

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
JUNE 16, 2009**

**CALL TO ORDER**

**Mayor Ferguson** called the 2056<sup>th</sup> meeting of the Milwaukie City Council to order at p.m. in the City Hall Council Chambers.

Present: Mayor Jeremy Ferguson, Council President Deborah Barnes, and Councilors Greg Chaimov, Joe Loomis, Susan Stone.

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Planning Director Katie Mangle, Resource/Economic Development Specialist Alex Campbell, Finance Director Ignacio Palacios, Community Services Director JoAnn Herrigel

Municipal Court Judge Ron Gray presented the certificate of election and administered the Oath of Office to Mayor Jeremy Ferguson.

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

The City Council and Ms. Herrigel recognized Ray Harris for his service to the community as a member of the Milwaukie Park and Recreation Board.

**Mayor Ferguson** announced upcoming community events.

**CONSENT AGENDA**

It was moved by Councilor Stone and seconded by Councilor Barnes to adopt consent agenda as presented:

- A. City Council Regular Session Minutes of February 3, 2009;
- B. City Council Work Session Minutes of April 21, 2009;
- C. City Council Work Session Minutes of May 5, 2009;
- D. Resolution 35-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Accepting the Public Safety Advisory Committee Bylaws;
- E. Resolution 36-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Adopting City of Milwaukie's Addendum to the Clackamas County Natural Hazards Mitigation Plan;
- F. Resolution 37-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Setting Fees for Services; Classifying the Fees Imposed by This Resolution As Not Subject to Article XI, Section 11B of the Oregon Constitution; and Providing for Cost of Construction Indexing of System Development Charges;
- G. Resolution 38-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Certifying Election Results for the May 19, 2009 Special Election; and
- H. Resolution 39-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the Mayor to Execute the Fifth Amendment to Personal Services Contract with Jordan Schrader Ramis PC Establishing New Rates for Service Effective July 1, 2009 and Making Other Amendments.

**Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]**

## **AUDIENCE PARTICIPATION**

None.

## **PUBLIC HEARING**

### **A. 2009 – 2010 Budget Hearing**

**Mayor Ferguson** called the public hearing on the 2009 – 2010 Budget and 5-Year Capital Improvement Plan to order at 7:12 p.m.

The purpose of the hearing was to consider resolutions required to effect the adoption of the FY 2009 – 2010 budget and CIP and to hear public comment.

**Mr. Swanson** provided the staff report. This hearing was the culmination of the budget process that started in January and followed three Budget Committee hearings. Three actions had to be taken, and the first was that the City had to enact a resolution stating its election to receive state revenue sharing and be certified by the City Recorder.

There was no testimony on that matter and no correspondence.

**It was moved by Councilor Chaimov and seconded by Councilor Barnes to adopt the resolution declaring the City's election to receive state revenue sharing. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]**

#### **RESOLUTION 40-2009:**

#### **A RESOLUTION DECLARING THE CITY OF MILWAUKIE'S ELECTION TO RECEIVE STATE REVENUE SHARING**

**Mr. Swanson** reviewed the second resolution which certified services for state revenue sharing. There was no testimony on that matter and no correspondence.

**It was moved by Councilor Chaimov and seconded by Councilor Barnes to adopt the resolution certifying services for state revenue sharing. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]**

#### **RESOLUTION 41-2009:**

#### **A RESOLUTION CERTIFYING SERVICES FOR STATE REVENUE SHARING.**

**Mr. Swanson** reviewed the third resolution that adopted the budget and Capital Improvement Plan (CIP) and declared and categorized taxes for fiscal year 2009 – 2010. The budget process began in January 2009 and included three Budget Committee hearings. The goal was to maintain services and not reduce the number of employees. That goal, however, did come at a cost as contingency and reserves were reduced. The City's permanent rate was \$6.5379, but as the City promised in the Fire District annexation measure, it collected only \$4.0660. The City also levied \$594,595 for the Public Safety Debt Service. The street fund proposed a smaller amount of revenue from gas tax. The goal of this budget was to retain services, and in one case the City was able to enhance services because of a voter-adopted library district in 2008. The Ledding Library will increase its availability to the public by 14 hours per week along with adding more programs and staff hours in other key areas. The Street Surface Maintenance Program met and in some ways exceeded the planned

improvements. **Mr. Swanson** reviewed the completed projects and noted stimulus funds made it possible to move certain projects forward in the schedule.

**Mayor Ferguson** called for public testimony.

**Mike Miller**, Milwaukie resident and Budget Committee member expressed appreciation to staff and hoped the City would not have to make serious cuts in the future. He encouraged the City Council to adopt the budget as he believed it met the public's expectations and to begin working on the 2010 – 2011 budget as soon as feasible.

**Mayor Ferguson** closed the public hearing at 7:26 p.m.

**It was moved by Councilor Chaimov and seconded by Councilor Barnes to adopt the resolution adopting the budget and capital improvement plan, making appropriations, and declaring and categorizing taxes for fiscal year 2009 – 2010. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]**

**RESOLUTION 42-2009:**

**A RESOLUTION ADOPTING THE BUDGET AND CIP, MAKING APPROPRIATIONS, AND DECLARING AND CATEGORIZING TAXES FOR FISCAL YEAR 2009 – 2010.**

**B. 2008 – 2009 Supplemental Budget**

**Mayor Ferguson** called the public hearing on the 2008 – 2009 supplemental budget to order at 7:28 p.m.

The purpose of the hearing was to consider a resolution approving the supplemental budget and to hear public comment.

**Mr. Palacios** provided the staff report. He briefly reviewed the proposed transfers in the fiscal year 2008 – 2009 budget.

There was no testimony on that matter and no correspondence.

**Mayor Ferguson** closed the public testimony portion of the hearing on the 2008 – 2009 supplemental budget at 7:33 p.m.

**It was moved by Councilor Chaimov and seconded by Councilor Barnes to adopt the resolution approving the 2008 – 2009 supplemental budget. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]**

**RESOLUTION 43-2009:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING TRANSFERS OF FY2008-2009 APPROPRIATIONS AND APPROVING A SUPPLEMENTAL BUDGET.**

**C. Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Section 19.321.7 and 19.321.3**

**Mr. Swanson** provided background on the proposed code amendments and recommended continuation of the hearing to July 21, 2009.

**It was moved by Councilor Chaimov and seconded by Councilor Loomis to continue the hearing to the regular City Council session of July 21, 2009. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]**

**D. Code Table Clean-Up Amendments, File ZA-09-03**

**Mayor Ferguson** called the public hearing on the legislative amendments to the Milwaukie Municipal Code initiated by the City to order at 7:36 p.m.

**City Attorney Monahan** reviewed the purpose and procedure of the hearing.

**Ms. Mangle** provided the staff report in which the City Council was requested to adopt amendments to Municipal Code Titles 14, the Sign Ordinance, Title 17, Land Division Ordinance, and Title 19, the Zoning Ordinance with the recommended findings. This was in preparation of the code republication project, and she discussed the importance of this project to customer service. The proposal met approval criteria for amending the zoning code.

There was no testimony on that matter and no correspondence.

**It was moved by Councilor Chaimov and seconded by Councilor Stone to close the public testimony portion of the hearing. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]**

**Mayor Ferguson** closed the public testimony portion of the hearing at 7:43 p.m.

**It was moved by Councilor Chaimov and seconded by Councilor Barnes for the first and second readings and adoption of the ordinance amending Title 14, the sign ordinance, Title 17, the Land Division Ordinance, and Title 19, the Zoning Ordinance with the recommended findings to make tables more consistent with the zoning ordinance text. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]**

**Mr. Swanson** read the ordinance two times by title only.

**Ms. DuVal polled the Council: Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]**

**ORDINANCE NO. 2001:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 14 SIGN ORDINANCE, TITLE 17 LAND DIVISION ORDINANCE, AND TITLE 19 ZONING ORDINANCE TO MAKE ZONING ORDINANCE TABLES MORE CONSISTENT WITH ZONING ORDINANCE TEXT (FILE #ZA-09-03)**

**E. Amend Milwaukie Municipal Code (MMC) Chapter 13.30, Reimbursement Districts**

**Mayor Ferguson** called the public hearing to order at 7:46 p.m.

The purpose of the hearing was to consider public comment on the proposed amendments to MMC Chapter 13.30, Reimbursement Districts.

**Mr. Campbell** provided the staff report in which the City Council was requested to adopt the ordinance setting the base term of a reimbursement district at 10 years and allow the City Council to extend the district in 10-year increments.

There was no testimony on that matter and no correspondence.

**Mayor Ferguson** closed the public testimony portion of the hearing at 7:47 p.m.

**It was moved by Councilor Chaimov and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal code Chapter 13.30, Reimbursement Districts. Motion**

passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]

Mr. Swanson read the ordinance two times by title only.

Ms. DuVal polled the Council: Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]

**ORDINANCE NO. 2002:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 13.30 OF MILWAUKIE MUNICIPAL CODE (MMC) GOVERNING REIMBURSEMENT DISTRICTS.**

**OTHER BUSINESS**

**A. Adoption of Proposed Transportation Code Amendments Land Use File ZA-09-02**

It was moved by Councilor Chaimov and seconded by Councilor Barnes for the second reading by title only and adoption of the ordinance amending Title 17 Land Division and Title 19 Zoning and implementing Transportation System Plan Policy recommendations. Motion passed with the following vote: Councilors Loomis, Barnes, and Chaimov and Mayor Ferguson voting "aye" and Councilor Stone voting "no." [4:1]

Mr. Swanson read the ordinance for the second time by title only.

Ms. DuVal polled the Council: Motion passed with the following vote: Councilors Loomis, Barnes, and Chaimov and Mayor Ferguson voting "aye" and Councilor Stone voting "no." [4:1]

**ORDINANCE NO. 2003:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE FOLLOWING TITLES OF THE MILWAUKIE MUNICIPAL CODE: TITLE 17 LAND DIVISION AND TITLE 19 ZONING. THE AMENDMENTS IMPLEMENT TRANSPORTATION SYSTEM PLAN POLICY RECOMMENDATIONS RELATED TO STREET DESIGN, STREET SAFETY, AND MULTI-MODAL TRANSPORTATION FACILITIES (FILE #ZA-09-02).**

It was moved by Councilor Barnes and seconded by Councilor Loomis for the second reading and adoption of the ordinance amending Title 12 Streets, Sidewalk, and Public Places and Title 15 Buildings and construction. Motion passed with the following vote: Councilors Loomis, Barnes, and Chaimov and Mayor Ferguson voting "aye" and Councilor Stone voting "no." [4:1]

Mr. Swanson read the ordinance for the second time by title only.

Ms. DuVal polled the Council: Motion passed with the following vote: Councilors Loomis, Barnes, and Chaimov and Mayor Ferguson voting "aye" and Councilor Stone voting "no." [4:1]

**ORDINANCE NO. 2004:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE FOLLOWING TITLES OF THE MILWAUKIE MUNICIPAL CODE: TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES AND TITLE 15 BUILDINGS**

AND CONSTRUCTION. THE AMENDMENTS ARE PRIMARILY IN RESPONSE TO RECENT TRANSPORTATION-RELATED AMENDMENTS TO CHAPTER 19.1400 OF THE MILWAUKIE MUNICIPAL CODE (FILE #ZA-09-02).

**B. Council reports**

**Councilor Barnes** thanked those who sponsored the Cruisin for Hope this past weekend.

**Councilor Chaimov** attended the Cruisin for Hope and Ardenwald Secret Garden Tour.

**Councilor Stone** attended the Ardenwald Neighborhood Association meeting and announced upcoming light rail meetings.

**Mayor Ferguson** volunteered at clean-up day, participated on the Citizens Utility Advisory Board tour conducted by Bob Hatz, and attended the Cruisin for Hope.

**Mr. Swanson** announced the Madalaine Bohl Memorial Fund and the Friends of the Ledding / Library Foundation matching grant program.

**ADJOURNMENT**

It was moved by **Councilor Chaimov** and seconded by **Councilor Barnes** to adjourn the meeting. Motion passed with the following vote: Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]

**Mayor Ferguson** adjourned the regular session at 8:02 p.m.

  
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Pat DuVal, Recorder

# REGULAR SESSION

# AGENDA

## MILWAUKIE CITY COUNCIL JUNE 16, 2009

**MILWAUKIE CITY HALL**  
10722 SE Main Street

**2056<sup>th</sup> MEETING**

### REGULAR SESSION – 7:00 p.m.

**Granting of Certificate of Election and Oath of Office for Mayor Jeremy Ferguson  
Administered by Municipal Court Judge Ron Gray**

- |   | <b>Page #</b> |
|---|---------------|
| <b>1. CALL TO ORDER</b><br>Pledge of Allegiance   |               |
| <b>2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS</b>   |               |
| <b>3. CONSENT AGENDA</b> <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i>   | <b>1</b>      |
| <b>A. City Council Regular Session Minutes of February 3, 2009</b>  | <b>2</b>      |
| <b>B. City Council Work Session Minutes of April 21, 2009</b>   | <b>14</b>     |
| <b>C. City Council Work Session Minutes of May 5, 2009</b>  | <b>19</b>     |
| <b>D. Adopt Public Safety Advisory Committee (PSAC) Bylaws – Resolution</b>   | <b>21</b>     |
| <b>E. Adopt Milwaukie's Addendum to the Clackamas County Natural Hazards Mitigation Plan – Resolution</b>   | <b>25</b>     |
| <b>F. Adopt Annual Fee Schedule Update – Resolution</b>   | <b>121</b>    |
| <b>G. Certification of May 19, 2009 Special Election Vote – Resolution</b>  | <b>163</b>    |
| <b>H. Fifth Amendment to Personal Services Contract with Jordan Schrader Ramis PC – Resolution</b>  | <b>167</b>    |
| <b>4. AUDIENCE PARTICIPATION</b> <i>(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)</i> |               |

<b>5. PUBLIC HEARING</b>	<i>(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)</i>	<b>172</b>
<b>A.</b>	<b>2009 – 2010 Budget Hearing (Mike Swanson)</b>	<b>173</b>
	1. Resolutions Regarding State Revenue Sharing	
	2. Resolution Adopting the Budget, Adopting the FY 2009 – 2010 5-Year Capital Improvement Plan, Making Appropriations, and Declaring and Categorizing Taxes for Fiscal Year 2009 - 2010	
<b>B.</b>	<b>2008 – 2009 Supplemental Budget – Resolution (Ignacio Palacios)</b>	<b>181</b>
<b>C.</b>	<b>Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Section 19.321.7 &amp; 19.321.3 – Ordinance (Mike Swanson)</b>	
<b>D.</b>	<b>Code Table Clean-Up Amendments, File ZA-09-03 – Ordinance (Katie Mangle)</b>	<b>186</b>
<b>E.</b>	<b>Amend Milwaukie Municipal Code (MMC) Chapter 13.30, Reimbursement Districts – Ordinance (Alex Campbell)</b>	<b>267</b>
<b>6. OTHER BUSINESS</b>	<i>(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)</i>	<b>287</b>
<b>A.</b>	<b>Adoption of Proposed Transportation Code Amendments Land Use File ZA-09-02 – Ordinances, second reading (Katie Mangle)</b>	<b>288</b>
<b>B.</b>	<b>Council Reports</b>	
<b>7. INFORMATION</b>		
<b>8. ADJOURNMENT</b>		

**Public Information**

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment pursuant to ORS 192.660.
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

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# CONSENT AGENDA

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
February 3, 2009**

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**CALL TO ORDER**

**Mayor Ferguson** called the 2047<sup>th</sup> meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Barnes, and Councilors Greg Chaimov, Joe Loomis, and Susan Stone.

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Community Development and Public Works Director Kenny Asher, Resource and Economic Development Specialist Alex Campbell, and Community Services Director JoAnn Herrigel.

**PLEDGE OF ALLEGIANCE**

Members of Troop 376 presented the colors.

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Proclamation Declaring February 14, 2009 Oregon's Sesquicentennial**

**Mayor Ferguson** read a proclamation naming February 14, 2009 as the State of Oregon's 150<sup>th</sup> Birthday and urged all Milwaukie residents to observe this important event.

**Mayor Ferguson** recognized Jakob Graham for attaining rank of Eagle Scout.

**B. Kellogg-for-Coho Initiative Project Update**

**Mr. Campbell** introduced **Nicole West** an intern with the City of Milwaukie Community Development Department working exclusively on this project. She was researching future funding opportunities and organizing the oral history project.

This was an update on a big project that had a long history and hopefully a long future as well. He discussed an upcoming planning phase. The last time staff addressed Council on this matter it discussed a grant proposal for some transportation money to support planning and design of a bridge replacement project. Steps had been taken to accelerate that money. Staff saw some possible upcoming funding opportunities but felt the City needed to be a little bit further down the road to be able to capture them. They started talking with and had a draft grant agreement with Metro and the Oregon Department of Transportation (ODOT) to begin spending some of the Federal Highway Administration (FHWA) grant. They scoped a \$300,000 to \$350,000 planning effort. The key points of that were selecting exactly what would be done. They had a strong idea that the best thing to do was to replace the full bridge. However, replacing that bridge was somewhat more expensive than another option where it might be technically possible to remove the box culvert under the bridge and somehow reinforce that bridge. No one had ever done a real cost estimate of what that retrofit approach might be. Staff thought it would likely come out to being close to having to replace the whole bridge without as many benefits. Staff needed to make sure it was right about that assumption before moving forward with planning. They would also do a conceptual plan of what the restoration looked like immediately upstream. The existing lakebed would have to be

restored significantly and replanted. They would also look at the connections to the south the Robert Kronberg Park and to the north and south end of the downtown and what the best ways were both from the standpoint of economic development, recreation, and also fish and habitat that they were trying to reestablish in that area. The key product of this planning phase would be what ODOT called a prospectus. ODOT required a completed prospectus before moving into preliminary engineering and included a lengthy, annotated checklist of all the permitting issues that a project would encounter. It was a checklist with a lot of work behind it. This was probably a 6- to 9-month effort. Staff will come back to Council for approval of a grant agreement that will probably require a small budget amendment. The City would be able to provide some of the local match through in-kind contributions such as staff time. The out of pocket match will probably be \$20,000 to \$25,000. That was not budgeted for this year. Light rail would be making some mitigation decisions for impacting fish habitat through the project. Staff thought this was a very good place for some of that money to be spent, so a clear concept of what light rail would support was needed.

**Ms. Herrigel** discussed the public involvement efforts for this project that had been going on for many years. In September there was a meeting with most of the people living around the Lake as well as other stakeholders in the area who were interested in and cared about Kellogg Lake and the dam and the Creek. It was very well attended, and they were very supportive at that time of the idea of looking at a draw down of the Lake but also in general really interested in more fish passage and having that be a beautiful, restored area. Since that time other things were started. Out of that meeting they came up with a couple of ah-ha's. There were people who really loved that Lake. It had been around for a long time, and people have done a lot of things there. They have fished on it. They have boated on it. They swam in it and skated on it. There were people at the meeting both younger and older than she who did a lot of things on that Lake, and they cared about it. People were not saying they wanted to prevent the City from doing this because they wanted to save the Lake. Rather, people had a lot of memories. Out of that grew the idea of potentially doing an oral history of the Lake. With the expert assistance of Ms. West, they were going to start doing that within the next month. Ms. West had already been to the Milwaukie Museum to talk with Madalaine Bohl and had been doing research at the Library. Ms. Herrigel had gathered a list of people who knew a lot about the Lake. Staff wanted to do interviews to capture that in some kind of report. Video might also be an option. The second point was that out of this had also grown a budding group of stakeholders and environmentalists who were really interested in potentially starting a watershed council for Kellogg and Mt. Scott Creeks. Last week there was a meeting to talk about that. The City was interested in this project and knew there was a lot of energy out there so we offered to host this well-attended meeting. People were very enthusiastic, and she thought the City would hear a lot more about that. The City would host the meetings but had not offered any staff time to actually host the watershed council although it had been suggested. Finally, two other groups were popping up in this process. A Milwaukie High School teacher was active and had an environmental class that he took down to the Lake and Creek and Riverfront on a regular basis for ecology classes. He was really enthusiastic and had a lot of kids enthusiastic about the class. Staff was keeping him involved and apprised of what was going on. In the event there were work parties or educational research projects there was a group of kids to work with. Finally, Milwaukie Presbyterian formed an environmental group of its own to remove invasive species on Church property abutting the Lake. They would really like to get some things going, so staff has been working with them closely and incorporating the Church into the discussions. They were participating both in the oral history and the watershed council formation discussion. The Historic Milwaukie and Island Station Neighborhood

Associations had been participating in all of the meetings. Lake Road was notified but so far had not participated all that fully.

**Mr. Campbell** added they were also working on forming a technical advisory committee to help people understand the benefits to endangered and threatened fish species that would be benefited by removing this culvert which was a major fish passage barrier for the whole Kellogg-Mt. Scott Creek watershed and also the environmental benefits that would be created by having an area to get out of the main stem of the Willamette. There was benefit to fish that spawn in this watershed. As much or possibly even more was benefit to fish spawning in the Clackamas and its tributaries. When they get out of the Clackamas, they have to get all the way to the Columbia which was a tricky urbanized stretch of the Willamette. This project had that additional environmental benefit. They were also working on developing a funding plan from various sources. Staff had a meeting with the Portland office of the National Oceanic and Atmospheric Administration (NOAA) and National Marine Fisheries Service a couple of weeks ago. They were really excited that the City was pushing this project. There were a lot of people out there working hard to support it.

**Councilor Stone** understood the scope of work for this project would be \$10 million if everything got done.

**Mr. Campbell** replied that was a ballpark and assumed the bridge was fully replaced.

**Councilor Stone** had always assumed the bridge was going to be replaced. Now it may just be retrofitted. She asked Mr. Campbell why he said that.

**Mr. Campbell** responded it was unlikely they would find that there was a significant savings. But they could find, for example, that the fish passage could be restored for significantly less money without completely replacing that bridge. More than half of the funding was going to come from the fish passage restoration sources. It would be difficult to figure out a funding plan to replace that bridge unless it was necessary.

**Councilor Stone** understood it had not been determined it was really needed.

**Mr. Campbell** replied the Army Corp of Engineers did a cost estimate of a bridge replacement and stopped short of doing a cost estimate of a tieback system necessary to do a retrofit type of approach.

**Councilor Stone** commented on the community outreach. She thought it was wonderful that this was ongoing. She would be interested in knowing about the people living on the property abutting the Lake and how many of those percentage-wise were represented at these meetings. It sounded like there were more people who would really like to see this happen than not. It would help her in terms of knowing if a lot of those people lived on that Lake and had property on that Lake.

**Ms. Herrigel** met with or communicated via email with the people on the McLoughlin Boulevard side who were not represented at the September meeting. One was the man who owned the Sweetland property and the other was the apartment complex. Previously the apartment complex was owned by an individual that hated this project. The property had been sold and was owned by a new company that was very supportive. Along the north side of the Lake individuals such as Dion and Mike Shepard, Greg Seagler, and their neighbors were all aware of the project and had been attending the meetings. There were some individuals to the east that had been notified and specific outreach material had been sent to their homes. Although they have not attended, staff will continue to encourage them to come. So far the people abutting the Lake who have attended the meetings were very positive at and after the meetings.

**Councilor Chaimov** requested staff to keep up the good work.

**Councilor Loomis** had a question about the Metropolitan Transportation Improvement Program (MTIP) funding. When Mr. Campbell said retrofitting would you be adding to the bridge?

**Mr. Campbell** thought that was an interesting question that staff could look at. He was thinking primarily about a project in which the box culvert under the bridge could be removed that left the bridge structurally sound. In that scenario whether it was part of that project or not the City was still very interested in improving the pedestrian and bike infrastructure going north-south across that Creek. He had not meant to imply that, but he would not exclude it either.

**Councilor Loomis** said that was one of his concerns when they applied for the grant. Transportation money not spent on infrastructure, but staff sold him on it because of the replacement of the bridge and increase in the number of bike lanes and pedestrian safety. Now that had gone away, and we were spending transportation money on just exclusively the fish passage. That concerned him a little bit. Was the funding still available then?

**Mr. Campbell** responded there were two issues. One was where we actually ended up. Everything we know to this point still suggested full bridge replacement was the right way to go. They were fine with just supporting a fish passage project. The money was regionally allocated for transportation funding in the most flexible category. The region as a whole decided culvert removal and fish restoration projects were primary goals for which the money was intended.

**Councilor Loomis** asked who the “they” were that were comfortable with that.

**Mr. Campbell** replied the decision-making body was the Joint Policy Advisory Committee on Transportation (JPACT). He discussed the policy framework JPACT adopted under which this money was allocated. The pot of money this came out of was for culvert removal with the primary goal of fish restoration rather than fish restoration and transportation. He felt that helped the City and was likely to be a very important part of the project.

**Councilor Barnes** thanked staff for working hard on what had obviously been a lengthy process. She recommended that Pat Russell, Dick Shook, and Chris Runyard be involved in any technical advisory group as they had lots of knowledge. She understood staff had talked with Blumenauer’s staff. She would begin to believe this was one of those projects that was shovel-ready that the President was looking for.

**Mr. Campbell** added the federal stimulus package had money specifically for NOAA and its fish restoration, so that may be an avenue.

**Mayor Ferguson** was very supportive of the oral history and noted it was a great way to involve citizens. Visions of our past were keys to our future.

**Councilor Stone** asked how the word was getting out to the public about the oral history project.

**Ms. Herrigel** replied there would be a notice in *The Pilot* and Milwaukie Center newsletter.

**Councilor Stone** thought the website would be a great way also.

**Councilor Loomis** commented it was the Milwaukie Center, and all ages were invited. People would be pleasantly surprised at how Kellogg Lake was used in the past.

## CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Loomis to adopt the consent agenda as presented.

- A. City Council Work Session Minutes October 21, 2008;
- B. City Council Regular Session Minutes December 16, 2008;
- C. Resolution 3-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Sign a Settlement Agreement with Qwest for Underpaid Telecommunications Fees of \$31,732 for the Period Commencing January 1, 2000 through December 31, 2005;
- D. Resolution 4-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Gabriel Storm to the Milwaukie Budget Committee;
- E. Resolution 5-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Mysty Dionne to the Citizens Utility Advisory Board; and
- F. Resolution 6-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Sarah J. Knaup to the Design and Landmarks Committee.

Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting 'aye.' [5:0]

## AUDIENCE PARTICIPATION

Mayor Ferguson set a 3-minute speaking limit with the consent of Council.

Charmaine Coleman, Milwaukie, spoke about the Kellogg Wastewater Treatment Plant and the potential for decommissioning it. Exhibit A was Brooks, and her daughter Harper Lee was Exhibit B. Her point in bringing her two children was to show a timeline of her participation in this entire process. The first time she ever testified or had anything to do with the Kellogg Treatment Plant on the day Clearwater became effective was when she was barely pregnant with Brooks. That was in 2005. Fast-forward lawsuit, etc. The next time she met with this topic was when she started attending the Citizen Advisory Council (CAC) for Service District #1 with an infant boy and her angst for a small group of people that seemed to have waylaid the progress. After that, time passed; people grew. She was asked to be part of a CAC for regional wastewater treatment and coming to terms on a regional solution. She was heavily pregnant with Harper Lee. By the time that group finished its deliberations and had come to consensus – a loose handshaking and promise to talk further. She did not know how far they took that. Harper Lee was talking babble words and smiling and talking in her own language with other people. Now, here we are. The County was doing again what it had done before, and we were years and years older. Ms. Coleman feared that if something drastic did not occur she would be a grandmother before that thing went away. She was urging the City Council members to do what they could to make progress occur. It was her feeling the City had very few cards to play. Maybe one trump card. If the Council did not play it, then not only would our rates increase which was a certainty but also on this watch we would have gotten nothing for that. Whether or not it was Council's fault history would show that it was, or history would blame this Council. She thought it was in the City's best interest to keep that in consideration. If we had any cards to play the squeaky wheel gets the grease. Get it all in writing. The best made laid plans of mice and men and government etc. were all well and good. In the end if you did not get it in writing it did not happen. She was not the type of person who thought government was out to get us or that they did not have our best interests in mind. Times were hard and things were what they were. People got pushed back to

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the end of the line, and that was how things went. Play your trump card and do what you have to do. She wanted to stay here and did not want to be a grandmother with that plant still down on the waterfront.

**Gary Klein**, Milwaukie, urged Council that any intergovernmental agreement (IGA) protected Milwaukie and its citizens. He had heard others mention they had concerns and so did he. He could see that the sewer district was changing us from a “customer” to a shared owner particularly with its funding needs and issues. Were longer terms better for us? He heard that the sewer district in doing the IGA said if it did not have what Milwaukie wanted then what did it want? The Council might be able to provide some ideas on that. We should get something for the length of time that the sewage plant has been in Milwaukie. It was something we have had for 38 years and shared. It was not a property that was making any property tax revenue. Possibly it could be better suited.

**Lisa Batey**, Milwaukie, was the person in the room living closest to the Kellogg Treatment Plant. She lived about a block from it. For the better part of two years she followed this thing week after week. She went to the CAC meetings. If her employer had made her go she would have demanded hazardous duty pay. They were painful. She knew the ins and outs. Now she found that the City Council was faced with this decision, and there was no public information about what was going on. The County used to have a pretty good email notification of meetings. Now she heard there was some meeting about a diversion pipe option on the 30<sup>th</sup> for which she saw no public notice. She would have been interested in attending. It seemed to her suddenly we were in this crisis position where the Council was being called upon to make a decision and supposedly if it did not everyone’s rates would be driven up. She had to think that was a false dichotomy and false choice. The County has not been a very good partner and was playing games. In her most cynical she thought they either drank the CAC Kool-aid or wanted Milwaukie to be the bad guy. They want the Council to push the hard decisions. Having read Mr. Asher’s memo about the wholesale agreement she did not know why any of the cities would sign it. Why would one sign an agreement that committed to cost bearing and gave nothing in terms of governance? Governance was the big discussion issue for 2 or 3 years. Now we were looking at an agreement that did not address governance. There has to be more time to look at these things and pull them together. She feared Milwaukie was being railroaded. There was a false deadline being set. The County was not playing straight with the citizens of Milwaukie. She concurred with what Councilor Barnes said in the work session. We did have to prepare the citizens of Milwaukie for rate increases no matter what happened with the Kellogg Treatment Plant. Rate increases will happen. Whether Kellogg Treatment Plan stayed or went was a non-issue with the wholesale agreement. The agreement looked like a bad deal even if Kellogg went. It seemed like we were being asked to do too much on too short a time frame. There was no opportunity for meaningful public input or consideration. She questioned why the County was doing so much behind closed doors.

**Bryan Dorr**, Milwaukie, missed the work session but did watch it on cable. He thanked everyone who commented on the South Ardenwald Master Plan. He agreed with comments about the process; the outcome was very important. The Ardenwald Johnson Creek Neighborhood was keeping a vigilant eye on certain projects. They know that when they were told something those plans can change mid-course as they found out with the secure residential facility on SE Balfour Street. He did not know how many units would go in if Hillside was redeveloped. It could be more or less as they found out with the facility on Balfour Street. Initially it was going to be 15 beds in an 8,500 square foot facility. The community got together, and the voices were strong enough to convince the developers, the organization, the County, and the State to

reduce that facility to a smaller size with fewer beds. When the community spoke up it can definitely make a difference. He thanked the Council.

**Kirin das Bala**, Milwaukie, said half the time she flushed her toilet it did not work. It started since last summer. Someone was making a house on her street, and they had a septic system. When she asked him, he said he was attached to the sewer system. She discussed the size of her bill. Sometimes she went out of town, and recently she was gone for 18 days. Her water bill was still sent. When she was flying on the 31<sup>st</sup> of last month to go to Cleveland to see her son. She saw there were three rivers. Two were almost where they needed to be. The one river was almost about to flood, so she was concerned. She was concerned her home might be flooded because they said it was the Milwaukie River. What was going on? She lived in Milwaukie and did not want to find out everything was under water.

**Mayor Ferguson** said Council would record her questions and report them to the appropriate staff member.

## **PUBLIC HEARING**

**None scheduled.**

## **OTHER BUSINESS**

### **A. Business Recycling Requirement – Ordinance**

**Ms. Herrigel** provided the staff report in which the City Council was requested to adopt an ordinance amending Milwaukie Municipal Code (MMC) Chapter 13.24. She met with the City Council in December to discuss the proposed amendments. After she met with Council she met with the 7 Milwaukie garbage haulers, and they made no changes to the proposed language the Council had seen. The modifications she proposed did two major things. First, they added a definition to the code for “business” and established who was covered by this particular requirement. Second, it added a section that required businesses in Milwaukie to do three things: source separate recyclables from garbage; provide receptacles for collecting the recyclables both inside and outside; and provide and host signage that stated where, how, and what materials were recycled onsite.

The effective date was April 1, 2009 to give the haulers and local jurisdictions like the City of Milwaukie time to provide notice to the businesses and to make sure outreach staff had been identified. The next steps if approved would be for her to meet with County solid waste staff and discuss an IGA helping Milwaukie to implement the program. People would meet with businesses to talk to them about assisting them in compliance rather than threatening enforcement. They would provide educational materials, containers, and posters to help them comply. A letter will go out to all the businesses from Ms. Herrigel on City letterhead through the hauler invoices to all business customers to describe the program and its implementation. The haulers agreed to provide the City with an inventory of all the businesses they felt could use assistance. They also talked about how technical assistance would be provided and what the haulers could really do. This program would not be enforcement driven. She was not intending to fine anyone. It was compliance and assistance driven, and she would do her best to talk with people. Her message was this was a tool and not a hammer to assist businesses with compliance.

**Councilor Chaimov** had no questions but stated he would have no problem if Ms. Herrigel brought this forward because she perceived a problem in the City and would be an enthusiastic supporter. However, he would vote “no” given it was brought forward as a directive by our regional government.

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**Councilor Stone** appreciated the idea behind this to encourage businesses to have sustainability in their day-to-day operations. As much as she disliked the idea of its coming from a regional government saying you must do this she would vote for it. She believed sustainability was something that comes easier for some people. Their mindset was a little more geared to that. Others might need some encouragement. She appreciated the fact this was not enforcement driven. You were leading them there, and it was a compliance thing whether they chose to do it or not. They may not right away but may in the future. Anything we can do to help our environment, and she knew businesses had a lot of recyclables, she thought it was really good. She would support it.

**Councilor Loomis** agreed with Councilor Chaimov, but he was debating whether he would vote “yes” or “no.” In talking with business owners they responded to him it was not a big deal. They were doing it already.

**Councilor Barnes** heard similar comments. She did have the question of what if there was a business that refused because it was too much work. Then what happened?

**Ms. Herrigel** replied technically according to the ordinance the City would have the ability to fine up to \$500 a day. In the back of her mind she had a provision of a way out for people. She would provide the posters and containers for inside the business. If people wanted to participate they could participate on site. She thought there was a way around it. If push came to shove she would have to make the decision about enforcement. She did not see any real benefit to a company to put its foot down that way. There was no cost to participate.

**Councilor Barnes** was always afraid of that “what if.” The Council made decisions in the past where it tried not to mandate things on businesses in Milwaukie unless absolutely necessary. There was a problem when the Council approved the fat, oil, and grease (FOG) ordinance. This was an issue that bore a resemblance where the Council was mandating something. When you encourage someone without the teeth sometimes commonsense prevailed. This was one of those areas where there was a really fine line. She would rather see Ms. Herrigel work on it than having a Metro mandate. Not forcing people to recycle. That did not make sense to her. She was leaning toward voting against it for those reasons.

**Mayor Ferguson** agreed he did not like the mandate from Metro although he supported recycling. What were the repercussions if the Council did not adopt the ordinance by Metro’s deadline?

**Ms. Herrigel** did not know the legal repercussions, but the result would be her coming up with an alternative to meet the same end. Trying to maximize participation or win compliance by all the businesses in the City without using a mandatory program. She did not know how to do that yet.

**Councilor Stone** noted one issue between this and FOG was this had no cost. There was a big cost associated with the FOG program. Whatever the City could do to encourage people to recycle was great. Would the City be out of compliance?

**Ms. Herrigel** replied the City would be out of compliance, but she did not know what the result would be.

**Councilor Loomis** commented there could be costs if people did not have the space for this. Would people have to find space somehow?

**Ms. Herrigel** responded other jurisdictions had offered exemptions to places that did not have the space. She has not seen, however, a business in Milwaukie that did not have the space to recycle. There were places on Main Street where it had to be shoe-horned in, but they get them out there. She did not have an exemption in the proposed

ordinance. She discussed combining businesses. She had worked with businesses on International Way in the past where one business allowed another to use its container for recyclables. It was all picked up by the hauler, and she thought there would be ways to work it out. It was a matter of having adequate educational materials and participation.

**Councilor Barnes** suggested asking Ms. Herrigel to rework the ordinance to address some of these issues. Was there a timeline?

**Ms. Herrigel** replied February 27 was Metro's compliance deadline. The City would probably have to provide some means of showing that it was coming up with some kind of alternative program to meet the same end.

**Councilor Barnes** asked if that could be done by the next meeting.

**Ms. Herrigel** imagined it was feasible.

**Councilor Stone** asked what a new agreement would entail.

**Councilor Barnes** replied they had talked about space issues and making sure there was something in the ordinance about the City's working with several businesses to combine the recycling. She wanted to make sure people were not fined.

**Ms. Herrigel** said if she took the fine out of Chapter 13 nothing would be enforceable. She recommended if the Council wanted to go this way that this particular requirement be outside the fine. Otherwise the franchise system would fall apart tomorrow.

**Mayor Ferguson** asked for direction since this had significantly skewed from the proposed motion.

**Mr. Swanson** noted Ms. Herrigel was very persuasive, but he was not sure she was accomplished enough to do all the businesses in the City. Realizing the amount of work that needed to be done he was not sure he wanted to increase her amount of work with this particular ordinance. The City was mandated to do this. He suggested a different fine level to comply with the mandate that would not be harmful. He understood that did not get around Councilor Chaimov's concerns. Metro tended to come up with that kind of thing, and he suggested the possibility of coming up with a different fine level while still technically complying with Metro's request. The consequence would not be terribly onerous. He was concerned about getting staff in a situation where they would be spending more time with Metro than needed looking for other options. His guess was that a lot of small business owners recycled both at home and at work.

**Councilor Loomis** indicated he would vote in favor of the ordinance.

**It was moved by Mayor Ferguson and seconded by Councilor Stone for the first and second readings by title only and adoption of the ordinance establishing business recycling requirements in the City of Milwaukie. Motion passed with the following vote: Councilor Loomis, Councilor Stone, and Mayor Ferguson aye; Councilor Chaimov and Councilor Barnes voting no. [3:2]**

**Mr. Swanson** read the ordinance one time in full.

**Mayor Ferguson** announced the second reading of the ordinance would be at the February 17, 2009 meeting.

### **B. Contract Award for Engineering Services for the Dual Interest Area Wastewater Collection System – Resolution**

**Mr. Parkin** provided the staff report in which the City Council was requested to enter into a contract with Century West Engineering for the area northeast of Milwaukie designated as Dual Interest Area "A". This came before the City Council in October,

and it was affirmed to enter into the same contract through an IGA with Clackamas County. The costs were the same. The IGA was considered by the Board of County Commissioners in December. It was determined by Clackamas County that it would have to amend its original agreement with Century West to add the Milwaukie portion. The County decided there may not be a need to be in the agreement with Milwaukie, and the City determined it would be better to contract on its own. The County honored the terms of the IGA before it was activated and had helped the City in securing its loan and preliminary engineering. There would have been some benefit for continuing with the IGA because Clackamas County had an exemption from DEQ that would have allowed them to process the design without further DEQ review. The review was not that expensive, but that agreement would have saved some time. Milwaukie will still work closely with Clackamas County because both were using the same engineering firm. Actually the IGA was not that great a benefit over the City's going it alone.

**Councilor Stone** asked the cost to the City of Milwaukie for not being part of the IGA and having to go back to DEQ.

**Mr. Parkin** replied the City had spent about \$40,000 through preliminary engineering to get the loan. As the City continued it would have to go to DEQ for a plan review that would cost about \$500.

**Councilor Stone** understood that amount of money would have been saved if the City had been in the IGA with Clackamas County. She was not 100% sure why that did not happen with Clackamas County.

**Mr. Parkin** replied the County needed an additional action to amend the contract which it had not anticipated. That may have been the main factor. It would have taken some effort. They came to the conclusion to break that part of the tie.

**Mr. Swanson** thought there may have also been some confusion with the new board about whether it would approve the action. He had reason to think staff intended to wait a couple of weeks to see if the new board was going to adopt that particular project. He thought there was some confusion on staff, so they did not move quickly on doing this.

**Councilor Stone** understood both the City and County would work in the same area at the same time with the same engineering consultants under different agreements. What would happen if something went amiss? Who paid for it? Who got blamed? If you're not really in this together with the agreement how did it get separated out if there was a problem?

**Mr. Parkin** replied there were two distinct areas, so Milwaukie really had tighter control.

**Councilor Chaimov** paraphrased the City entered a deal to cooperate with the County, they decided they did not want to do it, and now we were stuck on our own again.

**Councilor Loomis** was still confused why they chose not to amend the contract. It would have taken a board action, but staff was unsure of what the Board would do.

**Mr. Parkin** thought that was accurate, but they were speculating on that.

**It was moved by Councilor Chaimov and seconded by Councilor Barnes to adopt the resolution authorizing the City Manager to execute a contract with Century West Engineering not to exceed \$460,000 for services related to the Dual Interest Area "A" wastewater sewer extension project. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting 'aye.' [5:0]**

**RESOLUTION NO. 7-2009:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CENTURY WEST ENGINEERING CORPORATION FOR THE ENGINEERING SERVICES FOR THE DUAL INTEREST AREA "A" WASTEWATER SEWER EXTENSION PROJECT.**

**C. Planning Commission Appointment**

**It was moved by Mayor Ferguson and seconded by Councilor Chaimov to appoint Chris Wilson to the Planning Commission. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting 'aye.' [5:0]**

**It was moved by Mayor Ferguson and seconded by Councilor Barnes to appoint David Janusz to Library Board passed unanimously. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting 'aye.' [5:0]**

**D. Regional Committee Assignments**

**Mart Hughes** would continue to be the City's representative on the Parks District Advisory Board.

**Councilor Chaimov** would finish up his work on the Sellwood Bridge Policy Advisory Group.

**Councilor Barnes** was interested in continuing with Community Wastewater Solutions.

**Joe Loomis** was assigned to the Clackamas County Coordinating Committee (C4).

**Councilor Barnes** recommended Councilor Chaimov for the Portland-Milwaukie Light Rail Steering Committee, and he indicated he felt he could accommodate day meetings in his schedule.

**Councilor Stone** expressed interest and could accommodate her schedule if she had enough lead time and particularly if they met only monthly or every couple of months. She was concerned about having enough flexibility in her schedule.

**Mayor Ferguson** supported Councilor Chaimov's being in that position and noted his wife had been on the citizens advisory group and he a TriMet employee.

**Councilor Stone** said out of all the committees that was the one in which she was most interested. If she were the appointee, could she have an alternate? Mr. Asher would check to see if the position could be shared. Staff would get more information on the meeting schedule.

**Councilor Barnes** wanted to ensure Milwaukie had a representative.

**Mayor Ferguson** was assigned to the Regional Water Providers Consortium and had been asked to replace Jim Bernard on the Oregon Mayors Board for the Portland Metro Region Team.

**Councilor Barnes** was the Metro Policy Advisory Committee (MPAC) alternate appointed by C4.

**Mr. Swanson** said the Joint Policy Advisory Committee on Transportation member and alternate had already been assigned.

**E. Council Reports**

None.

**ADJOURNMENT**

**It was moved by Councilor Stone and seconded by Councilor Loomis to adjourn the meeting. Motion passed with Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting “aye.” [5:0]**

**Mayor Ferguson** adjourned the regular session at 8:33 p.m.

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Pat DuVal, Recorder

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION

APRIL 21, 2009

**Mayor Ferguson** called the work session to order at 5:37 p.m. in the City Hall Conference Room.

Council Present: Mayor Jeremy Ferguson, Council President Deborah Barnes, Councilors Greg Chaimov, Joe Loomis, and Susan Stone.

Staff Present: City Manager Mike Swanson, Resource and Economic Specialist Alex Campbell, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle, Senior Planner Susan Shanks, Human Resources Director Cynthia Trosino

Media: Matt Graham

#### **Milwaukie Alderman 3<sup>rd</sup> District**

**Nick Kovak**, Alderman 3<sup>rd</sup> District in Milwaukee, Wisconsin was in town for the Green Cities Conference in Portland. They had a 15-member council. He thought Milwaukie was a beautiful city on a beautiful river. Milwaukee had a similar layout but needed to work on zoning around the river. Water was a big issue in his town and there were a lot of suburbs surrounding them that wanted water. He discussed transit and pedestrian connectivity.

**Councilor Barnes** asked how they dealt with wastewater issues.

**Mr. Kovak** replied they had a treatment facility at the port. He wished they were doing more bio-treatment with stormwater. They were starting to buy land for detention ponds. Their biggest water quality issues were agricultural runoff and invasive species.

**Mr. Swanson** gave an update on the Emmert case. The City was pursuing reimbursement of \$92,000 in legal fees. He recommended the Council go into executive session at the end of the regular session to discuss potential litigation regarding a letter from the County.

**Mr. Swanson** said in response to a request from Councilor Barnes he had drafted a letter regarding amendments to the Federal Fair Housing Act. It affirmed the City's commitment to the policy, which was valid in practice but burdened some communities more than others. It suggested an exemption when a community a community had accepted its share of housing. The City Attorney had suggested some amendments to the letter, and Mr. Swanson would prepare a final draft.

**Councilor Chaimov** asked if it would be appropriate to consider having a period of time indefinite, but then was triggered by an increase in the number of facilities somewhere else or a change in ratio.

**Mr. Swanson** was looking at something like that. The burden should not be on 1 or 2 communities with no set time limit.

**Councilor Barnes** thanked Mr. Swanson for working on this and said she talked with Martha Schrader's staff who said they would help on it. It was decision that had to be made at the federal level. She appreciated getting started on it.

**Councilor Loomis** did not like the term burdened by places. He hoped the intent would be that it was not fair to have everyone in the same area. They need to spread these places out so the residents can find jobs within walking distance. It should be addressed from that standpoint. It was not fair to the residents to call them a burden.

**Councilor Barnes** said it talking about residential treatment facilities, so there were no jobs to consider.

**Mr. Swanson** said Milwaukie had half of the facilities which was an exorbitant amount.

### **Draft Response to North Main Village Transactions**

**Mr. Swanson** said it was in draft form, and he would need a couple of weeks to final the report.

**Mayor Ferguson** recessed the work session until Ms. Shanks arrived.

### **Briefing on Proposed Street Improvement Requirements for Single-Family Residential Expansion**

**Ms. Mangle** and **Ms. Shanks** provided an overview of the proposal and summarized the alternatives or options. Currently projects triggered improvements based on value, and staff was proposing that the trigger be impact based. Single-family residence interior remodels and expansions of less than 200-square feet would not trigger improvements.

**Councilor Chaimov** asked if street improvements would be triggered if an owner finished a basement creating 3 new bedrooms.

**Ms. Shanks** replied it would not if the square footage was already there. She referred to the staff report page 10 for what would and would not trigger the code and the cut off and high end. They divided up expansions into square footage categories. 0-199 feet would not trigger; 200-499, 500-799 and 1500 and above would trigger the code. They looked at the low/high end to figure out the separate categories. There were 5 types of streets improvements so the categories would match street improvements. They needed to make sure there was enough right-of-way, road way widening, access improvement, curb/storm water improvements, and sidewalk improvements. If we were requiring incremental improvements it needed to be done in a specific order to match how a street is constructed.

**Councilor Loomis** asked if it would add 12% to the cost.

**Ms. Shanks** said it was hard to get an average and was hard to nail down a specific number.

**Councilor Stone** wanted to know how many of the remodels that had been done would trigger improvements.

**Ms. Shanks** replied the average was about 22 per year. Others would not trigger the code.

**Councilor Stone** did not want to discourage owners from improving their homes. She would hate improvements to be triggered in areas that did not need sidewalks.

**Ms. Shanks** said they were building in more design development improvements. Right now they did not have that flexibility. It built in more fees in lieu of construction (FILOC) parameters for design and for a more appropriate treatment when applicable.

**Councilor Stone** did not agree with FILOC and was tired of government not letting people have what they worked so hard for. It seemed like a tax and it was not a good time to do this. She wanted to encourage people to fix up their houses, and she liked uniformity and not a piecemeal street.

**Ms. Shanks** said there had been a FILOC since 2002 and the new code had more specific parameters for its use. There was more flexibility in making design decisions.

**Ms. Mangle** said development was required to pay its own way, and this was a common approach in building to a residential scale. The question was where was the line? Sidewalks and street improvements were needed. The proposal asserts that development should help pay because other funding sources are not there. The community had said over the years that development should pay for impacts.

**Councilor Stone** did not agree that small additions would make impacts on streets, and she did not agree with passing on the cost residents. She suggested an increase in square footage.

**Ms Shanks** said there were some alternatives on the square footage that Council could consider.

**Councilor Barnes** asked how the City would fund livability issues if development did not pay for itself.

**Ms. Shanks** replied there were limited options. There were limited funding sources available for these types of projects. Grants were limited because of match money requirements and not that many locations met eligibility requirements. If development did not pay then we were limited. The Street Maintenance fee was for surface improvements and did not include pedestrian and bicycle improvements.

**Ms. Shanks** provided photos of some of the needs in the community and a sidewalk inventory map. During the Transportation System Plan (TSP) process there were some from the street design group that advocated for no sidewalks and others that wanted them. The group agreed at the end that it was not so much a debate of pedestrian facility but design. The proposed code language built in those design types.

**Councilor Stone** said there were many neighborhoods in SW Portland that did not have sidewalks or curbs and looked lovely. Sidewalks were appropriate on streets heavily used by pedestrians and cars. We needed to rethink the yellow striping because it takes away from the look of the residential street.

**Councilor Loomis** thought staff did a good job in making the code fair, but improving a bad idea did not make it good. He was fundamentally against adding fees to single-family residences. New dwellings and adding additional units were different. It made it more difficult to revitalize when adding an extra 12%. The property owners might consider moving instead of remodeling. If this

was truly a community goal we needed to look at maintenance fees. He was more accepting of paying \$2 a month if he knew the City had a plan rather than writing a \$6,000 check. He would like to remove the whole thing. If we do this then we should add basements. If we identify school routes or bike and pedestrian routes to downtown we should concentrate there. He did not think it was an effective way to make that goal happen. It hindered revitalization. He thought Ms. Shanks did a good job revising the code, but it would not get the job done.

**Councilor Chaimov** was happy to approve as written but would be happier if staff could come up with alternatives that would convince Councilor Stone and Councilor Loomis to balance public improvements needed because of private development and the interests of not hindering people from improving their properties such as a higher number of square feet or adding dwelling units.

**Ms. Shanks** said cities have not been able to afford infrastructure. That had shifted when the subdivision expansion hit and cities had to build improvements into the cost of the project. It was common because there was no money to do infill.

**Councilor Stone** said to keep in mind when a developer did a major development they were making a lot of money and recouping fees that a private homeowner cannot until the property value assessment increased. This belonged in a commercial not residential realm.

**Ms. Shanks** reviewed alternatives and briefly touched on Planning Commission discussions.

**Councilor Barnes** said people wanted sidewalks and more children would be walking to school. This was a livability issue. We needed safe routes for pedestrians and bicyclists.

**Jeff Klein**, Planning Commission Chair, had the same questions as Councilor Stone and Councilor Loomis. They did not want to discourage people from making improvements, but there was a usage that came about with that. This did not capture as many people but did provide better guidelines on what would happen. Sidewalk on one side of Logus Road made it much safer to walk. There were some residents that would not want them on Home Avenue or other streets. When looking at the first trigger, the right-of-way dedication was all that needed to be done. There was no out of pocket expense for that. The idea of \$2 registration fee was an interesting idea. There were a lot of streets in need.

**Councilor Loomis** did not disagree that there was a need, but he did not think it would work. It put the burden on certain citizens. If it was a community goal we needed to find a way to fund it.

**Mr. Klein** said if someone was doing a 200 square foot increase we needed to set a bar somewhere.

**Councilor Loomis** did not want Milwaukie to be a starter home capital.

**Ms. Mangle** asked if the objections were mostly about home expansions.

**Ms. Shanks** explained they went from value based to impact based because there were a lot of concerns raised about downtown and non-downtown. They thought it was fair to apply it across the board and then determined triggers. There was data showing bigger homes had greater impacts. Staff wanted to apply the approach citywide.

**Councilor Stone** said comparing residences to downtown was like comparing apples to oranges. There were tax incentives in the downtown. They were looking at an offset for taxes for 10 years. The single-family residence owners just had to wait until the value caught up. There were a lot of streets that did not need sidewalks. We do not need more concrete on the planet. Logus Road was a neat project. Sidewalks do not make streets safer. She knew of a mother killed walking with her child down a sidewalk; she thought she was safe. Streets were safer with traffic calming. People in general wanted livability. Some people liked sidewalks and other did not. She did not think you needed sidewalks to make the City more beautiful. This does not belong in the single-family residence realm at all. It belonged in commercial. She did not want to deter people from improving their properties.

**Mr. Klein** said people either loved or hated sidewalks. Some that did not like sidewalks did not like the bulbouts and the fact that it slows them down, which was the point. It was to slow traffic down and allow pedestrian access.

**Ms. Mangle** said one thing to keep in mind was that it was not just about sidewalks. Many places in the City did not have right-of-way. It was not writing a check but was a contribution to the public. Not having a right-of-way access increased the cost of the project.

**Ms. Shanks** said staff agreed with points raised. They recognized the code was not a full solution but was about what happened when development occurred. There was a benefit to properties especially in terms of safety. It was about the whole street. She discussed conflict points.

**Mr. Swanson** said they could go back and look at a highway user fee, which was alternative. He heard talk about consensus. He did not hear an interest in assessing residential. They can take it back and look at other alternatives and try to cost it and get some idea of what that might be per car or house and come back with a number and another alternative.

**Councilor Stone** asked what was the constitutionality.

**Ms. Mangle** would address that with the City Attorney.

#### **City Manager Employment Agreement**

**Ms. Trosino** distributed the agreement/

**City Attorney Monahan** explained there were two modifications. Mr. Swanson asked to eliminate one of the proposed benefits. He fully appreciated the comments and concerns and was making a commitment to take vacation time under the terms. He wanted to take that provision out of an extension agreement. The other change was that it be retroactive to March 1, 2009.

**Mayor Ferguson** adjourned the work session at 6:57 p.m.

---

Pat DuVal, City Recorder

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION

MAY 5, 2009

**Mayor Ferguson** called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Mayor Jeremy Ferguson, Council President Deborah Barnes, Councilors Greg Chaimov, and Joe Loomis

Staff Present: City Manager Mike Swanson, Resource and Economic Development Specialist Alex Campbell, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle, Senior Planner Susan Shanks.

Media: Matt Graham

#### Wastewater Master Plan

This item was postponed to June 2, 2009.

#### Correspondence Regarding the Fair Housing Act

**Mr. Swanson** discussed briefly the draft letter regarding the amendment to Federal Fair Housing Act that would share the locations for group homes so other communities in the area were eligible or allowed or required to take group homes. In Clackamas County, it was a matter of economics with few group homes on the west side with the concentration on the east side. It specifically stated that the City supported the public policy, but the wealth should be shared with other communities. He noted a letter from NAMI Oregon stating an issue with the proposed letter. He asked if Council wanted to send the letter or amend it.

**Councilor Barnes** said the request for the letter was made by some residents and was not meant to be discriminatory. She had relatives who were disabled and people should have the opportunity to live anywhere in the County. Other communities also had wonderful opportunities.

**Councilor Chaimov** felt the letter should not be sent because the goal was better pursued talking with the regional partners.

**Councilor Loomis** would like to see opportunities for people and thought they could better themselves if not in one community only. He was concerned about the location of the care facility in Ardenwald. The message was that people needed to have the opportunity all over and not in just one place.

**Councilor Chaimov** did not think the City would get anywhere in getting the federal law changed. He thought they would have a better chance of achieving goals by working with the Board of County Commissioners (BCC) and other entities that influenced site positions.

**Mayor Ferguson** agreed with Councilor Chaimov that the City should not send the letter. HB 911 passed in the House today, so he saw things moving forward. He thought working with the regional partners would be better.

CITY COUNCIL WORK SESSION – MAY 5, 2009

DRAFT MINUTES

Page 1 of 2

**Councilor Barnes** noted Senator Schrader had asked for the letter if the Milwaukie City Council wished to see this matter forward.

**Councilor Chaimov** suggested bringing it back when Councilor Stone was present.

**Councilor Loomis** suggested this might be a conversation with other city managers and administrators.

**Rod Estes**, President, Oregon Residential Providers Association, spoke in opposition to the City's sending the letter. If the City sent the letter the first word that came to mind was quotas. If certain communities offered what they wanted people had the right to live there. He operated licensed facilities that were monitored therapeutic settings. He believed it was a basic fact of restricting choices.

**Councilor Loomis** saw it as offering more opportunities for places to live.

**Mr. Estes** appreciated that. Siting treatment facilities was an issue, and a better job needed to be done of educating communities. He offered some examples of homes located in other cities.

**Councilor Chaimov** asked if Mr. Estes would be amenable in working with Councilor Barnes to develop phrasing of a letter that would not be perceived as discriminatory by those providing the care.

**Mr. Estes** would need to talk with the Association. Phrasing would be difficult without sounding discriminatory. He thought working with the regional partners, community leaders and educating them and the general public including the police chief was the best approach.

**Matt Rinker**, AJC Chair, appreciated Estes' comments but wished to expand on them. Education was a two-way street. Individuals need to be educated on the necessity of group homes. It should truly be throughout the County, and many people would agree there was a certain political and financial expediency to siting selections. There are things we can learn from providers and NAMI, and there are things they could learn from the residents. The Ardenwald Neighborhood Association invited NAMI representatives to a meeting and found them uninformed as to the interests of the residents and not up to speed on deficiencies in the Oregon Administrative Rules. He wished the Council luck in working with regional partners. We had seen through their siting choices for group homes, sewage treatment plants, and low income housing what our regional partners thought was a good idea and what they believed was sound, reasonable and equitable judgment. Milwaukie needed to stand up and say an equitable regional solution was necessary.

### **Executive Session**

The City Council adjourned the work session at 5:50 p.m. to go into executive session pursuant to ORS 192.660(2)(h) to consult with legal counsel.

---

Pat DuVal, City Recorder

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACCEPTING THE PUBLIC SAFETY ADVISORY COMMITTEE BYLAWS.**

**WHEREAS**, Milwaukie Municipal Code § 2.24 establishes the Public Safety Advisory Committee (PSAC); and

**WHEREAS**, Milwaukie Municipal Code § 2.10.050.A states that the City Council shall annually accept board, commission, and committee bylaws and adopt them by resolution; and

**WHEREAS**, members of the Public Safety Advisory Committee reviewed its bylaws with the Milwaukie City Council in a work session on April 7, 2009; and

**WHEREAS**, the Public Safety Advisory Committee has submitted proposed bylaws for consideration of the City Council for acceptance.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Milwaukie, Oregon, that:

**Section 1.** The City Council hereby accepts the Public Safety Committee bylaws attached hereto as Exhibit A.

**Section 2.** This Resolution is effective immediately.

Introduced and adopted by the City Council on June 16, 2009.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

# Exhibit A

## MILWAUKIE PUBLIC SAFETY ADVISORY COMMITTEE (PSAC)

### BY-LAWS

Adopted by the Milwaukie City Council under Resolution \_\_\_\_\_  
\_\_\_\_\_, 2009

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#### ARTICLE I: MEMBERS AND VOTING PROCEDURES

1. Membership of the Committee shall be as established by the Milwaukie Municipal Code and appointed by City Council. There are 7 neighborhood association representatives and 4 members-at-large. Members-at-large contribute a broad perspective based on experience, property ownership, business or non-profit partnerships, or an area of expertise relating to traffic safety or crime prevention.
2. The term of office for members shall be from July 1<sup>st</sup> to June 30th (to allow NDA's to elect officers and reps at the same meeting). Each term equals two years. Members may be reappointed to the same position by City Council based on the original application (updated if necessary).
3. Members are expected to attend all meetings. Failure to attend at least seventy-five percent (75%) of the regularly scheduled meetings in a twelve month period shall be grounds for a recommendation for removal. An NDA representative shall not be recommended for removal without first notifying and consulting with the NDA which is represented. Any recommendation for removal is presented to City Council which must make the final decision.
4. A quorum consists of a majority (6) of the (11) members, one of which must be an officer. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting can continue as an informational exchange only.
5. All members who are present at committee meetings are allotted one vote on all motions.
6. One member must make a motion and another member must second that motion in order for the Committee to vote. A motion is passed by a majority of the Committee members present. All members who are present at committee meetings may submit or second a motion.

## ARTICLE II: DUTIES OF OFFICERS

1. The committee shall elect a Chair, Vice Chair, Secretary, and Treasurer. The Treasurer position may be combined with another officer position if necessary.
2. The election of PSAC officers shall take place at the July meeting. The term of office for officers shall be from their election at the July meeting until the corresponding meeting 12 months later. In the event that an officer cannot complete a term, an emergency election shall be held for the completion of the term.
3. The Chairperson shall set the agenda, preside over meetings, appoint sub-committees as needed, and call special meetings or executive sessions as described in Article III.
4. In the event the Chairperson cannot attend a scheduled meeting, another elected officer shall act as the presiding officer, either as appointed by the Chair or by agreement of the members attending..
5. The Presiding Officer shall preserve the order and decorum of the meeting; direct discussion and comment to relevant issues; establish and enforce time limits for discussion and comment as appropriate; encourage citizen input, and ensure that each person is treated with respect

## ARTICLE III: MEETINGS

1. Regular meetings shall be held at 6:15 PM on the fourth Thursday of each month in the Public Safety Building. The time, date, and/or location of a particular meeting may be changed by a majority vote of a quorum of the membership at least 3 weeks prior to the meeting.
2. The public shall be notified of all Committee meetings by the City's general notification procedures.
3. The Chief of Police or his/her designee shall be responsible for preparing the minutes for each meeting and keeping records of attendance.
4. The Chief of Police or his/her designee shall be responsible for sending the agenda and all meeting materials to members and interested members of the public at least seven (7) days before the next scheduled meeting.
5. Special Meetings may be called at the request of the Chairperson or a majority of the Committee. The Chief of Police shall set a special meeting on such request unless good cause exists for delaying until the next regularly scheduled meeting. Good cause may include such factors as staff availability, meeting room availability, and budgetary considerations.

6. Executive Sessions may be held consistent with City Council Meeting Provisions, Section 2.04.090 of the City of Milwaukie Code and applicable state law as stated in ORS 192.660.

#### ARTICLE IV: OPERATING PROCEDURES

1. An Operating Manual shall be adopted and provided to each member, along with a copy of the most current by-laws and the current year's work plan. The purpose of the Operating Manual is to provide consistency, clarity, and an open record of information needed to conduct the business of PSAC.
2. The Operating Manual shall contain:
  - (1) the purpose and duties of PSAC as determined by the City Council
  - (2) details useful for conducting business, including communications with members, sub-committee duties, and any other regularly used procedures
  - (3) names, addresses, email addresses, phone numbers, and terms of office of the committee members, however, personal information shall be kept confidential by committee members unless written permission to share is provided to the chairperson.
3. Changes and additions to the manual may be suggested by any member and adopted by majority vote at any regular meeting.
4. The Operating Manual must be consistent with PSAC by-laws, the policies of City Council, and state law where applicable.

#### ARTICLE V: BY-LAWS CHANGES

1. By-laws need to be reviewed annually at the January or February meeting.
2. By-laws may be amended, repealed or altered by a majority of a quorum of the committee, subject to approval by the City Council. A copy of the proposed changes must be sent to all members before a vote may be taken.

4-23-2009



To: Mayor and City Council

Through: Mike Swanson, City Manager  
Pat DuVal, City Recorder

From: Barb Kwapich, Natural Hazard Mitigation Committee Chair  
Dave Butcher, Milwaukie Public Works Asset Management Technician

Subject: Adoption of Milwaukie's Addendum to the Clackamas County Natural Hazards Mitigation Plan

Date: June 2, 2009 for June 16, 2009 Council meeting

#### Action Requested

Adopt by resolution the Multi-Jurisdictional Clackamas County Natural Hazards Mitigation Plan including the updated Milwaukie Addendum, as required by Title 44 Code of Federal Regulation part 201, as authorized by the Disaster Mitigation Act of 2000. Adoption will ensure eligibility for state and federal disaster relief funding.

#### History of Prior Actions and Discussions

Original Multi-Jurisdictional Clackamas County Natural Hazards Mitigation Plan including the Milwaukie Addendum was adopted by Milwaukie City Council on September 16, 2003, Resolution 38-2003.

#### Background

In the fall of 2008, the Oregon Partnership for Disaster Resilience (the Partnership / OPDR) at the University of Oregon's Community Service Center partnered with Oregon Emergency Management (OEM) and Resource Assistance for Rural Environments (RARE) to develop a Pre-Disaster Mitigation Planning Grant proposal to create and/or update existing natural hazard mitigation plans for the cities of Clackamas County. The City of Milwaukie partnered with OPDR and RARE to develop a full City addendum to the Clackamas County Natural Hazards Mitigation Plan. Milwaukie's planning efforts

began in the fall of 2008. RARE provided a staff person (Laurel Reimer, 'RARE Participant') to facilitate and document the cities' planning processes.

The basic elements involved in the hazard mitigation plan are: planning process; hazard assessment; mitigation strategies; plan maintenance and adoption by local elected officials. The completed plan provides a hazard assessment to identify community issues regarding natural hazards and outlines potential mitigation activities. Citizen input was solicited through an article in *The Pilot*.

The following representatives served as Hazards Mitigation Advisory Committee members for the city of Milwaukie's natural hazard mitigation planning process:

- Brad Albert, Milwaukie Engineering Department
- Dave Butcher, Milwaukie Public Works Operations
- Kevin Donegan, Clackamas County Fire District #1
- Ted Evans, North Clackamas County School District Director of Facilities
- Bob Jordan, Milwaukie Chief of Police
- Barb Kwapich, Milwaukie Risk Manager
- Tom Larsen, Milwaukie Building Official
- Willie Miller, Milwaukie Facilities
- Beth Ragel, Milwaukie Community Services Program Coordinator
- Kate Rosson, Milwaukie GIS Coordinator
- Susan Shanks, Milwaukie Planning Department

The planning process and associated resources used to create Milwaukie's Addendum to the Clackamas County Natural Hazards Mitigation Plan were developed by the Partnership. An addendum is smaller than a full plan and builds off of the information in Clackamas County's Mitigation Plan.

In order to receive the Federal Emergency Management Agency's (FEMA) 'final' approval for the Mitigation Plan, the City of Milwaukie must adopt the plan via resolution. Final approval allows the City to apply for federal disaster mitigation funds. Mitigation Plans are non-regulatory in nature and do not set forth new policy.

#### Concurrence

Members of Planning, Engineering, Building, Sewer/Storm, GIS, Neighborhood Services, Risk Management, Clackamas County Fire District 1, North Clackamas School District and Clackamas County Emergency Management worked together to develop this addendum

### Fiscal Impact

Without a federally and locally approved NHMP, a community is not eligible for the following federal disaster mitigation funds.

- Pre-Disaster Mitigation Grant Program: provides funds to states, territories, Indian tribal governments, communities, and universities for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. PDM grants are nationally competitive.
- Hazard Mitigation Grant Program: provides grants to state and local governments and other eligible recipients to implement long-term hazard mitigation measures and projects after a major disaster declaration. The purpose of HMGP funds is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery period following a disaster. HMGP funds are available to communities within states that have recently received Presidential Disaster Declarations. HMGP funds are prioritized for communities that are directly affected by a disaster, but communities outside of the disaster declaration are typically eligible as well.
- Flood Mitigation Assistance: assists states and communities in implementing measures that reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insurable under the National Flood Insurance Program.

Adoption of this plan will allow Milwaukie to be eligible for Pre-Disaster Mitigation Grant funds and Hazard Mitigation Grant funds. These grants will fund mitigation projects at 75%, with the remaining 25% to be provided in match from the City. This match can be soft or in-kind, and sources will be determined upon grant

### Work Load Impacts

The City's Hazard Mitigation Advisory Committee is responsible for maintaining and updating the plan. The City's Public Works Department has been identified as the plan's convener. It is the convener's responsibility to coordinate Hazard Mitigation Advisory Committee semi-annual meeting dates, times, locations, agendas, and member notification. The Hazard Mitigation Advisory Committee will be responsible for identifying new risk assessment data, reviewing the status of mitigation actions, identifying new actions, and seeking funding to implement mitigation actions. Milwaukie's Addendum to the Clackamas County NHMP will need to be updated every five years in conjunction with the County's plan update schedule

Alternatives

Do not adopt the Multi-Jurisdictional Clackamas County Natural Hazards Mitigation Plan including the Milwaukie addendum and forfeit eligibility for state and federal mitigation grants.

Attachments

1. Resolution
2. Addendum to multi-jurisdictional Clackamas County Natural Hazards Mitigation Plan

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON  
ADOPTING CITY OF MILWAUKIE'S ADDENDUM TO THE CLACKAMAS COUNTY  
NATURAL HAZARDS MITIGATION PLAN**

**WHEREAS**, the City of Milwaukie is vulnerable to the human and economic costs of natural, technological and societal disasters, and

**WHEREAS**, the City Council of the City of Milwaukie recognizes the importance of reducing or eliminating those vulnerabilities for the overall good and welfare of the community, and

**WHEREAS**, the City of Milwaukie has participated in the development of the Clackamas County Multi-Jurisdiction Natural Hazard Mitigation Plan, which has established a comprehensive, coordinated planning process to eliminate or minimize these vulnerabilities, and

**WHEREAS**, the City of Milwaukie representatives and staff have identified natural hazard risks and prioritized a number of proposed actions and programs needed to mitigate the vulnerabilities of the City of Milwaukie to the impacts of future disasters, and

**WHEREAS**, these proposed projects and programs have been incorporated into the Clackamas County Multi-Jurisdiction Natural Hazard Mitigation Plan that has been prepared and promulgated for consideration and implementation by the cities of Clackamas County;

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF MILWAUKIE RESOLVES  
AS FOLLOWS:**

**Section 1.** The City Council of the City of Milwaukie hereby accepts and approves of its section of the Clackamas County Multi-Jurisdiction Hazard Mitigation Plan as a reasonable process to identify and plan for potential hazards in The City of Milwaukie and Clackamas County,

**Section 2.** The agency personnel of the City of Milwaukie are requested and instructed to pursue available funding opportunities for implementation of the actions and proposals designated therein,

**Section 3.** The City of Milwaukie will, upon receipt of such funding or other necessary resources, seek to implement the mitigation proposals identified by the jurisdiction's Hazard Mitigation Planning Committee, and

ATTACHMENT 1

**Section 4.** The City of Milwaukie will continue to participate in the updating and expansion of the Clackamas County Multi-Jurisdiction Hazard Mitigation Plan in the years ahead, and

**Section 5.** The City of Milwaukie will further seek to encourage the businesses, industries and community groups operating within and/or for the benefit of the City of Milwaukie to also participate in the updating and expansion of the Clackamas County Multi-Jurisdiction Hazard Mitigation Plan in the years ahead.

Introduced and adopted by the City Council on June 16, 2009.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

ATTACHMENT 2



**CITY OF MILWAUKIE**  
Natural Hazards Mitigation Plan Addendum

**Prepared for**

City of Milwaukie  
10722 SE Main Street  
Milwaukie, OR 97222

*In cooperation with*

Clackamas County Emergency Management  
2200 Kaen Road  
Oregon City, OR 97045

Adopted by City Council *June 16, 2009*

# City of Milwaukee

## Natural Hazards Mitigation Plan Addendum

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# Section 1: Planning Process

The Milwaukie Natural Hazards Mitigation Plan Addendum ('addendum') includes resources and information to assist city residents, public and private sector organizations, and others interested in participating in planning for natural hazards. The addendum provides an assessment of all potential natural hazards and a list of mitigation actions to assist the city of Milwaukie in reducing risk and preventing loss from future natural hazard events. The city has developed this addendum to the Clackamas County Natural Hazards Mitigation Plan in an effort to take a more regional approach to planning for natural hazard scenarios. The city's first addendum was completed in 2003. In 2009, the city updated its addendum to Clackamas County's Natural Hazard Mitigation Plan.

## 1.1 Development of the 2003 Milwaukie Natural Hazards Mitigation Plan Addendum

In 2002 Clackamas County prepared a county-wide natural hazards mitigation plan. The county-wide planning process, which invited participation from Milwaukie residents, is described in Appendix B of the 2002 Clackamas County Natural Hazards Mitigation Plan. In 2003 the city of Milwaukie developed an addendum to Clackamas County's Natural Hazard Mitigation Plan. The city's planning process was a collaborative effort between city staff, public agencies within the city, non-profit organizations, the private sector, and regional and state organizations. The addendum development process was guided by a Hazard Mitigation Advisory Committee (HMAC). Milwaukie HMAC members included:

- Dave Church, North Clackamas School District
- Kevin Donegan, Clackamas County Fire District #1
- Craig Holman, City GIS Coordinator
- Cindy Kolomechuk, Clackamas County Office of Emergency Management
- Barb Kwapich, City Risk Manager
- Tom Larsen, City Building Official
- Lindsey Nesbitt, City Community Development Department
- Jack Perry, City Sewer Department
- Paul Roeger, City Engineering Department
- Jason Wachs, City Neighborhood Services Department

The Milwaukie HMAC had a regular meeting schedule to complete the planning process, and residents from the city of Milwaukie had an opportunity to participate in county-wide public workshops that were designed to gain citizen input.

The following special service districts in Milwaukie were given the opportunity to participate in the addendum's development and implementation.

- Clackamas Community College
- Clackamas Education Service District
- North Clackamas School District
- City of Milwaukie
- Clackamas County
- North Clackamas Parks and Recreation District
- Port of Portland
- Milwaukie Road District #4
- Metro Service District 2
- Clackamas County Vector Control
- Tri-met
- Oak Lodge Water District #4
- Clackamas County Sewer District #1

The Milwaukie City Council adopted Milwaukie’s Natural Hazards Mitigation Plan Addendum in September 2003. Thereafter, the HMAC met once in 2007 to discuss grant funding opportunities, as well as the five-year addendum update requirements.

## **1.2 Development of the 2009 Milwaukie Natural Hazards Mitigation Plan Addendum**

Following the development of Clackamas County’s Natural Hazards Mitigation Plan in September 2002, four of the county’s sixteen cities, including Milwaukie, developed addenda to the county’s plan. In the fall of 2008, Clackamas County partnered with the Oregon Partnership for Disaster Resilience (OPDR) and Resource Assistance for Rural Environments (RARE) to update the four existing addenda, and to develop new addenda for the remaining twelve cities without plans. RARE provided a volunteer (‘RARE Participant’) to document and facilitate each of the cities’ planning processes. The RARE Participant was hired with funds made available through the Hazard Mitigation Grant Program.

From October 2008 through January 2009 Clackamas County Emergency Management and the RARE Participant worked with the city of Milwaukie to facilitate and document the five-year update of Milwaukie’s addendum to the Clackamas County Natural Hazards Mitigation Plan.

