publish a public notice of intent to purchase off a price agreement in accordance with Oregon Revised Statute (ORS) 279A.215(2)(a-d).

**BUDGET IMPACT**

No additional impact. Costs associated with the service agreement are accounted for in the current and future budget forecast of the IT department.

Over the five-year agreement the cost to AT&T Mobility will not exceed \$500,000.

**CLIMATE & EQUITY IMPACTS**

None.

**WORKLOAD IMPACT**

None. Continuing to use AT&T Mobility for cellular devices and services will eliminate any potential increase in workload that would be created by moving to a different provider.

**COORDINATION, CONCURRENCE, OR DISSENT**

The city manager, finance director, police chief, public works director concurs with continuing to utilize AT&T Mobility for cellular services.

**STAFF RECOMMENDATION**

Staff recommend that Council adopt a resolution authorizing the city manager or IT manager to purchase and administer cellular service with AT&T Mobility for an additional five-year term in accordance with NASPO ValuePoint price agreement #MA149 and State of Oregon participating addendum #1663.

**ALTERNATIVES**

Council could direct staff to look for an alternate provider of cellular devices and services which would have a significant impact on staff time and potentially negative impacts on emergency communication.

**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, AUTHORIZING THE CITY MANAGER TO PURCHASE CELLUAR DEVICES AND SERVICES FROM AT&T MOBILITY.**

**WHEREAS** the city requires cellular services for daily operations, such as phones, tablets, mobile hotspots, E911 backup phone lines, and services for the Supervisory Control and Data Acquisition (SCADA) system; and

**WHEREAS** the city’s current cellular service agreement with AT&T Mobility is at the end of the contract term; and

**WHEREAS** continued cellular services are imperative to provide reliable telecommunications citywide; and

**WHEREAS** in accordance with section 10.040 of the city’s Public Contracting Rules (PCRs), the city may purchase goods and services through established price agreements without a subsequent competitive procurement; and

**WHEREAS** staff selects to purchase cellular services for a five-year term with AT&T Mobility using the NASPO ValuePoint price agreement #MA149 and State of Oregon participating addendum #1663.

**Now, Therefore, be it Resolved** by the City Council of the City of Milwaukie, Oregon, that the city manager or information technology (IT) manager is authorized to purchase and administer cellular devices and services from AT&T Mobility through the NASPO ValuePoint price agreement MA149 for a five-year term.

Introduced and adopted by the City Council on **January 20, 2026**.

This resolution is effective immediately.

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Lisa M. Batey, Mayor

ATTEST:

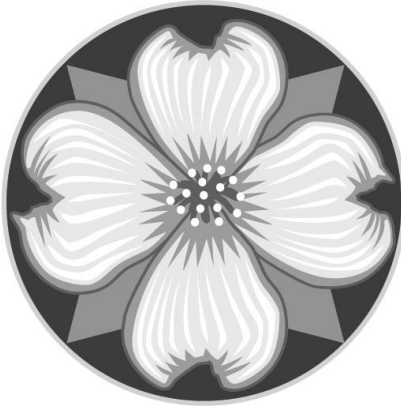
APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney



**RS Agenda Item**

**8**

## **Public Hearings**

**COUNCIL STAFF REPORT**

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

**Date Written:** Jan. 8, 2026

**Reviewed:** Peter Passarelli, Public Works Director

**From:** Katie Gavares, Climate & Natural Resources Manager, and  
Alfred Moussalli, Urban Forester

**Subject:** **Tree Code Amendments**

**ACTION REQUESTED**

Council is asked to review and adopt the proposed ordinance to amend the tree code and resolution to revise the fee schedule.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

[July 15, 2025](#): Council received a comprehensive staff report outlining the code's development history and community values. Council requested that staff return with proposed amendments to clarify how the principle of "reasonableness" should guide mitigation requirements for Type A (non-development) tree permits.

[December 2, 2025](#): Council reviewed proposed tree code and fee schedule changes to

**ANALYSIS**

Milwaukee's Tree Code reflects a shared community value: trees are essential infrastructure that support public health, stormwater management, climate resilience, and neighborhood livability. Implementation experience and community feedback gathered particularly throughout 2025 have highlighted two key areas for improvement: ensuring the city's mitigation fee structure adequately incentivizes preservation during development, and clarifying non-development approval criteria to support reasonableness, proportionality, and consistency in permitting decisions. In December 2025, Council reviewed and agreed with the code and fee schedule changes that staff recommended. The proposed changes are outlined below.

**Development Tree Code Changes****Significant Tree Removal Fee (>30" DBH)**

To better reflect the true value of these ecosystem services and to strengthen incentives for on-site preservation, staff recommend establishing a Significant Tree Removal Fee applied to all trees greater than 30 inches diameter at breast height (DBH). The threshold is consistent with the size at which ecosystem benefits increase exponentially, and the proposed rate structure aligns with the existing non-development fee schedule to maintain fairness and consistency across permit types:

- \$150 per inch DBH from 30" to 35.99"
- \$200 per inch DBH for trees 36" and greater

This additional fee would apply when a large tree is removed as part of a development project, supplementing the standard canopy-mitigation payment. The goal is not to penalize developers but to create a meaningful economic signal that preservation of significant trees is a preferred outcome whenever feasible.

**Canopy Mitigation Fee (Development Context)**

Staff recommend alternative fee schedule, which establishes a canopy mitigation fee that begins at 40 percent total site canopy and increases cumulatively for each 8-percent reduction below that threshold. Under this option, the mitigation fee begins at \$4,000 and increases by \$2,000 for each 8-percent reduction in remaining site canopy. Fees are cumulative, meaning applicants pay the total of each band crossed. The proposed fee structure can be seen in the table below.

To avoid creating additional financial barriers to affordable housing production, staff recommend that the proposed canopy mitigation fee updates apply exclusively to standard, non-affordable residential development. The current mitigation fee structure for eligible affordable housing projects would remain unchanged, consistent with city policy to reduce regulatory costs for affordable housing while still supporting overall canopy and climate objectives.

Remaining Total Site Canopy	Existing Fee Structure	Alternative: Remaining Total Site Canopy	Alternative: Increase threshold to 40% and then by \$2000
40%	No Fee	40-32%	\$4000
30-22.5%	\$4000	32-24%	\$6000 (\$10,000)
22.5 – 15%	\$4000 (\$8000)	24 – 16%	\$8000 (\$18,000)
15 – 7.5%	\$4000 (\$12,000)	16-8%	\$10,000 (\$28,000)
7.5-0%	\$4000 (\$16,000)	8-0%	\$12,000 (\$40,000)

**Rare and Threatened Tree List**

Milwaukie’s Tree Code and Consolidated Fee Schedule reference a Rare and Threatened Tree List, but the list itself has not yet been developed. Staff have prepared a Rare and Threatened Tree List that will be administratively adopted at the end of January 2026. This list will allow the established fee to be applied when these species are removed as part of a development project, supplementing the standard canopy-mitigation payment.

In addition, staff recommend establishing an Unpermitted Rare or Threatened Tree Removal Fee for development projects, to ensure the incentive to preserve is consistent through enforcement procedures. The proposed rate structure aligns with the existing unpermitted tree removal fees:

- \$350 per inch DBH for Rare and Threatened Trees

## Residential Non-Development Tree Code Changes

### **Reasonableness in Type A Permits Non-Development**

To improve the clarity and proportionality of applying “reasonableness” to Type A permits, staff is recommending the following change to MMC 16.32.044 D.2.b(3):

(3) The tree is having an adverse effect on adjacent infrastructure or buildings that cannot be mitigated by pruning, reasonable alternative construction techniques, or accepted arboricultural practices *or the tree is located within 10 feet of a dwelling unit and presents a significant ongoing or unavoidable conflict with the structure, such as foundation damage, as determined by the Urban Forester.*

Providing this greater clarity for the removal of trees within 10 feet of a dwelling unit can provide greater code clarity and proportional mitigation options. However, many of the city’s challenging tree-related decisions occur outside this 10 ft buffer zone, where residents must balance tree preservation with maintenance, repairs, and safety concerns. For this reason, staff also recommend clarifying how the “reasonableness” standard should be applied to Type A non-development permits to ensure decisions remain fair, proportionate, and consistent across the community.

### **Standards for Applying Reasonableness:**

In addition to the code change, staff recommends administratively adopting a clearer, more structured approach to evaluating “reasonableness” under MMC 16.32.044(D)(2) so that non-development tree removal decisions can be more consistent, equitable, and aligned with the city’s canopy and climate goals. The recommended framework below clarifies how staff will assess whether infrastructure or primary dwelling unit conflicts can be addressed through reasonable alternative construction techniques or accepted arboricultural practices, and when removal may be appropriate. Staff recommend using the following proportionality thresholds to guide consistent application of the code:

#### Recommended Thresholds for Evaluating Reasonableness

Context	Recommended Threshold for Preservation to Be Considered Reasonable
Small residential repairs ( Driveway)	Preservation is generally reasonable when the cost of feasible alternatives is $\leq 20\%$ of the directly related project cost.
Infrastructure (sidewalks, utilities)	Preservation is typically reasonable when costs are $\leq 3\times$ the cost of removal and replacement.
Significant trees $>30"$ DBH or heritage-scale trees	Preservation is reasonable when costs are $\leq 5\times$ the cost of removal and replacement, reflecting the high public value of these trees

This recommended approach provides staff with a balanced, technically sound method for applying the reasonableness standard while giving residents and applicants greater clarity about how decisions are made.

**BUDGET IMPACT**

Fee adjustments may increase Urban Forest Fund revenues to support canopy restoration, maintenance, and equity-focused planting. Administrative costs are expected to be minimal.

**CLIMATE IMPACT**

Expanded canopy preservation and improved mitigation directly support the city's Climate Action Plan (CAP) by reducing heat exposure, improving air quality, and managing stormwater through natural systems.

**EQUITY IMPACT**

The proposed adjustments strengthen equitable access to urban forest benefits by discouraging disproportionate canopy loss in redeveloping areas and prioritizing reinvestment in low-canopy neighborhoods. Clarifying reasonableness also ensures that tree preservation standards remain practical and fair across different property types and income levels.

**WORKLOAD IMPACT**

Not applicable.

**COORDINATION, CONCURRENCE, OR DISSENT**

Coordination with code enforcement on the new fee.

**STAFF RECOMMENDATION**

Staff recommends that Council adopt the attached ordinances.

**ALTERNATIVES**

Council could direct staff to not amend the tree code or tree fees.

**ATTACHMENTS**

1. Tree Code Ordinance  
Exhibit A: Chapter 16.32 Tree Code (strikeout/clean versions)
2. Fee Schedule Resolution  
Attachment A: Consolidated Fee Schedule (strikeout/clean versions)

**COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) CHAPTER 16.32 TREE CODE FOR THE PURPOSE OF STRENGTHENING TREE PRESERVATION DURING DEVELOPMENT, AND DECLARING AN EMERGENCY.**

WHEREAS on October 2, 2018, the City Council adopted the Milwaukie Climate Action Plan (CAP), which included two relevant urban forest strategies that will significantly contribute to Milwaukie’s ability to adapt to the changing climate; and

WHEREAS on March 19, 2019, the City Council adopted the Urban Forest Management Plan (UFMP), which set goals and policies and identified actions that are crucial to maximizing the benefits of Milwaukie’s trees and meeting Milwaukie’s climate goals; and

WHEREAS it is the city’s intent to increase Milwaukie’s tree canopy and preserve existing trees to support efforts to achieve a 40% city-wide tree canopy; and

WHEREAS the city adopted a tree code in the Milwaukie Municipal Code (“MMC”) Chapter 16.32 to establish processes and standards that ensure the city maximizes environmental, economic, health, community and aesthetic benefits provided by its urban forest located in Milwaukie, Oregon; and

WHEREAS the proposed tree code amendments implement several goals and policies of the city’s CAP and UFMP related to tree preservation.

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

Section 1. Amendments. The MMC is amended as described in Exhibit A Chapter 16.32 Tree Code (strikeout/clean versions).

Section 2. Effective Date. This ordinance will become effective immediately.

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 \_\_\_\_\_.

\_\_\_\_\_  
Will Anderson, Council President

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Stauffer, City Recorder

\_\_\_\_\_  
Justin D. Gericke, City Attorney

## EXHIBIT A – DRAFT MILWAUKIE TREE CODE

Suggested Revisions Winter 2026

### Strikeout Version

#### 16.32.042 TREE PRESERVATION AND PLANTING WITH DEVELOPMENT IN RESIDENTIAL ZONES.

##### A. Applicability

The tree preservation and planting standards in this subsection apply in residential zones to the construction of a new residential dwelling unit(s) that results in an increase of building footprint.

##### B. Tree Preservation Standards

1. Healthy trees at least six-inch DBH are required to be preserved except when their removal is required for construction, demolition, grading, utilities, and other development impacts.

2. ~~When a development application includes the removal of a healthy tree 30 inches DBH or greater, a Significant Tree Removal Fee shall be assessed in accordance with the consolidated fee schedule. This fee does not relieve the applicant of any other requirements of this chapter, including replacement trees, tree protection measures, or required arborist reports.~~

~~2.3.~~ Preservation of at least ~~40%~~30% on-site healthy private tree canopy coverage is required unless mitigation is provided according to Subsection 16.32.042.E. See Figures 16.32.042.B.2-a and B.2-b for examples of when mitigation is or is not required. (See Subsection 16.32.042.D.3 for information on calculating tree canopy coverage.)

~~3.4.~~ For development sites with ~~40%~~30% or less on-site healthy private tree canopy coverage, the removal of healthy private tree canopy is not allowed unless mitigation is provided according to Subsection 16.32.042.E.

~~4.5.~~ Trees of any size that are listed on the Milwaukie Rare or Threatened Tree List must be prioritized for preservation; if removed, healthy trees from this list will incur an additional fee as listed on the Consolidated Fee Schedule.

~~5.6.~~ Unhealthy trees and tree species on the Oregon State Noxious Weed List or Milwaukie Invasive Tree List, as well as trees within designated natural resource areas (as per Section 19.402) that are listed as nuisance species on the Milwaukie Plant List,

## EXHIBIT A – DRAFT MILWAUKIE TREE CODE

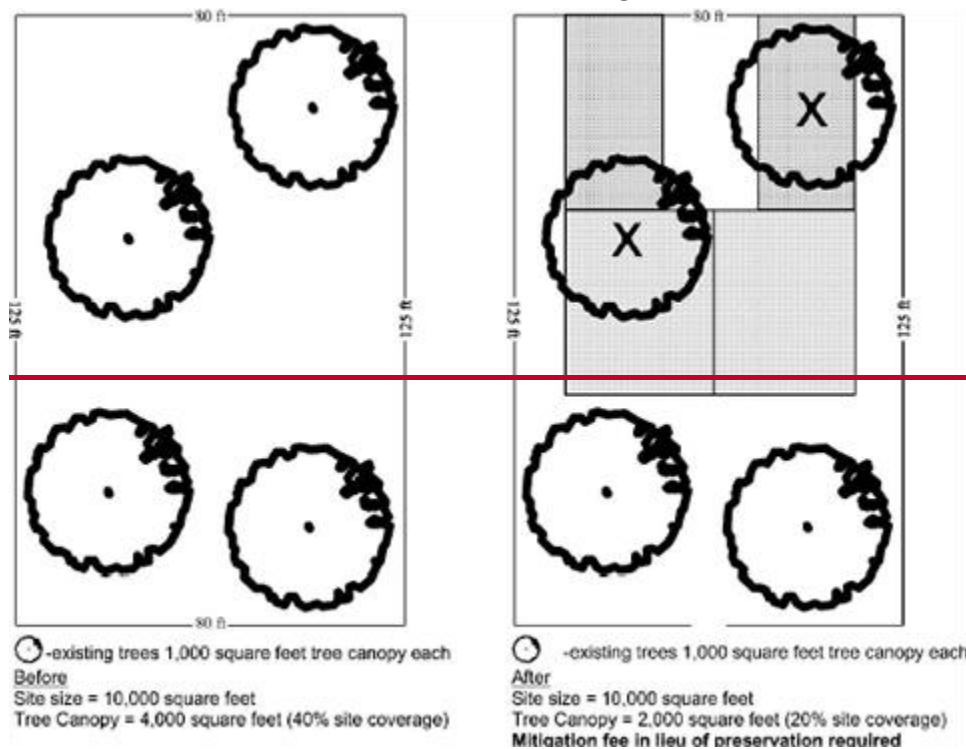
### Suggested Revisions Winter 2026

are not required to be preserved in conjunction with applicable development as established in Subsection 16.32.042.A.

