

MINUTES
MILWAUKIE CITY COUNCIL STUDY SESSION
August 28, 2012

Mayor Ferguson called the study session to order at 5:45 p.m. in the City Hall Conference Room.

Council Present: Council President Greg Chaimov and Councilors Dave Hedges, Mike Miller, and Joe Loomis

Staff Present: City Manager Bill Monahan, City Attorney Tim Ramis, Assistant to the City Manager Teri Bankhead, City Recorder Pat DuVal, Community Services Director JoAnn Herrigel, Civil Engineer Brad Albert, Contract Planning Director Scot Siegel, Community Development / Public Works Director Kenny Asher

Media: Victoria Edwards, *The Oregonian*

Public Area Requirements (PAR) Process Update

Mr. Asher went through a chronology of the Public Area Requirements (PAR) and the history of the Main / Monroe Building.

Mr. Siegel provided an overview of how the City Council might want to approach fast tracking the PAR amendments and fine tuning of the zoning ordinance. The PARs were addressed in the zoning ordinance and what triggered public improvement requirements. The details were an ancillary document to the Comprehensive Plan. The second set of amendments had to do with permitted uses. He noted the downtown code looked at a very small area, and staff would form recommendations to make uses more flexible.

First, staff looked at other codes to get a baseline of how competitive the City of Milwaukie might be in terms of development requirements. Of the communities surveyed, Gresham, Troutdale, Fairview, Oregon City, and Wood Village, each had certain requirements that generally applied to new development or large additions. All communities had the authority to require safety improvements and transportation system enhancements identified in their planning and design codes. Most cities supported downtown development standards with regulations with some kind of assistance or public/private partnership. Mr. Siegel provided a schedule for the public review process that included a Planning Commission hearing on November 13 and City Council hearings on December 4 and 18. Key stakeholders were Dark Horse Comics, North Main Village, Ed Aaron, Ed Parecki, Lee Holzman, Oregon Worsted, Jay Horton, Jim Bernard, Metro, and the Department of Land Conservation and Development (DLCD).

Council President Chaimov asked if businesses outside of the downtown such as NatureBake were included in the list of stakeholders.

Mr. Asher replied the PARs only had to do with the downtown.

Mr. Siegel discussed waiver practices of other cities in the region and added that some had urban renewal districts and grant programs. He briefly reviewed permitted uses and the probable staff recommendation that certain restrictions be eliminated. Changes in usage may not be other than for requirements for safety and transportation

enhancements. There may be parking lot requirements such as adding a path to a building.

Mr. Albert discussed transportation and pedestrian safety elements.

Councilor Miller had concerns about requiring additional parking when there was no space available. He believed the PARs were for the public and should be paid for by the public. Milwaukie needed to enhance its downtown and be business friendly.

Mayor Ferguson asked if the requirements could be suspended until the code was amended.

Mr. Ramis responded the City Council could adopt an ordinance repealing the provisions and suspend the charge. It could also consider an extension of the grant program.

Mr. Monahan summarized the City Council could either increase the amount in the grant program or come up with a way to repeal the provisions pending adoption of new language. The City Council would have to weigh the risks. Currently there were two development upgrades in the works. The obligation would shift to the City under certain scenarios.

Mr. Asher observed the risk was more about equity and figuring out a way all property owners were getting the same deal. He thought the perception of preferential treatment was more of a risk.

Councilor Hedges did not support putting City money into improvements as he did not see why citizens should subsidize businesses.

Mr. Albert discussed trip generation and rough proportionality to which a dollar value was applied.

Council President Chaimov heard two discussions. Mr. Siegel had been charged with coming up with a new proposal for code amendments upon which all seemed to agree. He felt that part should move forward while the Council worked more on those elements upon which members did not agree. He suggested a future study session with a menu of options and which of those would work best until the code was fixed.

Mr. Asher anticipated Mr. Aaron would submit his application at the end of the week. Staff could work on interim options, but the range may be limited. He added the tenant may not have an occupancy permit.

The group discussed possible refund options if an applicant paid for something after August 31.

Councilor Miller understood the total charges were about \$33,000. He felt the requirements would drive businesses out.

Mayor Ferguson proposed applying \$6,000 in grant funds and having the business owner be responsible for the remainder of the fees.

Council President Chaimov urged the Council to make a decision on what to do retroactively so businesses could plan.

UGMA Strategy

Ms. Bankhead provided a timeline of prior actions and discussions. Milwaukie staff relayed the City Council's position on keeping the UGMA at I-205 with a willingness to consider removing the east side of I-205 from the map and agreement. Happy Valley

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relayed that its Council would, in fact, consider going to Linwood Avenue. She briefly discussed the Happy Valley option to take the area south of the Multnomah County and Clackamas County border. Since Happy Valley was further along in the process, Mr. Monahan asked for more time for the City of Milwaukie to focus on its proposal. Since that time the Clackamas County Community Development Director had worked to set up meetings with County Commissioners to determine the feasibility of an overlapping boundary which may or may not be consistent with Commissioners' desires. The Gladstone City Manager was also going to speak with his Council. Milwaukie staff was currently looking at its service agreements, and Jordan Ramis staff was working on strategic options.

Mr. Monahan said staff would continue discussions with Happy Valley and will keep the City Council informed of what alternatives it might consider. Discussions about an overlapping boundary were underway with Metro.

Ms. Bankhead said Milwaukie would put forth the argument of equity and balance with Clackamas County. She discussed the feasibility of a cherry stem annexation to the Clackamas Town Center and also annexing the residential area.

It was City Council consensus to hold the line at I-205 and potentially give up the UGMA east of the freeway. Members did not want to split at Sunnyside Rd. for service provision reasons. It was necessary to be perfectly upfront and above board in these discussions.

Electronic Communication Policy

Ms. Bankhead discussed the policies adopted by other cities and what this City Council might wish to implement. She briefly reviewed the draft guidelines.

Mr. Monahan asked if the City Council wished to adopt guidelines and apply those to the appointed advisory boards and commissions.

Council President Chaimov thought the City Council should not make or receive communications in quasi-judicial situations, and if pertinent the communication should be disclosed to the rest of the group. The group discussed decorum and respect for those speaking. It was agreed the Mayor and Councilors would send their comments to Ms. Bankhead.

Discussion of Willamette Falls Media Center

Councilor Hedges announced his resignation from the Board as he was concerned about the Willamette Falls Media Center (WFMC) being able to fulfill its commitments. He was concerned about its survival and noted it was unprofessionally organized, and professional staff was being eliminated. If Milwaukie pulled out, he doubted the organization would survive.

Ms. Herrigel said the current contract expired on September 30.

Councilor Hedges reviewed the options. Others suggested talking with Clackamas County, North Clackamas School District, and Mt. Hood Community College.

David Aschenbrenner, Milwaukie, said he would help verify some of the technical aspects.

Council President Chaimov would like to review the pros and cons of new future options and make a decision. He did not want government access to lapse but might find a lapse in public access acceptable for the time being.

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Ms. Herrigel commented on the use of PEG fees.

Mayor Ferguson adjourned the study session at 7:29 p.m.

Respectfully submitted,



Pat DuVal, Recorder

**Reform of Public Area Requirements and Ground Floor Use Limitations in Downtown
Prepared Aug 27, 2012**

<i>Calendar</i>	<i>Task</i>	<i>Outcome</i>
Aug 28, 2012	City Council briefing	Confirm scope and schedule.
Aug 29-Sept 6, 2012	Refine draft amendments with City staff input, and prepare summary memo.	Refine amendments, research standards of other communities.
Sept 7-20, 2012	Circulate amendments and solicit stakeholder input.	Solicit stakeholder and public input on draft amendments.
Sept 21-27, 2012	Revise amendments and prepare Metro and DLCD notices. Submit land use application with Mayor's signature.	Incorporate input.
Sept 28, 2012	Notify Metro of proposed amendment at least 45 days prior to hearing.	Comply with MMC 19.1008.3 and Metro Code
Oct 9, 2012	Notify Department of Land Conservation and Development (DLCD) of proposed amendment at least 35 days prior to hearing.	Comply with ORS 197.610(1)
Oct 14, 2012	Issue PC public hearing notice and publish staff report for Oct 23 PC-DLC work session (due Oct 19).	Comply with MMC 19.1008.3
Oct 4 - 24, 2012	<i>Where amendment affects permissible use of land, notify property owners at least 20 days but not more than 40 days prior to hearing.</i>	<i>Comply with ORS 227.186 (Measure 56 Notice)</i>
Oct 23, 2012	Joint Planning Commission-Design and Landmarks Committee worksession	Solicit PC and DLC input on draft amendments
Nov 5, 2012 (9:00AM due)	Planning Commission staff report and recommended findings due.	Publish staff report
Nov 13, 2012	Planning Commission public hearing	Recommend adoption or recommend modifications.
Nov 20, 2012	Prepare City Council agenda packet and submit draft staff report to City Recorder.	City Council hearing requirement.
Nov 19, 2012	Revise amendments and update staff report and findings, as needed.	
Nov 20, 2012	Final City Council report to City Recorder	

Reform of Public Area Requirements and Ground Floor Use Limitations in Downtown
Prepared Aug 27, 2012

<i>Calendar</i>	<i>Task</i>	<i>Outcome</i>
Nov 27, 2012	<i>Planning Commission continued public hearing, as needed</i>	<i>Continued public hearing, as needed</i>
Dec 4, 2012	City Council public hearing	Public hearing and adoption
Dec 7, 2012	Finalize ordinance	Final ordinance for enactment
Dec 18, 2012	City Council second reading of ordinance	Enact ordinance
Jan (TBA)	Ordinance effective date (30 days after enactment), unless adopted by emergency ordinance in which case amendments would be effective Dec 18. (<i>LUBA appeal period does not stay decision.</i>)	Ordinance becomes effective
Dec 28, 2012	DLCD adoption notice due 10 days after adoption.	Comply with DLCD requirement.

Overview of PARs in the Milwaukie Area
August 28, 2012

GENERAL

- Review of downtown zones and relevant overlay zones/standards
- All communities have authority to require safety improvements through development
- All communities have authority to require transportation system improvements necessitated by development or change of use where exaction is roughly proportional with impact of development
- Public area requirements generally apply to new development or large additions
- Most cities with public area requirements support downtown development through urban renewal or other incentives

City	Applicability	Requirements	Notes
Gresham	<ul style="list-style-type: none"> • New development or remodels that result in change of use • Additions of more than 25% to existing floor area and outside use areas 	<ul style="list-style-type: none"> • Non-discretionary street standards related to street classification • Required: 5-ft clear area, 4-ft amenity zone to include street trees, street lighting, landscaping, and/or seating 	Waives 1 st year business license fees until 12/31/12; also has waiver for locating in vacant space downtown and other specified areas. Waives development-related charges and SDCs. Expires 12/31/12. Urban Renewal District also exists.
Troutdale	New development subject to Type II Site and Design Review	<ul style="list-style-type: none"> • Street trees along public streets • Conditions of approval can be imposed including: install sidewalks 	Urban Renewal District adopted in 2006 to encourage redevelopment of sewage treatment site and surrounding downtown area. Waived fees up to \$5,000 for businesses locating in vacant commercial or industrial spaces; fees listed as building permit, land use, SDCs. Program expired permanently on 6/30/12 after being extended once in 2011 for 1 year past its original expiration date.
Fairview	New construction subject to site design review	<ul style="list-style-type: none"> • 1 of 5 pedestrian amenities, including: open space; seating; awning • Street trees 	
Oregon City	New construction or alterations subject to minor site plan and design review (Type II)	All development provides sidewalks and curbs. CD director can waive requirement.	Awarded a grant to replace sidewalks, curbs, and streetlights downtown

City	Applicability	Requirements	Notes
Wood Village	New construction or major remodels that result in change of use	<ul style="list-style-type: none"> • Must include 1 of 5 ped amenities (same as Fairview) • Sidewalks of 6-8 ft wide required • Adopted TSP LOS standards must be met; City may impose conditions 	<p>All development in Town Center requires a Master Plan. Wood Village adopted Urban Renewal and a Business Incentive Program in 2010. Generally, if a tenant moves into an existing, vacant commercial building or frontage (suite, storefront, etc.) and applies for a fee waiver, the City waives building permit, land use, and one sign review fee (with the exception of the state surcharge on building permits). Applies to all commercial buildings/zones in the city. Staff indicated it has been well used.</p>

**Stakeholder Outreach for Reform of PARs and Ground Floor Use Limitations in Downtown
August 28, 2012**

Staff will circulate a copy of the draft amendments to downtown property owners and business owners. Others, including Planning Commission and DLC members, and representatives of Historic Milwaukie, will also be asked to review and comment.

