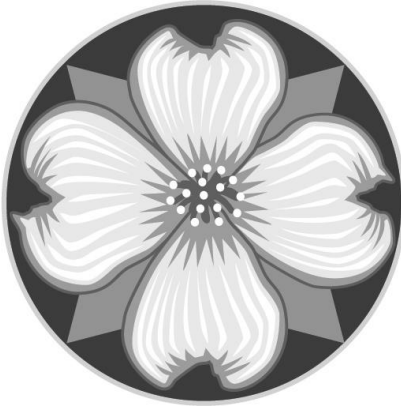




Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

2285th Meeting**REVISED AGENDA****FEBRUARY 5, 2019****(Revised February 1, 2019)**

Note: times are estimates and are provided to help those attending meetings know when an agenda item will be discussed. Times are subject to change based on Council discussion. **Page #**

1. CALL TO ORDER (6:00 p.m.)**A. Pledge of Allegiance****2. PROCLAMATIONS AND SPECIAL REPORTS****A. Black History Month – Proclamation (6:01 p.m.) 2**

Presenters: The Milwaukie Historical Society and the
Oregon Black Pioneers

B. City Manager Updates (6:11 p.m.)

Staff: Ann Ober, City Manager

3. CONSENT AGENDA (6:41 p.m.)

Consent items are routine matters that are not discussed during the meeting; they may be approved in one blanket motion and any Councilor may remove an item from the Consent Agenda for separate consideration.

A. Approval of Council Meeting Minutes of: 4

1. January 2, 2019, Work Session;
2. January 2, 2019, Regular Session; and
3. January 8, 2019, Study Session.

B. Appointment to the Planning Commission – Resolution 11**C. Adoption of the Council Communication Agreement – Resolution 14****D. Authorization of a Utility Billing Services Agreement – Resolution 18****E. Authorization of an Amendment to the Pilot Newsletter Printing
Services Agreement – Resolution 30****F. Granting a Property Tax Exemption for Low-Income Housing Owned
and Operated by Northwest Housing Alternatives, Inc. – Resolution 34****G. Renewal of the Behavioral Health Unit Services Agreement with
Clackamas County – Resolution 53****H. Approval of Council Committee Assignments for 2019 – Motion 60****I. Approval of an Oregon Liquor Control Commission Application for
Two Sisters Play Café, 11923 SE McLoughlin Blvd – Limited On-Premise. 73****4. AUDIENCE PARTICIPATION (6:50 p.m.)**

To address Council, complete a comment card and submit it to staff. The Mayor will call for comments regarding City business. Per the Milwaukie Municipal Code (MMC) only issues that are “not on the agenda” may be raised; issues that await a Council decision and for which the record is closed may not be discussed; “all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition.” The presiding officer may limit the time permitted for comments and may request that a

spokesperson be selected for a group of persons wishing to speak. **The public is also invited to make comments in writing and may submit comments before the meeting, by mail, e-mail, or in person to City staff.**

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. Annexation of 10120 SE Wichita Avenue – Ordinance (6:55 p.m.) 75**
Staff: Vera Kolas, Associate Planner
- B. Consideration of Code Amendments, Round 3 (File #ZA-2018-004) – 109**
Ordinance, continued from December 18, 2018 (7:05 p.m.)
Staff: Vera Kolas, Associate Planner

6. OTHER BUSINESS

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

- A. Drinking Fountains – Discussion (8:05 p.m.)**
Staff: Kelly Brooks, Assistant City Manager,
Leila Aman, Development Manager, and
Peter Passarelli, Public Works Director
- B. Council Input on Legislative and Regional Issues (9:05 p.m.)**
Staff: Kelly Brooks, Assistant City Manager
- 1. Local Control of Speed – Resolution Letter 172**
(revised to consideration of a letter on February 1, 2019)
- 2. Single Family Zoning – Resolution Discussion**
(revised to a discussion item on February 1, 2019)

7. INFORMATION (9:25 p.m.)

The Council and City Manager will provide reports on City events, projects, and programs.

8. ADJOURNMENT (9:30 p.m.)

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.



COUNCIL REGULAR SESSION

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

228th Meeting

MINUTES

FEBRUARY 5, 2019

Mayor Mark Gamba called the Council meeting to order at 6:03 p.m.

Present: Council President Lisa Batey; Councilors Angel Falconer, Wilda Parks, Kathy Hyzy

Staff:	Assistant City Manager Kelly Brooks	Development Manager Leila Aman
	City Attorney Justin Gericke	Housing and Economic Dev. Coordinator Valeria Vidal
	City Manager Ann Ober	Planning Director Denny Egner
	City Recorder Scott Stauffer	Public Works Director Peter Passarelli
	Community Development Director Alma Flores	Senior Planner David Levitan

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Black History Month – Proclamation

Greg Hemer, Milwaukie Historical Society Vice President, reviewed the society's work and presented a membership renewal letter and an updated Milwaukie Schools book to the city. He noted that Hurtis and Dorothy Hadley, former owners of the Milwaukie Pastry Kitchen, were present and introduced Kimberly Moreland with the Oregon Black Pioneers. **Ms. Moreland** discussed her work and the history of blacks in Oregon. **Mayor Gamba** proclaimed February 2019 to be Black History Month.

B. City Manager Updates

Ms. Ober discussed the intended purpose of City Manager Updates. She remarked on council's interest in having more retreat-like meeting time and suggested that they consider holding study sessions off-air to provide a more relaxed atmosphere to discuss non-decision-making agenda items.

Councilor Parks expressed support for not recording study sessions. **Councilor Batey** explained that because of transparency concerns she was opposed to not recording study sessions. She suggested that study sessions should return to their former focus of being in-depth on single issues.

The group discussed why council had started recording study sessions in 2014 when the Safe Access for Everyone (SAFE) program was being created. They remarked on the need for agenda time due to the high volume of ongoing projects. **Mayor Gamba** suggested he was agnostic about recording study sessions.

Councilor Parks and **Ms. Ober** noted that study sessions would remain noticed public meetings even if they were not recorded. They wondered if not recording a meeting would encourage public participation in discussions.

Council President Falconer agreed with Councilor Batey's remarks and wondered if more retreats could be scheduled. **Ms. Ober** noted the toll of weekend retreats on staff. She and **Mayor Gamba** noted the challenges of scheduling weekend retreats. **Councilor Batey** remarked on the frequency of semi-annual retreats and expressed

frustration about one-hour meetings. **Councilor Hyzy** suggested not recording a couple meetings to see how they go. She expressed concern about balancing the need to be transparent while not adding to staff's workload with additional meetings.

The group discussed the need to schedule appropriate in-depth topics for study sessions and council's desire to have candid conversations on sensitive topics.

Councilor Batey asked where study sessions would be held in the future. **Ms. Ober** reported that future meetings may be held in the new Council Chambers at City Hall, at new library's community room, or at the Public Safety Building. She also noted the possibility of looking at different meeting nights so that study sessions do not conflict with Planning Commission meetings.

The group discussed the feasibility of Mayor Gamba and Ms. Ober determining which study sessions would and would not be recorded. **Mayor Gamba** commented that the default decision would be to record the meeting. **Councilor Batey** suggested that there be a regular schedule of off-air study sessions. It was the group consensus to not record every third study session.

Ms. Ober discussed the need for council to have more time to set its goals for the next two years. The group remarked on upcoming meetings where goals could be discussed.

Councilor Batey remarked on transparency concerns during the process used in the past to select the volunteer of the year award recipient. She proposed that council discuss all nominees in a public meeting without any pre-meeting vetting process. **Ms. Ober** reported that staff was open to any process changes. **Councilor Parks** and **Mayor Gamba** expressed concern about discussing the nominees in detail at a public meeting. The group commented on the process used to select the recipient and what changes could be made to make it better. **Council President Falconer** expressed concern about council debating the nominees in a public setting. It was Council consensus to use the same selection process used in recent year.

3. CONSENT AGENDA

Council President Falconer and **Mayor Gamba** asked that Consent Agenda Item 3. F. be removed for separate consideration. **Councilor Batey** asked that Item 3. H. also be removed for separate consideration.

It was moved by **Councilor Parks** and seconded by **Councilor Batey** to approve the Consent Agenda removing items F. and H.

A. City Council Meeting Minutes:

1. January 2, 2019, Work Session;
2. January 2, 2019, Regular Session; and
3. January 8, 2019, Study Session.

B. Resolution 7-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Planning Commission.

C. Resolution 8-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, adopting the Mayor/Council Communication Agreement.

D. Resolution 9-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the execution of a purchase agreement with BMS Technologies for utility billing printing and mailing services.

- E. Resolution 10-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing execution of Amendment #2 to the agreement with Oregon Publication Corporation for Pilot Newsletter printing services.
 - ~~F. A Resolution of the City Council of the City of Milwaukie, Oregon, granting an exemption from property taxes under ORS 307.540 to ORS 307.548 for a 28-unit low-income housing development owned and operated by Northwest Housing Alternatives, Inc. (removed for separate consideration)~~
 - G. Resolution 11-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the renewal of the intergovernmental agreement with Clackamas County Health, Housing and Human Services for Behavior Health Unit Services.
 - ~~H. Approving the Council Committee Assignments for 2019. (removed for separate consideration)~~
 - I. Approving an Oregon Liquor Control Commission (OLCC) Application for Two Sisters Play Café, 11923 SE McLoughlin Blvd, for limited on-premise.
- Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

F. Consideration of a Property Tax Exemption for a Housing Development Owned and Operated by Northwest Housing Alternatives (NHA) – Resolution (removed from Consent Agenda)

Council President Falconer expressed support for the resolution and remarked on the need for a larger conversation about how property tax exemptions are approved. The group noted which annual steps were required by state law to renew tax exemptions.

Mayor Gamba agreed with Council President Falconer and asked if the exemption included the housing units, shelter, and NHA’s offices. Sherry Grau, Housing Developer at NHA, reported that the shelter and offices had a permanent tax exemption. The proposed exemption renewal related to the housing units only.

Mayor Gamba and Ms. Ober confirmed that council would vote on the resolution at the present meeting and would consider the full tax exemption process in about six months.

It was moved by Council President Falconer and seconded by Councilor Parks to approve the resolution granting an exemption from property taxes under ORS 307.540 to ORS 307.548 for a 28-unit low-income housing development owned and operated by Northwest Housing Alternatives, Inc. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 12-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR A 28-UNIT LOW-INCOME HOUSING DEVELOPMENT OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.

H. Approval of Council Committee Assignments (removed from Consent Agenda)

Councilor Batey suggested that more research needed to be done about the council liaison to the Clackamas County Water Environment Services (WES) advisory board. The group remarked on the make-up of the board per the city’s agreement with WES,

directives from the Board of County Commissioners, and other WES governing documents. They noted that State Representative Karin Power served on the board as a ratepayer representative and they discussed the importance of maintaining a council connection to the board and WES. **Mr. Gericke** and **Ms. Ober** commented on staff's work to determine the city's membership on the board and noted that WES Director Greg Geist would be providing an update on WES rates to council soon.

Mayor Gamba and **Council President Falconer** remarked that the committee assignments document was an internal document. It was council consensus to not formally adopt the committee assignments but the assignments would be in effect.

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed the audience participation procedures and **Ms. Ober** reported that there was no follow-up report from the January 15 audience participation.

5. PUBLIC HEARING

A. Annexation of 10120 SE Wichita Avenue – Ordinance (A-2018-002)

Ms. Kolias provided an overview of the requested annexation. She noted the property owners' intention to connect to city sewer service and that the noticing processes had been followed. She reported that the property would be zoned R10, maintaining its current density, and that there were no public or staff objections to the annexation.

Councilor Batey and **Ms. Kolias** noted there were three tax lots on the property and that the surrounding properties were also zoned R10.

It was moved by **Councilor Parks** and seconded by **Councilor Hyzy** to approve the Ordinance annexing tracts of land identified as Tax Lots 12E30DD02300, 02101, 02102, and located at 10120 SE Wichita Ave into the City Limits of the City of Milwaukie (File #A-2018-002). Motion passed with the following vote: Councilors **Falconer**, **Batey**, **Parks**, and **Hyzy** and **Mayor Gamba** voting "aye." [5:0]

Ms. Ober read the ordinance two times by title only.

Mr. Stauffer polled the Council with Councilors **Falconer**, **Batey**, **Parks**, and **Hyzy**, and **Mayor Gamba** voting "aye." [5:0]

Ordinance 2167:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS TAX LOTS 12E30DD02300, 02101, 02102, AND LOCATED AT 10120 SE WICHITA AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2018-002).

B. Consideration of Code Amendments, Round 3 (File #ZA-2018-004) – Ordinance, continued from December 18, 2018

Call to Order: **Mayor Gamba** called the public hearing on the Code Amendments, Round 3, File #ZA-2018-004, to order at 7:26 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to receive public comment on the proposed code amendments.

Conflict of Interest and Jurisdiction: It was noted that no council member declared a conflict of interest and no audience member challenged council's jurisdiction to conduct the hearing.

Staff Report: **Ms. Kolias** explained the intent of the code changes. She reviewed what happened at the Planning Commission's hearing and their recommendation to approve the amendments. She summarized proposed changes to Title 11 Permits and Title 12 Streets. **Mayor Gamba** and **Ms. Kolias** remarked on changes to street standards and roadway determinations that would still need approval by the city engineer or through a variance process.

Ms. Kolias provided a summary of changes to Title 14 Sign Code. **Councilor Parks** and **Ms. Kolias** noted how the changes would impact banners and signage on vacant businesses. Councilor Parks suggested the term "duration of sale" instead of "vacant" when referring to an empty business. **Councilor Hyzy** and **Ms. Kolias** noted when Code Enforcement could be asked to remove a for sale sign that had been posted for a long time.

Ms. Kolias presented changes to Title 14 related to historic property signage and the removal of signs from closed businesses. **Mayor Gamba** and **Ms. Kolias** noted that the property owner was responsible for removing signage from closed businesses.

Ms. Kolias reviewed changes to Title 17 Land Division Code and Title 19 Zoning, noting the intent of providing better definitions, correcting inconsistent downtown standards, streamlining processes, and clarifying various uses and standards. **Mayor Gamba** and **Ms. Kolias** noted that the changes to parking lot planter boxes included references to the tree lists in the city's Public Works Standards. They remarked on the possibility of revising the tree lists in future code amendment packages.

Ms. Kolias continued to review changes to Title 19 related to dead-end street systems. **Mayor Gamba** suggested that the code be amended to require bicycle and pedestrian connectivity. **Councilor Batey** remarked on the importance of connectivity requirements for emergency vehicles. **Mayor Gamba** replied that he was more concerned about daily connectivity versus infrequent emergency access, although he agreed fire safety regulations needed to be followed.

Council President Falconer expressed concern that the 20-dwelling limit on a closed street was arbitrary. The group noted that the proposed changes would not affect the 20-dwelling limit and discussed the types of housing and number of units that would be appropriate on a cul-de-sac or closed street system. They also remarked on how developers could be encouraged to acquire adjacent property for connectivity.

Council President Falconer suggested that current code requirements made cottage cluster housing unfeasible. **Mr. Egner** remarked on current and proposed code language related to the 20-dwelling limit and connectivity on streets with a permanent turnaround. **Ms. Kolias** noted that the recent development on King Road was not a permanent closed street as it was designed to connect with adjacent streets. **Mr. Egner** suggested there were locations where a 20-dwelling limit was important to avoid unreasonable development. He suggested the code should say that streets with a permanent turnaround may not serve more than 20-dwellings. **Mayor Gamba** and **Mr. Egner** remarked on the origin of the 20-dwelling unit limit, noting that it was likely a common standard used in other cities.

Council President Falconer and **Councilor Batey** noted possible explanations behind the 20-dwelling unit limit. **Council President Falconer** suggested the code should require streets to meet fire safety standards instead of limiting the number of dwelling units. She proposed the code language should limit the number of lots to 20 instead of dwelling units on a closed street. **Mr. Egner** commented that limiting the number of lots

was a good solution. He noted that the code laid out other connectivity requirements that closed streets needed to address which could be reviewed by the Comprehensive Plan Advisory Committee. **Ms. Kolias** confirmed that the proposed amendment would refer to 20 lots and not dwelling units.

Ms. Kolias continued to review changes to Title 19 that would affect non-small cell wireless communication facilities. She reviewed changes to Title 21 related to vacation rentals, accessory dwelling units (ADUs), building height variances, and review procedures. She presented a key issue for council to consider about allowing buildings without housing or green building components to exceed the allowed maximum height.

Mayor Gamba remarked on how the height bonus had been created and commented on council's interest in encouraging green buildings to address housing and climate change. He suggested a five-story office building would not serve the city's interests. He and **Councilor Parks** noted the existing ways to obtain a height bonus and the possibility of granting a developer a sixth floor if certain conditions existed. **Councilor Parks** expressed concern about allowing six-story buildings and **Mayor Gamba** noted that six-story buildings were permitted in parts of downtown. The group noted there was uncertainty as to how the current five-story building height limit had been decided.

Councilor Batey noted that staff had provided other language changes in a handout.

Correspondence: **Ms. Kolias** reported the only correspondence received had been from the Portland Metropolitan Association of Realtors. She noted that proposed green buildings code changes would be discussed at the March 5 regular session meeting.

It was noted that no audience member wished to address council on the amendments and staff had no further comments.