**6-7.** The applicant must provide a performance bond for existing trees that are preserved for purposes of addressing the ~~40~~30% canopy coverage standard, to ensure their survival for such period of time as identified in the Consolidated Fee Schedule. On-site trees may be exempt from the performance bond requirements if the Urban Forester or an ISA Certified Arborist determine that construction activities do not present a significant impact to tree health. Existing trees used for canopy credit do not qualify for removal based on the criteria outlined in Subsection **16.32.044** D.2.(11).

Figure 16.32.042.B.2-a

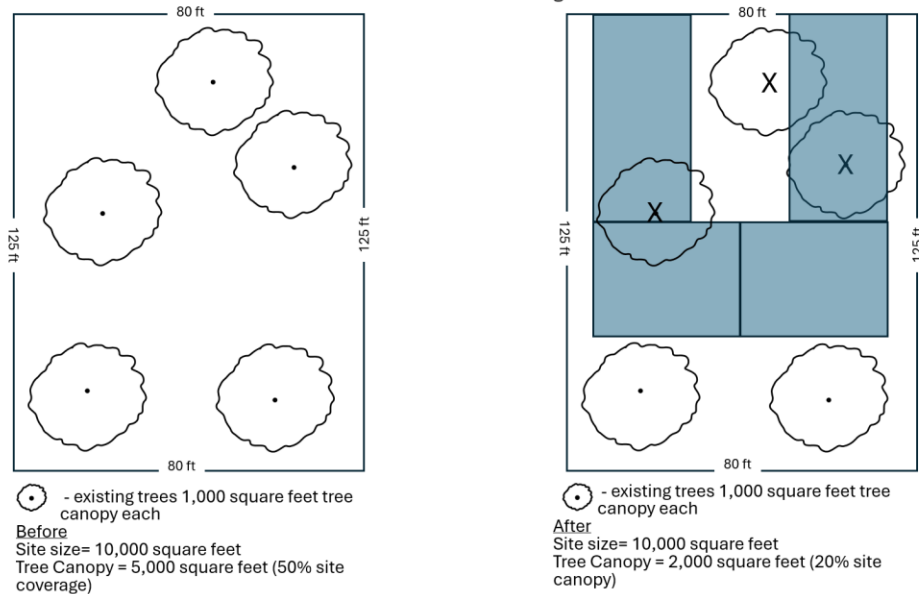
#### Tree Removal with mitigation



# EXHIBIT A – DRAFT MILWAUKIE TREE CODE

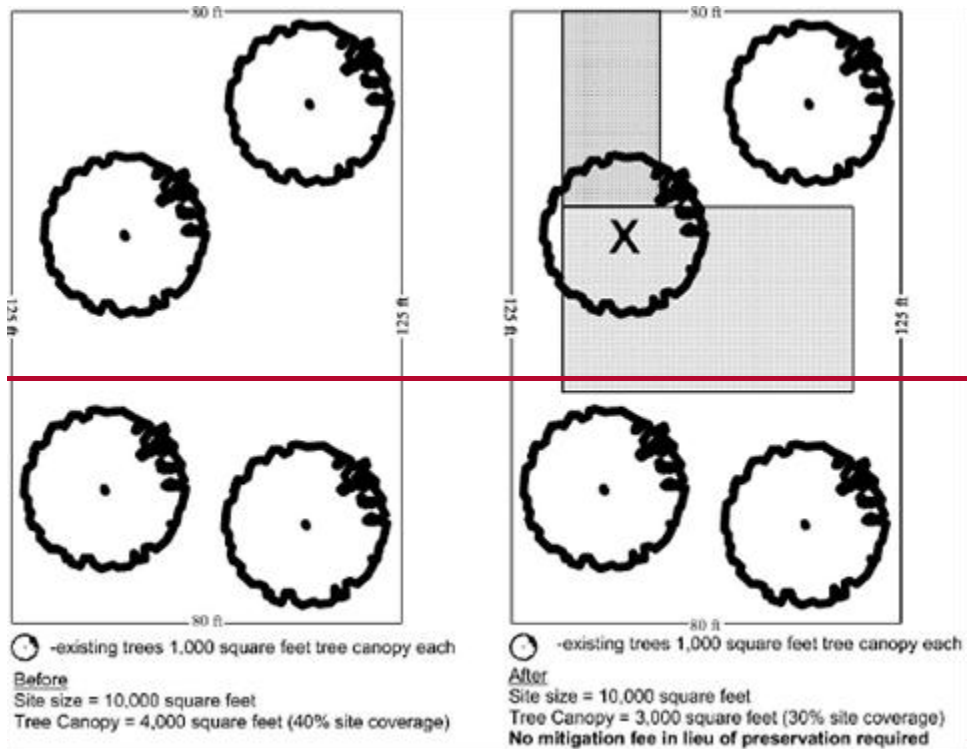
## Suggested Revisions Winter 2026

Figure 16.32.042.B.2-a  
Tree removal with mitigation



**Figure 16.32.042.B.2-b**

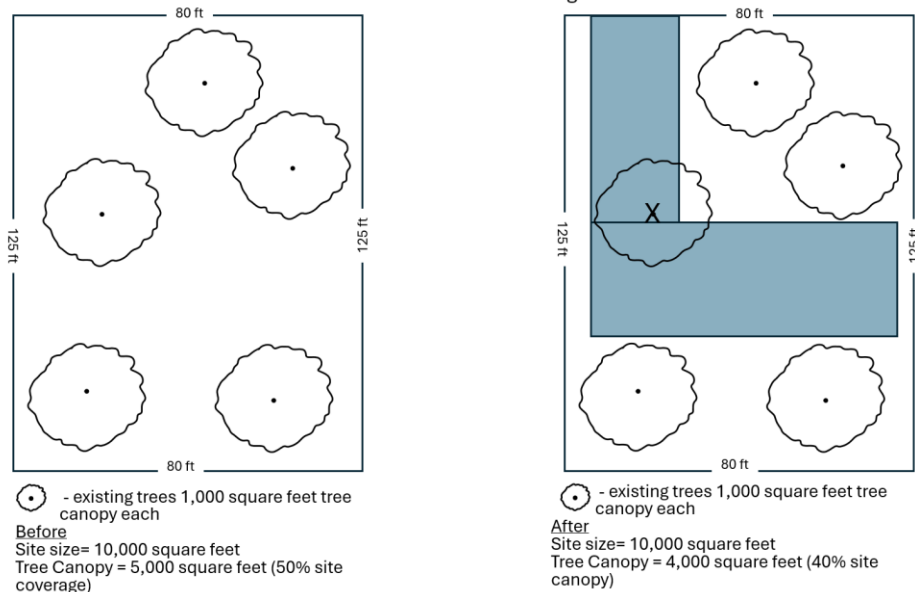
### Tree Removal without mitigation



## EXHIBIT A – DRAFT MILWAUKIE TREE CODE

### Suggested Revisions Winter 2026

Figure 16.32.042.B.2-b  
Tree removal without mitigation



#### 16.32.044 NON-DEVELOPMENT PRIVATE TREE REMOVAL IN RESIDENTIAL ZONES.

##### Amend MMC 16.32.044 D.2.b(3)

(3) The tree is having an adverse effect on existing adjacent infrastructure or buildings that cannot be mitigated by pruning, reasonable alternative construction techniques, or accepted arboricultural practices: or the tree is located within 10 feet of a dwelling unit and presents a significant ongoing or unavoidable conflict with the structure as determined by the Urban Forester.

## EXHIBIT A – DRAFT MILWAUKIE TREE CODE

Suggested Revisions Winter 2026

### Clean Version

#### 16.32.042 TREE PRESERVATION AND PLANTING WITH DEVELOPMENT IN RESIDENTIAL ZONES.

##### A. Applicability

The tree preservation and planting standards in this subsection apply in residential zones to the construction of a new residential dwelling unit(s) that results in an increase of building footprint.

##### B. Tree Preservation Standards

1. Healthy trees at least six-inch DBH are required to be preserved except when their removal is required for construction, demolition, grading, utilities, and other development impacts.
2. When a development application includes the removal of a healthy tree 30 inches DBH or greater, a Significant Tree Removal Fee shall be assessed in accordance with the consolidated fee schedule. This fee does not relieve the applicant of any other requirements of this chapter, including replacement trees, tree protection measures, or required arborist reports.
3. Preservation of at least 40% on-site healthy private tree canopy coverage is required unless mitigation is provided according to Subsection 16.32.042.E. See Figures 16.32.042.B.2-a and B.2-b for examples of when mitigation is or is not required. (See Subsection 16.32.042.D.3 for information on calculating tree canopy coverage.)
4. For development sites with 40% or less on-site healthy private tree canopy coverage, the removal of healthy private tree canopy is not allowed unless mitigation is provided according to Subsection 16.32.042.E.
5. Trees of any size that are listed on the Milwaukie Rare or Threatened Tree List must be prioritized for preservation; if removed, healthy trees from this list will incur an additional fee as listed on the Consolidated Fee Schedule.
6. Unhealthy trees and tree species on the Oregon State Noxious Weed List or Milwaukie Invasive Tree List, as well as trees within designated natural resource areas (as per Section 19.402) that are listed as nuisance species on the Milwaukie Plant List,

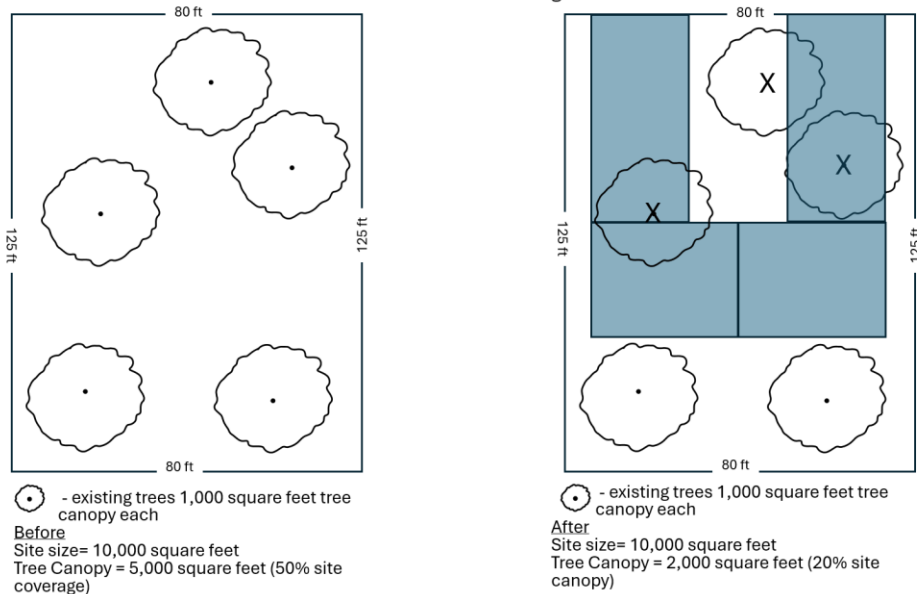
# EXHIBIT A – DRAFT MILWAUKIE TREE CODE

## Suggested Revisions Winter 2026

are not required to be preserved in conjunction with applicable development as established in Subsection 16.32.042.A.

7. The applicant must provide a performance bond for existing trees that are preserved for purposes of addressing the 40% canopy coverage standard, to ensure their survival for such period of time as identified in the Consolidated Fee Schedule. On-site trees may be exempt from the performance bond requirements if the Urban Forester or an ISA Certified Arborist determine that construction activities do not present a significant impact to tree health. Existing trees used for canopy credit do not qualify for removal based on the criteria outlined in Subsection 16.32.044 D.2.(11).

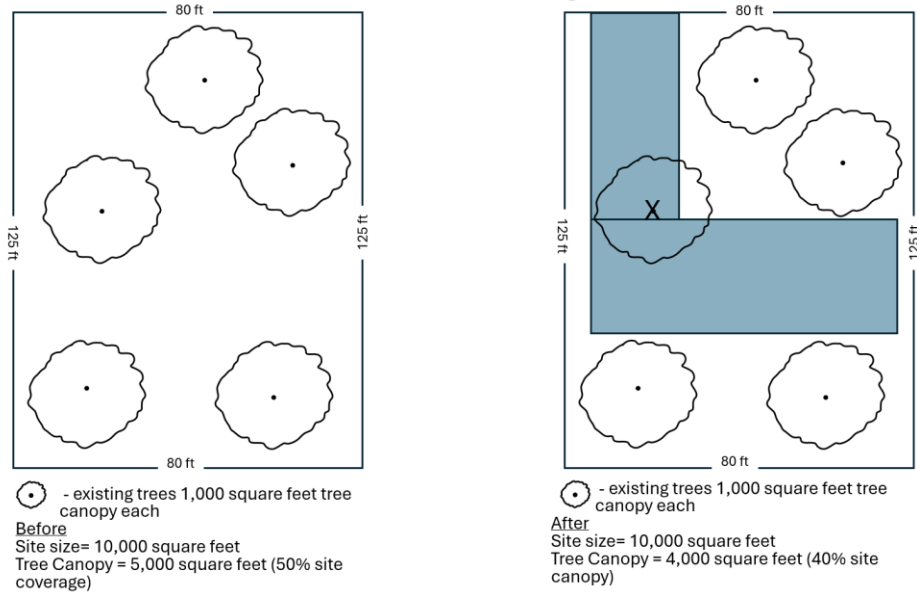
Figure 16.32.042.B.2-a  
Tree removal with mitigation



# EXHIBIT A – DRAFT MILWAUKIE TREE CODE

## Suggested Revisions Winter 2026

Figure 16.32.042.B.2-b  
Tree removal without mitigation



### 16.32.044 NON-DEVELOPMENT PRIVATE TREE REMOVAL IN RESIDENTIAL ZONES.

#### Amend MMC 16.32.044 D.2.b(3)

(3) The tree is having an adverse effect on existing adjacent infrastructure or buildings that cannot be mitigated by pruning, reasonable alternative construction techniques, or accepted arboricultural practices or the tree is located within 10 feet of a dwelling unit and presents a significant ongoing or unavoidable conflict with the structure as determined by the Urban Forester.

**COUNCIL RESOLUTION No.****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REVISING FEES AND CHARGES AND UPDATING THE CONSOLIDATED FEE SCHEDULE FOR FISCAL YEAR 2026.**

**WHEREAS** it is the policy and practice of the city to require the discernment and recovery of certain city costs from fees and charges levied in providing various services, products, and regulations, and

**WHEREAS** city staff shall periodically review city fees and charges to recover city costs in providing services, products, and regulations, and recommend adjustments to the City Council, and

**WHEREAS** Milwaukie advisory boards, commissions, and committees periodically recommend adjustments to the fees and charges levied in providing services, products, and regulations, and

**WHEREAS** the city manager has caused a review of all city fees and charges, has received guidance from advisory boards, commissions, committees, and city staff, and has finalized the updated Consolidated Fee Schedule.

**Now, Therefore, be it Resolved that:**

SECTION 1. The City of Milwaukie "Fees" document to this resolution is hereby amended as outlined in Attachment A.

SECTION 2. This resolution amends Section 11 of previously adopted fee resolutions.

Introduced and adopted by the City Council on **January 20, 2026**.

This resolution is effective on **January 20, 2026**.

