



Work Session

WS

Milwaukie City Council



CITY OF MILWAUKIE
COUNCIL WORK SESSION

City Hall Conference Room
 10722 SE Main Street
www.milwaukieoregon.gov

AGENDA
APRIL 4, 2017

			Page #
1.	4:00 p.m.	Vertical Housing Development Zone Expansion Discussion Staff: Alma Flores, Community Development Director	1
2.	4:30 p.m.	Council Input on Legislative, Regional, and County Issues Staff: Mitch Nieman, Assistant to the City Manager	8
3.	5:00 p.m.	Adjourn	

Americans with Disabilities Act (ADA) Notice

The City of Milwaukie is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). Milwaukie City Hall is wheelchair accessible and equipped with Assisted Listening Devices; if you require any service that furthers inclusivity please contact the Office of the City Recorder at least 48 hours prior to the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502 or 503-786-7555. Most Council meetings are streamed live on the City’s website and cable-cast on Comcast Channel 30 within Milwaukie City Limits.

Executive Sessions

The City Council may meet in Executive Session pursuant to ORS 192.660(2); all discussions are confidential and may not be disclosed; news media representatives may attend but may not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and are closed to the public.

Meeting Information

Times listed for each Agenda Item are approximate; actual times for each item may vary. Council may not take formal action in Study or Work Sessions. Please silence mobile devices during the meeting.

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MINUTES

APRIL 4, 2017

Mayor Mark Gamba called the Council meeting to order at 3:59 p.m.

Present: Council President Lisa Batey; Councilors Angel Falconer, Wilda Parks, Shane Abma

Staff: City Manager Ann Ober
Assistant to the City Manager Mitch Nieman
City Recorder Scott Stauffer
City Attorney Tim Ramis
Community Development Director Alma Flores
Engineering Director Charles Eaton
Finance Director Haley Fish
Planning Director Denny Egner
Economic Development Specialist Amy Koski

Vertical Housing Development Zone Expansion Discussion

Ms. Koski provided an overview on the topic and displayed a map of the proposed expansion area. She provided a definition of a Vertical Housing Zone (VHZ) and explained how it could affect the City's Urban Renewal District. **Council President Batey** summarized that only mixed-use buildings were eligible for tax abatements, and **Ms. Koski** discussed the abatement details.

Ms. Koski explained the VHZ program details and requirements. **Mayor Gamba** and **Ms. Flores** discussed the Mayor's concerns about the State administering the program and the effects of a VHZ on the Urban Renewal District. **Ms. Flores** noted the benefits of the program and explained it was an additional tool for developers to use. **Ms. Ober** noted other options that Council could consider and the group discussed areas in the City that could have housing developments.

The group discussed other programs and tools that offer incentives to developers.

Council President Batey asked if the program could be used for a limited-time. **Ms. Flores** said she could ask the State. The group further discussed the program details, the City's developable lands related to tax revenues, and the idea of offering incentives to developers. **Ms. Flores** noted challenges that developers face when considering projects, and she and **Mayor Gamba** discussed apartment rental rates.

Ms. Koski discussed the impact of a VHZ on the City's Urban Renewal District. She presented North Main Village as a VHZ case study and explained the 10-year tax and abatement amounts. The group discussed the North Main Village figures.

Ms. Ober suggested that the type of development Council wanted to see occur could be helped along by offering incentives to developers.

Ms. Koski explained the potential future impact of a VHZ project, including the tax abatement and revenue details. **Mayor Gamba** and **Council President Batey** noted their desire for more concrete examples. **Council President Batey** expressed hesitation to incentivize mixed-use buildings in areas outside of the Urban Renewal District and noted the importance of notifying the affected neighborhood district associations (NDA) of potential zoning changes.

The group discussed moving forward with the program. The groups expressed support for Council President Batey's idea of having the VHZ program for a limited amount of time. **Ms. Flores** said staff would do additional research and return to Council during the May 2, 2017, Work Session.

Council Input on Legislative, Regional, and County Issues

Mr. Nieman noted the goal was to discuss the proposed resolutions and letters now, so that in the April 4, 2017, Regular Session, Council could simply vote on them.

The group reviewed the proposed resolutions and letters addressing legislation under consideration in the State Legislature. They agreed to several changes to the proposed resolutions and asked staff to revise the documents for adoption at the April 4, 2017, Regular Session.

Mayor Gamba adjourned the Work Session at 5:38 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Amy Aschenbrenner", is written over a horizontal line.

Amy Aschenbrenner, Administrative Specialist II

To: Mayor and City Council
Through: Ann Ober, City Manager
Reviewed: Alma Flores, Community Development Director
From: Amy Koski, Economic Development and Resource Coordinator

Date: March 21, 2017 for April 4, 2017

Subject: **Expansion of the Vertical Housing Development Zone**

ACTION REQUESTED

Consider expansion of the Vertical Housing Development Zone (VHDZ) and authorization to submit an application to the Oregon Housing and Community Services.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

