



**Regular Session**

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**Milwaukie City Council**



**MINUTES**  
**MILWAUKIE CITY COUNCIL**  
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**REGULAR SESSION**  
 APRIL 19, 2016  
 City Hall Council Chambers

**Mayor Gamba called the 2,220<sup>th</sup> meeting of the City Council to order at 6:07 p.m.**

**Council Present:** Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

**Staff Present:** Assistant to the City Manager Mitch Nieman, City Recorder Pat DuVal, City Attorney Peter Watts, Community Development Director Alma Flores, Finance Director Casey Camors, Planning Director Denny Egner, Sustainability Director Clare Fuchs, Associate Planner Brett Kelper, and Building Official Samantha Vandagriff

**CALL TO ORDER**

Pledge of Allegiance.

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

**A. Milwaukie High School (MHS) Outstanding Student Achievement Award for April 2016 to Emily McCarty**

**Mark Pinder**, MHS Principal, introduced Ms. McCarty and noted her achievements particularly in the areas of scholarship, volunteerism, and athletics.

Mayor Gamba and the Councilors congratulated Ms. McCarty and inquired about her academic and extracurricular activities and career plans.

**B. National Building Safety Proclamation**

**Ms. Vandagriff** read the proclamation naming May 2016 as *National Building Safety Month* in the City of Milwaukie.

**C. Air Quality Update**

**Mayor Gamba** introduced Nina DeConcini, Department of Environmental Quality (DEQ) Region Administrator; and Brian Boling, DEQ Laboratory Program Manager; and Aaron Johnson and Jay Khetani, Precision Castparts Corp. (PCC).

**Ms. DeConcini** provided a brief recap of the context and set the stage for this update. The last time she was before the Milwaukie City Council, DEQ had not done any monitoring, and she had stated that DEQ was not proceeding with renewal of PCC's air quality permits until the regulatory reform was completed. The new program, Cleaner Air Oregon, would take into consideration health and risk based information for industrial facilities that impacted local communities. The Brentwood Darlington Community hosted a meeting, and there was a request to monitor both soil and air quality around PCC. DEQ was still in the process of developing a soils sampling plan that it would communicate with the community and public health partners. PCC had informed DEQ earlier that it intended to install pollution control equipment on some of its processes, which DEQ was pleased to hear. The community believed that monitoring should take place before that equipment was installed. DEQ worked diligently to install its monitoring instruments to get a before snapshot. There were many regulatory intersects with PCC, so Ms. DeConcini provided an update of both PCC and McClure Industries in hard copy and electronically on DEQ's website.

**Mr. Boling** addressed ongoing monitoring at PCC and what it took to establish and monitor both air and soil. In the case of PCC, DEQ was doing fence line monitoring. Three stations were deployed around the facility after studying wind direction and speed from a meteorological station on top of McClure. It was found that the flow was from east to west along the canyon area of Johnson Creek. The deployments were placed to determine what was contributed by PCC and was a follow up to the moss study. The US Forest Service (USFS) collected moss in the area and identified nickel along with arsenic, so the follow up monitoring looked at the air concentration. The moss takes in the metals which either accumulate or go down into the moss. The air monitoring looked at air concentrations and human health impacts. DEQ also does receptor monitoring, a national program to measure air toxics, near homes and schools. The monitoring equipment filters are collected daily for a period of 30 days and taken to the lab in Hillsboro for analysis and determination of long term impacts. There was also a concern about styrene in the area, so a volatiles monitoring instrument would be installed just east of the potential source and perhaps one in between. He discussed the funding issues faced by DEQ and the limitation on available equipment. DEQ was borrowing equipment from the Environmental Protection Agency (EPA) so that more monitoring can be done.

**Council President Batey** asked if Eastside Plating in that same general area was being monitored.

**Mr. Boling** replied that DEQ had not done direct monitoring at that location.

**Ms. DeConcini** added that based on its most recent inspections, Eastside Plating was in compliance with state and federal regulations and that there had been no violations since 1998. There had been no citizen complaints for the past five years.

**Councilor Churchill** asked about plume discharge and how DEQ would know if it was monitoring in the right location.

**Mr. Boling** replied that DEQ looked at the wind pattern data and whether the air was coming from a heated source. PCC did not have a heated source, and staff confirmed that a lot lays low in that canyon. There was a different wind pattern on the bluff, and he felt the monitors were in the right location.

**Councilor Churchill** asked if manufacturing cycles for the past few months could be taken into consideration to determine if there were any changes in processes before the monitoring took place.

**Ms. DeConcini** said DEQ would request that information from PCC.

**Mayor Gamba** asked if monitors could be installed at the smoke stack to determine what was actually being emitted rather than fence line testing.

**Ms. DeConcini** replied that DEQ was looking at that as part of the regulatory overhaul. She discussed Oregon's clean air benchmarks with the goal of no more than one excess cancer risk in 1 million people compared to the general population. Other states do take into account the localized impact, which Oregon's program did not at this time prior to rulemaking and potential legislation.

**Councilor Power** was concerned about the time lag between collecting data and release of information. She asked if there were real time monitors that could identify spikes as they occurred.

**Mr. Boling** replied that in the case of greenhouse gas monitors, the information was available in real time. In the case of metals there was a real time instrument, but it was very expensive. Part of the time delay was the analysis that needed to occur and the time to determine the health impact using a longer term data set. Oregon benchmarks that assessed cancer risk, for example, was a one year test period.

**Ms. DeConcini** discussed standards and added that the benchmarks were set at a very protective level.

**Councilor Power** felt there should be a less costly way to access real time data.

**Mr. Boling** explained the difficulties of analyzing data in real time. The challenge with volatile organic compounds (VOC) and metals was the low level analysis of what human health impacts might be in the long term.

**Council President Batey** asked for comments about water quality including groundwater and Johnson Creek.

**Ms. DeConcini** replied that the City of Portland administered the PCC permit program and acted as DEQ's agent. She provided a document showing the environmental intersects that included water quality; however, she would prefer that Portland responded to Milwaukie directly.

**Mayor Gamba** suggested inviting the Bureau of Environmental Services (BES) to the May 19 study session on water quality.

**Councilor Power** asked how local governments could advocate for DEQ so it could do its job more effectively, and she noted the reduced staffing level.

**Mr. Boling** discussed the statewide lab that did all air, water, and land quality and the monitoring equipment that was moved around the state. He talked about staffing levels with employees being deployed to the highest priority locations.

**Ms. DeConcini** added that the regulatory overhaul would help identify staffing needs. She appreciated the City's involvement.

**Councilor Power** suggested that if people wanted to push for more funding they should express their support as budgets were considered at the legislative level.

**Mayor Gamba** invited representatives from PCC to provide their comments.

**Aaron Johnson**, General Manager, PCC Structural's Large Parts Campus on Johnson Creek Blvd and **Jay Khetani**, Vice President of Communications. Mr. Johnson read his comments into the record and would then invite questions. PCC employed 2,800 people in the Portland region and took its obligation to operate safely and responsibly very seriously. PCC made flight critical parts for every aircraft engine in the sky today, and the company knew exactly what metals are used to achieve the necessary performance characteristics.

Air quality has been on everyone's minds in the past couple of weeks. **Mr. Johnson** assured the City Council and the audience that PCC understood the importance of a neighborhood that was a safe environment to live, work, and raise a family. He briefly addressed some of the concerns that had been raised. PCC did not use arsenic or cadmium in its metals and predominantly used low toxicity nickel alloys. PCC used elemental chromium in its metals, and an extremely small percentage of the chromium converts to hexavalent chromium when high heat was applied. PCC Structural's has extensive air emissions control systems including hexavalent chromium. The scheduled system improvements would increase the capture rate.

**Mr. Johnson** said PCC was in full compliance with its permits and was audited by the Oregon DEQ. PCC invested years in analysis and engineering studies to ensure that the controls employed the best technology available. \$17 million had been invested on additional improvements between 2014 and 2016, although the existing controls were highly effective. PCC would submit a request to DEQ to reduce the maximum permitted emission for the upcoming permit renewal. The investments also included \$4.2 million for a stormwater facility to capture and treat all rain water at the Johnson Creek facility. He added that the industrial wastewater was not routed to Johnson Creek.

**Mr. Johnson** reported that PCC had established a website and posted relevant documents containing the most current information. A public community meeting was scheduled for May 25 to provide information and respond to questions.

**Councilor Churchill** asked about the indoor air quality sampling and if Mr. Johnson was willing to share that information with DEQ.

**Mr. Johnson** replied that PCC hired a third party industrial hygienist, but he was not prepared at this time to share that data. That information was shared with Oregon Occupational Safety and Health Administration (OSHA), so he felt he could probably share it with DEQ.

**Mayor Gamba** asked Mr. Johnson to discuss the new devices for air emissions and stormwater.

**Mr. Johnson** said the first project which had been completed was the addition of high efficiency particulate air (HEPA) filters on the exhaust of the baghouse to remove small dust particles. A baghouse captures and removes dust from the air using fabric filters which removes about 99% of the dust. Cyclone prefilters were installed which used baghouse. PCC upgraded its stormwater filtration system to improve the current process of removing contaminants before the runoff reached the City of Portland's stormwater system and Johnson Creek. Virtually all organics would be captured. There were springs and a pond at a higher elevation, and a lift system would be installed that would divert the water around the PCC property and go directly into the Portland system.

**Councilor Power** understood this stormwater investment would capture virtually all of the pollutants before going into the Portland system. She asked which pollutants were not being captured currently.

**Mr. Johnson** replied that from discontinued practices there were polychlorinated biphenyl (PCB) and chlorinated solvents. There was testing and the stormwater system went through extensive cleaning. The discontinued practices left some things behind that could migrate into the stormwater system. He and Mr. Khetani discussed runoff filtration systems. Mr. Johnson said all evidence indicated the threat was low, but conditions would improve with the stormwater system.

**Councilor Churchill** asked Mr. Johnson if he would be willing to talk to DEQ and share how manufacturing cycles had changed over time.

**Mr. Johnson** said he would include exact timelines. **Mr. Khetani** wanted to clarify that PCC would have discretion to change practices during the monitoring process to be sensitive to customer needs.

**Councilor Power** discussed the wastewater treatment plant as a major odor source and a long time source of frustration for those living near it. She commented on the success of the Kellogg Good Neighbor Committee (KGNC) and asked if PCC had considered doing something that.

**Mr. Khetani** replied that PCC had historically been an organization focused on its work and had not engaged with the media and the community. Clearly community concerns were making PCC think about taking actions to be more transparent and engaging the community. He did not feel that PCC was prepared to make a contractual commitment at this time but encouraged residents to attend the May 25 community meeting to begin the dialogue.

## **CONSENT AGENDA**

**It was moved by Council President Batey and seconded by Councilor Power to approve the consent agenda as presented.**

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

- 1. March 29, 2016, Study Session; and**
- 2. April 5, 2016, Work Session.**

**Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting "aye." [5:0]**

## AUDIENCE PARTICIPATION

**Mayor Gamba** reviewed the procedure for audience participation.

**Mr. Nieman** reported that City Council received comments on solarization, but no staff response was necessary.

**Meg VanBuren**, South Portland Air Quality, read a statement regarding PCC's citizen engagement. The community was pleased that the company was communicating with residents and expected ongoing communication regarding any proposed solutions. The community wanted complete information on any previous emissions and controls. The community expected PCC to install world class pollution controls that used the best available technology. The community looked forward to a dialogue with PCC about emergency prevention and response. She discussed major incidents that had occurred at the large parts campus including the May 2011 release of a toxic cloud of gas that resulted in a hazardous material incident. PCC attributed the incident to a PGE power failure, but it did not appear steps were taken to install backup generators. It was expected that PCC would take community concerns seriously and respond promptly. She expected third party verification of any solutions and hoped PCC would invest the resources to establish and maintain a neighborhood advisory committee to facilitate communication and increase transparency.

**Jacob Sherman**, South Portland Air Quality, addressed some of the issues that DEQ had raised with regards to the human health risk permitting and pointed out that DEQ could have taken these steps years ago. Some people felt this had more to do with cultural issues than funding issues. With regard to the Oregon benchmark and looking for more than one excess cancer risk, there was 2014 data available that showed PCC was named one of the top 20 toxic air polluters in the country. There were 90 excess cancer risks in 1 million. The same questions could be asked about McClure Industries which received hundreds of complaints from the community about air quality odors prior to its permit renewal in 2010. He would encourage continued community advocacy.

**Mr. Johnson** said there were backup generators on site but could not speak directly to the power outage event at this time.

**Daniel Newberry**, Executive Director, Johnson Creek Watershed Council, a community based, nonprofit organization that did stream restoration. In the past couple of weeks, his organization had been contacted by DEQ and Portland BES about water quality issues. DEQ commissioned a study in 2014 that looked at several sources of pollution in the sediment in the vicinity of PCC that showed a pattern of polychlorinated biphenyl (PCB) and several heavy metal contaminants. He was glad to hear that PCC was doing some onsite mitigation, and he recommended redoing that study after recent storm events to determine if pollutants were still coming out. He also encouraged DEQ to investigate Milwaukie's drinking water supply. Mr. Newberry asked PCC when the PCB process changed.

**Mr. Johnson** replied that PCC stopped using the electrical switch gear that the PCBs came from in the early 1990's, and there was significant cleanup on the remedial sites.

**Charles Snyder**, Milwaukie resident, referred to the letter from PCC Structural and suggested that PCC was concerned that there was some risk to the company's profits. His family wanted a safe place to live, and he felt PCC should be held to the highest standards. PCC employees and executives should be comfortable living next door to the facility. He, too, would like investigations of the water supply. He did not trust corporations to take into account the environment or the public good and hoped there would be some way to move from the focus on profits.

**Julie Reardon**, Brentwood Darlington District, asked about the letter that went out to residents and hexavalent chromium emission figures. She thanked everyone in the community for their involvement and taking time to fight for change and accountability.

As a society, the country had strayed too far from meeting the basic needs of humanity and putting people on the frontlines of toxic exposure. The community was here to challenge the status quo. She hoped the City Council would invest its political power to affect change. Instead of looking at profit margins, one should preserve people's health and safety as the most valuable assets.

**Victor Hungerford**, Ardenwald resident, said his family was growing its own food, but he was concerned about the quality of the air. He understood PCC was a significant employer in the area. As a father and someone who wanted to live the rest of his life in this area, he wanted to know that it was safe. Change could happen, and it was good to know that PCC was willing to open up to the community. He urged setting an example for children and not simply accepting the status quo.

**Anne Trudeau**, South Portland Air Quality, did not live near PCC, but there were people she cared for who did. In 2002, her mother who was an environmental activist passed away. She had given Ms. Trudeau a copy of *Living Downstream* written by Sandra Steingraber. There has been a steady stream of lies and distortions from PCC and our regulatory agencies. Those living around PCC had undergone continuous assault. PCC talked about installing stormwater controls but neglected to mention this was not a voluntary action. PCC was licensed as a foundry that processed arsenic and cadmium, and she planned to speak with DEQ to get that information. She understood this was a self-reported list.

**Ms. DeConcini** said she would look at the hazardous air pollutant that PCC used in its license which was enforceable. It would be an important validation component of the current monitoring.

**Mr. Johnson** added that PCC did not use arsenic and cadmium in the metals. It would be in the recipe for the type of alloy provided by the customer. All material safety data sheets (MSDS) were reviewed, and arsenic and cadmium were not listed as a component of any recipe. Arsenic and cadmium were found in the Portland area, and if found in the baghouses, the levels would be very low. The PCBs were legacy.

**Steve Meyer**, Portland resident, asked about the use of hydrochloric acid and asked if PCC was self-insured. There were other plants in the region, and he asked why they were only focusing on the main Portland plant.

**Ms. DeConcini** said DEQ was focusing on this plant because of the moss study and hot spots identified for nickel and arsenic.

**Mr. Meyer** discussed other PCC locations and contamination flowing into Johnson Creek. He noted a number of former employees who had become ill.

**Mayor Gamba** recessed the regular session at 7:56 p.m. and reconvened the regular session at 8:00 p.m.

**Albert Zayha**, Portland resident, said PCC had facilities in California and other areas with stricter air quality requirements. The company could upgrade its Oregon facilities to meet similar requirements and still maintain its profits. He noted a conflict between what has been reported by DEQ and PCC and asked who could be trusted. The moss had spoken, but the monitors were in another location.

**Mr. Boling** explained when DEQ did metals monitoring the instrument provided a number of metals at the same time and provided results on a suite of metals in the sampling plan. He discussed the moss maps which used interpolation of where the samples were collected. DEQ placed its monitors to determine what was happening directly around PCC. DEQ was collaborating with the U.S. Forest Service and working diligently to transfer knowledge and understand where there may be potential issues.

**Debra Taevs**, Portland resident, said her husband, an industrial engineer, understood PCC was installing HEPA filters. He was concerned that the size of the particles being filtered would likely be too small to be caught by the filters. She and others were interested in the specifications of the equipment being installed the names of the

manufacturers to have a better understanding of those pieces of equipment. She also expressed concern about monitoring respiratory irritants like hydrochloric and nitric acids and cobalt. She asked if the monitoring devices detected those kinds of things.

**Mr. Boling** said the monitors did detect cobalt but did not address the acids.

**Ms. Tavev** said she and others were interested in learning how those other things were controlled. PCC continued to show up on the list of top air polluters for the entire country surrounded on all sides by homes, so she felt PCC should have ongoing monitoring.

**Heather Sparks**, Milwaukie resident, could smell a horrible, toxic plastic odor at least three or four times a week. She did not feel her daughter could play outside and was concerned about growing her own vegetables. She was also very concerned about the Milwaukie water supply because of the toxins going into Johnson Creek, and she asked if there had been any discussion of using the Bull Run water supply.

**Joan McClellan**, Portland resident, understood that all airplanes used PCC parts and expressed some concern about the company's being a security risk. Concerned residents were organizing a forum at a local church prior to the PCC event. She was concerned about pollution and her family's health and livelihood. She was also involved with the community forum Police and Citizens Working Together to Improve Relationships on April 24.

**Joel Iboa**, Beyond Toxics located in Eugene, said loopholes in regulations had allowed many manufacturers in residential areas to release heavy metals. Many concerned citizens would like to shutdown these facilities. Recent efforts by PCC and other polluters in the face of scrutiny were merely a Band-Aid. He believed the State should have a comprehensive air permitting program with stack emission tests at the site, fence line, and community monitoring. Currently, facilities were awarded permits with certain benchmarks; however, DEQ did not currently regulate cumulative air impacts. He urged everyone to consider the burden of toxic waste.

#### **A. Declare a Housing Emergency – Ordinance and Resolution**

**Ms. Flores** provided the staff report in which the City Council was requested to adopt an Emergency Ordinance authorizing the City Council to declare a housing emergency and adopt a Resolution declaring a housing emergency. She discussed housing related issues in the City of Milwaukie that were outlined in the staff report, and she provided relevant home sale and rental data.

**Mr. Watts** said the first action would be to grant the City Council the legislative authority to declare the emergency, and the second would be to adopt the Resolution. He discussed the Ordinance related to no cause evictions and how it differed from the regulations adopted by the City of Portland.

**Misty Collard**, Milwaukie resident, said she worked with low income families to find affordable housing. This region had the lowest vacancy level in the nation, and people are being asked to move from their units. She urged the Milwaukie City Council adopt the legislation. Wages and Social Security were not commensurate with the increasing rents, and renters were not given sufficient time to find other suitable units. She was concerned about the ability of communities who adopted this type of legislation to enforce. Portland currently charged the equivalent of three months' rent for violations of the 90-day termination requirement, which she believed was administered through Code Enforcement. Ms. Collard also encouraged support of programs that assisted first time homebuyers.

**Patty Jay**, Steen Court resident, said she received a 60-day notice of a no cause eviction. She had always paid her rent on time, and she and her sons had been good tenants. As a veteran she was eligible for the Rapid Rehousing Program. She hoped to be a catalyst for change because she did not want to leave Milwaukie or Clackamas County.

**Councilor Power** supported the actions because she herself found it difficult to find a home in her own community which she saw as a red flag. She felt adding the time restrictions would be very helpful to families and reduce stress levels.

**Mayor Gamba** said this was a small step to address affordable housing and encouraged that Milwaukie advocate at the State level and work with entities that could increase the housing stock in the City.

**Council President Batey** supported the requested actions but felt the City Council needed to have a discussion about the length Resolutions generally which tended to have a lot more “whereas” clauses than are really needed. She was also concerned about Resolutions that made “findings” for which there was no supporting documentation providing substantiation. She encouraged her fellow Councilors and staff to provide such substantiation and also to try to keep Resolutions concise. She encouraged staff and fellow Councilors to substantiate the language of proposed Ordinances.

It was moved by Councilor Parks and seconded by Councilor Power to approve the first and second readings by title only and adoption of the ordinance authorizing the City Council to declare a housing emergency under specified circumstances, defining duration and City Council powers during a housing emergency and declaring an emergency. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]

Mr. Nieman read the Ordinance two times by title only.

Ms. DuVal polled the Council with Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]

**ORDINANCE No. 2117:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY COUNCIL TO DECLARE A HOUSING EMERGENCY UNDER SPECIFIED CIRCUMSTANCES, DEFINING DURATION AND CITY COUNCIL POWERS DURING A HOUSING EMERGENCY AND DECLARING AN EMERGENCY.**

It was moved by Councilor Power and seconded by Councilor Parks to approve the resolution declaring a housing emergency pursuant to Ordinance No. 2117. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]

**RESOLUTION No. 46-2016:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING A HOUSING EMERGENCY PURSUANT TO ORDINANCE NO. 2117**

**D. Establishing a New Milwaukie Municipal Code (MMC) Chapter 5.60 Relating to No Cause Eviction – Ordinance**

**Ms. Flores** provided the staff report in which the City Council was requested to adopt an emergency Ordinance to create MMC Chapter 5.60 which would establish a minimum time period of 90 days for no cause evictions of residential tenants. She read excerpts from Oregon Revised Statutes (ORS) Chapter 90, the Residential Landlord and Tenant Act, and provided statistics on local housing needs. The notice period was not increased in the case of for cause evictions

The group discussed appropriate terminology, and **Mr. Watts** advised that would not be a problem. **Council President Batey** discussed her amendments that clarified language in two sections of the proposed Ordinance.

**It was moved by Council President Batey and seconded by Councilor Parks to approve the first and second readings by title only and adoption of the ordinance relating to renter protections, establishing new code chapter 5.60 and declaring an emergency with two minor amendments in sections 1 and 2. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting "aye." [5:0]**

**Mr. Nieman** read the Ordinance two times by title only with the amendments.

**Ms. DuVal** polled the Council with Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting "aye." [5:0]

**ORDINANCE No. 2118:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RELATING TO RENTER PROTECTIONS, ESTABLISHING NEW CODE CHAPTER 5.60 AND DECLARING AN EMERGENCY.**

**PUBLIC HEARING**

**A. Code Amendments for Short-Term Rentals, Vacation Rentals, Bed and Breakfasts, and Related Changes – Ordinance**

**Mayor Gamba** called the public hearing on the legislative Zoning Ordinance amendment initiated by the City of Milwaukie to order at 9:07 p.m.

The purpose of the hearing was to consider an Ordinance to adopt proposed amendments to the Zoning Ordinance to allow and regulate short-terms rentals, vacation rentals, bed and breakfasts, and related changes associated with commercial lodging uses.

This was a legislative decision by the City Council and was based on the following standards: the statewide planning goals; applicable federal or state laws or rules; any applicable plans and rules adopted by Metro; applicable Comprehensive Plan policies; and applicable provisions of implementing ordinances.

**Mayor Gamba** reviewed the order of business in the conduct of the hearing. The City Council decision was the final decision of the City. All testimony and evidence was directed toward the applicable substantive criteria. Failure to address a criterion or raise any issue with sufficient detail precluded an appeal based on that criterion or issue. Any party with standing could appeal the decision of the City Council to the State Land Use Board of Appeals (LUBA) according to the rules adopted by that Board. Persons with standing are those who submitted written comments or testified and signed the City Council Attendance sign-up sheet.

No members of the City Council declared a potential or actual conflict of interest as defined in ORS §244. No member of the audience challenged any Council member's ability to participate in the decision.

**Staff Presentation:** **Mr. Egner** provided the staff report in which the City Council was requested to approve application ZA-2015-003 and Findings of Approval. He reviewed the proposed regulations which were developed through a series of workshops and the Planning Commission recommendation. Part of the proposed regulations addressed short term rentals that included Airbnbs where a property owner lived in the house on a permanent basis for at least 270 days per year. The proposal was to allow this type of rental in all zones where a residential use was allowed and treated as an accessory use to a residential unit. The Planning Commission recommended that at any given time

they could be rented to two different parties when hosted. These would be treated and regulated like a home occupation. The proposal allowed the use of a guest house or an accessory dwelling unit (ADU) on the property. The owner would be required to register as a business with the City to ensure that all building and fire code requirements were met.

**Mr. Egner** reviewed the vacation rental regulations when the owner was absent for more than 95 days per year. These would be rented to a single party and were a conditional use in a residential zone and the Downtown Mixed Use (DMU) zone and would require a hearing before the Planning Commission. The proposal would permit vacation rentals in the General Mixed Use (GMU), Neighborhood Mixed Use (NMU), Commercial (G-C), and Limited Commercial (C-L) zones. The rationale was that hotels and motels were allowed in those zones. Bed and Breakfast was the other type of rental in which three or more parties may rent rooms in the facility. They would be allowed as a conditional use in low, medium, and high density zones and permitted in commercial and mixed use zones.

**Mr. Egner** described the proposed changes to hotel and motel regulations. In addition to being prohibited in low and medium density residential zones, they would also be prohibited in R-1 and R-2 zones. They would be a conditional use in R-1-B and C-L zones. Hotels and motels would be permitted in mixed use and G-C zones.

**Mr. Egner** reviewed the new home occupation standards for short term rentals. An owner/operator has to live on the property for no less than 270 days per year. A short term rental can be occupied by no more than two rental parties at a given time. For a duplex property, only one unit at a time can be used as a short term rental. Building and fire code requirements must be met, and the owner must have obtained a business registration with the City of Milwaukie.

**Mr. Egner** reviewed the key Planning Commission issues. There was testimony from housing advocates concerned about affordable housing and compliance with statewide Planning Goal #10 who later submitted correspondence stating that the supplemental findings addressed their issues with Goal #10 and affordable housing. Parking was discussed at the Planning Commission, and members felt it could be addressed through the home occupation or conditional use processes. There had also been discussion of how many parties could occupy a short term rental and the number of rooms that could be rented in hosted situations.

**Council President Batey** noted that the issue of taxation had been discussed in work session.

**Mr. Egner** replied that issue would be worked out with the Finance Director and addressed separately. The 270 days of owner occupancy did not need to be consecutive, and he commented that it could be difficult to document and enforce.

Correspondence: Louise Dix and Jennifer Bragar, Fair Housing Council of Oregon and Housing Land Advocates, 1221 SW Yamhill Street, Portland, OR 97205. They stated that staff seemed to have thoroughly addressed their concerns related to Goal 10 obligations.

**Mayor Gamba** reviewed the conduct of the hearing.

Testimony in Support:

**Cid Blase**, Island Station resident, had a B&B in her home and received a notice about a year ago that she was out of compliance. She attended the meetings and spoke before the Planning Commission regarding the required parking space which was eventually removed. She thought the Planning Commission was thoughtful, and she supported the recommendation. She urged that the checklist being developed be clear and succinct. She thought short term rentals could help people purchase homes in Milwaukie.

**Mr. Watts** made several clarifying remarks related to the State's transient lodging tax.

**Ms. Blase** commented on Airbnb taxes.

**James Knight**, Historic Milwaukie resident, had testified at the Planning Commission and sent emails to the Milwaukie City Council. He supported most of the amendments but asked why there were restrictions on the amount of time one had to be living in his or her home. He would prefer the number of days lower and noted that Portland only required that it be the primary residence. The City of Portland established a tax because it was pushed by hotel lobby. He recommended that the business fee not be too high. He discussed the need for an inspector and expressed concerns with code enforcement and felt he was being targeted.

Neutral Testimony: None.

Testimony in Opposition: None.

Staff Response: **Mr. Egner** said the reason for the limit on the number of days was to ensure that it was an accessory use to the primary residence and not a commercial enterprise independent of the house. He addressed the fire life safety issue that assured that the building was safe. By authorizing this he felt the City had some responsibility. He would check into the Portland question about the number of days the homeowner had to occupy the home.

**Council President Batey** recommended given the hour that the hearing be continued.

**It was moved by Council President Batey that the hearing on File #ZA-2015-003 be continued to the date certain of May 17, 2016, and to keep the public testimony open. Motion died for lack of a second.**

**Councilor Power** was prepared to adopt the Planning Commission's recommendation, and **Councilor Churchill** agreed.

Close Public Hearing:

**It was moved by Councilor Power and seconded by Councilor Churchill to close the public hearing. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting "aye." [5:0]**

Council Discussion:

**Council President Batey** saw a lot of tension between this package and emergency housing regulation just adopted. She believed approving short term rentals was an opening for taking more housing off the market. She thought 95 days was long, but she was willing to go with the Planning Commission's recommendation. Allowing for ADUs to be used as rentals took them out of the housing equation when the City Council supported more middle housing. The allowance of permitted short term rentals in the mixed use areas would also take housing out of the equation, and she gave the example of units on the Murphy site that could be turned into year round vacation rentals. She felt taxes should be addressed at the time these regulations were adopted and requested more information on the County taxes. She supported the general idea of allowing some short-term rentals, but thought the expansion to ADUs and to the newly-rezoned Central Milwaukie areas were allowing for too much housing to be taken off the housing market. She had some anxiety about the two parties because it would increase the intensity of use but was alright with the idea that it could be handled through code enforcement and business licensing. She thought there were too many loopholes in the code amendment which she felt ran counter to the Council's decision on emergency housing in the preceding discussion this evening.

**Councilor Parks** had not heard of a big groundswell of those who would like to rent out their houses or rooms. She was not seriously concerned that the amendments would replace long term available housing stock.

**Council President Batey** said there were many studies showing that Airbnb has reduced housing in areas like The Pearl. She was concerned about condos in the South Downtown that would be very appealing to rent. It was not only about availability but also about driving up costs.

**Decision by Council:**

It was moved by Councilor Churchill and seconded by Councilor Power to approve the first and second readings by title only and adoption of the ordinance amending Title 19 Zoning to allow and regulate short-term rentals, vacation rentals, and bed and breakfasts, and make related changes associated with commercial lodging uses (File #ZA-2015-003).

**Mayor Gamba** addressed Council President Batey's concerns about buildings that could be all rented out.

**Mr. Egner** explained in the Downtown that there could be an individual who occupied a condo or some other type of housing unit who could rent out a bedroom or vacate the unit for a month and rent it out. If the individual wanted to make it available for a vacation rental, then the individual would have to go through the conditional use process. In the Central Milwaukie commercial districts the vacation rentals were permitted outright.

**Mayor Gamba** asked if there was a way to amend the language so that only a certain number of units could be vacation rentals.

**Mr. Egner** replied that could be done.

**Motion passed with the following vote: Councilors Parks, Power, and Churchill and Mayor Gamba voting "aye" and Council President Batey voting "no." [4:1]**

**Mr. Nieman** read the Ordinance one time by title only.

**Mayor Gamba** announced that since the vote was not unanimous, the second reading and adoption would be scheduled for the May 3, 2016, regular session.

**Mayor Gamba** recessed the regular session at 9:36 p.m. and reconvened it at 9:48 p.m.

**OTHER BUSINESS**

**E. Adoption of Supplemental Budget – Resolution**

**Ms. Camors** provided the staff report in which the City Council was requested to adopt the Resolution adjusting the 2015 – 2016 biennium budget by adopting the supplemental budget and revising appropriations. Significant conditions included funding the Sustainability Director position in the City Manager's Office, the emergency temporary repair of the Kellogg Creek Bridge, and legal costs related to code enforcement. Staff was not requesting additional authority but rather shifting funds.

It was moved by Council President Batey and seconded by Councilor Parks to approve the resolution adjusting the budget for the 2015-2016 Biennium by adopting this Supplemental Budget and revising appropriations. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting "aye." [5:0]

**RESOLUTION No. 47-2016:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADJUSTING THE BUDGET FOR THE 2015-2016 BIENNIUM BY ADOPTING THIS SUPPLEMENTAL BUDGET AND REVISING APPROPRIATIONS.**

**E. Adoption of Solar Goals for the City of Milwaukie – Resolution**

**Ms. Fuchs** provided the staff report in which the City Council was requested to adopt a Resolution setting a goal to triple the amount of solar energy produced in the City of Milwaukie by 2021 and to authorize staff to promote and facilitate a residential solar program for interested citizens modeled after the “Solarize” format. She described the benefits of the program and the process. Optional items of the “solarize” program were the ability to charge a small fee to defray program administration and project management. Another option was to include weatherization for those who did not wish or could not afford to go solar. She briefly discussed the option of buying into community solar. The final option was to include an apprenticeship program for chosen installation vendors to help create jobs in the community.

**Charlie Fisher**, Environment Oregon, supported the Resolution to help get clean energy on the grid and to help cities take action to promote clean energy and reduce carbon emissions.

**Terry Tomei**, Elemental Energy, believed in solar and encouraged the City Council to adopt the proposed Resolution. He saw many homeowners who wanted to go solar and needed more support through a program like this to make it happen.

**Robert Sandberg**, Light Source Energy, noted that in his Mt. Tabor Neighborhood many people had installed solar. Solarize helped make installation more affordable for homeowners. He was currently working on a proposal for a Milwaukie non-profit building at King Road and Linwood Avenue.

**Council President Batey** suggested that Mr. Sandberg contact Northwest Housing.

**Meghan Barrier**, Oregon Solar Energy Industries Association (OSEIA), said this was a great way to raise awareness of renewable energy and encouraged the City Council to adopt the Resolution. She was an experienced solar project manager and offered her support.

**Virginia Maxam**, Milwaukie resident, spoke in support of the program. She was impressed with the City Council and its integrity, intelligence, and thoughtfulness on a variety of issues addressed at this meeting. The Clean Energy Bill passed in March, and cities across Oregon were considering the “solarize” program.

**Crista Whittington**, Milwaukie resident, supported solar and this program for the reasons already stated.

**James Knight**, Milwaukie resident, spoke in support for the adoption of the Resolution and wanted to be well informed about the program and how to participate.

**Craig Ernst**, Milwaukie resident, said he, Ms. Barrier, and others wanted to be a resource to the program. Milwaukie had an opportunity to become known statewide for its solar program and becoming a solarized community.

**It was moved by Council President Batey and seconded by Councilor Parks to approve the resolution authorizing the establishment of a “Solarize” program and setting solar energy goals.**

**Councilor Churchill** said he would support the “solarize” program and acknowledged citizen concerns about the cost and the feeling that it was more important to repair City streets.

**Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]**

**RESOLUTION No. 48-2016:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE ESTABLISHMENT OF A “SOLARIZE” PROGRAM AND SETTING SOLAR ENERGY GOALS.**

#### **F. Neonicotinoid Insecticides – Resolution**

**Mr. Nieman** provided the staff report in which the City Council was requested to adopt a Resolution supporting the elimination of the use of neonicotinoid pesticides in Milwaukie that were toxic to honey bees and other pollinators. Park and Recreation Board (PARB) Chair Lisa Gunion-Rinker had provided a list of local nurseries that did not use neonicotinoids or other similar insecticides. He noted that the North Clackamas Parks and Recreation District (NCPRD) sourced product from eleven neonicotinoid-free nurseries. He discussed the management plan and other agencies involved.

**Mayor Gamba** said this action would be more far reaching after discussions with NCPRD and the North Clackamas School District (NCSD 12). The Oregon Department of Transportation (ODOT) and the Oregon Liquor Control Commission (OLCC) were not contacted. The group discussed those County agencies involved. Mayor Gamba offered to reach out to those who had not been contacted.

**Sharon Selvaggio**, Northwest Center for Alternatives to Pesticides, commended the City of Milwaukie for proposing this Resolution. Neonicotinoids harm bees and other wildlife and are known for large, dramatic die offs, but there are also sub lethal impacts. She urged the City Council to adopt the Resolution.

**Denise Baker**, Milwaukie resident, commended the City Council on all of the issues it considered at this meeting including the proposed ban on neonicotinoids which were harmful to humans as well. She provided links regarding the dangers of chemicals including glyphosates. She referred to an Oregon Occupational Safety and Health Administration (OSHA) regulation stating that warning signs should be placed after the application of chemical fertilizers and herbicide that included glyphosates.

**Council President Batey** pointed out that while the Parks and School districts had apparently been consulted and concurred with the policy, no one had consulted with other governmental agencies covered by the language, including OLCC and ODOT campuses in the North Industrial area.

**It was moved by Councilor Churchill and seconded by Councilor Parks to approve the resolution to eliminate the use of neonicotinoid pesticides which are toxic to honey bees and other pollinators. Motion passed with the following vote: Councilors Parks, Power, and Churchill and Mayor Gamba voting “aye” and Council President Batey voting “no.” [4:1]**

#### **RESOLUTION NO. 49-2016:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO ELIMINATE THE USE OF NEONICOTINOID PESTICIDES WHICH ARE TOXIC TO HONEY BEES AND OTHER POLLINATORS.**

#### **G. Approve Expedited Annexation of the Property Located at 9404 SE Stanley Ave – Ordinance**

**Mr. Egner** provided the staff report in which the City Council was requested to approve the expedited annexation for the property located at 9404 SE Stanley Avenue.

**It was moved by Councilor Power and seconded by Councilor Churchill to approve the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30AD05200 and located at 9404 SE Stanley Avenue into the City Limits of the City of Milwaukie (File #ZA-2016-001). Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]**

**Mr. Nieman** read the Ordinance two times by title only.

**Ms. DuVal** polled the Council with Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]

**ORDINANCE No. 2119:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AD05200 AND LOCATED AT 9404 SE STANLEY AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2016-001).**

**H. Council Reports**

**Mayor Gamba** announced upcoming community events including the Milwaukie Earth Day Volunteer Event and Arbor Day Celebration; the Milwaukie Film Series 2016 and 5<sup>th</sup> Watershed Film Event; Prescription Drug Take Back and Document Shredding; the Urban Renewal Open House; and a number of non-profit Plant Sales around town on May 7.

**Council President Batey** announced the opening day of the Milwaukie Sunday Farmers Market and the first First Friday of 2016.

**ADJOURNMENT**

**It was moved by Councilor Churchill and seconded by Councilor Parks to adjourn the regular session. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting "aye." [5:0]**

**Mayor Gamba** adjourned the regular session at 10:58 p.m.

Respectfully submitted,



---

Pat DuVal, Recorder

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MILWAUKIE CITY COUNCIL  
*Office of the City Recorder*

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

## Speaker Registration

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

Name: *Joel Iboa*  
Organization: *Beyond Toxics*

Meeting Date:

Address: *192 Lawrence St. Eugene*  
Phone: *541-465-8860*  
Email: *jiboa@beyondtoxics.org*

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation  
 #5 Public Hearing  
 #6 Other Business

You are Speaking...

- in Support *of Improving Air Toxics Regulations*  
 in Opposition  
 from a Neutral Position  
 to ask a Question

Comments:

*Air Toxics*



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Name: ALBERT ZAYHA  
Organization: SOUTH PORTLAND  
AIR QUALITY

Address: 4715 SE RURAL PORTLAND  
Phone: 971-266-9014  
Email: albert.zayha@gmail.com

Meeting Date: 4-19-2016

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:



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Name: *Anne Trudeau*  
Organization: *South Portland*  
 Meeting Date: *Air Quality*

Address: *9*  
Phone: *503 830-5481*  
Email: *annet934@yahoo.com*

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

### Comments:

*Decision Cast parts*



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Name: Victor Hungerford  
Organization:

Address: 3315 SE Roswell St. 97222  
Phone: 503-475-0199  
Email: Victor.hungerford@gmail.com

Meeting Date: 4/18/16

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments: I am in support of clean air + water



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Name: **CHARLES SNYDER**  
Organization: **CITIZEN**

Address: **5914 SE CEDAR ST.**  
Phone: **503-975-2953**  
Email: **SNYDERCEA@GMAIL.COM**

Meeting Date: **PCC**

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:



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Name: DANIEL NEUBERRY  
Organization: JOHANSON CREEK  
WATERSAED COUNCIL

Address: 1900 SE MILPORT  
Phone: 503 652-7477  
Email:

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments: REGARDING PCC  
& WATER QUALITY



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Name: *Jacob Sherman*  
Organization: *South Portland Air Quality*

Address: *6602 SE 62nd Ave, PDX, OR 97206*  
Phone: *971-570-7167*  
Email: *jdbsherman@gmail.com*

**Meeting Date:**

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

**Comments:**



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Name:  
Organization:

*Julie Reardon*

Address:  
Phone:  
Email:

*60748 SE NEHALEM ST.*

*(503) 840-5934*

*juliereardon@yahoo.com*

**Meeting Date:**

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:



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Name: *STEVE MEYER*  
Organization:

Address: *10155 SE LINDSEY PLTX*  
Phone:  
Email:

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:



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Name:  
Organization:

Debra Taevs

Address:  
Phone:  
Email:

8040 SE 81st Ave.

503-889-6488

debtaevs@gmail.com

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:



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Name:  
Organization:

*Heather Sparks*

Address:  
Phone:  
Email:

*10232 SE 37th Ave Milwaukie*  
*415-217-217-9067*  
*Heather Sparks@gmail.com*

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:



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Name:

Joan McClellan

Organization:

Fellowship of Recon-  
ciliation

Address:

~~518~~ 4790 SE Logus Milwaukie

Phone:

918-599-0257

Email:

joanmcclellan@aol.com

Meeting Date:

Apr 19, 16

Conciliation

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:



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Name: *Meg Van Buren* Address: *4715 SE Rural St*  
Organization: *SPAQ South* Phone: *971-266-9015*  
Meeting Date: *Portland* Email: *megvb1046@gmail.com*

### Topic to Discuss:

Agenda Item You Wish to Speak to: *Air Quality*

You are Speaking...

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

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

### Comments:

*South Portland air quality*



# Regulatory history for select facilities in South Portland / Milwaukie

This fact sheet provides information about DEQ permits and regulatory compliance for Precision Castparts and McClure Industries, in Portland and Milwaukie, Oregon.

## Precision Castparts / PCC Structural

Precision Castparts (PCC Structural or PCC) manufactures products varying from jet engine components to medical prosthetics.

PCC has three main campuses and several annex locations in the South Portland / Milwaukie area. For the purposes of this summary, sites are described as Large Parts, Small Parts, and Deer Creek Campuses.

<b>A. PCC Large Parts Campus</b>	4600 SE Harney Dr., Portland
PCC Mc Loughlin Annex (LMA)	2770 SE Mailwell Dr., Milwaukie
PCC Titanium Business and Machine Shop (TBS)	9101 SE 64th Ave., Portland
PCC LSBS Complex	6667 SE Johnson Creek Blvd., Milwaukie
Caledonian Alloys	9800 SE McBrod Ave., Milwaukie
<b>B. PCC Small Parts Business Operations (SSBO)</b>	13340 SE 84th Ave., Clackamas
SSB1 Annex	13521 SE Johnson Rd., Milwaukie
<b>C. PCC Deer Creek Campus</b>	13350 SE Johnson Rd., Milwaukie

A complete listing of facilities and respective DEQ permits is available in Attachment 1.

Investment casting manufacturing, performed at all 3 campuses, includes the creation of a wax replica or pattern for each metal part that will be cast. The wax replica is repeatedly dipped into a slurry and coated with sand-like ceramic material. Upon drying, a hard ceramic shell is formed. Wax is melted out of the ceramic shell and the shell is then heated and cured to create a mold for casting. Molten metal is poured into the cured shell. Upon cooling the shell is removed from the metal part by physical and chemical processes including cutting, grinding, caustic bath, abrasive blasting, water jet. Following shell removal the metal part goes through finishing processes including grinding, abrasive blasting, welding, and heat treating.

A listing of hazardous air pollutants emitted from the three campuses is available at the end of this document in Attachment 2.

### A. Large Parts Campus

PCC operates an investment casting facility known as the Large Parts Campus between SE Harney Dr. and

SE Johnson Creek Blvd. The facility is composed of two business units; the steel alloy casting plant and the titanium casting plant.

### **Air Quality**

Manufacturing processes at the facility produce a variety of air contaminant emissions that include particulate matter (PM, PM10, PM2.5), oxides of nitrogen (NOX), carbon monoxide (CO) and volatile organic compounds (VOC). A portion of the particulate matter and VOCs are also regulated as hazardous air pollutants (HAP).

The manufacturing processes at the facility are subject to the following air quality regulatory standards:

- The National Emission Standards for Hazardous Air Pollutants (NESHAP) for iron and steel foundries<sup>1</sup> regulates the facility as a small, existing foundry, and includes requirements to address compounds of mercury, antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, nickel, and selenium. Compliance at PCC is achieved via a materials management plan.
- The NESHAP for aluminum, copper, and other nonferrous foundries<sup>2</sup> regulates PCC as a small, existing foundry, and includes requirements to address compounds of beryllium, cadmium, lead, manganese, nickel and chromium. Compliance at PCC is achieved via operations and maintenance procedures and a materials management plan.
- The Large Parts Campus facility is located in the Portland Air Quality Maintenance Area where it is subject to the source specific Reasonably Available Control Technology (RACT) rule. This rule requires the Large Parts Campus to achieve 90 percent overall reduction of VOC emissions from the steel alloy and titanium casting plants investing rooms. Compliance is achieved by a regenerative thermal oxidizer and catalytic oxidizer respectively.
- The New Source Performance Standards for small industrial/commercial/institutional steam generating units<sup>3</sup> are applicable to the Large Parts Campus because it operates a natural gas fired boiler that meets the applicability criteria ( $\geq 10$  million British Thermal Units per hour) of this federal regulation. Compliance is achieved at PCC by fuel monitoring.

The facility's operations include two generators:

- One small emergency generator rated at 200 kilowatts, with no emission controls; and
- One larger unit rated at 1 megawatt, equipped with catalyst for particulate emission, carbon monoxide and VOC emission control. This generator, in addition to functioning as an emergency generator, may be operated for non-emergency power production under a load management program with Portland General Electric. The large generator is operated infrequently; it was operated for approximately 205 hours between 04/15/2005 through 05/04/2015.

The generators at the facility are subject to the NESHAP for stationary reciprocating internal combustion engines.<sup>4</sup> The NESHAP includes requirements to address carbon monoxide and VOC emissions, as surrogates for organic HAP emissions such as formaldehyde.

PCC's Large Parts Campus has an air quality permit from DEQ to regulate its air emissions. The operating and monitoring requirements in the permit allow DEQ to determine whether PCC is in compliance with all conditions of the permit. DEQ has found PCC to be performing the monitoring required in its permit. DEQ has determined PCC Large Parts Campus to be in compliance with the conditions of the permit; most

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<sup>1</sup> 40 CFR Part 63 Subpart ZZZZZ

<sup>2</sup> 40 CFR Part 63 Subpart ZZZZZZ

<sup>3</sup> 40 CFR Part 60 Subpart Dc

<sup>4</sup> 40 CFR Part 63 Subpart ZZZZ

recently on 05/04/2015. DEQ also performed inspections 09/09/2010 and 08/29/2005 and found no violations.

PCC Large Parts Campus has had emergency related emission releases from malfunctions and upset conditions. Most notable was on 5/11/11 when a PGE transformer blew out making control devices inoperable. A red cloud formed and the neighborhood was closed off. DEQ Air Quality rules allow relief from enforcement for excess emissions that occur as a result of unavoidable emergency circumstances; DEQ did not issue citations for PCC's unavoidable releases in this situation.

### **Clean Up**

The large parts campus (LPC) has been voluntarily working with DEQ since 2008 under a voluntary cleanup program agreement with DEQ to:

- investigate contamination in soil, stormwater and groundwater
- conduct a feasibility study to determine cleanup up options for the contamination.

The company has complied fully with all terms of their voluntary cleanup program agreement. At the LPC, PCC has performed an investigation to define the extent of groundwater contamination from chlorinated solvents originating from former use of solvents in a parts degreaser at this facility. DEQ is currently reviewing a workplan to install additional monitoring wells to more fully delineate the extent of the solvent plume in groundwater. These solvents are no longer used and were discontinued in the mid 1990's. As part of the investigation, polychlorinated biphenyls (PCBs) were identified in facility storm water catch basins in late 2013. In 2014, additional sampling was performed to investigate this problem, and in 2015, a significant effort to clean out the stormwater system was completed under DEQ and City of Portland oversight.

Current efforts are focused on developing options to treat stormwater and prevent any possible future contamination from migrating off site, and to verify extent of potential groundwater impacts. PCC is currently designing a stormwater treatment system that will be installed this year to remove contaminants prior to leaving the property and discharging to the City stormwater system. A draft investigation report is expected to be submitted to DEQ later in 2016. PCC will then be required to provide a comprehensive risk assessment and present DEQ with proposed options to cleanup contamination that poses unacceptable risk to human health and the environment.

### **Wastewater**

PCC Structural has a pretreatment permit from the City of Portland. The City of Portland's Bureau of Environmental Services operates a DEQ approved Industrial Pretreatment Program. This means that industries that want to send their wastewater from their industrial processes must first provide data to the city and be granted a permit before putting the waste down the drain. The industry must treat the waste first, in many cases, to assure that the sewage treatment plant does not receive pollutants that it cannot treat.

The city reports some violations in the past year related to the levels of pollutants in the effluent, and that violations have been corrected.

### **Stormwater**

The City of Portland's Bureau of Environmental Services is DEQ's agent for PCC's 1200Z industrial stormwater permit at the Large Parts Campus. One of the annex sites has a pretreatment permit from the City of Portland. This location is geographically in Clackamas County but drains to the city of Portland sewer system.

### **Hazardous Waste**

DEQ inspected PCC Large Parts Campus on September 20, 2011, and found PCC failed to make a

hazardous waste determination on spent aerosol cans throughout the facility. Aerosol cans are considered reactive unless properly punctured and emptied. PCC failed to store universal waste (halide lamps) in a properly labeled and closed container. PCC improperly stored broken fluorescent lamps which are a hazardous waste for mercury unless the lamps are properly managed and recycled. PCC failed to properly maintain emergency equipment such as eyewashes. DEQ referred the violations for civil enforcement, and PCC received a civil penalty of \$5,400. PCC corrected the violations and returned to compliance.

On September 16, 2013, DEQ accompanied EPA on a multimedia environmental inspection. EPA was the lead on the inspection, and at this time has not reported the findings but indicates that it is in a review process. PCC facilities are inspected every 3 years for compliance with hazardous waste requirements.

### **Underground Storage Tanks**

PCC applied for underground storage tank permits for 4 acid tanks in 1990. In 1993 DEQ determined the tanks were exempt from regulation because they are contained in concrete vaults visible for inspection.

In 1997 PCC reported and closed a 6,200 gallon underground ethanol tank. DEQ approved decommissioning the tank in place in 1997. Solvents detected at low concentrations in soil near one end of the tank will be addressed as part of the cleanup investigation.

Today, the regulatory status of several existing and new tanks at PCC is under review for hazardous waste and underground storage tank rule compliance by EPA and DEQ as part of the 2013 multimedia inspection.

## **B. Small Parts Campus**

### **Air quality**

PCC Structural, Inc. (PCC) operates a non-ferrous (non-iron) alloy investment casting foundry at 13340 SE 84th Ave. in Clackamas, referred to as Small Structural Business Operations. Manufacturing processes at PCC produce a variety of air contaminant emissions that include particulate matter, oxides of nitrogen, carbon monoxide and volatile organic compounds. A portion of the particulate matter and VOCs are also regulated as hazardous air pollutants. The facility is subject to the following National Emission Standards for Hazardous Air Pollutants (NESHAP):

- Small Structural Business Operations is regulated as a small, existing foundry under the NESHAP for aluminum, copper, and other nonferrous foundries.<sup>5</sup> The regulation includes requirements to address compounds of beryllium, cadmium, lead, manganese, nickel and chromium (compliance at PCC achieved via operations and maintenance procedures and a materials management plan).
- Small Structural Business Operations is regulated as a small, existing foundry under the NESHAP for iron and steel foundries<sup>6</sup>. This regulation includes requirements to address compounds of mercury, antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, nickel, and selenium (compliance at PCC achieved via materials management plan).

There is currently no emergency generator at this facility.

PCC's Small Structural Business Operation has an air quality permit from DEQ to regulate its air emissions. The operating and monitoring requirements in the permit allow DEQ to determine whether PCC is in compliance with all conditions of the permit. DEQ has found PCC to be performing the monitoring required in its permit. DEQ has regularly determined PCC Small Structural Business Operation to be in compliance with the conditions of the permit; most recently

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<sup>5</sup> 40 CFR Part 63 Subpart ZZZZZZ

<sup>6</sup> 40 CFR Part 63 Subpart ZZZZZ

on 08/29/2012. Inspections were also performed 08/06/2009 and 08/23/2006 with no violations found.

### **Wastewater**

The Small Parts Campus has a pretreatment permit from Water Environment Services. Water Environment Services operates a DEQ approved Industrial Pretreatment Program.

This campus also has coverage under a DEQ general NPDES permit for cooling water.

### **Stormwater**

PCC Small Parts Campus has a 1200Z industrial stormwater permit.

### **Clean up**

Similar to the large parts campus, efforts are focused around investigation and clean-up of chlorinated solvents formerly used for degreasing parts. Chlorinated solvents have not been used at the facility in many years. However, groundwater was contaminated from this former use. Treatment of groundwater has reduced the spatial extent of contaminated groundwater to the facility boundaries. Recent efforts have focused on reducing residual contaminants in groundwater underneath the facility, and prevention of migration of volatilized solvent to indoor air inside the facility. PCC has been responsive to DEQ direction in implementing remedial actions.

### **Hazardous waste**

In February 2016 DEQ inspected the Small Parts Campus and found no hazardous waste violations.

## **C. Deer Creek Campus**

Deer Creek's ceramic core facility produces ceramic cores used in the molds of a variety of investment casting products. The core manufacturing process emissions result from the use and/or heating of alcohol-based slurries and solutions, phenolic resins, alcohol rinses and naphthalene-based products. Processing these components results in VOC, VOC HAP and non-VOC HAP emissions.

### **Air Quality**

PCC Structurals, Inc. (PCC) operates two different processes at the Deer Creek Campus facility at 13350 SE Johnson Road in Milwaukie: Investment Casting and Ceramic Core Manufacturing. Cores are structures used in molds to produce internal voids that are not filled with metal during pouring. These manufacturing processes produce a variety of air contaminant emissions that include particulate matter, oxides of nitrogen, carbon monoxide and volatile organic compounds. A portion of the particulate matter and VOCs are regulated hazardous air pollutants. The facility is subject to the following National Emission Standards for Hazardous Air Pollutants (NESHAP):

- Deer Creek Campus is regulated as a small, existing foundry under the NESHAP for aluminum, copper, and other nonferrous foundries.<sup>7</sup> The regulation includes requirements to address compounds of beryllium, cadmium, lead, manganese, nickel and chromium (compliance at PCC achieved via operations and maintenance procedures and a materials management plan).
- The NESHAP for stationary reciprocating internal combustion engines<sup>8</sup> is applicable to an emergency generator at the facility. This regulation includes requirements to address CO and VOC (w/formaldehyde limits).

PCC's Deer Creek Campus has an air quality permit from DEQ (03-0020) to regulate its air emissions. The

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<sup>7</sup> 40 CFR Part 63 Subpart ZZZZZZ

<sup>8</sup> 40 CFR Part 63 Subpart ZZZZ

operating and monitoring requirements in the permit allow DEQ to determine whether PCC is in compliance with all conditions of the permit. DEQ has documented two violations at Deer Creek Campus in recent years:

- The facility was inspected on 07/18/2014 in response to a citizen's complaint stating particulate matter emitted by PCC was being deposited onto a nearby business. DEQ's inspection confirmed the complainant's claims. DEQ issued a warning letter and included an opportunity to correct. As a corrective action, the company installed new bags in the baghouse that was associated with the particulate matter emissions.
- The facility was inspected on 9/27/2010 and found to be out of compliance with permit conditions. Wax was being entrained in the facility's Boilerclave exhaust and deposited on the neighboring property. This was a violation of the permit. DEQ issued a warning letter and included an opportunity to correct. The permittee modified the Boilerclave exhausts to correct the violation. DEQ performed a follow-up inspection on 06/20/2011 and verified the facility to be in compliance.