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Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney

**ATTACHMENT A – DRAFT FY 2025-26 CONSOLIDATED FEE SCHEDULE**

Suggested Revisions Winter 2026

**Strikeout Version**

**TREES IN THE CITY** *continued*

<b>Private Non-Development Tree Fees</b>	<b>Fiscal Year 2025 Fee</b>	<b>Fiscal Year 2026 Fee</b>
Residential Tree Permit Application Fee (Type A)	\$0.00	\$0.00
Residential Tree Permit Application Fee (Type B)	\$50.00	\$50.00
Healthy private tree removal fee beyond one tree per 12-month period <sup>1</sup> Measurements are in diameter at breast height (DBH). 6 to <12" DBH (approx. 19" – 38" circumference) 12 to <18" DBH (approx. 38" -57" circumference) 18" to <24" DBH (approx. 57" -75" circumference) 24" to <30" DBH (approx. 75" -94" circumference) 30" to <36" DBH (approx. 94" -113" circumference) 36" or greater (greater than 113" circumference) Rare or Threatened Tree Removal	\$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$150.00 per inch DBH \$200.00 per inch DBH \$250.00 per inch DBH	\$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$150.00 per inch DBH \$200.00 per inch DBH \$250.00 per inch DBH
Planting and Establishment Fee in lieu of Replanting for Non-Development Private Residential Trees	\$675.00 per tree	\$675.00 per tree

<b>Private Enforcement and Restoration Fees</b>	<b>Fiscal Year 2025 Fee</b>	<b>Fiscal Year 2026 Fee</b>
Violation Review Fee (Development)	\$200.00	\$200.00
Damaged Private Tree	\$225.00 per inch DBH	\$225.00 per inch DBH
Tree Protection Violation Zone Fee	\$225.00 per inch DBH	\$225.00 per inch DBH
Unpermitted Private Tree Removal Fee (Development)		
6" to <12" DBH	\$2,000.00 per tree	\$2,000.00 per tree
12" to <18" DBH	\$167.00 per inch DBH	\$167.00 per inch DBH
18" to <24" DBH	\$200.00 per inch DBH	\$200.00 per inch DBH
24" to <36" DBH	\$250.00 per inch DBH	\$250.00 per inch DBH
36" or greater DBH	\$300.00 per inch DBH	\$300.00 per inch DBH
<u>Rare or Threatened</u>	<u>\$350.00 per inch DBH</u>	<u>\$350.00 per inch DBH</u>
Unpermitted Private Tree Removal or Tree Topping (Non-Development)	2 x healthy private tree removal fee + \$250.00	2 x healthy private tree removal fee + \$250.00
Failure to Replant a Tree (Non-Development)	2 x Fee in Lieu	2 x Fee in Lieu

<sup>1</sup> No removal fee for 1<sup>st</sup> tree less than 12" DBH removed under type 1 permit.

**ATTACHMENT A – DRAFT FY 2025-26 CONSOLIDATED FEE SCHEDULE**

Suggested Revisions Winter 2026

**TREES IN THE CITY** *continued*

<b>Private Development Tree Fees</b>	<b>Fiscal Year 2025 Fee</b>	<b>Fiscal Year 2026 Fee</b>
Residential Construction Tree Plan Review Fee	\$300.00	\$300.00
Site Inspection Fee	\$50.00	\$50.00
Site Re-inspection Fee	\$175.00	\$175.00
Fee in lieu of preservation standard in residential development <i>Canopy percentage measurements are in sq ft canopy / total site sq ft</i>	\$4,000.00 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction.  Remaining site canopy <30%-22.5%: \$4,000.00  <22.5%-15%: \$4,000.00 <15%-7.5%: \$4,000.00 <7.5%-0%: \$4,000.00	<del>\$4,000.00 for each reduction of 8% site canopy coverage below 40% total site canopy.</del> <del>\$4,000.00 for each reduction of 7.5% site canopy coverage below 30% total site canopy.</del> <del>Fees are cumulative based on total canopy reduction.</del>  Remaining site canopy <u>40%- 32%: \$4,000.00</u> <u>32%-24%: \$6,000.00</u> <u>24%-16%: \$8,000.00</u> <u>16%-8%: \$10,000.00</u> <u>8%-0%: \$12,000.00</u> <del>&lt;30% 22.5%: \$4,000.00</del> <del>&lt;22.5% 15%: \$4,000.00</del> <del>&lt;15% 7.5%: \$4,000.00</del> <del>&lt;7.5% 0%: \$4,000.00</del>
Fee in lieu of preservation standard for eligible residential affordable housing <i>Canopy percentage measurements are in sq ft canopy / total site sq ft</i>	\$2,000.00 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction.  Remaining site canopy <30%-22.5%: \$2,000.00 <22.5%-15%: \$2,000.00 <15%-7.5%: \$2,000.00 <7.5%-0%: \$2,000.00	\$2,000.00 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction.  Remaining site canopy <30%-22.5%: \$2,000.00 <22.5%-15%: \$2,000.00 <15%-7.5%: \$2,000.00 <7.5%-0%: \$2,000.00

**ATTACHMENT A – DRAFT FY 2025-26 CONSOLIDATED FEE SCHEDULE**

Suggested Revisions Winter 2026

**TREES IN THE CITY** *continued*

Other Tree Types	Fiscal Year 2025	Fiscal Year 2026
<p><b>Significant Tree Credits</b>  <i>Retained significant trees in diameter at breast height (DBH)</i>                      Retained significant tree 12" to &lt;20" DBH                      Retained significant tree &gt;20" DBH                      Retained significant tree &gt;36" DBH</p>	<p>125% existing or future canopy multiplier                      150% existing or future canopy multiplier                      175% existing or future canopy multiplier</p>	<p>125% existing or future canopy multiplier                      150% existing or future canopy multiplier                      175% existing or future canopy multiplier</p>
<p>Rare or Threatened Tree Removal Fee  <i>Applied in conjunction with other qualifying tree removal fees.</i></p>	<p>\$250.00 per inch DBH</p>	<p>\$250.00 per inch DBH</p>
<p><u>Significant Tree Removal Fee &gt;30" DBH</u>  <u>30" to 35.99" DBH</u>  <u>36" or greater DBH</u>  <i>Applied in conjunction with other qualifying tree removal fees.</i></p>	<p>N/A</p>	<p><u>\$150 per inch DBH</u>  <u>\$200 per inch DBH</u></p>
<p>Fees in Lieu of Planting Standard</p>	<p>\$5.00 per square foot of canopy necessary to meet 40% site coverage</p>	<p>\$5.00 per square foot of canopy necessary to meet 40% site coverage</p>
<p><b>Bonding Requirements</b>                       Tree Protection                       Post Development</p>	<p>\$3,500 per protected tree held for 3 years                       \$3,500.00 per newly planted tree held for 5 years</p>	<p>\$3,500 per protected tree held for 3 years                       \$3,500.00 per newly planted tree held for 5 years</p>

**ATTACHMENT A – DRAFT FY 2025-26 CONSOLIDATED FEE SCHEDULE**

Suggested Revisions Winter 2026

**Clean Version**

**TREES IN THE CITY** *continued*

<b>Private Non-Development Tree Fees</b>	<b>Fiscal Year 2025 Fee</b>	<b>Fiscal Year 2026 Fee</b>
Residential Tree Permit Application Fee (Type A)	\$0.00	\$0.00
Residential Tree Permit Application Fee (Type B)	\$50.00	\$50.00
Healthy private tree removal fee beyond one tree per 12-month period <sup>1</sup> Measurements are in diameter at breast height (DBH). 6 to <12" DBH (approx. 19" – 38" circumference) 12 to <18" DBH (approx. 38" -57" circumference) 18" to <24" DBH (approx. 57" -75" circumference) 24" to <30" DBH (approx. 75" -94" circumference) 30" to <36" DBH (approx. 94" -113" circumference) 36" or greater (greater than 113" circumference) Rare or Threatened Tree Removal	\$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$150.00 per inch DBH \$200.00 per inch DBH \$250.00 per inch DBH	\$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$150.00 per inch DBH \$200.00 per inch DBH \$250.00 per inch DBH
Planting and Establishment Fee in lieu of Replanting for Non-Development Private Residential Trees	\$675.00 per tree	\$675.00 per tree

<b>Private Enforcement and Restoration Fees</b>	<b>Fiscal Year 2025 Fee</b>	<b>Fiscal Year 2026 Fee</b>
Violation Review Fee (Development)	\$200.00	\$200.00
Damaged Private Tree	\$225.00 per inch DBH	\$225.00 per inch DBH
Tree Protection Violation Zone Fee	\$225.00 per inch DBH	\$225.00 per inch DBH
Unpermitted Private Tree Removal Fee (Development)		
6" to <12" DBH	\$2,000.00 per tree	\$2,000.00 per tree
12" to <18" DBH	\$167.00 per inch DBH	\$167.00 per inch DBH
18" to <24" DBH	\$200.00 per inch DBH	\$200.00 per inch DBH
24" to <36" DBH	\$250.00 per inch DBH	\$250.00 per inch DBH
36" or greater DBH	\$300.00 per inch DBH	\$300.00 per inch DBH
Rare or Threatened	\$350.00 per inch DBH	\$350.00 per inch DBH
Unpermitted Private Tree Removal or Tree Topping (Non-Development)	2 x healthy private tree removal fee + \$250.00	2 x healthy private tree removal fee + \$250.00
Failure to Replant a Tree (Non-Development)	2 x Fee in Lieu	2 x Fee in Lieu

<sup>1</sup> No removal fee for 1<sup>st</sup> tree less than 12" DBH removed under type 1 permit.

**ATTACHMENT A – DRAFT FY 2025-26 CONSOLIDATED FEE SCHEDULE**

Suggested Revisions Winter 2026

**TREES IN THE CITY** *continued*

<b>Private Development Tree Fees</b>	<b>Fiscal Year 2025 Fee</b>	<b>Fiscal Year 2026 Fee</b>
Residential Construction Tree Plan Review Fee	\$300.00	\$300.00
Site Inspection Fee	\$50.00	\$50.00
Site Re-inspection Fee	\$175.00	\$175.00
Fee in lieu of preservation standard in residential development <i>Canopy percentage measurements are in sq ft canopy / total site sq ft</i>	\$4,000.00 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction.  Remaining site canopy <30%-22.5%: \$4,000.00 <22.5%-15%: \$4,000.00 <15%-7.5%: \$4,000.00 7.5%-0%: \$4,000.00	\$4,000.00 for each reduction of 8% site canopy coverage below 40% total site canopy.  Remaining site canopy 40%- 32%: \$4,000.00 32%-24%: \$6,000.00 24%-16%: \$8,000.00 16%-8%: \$10,000.00 8%-0%: \$12,000.00
Fee in lieu of preservation standard for eligible residential affordable housing <i>Canopy percentage measurements are in sq ft canopy / total site sq ft</i>	\$2,000.00 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction.  Remaining site canopy <30%-22.5%: \$2,000.00 <22.5%-15%: \$2,000.00 <15%-7.5%: \$2,000.00	\$2,000.00 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction.  Remaining site canopy <30%-22.5%: \$2,000.00 <22.5%-15%: \$2,000.00 <15%-7.5%: \$2,000.00
	<7.5%-0%: \$2,000.00	<7.5%-0%: \$2,000.00

**ATTACHMENT A – DRAFT FY 2025-26 CONSOLIDATED FEE SCHEDULE**

Suggested Revisions Winter 2026

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**TREES IN THE CITY** *continued*

Other Tree Types	Fiscal Year 2025	Fiscal Year 2026
<p><b>Significant Tree Credits</b>  <i>Retained significant trees in diameter at breast height (DBH)</i></p> <p>Retained significant tree 12" to &lt;20" DBH</p> <p>Retained significant tree &gt;20" DBH</p> <p>Retained significant tree &gt;36" DBH</p>	<p>125% existing or future canopy multiplier</p> <p>150% existing or future canopy multiplier</p> <p>175% existing or future canopy multiplier</p>	<p>125% existing or future canopy multiplier</p> <p>150% existing or future canopy multiplier</p> <p>175% existing or future canopy multiplier</p>
<p>Rare or Threatened Tree Removal Fee  <i>Applied in conjunction with other qualifying tree removal fees.</i></p>	\$250.00 per inch DBH	\$250.00 per inch DBH
<p>Significant Tree Removal Fee &gt;30" DBH                      30" to 35.99" DBH                      36" or greater DBH  <i>Applied in conjunction with other qualifying tree removal fees.</i></p>	N/A	<p>\$150 per inch DBH                      \$200 per inch DBH</p>
<p>Fees in Lieu of Planting Standard</p>	\$5.00 per square foot of canopy necessary to meet 40% site coverage	\$5.00 per square foot of canopy necessary to meet 40% site coverage
<p><b>Bonding Requirements</b></p> <p>Tree Protection</p> <p>Post Development</p>	<p>\$3,500 per protected tree held for 3 years</p> <p>\$3,500.00 per newly planted tree held for 5 years</p>	<p>\$3,500 per protected tree held for 3 years</p> <p>\$3,500.00 per newly planted tree held for 5 years</p>



**RS 8. A. 1/20/26  
Presentation**

# TREE CODE AMENDMENTS

**Katie Gavares** (they/them)  
Climate and Natural  
Resources Manager

Alfred Moussalli (he/him)  
Urban Forester

City Council Regular Session  
January 20, 2025

## Council Direction

1. Ensure the city's Tree Code mitigation fee structure adequately incentivizes preservation during development.
2. Provide greater code clarity and flexibility for removing trees causing structural or maintenance conflicts with a dwelling unit (MMC 16.32.044 D.2.b(3)).

## Staff Recommendations

- 3 changes to the development tree code
- 2 changes to the residential tree code



# PROPOSED AMENDMENTS

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## Development Tree Code

1. Develop significant tree removal fee
2. Increase canopy mitigation fees
3. Adopt a Rare and Threatened species list and unpermitted removal fee

## Residential Tree Code

1. Add an allowance for removal of trees within 10 feet of dwelling units that cause infrastructure damage
2. Staff utilize standards for applying “reasonableness”



# SIGNIFICANT TREE REMOVAL FEE

Establish a Significant Tree Removal Fee applied to trees greater than 30 inches DBH

- Applied when a large tree is removed as part of a **development** project.

Significant Tree Removal Fee	
Trees 30" to 35.99"	\$150.00 per inch DBH
Trees 36" or greater	\$200.00 per inch DBH



# CANOPY MITIGATION FEE

Establish a canopy mitigation fee that begins at 40% total site canopy and increases cumulatively for each 8% reduction below that threshold.

- Maintain current fee structure for eligible affordable housing projects.

Existing Remaining Total Site Canopy	Existing Fee Structure	Alternative: Remaining Total Site Canopy	Alternative: Fee Structure
40%	No Fee	40-32%	\$4000
30-22.5%	\$4000	32-24%	\$6000 (\$10,000)
22.5 – 15%	\$4000 (\$8000)	24—16%	\$8000 (\$18,000)
15—7.5%	\$4000 (\$12,000)	16-8%	\$10,000 (\$28,000)
7.5-0%	\$4000 (\$16,000)	8-0%	\$12,000 (\$40,000)



# RARE AND THREATENED TREE LIST

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- Adopt Rare and Treated species list
  - Tree Board will review December 3<sup>rd</sup>
  - Staff will adopt administratively by January 2026
- Establish an additional fee for unpermitted removals of rare or threatened trees during development
  - Fee = \$350 per inch DBH
  - Creates a consistent fee schedule through permitting and enforcement



# TREE REMOVALS WITHIN 10FT OF DWELLING UNITS

Allowance for removal of trees within 10 feet of dwelling units.

- Removal would be approved even if adverse effects can be mitigated.
- Proposed change to MMC 16.32.044 D.2.b(3)

The tree is having an adverse effect on adjacent infrastructure or buildings that cannot be mitigated by pruning, reasonable alternative construction techniques, or accepted arboricultural practices **or the tree is located within 10 feet of a dwelling unit and presents a significant ongoing or unavoidable conflict with the structure as determined by the Urban Forester.**



# REASONABLENESS IN TYPE A PERMITS

Staff utilize standards for evaluating “reasonableness” under MMC 16.32.044(D)(2)

- Assess whether the cost of preserving a healthy tree is reasonable within the scale of the project and proportional to the benefits the tree provides.

Context	Recommended Threshold for Preservation to Be Considered Reasonable
Small residential repairs (Driveway)	Preservation is generally reasonable when the cost of feasible alternatives is $\leq 20\%$ of the directly related project cost.
Infrastructure (sidewalks, utilities)	Preservation is typically reasonable when costs are $\leq 3\times$ the cost of removal and replacement.
Significant trees $>30"$ DBH or heritage-scale trees	Preservation is reasonable when costs are $\leq 5\times$ the cost of removal and replacement, reflecting the high public value of these trees.