### **1.2.1 Who Participated in Developing the Addendum?**

In 2008 the Milwaukie HMAC reconvened to update the city’s 2003 Natural Hazards Mitigation Plan Addendum. Three members from the original HMAC remained on the 2008/09 planning committee:

- Kevin Donegan, Clackamas County Fire District #1
- Barb Kwapich, City of Milwaukie Risk Manager
- Tom Larsen, Milwaukie Building Official

New HMAC members included:

- Brad Albert, Milwaukie Engineering Department
- Dave Butcher, Public Works Department
- Ted Evans, North Clackamas School District Director of Facilities
- Bob Jordan, Milwaukie Chief of Police

- Willie Miller, Milwaukie Facilities
- Beth Ragel, Milwaukie Community Services Program Coordinator
- Kate Rosson, Milwaukie GIS Coordinator
- Susan Shanks, Milwaukie Planning Department
- Jay Wilson, Clackamas County Emergency Management

### 1.2.2 Addendum Update Process

The city of Milwaukie held an introductory meeting on September 25, 2008 and invited Clackamas County Emergency Management to attend. The meeting was held to re-establish the Milwaukie Hazard Mitigation Advisory Committee in an effort to update Milwaukie's addendum. Clackamas County Emergency Management discussed their role in the city of Milwaukie's addendum update process and informed the city that a RARE Participant would be available to facilitate and document the addendum update process. Minutes from the September 25<sup>th</sup> meeting can be found in Appendix A, 'Public Process' of Milwaukie's Addendum.

**October 23<sup>rd</sup>, 2008:** the RARE participant met with the Milwaukie HMAC to discuss FEMA's requirements for the city's addendum update process. The HMAC discussed whether or not the 2003 addendum's schedule for implementation and maintenance should be revised. The HMAC also revisited the initial addendum's mission & goals, and discussed updates to occur within Section 2 of the addendum (Community Profile).

**November 13, 2008:** the RARE Participant developed and facilitated a risk assessment meeting with the Milwaukie HMAC. The group discussed each of the natural hazards described within the addendum, and reviewed and updated the city's list of community assets. Additionally, the group identified natural hazard events that occurred between September, 2003 and October, 2008. Lastly, the HMAC reviewed and updated the 2003 vulnerability assessment for each hazard.

**December 11, 2008:** the Milwaukie HMAC reviewed the addendum's mitigation actions, and discussed whether actions were completed, or should be removed from the addendum. Additionally, the HMAC discussed reasons for why the remaining actions had not been implemented (i.e., mitigation actions that were not implemented between 2003 and 2009, but which the HMAC decided to keep in the addendum). Finally, the HMAC developed new mitigation actions to address vulnerabilities identified in the November 13<sup>th</sup> risk assessment meeting. The HMAC additionally modified the mitigation planning priority system (Section 5).

Minutes from each of Milwaukie's 2008-09 HMAC meetings can be found in Appendix A of this addendum, 'Public Process.'

### 1.2.3 2009 Update Changes by Section

This section details the changes made to each section. If a change is not described in this section, that portion of the addendum remained the same.

#### **Section 1: Planning Process**

*What are the addendum's mission and goals?*

The city of Milwaukie adopted the same goals as the county during the 2003 addendum development process. During the county's 2007 plan update process,

the county's goals were slightly modified to be read as action statements. Milwaukie's HMAC agreed to re-adopt the county's updated goal statements.

#### *How Will the Addendum be Implemented, Monitored, and Evaluated?*

Schedules for addendum implementation and maintenance were altered in the 2009 update. The 2003 addendum proposed a series of three monthly meetings following the addendum's adoption, in addition to annual addendum update meetings. In an effort to create a more feasible schedule for addendum implementation and maintenance, Milwaukie's addendum now recommends quarterly HMAC meetings. The 'formal review' subsection has also been updated to include suggested meeting topics/questions.

#### *Continued Public Involvement*

The HMAC decided they did not need copies of the addendum made available on CD. This language was removed from the addendum.

### **Section 2: Community Profile**

The Community Profile was updated to reflect the most recent data available. Three tables were added to the population & demographics section: Table 2.1, 'Population by Age,' Table 2.2 'Population by Race,' and Table 2.3 'Disabled Populations.' A map of Milwaukie within the Portland Metropolitan region was added under the land use and development section. A table showing employment by industry was added to the employment and industry section of the addendum. Additionally, new sub-sections were added to the Community Profile to provide a more in-depth look at the city of Milwaukie. The newly added sections discuss housing characteristics, historical and cultural resources, and existing plans and policies within the city of Milwaukie.

### **Section 3: Hazard Assessment**

The 2003 addendum cited insufficient data for conducting risk analyses for natural hazards. Multi-Hazard (MH) Action #2 sought to address this need; however, the city was unable to implement MH Action #2 between 2003 and 2009 due to lack of staff time and resources.

'Community assets' were organized to reflect their location (i.e., within the city, county or state.) Schools were changed from 'critical facilities' to 'essential facilities,' and potential shelter sites were changed from the 'essential facilities' designation to be listed as 'critical facilities.' Finally, Table 3.2 was updated to list the number of facilities exposed to each hazard.

### **Section 4: Natural Hazards**

Hazards were updated to reflect changes in hazard histories, damages, and mitigation efforts that occurred between 2003 and 2009. All information within the landslide, wildfire, and volcano sections remains the same. Where possible, maps were updated.

One flood mitigation action from the 2003 addendum was completed and moved to the 'existing mitigation strategies' paragraph of the flood hazard section. The following mitigation actions were added to the 2009 addendum: LT-FL#2 and LT-WF#1. All remaining actions were carried over from the 2003 addendum. No

actions from the 2003 addendum were deleted. Each action's 'status' (i.e., reasons for deferral) is noted as well. The city was unable to incorporate mitigation strategies and other risk assessment information into other planning mechanisms between 2003 and 2009. The HMAC will encourage the city's Community Development Department to further pursue cross-planning implementation strategies.

### **Section 5**

The mitigation planning priority system was changed to reflect the group's desire to implement mitigation actions on an ad-hoc basis. The 2003 addendum ranked mitigation actions according to: 1) the priority of the hazard addressed; 2) addendum goals addressed; 3) criticality of need; 4) size of population served; and 5) the action's likelihood of success. The group determined that this system was confusing and unlikely to produce a mitigation action ranking that truly reflects the group's intentions. The new system allows the group to evaluate mitigation actions based on current conditions and resources.

## **1.3 Multi-Jurisdictional Planning Effort**

The city of Milwaukie is dedicated to taking a regional approach to planning for natural hazards since hazards do not abide by jurisdictional boundaries. The city of Milwaukie has representation on the Clackamas County Hazard Mitigation Advisory Committee to ensure that the city's interests are represented in the county's larger scale planning effort. The city will partner with the county in the implementation of mitigation actions and work with other jurisdictions to reduce losses from future natural hazards as appropriate and practicable.

## **1.4 What is the Addendum's Mission?**

The city of Milwaukie concurs with the mission statement of the Clackamas County Natural Hazards Mitigation Plan:

The mission of the Clackamas County Natural Hazards Mitigation Plan is to promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from natural hazards. This can be achieved by increasing public awareness, documenting the resources for risk reduction and loss-prevention, and identifying activities to guide the county towards building a safer, more sustainable community.

## **1.5 What are the Addendum's Goals?**

The city of Milwaukie concurs with the goals of Clackamas County Natural Hazards Mitigation Plan:

The plan goals describe the overall direction that Clackamas County agencies, organizations, and citizens can take to work toward mitigating risk from natural hazards. The goals are stepping-stones between the broad direction of the mission statement and the specific recommendations outlined in the mitigation actions.

### **Protect Life and Property**

- Implement activities that assist in protecting lives by making homes, businesses, infrastructure, critical facilities, and other property more resistant to losses from natural hazards.
- Reduce losses and repetitive damages for chronic hazard events while promoting insurance coverage for catastrophic hazards.
- Improve hazard assessment information to make recommendations for discouraging new development and encouraging preventative measures for existing development in areas vulnerable to natural hazards.

### **Promote Public Awareness**

- Develop and implement education and outreach programs to increase public awareness of the risks associated with natural hazards.
- Provide information on tools, partnership opportunities, and funding resources to assist in implementing mitigation activities.

### **Enhance Natural Systems**

- Balance watershed planning, natural resource management, and land use planning with natural hazard mitigation to protect life, property, and the environment.
- Preserve, rehabilitate, and enhance natural systems to serve natural hazard mitigation functions.

### **Encourage Partnerships and Implementation**

- Strengthen communication and coordinate participation among and within public agencies, citizens, non-profit organizations, business, and industry to gain a vested interest in implementation.
- Encourage leadership within public and private sector organizations to prioritize and implement local, county, and regional hazard mitigation activities.

### **Augment Emergency Services**

- Establish policy to ensure mitigation projects for critical facilities, services, and infrastructure.
- Strengthen emergency operations by increasing collaboration and coordination among public agencies, non-profit organizations, business, and industry.
- Coordinate and integrate natural hazard mitigation activities, where appropriate, with emergency operations plans and procedures.

## **1.6 How Will the Addendum be Implemented, Monitored, and Evaluated?**

The addendum maintenance process includes a schedule for implementing, monitoring, evaluating, and reviewing this addendum. It is essential to have this process to ensure addendum sustainability.

### **1.6.1 Addendum Adoption**

In 2003, the city of Milwaukie adopted its addendum to the Clackamas County Multi-Jurisdictional Natural Hazards Mitigation Plan.

The Milwaukie Natural Hazards Mitigation Plan Addendum will be updated every five years in accordance with the Disaster Mitigation Act of 2000, and in coordination with the county's plan update schedule.

The Milwaukie City Council will be responsible for adopting future updates and revisions to the city's addendum. This governing body has the authority to promote sound public policy regarding natural hazards.

### **1.6.2 Coordinating Body**

The Milwaukie HMAc is responsible for coordinating implementation of the addendum's mitigation actions and undertaking future addendum updates.

Technical advisory committees as well as other ad hoc committees may be established to implement appropriate mitigation projects and tasks, and will be organized as needed by the convener. The attendees of these technical advisory committees will report on their actions at the regularly scheduled HMAc meetings.

The city manager or designee will assign representatives from appropriate city departments to staff the HMAc. In order to make this committee as broad and useful as possible, the HMAc will engage relevant organizations and agencies when needed.

### **1.6.3 Convener**

Milwaukie's Public Works Operations Department will serve as the 'convener' for future HMAc meetings. The convener will assign tasks such as updating and presenting the addendum to committee members. Addendum implementation and evaluation will be a shared responsibility among all of the HMAc members.

### **1.6.4 Implementation through Existing Programs**

The city of Milwaukie addresses statewide planning goals and legislative requirements through its comprehensive plan, capital improvements plan, zoning ordinances, and building codes. The addendum provides a series of recommendations that are closely related to the goals and objectives of these existing planning programs. Where possible, the city of Milwaukie will implement recommended mitigation actions through existing programs and procedures.

### **1.6.5 Formal Review Process**

Milwaukie's Addendum to the Clackamas County Natural Hazards Mitigation Plan will be evaluated on a quarterly basis to determine the effectiveness of programs, and to reflect changes in land development or programs that may affect mitigation priorities. The convener will be responsible for contacting HMAc members and organizing the quarterly meetings. HMAc members will be responsible for monitoring and evaluating the progress of the mitigation strategies in the addendum.

The HMAc will meet quarterly over the next five years to: discuss strategies for implementing mitigation actions; identify and seek funding for the implementation of mitigation actions; and evaluate and update the addendum's content. The HMAc will additionally review the addendum's goals and mitigation actions to: 1) determine their relevance to changing situations within the city; 2) determine their relevance to (as well as changes in) state or federal policy; and 3) to ensure they are addressing current and unexpected conditions. The HMAc will also review the hazard assessment portion of the addendum (Section 4) to determine whether information should be updated or modified, given any new available data. Finally, the coordinating organizations responsible for various mitigation actions will report on the status of their projects.

Although the addendum will be revisited and potentially updated on a quarterly basis, the HMAc will be required to formally update the addendum every five years in accordance with the Disaster Mitigation Act of 2000. The city of Milwaukie participates in the Clackamas County Hazard Mitigation Advisory Committee. As such, the city intends to follow Clackamas County's five year plan update schedule. This ensures that the city's addendum coordinates with the county's plan and remains eligible for federal mitigation grant programs. The next addendum update is scheduled to occur in September 2012.

The Milwaukie HMAc should begin the five-year update process in the fall of 2011 to allow enough time for the review and update of the entire addendum by September 2012. The convener will assign one or more HMAc members with the responsibility of facilitating and/or documenting the addendum update process. When completed, the convener will submit the updated addendum to Oregon Emergency Management and the Federal Emergency Management Agency (FEMA) for review. Upon 'pre-approval' from FEMA, the Milwaukie City Council will be asked to adopt the updated addendum via resolution. After FEMA sees proof of local adoption, Milwaukie will receive 'formal' approval for its updated addendum. The five-year plan update process should always occur in tandem with the county's plan update process.

The following questions should guide the Milwaukie HMAc in updating the addendum every five years:

- Have public involvement activities taken place since the addendum was adopted?
- Are there new hazards that should be addressed?
- Have there been hazard events in the community since the addendum was adopted?
- Have new studies or previous events identified changes in any hazard's location or extent?
- Has vulnerability to any hazard changed?
- Have development patterns changed? Is there more development in hazard prone areas?
- Do future annexations include hazard prone areas?
- Are there new high risk populations?

- Are there completed mitigation actions that have decreased overall vulnerability?
- Did the addendum document and/or address National Flood Insurance Program repetitive loss properties?
- Did the addendum identify the number and type of existing and future buildings, infrastructure, and critical facilities in hazards areas?
- Did the addendum identify data limitations?
- Did the addendum identify potential dollar losses for vulnerable structures?
- Are the addendum goals still relevant?
- What is the status of each mitigation action?
- Are there new actions that should be added?
- Is there an action dealing with continued compliance with the National Flood Insurance Program?
- Are changes to the mitigation action prioritization, implementation, and/or administration processes needed?
- Do changes need to be made within the five year update schedule?
- Is mitigation being implemented through existing planning mechanisms (such as comprehensive plans, or capital improvement plans)?

### 1.6.6 Continued Public Involvement

The city of Milwaukie is dedicated to involving the public directly in the review and ongoing development of the addendum. The Community Services Director informed the seven neighborhood district associations about the 2003 addendum development process. Once completed, the 2003 addendum was presented at the September 16, 2003 City Council meeting. City Council meetings are open to the public, and the agenda is posted online one week before the meeting. After the initial 2003 addendum was adopted, it was uploaded to the city website, and was also made available via the county's website.

During the 2009 addendum update process, OPDR's website ([www.OregonShowcase.org](http://www.OregonShowcase.org)) served as an outreach tool to the community. OPDR's website was used to provide local contact information and updates on the planning process. Additionally, drafts of Milwaukie's updated addendum were posted on OPDR's website to facilitate HMAC review. Once the HMAC created a final draft of the addendum a notice was placed in the monthly city newsletter, *The Pilot*, to ask for public comment on the addendum (see article language below). The public was directed to OPDR's website to review the plan, and asked to provide comments to the city for incorporation into the final plan draft. No comments were received.

*The city recently convened a natural hazards mitigation review team—to complete a periodic review and update of our Natural Hazard Mitigation Plan. The review team included staff from various city departments, the School District, and the Fire District. Milwaukie was proud to be the first jurisdiction in Oregon to complete a plan in 2004. The plan assesses the risk for natural hazards such as floods, earthquakes, and storms and outlines strategies for handling such natural emergencies. The city would like your input on the plan. Please submit any comments or questions by Friday May 15th. The plan is available online here:*

<http://www.oregonshowcase.org/index.cfm?mode=plans&page=clackamas>

The city of Milwaukie will ensure continued public awareness over the next five years by presenting the addendum to City Council for discussion and adoption. The final adopted and approved addendum will be posted on the city's website at [www.cityofmilwaukie.or/publicsafety](http://www.cityofmilwaukie.or/publicsafety) , on the county's emergency management website at <http://www.clackamas.us/emergency/publications.html>, and on the University of Oregon Libraries' Scholar's Bank Digital Archive. Additionally the Milwaukie Community Services Director will inform the seven neighborhood district associations about the updated addendum. If deemed necessary, the HMAC may call a public meeting, such as after a natural hazard.

## **1.7 What are the Mitigation Actions Identified by the City of Milwaukie?**

The mitigation actions are a list of activities in which city staff, county agencies, and citizens can be engaged to reduce risk. Each mitigation action includes an estimate of the timeline for implementation. Short-term mitigation actions (ST) are activities that generally can be implemented with existing resources and authorities within one to two years. Long-term mitigation actions (LT) may require new or additional resources or authorities, and may take between one and five years to implement. The mitigation actions are organized within the following matrix, which lists all of the multi-hazard and hazard-specific actions included in the addendum.

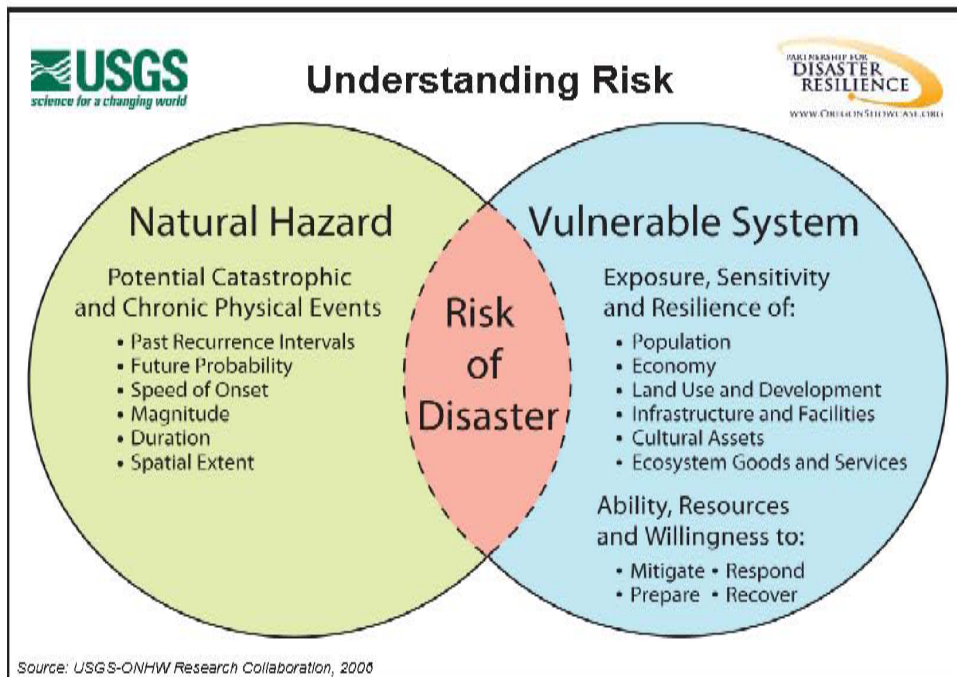
Mitigation Action	Mitigation Action Title	Coordinating Organization	Timeline	Alignment with Plan Goals				
				Protect Life and Property	Promote Public Awareness	Enhance Natural Systems	Encourage Partnerships and Implementation	Augment Emergency Services
LT Flood #1	Evaluate alternatives for reducing the flooding hazard for properties along Kellogg Creek, Johnson Creek, the Mount Scott Creek area, and the Willamette River.	Public Works Department, Engineering Department	Long Term 3-5 years	X	X	X	X	X
LT-Flood #2	Ensure continued compliance in the National Flood Insurance Program (NFIP) through enforcement of local floodplain management ordinances.	Engineering Department	Long Term Ongoing	X	X		X	
ST Landslide #1	Reduce the vulnerability of property owners in landslide-prone areas.	Building Department, Engineering Department	Short Term Ongoing	X	X	X	X	
LT Severe Storm #1	Bury power lines subject to failures.	Public Works Department, Engineering Department	Short Term Ongoing	X		X	X	X
LT Wildfire #1	Promote fire-resistant strategies for new developments	Building Department, Clackamas Fire District #1	Long Term Ongoing	X	X	X	X	X
LT Earthquake #1	Conduct seismic evaluations on identified critical/essential facilities and infrastructure.	Facilities Department, Building Department	Long Term 3-5 years	X			X	X
ST Multi Hazard #1	Improve vegetation management throughout the City.	Clackamas Fire District #1, Community Services	Short Term Ongoing	X	X	X	X	X
ST Multi Hazard #2	Ensure that there are adequate shelter facilities in hazard-free zones to serve Milwaukie residents	Clackamas Fire District #1 Emergency Manager	Short Term Ongoing	X	X		X	X
ST Multi Hazard #3	Improve network of communications during a disaster.	Information Systems Technology, Public Works	Short Term Ongoing	X	X		X	X

Mitigation Action	Mitigation Action Title	Coordinating Organization	Timeline	Alignment with Plan Goals				
				Protect Life and Property	Promote Public Awareness	Enhance Natural Systems	Encourage Partnerships and Implementation	Augment Emergency Services
ST Multi Hazard #4	Develop, enhance, and implement education programs designed to reduce the losses from natural hazards.	CFD#1, Community Services	Short Term Ongoing	X	X	X	X	X
ST Multi Hazard #5	Promote CERT program activity in the area and recruit members for training.	Community Services, Clackamas Fire District #1	Short Term Ongoing	X	X		X	X
ST Multi Hazard #6	Develop and enhance strategies for debris management for all hazards.	Public Works Department	Short Term Ongoing	X	X	X	X	
LT Multi Hazard #1	Improve and obtain resources and equipment essential for responding to and recovering from disasters.	Public Works Department	Long Term Ongoing	X	X	X	X	
LT Multi Hazard #2	Improve the hazard assessment in the Milwaukie Natural Hazards Mitigation Plan.	City Geographic Information Systems, Hazard Mitigation Advisory Committee	Long Term Ongoing	X	X	X	X	X
LT Multi Hazard #3	Integrate the goals and action items from the Milwaukie Natural Hazard Mitigation Plan into existing regulatory documents and programs, where appropriate.	Planning Department, Engineering Department	Long Term Ongoing	X	X	X	X	

# Section 2: Community Profile

The following section describes the city of Milwaukie from a number of perspectives in order to help define and understand the city’s vulnerability and resilience to natural hazards. Vulnerability is defined as those community assets and characteristics that may be impacted by natural hazards, (e.g., special populations, economic factors, and historic and cultural resources). Resilience is defined as the community’s ability to manage risk and adapt to hazard event impacts (e.g., governmental structure, agency missions and directives, and plans, policies, and programs). The information in this section represents a snapshot in time of the city’s vulnerability and resiliency at the time this addendum was developed. The information documented below, along with the hazard assessments located in Section 4: Natural Hazards should be used as the local level rationale for the city’s mitigation strategies. The identification of actions that reduce the city’s vulnerability and increase its resilience assist in reducing overall risk, as depicted in the area of overlap in Figure 1 below.

**Figure 1 Understanding Risk<sup>i</sup>**



## 2.1 Geography and the Environment

The city of Milwaukie encompasses an area of 4.8 square miles and is located along the Willamette River in northwestern Clackamas County in Northwestern Oregon (Map 1). Milwaukie is an incorporated city on the southern border of Portland, Oregon’s largest city. The city is within the Willamette River basin and has two major creeks flowing through it, Johnson Creek in the northern part of the city and Kellogg Creek in the southern part. Other tributaries include Mount Scott Creek in the southeastern part of the city; Minthorn Creek in the eastern industrial area,

which flows into Mount Scott Creek; and Spring Creek in the western part of the city, which flows into Johnson Creek.

Elevations in the city range from 205 feet near 59<sup>th</sup> Avenue and Monroe Street to a low of 4 feet on the shores of the Willamette River. Milwaukie is characterized by flat or gently hilly topography.

## 2.2 Population and Demographics

In 2000 the city of Milwaukie was home to a population of 20,490. According to the Portland State Population Research Center the estimated population of Milwaukie on July 1, 2008 was 20,915, a 2.1% change over the 2000 Census level. <sup>ii</sup>

Disaster impacts, in terms of loss and the ability to recover, vary among population groups following a disaster. Historically, 80% of the disaster burden falls on the public. Of this number, a disproportionate burden is placed upon special needs groups, particularly children, the elderly, the disabled, minorities, and low income persons. Portions of the city of Milwaukie’s residents fall into these special needs populations. In 1999, approximately 7.6% of Milwaukie’s population had an income below the poverty level. About 3.7% of the population speaks English less than “very well.” Additionally, 13.7% of the city’s population is 65 years of age and older.<sup>iii</sup> More information on the city of Milwaukie’s special needs populations are shown in Tables 2.1 – 2.3.

**Table 2.1 Community Age Groups from 1970 to 2000**

Year	1970	1980	1990	2000
Under 5 years	1389	1263	1237	1306
5-19 years	4809	3840	3439	3874
20-44 years	5307	7104	7701	7548
45-64 years	3519	3548	3515	4946
65+ years	1275	2140	2800	2816
Median Age	28	30	35	37.7

Source: US Census, 2000. Median value is the middle value, not an average.

**Table 2.2 Population by Race**

Race	Population
White	18,271
Hispanic or Latino	813
Asian	483
Black or African American	182
American Indian and Alaska Native	171
Native Hawaiian and Other Pacific Islander	50
Some other Race	16
Two or more races	504

Source: U.S. Census, 2000

**Table 2.3 Disabled Populations**

<b>Age</b>	<b>Number of People</b>
5 to 15 years	120
16 to 64 years	4463
65 years and over	1922
Total percentage of population with disability	31.70%

Source: U.S. Census, 2000

## 2.3 Employment and Industry

Milwaukie is a major industrial center in the Portland metropolitan area containing one of the largest concentrations of warehousing and distribution industries in the region. The Milwaukie Industrial Park, Omark Industrial Park, and the Johnson Creek industrial area comprise over 300 acres of industrial land within the city. However, these areas are nearing capacity and very little land within the city is currently available for new industrial development.

Milwaukie's commercial lands are largely built up. New commercial development along Highway 224, McLoughlin Boulevard, and 82<sup>nd</sup> Avenue has lured many people away from downtown Milwaukie for purchasing comparison goods such as clothes, furniture and appliances. This is true for most small community commercial centers since comparison-shopping has increasingly occurred at large shopping centers. Downtown Milwaukie, however, has continued to attract commercial investment in the form of commercial service uses including banks, insurance, professional offices, and a new mixed use development containing a large residential component.

In 2000 the median household income for Milwaukie was \$43,635, while the median per capita income in 1999 was \$21,342.<sup>iv</sup> As of 2003 approximately one-third of Milwaukie residents in the labor force were employed in Clackamas County. Milwaukie is part of a much larger metropolitan labor market, but local jobs are very important. Local jobs reduce commuting and energy costs related to commuting. They also stimulate the local economy. Table 2.4 lists the city's three largest employers:

**Table 2.4 Three Largest Employers as of 2005**

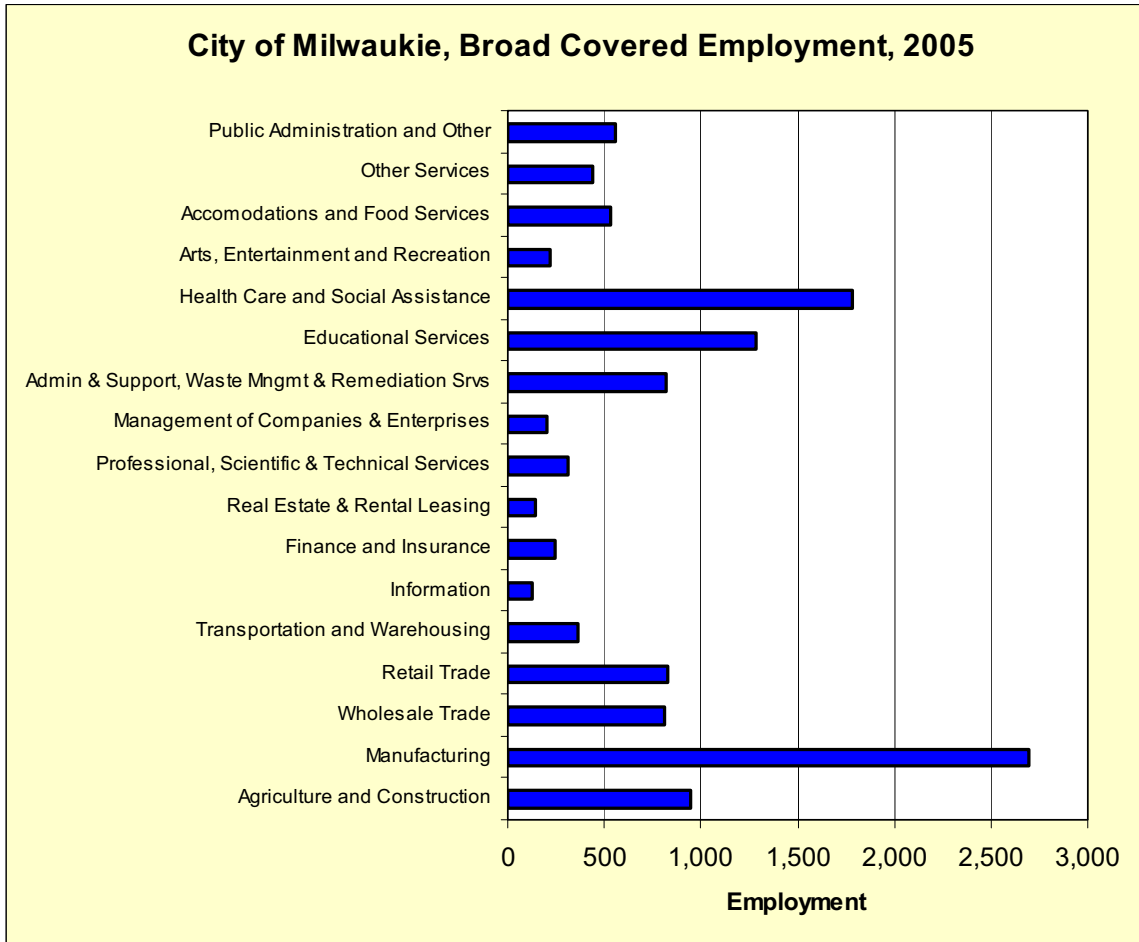
<b>Employer</b>	<b>Product/Service</b>	<b>Number of Employees</b>
Blount Inc/Oregon Cutting Systems Div.	Chain Saw Blades	1000-1500
Precision Castparts	Titanium & Steel Castings	500-1000
Providence Milwaukie	Health Care	250-500

Source: City of Milwaukie Community Development Department

As of 2009, over 150 residents conducted businesses from their homes. The city's regulations support and encourage home occupations, recognizing that they are a source of local employment, while at the same time protecting the residential character of the city's neighborhoods.

The city of Milwaukie has an array of employment industries, as shown below in Table 2.5:

**Table 2.5 Employment by Industry, 2005**



Source: Worksource Oregon Employment Department

## 2.4 Housing

Housing type and age are important factors in mitigation planning. Certain housing types tend to be less disaster resistant and warrant special attention: mobile homes, for example, are generally more prone to wind and water damage than standard stick-built homes. Generally the older the home is, the greater the risk of damage from natural disasters. This is because stricter building codes have been developed following improved scientific understanding of plate tectonics and earthquake risk. For example, structures built after the late 1960s in the Northwest and California use earthquake resistant designs and construction techniques. In addition, FEMA began assisting communities with floodplain mapping during the 1970s, and communities developed ordinances that required homes in the floodplain to be elevated one foot above Base Flood Elevation.

The city of Milwaukie has 8,988 housing units of which 8,561 are occupied and 427 are vacant. Of these housing units 5,157, or 60.2%, are owner-occupied and 3,404, or 39.8%, are renter occupied. The median value of an owner-occupied home in 2000 was \$153,800.<sup>v</sup> The median year-built of current housing structures is 1965, meaning much of the city's housing stock was built before stricter seismic building codes were put in place. Tables 2.6 and 2.7 show more detailed statistics on housing in Milwaukie.

**Table 2.6 Housing Type**

Housing Type	Percent
Single Family	67.9%
Multi-Family	31.1%
Mobile Home	1.0%

Source: US Census, 2000

**Table 2.7 Housing Structure Age**

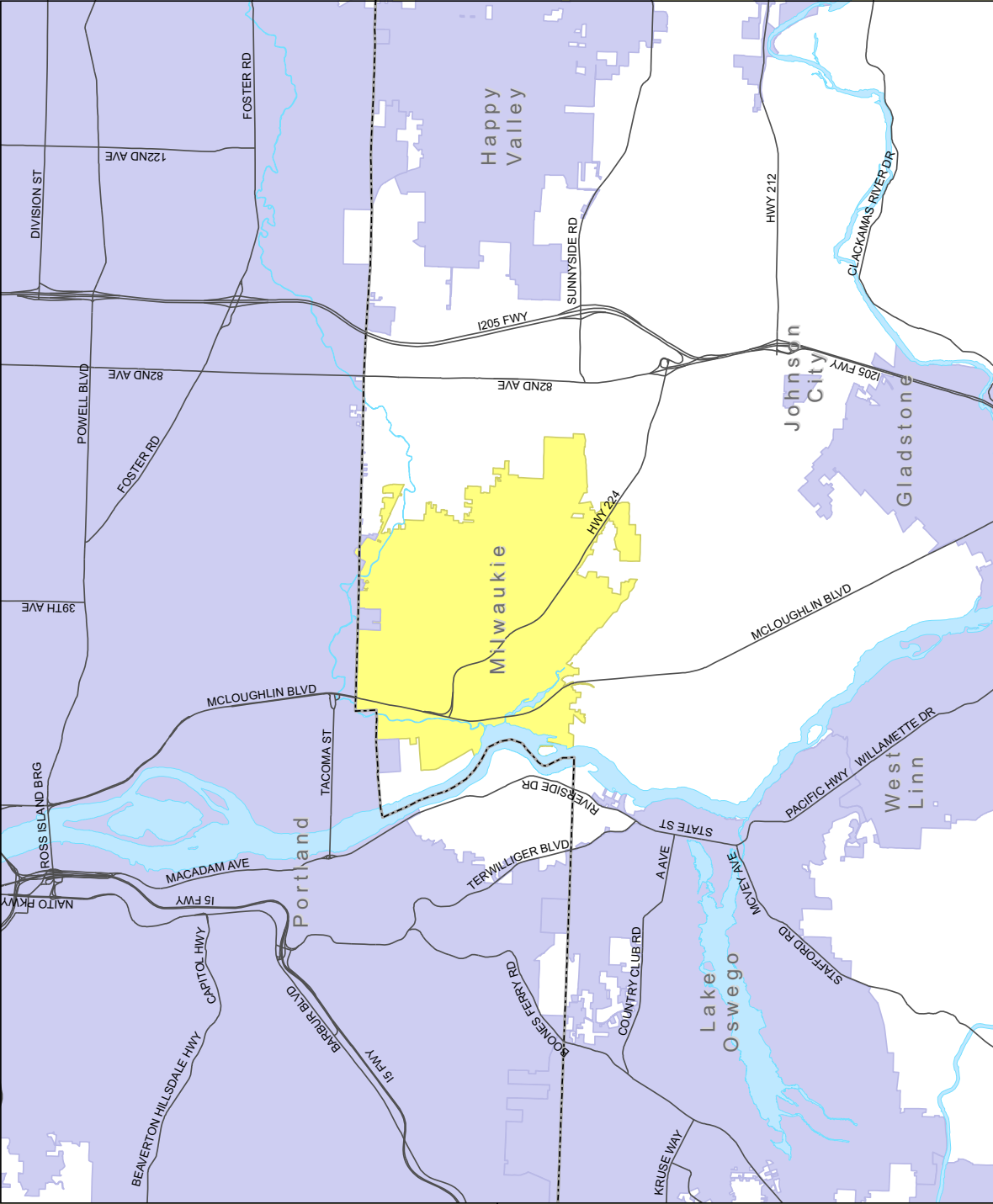
Year Structure Built	Number of Structures	Percent of Total Structures
1990 to March 2000	926	10.2%
1980 to 1989	815	9.0%
1970 to 1979	1,765	19.5%
1960 to 1969	2,082	23.0%
1950 to 1959	1,597	17.6%
1940 to 1949	701	7.8%
Built 1939 or earlier	1,163	12.9%

Source: US Census, 2000

## 2.5 Land Use & Development

Although Milwaukie's history dates back to 1840, until the 1940's it was a small town of less than 2,000 people. With World War II came the development of the Milwaukie Industrial Park, and Milwaukie rapidly became a city with local jobs and an industrial tax base. During the 1950's, suburban growth spread to Milwaukie and to the south and east of the city's boundaries. New suburbs and large annexations added to the city's population and area into the 1960's. Although the city itself was growing rapidly, new residential development extended past Milwaukie, and was encouraged by the growth of sewer, water, and fire service districts.

Developing or fully developed residential areas now border the city. As new development has occurred further from the Portland core area, Milwaukie has become an inner, older suburb within the region. Map 1 shows the city's location in the Portland Metropolitan region. Although new development is still occurring, nearly 90 percent of the city's land area is already developed. Citizens are concerned about the lack of parks and open space as the remaining vacant land disappears. Traffic congestion on existing streets and highways is increasing, and new freeways outside of Milwaukie are opening up lands for residential and commercial development.



# Area Map Map #1

- Major Road
- County Boundary
- Water Body
- Milwaukie
- Other City

Data Sources: City of Milwaukie GIS  
 Metro Data Resource Center  
 Date: December 2008  
 The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.  
 GIS Coordinator  
 City of Milwaukie  
 2006 SE Industrial Street  
 Milwaukie, OR 97122  
 (503) 786-7489



## 2.6 Transportation

Milwaukie is accessible by two state highways, 99E (or McLoughlin Blvd.), running north to south in the western part of the city, and Highway 224, running west to east through the central part of the city. Public transportation in Milwaukie is provided by Tri-Met. Eleven bus routes go through the downtown Milwaukie transit center on a daily basis. Milwaukie is also bisected by the Union Pacific Railroad main line, which travels northwest to southeast carrying both passengers and freight.

Transportation is an important consideration when planning for emergency service provisions. Growth within the city will put pressure on both major and minor roads, especially if the main mode of travel is by single occupancy vehicles. How people travel to work is indicative of the prevalence of single occupancy vehicle travel. Table 2.8 shows the different methods city residents use to travel to work.

**Table 2.8 Transportation Used to Commute to Work**

Means of Transportation	Number	Percent
Drove alone	8,245	76.1
Carpooled	1,197	11.1
Public Transportation	609	5.6
Worked at home	513	4.7
Walked	125	1.2
Other	69	.6
Bicycle	68	0.6
Motorcycle	8	.007

Source: US Census, 2000

## 2.7 Historical and Cultural Resources

Historic and cultural resources such as historic structures and landmarks can help to define a community and may also be sources of tourism dollars. Because of their role in defining and supporting the community, protecting these resources from the impact of disasters is important. The city's historic inventory, which is detailed in the Comprehensive Plan, includes:

- 30 Houses
- 5 Commercial Buildings
- 3 Schools
- 1 Cemetery
- 1 Church
- 1 City Hall
- 1 Water Works

Milwaukie offers an array of attractions for its citizens and visitors. Milwaukie attractions include:

- Bob's Red Mill
- Clackamas Live! Music Festival
- Dark Horse Comics Corporate Headquarters
- Milwaukie Art and Artisan Market

- Milwaukie Farmers Market
- Milwaukie Museum
- Riverfest
- Riverfront Park
- Sara Hite Memorial Rose Garden
- Spring Park and Elk Rock Island
- Springwater Trail
- Winter Solstice Event

## 2.8 Government Structure

The City Council is the policy making body for the city of Milwaukie. The Council is composed of a mayor and four councilors, all of which are elected from the city at large. The mayor and councilors appoint the city manager, city attorney, and municipal judge by a majority vote of the entire council. The city manager appoints all other city employees.<sup>vi</sup>

The city of Milwaukie currently has the following departments which have a role in natural hazard mitigation:<sup>vii</sup>

**Office of the City Manager** is responsible for taking charge of the daily supervision of City affairs.

**Community Development** oversees the following departments and services: Planning, Building Inspection, Engineering, Streets, Water, Sewer, Stormwater, Fleet Services, Fleet Reserve, Facility Maintenance and Public Parking Facilities.

**Community Services** focuses on increasing, improving, and facilitating communication between the city and its residents. The office helps the city improve the quality of service delivery by linking residents with service providers; conveying community needs and desires to elected and appointed officials; facilitating public participation in policy development; and by supporting neighborhood leadership and the organizational development of the city's neighborhood associations.

**The Code Compliance Division** is responsible for neighborhood preservation, code compliance, and nuisance abatement.

**The Engineering Department** works closely with the Public Works Department in maintaining the city's existing utilities and infrastructure and providing for future increased capacity. Tasks range from helping citizens locate sewer and water lines near their homes to the design and supervision of major street improvement projects.

**The Planning Department** regulates growth and development in the city of Milwaukie by administering the city's Comprehensive Plan and Municipal Code related to zoning and land division. Tasks range from implementing existing zoning regulations to assisting City Council with land use and growth planning policy development.

**The Milwaukie Police Department** is a full service law enforcement organization that has been dedicated to the citizens of the city of Milwaukie, in one form or another, since its inception in the year 1903. The department evolves through

constant introspection, citizen input, and City Council direction and is constantly examining the processes in order to find a way to “do it better.”

**The Wastewater Division** continues regular sewer line cleaning and inspection. It uses information from inspections for ongoing analysis of the sewer system components and capital needs assessment, and on the spot pipe rehabilitation to minimize sewer back-ups.

**The Stormwater Division** ensures that the city complies with the National Discharge Elimination System (NPDES) permit. The division monitors pollutants in surface water. The division also repairs, cleans, and maintains over 1,600 catch basins, 654 manholes, 198 drywells and approximately 37 miles, or 195,360 feet of pipes and ditches.

**The Water Division** is responsible for the supply and distribution of drinking water. It serves approximately 6,750 residential and commercial customers. The system is comprised of 100 miles of water lines, 3 storage reservoirs, 7 wells, 2 pressure boosting stations, and 2 treatment plants. The division ensures that the city’s water storage and distribution systems comply with all state and federal regulations.

## 2.9 Existing Plans and Policies

Communities often have existing plans and policies that guide and influence land use, land development, and population growth. Such existing plans and policies can include comprehensive plans, zoning ordinances, and technical reports or studies. Plans and policies already in existence have support from local residents, businesses and policy makers. Many land use, comprehensive, and strategic plans get updated regularly, and can adapt easily to changing conditions and needs.

The Milwaukie Natural Hazards Mitigation Plan Addendum includes a range of recommended mitigation actions that, when implemented, will reduce the city’s vulnerability to natural hazards. Many of these recommendations are consistent with the goals and objectives of the city’s existing plans and policies. Linking existing plans and policies to the addendum helps identify what resources already exist that can be used to implement the mitigation actions identified in the addendum. Implementing the addendum’s mitigation actions through existing plans and policies increase their likelihood of being supported and getting updated, and maximizes the city’s resources.

The following list documents the plans and policies already in place in the city of Milwaukie:

**Plan:** City of Milwaukie Emergencies Operations Plan

**Date of Last Revision:** September 1999

**Author/Owner:** City of Milwaukie

**Description:** The Emergency Operations Plan describes the conditions required for the declaration of a state of emergency within the city and names the individual authorized to declare that state of emergency.

**Relation to Natural Hazard Mitigation:** An emergency operations plan can be used to implement mitigation activities related to emergency situations.

**Plan:** City of Milwaukie Comprehensive Plan

**Date of Last Revision:** 2008

**Author/Owner:** City of Milwaukie

**Description:** Establishes broad city goals and specific policies which will realize or achieve those goals. The policies are intended to provide sufficient guidance for evaluating a wide variety of proposed actions, and for making decisions about matters covered by the Comprehensive Plan.

**Relation to Natural Hazard Mitigation:**

- Natural Hazards Element provides information on the floodplain, seismic activity, and weak foundation soils.
- Open Spaces, Scenic Areas, and Natural Resources Elements aim to protect these features and improve the quality of the environment.
- Agricultural and Forest Lands Element provides for the orderly conversion of semi-rural lands to urban uses while maintaining adequate open space to meet the needs of existing and future residents.
- Air, Water Quality, and Land Resources Elements direct the city to meet federal and state air, noise, and water quality standards.
- Land Use Element has the objective to utilize land in the city according to their relative measure of potential for building.
- Transportation and Public Facilities Elements detail plans for future growth, and the continual upgrade and maintenance of existing facilities.
- City Growth Element establishes a consistent framework for the city regarding municipal services and land uses within the urbanized, unincorporated territory surrounding the city.

**Plan:** City of Milwaukie Municipal Code

**Date of Last Revision:** 2008

**Author/Owner:** City of Milwaukie

**Description:** The purpose of the Municipal Code is to set rules and regulations on construction and activities within the city.

**Relation to Natural Hazard Mitigation:**

- Title 13, Public Services: This section details the municipal water system, drought and emergency water regulation, cross-connection control, sewer system, stormwater management, solid waste management, and capital improvements.
- Title 15, Buildings and Construction: This sections details the building codes, plumbing codes, building relocation, vacant lots, public facilities improvements, and public works standards.
- Title 16, Environment: This section details seismic conditions, weak foundation soils, air quality, noise, erosion control, and tree cutting.
- Title 17, Chapter 18.04, Flood Hazard Areas: The purpose of this chapter is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed.
- Title 19, Zoning: The purpose of this title is to provide for the public health, safety, and general welfare of the citizens of the city through orderly community development.

## 2.10 Community Organizations and Programs

Social systems can be defined as community organizations and programs that provide social and community-based services, such as health care or housing assistance, to the public. In planning for natural hazard mitigation, it is important to know what social systems exist within the community because of their existing connections to the public. Often, actions identified by the addendum involve

communicating with the public or specific subgroups within the population (e.g. elderly, children, low income). The county and its cities can use existing social systems as resources for implementing such communication-related activities because these service providers already work directly with the public on a number of issues, one of which could be natural hazard preparedness and mitigation.

The following list highlights community organizations within the city that may be potential partners for implementing mitigation actions:

- Friends of Clackamas Creek
- Friends of North Clackamas Park
- Johnson Creek Watershed Council
- Milwaukie Chamber of Commerce
- Milwaukie High School Habitat for Humanity
- Milwaukie High School National Honors Society
- Milwaukie Lions Club
- Milwaukie Rotary Club
- Seven Neighborhood District Associations
  - Ardenwald-Johnson Creek
  - Hector Campbell
  - Historic Milwaukie
  - Island Station
  - Lake Road
  - Lewelling
  - Linwood

# Section 3: Hazard Assessment

## 3.1 Definition of a Hazard Assessment

Conducting a hazard assessment can provide information on the location of hazards, the value of existing land and property in hazard locations, and an analysis of risk to life, property, and the environment that may result from natural hazard events.

Hazard assessments are subject to the availability of hazard-specific data.

Milwaukie conducted a hazard assessment for all of the hazards for which data was available. The three levels of a hazard assessment are as follows:

- 1) ***Hazard Identification*** identifies the geographic extent, the intensity of the hazard, and the probability of its occurrence. Maps are frequently used to display hazard identification data. Milwaukie identified six major hazards that consistently affect this geographic area. These hazards – floods, landslides, wildfires, earthquakes, wind and winter severe storms, and volcanoes – were identified through an extensive process that utilized input from the HMAC. The geographic extent of each of the identified hazards has been identified by the Milwaukie GIS department using the best available data, and is illustrated by the maps listed in Table 3.1.
- 2) ***Vulnerability Assessment/Inventorying Assets*** combines hazard identification with an inventory of the existing (or planned) properties and population exposed to a hazard. A complete listing of the community assets is listed in the following section. Additionally, a more detailed description of the vulnerability of these assets is located in the specific hazard sections.
- 3) ***Risk Analysis/Estimating Potential Losses*** involves estimating the damages, injuries, and financial losses likely to be sustained in a geographic area over a given period of time. This level of analysis involves using mathematical models. The two measurable components of risk analysis are magnitude of the harm that may result and the likelihood of the harm occurring. Describing vulnerability in terms of dollar losses provides the community and the state with a common framework in which to measure the effects of hazards on assets. Unfortunately, there is insufficient data for conducting a risk analysis for all natural hazards affecting Milwaukie. However, this need is identified in the action plan, and a complete risk assessment will be conducted when resources are available.

**Table 3.1 List of Hazard Mitigation Plan Maps**

Map #	Type of Map	Section of the Addendum
1	Map of Milwaukie in Region	Section 2
2	Critical Facilities	Section 3
3	Essential Facilities	Section 3
4	Infrastructure	Section 3
5	FEMA NFIP 100-Year Floodplain & 1996 Flood Inundation	Section 4
6	Landslide Hazards	Section 4
7	Storm (Sanding and Plowing Routes)	Section 4
8	Wildfire Hazards	Section 4
9	Earthquake Hazards	Section 4

### 3.2 Hazard Assessment Mapping Methodology

The information used to identify the hazards was derived from digital databases on Milwaukie's Geographic Information System, (GIS). Milwaukie obtains its data from Clackamas County, Metro, and produces some data in-house.

To identify the city's exposure to each hazard, the hazard areas were intersected with the facilities layers. The facilities and infrastructure located within each specific hazard zone were then reported. For the evaluations of estimated monetary damage assessment, the city did the same type of overlay with the city's tax lot data.

### 3.3 Community Assets: Vulnerability Assessment

This section outlines the resources, facilities and infrastructure that, if damaged, could significantly impact public safety, economic conditions, and the environmental integrity of Milwaukie. The exposure of community assets to natural hazards is provided in Table 3.2. The community assets are defined as follows:

**Critical Facilities:** Facilities and infrastructure necessary for emergency response efforts (Map 2).

- **Fire Stations:**

*City*

- Public Safety Building (Clackamas County Fire District)

*County:*

- Lake Road Station
- Oak Lodge Station

- **Law Enforcement:**

*City*

- Public Safety Building

*County*

- County Sheriff

*State*

- Oregon State Police

- **Hospitals:**

*City*

- Milwaukie Providence Hospital
- County*
- Kaiser Permanente Hospital
  - Willamette Falls Hospital

**Essential Facilities:** Facilities and infrastructure that supplement response efforts (Map 3).

- **City Buildings:**
  - Milwaukie City Hall
  - Public Safety Building
  - Public Facilities Building
  - Milwaukie Center
  - Ledding Library
  - Old Fire Station
  - Old Shop
- **County Buildings:**
  - Kellogg Treatment Plant
- **Potential Shelter Sites:**
  - Milwaukie Lutheran Church
  - St. Johns Catholic Church
  - St. Johns Episcopal Church
  - Milwaukie First Baptist Church
  - Romanian Baptist Church
  - Clackamas Christian Center
  - Milwaukie Center
  - School Gyms
  - Ledding Library
- **Schools:**
  - Milwaukie High School
  - Rowe Junior High
  - Ardenwald Elementary
  - Hector Campbell Elementary
  - Linwood Elementary
  - Milwaukie Elementary
  - Seth Lewelling Elementary
  - Portland Waldorf School
  - St. Johns School
  - School Transportation Center

**Infrastructure:** (Map 4).

- **Bridges:**

*City*

  - Milport Road across Johnson Creek
  - 17<sup>th</sup> Avenue across Johnson Creek

*County*

- Oatfield Road across Kellogg Creek
- Rusk Road across Mount Scott Creek
- 55<sup>th</sup> Avenue across Johnson Creek
- Stanley Avenue across Johnson Creek
- 60<sup>th</sup> Avenue across Johnson Creek
- Linwood Avenue across Johnson Creek

*Portland*

- Ochoco Street across Johnson Creek
- Johnson Creek Blvd. across Johnson Creek

*State of Oregon*

- McLoughlin Blvd. across Johnson Creek N. of city
- McLoughlin Blvd. across Kellogg Creek
- McLoughlin off-ramp to Hwy. 224 across Johnson Creek
- Hwy. 224 across Johnson Creek, McLoughlin Blvd. & Main
- Hwy. 224 across railroad tracks and 26<sup>th</sup> Avenue
- Hwy. 224 across Mount Scott Creek

▪ **Transportation Corridors:**

- McLoughlin Blvd.
- Highway 224
- Harrison St/42<sup>nd</sup> Ave./King Rd.
- Lake Road
- Oatfield Road
- Linwood Avenue
- 17<sup>th</sup> Avenue
- 32<sup>nd</sup> Avenue
- River Road
- Johnson Creek Boulevard

▪ **Water Treatment Facilities**

- 7 City Wells
- Aeration Packed Towers – 5 @ two locations
- Elevated Water Storage Tank – 40<sup>th</sup> & Harvey
- Concrete Storage Tank – 40<sup>th</sup> & Harvey
- Ground Level Metal Tank – Stanley & Harlow
- Sewerage Pump Stations – 5

▪ **Other Utilities**

- NW Natural pipelines
- PGE Substations (One is at edge of Lake / Harmony; a second is on the East end of Johnson Creek)
- Qwest facility in Oatfield
- Satellite & Communication Towers

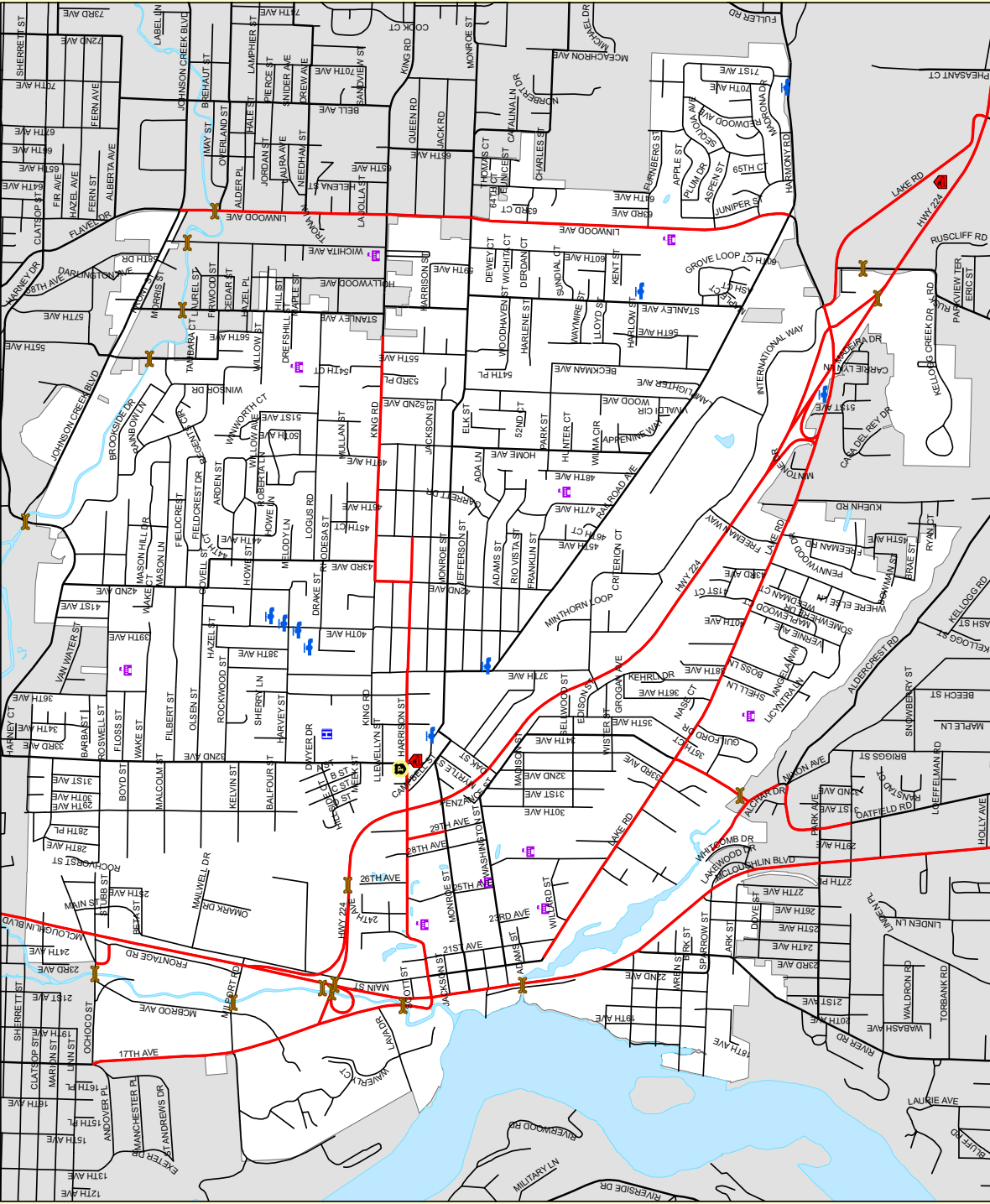
Table 3.2 identifies the number of critical facilities and infrastructure exposed to each of the natural hazards affecting the city of Milwaukie. The implications of

exposure to the various hazards are outlined in each of the hazards sections. Additional tax lot information is also included in the hazard specific sections.

**Table 3.2 Milwaukie Vulnerability Assessment**

<b>Hazard</b>	<b>Critical Facilities Exposed</b>	<b>Infrastructure Exposed</b>
Flood	0	15 Bridges
Landslide	0	0
Wildfire	0	1 Bridge
Severe Storm	N/A	N/A
Earthquake	3	6 Bridges
Volcano	N/A	N/A

Source: City of Milwaukie GIS



# Critical Facilities Map #2

- Bridges
- Fire Stations
- Hospital
- Police Station
- Schools
- Wells
- Transportation Networks
- Water Body
- City Boundary

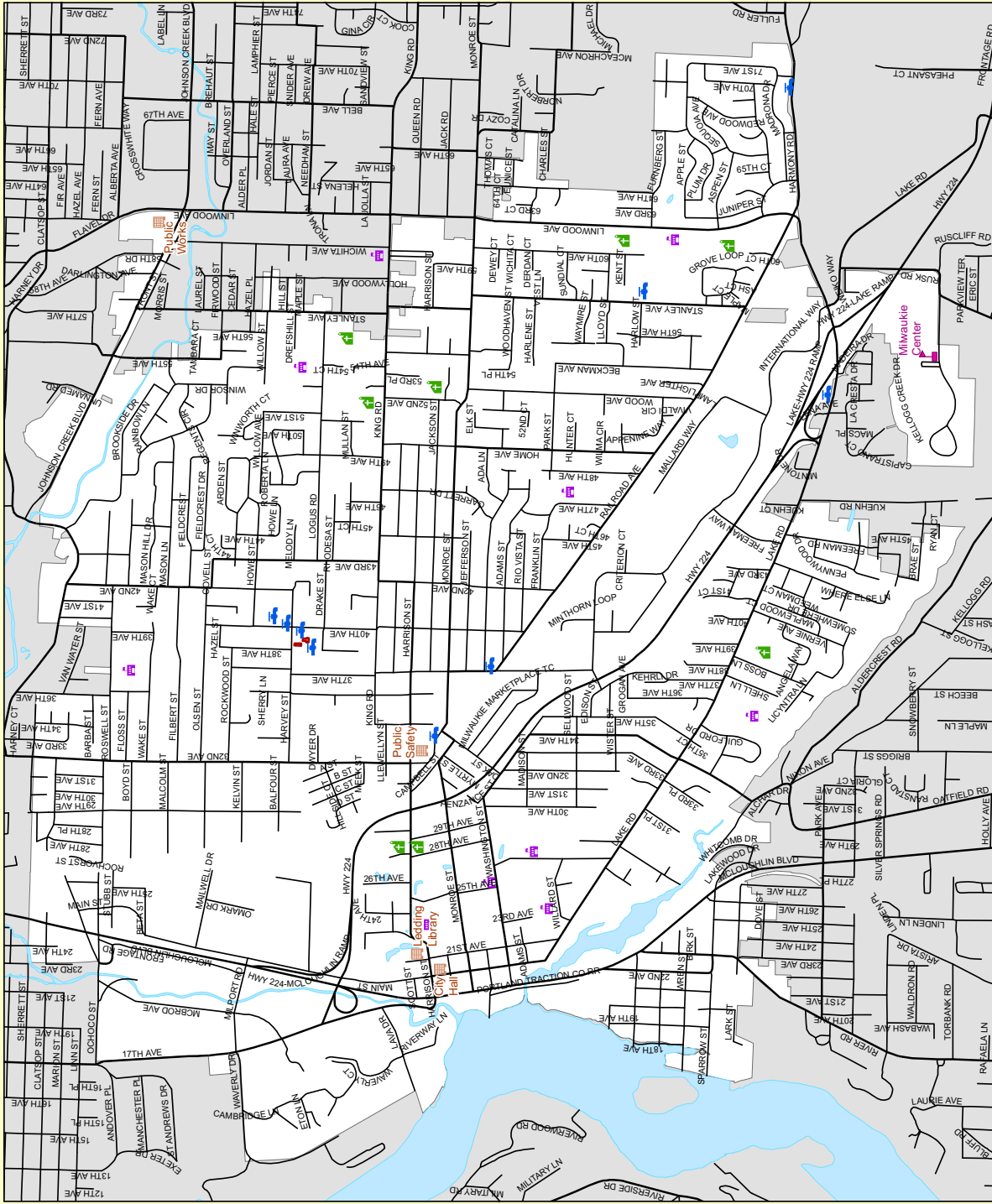
Data Sources: City of Milwaukie GIS  
 Metro Data Resource Center

Date: December 2008





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GIS Coordinator  
 City of Milwaukie  
 2006 SE Highway Street  
 Milwaukie, OR 97122  
 (503) 786-7489

0 500 1,000 2,000 3,000 4,000 5,000 Feet

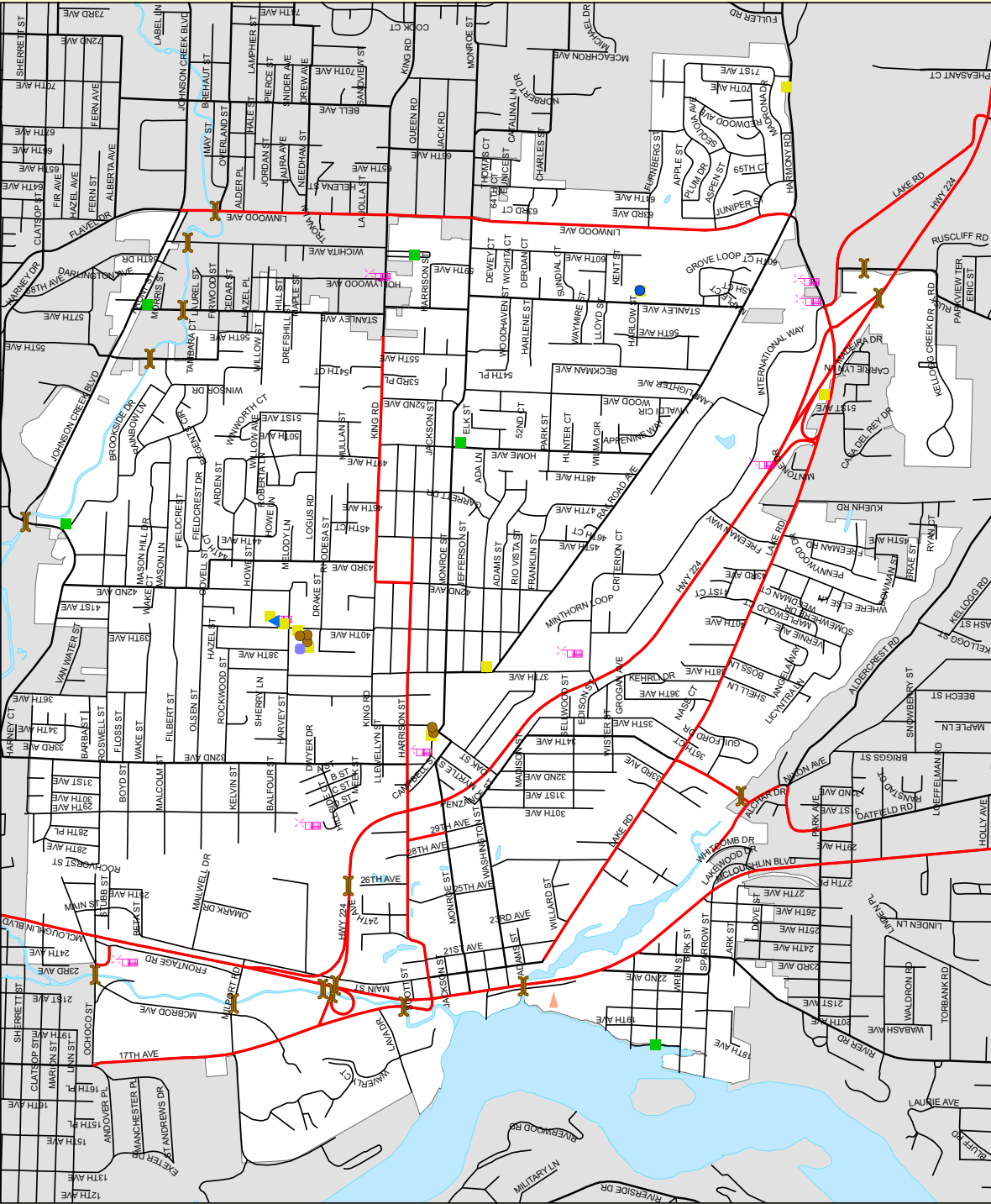


# Essential Facilities Map #3

-  Water Wells & Pumps
-  Potential Shelters, City Buildings
-  Potential Shelters, Schools/Gyms
-  Potential Church Shelters
-  Milwaukie Center
-  Old Fire Station/Old Shop
-  Water Body
-  City Boundary

Data Sources: City of Milwaukie GIS  
 Metro Data Resource Center  
 Date: December 2008  
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# Infrastructure Map #4

- Sewer Pumps
- Metal Water Tank
- ▲ Kellogg Sewer Treatment
- ▲ Elevated Water Tank
- Concrete Water Tank
- Aeration Towers
- City Wells
- Cell Towers & Antenna
- T Bridges
- ▬▬ Critical Transportation Networks
- Water Body
- City Boundary

Data Sources: City of Milwaukie GIS  
 Metro Data Resource Center

Date: December 2008

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# Section 4: Natural Hazards

## 4.1 Flooding

The city of Milwaukie has one large river and smaller tributaries that are susceptible to annual flooding events. Flooding poses a threat to life and safety, and can cause severe damage to public and private property. The river, creeks, and tributaries include:

- Willamette River
- Johnson Creek
- Kellogg Creek
- Mount Scott Creek
- Minthorn Creek
- Spring Creek

### 4.1.1 Flooding Profile

The historical large-scale flooding events have been described in Section 6 of the Clackamas County Natural Hazards Mitigation Plan, and are applicable to the city of Milwaukie. A few events between 2003 and 2009 require further explanation.

From December 2<sup>nd</sup> to 3<sup>rd</sup>, 2007 excessive rainfall required Clackamas County Water Environment Services to bypass treatment processes at the Kellogg Wastewater Treatment facility because the plant could not treat both the normal flows of wastewater and the excessive flows from the storm. As a result of the bypass, untreated wastewater was released into the Willamette River.

The December 2<sup>nd</sup>-3<sup>rd</sup> storm also raised the water level of Johnson Creek to flood stages, requiring the closure of the Millport Bridge between Frontage Road and McBrod Avenue. The water level came close to the deck of the bridge but never crested the bridge.

The probability of flooding events in Milwaukie was determined using scientific data, historical occurrences, and local knowledge. Milwaukie's HMAC estimates that the probability of floods occurring is 'high', meaning one event is likely within a 10 year period. This estimate is the same as the county's 'high' probability estimate.

### 4.1.2 Flooding Hazard Assessment

#### Hazard Identification

Hazard identification is the first step of a flood hazard assessment. Identification is the process of estimating: (1) the geographic extent of the floodplain; (2) the intensity of the flooding that can be expected in specific areas of the floodplain; and (3) the probability of occurrence of flood events. This process usually results in the creation of a floodplain map.

The city of Milwaukie is a regular participant in the National Flood Insurance Program (NFIP), with 50 policies in force at a value of \$12,763,600. Milwaukie's most recent Community Assistance Visit was March 31, 1999, and the city's most

current effective Flood Insurance Rate Map (FIRM) date is June 17<sup>th</sup>, 2008 (initial FHBM 4/05/1974).<sup>viii</sup> The geographic extent of the flooding hazard was determined using the designated FEMA NFIP 100-year floodplain data, as well as the inundation line for the 1996 flood. Map 5 illustrates the flood hazard area for Milwaukie. Map 5 shows there are 148 acres identified in the FEMA 100 year floodplain, which is 4.83% of the city's 3,067 acres.

**Vulnerability Assessment**

A vulnerability assessment is the second step of a flood hazard assessment. It combines the floodplain boundary, generated through hazard identification, with an inventory of the property within the floodplain. Understanding the population and property exposed to natural hazards will assist in reducing risk and preventing loss from future events. Milwaukie's HMAC estimates the city's vulnerability to flooding to be 'low', meaning less than 1% of the population and assets would be affected. This estimate is lower than the county's 'moderate' rating because Milwaukie has relatively low exposure to flooding compared to other cities in Clackamas County.

The amount of property in the floodplain, as well as the value of those properties can be calculated to provide a working estimate for potential flood losses. Table 4.1 below shows the number of tax lots, acres, and value of tax lots in the floodplain, as well as the property affected during the 1996 flood. This information was calculated by overlaying tax lot data on top of the floodplain map. The data serves to provide an estimate for potential flood losses.

**Table 4.1 Property Assessment:**

<b>Floodplain</b>	<b>Tax Lots</b>	<b>Acres</b>	<b>Value*</b>
FEMA100-year & 1996 Combined	244	302	\$245,620,594
FEMA 100 year	241	299	\$240,796,830
1996 Only	169	194	\$184,960,330

\*Value of property in the 100-year floodplain may include property in tax lots that intersect the floodplain, including property that does not physically reside in the floodplain itself.  
Source City of Milwaukie GIS

While the area of land in the floodplain is not great, the potential damage to property can be significant as it could impact residential, commercial and public properties. Flooding can affect building foundations, seep into basements, and damage interiors and exteriors of buildings. The extent of damage is dependent upon the velocity and depth of the water, and items carried in the flood waters, such as fallen trees. Overflowing of the city sewer system during flooding can cause further damage to properties.

The FEMA 100-year floodplain map shows that 1.3 miles of the transportation network could be affected in a flood. Bridges are the critical infrastructure located within the floodplain; however there is no fiscal impact data available for bridges. Bridge closures during a major flooding event can be a significant impediment to the traffic flow in and out of the city. Not all entry and exit routes, however, would be cut off. McLoughlin Boulevard is a major transportation route between Portland and cities such as Milwaukie, Oak Grove and Oregon City. Flooding on McLoughlin

Blvd would have a significant impact on residents and commuters in these cities going to and from Portland.

### **Risk Analysis**

Risk analysis is the third and most advanced phase of a hazard assessment. It builds upon the hazard identification and vulnerability assessment.

A flood risk analysis for Milwaukie should include two components: (1) the number of lives, and the value of property that may incur losses from a flood event (defined in the vulnerability assessment); and (2) the number and type of flood events expected to occur over time.

Flow velocity models can assist in predicting the amount of damage expected from different magnitudes of flood events. The data used to develop these models is based on hydrological analysis of landscape features. Changes in the landscape, often associated with human development, can alter the flow velocity and the severity of damage that can be expected from a flood event. Using GIS technology and flow velocity models such as multi-hazard HAZUS, it is possible to map the damage that can be expected from flood events over time. It is also possible to pinpoint the effects of certain flood events on individual properties.

At the time of publication of this addendum update, data was insufficient to conduct a risk analysis for flood events in Milwaukie. The city has addressed this issue in mitigation action LT-MH#2 in section 4.7 and will be completing a flood risk analysis as data and resources become available.

#### **4.1.3 Repetitive Flood Loss**

The city of Milwaukie works to mitigate problems regarding flood issues when they arise. Some areas in the city are more susceptible to flooding issues and have incurred repetitive losses, meaning they have had two or more NFIP claims in the past ten years. According to the most current data from the Oregon Department of Land Conservation and Development, six properties in Milwaukie have suffered from repetitive losses. The total NFIP payments are listed in Table 4.2.

**Table 4.2 Milwaukie Repetitive Loss Claims**

<b>Property</b>	<b>Total Building Payments</b>	<b>Total Contents Payment</b>	<b>Total Paid</b>
Property 1	\$90,040.40	\$0.00	\$90,040.40
Property 2	\$25,152.64	\$8,237.49	\$33,390.13
Property 3	\$5,057.82	\$0.00	\$5,057.82
Property 4	\$27,462.79	\$0.00	\$27,462.79
Property 5	\$17,351.20	\$0.00	\$17,351.20
Property 6	\$99,669.38	\$1,144.97	\$100,814.35

Source: Oregon Department of Land Conservation and Development

#### **4.1.4 Existing Flood Mitigation Activities**

Flood mitigation activities listed here include current mitigation programs and activities that are being implemented by city of Milwaukie agencies or organizations.

## **City of Milwaukie Codes Pertaining to Flooding**

### **Milwaukie Municipal Code Title 18 Flood Hazard Regulation (Ord 1899)**

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- I. To maintain the functions and values of floodplains such as allowing for storage and conveyance of stream flows through existing and natural flood conveyance systems.

### **Milwaukie Comprehensive Plan, Chapter 3 Environmental and Natural Resources (Ord 1666)**

GOAL STATEMENT: To prohibit development that would be subject to damage or loss of life from occurring in known areas of natural disasters and hazards without appropriate safeguards.

Milwaukie's future role will primarily be as a residential community with considerable employment opportunities. This future, however, is not incompatible with the conservation of the city's remaining natural resources of land, air, water, and the natural environment. The wise use and management of these resources is particularly important in Milwaukie because the city is almost completely developed and few areas remain in a natural state. The protection of these natural resources is essential if residents are to experience the city's pleasures and amenities, which can only be enjoyed when nature is close at hand. The Comprehensive Plan elements which address these issues include:

- Natural Hazards Element
- Historic Resources Element
- Open Spaces, Scenic Areas, and Natural Resources Element
- Agricultural and Forest Lands Element
- Air, Water and Land Resources Quality Element

Policies in each of these elements, as well as the technical studies and inventories documented in the Resources and Environment, Parks and Open Space, Land Use and Transportation working papers, and the Neighborhood Blockwalk, comply with Statewide Planning Goals 3, 4, 5, 6, and 7 (reference Oregon Administrative Rules 660, Division 15).

## **Flood Mitigation Projects**

- Projects completed by the Johnson Creek Watershed Council:
  - Tree Plantings along the creek in various places including the most recent planting at ODS.
  - Storm water detention near Milport.
- To improve stormwater management the city of Milwaukie lined the interiors of all pipes along the 18<sup>th</sup> Avenue infiltration line. This mitigation project minimizes the amount of groundwater that infiltrates into sewer lines and helps reduce the overall amount of water going into the wastewater treatment plant, thus reducing the chance of overflow of the sewer system.
- In 2004 the city of Milwaukie updated their Storm Water Master Plan. This was a mitigation action in the 2003 plan.
- In 2006 Clackamas County Water Environment Services partnered with eight community groups to restore the Three Creeks area – including Mount Scott, a tributary to Kellogg Creek and the Willamette. The group reshaped the stream channel to make it more natural; removed invasive species; planted thousands of native plants to stabilize; and put in lard wood and boulders to stabilize the channel and provide habitat for fish. The groups also removed trash and transient camps that polluted the streams during floods.

### **4.1.5 Flood Mitigation Actions**

The flood mitigation actions provide direction on specific activities that organizations and residents in the city of Milwaukie can undertake to reduce risk and prevent loss from flood events. Each mitigation action is followed by ideas for implementation, which can be used by the HMAC and local decision makers in pursuing strategies for implementation.

#### **LT-FL#1: Evaluate alternatives for reducing the flooding hazard for properties along Kellogg Creek, Johnson Creek, the Mount Scott Creek area, and the Willamette River.**

##### ***Ideas for Implementation:***

- Identify repetitive flood loss properties and discuss mitigation strategies with property owners.