- July 15, 2003 – City Council authorized staff to move forward with an application to the State to establish a VHDZ related to the North Main Village mixed-use redevelopment project.
- September 4, 2003 – City of Milwaukie submitted an application to the State to establish a VHDZ consisting of one parcel in downtown Milwaukie for redevelopment into a mixed-use building with commercial/retail on the ground floor and condominiums and apartments on three above floors.
- November 20, 2003 – The State provided designation of a VHDZ to the City of Milwaukie
- 3/21/2007 – North Main Village project was certified by the State for Vertical Housing Tax Credit for four buildings totaling 12 floors of which eight were residential at 40 percent exemption for the improvements.
- 6/28/2007 – North Main Apartments project was certified by the State for Vertical Housing Tax Credit for one building totaling four floors of which three were residential at 60 percent exemption for the improvements and 60 percent exemption for the land for the affordable rental units.
- December 2015 – Moving Forward Milwaukie project plans approved to remove barriers and encourage appropriate development in Milwaukie’s commercial areas through revisions to the policies and regulations guiding development in Milwaukie’s commercial areas including Downtown Milwaukie, Central Milwaukie, and the Neighborhood Main Streets of 32nd and 42 Avenues.
- August 2016 – The Housing Needs Analysis shows a need for 1,150 new housing units by 2036, which would allow the city to increase density and better achieve affordable housing goals.
- Fall 2016 – Development of a series of economic background reports including an Economic Trends Analysis, Economic Opportunities Analysis, Economic Development Strategy indicate the need for a diversified toolbox for development.

BACKGROUND

State enabling legislation allows municipalities to adopt a VHDZ to encourage the private sector to build higher-density mixed-use development (first floor commercial with residential above) in targeted areas of a city. The reduction of a portion of property taxes for 10 years can improve the financial feasibility of a mixed-use project and provide the gap financing needed for a housing project.

The City may designate a VHDZ by applying to the State of Oregon Housing and Community Services Department (OHCS). Qualified new development projects within a VHDZ are eligible to receive a 10-year property tax abatement on the value of new construction for up to 20% per

residential floor (for the first four floors above a commercial ground floor). Total property tax abatement of the new construction is limited to no more than 80%.

VHDZ Program Details:

- Projects are certified through State OHCS.
- Tax abatements are applied only to the value of the building, not the land.
- An additional partial property tax exemption on the land may be given if some or all of the residential housing is designated as affordable housing (80 percent of area median income or below).
- The Zone must be in a qualifying area, consistent with state criteria, defined as:
 - Completely comprised by the core area of an urban center,
 - Entirely within one-half mile radius of existing/planned light rail station,
 - Entirely within one-quarter mile of fixed-route transit service, and
 - Contains property for which land-use comprehensive plan and implementing ordinances effectively allow “mixed-use” with residential.
- Each project is provided with the abatement for a maximum 10-year period.
- Abatement applies to all taxing jurisdictions. Taxing jurisdictions have the option to “opt out” of the zone.

Application of the VHDZ requires a two-step process. The first is for a jurisdiction to apply to OHCS for creation or expansion of a Zone which includes a notification to all taxing districts. Once the Zone is approved, the second step is for eligible projects within the Zone to apply for the partial tax exemption.

ANALYSIS

This is an additional tool to add to our toolbox to market to potential developers of our Downtown, Central Milwaukie, and M-TSA areas of the North Milwaukie Industrial Area (NMIA) to help with identified gap financing needs. As shown in Attachment 2, the proposed expansion includes the following zones within Downtown and Central Milwaukie to capitalize on areas of the city have long-range goals for mixed-use development:

- Downtown Mixed Use (DMU)
- General Mixed Use (GMU)
- Medium and High Density Residential (R-1-B, R-1, and R-2)

It also includes:

- Tacoma Station Area Manufacturing (M-TSA) overlay sub areas 1 (North of Springwater), 2 (West of McLoughlin, and 3 (Mixed Employment) in the North Milwaukie Industrial Area.

Staff understands that the M-TSA zone and associated sub areas may change as part of the NMIA planning process that is currently under way, but the impact would be minimal in that we could remove it from the marketing flyers if the zone changes were such that mixed-use development with residential was no longer allowed.

Each of these zones currently allow ground floor commercial with one or more stories of residential above.

The preliminary timeline for an application to expand the VHDZ would be as follows:

Begin reaching out to taxing districts	April 5, 2017
Send 45-day public notice to taxing districts	April 19, 2017
Submit application to Oregon Housing and Community Services	April 25, 2017
Anticipated approval from Oregon Housing and Community Services	August 2017

BUDGET IMPACTS

A VHDZ allows for a 10-year tax abatement on new buildings up to 20% per floor for the first four floors above ground floor commercial. The abatement cannot exceed 80% of the value of the new building. The abatement applies to all taxing jurisdictions that do not opt out when the zone is created. After 10 years, the full value of the project is placed upon the tax rolls. Property taxes on existing land, and at least 20% of the new construction, are preserved. For the City of Milwaukie, this means potentially foregoing some property tax revenue on new construction within a targeted area during the abatement period, but providing a tool to help offset the development financing needed for the project to pencil.

WORKLOAD IMPACTS

Economic Development staff are managing this project and has the capacity within the Community Development Department work plan and budget.

COORDINATION, CONCURRENCE, OR DISSENT

Community Development Director and City Manager are in concurrence to move forward with expansion of the VHDZ.

STAFF RECOMMENDATION

Provide authorization to move forward with expansion of the VHDZ and an application to the state.

ALTERNATIVES

One alternative could include modification of the proposed expansion boundary, if necessary.