Initial Working List of Stakeholders

- Dark Horse, as all of their buildings have nonconforming Main Street uses and the proposed code changes would reduce costs for future changes of use and redevelopment
- North Main Village (Tom Kemper?), as they have a vacant space on the ground floor and have been frustrated with the current ground floor retail requirements
- Ed Aaron, as the owner of several downtown properties
- Ed Parecki, as a developer and owner of downtown business
- Lee Holzman, owner of 10605 SE Main St (5 storefronts)
- Oregon Worsted/Howard, owner of 10801 SE Main St (5-6 storefronts)
- Hortons, owner of properties at 21st and Main (though their frontage is being rebuilt as part of the light rail project, the use allowances may interest them)
- Jim Bernard – Bernard's Garage has a building in the DO zone that has to be substantially upgraded to house an office use. He would probably be interested in the relaxed use restrictions (especially if they allowed retail near the light rail station)
- Metro, as an agency with vested interest in Milwaukie's downtown development
- Others?

19.310 DOWNTOWN ZONES

Feedback from the downtown business community and broader Milwaukie community indicates a desire for more flexible zoning in downtown. The downtown zones should allow a broader range of uses in more areas, encourage active uses (not just retail) on the ground floor while not precluding future retail uses.

Data show that there is a basic relationship between the number of people living and working in a given district and the number of "urban amenities." As the number of total people (residents plus employees) goes up, so does the number of amenities. These urban amenities are a set of land uses that together comprise an active urban environment.

The urban amenities these code amendments would like allow and encourage include:

- Retail uses such as a bike shop, book store, clothing store, garden store, grocery store, wine store, and music store
- Eating/drinking establishment uses such as a bakery, bar, brew pub, coffee shop, deli, fast food restaurant, full service restaurant, and wine bar
- Personal/business service uses such as a dry cleaner, salon, or copy center
- Commercial recreation uses such as a yoga studio, gym, or video arcade
- Convenience services such as small-scale day care/child care centers to serve downtown employees
- Entertainment uses, such as a movie or live theater

Many of these uses are already allowed or exist, downtown, but some, such as retail, eating/drinking establishment, and personal/service business uses, are limited to certain areas of downtown or only permitted as part of a newly constructed mixed use building. These amendments are intended to encourage the location of urban amenities throughout the downtown area.

Key proposed amendments include the following:

- Allow a broader range of uses, including office, personal and business services in the DS and DO Zones.
- Remove requirement for ground floor retail uses in DS zone, and replace with requirement that new buildings fronting Main Street be designed to accommodate active uses such as retail and restaurants. This provides greater use flexibility while encouraging more retail along Main Street over time, as the market supports it.
- Eliminate the 5000 sf limit on retail and restaurant uses in the DO zone.
- Allow limited "Manufacturing and Production" uses in combination with a retail use or eating/drinking establishment. This would permit uses such as brewpubs and small-scale food production and sales.

19.310.5, Public Area Requirements

Amendments to this section simplify the code language related to PARs. Much of the text restates the procedures and standards in Chapter 19.700. The amendments would simplify this section to include a basic description about PARs, and direct the reader to Chapter 19.700 regarding implementation and standards.

Chapter 19.700

19.702.3 Downtown zones

This is a new section that would establish exemptions for some development downtown. The exempt activities would be:

- Changes in use - such as changing space from office to retail
- Expansions of 3,000 sq ft or less. This number was arrived at as follows: the average commercial floor area per tax lot in downtown is about 5,500 sq ft. This figure excludes the ODS Building, city hall, and churches downtown. The proposed threshold would allow, on average, an increase of 50% in floor area to be exempt from frontage requirements. The time limit is proposed to prevent property owners from avoiding required improvements by redeveloping a building in phases.

These activities would be exempt from requirements for frontage improvements. In the downtown zones, the frontage improvements are the PARs. They would not be exempt from all of Chapter 19.700 for the following reasons:

- A change of use could have significant impacts on the transportation system if a large office building converted to a retail use. Provisions in Chapter 19.700 would still allow the Engineering Director to study the impacts of the development and require improvements necessary to keep the transportation system safe and functional. Mitigation may include things such as stop signs, traffic signals, and turn lanes. Only large changes of use would necessitate a traffic study and require impact mitigation; smaller changes of use would not be studied.
- Chapter 19.700 contains important provisions about coordination with other agencies and procedures for review of permits and development. An outright exemption from Chapter 19.700 would cut put these important and legally required notices and procedures.

19.703 REVIEW PROCESS

The amendments in this section contain the specific language that exempts downtown changes of use and expansions from the frontage requirements.

19.708 TRANSPORTATION FACILITY REQUIREMENTS

There are administrative amendments to this section reflect the inclusion of PAR requirements into the public works standards. When Chapter 19.700 was revised in 2009, PARs were implemented directly from a Comprehensive Plan ancillary document.

CHAPTER 19.300 BASE ZONES

19.310 DOWNTOWN ZONES

19.310.1 Purpose

This section of the Zoning Ordinance implements the Downtown and Riverfront Land Use Framework Plan, Milwaukie Comprehensive Plan, and Town Center Master Plan. The downtown and riverfront area is envisioned as the focus of the community. Five zones are designated to reflect the distinctions between different areas of the Downtown and Riverfront Land Use Framework Plan, and to focus pedestrian-oriented retail uses to the traditional downtown core along Main Street. Specific development standards, public area requirements, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.

19.310.2 Characteristics of the Downtown Zones

Five specific zones are adopted to implement the Downtown and Riverfront Land Use Framework Plan. The zones are shown on Figure 19.310-1. The "Zoning Map of Milwaukie, Oregon" provides a larger-scale map of zone boundaries. The zones reflect the varied land uses, densities, and urban design character planned for different areas, as described and illustrated in the Downtown and Riverfront Land Use Framework Plan. The characteristics of the individual zones are described below.

A. Downtown Storefront (DS)

The Downtown Storefront Zone is established to preserve and enhance the commercial "Main Street" character of downtown Milwaukie, ensuring that new development in areas designated DS is compatible with this desired character. This zone allows a full range of retail, service, business, and residential uses. A range of downtown active Retail uses are encouraged required on the ground floors of buildings fronting on Main Street. Office and/or Residential residential uses are only allowed on upper floors. Warehousing and industrial Industrial uses are not allowed. The desired character for this zone includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots. A "Village Concept Area" has been established in the DS Zone to allow a broader mix of uses on the site at the northeast corner of Main and Harrison streets ~~a City-owned site adjacent to the library, City Hall, a high-density residential area to the north, and existing Main Street storefront uses~~. These uses include townhouses and multifamily apartment/condominium buildings.

B. Downtown Commercial (DC)

The Downtown Commercial Zone is established to allow auto-accommodating commercial development in the area between McLoughlin Boulevard and Main Street, north of Harrison Street. A range of retail, service, office, and residential uses is permitted to support a gradual transition to higher densities and a greater mix of uses. Boulevard enhancements will improve the visual character of McLoughlin Boulevard and provide a link to the riverfront and adjacent downtown zones. The desired character for this zone includes buildings that engage at least 1 street right-of-way and include a pedestrian-oriented entry and well-landscaped parking lots.

C. Downtown Office (DO)

The Downtown Office Zone is established to provide for office, entertainment, and hotel uses along high-visibility major arterial streets, as designated by the City of Milwaukie’s Transportation System Plan. ~~Retail commercial uses are limited to support the primary uses (office, entertainment, and hotel establishments) and encourage retail development along Main Street.~~ The desired character for this zone will vary depending on the nature of the proposed use and individual site features.

D. Downtown Residential (DR)

The Downtown Residential Zone is established to increase housing opportunities in close proximity to downtown shopping, transit, and open space amenities. The major types of new housing will be apartments and condominiums. Minimum densities of 30 units per acre will assure that land is used efficiently and will increase the customer base for nearby businesses. Additionally, the higher densities will support urban features such as parking under structures and durable building materials. Development at minimum densities of 10 units per acre up to a maximum of 30 units per acre will be permitted in the Downtown Residential Transition Area ~~a defined portion of the Downtown Residential Zone~~ to provide a transition to lower-density residential zones. The desired character for the Downtown Residential Zone includes buildings located close to and oriented to the public sidewalk, with off-street parking located under or internal to building sites.

E. Downtown Open Space (DOS)

The Downtown Open Space Zone is established to implement the “Public” designation of the Milwaukie Comprehensive Plan and to provide a specific zone to accommodate open space, park, and riverfront uses. The Downtown Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Downtown Open Space Zone includes parkland, open space, and riverfront amenities.

19.310.3 Uses

A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.310.3 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.

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[240]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
Commercial/Office¹					
Automobile service station	N	N	N	N	N

Proposed Code Amendment with Commentary

Automobile repair	N	L[32]	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	<u>P L</u> [3]	N	N
Financial institution	P	P	P	N	N
Table 19.310.3 CONTINUED Downtown Zones—Uses					
Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
Commercial/Office¹ CONTINUED					
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	<u>P L</u> [4]	P	P	L[45]	N
Parking facility	P	P	P	N	L[56]
Personal/business services	<u>P L</u> [7]	P	P	L[65]	N
Retail trade	P	P	<u>P L</u> [3]	L[45]	N
<u>Manufacturing and production</u>	<u>L</u> [7] N	<u>L</u> [7] N	<u>L</u> [7] N	<u>L</u> [7] N	<u>L</u> [7] 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]
<u>Day care/childcare</u>	<u>L</u> [9]	<u>L</u> [9]	<u>L</u> [9]	<u>L</u> [9]	<u>L</u> [9]
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

¹—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 19.310-2 and Subsection 19.310.4.B.7 for details).

B. Limited Uses

Uses that are allowed subject to limitations are listed in Table 19.310.3 with an “L.” These uses are allowed if they comply with the limitations listed in Subsection 19.310.3.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, Subsection 19.803.2 is not applicable, but all other provisions of Chapter 19.800 shall apply.