In addition to the inspections identified above, DEQ performed inspections at the Deer Creek Campus on 04/02/2015 and 08/29/2005 and determined Deer Creek Campus to be in compliance with the conditions of the permit.

#### **Wastewater**

PCC Deer Creek has a pretreatment permit from Water Environment Services.

#### **Stormwater**

PCC Deer Creek has a 1200z Industrial stormwater permit.

#### **Hazardous Waste**

DEQ issued an expedited enforcement order (EEO) to the Deer Creek campus for repeating the violation of failing to label a container as "Used Oil" and they failed to place aerosol cans in a container. PCC returned to compliance immediately after the site inspection was performed on 1/9/2015.

#### **McClure Industries, Inc.**

McClure Industries manufactures fiberglass-reinforced polyester resin (fiberglass) items such as laundry and hospital carts, and mechanical handling and cleaning equipment for the carts. The facility, built in 1972, is located in Milwaukie, Oregon. The process includes resin mixing and delivery, lay-up of a fiberglass and polyester resin mix to form the carts, and an assembly area for handling and cleaning. The manufacturing process uses styrene, a highly odorous hazardous air pollutant, to manufacture an array of fiberglass products.

Residents near McClure are concerned with odors and emissions from the facility, and consistently file odor complaints with DEQ. Beginning January 1, 2016 to March 14, 2016, DEQ received seven citizen complaints identifying McClure Industries as the source.

#### **Air Quality**

In 2010, McClure began addressing emission and odor concerns by changing product formulations and installing additional control equipment. McClure replaced high styrene content resins with comparable, low styrene concentration resins, resulting in decreased pollutant emissions and odors from onsite production and stack emissions.

Furthering efforts to reduce emissions and odors, McClure retrofit venturi devices on all eight of its emission stacks. The venturi devices will increase airflow from the stack, producing a greater dispersion rate and reducing odors from the stack.

To ensure the facility is operating in compliance with the permit, DEQ conducts onsite compliance inspections and record monitoring. DEQ most recently inspected the facility in 2015, finding it in compliance with all operating and recordkeeping conditions of the permit.

Additionally, McClure is required to submit annual emission reports to DEQ by February 15 in each year the permit is active. The report outlines the facility's production and emissions for the previous year. The report is reviewed by DEQ staff for completeness. Once deemed complete, the report is compared to the facility's permit conditions and DEQ determines the compliance status of the facility. DEQ staff has not documented any violations for the facility under the current permit.

### **Stormwater**

DEQ terminated this facility's 1200Z permit coverage in 2012. The company submitted a No Exposure Certification and a Notice of Termination. DEQ responded with a letter dated 3/5/12 confirming that the facility no longer required 1200-Z permit coverage.

### **Hazardous waste**

McClure has a recycling program making bumpers with waste resin and recycling thinner on site. The facility disposes of waste paint. DEQ inspected McClure in January 2016 and did not find any hazardous waste violations.

### **More information**

For more information about any facility's DEQ permits, visit facility profiler online:

<http://deq12.deq.state.or.us/fp20/>

To view DEQ databases including enforcement history, visit:

<http://www.deq.state.or.us/news/databases.htm>

Please send questions and concerns related to environmental regulations at these facilities to DEQ at:

[OregonAirToxics@deq.state.or.us](mailto:OregonAirToxics@deq.state.or.us)

Attachment 1. DEQ permits and oversight for select facilities in South Portland / Milwaukie

last updated 4/19/16

	Campus	Address 1	Address 2	Air	Water - 1200z Industrial	Water - wastewater	Water pretreatment	Hazardous Waste	Clean up	Underground Storage
A1	PCC Large Parts Campus	4600 SE Harney Dr., Portland	5001 SE Johnson Creek Blvd, Milwaukie	ACDP Standard 26-1867- ST-01; ACDP General26-0130-18-01 (Power Generator)	Industrial stormwater (11120), City of Portland is Agent.		1996 decision regarding pretreatment requirements being re evaluated.	Large Quantity Generator	Voluntary	ID: 5227 (4 exempt tanks); ID: 11758 (1 decomm tank); LUST 26-97-0964 open cleanup file from decomm
A2	PCC Mc Loughlin Annex (LMA)	2770 SE Mailwell Dr., Milwaukie		Satellite facility for Large Parts Campus (ACDP 26- 1867)	Industrial stormwater (21180)			Conditionally Exempt Generator		
A3	PCC Titanium Business and Machine Shop (TBS)	9101 SE 64th Ave., Portland	6465 SE Crosswhite, Portland	Satellite facility for Large Parts Campus (ACDP 26- 1867)	Industrial stormwater (13011); Industrial stormwater		Pretreatment permit from City of Portland.This location is geographically	Conditionally Exempt Generator		
A4	PCC LSBS Complex	6667 SE Johnson Creek Blvd., Milwaukie		Satellite facility for Large Parts Campus (ACDP 26- 1867)	Industrial stormwater (16037)					
A5	Caledonian Alloys	9800 SE McBrod Ave., Milwaukie		Satellite facility for Large Parts Campus (ACDP 26- 1867)	Industrial stormwater (23781)					
B1	PCC Small Parts Business Operations (SSBO)	13340 SE 84th Ave., Clackamas OR 97015		ACDP Standard 03-2674- ST-01	Industrial stormwater (10686)	NPDES cooling water(10688)	Pretreatment permit from Water Environment Services, and is in their service	Large Quantity Generator	Voluntary	
B2	SSB1 Annex	13521 SE Johnson Rd., Milwaukie		Satellite facility for Small Parts Business Operations (ACDP 03-	Industrial stormwater (24236)					
C	PCC Deer Creek Campus	13350 SE Johnson Rd., Milwaukie		ACDP Standard 03-0020- ST-01	Industrial stormwater (15729)		Pretreatment permit from Water Enviroment Services	Large Quantity Generator		
D	McClure Industries	5300 SE Johnson Creek, Milwaukie	9051 SE 55th Ave., Portland OR 97206	ACDP Simple 03-0041-SI- 01				Small Quantity Generator		

## Attachment 2. Hazardous Air Pollutant Emissions from Precision Castparts Facilities

The following tables summarize facilities' estimated maximum levels of hazardous air pollutants (HAPs) emitted. More detailed information about hazardous air pollutant emission estimates is available on request.

Note that the particulate matter HAP emissions (metals numbers) in the tables are based on emission factor assumptions of the existing permits. The factors are conservative, and may have the effect of overestimating actual emissions. PCC is proposing new factors for its permit renewals that are representative of control device manufacturer's design specifications. The proposed factors, if found acceptable by DEQ, would result in reduced emission estimates.

Current emission factors assume 1% of all controlled particulate matter gets emitted. The proposed factors assume 0.1% of all controlled particulate matter gets emitted. The new factors proposed by PCC are based on the manufacturer's design rating for the particulate filters in use.

**PCC Large Parts Campus Hazardous Air Pollutant Emissions  
(Estimated annual maximum)**

Hazardous Air Pollutant	Emissions	
	tons/yr	pounds/yr
1,1-Biphenyl	0.00	0.00
1,3-Butadiene	0.00	0.00
Benzene	0.00	5.00
Benzene, 3-cyclohexen-1-yl	0.00	0.00
Chromium - elemental	1.34	2,689.00
Cobalt - elemental	0.24	482.00
Ethylbenzene	0.00	1.00
Formaldehyde	0.02	47.00
HCl	2.80	5,600.00
Hexane	0.56	1,127.00
HF	0.02	39.00
Lead - elemental	0.01	19.00
Manganese - elemental	0.01	30.00
Mercury - elemental	0.00	0.00
Methanol	0.00	0.00
Naphthalene	0.00	1.00
Nickel - elemental	1.98	3,962.00
Phenol	0.00	0.00
Styrene	0.00	5.00
Toluene	0.00	3.00
<b>Totals</b>	<b>7.00</b>	<b>17,010.00</b>

**PCC Small Parts Air Pollutant Emissions (Maximum potential to emit annually)**

HAP	Emissions	
	tons/yr	pounds/yr
Benzene	0.0021	4.3
Styrene	0.00243	4.9
Toluene	0.0006	1.2
Naphthalene	0.0008	1.6
Methanol	0.00019	0.4
1,3 Butadiene	0.00015	0.3
Acetaldehyde	0.00023	0.45
Ethylbenzene	0.0004	0.8
Phenol	0.00004	0.1
1,1 Biphenyl	0.00004	0.1
Benzene-3-cyclohexene-1-yl	0.00003	0.1
Chromium	1.5	2,993
Cobalt	1.54	3078
Lead	0.01	19.0
Manganese	0.04	79.6
Mercury	0.0000008	0.002
Nickel	0.99000	1974
Hydrochloric Acid	0.20	400.0
<b>Totals</b>	<b>4.30</b>	<b>8,557.5</b>

**PCC Deer Creek Hazardous Air Pollutant Emissions (Maximum potential to emit annually)**

HAP	Emissions	
	tons/yr	pounds/yr
Benzene	0.0003	0.7
Styrene	0.001	2.5
Toluene	0.0003	0.6
Naphthalene	4.75	9,500.2
Methanol	0.03	65
1,3 Butadiene	0.0001	0.1
Acetaldehyde	0.00000	0.01
Ethylbenzene	0.0001	0.3
Phenol	0.08	150.1
1,1 Biphenyl	0.0001	0.1
Benzene-3-cyclohexene-1-yl	0.0001	0.1
Formaldehyde	0.003	6.0
Chromium - elemental	0.61	1,228.9
Cobalt - elemental	0.76	1514
Lead	0.01	12.7
Manganese - elemental	0.006	11.6
Mercury	0.00000	0.01
Nickel - elemental	0.73	1,451.7
Hydrochloric Acid	0.003	5.9
<b>Totals</b>	<b>7.00</b>	<b>13,950.5</b>



Testimony of Aaron Johnson  
General Manager, Large Parts Campus, PCC Structural  
Before the City Council, City of Milwaukie, Air Quality Update  
Tuesday, April 19, 2016

Good evening Mr. Mayor and Council Members. My name is Aaron Johnson, and I am the General Manager of PCC Structural's Large Parts Campus on Johnson Creek Boulevard. With me today is Jay Khetani, Vice President of Communications at Precision Castparts.

On behalf of PCC Structural, I would like to thank you for the opportunity to provide an air quality update in light of recent community concerns about air emissions. We would like to share with you some of the information we included in a letter to our neighbors this week. We have also provided copies of the letter and a company fact sheet for the Mayor, the Council and the citizens in attendance.

PCC Structural takes very seriously its obligation to operate in a safe and responsible manner. Our company makes flight-critical airplane parts that ensure the safety of air travel worldwide. We employ 2,800 people in the Portland region. We have employees working in our facilities around the clock, and we are committed to sending them home safe and healthy every day.

Our parts are found on every aircraft engine in the sky today and must function properly when called upon. Every part we make is designed to serve a specific purpose and has specific performance criteria. The metal alloy recipes we use are dictated by our customers in order for the part to achieve necessary performance characteristics. As a result, we know exactly what

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Aaron Johnson testimony

Tuesday, April 19, 2016

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metals are in our products and we understand how these metals perform and react in our environment.

There has been a lot of attention on air quality issues in recent weeks. I understand that our neighbors expect to live in a safe environment in terms of air quality. I, personally, and PCC more broadly, agree with that expectation. We share the belief that our neighborhood should be a safe environment to live, work, and raise a family.

I would like to take this opportunity to briefly address some of the concerns raised.

- We do not use arsenic or cadmium in our metals.
- We predominately use low-toxicity nickel alloys.
- We use elemental chromium in our metals. An extremely small percentage of the chromium converts to hexavalent chromium when high heat is applied.

PCC Structurals has extensive control systems to limit air emissions. Our current systems control the vast majority of our emissions, including hexavalent chromium. With the improvements we are making we are further increasing our capture rate.

We are in full compliance with our permits and are audited by the Oregon DEQ. We have invested years in analysis and engineering studies to ensure that our controls employ the best available technology. While our controls are already highly effective, between 2014 and 2016 we will have invested nearly \$17 million on additional improvements. As a result of these improvements, we will shortly be submitting a request to DEQ to reduce our maximum permitted emissions for our upcoming permit renewal.

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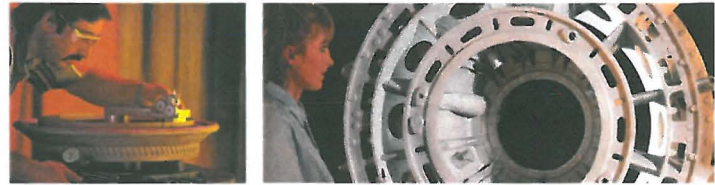
These investments also include \$4.2 million for a new stormwater facility to capture and treat all rain water at our facility on Johnson Creek Boulevard. To be clear, the industrial wastewater from this facility is not routed to Johnson Creek.

We understand that the Council and the community may have additional questions. We have established a website where we have posted relevant documents and can provide easily accessible and updated information. The website address is referenced in the community letter. Further, on May 25, we have scheduled a public community meeting to provide information and address questions.

Our company was founded here in 1956 and we are proud of what we have accomplished. We are an integral part of our community and we know we have an obligation to keep our employees, neighbors, and the environment healthy and safe.

Thank you for your time and consideration.

###



# Proud to be in Oregon, proud of what we do

Founded in Portland in 1956, PCC Structural, Inc. makes flight-critical airplane parts that ensure the safety of air travel worldwide. Nearly every aircraft in the sky flies with parts made by PCC Structural.

We also manufacture critical parts for the U.S. space program, components for systems that deliver energy to remote corners of the world, and devices used in hip and knee replacements that allow people to walk again pain free. As a home-grown company, PCC Structural shares the values of our community. We care about protecting our employees and neighbors and minimizing our impact on the environment.

Our work commands attention to safety, detail, and precision. That is reflected in the parts we make and in the way we operate our business.



## OUR LOCAL FOOTPRINT

- Nearly 2,800 employees in the Portland area.
- Living wage salaries with benefits that include medical, dental, retirement, and bonuses.
- Supporting schools and local services with more than \$3 million in annual property taxes.



## AIR QUALITY

**PCC Structural is committed to responsible practices:**

We have extensive controls in place to minimize emissions.

- We do not use arsenic or cadmium in our metals.
- We predominately use low-toxicity nickel alloys.
- Our emissions are in full compliance with permits issued and audited by Oregon DEQ.

## CONTINUOUS IMPROVEMENT

**Integral to who we are and what we do:**

- In 2014 and 2015, PCC Structural invested \$10.9 million on equipment, including air and water quality controls, that produced environmental benefits either directly or as part of overall plant improvements.
- We are currently installing upgrades that will further reduce air emissions. In total, PCC Structural is on track to spend \$5.9 million on additional environmental controls in 2016.
- Partnering with Portland General Electric and the Energy Trust of Oregon since 2004, PCC Structural has reduced our electricity consumption by more than 10 million kilowatt hours, a reduction equivalent to 16,337,325 automobile miles not driven and 1,744 trees planted.
- PCC Structural embraces the Oregon reduce/recycling ethic. We strive to either reuse or recycle 100% of scrap metal, wood, paper, plastics and other materials used in our manufacturing operations and offices.

## PART OF THE COMMUNITY

- Three-quarters of our Portland-area employees live within five miles of our plants; one-third live within a two-mile radius.
- PCC Structural supports students and programs at De La Salle High School, Clackamas Community College, Mt. Hood Community College, Oregon Institute of Technology, Portland State University, Oregon State University, University of Oregon, and University of Portland.
- Our company supports dozens of community organizations through grants, scholarships or volunteer time. Our employees proudly pitch in to help local groups including: Johnson Creek Watershed Council, Impact Northwest, the Boys & Girls Club of America, Clackamas Women's Services, SMART (Start Making A Reader Today), and the American Red Cross.

April 12, 2016

To Our Neighbors:

My name is Aaron Johnson and I am the General Manager of the PCC Structural, Inc. facility located on Johnson Creek Boulevard. I am writing to provide a brief update on our facility as it relates to the ongoing issues recently highlighted in the media, which are understandably a priority for all of us.

First and foremost, PCC Structural takes very seriously its responsibility to operate in a safe and responsible manner. Our company makes flight-critical airplane parts that ensure the safety of air travel worldwide. We have employees working in our facilities around the clock and we are committed to sending them all home to their families every day healthy and uninjured. Similarly, we are committed to the safety of our neighbors, our community, and our environment:

- We have extensive control systems in place to limit emissions to our environment and our surrounding neighborhoods.
- We are regularly exploring how we can further improve on our controls. In fact, several new air emission controls will be in place shortly, and a large storm water filtration project will be completed this summer.
- Our air emissions are in full compliance with permits and audited by the Oregon DEQ.
- We understand that our environmental obligations go beyond compliance and require continuous improvement.

To address a few of the specific concerns in the media, I can state the following:

- We do not use either arsenic or cadmium in our metals.
- We predominately use low-toxicity nickel alloys.
- We use elemental chromium in our metals and an extremely small percentage converts to hexavalent chromium when high heat is applied. Our current systems control the vast majority of our hexavalent chromium emissions, and with the enhancements currently being implemented we expect to increase our chromium capture rate even more.

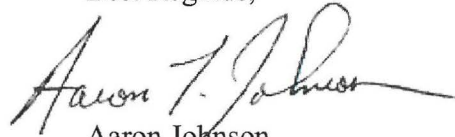
I understand that this letter could not possibly answer all of your questions. For that reason I have scheduled a public meeting on May 25, 2016, where you can ask questions. I hope you will

join me. Please feel free to send questions to [community@pccstructurals.com](mailto:community@pccstructurals.com) in advance of the meeting. It will assist us in providing more comprehensive answers. Go to [www.pccstructuralscommunity.com](http://www.pccstructuralscommunity.com) for more details about the meeting as it gets closer.

We were founded in Portland in 1956 and are proud of what we do. We are an integral part of the community and we know we have a responsibility to keep our employees, neighbors, and the environment healthy and safe. Three-fourths of our employees live within a five mile radius of our plants and one-third live within a two mile radius. Our employees are also our neighbors.

I look forward to seeing you at our meeting on May 25.

Best Regards,

A handwritten signature in black ink that reads "Aaron Johnson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Aaron Johnson

General Manager, PCC Structural, Inc.

## PCC: Using State of the Art Technologies to Protect Our Environment

Founded in Portland in 1956 we make flight-critical airplane parts that ensure the safety of air travel worldwide. Nearly every aircraft in the sky flies with parts made by PCC Structurals.

As a home grown company, PCC Structurals shares the values of our community. We care about protecting our employees and neighbors and minimizing our impact on the environment. Our emission control systems reflect our commitment to minimizing our environmental footprint.

We employ advanced technology to minimize our air emissions. This technology consists of exhaust systems that pull air from the workplace and then filter that air to remove metal dust. These filtration systems are the best available control technology. The Large Parts Campus on Johnson Creek Boulevard (known as "LPC") alone uses 31 different specialized filtration units to minimize the amount of metal dust reaching the environment.

DEQ approved PCC's request to add more air emission control technology to further enhance our emission reduction capability. In addition, PCC is installing a new storm water treatment system to capture and remove storm water contaminants. Below is a brief summary of what these systems are and how they work.

### CYCLONE PRE-FILTERS

- Cyclones are machines that use centrifugal force to remove large particles before they reach a baghouse.
- Cyclones can remove up to 90% of the larger dust particles.
- The exhaust from the cyclones then enters a baghouse which removes over 99% of the remaining dust in the air.

### BAGHOUSES (FABRIC FILTERS)

- A baghouse captures and removes dust from air using fabric filters.
- Air enters the baghouse and moves through the fabric filter leaving the dust behind.
- Baghouses remove over 99% of the dust in the air.
- The baghouse automatically cleans the filters to maintain high performance. Dust is deposited in containers for reuse or disposal.

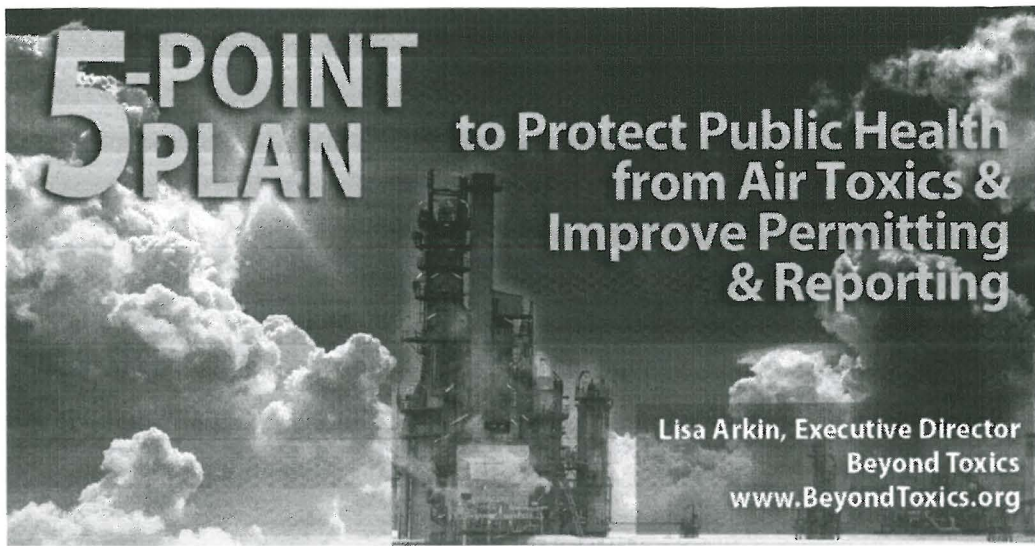


### HEPA FILTRATION

- HEPA filters are placed on the exhaust of a baghouse to remove very small dust particles not captured by the baghouse.
- Air passes through a very fine mesh filter to capture tiny dust particles not caught in the baghouse filters.
- HEPA filters remove over 99% of particulate matter.

### STORM WATER FILTRATION SYSTEM

- PCC's upgraded storm water filtration system (operational this summer) will improve our current process of removing contaminants from the storm water runoff before it reaches the City of Portland's storm water system.
- Our new filtration system is best in class technology and is engineered to remove virtually all detectable contaminants from our storm water.
- In addition, PCC is building a new collection system that will capture fresh water (springs, etc.) upslope of LPC and divert it directly into the City's storm water system which discharges into Johnson Creek.



### 1. Health Based Air Permitting

Immediately protect all Oregonians from all hazardous air pollutants with a health-based permitting paradigm.

- a. Account for cumulative air toxics impacts in an air shed – end the practice of allowing permits facility-by-facility without looking at accumulative and successional impacts to health.
- b. Take an environmental justice approach to the problem. Include and involve local people, communities of color, low-income folks, etc.
- c. End the “PM-Maintenance” program, a DEQ-initiated program that gives out new air permits to polluting facilities even when federal health and air quality standards are not being met.
- d. Post all Air Pollution Permits and Review Reports on the internet so that the public has full access to this information.

### 2. Comprehensive Air Permitting & Air Toxics Reporting Program [ORS 463.370]

Work with legislators and public interest organizations to institute a Statewide Toxics Reporting Program so that each polluting manufacturer and business report intake and output (mass balancing) of all chemicals. A Toxics Reporting Program is necessary to implement rule-making for a health-based air permitting.

- a. A Toxics-Reporting Program requires smaller polluters and bigger polluters alike to report their toxic pollutant outputs. All data is accessible to the public via the internet.

### 3. Toxics Use and Hazardous Waste Reduction [ORS 465.003]

Fund and overhaul the Oregon Toxics Use and Hazardous Waste Reduction program. Require polluters to file their toxics use reduction plans with the agency, track pollution reductions, require worker safety upgrades, advance better pollution control technology. The data must be publicly accessible.

### 4. Monitor the Air

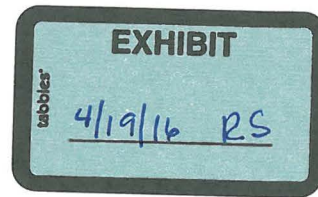
Create an effective process to qualify and quantify both stack emissions (e.g. stack tests) and fugitive (fenceline) emissions. Monitor ambient air to ensure total airshed loading from multiple sources does not result in exceedances of numeric concentrations of pollutants.

### 5. Take Action to Reduce Diesel Particulate in Oregon’s Air

Diesel particulate is caused by trucks, locomotives and off-road equipment. Oregon must adopt standards as stringent as California to ensure that older truck engines and locomotives are phased out or retrofitted with diesel particulate filters. Also, Oregon must adopt restrictions on truck and train idling, invest in electrified truck rest stops and end the ban on cities and counties adopting no-idling ordinances.

# SPAQ – Press Release

FOR IMMEDIATE RELEASE  
April 19, 2016



## **South Portland Air Quality statement regarding Precision Castparts community engagement**

Portland, OR - April 19, 2016- South Portland Air Quality is pleased that Precision Castparts(PCC) is now communicating with the people who live in the community where their company operates. A Precision Castparts representative will be at Milwaukie City Council meeting tonight. We also learned that PCC is planning a May 25 community meeting to answer questions. This is a first step in the right direction towards honest dialogue.

We expect ongoing communication regarding any proposed solutions to ongoing air, water and soil pollution and safety practices at PCC. We need specific information regarding previous emissions, previous controls, and proposed solutions. We expect Precision Castparts to install world class pollution controls that use Best Available Control Technology to dramatically reduce air, water and soil pollution. Current proposals from PCC are for "end of the pipe" solutions, a pollution-control approach that cleans up contaminated flows of water or air at the point where the pollutant enters the environment. We expect source control solutions, which prevent toxic production at the source.

In addition, we look forward to a dialogue with Precision Castparts about emergency prevention and response. Since 2011 there have been at least three major incidents at the Large Parts Structural's campus alone, including the May 11, 2011 incident where a toxic cloud of gas escaped from the plant, resulting in a hazardous material incident that impacted the surrounding neighborhood. PCC attributed the incident to a PGE power failure, but does not appear to have taken steps to install sufficient back-up generators at the LPSC facility to address any future power outages. According to the DEQ fact sheet, there is still no back-up generator at the Small Parts Structural's campus, which raises serious concerns.

We expect that PCC will take community concerns seriously and will respond promptly to any concerns raised by the community or regulatory agencies regarding pollution or safety practices at the company. A "trust us" approach won't suffice. We expect that there will be third party verification of any issues and solutions, from beginning to end of the process. We hope that PCC will invest the resources to establish and maintain a neighborhood advisory committee which would facilitate communication and increase transparency with the general public.

**South Portland Air Quality representatives will available to speak to press after the Milwaukie City Council meeting tonight.**

**Meeting starts at 6pm.**

**Contact: South Portland Air Quality -- <https://www.facebook.com/groups/southportlandairquality/>**

**Email: [southportlandairquallity@gmail.com](mailto:southportlandairquallity@gmail.com)**

# SPAQ-FAQ -- Frequently Asked Questions



## **Where's the pollution in our neighborhood?**

On Feb. 17, maps from the U.S. Forest Service revealed large arsenic and nickel toxic hotspots in large parts of SE Portland and North Milwaukie. The DEQ has indicated a likely link to industrial emissions from Precision Castparts Corp. (PCC)

**How many people are impacted by these hotspots?** According to 2010 census records, approximately 10,000--12,000 people live in the nickel hotspot.

**Who is responsible for monitoring these emissions?** Oregon's Department of Environmental Quality (DEQ) sets guidelines for emissions, which PCC says they are complying with.

**How do we know if PCC's emissions are in compliance?** We don't currently know, unless air is independently sampled and tested in the neighborhood around PCC. DEQ set up air monitoring equipment at three sites in early April, after hearing a large audience of neighbors (200+) at Lane Middle School on March 15. Those residents expressed their health-related anxiety and alarm. DEQ plans to sample air for a 30-day period.

**What is SPAQ?** South Portland Air Quality was formed by neighborhood residents in response to the Feb. 17 news of toxic air, to investigate, inform, and organize community efforts to demand better quality air, water, and soil. Part 2 of the Tribune story on Precision Castparts investigated their pollution of Johnson Creek.

**Does SPAQ want Precision Castparts to shut down and move away, taking jobs with it?** No. SPAQ residents are asking the Governor and DEQ to conduct ongoing air monitoring in this area. We're also asking for 100% transparency from industry regarding their impact on the community. In California, Precision Castparts has already demonstrated that they can comply with a much higher standard of environmental quality controls in their industrial emissions. At a minimum, we're asking for similar treatment here in Oregon.

**Other polluters?** McClure Industries, Walker Emulsions, Eastside Plating Co., Union Pacific Railroad....

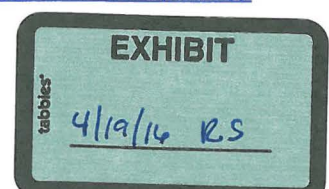
**What can be done to create better environmental pollution regulations?** DEQ needs to establish an immediate & clear timeline and emission-reduction targets for rule and permit making that is health and risk-based. The DEQ has demonstrated that they could act quickly to create temporary rules governing industrial emissions from glass manufacturers in Portland. It is now time to do that for PCC and others.

**What are asking from PCC regarding pollution controls to protect the community?** We expect Precision Castparts to install world class pollution controls that use Best Available Control Technology to dramatically reduce air, water and soil pollution – by preventing toxic production at the source. Current proposals from PCC are for "end of the pipe" solutions, a pollution-control approach that cleans up contaminated flows of water or air at the point where the pollutant enters the environment.

**What's next?** DEQ, the Oregon legislature, OHA all need to take action toward the creation and enforcement of health-risk-based measures for ensuring both short-term and longer-term public health for all.

**Contact: South Portland Air Quality** -- <https://www.facebook.com/groups/southportlandairquality/>

**Email:** [southportlandairquallity@gmail.com](mailto:southportlandairquallity@gmail.com)





MILWAUKIE CITY COUNCIL  
REGULAR SESSION

City Hall Council Chambers  
10722 SE Main Street  
www.milwaukieoregon.gov

**REVISED AGENDA**

**APRIL 19, 2016**

(1<sup>st</sup> Revision April 15, 2016)

(2<sup>nd</sup> Revision April 19, 2016)

2,220<sup>th</sup> Meeting

1. **CALL TO ORDER** Page #  

Pledge of Allegiance.
  
2. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
  - A. **Milwaukie High School (MHS) Outstanding Student Achievement Award for April 2016 to Emily McCarty**  
Presenter: Mark Pinder, MHS Principal
  
  - B. **National Building Safety Proclamation** 2
  
  - C. **Air Quality Update**  
Introduced by Mayor Mark Gamba with comments from Nina DeConcini, Department of Environmental Quality (DEQ) Northwest Region Administrator and Jay Khetani, Precision Castparts Corp. (PCC)
  
3. **CONSENT AGENDA**  

These items are considered routine, and therefore, will not be allotted discussion time on the agenda; these items may be passed by the Council in one blanket motion; any Councilor may remove an item from the "Consent" agenda for discussion by requesting such action prior to consideration of that part of the agenda.

  - A. **City Council Minutes:** 5
    1. **March 29, 2016, Study Session; and**
    2. **April 5, 2016, Work Session.**
  
4. **AUDIENCE PARTICIPATION**  

The presiding officer will call for citizen statements regarding City business. Pursuant to Milwaukie Municipal Code (MMC) Section 2.04.140, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and submit it to the City Recorder. Pursuant to MMC Section 2.04.360, "all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The presiding officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.
  
5. **PUBLIC HEARING**  

Public Comment will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.

  - A. **Code Amendments for Short-Term Rentals, Vacation Rentals, Bed and Breakfasts, and Related Changes – Ordinance** 13  
**File # ZA-15-03**  
Staff: Denny Egner, Planning Director

## 6. OTHER BUSINESS

These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.

- A. **Adoption of Supplemental Budget – Resolution** 46  
Staff: Casey Camors, Finance Director
- B. **Approve Expedited Annexation of the Property Located at 9404 SE Stanley Ave – Ordinance Application A-2016-001** 50  
Staff: Brett Kelper, Associate Planner  
(Attachment materials revised on April 15, 2016)
- C. **Declare a Housing Emergency – Ordinance and Resolution** 76  
Staff: Alma Flores, Community Development Director
- D. **Establishing a New Milwaukie Municipal Code Chapter 5.60 Relating to No Cause Evictions – Ordinance** 82  
Staff: Alma Flores, Community Development Director  
(Proposed Ordinance revised on April 19, 2016)
- E. **Adoption of Solar Goals for the City of Milwaukie – Resolution** 87  
Staff: Clare Fuchs, Sustainability Director  
(Resolution text revised on April 15, 2016)
- F. **Neonicotinoid Pesticides – Resolution** 124  
Staff: Mitch Nieman, Assistant to the City Manager  
(Added to the Agenda April 15, 2016)
- G. **Council Reports**

## 7. INFORMATION

## 8. ADJOURNMENT

### Public Notice

Executive Sessions: The Milwaukie City Council may meet in Executive Session immediately following adjournment pursuant to ORS 192.660(2). All Executive Session discussions are confidential and those present may disclose nothing; representatives of the news media may attend as provided by ORS 192.660(3) but must not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and they are closed to the public.

The Council requests that mobile devices be set on silent 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. For special accommodations, please call 503-786-7502 or email [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) at least 48 hours prior to the meeting.



**Regular Session  
Agenda Item No.**

**2**

**Proclamations,  
Commendations,  
Special Reports,  
& Awards**



**MILWAUKIE CITY COUNCIL  
STAFF REPORT**

Agenda Item: **RS 2. B.**  
Meeting Date: **April 19, 2016**

To: Mayor and City Council  
Through: Bill Monahan, City Manager  
Subject: **Proclamation—Building Safety Month**  
From: Samantha Vandagriff, Building Official  
Date: April 19th, 2016

**ACTION REQUESTED**

Proclaim that the City will recognize May 2016 as Building Safety Month.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

The City of Milwaukie proclaimed a previous building safety month in 2014.

**BACKGROUND**

The City of Milwaukie's Building Department and the SafeBuild Alliance would like to invite the Mayor and Council to support a proclamation recognizing May 2016 as "Building Safety Month".

The mission of Safety Month is to eliminate worker injury by coming together as an industry and community to raise awareness about the importance of safety in the workplace; share safety ideas and best practices that can save lives and prevent injuries; and inspire the entire construction workforce to make the commitment to be pioneers in promoting a strong safety culture on every job site, every day.

**CONCURRENCE**

The Community Development Director and the Building Official agree that this is an important statement for Milwaukie to make. It means that the City cares about its working industry and wants to help promote them working in a safe environment.

**FISCAL IMPACTS**

None

**WORK LOAD IMPACTS**

Some staff time will be required to coordinate material and handouts to help promote this proclamation.

**ALTERNATIVES**

Reject this initiative.

**ATTACHMENTS**

1. The Building Safety Month Proclamation



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*  
**PROCLAMATION**

**WHEREAS**, construction is vital to our strong local economy yet remains one of the most dangerous professions; and

**WHEREAS**, our confidence is achieved through the devotion of building safety and fire prevention officials, operations personnel, architects, engineers, builders, tradespeople, laborers in the construction industry who work year around to ensure safe construction; and

**WHEREAS**, Building Safety Month encourages all Americans to raise awareness of the importance of building safety and resilient construction. Building Safety Month 2016 encourages everyone to take steps to ensure that the places we live, learn, work, travel, worship, and play are safe and sustainable; and

**WHEREAS**, a diversity of stakeholders will enrich the dialogue and accelerate the adoption of the best safety practices; and

**WHEREAS**, the Milwaukie Building Department encourages all members of the building community to share and learn in safety from one another; and

**WHEREAS**, every day should be include a focus on safety, a coordinated annual event across the region serves to heighten awareness;

**NOW, THEREFORE**, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim May 2016 to be Building Safety Month.

**IN WITNESS WHEREOF**, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 19th day of April, 2016.

\_\_\_\_\_  
Mark Gamba, Mayor

ATTEST:

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



**Regular Session  
Agenda Item No.**

**3**

# **Consent Agenda**



**MINUTES**  
MILWAUKIE CITY COUNCIL  
www.milwaukieoregon.gov

**STUDY SESSION**  
MARCH 29, 2016  
City Hall Conference Room

**Mayor Mark Gamba called the Study Session to order at 6:00 p.m.**

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Planning Director Denny Egner, Senior Planner David Levitan, and Community Development Director Alma Flores

**Region-wide and City Housing Issues**

**Ms. Flores** discussed the upcoming housing needs analysis and introduced the City's new Senior Planner, David Levitan. She also introduced presenters Katie Ray with North Clackamas School District (NCSD), Jerry Johnson with Johnson Economics, Betty Dominquez with the Housing Authority of Portland, Ruth Adkins with the Oregon Opportunity Network, and Chuck Robbins with the Clackamas County Housing Authority.

**Ms. Dominquez** discussed her role in Home Forward and the housing programs and needs in the region. She distributed information explaining statistics about the working poor and housing affordability and data regarding housing affordability in Milwaukie.

**Councilor Power** understood large affordable housing units affected the averages of higher income neighborhoods. **Mr. Robbins** said that was correct, the impact of the number of public housing units in certain neighborhoods did impact of the overall household income statistics. However, he clarified that public housing did not lower property values. **Ms. Flores** also noted that the data may not reflect current figures, since the housing market moved so fast.

**Mr. Johnson** and **Ms. Dominquez** discussed the competitiveness of purchasing a home and used Sellwood's housing market as an example.

**Councilor Churchill** was trying to understand why the median household income did not reflect today's experience. **Ms. Flores** noted the data was from 2010-2014.

**Ms. Dominquez** explained her work with small communities and how it was important to get them thinking ahead with a jobs, housing, and transportation balance in mind. She noted the needs for affordable housing would increase as populations increased.

**Mr. Johnson** discussed a Land Bank Authority (LBA). There was a lack of home ownership in today's economy, and he explained how that affected the housing market.

**Ms. Dominquez** discussed the difference between housing that was affordable by accident and affordable by design. Affordable by design housing was typically owned by a non-profit or a housing authority and was regulated by public money and available for many years. Affordable by accident housing was often available because of poor living conditions with unsafe and unhealthy living environments.

**Ms. Adkins** discussed the Oregon Opportunity Network (Oregon ON), a statewide network of affordable housing non-profits that provided housing and services. She reported that the Legislative Short Session had beneficial outcomes. She discussed inclusionary zoning and a construction excise tax (CET) dedicated to affordable housing. She also explained the Local Innovation and Fast Track (LIFT) Housing

Program with the State of Oregon which had \$40 million in general bonds to fund the program.

**Ms. Flores** and **Ms. Dominguez** commented on the role Metro had played in the initiative to create more affordable housing.

**Ms. Dominguez** distributed summaries of housing legislation that had recently been adopted. She noted that she was pleased to see the housing crisis being discussed and with multiple parties working towards solutions. She noted that inclusionary zoning was not the silver bullet, but she was optimistic there would be more progress in 2017.

**Councilor Power** understood the construction excise tax ban would be sun-setting in 2018. **Ms. Adkins** responded that when the sunset lifted, there would be the need to advocate for affordable housing, and 50% of the funds would go back to the developers. **Councilor Power** noted the limitations and the trade-off that occurred.

**Ms. Ray** explained her role as the Homeless Liaison for NCSO and discussed the problems facing families in the area. She described school transportation needs and challenges for homeless and relocated students. She clarified that the duration of the transportation depended on the level and length of the homelessness. There were long waiting lists for family housing. The only emergency family shelter in the City of Milwaukie was the Annie Ross House which currently had a 2 to 3 months waiting list. Of the 17,000 students in the District, 300 were homeless. She discussed the Springwater Transitional Program which also had a waitlist. The group noted the high rate of children on free or reduced lunch in Milwaukie.

**Councilor Churchill** noted statistics that the Council had heard at a previous meeting made him think that the homeless percentage in Milwaukie was higher. **Ms. Dominguez** explained the difficulties with the homeless count.

The group discussed other reasons the numbers may not be matching up. **Ms. Dominguez** explained the Federal Poverty Level (FPL) was based on USDA food budgets from the 1950s. She contrasted that with the Self-Sufficiency Standard which was based on all major budget items, including housing, child care, food, taxes, and others. She discussed the gap between the FPL and the Self Sufficiency Standard.

**Ms. Flores** discussed compounded issues such as transportation costs and social networks when people were relocated. **Mr. Johnson** talked about gentrification and at-risk families being displaced. **Ms. Dominguez** discussed the differences of moving families out of their homes to high opportunity areas versus revitalizing and bringing opportunities to their neighborhoods.

**Ms. Adkins** discussed the impact of housing on health.

**Mr. Robbins** said building units at any level would be a big help, but his focus was on the poorest of the poor. He believed the first piece to bring in would be subsidized housing with a set rent, and then Section 8 vouchers could be incorporated. He explained Section 8 vouchers and how they functioned. He discussed problems related to the 1% Fair Market Rent (FMR) increase versus the 11% increase in market rent. **Ms. Dominguez** explained how this led to voucher holders becoming homeless. **Mr. Robbins** and **Ms. Dominguez** discussed funding from the United States Department of Housing and Urban Development (HUD).

**Mr. Robbins** reported the Housing Authority of Clackamas County had 545 public housing units, 400 affordable housing units, and 1600 vouchers.

**Ms. Dominguez** explained HUD set FMRs for the entire country. There was a national housing coalition developing a strategy to explain to HUD that the market on the West Coast was not the same as the market on the East Coast or in the Midwest. **Mr. Robbins** argued that it went farther than just the region, and gave examples of differences in availabilities amongst cities in the same state.

**Mayor Gamba** asked if the housing unit numbers that Mr. Robbins reported included affordable housing owned by other organizations. **Mr. Robbins** clarified those were the numbers of units that the Housing Authority owned. **Ms. Flores** responded with the statistics that there were 3655 total affordable units in Clackamas County, with 829 in Milwaukie.

**Council Power** and **Councilor Churchill** discussed cities that did or did not comply with offering affordable housing requirements. **Mr. Robbins** discussed the need to purchase affordable land in order to build affordable housing.

**Ms. Dominquez, Mr. Robbins,** and **Mr. Johnson** discussed funding disparities related to the need for more housing. **Mayor Gamba** asked about tiny homes and cottage clusters, and **Mr. Johnson** discussed zoning challenges.

**Mr. Robbins** wanted to build units with restricted incomes to alleviate the competition from higher incomes. He discussed the Murphy Site in the City of Milwaukie and the Housing Authority's property of Hillside Park and Hillside Manor to the north. The Housing Authority was looking to redevelop both areas to higher density and mixed income units. He discussed selling properties in Oregon City and using the funds to help fill funding gaps.

**Councilor Churchill** asked about the reasoning to sell lower cost land in favor of higher cost land. **Mr. Robbins** responded that the land in Oregon City was very expensive and had little access to services. Therefore, there was greater value in the Milwaukie site because of transit and other services like the Providence Milwaukie Hospital across the street.

**Council President Batey** asked about mixed use, and if the Housing Authority became the landlord of the property that was at market rate. **Mr. Robbins** explained the Housing Authority would likely partner with developers but maintain ownership of some of the units. There were many opportunities.

**Ms. Dominquez** pointed to North Main as the perfect example of half market rate housing, and half affordable housing. **Council President Batey** pointed out that it was a private ownership. **Ms. Dominquez** discussed the limited amount of private companies that wanted to build affordable housing, and she explained the many partnerships the Housing Authority has had with non-profits.

**Mr. Robbins** discussed the Housing Authority's plans to sell the 200 units in Oregon City and build 800 units elsewhere. He also discussed plans to own small apartment complexes in other cities, such as Lake Oswego.

**Ms. Dominquez** outlined some examples of how Milwaukie could incorporate affordable housing and noted the vertical housing tax credit zone that the City had adopted.

**Mr. Johnson** discussed the increasing demand for housing and decrease in units built.

The group discussed the change in demand for types of housing over the years. **Ms. Flores** noted that Milwaukie's housing needs analysis would include a code review.

**Mayor Gamba** asked for statistics on the number of houses that banks were sitting on. **Mr. Johnson** said he had been trying to get those numbers but did not have them.

The group discussed possible solutions to vacant homes.

**Mr. Robbins** pointed out that "low-income" did not mean "no-income", and explained the revenue that low income housing could bring into cities. **Councilor Churchill** noted that North Main did not result in the revenue increases for local businesses. The group discussed the commercial spaces in downtown Milwaukie.

**Councilor Power** understood that when Portland voted to extend the timeline for no cause evictions and the notice timeline for rent increases, that the lawsuit was challenging the city only on rent increases as a form of rent control, but not on the no cause evictions.

**Ms. Adkins** and **Ms. Dominguez** were not sure, but said they could check on that. **Councilor Power** was also interested to see if any other municipalities were extending that timeline, given the 3% vacancy rates.

The group discussed state laws about increasing rent and discussed tenant protections.

**Ms. Dominguez** explained the problems that families faced with coming up with first and last months' rent for a new unit after being evicted.

**Councilor Power** understood other municipalities had enacted no-net loss policies, which included a one-for-one aim to replace. The group discussed what happened after federal tax credits expired. She asked for a list of those about to expire in Milwaukie. She understood other municipalities had enacted a notice provision. **Ms. Flores** noted they could work with the Network for Oregon Affordable Housing (NOAH) and get a list of expiring Milwaukie units.

The group discussed funding options. **Mr. Robbins** explained how the Housing Authority could help with bonds. **Ms. Flores** discussed the misnomer of waiving of system development charges (SDCs), and explained it was rather a transfer of funds. She also discussed Bancroft financing. **Mayor Gamba** and **Ms. Flores** discussed how the SDC process could be improved upon.

**Ms. Dominguez** explained the Housing Authority's ability to use friendly condemnation.

**Councilor Power** asked if the City inspected rental properties in compliance with the City's Code. **Ms. Flores** responded that the City did, and explained the flyer that she handed out to Council. She also provided examples and discussed foreclosed homes.

**Ms. Dominguez** suggested partnering with land trusts. **Ms. Flores** discussed the connection with the Land Bank for brownfield sites.

**Mr. Robbins** discussed the lack of a habitability code with the County and reiterated the importance of building more housing units.

**Ms. Flores** discussed the need for a City Council Liaison for the City's Housing Needs Analysis Technical Advisory Group. **Councilor Power** was interested. **Mayor Gamba** would coordinate with Councilor Power and attend meetings if she could not.

**Ms. Flores** said with the City's Comprehensive Plan and Housing Needs analysis there would be community involvement in the form of open houses and public forums.

**Mr. Robbins** discussed the County's involvement with HUD's Assessment of Fair Housing (AFH) plan. The County was in the process of putting together a survey, and would be communicating with the City to get the word out in Milwaukie.

**Mayor Gamba** suggested involving the folks with Meals on Wheels.

**Mayor Gamba** adjourned the Study Session at 8:20 p.m. and announced Council would meet in Executive Session pursuant to ORS 192.660(2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions. Council would not return to open session.

Respectfully submitted,

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Amy Aschenbrenner, Administrative Specialist II



**MINUTES**  
MILWAUKIE CITY COUNCIL  
www.milwaukieoregon.gov

**WORK SESSION**  
APRIL 5, 2016  
City Hall Conference Room

**Mayor Mark Gamba called the Work Session to order at 4:02 p.m.**

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, Community Development Director Alma Flores, Engineering Director Chuck Eaton, Public Works Director Gary Parkin, and City Attorney Peter Watts.

**City Manager's Report**

**Mr. Monahan** reported there was no executive session and no audience participation report for March 15, 2016. The group discussed the retention period for City Council emails in the City's electronic records management system, and they felt 25 years was sufficient. The Department of Environmental (DEQ) report was scheduled for the April 19, 2016, regular session, and Mr. Monahan discussed a possible tour of Precision Castparts Corp. (PCC) on April 25 or 26.

**Downtown Milwaukie Business Association (DMBA) Quarterly Update**

DMBA President **Kelli Keehner** provided the organization's first quarterly report. The DMBA set goals in January and established that Alma Flores and Vera Kalias would be the City partners and attend the monthly Association meetings. The DMBA was working on a downtown beautification project that initially included planters, trash cans, and banners. Downtown business owners will be asked to participate in funding, outreach, and maintenance. She discussed the creation of a team of downtown ambassadors in order to help enhance communications.

**Councilor Power** asked if there was a mechanism that could help with the business registration piece. **Ms. Flores** discussed the current process, and **Ms. Keehner** made some suggestions for improvements.

**Ms. Keehner** explained that along with downtown cleanup, another aggressive goal of the DMBA was to develop a walking map that focused on the downtown corridors. She also discussed the decision to keep the DMBA in the core area of downtown in order to refine the process and then branch out from there.

**Ms. Flores** discussed the wayfinding project that included a mobile app.

**Councilor Power** endorsed the DMBA's efforts.

**Ms. Keehner** discussed the concept of forming an events committee to bring people into downtown Milwaukie and help generate sales. The committee was looking at a fall activity centered on sustainability, locally grown produce, and local artists. She also discussed making businesses more active in First Fridays. She reported that businesses were excited about the wayfinding project. She discussed recognizing business anniversaries and holding ribbon cuttings for new businesses.

## **Fee in Lieu of Construction (FILOC) Update**

**Mr. Eaton** provided updated information on the proposed code amendments that included removing the 10-year timeframe and the addition of a 1,000 foot distance from the development. He discussed sections D and E which had to do with proportionality rules that would allow the City to receive funds rather than construct part of an improvement. He explained the proportionality issue was becoming more common.

The group discussed improvements and parking at 19<sup>th</sup> Avenue and Sparrow Street. **Council President Batey** felt Milwaukie had historically asked for too little and was not collecting enough. **Mr. Eaton** discussed the fees, and explained that FILOCs were only collected for transportation and not, for example, water lines. **Mayor Gamba** liked the flat fee per linear foot recently adopted by Portland but wondered if that solved the proportionality issue.

**Mr. Watts** said the question was whether the fee in lieu was roughly proportional to the benefit. He explained the background of the City of Portland example, and believed that since in that case the Home Builders Association (HBA) signed off on it that the \$600 per linear foot was fair.

**Council President Batey** discussed the Portland HBA example, and reported it was purposefully not called FILOC, but rather a transportation infrastructure charge.

**Mr. Watts** discussed Nollan/Dolan and other court decisions. **Mayor Gamba** commented on partitions and the size of subdivisions.

**Mr. Watts** discussed infill scenarios including sidewalk and undergrounding utilities.

**Council President Batey** supported going ahead and making the initial changes while looking at the fees. She felt sections D and E and required more discussion.

Consensus supported what Mr. Eaton presented, and directed him to bring it to a regular session discussion.

**Councilor Churchill** wanted Mr. Eaton to take a look at \$600 per linear foot to see if it made sense in Milwaukie. He suggested looking into applicability to commercial.

**Mr. Eaton** summed up that Council was looking at a separate resolution for fee establishment, and items D and E would be left in until deliberations during a City Council Regular Session.

## **Wastewater Treatment Issues**

**Mr. Parkin** introduced the topic. The Kellogg Treatment Plant was constructed in the 1970s. Beginning in 2008, the City and the County had a series of agreements as a wholesale customer with fees calculated on flow and infrastructure costs. As the plant reached end of life, the City started looking at moving to the TriCity Wastewater Treatment Plant, but that did not prove to be feasible. A series of pump stations were installed to bring the flow from Happy Valley as it continued to develop. An agreement was signed in 2012 that resolved some of the issues. Mr. Parkin discussed the cost per equivalent dwelling unit (EDU) that did not distinguish between residential and commercial.

**Councilor Power** explained the Portland State University (PSU) growth forecast was not reflective of what was being seen on the ground, and there was a significant treatment capacity issue. The growth was converging with significantly deferred public infrastructure maintenance. She provided an update on the Regional Committee and RiverHealth Committee. The Regional Committee was meeting without Commissioner Savas, as he believed the districts should be merged with a citizen's advisory committee. John Ludlow was the new representative appointed to the two committees. She reported that she was appointed Chair of the Regional Committee.

The group discussed the solids handling capacity. **Council President Batey** discussed subsidizing growth east of I-205. **Councilor Churchill** agreed and discussed deferred maintenance. **Councilor Power** commented on the difficulty of figuring out specific loads.

**Mr. Watts** understood the TriCity capacity was seriously over-estimated and system development charges (SDCs) were under calculated. He noted regional growth assumptions were off.

**Councilor Power** discussed the rationale for not having a board made up of elected officials. She reported that the committee had a valuable discussion about growth projections. She reported that odor control had been moved up to the highest priority project and should be done by 2017.

**Mr. Parkin** would bring the Citizens Utility Advisory Board (CUAB) to the second meeting in June. **Councilor Power** felt the City should weigh in on sewer SDCs as well.

### **Bulky Waste Collection Day**

**Mr. Nieman** provided options for the event and explained it was more cost effective if the event was on a hauler's regular collection day. The first decision was if it would be a one day event or scheduled to coincide with the haulers' collection dates. He did not have the costs at this time.

**Council President Batey** envisioned a one day event, which would be easier to promote. **Mr. Nieman** discussed promotion of the event, and noted the City was depending on the haulers to promote the event in their bills.

The group discussed promotion and concerns about people who lived outside city limits.

**Mr. Nieman** explained how the costs would be calculated; Council had previously agreed to roll costs into customer rates.

It was consensus to have a standalone collection day in September.

**Mr. Nieman** reported Metro had a hazardous waste event scheduled for September 10.

**Mayor Gamba adjourned the Work Session at 6:00 p.m.**

Respectfully submitted,

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Amy Aschenbrenner, Administrative Specialist II



**Regular Session  
Agenda Item No.**

**5**

# **Public Hearing**



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **RS 5. A.**  
Meeting Date: **April 19, 2016**

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **Code Amendments for Short-Term Rentals,  
Vacation Rentals, Bed and Breakfasts, and related  
changes**

From: Dennis Egnor, Planning Director

Date: March 31, 2016

### ACTION REQUESTED

Approve application ZA-15-03 and Findings of Approval found in Attachment 1 Exhibit A. This action would result in zoning ordinance text amendments for short-term rentals, vacation rentals, bed and breakfasts, and related changes.

### HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

- **March 15, 2016:** The Council held a work session to learn about the Planning Commission recommendation.
- **February 9, 2016:** The Planning Commission held a public hearing and voted unanimously (5-0) to recommend that Council approve a set of code amendments to allow greater flexibility for short term rentals and related uses.
- **January 12, 2016:** A worksession was held with the Planning Commission. Key issues discussed included the use of accessory dwelling units for short-term rental purposes and parking.
- **October 13, 2015:** The Planning Commission held a worksession on the topic and provided general guidance for development of an initial set of draft code amendments.
- **September 23, 2015:** Staff held a worksession with owners/operators of local short-term rental businesses and Neighborhood District Association (NDA) representatives. The meeting was attended by ten local owners/operators and two representatives from NDAs.
- **July 23, 2015:** The City Council held a study session to discuss the sharing economy and provide staff with direction regarding program development and regulation. The Council directed staff to move forward with a process to provide greater flexibility for short-term rentals.
- **February 17, 2015:** During the Community Development Update at the Council meeting on February 17, 2015, the Planning Director noted that staff was developing an interim approach to allow short-term rentals in single family zones provided that a room was only rented once per month. This approach was in response to concerns about code enforcement on a number of short-term rental operations following a complaint about an Airbnb rental in a single family neighborhood.
- **February 7, 2015:** The City Council held a goal setting forum at City Hall on February 7, 2015. Among the 228 comments received at the forum were several that addressed the

sharing economy and opportunities for short-term rentals. Council members expressed interest in the subject but did not prioritize it during further discussion of goals.

## **BACKGROUND**

### **A. Proposal**

The proposal would amend the text of the zoning ordinance to allow short-term rentals in residential areas as a home occupation (rentals for less than 30 consecutive days) provided the house is occupied by an owner or primary occupant for no less than 270 days per year. Unhosted rentals would be allowed for up to 95 days per year. In the case of hosted rentals, the rentals would be limited to no more than two different parties (under different reservations) at a given time. For unhosted rentals, only one party may occupy the premises at a time. The owner/occupant would be required to register their short term rental to operate within the City. The registration process would include an inspection to verify that the sleeping rooms meet minimum building code requirements.