ATTACHMENTS

1. Vertical Housing Program Description
2. Proposed VHDZ Map
3. North Main Village Fact Sheet

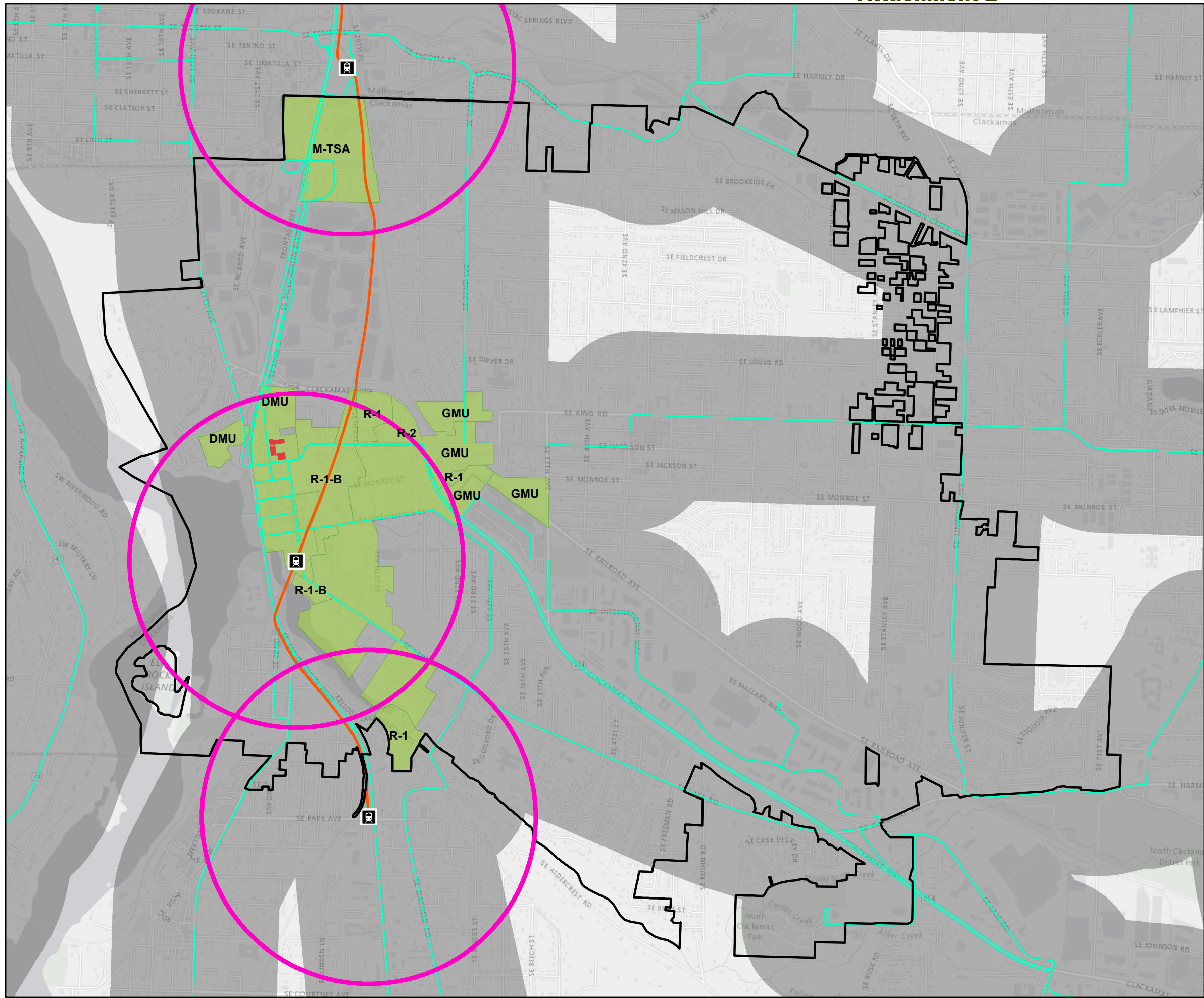
Vertical Housing Program

Overview	<p>The 2005 Legislature passed legislation moving the Vertical Housing Program from Oregon Economic and Community Development Department (OECD) to Oregon Housing and Community Services (OHCS) beginning in November 2005. The purpose of the Program is to encourage investment in and rehabilitation of properties in targeted areas of a city or community, to augment the availability of appropriate housing, and to revitalize communities. The program encourages mixed-use developments that contain both non-residential and residential uses in areas (zones) designated by local jurisdictions. The residential portion may be for market rate or lower income households. Eligible projects receive a partial property tax exemption which varies with the number of "Equalized Floors" in a project, with a maximum property tax exemption of 80 percent over a 10 year term. An additional partial property tax exemption on the land may be given if some or all of the residential housing is for low-income persons (80 percent of area median income or below).</p>
Eligibility Requirements / Zones	<p>An eligible zone is any area that meets the criteria for a Vertical Housing Zone which has been designated by the local jurisdiction and has been approved by OHCS.</p> <p>Any project that has made application to and has been approved by the OHCS may receive a partial tax exemption as determined by the number of Equalized Floors for a maximum of 10 years. The tax exemption will be based on the number of Equalized Floors as determined by the total square footage divided by the number of actual floors of the project that are at least 500 square feet per floor. Equalized floors will be rounded down to the nearest whole number (e.g., any equalized quotient between 1.0 and 1.99 will have a rounded Equalized Floor equivalent of 1.0).</p>
Application / Charge	<p>The application can be accessed via the OHCS Web site. Eligible criteria and instructions can be accessed through the Oregon Administrative Rules for the Vertical Housing Program. A nonrefundable Project Application charge of \$550. A one-time Monitoring charge of \$150 for projects with no low-income units, and \$200 for projects with low-income units.</p>
Learn More	<p>Visit the webpage for full program details.</p>



Milwaukie Vertical Housing Development Zone (VHDZ)

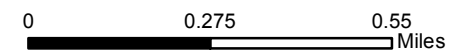
- City of Milwaukie
- Light rail
- Bus Lines
- Existing VHDZ
- Proposed VHDZ
- One-quarter mile of fixed-route transit service
- Half-mile radius of existing/planned light rail station



Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center, Oregon DEQ
 Date: Thursday, March 09, 2017

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator
 City of Milwaukie
 6101 SE Johnson Creek Blvd.
 Milwaukie, OR 97206
 (503) 786-7498



North Main Village

Milwaukie, Oregon

Transit-oriented
development

Project Profile



North Main Village is considered the cornerstone of Milwaukie's downtown revitalization effort. For years, a vacated Safeway store inhabited the site, but now in its place is an architecturally diverse, mixed-use project providing housing, live-work and retail space. Located just 10 miles south of downtown Portland and a block away from the Willamette River, the developer saw the project as a prime opportunity for supporting a resurging Milwaukie.