D. Prohibited Uses

Uses listed in Table 19.310.3 with an “N” or uses not listed above 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 review, may determine that a use that is not listed is considered similar to a listed use in Table 19.310.3. The unlisted use shall be subject to the standards applicable to the similar listed use.

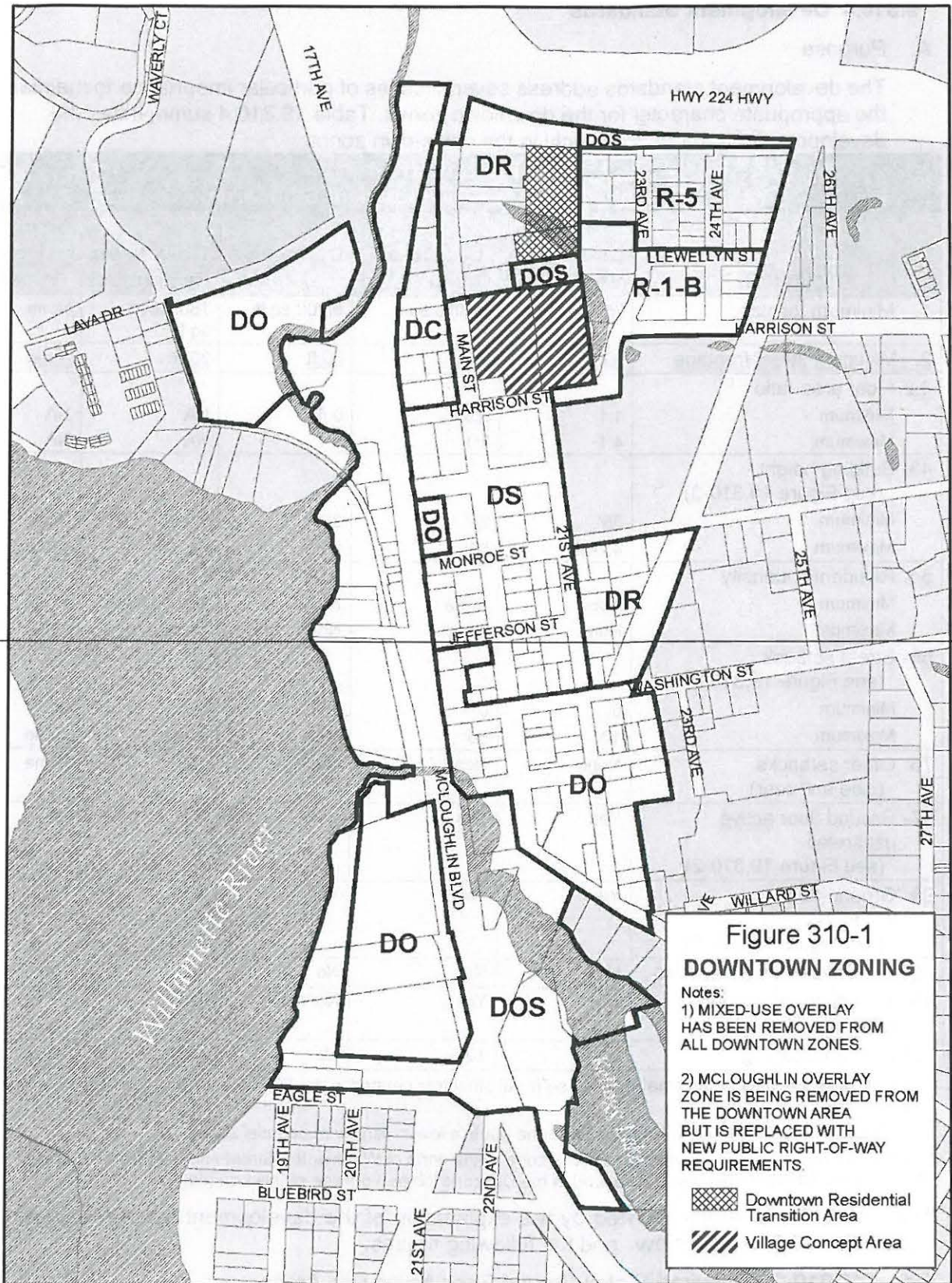
G. Limited Uses

The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an "L" in Table 19.310.3.

1. Townhouse development is permitted only in a limited area of the Downtown Residential Zone as identified on the Zoning Map (see "Downtown Residential Transition Area Transitional Residential Area" on Figure 19.310-1). This limited use provision is intended to provide an opportunity for owned, attached housing at a minimum density of 10 units per acre. Townhouse development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map (see "Village Concept Area" on Figure 19.310-1). Townhouses shall not be located within 50 ft of the Main Street frontage within the "Village Concept Area."
2. Multifamily apartment/condominium building development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map. See "Village Concept Area" on Figure 19.310-1.
- ~~3. In the Downtown Office Zone, eating and drinking establishments and retail trade uses are limited to 5,000 sq ft in floor area per use. These limited uses may only be developed as part of a mixed use building that supports a primary permitted use (e.g., office, hotel and financial institution).~~
- ~~4. In the portions of the Downtown Storefront Zone where ground floor retail/restaurant uses are required (see Figure 19.310-2), office uses are only allowed on or above the second floor.~~
45. Office, personal service, and retail trade uses in the Downtown Residential Zone may only be developed as part of a mixed use building that includes housing. Office, personal service, and retail trade uses in the Downtown Residential Zone are limited to the ground floor; and individual office, personal service, or retail uses may not exceed 5,000 sq ft in floor area. Home occupations are permitted in accordance with Section 19.507 of this title.
56. Parking facilities in the Downtown Open Space Zone are limited to surface lots.
67. Individual personal/business service uses are limited to 5,000 square feet exclusive of parking area. These types of uses are allowed but limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In the portions of the Downtown Storefront Zone where ground floor retail/restaurant uses are required (see Figure 19.310-2), personal/business service uses are limited to a maximum of 25% of the ground floor area of an individual building.

Proposed Code Amendment with Commentary

7. Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use.
8. New community service uses or expansion/alteration of an existing community service use that is not otherwise allowed by Table 19.310.3 in the downtown zones may be permitted if approved under Section 19.904 and shall comply with the development and design standards of this section.
9. Day care and childcare uses are limited to 3,000 square feet.
9. ~~Transit centers shall comply with the public area requirements for transit centers.~~
10. ~~Multifamily apartment/condominium building development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map. See "Village Concept Area" on Figure 19.310-1.~~



19.310.4 Development Standards

A. Purpose

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.310.4 summarizes the development standards that apply in the downtown zones.

Table 19.310.4 Downtown Zones—Development Standards					
Standard	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
1. Minimum lot size	750 sq ft	10,000 sq ft	5,000 sq ft	750/5,000 sq ft ¹	None
2. Minimum street frontage	30 ft	30 ft	30 ft	30 ft	None
3.2. Floor area ratio					
Minimum	1:1	0.3:1	0.5:1	NA	NA
Maximum	4:1	2:1	3:1	NA	NA
4.3. Building height (see Figure 19.310-3)					
Minimum	35'	25'	25'	None	None
Maximum	45'-55'	55'	65'	45'-65'	None
5.4. Residential density					
Minimum	None	None	None	10-30 U/Acre	None
Maximum	None	None	None	None	None
6.5. Street setback (see Figure 19.310-4)					
Minimum	0'	0'	0'	0'	0'
Maximum	10'	50'	10'	None	None
7.6. Other setbacks (side and rear)	None	None	None	15' ²	None
8.7. Ground-floor active uses retail (see Figure 19.310-2)	Yes	Yes	Yes	No	No
9.8. Ground-floor windows/doors (see Figure 19.310-5)	Yes	Yes	Yes	No	No
10.9. Drive-through facilities	No	No	No	No	No
11.14. Off-street parking required	No	Yes	No/Yes ³	Yes	Yes
12.14. Landscaping	None	10%	None	15%	20%

¹ Townhouse lots may be as small as 750 sq ft. All other lots created in the DR zone shall be a minimum of 5,000 sq ft.

² Setbacks are required only where the DR zone abuts a lower-density residential zone.

³ 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.

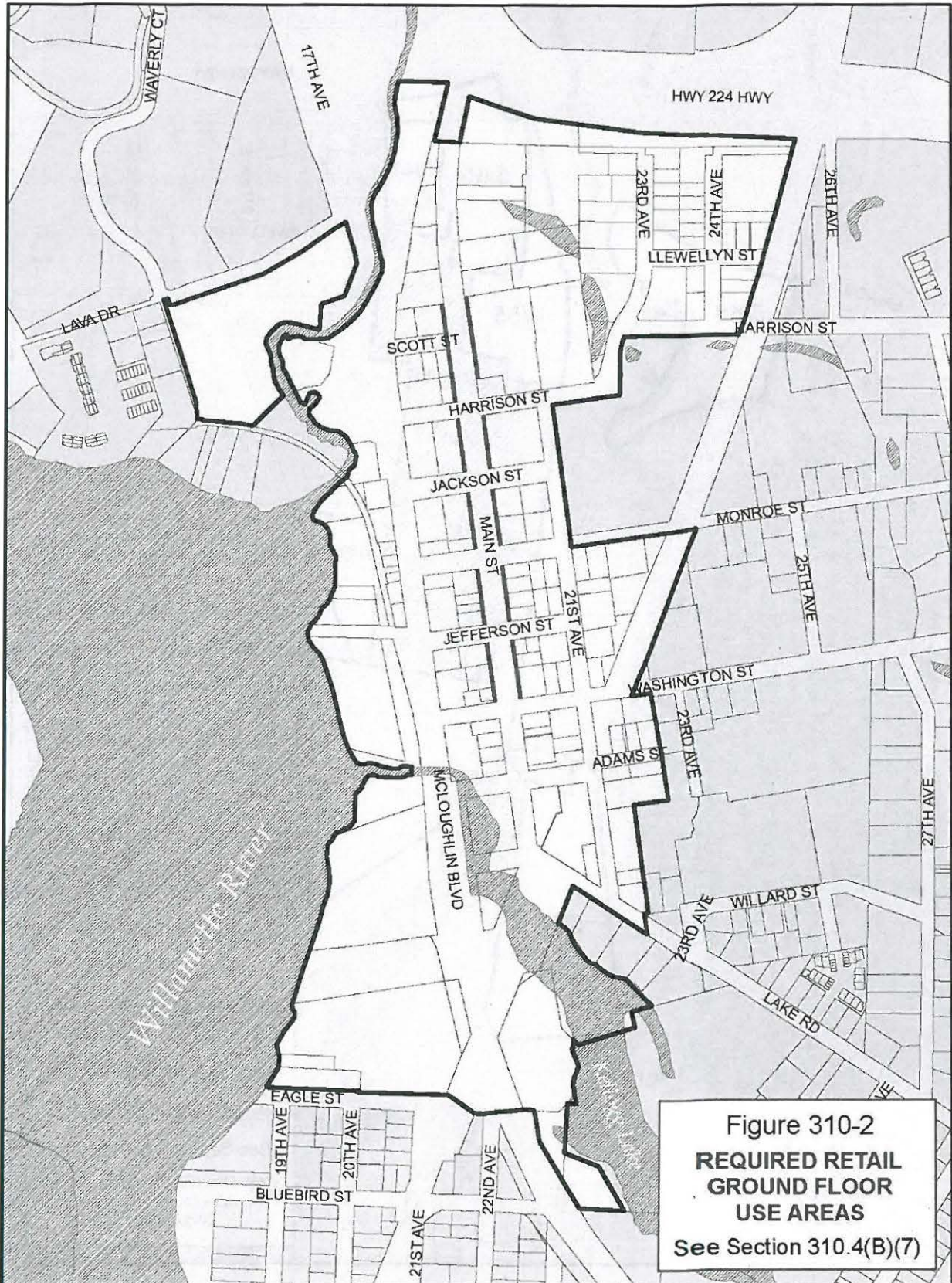
Table 19.310.4 is supplemented by the explanation of the development standards provided in Subsection 19.310.4.B below, and the following figures:

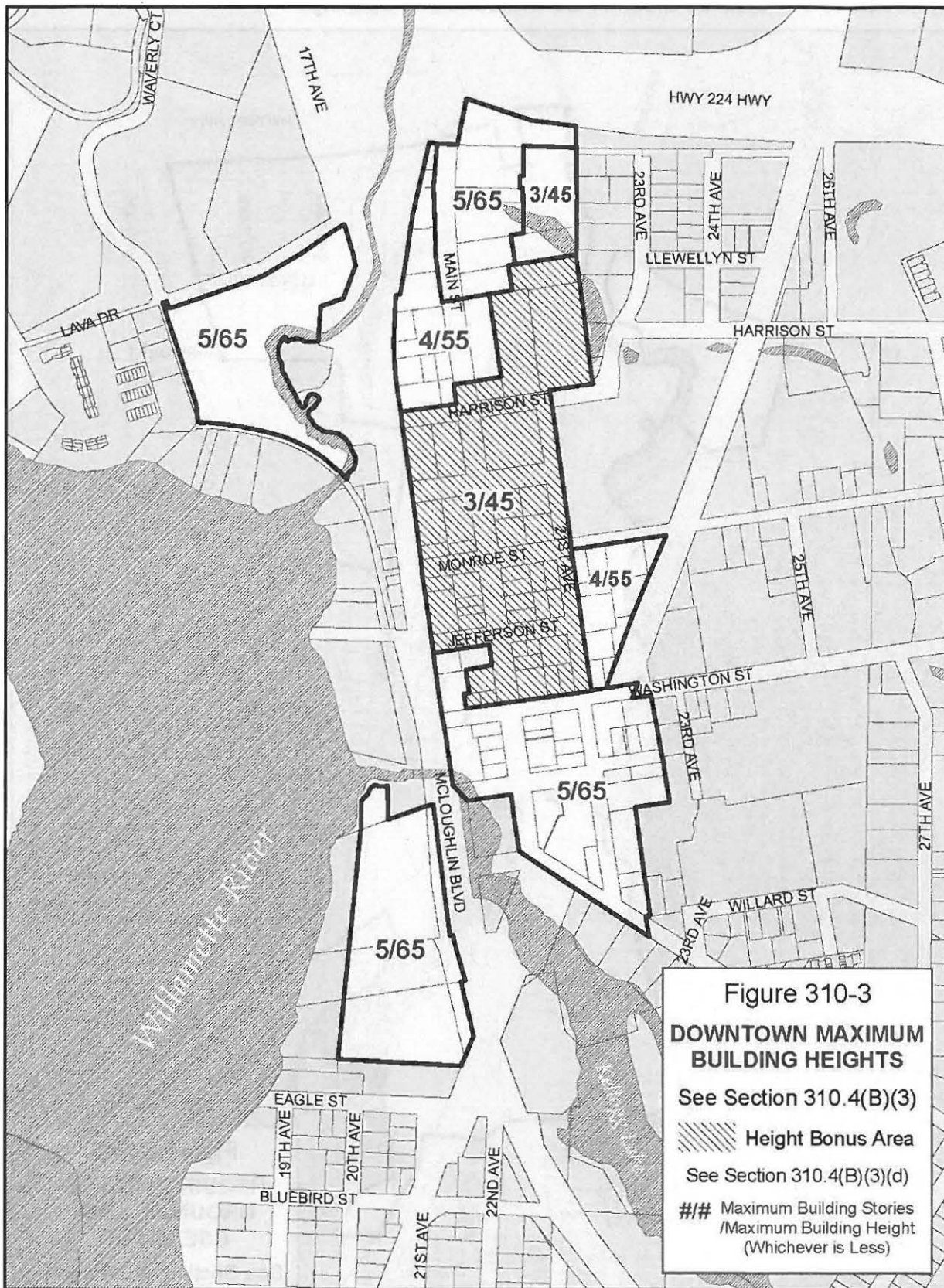
Figure 19.310-2—Required Retail Ground Floor Active Use Areas

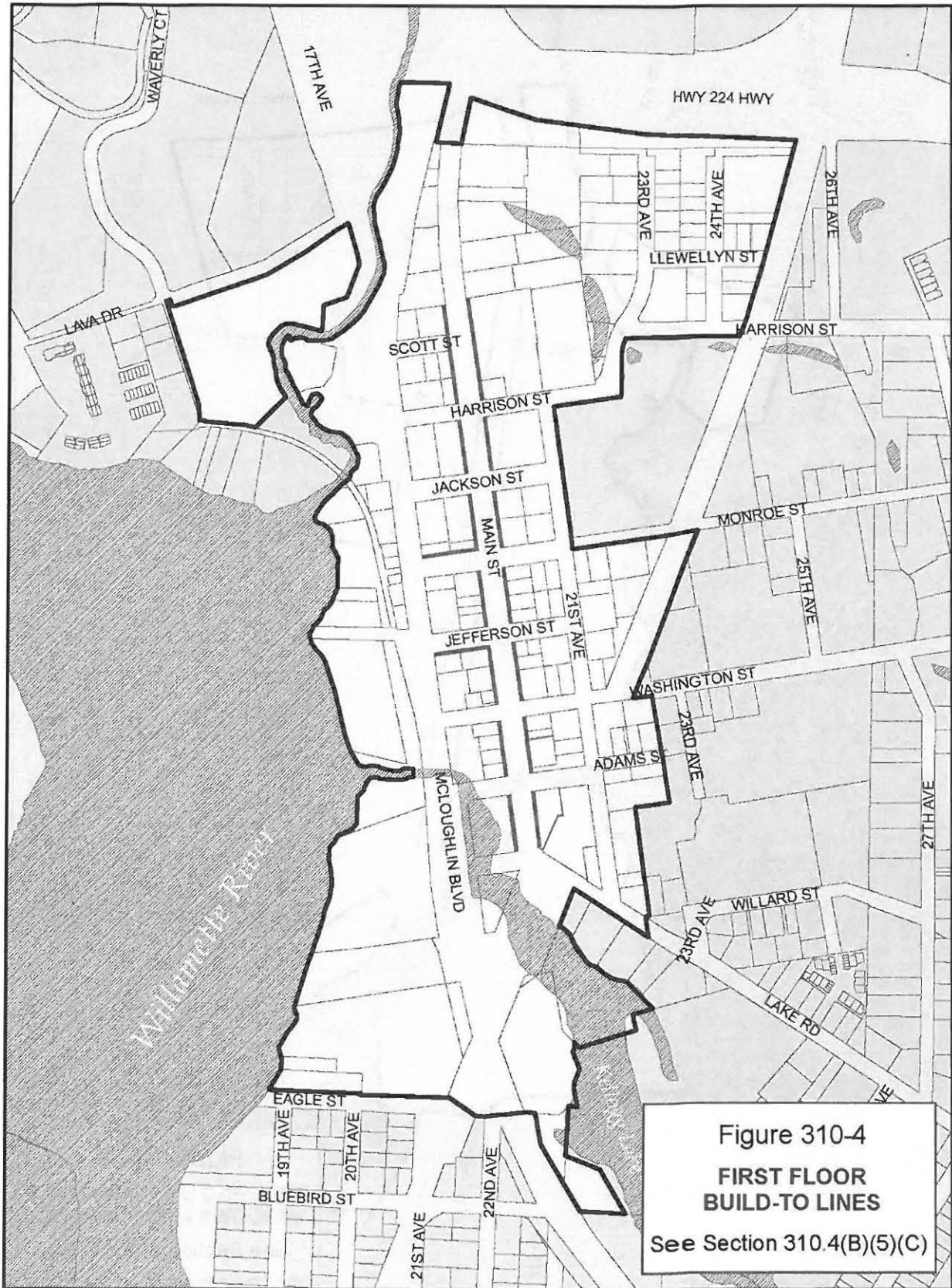
Figure 19.310-3—Maximum Building Heights

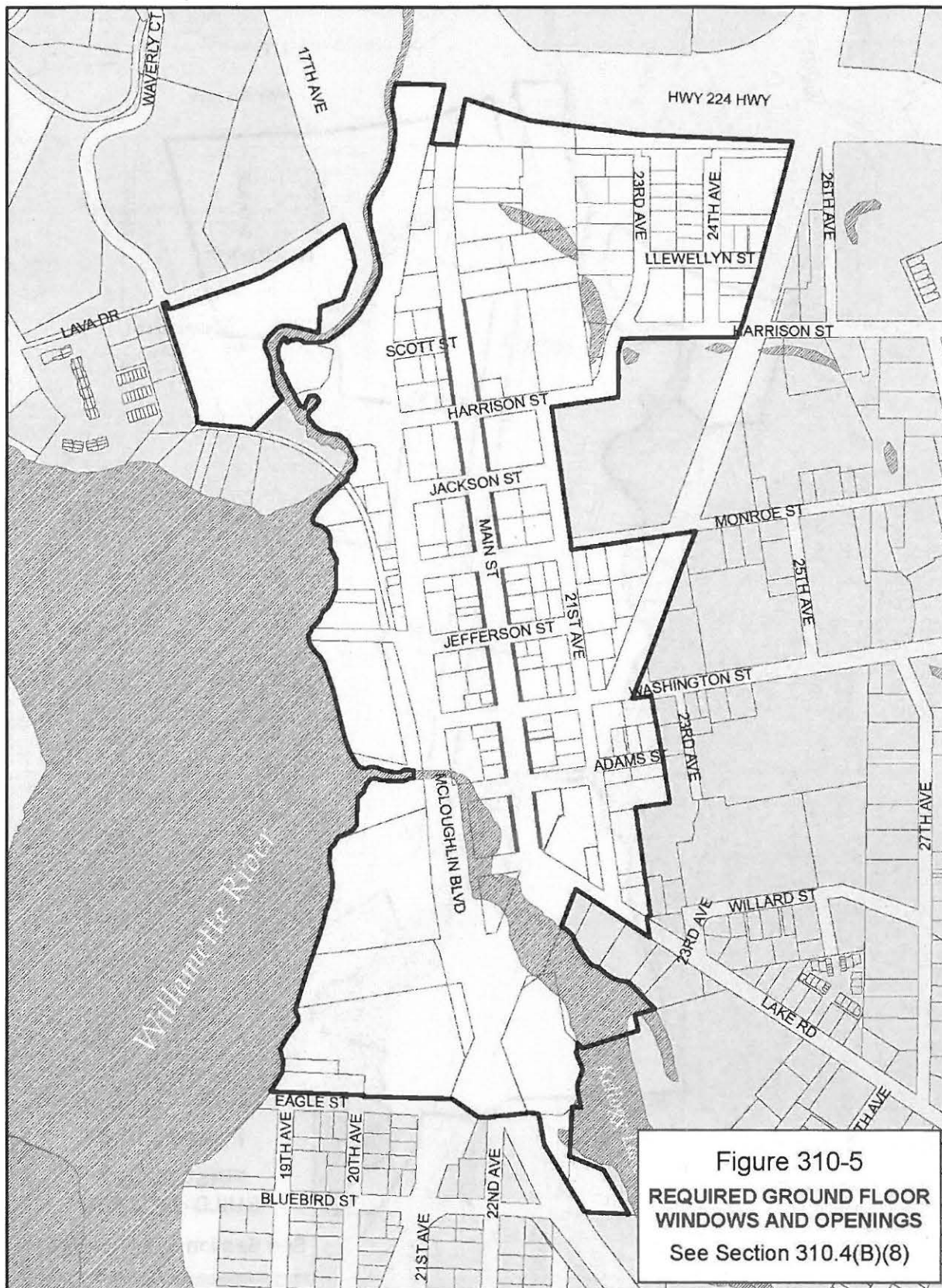
Figure 19.310-4—Build-to Lines

Figure 19.310-5—Required Ground Floor Windows and Openings









B. Explanation of Development Standards

1. Minimum Lot Size

New lots created in the downtown zones shall meet the minimum lot size standards of Table 19.310.4 as further described below.