As a home occupation, the short-term rental would be expected to maintain the outward appearance of a residence and present no perceptible impacts on the surrounding neighborhood. Failure to maintain the residential character of the property would result in revocation of the home occupation by the City.

The proposal defines bed and breakfasts as a form of commercial lodging where the hosts rent rooms to three or more different parties on any given evening (rental to one or two parties is defined as a short-term rental). The proposal would make bed and breakfasts a conditional use in low density residential zones. Today they are prohibited.

The proposal defines a vacation rental as a type of unhosted short-term rental where the owner or primary occupant is absent for more than 270 days per year. The proposal would make vacation rentals a conditional use in residential districts and the DMU zone.

Hotels and motels are common forms of commercial lodging but there are none located within the Milwaukie city limits. The proposal would continue to allow hotels and motels in commercial and mixed use zones but would prohibit hotels and motels in all residential zones except the R1-B zone where it would remain a conditional use. Today, hotels and motels are permitted as conditional uses in the R-1 and R-2 high density residential zones. In the C-L zone and the C-G zone, hotels and motels are currently allowed as "High Impact Commercial Businesses" though the conditional use process. The changes would allow these uses outright in the C-G zone and clarify that they are conditional uses in the C-L zone.

Boarding houses are a form of residential lodging where rooms in a building are provided for lodging in exchange for compensation. Boarding house operators may provide meals to lodgers. Boarding houses are not occupied as a single-family unit and are subject to capacity requirements of the UBC. No substantive change is proposed for boarding houses.

### **B. Planning Commission Action**

On February 9, 2016, the Planning Commission held a public hearing and voted to recommend that Council approve the proposed zoning text amendments. The Commission held two worksessions to craft a proposal leading up to the February 9, 2016 public hearing. Worksessions were held on October 13, 2015 and January 12, 2016.

## KEY ISSUES/ANALYSIS

The Planning Commission addressed the following issues during their deliberation:

- Adequacy of findings regarding housing need.
- Parking for short-term rentals
- Number of parties permitted to occupy a short-term rental
- Approval process for vacation rentals and bed and breakfasts

Each issue is addressed below.

### A. Adequacy of Findings Regarding Housing Need

Prior to the Planning Commission hearing, the City received a letter from Jennifer Brager of Land Housing Advocates stating that the draft staff report did not adequately address Statewide Planning Goal 10 in regard to the impact of converting houses into rental properties (included as Attachment 2). In response, staff prepared a set of supplemental findings (included as Finding 7 in Exhibit A of Attachment 1). The supplemental findings make the following key points:

- Income from short term rentals will help to make housing more affordable for those choosing to operate short-term rentals.
- Due to the small number of short-term rentals expected in the community, there will be very little impact on housing supply. Based on the ratio of the number of licensed legal short-term rentals to housing units in Portland, Milwaukie can expect less than 20 short-term rental properties to operate within the city.
- Vacation rental conversion will be rare given the conditional use process that will be required in residential and downtown mixed use zones.

In adopting its findings, the Planning Commission found that the supplemental findings satisfied statewide planning goal 10 requirements and the issues raised by Housing Land Advocates.

### B. Parking for Short-Term Rentals

The initial draft proposal required an additional off-street parking space for dwellings with a short-term rental. The Planning Commission received testimony that in some cases, this would prevent properties from becoming legal given the City's requirement that required off-street parking not be located in the front or street side yard. In addition, it was noted that no other home occupation is required to provide off-street parking (see Attachment 3 - the letter from Cindy Blase). Based on this information, the Commission decided to recommend that no additional parking be required.

### C. Number of Parties Permitted to Occupy a Short-Term Rental

The initial draft limited the occupancy of a short-term rental to a single party (under a single reservation). After hearing testimony from operators of short-term rentals, the Commission recommended that two parties be allowed to occupy a short-term rental property provided that the owner/operator is present. It was noted that Portland allows rentals to two parties.

### D. Approval Process for Vacation Rentals and Bed and Breakfasts

The Commission agreed that vacation rentals and bed and breakfasts should only be permitted through the conditional use process in residential zones and in the downtown mixed use zone. Given that the recent amendments creating the GMU and NMU zones made hotels and motels permitted uses in these zones, the proposed amendments were written to allow vacation rentals and bed and breakfasts as outright permitted uses in the

GMU and NMU zones. The amendments also address the C-L and C-G zones and would allow vacation rentals and bed and breakfasts as permitted uses in both of these zones. The Commission did not have a detailed discussion about these designations.

## **CONCLUSIONS**

**The Planning Commission has recommended the following:**

1. Approval of the proposed Zoning Ordinance text amendments for short-term rentals, vacation rentals, bed and breakfasts and related changes.
2. Adoption of the attached Findings of Approval.

## **CODE AUTHORITY AND DECISION-MAKING PROCESS**

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

MMC Section 19.902 Amendments to Maps and Ordinances

MMC Section 19.1008 Type V Review

This application is subject to Type V review, which requires the Council to consider whether the proposal complies with the code sections shown above. The criteria are addressed in the Findings for Approval (Exhibit A of Attachment 1). The application is a legislative action and is not subject to the 120-day clock.

## **COMMENTS**

Notice of the proposed changes was given to the following agencies and persons: Milwaukie's Neighborhood District Associations, Metro, the Department of Land Conservation and Development, and the following City of Milwaukie departments: Engineering, Finance, and Police. Notice was also posted at City Hall, Ledding Library, Public Safety Building, and the Johnson Creek Facility.

## **CONCURRENCE**

The Planning Commission held a public hearing on this application on February 12, 2016 and voted 5-0 to recommend that the Council approve the proposal. Changes recommended by the Commission have been incorporated into the draft ordinance and the supplemental findings presented to the Commission have been incorporated into the recommended findings included as Exhibit A of Attachment 1.

## **FISCAL AND WORK LOAD IMPACTS**

Following completion of the City budget process, the planning staff will work with finance staff to develop a registration process specifically for lodging businesses. The work will include preparation of a lodging room tax proposal for consideration by the Council.

## **ALTERNATIVES**

- A. Approve the proposed amendments.
- B. Approve the proposed amendments with modifications to the materials in Attachment 1.
- C. Do not approve the proposed amendments.
- D. Continue the hearing.

## **ATTACHMENTS**

1. Ordinance  
Exhibit A: Recommended Findings in Support of Approval  
Exhibit B. Proposed Zoning Ordinance Amendments (Strikeout/Underline)  
Exhibit C. Proposed Zoning Ordinance Amendments (Clean)
2. February 9, 2016 letter from Housing Land Advocates.
3. Letter to the Planning Commission from Cindy Blase



**CITY OF MILWAUKIE**

*"Dogwood City of the West"*

**Ordinance No.**

**An ordinance of the City Council of the City of Milwaukie, Oregon to amend Title 19 Zoning to allow and regulate short-term rentals, vacation rentals, and bed and breakfasts, and make related changes associated with commercial lodging uses. (File #ZA-2015-003).**

**WHEREAS**, there currently are no authorized commercial lodging facilities in Milwaukie and it is in the public interest to provide more opportunities for lodging;

**WHEREAS**, community members have expressed a desire for the City to provide greater flexibility and opportunities so that homes can be used for short-term rentals, vacation rentals, and bed and breakfasts;

**WHEREAS**, on September 23, 2015, the Planning staff held a worksession with owners/operators of local short-term rental businesses and Neighborhood District Association leaders to discuss the topic of short-term rentals;

**WHEREAS**, the Planning Commission held worksessions on October 13, 2015 and January 12, 2016 to develop and refine a draft proposal for short-term rentals, vacation rentals, bed and breakfasts, and related changes;

**WHEREAS**, the Planning Commission held a duly-advertised public hearing on the amendments on February 9, 2016, with notice provided per the requirements of the Milwaukie Municipal Code and the Oregon Revised Statutes, and recommended approval; and

**WHEREAS**, the City Council held a duly-advertised public hearing with notice provided per the requirements of the Milwaukie Municipal Code and the Oregon Revised Statutes.

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

Section 1. Findings. Findings of fact in support of the proposed amendments to Title 19 are attached as Exhibit A.

Section 2. Amendments. Title 19 Zoning is amended as described in Exhibit B (strikeout/underline version) and Exhibit C (clean version).

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

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

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

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Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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Pat DuVal, City Recorder

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City Attorney

**Findings in Support of Approval  
File ZA-2015-003, Zone Text Amendment for Short Term Rentals, Vacation  
Rentals, Bed and Breakfasts, and Related Changes**

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

1. The applicant, the Milwaukie Planning Director, has applied for a zoning ordinance text amendment (File ZA-2015-003) to generally provide greater flexibility in the code for short term rentals and for various forms of commercial lodging. The amendments add and revise definitions (MMC 19.201), make changes to base zones to specify where short term rentals and commercial lodging uses are permitted, add new home occupation standards for short term rentals (MMC 19.507.5), and allow guest houses to be used as short term rentals (MMC 19.503.1).
2. The proposed amendments make the following changes to base zone requirements:

<b>Uses Allowed by Base Zone</b>				
Base Zone	Short Term Rental	Vacation Rental	Bed and Breakfast	Hotel and Motel
<b>Low Density Residential</b>				
▪ R-10, R-7, R-5	P (adds use)	CU (adds use)	CU (adds use)	N (no change)
<b>Medium Density Residential</b>				
▪ R-3, R-2.5,	P (adds use)	CU (adds use)	CU (no change)	N (no change)
▪ R-2, R-1,	P (adds use)	CU (adds use)	CU (no change)	N (removes use)
▪ R-1-B	P (adds use)	CU (adds use)	CU (no change)	CU (no change)
<b>Mixed Use Zones</b>				
▪ GMU and NMU	P (adds use)	P (adds use)	P (no change)	P (no change)
▪ DMU	P (adds use)	CU (adds use)	P (no change)	P (no change)
<b>Commercial Zones</b>				
▪ C-L	P (adds use)	P (adds use)	P (from CU)	CU (no change)
▪ C-G	P (adds use)	P (adds use)	P (from CU)	P (from CU)
<b>Key:</b> P – Permitted Outright; CU – Conditional Use; N – Not Permitted/Prohibited; Adds Use – New permitted use to be added; Removes Use – Existing permitted use to be prohibited; No change – amendments make no change to existing use status; From CU – Expands permitted uses with a change from conditional use to permitted use				

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.902 Amendments to Maps and Ordinances
  - MMC Section 19.1000 Review Procedures
4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. A public hearing before the Planning Commission was held on February 9, 2016 as required by law.
5. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. These requirements have been met as follows.
  - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.  
The amendment is proposed by the City of Milwaukie and was initiated by the City Planning Director.
  - b. MMC Section 19.1008 establishes requirements for Type V review.
    - (1) MMC Subsection 19.1008.3.A.1 requires opportunity for public comment and review. Opportunity for public comment and review has been provided. Public notice in the form of email to the Neighborhood District Associations, posted notices, and information on the City website have publicized the Planning Commission's hearing on the proposed amendment to encourage comment by any interested party.
    - (2) MMC Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public. A notice of the Planning Commission's February 9, 2016, hearing was posted at City Hall, the Ledding Library, and the City's Johnson Creek Building Offices on January 8, 2016.
    - (3) MMC Subsection 19.1008.3.A.2 requires notice be sent to individual property owners if the proposal affects a discrete geographic area. The Planning Director has determined that the proposal affects a large geographic area. Notice to individual property owners was not provided.
    - (4) MMC Subsection 19.1008.3.B and C require notice of a Type V application to be sent to Metro 45 days prior to the first evidentiary hearing and to the Department of Land Conservation and Development 35 days prior to the first evidentiary hearing. This notice was sent to both Metro and DLCD on December 17, 2015.
    - (5) MMC Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the application would affect the permissible uses of land for those property owners. Given that the proposal will generally expand the range of uses permitted rather than place limits on existing permitted uses, no Measure 56 notices were sent.
    - (6) MMC Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application. The Planning Commission held a duly advertised public hearing on February 9, 2016, and passed a motion recommending that the City Council approve the zoning ordinance text amendment. The City Council held a duly advertised public hearing on April 19, 2016, and approved the text amendment.

6. MMC Section 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.5.A establishes the review process for zoning text amendments.

The code states that changes to Title 19 shall be subject to Type V review per MMC 19.1008.

- b. MMC 19.902.5.B establishes five criteria (listed below) for approval of changes to the zoning ordinance text. The City finds that the approval criteria have been met for the reasons listed below each of the criterion.

- (1) The proposed amendment is consistent with other provisions of the Milwaukie Municipal Code.

*The proposed code amendment creates opportunities for lodging in the community. The amendments allow the use of dwelling units for short term rental purposes provided home occupation standards are met. The amendments also allow bed and breakfasts and vacation rentals in low density areas through the conditional use process. Other amendments are intended to eliminate code conflicts and clarify requirements for other commercial lodging uses. The changes have been carefully crafted to not conflict with any provision of the Milwaukie Municipal Code. All other code provisions can operate and be enforced with this change.*

- (2) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

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

Relevant goals, objectives, and policies include:

Residential Land Use and Housing Element:

- Objective #4 – Neighborhood Conservation states:

*To maximize the opportunities to preserve, enhance and reinforce the identity and pride of existing well-defined neighborhoods in order to encourage the long-term maintenance of the City's housing stock.*

- Objective #4 – Policy #5 states:

*Within Low Density areas, new projects will maintain a single family building bulk, scale and height when abutting existing single family areas, or when abutting a street where existing single family houses face the project.*

Economic Base and Industrial/Commercial Land Use Element:

- Objective #2 – Employment Opportunity states:

*To continue to support a wide range of employment opportunities for Milwaukie citizens.*

- Objective #2 – Policy #4 states:

*The City will support home occupations (income-producing activities in the home) as long as these activities do not detract from the residential character of the area.*

- Objective #6 – Commercial Land Use states:

*To encourage new commercial uses to locate within designated commercial areas of the City, in order to take maximum advantage of existing access and public facilities serving these areas.*

Neighborhood Element:

- The Neighborhood Element Goal Statement reads:  
*To preserve and reinforce the stability and diversity of the City's neighborhoods in order to attract and retain long-term residents and ensure the City's residential quality and livability.*
- Objective #1 Neighborhood Character reads:  
*To maintain the residential character of designated neighborhood areas.*
- Objective #1 - Policy 2 reads:  
*Improve standards for home occupations to ensure that adequate parking and other compatibility measures are provided.*

The relevant goals, objectives, and policies are satisfied for the following reasons:

*There are no specific Comprehensive Plan policies or objectives that provide clear guidance regarding whether a newly recognized use such as short-term rentals should be permitted in a given zone. Rather, the policies and objectives speak generally about maintaining the residential character of existing neighborhoods and opportunities for employment and home occupations.*

*The proposed text amendment provides a community benefit by allowing establishment of short-term rentals as an accessory use through the home occupation process. Allowing short term rentals creates opportunities for residents to operate a home business and provide a needed service for visitors to Milwaukie and the region. Home occupation standards require that the dwelling maintain a residential character and not have a negative impact on surrounding properties. Similarly, the proposal would amend the code to allow bed and breakfasts and vacation rentals to locate in residential zones through the conditional use process. The conditional use process is designed to minimize impacts to the neighborhood and ensure that the use is appropriate for the site.*

*In addition, the proposal recognizes that it is inappropriate to allow the potential for more intense commercial transient lodging such as hotels and motels to locate in any district that is primarily residential including the R-1 and R-2 high density districts.*

*For these reasons the proposal is consistent with the following goals, objectives, and policies:*

Residential Land Use and Housing Element:

- Objective #4 – Neighborhood Conservation
- Objective #4 – Policy #5

Economic Base and Industrial/Commercial Land Use Element:

- Objective #2 – Employment Opportunity

- *Objective #2 – Policy #4*

*Neighborhood Element:*

- *The Neighborhood Element Goal Statement*
- *Objective #1 Neighborhood Character*
- *Objective #1 - Policy #2*

*The proposed amendments also make adjustments to the General Commercial (C-G) and Limited Commercial (C-L) zones by clarifying which types of commercial lodging are appropriate as outright permitted uses and which type should be only permitted through the conditional use process. The proposal allows more the intense uses (hotels, motels, and vacation rentals) as outright permitted uses only in the C-G zone – which is one of the City's most permissive commercial zones. The only commercial lodging allowed outright in the C-L zone would be bed and breakfast uses and vacation rentals. These changes are consistent with the following objectives from the Economic Base and Industrial/Commercial Land Use Element of the Comprehensive Plan (Objective #2 – Employment Opportunity and Objective #6 – Commercial Land Use states) for the following reasons:*

- *Commercial lodging uses provide opportunities for employment; and*
- *The proposal results in these uses being located in commercial districts where they can take advantage of existing access and public facilities.*

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

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

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

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

*Statewide Planning Goal 10 - Housing is addressed in detail in finding #7 below. The proposed amendments do not trigger review under any other state statutes or administrative rules. The changes affect commercial lodging requirements in the City and provide opportunities for individuals to provide short term rentals on residential properties within the community. Vacation rentals and bed and breakfast facilities will be allowed through the conditional use process. Demand for these types of facilities is expected to be limited and will have little or no impact on housing supply. The conditional use process provides a means of ensuring that the bed and breakfasts and vacation rentals do not proliferate to the point of having a negative effect on the community.*

*The amendments are found to be consistent with the Transportation Planning Rule for the following reason. The proposed text amendment does not impact the transportation system given that any development resulting from the proposed*

*amendments are small in scale and demand is limited. The primary nature of the changes proposed will allow scattered single family homes in the community to operate as short term rentals through the home occupation process. Under current code language, these properties have the opportunity to be used for home occupations that could conceivably generate higher levels of traffic than what would be expected as a short term rental. Nothing in the code prevents personal service use as a home occupation. These types of uses generally involve numerous trips to and from a business location on a daily basis. Given that home occupations are allowed today, the proposal does not create the opportunity for any more vehicle trips than are currently allowed.*

- (5) The proposed amendment is consistent with relevant federal regulations.

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

7. The following findings are in response to testimony regarding Statewide Planning Goal 10. The City received a letter dated February 9, 2016 from Land Housing Advocates expressing concern that the City had not adequately addressed Statewide Planning Goal 10 in its analysis of the proposed code text amendments. In essence, the letter implies that allowing short term rentals and vacation rentals will diminish the supply of housing in Milwaukie by allowing conversion of housing to commercial lodging.

The City's response follows and includes the following findings:

- a. Rentals provide income to allow people to afford housing. Anecdotal evidence demonstrates that the rental income that is gained through short term rentals allows individuals to afford to own their homes. On February 9, 2016, two individuals testified before the Planning Commission, that revenue from short-term rentals made their housing affordable. This is a point that is also made in many articles about short-term rentals on the internet.
- b. Short-term rentals will have a very small impact on the Milwaukie housing market. In a February 12 email to Milwaukie Planning Director Dennis Egner, Philip Nameny, the City of Portland's planner managing the Portland's short term rental program, estimates that there are approximately 1500 total units being offered as short-term rentals within the Portland city limits. Of the 1500 units, just over 1/3 (about 550) have been processed as legal units. The legal units represent less than a fraction of one percent (0.2%) of the total number of housing units in Portland (265,000 dwelling units

in 2010). If we assume a similar proportion of legal units in Milwaukie, we can expect to have about 18 legal short term rental properties in Milwaukie based on Milwaukie's 9,138 dwellings (2010 census). This small number is within the margin of error for any housing forecasts that have been done for the City of Milwaukie by Metro (see finding 7.e. below).

Local governments, including Milwaukie, have no control over how many short-term rental operators choose to go through the process of getting the required permits for their rentals. Illegal units will always exist and can only be managed through very labor intensive enforcement. The internet brokers (Airbnb and VRBO) have no incentive to assist local governments in the enforcement of local regulations since they get their payments regardless of whether the operation is legal or not.

- c. Vacation rental conversion is likely to be rare and will not impact housing supply significantly. The City's proposal will allow short-term rentals as home occupations for residential dwellings throughout the community. The proposal requires that a resident occupy the home with the short-term rental use for no less than 270 days per year. The proposal also includes provisions for establishing vacation rentals where the owner/occupant is absent or is there for less than 270 days per year. In these cases, an applicant must go through a conditional use process with a required public hearing before the planning commission and public notice sent to surrounding properties. Given the involved process that would be required for a vacation rental conditional use and the overall expected low demand based on the number of short-term rentals in Portland, the impact of vacation rentals on the Milwaukie housing supply is expected to be minimal.
- d. Milwaukie is a small, slowly growing, suburban community with limited growth potential. According to Portland State University population estimate, the City of Milwaukie had a population of 20,485 in 2014. The official year 2000 US census population count for the City was 20,490. Essentially, Milwaukie has seen no population growth for almost 15 years. Over a similar time frame, the number of households in Milwaukie has increased by just over 200 from 8,561 in the year 2000 to 8,764 in 2013. In addition, the number of housing units increased from 8,988 in the year 2000 to 9,095 in 2013 – an increase of only 107 units (Data source: 2000 US Census and the 2013 American Community Survey).

There are a few reasons for Milwaukie's slow growth over the past 13 to 15 years. These include:

- The community is built out. For the most part, Milwaukie is built out and the only development that can occur is through infill and redevelopment.
- The City limits are confined by existing development. Almost all of the land within the City's urban service boundary with Clackamas County is already developed with a full range of urban services including urban levels of water, sewer, park and recreation, and fire protection service provided by special districts. There is no incentive for these properties to annex to the City and redevelop.

- Opportunities for infill development are limited. The majority of the infill opportunities in the city are through small lot partitions that allow the creation of one or two flag lots in the backyard of an existing single family home.
  - Redevelopment opportunities are constrained by market forces. The City recently conducted the Moving Forward Milwaukie project to reexamine commercial zoning in the downtown and central Milwaukie. As part of that project, an economic feasibility analysis examined five redevelopment sites downtown and two in central Milwaukie. The study found that rents in Milwaukie were too low for properties to redevelop without some form of development assistance.
- e. Metro forecasts predict household growth in Milwaukie over the next 25 years. Metro is in the process of updating its forecasts for transportation analysis zones (TAZs). In January 2016, City staff submitted comments to Metro staff regarding preliminary forecasts. Preliminary Metro forecasts for Milwaukie TAZs are included below (note that TAZs do not follow city boundaries exactly):
- |                             |        |
|-----------------------------|--------|
| ▪ 2010 Milwaukie Households | 9,470  |
| ▪ 2015 Milwaukie Households | 9,472  |
| ▪ 2040 Milwaukie Households | 11,068 |
| ▪ 2015-2040 Change in HHs   | 1,596  |

The forecast indicates a 17% increase in housing units over the 25-year period. The Metroscope econometric model allocates households to different jurisdictions around the region based on a number of factors including economic factors and land availability. This forecast assumes an increase of approximately 64 households per year over the time period. Despite the lack of development over the past 15 years, this does not seem like an unrealistic number given the City's proximity to downtown Portland and the close-in commute. The key will be to have a strong redevelopment program that can help bridge the financial gaps identified in the Moving Forward Milwaukie study.

- f. The City is preparing a housing needs analysis and updating its comprehensive plan. The background section of housing element of the City of Milwaukie Comprehensive Plan was last updated in the late 1990s. It provides little reliable data that can be used to address housing needs in 2016. Recognizing this, the City of Milwaukie has hired a consultant team to assist the City with a new housing needs analysis that will serve as the basis for updating the housing element of the comprehensive plan. The plan update is envisioned as a three-year process and will include policy analysis and potential map revisions. The upcoming housing needs analysis and corresponding plan amendments will ensure that Milwaukie's diverse housing needs are met well into the future.
- g. There are no legal commercial lodging units in Milwaukie. The City has no record of any legal commercial lodging units within the Milwaukie city limits. There are no hotels or motels and no bed and breakfast establishments. Based on testimony from operators of short-term rentals, there is demand for rentals in Milwaukie and the

renters who occupy short-term rentals help support the local economy by shopping locally and visiting local restaurants.

### **Conclusion**

The City finds that statewide planning Goal 10 is satisfied by the proposal given that there is relatively low demand in Milwaukie for short term rentals and vacation rentals and that the impact on the housing supply will be small. In addition, the majority of rentals made available for visitors will be short-term rentals rather than vacation rentals and in these cases, the short-term rental will help make the residence more affordable for the owner/occupant. Finally, short-term rentals will have the positive impact of bringing visitors to Milwaukie to spend money in local shops and restaurants.

## Underline/Strikeout Amendments

### Zoning Ordinance

#### CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

##### 19.201 DEFINITIONS

"Bed and breakfast" means a hosted form of commercial lodging within a residence. It is similar to a short-term rental, but where on any given evening, lodging rooms are available for rental or rented by three or more different parties. Generally, some food service is provided with lodging.

"Boarding, lodging, or rooming-house" means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily, by persons paying consideration for sleeping purposes where meals may or may not be provided, and which is not occupied as a single-family unit. Lodging capacity is subject to provisions of the Uniform Building Code.

"Hotel" means a commercial building or portion thereof designed or used for occupancy of transient individuals who are lodged with or without meals, and in which no provision is usually made for cooking in any individual room or suite.

~~"Motel or tourist court"~~ means 1 or more commercial buildings designed or used as temporary living quarters for transients.

"Rooming house." See "boarding house."

"Vacation rental" means a housing unit that is rented out to a single party for a period of less than 30 days in length where there are no primary occupants or where the residents who occupy the unit do so for less than 270 days per year. A vacation rental is considered a form of commercial lodging. It is a primary use and is more commercial in nature than a short-term rental.

Residential Uses and Structures:

"Short-term rental" means a housing unit, an accessory dwelling unit, or a room (or rooms) within a housing unit that is rented out for lodging for a period of less than 30 days in length. A short-term rental is an accessory use to a primary residence and allowed as a home occupation where the residence must be occupied by the owner or operator for no less than 270 days per year. A short-term rental may be hosted (where the primary occupants are present on-site during the rental) or unhosted (where the primary occupants vacate the unit or site during the rental period). For hosted rentals, occupancy is limited to no more than 2 different parties per site at a time (see "bed and breakfast" for rentals to more than 2 parties). For unhosted rentals, occupancy is limited to 1 rental party per site at a time. Short-term rental operators may offer meals to lodgers.

**CHAPTER 19.300 BASE ZONES**

**19.301 LOW DENSITY RESIDENTIAL ZONES**

**19.301.2 Allowed Uses in Low Density Residential Zones**

<b>Table 19.301.2 Low Density Residential Uses</b>				
<b>Use</b>	<b>R-10</b>	<b>R-7</b>	<b>R-5</b>	<b>Standards/Additional Provisions</b>
<b>Commercial Uses</b>				
<u>Bed and breakfast or Vacation rental</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>Section 19.905 Conditional Uses</u>
<b>Accessory and Other Uses</b>				
<u>Short-term rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 19.507 Home Occupation Standards</u>

**19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES**

**19.302.2 Allowed Uses in Medium and High Density Residential Zones**

<b>Table 19.302.2 Medium and High Density Residential Uses Allowed</b>						
<b>Use</b>	<b>R-3</b>	<b>R-2.5</b>	<b>R-2</b>	<b>R-1</b>	<b>R-1-B</b>	<b>Standards/ Additional Provisions</b>
<b>Residential Uses</b>						
<u>Boarding, lodging, and rooming house</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>Section 19.905 Conditional Uses</u>
<b>Commercial Uses</b>						
<u>Hotel or motel</u>	<u>N</u>	<u>N</u>	<u>CU N</u>	<u>CU N</u>	<u>CU</u>	<u>Section 19.905 Conditional Uses</u>
<u>Bed and breakfast or vacation rental</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>Section 19.905 Conditional Uses</u>
<b>Accessory and Other Uses</b>						
<u>Short-term rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 19.507 Home Occupation Standards</u>

19.303 COMMERCIAL MIXED-USE ZONES

19.303.2 Uses

Table 19.303.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
<b>Residential</b>			
<u>Boarding house</u>	<u>CU</u>	<u>CU</u>	<b>Section 19.905</b> Conditional Uses
<b>Commercial</b>			
Commercial lodging Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month. Examples include hotels, motels, <u>vacation rentals</u> , and bed-and-breakfast establishments. Does not include senior and retirement housing.	P	P	
<del>Boarding, lodging, or rooming house</del> <del>Boarding, lodging, or rooming house generally means a private home where lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied.</del> <del>Examples include boarding house and cooperative housing.</del>	<del>CU</del>	<del>CU</del>	<del>Section 19.905</del> Conditional Uses
<b>Accessory and Other</b>			
<u>Short-term rentals</u>	<u>P</u>	<u>P</u>	<b>Section 19.507</b> Home Occupation Standards

**19.304 DOWNTOWN ZONES**

**19.304.2 Uses**

<b>Table 19.304.2 Downtown Zones—Uses</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Residential</b>			
<u>Boarding house</u>	<u>CU</u>	<u>N</u>	<b>Section 19.905 Conditional Uses</b>
<b>Commercial</b>			
Commercial lodging  Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month.  Examples include hotels, motels, <u>vacation rentals</u> , and bed-and-breakfast establishments. Does not include senior and retirement housing.	<u>P/CU</u>	<u>N</u>	<b>Section 19.905 Conditional Uses (for vacation rentals only)</b>
<del>Boarding, lodging, or rooming house Generally means a private home where lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. They normally provide “bed and board,” that is, at least some meals as well as accommodation.</del>	<del>CU</del>	<del>N</del>	<del><b>Section 19.905 Conditional Uses</b></del>
<b>Accessory and Other</b>			
<u>Short-term rentals</u>	<u>P</u>	<u>P</u>	<b>Section 19.507 Home Occupation Standards</b>

**19.306 LIMITED COMMERCIAL ZONE C-L**

In a C-L Zone the following regulations shall apply:

**19.306.1 Uses Permitted Outright**

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

G. Bed and breakfast;

H. Vacation rental;

I. Short-term rental when associated with a legally-permitted dwelling unit;

H.J. Any other use similar to the above and not listed elsewhere.

### **19.306.2 Conditional Uses Permitted**

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

N. Hotels and motels;

NO. Any other use similar to the above and not listed elsewhere.

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### **19.307 GENERAL COMMERCIAL ZONE C-G**

In a C-G Zone the following regulations shall apply:

#### **19.307.1 Uses Permitted Outright**

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

Z. Hotels, motels, vacation rentals, and bed and breakfasts;

AA. Short-term rentals when associated with a legally permitted dwelling unit;

Z. AB. Any other use similar to the above and not listed elsewhere.

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#### **19.307.2 Conditional Uses Permitted**

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

G. High-impact commercial businesses, except adult entertainment businesses; hotels and motels are permitted uses (see Subsection 19.307.1.Z);

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### **19.503 ACCESSORY USES**

#### **19.503.1 General Provisions**

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this chapter and shall comply with the following limitations:

- A. A guesthouse without kitchen facilities may be maintained accessory to a dwelling and may be used as a short-term rental, provided that the guesthouse is not occupied for more than 4 months in a calendar year. A detached accessory dwelling unit approved per Subsection 19.910.1 is not considered a guesthouse.
- 

### **19.507 HOME OCCUPATION STANDARDS**

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

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

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

## Proposed Code Amendment

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- B. Unhosted rentals (where the primary occupants vacate the unit or site during the rental period) are limited to no more than 95 days per year.
  - C. If a dwelling on a property with an accessory dwelling unit is being used for short-term rental purposes, either the primary residence or the accessory dwelling unit must be occupied by the property owner for not less than 270 days per year.
  - D. A property in a low-density residential zone or any property with a duplex is limited to having 1 short-term rental operating at any given time period.
  - E. At any given time, no more than 2 rental parties (i.e. under 2 separate reservations) shall occupy a dwelling unit used for short-term rental purposes.
  - F. Building code and fire code standards must be met.
  - G. The operator of a short term rental shall register with the City and comply with all relevant requirements of Title 5 of the Milwaukie Municipal Code. The registration process will be used to verify that all code provisions have been satisfied. The right to operate the short-term rental business may be revoked if the owner or operator fails to comply with these provisions or any other home occupation standards.
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## Clean Amendments

### Zoning Ordinance

#### CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

##### 19.201 DEFINITIONS

"Bed and breakfast" means a hosted form of commercial lodging within a residence. It is similar to a short-term rental, but where on any given evening, lodging rooms are available for rental or rented by three or more different parties. Generally, some food service is provided with lodging.

"Boarding house" means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily, by persons paying consideration for sleeping purposes where meals may or may not be provided, and which is not occupied as a single-family unit. Lodging capacity is subject to provisions of the Uniform Building Code.

"Hotel" means a commercial building or portion thereof designed or used for occupancy of transient individuals who are lodged with or without meals, and in which no provision is usually made for cooking in any individual room or suite.

"Motel" means 1 or more commercial buildings designed or used as temporary living quarters for transients.

"Rooming house." See "boarding house."

"Vacation rental" means a housing unit that is rented out to a single party for a period of less than 30 days in length where there are no primary occupants or where the residents who occupy the unit do so for less than 270 days per year. A vacation rental is considered a form of commercial lodging. It is a primary use and is more commercial in nature than a short-term rental.

##### Residential Uses and Structures:

"Short-term rental" means a housing unit, an accessory dwelling unit, or a room (or rooms) within a housing unit that is rented out for lodging for a period of less than 30 days in length. A short-term rental is an accessory use to a primary residence and allowed as a home occupation where the residence must be occupied by the owner or operator for no less than 270 days per year. A short-term rental may be hosted (where the primary occupants are present on-site during the rental) or unhosted (where the primary occupants vacate the unit or site during the rental period). For hosted rentals, occupancy is limited to no more than 2 different parties per site at a time (see "bed and breakfast" for rentals to more than 2 parties). For unhosted rentals, occupancy is limited to 1 rental party per site at a time. Short-term rental operators may offer meals to lodgers.

**CHAPTER 19.300 BASE ZONES**

**19.301 LOW DENSITY RESIDENTIAL ZONES**

**19.301.2 Allowed Uses in Low Density Residential Zones**

<b>Table 19.301.2 Low Density Residential Uses</b>				
<b>Use</b>	<b>R-10</b>	<b>R-7</b>	<b>R-5</b>	<b>Standards/Additional Provisions</b>
<b>Commercial Uses</b>				
Bed and breakfast or Vacation rental	CU	CU	CU	<b>Section 19.905</b> Conditional Uses
<b>Accessory and Other Uses</b>				
Short-term rental	P	P	P	<b>Section 19.507</b> Home Occupation Standards

**19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES**

**19.302.2 Allowed Uses in Medium and High Density Residential Zones**

<b>Table 19.302.2 Medium and High Density Residential Uses Allowed</b>						
<b>Use</b>	<b>R-3</b>	<b>R-2.5</b>	<b>R-2</b>	<b>R-1</b>	<b>R-1-B</b>	<b>Standards/ Additional Provisions</b>
<b>Residential Uses</b>						
Boarding house	CU	CU	CU	CU	CU	<b>Section 19.905</b> Conditional Uses
<b>Commercial Uses</b>						
Hotel or motel	N	N	N	N	CU	<b>Section 19.905</b> Conditional Uses
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	<b>Section 19.905</b> Conditional Uses
<b>Accessory and Other Uses</b>						
Short-term rental	P	P	P	P	P	<b>Section 19.507</b> Home Occupation Standards

**19.303 COMMERCIAL MIXED-USE ZONES**

**19.303.2 Uses**

<b>Table 19.303.2 Uses Allowed in Commercial Mixed-Use Zones</b>			
<b>Uses and Use Categories</b>	<b>GMU</b>	<b>NMU</b>	<b>Standards/Additional Provisions</b>
<b>Residential</b>			
Boarding house	CU	CU	<b>Section 19.905</b> Conditional Uses
<b>Commercial</b>			
Commercial lodging Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month. Examples include hotels, motels, vacation rentals, and bed and breakfast establishments. Does not include senior and retirement housing.	P	P	
<b>Accessory and Other</b>			
Short-term rentals	P	P	<b>Section 19.507</b> Home Occupation Standards

**19.304 DOWNTOWN ZONES**

**19.304.2 Uses**

<b>Table 19.304.2 Downtown Zones—Uses</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Residential</b>			
Boarding house	CU	N	<b>Section 19.905</b> Conditional Uses
<b>Commercial</b>			
Commercial lodging Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month. Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. Does not include senior and retirement housing.	P/CU	N	<b>Section 19.905</b> Conditional Uses (for vacation rentals only)
<b>Accessory and Other</b>			
Short-term rentals	P	P	<b>Section 19.507</b> Home Occupation Standards

**19.306 LIMITED COMMERCIAL ZONE C-L**

In a C-L Zone the following regulations shall apply:

**19.306.1 Uses Permitted Outright**

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

- G. Bed and breakfast;
  - H. Vacation rental;
  - I. Short-term rental when associated with a legally-permitted dwelling unit;
  - J. Any other use similar to the above and not listed elsewhere.
- 

**19.306.2 Conditional Uses Permitted**

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

- N. Hotels and motels;
  - O. Any other use similar to the above and not listed elsewhere.
- 

**19.307 GENERAL COMMERCIAL ZONE C-G**

In a C-G Zone the following regulations shall apply:

**19.307.1 Uses Permitted Outright**

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

- Z. Hotels, motels, vacation rentals, and bed and breakfasts;
  - AA. Short-term rentals when associated with a legally permitted dwelling unit;
  - AB. Any other use similar to the above and not listed elsewhere.
- 

**19.307.2 Conditional Uses Permitted**

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

- G. High-impact commercial businesses, except adult entertainment businesses; hotels and motels are permitted uses (see Subsection 19.307.1.Z);
-

## **19.503 ACCESSORY USES**

### **19.503.1 General Provisions**

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this chapter and shall comply with the following limitations:

- A. A guesthouse without kitchen facilities may be maintained accessory to a dwelling and may be used as a short-term rental, provided that the guesthouse is not occupied for more than 4 months in a calendar year. A detached accessory dwelling unit approved per Subsection 19.910.1 is not considered a guesthouse.
- 

## **19.507 HOME OCCUPATION STANDARDS**

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

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

- A. The residence must be occupied by the owner or a primary operator for not less than 270 days per year.
  - B. Unhosted rentals (where the primary occupants vacate the unit or site during the rental period) are limited to no more than 95 days per year.
  - C. If a dwelling on a property with an accessory dwelling unit is being used for short-term rental purposes, either the primary residence or the accessory dwelling unit must be occupied by the property owner for not less than 270 days per year.
  - D. A property in a low-density residential zone or any property with a duplex is limited to having 1 short-term rental operating at any given time period.
  - E. At any given time, no more than 2 rental parties (i.e. under 2 separate reservations) shall occupy a dwelling unit used for short-term rental purposes.
  - F. Building code and fire code standards must be met.
  - G. The operator of a short term rental shall register with the City and comply with all relevant requirements of Title 5 of the Milwaukie Municipal Code. The registration process will be used to verify that all code provisions have been satisfied. The right to operate the short-term rental business may be revoked if the owner or operator fails to comply with these provisions or any other home occupation standards.
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February 9, 2016

**BY EMAIL TO [egnerd@milwaukieoregon.gov](mailto:egnerd@milwaukieoregon.gov)**

City of Milwaukie  
Planning Commission  
10722 SE Main Street  
Milwaukie, OR 97222

**Re: Amendment allowing short term rentals as a permitted accessory use to a dwelling and allowing bed and breakfasts and vacation rentals as conditional uses in the residential zones (application ZA-2015-003)**

Dear Planning Commission:

This letter is submitted by Housing Land Advocates (HLA). HLA is a non-profit organization that advocates for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. Please include these comments in the record for the above-reference application.

**I. Proposed Amendment and Findings do not Account for Statewide Planning Goal 10 and the Affordable Housing Needs of the City of Milwaukie.**

Neither the text of the proposed amendment nor the associated findings have any mention of the impact of the amendment on Statewide Planning Goal 10 (Goal 10) and the availability of affordable housing within the City beyond a brief mention that the “demand for these types of facilities is expected to be limited and will have little or no impact on housing supply.” *Recommended Findings in Support of Approval – Code Text Amendments*, Master File #ZA-2015-003, 5 (Feb. 9, 2016).

Even an amendment that is expected to have a modest impact should be analyzed through the lens of housing availability and Goal 10 because of the City’s anticipated low availability of housing over the next two decades. Metro’s medium urban growth forecast of the 2014 buildable land inventory estimates that the City will tie for last with the lowest percentage of dwelling units available of all cities within the urban growth boundary in the year 2035. *Metro UGR*, Appendix 4: Housing Needs Analysis, Table 13 (2015). Metro estimates that only 17% of dwelling units will be available as compared with 52% of units in Clackamas County as a whole and 48% within the urban growth boundary. *Id.* The relatively low anticipated availability of housing within the City means that any new non-residential use allowed in residential zones will significantly impact affordable housing and those who depend on it.

Goal 10 obligates the City to “encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.” The adoption of the amendment in question would serve to further reduce the availability of all types of housing

in a housing market (both Milwaukie specifically and the larger Portland-Metropolitan Area generally) already under pressure from high demand outpacing the development of new supply and where that pressure is only expected to increase.

Allowing owners to rent out their homes to vacationers encourages the purchase of property for that purpose and decreases the number of residences available for residential use while at the same time increasing the number of homes that are temporarily vacant because they are unrented. Shifting the use of residential property away from residents will raise rents and further limit affordable housing options, especially for low to middle income individuals and families. Such a shift is not in accordance with the “flexibility” Goal 10 aims to achieve.

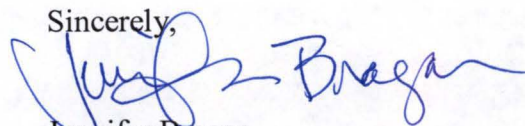
The above evinces the potential for the City’s Goal 10 obligations to be negatively impacted by the proposed amendment by decreasing the availability of affordable housing. As such, the City should not adopt the amendment until a full analysis of the amendment’s impacts on housing has been completed. See *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 447 (2002) (“Petitioners have made a facially plausible showing that the disputed provisions are likely to reduce the supply of buildable lands. Under such circumstances, the city has an obligation to demonstrate that despite any such reductions in development potential for industrial, commercial and residential lands the city’s inventories continue to comply with Goals 9 and 10.”).

Moreover, in multiple reports based on 2010 census data and projections, the City has recognized the difficulty it faces to provide affordable housing. See, e.g., *Infill Housing: Tenancy, Typology and Design*, Milwaukie Housing Choices, 1; *Changing Demographics and Housing Choices: National Trends*, Milwaukie Housing Choices, 6 (both reports are available at: <http://www.milwaukieoregon.gov/planning/demographic-trends-and-housing-choices>). The City has recognized the changing demographics of its community – aging baby boomers have fixed incomes and need smaller homes; millennials often have student debt and/or lower income jobs – who will lose out on housing opportunities lost to the vacation rental market. The City has also recognized that an increase in affordable housing is necessary to support the evolving needs of the community – boomers moving on a limited budget need affordable options with a preference for ownership and millennials, not ready to buy, need affordable rental housing. The amendment proposed today lacks a sufficient analysis of its potential impact on the City’s Goal 10 obligations and the availability of the affordable housing for this changing community. The City should not adopt the proposed amendments until it has undertaken the housing analyses required by Oregon law.

## Conclusion

In sum, HLA urges the Commission to decline to adopt the proposed amendment. Most importantly, the amendment would decrease the properties available for residents resulting in a further strain on low and middle income families and individuals looking for affordable housing within the City. The City has not sufficiently reported in its findings the potential impacts on its Goal 10 housing obligations and as such, should not adopt the amendment. Thank you for your consideration of these comments.

Sincerely,



Jennifer Bragar  
President

## ATTACHMENT 3

Dear Milwaukie Planning Commission,

Thank you for taking the necessary steps to make Milwaukie competitive in the TriMet area. As you know, we have no visitors' lodging within Milwaukie and yet we seek, as a city, to entice businesses to house themselves within our city limits. Also, the theme for Clackamas County tourism is: "linger longer" shop, eat and recreate. During their visit, business people and tourists need a place to lodge in our area. Short-Term Rentals are the answer to this shortage.

I would like to point out that a short term visitor is an advantage to a neighborhood. A larger home that may hold unsupervised, monthly renters/housemates comes with all the baggage that renters may bring; many extra cars on the streets, loud parties, unsupervised use of the property and no investment in the neighborhood. Short-term rentals have the home owner on site, the visitors are usually gone all day so any extra cars leave early and return late, and the property is well maintained to be attractive to all parties. Advantages to local businesses are obvious; the more visitors the more opportunities for customers. Visitors can walk from short-term rentals to local stores and restaurants. They can spend money in Milwaukie!

The plan that has been put together by our Planning Department looks pretty good. I do have one major concern; it is in section 19.507.5F. 19.507 Home Occupation Standards is included below. Nowhere does it mention the need for additional parking for any other home occupation. A person may run a beauty parlor out of their home, with customers come and going all day, but they do not need a parking space. The proposed section 19.507.5 Special Provisions for Specific Users contains item F. In addition to any other parking, 1 off-street parking space must be available for the short-term rental. Short-term rentals in Downtown Mixed Use (DMU) zone are exempt from this provision.

I would like to see this item struck from the proposal. I have been told that code requires a home to have a legal space 20 feet off of the road right of way. Most homes do not even have that for the owner; their space is actually in their garage. In order to comply for item F one might have to add another driveway and pave over part of the lawn. This would then probably not meet the item: Maintain the residential character of the building and premises. I do not think this would look very appealing to the neighborhoods or the property. Rather apply 19.507.4 an enforcement action; this could be applied if the street parking becomes an issue, as is the case for all other home occupations.

Please strike 19.507.5 F, concerning an additional parking space.

It has been my pleasure running (what is now termed) a short-term rental off and on in 2015. We have met interesting tourists from all over the world, hosted grandparents who wanted a quiet space away from family, and housed business people with assignments in the Milwaukie area. Our close proximity to downtown Milwaukie made it

easy for them to walk to dinner and take in the new waterfront park. Our guests were thrilled to have a place to lodge close to their desired destinations and to stay out of the traffic. Please pass the proposed code, with the removal of 19.507.5 F, so that we can start bringing more guests to our fabulous city, Milwaukie.

Sincerely and with Gratitude,

Cindy Blase

2021 SE Sparrow St.  
Milwaukie, OR 97222

### 19.507 HOME OCCUPATION STANDARDS

It is the intent of these regulations to support and encourage home occupations but at the same time protect the residential character of the City's residential neighborhoods. A home occupation shall be allowed as an accessory use to all residential uses permitted by right, subject to the following restrictions. Home occupation businesses, which are not clearly accessory and incidental to the residential use, are prohibited. All activities permitted under this section must be consistent with this section.

#### 19.507.1 Home Occupation Use Standards

Home occupation uses are allowed by right; however, they are subject to limitations to ensure compatibility with residential uses. A home occupation shall:

- A. Be incidental and accessory to the residential use of the property.
- B. Maintain the residential character of the building and premises.
- C. Not have the outward appearance of a business.
- D. Not detract from the residential character of the neighborhood.
- E. Be owned and operated by an occupant of the dwelling.

#### 19.507.2 Prohibitions and Use Restrictions

- A. Outside display or storage of merchandise, materials, or equipment on the premises or any adjacent right-of-way is prohibited.
- B. Noise, odor, smoke, gases, vibration, heat, or glare that is detectable beyond the limits of the property is prohibited.
- C. In the case of on-premises instruction, no more than 5 enrollees shall be present at the same time.
- D. Motor vehicle, boat, or trailer repair is prohibited as a home occupation.
- E. Only 1 home occupation is allowed per residence, except that 2 may be permitted provided no employees not residing in the home are engaged in the conduct of any business activity on the premises.

#### 19.507.3 Permitted Signage

Only 1 sign is permitted on any property with an approved home occupation. The sign shall not exceed 4 sq ft in area, shall not be illuminated, shall not exceed 3 ft in height, and shall not be located within the public right-of-way. Signs located within the public right-of-way may be removed by the City without prior notice.

#### 19.507.4 Enforcement

Home occupations are allowed when consistent with provisions of this section. The following may be considered in any enforcement action against a home occupation for failure to comply with Subsection 19.507.1 of this section:

- A. Number of on-site employees who are not members of the family residing on the premises.
- B. Use of the home to distribute or receive goods.
- C. Use of the premises for parking of customer, client, or employee vehicles, and the location and number of parking spaces.
- D. The use of public streets for parking or storage.
- E. The time of day that home occupation activities may take place.
- F. Equipment or material storage, including vehicles and trailers.
- G. Noise, light, fumes, exhaust, and similar impacts. (Ord. 2025 § 2, 2011)



**RS Correspondence**  
**April 19, 2016**

City Council  
City of Milwaukie  
10722 SE Main Street  
Milwaukie, OR 97222  
April 19, 2016

**Re: Amendment allowing short term rentals as a permitted accessory use to a dwelling and allowing bed and breakfasts and vacation rentals as conditional uses in the residential zones (application ZA-2015-003)**

Dear Milwaukie City Council:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's concerns relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

We appreciate the efforts of the staff to address our Statewide Planning Goal 10 concerns. The new findings in Exhibit A of Attachment 1 constitute an adequate analysis of the amendment's impact of the City's Goal 10 obligations. Additionally, the findings support a conclusion that the proposed change will likely have a minimal effect on the availability of affordable housing. While we remain concerned about the decrease in housing availability on the affordability of housing, city staff seems to have thoroughly addressed the issue.

We look forward to continuing to work with the City to maintain and increase the supply of affordable housing in the region. Pursuant to ORS 197.615(4), please also provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, 11<sup>th</sup> Floor, Portland, OR 97204.

Sincerely,

A handwritten signature in black ink that reads "Louise Dix".

Louise Dix  
AFFH Specialist  
Fair Housing Council of Oregon

A handwritten signature in black ink that reads "Jennifer Bragar".

Jennifer Bragar  
President  
Housing Land Advocates

**1221 SW Yamhill Street, Portland, Oregon 97205**



**RS Presentation**  
**April 19, 2016**

**ZA-2015-003**

**Short-Term/Vacation Rentals  
and Commercial Lodging**

**Milwaukie City Council  
Public Hearing  
Denny Egner, Planning Director  
April 19, 2016**

# Background

- February 2015 – CC Goal Setting
- February 2015 – Interim Policy
- July 2015 – CC discussion of sharing economy
- September 2015 – Meeting with owner/operators
- October 2015 – PC Worksession
- January 2016 – PC Worksession
- February 2016 – PC Hearing
- March 2016 – CC Worksession



# Key Terms / Concepts

- Short-Term Rentals
- Vacation Rentals
- Bed and Breakfast
- Hosted/Unhosted
- Home Occupation
- Conditional Use



# Current Regulations

- Short-Term Rentals/Vacation Rentals – rented only once every 30 days
- Bed and Breakfast
  - CU in Medium and High Density Residential and Commercial Zones;
  - Permitted Use in Mixed Use Zones
  - Not Permitted in Low Density Zones
- Hotel/Motel
  - CU in R-1, R-2, R-1-B, and Commercial Zones
  - Permitted in Mixed Use Zones



# Current Regulations

- Home Occupation Standards (MMC 19.507)
  - Incidental and accessory to residential use
  - Maintain residential character
  - Not have the outward appearance of a business
  - Not detract from residential character of the neighborhood
  - Owned/operated by an occupant
- Enforcement Considerations
  - Use of premises for parking for customer vehicles
  - Location and number of parking spaces
  - Use of public streets for parking
  - Time of day that activities take place



# Current Regulations

- Conditional Use Approval Criteria (MMC 19.905)
  - Operating and physical characteristics are reasonably compatible with and have minimal impact on nearby uses
  - All identified impacts will be mitigated to the extent practicable
- Conditions of Approval
  - Limiting the hours, days, place, and manner of operation
  - Requiring off-street parking
  - Screening, landscaping, fencing, yard width



# Proposed Regulations

- Short-Term Rentals
  - Permitted in all zones where a residential use is allowed
  - Accessory use to a residential unit
  - Rented to two different parties when hosted
  - Owner/operator present for at least 270 days per year
  - Home occupation
  - May locate in a guest house or ADU
  - Register the business with the City
  - Meet building and fire code requirements



# Proposed Regulations

- Vacation Rentals
  - Owner absent more than 95 days per year
  - Rented to a single party
  - Conditional use in residential zones and DMU
  - Permitted use in GMU, NMU, G-C and C-L
- Bed and Breakfast
  - Three or more parties may be present
  - CU in low density residential zones (added)
  - CU in medium and high density zones
  - Permitted in commercial and mixed use zones



# Proposed Regulations

- Hotels/Motels
  - Prohibited in low and medium density residential
  - Prohibited in R-1 and R-2 (change – currently a CU)
  - Conditional use in R-1-B and C-L
  - Permitted in mixed use zones
  - Permitted in G-C (change – currently a CU)



# Proposed Regulations

- New Home Occupation Standards for Short-Term Rentals
  - Occupied by owner operator for not less than 270 days per year
  - A one short-term rental at a time for a duplex property
  - One rental party at a time
  - Building and fire code must be met
  - One off-street parking space in addition to any other required parking (except in the DMU)
  - Lodging operators license



# Criteria

- 19.1000 – Type V process requirements
- 19.902 – Map and Ordinance Changes
  - Consistent with the Municipal Code
  - Consistent with the Comprehensive Plan
  - Consistent with Metro UGM Functional Plan
  - Consistent with State statutes, administrative rules, Statewide Planning Goals and OARs
  - Consistent with federal regulations



# Key Issues at Planning Commission

- Impact on affordable housing and compliance with statewide planning goal #10
- Parking – addressed through home occupation process
- Number of parties that may occupy a short-term rental /  
Number of rooms to be rented in hosted situations



# Questions?





MILWAUKIE CITY COUNCIL  
*Office of the City Recorder*

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

Rentals

## Speaker Registration

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

Name: *James Knight*  
Organization:

Address: *10987 S.E. 28th Ave 97222*  
Phone: *503-721-1570*  
Email: *j365k@yahoo.com*

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:



MILWAUKIE CITY COUNCIL  
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## Speaker Registration

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

Name:  
Organization:

Cid Blase

Address:  
Phone:  
Email:

2021 SE Sparrow ST

907-942-3313

cidblase@yahoo.com

⊗ Meeting Date: 4-19-16

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:



# PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

*If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.*

## 4/19/2016

### Code Amendments for Short-Term Rentals, Vacation Rentals, Bed and Breakfasts, and Related Changes

Land Use File No. ZA-2015-003

NAME	ADDRESS	PHONE	EMAIL
sharon Selvaggio			
Rob Walton			
Melanie McLandless			
Barbara Bader			
Denise Baker			
Ann Correll			
Lisa Artkin			
Charlotte Weber			
Heather Sparks			
Cid Blase			



# PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

*If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.*

## 4/19/2016

### Code Amendments for Short-Term Rentals, Vacation Rentals, Bed and Breakfasts, and Related Changes

Land Use File No. ZA-2015-003

NAME	ADDRESS	PHONE	EMAIL
Roger Jordan			
Victor Hungsund			
<del>John Marks</del>			



**Regular Session  
Agenda Item No.**

**6**

**Other Business**



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **RS 6. A.**  
Meeting Date: **April 19, 2016**

To: Mayor and City Council  
Through: Bill Monahan, City Manager  
Subject: **Supplemental Budget Adoption**  
From: Casey Camors  
Date: April 19, 2016

**ACTION REQUESTED**

Discuss supplemental budget and adopt revised appropriations for the 2015-2016 Biennium Budget.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

*June 2014* – The City Council adopted the Budget Committee approved 2015-2016 Biennium Budget.

December 2015 – The Budget Committee recommended, and the City Council adopted a supplemental budget revising appropriations for the 2017-2018 biennium.

April 19, 2016 – The Budget Committee reviewed the proposed supplemental budget.

**BACKGROUND**

Oregon Revised Statute 294 allows for supplemental budget adjustments when a condition arises which was not known at the time the budget was adopted. A supplemental budget that adjusts fund expenditures by 10 percent or less may be adopted at a regularly scheduled meeting of the City Council and does not require a public hearing.