# FUTURE TREE CODE CHANGES

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## **Additional tree code updates in 2026**

- Recommendations from the equity urban forest implementation plan engagement
- Refinements of new tree code changes





CITY OF MILWAUKIE

Questions?  
Thank you!

---

**Peter Passarelli**

Public Works Director

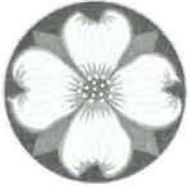
[PassarelliP@milwaukieoregon.gov](mailto:PassarelliP@milwaukieoregon.gov)

**Katie Gavares**

Climate and Natural Resources Manager

[GavaresK@milwaukieoregon.gov](mailto:GavaresK@milwaukieoregon.gov)





# 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.*

**1/20/2026** | **RS 8. B. Adoption of Housekeeping Code Amendments – Ordinance**

**Land Use File No. ZA-2025-004**

NAME	ADDRESS	PHONE	EMAIL

**COUNCIL STAFF REPORT**

**To:** Mayor and City Council  
Joseph Briglio, Assistant City Manager

**Reviewed:** Laura Weigel, Community Development Director

**From:** Vera Kolias, Planning Manager

**Subject:** **Proposed Code Amendments: Minor Code Fixes**

**Date Written:** Jan. 6, 2026

**ACTION REQUESTED**

Council is asked to open the public hearing for land use file #ZA-2025-004. The purpose is to discuss the proposed amendments to the Milwaukie Municipal Code (MMC) Title 17 (Land Division) and Title 19 (Zoning), take public testimony, and provide direction to staff regarding any desired revisions to the proposed amendments.

The requested action is for Council to vote to approve file #ZA-2025-004 and adopt the proposed ordinance and recommended Findings in Support of Approval (Attachment 1).

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

[December 9, 2025](#): Planning Commission held a public hearing and voted 6-0 to recommend approval of the proposed amendments.

Over the past several years, planning staff have tracked issues with current zoning code and recommended amended language. These items have been identified through a variety of means, including:

- Questions about specific code language that have been raised by the public on multiple occasions and that are not easily answered;
- Changes in state law requiring amendments to local codes;
- Implementation of the comprehensive plan; and
- Code interpretation applications.

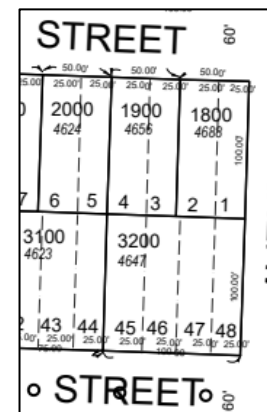
Over several months, planning staff have created categories for code amendment packages to help organize the various amendments and to help with the overall department workplan:

- **Large efforts** which will each be its own project – examples include: High Density Residential Zone (MMC 19.302)); Natural Resources code re-write (MMC 19.402); Corridor Plans
- **Substantive code amendments** – examples include a review of Type III Variance applications to determine if changes are warranted to simplify processes.
- **“Housekeeping”** – these are amendments that are clarifications or minor tweaks that are not intended to affect meaning or intent of existing regulations. Housekeeping amendments are a way of cleaning up the code. These are the types of amendments included in this package.

## ANALYSIS

The current package of proposed **housekeeping** code amendments includes the following: (Please refer to Attachment 1 for draft language):

1. Revise language to replace “shall” with “must” where appropriate.
2. Add “triplex” and “quadplex” where needed when the language only refers to single detached dwellings or duplexes.
3. Remove references to the Design and Landmarks Committee (DLC), which was removed from the list of city committees.
4. Title 17 – Land Division
  - **Add** “or designee” to signing authority in various sections to allow the Assistant City Engineer to provide final approval for final plats.
  - **Add** language related to compliance with the Oregon Residential Specialty Code for middle housing constructed where a middle housing land division (MHL) has been approved. This reflects recent state law requiring communities to approve MHL applications prior to, during, or after, submittal of building permits.
  - **Revise** the list of notations on an MHL final plat to reflect requirements of the County Surveyor. Conditions of approval of the land use decision for an MHL would still be in effect; this revision only affects the specific notations on the plat itself.
  - **Revise** the MHL review process to reflect current legislation and remove the Type II review process.
5. Definitions (MMC 19.201)
  - **Revise** the definition of **lot coverage** to clarify that covered decks are included in the calculation.
  - **Revise** the definition of **front lot line** to provide clarification for corner lots and back lots.
  - **Revise** the definition of **cottage cluster** to include both attached and detached cottages to be consistent with MMC 19.505.4.
6. Street side yard setback for townhouses (MMC 19.301.4 and MMC 19.302.4)
  - **Reduce** the street side yard setback for townhouses only to 5 feet. Although not strictly a housekeeping amendment, this issue has come up in the past. The proposed amendment would reduce barriers to the development of townhouses on corner lots. It would also allow townhouse development to be built on corner lots without the need for larger minimum lot sizes or variances and would reflect common 25 feet x 100 feet underlying lots in many neighborhoods:



7. Lot coverage language in the residential zones (MMC 19.301.5.B and MMC 19.302.5.B):
  - **Remove** the language related to increased lot coverage for duplexes. There is already language providing a lot coverage bonus for single detached dwellings and middle housing (except townhouses and cottage clusters).
  - **Revise** language for accessory dwelling units (ADU) to apply to both attached and detached ADUs.
8. Willamette Greenway (MMC 19.401.5)
  - **Revise** the list of activities exempt from review to clarify the maximum size of accessory structures to reflect building code and Type A residential accessory structures.
9. Supplementary Development Regulations for Accessory Structures (MMC 19.502.2)
  - **Revise** the language for fences to clarify perimeter fences and maximum height.
10. Site Design Standards (MMC 19.504)
  - **Reduce** the minimum width for an individual accessway for two or more flag lots 15 feet to 10 feet. This reflects the minimum combined accessway width of 25 feet.
11. Building Design Standards – Single Detached Dwellings and Middle Housing Residential Development (MMC 19.505)
  - **Revise and clarify** the standards for expansions of street facing facades for clarity in the applicability of the eyes on the street standard.
  - **Clarify** the applicability of minimum base zone setbacks and building separation requirements for the conversion of an existing accessory structure into a plex unit. This would be consistent with the conversion of an accessory structure into an ADU.
  - **Remove** language related to pedestrian circulation, sustainability, and recycling collection areas because this language does not apply to single detached dwellings and the code cannot have different standards and requirements for plex development.
  - **Revise** the language for cottage clusters to:
    - remove and clarify language that indicates that cottages are permitted to have attached garages – this was holdover language from a previous code package. Cottages in a cottage cluster cannot have attached garages.
    - ~~clarify that attached cottages must be side by side, not stacked~~

**NOTE: Per HB 2138, the city cannot prohibit stacked cottage units, as the definition includes "...in any configuration..." subject to certain limitations. The possibility of stacked cottages was confirmed by staff at HAPO. Staff have removed this proposed amendment from the code amendment package.**
12. Nonresidential development (MMC 19.505.7)
  - **Replace** "rowhouses" with "townhouses".
  - **Clarify** that this section does not apply to development in the Downtown Mixed Use zone.

13. Manufactured dwellings siting and design standards and Manufactured dwelling parks (MMC 19.506 and MMC 19.910.3)
  - **Revise or remove** language in conflict with state law related to manufactured dwellings and manufactured dwelling parks.
14. Home occupation standards (MMC 19.507)
  - **Clarify** that short term rental requirements include residency of the property owner or a primary operator to reflect a tenant on the property.
15. Standards for Wireless Communication Facilities (MMC 19.904.10)
  - **Revise** the list of facilities exempt from the code to reflect Federal Communications Commission (FCC) requirements.
  - **Add** standards for small cell facilities in the right-of-way to reflect FCC standards and the city’s Public Works Standards.
16. Accessory Dwelling Units (MMC 19.910.1)
  - **Clarify** the applicability of the ADU standards for standalone ADUs and to accessory structures that contain ADUs (such as a garage with an ADU above).
  - **Clarify** variance language for an increase in the size of an ADU to reflect existing variance language in MMC 19.911.

## CONCLUSIONS

### Staff Recommend that Council:

1. Vote to approve the proposed amendments to MMC Title 17 (Land Division) and MMC Title 19 (Zoning), presented in Attachments 1-b and 1-c; and
2. Vote to adopt the proposed ordinance and attached Findings in Support of Approval presented in Attachments 1 and 1-a, respectively.

### Code Authority and Decision-Making Process

The proposal is subject to the following provisions of the MMC:

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

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

Council has 4 decision-making options as follows:

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

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

**Comments**

Notice was provided as described in MMC 19.1008, with a 30-day notice and code commentary made available online on November 4, 2025, and again on December 16, 2025. The required 35-day notice to Metro and the Oregon Department of Land and Conservation Development (DLCD) was posted on November 3, 2025. Notice was also posted at City Hall, the Public Safety Building (PSB), Johnson Creek Building (JCB), and the Ledding Library.

**BUDGET IMPACT**

None.

**CLIMATE IMPACT**

There are no identified climate impacts resulting from these minor code fixes.

**EQUITY IMPACT**

There are no identified equity impacts resulting from these minor code fixes.

**WORKLOAD IMPACT**

The proposed code amendments help to clarify existing code, which will assist staff and the public in interpreting code requirements.

**COORDINATION, CONCURRENCE, OR DISSENT**

None.

**ALTERNATIVES**

None.

**ATTACHMENTS**

1. Ordinance
  - a. Recommended Findings in Support of Approval
  - b. Draft code amendment language (underline/strikeout)
  - c. Draft code amendment language (clean)

**COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) TITLE 17 LAND DIVISION AND TITLE 19 ZONING TO MAKE MINOR CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2025-004).**

WHEREAS the proposed amendments to Titles 17 and 19 make changes and clarifications that will more effectively communicate and implement existing policy and state law; and

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

WHEREAS, on December 9, 2025, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; and

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

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

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

Section 2. Amendments. The Milwaukie Municipal Code (MMC) is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments shall become effective immediately on the date of adoption.

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

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Will Anderson, Council President

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Stauffer, City Recorder

\_\_\_\_\_  
Justin D. Gericke, City Attorney

## **Exhibit A**

### **Recommended Findings in Support of Approval File #ZA-2025-004, Minor Code Fix Amendments**

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

1. The applicant, the City of Milwaukie, proposes to amend various regulations that are contained in Title 17 Land Division and Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2025-004.
2. The purpose of the proposed code amendments is as a collection of “housekeeping” amendments – clarifications or minor tweaks – that are not intended to affect the meaning or intent of existing regulations; they are not intended to be a change in policy. The amendments are located in several titles of the municipal code:
  - Municipal Code – Title 17 Land Division
    - Chapter 17.04 ADMINISTRATION AND ENFORCEMENT
    - Section 17.04.020 Authority
    - CHAPTER 17.12 Application Procedure
    - CHAPTER 17.18 Approval Criteria
    - CHAPTER 17.22 Final Plat
    - CHAPTER 17.26 Middle Housing And Expedited Land Divisions
    - Section 17.26.010 Middle Housing Land Divisions
    - Section 17.26.020 Expedited Land Division
    - CHAPTER 17.32 IMPROVEMENTS
    - MMC 17.28 – Land Division – Clarify bonding authority
  - Zoning Ordinance –
    - Chapter 19.200 – DEFINITIONS AND MEASUREMENTS
    - Chapter 19.300 – BASE ZONES
      - Section 19.301 Moderate Density Residential Zone
      - Section 19.302 High Density Residential Zones
    - Chapter 19.400 OVERLAY ZONES AND SPECIAL AREAS
      - Section 19.401 Willamette Greenway Zone
    - Chapter 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS
      - Section 19.502 Accessory Structures
      - Section 19.504 Site Design Standards
      - Section 19.505 Building Design Standards
      - Section 19.506 Manufactured Dwelling Siting and Design Standards
      - Section 19.507 Home Occupation Standards
      - Section 19.508 Downtown Site and Building Design Standards and Guidelines
    - Chapter 19.600 Off-Street Parking and Loading
    - Chapter 19.900 Land Use Applications

- Section 19.910 Residential Dwellings
  - Section 19.911 Variances
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
    - MMC 19.902 Amendments to Maps and Ordinances
    - MMC 19.1000 Review Procedures
  4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on December 9, 2025 and January 20, 2026 as required by law.
  5. MMC 19.902 Amendments to Maps and Ordinances
    - a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.
      - (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

*The Planning Commission held a duly advertised public hearing on December 9, 2025. A public hearing before City Council was held on January 20, 2026. Public notice was provided in accordance with MMC Subsection 19.1008.3.*
      - (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.
        - (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

*The proposed amendments have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code. The amendments are clarifying in nature and are not intended to affect policy.*
        - (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

*Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.*

          - (i) Goal 4.3 for the Willamette Greenway reads as follows:

Coordinate public and private land uses and ensure compatibility of uses within the Willamette Greenway.

Policy 4.3.1 states:

Utilize the Willamette Greenway Zone in combination with underlying land use designations to manage uses and implement City Willamette Greenway objectives and Statewide Planning Goal 15.

*The proposed amendments revises the list of activities exempt from review to ensure consistency with Statewide Goal 15.*

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

*The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.*

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

*The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.*

*The proposed amendments are found to be consistent with the Transportation Planning Rule for the following reason. The proposed text amendment does not impact the transportation system given that the amendments are clarifying in nature and do not create the opportunity for any more vehicle trips than are currently allowed by other similar uses in each respective zone.*

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

*Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore, the proposal is found to be consistent with federal regulations that are relevant to local government planning.*

- 6. MMC 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
  - a. MMC 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

*The amendments were initiated by the Planning Manager on October 1, 2025.*
  - b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V review have been met as follows:

- (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.  
*Opportunity for public comment and review has been provided.*  
*The current version of the draft amendments has been posted on the City's website since November 4, 2025. Public notices have also been posted at City Hall, the Johnson Creek Facility, the Public Safety Building, and the Ledding Library, since November 5, 2025.*
- (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.  
*A notice of the Planning Commission's December 9, 2025, hearing was posted as required on November 4, 2025. A notice of the City Council's January 20, 2026 public hearing was posted as required on December 18, 2025.*
- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.  
*The Planning Manager has determined that the proposal affects a large geographic area. Notice to individual property owners and individual properties was not required.*
- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.  
*Notice of the proposed amendments was sent to DLCD on November 3, 2025.*
- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.  
*Notice of the proposed amendments was sent to Metro on November 3, 2025.*
- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.  
*The proposed amendments generally do not further restrict the use of property. In general, the proposed amendments implement current interpretation, compliance with state law, and provide clarification.*
- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.  
*The Planning Commission held a duly advertised public hearing on December 9, 2025 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on January 20, 2026 and approved the amendments.*

Underline/Strikeout Amendments

Title 17 Land Division

**CHAPTER 17.04 ADMINISTRATION AND ENFORCEMENT**

17.04.020 AUTHORITY

B. The City Engineer, or designee, has the authority to accept, conditionally accept, or reject construction and engineering plans and specifications in accordance with professional judgment and accepted engineering or surveying practices.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

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**CHAPTER 17.12 APPLICATION PROCEDURE**

17.12.010 PURPOSE.

The purpose of this chapter is to specify the process and procedures for lot consolidation, property line adjustment, partition, and subdivision as detailed in Table 17.12.020.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

17.12.020 APPLICATION PROCEDURE.

A. Applications for land division and property boundary changes will be processed in accordance with Chapter 19.1000 Type I and Type II procedures as indicated in this section.

B. An increase in the number of lots within the original boundaries of a partition plat must be reviewed as a subdivision when the number of existing lots that are to be modified combined with the number of proposed new lots exceeds three.

C. A modification to a plat (i.e., a replat) that relocates or eliminates all or a portion of a common property line between abutting properties, including underlying lot lines, that does not create an additional lot or parcel will be processed as a property line adjustment or lot consolidation. This process ~~requires~~ may require a deed to be recorded that stipulates the lot to be a single lot for development and legal purposes.