- a. New lots in the Downtown Storefront and Downtown Residential Zones (in the Downtown Residential Transition Area ~~transitional residential area~~ only) shall be a minimum of 750 sq ft, with a minimum street frontage of 15 ft.
- b. New lots in the Downtown Office and Downtown Residential Zones (other than those in the Downtown Residential Transition Area ~~transitional residential area~~) shall be a minimum of 5,000 sq ft, with a minimum street frontage of 30 ft.
- c. New lots in the Downtown Commercial Zone shall be a minimum of 10,000 sq ft, with a minimum street frontage of 30 ft.
- d. Land divisions shall comply with applicable provisions of the Land Division Ordinance (Title 17 of the Milwaukie Municipal Code).

2. Floor Area Ratios

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown.

- a. The minimum floor area ratios in Table 19.310.4 apply to all nonresidential building development.
- b. Required minimum floor area ratios shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.
- d. The following uses are exempt from the minimum floor area ratios: transit centers, public parks and plazas, and commercial parking facilities.

3. Building Height

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. Building height standards also establish a consistent streetscape.

- a. Minimum building heights are specified in Table 19.310.4. The minimum building height of 35 ft for the Downtown Storefront Zone applies only to buildings that front on Main Street. Buildings fronting on other streets in the Downtown Storefront Zone shall be a minimum height of 25 ft.
- b. The minimum building height standards apply to new commercial, office, and mixed use buildings. The standards do not apply to additions to existing buildings, accessory structures, or to buildings with less than 1,000 sq ft of floor area.
- c. Maximum building heights are specified in Table 19.310.4 and illustrated on Figure 19.310-3. If there is a conflict between Table 19.310.4 and Figure 19.310-3, the maximum building height provisions of Figure 19.310-3 shall control.

- d. An opportunity is provided for a height bonus in a defined area of the downtown plan. For the area identified on Figure 19.310-3 as the height bonus area, the base building height is 3 stories or 45 ft, whichever is less. However, if at least 1 floor or 25% of the gross floor area is devoted to residential uses, the building is allowed a height of 4 stories or 55 ft, whichever is less.
4. Residential Density
- There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied in the Downtown Residential Zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.
- a. Minimum densities for the downtown residential transition area shall be 10 units per acre (see Figure 19.310-1). The maximum density for the residential transition area shall be 30 units per acre.
 - b. Minimum densities for standalone multifamily apartment/condominium dwellings and senior/retirement housing in the Downtown Residential and Downtown Commercial Zones shall be 30 units per acre. Maximum residential densities are controlled by height limits.
 - c. There are no minimum density requirements when residential units are developed as part of a mixed use building in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. The minimum density standards apply only to stand-alone residential buildings. Second-floor housing is allowed in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. Maximum residential densities for mixed use buildings are controlled by height limits.
5. Street Setbacks
- Buildings are allowed and encouraged to build up to the street right-of-way in all downtown zones. Required build-to lines are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.310-4). The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.
- a. No minimum street setbacks are required in any of the downtown zones.
 - b. The downtown zones are exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Boulevard.
 - c. First-floor build-to lines (required zero setbacks) are established for block faces identified on Figure 19.310-4. The build-to line includes a necessary degree of flexibility:
 - (1) Projections or recesses of up to 18 in are allowed.
 - (2) Doorways may be set back a maximum of 8 ft from the build-to line.
 - d. Maximum street setbacks of 10 ft are established for the Downtown Storefront and Downtown Office Zones. The 50-ft maximum setback for the Downtown Commercial Zone applies only to the McLoughlin Boulevard frontage. A build-to line (zero setback) is established for the Downtown Commercial Zone along the Main Street frontage.

6. Other Setbacks

No specific side or rear yard setbacks are required for the downtown zones with the exception of the Downtown Residential Zone, where a minimum 15-ft side/rear yard setback is required where the Downtown Residential Zone abuts lower-density residential zones.

7. Ground-Floor Active Uses ~~Retail/Restaurants~~

Active Retail-uses and eating/drinking establishments are required at the ground floors of buildings fronting on Main Street and identified on Figure 19.310-2. New buildings in the required ground floor active use areas shall be designed and constructed to accommodate active uses such as retail and eating/drinking establishments. This standard is met where not less than 75% of the ground floor space in a new building fronting Main Street meets the following requirements:

- a. The ground floor height, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building), must be at least 12 feet. The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.
- b. The interior floor area adjacent to Main St. must be at least 25 feet deep, as measured from the inside building wall or windows facing Main Street.

~~This requirement will ensure that continuous retail storefronts and eating/drinking establishments are established and maintained along Main Street, to attract pedestrians and strengthen the shopping environment. When required, the retail uses and/or eating/drinking establishments must comprise at least 75% of the ground floor area of a building.~~

8. Ground-Floor Windows/Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians in specific areas of the downtown zones.

- a. For block faces identified on Figure 19.310-5 (Ground-floor Windows and Openings), the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:
 - (1) 50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.
 - (2) Doors and/or primary entrances must be located on the block faces identified on Figure 19.310-5, and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
 - (3) Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.
 - (4) Ground-floor windows for buildings on the block faces identified on Figure 19.310-5 shall allow views into storefronts, working areas, or lobbies. No more

than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20% of the window area.

9. Drive-Through Facilities

Drive-through facilities can conflict with the easy, safe, and convenient movement of pedestrians. Therefore, drive-through facilities are prohibited in the downtown zones to create a pedestrian-friendly environment where transit, bicycles, and walking are encouraged.

10. Off-Street Parking

The desired character for the Downtown Storefront Zone, particularly along Main Street, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

- a. Development in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, is exempt from the maximum and minimum quantity requirements for vehicle parking in Section 19.605.
- b. With the exception of the two areas identified in Subsection 19.310.4.B.10.a above, standards and provisions of Chapter 19.600 shall apply to development in the downtown zones.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main Street right-of-way. The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main Street right-of-way only on the finding in a public hearing that:
 - (1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street;
 - (2) The off-street parking area or curb cut is visually screened from view from Main Street; and
 - (3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous façade of buildings in that area.

11. Minimum Landscaping/Open Space

The minimum landscaping/open space requirements are established to provide amenities for downtown residents, promote livability, and help soften the effects of built and paved areas.

- a. Required landscaping/open space in the downtown zones may include courtyards, roof top gardens, balconies, terraces, and porches.
- b. Where possible, jointly improved landscaped areas are encouraged to facilitate continuity of landscape design. Street trees are required in all downtown zones as outlined in the public area requirements.
- c. All material in the minimum required landscaped area shall be live plant material. Materials such as bark or river rock may be used only if approved as part of the overall landscaping plan.

12. Right-of-Way Projections

Right-of-way projections of up to 4 ft are permitted in all downtown zones for upper-level, unenclosed balconies. All applicable building, fire, safety and public works standards shall also be met prior to permitting such balcony projections.

19.310.5 Public Area Requirements

A. Purpose

The Milwaukie Downtown and Riverfront Land Use Framework Plan: Public Area Requirements plan is an Ancillary Document to the Milwaukie Comprehensive Plan. The purpose of the Public Area Requirements plan is to ensure that as revitalization occurs in downtown that there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The Public Area Requirements plan is implemented through Chapter 19.700 and the Milwaukie Public Works Standards.

~~The City has two adopted plans that guide the revitalization of downtown Milwaukie. The first focuses on land uses in the downtown zones entitled Milwaukie Downtown and Riverfront Land Use Framework Plan. The second focuses on public area requirements in the downtown zones entitled Milwaukie Downtown and Riverfront Plan: Public Area Requirements. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The purpose of the public area requirements plan is to ensure the development of a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment with a unified urban design.~~

B. Applicability, Review Process and Standards

Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along right-of-ways included in the Public Area Requirements plan shall be consistent with the plan as implemented in the Milwaukie Public Works Standards.

~~All downtown development projects that meet the applicability provisions of Section 19.702 are subject to Chapter 19.700 in its entirety, with the exception of specified portions of Section 19.708 that pertain to street requirements and design standards for non-downtown development projects. Street requirements and design standards for development projects in the downtown zones are governed by the Milwaukie Downtown and Riverfront Plan: Public Area Requirements. These requirements and standards also apply to all street sections shown in the public area requirements plan even when the development project is not in a downtown zone.~~

C. Review Process

~~All downtown development projects that meet the applicability provisions of Section 19.702 shall submit all appropriate applications per Subsection 19.703.2. For downtown development projects requiring a land use application, the applicant shall schedule a preapplication conference with the City prior to submittal of the application. Land use applications for downtown development projects shall be submitted in accordance with Subsection 19.703.2 and processed in accordance with Chapter 19.1000.~~

D. Street Design Standards

~~If the Engineering Director determines that the proposed development has impacts on the transportation system pursuant to Section 19.704, the Community Development Director will identify the type, size, and location of needed improvements to the public right-of-way using the Milwaukie Downtown and Riverfront Plan: Public Area Requirements as a guide. The Engineering Director will then conduct a proportionality analysis pursuant to Section 19.705. If none of the needed improvements are determined to be proportional to the development's impacts, the proposed development will be required to comply with the City's safety and functionality standards, which are contained in Subsection 19.703.3.C. If only some of the needed improvements are determined to be proportional to the development's impacts, the Community Development Director will determine which improvements the proposed development will be required to fund or construct. Appeal of the City's proportionality analysis is allowed pursuant to Subsection 19.703.5.B.~~

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.702 APPLICABILITY

19.702.1 General

Chapter 19.700 applies to the following types of development in all zones:

- A. Partitions.
- B. Subdivisions.
- C. Replats that increase the number of lots.
- D. New construction.
- E. Modification or expansion of an existing structure (~~including single-family residential expansions as described in Subsection 19.702.2~~) or a change or intensification in use that results in any one of the following: See Subsections 19.702.2 and 19.702.3 for specific applicability provisions for single-family residential development and development in Downtown zones.
 1. A new dwelling unit.
 2. Any increase in gross floor area.
 3. Any projected increase in vehicle trips, as determined by the Engineering Director.