Close Public Hearing: It was moved by **Councilor Parks** and seconded by **Council President Falconer** to close the public hearing. Motion passed with the following vote: **Councilors Falconer, Batey, Parks, and Hyzy** and **Mayor Gamba** voting "aye." [5:0]

Mayor Gamba closed the public hearing at 8:21 p.m.

Council Discussion: **Councilor Parks** and **Mayor Gamba** commented on how to approach the six-story building question. The group discussed how a sixth story could be approved through a review process and noted the challenges of describing an exceptional building in the code. **Councilor Batey** suggested the code language needed further consideration. **Mayor Gamba** and **Councilor Parks** suggested it should be brought back with green building requirements. The group remarked on how to get a developer to build a pedestrian overpass on McLoughlin Boulevard. It was council consensus to pull the six-story amendments out of the proposed ordinance and consider it with other green building amendments on March 5.

Mayor Gamba asked if council was comfortable with the other amendments including the change to a 20-lot limit on closed streets. The group noted that **Ms. Kolias** would read the list of changes when council motioned to approve the ordinance and that council would just reference the changes read by staff in the motion.

Mayor Gamba asked if anyone was waiting on the proposed amendments for project. **Mr. Egner** reported that there was an indoor skate park waiting for council's approval of the proposed amendments.

Ms. Kolias reviewed the changes to the proposed amendments: a new sentence in the section addressing access way distances to read as “where intersecting streets do not have curbs”; adding under the exempted signs section for temporary signs for construction projects that they may be maintained for the duration of the project; changes noting that real estate lease and sale signs may be maintained for the duration of the sale or lease; changes for historic signs noting that wall signs are not to exceed two square feet except when installed within a park where only one sign per structure or heritage tree or site would be allowed if no structure is present; changes in the manufacturing zone repair and service section that auto service repair shops for personal vehicles would be allowed; and changes in the street layout and connectivity section, revising it to read that a street with a permanent turnaround may serve no more than 20 lots. **Mayor Gamba** added that Section 19.9.11 related to building heights would be removed.

Council Decision: It was moved by Councilor Batey and seconded by Councilor Hyzy to remove from the current code amendment package and continue to a date certain of March 5, 2019, the consideration of the proposed code change to section 19.9.11 Variances. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

It was moved by Council President Falconer and seconded by Councilor Hyzy to approve the Ordinance as amended and read by staff amending Title 11 Miscellaneous Permits, Title 12 Streets, Sidewalks, and Public Places, Title 14 Signs, Title 17 Land Division, and Title 19 Zoning, removing section 19.9.11, to make minor changes to select sections for the purpose of clarification and improved effectiveness (File #ZA-2018-004). Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Ms. Ober read the ordinance two times by title only.

Mr. Stauffer polled the Council with Councilors Falconer, Batey, Parks, and Hyzy, and Mayor Gamba voting “aye.” [5:0]

Ordinance 2168:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 11 MISCELLANEOUS PERMITS, TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, TITLE 14 SIGNS, TITLE 17 LAND DIVISION, AND TITLE 19 ZONING TO MAKE MINOR CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2018-004).

Mayor Gamba recessed the Regular Session at 8:38 p.m. and reconvened the Regular Session at 8:46 p.m.

6. OTHER BUSINESS

A. Drinking Fountains – Discussion

Ms. Ober reported that the topic had been added to the agenda by two council members. **Councilor Batey** remarked on water bottle filling stations and suggested such stations should be installed in public spaces. She expressed disappointment that a station would not be installed in the South Downtown area. **Council President Falconer** reported that there had been complaints that stations were not at the Harrison and Main site for the Milwaukie Sunday Farmers Market and other events held there.

Ms. Ober explained that staff was open to council direction on where filling stations should be installed. She commented on the possibility of working with the North Clackamas Parks and Recreation (NCPRD) to install stations in parks and noted steps public works staff had taken to see where stations could be installed at city facilities. She reported that installing a single station would cost about \$10,000.

Councilors Parks and Batey commented on NCPRD's work to upgrade an existing water fountain in Milwaukie Bay Park, which would not currently include a filling station.

Councilor Hyzy expressed support for installing filling stations and suggested a station could be installed at Dogwood Park. The group noted public area requirements that may impact the installation of a station at Dogwood Park.

Mayor Gamba suggested the city look at installing a filling station at the Milwaukie Station food cart pod. **Ms. Ober** reported that staff had considered installing a station at there and found that it could be done if funding were available. **Ms. Ober** and **Ms. Flores** noted that council would be discussing the future of the food cart site in March.

Council President Falconer suggested that whenever the city replaced or improved a fountain it be updated to a filling station. **Councilor Batey** commented on the feasibility of adding stations at city facilities as infrastructure was upgraded. **Ms. Ober** said that looking at upgrading fountains during other facility projects would be feasible. **Mr. Passarelli** discussed the cost of retrofitting existing fountains to bottle refill stations. **Ms. Ober** noted that the new library building would have refill station. **Mr. Passarelli** talked about the costs and different configurations of outdoor water filling stations.

Ms. Ober and **Mayor Gamba** discussed the importance of the Design and Landmark Committee (DLC) looking at design requirements for outdoor filling stations.

Ms. Ober summarized that staff would look at where stations could be installed in parks and during public facility projects. **Mayor Gamba** noted that the DLC would have its annual review with council soon and fountains could be discussed then. **Councilor Batey** noted that the community gardens at Balfour Park would be a good place to look at adding a station.

The group thanked staff for improving the heating system in the council chambers.

B. Council Input on Legislative and Regional Issues

Ms. Brooks distributed a League of Oregon Cities (LOC) bill tracker document. She and **Councilor Batey** remarked on the status of bills addressing annexation. **Ms. Brooks** asked for council direction for the city to support LOC efforts to protect local control of annexations. It was council consensus that the city should support local control of the annexation process.

The group noted how to access the LOC bill tracker. **Ms. Brooks** suggested that the city support LOC issue statements when the city agreed, and to make independent statements on issues when the city did not agree with the LOC. The group noted how often the LOC tracker was updated and briefly remarked on proposed photo radar bills.

1. Local Control of Speed – Letter

Councilor Batey explained why she had proposed that the council send a letter instead of a resolution. **Mayor Gamba** and **Ms. Ober** remarked on the impact of a letter versus a resolution on influencing legislation and whether specific bill numbers should be included in either. They noted the importance of seeking statements of support from the current council rather than relying on council statements from two years ago.

The group discussed whether council letters or resolutions should be written broadly or on individual bills. They remarked on how to draft policy letters to empower council and staff to represent the city's position on an issue when necessary.

Councilor Batey, Ms. Brooks, and Ms. Ober noted that the local control of speed letter would be edited by Councilor Batey and Ms. Brooks.

It was moved by Councilor Batey and seconded by Councilor Parks that the council wants to send a letter to the state legislature in support of any bill that would give Milwaukie local control of the speed on its streets, with the form of the letter coming back for Council review. The group remarked on whether there was a need to bring the letter back to council for review or if the letter could be reviewed and sent to the legislature if council stated its support for the issue in a meeting. It was council consensus that council would take positions on policy concepts and allow staff and the mayor to draft the letter. **It was noted that Councilor Batey withdrew her motion.**

It was moved by Mayor Gamba and seconded by Councilor Batey to write a letter in support of the concept to support Milwaukie having control over its own speed limits. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

The group noted that the letter should be copied to other cities and advocacy groups.

2. Single Family Residential Zoning – Discussion

Ms. Brooks and Ms. Ober reported that staff had been tracking House Bill 2001 (HB2001) per council's interest in housing. They remarked on the status of HB2001 and its potential impact on system development charges (SDCs). The group commented on the process developers go through to pay SDCs and obtain an occupancy permit.

Council President Falconer noted that because of the issues addressed by HB2001 she thought it was important for council to write a policy letter on the bill. The group remarked on the bill and possible amendments. They noted elements of the bill related to the definition of middle housing and duplexes, manufactured homes as single family residential dwellings, and the impact of the bill on accessory dwelling units. The group expressed concern that the bill may restrict local control of density policies.

Council President Falconer and Ms. Ober remarked on points to be made in the letter regarding SDCs and middle housing. The group discussed concerns raised by the LOC and chambers of commerce about the bill, and the possibility that some cities may not adopt the zoning changes to avoid low income housing.

Ms. Brooks, Councilor Batey, and Council President Falconer commented on what council could do to propose amendments to the bill. The group remarked on whether the city's zoning would meet the bill's proposed zoning for duplexes.

Councilor Batey asked for staff input on the idea that up-zoning across the City would have an upward effect on property values. **Ms. Flores** discussed the effects of up-zoning and historical regional housing policies aimed at increasing land values. The group commented on the possible impacts of a statewide mandate to up-zone and the complexities of residential zoning and pricing.

Ms. Ober noted it was nearly 10:00 p.m. and asked if Council supported sending a letter on HB2001. The group remarked on the complex nature of the bill's subject and noted an amendment council would support regarding SDCs. **Councilor Batey**

expressed concern about the state allowing tri- or quad-plexes on all lots. **Council President Falconer** commented on the need for missing middle housing.

Councilor Batey suggested the letter encourage funding for cities to do the zoning work and expressed concern that the 2020 deadline to adopt the zoning was unreasonable. **Councilor Hyzy** proposed that the letter express council's concern about the reasonableness of the deadline.

It was moved by **Council President Falconer** to approve the writing of a letter in support of HB2001 with the specific call outs for changes/fixes to the bill. **Ms. Ober** and **Councilor Batey** noted that the letter was meant to address the policy issue and not just HB2001 as originally introduced. It was noted that **Council President Falconer** withdrew her motion.

It was moved by **Council President Falconer** and seconded by **Councilor Parks** to approve the writing of a letter to endorse the policies set out in HB2001 as introduced with the specific items called out in discussion to be fixed. The group noted that the letter would call out a SDC language change, funding for cities, suggest the deadline was unreasonable, and note the impact of the bill on cities. **Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye."** [5:0]

7. INFORMATION

Councilor Batey reported that the Street Roots resources directory now included services in Clackamas County. The group noted where to get a copy of the directory.

Councilor Batey reported that the recent neighborhood district association (NDA) leadership meeting had discussed concerns about fireworks. She noted plans for an outreach campaign led by the NDAs. **Ms. Ober** noted the Milwaukie Police Department's plans for enforcing the city's firework ordinance over the July 4th holiday.

Mayor Gamba announced upcoming events including selection of the 2018 Volunteer of the Year, the Officer of the Year Dinner, the State of the City address, a solar homes tour, a City Manager open door session, a design workshop for Hillside Manor, and a Spring Park and Elk Rock Island habitat work day. **Ms. Ober** noted an upcoming Coho Point at Kellogg Creek design open house. **Councilor Batey** added that more information about the Carefree Sundays event would be available in March.

8. ADJOURNMENT

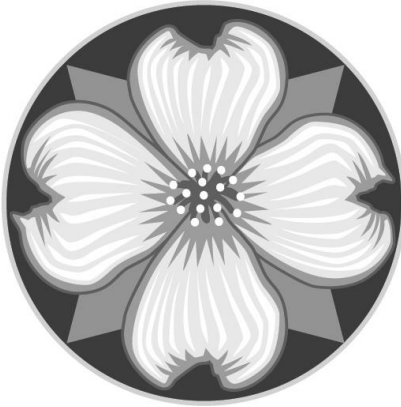
It was moved by **Council President Falconer** and seconded by **Councilor Parks** to adjourn the Regular Session. **Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye."** [5:0]

Mayor Gamba moved to adjourn the regular session at 10:17 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder



RS Agenda Item

2

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

PROCLAMATION

WHEREAS, in February, we recognize and acknowledge the struggles of Black Americans for racial justice that stirred the very conscience of our nation and helped guide the shape of her character; and

WHEREAS, Black Americans for generations have courageously led the pursuit of justice and equality, from Harriet Tubman to Martin Luther King, Jr. and beyond; as our nation struggles to overcome past and present failings that result in persistent inequality, such leaders are crucial to guide us to the principle that all people are created equal; and

WHEREAS, Black Americans have made significant contributions to our nation's economic, educational, political, artistic, literary, scientific and technological advancements, despite historical and current injustices; and

WHEREAS, in Milwaukie, we celebrate the contributions of Black Americans who have been active in our community, including entrepreneurial boxing promoter George Moore and Milwaukie Pastry Kitchen proprietors Hurtis and Dorothy Hadley; and

WHEREAS, recent incidents have given rise to greater awareness of the continued discrimination and even violence that Black Americans face daily, and the importance of a greater national dialogue to promote understanding and break down barriers; and

WHEREAS, as individuals, we must learn more about the history of Black Americans generally, and in Oregon in particular, and work to build a Milwaukie where every person has equal access to educational and employment opportunities, and housing.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, and with the full support and sponsorship of the Milwaukie Historical Society and the Oregon Black Pioneers, do hereby proclaim **February 2019** to be **Black History Month** in Milwaukie and do recommend its observance with appropriate programs and activities.

IN WITNESS WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 5th day of **February 2019**.

Mark Gamba, Mayor
ATTEST:

Scott S. Stauffer, City Recorder

History of Milwaukie Historical Society

- 1936 – Started by Pioneer Children
 - Held meetings, picnics, and displays
 - Participated in parades, events, and celebrations
 - Collected artifacts and stories of pioneers
- 1975 – Obtained Milwaukie Museum
 - Christa McDonald created a house museum
 - Started a Research Library for public use

From 1975 to 1994, Christa McDonald, pictured on the right, served as the museum's first curator. Madalaine Bohl, pictured on the left, worked as the curator from 1994 to 2009.

Milwaukie Historical Society Research Library



Milwaukie Historical Society members in 1959.

Today Milwaukie Historical Society

- 2012 – “Younger Generation” direction
- Motto – Preserving Milwaukie’s history for future generations
- Museum change to interpretive
- Join in public events – History Walk, Plant Sale, Umbrella Parade, & Christmas at Museum



Today Milwaukie Historical Society

Over 100 Members and Corporate Sponsors



Over 800 Followers on FaceBook
Now on Instagram and Twitter
Write "History" Article in Pilot

Today Milwaukie Historical Society Work with City of Milwaukie on City Events

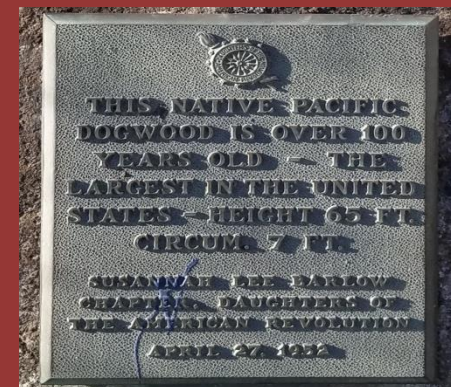


City Proclamations

2016 Visioning Town Hall



Dogwood Day



Max Orange Line Opening



2018 Historic Year

We developed and created projects

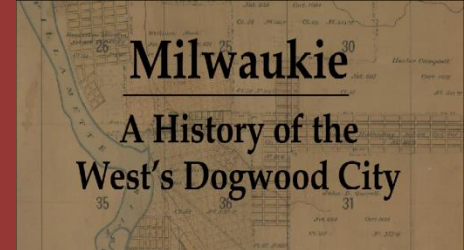
- *Milwaukie: A History of the West's Dogwood City*
- AARP History Walk
- Hosted Events
- Building Maintenance Fund
- Paul Klein's History Tour
- Lot's Loop
- Rotary Peace Poll

Walking Around Milwaukie



Lot's Loop

A Walk Around Lot Whitcomb's 1850 Donation Land Claim



A special thank you to these volunteers:
David Aschenbrenner, Scott Barbur, Bruce Bear, Siri Bernard, Linda Carr, Michael DeWitz, Greg Hemer, Michelle Hemer, Paul Klein, Peg Tarbox,
Jesse Tremblay and Ari Van Bergen



2019 Even Better

Milwaukie Kids

Opens Saturday,
February 2, 2019
1pm-5pm

*Growing Up In the
Good Old Days*

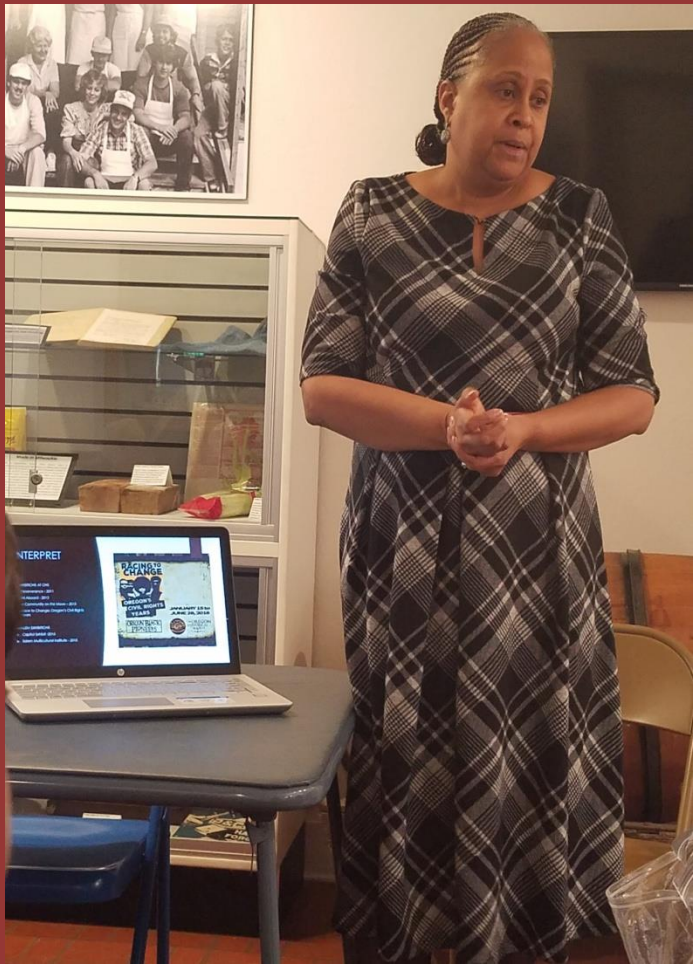
- *Milwaukie Kids: Growing Up in the Good Old Days*
- Historic Sign and Tour Program
- Oral History Program
- Continuing our partnership with City of Milwaukie