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**CHAPTER 17.18 Approval Criteria**

17.18.030 APPROVAL CRITERIA FOR FINAL PLAT.

Following the Type I procedure, the Planning Manager and the City Engineer, or designee must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

*[No changes to Sections 17.18.030 to the end]*

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## **CHAPTER 17.22 Final Plat**

### **17.22.030 APPROVAL OF FINAL PLAT**

Approval of the final plat must be indicated by signature of the Planning Manager and City Engineer, or designee.

(Ord. 1907 (Attach. 1), 2002; Ord. 2219 § 2 (Exh. B), 2022; Ord. 2242, 4/16/2024)

### **17.22.050 NOTICE FOR IMPROVEMENTS**

Before approval is certified on the final plat, the applicant must either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or file with the City Engineer, or designee, a notice specifying the period within which required improvements and repairs will be completed. In either case, the applicant must reimburse the City for the cost of plan review and construction inspection by the City at a rate established by the City Council. All required improvements must be guaranteed and bonded as provided in Chapter 17.32 of this title.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

### **17.22.060 BOND**

A. The applicant must file with the notice one of the following to assure their full and faithful performance:

1. An agreement to make improvements in a form approved by the City Attorney;
2. A letter of credit;
3. Cash.

B. Such assurance of full and faithful performance must be for a sum determined by the City Engineer, or designee, as sufficient to cover the cost of the improvements and repairs.

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## **CHAPTER 17.26 MIDDLE HOUSING AND EXPEDITED LAND DIVISIONS**

### **17.26.010 MIDDLE HOUSING LAND DIVISIONS.**

B. Applications for any land division affecting middle housing as provided in ORS 197.758(2) must be processed as an expedited land division process as outlined in ORS 197.360 to 197.380. Pursuant to the expedited land division process, a middle housing land division will be processed under the procedures set forth in ORS 92.031 and ORS 197.360-197.380. ~~according to Section 19.1005 Type II Review.~~ Further division of the resulting lots or parcels (sublots) in an approved middle housing land division is prohibited.

### **C. Approval Through Two-Step Process**

A middle housing land division requires a two-step process: a preliminary plat and a final plat.

1. Preliminary plat. A middle housing land division preliminary plat application is processed under the procedures set forth in ORS 92.031 and ORS 197.360-197.380. ~~through an expedited Type II procedure, as provided in Section 19.1005.~~

2. Final plat. The preliminary plat must be approved before the final plat can be submitted for approval. The final plat must satisfy all conditions of approval imposed as part of the preliminary plat approval.

#### D. Approval Criteria – Preliminary Plat

6. Approval of a preliminary plat for a middle housing land division will be granted if the Planning Manager finds that the applicant has met all of the following criteria:

a. The middle housing development complies with, or will comply with, the Oregon Residential Specialty code and the applicable middle housing regulations in this code. To demonstrate compliance with this criterion, the applicant must submit approved building permits or concurrent building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and middle housing regulations in Titles 12 and 19. If building permits have not been applied for, a condition of approval will be included requiring compliance with the Oregon Residential Specialty Code.

#### E. Conditions of Approval

The approval authority may attach such conditions as are necessary to carry out the applicable ordinances and regulations and may require access control strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

1. The City will attach conditions of approval of a preliminary plat for a middle housing land division: ~~to:~~

a. Require that a notation appear on the final plat indicating:

(1) The ~~sublots~~ resulting lots shown on the tentative plan were created pursuant to a middle housing land division. ~~and may not be further divided.~~

(2) The middle housing developed on the ~~sublots~~ resulting lots shown on the preliminary plat must remain middle housing and will not be considered to be any other housing type as a result of the middle housing land division.

~~(3) Accessory dwelling units are not permitted on sublots resulting from a middle housing land division.~~

(4) ~~3~~ Ensure that improvements associated with review criteria in this section are provided.

b. The preliminary plat approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three years of the tentative approval.

c. The resulting lots shown on the preliminary plat may not be further divided.

d. Accessory dwelling units are not permitted on sublots resulting from a middle housing land division.

#### F. Approval Criteria - Final Plat

The Planning Manager and the City Engineer, or designee, must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

*[No changes to Sections 17.26.010.F to the end]*

#### 17.26.020 EXPEDITED LAND DIVISION.

#### D. Approval Criteria - Final Plat

The Planning Manager and the City Engineer, or designee, must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

*[No changes to Sections 17.26.020.D to the end]*

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## CHAPTER 17.32 IMPROVEMENTS

### 17.32.030 GUARANTEE.

All improvements installed by the applicant must be guaranteed as to workmanship and material for a period of two years following acceptance by the City. Such guarantee must be secured by cash deposit or maintenance warranty bond in the amount of the value of the improvements as set by the City Engineer, or designee. Said cash or bond must comply with the terms and conditions of Sections 17.22.060 and 17.32.030.

(Ord. 1907 (Attach. 1), 2002; Ord. 2003 § 2, 2009; Ord. 2242, 4/16/2024)

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## Title 19 Zoning Ordinance

### CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

#### 19.201 Definitions

"Lot coverage" means the amount of area covered by building(s) on a lot expressed as a percentage of the total lot area. Lot coverage includes open structures, such as pole barns; building features such as patio covers, roofed porches, and covered decks; or similar features with a surface height of more than 18 in above average grade. Lot coverage does not include eaves.

"Lot line" means the property line bounding a lot. The lot lines defined below are depicted in Figures 19.201-1 and 19.201-2.

A. "Front lot line" means, in the case of an interior lot, the lot line separating the lot from the street other than an alley. ~~; in the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face; and, in the case of a through lot, a line separating the lot from the street on which the contemplated development will face.~~ In the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face. In the case of a through lot, a line separating the lot from the street on which the contemplated development will face. In the case of a flag lot, the front lot line is the lot line closest to the street from which the property takes access, excluding lot lines that are part of the pole portion of the flag lot. In the case of a back lot, the front lot line is the lot line closest to the street from which the property takes access.

Residential uses and structures:

H. "Cottage cluster" means a grouping of no fewer than 4four ~~detached~~ dwelling units (detached or attached as allowed by the base zone) per acre with a footprint of less than 900 square feet each that includes a common courtyard per Subsection 19.505.4. Cottage cluster units may be located on a single lot or parcel, or on individual lots or parcels.

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## CHAPTER 19.300 BASE ZONES

### 19.301 MODERATE DENSITY RESIDENTIAL ZONES

<b>Table 19.301.4</b>					
<b>Moderate Density Residential Development Standards</b>					
<b>Standard</b>	<b>R-MD</b>				<b>Standards/ Additional Provisions</b>
	<b>Lot size (square feet)</b>				
	<b>1,500 – 2,999</b>	<b>3,000– 4,999</b>	<b>5,000- 6,999<sup>2</sup></b>	<b>7,000 and up</b>	
<b>C. Development Standards</b>					
1. Minimum yard requirements for primary structures (ft)					<b>Subsection 19.301.5.A</b> Yards <b>Subsection <a href="#">19.501.2</a></b> Yard Exceptions <b>Subsection <a href="#">19.504.6</a></b> Flag Lot and Back Lot Design and Development Standards
a. Front yard	20	20	20	20	<b>Subsection <a href="#">19.505.4</a></b> Cottage Cluster Housing
b. Side yard	5	5	5	5/10	<b>Subsection <a href="#">19.505.5</a></b> Townhouses
c. Street side yard	<del>4</del> <u>5</u>	15	15	20	
d. Rear yard	15	20	20	20	

**19.301.5 Additional Development Standards**

**B. Lot Coverage**

The lot coverage standards in Subsection 19.301.4.~~B-C~~.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

~~1. Decreased Lot Coverage for Large Lots~~

~~The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single detached dwelling, duplex, or residential home on a lot that is more than 10,000 sq ft in Subsection 19.301.4.A.1.~~

2.1. Increased Lot Coverage for Single Detached and Middle Housing Dwellings

a. The maximum lot coverage percentage in Subsection 19.301.4.~~B-C~~.4 is increased by 10 percentage points for development of a single detached dwelling, ~~or~~ an addition to an existing single detached dwelling, or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.~~B-C~~.4. Only portions of the structure(s) that are ~~less than 20 ft~~ high or less are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.301.4.~~B-C~~.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), ~~or~~ an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.~~B-C~~.4. Only portions of the structure(s) that are ~~less than 20 ft~~ high or less are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

~~3. Increased Lot Coverage for Duplexes~~

~~The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.~~

4.2. Increased Lot Coverage for ~~Detached~~ Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by a total of 5 percentage points for the development of a new detached or attached accessory dwelling units. This allowance applies only to the ~~detached~~ accessory

~~dwelling units structure~~ and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

**19.302 HIGH DENSITY RESIDENTIAL ZONES**

Table 19.302.4 High Density Residential Development Standards		
Standard	R-HD	Standards/Additional Provisions
<b>B. Development Standards</b>		
Minimum yard requirements for primary structures (ft)	-	Subsection <a href="#">19.504.5 T</a> Transition Area Measures
Front yard	20	
Side yard	See Subsection 19.302.5.A	
Street side yard	15 <sup>4</sup>	
Rear yard	15	

- 1 Minimum lot size for single detached dwelling applies to lots created on or after June 3, 2022, the effective date of Ordinance #2218.
- 2 Townhouses are allowed at 4 times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, triplexes, quadplexes, and cottage clusters are exempt from density maximums.
- 3 The density for single room occupancy (SRO) developments is calculated as follows: four SRO rooms equal one dwelling unit.
- 4 The street side yard setback for townhouses is 5 ft.

**19.302.5 Additional Development Standards**

**B. Lot Coverage**

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

1. Increased Lot Coverage for Single Detached Dwellings
  - a. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of an addition to an existing single detached dwelling or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are ~~less than~~ 20 ft high or less, and no taller than one story, are allowed to

exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are ~~less than~~ 20 ft high or less are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

## 2. Increased Lot Coverage for ~~Detached~~ Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by a total of 5 percentage points for the development of a new detached or attached accessory dwelling units. This allowance applies only to the ~~detached~~ dwelling units structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

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## CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

### 19.401 Willamette Greenway Zone WG

#### 19.401.5 Procedures

B. Willamette Greenway review is not required for any of the activities listed below:

7. Establishment of ~~residential~~ accessory structures up to 200 sq ft or accessory uses, such as lawns, gardens, and play areas, subject to the vegetation buffer requirements of Subsection 19.401.8;

*[No other changes to Sections 19.401.5.B to the end]*

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## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.502 ACCESSORY STRUCTURES

#### 19.502.2 Specific Provisions for Accessory Structures

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings must ~~shall~~ meet clear vision standards provided in Chapter 12.24. Fences and walls in areas other than those obstructing the vision of passenger vehicle operators must ~~shall~~ be constructed or maintained to the following standards:

a. Residential Zones and Residential Uses in All Zones

1. Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft.
2. No electrified, barbed, or razor wire fencing is permitted.
3. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3.
4. Middle housing plex development. All fences on the interior of a development must ~~shall~~ be no more than ~~3~~ 6 ft high. Fences along the side and rear perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

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## 19.504 SITE DESIGN STANDARDS

### 19.504.6 Flag Lot and Back Lot Design and Development Standards.

B. Development Standards—Flag Lots

4. Frontage, Accessway, and Driveway Design

a. Flag lots must ~~shall~~ have frontage or access on a public street. The minimum width of the accessway and street frontage is 25 ft. The accessway is the pole portion of the lot that provides access to the flag portion of the lot.

b. Abutting flag lots must ~~shall~~ have a combined frontage and accessway of 25 ft. For abutting accessways of 2 or more flag lots, the accessway of any individual lot shall not be less than ~~45~~ 10 ft.

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## 19.505 BUILDING DESIGN STANDARDS

### 19.505.1 One-to Four-Unit Residential Development

B. Applicability of Design Standards

2. Expansions of single detached dwellings in Subsection 19.505.1.B.1 that add area to any street-facing façade are subject to the design standards as follows:

a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.

b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2. ~~without consideration of the original street-facing façade area.~~

3. Remodels, additions, and conversions that create new dwelling units.

a. Internal conversion of an existing single detached dwelling, or an addition to an existing single detached dwelling, into a duplex, triplex, or quadplex (as provided in OAR 660-046-0230) is exempt from this section, provided that the conversion or addition does not increase nonconformance with applicable clear and objective standards. New duplexes, triplexes, and quadplexes created by adding square footage on a site occupied by an existing single detached dwelling must comply with this section.

b. Conversion of an existing accessory structure into a plex dwelling unit must meet the Eyes on the Street standard for the street-facing façade(s) and is exempt from minimum base zone setback requirements and the minimum building separation requirements in 19.505.1.D.1.

5. Remodels of existing dwellings that affect the street-facing façade, but that do not add new area to the street-facing façade, must not bring the façade further out of conformance with design standards.

#### D. Site Design Standards

The site design standards do not apply to single detached dwellings, only to plex developments.

#### ~~2. Pedestrian Circulation~~

~~The on-site pedestrian circulation system must include the following:~~

~~a. Continuous connections between the primary buildings, streets abutting the site, ground-level entrances, common buildings, common open space, and vehicle and bicycle parking areas.~~

~~b. At least one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.~~

~~c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.~~

~~d. Walkways must be constructed with a hard surface material and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.~~

#### ~~3.2. Privacy and Screening~~

- ~~a. Mechanical and communication equipment and outdoor garbage and recycling areas must be screened so they are not visible from streets and common open spaces.~~
- ~~b. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment must not be located within 5 ft of a front entrance and must be screened with sight-obscuring materials.~~
- ~~e a. All fences on the interior of the development must be no more than 3 6 ft high. Fences along the side and rear perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.~~

#### 4. Sustainability

~~In order to promote more sustainable development, plex developments must incorporate the following elements:~~

- ~~a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.~~
- ~~b. Windows that are operable by building occupants.~~
- ~~c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.~~

#### 5. Recycling Areas

~~A recycling area or recycling areas within a plex development must meet the following standards:~~

- ~~a. The recycling collection area must provide containers to accept recyclable materials, such as: glass, newspaper, corrugated cardboard, tin, and aluminum.~~
- ~~b. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.~~
- ~~c. Recycling containers must be covered by either a roof or weatherproof lids.~~
- ~~d. The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.~~
- ~~e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.~~
- ~~f. The recycling collection area and containers must be labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.~~
- ~~g. Fire Department approval will be required for the recycling collection area.~~
- ~~h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.~~

**19.505.2 Garages and Carports**

B. Applicability

The standards in this subsection apply to all new attached garages and carports on properties with a single-family detached dwelling, residential home, or duplex, triplex, or quadplex when the street-facing façade of the garage, or columns of the carport, are located within 50 ft of the front property line. Standards for garages in rowhouse development are in Subsection 19.505.5.

**19.505.4 Cottage Cluster Housing**

D. Cottage Standards

4. Design

b. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

(1) Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.

~~(2) Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.~~

~~(3)~~ (2) Window area is considered the entire area within the outer window frame, including any interior window grid.

~~(4)~~ (3) Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.

~~(5)~~ (4) Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

d. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

o. Bay window at least 2 ft deep and 5 ft wide.

~~p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.~~

q. p. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:

a) Dwelling must have a bedroom on the ground floor.

b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.

c) Doors must have a minimum clear width of 32 in.

- d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

E. Site Design and Other Standards

4. Off-Street Parking

- a. When off-street parking is provided, parking spaces must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.. Cottages are not permitted to have an attached garage.
- d. Parking spaces may be located within a garage or a carport, but not a garage or carport attached to a cottage. Garages or carports in a cottage cluster may not contain more than 4-four parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage or carport shall not exceed 8 ft high, unless a modification is requested for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per Section 19.911 Variances.

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**19.505.5 Townhouses**

C. Townhouse Design Standards

- 5. Townhouses must include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.
  - a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 4 ft from the front lot line.
  - b. A horizontal transition shall be a covered porch with a depth of at least 6 5 ft. The porch may encroach into the required front yard, but it must be at least 4 ft from the front lot line.