Coordinating Organization: Public Works, Engineering

Timeline: 3-5 years

Plan Goals Addressed: Protect Life and Property, Public Awareness, Emergency Services, Natural Systems, Partnerships and Implementation

Status: *Deferred from 2003 addendum*. Action was not implemented due to lack of organizational authority. The 2009 addendum added “Engineering” as a coordinating organization.

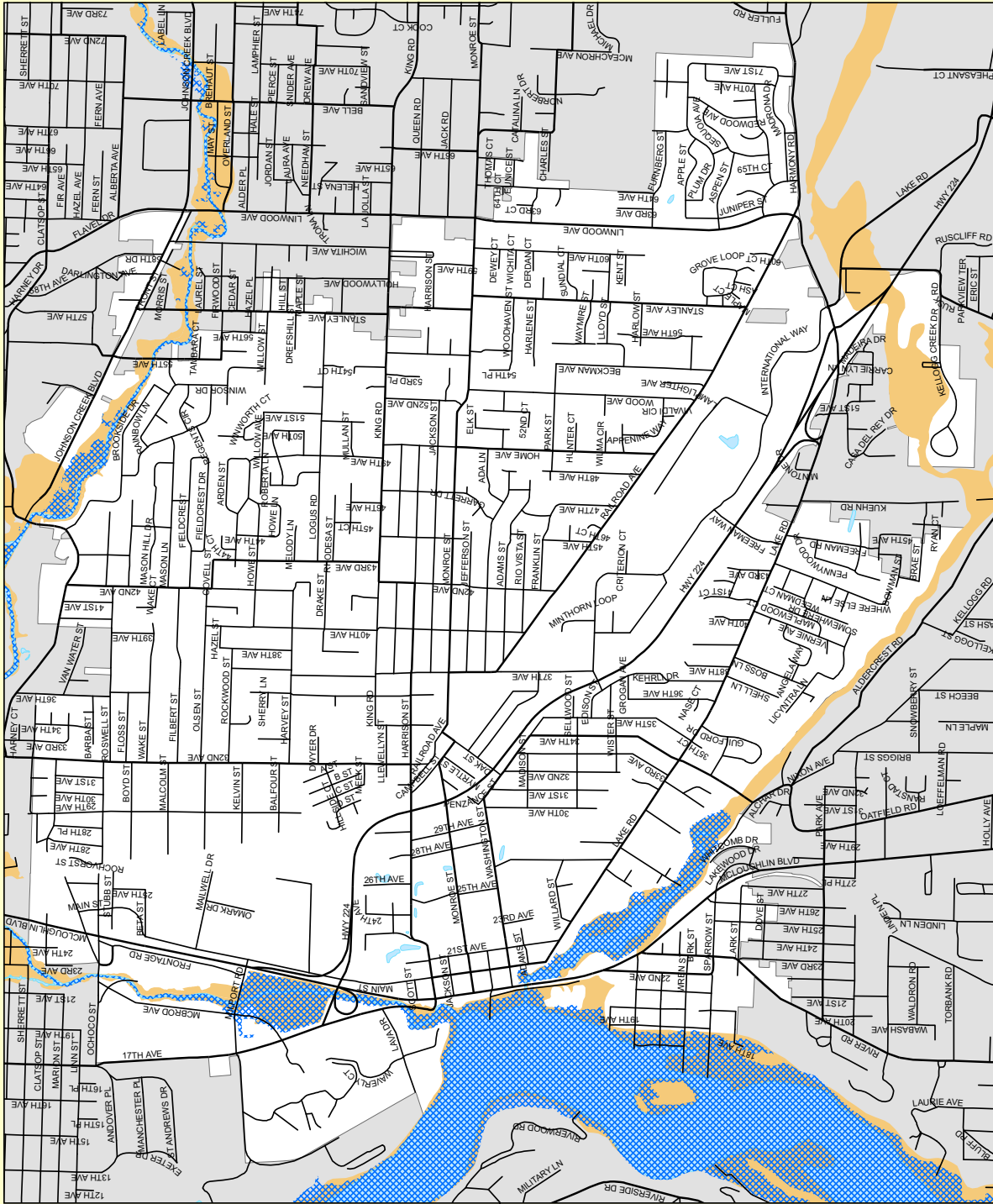
**LT-FL#2: Ensure continued compliance in the National Flood Insurance Program (NFIP) through enforcement of local floodplain management ordinances.**

Coordinating Organization: Engineering





Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Public Awareness, Partnerships and Implementation

Status: *Added during the 2009 update.* Yet to be completed.



# Flood Hazard Zones FEMA & 1996 Overlay Map #5

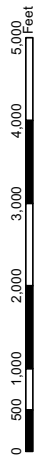
-  1996 Flood Extent
-  FEMA 100 Year Flood
-  Water Body
-  City Boundary

Data Sources: City of Milwaukie GIS  
Netio Data Resource Center

Date: December 2008

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## 4.2 Landslide

### 4.2.1 Landslide Profile

The historical landslide events have been described in Section 7 of the Clackamas County Natural Hazards Mitigation Plan, and are applicable to the city of Milwaukie. As such, the events will not be repeated here.

The probability of landslide events in Milwaukie was determined using scientific data, historical occurrences, and local knowledge. Milwaukie's HMAc estimates that the probability of landslides occurring is 'low,' meaning one event is likely within a 75-100 year period. This estimate is lower than the county's 'high' probability estimate, and is based on the city's relatively level terrain.

### 4.2.2 Landslide Hazard Assessment

#### Hazard Identification

An essential step towards mitigation of landslide hazards is to identify the hazardous locations. Landslide events within the city have not significantly impacted residents or caused major property damage. Mapping landslide and debris flow allows the city to estimate damages within a given location and to help prevent future losses in landslide prone areas. The geographic extent of the landslide hazard was illustrated using percent slope, soil type, and bedrock type. The landslide hazard is depicted on Map 6, and shows that landslides may affect 7.66% of the city's land area.

#### Vulnerability Assessment and Risk Analysis

While a quantitative vulnerability assessment is not available for the city at this time, there are many qualitative factors that point to potential vulnerability. Potential landslide hazard areas were defined as slopes with 20% grade or greater. Using this method, 7.68% of Milwaukie's land has potentially unstable slopes which may be vulnerable to landslides. Landslide loss estimates are shown in Table 4.3.

**Table 4.3. Landslide Loss Estimates in Milwaukie**

	<b>Lots</b>	<b>Acres</b>	<b>Value</b>
Critical features affected by landslides	0	0	\$0
Property by tax lot:	23	26.2	\$20,274,856

Source: City of Milwaukie Geographic Information System

Landslide events within the city have not significantly impacted residents or caused major property damage in the past but landslides could potentially inhibit traffic flow, cause damage to roads, and damage buildings. Erosion to hillside areas can take place during heavy rain. The HMAc estimates the vulnerability of landslides is 'low,' meaning less than 1% of the population and community assets would be affected. This is in agreement with the county's 'low' vulnerability rating.

Factors included in assessing landslide risk include population and property distribution in the hazard area, the frequency of landslide or debris flow occurrences, slope steepness, soil characteristics, and precipitation intensity. This type of analysis could generate estimates of the damages to the city of Milwaukie

due to a specific landslide or debris flow event. At the time of publication of this addendum update, Milwaukie was unable to perform a quantitative risk assessment due to insufficient data and lack of software needed to conduct this type of analysis. The city has addressed this issue in mitigation action LT-MH#2 in section 4.7 and will be completing a risk assessment as data and resources become available.

#### **4.2.3 Existing Landslide Mitigation Activities**

Landslide mitigation activities listed here include current mitigation programs and activities that are being implemented by the city of Milwaukie's agencies or organizations.

#### **City of Milwaukie Codes Pertaining to Landslides**

##### **Milwaukie Comprehensive Plan, Chapter 3 Environmental and Natural Resources (Ord 1666)**

GOAL STATEMENT: To prohibit development that would be subject to damage or loss of life from occurring in known areas of natural disasters and hazards without appropriate safeguards.

Milwaukie's future role will primarily be as a residential community with considerable employment opportunities. This future, however, is not incompatible with the conservation of the city's remaining natural resources of land, air, water, and the natural environment. The wise use and management of these resources is particularly important in Milwaukie because the city is almost completely developed and few areas remain in a natural state. The protection of these natural resources is essential if residents are to experience the pleasures and amenities which can only be enjoyed when nature is close at hand. The Plan elements which address these issues include:

- Natural Hazards Element
- Historic Resources Element
- Open Spaces, Scenic Areas, and Natural Resources Element
- Agricultural and Forest Lands Element
- Air, Water and Land Resources Quality Element

Policies in each of these elements, as well as the technical studies and inventories documented in the Resources and Environment, Parks and Open Space, Land Use and Transportation working papers, and the Neighborhood Blockwalk, comply with Statewide Planning Goals 3, 4, 5, 6, and 7 (reference Oregon Administrative Rules 660, Division 15).

##### **Municipal Code Chapter 17.40 Section 17.40.010 Environmental Standards (Ord 1440)**

Developments approved through this title must conform to the requirements of the environmental protection subpart of the community development ordinance (Title 16 of this code). Particular note should be made regarding requirements relating to excavation in landslide-prone areas.

##### **Municipal Code Chapter 16.28 Erosion Control (Ord 1899)**

Temporary and permanent measures for all construction projects shall be required to lessen the adverse effects of erosion and sedimentation. The owner or his/her agent, contractor, or employee, shall properly install, operate and maintain both temporary and permanent works as provided in this section or in an approved plan, to protect the environment during the useful life of the project. These erosion control rules apply to all lands within the city of Milwaukie.

#### 4.2.4 Landslide Mitigation Actions

The landslide mitigation actions provide direction on specific activities that organizations and residents in Milwaukie can take to reduce risk and prevent loss from landslide events. Each mitigation action is followed by ideas for implementation, which can be used by the HMAC and local decision makers in pursuing strategies for implementation.

#### **LT-LS #1: Reduce the vulnerability of property owners in landslide-prone areas.**

##### ***Ideas for Implementation:***

- Conduct a study to identify appropriate mitigation strategies in the area including but not limited to: Tideman Johnson Park, Waverly Heights, and Island Station.
- Develop public information about risks when building on potential or historical landslide areas.

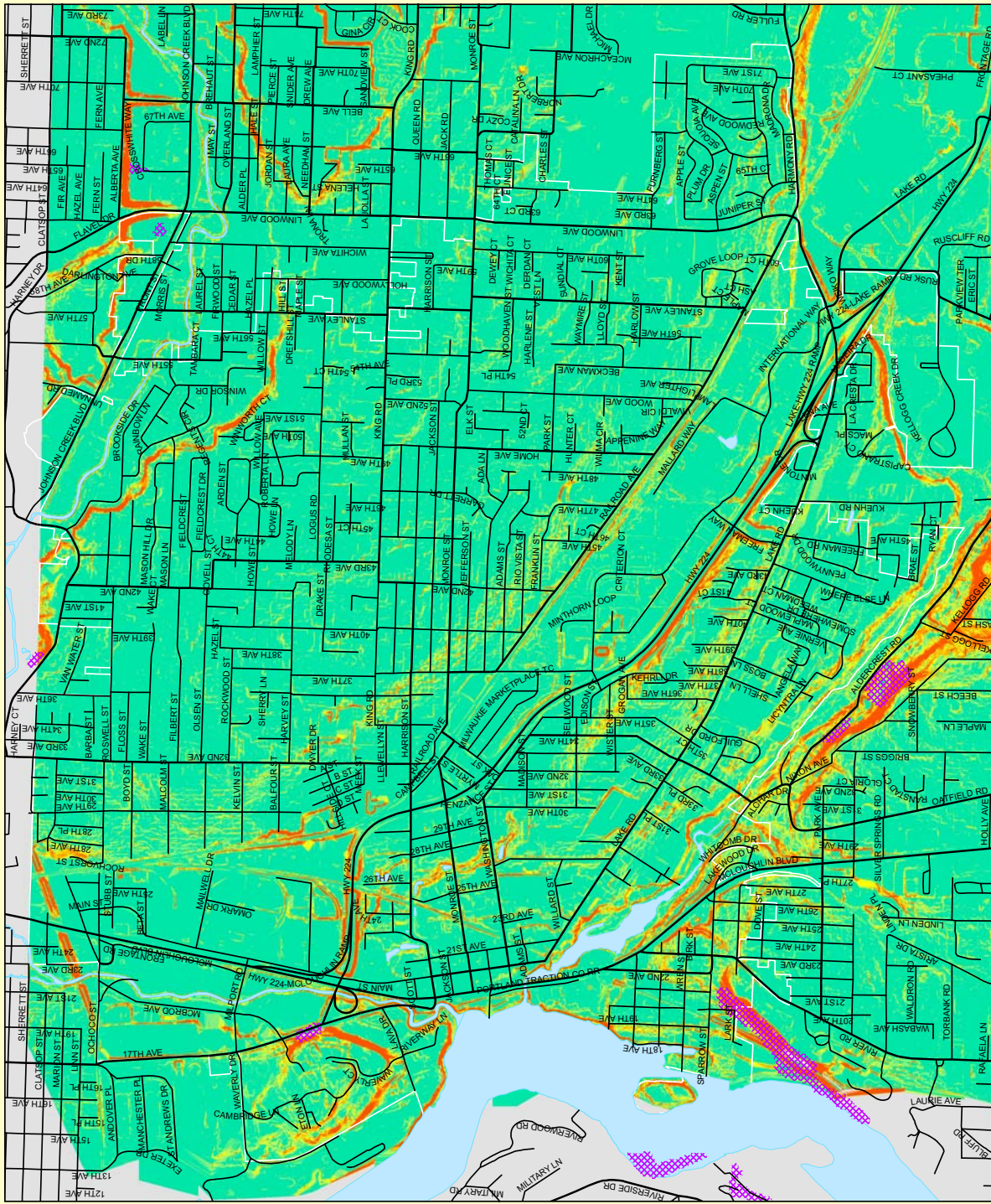
Coordinating Organization: Building and Engineering

Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Public Awareness, Natural Systems, Partnerships and Implementation

Status: *Deferred from 2003 addendum.* Action was not implemented due to lack of organizational authority. The 2009 update placed Building and “Engineering as the new coordinating organization.

---



# Potential Landslide Hazard Zones

## Map #6

**Landslide Hazard Zones**

**Slope**

- 0% - 9.99%
- 10% - 14.99%
- 15% - 19.99%
- 20% - 24.99%
- 25% - 34.99%
- 35% - 100%
- No Data

Date: December 2018  
 Data Sources: City of Milwaukie GIS Center  
 Clatsop County WES

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## 4.3 Severe Storms: Wind and Winter

### 4.3.1 Severe Winter Storm Profile

The historical severe winter storm events have been described in Section 9 of the Clackamas County Natural Hazards Mitigation Plan, and are applicable to the city of Milwaukie. As such, the events will not be repeated here.

The probability of winter storm events in Milwaukie was determined using scientific data, historical occurrences, and local knowledge. Milwaukie's HMAC estimates that the probability of severe winter storms occurring is 'high', meaning one incident is likely within a 10 to 35 year period. This is in agreement with the county's 'high' probability estimate.

### 4.3.2 Severe Windstorm Profile

The historical severe windstorm events have been described in Section 10 of the Clackamas County Natural Hazards Mitigation Plan, and are applicable to the city of Milwaukie. One wind storm requires further explanation.

The December 14th to 15th, 2006 wind storm caused extensive power outages and communications systems failures in the city. The wastewater lift station lost power and a back up generator needed to be used. The storm also caused numerous trees to fall, requiring cars to be detoured.

The probability of windstorm events in Milwaukie was determined using scientific data, historical occurrences, and local knowledge. Milwaukie's HMAC estimates that the probability of severe windstorms occurring is 'high,' meaning one incident is likely within a 10 to 35 year period. This estimate is higher than the county's 'moderate' probability estimate.

### 4.3.3 Severe Storm Hazard Assessment: Hazard Identification

The severe storm hazard is difficult to illustrate cartographically. However, the city of Milwaukie has developed a map denoting regular sanding and plowing routes, which represents those areas that require resources to reduce the effect of the severe storm hazard. However, the snow plowing and sanding routes map (Map 7) does not accurately portray the geographic extent of the severe storms in Milwaukie, as the entire city would be affected by large-scale storm events.

#### Vulnerability Assessment

The HMAC estimates the vulnerability to severe storms is 'high,' meaning more than 10% of the population and assets would be affected. This is higher than the county's 'moderate' rating because history has shown that most of Milwaukie's population and community assets are affected in severe storm events.

The city of Milwaukie has identified 10.9 miles of streets and roadways that would be sanded, and 17.6 miles of streets and roadways that would be plowed during severe winter weather. The city has not done a study on actual number of individuals or property that can be affected during a severe winter storm. Severe storms can bring power outages and cause transportation and economic disruptions.

Specific problems for residences in the city include downed electrical wires, trees, and tree limbs that cause both major and minor property damage as well as a threat to life. Downed wires and trees can make accessibility to residences by Police and Fire difficult.

### **Risk Analysis**

Factors that should be included in a storm risk analysis include population and property distribution in the hazard area, the frequency of storm events, information on the types of trees and failure rates more susceptible to severe storm events, and information on utilities and infrastructure that may be impacted by severe storms. Modeling software is required to predict potential losses from a particular storm event. At this time, Milwaukie is unable to perform a quantitative risk assessment due to insufficient data. The city has addressed this issue in mitigation action LT-MH#2 in section 4.7 and will be completing a risk assessment as data and resources become available.

#### **4.3.4 Existing Severe Storm Mitigation Activities**

The city has designated sanding and plowing routes. All new subdivision development is required to place telephone, cable and power lines underground, and new single lot development is required to have service lines from the street to the home underground. Placing power and service lines underground reduces the likelihood of trees or tree branches falling into a service line, thus causing services to be cut off.

#### **City of Milwaukie Codes Pertaining to Severe Storms**

##### **Municipal Code Chapter 8.04 Nuisances Section 8.04.10 Snow and Ice Removal.**

This code states that owners and persons in charge of property must remove snow or ice, or cover ice with a suitable material to assure safe travel within the first hours of daylight after snow has fallen.

##### **Municipal Code Chapter 8.04 Nuisances Section 8.04.110 Weeds and noxious growth – Dead or decaying trees or tree limbs.**

This code states that dead, decaying or unsafe trees or tree limbs may present safety hazards and are considered nuisances.

#### **4.3.5 Severe Storm Mitigation Actions**

The severe storm mitigation actions provide direction on specific activities that organizations and residents in Milwaukie can undertake to reduce risk and prevent loss from severe storm events. Each mitigation action is followed by ideas for implementation, which can be used by the HMAC and local decision makers in pursuing strategies for implementation.

#### **LT-SS #1: Bury vulnerable power lines subject to failures.**

##### ***Ideas for Implementation:***

- Partner with PGE to obtain funding to bury power lines for critical facilities within the city;

- Partner with PGE to continue hazardous tree inventory and mitigation programs; and
- Partner with major businesses and employers to encourage undergrounding of power lines.

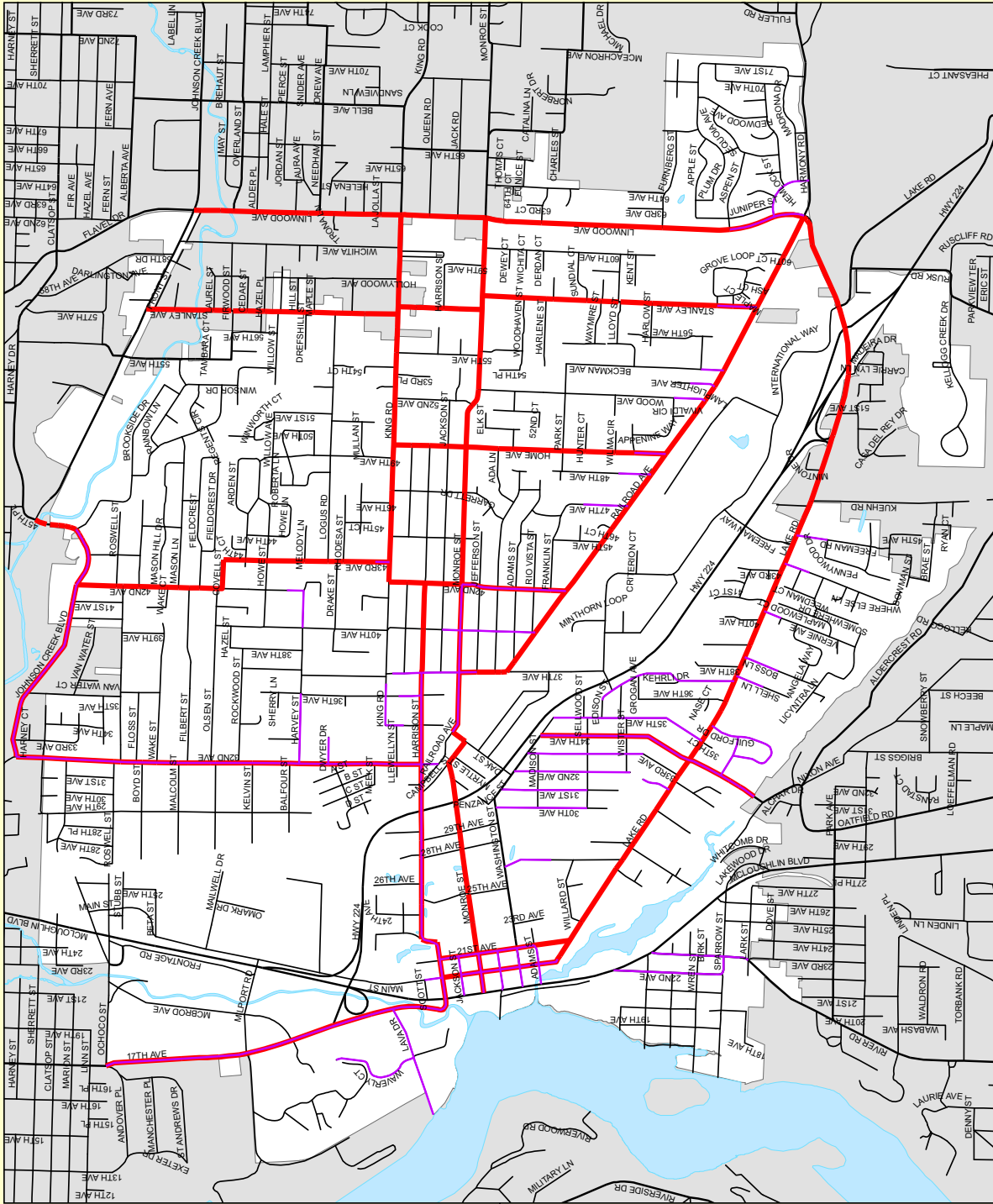
Coordinating Organization: Public Works and Engineering

Timeline: 3-5 Years







Plan Goals Addressed: Protect Life and Property, Emergency Services, Natural Systems, Partnerships and Implementation

Status: *Deferred from 2003 addendum.* Action was not implemented due to limited resources. The 2009 update added “Engineering” as a new coordinating organization.

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# Severe Storm Sand & Plow Routes Map #7

-  Sanding Route
-  Plowing Route
-  Minor Road
-  Major Road
-  Water Body
-  City Boundary

Data Sources: City of Milwaukie GIS  
 Metro Data Resource Center

Date: December 2008

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0 500 1,000 2,000 3,000 4,000 5,000 Feet

## 4.4 Wildfire

### 4.4.1 Wildfire Profile

Statistics provided by Clackamas County Fire District #1 show that Milwaukie had 207 brush and grass fires from 2003 until 2009. Most of these fires occurred along streets and highways, cared-for plots of land, or in residential back yards. Only 14 fires occurred in open lands or fields, but none of these were large-scale or considered wildfires. The large-scale wildfires affecting the region are described in Section 8 of the Clackamas County Natural Hazards Mitigation Plan.

The probability of wildfire events in Milwaukie was determined using scientific data, historical occurrences, and local knowledge. Milwaukie's HMAc estimates that the probability of wildfires occurring is 'high', meaning one incident is likely within a 10 to 35 year period. This estimate is higher than the county's 'moderate' probability estimate because Milwaukie has not had a large fire in recent years, thus allowing fuel load to build.

### 4.4.2 Wildfire Hazard Assessment

#### Hazard Identification

Wildfire hazard identification data is based upon fuels, weather, and topography, and was generated from Clackamas County GIS. The wildfire hazard in Milwaukie is shown on Map 8. The map identifies 624.77 acres, or 20.4% of all land being at high risk to wildfire hazard.

#### Vulnerability Assessment

The HMAc estimates that the city's vulnerability to wildfires is 'low,' meaning less than 1% of the population and community assets would be affected by a wildfire event. This estimate is lower the county's 'moderate' rating because Milwaukie does not have a large urban-wildland interface. Past wildland-urban interface fires have shown that property can be easily damaged or destroyed when structures, vegetation and other flammables merge. Other items that might affect the outcome of a wildfire are access to the location and to water, response time from the fire station, as well as the availability of personnel and equipment. Weather, such as hot dry winds and drought, can also play a part in a wildfire.

**Table 4.4 Wildfire Loss Estimates in Milwaukie**

	<b>Lot</b>	<b>Acres</b>	<b>Value</b>
Critical Features	1	1.15	\$6,384,284
	Bridge at Hwy 224 & SE 26 <sup>th</sup> Ave.		No data available
Property By Tax Lot	839	623.62	\$527,646,102

Source: City of Milwaukie Geographic Information System

#### Risk Analysis

Key factors included in assessing wildfire risk include ignition sources, building materials and design, community design, structural density, slope, vegetative fuel, fire occurrence, and weather, as well as occurrences of drought. At the time of publication of this addendum, data and modeling software were insufficient to

conduct a risk analysis. The city has addressed this issue in mitigation action LT-MH#2 in section 4.7 and will be completing a risk assessment as data and resources become available.

#### **4.4.3 Existing Wildfire Mitigation Activities**

The city of Milwaukie works with Clackamas County Fire District #1 to mitigate problems regarding wildfire issues when they arise. Currently the city does not allow backyard burning due to requirements of DEQ (back yard burning is a key contributor to fires in the interface). Also, the county Fire Defense Board provides daily burn messages and restrictions for the community to prevent interface fires. This information is provided from both the State Department of Forestry and the US Forest Service for all regions of the state.

#### **City of Milwaukie Codes Pertaining to Wildfires**

##### **Municipal Code Chapter 8.04 Nuisances Section 8.04.110 Weeds and Noxious Growth.**

This code mentions controlling vegetation before becoming a fire hazard.

#### **Local Fire Prevention/Education Programs**

The city of Milwaukie contracts with the Clackamas County Fire District for all fire prevention and education. They provide the community with the following.

- Counseling juvenile fire-setters
- Teaching fire prevention in schools
- Conducting CPR classes
- Teaching proper use of fire extinguishers
- Coordinating educational programs with other agencies, hospitals, and schools
- Answering citizens' questions

Additionally, Clackamas County Fire District #1 identified alternative water sources such as ponds and reservoirs to access during emergencies.

#### **4.4.4 Wildfire Mitigation Actions**

The wildfire mitigation actions provide direction on specific activities that organizations and residents in Milwaukie can undertake to reduce risk and prevent loss from wildfire events. The mitigation actions are followed by ideas for implementation, which can be used by the steering committee and local decision makers in pursuing strategies for implementation.

##### **ST-WF#1: Inventory and map alternative firefighting water sources and encourage the development of additional sources.**

Status: Completed, 2005. See “existing wildfire mitigation activities” above for success story.

---

##### **LT-WF#1: Promote fire-resistant strategies for new and existing developments.**

*Ideas for Implementation:*

- Continue to coordinate with the fire department to ensure that site plans are reviewed for future building sites;
- Continue to require street design that facilitates the movement of fire fighting equipment; and
- Continue to review roofing standards and develop recommendations for promoting non-combustible roofing.

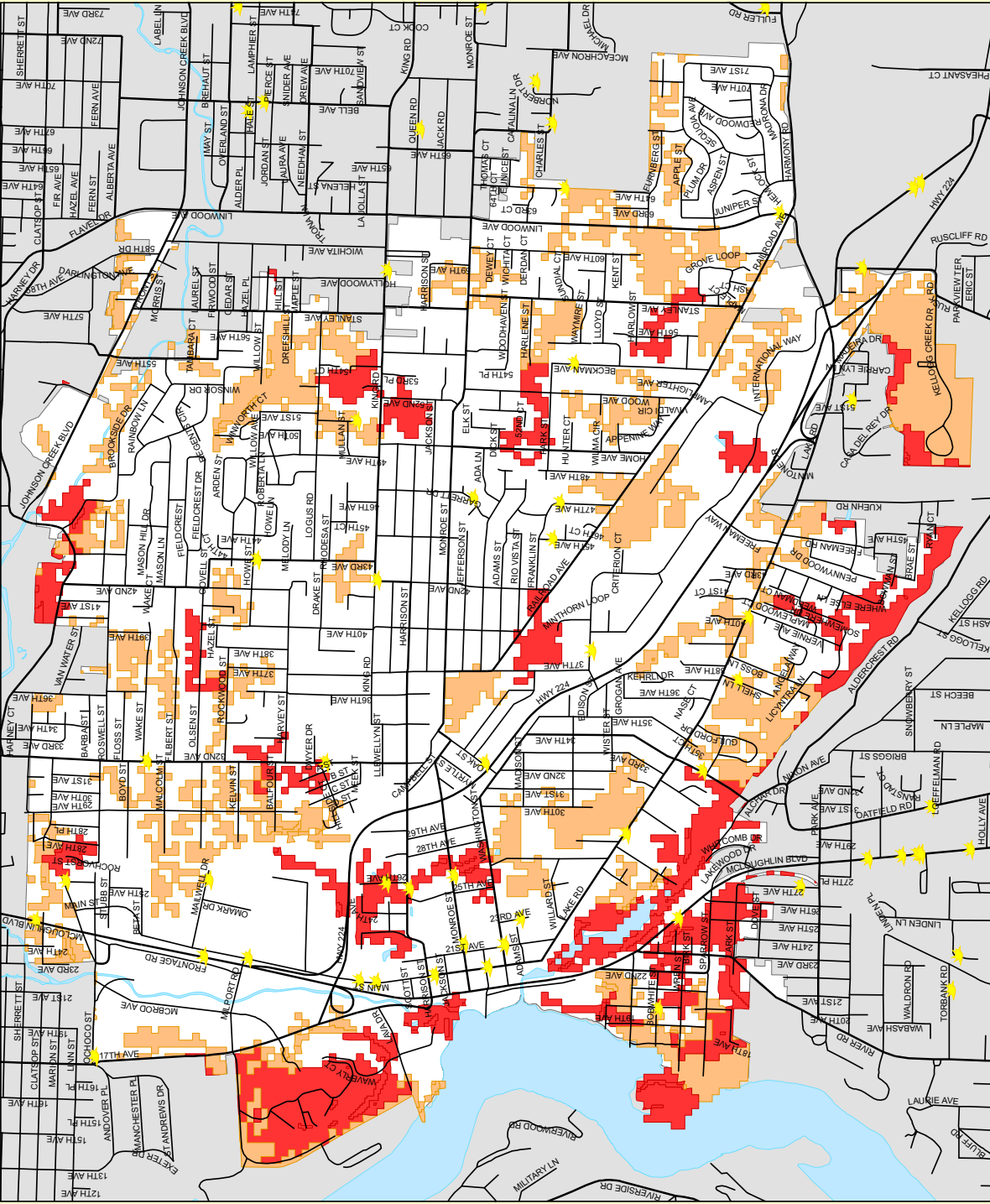
Coordinating Organization: Building and CFD#1

Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Public Awareness, Emergency Services, Natural Systems, Partnerships and Implementation






Status: *Added during the 2009 update.* Yet to be completed.

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# Wildfire Hazards Map #8

Grass & Wild Fires, 2003-2008

-  Grass & Wild Fires, 2003-2008
-  High Fire Risk
-  Moderate Fire Risk
-  Water Body
-  City Boundary

Data Sources: City of Milwaukie GIS  
Netio Data Resource Center

Date: December 2008

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## 4.5 Earthquake

### 4.5.1 Earthquake Profile

The historical earthquake events have been described in Section 11 of the Clackamas County Natural Hazards Mitigation Plan, and are applicable to the city of Milwaukie. As such, the events will not be repeated here.

There have been about 16 events over 4.0M in the past 150 years, meaning that this area averages about 1 crustal earthquake every 10 years. Subduction zone earthquakes in the Pacific Northwest have a return interval of about 500 years. The last record of a major subduction zone earthquake was in 1700.

The probability of earthquake events in Milwaukie was determined using scientific data, historical occurrences, and local knowledge. Milwaukie's HMAC estimates that the probability of earthquakes occurring is 'high,' meaning one incident is likely within a 10 to 35 year period. This is in agreement with the county's 'high' probability estimate.

### 4.5.2 Earthquake Hazard Assessment

#### Hazard Identification

Three potential source zones capable of generating damaging earthquakes are thought to exist in the region. These include the Portland Hills Fault Zone, Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone.

The geographic extent of the earthquake hazard in Milwaukie was illustrated using data derived from DOGAMI, and shows the relative earthquake hazard. The relative hazards were determined by slope, soils, and bedrock characteristics. The original dataset shows the hazards in four relative hazard zones, and the city broke earthquake hazard information into two categories, moderate and severe. The data is reflected on Map 9.

#### Vulnerability Assessment

The HMAC estimates that the community's vulnerability to earthquake is 'high,' meaning more than 10% of the population and assets would be affected by a major event. This is in agreement with the county's rating.

In 2007 DOGAMI released the results of the Statewide Seismic Needs Assessment, which evaluated the collapse potential of education and emergency services buildings. The report found that buildings on eight school campuses had a collapse potential of 'high' or 'very high' in the event of a high magnitude earthquake. School campuses with buildings at 'high' risk of collapse include Campbell Elementary, Jennings Lodge Elementary, Milwaukie Elementary, Rowe Middle School, and New Urban High School. School campuses with buildings at 'very high' risk of collapse include Linwood Elementary, Milwaukie Elementary, Wichita Elementary, Jennings Lodge Elementary, and Clackamas Community College Harmony Campus. Additional information and findings from this report can be found at <http://www.oregongeology.org/sub/projects/rvs/OFR-O-07-02-SNAA-onscreen.pdf>.

The city identifies potentially vulnerable critical features in Table 4.5. Critical features in the “high quake hazard” zone include 5 bridges, 1 city building and one fire station. Features in the “moderate quake hazard” zone include 1 bridge, 1 city building, 1 school and totals less than 1% of the city’s area. In total, 30% of tax lot area is at moderate risk, and 11.4% of tax lot area is at high risk, as indicated in Table 4.6.

**Table 4.5 Critical Features Potentially Vulnerable**

Category	Lot	Acres	Value*
Moderate	1	11.5	\$6,695,030
High	2	5.4	\$4,874,177

\*Excludes Bridges

Source: City of Milwaukie Geographic Information System

**Table 4.6 Tax Lots Potentially Vulnerable**

Category	Lot	Acres	Value
Moderate	1974	919	\$934,639,183
High	349	393	\$318,993,293

Source: City of Milwaukie Geographic Information System

The area vulnerable to earthquake is larger than any other hazard identified and potentially could produce more damage to property and life. The amount of damages, however, is related to the magnitude of an earthquake. Older buildings and the city’s sewer system are most vulnerable. Earthquakes also shift soil that could cause landslides. Transportation routes and the city’s economy can also be impacted if roads and businesses are forced to close down while repairs to infrastructure and buildings are made. Demand on resources such as Police, Fire and Public Works would also increase.

### **Risk Analysis**

The county plan provides a quantitative analysis of nine potential earthquake scenarios for the county. This analysis includes an estimation of fatalities, direct damage losses, number of buildings in complete damage state, and number of people requiring shelter. Milwaukie does not have the resources to conduct a local risk assessment for the earthquake analysis, so the data reported in the county plan is the best quantitative assessment for the earthquake hazard in Milwaukie.

#### **4.5.3 Existing Earthquake Mitigation Activities**

Earthquake mitigation activities listed here include current mitigation programs and activities that are being implemented by Milwaukie agencies or organizations.

#### **City of Milwaukie Codes Pertaining to Earthquakes**

##### **Milwaukie Comprehensive Plan, Chapter 3 Environmental and Natural Resources (Ord 1666)**

GOAL STATEMENT: To prohibit development that would be subject to damage or loss of life from occurring in known areas of natural disasters and hazards without appropriate safeguards.

Milwaukie's future role will primarily be as a residential community with considerable employment opportunities. This future, however, is not

incompatible with the conservation of the city's remaining natural resources of land, air, water, and the natural environment. The wise use and management of these resources is particularly important in Milwaukie because the city is almost completely developed and few areas remain in a natural state. The protection of these natural resources is essential if residents are to experience the pleasures and amenities, which can only be enjoyed when nature is close at hand. The plan elements which address these issues include:

- Natural Hazards Element
- Historic Resources Element
- Open Spaces, Scenic Areas, and Natural Resources Element
- Agricultural and Forest Lands Element
- Air, Water and Land Resources Quality Element

Policies in each of these elements, as well as the technical studies and inventories documented in the Resources and Environment, Parks and Open Space, Land Use and Transportation working papers, and the Neighborhood Blockwalk, comply with Statewide Planning Goals 3, 4, 5, 6, and 7 (reference Oregon Administrative Rules 660, Division 15).

#### **Municipal Code Chapter 16.12 Seismic Conditions (Ord 1439)**

Section 16.12.020 Building requirements.

Construction of new commercial, industrial and multifamily structures shall conform to the requirements of the Oregon Structural Specialty Code requirements for Seismic Zone 3.

Construction of single-family residences and duplexes shall conform to the requirements of the Oregon One and Two Family Dwelling Specialty Code for Seismic Category D1

The Public Works Director through the Building Inspector shall ensure compliance with the requirements of this chapter. Plans submitted with applications for building permits shall be reviewed for compliance with the requirements of this chapter.

#### **Earthquake Mitigation Projects**

Since 2003 the city of Milwaukie has constructed numerous structures to be earthquake safe. The following is a list of these major developments:

- North Main Village (Residential)
- Oak Street Square (Commercial/Retail)
- International Way Business Center
- King Road Shopping Center
- Ardenwald Elementary School
- Water Tower at 40<sup>th</sup> Avenue and Harney Drive
- Milwaukie High School – Fine Arts Center
- Linwood Elementary – Main Office and Gym

The city also demolished two buildings that posed a serious threat during earthquakes, Southgate Theater and Cash Spot. The old Ardenwald Elementary School campus is scheduled to be demolished in fall 2009.

#### **4.5.4 Earthquake Mitigation Actions**

The earthquake mitigation actions provide direction on specific activities that organizations and residents in Milwaukie can take to reduce risk and prevent loss from earthquake events. Each mitigation action is followed by ideas for implementation, which can be used by the steering committee and local decision makers in pursuing strategies for implementation.

#### **LT-EQ#1: Conduct seismic evaluations on identified critical/essential facilities & infrastructure.**

##### ***Ideas for Implementation:***

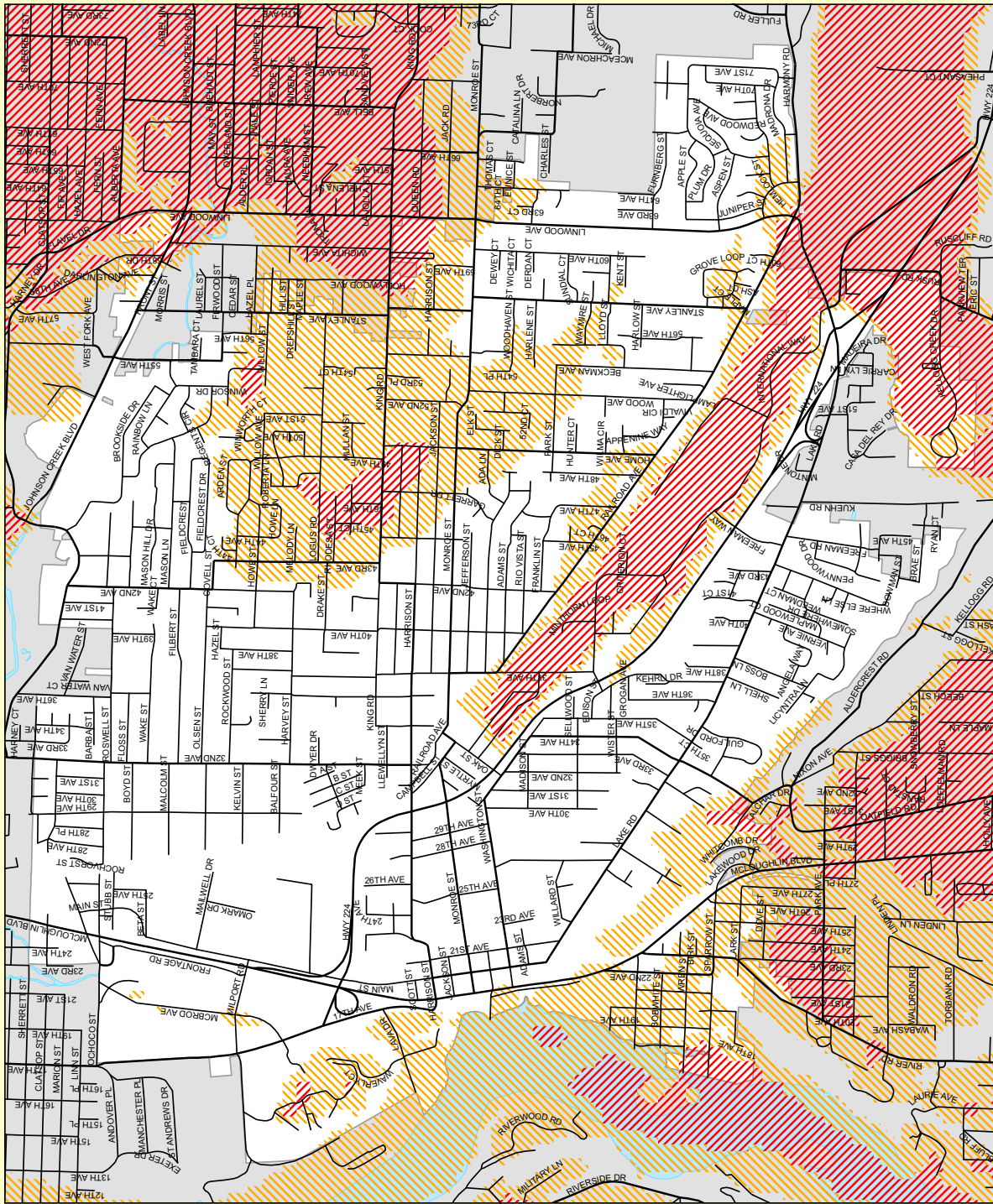
- Obtain funding to perform evaluations;
- Prioritize seismic upgrades based on criticality of need and population served.
- Implement appropriate structural and non-structural mitigation strategies.

Coordinating Organization: Facilities Department, Building





Timeline: 3-5 Years

Plan Goals Addressed: Protect Life and Property, Emergency Services, Partnerships and Implementation

Status: *Partially Complete*. Schools, hospitals, fire stations, and police stations were evaluated through DOGAMI's rapid visual screenings. The school district hired a consultant to reevaluate the schools designated as high risk in this study.



# Earthquake Hazard Map #9

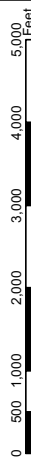
-  Moderate Quake Hazard
-  High Quake Hazard
-  Water Body
-  City Boundary

Data Sources: City of Milwaukie GIS  
 Metro Data Resource Center

Date: December 2008

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## **4.6 Volcanic Eruption**

### **4.6.1 Volcanic Eruption Profile**

The historical volcanic eruption events have been described in Section 12 of the Clackamas County Natural Hazards Mitigation Plan and are applicable to Milwaukie. As such, the events will not be repeated here.

The probability of volcanic eruptions in Milwaukie was determined using scientific data, historical occurrences, and local knowledge. Milwaukie's HMAc estimates that the probability of a volcanic eruption is 'low,' meaning no more than one event is likely to occur in a 75-100 year period. This is in agreement with the county's probability estimate of 'low.'

### **4.6.2 Volcanic Eruption Hazard Assessment**

The hazard assessment in the Clackamas County Natural Hazards Mitigation Plan best describes the volcano hazards for the Milwaukie area. As such, the information will not be repeated here.

### **4.6.3 Existing Volcanic Eruption Mitigation Activities**

The existing volcanic hazard mitigation activities are conducted at the county, regional, state, and federal levels and are described in the Clackamas County Natural Hazards Mitigation Plan. As such, the information will not be repeated here.

### **4.6.4 Volcanic Eruption Mitigation Actions**

Milwaukie will not be undertaking any local volcanic eruption mitigation activities, but will partner with the county in the implementation of identified mitigation strategies.

## 4.7 Multi-Hazard

### Multi-Hazard Mitigation Actions (MH)

Multi-hazard mitigation actions are those activities that pertain to more than one of the six hazards in the mitigation plan: flood, landslide, wildfire, severe storm: wind and winter, earthquake, and volcanic eruption.

#### ST-MH#1: Improve vegetation management throughout the city.

##### *Ideas for Implementation:*

- Partner with Union Pacific to manage vegetation along the railroad;
- Encourage planting of native species along the waterways;
- Encourage planting to help stabilize steep slopes;
- Remove hazardous trees and tree branches; and
- Utilize new wildland/urban interface mapping data to target property owners in vulnerable areas, and disseminate education materials focusing on improvements to vegetation coverage on slopes, defensible space, fire-resistant landscaping, and appropriate brush burning techniques.

Coordinating Organization: CFD#1 Community Services

Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Public Awareness, Emergency Services, Natural Systems, Partnerships and Implementation

Status: *Partially Complete / Deferred*. Code enforcement on nuisances has improved.

Clackamas Fire District #1 was designated as the new coordinating organization.

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#### ST-MH#2: Ensure that there are adequate shelter facilities in hazard-free zones to serve Milwaukie residents.

##### *Ideas for Implementation:*

- Identify and contact potential shelter sites to see if there is an interest in becoming a designated Red Cross shelter site.
- Maintain relationship with Red Cross to renew and maintain shelters in the city and develop other sites as needed

Coordinating Organization: Clackamas Fire District #1 Emergency Manager

Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Public Awareness, Emergency Services, Partnerships and Implementation

Status: *Partially Complete / Deferred*. The city worked with the Red Cross to get 5-6 potential facilities inspected. Clackamas Fire District #1 was designated as the new coordinating organization.

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#### ST-MH#3: Improve network of communications during a disaster.

##### *Ideas for Implementation:*

- Address 800 MHz communication deficiencies;

- Work with the Oregon OEM office of emergency management and the UASI communications working group to resolve 800 MHz communication inoperability;
- Improve communication between school officials and parents by updating school emergency contact information for parents/children every 3 months;
- Supply schools with communication equipment necessary for emergency situations;
- Post bulletins on the internet for school emergency info, community bulletin board on cable, etc.;
- Partner with REM tech and REG on the Emergency Alert System (EAS); and
- Educate citizens and other agencies within the city of Milwaukie on use of the Code Red system.

Coordinating Organization: Information Systems Technology and Public Works

Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Public Awareness, Emergency Services, Partnerships and Implementation

Status: *Partially Complete / Deferred*. The city successfully recruited and trained Amateur Radio Operators and identified their 800 MHz communication deficiencies, but funding is still needed to fix those deficiencies. The school district now posts emergency notices on their website. The city now has reverse 9-1-1 capabilities and two variable message sign trailers for use communications in a disaster. The coordinating organization was changed from the HMAC to Information Systems Technology and Public Works as these organizations have a better ability to fulfill the tasks of this mitigation action.

**ST-MH#4: Develop, enhance, and implement education programs designed to reduce the losses from natural hazards.**

***Ideas for Implementation:***

- Disseminate hazard related information to the public;
- Identify property owners in the hazard zones, and conduct a target mailing to disseminate hazard information;
- Conduct public education as hazard seasons approach;
- Target neighborhood associations for public education and outreach;
- Add emergency preparedness and response curriculum to school programs; and
- Develop public education flyers as billing inserts.

Coordinating Organization: Community Services, CCFD#1

Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Public Awareness, Emergency Services, Natural Systems, Partnerships and Implementation

Status: *Partially Complete / Deferred*. Hazard maps were made available to the public via the city's website. Clackamas Fire District #1 held disaster preparedness training in schools, senior centers and to city employees. The coordinating organization was changed from the HMAC to Community Services and Clackamas Fire District #1, as these organizations have a better ability to fulfill the tasks of this mitigation action.

**ST-MH#5: Promote CERT program activity in the area and recruit new members for training.**

---

***Ideas for Implementation***

- Provide information about the CERT program to Milwaukie residents through local publications, neighborhood organizations, churches, etc.;
- Identify needs of local CERT programs and obtain funding to purchase CERT supplies.
- Encourage neighborhood associations to sponsor CERT teams; and
- Create CERT teams of city employees.

Coordinating Organization: Community Services, Clackamas Fire District #1

Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Public Awareness, Emergency Services, Partnerships and Implementation

Status: *Partially Complete / Deferred*. Regular CERT trainings were offered for residents, but no formal teams were established. City employees were provided CERT training as well. Community Services was added as a coordinating organization to assist Clackamas Fire District #1 in outreach efforts. Additional “ideas for implementation” were added for the 2009 update.

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**ST-MH#6: Develop and enhance strategies for debris management for all hazards.**

***Ideas for Implementation:***

- Create an inventory of equipment needed for each hazard;
- Develop agreements with other jurisdictions, businesses, and tree service outfits to share equipment and manage debris during disasters; and
- Work with regional partners to develop a debris removal plan.

Coordinating Organization: Public Works

Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Emergency Services, Natural Systems, Partnerships and Implementation

Status: *Partially Complete / Deferred*. A partnership for a debris removal plan is being developed with the UASI group and Metro. One idea for implementation was added for the 2009 update.

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**LT-MH#1: Improve and obtain resources and equipment essential for responding to and recovering from disasters.**

***Ideas for Implementation:***

- Contact local facilities that have large trucks that could serve as water tenders in emergency situations, or purchase water tenders for the city;
- Partner with national guard, local businesses, contractors and developers;

- Obtain funding to purchase one fixed generator for the Lava Drive pump station; and
- Obtain funding to purchase one storage trailer for emergency supplies.

Coordinating Organization: Public Works

Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Emergency Services, Natural Systems, Partnerships and Implementation

Status: *Partially Complete / Deferred*. Action was moved from short-term to long term.

Three drinking water bladders were obtained from UASI for the Metro area to use. Boring Water District obtained a generator which Milwaukie can request to use through mutual aid agreements. The city now owns a portable 250kw generator for the Lava Drive pump station.

**LT- MH#2: Improve the hazard assessment in the Milwaukie Natural Hazards Mitigation Plan.**

***Ideas for Implementation:***

- Obtain funding to gather more localized hazard data to illustrate the geographic extent of natural hazards in Milwaukie;
- Update vulnerability assessment as new development occurs; and
- Contract with the county or other service provider to conduct a risk analysis for Milwaukie.

Coordinating Organization: City Geographic Information Systems, HMAC

Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Public Awareness, Emergency Services, Natural Systems, Partnerships and Implementation

Status: *Partially Complete / Deferred*. The city received better elevation data from Clackamas County. FEMA updated floodplain maps in 2007. DOGAMI assessed the schools, hospitals, fire stations, and police stations for seismic risk. The HMAC was added as an additional coordinating organization.

**LT-MH#3: Integrate the goals and mitigation actions from the Milwaukie Natural Hazards Mitigation Plan into existing regulatory documents and programs, where appropriate.**

***Ideas for Implementation:***

- Use the mitigation addendum to help the city's Comprehensive Plan and Municipal Code meet State Land Use Planning Goal 7;
- Use the mitigation actions identified in the NHMP to inform the city's Capital Improvement Plan; and
- Partner with other organizations and agencies with similar goals to promote the adoption of more disaster resistant building codes.

Coordinating Organization: Planning Department and Engineering Department

Timeline: Ongoing

Plan Goals Addressed: Protect Life and Property, Public Awareness, Emergency Services, Natural Systems

Status: *Partially Complete / Deferred*. City plans are updated constantly to reflect new information. A Spring Park Master Plan was adopted which called for better vegetation management in the park. New codes were adopted in 2009 to reflect EOC changes and improvements. Action moved from short-term to long-term. Planning Department and Engineering Department were designated as the new coordinating organizations.

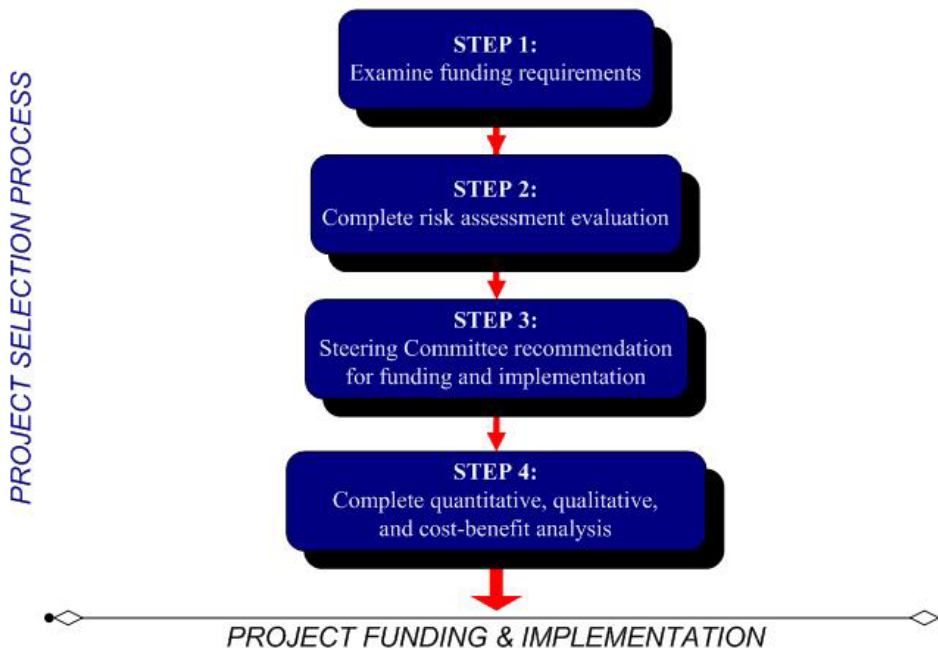
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# Section 5: Mitigation Planning Priority System

The Disaster Mitigation Act of 2000 (via the Pre-Disaster Mitigation Program) requires that jurisdictions identify a process for prioritizing potential actions. Potential mitigation activities often come from a variety of sources; therefore the project prioritization process needs to be flexible. Projects may be identified by HMAC members, local government staff, other planning documents, or the risk assessment.

**Figure 5.1: Project Prioritization Process**

## Action Item and Project Review Process



Source: Community Service Center's Partnership for Disaster Resilience at the University of Oregon, 2008.

### Step 1: Examine Funding Requirements

The HMAC will identify how best to implement individual actions within the appropriate existing plans, policies, or programs. The HMAC will examine the selected funding stream's requirements to ensure that the mitigation activity would be eligible through the funding source. The HMAC may consult with the funding entity, Oregon Emergency Management, or other appropriate state or regional organizations about the project's eligibility.

Depending on the potential project's intent and implementation methods, several funding sources may be appropriate. Examples of mitigation funding sources include, but are not limited to: FEMA's Pre-Disaster Mitigation competitive grant

program (PDM), Flood Mitigation Assistance program (FMA), National Fire Plan (NFP), Community Development Block Grants (CDBG), local general funds, and private foundations.

## **Step 2: Complete risk assessment evaluation**

The second step in prioritizing the plan's action items is to examine which hazards they are associated with and where these hazards rank in terms of community risk. The HMAC will determine whether or not the plan's risk assessment supports the implementation of the mitigation activity. This determination will be based on the location of the potential activity and the proximity to known hazard areas, historic hazard occurrence, vulnerable community assets at risk, and the probability of future occurrence documented in the plan.

## **Step 3: Committee Recommendation**

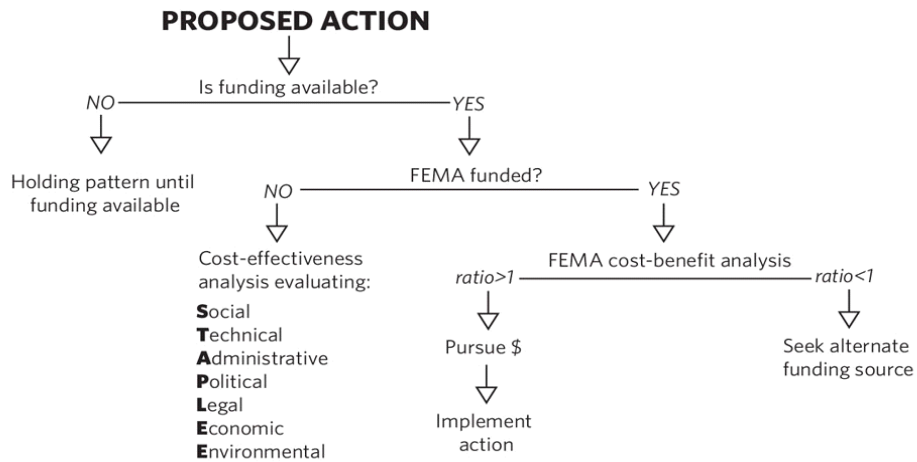
Based on the steps above, the HMAC will recommend whether or not the mitigation activity should be moved forward. If the HMAC decides to move forward with the action, the coordinating organization designated in Section 4 of this addendum will be responsible for taking further action and, if applicable, documenting success upon project completion. The HMAC will convene a meeting to review the issues surrounding grant applications and to share knowledge and/or resources. This process will afford greater coordination and less competition for limited funds.

The HMAC and the community's leadership have the option to implement any of the action items at any time, (regardless of the prioritized order). This allows the HMAC to consider mitigation strategies as new opportunities arise, such as funding for action items that may not be of the highest priority. This methodology is used by the HMAC to prioritize the plan's action items during the annual review and update process.

## **Step 4: Complete quantitative and qualitative assessment, and economic analysis**

The fourth step is to identify the costs and benefits associated with natural hazard mitigation strategies, measures or projects. Two categories of analysis that are used in this step are: (1) benefit/cost analysis, and (2) cost-effectiveness analysis. Conducting benefit/cost analysis for a mitigation activity assists in determining whether a project is worth undertaking now, in order to avoid disaster-related damages later. Cost-effectiveness analysis evaluates how best to spend a given amount of money to achieve a specific goal. Determining the economic feasibility of mitigating natural hazards provides decision makers with an understanding of the potential benefits and costs of an activity, as well as a basis upon which to compare alternative projects. Figure 5.2 shows decision criteria for selecting the appropriate method of analysis.

**Figure 5.2: Benefit Cost Decision Criteria**



Source: Community Service Center's Partnership for Disaster Resilience at the University of Oregon, 2006.

If the activity requires federal funding for a structural project, the HMAC will use a Federal Emergency Management Agency-approved cost-benefit analysis tool to evaluate the appropriateness of the activity. A project must have a benefit/cost ratio of greater than one in order to be eligible for FEMA grant funding.

For non-federally funded or nonstructural projects, a qualitative assessment will be completed to determine the project's cost effectiveness. The HMAC will use a multivariable assessment technique called STAPLE/E to prioritize these actions. STAPLE/E stands for Social, Technical, Administrative, Political, Legal, Economic, and Environmental. Assessing projects based upon these seven variables can help define a project's qualitative cost effectiveness. The STAPLE/E technique has been tailored for use in natural hazard action item prioritization by the Partnership for Disaster Resilience at the University of Oregon's Community Service Center. See Appendix B for a description of the STAPLE/E evaluation methodology.

# Section 6: Resource Directory

Clackamas County Resource Directory from the County's Natural Hazards Mitigation Plan is considered to be a very comprehensive resource listing. The city of Milwaukie has chosen to use the county's directory but has modified it to provide contact information for local agencies, organizations, and departments that may address natural hazard mitigation activities in Milwaukie. This resource directory provides a listing of potential partners for the implementation of mitigation actions. The city's HMAC will continue to add contact information for organizations as new partners are identified.

<b>Agency</b>	<b>Contact Information</b>	<b>Type of Assistance</b>
City of Milwaukie City Manager's Office	City Manager Phone: 503-786-7501 Fax: 503-652-4433	Aministration; Emergency Operations; Public Information; Financing
City of Milwaukie Engineering	Engineering Director Phone: 503-786-7601 Fax: 503-774-8236	Plan Implementation; Emergency Operations; Public Information; Public Safety; Technical Support
City of Milwaukie Facilities	Maintenance Coordinator Phone: 503-786-7621 Fax: 503-774-8236	Plan Implementation; Emergency Operations; Emergency Response; Public Safety
City of Milwaukie Community Services	Phone: 503-786-7508 Fax: 503-653-2444 Email: commsvs@ci.milwaukie.or.us	Public Information
City of Milwaukie Planning	Planning Director Phone: 503-786-7652 Fax: 503-774-8236	Plan Implementation; Emergency Operations; Public Information; Public Safety; Technical Support
City of Milwaukie Police	Phone: 503-786-7500 Fax: 503-786-7426 Email: police@ci.milwaukie.or.us	Emergency Operations; Emergency Response; Public Information; Public Safety; Technical Support
City of Milwaukie Risk/EOC	Risk Manager Phone: 503-786-7504 Fax: 503-653-2444	Plan Implementation; Emergency Operations; Emergency Response; Public Information; Public Safety; Technical Support
City of Milwaukie Sewer	Operations Supervisor Phone: 503-786-7615 Fax: 503-774-8236	Plan Implementation; Emergency Operations; Emergency Response; Public Safety
City of Milwaukie Storm Water	Operations Supervisor Phone: 503-786-7615 Fax: 503-774-8236	Plan Implementation; Emergency Operations; Emergency Response; Public Safety
City of Milwaukie Streets	Operations Supervisor Phone: 503-786-7617 Fax: 503-774-8236	Emergency Operations; Emergency Response; Public Safety
City of Milwaukie Structural Safety	Building Official Phone: 503-786-7611 Fax: 503-774-8236	Plan Implementation; Emergency Operations; Emergency Response; Public Safety
City of Milwaukie Wastewater	Operations Supervisor Phone: 503-786-7615 Fax: 503-774-8236	Emergency Operations; Emergency Response; Public Safety; Technical Support
City of Milwaukie Water	Operations Supervisor Phone: 503-786-7617 Fax: 503-774-8236	Emergency Operations; Emergency Response; Public Safety; Technical Support
Clackamas Fire District #1	Administration Division Phone: 503-742-2600 Fax: 503-742-2870	Plan Implementation; Emergency Operations; Emergency Response; Public Information; Public Safety; Technical Support
Clackamas County Emergency Management	Phone: 503-655-8378 Fax: 503-655-8531 <a href="http://www.clackamas.us/emergency/">http://www.clackamas.us/emergency/</a>	Coordination; Emergency Operations; Emergency Response, Public Safety; Financing; Technical Support
City of Portland Office of Emergency Management	Phone: 503-823-4375 Fax: 503-823-3903 <a href="http://www.portlandonline.com/oem/">http://www.portlandonline.com/oem/</a>	Coordination; Emergency Response, Public Safety; Technical Support
City of Lake Oswego	Planning and Development Phone: 503-635-0290 Fax: 503-635-0269	Coordination; Emergency Response; Public Safety; Technical Support
City of West Linn	Planning Department Phone: 503-656-4211 Fax: 503-656-4106	Coordination; Emergency Response; Public Safety; Technical Support
City of Gladstone	Phone: 503-656-5225 Email: bannick@ci.gladstone.or.us	Coordination; Emergency Response; Public Safety; Technical Support
City of Happy Valley	Planning Department Phone: 503-783-3800 Fax: 503-658-5174	Coordination; Emergency Response; Public Safety; Technical Support
North Clackamas County Chamber of Commerce	Phone: 503-654-7777 Fax: 503-653-9515 Email: info@yourchamber.com	Public Information
Multnomah County - Emergency Management	Phone: 503-988-6700 Fax: 503-988-5710	Coordination; Emergency Response; Public Safety; Technical Support

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- <sup>i</sup> USGS - Partnership for Disaster Resilience Research Collaborative, 2006.
- <sup>ii</sup> Portland State Population Research Center. March 2008. *2007 Oregon Population Report*.  
<[http://www.pdx.edu/media/p/r/PRC\\_2007\\_Population\\_Report2\\_rev.pdf](http://www.pdx.edu/media/p/r/PRC_2007_Population_Report2_rev.pdf)>
- <sup>iii</sup> US Census 2000. <[www.census.gov](http://www.census.gov)>
- <sup>iv</sup> Worksource Oregon. 2005. *Labor Market Information*
- <sup>v</sup> US Census 2000. <[www.census.gov](http://www.census.gov)>
- <sup>vi</sup> City of Milwaukie. 2008. *City of Milwaukie City Council*.  
<<http://www.cityofmilwaukie.org/council/council.html>>
- <sup>vii</sup> City of Milwaukie. 2008. *City Departments* <<http://www.cityofmilwaukie.org/departments/citydepts.html>>
- <sup>viii</sup> Department of Land Conservation and Development, March 2009.

# Appendix A

## Planning & Public Process

## Natural Hazard Mitigation Meeting

09/25/08

City Hall Conference Room

### Attended:

Barb Kwapich – City Admin

Susan Shanks - Planning,

Dave Butcher - Operations,

Tom Larsen – Building,

Kevin Donegan – CFD1;

Jay Wilson - Clackamas County.

Brad Albert - Engineering,

Willie Miller - Facilities,

Beth Ragel – Community Services;

Bob Jordan – Police,

Ted Evans & Ron Stewart – NCSD,

Absent: Kate Rosson – GIS

1. Discussed basis for this meeting is to re-establish a working group for this program to do required review/update.
2. Introduced members. It was suggested that we include a PIO or establish a line of communication that could information out to the public. It was noted that Beth Ragel, from Community Services is our liaison to the neighborhoods. When the original plan was developed this contact with the NDAs was the method chosen to involve citizens. We can decide later if we want to modify this. Beth indicated that she would work with Grady as needed.
3. Jay Wilson from Clackamas County EOC provided information on our partnership with them and the intern that would be starting in October to help entities in the County complete reviews of their existing plans or to complete development of NHMPs. He indicated that Milwaukie was one of the first on the list to get help to review their plan. The intern will purpose a 'crosswalk' for us to follow in the review process. There were several questions addressed to Jay by Susan and Kevin that he will get answers to us prior to our next meeting.
4. We agreed to meet again on October 23<sup>rd</sup> at 1:30 PM. We agreed everyone would bring copies of the current plan to the next meeting. Sections 1 and 2 are more administrative in nature and should be reviewed with purposed additions and changes emailed to Barb Kwapich prior to the next meeting.

**Meeting:** Milwaukie Natural Hazard Mitigation Plan Update Meeting #1  
**Date:** October 23, 2008  
**Time:** 1:30 pm – 3:30 pm  
**Location:** Milwaukie City Hall

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## MINUTES

1. Meeting Attendees
  - a. Barb Kwapich, City Risk Manager
  - b. Kate Rosson, Milwaukie GIS Coordinator
  - c. Ted Evans, North Clackamas School District Director of Facilities
  - d. Brad Albert, Milwaukie Engineering Department
  - e. Tom Larsen, Milwaukie Building Official
  - f. Bob Jordan, Milwaukie Chief of Police
  - g. Beth Ragel, Milwaukie Community Services Program Coordinator
  - h. Laurel Reimer, Clackamas County Emergency Management
  - i. Jay Wilson, Clackamas County Emergency Management
2. Project Overview (Laurel and Jay)
  - a. Partnership for Disaster Resilience Overview
    - i. Oregon Partnership for Disaster Resilience (OPDR) is an applied research center housed at the University of Oregon's Community Service Center and has hired a RARE participant, Laurel Reimer, to work with the City of Milwaukie to update the Milwaukie Natural Hazards Mitigation Plan (NHMP). Communities are required to update their mitigation plans every five years if they want to remain eligible for Federal Pre-Disaster Mitigation (PDM) Funding and Flood Mitigation Assistance (FMA) program funding. Milwaukie's current version of the mitigation plan is set to expire in October 2008.
  - b. 5 Year Update Requirements
    - i. There are four requirements for every plan update, today we will be discussing two of them
      - Planning Process
        - This section describes the process communities use to review and analyze each section of the plan and how the public has stayed involved over the previous five years since the plan's adoption. Much of this section will be updated as this planning process continues.
      - Risk Assessment
        - This section describes each of the specific hazards facing Milwaukie (flood, fire, etc).

- We will need to discuss occurrences of hazards addressed in the previous plan and new occurrences of hazards since the plan was adopted 5 years ago.
- We will discuss newly identified hazards (if any) not mentioned in the previous plan.
- We will discuss new hazard-related information such as maps, studies, and reports that provide updated information on hazards in Milwaukie.
- We will discuss any deficiencies identified in the previous plan and address any items that have not been resolved.
- We will need to include an updated inventory of the structures affected by each hazard.
- Maps will need to be updated accordingly
- We will focus on this section at our next meeting.
- Mitigation Strategy
  - This section reaffirms or updates the plan goals based on current conditions. We will discuss this in two meetings from now and come up with action items.
- Plan Maintenance Process
  - This will be the bulk of what we talk about today. We will go through the previous plan’s method and schedule for monitoring, evaluating, and updating the plan based on what has been done in the last 5 years. We will then come up with a way you would like to proceed for the next 5 years.

### 3. Planning Process (Laurel)

- a. In this section we will be documenting who participated in the plan update process, how many meetings occurred and what happened at each meeting, and what changes were made to the plan. Laurel will complete most of this after this meeting and then we can review it together at a later meeting.
  - i. Barb Kwapich gave Jay and Laurel a list of all the participants who will be updating the plan. They are:
    - Brad Albert, Milwaukie Engineering Department
    - Dave Butcher, Public Works Director
    - Kevin Donegan, Clackamas County Fire District #1
    - Ted Evans, North Clackamas School District Director of Facilities
    - Bob Jordan, Milwaukie Chief of Police
    - Barb Kwapich, City Risk Manager
    - Tom Larsen, Milwaukie Building Official
    - Willie Miller, Milwaukie Facilities
    - Beth Ragel, Milwaukie Community Services Program Coordinator
    - Laurel Reimer, Clackamas County Emergency Management
    - Kate Rosson, Milwaukie GIS Coordinator
    - Susan Shanks, Milwaukie Planning Department
    - Jay Wilson, Clackamas County Emergency Management

ii. Special Service Districts

- The group determined the existing group was inclusive enough and did not require the involvement of the special service districts stated in the previously adopted plan.

4. Discussion of Plan Mission and Goals (Laurel)

- a. At this meeting the group reviewed the updated county mission and goals and agreed to adopt the county’s updated mission and goals.

i. County Mission

- “The mission of the Clackamas County Natural Hazards Mitigation Plan is to promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from natural hazards. This can be achieved by increasing public awareness, documenting the resources for risk reduction and loss-prevention, and identifying activities to guide the county towards building a safer, more sustainable community.”

ii. County Goals

- “The plan goals describe the overall direction that Clackamas County agencies, organizations, and citizens can take to work toward mitigating risk from natural hazards. The goals changed only slightly from 2002 to include an action word in each goal. Each action items is associated with the goals it addresses to ensure that the goals are being considered in plan implementation.
  - Protect Life and Property
  - Enhance Natural Systems
  - Augment Emergency Services
  - Encourage Partnerships for Implementation
  - Promote Public Awareness”

5. Plan Implementation, Monitoring, and Evaluation (Laurel)

- a. In this section we will discuss how the plan has been monitored, evaluated and updated since the plan was originally adopted in 2003.

i. Coordinating Body

- This is the group that was intended to meet between the plan’s initial adoption and now. What we need to talk about is whether of not this is still the appropriate group to serve as the coordinating body, what the roles of the coordinating body will serve, and if you want to make any changes to this group.
  - The Hazard Mitigation Advisory Committee (HMAC) is still the appropriate group to serve as the coordinating body.
  - The previous plan stated the HMAC would convene monthly for the first three months of plan implementation and no less than quarterly after that.
    - i. These actions were not implemented
    - ii. The group determined they should meet quarterly for the next five years
    - iii. The group determined they can choose to convene following a disaster, or when deemed necessary, to review and revise the plan as needed.

- The phrase “...develop new mitigation strategies to reduce losses from natural hazards” will be changed to say “discuss mitigation strategies to reduce losses from natural hazards”
  - The previous plan stated the City Manger will assign appropriate representatives to the HMAC. It was recommended to add a representative from the Neighborhood Associations, Police Department, and business community or Chamber of Commerce.
    - i. The City Manager or his designee will still have this task
    - ii. The group determined representatives from the Neighborhood Association and business community were not necessary.
    - iii. A representative from the Police Department was added to the HMAC
- ii. Convener
- This section describes who is responsible for convening the HMAC, and states the tasks of the convener.
    - The previous plan designated the Planning Director as the convener
      - i. The group determined the engineering department to be a more appropriate convener because that department has more influence over natural hazard mitigation processes within the city
    - The group agreed the convener will be responsible for facilitating the HMAC meetings
    - The group agreed that plan implementation and evaluation will be a shared responsibility among all of the Natural Hazard Advisory committee Members
- iii. Implementation through Existing Plans
- FEMA requires that NHMP identify local planning mechanisms. Existing plans already have support from local residents, businesses and policy makers. Many existing plans also get updated regularly and can easily adapt to changing needs and conditions. Mitigation is a shared responsibility so it’s best implemented through a variety of plans.
    - The group added zoning ordinances to the list of plans which the NHMP can be implemented into.
- iv. Formal Review Process
- FEMA requires a community to describe the method and schedule for monitoring, evaluating, and updating the plan. Today we need to find out what has been done since the plan was adopted, how the plan was updated and monitored, etc. We should also talk about how you’d like to modify this review process. If some of these items were not

implemented or did not work that's ok, but we will need to propose a new method and document how it will be implemented.