Sponsors



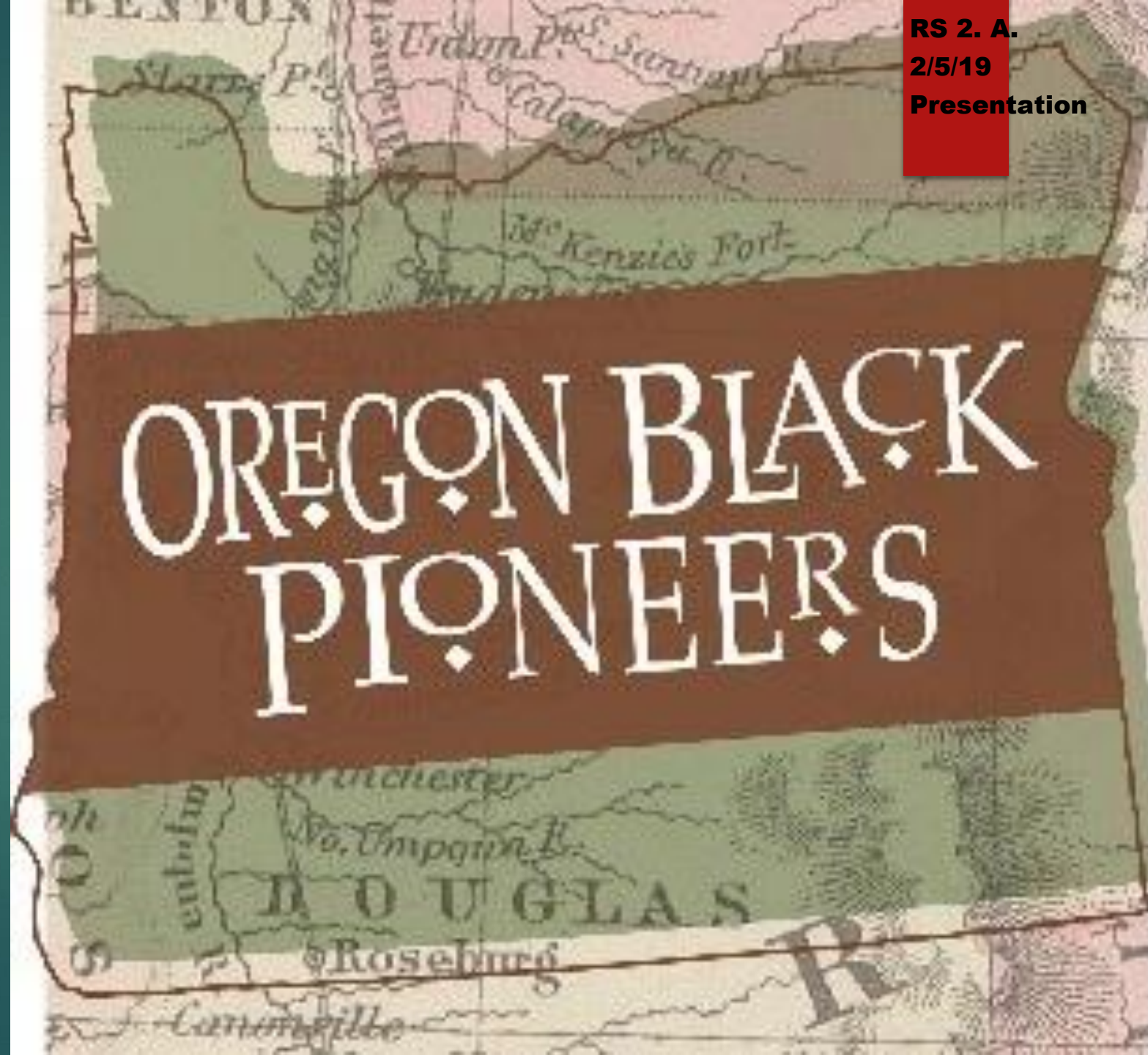
Black History Month

Kimberly Moreland- Oregon Black Pioneers



Mission

RESEARCH, RECOGNIZE,
AND OBSERVE THE
CULTURE AND HERITAGE
OF AFRICAN
AMERICANS IN THE STATE
OF OREGON



RS 2. A.
2/5/19
Presentation

Exhibition

► EXHIBITIONS AT OHS

- Perseverance - 2011
- All Aboard - 2013
- A Community on the Move – 2015
- Race to Change: Oregon's Civil Rights Years

► SALEM EXHIBITIONS

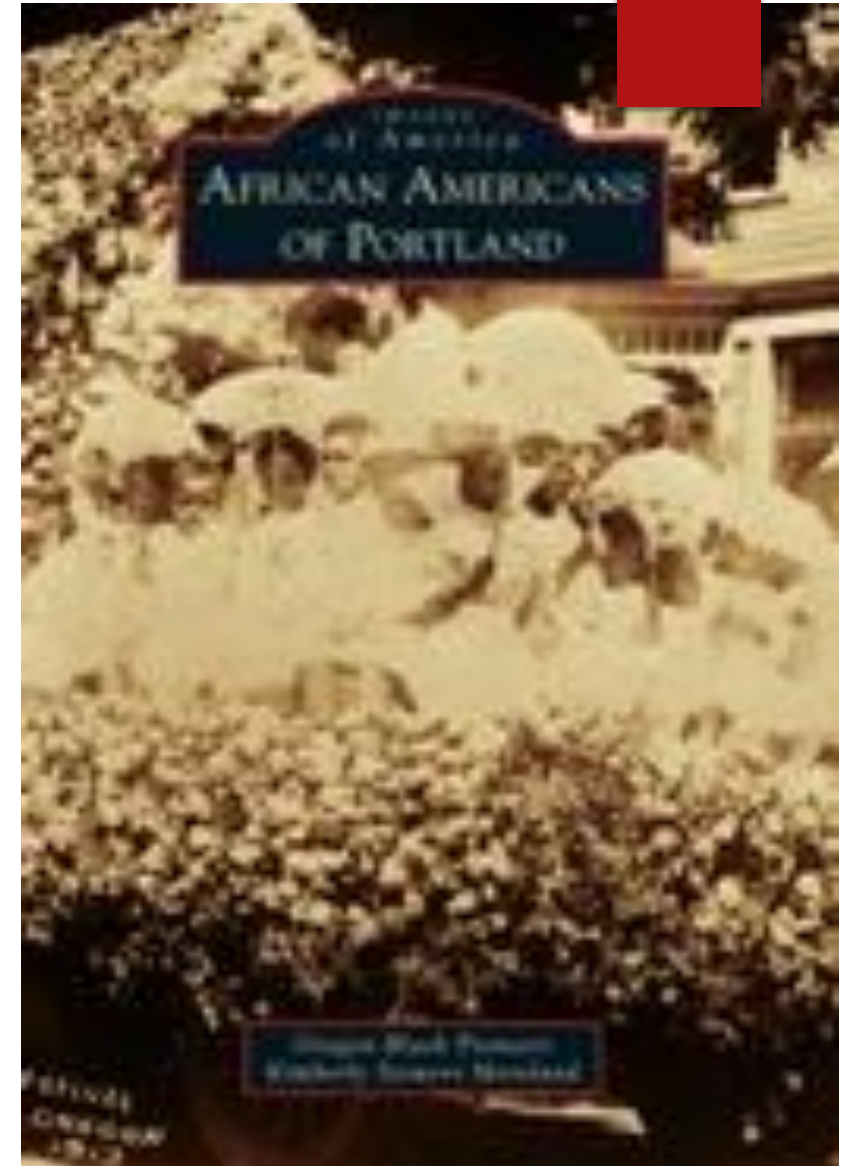
- Capitol Exhibit -2015
- Salem Multicultural Institute - 2015



Presented by the Oregon Black Pioneers
and the Oregon Historical Society

DOCUMENT

- ▶ Perseverance: History African Americans in Marion and Polk Counties – 2011
- ▶ Images of America: African Americans of Portland – 2013
- ▶ CultureWork: April 2015. Vol. 19, Issue 1 -Interpreting, Documenting and Preserving the Precarious Journey of African Americans in Oregon



PRESERVATION

- ▶ **CrowdSource Project:** Preserving African American Historic Places
- ▶ **African Americans of Early Oregon - History Tour**
- ▶ **Special Projects – Restoration of Beaver Board**



**Black Pioners, Eliza and Hanna Gorman House,
Corvallis, OR**

York - 1805 Lewis and Clark Discovery Corp

TERRA INCOGNITO SCULPTURE
ALISON STAR
LEWIS & CLARK COLLEGE



OREGON EXCLUSION LAWS

ANTI-SLAVERY and ANTI-BLACK

- ✓ June, 1844 – PROVISIONAL GOVERNMENT - slavery is declared illegal AND black exclusion laws are put into place
- ✓ September, 1849 – TERRITORIAL GOVERNMENT – another exclusion law is passed forbidding blacks from settling in the newly declared territory
- ✓ 1857 – Voters approve a black exclusion clause as part of the proposed Oregon constitution , a law that remained on the books until 1926
- ✓ February, 1859 – STATE OF OREGON – is admitted to the Union with a constitution which included exclusion laws

George Washington

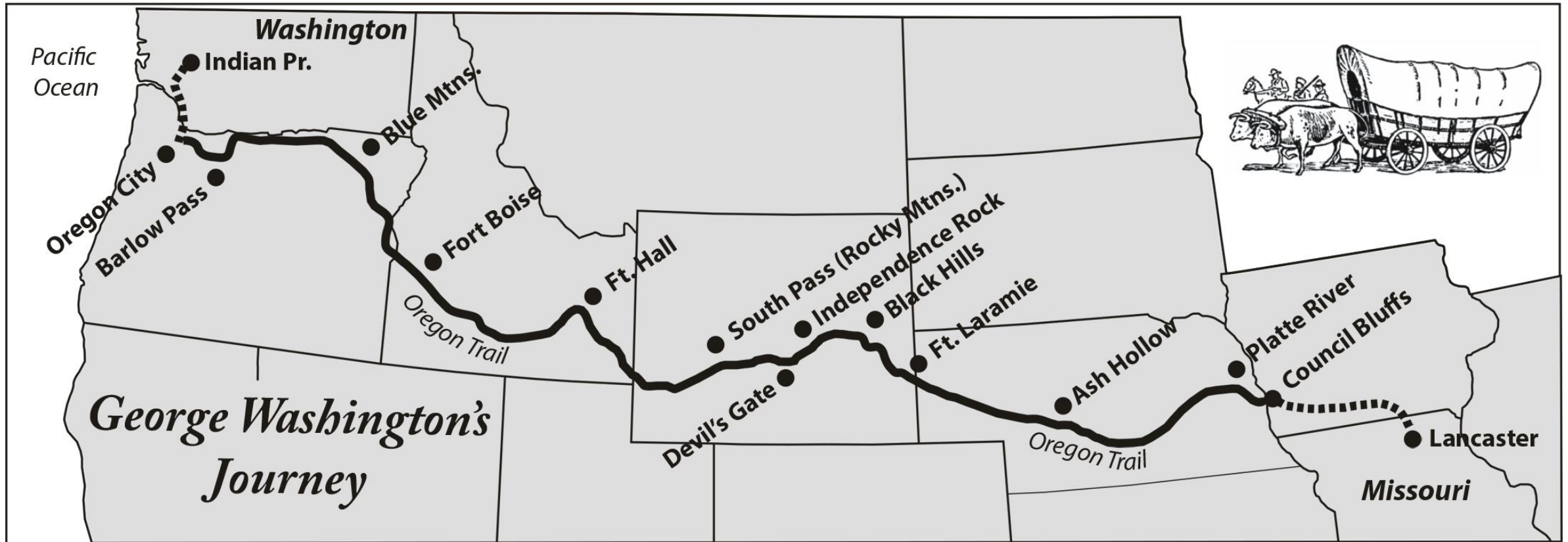
In Search of “A Decent Place”

- ▶ Set out west on March 15, 1850 and arrived in Oregon City on August 31, 1850
- ▶ Rented house in Milwaukie upon arrival with his foster parents, Anna and James Cochran
- ▶ 1850 Census - Neighbor of Lot Whitcomb, founder of the City of Milwaukie
- ▶ Neighbor of Henderson Lewelling, a Quaker, Abolitionist and Underground Conductor in Salem, Iowa.
- ▶ Settled in Washington Territory in 1852
- ▶ Became founder of Centralia Washington in 1875



George Washington's Journey

"117 Days of Hard Travel Brought US to Oregon"



Milwaukie Pastry Kitchen

"Put A Little Soul in Your Roll"

- ▶ Established in the 1940s in downtown Milwaukie, Oregon on Main Street
- ▶ The Bakery was closed for several years prior to Hadley Purchasing the Milwaukie Pastry Kitchen in 1977;
- ▶ Became first black-owned and operated bakery in Oregon
- ▶ Funded by Small Business Administration funds operated as part of the Model Cities Program
- ▶ The Bakery Slogan was "Put a Little Soul in Your Roll"
- ▶ Soon to be recognized as a City of Milwaukie's historical landmark



Hurtis and Dorothy Hadley, Owners



Come celebrate with us!
MARCH 2, 2019
World Speed Museum USA,
6:00 p.m – 11:00 p.m.

HONORING THE PAST, PAVING
THE WAY TO THE FUTURE!
**THE OREGON
BLACK PIONEERS
25TH ANNIVERSARY
GALA AND FUNDRAISER**

Thank you to our generous event sponsors!



Images courtesy of the Verdell Burdine
and Otto G. Rutherford Family Collection,
Portland State University Library
Special Collections & Black Studies Department



Thank You!

**www.OregonBlack
Pioneers.org**

KIM@OREGONBLACKPIONEERS.ORG

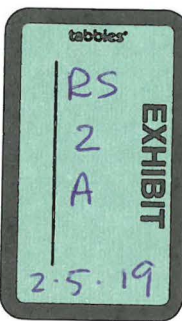


Milwaukie Historical Society

3737 SE Adams St. Milwaukie, OR 97222

www.milwaukiehistoricalsociety.com

milwaukiemuseum@gmail.com



Dear City of Milwaukie,

December 23, 2018

Milwaukie Historical Society would like to thank you for your membership for 2019. Thanks to your support Milwaukie Historical Society and Milwaukie Museum have accomplished many of the wonderful goals we set in 2018.

- Created new exhibit: *Milwaukie: A History of the West's Dogwood City*
- Moved Clair Kuppenbender Research Library into front room
- Installed new lighting and painted inside Museum
- Completed Phase I of *Lot's Loop*
- Hosted events: *Christmas at Museum*, Milwaukie Garden Club *Plant Sale*, and others
- Established *Paul Klein's Tour Events*
- Established a Building Maintenance Fund
- Hosted and participated in the *AARP Milwaukie Historical Walk*

As you can see, it has been a very fruitful year for the Milwaukie Historical Society and Milwaukie Museum. We expect 2019 to reach greater heights. With your support Milwaukie Historical Society and Milwaukie Museum will continue growing and being a positive image for our community. Milwaukie Historical Society is looking forward to accomplishing some of these goals in 2019

- New exhibit: *Milwaukie Kids: Growing Up in the Good Old Days*
- Establishing a Historic Sign and Tour Program
- Creating an Oral History Program
- Enhancing Milwaukie Historical Society Meetings
- Continuing popular events
- Photographing and researching Museum collection
- Expanding our outreach and audience towards a younger generation
- Working with City of Milwaukie, historical communities, and other like minded organizations to advance awareness of Milwaukie's history and it's Museum
- Continuing outreach and involvement with our community
- Increasing membership and volunteerism for the Society and Museum

Your services in kind are greatly appreciated. Together we can continue the long standing tradition of Milwaukie Museum being a part of our community and *preserving Milwaukie's history for future generations.*

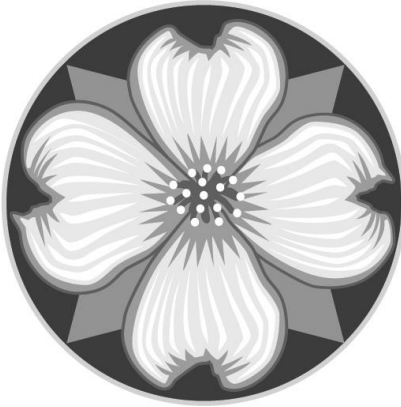
Thank you again,
David Aschenbrenner

President - Milwaukie Historical Society 2018

Thank you 2018 Corporate Sponsors



Preserving Milwaukie's history for future generations



RS Agenda Item

3

Consent Agenda



COUNCIL WORK SESSION

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

MINUTES

JANUARY 2, 2019

Mayor Mark Gamba called the Council meeting to order at 4:30 p.m.