The project's six buildings include 97 housing units and 8,600 feet of retail. The housing units vary from town homes with live/work elements that place living space over retail space, to a four-story building with affordable rental units. Construction types also vary from traditional wood framing to post-tensioned concrete and steel framing. Other site amenities include a central green space, rainwater harvesting landscaping features and ground floor retail.

Mike Swanson, Milwaukie city manager at the time, said the project has been fulfilling because of the faith shown by so many partners. "In a small city like ours, you don't do this alone. You have

to find substantial partners. We had the vision, but we didn't have the means." North Main Village has proven to be a remarkable example of the transit-oriented development potential of public-private partnerships.

AT A GLANCE

Location 10554 SE Main St., Milwaukie

Status Completed 2006

Total development cost \$14 Million

TOD program funding \$560,528

Mixed uses 8,000 square feet ground level retail; 64 affordable rental units; and 33 ownership townhomes, flats and live-work units

Building Six separate structures, two to four stories in height

Parking 33 tuck-under and 56 surface spaces

Site 1.85 acres

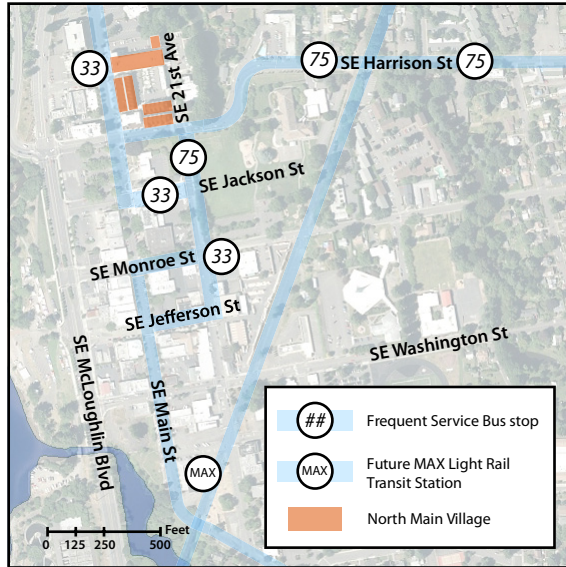
Density 52 dwelling units per acre

Increased transit ridership 30,072 annual trips



Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy.



Highlights.

- Distinct architectural style for each of the six buildings
- Innovative courtyard rain garden that channels and filters stormwater and runoff into a central plaza partially financed with a green building grant of \$25,000
- First new housing in downtown Milwaukie in almost four decades
- First condominium project in downtown Milwaukie
- First mixed-use project in Milwaukie
- First project funded from Metro's urban centers program, which was established by the Metro Council in 2004
- First time the City of Milwaukie authorized a tax abatement for mixed use buildings under the Vertical Housing Tax Zone program
- Project financing was extraordinarily challenging and a total of 14 different financing sources were required

Private partners

Developer KemperCo. Development LLC

Architects Myhre Group Architects

Landscape MacDonald Environmental Planning, PC

Construction financing Bank of America

Tax credit equity Enterprise Community Partners

Contractors R & H Construction and LMC Construction

Public partners

Metro TOD program funding and TOD green building grant

City of Milwaukie Land acquisition, 10 year partial tax abatement under the Oregon Vertical Housing Tax Zone program for mixed-use buildings, and system development charge reduction

State of Oregon Risk-sharing loan for construction financing; Oregon Community Incentive Fund grant for off-site improvement, state weatherization grant and administration of the Vertical Housing Tax Zone program

Federal Four percent Low Income Housing Tax Credits, allocated by the state of Oregon

For more information, call 503-797-1756 or visit www.oregonmetro.gov/tod

Printed on recycled-content paper. 10186 Sept. 2012

To: Mayor and City Council
Through: Ann Ober, City Manager
Reviewed: Mitch Nieman, Assistant to City Manager
From: Council President Lisa Batey

Date: 03/28/17 for 4/4/2017 meeting

Subject: **Draft Resolution Prohibiting Fuel Trains**

ACTION REQUESTED

Review the draft resolution developed by Council President Batey and amended resolution adapted to City layout to prohibit fuel trains from passing through Milwaukie.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On March 7, 2017, Councilmembers agreed to each draft a resolution that is aligned with legislative priorities in their 2017 agenda. Mayor Gamba chose transportation. Council President Batey chose fuel trains. Councilmember Parks chose recreational immunity. Councilmember Abma chose rights of way. Councilmember Falconer chose affordable housing and rent stabilization.

ANALYSIS

Council President Batey prepared the attached resolution for consideration of adoption by Council during its April 4 regular session. The resolution was then amended by staff to meet the City resolution guidelines. However, as content was removed, staff included both documents to assure the intent was fully captured in the edits.

BUDGET IMPACTS

There is no cost to draft, adopt, ratify, or send resolutions to advocacy organizations and Council's Oregon Delegation, its staff, or its committee members for consideration.

WORKLOAD IMPACTS

Councilmember and staff time are required to research and develop language for inclusion in draft resolutions.

COORDINATION, CONCURRENCE, OR DISSENT

Councilmember Batey has received input from city staff.