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**19.505.7 Nonresidential Development**

B. Applicability

1. The design standards in this section generally apply to the street-facing façades of new commercial, institutional, manufacturing, and mixed-use buildings within the commercial mixed-use zones and the High Density Residential Zone. The standards do not apply to change in use or additions or expansions of existing non-residential structures.
  2. The standards in this section do not apply to ~~rowhouses~~ townhouses or live/work units. ~~Rowhouses~~ Townhouses and live/work units are subject to the design standards in Subsections 19.505.5 ~~Row houses~~ Townhouses and 19.505.6 Live/Work Units.
  3. The standards in this section do not apply to stand-alone ~~multifamily~~ multi-unit housing. Standalone ~~multifamily~~ multi-unit buildings are subject to the design standards in Subsection 19.505.3 ~~multifamily~~ Multi-unit Housing.
  4. The standards in this section do not apply to cottage cluster housing. Cottage cluster housing is subject to the design standards in Subsection 19.505.4 Cottage Cluster Housing.
  5. The standards in this section do not apply to development in the Downtown Mixed Use Zone, which is subject to the Downtown Site and Design Standards in 19.508.
- 

## 19.506 MANUFACTURED DWELLING SITING AND DESIGN STANDARDS

### 19.506.1 Purpose.

This section is intended to meet State legislative requirements for the placement and design of manufactured homes on individual lots.

### 19.506.2 Applicability.

Manufactured homes placed on individual lots are subject to the provisions of this Section.

### 19.506.3 Definition.

For the purposes of this section, the following definition shall apply:

"Manufactured home" means a single-family residential structure as defined in ORS 446.003(25) ~~21~~(a) ~~(C)~~ which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et seq.) as amended on August 22, 1981.

### 19.506.4 Siting Standards.

Manufactured homes are allowed by right in any zone that allows single detached ~~D~~dwelling by right. Manufactured homes placed on individual lots shall must meet the design standards in Subsection 19.505.1 and the following standards:

~~A. The unit must be placed on an excavated and backfilled foundation with the bottom no more than 12 in above grade and enclosed at the perimeter by skirting of pressure treated wood,~~

~~masonry, or concrete wall construction and complying with the minimum setup standards of the adopted State Administrative Rules for Manufactured Dwellings, Chapter 918.~~

~~B. Bare metal is not allowed as a roofing material and is not allowed on more than 25% of any façade of the unit.~~

~~A-G. The unit shall must comply with the definition for manufactured home as identified in this section.~~

~~B-D. If provided, the unit shall must comply with single-family parking and paving standards as described in Chapter 19.600.~~

#### ~~19.506.5 Implementation of Siting Standards.~~

~~A. For unit placement on an individual lot within all residential zones, the siting standards shall be administered as part of the building permit process for the unit placement.~~

~~B. Manufactured home placement as authorized by the temporary structure permit process of Subsection 19.910.4 is not subject to the siting standards of this section.~~

#### ~~19.506.6 Occupancy.~~

~~Manufactured homes placed on individual lots shall comply with all siting standards of Subsection 19.506.4 before being approved for occupancy.~~

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### **19.507 HOME OCCUPATION STANDARDS**

#### **19.507.5 Special Provisions for Specific Uses.**

Short-Term Rentals. A short-term rental is an accessory use to a primary residence and allowed as a home occupation provided the following provisions are met:

A. The residence must be occupied by the owner or a primary operator for not less than 270 days per year.

B. Unhosted rentals (where the primary occupants vacate the unit or site during the rental period) are limited to no more than 95 days per year.

C. If a dwelling on a property with an accessory dwelling unit is being used for short-term rental purposes, either the primary residence or the accessory dwelling unit must be occupied by the property owner or a primary operator for not less than 270 days per year.

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### **19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS AND GUIDELINES**

#### **19.508.4 Downtown Design Elements**

C. Exterior Building Materials

2. Design Standards

a. New Buildings

The following standards are applicable to the street-facing façades of all new buildings, as well as façades facing plazas and/or open spaces.

(1) Façade coverage

(a) Table 19.508.4.C.2.a.(1) establishes façade coverage requirements.

(b) The use of the following materials requires a Director's Determination consistent with Section 19.903. ~~The Planning Manager must consult with Design and Landmarks Commission in making the determination, and the~~ applicant must provide materials specifications and proposed installation details to inform the determination.

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**CHAPTER 19.600 OFF-STREET PARKING AND LOADING**

**19.610 Carpool and Vanpool Parking**

**19.610.1 Applicability.**

New industrial, institutional, and commercial development with 20 or more ~~required~~ parking spaces shall must provide carpool/vanpool parking.

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**CHAPTER 19.900 LAND USE APPLICATIONS**

**19.904.10 Standards for Wireless Communication Facilities.**

C. Application Process

1. Exemptions

The following are exempt from the provisions of this chapter, subject to any other applicable provisions of this code:

a. Temporary WCF during an emergency declared by the City.

b. Temporary WCF located on the same site as, and during the construction of, a permanent WCF for which appropriate permits have been granted.

c. Licensed amateur (ham) radio stations.

d. Satellite dish antennas 6 ft or less in diameter when located in nonresidential zones, and satellite dish antennas 3 ft or less in diameter when located in residential zones, including direct-to-home satellite services, when used as an accessory use of the property.

e. Any maintenance or repair of previously approved wireless communications facilities provided that such activity does not increase the height, width, or mass of the facility.

f. Antennas and equipment completely located within an existing structure whose purpose is to enhance or facilitate communication function of other structures on the same property.

g. Small cell wireless facility within the right-of-way, subject to the following:

- 1) Small cell antennas and accessory equipment mounted to existing public infrastructure or small cell monopoles, when they meet all conditions outlined in 47 CFR 1.6002;
- 2) A valid lease, license, or franchise agreement is in place for the use of the public facility improvement or public infrastructure;
- 3) A right-of-way permit has been issued for the installation of the antenna and accessory equipment.
- 4) The color of the antenna and accessory equipment are of similar color to the supportive infrastructure.
- 5) All small cell wireless facilities must comply with the Milwaukie Public Works Standards, including Section 5.0210.

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## 19.910 RESIDENTIAL DWELLINGS

### 19.910.1 Accessory Dwelling Units

#### E. Standards

##### 4. Standards for Detached Accessory Dwelling Units

The standards in Subsection 19.901.1.E.4 apply to stand alone detached accessory dwelling units and to accessory structures that contain accessory dwelling units that are separate from the primary structure on the property. The design standards for detached accessory dwelling units require a minimum level of design. These standards are intended to promote attention to detail, while affording flexibility to use a variety of architectural styles.

##### a. Maximum Allowed Floor Area

The floor area of the accessory dwelling unit is limited to 800 sq ft. ~~of the floor area of the primary structure.~~

b. Footprint, Height, and Required Yards

The maximum structure footprint, height, and yard regulations for a detached accessory dwelling unit are listed in Table 19.910.1.E.4.b. ~~structures that exceed any of the maximums associated with an ADU require Type II review.~~ A variance of up to a 25% increase in the floor area and/or structure footprint of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4 is subject to Type II review, per 19.911.3.

e. Conversion of Existing Structure

Creation of a detached accessory dwelling unit through conversion of an accessory structure legally established on or after June 3, 2022, the effective date of Ordinance #2218, is required to meet all applicable standards for a new detached accessory dwelling unit.

Creation of a detached accessory dwelling unit through the conversion of an existing accessory structure that was legally established prior to June 3, 2022, the effective date of Ordinance #2218, is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except for the design standards in Subsection 19.910.1.E.4.c., the maximum structure footprint, and minimum setbacks. However, the floor area of the ADU must not exceed the maximum floor area standard in Subsection 19.910.1.~~D~~E.4.a. The conversion must not bring the accessory structure out of conformance, or further out of conformance if already nonconforming, with any design standards in that subsection.

**19.910.3 Manufactured Dwelling Parks.**

A. Purpose

This subsection is intended to complement the policies of the Comprehensive Plan to provide for a variety of housing types including manufactured dwelling parks. ~~in areas with suitable services and facilities in zones allowing 6 to 12 dwelling units per acre.~~

B. Application

1. Manufactured dwelling park developments are only allowed in the ~~R-3~~ R-HD and R-MD Zones. A site plan review is required prior to development of a manufactured dwelling park within these zones. The development must show conformance with all requirements of this subsection.

2. Each application for a manufactured dwelling park shall include a plot plan drawn to scale of the specific layout of the entire park. The plot plan shall include both the dimensions and the existing and proposed locations of all utilities, roadways, structures, parking, landscaping and open areas, and manufactured dwelling spaces on the site. In addition, the location of structures on adjacent properties shall be shown.

C. General Requirements

Manufactured dwelling parks shall be subject to review under Section 19.1006 Type III Review.

D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

1. The minimum size of a manufactured dwelling park shall be 2 1 acres.

~~9. All manufactured dwellings shall be set onto an excavated area with perimeter foundation, and the excavated area shall be backfilled, or the dwelling must be installed with an approved foundation siding/skirting enclosing the entire perimeter of the dwelling. Foundation siding/skirting and backup framing shall be weather resistant, noncombustible, or self-extinguishing materials which blend with the exterior siding of the dwelling. Below grade level and for a minimum distance of 6 in above finished grade, the materials shall be resistant to decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.~~

~~10.9.~~ Requirements for lighting, utility systems, decks, play areas, park sanitation, and maintenance not specified herein shall be those specified in OAR 814-28 Mobile Home Parks and OAR 814-23 Mobile Homes, Manufactured Homes, Recreational Vehicles and Accessory Buildings or Structures.

~~11-10.~~ Standards of the underlying zone also apply except where otherwise provided for in this subsection.

~~12~~ 11. The entire manufactured dwelling park shall must comply with the above requirements prior to occupancy.

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**19.911 VARIANCES**

**19.911.3 Review Process**

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

9. A variance of up to a 25% increase in the size floor area and/or structure footprint of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4.

**19.911.7 Building Height Variance in the General Mixed Use Zone**

C. Review Process

The building height variance shall be subject to Type III review and approval by the Planning Commission, in accordance with Section 19.1011.

1. Because the building height variance provides substantial flexibility and discretion, additional time will be required for public input and technical evaluation of the proposal. To use this option, the applicant shall must sign a waiver of the 120-day decision requirement.

~~2. The applicant may request design advice from the Design and Landmarks Committee prior to submitting an application. Design advice requests provide the opportunity to assess approval potential prior to committing excessive time or money to detailed design plans.~~

~~3. Design advice requests may not be made for a specific project or site with an active land use review application.~~

4 2. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

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## CHAPTER 19.1000 REVIEW PROCEDURES

### 19.1005 Type II Review

#### 19.1005.5 Type II Decision.

A. The decision shall be issued with sufficient time to allow the appeal authority for a Type II application to issue a final decision within 120 days from the date that the application was deemed complete. The final decision for an affordable housing application, as defined in, and subject to all of the provisions of ORS 197.311, shall be issued within 100 days from when the application was deemed complete. ~~Pursuant to Subsection 17.12.020.G, the final decision for a middle housing or expedited land division as defined in, and subject to the applicable provisions of ORS 92.010 to 92.192 and further referenced in ORS 197.360 and ORS 197.380, must be issued within 63 days from when the application was deemed complete, or extended by the city not to exceed 120 days.~~

#### 19.1005.6 Appeal of a Type II Decision.

A Type II decision may be appealed by filing a written appeal within 15 days from the date that the notice of decision was mailed. The appeal authority for a Type II decision is the Planning Commission. Appeal requirements and procedures are outlined in Section 19.1010.

~~Appeals of a Type II decision for a middle housing or expedited land division are processed subject to the applicable provisions found in ORS 197.360 — ORS 197.375.~~

## **Exhibit C**

### **Clean Amendments**

#### **Title 17 Land Division**

##### **CHAPTER 17.04 ADMINISTRATION AND ENFORCEMENT**

###### **17.04.020 AUTHORITY**

B. The City Engineer, or designee, has the authority to accept, conditionally accept, or reject construction and engineering plans and specifications in accordance with professional judgment and accepted engineering or surveying practices.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

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##### **CHAPTER 17.12 APPLICATION PROCEDURE**

###### **17.12.010 PURPOSE.**

The purpose of this chapter is to specify the process and procedures for lot consolidation, property line adjustment, partition, and subdivision as detailed in Table 17.12.020.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

###### **17.12.020 APPLICATION PROCEDURE.**

A. Applications for land division and property boundary changes will be processed in accordance with Chapter 19.1000 Type I and Type II procedures as indicated in this section.

B. An increase in the number of lots within the original boundaries of a partition plat must be reviewed as a subdivision when the number of existing lots that are to be modified combined with the number of proposed new lots exceeds three.

C. A modification to a plat (i.e., a replat) that relocates or eliminates all or a portion of a common property line between abutting properties, including underlying lot lines, that does not create an additional lot or parcel will be processed as a property line adjustment or lot consolidation. This process may require a deed to be recorded that stipulates the lot to be a single lot for development and legal purposes.

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##### **CHAPTER 17.18 Approval Criteria**

###### **17.18.030 APPROVAL CRITERIA FOR FINAL PLAT.**

Following the Type I procedure, the Planning Manager and the City Engineer, or designee must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

*[No changes to Sections 17.18.030 to the end]*

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## **CHAPTER 17.22 Final Plat**

### **17.22.030 APPROVAL OF FINAL PLAT**

Approval of the final plat must be indicated by signature of the Planning Manager and City Engineer, or designee.

(Ord. 1907 (Attach. 1), 2002; Ord. 2219 § 2 (Exh. B), 2022; Ord. 2242, 4/16/2024)

### **17.22.050 NOTICE FOR IMPROVEMENTS**

Before approval is certified on the final plat, the applicant must either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or file with the City Engineer, or designee, a notice specifying the period within which required improvements and repairs will be completed. In either case, the applicant must reimburse the City for the cost of plan review and construction inspection by the City at a rate established by the City Council. All required improvements must be guaranteed and bonded as provided in Chapter 17.32 of this title.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

### **17.22.060 BOND**

A. The applicant must file with the notice one of the following to assure their full and faithful performance:

1. An agreement to make improvements in a form approved by the City Attorney;
2. A letter of credit;
3. Cash.

B. Such assurance of full and faithful performance must be for a sum determined by the City Engineer, or designee, as sufficient to cover the cost of the improvements and repairs.

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## **CHAPTER 17.26 MIDDLE HOUSING AND EXPEDITED LAND DIVISIONS**

### **17.26.010 MIDDLE HOUSING LAND DIVISIONS.**

B. Applications for any land division affecting middle housing as provided in ORS 197.758(2) must be processed as an expedited land division process as outlined in ORS 197.360 to 197.380. Pursuant to the expedited land division process, a middle housing land division will be processed under the procedures set forth in ORS 92.031 and ORS 197.360-197.380. Further division of the resulting lots or parcels (sublots) in an approved middle housing land division is prohibited.

### **C. Approval Through Two-Step Process**

A middle housing land division requires a two-step process: a preliminary plat and a final plat.

1. Preliminary plat. A middle housing land division preliminary plat application is processed under the procedures set forth in ORS 92.031 and ORS 197.360-197.380.

2. Final plat. The preliminary plat must be approved before the final plat can be submitted for approval. The final plat must satisfy all conditions of approval imposed as part of the preliminary plat approval.

#### D. Approval Criteria – Preliminary Plat

6. Approval of a preliminary plat for a middle housing land division will be granted if the Planning Manager finds that the applicant has met all of the following criteria:

a. The middle housing development complies with, or will comply with, the Oregon Residential Specialty code and the applicable middle housing regulations in this code. To demonstrate compliance with this criterion, the applicant must submit approved building permits or concurrent building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and middle housing regulations in Titles 12 and 19. If building permits have not been applied for, a condition of approval will be included requiring compliance with the Oregon Residential Specialty Code.

#### E. Conditions of Approval

The approval authority may attach such conditions as are necessary to carry out the applicable ordinances and regulations and may require access control strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

1. The City will attach conditions of approval of a preliminary plat for a middle housing land division:

a. Require that a notation appear on the final plat indicating:

(1) The resulting lots shown on the tentative plan were created pursuant to a middle housing land division.

(2) The middle housing developed on the resulting lots shown on the preliminary plat must remain middle housing and will not be considered to be any other housing type as a result of the middle housing land division.