Present: Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Council Absent: Councilor Angel Falconer

Staff: City Attorney Justin Gericke
City Manager Ann Ober

City Recorder Scott Stauffer
Information Technology Analyst Steve Lang

1. Council Orientation

Staff assisted members of Council in setting-up City-issued accounts and devices, and provided information regarding Council meeting and packet processes.

2. Adjourn

Mayor Gamba adjourned the Work Session at 5:30 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL REGULAR SESSION

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

MINUTES

JANUARY 2, 2019

Mayor Mark Gamba called the Council meeting to order at 6:00 p.m.**Council Present:** Councilors Lisa Batey, Wilda Parks, Kathy Hyzy**Council Absent:** Councilor Angel Falconer

Staff: Assistant City Manager Kelly Brooks
City Attorney Justin Gericke
City Manager Ann Ober
City Recorder Scott Stauffer

Community Development Director Alma Flores
Planning Director Denny Egner
Right-of-Way and Contracts Coordinator Reba Crocker
Senior Planner David Levitan

Swearing-In of Newly Elected Council Members

Mr. Gericke administered oaths of office to Mayor Mark Gamba, Councilor Lisa Batey, and Councilor Kathy Hyzy.

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**A. City Manager Update**

Ms. Ober reported that in follow-up to the December 18, 2018, Audience Participation, staff would be meeting with representatives of the Lewelling Neighborhood District Association (NDA) regarding the Winter Solstice and Christmas Ships event. She noted that Council would discuss a possible Council compensation task force at the January 15, 2019, Regular Session and would hold its annual retreat on January 12, 2019.

3. CONSENT AGENDA

Council President Batey asked that Consent Agenda Item 3. D. be removed for separate consideration.

It was moved by Councilor Parks and seconded by Council President Batey to approve Consent Agenda Items A, B, and C.

A. City Council Meeting Minutes:

1. December 4, 2018, Work Session;
2. ~~December 4, 2018, Regular Session;~~ (removed from the agenda)
3. December 11, 2018, Special Session; and
4. December 11, 2018, Study Session.

B. Resolution 1-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, designating the first and third Tuesdays of each month as the regularly scheduled City Council meeting dates, establishing the times of said meetings, and repealing Resolution 1-2018.

C. Resolution 2-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, designating *The Clackamas Review*, *The Oregonian*, and *The Daily*

Journal of Commerce as the papers of record for the City of Milwaukie for calendar year 2019.

- ~~D. A Resolution of the City Council of the City of Milwaukie, Oregon, establishing the fees for small cell wireless provider and utilities operating in the City of Milwaukie and repealing Resolution 77-2018. (removed for separate consideration)~~

Motion passed with the following vote: Councilors Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [4:0]

3. D. Consideration of a Resolution Establishing Fees for Small Cell Wireless Providers and Utilities Operating in the City’s Right-of-Way (ROW)

Mayor Gamba provided an overview of the ongoing nationwide discussion between cities, the Federal Communication Commission (FCC), and cell phone service providers. He remarked that the proposed resolution would ensure that the City followed current law. He noted that many cities planned to fight recent FCC rulings.

Council President Batey reported that she had read the FCC’s recent ruling and agreed with the staff recommendation to adopt the proposed resolution. She remarked on what cities could do under current law and discussed what the FCC ruling said in terms of aesthetic regulations of small cells. She and **Ms. Ober** noted that the City’s engineering and planning departments were aware of the FCC’s aesthetic regulations.

Councilor Parks and **Ms. Crocker** noted where power lines had been placed underground in the City and where small cells might be attached to existing utility poles.

Mayor Gamba and **Ms. Crocker** discussed how close together small cell towers would need to be placed and how many may be installed in Downtown Milwaukie.

Council President Batey and **Ms. Crocker** commented on the proposed ROW fee amounts and the likelihood that cell phone providers would be installing small cells soon. **Mayor Gamba** and **Ms. Crocker** remarked on the need to revise the Milwaukie Municipal Code (MMC) to require fiber cables be buried underground with room in the conduit to add future lines.

Council President Batey pointed out that the FCC ruling maintained cities’ control to determine where new cell towers would be located. **Ms. Crocker** agreed and commented on the limitations of cities’ ability to determine new tower locations. She noted that Portland General Electric (PGE) owned and controlled access to the utility poles in City limits. She reported that several cities were looking at conducting a study to determine future costs of the anticipated increased utility work.

Council President Batey and **Ms. Ober** noted several scrivener’s errors in the resolution that staff would correct in the final version.

It was moved by Council President Batey and seconded by Councilor Parks to approve the resolution establishing fees for small cell wireless facilities and utilities operating in the City of Milwaukie and repealing Resolution 77-2018, including modifications to the resolution presented by staff at the current meeting and allowing for the correction of scrivener’s errors by staff. Motion passed with the following vote: Councilors Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [4:0]

RESOLUTION 3-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING THE FEES FOR SMALL CELL WIRELESS FACILITIES AND UTILITIES OPERATING IN THE CITY OF MILWAUKIE AND REPEALING RESOLUTION 77-2018.

4. AUDIENCE PARTICIPATION

Mayor Gamba declined to read the Audience Participation procedures since no audience members wished to address Council.

5. PUBLIC HEARING

A. None Scheduled.

6. OTHER BUSINESS

A. None Scheduled.

7. INFORMATION

Mayor Gamba announced upcoming events, including Christmas tree recycling options, a poetry celebration in honor of William Stafford's birthday, a work party at Homewood Park, and City facility closures for Martin Luther King, Jr. Day.

Council President Batey noted the statewide insect issue related to Christmas trees that had been imported from the east coast. She urged anyone with an infected tree to follow the recommended disposal methods.

The group welcomed Councilor Hyzy to Council. **Councilor Hyzy** remarked on her time in the City, expressed appreciation for staff and Council, and commented that it was a privilege to serve the public.

8. ADJOURNMENT

It was moved by Councilor Parks and seconded by Council President Batey to adjourn the Regular Session. Motion passed with the following vote: Councilors Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [4:0]

Mayor Gamba moved to adjourn the regular session at 6:33 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STUDY SESSION

Public Safety Building (PSB) Community Room
3200 SE Harrison Street
www.milwaukieoregon.gov

MINUTES

JANUARY 8, 2019

Mayor Mark Gamba called the Council meeting to order at 5:16 p.m.

Present: Council President Lisa Batey; Councilors Angel Falconer, Wilda Parks, Kathy Hyzy

Board, Commission, and Committee Chairs Present: A. Adams, Arts Committee; Jon Stoll, Budget Committee; Vince Alvarez, Citizens Utility Advisory Board (CUAB); Lauren Loosveldt, Design and Landmarks Committee (DLC); Jason Price, Library Board; Lisa Gunion-Rinker, Park and Recreation Board (PARB); Regis Niggemann, Public Safety Advisory Committee (PSAC); Kim Travis, Planning Commission; Andrew Taylor, Tree Board

Staff: Assistant City Manager Kelly Brooks	Finance Director Bonnie Dennis
City Manager Ann Ober	Library Director Katie Newell
City Recorder Scott Stauffer	Planning Director Denny Egner
Community Programs Coordinator Jason Wachs	Public Works Director Peter Passarelli

1. Board, Commission, and Committee (BCC) Leadership Summit

Ms. Brooks provided an overview of the topics to be discussed, including ongoing City projects, and BCC diversity and inclusion. She explained the City Project List and life cycle of a project. **Ms. Ober** remarked on how the project list had been developed.

Councilor Falconer asked why some Capital Improvement Plan (CIP) projects did not list the Public Safety Advisory Committee (PSAC) as the primary BCC. **Ms. Brooks** noted that Safe Access for Everyone (SAFE) projects should have PSAC and the relevant neighborhood district associations (NDAs) listed as primaries. The group observed that the 42nd Avenue SAFE project should have PSAC listed.

Mr. Alvarez and **Ms. Ober** discussed the recent removal of trees on the grass strip between International Way and the Hwy 224 on-ramp. **Ms. Ober** said she had not received notice about the trees being cut. The group noted that the removal work would have been done by the property owner, the Oregon Department of Transportation (ODOT). **Mr. Alvarez** commented that the City wanted to increase its tree canopy and it was counter-productive to have healthy trees taken out. **Ms. Ober** and **Mr. Taylor** noted the Tree Board had been working on updating the City's tree code.

Ms. Gunion-Rinker was pleased to see the City Project List. She noted which BCCs should be involved on certain projects in addition to the primary BCC. **Ms. Ober** explained that in the past City staff had been asked to attend multiple BCC meetings for one project and the primary BCC listing was meant to designate a single place to have a centralized discussion about a project. The group agreed that a centralized approach to BCC project work made sense.

Mayor Gamba asked what "CIP" meant on the project list. **Ms. Ober** explained that "CIP" was meant for staff to know it was a construction or infrastructure project.

Council President Batey asked how the City could make sure that all groups who were interested in a project are noticed in time to provide feedback. **Ms. Brooks** discussed the importance of public engagement beyond a project being having a designated BCC. **Council President Batey** and **Ms. Ober** discussed how staff could create project triggers to make sure to inform certain groups and the public on a project.

Councilor Hyzy observed that the Project List was wonderful but complex and asked about staffing capacity. **Ms. Ober** commented on staff limitations. **Ms. Gunion-Rinker** noted that if a BCC was chosen as a primary on a project, they should be thinking about other groups to involve from the very beginning and reach out. **Ms. Ober** said that was a great suggestion and encouraged that type of interaction.

Mr. Taylor observed that the Earth and Arbor Day events in the past had been run by the Park and Recreation Board (PARB). He suggested that the Tree Board be the primary for the Arbor Day event. **Ms. Gunion-Rinker** agreed and noted the events should really be separate. **Ms. Ober** noted that the City was limited on the number of events it could put on, due to cost and staff time-commitment. **Ms. Brooks** remarked on why the PARB was the primary BCC for those events and the importance of both boards collaborating. **Mayor Gamba** agreed that Arbor Day should be separate and held in a month that is more conducive to planting trees. **Ms. Ober** noted the number and types of events could be discussed, but reiterated the limited staff capacity for more and larger events. She suggested Council could discuss event staffing further.

Ms. Gunion-Rinker asked about Sunday Parkways. **Ms. Ober** noted it was incorrectly on the list as “Open Streets” when it should say “Carefree Sunday.” She explained the City created a task force for the event, which would help put on the event.

Mr. Stoll commented that the Project List was a good public involvement tool that should lead to more efficient deliberations.

Ms. Brooks asked for input on how Council’s goals align with the BCC’s work. **Ms. Ober** believed Council’s 2018 goals had been communicated clearly and the BCCs were able to integrate their work well. She wanted to make sure that was indeed the case, since Council was about to set their 2019 goals.

Ms. Adams believed the Arts Committee had felt engaged and had applied their skill-set to Council’s goals. She noted that more dialogue was welcome.

Ms. Ober noted that once Council set their 2019 goals, staff will send out examples of how BCCs could connect and engage with those goals.

Council President Batey noted that Council goals aren’t the only items that Council works on. She remarked that just because a BCC’s work may not relate to a goal, their work is still valued. **Ms. Ober** agreed and noted that a large part of her workload was related to past and present Council goals.

Ms. Loosveldt noted the scheduling of work plans for some BCCs, such as the Design and Landmarks Committee (DLC), which typically occurs in the fourth quarter of the year, while Council sets goals in the first quarter. **Ms. Brooks** noted the imperfect timing but explained the importance of at least knowing what the goals are.

Councilor Hyzy wondered if at the time of Council goals staff could also announce the other projects and programs that are still important.

Ms. Brooks commented on the importance of diversity and inclusion and noted that they were goals in Milwaukie’s Community Vision. She asked for BCC input on how diversify the BCCs and make them more inclusive. **Ms. Ober** noted her desire for staff and the community to be representative of, and engage with, all of Milwaukie.

Mr. Alvarez remarked on personal experience with recent City job openings where residents were not given interviews or chosen for the job. He noted the disconnect with how highly community volunteers are appreciated but that those same qualified

individuals were not given interviews or paying jobs with the City. **Ms. Ober** discussed Human Resources processes. She noted that the City had recently hired several City residents and she would be happy to discuss the City's hiring practices with Mr. Alvarez.

Ms. Loosveldt asked about diversity information collected through the BCC application form. The group noted that the BCC application did not include a diversity question.

Mayor Gamba remarked that Council had been told that including diversity questions on the Visioning Advisory Committee (VAC) application would be illegal. **Ms. Ober** clarified that certain questions could not be required on an application or used as a basis for a hire. She noted that she wanted to work on this and asked BCC members to think on it and let her know of any ideas of how to reach out to certain populations.

Councilor Hyzy did not think the barrier to serving on BCCs was a lack of awareness of opportunities to engage, but were barriers invisible to people of privilege. She suggested asking an open-ended question on the application about which types of barriers are there to the applicant in serving. She noted how the City of Portland had paid people to come to the table and share their experiences during their Climate Action Plan process. **Ms. Ober** appreciated the ideas and noted diversity and inclusion was not a current Council goal and that there was no funding available.

Ms. Travis explained that the Comprehensive Plan's Goal 1 was related to public involvement. She noted that the Comprehensive Plan Advisory Committee (CPAC) had put forward ideas about inclusion which could be used for how BCCs and NDAs reach out to the community. She observed that many BCC meetings were not attended by a diverse audience, and it was important to look at strategies to get more people to show up. **Ms. Ober** agreed and noted staff had been working on engagement strategies.

Ms. Ober noted that about half of the BCC Code of Conduct sheets had been signed, and encouraged the Chairs to reach out to members to get the forms turned in.

2. Adjourn

Mayor Gamba adjourned the Study Session at 6:12 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Jan. 24, 2019

Reviewed: Jason Wachs, Community Program Coordinator

From: Scott Stauffer, City Recorder

Subject: **Planning Commission Appointment**

ACTION REQUESTED

Consider a resolution making an appointment to the Planning Commission.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The individual recommended for appointment to the Planning Commission has not previously been appointed by Council to serve on any City board, committee, or commission (BCC).

ANALYSIS

Authority to fill BCC vacancies is granted to the Mayor and Council by Section 26 of the City Charter. To fill vacant positions, members of Council along with appropriate staff liaisons and BCC chairs conduct interviews from applications received by the City. The interview panel then makes appointment recommendations to Council, which considers and approves recommendations through the regular session consent agenda. Appointed individuals serve for a term length determined by the Milwaukie Municipal Code (MMC). Upon the completion of a term, if the individual is still eligible to serve they may be reappointed by Council to serve another term.

BCC appointments are made when a term has expired or when a position has been vacated. Terms generally expire in March or June, but appointments are also made as needed to fill vacancies. Some BCCs have positions nominated by Neighborhood District Associations (NDA) instead of by an interview panel. If applicable, NDA-nominated appointments are noted.

All BCC positions are term-limited, meaning there is a limit to the number of times that members can be re-appointed. The individual recommended for appointment, as noted below, is eligible for appointment to the noted committee.

The individual recommended for appointment, Robert Massey, moved to Milwaukie in 2015 and resides in the Historic Milwaukie Neighborhood. He is a self-employed safety consultant, a retired career Naval Officer, and a former member of the Board of Advisors for the San Diego State University (SDSU) Business School.

BUDGET AND WORKLOAD IMPACTS

There are no fiscal or workload impacts associated with the recommended actions.

COORDINATION, CONCURRENCE, OR DISSENT

An interview panel comprised of two Council members, the Planning Commission staff liaison, and the Planning Commission Chair recommended this individual for appointment.

STAFF RECOMMENDATION

Based on the nomination of the interview panel, staff recommends making the following appointment:

Planning Commission

Position	Name	Term Start	Term End
4	Robert Massey	2/5/2019	3/31/2021

ALTERNATIVES

Council could decline to appoint the recommended individual, which would result in a continued vacancy on the Planning Commission.

ATTACHMENTS

1. Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, MAKING AN APPOINTMENT TO THE PLANNING COMMISSION.

WHEREAS, Milwaukie Charter Section 26 authorizes the Mayor, with the consent of the Council, to make appointments to City boards, committees, or commissions (BCCs); and

WHEREAS, a vacancy exists on the City's Planning Commission; and

WHEREAS, an interview panel comprised of two Council members, the Planning Commission staff liaison, and the Planning Commission Chair, has recommended the individual named below be appointed to serve on the Planning Commission:

Planning Commission

Position	Name	Term Start	Term End
4	Robert Massey	2/5/2019	3/31/2021

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individual named in this Resolution is hereby appointed to the identified committee of the City of Milwaukie for the term dates noted.

Introduced and adopted by the City Council on **February 5, 2019.**

This resolution is effective immediately.

ATTEST:

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Jan. 16, 2019

Reviewed: Kelly Brooks, Assistant City Manager

From: Ann Ober, City Manager

Subject: **Mayor/Council Communication Agreement Updates 2019**

ACTION REQUESTED

Staff recommends that Council execute and implement the proposed Mayor/Council Communication Agreement.