The City's budget for the 2015-2016 biennium totaling \$95,661,000 was adopted by Council on June 17, 2014. A supplemental budget was adopted in December of 2014 revising appropriations and modifying the City's budget for the 2015-2016 biennium to \$95,701,000. Since the biennial budget was adopted, certain conditions and situations have arisen that necessitate changes in financial planning. These adjustments are presented in the attached draft Supplemental Budget Adoption Resolution and significant conditions are as follows:

General Fund:

- Funding for the new Sustainability Director position in the City Manager's Office.
- Funding for emergency temporary repair to the Kellogg Creek Bridge in the Community Development Department.
- Funding for legal costs related to unanticipated litigation in the Code Enforcement Department.
- Funding for additional background investigator salaries due to attrition in the Police Department.

Building Inspections Fund:

- Funding for permit costs paid to the County due to moving the permitting process for some permits in-house.

The attached draft resolution makes the appropriate budget appropriation adjustments as itemized above.

**CONCURRENCE**

N/A

**FISCAL IMPACTS**

All additional budget authority requested would be funded by transferring unused funds from other City departments or offset by new revenues identified. Based on the supplemental budget, neither General Fund Contingency nor Fund Balance would be affected by the supplemental budget.

**WORK LOAD IMPACTS**

N/A

**ALTERNATIVES**

Do not recommend, or recommend only in part, the draft supplemental budget resolution.

**ATTACHMENTS**

1. Supplemental Budget Adoption Resolution



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADJUSTING THE BUDGET FOR THE 2015-2016 BIENNIUM BY ADOPTING THIS SUPPLEMENTAL BUDGET AND REVISING APPROPRIATIONS**

WHEREAS, certain conditions and situations have arisen since the initial adoption of the 2015-2016 biennium budget that necessitate changes in financial planning; and

WHEREAS, a Budget Committee meeting to discuss the supplemental budget adjustments was held on April 19, 2016; and

THEREFORE, the supplemental budget adjustments for the 2015-2016 biennium and for the purposes shown below are hereby appropriated as follows:

	<u>Adopted</u>	<u>Revised</u>	<u>Difference</u>
<b><u>General Fund</u></b>			
Resources:			
Intergovernmental	3,755,000	3,855,000	<u>\$ 100,000</u>
Requirements:			
City Council			
City Manager	1,509,000	1,559,000	\$ 50,000
Community Development	4,033,000	4,203,000	170,000
Engineering Services	1,190,000	1,100,000	(90,000)
Facilities Management	2,493,000	2,453,000	(40,000)
Finance	1,904,000	1,864,000	(40,000)
Fleet Services	2,297,000	2,237,000	(60,000)
Code Enforcement	343,000	490,000	147,000
Records and Information Management	874,000	837,000	(37,000)
Police Administration	1,072,000	1,112,000	40,000
Police Field Services	11,508,000	11,468,000	(40,000)
			<u>\$ 100,000</u>
	<u>Adopted</u>	<u>Revised</u>	<u>Difference</u>
<b><u>Building Inspection Fund:</u></b>			
Resources:			
Fees & Charges	\$ 473,000	\$ 498,000	<u>\$ 25,000</u>
Requirements:			
Materials & Services	25,000	50,000	<u>\$ 25,000</u>

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILWAUKIE, OREGON THAT:

1. The budget appropriations adjustments itemized in this Resolution are hereby approved.
2. The additional requirements were not anticipated at the time of the budget preparation for the 2015-2016 biennium.

Introduced and adopted by the City Council on April 19, 2016.

This resolution shall be deemed effective upon adoption.

Attest:

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

\_\_\_\_\_  
Mark Gamba, Mayor

Approved as to form:  
Jordan Ramis, PC

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



MILWAUKIE CITY COUNCIL  
**AGENDA ITEM SUMMARY**

Agenda Item: **RS 6. B.**

Meeting Date: **April 19, 2016**

Title: **Expedited Annexation of 9404 SE Stanley Ave**

Prepared By: Brett Kelter, Associate Planner

Department Approval: Denny Egner, Planning Director

City Manager Approval: Bill Monahan, City Manager

Approval Date: 4/06/16

**ISSUES BEFORE COUNCIL**

Consideration of an expedited annexation for the property at 9404 SE Stanley Ave (File #A-2016-001)

**STAFF RECOMMENDATION**

Approval of application #A-2016-001

**KEY FACTS & INFORMATION SUMMARY**

The City has agreed to allow the Annexation Property to make an emergency connection to the City's sewer system in the Northeast Sewer Extension (NESE) area. Upon annexation, the property will be zoned Residential R-7. The existing residential structure on the site is a single-family home, which is allowed outright in the R-7 zone. Staff does not believe there are any adverse impacts to annexing this property into the City.

**OTHER ALTERNATIVES CONSIDERED**

Council can approve or deny the requested annexation.

**CITY COUNCIL GOALS**

n/a

**FISCAL NOTES**

Minimal fiscal impact is expected. It is expected that property taxes received by the City for this property will be roughly offset by the cost of providing services to the property.

**ATTACHMENTS**

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



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

Agenda Item:  
Meeting Date:

To: Mayor and City Council  
Through: Bill Monahan, City Manager  
Subject: **Expedited Annexation of 9404 SE Stanley Ave**  
From: Brett Kelter, Associate Planner  
Date: 4/12/16

**ACTION REQUESTED**

Approve application A-2016-001, an expedited annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation of 9404 SE Stanley Avenue (Tax Lot 1S2E30AD05200, the “Annexation Property”) into the City.
- Application of a Low Density (LD) Comprehensive Plan land use designation and a Residential (R-7) zoning designation to the Annexation Property.
- Amendments to the City’s Comprehensive Plan Land Use Map and Zoning Map to reflect the City’s new boundary and the Annexation Property’s new land use and zoning designations.
- Withdrawal of the Annexation Property from the following urban service districts:
  - Clackamas County Service District for Enhanced Law Enforcement
  - Clackamas County Service District No. 5 for Street Lights

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**February 2016:** Property owner at 9404 SE Stanley Avenue approached the City’s Community Development Department with a request for an emergency connection to the City’s public sewer system in Laurel Street.

**June 2010:** Council approved the first annexation of property in the Northeast Sewer Extension (NESE) Project Area, at 5840 SE Morris St (Ordinance #2016, Land use file #A-10-01). Since then, Council has approved the annexation of approximately 150 additional properties in the NESE area.

**January 2010:** Council annexed the rights-of-way in the Northeast Sewer Extension (NESE) Project Area making all properties in this area contiguous to the City limits and eligible for annexation (Ordinance #2010).

**July 1990:** Clackamas County Order No 90-726 established an Urban Growth Management Agreement in which the City and County agreed to coordinate the future delivery of services to the unincorporated areas of North Clackamas County. With respect to Dual Interest Area “A,” the agreement states: *“The City shall assume a lead role in providing urbanizing services.”*

## **BACKGROUND**

### **Proposal**

The owner of the Annexation Property wishes to annex to the City to access City sewer service. In February 2016, the owner paid the Reimbursement Fee and applicable System Development Charges for the Annexation Property and requested approval to make an emergency connection to the City sewer service, due to failure of the Annexation Property's septic system. The City issued the necessary Land Use Compatibility Statement (LUCS) to allow the owner to obtain a plumbing permit from Clackamas County and make the sewer connection.

The Annexation Property currently has residential County land use and zoning designations and will receive equivalent residential City land use and zoning designations. The property is developed with a single-family home. Upon annexation, the existing residential use will be a conforming use, subject to the City's zoning ordinance for review and approval of any proposed alterations.

### **Site and Vicinity**

The Annexation Property is contiguous to the existing city limits as a result of the NESE right-of-way annexation in 2010. The Annexation Property is within the City's urban growth management area (UGMA) and the NESE project area. The surrounding area consists of single-family dwellings.

### **Annexation Petition**

The petition is being processed as an expedited annexation at the request of the Annexation Property's owner. Under the expedited process, a City land use and zoning designation is automatically applied to the Annexation Property upon annexation. Any property that is within the UGMA and contiguous to the city boundary may apply for an expedited annexation so long as all property owners of the area to be annexed and at least 50% of registered voters within the area to be annexed consent to the annexation. Clackamas County has certified that these thresholds are met for the Annexation Property.

As set forth in Milwaukie Municipal Code (MMC) Table 19.1104.1.E, the expedited annexation process automatically assigns City land use and zoning designations to the Annexation Property based on the existing Clackamas County land use and zoning designations. The existing County Comprehensive Plan land use designation for the Annexation Property is Urban Low Density Residential (LDR), which would assign the City's Low Density Residential (LD) Comprehensive Plan designation upon annexation. The current County zoning designation for the Annexation Property is Residential R7, which would assign a City zoning designation of Residential Zone R-7 upon annexation.

Pursuant to City, regional, and State regulations on expedited annexations, all necessary parties, interested persons, and residents and property owners within 400 feet of the site were notified of these proceedings, under MMC Subsection 19.1103.4.1.C. A public hearing is not required for an expedited annexation; however, Council must adopt an ordinance to implement the annexation.

### **Expedited Annexation Approval Criteria**

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

### **Utilities, Service Providers, and Service Districts**

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

- Wastewater: The Annexation Property is within the City's sewer service area and served by the City's 8-inch sewer lines accessible in Stanley Avenue and Laurel Street.
- Water: The Annexation Property is currently served by CRW through one of the 6-inch CRW water lines adjacent to the Annexation Property in Stanley Avenue and Laurel Street. Pursuant to the City's IGA with CRW, the site should not be withdrawn from this district at this time.
- Storm: The Annexation Property is not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.
- Fire: The Annexation Property is currently served by Clackamas Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.
- Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.
- Street Lights: The Annexation Property is currently within Clackamas County Service District No. 5 for Street Lights (the "District"). As of July 1, 2011, an intergovernmental agreement between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area. Although the City now provides the services through the IGA, many of the properties will remain in the District until they are annexed to the City. The Annexation Property should be withdrawn from the District upon annexation.
- Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

### **CONCURRENCE**

All City departments, necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Property were notified of these annexation proceedings as required by City, regional, and State regulations. The Lewelling Neighborhood District Association and the Southgate Planning Association also received notice of the annexation petition and meeting.

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

**FISCAL IMPACTS**

The annexation of the Annexation Property will have minimal fiscal impact on the City. As with most annexations of residential properties, the costs of providing governmental services will likely be off-set by the collection of property taxes. Per Clackamas County Assessor data, the total assessed value of the Annexation Property in 2015 was \$112,601. Total property tax collection of approximately \$1,838 is anticipated for the Annexation Property, and the City will receive approximately \$482 of this total.

**WORK LOAD IMPACTS**

Work load impacts will be minimal and will likely include, but are not limited to, the following: utility billing, provision of general governmental services, and the setting up and maintenance of property records.

**ALTERNATIVES**

The application is subject to Milwaukie Comprehensive Plan Chapter 6 City Growth and Governmental Relationships, Oregon Revised Statutes Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1100 Annexations and Boundary Changes.

The City Council has two decision-making options:

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

**ATTACHMENTS**

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



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Ordinance No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AD05200 AND LOCATED AT 9404 SE STANLEY AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2016-001)**

**WHEREAS**, the territory proposed for annexation is contiguous to the City's boundary and is within the City's urban growth management area; and

**WHEREAS**, the requirements of the Oregon Revised Statutes for initiation of the annexation were met by providing written consent from all owners of land in the territory proposed for annexation; and

**WHEREAS**, the requirements of the Oregon Revised Statutes for initiation of the annexation are further satisfied in that written consent from a majority of electors is not required given that there are no electors residing on the property; and

**WHEREAS**, the territory proposed for annexation lies within the territory of Clackamas County Service District No. 5 for Street Lights and Clackamas County Service District for Enhanced Law Enforcement; and

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

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

**WHEREAS**, Table 19.1104.1.E of the Milwaukie Municipal Code provides for the automatic application of City zoning and Comprehensive Plan land use designations; and

**WHEREAS**, the City conducted a public meeting and mailed notice of the public meeting as required by law; and

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

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

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

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

Section 3. The tract of land annexed by this ordinance and described in Section 2 is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights.

Section 4. The tract of land annexed by this ordinance and described in Section 2 is hereby assigned a Comprehensive Plan land use designation of Low Density Residential and a Municipal Code zoning designation of Residential zone R-7.

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

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

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

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

\_\_\_\_\_  
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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

## FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 9404 SE Stanley Avenue (the “Annexation Property”), the Milwaukie City Council finds:

1. The Annexation Property consists of one tax lot comprising 0.23 acres (Tax Lot 1S2E30AD05200). The Annexation Property is contiguous to the existing City limits via the adjacent public rights-of-way in Stanley Avenue to the west and Laurel Street to the north. The Annexation Property is within the regional urban growth boundary and also within the City’s urban growth management area (UGMA).

The Annexation Property is developed with a single-family dwelling unit. The surrounding area consists of single-family dwellings.

2. The property owner seeks annexation to the City to access City services, namely sewer service.
3. The annexation petition was initiated by Consent of All Owners of Land on February 25, 2016, with an application for annexation submitted to the City on February 29, 2016. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1102.2.A.1.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC 19.1104.
5. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC 19.1104.
6. The expedited annexation process provides for automatic application of City Comprehensive Plan land use and zoning designations to the Annexation Property based on its existing Comprehensive Plan land use and zoning designations in the County, which are Low Density Residential and Residential R7, respectively. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use and zoning designations for the Annexation Property are Low Density Residential and Residential Zone R-7, respectively.
7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
  - A. The subject site must be located within the City’s urban growth management area (UGMA);  
*The Annexation Area is within the City’s UGMA.*
  - B. The subject site must be contiguous to the existing city limits;

*The Annexation Area is contiguous to the existing city limits via the adjacent public rights-of-way in Stanley Avenue to the west and Laurel Street to the north.*

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

*Pak Leong, owner of the Annexation Property, consented to the annexation by signing the petition. There are no registered voters residing at the Annexation Property. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors, if any, residing in the Annexation Area.*

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

*Chapter 6 of the Comprehensive Plan contains the City's annexation policies. Applicable annexation policies include: (1) delivery of City services to annexing areas where the City has adequate services and (2) requiring annexation in order to receive a City service. City sewer service is available to the Annexation Property in both Laurel Street and Stanley Avenue. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.*

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

*The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as detailed in Finding 8.*

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

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

- (1) Any applicable urban service agreement adopted pursuant to ORS 195.205;

*There is one applicable urban service agreement adopted pursuant to ORS 195 in the area of the proposed annexation (see Finding #9, Street lights). The City has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. Pursuant to this agreement, the City completed construction of a public sewer system in this area. The proposed annexation is in keeping with the City's policy of requiring properties to annex to the City in order to connect to City services such as the new sewer line.*

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

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

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

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

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

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

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

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

*Sewer: The City is the identified sewer service provider in the area of the proposed annexation and maintains a public sewer system that can adequately serve the Annexation Property.*

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

*Transportation: The City may require public street improvements along the Annexation Property's frontage when new development occurs.*

*Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, the City's more recent UGMA agreement with the County identifies the City as the lead urban service provider in the area of the proposed annexation. The City is in the process of developing a water service master plan for all of the territory within its UGMA and discussing possible service provision changes with CRW. In the meantime, CRW will continue to provide water service to the Annexation Property.*

- (5) Any applicable comprehensive plan.

*The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous pages. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. The comprehensive plans, however, contain the City-County UGMA agreement, which identifies the area of the proposed annexation as being within the City's UGMA. The UGMA agreement requires that the City notify the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has already annexed and taken jurisdiction of the Stanley Avenue and Laurel Street rights-of-way adjacent to the Annexation Property.*

- B. Consider whether the boundary change would:

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

*The City is the identified urban service provider in the area of the proposed annexation, and the proposed annexation will facilitate the timely, orderly, and economic provision of urban services to the Annexation Property.*

*The City has public sewer service in this area via Stanley Avenue and Laurel Street, with water service available via Stanley Avenue.*

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

*The Annexation Property is a tax lot developed with a single-family residence. Annexation of the site is not expected to affect the quality or quantity of urban services in this area, given the surrounding level of urban development and the existing level of urban service provision in this area.*

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

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

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

Wastewater: The Annexation Property is within the City's sewer service area and is served by the City's 8-inch sewer lines accessible in Stanley Avenue and Laurel Street.

Water: The Annexation Property is currently served by CRW through one of the 6-inch CRW water lines adjacent to the Annexation Property in Stanley Avenue and Laurel Street. Pursuant to the City's IGA with CRW, the site should not be withdrawn from this district at this time.

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

Fire: The Annexation Property is currently served by Clackamas Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.

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

Street Lights: The Annexation Area is currently within Clackamas County Service District No. 5 for Street Lights (the "District"). As of July 1, 2011, an intergovernmental agreement between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area. Although the City now provides the services through the IGA, many of the properties will remain in the District until they are annexed to the City. The Annexation Property should be withdrawn from the District upon annexation.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

Annexation to the City Of Milwaukie  
LEGAL DESCRIPTION

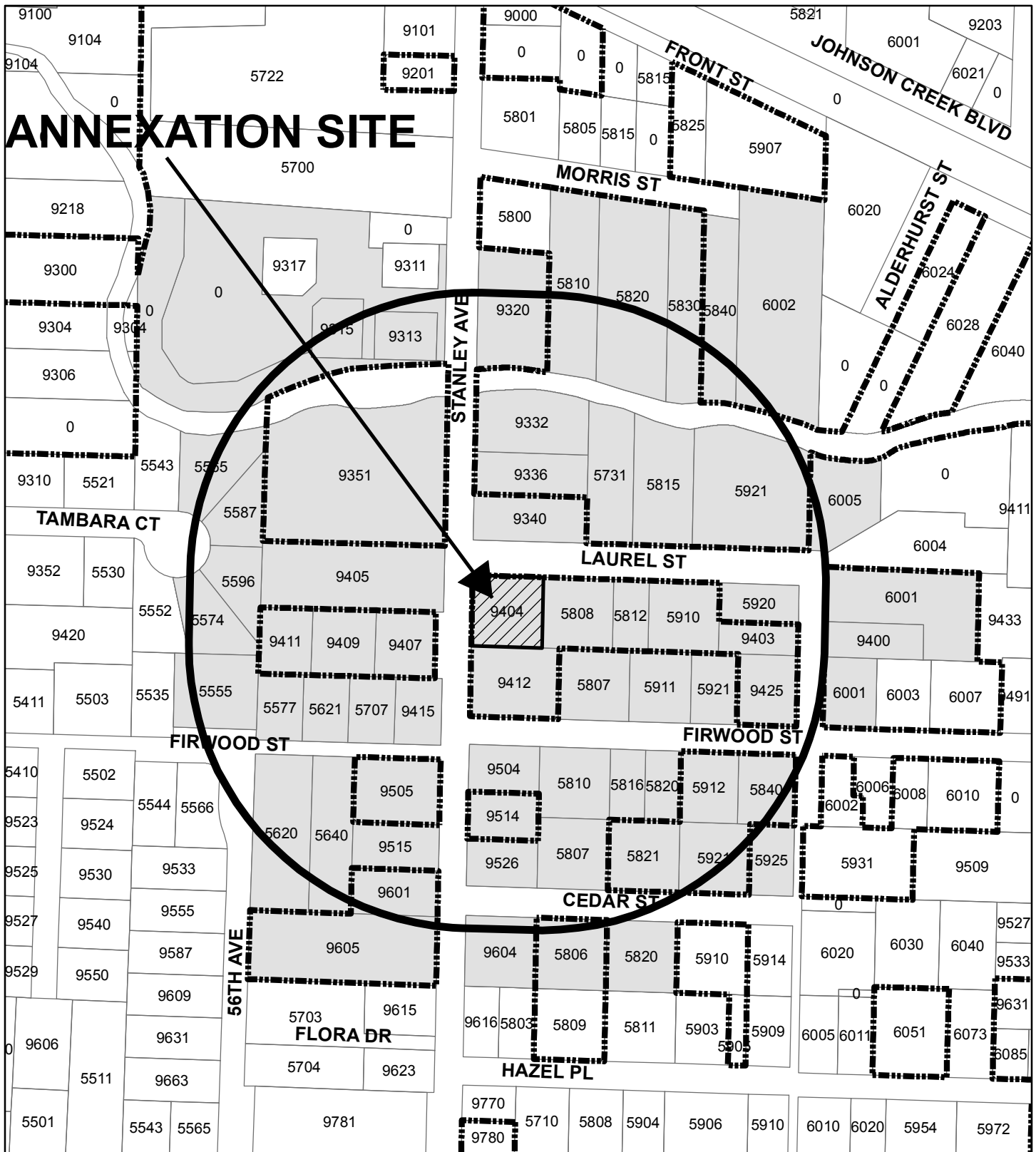
Milwaukie Annexation File No. A-2016-001

Property Address: 9404 SE Stanley Ave, Milwaukie OR 97222

Tax Lot Description: 1S2E30AD05200






Legal Description: Lots 1 and 2, Block 2, HOLLYWOOD PARK, in the County of Clackamas and State of Oregon.

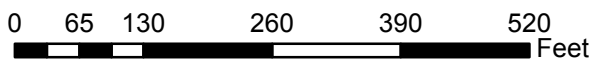




**Public Notice Map**  
**9404 SE Stanley Ave**  
**(Tax Lot ID 1S2E30AD05200)**  
**File# A-2016-001**

**Legend**

-  A-2016-001 site
-  400-ft public notice boundary
-  Properties receiving notice
-  Other tax lots
-  City Limit



**RS64**



PLANNING DEPARTMENT

6101 SE Johnson Creek Blvd  
Milwaukie OR 97206

PHONE: 503-786-7630  
FAX: 503-774-8236  
E-MAIL: [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov)  
WEB: [www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

# Expedited Annexation Application

File #: A-2016-001

**RESPONSIBLE PARTIES:**

<b>APPLICANT</b> (owner or other eligible applicant): <u>PAK LEONG</u>	
Mailing address: <u>P.O. Box 2304 Clackamas</u>	Zip: <u>97015</u>
Phone(s): <u>(503) 720-5020</u>	E-mail: <u>PAK.M.LEONG@gmail.com</u>
<b>APPLICANT'S REPRESENTATIVE</b> (if different than above):	
Mailing address:	Zip:
Phone(s):	E-mail:

**SITE INFORMATION:**

Address(es): <u>9404 SE Stanley Ave</u>	Map & Tax Lot(s): <u>1S2E30AD05200</u>	Property size: <u>0.23 acres</u>
Existing County zoning: <u>R-7</u>	Proposed City zoning: <u>R-7</u>	
Existing County land use designation: <u>LDR</u>	Proposed City land use designation: <u>LD</u>	

**PROPOSAL (describe briefly):**

<u>Annex to connect to sewer</u>
----------------------------------

**LIST OF ALL CURRENT UTILITY PROVIDERS:**

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

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

**SIGNATURE:**

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

Submitted by: *[Signature]* Date: 2-25-2016

CONTINUED ON REVERSE

RS65

**THIS SECTION FOR OFFICE USE ONLY:**

<b>File #:</b> A-2016-001 <b>Fee:</b> \$ 150	<b>Receipt #:</b>	<b>Rcd. by:</b>	<b>Date stamp:</b>
<b>Associated application file #'s:</b>			<b>RECEIVED</b> <b>FEB 29 2016</b> CITY OF MILWAUKIE PLANNING DEPARTMENT
<b>Neighborhood District Association(s):</b>			
<b>Notes</b> (include discount if any):  Tax code - 012-229      Acreage = 0.23 acres			

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

**TO: The Council of the City of Milwaukie, Oregon**

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

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

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

The territory to be annexed is described as follows:


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

*See attached legal description.*

**PETITION SIGNERS**

**April 15, 2016.**

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

SIGNATURE 	PRINTED NAME PAK LEONG	I AM A:*			DATE 2-25-16
		PO	RV	OV	
PROPERTY ADDRESS 9404 S.E. Stanley Ave	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP 1S	RANGE 2E	¼ SEC. 30 AD	LOT #(S) 05200	

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

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

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

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

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

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

Clackamas County Official Records **2015-006022**  
 Sherry Hall, County Clerk 02/05/2015 09:48:25 AM  
 D-D Cnt=1 Stn=6 KARLYN \$58.00  
 \$10.00 \$16.00 \$10.00 \$22.00

RECORDING REQUESTED BY:  
 Fidelity National Title Company of Oregon

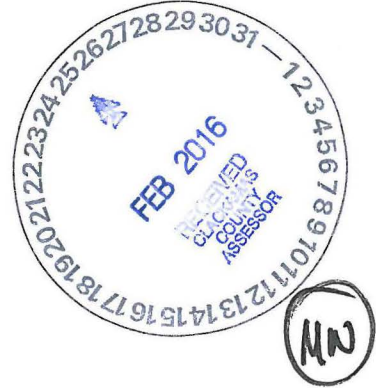
GRANTOR:  
 Michael E Winkler and Karen M Winkler, as  
 tenants by the entirety  
 1565 NE Cochran Drive  
 Gresham, OR 97030

GRANTEE:  
 P&M Renovation LLC  
 PO BOX 2304  
 Clackamas, OR 97015

SEND TAX STATEMENTS TO:  
 P&M Renovation LLC  
 9404 SE Stanley Avenue  
 Milwaukie, OR 97222

AFTER RECORDING RETURN TO:  
 same as above

Escrow No: 20150109940-FTPOR07  
 9404 SE Stanley Avenue  
 Milwaukie, OR 97222



SPACE ABOVE THIS LINE FOR RECORDER'S USE

20150109940-07 LLC

Fidelity National Title of Oregon

**STATUTORY WARRANTY DEED**

Michael E Winkler and Karen M Winkler, as tenants by the entirety, Grantor, conveys and warrants to

P&M Renovation LLC, an Oregon Limited Liability Company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

**12E30AD05200 00070112**

Lots 1 and 2, Block 2, HOLLYWOOD PARK, in the County of Clackamas and State of Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$116,000.00. (See ORS 93.030)

Subject to and excepting: Taxes, covenants, conditions, restrictions, easements, rights of way, homeowners association assessments, if any, and other matters now of record

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

20150109940-FTPOR07  
 Deed (Warranty-Statutory)

bb

DATED: 2/2/15

Michael E Winkler  
Michael E Winkler

Karen M Winkler  
Karen M Winkler

State of OREGON

COUNTY of ~~Clackamas~~ MULTNOMATH <sup>(m)</sup>

This instrument was acknowledged before me on Feb 2, 20 15

by Michael E Winkler and Karen M Winkler.

Michelle Lynn Card  
Notary Public - State of Oregon

My commission expires: 12/23/17



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

I hereby certify that the attached petition contains the names of the owners<sup>1</sup> (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

*P&M Renovation LLC  
(Pak Leong, owner)*

Name Mary Neigel  
Title Cartographer II  
Department Assessment & Tax  
County of Clackamas  
Date 02.29.16



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

**CERTIFICATION OF LEGAL DESCRIPTION AND MAP**

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 1 S 2 E 30 AD 05200) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name Mary Neigel  
Title Cartographer II  
Department Assessment + Tax  
County of Clackamas  
Date 02-29-16



## CERTIFICATION OF REGISTERED VOTERS

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

Name Paul, Henry  
PAUL HANES

Title DEPUTY CLERK

Department CLERK/ELECTIONS

County of CLACKAMAS

Date 2/29/16

CLACKAMAS COUNTY ELECTIONS  
SHERRY HALL, COUNTY CLERK  
1710 RED SOILS CT, SUITE 100  
OREGON CITY, OR 97045



## NOTICE LIST

(This form is NOT the petition)

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

	Name of Owner/Voter	Mailing Street Address	Property Address
		Mailing City/State/Zip	Property Description <small>(township, range, ¼ section, and tax lot)</small>
1	PAK LBONG	P.O. Box 2304	9404 SE Stanley Ave.
		Clackamas OR, 97015	152E 30 AD 05200
2			
3			
4			
5			
6			
7			
8			
9			
10			

# EXPEDITED ANNEXATION CODE EXCERPTS

## MILWAUKIE MUNICIPAL CODE SECTIONS

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### 19.1104.1 Expedited Process

- A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.
5. Approval criteria for annexations are found in subsection 19.1102.3.

**19.1102.3 Annexation Approval Criteria.** The city council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria.

- A. The subject site must be located within the city urban growth boundary;
- B. The subject site must be contiguous to the existing city limits;
- C. The requirements of the Oregon Revised Statutes for initiation of the annexation process must be met;
- D. The proposal must be consistent with Milwaukie comprehensive plan policies;
- E. The proposal must comply with the criteria of Metro Code Sections 3.09.050(d) and, if applicable, (e).
- F. The proposal must comply with the criteria of Section 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.

## METRO CODE SECTIONS

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### 3.09.050 Hearing & Decision Requirements for Decisions Other Than Expedited Decisions.

- (d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.

## MILWAUKIE COMPREHENSIVE PLAN

---

### Chapter 6: City Growth and Governmental Relationships; City Growth Element

Goal Statement: To identify the City's future planning and service area, establish the respective responsibilities for reviewing and coordinating land use regulations and actions within the area, and determine the most cost-effective means to provide the full range of urban services within the area.

*The proposal meets all of the above requirements.*

x 



**RS Presentation**  
**April 19, 2016**

**A-2016-001**

**Expedited Annexation of  
9404 SE Stanley Ave**

**Dennis Egner, Planning Director**  
**Milwaukie City Council**  
**May 19, 2016**

# Annexation Area



# Annexation File #A-2016-001

- 9404 SE Stanley Ave has made an emergency connection to sewer
- Zoning: R-7



# Summary

- Annexation meets all relevant State, regional, City criteria
- City notified all interested persons & necessary parties
- No objections by any necessary parties
- Options:
  - Approve annexation
  - Deny annexation





MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **RS 6. C.**  
Meeting Date: **April 19, 2016**

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **Adopt an ordinance granting the legislative authority to declare a housing emergency and adopting a resolution declaring a housing emergency**

From: Alma Flores, Community Development Director

Date: April 12, 2016

### **ACTION REQUESTED**

Adopt an Emergency Ordinance authorizing the City Council to declare a housing emergency and adopt a Resolution declaring a housing emergency.

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

In the end of 2015 and beginning months of 2016 the city has been monitoring the evolving housing shortage. In response, the city council heard a panel of housing experts at the March 29, 2016 Study Session. These housing experts in the region discussed the state of housing and its impacts on the community as well as the housing related legislation that was recently passed by the State. At the April 5, 2016 City Council meeting, the City Council continued to discuss the evolving housing shortage as well as the efforts of the Oregon Legislature as it considered adopting laws to provide more protection for tenants.

### **BACKGROUND**

Over the last several years, strong job growth and in-migration in the Portland metropolitan region has resulted in significant increases in rental prices and a significant decrease in the vacancy rate for rental units. For the 12 month period ending in December 2015, US Census data shows that the metropolitan region had the highest rent increase (11.3%) and lowest vacancy rate (2.4%) in the nation.<sup>1</sup>

What began as a problem primarily for the City of Portland has rapidly become a crisis for the entire region, one which has garnered intense media coverage over the past year. As residents have been pushed out by Portland's high rents, many have sought more affordable homes in close proximity to Portland. In short time, Milwaukie's location and improved mass transit options have made it a popular location for renters. Personal accounts from local residents of rent increases of up to and above 25% have become common in Milwaukie, many of which have been relayed on to the Mayor and City Council.

ORS Chapter 90 contains the Residential Landlord and Tenant Act. ORS 90.115 provides that the chapter "applies to, regulates and determines rights, obligations and remedies under a rental agreement, wherever made, for a dwelling unit located within this state." However, under

<sup>1</sup> <https://www.pdx.edu/financial-services/news/psu-center-real-estate-releases-february-quarterly-report>

its Home Rule authority, the City may adopt regulations in addition to those in the Residential Landlord and Tenant Act. The purpose of the proposed ordinance is to declare that the City has authority to adopt a housing emergency and the authority to adopt legislation which will impose greater requirements on landlords than those imposed by the Residential Landlord and Tenant Act. The proposed Resolution then declares a housing emergency for the duration of one year with the opportunity to extend the housing emergency in six month increments. The City Council may then consider a proposed ordinance which adopts a 90 days' notice requirement for "no cause" evictions.

The City of Portland adopted similar legislation in October, 2015 in order to implement code changes which also adopt the 90 days' notice requirement.

### **CONCURRENCE**

The Community Development Director has worked with staff to and the city attorney to develop the language in the proposed Ordinance and Resolution and to ensure that it is consistent with local, state, and federal laws. The City Attorney has reviewed the Ordinance and Resolution and concurs.

### **FISCAL IMPACTS**

None.

### **WORK LOAD IMPACTS**

This Ordinance and Resolution is not expected to impact work load. Staff has time available to make any revisions requested by the City Council.

### **ALTERNATIVES**

The Council could choose to take no action; or research other options for action by the City.

### **STAFF RECOMMENDATION**

Staff recommends that City Council approve the proposed Ordinance and declare it an emergency. Staff further recommends adoption of the proposed Resolution.

### **ATTACHMENTS**

- 1.EXHIBIT A: ORDINANCE
- 2.EXHIBIT B: RESOLUTION



**CITY OF MILWAUKIE**

*"Dogwood City of the West"*

**Ordinance No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY COUNCIL TO DECLARE A HOUSING EMERGENCY UNDER SPECIFIED CIRCUMSTANCES, DEFINING DURATION AND CITY COUNCIL POWERS DURING A HOUSING EMERGENCY AND DECLARING AN EMERGENCY**

**WHEREAS**, the Portland metropolitan region had the lowest residential vacancy rate in the nation as of the fourth quarter of 2015, estimated at 2.4%; and

**WHEREAS**, the region's low vacancy rate has resulted in significant rent increases over the last several years, including a 11.3% yearly increase as of the fourth quarter of 2015; and

**WHEREAS**, Milwaukie's proximity to Portland has resulted in increased gentrification and displacement of residents in recent years; and

**WHEREAS**, at the same time, many city residents have experienced a decrease in inflation adjusted wages and a reduced ability to find adequate and affordable housing; and

**WHEREAS**, the combination of high rents and low vacancy rates has resulted in heightened housing uncertainty for many Milwaukie residents; and

**WHEREAS**, the City Council finds that the uncertainty created by the possibility of losing affordable housing and homelessness is a danger to the public health, safety and welfare,

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

- Section 1. The City Council is authorized to declare a housing emergency when there is an immediate need to address the shortage of affordable housing, in order to avoid human suffering.
- Section 2. The initial duration of a housing emergency shall not exceed one year, but may be extended in six-month increments.
- Section 3. The Milwaukie City Council shall terminate a housing emergency by resolution when the emergency no longer exists or when the threat of an emergency has passed.

- Section 4. Upon the declaration of a housing emergency, in addition to any other powers that may be exercised by a local government, the City Council may:
- A) Utilize City owned resources;
  - B) Designate persons to coordinate the work of public, private or nonprofit relief agencies responding to the housing emergency;
  - C) Order such other measures as may be necessary to protect the life, safety and health of persons, property or the environment.

Section 5. Emergency. With increasing housing uncertainty and fear of homelessness for city residents, this Ordinance is necessary for the immediate protection of public health, safety and general welfare; therefore an emergency is declared to exist and this Ordinance shall become effective upon the date of its adoption.

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

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

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

APPROVED:

Approved by Milwaukie City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
DECLARING A HOUSING EMERGENCY PURSUANT TO ORDINANCE NO.**

\_\_\_\_\_

**WHEREAS**, the City Council is authorized to declare a housing emergency in order to immediately address housing needs affecting the health, safety and welfare of city residents; and

**WHEREAS**, the Portland metropolitan region had the lowest residential vacancy rate in the nation as of the fourth quarter of 2015, estimated at 2.4%; and

**WHEREAS**, the region's low vacancy rate has resulted in significant rent increases over the last several years, including a 11.3% yearly increase as of the fourth quarter of 2015; and

**WHEREAS**, Milwaukie's proximity to Portland has resulted in increased gentrification and displacement of residents in recent years; and

**WHEREAS**, the combination of high rents and low vacancy rates has resulted in heightened housing uncertainty for many Milwaukie residents; and

**WHEREAS**, on March 29, 2016, the City Council heard a panel of housing experts discuss the state of housing in the region and its impacts on the community; and

**WHEREAS**, on April 5, 2016, the City Council continued to discuss and gather information on the shortage of affordable housing; and

**WHEREAS**, local residents have expressed concern to the Mayor and City Council over the lack of affordable housing and the rent increases of up to 25% with only 30 days' notice; and

**WHEREAS**, based on the information, evidence and concerns expressed by residents, it is appropriate for the City Council to declare a housing emergency to address the affordable housing crisis in the City; and

**WHEREAS**, the City Council has authority under Ordinance No. \_\_\_\_\_ to declare a housing emergency for the public health, safety and welfare of the City's residents;

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

**Section 1.** There is an immediate need to address the shortage of affordable housing in order to avoid human suffering, therefore a housing emergency is declared within the City of Milwaukie.

**Section 2.** The duration of the housing emergency shall be for a period of one year from the effective date of this resolution, unless extended by the City Council pursuant to Ordinance No. \_\_\_\_ or terminated sooner by the City Council.

**Section 3.** The City Council may exercise the legislative authority granted by Ordinance No. \_\_\_\_\_ to enact legislation to address the housing crisis and protect the public health, safety and welfare of city residents.

**Section 4.** This resolution is effective immediately.

Introduced and adopted by the City Council on April \_\_\_\_, 2016.

\_\_\_\_\_  
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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

# RS Correspondence

## April 19, 2016

**Stauffer, Scott**

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**From:** DuVal, Pat  
**Sent:** Wednesday, April 20, 2016 9:12 AM  
**To:** Stauffer, Scott  
**Subject:** FW: The Community Alliance of Tenants supports greater tenant protections in Milwaukie  
**Attachments:** Community Alliance of Tenants - Milwaukie's Tenant Protections Proposal.pdf

**From:** Justin Buri [<mailto:justin@oregoncat.org>]  
**Sent:** Tuesday, April 19, 2016 7:32 PM  
**To:** \_City Council  
**Subject:** The Community Alliance of Tenants supports greater tenant protections in Milwaukie

To Mayor Gamba and Milwaukie City Council.

My name is Justin Buri from the Community Alliance of Tenants. Please accept our attached written testimony in support of the proposed 90-day notice on no-cause evictions, and greater tenant protections.

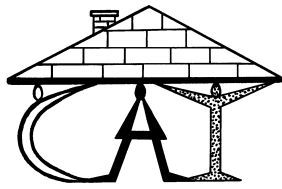
Thank you,

Justin Buri  
Executive Director  
Community Alliance of Tenants  
Office Line 503.460.9702 ex. 1  
**My gender pronouns are: he/him**

*Please share your views and experience! [Click here](#) to take an important survey about your experience with housing in the Portland Metro Region.*



**Tenant Education + Organizing + Advocacy = Tenant Power!**



# Community Alliance of Tenants

2710 NE 14<sup>th</sup> Avenue, Portland, Oregon 97212

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The Community Alliance of Tenants is Oregon's statewide, grassroots, renters' rights organization. We submit this written testimony in support of the 90-Day Notice ordinance, for no-cause evictions, the establishment of a new code for Renter Protections, and the declaration of the Housing Emergency. Throughout our history, our members have identified no-cause evictions, a lack of repairs, and a lack of affordable housing, as the biggest barriers to Oregon tenants' ability to maintain safe and stable housing. Most Milwaukie renters live in private market housing with very few protections, and the threat or experience of a no-cause eviction is absolutely devastating.

A no-cause eviction can happen anytime to a tenant on a month-to-month lease, or at the end of a fixed-term lease. The tenant must move out, because there is essentially no defense against a no-cause eviction. Tenants who have been victims of retaliation or discrimination have very little chance of proving why the landlord kicked them out, because the landlord doesn't have to give any stated cause or justifiable reason. Lawyers and legal fees are simply too costly and risky for low-income tenants, even if they have a winnable case. Often because of the eviction, the tenant has already lost all of their savings and maxed out their credit cards, as the cost of an unexpected move is in the thousands of dollars.

Low-income tenants throughout the state are living in dire, uninhabitable, life-threatening conditions, because they know that too often, if they ask for a repair, or try to defend their rights in some way, an eviction or rent increase will not be far behind. Is this an unreasonable fear? Given the fact that losing your home could mean you lose everything else, tenants are simply unwilling to take that risk.

The vulnerability and consequences of no-cause evictions are particularly dire among members of protected classes under the Fair Housing Act, such as renters with a disability, single mothers with children, seniors, immigrants and refugees and people of color. These tenants are more likely to receive a no-cause eviction, and their chances of finding and securing housing within the short 30- or 60-day window, are incredibly low. Unexpected, uncontestable no-cause evictions are not a mere inconvenience, they are an absolute devastation, with long-term, and

community-wide consequences. Evictions are primary drivers of homelessness, displacement, job loss, depression, stress and other health impacts, and they are a significant disruption in our children's education, often setting them back a full grade level or worse. These health, educational and economic disparities will persist, as low-income tenants continue to suffer the most extreme consequences of this disaster-like housing market that we find ourselves in.

Tenants need adequate protections against no-cause evictions and rent increases. This proposal before you is the first step in providing some of these protections. Tenants who pay their rent on time and have done nothing wrong deserve a reason, the right to remedy, and the right to remain.

Just Cause evictions protections work. Cities, counties and states across the US have successfully employed evictions protections to ensure housing stability for tenants, and landlords are still able to conduct their business. Here in Oregon, we afford just-cause evictions protections to residents of manufactured homes and tenants living in subsidized housing. Today in the private market, no cause evictions are used against good, decent reliable tenants every day, without any risk or cost to the landlord. We need to shift the balance of power in Oregon's Landlord-Tenant Act, so we can hold accountable bad actors on both sides, tenants and landlords alike. It's time that landlord recognize and take some responsibility for the devastating consequences of these actions.

Thank you

A handwritten signature in black ink, appearing to read "Justin Buri". The signature is fluid and cursive, written in a professional style.

Justin Buri  
Executive Director  
Community Alliance of Tenants



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **RS 6. D.**  
Meeting Date: **April 19, 2016**

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **Establishing a new Milwaukie Municipal Code Chapter 5.60 relating to no cause evictions**

From: Alma Flores, Community Development Director

Date: April 12, 2016

### **ACTION REQUESTED**

Adopt an Emergency Ordinance to create Chapter 5.60 of the Milwaukie Municipal Code, which would establish a minimum time period of 90 days for no cause evictions of residential tenants.

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

In the end of 2015 and beginning months of 2016 the city has been monitoring the evolving housing shortage. In response, the city council heard a panel of housing experts at the March 29, 2016 Study Session. These housing experts in the region discussed the state of housing and its impacts on the community as well as the housing related legislation that was recently passed by the State. At the April 5, 2016 City Council meeting, the City Council continued to discuss the evolving housing shortage as well as the efforts of the Oregon Legislature as it considered adopting laws to provide more protection for tenants.

### **BACKGROUND**

Chapter 90 of the Oregon Revised Statutes (ORS) is known as the Residential Landlord and Tenant Act ("Act"). Section 90.427 of the Act establishes the legal requirements for evicting residential tenants. As established in Section 90.427, landlords are required to provide tenants that are within the first year of their occupancy with at least 30 days' notice before terminating the rental agreement for reasons not covered under ORS 90.392 ("for cause," or "just cause" evictions), and at least 60 days' notice to tenants that are beyond their first year of occupancy. The provisions for these "no cause" evictions apply to both month-to-month rental agreements and fixed term rental agreements of at least one year that become month-to-month agreements after the fixed term. ORS 90.427 does not apply to week-to-week tenancies.

Over the last several years, strong job growth and in-migration in the Portland metropolitan region has resulted in significant increases in rental prices and a significant decrease in the vacancy rate for rental units. For the 12 month period ending in December 2015, US Census data shows that the metropolitan region had the highest rent increase (11.3%) and lowest vacancy rate (2.4%) in the nation.<sup>1</sup>

What began as a problem primarily for the City of Portland has rapidly become a crisis for the entire region, one which has garnered intense media coverage over the past year. As residents have been pushed out by Portland's high rents, many have sought more affordable homes in

<sup>1</sup> <https://www.pdx.edu/financial-services/news/psu-center-real-estate-releases-february-quarterly-report>

close proximity to Portland. In short time, Milwaukie's location and improved mass transit options have made it a popular location for renters. Personal accounts from local residents of rent increases of up to and above 25% have become common in Milwaukie, many of which have been relayed on to the Mayor and City Council.

In October 2015, the Portland City Council adopted an ordinance that added language to their Municipal Code which requires 90 days advance notice for all no cause evictions. A similar provision was originally included in House Bill 4143, which was one of a number of bills passed by the state legislature aimed during their recently concluded session that sought to address the current housing crisis. However, the 90 day notice requirement for no cause evictions was removed from the version of HB 4143 that was approved and signed into law, meaning that individual jurisdictions that seek to provide renter protections beyond those included in ORS 90.427 must adopt them by local ordinance.

In response to the emerging housing crisis in Milwaukie, city staff has drafted a proposed new section (Section 5.60; Exhibit A) of the Municipal Code requiring at least 90 days' notice for no cause evictions (excluding week-to-week tenancies). Section 5.60 outlines the applicability of the 90 day no cause eviction provision as well as possible punitive damages for violating the provision.

Exercising its Home Rule authority, the City Council adopted a proposed ordinance which gives the Council the authority to declare a housing emergency. The Council then adopted a proposed resolution declaring a housing emergency (see Ordinance, Resolution and Staff Report for Agenda Item # \_\_\_\_\_). With this legislative authority and given the urgency of the housing crisis, the City Council has authority to adopt regulations which provide additional protections beyond those in the Residential Landlord and Tenant Act.

### **CONCURRENCE**

The Community Development Director has worked with staff to develop the proposed language in Section 5.60 and ensure that it is consistent with local, state, and federal laws. The City Attorney has reviewed the Ordinance and concurs.

### **FISCAL IMPACTS**

None.

### **WORK LOAD IMPACTS**

This Ordinance is not expected to impact work load, as the proposed code language has already been developed. Staff has time available to make any revisions requested by the City Council.

### **ALTERNATIVES**

The Council could choose to take no action; propose alternative language for Section 5.60; or research other options for action by the City.

### **STAFF RECOMMENDATION**

Staff recommends that City Council approve the proposed Ordinance to add Section 5.60 to the Milwaukie Municipal Code, and declare it an emergency.

### **ATTACHMENTS**

1. EXHIBIT A: ORDINANCE



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Ordinance No.**

**Attachment 1**  
**This Page Revised**  
**on April 19, 2016**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, RELATING TO RENTER PROTECTIONS, ESTABLISHING NEW CODE CHAPTER 5.60 AND DECLARING AN EMERGENCY**

**WHEREAS**, the Portland metropolitan region had the lowest residential vacancy rate in the nation as of the fourth quarter of 2015, estimated at 2.4%; and

**WHEREAS**, the region's low vacancy rate has resulted in significant rent increases over the last several years, including a 11.3% yearly increase as of the fourth quarter of 2015; and

**WHEREAS**, Milwaukie's proximity to Portland has resulted in increased gentrification and displacement of residents in recent years; and

**WHEREAS**, the combination of high rents and low vacancy rates has resulted in heightened housing uncertainty for many Milwaukie residents; and

**WHEREAS**, in recognition of the impact of the low residential vacancy rates and increasing rents, the Milwaukie City Council has declared a housing emergency; and

**WHEREAS**, the Milwaukie City Council has authority under Ordinance No. \_\_\_\_\_ to take legislative action to provide adequate written notice of a no cause termination; and

**WHEREAS**, the Residential Landlord and Tenant Act (ORS Chapter 90) allows for no-cause terminations of month-to-month rental agreements with 30 days' notice during the first year of a tenant's occupancy, and with 60 days' notice after the first year of occupancy; and

**WHEREAS**, the Milwaukie City Council has determined that 30 or 60 days is not adequate time for displaced tenants to find and secure new rental housing; and

**WHEREAS**, in order to provide tenants enough time to find and secure a new rental unit, the minimum written notice of a no cause termination of tenancy should be 90 days.

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

Section 1. A new Chapter 5.60 is adopted and added to the Municipal Code of Milwaukie which will read as follows:

5.60 Milwaukie Renter Additional Protections

5.60.010 Purpose and Intent. The purpose of this Section is to provide residential renters in the City of Milwaukie with adequate protections in the event that they are served with a no cause eviction.

5.60.020 Definitions.

Act – the Residential Landlord and Tenant Act, codified in Chapter 90 of the Oregon Revised Statutes. For the purposes of Chapter 5.60, capitalized terms have the meaning set forth in the Act.

5.60.030 Applicability. The following apply to Tenants of Dwelling Units within the boundaries of the City of Milwaukie, which are in addition to the requirements and protections set forth in the Act:

A. A Landlord may terminate a Rental Agreement without a cause specified in the Act (“no cause eviction”) only by delivering a written notice of termination to the Tenant of (a) not less than 90 days before the termination designated in that notice as calculated under the Act; or (b) the time period designated in the Rental Agreement, whichever is longer. This requirement does not apply to Rental Agreements for Week-to-week tenancies or to Tenants that occupy the same Dwelling Unit as the Landlord.

B. A Landlord that fails to comply with any of the requirements set forth in this Section 5.60.030 shall be liable to the Tenant for an amount up to three months’ Rent as well as actual damages, reasonable attorney fees and costs (collectively, “Damages”). Any Tenant claiming to be aggrieved by a Landlord’s noncompliance with the foregoing has a cause of action in any court of competent jurisdiction for Damages and such other remedies as may be appropriate.

Section 2. The Milwaukie City Council shall reconsider the protections herein if the Portland metropolitan region’s residential vacancy rate rises above 4%, or after one year, whichever occurs first.

Section 3. Emergency. With increasing housing uncertainty and fear of homelessness for city residents, this Ordinance is necessary for the immediate protection of public health, safety and general welfare; therefore an emergency is declared to exist and this Ordinance shall become effective upon the date of its adoption.

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

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

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

APPROVED: Approved by Milwaukie City Council on \_\_\_\_\_.

\_\_\_\_\_  
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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



MILWAUKIE CITY COUNCIL  
*Office of the City Recorder*

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

## Speaker Registration

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

Name:  
Organization:

*Patti Jay*

Address:  
Phone:  
Email:

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:

*No Cause  
Eviction*



MILWAUKIE CITY COUNCIL  
*Office of the City Recorder*

10722 SE Main Street  
P) 503-786-7502  
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## Speaker Registration

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

Name: *Misty Collard*  
Organization:

Address: *3695 SE Harvey*  
Phone: *970-433-0291*  
Email:

Meeting Date:

~~*mcollard*~~  
*collard.misty@yahoo.com*

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation  
 #5 Public Hearing  
 #6 Other Business

*D.*

Comments:

You are Speaking...

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

*no cause  
eviction*



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **RS 6. E.**  
Meeting Date: **April 19, 2016**

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **“Solarize” Goal and Residential Program**

From: Clare Fuchs, Sustainability Director

Date: April 19, 2016

### **ACTION REQUESTED**

Adopt a resolution setting a goal to triple the amount of solar energy produced in the City of Milwaukie by 2021. Authorize staff to promote and facilitate a residential solar program modeled after the “Solarize” format for interested citizens.

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

City Council Study Session February 18, 2016: staff was directed to ascertain the volunteer capacity and staff workload impact for a residential solar program.

### **BACKGROUND**

#### **I. History**

- A. “Solarize” started in the Mount Tabor neighborhood in Southeast Portland in 2009 by Stephanie Stewart, Southeast Uplift, and The Energy Trust of Oregon with assistance from the City of Portland. That first program produced 300 interested parties and 120 installations.
- B. The term “Solarize” is trademarked by Stephanie Stewart and the City of Portland. Staff should be able to obtain use of the trademark by request if Milwaukie’s potential program is reviewed by the City of Portland.
- C. The “solarize” method caught on to other neighborhoods and 400 installations were made in 2010. The program lasted until 2012 and is still available today in Portland. The cost of solar has declined greatly since 2011, but this program can make solar even more affordable for Milwaukians.

#### **II. Overview**

- A. “Solarize” converts solar interest into action by creating temporary cost reductions and community support to go solar. Tripling Milwaukie’s solar capacity from 732.93 kilowatts to 2.2 megawatts in five years can be achieved with 489 rooftops at only 3 kilowatts produced per home. That is a very conservative estimate and less than 8% of Milwaukie’s single family rooftops.
- B. Up Front Cost – Volume purchase and eliminating marketing costs can lower the cost of the solar installation up to 30%. The “solarize” community group can show

the entire package of tax credits, incentives, and financing. Having these items presented by the community for the community makes customers more comfortable.

- C. Streamlining - One to three solar vendors and bank or credit union lenders are already chosen by the community group through a competitive bidding process. Classes and community members are available to answer questions. This reduces confusion and complexity.
- D. Customer Inertia – Typically there are a couple months in which interested parties can sign up and then installations also happen in an approximately four month window. This limited time to receive reduced prices and support helps interest turn to purchase. The typical solar installation outside this program can take up to two years; this also provides a participatory incentive.

### **III. Community Promotion and Outreach**

The first couple months would involve recruiting volunteers and creating a campaign.

- A. Potential outreach methods – e-mail, news releases, flyers; Milwaukie Pilot, web site, Facebook, and twitter; presentations at neighborhood associations.
- B. Campaign creation – automatic website sign-ups and database creation.
- C. Classes / question and answer sessions – These can be held throughout the approximately nine month program to help educate potential customers.
- D. Estimated hours – The “Solarize Guidebook” states that one person will be needed to allocate approximately 490 hours over a 9-month period. That can be a City staff member or a paid intern. Additionally, the program will need approximately 460 other volunteer hours.

### **IV. Additional Options**

- A. Providing weatherization hot leads for citizens that don’t want to or cannot afford to go solar. This can include weather stripping, air duct sealing, or insulation.
- B. Providing community solar purchase options for those who want to invest in solar, but rent or don’t have a suitable roof.
- C. An apprenticeship program for chosen installation vendors to help create jobs in the community.
- D. Charging \$0.10-\$0.25 per watt to defray program administration, website, database, outreach, and inspections. This can be rolled into contract price so that the customer only needs to write one check.
- E. Program could be used to spur additional solar purchase opportunities for multi-family, commercial, industrial, and additional single family rooftop opportunities down the road. Later programs for all land use sectors will make reaching the solar goal even easier.

## **CONCURRENCE**

Milwaukie Members of Environment Oregon; Samantha Vandagriff, Building Official

## **FISCAL IMPACTS**

Monetary outlay for this program is not to exceed \$5,000. Staff, non-profit partners, or volunteers will apply for grants attempt to offset this cost. The program also has a precedent of charging a small fee on top of solar panels to fund personnel costs such as administration and inspections.

## **WORK LOAD IMPACTS**

The methodology for this approach is to obtain enough citizens who are willing to volunteer their time so as to require less assistance from staff for a full-scale residential “Solarize” program. Staff will need approximately 460 volunteer hours over the course of 9 months. Additional volunteers and/or interns can be utilized for promotion, research, application, and administration of grants. The project will need one dedicated project manager, who can expect to spend an average of 54 hours a month on the project. All of these assumptions are based on the average “Solarize” program. Milwaukie’s needs and program popularity could vary.

Samantha Vandagriff, Building Official, states that most all solar installations will be, “prescriptive,” so the planning review can be done with either Building Division staff member. The structural inspections will take Ms. Vandagriff about 10 minutes, while Clackamas County still performs our electrical inspections. Ms. Vandagriff anticipates an acceptable workload based on these factors and the average program popularity.

## **ALTERNATIVES**

Approve, modify, or deny the resolution.