STAFF RECOMMENDATION

N/A

ALTERNATIVES

Council may modify the draft resolution and/or postpone adoption of it to a future meeting.

ATTACHMENTS

1. Draft Resolution – Prohibiting Fuel Trains
2. Final Resolution – Prohibiting Fuel Trains

Draft fuel train resolution

Whereas fuel train derailments in the U.S. and Canada over the past five years have resulted in over 45 deaths, the spilling of millions of gallons of crude oil into waterways and onto land, catastrophic fires and resulting air pollution, the destruction of bridges, buildings and other infrastructure, with one of the most recent incidents being the derailment and resulting fire and spillage near Mosier, Oregon, in the Columbia Gorge in June 2016, which was the result of improper track maintenance by the Union Pacific Railroad;¹

Whereas over a dozen trains containing a variety of cargo types derail and cause damage exceeding \$10,000 per incident in Oregon each year;²

Whereas the Oregon State Fire Marshal's office designates areas within one-half mile of a rail line as an evacuation zone³ and Milwaukie is bisected by two different rail lines for which the evacuation zones encompass at least five public and private schools, numerous child-care centers, Providence Milwaukie Hospital, and numerous apartment complexes and high density population areas;⁴

Whereas fuel trains passing through Milwaukie cross important salmon-bearing streams and their tributaries, including Johnson Creek, Kellogg Creek, Mt. Scott Creek, Spring Creek, as well as coming within one-half mile of the Willamette,

¹ http://www.oregonlive.com/pacific-northwest-news/index.ssf/2016/06/oregon_oil_train_derailment_is.html

and

http://www.oregonlive.com/business/index.ssf/2016/06/feds_blame_railroad_for_fiery.html

² <https://www.oregon.gov/ODOT/CS/PERFORMANCE/OnePagers/Derailment%20Incidents%20One%20pager.pdf>

see also NW derailment figures at

<http://www.sightline.org/2014/05/13/northwest-region-averaging-nine-freight-train-derailments-per-month/>

³ I found this reference in two different Multnomah Cty docs, including this one:

<https://multco.us/file/48386/download>

but haven't found it on the OSFM website yet

⁴

<http://milwaukie.maps.arcgis.com/apps/webappviewer/index.html?id=d10dffd77104a17a5100c1cf39508ba>

Minthorn Springs, and other sensitive wetlands, posing a threat to waterways and to the groundwater from which Milwaukie draws its drinking water;

Whereas, because a train line essentially bifurcates Milwaukie between an eastern and a western half, a train derailment in Milwaukie could serve to make it much more difficult for first responders to reach Milwaukie residents in need of emergency services; and

Whereas the costs of clean-up, even where no loss of life occurs, from such incidents can run into the billions of dollars, exponentially larger than the typical insurance policy carried by the railroads,⁵ and in some cases have fallen to communities and taxpayers after the responsible railroad declared bankruptcy;⁶

Now, therefore, be it resolved that:

1. The Milwaukie City Council supports the proposals in HB 2131 that
 - Add railroad cars to definition of “facility” for purposes of liability for oil or other hazardous material spillage;
 - Clarify that the hazardous materials code also encompasses transport and storage of ethanol, biodiesel, and sythentic crude oil, among other substances; and
 - Defines “high hazard train route” for purposes of requiring contingency plans to be submitted by railroads and adds inland watersheds and drinking water intakes for protection under such contingency plans.
2. The Milwaukie City Council further supports the proposal to create a Railroad Safety Assessment that would fund state and local agency activities to prevent and address hazardous substance spills.
3. The Milwaukie City Council strongly supports efforts to require far greater requirements for insurance coverage for fuel transport by rail, and notes that analysis of the costs of prior fuel train derailments indicates that even \$30,000 per gallon (nearly double what HB 2131 calls for) may be inadequate. See <http://www.sightline.org/2014/12/18/what-do-oil-train-explosions-cost/> We encourage the Legislature to impose adequate insurance requirements to ensure that Oregon taxpayers are not left with the bill for any fuel train incident response.

[close with usual resolution language]

⁵ <http://www.sightline.org/2014/12/18/what-do-oil-train-explosions-cost/>

⁶ <https://www.irmi.com/articles/expert-commentary/train-derailment-pollution-releases>



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, PROHIBITING FUEL TRAINS PASSING THROUGH THE CITY OF MILWAUKIE.

WHEREAS, fuel train derailments in the U.S. and Canada over the past five years have resulted in over 45 deaths, the spilling of millions of gallons of crude oil into waterways and onto land, catastrophic fires and resulting air pollution, the destruction of bridges, buildings and other infrastructure, with one of the most recent incidents being the derailment and resulting fire and spillage near Mosier, Oregon, in the Columbia Gorge in June 2016, which was the result of improper track maintenance by the Union Pacific Railroad; and

WHEREAS, the Oregon State Fire Marshal’s office designates areas within one-half mile of a rail line as an evacuation zone and Milwaukie is bisected by two different rail lines for which the evacuation zones encompass at least five public and private schools, numerous child-care centers, Providence Milwaukie Hospital, and numerous apartment complexes and high density population areas; and

WHEREAS, fuel trains passing through Milwaukie cross important salmon-bearing streams and their tributaries, including Johnson Creek, Kellogg Creek, Mt. Scott Creek, Spring Creek, as well as coming within one-half mile of the Willamette, Minthorn Springs, and other sensitive wetlands, posing a threat to waterways and to the groundwater from which Milwaukie draws its drinking water; and

WHEREAS, the costs of clean-up, even where no loss of life occurs, from such incidents can run into the billions of dollars, exponentially larger than the typical insurance policy carried by the railroads, and in some cases have fallen to communities and taxpayers after the responsible railroad declared bankruptcy;