HISTORY OF PRIOR ACTIONS AND DISCUSSION

At the Council Retreat on January 12, 2019, Council discussed the Mayor/Council Communication Agreement, which had last been adopted on August 7, 2018. The group discussed and agreed to amend the Council/Staff interaction section by putting in place limits on when Council can directly communicate with non-management staff. Council then requested this item to be included on an upcoming Council agenda for adoption.

BACKGROUND

The Mayor/Council Communication Agreement encourages open, direct, and positive communication among the Mayor and Councilors to ensure an open public process.

FISCAL IMPACTS

None.

ALTERNATIVES

1. Approve the Resolution to adopt the revised Communication Agreement
2. Do not approve the Resolution and direct staff to make further revisions to the Communication Agreement

ATTACHMENTS

1. Resolution
2. Communication Agreement



COUNCIL RESOLUTION No.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
ADOPTING THE MAYOR/COUNCIL COMMUNICATION AGREEMENT.**

WHEREAS, open, direct, and positive communication among the Mayor and Councilors and between them, staff, and the public is critical to ensuring clear and easily understood public information; and

WHEREAS, open, direct, and positive communication among the Mayor and Councilors and between them, staff, and the public is essential to a healthy community-wide debate on issues; and

WHEREAS, the Mayor/Council Communication Agreement as proposed is intended to ensure open public processes that lead to closure.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that:

Section 1: The Mayor/Council Communication Agreement (Exhibit A) is adopted.

Section 2: Resolution 64-2018 adopted August 7, 2018, is repealed.

Section 3: This resolution is effective immediately upon adoption.

Introduced and adopted by the City Council on **February 5, 2019**.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

MAYOR/COUNCIL COMMUNICATION AGREEMENT

Guaranteed access to clear and easily understood information is a value of the City of Milwaukie. This agreement is intended to foster conduct that realizes that value and ensures a healthy debate about competing ideas. Finally, it seeks closure and a community that moves forward together, secure in the knowledge that decisions were made openly and fairly.

This agreement has one common behavioral thread—mutual respect. Thus, if the list does not anticipate a situation, a response that is respectful of all concerned should suffice.

1. In all City business, in my role as a member of Council, I will:
 - a) demonstrate respect for all who are involved;
 - b) respect all thoughts and ideas and avoid denigrating others;
 - c) clarify facts and opinions to ensure understanding;
 - d) clearly state my own opinion as being mine;
 - e) look for ways to praise worthwhile efforts and accomplishments; and
 - f) stay focused and participate.
2. In working with the Mayor and other Councilors, I will:
 - a) provide prompt notice of items requiring Council action I am introducing at meetings;
 - b) always represent the City's position before other jurisdictions unless none has been adopted, in which case I will inform the Mayor and Council in a timely manner of the position(s) I have taken;
 - c) work toward consensus;
 - d) not publicly (including all internet and written content) criticize Council, individual members of Council, or Council decisions, but may respectfully disagree with a decision; and
 - e) first address a concern about either a violation of these agreements or any other matter in a direct, appropriate, private, and timely manner.
3. In working to seek broad-based community support, I will:
 - a) communicate with the community openly and freely to exchange information and ideas;
 - b) engage the community in a shared dialogue; and
 - c) listen and respond to well-founded and constructive criticism made to, or by, Council or City staff, or citizens.
4. In working with staff, I will:
 - a) provide direction through the City Manager with the concurrence of the Mayor and Council and with respect given to the City's chain of command;
 - b) refrain from contacting line staff (non-management) with requests or inquiries. This does not apply to questions stemming from Council packets when in preparation for the upcoming meeting.

- c) respect the City's "one-hour" guideline, not requesting work product from the City Manager, Assistant City Manager, or responsible City Manager / Director that takes more than an hour to produce without first securing the support of a majority of Council; and
- d) never, in any public way, insult or denigrate any staff member, and if I have an unresolved disagreement concerning a staff member's actions, I will bring it to the City Manager.

5. In working with the City Attorney, I will:

- a) respect that the City Attorney represents the City as a whole, and if the Council's direction to the City Attorney conflicts with the City Attorney's ethical obligations to the City, the City Attorney must resolve this conflict in favor of the City;
- b) remember that information a Council member shares with the City Attorney is not confidential with respect to other Council members, and the information may be disclosed to the entire Council;
- c) contain my requests for information or assistance to items that can be responded to quickly and will work to secure the support of the majority of Council for items taking more than an hour; and
- d) respect that all responses to legal questions will be sent to the entire Council in an effort to protect all parties, keep all City Councilors informed, and ensure there is no perception of favoritism.

Council Position No. 1 – Angel Falconer

Council Position No. 2 – Lisa Batey

Council Position No. 3 – Wilda Parks

Council Position No. 4 – Kathy Hyzy

Mayor – Mark Gamba

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Jan. 23, 2019

Reviewed: Bonnie Dennis, Finance Director
Dave Peterson, Assistant Finance Director

From: Kelli Tucker, Accounting & Contracts Specialist

Subject: **Contract Authorization for Utility Billing Printing and Mailing Services**

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute a Purchase Agreement with BMS Technologies for utility billing printing and mailing services.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Since 2011, the City has outsourced monthly printing and mailing of approximately 7,000 utility invoices for both residential and commercial customers, along with the option to select paperless billing.

In December 2015, Staff conducted an intermediate procurement for utility billing printing and mailing services by seeking three competitive quotes. The contract was awarded jointly to Cascade Form Systems and Wright Imaging, and authorized through [Resolution 16-2016](#). The contract term was valid from March 1, 2016 through February 28, 2019. The City expends approximately \$48,000 per year under the current contract for utility billing services.

ANALYSIS

In December 2018, Staff conducted a formal competitive procurement by issuing a Request for Proposals with the intent to award a contract for services beginning March 1, 2019. This solicitation process was compliant with the city's Public Contracting Rules. An evaluation panel made up of three Finance Department staff members determined that two of seven proposals received were responsive and responsible - a requirement to move forward in the evaluation process. After a thorough evaluation of proposals, Staff selected BMS Technologies as the contractor most qualified and fully able to perform the services.

The initial term of the contract with BMS Technologies will be through February 28, 2021. The City will also reserve the right to extend the contract up to two two-year extensions, for a total of six years. A savings of approximately \$6,000 per year is expected with the execution of this contract. Other enhancements will include updates to the invoice form, two years of online history, and invoices printed on paper containing 30% post-consumer waste material.

BUDGET IMPACTS

Compensation for this contract is budgeted within the Finance Department through fiscal year 2020. A savings of approximately \$6,000 per year is expected in the General Fund.

WORKLOAD IMPACTS

Finance staff workload will be impacted during the initial implementation with the selected contractor, however, the long-term benefits outweigh the anticipated workload requirements for implementation.

COORDINATION, CONCURRENCE, OR DISSENT

None.

STAFF RECOMMENDATION

Staff recommends adoption of a resolution authorizing the City Manager to execute a contract with BMS Technologies.

ALTERNATIVES

Reissue solicitation with revised scope of services that would require additional staff time and disruption of service to customers. Staff could also print and mail utility bills internally, however, this would increase workload significantly and would require additional staff.

ATTACHMENTS

1. Resolution
2. Purchase Agreement

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING EXECUTION OF A PURCHASE AGREEMENT WITH BMS TECHNOLOGIES FOR UTILITY BILLING PRINTING AND MAILING SERVICES.**

WHEREAS, it is the policy and practice of the City of Milwaukie to contract with a professional printer to print and mail monthly utility billing invoices; and

WHEREAS, the City of Milwaukie issued a formal competitive solicitation in compliance with the City's Public Contracting Rules to contract for utility billing printing and mailing services; and

WHEREAS, the evaluation panel reviewed the proposals and selected BMS Technologies as the contractor most qualified and fully able to perform the services requested.

Now, Therefore, be it Resolved that the City Council, acting as the Local Contract Review Board, authorizes the City Manager to execute a Purchase Agreement with BMS Technologies for utility billing printing and mailing services, which includes the option of up to two two-year extensions.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



**PURCHASE AGREEMENT
WITH THE CITY OF MILWAUKIE, OREGON
FOR UTILITY BILLING PRINTING & MAILING SERVICES**

THIS CONTRACT is made and entered into this 5th of February, 2019, by and between the City of Milwaukie, Oregon, a municipal corporation of the State of Oregon, hereinafter called "City", and BMS Technologies, hereinafter called "Contractor."

RECITALS

WHEREAS, City has need for certain goods or services provided by Contractor, and

WHEREAS, Contractor is in the business of selling certain goods or services and is aware of the purposes for which City will use the goods,

THEREFORE, City and Contractor wish to enter into a contract under which City shall purchase the goods or services described in Contractor's bid in accordance with these contract documents, including the attached standard terms and conditions.

TERM AND CONDITIONS

Any purchase made against this Contract shall be in compliance with the terms and conditions set forth in these contract documents, including those listed in Exhibit A, Standard Terms and Conditions.

GOODS OR SERVICES TO BE PROVIDED

City shall purchase goods or services from Contractor in accordance with specifications, scope, and unit prices outlined in Exhibit B. This Contract is non-exclusive; City reserves the right to procure goods or services through any other means as it deems necessary. Contractor shall be responsible for the delivery of goods or services in accordance with Exhibit B and the terms and conditions of this Contract.

EFFECTIVE DATES AND DURATION

This Contract shall become effective upon the date of execution, and shall expire, unless otherwise terminated or extended, on February 28, 2021. The City shall also retain the right to two (2) two-year extensions to the Contract.

COMPENSATION

City agrees to compensate Contractor for goods or services supplied, including any applicable shipping and handling charges, as described in Exhibit B. City shall not be responsible for payment of any materials, services, expense, or costs other than those which are specifically included in Exhibit B. Payment shall be only for those goods or services received in an acceptable condition to City. Compensation of this Contract is not to exceed the amounts identified in Exhibit B. Any pricing increase must be submitted to the City 60 days prior to the effective date and must be in compliance with the Escalation Clause stated in Exhibit B. Payment will be made based on Contractor's invoice, subject to the approval of the Contract Manager or appropriate City representative, and not more frequently than monthly. Payment shall be made only for work actually completed as of date of invoice. Payment terms shall be net 30 days from date of invoice.

CONTACT INFORMATION

All notices shall be made in writing and may be given by personal delivery, mail, email or fax. The following addresses and contacts shall be used to transmit notices and other information:

Contact for City:	Contact for Contractor:
Attn: Joyce White	Attn: Jeffrey Evans
10722 SE Main Street Milwaukie, OR 97222	Address: 1036 SE Paiute Way Bend, OR 97702
Phone: 503.786.7597	Phone: 541.388.0789
Fax: 503.786.7528	Fax: n/a
Email Address: whitej@milwaukieoregon.gov	Email Address: jeff@bms-technologies.com

All bills and payments shall be made in writing and may be given by personal delivery, mail, or email. Payments may be delivered by personal delivery, mail, or electronic transfer. The following addresses and contacts shall be used to transmit bills and payments:

Accounting Contact for City:	Accounting Contact for Contractor:
Attn: Accounts Payable	Attn: Aadrial Phillips
10722 SE Main Street Milwaukie, OR 97222	Address: 1036 SE Paiute Way Bend, OR 97702
Phone: 503.786.7523	Phone: 541.388.0789
Fax: n/a	Fax: n/a
Email Address: ap@milwaukieoregon.gov	Email Address: solutions@bendmailing.com

CONTRACTOR AS INDEPENDENT CONTRACTOR

Contractor acknowledges that for all purposes related to this Contract, Contractor is and shall be deemed to be an independent contractor as defined by ORS 670.600 and not an employee of City, shall not be entitled to benefits of any kind to which an employee of City is entitled and shall be solely responsible for all payments and taxes required by law. Furthermore, in the event that Contractor is found by a court of law or any administrative agency to be an employee of City for any purpose, City shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Contractor under the terms of this Contract, to the full extent of any benefits or other remuneration Contractor receives (from City or third party) as a result of said finding and to the full extent of any payments that City is required to make (to Contractor or to a third party) as a result of said finding.

Contractor acknowledges that for all purposes related to this Contract, Contractor is not an officer, employee, or agent of the City as those terms are used in ORS 30.265.

INDEMNIFICATION

Contractor shall defend, indemnify, and hold harmless City, City's officers, employees, agents, and representatives from and against all liability, claims, demands, judgments, penalties, and causes of action of any kind or character, or other costs or expenses incidental to the investigation and defense thereof, of whatever nature, resulting from or arising out of the activities of the Contractor or its Subcontractors, agents, or employees under this contract, except, however, that the foregoing shall not apply to liability that arises out of City's negligence.

INSURANCE

Contractor shall maintain insurance acceptable to City in full force and effect throughout the term of this contract. Such insurance shall cover all risks arising directly or indirectly out of Contractor's activities and work hereunder.

The policy or policies of insurance maintained by the Contractor shall provide at least the following limits and coverages:

a. Commercial General Liability Insurance

If Contractor will be installing or testing the goods, or otherwise performing services on City's premises, Contractor shall provide a certificate indicating that Contractor has commercial general liability insurance covering bodily Injury and Property Damage on an "occurrence" form. This coverage shall include Contractual Liability insurance. Coverage will include \$1,000,000 per occurrence and \$2,000,000 general annual aggregate. Said insurance shall name City as an additional insured and shall require written notice to City thirty (30) days in advance of cancellation. If Contractor hires a carrier to make delivery, Contractor shall ensure that said carrier complies with this paragraph.

b. Business Automobile Liability Insurance

If Contractor will be delivering the goods, Contractor shall provide City a certificate indicating that Contractor has business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than \$1,000,000. Said insurance shall name City as an additional insured and shall require written notice to City thirty (30) days in advance of cancellation. If Contractor hires a carrier to make delivery, Contractor shall ensure that said carrier complies with this paragraph.

c. Workers' Compensation Insurance

The Contractor, its Subcontractors, if any, and all employers providing work, labor, or materials under this Contract that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide workers' compensation coverage that satisfies Oregon law for all their subject workers. Out-of-state employers must provide Oregon workers' compensation coverage for their workers who work at a single location within Oregon for more than 30 days in a calendar year. Contractors who perform work without the assistance or labor of any employee need not obtain workers' compensation coverage. All non-exempt employers shall provide Employers Liability Insurance with coverage limits of not less than \$500,000 each accident.

d. Certificates of Insurance

As evidence of the insurance coverage required by the contract, the Contractor shall furnish a Certificate of Insurance to the City. No contract shall be effective until the required certificates have been received and approved by the City. The certificate will specify and document all provisions within this Contract.

e. City's insurance is excess and not contributory insurance with the insurance required by this contract.

Any action or suits involving any question arising under this Contract must be brought in the Circuit Court of the State of Oregon.

COMPLETE AGREEMENT

This Contract, including the attached terms and conditions and exhibits, constitutes the entire agreement between the parties. No waiver, consent, modification, or change of terms of this Contract shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Contract. Contractor, by the signature of its authorized representative, hereby acknowledges that he/she has read this Contract, understands it and agrees to be bound by its terms and conditions.

IN WITNESS WHEREOF, City has caused this Contract to be executed by its duly authorized undersigned officer and Contractor has executed this Contract on the date hereinabove first written.

CITY OF MILWAUKIE

Signature

Printed Name & Title

Date

CONTRACTOR

Signature

Printed Name & Title

Date

Draft

EXHIBIT A

CITY OF MILWAUKIE STANDARD TERMS AND CONDITIONS

1. Packing & Shipment. Deliveries shall be made as specified, without charge for boxing, crating, carting or storage. Material shall be suitably packed to ensure against damage from weather or transportation and to secure lowest transportation costs, and in accordance with the requirements of common carriers. City's Contract number and symbols must be plainly marked on all invoices, packages, bills of lading and shipping orders. Packing lists shall accompany each box or package shipment. City's count or weight shall be conclusive on shipment not accompanied by packing lists. Unless otherwise specifically agreed, all costs of packaging and shipment are included in the purchase price and all goods will be shipped, with all costs prepaid. Risk of loss to goods in shipment (including damage, destruction, theft, or loss) shall be borne by the Contractor. Risk of loss shall not pass to City until the goods are delivered to and checked in at the location specified by City in this Contract.

2. Warranty. Unless otherwise agreed in writing, Contractor warrants that the products ordered will conform to the specifications herein and to any drawings, samples, or other description furnished or adopted by City. All products are warranted to be merchantable, to be of the highest quality design, material, and workmanship and free from defect and to be fit for purpose intended. All warranties shall survive inspection or test, acceptance and payment. Warranties shall run to City, its successors, assigns and customers. Warranty period shall be (1) year from date of acceptance by City.

3. Inspection and Acceptance. At City's request, Contractor shall provide a complete inspection program; satisfactory to City, for City's inspection of all materials, fabricating methods, equipment in process work and finished products. If this Contract provides for inspection of the work by City on site during the period of manufacture, Contractor agrees to provide City's inspectors with reasonable facilities and assistance during such inspection. Inspection by City shall not unduly delay the work. City may charge Contractor any additional cost incurred by City if the work is not ready in accordance with the inspection schedule. Any inspection made or Waiver-of-Inspection-Notice given by City will not relieve Contractor from its responsibilities for delivering products and work hereunder. Acceptance or rejection of the products shall be made up to 10 days after delivery and inspection by City except as otherwise provided herein. Failure to inspect and accept or reject products shall neither relieve Contractor from responsibility for such products, which do not meet the requirements herein nor impose liability on City therefore.