19.702.3 Downtown zones

A. Purpose.

The purpose of the specific exemptions for some types of development in downtown Milwaukie is to recognize that the transportation infrastructure in downtown is more complete than in other areas of the city, and to encourage new uses in and revitalization of existing structures in downtown.

B. Exemptions.

1. For expansions or conversions that increase the combined gross floor of all structures by 3,000 sq ft or less, Chapter 19.700 applies. Frontage improvements for these increases in floor area are exempt as described in the approval criterion of Subsection 19.703.3.B.

2. For changes of use, Chapter 19.700 applies. Frontage improvements for these increases in floor area are exempt as described in the approval criterion of Subsection 19.703.3.B.

C. Limitation to exemptions.

Not more than 1 exempt increase in gross floor area as described in Subsection 19.702.3.B.1 is allowed every 10 years. The 10-year period starts from the date the city issues an occupancy permit or final inspection for the expanded or converted development.

Chapter 19.700 applies to subsequent development that would exceed this limitation as follows.

- a. The subsequent development(s) is exempt per Subsection 19.702.3.B.1 if the total floor area of the initial development and subsequent development(s) do not exceed 3,000 sq ft.
- b. The subsequent development(s) is not exempt per Subsection 19.702.3.B.1 if the total floor area of the initial development and subsequent development(s) is greater than 3,000 sq ft. The review of Chapter 19.700 is based on all floor areas that are involved with the development.

19.702.43 Exemptions

19.703 REVIEW PROCESS

19.703.3 Approval Criteria

B. Transportation Facility Improvements

Development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per Section 19.705 Rough Proportionality, except as allowed by Section 19.706 Fee in Lieu of Construction.

Development in downtown zones that is exempt per Subsection 19.702.3.B shall provide only transportation improvements identified by a Transportation Impact Study as necessary to mitigate the development's transportation impacts. Such development is not required to provide on-site frontage improvements.

19.703.4 Determinations

B. Street Design

Given the City's existing development pattern, it is expected that most transportation facility improvements will involve existing streets and/or will serve infill development. To ensure that required improvements are safe and relate to existing street and development conditions, the Engineering Director will determine the most appropriate street design cross section using the standards and guidelines contained in Section 19.708. On-site frontage improvements are not required for development downtown that is exempt per Subsection 19.702.3.B.

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.1 General Street Requirements and Standards

A. Access Management

Proposed Code Amendment with Commentary

All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.

B. Clear Vision

All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.

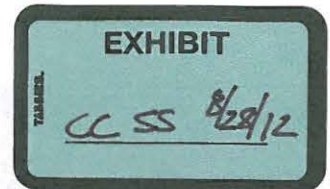
C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implements the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements plan. Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the public area requirements plan per Subsection 19.310.5.

D. Development in Non-Downtown Zones

Development in a non-downtown zone that has frontage on a street section shown in the Milwaukie Downtown and Riverfront Plan: Public Area Requirements plan is subject to the requirements of the Milwaukie Public Works Standards, which implements the street design standards and right-of-way dedication requirements contained in the plan that document for that street frontage. The following general provisions apply only to street frontages that are not shown in the Milwaukie Downtown and Riverfront Plan: Public Area Requirements and for development that is not in any of the downtown zones listed in Subsection 19.708.1.C above:

**10883 SE Main Street / 1981-1991 SE Monroe St
Permits, PAR and Storefront Grant Chronology**



DATE	ACTION	OUTSTANDING PAR COST (As Assessed)	PARs	PARs
			(PAID BY APPLICANT)	(PAID BY CITY)
August 21, 2012	Planning Department received a business check request from the Finance Department for the Dusty Tiger at 1981/1991 SE Monroe St.	--	--	--
August 17, 2012	Building Permit #601-12-000634 (occupancy permit for the Dusty Tiger, a retail store) submitted for 1981/1991 SE Monroe St. PARs and SDCs are being calculated for the occupancy permit.	TBD. Being calculated. Total will be finalized and shared with applicant by 8/31.	TBD	TBD
August 2, 2012	The façade renovation was substantially complete; the Planning Director determined that the final design was not in substantial conformance with the approved design. New Type I downtown design review application was submitted (DR-12-08) and approved on August 14.	\$0	--	--
June 12, 2012	Building Permit #601-12-000470 issued for interior enhancements of the tenant space at 1981/1991 SE Monroe St.	\$0	--	--
April 26, 2012	Building Permit #601-12-000304 issued for renovation of the façade and a shell improvement of the tenant space at 1981/1991 SE Monroe St.	\$0	--	--
March 30, 2012	The tenant space facing Monroe St was readdressed from 10883 SE Main to 1981/1991 SE Monroe.	\$0	--	--
March 14, 2012	Type I downtown design review application submitted for the façade renovation (DR-12-03).	\$0	--	--

DATE	ACTION	OUTSTANDING PAR COST (As Assessed)	PARs	PARs
			(PAID BY APPLICANT)	(PAID BY CITY)
July 27, 2011	The Design and Landmarks Committee (DLC) approved a façade improvement matching grant in the amount of \$10,000 for rehabilitation of the storefronts at 1981/1991 SE Monroe St.	\$0	--	--
June 2, 2011	The City instituted a PAR Grant Program to cover the cost associated with Public Area Requirements. City Council halves the required PAR payment and awards a grant to cover.	\$28,749/2 - \$517 = \$13,857	\$0	\$13,857
May 4, 2011	Building Permit #110168 issued for a new retail use (Enchante) for half of the first floor of the building. (2,500 sf – later reduced to 2,300 sf to eliminate the stairwell). PARs are triggered.	\$28,749 - \$517 = \$28,232	\$0	\$0
May 2, 2011	Building Permit #110160 issued for a tenant improvement and occupancy for the second floor office space. PARs not triggered.	(\$517)	\$0	\$0
January 18, 2011	Building Permit #110029 issued for a shell improvement for the second floor office space. PARs not triggered.	(\$517)	\$0	\$0
June 2009	<p>City adopted a significantly revised zoning code section 19.1400, Transportation Facilities Review, which altered the standards and process for implementing Public Area Requirements during development.¹ The revised code now explicitly requires a rough proportionality analysis (staff had been conducting this to comply with state/regional regulations, but it wasn't part of the code), and exacts PARs based on impacts to the transportation system (i.e. street and sidewalk) as determined by trip intensification. This methodology replaced the provision that tied the <u>extent</u> of the required public improvements required to building permit value. The newly adopted code does not waive or modify PAR requirements themselves – it only changes how the final contribution is calculated. <i>PARs for the Main/Monroe project are unknown until a TI application is submitted.</i></p>			

¹ This code section was renumbered to MMC 19.700 with the 2011 land use development review update project.

DATE	ACTION	OUTSTANDING PAR COST (As Assessed)	PARs (PAID BY APPLICANT)	PARs (PAID BY CITY)
November 7, 2008	Applicant requests, and is granted, a \$517 credit for electrical undergrounding done by PGE against outstanding PAR obligation.	\$11,582	\$0	\$0
January 14, 2008	Submittal of Building Permit 070408 drops the building permit value below 50% of the property assessed value. PAR requirement drops to 10 percent of the new building permit value (\$121,000).	\$12,100	\$0	\$0
January 2, 2008	Second of two City Council appeal hearings. The Council upheld the Director's and Commission's positions.			
January 2008	<p>The elevator was removed from the project, and therefore moved the project from the 50% trigger category to the 10% category. Though the City's impacts & proportionality analysis supported full frontage improvements, staff felt bound by the code in effect at the time and limited the required exaction to 10%. The City sent a letter confirming this and outlining the new list of requirements.</p> <p>"On January 11, 2008 you revised Building Permit #07-0408 by removing the proposed elevator. Based on the quote submitted for the cost and installation of the elevator, you have re-assessed the permit valuation to be approximately \$121,000. Because the re-assessed permit value is less than 50 percent of the assessed real market value of the property and existing improvements (\$353,000), the project triggers section 19.312.5.c of the Milwaukie Municipal Code (MMC).² Therefore, relying on the proportionality analysis we have already conducted for your project, the City will require that the project contribute an amount equal to at least 10 percent of the development permit value toward public area improvements along the property's frontage.³</p> <p>Future building permits, such as those required to finish the interior spaces, will increase the cumulative value of the project. The City will assess each submitted development permit for compliance with the public area requirements by requiring that each building permit contribute 10 percent toward public improvements. Accordingly, each submitted permit will provide pro rata contributions toward the list of required improvements that was communicated to you in previous correspondence. The only exception to this approach would be if a tenant improvement permit has a value that exceeds 50 percent of the assessed value of the land and improvements. In that case, the permit would trigger "full compliance" with the public area improvement requirements, and the City would exact the full list of required improvements as described in Attachment 1."</p>			

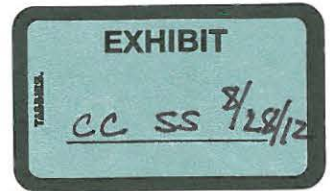
² MMC 19.312.5.c reads: "If the development permit value is less than fifty percent of the value of the land and existing improvements, as determined by the county assessor, then an amount equal to at least ten percent of the development permit value shall be utilized to meet the public area requirements..."

³ We are also in receipt of a demolition permit (#07-0607) for the existing one-story portion of the building located on site. Because this permit will not result in increased use of or traffic to the site, the City will not require public area requirements related to this permit.

DATE	ACTION	OUTSTANDING PAR COST (As Assessed)	PARs (PAID BY APPLICANT)	PARs (PAID BY CITY)
November 20, 2007	Mr. Parecki submitted an appeal to City Council of the Planning Commission's interpretation of Milwaukie Municipal Code (MMC) 19.312.5(B)(2).			
November 13, 2007	Planning Commission appeal hearing. The Planning Commission upheld the Director's position.			
October 8, 2007	Mr. Parecki submitted an appeal of the Planning Director's interpretation of Milwaukie Municipal Code (MMC) 19.312.5(B)(2). This appeal was not an appeal of the Design Review decision, but rather of how the Planning Director applied the PAR requirement to his project.			
October 5, 2007	<p>Design Review Approval Letter sent. DR-07-01 Minor Exterior Alteration to the building as defined under MMC Section 19.312.6(B)(2) and requires Type I Design Review approval prior to issuance of a building permit.</p> <p>"As discussed during our October 1, 2007 meeting and noted in my September 27, 2007 correspondence, your project is subject to public area improvement requirements (MMC Section 19.312.5(B)(2)). Prior to issuing your building permit, Main/Monroe Investors, LLC and the City of Milwaukie must agree upon a defined list of required public area improvements. Prior to final building inspection and building occupancy approval, all improvements must be engineered and completed to City of Milwaukie standards. Under separate cover, staff will send you a list of required public area requirements for your consideration."</p>			
October 5, 2007	<p>Planning Director sent a letter to the applicant outlining required public improvements.</p> <p>Included is a list of public improvements that must be completed by you or your tenants prior to occupancy. ... The following list includes streetscape elements that anticipate increased use of downtown streets and sidewalks, and takes into consideration existing improvements along your property frontage, and excludes a few items that the City is willing to provide at no cost to you.</p> <p>The list in this letter effectively reduced by more than half the specific streetscape elements that the City would require along the frontage of this property.</p>			
October 5, 2007	<p>Planning Director distributes Director's Interpretation Memo on how the Planning Department will interpret Zoning code section 19.321.5 Public Area Requirements</p> <ul style="list-style-type: none"> The purpose of the memo was to document for staff the process and interpretation applied in the Main/Monroe application. Formal interpretations such as this are necessary to direct staff when it is necessary to depart from or fill the gaps in the code. Directed staff to follow the City Attorney's guidance and change how the City implemented the Public Area Requirements section. Specifically directed staff to consider the existing conditions (to avoid unnecessary replacement of sound existing infrastructure) and to ensure that the required improvements would mitigate for the increased intensity of the project – that the improvements be proportional to the increased intensity generated by the project. <p>Because the Planning Director did not implement the code literally as written, but rather as filtered through an interpretation, this code interpretation was subject to appeal.</p>			