Now, Therefore, be it Resolved that:

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2. The Milwaukie City Council further supports the proposal to create a Railroad Safety Assessment that would fund state and local agency activities to prevent and address hazardous substance spills.
3. The Milwaukie City Council strongly supports efforts to require far greater requirements for insurance coverage for fuel transport by rail, and notes that analysis of the costs of prior fuel train derailments indicates that even \$30,000 per gallon (nearly double what HB 2131 calls for) may be inadequate. We encourage the Legislature to impose adequate insurance requirements to ensure that Oregon taxpayers are not left with the bill for any fuel train incident response.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING GREATER STATE REGULATION OF AND INSURANCE REQUIREMENTS FOR RAIL TRANSPORT OF OIL AND OTHER HAZARDOUS OR FLAMMABLE SUBSTANCES.

WHEREAS, fuel train derailments in the U.S. and Canada over the past five years have resulted in over 45 deaths, the spilling of millions of gallons of crude oil into waterways and onto land, catastrophic fires and resulting air pollution, the destruction of bridges, buildings and other infrastructure, with one of the most recent incidents being the derailment and resulting fire and spillage near Mosier, Oregon, in the Columbia Gorge in June 2016, which was the result of improper track maintenance by the Union Pacific Railroad; and

WHEREAS, the Oregon State Fire Marshal's office designates areas within one-half mile of a rail line as an evacuation zone and Milwaukie is bisected by two different rail lines for which the evacuation zones encompass at least five public and private schools, numerous child-care centers, Providence Milwaukie Hospital, and numerous apartment complexes and high density population areas; and

WHEREAS, fuel trains passing through Milwaukie cross important salmon-bearing streams and their tributaries, including Johnson Creek, Kellogg Creek, Mt. Scott Creek, Spring Creek, as well as ^{crosses} coming within one-half mile of the Willamette, Minthorn Springs, and other sensitive wetlands, posing a threat to waterways and to the groundwater from which Milwaukie draws its drinking water; and ^{→ changes}

WHEREAS, the costs of clean-up, even where no loss of life occurs, from such incidents can run into the billions of dollars, exponentially larger than the typical insurance policy carried by the railroads, and in some cases have fallen to communities and taxpayers after the responsible railroad declared bankruptcy;

Now, Therefore, be it Resolved that:

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 - Add railroad cars to definition of "facility" for purposes of liability for oil or other hazardous material spillage;
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 - Defines "high hazard train route" for purposes of requiring contingency plans to be submitted by railroads and adds inland watersheds and drinking water intakes for protection under such contingency plans.
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Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Scott S. Stauffer, City Recorder

City Attorney












Rail Line Evacuation Zone

Rail Lines

-  UNION PACIFIC RAILROAD
-  PORTLAND AND WESTERN RAILROAD

1/2 Mile Corridor

-  UNION PACIFIC RAILROAD
-  PORTLAND AND WESTERN RAILROAD

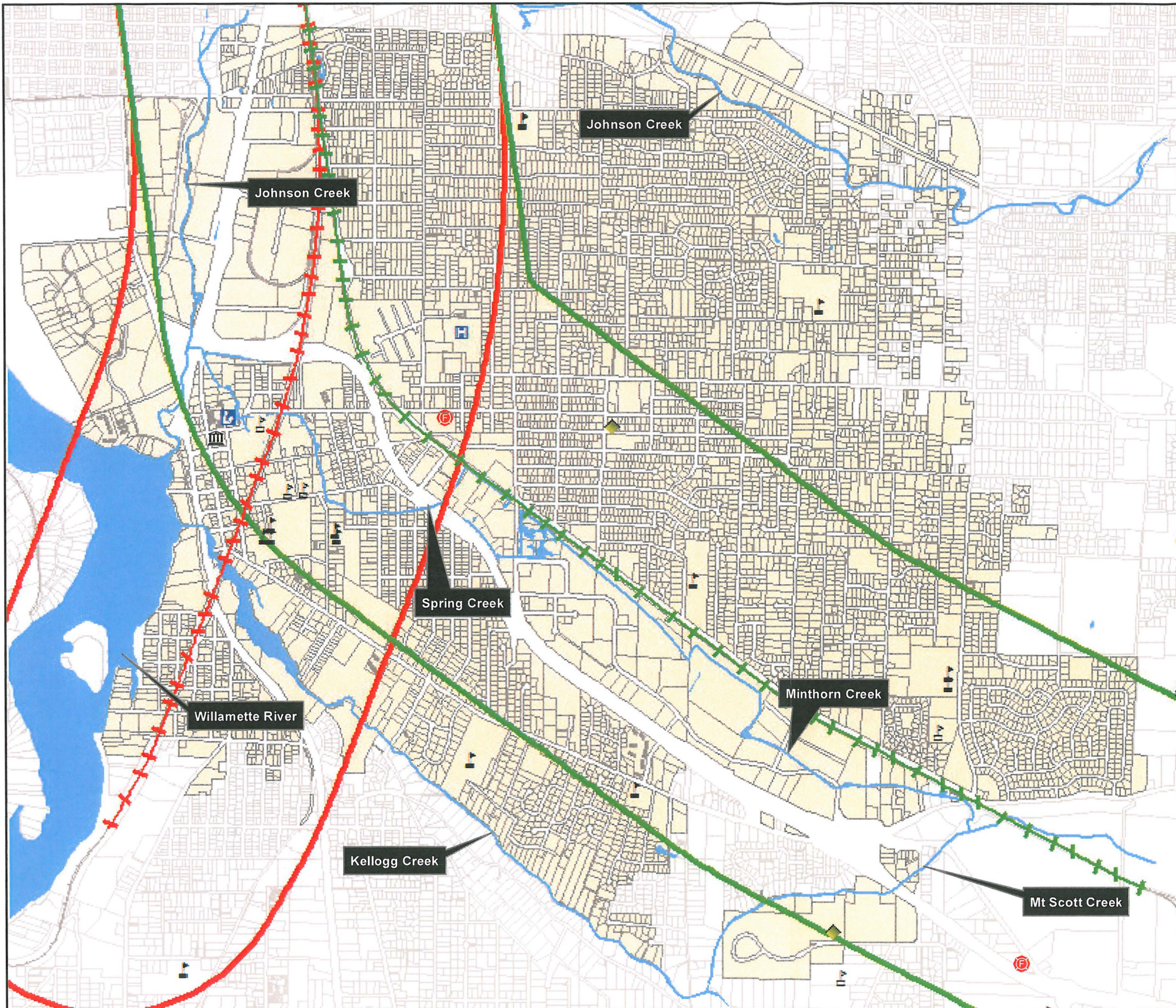
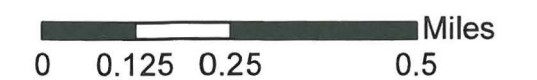
-  City hall
-  Fire stations
-  Community Center
-  Hospital
-  Libraries
-  Private Schools
-  Public Schools