4. Delivery. If Contractor fails to meet the delivery schedule provided herein, City may require Contractor to deliver the products, or any portion thereof, in any manner commercially necessary to speed delivery, all at the Contractor's sole expense. Unless otherwise agreed upon in writing by City and Contractor, Contractor shall be required to pay the normal freight weight plus any premium rate required. Invoices covering products shipped in advance of the date specified will not be paid until after the date specified for delivery and are subject to rejection, as provided in this paragraph immediately below, if shipped too early. Neither party shall be liable for delays or defaults due to strike, fire, windstorm, riot, natural disaster, war, civil unrest or other similar unforeseeable cause beyond the control and without the fault or negligence of the party incurring such delay. Contractor shall notify City in writing of the existence of such cause within five (5) days after the commencement of the delay or default giving pertinent information concerning such cause. No delivery shall be made more than seven (7) days prior to the applicable delivery date, and City shall have the right to return earlier deliveries at Contractor's risk and expense or charge to Contractor any additional costs sustained because of the same.

5. City-Furnished Materials. Contractor shall assume all risk of loss of any material furnished by City to Contractor for use in performance of this Contract.

6. Taxes. Contractor shall not invoice City for any taxes nor include in Contractor's price any federal excise, state, or city tax or any other tax, unless Contractor has first asked City for City's tax exemption number and it has been agreed upon between both parties that City is not exempt from the tax.

7. Changes. City may, by written order, make changes including changes in drawings or specifications. City will equitably adjust any difference in cost or time for performance resulting from such change and the Order modified in writing accordingly. ANY CLAIM BY CONTRACTOR UNDER THIS CLAUSE MUST BE ASSERTED IN WRITING WITHIN 30 DAYS FROM THE DATE OF CONTRACTOR'S RECEIPT OF THE CHANGE ORDER OR THE CLAIM WILL NOT BE ALLOWED. In the event that City proposes any change prior to making such change by written order and such change will have an effect on the warranty of the products procured by this Contract, Contractor shall notify City in writing of such effect within 10 days of receipt of such proposal.

8. Advertising. Contractor shall not, without the written consent of City, in any manner advertise or publish the fact that Contractor has furnished or contracted to furnish to City the products herein.

9. Cancellation for Cause. City may cancel all or any part of the undelivered portion of this Contract if Contractor breaches any of the terms hereof or in the event

of any of the following: Insolvency of Contractor, a voluntary or involuntary petition in bankruptcy for, by or against Contractor; the appointment of a receiver or trustee for Contractor, or an assignment for the benefit of creditors by Contractor or if City has reasonable cause to believe Contractor will become insolvent, file for bankruptcy, go out of business or that the products being shipped may be subject to lien, claim or attachment by a creditor of Contractor. Any such cancellation under this section shall be cancellation for cause and in the event of such cancellation, City shall have the right to complete, or cause to have completed, this Contract including the right to cause Contractor to produce, without liability of any kind to the City, proprietary items of the Contractor as necessary to complete the Contract. The remedies and damages in this section shall be cumulative and in addition to any other or further remedies provided at Law or in Equity, including reasonable and necessary attorney's fees and other costs of litigation.

10. Termination. City has the right, in its sole discretion, to terminate this Agreement without cause or for no cause at any time by giving notice to Contractor. If City terminates the contract pursuant to this section, it shall pay Contractor for goods shipped by Contractor prior to receipt by Contractor of the notice of termination. City may deduct the amount of damages, if any, sustained by City due to any breach of contract or warranty by Contractor. Damages for breach of contract or warranty shall be those allowed by Oregon law, reasonable and necessary attorney fees, witness fees (expert and non-expert), and other costs of litigation at trial and on appeal.

11. Assignment and Subcontracting. Contractor may not assign or subcontract any of its rights or obligations hereunder without the prior written approval of City. Any unapproved assignment shall be void. Contractor shall be fully responsible for the acts or omissions of any subcontractors and all persons employed by them, and neither the approval by City of any subcontract nor anything contained herein shall be deemed to create any contractual relation between the subcontractor and the City. City may assign its rights under this Contract.

12. Work on City's Premises. If Contractor's performance of this Contract involves operations by Contractor on City's premises, Contractor shall (a) provide all necessary and sufficient safeguards and take all proper precautions against the occurrence of injury to any person or damage to any property, and shall be responsible for and shall indemnify and hold harmless City, its representatives, officers, employees, and agents from any and all loss, suit, action or claim, including cost and attorney's fees, by reason of injury, including death, to any person and carry public liability and property damage insurance with limits of liability of not less than \$1,000,000 each, unless higher limits are required by a signed purchase agreement, with contractual liability endorsement and such insurance as set forth in the insurance clause of the contract. Compliance shall be verified by Certificate of Insurance with appropriate endorsements sent to City prior to Contractor commencing work on City's premises. Any work performed on City's premises must be done pursuant to all OSHA standards, all applicable State and Federal health and safety laws, rules and regulations and all workers must be covered by workers' compensation insurance furnished through and paid for by Contractor.

13. Stop Work Order. City may, at any time by written order to Contractor, require Contractor to stop all, or any part of the work called for by this Order for a period of 90 days after the written order is delivered to Contractor, and for any further period to which the parties may agree and for any other period to which the parties may have agreed or as provided in Section 4, 10, and/or 11. Within the period of 90 days or less or within any extension of that period, City shall either: (a) cancel the "Stop Work Order" and direct Contractor to resume work; or (b) terminate the work covered by this Order. If City orders Contractor to resume work, Contractor shall be entitled to any equitable adjustment pursuant to Section 8 provided a claim for such an adjustment shall be submitted by Contractor within 30 days after the end of the period of work stoppage.

14. Payment. Payment date shall be calculated from the date of City's receipt of an acceptable invoice and City's acceptance of the products and supporting documentation at destination.

15. Information/Data. Unless otherwise agreed in writing any designs, drawings, specifications, or other manufacturing information furnished by City to Contractor shall be confidential to City and is furnished solely for the performance of this Contract. All copies of such information shall be returned to City upon completion of the Contract. Any designs, drawings, specifications, or other manufacturing information delivered by Contractor to City may be used for any purpose whatsoever. The foregoing shall apply notwithstanding the presence or absence of any contrary legend or statement on any of such information. All business and governmental information materials containing business and governmental information provided by City to Contractor shall be treated as confidential.

16. Compliance with Laws and Regulations. Contractor warrants that all products, goods, or work delivered and performed shall comply with all applicable Federal, State or Local Laws or Regulations including without limitation The Occupational Safety and Health Act (29 USC. Chapter 15); Federal Hazardous Material Transportation Act (49 USC. Chapter 27); Equal Employment Opportunity; E.O. 11246

EXHIBIT A

and 41 CFR Sections 60-1.4 and 60-1.7; Employment of the Handicapped E.O. 11758 and 41 CFR Section 60-741-4; Utilization of Minority Enterprises E.O. 11625 and 41 CFR Subpart 1-1.13; Age Discrimination E.O. 11141, Employment of Veterans E.O. 11701 and 41 CFR Section 50-250.4 and all rules, regulations and amendments issued pursuant to the foregoing. Contractor shall indemnify City, its officers, employees and agents against any damages, penalties, costs or expenses incurred in connection with any alleged violation of any Federal, State or Local Law or regulating the manufacture or sale to the City of any item covered by this Contract.

17. Patents, Copyrights, Trademarks. Contractor warrants that no products will be furnished hereunder which infringe or contribute to the infringement of any letters patent, copyright or trademark. Contractor agrees to immediately replace at its sole cost any products furnished hereunder which infringe or contribute to the infringement of any letters patent, copyright or trademark or to take all steps necessary at Contractor's sole expense to remove such infringement. Contractor will indemnify and hold harmless City, its representatives, officers, employees and agents from and against any and all costs, royalties, damages and/or expenses which may arise out of or result from, or be reasonably incurred in contesting any claims that the methods, processes or acts by the Contractor or its employees or the products furnished hereunder, infringes or contributes to the infringement of any letters, patent, copyright or trademark.

18. Waiver. The failure of City to enforce at any time any of the provisions of this Contract or to exercise any option herein provided, shall not be a present or future waiver of such provisions, nor in any way affect the validity of this Contract or any part hereof, or the right thereafter to enforce each and every such provision. The express waiver (whether one (1) or more times) of any provision, condition or requirement shall not constitute a waiver of any future obligation to comply with such provision, condition or requirement.

19. Independent Contractor. Contractor is an independent contractor and persons employed by Contractor shall be employees of Contractor and not employees of City.

20. Complete Agreement. The Purchase Agreement and any referenced attachments constitute the complete agreement between the parties. Except as otherwise provided herein, it is subject to change only by an instrument signed in writing by both parties.

21. Acceptance by Performance. If Contractor fails provide to City with a signed copy of this Contract, but delivers product or performs the services specified in this agreement, then Contractor agrees that the Contractor shall be deemed to have accepted the terms and conditions of this Contract, as provided on both the front and this reverse side of the Contract. City must agree any changes or modifications to this Contract by Contractor to, in writing, or they shall not be deemed accepted by City and if the Contractor delivers the products nonetheless, then the original terms and conditions of this Contract shall govern.

22. Mandatory Mediation and Binding Arbitration. If there is a dispute concerning any of the terms, conditions or the performance of this Contract, then it is hereby agreed by both City and Contractor that the dispute shall be submitted first to non-binding mediation, to be performed by a sole mediator to be agreed upon between City and Contractor. If a mediator cannot be agreed upon, then the parties agree that any Circuit Court judge for the State of Oregon, County of Clackamas, shall be authorized to appoint a mediator for the parties. Should the parties fail to reach an agreement through mediation, then the parties shall submit to binding arbitration, which shall be governed by the rules of the Arbitration Service of Portland, and shall be conducted within Clackamas County. The arbitration shall be conducted by a single arbitrator chosen by mutual agreement of the parties. If the parties are unable to agree on an arbitrator, the parties shall ask the Presiding Judge of the Circuit Court for Clackamas County to select the arbitrator. If the arbitrator determines that one party is the prevailing party, then the losing party shall be required to pay all fees and costs of the arbitration. On the other hand, if the arbitrator determines that neither party is to be considered the prevailing party, then the fees and costs of the arbitration shall be divided equally between the parties. The parties knowingly and voluntarily waive their rights to have their dispute tried and adjudicated by a judge or jury. In the event a party fails to proceed with arbitration, unsuccessfully challenges the arbitrator's award, or fails to comply with the arbitrator's award, then the other party shall be entitled to costs, including reasonable attorney fees, for having to compel arbitration or defend or enforce the award. The parties agree to defend the arbitrator and any individual engaged in the administration of an arbitration proceeding from any subpoenas or claims from third parties arising out of this Contract or the arbitration.

23. Jurisdiction and Attorney Fees. This Contract shall be governed and construed according to the laws of the State of Oregon. If a dispute shall arise under this Contract necessitating the services of an attorney, then the prevailing party shall be entitled to collect from the losing party all of its/his/her reasonable costs and attorney fees, either in arbitration (if awarded by the arbitrator as provided above), or by a court before which any matter concerning this Contract may be heard, both at trial and on appeal.

24. Neutral Interpretation. This Contract constitutes the product of negotiations between the parties hereto. Any enforcement hereof will be interpreted in a neutral manner and not more strongly for or against any party based upon the source of draftsmanship.

25. Severability. Nothing contained herein shall be construed to require the commission of any act contrary to law, and wherever there is any conflict between the provisions contained herein and any present or future statute, law, ordinance or regulation contrary to which to the parties have no legal right to contract, the latter shall prevail. The provision of this Agreement, which is affected, shall be curtailed and limited only to the extent necessary to bring it within the requirement of the law.

26. Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday or such holiday, then that period shall be extended to include the next day which is not a Saturday, Sunday or holiday.

27. Notice. Any notice required or permitted to be given by either party to the other shall be deemed to have been given when sent via telecopy, overnight air courier, or deposited in the United States mail certified, return receipt requested, with first class postage prepaid, addressed as indicated on the front of this Contract, or addressed to either party at such other address as such party shall hereafter furnish to the other party in writing. Notice shall also be considered effective upon delivery if personally delivered.

28. Conditions of Supplying a Public Agency. Where applicable, Contractor must make payment promptly as due to persons supplying Contractor labor or materials for the execution of the work provided by this Contract. Contractor must pay all contributions or amounts due from Contractor to the Industrial Accident Fund incurred in the performance of this Contract. Contractor shall not permit any lien or claim to be filed or prosecuted against City or any subdivision of City on account of any labor or material to be furnished. Contractor further agrees to pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

29. Payment of Claims by Public Officers. In the event that Contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to Contractor or a subcontractor of Contractor by any person in connection with the performance of this Contract when such claim becomes due, then the proper officer or officers representing the City hereunder may pay such claim to the person furnishing the labor or services and charge the amount of the payment against the funds due or to become due to the Contractor by reason of this Contract. The payment of a claim in the manner authorized by this provision shall not relieve the Contractor or any of the Contractor's surety from obligations with respect to any unpaid claims.

30. Health Care Benefits for Contractor's Employees. If this Contract involves public service, then Contractor must provide health care benefits to all employees who are performing services previously performed by public employees performing similar duties under this Contract.

31. Hours of Labor. If labor is performed under this Contract, then no person shall be employed for more than eight (8) hours in any one day, or forty (40) hours in any one week, except in cases of necessity, or emergency or where the public policy absolutely requires it, and in such cases, except cases of contracts for personal services as defined in ORS 279A.055, the labor shall be paid at least time and a half for all overtime in excess of eight (8) hours a day and for all work performed on Saturday and on any legal holidays as specified in ORS 279B.020. In cases of contracts for personal services as defined in ORS 279A.055, any labor shall be paid at least time and a half for all hours worked in excess of forty (40) hours in any one week, except for those individuals excluded under ORS 653.010 to 653.260 or under 29 USC SS 201-209.

32. Medical Care and Workers' Compensation. Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention incident to sickness or injury, to the employees of such Contractor, of all sums which the Contractor agrees to pay for such services and all moneys and sums which the Contractor collected or deducted from the wages of the employees pursuant to any law, contractor agreement for the purpose of providing or paying for such service.

EXHIBIT B

SCOPE OF WORK

General

Contractor shall print and mail approximately 7,000 utility invoice forms monthly. Invoice forms shall be printed on 8 ½ x 11-inch custom forms. Invoice forms shall be mailed with a #9 custom return envelope inside a custom #10 envelope. Contractor shall also provide electronic invoice forms to customers who opt for paperless billing, along with monthly notification of availability.

Data Acquisition

Data record files shall be uploaded to Contractor in a XML format with a mutually agreed naming convention between the 24th - 28th of each month. Contractor shall email confirmation of file upload and desired mailing date. Contractor shall email supplemental reports to City containing any address errors, forwarding addresses, and address changes.

Data Processing

Contractor shall pre-process all files prior to printing, including but not limited to:

- Calculate invoice volumes
- Process data records for address verification
- Generate invalid and changed address reports for any address not matching USPS database
- Format invoice forms according to specifications from City

Delivery

This section identifies cut-off dates, times, and location for uploading data file, invoice forms, additional inserts, and envelopes to process monthly printing and mailing services, including electronic statements; number of business days required to process the item(s); and any other requirements necessary to complete these services.

Time to manufacture is factored in to the number days identified.

ITEM	CUT-OFF DATE/TIME	REQUIRED BUSINESS DAYS TO PROCESS	LOCATION	COMMENTS
Data File Upload	Approval by 5:00 p.m. PST	Next Business Day	bms-technologies.com	Contractor's job management portal accepts data files whenever the City would like to upload them. Contractor has a 24-hour turn-around, but same-day is Contractor's goal.
Additional Inserts	Approval by 5:00	2-3 Business Days	bms-technologies.com, bms@bendmailing.com,	Contractor accepts inserts via

EXHIBIT B

	p.m. PST		or 1036 SE Paiute Way, Bend, OR 97702	the portal or by email at any time. Deliveries may also be made to Contractor's physical office during business hours. Contractor requests 2-3 days to produce and insert, but may be able to work with the City to meet shorter deadlines if planning is not possible.
Envelopes (#10 and #9)	Approval by 5:00 p.m. PST	14 Business Days for first order; Subsequent orders will be placed as needed to maintain stock.	1036 SE Paiute Way, Bend OR 97702	Contractor will maintain inventory of envelopes.
Invoice Forms	Approval by 5:00 p.m. PST	Next Business Day After Approval	Changes can be requested via email at bms@bendmailing.com or 541-388-0789	Contractor prints the "background form" at same time as variable data. Statements will be added to the production queue after receipt of final approval from the City.
Other	As agreed to between both parties			None

Online Presentment and Paperless Billing

City shall choose between one of three options by Contractor for electronic invoicing.

1. Contractor has ability to send an electronic bill to each customer signed up for paperless billing. Using the email address provided to the City by a customer, Contractor will email a PDF copy of the customer's statement each month. Customer can download or print the statement, giving the ability to save endless history. These are the same statements the Contractor would mail to paper bill customers and post to the portal for the City's records.
2. Online-Billpay (OBP). Contractor will send each customer a comment on the statement with the customer's account number and a unique identification code. Customer would use this information to register on the site to view PDF copies of the monthly statements. A minimum of two years of history is available on the site, yet Contractor can customize this based on the City's preference. Each time a statement is posted, Contractor sends email notification to customer to notify a statement is ready to view. If the City chooses to utilize all OBP features, the customers can also make a payment through the same system.