DATE	ACTION	OUTSTANDING PAR COST (As Assessed)	PARs	PARs
			(PAID BY APPLICANT)	(PAID BY CITY)
October 5, 2007	PARs are reviewed against existing improvements for compliance; list of required improvements is reduced.	\$59,995	\$0	\$0
October 2, 2007	Planning staff prepared Qualitative "Nexus" Analysis	\$128,925	\$0	\$0
October 1, 2007	The applicant sent a letter, which stated he would agree to spend up to 10% of the building permit value on public improvements.	\$128,925	\$0	\$0
September 27, 2007	Planning Director sent a letter informing the applicant of the public improvements, requesting that he provide a proportionality analysis to determine which elements of the improvements are appropriate for this project.	\$128,925	\$0	\$0
September 21, 2007	Engineering staff prepared Quantitative Proportionality Analysis	\$128,925	\$0	\$0
September 2007	Staff reviewed plans, and conducted design review of the project. Engineering, Planning, and Building staff contacted the applicant several times to request additional information, which the applicant provided. Staff determined that the project triggers full compliance with public area requirements, per 19.312.5.b.2. Planning Director consulted with City Attorney regarding consideration of impacts when determining required public improvements.	\$128,925	\$0	\$0
August 29, 2007	Main/Monroe Investors, LLC, submitted an application for building permits to renovate the	TBD	--	--

DATE	ACTION	OUTSTANDING PAR COST (As Assessed)	PARs (PAID BY APPLICANT)	PARs (PAID BY CITY)
	State Bank Building located at 10883 SE Main Street. PARs are calculated for the first time, and include all possible frontage improvements.			
April 26, 2007	Pre-application conference, at which staff and Mr. Parecki discuss his proposed project including dividing the land, Design Review requirements, and public area requirements, and other requirements such as System Development Charges.	TBD	--	--



To: Mayor and City Council
Through: Bill Monahan, City Manager
From: Teri Bankhead, Asst. to the City Manager
Date: August 28, 2012
Subject: UGMA Status Update

ACTION REQUESTED

FOR DISCUSSION AND UPDATE

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

August 28, 2012: Study session update

August 15, 2012: Staff Director's retreat and strategy discussion

August 13, 2012: Staff met with Jordan Ramis for strategy session

July 12, 2012: Staff met with HV, County

June 26 2012: Study session update

March 15, 2012: Staff met with HV, County

December 13, 2011: Staff met with HV, County, CPOs and service providers

November 29, 2011: Study session update

November 1, 2011: Staff Met with HV and County

August 31, 2011: Staff Met with HV and County

June 7, 2011: Happy Valley noticed Planning File ANN-0-2-11/LDC-02-11/CPA-02-11 proposing to annex 3.31 acres owned by Providence Health & Services on Sunnybrook. Clackamas River Water objected via letter dated June 2, 2011 and copied Milwaukie Senior Planner Shanks. Milwaukie was not sent notice of the expedited hearing by Happy Valley as an interested party.

BACKGROUND

Per council direction at the November 2011 and June 2012 study sessions, staff has continued to discuss the urban growth boundary agreement and area of overlapping interest with the City of Happy Valley and planning staff from Clackamas County. At the last meeting with both parties in July, it was agreed that the cities would continue to work together to discuss this area of interest and relay to each respective council the position of the other. As you may recall, at the June study session, council agreed that its first priority was to keep the current boundary to I-205, with a willingness to consider removing the east side of I-205 from the agreement and map. However, it was also determined that whichever city did end up including the Clackamas Town Center regional area in its boundary should also be responsible for the residential area between Milwaukie's eastern city boundary, respectively Linwood Ave, and 82nd Ave. This message was shared at the July 12th meeting with Happy Valley and the County staff. Happy Valley indicated that its council's first priority was the area between 82nd Avenue and I-205 as evidenced on their proposed map, however, they would consider including everything residential to Linwood also. They also shared that a 3rd or 4th option would be to take the area south of Sunnybrook to the I-84/I-205 connection, or everything north of Sunnyside to Clatsop, which is the Multnomah/Clackamas County border. This essentially breaks up the commercial core and service area and is not highly recommended by Milwaukie staff.

As Happy Valley is further along in their progress with a drafted agreement and boundary map established, City Manager Monahan requested that Happy Valley slow its progress while Milwaukie could focus more attention to theirs and get up to speed. He indicated that at the earliest, Milwaukie might be able to draft an agreement by the end of 2012. Meanwhile, county staff agreed to speak with the individual Board of County Commissioners to inform them of the discussions and try to ascertain opinions on whether the county would permit an agreement from one party to come forth that would have overlapping jurisdictions in the urban growth management area, or if they would take a position to require the cities to negotiate this before they would review any agreements. To date, the County CD Director has met with one County Commissioner and has meetings scheduled with three others. As Commissioner Lininger will not be rerunning for her seat, he didn't feel the need to meet with her.

Staff has also engaged the City's legal team and started work on updating the service provider agreements. Damien Hall of Jordan Ramis is working with Rhett Tatum, Clackamas County counsel, to draft a template that the city may use as it progresses through these conversations and meetings with the service providers in the UGMA. County planning staff assisting with this project provided them with Happy Valley's draft agreement and Wilsonville's recent UGMA to use as baselines. City staff is also reviewing its known agreements to determine which are current, expired, missing and/or necessary.

UGMA STRATEGY SESSION WITH JORDAN RAMIS

On August 13, staff from various City departments met with Jordan Ramis attorneys to discuss strategy about how to begin communicating the message about Milwaukie and lay out pros and cons to residents and property owners in the UGMA area. What follows is a summary of that meeting and action points that resulted.

Jordan Ramis: Tim Ramis, Damien Hall, Jeff Bennett, Peter Watts
City Manager: Bill Monahan, Teri Bankhead

Finance: Casey Camors,
Community Services: JoAn Herrigel
Library: Katie Newell
Planning: Scot Siegel, Interim Planning Director
Police: Bob Jordan, Steve Bartol

DISCUSSION POINTS:

Pros and cons of annexation into Milwaukie
Building the story of Milwaukie – Why would someone want to live here over Happy Valley?
What would the messages be to the property owners and special districts?
What can Jordan Ramis do to assist us?
Will the county allow overlapping boundaries and does Jordan Ramis need to assist in determining this?

STRATEGIES DISCUSSED:

Construct an argument for the commercial property owners to show that HV is aggressively annexing (i.e. Clackamas Industrial, islands, Damascus/Rock Creek).

- JR will look at HV council meeting minutes to see what decisions have been made and if there is unanimous direction or split interest.
- Instill that HV would not have incentive to bring in the residential areas after annexing the Town Center, whereas Milwaukie has a proven record of providing for the residences (i.e. NESE)

Encourage Clackamas County Board of County Commissioners to take a position:

- requesting cities to work out the boundaries amongst themselves before submitting agreements; inform cities they will not allow overlapping boundaries; or
- inform cities they will allow overlapping boundaries

Is there legal standing for Milwaukie to say that it has a current UGMA for this area that would prevent an overlapping boundary and agreement?

- JR did some previous research on this in 2011 when this issue first was raised about Providence.
- JR will locate this information and get it to Roger Alfred, Metro Senior Assistant Attorney in charge of land use, for analysis of Metro's position and/or role in this.
- Look at prior annexation disputes, which might drive the county into this.
- JR has recommended that the east side of I-205 NOT be given up as negotiation at this point.

Show Milwaukie has the tools and successes already

- Staffing and departments with history of getting the jobs done

Planning philosophies

- Determine the differences in Milwaukie's and Happy Valleys philosophies. Have they historically stayed the course or changed zoning when bringing in annexed properties? (zoning changes from county designation). This could be used in relaying the message to property owners.

Service Providers

- Damien Hall is working with Rhett Tatum, Clackamas County Legal, to develop a template to use in revising or establishing agreements. Martha Fritzie, Clackamas County Planner, provided Rhett with the Happy Valley and Wilsonville agreements to use as baselines.

Build the Story of Milwaukie

- Bill and Teri will outline the story and discuss at staff retreat

Make CTC Regional Connections

Teri has been attending the North Clackamas Chamber of Commerce meetings and is now a voting member of the Chambers Policy Team, which meets monthly. She also attends Milwaukie Rotary, which is comprised of many Milwaukie residents and business owners who live outside Milwaukie, including some in the Happy Valley area.

Peter Watts, who is active in the Clackamas County Business Alliance as well as other organizations in this region, recommends connecting with active property and business owners in the regional area, which include:

John Eggie MP Plumbing

- In the Lawnfield area off east 82nd. Neighbors often look to him on issues. His is involved with the CCBA and Chamber as well as a voice on the Sunrise Corridor project.

Dennis Curtis, CTC Sr. General Manager

Jessica Curtis, CTC Marketing Manager/PR

Kyle Gorman, CCFD#1 Operations

CCBA Land Use Committee, Wilda Parks attends

Tom Bryan, lobbyist

- Providence hired him to lobby and for government relations with Clackamas County

Follow-up on Clackamas County's Role

Teri will contact Mike McCallister, County CD Director

- Has he talked with each commissioner to inform of this issue and ask their opinion about overlapping areas in the UGMAs?
 - As of 8/22/12, Mike has met with Commissioner Bernard and is scheduled to meet with Lehan, Savas and Damon by the end of August.
- Has he talked with Gladstone Mayor Wade Byers? While Milwaukie is not concerned with HV's interest in the Gladstone UGMA, it does show that HV is proceeding aggressively into other areas.
 - Mike talked with City Manager, Pete Boyce, approximately a month ago after the 7/12 meeting. Mr. Boyce said he would drive that area and talk with his Mayor and Council and contact Jason Tuck.
 - Mike has not heard the outcome of these conversations.
- Has Martha Fritzie, County Planner, received the agreement from Happy Valley yet for BCC consideration?
 - According to Mike, nothing has come forth or happened.

- He states he **will not** take one city's agreement to the BCC unless there is agreement between the cities, or unless directed to by the Commission to bring something forward.