- The original document states the plan will be evaluated on an annual basis and describes what should be accomplished during those annual evaluations.
    - i. These tasks were not implemented.
    - ii. The group stated a need to have a point person set a reoccurring meeting schedule on HMAC member's calendars far in advance to ensure the sustainability of these meetings.
    - iii. The group decided the tasks set forth in this section should remain the same.
  - When it comes time for the plan to be updated again, the group decided they would follow the county's update schedule to ensure the plan stays up-to-date.
- v. Continued Public Involvement
- This section details how the public was kept involved over the last 5 years since the plan was adopted, and how the public will stay involved until the next update cycle.
    - Public Involvement over the last 5 years
      - i. The plan stated a public meeting would be held after each annual evaluation of the plan, or when deemed necessary by the HMAC
        - 1. This was not implemented
      - ii. The plan stated copies of the plan would be available on CD at appropriate agencies within the city
        - 1. This was not implemented
      - iii. The plan was presented at the City Council meeting. City Council meetings are open to the public and the agenda and all documents to be discussed are posted online one week before the meeting.
      - iv. The city uploaded the plan onto their city website
      - v. The Milwaukie Plan was available on the county website as an addendum to the county plan
      - vi. The previous Community Services Program Coordinator informed the 7 Neighborhood District Associations about the plan.
    - Public Involvement over the next 5 years
      - i. The plan will be presented at a City council meeting. City Council meetings are open to the public and the agenda and all documents to be discussed are posed online one week before the meeting.
      - ii. The plan will be available on the city's website
      - iii. The plan will be available as an addendum to the county plan on the county's website

- iv. The current Community Services Program Coordinator will inform the 7 Neighborhood District Associations about the plan.
- v. The HMAC may call a public meeting when deemed necessary, such as after a natural hazard

6. Community Profile (Laurel)

- a. This section provides valuable information about the City of Milwaukie so the reader of the Natural Hazard Mitigation Plan has a better understanding of the city. Laurel will go through and update most of this plan with the most recent data available, but there are two sections she would like to ask you about:

- i. Historical and Cultural References

- A list of historical resources can be found as Appendix 1 to the Comprehensive Plan
    - The group identified four main attractions in the city
      - Annual Milwaukie Daze Parade
      - Farmers Market
      - Riverfront with boat ramps
      - Riverfront Park

- ii. Community Organizations and Programs

- These are groups/programs that may be potential partners for implementing mitigation actions
      - Rotary Club
      - Neighborhood District Associations
      - Milwaukie hopes to start a CERT group
    - Laurel will research more groups and present to the group at the next planning meeting

7. Next Steps: Hazard Identification and Vulnerability Assessment (Laurel)

- a. Next meeting is set for November 13, 2008 from 1:00 to 5:00pm



**Meeting:** Milwaukie Natural Hazard Mitigation Plan Update Meeting #2  
**Date:** November 13, 2008  
**Time:** 1:00 pm – 5:00 pm  
**Location:** Milwaukie City Hall

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## MINUTES

1. Meeting Attendees
  - a. Barb Kwapich, City Risk Manager
  - b. Kate Rosson, Milwaukie GIS Coordinator
  - c. Jim Colt, Milwaukie Police Captain
  - d. Dave Butcher, Milwaukie Asset Management Technician
  - e. Brad Albert, Milwaukie Engineering Department
  - f. Tom Larsen, Milwaukie Building Official
  - g. Susan Shanks, Milwaukie Senior Planner
  - h. Beth Ragel, Milwaukie Community Services Program Coordinator
  - i. Laurel Reimer, Clackamas County Emergency Management
2. Local Match Grant Agreement
  - a. There is a new form to keep track of hours spent working on the natural hazard mitigation plan update. Laurel will mail these forms to Barb and Barb will distribute them to the participants of the meeting and mail them back to Laurel.
3. Presentation and Identification of hazard history and mitigation activities
  - a. Community Assets
    - i. The replacement Ardenwald School is under construction. The new school will house 550 students in one two-story building. The new building is seismically sound.
    - ii. It was noted that Kaiser Permanente and Willamette Falls Hospitals are not in the city, but the city uses them. It is suggested that the plan include a subsection or special notation for facilities that are not within city limits but are used by they city.
    - iii. It was noted that some facilities list street locations. The group decided that they do not want to include street locations.
    - iv. The group decided to add groups to the list of community organizations. These include the Chamber of Commerce, Johnson Creek Watershed Council, Friends of North Clackamas Park, and Friends of Clackamas Creek.
    - v. Johnson Creek Bridge is now being rebuilt
    - vi. Elevated water storage tower is now seismically upgraded
    - vii. The group pointed out a misspelling – “Quest” should be spelled “Qwest”
  - b. Hazard History and Mitigation Activities
    - i. Laurel discussed the hazards events detailed in the county’s 2007 NHMP update and asked the group to comment on the impacts felt in Milwaukie
    - ii. Flood
      - December 2-3, 2007: Excessive rainfall began Sunday morning and continued throughout the day on Monday required Water Environment Services to bypass treatment processes at the Kellogg Wastewater Treatment facility because the plant could not treat both the normal flows of wastewater and the excessive flows from the storm. As a result of the bypass untreated

wastewater was released into the Willamette River. Also, two manholes began surcharging near the Jefferson Street Boat Ramp.

- Mitigation: 18<sup>th</sup> Ave. infiltration line – the city lined the interiors of all the pipes to minimize the amount of groundwater that infiltrates into the sewer lines. This helps reduce the amount of water that goes into the treatment plant, which reduces the chance of overflow of the sewer system
  - December 3, 2007 – The Millport Bridge between Frontage Road and McBrod Avenue closed because the rising water of Johnson Creek was approaching the deck of the bridge that spans the creek. The water never reached the deck and no mitigation efforts were taken.
  - The GIS Department will update the flood maps
  - The group determined flood probability to be high and vulnerability to be low.
- iii. Landslide
  - The group reported part of a bank fell in December 2003 or January 2004 but nothing was impacted and no mitigation efforts were used.
  - The group determined landslide probability to be low and vulnerability to be low.
  - Kate will update the landslide map to reflect more updated risk
- iv. Wildfire
  - The group had no new fire history
  - Kevin Donegan of Clackamas Fire District 1 was not in attendance. The group did not feel comfortable determining the probability or vulnerability of a wildfire without consulting him. Laurel will contact Kevin for this data.
- v. Winter Storm
  - The group remembered a few days when the city offices were closed but did not have specific dates.
  - The operations group will update the GIS department on the new sanding routes.
- vi. Wind Storm
  - In the December 14-15<sup>th</sup> 2006 storm Milwaukie had trees down and needed to detour cars. Power went out in many places in the city, including the sewer lift station. Communications went down as well.
  - The group determined wind storm probability to be high and vulnerability to be high.
- vii. Earthquake
  - No new history
  - Building codes are the same as in the 2003 plan
  - The group came up with a list of major developments that have been constructed to be earthquake safe
    - North Main Village (residential)
    - Oak Street Square (commercial/retail)
    - International Way Business center
    - King Road Shopping Center
    - Ardenwald School
    - Water Tower at 40<sup>th</sup> and Harney Drive
    - Milwaukie High School - Fine Arts Center
    - Linwood Elementary – Main Office and Gym

- Two buildings were demolished that posed threats
      - Southgate Theater
      - Cash Spot
    - The old Ardenwald school will be demolished once the new school is constructed, scheduled for Fall 2009
    - The group determined earthquake probability to be high and vulnerability to be high.
  - viii. Volcano
    - The group determined probability to be low and vulnerability to be high
  - c. Mitigation Planning Priority System
    - i. The group was not able to determine how the previous planning prioritization scoring took place. The group decided to table this process so Laurel can research the process further. This will be discussed at the next meeting.
- 4. Next Meeting
  - a. The next meeting will start at 1:30 on December 11<sup>th</sup>, not 1:00

# Appendix B

## Economic Analysis of Natural Hazard Mitigation Projects

This appendix was developed by the Community Service Center's Oregon Partnership for Disaster Resilience at the University of Oregon. It has been reviewed and accepted by the Federal Emergency Management Agency as a means of documenting how the prioritization of actions shall include a special emphasis on the extent to which benefits are maximized according to a cost benefit review of the proposed projects and their associated costs.

The appendix outlines three approaches for conducting economic analyses of natural hazard mitigation projects. It describes the importance of implementing mitigation activities, different approaches to economic analysis of mitigation strategies, and methods to calculate costs and benefits associated with mitigation strategies. Information in this section is derived in part from: The Interagency Hazards Mitigation Team, *State Hazard Mitigation Plan*, (Oregon State Police – Office of Emergency Management, 2000), and Federal Emergency Management Agency Publication 331, *Report on Costs and Benefits of Natural Hazard Mitigation*. This section is not intended to provide a comprehensive description of benefit/cost analysis, nor is it intended to provide the details of economic analysis methods that can be used to evaluate local projects. It is intended to (1) raise benefit/cost analysis as an important issue, and (2) provide some background on how economic analysis can be used to evaluate mitigation projects.

### Why Evaluate Mitigation Strategies?

Mitigation activities reduce the cost of disasters by minimizing property damage, injuries, and the potential for loss of life, and by reducing emergency response costs, which would otherwise be incurred. Evaluating possible natural hazard mitigation activities provides decision-makers with an understanding of the potential benefits and costs of an activity, as well as a basis upon which to compare alternative projects.

Evaluating mitigation projects is a complex and difficult undertaking, which is influenced by many variables. First, natural disasters affect all segments of the communities they strike, including individuals, businesses, and public services such as fire, police, utilities, and schools. Second, while some of the direct and indirect costs of disaster damages are measurable, some of the costs are non-financial and difficult to quantify in dollars. Third, many of the impacts of such events produce

“ripple-effects” throughout the community, greatly increasing the disaster’s social and economic consequences. While not easily accomplished, there is value, from a public policy perspective, in assessing the positive and negative impacts from mitigation activities, and obtaining an instructive benefit/cost comparison. Otherwise, the decision to pursue or not pursue various mitigation options would not be based on an objective understanding of the net benefit or loss associated with these actions.

## **What are Some Economic Analysis Approaches for Evaluating Mitigation Strategies?**

The approaches used to identify the costs and benefits associated with natural hazard mitigation strategies, measures, or projects fall into three general categories: benefit/cost analysis, cost-effectiveness analysis and the STAPLE/E approach. The distinction between the there methods is outlined below:

### **Benefit/cost Analysis**

Benefit/cost analysis is a key mechanism used by the state Office of Emergency Management (OEM), the Federal Emergency Management Agency, and other state and federal agencies in evaluating hazard mitigation projects, and is required by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended.

Benefit/cost analysis is used in natural hazards mitigation to show if the benefits to life and property protected through mitigation efforts exceed the cost of the mitigation activity. Conducting benefit/cost analysis for a mitigation activity can assist communities in determining whether a project is worth undertaking now, in order to avoid disaster-related damages later. Benefit/cost analysis is based on calculating the frequency and severity of a hazard, avoided future damages, and risk. In benefit/cost analysis, all costs and benefits are evaluated in terms of dollars, and a net benefit/cost ratio is computed to determine whether a project should be implemented. A project must have a benefit/cost ratio greater than 1 (i.e., the net benefits will exceed the net costs) to be eligible for FEMA funding.

### **Cost-Effectiveness Analysis**

Cost-effectiveness analysis evaluates how best to spend a given amount of money to achieve a specific goal. This type of analysis, however, does not necessarily measure costs and benefits in terms of dollars. Determining the economic feasibility of mitigating natural hazards can also be organized according to the perspective of those with an economic interest in the outcome. Hence, economic analysis approaches are covered for both public and private sectors as follows.

#### **Investing in public sector mitigation activities**

Evaluating mitigation strategies in the public sector is complicated because it involves estimating all of the economic benefits and costs regardless of who realizes them, and potentially to a large number of people and economic entities. Some benefits cannot be evaluated

monetarily, but still affect the public in profound ways. Economists have developed methods to evaluate the economic feasibility of public decisions which involve a diverse set of beneficiaries and non-market benefits.

### **Investing in private sector mitigation activities**

Private sector mitigation projects may occur on the basis of one of two approaches: it may be mandated by a regulation or standard, or it may be economically justified on its own merits. A building or landowner, whether a private entity or a public agency, required to conform to a mandated standard may consider the following options:

1. Request cost sharing from public agencies;
2. Dispose of the building or land either by sale or demolition;
3. Change the designated use of the building or land and change the hazard mitigation compliance requirement; or
4. Evaluate the most feasible alternatives and initiate the most cost effective hazard mitigation alternative.

The sale of a building or land triggers another set of concerns. For example, real estate disclosure laws can be developed which require sellers of real property to disclose known defects and deficiencies in the property, including earthquake weaknesses and hazards to prospective purchasers. Correcting deficiencies can be expensive and time consuming, but their existence can prevent the sale of the building. Conditions of a sale regarding the deficiencies and the price of the building can be negotiated between a buyer and seller.

### **STAPLE/E Approach**

Conducting detailed benefit/cost or cost-effectiveness analysis for every possible mitigation activity could be very time consuming and may not be practicable. There are some alternate approaches for conducting a quick evaluation of the proposed mitigation activities which could be used to identify those mitigation activities that merit more detailed assessment. One of these methods is the STAPLE/E Approach.

Using STAPLE/E criteria, mitigation activities can be evaluated quickly by steering committees in a systematic fashion. This set of criteria requires the committee to assess the mitigation activities based on the Social, Technical, Administrative, Political, Legal, Economic, and Environmental (STAPLE/E) constraints and opportunities of implementing the particular mitigation item in your community. The second chapter in FEMA's How-To Guide "Developing the Mitigation Plan – Identifying Mitigation Actions and Implementation Strategies" as well as the "State of Oregon's Local Natural Hazard Mitigation Plan: An Evaluation Process" outline some specific considerations in analyzing each aspect. The following are suggestions for how to examine each aspect of the STAPLE/E Approach from the "State of

Oregon's Local Natural Hazard Mitigation Plan: An Evaluation Process".

**Social:** Community development staff, local non-profit organizations, or a local planning board can help answer these questions.

- Is the proposed action socially acceptable to the community?
- Are there equity issues involved that would mean that one segment of the community is treated unfairly?
- Will the action cause social disruption?

**Technical:** The city or county public works staff, and building department staff can help answer these questions.

- Will the proposed action work?
- Will it create more problems than it solves?
- Does it solve a problem or only a symptom?
- Is it the most useful action in light of other community goals?

**Administrative:** Elected officials or the city or county administrator, can help answer these questions.

- Can the community implement the action?
- Is there someone to coordinate and lead the effort?
- Is there sufficient funding, staff, and technical support available?
- Are there ongoing administrative requirements that need to be met?

**Political:** Consult the mayor, city council or county planning commission, city or county administrator, and local planning commissions to help answer these questions.

- Is the action politically acceptable?
- Is there public support both to implement and to maintain the project?

**Legal:** Include legal counsel, land use planners, risk managers, and city council or county planning commission members, among others, in this discussion.

- Is the community authorized to implement the proposed action? Is there a clear legal basis or precedent for this activity?
- Are there legal side effects? Could the activity be construed as a taking?
- Is the proposed action allowed by the comprehensive plan, or must the comprehensive plan be amended to allow the proposed action?
- Will the community be liable for action or lack of action?

- Will the activity be challenged?

**Economic:** Community economic development staff, civil engineers, building department staff, and the assessor's office can help answer these questions.

- What are the costs and benefits of this action?
- Do the benefits exceed the costs?
- Are initial, maintenance, and administrative costs taken into account?
- Has funding been secured for the proposed action? If not, what are the potential funding sources (public, non-profit, and private)?
- How will this action affect the fiscal capability of the community?
- What burden will this action place on the tax base or local economy?
- What are the budget and revenue effects of this activity?
- Does the action contribute to other community goals, such as capital improvements or economic development?
- What benefits will the action provide? (This can include dollar amount of damages prevented, number of homes protected, credit under the CRS, potential for funding under the HMGP or the FMA program, etc.)

**Environmental:** Watershed councils, environmental groups, land use planners and natural resource managers can help answer these questions.

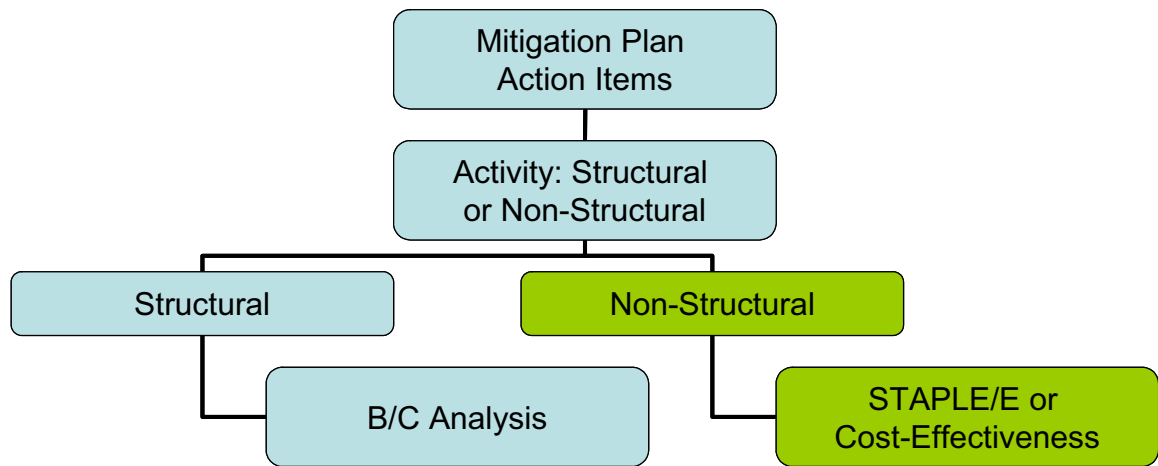
- How will the action impact the environment?
- Will the action need environmental regulatory approvals?
- Will it meet local and state regulatory requirements?
- Are endangered or threatened species likely to be affected?

The STAPLE/E approach is helpful for doing a quick analysis of mitigation projects. Most projects that seek federal funding and others often require more detailed Benefit/Cost Analyses.

## When to use the Various Approaches

It is important to realize that various funding sources require different types of economic analyses. The following figure is to serve as a guideline for when to use the various approaches.

**Figure A.1: Economic Analysis Flowchart**



Source: Community Service Center's Oregon Partnership for Disaster Resilience at the University of Oregon, 2005

## Implementing the Approaches

Benefit/cost analysis, cost-effectiveness analysis, and the STAPLE/E are important tools in evaluating whether or not to implement a mitigation activity. A framework for evaluating mitigation activities is outlined below. This framework should be used in further analyzing the feasibility of prioritized mitigation activities.

### 1. Identify the Activities

Activities for reducing risk from natural hazards can include structural projects to enhance disaster resistance, education and outreach, and acquisition or demolition of exposed properties, among others. Different mitigation project can assist in minimizing risk to natural hazards, but do so at varying economic costs.

### 2. Calculate the Costs and Benefits

Choosing economic criteria is essential to systematically calculating costs and benefits of mitigation projects and selecting the most appropriate activities. Potential economic criteria to evaluate alternatives include:

- **Determine the project cost.** This may include initial project development costs, and repair and operating costs of maintaining projects over time.
- **Estimate the benefits.** Projecting the benefits, or cash flow resulting from a project can be difficult. Expected future returns from the mitigation effort depend on the correct specification of the risk and the effectiveness of the project, which may not be well known. Expected future costs depend on the physical

durability and potential economic obsolescence of the investment. This is difficult to project. These considerations will also provide guidance in selecting an appropriate salvage value. Future tax structures and rates must be projected. Financing alternatives must be researched, and they may include retained earnings, bond and stock issues, and commercial loans.

- ***Consider costs and benefits to society and the environment.*** These are not easily measured, but can be assessed through a variety of economic tools including existence value or contingent value theories. These theories provide quantitative data on the value people attribute to physical or social environments. Even without hard data, however, impacts of structural projects to the physical environment or to society should be considered when implementing mitigation projects.
- ***Determine the correct discount rate.*** Determination of the discount rate can just be the risk-free cost of capital, but it may include the decision maker's time preference and also a risk premium. Including inflation should also be considered.

### **3. Analyze and Rank the Activities**

Once costs and benefits have been quantified, economic analysis tools can rank the possible mitigation activities. Two methods for determining the best activities given varying costs and benefits include net present value and internal rate of return.

- ***Net present value.*** Net present value is the value of the expected future returns of an investment minus the value of expected future cost expressed in today's dollars. If the net present value is greater than the project costs, the project may be determined feasible for implementation. Selecting the discount rate, and identifying the present and future costs and benefits of the project calculates the net present value of projects.
- ***Internal Rate of Return.*** Using the *internal rate of return* method to evaluate mitigation projects provides the interest rate equivalent to the dollar returns expected from the project. Once the rate has been calculated, it can be compared to rates earned by investing in alternative projects. Projects may be feasible to implement when the internal rate of return is greater than the total costs of the project. Once the mitigation projects are ranked on the basis of economic criteria, decision-makers can consider other factors, such as risk, project effectiveness, and economic, environmental, and social returns in choosing the appropriate project for implementation.

## **Economic Returns of Natural Hazard Mitigation**

The estimation of economic returns, which accrue to building or land owners as a result of natural hazard mitigation, is difficult. Owners evaluating the economic feasibility of mitigation should consider reductions in physical damages and financial losses. A partial list follows:

- Building damages avoided
- Content damages avoided
- Inventory damages avoided
- Rental income losses avoided
- Relocation and disruption expenses avoided
- Proprietor's income losses avoided

These parameters can be estimated using observed prices, costs, and engineering data. The difficult part is to correctly determine the effectiveness of the hazard mitigation project and the resulting reduction in damages and losses. Equally as difficult is assessing the probability that an event will occur. The damages and losses should only include those that will be borne by the owner. The salvage value of the investment can be important in determining economic feasibility. Salvage value becomes more important as the time horizon of the owner declines. This is important because most businesses depreciate assets over a period of time.

## **Additional Costs from Natural Hazards**

Property owners should also assess changes in a broader set of factors that can change as a result of a large natural disaster. These are usually termed "indirect" effects, but they can have a very direct effect on the economic value of the owner's building or land. They can be positive or negative, and include changes in the following:

- Commodity and resource prices
- Availability of resource supplies
- Commodity and resource demand changes
- Building and land values
- Capital availability and interest rates
- Availability of labor
- Economic structure
- Infrastructure
- Regional exports and imports
- Local, state, and national regulations and policies
- Insurance availability and rates

Changes in the resources and industries listed above are more difficult to estimate and require models that are structured to estimate total economic impacts. Total economic impacts are the sum of direct and indirect economic impacts. Total economic impact models are usually not combined with economic feasibility models. Many models exist to estimate total economic impacts of changes in an economy. Decision makers should understand the total economic impacts of natural disasters in order to calculate the benefits of a mitigation activity. This suggests that understanding the local economy is an important first step in being able to understand the potential impacts of a disaster, and the benefits of mitigation activities.

## **Additional Considerations**

Conducting an economic analysis for potential mitigation activities can assist decision-makers in choosing the most appropriate strategy for their community to reduce risk and prevent loss from natural hazards. Economic analysis can also save time and resources from being spent on inappropriate or unfeasible projects. Several resources and models are listed on the following page that can assist in conducting an economic analysis for natural hazard mitigation activities.

Benefit/cost analysis is complicated, and the numbers may divert attention from other important issues. It is important to consider the qualitative factors of a project associated with mitigation that cannot be evaluated economically. There are alternative approaches to implementing mitigation projects. Many communities are looking towards developing multi-objective projects. With this in mind, opportunity rises to develop strategies that integrate natural hazard mitigation with projects related to watersheds, environmental planning, community economic development, and small business development, among others. Incorporating natural hazard mitigation with other community projects can increase the viability of project implementation.

## **Resources**

CUREe Kajima Project, *Methodologies For Evaluating The Socio-Economic Consequences Of Large Earthquakes*, Task 7.2 Economic Impact Analysis, Prepared by University of California, Berkeley Team, Robert A. Olson, VSP Associates, Team Leader; John M. Eidinger, G&E Engineering Systems; Kenneth A. Goettel, Goettel and Associates Inc.; and Gerald L. Horner, Hazard Mitigation Economics Inc., 1997.

Federal Emergency Management Agency, *Benefit/Cost Analysis of Hazard Mitigation Projects*, Riverine Flood, Version 1.05, Hazard Mitigation Economics Inc., 1996.

Federal Emergency Management Agency *Report on Costs and Benefits of Natural Hazard Mitigation*. Publication 331, 1996.

Goettel & Horner Inc., *Earthquake Risk Analysis Volume III: The Economic Feasibility of Seismic Rehabilitation of Buildings in The City*

*of Portland*, Submitted to the Bureau of Buildings, City of Portland, August 30, 1995.

Goettel & Horner Inc., *Benefit/Cost Analysis of Hazard Mitigation Projects* Volume V, Earthquakes, Prepared for FEMA's Hazard Mitigation Branch, October 25, 1995.

Horner, Gerald, *Benefit/Cost Methodologies for Use in Evaluating the Cost Effectiveness of Proposed Hazard Mitigation Measures*, Robert Olson Associates, Prepared for Oregon State Police, Office of Emergency Management, July 1999.

Interagency Hazards Mitigation Team, *State Hazard Mitigation Plan*, (Oregon State Police – Office of Emergency Management, 2000).

Risk Management Solutions, Inc., *Development of a Standardized Earthquake Loss Estimation Methodology*, National Institute of Building Sciences, Volume I and II, 1994.

VSP Associates, Inc., *A Benefit/Cost Model for the Seismic Rehabilitation of Buildings*, Volumes 1 & 2, Federal Emergency Management Agency, FEMA Publication Numbers 227 and 228, 1991.

VSP Associates, Inc., *Benefit/Cost Analysis of Hazard Mitigation Projects: Section 404 Hazard Mitigation Program and Section 406 Public Assistance Program, Volume 3: Seismic Hazard Mitigation Projects*, 1993.

VSP Associates, Inc., *Seismic Rehabilitation of Federal Buildings: A Benefit/Cost Model*, Volume 1, Federal Emergency Management Agency, FEMA Publication Number 255, 1994.



**To:** Mayor and City Council

**Through:** Mike Swanson, City Manager  
Kenneth Asher, Community Development & Public Works Director

**From:** Alex Campbell, Resource & Economic Development Specialist

**Subject:** 2009-2010 Fee Schedule & Updated SDCs

**Date:** June 5 for June 16, 2009 Regular Session

### **Action Requested**

Approve resolution adopting the fiscal year 2009-2010 fee schedule, including updated System Development Charges (SDCs).

### **History of Prior Actions and Discussions**

**June 2008:** Council last adopted a fee schedule update, Resolution No. 54-2008.

**June 2007:** Council adopted Resolution No. 40-2007 to allow annual adjustment of SDCs for inflation in the cost of construction.

### **Background**

The City schedule of "Fees and Charges" is intended to be a complete and standard reference for all fees and charges across all departments. Annually, the City updates the official fee schedule. Updates typically include adjustments to rates to more accurately match City cost to provide services; changes to improve readability; clarifications of how a fee is to be calculated or collected; elimination of obsolete charges; and/or introduction of new fees. As part of the update process, City department managers review the schedule of fees and charges and recommend changes to reflect actual costs.

In this year's update, proposed changes include:

- An increase of the fee for land use applications that require Planning Director's interpretations to more accurately reflect the staff time necessary to complete such reviews.
- Marginal (0.7%) increases to City SDCs to reflect the small increase in the cost of construction that took place over the past year.
- A reduction and simplification of the monthly parking permit structure, setting the price for a permit at \$20 per month. Parking fines were removed from the fee schedule because fines are set by a separate process and other fines are generally not listed in the fee schedule.
- The updated fee schedule includes a \$95/year charge for library use by non-district residents. Such a fee has been charged for a number of years, but was not previously reflected in the fee schedule. The charge had been \$75, but is being increased to \$95 to more accurately reflect cost of service.
- Billable rates for staff time were updated to accurately reflect City costs.

### **Concurrence**

Department Directors reviewed and requested changes to the fee rates applied for services provided by their departments. The Finance and Human Resources Director both reviewed new billable rates for staff time.

### **Fiscal Impact**

No appreciable impacts to budgeted expenditures or revenues are expected.

### **Work Load Impacts**

Minimal work is required to update the fee schedule.

### **Alternatives**

The Council has the option of adopting the 2009-2010 fee schedule with changes. No action would leave the prior rates in effect.

### **Attachments**

1. Resolution Setting City Fees for Service

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SETTING FEES FOR SERVICES; CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION; AND PROVIDING FOR COST OF CONSTRUCTION INDEXING OF SYSTEM DEVELOPMENT CHARGES.**

**WHEREAS**, The City completed a formal Cost of Services Study and User Fee Analysis in Fiscal Year 1994-1995 and updated the Study in Fiscal Year 1995-1996; and

**WHEREAS**, The City Council reviewed all costs of services and user fee structures; and

**WHEREAS**, Affected departments annually review labor costs as well as compare fees with other local jurisdictions and adjust accordingly; and

**WHEREAS**, The fees set forth in the attached "Fees and Charges" are set at a level to cover the costs of providing the services for which the fees are charged but to not generate any excess income for the City; and

**WHEREAS**, Fees are set by City Council resolution; and

**WHEREAS**, The City Council has adopted water, storm water, transportation and wastewater System Development Charges for new development, based on adopted master plans and approved methodologies; and

**WHEREAS**, The Oregon Revised Statute Chapter Two Hundred and Twenty-Three (223) provides for the regular updating of System Development Charges to account for increases in the cost of construction;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Milwaukie, Oregon, determines that the fees, herewith attached as "Fees & Charges," are effective July 1, 2009, and:

Section 1. The attached document (Exhibit B) entitled "Fees and Charges" is adopted as the official fee schedule of the City of Milwaukie. Changes from the previous version are reflected in the strikeout version (Exhibit A).

Section 2. The fees imposed by this Resolution are not taxes subject to the limitations of Article XI, Section 11(b) of the Oregon Constitution.

Section 3. Any previously adopted fee for which a fee or charge is stated in the attached "Fees and Charges" is amended to conform to the amount stated in the "Fees and Charges." Any previously adopted fee for which a fee or charge is not stated in the attached "Fees and Charges" shall remain at its present amount.

Section 4. The City of Milwaukie updates the storm water, water, and transportation System Development Charges according to the Engineering News Record Construction Cost Index for Seattle, as listed in the attached "Fees and Charges," and shall continue to annually update System Development Charges by the Construction Cost Index as part of future fee schedule updates.

Introduced and adopted by the City Council on June 16, 2009.

This resolution is effective on July 1, 2009.

---

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

---

Pat DuVal, City Recorder

---

City Attorney



CITY HALL  
 10722 SE Main St  
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 FAX: 503-653-4433

# Fees & Charges

**Strikeout = Deletions    Underline = Additions**  
 Adopted June 16, 2009—Resolution #\_\_-2009 (except as noted)  
**Effective July 1, 2009 (except as noted)**

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## PLANNING

### ***Land Use Applications***

#### ***Title 19 Zoning***

##### **Chapter 19.300 Use Zones**

CSC Community Shopping Commercial Review .....	\$1,500
CSU Community Service Use .....	\$1,500 (max.) or Actual Cost *
CSU Community Service Use—Wireless Communication Facility (Type II review) .....	\$750
CSU Community Service Use—Wireless Comm. Facility (Minor Quasi-Judicial rev.)	\$1,500 (min.) or Actual Cost *
Reserve deposit .....	\$1,000
DR Design Review (Type I review, without Building Permit).....	\$130
DR Design Review (Type I review, with Building Permit).....	Incl. w/cost of Major Building Permit Review
DR Design Review (Type II review) .....	\$800
DR Design Review (Minor Quasi-Judicial review) .....	\$1,500
HR Historic Resource Alteration (Type I review).....	\$500
HR Historic Resource Alteration (Minor Quasi-Judicial review) .....	\$1,500
HR Historic Resource Deletion.....	\$2,035
HR Historic Resource Demolition.....	\$2,035
HR Historic Resource Designation.....	\$0
MU Mixed Use Overlay Review.....	\$1,500
PD Planned Development (Preliminary Plan Review) .....	\$2,615
PD Planned Development (Final Plan Review).....	\$3,245
WG Willamette Greenway Review .....	\$1,500
WQR Water Quality Resource (Type I review, without Building Permit).....	\$130 **
WQR Water Quality Resource (Type I review, w/Building Permit) .....	Incl. w/cost of Major Bldg. Permit Review **
WQR Water Quality Resource (Type II review) .....	\$750 **
WQR Water Quality Resource (Minor Quasi-Judicial review).....	\$1,500 **

##### **Chapter 19.400 Supplementary Regulations**

ADU Accessory Dwelling Unit, Type 1 .....	\$860
TAR Transition Area Review .....	\$1,500
TS Temporary Structure (Type I review) .....	\$50
TS Temporary Structure (Minor Quasi-Judicial review) .....	\$1,010

##### **Chapter 19.600 Conditional Uses**

ADU Accessory Dwelling Unit, Type 2 .....	\$1,770
CU Conditional Use .....	\$1,500

##### **Chapter 19.700 Variances, Exceptions, and Home Improvement Exceptions**

E Use Exception .....	\$1,500
HIE Home Improvement Exception .....	\$800
VR Variance (Type II review).....	\$800
Additional reserve deposit.....	\$700
VR Variance (Minor Quasi-Judicial review).....	\$1,500

##### **Chapter 19.800 Nonconforming Uses**

DD Director's Determination of Nonconforming Situation .....	<del>\$50</del> \$100
NCU Nonconforming Use/Structure (Type II review) .....	\$800
NCU Nonconforming Use/Structure (Minor Quasi-Judicial review) .....	\$1,500

**Chapter 19.900 Amendments**

CPA Comprehensive Plan/Map Amendment .....	\$3,210
ZA Zoning Ordinance Amendment.....	\$3,210
ZC Zoning Map Amendment (aka "Zone Change") .....	\$3,210
Ballot Measure 56 Notice (for Zone Amendment or Zone Change).....	Actual Cost (\$1 per affected property, \$35 minimum)
Reserve deposit .....	\$500

**Chapter 19.1000 Administrative Provisions**

AP Appeal to City Planning Commission/City Council .....	\$505
DI Planning Director Interpretation .....	\$100

**Chapter 19.1400 Transportation Planning, Design Standards, and Procedures**

TPR Transportation Plan Review (Type I review) .....	\$150 **
TPR Transportation Plan Review (Type II review) .....	\$750 **
TPR Transportation Plan Review (Minor Quasi-Judicial review) .....	\$750 **
Additional reserve deposit.....	\$750 **

**Chapter 19.1500 Boundary Changes (Annexations)**

A Annexation (Expedited).....	\$100
A Annexation (Nonexpedited with no Zone Change or Comp Plan Amendment) .....	\$100
A Annexation (Nonexpedited: Zone Change only).....	\$100
A Annexation (Nonexpedited: Zone Change and Comp Plan Amendment).....	\$3,210

**Title 17 Land Division**

DD Director's Determination of Legal Lot Status .....	<del>\$50</del> \$100
ELD Expedited Land Division.....	\$4,125
FP Minor Land Partition (Final Plat) .....	\$150
FP Subdivision (Final Plat) .....	\$150
LC Lot Consolidation .....	\$250
Additional reserve deposit.....	\$250
MLP Minor Land Partition.....	\$750
Additional reserve deposit.....	\$1,000
PLA Property Line Adjustment.....	\$640
R Partition Replat.....	\$500
Additional reserve deposit.....	\$500
R Subdivision Replat .....	\$500
Additional reserve deposit.....	\$1,000
S Subdivision (Preliminary Plat) .....	\$2,630
SV Street or Plat Vacation.....	\$1,905
Extension of Planning Commission Approval.....	\$40

**Title 14 Signs**

Adjustment:

• Type II (up to 25% variance from standard) .....	\$800
• Minor Quasi-Judicial review (over 25% variance from standard) .....	\$1,500
Community Service Use Sign Review (Minor Quasi-Judicial review) .....	Actual Cost *
Sign Permit Review (see <b>Reviews, Inspections, and Preapplication Conferences</b> below)	

**Other fees**

<b>M-37</b> Property Value Reduction Claims (pertaining to Ballot Measures 37 or 49) .....	\$1,515
(Fee will be refunded if applicant prevails. If claim is denied, additional money may be required to cover contract-attorney or appraiser costs, as determined by City Manager.)	
<b>TP</b> Tree Permit (major pruning or removal of trees in the public right-of-way) .....	\$35
Tree Removal Appeal Hearing .....	\$505
Technical Report Review (Traffic, Wetlands, Geotechnical, Hydrology, etc):	
• Scope of Work Preparation .....	Actual Cost *
Additional reserve deposit .....	\$1,000
• Review of Technical Report .....	Actual Cost *
Reserve deposit:	
• Traffic .....	\$2,500
• Water Quality Resources .....	\$1,500
• All others .....	\$1,000
Variance from Clear Vision Standards .....	\$1,500
Zoning Confirmation Letter .....	\$50

**Discounts for Land Use Applications**

Two or more applications .....	No discount for most expensive application—50% discount for all others ***
Senior citizens and low income citizens .....	25% discount (50% for appeals) ****
NDA-sponsored land use applications related to parks .....	Fees waived

**Deposit Information**

In some cases, reserve deposits are collected to ensure that the City’s actual costs are covered. Deposits used for consultant review of technical reports will be refunded relative to actual costs, and additional money may be required if actual costs exceed the deposit amount. Deposits collected as part of Type II land division applications (such as Minor Land Partitions, Lot Consolidations, and Replats) are refunded if the application is not elevated to the level of Minor Quasi-Judicial review. This applies only to reserve deposits—base fees are nonrefundable.

**Notes**

- \* Actual cost to be determined by Planning Director or Engineering Director by estimating the cost of City staff time and resources dedicated to the project.
- \*\* Water Quality Resource and Transportation Plan Review applications may also require additional Technical Report Review.
- \*\*\* Applies to applications which relate to the same parcel of land and which will be considered at the same Planning Commission meeting.
- \*\*\*\* Seniors must be at least 62 years of age. Low-income citizens may qualify for reduced fees by filing the same application used to apply for reduced sewer and water rates.

**Reviews, Inspections, and Preapplication Conferences**

Building Permit Review (Short).....	\$25
Building Permit Review (Minor) .....	\$95
Building Permit Review (Major) .....	\$130
Planning Inspection Fee .....	\$50
Preapplication Conference .....	\$125
Preapplication Conference with Transportation Review .....	\$200
Sign Permit Review .....	\$95/sign type
Sign Permit Review (Daily Display or “sandwich board” sign) .....	\$50

**Materials**

Many materials are available online for free at [www.ci.milwaukie.or.us/departments/planning/planning.html](http://www.ci.milwaukie.or.us/departments/planning/planning.html).  
 Contact Planning staff for additional information.

Zoning Ordinance .....	\$13
Comprehensive Plan .....	\$15

**Comprehensive Plan or Zoning Ordinance Map:**

- 11x17 handout (Black & White/Color)..... No charge/\$2
- GIS maps (e.g., Zoning Map)..... Full sheet \$45; see Engineering fees for other sizes
- Bluelines (e.g., Zoning Map)..... All sizes \$5

**Comprehensive Plan ancillary documents: (most not available online)**

- Ardenwald Park Master Plan .....\$2
- Downtown and Riverfront Land Use Framework Plan.....\$25
- Elk Rock Island Natural Area Management Plan.....\$8
- Furnberg Park Master Plan.....\$5
- Homewood Park Master Plan .....\$1
- Johnson Creek Resources Management Plan .....\$15
- Lake Road Multimodal Plan .....\$8
- Lewelling Community Park Master Plan .....\$1
- North Clackamas PFP .....\$25
- Town Center Master Plan .....\$15
- Scott Park Master Plan .....\$2
- Spring Park Master Plan .....\$5
- Springwater Corridor Master Plan.....\$8
- Transportation System Plan
  - Full Document .....49
  - Executive Summary .....\$15
  - CD .....\$3.50
- Water Tower Park Master Plan.....\$2
- Wichita Park Master Plan.....\$2
- Vision Statement (one page) ..... No charge

Sign Ordinance .....	\$5
Land Division Ordinance .....	\$5
Downtown Design Guidelines (Black & White/Color).....	\$10/\$35
Downtown and Riverfront Public Area Requirements .....	\$16
Other informational handouts (10 pages or less).....	No charge
Other informational handouts (over 10 pages).....	At cost

# BUILDING

## Section I. Residential Building Permits

### A. Structural Permits—Valuation shall be calculated in accordance with OAR 918-050-0100.

#### 1. Permit Fee

Permit fees from calculation of total valuation from the square footage of the improvement

\$1-\$500.....	\$18.75
\$501-\$2,000.....	\$18.75 plus \$2.89 per \$C over \$5C to \$2K
\$2,001-\$25,000.....	\$62.10 plus \$11.54 per \$K over \$2K to \$25K
\$25,001-\$50,000.....	\$327.52 plus \$8.58 per \$K over \$25K to \$50K
\$50,001-\$100,000.....	\$542.02 plus \$5.77 per \$K over \$50K to \$100K
\$100,001 and up.....	\$830.52 plus \$4.88 per \$K over \$100K
Minimum permit fee.....	\$75.00

- 2. **Initial Plan Review Fees** ..... 65% of the permit fee
- 3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions**..... \$70.00/hr. (min. charge 1 hr.)
- 4. **Third Party Plan Review Fee (for transfer of plan review to a third party)**..... 10% of the permit fee (\$65.00 min.)

### B. Mechanical Permits—Fees per current Mechanical Permit application

Minimum Permit Fee ..... \$60.00

#### 1. HVAC

For the installation of:

a. Air handling unit including ducts:	
Up to 10,000 cfm.....	\$23.00
Over 10,000 cfm.....	\$26.00
b. Air conditioning/heat pump (site plan required).....	\$40.00
c. Alteration of existing HVAC system.....	\$18.50
d. Boiler/compressor.....	\$18.50
e. Install/relocate/replace furnace/burner including ductwork and vent:	
Up to 100,000 BTU/H.....	\$18.50
Over 100,000 BTU/H.....	\$22.00
f. Install/relocate/replace heaters (room, suspended, wall- or floor-mounted).....	\$18.50
g. Vent for other than furnace.....	\$18.50

#### 2. Environmental Exhaust and Ventilation

For the installation of:

a. Appliance vent.....	\$15.00
b. Dryer exhaust.....	\$12.00
c. Each hood that is served by a mechanical exhaust or air conditioning.....	\$10.00
d. Exhaust system with single duct (bath fan) each.....	\$8.50
e. Exhaust system apart from heating or air conditioning.....	\$12.00

#### 3. Fuel Piping and Distribution

a. LPG-NG-Oil fuel piping:	
Up to 4 outlets (includes gas tag).....	\$22.00
Each additional outlet over 4.....	\$2.00

#### 4. Other Listed Application or Equipment

a. Decorative fireplace or insert.....	\$35.00
b. Woodstove/pellet stove.....	\$47.00
c. For each appliance or piece of equipment regulated by the code but not classed in other appliance categories, for which no other fee is listed in this code, or for which there is an alteration or extension of an existing mechanical system.....	\$18.50

- 5. **Stand-alone Fire Suppression Systems (requires a backflow device installed by licensed plumbing contractor or persons exempt from licensing)**
  - 0 sq. ft. to 2,000 sq. ft. .... \$90.00
  - 2,001 sq. ft. to 3,600 sq. ft. .... \$135.00
  - 3,601 sq. ft. to 7,200 sq. ft. .... \$169.00
  - \$7,201 sq. ft. and greater ..... \$315.00

**C. Plumbing Permits—Fees per current Plumbing Permit application**

- 1. **Total Bathrooms Per Dwelling**
  - 1 bath dwelling (includes 1 kitchen) ..... \$335.00
  - 2 bath dwelling (includes 1 kitchen) ..... \$370.00
  - 3 bath dwelling (includes 1 kitchen) ..... \$440.00
  - Additional bathroom/kitchen ..... \$175.00
  - Includes the first 100 ft. of water piping, sanitary and storm sewer lines, hose bibs, icemakers, underfloor low point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system.
- 2. **Additions, Alterations, and Repairs**..... \$16.75/fixture
- 3. **Building Sewer Connection**..... \$57.00
- 4. **Multipurpose or Continuous Loop Fire Suppression Systems**
  - 0 sq. ft. to 2,000 sq. ft. .... \$90.00
  - 2,001 sq. ft. to 3,600 sq. ft. .... \$135.00
  - 3,601 sq. ft. to 7,200 sq. ft. .... \$169.00
  - \$7,201 sq. ft. and greater ..... \$315.00
- 5. **Minimum permit fee** ..... \$60.00

**D. Other Inspections and Fees**

- 1. **Inspections outside of normal business hours** ..... \$98.00/hr. (min. charge 2 hrs.)  
(Must be preapproved by applicant)
- 2. **Inspections for which no fee is specifically indicated** ..... \$68.00/hr.  
(Must be preapproved by applicant)
- 3. **Reinspection fee** ..... \$58.00/hr.
- 4. **Replacement sheets** ..... \$23.00/sheet
- 5. **The minimum fee shall be** ..... \$50.00
- 6. **Investigation fee** ..... Amount of subject permit fee
- 7. **Temporary Certificate of Completion** ..... \$50.00

**E. Manufactured Dwelling and Cabana Installation Permits— All jurisdictions in the Tri-County area shall charge a single fee for the installation and set-up of manufactured homes. This single fee shall include the concrete slab, runners, or foundations when they comply with the prescriptive requirements of the Oregon Manufactured Dwelling standard, electrical feeder and plumbing connections, and all cross-over connections.**

- 1. **Installation permit** ..... \$445.00
- 2. **Earthquake-resistant bracing** ..... \$135.00
- 3. **Reinspection** ..... \$135.00
- 4. **Statewide code development, training and monitoring fee** (in addition to all other manufactured dwelling fees and charges) ..... \$30.00

## Section II. Commercial/Industrial Building Permits

### A. Structural Permits—Valuation shall be calculated in accordance with OAR 918-050-0110.

1. **Permit Fee**  
 Permit fees from calculation of total valuation from the square footage of the improvement
 

\$1-\$500.....	\$18.75
\$501-\$2,000.....	\$18.75 plus \$2.89 per \$C over \$5C to \$2K
\$2,001-\$25,000.....	\$62.10 plus \$11.54 per \$K over \$2K to \$25K
\$25,001-\$50,000.....	\$327.52 plus \$8.58 per \$K over \$25K to \$50K
\$50,001-\$100,000.....	\$542.02 plus \$5.77 per \$K over \$50K to \$100K
\$100,001 and up.....	\$830.52 plus \$4.88 per \$K over \$100K
Minimum permit fee.....	\$75.00
2. **Initial Plan Review Fees** ..... 65% of the permit fee
3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions**..... \$70.00/hr. (min. charge 1 hr.)
4. **Fire and Life Safety Plan Review Fee** (commercial only) .....40% of structural permit fee  
 (Based on valuation of total improvements or \$50.00/hr. to review a Fire and Life Safety Master Plan)  
 (Hourly charge must be approved by Applicant)
5. **Seismic Site Hazard Report Review** ..... 1% of total structural and mechanical fees

### B. Mechanical Permits—Valuation shall be calculated on the value of the equipment and installation costs.

1. **Use this section for commercial installation, replacement or relocation of nonportable mechanical equipment or mechanical work not covered previously. Indicate the value of all mechanical labor, materials, and equipment.**  
 Permit Fee:
 

\$1 to \$5,000.....	\$60.00
\$5,001 to \$10,000.....	\$60.00 plus \$1.71 per \$C over \$5K
\$10,001 to \$100,000.....	\$145.50 plus \$10.50 per \$K over \$10K
\$100,001 and up.....	\$1,090.50 plus \$7.25 per \$K over \$100K
Minimum permit fee.....	\$60.00
2. **Plan review fee**..... 25% of mechanical permit fee
3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions**..... \$70.00/hr. (min. charge 1 hr.)

### C. Plumbing Permits

1. **Each fixture** ..... \$16.75
2. **Utilities per 100 feet**..... \$62.00
  - a. Catch basin..... \$27.00
  - b. Drywells each..... \$27.00
  - c. Footing drain (per 100 lin. ft.)..... \$53.00
  - d. Rain drain connector..... \$27.00
  - e. Manholes each..... \$53.00
3. **Piping (per 100 lin. ft.)**..... \$62.00
4. **Building Sewers (per 100 lin. ft.)**..... \$62.00
5. **Initial Plan Review Fees** ..... 30% of the Plumbing permit fees
6. **Plan Review Fees Required/requested by Changes, Additions, or Revisions** .....\$70.00/hr. for commercial
7. **Minimum permit fee**..... \$60.00
8. **Medical Gas Permits:** Valuation shall be calculated on the value of the equipment and installation costs.  
**Medical Gas Permit Fees:**

\$1-\$5,000.....	\$60.00
\$5,001-\$10,000.....	\$60.00 plus \$1.71 per \$C over \$5K
\$10,001-\$100,000.....	\$145.50 plus \$10.50 per \$K over \$10K
\$100,001 and up.....	\$1,090.50 plus \$7.25 per \$K over \$100K

City of Milwaukie Fees & Charges

Adopted June 16, 2009/Effective July 1, 2009—Resolution #\_\_-2009 (except as noted)

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Minimum permit fee .....\$60.00

**D. Other Inspections and Fees**

- 1. Inspections outside of normal business hours ..... \$98.00/hr. (min. charge 2 hrs.)  
 (Must be preapproved by applicant)
- 2. Inspections for which no fee is specifically indicated .....\$68.00/hr.  
 (Must be preapproved by applicant)
- 3. Reinspection fee .....\$58.00/hr.
- 4. Replacement sheets .....\$23.00/sheet
- 5. The minimum fee shall be..... \$50.00
- 6. Investigation fee .....Amount of subject permit fee
- 7. Temporary Certificate of Occupancy .....\$180.00
- 8. Change of use/occupancy .....\$300.00

**E. Deferred Submittal Fee** (in addition to project plan review fee)  
 (OAR 918-050-0170).....\$250.00 + 10% of deferred item permit fee  
 per deferred submittal (minimum \$300.00)

**F. Phased Permit Fee** (in addition to project plan review fee)  
 (OAR 918-050-0160)..... \$250.00 + 10% of total project permit fee per phase  
 (minimum \$300.00, not to exceed \$1,500 per phase)

**Section III. Permit Related Fees**

- A. A State surcharge shall be collected in an amount as required by State law.**
- B. Electrical permit fees shall be as adopted in Resolution 19-2003, adopted by the City Council on May 6, 2003 (effective July 1, 2003) with the following exceptions:**
  - 1. The state surcharge shall be the amount required by State law as noted in Section III.A of this resolution.
  - 2. The Minor Labels program will be deleted as required by SB 512 and SB 587.
- C. House Moving/Demolition Permits**
  - 2,000 sq. ft. or less ..... \$78.00
  - Each additional 1,000 sq. ft. .... \$38.00
  - Plan Review Fee ..... 65% of the permit fee
- D. Prefabricated Structures** .....(Per current permit fees)
- E. Temporary Structures**.....(Per current permit fees)
- F. Manufactured Dwelling Parks and Mobile Home Parks**..... Per current State of Oregon permit fee  
 (OAR. Division 650. Table 1) plus 30%
- G. Recreational Parks and Organizational Camps** ..... Per current State of Oregon permit fee  
 (OAR.Division 650. Table 1) plus 30%

**H. Miscellaneous Building Valuations**

- 1. Retaining Walls**  
 To 8 ft. high, including footing..... \$254.00/lin. ft.  
 Over 8 ft. high ..... \$276.00/lin. ft.
- 2. Fences**  
 Over 6 ft. to 8 ft. high ..... \$15.00/lin. ft.
- 3. Concrete Slabs on Grade Foundations**—For house moves, modular buildings, pole buildings, etc.  
 Plain concrete:  
 4-in. slab ..... \$3.00/sq. ft.  
 5-in. slab ..... \$3.10/sq. ft.  
 6-in. slab ..... \$3.25/sq. ft.  
 Reinforced concrete ..... Add \$1.15/sq. ft.
- 4. Crawl Space Foundations**  
 For house moves, modular, etc. .... \$7.50/sq. ft.
- 5. Accessory Buildings**  
 With floor slab ..... \$55.00/sq. ft.  
 Without floor slab ..... \$28.00/sq. ft.
- 6. Pole Buildings**  
 Up to and including 14-ft. eave height..... \$32.00/sq. ft.  
 Over 14-ft. eave height ..... \$45.00/sq. ft.  
 For insulation:  
     Roof—add ..... \$.35/sq. ft.  
     Slab—add ..... \$.35/sq. ft.  
     Wall—add ..... \$.35/sq. ft.  
 For slabs on grade ..... see Section III.H.3 for fees
- 7. Swimming Pools** (pool only/deck extra)  
 Concrete or gunite ..... \$70.00/sq. ft.  
 Plastic below ground ..... \$45.00/sq. ft.

**Section IV. In-Fill and Grading**

**A. In-Fill and Grading Permit Fees**

- 50 cubic yards or less..... No charge
  - 51 to 100 cubic yards ..... \$35.00
  - 101 to 1,000 cubic yards ..... \$45.00
  - 1,001 to 10,000 cubic yards ..... \$65.00
  - 10,001 cubic yards or more..... Total hourly cost\*
- \*Cost to include supervision, overhead, equipment, hourly wages, and benefits of employees involved

**B. In-Fill and Grading Plan Review Fees**

- 50 cubic yards or less..... No charge
  - 51 to 100 cubic yards ..... \$35.00
  - 101 to 1,000 cubic yards ..... \$45.00
  - 1,001 to 10,000 cubic yards ..... \$65.00
  - 10,001 cubic yards or more..... Total hourly cost\*
- \*Cost to include supervision, overhead, equipment, hourly wages, and benefits of employees involved

**C. Other Inspections and Fees**

- 1. Inspections outside normal business hours** ..... \$75.00/hr. (min. charge 2 hrs.)
- 2. Reinspection fee** ..... \$75.00/hr.
- 3. Inspections for which no fee is specifically indicated** ..... \$75.00/hr.

**ENGINEERING**

**Inspections and Permits**

Right-of-Way Inspection Permit.....	\$150
Right-of-Way Use Permit.....	\$30
Subdivision Const. Inspect. (Street/Sewer/Water/Storm Sewer) .....	5.5% of Total Const. Cost (min. \$500)
Public Impvts. Const. Inspection (Comml./Ind./Misc. Dev.) .....	5.5% of Total Const. Cost (min. \$500)
Street Opening Inspection Fee.....	\$85
Right-of-way/Street Opening Reinspection (beyond standard of 2 for R-O-W and 1 for street opening).....	\$85
Street Opening Deposit .....	\$1,500 (Performance bond amount at discretion of City Engineer)
Right-of-Way Usage for Wireless Communication Facility.....	\$250/month per antenna per utility pole
Sewer Inspection (residential) .....	\$57
Sewer Dye Test .....	\$57
Moving Buildings.....	\$200 + \$65/hr. staff time + \$1,000 deposit

**Materials (Engineering)**

Public Works Standards .....	\$30
Sewer TV Inspection Tape .....	\$25

**Electronic Drawings**

Paper—all sizes .....	\$5-\$45/hr. for additional work
Other format .....	\$7
Reproduction charges.....	\$1 for first page/\$.10 each additional page

**Printed and Electronic Maps (GIS)**

**Standard selection of GIS maps**

Full Sheet (34" x 44") .....	\$45
1/2 Sheet (22" x 34").....	\$35
1/4 Sheet (17" x 22").....	\$25
1/8 Sheet (11" x 17").....	\$15
Electronic file (via electronic mail in PDF, JPG, GIF or TIF formats) .....	\$15
Electronic file (for mailed media, which includes postage, handling and media charges).....	\$22

**Aerial maps**

Full Sheet (34" x 44") .....	\$50
1/2 Sheet (22" x 34").....	\$40
1/4 Sheet (17" x 22").....	\$30
1/8 Sheet (11" x 17").....	\$20
Electronic file (via electronic mail in PDF, JPG, GIF or TIF formats) .....	\$15
Electronic file (for mailed media, which includes postage, handling and media charges).....	\$22

**Custom maps:**

Flat charge per hour plus cost of materials .....	\$55
Electronic file (for mailed media, which includes postage, handling and media charges).....	\$7

**Erosion Control**

Technical Guidance Handbook.....	No charge
Erosion Prevention and Sediment Control Planning and Design Manual (CD) .....	\$10
Minimum Charge for Clearing/Construction* .....	\$75
Minimum charge applies if:	
<ul style="list-style-type: none"> <li>• Over 500 sq. ft. of disturbed soil</li> <li>• Not in or around a sensitive area (NR Zone, wetlands, conservancies, and streams)</li> <li>• Value of structure/remodel doesn't exceed \$20,000</li> </ul>	
Clearing/Construction for Single-Family Residential .....	\$380
Rate if certified in erosion control** .....	\$225
Clearing/Construction for Multifamily Residential.....	\$490
Rate if certified in erosion control** .....	\$335
	(additional \$40 per ½ acre over 1 acre)
Clearing/Construction for Subdivision/Commercial/Industrial .....	\$623
Rate if certified in erosion control** .....	\$467
	(additional \$40 per ½ acre over 1 acre)
Additional Site Visit (due to code enforcement) .....	\$65

\*Erosion control certification discount does not apply  
 \*\*Certification requires 4 hours of training in erosion control every 2 years

**WATER**

**Service and Equipment**

Connect Service 5/8" or 3/4" Residential Service .....	\$2,460
Connect Service 1" .....	\$2,547
Connect Service 1 1/2" .....	\$2,923
Connect Service 2" .....	\$3,067

**Equipment**

3/4" Meter .....	\$208
1" Meter .....	\$301
1 1/2" Meter .....	\$510
2" Meter .....	\$625
Hydrant Meter Deposit.....	\$2000
	(Refundable less water usage)

**Miscellaneous**

Delinquent Account—Past Due Notice.....	\$10
Delinquent Account—Notice of Termination .....	\$30
Failed Arrangement Shut-off .....	\$30
After-hours Restoration of Service .....	\$80
	(Monday-Friday 5:00-8:00 p.m.; Saturday and Sunday 8:00 a.m.-5:00 p.m.)
Information Research .....	\$44/hr.
Reimbursement District Fee .....	To be determined by scope of project

## SYSTEM DEVELOPMENT CHARGES & CONSTRUCTION EXCISE TAXES

**Transportation System Development Charge** (adopted and indexed for inflation Res. 40-2007, June 19, 2007)  
 Trip generation rates for each land use type are derived from the Institute of Transportation (ITE) report Trip Generation (7th Edition, 2003). Trip rates are expressed as vehicle trips entering and leaving a property during the p.m. peak travel period.

**Transportation SDC**..... ~~\$1,599.77~~ **\$1611.30 per trip**

**Stormwater System Development Charge** (adopted and indexed for inflation Res. 40-2007, June 19, 2007)  
 Stormwater unit is equal to 2,706 square feet of impervious surface on the property. Each single-family residential property is 1 stormwater unit.

**Stormwater SDC:**

Reimbursement..... ~~\$273.09~~ **\$275.06 per stormwater unit**  
 Improvement..... ~~\$776.32~~ **\$781.92 per stormwater unit**  
 Administration..... ~~\$80.80~~ **\$81.39 per stormwater unit**  
**TOTAL**..... ~~\$1,130.22~~ **\$1,138.37 per stormwater unit**

**Wastewater System Development Charge** (adopted Res. 44-1994, Nov. 1, 1994)

A wastewater unit is equal to 16 fixture units derived from Table 7-3 of the Oregon Plumbing Specialty Code. Each residential dwelling unit is 1 wastewater unit.

**Wastewater SDC:**

Reimbursement..... \$327 per wastewater unit  
 Improvement..... \$566 per wastewater unit  
**TOTAL**..... **\$893 per wastewater unit**

**Water System Development Charge** (adopted and indexed for inflation Res. 40-2007, June 19, 2007)

Meter Size	Reimbursement	Improvement	Administration	TOTAL
5/8"x3/4"	\$503.23	\$418.34	\$70.58	\$992.14
3/4"x3/4"	\$754.85	\$627.50	\$105.86	\$1,488.21
1"	\$1,258.08	\$1,045.84	\$176.44	\$2,480.35
1.5"	\$2,516.15	\$2,091.68	\$352.88	\$4,960.71
2"	\$4,025.85	\$3,346.69	\$564.60	\$7,937.13
3"	\$8,051.69	\$6,693.38	\$1,129.20	\$15,874.27
4"	\$12,580.77	\$10,458.40	\$1,764.38	\$24,803.54
6"	\$25,161.53	\$20,916.80	\$3,528.75	\$49,607.08
8"	\$40,258.45	\$33,466.88	\$5,646.00	\$79,371.34
10"	\$57,871.52	\$48,108.64	\$8,116.13	\$114,096.29
12"	\$113,226.89	\$94,125.64	\$15,879.38	\$223,231.88

<u>Meter Size</u>	<u>Reimbursemen t</u>	<u>Improvement</u>	<u>Administration</u>	<u>TOTAL</u>
5/8"x3/4"	\$506.86	\$421.35	\$71.08	\$999.30
3/4"x3/4"	\$760.29	\$632.03	\$106.63	\$1,498.94
1"	\$1,267.15	\$1,053.38	\$177.71	\$2,498.24
1.5"	\$2,534.29	\$2,106.76	\$355.42	\$4,996.48
2"	\$4,054.87	\$3,370.82	\$568.67	\$7,994.36
3"	\$8,109.74	\$6,741.64	\$1,137.34	\$15,988.72
4"	\$12,671.47	\$10,533.81	\$1,777.10	\$24,982.38
6"	\$25,342.95	\$21,067.61	\$3,554.19	\$49,964.75
8"	\$40,548.71	\$33,708.18	\$5,686.71	\$79,943.60
10"	\$58,288.78	\$48,455.51	\$8,174.65	\$114,918.93
12"	\$114,043.26	\$94,804.25	\$15,993.87	\$224,841.38

**Parks and Recreation System Development Charge**

Collected for the North Clackamas Parks and Recreation District (adopted Clackamas Board of County Commissioners, Ordinance 09-2007, Oct. 25, 2007)

**Parks and Recreation SDC:**

- Single-Family Residential ..... \$3,985 per dwelling unit
- Multifamily Residential ..... \$3,608 per dwelling unit
- Nonresidential ..... \$60 per employee\*

\* Number of employees calculated according to type of business and building square feet

See: <http://www.clackamas.us/transportation/planning/sdc.htm#psdc>

**School Construction Excise Tax**

Collected for North Clackamas School District (adopted North Clackamas School District, December 6, 2007)

**School Construction Excise Tax:**

- Residential ..... \$1 per square foot
- Commercial ..... \$0.50 per square foot\*

\*Total fee capped at \$25,000 per project. Private schools, churches, public improvements, low-income (HUD) housing, hospital improvements, improvements to religious facilities, or agricultural buildings are exempt.

\*Total commercial fee capped at \$25,000 per project. Private schools, public improvements, low-income (HUD) housing, hospitals, religious facilities, and agricultural buildings are exempt.

~~Residential additions~~ Construction under 1,000 square feet exempted.

**Metro Construction Excise Tax**

Collected for Metro (adopted Metro Council March 2)

**Metro Construction Excise Tax..... \$0.12 per \$100 of permit value**

\*Permits for construction projects valued at \$100,000 or less will be exempted from this tax as well as permits for development of affordable housing units and permits issued to 501(c)(3) nonprofit organizations for other projects aimed at serving low-income populations. Permits for construction valued at more than \$10 million will be assessed a flat \$12,000 fee (0.12 percent of \$10 million).

**BUSINESS REGISTRATION** (rev. Ord. 1989, adopted 11/18/08, effective 12/18/08)

Standard base fee .....	\$110
New business commencing between July 1 and December 31.....	\$55
Change in business ownership fee .....	\$10
Fee for each FTE.....	\$5
Penalty.....	\$10% of base fee each calendar month and fraction thereof delinquent
Temporary Business (2 weeks or less) .....	\$25
Duplicate receipt.....	\$10

**PARKING**

Monthly Permit.....	\$25 \$20
6-month prepay permit .....	\$125
Parking without a permit.....	\$25
Overtime parking.....	\$15
Parking in disabled space.....	\$250 min./\$600 max.

**POLICE**

**Permits/Licenses**

Adult Business .....	\$372
Alarm Permit—Residential (seniors 60+ exempt from fee requirement) .....	\$15
Alarm Permit—Business.....	\$21
Gun Background Check .....	\$21
Liquor License (Original Application).....	\$108
Liquor License (Name or other change).....	\$83
Liquor License (Renewal Application) .....	\$36
Liquor License (Temporary License).....	\$10/day per type of alcohol: beer, wine, or distilled spirits

**Police Reports**

Dispatch Tape Copy .....	\$26
Video Tape Copy.....	\$31
Police Report .....	\$15
Copy of Field Contact Report (FCR card) .....	\$5
Photo CD .....	\$15

(Additional research charges may apply for unusual/complex requests)

**Police Services**

False Alarm Response (first three).....	No charge
False Alarm Response (each alarm after third) .....	\$160
Vehicle Impound.....	\$50
Fingerprinting.....	\$10
Loud Party Response—first response.....	Warning
Loud Party Response—second response and/or each subsequent response in 24-hr. period .....	\$50

**LIBRARY**

**Charges**

Microfilm Copies .....	\$0.10
Photocopies:	
Black and White .....	\$0.10
Color .....	\$0.90
<u>Non-District citizen library use .....</u>	<u>\$95/yr</u>

**Fines**

Overdue Fine (all materials):	
• Adult .....	\$0.25/day (\$3 max.)
• Juvenile .....	\$0.10/day (\$1 max.)
<del>Missing Barcode .....</del>	<del>\$1</del>
<del>Missing Book Jacket .....</del>	<del>\$2</del>
<del>Missing Barcode and Book Jacket .....</del>	<del>\$3</del>
<del>Books on Tape Audiobook Cassette or CD .....</del>	<del>\$7</del>
<del>Juvenile or Adult Books on Tape Vinyl Case Audiobook and CD-ROM case .....</del>	<del>\$5</del>
<del>Juvenile Kit—Plastic Bag .....</del>	<del>\$2-\$3</del>
Media Cases:	
Cover sheet .....	\$1
Video Box .....	\$1
DVD Case .....	\$1
CD Case .....	<del>\$1</del> \$2
CD-ROM and Audiobook Cases .....	<del>\$2</del>
CD and CD-ROM booklets .....	\$3
Missing Pages and Booklets .....	Refer to Librarian
Lost Item .....	Actual Retail Cost
Damaged Material .....	Replacement Cost
Lost Library Card .....	\$1
Public Computer Printing .....	First 5 free then \$0.10 per page

**MISCELLANEOUS**

**Photocopies**

Staff Assisted/Research Required:

Black and White .....	\$0.30
Color.....	\$1

Unassisted:

Black and White .....	\$0.05
Color.....	\$0.75

**Other Copying/Service**

Audio tape.....	\$10
Video tape.....	\$20
Transcription (per hour).....	\$30
Electronic files on CD-ROM.....	\$5

(Includes \$2 for postage & handling. Additional research charges may apply.)

**Photographs**

Photo CD .....	\$5 per disc
Color photos on photo quality paper .....	\$3 per page
Color photos on standard copy paper .....	\$1 per page

**Financial Reports**

Comprehensive Annual Financial Report.....	\$45
Annual Adopted Budget.....	\$45

**Miscellaneous**

Sidewalk Bench annual fee .....	\$74
Sidewalk Use—Vendor Fee .....	\$10
Major Community Event .....	Actual Direct Cost
Block Party—Misc. Event .....	Actual Direct Cost
Returned Check Charge.....	\$30
Lien Search.....	\$27
Postage and Handling .....	\$2 + postage cost

**RECYCLING**

**Down to Earth Day**

Automobile Load.....	\$2
Station Wagon .....	\$2
Small Pickup .....	\$5
Standard Pickup .....	\$6
Large Truck.....	\$8
Small Trailer.....	\$5
Large Trailer .....	\$6
Unmounted Tires (each).....	\$1.50
Residual Solid Waste Permit Registration.....	\$100
Residual Solid Waste Tonnage Fee.....	\$2.80/ton

**TELECOMMUNICATIONS**

Registration fee.....	\$36
Franchise review deposit.....	\$5,000
Community Service Use—Wireless Communication Facility (see <b>PLANNING fees</b> )	
Right-of-Way Usage for Wireless Communication Facility (see <b>ENGINEERING fees</b> )	

**BILLABLE HOURLY RATES**

Hourly rates for employee services are billed at the actual cost per hour for that employee. The following is given as an estimate only of what the rate will be.

**Community Development and Public Works Administration**

Community Development and Public Works Director .....	\$76-\$79
Resource and Economic Development Specialist .....	\$45-\$47
Light Rail Design Coordinator .....	\$54
Office Supervisor .....	\$39-\$41
Administrative Specialist III.....	\$36-\$37
Administrative Specialist II.....	\$32-\$33
Community Development Intern.....	\$15

**Engineering**

Engineering Director.....	\$67-\$69
Civil Engineer.....	\$53-\$54
Associate Engineer.....	\$43-\$45
Engineering Intern .....	\$15

**Planning**

Planning Director.....	\$67-\$69
Senior Planner.....	\$53-\$54
Associate Planner.....	\$45-\$47
Assistant Planner.....	\$41-\$43

**Building**

Building Official.....	\$58-\$60
Building Inspector .....	\$45-\$47
Permit Technician.....	\$36-\$37

**Operations**

Operations Director .....	\$67-\$69
Operations Supervisor.....	\$50-\$52
Water Quality Coordinator.....	\$41-\$43
Asset Management Technician .....	\$39-\$41
Utility Specialist II.....	\$39-\$41
Utility Worker II .....	\$39-\$41
Utility Specialist I.....	\$32-\$33
Utility Worker I .....	\$32-\$33
Fleet Supervisor.....	\$48-\$49
Mechanic .....	\$36-\$37
Facilities Maintenance Coordinator .....	\$43-\$45
Facilities Maintenance Technician .....	\$37

**Code Compliance**

Code Compliance Coordinator .....	\$39-\$41
Code Compliance Assistant .....	\$32-\$33

**Records and Information Management (RIM)**

Senior Administrative Specialist .....	\$57
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CITY HALL  
 10722 SE Main St  
 Milwaukie OR 97222

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 FAX: 503-653-4433

# Fees & Charges

Adopted June 16, 2009—Resolution #\_\_-2009 (except as noted)  
**Effective July 1, 2009** (except as noted)

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**PLANNING**

**Land Use Applications**

**Title 19 Zoning**

**Chapter 19.300 Use Zones**

CSC Community Shopping Commercial Review .....	\$1,500
CSU Community Service Use .....	\$1,500 (max.) or Actual Cost *
CSU Community Service Use—Wireless Communication Facility (Type II review) .....	\$750
CSU Community Service Use—Wireless Comm. Facility (Minor Quasi-Judicial rev.)	\$1,500 (min.) or Actual Cost *
Reserve deposit .....	\$1,000
DR Design Review (Type I review, without Building Permit).....	\$130
DR Design Review (Type I review, with Building Permit).....	Incl. w/cost of Major Building Permit Review
DR Design Review (Type II review) .....	\$800
DR Design Review (Minor Quasi-Judicial review) .....	\$1,500
HR Historic Resource Alteration (Type I review).....	\$500
HR Historic Resource Alteration (Minor Quasi-Judicial review) .....	\$1,500
HR Historic Resource Deletion.....	\$2,035
HR Historic Resource Demolition.....	\$2,035
HR Historic Resource Designation.....	\$0
MU Mixed Use Overlay Review.....	\$1,500
PD Planned Development (Preliminary Plan Review) .....	\$2,615
PD Planned Development (Final Plan Review).....	\$3,245
WG Willamette Greenway Review .....	\$1,500
WQR Water Quality Resource (Type I review, without Building Permit).....	\$130 **
WQR Water Quality Resource (Type I review, w/Building Permit) .....	Incl. w/cost of Major Bldg. Permit Review **
WQR Water Quality Resource (Type II review) .....	\$750 **
WQR Water Quality Resource (Minor Quasi-Judicial review).....	\$1,500 **

**Chapter 19.400 Supplementary Regulations**

ADU Accessory Dwelling Unit, Type 1 .....	\$860
TAR Transition Area Review .....	\$1,500
TS Temporary Structure (Type I review) .....	\$50
TS Temporary Structure (Minor Quasi-Judicial review) .....	\$1,010

**Chapter 19.600 Conditional Uses**

ADU Accessory Dwelling Unit, Type 2 .....	\$1,770
CU Conditional Use .....	\$1,500

**Chapter 19.700 Variances, Exceptions, and Home Improvement Exceptions**

E Use Exception .....	\$1,500
HIE Home Improvement Exception .....	\$800
VR Variance (Type II review).....	\$800
Additional reserve deposit.....	\$700
VR Variance (Minor Quasi-Judicial review).....	\$1,500

**Chapter 19.800 Nonconforming Uses**

DD Director's Determination of Nonconforming Situation .....	\$100
NCU Nonconforming Use/Structure (Type II review) .....	\$800
NCU Nonconforming Use/Structure (Minor Quasi-Judicial review) .....	\$1,500

**Chapter 19.900 Amendments**

CPA Comprehensive Plan/Map Amendment .....	\$3,210
ZA Zoning Ordinance Amendment.....	\$3,210
ZC Zoning Map Amendment (aka "Zone Change") .....	\$3,210
Ballot Measure 56 Notice (for Zone Amendment or Zone Change).....	Actual Cost (\$1 per affected property, \$35 minimum)
Reserve deposit .....	\$500

**Chapter 19.1000 Administrative Provisions**

AP Appeal to City Planning Commission/City Council .....	\$505
DI Planning Director Interpretation .....	\$100

**Chapter 19.1400 Transportation Planning, Design Standards, and Procedures**

TPR Transportation Plan Review (Type I review) .....	\$150 **
TPR Transportation Plan Review (Type II review) .....	\$750 **
TPR Transportation Plan Review (Minor Quasi-Judicial review) .....	\$750 **
Additional reserve deposit.....	\$750 **

**Chapter 19.1500 Boundary Changes (Annexations)**

A Annexation (Expedited).....	\$100
A Annexation (Nonexpedited with no Zone Change or Comp Plan Amendment) .....	\$100
A Annexation (Nonexpedited: Zone Change only).....	\$100
A Annexation (Nonexpedited: Zone Change and Comp Plan Amendment).....	\$3,210

**Title 17 Land Division**

DD Director's Determination of Legal Lot Status .....	\$100
ELD Expedited Land Division.....	\$4,125
FP Minor Land Partition (Final Plat) .....	\$150
FP Subdivision (Final Plat) .....	\$150
LC Lot Consolidation .....	\$250
Additional reserve deposit.....	\$250
MLP Minor Land Partition.....	\$750
Additional reserve deposit.....	\$1,000
PLA Property Line Adjustment.....	\$640
R Partition Replat.....	\$500
Additional reserve deposit.....	\$500
R Subdivision Replat .....	\$500
Additional reserve deposit.....	\$1,000
S Subdivision (Preliminary Plat) .....	\$2,630
SV Street or Plat Vacation.....	\$1,905
Extension of Planning Commission Approval.....	\$40

**Title 14 Signs**

Adjustment:

• Type II (up to 25% variance from standard) .....	\$800
• Minor Quasi-Judicial review (over 25% variance from standard) .....	\$1,500
Community Service Use Sign Review (Minor Quasi-Judicial review) .....	Actual Cost *
Sign Permit Review (see <b>Reviews, Inspections, and Preapplication Conferences</b> below)	

**Other fees**

<b>M-37</b> Property Value Reduction Claims (pertaining to Ballot Measures 37 or 49) .....	\$1,515 *
(Fee will be refunded if applicant prevails. If claim is denied, additional money may be required to cover contract-attorney or appraiser costs, as determined by City Manager.)	
<b>TP</b> Tree Permit (major pruning or removal of trees in the public right-of-way) .....	\$35
Tree Removal Appeal Hearing .....	\$505
Technical Report Review (Traffic, Wetlands, Geotechnical, Hydrology, etc):	
• Scope of Work Preparation .....	Actual Cost *
Additional reserve deposit .....	\$1,000
• Review of Technical Report .....	Actual Cost *
Reserve deposit:	
• Traffic .....	\$2,500
• Water Quality Resources .....	\$1,500
• All others .....	\$1,000
Variance from Clear Vision Standards .....	\$1,500
Zoning Confirmation Letter .....	\$50

**Discounts for Land Use Applications**

Two or more applications .....	No discount for most expensive application—50% discount for all others ***
Senior citizens and low income citizens .....	25% discount (50% for appeals) ****
NDA-sponsored land use applications related to parks .....	Fees waived

**Deposit Information**

In some cases, reserve deposits are collected to ensure that the City’s actual costs are covered. Deposits used for consultant review of technical reports will be refunded relative to actual costs, and additional money may be required if actual costs exceed the deposit amount. Deposits collected as part of Type II land division applications (such as Minor Land Partitions, Lot Consolidations, and Replats) are refunded if the application is not elevated to the level of Minor Quasi-Judicial review. This applies only to reserve deposits—base fees are nonrefundable.

**Notes**

- \* Actual cost to be determined by Planning Director or Engineering Director by estimating the cost of City staff time and resources dedicated to the project.
- \*\* Water Quality Resource and Transportation Plan Review applications may also require additional Technical Report Review.
- \*\*\* Applies to applications which relate to the same parcel of land and which will be considered at the same Planning Commission meeting.
- \*\*\*\* Seniors must be at least 62 years of age. Low-income citizens may qualify for reduced fees by filing the same application used to apply for reduced sewer and water rates.