## **ATTACHMENTS**

1. Resolution
2. The Solarize Guidebook

**This page revised  
on April 15, 2016.**



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON  
AUTHORIZING THE ESTABLISHMENT OF A "SOLARIZE" PROGRAM AND  
SETTING SOLAR ENERGY GOALS.**

**WHEREAS**, the Oregon Climate Change Research Institute identifies several environmental hazards expected to occur in Oregon as a result of climate change, including increased occurrences and intensity of extreme weather like floods and droughts, reduced winter snowpack, rising sea levels, rising air and water temperatures, and ocean acidification; and

**WHEREAS**, solar power is one of the cleanest sources of energy with which to power homes, businesses and cars to reduce the carbon footprint of Milwaukie and help mitigate the effects of climate change; and

**WHEREAS**, the cost of solar has dropped by more than 50% since 2011; and

**WHEREAS** the solar industry employs 3,000 people statewide and installed-capacity grew at a rate of 35 percent last year in Oregon while nationally it grew at a rate of 17 percent; and

**WHEREAS** there is currently 732.93 kW of solar capacity installed within Milwaukie; and

**WHEREAS** local governments can play an active role in making solar more accessible and affordable for residents by passing pro-solar policies and participating in educational and promotional activities; and

**WHEREAS** the U.S Department of Energy identifies four key benefits of municipal solar installations, including 1) clarifying the role solar energy will play in achieving the community's broader environmental, climate change, or sustainability goals, 2) creates momentum for a solar program with stakeholders working toward common goals, 3) guides the strategy for increasing solar installations in a community, and 4) enables leaders to track progress against a published target

**Now, Therefore, be it Resolved** that the City Council in recognition of the environmental and economic benefits of solar energy set a target of tripling installed solar capacity to 2.2 MW in Milwaukie by the year 2021. This goal equates to "solarizing" less than 8% of Milwaukie single family homes in 5 years if only a residential program is executed.

**Be it Further Resolved** that in order to assist the City in meeting this goal, City Council directs city staff to facilitate and run a "Solarize" program, aimed at streamlining the process and reducing the upfront cost of residential solar installations for Milwaukie residents. This program will be initiated within six months of the effective date of this resolution.

**This page revised  
on April 15, 2016.**

Introduced and adopted by the City Council on \_\_\_\_\_.

This resolution is effective on \_\_\_\_\_.

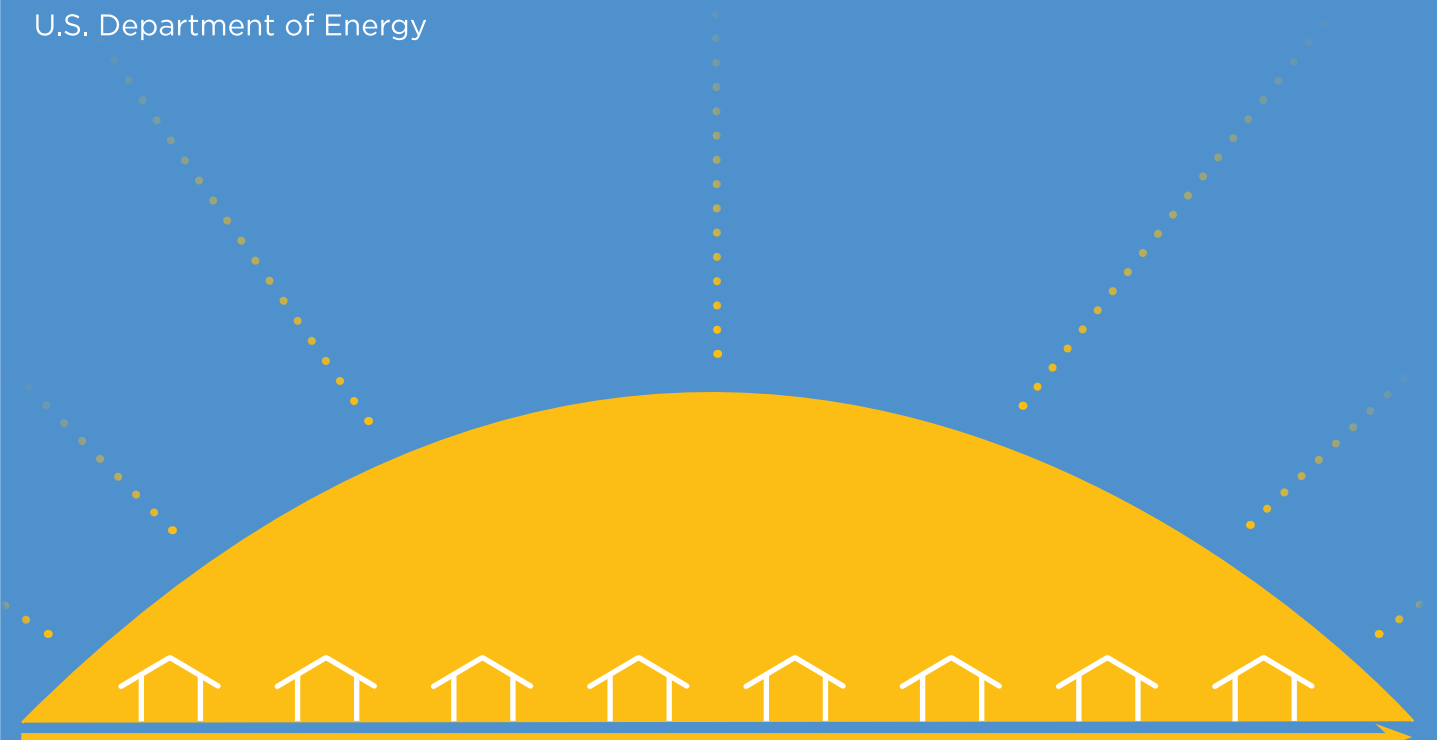
\_\_\_\_\_  
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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



# THE SOLARIZE GUIDEBOOK:

A community guide to collective purchasing of residential PV systems



## ACKNOWLEDGEMENTS

This guide is an updated version of the original The Solarize Guidebook, published in February 2011 (see [www.nrel.gov/docs/fy11osti/50440.pdf](http://www.nrel.gov/docs/fy11osti/50440.pdf)), which was developed for the National Renewable Energy Laboratory and the City of Portland. The original Solarize campaigns were initiated and replicated by Portland's Neighborhood Coalition network with help from the Energy Trust of Oregon, City of Portland, and Solar Oregon.

## AUTHORS

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## SPONSORS

### DOE SunShot Initiative

This guidebook was made possible through funding from the U.S. Department of Energy SunShot Initiative and Solar America Communities program. [www.energy.gov/sunshot](http://www.energy.gov/sunshot)

### City of Portland, Bureau of Planning and Sustainability (BPS)

BPS develops programs that provide environmental, economic and social benefits to Portland residents, businesses, and government. The BPS took a management role in several Solarize campaigns and funded replication efforts. [www.portlandonline.com/bps/solar](http://www.portlandonline.com/bps/solar)

### Energy Trust of Oregon

Energy Trust of Oregon is an independent nonprofit organization dedicated to helping utility customers benefit from saving energy and tapping renewable resources. Energy Trust created the program blueprint for the first Solarize Portland campaign and provided technical support, incentives, and program evaluation.

[www.energytrust.org](http://www.energytrust.org)

### Solar Now! Campaign

Solar Now! connects Oregonians with the resources they need to choose solar energy. Partners are Solar Oregon, Oregon Department of Energy, Energy Trust of Oregon and City of Portland Bureau of Planning and Sustainability. They have conducted events to catalyze solar since 2007. [www.solarnoworegon.org](http://www.solarnoworegon.org)

Prepared for NREL Subcontract No. AGG-2-22125-01.



**Bureau of Planning and Sustainability**

Innovation. Collaboration. Practical Solutions.

City of Portland, Oregon  
Sam Adams, Mayor • Susan Anderson, Director



**SOLAR OREGON**

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The first “Solarize” campaign started as a grassroots effort to help residents of Portland, Oregon, overcome the financial and logistical barriers to installing solar power. What began in one neighborhood as “Solarize Southeast!” quickly caught on with residents across the city. With support from the U.S. Department of Energy’s (DOE) Solar America Communities program, the City of Portland Bureau of Planning and Sustainability partnered with neighborhood coalition offices, Solar Oregon (the state American Solar Energy Society chapter) and Energy Trust of Oregon to provide community organizing, technical assistance, project management, and rebates in a wildly popular grassroots-driven program. After three years of Solarize campaigns, Portland has added over 1.7 MW of distributed photovoltaics (PV) and established a strong, steady solar installation economy.

Since the publication of the first Solarize Guidebook in 2011, dozens of communities, companies and contractors across the U.S. have launched their own versions of a neighborhood collective purchasing program. With installed costs for behind-the-meter (distributed) solar dropping 17% in 2010 and continuing to fall in 2011,<sup>1</sup> the residential PV market in the U.S. is poised to continue expansion and Solarize campaigns can accelerate this growth.

### Purpose

This guidebook is intended to be a roadmap for project planners and solar advocates who want to create their own successful Solarize campaigns. It describes the key elements of the Solarize Portland campaigns and variations from projects across the country, along with lessons learned and planning templates.

The guidebook is funded by the DOE SunShot Initiative, a collaborative national initiative to make solar energy cost competitive with other forms of energy by the end of the decade.



Source: Energy Trust of Oregon and Solar Oregon

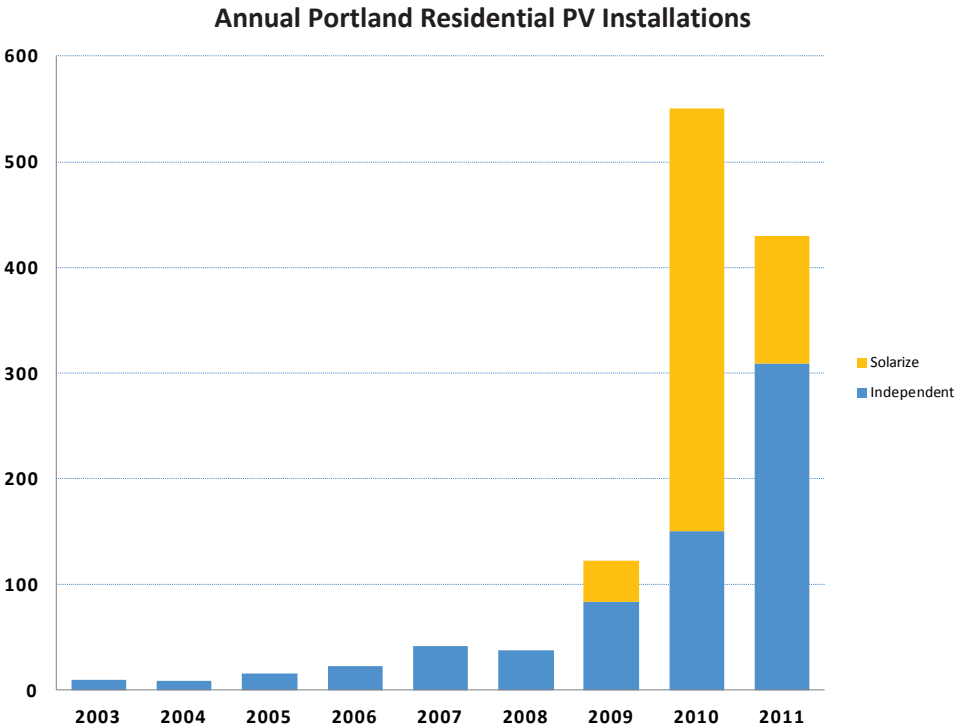
<sup>1</sup> Tracking the Sun IV: The Installed Cost of Photovoltaics in the U.S. from 1998 – 2010, Lawrence Berkeley National Laboratory, Jan. 2011, p. 1. <http://eetd.lbl.gov/ea/ems/reports/lbnl-5047e.pdf>.

## BACKGROUND AND OVERVIEW OF MODEL

### The First Solarize Campaign

The first Solarize campaign began with local Portland residents who wanted to install solar power, but didn't know where to start. They imagined that if they could organize a group of neighbors to "go solar" together, they could collectively make an informed purchase and negotiate a volume discount. They turned to the local neighborhood coalition, Southeast Uplift, for assistance. Southeast Uplift approached Energy Trust of Oregon for technical and program planning support. By coincidence, Energy Trust had developed a solar PV volume purchasing program and was eager to test the model. With community volunteers, neighborhood association staff, and Energy Trust support and rebates, the first Solarize campaign was born.

Within six months of starting their campaign, Solarize Southeast had signed up more than 300 residents and installed solar on 130 homes. The 130 installations added 350 kilowatts of new PV capacity to Portland and created 18 professional-wage jobs for site assessors, engineers, project managers, journeyman electricians, and roofers.<sup>2</sup>



The neighborhood collective purchase concept spread quickly. With support from a DOE Solar America Communities grant,<sup>3</sup> the City of Portland's Bureau of Planning and Sustainability helped other community

<sup>2</sup> Eighteen full-time permanent jobs were created by three solar installation firms (2010 self-reported numbers).

<sup>3</sup> The SAC grant has supported a half-time employee for two years. Additional City staff provided technical and management assistance. Portland has also provided sub-recipient grant funding to eight communities in Oregon totaling \$47,000 with the intent of replicating the successes of Solarize Portland across the state.

organizations take Solarize Portland to their neighborhoods, eventually completing projects that encompassed every neighborhood in the City. Taken together, these follow-on projects produced another 400 Solarize installations in 2010, increasing total PV installations almost 400% over the previous year. In 2011, the number of Solarize campaigns and installations fell, but overall, PV installations in Portland remained high, with an increasing number of non-Solarize installations. The recent introduction of solar lease and Power Purchase Agreement (PPA) options has proven very attractive. As the Solarize campaigns wrap up, these financing options are creating new demand, building a strong, steady solar market in the Portland metropolitan area. (Examples of these third-party ownership models are discussed in General Lessons and Considerations: Financing.) Although Solarize installations trended down in 2011 due to fewer campaigns and the introduction of the solar lease and PPA, independent installations have ramped up considerably following the market kick-start provided by Solarize.

### Overcoming Market Barriers

Although the volunteer organizers of the first campaign did not set out to transform the market, their program design resulted in spectacular market growth. The Solarize model tackles three major market barriers: **cost**, **complexity**, and **customer inertia**.

#### High Upfront Cost

Residential solar installations have high upfront costs. Before the first Solarize campaign launched, the upfront cost for a 3-kW system in the Portland market was approximately \$27,000. By presenting a full package of federal and state tax credits and utility cash incentives, the Solarize campaign showed that the final costs were much lower than the initial sticker price. Contractor savings on marketing and lead generation drove costs down by an additional 30 to 35%.<sup>4</sup> A typical 3 kW installation in the first Solarize project cost only about \$2,000 after tax credits and incentives.

#### Complexity

For many, a solar purchase seems a daunting and complex decision, involving choices about technical issues such as inverter efficiency, PV modules, and optimal array tilt. Even choosing between contractors can be an overwhelming task for those not technically inclined. Every aspect of the Solarize program was designed to provide actionable information while reducing complexity. A committee of neighbors pre-selected the contractor through a competitive bidding process and negotiated the cost. Workshops and Q&A sessions focused on the practical steps to making a purchase. The program reduced a dizzying array of technical choices to one simple question for participants: yes or no?

#### Customer Inertia

The sales cycle for solar is usually more than two years from first inquiry to installation. The Solarize project overcame customer inertia to get installations in three to six months. By presenting a highly competitive price in a limited-time offering, the campaign motivated customers to act. In addition, the spirit of group endeavor afforded safety in numbers, so that participants didn't feel that they were making the decision on their own.

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<sup>4</sup> Estimate based on conversations with contractors in the Portland area in 2010.

This chart shows the 2011 pricing for a typical Solarize Portland project.

3 kW PV System	Cost	Notes
<b>Total System Cost Before Incentives</b>	\$18,000	<b>\$6.00/watt<sup>5</sup></b>
<b>Energy Trust of Oregon Cash Incentive</b>	(\$5,250)	\$1.75/watt
<b>Out of Pocket</b>	\$12,750	
<b>Federal Tax Credit – 30%</b>	(\$3,825)	Calculated after Energy Trust incentive
<b>Oregon Residential Tax Credit</b>	(\$6,000)	\$2.10/DC watt; taken over 4 years
<b>Final Cost After 4 Years</b>	<b>\$2,925</b>	

### Essential Elements of the Solarize Model

In Portland, each successive Solarize campaign looked slightly different, reflecting the different priorities and goals of each neighborhood, but there were some common elements that led to success: competitive contractor selection, community-led outreach with a trusted community partner, and a limited-time offering.

#### Competitive Contractor Selection

Selecting the contractor(s) through a competitive process led by community volunteers is essential on several fronts. First, it affords homeowners the simplicity of a pre-selected contractor while building confidence that the contractor was selected from a range of options. Second, it provides a transparent process that builds customer and contractor trust. Although the criteria for selection may vary from campaign to campaign, they should reflect the particular values of the community, whether they are creating local jobs or driving prices down. By having a competitive process with clear criteria, the project organizers can justify their choice while sending a clear market message about customer and community values.

#### Community-Led Outreach and Education

Another element of a successful campaign is community-led outreach supported by a trusted local organization. In Portland, neighbors distributed fliers, built and updated the program website, and spoke at workshops, delivering a direct appeal from one friend to another to join the campaign. The volunteers were supported by a Neighborhood Coalition, which had a long history of helping people and a high level of community trust. Harnessing community power in this way has many benefits: The community becomes invested in the success of the project, the scope and scale of the outreach is amplified, and neighbors are more responsive to the appeals. Community-led outreach also allows the contractor to save on marketing costs because the company does not need to spend as much time generating leads. With neighborhood volunteers generating hot leads, the contractor can focus on site assessments and installations.

*"Thanks to the community outreach, we saved 30% on marketing!"*  
*Rob LaVigne, Solar City*

#### Limited-Time Offer

Nothing motivates people like a deadline. A Solarize campaign is a limited-time offer, creating a sense of urgency among residents who don't want to miss a good deal. The limited-time offer also keeps the

<sup>5</sup> Avg. U.S. residential price: \$6.24 from U.S. Solar Market Insight Reports, Q32011 Full Report, SEIA/GTM Research, p. 28.

program true to its market transformation goals: to jump-start the solar market and then step aside. Some contractors may object to the perceived “monopoly” awarded to those selected for the project. The limited-time offer may help mitigate this contractor concern. In fact, a successful Solarize campaign can also increase business for non-Solarize installers. Installation numbers from Energy Trust demonstrate that Portland actually experienced an increase in non-Solarize installations during the Solarize campaigns.

### Community Feedback Spurs Innovation and Improvement

The first neighborhood collective purchasing effort in Southeast Portland was an unprecedented success, resulting in 130 new residential PV systems in six months. Although the community response was overwhelmingly positive, there were some lessons

*“Our mission is community- building. The Solarize project allowed people to get their hands on something and work together to make great things happen.” Tim O’Neal, Sustainability Coordinator, SE Uplift*

learned. A formal program evaluation commissioned by Energy Trust showed that project organizers were unprepared for the volume of customer interest. The neighborhood coalition office struggled to process customer information manually. In addition, organizers held enrollee information until the end of the enrollment period, and then gave the leads to the contractor in one batch. While this allowed the contractor to know the final price (which depended on the volume of sign-ups) before contacting the customers, it meant that the contractor received all 300 sign-ups at once. Customer follow-up time suffered, and the contractor faced boom and bust cycles. The number one suggestion for future programs, expressed by 42% of respondents, was that contractor follow-up could be faster. Project organizers took several steps to improve contractor response times, including:

- **Developing an electronic process to automate data collection and reporting.** This allowed the project organizers and the contractors to quickly see the status of every enrollee, track follow-up time, and improve customer service.
- **Processing leads on a rolling basis.** Rather than wait for the final enrollment numbers, organizers began site assessments, sales, and installations for subsequent projects before the end of enrollment. Not only did this build enthusiasm for the project by showing immediate results, but it also helped the contractor spread the work over a longer period, providing stability.

## SOLARIZE 1.0

### The Basic Program

A basic neighborhood collective purchase program is designed to lead the customer through a simple process, from awareness to installation, over the course of six months. The process includes:

- **Awareness:** The grassroots campaign is advertised in fliers, emails, neighborhood newsletters, blogs, local events, and by word of mouth. Earned media from TV, radio, and newspapers can also boost awareness.
- **Education:** Workshops and Q&A sessions are offered throughout the community to allow all interested neighbors a chance to ask questions in a supportive environment and to detail the steps for participation.
- **Enrollment:** Residents are enrolled in the program through an online registration page. A short questionnaire at this time can help enrollees self-screen for solar suitability.
- **Site Assessment:** The installation contractor provides site assessments and bids to all enrollees.
- **Decision:** The customer decides whether to accept the contractor's bid at the Solarize program price. If using descending price tiers, the contractor may ask the customer to accept the current price tier, with the guarantee of a discount on their final invoice if volume targets are met. The intent is to offer few variables, so the customer's decision can be a simple "yes" or "no."
- **Installation:** The contractor installs the system and helps the customer through the paperwork for the cash incentives and any state and federal tax credits.

### The Partners

A successful Solarize campaign requires the coordinated efforts of many community players. Sample campaign partners may include:

- **Trusted Nonprofit:** A community-based organization with an established history can provide credibility and institutional support. For example, in Portland, staff members from the Neighborhood Coalition offices devoted a portion of their time to manage the campaigns. They played a crucial role in managing volunteers and reaching out to involve other supporting partners.
- **Technical Advisor:** Every campaign needs a technical advisor to help evaluate the potential solar contractors and ensure quality control. In Portland, in addition to providing the template for program design, Energy Trust created a Request for Proposals (RFP) and presented the technical tax credit and financing workshops. On the back end, Energy Trust verified that each installation met its solar requirements before issuing cash incentives.
- **Project Organizer:** An organization with institutional access can serve as the project organizer, helping to coordinate the outreach and education, contractor follow-up, and overall project timeline. In Portland, the City played this role. In addition, the City provided technical support on the RFP and created a streamlined online process for solar permitting, with a one-day turnaround on prescriptive path systems, while the City's Bureau of Development Services inspected all systems.

- **Solar Industry Organization:** A local chapter of the American Solar Energy Society (ASES), the Solar Energy Industries Association (SEIA), or a nonprofit solar industry organization can be a valuable partner. In Portland, the ASES chapter, Solar Oregon, created a database for capturing enrollees and monitored customer progress. In addition, they provided staff and volunteer Solar Ambassadors to present and offer testimonials at workshops. Other campaigns have coordinated with a local SEIA chapter to ensure that contractors know of the opportunity and have a place to discuss issues of market fairness.

## CASE STUDIES

Every successful Solarize effort is tailored to the unique features of the local market and reflects its particular community values. Indeed, allowing for this expression of values is what makes the Solarize model so attractive and empowering for participants. The following case studies offer an overview of local variations and lessons learned. These include prominent examples of everything from grassroots community-led campaigns to innovative commercially-led campaigns.

### Solarize Portland: Building a Local Solar Economy

**Campaigns:** Six campaigns, in Southeast (2), Northeast, Southwest, North, Northwest

**Installations:** 560 homes

**Total Installed Capacity:** 1.7 MW

The Solarize Portland campaigns of 2009 through 2011 revolutionized the market for solar, driving down market prices by more than 30% across the board and generating over 50 permanent green jobs for site assessors, engineers, project managers, journeyman electricians and roofers. In 2011, the market was revolutionized once more with the entry of the solar lease and prepaid PPA options, which have subsequently been used in well over half of new PV installations. As the City looks beyond 2011, the local Solarize campaigns are winding down, but independent solar installations are increasing and the City continues to support replication efforts across the State of Oregon.

The Portland campaigns supported enduring and sustainable market growth in several ways:

1. Encouraging local contractors to respond to the RFP through a partnership or awarding the contract to two companies to split the jobs.
2. Limiting the duration of campaigns, so that the market would not be tapped out, but rather, primed for further activity.
3. Providing technical assistance to ensure that the selected contractors provided maximum benefit to the local community through local hiring, sourcing, and job training.

In addition, the citizen volunteers who were empowered to select solar installers on behalf of their neighbors chose to “share the wealth”: the Portland campaigns ultimately tapped three different solar contractors and numerous local subcontractors.

#### Lessons and Considerations:

- *Contractor Memorandum of Understanding (MOU) promotes local hiring:* Northeast Coalition of Neighborhoods signed an MOU requiring the installation contractor to coordinate with three community-based pre-apprenticeship programs that train people to enter the construction trades. The contractor ultimately hired eight of the 18 hires from these programs in the Northeast neighborhood.
- *Using small contractors:* Small contractors need support to develop customer service mechanisms such as a customer tracking database. In addition, contractors are independent businesses and do not generally partner with one another. Rather than ask for collaboration, the RFP committee might decide to award half the jobs to one contractor and half to another, as they did in Salem, Oregon.

- *Using local manufacturers:* Project organizers in Southwest Portland wanted to “buy local.”<sup>6</sup> The contractor suggested using panels and inverters made in Oregon. While customers were offered an option to purchase out-of-state components (because the locally manufactured products were more expensive), almost all chose the locally manufactured products, magnifying the economic impact of the program in Oregon.
- *Rising solar awareness fuels broad growth:* Although some contractors were concerned that they would suffer loss of market share when they were not selected as “Solarize” installers, the data from Portland show that non-Solarize installations also increased significantly during the Solarize campaigns. Not only did Solarize build awareness of solar energy as an option, but it also stoked demand and provided a publicly respected benchmark price, accelerating customer decision-making across the board.

**For more information:** Lee Rahr, City of Portland, [lee.rahr@portlandoregon.gov](mailto:lee.rahr@portlandoregon.gov)

### Solarize Washington: Simplifying Complex Pricing

**Campaigns:** 2 complete (Queen Anne, Magnolia), 2 in progress (Northeast Seattle, Stanwood/Camano)

**Installations:** 56

**Total Installed Capacity:** 237 kW

Seattle-based nonprofit Northwest Sustainable Energy for Economic Development (Northwest SEED) launched a Solarize program for Washington residents in early 2011. Northwest SEED works with membership-based community groups to organize Solarize campaigns neighborhood-by-neighborhood. The organization has completed two successful campaigns and began two more in 2012. Due to the structure of the Washington State Renewable Energy Production Incentive, solar systems manufactured in-state achieve a much quicker payback than solar systems manufactured out of state, despite their higher upfront cost. Selected installers offer both options to Solarize participants, adding complexity to the choice, but numbers indicate that contractors are framing the choice to match their preference at the point of sale. In addition, after the success of the first campaign, contractors are confident enough to offer a low flat price from the first sale, dispensing with participation-based pricing tiers.

As demand for Solarize campaigns has grown, Northwest SEED has begun to issue a Call for Partners to competitively select neighborhoods as hosts for upcoming Solarize campaigns. In addition, several local utilities have seen the success of Solarize Washington campaigns and are now offering support to expand the program.

#### Lessons and Considerations:

- *Nonprofit-led campaigns:* As a nonprofit organization, Northwest SEED faced funding challenges in moving Solarize Washington forward. Initially the organization relied heavily on foundation grants to support the program. As grant funding wanes, Northwest SEED is partnering with local utilities to provide ongoing support to Solarize campaigns. Learning from other Solarize efforts around the nation, Northwest SEED may incorporate a lead-generation fee to help create a more predictable, stable funding source for future campaigns.

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<sup>6</sup> Although Portland defined “local” as “Made in Oregon,” other campaigns may define “local” as “made in the region” or “made in the USA.” Regardless of the definition, the desire to “buy local” can influence customer choices and boost the “local” economy.

- *Contractor-led projects:* Following the lead of Solarize Washington, several similar “Solarize” efforts have sprung up around the state. In large part, these efforts are led by local installers and thus do not utilize the grassroots organizing central to a traditional Solarize program. Some of these campaigns have been held in towns not already hosting a Solarize campaign, while others advertise “rock bottom prices” to compete with ongoing efforts in Solarize communities. Although these campaigns deviate from the established Solarize model, they do demonstrate the market-expanding effect that Solarize programs can have on the local solar industry.

**For more information:** Alexandra Sawyer, Northwest SEED, [alex@nwseed.org](mailto:alex@nwseed.org), (206) 457-5403

## Solarize Massachusetts: Spurring Competitive Installations

**Campaigns:** 4 (Harvard, Winchester, Hatfield, Scituate)

**Installations:** 162

**Total Installed Capacity:** 829 kW

Massachusetts Clean Energy Center (MassCEC) launched the Solarize Massachusetts (Solarize Mass) program in 2011 in an effort to expand the state’s solar PV market beyond traditional early adopters. Working with the Massachusetts Department of Energy Resources, MassCEC identified four “Green Communities” to pilot the Solarize Mass program. To help spur grassroots marketing and activism around the program, MassCEC provided each community with an outreach toolkit – complete with a banner, yard signs, bumper stickers, templates, and other marketing materials – and framed the program as a competition to achieve widespread solar adoption. Though not the largest community in terms of population, the town of Harvard ultimately succeeded in installing the most systems and Solarizing an impressive 4% of total residences. Participants were able to choose between a direct ownership and a leasing ownership model, both with four tiers of pricing based on the number of people who contract to install solar. Although uptake of owned vs. leased solar installations varied by town, offering both options ultimately made the solar market more accessible for all.

### Lessons and Considerations:

- *Each community is different:* MassCEC had a unique opportunity to learn from pilot projects that took place simultaneously in four distinct communities. Although each town selected for participation had been pre-designated as a “Green Community,” each was unique in size and demographics. MassCEC provided the towns with the same outreach toolkit and found that the efficacy of the outreach tools varied significantly from town to town. While the Solarize model can be streamlined and standardized to a certain extent, it is ultimately a dynamic program that must be customized to fit the character of the community it is serving.
- *Steep pricing tiers are motivational:* Solarize Massachusetts featured a tiered pricing structure for each of its four pilot campaigns. Communities selected different installers, so pricing tiers differed between communities. In Harvard, the installer offered aggressive pricing tiers with sizable savings from tier to tier. This translated into momentum for community members to get their neighbors to participate—more participation meant substantial price savings for all. MassCEC learned that communities want early wins and demonstrable opportunities to save and showed aggressive price reductions based on group pricing are one way to accomplish this.

**For more information:** Elizabeth Kennedy, MassCEC, [ekennedy@masscec.com](mailto:ekennedy@masscec.com), (617) 315-9321

## Vermont Solar Communities (Solar PV): Creating a For-Profit Spinoff

**Campaigns:** 10 (Waterbury 2, Williston 2, Charlotte 2, Hinesburg 2, Shelburne 2)

**Installations:** 60 solar PV

**Total Installed Capacity:** 300 kW

Vermont Public Interest Research Group (VPIRG) created VPIRG Energy to orchestrate solar group purchasing. Beginning in 2010, VPIRG Energy launched its Solar Communities program in three rounds—the first round offering only solar PV and subsequent rounds offering either solar PV or solar hot water. As an established membership-based organization, VPIRG had a pool of members from which to draw participants, so the Solar Communities effort required less organizing by local community groups than a traditional Solarize campaign might. Local community members with solar installations were particularly effective in organizing house parties to publicize the Solar Communities program and increase awareness about solar. VPIRG Energy recouped its operational and program costs through a \$0.25 per watt lead-generation fee paid from the installer to VPIRG Energy at the time of system installation. The co-directors of VPIRG Energy concluded their campaigns and launched a new residential solar enterprise in 2012. SunCommon is a for-profit company that offers homeowners a solar lease for no money down.

### Lessons and Considerations:

- *Sticking with one installer:* Although VPIRG Energy performed a competitive selection process for the first iteration of Solar Communities, it opted to use the same installer again for subsequent iterations of the program instead of issuing an RFP. This alienated some smaller local contractors, who felt that they were blocked from participating in the expanding solar markets in the four pilot communities. Concerned installers asserted themselves as solar designers, not simply “wrench turners,” and wanted the opportunity to be included to the fullest extent possible.
- *Using a lead-generation fee:* To cover costs associated with program administration, lead generation, and marketing, VPIRG Energy collected a \$0.25 per watt fee (approximately 5% of the installed price) from the contractor upon close of sale. After refining the sales process to ensure cash flow, the fee was high enough to help VPIRG recoup costs while low enough to preserve the program price advantage.<sup>7</sup>

## Vermont Solar Communities (Solar Hot Water)

**Campaigns:** 2 (Montpelier, Addison County)

**Installations:** 175 to date

Following the first round of its Solar Communities program, VPIRG Energy expanded beyond PV to pilot two solar hot water campaigns. These programs followed many aspects of the Solarize model and used a local company for manufacture and installation of solar hot water systems. Solar Communities that offered solar hot water were ultimately more successful than those that offered solar PV in terms of final participation numbers. This could be attributed to several factors, including lower upfront cost, the opportunity to purchase locally manufactured systems, and an impending incentive drawback that spurred action.

**For more information:** Colleen Thomas, Colleen@vpirg.org, (802) 223-8421

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<sup>7</sup> Presumably, as costs for solar PV continue to fall, customer acquisition costs and lead generation fees will fall.

## One Block Off the Grid

**Campaigns:** 20 communities in 11 states

**Installations:** 1,500

**Total Installed Capacity:** 8 MW

One Block Off the Grid (1BOG) is a San Francisco-based for-profit company that aims to figuratively take city blocks “off the grid” through solar installations en masse. 1BOG establishes programs in target cities with promising solar markets and aims to address three major barriers to widespread solar energy implementation: 1) high cost, 2) confusing process, and 3) lack of trust between potential customers and installers. 1BOG’s city-based programs feature ongoing solar campaigns that run for three months at a time. The group recently launched several new Web tools with the intention of making solar simple and accessible. 1BOG’s US Solar Markets Map ([www.1bog.org/nation](http://www.1bog.org/nation)) showcases solar PV demand by county and assigns state solar policy “grades,” while its solar estimating tool ([www.1bog.org/solar-estimate](http://www.1bog.org/solar-estimate)) allows customers to use mapping technology to see what a solar system might mean for their home.

### Lessons and Considerations:

- *Using a per-watt fee:* To finance their business model, 1BOG charges a \$0.25 per watt installed fee to the chosen contractor. This adds approximately \$1,250 to the price of a 5 kilowatt system, about 5% of the overall system cost. The customer never “sees” this fee, because it is built into the flat-rate price offered by the contractor.
- *Remote solar site assessment:* 1BOG recently developed a program to design solar systems remotely through Web-based mapping technology. Using this technology, the organization is able to offer similar services as one might receive in a traditional site evaluation, but cut down on time by performing the evaluation over the phone. Using this technology, 1BOG allows customers to sign contracts remotely, thus creating efficiencies in the solar installation timeline.

**For More Information:** 1BOG, [www.1bog.org/](http://www.1bog.org/)

## Reduce then Produce: Home Performance Before Solar

**Campaigns:** 1 (San Diego)

**Installations:** 7 (in addition to 11 home-performance upgrades)

The San Diego-based California Center for Sustainable Energy (CCSE) administers the California Solar Initiative rebates in the San Diego area and works with home performance contractors under the Energy Upgrade California program. In summer 2011, CCSE launched “Reduce then Produce,” a pilot program to integrate the two efforts. Homeowners were required to get a Home Energy Rating System (HERS) rating of 100 or lower, or get a home assessment and conduct an upgrade before going solar. Rebates were available for both the HERS rating and the energy upgrades. GroupEnergy (see GroupEnergy: Workplace Campaigns for Employers and Employees) guided the RFP for solar PV, selecting two installers. CCSE invited a pool of 30 qualified home-performance contractors to join the program, and 13 ultimately signed on. Although participation in the pilot was light, program managers are eager to refine the program design and try again.

### Lessons and Considerations:

- *Home Performance Contractors Want Solar Business:* It is relatively common, at least in strong solar markets like San Diego, to find home-performance contractors who offer holistic solutions including solar PV. Because the campaign used pre-selected solar contractors, the home-performance contractors did not embrace the program as strongly as they might have. Using a single contractor for both the home performance and the solar installation might increase contractor enthusiasm and sales.
- *Homeowners Want Recognition of Their Home-Performance Efforts:* By requiring homeowners to prove home performance (through a rating or upgrade implementation) before going solar, the program engendered resistance in homeowners who felt that they had already improved home performance. Program managers suggest that a more appealing approach is “Reduce AND Produce,” encouraging homeowners to do both, but allowing homeowners to self-certify that they have improved home performance. Especially in the relatively mild climate of San Diego, home-performance improvements may not return enough savings to risk losing the solar opportunity.

**For more information:** Siobhan Foley, California Center for Sustainable Energy,  
[Siobhan.foley@energycenter.org](mailto:Siobhan.foley@energycenter.org)

### GroupEnergy: Workplace Campaigns for Employers and Employees

**Campaigns:** Multiple corporate and government clients

**Installations:** NA

**Total Installed Capacity:** NA

Founded in July 2011, GroupEnergy delivers collaborative procurement programs to make residential and commercial clean energy solutions simple, social, and cost effective. GroupEnergy designs and administers procurement programs to pool the buying power of an organization’s workforce, securing lower purchase pricing and attractive terms for residential solar and energy efficiency improvements. This new employee engagement tool streamlines the process of researching and choosing the right vendors to help participants lower their utility bills and generate renewable energy. Employers see increased employee engagement in their corporate social responsibility and sustainability initiatives, while helping their community achieve its greenhouse gas reduction goals.

Each GroupEnergy campaign includes a competitive RFP process to evaluate and select vendors. As of early 2012, multiple campaigns had completed vendor evaluation and launched enrollment. GroupEnergy can work either directly with a large employer, or deliver partnership programs through an umbrella nonprofit or government organization. Current GroupEnergy clients include Adobe's Green Team, Bank of America, the Bay Area Climate Collaborative SunShares program, Genentech, and ICLEI - Local Governments for Sustainability USA. Under ICLEI, GroupEnergy is administering “Energy Benefits,” a new clean energy procurement program offered to member communities as a tool for achieving climate action goals. Energy Benefits offers residential solar and energy efficiency solutions, as well as commercial facility solar aggregation on behalf of employer organizations. With its nationwide reach, GroupEnergy is reducing soft costs, securing favorable pricing and leveraging the workplace to bring solar to new markets.

**For More Information:** Jessie Denver, GroupEnergy, [info@mygroupenergy.com](mailto:info@mygroupenergy.com)

## GENERAL LESSONS AND CONSIDERATIONS

The following lessons and considerations are based on the feedback from all of the Solarize campaigns in this guidebook.

### Tap the Grassroots

Solarize campaigns are successful because they tap the grassroots to design and market the program. In a positive feedback loop, the process of creating and deploying the program builds community pride that encourages higher levels of participation in the community.

#### **Involve the Community in Decision Making**

The RFP process is an opportunity for the community to create an empowering statement of values. With guidance from technical experts, volunteers craft the contractor selection criteria and exercise choice in the selection of the installer(s).

#### **Use Community-Based Marketing**

Solarize is a classic example of community-based social marketing: Information reaches people through face-to-face encounters with friends and neighbors, house parties, and other social interactions. Although the campaign uses the Web

as well as traditional media, the thrust of the marketing appeal is personal. In contrast to a plea from the government or the utility, the appeal comes directly from a friend or neighbor.

*“Solarize Southwest was perhaps the single most satisfying project I’ve worked on at SW Neighborhoods. The shared experience of residents attending workshops together and installing solar energy equipment at the same time helped to create a strong sense of community amongst those who participated, and helped us fulfill our mission to the community: to empower citizen action to improve and maintain the livability of southwest neighborhoods.”*  
*Leonard Gard, Project Coordinator, Southwest Neighborhoods, Inc.*

### Collaborate with a Trusted Local Organization and Assign a Project Manager

A successful campaign collaborates with a trusted local organization that has a history of helping people. In Portland, the Neighborhood Coalition offices served this role. In Washington, it was Northwest SEED, and in Vermont, it was VPIRG that was the trusted organization. Local organizations provide “third-party validation,” which instills trust in the program. Regardless of the organization, each campaign had a dedicated project manager to orchestrate the effort.

### Plan for Success

The first Solarize Portland effort set a goal of 25 installations. When 350 residents signed up, the manual process of entering enrollee information into a spreadsheet quickly became untenable, and the contractor realized that it needed a customer service plan to keep in touch with customers over the several months that they would have to wait to get through the installation queue.

Project organizers should plan for success and put efficient systems in place for capturing enrollment information, sharing information with contractors, and following up with customers. Consider selecting more than one contractor, so that no single contractor is overwhelmed with jobs.

#### **Support Contractor Systems**

Smaller contractors in particular may need support to build their customer relationship management systems to handle a program of regular follow-ups to keep warm leads “warm” until they can reach

the customer. Project organizers can help contractors by ensuring that they have thought through their customer service plan, requiring specific plans in the RFP response.

### **Make Contractors Responsible for Site Assessments**

The early Solarize campaigns offered an optional free site assessment in which Energy Trust helped residents determine their homes' suitability for solar and consider energy efficiency options. Although attractive in principle, in practice, offering these third-party reviews created a bottleneck, slowing the installation process as contractors had to wait for the reviewers to complete their assessment before meeting with the homeowner. The first program evaluation showed that homeowners who requested the optional site assessment actually installed solar at a lower rate than those who did not (possibly because they were requested by homeowners who suspected that their home was unsuitable.) In any case, the contractor must ultimately visit the home to advise on the system size and sign the contract, so the site assessments can be part of the contractor's plan.

## **Pricing Considerations**

To what extent is the success of Solarize due to low prices? Campaign results suggest that prices and incentives vary widely from market to market, and project organizers should consider several points when designing the price of the offer.

### **Absolute Price Is Less Important Than the Perception of a Good Deal**

In general, most people don't know what a solar installation is supposed to cost, so they have no price yardstick to evaluate the program offering. More important than getting a good deal is the assurance that they are not getting a bad deal. As long as a consistent price is set for everyone, and it is demonstrably less expensive than the "going rate" for individual solar installations, people perceive the cost as "a good deal." In fact, many RFP committees selected final bids that were not the lowest price, but the best value, providing a reasonable price for high-quality service.

### **Fixed Price vs. Descending Price: Pros and Cons**

The Solarize campaigns in Portland and Massachusetts effectively used a descending price scale to encourage higher participation. While a descending price can motivate early enrollees to recruit others, it also adds complexity: it delays the time when the final price is determined, so the contractor cannot quote a final price to early enrollees. Contractors might quote the highest price and collect payment in several installments, with a contract clause that the final installment will be adjusted to reflect the final price. However, organizers might consider fixed-flat pricing from the start and use other means to encourage recruiting. For example, contractors might pledge to donate a system to a local organization if the installations reach a certain goal. Others may offer a rebate at the end of the program to all participants based on the total solar capacity installed.

Another argument for fixed pricing is that the contractor's ability to offer a lower price does not depend as much on the savings on volume purchases of equipment as it does on the savings in time and effort in marketing. Larger contractors often have access to volume equipment pricing even without the group purchase, so their savings are more likely to be realized in the community-run sales and marketing. They can commit to their lowest price knowing that the grassroots community-based social marketing effort will bring them hot leads with a high conversion rate.

## Financing

By offering some form of program financing, Solarize campaigns are able to tap a larger market for PV. Options vary from state to state, but some combination of the following should be considered.

### **Municipal Loans**

The City of Pendleton, Oregon, offered zero-interest loans of \$9,000 to Solarize participants. Funds were borrowed from an existing wastewater treatment facility rate stabilization fund, with loan repayment structured over four years: 50% paid back the first year and the remainder paid back over three years. The loans were secured by a lien against the property through a Local Improvement District. The City used property tax revenue to make up the lost interest on the rate stabilization fund, so that when the loans are fully repaid, the fund will be exactly where it would have been without the program. These funds bridged the gap between the customers' payments to the contractor and their receipt of state and federal tax incentives. Ultimately, 63% of residential participants took advantage of the loan. Sixty-four homeowners and several small businesses used \$775,000 in loans. One year later, none of the loans are in default, and the City has recovered 50% of what it loaned out and is on track for 100% recovery of the loan fund. The loans have given such a boost to solar in the area that Solarize Pendleton's selected installer, Livelight Energy, has opened a permanent office in the rural area.

**For more information:** City of Pendleton, <http://solarizependleton.com/main/replication/>

### **Bank or Credit Union Loans**

As the residential solar market continues to expand, lenders are beginning to realize the value of tapping this market. For example, Portland-based Umpqua Bank offers "Greenstreet" lending, a menu including a home equity line of credit, home equity loan, or unsecured loan to homeowners who are improving energy efficiency or going solar. The rates are competitive, and the loans have the added advantage of no fees and a lender that understands the value of connecting with green neighborhood initiatives. Credit Unions may also offer special loans for members or employees who are going solar, as the San Jose Credit Union did for its employees in 2010.

### **Solar Leases or PPAs**

In certain markets (depending on eligibility for state and utility incentives and the ability to legally offer third-party financing solutions), companies may offer customers the option to lease panels rather than make

*Third-party prepaid and lease solar PV options have provided more choice for homeowners, with lower costs. Nine out of 10 homeowners choose these programs over standard purchase options.*

a direct purchase. In Portland, when state tax rules changed to allow homeowners to take the state tax credit regardless of ownership, two large solar companies, SunRun and SolarCity, introduced financing alternatives to direct ownership. SunRun partners offer a "Prepaid PPA" in which the customer pays \$6,000 up front for a 3.24-kW system and recoups the payment over the next four years as a state tax credit. Customers receive 20 years of electricity from the panels on their roof, with maintenance and warranties covered by their installer. Solar City offers a 15-year solar lease, with no upfront payment, for as little as \$20 a month.

### **Utility Loans**

Until recently, there have been few utilities offering loans for going solar, and no overlap between solar loans and Solarize campaigns. Now, in Washington, Snohomish County Public Utility District No. 1 offers its Solar Express loan and rebate program in conjunction with a Solarize campaign. Under Washington law, Snohomish can claim double credit toward meeting the requirements of the state Renewable Portfolio Standard because the kilowatts installed are distributed renewable generation.

### **Program Funding Considerations**

Deploying a Solarize campaign costs money. Despite harnessing volunteer labor for everything from planning to marketing to contractor selection, a successful campaign will need the oversight of a project manager and will incur costs for marketing materials, database administration, and communications. The Portland campaigns relied on the staff at the neighborhood coalitions, as well as paid staff from Energy Trust and City of Portland, who were supported in part by a federal grant. Communities without paid neighborhood staff or grants should consider other options for funding.

#### **Collect a Per-Watt Fee**

Project organizers could consider building a small per-watt fee into the contractor's scope of work, which is then passed on to the customer. The contractor can still offer a competitive price, because it is saving money on marketing, while the program establishes a source of funding for everything from staff time to outreach materials. Organizers might still need seed funding to launch the project until the installations and fees begin to flow.

#### **Create a Buyer's Co-Op**

Salem Creative Network adopted a co-op model to fund its Solarize efforts, charging program participants a fee of \$0.10 per watt (e.g., \$250 for a 2.5-kW system) to join the co-op. The fee was intended to cover program management, database administration, and outreach. The co-op fees supported the campaign organizing staff for about a month. It may be more palatable to customers to have the co-op fee rolled into the contractor fee, so that they only write one check.

#### **Leverage Contractor Marketing Dollars and Expertise**

As noted, the community-led marketing campaign saves contractors money. In return, the selected contractors may have marketing materials and expertise that they can share with the campaign. For example, in Pendleton, Oregon, the contractor provided yard signs and marketing fliers, rented a booth at the farmer's market, and covered other incidental marketing costs. In Seattle, installers have provided financial assistance with everything from door hangers to bus and radio advertisements.

#### **Secure Local Utility Program Funds**

Electric utilities may be interested in supporting the labor costs and/or the rebates for a Solarize campaign as a way of delivering a popular customer service. The campaigns provide outreach and education about energy and build a constituency that interacts more closely with the utility. In addition, utilities may be able to claim Renewable Energy Credits (RECs) from programs that they sponsor. For example, in Washington, utilities that incentivize solar PV can double count that production toward meeting their Renewable Portfolio Standard.

## PLANNING A SOLARIZE CAMPAIGN

The following section describes the steps to carry out a successful Solarize campaign.

### Step 1a: Develop Partnerships and Initiate Planning (Months 1 – 3)

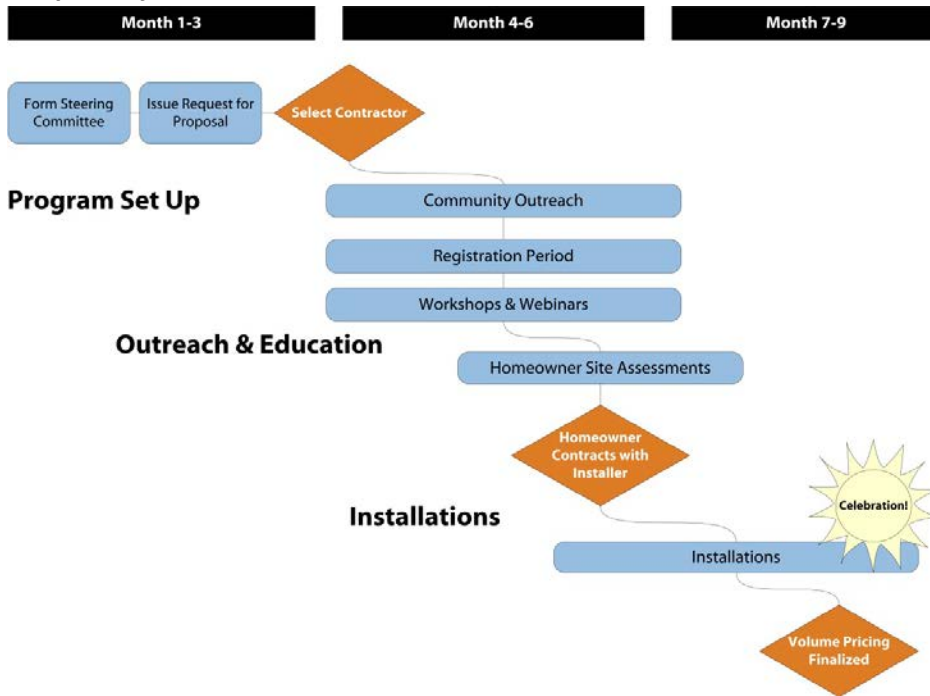
A successful campaign begins with strong planning and partnerships. The institutional project organizer should enlist key allies and support starting with a primary project manager (one very dedicated individual who will oversee all the moving parts). Usually, the initial campaign organizing involves these players:

- Primary project manager (institutional project lead)
- Community organizer or volunteer coordinator (may be a neighborhood volunteer)
- Technical support lead (a solar specialist, such as utility or city staff)

These project players collaborate to build the project work plan and timeline, identifying all the tasks, responsible parties, and community partners. Potential community allies include:

- American Solar Energy Society chapter
- Local nonprofit
- City government
- Local utility
- Neighborhood coalitions or associations
- Local manufacturer of solar equipment
- Churches
- Rotary or other service clubs
- Credit union or local bank

## Sample Project Timeline



## Sample Roles in a Solarize Campaign

The following chart shows sample roles and responsibilities in a typical Solarize campaign. The Project organizer is an essential role and could be a neighborhood coalition, a municipality, a local ASES chapter, or any organization with the capacity to devote a half-time person to leading the charge.

	Project Manager	Volunteers	Contractor	Utility/Municipality
<b>Planning</b>	Manage program; provide resources	Provide ideas		Provide tech support; provide resources
<b>Volunteer Recruitment</b>	Recruit & organize committees			Advise committees
<b>Request for Proposal (RFP)</b>	Issue RFP; advise on RFP and contractor selection	Draft RFP; select contractor	Respond to RFP	Advise on RFP
<b>Outreach</b>	Manage outreach campaign; create and print fliers; lead workshops	Build website; distribute fliers, outreach materials; schedule workshops; identify venues	Teach nuts and bolts and Q&A session	Provide workshop curriculum; teach workshops
<b>Enrollment</b>	Compile database of enrollees; engage customers	Recruit neighbors	Conduct preliminary assessment and schedule site assessments	

	Project Manager	Volunteers	Contractor	Utility/Municipality
<b>Site Assessments</b>	Track contractor turnaround time and signed contracts		Conduct site assessments with homeowners; prepare bids	
<b>Installations</b>	Track contractor turnaround time and customer experience		Execute contracts; install systems; complete paperwork	Streamline solar permitting process; inspect installations; interconnect systems
<b>Celebration!</b>	Issue press release; promote, evaluate and replicate	Plan and/or host party	Plan and/or host party	Evaluate

### Step 1b: Build Database and Customer Interface (Months 1 – 3)

A customer service database is essential for contractors and project organizers to track customer follow-up, schedule installations, and capture project results. The project organizer should provide the database structure and protocols to the contractor. Some contractors may have their own customer relationship management (CRM) software, but they should also update the database supplied by the program. This way, the contractor’s process is transparent to the project organizer, and if there are delays in implementation, the project organizer can see these and plan accordingly. Solar Oregon has developed a database for use with Solarize projects and is available on contract to build, manage, and administer a customized database for a reasonable fee. Other Solarize projects have used CRM software such as Salesforce to manage customer enrollment. The project organizer, as the agent of public trust, must be sensitive to the privacy of participants, and take care not to disclose information beyond the program or misuse information submitted by participants.

### Step 2: Volunteer Recruitment (Months 1 – 2)

One of the first tasks of the primary project manager is to host a meeting to recruit core volunteers. The core volunteers can be organized into two committees:

- Outreach committee: Manage the communication and outreach to all neighbors. Members should be media savvy and should get articles in the newspaper, build a website, and recruit neighbors.
- RFP committee: Write the RFP, review contractor submittals, interview, and select a contractor. Members should include at least one solar professional or tradesperson and preferably non-voting technical support from the institutional sponsor (e.g., city or neighborhood coalition).

The neighborhood recruitment meeting should be advertised in neighborhood papers, discussed personally with neighborhood association chairs/community groups, and talked about widely. These volunteers will be the core group to initiate the Solarize effort.

### Step 3: Request for Proposal Process (Months 2 – 3)

Writing the RFP and creating the RFP scoring rubric is a chance for community members

*"The RFP process was extremely important for our committee. We learned more about the contractors than we ever could as individual customers, and we communicated our values to the contractors."  
Todd Farris, Volunteer Program Manager, Solarize Southwest*

to express their values. The volunteer committee, acting as the agent of public trust, is creating a defensible, open process to select the contractor. Usually, at least one solar professional or person with solar expertise supports the committee. It is important to have a clear method of scoring the proposals and to communicate this to the bidders. It is best to use a low number of points (three to five) for each desired category, so that score variations are significant.

The RFP should be issued widely. Contractors should have several weeks to respond, and all questions and answers should be posted to a public website, where all bidders see the same information. After proposals are received, the committee members begin evaluation. Even where the project receives many excellent proposals, it is best to interview only the top two or three contractors as a courtesy to the volunteers and contractors.

After contractor selection is announced, the committee may receive inquiries from contractors who were not selected. If they have followed the RFP evaluation criteria, the response is simple: “The committee scored the applicants and chose the one or two that scored the highest on the rubric.” Committee members should keep conversations positive and not try to justify why the committee chose one contractor over another.

#### **Step 4: Outreach and Education (Months 4 – 6)**

Once the contractor is selected, outreach becomes a focus. The outreach committee creates or adapts materials – fliers, buttons, stickers, yard signs, and a website to help spread the word. Elements of the outreach campaign can include:

##### **Website**

A program website serves as a central location for updates on the campaign, a calendar of events, and a place to enroll. It is essential for volunteers to direct people to the website for timely information. Having a dedicated volunteer to update the website regularly helps build and maintain program momentum.

##### **Print Materials**

A colorful campaign logo and photo on a flier help lend legitimacy and spread the word. Fliers, posters, door hangers, and other print materials should be distributed widely.

##### **Blogs and Emails**

Electronic media provide an affordable and convenient way to increase the outreach of the campaign. The outreach committee should submit information to neighborhood blogs, write letters in their neighborhood newsletters, and send emails to friends, neighbors, and family members encouraging them to join the campaign.

##### **Workshops**

All interested homeowners are strongly encouraged to attend at least one workshop. A contractor representative should attend each workshop to answer questions. This will provide technical support to workshop presenters, while building a relationship of trust between the contractor and the homeowners. The group setting is important, to build trust and neighborhood cohesion while encouraging attendees to enroll in the program.

### **Basic Workshop**

This is an introductory, one-hour workshop, held at multiple locations throughout the community. The basic workshop explains how the project works, the benefits of collective purchasing, solar PV technology, financing and incentives, and how to participate.