(3) Ensure that improvements associated with review criteria in this section are provided.

b. The preliminary plat approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three years of the tentative approval.

c. The resulting lots shown on the preliminary plat may not be further divided.

d. Accessory dwelling units are not permitted on sublots resulting from a middle housing land division.

#### F. Approval Criteria - Final Plat

The Planning Manager and the City Engineer, or designee, must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

*[No changes to Sections 17.26.010.F to the end]*

#### 17.26.020 EXPEDITED LAND DIVISION.

#### D. Approval Criteria - Final Plat

The Planning Manager and the City Engineer, or designee, must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

*[No changes to Sections 17.26.020.D to the end]*

## **CHAPTER 17.32 IMPROVEMENTS**

### **17.32.030 GUARANTEE.**

All improvements installed by the applicant must be guaranteed as to workmanship and material for a period of two years following acceptance by the City. Such guarantee must be secured by cash deposit or maintenance warranty bond in the amount of the value of the improvements as set by the City Engineer, or designee. Said cash or bond must comply with the terms and conditions of Sections 17.22.060 and 17.32.030. (Ord. 1907 (Attach. 1), 2002; Ord. 2003 § 2, 2009; Ord. 2242, 4/16/2024)

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## **Title 19 Zoning Ordinance**

### **CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS**

#### **19.201 Definitions**

"Lot coverage" means the amount of area covered by building(s) on a lot expressed as a percentage of the total lot area. Lot coverage includes open structures, such as pole barns; building features such as patio covers, roofed porches, and covered decks; or similar features with a surface height of more than 18 in above average grade. Lot coverage does not include eaves.

"Lot line" means the property line bounding a lot. The lot lines defined below are depicted in Figures 19.201-1 and 19.201-2.

A. "Front lot line" means, in the case of an interior lot, the lot line separating the lot from the street other than an alley. In the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face. In the case of a through lot, a line separating the lot from the street on which the contemplated development will face. In the case of a flag lot, the front lot line is the lot line closest to the street from which the property takes access, excluding lot lines that are part of the pole portion of the flag lot. In the case of a backlot, the front lot line is the lot line closest to the street from which the property takes access.

Residential uses and structures:

H. "Cottage cluster" means a grouping of no fewer than four dwelling units (detached or attached as allowed by the base zone) per acre with a footprint of less than 900 square feet each that includes a common courtyard per Subsection 19.505.4. Cottage cluster units may be located on a single lot or parcel, or on individual lots or parcels.

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### **CHAPTER 19.300 BASE ZONES**

#### **19.301 MODERATE DENSITY RESIDENTIAL ZONES**

**Table 19.301.4  
Moderate Density Residential Development Standards**

Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000– 4,999	5,000- 6,999 <sup>2</sup>	7,000 and up	
<b>C. Development Standards</b>					
1. Minimum yard requirements for primary structures (ft)					<b>Subsection 19.301.5.A</b> Yards <b>Subsection 19.501.2</b> Yard Exceptions <b>Subsection 19.504.6</b> Flag Lot and Back Lot Design and Development Standards <b>Subsection 19.505.4</b> Cottage Cluster Housing <b>Subsection 19.505.5</b> Townhouses
a. Front yard	20	20	20	20	
b. Side yard	5	5	5	5/10	
c. Street side yard	5	15	15	20	
d. Rear yard	15	20	20	20	

### 19.301.5 Additional Development Standards

#### B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.C.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

##### 1. Increased Lot Coverage for Single Detached and Middle Housing Dwellings

a. The maximum lot coverage percentage in Subsection 19.301.4.C.4 is increased by 10 percentage points for development of a single detached dwelling, an addition to an existing single detached dwelling, or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.C.4. Only portions of the structure(s) that are 20 ft high or less are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.301.4.~~B~~.C.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.C.4. Only portions of the structure(s) that are 20 ft high or less are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

##### 2. Increased Lot Coverage for Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by a total of 5 percentage points for the development of a new detached or attached accessory dwelling units. This allowance applies only to the accessory dwelling units and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

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### 19.302 HIGH DENSITY RESIDENTIAL ZONES

#### Table 19.302.4 High Density Residential Development Standards

Standard	R-HD	Standards/Additional Provisions
<b>B. Development Standards</b>		
Minimum yard requirements for primary structures (ft)	-	Subsection 19.504.5 Transition Area Measures
Front yard	20	
Side yard	See Subsection 19.302.5.A	
Street side yard	15 <sup>4</sup>	
Rear yard	15	

- 1 Minimum lot size for single detached dwelling applies to lots created on or after June 3, 2022, the effective date of Ordinance #2218.
- 2 Townhouses are allowed at 4 times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, triplexes, quadplexes, and cottage clusters are exempt from density maximums.
- 3 The density for single room occupancy (SRO) developments is calculated as follows: four SRO rooms equal one dwelling unit.
- 4 The street side yard setback for townhouses is 5 ft.

### **19.302.5 Additional Development Standards**

#### **B. Lot Coverage**

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

##### **1. Increased Lot Coverage for Single Detached Dwellings**

a. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of an addition to an existing single detached dwelling or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are 20 ft high or less, and no taller than one story, are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are 20 ft high or less are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

## 2. Increased Lot Coverage for Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by a total of 5 percentage points for the development of new detached or attached accessory dwelling units. This allowance applies only to the accessory dwelling units and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

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## CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

### 19.401 Willamette Greenway Zone WG

#### 19.401.5 Procedures

B. Willamette Greenway review is not required for any of the activities listed below:

7. Establishment of accessory structures up to 200 sq ft or accessory uses, such as lawns, gardens, and play areas, subject to the vegetation buffer requirements of Subsection 19.401.8;

*[No other changes to Sections 19.401.5.B to the end]*

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## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.502 ACCESSORY STRUCTURES

#### 19.502.2 Specific Provisions for Accessory Structures

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings must meet clear vision standards provided in Chapter 12.24. Fences and walls in areas other than those obstructing the vision of passenger vehicle operators must be constructed or maintained to the following standards:

a. Residential Zones and Residential Uses in All Zones

1. Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft.
2. No electrified, barbed, or razor wire fencing is permitted.
3. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3.
4. Middle housing plex development. All fences on the interior of a development must be no more than 6 ft high. Fences along the side and rear perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

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## **19.504 SITE DESIGN STANDARDS**

### **19.504.6 Flag Lot and Back Lot Design and Development Standards.**

#### **B. Development Standards—Flag Lots**

##### **4. Frontage, Accessway, and Driveway Design**

a. Flag lots must have frontage or access on a public street. The minimum width of the accessway and street frontage is 25 ft. The accessway is the pole portion of the lot that provides access to the flag portion of the lot.

b. Abutting flag lots must have a combined frontage and accessway of 25 ft. For abutting accessways of 2 or more flag lots, the accessway of any individual lot shall not be less than 10 ft.

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## **19.505 BUILDING DESIGN STANDARDS**

### **19.505.1 One-to Four-Unit Residential Development**

#### **B. Applicability of Design Standards**

2. Expansions of single detached dwellings in Subsection 19.505.1.B.1 that add area to any street-facing façade are subject to the design standards as follows:

a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.

b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2.

3. Remodels, additions, and conversions that create new dwelling units.

a. Internal conversion of an existing single detached dwelling, or an addition to an existing single detached dwelling, into a duplex, triplex, or quadplex (as provided in OAR 660-046-0230) is exempt from this section, provided that the conversion or addition does not increase nonconformance with applicable clear and objective standards. New duplexes, triplexes, and quadplexes created by adding square footage on a site occupied by an existing single detached dwelling must comply with this section.

b. Conversion of an existing accessory structure into a plex dwelling unit must meet the Eyes on the Street standard for the street-facing façade(s) and is exempt from minimum base zone setback requirements and the minimum building separation requirements in 19.505.1.D.1.

5. Remodels of existing dwellings that affect the street-facing façade, but that do not add new area to the street-facing façade, must not bring the façade further out of conformance with design standards.

#### D. Site Design Standards

The site design standards do not apply to single detached dwellings, only to plex developments.

#### 2. Privacy and Screening

a. All fences on the interior of the development must be no more than 3 6 ft high. Fences along the side and rear perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

### 19.505.2 Garages and Carports

#### B. Applicability

The standards in this subsection apply to all new attached garages and carports on properties with a single-family detached dwelling, residential home, duplex, triplex, or quadplex when the street-facing façade of the garage, or columns of the carport, are located within 50 ft of the front property line. Standards for garages in rowhouse development are in Subsection 19.505.5.

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### 19.505.4 Cottage Cluster Housing

#### D. Cottage Standards

##### 4. Design

##### b. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

(1) Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.

- (2) Window area is considered the entire area within the outer window frame, including any interior window grid.
- (3) Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- (4) Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

d. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

- o. Bay window at least 2 ft deep and 5 ft wide.
- p. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
  - a) Dwelling must have a bedroom on the ground floor.
  - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
  - c) Doors must have a minimum clear width of 32 in.
  - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

E. Site Design and Other Standards

4. Off-Street Parking

- a. When off-street parking is provided, parking spaces must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit. Cottages are not permitted to have an attached garage.
  
- d. Parking spaces may be located within a garage or a carport, but not a garage or carport attached to a cottage. Garages or carports in a cottage cluster may not contain more than 4-four parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage or carport shall not exceed 8 ft high, unless a modification is requested for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per Section 19.911 Variances.

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**19.505.5 Townhouses**

C. Townhouse Design Standards

5. Townhouses must include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.

a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 4 ft from the front lot line.

b. A horizontal transition shall be a covered porch with a depth of at least 5 ft. The porch may encroach into the required front yard, but it must be at least 4 ft from the front lot line.

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**19.505.7 Nonresidential Development**

B. Applicability

1. The design standards in this section generally apply to the street-facing façades of new commercial, institutional, manufacturing, and mixed-use buildings within the commercial mixed-use zones and the High Density Residential Zone. The standards do not apply to change in use or additions or expansions of existing non-residential structures.

2. The standards in this section do not apply to townhouses or live/work units. Townhouses and live/work units are subject to the design standards in Subsections 19.505.5 Townhouses and 19.505.6 Live/Work Units.

3. The standards in this section do not apply to stand-alone multi-unit housing. Standalone multi-unit buildings are subject to the design standards in Subsection 19.505.3 Multi-unit Housing.

4. The standards in this section do not apply to cottage cluster housing. Cottage cluster housing is subject to the design standards in Subsection 19.505.4 Cottage Cluster Housing.

5. The standards in this section do not apply to development in the Downtown Mixed Use Zone, which is subject to the Downtown Site and Design Standards in 19.508.

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**19.506 MANUFACTURED DWELLING SITING AND DESIGN STANDARDS**

**19.506.1 Purpose.**

This section is intended to meet State legislative requirements for the placement and design of manufactured homes on individual lots.

**19.506.2 Applicability.**

Manufactured homes placed on individual lots are subject to the provisions of this Section.

**19.506.3 Definition.**

For the purposes of this section, the following definition shall apply:

"Manufactured home" means a single-family residential structure as defined in ORS 446.003(25 21)(a) (~~C~~) which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et seq.) as amended on August 22, 1981.

**19.506.4 Siting Standards.**

Manufactured homes are allowed by right in any zone that allows single detached dwellings by right. Manufactured homes placed on individual lots must meet the design standards in Subsection 19.505.1 and the following standards:

- A. The unit must comply with the definition for manufactured home as identified in this section.
- B. If provided, the unit must comply with single-family parking and paving standards as described in Chapter 19.600.

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**19.507 HOME OCCUPATION STANDARDS**

**19.507.5 Special Provisions for Specific Uses.**

Short-Term Rentals. A short-term rental is an accessory use to a primary residence and allowed as a home occupation provided the following provisions are met:

- A. The residence must be occupied by the owner or a primary operator for not less than 270 days per year.
- B. Unhosted rentals (where the primary occupants vacate the unit or site during the rental period) are limited to no more than 95 days per year.
- C. If a dwelling on a property with an accessory dwelling unit is being used for short-term rental purposes, either the primary residence or the accessory dwelling unit must be occupied by the property owner or a primary operator for not less than 270 days per year.

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**19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS AND GUIDELINES**

**19.508.4 Downtown Design Elements**

C. Exterior Building Materials

2. Design Standards

a. New Buildings

The following standards are applicable to the street-facing façades of all new buildings, as well as façades facing plazas and/or open spaces.

(1) Façade coverage

(a) Table 19.508.4.C.2.a.(1) establishes façade coverage requirements.

(b) The use of the following materials requires a Director's Determination consistent with Section 19.903. The applicant must provide materials specifications and proposed installation details to inform the determination.

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**CHAPTER 19.600 OFF-STREET PARKING AND LOADING**

**19.610 Carpool and Vanpool Parking**

**19.610.1 Applicability.**

New industrial, institutional, and commercial development with 20 or more parking spaces must provide carpool/vanpool parking.

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**CHAPTER 19.900 LAND USE APPLICATIONS**

**19.904.10 Standards for Wireless Communication Facilities.**

C. Application Process

1. Exemptions

The following are exempt from the provisions of this chapter, subject to any other applicable provisions of this code:

a. Temporary WCF during an emergency declared by the City.

- b. Temporary WCF located on the same site as, and during the construction of, a permanent WCF for which appropriate permits have been granted.
- c. Licensed amateur (ham) radio stations.
- d. Satellite dish antennas 6 ft or less in diameter when located in nonresidential zones, and satellite dish antennas 3 ft or less in diameter when located in residential zones, including direct-to-home satellite services, when used as an accessory use of the property.
- e. Any maintenance or repair of previously approved wireless communications facilities provided that such activity does not increase the height, width, or mass of the facility.
- f. Antennas and equipment completely located within an existing structure whose purpose is to enhance or facilitate communication function of other structures on the same property.
- g. Small cell wireless facility within the right-of-way, subject to the following:
  - 1) Small cell antennas and accessory equipment mounted to existing public infrastructure or small cell monopoles, when they meet all conditions outlined in 47 CFR 1.6002;
  - 2) A valid lease, license, or franchise agreement is in place for the use of the public facility improvement or public infrastructure;
  - 3) A right-of-way permit has been issued for the installation of the antenna and accessory equipment.
  - 4) The color of the antenna and accessory equipment are of similar color to the supportive infrastructure.
  - 5) All small cell wireless facilities must comply with the Milwaukie Public Works Standards, including Section 5.0210.

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## 19.910 RESIDENTIAL DWELLINGS

### 19.910.1 Accessory Dwelling Units

#### E. Standards

##### 4. Standards for Detached Accessory Dwelling Units

The standards in Subsection 19.901.1.E.4 apply to stand alone detached accessory dwelling units and to accessory structures that contain accessory dwelling units that are separate from the primary structure on the property. The design standards for detached accessory dwelling units require a minimum level of design. These standards are intended to promote attention to detail, while affording flexibility to use a variety of architectural styles.

##### a. Maximum Allowed Floor Area

The floor area of the accessory dwelling unit is limited to 800 sq ft.

b. Footprint, Height, and Required Yards

The maximum structure footprint, height, and yard regulations for a detached accessory dwelling unit are listed in Table 19.910.1.E.4.b. A variance of up to a 25% increase in the floor area and/or structure footprint of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4 is subject to Type II review, per 19.911.3.

e. Conversion of Existing Structure

Creation of a detached accessory dwelling unit through conversion of an accessory structure legally established on or after June 3, 2022, the effective date of Ordinance #2218, is required to meet all applicable standards for a new detached accessory dwelling unit.

Creation of a detached accessory dwelling unit through the conversion of an existing accessory structure that was legally established prior to June 3, 2022, the effective date of Ordinance #2218, is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except for the design standards in Subsection 19.910.1.E.4.c., the maximum structure footprint, and minimum setbacks. However, the floor area of the ADU must not exceed the maximum floor area standard in Subsection 19.910.1.E.4.a. The conversion must not bring the accessory structure out of conformance, or further out of conformance if already nonconforming, with any design standards in that subsection.

**19.910.3 Manufactured Dwelling Parks.**

A. Purpose

This subsection is intended to complement the policies of the Comprehensive Plan to provide for a variety of housing types including manufactured dwelling parks.