Data Sources: City of Milwaukie GIS
Metro Data Resources Center

File Location: Z:\GIS\ButcherD\Map Requests\Rail Road buffer and waterways.mxd

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Asset Management Tech
City of Milwaukie
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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
~~IN SUPPORT OF OREGON HOUSE OF REPRESENTATIVES BILL 3343 (HB3343),
CLIMATE TEST.~~ IN SUPPORT OF ~~OF~~ ^{OF} CLIMATE TESTING ^{TO} CONDUCT REVIEWS
FOR APPROVAL OF PROPOSED FOSSIL FUEL INFRASTRUCTURE PROJECTS.**

WHEREAS, the rapid development of fossil fuel resources in the western U.S. and Canada has resulted in numerous facility and infrastructure projects proposed to transport coal, diluted bitumen, natural gas, propane or other fossil fuels through the West Coast; and

WHEREAS, fossil fuels pose risks to safety, health, and livability, including mobility of people, other freight, and other commercial vehicles and pose considerable risks in the event of a major earthquake; and

WHEREAS, the extraction and combustion of fossil fuels are significant sources of greenhouse gas emissions and major contributors to climate change and pollution; and

WHEREAS, given the record of crude oil, coal and other fossil fuel transport accidents, such as Lac Megantic in 2013, the 1999 Bellingham pipeline leak or a coal train derailment, an event could have catastrophic effects if it occurred in any of Oregon's populated areas; and

WHEREAS, historically, when environmental accidents do occur, litigation over damages is drawn out over years, deflecting blame while undercutting timely assistance to affected communities; and

WHEREAS, economic opportunities presented by expanding fossil fuel infrastructure are modest, with few jobs and little value added; and

WHEREAS, local, regional and global economies are transitioning to low-carbon energy sources, and West Coast businesses are leaders in providing energy efficiency and renewable energy technologies and services; and

WHEREAS, the future of the fossil fuel industry is questionable given global action to reduce greenhouse gas emissions; and

WHEREAS, climate change, if unchecked, will continue to impact human health, natural systems, and infrastructure, creating new costs for individuals, businesses, and governments; and

WHEREAS, 27 Oregon and Washington communities have passed resolutions addressing fossil fuel transport and export, and hundreds of public officials, including the governors of Oregon and Washington, state and federal agencies, tribes, health organizations, religious leaders and other community leaders, have recognized the harms presented by fossil fuels to the environment and Northwest communities.

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

1. The City of Milwaukie endorses ^{text - change} ~~Oregon House of Representatives Bill H.B. 3343,~~ the Climate Test, because it will provide the State regulatory authority
- to consider effects on climate change when reviewing fossil fuel infrastructure permit applications; and
 - to consider health impacts on environmental justice communities when reviewing fossil fuel infrastructure permit applications; and
 - to consider impacts on indigenous Tribes' ability to practice their traditional customs when reviewing fossil fuel infrastructure permit applications; and
 - to consider economic viability of fossil fuel infrastructure in a global economy that is on a path to limiting climate change to well below 2 degrees C when reviewing fossil fuel infrastructure permit applications; and
 - to consider the cumulative negative impacts of the above criteria, combined with other environmental impacts under the jurisdiction of State agencies in comparison to potential benefits; and
 - to deny the issuance of a permit to the proposed fossil fuel infrastructure if the negative impacts outweigh the benefits.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney



CITY OF MILWAUKIE
COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF AN INDEXED, ONE BILLION DOLLAR A YEAR, TRANSPORTATION PROGRAM PREDOMINANTLY FUNDED BY GAS TAX, VEHICLE MILES TRAVELED AND CONGESTION PRICING.