EXHIBIT B

- Integration with Tyler Technologies' software platform. If Contractor and Tyler Technologies are willing to integrate then may be able to send paperless statements to Tyler Technologies' site for customers to view.

Pricing of Goods and Services

It is expressly understood that not all items listed here in Exhibit B will be needed. City shall have complete discretion to select only those goods or services needed at any time. All prices are in U.S. dollars.

ITEM	PRICE	QTY	COMMENTS
Rate for mailed invoice form	\$0.06	each	
Rate for electronic invoice form	\$0.10	each	When printed with a 2/1 color option, based on sample provided in solicitation.
Fee for additional inserts	\$0.015	each	
Rate for #10 custom security envelopes	\$0.030	each	
Rate for #9 custom envelopes	\$0.022	each	
Metered postage rate per invoice	Actual		
Standard #10 boot window white security envelope	\$0.018	each	
Standard #9 window white security envelope	\$0.017	each	
Postage deposit (if required)	\$2,681.00	one-time	
Program implementation cost	\$0		Initial implementation included
Invoice form customization cost	\$55.00	per hour	After initial implementation
Invoice form printing cost	\$0		Included
Programming cost (per hour)	\$125.00	hour	After initial implementation
Other expenses:			
Additional statement pages	\$0.05	each	For second and subsequent pages on a given statement
Pull statement from jobs already printed	\$0.15	each	
Process and do-not-print statements	\$0.05	each	
Online billpay monthly maintenance	\$40.00	month	
Online billpay monthly registration fee	\$0.01	each per month	

Escalation Clause

Unit pricing may, through express written approval of City, increase annually at a rate not exceeding the percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers, US city average, during the previous year.

Other Requirements

Contractor shall maintain inventory on invoice forms and envelopes and shall notify City when reorders are required.

Other Services

Direct mail projects may be requested by the City with deadlines and compensation mutually agreed to between the City and Contractor. Direct mail services are any projects mailed outside of the normal utility statement process.

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Jan. 24, 2019

Reviewed: Kelly Brooks, Assistant City Manager

From: Jordan Imlah, Public Affairs Specialist

Subject: **Amendment to the printing contract for The Milwaukie Pilot newsletter**

ACTION REQUESTED

Approve an amendment to the current printing contract between the city and the Oregon Publication Corporation (OPC) to continue services for The Milwaukie Pilot newsletter

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The city approved the initial two-year contract for \$63,602 with OPC in 2017.

ANALYSIS

The city has worked with the Oregon Public Corporation (also referred to as Community Newspapers) for the past two years to print The Milwaukie Pilot after they were awarded the contract through an intermediate competitive bid process. During that time, the Oregon Public Corporation has fulfilled their part of the agreement and met or exceeded the expectations of city staff.

Staff have developed an efficient working relationship with the contract representative, Lanette Bernards, and the quality of the printing services has matched the high standard set by the city.

BUDGET IMPACTS

The amendment will add \$63,184 to the contract for a total amount of \$126,786.

WORKLOAD IMPACTS

The public affairs specialist will have approximately the same work load required to design, layout, and edit the newsletter each month.

COORDINATION, CONCURRENCE, OR DISSENT

The public affairs specialist will continue to work cross-departmentally and with City Council for newsletter content.

STAFF RECOMMENDATION

Approve the amendment for the city to continue receiving printing services from OPC

ALTERNATIVES

Don't approve the amendment.

ATTACHMENTS

1. Amendment to Purchase Agreement
2. Council Resolution



**AMENDMENT #2 TO PURCHASE AGREEMENT
WITH OREGON PUBLICATION CORPORATION
FOR PRINTING SERVICES FOR THE PILOT NEWSLETTER**

This agreement hereby amends the above entitled contract between the City of Milwaukie and Oregon Publication Corporation, the original compensation amount of which was \$63,602 for performance of services.

This amendment is as follows:

1. To change the expiration date of the contract from Feb. 28, 2019 to Jan. 31 6, 2021 by exercising the right to extend the contract term.
2. To change the compensation amount by adding \$63,184, making contract amount of up to \$126,786.
3. To change the Contract Manager for the City to:
City of Milwaukie
Jordan Imlah
10722 SE Main Street
Milwaukie, Oregon 97222
Phone: 503.786.7503
Email: imlahj@milwaukieoregon.gov
4. To change the following items in the scope of work (Exhibit B):
 - Change the quantity printed from 18,000 eight-page newsletters in full color on #70 gloss or matte text paper to 17,500 eight-page newsletters in full color on #70 glossy paper
 - Change the finished size from 8.5" x 11" to 8.375" x 10.875"
 - Change the monthly cost from \$2,891 to \$2,872

Except for the above, all other conditions remain in full force and effect.

In Witness to the above, the following duly authorized representatives of the parties referenced have executed this agreement:

City of Milwaukie

Signature

Print Name & Title

Date

Oregon Publication Corporation

Signature

Print Name & Title

Date



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING EXECUTION OF AMENDMENT #2 TO THE AGREEMENT WITH OREGON PUBLICATION CORPORATION FOR PILOT NEWSLETTER PRINTING SERVICES.

WHEREAS, the City commits to issuing a monthly newsletter to the community highlighting City news, programs, and services; and

WHEREAS, The Milwaukie Pilot newsletter has evolved into an effective communication method for disseminating information to the public; and

WHEREAS, the City performed an intermediate procurement for services in 2016 and determined Oregon Publication Corporation was the most qualified respondent to perform the services requested; and

WHEREAS, the current contract with Oregon Publication Corporation allows for extension of the contract term.

Now, Therefore, be it Resolved that the City Council, acting as the Local Contract Review Board, authorizes the City Manager to execute a contract amendment with Oregon Publication Corporation to extend the contract term for city newsletter printing services for two years.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

 CITY OF MILWAUKIE
COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: David Levitan, Senior Planner
Valeria Vidal, Housing and Economic Development Coordinator
Justin Gericke, City Attorney
Trell Anderson, Executive Director, Northwest Housing Alternatives

From: Alma Flores, Community Development Director

Subject: **Approve Renewal of Low Income Housing Property Tax Exemption for Northwest Housing Alternatives**

ACTION REQUESTED

Adopt a resolution approving renewal of the low-income housing property tax exemption for Tax Year (TY) 2019-2020 for Northwest Housing Alternatives' 28-unit housing development, which will serve families with incomes under 60% of area median income.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[December 12, 2017](#): Staff from the City and Northwest Housing Alternatives (NHA) gave a presentation on the State's low-income housing property tax exemption program, Oregon Revised Statutes (ORS) 307.540-548 of the Oregon Revised Statutes (ORS), and NHA's request to be approved for the program for its 28-unit low income (at or below 60 percent of the area median income) housing development. The Council was unanimous in their support for providing a property tax exemption to NHA and directed staff to work with the North Clackamas School District (NCSD) to pursue the "local option." The local option would exempt NHA from all property taxes since the combined rate of taxation of the City and the boards of other agencies that agree to the provision make up at least 51% of the total combined rate of taxation on the property that is granted the exemption. For NHA's property, the combined tax levy rate for the City and NCSD is approximately 60% of the total property tax rate.

[January 11](#), [January 25](#) and [February 8](#): The NCSD Board of Directors held study sessions to discuss NHA's property tax exemption request. City Council submitted a letter of support to the NCSD Board in advance of the January 25 meeting (Attachment 1). The NCSD Board had several questions for NHA about their request, which NHA staff responded to on January 17 (Attachment 2) and February 5 (Attachment 3). The NCSD Board also brought up concerns raised by the Clackamas Fire District, which had submitted a letter (Attachment 4) noting that while they were not opposed to NHA's request, they were concerned about the impact to their tax base if additional requests were approved for other properties in the future. Following its discussion on February 8, the NCSD Board adopted resolution R17/18-66 (Attachment 5) approving NHA's property tax exemption at the same meeting.

February 20, 2018: City Council passed [Resolution 12-208](#), which granted NHA an exemption from property taxes under [ORS 307.540-548](#) for a 28-unit low-income housing development owned and operated by NHA.

ANALYSIS

[ORS 307.540-548](#) permits local jurisdictions to grant property tax exemptions to low income developments that serve residents with incomes at or below 60 percent of the area median income. On February 20, 2018, the Council adopted Resolution 12-208 approving a low income housing property tax exemption request from NHA for its new 28-unit development, which is currently under construction to be completed in mid-August of 2019. Property taxes would not have been collected until 2020.

NHA's exemption request was approved under the "local option" detailed in [ORS 307.543\(2\)](#), which provides an exemption from all local property taxes (including those imposed by school and special service districts). Approval of the local option required that the NCSD Board of Directors adopt a resolution approving the exemption, which occurred on February 8, 2018. NHA's initial property tax exemption was for TY 2018-2019 and is set to expire on June 30, 2019.

Per [ORS 307.545](#), NHA is required to file an application renewal request to the Council on an annual basis, on or before March 1 of the assessment year for which the exemption is sought. NHA has filled out the required application form (Attachment 6), which staff has reviewed and determined meets all requirements of [ORS 307.545](#). NHA is not required to seek annual approval from NCSD to extend the property tax exemption. City staff has prepared a resolution that approves NHA's property tax exemption request (Attachment 7), which the Council is being asked to adopt.

BUDGET IMPACTS

The estimated assessed value of NHA's development is \$1.4 million. Approval of a low income property tax exemption would see the City forego property tax revenue of approximately \$6,600 in Fiscal Year (FY) 2020. Administration of the low income housing property tax exemption program can be handled by existing staff in the Community Development Department at no additional cost.

WORKLOAD IMPACTS

The Community Development Department has adequate staffing to support this low income housing tax exemption renewal application.

COORDINATION, CONCURRENCE, OR DISSENT

City staff worked with staff from NCSD to introduce the program to the NCSD Board of Directors, who adopted a resolution approving NHA's property tax exemption request on February 8, 2018. City staff is committed to working with other agencies, including the Clackamas Fire District, to address their concerns about future exemption requests and their impacts on agency tax revenue.

STAFF RECOMMENDATION

Staff recommends that the Council adopt a resolution approving the low income housing property tax exemption renewal request for NHA.

ALTERNATIVES

The City Council can elect to deny the property tax exemption request from NHA, which will result in approximately \$28,000 in total property tax liability for NHA in FY 2020.

ATTACHMENTS

1. City Council Letter of Support to NCSD Board of Directors
2. January 17 NHA Letter to NCSD Board of Directors
3. February 5 NHA Letter to NCSD Board of Directors
4. Clackamas Fire District Letter regarding Property Tax Exemption Request
5. NCSD Board of Directors Resolution Approving Property Tax Exemption
6. Application for renewal of Low Income Housing Property Tax Exemption for NHA
7. Resolution approving Low Income Housing Property Tax Exemption for NHA



January 18, 2018

North Clackamas School District Board of Directors
12400 SE Freeman Way
Milwaukie, OR 97222

Re: City Council Support of Property Tax Exemption for Northwest Housing Alternatives

The Milwaukie City Council is writing to express its unanimous support of the low-income housing property tax exemption that Northwest Housing Alternatives (NHA) is requesting from the NCSD Board of Directors. The Board's adoption of a resolution approving the exemption, when combined with the City Council's adoption of a similar resolution, will exempt NHA's affordable housing development from approximately \$28,000 in local property taxes per year by utilizing the "local option" outlined in ORS 307.543(2). A property tax exemption for the affordable housing component of their campus property- which is already exempt from property taxes for its administrative offices and the Annie Ross House- will allow NHA to fill its financing gaps and reduce rents by an average of \$116 per month for the 28 families that would otherwise be spending more on housing than they can afford.

In April 2016, the City Council adopted Resolution 46-2016, which declared a housing emergency in the City of Milwaukie. The City's 2016 Housing Needs Analysis (HNA) found that nearly 45% of Milwaukie renters spend more than 30% of their income on housing (the generally accepted "housing affordability quotient"), with this number significantly higher for households making less than \$20,000 (82%) or between \$20,000 and \$35,000 (69%). The HNA also found that the City currently has a deficit of nearly 1,500 housing units that would be considered affordable to households making less than \$35,000 per year, which make up a large percentage of the population that NHA serves. In response, the Council made the development of an Affordable Housing Strategic Plan its #1 goal for 2017-2018.

Housing stability has proven to be a key indicator of student performance. The 28 units of one, two, and three-bedroom housing are geared towards families, many of which are likely to have students in NCSD schools. According to December 2017 district data, 36% of NCSD students currently qualify for free or reduced-price lunch, with higher percentages at nearby schools serving the development: Milwaukie Elementary School (48%), Rowe Middle School (60%), and Milwaukie High School (50%). In addition, 2017 McKinney-Vento data showed that 394 NCSD students were classified as homeless.

The City of Milwaukie is committed to working collaboratively with NCSD and our other agency partners to address the housing emergency that is affecting local residents. Moving forward, City Council supports meeting with the School District, Fire District, County and other taxing agencies to arrange a broader discussion about how we increase the number of affordable and obtainable units in Milwaukie. Please reach out to Ann Ober, City Manager, at 503-753-6608 to arrange a meeting if you are interested. We will also be reaching out separately to the Fire District to further discuss this application specifically. Thank you for considering the input of the City of Milwaukie, and we look forward to answering any questions you may have.

Sincerely,

Mark Gamba, Mayor

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

RS37



2316 SE Willard Street
 Milwaukie, Oregon 97222-7740
 phone: 503-654-1007

web: www.nwhousing.org
 email: info@nwhousing.org
 fax: 503-654-1319

January 17, 2018

MEMORANDUM

To: Chair Vaga & Members of the School Board
 Matt Utterback, Ron Stewart, Mary Knigge

From: Martha McLennan, Executive Director
 Stephen McMurtrey, Director of Housing Development

RE: Northwest Housing Alternatives Campus Housing
 Property Tax Exemption Q & A

Thank you for the opportunity to speak at your Board meeting on January 11, 2018. We appreciate your willingness to consider joining with the City of Milwaukie in approving a property tax exemption for the NHA Campus Affordable Housing. As a follow up, we wanted to summarize some of the questions that were discussed that evening and provide answers to a few additional questions.

If there is any other information that would be helpful as you consider this request, please feel free to reach out to us. We will also be available to answer questions at your follow up meeting scheduled for January 25, 2018.

NHA is excited to provide affordable family housing that can serve students of the North Clackamas School District. With more than 35 years of experience in providing affordable housing, we know that children need a place to call home to succeed in school and life. Thank you for your support of this important project.

Question 1: What is the proposed re-development of the NHA Campus?

The current campus consists of the Annie Ross House shelter, two office buildings, a storage building, two cottages, three duplexes and two single family homes.

The new campus will consist of a new Annie Ross House shelter, an office building and 28 units of affordable rental housing.

All the current buildings will be replaced.

The housing will be occupied by families with incomes below 60% of the area median income. For a family of one that is \$31,380 per year; for a family of four that is \$44,820. The project will have rents of \$796 for one bedroom units and \$946 for two bedroom units.

Question 2: What property taxes are currently paid?

None. The campus currently qualifies for property tax exemption under ORS 307.130. This is the general tax exemption for charitable organizations. Tax exemptions under this statute are available by right to properties that qualify.

Question 3: What parts of the new campus will be exempt from property taxes?

The redeveloped shelter and office uses will continue to qualify for property tax exemptions under ORS 307.130.

The housing on the new campus does not qualify for this exemption. The new housing, while owned by a non-profit and offered at below market rents, will be offered under a traditional lease. The housing on the old campus was exempt under 307.130 because it was not offered under a traditional lease; instead it was programmed with specific services as transitional or permanent supportive housing.

Question 4: What is the statute that could provide property tax exemption for the rental housing at the new campus?

ORS 307.540 et seq provides a local option property tax exemption for affordable rental housing that is owned by non-profit organizations. This program can be adopted by local governments. In order for a property to receive full exemption, taxing bodies representing at least 51% of the millage rate must approve of the exemption.

Question 5: How do the mechanics of an exemption work?

The City of Milwaukie is proposing that exemptions be granted on a case by case basis. That means that the City will take separate action for any proposed property. It will also ask other jurisdictions to take action to approve exemptions on each individual property.

The City will review/renew its action on an annual basis. Other jurisdictions will not need to take an action each year, but may revoke their approval at any time.

NHA will be required to submit information to the City each year demonstrating that the property continues to meet the qualification required by statute.

The proposed NHA campus housing is the only property currently in Milwaukie that could qualify for this exemption.

A variety of jurisdictions provide exemptions under 307.540 including Beaverton, North Plains, Tigard, Bend, and Portland. In Clackamas County, Wilsonville provides these exemptions with approval coming from the City and the West Linn-Wilsonville School District. NHA has three multi-family properties in Wilsonville that receive these exemptions through the local option.

Question 6: What does this exemption mean to the NHA Campus Housing?

If NHA had to pay full property taxes for the NHA Campus Housing it would cost approximately \$28,000 in the first year. The Clackamas County Assessor does not provide assessment value estimates for properties that have yet to be built. To arrive at our estimate we have looked at other NHA properties in the County that pay property taxes and applied the millage rate for Milwaukie (Tax Code No- 012-002, page 34).