**Reviews, Inspections, and Preapplication Conferences**

Building Permit Review (Short).....	\$25
Building Permit Review (Minor) .....	\$95
Building Permit Review (Major) .....	\$130
Planning Inspection Fee .....	\$50
Preapplication Conference .....	\$125
Preapplication Conference with Transportation Review .....	\$200
Sign Permit Review .....	\$95/sign type
Sign Permit Review (Daily Display or “sandwich board” sign) .....	\$50

**Materials**

Many materials are available online for free at [www.ci.milwaukie.or.us/departments/planning/planning.html](http://www.ci.milwaukie.or.us/departments/planning/planning.html).  
 Contact Planning staff for additional information.

Zoning Ordinance .....	\$13
Comprehensive Plan .....	\$15

**Comprehensive Plan or Zoning Ordinance Map:**

- 11x17 handout (Black & White/Color)..... No charge/\$2
- GIS maps (e.g., Zoning Map)..... Full sheet \$45; see Engineering fees for other sizes
- Bluelines (e.g., Zoning Map)..... All sizes \$5

**Comprehensive Plan ancillary documents: (most not available online)**

- Ardenwald Park Master Plan .....\$2
- Downtown and Riverfront Land Use Framework Plan.....\$25
- Elk Rock Island Natural Area Management Plan.....\$8
- Furnberg Park Master Plan .....\$5
- Homewood Park Master Plan .....\$1
- Johnson Creek Resources Management Plan .....\$15
- Lake Road Multimodal Plan .....\$8
- Lewelling Community Park Master Plan .....\$1
- North Clackamas PFP .....\$25
- Town Center Master Plan .....\$15
- Scott Park Master Plan .....\$2
- Spring Park Master Plan .....\$5
- Springwater Corridor Master Plan.....\$8
- Transportation System Plan
  - Full Document .....49
  - Executive Summary .....\$15
  - CD .....\$3.50
- Water Tower Park Master Plan.....\$2
- Wichita Park Master Plan.....\$2
- Vision Statement (one page) ..... No charge

Sign Ordinance .....	\$5
Land Division Ordinance .....	\$5
Downtown Design Guidelines (Black & White/Color).....	\$10/\$35
Downtown and Riverfront Public Area Requirements .....	\$16
Other informational handouts (10 pages or less).....	No charge
Other informational handouts (over 10 pages).....	At cost

# BUILDING

## Section I. Residential Building Permits

### A. Structural Permits—Valuation shall be calculated in accordance with OAR 918-050-0100.

#### 1. Permit Fee

Permit fees from calculation of total valuation from the square footage of the improvement

\$1-\$500.....	\$18.75
\$501-\$2,000.....	\$18.75 plus \$2.89 per \$C over \$5C to \$2K
\$2,001-\$25,000.....	\$62.10 plus \$11.54 per \$K over \$2K to \$25K
\$25,001-\$50,000.....	\$327.52 plus \$8.58 per \$K over \$25K to \$50K
\$50,001-\$100,000.....	\$542.02 plus \$5.77 per \$K over \$50K to \$100K
\$100,001 and up.....	\$830.52 plus \$4.88 per \$K over \$100K
Minimum permit fee .....	\$75.00

- 2. **Initial Plan Review Fees** ..... 65% of the permit fee
- 3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions**.....\$70.00/hr. (min. charge 1 hr.)
- 4. **Third Party Plan Review Fee (for transfer of plan review to a third party)**..... 10% of the permit fee (\$65.00 min.)

### B. Mechanical Permits—Fees per current Mechanical Permit application

Minimum Permit Fee .....\$60.00

#### 1. HVAC

For the installation of:

a. Air handling unit including ducts:	
Up to 10,000 cfm.....	\$23.00
Over 10,000 cfm.....	\$26.00
b. Air conditioning/heat pump (site plan required) .....	\$40.00
c. Alteration of existing HVAC system .....	\$18.50
d. Boiler/compressor .....	\$18.50
e. Install/relocate/replace furnace/burner including ductwork and vent:	
Up to 100,000 BTU/H.....	\$18.50
Over 100,000 BTU/H .....	\$22.00
f. Install/relocate/replace heaters (room, suspended, wall- or floor-mounted) .....	\$18.50
g. Vent for other than furnace .....	\$18.50

#### 2. Environmental Exhaust and Ventilation

For the installation of:

a. Appliance vent .....	\$15.00
b. Dryer exhaust.....	\$12.00
c. Each hood that is served by a mechanical exhaust or air conditioning.....	\$10.00
d. Exhaust system with single duct (bath fan) each .....	\$8.50
e. Exhaust system apart from heating or air conditioning.....	\$12.00

#### 3. Fuel Piping and Distribution

a. LPG-NG-Oil fuel piping:	
Up to 4 outlets (includes gas tag) .....	\$22.00
Each additional outlet over 4 .....	\$2.00

#### 4. Other Listed Application or Equipment

a. Decorative fireplace or insert .....	\$35.00
b. Woodstove/pellet stove.....	\$47.00
c. For each appliance or piece of equipment regulated by the code but not classed in other appliance categories, for which no other fee is listed in this code, or for which there is an alteration or extension of an existing mechanical system.....	\$18.50

- 5. **Stand-alone Fire Suppression Systems (requires a backflow device installed by licensed plumbing contractor or persons exempt from licensing)**
  - 0 sq. ft. to 2,000 sq. ft. .... \$90.00
  - 2,001 sq. ft. to 3,600 sq. ft. .... \$135.00
  - 3,601 sq. ft. to 7,200 sq. ft. .... \$169.00
  - \$7,201 sq. ft. and greater ..... \$315.00

**C. Plumbing Permits—Fees per current Plumbing Permit application**

- 1. **Total Bathrooms Per Dwelling**
  - 1 bath dwelling (includes 1 kitchen) ..... \$335.00
  - 2 bath dwelling (includes 1 kitchen) ..... \$370.00
  - 3 bath dwelling (includes 1 kitchen) ..... \$440.00
  - Additional bathroom/kitchen ..... \$175.00
  - Includes the first 100 ft. of water piping, sanitary and storm sewer lines, hose bibs, icemakers, underfloor low point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system.
- 2. **Additions, Alterations, and Repairs**..... \$16.75/fixture
- 3. **Building Sewer Connection**..... \$57.00
- 4. **Multipurpose or Continuous Loop Fire Suppression Systems**
  - 0 sq. ft. to 2,000 sq. ft. .... \$90.00
  - 2,001 sq. ft. to 3,600 sq. ft. .... \$135.00
  - 3,601 sq. ft. to 7,200 sq. ft. .... \$169.00
  - \$7,201 sq. ft. and greater ..... \$315.00
- 5. **Minimum permit fee** ..... \$60.00

**D. Other Inspections and Fees**

- 1. **Inspections outside of normal business hours** ..... \$98.00/hr. (min. charge 2 hrs.)  
 (Must be preapproved by applicant)
- 2. **Inspections for which no fee is specifically indicated** ..... \$68.00/hr.  
 (Must be preapproved by applicant)
- 3. **Reinspection fee** ..... \$58.00/hr.
- 4. **Replacement sheets** ..... \$23.00/sheet
- 5. **The minimum fee shall be** ..... \$50.00
- 6. **Investigation fee** ..... Amount of subject permit fee
- 7. **Temporary Certificate of Completion** ..... \$50.00

**E. Manufactured Dwelling and Cabana Installation Permits— All jurisdictions in the Tri-County area shall charge a single fee for the installation and set-up of manufactured homes. This single fee shall include the concrete slab, runners, or foundations when they comply with the prescriptive requirements of the Oregon Manufactured Dwelling standard, electrical feeder and plumbing connections, and all cross-over connections.**

- 1. **Installation permit** ..... \$445.00
- 2. **Earthquake-resistant bracing** ..... \$135.00
- 3. **Reinspection** ..... \$135.00
- 4. **Statewide code development, training and monitoring fee** (in addition to all other manufactured dwelling fees and charges) ..... \$30.00

## Section II. Commercial/Industrial Building Permits

### A. Structural Permits—Valuation shall be calculated in accordance with OAR 918-050-0110.

1. **Permit Fee**  
 Permit fees from calculation of total valuation from the square footage of the improvement
 

\$1-\$500.....	\$18.75
\$501-\$2,000.....	\$18.75 plus \$2.89 per \$C over \$5C to \$2K
\$2,001-\$25,000.....	\$62.10 plus \$11.54 per \$K over \$2K to \$25K
\$25,001-\$50,000.....	\$327.52 plus \$8.58 per \$K over \$25K to \$50K
\$50,001-\$100,000.....	\$542.02 plus \$5.77 per \$K over \$50K to \$100K
\$100,001 and up.....	\$830.52 plus \$4.88 per \$K over \$100K
Minimum permit fee.....	\$75.00
2. **Initial Plan Review Fees** ..... 65% of the permit fee
3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions**..... \$70.00/hr. (min. charge 1 hr.)
4. **Fire and Life Safety Plan Review Fee** (commercial only) .....40% of structural permit fee  
 (Based on valuation of total improvements or \$50.00/hr. to review a Fire and Life Safety Master Plan)  
 (Hourly charge must be approved by Applicant)
5. **Seismic Site Hazard Report Review** ..... 1% of total structural and mechanical fees

### B. Mechanical Permits—Valuation shall be calculated on the value of the equipment and installation costs.

1. **Use this section for commercial installation, replacement or relocation of nonportable mechanical equipment or mechanical work not covered previously. Indicate the value of all mechanical labor, materials, and equipment.**  
 Permit Fee:
 

\$1 to \$5,000.....	\$60.00
\$5,001 to \$10,000.....	\$60.00 plus \$1.71 per \$C over \$5K
\$10,001 to \$100,000.....	\$145.50 plus \$10.50 per \$K over \$10K
\$100,001 and up.....	\$1,090.50 plus \$7.25 per \$K over \$100K
Minimum permit fee.....	\$60.00
2. **Plan review fee**..... 25% of mechanical permit fee
3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions**..... \$70.00/hr. (min. charge 1 hr.)

### C. Plumbing Permits

1. **Each fixture** ..... \$16.75
2. **Utilities per 100 feet**..... \$62.00
  - a. Catch basin..... \$27.00
  - b. Drywells each..... \$27.00
  - c. Footing drain (per 100 lin. ft.)..... \$53.00
  - d. Rain drain connector..... \$27.00
  - e. Manholes each..... \$53.00
3. **Piping (per 100 lin. ft.)**..... \$62.00
4. **Building Sewers (per 100 lin. ft.)**..... \$62.00
5. **Initial Plan Review Fees** ..... 30% of the Plumbing permit fees
6. **Plan Review Fees Required/requested by Changes, Additions, or Revisions** .....\$70.00/hr. for commercial
7. **Minimum permit fee**..... \$60.00
8. **Medical Gas Permits:** Valuation shall be calculated on the value of the equipment and installation costs.  
**Medical Gas Permit Fees:**

\$1-\$5,000.....	\$60.00
\$5,001-\$10,000.....	\$60.00 plus \$1.71 per \$C over \$5K
\$10,001-\$100,000.....	\$145.50 plus \$10.50 per \$K over \$10K
\$100,001 and up.....	\$1,090.50 plus \$7.25 per \$K over \$100K

City of Milwaukie Fees & Charges

Adopted June 16, 2009/Effective July 1, 2009—Resolution #\_\_-2009 (except as noted)

Page 9

Minimum permit fee .....\$60.00

**D. Other Inspections and Fees**

- 1. Inspections outside of normal business hours ..... \$98.00/hr. (min. charge 2 hrs.)  
 (Must be preapproved by applicant)
- 2. Inspections for which no fee is specifically indicated .....\$68.00/hr.  
 (Must be preapproved by applicant)
- 3. Reinspection fee .....\$58.00/hr.
- 4. Replacement sheets .....\$23.00/sheet
- 5. The minimum fee shall be..... \$50.00
- 6. Investigation fee .....Amount of subject permit fee
- 7. Temporary Certificate of Occupancy .....\$180.00
- 8. Change of use/occupancy .....\$300.00

**E. Deferred Submittal Fee** (in addition to project plan review fee)  
 (OAR 918-050-0170).....\$250.00 + 10% of deferred item permit fee  
 per deferred submittal (minimum \$300.00)

**F. Phased Permit Fee** (in addition to project plan review fee)  
 (OAR 918-050-0160)..... \$250.00 + 10% of total project permit fee per phase  
 (minimum \$300.00, not to exceed \$1,500 per phase)

**Section III. Permit Related Fees**

- A. A State surcharge shall be collected in an amount as required by State law.**
- B. Electrical permit fees shall be as adopted in Resolution 19-2003, adopted by the City Council on May 6, 2003 (effective July 1, 2003) with the following exceptions:**
  - 1. The state surcharge shall be the amount required by State law as noted in Section III.A of this resolution.
  - 2. The Minor Labels program will be deleted as required by SB 512 and SB 587.
- C. House Moving/Demolition Permits**
  - 2,000 sq. ft. or less ..... \$78.00
  - Each additional 1,000 sq. ft. .... \$38.00
  - Plan Review Fee ..... 65% of the permit fee
- D. Prefabricated Structures** .....(Per current permit fees)
- E. Temporary Structures**.....(Per current permit fees)
- F. Manufactured Dwelling Parks and Mobile Home Parks**..... Per current State of Oregon permit fee  
 (OAR. Division 650.Table 1) plus 30%
- G. Recreational Parks and Organizational Camps** ..... Per current State of Oregon permit fee  
 (OAR.Division 650.Table 1) plus 30%

**H. Miscellaneous Building Valuations**

- 1. Retaining Walls**  
 To 8 ft. high, including footing..... \$254.00/lin. ft.  
 Over 8 ft. high ..... \$276.00/lin. ft.
- 2. Fences**  
 Over 6 ft. to 8 ft. high ..... \$15.00/lin. ft.
- 3. Concrete Slabs on Grade Foundations**—For house moves, modular buildings, pole buildings, etc.  
 Plain concrete:  
 4-in. slab ..... \$3.00/sq. ft.  
 5-in. slab ..... \$3.10/sq. ft.  
 6-in. slab ..... \$3.25/sq. ft.  
 Reinforced concrete ..... Add \$1.15/sq. ft.
- 4. Crawl Space Foundations**  
 For house moves, modular, etc. .... \$7.50/sq. ft.
- 5. Accessory Buildings**  
 With floor slab ..... \$55.00/sq. ft.  
 Without floor slab ..... \$28.00/sq. ft.
- 6. Pole Buildings**  
 Up to and including 14-ft. eave height..... \$32.00/sq. ft.  
 Over 14-ft. eave height ..... \$45.00/sq. ft.  
 For insulation:  
     Roof—add ..... \$.35/sq. ft.  
     Slab—add ..... \$.35/sq. ft.  
     Wall—add ..... \$.35/sq. ft.  
 For slabs on grade ..... see Section III.H.3 for fees
- 7. Swimming Pools** (pool only/deck extra)  
 Concrete or gunite ..... \$70.00/sq. ft.  
 Plastic below ground ..... \$45.00/sq. ft.

**Section IV. In-Fill and Grading**

**A. In-Fill and Grading Permit Fees**

- 50 cubic yards or less..... No charge
  - 51 to 100 cubic yards ..... \$35.00
  - 101 to 1,000 cubic yards ..... \$45.00
  - 1,001 to 10,000 cubic yards ..... \$65.00
  - 10,001 cubic yards or more..... Total hourly cost\*
- \*Cost to include supervision, overhead, equipment, hourly wages, and benefits of employees involved

**B. In-Fill and Grading Plan Review Fees**

- 50 cubic yards or less..... No charge
  - 51 to 100 cubic yards ..... \$35.00
  - 101 to 1,000 cubic yards ..... \$45.00
  - 1,001 to 10,000 cubic yards ..... \$65.00
  - 10,001 cubic yards or more..... Total hourly cost\*
- \*Cost to include supervision, overhead, equipment, hourly wages, and benefits of employees involved

**C. Other Inspections and Fees**

- 1. Inspections outside normal business hours** ..... \$75.00/hr. (min. charge 2 hrs.)
- 2. Reinspection fee** ..... \$75.00/hr.
- 3. Inspections for which no fee is specifically indicated** ..... \$75.00/hr.

**ENGINEERING**

**Inspections and Permits**

Right-of-Way Inspection Permit.....	\$150
Right-of-Way Use Permit.....	\$30
Subdivision Const. Inspect. (Street/Sewer/Water/Storm Sewer) .....	5.5% of Total Const. Cost (min. \$500)
Public Impvts. Const. Inspection (Comml./Ind./Misc. Dev.) .....	5.5% of Total Const. Cost (min. \$500)
Street Opening Inspection Fee.....	\$85
Right-of-way/Street Opening Reinspection (beyond standard of 2 for R-O-W and 1 for street opening).....	\$85
Street Opening Deposit .....	\$1,500 (Performance bond amount at discretion of City Engineer)
Right-of-Way Usage for Wireless Communication Facility.....	\$250/month per antenna per utility pole
Sewer Inspection (residential) .....	\$57
Sewer Dye Test .....	\$57
Moving Buildings.....	\$200 + \$65/hr. staff time + \$1,000 deposit

**Materials (Engineering)**

Public Works Standards .....	\$30
Sewer TV Inspection Tape .....	\$25

**Electronic Drawings**

Paper—all sizes .....	\$5-\$45/hr. for additional work
Other format .....	\$7
Reproduction charges.....	\$1 for first page/\$.10 each additional page

**Printed and Electronic Maps (GIS)**

**Standard selection of GIS maps**

Full Sheet (34" x 44") .....	\$45
1/2 Sheet (22" x 34").....	\$35
1/4 Sheet (17" x 22").....	\$25
1/8 Sheet (11" x 17").....	\$15
Electronic file (via electronic mail in PDF, JPG, GIF or TIF formats) .....	\$15
Electronic file (for mailed media, which includes postage, handling and media charges).....	\$22

**Aerial maps**

Full Sheet (34" x 44") .....	\$50
1/2 Sheet (22" x 34").....	\$40
1/4 Sheet (17" x 22").....	\$30
1/8 Sheet (11" x 17").....	\$20
Electronic file (via electronic mail in PDF, JPG, GIF or TIF formats) .....	\$15
Electronic file (for mailed media, which includes postage, handling and media charges).....	\$22

**Custom maps:**

Flat charge per hour plus cost of materials .....	\$55
Electronic file (for mailed media, which includes postage, handling and media charges).....	\$7

**Erosion Control**

Erosion Prevention and Sediment Control Planning and Design Manual (CD) .....	\$10
Minimum Charge for Clearing/Construction* .....	\$75
Minimum charge applies if:	
• Over 500 sq. ft. of disturbed soil	
• Not in or around a sensitive area (NR Zone, wetlands, conservancies, and streams)	
• Value of structure/remodel doesn't exceed \$20,000	
Clearing/Construction for Single-Family Residential .....	\$380
Rate if certified in erosion control** .....	\$225
Clearing/Construction for Multifamily Residential .....	\$490
Rate if certified in erosion control** .....	\$335
	(additional \$40 per ½ acre over 1 acre)
Clearing/Construction for Subdivision/Commercial/Industrial .....	\$623
Rate if certified in erosion control** .....	\$467
	(additional \$40 per ½ acre over 1 acre)
Additional Site Visit (due to code enforcement) .....	\$65

\*Erosion control certification discount does not apply  
 \*\*Certification requires 4 hours of training in erosion control every 2 years

**WATER**

**Service and Equipment**

Connect Service 5/8" or 3/4" Residential Service .....	\$2,460
Connect Service 1" .....	\$2,547
Connect Service 1 1/2" .....	\$2,923
Connect Service 2" .....	\$3,067

**Equipment**

3/4" Meter .....	\$208
1" Meter .....	\$301
1 1/2" Meter .....	\$510
2" Meter .....	\$625
Hydrant Meter Deposit .....	\$2000
	(Refundable less water usage)

**Miscellaneous**

Delinquent Account—Past Due Notice .....	\$10
Delinquent Account—Notice of Termination .....	\$30
Failed Arrangement Shut-off .....	\$30
After-hours Restoration of Service .....	\$80
	(Monday-Friday 5:00-8:00 p.m.; Saturday and Sunday 8:00 a.m.-5:00 p.m.)
Information Research .....	\$44/hr.
Reimbursement District Fee .....	To be determined by scope of project

## SYSTEM DEVELOPMENT CHARGES & CONSTRUCTION EXCISE TAXES

**Transportation System Development Charge** (adopted and indexed for inflation Res. 40-2007, June 19, 2007)  
 Trip generation rates for each land use type are derived from the Institute of Transportation (ITE) report Trip Generation (7th Edition, 2003). Trip rates are expressed as vehicle trips entering and leaving a property during the p.m. peak travel period.

**Transportation SDC**..... **\$1611.30 per trip**

**Stormwater System Development Charge** (adopted and indexed for inflation Res. 40-2007, June 19, 2007)  
 Stormwater unit is equal to 2,706 square feet of impervious surface on the property. Each single-family residential property is 1 stormwater unit.

**Stormwater SDC:**

Reimbursement..... \$275.06 per stormwater unit  
 Improvement..... \$781.92 per stormwater unit  
 Administration..... \$81.39 per stormwater unit  
**TOTAL**..... **\$1,138.37 per stormwater unit**

**Wastewater System Development Charge** (adopted Res. 44-1994, Nov. 1, 1994)  
 A wastewater unit is equal to 16 fixture units derived from Table 7-3 of the Oregon Plumbing Specialty Code. Each residential dwelling unit is 1 wastewater unit.

**Wastewater SDC:**

Reimbursement..... \$327 per wastewater unit  
 Improvement..... \$566 per wastewater unit  
**TOTAL**..... **\$893 per wastewater unit**

**Water System Development Charge** (adopted and indexed for inflation Res. 40-2007, June 19, 2007)

Meter Size	Reimbursement	Improvement	Administration	TOTAL
5/8"x3/4"	\$506.86	\$421.35	\$71.08	\$999.30
3/4"x3/4"	\$760.29	\$632.03	\$106.63	\$1,498.94
1"	\$1,267.15	\$1,053.38	\$177.71	\$2,498.24
1.5"	\$2,534.29	\$2,106.76	\$355.42	\$4,996.48
2"	\$4,054.87	\$3,370.82	\$568.67	\$7,994.36
3"	\$8,109.74	\$6,741.64	\$1,137.34	\$15,988.72
4"	\$12,671.47	\$10,533.81	\$1,777.10	\$24,982.38
6"	\$25,342.95	\$21,067.61	\$3,554.19	\$49,964.75
8"	\$40,548.71	\$33,708.18	\$5,686.71	\$79,943.60
10"	\$58,288.78	\$48,455.51	\$8,174.65	\$114,918.93
12"	\$114,043.26	\$94,804.25	\$15,993.87	\$224,841.38

**Parks and Recreation System Development Charge**

Collected for the North Clackamas Parks and Recreation District (adopted Clackamas Board of County Commissioners, Ordinance 09-2007, Oct. 25, 2007)

**Parks and Recreation SDC:**

Single-Family Residential .....	\$3,985 per dwelling unit
Multifamily Residential .....	\$3,608 per dwelling unit
Nonresidential .....	\$60 per employee*

\* Number of employees calculated according to type of business and building square feet  
See: <http://www.clackamas.us/transportation/planning/sdc.htm#psdc>

**School Construction Excise Tax**

Collected for North Clackamas School District (adopted North Clackamas School District, December 6, 2007)

**School Construction Excise Tax:**

Residential .....	\$1 per square foot
Commercial .....	\$.50 per square foot*

\*Total commercial fee capped at \$25,000 per project. Private schools, public improvements, low-income (HUD) housing, hospitals, religious facilities, and agricultural buildings are exempt.

Construction under 1,000 square feet exempted.

**Metro Construction Excise Tax**

Collected for Metro (adopted Metro Council March 2)

**Metro Construction Excise Tax..... \$0.12 per \$100 of permit value**

\*Permits for construction projects valued at \$100,000 or less will be exempted from this tax as well as permits for development of affordable housing units and permits issued to 501(c)(3) nonprofit organizations for other projects aimed at serving low-income populations. Permits for construction valued at more than \$10 million will be assessed a flat \$12,000 fee (0.12 percent of \$10 million).

**BUSINESS REGISTRATION** (rev. Ord. 1989, adopted 11/18/08, effective 12/18/08)

Standard base fee .....	\$110
New business commencing between July 1 and December 31.....	\$55
Change in business ownership fee .....	\$10
Fee for each FTE.....	\$5
Penalty.....	\$10% of base fee each calendar month and fraction thereof delinquent
Temporary Business (2 weeks or less) .....	\$25
Duplicate receipt.....	\$10

**PARKING**

Monthly Permit.....	\$20
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**POLICE**

**Permits/Licenses**

Adult Business .....	\$372
Alarm Permit—Residential (seniors 60+ exempt from fee requirement) .....	\$15
Alarm Permit—Business.....	\$21
Gun Background Check .....	\$21
Liquor License (Original Application).....	\$108
Liquor License (Name or other change).....	\$83
Liquor License (Renewal Application) .....	\$36
Liquor License (Temporary License).....	\$10/day per type of alcohol: beer, wine, or distilled spirits

**Police Reports**

Dispatch Tape Copy .....	\$26
Video Tape Copy .....	\$31
Police Report .....	\$15
Copy of Field Contact Report (FCR card) .....	\$5
Photo CD .....	\$15

(Additional research charges may apply for unusual/complex requests)

**Police Services**

False Alarm Response (first three).....	No charge
False Alarm Response (each alarm after third) .....	\$160
Vehicle Impound.....	\$50
Fingerprinting.....	\$10
Loud Party Response—first response.....	Warning
Loud Party Response—second response and/or each subsequent response in 24-hr. period .....	\$50

# LIBRARY

## Charges

Microfilm Copies .....	\$0.10
Photocopies:	
Black and White .....	\$0.10
Color .....	\$0.90
Non-District citizen library use .....	\$95/yr

## Fines

Overdue Fine (all materials):	
• Adult .....	\$0.25/day (\$3 max.)
• Juvenile .....	\$0.10/day (\$1 max.)
Barcode .....	\$1
Book Jacket .....	\$2
Barcode and Book Jacket.....	\$3
Audiobook Cassette or CD .....	\$7
Audiobook and CD-ROM case .....	\$5
Juvenile Kit—Plastic Bag.....	\$3
Media Cases:	
Cover sheet.....	\$1
Video Box.....	\$1
DVD Case .....	\$1
CD Case.....	\$2
CD and CD-ROM booklets.....	\$3
Missing Pages and Booklets .....	Refer to Librarian
Lost Item .....	Actual Retail Cost
Damaged Material .....	Replacement Cost
Lost Library Card .....	\$1
Public Computer Printing.....	First 5 free then \$0.10 per page

**MISCELLANEOUS**

**Photocopies**

Staff Assisted/Research Required:

Black and White .....	\$0.30
Color.....	\$1

Unassisted:

Black and White .....	\$0.05
Color.....	\$0.75

**Other Copying/Service**

Audio tape.....	\$10
Video tape.....	\$20
Transcription (per hour).....	\$30
Electronic files on CD-ROM.....	\$5

(Includes \$2 for postage & handling. Additional research charges may apply.)

**Photographs**

Color photos on photo quality paper .....	\$3 per page
Color photos on standard copy paper .....	\$1 per page

**Financial Reports**

Comprehensive Annual Financial Report.....	\$45
Annual Adopted Budget.....	\$45

**Miscellaneous**

Sidewalk Bench annual fee .....	\$74
Sidewalk Use—Vendor Fee .....	\$10
Major Community Event .....	Actual Direct Cost
Block Party—Misc. Event .....	Actual Direct Cost
Returned Check Charge.....	\$30
Lien Search.....	\$27
Postage and Handling .....	\$2 + postage cost

**RECYCLING**

**Down to Earth Day**

Automobile Load.....	\$2
Station Wagon .....	\$2
Small Pickup .....	\$5
Standard Pickup .....	\$6
Large Truck.....	\$8
Small Trailer.....	\$5
Large Trailer .....	\$6
Unmounted Tires (each).....	\$1.50
Residual Solid Waste Permit Registration.....	\$100
Residual Solid Waste Tonnage Fee.....	\$2.80/ton

**TELECOMMUNICATIONS**

Registration fee.....	\$36
Franchise review deposit.....	\$5,000
Community Service Use—Wireless Communication Facility (see <b>PLANNING fees</b> )	
Right-of-Way Usage for Wireless Communication Facility (see <b>ENGINEERING fees</b> )	

**BILLABLE HOURLY RATES**

Hourly rates for employee services are billed at the actual cost per hour for that employee. The following is given as an estimate only of what the rate will be.

**Community Development and Public Works Administration**

Community Development and Public Works Director .....	\$79
Resource and Economic Development Specialist .....	\$47
Light Rail Design Coordinator .....	\$54
Office Supervisor .....	\$41
Administrative Specialist III.....	\$37
Administrative Specialist II.....	\$33
Community Development Intern.....	\$15

**Engineering**

Engineering Director.....	\$69
Civil Engineer.....	\$54
Associate Engineer.....	\$45
Engineering Intern .....	\$15

**Planning**

Planning Director.....	\$69
Senior Planner.....	\$54
Associate Planner.....	\$47
Assistant Planner.....	\$43

**Building**

Building Official.....	\$60
Building Inspector .....	\$47
Permit Technician.....	\$37

**Operations**

Operations Director .....	\$69
Operations Supervisor.....	\$52
Water Quality Coordinator.....	\$43
Asset Management Technician .....	\$41
Utility Specialist II.....	\$41
Utility Worker II .....	\$41
Utility Specialist I.....	\$33
Utility Worker I.....	\$33
Fleet Supervisor.....	\$49
Mechanic .....	\$37
Facilities Maintenance Coordinator .....	\$45
Facilities Maintenance Technician .....	\$37

**Code Compliance**

Code Compliance Coordinator .....	\$41
Code Compliance Assistant .....	\$33

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
CERTIFYING ELECTION RESULTS FOR THE MAY 19, 2009 SPECIAL ELECTION.**

**WHEREAS**, Section 13 of the Charter requires the certified elections results be made a part of the record of proceedings of the City Council; and

**WHEREAS**, the election results from the May 19, 2009 Special Election have been certified by the Office of the Clackamas County Clerk and Multnomah County Elections; now, therefore;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE,  
CLACKAMAS COUNTY, OREGON THAT:**

Section 1: The certified election results, attached hereto as Exhibit "A" and incorporated herein, are hereby made a part of the record of proceedings of the City Council.

Section 2: This resolution is effective immediately upon adoption.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on June 16, 2009.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

\_\_\_\_\_  
Pat DuVal, City Recorder

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
City Attorney

RESOLUTION NO. \_\_\_\_\_

State of Oregon  
County of Clackamas

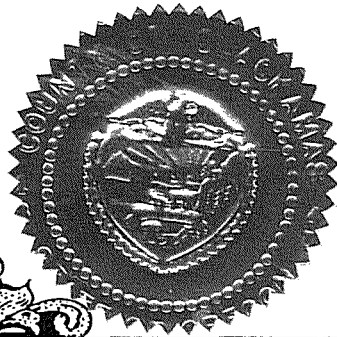
# Certificate of Election

To All to Whom These Presents Shall Come, Greeting:

KNOW YE, That JEREMY FERGUSON has been elected to the office  
of Mayor, City of Milwaukie  
at the Special Election held May 19, 2009

WITNESS my hand and seal this

8th day of June, 2009



Sherry Hall  
County Clerk

NUMBERED KEY CANVASS

RUN DATE:06/03/09 08:59 AM

Clackamas County, Oregon  
Special Election  
May 19, 2009

REPORT-EL52 PAGE 0005

Mayor CITY OF MILWAUKIE  
Vote for 1

01 = Jeremy Ferguson  
02 = Deborah Barnes  
03 = WRITE-IN

VOTES PERCENT

VOTES PERCENT

1,417 50.18  
1,392 49.29  
15 .53

04 = OVER VOTES  
05 = UNDER VOTES

0  
25

	01	02	03	04	05
0051 51	160	175	1	0	5
0053 53	111	117	0	0	1
0054 54	115	87	1	0	0
0056 56	116	111	1	0	0
0057 57	172	162	3	0	5
0058 58	118	135	1	0	0
0060 60	147	175	0	0	3
0062 62	167	154	4	0	7
0063 63	146	110	3	0	2
0064 64	165	166	1	0	2

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK

BY: *Sherry Hall*

NUMBERED KEY CANVASS

Multnomah County, Oregon  
Special Election  
May 19, 2009

FINAL OFFICIAL RESULTS

RUN DATE:06/03/09 02:28 PM

REPORT-EL52 PAGE 0009

Mayor CITY OF MILWAUKIE

Vote For 1

01 = Jeremy Ferguson

02 = Deborah Barnes

03 = WRITE-IN

VOTES PERCENT

VOTES PERCENT

0

0

0

04 = OVER VOTES

05 = UNDER VOTES

0

0

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01 02 03 04 05

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0 0 0 0 0

0601 601

Certificate

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.



\_\_\_\_\_  
Tim Scott, Director of Elections  
Multnomah County, Oregon



**TO: Mayor and City Council**  
**THROUGH: Mike Swanson, City Manager**  
**FROM: Pat DuVal, City Recorder**  
**SUBJECT: Fifth Amendment to Personal Services Contract with Jordan Schrader Ramis PC**  
**DATE: June 9, 2009 for the June 16, 2009 Regular Council Session**

**ACTION REQUESTED**

Approve the proposed Fifth Amendment to the Personal Services Contract regarding the fees paid for City Attorney services and authorizing the Mayor to execute it on behalf of the City.

**BACKGROUND**

In July 1998 the City and the Firm entered into a contract providing for "legal representation as authorized by the City Council and/or City Manager." Among the provisions of that agreement was a fee schedule that set forth the hourly rates to be paid. On April 4, 2009, the Council approved Resolution 13-2006 that authorized the Fourth Amendment to the Personal Services Agreement and established the following hourly rates.

Partners	\$145.00
Sr. Associates	\$130.00
Associates	\$115.00
Law Clerks/Legal Assistants	\$ 70.00

The proposed Fifth Amendment to the Personal Services contract amends the hourly rate to be paid all categories. If approved, 2009 – 2010 rates will be:

Attorneys	\$180.00
Attorney (Muni Court)	\$150.00
Paralegals	\$145.00

The City has been well-served by the Firm. Prompt responses and direct answers to Council and staff requests for opinions are normal practice. Several paralegals are attorneys licensed to practice law who have chosen to work as paralegals. The Firm often assigns municipal projects to a paralegal to perform a

significant portion of the project under the supervision of an attorney resulting in efficiencies and cost savings.

**FISCAL IMPACT**

The proposed amendment will become effective July 1, 2009. The increase will be absorbed within the approved FY 2009 - 2010 Budget.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON AUTHORIZING THE MAYOR TO EXECUTE THE FOURTH AMENDMENT TO PERSONAL SERVICES CONTRACT WITH JORDAN SCHRADER RAMIS PC ESTABLISHING NEW RATES FOR SERVICE EFFECTIVE JULY 1, 2009 AND MAKING OTHER AMENDMENTS**

**WHEREAS**, the City and the predecessor in interest of Jordan Schrader Ramis, PC (Contractor) executed a contract in July 1998 (the Contract) whereby the Contractor assumed the duties of City Attorney on behalf of the City; and

**WHEREAS**, there have been four subsequent amendments to the Contract;

**WHEREAS**, the Contractor's performance and increased costs justifies an increase in the rate charged; and

**WHEREAS**, the new proposed rates are comparable to the rates charged to other jurisdictions.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council City of Milwaukie, Oregon, that:

Section 1. Section II.A.2. of the Contract be amended as follows:

Hourly Rates effective July 1, 2009:

Attorneys	\$180.00
Attorney (Muni Court)	\$150.00
Paralegals	\$145.00

Section 2. Other changes as shown on the Fourth Amendment to Personal Services Contract, attached hereto as Exhibit A, are approved.

Section 3. The Mayor be authorized to execute the Fourth Amendment to Personal Services Contract.

Section 4. This resolution is effective immediately, but the changes in hourly rates provided by Section 1 of this resolution shall not take effect.

Introduced and adopted by the City Council on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
Michael F. Swanson, City Manager

# EXHIBIT A

## FIFTH AMENDMENT TO PERSONAL SERVICES CONTRACT

This Fifth Amendment to Personal Services Contract is made between the City of Milwaukie, an Oregon Municipal Corporation (City) and Jordan Schrader Ramis PC (Contractor), known as Ramis Crew Corrigan LLP prior to an organization change assigning it the new name.

### RECITALS

- A. City and Contractor's predecessor in interest entered into a Personal Services Contract for the provision of city attorney services by Contractor to City on July 23, 1998 (the "1998 Contract"). The 1998 Contract has previously been amended three times, in 2002, 2004, 2005, and 2006. The 1998 Contract, as amended, is referred to as the Contract.
- B. The parties wish to further amend the Contract to change the hourly rates charged for services by Contractor, to change the name of the Contractor to reflect changes in Contractor's current firm name, and to expressly provide that if Contractor changes its name or is involved in a merger or other change in organization, that the Contract shall be deemed assigned to the new entity and shall remain in effect, provided that key personnel of Contractor are with the new entity, while retaining the City's right to terminate for any reason or no reason.
- C. The parties acknowledge that the Contractor has changes its name from Ramis Crew Corrigan LLP to Jordan Schrader Ramis PC due to an organizational change.

### AGREEMENT

- 1. Except as expressly modified herein, all provisions of the Contract remain in effect.
- 2. Effective July 1, 2009, Section II.A.3 of the Contract is amended to read:

Hourly rates effective July 1, 2009:

Attorneys	\$180
Attorney (Muni Court)	\$150
Paralegals	\$145

- 3. The name of the Contractor wherever it occurs in the Contract is amended to read: "Jordan Schrader Ramis PC."
- 4.

A new Section VI.C is added to the Contract to read:

In the event that the Contractor undergoes a change in organization, such as a name change, or is merged into or consolidated with another entity, this Contract shall remain in effect and be deemed to be assumed by the newly named entity or the entity into which Contractor is merged or consolidate with, provided that the key personnel of Contractor are members of or employed by the new entity. The key personnel of Contractor currently are Timothy V. Ramis and William Monahan. The parties may, by exchange of letters, agree to modify the list of key personnel. Nothing in this provision limits the City's ability to terminate this agreement for any reason or for no reason as provided in Section VI.B.

CITY OF MILWAUKIE

DATED: \_\_\_\_\_

By:

\_\_\_\_\_  
Mayor Jeremy Ferguson

CONTRACTOR

DATED: \_\_\_\_\_

By:

\_\_\_\_\_  
William Monahan

5.  
PUBLIC HEARING



**To:** Mayor and City Council  
**From:** Mike Swanson, City Manager  
**Subject:** Resolutions Regarding State Revenue Sharing  
**Date:** June 5, 2009 for June 16, 2009 City Council Meeting

**Action Requested**

Consider testimony received during the public hearing and approve the resolutions declaring the City's election and qualification to receive State Revenue Sharing.

**Background**

In order for the City of Milwaukie to receive a share of state revenues apportioned and distributed to the cities of the state during fiscal year 2009-2010 as provided in ORS 221.770, the City Council must enact an ordinance or resolution expressing that election and file the same with the Oregon Department of Administrative Services no later than July 31.

The City Council can show eligibility of the City of Milwaukie to receive State Revenue Sharing by adopting a resolution that certifies that the City offers four or more of the required municipal services.

**Concurrence**

The City Manager acting as the Budget Officer concurs with the proposed resolutions.

**Fiscal Impact**

The resolutions declare the City's election and qualification to receive State Revenue Sharing in fiscal year 2009-2010.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION DECLARING THE CITY OF MILWAUKIE'S ELECTION  
TO RECEIVE STATE REVENUE SHARING**

**WHEREAS**, the City of Milwaukie desires to receive a share of state revenues apportioned and distributed to the cities of the state during fiscal year 2009-2010 as provided in ORS 221.770; and

**WHEREAS**, ORS 221.770(1)(a) requires that any city electing to receive a distribution must enact an ordinance or resolution expressing that election and file the same with the Oregon Department of Administrative Services no later than July 31; and

**WHEREAS**, ORS 221.770 (1)(b) requires that any city electing to receive a distribution must hold at least one public hearing at which citizens have the opportunity to provide written or oral comment on the possible uses of the distributions; and

**WHEREAS**, the City must certify its compliance with the statutory provisions to the Oregon Department of Administrative Services before July 31.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Milwaukie, Oregon as follows:

**Section 1.** The City of Milwaukie hereby elects to receive distributions of state revenues during fiscal year 2009-2010 pursuant to ORS 221.770(1)(a).

**Section 2.** The City Council hereby certifies that it conducted a public hearing, after giving public notice, on June 16, 2009 and called for written and oral comment on the possible uses of the distributions and that the hearing complied with ORS 221.770(1)(b) and (c).

**Section 3.** The City Recorder is directed to certify compliance with the public hearing requirements with the Oregon Department of Administrative Services by July 31, 2009.

**Section 4.** This resolution shall be effective immediately upon its passage.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on June 16, 2009.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Pat DuVal, City Recorder

Approved as to form  
JORDAN, SCHRADER, RAMIS, P.C.

\_\_\_\_\_  
City Attorney

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION CERTIFYING SERVICES  
FOR STATE REVENUE SHARING**

**WHEREAS**, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police protection
- (2) Fire protection
- (3) Street construction, maintenance, and lighting
- (4) Sanitary sewer
- (5) Storm sewers
- (6) Planning, zoning, and subdivision control
- (7) One or more utility services

and

**WHEREAS**, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Milwaukie hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

- Police protection
- Street construction, maintenance, and lighting
- Sanitary sewer
- Storm sewers
- Planning, zoning, and subdivision control
- One or more utility services

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on June 16, 2009.

This resolution shall be effective immediately upon its passage.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

\_\_\_\_\_  
Dated

Attest:

\_\_\_\_\_  
Pat DuVal, City Recorder

Approved as to form  
JORDAN, SCHRADER, RAMIS, P.C.

\_\_\_\_\_  
City Attorney

CITY OF MILWAUKIE

CERTIFICATION

I certify that a public hearing before the City Council was held June 16, 2009 giving citizens opportunity to comment on the use of State Revenue Sharing.

---

Pat DuVal, City Recorder



**To:** Mayor and City Council  
**From:** Mike Swanson, City Manager; Ignacio Palacios, Finance Director  
**Subject:** Resolution Adopting the FY 2009-2010 Annual Budget  
**Date:** June 5, 2009 for June 16, 2009 City Council Meeting

**Action Requested**

Consider testimony received during the public hearing and approve the resolution adopting the budget and capital improvements plan, making appropriations, and declaring and categorizing taxes for fiscal year 2009-2010

**Background**

The Budget Committee of the City of Milwaukie met and adopted its Approved Budget on May 28, 2009. A financial summary of the approved budget and a notice of budget hearing before the City Council were published in the "Clackamas Review" on Wednesday, June 10, 2009 according to the requirements of Oregon Local Budget Law (ORS 294.416). The City Council may take action to adopt the budget once the budget hearing has been held and testimony has been heard and considered.

**Concurrence**

The City Manager acting as the Budget Officer concurs with the proposed resolution.

**Fiscal Impact**

The resolution adopts the fiscal year 2009-2010 annual budget of \$53,810,110.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ADOPTING THE BUDGET AND CIP, MAKING  
APPROPRIATIONS, AND DECLARING AND CATEGORIZING  
TAXES FOR FISCAL YEAR 2009-2010**

**WHEREAS**, the Budget Committee of the City of Milwaukie met and approved the Proposed Budget on May 28, 2009; and

**WHEREAS**, the Notice of Budget Hearing and Financial Summary were published in the "Clackamas Review" on June 10, 2009 as required by ORS 294.416; and

**WHEREAS**, a public hearing was held on June 16, 2009; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Milwaukie, Oregon as follows:

**Section 1.** The City Council of the City of Milwaukie hereby adopts the budget for fiscal year 2009-2010 in the sum of \$53,810,110. A copy of the budget document is now on file at City Hall, 10722 SE Main Street, Milwaukie, Oregon.

**Section 2.** The amounts for the fiscal year beginning July 1, 2009 and for the purposes shown below are hereby appropriated as follows:

<b>General Fund</b>		<b>Bike Path</b>	
Library Services	2,453,871	Capital Outlay	10,000
Community Services	1,019,878	Contingency	<u>16,857</u>
Code Enforcement	290,133	Total	26,857
Public Access Studio	220,500		
Police Administration	579,492	<b>Neighborhood Grants</b>	
Police Field Services	6,925,640	Capital Outlay	64,465
Police Support Services	449,561		
Planning	864,877	<b>Public Safety Facility Debt Service</b>	
Municipal Court	13,373	Materials and Services	467,563
Intergov/Interfund	<u>361,307</u>	Contingency	<u>343,542</u>
Total	13,178,632	Total	811,105
		<b>Pension Debt Service</b>	
		Materials and Services	241,222
<b>Administrative Services</b>		Transfers	<u>375</u>
City Council	65,821	Total	241,597
City Manager	675,139		
City Attorney	300,000	<b>Building Inspections</b>	
Human Resources	319,483	Personal Services	193,325
Finance	552,058	Materials and Services	163,317
Records and Info Management	740,554	Transfers	50,468
Information and Technology	990,329	Contingency	<u>63,790</u>
Photocopies	<u>62,305</u>	Total	470,900
Total	3,705,689		
		<b>Streets/Surface Maintenance</b>	
<b>Computer Reserve</b>		Materials and Services	44,000
Capital Outlay	135,800	Capital Outlay	815,000
		Transfers	95,254
		Contingency	<u>492,162</u>
		Total	1,446,416

**Streets/State Gas Tax**

Personal Services	425,954
Materials and Services	904,513
Transfers	439,295
Contingency	<u>141,460</u>
Total	1,911,222

**Streets SDC**

Capital Outlay	60,000
Transfers	30,000
Contingency	<u>229,240</u>
Total	319,240

**Streets Capital and Reserve**

Capital Outlay	270,000
Transfers	48,745
Contingency	<u>32,955</u>
Total	351,700

**Water**

Personal Services	476,812
Materials and Services	1,224,359
Debt Service	131,875
Capital Outlay	122,333
Transfers	806,534
Contingency	<u>109,408</u>
Total	2,871,321

**Water SDC**

Capital Outlay	32,000
Transfers	128,154
Contingency	<u>4,972</u>
Total	165,126

**Water Capital and Reserve**

Capital Outlay	490,500
Contingency	<u>4,574</u>
Total	500,074

**Wastewater**

Personal Services	424,303
Materials and Services	2,511,119
Capital Outlay	10,000
Debt Service	74,400
Transfers	458,361
Contingency	<u>221,701</u>
Total	3,699,884

**Wastewater SDC**

Capital Outlay	550,000
Contingency	<u>583,250</u>
Total	1,133,250

**Wastewater Capital and Reserve**

Capital Outlay	3,716,000
Contingency	<u>1,002,233</u>
Total	4,718,233

**Stormwater**

Personal Services	419,500
Materials and Services	787,293
Capital Outlay	10,000
Transfers	517,928
Contingency	<u>66,489</u>
Total	1,801,210

**Stormwater SDC**

Contingency	217,600
-------------	---------

**Stormwater Capital and Reserve**

Capital Outlay	7,400,000
Contingency	<u>77,927</u>
Total	7,477,927

**Community Development Admin**

Personal Services	1,013,538
Materials and Services	577,219
Transfers	<u>25,000</u>
Total	1,615,757

**Engineering**

Personal Services	581,420
Materials and Services	255,613
Capital Outlay	<u>25,000</u>
Total	862,033

**Fleet Services**

Personal Services	542,403
Materials and Services	948,041
Capital Outlay	10,000
Transfers	<u>255,875</u>
Total	1,756,319

**Fleet Services Capital and Reserve**

Capital Outlay	360,000
Contingency	<u>1,773,696</u>
Total	2,133,696

**Facilities Management**

Personal Services	208,076
Materials and Services	1,000,596
Debt Service	57,912
Capital Outlay	275,000
Transfers	<u>183,364</u>
Total	1,724,948

<b>Knutson Cemetery Trust</b>		<b>Unappropriated Reserve</b>	
Materials and Services	3,000	General Fund	273,239
Contingency	<u>31,870</u>		
Total	<u>34,870</u>	<b>Total Budget</b>	<b>53,810,110</b>
<b>Library Endowment</b>			
Capital Outlay	161,000		
<b>Total Appropriations</b>	<b>53,536,871</b>		

**Section 3.** The City Council of the City of Milwaukie hereby imposes the taxes provided for in the adopted budget at the rate of \$4.0660 per \$1,000 of assessed value for operations and in the aggregate amount of \$594,595 for bonds. These taxes are hereby imposed and categorized for tax year 2009-2010 based upon the assessed value of all taxable property within the City.

	<b>General Government</b>	<b>Excluded from Limitation</b>
General Fund	\$4.0660/\$1,000	
Public Safety Debt Service		\$594,595

**Section 4.** The City Council of the City of Milwaukie hereby adopts the City of Milwaukie 2010-2014 Capital Improvement Program (CIP) for fiscal year 2009-2010. A copy of the CIP document is now on file in City Hall, 10722 SE Main Street, Milwaukie, Oregon.

**Section 5.** The City Council of the City of Milwaukie hereby adopts the pay table for fiscal year 2009-2010 and includes it as part of the adopted budget.

Introduced and adopted by the City Council on June 16, 2009.

This resolution takes effect immediately upon adoption.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

Dated: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Pat DuVal, City Recorder

Approved as to form:  
Jordan, Schrader, Ramis, P.C.

\_\_\_\_\_  
City Attorney

# The City of MILWAUKIE

5 Year Capital Improvement Plan  
Fiscal Year 2009 ~ 2010



**CIP 2010-2014**  
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# **ACKNOWLEDGMENTS**

## **MILWAUKIE CITY COUNCIL**

Jeremy Ferguson, Mayor  
Deborah Barnes, Greg Chaimov, Joe Loomis, Susan Stone

## **MILWAUKIE BUDGET COMMITTEE**

David Aschenbrenner, Chair  
Leslie Schockner, Secretary  
Melissa Arne, Mike Miller, Gabe Storm

## **CITY OF MILWAUKIE ADMINISTRATION**

Mike Swanson, City Manager

## **CITY OF MILWAUKIE FINANCE**

Ignacio Palacios, Finance Director

## **CITY OF MILWAUKIE COMMUNITY DEVELOPMENT & PUBLIC WORKS DEPARTMENT**

Kenny Asher, CD/PW Director

### **Engineering Division**

Gary Parkin, Engineering Director  
Zach Weigel, Civil Engineer  
Brad Albert, Civil Engineer  
Jason Rice, Associate Engineer  
Brenda Schleining, Associate Engineer

### **Public Works Operations, Fleet, & Facilities**

Paul Shirey, Public Works Operations Director  
Mike Clark, Supervisor, Streets & Water Divisions  
Ronelle Sears, Supervisor, Wastewater & Stormwater Divisions  
Ernie Roeger, Fleet Supervisor  
Willie Miller, Facilities Maintenance Coordinator  
Annette Quinn, Administrative Specialist III

### **Administrative Support**

Blanca Marston, Administrative Specialist II

## **CITY OF MILWAUKIE INFORMATION SYSTEMS & TECHNOLOGY**

Kate Rosson, GIS Coordinator





# City of Milwaukie Capital Improvement Plan

## Milwaukie Riverfront Park Improvements

	Fiscal Years					Total
	08/09	09/10	10/11	11/12	12/13	
<b>Capital Cost:</b>						
Planning, Engineering, Design	200,000	101,963				301,963
Land/Right-of-Way						0
Construction	90,000			2,000,000	3,000,000	5,090,000
Contingency	10,000			200,000	300,000	510,000
<b>Total Estimated Capital Cost</b>	<b>300,000</b>	<b>101,963</b>	<b>0</b>	<b>2,200,000</b>	<b>3,300,000</b>	<b>5,901,963</b>
<b>Revenue Source:</b>						
Metro Local Share Reimb grant	120,000					120,000
Oregon Parks & Rec Dept grant				225,000		225,000
General Fund	180,000	101,963				281,963
Unallocated				1,975,000	3,300,000	5,275,000
<b>Total Estimated Revenue</b>	<b>300,000</b>	<b>101,963</b>	<b>0</b>	<b>2,200,000</b>	<b>3,300,000</b>	<b>5,901,963</b>

**Description:**  
 This project will complete site improvements including relocation of a waterline and power poles at the Riverfront Park (in the first two years) as well as regarding the site, removal of a retaining wall between the upper and lower levels, and installation of public amenities like benches.

<b>Prepared By:</b> JoAnn Herrigel/Gary Parkin	<b>Date:</b> 6/8/09	<b>Project No:</b> 0223
<b>Fund:</b> 110	<b>Dept:</b> 239	<b>Object:</b> 7500
		<b>Subobj:</b> NA



# City of Milwaukie Capital Improvement Plan

## Telephone System (Replacement)

	09/10	10/11	11/12	12/13	13/14	Total
<b>Capital Cost:</b>						
Planning, Engineering, Design		30,000				30,000
Land/Right-of-Way						0
Construction		230,000				230,000
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>0</b>	<b>260,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>260,000</b>
<b>Revenue Source:</b>						
Administrative Services Fund		260,000				260,000
						0
						0
						0
<b>Total Estimated Revenue</b>	<b>0</b>	<b>260,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>260,000</b>

**Description:**  
 Replace current fifteen year old PBX telephone system due to warranty and support expiration. Upgrade telephone technology to newer VOIP (Voice Over Internet Protocol) system with assistance from telephony vendor. Requested in 09-10, dropped due to budget constraints.

<b>Prepared By:</b> Esther Gartner/Gary Parkin	<b>Date:</b> 5/29/09	<b>Project No:</b> 0282	
<b>Fund:</b> 150	<b>Dept:</b> 813	<b>Object:</b> 7120	<b>Subobj:</b> N/A



CIP 2010-2014			FACILITIES SUMMARY							
Project Number	Project Name	Page	CURRENT YEAR 08/09		09/10	10/11	11/12	12/13	13/14	Notes
			Adopted	Projected						
0153	Exterior Paint - Library		\$ 15,000	\$ 15,000						Complete
0196	Brick Mortar Repair - Phase I - City Hall		10,000	10,000						Complete
0202	Install Large Powered Truck Gate - JCB		40,000	40,000						
0210	Remodel Fire Dept Area - PSB		35,000	35,000						
0262	Sidewalk Improvements - Pond House		100,000	30,000						Planning Commission decision less than estimated
0263	HVAC - Pond House		25,000	25,000						Complete
0116	Book Checkout System - Library		75,000		\$ 75,000					Delayed due to regional issues.
	BUDGET FOR 2009-2010				200,000					
0015	Replace Roof - Library				Priority					
0169	Replace Windows Old Ledding House - Library				Priority					
0197	Seismic Qualified Shelving - Phase I - Library				Priority					
0275	Break Room Remodel - Library				Priority					
0279	Replace HVAC Old Ledding House - Library				Priority					
0120	Roof Repair - City Hall				Priority					
0274	Break Room Remodel - City Hall				Priority					
0278	Repair Main Stairs - City Hall				Priority					
0228	Brick Mortar Repair - Phase II - City Hall				Priority					
0214	HVAC Equipment Replacement AC-1 - PSB				Priority					
0280	Roof Coating - PSB				Priority					
0014	Self Check Out System - Library					\$ 20,000				
0168	Paint Interior - Library					10,000				
0167	Landscape Renewal - Library					10,000				
0198	Interior Lighting Upgrades - Library					15,000				
0205	Video Security System of Fountain - Library					15,000				
0206	Night Safety Lighting - Scott Park - Library					20,000				
0232	Seismic Shelving - Phase II - Library					20,000				
0022	Paint Interior - City Hall					10,000				
0207	Emergency Power Generator - City Hall					40,000				
0217	Cooling System - A/V Room - City Hall					10,000				
0220	Replace Main Floor Covering - City Hall					20,000				
0225	Restroom Renovations - City Hall					20,000				
0281	Brick Mortar Repair - Phase III - City Hall					10,000				
0018	Paint Interior - JCB					10,000				
0025	Paint Exterior - JCB					21,000				
0157	Perimeter Security System - JCB					100,000				
0203	Video Security System - JCB					40,000				
0209	Relocate Fresh Air Intake - JCB					10,000				
0211	Construct 2nd Floor Meeting Room - Ops JCB					40,000				
0212	Install Sign Shop Exhaust/HVAC - Ops JCB					30,000				
0215	HVAC Modifications 1st Floor - Ops JCB					15,000				
0012	Paint Security Block Wall - Phase 1 - PSB					10,000				
0020	Paint Interior - Phase I - PSB					10,000				
0021	Refinish Wood Work - Phase I - PSB					7,500				
0161	Paint Exterior - PSB					10,000				
0162	Replace 2nd Floor Carpeting - PSB					25,000				
0163	EOC Storage Room Reconfig - PSB					10,000				
0213	HVAC Controls Replacement - Phase I - PSB					10,000				
0216	Security System Modification - PSB					25,000				
0226	Replace HVAC - A/C-2 - PSB					75,000				
0229	Paint Security Block Wall - Phase II - PSB					10,000				

CIP 2010-2014			FACILITIES SUMMARY							
Project Number	Project Name	Page	CURRENT YEAR 08/09		09/10	10/11	11/12	12/13	13/14	Notes
			Adopted	Projected						
0233	HVAC Controls Replacement - Phase II - PSB					10,000				
0199	Replace Roof - 40th and Harvey					40,000				
0234	Restroom Renovations - Library						\$ 40,000			
0238	Seismic Shelving - Phase III - Library						20,000			
0129	Paint Interior - City Hall						10,000			
0236	Brick Mortar Repair - Phase III - City Hall						10,000			
0130	Paint East Exterior Wall - PSB						20,000			
0131	Replace First Floor Office Carpets - PSB						25,000			
0170	Paint Interior - Phase III - PSB						10,000			
0224	Replace Roof - Phase I - PSB						130,000			
0230	Paint Interior - Phase II - PSB						10,000			
0231	Refinish Wood Work - Phase II - PSB						7,500			
0235	Refinish Woodwork - Phase III - PSB						7,500			
0237	Paint Security Block Wall - Phase III - PSB						10,000			
0239	HVAC Controls Replacement - Phase III - PSB						10,000			
0240	HVAC Equipment Replacement - Unit #7 - PSB						30,000			
0245	Seismic Shelving - Phase IV - Library							\$ 20,000		
0242	Brick Mortar Repair - Phase IV - City Hall							10,000		
0249	Council Chambers Remodel - City Hall							20,000		
0250	Council Work Room Remodel - City Hall							20,000		
0171	Upgrade Security System - PSB							20,000		
0172	Seal Brick - PSB							20,000		
0173	Renovate Community Meeting Room - PSB							25,000		
0227	Replace Roof - Phase II - PSB							50,000		
0241	Replace Roof - Phase IV - PSB							50,000		
0243	Paint Interior - Phase IV - PSB							10,000		
0244	Refinish Woodwork - Phase IV - PSB							7,500		
0246	HVAC Controls Replacement - Phase IV - PSB							10,000		
0247	HVAC Equipment Replacement - Unit #6 - PSB							30,000		
0257	Exterior Painting - Library								\$ 20,000	
0259	Remodel Employee Kitchen - Library								30,000	
0016	Exterior Trim Paint - City Hall								7,500	
0258	Restroom Renovations - Upstairs - City Hall								30,000	
0256	Restroom Renovations - Main Bldg - JCB								25,000	
0251	Replace Roof - Phase V - PSB								50,000	
0252	Paint Security Block Wall - Phase V - PSB								10,000	
0253	Refinish Woodwork - Phase V - PSB								7,500	
0254	HVAC Controls Replacement - Phase V - PSB								10,000	
0255	HVAC Equipment Replacement - Unit #5 - PSB								30,000	
0260	Upgrade Security System - City Wide								35,000	
<b>TOTALS</b>			<b>\$ 300,000</b>	<b>\$ 155,000</b>	<b>\$ 275,000</b>	<b>\$ 728,500</b>	<b>\$ 340,000</b>	<b>\$ 292,500</b>	<b>\$ 255,000</b>	

# City of Milwaukie Capital Improvement Plan

## Book Checkout System – Library

	Fiscal Years					Total
	08/09	09/10	10/11	11/12	12/13	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	75,000	75,000				75,000
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>75,000</b>	<b>75,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>75,000</b>
<b>Revenue Source:</b>						
Facilities Management Fund	75,000	75,000				75,000
						0
						0
						0
<b>Total Estimated Revenue</b>	<b>75,000</b>	<b>75,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>75,000</b>

<b>Description:</b> Acquire a checkout system for the Library. Delayed due to regional issues.
---

<b>Prepared By:</b> Annette Quinn <b>Date:</b> 4/1/09 <b>Project No:</b> 0116
<b>Fund:</b> 720 <b>Dept:</b> 621 <b>Object:</b> 7500 <b>Subobj:</b> NA



# City of Milwaukie Capital Improvement Plan

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## Replace Roof - Library

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	1314	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	20,000					20,000
Contingency						0
<b>Total Estimated Capital Cost</b>	<b>20,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20,000</b>

<b>Revenue Source:</b>						
Facilities Management Fund	20,000					20,000
<b>Total Estimated Revenue</b>	<b>20,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20,000</b>

<b>Description:</b> Replace the roof of the Library, it is over 20 years old.
--

<b>Prepared By:</b> Annette Quinn <b>Date:</b> 4/1/09 <b>Project No:</b> 0015
<b>Fund:</b> 720 <b>Dept:</b> 621 <b>Object:</b> 7500 <b>Subobj:</b> NA



# City of Milwaukie Capital Improvement Plan

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## Replace Windows Old Ledding House - Library

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	15,000					15,000
Contingency						0
<b>Total Estimated Capital Cost</b>	<b>15,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15,000</b>
<b>Revenue Source:</b>						
Facilities Management Fund	15,000					15,000
<b>Total Estimated Revenue</b>	<b>15,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15,000</b>
<b>Description:</b>						
Replace the windows in the old Ledding House with new, energy efficient windows.						
<b>Prepared By:</b> Annette Quinn		<b>Date:</b> 4/1/09		<b>Project No:</b> 0169		
<b>Fund:</b> 720	<b>Dept:</b> 621	<b>Object:</b> 7500	<b>Subobj:</b> NA			



# City of Milwaukie Capital Improvement Plan

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## Seismic Qualified Shelving – Phase I - Library

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	35,000					35,000
Contingency						0
<b>Total Estimated Capital Cost</b>	<b>35,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,000</b>
<b>Revenue Source:</b>						
Facilities Management Fund	35,000					35,000
<b>Total Estimated Revenue</b>	<b>35,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,000</b>
<b>Description:</b>						
Begin Phase I of four phases of installing seismic qualified shelving at the Library in order to bring up to current standards.						
<b>Prepared By:</b> Annette Quinn		<b>Date:</b> 4/1/09		<b>Project No:</b> 0197		
<b>Fund:</b> 720	<b>Dept:</b> 621	<b>Object:</b> 7500	<b>Subobj:</b> NA			



# City of Milwaukie Capital Improvement Plan

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## Break Room Remodel - Library

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	10,000					10,000
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10,000</b>
<b>Revenue Source:</b>						
Facilities Management Fund	10,000					10,000
						0
						0
						0
<b>Total Estimated Revenue</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10,000</b>

**Description:**

Remodel basement employee breakroom. Replace cabinets, appliances, and flooring. This is needed because this is the original 1964 breakroom.

<b>Prepared By:</b> Annette Quinn/Willie Miller	<b>Date:</b> 4/1/09	<b>Project No:</b> 0275
<b>Fund:</b> 720	<b>Dept:</b> 621	<b>Object:</b> 7500
		<b>Subobj:</b> N/A



# City of Milwaukie Capital Improvement Plan

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## Replace HVAC – Old Ledding House - Library

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	10,000					10,000
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10,000</b>
<b>Revenue Source:</b>						
Facilities Management Fund	10,000					10,000
						0
						0
						0
<b>Total Estimated Revenue</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10,000</b>

**Description:**  
 Replace the HVAC, utilizing an energy efficient system. The current system dates back to 1992, and is not efficient.

<b>Prepared By:</b> Annette Quinn/Willie Miller	<b>Date:</b> 4/1/09	<b>Project No:</b> 0279
<b>Fund:</b> 720	<b>Dept:</b> 621	<b>Object:</b> 7500
		<b>Subobj:</b> N/A



# City of Milwaukie Capital Improvement Plan

## Roof Repair – City Hall

	Fiscal Years					Total
	09/10	11/	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	15,000					15,000
Contingency						0
<b>Total Estimated Capital Cost</b>	<b>15,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15,000</b>
<b>Revenue Source:</b>						
Facilities Management Fund	15,000					15,000
<b>Total Estimated Revenue</b>	<b>15,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15,000</b>
<b>Description:</b>						
Repair the roof at City Hall around the A/C platform, it is leaking.						
<b>Prepared By:</b> Annette Quinn		<b>Date:</b> 4/1/09		<b>Project No:</b> 0120		
<b>Fund:</b> 720	<b>Dept:</b> 621	<b>Object:</b> 7500	<b>Subobj:</b> NA			



# City of Milwaukie Capital Improvement Plan

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## Break Room Remodel - CH

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	12,000					12,000
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>12,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,000</b>
<b>Revenue Source:</b>						
Facilities Management Fund	12,000					12,000
						0
						0
						0
<b>Total Estimated Revenue</b>	<b>12,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,000</b>

**Description:**

Remodel basement employee break room – replace cabinets, appliances, flooring. This is needed because this is from 1984.

<b>Prepared By:</b> Annette Quinn/Willie Miller	<b>Date:</b> 4/1/09	<b>Project No:</b> 0274
<b>Fund:</b> 720	<b>Dept:</b> 621	<b>Object:</b> 7500
		<b>Subobj:</b> N/A



# City of Milwaukie Capital Improvement Plan

## Repair Main Stairs - CH

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	8,000					8,000
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>8,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8,000</b>

<b>Revenue Source:</b>						
Facilities Management Fund	8,000					8,000
						0
						0
						0
<b>Total Estimated Revenue</b>	<b>8,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8,000</b>

<b>Description:</b> Repair main stairs treads that a badly worn, and presents a safety issue.
--

<b>Prepared By:</b> Annette Quinn/Willie Miller <b>Date:</b> 4/1/09 <b>Project No:</b> 0278
<b>Fund:</b> 720 <b>Dept:</b> 621 <b>Object:</b> 7500 <b>Subobj:</b> N/A



# City of Milwaukie Capital Improvement Plan

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## Brick Mortar Repair Phase II – City Hall

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	10,000					10,000
Contingency						0
<b>Total Estimated Capital Cost</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10,000</b>

<b>Revenue Source:</b>						
Facilities Management Fund	10,000					10,000
<b>Total Estimated Revenue</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10,000</b>

<b>Description:</b> Repair the brick mortar on the City Hall building; this would be Phase II of five phases.
--

<b>Prepared By:</b> Annette Quinn <b>Date:</b> 4/1/09 <b>Project No:</b> 0228 <b>Fund:</b> 720 <b>Dept:</b> 621 <b>Object:</b> 7500 <b>Subobj:</b> NA
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# City of Milwaukie Capital Improvement Plan

## HVAC Equipment Replacement – AC- 1 - PSB

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	100,000					100,000
Contingency						0
<b>Total Estimated Capital Cost</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>100,000</b>
<b>Revenue Source:</b>						
Facilities Management Fund	100,000					100,000
<b>Total Estimated Revenue</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>100,000</b>

**Description:**  
 Install new HVAC Equipment AC-1 at PSB – It is 11 years past the end of life, a major failure could occur at any time.

<b>Prepared By:</b> Annette Quinn	<b>Date:</b> 4/1/09	<b>Project No:</b> 0214
<b>Fund:</b> 720	<b>Dept:</b> 621	<b>Object:</b> 7500
		<b>Subobj:</b> NA



# City of Milwaukie Capital Improvement Plan

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## Roof Coating - PSB

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	29,000					29,000
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>29,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>29,000</b>

<b>Revenue Source:</b>						
Facilities Management Fund	29,000					29,000
						0
						0
						0
<b>Total Estimated Revenue</b>	<b>29,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>29,000</b>

**Description:**  
 Apply coating to existing roof. The roof is 17 years old, if not done the existing roof will fail. Total roof replacement would cost approximately \$330,000.

<b>Prepared By:</b> Annette Quinn/Willie Miller	<b>Date:</b> 4/1/09	<b>Project No:</b> 0280
<b>Fund:</b> 720	<b>Dept:</b> 621	<b>Object:</b> 7500
		<b>Subobj:</b> N/A



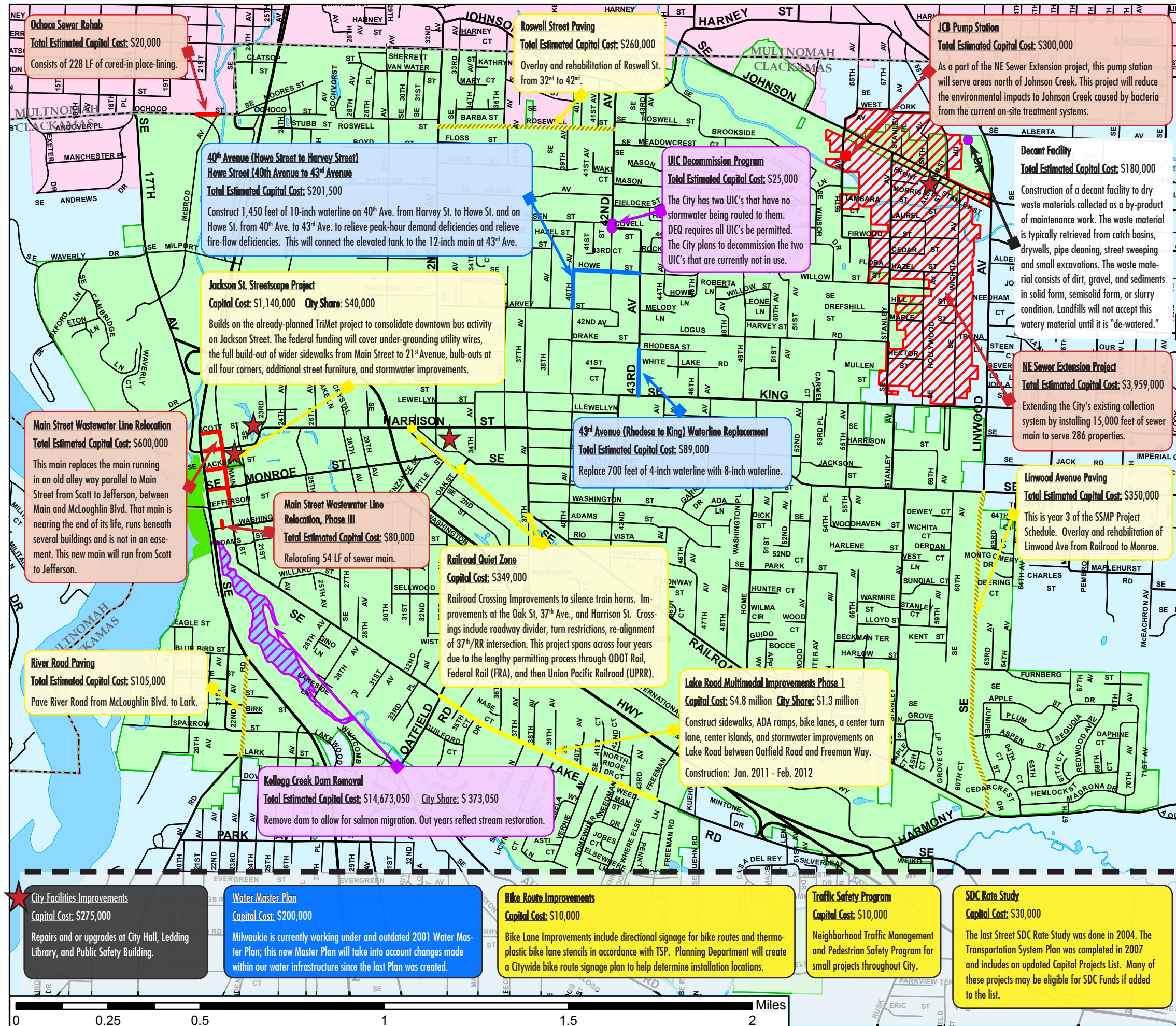
CIP 2010-2014			FLEET RESERVE SUMMARY							
Project Number	Project Name	Page	CURRENT YEAR 08/09		09/10	10/11	11/12	12/13	13/14	Notes
			Adopted	Projected						
N/A	Replace Police Detective Vehicle		\$ 30,000	\$ 30,000						
N/A	Replace Police Patrol Motorcycle		25,000	-						
N/A	Replace Police Patrol SUV		45,000	45,000						
N/A	Replace Aquatech Vehicle - WW/Storm		235,000	234,510						
N/A	Wachs Utility Vacuum System - Water		-	68,350						
N/A	Replace Police Detective Vehicle				\$ 30,000					
N/A	Replace Police Patrol SUV				45,000					
N/A	Replace Police Patrol Vehicles (2)				90,000					
N/A	Replace Forward Cab Truck-Streets				60,000					
N/A	Replace 1/2 Ton Extended Cab 2 WD Pickup-Streets				25,000					
N/A	Replace 1-Ton Service Truck -Waste Water				35,000					
N/A	Replace Existing SUV with Hybrid SUV-Building				25,000					
N/A	Facility Maintenance 1/2 Ton 2 WD pickup				25,000					
N/A	Replace Existing Pickup with Hybrid SUV-Engineering				25,000					
N/A	Replace Police Patrol Motorcycle					\$ 25,000				
N/A	Replace Police Chief Vehicle					35,000				
N/A	Replace Police Patrol Vehicles (3)					135,000				
N/A	Replace Vehicle-Code Enforcement					25,000				
N/A	Replace 1/2 Ton 2 WD Pickup-Fleet					25,000				
N/A	Replace 1 Ton Service Truck-Water					35,000				
N/A	Replace Existing SUV With Hybrid-OPS Dir Shared					25,000				
N/A	Replace Police Detective Vehicle						\$ 30,000			
N/A	Replace Police Patrol Vehicles (2)						90,000			
N/A	Replace Police PU Truck						35,000			
N/A	Replaced Backhoe-Shared						100,000			
N/A	Replace Special Shared Sweeper						150,000			
N/A	Replace Police Detective Vehicle							\$ 30,000		
N/A	Replace Police Patrol Motorcycle							25,000		
N/A	Replace Police Patrol Vehicles (3)							135,000		
N/A	Replace 3/4 Ton Pickup-Water							30,000		
N/A	Replace TV Van-Storm							140,000		
N/A	Replace 5 Yard Dump Truck-Shared							55,000		
N/A	Replace Police Detective Vehicle								\$ 30,000	
N/A	Replace Police Patrol Motorcycle								25,000	
N/A	Replace Police Patrol Vehicles (3)								135,000	
N/A	Replace Van-Engineering								25,000	
N/A	Replace 3/4 Ton Pickup-Facilities								30,000	
N/A	Replace Van-Water								25,000	
N/A	Replace 5 Yard Dump Truck-Shared								55,000	
N/A	Replace Vactor-Storm & Waste Water								250,000	
<b>TOTALS</b>			<b>\$ 335,000</b>	<b>\$ 377,860</b>	<b>\$ 360,000</b>	<b>\$ 305,000</b>	<b>\$ 405,000</b>	<b>\$ 415,000</b>	<b>\$ 575,000</b>	



# City of Milwaukie Capital Improvement Plan 2009-2010

## Stormwater Streets Wastewater Water Parks

- City of Milwaukie
- City of Portland
- Unincorporated
- Water Body
- County Boundary
- Stormwater Project
- Street Project
- SSMP
- Wastewater Project
- Water Project
- Parks Project





# City of Milwaukie Capital Improvement Plan 2010-2014 Stormwater



- 2009-2010
- 2010-2011
- 2011-2012
- 2012-2013
- 2013-2014









# City of Milwaukie Capital Improvement Plan

## Decant Facility

	Fiscal Years					Total
	08/09	09/10	10/11	11/12	12/13	
<b>Capital Cost:</b>						
Planning, Engineering, Design		20,000				20,000
Land/Right-of-Way						0
Construction	5,000	155,000				160,000
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>5,000</b>	<b>175,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>180,000</b>
<b>Revenue Source:</b>						
Stormwater Fund	5,000	49,000				54,000
Wastewater Fund		36,000				36,000
Water Fund		36,000				36,000
Street Fund		54,000				54,000
<b>Total Estimated Revenue</b>	<b>5,000</b>	<b>175,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>180,000</b>

**Description:**

Construction of a decant facility to dry waste materials collected as a by-product of maintenance work. The waste material is typically retrieved from catch basins, drywells, pipe cleaning, street sweeping and small excavations. The waste material consists of dirt, gravel, and sediments in solid form, semisolid form, or slurry condition. Landfills will not accept this watery material until it is "de-watered."