WHEREAS, the state of the overall surface transportation system in Oregon is dated, in poor condition and declining with untenable congestion and badly aging critical infrastructure; and

WHEREAS, previous generations prioritized the infrastructure that we enjoy today and we should be creating the appropriate and necessary infrastructure to serve our state now and in the future; and

WHEREAS, the solutions to congestion, carbon emissions and livability require a comprehensive transit, bike and pedestrian system; and

WHEREAS, critical bottlenecks in our highway system regionally affect statewide commerce and economic vitality; and

WHEREAS, state imposed taxing limitations preclude cities and counties from appropriately addressing local infrastructure to the degree necessary; and

WHEREAS, the city of Milwaukie alone requires over \$230 million dollars to build out our full Transportation System Plan; has a \$14 million deferred maintenance deficit and requires nearly \$2 million dollars a year to maintain our streets at a paving index of 75; and

WHEREAS, the citizens of Milwaukie ^{are self funding} ~~have chosen to self fund~~ \$22 million ^{out of the \$50 million} ~~for the~~ build out of critical ADA, Safe Routes to School and other important Bike and Pedestrian routes ^{the} ~~through our SAFE fee~~ _{res'd to}

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

The City of Milwaukie strongly encourages the Oregon State Legislature to take historic steps that create a robust transportation funding system which:

- Immediately begins the process of building the necessary infrastructure to cure the three bottlenecks at the I-205 corridor/Abernathy bridge, the Rose Quarter, and Highway 217; and
- Dramatically increases funding for necessary and appropriate transit systems state wide including funding for low income fares; and
- Commits significant funding for Safe Routes to School and other congestion busting active transportation projects such as protected bike lanes and paths throughout the larger metropolitan areas; and
- Considers and addresses the likelihood of autonomous, electric vehicles becoming the dominant form of personal transportation within 20 years; and
- Dramatically increases the electric car charging infrastructure; and

- Considers Vehicle Miles Traveled technology for all electric and hybrid vehicles when enacting a large and necessary increase in the fuel tax.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney



April 4, 2017

VIA EMAIL AND US MAIL

Senator Kathleen Taylor
900 Court St NE, S-423
Salem, Oregon 97301
Sen.KathleenTaylor@oregonlegislature.gov

VIA EMAIL AND US MAIL

Representative Karin Power
900 Court St NE, H-274
Salem, Oregon 97301
Rep.KarinPower@oregonlegislature.gov

RE: Oregon's Housing Crisis

On behalf of the City Council and residents of Milwaukie, I write to express our concerns about the housing emergency impacting many of our residents. As you may be aware, Milwaukie is one of the hottest real estate markets in the country. Indeed, Portland Monthly's annual "Neighborhoods by the Numbers" report shows that median home prices have shot up 74% since 2012 and homes for sale in Milwaukie spend just 23 days on the market.

This may be good news for current homeowners in Milwaukie, but in a city where 42% of households are renters, this has become an unsustainable and unstable environment for many of our residents. A majority of Milwaukie's households with low and moderate income are extremely rent burdened, many spending more than 50% on housing. Milwaukie has some of the lowest vacancy rates and fastest rising rents in the region, and this pressure is putting many of our families at risk of losing their homes and being priced out of our community. There is a large deficit of housing units available in Milwaukie that are affordable for families experiencing eviction, and this displacement causes instability for our families, including loss of income, lower attendance at school, and withdrawal from the community. There has been no commensurate increase in wages to keep up with the rising costs for housing.

House Bills 2001, 2003, and 2004 would allow the City of Milwaukie to put in place temporary emergency rent stabilization measures to slow the number of Milwaukie residents experiencing housing instability and eviction until enough units have been constructed to meet the demand. We join the League of Oregon Cities in supporting legislation that returns to local governments the authority to respond to these issues. However, we have heard from local landlords who have expressed concerns about the proposed laws, which we think should be addressed in the proposed legislation or left to local jurisdictions to decide:

- Some landlords report that they use no-cause eviction sparingly, usually in circumstances when a tenant has violated some terms of the rental agreement, but rather than filing in court and causing the tenant to have a blemish on their record, no-cause eviction allows the tenant to go on and find new housing;
- Other property owners have expressed concerns with the cap on rent increases, explaining that they have helped fixed- or low-income residents stay in their homes by not raising their rents for many years, and they see it as unfair to lock those units in at rates that are well below market value;
- Others have expressed a desire to see a sunset or some other metric that would be used to terminate the emergency legislation; and
- Additionally, local property owners who own a small number of units and who depend on their modest properties to supplement their income object to being lumped together with large-scale investors and property managers that grab headlines with mass evictions and huge rent increases.

MILWAUKIE CITY HALL
10722 SE Main Street
Milwaukie, Oregon 97222
www.milwaukieoregon.gov

We recognize that these measures do not address all the factors that have contributed to the current housing crisis, and small cities like ours have limited reach or authority to implement policies and programs to create a healthy housing market that guarantees stable housing for all our neighbors. Therefore, we urge the legislature to treat the lack of housing affordability as a statewide emergency and make major investments to increase the availability of housing and work to reduce the inequities that have resulted from decades of housing policy that has privileged property owners and created a permanent renter class:

- We support the creation of a taskforce to study the lack of housing and propose solutions for expanding the supply of housing for all levels of income (HB 2209);
- We support efforts to increase the supply of affordable housing throughout the state by providing incentives and programs for lenders and developers of affordable housing (HB 2724, HB 2852, HB 2912, HB 3357, HB 5505, SB 1, SB 166);
- We support programs that increase homeownership opportunities for low-income households and provide assistance for home repair and rehabilitation (HB 2006, HB 2570, HB 2961, HB 3192); and
- We support the creation of a taskforce to address racial disparity in homeownership (HB 2010).

To conclude, the population of the metro region is increasing far faster than the supply of housing, and that's making it harder and harder for people to keep or find housing that is affordable, pushing Oregonians farther and farther away from jobs, services and transit, and making the possibility of homeownership merely a dream for many our residents. Therefore, we respectfully request that you support legislation to help create a more equitable and stable housing environment.

Sincerely,

Mark Gamba, Mayor

cc: Milwaukie City Council