### **Technical Q&A Sessions**

If participants want additional, in-depth information, organizers may consider holding technical Q&A sessions. These informal, open-format sessions allow potential participants to get their questions answered in a friendly and educational environment. Sessions could focus on a topic presented by subject matter experts:

- Cash incentives, tax credits and financing (Presenter: financing partner/utility)
- Net metering (Presenter: utility)
- Technical nuts and bolts (Presenter: contractor)

### **Solar Ambassadors**

A successful campaign will enlist the support of solar champions who already have solar on their homes. For example, Solar Oregon organizes a program of Solar Ambassadors, local residents who have gone solar. These supporters are strong advocates and positive examples for homeowners considering a solar purchase. Ambassadors can attend or present at workshops, providing an important validation to others looking to install solar.

## **Step 5: Customer Enrollment (Months 4 – 6)**

The enrollment period, usually three months, should run concurrently with outreach and education. Kick off with a press release and a high-profile community event, perhaps at a farmer's market or other public venue. Ideally, enrollment occurs online, and participants enter their data directly into a database. Programs may make a provision for participants to register by phone if they have no Internet access, and a project organizer could enter this customer data into the Web interface. The online enrollment process should generate an auto-reply email, alerting the customer of the date on which their information will be given to the installation contractor, and telling them to expect a call within two weeks (or the agreed upon turnaround time). At this point, the leads are hot and the sooner the contractor can act, the more likely the leads will convert to installations.

Throughout the enrollment period, the outreach committee volunteers drive people to the website through various avenues that suit their own comfort level: hosting coffees, going door to door, sending emails, posting fliers on public message boards, or submitting articles to the local press. As the enrollment period draws to a close, the media may take interest, if they haven't already. It is best to invite media early on, so that they can help get the word out, rather than generate a lot of interest after the enrollment has closed.

## **Step 6: Site Assessments (Months 4 – 8)**

As soon as people begin enrolling, the project organizer can begin passing participant information to the contractor. Although several Solarize campaigns waited until the end of enrollment to pass the leads to the contractor, passing leads as participants enroll will help even out the contractor workload and improve the follow-up time. The contractor may use mapping software to screen out any obviously ineligible participants (e.g., those with heavy shading) and then schedule an appointment to meet with the customer for a more

detailed evaluation and system sizing. If all goes well, the customer and contractor sign a contract for installation.

**Step 7: Installations (Months 5 – 9)**

The contractor is responsible for installations, but the project manager should monitor the customer database to ensure that installations are occurring within an appropriate time frame. At this phase, the contractor should be updating the customer database as customers are contacted and systems installed. All customers should continue to get periodic messages from the program, offering updates on the status of the program. In Portland, the project manager coordinated weekly or twice-monthly team meetings to discuss installation statistics, and address and issues or concerns that arose. Meetings built a strong team atmosphere and gave the City, neighborhood leads, and the contractor opportunities for increased project cooperation and correction, when needed.

Some Portland participants expressed frustration with long waiting periods between enrollment and installation. This is typical in a volume purchasing program, but can be alleviated in part by choosing more than one contractor and/or releasing names to the contractor as soon as homeowners enroll.

**Step 8: Celebrate and Reflect (Month 9)**

It is important to acknowledge the hard work of everyone who supported the program and celebrate the community effort. The contractor and/or manufacturer may be willing to sponsor a public celebration. The media will want to attend, and the positive energy generated by the celebration can help fuel the next project in the next neighborhood. Equally important is reflection and evaluation. Project organizers can continue to build public trust by listening to feedback in order to improve future programs.

*After the installations were complete, the homeowners came together for a walking tour of neighborhood homes and a celebratory picnic. Another Portland neighborhood held its celebration at the local brewpub.*

**Sample Budget**

Although every program will vary by location and population size, this sample budget provides a starting point for project planners.

Labor Hours	Project Organizer	Volunteers	Contractor	Utility	Total
<b>Project Management</b>	250	250			
<b>RFP Committee</b>	40	80			
<b>Outreach Committee</b>	70	50			
<b>Workshop Design and Delivery</b>	100	50	20	10	
<b>Site Assessments</b>			*		
<b>Installations</b>			*		
<b>Celebration and Evaluation</b>	30	30	20		
<b>Total Hours</b>	<b>490</b>	<b>460</b>	<b>40</b>	<b>10</b>	<b>1,000</b>
<b>Materials Expenses</b>					
<b>Collateral (fliers, yard signs, etc.)</b>	\$1,000		\$1,000		
<b>Advertising</b>	\$150				
<b>Database Development</b>	\$2,000				

Labor Hours	Project Organizer	Volunteers	Contractor	Utility	Total
Workshop Venue Rental	\$400				
Speaker Fees	\$300				
Booth Rental for Events	\$100				
Web Hosting/Domain Name	\$200				
Celebration Event	\$200		\$300		
<b>Total Materials</b>	<b>\$4,350</b>	<b>\$0</b>	<b>\$1,300</b>	<b>\$0</b>	<b>\$5,650</b>

*\*Contractor hours for site assessments and installations will vary by number of participants and are not shown here because they are not unique to a Solarize campaign.*

The budget above reflects a possible scenario for a project lead, volunteers, and program partners. Of course, labor costs will vary widely, depending on how much of the labor is volunteer based.

Some communities have successfully leveraged AmeriCorps or other service-learning volunteers to serve key program roles, while others have used volunteers primarily in outreach and the RFP process. In some municipalities, the existing staff in the office of neighborhoods or the office of energy or sustainability can take on the project lead hours as part of a special campaign.

As with labor, the materials budget will vary widely, depending on the media market and the amount of outreach materials that can be donated. The budget does not suggest a source for program funding. Each program planner will have to consider options discussed elsewhere in this guide, including grants, volunteer contributions, or a fee assessed on each installation.

### Collective purchasing programs from across the United States

- GroupEnergy launched multiple collective purchasing programs for the workplace in early 2012. [www.mygroupenergy.com](http://www.mygroupenergy.com)
- “Lighten Our Load” was developed for Columbia Sportswear by Energy Trust of Oregon in 2008. [www.energytrust.org](http://www.energytrust.org)
- MadiSUN Group Solar Program serves residential and commercial customers in Madison, Wisconsin. <http://www.cityofmadison.com/sustainability/city/madisun/>
- Make Mine Solar is a collective hot water purchasing program, based in Minneapolis, Minnesota. [www.mnrenewables.org/MakeMineSolar](http://www.mnrenewables.org/MakeMineSolar)
- One Block Off the Grid is active in 20 cities nationwide, supporting volume purchasing for residential customers. [www.1bog.org/](http://www.1bog.org/)
- Reduce then Produce was an integrated home performance and solar program based in San Diego, from the California Center for Sustainable Energy.
- San Jose Employee Solar Group Buy was offered to City employees and retirees in 2010. The program became the model for the SunShares Program of the Bay Area Climate Collaborative. <http://baclimate.org/impact/sunshares.html>
- Solar Beaverton offers PV, hot water, and even EV charging stations in a group purchase format. <http://www.beavertonoregon.gov/index.aspx?NID=412>
- Solarize Eugene: The Resource Innovation Group won a utility grant for Solarize Eugene 2012, addressing PV and hot water. <http://solarenergydesign.com/solar-electric-systems/solarize-eugene/>
- Solarize Pendleton: The City of Pendleton, Oregon, offered zero-interest loans to finance solar installations and created program replication materials <http://solarizependleton.com/main/replication/>
- Solarize Portland: With over six campaigns and 560 installations, Portland leads the way and helps other cities run Solarize campaigns. <http://www.portlandonline.com/bps/index.cfm?c=51902>
- Solarize Salem: The Salem Creative Network organized a co-op to help fund its PV and hot water campaigns. <http://solarizesalem.org/>
- Solarize Santa Barbara: More than 49 neighbors went solar through a program from Community Environmental Council. <http://www.cecsb.org/solarize-santa-barbara>
- Solarize Washington: A series of residential PV campaigns from Northwest SEED began in 2011. [www.solarizewa.org](http://www.solarizewa.org)
- Solarize Massachusetts: Massachusetts Clean Energy Center (MassCEC) in partnership with Green Communities Division of the Massachusetts Dept of Energy Resources ran campaigns in four cities. <http://www.masscec.com/index.cfm/cdid/12093/pid/11159>
- VPIRG Energy ran successful “Solar Communities” programs for PV and hot water across Vermont. The co-directors of VPIRG Energy have subsequently launched SunCommon. <http://suncommon.com/>

## Publications

**Solar Powering Your Community: A Guide for Local Governments.** U.S. Department of Energy, 2011. The second edition of this guide includes case studies and lessons learned from Solar America Cities. [www.solaramericacommunities.energy.gov/resources/guide\\_for\\_local\\_governments](http://www.solaramericacommunities.energy.gov/resources/guide_for_local_governments)

**Solarize Portland: Community Empowerment through Collective Purchasing.** Lizzie Rubado, Energy Trust of Oregon, August 2010. This paper provides more details on the success of Solarize Portland. [www.energytrust.org/About/policy-and-reports/Reports.aspx](http://www.energytrust.org/About/policy-and-reports/Reports.aspx)

**Evaluation of Energy Trust of Oregon's Solar Programs: Solarize Southeast Portland and Solar Energy Review.** The Cadmus Group, November 2010. The evaluation contains detailed customer feedback and participation profiles for the first Solarize project. [www.solarizewa.org/files/cadmus-report-eto-solar-programs](http://www.solarizewa.org/files/cadmus-report-eto-solar-programs)

**Smart Solar Marketing Strategies.** L. Rosoff and M. Sinclair, Clean Energy Group 2009. The report offers valuable lessons in marketing solar. [www.statesadvancingsolar.org/resource-center/smart-solar-marketing-strategies](http://www.statesadvancingsolar.org/resource-center/smart-solar-marketing-strategies)

**Peer Effects in the Diffusion of Solar Photovoltaic Panels.** Bryan Bollinger, NYU Stern School of Business and Kenneth Gillingham, Yale School of Forestry & Environmental Studies, December 2011. This paper analyzes the spread of solar PV in communities. [http://people.stern.nyu.edu/bbollinger/index\\_files/BollingerGillingham\\_PeerEffectsSolar.pdf](http://people.stern.nyu.edu/bbollinger/index_files/BollingerGillingham_PeerEffectsSolar.pdf)

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DOE/GO-102012-3578 • May 2012



For more information, visit:  
[energy.gov/sunshot](http://energy.gov/sunshot)

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DOE/GO-102012-3578 • May 2012

## **RS Correspondence - April 19, 2016**

**Re: Written Testimony in opposition to Solar Goals (Regular Session agenda 6.E)**

***Mr. Clark of the Ardenwald Neighborhood***

***April 18, 2016 ("Tax Day")***

**Dear Mayor and Councilors of the good city of Milwaukie:**

**I oppose a resolution to spend our public's money and staff time on solar energy.**

**Even if it is only up to \$5,000 in our monies and up to about 500 hours in City staff time, I still would much rather have the City spend such monies and time on more concrete and tangible basic government activities; than the relative poor local environmental gains of solar power.**

**Much more helpful to the hard working families of Milwaukie and my neighborhood is spending \$5,000 to fix potholes, add a few sidewalks, or add more security to the Spring Water corridor abutting the north side of Ardenwald. These activities will add much more to the immediate environment Milwaukie citizens live in; rather than a fling at a problem which is most likely beyond our control and maybe even most national governments' control.**

**We work hard and should enjoy a full return of our public monies with most immediate affect to help us enjoy our neighborhoods.**

**Fixing potholes, adding sidewalks, and fostering the Spring Water Corridor trail will most likely have much greater positive environmental impact than adding a few hundred solar panels.**

**The state of Oregon just closed a tattered program called the Business Energy Tax Credits designed for renewable energies, after seeing nearly \$1 billion dollars disappear in largely unaccounted for public funds – leading to calls to eliminate the Oregon Department of Energy. Please do not bring this (excuse my French) nonsense to Milwaukie.**

**Sincerely,**

**Robert "Elvis" Clark**

**Milwaukie, Oregon 97222**



MILWAUKIE CITY COUNCIL  
*Office of the City Recorder*

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

## Speaker Registration

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

Name: John Grieser  
Organization: Elemental Energy

Address: 3123 SE Belmont St.  
Phone: 503 967 5786  
Email: john.grieser@gmail.com

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:

Solar!



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Name:

Craig Ernst

Organization:

Address:

3808 SE Lyncra Ct. Milwaukie OR 97222

Phone: 503.810.8823

Email:

whopping@gmail.com

☒ Meeting Date:

4/19/2016

### Topic to Discuss:

Agenda Item You Wish to Speak to:

#4 Audience Participation

#5 Public Hearing

#6 Other Business

You are Speaking...

in Support

in Opposition

from a Neutral Position

to ask a Question

Comments:

Support Solarize Milwaukie



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Name: *James Knight*  
Organization:

Address: *10987 S.E. 28th Ave*  
Phone:  
Email:

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation  
 #5 Public Hearing  
 #6 Other Business

You are Speaking...

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

Comments:

*Solar*



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Name:  
Organization:

*Crista Whittington*

Address:  
Phone:  
Email:

*9311 SE Stanley Ave  
503-270-0384  
joy4aluke@yahoo.com*

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:

*Solar*



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Name:  
Organization:

Virginia Makam  
Maxam

Address:  
Phone:  
Email:

4005 SE Angela way  
Milwaukie, OR  
97222

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:

solar



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Name: *Larry Sherrill*  
Organization:

Address: *11364 SE 31st AVE*  
Phone: *503 515-2921*  
Email: *Larry@aardj.com*

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:

*SOLAR*



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Name: *Meghan Barrier*  
Organization: *OSEIA*

Address:  
Phone:  
Email: *Meghan@OSEIA.ORG*

⊗ Meeting Date: *4/19/16*

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation *SOLAR*
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:

*RAN a Solarize program in  
Mercer Island Seattle area*



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Name:

Robert Sandberg

Organization:

Light Source Energy

Meeting Date:

Address:

Phone:

(503) 203-4410

Email:

rsandberg36@gmail.com

### Topic to Discuss:

Agenda Item You Wish to Speak to:

#4 Audience Participation

#5 Public Hearing

#6 Other Business

You are Speaking...

in Support

in Opposition

from a Neutral Position

to ask a Question

Comments:

I have good solar news for Milwaukie!  
A solar array is planned for a non-profit.



## MILWAUKIE CITY COUNCIL

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Name:

Terry Tomei

Organization:

Elemental Energy

Address:

8510 SE FLAVEL DR 97206

Phone:

503-209-6963

Email:

terry@ElementalEnergy.net

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

#4 Audience Participation

#5 Public Hearing

#6 Other Business

You are Speaking...

in Support

in Opposition

from a Neutral Position

to ask a Question

Comments:

Solarize Milwaukie



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Name: *Charlie Fisher*  
Organization: *Environment Oregon*  
 Meeting Date:

Address: *1536 SE 11th Ave*  
Phone: *971-266-2511*  
Email:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation  
 #5 Public Hearing  
 #6 Other Business

You are Speaking...

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

Comments:

*Salas Solar Goal + Solarize*



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **RS 6. F.**  
Meeting Date: **April 19, 2016**

To: Mayor and City Council  
Through: Bill Monahan, City Manager

**Added to Agenda  
April 15, 2016**

Subject: **Neonicotinoid Insecticides - Resolution**

From: Mitch Nieman, Asst. to City Manager

Date: April 19, 2016

### **ACTION REQUESTED**

Adopt a resolution on behalf of Mayor Mark Gamba to eliminate the use of neonicotinoid pesticides toxic to honey bees and other pollinators.

### **HISTORY OF PRIOR ACTIONS AND DISCUSSION**

August, 2015: Mayor Mark Gamba sent a draft pollinator resolution to members of the City Council to inform Council that he was working on a pollinator resolution.

August – November, 2015: City staff, staff of the North Clackamas Parks and Recreation District (NCPRD), and the City's Park and Recreation Board (PARB) discussed the possibility of restricting the use of neonicotinoid pesticides and the potential impacts to the City's ability to purchase landscaping materials and maintain parks.

January, 2016: The Xerces Society submitted a revised draft resolution to the City so it could be formatted into the City's resolution format.

February, 2016: City Council, staff, and representatives from NCPRD, received a presentation from Xerces Society on the importance of pollinators in the region and discussed countywide integrated pest management.

March – April 2016: PARB Chairwoman, Lisa Gunion-Rinker, submitted a list of local nurseries to City staff that do not use neonicotinoids, or neonicotinoid-like insecticides, for analysis and review. City staff forwarded her list to NCPRD to ask if the District sources product from any of the nurseries on her list (refer to attached nursery list).

### **BACKGROUND**

The use of neonicotinoid pesticides has been linked to impairing the activities and life cycle of bees, threatening the food system. In addition, the use of neonicotinoid pesticides has been shown to be harmful to birds as well as aquatic organisms. The City has used products containing neonicotinoid or neonicotinoid-like insecticides, or plants treated with neonicotinoid or neonicotinoid-like insecticides.

Mayor Gamba has proposed that the City consider adopting a resolution to take action to suspend the use of neonicotinoids and prohibit the procurement of plant materials that contain or have been treated with neonicotinoids as well as other bee-toxic systemic insecticides on all City properties and in public rights-of-way (ROWs).

Mayor Gamba proposes said adoption as a first step to be followed by other actions to encourage others to follow the City's lead, including developers who could incorporate pollinator-friendly plantings into required landscaping. NCPRD and City staff reviewed the concepts described in the proposed resolution.

Some issues such as the availability of landscaping materials needed for future plantings in City-owned properties and public ROWs have been raised. Further, the Clackamas County Integrated Pest Management Plan (IPMP) does not ban the use of neonicotinoids. The County's IPMP was modeled off of the City of Portland's IPMP, which allows neonicotinoids to be used in specific areas of Portland by emergency order only.

Following the Work Session on February 16, 2016, County staff offered to convene original authors of the Clackamas County IPMP to consider an amendment to the Plan to suspend the use of neonicotinoids and other bee-toxic systemic insecticides in the County unless otherwise declared by emergency order. Said amendment is pending and is expected to be advanced based on adoption of proposed resolution.

## **FISCAL IMPACTS**

NCPRD and City staff had originally expressed concern about the availability of landscaping stock that has not been treated with neonicotinoids or neonicotinoid-like insecticides. They'd indicated that the cost to procure neonicotinoid-free plant materials was expected to be higher than for materials which contain neonicotinoids. It turned out this assumption was wrong. It's not only more costly to buy landscaping stock that is treated with neonicotinoids, but it's also more difficult to source it (refer to attached nursery list).

Moreover, a recent inventory was conducted that revealed only five out of 30 local nurseries sell product that is treated with neonicotinoids or neonicotinoid-like insecticides. Further, NCPRD sources product from eleven of these neonicotinoid-free nurseries.

That said, staff concurs that adoption of proposed resolution will not put a financial or logistic burden on future procurements of landscaping stock.

## **ALTERNATIVES**

1. Adopt resolution
2. Delay action to subsequent meeting
3. Direct staff to modify resolution for future consideration of adoption

## **ATTACHMENTS**

1. Resolution
2. Nursery List
3. Clackamas County IPMP



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO ELIMINATE THE USE OF NEONICOTINOID PESTICIDES WHICH ARE TOXIC TO HONEY BEES AND OTHER POLLINATORS.**

**WHEREAS**, the use of neonicotinoid pesticides is associated with lethal and sub-lethal effects on bees that impair bee foraging patterns, navigating and learning behavior, alter reproductive cycles, impair bee immune systems leading to increased susceptibility to pathogens and reduced colony survival; and

**WHEREAS**, the loss of pollinators is alarmingly high honey bees are facing annual declines of approximately forty percent, greatly in excess of normal losses, and nearly forty pollinator species are listed as threatened or endangered by the United States Fish and Wildlife Service; and

**WHEREAS**, recent research found that more than one-quarter of North American bumble bees are at risk of extinction. In Oregon, the imperiled species are: *Bombus (B.) fervidus*, *B. caliginosus*, *B. suckleyi*, *B. morrisoni*, *B. occidentalis* and *B. franklini*; and

**WHEREAS**, threats to pollinators concern the entire food system, where pollination services provided by honey bees and other essential pollinators account for one in every three bites of food, are responsible for the pollination of commodity crops such as almonds, apples, blueberries and many others, and contribute between \$20-30 billion worth of services to United States agriculture; and

**WHEREAS**, the use of neonicotinoid pesticides has been shown to poison birds as well as aquatic organisms; and

**WHEREAS**, systemic insecticides, such as neonicotinoids can: 1) give rise to chemical residues that persist in the environment, 2) translocate through plants to remain in leaves, pollen and nectar, 3) contaminate soil, impact beneficial soil microorganisms, and contaminate water resources; and

**WHEREAS**, federal regulatory approval for most neonicotinoid products was made through Conditional Registration, a process that put pesticides on the market without full toxicity testing; and

**WHEREAS**, residential and commercial use of neonicotinoid and other hazardous pesticides on home gardens, public parks, schools, and other local and municipal areas could pose risks to already compromised bees and other pollinators; and

**WHEREAS**, the use of hazardous pesticides is not necessary to create and maintain green lawns and landscapes, home or public gardens, or open spaces given the availability of viable alternative practices and products; and

**WHEREAS**, procuring or using products containing neonicotinoid, neonicotinoid-like insecticides, or plants treated with neonicotinoid or neonicotinoid-like insecticides is considered bad practice in government and environmental stewardship.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, THAT:**

1. The City of Milwaukie and government agencies doing business in Milwaukie shall commit to purchasing plants, seeds, and all other landscaping materials, that have not been treated with neonicotinoids or other like systemic insecticides.
2. The City of Milwaukie hereby urges all businesses, homeowners, and homeowner's associations operating within the City ensure no plants, seeds, or products containing neonicotinoids are purchased, sold, or used within the City; and to clearly and accurately label any plants or materials that have been treated with a neonicotinoid or neonicotinoid-like insecticide.
3. The City of Milwaukie and government agencies doing business in Milwaukie will suspend the use of neonicotinoids and other bee-toxic systemic insecticides on all City properties unless otherwise declared by emergency order as stated in the Clackamas County Integrated Pest Management Plan.
4. The City of Milwaukie and government agencies doing business in Milwaukie will require that commercial pest service providers performing services on behalf of the City provide landscape services that encourage pollinator populations and support pollinator services.
5. The City of Milwaukie and government agencies doing business in Milwaukie will pursue creating more native pollinator habitat such as installing more pollinator host and forage plants. These installations will be placed in appropriate locations such as: rights-of-way, storm water management ponds, areas that are currently turf grass, vacant land, and at City facilities.
6. The City of Milwaukie and government agencies doing business in Milwaukie will encourage private developers to incorporate pollinator-friendly plantings into required landscaping.
7. The Mayor and the Milwaukie City Council agree to adopt the Clackamas County Integrated Pest Management Plan to restrict use of neonicotinoid and neonicotinoid-like pesticides. Said restrictions shall allow very limited emergency applications only. Even then, these emergency applications shall only be performed as identified in the Plan. The Mayor and City Council will continue to make the Plan more pollinator friendly.

Introduced and adopted by the City Council on \_\_\_\_\_.

This resolution is effective on \_\_\_\_\_.

---

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

---

Pat DuVal, City Recorder

---

City Attorney

NURSERY	DO NOT USE NEO-NICS	USE NEO-NICS	PLAN TO PHASE OUT USE OF NEO-NICS	ABLE TO IDENTIFY PLANTS TREATED WITH NEO-NICS
Al's Garden Center	X			
R&M Plant Procurment	X			
Jonny Native Seed	X			
Sevenoaks Native Nursery	X			
Blooming Nursery	X			
Fisher Farms	X			
Dinsdale Nursery	X			
Hochstein Nursery	X			
Champoeg Nursery	X			
Rigert Trees	X			
Heritage Seedlings	X			
Twin Oaks Nurseries	X			
Sunmark Seed	X			
BeaverLake Nursery	X			
Trillium Gardens	X			
Scholls Valley Native Nursery	X			
Clearwater Growers	X			
Cascadian Nurseries	X			
Pro Time Lawn Seed	X			
Red Barn Nursery	X			
Yoshitomi Brothers	X			
Cousin's Nursery	X			
T.H. Belcher Nursery	X			
Blue Heron Farms	X			
William Dillard Nursery	X			
Loen Nursery	X			
Kuenzi Turf & Nursery		X	X	X
Northwest Shade Trees		X	X	X
P&D Nursery		X	X	X
Iseli		X		X
Monrovia		X		X
T&L Nursery		X	X	X
*nursuries highlighted in green represent those from which NCPRD currently procures product				

**Integrated Pest  
Management Plan for the Surface  
Water Management Agency of  
Clackamas County, Clackamas  
County Service District No. 1, and  
the City of Happy Valley**



**December 2012**

**Integrated Pest  
Management Plan for the Surface Water  
Management Agency of Clackamas County,  
Clackamas County Service District No. 1, and  
the City of Happy Valley**



**Prepared by Peter Guillozet in collaboration with the Clackamas County Ad Hoc IPM Team, then customized by Andrew Swanson and others for The City of Happy Valley, SWMACC, and CCSD#1.**

**December 2012**

## **Clackamas County Ad Hoc IPM Team**

### Clackamas County Business and Community Services

Tonia Burns, Natural Resources Coordinator

Jeff Lesh, Natural Resources Technician

### Clackamas County Facilities Management

Cyndi Klaetsch, Facilities Services Coordinator

### Clackamas County Office of Sustainability

Shannon Martin, Sustainability Analyst

### Clackamas County Department of Transportation and Development

Devin Patterson, Engineering Technician

Jennifer Snyder, Environmental Compliance Specialist

### Clackamas County Water Environment Services

John Nagy, Surface Water Technician

Gail Shaloum, Environmental Policy Specialist

Andrew Swanson, Water Quality Analyst

### Clackamas County Soil and Water Conservation District

Samuel Leininger, Weedwise Program Manager

Jeff Lesh, WeedWise Program Technician

### City of Happy Valley

Chris Randall, Public Works Director

## **Participating Clackamas County Departments, Districts, and the City of Happy Valley**

Business and Community Services

Facilities Management

Office of Sustainability

Department of Transportation and Development: Engineering

Water Environment Services

Soil and Water Conservation District

City of Happy Valley

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## APPENDICES

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APPENDIX 9	Priority Chemicals of Concern Resources

## 1. Background and Purpose

The goal of Integrated Pest Management (IPM) is to prevent or mitigate damage from undesirable plant, fungal, vertebrate or invertebrate pests. It is both a philosophy and a practical approach to pest management that seeks to identify practices that are “environmentally sound, socially acceptable and economically feasible” (Hoover et al. 2011, p. 1).

Human, economic and environmental health all depend on clean water free from harmful levels of fertilizers, pesticides and other pollutants. Such contaminants can enter ground water resources or travel long distances in storm water runoff to receiving streams and wetlands. They originate on public and private lands in both rural and urban areas and have been detected over many years in surface and storm waters in the Clackamas River Basin (Carpenter et al. 2008). The Surface Water Management Agency of Clackamas County (SWMACC), Clackamas County Service District No. 1 (CCSD#1), and the City of Happy Valley are co-owners of this IPM Plan. Clackamas County's Water Environment Services administers SWMACC and CCSD#1, which are Clackamas County Service Districts. The City of Happy Valley, SWMACC, and CCSD#1 intend to lead by example in its efforts to protect public health, wildlife habitat, and salmon bearing waters by ensuring judicious use of potential contaminants. This will include restricting certain types of inputs where appropriate and developing practices that sustain the integrity of natural systems while promoting efficient operations and maintenance of public infrastructure.

In 2011, Clackamas County agencies convened the Natural Resource Management-Landscaping Committee, a diverse group of natural resources, planning and operations and maintenance personnel, to develop a framework for management practices that reduce the use of toxics per Action 7.6 of the Action Plan for a Sustainable Clackamas County (2008) with the goal of demonstrating a reduction of toxics in county practices. The Natural Resource Management/Landscaping Committee became the Clackamas County Ad Hoc IPM Team (Clackamas County IPM Team) and, in January 2012, retained an independent consultant and began development of an IPM Plan Template. This template was then customized for the City of Happy Valley, SWMACC, and CCSD#1 in December 2012.

The program described here relies on standard IPM elements already in use by many public agencies in Oregon and throughout the Pacific Northwest. Some of the practices also fit within Integrated Vegetation Management (IVM) and are currently used by both roadside and parks managers in Clackamas County and the Portland metropolitan area. This IPM Plan does not seek to impose new rules and regulations but rather to assist the implementers of this plan in 1) using integrated pest management approaches to achieve environmentally responsible outcomes, 2) and in taking all reasonable precautions to protect environmental and human health. This IPM Plan applies to employees and

contractors (IPM implementers), but it makes policies and practices transparent and accessible to the public and is expected to serve as a resource for private landowners and other land managers. It is likely that other regional entities will adopt this IPM plan or similar language with the aim of establishing consistent practices across the region.

This IPM Plan is intended to be a useful and responsive tool that maintains relevance through periodic review and revision by those who use it. It aims to be both concise and comprehensive, addressing all major aspects of pest management relevant to county agencies and providing links to more detailed information.

## **2. Regulatory Permits and Guidance Documents**

The Oregon Department of Environmental Quality administers the U. S. EPA's National Pollution Discharge Elimination System (NPDES) in Oregon. Under that program DEQ issues Municipal Separate Storm Sewer System (MS4) permits regulating systems of conveyances (e.g., roads with drainage systems, municipal streets, catch basins, curbs, gutters, manmade channels or storm drains) that discharge to waters of the State. The March 2012 MS4 permit requires Clackamas County Service District No. 1 (CCSD#1), the Surface Water Management Agency (SWMACC) of Clackamas County, the Cities of Rivergrove and Happy Valley, and the other portions of unincorporated Clackamas County within the Portland Metro Area's Urban Growth Boundary to:

- Provide public education on the proper use and disposal of pesticides [schedule A(4)(d)(iii)].
- Provide training to City and County employees on the proper use and disposal of pesticides [schedule A(4)(d)(vii)].
- Implement a management program to control and minimize the use and application of pesticides on City, SWMACC, CCSD#1, and County-owned property [schedule A(4)(g)(ii)].
- Monitor for the presence of pesticides in surface water and/or stormwater [schedule B's table B-1].
- Develop and implement an IPM Plan by December 31, 2012 [schedule D(8)(z) & (dd)]. This specific requirement only directly applies to the: 1) Cities of Happy Valley and Rivergrove, and 2) to the portions of CCSD#1 and SWMACC which are located within the UGB. Note that the City of Rivergrove elected to comply with this requirement by creating a separate IPM Plan, then submitting it to DEQ for approval, so they're not a co-owner of this document.

Approved in 2011, the Oregon Pesticide General Permit (2300-A) regulates pesticide applications that may result in discharges of pesticides into Waters of the State. The permit provides permit coverage for pesticide applications in or within three feet of water to control pests such as insects, weeds and algae, and nuisance animals.

In addition to the above regulatory requirements several other documents guide our operations including:

- Storm Water Management Plans required under the NPDES permit (2012)
- Clackamas County Transportation Best Management Practices for Routine Road Maintenance (2010)
  - Based on *ODOT's Routine Road Maintenance – Water Quality and Habitat Guide Best Management Practices*, the guidebook is intended to comply with the National Marine Fisheries Service ESA 4(d) Rule Limit 10 program.
- Stone Creek Golf Course Integrated Pest Management Plan (2001)
- Clackamas County Integrated Vegetation Management (IVM) Plan (2000)
  - Based on the *City of Portland's Integrated Vegetation Management Plan*, this program was developed using a multi-jurisdictional approach.

According to the Oregon Revised Statutes (ORS 2011),

“Integrated pest management means a coordinated decision-making and action process that uses the most appropriate pest control methods and strategy in an environmentally and economically sound manner to meet agency pest management objectives. The elements of integrated pest management include:

- (a) Preventing pest problems;
- (b) Monitoring for the presence of pests and pest damage;
- (c) Establishing the density of pest population, which may be set at zero, that can be tolerated or corrected with a damage level sufficient to warrant treatment of the problem based on health, public safety, economic or aesthetic threshold;
- (d) Treating pest problems to reduce population below those levels established by damage thresholds using strategies that may include biological, cultural, mechanical and chemical control methods and that shall consider human health, ecological impact, feasibility and cost effectiveness; and
- (e) Evaluating the effects and efficiency of pest treatments.”

This IPM Plan represents an important element of our MS4 permit compliance strategy. By providing additional detail around pest management and resource protections, the IPM Plan aims to protect public health, water quality and conditions for fish and wildlife.

### **3. IPM Process and Program Elements**

IPM is an effective and environmentally sensitive approach to pest management that relies on common-sense practices. IPM programs use current, comprehensive information on the life cycles of pests and their interactions with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property and the environment (US EPA 2012). The IPM process includes pest management evaluations and

decisions as well as consideration of all appropriate pest management options, including the judicious use of pesticides. It may be summarized in four steps:

- *Set Action Thresholds*  
IPM sets action thresholds prior to taking action. An action threshold is the point at which conditions indicate the need for pest control. This may be the level at which pests pose an economic or environmental threat or when a pest spreads beyond a confined area.
- *Identify and Monitor Pests*  
Not all introduced organisms require control. Many are innocuous or even beneficial. IPM programs identify and monitor pests so that appropriate control decisions can be made in conjunction with action thresholds. Knowledge of the pest combined with monitoring increases the likelihood that appropriate pest control will be used, and only when needed.
- *Use Prevention*  
IPM programs work to manage the crop, lawn, forest or other area to prevent pests from becoming a threat. This could be through timely mowing, crop rotation or selection of more appropriate plant species. Such methods can be very effective and cost-efficient and present little or no risk. A critical element of prevention is the careful inspection and cleaning of clothing, tools, vehicles and equipment to remove seeds and other propagules prior to use at different sites.
- *Implement Control*  
If preventive methods are ineffective and pest control is required, IPM implementers evaluate potential control methods for risk and effectiveness to determine the proper methods and timing. Effective, lower risk pest controls are chosen first. However, if further monitoring and action thresholds indicate that the pest is spreading, more aggressive pest control methods may be employed.

Effective IPM begins with proper planning and management decisions and evaluates the potential risks and benefits of each of the above elements individually or in combination for each pest or site to yield the best overall outcome. Pest control action thresholds should vary according to pest, current and desired site conditions and management expectations. Such factors will determine whether a particular area should be the focus of pest management and at what level of intensity.

Pest control decisions can have far reaching economic, public safety and environmental consequences. Use of the IPM Checklist (**Appendix 1**) can facilitate consideration of appropriate factors prior to taking action. At a minimum, IPM implementers must consider feasibility and cost effectiveness as well as public safety, potential impacts to water quality and non-target organisms prior to taking actions. To simplify pest management decision making, landscapes and other areas managed by IPM implementers are described in

**Appendix 2.** In the event that chemical control is needed, the IPM Products List (**Appendix 3**) includes all of the products approved for use by IPM implementers and indicates the areas in which each product may be applied. The Invasive Species List (**Appendix 4**) includes invasive plant species of local and regional concern as well as high priority species identified by the Oregon Invasive Species Council. Both lists are updated periodically in response to new information, changing pest conditions and control priorities. The Invasive Species Best Management Practices (BMP) Calendar (**Appendix 5**) provides recommendations for management of common weeds, but for many other pest species, IPM implementers must rely on additional research and first hand experience.

This IPM relies on the four major elements common to most IPM programs including: 1) cultural practices, which are focused on maintaining healthy, resilient systems that resist pest problems; 2) mechanical and physical controls; 3) biological controls; and 4) chemical controls that target specific pests using a range of products. Each program element is described below along with examples of representative pest control practices and methods.

### **Cultural Practices**

Sound cultural methods of vegetation and pest management are those that create conditions favorable to beneficial species over pests. Such practices may be viewed as avoidance measures and are essential to the maintenance of healthy landscapes. Examples include:

- Botanical knowledge to provide conditions for plant health and resistance to pests;
- adequate site preparation prior to landscape installation including soil improvements, pruning of surrounding vegetation, grade adjustments, drainage improvements, and installation of irrigation systems;
- use of native species or non-invasive disease resistant cultivars;
- proper use of irrigation to reduce over or under-watering;
- proper timing and use of fertilization to eliminate over fertilization;
- use of cover crops to improve soil structure and reduce soil erosion;
- aeration, over-seeding, and top-dressing to improve turf health and suppress weeds; and
- mulching for weed reduction, water retention, winter protection and root zone improvement.

### **Mechanical and Physical Controls**

This approach typically involves the manual or mechanical removal of vegetation, stinging insects or nuisance animals. Examples include:

- Mechanical edging of turf;
- mowing of weeds at the appropriate time to prevent seed set and reduce spreading;
- hand weeding in shrub beds;

- tilling and replanting with a more appropriate plant species to reduce persistent weed problems;
- use of environmentally safe traps for yellow jackets and mammalian pests;
- string trimming to control unwanted vegetation; and
- roof moss removal via pressure washing.

### **Biological Controls**

Native or introduced non-pest species have been used to control many pests. However, due to unintended consequences resulting from previous introductions, this approach has limited applicability. Most biological control measures are regulated by the Oregon Department of Agriculture (ODA) and the USDA Animal and Plant Health Inspection Service (APHIS). Examples of biological controls include:

- Introducing insect or disease parasitoids, predators, and microbial products to control pests;
- minimizing the use of disruptive techniques and materials in landscapes that may destroy natural pest control organisms;
- temporary livestock grazing; and
- installing raptor perches to control rodents.

### **Chemical Controls**

Pesticides are derived from many sources and vary widely in their characteristics and effectiveness. They may pose a hazard to human health and natural resources and must be examined individually to determine their suitability within the IPM approach. Examples of chemical controls include:

- Insect baits or sprays;
- rodent baits;
- root control in pipes;
- rooftop moss control;
- natural areas invasive species control and management; and
- roadside vegetation spraying.

The use of pesticides is part of the IPM strategy, but we give preference to effective non-chemical alternatives where appropriate, and limit the use of certain pesticides within specific areas. Procedures, as well as state and federal regulatory requirements, which pertain to pesticide use are included below in Section 7.

## **4. The Role of Landscape Design in IPM**

Proper landscape design can reduce or eliminate many pest problems. While no landscape is free of pests, building and developed park area landscape designs should aim to minimize the need for continued management inputs. To promote healthy landscapes, this IPM Plan can be included by reference in county landscape planning documents and in construction and maintenance contracts. Landscape consultants and contractors can incorporate the following effective landscape design and management elements:

- Using native plants, which are typically more disease and pest-resistant, and drought tolerant than non-native species;
- replacing pest-susceptible plants with native or pest resistant species;
- selecting plants that are appropriate to sun exposure, soil type and irrigation capacity;
- modifying problem areas through adaptive management;
- appropriate spacing of plant materials to achieve shading;
- maintaining appropriate species diversity;
- eliminating alternate hosts for diseases;
- establishing appropriate groundcovers;
- maintaining an adequate layer of organic materials to reduce the need for irrigation fertilizers and pesticides; and
- establishing grades or modifying grades in existing landscapes to retain or reduce runoff amounts.

## 5. Early Detection and Rapid Response

The need to implement potentially expensive weed control efforts (e.g., regional Japanese knotweed and garlic mustard control) may be reduced or prevented through the avoidance of species introductions, early intervention to prevent establishment and the protection and maintenance of natural processes and systems. Early Detection and Rapid Response (EDRR) describes such measures and is a key to effective land management on a regional scale.

To that end, Clackamas County Soil and Water Conservation District has developed a county wide EDRR network in cooperation with Clackamas County agencies and municipalities and other members of the Four-County Cooperative Weed Management Area (4-County CWMA<sup>1</sup>) to improve the detection of invasive species and to increase the inter-jurisdictional communications needed to control invasive species.

A major aim of this IPM program is enhanced inter-agency and inter-departmental communication. A natural outcome of this will be greater integration with regional efforts. The Clackamas County Soil and Water Conservation District's WeedWise Program maintains a list of priority EDRR plant species on behalf of the county (Appendix 4) through an annual review of local concerns, state and federal weed risk assessments, and input from regional partners in the 4-County CWMA.

The City of Happy Valley, CCSD#1, and SWMACC are encouraged to report new Class A noxious weed occurrences to ODA upon identification; they're also encouraged to report all priority weeds to the Oregon Invasive Hotline<sup>2</sup>, or to the Clackamas County Soil and Water Conservation District's WeedWise Program to facilitate timely response.

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<sup>1</sup> <http://4countycwma.org/>

<sup>2</sup> <http://oregoninvasiveline.org/>

Commitments toward the rapid and coordinated containment of newly detected invasive species are vital to preventing establishment. Such commitments can be expected to yield significant cost savings through the avoidance of expensive and environmentally damaging long-term control programs (Cusack et al. 2009).

## 6. Management Guidelines for Selected Pest Species

### Vertebrates

The Oregon Invasive Species Council (OISC) has identified several introduced fish, turtles, frogs and mammals as high priority invasive species. When discovered, listed species should be reported immediately via the Invasive Species Hotline website or 1-866-INVADER (1-866-468-2337). The impacts of pest species not included on the OISC list should be evaluated in the context of site or program priorities and available resources to determine whether control is warranted. In some circumstances, both native and introduced rats, voles, moles, mice, and gophers can cause health and safety problems and damage buildings, facilities and other infrastructure. Nutria (*Myocastor coypus*), an invasive rodent, can also cause extensive damage to stream banks, irrigation ditches and native vegetation. Classified as unprotected Nongame Wildlife (OAR 635-044-0132), Nutria may be removed without a license. Nutria and any other unprotected rodents may be trapped mechanically as long as traps do not present a safety hazard to humans or other wildlife. Nutria should not be relocated. Oregon Wildlife Services<sup>3</sup> provides nutria and other rodent trapping services. A list of State licensed Wildlife Control Operators is available from the Oregon Department of Fish and Wildlife website<sup>4</sup>.

Chemical rodenticide use should follow IPM methods, as they may cause direct or indirect toxicity to non-target organisms and may pose a human health threat in publicly accessible areas. All non-lethal and lethal rodent control methods must comply with state and federal laws, and users must have appropriate licenses prior to using certain rodenticides.

### Invertebrates

OISC listed terrestrial and aquatic invertebrate species should be reported via the number or address listed above. Damage from other species such as slugs, insects, mites and other invertebrates to buildings, playgrounds or landscaped areas should be evaluated in the context of site or program priorities and available resources to determine whether control is warranted. Impacts can often be reduced to acceptable levels through improved cultural practices. In the event that invertebrate pests exceed tolerance thresholds, approved control products are included on the IPM Products List (Appendix 3). Information about selected pests is provided below.

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<sup>3</sup>[www.aphis.usda.gov/wildlife\\_damage/state\\_office/oregon\\_info.shtml](http://www.aphis.usda.gov/wildlife_damage/state_office/oregon_info.shtml) or (503) 326-2346

<sup>4</sup>[www.dfw.state.or.us/wildlife/license\\_permits\\_apps/wildlife\\_control\\_operator\\_contacts.asp#NWillamette](http://www.dfw.state.or.us/wildlife/license_permits_apps/wildlife_control_operator_contacts.asp#NWillamette) or (503) 947-6000

### *Mosquitos*

Mosquitoes breed in wetlands, slow moving waterways, drainage ditches and other standing water. Clackamas County Vector Control manages mosquitos and flies using methods outlined in an annual work plan available on the Clackamas County website<sup>5</sup>.

### *Stinging Insects*

Public or worker safety risk from bees and wasps, including hornets and yellow jackets, varies with insect species, nest location, season and other factors. Yellow jackets and some wasp species can be particularly aggressive towards people, especially around nests. Honeybee swarms generally do not pose a significant risk. Nests located near walkways, buildings and playgrounds or in vegetation management areas may require intervention while those located in remote areas typically do not.

When stinging insect nests are discovered on property which is owned or managed by the City of Happy Valley, CCSD#1, or SWMACC, the safety threat shall be evaluated. Nests near trails, publically accessible structures, and other places where people frequent should be controlled or removed. Other nests, if they're not in locations where people are expected to frequent, can be left intact at the discretion of the supervisor in charge of the property. Individuals with known wasp or bee allergies shall not participate in wasp or bee control, of course.

When yellow jackets present a serious and ongoing problem at a site, use of commercial traps to target emerging queens in the spring should be considered. Trapping queens during the 30- to 45-day emergence period has the potential to provide an overall reduction in the yellow jacket population for the season. Typically one trap per acre is adequate in spring for depletion trapping of queens. Use of traps to reduce yellow jacket numbers later in the season may be ineffective (PP&R 2012).

Honey bee swarm collection is an effective alternative to controlling problem bees in heavily used areas. The Oregon State Beekeepers Association posts the Swarm Call List on its website<sup>6</sup>.

To kill stinging insects, including but not limited to wasps, such as yellow jackets, the City of Happy Valley, CCSD#1 and SWMACC are fully empowered to spray insects and nests with insecticides if they choose to do so. The use of a can of spray product, purchased at a typical retail outlet such as Fred Meyer, is one possible method. Another example could involve hiring a licensed pesticide applicator for more challenging situations. Note that if the stinging insects are on property which hosts a school (operated by the North Clackamas School District, for example), stringent regulations, such as ORS 634.700 - 634.75, also apply.

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<sup>5</sup> [www.clackamas.us/vector/annual.jsp](http://www.clackamas.us/vector/annual.jsp)

<sup>6</sup> [http://www.orsba.org/htdocs/swarm\\_call\\_list.php](http://www.orsba.org/htdocs/swarm_call_list.php)

## **Vegetation**

Where practicable, the City of Happy Valley, SWMACC and CCSD#1 supports the control or removal of all species included on the Clackamas County Weed List. The Invasive Species BMP Calendar (Appendix 5) provides best management practices for controlling common invasive weeds. Invasive plants not included on the list may also be controlled or removed as part of native plant community enhancement or revegetation efforts. Native and non-native vegetation may also be removed or controlled as necessary to provide safety, habitat health, aesthetics and other benefits in accordance with protections to ESA-listed species and the Oregon Forest Practices Act. Activities such as manual, mechanical, or chemical vegetation management in: 1) roadside rights of way (this only applies to City-owned streets in the City of Happy Valley and does not apply to roadways which are owned/operated by Clackamas County's Road Dept.), 2) parks, 3) natural areas and golf courses, and 4) forest plantation thinning shall be carried out in accordance with IPM principles, if it is reasonable to do so, and applicable regulations. Diseased trees may be removed in accordance with the Clackamas County and City of Happy Valley tree ordinances, or if the trees are very small, they can be treated by licensed or unlicensed applicators (this depends on the product used) using approved pesticides included on the IPM Products List.

Mosses growing on rooftops and paved surfaces may be considered a nuisance, but many moss control products are known to have negative impacts on aquatic species. In the event that control is necessary, methods should minimize impacts to water resources. If it is reasonable to do so, runoff from pressure washing should be diverted onto landscaped areas where it can fully infiltrate or it can be directed to the sanitary sewer system. Treatment with moss control agents included on the IPM Products List is allowed as long as the product is applied in a manner which is consistent with the product label.

## **7. Pesticide Procedures and Regulations**

State and federal agencies regulate the use of pesticides. The City of Happy Valley, SWMACC, and CCSD#1 conform to all applicable pesticide laws and regulations and only uses products which are registered by the Environmental Protection Agency (EPA) and the Oregon Department of Agriculture (ODA). Chemicals included on the IPM Products List have been screened for human and environmental health risks. Workers are encouraged to consult on a periodic basis with third-party certifiers (The Pollution Prevention Outreach Team's Eco-Logical Business program for landscaping professionals, for example) as a means of validating environmental performance, maintaining public trust, promoting awareness, enhancing operational efficiency, and achieving cost savings.

### **Applicator Licensing**

Applicators of certain pesticides must be licensed as required by ODA's *Pesticide Licensing in Oregon*<sup>7</sup>. Contractors must also have a Commercial Operator License and the

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<sup>7</sup>[http://www.oregon.gov/ODA/PEST/licensing\\_index.shtml](http://www.oregon.gov/ODA/PEST/licensing_index.shtml)

appropriate Commercial Applicator or Trainee License for each applicator. Responsibility for maintaining a valid license lies with the applicator.

### **Public Notification**

The City of Happy Valley, SWMACC, and CCSD#1 will provide notification, if relevant work is ever conducted on school properties, in accordance with ORS 634.700-634.75<sup>8</sup>. In other geographic areas, notification will be used at the discretion of the supervisor who is overseeing the application unless it is required by the product label. If notification signage is used, it should be posted in clearly visible locations at the entrance(s) to the treatment area(s). Signs shall include the name of the product(s) in use and a phone number for inquiries (see Appendix 6 for an example of a notification sign that could be used). Where required by the product label, signs may be removed after the re-entry requirements on the product label have been met. If the label does not specify a re-entry interval, if notification signage is used, applicators may remove the signs after the pesticide mixture has dried.

### **Application Decisions**

Pesticides on the IPM Products List may be used according to their labeled uses in appropriate areas when all of the following criteria are met.

- Applicators meet ODA license requirements, if any;
- applicators adhere to all product label requirements concerning the safe and effective use of the product;
- public notification requirements have been satisfied, if any requirements apply; and
- weather conditions are appropriate for the application (for example, spraying herbicide during a rain event would typically not be prudent even if it is allowed by the product label).

### **Application Record Keeping**

Licensed applicators shall maintain written pesticide application records in accordance with ODA requirements and keep these records for at least three years. Application records must be available for review by the ODA.

Commercial pesticide operators and licensed public pesticide applicators are required to keep the following information for each pesticide application made. An example pesticide application record form is included as Appendix 7.

- Name of firm or person for whom the pesticide application was made;
- Applicator license;
- location of the land or property where application was made;
- date and approximate time of application;
- supplier of pesticide product(s) applied;
- trade name and the strength of such pesticides applied;
- amount or concentration pesticide product applied;

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<sup>8</sup>[http://www.oregon.gov/ODA/PEST/docs/pdf/school\\_ipm\\_web.pdf?ga=t](http://www.oregon.gov/ODA/PEST/docs/pdf/school_ipm_web.pdf?ga=t)

- specific property, crop or crops to which the pesticide was applied;
- description of equipment, device or apparatus used; and
- name of applicator(s) or trainee(s) who made application.

### **Pesticide Use Reporting**

- MS4 Permit: The City of Happy Valley, SWMACC and CCSD#1 expect to provide pesticide use reports to the Oregon Department of Environmental Quality (DEQ) if these reports are required under their MS4 Permit. For example, BMP #21 in the April 2012 MS4 SWMP for CCSD#1 and the City of Happy Valley says CCSD#1 has no pesticide use reporting obligation, except for the number of relevant meetings as defined in BMP #22, but the City of Happy Valley does need to report certain types of pesticide use per zip code in the MS4 annual reports. Note that these MS4 permit requirements are subject to cancellation or change over time.
- 2300A Permit: The amount of surface area or number of linear miles treated in a calendar year will be reported to DEQ if this is required under the DEQ Pesticide General Permit (2300A)<sup>9</sup>.
- ODA: If pesticide use reports are required to be submitted to ODA, they'll be submitted.

### **Pesticide Storage, Transport and Disposal**

Pesticides or pesticide containers shall be kept in secure and safe locations in accordance with local, state, and federal laws. Pesticides shall not be transported in passenger compartment of vehicles. Pesticides shall be secured within the trunk (if it is being transported in a car AND if it is legal to transport the product by car) or in the truck's bed (if being transported by truck) in tightly sealed containers. Oregon OSHA standards (OAR 437-004-1680) are available at the ODA website<sup>10</sup>.

At a minimum, storage facilities shall feature:

- Signage identifying facility;
- locked access to authorized personnel only;
- inventory list of all of the chemicals in storage and MSDS for each product;
- container labeling identifying contents, mix date, and volume remaining when placed in storage;
- protection from elements and temperature control;
- location at least 50 feet from any body of water or stream (150 feet from streams with ESA-list species);
- nonporous floors;
- adequate lighting and ventilation;
- capacity for spill containment; and
- a clean water source.

<sup>9</sup> <http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes2300a/2300aPermit.pdf>

<sup>10</sup> <http://www.oregon.gov/ODA/PEST/disposal.shtml>

### **Best Management Practices for Pesticide Storage**

- Maintain and follow labels on all pesticide containers;
- store pesticides only in original containers, or make sure the new container is properly labeled;
- store like pesticides together (e.g., store herbicides with herbicides, and fungicides with fungicides);
- keep containers closed tightly;
- watch for damaged containers;
- store flammable pesticides separately, if this is required by regulations or by department policy;
- maintain an up-to-date inventory of pesticides;
- maintain ready access to spill containment materials; and
- post emergency contact information.

### **Use of Remaining Solutions and Rinsate**

Applicators should conduct operations using methods that prevent the need for disposal of pesticide wastes. By purchasing no more pesticide than can be used in one season, mixing and loading only enough pesticide needed for a site and applying all the pesticide solution according to the label instructions it is possible to eliminate pesticide waste.

Applicators should drain all pesticide contents from containers at the application site until dripping stops. Empty containers should then be triple rinsed using water or another specified diluting agent or pressure washed until the containers are clean. The collected rinse solution and pesticide-contaminated water from the cleaning pesticide application equipment should always be saved and added to the spray solution. The collected mixture (rinsate) should then be sprayed onto the previously treated area, sites or targets per label requirements. In the event the applicator cannot spray the rinsates or if there is leftover pesticide or pesticide-containing material, material should be placed in a container marked with the name of the pesticide contents, EPA Registration Number and date. These materials may be used as a "product" during the next application.

Oregon pesticide wastes include, but are not limited to:

- Surplus spray solution, ultra-low volume (ULV) spray concentrate, dusts, granules, or baits remaining in the application equipment (such as tanks, hoppers, booms, hoses) after use
- Pesticide-contaminated water produced by cleaning the interior surfaces of the pesticide application equipment or from rinsing empty pesticide containers
- Pesticide-contaminated absorbent, water, or other materials generated from cleaning up spilled spray solutions
- Empty, contaminated (un-rinsed) pesticide containers

### **Disposal of Empty Containers and Unusable Pesticide**

IPM implementers shall dispose of all pesticide wastes and empty pesticide containers in accordance with Oregon and federal regulations. Personal Protective Equipment (PPE)

required by pesticide labels shall be worn during the handling and disposal of materials. Contaminated (unwashed), empty containers are considered hazardous wastes unless they are accepted by a pesticide distributor or manufacturer for refill. Adequately rinsed containers should be inspected visually, dried and either crushed or punctured. In some cases, properly decontaminated containers may be recycled.

Pesticide-containing materials that cannot or will not be reused (i.e., pesticide wastes) are classified as hazardous wastes and must be disposed of accordingly. IPM implementers shall maintain pesticide disposal records for three years along with other spray records. Materials generated in Clackamas County should be disposed of at the Metro South Station<sup>11</sup>. To qualify under Metro's Conditionally Exempt Generator (CEG) Program<sup>12</sup>, county departments and contractors must generate less than 220 pounds of hazardous waste per month and store less than 2,200 pounds on-site. It is illegal to transfer damaged or altered pesticides to another party for use. Additional information about pesticide waste management is available at the Oregon DEQ website<sup>13</sup>.

**Adverse Incident Procedures for Medium and Large Spills and/or Releases:**

Generally, an adverse incident is an unusual or unexpected event in which a person or non-target organism is likely to have been exposed to pesticides or other toxins. This may include a spill, leak, or any unauthorized discharge to surface or ground water.