As the facility will be used by all the utilities, funding is provided at 30% each from storm and street, and 20% each from water and wastewater.

<b>Prepared By:</b> Brad Albert	<b>Date:</b> 4/10/09	<b>Project No:</b> 0057
<b>Fund:</b> 580	<b>Dept:</b> 743	<b>Object:</b> 7500
		<b>Subobj:</b> 0100



# City of Milwaukie Capital Improvement Plan

## Kellogg Creek Dam Removal

	Fiscal Years					Total
	08/09	09/10	10/11	11/12	12/13 -13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design	113,050	800,000	800,000	50,000	50,000	1,813,050
Land/Right-of-Way						0
Construction		6,010,000	4,950,000	450,000	450,000	11,860,000
Contingency		500,000	500,000			1,000,000
						0
<b>Total Estimated Capital Cost</b>	<b>113,050</b>	<b>7,310,000</b>	<b>6,250,000</b>	<b>500,000</b>	<b>500,000</b>	<b>14,673,050</b>
<b>Revenue Source:</b>						
Stormwater Cap and Reserve	13,050	60,000		150,000	150,000	373,050
MTIP	100,000	955,000				1,055,000
Amer Rivers/NOAA Grant		45,000				45,000
Federal/Grant		6,250,000	6,250,000	350,000	350,000	13,200,000
<b>Total Estimated Revenue</b>	<b>113,050</b>	<b>7,310,000</b>	<b>6,250,000</b>	<b>500,000</b>	<b>500,000</b>	<b>14,673,050</b>

### Description:

Remove dam to allow for salmon migration. Out years reflect stream restoration.

<b>Prepared By:</b> Alex Campbell/Gary Parkin	<b>Date:</b> 6/2/09	<b>Project No:</b> 0267
<b>Fund:</b> 580	<b>Dept:</b> 611	<b>Object:</b> 7500
		<b>Subobj:</b> N/A



# City of Milwaukie Capital Improvement Plan

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## UIC Decommission Program

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	25,000					25,000
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>25,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>25,000</b>
<b>Revenue Source:</b>						
Stormwater Fund	25,000					25,000
Wastewater Fund						0
Water Fund						0
Street Fund						0
<b>Total Estimated Revenue</b>	<b>25,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>25,000</b>

**Description:**

The City has two UIC's that have no stormwater being routed to them. DEQ requires all UIC's be permitted. The City plans to decommission the two UIC's that are currently not in use. The location of the two UIC's to be decommissioned are at the intersection of SE 42<sup>nd</sup> Avenue and SE Covell St. and at the intersection of SE 42<sup>nd</sup> Avenue and SE Olsen St.

<b>Prepared By:</b> Brad Albert	<b>Date:</b> 2/19/09	<b>Project No:</b> 0268
<b>Fund:</b> 580	<b>Dept:</b> 743	<b>Object:</b> 7500
		<b>Subobj:</b> N/A









# City of Milwaukie Capital Improvement Plan 2010-2014

## Streets

- 2009-2010
- 2010-2011
- 2011-2012
- 2012-2013
- 2013-2014





CIP 2010-2014			STREETS SUMMARY							
Project Number	Project Name	Page	CURRENT YEAR 08/09		09/10	10/11	11/12	12/13	13/14	Notes
			Adopted	Projected						
0087-2	37th/Oak RR Xing		\$ 61,000	\$ 77,000						
0091-1	Logus Rd. Street Improvements Ph 1		792,715	792,715						
0195	Bike Route Improvements		30,000	30,000	\$ 10,000					
0086-1	Lake Rd Multimodal Improvements Ph 1		80,000	-	80,000	\$ 1,090,000				
0264	Traffic Safety Program				10,000					
0265	SDC Rate Study				30,000					
0193	UP Main Line Railroad Quiet Zone				65,000	20,000				Project includes \$100,000 CDBG grant. The permitting requirements involve ODOT Rail, Federal FRA, and Union Pacific
0273	Jackson St Streetscape Project			40,000						Project includes \$1.1 mil in TriMet and Fed Stimulus funds
0149	School Zone Flashing Beacons					5,000	\$ 5,000	\$ 5,000	\$ 5,000	
<b>The following CIP sheet is located in the Storm Division section</b>										
0057	Decant Facility				45,000					Streets share of \$149,932 project
	<b>TOTALS</b>		<b>\$ 963,715</b>	<b>\$ 939,715</b>	<b>\$ 240,000</b>	<b>\$ 1,115,000</b>	<b>\$ 5,000</b>	<b>\$ 5,000</b>	<b>\$ 5,000</b>	



# City of Milwaukie Capital Improvement Plan

## Bike Route Improvements

	Fiscal Years					Total
	08/09	09/10	10/11	11/12	12/13	
<b>Capital Cost:</b>						
Planning, Engineering, Design	30,000					30,000
Land/Right-of-Way						0
Construction		10,000				10,000
Contingency						0
<b>Total Estimated Capital Cost</b>	<b>30,000</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>40,000</b>
<b>Revenue Source:</b>						
Bike Path fund 330	30,000	10,000				40,000
<b>Total Estimated Revenue</b>	<b>30,000</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>40,000</b>

**Description:**

Bike route improvements include directional signage for bike routes and thermoplastic bike lane stencils in accordance with TSP. Planning Department will create a Citywide bike route signage plan to help determine installation locations.

<b>Prepared By:</b> Brenda Schleining	<b>Date:</b> 2/6/09	<b>Project No:</b> 0195	
<b>Fund:</b> 330	<b>Dept:</b> 632	<b>Object:</b> 7500	<b>Subobj:</b> N/A



# City of Milwaukie Capital Improvement Plan

## Lake Road Multimodal Improvements Phase 1

	07/08	08/09	09/10	10/11	11/12	Total
<b>Capital Cost:</b>						
Planning, Engineering, Design	105,960	240,000	300,000	210,000		855,960
Land/Right-of-Way			400,000			400,000
Construction				2,827,000		2,827,000
PE Construction Phase				200,000		200,000
Contingency 25%				518,000		518,000
<b>Total Estimated Capital Cost</b>	<b>105,960</b>	<b>240,000</b>	<b>700,000</b>	<b>3,755,000</b>	<b>0</b>	<b>4,800,960</b>
<b>Revenue Source:</b>						
Streets SDC Fund 325	40,593		80,000	50,000		170,593
Street fund 320 (FILO)	20,000			50,000		70,000
FHWA Grant	45,367	240,000	620,000	2,665,000		3,570,367
SSMP Fund 315				900,000		900,000
Storm SDC				90,000		90,000
<b>Total Estimated Revenue</b>	<b>105,960</b>	<b>240,000</b>	<b>700,000</b>	<b>3,755,000</b>	<b>0</b>	<b>4,800,960</b>

**Description:**

Current Project Scope:

Construct sidewalks, ADA ramps, bike lanes, a center turn lane, center islands, and stormwater improvements on Lake Road between Oatfield Road and Freeman Way.

**Project Costs:**

PE Phase \$855,960

Right of Way Phase \$400,000

Construction \$4,173,540

**Project cost estimate of \$5,429,500**

**Project Revenues:**

Total revenue amount is \$4,800,960

Shortage of \$628,540

**Schedule**

PE Phase: Jan 2009-Dec 2009

Right of Way: Sept 2009-April 2011

Construction: Jan 2011-Feb 2012

<b>Prepared By:</b> Brenda Schleining/Parkin	<b>Date:</b> 4/2/09	<b>Project No:</b> 0086-1
<b>Fund:</b> Multiple	<b>Dept:</b> 633	<b>Object:</b> 7500
		<b>Subobj:</b> 0720



# City of Milwaukie Capital Improvement Plan

## Traffic Safety Program

	Fiscal Years					Total
	08/09	09/10	10/11	11/12	12/13	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	13,000	10,000				23,000
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>13,000</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>23,000</b>
<b>Revenue Source:</b>						
Streets Capital and Reserve 327	13,000	10,000				23,000
						0
						0
						0
<b>Total Estimated Revenue</b>	<b>13,000</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>23,000</b>

**Description:**  
 Neighborhood Traffic Management and Pedestrian Safety Program for small projects throughout City. Projects are evaluated through the Neighborhood Traffic Management and Pedestrian Safety Program by the Public Safety Advisory Committee. Projects for '08-09 include crosswalks and sidewalk infill.

**Prepared By:** Brenda Schleining      **Date:** 3/31/09      **Project No:** 0264  
**Fund:** 327      **Dept:** 637      **Object:** 7500      **Subobj:** N/A



# City of Milwaukie Capital Improvement Plan

## SDC Rate Study

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way	30,000					30,000
Construction						0
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>30,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30,000</b>
<b>Revenue Source:</b>						
Streets SDC Fund 325	30,000					30,000
						0
						0
						0
<b>Total Estimated Revenue</b>	<b>30,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30,000</b>

**Description:**  
 The last Street SDC Rate Study was done in 2004. About half of the projects on the current list have been completed. The Transportation System Plan was completed in 2007 and includes an updated Capital Projects List. Many of these projects may be eligible for SDC Funds if added to the list.

<b>Prepared By:</b> Brenda Schleining	<b>Date:</b> 3/31/09	<b>Project No:</b> 0265
<b>Fund:</b> 325	<b>Dept:</b> 633	<b>Object:</b> 7500
		<b>Subobj:</b> N/A



# City of Milwaukie Capital Improvement Plan

## Union Pacific Main Line Railroad Quiet Zone

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design	20,000	19,000				39,000
Land/Right-of-Way	10,000	30,000				40,000
Construction	135,000	135,000				270,000
<b>Total Estimated Capital Cost</b>	<b>165,000</b>	<b>184,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>349,000</b>
<b>Revenue Source:</b>						
Street Fund 320 (FILO)	5,000	20,000				25,000
Street SDC Fund 325 (reimburse)	60,000					60,000
Community Development Block Grant	100,000					100,000
Unallocated		164,000				164,000
<b>Total Estimated Revenue</b>	<b>165,000</b>	<b>184,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>349,000</b>

### Description:

Railroad crossing improvements to silence train horns. Improvements at the Oak St, 37<sup>th</sup> Ave, and Harrison St crossings. Improvements include sidewalks at Harrison, roadway median barriers at each crossing, turn restrictions, and the re-alignment of 37<sup>th</sup>/RR intersection.

This project requires permitting process through ODOT Rail, Federal Rail (FRA), and construction permitting through Union Pacific Railroad (UPRR).

<b>Prepared By:</b> Brenda Schleining/Parkin	<b>Date:</b> 4/15/09	<b>Project No:</b> 0193
<b>Fund:</b> Multiple	<b>Dept:</b> 633	<b>Object:</b> 7500
		<b>Subobj:</b> N/A



# City of Milwaukie Capital Improvement Plan

## Jackson St. Streetscape Project

	Fiscal Years					Total
	08/09	09/10	10/11	11/12	12/13	
<b>Capital Cost:</b>						
Planning, Engineering, Design	40,000					40,000
Land/Right-of-Way						0
Construction		1,175,000				1,175,000
Contingency						0
						0
<b>Total Estimated Capital Cost</b>	<b>40,000</b>	<b>1,175,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,215,000</b>
<b>Revenue Source:</b>						
Comm Dev, Engineering	40,000					40,000
Tri-Met		450,000				450,000
Federal grant (Stimulus)		725,000				725,000
						0
<b>Total Estimated Revenue</b>	<b>40,000</b>	<b>1,175,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,215,000</b>

### Description:

This project rebuilds the downtown street block of Jackson Street between Main and 21st. The improvement includes bus stop shelters and sidewalk widening/beautification to fit with the downtown streetscape.

<b>Prepared By:</b> Gary Parkin	<b>Date:</b> 4/06/09	<b>Project No:</b> 0273
<b>Fund:</b> 327	<b>Dept:</b> 637	<b>Object:</b> 7500
		<b>Subobj:</b> N/A



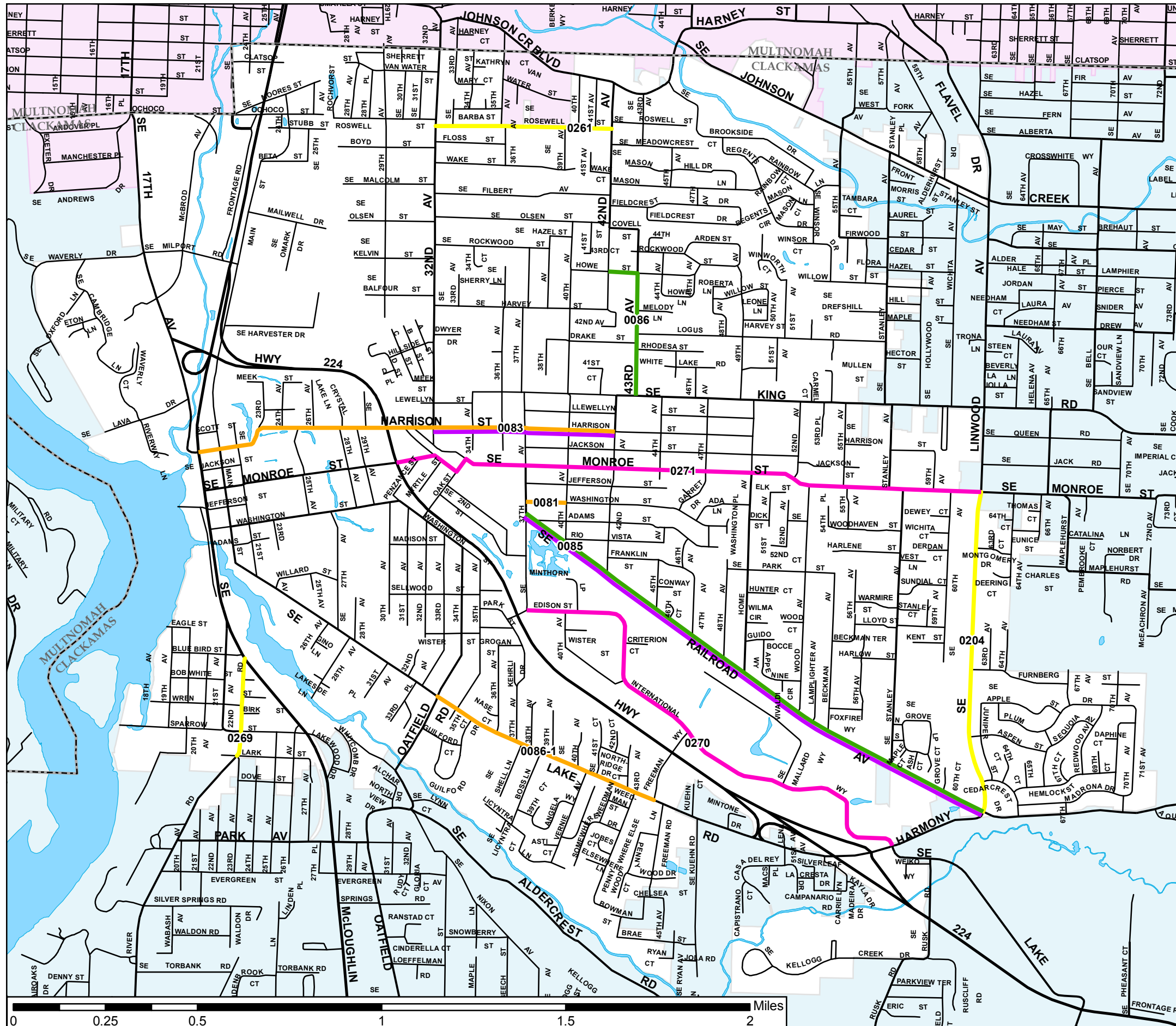
UNALLOCATED PROJECTS		STREETS DIVISION SUMMARY	
Neighborhood	Project Description	Cost	Project Origination
Historic	Jefferson Street Improvement Project	\$ 300,000	On previous CIP plans
Linwood	Linwood Ave. School Crossing Improvements	20,000	On previous CIP plans
Lake	Lake Road Improvements Phase 2 (21st to Oatfield)	4,000,000	On previous CIP plans
Llewelling	Llewellyn St & Franklin St. Improvements	300,000	On previous CIP plans
Linwood	Cedarcrest Dr. Sidewalks	100,000	On previous CIP plans
Island Station	21st Ave. and Bluebird Railroad Crossing	100,000	On previous CIP plans
HC	Harrison St. and 42nd Ave. Improvements (Signal)	500,000	On previous CIP plans
Lewelling	Logus Rd. Street Improvements Phase 2	1,000,000	On previous CIP plans
Linwood/HC/Ardenwald	Railroad Ave. Sidewalks	1,625,000	TSP action plan
Historic/Industrial	17th Ave Bike and Ped Improvements	3,000,000	TSP action plan
HC	Monroe St. Sidewalks/Bike lane	1,000,000	TSP action plan
HC/Lewelling/Ardenwald	King Rd Boulevard Treatments	2,000,000	TSP action plan
Historic/HC	Hwy 224/Oak protected left turn onto 224	300,000	TSP action plan
Historic	Downtown Streetscape Improvements	varies	TSP action plan
<b>TOTAL</b>		<b>\$ 14,245,000</b>	



# City of Milwaukie Capital Improvement Plan 2010-2014

## SSMP

- 2009-2010
- 2010-2011
- 2011-2012
- 2012-2013
- 2013-2014





CIP 2010-2014			SSMP SUMMARY							
Project Number	Project Name	Page	CURRENT YEAR 08/09		09/10	10/11	11/12	12/13	13/14	Notes
			Adopted	Projected						
0076	Oak St. Paving		\$85,000	\$85,000						
0080	King Rd Reconstruction		800,000	710,000						
0091-1	Logus Rd		75,000	75,000						
0082	27th Ave Paving (Lake to Washington)			105,000						This project was moved up from 09/10 to 08/09
0204	Linwood Ave. Paving (Monroe to RR)				\$150,000					Partially funded by Federal Stimulus (\$200,000)
0261	Roswell Paving (32nd to 42nd)				260,000					
0269	River Rd Paving (99 to Lark)				105,000					
0081	Washington St Paving (37th to 40th)					\$60,000				
0086-1	Lake Rd Multimodal (sheet in streets)				220,000	480,000				
0083	Harrison St. Reconstruction (McLoughlin to 42nd)					600,000	\$ 340,000			Need Storm work
0085	Railroad Ave. Paving Phase 1, (Harrison to Harmony)						500,000	\$ 400,000		Need Storm work - green street
0086	43rd Ave, Paving (King to Howe and Howe to 42nd)							125,000		
0270	International Way Paving (37th to Harmony)								\$ 400,000	
0271	Monroe St. Reconstruction (224 to City limit)								800,000	
<b>TOTALS</b>			<b>\$ 960,000</b>	<b>\$ 975,000</b>	<b>\$ 735,000</b>	<b>\$ 1,140,000</b>	<b>\$ 840,000</b>	<b>\$ 525,000</b>	<b>\$ 1,200,000</b>	



# City of Milwaukie Capital Improvement Plan

## Linwood Ave. Paving

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	300,000					300,000
Contingency	50,000					50,000
						0
<b>Total Estimated Capital Cost</b>	<b>350,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>350,000</b>
<b>Revenue Source:</b>						
SSMP	150,000	0				150,000
Federal Stimulus Grant	200,000					200,000
						0
						0
<b>Total Estimated Revenue</b>	<b>350,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>350,000</b>

### Description:

This is year 3 of the SSMP Project Schedule. Overlay and rehabilitation of Linwood Ave. (Railroad to Monroe).

**Prepared By:** Brenda Schleining      **Date:** 3/31/09      **Project No:** 0204

**Fund:** 315      **Dept:** 634      **Object:** 7500      **Subobj:** 0818



# City of Milwaukie Capital Improvement Plan

## Roswell St. Paving

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	240,000					240,000
Contingency	20,000					20,000
						0
<b>Total Estimated Capital Cost</b>	<b>260,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>260,000</b>
<b>Revenue Source:</b>						
SSMP	260,000					260,000
						0
						0
						0
<b>Total Estimated Revenue</b>	<b>260,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>260,000</b>

### Description:

This is year 3 of the SSMP Project Schedule. Overlay and rehabilitation of Roswell St. (32nd to 42nd). This street was improved with sidewalks many years ago and has never received the final lift of asphalt. The street was designed for a final lift and the curbs are too high and driveways are ramped while waiting for this asphalt overlay.

<b>Prepared By:</b> Brenda Schleining	<b>Date:</b> 3/26/09	<b>Project No:</b> 0261
<b>Fund:</b> 315	<b>Dept:</b> 634	<b>Object:</b> 7500
		<b>Subobj:</b> 0819



# City of Milwaukie Capital Improvement Plan

## River Rd. Paving

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design						0
Land/Right-of-Way						0
Construction	100,000					100,000
Contingency	5,000					5,000
						0
<b>Total Estimated Capital Cost</b>	<b>105,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>105,000</b>
<b>Revenue Source:</b>						
SSMP 315	105,000					105,000
						0
						0
						0
<b>Total Estimated Revenue</b>	<b>105,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>105,000</b>

### Description:

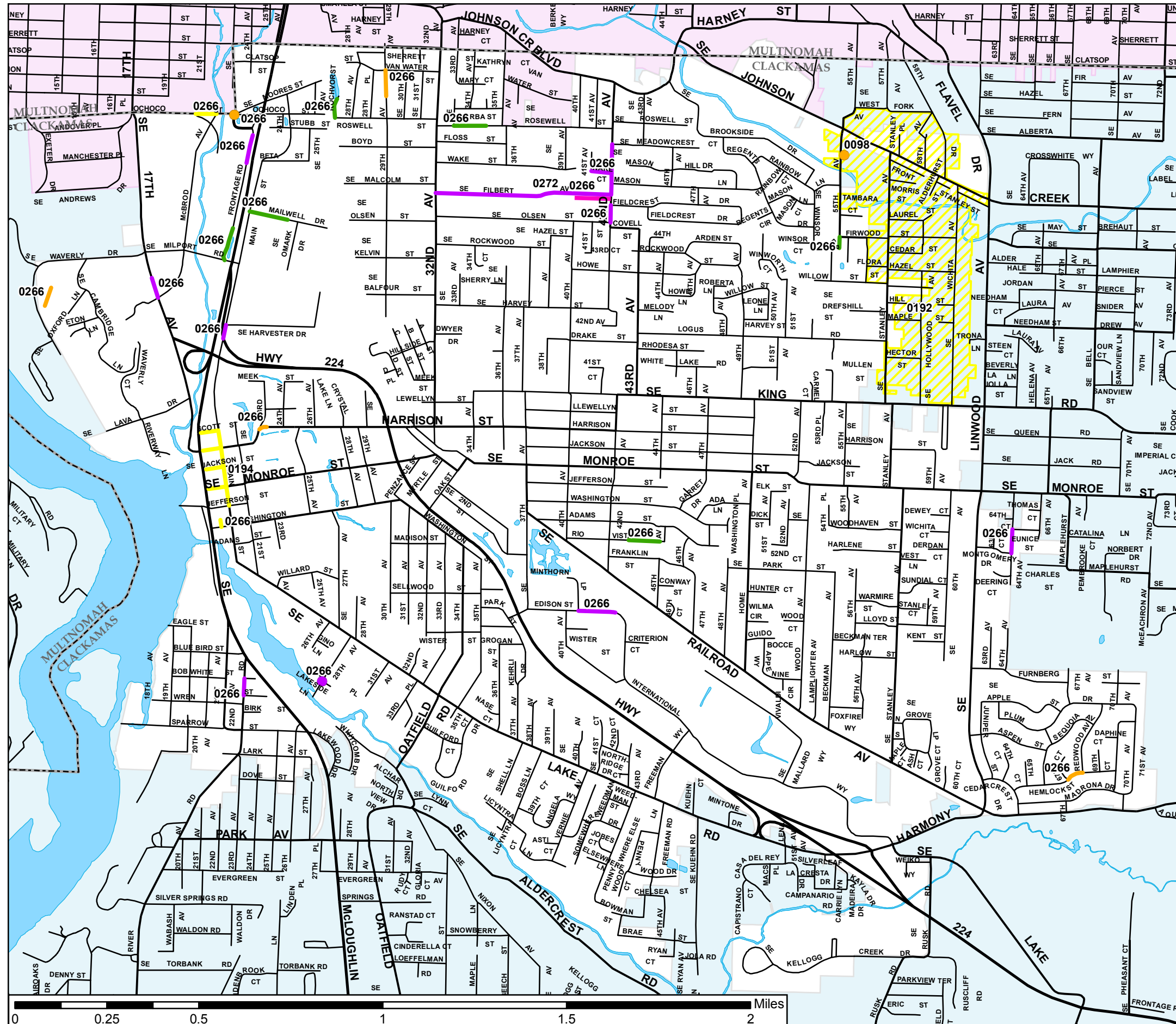
Pave River Rd from 99E to Lark. This project moved ahead (originally scheduled in 2011/12) with the addition of federal stimulus funds.

<b>Prepared By:</b> Brenda Schleining	<b>Date:</b> 3/31/09	<b>Project No:</b> 0269
<b>Fund:</b> 315	<b>Dept:</b> 634	<b>Object:</b> 7500
		<b>Subobj:</b> N/A

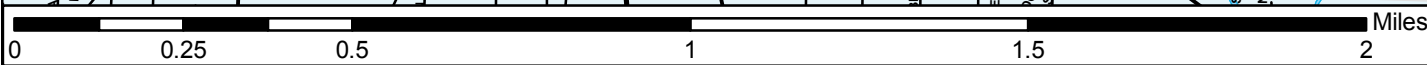




# City of Milwaukie Capital Improvement Plan 2010-2014 Wastewater



- 2009-2010
- 2010-2011
- 2011-2012
- 2012-2013
- 2013-2014









# City of Milwaukie Capital Improvement Plan

## JCB Area Lift Station

	08/09	09/10	10/11	11/12	12/13	Total
<b>Capital Cost:</b>						
Planning, Engineering, Design	7500	20,000				<b>27,500</b>
Construction		130,000	142,500			<b>272,500</b>
<b>Total Estimated Capital Cost</b>	<b>7,500</b>	<b>150,000</b>	<b>142,500</b>	<b>0</b>	<b>0</b>	<b>300,000</b>
<b>Revenue Source:</b>						
Wastewater SDC-545	7500	150,000	142,500			<b>300,000</b>
<b>Total Estimated Revenue</b>	<b>7,500</b>	<b>150,000</b>	<b>142,500</b>	<b>0</b>	<b>0</b>	<b>300,000</b>

**Description:**

As a part of the NE Sewer Extension project, this pump station will serve areas north of Johnson Creek. This project will reduce the environmental impacts to Johnson Creek caused by bacteria from the current on-site treatment systems.

<b>Prepared By:</b> Jason Rice	<b>Date:</b> 2/5/09	<b>Project No:</b> 0098	
<b>Fund:</b> 545	<b>Dept:</b> 742	<b>Object:</b> 7500	<b>Subobj:</b> 0820



# City of Milwaukie Capital Improvement Plan

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## NE Sewer Extension

	Fiscal Years					Total
	08/09	09/10	10/11	11/12	12/13	
<b>Capital Cost:</b>						
Planning, Engineering, Design	300,000	159,000				459,000
Construction		3,500,000				3,500,000
<b>Total Estimated Capital Cost</b>	<b>300,000</b>	<b>3,659,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,959,000</b>
<b>Revenue Source:</b>						
CWSRF Loan (through WW Cap. and Res. Fund)	300,000	3,659,000				3,959,000
<b>Total Estimated Revenue</b>	<b>300,000</b>	<b>3,659,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,959,000</b>

**Description:**

This project will account for the design and construction of a sewer project bounded by north of King Blvd., south of West Fork Ave., west of Linwood Ave. and east of Stanley Ave. Construction will be funded by a CWSRF Loan after the construction is complete.

<b>Prepared By:</b> Jason Rice	<b>Date:</b> 2/5/09	<b>Project No:</b> 0192
<b>Fund:</b> 550	<b>Dept:</b> 742	<b>Object:</b> 7500 <b>Subobj:</b> 0820



# City of Milwaukie Capital Improvement Plan

## Main Street Wastewater Line Relocation

	Fiscal Years					Total
	08/09	09/10	10/11	11/12	12/13	
<b>Capital Cost:</b>						
Planning, Engineering, Design	20,000					20,000
Construction	180,000	400,000				580,000
<b>Total Estimated Capital Cost</b>	<b>200,000</b>	<b>400,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>600,000</b>
<b>Revenue Source:</b>						
Wastewater SDC (Reimbursemt)	200,000	400,000				600,000
<b>Total Estimated Revenue</b>	<b>200,000</b>	<b>400,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>600,000</b>

**Description:**  
 This main replaces the main running in an old alley way parallel to Main St, from Scott to Jefferson, between Main and McLoughlin Blvd. That main is nearing end of life, runs beneath several buildings and is not in an easement.

<b>Prepared By:</b> Jason Rice	<b>Date:</b> 3/30/09	<b>Project No:</b> 0194
<b>Fund:</b> 545	<b>Dept:</b> 742	<b>Object:</b> 7500
		<b>Subobj:</b> 0820



# City of Milwaukie Capital Improvement Plan

## Capital Maintenance Program

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Construction	100,000	100,000	100,000	100,000	100,000	500,000 0 0
<b>Total Estimated Capital Cost</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>500,000</b>

<b>Revenue Source:</b>						
Wastewater Cap. & Res.	100,000	100,000	100,000	100,000	100,000	500,000
<b>Total Estimated Revenue</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>500,000</b>

**Description:** 09/10 Projects:  
 #1 Ochoco St. Sewer Rehabilitation will consist of 228 LF of cured-in-place-lining.  
 #2: Main Street Main Phase II will require the relocation of 54 LF of sewer main.

<b>Prepared By:</b> Jason Rice	<b>Date:</b> 2/5/09	<b>Project No:</b> 0266
<b>Fund:</b> 545	<b>Dept:</b> 742	<b>Object:</b> 7500 <b>Subobj:</b> N/A







# City of Milwaukie Capital Improvement Plan 2010-2014

## Water Projects

- 2009-2010
- 2010-2011
- 2011-2012
- 2012-2013
- 2013-2014





CIP 2010-2014			WATER DIVISION SUMMARY							
Project Number	Project Name	Page	CURRENT YEAR 08/09		09/10	10/11	11/12	12/13	13/14	Notes
			Adopted	Projected						
0143	Well 8		\$ 530,000	\$ 600,000						
0101	55th Ave. (King to Monroe) Waterline Repl.		156,000	156,000						
0147	Water Master Plan				\$200,000.00					New Master plan may change priority of long-term projects
0103	43rd Ave. Waterline Replacement (Rhodesa to King)				89,000.00					
0111	40th Ave. & Howe St. (Harvey to 43rd)				201,500.00					
0100	54th Pl. and Woodhaven St. Waterline					\$138,000.00				
0102	38th Ave. and Drake St. Waterline					114,000.00				
0105	Balfour St. (29th to 32nd) Waterline					89,000.00				
0104	44th Ave/Howe Ln./46th Ave. Waterline						\$126,000.00			
0107	Olsen St. Waterline (29th to 32nd)						90,200.00			
0106	Malcolm St. Waterline (29th to 32nd)						90,000.00			
0108	Llewellyn St. Waterline (32nd to 34th)							\$ 71,200.00		
0113	Rio Vista, Waymire Waterline							291,000.00		
<b>TOTALS</b>			<b>\$ 686,000</b>	<b>\$ 756,000</b>	<b>\$ 490,500</b>	<b>\$ 341,000</b>	<b>\$ 306,200</b>	<b>\$ 362,200</b>	<b>\$ 350,000</b>	



# City of Milwaukie Capital Improvement Plan

## Water Master Plan

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design	200,000					200,000
Construction						0
Contingency						0
<b>Total Estimated Capital Cost</b>	<b>200,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>200,000</b>
<b>Revenue Source:</b>						
Water Cap and Reserve	112,320					112,320
Water SDC Fund	87,680					87,680
<b>Total Estimated Revenue</b>	<b>200,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>200,000</b>

**Description:**  
 Milwaukie is currently working under and outdated 2001 Water Master Plan; this new Master Plan will take into account changes made within our water infrastructure since the last Plan was created.

<b>Prepared By:</b> Zach Weigel	<b>Date:</b> 2/6/09	<b>Project No:</b> 0147
<b>Fund:</b> 520	<b>Dept:</b> 741	<b>Object:</b> 7500
		<b>Subobj:</b> 1725



# City of Milwaukie Capital Improvement Plan

## 43<sup>rd</sup> Avenue (Rhodesa to King) Waterline Replacement

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design	5,000					5,000
Construction	70,000					70,000
Contingency	14,000					14,000
<b>Total Estimated Capital Cost</b>	<b>89,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>89,000</b>
<b>Revenue Source:</b>						
Water Cap and Reserve	89,000					89,000
Water SDC Fund						0
<b>Total Estimated Revenue</b>	<b>89,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>89,000</b>
<b>Description:</b>						
Replace 700 feet of 4-inch waterline with 8-inch waterline. Listed in the January 2001 Water System Master Plan as a priority one "small diameter pipeline replacement".						
<b>Prepared By:</b> Zach Weigel		<b>Date:</b> 2/6/09		<b>Project No:</b> 0103		
<b>Fund:</b> 520	<b>Dept:</b> 741	<b>Object:</b> 7500	<b>Subobj:</b> 1280			



# City of Milwaukie Capital Improvement Plan

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## 40<sup>th</sup> Avenue (Howe Street to Harvey Street) Howe Street (40<sup>th</sup> Avenue to 43<sup>rd</sup> Avenue)

	Fiscal Years					Total
	09/10	10/11	11/12	12/13	13/14	
<b>Capital Cost:</b>						
Planning, Engineering, Design	10,000					10,000
Construction	191,500					191,500
Contingency						0
<b>Total Estimated Capital Cost</b>	<b>201,500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>201,500</b>
<b>Revenue Source:</b>						
Water Cap and Reserve	73,346					73,346
Water SDC Fund	128,154					128,154
<b>Total Estimated Revenue</b>	<b>201,500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>201,500</b>

**Description:**

Construct 1,450 feet of 10-inch waterline on 40<sup>th</sup> Ave. from Harvey St. to Howe St. and on Howe St. from 40<sup>th</sup> Ave. to 43<sup>rd</sup> Ave. to relieve peak-hour demand deficiencies and relieve fire-flow deficiencies. This will connect the elevated tank to the 12-inch main at 43<sup>rd</sup> Ave. Identified in the January 2001 Water System Master Plan as a priority one project to relieve peak-hour demand deficiencies and relieve fire-flow deficiencies in the existing system. (Originally identified on Harvey St. and on 42<sup>nd</sup> Ave. Moved off of those streets because of potential damage to the new curb and sidewalk.)

<b>Prepared By:</b> Zach Weigel	<b>Date:</b> 2/6/09	<b>Project No:</b> 0147
<b>Fund:</b> 520	<b>Dept:</b> 741	<b>Object:</b> 7500
		<b>Subobj:</b> 1660











**To:** Mayor and City Council  
**Through:** Mike Swanson, City Manager  
**From:** Ignacio Palacios, Finance Director  
**Subject:** Supplemental Budget Resolution  
**Date:** June 8, 2009 for June 16, 2009 Council Meeting

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### **Action Requested**

Approve the attached resolution approving a supplemental budget fiscal year 2008-2009.

### **Background**

From time to time during the fiscal year, staff identifies necessary changes to the adopted budget as new information becomes available. The attached resolution and exhibit A describe the changes being requested due to that new information.

### **Concurrence**

The Budget Officer and Finance.

### **Fiscal Impact**

An additional amount of \$76,000 added to the General Fund beginning fund balance for transfers to the Planning Department and Community Development Fund for parking management tool totaling \$16,000 and \$60,000 the Information and Technology Department for various hardware replacement purchases. The increase in the General Fund beginning fund balance is from the difference between the budgeted amount of \$2,580,640 and the actual balance of \$2,800,000. A transfer from the Street Surface Maintenance Program (SSMP) Fund to the Streets Fund in the amount of approximately \$30,000 for reimbursement for crack, slurry and seal work conducted throughout the city. An additional amount of \$75,000 is being requested in the Water Capital and Reserve Contingency line item to be used to complete Well #8 which will reduce the contingency from \$100,000 to \$25,000.

In addition, the city was awarded a loan to provide sewer services to the Dual Interest Area 'A' – a portion of those debt proceeds will be received in this fiscal year (approximately \$216,000) to be used for engineering and design services and an

additional amount of \$155,000 is being requested to complete the 18<sup>th</sup> Avenue project – this amount is a carried forward from the prior fiscal year. Both these projects are being appropriated within the Wastewater Capital & Reserve Fund. There also requests for a \$10,000 increase in facilities personnel for on-call duties. Finally, there are other minor changes for projects that were not completed in the prior year and were carried forward to this fiscal year due to timing and/or delay – which include the Wastewater Master Plan Project and the Parking Management Tool.

**Alternatives**

Deny request or approve with modifications.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING TRANSFERS OF FY2008-09 APPROPRIATIONS AND APPROVING A SUPPLEMENTAL BUDGET.

WHEREAS, ORS 294.450(1) permits "transfers of appropriations" within any fund "when authorized by official resolution or ordinance of the governing body;" and

WHEREAS, ORS 294.450(2) limits "[t]ransfers of general operating contingency appropriations' to no more than ten (10) percent of the total appropriations of the fund' unless adopted pursuant to a supplemental budget; and

WHEREAS, transfers made pursuant to any of the above must state the need for the transfer, the purpose for the authorized expenditure, and the amount of appropriation transferred; and

WHEREAS, ORS 294.480(1)(a) permits supplemental budgets when "an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year or current budget period which requires a change in financial planning;" and

WHEREAS, ORS 294.480(4) requires the governing body to hold a public hearing on the supplemental budget "when the estimated expenditures contained in the supplemental budget for a fiscal year or budget period differ by ten (10) percent or more of any one of the individual funds contained in the regular budget for that fiscal year;" and

WHEREAS, the following transfer is made pursuant to ORS 295.450; and

WHEREAS, the following supplemental budget is made pursuant to ORS 294.480;

WHEREAS, none of the supplemental changes exceed ten (10) percent

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon that the transfers of appropriations and supplemental budgets for FY2008-09 are hereby approved in the amounts listed as follows:

See Exhibit A

Total increase in revenues        \$628,085        Total increase in expenditures \$628,085

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on June 16, 2009.

ATTEST:

SIGNED:

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
Jeremy Ferguson, Mayor

APPROVED AS TO FORM:  
Jordan, Schrader, Ramis, P.C.

\_\_\_\_\_  
City Attorney

City of Milwaukie  
Exhibit A

<b>Fund</b>	<b>Category</b>	<b>Adopted Budget</b>	<b>Change</b>	<b>Supplemental</b>
General	Beginning Fund Balance	2,580,640	76,000	2,656,640
	Transfer In		5,000	5,000
	Community Services		5,000	5,000
	Planning	850,365	8,000	858,365
	Transfers Out	224,872	68,000	292,872
Transfers to the Planning Department and Community Development Fund in the amounts of \$8,000, respectively, for the purpose of purchasing parking management tool for the downtown area, \$5,000 to Community Services for reimbursement from the Neighborhood Grant Fund for Homewood Park payment made on Neighborhood Associations behalf and \$60,000 to the Information & Technology Department for capital purchases.				
Administration	Beginning Fund Balance	7,800	60,000	67,800
	Capital Outlay	10,000	60,000	70,000
Transfer from the General Fund for various hardware replacements including the GIS Module for Incode, firewall replacement and continued maintenance of phone system.				
Neighborhood Grants	Capital Outlay	87,892	(5,000)	82,892
	Transfers Out	-	5,000	5,000
Reimbursement to Community Services for Homewood Park improvements.				
SSMP	Capital Outlay	120,000	(23,429)	96,571
	Transfers Out	161,484	23,429	184,913
Reimbursement to Street Fund for crack, slurry and sealing completed.				
Streets	Transfers In	-	23,429	23,429
	Personnel	396,233	11,894	408,127
	Materials & Services	913,501	11,535	925,036
Reimbursement from SSMP Fund for crack, slurry and sealing completed.				
Water Capital & Reserve	Capital Outlay	530,000	75,000	605,000
	Contingency	100,000	(75,000)	25,000
Additional cost necessary to complete Well #8				
Wastewater	Beginning Fund Balance	630,000	35,441	665,441
	Capital Outlay	25,000	35,441	60,441
Wastewater Master Plan carried forward to 2008-09.				

<b>Fund</b>	<b>Category</b>	<b>Adopted Budget</b>	<b>Change</b>	<b>Supplemental</b>
Wastewater SDC	Beginning Fund Balance	1,309,672	30,200	1,339,872
	Capital Outlay	180,000	30,200	210,200
Wastewater Master Plan carried forward to 2008-09.				
Wastewater Cap & Reserve	Beginning Fund Balance	1,188,000	155,000	1,343,000
	Debt Proceeds	-	216,000	216,000
	Capital Outlay	412,666	371,000	783,666
\$216,000 in unanticipated debt proceeds to be used for engineering and design of the Dual Interest Area Sewering Costs and the carry forward of prior year appropriation for the 18th Avenue project.				
Community Development	Beginning Fund Balance	-	8,000	8,000
	Materials & Services	632,198	8,000	640,198
\$8,000 for parking management tool for downtown parking.				
Engineering	Beginning Fund Balance	74,000	9,015	83,015
	Personnel	505,241	7,515	512,756
	Materials & Services	267,241	1,500	268,741
Additional appropriation for Engineering Intern to allow for completion of various projects totaling 7,515 and \$1,500 for increased telephone service costs.				
Facilities	Beginning Fund Balance	270,000	10,000	280,000
	Personnel	182,018	10,000	192,018
On-call pay omitted during budget process.				



**To:** Mayor and City Council

**Through:** Mike Swanson, City Manager  
Kenneth Asher, Community Development and Public Works Director

**From:** Katie Mangle, Planning Director

**Subject:** Code Table Clean-Up Amendments  
File: ZA-09-03

**Date:** May 28, 2009, for June 16, 2009, Public Hearing

### **Action Requested**

Adopt the proposed amendments to Milwaukie Municipal Code Title 14 Sign Ordinance, Title 17 Land Division Ordinance, and Title 19 Zoning Ordinance with the recommended findings in support of approval (see Attachment 1, Ordinance and Attachment 1, Exhibits A-C).

### **History of Prior Actions and Discussions**

**2009:** The City Recorder proposed a series of code amendments in preparation for the republishing of the Milwaukie Municipal Code.

### **Background**

The proposed amendments are “housekeeping” amendments to make tables in Titles 14, 17, and 19 more consistent. Currently, some tables are unnumbered or numbered incorrectly; some tables are unnamed or awkwardly named; and some tables are placed in illogical locations and orientations. These inconsistencies can make it difficult to locate and interpret important information.

In 2009 the City will republish the entire Municipal Code in a one-column format and with a new set of style and syntax standards. In preparation for this, staff evaluated all

of the tables in Titles 14, 17, and 19 to determine whether the numbers, labels, and locations were correct and appropriate. The proposed amendments clean up inconsistencies between tables throughout the three ordinances. No policy changes are proposed. Most of the changes that the republication project will make do not require Council approval. Because the changes proposed in this amendment package alter the content of some tables, they require approval through the legislative review process.

## **PROPOSED AMENDMENTS**

The City is proposing amendments to MMC Title 19 to accomplish the following:

- All tables numbered appropriately, according to the section of Code to which they pertain. An example of this renumbering can be found in Attachment 1, Exhibit B, 14.08.090 Conditional and community service use signs.
- All tables named appropriately. An example of this renaming can be found in Attachment 1, Exhibit B, 19.321.14 Standards for Wireless Communication Facilities.
- All tables placed appropriately, as soon as possible after the first paragraph where they are first referenced. An example of this relocation can be found in Attachment 1, Exhibit B, 17.12.020 Application procedure.
- All tables referenced appropriately, by number. An example of an updated reference can be found in Attachment 1, Exhibit B, 19.504.2 Number of Loading Spaces Required.

Zoning Code amendments are subject to approval criteria found in 19.904.1 Requirements for Zoning Text Amendments and 19.905 Approval criteria for all amendments. All amendments must be consistent with unamended portions of the Comprehensive Plan and with the statewide planning goals. As shown in Attachment 1 Exhibit A, Findings, the proposed amendments meet the approval criteria.

The City has complied with all applicable procedural and substantive standards imposed by the City and Metro. The proposed amendments comply with Statewide Planning Goals. See Attachment 1 Exhibit A, Findings for a detailed description.

## **CODE AUTHORITY AND DECISION-MAKING PROCESS**

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

- MMC 19.900 Amendments
- MMC 19.1101.5 Legislative actions

For legislative actions, the Planning Commission makes a recommendation to the City Council, which has the final decision. City Council will hear the matter at a public hearing on June 16, 2009.

### **Concurrence**

The Planning Commission held a public hearing on the proposed amendments on May 26, 2009 and recommends that the Council adopt the amendments.

### **Fiscal Impact**

None.

### **Work Load Impacts**

The amendments will make the Zoning, Sign, and Land Division ordinances easier to understand, therefore saving staff resources.

### **Alternatives**

Council may choose not to adopt the proposed amendments.

### **Attachments**

1. Draft Ordinance for Adoption
  - Exhibit A. Recommended Findings in Support of Approval (attached)
  - Exhibit B. Proposed amendments to MMC Title 19 (strikeout version) (attached)
  - Exhibit C. Proposed amendments to MMC Title 19 (clean version)
2. Applicant's Narrative and Supporting Documentation dated April 17, 2009

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 14 SIGN ORDINANCE, TITLE 17 LAND DIVISION ORDINANCE, AND TITLE 19 ZONING ORDINANCE TO MAKE ZONING ORDINANCE TABLES MORE CONSISTENT WITH ZONING ORDINANCE TEXT (FILE #ZA-09-03).**

**WHEREAS**, it is the desire of the City that the Municipal Code be consistent and understandable; and

**WHEREAS**, the proposed amendments to the Zoning, Sign, and Land Division Ordinances improve the consistency and clarity of the tables in these chapters; and

**WHEREAS**, legal and public notices have been provided as required by law; and

**WHEREAS**, on May 26, 2009, the Milwaukie Planning Commission conducted a public hearing, as required by Zoning Ordinance Section 1011.5 Legislative Actions, and adopted a motion in support of the amendment; and

**WHEREAS**, the Milwaukie 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 proposed amendment(s) are adopted by the City Council and are attached as Exhibit A.

Section 2. Text Amendments to Title 14 – Sign Ordinance, 17 – Land Division Ordinance, and 19 – Zoning Ordinance. The Sign Ordinance, Land Division Ordinance and Zoning Ordinance are amended as described in Exhibit B (strikeout version) and Exhibit C (clean version).

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 \_\_\_\_\_.

\_\_\_\_\_, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

## ATTACHMENT 1 - Exhibit A

### Recommended Findings in Support of Approval Case File # ZA-09-03, Code Table Amendments

1. The City of Milwaukie has proposed amendments to Title 14 Sign Ordinance, Title 17 Land Division Ordinance, and Title 19 Zoning Ordinance.
2. The purpose of the proposed code amendments is “housekeeping” in order to make the ordinance tables more consistent, as follows:
  - All tables numbered appropriately, according to the section of Code to which they pertain. (Some currently unnumbered or numbered incorrectly.)
  - All tables named appropriately. (Some currently unnamed or awkwardly named.)
  - All tables placed appropriately, as soon as possible after the first paragraph where they are first referenced. (Some tables currently in illogical locations and/or in landscape orientation where not really necessary, especially once we switch to single-column format.)
  - All tables referenced appropriately, by number. (Some currently not referenced at all or only referenced as "the following table," etc.)
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).
  - MMC 19.900 Amendments
  - MMC 19.1101.5 Legislative actions
4. Sections of the Milwaukie Municipal Code not addressed in these findings are found to be not applicable to the decision on this application.
5. Public notice has been provided in accordance with MMC Subsection 19.1011.5 Legislative Review. The Planning Commission held a public hearing on May 26, 2009.  
The City Council held a public hearing on June 16, 2009, as required by law.
6. Milwaukie Municipal Code (MMC) Chapter 19.900 – Amendments.

A. Section 19.901 Initiation of amendments

MMC 19.901 requires that an amendment to the Milwaukie Zoning Ordinance be initiated by the City Council, Planning Commission, or by a property owner. This amendment is proposed by the City of Milwaukie and will be initiated by the Planning Commission prior to the first public hearing.

The criterion for compliance with the requirements of MMC 19.901 is met.

B. Section 19.902 Amendment procedure

- i. MMC 19.902.1.A requires that proposed amendment applications be heard at a public hearing and follow the procedures outlined in MMC Subsection 19.1011.5 Legislative actions.

The Planning Commission held a public hearing for this application on May 26, 2009, the earliest practicable meeting after the application was submitted. The City Council will hold a public hearing on June 16, 2009, within 40 days of the Commission's recommendation on this application.

- ii. MMC 19.902.1.B establishes standards for providing notice to Metro of any proposed amendment to the comprehensive plan or zoning ordinance.

Notice to Metro was provided 45 days in advance of the scheduled City Council hearing. A report containing the analysis of the application's consistency with the Metro Urban Growth Functional Plan has been delivered to Metro.

The criteria for compliance with the requirements of MMC 19.902 are met.

C. Subsection 19.904.1 Requirements for zoning text amendment proposals

- i. MMC 19.904.1 requires that proposals for zoning text amendments provide written evidence that the following requirements are satisfied:

- (1) Applicable requirements of MMC Section 19.1003 Form of Petitions, applications and appeals, which specify the form of petitions, applications, and appeals.

City staff submitted an application on the prescribed form. Because the application is for a zoning code text amendment and no development is proposed, the other portions of MMC 19.1003 are not applicable.

- (2) Reasons for requesting the proposed text amendments.

The proposed code amendments apply to all of Title 19 Zoning Ordinance. The proposed revisions are designed to improve the consistency of zoning amendment tables.

- (3) Explanation of how the proposed text amendments are consistent with other provisions of this title.

The proposed text amendments are minimal and are "housekeeping" amendments.

- (4) The approval criteria of MMC 19.905.

The applicable approval criteria of MMC 19.905 are addressed below.

The criteria to comply with the requirements of MMC 19.904 are met.

D. Section 19.905 Approval criteria for all amendments

MMC 19.905 establishes the approval criteria for zoning text amendments. The applicable criteria are evaluated as follows:

- i. The proposed amendments must conform to applicable comprehensive plan goals, policies and objectives and be consistent with the provisions of City ordinances, Metro Urban Growth Management Functional Plan, and applicable regional policies.

**Compliance with the Comprehensive Plan:**

The proposed amendments will not change current City land use policy. The amendments are consistent with applicable comprehensive plan goals, policies and objectives. Specifically, the following comprehensive plan goals apply to this application:

- (1) Chapter 2 – Plan Review and Amendment Process, Objective 1 – Amending the Plan
  - Policy 1. Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan as necessary. The proposed amendments improve

the consistency of the ordinance tables, allowing for easier interpretation by City staff and residents.

**Compliance with City Policy:**

The proposed amendments will not change current City land use policy.

**Compliance with Metro Policy:**

Title 8 of the Metro Growth Management Functional Plan requires that the City's comprehensive plan and land use regulations comply with the Functional Plan. As required by Metro Code Section 3.07.820.A, the City provided notice of the proposed amendments to Metro's Chief Operating Officer on May 1, 2009.

- ii. The proposed amendments will meet or can be determined to reasonably meet applicable regional, state, or federal regulations.

The City has complied with all applicable procedural and substantive standards imposed by Metro, as discussed above.

The Oregon Statewide Planning Goals apply to the proposed amendments as follows:

(1) Goal 1 – Citizen Involvement

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has an adopted and acknowledged amendment process and is following that process in making these amendments. The proposed amendments do not change the City's citizen involvement program. Public hearings on the proposed amendments have been held and public notice was published twice prior to each hearing as required by the Milwaukie Comprehensive Plan.

The criteria for compliance with the applicable requirements of MMC 19.905 are met.

E. Subsection 19.1011.5 Legislative Actions

MMC 19.1011.5 outlines the procedures for processing legislative land use policies and plans. The City has followed the procedures for notification and decision making outlined in this section.

The criteria for compliance with the requirements of MMC 19.1011.5 are met.

- 7. Due to the fact that the proposed amendments are housekeeping amendments and do not affect policies, the application was not referred to other departments or agencies for comments.

# **ATTACHMENT 1 - Exhibit B Proposed Code Amendments Strikeout Version**

In the following proposed amendments, text proposed to be added is underlined, and text proposed to be deleted is ~~struck out~~. Notes explaining the changes are highlighted in **blue**.

# Title 14 SIGNS

## Chapter 14.08 ADMINISTRATION AND ENFORCEMENT

### 14.08.090 Conditional and community service use signs.

- A. \_\_\_\_\_ Signs for conditional and community service uses shall be limited to those allowed in the underlying zone, except as allowed by Subsections 14.08.090.B and C.
- B. \_\_\_\_\_ The standards of the underlying zone may be increased to the standards in Table 14.08.090-4.B, pursuant to a Type I review.

**TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER, AS SHOWN**

**Table 14.08.090-1.B**

**Standards for Conditional and Community Service Use Signs with Type I Review**

Sign Type	Size	Number	Height	Location
Monument or freestanding sign	Max. 16 SF per display surface	One	Max. 6 ft. above ground	Not in the public right-of-way
Wall sign	Max. 16 SF	One per building face		
Daily display	Max. 12 SF per display surface	One per frontage		Not in the public right-of-way except as allowed in MMC 14.20.040

- C. \_\_\_\_\_ The standards of the underlying zone may be increased to the standards in Table 14.08.090-2.C, pursuant to Minor Quasi-Judicial Review by the planning commission, as specified in MMC 19.1011.3.

In reviewing an application for a sign to meet the standards of Table 14.08.090-2.C, the planning commission will consider the proximity of the sign to residences, the functional classification of adjacent streets, and the scale of surrounding development.

**Table 14.08.090-1**

**Standards for Conditional and Community Service Use Signs with Type I Review**

Sign Type	Size	Number	Height	Location
Monument or freestanding sign	Max. 16 SF per display surface	One	Max. 6 ft. above ground	Not in the public right-of-way
Wall sign	Max. 16 SF	One per building face		
Daily display	Max. 12 SF per display surface	One per frontage		Not in the public right-of-way except as allowed in MMC 14.20.040

**Table 14.08.090-2.C**

**Standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review**

Sign Type	Size	Number	Height	Location
Monument or freestanding sign	Max. 40 SF per display surface  Max. length 20 ft.	One	Max. 12 ft. above ground	Not in the public right-of-way
Wall sign	10% of the building face, up to 40 SF	One per building face		
Daily display	Max. 12 SF per display surface	One per frontage		Not in the public right-of-way, except as allowed in MMC 14.20.040

## Chapter 14.16 SIGN DISTRICTS

### 14.16.010 Residential zone.

No sign shall be installed or maintained in an R zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in ~~this section~~ Table 14.16.010.

### 14.16.020 Residential-office-commercial zone.

No sign shall be installed or maintained in an R-O-C or R-1-B zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in ~~this section~~ Table 14.16.020.

### 14.16.030 Neighborhood commercial zone.

No sign shall be installed or maintained in a C-N zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in ~~this section~~ Table 14.16.030.

### 14.16.040 Commercial zone.

No sign shall be installed or maintained in the C-L, C-G and C-CS zones, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in ~~this section~~ Table 14.16.040.

**Table 14.16.040  
Standards for Signs in Commercial Zones C-L, C-G and C-CS**

Sign Type	Area	Height	Location	Number	Illumination <sup>1</sup>
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF per each lineal ft. of frontage over 100 ft. <sup>2</sup>	Max. 25 ft. from ground level, 14 ft. min. clearance below lowest portion of a sign in any driveway or parking area	Not permitted on any portion of a street, sidewalk, or public right-of-way <sup>3</sup>	1 multifaced sign per street frontage <sup>4</sup>	Permitted
Wall signs	Max. 20% of building face <sup>5</sup>	Not above roofline or top of parapet wall, whichever is higher	N/A	No limit	Permitted
Projecting signs	Max. 20% of building face <sup>5</sup>	Not above roofline or top of parapet wall <sup>6</sup>	Not within 20 ft. of another projecting sign	1 per occupancy frontage; prohibited if the premises has a freestanding or roof sign	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage	Max. 8 ft. above highest point of building; no sign support structure can be visible	Pending approval by fire marshal <sup>7</sup> May not project over parapet wall	Permitted instead of, and not in addition to, projecting or freestanding signs	Permitted
Awning signs	Max. display surface is 25% of surface of awning, not to exceed 20% of building face	No higher than the point where the roofline intersects the exterior wall <sup>8</sup>	N/A	1 per frontage per occupancy	Permitted

**Table 14.16.040 (continued)**  
**Standards for Signs in Commercial Zones C-L, C-G and C-CS**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Location</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Hanging sign suspended beneath awning	Max. area for hanging signs of 1 SF per 1 lineal ft. of awning length	Min. 8 ft. clearance for hanging signs from the ground to the lowest part of the sign or awning		1 hanging sign per awning	Permitted
Marquee signs	Max. display surface is 25% of surface of marquee, not to exceed 20% of building face	No higher than the point where the roofline intersects the exterior wall <sup>6</sup>	Not extending more than 1 ft. from the marquee surface or 1 ft. over the top edge of the marquee	1 per frontage per occupancy	Permitted
Under-marquee signs	Max. 6 SF per display surface or 12 SF in overall sign area	Min. 8 ft. clearance between the lowest portion of the sign and the ground	Shall not project within 2 ft. of curb	No limit	Permitted
Daily display signs	Max. 12 SF per display surface and 24 SF overall	Max. 6 ft. above ground level	Not within required landscaped areas or public right-of-way <sup>9</sup>	1 per property or occupancy	Permitted

Notes:

- <sup>1</sup> When fluorescent tubes are used for interior illumination of a sign within 500 ft. of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. See Section 14.24.020.
- <sup>2</sup> Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.
- <sup>3</sup> Currently existing freestanding signs may project over such right-of-way for a distance not to exceed two feet.
- <sup>4</sup> Where a frontage exceeds 300 feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.
- <sup>5</sup> If a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 20 percent of the face of the building.
- <sup>6</sup> Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within 2 feet of the curb nor beyond the distances specified in Table 14.16.060(E), E.2 for projection of signs into public rights-of-way.
- <sup>7</sup> Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting.
- <sup>8</sup> Regardless of the existence of a parapet wall.
- <sup>9</sup> A daily display sign may be allowed within the public right-of-way, subject to the standards of Section 14.20.040.

**14.16.050 Manufacturing zone.**

No sign shall be installed or maintained in an M or BI zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in ~~this section~~ Table 14.16.050.

**14.16.060 Downtown zones.**

**E. Projecting Signs.**

1. **Area.** Projecting signs shall not exceed in gross area twenty percent (20%) of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed twenty percent (20%) of the face of the building.
2. **Height and/or Clearance.** No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. No projecting sign shall project more than five (5) feet from a building. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two (2) feet of the curb nor beyond the distances specified in the following ~~Table 14.16.060.E.2.~~ Table 14.16.060(E).E.2.

<b>Table 14.16.060(E).E.2 Projection of Signs into Public Rights-of-Way</b>	
<b>Overhead Clearance</b>	<b>Maximum Projection Into Public Right-of-Way</b>
Less than 8 feet above finished floor/grade	Not permitted
8 feet above finished floor/grade	1 foot
8 to 16 feet above finished floor/grade	1 foot plus 6 inches for each foot of above clearance in excess of 8 feet
Over 16 feet above finished floor/grade	5 feet

## Title 17 LAND DIVISION

### Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA

#### 17.12.020 Application procedure.

- A. Applications for land division and property boundary changes shall be processed in accordance with Chapter 19.1000 Type I, Type II, and Minor Quasi-Judicial procedures as indicated in this section.
- B. Applications for property boundary changes shall be processed in accordance with Table 17.12.020 based on the type of change requested. The planning director may modify the procedures identified in Table 17.12.020 as follows:
  - 1. Minor Quasi-Judicial review may be changed to Type II review, or a Type II review may be changed to a Type I review upon finding the following:
    - a. The proposal is consistent with applicable standards and criteria;
    - b. The proposal is consistent with the basis and findings of the original approval; and
    - c. The proposal does not increase the number of lots.
  - 2. Minor Quasi-Judicial review may be required in the following situations:
    - a. When the planning commission approved the original land use action; and
    - b. The proposed change is inconsistent with the original approval.

**[TABLE MOVED HERE—NO CHANGES]**

**Table 17.12.020 Boundary Change Review Procedures**

Boundary Change Action	Type I	Type II	Minor Quasi-Judicial
1. Lot Consolidation Other Than Replat			
a. Legal lots created by deed.	X		
2. Property Line Adjustment			
a. Any adjustment that is consistent with the Oregon Revised Statutes and this title.	X		
b. Any adjustment that modifies a plat restriction.		X	
3. Partition Replat			
a. Any modification to a plat that was decided by the planning commission.			X
b. Parcel consolidation.	X		
c. Actions not described in 3(a) or (b).		X	
4. Subdivision Replat			X

- C. An increase in the number of lots within the original boundaries of a partition plat shall 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 (3).
- D. Partitions.
  - 1. Applications for preliminary partition plat shall be processed in accordance with Section 19.1011.2, Type II Administrative Review. Should any associated application subject to Minor Quasi-Judicial review be submitted in conjunction with a partition, the partition

application shall be processed according to Section 19.1011.3 Minor Quasi-Judicial review.

2. Full compliance with all requirements for subdivision may be required if the planning commission should determine that the entire parcel being partitioned is in the process of being divided for the purpose of subdivision. This provision applies if the land to be partitioned exceeds two (2) acres and within a year is being partitioned into more than two (2) parcels, any one of which is less than one (1) acre.
- E. Subdivisions. Applications for subdivision preliminary plat applications shall be processed in accordance with Section 19.1011.3 Minor Quasi-Judicial review.
- F. Final plats. Applications for final plats of partitions and subdivisions shall be processed in accordance with Section 19.1011.1 Type I Administrative Review.

**Table 17.12.020 Boundary Change Review Procedures**

<b>Boundary Change Action</b>	<b>Type I</b>	<b>Type II</b>	<b>Minor Quasi-Judicial</b>
<b>1. Lot Consolidation Other Than Replat</b>			
a. Legal lots created by deed.	X		
<b>2. Property Line Adjustment</b>			
a. Any adjustment that is consistent with the Oregon Revised Statutes and this title.	X		
b. Any adjustment that modifies a plat restriction.		X	
<b>3. Partition Replat</b>			
a. Any modification to a plat that was decided by the planning commission.			X
b. Parcel consolidation.	X		
c. Actions not described in 3(a) or (b).		X	
<b>4. Subdivision Replat</b>			X

## Title 19 ZONING

### Chapter 19.100 INTRODUCTORY PROVISIONS

#### 19.103 Definitions.

“Vegetated corridor” means the area of setback between the top of the bank of a protected water feature and the delineated edge of the water quality resource area as defined in ~~Table 1~~ Tables 19.322.9.A and 19.322.9.E.

### Chapter 19.200 BASIC PROVISIONS

#### 19.202 Classification of zones.

For the purposes of this title, the following zones are established in the city, per Table 19.202:

<b><u>Table 19.202</u></b> <b><u>Classification of Zones</u></b>	
<b>Zone Description</b>	<b>Abbreviated Description</b>
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential—Business Office—Commercial	R-1-B
Residential	R-1
Residential—Office—Commercial	R-O-C
Commercial, Neighborhood	C-N
Commercial, Limited	C-L
Commercial, General	C-G
Downtown Storefront	DS
Downtown Commercial	DC
Downtown Office	DO
Downtown Residential	DR
Downtown Open Space	DOS
Manufacturing	M
Commercial, Community Shopping	C-CS
Mixed Use Overlay	MU
Aircraft Landing Facility	L-F
Planned Development	PD
Willamette Greenway	WG
Community Service Use	CSU
Natural Resource Overlay	NR
Historic Preservation Overlay	HP
Business Industrial	BI

## Chapter 19.300 USE ZONES

### 19.312 Downtown zones.

#### 19.312.3 Uses.

- A. Permitted Uses. Uses allowed in the downtown zones are listed in Table 19.312.3 with a “P.” These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

**[TABLE MOVED HERE—NO CHANGES EXCEPT TITLE, AS SHOWN]**

**Table 19.312.3  
Downtown Zones—Use Table Uses**

Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
Residential					
Single-family detached	N	N	N	N	N
Townhouse	L[1]	N	N	L[1]	N
Multifamily apartment/condominium	L[10]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
Commercial/Office <sup>1</sup>					
Automobile service station	N	N	N	N	N
Automobile repair	N	L[2]	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	L[3]	N	N
Financial institution	P	P	P	N	N
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	L[4]	P	P	L[5]	N
Parking facility	P	P	P	N	L[6]
Personal/business services	L[7]	P	P	L[5]	N
Retail trade	P	P	L[3]	L[5]	N
Industrial	N	N	N	N	N
Other					
Adult entertainment	N	N	N	N	N
Community service uses	L[8]	L[8]	L[8]	L[8]	L[8]
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P
Transit centers	L[9]	L[9]	N	N	N

<sup>1</sup> Certain uses are permitted in the downtown storefront zone, but are not allowed in the required retail ground floor use area along Main Street (see Figure 19.312-2 and subsection 19.312.4(B)(7) for details).

- B. Limited Uses. Uses that are allowed subject to limitations are listed in Table 19.312.3 with an “L.” These uses are allowed if they comply with the limitations listed in subsection G below, and if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.
- C. Nonconforming Uses. Existing structures and uses that do not meet the standards for a particular downtown zone may continue in existence. Alteration of a nonconforming use or structure that is not in compliance with applicable standards shall be subject to the provisions of Chapter 19.800, Nonconforming Uses. For privately owned property with legal nonconforming uses and structures

within the downtown open space zone, Section 19.803 is not applicable, but all other provisions of Chapter 19.800 shall apply.

- D. Prohibited Uses. Uses listed in Table 19.312.3 with an “N” are prohibited as new uses.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in city parks and refreshment stands at the library.
- F. Similar Uses. The planning director, through a Type I administrative review, may determine that a use that is not listed is considered similar to a listed use in Table 19.312.3. The unlisted use shall be subject to the standards applicable to the similar listed use.

**Table 19.312.3  
DOWNTOWN ZONES USE TABLE**

Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
<b>Residential</b>					
Single family detached	N	N	N	N	N
Townhouse	L[1]	N	N	L[1]	N
Multifamily apartment/condominium	L[10]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second floor housing	P	P	P	P	N
<b>Commercial/Office<sup>1</sup></b>					
Automobile service station	N	N	N	N	N
Automobile repair	N	L[2]	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	L[3]	N	N
Financial institution	P	P	P	N	N
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	L[4]	P	P	L[5]	N
Parking facility	P	P	P	N	L[6]
Personal/business services	L[7]	P	P	L[5]	N
Retail trade	P	P	L[3]	L[5]	N
Industrial	N	N	N	N	N
<b>Other</b>					
Adult entertainment	N	N	N	N	N
Community service uses	L[8]	L[8]	L[8]	L[8]	L[8]
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P
Transit centers	L[9]	L[9]	N	N	N
<sup>1</sup> Certain uses are permitted in the downtown storefront zone, but are not allowed in the required retail ground floor use area along Main Street (see Figure 19.312-2 and subsection 19.312.4(B)(7) for details).					

- G. Limited Uses. The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an “L” in Table 19.312.3.

**19.312.4 Development Standards.**

~~A. Purpose. The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.312.4 summarizes the development standards that apply in the downtown zones. Table 19.312.4 is supplemented by the explanation of the development standards provided in subsection B below, and the following figures:~~

A. Purpose. The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.312.4 summarizes the development standards that apply in the downtown zones.

**[TABLE MOVED HERE—NO CHANGES EXCEPT TITLE, AS SHOWN]**

**Table 19.312.4  
Downtown Zones—\_Development Standards**

Standard	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
1. Minimum lot size	750 sf	10,000 sf	5,000 sf	750/5,000 sf <sup>21</sup>	None
2. Floor area ratio Minimum Maximum	1:1 4:1	0.3:1 2:1	0.5:1 3:1	N/A N/A	N/A N/A
3. Building height (see Figure 19.312-3) Minimum Maximum	35' 45'-55'	25' 55'	25' 65'	None 45'-65'	None None
4. Residential density Minimum Maximum	None None	None None	None None	10-30 U/Acre None	None None
5. Street setback (see Figure 19.312-4) Minimum Maximum	0' 10'	0' 50'	0' 10'	0' None	0' None
6. Other setbacks (side and rear)	None	None	None	15' <sup>22</sup>	None
7. Ground-floor retail (see Figure 19.312-2)	Yes	Yes	Yes	No	No
8. Ground-floor windows/doors (see Figure 19.312-5)	Yes	Yes	Yes	No	No
9. Drive-through facilities	No	No	No	No	No
10. Off-street parking required	No	Yes	No/Yes <sup>43</sup>	Yes	Yes
11. Landscaping	None	10%	None	15%	20%

<sup>21</sup> Townhouse lots may be as small as seven hundred fifty square feet. All other lots created in the DR zone shall be a minimum of five thousand square feet.

<sup>22</sup> Setbacks are required only where the DR zone abuts a lower-density residential zone.

<sup>43</sup> Off-street parking is not required in the DO zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO zone located outside of this boundary.

Table 19.312.4 is supplemented by the explanation of the development standards provided in subsection B below, and the following figures:

Figure 19.312-2 — Required Retail Ground Floor Use Areas

Figure 19.312-3 — Maximum Building Heights

Figure 19.312-4 — Build-to Lines

Figure 19.312-5 — Ground-Floor Windows and Openings

**Table 19.312.4  
DOWNTOWN ZONES — DEVELOPMENT STANDARDS**

<b>Standard</b>	<b>Downtown Storefront</b>	<b>Downtown Commercial</b>	<b>Downtown Office</b>	<b>Downtown Residential</b>	<b>Downtown Open Space</b>
1. Minimum lot size	750 sf	10,000 sf	5,000 sf	750/5,000 sf <sup>2</sup>	None
2. Floor area ratio					
Minimum	1:1	0.3:1	0.5:1	N/A	N/A
Maximum	4:1	2:1	3:1	N/A	N/A
3. Building height (see Figure 19.312-3)					
Minimum	35'	25'	25'	None	None
Maximum	45'-55'	55'	65'	45'-65'	None
4. Residential density					
Minimum	None	None	None	10-30 U/Acre	None
Maximum	None	None	None	None	None
5. Street setback (see Figure 19.312-4)					
Minimum	0'	0'	0'	0'	0'
Maximum	10'	50'	10'	None	None
6. Other setbacks (side and rear)	None	None	None	15' <sup>3</sup>	None
7. Ground floor retail (see Figure 19.312-2)	Yes	Yes	Yes	No	No
8. Ground floor windows/doors (see Figure 19.312-5)	Yes	Yes	Yes	No	No
9. Drive through facilities	No	No	No	No	No
10. Off street parking required	No	Yes	No/Yes <sup>4</sup>	Yes	Yes
11. Landscaping	None	10%	None	15%	20%
<sup>2</sup> Townhouse lots may be as small as seven hundred fifty square feet. All other lots created in the DR zone shall be a minimum of five thousand square feet.					
<sup>3</sup> Setbacks are required only where the DR zone abuts a lower density residential zone.					
<sup>4</sup> Off street parking is not required in the DO zone to the north of Washington Street and east of McLoughlin Boulevard. Off street parking is required in the DO zone located outside of this boundary.					

## 19.321 Community Service Use CSU.

### 19.321.14 Standards for Wireless Communication Facilities.

#### C. Application Process.

1. Placement, construction, or modification of WCFs not involving the construction of a new monopole shall be subject to the provisions of Section 19.1011.2 Type II Administrative Review process provided that the antennas and base equipment comply with the standards contained in this section. Also see Table 19.321.14.C.
2. All proposed new monopole towers are subject to Minor Quasi-Judicial Review. Also see Table 19.321.14.C.

**[TABLE MOVED HERE—NO CHANGES EXCEPT  
TABLE NUMBER/TITLE/LEGEND, AS SHOWN]**

**Table 19.321.14.DC**

#### **Wireless Communication Facilities—Type and Review Process**

**1** = Minor Quasi Judicial Review- requires a public hearing in front of the Planning Commission

**2** = Type II Administrative Review- provides for an administrative decision with the option of a public hearing

**P** = Permitted **N** = Not Permitted

Towers		WCFs Not Involving New Tower		
ZONES	New Monopole Tower 100 feet	Building Rooftop or Wall mounted antenna <sup>1</sup>	Water towers, existing towers, and other stealth designs	On existing utility pole in ROW with or with out extensions <sup>2</sup>
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
C-N	N	P2	P2	P2
C-G	N	P2	P2	P2
C-L	N	P2	P2	P2
CSC	N	P2	P2	P2
DC	N	P2	P2	P2
DR	N	P2	P2	P2
DO	N	P2	P2	P2
DS	N	P2	P2	P2
ROC	N	P2	P2	P2
R1B	N	P2	P2	P2
R1	N	N	P2	P2
R2	N	N	P2	P2
R2.5	N	N	P2	P2
R3	N	N	P2	P2
R5	N	N	P2	P2
R7	N	N	P2	P2
R10	N	N	P2	P2

**1** = Minor Quasi Judicial Review- requires a public hearing in front of the Planning Commission

**2** = Type II Administrative Review- provides for an administrative decision with the option of a public hearing

**P** = Permitted **N** = Not Permitted

<sup>1</sup> Rooftop extensions are not to exceed 15 feet in height above the roof top and are not to project greater than 5 feet from the wall of a building.

<sup>2</sup> Antennas placed on right-of-way utility poles may be extended 15 feet. If the pole cannot be extended, the carrier may replace the pole. The replacement utility pole shall not exceed 15 feet in height of the pole that is to be replaced

#### D. Application Submission Requirements.

In addition to the required submission material the following must also be included with the application:

1. Applications for a WCF that will include a new monopole tower:

- a. A narrative description of:
    1. Tower location
    2. Design
    3. Height
    4. Antenna location and type for all planned antennas
    5. Indication of the number of additional antennas the tower will be able to accommodate.
  - b. Type of antennas the tower is designed to accommodate and
  - c. Reason for the location, design and height of the proposed tower and antenna.
  - d. A photo simulation of the proposed tower in relation to the surrounding area.
  - e. A signed agreement binding present and future owners or operators of the WCF that allows co-location of antennas on the WCF.
  - f. Documentation that all necessary applications, permits, agreements and easements have been obtained.
  - g. Documentation of FAA or satisfactory evidence that FAA approval is not required. Satisfactory evidence that FAA approval is not required shall be an Aerospace Safety Analysis Corporation determination or similar evidence.
  - h. The signature of the property owner(s) on the application form or a written signed statement from the property owner(s) granting authorization to proceed with the land use application and building permits.
  - i. Documentation that alternative antenna support locations within one thousand five hundred (1500) feet have been considered and have been determined to be technologically or legally infeasible or inadequate. The applicant shall pay to the city the costs of hiring a third party to review the application for accuracy in accordance with the fee resolution adopted by the city council.
  - j. In addition to those items required on the site plan checklist, the following must also be included:
    1. Landscaping plan showing existing and proposed vegetation, including size, type and the amount of proposed vegetation.
    2. Location of connections to utilities and right-of-way curb cuts.
    3. Location of required easements and access drives.
    4. Location of the proposed wireless communication facility and related base equipment.
    5. The lease area in relation to the underlying parcel/property as well as neighboring parcels on all sides.
2. WCF Not Including a New Tower.
- a. Detailed narrative description describing the proposed antenna location, design and height.
  - b. Statement that antenna was placed so as to allow for placement of additional antennas on the same antenna support structure, to the extent practicable.