UGMA Strategy Session – Director's Retreat

On August 15, City Manager Monahan held a retreat with the City's Department Heads. One of the discussion items was the UGMA and directors were asked to brainstorm the pros and cons of Milwaukie for why property owners should annex into this city versus Happy Valley. What follows is the summary of that discussion. Additionally, staff discussed various strategies to bring forth for council discussion, which included:

1. Hold to the current UGMA and do nothing at this point. Consider updating the language only.
2. Proceed with updating the UGMA and negotiating with Happy Valley, making an argument with Clackamas County that the City of Milwaukie has inequitably been the recipient of various housing and high risk projects (i.e. xxxxx), while Happy Valley and other Clackamas cities have not. There is an equity issue that exists and Milwaukie needs the Town Center area to be economically and financially healthy. This would also provide for a stronger county across the region.
3. Be proactive and proceed with annexing toward the Town Center through cherry stemming. Send the message that Milwaukie is openly willing to bring this and the surrounding area into the City as part of its current UGMA.

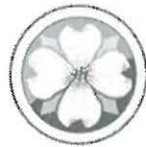
Staff drafted the following points:

UGMA – Why Happy Valley?

- Prestige of address
- Low tax rate \$2.0510 v. \$4.0718
- Contract for services
- Zip code/identity
- Younger/more affluent
- New parks and schools
- Growing with room for more
- Possibly seen as aggressive/or stable
- Has business alliance/seen as pro-business
- 3 golf courses
- Sheriff – no change – community identity of department
- Natural trails
- More system development charges (SDC) possible

UGMA – Why Milwaukie?

- History – 30+ years the area has been of interest to us
- Own Police Department – independent – service oriented – well thought of – officers are our own
- Operations has good reputation of maintenance
- Better one-on-one service because we don't contract
- Has internal code enforcement staff
- Established downtown – a "place"
- Keeps us financially healthy
- Community of interest – residential and commercial – should go together (long term)
- We could eventually annex out to I-205, taking areas that need services. Happy Valley might stop at 82nd Ave. and not include residential in the future



MILWAUKIE

Dogwood City of the West



Memorandum

To: Mayor Ferguson and Councilors
From: Teri Bankhead, Assistant to the City Manager
CC: Bill Monahan, City Manager
Date: July 9, 2012
Re: Council Guidelines on Electronic Communications

BACKGROUND

During a May Planning Commission meeting the Chair received a text from a viewer asking that the presenters discontinue using a laser pointer on slides, as the laser does not show up on the cablecast. This event in and of itself did not cause immediate concern as it was to help improve the presentation and not used for deliberations at hand. However, it did raise questions about how electronic communications should be managed during a public meeting, as they could be considered public comment and, therefore, evidence that should be placed into the record.

Councilor Hedges posted these questions to Council:

1. How is receiving private communications during a public meeting covered by Oregon public meeting law?
2. What would the situation be if comment on the matters being discussed were received by a private electronic means during the meeting? Must they be disclosed and what would happen if they were not and subsequently discovered?
3. Depending on what the answers are to the above questions, is this something we should include advice on in the guidelines for board and commission members, and council?

Council requested staff draft some guidelines that would allow or restrict the practice of receiving, accepting, or sending messages via electronic devices during meetings. Staff researched the League of Oregon Cities, sent requests via the ELGL listserv (emerging local government leaders) and the City Recorders listserv (OAMR), and conducted a Google search. From initial review, it appears this is becoming a more prevalent issue across the board that has even sparked debate in some states over whether to ban texting and emailing all together or view it as full disclosure.¹

Locally, staff determined there are existing policies in place in Gresham, Wilsonville, Tigard and Oregon City. A more thorough review would most likely find other cities with similar guidelines. (Although, the City Clerk for the City of Portland says they do not have any guidelines as of this time.) These policies

¹ There are a number of articles online with respect to cities considering this topic. One in particular discussed banning vs. transparency, "Lawmakers want to limit text messages and emails" <http://msnbc.msn.com/id/35972792>.

seem to reflect a direction that many cities are heading as a means to address the growing use of electronics in daily lives. As one local City Manager relayed, with the increase in use of iPads now for council meetings, it is becoming more difficult to determine if someone is reviewing the electronic packet or actually surfing the internet.

ONLINE ARTICLES:

Searches on the internet and assistance from LOC revealed that this is a growing topic of discussion.

Is it OK to Text While Lawmaking? <http://www.governing.com/topics/politics/Is-It-OK-to-Text-While-Lawmaking.html#>

Introduced in Texas during the 2011 legislature:

<http://www.capitol.state.tx.us/tlodocs/82R/billtext/pdf/HB02977I.pdf#navpanes=0> and the fiscal note: <http://www.capitol.state.tx.us/tlodocs/82R/fiscalnotes/pdf/HB02977I.pdf#navpanes=0>

Colorado Senate rule that prohibits the use of electronic devices during the 3rd hearing:

<http://www.leg.state.co.us/clics/clics2012B/cslFrontPages.nsf/SplashRules?OpenFrameset>

The article also mentions San Jose, which adopted an ordinance requiring council members to disclose relevant electronic communications they receive during meetings:

http://www.sanjoseca.gov/clerk/Agenda/20100302/20100302_0304res.pdf

National Conference of State Legislatures brief on electronic devices and decorum :

<http://www.ncsl.org/LinkClick.aspx?fileticket=nvf9CI4gWiE%3D&tabid=13508>

DRAFT GUIDELINES

Staff would recommend using a combination of the guidelines already drafted by other cities as they seem to replicate each other.

Electronic Communications means e-mail, text messages, or other forms of communications transmitted or received by technological means.

Electronic Communications Devices means lap-top computers, blackberries, cell-phones, notebooks, iPads, or other similar devices capable of transmitting or receiving messages electronically.

It is the policy of the Council, in keeping with the intent of the state's open meetings law, that the use of electronic communications devices during Council meetings be limited and shall otherwise comply with rules and laws applicable to proceedings before the Council.

- A. Councilors shall not send or receive electronic communications concerning any matter pending before Council during a Council Meeting.
- B. Councilors shall not use electronic communication devices to review or access information regarding matters not in consideration before Council during a Council Meeting.
- C. Councilors shall not access the internet concerning any matter pending before Council during a Council Meeting except to access Council agenda packet information.
- D. Any electronic communications regarding a quasi-judicial matter to be considered by Council is an ex-parte contact and shall be disclosed as required by law.

- E. Councilors should make every effort to refrain from sending or receiving electronic communication of a personal nature during Council Meetings through texting, emails or telephone calls. However, as volunteers it is understood that at times it may be necessary to send or receive urgent/emergency family or business communications during meetings. Out of courtesy to meeting guests and co-councilors, it should be announced that he/she is responding to a personal phone call and leave the dais to do so.
- F. The provisions in these guidelines apply to the meetings of City boards, commissions and committees and to members of those committees.

OTHER LOCAL CITIES

Oregon City has interactive computers built into the dais to view electronic packets on Granicus, and this is the only electronic access permitted during regular sessions. So, while internet surfing is not as big of a concern, texting by councilors and use of laptops at the dais has been experienced in the past, and council rules were amended to incorporate electronic devices and communications.

Amendment to Rules of Procedure Section VIII -Use of Electronic Devices

A. It is the policy of the Commission, in keeping with the intent of the state's open meetings law, that the use of electronic communications devices during Commission meetings be limited and shall otherwise comply with rules and laws applicable to proceedings before the Commission. Use of such devices is generally permitted only at work sessions so long as the source and the content of the information is disclosed to the public and access to the information remains courteous to guests and meeting attendees.

Any electronic communication regarding a quasi-judicial matter to be considered by the Commission is an ex parte contact, and shall be disclosed, as required by law.

This rule does not prohibit the use of the City provided interactive computers on the dais for viewing the Commission meeting agenda and agenda packet. This rule does not limit the use of electronic communications devices outside of public meetings. However, all electronic communications sent and received by Commissioners must comply with the rules and laws applicable to public records.

B. Definitions

1. As used in this section, "electronic communications devices" means laptop computers, blackberries, cell phones, or other similar devices capable of transmitting or receiving messages electronically.
2. As used in this section, "electronic communications" means e-mail, text messages, or other forms of communications transmitted or received by technological means.

Wilsonville has included a paragraph in their Council Protocol Manual that is somewhat general but also gets to the matter. The City Recorder reports that Councilors are still permitted to have their phones available and do check them during meetings.

20. Use of Handheld Electronic Devices During Council Meetings – The use of handheld electronic devices by members of the Council and the general public is prohibited during Council

meetings. Council finds the use of these types of devices an impediment to conducting respectful and efficient meetings. However, in the event of a personal/family emergency, a Councilor may announce he/she is responding to a personal phone call and leave the dais to do so. This prohibition does not apply to members of the press, or to any staff member needing to operate such devices in the normal scope of their job responsibilities or in the case of an emergency.

Tigard's rules are more specific as to what is and what is not allowed during meetings, and devices and communications are very well defined.

Electronic Communications means e-mail, text messages, or other forms of communications transmitted or received by technological means.

Electronic Communications Devices means lap-top computers, blackberries, cell-phones, notebooks, or other similar devices capable of transmitting or receiving messages electronically.

o Councilors shall not send or receive electronic communications concerning any matter pending before the Council during a Council meeting.

o Councilors shall not use electronic communication devices to review or access information regarding matters not in consideration before the Council during a Council meeting.

o Councilors shall not access the internet but may access Council packet information concerning any matter pending before the Council during a Council meeting.

o Any electronic communications regarding a quasi-judicial matter to be considered by Council is an ex-parte contact and shall be disclosed as required by law.

Gresham has Council Rule's that are very similar to Tigard's but also include Citizen Advisory Committees and those members.

Council Rule 3.15 Electronic Communications

- A. Councilors shall not send or receive electronic communications concerning any matter pending before Council during a Council Meeting.
- B. Councilors shall not use electronic communication devices to review or access information regarding matters not in consideration before Council during a Council Meeting.
- C. Councilors shall not access the internet concerning any matter pending before Council during a Council Meeting except to access Council agenda packet information.
- D. Any electronic communications regarding a quasi-judicial matter to be considered by Council is an ex-parte contact and shall be disclosed as required by law.
- E. In deference to the public meeting at hand, Councilors should make every effort to refrain from sending or receiving electronic communication of a personal nature during Council Meetings, though as volunteers it may sometimes be necessary to send or receive very urgent/emergency family or business communications during meetings, especially given that the general switchboard is closed after normal business hours.
- F. The provisions in this Council Rule apply to the official meetings of Council Citizen Advisory Committees and to members of those committees.

REVISION #2

MILWAUKIE CITY COUNCIL STUDY SESSION AUGUST 28, 2012

MILWAUKIE CITY HALL

Conference Room
10722 SE Main Street

A light dinner will be served.

EXECUTIVE SESSION – 5:00 p.m.

Executive Session: The Milwaukie City Council will meet in executive session pursuant to ORS 192.660(2)(i) performance evaluations of public officers and employees immediately following adjournment of the study session.

STUDY SESSION – 5:45 p.m.

- | | | | |
|----|-----------|---|---------------|
| 1. | 5:45 p.m. | Public Area Requirements Process Update | Kenny Asher |
| 2. | 6:30 p.m. | UGMA Strategy | Teri Bankhead |
| 3. | 7:00 p.m. | Electronic Communication Policy | Teri Bankhead |
| 4. | 7:15 p.m. | Discussion of Willamette Falls Media Center | City Council |
| 5. | 7:45 p.m. | Adjourn | |

Information

Executive Session: 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.

Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.
- The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act (ADA). If you need special accommodations, please call 503.786.7502 or email ocr@ci.milwaukie.or.us at least 48 hours prior to the meeting.