B. Application

1. Manufactured dwelling park developments are only allowed in the ~~R-3~~ R-HD and R-MD Zones. A site plan review is required prior to development of a manufactured dwelling park within these zones. The development must show conformance with all requirements of this subsection.

2. Each application for a manufactured dwelling park shall include a plot plan drawn to scale of the specific layout of the entire park. The plot plan shall include both the dimensions and the existing and proposed locations of all utilities, roadways, structures, parking, landscaping and open areas, and manufactured dwelling spaces on the site. In addition, the location of structures on adjacent properties shall be shown.

C. General Requirements

Manufactured dwelling parks shall be subject to review under Section 19.1006 Type III Review.

D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

1. The minimum size of a manufactured dwelling park shall be 1 acre.

9. Requirements for lighting, utility systems, decks, play areas, park sanitation, and maintenance not specified herein shall be those specified in OAR 814-28 Mobile Home Parks and OAR 814-23 Mobile Homes, Manufactured Homes, Recreational Vehicles and Accessory Buildings or Structures.

10. Standards of the underlying zone also apply except where otherwise provided for in this subsection.

11. The entire manufactured dwelling park must comply with the above requirements prior to occupancy.

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## **19.911 VARIANCES**

### **19.911.3 Review Process**

#### **B. Type II Variances**

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

9. A variance of up to a 25% increase in the floor area and/or structure footprint of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4.

### **19.911.7 Building Height Variance in the General Mixed Use Zone**

#### **C. Review Process**

The building height variance shall be subject to Type III review and approval by the Planning Commission, in accordance with Section 19.1011.

1. Because the building height variance provides substantial flexibility and discretion, additional time will be required for public input and technical evaluation of the proposal. To use this option, the applicant must sign a waiver of the 120-day decision requirement.

2. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

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## **CHAPTER 19.1000 REVIEW PROCEDURES**

**19.1005 Type II Review**

**19.1005.5 Type II Decision.**

A. The decision shall be issued with sufficient time to allow the appeal authority for a Type II application to issue a final decision within 120 days from the date that the application was deemed complete. The final decision for an affordable housing application, as defined in, and subject to all of the provisions of ORS 197.311, shall be issued within 100 days from when the application was deemed complete.

**19.1005.6 Appeal of a Type II Decision.**

A Type II decision may be appealed by filing a written appeal within 15 days from the date that the notice of decision was mailed. The appeal authority for a Type II decision is the Planning Commission. Appeal requirements and procedures are outlined in Section 19.1010.

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RS 8. B. 1/20/26  
Presentation

# HOUSEKEEPING CODE AMENDMENTS ZA-2025-004

City Council

Public Hearing

January 20, 2026

Vera Kolas, Planning Manager



# PURPOSE

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- Project goals:
  - Clarification
  - Consistency with state law
  - Not intended to change policy



# PROCESS

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- PC
  - Public hearing – December 9, 2025 – recommend approval
- CC
  - tonight
- Code Commentary posted with 30-day notice



# PROPOSED AMENDMENTS

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- General amendments
  - Replace “shall” with “must”
  - Add “triplex” and “quadplex” where only duplex noted
  - Remove references to DLC



# PROPOSED AMENDMENTS

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- Title 17 Land Division Code
  - Add “or designee” for signing authority
  - Add language related to building permits and MHLD
  - Revise plat notations on MHLDs for compliance with County Surveyor
  - Revise MHLD review process to reflect state law (not Type II review)



# PROPOSED AMENDMENTS

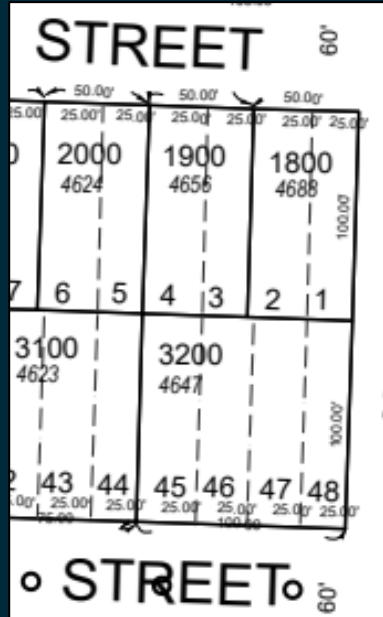
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- Zoning Code - Definitions
  - Lot coverage
  - Front lot line
  - Cottage cluster



# PROPOSED AMENDMENTS

- MMC 19.301 and 19.302 – street side yard setback for townhouses
  - Reduce street side yard setback to side yard setback (5 ft) only for townhouses



# PROPOSED AMENDMENTS

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- MMC 19.301 and 19.302
  - Remove language specific to duplexes for lot coverage bonus
  - Revise language for ADUs



# PROPOSED AMENDMENTS

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- MMC 19.401 – Willamette Greenway
  - Clarify list of exemptions re: accessory structures
- MMC 19.502 – Accessory Structures
  - Revise language for perimeter fences and max. height



# PROPOSED AMENDMENTS

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- MMC 19.504 – Site Design Standards
  - Reduce min. width for individual accessways on two or more flag lots.



# PROPOSED AMENDMENTS

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- MMC 19.505.1 – Building Design Standards: Single Detached and Plexes
  - Revise and clarify standards for expansions of street facing facades
  - Clarify applicability of base zone standards to conversions to plex units
  - Remove language for plexes in conflict with standards for single detached units
  - 1-4 units; cottage cluster; townhouses all-inclusive sections
  - No new language (except state law compliance)



# PROPOSED AMENDMENTS

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- MMC 19.505.4 –Design Standards: Cottage Clusters
  - Revise language to:
    - Remove and clarify language to remove language related to attached garages, which are not permitted
    - NOTE: staff removed the proposed language related to stacked cottages following discussion with HAPO.



# PROPOSED AMENDMENTS

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- MMC 19.505.7 – Nonresidential development
  - Replace “rowhouses” with “townhouses”
  - Clarify applicability re: DMU zone
- MMC 19.506 and 19.910.3 – Manufactured dwellings
  - Revise or remove language in conflict with state law
- MMC 19.507 – Home Occupations
  - Clarify owner or operator allowance for short term rentals



# PROPOSED AMENDMENTS

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- MMC 19.904.10 – Wireless Communication Facilities
  - Revise list of exempt facilities per FCC
  - Add standards for small cell facilities in the ROW
- MMC 19.910 - ADUs
  - Clarify the applicability of standards for standalone ADUs and structures containing ADUs
  - Clarify variance language for increase in size of ADU



# STAFF RECOMMENDATION

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- Council vote to adopt the proposed amendments.



# QUESTIONS?

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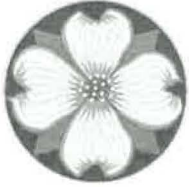
# CONTACT Us

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Vera Kolas, Planning Manager

[koliasv@milwaukieoregon.gov](mailto:koliasv@milwaukieoregon.gov)





# 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.*

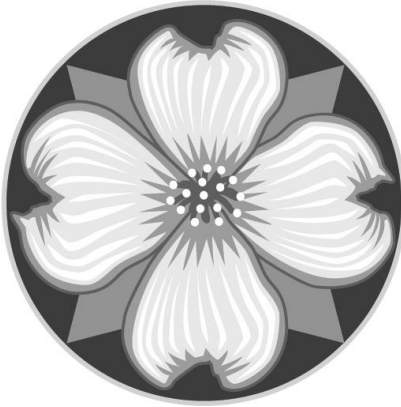
**1/20/2026**

**RS 8. A.**

**Adoption of Tree Code Amendments and Fee Schedule Revisions – Ordinance and Resolution**

**Land Use File No. (none)**

NAME	ADDRESS	PHONE	EMAIL



**RS Agenda Item**

**9**

## **Council Reports**

**RS 9. A. 1/20/26  
Presentation**

A stylized graphic of a flower with white and light grey petals, set against a dark brown background with green triangular accents. The flower is positioned on the left side of the slide, partially overlapping the dark blue background.

# **Annual Board & Committee Recruitment Preview**

January 20, 2026

# Annual BC Recruitment

- **15 Standing BCs**
  - *Welcome CAC and NRS!*
- **Around 46 positions to (re)fill in 2026**
  - **44** positions with terms expiring on June 30
    - *Minus **TBD#** of positions not filled by reappointments*
  - **2** current vacancies



# Annual BC Recruitment

- Timeline:
  - **February 1<sup>st</sup>** applications open
    - Social media, Pilot article, postcard
  - **March 15<sup>th</sup>** applications close (*new deadline!*)
    - Earlier interviews, to avoid budget season
  - **April 8<sup>th</sup>, 11<sup>th</sup>, 15<sup>th</sup>, 18<sup>th</sup>** interviews
    - In-person at city hall (Zoom if needed)
  - May 19 Council makes appointments



# Questions?

Scott Stauffer, City Recorder

[stauffers@milwaukieoregon.gov](mailto:stauffers@milwaukieoregon.gov)

Nicole Madigan, Deputy City Recorder

[madigann@milwaukieoregon.gov](mailto:madigann@milwaukieoregon.gov)



A stylized graphic of a flower with white and light grey petals, set against a dark brown background with green triangular accents. The graphic is partially visible on the left side of the slide.

**RS 9. B. 1/20/26  
Presentation**

# Legislative & Regional Issues

*Short Session '26*

January 20, 2026

# Key Dates

- 2/2 – Session Began
- 2/16 – First Chamber Deadline
- 2/26 – Second Chamber Deadline
- 3/8 – Constitutional Sine Die

<https://www.oregonlegislature.gov/calendar>



# Legislation

*Bills We're Watching...*

\* = Council Letter Sent



# Letters & Questions

- Sent...
- Being Written...
- Questions...



# Questions?

Scott Stauffer, City Recorder  
[stauffers@milwaukieoregon.gov](mailto:stauffers@milwaukieoregon.gov)



**From:** [Lisa Batey](#)  
**To:** [City Council](#); [Vera Koliass](#); [Laura Weigel](#); [Peter Passarelli](#); [Katie Gavares](#)  
**Subject:** housing proposals in February short session -- especially LC 222  
**Date:** Friday, January 16, 2026 12:51:27 PM

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OCR: Please add this to the packet for next week's meeting.

All: please do not reply – but feel free to discuss on Tuesday!

At MMC and LOC calls, I have learned that, despite what Councilor Massey heard from OHCS at the LOC conference next fall, the legislature is NOT standing back from adding more regulation of housing in the short term. Bills haven't been released yet – what they have are called “legislative concepts” and have an LC number.

The Senate doesn't really have any significant bills, but the House does. There was a hearing on Wednesday – you can see the agenda here:

[Housing and Homelessness House 2025-2026 Interim - Oregon Legislative Information System](#)

And the video here: [Oregon Legislative Video](#) Much of the session was about UGB expansions, also landlord confidentiality requirements, and housing tenancies during natural disasters.

LC 222, the “omnibus” bill, is the big one for us. That discussion begins at the 1hr 38min mark of the meeting. It is a 46-page mish-mash of issues and will be undergoing refinements, but the current draft is here: [LC0222](#)

People who have reviewed called out sections 14-19 as of particular concern. For example, section 17 requires that *all* standards for housing and for tree code be clear and objective standards, in contrast to now, where we have to allow for a clear and objective standards option. It would take away a discretionary path, and would take away all public noticing except to adjoining landowners, all public process, rendering land use decisions as “ministerial” decisions. It also provides that only the developer can appeal.

It is unclear what will survive in the committee, but it is something we need to keep our eyes on. Alexandra Ring of LOC convenes a weekly housing call leading up to and during the session. Vera and I were both on her call this week. I think the next one is on Thursday, January 29 at noon. If interested in being added to the list for that, email her at [aring@orcities.org](mailto:aring@orcities.org)

In case you haven't been following it, Sherwood voters *overwhelmingly* passed two charter amendments in a recent special election.

[Sherwood voters appear to have passed measures challenging new state housing laws - OPB](#)

One of those would require a public meeting for any type III application and require notice to all property owners within 1,000 feet. [Ballot-Measure-34-347-Sherwood-Charter-Question-Land-Use-Decisions.pdf](#)

This is definitely setting up a challenge between state law and local charter.

On a different note, the City of Springfield is apparently in conversations with the Governor's office about a 2027 bill that would allow cities to take a "housing-type neutral" approach to middle housing so long as reaching target density of approximately 25 units/acre. I am pasting a bit of text about that intriguing idea below, after my signature block:

**Lisa M. Batey, Mayor (she/her)**

City of Milwaukie

E-mail: [bateyl@milwaukieoregon.gov](mailto:bateyl@milwaukieoregon.gov)

Message line: 503-786-7512

### Springfield Density Based Permitting Proposal

From City of Springfield- Since adopting flexible middle housing options (such as allowing both attached and detached plexes) into their Development Code in 2022, the City of Springfield has encountered challenges faced by developers and homeowners who wish to build middle housing in Springfield. The complexity and variety of middle housing options have made it difficult for many to navigate the development process, especially with the middle housing land division process. Even talking about housing types becomes confusing as we no longer have a common language, e.g. "What's the difference between a fourplex divided into separate lots and four townhomes? Or a fourplex and a cottage cluster of four homes?"

The City is developing a proposal for an optional alternative path to the requirement in Section (2) on page 2 of [HB 2138](#) requiring cities to allow specific types of middle housing. This option would allow more broadly middle housing units, without specifying types (duplex, triplex, fourplex, townhomes, etc) and be based on density instead. This method would provide cities with greater flexibility in land use planning while maintaining alignment with the state's middle housing objectives.

Proposal - an optional alternative path to the requirements in Section 2, Page 2 of HB 2138

(ORS 197A.420):

1. Require cities to allow, at minimum, a density of 25 middle housing\* units per net residential acre on all lots or parcels that are currently zoned to allow single-unit dwellings, without specifying middle housing type. For future low-density residential zones, require the above zoning as a “floor,” with only denser zoning allowed.
2. Require that all housing units in these low-density zones are eligible for the expedited land division procedures. Have a cap of 6 attached units for higher density zones.
  - "6 units" is a starting point for discussion/feedback. This could be much higher depending on what cities allow since it's specific to higher density zones.
3. If we need to stratify requirements, do so following same pattern as with what is currently in Section 2 of HB 2138 - we chose 100,000 as the threshold for potential differences:
  - No requirements for cities under 25,000 outside of a metropolitan service district;
  - Counties and cities outside of metropolitan service district 25,000-100,000 and above 100,000;
  - Cities within a metropolitan service district 1,000-25,000; 25,000-100,000; and above 100,000
4. Standards that remain in place regardless of which pathway is used:
  - Clear and objective standards still apply through ORS 197A.400.
  - Existing development and design standards (*site ORS??*)
    - Or we could include very basic development and design standards including orientation rather than unit type.
  - Local governments would not have to consider whether amendments to their comprehensive plans resulting from this change will impact transportation facilities (the same as existing policy - *site ORS??*).

\* 25 Units/Acre Calculations:

- For triplexes, we (large cities) are required to allow triplexes on lots of 5,000 square feet; this works out to 26.1 units per acre.
- For fourplexes, lots 7,000 sq. ft. and above can have a fourplex. This works out to 24.9 units per acre.
- For townhomes, it is required that a townhome can be on a 1,500 sq. ft. lot. This works out to 29.06 units per acre. (OAR 660-046-0220(3)(c) for townhomes requires allowing 25 units per acre.)
- Cottage clusters are a bit different. The rules (OAR 660-046-0220(4)(c)), requires a minimum of 4 units per acre for cottage clusters. However, this is very low and is

realistically closer to the density we would see for plexes.

#### Questions for LOC Housing Policy Group

- We've been asked to gauge interest of other cities in this pathway - would your city consider this alternative? Is it usable? Do you have concerns with this approach?

- The numbers have been plugged in based on the calculations above, but they are primarily intended to get feedback from other cities to ensure that a final version is right-sized for actual use by cities. What are your thoughts and suggestions? What would your city need to make this work?

- OHNA rules - our understanding is that LCDC is already aware that additional rulemaking will be needed on middle housing related policies - do we request that any adjustments required to allow for this pathway be included in the next round of rulemaking?