- c. Documentation demonstrating the proposal has been submitted and approved by the owner of the structure to which the antenna will be attached.
- d. Document demonstrating that necessary applications, permits, agreements, and easements have been obtained.
- e. For extensions to existing facilities the applicant shall provide documentation of FAA approval of the tower design or satisfactory evidence that FAA approval is not required. Satisfactory evidence that FAA approval is not required shall be an Aerospace Safety Analysis Corporation determination or similar evidence.
- f. The site plan must include the elements listed on the site plan checklist and must also include, to the extent applicable:
  1. Landscaping plan showing existing and proposed vegetation, include size, type and amount of proposed vegetation. In some cases, such as co-location on rooftops or other similar uses, the city may determine that landscaping will not be required.
  2. Location of connections to utilities and right-of-way curb cuts.
  3. Location of required easements and access drives.
  4. Location of proposed related base equipment and existing WCF.
  5. Lease area in relation to the underlying parcel/property as well as neighboring parcels on all sides.

**Table 19.321.14.D**

~~1 = Minor Quasi Judicial Review requires a public hearing in front of the Planning Commission~~

~~2 = Type II Administrative Review provides for an administrative decision with the option of a public hearing~~

~~P = Permitted N = Not Permitted~~

Towers		WCFs Not Involving New Tower		
ZONES	New Monopole Tower 100 feet	Building Rooftop or Wall mounted antenna <sup>1</sup>	Water towers, existing towers, and other stealth designs	On existing utility pole in ROW with or with out extensions <sup>2</sup>
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
<del>C-N</del>	<del>N</del>	<del>P2</del>	<del>P2</del>	<del>P2</del>
<del>C-G</del>	<del>N</del>	<del>P2</del>	<del>P2</del>	<del>P2</del>
<del>C-L</del>	<del>N</del>	<del>P2</del>	<del>P2</del>	<del>P2</del>
<del>CSC</del>	<del>N</del>	<del>P2</del>	<del>P2</del>	<del>P2</del>
<del>DC</del>	<del>N</del>	<del>P2</del>	<del>P2</del>	<del>P2</del>
<del>DR</del>	<del>N</del>	<del>P2</del>	<del>P2</del>	<del>P2</del>
<del>DO</del>	<del>N</del>	<del>P2</del>	<del>P2</del>	<del>P2</del>
<del>DS</del>	<del>N</del>	<del>P2</del>	<del>P2</del>	<del>P2</del>
<del>ROC</del>	<del>N</del>	<del>P2</del>	<del>P2</del>	<del>P2</del>
<del>R1B</del>	<del>N</del>	<del>P2</del>	<del>P2</del>	<del>P2</del>
<del>R1</del>	<del>N</del>	<del>N</del>	<del>P2</del>	<del>P2</del>
<del>R2</del>	<del>N</del>	<del>N</del>	<del>P2</del>	<del>P2</del>
<del>R2.5</del>	<del>N</del>	<del>N</del>	<del>P2</del>	<del>P2</del>
<del>R3</del>	<del>N</del>	<del>N</del>	<del>P2</del>	<del>P2</del>
<del>R5</del>	<del>N</del>	<del>N</del>	<del>P2</del>	<del>P2</del>
<del>R7</del>	<del>N</del>	<del>N</del>	<del>P2</del>	<del>P2</del>
<del>R10</del>	<del>N</del>	<del>N</del>	<del>P2</del>	<del>P2</del>

<sup>1</sup> — Rooftop extensions are not to exceed 15 feet in height above the roof top and are not to project greater than 5 feet from the wall of a building.

<sup>2</sup> — Antennas placed on right of way utility poles may be extended 15 feet. If the pole cannot be extended, the carrier may replace the pole. The replacement utility pole shall not exceed 15 feet in height of the pole that is to be replaced

E. Use of Existing Tower or Antenna Support Structure.

1. All wireless communication providers are required to attempt to co-locate on existing antenna support structures or locate on alternative antenna support structures before applying to construct a WCF that will include a new tower.
2. New towers shall not be approved unless the applicant demonstrates to the reasonable satisfaction of the planning director that no existing towers or alternative antenna support structure can accommodate the applicant's need for the placement of an antenna in the vicinity of the applicant's proposed location. Evidence demonstrating that use of an existing or alternative support structure is not possible shall be submitted to the planning director and shall include one or more of the following:
  - a. That no existing antenna support structures are located within the geographic area which meet the applicant's engineering requirements in regards to location, size, and structural strength and that alternative antenna support structures are not feasible.
  - b. That use of any existing structure would cause electromagnetic interference with the existing antennas and electronic and other radio frequencies.
  - c. That co-locating on an existing antenna support structure would violate RF emissions standards set by the FCC.
  - d. That fees, costs or contractual provisions required by the owner in order to use an existing antenna support structure are unreasonable. A refusal by the owner to allow co-location shall be considered an unreasonable provision.
3. Evidence demonstrating that alternative support structures were considered, but determined to be technologically insufficient, submitted to the planning director for review must be verified and stamped by an engineer licensed in the state of Oregon.
4. All wireless communication providers shall cooperate with other wireless communication providers and act in good faith in co-locating additional antennas on existing support structures and/or existing buildings or other alternative support structures. All support structures eighty (80) feet in height or greater shall be designed to not preclude co-location. All support structures eighty (80) feet or greater shall be designed to hold additional antennas that are substantially similar to the proposed antennas array.

F. Location and Size Restrictions.

1. Separation for New Monopole Towers.

New monopole towers may not be constructed within one thousand five hundred (1500) ft. of any pre-existing tower. The planning commission has the authority to approve a reduction in the minimum separation requirement to not less than one thousand (1000) feet, provided that the applicant can demonstrate the need to the satisfaction of the planning commission, for the distance reduction. A tower shall include any pre-existing tower or any tower for which the city has issued a building permit, or for which a land use application has been filed and not denied. This distance shall be measured in a straight line from the base of the existing tower to the base of the proposed tower.
2. Height. Maximum heights. Also see table 19.321.14.~~DC~~.

## 19.322 Water Quality Resource Regulations.

### 19.322.9 Application Requirements.

Applications for Type II and minor quasi-judicial review shall provide the following information in addition to the information required for the base zone:

- A. A topographic map of the site at contour intervals of five (5) feet or less showing a delineation of the water quality resource area, which includes areas shown on the Water Quality and Flood Management Area map, and that meets the definition of water quality resource areas in Table 19.322.9.A.

**TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER/TITLE, AS SHOWN**

**Table 19.322.9.A  
Vegetated Corridor Measurement by Protected Water Feature Type**

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor <sup>6</sup>
Primary Protected Water Features <sup>1</sup>	< 25%	<ul style="list-style-type: none"> <li>• Edge of bank full flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	50 feet
Primary Protected Water Features <sup>1</sup>	> 25% for 150 feet or more <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankfull flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	200 feet
Primary Protected Water Features <sup>1</sup>	> 25% for less than 150 feet <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankfull flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	Distance from starting point of measurement to top of ravine (break in > 25% slope) <sup>3</sup> , plus 50 feet. <sup>4</sup>
Secondary Protected Water Features <sup>2</sup>	< 25%	<ul style="list-style-type: none"> <li>• Edge of bankfull flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	15 feet
Secondary Protected Water Features <sup>2</sup>	> 25% <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankfull flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	50 feet

<sup>1</sup> Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

<sup>2</sup> Secondary Protected Water Features include intermittent streams draining 50—100 acres.

<sup>3</sup> Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the > 25% slope (see slope measurement in Appendix).

<sup>4</sup> A maximum reduction of 25 feet may be permitted in the width of the vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

<sup>5</sup> Vegetated corridors in excess of 50-foot for primary protected features, or in excess of 15-foot for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.

<sup>6</sup> Vegetated corridor width shall be applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.

- B. The location of all existing natural features including, but not limited to, all trees of a caliper greater than six (6) inches diameter at breast height (DBH), natural drainages on the site, springs, seeps, and outcroppings of rocks or boulders within the water quality resource area.
- C. Location of wetlands. Where wetlands are identified, the applicant shall follow the division of state lands wetlands delineation process. The delineation shall be prepared by a professional wetlands specialist and will be accepted only after approval by the Oregon division of state lands.
- D. An inventory and location of existing debris and noxious materials.

- E. An assessment of the existing condition of the water quality resource area in accordance with Table 219.322.9.E.

**TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER, AS SHOWN**

**Table 219.322.9.E  
WATER QUALITY RESOURCE AREA REQUIREMENTS**

<b>EXISTING CONDITION OF WATER QUALITY RESOURCE AREA</b>	<b>REQUIREMENTS APPLICABLE TO PORTIONS OF THE WATER QUALITY RESOURCE AREA DISTURBED DURING DEVELOPMENT OR LAND DISTURBANCE</b>
<p><b>Good Existing Corridor:</b></p> <p>Combination of trees, shrubs and groundcover are 80% present, and there is more than 50% tree canopy coverage in the vegetated corridor.</p>	<p>Submit an inventory of vegetation in areas proposed to be disturbed and a plan for mitigating water quality impacts related to the development, including: sediments, temperature and nutrients; sediment control; temperature control</p> <p>or addressing any other condition that may have caused the Protected Water Feature to be listed on DEQ’s 303 (d) list.</p> <p>Inventory and remove debris and noxious materials.</p>
<p><b>Marginal Existing Vegetated Corridor:</b></p> <p>Combination of trees, shrubs and groundcover are 80% present, and 25—50 percent canopy coverage in the vegetated corridor.</p>	<p>Vegetated disturbed and bare areas with non-nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p> <p>Revegetate with native species using a city approved plan developed to represent the vegetative composition that would naturally occur on the site.</p> <p>Revegetation must occur during the next planting season following site disturbance. Annual replacement of plants that do not survive is required until vegetation representative of natural conditions is established on the site.</p> <p>Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p>
<p><b>Degraded Existing Vegetated Corridor:</b></p> <p>Less vegetation and canopy coverage than Marginal Vegetated Corridors, and/or greater than 10% surface coverage of any non-native species.</p>	<p>Vegetate disturbed and bare areas with appropriate plants from Native Plants List.</p> <p>Remove non-native species and revegetate with non-nuisance plantings from Native Plants List.</p> <p>Plant and seed to provide 100 percent surface coverage.</p> <p>Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p>

- F. An inventory of vegetation, including percentage ground and canopy coverage.
- G. Alternatives analysis demonstrating that:
1. No practicable alternatives to the requested development exist that will not disturb the water quality resource area; and
  2. Development in the water quality resource area has been limited to the area necessary to allow for the proposed use; and
  3. The water quality resource area can be restored to an equal or better condition in accordance with Table 219.322.9.E; and

4. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.
- H. For applications seeking an alteration, addition, rehabilitation or replacement of existing structures located within the water quality resource area:
1. Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the water quality resource area than the one proposed; and
  2. If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the water quality resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and
  3. Provide mitigation to ensure that impacts to the functions and values of the water quality resource area will be mitigated or restored to the extent practicable.
- I. A water quality resource area mitigation plan that contains the following information:
1. A description of adverse impacts that will be caused as a result of development.
  2. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table ~~2~~19.322.9.E.
  3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.
  4. A map showing where the specific mitigation activities will occur.
  5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.
- J. All information contained in the application submission requirements and site plan checklist forms prescribed by the planning director.
- K. The application fee as adopted by the city council.

**19.322.10 Development Standards.**

Applications for development or land disturbance on properties that contain water quality resource areas shall demonstrate compliance with the following standards:

- A. The water quality resource area shall be restored and maintained in accordance with the mitigation plan and the specifications in Table ~~2~~19.322.9.E.
- B. To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the water quality resource area.
- C. Where existing vegetation has been removed, the site shall be revegetated as soon as practicable.
- D. Prior to construction, the water quality resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as may be allowed by this chapter. Such markings shall be maintained until construction is complete.

- E. Stormwater pre-treatment facilities:
  - 1. The stormwater pre-treatment facility may encroach a maximum of twenty-five (25) feet into the outside boundary of the water quality resource area of a primary water feature; and
  - 2. The area of encroachment must be replaced by adding an equal area to the water quality resource area on the property.
- F. Additions, alterations, rehabilitation and replacement of lawful structures.
  - 1. For existing structures, roadways, driveways, accessory uses and development which are nonconforming, this chapter shall apply in addition to the nonconforming use regulations of the city.
  - 2. Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development shall not encroach closer to the protected water feature than the existing structures, roadways, driveways, accessory uses and development.
- G. Off-site Mitigation. Offsite mitigation shall not be used to meet mitigation requirements of this chapter.
- H. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution or sedimentation to the adjacent water quality resource area.
- I. Where practicable, the types, sizes and intensities of lights must be placed so that they do not shine directly into the natural resource locations.
- J. Where proposed, development of trails, rest points, viewpoints and other facilities for the enjoyment of the resource must be done in such a manner so as to reduce impacts on the natural resource while allowing for the enjoyment of the resource.
- K. Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, except where mitigation is approved, so as to provide a transition between the proposed development and the natural resource, provide opportunity for food, water and cover for animals located within the water quality resource.
- L. Storm water flows as a result of proposed development within and to natural drainage courses shall not exceed pre-development flows.
- M. Road crossings of major natural drainage courses will be minimized as much as possible.
- N. The construction phase of the development must be done in such a manner to safeguard the resource portions of the site that have not been approved for development.

**19.322.11 Variances.**

- A. The purpose of this section is to ensure that compliance with this ordinance does not cause unreasonable hardship. To avoid such instances, the requirements of this ordinance may be varied. Variances are also allowed when strict application of this ordinance would unreasonably deprive an owner of economically viable use of land.
- B. This section applies in addition to the standards governing proposals to vary the requirements of the base zone.
- C. A variance to avoid the unreasonable loss of economically viable use of a lot that contains protected water features is permitted. Applicants must demonstrate that without the proposed variance, the reasonable economic use of the property would be denied. The applicant must show

that no other development proposal could result in permission for an economically viable use of the property.

D. Variance Conditions.

The planning commission may impose such conditions as are deemed necessary to minimize adverse impacts that may result from granting relief from provisions of this chapter. If a variance is granted, it shall be subject to the following conditions:

1. The minimum width of the vegetated corridor shall be twenty-five (25) feet on each side of a primary protected water feature.
2. No more than twenty-five percent (25%) of the length of the water quality resource area for a primary protected water feature within a development site can be less than twenty-five (25) feet in width on each side of the water feature.

**19.322.12 Map Administration.**

A. The purpose of this section is to provide a process for amending the Water Resource Quality Map to add water resources and correct the location of protected water features and the water quality resource areas.

B. Map Corrections, Deletions.

1. Improperly mapped water features shown on the Milwaukie Water Quality Maps may be deleted by administrative review in accordance with 19.1011.2 subject to the following criteria:
  - a. In the case of wetlands, submission of a wetland delineation prepared by a professional wetland scientist in accordance with the 1996 Oregon Freshwater Wetland Assessment Methodology demonstrating that the site does not contain wetlands.
  - b. In the case of drainages, submission of a hydrology report prepared by a professional engineer demonstrating that the drainage does not meet the definition of a protected resource.
2. The planning director shall confer with the department of state lands and metro to confirm delineation and hydrology reports as may be needed prior to issuing a notice of decision on a requested map deletion.
3. The city shall amend the Water Quality Resource Map if the wetland or hydrology report demonstrates:
  - a. That a primary protected water feature no longer exists because the area has been legally filled, culverted or developed prior to the adoption of this chapter; or
  - b. The boundaries of the water quality resource area have changed since adoption of the Water Quality and Flood Management Areas Map; or
  - c. An error in the original mapping has been demonstrated.

C. Map Correction, Additions and Modifications. Map corrections that require the addition of a protected water feature to the water quality map shall be made in accordance with 19.900 Amendments.

D. Modification of the water quality resource area. To modify the water quality resource area, the applicant shall demonstrate that the modification will offer the same or better protection of the protected water feature, water quality resource area and flood management area by:

1. Preserving a vegetated corridor that will separate the protected water feature from proposed development; and
2. Preserving existing vegetated cover or enhancing the water quality resource area sufficient to assist in maintaining or reducing water temperatures in the adjacent protected water feature; and
3. Enhancing the water quality resource area sufficient to minimize erosion, nutrient and pollutant loading into the adjacent protected water feature; and
4. Protecting the vegetated corridor sufficient to provide filtration, infiltration and natural water purification for the adjacent protected water feature; and
5. Stabilizing slopes adjacent to the protected water feature.

**Table 1**

<b>Protected Water Feature Type (see definitions)</b>	<b>Slope Adjacent to Protected Water Feature</b>	<b>Starting Point for Measurements from Water Feature</b>	<b>Width of Vegetated Corridor<sup>6</sup></b>
<b>Primary Protected Water Features<sup>1</sup></b>	< 25%	• Edge of bank full flow or 2-year storm level; • Delineated edge of Title 3 wetland	50 feet
<b>Primary Protected Water Features<sup>1</sup></b>	> 25% for 150 feet or more <sup>5</sup>	• Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetland	200 feet
<b>Primary Protected Water Features<sup>1</sup></b>	> 25% for less than 150 feet <sup>5</sup>	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	Distance from starting point of measurement to top of ravine (break in > 25% slope) <sup>3</sup> , plus 50 feet. <sup>4</sup>
<b>Secondary Protected Water Features<sup>2</sup></b>	< 25%	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	15 feet
<b>Secondary Protected Water Features<sup>2</sup></b>	> 25% <sup>5</sup>	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	50 feet

<sup>1</sup> Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

<sup>2</sup> Secondary Protected Water Features include intermittent streams draining 50—100 acres.

<sup>3</sup> Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the > 25% slope (see slope measurement in Appendix).

<sup>4</sup> A maximum reduction of 25 feet may be permitted in the width of the vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

<sup>5</sup> Vegetated corridors in excess of 50 feet for primary protected features, or in excess of 15 feet for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.

<sup>6</sup> Vegetated corridor width shall be applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.

**Table 2**  
**WATER QUALITY RESOURCE AREA REQUIREMENTS**

<b>EXISTING CONDITION OF WATER QUALITY RESOURCE AREA</b>	<b>REQUIREMENTS APPLICABLE TO PORTIONS OF THE WATER QUALITY RESOURCE AREA DISTURBED DURING DEVELOPMENT OR LAND DISTURBANCE</b>
<p><b>Good Existing Corridor:</b></p> <p>Combination of trees, shrubs and groundcover are 80% present, and there is more than 50% tree canopy coverage in the vegetated corridor.</p>	<p>Submit an inventory of vegetation in areas proposed to be disturbed and a plan for mitigating water quality impacts related to the development, including: sediments, temperature and nutrients; sediment control; temperature control</p> <p>or addressing any other condition that may have caused the Protected Water Feature to be listed on DEQ's 303 (d) list.</p> <p>Inventory and remove debris and noxious materials.</p>
<p><b>Marginal Existing Vegetated Corridor:</b></p> <p>Combination of trees, shrubs and groundcover are 80% present, and 25—50 percent canopy coverage in the vegetated corridor.</p>	<p>Vegetated disturbed and bare areas with non- nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p> <p>Revegetate with native species using a city approved plan developed to represent the vegetative composition that would naturally occur on the site.</p> <p>Revegetation must occur during the next planting season following site disturbance. Annual replacement of plants that do not survive is required until vegetation representative of natural conditions is established on the site.</p> <p>Restore and mitigate according to approved plan using non- nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p>
<p><b>Degraded Existing Vegetated Corridor:</b></p> <p>Less vegetation and canopy coverage than Marginal Vegetated Corridors, and/or greater than 10% surface coverage of any non- native species.</p>	<p>Vegetate disturbed and bare areas with appropriate plants from Native Plants List.</p> <p>Remove non- native species and revegetate with non- nuisance plantings from Native Plants List.</p> <p>Plant and seed to provide 100 percent surface coverage.</p> <p>Restore and mitigate according to approved plan using non- nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p>

## Chapter 19.500 OFF-STREET PARKING AND LOADING

### 19.503 Off-street parking standards.

#### 19.503.3 Minimum Number of Required Parking Spaces and Maximum Allowable Parking.

- A. Parking shall be provided for all uses in accordance with specifications of Table 19.503.93. Where a use is not named in Table 19.503.93, determination of applicable parking standards shall be made in accordance with subsection 19.503.6.
- B. Except as provided herein, parking provided shall not be less than “minimum parking required” nor shall parking provided exceed “maximum allowable parking” as shown in Table 19.503.93.

**[\[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER, AS SHOWN\]](#)**

<b>Table 19.503.93 MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS</b>			
Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
<b>A. Residential Uses</b>			
1. 1- and 2-unit attached home; manufactured home; single-family detached	2 spaces per dwelling unit, one of which must be covered.	Not applicable.	Not applicable.
2. Flag lots	2 spaces per dwelling unit, one of which must be covered, plus 1 additional parking space per dwelling unit, which shall not be located within any access strip or required paved turnaround area.	Not applicable.	Not applicable.
3. Studio or 1-bedroom unit 600 sf or less (see Chapter 19.100)	1 space per dwelling unit; enclosure/cover not required.	None.	None.
4. Attached dwellings containing 3 or more dwelling units	1.25 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	Same as Zone A
5. Mobile home park	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 10 dwelling units for recreational vehicles, boats, etc.	Same as minimum.	Same as Zone A
6. Residential employees, staff, caregivers, and caretakers	1 space per each full-time equivalent (FTE) employee or fraction thereof over .5 FTE, in addition to the normal residential space requirements.	Same as minimum.	Same as Zone A

**Table 19.503.93 (continued)**  
**MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS**

<b>Use</b>	<b>Minimum Required</b>	<b>Zone A Maximum Allowed</b>	<b>Zone B Maximum Allowed</b>
<b>B. Residential Support Uses</b>			
1. Church	1 space per 5 seats, or 1 space per 12 lineal feet of bench.	1 space per 3 seats, or 1 space per 8 lineal feet of bench.	Same as Zone A
2. College, university, institute of higher learning	1 space per 3 students.	1 space per 2 students.	Same as Zone A
3. Daycare center	1 space per employee on the largest shift, plus 1 per facility vehicle, plus 1 space per 8 pupils.	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 5 pupils.	Same as Zone A
4. School—elementary or junior high	1.75 spaces per classroom.	1.5 spaces per classroom.	Same as Zone A
5. School—senior high	.33 spaces per student, plus 1 space per staff.	.25 space per student, plus 1 space per staff.	Same as Zone A
<b>C. Lodging Places</b>			
1. Motel, hotel	.9 space per lodging unit.	1.1 spaces per lodging unit.	Same as Zone A
2. Boarding house	1 space per guest room.	1.25 spaces per guest room.	Same as Zone A
3. Bed and breakfast establishments	1 space per guest room, plus 1.5 spaces per permanent residents.	1 space per guest room, plus 2 spaces per permanent residents.	Same as Zone A
<b>D. Places of Public Assembly</b>			
1. Auditorium or meeting room (other than church or school)	1 space per 4 seats, or 1 space per 60 square feet of floor area.	1 space per 3 seats, or 1 space per 45 square feet of floor area.	Same as Zone A
2. Club, lodge, or association	1 space per 4 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	1 space per 3 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	Same as Zone A
3. Library, museum, art gallery	1 space per 1,000 square feet of gross floor area.	1.2 spaces per 1,000 square feet of gross floor area.	Same as Zone A
<b>E. Commercial Uses—Recreational</b>			
1. Amusement park	1 space for each 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
2. Billiard hall	1 space per table, plus 1 space per employee of the largest shift.	Same as minimum.	Same as Zone A
3. Bowling alley	2 spaces for each alley, plus 1 space per employee of the largest shift.	4 spaces for each alley, plus 1 space per employee of the largest shift.	Same as Zone A
4. Dance hall, skating rink, or gymnasium	1 space per 100 square feet of gross floor area.	1 space per 50 square feet of gross floor area.	Same as Zone A
5. Golf driving range	1 space per each driving tee.	1.5 spaces per each driving tee.	Same as Zone A
6. Indoor arena or theater	1 space per 4 seats, or 1 space per 5 occupants as calculated under the Uniform Building Code.	1 space per 3 seats.	Same as Zone A

**Table 19.503.93 (continued)**  
**MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS**

<b>Use</b>	<b>Minimum Required</b>	<b>Zone A Maximum Allowed</b>	<b>Zone B Maximum Allowed</b>
<b>E. Commercial Uses—Recreational (continued)</b>			
7. Miniature golf	1.25 spaces per hole.	1.5 spaces per hole.	Same as Zone A
8. Race track or stadium	1 space per 4 seats, or 1 space for 8 feet of bench length.	1 space per 3.5 seats, or 1 space for 6 feet of bench length.	Same as Zone A
9. Indoor racquet courts	2 spaces per court, plus 1 space per employee of largest shift.	3 spaces per court, plus 1 space per employee of largest shift.	Same as Zone A
<b>F. Commercial Uses—Retail Goods</b>			
1. Eating and drinking establishments			
a. Sit-down	10 spaces per 1,000 square feet of gross floor area.	15 spaces per 1,000 square feet of gross floor area.	Same as Zone A
b. Fast food	9.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	12.4 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	14.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.
2. Convenience store	4 spaces 1,000 square feet of gross floor area.	5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
3. Grocery store	1 space per 245 square feet of gross floor area.	1 space per 200 square feet of gross floor area.	1 space per 165 square feet of gross floor area.
4. Apparel and department stores	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
5. Furniture and home furnishings	1 space per 1,000 square feet of gross floor area.	1.5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
6. Gas stations			
a. Gas-only	1 space per 4 pumps.	1.25 spaces per 4 pumps.	Same as Zone A
b. Full-service	1 space per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	1.25 spaces per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	Same as Zone A
7. Auto, boat, or trailer sales	1 space per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	2 spaces per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	Same as Zone A
<b>G. Commercial Uses—Services</b>			
1. Banking			
a. Automatic teller	2 spaces per machine.	Same as minimum.	Same as Zone A
b. Bank (walk-in only)	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
c. Bank (with drive-in windows)	3 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	3.5 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	Same as Zone A
2. Barber shop or beauty parlor	1 space per 125 square floor area.	1 space per 100 square feet of floor area.	Same as Zone A
3. Health practitioner's office	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A

**Table 19.503.93 (continued)**  
**MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS**

<b>Use</b>	<b>Minimum Required</b>	<b>Zone A Maximum Allowed</b>	<b>Zone B Maximum Allowed</b>
<b>G. Commercial Uses—Services (continued)</b>			
4. Animal hospital/veterinary clinic	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
5. Hospital	1 space per bed.	2 spaces per bed.	Not applicable.
6. Nursing, convalescent, and extended-care facilities	1 space per 4 beds.	1 space per 3 beds.	Same as Zone A
7. Professional services	1 space per 370 square feet of gross leasable area.	1 space per 295 square feet of floor area.	1 space per 245 square feet of floor area.
8. Personal services	1 space per 125 square feet of floor area.	1 space per 100 square feet of floor area.	Same as Zone A
9. Repair shops (items other than motorized vehicles)	1 space per 350 feet of gross floor area.	1 space per 300 feet of gross floor area.	Same as Zone A
10. Car wash			
a. Self-serve	2 spaces, plus 1 space per wash bay (clear of the right-of-way)	2 spaces, plus 2 spaces per wash bay (clear of the right-of-way)	Same as Zone A
b. Full-serve	1 space per 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
11. Dry cleaners	1 space per 350 square feet of gross floor area.	1 space per 300 square feet of gross floor area.	Same as Zone A
12. Mortuary/funeral home	1 space per each 5 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	1 space per each 4 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	Same as Zone A
13. Automotive, truck, and trailer rental	1 space per 400 square feet of gross floor area.	1 space per 350 square feet of gross floor area.	Same as Zone A
<b>H. Industrial Uses</b>			
1. Manufacturing	1 space per 1,000 square feet of gross floor area.	1.25 spaces per 1,000 square feet of gross floor area.	Same as Zone A
2. Storage, warehouse, wholesale establishment less than 150,000 square feet	1 space per 1,500 square feet of gross floor area.	1 space per 1,000 square feet of gross floor area.	Same as Zone A
3. Storage, warehouse, wholesale establishment greater than or equal to 150,000 square feet	1 space per 3,000 square feet of gross floor area.	1 space per 2,500 square feet of gross floor area.	1 space per 2,000 square feet of gross floor area.
4. Miniwarehouse; self-service storage	1 space per 12 storage units, plus 1 space per employee of the largest shift.	1 space per 10 storage units, plus 1 space per employee of the largest shift.	Same as Zone A

#### **19.503.4 Special Exemption from Maximum Allowable Parking Standards.**

The following uses shall be exempt from maximum allowable parking standards of Table 19.503.93. This exemption does not limit any provision or authority to restrict the size, location, or design of such uses. On sites where the following parking is provided, it shall not be included in the parking count used for determining maximum allowable parking:

- A. Structured parking;
- B. Valet lots;
- C. Pay lots;
- D. Employee carpool parking, when such areas are dedicated by way of on-site reservation or dedication;
- E. Fleet parking;
- F. Automobile sales lots;
- G. Truck loading areas.

#### **19.503.5 Determination of Parking Zone Classification.**

- A. Zone A.
  - 1. All areas zoned DS, DC, DO, DR, DOS, and mixed use overlay shall be classified zone A; and
  - 2. All properties located within one-quarter mile walking distance of a transit bus stop that provides twenty (20) minute peak hour service shall be classified zone A. In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the nearest point of the subject lot located along the nearest street frontage that allows for the shortest walking distance. The transit provider shall be the official source for transit stop location and peak service availability.
- B. Zone B.
  - 1. All properties not located within zone A shall be classified zone B.

#### **19.503.6 Determination of Required Parking for Unlisted Uses.**

The planning director shall determine the minimum required parking spaces and maximum allowable parking spaces for all uses not listed in Table 19.503.93; unless an application is under review by the planning commission, in which case the commission shall make the determination. In all determinations for unlisted uses, the applicant shall be required to submit studies or technical information about the use, parking demand, traffic (vehicle trip) generation, and otherwise as deemed necessary to make a determination. The city may consider testimony and publications of individuals, agencies, or institutions experienced in parking and traffic engineering in its determination of parking standards.

#### **19.503.7 Reduction of Required Parking.**

Notwithstanding provisions for modification of parking requirements found in subsection 19.503.8, the following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. No reduction taken pursuant to this section shall discount required minimum parking used in any request for modification of required parking.

In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking

distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

- A. Parking for commercial and industrial uses may be reduced by ten percent providing the development is within five hundred feet walking distance of a transit stop.
- B. Parking for multifamily uses may be reduced by twenty percent providing the development is located within five hundred feet walking distance of a transit stop.
- C. Commercial and industrial developments may reduce the required number of parking spaces by ten percent if at least one carpool/vanpool space is located near the entrance of the structure.

**19.503.8 Modification of Minimum and Maximum Parking.**

- A. Minimum parking required and maximum parking allowed may be modified by the planning director; unless there is an application under review by the planning commission, in which case the commission shall consider the request for modification. Any request must demonstrate the modification is acceptable through parking and traffic analyses prepared by a qualified professional using methods generally accepted in the field. The procedure for planning director review shall be in accordance with subsection 19.1011.1, Type I Administrative Review. This provision shall not be used in cases of zoning hardship. Any proposed modification of parking related to hardship shall be reviewed in accordance with variance procedures in Chapter 19.700.
- B. For uses requiring a minimum of ten or more parking spaces, inclusive of all uses in the case of mixed used, required parking may be reduced by up to fifteen percent of the minimum required for sites located in parking zone A, upon a demonstration the modification is warranted, pursuant to subsection 19.503.8A, and meets the following criteria.
  - 1. Will not result in undue site congestion;
  - 2. Will not result in traffic hazards on the site or adjoining streets; and
  - 3. Will not result in an undue reduction in the availability of on-street parking or parking located in facilities owned and/or operated by the city.
- C. A reduction of up to twenty-five percent of total required parking may be granted for new development, redevelopment, and substantial improvements subject to subsections A and B above in such cases where:
  - 1. The project is utilizing shared parking in accordance with subsection 19.503.2; or
  - 2. For mixed use projects, the site is located within parking zone A and no less than one-half of the total gross floor area is dedicated to residential uses.

For the purposes of this section, “substantial improvement” means any construction, renovation, or modification where the value of proposed site and building improvements exceeds thirty percent of the value of the land and buildings thereon. Any request for reduction of required parking pursuant to this subsection C shall be subject to Chapter 19.600, Conditional Uses.
- D. Mitigation of adverse impacts such as those named above in subsection B may be required as a condition necessary to make a reduction of required parking acceptable.
- E. Maximum parking allowed may be increased up to fifteen percent of the applicable standard, subject to subsection A above, and further subject to compliance with all zoning standards and management of related storm water runoff.

**19.503.9 Number of Required Off-Street Parking Spaces. Table renumbered and moved to 19.503.3 and section repealed.**

<b>Table 19.503.9 MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS</b>			
<b>Use</b>	<b>Minimum Required</b>	<b>Zone A Maximum Allowed</b>	<b>Zone B Maximum Allowed</b>
<b>A. Residential Uses</b>			
1. 1- and 2-unit attached home; manufactured home; single-family detached	2 spaces per dwelling unit, one of which must be covered.	Not applicable.	Not applicable.
2. Flag lots	2 spaces per dwelling unit, one of which must be covered, plus 1 additional parking space per dwelling unit, which shall not be located within any access strip or required paved turnaround area.	Not applicable.	Not applicable.
3. Studio or 1-bedroom unit 600 sf or less (see Chapter 19.100)	1 space per dwelling unit; enclosure/cover not required.	None.	None.
4. Attached dwellings containing 3 or more dwelling units	1.25 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	Same as Zone A
5. Mobile home park	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 10 dwelling units for recreational vehicles, boats, etc.	Same as minimum.	Same as Zone A
6. Residential employees, staff, caregivers, and caretakers	1 space per each full time equivalent (FTE) employee or fraction thereof over .5 FTE, in addition to the normal residential space requirements.	Same as minimum.	Same as Zone A
<b>B. Residential Support Uses</b>			
1. Church	1 space per 5 seats, or 1 space per 12 lineal feet of bench.	1 space per 3 seats, or 1 space per 8 lineal feet of bench.	Same as Zone A
2. College, university, institute of higher learning	1 space per 3 students.	1 space per 2 students.	Same as Zone A
3. Daycare center	1 space per employee on the largest shift, plus 1 per facility vehicle, plus 1 space per 8 pupils.	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 5 pupils.	Same as Zone A
4. School—elementary or junior high	1.75 spaces per classroom.	1.5 spaces per classroom.	Same as Zone A
5. School—senior	.33 spaces per student, plus	.25 space per student, plus 1	Same as Zone A

high	1 space per staff.	space per staff.	
<b>C. Lodging Places</b>			
1. Motel, hotel	.9 space per lodging unit.	1.1 spaces per lodging unit.	Same as Zone A
2. Boarding house	1 space per guest room.	1.25 spaces per guest room.	Same as Zone A
3. Bed and breakfast establishments	1 space per guest room, plus 1.5 spaces per permanent residents.	1 space per guest room, plus 2 spaces per permanent residents.	Same as Zone A
<b>D. Places of Public Assembly</b>			
1. Auditorium or meeting room (other than church or school)	1 space per 4 seats, or 1 space per 60 square feet of floor area.	1 space per 3 seats, or 1 space per 45 square feet of floor area.	Same as Zone A
2. Club, lodge, or association	1 space per 4 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	1 space per 3 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	Same as Zone A
3. Library, museum, art gallery	1 space per 1,000 square feet of gross floor area.	1.2 spaces per 1,000 square feet of gross floor area.	Same as Zone A
<b>E. Commercial Uses — Recreational</b>			
1. Amusement park	1 space for each 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
2. Billiard hall	1 space per table, plus 1 space per employee of the largest shift.	Same as minimum.	Same as Zone A
3. Bowling alley	2 spaces for each alley, plus 1 space per employee of the largest shift.	4 spaces for each alley, plus 1 space per employee of the largest shift.	Same as Zone A
4. Dance hall, skating rink, or gymnasium	1 space per 100 square feet of gross floor area.	1 space per 50 square feet of gross floor area.	Same as Zone A
5. Golf driving range	1 space per each driving tee.	1.5 spaces per each driving tee.	Same as Zone A
6. Indoor arena or theater	1 space per 4 seats, or 1 space per 5 occupants as calculated under the Uniform Building Code.	1 space per 3 seats.	Same as Zone A
7. Miniature golf	1.25 spaces per hole.	1.5 spaces per hole.	Same as Zone A
8. Race track or stadium	1 space per 4 seats, or 1 space for 8 feet of bench length.	1 space per 3.5 seats, or 1 space for 6 feet of bench length.	Same as Zone A
9. Indoor racquet courts	2 spaces per court, plus 1 space per employee of largest shift.	3 spaces per court, plus 1 space per employee of largest shift.	Same as Zone A
<b>F. Commercial Uses — Retail Goods</b>			
1. Eating and drinking establishments			
a. Sit-down	10 spaces per 1,000 square feet of gross floor area.	15 spaces per 1,000 square feet of gross floor area.	Same as Zone A
b. Fast food	9.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	12.4 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	14.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.
2. Convenience store	4 spaces 1,000 square feet of gross floor area.	5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
3. Grocery store	1 space per 245 square feet	1 space per 200 square feet	1 space per 165 square feet

	of gross floor area.	of gross floor area.	of gross floor area.
4. Apparel and department stores	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
5. Furniture and home furnishings	1 space per 1,000 square feet of gross floor area.	1.5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
6. Gas stations			
a. Gas only	1 space per 4 pumps.	1.25 spaces per 4 pumps.	Same as Zone A
b. Full service	1 space per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	1.25 spaces per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	Same as Zone A
7. Auto, boat, or trailer sales	1 space per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	2 spaces per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	Same as Zone A
<b>G. Commercial Uses—Services</b>			
1. Banking			
a. Automatic teller	2 spaces per machine.	Same as minimum.	Same as Zone A
b. Bank (walk in only)	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
c. Bank (with drive in windows)	3 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	3.5 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	Same as Zone A
2. Barber shop or beauty parlor	1 space per 125 square floor area.	1 space per 100 square feet of floor area.	Same as Zone A
3. Health practitioner's office	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
4. Animal hospital/veterinary clinic	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
5. Hospital	1 space per bed.	2 spaces per bed.	Not applicable.
6. Nursing, convalescent, and extended care facilities	1 space per 4 beds.	1 space per 3 beds.	Same as Zone A
7. Professional services	1 space per 370 square feet of gross leasable area.	1 space per 295 square feet of floor area.	1 space per 245 square feet of floor area.
8. Personal services	1 space per 125 square feet of floor area.	1 space per 100 square feet of floor area.	Same as Zone A
9. Repair shops (items other than motorized vehicles)	1 space per 350 feet of gross floor area.	1 space per 300 feet of gross floor area.	Same as Zone A
10. Car wash			
a. Self serve	2 spaces, plus 1 space per wash bay (clear of the right-of-way)	2 spaces, plus 2 spaces per wash bay (clear of the right-of-way)	Same as Zone A
b. Full serve	1 space per 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
11. Dry cleaners	1 space per 350 square feet of gross floor area.	1 space per 300 square feet of gross floor area.	Same as Zone A
12. Mortuary/funeral home	1 space per each 5 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space	1 space per each 4 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space	Same as Zone A

	reserved for hearse or company vehicle.	reserved for hearse or company vehicle.	
13. Automotive, truck, and trailer rental	1 space per 400 square feet of gross floor area.	1 space per 350 square feet of gross floor area.	Same as Zone A
<b>H. Industrial Uses</b>			
1. Manufacturing	1 space per 1,000 square feet of gross floor area.	1.25 spaces per 1,000 square feet of gross floor area.	Same as Zone A
2. Storage, warehouse, wholesale establishment less than 150,000 square feet	1 space per 1,500 square feet of gross floor area.	1 space per 1,000 square feet of gross floor area.	Same as Zone A
3. Storage, warehouse, wholesale establishment greater than or equal to 150,000 square feet	1 space per 3,000 square feet of gross floor area.	1 space per 2,500 square feet of gross floor area.	1 space per 2,000 square feet of gross floor area.
4. Miniwarehouse; self-service storage	1 space per 12 storage units, plus 1 space per employee of the largest shift.	1 space per 10 storage units, plus 1 space per employee of the largest shift.	Same as Zone A

**19.503.10 Off-Street Parking Space Standards.**

- A. A minimum of fifty (50) percent of spaces shall be regular-sized spaces and a maximum of fifty (50) percent can be compact spaces. Handicapped spaces shall be according to federal and state requirements.
- B. The minimum dimensions for required off-street parking spaces shall be as follows per Table 19.503.10 below:

Table 19.503.10 MINIMUM PARKING SPACE AND AISLE DIMENSIONS <sup>1,2</sup>						
Angle (A)	Type	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Regular	9 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact	7 ft.	19 ft. 6 in.	12 ft.	24 ft.	7 ft. 6 in.
30°	Regular	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
45°	Regular	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Regular	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
90°	Regular	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.

Notes:

<sup>1</sup> See Figure 19.503.10

<sup>2</sup> See state and federal (Americans with Disabilities Act) requirements for the number and dimensions of required disabled parking spaces.

## 19.504 Off-street loading standards.

### 19.504.2 Number of Loading Spaces Required.

The minimum number of loading spaces required for commercial, industrial, public, and semipublic uses shall be as follows per Table 19.504.2 below:

<b>Table 19.504.2 Required Loading Spaces</b>	
<b>Building Size</b>	<b>Required Loading Spaces</b>
Under 5,000 square feet	0
From 5,000 to under 25,000 square feet	1
From 25,000 to under 60,000 square feet	2
60,000 square feet and over	3

## Chapter 19.1300 SOLAR ACCESS PROTECTION

### 19.1304 Solar balance point.

#### 19.1304.4 Maximum Shade Point Height Standard.

The height of the shade point shall comply with either subsection A or B below.

A. Basic Requirement.

1. The height of the shade point shall be less than or equal to the height specified in Table ~~A~~19.1304.4 or computed using the following formula. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If necessary, interpolate between the five-foot dimensions listed in Table ~~A~~19.1304.4.

$$H = \frac{(2 \times SRL) - N + 150}{5}$$

Where: H = The maximum allowed height of the shade point (see Figures 5 and 6);

SRL = Shade reduction line (the distance between the shade point and the northern lot line) (see Figure 7); and

N = The north-south lot dimension, provided that a north-south lot dimension more than ninety feet shall use a value of ninety feet for this section.

**[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER, AS SHOWN]**

<b>Table A19.1304.4</b>													
<b>MAXIMUM PERMITTED SHADE POINT HEIGHT (IN FEET)</b>													
<b>Distance to Shade Reduction Line from Northern Lot Line (In Feet)</b>	<b>North-South Lot Dimension (In Feet)</b>												
	<b>100+</b>	<b>95</b>	<b>90</b>	<b>85</b>	<b>80</b>	<b>75</b>	<b>70</b>	<b>65</b>	<b>60</b>	<b>55</b>	<b>50</b>	<b>45</b>	<b>40</b>
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40		
45	30	30	30	31	32	33	34	35	36	37	38	39	
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

2. Provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table A19.1304.4 for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

<b>Table A</b>													
<b>MAXIMUM PERMITTED SHADE POINT HEIGHT (IN FEET)</b>													
<b>Distance to Shade Reduction Line from Northern Lot Line (In Feet)</b>	<b>North-South Lot Dimension (In Feet)</b>												
	<b>100+</b>	<b>95</b>	<b>90</b>	<b>85</b>	<b>80</b>	<b>75</b>	<b>70</b>	<b>65</b>	<b>60</b>	<b>55</b>	<b>50</b>	<b>45</b>	<b>40</b>
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40		
45	30	30	30	31	32	33	34	35	36	37	38	39	
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

**19.1304.7 Analysis of Allowed Shade on Solar Feature.**

- A. An applicant may, but is not required to, perform the calculations in or comply with the standards of this section.
- B. Applicants are encouraged to design and site a proposed habitable structure so that the lowest height of any solar feature(s) will not be shaded by buildings or nonexempt trees on lot(s) to the south. The applicant should complete the following calculation procedure to determine if solar feature(s) of the proposed structure will be shaded. To start, the applicant should choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:
  - 1. Existing structure(s) or nonexempt trees; or
  - 2. The maximum shade that can be cast from future buildings or nonexempt trees, based on Table ~~€~~19.1304.7.B. If the lot(s) to the south can be further divided, then the north-south dimension is assumed to be the minimum lot width required for a new lot in that zone.

**[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE TITLE/NUMBER, AS SHOWN]**

<b>Table <del>€</del>19.1304.7.B</b>													
<b>Maximum Permitted Shade Height (in feet)</b>													
North-south lot dimension of adjacent lot(s) to the south	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22

- C. The height of the lowest point of any solar feature of the proposed structure is calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- D. The applicant can determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in subsection 19.1304.7.B by using the following formula or Table ~~B~~19.1304.7.D.

$$SFSH = SH - (SGL \div 2.5)$$

- Where:
- SFSH = The allowed shadow height on the solar feature (see Figure 12);
  - SH = The height of the shade at the northern lot line of lot(s) to the south as determined in subsection B above; and
  - SGL = The solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south) (see Figure 10).

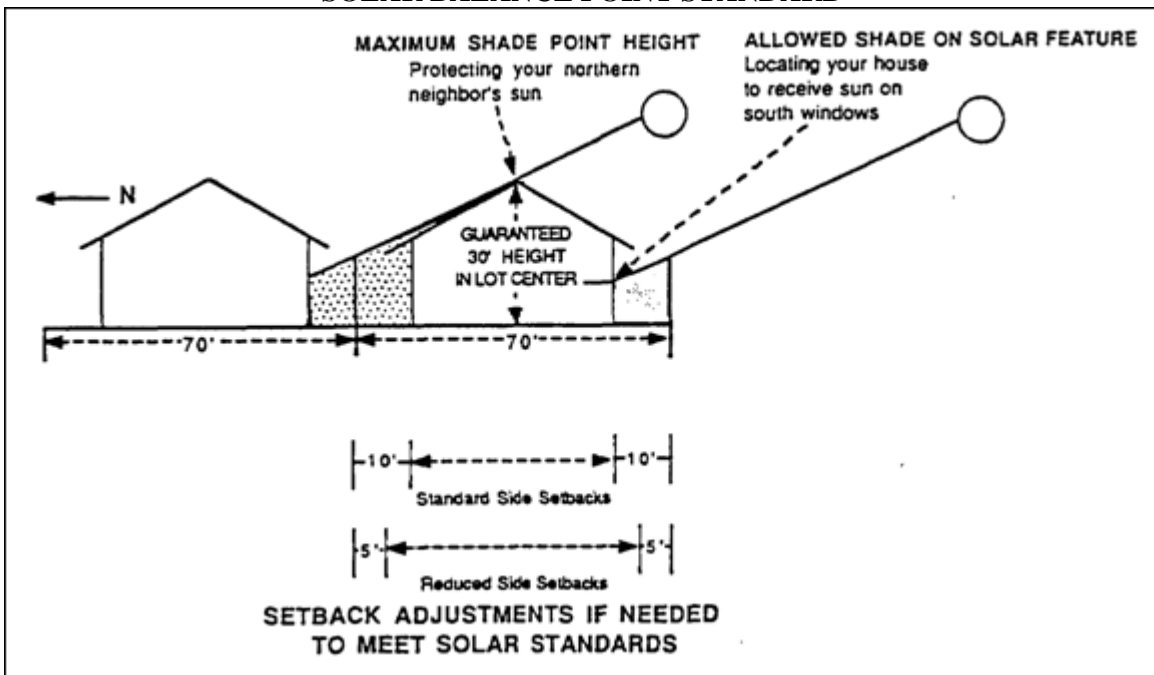
Table 19.1304.7.B may be used to determine “SH” in the above formula.

**[TABLE MOVED HERE—NO CHANGES EXCEPT TABLE NUMBER, AS SHOWN]**

**Table B19.1304.7.D**  
**MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (IN FEET)**

Distance from Solar Gain Line to Lot Line (In Feet)	Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (In Feet)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

**Figure 12.**  
**SOLAR BALANCE POINT STANDARD**



**Table B**  
**MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (IN FEET)**

Distance from Solar Gain Line to Lot Line (In Feet)	Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (In Feet)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6

10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

Table C may be used to determine "SH" in the above formula.

<b>Table C</b>													
North-south lot dimension of adjacent lot(s) to the south	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22

## Chapter 19.1500 BOUNDARY CHANGES

### 19.1504 Expedited process.

#### 19.1504.1 Administration and Approval Process.

- E. The city zoning and comprehensive plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table 19.1504.E, provided below:

<b>Table 19.1504.E ZONING AND LAND USE DESIGNATIONS FOR BOUNDARY CHANGES</b>		
<b>County Zoning Designation</b>	<b>Assigned City Zoning Designation</b>	<b>Assigned Comprehensive Plan Land Use Designation</b>
R-20	R-10	Low density residential
R-15	R-10	Low density residential
R-10	R-10	Low density residential
R-8.5	R-7	Low density residential
R-7	R-7	Low density residential
MR1	R-5	Moderate density residential
MR2	R-2	Medium density residential
PMD	R-1-B	High density residential
HDR	R-1-B	High density residential
SHD	R-1	High density residential
C2	R-O-C	Commercial/high density use
C3	C-G	Commercial
OC	C-L	Commercial
RTL	C-L	Commercial
PC	C-CS	Commercial
I2	M	Industrial
I3	M	Industrial
BP	BI	Industrial
OSM	R-10/CSU	Public

## Chapter 19.1000 ADMINISTRATIVE PROVISIONS

### 19.1008 Ex parte contact.

~~Prior to rendering a decision, no member of a review body shall communicate, directly or indirectly, with any person interested in the outcome or any representative in connection with any issue involved in an application except upon notice and opportunity for all parties to participate. Should such communications occur, the member of the review body shall:~~

~~19.1008.1 Enter into the record the substance of any such written or oral communication; and~~

~~19.1008.2 Publicly announce the content of the communication and provide an opportunity to rebut the substance of the contact.~~

#### 19.1008.1 Provisions

Prior to rendering a decision, no member of a review body shall communicate, directly or indirectly, with any person interested in the outcome or any representative in connection with any issue involved in an application except upon notice and opportunity for all parties to participate. Should such communications occur, the member of the review body shall:

A. Enter into the record the substance of any such written or oral communication; and

B. Publicly announce the content of the communication and provide an opportunity to rebut the substance of the contact.

**ATTACHMENT 1 - Exhibit C  
Proposed Code Amendments  
Clean Version**

# Title 14 SIGNS

## Chapter 14.08 ADMINISTRATION AND ENFORCEMENT

### 14.08.090 Conditional and community service use signs.

- A. Signs for conditional and community service uses shall be limited to those allowed in the underlying zone, except as allowed by Subsections 14.08.090.B and C.
- B. The standards of the underlying zone may be increased to the standards in Table 14.08.090.B, pursuant to a Type I review.

**Table 14.08.090.B**

**Standards for Conditional and Community Service Use Signs with Type I Review**

Sign Type	Size	Number	Height	Location
Monument or freestanding sign	Max. 16 SF per display surface	One	Max. 6 ft. above ground	Not in the public right-of-way
Wall sign	Max. 16 SF	One per building face		
Daily display	Max. 12 SF per display surface	One per frontage		Not in the public right-of-way except as allowed in MMC 14.20.040

- C. The standards of the underlying zone may be increased to the standards in Table 14.08.090.C, pursuant to Minor Quasi-Judicial Review by the planning commission, as specified in MMC 19.1011.3.

In reviewing an application for a sign to meet the standards of Table 14.08.090.C, the planning commission will consider the proximity of the sign to residences, the functional classification of adjacent streets, and the scale of surrounding development.

**Table 14.08.090.C**

**Standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review**

Sign Type	Size	Number	Height	Location
Monument or freestanding sign	Max. 40 SF per display surface  Max. length 20 ft.	One	Max. 12 ft. above ground	Not in the public right-of-way
Wall sign	10% of the building face, up to 40 SF	One per building face		
Daily display	Max. 12 SF per display surface	One per frontage		Not in the public right-of-way, except as allowed in MMC 14.20.040

## Chapter 14.16 SIGN DISTRICTS

### 14.16.010 Residential zone.

No sign shall be installed or maintained in an R zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in Table 14.16.010.

### 14.16.020 Residential-office-commercial zone.

No sign shall be installed or maintained in an R-O-C or R-1-B zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in Table 14.16.020.

### 14.16.030 Neighborhood commercial zone.

No sign shall be installed or maintained in a C-N zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in Table 14.16.030.

### 14.16.040 Commercial zone.

No sign shall be installed or maintained in the C-L, C-G and C-CS zones, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in Table 14.16.040.

**Table 14.16.040  
Standards for Signs in Commercial Zones C-L, C-G and C-CS**

Sign Type	Area	Height	Location	Number	Illumination <sup>1</sup>
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF per each lineal ft. of frontage over 100 ft. <sup>2</sup>	Max. 25 ft. from ground level, 14 ft. min. clearance below lowest portion of a sign in any driveway or parking area	Not permitted on any portion of a street, sidewalk, or public right-of-way <sup>3</sup>	1 multifaced sign per street frontage <sup>4</sup>	Permitted
Wall signs	Max. 20% of building face <sup>5</sup>	Not above roofline or top of parapet wall, whichever is higher	N/A	No limit	Permitted
Projecting signs	Max. 20% of building face <sup>5</sup>	Not above roofline or top of parapet wall <sup>6</sup>	Not within 20 ft. of another projecting sign	1 per occupancy frontage; prohibited if the premises has a freestanding or roof sign	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage	Max. 8 ft. above highest point of building; no sign support structure can be visible	Pending approval by fire marshal <sup>7</sup> May not project over parapet wall	Permitted instead of, and not in addition to, projecting or freestanding signs	Permitted
Awning signs	Max. display surface is 25% of surface of awning, not to exceed 20% of building face	No higher than the point where the roofline intersects the exterior wall <sup>8</sup>	N/A	1 per frontage per occupancy	Permitted

**Table 14.16.040 (continued)**  
**Standards for Signs in Commercial Zones C-L, C-G and C-CS**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Location</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Hanging sign suspended beneath awning	Max. area for hanging signs of 1 SF per 1 lineal ft. of awning length	Min. 8 ft. clearance for hanging signs from the ground to the lowest part of the sign or awning		1 hanging sign per awning	Permitted
Marquee signs	Max. display surface is 25% of surface of marquee, not to exceed 20% of building face	No higher than the point where the roofline intersects the exterior wall <sup>6</sup>	Not extending more than 1 ft. from the marquee surface or 1 ft. over the top edge of the marquee	1 per frontage per occupancy	Permitted
Under-marquee signs	Max. 6 SF per display surface or 12 SF in overall sign area	Min. 8 ft. clearance between the lowest portion of the sign and the ground	Shall not project within 2 ft. of curb	No limit	Permitted
Daily display signs	Max. 12 SF per display surface and 24 SF overall	Max. 6 ft. above ground level	Not within required landscaped areas or public right-of-way <sup>9</sup>	1 per property or occupancy	Permitted

Notes:

- <sup>1</sup> When fluorescent tubes are used for interior illumination of a sign within 500 ft. of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. See Section 14.24.020.
- <sup>2</sup> Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.
- <sup>3</sup> Currently existing freestanding signs may project over such right-of-way for a distance not to exceed two feet.
- <sup>4</sup> Where a frontage exceeds 300 feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.
- <sup>5</sup> If a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 20 percent of the face of the building.
- <sup>6</sup> Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within 2 feet of the curb nor beyond the distances specified in Table 14.16.060(E), E.2 for projection of signs into public rights-of-way.
- <sup>7</sup> Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting.
- <sup>8</sup> Regardless of the existence of a parapet wall.
- <sup>9</sup> A daily display sign may be allowed within the public right-of-way, subject to the standards of Section 14.20.040.

**14.16.050 Manufacturing zone.**

No sign shall be installed or maintained in an M or BI zone, except as allowed under Section 14.12.010, Exempted signs, or as otherwise noted in Table 14.16.050.

**14.16.060 Downtown zones.**

E. Projecting Signs.

1. Area. Projecting signs shall not exceed in gross area twenty percent (20%) of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed twenty percent (20%) of the face of the building.
2. Height and/or Clearance. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. No projecting sign shall project more than five (5) feet from a building. Overhead clearance and projection into public rights-of-way

shall be maintained so that no sign shall project within two (2) feet of the curb nor beyond the distances specified in Table 14.16.060.E.2.

<b>Table 14.16.060.E.2 Projection of Signs into Public Rights-of-Way</b>	
<b>Overhead Clearance</b>	<b>Maximum Projection Into Public Right-of-Way</b>
Less than 8 feet above finished floor/grade	Not permitted
8 feet above finished floor/grade	1 foot
8 to 16 feet above finished floor/grade	1 foot plus 6 inches for each foot of above clearance in excess of 8 feet
Over 16 feet above finished floor/grade	5 feet

## Title 17 LAND DIVISION

### Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA

#### 17.12.020 Application procedure.

- A. Applications for land division and property boundary changes shall be processed in accordance with Chapter 19.1000 Type I, Type II, and Minor Quasi-Judicial procedures as indicated in this section.
- B. Applications for property boundary changes shall be processed in accordance with Table 17.12.020 based on the type of change requested. The planning director may modify the procedures identified in Table 17.12.020 as follows:
  - 1. Minor Quasi-Judicial review may be changed to Type II review, or a Type II review may be changed to a Type I review upon finding the following:
    - a. The proposal is consistent with applicable standards and criteria;
    - b. The proposal is consistent with the basis and findings of the original approval; and
    - c. The proposal does not increase the number of lots.
  - 2. Minor Quasi-Judicial review may be required in the following situations:
    - a. When the planning commission approved the original land use action; and
    - b. The proposed change is inconsistent with the original approval.

**Table 17.12.020 Boundary Change Review Procedures**

Boundary Change Action	Type I	Type II	Minor Quasi-Judicial
1. Lot Consolidation Other Than Replat			
a. Legal lots created by deed.	X		
2. Property Line Adjustment			
a. Any adjustment that is consistent with the Oregon Revised Statutes and this title.	X		
b. Any adjustment that modifies a plat restriction.		X	
3. Partition Replat			
a. Any modification to a plat that was decided by the planning commission.			X
b. Parcel consolidation.	X		
c. Actions not described in 3(a) or (b).		X	
4. Subdivision Replat			X

- C. An increase in the number of lots within the original boundaries of a partition plat shall 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 (3).
- D. Partitions.
  - 1. Applications for preliminary partition plat shall be processed in accordance with Section 19.1011.2, Type II Administrative Review. Should any associated application subject to Minor Quasi-Judicial review be submitted in conjunction with a partition, the partition

application shall be processed according to Section 19.1011.3 Minor Quasi-Judicial review.

2. Full compliance with all requirements for subdivision may be required if the planning commission should determine that the entire parcel being partitioned is in the process of being divided for the purpose of subdivision. This provision applies if the land to be partitioned exceeds two (2) acres and within a year is being partitioned into more than two (2) parcels, any one of which is less than one (1) acre.
- E. Subdivisions. Applications for subdivision preliminary plat applications shall be processed in accordance with Section 19.1011.3 Minor Quasi-Judicial review.
- F. Final plats. Applications for final plats of partitions and subdivisions shall be processed in accordance with Section 19.1011.1 Type I Administrative Review.

## Title 19 ZONING

### Chapter 19.100 INTRODUCTORY PROVISIONS

#### 19.103 Definitions.

“Vegetated corridor” means the area of setback between the top of the bank of a protected water feature and the delineated edge of the water quality resource area as defined in Tables 19.322.9.A and 19.322.9.E.

### Chapter 19.200 BASIC PROVISIONS

#### 19.202 Classification of zones.

For the purposes of this title, the following zones are established in the city, per Table 19.202:

<b>Table 19.202 Classification of Zones</b>	
<b>Zone Description</b>	<b>Abbreviated Description</b>
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential—Business Office—Commercial	R-1-B
Residential	R-1
Residential—Office—Commercial	R-O-C
Commercial, Neighborhood	C-N
Commercial, Limited	C-L
Commercial, General	C-G
Downtown Storefront	DS
Downtown Commercial	DC
Downtown Office	DO
Downtown Residential	DR
Downtown Open Space	DOS
Manufacturing	M
Commercial, Community Shopping	C-CS
Mixed Use Overlay	MU
Aircraft Landing Facility	L-F
Planned Development	PD
Willamette Greenway	WG
Community Service Use	CSU
Natural Resource Overlay	NR
Historic Preservation Overlay	HP
Business Industrial	BI

## Chapter 19.300 USE ZONES

### 19.312 Downtown zones.

#### 19.312.3 Uses.

- A. Permitted Uses. Uses allowed in the downtown zones are listed in Table 19.312.3 with a “P.” These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

**Table 19.312.3  
Downtown Zone Uses**

Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
<b>Residential</b>					
Single-family detached	N	N	N	N	N
Townhouse	L[1]	N	N	L[1]	N
Multifamily apartment/condominium	L[10]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
<b>Commercial/Office<sup>1</sup></b>					
Automobile service station	N	N	N	N	N
Automobile repair	N	L[2]	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	L[3]	N	N
Financial institution	P	P	P	N	N
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	L[4]	P	P	L[5]	N
Parking facility	P	P	P	N	L[6]
Personal/business services	L[7]	P	P	L[5]	N
Retail trade	P	P	L[3]	L[5]	N
Industrial	N	N	N	N	N
<b>Other</b>					
Adult entertainment	N	N	N	N	N
Community service uses	L[8]	L[8]	L[8]	L[8]	L[8]
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P
Transit centers	L[9]	L[9]	N	N	N

<sup>1</sup> Certain uses are permitted in the downtown storefront zone, but are not allowed in the required retail ground floor use area along Main Street (see Figure 19.312-2 and subsection 19.312.4(B)(7) for details).

- B. Limited Uses. Uses that are allowed subject to limitations are listed in Table 19.312.3 with an “L.” These uses are allowed if they comply with the limitations listed in subsection G below, and if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.
- C. Nonconforming Uses. Existing structures and uses that do not meet the standards for a particular downtown zone may continue in existence. Alteration of a nonconforming use or structure that is not in compliance with applicable standards shall be subject to the provisions of Chapter 19.800, Nonconforming Uses. For privately owned property with legal nonconforming uses and structures

within the downtown open space zone, Section 19.803 is not applicable, but all other provisions of Chapter 19.800 shall apply.

- D. Prohibited Uses. Uses listed in Table 19.312.3 with an “N” are prohibited as new uses.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in city parks and refreshment stands at the library.
- F. Similar Uses. The planning director, through a Type I administrative review, may determine that a use that is not listed is considered similar to a listed use in Table 19.312.3. The unlisted use shall be subject to the standards applicable to the similar listed use.
- G. Limited Uses. The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an “L” in Table 19.312.3.

**19.312.4 Development Standards.**

- A. Purpose. The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.312.4 summarizes the development standards that apply in the downtown zones.

**Table 19.312.4  
Downtown Zone Development Standards**

<b>Standard</b>	<b>Downtown Storefront</b>	<b>Downtown Commercial</b>	<b>Downtown Office</b>	<b>Downtown Residential</b>	<b>Downtown Open Space</b>
1. Minimum lot size	750 sf	10,000 sf	5,000 sf	750/5,000 sf <sup>1</sup>	None
2. Floor area ratio Minimum Maximum	1:1 4:1	0.3:1 2:1	0.5:1 3:1	N/A N/A	N/A N/A
3. Building height (see Figure 19.312-3) Minimum Maximum	35' 45'-55'	25' 55'	25' 65'	None 45'-65'	None None
4. Residential density Minimum Maximum	None None	None None	None None	10-30 U/Acre None	None None
5. Street setback (see Figure 19.312-4) Minimum Maximum	0' 10'	0' 50'	0' 10'	0' None	0' None
6. Other setbacks (side and rear)	None	None	None	15' <sup>2</sup>	None
7. Ground-floor retail (see Figure 19.312-2)	Yes	Yes	Yes	No	No
8. Ground-floor windows/doors (see Figure 19.312-5)	Yes	Yes	Yes	No	No
9. Drive-through facilities	No	No	No	No	No
10. Off-street parking required	No	Yes	No/Yes <sup>3</sup>	Yes	Yes
11. Landscaping	None	10%	None	15%	20%

<sup>1</sup> Townhouse lots may be as small as seven hundred fifty square feet. All other lots created in the DR zone shall be a minimum of five thousand square feet.

<sup>2</sup> Setbacks are required only where the DR zone abuts a lower-density residential zone.

<sup>3</sup> Off-street parking is not required in the DO zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO zone located outside of this boundary.

Table 19.312.4 is supplemented by the explanation of the development standards provided in subsection B below, and the following figures:

Figure 19.312-2 — Required Retail Ground Floor Use Areas

Figure 19.312-3 — Maximum Building Heights

Figure 19.312-4 — Build-to Lines

Figure 19.312-5 — Ground-Floor Windows and Openings

## 19.321 Community Service Use CSU.

### 19.321.14 Standards for Wireless Communication Facilities.

#### C. Application Process.

1. Placement, construction, or modification of WCFs not involving the construction of a new monopole shall be subject to the provisions of Section 19.1011.2 Type II Administrative Review process provided that the antennas and base equipment comply with the standards contained in this section. Also see Table 19.321.14.C.
2. All proposed new monopole towers are subject to Minor Quasi-Judicial Review. Also see Table 19.321.14.C.

**Table 19.321.14.C  
Wireless Communication Facilities—Type and Review Process**

Towers		WCFs Not Involving New Tower		
ZONES	New Monopole Tower 100 feet	Building Rooftop or Wall mounted antenna <sup>1</sup>	Water towers, existing towers, and other stealth designs	On existing utility pole in ROW with or with out extensions <sup>2</sup>
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
C-N	N	P2	P2	P2
C-G	N	P2	P2	P2
C-L	N	P2	P2	P2
CSC	N	P2	P2	P2
DC	N	P2	P2	P2
DR	N	P2	P2	P2
DO	N	P2	P2	P2
DS	N	P2	P2	P2
ROC	N	P2	P2	P2
R1B	N	P2	P2	P2
R1	N	N	P2	P2
R2	N	N	P2	P2
R2.5	N	N	P2	P2
R3	N	N	P2	P2
R5	N	N	P2	P2
R7	N	N	P2	P2
R10	N	N	P2	P2

**1** = Minor Quasi Judicial Review- requires a public hearing in front of the Planning Commission

**2** = Type II Administrative Review- provides for an administrative decision with the option of a public hearing

**P** = Permitted **N** = Not Permitted

<sup>1</sup> Rooftop extensions are not to exceed 15 feet in height above the roof top and are not to project greater than 5 feet from the wall of a building.

<sup>2</sup> Antennas placed on right-of-way utility poles may be extended 15 feet. If the pole cannot be extended, the carrier may replace the pole. The replacement utility pole shall not exceed 15 feet in height of the pole that is to be replaced

D. Application Submission Requirements.

In addition to the required submission material the following must also be included with the application:

1. Applications for a WCF that will include a new monopole tower:
  - a. A narrative description of:
    1. Tower location
    2. Design
    3. Height
    4. Antenna location and type for all planned antennas
    5. Indication of the number of additional antennas the tower will be able to accommodate.
  - b. Type of antennas the tower is designed to accommodate and
  - c. Reason for the location, design and height of the proposed tower and antenna.
  - d. A photo simulation of the proposed tower in relation to the surrounding area.
  - e. A signed agreement binding present and future owners or operators of the WCF that allows co-location of antennas on the WCF.
  - f. Documentation that all necessary applications, permits, agreements and easements have been obtained.
  - g. Documentation of FAA or satisfactory evidence that FAA approval is not required. Satisfactory evidence that FAA approval is not required shall be an Aerospace Safety Analysis Corporation determination or similar evidence.
  - h. The signature of the property owner(s) on the application form or a written signed statement from the property owner(s) granting authorization to proceed with the land use application and building permits.
  - i. Documentation that alternative antenna support locations within one thousand five hundred (1500) feet have been considered and have been determined to be technologically or legally infeasible or inadequate. The applicant shall pay to the city the costs of hiring a third party to review the application for accuracy in accordance with the fee resolution adopted by the city council.
  - j. In addition to those items required on the site plan checklist, the following must also be included:
    1. Landscaping plan showing existing and proposed vegetation, including size, type and the amount of proposed vegetation.
    2. Location of connections to utilities and right-of-way curb cuts.
    3. Location of required easements and access drives.
    4. Location of the proposed wireless communication facility and related base equipment.
    5. The lease area in relation to the underlying parcel/property as well as neighboring parcels on all sides.
2. WCF Not Including a New Tower.

- a. Detailed narrative description describing the proposed antenna location, design and height.
- b. Statement that antenna was placed so as to allow for placement of additional antennas on the same antenna support structure, to the extent practicable.
- c. Documentation demonstrating the proposal has been submitted and approved by the owner of the structure to which the antenna will be attached.
- d. Document demonstrating that necessary applications, permits, agreements, and easements have been obtained.
- e. For extensions to existing facilities the applicant shall provide documentation of FAA approval of the tower design or satisfactory evidence that FAA approval is not required. Satisfactory evidence that FAA approval is not required shall be an Aerospace Safety Analysis Corporation determination or similar evidence.
- f. The site plan must include the elements listed on the site plan checklist and must also include, to the extent applicable:
  1. Landscaping plan showing existing and proposed vegetation, include size, type and amount of proposed vegetation. In some cases, such as co-location on rooftops or other similar uses, the city may determine that landscaping will not be required.
  2. Location of connections to utilities and right-of-way curb cuts.
  3. Location of required easements and access drives.
  4. Location of proposed related base equipment and existing WCF.
  5. Lease area in relation to the underlying parcel/property as well as neighboring parcels on all sides.

E. Use of Existing Tower or Antenna Support Structure.

1. All wireless communication providers are required to attempt to co-locate on existing antenna support structures or locate on alternative antenna support structures before applying to construct a WCF that will include a new tower.
2. New towers shall not be approved unless the applicant demonstrates to the reasonable satisfaction of the planning director that no existing towers or alternative antenna support structure can accommodate the applicant's need for the placement of an antenna in the vicinity of the applicant's proposed location. Evidence demonstrating that use of an existing or alternative support structure is not possible shall be submitted to the planning director and shall include one or more of the following:
  - a. That no existing antenna support structures are located within the geographic area which meet the applicant's engineering requirements in regards to location, size, and structural strength and that alternative antenna support structures are not feasible.
  - b. That use of any existing structure would cause electromagnetic interference with the existing antennas and electronic and other radio frequencies.
  - c. That co-locating on an existing antenna support structure would violate RF emissions standards set by the FCC.

- d. That fees, costs or contractual provisions required by the owner in order to use an existing antenna support structure are unreasonable. A refusal by the owner to allow co-location shall be considered an unreasonable provision.
  3. Evidence demonstrating that alternative support structures were considered, but determined to be technologically insufficient, submitted to the planning director for review must be verified and stamped by an engineer licensed in the state of Oregon.
  4. All wireless communication providers shall cooperate with other wireless communication providers and act in good faith in co-locating additional antennas on existing support structures and/or existing buildings or other alternative support structures. All support structures eighty (80) feet in height or greater shall be designed to not preclude co-location. All support structures eighty (80) feet or greater shall be designed to hold additional antennas that are substantially similar to the proposed antennas array.
- F. Location and Size Restrictions.
1. Separation for New Monopole Towers.  
 New monopole towers may not be constructed within one thousand five hundred (1500) ft. of any pre-existing tower. The planning commission has the authority to approve a reduction in the minimum separation requirement to not less than one thousand (1000) feet, provided that the applicant can demonstrate the need to the satisfaction of the planning commission, for the distance reduction. A tower shall include any pre-existing tower or any tower for which the city has issued a building permit, or for which a land use application has been filed and not denied. This distance shall be measured in a straight line from the base of the existing tower to the base of the proposed tower.
  2. Height. Maximum heights. Also see table 19.321.14.C.

## 19.322 Water Quality Resource Regulations.

### 19.322.9 Application Requirements.

Applications for Type II and minor quasi-judicial review shall provide the following information in addition to the information required for the base zone:

- A. A topographic map of the site at contour intervals of five (5) feet or less showing a delineation of the water quality resource area, which includes areas shown on the Water Quality and Flood Management Area map, and that meets the definition of water quality resource areas in Table 19.322.9.A.

**Table 19.322.9.A  
Vegetated Corridor Measurement by Protected Water Feature Type**

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor <sup>6</sup>
Primary Protected Water Features <sup>1</sup>	< 25%	<ul style="list-style-type: none"> <li>• Edge of bank full flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	50 feet
Primary Protected Water Features <sup>1</sup>	> 25% for 150 feet or more <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	200 feet
Primary Protected Water Features <sup>1</sup>	> 25% for less than 150 feet <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> </ul>	Distance from starting point of measurement to

		• Delineated edge of Title 3 wetland	top of ravine (break in > 25% slope) <sup>3</sup> , plus 50 feet. <sup>4</sup>
<b>Secondary Protected Water Features<sup>2</sup></b>	< 25%	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	15 feet
<b>Secondary Protected Water Features<sup>2</sup></b>	> 25% <sup>5</sup>	• Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland	50 feet

<sup>1</sup> Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

<sup>2</sup> Secondary Protected Water Features include intermittent streams draining 50—100 acres.

<sup>3</sup> Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the > 25% slope (see slope measurement in Appendix).

<sup>4</sup> A maximum reduction of 25 feet may be permitted in the width of the vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

<sup>5</sup> Vegetated corridors in excess of 50-foot for primary protected features, or in excess of 15-foot for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.

<sup>6</sup> Vegetated corridor width shall be applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.

- B. The location of all existing natural features including, but not limited to, all trees of a caliper greater than six (6) inches diameter at breast height (DBH), natural drainages on the site, springs, seeps, and outcroppings of rocks or boulders within the water quality resource area.
- C. Location of wetlands. Where wetlands are identified, the applicant shall follow the division of state lands wetlands delineation process. The delineation shall be prepared by a professional wetlands specialist and will be accepted only after approval by the Oregon division of state lands.
- D. An inventory and location of existing debris and noxious materials.
- E. An assessment of the existing condition of the water quality resource area in accordance with Table 19.322.9.E.