Oregon rules regarding spills or releases of hazardous substances are found in OAR 340, Division 142<sup>14</sup>. In the event of an adverse incident, IPM implementers shall:

- o Activate alarms or otherwise warn persons in the immediate area;
- o undertake every reasonable method to **contain** the hazardous material;
- o in the case of a medical emergency or public safety hazard, notify local emergency responders (fire department, ambulance, etc.) using 911 where available;
- o if the amount of material that was spilled exceeds the reportable quantity (for example, for many pesticide products, 25 gallons or 200 pounds of a pesticide is the threshold as of November 2012) or if a visible oil sheen was generated on water, promptly report the spill or release to the Oregon Emergency Response System (1-800-452-0311) and to the National Response Center; If there is any doubt about whether or not the reportable quantity was exceeded by the spill, please report the release ASAP! During this call to OERS, if the spill occurred in the Clackamas River watershed, notify the dispatcher that potable water intakes could be affected and ask the dispatcher to directly, or indirectly via the appropriate State Health Dept. officials, notify the impacted water treatment plant operators ASAP. If the spill was less than the reportable quantity, but still larger than a few gallons or a few pounds, if any material entered any storm sewer system or surface water body, the

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<sup>11</sup> Located at 2001 Washington St., Oregon City, OR 97045

<sup>12</sup> <http://www.oregonmetro.gov/index.cfm/go/by.web/id=4442>

<sup>13</sup> <http://www.deq.state.or.us/lq/hw/pesticide.htm>

<sup>14</sup> <http://www.deq.state.or.us/regulations/rules.htm>

applicator should notify WES' Surface Water Management program; the caller is also encouraged to voluntarily report the spill to OERS;

- if the release cannot promptly and safely be contained, arrange for properly trained and equipped personnel or contractor to stop any continuing release and manage the specific material spilled. Responsible persons will immediately hire a qualified contractor to respond and manage the spill if the necessary actions are beyond the ability of the responsible person's representatives on-site or the responsible person's own response services will be delayed in arriving at the spill site. Please note that if the person owning or having control over spilled pesticide material does not, or can not, immediately arrange a response acceptable to the DEQ, the DEQ may dispatch a contractor. The DEQ will seek recovery of all costs incurred by the DEQ resulting from this action.
- take further corrective action if any permit requirement is not met;
- notify the appropriate agency if the incident involves ESA listed species or critical habitat;
- submit a report to DEQ within 30 days; and
- maintain documentation of unreported adverse incidents for three years.

#### **Best Management Practices for Minor Pesticide Spills or Releases**

- Locate and **contain** the source;
- If the initial estimate about the size of the spill is incorrect, and it is larger than initially estimated, see the Adverse Incident Procedures section above;
- undertake every reasonable method to contain the hazardous material;
- for small spills, use kitty litter, vermiculite, shredded newspaper, adsorbent pillows, clean sand, or pads;
- direct large spills away from ditches, storm drains, water quality facilities, ponds and other water resources;
- place contaminated material in a plastic container for proper disposal; and
- report spills to the appropriate individuals or agencies as soon as possible.

### **8. Worker Protection and Training**

The City of Happy Valley, SWMACC and CCSD#1 require its employees and contractors to comply with Oregon and federal laws governing worker protection and safety. Section 8 of the Clackamas County Risk Management Manual includes information regarding Hazard Communications/Right to Know rules and Personal Protective Equipment (PPE). The Federal Worker Protection Standard (WPS) is designed to protect employees engaged in pesticide application from occupational exposure to pesticides. The WPS contains requirements for notifying employees of applications, the use of PPE and restrictions on entry into treated areas. Licensed pesticide applicators must use all PPE required by pesticide product labels.

The City of Happy Valley, SWMACC and CCSD#1 will make Material Safety Data Sheet (MSDS) information available to all employees who apply pesticides and will provide the necessary training or education to promote the full understanding of and adherence to the worker protection and safety requirements. Contractors are responsible for maintaining current licenses, Material Safety Data Sheets (MSDS) for the products they use and for complying with state and federal worker protection and safety requirements.

### **Accidental Pesticide Exposure**

MSDS documents provide information about the symptoms and procedures for handling overexposure to individual pesticides. IPM implementers who apply pesticide must remain informed of proper procedures in case of pesticide exposure. Anyone who inquires about pesticide exposure should be referred to his or her personal physician, the Oregon Poison Center (OPC), and the Pesticide and Analytical Response Center (PARC); phone numbers for OPC and PARC are in Appendix 8. In the event of employee or contractor exposure to a pesticide, a report should also be filed with Clackamas County Risk Management. A summary of emergency and information contacts is included as Appendix 8.

Procedures in the case of a medical emergency:

- Call 911 for emergency assistance;
- contact the Oregon Poison Center (phone number is listed in Appendix 8);
- take a label for reference for medical personnel if it is necessary to leave the site;
- inform employee supervisor as soon as possible; and
- file a report with appropriate personnel.

## **9. IPM Monitoring and Adaptive Management**

To evaluate the effectiveness of its IPM Program, the City of Happy Valley, SWMACC, and CCSD#1 will monitor and document the outcomes of their pest management practices and procedures. Monitoring activities may include visual or quantitative monitoring for beneficial or adverse effects, internal or external surveys or other data collection. To compliment monitoring efforts the county will conduct ongoing education and outreach to employees, contractors and the public.

The IPM Team will review and revise the IPM Plan periodically to maintain current and applicable information and to enable logical, local prioritization within the context of available resources and regional initiatives. Following revisions to the plan the IPM Team will take steps to inform IPM implementers about revised content.

Products will be removed from or added to the IPM Products List using the following criteria:

- Existing data or experience regarding product efficacy;
- documented public health risks (Appendix 9);
- documented impacts to water resources and wildlife;
- legal bans on use of product; and

- changes to the product label or formulation restrict its intended use.

Legal products deleted from the IPM Products List may be placed on a *Do Not Restock List* and used until current supplies are exhausted or disposed of in a legal manner. Products used to protect public health are exempt from the IPM review process.

## 10. Disclaimer

The use of product trade names in this document does not constitute an endorsement by the City of Happy Valley, SWMACC, or CCSD#1. Trade names have been used specifically for reader familiarity and no discrimination is intended.

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## 12. Additional Resources

<b><i>Integrated Pest Management</i></b>	
Pacific Northwest Insect Management Handbook <a href="http://pnwpest.org/pnw/insects">http://pnwpest.org/pnw/insects</a>	Hard copy and on-line manuals of pest management options from extension personnel in OR, WA and ID.
Pacific Northwest Plant Disease Management Handbook <a href="http://pnwhandbooks.org/plantdisease/">http://pnwhandbooks.org/plantdisease/</a>	
Pacific Northwest Weed Management Handbook <a href="http://pnwhandbooks.org/weed/">http://pnwhandbooks.org/weed/</a>	
OSU Pacific Northwest Nursery IPM website <a href="http://oregonstate.edu/dept/nurspest/index.htm">http://oregonstate.edu/dept/nurspest/index.htm</a>	Educational materials and links for the identification and management of nursery pests
Washington State Pest Management Resource Service <a href="http://ipm.wsu.edu/">http://ipm.wsu.edu/</a>	Research-based information on pest management choices for home and commercial use
Internet Center for Wildlife Damage Management <a href="http://www.icwdm.org/">http://www.icwdm.org/</a>	An IPM Center resource for diagnosis and management of wildlife problems in agriculture
Oregon State University Integrated Plant Protection Center <a href="http://www.ipmnet.org/">http://www.ipmnet.org/</a>	Coordinates IPM programs in Oregon, delivers on-line IPM Handbooks, on-line weather and degree models
Oregon IPM Requirements for Schools <a href="http://www.oregon.gov/ODA/PEST/docs/pdf/school_ipm_web.pdf?ga=t">http://www.oregon.gov/ODA/PEST/docs/pdf/school_ipm_web.pdf?ga=t</a>	Pesticides and the Oregon IPM in Schools Law, ORS 634.700-634.750
<b><i>Pesticides</i></b>	
EPA Pesticides Program <a href="http://www.epa.gov/pesticides/">http://www.epa.gov/pesticides/</a>	The U.S. EPA pesticides information page
EPA Pesticide registration documents <a href="http://www.epa.gov/pesticides/reregistration/status.htm">http://www.epa.gov/pesticides/reregistration/status.htm</a>	Status of each chemical in the reregistration review process. Links to a company websites
EXTOXNET <a href="http://extoxnet.orst.edu/">http://extoxnet.orst.edu/</a>	Extension TOXicology NETwork
CDMS Label and MSDS site <a href="http://www.cdms.net/LabelsMsds/LMDefault.aspx?t=">http://www.cdms.net/LabelsMsds/LMDefault.aspx?t=</a>	CDMS National Agro-chemical database
Washington and Oregon Pesticide Information Center Online (PICOL) Databases <a href="http://cru66.cahe.wsu.edu/LabelTolerance.html">http://cru66.cahe.wsu.edu/LabelTolerance.html</a>	Washington and Oregon (ODA and IPPC)-funded database of pesticide labels and pesticide tolerances

Weather and degree-days for IPM decision making <a href="http://www.pnwpest.org/wea/">http://www.pnwpest.org/wea/</a>	Development models for over 40 pests, diseases and weeds, and general degree-day models for PNW states linked to weather data and maps
National Pesticide Information Center <a href="http://npic.orst.edu/">http://npic.orst.edu/</a>	National toll-free public service to answer questions and respond to concerns about any aspect of pesticide use, exposure or toxicity
Oregon Department of Agriculture, ODA Pesticides Division <a href="http://oregon.gov/ODA/PEST/">http://oregon.gov/ODA/PEST/</a>	Laws, licensing, IPM, Pesticide Use Reporting System info, etc.
Salmon-Safe High Risk Pesticide List <a href="http://www.salmonsafe.org/urban/salmonsafe-urban54.pdf">www.salmonsafe.org/urban/salmonsafe-urban54.pdf</a>	Non-profit organization promoting fish-friendly farms
Federal Worker Protection Standard <a href="http://www.epa.gov/pesticides/safety/workers/PART170.htm">http://www.epa.gov/pesticides/safety/workers/PART170.htm</a>	Links to federal regulations regarding worker protections
Oregon Pesticide Exposure Safety & Tracking (PEST) program <a href="http://public.health.oregon.gov/PHD/OEPH/RES/PESTICIDE/Pages/index.aspx">http://public.health.oregon.gov/PHD/OEPH/RES/PESTICIDE/Pages/index.aspx</a>	Tracking and investigation of health effects reported by people exposed to pesticides
Oregon Poison Center <a href="http://www.ohsu.edu/poison/about/index.htm">http://www.ohsu.edu/poison/about/index.htm</a>	24-hour regional poison information
<b><i>Invasive Species</i></b>	
Nature Conservancy Invasive Species Initiative <a href="http://www.invasive.org/">http://www.invasive.org/</a>	'Invasives 101' and management strategies
Oregon Department of Agriculture, Plant Division <a href="http://oregon.gov/ODA/PLANT/index.shtml">http://oregon.gov/ODA/PLANT/index.shtml</a>	Pest alerts, insect management, noxious weed control and Oregon State Weed Board grants program
Western Invasives Network <a href="http://www.westerninvasivesnetwork.org/pages/plants.php">http://www.westerninvasivesnetwork.org/pages/plants.php</a>	ED/RR species identified by one or more CWMA or ED/RR programs in Oregon and Washington
Oregon Invasive Species Hotline <a href="http://www.oregoninvasiveshotline.org">www.oregoninvasiveshotline.org</a>	Tips and identification and reporting of invasive species
Oregon iMapInvasives <a href="http://imapinvasives.org">http://imapinvasives.org</a>	Information regarding invasives species as well as a real-time map of invasives species locations reported throughout Oregon
Oregon Invasive Species Council <a href="http://oregon.gov/OISC/">http://oregon.gov/OISC/</a>	Oregon strategy for invasive species management
Weed Mapper <a href="http://www.weedmapper.org/">http://www.weedmapper.org/</a>	Spatial information on noxious weed distribution
Portland State University Center for Lakes and Reservoirs <a href="http://www.clr.pdx.edu/">http://www.clr.pdx.edu/</a>	Aquatic invasive weed management
Four-County Cooperative Weed Management Area <a href="http://4countycwma.org/">http://4countycwma.org/</a>	Cooperative Clackamas, Multnomah, Washington and Clark County focus on invasive weeds
Clackamas Soil and Water Conservation District WeedWise	Species lists, control info and priorities

Program <a href="http://conservationdistrict.org/programs/weedwise">http://conservationdistrict.org/programs/weedwise</a>	
City of Portland Invasive Species Program <a href="http://www.portlandonline.com/bes/index.cfm?c=45696">http://www.portlandonline.com/bes/index.cfm?c=45696</a>	Species lists, control info and priorities
<b>Water Quality</b>	
Oregon DEQ, Clackamas Water Quality Assessments <a href="http://www.deq.state.or.us/wq/assessment/rpt0406/results.asp">http://www.deq.state.or.us/wq/assessment/rpt0406/results.asp</a>	2004/2006 Integrated water quality assessment report
Clackamas River Basin Council <a href="http://clackamasriver.org/">http://clackamasriver.org/</a>	Watershed information
Metro <a href="http://www.oregonmetro.gov/">http://www.oregonmetro.gov/</a>	Maps, data and other information

**APPENDIX 1**

**Voluntary Guidance Document: IPM Checklist**

Note that the use of this IPM Checklist is voluntary. Effective IPM is predicated on the implementer's knowledge of the site, the target pest and the potential impacts of different management actions. This checklist presents key questions in logical order to help land managers identify and respond to pest management opportunities and constraints. To use the checklist proceed from top to bottom responding "yes" or "no" and continuing to the next question. This checklist may be used in an informal manner or completed and saved as a record of changing conditions, priorities and management actions.

User Name: \_\_\_\_\_ Site or Area Name: \_\_\_\_\_

Target Pest or Problem: \_\_\_\_\_ Date: \_\_\_\_\_

**Site characteristics**

	<b>If yes...</b>	<b>If no...</b>
1. Adjacent to or drains directly to surface waters?	<input type="radio"/> Consider non-chemical IPM methods.. If not feasible, use product with lowest toxicity.	<input type="radio"/> Next question.
2. High erosion potential?	<input type="radio"/> Maintain ground cover, avoid soil disturbance. If weeds have been killed, re-plant, ideally with native species, as soon as is practical.	<input type="radio"/> Next question.
3. ESA-listed species in, adjacent to or near the work area?	<input type="radio"/> Consider lowest impact IPM methods and/or timing. Follow all regulations to avoid 'Take' and document activities.	<input type="radio"/> Next question.
4. Adjacent to or within school grounds?	<input type="radio"/> Comply with Oregon IPM Requirements for Schools (ORS 634.700-634.750)	<input type="radio"/> Next question.
5. High use by public?	<input type="radio"/> Consider non-chemical IPM methods. If not feasible, use product with lowest toxicity.	<input type="radio"/> Next question.

6. Site meets intended use?	<input type="radio"/> Consider whether pest is likely to interfere with current use and conditions.	<input type="radio"/> Evaluate current conditions and site context. Review desired future condition to establish an IPM plan.
<b>Pest characteristics</b>		
	<b>If yes...</b>	<b>If no...</b>
7. Is pest on Clackamas County or regional EDRR lists?	<input type="radio"/> Review pest with local and regional partners to evaluate current and potential threat. Determine pest tolerance threshold.	<input type="radio"/> Review invasive species literature and, if necessary, revise EDRR list with local and regional partners. Determine pest tolerance threshold.
8. Current infestation mapped by CCSWCD?	<input type="radio"/> Estimate infestation area and number of locations. Determine land ownership and evaluate access limitations.	<input type="radio"/> Consult with local and regional partners to determine and map infestation.
9. Mode of pest spread known?	<input type="radio"/> Implement spread prevention measures.	<input type="radio"/> Determine mode of spread.
10. Potential rate and extent of spread estimated?	<input type="radio"/> Estimate annual control cost for all of known infestation (throughout jurisdiction or in target areas).	<input type="radio"/> Assuming no intervention, estimate potential rate of spread. Estimate potential infestation area and number of sites five years in future.
11. Pest infestation at or above tolerance threshold?	<input type="radio"/> Next question.	<input type="radio"/> Implement spread prevention measures and monitor infestation(s).
<b>Pest control or eradication feasibility</b>		
	<b>If yes...</b>	<b>If no...</b>
12. Effective control methods available?	<input type="radio"/> Compile list of all known effective control methods.	<input type="radio"/> Research potential control methods. Next question.
13. Pest associated with other pest species?	<input type="radio"/> Evaluate potential interactions with other pest species and compile list of potential control methods for (1) target pest and (2) target pest + associated pests.	<input type="radio"/> Next question.
14. Site-specific control or eradication deemed feasible?	<input type="radio"/> Determine site size and evaluate potential constraints. From the list of effective control methods (questions 12, 13) compile short list of feasible options.	<input type="radio"/> Next question.

15. Local control or eradication deemed feasible?	<input type="radio"/> Determine the scale of infestation. Evaluate jurisdictional boundary issues, cost-share opportunities and potential constraints. Coordinate with local partners to compile short list of feasible options.	<input type="radio"/> Next question.
16. Regional control or eradication deemed feasible?	<input type="radio"/> Plan for inter-jurisdictional activities (e.g., along watershed boundaries). Evaluate cost-share opportunities and potential constraints. Coordinate with regional partners to compile short list of feasible options.	<input type="radio"/> Next question.
<b>Risk of preferred IPM method</b>		
	<b>If yes...</b>	<b>If no...</b>
17. High risk to non-target aquatic organism(s)?	<input type="radio"/> If you answered 'Yes' to question 1, consider alternative methods and/or timing. If high risk method is deemed necessary, follow all regulations and document activities.	<input type="radio"/> Next question.
18. High erosion or soil disturbance potential?	<input type="radio"/> If you answered 'Yes' to questions 1 or 2, consider alternative methods and/or timing. If high risk method is deemed necessary, implement seeding or other erosion control measures.	<input type="radio"/> Next question.
19. High risk to ESA-listed species?	<input type="radio"/> If you answered 'Yes' to question 3, consider alternative methods and/or timing. If high risk method is deemed necessary, follow all regulations to avoid 'Take' and document activities.	<input type="radio"/> Next question.

20. High human health or safety risk?	○ If you answered 'Yes' to questions 4 or 5, consider alternative methods and timing. If high risk method is deemed necessary, implement communications strategy, restrict access to treatment area, follow all regulations and document activities.	○ Next question.
21. High risk to non-target terrestrial organism(s), including beneficial pollinators?	○ Consider alternative methods and/or timing. If the high risk method is deemed necessary, follow all regulations and document activities.	○ Next question.
<b>Characteristics of most effective pesticide</b>		
	<b>If yes...</b>	<b>If no...</b>
22. High acute toxicity?	○ If you answered 'Yes' to one or more of questions 1-5, use lower toxicity pesticide. If the high toxicity pesticide is deemed necessary, select application method to minimize toxicity, restrict access to treatment area, follow all regulations and document activities.	○ Next question.
23. High environmental mobility potential?	○ If you answered 'Yes' to one or more of questions 1-3, use less mobile pesticide. If the high mobility pesticide is deemed necessary, select application method to minimize mobility, follow all regulations and document activities.	○ Next question.
24. High environmental persistence potential? A product which breaks down slowly in the environment has high persistence.	○ If you answered 'Yes' to one or more of questions 1-5, use less persistent pesticide. If the high persistence pesticide is deemed necessary, select application method to minimize use, follow all regulations and document activities.	○ Next question.

25. High bio-accumulation potential in fish or wildlife? This refers to the pollutant's ability to be stored in the animal's tissues.	<input type="radio"/> Use alternative pesticide. If the pesticide is deemed necessary, select application method to minimize use, follow all regulations and document activities.	<input type="radio"/> Next question.
26. High herbicide resistance potential in plants?	<input type="radio"/> Use alternative pesticide. If the pesticide is deemed necessary, select application method to minimize development of resistance, follow all regulations and document activities.	<input type="radio"/> Next question.

<b>Fiscal impacts of preferred IPM method</b>		
	<b>If yes...</b>	<b>If no...</b>
27. High control cost?	<input type="radio"/> Evaluate current and long-term budget capacity against anticipated costs. Consider the potentially far higher cost of delayed control efforts. For example, removing a small patch of a weed today would be inexpensive compared to the cost of removing acres of the weed a year from now if it can spread quickly.	<input type="radio"/> Next question.
28. Expected environmental or infrastructure damage without control?	<input type="radio"/> Evaluate cost and likelihood of success of early intervention.	<input type="radio"/> Next question.
29. Long-term control likely necessary?	<input type="radio"/> Evaluate long-term budget capacity. Consider likelihood of continued programmatic support for control efforts.	<input type="radio"/> Next question.
<b>Select the appropriate IPM method(s)</b>		
30. No viable IPM intervention identified. Take no action.		
31. Attempt site-specific control or eradication. Proceed to 34.		
32. Attempt local control or eradication. Proceed to 34.		

- |   |
|---|
| 33. Attempt regional control or eradication. Proceed to 34.                                     |
| 34. Rank control or eradication options described in questions 12-16. Next question.            |
| 35. Select best available option and implement control or eradication strategy. Next question.  |
| 36. Evaluate and document effectiveness of action(s) and take corrective measures as necessary. |

**APPENDIX 2 Management Areas and Pest Management Guidelines: City of Happy Valley, SWMACC, and CCSD#1**

It is our goal to apply IPM principles and practices to the management of all lands and facilities which are owned or managed by the City of Happy Valley, SWMACC, and CCSD#1. The following table defines 14 Management Areas within four broad categories: Water Quality Sensitive Areas, High-Use Public Areas, Forestry and Upland Natural Areas and Roadside Rights of Way. Pesticides approved for use in each Management Area are listed in Appendix 3.

*Note: Additional pesticide use restrictions from the Oregon Department of Fish and Wildlife, the National Marine Fisheries Service or other agencies to protect certain species or habitats may also apply.*

Management Area		Pest Management Guidelines
<b>Water Quality Sensitive Areas</b>	<p><b>Ponds and Lakes</b> Includes both isolated natural and man-made water bodies</p> <p>For additional information see Clackamas County Vector Control: <a href="http://www.clackamas.us/vector/">http://www.clackamas.us/vector/</a></p>	<p>Use of approved aquatic labeled products is permitted for mosquito control, high priority noxious weeds and other high priority pests only where there is no existing or potential direct outflow to other surface waters. Such treatments must be for the protection of public health or the aquatic environment.</p> <p>Aquatic pesticide applications require applicators to have aquatic certification. Applicable permits from other agencies may be required prior to treatment.</p>

	<p><b>Rivers and Streams</b> Includes both natural and man-made flowing rivers, streams and ditches. Such areas may be either privately owned or Waters of the State.</p> <p>Pesticide use near public and private potable water intake points is further regulated by Oregon DEQ: <a href="http://www.deq.state.or.us/wq/dwp/swrpts.asp#4100187">http://www.deq.state.or.us/wq/dwp/swrpts.asp#4100187</a></p>	<p>Submerged weeds and other invasive aquatic species will not be controlled by chemical means in rivers, streams or other moving waters without the involvement of (or specific permission from) state regulatory agencies. In the rare need for pest control within such areas, cultural, mechanical and biological means will be utilized where possible. When these methods are not feasible, noxious emergent weeds may be controlled <u>above the water line</u> using approved aquatic labeled herbicides and surfactants. Examples include control of yellow flag iris and purple loosestrife to maintain healthy habitat. Such treatments shall take place at mid-summer.</p> <p>Aquatic pesticide applications require applicators to have aquatic certification. Applicable permits from other agencies may be required prior to treatment.</p>
<b>Management Area</b>		<b>Pest Management Guidelines</b>
<b>Water Quality Sensitive Areas</b>	<p><b>Seasonally Inundated Areas</b> Includes stream banks (below Ordinary High Water), wetlands, storm water facilities and bio-swales actually or potentially connected to surface water resources. Such areas may be privately or publically owned and may include jurisdictional wetlands.</p>	<p>The establishment and maintenance of appropriate vegetation helps protect water quality and habitat. Pest management shall be focused on controlling or preventing the establishment of species that threaten water quality, habitat health or the proper functioning of storm water management infrastructure. Approved "aquatic labeled" pesticides may be applied using backpack or hand application. Treatment areas must be free from standing water at the time of application. Use of fertilizers is allowed on a case-by-case basis</p>
	<p><b>Vegetated Buffer Areas</b> Includes corridors of land a minimum of 25 feet in width surrounding or adjacent to Ponds and Lakes, Rivers and Streams, Wetlands, and Seasonally Inundated Areas measured from above the Ordinary High Water line.</p>	<p>The establishment and maintenance of appropriate vegetation helps protect water quality and habitat. Pest management shall be focused on controlling or preventing the establishment of species that threaten water quality or habitat health or that interfere with native vegetation. Approved pesticides may be applied using backpack or hand application. Use of fertilizers is not permitted.</p>

<b>High-Use Public Areas</b>	<p><b>Building and Facilities Landscapes</b> Includes buildings, parking areas, turf and flower, tree and shrub landscapes outside of Water Quality Sensitive Areas.</p>	Highly managed landscapes provide a variety of functions around buildings and other facilities. Approved pest management products shall be used within an IPM context to minimize both the quantity applied and the necessary frequency.
	<p><b>Public Golf Courses</b></p>	<i>See Stone Creek Golf Course Integrated Pest Management Plan</i>
	<p><b>Park Developed Areas</b> Includes buildings, parking areas, turf, flower, tree and shrub landscapes within parks but outside of Water Quality Sensitive Areas.</p>	Parks provide a variety of recreational functions. High use by the public makes the judicious use of pest control products especially important, and their use within an IPM context can reduce both the quantity applied and the necessary frequency. Area closures and notification using temporary signage may be required prior, during and following the use of certain products.
<b>Management Area</b>		<b>Pest Management Guidelines</b>
<b>High-Use Public Areas</b>	<p><b>Park Playground Areas</b> Includes fenced and unfenced playground or play structure areas with turf and/or wood chip surfaces within parks.</p>	Playgrounds experience high levels of use by children. Pest management practices and materials used in these areas are, therefore, highly restrictive. The use of chemical pesticides to control vegetation in active playground turf, or in chipped play areas, or their margins, is allowed but discouraged. Instead, turf should be mowed periodically and chipped areas maintained through the periodic addition or replacement of wood chips. Playground/turf interface borders will be maintained through manual or mechanical means. If mowing, manual weeding and wood chip maintenance are inadequate to manage target weeds, playground areas should be closed temporarily for renovation. Stinging insects may be controlled using approved products.

	<p><b>Park Athletic Fields</b> Includes turf fields managed for athletics that are not on school property. For athletic fields on school property, see the School Campuses section below.</p>	<p>Athletic fields experience high levels of use by children. Effective turf management combined with the judicious use of pest control products within an IPM context can reduce both the quantity applied and the necessary frequency. Where warranted, spot spraying should be used over broadcast treatments for turf weeds. To protect public health, any proposed pesticide applications must take into account athletic field scheduling, nearby school activities, evening recreation and other anticipated uses. Area closures and notification using temporary signage may be required prior, during and following the use of certain products.</p>
	<p><b>Park Off-Leash Pet Areas</b> Includes fenced or unfenced park areas designated for users with off-leash dogs.</p>	<p>Concentrated pet activity in off-leash pet areas creates unique pest management challenges. Methods and materials should minimize potential risks to dogs and their owners. It is recommended, but not required, that off-leash pet areas be closed prior to herbicide application within fenced areas or along fence lines. Area closures and notification using temporary signage may be required prior to, during, and/or following the use of certain products.</p>
<b>Management Area</b>		<b>Pest Management Guidelines</b>
<b>High-Use Public Areas</b>	<p><b>Community Gardens</b> Includes officially sanctioned fenced or unfenced community tended vegetable gardens.</p>	<p>Pest management in Community Gardens is generally limited to cultural, mechanical and physical and biological methods. In the absence of permission and prior notification, garden plots, pathways, fence lines, and any areas within and along garden boundaries are considered 'no-spray' areas. Low pressure, spot directed pesticide applications of approved products are permitted at least 25 feet from the outside perimeters of Community Gardens without prior notification. Broadcast pesticide applications boom sprayer equipment shall be kept at least 50 feet from the outside perimeters of Community Gardens without notification. Special circumstances requiring the applications of pesticides inside these limits must be made only through mutual agreement.</p>

<p><b>School Campuses</b> Includes public or private school buildings, other structures, playgrounds, athletic fields, school parking lots, or other areas on school property that are accessed by students on a regular basis.</p> <p>A school IPM Coordinator is responsible for all aspects of pesticide use on school property. Pesticide applications are regulated by the Oregon IPM Requirements for Schools (ORS 634.700-634.750). For additional information see: <a href="http://www.oregon.gov/ODA/PEST/docs/pdf/school_ipm_web.pdf?ga=t">http://www.oregon.gov/ODA/PEST/docs/pdf/school_ipm_web.pdf?ga=t</a></p>	<p>At a minimum, schools must be notified in writing (email is acceptable) not less than 24 hours (during work days) before pesticide applications on school property. The notice must include the name of the pesticide product, the type of pesticide, the EPA registration number of each product, the expected date and area of application, the reason for the application. Notification signage must be posted around the pesticide application areas at least 24 hours before the pesticide application occurs and removed no earlier than 72 hours after the application. Signage must include: “Warning: Pesticide-Treated Area”, the expected or actual data and time for the application and the telephone number of a contact person. The appropriate public or private pesticide applicator license or trainee license is required for anyone applying “low-impact” pesticides. The law requires that detailed pesticide application records be kept on file at schools for four years.</p>
<p><b>Management Area</b></p>	<p><b>Pest Management Guidelines</b></p>
<p><b>Forestry and Upland Natural Areas</b> Includes upland (i.e., not within Water Quality Sensitive Areas) forests and natural areas exclusive of High-Use Public Areas.</p>	<p>Forests and natural areas provide wildlife habitat, timber and recreational opportunities. Pest management shall be focused on controlling or preventing the establishment of species that threaten habitat health or that interfere with native vegetation. Approved pesticides may be applied using backpack or hand application. Boom sprayers may be used in natural areas during preparation of open sites for revegetation with native plants as long as drift prevention measures and other label requirements are met. Motorized and aerial pesticide application is allowed.</p>

<p><b>Roadside Rights-of-Way</b> Includes all public rights-of-way and the land on which roadways and their associated facilities and appurtenances are located. Where rights-of-way intersect with Water Quality Sensitive Areas, relevant requirements in such areas apply.</p>	<p>Since this IPM Plan does not address roads which are owned/managed by Clackamas County's Road Dept., please see The <i>July 2000 Clackamas County Integrated Vegetation Management Plan</i> for information. This IPM Plan <u>does</u> apply to roads which are owned/managed by the City of Happy Valley; please see the relevant section of this Plan for more information.</p>
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APPENDIX 3 IPM Products List

Product Type	Active Ingredient(s)	Product Names (Examples only)	Intended Purpose	Pesticide Hazard Tier <sup>1</sup>	Water Quality Sensitive Areas				High-Use Public Areas <sup>2</sup>								Forestry and Upland Natural Areas	Roadside Rights-of-Way <sup>2</sup>
					Ponds and Lakes	Rivers and Streams	Seasonally Inundated Areas	Vegetated Buffer Areas	Building/Facilities Landscapes	Public Golf Courses	Park Developed Areas	Park Playground Areas	Park Athletic Fields	Park Off-Leash Pet Areas	Community Gardens	School Campuses		
Fungicide	Azoxystrobin	Heritage	Fungus control in turf	I*					•	•								
Fungicide	Chloroneb	Scotts V	Fungus control in turf	I					•	•								
Fungicide	Chlorothalonil	Daconil	Fungus control in turf	I*					•	•								
Fungicide	Dithane	Mancozeb	Fungus control in turf	I					•	•								
Fungicide	Fenarimol	Rubigan	Fungus control in turf	I					•	•								
Fungicide	Iprodione	Chipco 20619	Fungus control in turf	I*					•	•								
Fungicide	Mancozeb	Fore	Fungus control in turf	I*					•	•								
Fungicide	Metalaxyl	Subdue	Fungus control in turf	I					•	•								
Fungicide	Pentachloronitrobenzene	PCNB	Fungus control in turf	I					•	•								
Fungicide	Propiconazole	Fertilome Liquid Systemic Fungicide, Alamo, Banner	Fungus control in turf	I*					•	•								
Fungicide	Thiophanate-methyl	Scotts FF, Fungo	Fungus control in turf	I*					•	•								
Fungicide	Triadimefon	Bayleton	Fungus control in turf	I					•	•								
Herbicide	Acid blue 9, acid yellow 23	Aquashade	Aquatic algae control - blue colorant used to suppress algae growth	III	•				•	•	•							
Herbicide	Fluridone	Sonar AS	Aquatic weed control	III	•				•	•	•							
Herbicide	2,4-Dichlorophenoxyacetic acid	Weed B Gone, PAR III, Trillion, Tri-Kil, Killex and Weedaway	Broadleaf selective herbicide	I*					•								•	•
Herbicide	Aminopyralid	Milestone	Broadleaf selective herbicide	II				•	•	•	•		•	•		•	•	•
Herbicide	Aminopyralid + Triclopyr (amine)	Milestone VM Plus	Broadleaf selective herbicide	II					•	•	•						•	•
Herbicide	Clopyralid	Transline	Broadleaf selective herbicide	I					•								•	•
Herbicide	MCPA, MCPP-p, Dicamba	TrimecEncore	Broadleaf selective herbicide	I*					•								•	•
Herbicide	MCPA, Triclopyr, Dicamba	Horsepower	Broadleaf selective herbicide	I*					•				•				•	•
Herbicide	Metsulfuron methyl	Escort	Broadleaf selective herbicide	II					•								•	•
Herbicide	Triclopyr (amine)	Garlon 3A, LM Blackberry, Brush, Renovate 3, Tahoe 3A	Broadleaf selective herbicide	II					•	•	•						•	•
Herbicide	Triclopyr (ester)	Garlon 4 Ultra	Broadleaf selective herbicide	I*					•		•						•	•
Herbicide	Triclopyr (ester); 2,4-D	Crossbow	Broadleaf selective herbicide	I*					•		•						•	•
Herbicide	Isoxaben	Gallery 75 DF	Broadleaf selective pre-emergent herbicide	I*					•								•	•
Herbicide	2,4-D, 2-ethylhexyl ester, Mecoprop-p acid, Dicamba acid, Carfentrazone-ethyl	Speedzone	Broadleaf weed control in turfgrass	I*					•		•							
Herbicide	Clopyralid, 2,4-D, Triclopyr	Millenium	Broadleaf weed control in turfgrass	I*					•	•								

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Product Type	Active Ingredient(s)	Product Names (Examples only)	Intended Purpose	Pesticide Hazard Tier <sup>1</sup>	Water Quality Sensitive Areas				High-Use Public Areas <sup>2</sup>								Forestry and Upland Natural Areas	Roadside Rights-of-Way <sup>2</sup>
					Ponds and Lakes	Rivers and Streams	Seasonally Inundated Areas	Vegetated Buffer Areas	Building/Facilities/Landscapes	Public Golf Courses	Park Developed Areas	Park Playground Areas	Park Athletic Fields	Park Off-Leash Pet Areas	Community Gardens	School Campuses		
Herbicide	Fluroxypyr	Spotlight	Broadleaf weed control in turfgrass	I					•		•		•	•				
Herbicide	Triclopyr + Clopyralid	Confront	Broadleaf weed control in turfgrass	I					•	•								
Herbicide	Clethodim	Section 2EC	Grass selective herbicide	I				•	•		•						•	•
Herbicide	Fluazifop	Fusilade II	Grass selective herbicide	I				•	•		•						•	•
Herbicide	Sethoxydim	Poast, Vantage	Grass selective herbicide	II					•								•	•
Herbicide	Potassium salts of fatty acids	Safer Moss and Algae Attack Concentrate, DeMoss	Moss control for structures and non-vegetated surfaces	III					•		•							
Herbicide	Ferrous sulfate monohydrate	Lilly Miller Moss Out!	Moss control in turf	II					•	•	•							
Herbicide	Glufosinate	Finale, Basta, Rely, Ignite, Challenge, and Liberty	Non-selective herbicide	I*					•	•							•	•
Herbicide	Glyphosate (aquatic label)	AquaMaster, AquaPro, Rodeo, Accord Concentrate, Aquaneat	Non-selective herbicide	III	•	• <sup>3</sup>	•	•	•	•	•		•	•	•	•	•	•
Herbicide	Glyphosate with polyethoxylated tallow amine (POEA) surfactant	RoundUp, Ranger Pro, Roundup Pro	Non-selective herbicide	II					•	•	•		•	•	•	•	•	•
Herbicide	Imazapyr	Arsenal, Chopper	Non-selective herbicide	II					•		•		•	•			•	•
Herbicide	Imazapyr (aquatic label)	Habitat, Polaris	Non-selective herbicide	II	•	• <sup>3</sup>	•	•	•	•	•		•	•	•	•	•	•
Herbicide	Pendimethalin	Pendulum 2G	Non-selective herbicide	I*					•		•						•	•
Herbicide	Dichlobenil (2,6-dichlorobenzonitrile)	Casoron 4G	Non-selective pre-emergent herbicide	I*					•	•	•							
Herbicide	Oryzalin: 3,5-dinitro-N4N4-dipropylsulfanilamide	Surflan	Non-selective pre-emergent herbicide	I*					•	•	•							
Herbicide	Trifluralin and Isoxaben	Snapshot	Non-selective pre-emergent herbicide	I*					•		•							
Herbicide	Pelargonic fatty acid	Scythe	Non-selective top-kill of early-stage, easily killed weeds	III			•	•	•		•						•	•
Insecticide	Permethrin, natural pyrethrin	Anvil	Adult mosquito control	I*					•									
Insecticide	Azadirachtin	Turplex, Margosan-O, Azatin XL Neem tree extract	Control through growth regulating and anti-feeding effects	II					•									
Insecticide	Pyrethrin compounds	Aerosol Wasp Sprays	Directed jet sprays used for individual wasp and hornet nest treatments posing human safety threat	III					•	•	•	•	•	•	•	•	•	•
Insecticide	Horticultural oils	Sunspray, others	General insect control both for dormant and growing season use.	III					•	•	•		•	•	•	•	•	•

APPENDIX 3 IPM Products List

Product Type	Active Ingredient(s)	Product Names (Examples only)	Intended Purpose	Pesticide Hazard Tier <sup>1</sup>	Water Quality Sensitive Areas				High-Use Public Areas <sup>2</sup>								Forestry and Upland Natural Areas	Roadside Rights-of-Way <sup>2</sup>
					Ponds and Lakes	Rivers and Streams	Seasonally Inundated Areas	Vegetated Buffer Areas	Building/Facilities Landscapes	Public Golf Courses	Park Developed Areas	Park Playground Areas	Park Athletic Fields	Park Off-Leash Pet Areas	Community Gardens	School Campuses		
Insecticide	Polydimethylsiloxane	M-Pede, Safer Insecticidal Soap, others	General soft body insect control	III					●	●	●			●	●		●	
Insecticide	Chlorpyrifos	Dursban	Insect pest control	I*					●	●								
Insecticide	Imidacloprid	Mallet, Merit	Insecticide in turfgrass	I*					●		●							
Insecticide	Tetramethrin, Sumithrin	Enforcer, Raid	Insecticide, wasp and hornet	II					●	●	●	●	●	●	●	●	●	
Insecticide	Natural pyrethrin	ULD HydroPy-300	Mosquito control	III					●	●	●	●	●	●	●	●	●	
Insecticide	<i>Bacillus thuringiensis</i>	<i>Bacillus thuringiensis</i>	Mosquito control in isolated ponds, water features and catch basins	IV	●				●	●	●							
Insecticide	Methoprene	Altosid	Mosquito control in isolated ponds, water features and catch basins	II	●				●	●	●							
Insecticide	Monomolecular surface film	Agnique MMF	Mosquito control in isolated ponds, water features and catch basins	III	●				●	●	●							
Insecticide	Emulsifiable permethrin	Flit	Terrestrial mosquito control	I*					●									
Insecticide	Pheromone trap	Wasp/yellow jacket traps	Yellow jacket trap	III					●	●	●	●	●	●	●	●	●	
Insecticide/other	Fenamiphos	Nemacure	Nematode control in turf	I*					●	●								
Insecticide/other	<i>Steinernema carpocapse</i>	Turfco Vector	Nematode/insect control in turf	IV					●	●	●		●	●		●		
Marker dye	Marker dye	Dynamark U.V., Hi-Light Blue Indicator	Spray solution indicator dye	IV	●	● <sup>3</sup>	●	●	●	●	●		●	●	●	●	●	●
Marker dye	Marker dye	Turf Trax, Signal, others	Spray solution indicator dye	IV	●	● <sup>3</sup>	●	●	●	●	●		●	●	●	●	●	●
Rodenticide	Bromethalin	Talpid	Mole control	II					●	●	●							
Rodenticide	Chlorophacinone formulated as paraffinized pellets	Rozol Rat and Mouse Killer Pellets	Rodent bait for use only when placed in locked, tamper resistant bait boxes	II					●		●							
Slug control	Iron phosphate	Sluggo, Escargo	Slug and snail bait for specialty areas	IV					●		●							
Surfactant	Alkyl phenol ethoxylate, Polyethylene glycol, Isopropanol, and Polydimethylsiloxane	No Foam	Surfactant to enhance spray coverage and increase efficacy	IV					●	●	●			●	●		●	●
Surfactant	Ethylated Corn, Canola, Soybean Oil and Non-Ionic Surfactant blend	Hasten, Competitor	Surfactant to enhance spray coverage and increase efficacy	III	●	● <sup>3</sup>	●	●	●	●	●		●	●	●	●	●	●
Surfactant	Methylated Seed Oil	MSO, Super Spread MSO	Surfactant to enhance spray coverage and increase efficacy	IV	●	● <sup>3</sup>	●	●	●	●	●		●	●	●	●	●	●
Surfactant	Silicon based	Activator 90, R-11, LI 700, Hasten, Silwet, Syl-Tac, others	Surfactant to enhance spray coverage and increase efficacy	III			●	●	●	●	●		●	●	●	●	●	●

<sup>1</sup> I = Minimize use or find alternative (\* = Listed on high risk chemical lists), II = More restrictive use, III = Less restrictive use, IV = Least restrictive use

<sup>2</sup> Excludes Water Quality Sensitive Areas. Does NOT pertain to roads maintained by Clackamas County's Road Dept.

<sup>3</sup> Use limited to control of noxious weeds

## APPENDIX 4 Invasive Species Lists

Clackamas County Weed List					
Source: Clackamas County SWCD WeedWise Program, updated 6/26/2012					
Common Name	Scientific Name	ODA Listing	Priority <sup>1</sup>	Clackamas EDRR <sup>2</sup>	Regional EDRR
Scotch Broom	<i>Cytisus scoparius</i>	B			
Portuguese Broom	<i>Cytisus striatus</i>	B			
Spurge laurel	<i>Daphne laureola</i>	B	yes	yes	yes
Cutleaf teasel	<i>Dipsacus laciniatus</i>	B	yes		
Paterson's curse	<i>Echium plantagineum</i>	A	yes		yes
South American waterweed	<i>Egeria densa</i>	B			
Spanish heath	<i>Erica lusitanica</i>	B			
Leafy Spurge	<i>Euphorbia esula</i>	B	yes		
Myrtle Spurge	<i>Euphorbia myrsinites</i>	B			
Oblong spurge	<i>Euphorbia oblongata</i>	A	yes		
Japanese Knotweed	<i>Fallopia japonica (Polygonum)</i>	B	yes	yes	yes
Giant Knotweed	<i>Fallopia sachalinensis (Polygonum)</i>	B	yes	yes	yes
Goatsrue	<i>Galega officinalis</i>	A	yes		yes
French Broom	<i>Genista monspessulana</i>	B			
Shiny leaf geranium	<i>Geranium lucidum</i>	B			
Herb Robert	<i>Geranium robertianum</i>	B			
Halogeton	<i>Halogeton glomeratus</i>	B	yes		
English ivy	<i>Hedera helix</i>	B			
Irish ivy	<i>Hedera hibernica</i>	B			
Spikeweed	<i>Hemizonia pungens</i>	B	yes		
Giant hogweed	<i>Heracleum mantegazzianum</i>	A	yes	yes	yes
Orange Hawkweed	<i>Hieracium aurantiacum</i>	A	yes	yes	yes
Yellow Hawkweed	<i>Hieracium floribundum</i>	A	yes		yes
Mouse-ear Hawkweed	<i>Hieracium pilosella</i>	A	yes		
King-devil Hawkweed	<i>Hieracium piloselloides</i>	A	yes		
Meadow Hawkweed	<i>Hieracium pratense</i>	A	yes		yes
Hydrilla	<i>Hydrilla verticillata</i>	A	yes		
St. Johnswort	<i>Hypericum perforatum</i>	B			
Policeman's helmet	<i>Impatiens glandulifera</i>	B			
Yellow flag iris	<i>Iris pseudacorus</i>	B			
Dyers woad	<i>Isatis tinctoria</i>	B			
Kochia	<i>Kochia scoparia</i>	B	yes		
Yellow archangel	<i>Lamium galeobdolon</i>	B			yes
Perennial peavine	<i>Lathyrus latifolius</i>	B			
Lens-podded Whitetop	<i>Lepidium chalepensis</i>	B	yes		
Hoary cress	<i>Lepidium draba</i>	B	yes		
Perennial pepperweed	<i>Lepidium latifolium</i>	B	yes		
Hairy Whitetop	<i>Lepidium pubescens</i>	B	yes		
Dalmatian Toadflax	<i>Linaria dalmatica</i>	B			
Yellow Toadflax	<i>Linaria vulgaris</i>	B			
Water primrose	<i>Ludwigia grandiflora</i>	B			yes
Water primrose	<i>Ludwigia hexapetala</i>	B			yes
Water primrose	<i>Ludwigia peploides</i>	B			yes
Money Plant	<i>Lunaria annua</i>				yes
Purple loosestrife	<i>Lythrum salicaria</i>	B	yes	yes	yes
Eurasian watermilfoil	<i>Myriophyllum spicatum</i>	B	yes		
Parrots feather	<i>Myriophyllum aquaticum</i>	B			

**Clackamas County Weed List (contd.)**

**Source: Clackamas County SWCD WeedWise Program, updated 6/26/2012**

Common Name	Scientific Name	ODA Listing	Priority <sup>1</sup>	Clackamas EDRR <sup>2</sup>	Regional EDRR
Matgrass	<i>Nardus stricta</i>	A	yes		
Yellow floating heart	<i>Nymphoides peltata</i>	A	yes		
Scotch Thistle	<i>Onopordum acanthium</i>	B	yes		yes
Taurian Thistle	<i>Onopordum tauricum</i>	A	yes		
Small broomrape	<i>Orobanche minor</i>	B			
African rue	<i>Peganum harmala</i>	A	yes		
Japanese Butterbur	<i>Petasites japonica</i>				yes
Common reed	<i>Phragmites australis ssp. Australis</i>	A	yes		yes
American pokeweed	<i>Phytolacca americana</i>				yes
Himalayan Knotweed	<i>Polygonum polystachyum</i>	B	yes	yes	yes
Sulfur cinquefoil	<i>Potentilla recta</i>	B	yes		
Kudzu	<i>Pueraria lobata</i>	A	yes	yes	yes
Lesser celandine	<i>Ranunculus ficaria</i>	B			
Creeping yellow cress	<i>Rorippa sylvestris</i>	B			
Armenian (Himalayan) blackberry	<i>Rubus armeniacus (R. procerus, R.</i>	B			
Mediterranean sage	<i>Salvia aethiopsis</i>	B			
Tansy ragwort	<i>Senecio jacobaea</i>	B			
Blessed Milk Thistle	<i>Silybum marianum</i>	B			yes
Silverleaf nightshade	<i>Solanum elaeagnifolium</i>	A	yes		
Buffalobur	<i>Solanum rostratum</i>	B			
Johnsongrass	<i>Sorghum halepense</i>	B	yes		
Smooth Cordgrass	<i>Spartina alterniflora</i>	A	yes		
Common Cordgrass	<i>Spartina anglica</i>	A	yes		
Dense-flowered Cordgrass	<i>Spartina densiflora</i>	A	yes		
Saltmeadow Cordgrass	<i>Spartina patens</i>	A	yes		
Spanish Broom	<i>Spartium junceum</i>	B	yes		
Swainsonpea	<i>Sphaerophysa salsula</i>	B			
Medusahead rye	<i>Taeniatherum caput-medusae</i>	B	yes		
Saltcedar	<i>Tamarix ramosissima</i>	B			
European water chestnut	<i>Trapa natans</i>	A	yes		
Puncturevine	<i>Tribulus terrestris</i>	B			
Coltsfoot	<i>Tussilago farfara</i>	A	yes		
Gorse	<i>Ulex europaeus</i>	B	yes	yes	yes
Spiny cocklebur	<i>Xanthium spinosum</i>	B	yes		
Syrian bean-caper	<i>Zygophyllum fabago</i>	A	yes		

<sup>1</sup>Priority weed species are eligible for Conservation District led control efforts. Priority weed criteria include ODA A-listing, and weeds that occur in an adjacent county but have not been observed in Clackamas County.

<sup>2</sup>Targeted weed species highlighted for free weed treatment in Clackamas County.

<sup>3</sup>Weed Species have been targeted for rapid response control efforts in the Portland Metro region. Affected landowners should contact their local SWCD for eligibility.

Oregon Invasive Species Council 100 Worst List		
Source: OISC, updated 9/5/2012		
Group	Common name	Scientific name
Aquatic invertebrates	Asian tapeworm	<i>Bothriocephalus acheilognath</i>
	Waterflea (fishhook, spiny)	<i>Cercopagis pengoi</i> , <i>Bythotrephes cederstroemi</i>
	Transparent tunicate	<i>Ciona savigny</i>
	Sea squirt	<i>Didemnum sp.</i>
	Zebra mussel, guagga mussel	<i>Dreissena polymorpha</i>
	Mitten crabs	<i>Eriocheir spp.*</i>
	Japanese shore crab	<i>Hemigrapsus sanguineus</i>
	Leidy's comb jelly	<i>Mnemiopsis leidyi</i>
	Crayfish	<i>Orconectes virilis (virile crayfish)</i> , <i>Procambarus sp. (marbled crayfish or "marmorkrebs")</i>
	New Zealand seaslug	<i>Philine auriformis**</i>
	Asian clam	<i>Potamocorbula amurensis</i>
	Veined rapa whelk	<i>Rapana venosa</i>
	Club tunicate	<i>Styela clava</i>
	Aquatic plants	Flowering rush
Caulerpa seaweed		<i>Caulerpa taxifolia</i>
Dead man's fingers		<i>Codium fragile tomentosoides</i>
Rock snot		<i>Didymosphenia geminate</i>
Hydrilla		<i>Hydrilla verticillata</i>
Yellow floating heart		<i>Nymphoides peltata**</i>
Common reed		<i>Phragmites australis</i>
Algae, toxic (golden, toxic cyanobacteria)		<i>Prymnesium parvum</i> , <i>Cylindrospermopsis raciborskii</i>
Giant salvinia		<i>Salvinia molesta</i>
Cordgrasses		<i>Spartina alterniflora*</i> , <i>S. densiflora</i> , <i>S. anglica</i> , <i>S. patens**</i>
European water chestnut		<i>Trapa natans</i>
Asian kelp		<i>Undaria pinnatifida</i>
Birds	Mute swan	<i>Cygnus olor</i>
Fish	Snakehead	<i>Channa spp.</i>
	Threadfin shad (yellow tails, shad and Muskellunge, northern pike, tiger muskie)	<i>Dorosoma petenense</i>
	Ruffe	<i>Esox spp.*</i>
	Ruffe	<i>Gymnocephalus cernuus</i>
	Asian carp (bighead, silver), black carp	<i>Hypophthalmichthys nobilis</i> , <i>H. molitrix</i> , <i>Mylopharyngodon piceus</i>
	Golden shiner	<i>Notemigonus crysoleucas</i>
	Amur goby, round goby, Shimofuri goby	<i>Rhinogobius brunneus</i> , <i>Neogobius melanostomas</i> , <i>Tridentiger bifasciatus</i>
	Atlantic salmon	<i>Salmo salar</i>
Land invertebrates	Emerald ash borer	<i>Agrilus planipennis</i>
	Oriental beetle	<i>Anomala orientalis</i>
	Asian longhorned beetle	<i>Anoplophora glabripennis</i> , <i>A. chinensis</i>
	Africanized honey bee	<i>Apis mellifera scutellata</i>
	Silver Y moth	<i>Autographa gamma</i>
	Japanese wax scale	<i>Ceroplastes japonicus</i>
	Plum curculio	<i>Conotrachelus nenuphar</i>
	Swede midge	<i>Contarinia nasturtii</i>
	Siberian moth	<i>Dendrolimus superans</i>
	Mexican bean beetle	<i>Epilachna varivestis</i>
Light brown apple moth	<i>Epiphyas postvittana</i>	

\* Detected previously in Oregon, but eradicated or did not establish.

\*\* Currently under eradication or restricted to a small area in Oregon.

Oregon Invasive Species Council 100 Worst List (contd.)		
Source: OISC, updated 9/5/2012		
Group	Common name	Scientific name
Land Invertebrates	Old world bollworm	<i>Helicoverpa armigera</i>
	Spruce bark beetle	<i>Ips typographus</i>
	Argentine ant	<i>Linepithema humile*</i>
	Gypsy moths (European, Asian, pink, nun moth)	<i>Lymantria dispar*</i> , <i>L. mathura*</i> , <i>L. monacha</i>
	Bean plataspid	<i>Megacopta cribraria</i>
	European corn borer	<i>Ostrinia nubilalis</i>
	Japanese beetle	<i>Popillia japonica*</i>
	European chafer	<i>Rhizotrogus majalis</i>
	European woodwasp	<i>Sirex noctilio</i>
	Imported fire ants (red, black)	<i>Solenopsis invicta*</i> , <i>S. richteri</i>
	Brown spruce longhorn beetles	<i>Tetropium fuscum</i> , <i>T. castaneum*</i>
	White garden snail, vineyard snail, and Heath snail (terrestrial snails)	<i>Theba pisana</i> , <i>Cermea virgata</i> , <i>Xerolenta obvia</i>
	Khapra beetle	<i>Trogoderma granarium</i>
	Granulate ambrosia beetle	<i>Xylosandrus crassiusculus*</i>
	Mammals	Feral swine
Micro-organisms	Blackberry yellow vein disease, blackberry yellow vein-associated virus (BYVaV) and blackberry virus Y (BVY)	
	Blueberry hill carlavirus - New Jersey strain	(BBScV-NJ)
	Willow watermark disease	<i>Brenneria salicis</i>
	Oak wilt	<i>Ceratocystis fagacearum</i>
	Chronic wasting disease	CWD prion
	Elm yellows	<i>Elm yellows phytoplasma</i>
	Potato cyst nematode	<i>Globodera pallida</i>
	Infectious salmon anemia virus	ISAV
	Whirling disease	<i>Myxobolus cerebralis</i>
	Viral hemorrhagic septicemia virus (VHSV)	<i>Novirhabdovirus spp.</i>
	Alder root rot	<i>Phytophthora alni</i>
	Phytophthora taxon C	<i>Phytophthora kernoviae</i>
	Ramorum canker and blight, sudden oak death	<i>Phytophthora ramorum</i>
	Plum pox	<i>Plum pox potyvirus (PPV)</i>
	Hazelnut bacteria canker	<i>Pseudomonas avellanae</i>
	Southern wilt, bacteria wilt	<i>Ralstonia solanacearum</i> Race 3 Biovar 2
	Potato wart	<i>Synchytrium endobioticum</i>
	Poplar canker	<i>Xanthomonas populi</i>
Bacterial blight of grape	<i>Xylophilus ampelinus</i>	
Reptiles	Eastern snapping turtle	<i>Chelydra serpentina serpentina</i>
* Detected previously in Oregon, but eradicated or did not establish. **		
Currently under eradication or restricted to a small area in Oregon.		