### 19.322.9.E

#### WATER QUALITY RESOURCE AREA REQUIREMENTS

EXISTING CONDITION OF WATER QUALITY RESOURCE AREA	REQUIREMENTS APPLICABLE TO PORTIONS OF THE WATER QUALITY RESOURCE AREA DISTURBED DURING DEVELOPMENT OR LAND DISTURBANCE
<p><b>Good Existing Corridor:</b></p> <p>Combination of trees, shrubs and groundcover are 80% present, and there is more than 50% tree canopy coverage in the vegetated corridor.</p>	<p>Submit an inventory of vegetation in areas proposed to be disturbed and a plan for mitigating water quality impacts related to the development, including: sediments, temperature and nutrients; sediment control; temperature control</p> <p>or addressing any other condition that may have caused the Protected Water Feature to be listed on DEQ's 303 (d) list.</p> <p>Inventory and remove debris and noxious materials.</p>
<p><b>Marginal Existing Vegetated Corridor:</b></p> <p>Combination of trees, shrubs and groundcover are 80% present, and 25—50 percent canopy coverage in the vegetated corridor.</p>	<p>Vegetated disturbed and bare areas with non-nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p> <p>Revegetate with native species using a city approved plan developed to represent the vegetative composition that would naturally occur on the site.</p> <p>Revegetation must occur during the next planting season following site disturbance. Annual replacement of plants that do not survive is required until vegetation representative of natural conditions is established on the site.</p>

	Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List.
	Inventory and remove debris and noxious materials.
<b>Degraded Existing Vegetated Corridor:</b>	Vegetate disturbed and bare areas with appropriate plants from Native Plants List.
Less vegetation and canopy coverage than Marginal Vegetated Corridors, and/or greater than 10% surface coverage of any non-native species.	Remove non-native species and revegetate with non-nuisance plantings from Native Plants List.
	Plant and seed to provide 100 percent surface coverage.
	Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List.
	Inventory and remove debris and noxious materials.

- F. An inventory of vegetation, including percentage ground and canopy coverage.
- G. Alternatives analysis demonstrating that:
  1. No practicable alternatives to the requested development exist that will not disturb the water quality resource area; and
  2. Development in the water quality resource area has been limited to the area necessary to allow for the proposed use; and
  3. The water quality resource area can be restored to an equal or better condition in accordance with Table 19.322.9.E; and
  4. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.
- H. For applications seeking an alteration, addition, rehabilitation or replacement of existing structures located within the water quality resource area:
  1. Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the water quality resource area than the one proposed; and
  2. If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the water quality resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and
  3. Provide mitigation to ensure that impacts to the functions and values of the water quality resource area will be mitigated or restored to the extent practicable.
- I. A water quality resource area mitigation plan that contains the following information:
  1. A description of adverse impacts that will be caused as a result of development.
  2. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 19.322.9.E.
  3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.
  4. A map showing where the specific mitigation activities will occur.

- 5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.
- J. All information contained in the application submission requirements and site plan checklist forms prescribed by the planning director.
- K. The application fee as adopted by the city council.

**19.322.10 Development Standards.**

Applications for development or land disturbance on properties that contain water quality resource areas shall demonstrate compliance with the following standards:

- A. The water quality resource area shall be restored and maintained in accordance with the mitigation plan and the specifications in Table 19.322.9.E.
- B. To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the water quality resource area.
- C. Where existing vegetation has been removed, the site shall be revegetated as soon as practicable.
- D. Prior to construction, the water quality resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as may be allowed by this chapter. Such markings shall be maintained until construction is complete.
- E. Stormwater pre-treatment facilities:
  - 1. The stormwater pre-treatment facility may encroach a maximum of twenty-five (25) feet into the outside boundary of the water quality resource area of a primary water feature; and
  - 2. The area of encroachment must be replaced by adding an equal area to the water quality resource area on the property.
- F. Additions, alterations, rehabilitation and replacement of lawful structures.
  - 1. For existing structures, roadways, driveways, accessory uses and development which are nonconforming, this chapter shall apply in addition to the nonconforming use regulations of the city.
  - 2. Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development shall not encroach closer to the protected water feature than the existing structures, roadways, driveways, accessory uses and development.
- G. Off-site Mitigation. Offsite mitigation shall not be used to meet mitigation requirements of this chapter.
- H. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution or sedimentation to the adjacent water quality resource area.
- I. Where practicable, the types, sizes and intensities of lights must be placed so that they do not shine directly into the natural resource locations.
- J. Where proposed, development of trails, rest points, viewpoints and other facilities for the enjoyment of the resource must be done in such a manner so as to reduce impacts on the natural resource while allowing for the enjoyment of the resource.

- K. Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, except where mitigation is approved, so as to provide a transition between the proposed development and the natural resource, provide opportunity for food, water and cover for animals located within the water quality resource.
- L. Storm water flows as a result of proposed development within and to natural drainage courses shall not exceed pre-development flows.
- M. Road crossings of major natural drainage courses will be minimized as much as possible.
- N. The construction phase of the development must be done in such a manner to safeguard the resource portions of the site that have not been approved for development.

**19.322.11 Variances.**

- A. The purpose of this section is to ensure that compliance with this ordinance does not cause unreasonable hardship. To avoid such instances, the requirements of this ordinance may be varied. Variances are also allowed when strict application of this ordinance would unreasonably deprive an owner of economically viable use of land.
- B. This section applies in addition to the standards governing proposals to vary the requirements of the base zone.
- C. A variance to avoid the unreasonable loss of economically viable use of a lot that contains protected water features is permitted. Applicants must demonstrate that without the proposed variance, the reasonable economic use of the property would be denied. The applicant must show that no other development proposal could result in permission for an economically viable use of the property.
- D. Variance Conditions.  
 The planning commission may impose such conditions as are deemed necessary to minimize adverse impacts that may result from granting relief from provisions of this chapter. If a variance is granted, it shall be subject to the following conditions:
  - 1. The minimum width of the vegetated corridor shall be twenty-five (25) feet on each side of a primary protected water feature.
  - 2. No more than twenty-five percent (25%) of the length of the water quality resource area for a primary protected water feature within a development site can be less than twenty-five (25) feet in width on each side of the water feature.

**19.322.12 Map Administration.**

- A. The purpose of this section is to provide a process for amending the Water Resource Quality Map to add water resources and correct the location of protected water features and the water quality resource areas.
- B. Map Corrections, Deletions.
  - 1. Improperly mapped water features shown on the Milwaukie Water Quality Maps may be deleted by administrative review in accordance with 19.1011.2 subject to the following criteria:
    - a. In the case of wetlands, submission of a wetland delineation prepared by a professional wetland scientist in accordance with the 1996 Oregon Freshwater Wetland Assessment Methodology demonstrating that the site does not contain wetlands.

- b. In the case of drainages, submission of a hydrology report prepared by a professional engineer demonstrating that the drainage does not meet the definition of a protected resource.
  - 2. The planning director shall confer with the department of state lands and metro to confirm delineation and hydrology reports as may be needed prior to issuing a notice of decision on a requested map deletion.
  - 3. The city shall amend the Water Quality Resource Map if the wetland or hydrology report demonstrates:
    - a. That a primary protected water feature no longer exists because the area has been legally filled, culverted or developed prior to the adoption of this chapter; or
    - b. The boundaries of the water quality resource area have changed since adoption of the Water Quality and Flood Management Areas Map; or
    - c. An error in the original mapping has been demonstrated.
- C. Map Correction, Additions and Modifications. Map corrections that require the addition of a protected water feature to the water quality map shall be made in accordance with 19.900 Amendments.
- D. Modification of the water quality resource area. To modify the water quality resource area, the applicant shall demonstrate that the modification will offer the same or better protection of the protected water feature, water quality resource area and flood management area by:
  - 1. Preserving a vegetated corridor that will separate the protected water feature from proposed development; and
  - 2. Preserving existing vegetated cover or enhancing the water quality resource area sufficient to assist in maintaining or reducing water temperatures in the adjacent protected water feature; and
  - 3. Enhancing the water quality resource area sufficient to minimize erosion, nutrient and pollutant loading into the adjacent protected water feature; and
  - 4. Protecting the vegetated corridor sufficient to provide filtration, infiltration and natural water purification for the adjacent protected water feature; and
  - 5. Stabilizing slopes adjacent to the protected water feature.

## Chapter 19.500 OFF-STREET PARKING AND LOADING

### 19.503 Off-street parking standards.

#### 19.503.3 Minimum Number of Required Parking Spaces and Maximum Allowable Parking.

- A. Parking shall be provided for all uses in accordance with specifications of Table 19.503.3. Where a use is not named in Table 19.503.3, determination of applicable parking standards shall be made in accordance with subsection 19.503.6.
- B. Except as provided herein, parking provided shall not be less than “minimum parking required” nor shall parking provided exceed “maximum allowable parking” as shown in Table 19.503.3.

<b>Table 19.503.93</b>			
<b>MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS</b>			
Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
<b>A. Residential Uses</b>			
1. 1- and 2-unit attached home; manufactured home; single-family detached	2 spaces per dwelling unit, one of which must be covered.	Not applicable.	Not applicable.
2. Flag lots	2 spaces per dwelling unit, one of which must be covered, plus 1 additional parking space per dwelling unit, which shall not be located within any access strip or required paved turnaround area.	Not applicable.	Not applicable.
3. Studio or 1-bedroom unit 600 sf or less (see Chapter 19.100)	1 space per dwelling unit; enclosure/cover not required.	None.	None.
4. Attached dwellings containing 3 or more dwelling units	1.25 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	Same as Zone A
5. Mobile home park	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 10 dwelling units for recreational vehicles, boats, etc.	Same as minimum.	Same as Zone A
6. Residential employees, staff, caregivers, and caretakers	1 space per each full-time equivalent (FTE) employee or fraction thereof over .5 FTE, in addition to the normal residential space requirements.	Same as minimum.	Same as Zone A

**Table 19.503.93 (continued)**  
**MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS**

<b>Use</b>	<b>Minimum Required</b>	<b>Zone A Maximum Allowed</b>	<b>Zone B Maximum Allowed</b>
<b>B. Residential Support Uses</b>			
1. Church	1 space per 5 seats, or 1 space per 12 lineal feet of bench.	1 space per 3 seats, or 1 space per 8 lineal feet of bench.	Same as Zone A
2. College, university, institute of higher learning	1 space per 3 students.	1 space per 2 students.	Same as Zone A
3. Daycare center	1 space per employee on the largest shift, plus 1 per facility vehicle, plus 1 space per 8 pupils.	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 5 pupils.	Same as Zone A
4. School—elementary or junior high	1.75 spaces per classroom.	1.5 spaces per classroom.	Same as Zone A
5. School—senior high	.33 spaces per student, plus 1 space per staff.	.25 space per student, plus 1 space per staff.	Same as Zone A
<b>C. Lodging Places</b>			
1. Motel, hotel	.9 space per lodging unit.	1.1 spaces per lodging unit.	Same as Zone A
2. Boarding house	1 space per guest room.	1.25 spaces per guest room.	Same as Zone A
3. Bed and breakfast establishments	1 space per guest room, plus 1.5 spaces per permanent residents.	1 space per guest room, plus 2 spaces per permanent residents.	Same as Zone A
<b>D. Places of Public Assembly</b>			
1. Auditorium or meeting room (other than church or school)	1 space per 4 seats, or 1 space per 60 square feet of floor area.	1 space per 3 seats, or 1 space per 45 square feet of floor area.	Same as Zone A
2. Club, lodge, or association	1 space per 4 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	1 space per 3 persons allowed within the maximum occupancy load as established by local, state, fire, building, or health codes.	Same as Zone A
3. Library, museum, art gallery	1 space per 1,000 square feet of gross floor area.	1.2 spaces per 1,000 square feet of gross floor area.	Same as Zone A
<b>E. Commercial Uses—Recreational</b>			
1. Amusement park	1 space for each 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
2. Billiard hall	1 space per table, plus 1 space per employee of the largest shift.	Same as minimum.	Same as Zone A
3. Bowling alley	2 spaces for each alley, plus 1 space per employee of the largest shift.	4 spaces for each alley, plus 1 space per employee of the largest shift.	Same as Zone A
4. Dance hall, skating rink, or gymnasium	1 space per 100 square feet of gross floor area.	1 space per 50 square feet of gross floor area.	Same as Zone A
5. Golf driving range	1 space per each driving tee.	1.5 spaces per each driving tee.	Same as Zone A
6. Indoor arena or theater	1 space per 4 seats, or 1 space per 5 occupants as calculated under the Uniform Building Code.	1 space per 3 seats.	Same as Zone A

**Table 19.503.93 (continued)**  
**MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS**

<b>Use</b>	<b>Minimum Required</b>	<b>Zone A Maximum Allowed</b>	<b>Zone B Maximum Allowed</b>
<b>E. Commercial Uses—Recreational (continued)</b>			
7. Miniature golf	1.25 spaces per hole.	1.5 spaces per hole.	Same as Zone A
8. Race track or stadium	1 space per 4 seats, or 1 space for 8 feet of bench length.	1 space per 3.5 seats, or 1 space for 6 feet of bench length.	Same as Zone A
9. Indoor racquet courts	2 spaces per court, plus 1 space per employee of largest shift.	3 spaces per court, plus 1 space per employee of largest shift.	Same as Zone A
<b>F. Commercial Uses—Retail Goods</b>			
1. Eating and drinking establishments			
a. Sit-down	10 spaces per 1,000 square feet of gross floor area.	15 spaces per 1,000 square feet of gross floor area.	Same as Zone A
b. Fast food	9.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	12.4 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	14.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.
2. Convenience store	4 spaces 1,000 square feet of gross floor area.	5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
3. Grocery store	1 space per 245 square feet of gross floor area.	1 space per 200 square feet of gross floor area.	1 space per 165 square feet of gross floor area.
4. Apparel and department stores	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
5. Furniture and home furnishings	1 space per 1,000 square feet of gross floor area.	1.5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
6. Gas stations			
a. Gas-only	1 space per 4 pumps.	1.25 spaces per 4 pumps.	Same as Zone A
b. Full-service	1 space per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	1.25 spaces per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	Same as Zone A
7. Auto, boat, or trailer sales	1 space per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	2 spaces per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	Same as Zone A
<b>G. Commercial Uses—Services</b>			
1. Banking			
a. Automatic teller	2 spaces per machine.	Same as minimum.	Same as Zone A
b. Bank (walk-in only)	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
c. Bank (with drive-in windows)	3 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	3.5 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	Same as Zone A
2. Barber shop or beauty parlor	1 space per 125 square floor area.	1 space per 100 square feet of floor area.	Same as Zone A
3. Health practitioner's office	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A

**Table 19.503.93 (continued)**  
**MINIMUM TO MAXIMUM OFF-STREET PARKING REQUIREMENTS**

<b>Use</b>	<b>Minimum Required</b>	<b>Zone A Maximum Allowed</b>	<b>Zone B Maximum Allowed</b>
<b>G. Commercial Uses—Services (continued)</b>			
4. Animal hospital/veterinary clinic	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
5. Hospital	1 space per bed.	2 spaces per bed.	Not applicable.
6. Nursing, convalescent, and extended-care facilities	1 space per 4 beds.	1 space per 3 beds.	Same as Zone A
7. Professional services	1 space per 370 square feet of gross leasable area.	1 space per 295 square feet of floor area.	1 space per 245 square feet of floor area.
8. Personal services	1 space per 125 square feet of floor area.	1 space per 100 square feet of floor area.	Same as Zone A
9. Repair shops (items other than motorized vehicles)	1 space per 350 feet of gross floor area.	1 space per 300 feet of gross floor area.	Same as Zone A
10. Car wash			
a. Self-serve	2 spaces, plus 1 space per wash bay (clear of the right-of-way)	2 spaces, plus 2 spaces per wash bay (clear of the right-of-way)	Same as Zone A
b. Full-serve	1 space per 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
11. Dry cleaners	1 space per 350 square feet of gross floor area.	1 space per 300 square feet of gross floor area.	Same as Zone A
12. Mortuary/funeral home	1 space per each 5 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	1 space per each 4 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	Same as Zone A
13. Automotive, truck, and trailer rental	1 space per 400 square feet of gross floor area.	1 space per 350 square feet of gross floor area.	Same as Zone A
<b>H. Industrial Uses</b>			
1. Manufacturing	1 space per 1,000 square feet of gross floor area.	1.25 spaces per 1,000 square feet of gross floor area.	Same as Zone A
2. Storage, warehouse, wholesale establishment less than 150,000 square feet	1 space per 1,500 square feet of gross floor area.	1 space per 1,000 square feet of gross floor area.	Same as Zone A
3. Storage, warehouse, wholesale establishment greater than or equal to 150,000 square feet	1 space per 3,000 square feet of gross floor area.	1 space per 2,500 square feet of gross floor area.	1 space per 2,000 square feet of gross floor area.
4. Miniwarehouse; self-service storage	1 space per 12 storage units, plus 1 space per employee of the largest shift.	1 space per 10 storage units, plus 1 space per employee of the largest shift.	Same as Zone A

#### **19.503.4 Special Exemption from Maximum Allowable Parking Standards.**

The following uses shall be exempt from maximum allowable parking standards of Table 19.503.3. This exemption does not limit any provision or authority to restrict the size, location, or design of such uses. On sites where the following parking is provided, it shall not be included in the parking count used for determining maximum allowable parking:

- A. Structured parking;
- B. Valet lots;
- C. Pay lots;
- D. Employee carpool parking, when such areas are dedicated by way of on-site reservation or dedication;
- E. Fleet parking;
- F. Automobile sales lots;
- G. Truck loading areas.

#### **19.503.5 Determination of Parking Zone Classification.**

- A. Zone A.
  - 1. All areas zoned DS, DC, DO, DR, DOS, and mixed use overlay shall be classified zone A; and
  - 2. All properties located within one-quarter mile walking distance of a transit bus stop that provides twenty (20) minute peak hour service shall be classified zone A. In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the nearest point of the subject lot located along the nearest street frontage that allows for the shortest walking distance. The transit provider shall be the official source for transit stop location and peak service availability.
- B. Zone B.
  - 1. All properties not located within zone A shall be classified zone B.

#### **19.503.6 Determination of Required Parking for Unlisted Uses.**

The planning director shall determine the minimum required parking spaces and maximum allowable parking spaces for all uses not listed in Table 19.503.3; unless an application is under review by the planning commission, in which case the commission shall make the determination. In all determinations for unlisted uses, the applicant shall be required to submit studies or technical information about the use, parking demand, traffic (vehicle trip) generation, and otherwise as deemed necessary to make a determination. The city may consider testimony and publications of individuals, agencies, or institutions experienced in parking and traffic engineering in its determination of parking standards.

#### **19.503.7 Reduction of Required Parking.**

Notwithstanding provisions for modification of parking requirements found in subsection 19.503.8, the following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. No reduction taken pursuant to this section shall discount required minimum parking used in any request for modification of required parking.

In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking

distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

- A. Parking for commercial and industrial uses may be reduced by ten percent providing the development is within five hundred feet walking distance of a transit stop.
- B. Parking for multifamily uses may be reduced by twenty percent providing the development is located within five hundred feet walking distance of a transit stop.
- C. Commercial and industrial developments may reduce the required number of parking spaces by ten percent if at least one carpool/vanpool space is located near the entrance of the structure.

**19.503.8 Modification of Minimum and Maximum Parking.**

- A. Minimum parking required and maximum parking allowed may be modified by the planning director; unless there is an application under review by the planning commission, in which case the commission shall consider the request for modification. Any request must demonstrate the modification is acceptable through parking and traffic analyses prepared by a qualified professional using methods generally accepted in the field. The procedure for planning director review shall be in accordance with subsection 19.1011.1, Type I Administrative Review. This provision shall not be used in cases of zoning hardship. Any proposed modification of parking related to hardship shall be reviewed in accordance with variance procedures in Chapter 19.700.
- B. For uses requiring a minimum of ten or more parking spaces, inclusive of all uses in the case of mixed used, required parking may be reduced by up to fifteen percent of the minimum required for sites located in parking zone A, upon a demonstration the modification is warranted, pursuant to subsection 19.503.8.A, and meets the following criteria.
  - 1. Will not result in undue site congestion;
  - 2. Will not result in traffic hazards on the site or adjoining streets; and
  - 3. Will not result in an undue reduction in the availability of on-street parking or parking located in facilities owned and/or operated by the city.
- C. A reduction of up to twenty-five percent of total required parking may be granted for new development, redevelopment, and substantial improvements subject to subsections A and B above in such cases where:
  - 1. The project is utilizing shared parking in accordance with subsection 19.503.2; or
  - 2. For mixed use projects, the site is located within parking zone A and no less than one-half of the total gross floor area is dedicated to residential uses.

For the purposes of this section, “substantial improvement” means any construction, renovation, or modification where the value of proposed site and building improvements exceeds thirty percent of the value of the land and buildings thereon. Any request for reduction of required parking pursuant to this subsection C shall be subject to Chapter 19.600, Conditional Uses.
- D. Mitigation of adverse impacts such as those named above in subsection B may be required as a condition necessary to make a reduction of required parking acceptable.
- E. Maximum parking allowed may be increased up to fifteen percent of the applicable standard, subject to subsection A above, and further subject to compliance with all zoning standards and management of related storm water runoff.

**19.503.10 Off-Street Parking Space Standards.**

- A. A minimum of fifty (50) percent of spaces shall be regular-sized spaces and a maximum of fifty (50) percent can be compact spaces. Handicapped spaces shall be according to federal and state requirements.
- B. The minimum dimensions for required off-street parking spaces shall be as per Table 19.503.10 below:

<b>Table 19.503.10 MINIMUM PARKING SPACE AND AISLE DIMENSIONS<sup>1,2</sup></b>						
<b>Angle (A)</b>	<b>Type</b>	<b>Width (B)</b>	<b>Curb Length (C)</b>	<b>1-Way Aisle Width (D)</b>	<b>2-Way Aisle Width (D)</b>	<b>Stall Depth (E)</b>
0° (Parallel)	Regular	9 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact	7 ft.	19 ft. 6 in.	12 ft.	24 ft.	7 ft. 6 in.
30°	Regular	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
45°	Regular	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Regular	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
90°	Regular	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.

Notes:

<sup>1</sup> See Figure 19.503.10

<sup>2</sup> See state and federal (Americans with Disabilities Act) requirements for the number and dimensions of required disabled parking spaces.

**19.504 Off-street loading standards.**

**19.504.2 Number of Loading Spaces Required.**

The minimum number of loading spaces required for commercial, industrial, public, and semipublic uses shall be as per Table 19.504.2 below:

<b>Table 19.504.2 Required Loading Spaces</b>	
<b>Building Size</b>	<b>Required Loading Spaces</b>
Under 5,000 square feet	0
From 5,000 to under 25,000 square feet	1
From 25,000 to under 60,000 square feet	2
60,000 square feet and over	3

## Chapter 19.1300 SOLAR ACCESS PROTECTION

### 19.1304 Solar balance point.

#### 19.1304.4 Maximum Shade Point Height Standard.

The height of the shade point shall comply with either subsection A or B below.

A. Basic Requirement.

1. The height of the shade point shall be less than or equal to the height specified in Table 19.1304.4 or computed using the following formula. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If necessary, interpolate between the five-foot dimensions listed in Table 19.1304.4.

$$H = \frac{(2 \times SRL) - N + 150}{5}$$

Where: H = The maximum allowed height of the shade point (see Figures 5 and 6);

SRL = Shade reduction line (the distance between the shade point and the northern lot line) (see Figure 7); and

N = The north-south lot dimension, provided that a north-south lot dimension more than ninety feet shall use a value of ninety feet for this section.

<b>Table 19.1304.4</b>													
<b>MAXIMUM PERMITTED SHADE POINT HEIGHT (IN FEET)</b>													
<b>Distance to Shade Reduction Line from Northern Lot Line (In Feet)</b>	<b>North-South Lot Dimension (In Feet)</b>												
	<b>100+</b>	<b>95</b>	<b>90</b>	<b>85</b>	<b>80</b>	<b>75</b>	<b>70</b>	<b>65</b>	<b>60</b>	<b>55</b>	<b>50</b>	<b>45</b>	<b>40</b>
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40		
45	30	30	30	31	32	33	34	35	36	37	38	39	
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

2. Provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table 19.1304.4 for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

**19.1304.7 Analysis of Allowed Shade on Solar Feature.**

- A. An applicant may, but is not required to, perform the calculations in or comply with the standards of this section.
- B. Applicants are encouraged to design and site a proposed habitable structure so that the lowest height of any solar feature(s) will not be shaded by buildings or nonexempt trees on lot(s) to the south. The applicant should complete the following calculation procedure to determine if solar feature(s) of the proposed structure will be shaded. To start, the applicant should choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:
1. Existing structure(s) or nonexempt trees; or
  2. The maximum shade that can be cast from future buildings or nonexempt trees, based on Table 19.1304.7.B. If the lot(s) to the south can be further divided, then the north-south dimension is assumed to be the minimum lot width required for a new lot in that zone.

<b>Table 19.1304.7.B</b>													
<b>Maximum Permitted Shade Height (in feet)</b>													
North-south lot dimension of adjacent lot(s) to the south	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22

- C. The height of the lowest point of any solar feature of the proposed structure is calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- D. The applicant can determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in subsection 19.1304.7.B by using the following formula or Table 19.1304.7.D.

$$SFSH = SH - (SGL \div 2.5)$$

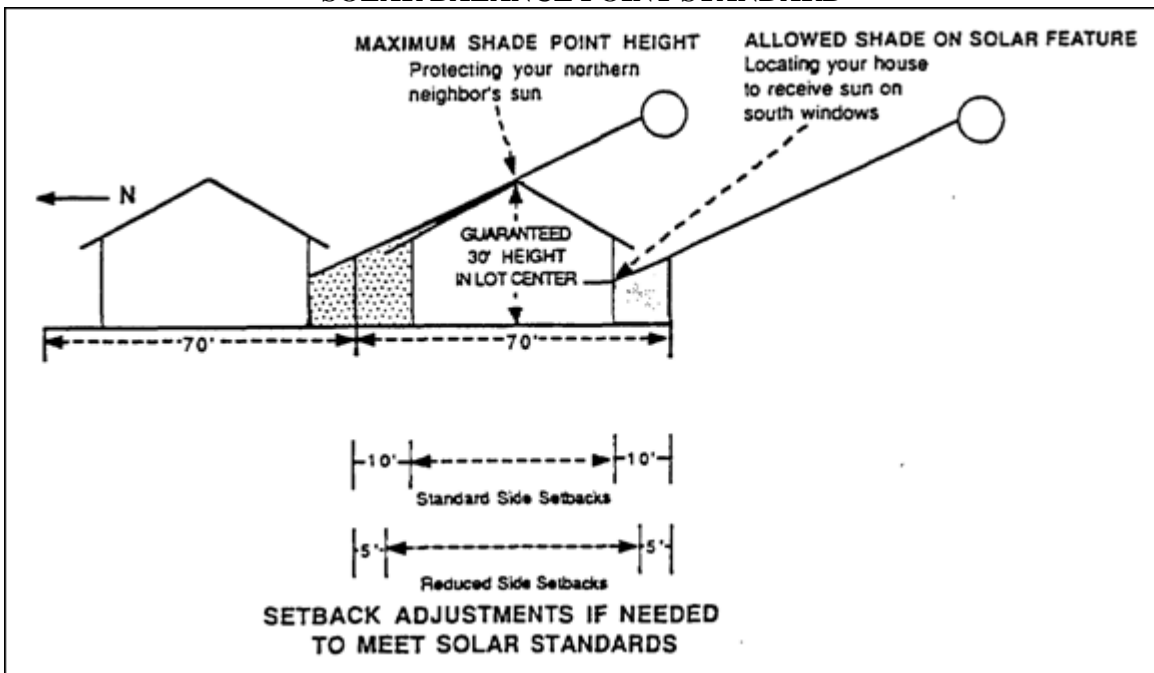
- Where: SFSH = The allowed shadow height on the solar feature (see Figure 12);
- SH = The height of the shade at the northern lot line of lot(s) to the south as determined in subsection B above; and
- SGL = The solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south) (see Figure 10).

Table 19.1304.7.B may be used to determine “SH” in the above formula.

**Table 19.1304.7.D**  
**MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (IN FEET)**

Distance from Solar Gain Line to Lot Line (In Feet)	Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (In Feet)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

**Figure 12.**  
**SOLAR BALANCE POINT STANDARD**



## Chapter 19.1500 BOUNDARY CHANGES

### 19.1504 Expedited process.

#### 19.1504.1 Administration and Approval Process.

- E. The city zoning and comprehensive plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table 19.1504.E, provided below:

<b>Table 19.1504.E</b>		
<b>ZONING AND LAND USE DESIGNATIONS FOR BOUNDARY CHANGES</b>		
<b>County Zoning Designation</b>	<b>Assigned City Zoning Designation</b>	<b>Assigned Comprehensive Plan Land Use Designation</b>
R-20	R-10	Low density residential
R-15	R-10	Low density residential
R-10	R-10	Low density residential
R-8.5	R-7	Low density residential
R-7	R-7	Low density residential
MR1	R-5	Moderate density residential
MR2	R-2	Medium density residential
PMD	R-1-B	High density residential
HDR	R-1-B	High density residential
SHD	R-1	High density residential
C2	R-O-C	Commercial/high density use
C3	C-G	Commercial
OC	C-L	Commercial
RTL	C-L	Commercial
PC	C-CS	Commercial
I2	M	Industrial
I3	M	Industrial
BP	BI	Industrial
OSM	R-10/CSU	Public

## Chapter 19.1000 ADMINISTRATIVE PROVISIONS

### 19.1008 Ex parte contact.

#### 19.1008.1 Provisions

Prior to rendering a decision, no member of a review body shall communicate, directly or indirectly, with any person interested in the outcome or any representative in connection with any issue involved in an application except upon notice and opportunity for all parties to participate. Should such communications occur, the member of the review body shall:

- A. Enter into the record the substance of any such written or oral communication; and
- B. Publicly announce the content of the communication and provide an opportunity to rebut the substance of the contact.

**Application Narrative  
Zoning Text Amendment: Code Tables  
Milwaukie Municipal Code  
Approval Criteria**

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**Milwaukie Municipal Code (MMC) Chapter 19.900 Amendments**

**1. MMC Section 19.901 Initiation of amendments.**

**MMC 19.901 requires that an amendment to the Milwaukie zoning text be initiated by the City Council, Planning Commission, or by a property owner.**

This text amendment is proposed by the City of Milwaukie and will be initiated by the Planning Commission prior to the public hearing.

The criterion for compliance with the requirements of MMC 19.901 is met.

**2. MMC Section 19.902 Amendment procedure.**

**A. MMC 19.902.1.A requires that proposed amendment applications be heard at a public hearing and follow the procedures outlined in MMC Subsection 19.1011.5 Legislative actions.**

The Planning Commission will hold a public hearing for this application on May 26, 2009, the earliest practicable meeting after the application is submitted. The City Council will hold a public hearing on June 16, 2009, within 40 days of the Commission's recommendation on this application.

**B. MMC 19.902.1.B establishes standards for providing notice to Metro of any proposed amendment to the comprehensive plan or zoning ordinance.**

Notice to Metro will be provided 45 days in advance of the scheduled City Council hearing. A report containing the analysis of the application's consistency with the Metro Urban Growth Functional Plan will be delivered to Metro no later than 14 days before the City Council hearing.

The criteria for compliance with the requirements of MMC 19.902 are met.

**3. MMC Section 19.904 Requirements for zoning text amendments.**

**A. MMC 19.904.1 requires that proposals for zoning text amendments provide written evidence that the following requirements are satisfied:**

**i. Applicable requirements of MMC Section 19.1003 Form of Petitions, applications and appeals, which specify the form of petitions, applications, and appeals.**

City staff has submitted an application on the prescribed form. Because the application is for a zoning code text amendment and no development is proposed, the other portions of MMC 19.1003 are not applicable.

**ii. Reasons for requesting the proposed text amendments.**

This "table housekeeping" amendment is for the purposes of making Planning Code\* tables more consistent, as follows:

- All tables numbered appropriately, according to the section of Code to which they pertain. (Some currently unnumbered or numbered incorrectly.)
- All tables named appropriately. (Some currently unnamed or awkwardly named.)
- All tables placed appropriately, as soon as possible after the first paragraph where they are first referenced. (Some tables currently in illogical locations and/or in landscape orientation where not really necessary, especially once we switch to single-column format.)
- All tables referenced appropriately, by number. (Some currently not referenced at all or only referenced as "the following table," etc.)

**iii. Explanation of how the proposed text amendments are consistent with other provisions of this title.**

Housekeeping only. No policy changes proposed.

**iv. The approval criteria of MMC 19.905.**

The applicable approval criteria of MMC 19.905 are addressed below.

The criteria to comply with the requirements of MMC 19.904 are met.

**4. MMC Section 19.905 Approval criteria for all amendments.**

**MMC 19.905 establishes the approval criteria for zoning text amendments. The applicable criteria are evaluated as follows:**

- A. The proposed amendments must conform to applicable comprehensive plan goals, policies and objectives and be consistent with the provisions of City ordinances, Metro Urban Growth Management Functional Plan, and applicable regional policies.**

**Compliance with City Policy:**

The proposed code revisions to Title 19 will not change current City land use policy. The amendments are consistent with applicable comprehensive plan goals, policies and objectives.

**Compliance with Metro Policy:**

- B. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weigh these factors in determining the intent of the proposed zone.**

Not applicable. This application is for text amendments only and does not involve any specific development proposal for any specific property or any particular zone.

- C. The proposed amendments will meet or can be determined to reasonably meet applicable regional, state, or federal regulations.**

The City has complied with all applicable procedural and substantive standards imposed by Metro, as discussed above. The primary purpose of the proposed amendments is to revise applicable code sections related to making table titles, numbering and references are consistent throughout the code.

The Oregon Statewide Planning Goals apply to the proposed amendments as follows:

**i. Goal 1 – Citizen Involvement**

***To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

The City has an adopted and acknowledged amendment process and is following that process in making these amendments. The proposed amendments do not change the City's citizen involvement program. Public hearings on the proposed amendments have been held and public notice was published twice prior to each hearing as required by the Milwaukie Comprehensive Plan (Plan Review and Amendment Process, City of Milwaukie Comprehensive Plan, Nov 5, 1979).

**Goal 2 – Land Use Planning**

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

The proposed amendments do not change the City's land use planning process.

**D. The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.**

Not applicable. This application is for text amendments only and does not involve a specific development proposal for any specific property or any particular zone.

**E. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact analysis may be required subject to the provisions of Chapter 19.1400.**

Not applicable. This application is for text amendments only and does not involve a specific development proposal for any specific property or any particular zone.

The criteria for compliance with the requirements of MMC 19.905 are met.

**5. MMC Subsection 19.1011.5 Legislative Actions.**

**MMC 19.1011.5 outlines the procedures for processing legislative land use policies and plans. Specifically, it requires the City to do the following:**

**A. Public Notification. Publish a notice of a hearing once each week for two consecutive weeks in a newspaper of general circulation in the city. The second publication shall not be less than five days prior to the date of the hearing.**

The City will provide the required published notice. The amendments will be posted on the City website.

**Decision. The Planning Commission shall conduct a public hearing and shall make a decision based on compliance with the applicable goals and policies of the comprehensive plan. The Planning Commission shall prepare a recommendation to the City Council. If the Commission approves the proposal, a**

**report and recommendation, including findings and conclusions, shall be forwarded to Council. The City Council shall conduct a public hearing.**

The Planning Commission will conduct a public hearing on May 26, 2009, and will make a recommendation to the City Council. The City Council will hold a public hearing on June 16, 2009.

The criteria for compliance with the requirements of MMC 19.1011.5 are met.



**To: Mayor and City Council**

**Through: Mike Swanson, City Manager**

**From: Ignacio Palacios, Finance Director**

**Subject: MMC Chapter 13.30 - REIMBURSEMENT DISTRICTS**

**Date: June 5 for City Council Regular Session June 16, 2009**

### **Action Requested**

Adopt an Ordinance amending Milwaukie Municipal Code Chapter 13.30 – Reimbursement Districts. Amendment would set the base term of a Reimbursement District at 10 years and allow the City Council to extend the district in 10 year increments.

### **History of Prior Actions and Discussions**

**March 2009** City Council approved amendments to the MMC Chapter 13.30. However, due to a staff error the adopted Ordinance referenced the wrong exhibit, resulting in no changes. The proposed action this evening would correct that error.

**January 2000** City Council adopted Ordinance 1868, creating the current Reimbursement District City Code.

### **Background**

A Reimbursement District is a mechanism by which the costs of a public improvement can be shared by multiple property owners. If a developer or the City constructs a project which could benefit multiple properties, and is willing to pay the up-front cost, a Reimbursement District requires property owners who wish to connect or make use of the public improvement to “reimburse” the builder of that project a share of the cost of the project.

Under the existing MMC, each District must be approved by City Council and provide for a method to allocate the project costs within the District. Public improvements such as a water line, a sewer line, or a new street can be constructed as “Reimbursement Districts.” City Code allows for a Reimbursement District with a maximum five-year term, which can be extended an additional ten years, for a total maximum term of 15 years.

There is no Oregon statute that governs these districts, but they have been in wide-spread use around the state for decades. Because no party is forced to pay an assessment (as is the case with a Local Improvement District), the reimbursement is considered a “voluntary” payment. Because a “Reimbursement District” does not involve an assessment or the placement of lien against a property, there is no requirement to halt such a project due to “remonstrance.”

In the case of a sanitary sewer extension into an existing neighborhood, for instance, a 15 year maximum term may be undesirable. The maximum term would likely not allow the City to fully recoup the project cost. Some properties, such as those with a recently-constructed or repaired septic system, would not connect to the system within 15 years. A significant proportion, therefore, could connect after the expiration of the term of the reimbursement district and avoid any share of the capital cost of the project. This would create a fiscal burden for the utility (and its rate-payers). In addition, this creates the potential for property owners in the reimbursement district to avoid upgrading a failing septic system to delay the time of connection.

The amendments in the attached Code revision:

- (1) establish the maximum base term of a reimbursement district as 10 years (the term of each district would continue to be set at the time of City Council approval);
- (2) provide the City Council with the ability to extend Reimbursement Districts in ten-year increments and removes the limit on the number of such extensions; and
- (3) makes minor house-keeping edits.

### **Concurrence**

The Community Development, Engineering and Planning Directors have been consulted on the new code and concur. The City Attorney provided legal input and stated that the proposed approach would minimize City exposure to legal challenge.

### **Fiscal Impact**

The change has no fiscal impact. It has the potential to increase City collections on City-initiated Reimbursement Districts in future years.

### **Work Load Impacts**

Allowing Reimbursement Districts to be extended for additional years creates the potential for additional staff work collecting fees in future years. These collections would not substantially increase staff work over existing permit requirements.

### **Alternatives**

Council might direct staff to return with an alternative Ordinance that did provide a maximum number of years that a Reimbursement District could be extended, or, alternatively, provide for the possibility of perpetual districts. Staff believes the proposed approach is best as it provides the City maximum flexibility without creating a potentially difficult challenge of tracking districts in perpetuity.

### **Attachments**

1. Ordinance amending Title 13.30

**ATTACHMENT 1**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 13.30 OF MILWAUKIE MUNICIPAL CODE (MMC) GOVERNING REIMBURSEMENT DISTRICTS.**

**WHEREAS**, THE CITY ALLOWS THE INITIATION OF REIMBURSEMENT DISTRICTS TO SPREAD THE COSTS OF NEEDED PUBLIC IMPROVEMENTS ACROSS THE PROPERTIES THAT BENEFIT FROM SUCH IMPROVEMENTS; and

**WHEREAS**, THE EXISTING CODE ONLY PROVIDES FOR A MAXIMUM REIMBURSEMENT DISTRICT TERM OF FIFTEEN YEARS; and

**WHEREAS**, THE CITY COULD MORE EQUITABLY APPORTION THE COST OF A PUBLIC IMPROVEMENT PROJECT OVER A LONGER PERIOD OF TIME;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

Section 1. Milwaukie Municipal Code Chapter 13.30 is amended as described in Exhibit A (strikeout version) and Exhibit B (clean version).

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 \_\_\_\_\_.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

EXHIBIT A  
STRIKEOUT VERSION

**Chapter 13.30 REIMBURSEMENT DISTRICTS**

**13.30.010 Definitions.**

The following terms are definitions for the purposes of this chapter.

A. “city engineer” or “engineer” means the person holding the position of city engineer or any officer or employee designated by that person to perform duties stated within this chapter.

B. “City” means the city of Milwaukie.

C. “Person” means a natural person, the person’s heirs, executors, administrators, or assigns; a firm, partnership, corporation, association or legal entity, its or their successors or assigns; and any agent employee or any representative thereof.

D. “Applicant” means a person, as defined in subsection C of this section, who is required or chooses to finance some or all of the cost of a street, water, storm sewer or sanitary sewer improvement which is available to provide service to property, other than property owned by the person, and who applies to the city for reimbursement for the expense of the improvement. The “applicant” may be the city.

E. “Street improvement” means a street or street improvement conforming with standards in the Milwaukie Community Development Code and including but not limited to streets, storm drains, curbs, gutters, sidewalks, bike paths, traffic control devices, street trees, lights and signs and public right-of-way.

F. “Water improvement” means a water or water line improvement conforming with standards in the Milwaukie Community Development Code and including but not limited to extending a water line to an intervening property, other than property owned by the applicant, so that water service can be provided for such other property without further extension of the main line.

G. “Sanitary sewer improvement” means a sanitary sewer or sanitary sewer line improvement conforming with standards in the Milwaukie Community Development Code and including but not limited to extending a sewer line to an intervening property, other than property owned by the applicant, so that sewer service can be provided for such other property without further extension of the main line.

H. “Storm sewer improvement” means a storm sewer line improvement conforming to standards in the Milwaukie Community Development Code and including but not limited to extending a storm sewer line to an intervening property.

I. “Public improvement” means any construction, reconstruction or upgrading of a water, sanitary sewer or storm sewer line, public street (including bicycle lanes) or sidewalk or undergrounding of public utilities.

J. “Front footage” means the linear footage of a lot or parcel owned by an intervening property owner which is served by a reimbursement district public improvement and on which the intervening property owner’s portion of the reimbursement may be calculated. Front footage shall be the amount shown on the most recent county tax assessor maps for the

intervening property or, in the event such information is not available, any other reasonable method established by the city engineer for calculating front footage. "Front footage" does not include property owned by the city, including rights-of-way.

K. "Reimbursement agreement" means the agreement between an applicant and the city which is authorized by the city council and executed by the city manager, providing for the installation of and payment for reimbursement district public improvements.

L. "Reimbursement district" means the area which is determined by the city council to derive a benefit from the construction of street, water, storm sewer or sanitary sewer improvements, financed in whole or in part by the applicant and includes property which has the opportunity to utilize such an improvement.

M. "Reimbursement fee" means the fee required to be paid by a resolution of the city council and the reimbursement agreement. The city council resolution and reimbursement agreement shall determine the boundaries of the reimbursement district and shall determine the methodology for imposing a fee which considers the cost of reimbursing the applicant for financing the construction of a street, water, storm or sanitary sewer improvement within the reimbursement district.

N. "Utilize" means to make a physical change to property requiring a building permit or development permit which results in the connection of the property to a public improvement or increased use of the public improvement by activity on the property.

O. "Intervening property" is property that utilizes public improvements provided by the applicant. (Ord. 1868 § 1 (part), 2000)

### **13.30.020 Application for a reimbursement district.**

A. Any person who is required to or chooses to finance some or all of the cost of a street, water, storm sewer or sanitary sewer improvement which is available to provide service to property, other than property owned by the person, may, by written application filed with the city engineer, request that the city establish a reimbursement district. The street, water, storm sewer and sanitary sewer improvements must include improvements of a size greater than those which would otherwise ordinarily be required in connection with an application for permit approval or must be available to provide service to property other than property owned by the applicant. Examples include but shall not be limited to full street improvements instead of half street improvements, off-site sidewalks, connection of street sections for continuity, extension of water, storm or sewer lines. The city may also initiate formation of a reimbursement district. The application shall be accompanied by a fee, as established by resolution, sufficient to cover the cost of administrative review and notice pursuant to this chapter.

B. The application shall include the following:

1. A description of the location, type, size and cost of the public improvement to be eligible for reimbursement;

2. A map showing the properties to be included in the proposed reimbursement district; the zoning district for the properties; the front footage or square footage of said properties, or similar data necessary for calculating the apportionment of the cost; and the property or properties owned by the applicant;

3. Post-construction. The actual cost of the improvements as evidenced by receipts, invoices or other similar documents. Pre-construction: The estimated cost of the improvements as evidenced by bids, projections of the cost of labor and materials, or other evidence satisfactory to the city engineer;

4. Post-construction: The date the city accepted the public improvements. Pre-construction: The estimated date of completion of the public improvements.

C. The application may be submitted to the city prior to the installation of the public improvement but shall be submitted no later than one hundred eighty days after written acceptance of the street, water, storm or sanitary sewer improvements. However, the city engineer may waive this requirement upon the showing by the applicant of good cause of the delay, that the delay was not created by the applicant, and that the delay was unavoidable due to unanticipated or unforeseen circumstances.

~~D. Notwithstanding the time limitations stated in subsection C of this section, if a public improvement was accepted by the city prior to (effective date of this chapter), but after January 1, 1997, an application may be submitted not later than (insert date one hundred eighty days after the effective date of the chapter). (Ord. 1868 § 1 (part), 2000)~~

### **13.30.030 City engineer's report.**

The city engineer shall review the application for the establishment of a reimbursement district and evaluate whether a district should be established. The engineer may require the submittal of other relevant information from the applicant in order to assist in the evaluation. The engineer shall prepare a written report for the city council, considering and making recommendations concerning the following factors:

A. Whether the applicant will finance or has financed some or all of the cost of a street, water, storm or sanitary sewer improvement, thereby making service available to property, other than property owned by the applicant.

B. The area to be included in the reimbursement district and the public improvements that are the subject of the district.

C. The actual or estimated cost of the street, water, storm or sanitary sewer improvements within the area of the proposed reimbursement district and the portion of the cost for which the applicant should be reimbursed for each improvement.

D. A methodology for spreading the cost among the parcels within the reimbursement district and where appropriate defining a "unit" for applying the reimbursement fee to property which may, with city approval, be partitioned, altered, modified, or subdivided at some future date. The methodology should include consideration of the cost of the improvements, prior contributions by property owners, the value of the unused capacity, rate-making principles employed to finance public improvements, and other factors deemed relevant by the city engineer. Prior contributions by property owners will only be considered if the contribution was for the same type of improvement and at the same location.

E. The amount to be charged for administration of the agreement shall be fixed by the city council and will be included in the resolution approving and forming the reimbursement district. The administration fee is due and payable to the city at the time the reimbursement agreement is signed.

- F. The period of time that the right to reimbursement exists.
- G. Whether the street, water, storm sewer and sanitary sewer improvements will or have met city standards. (Ord. 1868 § 1 (part), 2000)

**13.30.040 Amount to be reimbursed.**

A. The cost to be reimbursed to the applicant shall be limited to the cost of construction, engineering, and off-site right of way. Engineering shall include surveying and inspection and shall not exceed 13.5 percent of eligible construction cost. Costs to be reimbursed for right-of-way shall be limited to the reasonable market value of land or easements purchased by the applicant from a third party to complete off-site improvements.

B. No reimbursement shall be allowed for financing costs, permits or fees required for construction permits, land or easements dedicated by the applicant, costs which are eligible for traffic impact fee credits or systems development charge credits, or any costs which cannot be clearly documented.

C. Reimbursement for legal expenses shall be allowed only to the extent that such expenses relate to the preparation and filing of an application for reimbursement, and to working with the city through the engineer's report and formation public hearing stages of an application.

D. A reimbursement fee shall be computed by the city for all properties which have the opportunity to utilize the improvements, including the property of the applicant for formation of a reimbursement district. The applicant for formation of the reimbursement district shall not be reimbursed for the portion of the reimbursement fee computed for the property of the applicant. (Ord. 1868 § 1 (part), 2000)

**13.30.045 Annual fee adjustment.**

The city council may grant an annual fee adjustment at the time of application for formation of a reimbursement district as provided in this section.

A. An annual fee adjustment shall be applied to the reimbursement fee beginning on the first anniversary of the date of the reimbursement agreement as a return on the investment for the person or the city. The annual fee adjustment shall be fixed and computed against the reimbursement fee as simple interest and will not compound. The amount of the fee adjustment shall be determined ~~th~~at the time that a district is formed and shall be the same each year.

B. Each fiscal year, the finance director shall recommend to the city council an interest rate to be used in determining the annual fee adjustment for reimbursement districts. The city council shall consider the recommendation of the finance director and shall adopt an interest rate to be used in determining the annual fee adjustment. The interest rate adopted by the city council shall be applied to all reimbursement districts formed during the fiscal year, for which annual fee adjustments are approved. (Ord. 1868 § 1 (part), 2000)

**13.30.050 Public hearing.**

A. Within a reasonable time after the city engineer has completed the report required in Section 13.30.030, the city council shall hold an informational public hearing in which any person shall be given the opportunity to comment on the proposed reimbursement district. Because formation of the reimbursement district does not result in an assessment against property

or lien against property, the public hearing is for informational purposes only and is not subject to mandatory termination because of remonstrances. The city council has the sole discretion after the informational public hearing to decide whether a resolution approving and forming the reimbursement district shall be adopted.

B. If a reimbursement district is formed prior to construction of the improvement(s), a second informational public hearing shall be held after the improvement has been accepted by the city. At that time, the city council may modify the resolution to reflect the actual cost of the improvement(s). (Ord. 1868 § 1 (part), 2000)

### **13.30.060 Notice of public hearing.**

Not less than ten nor more than thirty days prior to any informational public hearing held pursuant to this chapter, the applicant and all owners of property within the proposed district shall be notified of such hearing and the purpose thereof. Such notification shall be accomplished by either regular mail or personal service. If notification is accomplished by mail, notice shall be mailed not less than thirteen days prior to the hearing. Notice shall be deemed effective on the date that the letter of notification is mailed. Failure of the applicant or any affected property owner to be so notified shall not invalidate or otherwise affect any reimbursement district resolution or the city council's action to approve the same. (Ord. 1868 § 1 (part), 2000)

### **13.30.070 City council action.**

A. After the informational public hearing held pursuant to Section 13.30.050A, the city council shall approve, reject or modify the recommendations contained in the city engineer's report. The city council's decision shall be embodied in a resolution. If a reimbursement district is established, the resolution shall include the city engineer's report as approved or modified, and specify that payment of the reimbursement fee, as designated for each parcel, is a precondition of receiving city permits applicable to development of that parcel as provided for in Section 13.30.110.

B. When the applicant is other than the city, the resolution shall instruct the city manager to enter into an agreement with the applicant pertaining to the reimbursement district improvements. If the agreement is entered into prior to construction, the agreement shall be contingent upon the improvements being accepted by the city. The agreement, at a minimum, shall contain the following provisions:

1. The public improvement(s) shall meet all applicable city standards;
2. The total amount of potential reimbursement to the applicant;
3. The total amount of potential reimbursement shall not exceed the actual cost of the public improvement(s);
4. The annual fee adjustment set by the city council;
5. The applicant shall guarantee the public improvement(s) for a period of twelve months after the date of installation;
6. The applicant shall defend, indemnify and hold harmless the city, its officers and employees, from any and all losses, claims, damage, judgments or other costs or expense, including attorney's fees, arising as a result of or related to the city's establishment of the district

and shall waive all claims against the city related to the establishment or administration of the district;

7. The applicant shall acknowledge that the city is not obligated to collect the reimbursement fee from affected property owners;

8. Other provisions as the city council determines necessary and proper to carry out the provisions of this chapter.

C. If a reimbursement district is established by the city council, the date of the formation of the district shall be the date that the city council adopts the resolution forming the district. (Ord. 1868 § 1 (part), 2000)

### **13.30.080 Notice of adoption of resolution.**

The city shall notify all property owners within the district and the applicant of the adoption of a reimbursement district resolution. The notice shall include a copy of the resolution, the date it was adopted and a short explanation of when the property owner is obligated to pay the reimbursement fee and the amount of the fee. (Ord. 1868 § 1 (part), 2000)

### **13.30.090 Recording the resolution.**

The city recorder shall cause notice of the formation and nature of the reimbursement district to be filed in the office of the county recorder so as to provide notice to potential purchasers of property within the district. The recorder shall also cause notice to be filed of a council decision made pursuant to Section 13.30.110F. to extend the period of time within which reimbursement payments are due. Said recording shall not create a lien. Failure to make such recording shall not affect the legality of the resolution or the obligation to pay the reimbursement fee. (Ord. 1868 § 1 (part), 2000)

### **13.30.100 Contesting the reimbursement district.**

No legal action intended to contest the formation of the district or the reimbursement fee, including the amount of the charge designated for each parcel, shall be filed after sixty days following the adoption of a resolution establishing a reimbursement district. (Ord. 1868 § 1 (part), 2000)

### **13.30.110 Obligation to pay reimbursement fee.**

A. The applicant for a permit related to property within any reimbursement district shall pay to the city, in addition to any other applicable fees and charges, the reimbursement fee established by the city council, together with the annual fee adjustment, if within the time specified in the resolution establishing the district **or any extension thereof established pursuant to Section 13.30.110F**, the person applies for and receives approval from the city to connect to the public improvement that is the subject of the district or otherwise increase the use of the public improvement.

B. “Increase the use” means:

1. For sanitary sewer or storm sewer lines: to make a physical change requiring a building or development permit on the intervening property which increases the volume discharged into the line;

2. For water lines: to make a physical change requiring a building or development permit on the intervening property which increases the amount of water used;

3. For public streets: to make a physical change requiring a building or development permit on the intervening property which increases the trips on the street or creates a new entrance onto the street.

C. The city's determination of who shall pay the reimbursement fee is final. Neither the city nor any officer or employee of the city shall be liable for payment of any reimbursement fee, annual fee adjustment, or portion thereof as a result of this determination.

D. A permit applicant whose property is subject to payment of a reimbursement fee receives a benefit from the construction of street improvements, regardless of whether access is taken or provided directly onto such street at any time. Nothing in this ordinance is intended to modify or limit the authority of the city to provide or require access management.

E. No person shall be required to pay the reimbursement fee on an application or upon property for which the reimbursement fee has been previously paid, unless such payment was for a different type of improvement. No permit shall be issued for any of the activities listed in Section 13.30.110A unless the reimbursement fee, together with the annual fee adjustment, has been paid in full. Where approval is given as specified in section 13.30.110A, but no permit is requested or issued, then the requirement to pay the reimbursement fee lapses if the underlying approval lapses.

F. The date when the right of reimbursement ends shall not extend beyond ~~five ten~~ years from the district formation date. Upon application for an extension by the applicant, the city council may, by resolution, authorize ~~up to two five ten~~-year extensions of the right of reimbursement under the agreement.

G. The reimbursement fee is immediately due and payable to the city by intervening property owners upon utilization of a public improvement. If connection is made or construction commenced without required city permits, then the reimbursement fee is immediately due and payable upon the earliest date that any such permit was required. No city permit of any kind for the intervening property shall be issued until the reimbursement fee is paid in full.

H. Whenever the full reimbursement fee has not been paid and collected for any reason after it is due, the city manager shall report to the city council the amount of the uncollected reimbursement, the legal description of the intervening property on which the reimbursement is due, the date upon which the reimbursement was due and the intervening property owner's name or names. The city council shall then, by motion, set a public hearing date and direct the city manager to give notice of that hearing to each of the identified intervening property owners, together with a copy of the city manager's report concerning the unpaid reimbursement fee. Such notice may be either by certified mail or personal service. At the public hearing, the city council may accept, reject or modify the city manager's report. If the city council accepts or modifies the city manager's report and determines that the reimbursement fee is due but has not been paid for whatever reason, the city may take any action including all legal or equitable means necessary to collect the unpaid amount. An unpaid reimbursement fee shall prohibit any issuance of permits by the city for the intervening property. (Ord. 1868 § 1 (part), 2000)

**13.30.120 Public improvements.**

Public improvements installed pursuant to reimbursement district agreements shall become and remain the sole property of the city. (Ord. 1868 § 1 (part), 2000)

**13.30.130 Multiple public improvements.**

More than one public improvement may be the subject of a reimbursement district. (Ord. 1868 § 1 (part), 2000)

**13.30.140 Collection and payment—Other fees and charges.**

A. Applicants shall receive all reimbursement collected by the city for their public improvements. Such reimbursement shall be delivered to the applicant for as long as the reimbursement district agreement is in effect. Such payments shall be made by the city within ninety days of receipt of the reimbursements.

B. The reimbursement fee is in lieu of a local improvement district charge for the improvements installed pursuant to the reimbursement district agreement. The reimbursement fee is not intended to replace or limit any other fee or charge collected by the city. (Ord. 1896 § 1, 2002; Ord. 1868 § 1 (part), 2000)

EXHIBIT B  
CLEAN VERSION

**Chapter 13.30 REIMBURSEMENT DISTRICTS**

**13.30.010 Definitions.**

The following terms are definitions for the purposes of this chapter.

A. “city engineer” or “engineer” means the person holding the position of city engineer or any officer or employee designated by that person to perform duties stated within this chapter.

B. “City” means the city of Milwaukie.

C. “Person” means a natural person, the person’s heirs, executors, administrators, or assigns; a firm, partnership, corporation, association or legal entity, its or their successors or assigns; and any agent employee or any representative thereof.

D. “Applicant” means a person, as defined in subsection C of this section, who is required or chooses to finance some or all of the cost of a street, water, storm sewer or sanitary sewer improvement which is available to provide service to property, other than property owned by the person, and who applies to the city for reimbursement for the expense of the improvement. The “applicant” may be the city.

E. “Street improvement” means a street or street improvement conforming with standards in the Milwaukie Community Development Code and including but not limited to streets, storm drains, curbs, gutters, sidewalks, bike paths, traffic control devices, street trees, lights and signs and public right-of-way.

F. “Water improvement” means a water or water line improvement conforming with standards in the Milwaukie Community Development Code and including but not limited to extending a water line to an intervening property, other than property owned by the applicant, so that water service can be provided for such other property without further extension of the main line.

G. “Sanitary sewer improvement” means a sanitary sewer or sanitary sewer line improvement conforming with standards in the Milwaukie Community Development Code and including but not limited to extending a sewer line to an intervening property, other than property owned by the applicant, so that sewer service can be provided for such other property without further extension of the main line.

H. “Storm sewer improvement” means a storm sewer line improvement conforming to standards in the Milwaukie Community Development Code and including but not limited to extending a storm sewer line to an intervening property.

I. “Public improvement” means any construction, reconstruction or upgrading of a water, sanitary sewer or storm sewer line, public street (including bicycle lanes) or sidewalk or undergrounding of public utilities.

J. “Front footage” means the linear footage of a lot or parcel owned by an intervening property owner which is served by a reimbursement district public improvement and on which the intervening property owner’s portion of the reimbursement may be calculated. Front footage shall be the amount shown on the most recent county tax assessor maps for the

intervening property or, in the event such information is not available, any other reasonable method established by the city engineer for calculating front footage. "Front footage" does not include property owned by the city, including rights-of-way.

K. "Reimbursement agreement" means the agreement between an applicant and the city which is authorized by the city council and executed by the city manager, providing for the installation of and payment for reimbursement district public improvements.

L. "Reimbursement district" means the area which is determined by the city council to derive a benefit from the construction of street, water, storm sewer or sanitary sewer improvements, financed in whole or in part by the applicant and includes property which has the opportunity to utilize such an improvement.

M. "Reimbursement fee" means the fee required to be paid by a resolution of the city council and the reimbursement agreement. The city council resolution and reimbursement agreement shall determine the boundaries of the reimbursement district and shall determine the methodology for imposing a fee which considers the cost of reimbursing the applicant for financing the construction of a street, water, storm or sanitary sewer improvement within the reimbursement district.

N. "Utilize" means to make a physical change to property requiring a building permit or development permit which results in the connection of the property to a public improvement or increased use of the public improvement by activity on the property.

O. "Intervening property" is property that utilizes public improvements provided by the applicant. (Ord. 1868 § 1 (part), 2000)

### **13.30.020 Application for a reimbursement district.**

A. Any person who is required to or chooses to finance some or all of the cost of a street, water, storm sewer or sanitary sewer improvement which is available to provide service to property, other than property owned by the person, may, by written application filed with the city engineer, request that the city establish a reimbursement district. The street, water, storm sewer and sanitary sewer improvements must include improvements of a size greater than those which would otherwise ordinarily be required in connection with an application for permit approval or must be available to provide service to property other than property owned by the applicant. Examples include but shall not be limited to full street improvements instead of half street improvements, off-site sidewalks, connection of street sections for continuity, extension of water, storm or sewer lines. The city may also initiate formation of a reimbursement district. The application shall be accompanied by a fee, as established by resolution, sufficient to cover the cost of administrative review and notice pursuant to this chapter.

B. The application shall include the following:

1. A description of the location, type, size and cost of the public improvement to be eligible for reimbursement;

2. A map showing the properties to be included in the proposed reimbursement district; the zoning district for the properties; the front footage or square footage of said properties, or similar data necessary for calculating the apportionment of the cost; and the property or properties owned by the applicant;

3. Post-construction. The actual cost of the improvements as evidenced by receipts, invoices or other similar documents. Pre-construction: The estimated cost of the improvements as evidenced by bids, projections of the cost of labor and materials, or other evidence satisfactory to the city engineer;

4. Post-construction: The date the city accepted the public improvements. Pre-construction: The estimated date of completion of the public improvements.

C. The application may be submitted to the city prior to the installation of the public improvement but shall be submitted no later than one hundred eighty days after written acceptance of the street, water, storm or sanitary sewer improvements. However, the city engineer may waive this requirement upon the showing by the applicant of good cause of the delay, that the delay was not created by the applicant, and that the delay was unavoidable due to unanticipated or unforeseen circumstances.

### **13.30.030 City engineer's report.**

The city engineer shall review the application for the establishment of a reimbursement district and evaluate whether a district should be established. The engineer may require the submittal of other relevant information from the applicant in order to assist in the evaluation. The engineer shall prepare a written report for the city council, considering and making recommendations concerning the following factors:

A. Whether the applicant will finance or has financed some or all of the cost of a street, water, storm or sanitary sewer improvement, thereby making service available to property, other than property owned by the applicant.

B. The area to be included in the reimbursement district and the public improvements that are the subject of the district.

C. The actual or estimated cost of the street, water, storm or sanitary sewer improvements within the area of the proposed reimbursement district and the portion of the cost for which the applicant should be reimbursed for each improvement.

D. A methodology for spreading the cost among the parcels within the reimbursement district and where appropriate defining a "unit" for applying the reimbursement fee to property which may, with city approval, be partitioned, altered, modified, or subdivided at some future date. The methodology should include consideration of the cost of the improvements, prior contributions by property owners, the value of the unused capacity, rate-making principles employed to finance public improvements, and other factors deemed relevant by the city engineer. Prior contributions by property owners will only be considered if the contribution was for the same type of improvement and at the same location.

E. The amount to be charged for administration of the agreement shall be fixed by the city council and will be included in the resolution approving and forming the reimbursement district. The administration fee is due and payable to the city at the time the reimbursement agreement is signed.

F. The period of time that the right to reimbursement exists.

G. Whether the street, water, storm sewer and sanitary sewer improvements will or have met city standards. (Ord. 1868 § 1 (part), 2000)

**13.30.040 Amount to be reimbursed.**

A. The cost to be reimbursed to the applicant shall be limited to the cost of construction, engineering, and off-site right of way. Engineering shall include surveying and inspection and shall not exceed 13.5 percent of eligible construction cost. Costs to be reimbursed for right-of-way shall be limited to the reasonable market value of land or easements purchased by the applicant from a third party to complete off-site improvements.

B. No reimbursement shall be allowed for financing costs, permits or fees required for construction permits, land or easements dedicated by the applicant, costs which are eligible for traffic impact fee credits or systems development charge credits, or any costs which cannot be clearly documented.

C. Reimbursement for legal expenses shall be allowed only to the extent that such expenses relate to the preparation and filing of an application for reimbursement, and to working with the city through the engineer's report and formation public hearing stages of an application.

D. A reimbursement fee shall be computed by the city for all properties which have the opportunity to utilize the improvements, including the property of the applicant for formation of a reimbursement district. The applicant for formation of the reimbursement district shall not be reimbursed for the portion of the reimbursement fee computed for the property of the applicant. (Ord. 1868 § 1 (part), 2000)

**13.30.045 Annual fee adjustment.**

The city council may grant an annual fee adjustment at the time of application for formation of a reimbursement district as provided in this section.

A. An annual fee adjustment shall be applied to the reimbursement fee beginning on the first anniversary of the date of the reimbursement agreement as a return on the investment for the person or the city. The annual fee adjustment shall be fixed and computed against the reimbursement fee as simple interest and will not compound. The amount of the fee adjustment shall be determined at the time that a district is formed and shall be the same each year.

B. Each fiscal year, the finance director shall recommend to the city council an interest rate to be used in determining the annual fee adjustment for reimbursement districts. The city council shall consider the recommendation of the finance director and shall adopt an interest rate to be used in determining the annual fee adjustment. The interest rate adopted by the city council shall be applied to all reimbursement districts formed during the fiscal year, for which annual fee adjustments are approved. (Ord. 1868 § 1 (part), 2000)

**13.30.050 Public hearing.**

A. Within a reasonable time after the city engineer has completed the report required in Section 13.30.030, the city council shall hold an informational public hearing in which any person shall be given the opportunity to comment on the proposed reimbursement district. Because formation of the reimbursement district does not result in an assessment against property or lien against property, the public hearing is for informational purposes only and is not subject to mandatory termination because of remonstrances. The city council has the sole discretion after

the informational public hearing to decide whether a resolution approving and forming the reimbursement district shall be adopted.

B. If a reimbursement district is formed prior to construction of the improvement(s), a second informational public hearing shall be held after the improvement has been accepted by the city. At that time, the city council may modify the resolution to reflect the actual cost of the improvement(s). (Ord. 1868 § 1 (part), 2000)

### **13.30.060 Notice of public hearing.**

Not less than ten nor more than thirty days prior to any informational public hearing held pursuant to this chapter, the applicant and all owners of property within the proposed district shall be notified of such hearing and the purpose thereof. Such notification shall be accomplished by either regular mail or personal service. If notification is accomplished by mail, notice shall be mailed not less than thirteen days prior to the hearing. Notice shall be deemed effective on the date that the letter of notification is mailed. Failure of the applicant or any affected property owner to be so notified shall not invalidate or otherwise affect any reimbursement district resolution or the city council's action to approve the same. (Ord. 1868 § 1 (part), 2000)

### **13.30.070 City council action.**

A. After the informational public hearing held pursuant to Section 13.30.050A, the city council shall approve, reject or modify the recommendations contained in the city engineer's report. The city council's decision shall be embodied in a resolution. If a reimbursement district is established, the resolution shall include the city engineer's report as approved or modified, and specify that payment of the reimbursement fee, as designated for each parcel, is a precondition of receiving city permits applicable to development of that parcel as provided for in Section 13.30.110.

B. When the applicant is other than the city, the resolution shall instruct the city manager to enter into an agreement with the applicant pertaining to the reimbursement district improvements. If the agreement is entered into prior to construction, the agreement shall be contingent upon the improvements being accepted by the city. The agreement, at a minimum, shall contain the following provisions:

1. The public improvement(s) shall meet all applicable city standards;
2. The total amount of potential reimbursement to the applicant;
3. The total amount of potential reimbursement shall not exceed the actual cost of the public improvement(s);
4. The annual fee adjustment set by the city council;
5. The applicant shall guarantee the public improvement(s) for a period of twelve months after the date of installation;
6. The applicant shall defend, indemnify and hold harmless the city, its officers and employees, from any and all losses, claims, damage, judgments or other costs or expense, including attorney's fees, arising as a result of or related to the city's establishment of the district and shall waive all claims against the city related to the establishment or administration of the district;

7. The applicant shall acknowledge that the city is not obligated to collect the reimbursement fee from affected property owners;

8. Other provisions as the city council determines necessary and proper to carry out the provisions of this chapter.

C. If a reimbursement district is established by the city council, the date of the formation of the district shall be the date that the city council adopts the resolution forming the district. (Ord. 1868 § 1 (part), 2000)

### **13.30.080 Notice of adoption of resolution.**

The city shall notify all property owners within the district and the applicant of the adoption of a reimbursement district resolution. The notice shall include a copy of the resolution, the date it was adopted and a short explanation of when the property owner is obligated to pay the reimbursement fee and the amount of the fee. (Ord. 1868 § 1 (part), 2000)

### **13.30.090 Recording the resolution.**

The city recorder shall cause notice of the formation and nature of the reimbursement district to be filed in the office of the county recorder so as to provide notice to potential purchasers of property within the district. The recorder shall also cause notice to be filed of a council decision made pursuant to Section 13.30.110F. to extend the period of time within which reimbursement payments are due. Said recording shall not create a lien. Failure to make such recording shall not affect the legality of the resolution or the obligation to pay the reimbursement fee. (Ord. 1868 § 1 (part), 2000)

### **13.30.100 Contesting the reimbursement district.**

No legal action intended to contest the formation of the district or the reimbursement fee, including the amount of the charge designated for each parcel, shall be filed after sixty days following the adoption of a resolution establishing a reimbursement district. (Ord. 1868 § 1 (part), 2000)

### **13.30.110 Obligation to pay reimbursement fee.**

A. The applicant for a permit related to property within any reimbursement district shall pay to the city, in addition to any other applicable fees and charges, the reimbursement fee established by the city council, together with the annual fee adjustment, if within the time specified in the resolution establishing the district or any extension thereof established pursuant to Section 13.30.110F, the person applies for and receives approval from the city to connect to the public improvement that is the subject of the district or otherwise increase the use of the public improvement.

B. "Increase the use" means:

1. For sanitary sewer or storm sewer lines: to make a physical change requiring a building or development permit on the intervening property which increases the volume discharged into the line;

2. For water lines: to make a physical change requiring a building or development permit on the intervening property which increases the amount of water used;

3. For public streets: to make a physical change requiring a building or development permit on the intervening property which increases the trips on the street or creates a new entrance onto the street.

C. The city's determination of who shall pay the reimbursement fee is final. Neither the city nor any officer or employee of the city shall be liable for payment of any reimbursement fee, annual fee adjustment, or portion thereof as a result of this determination.

D. A permit applicant whose property is subject to payment of a reimbursement fee receives a benefit from the construction of street improvements, regardless of whether access is taken or provided directly onto such street at any time. Nothing in this ordinance is intended to modify or limit the authority of the city to provide or require access management.

E. No person shall be required to pay the reimbursement fee on an application or upon property for which the reimbursement fee has been previously paid, unless such payment was for a different type of improvement. No permit shall be issued for any of the activities listed in Section 13.30.110A unless the reimbursement fee, together with the annual fee adjustment, has been paid in full. Where approval is given as specified in section 13.30.110A, but no permit is requested or issued, then the requirement to pay the reimbursement fee lapses if the underlying approval lapses.

F. The date when the right of reimbursement ends shall not extend beyond ten years from the district formation date. Upon application for an extension by the applicant, the city council may, by resolution, authorize ten-year extensions of the right of reimbursement under the agreement.

G. The reimbursement fee is immediately due and payable to the city by intervening property owners upon utilization of a public improvement. If connection is made or construction commenced without required city permits, then the reimbursement fee is immediately due and payable upon the earliest date that any such permit was required. No city permit of any kind for the intervening property shall be issued until the reimbursement fee is paid in full.

H. Whenever the full reimbursement fee has not been paid and collected for any reason after it is due, the city manager shall report to the city council the amount of the uncollected reimbursement, the legal description of the intervening property on which the reimbursement is due, the date upon which the reimbursement was due and the intervening property owner's name or names. The city council shall then, by motion, set a public hearing date and direct the city manager to give notice of that hearing to each of the identified intervening property owners, together with a copy of the city manager's report concerning the unpaid reimbursement fee. Such notice may be either by certified mail or personal service. At the public hearing, the city council may accept, reject or modify the city manager's report. If the city council accepts or modifies the city manager's report and determines that the reimbursement fee is due but has not been paid for whatever reason, the city may take any action including all legal or equitable means necessary to collect the unpaid amount. An unpaid reimbursement fee shall prohibit any issuance of permits by the city for the intervening property. (Ord. 1868 § 1 (part), 2000)

### **13.30.120 Public improvements.**

Public improvements installed pursuant to reimbursement district agreements shall become and remain the sole property of the city. (Ord. 1868 § 1 (part), 2000)

**13.30.130 Multiple public improvements.**

More than one public improvement may be the subject of a reimbursement district. (Ord. 1868 § 1 (part), 2000)

**13.30.140 Collection and payment—Other fees and charges.**

A. Applicants shall receive all reimbursement collected by the city for their public improvements. Such reimbursement shall be delivered to the applicant for as long as the reimbursement district agreement is in effect. Such payments shall be made by the city within ninety days of receipt of the reimbursements.

B. The reimbursement fee is in lieu of a local improvement district charge for the improvements installed pursuant to the reimbursement district agreement. The reimbursement fee is not intended to replace or limit any other fee or charge collected by the city. (Ord. 1896 § 1, 2002; Ord. 1868 § 1 (part), 2000)

6.

# OTHER BUSINESS

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE FOLLOWING TITLES OF THE MILWAUKIE MUNICIPAL CODE: TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES AND TITLE 15 BUILDINGS AND CONSTRUCTION. THE AMENDMENTS ARE PRIMARILY IN RESPONSE TO RECENT TRANSPORTATION-RELATED AMENDMENTS TO CHAPTER 19.1400 OF THE MILWAUKIE MUNICIPAL CODE (FILE #ZA-09-02).**

**WHEREAS**, City Council adopted amendments to Titles 17 and 19 to make the City's transportation regulations easier to use, understand, and defend; and

**WHEREAS**, the amendments to Titles 12 and 15 ensure that City's access management, clear vision, and public facility regulations are consistent with the recently adopted amendments to Titles 17 and 19; and

**WHEREAS**, it is the City's goal to provide a safe, convenient, and economic transportation system; and

**WHEREAS**, the amendments to Title 12 provide for a safer transportation system by improving the City's access management and clear vision standards; and

**WHEREAS**, legal and public notices have been provided as required by law; and

**WHEREAS**, City Council finds that the amendments are in the public interest;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

Section 1. Titles 12 and 15 of the Milwaukie Municipal Code are amended as described in Exhibit A (strikeout version) and Exhibit B (clean version).

Section 2. All sections not amended as described in Exhibits A and B remain as written.

Read the first time on 6/2/09, and moved to second reading by 4-1 vote of the City Council.

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

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

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

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Pat DuVal, City Recorder

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City Attorney

Document2 (Last revised 2/6/2008)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE FOLLOWING TITLES OF THE MILWAUKIE MUNICIPAL CODE: TITLE 17 LAND DIVISION AND TITLE 19 ZONING. THE AMENDMENTS IMPLEMENT TRANSPORTATION SYSTEM PLAN POLICY RECOMMENDATIONS RELATED TO STREET DESIGN, STREET SAFETY, AND MULTI-MODAL TRANSPORTATION FACILITIES (FILE #ZA-09-02).**

**WHEREAS**, it is the City's goal to provide a safe, convenient, and economic transportation system; and

**WHEREAS**, the amendments implement policy recommendations from the 2007 Transportation System Plan (TSP) related to street design, street safety, and multi-modal transportation facilities; and

**WHEREAS**, the amendments to Titles 17 and 19 make the City's transportation regulations easier to understand, use, and defend; and

**WHEREAS**, the Planning Commission conducted a public hearing on March 10, 2009, as required by Zoning Ordinance Section 1011.5 Legislative Actions, and adopted a motion in support of the amendments; and

**WHEREAS**, legal and public notices have been provided as required by law; and

**WHEREAS**, City Council finds that the amendments are in the public interest;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

Section 1. Findings of fact in support of the amendments are attached as Exhibit A.

Section 2. Titles 17 and 19 of the Milwaukie Municipal Code are amended as described in Exhibit B (strikeout version) and Exhibit C (clean version).

Section 3. All sections not amended as described in Exhibits B and C remain as written.

Read the first time on 6/2/09, and moved to second reading by 4-1 vote of the City Council.

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

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

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Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

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Pat DuVal, City Recorder

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City Attorney

Document1 (Last revised 2/6/2008)