LATIN NAME	COMMON NAME	PLANT TYPE/ TREATMENT TYPE(S)	MINIMUM TREATMENT DURATION	WINTER			SPRING			SUMMER			FALL		
				December	January	February	March	April	May	June	July	August	September	October	November
<i>Cirsium vulgare</i>	Bull Thistle	Herbaceous Biennial					Emergence			Flower	Flower/Seed	Seed/Emergence			
		Manual or Mechanical							Cut below crown, mow, or dig up shortly before flowering						
		Chemical						Foliar spot spray (Triclopyr or Glyphosate)	Foliar spray before flower (Glyphosate)				Foliar spot spray (Triclopyr or Glyphosate)		
<i>Clematis vitalba</i>	Old Man's Beard	Climbing Deciduous Vine					Emergence			Flower		Seed			
		Manual or Mechanical						Pull young plants up/cut mature stems at ground; dig up roots							
		Mechanical + Chemical (option 1)	about 2 years					Cut stems and wipe on (Glyphosate, Triclopyr or Metsulfuron concentrate)							
		Mechanical + Chemical (option 2)	about 2 years				Apply herbicide to regrowth in spring					Cut stems in fall			
<i>Conium maculatum</i>	Poison-hemlock	Herbaceous Biennial					Germinate	Rosettes	Bolt	Flower	Seed	Germinate			
		Manual or Mechanical					Pull plants by hand or dig up roots when soil is moist		Cut to below crown (1-3 inches)						
		Mechanical						Mow to 3-4 inches							
		Chemical					Foliar spray before flowering (Aminopyralid, Triclopyr, or Glyphosate)								
<i>Cytisus scoparius</i>	Scotch Broom	Large Shrub; deciduous leaves, evergreen stems					Growth	Buds/Leaf Out	Flower		Seed		Growth		
		Manual					Pull small plants; weed wrench large plants								
		Mechanical							Cut mature stands down to ground						
		Chemical					Foliar spray (Triclopyr, Aminopyralid, Glyphosate)								
<i>Geranium robertianum</i>	Herb Robert	Herbaceous Annual					Rosettes	Seedlings/Rosettes	Flowering/Seed		Seed		Rosettes		
		Manual					Pull plants and mulch bare areas								
		Chemical					Foliar spray large patches of small seedlings (Glyphosate)		Foliar spray large patches of small seedlings (Glyphosate)			Foliar spray large patches of small seedlings (Glyphosate)			
<i>Hedera hibernica, H. helix</i>	English Ivy	Evergreen Woody Vine	2 years				Berry/Seed	Vegetative		Flower		Berry/Seed			
		Manual or Mechanical					Dig up or pull up roots of accessible plants; Cut off vines (girdle) from base of trees								
		Cultural					Mulch to depth of 8 inches								
		Chemical (option 1)					Foliar spray on sunny day, temp >50 degrees F (Glyphosate or mix of Glyphosate and Triclopyr)	Foliar spray young plants with 2-4 newly expanded leaves (Glyphosate)				Spray regrowth (Glyphosate or Triclopyr); hand pull option			
		Chemical (option 2)								Foliar spray (Triclopyr & surfactant); more effective right after string trimming					
		Chemical (option 3)							Foliar spray (Aminopyralid)		Foliar spray on regrowth (Aminopyralid)				

LATIN NAME	COMMON NAME	PLANT TYPE/ TREATMENT TYPE(S)	MINIMUM TREATMENT DURATION	WINTER			SPRING			SUMMER			FALL		
				December	January	February	March	April	May	June	July	August	September	October	November
<i>Hieracium</i> sp.	Hawkweed	Herbaceous Perennial					Emerge		Bud/Flower		Flower/Seed				
		Manual or Mechanical					Dig up including roots and runners								
		Shading						Remove and discard flowers							
		Chemical						Cover with landscape fabric							
								Foliar spray before flowers open (Triclopyr)							
<i>Ilex aquifolium</i>	English Holly	Evergreen Shrub or Tree; often multi-stemmed					Growth			Flower			Berry/Seed		
		Manual					Pull or dig up small plants; use weed wrench on large plants								
		Mechanical + Chemical						Cut trunk as close to the ground as possible and apply concentrated herbicide within 20-30 seconds (Triclopyr or Glyphosate). On large trunks only the outer edge needs to be cut and treated.							
<i>Impatiens glandulifera</i>	Policeman's Helmet	Herbaceous Annual					Emerge		Flower		Flower/Seed				
		Manual or Mechanical						Pull or weed whack before seeds mature; compost on tarps							
		Chemical						Foliar spray young plants (Glyphosate)							
<i>Lepidium latifolium</i>	Perennial pepperweed	Herbaceous Perennial					Emerge		Flower		Flower/Seed				
		Manual						Pull or dig plants growing in sand or loose soil							
		Chemical						Foliar spray up through bloom stage (Chlorsulfuron with surfactant)			Foliar spray (Chlorsulfuron with surfactant)				
		Mechanical + Chemical					Mowing followed by foliar applications to resprouts (Glyphosate with appropriate surfactants)								
<i>Lysimachia vulgaris</i>	Garden Loosestrife	Herbaceous Perennial					Emerge		Flower		Flower/Seed				
		Manual or Mechanical						Cut at base/dig up where possible							
		Chemical						Foliar spray (Triclopyr or Glyphosate, aquatic formulation with suitable surfactant); need permit/license							
<i>Lythrum salicaria</i>	Purple Loosestrife	Herbaceous Perennial					Emerge		Flower		Flower/Seed	Seed			
		Manual or Mechanical	> 5 years					Pull small plants; cut large plants at base							
		Chemical	2-3 years					Foliar spray (Glyphosate or Triclopyr, aquatic formulation); need permit/license							
		Biocontrol	Up to 5 years before significant decrease in plant density					Release galerucella beetles on large stands			Release galerucella beetles on large stands				

LATIN NAME	COMMON NAME	PLANT TYPE/ TREATMENT TYPE(S)	MINIMUM TREATMENT DURATION	WINTER			SPRING			SUMMER			FALL		
				December	January	February	March	April	May	June	July	August	September	October	November
<i>Phalaris arundinacea</i>	Reed Canary Grass	Perennial grass					Emerge	Flower	Flower/Seed	Seed/Growth					
		Manual	at least 5 yrs	Hand pull/dig over whole population											
		Mechanical	5 to 10 years	Mow											
		Mechanical + Shade	at least 1 year	Mow and cover with a combination of several layers of cardboard covered with 4-6 inches woodchips											
		Flooding	1 to 3 yrs	Inundation for whole growing season											
		Mechanical + Chemical	1 to 2 years						Mow fields before seeds mature	Foliar spray when regrowth is 1 ft tall (Glyphosate); wait 2 weeks; mow; spray again					
		Chemical	1 year for small patches; 2 or more years for large infestations				Foliar spray young shoots (Glyphosate); less damage to native grasses			Foliar spray before summer dormancy (Glyphosate)			Foliar spray regrowth (Glyphosate); till 2-3 weeks after spray for improved control		
<i>Polygonum cuspidatum, P. bohemicum, P. sachalinense</i>	Knotweed	Tall Rhizomatous Perennial					Emerge	Growth	Flower	Seed			Die back		
		Mechanical	at least 5 years, not very effective on established patches	Cut twice each month								Cut once; then cover area with cardboard and deep mulch			
		Mechanical + Shade	5 years; can plant in area after 3 years							Cut to ground and cover with landscape fabric; stake down and monitor for growth at the edges					
		Mechanical + Chemical								Cut once	Foliar spray when about 3ft (Glyphosate, Triclopyr or Aminopyralid)				
		Chemical alone	at least 2 years							Inject stems >1/2 inch					
<i>Prunus laurocerasus</i>	English Laurel	Evergreen Shrub or Small Tree						Flower		Seed					
		Manual		Pull or dig up small plants; use weed wrench on large plants						Pull or dig up small plants; use weed wrench on large plants					
		Mechanical + Chemical		Cut trunk as close to the ground as possible and apply concentrated herbicide within 20-30 seconds (Triclopyr or Glyphosate)											
<i>Rubus armeniacus, R. discolor, R. laciniatus</i>	Blackberry (Himalayan and Cutleaf)	Cane-Producing Shrub; roots at nodes					Growth	Flower		Berry/Seed					
		Mechanical	> 2 years		Clear mechanically		Clear mechanically (if only once: when flowers form)		Clear mechanically						
		Manual or Mechanical	at least 2 yrs	Cut canes/grub out crowns when soil is moist					Dig or cut regrowth		Grub out roots when soil is moist				

LATIN NAME	COMMON NAME	PLANT TYPE/ TREATMENT TYPE(S)	MINIMUM TREATMENT DURATION	WINTER			SPRING			SUMMER			FALL		
				December	January	February	March	April	May	June	July	August	September	October	November
		Cultural Chemical (option 1)		Foliar spray when plants are actively growing (Triclopyr)							Mulch area after Foliar spray when canes are actively growing and after berries are formed (Glyphosate); NOTE: post sprayed areas or control access to sprayed bushes			Clear dead canes, stabilize area to prevent possible erosion	
		Chemical (option 2)		Cut large canes and spot spray immediately after cutting (Glyphosate or Triclopyr)						Check area and repeat if necessary					
		Mechanical + Chemical		Clear mechanically							Foliar spray regrowth (Triclopyr, Aminopyralid or Glyphosate)				
<i>Senecio jacobaea</i>	Tansy Ragwort	Herbaceous biennial		Rosettes			Bud/Flower	Flower	Flower/Seed	Seed/Rosettes	Rosettes				
		Manual or Mechanical		Dig up rosettes if soil is moist						Pull and bag flowering stems			Dig up rosettes if soil is moist		
		Chemical		Foliar spray rosettes and flowering plants (Aminopyralid or Triclopyr)							Foliar spray rosettes (Aminopyralid or Triclopyr)				
<i>Solanum dulcamara</i>	Bittersweet Nightshade	Semi- Woody Vine		Growth			Flower			Seed					
		Manual or Mechanical		Dig up plants in winter when possible to avoid damaging other plants						Dig, cut, pull or mow several times / season					
		Chemical		Information limited. Foliar spray or wipe on, late bud to early flower (Glyphosate, Triclopyr or Aminopyralid); plan to spray any regrowth											
<i>Sonchus arvensis</i>	Perennial Sowthistle	Herbaceous Perennial		Seedlings/Rosettes			Flower			Seed					
		Manual or Mechanical		Dig up including roots and runners						Remove and discard flowers					
		Shading		Cover with landscape fabric											
		Chemical		Foliar spray actively growing plants before bud stage and at bud stage before flowers open (Aminopyralid). Plan to spray regrowth and beware of permit/license restrictions in coastal and wet areas											
<i>Tanacetum vulgare</i>	Common Tansy	Herbaceous Perennial		Emerge			Flower			Flower/Seed					
		Manual		Dig up						Dig up, cut & bag seed head					
		Mechanical		Mow/cut before bud stage			Cut regrowth as needed								
		Chemical	>1 yr	Spot spray actively growing plants (Metsulfuron), or wipe on (chemical ?)			Wipe on during flower/seed set (Glyphosate); not as effective as metsulfuron - cut & bag flower/seed heads								

APPENDIX 6

Sample Pesticide Use Notification Sign: use of this Sign is voluntary unless required by the pesticide product's label


**Warning:**  
**Pesticide-Treated Area**

Pesticides are being applied in this area to control target weeds or other pests. Application methods are designed to protect water quality, native species and public health.

Application Date \_\_\_\_\_  
Application Time \_\_\_\_\_  
Product \_\_\_\_\_  
EPA Registration # \_\_\_\_\_  
Target Pest(s) \_\_\_\_\_

Please keep pets on leash and refrain from contact with work area until sprayed surfaces have dried.

For information call: \_\_\_\_\_



The logo for Clackamas County, featuring a stylized green triangle above a blue and white wave-like shape, with the text "CLACKAMAS COUNTY" below it.

**APPENDIX 7**

**Sample Pesticide Application Record for Licensed Pesticide Applicators (LPA). The use of this form is voluntary if the pesticide being applied doesn't require the use of a LPA.**

<b>PESTICIDE APPLICATION RECORD</b>			
<b>Applicator's full name:</b>		<b>Applicator company name:</b>	<b>Applicator license#:</b>
<b>Trainee's full name:</b>		<b>Applicator company address:</b>	<b>Business license #:</b>
<b>Application Location:</b>		<b>Product name(s):</b>	<b>Mix ratio or percentage: (e.g., 3g/100g or 3%)</b>
<b>Date:</b>	<b>Site:</b>		
<b>Time in:</b>	<b>Specific area treated:</b>	<b>Formulation(s):</b>	
<b>Time out:</b>		<b>EPA registration number(s):</b>	
<b>Temp:</b>			
<b>Wind:</b>			
<b>Equipment used:</b>	<b>Total area treated:</b>	<b>Total amount of dilute pesticide applied:</b>	
	<b>Target species:</b>	<b>Coverage rate (e.g., 6lbs/1000 sq ft):</b>	
<b>Notes:</b>			
<b>Pesticide supplier:</b>			

## APPENDIX 8 Emergency and Informational Contacts

<b>Emergency Phone Numbers</b>	
Fire, Ambulance, HAZMAT	911
<b>CCSD#1, SWMACC, and the City of Happy Valley</b>	
County Risk Management, Dwayne Kroening	503-655-8576
Water Environment Services	503-742-4567 (Mon-Thurs) and 503-557-2801 on Fridays
Chris Randall, City of Happy Valley Public Works Director	503-783-3842
City of Happy Valley, main number	503-783-3800
<b>Medical Emergencies &amp; Immediate Health Concerns</b>	
Oregon Poison Center- 24 hours Daily	Portland Area 503-494-8968 Outside Portland Area 800-222-1222
DEQ Northwest Regional Office	503-229-4263
Oregon Emergency Response System	800-452-0311
Oregon DEQ Environmental Cleanup Program	503-229-5913
National Response Center	800-424-8802
CHEMTREK: an industry emergency spill information service	800-424-9300
<b>Informational Phone Numbers</b>	
NPIC - National Pesticide Information Center	800-858-7378
Oregon Department of Agriculture	503-986-4635
<b>Pesticide Exposure Reporting</b>	
Pesticide Analytical and Response Center (PARC)	503-731-4025

## APPENDIX 9 Priority Chemicals of Concern Resources

Adapted from Multnomah County, Oregon.

1. Environmental Protection Agency (EPA), *First 12 Priority PBT's "Dirty Dozen"*, retrieved July, 2005, from <http://www.epa.gov/pbt/pubs/accomp99.htm> .
2. Oregon Department of Environmental Quality, *P2 for Persistent, Bioaccumulative Toxic Pollutants (PBT's)*, retrieved July, 2005 from <http://www.deq.state.or.us/nwr/epoc/ch2.htm> .
3. WA Department of Ecology, *Persistent Bioaccumulative Toxins (PBT List Section)*, retrieved Sept., 2005 from [http://www.ecy.wa.gov/laws-rules/wac173333/p0407\\_cont\\_a.pdf](http://www.ecy.wa.gov/laws-rules/wac173333/p0407_cont_a.pdf) .
4. Dieckhoner, T., City of Seattle, *PBT Reduction Strategy: Progress Report to City Council*, retrieved Sept., 2005 from <http://www.ci.seattle.wa.us/environment/Documents/PBTStrategy3-07-03.pdf> .
5. Tolman, S., The Commonwealth of Massachusetts, *An Act for A Healthy Massachusetts: Safer Alternatives to Toxic Chemicals*, retrieved July, 2005 from <http://www.mass.gov/legis/bills/senate/st00/st00553.htm> .
6. Oregon Environmental Council, *Children at Risk: How Toxic Chemicals Threaten Oregon's Children and What We Can Do About It*, retrieved Oct., 2005 from [www.oeconline.org/kidshealth/childrenatrisk](http://www.oeconline.org/kidshealth/childrenatrisk).
7. Toxic Reduction Strategy Workgroup recommendations September 2005 until January 2006.
8. United Nations Environment Program (UNEP), *Stockholm Convention Persistent Organic Pollutants*, retrieved Jan. 2006 from [http://www.pops.int/documents/guidance/beg\\_guide.pdf](http://www.pops.int/documents/guidance/beg_guide.pdf) .
9. Community stakeholder input - Chemicals/products and practices suggested by local citizens.
10. Oregon Partnership for Cancer Control (2005), Oregon Comprehensive Cancer Plan, retrieved July, 2005, <http://www.oregon.gov/DHS/ph/cancer/docs/cancerplan/cplan05.pdf> .
11. State of California, Environmental Protection Agency, Office of Environmental Health Hazard Assessment, Safe Drinking Water and Toxic Enforcement Act of 1986 (Prop 65), *Chemicals known to the State to cause cancer or reproductive toxicity, February 3, 2006*, retrieved March 2006 from [http://www.oehha.ca.gov/prop65/prop65\\_list/files/P65single20306.pdf](http://www.oehha.ca.gov/prop65/prop65_list/files/P65single20306.pdf) .
12. Oregon Department of Environmental Quality, Oregon Air Toxics Program, Notice of Proposed Rule Making, *Ambient Benchmarks for 49 air toxics*, retrieved March, 2006 [http://www.deq.state.or.us/news/publicnotices/uploaded/060207\\_5621\\_05-AQ-002\\_Benchmarks.pdf](http://www.deq.state.or.us/news/publicnotices/uploaded/060207_5621_05-AQ-002_Benchmarks.pdf) .
13. State of California, Environmental Protection Agency, Office of Environmental Health Hazard Assessment, *All chronic reference exposure levels adopted by OEHHA as of February 2005*, retrieved March, 2006 from [http://www.oehha.ca.gov/air/chronic\\_rels/AllChrels.html](http://www.oehha.ca.gov/air/chronic_rels/AllChrels.html) .
14. Environmental Protection Agency (EPA), National Partnership for Environmental Priorities, *31 Priority Chemicals*, retrieved March, 2006 from <http://www.epa.gov/epaoswer/hazwaste/minimize/chemlist.htm>.



April 18, 2016

Mayor Mark Gamba and City Council  
10722 S.E. Main Street  
Milwaukie, Oregon 97222

Dear Mayor Gamba and City Council:

I am writing to express support for Milwaukie's proposed resolution to help protect pollinators. The proposed resolution addresses two key issues in pollinator decline: the use of neonicotinoid insecticides and the lack of pollinator habitat and forage.

The weight of scientific evidence clearly supports this proposed resolution. Neonicotinoids, the most commonly used insecticides worldwide, are highly toxic to bees and other beneficial insects. These chemicals are also long-lived, persisting for months to years in the environment. Analysis by Oregon's Department of Agriculture found that trees treated with neonicotinoids still had harmful residues in the flowers a full year after application. Numerous studies have shown that the neonicotinoid levels that are being found in pollen and nectar from legal use can cause severe harm to bee populations. Most recently, researchers pinpointed how neonicotinoids harm the immune system of honey bees, thus making them more susceptible to the diseases carried by the *Varroa* mite and other parasites.

Milwaukie's proposed resolution comes at a good time to help support Oregon's pollinators. A recent analysis by the United Nations found that 40% of pollinator species may be at risk of extinction worldwide and that pesticides and habitat loss are factors in their imperilment. Here in Oregon six species of bumble bees are at risk of extinction.

Thank you for considering this important action to bring back the pollinators.

Sincerely,

Aimee Code  
Pesticide Program Director  
The Xerces Society for Invertebrate Conservation

Background on the Xerces Society for Invertebrate Conservation:

Xerces is a global leader in pollinator conservation. Our work is increasingly recognized as the standard for pollinator conservation by organizations such as the United Nations Food and Agriculture Organization, the White House, the USDA Natural Resources Conservation Service, and farmers and farm organizations across the United States. Since 2008, our work has led to the creation of approximately 250,000 acres of pollinator habitat, and we have conducted hundreds of workshops and short courses on native pollinators, training more than 60,000 people in pollinator conservation.

## Stauffer, Scott

---

**From:** Aimee Code <aimee@xerces.org>  
**Sent:** Wednesday, April 20, 2016 9:03 AM  
**To:** Milwaukie OCR  
**Subject:** Thank you

Dear Mayor Gamba and members of the City Council,

I want to thank you for passing the resolution to protect pollinators last night. While my interest was in the neonic ban, your dedication to Milwaukie was evidenced in each discussion. I am sorry to have not been there in person.

Council President Batey, you raised valid concerns about the risks associated with WHEREAS clauses when you don't have the research to back them up. I will send you a list of the references for these statements for your records.

Sincerely,  
Aimee Code

Pesticide Program Director  
**The Xerces Society for Invertebrate Conservation**  
628 NE Broadway Suite 200, Portland, OR 97232, USA  
[aimee@xerces.org](mailto:aimee@xerces.org)  
Tel: (541) 232-9767  
Fax: (503) 233-6794



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The Xerces Society for Invertebrate Conservation is an international nonprofit organization that protects wildlife through the conservation of invertebrates and their habitat. To join the Society, make a donation, or read about our work, please visit [www.xerces.org](http://www.xerces.org).

## Stauffer, Scott

---

**From:** Scott Dahlman <[scott@ofsonline.org](mailto:scott@ofsonline.org)>  
**Sent:** Wednesday, April 20, 2016 11:50 AM  
**To:** Gamba, Mark; Churchill, Scott; Batey, Lisa; Parks, Wilda; Power, Karin; Milwaukie OCR  
**Cc:** Jeff Stone - Oregon Assn of Nurseries ([jstone@oan.org](mailto:jstone@oan.org))  
**Subject:** Comments on Neonicotinoid Resolution  
**Attachments:** 2016 03 03 City of Milwaukie Neonicotinoids.pdf

Honorable Councilors,

Please find attached comments from Oregonians for Food & Shelter and the Oregon Association of Nurseries regarding the proposed Resolution related to neonicotinoid pesticides. We were very disappointed to see it added to the agenda on such short notice, but that is why our comments were not submitted prior to the meeting.

Please let us know if you have any questions.

Regards,

Scott

*Scott Dahlman*  
*Policy Director*  
*Oregonians for Food & Shelter (OFS)*  
*o. 503.370.8092*  
[scott@ofsonline.org](mailto:scott@ofsonline.org)



A non-profit coalition to promote the efficient production of quality food and fiber while protecting human health, personal property and the environment, through the integrated, responsible use of pest management products, soil nutrients and biotechnology.



3 March 2016

Milwaukie City Council  
10722 SE Main Street  
Milwaukie, OR 97222

Honorable Council Members:

We are writing you today in regards to the proposed City Resolution related to neonicotinoid insecticides. We believe that this proposal is misguided and would like to provide the Council with the latest scientific information on neonicotinoids and bees.

Oregonians for Food & Shelter (OFS) is a grassroots coalition of farmers, foresters, and other technology users focused on natural resource issues involving pesticides, fertilizer, and biotechnology. The Oregon Association of Nurseries (OAN) represents the nursery and greenhouse industry which is the state's largest agricultural sector and the nation's second largest nursery state with over \$744 million in sales. Nearly 75% of nursery stock grown in our state leaves our borders – with over half reaching markets east of the Mississippi River. Nursery association members represent wholesale and Christmas tree growers, retailers and greenhouse operations.

The concerns around pesticide use and potential effects on bees are very important to all pesticide users, but especially those involved in agriculture. Oregon farmers depend on bees to pollinate many of their crops, but also depend on pesticide tools to control destructive pests. Similarly, commercial beekeepers rely on healthy crops to optimize their pollination services. This means that Oregon growers and beekeepers have a lot at stake in this conversation and each share a vested interest in ensuring that protecting bee health, and the use of pesticides, are not mutually exclusive. Bee health is important to all of us and nobody wants to see adverse incidents that add to bee population declines. That being said, it is easy to let emotion drive the conversation around these issues, when we should instead let science be our guide.

While concerns about pesticides and bees have been around for several decades, two high profile incidents in Oregon during the last couple of years have brought heightened attention to the issue. We cannot stress enough that very visible adverse incidents need to be viewed in light of what happened in particular scenarios—not necessarily as evidence of a wider problem. For example, in the Wilsonville incident it is clear that the applicator did not use good judgment, which resulted in a misapplication of a product. Oregon Department of Agriculture's (ODA) investigation confirmed this and fines were issued to the offending parties. The science-based labels are the law and we regularly remind our members of the importance of reading and following them. Incidents of illegal applications should be addressed accordingly on a case by case basis but should not be used as a reason to add more restrictions on legal use.

Unfortunately, anti-pesticide activist groups have used these incidents as a springboard to further restrictions on neonicotinoids. This is in spite of the science showing that when used according to the label, neonicotinoids pose no unreasonable risk to humans or the environment—including pollinators. Extensive research in Europe and North America has shown that long-term colony health is linked to parasitic mites (especially the invasive Varroa mite) and diseases, but not with pesticides, including neonicotinoids.

When considering regulations surrounding pesticides it is always important to look at what regulations are already in place. All pesticides used in Oregon must go through the U.S. Environmental Protection Agency (EPA) and Oregon Department of Agriculture (ODA) registration processes. At the federal level this happens under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Initial and ongoing re-registration is subject to a substantial review process and registered products must meet the high standard of having “no unreasonable adverse effect on health or the environment.” This means that neonicotinoid pesticides have had extensive safety testing including:

- Honeybee acute contact toxicity (all outdoor use products)
- Honey bee toxicity of residues on foliage (if high acute toxicity and exposure likely)
- Field testing for pollinators (specific conditions)

While we can understand the concerns of beekeepers, and the public at large, the issue of declining bee populations unfortunately has no simple answer. In fact, research on Colony Collapse Disorder (CCD) has highlighted a complex interaction of factors that play a role in bee health and found no singular cause of the problem. While pesticides are often noted as one factor, they are not considered the primary one.

Since reports of significant losses to bee colonies were publicized in 2006, researchers and regulators have been looking for answers to what may be the cause. A CCD Steering Committee was formed at the national level to address the concerns over bee losses. Several individuals from the Steering Committee along with Pennsylvania State University met in October 2012 for a National Stakeholders Conference on Honey Bee Health to discuss future actions to promote health and mitigate risks to managed honey bees in the U.S. In May of 2014 the U.S. Department of Agriculture (USDA) and EPA released a comprehensive scientific report on honey bee health. The report concludes that there are multiple factors that play a role in honey bee colony declines. Findings from the report include:

- Recognizes the Varroa mite as the *“single most detrimental pest of honey bees and is closely associated with overwintering colony decline”*
- Notes multiple diseases associated with CCD, many of which are amplified by the Varroa mite.
- Urges adoption of Best Management Practices (BMPs) to enhance bee health.
- Recognizes the need to significantly improve genetic diversity in U.S. bee populations.
- Recommends increased nutritional options (forage) to lessen susceptibility to stressors.
- Recommends continued research on pesticide impacts at field-relevant exposures.
- Calls for greater collaboration and information sharing among stakeholders to facilitate adoption of BMPs that are critical to improving bee health.

Recognizing this reality, the Oregon Legislature took a proactive step to address pollinator health. In the 2014 legislative session, OFS and OAN supported House Bill 4139 which established a Pollinator Task Force which was tasked with finding collaborative solutions to pollinator concerns. The diverse 10-

member board, which both OAN and OFS served on, met seven times in 2014 and released their final report with priority recommendations. The four priority recommendations were:

- Oregon should develop a strong, effective outreach and education strategy on pollinator health, including best management practices.
- Oregon should fully fund a state-of-the-art bee health diagnostic facility at Oregon State University.
- An integrated pollinator health research plan should be developed and funded to improve understanding of the many issues affecting pollinator health.
- A sustainable revenue stream to fund the proposed outreach, education and research programs is needed.

It should be noted that this diverse group of stakeholders agreed that the best way to move forward was not with more regulation of pesticides, but with collaborative approaches to education, outreach and research. This group spent over 6 months working on this issue and there were good reasons for further restrictions on neonicotinoids not being a priority, or even consensus, recommendation.

Despite the recognition by national experts that a variety of factors is contributing to bee colony losses, some groups continue to focus on the role pesticides play, and especially on the neonicotinoid class of chemicals. Neonicotinoids have been in use for more than 15 years and have been widely adopted by growers and urban applicators because of their performance, lower toxicity to mammals, including humans, and favorable environmental profile over the older products they replaced. Their potential toxicity for bees if used improperly has shined a spotlight on neonicotinoids, but real world testing of concentrations in the field have not shown levels that would be of concern.

Several times over the past few years, advocacy groups and some individual beekeepers have petitioned or sued the EPA to discontinue the use of neonicotinoid insecticides, claiming these products are harming bees. In considering these petitions, the EPA rejected such claims and in comments regarding clothianidin (a neonicotinoid pesticide), stated that<sup>1</sup>:

***...the Agency is "NOT aware of any data that reasonably demonstrates that bee colonies are subject to elevated losses due to chronic exposure to this pesticide." (02/18/11); and***

***"... is NOT aware of any data indicating that honey bee declines or the incidence of CCD in the U.S. is correlated with the use of pesticides in general or with the use of neonicotinoids in particular." (07/27/12)***

It is the latest scientific evidence that lead the UK to oppose the moratorium on use of two neonicotinoids in Europe as well. A report issued by the UK Department for Environment Food & Rural Affairs in March of 2013 concluded that;

***While this assessment cannot exclude rare effects of neonicotinoids on bees in the field, it suggests that effects on bees do not occur under normal circumstances. This assessment also suggests that laboratory based studies demonstrating sub-lethal effects on bees from neonicotinoids did not replicate realistic conditions, but extreme scenarios. Consequently, it***

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<sup>1</sup> <http://www.usda.gov/documents/ReportHoneyBeeHealth.pdf>

***supports the view that the risk to bee populations from neonicotinoids, as they are currently used, is low.***<sup>2</sup>

In Australia, where the Varroa mite is not present and where neonicotinoids are extensively used, the bee health situation is informative. In its recent 92-page report, the Australian Pesticides and Veterinary Medicines Authority examined the impact of that country's extensive use of neonicotinoids, concluding;

***"...the introduction of the neonicotinoids has led to an overall reduction in the risks to the agricultural environment from the application of insecticides" and that "Australian honeybee populations are not in decline, despite the increased use of this group of insecticides in agriculture and horticulture since the mid-1990s."***<sup>3</sup>

In 2015, results from a three-year bee study conducted by scientists from the University of Maryland, the U.S. Environmental Protection Agency and the U.S. Department of Agriculture confirmed what other research has already shown – that field-relevant exposures of neonicotinoids have negligible effects on honey bee colony health.

While the current research is not showing neonicotinoids as a primary factor in bee health decline, we know that it may be tempting to place restrictions on their use for precautionary reasons. Unfortunately this approach ignores the important role these products play in managing pests that can have devastating effects on the environment. Neonicotinoids provide unique environmental, economic and public health benefits, such as:

- Effective protection against invasive species which can harm important urban landscapes. (i.e. control of the Emerald Ash Borer which can devastate urban forests).
- Systemic insect control not provided by other chemical classes.
- Lower impact on many non-target organisms than the older products they replaced, protecting natural enemies which allows for greater use of IPM strategies.
- Effective control of disease carrying vectors. They are some of the most effective tools for the control of bedbugs.
- Extended control which limits the needed number of applications, and therefore limits applicators exposure.
- Control of pests which are resistant to other chemical classes

By banning the use of neonicotinoids, the City will be left with fewer options to control damaging pests. All pest control options come with their own set of tradeoffs that must be considered. We believe that when all things are considered, neonicotinoids may often be the best choice. Neonicotinoids have been lauded for their lower environmental impact than many of the products they replaced and keeping them as an option can play an important role in an effective Integrated Pest Management (IPM) program.

It is also troubling that the City is seeking to source plants that haven't been treated with neonicotinoids. Many nursery growers use neonicotinoids as part of their pest management program. These products allow them to treat for destructive insects with extremely low risk to applicators

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<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221052/pb13937-neonicotinoid-bees-20130326.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221052/pb13937-neonicotinoid-bees-20130326.pdf)

<sup>3</sup> Overview Report – *Neonicotinoids and the Health of Honey Bees in Australia* (February, 2014). Australian Pesticides and Veterinary Medicines Authority 2013. ISBN: 978-1-922188-51-9 (electronic). 92 pages.

compared to other control methods. The fact that a plant has been treated with a neonicotinoid at some point in its life cycle does not mean there is any increased risk to the environment from those plants when they are sold. The City should focus on purchasing high quality, healthy plants regardless of whether neonicotinoids were used in their production.

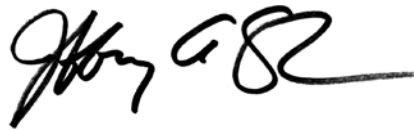
We believe that a thorough review of the data shows that neonicotinoids are a safe, effective tool for protecting human health and property. A ban by the City of Milwaukie will result in less options to contain destructive pests with little, if any, benefit to bee populations. Neonicotinoids are a safe and effective tool for managing unwanted pests. In light of the current science we urge you to reconsider your proposed ban on neonicotinoids and vote against this resolution.

Thank you for your consideration, and please contact us if you have any questions.

Sincerely,



Scott J. Dahlman  
Policy Director  
Oregonians for Food & Shelter



Jeff Stone  
Executive Director  
Oregon Association of Nurseries

## Stauffer, Scott

---

**From:** DuVal, Pat  
**Sent:** Wednesday, April 20, 2016 2:50 PM  
**To:** Stauffer, Scott  
**Subject:** FW: Flagging and staying off of Chemically Treated Landscapes  
**Attachments:** non toxic weed spray.jpg; ATT00001.htm; non toxic pesticide at Sellwood Hardware.jpg; ATT00002.htm; When to stay off of lawn, effects on humans and neighboring plants, etc..docx; ATT00003.htm

---

**From:** Batey, Lisa  
**Sent:** Wednesday, April 20, 2016 2:19 PM  
**To:** [deniseemmerlingbaker@gmail.com](mailto:deniseemmerlingbaker@gmail.com)  
**Cc:** \_City Council; Fuchs, Clare  
**Subject:** Fwd: Flagging and staying off of Chemically Treated Landscapes

Thanks, Denise. I think the Mayor was the one who actually asked for your sheet, so I am copying in the rest of Council, as well as our Sustainability Director. I am happy to have some of your links to investigate, and I do think we should explore laws and practices about flagging/signage around areas sprayed.

I see the bit below about vinegar. Believe me, I have spent YEARS experimenting with vinegar as a weed killer, getting the highly concentrated not-safe-for-human-consumption variety (20%) that you can get only from places like Naomi's and Concentrates. It can be effective on certain weeds, but it does not kill (or even phase) some of the more aggressive invasive species like Lesser Celandine. Also, some weeds will die with simply aggressive, repeated weed-whacking, especially in the dry season. Things like moss can be controlled with organic supplements, like lime or household items like baking soda (baking soda kills moss in a couple of days).

But some of the worst invasive really do call for chemical treatment. The parks districts all around here routinely use Round-up, Garlon and other chemicals on English Ivy, Armenian (aka Himalayan) blackberry which take over acres and acres of parkland, riparian areas, etc. And then there's the newest problem weed on my own block (thanks, I am relatively sure, to improperly "cooked" compost from McFarlane's), Lesser Celandine. This can be dug out in limited spots (you have to dig out all the tiny rhizomes, so it basically means taking of the top 3" of soil), and City staff get kudos for doing that around the Pond House. But if it is widespread, as unfortunately it is in some of our parks and lots of private yards, chemical treatment is needed. See, e.g., these sources, which say manual control is rarely sufficient (if you google "Lesser Celandine removal" you will find lots more)

<https://www.nps.gov/plants/alien/fact/rafi1.htm>

<https://www.portlandoregon.gov/bes/article/433193>

I appreciate your enthusiasm, but I do think focusing on the notice issue -- proper signage and flagging when spraying is happening -- is probably the more productive route. I have seen NCPRD -- and PP&R, when it comes to Elk Rock Island -- be pretty diligent about having up little sandwich-board signs indicating that they are spraying. But in terms of how long such signs should stay up for what specific chemicals, or whether some sort of flagging is appropriate for a fixed number of days after spraying, that seems like a good conversation to have in the framework of the NCPRD/County Integrated Pest Management committee.

Thanks! --Lisa

Lisa Batey, Council President  
Milwaukie City Council  
Phone: 503-786-7512  
[BateyL@milwaukieoregon.gov](mailto:BateyL@milwaukieoregon.gov)

Sent from my iPad

Begin forwarded message:

**From:** Denise Emmerling-Baker <[deniseemmerlingbaker@gmail.com](mailto:deniseemmerlingbaker@gmail.com)>  
**Date:** April 20, 2016 at 9:03:32 AM PDT  
**To:** <[bateyl@milwaukieoregon.gov](mailto:bateyl@milwaukieoregon.gov)>, <[churchills@milwaukieoregon.gov](mailto:churchills@milwaukieoregon.gov)>  
**Subject:** Fwd: Flagging and staying off of Chemically Treated Landscapes

Hello, thank you for all of your long hours and thoughtful work. Please find attached the latest document I passed out regarding flagging for chemical use and recommendations for how long to stay off.

Denise Emmerling-Baker  
[\(503\) 407-1940](tel:(503)407-1940)

"Do anything, but let it produce joy."-Walt Whitman



## Weed-Be-Gone

1 Gallon Vinegar

2 Cups Epsom Salt

1/4 Cup Dawn Dish Soap (The Blue)

It will kill anything you spray it  
Just mix and spray in the morn  
after the dew has evaporated.  
away. Go back after dinner and  
weeds are all gone!

Cheaper than anything you can  
anywhere! Never buy Round-up



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NET CONTENTS: 32 FL. OZ. (1 QT./946 ml)



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*True Value*  
\$14.99

## APRIL 2016 UPDATES ON CHEMICAL FERTILIZERS AND HERBICIDES

Prepared by Denise Emmerling-Baker, denise@artcompassioneducation.com

### **1. Chemical Fertilizer Warning From Kids VT Vermont**

<http://www.kidsvt.com/vermont/keeping-kids-safe-in-the-garden-and-the-yard/Content?oid=2129708>

#### **KVT: How soon after fertilizing can kids play on the lawn?**

The packages for chemical fertilizers tell you what the active ingredients are, such as nitrogen and phosphates. What the packages often don't tell you are the inert ingredients, which can contain potentially poisonous substances such as arsenic, lead, mercury, cadmium and other metals.

LF: Kids should stay off the lawn after a chemical fertilizer has been applied until it's been exposed to at least a quarter inch of rain or a good watering. Then, wait at least 24 hours before you allow kids to play on the lawn.

### **2. Chemical spray warning from Washington Post**

Post[https://www.washingtonpost.com/national/health-science/what-to-know-before-you-spray-your-lawn-with-pesticides/2014/07/07/77d719a2-f63c-11e3-a606-946fd632f9f1\\_story.html](https://www.washingtonpost.com/national/health-science/what-to-know-before-you-spray-your-lawn-with-pesticides/2014/07/07/77d719a2-f63c-11e3-a606-946fd632f9f1_story.html)

“If you’re trying to get rid of the bulk of the exposure, you want to be off of [a treated area] for at least two days, and I would say more like three,” Ginsberg says.

It is not just direct exposure to sprayed areas that presents a concern. “There’s some inevitable transfer into the home or the neighbor’s home from the use on the lawn,” Ginsberg says. Some pesticides waft in through vents and windows during and after spraying; people and dogs also track residue inside.

#### **Links regarding the dangers of chemicals:**

3. <http://news.nationalgeographic.com/2015/04/150422-glyphosate-roundup-herbicide-weeds/>
4. <http://sustainablepulse.com/2015/11/06/first-review-of-secret-monsanto-studies-shows-glyphosate-cancer-cover-up/#.VwwUq7sUXIU>
5. <http://www.counterpunch.org/2016/02/01/monsantos-roundup-kills-and-damages-more-than-weeds/>
6. <http://www.globalresearch.ca/new-study-finds-monsantos-roundup-herbicide-125-times-more-toxic-than-regulators-say/5390710>
7. <http://www.inspiringlandscapes.com/hope/glyphos8.htm>
8. <http://www.thehealthyhomeeconomist.com/roundup-quick-death-for-weeds-slow-and-painful-death-for-you/>
9. [http://www.momsacrossamerica.com/glyphosate\\_testing\\_results](http://www.momsacrossamerica.com/glyphosate_testing_results)
10. <http://www.cedaroilstore.com/v/vspfiles/information/children-lawns.pdf>

### **11. Flags marking chemical areas:**

According to Oregon OSHA regulations, a warning sign should be placed after chemical fertilizer and herbicide use by a commercial landscaper AND glyphosate is even listed as a chemical used whereupon re-entry of the handler should not occur within that area within 4 hours. Signs for certain chemicals can be removed after 48 hours.

<http://www.orosha.org/educate/materials/Worker-Protection-Standard-410/1-410i.pdf>

#### **11a.. To purchase a bundle of 100 landscape warning signs for \$16.00**

[http://www.agrisupply.com/product.aspx?p=36994&sid=asf10&eid=Easf10&utm\\_source=GoogleShopping&utm\\_medium=CSE&utm\\_campaign=MerchAdv&zam=77232640&zmas=1&zmac=1&zmap=36994&utm\\_source=google&utm\\_medium=cpc&utm\\_campaign=NB\\_PLA\\_AllItems\\_WE\\_GOOG&utm\\_term=shopping&utm\\_content=sIRvqJ3mN|pcrid|45758955191|pmt|pkw|pdv|c|&&gclid=CjwKEAjlq24BRDMjdK7g8mD6BASJABB18n3f11hLkAcEpc-rDCtglswMNIU-hFFEf0hCNeDcYMnSyNr9hoCvFzw\\_wcB](http://www.agrisupply.com/product.aspx?p=36994&sid=asf10&eid=Easf10&utm_source=GoogleShopping&utm_medium=CSE&utm_campaign=MerchAdv&zam=77232640&zmas=1&zmac=1&zmap=36994&utm_source=google&utm_medium=cpc&utm_campaign=NB_PLA_AllItems_WE_GOOG&utm_term=shopping&utm_content=sIRvqJ3mN|pcrid|45758955191|pmt|pkw|pdv|c|&&gclid=CjwKEAjlq24BRDMjdK7g8mD6BASJABB18n3f11hLkAcEpc-rDCtglswMNIU-hFFEf0hCNeDcYMnSyNr9hoCvFzw_wcB)



**MILWAUKIE CITY COUNCIL**  
*Office of the City Recorder*

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

## Speaker Registration

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

Name:

Organization:

*Denise Baker*

Address:

Phone:

Email:

*Downtown Milwaukie*

**Meeting Date:**

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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

Comments:

*chemical free landscape 5*



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Name: Sharon Selvaaggio  
Organization: Northwest Center for Alternatives to  
Pesticides  
 Meeting Date:

Address: PO Box 1393, Eugene, OR  
Phone: 541-344-5044 x35  
Email: sselvaaggio@pesticide.org

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

Resolution - Neonicotinoids

Comments:

You are Speaking...

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



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Name:

Lisa Arkin

Organization:

Beyond Toxics

Meeting Date:

4/19/2016

Address:

1192 Lawrence St., Eugene

Phone:

541-465-8860

Email:

larkin@beyondtoxics.org

### Topic to Discuss:

Agenda Item You Wish to Speak to:

#4 Audience Participation

#5 Public Hearing

#6 Other Business

You are Speaking...

in Support

in Opposition

from a Neutral Position

to ask a Question

Comments:

Adopt Citywide Ban  
on Neonics

## APRIL 2016 UPDATES ON CHEMICAL FERTILIZERS AND HERBICIDES

Prepared by Denise Emmerling-Baker, denise@artcompassioneducation.com



### 1. Chemical Fertilizer Warning From Kids VT Vermont

<http://www.kidsvt.com/vermont/keeping-kids-safe-in-the-garden-and-the-yard/Content?oid=2129708>

**KVT: How soon after fertilizing can kids play on the lawn?**

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[Posthttps://www.washingtonpost.com/national/health-science/what-to-know-before-you-spray-your-lawn-with-pesticides/2014/07/07/77d719a2-f63c-11e3-a606-946fd632f9f1\\_story.html](https://www.washingtonpost.com/national/health-science/what-to-know-before-you-spray-your-lawn-with-pesticides/2014/07/07/77d719a2-f63c-11e3-a606-946fd632f9f1_story.html)

"If you're trying to get rid of the bulk of the exposure, you want to be off of [a treated area] for at least two days, and I would say more like three," Ginsberg says.

It is not just direct exposure to sprayed areas that presents a concern. "There's some inevitable transfer into the home or the neighbor's home from the use on the lawn," Ginsberg says. Some pesticides waft in through vents and windows during and after spraying; people and dogs also track residue inside.

### Links regarding the dangers of chemicals:

3. <http://news.nationalgeographic.com/2015/04/150422-glyphosate-roundup-herbicide-weeds/>
4. <http://sustainablepulse.com/2015/11/06/first-review-of-secret-monsanto-studies-shows-glyphosate-cancer-cover-up/#.VwwUq7sUXIU>
5. <http://www.counterpunch.org/2016/02/01/monsantos-roundup-kills-and-damages-more-than-weeds/>
6. <http://www.globalresearch.ca/new-study-finds-monsantos-roundup-herbicide-125-times-more-toxic-than-regulators-say/5390710>
7. <http://www.inspiringlandscapes.com/hope/glyphos8.htm>
8. <http://www.thehealthyhomeeconomist.com/roundup-quick-death-for-weeds-slow-and-painful-death-for-you/>
9. [http://www.momsacrossamerica.com/glyphosate\\_testing\\_results](http://www.momsacrossamerica.com/glyphosate_testing_results)
10. <http://www.cedaroilstore.com/v/vspfiles/information/children-lawns.pdf>

### 11. Flags marking chemical areas:

According to Oregon OSHA regulations, a warning sign should be placed after chemical fertilizer and herbicide use by a commercial landscaper AND glyphosate is even listed as a chemical used whereupon re-entry of the handler should not occur within that area within 4 hours. Signs for certain chemicals can be removed after 48 hours.

<http://www.orosha.org/educate/materials/Worker-Protection-Standard-410/1-410i.pdf>

### 11a.. To purchase a bundle of 100 landscape warning signs for \$16.00

[http://www.agrisupply.com/product.aspx?p=36994&sid=asf10&cid=Easf10&utm\\_source=GoogleShopping&utm\\_medium=CSE&utm\\_campaign=MerchAdv&zmam=77232640&zmas=1&zmac=1&zmap=36994&utm\\_source=google&utm\\_medium=cpc&utm\\_campaign=NB\\_PLA\\_AllItems\\_WE\\_GOOG&utm\\_term=shopping&utm\\_content=slRvqJ3mN|pclid|45758955191|pmt|pkw|pdv|c|&&gclid=CjwKEAjlwq24BRDMjdK7g8mD6BASJABBI8n3f1hLkAcEpc-rDCtgls wMNIU-hFFef0hCNeDcYMnSyNr9hoCvFzw\\_wcB](http://www.agrisupply.com/product.aspx?p=36994&sid=asf10&cid=Easf10&utm_source=GoogleShopping&utm_medium=CSE&utm_campaign=MerchAdv&zmam=77232640&zmas=1&zmac=1&zmap=36994&utm_source=google&utm_medium=cpc&utm_campaign=NB_PLA_AllItems_WE_GOOG&utm_term=shopping&utm_content=slRvqJ3mN|pclid|45758955191|pmt|pkw|pdv|c|&&gclid=CjwKEAjlwq24BRDMjdK7g8mD6BASJABBI8n3f1hLkAcEpc-rDCtgls wMNIU-hFFef0hCNeDcYMnSyNr9hoCvFzw_wcB)



NORTHWEST CENTER FOR  
ALTERNATIVES TO PESTICIDES



April 19, 2016

**Testimony on Proposed Resolution of the City of Milwaukie, Oregon  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO ELIMINATE  
THE USE OF NEONICOTINOID PESTICIDES WHICH ARE TOXIC TO HONEY BEES AND OTHER  
POLLINATORS**

Mayor Gamba has proposed that the City consider adopting a resolution to take action to suspend the use of neonicotinoids and prohibit the procurement of plant materials that contain or have been treated with neonicotinoids as well as other bee-toxic systemic insecticides on all City properties and in public rights-of-way (ROWS).

The Northwest Center for Alternatives to Pesticides (NCAP) commends the City of Milwaukie for proposing the subject resolution. We support this resolution because of the importance of bee pollination to agriculture; because of the national importance assigned to pollinator health; because harmful effects of neonicotinoids have been repeatedly demonstrated in the scientific literature; and because we believe that current trends by plant suppliers to meet the demand for neonic-free plants will make it easy for Milwaukie to procure needed plant materials.

NCAP is a non-profit organization dedicated to protecting community and environmental health by inspiring ecologically sound solutions to reduce pesticide use. We have been a trusted voice addressing Northwest pesticide concerns for nearly 40 years.

Pollinators matter. They are worth taking the needed steps to protect them.

**Importance of Bee Pollination to Oregon Agriculture:** Oregon's food and farming systems rely on both honey bees as well as approximately 800 species of native bees for continued prosperity. In Oregon, pollinators provide agriculture a service valued at an estimated \$600 million a year. Native bees are particularly important to the pollination of Oregon specialty crops, such as blueberries, grapes, cherries, apples, and cranberries. A resolution prohibiting neonicotinoids in Milwaukie may not appear to directly benefit agriculture, but we believe that conservation efforts such as these in urban areas raise consciousness, promote habitat connectivity, and contribute to habitat maintenance and restoration for Oregon's native bees and honey bees.

**Pollinator Health is a National Concern and is Linked to Pesticides:** Pollinator declines in North American bees were noted by the National Research Council in 2007. According to the Council on Environmental Quality (CEQ), in 2014 honey bee colonies were measured at their lowest levels in the U.S. in 50 years. 2014 also saw a record low number of migrating monarch butterflies. In June 2014, President Obama issued a Presidential Memorandum recognizing national pollinator declines and directing federal agencies to develop pollinator health strategies. The CEQ issued

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pollinator-friendly guidelines in 2014, applicable to 43 million acres of designed landscapes associated with federal facilities. The guidelines specifically noted the risk of use or acquisition of plants treated with systemic insecticides.

**Nitro-Group Neonics Harm Bees and Other Wildlife:** The potential for broad environmental harm - especially to pollinators - from neonics has been well documented in the scientific literature. While neonics are well known for the large dramatic die-offs (resulting from acute exposure) that occurred in Oregon and elsewhere in recent years, neonic usage does not always result in an obvious kill. Because these insecticides are absorbed systemically by the plant, less obvious types of toxic effects (“sub-lethal” effects) from neonicotinoids can also occur when insects later visit the plant and ingest plant tissue, including pollen and nectar. Independent and peer reviewed studies have demonstrated that both bumble bees and red mason bees can suffer reduced reproductive success after low-dose field realistic neonicotinoid exposure.<sup>1,2,3</sup> Studies have also documented reduced bee foraging ability after very low, field realistic exposures<sup>4,5,6,7</sup>

Other sub-lethal effects to native bees from neonicotinoids documented in the scientific literature include impaired mobility, appetite loss, and neonicotinoid transfer to immature bees via adult-collected food stores.<sup>8,9,10</sup>

Such sub-lethal effects are important to take into consideration, since sub-lethal effects can gradually result in population level effects – and the amounts at which impacts have been documented are vanishingly small. The EPA recently released a risk assessment considering the effects of a neonic (imidacloprid) on pollinators. The assessment identifies a nectar residue level for imidacloprid of 25 ppb, above which the assessment concludes that effects on pollinator hives are likely. These effects may include reduction in numbers of pollinators as well as the amount of

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<sup>1</sup> Gill, R. J., O. Ramos, Rodriguez, and N. E. Raine. 2012. Combined pesticide exposure severely affects individual and colony level traits in bees. *Nature* doi:10.1038/nature11585.

<sup>2</sup> Sandrock, C., L. G. Tanadini, J. S. Pettis, J. C. Biesmeijer, S. G. Potts and P. Neumann. 2013. Sublethal neonicotinoid insecticide exposure reduces solitary bee reproductive success. *Agricultural and Forest Entomology*. doi: 10.1111/afe.12041.

<sup>3</sup> Whitehorn, P.R., S. O’Connor, F.L. Wackers, and D. Goulson. 2012. Neonicotinoid pesticide reduces bumblebee colony growth and queen reproduction. *Science* 336 (6079):351-352.

<sup>4</sup> Gill, R.J. and N.E. Raine. 2014. Chronic impairment of bumblebee natural foraging behavior induced by sublethal pesticide exposure. *Functional Ecology* doi:10.1111/1365-2435.12292- 1459-71.

<sup>5</sup> Feltham, H., K. Park, and D. Goulson. 2014. Field realistic doses of pesticide imidacloprid reduce bumblebee pollen foraging efficiency. *Ecotoxicology* doi: 10.1007/s10646-014-1189-7.

<sup>6</sup> Schneider, C. W., J. Tautz, B. Grünwald, and S. Fuchs. 2012. RFID tracking of sublethal effects of two neonicotinoid insecticides on the foraging behavior of *Apis mellifera*. *PLoS ONE* 7(1): e30023. doi:10.1371/journal.pone.0030023.

<sup>7</sup> Tan, K., C. Weiwen, D. Shihao, L. Xiwen, W. Yuchong, C.N. James. 2014. Imidacloprid Alters Foraging and Decreases Bee Avoidance of Predators. *PLoS ONE* 9(7): e102725.

<sup>8</sup> Abbott VA, JL Nadeau, HA Higo, and ML Winston. 2008. Lethal and sublethal effects of imidacloprid on *Osmia lignaria* and *clothianidin* on *Megachile rotundata* (Hymenoptera: Megachilidae). *Journal of Economic Entomology* 101 :784 – 796.

<sup>9</sup> Elston C, HM Thompson, and KFA Walters. 2013. Sub-lethal effects of thiamethoxam, a neonicotinoid pesticide, and propiconazole, a DMI fungicide, on colony initiation in bumblebee (*Bombus terrestris*) micro-colonies. *Apidologie* 44(5): 563-574.

<sup>10</sup> Scott-Dupree, CD, L Conroy, and CR Harris. 2009. Impact of Currently Used or Potentially Useful Insecticides for Canola Agroecosystems on *Bombus impatiens* (Hymenoptera: Apidae), *Megachile rotundata* (Hymenoptera: Megachilidae), and *Osmia lignaria* (Hymenoptera: Megachilidae). *Journal of Economic Entomology* 102(1): 177-182.

honey produced.<sup>11</sup> In addition, the EPA acknowledges “major (and statistically significant) effects” to bumblebee colonies fed imidacloprid-spiked sucrose at 10 ppb.

Reducing neonic use will also help aquatic ecosystems. A 2015 study of streams across the United States conducted by the U.S. Geological Survey<sup>12</sup> found at least one neonicotinoid detected in 53% of the 38 sites sampled, with imidacloprid being the most frequently detected neonicotinoid.

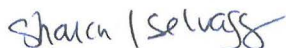
Finally, it’s about more than just the bees. A taskforce of 29 independent scientists convened by the International Union for Conservation of Nature (IUCN) reviewed over 800 peer-reviewed published studies on systemic insecticides, concluding that neonicotinoids “are causing significant damage to a wide range of beneficial invertebrate species and are a key factor in the decline of bees.” The report also noted that neonicotinoids are present in the environment “at levels that are known to cause lethal and sub-lethal effects on a wide range of terrestrial (including soil) and aquatic microorganisms, invertebrates, and vertebrates.”<sup>13</sup>

**Availability of Neonicotinoid-Free Plant Materials:** We commend the City for considering this progressive resolution and being leaders in urging Clackamas County to consider an amendment to its Integrated Pest Management Plan suspending the use of neonics and other bee-toxic insecticides in the County unless needed for emergency. Many other cities and counties have adopted similar measures. Milwaukie will be able to learn from the previous experience of Portland, Seattle, Cannon Beach, Spokane, and numerous other cities across the United States.

The City is understandably concerned about procuring neonicotinoid-free plant material for future needs. NCAP undertook a survey of Oregon wholesale and retail nurseries in the summer of 2015. We found numerous wholesalers and retailers selling neonic-free plants. Our list is likely to be updated this summer. You may reference current versions of this list at: [http://www.pesticide.org/neonic\\_free\\_nurseries](http://www.pesticide.org/neonic_free_nurseries).

In conclusion, we urge you to adopt the resolution as it stands.

Sincerely,



Sharon L. Selvaggio  
Healthy Wildlife and Water Program Director  
Northwest Center for Alternatives to Pesticides  
Eugene, Oregon

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<sup>11</sup> Environmental Protection Agency. 2016. Preliminary Pollinator Assessment to Support the Registration Review of Imidacloprid. <https://www.regulations.gov/-!documentDetail;D=EPA-HQ-OPP-2008-0844-0140>.

<sup>12</sup> Hladik, M.L., and Kolpin, D.W., 2015, [First national-scale reconnaissance of neonicotinoid insecticides in streams across the USA](https://doi.org/10.1071/EN15061); Environmental Chemistry, doi:10.1071/EN15061.

<sup>13</sup> Van der Sluijs J.P., et al. 2014. Conclusions of the Worldwide Integrated Assessment on the risks of neonicotinoids and fipronil to biodiversity and ecosystem functioning. *Environ Sci Pollut Res*, doi:10.1007/s11356-014-3229-5.