If the property is granted a full property tax exemption, the savings will increase the capacity of the property to secure additional private debt of approximately \$360,000. This helps to fill a funding gap in the project that is a result of construction costs increases.

If the property does not receive property tax exemption, the funding gap can only be filled by raising the rents to pay for more private debt. NHA estimates that the average rent would be increased by \$116 per month. This calculation is not as simple as dividing the annual payment by the number of unit and months. Because the funds are borrowed, the increased loan fees, the lender required debt service coverage ratio, and escalating taxes over time create additional expenses that must be accounted for.

Question 7: What does this exemption mean to jurisdictions?

As a reminder, the property has not been paying property taxes for many years (see Question 2 above), so no jurisdiction will lose current funding by granting the exemption.

Instead, jurisdictions are being asked to forego future revenues.

The percentage of property taxes for each jurisdiction is estimated below:

Jurisdiction	Percent of Tax Per Jurisdiction	Estimated Property Tax for NHA Campus Housing – 2018
N Clack School District	36.3%	\$10,164.00
City of Milwaukie	23.6%	\$6,608.00
Clackamas County	14.2%	\$3,976.00
Fire District	12.5%	\$3,500.00
Community College	3.8%	\$1,064.00
N Clack Parks	2.7%	\$756.00
Metro	2.0%	\$560.00
Library	2.0%	\$560.00
ESD	1.9%	\$532.00
Port of Portland	.3%	\$84.00
Soils Conservation	.2%	\$56.00
County Extension & 4 H	.2%	\$56.00
Vector Control	.1%	\$28.00
Total Property Taxes	100% (off by .2 from rounding)	\$28,000



2316 SE Willard Street
Milwaukie, Oregon 97222-7740
phone: 503-654-1007

web: www.nwhousing.org
email: info@nwhousing.org
fax: 503-654-1319

Monday, February 5, 2018

MEMORANDUM

To: Chair Vaga & Members of the School Board
Matt Utterback, Ron Stewart, Mary Knigge

From: Martha McLennan, Executive Director
Stephen McMurtrey, Director of Housing Development

RE: Northwest Housing Alternatives Campus Housing
Responses to follow-up questions sent on 2/2/18

I'd like to start by thanking you for the continued dialogue regarding our request for a property tax exemption at our headquarters in Milwaukie. As we've discussed with the board previously, our campus has been in operation for over thirty-five years serving Clackamas County residents and their families and we are thrilled at the opportunity to provide additional affordable housing stock that will serve our community for generations to come.

Affordable housing financing is complex. In the case of this project, it includes seven different public and private funding sources. With multiple attorneys, accountants and business partners, the documentation regarding all of these sources is likely to exceed 750 pages, and will have taken 3 years from the first financing application to the start of construction. Each of these partners will require that NHA comply with the many regulations regarding rents and the incomes of the residents, and will routinely monitor our compliance for decades to come.

Each affordable housing project is unique in the blend of financing that is available and the market conditions at the time the project is developed. Factors such as competition for subsidies, mortgage interest rates, pricing of tax credits, labor and material costs, etc. will determine whether the budget for a project is adequately funded or falls short.

In the case of our Campus Housing project, the high costs of construction and recent changes in the financial markets have created a deficit in our budget. Joining with the City of Milwaukie and granting NHA a property tax exemption will help us close this budgetary hole and ensure we can keep rents low for the families we serve; families that attend schools in your district.

Below are our responses to the follow-up questions we received from Superintendent Utterback. We look forward to continuing this dialogue and appreciate your attention to our request.

Question 1: We heard there would be a savings of \$158.00 +/- per month, but we do not know if that is for all 28 units or just the seven section 8 units and the two Veteran units. Please explain.

If the property tax exemption is granted the anticipated savings would be \$116.00 per unit per month. This savings would be applied to all housing units in our development.

Question 2: Will 100% of the savings generated by the tax exemption be passed on to the tenants only?

Yes. Because the costs associated with real estate taxes would be removed from our expense budget, we can carry additional permanent debt. The beneficial financing we receive in the form of permanent debt is very low-interest in return for our commitment to lowered rents.

Question 3: Will any of the savings be realized by any other business or organization?

No.

Question 4: If savings are listed in \$xx.xx format, then how does NHA pass along the full savings to the tenant?

The savings are passed through to the tenant by committing to a rent that is at or below the level required by our financing sources; for our campus redevelopment, rents must be at or below 60% area median income. Our funding partners at the County, State and Federal level all require rents below this level.

Question 5: How do we know these savings are going to be passed on to the tenants long-term?

The affordability period for the housing is a 60 year covenant that runs with the land. While rents will gradually rise, throughout the affordability period they cannot ever rise about the 60% of median income level.

Question 6: How are monthly rate increases determined in the future?

NHA will make an annual assessment to determine whether a rent increase is needed to meet increasing operating expenses. If necessary, the proposed rent increase will be reviewed and approved by the Housing Authority of Clackamas County. Again, in no case can the rent exceed 60% of the area median income.

Question 7: Do we have an example of a different county that has provided a tax exemption for a similar project?

Please find accompanying this write up, two examples from the City of Wilsonville and the West Linn-Wilsonville School District granting property tax exemptions under ORS 307.540.

We know that this statute is also used in Tigard, Beaverton, Portland and Bend.

Clackamas Fire District #1



January 11, 2018

Matt Utterback, Superintendent
North Clackamas School District
12400 SE Freeman Way
Milwaukie, OR 97222

Dear Matt:

This letter is in reference to our discussion in December 2017 regarding the proposed request from the Northwest Housing Alternatives (NHA) to the City of Milwaukie for a low-income housing property exemption under ORS 307.540-548. As we discussed, Clackamas Fire District #1 (CFD1) has been and will continue to be very concerned about any limitations and or reductions in our ability to receive property tax revenue throughout our service area. Our services are primarily funded on property tax revenue and any erosion of that revenue causes challenges in meeting the needs of our community with regards to providing fire and life safety emergency response.

The City of Milwaukie staff reached out to the Fire District in mid-December 2017 and notified us verbally that a property tax exemption was being requested and that the North Clackamas School District (NCSD) is considering helping make up the required 51% of combined tax levy rate resulting in all overlapping taxing districts not receiving any property tax revenue from the proposed 28-unit NHA development in Milwaukie. The only information that CFD1 has found regarding this proposal is the December 12, 2017 City of Milwaukie Council Staff Report. We have not been contacted by the NHA to further fully understand their needs, strategies to ensure low-income families are cared for and the financial impact this may have on CFD1.

The Fire District appreciates the City of Milwaukie's goal to increase affordable housing in Milwaukie. However, the funding mechanism, no property taxes for such units, unfairly places the burden of supporting that goal on CFD1 and overlapping Districts. We are dependent on property taxes and are directly affected by the additional housing in the area, whether tax exempt or otherwise. NHA is a valuable partner in the community, but CFD1 has concerns regarding the implementation of this proposal and its impact.

Clackamas Fire is asking the NCSD that you please take this matter under consideration and we appreciate your support.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Fred Charlton', is written over a horizontal line.

Fred Charlton
Fire Chief

NORTH CLACKAMAS SCHOOL DISTRICT NO. 12

RESOLUTION R17/18-66

A RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH CLACKAMAS SCHOOL DISTRICT NO. 12, CLACKAMAS COUNTY, OREGON AUTHORIZING AN EXEMPTION FROM PROPERTY TAXES UNDER OREGON REVISED STATUTES FOR NORTHWEST HOUSING ALTERNATIVE CAMPUS REDEVELOPMENT APARTMENTS, AN AFFORDABLE APARTMENT DEVELOPMENT, TO BE OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.

WHEREAS, affordable housing provides permanent stable housing options for low-income families; and

WHEREAS, affordable housing provides school age children experiencing homelessness with transitional housing, through eviction prevention and rapid re-housing services; and

WHEREAS, stable housing reduces student mobility, improves school effectiveness, addresses attendance challenges and inhibits malnutrition; and

WHEREAS, Northwest Housing Alternatives (NHA), a not-for-profit organization, plans to break ground for the NHA Campus Redevelopment Apartments, an affordable housing development located on S.E. Willard Street in Milwaukie, Oregon; and

WHEREAS, a property tax exemption is essential to the development of the NHA Campus Redevelopment as affordable housing; and

WHEREAS, NHA, will direct 100% of the tax savings to the tenants located at S.E. Willard Street in Milwaukie, Oregon; and

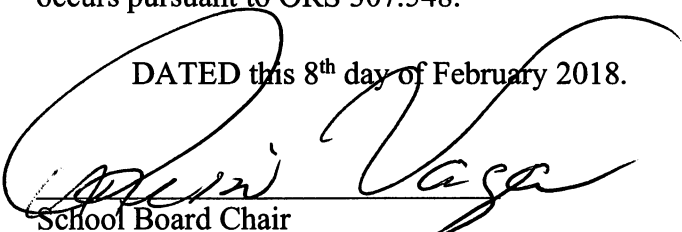
WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

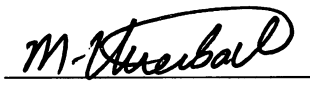
WHEREAS, the District wishes to exercise the options set forth in those sections; and

WHEREAS, NHA has requested a property tax exemption for its Campus Redevelopment Apartments, located in Milwaukie, Oregon pursuant to ORS 307.543(2);

NOW, THEREFORE, BE IT RESOLVED THAT, the applicant, NHA, and its affordable housing development, Campus Redevelopment, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548 and that this resolution remain in effect unless and until termination occurs pursuant to ORS 307.548.

DATED this 8th day of February 2018.


School Board Chair


District Superintendent / Clerk

Low-Income Housing Tax Exemption: General Program Information

Program Contact:

Valeria Vidal, Housing Coordinator
6101 SE Johnson Creek Blvd
Milwaukie, Oregon 97206

P: 503-786-7624
E: vidalv@milwaukieoregon.gov

Program Purpose:

The Low-Income Housing Tax Exemption Program is available to charitable, non-profit organizations that provide low-income housing. This exemption is authorized under Senate Bill 503 and codified in Sections 307.540-548 of the Oregon Revised Statutes (ORS), which defines "low income" developments as those serving residents with incomes at or below 60 percent of the area median income. The tax exemption program benefits low-income renters by alleviating the property tax burden on those agencies providing these housing opportunities. Only units which are occupied or intended to be occupied by households with incomes at or below the qualifying guidelines (see Table 1) are eligible for exemption. Per ORS 307.540, first-year residents must have incomes at or below 60% of area median income (AMI), and residents' incomes must stay at or below 80% in subsequent years to remain eligible.

This application must be completed **yearly** for property that is, or will be, owned or leased from July 1 to June 30 of the year for which the tax exemption is requested. If the property changes ownership between July 1 and June 30, please notify the City of the change in the status so that the continuing eligibility of the property can be evaluated. Any renewal application for a property that has been previously exempted from taxation will be evaluated on criteria used to grant the original exemption.

Table 1 – 2018 Income Guidelines

Household Size	60% Area Median Income	80% Area Median Income
1	\$34,200	\$45,600
2	\$39,120	\$52,160
3	\$43,980	\$58,640
4	\$48,840	\$65,120
5	\$52,800	\$70,400
6	\$56,700	\$75,600

Submission Process:

- Download application, complete, and submit a notarized, hard copy along with your fee **for each organization and application**
- Application fee: The City of Milwaukie does not currently charge an application fee.
- If your organization is not the property owner, but affiliated with the property, provide documentation of the affiliation (i.e. signed leasehold agreement)
- All applications must be signed and notarized
- Applications must include a copy of 501(c)(3) or (4) letter certifying your organization's eligible charitable nonprofit status. If your organization is a limited liability company or owns the property as a member of an LLC, please provide the information that established the nonprofit status of the LLC.
- Applications must be received by the City no later than February 1, 2019. Applications received after the due date will not be accepted. Please submit applications to the address below:

City of Milwaukie
6101 SE Johnson Creek Blvd
Milwaukie, Oregon 97206

**COMMUNITY DEVELOPMENT**6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7600

FAX: 503-774-8236

E-MAIL: communitydevelopment
@milwaukieoregon.gov

Low Income Housing Property Tax Exemption Certification Form

Please complete all sections by **January 25, 2019** by notarized, hard copy to the address listed above. Any applications received after this date will not be accepted or eligible for exemption.

Please choose one: ☐ Original Application ☒ Renewal Application

Section A: General Information	Page 2
Section B: Property Considered for Exemption	Page 3
Section C: Eligible Property Checklist	Page 4
Section D: Description of Project Benefit	Page 4
Section E: Declarations	Page 5

Section A: GENERAL INFORMATION		
Applicant/Sponsor Name: Northwest Housing Alternatives		SSN/Tax ID
Address: 13819 SE McLoughlin Blvd	City/State: Milwaukie, OR	Zip: 97222
Project Contact: Sherry Grau	Phone: 503.654.1007 x110	Fax: 503-654-1319
E-mail: grau@nwhousing.org	Additional Contact (as needed):	
Property Owner (if other than Applicant/Sponsor) N/A		
Entity Name:	Signatory Name & Title:	
Address:	City/State:	Zip:
Contact Person:	Phone:	Fax:
Email:	Additional Contact (as needed):	
Briefly describe your organization's charitable purpose:		
Northwest Housing Alternatives, founded in 1982, is Oregon's leading and most successful nonprofit developer and owner of affordable housing. On this site for over 30 years, we have operated our staff offices, transitional housing, and the Annie Ross House emergency shelter for families experiencing homelessness in Clackamas County. This application for tax exemption is in conjunction with the comprehensive redevelopment of the site, where we are currently constructing a new office building, 28 new units of permanently affordable housing, and a new 8-unit family shelter. To date, the site has always received a tax exemption. This application is specifically regarding the 28 new units of permanent affordable housing.		

Section B: PROPERTY CONSIDERED FOR EXEMPTION

Property Tax Account #	Taxlot Account #	Address	Record Owner	Total Units	Total Low Income Units	Total SF	Total SF (Res.Use)	Total SF (Low Income Res. Use)*
00027580	11E36BC06000 The property was previously 10 parcels that have always been tax exempt. The re-plat process has been completed.	2316 SE Willard St, Milwaukie OR 97222	Northwest Housing Alternatives	28	28	48084 (total housing footprint)	29851 interior square feet	29851 interior square feet

*Areas that are occupied by or used for providing housing for low-income tenants are eligible for exemption. This includes hallways, bathrooms, laundry rooms, on-site manager units, community rooms, etc.

Section C: ELIGIBLE PROPERTY CHECKLIST

1. Do you own the property in question?	☒ YES	☐ NO
2. If you do not own the property, do you have a leasehold interest in the property? • If yes, describe your interest and include a statement describing how you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants rather than the owner or corporation from whom you lease:	☐ YES N/A	☐ NO
3. If you lease the property identified in the application, please explain to what extent your lease agreement coincides with the timeframe of the qualifying tax year:	☐ YES N/A	☐ NO
4. If your organization is not the property owner, but has an ownership interest in the property, describe your interest in the property. NOTE: Your nonprofit organization must be responsible for day-to-day operations to be eligible for exemption in this program:	☐ YES N/A	☐ NO
5. Are you applying for an exemption for vacant land being held for the development of low-income housing for residents with incomes of less than 60% MFI? • If yes, provide the below information for each piece of land being held: i. When did you originally purchase the land? The holding period may not exceed six years: ii. Describe in detail your plans for this property including the income levels served by the development, number of units and unit types, available amenities, and your estimated time frame for completion of this plan:	☐ YES	☒ NO
6. Is all or a portion of the property being used for charitable purpose? • If a portion, approximately what percentage of the property?	☒ ALL	☐ PORTION
7. Will any property on the list be purchased prior to July 1, 2018? • If yes, please list:	☐ YES	☒ NO

Section D: DESCRIPTION OF PROJECT BENEFIT**Will the cost savings resulting from the proposed tax exemption enable you to do the following?**

1. Reduce rents that your very low income residential tenants pay on the property? If yes, by approximately how much?	☒ YES	☐ NO
2. Provide greater services to your very low income residential tenants? If yes, please explain:	☐ YES	☒ NO
3. Provide any other benefit to your very low income residential tenants? If yes, please explain:	☐ YES	☒ NO

Section E: DELCARATIONS

Please read carefully and sign before a notary.

1. I declare that my organization has been granted an exemption from income taxes under 26 U.S.C. Section 501(c)(3) or (4) as amended before December 1, 1984, and submit proof of that status with this application.
2. I have attached documentation as proof of the owner relationship to the name of the applicant.
3. I am aware that the income-qualifying tenants must meet the income guidelines in accordance with 42 U.S.S. Section 1437 (a) (b)(2) as amended.
4. I am aware of all requirements for tax exemption imposed by ORS 307.540-407.548 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987), and implemented by the City of Milwaukie.
5. The above described property or properties qualify or will qualify upon completion of any improvement or construction and subsequent occupancy for property tax exemption within 30 days of the March 1 application or the date of approval.
6. All the information in this application is true to the best of my belief and knowledge, and is for all purposes of determining eligibility for the tax exemption program authorized by City of Milwaukie.

NORTHWEST HOUSING ALTERNATIVES

For: Organization's Name

Trell Anderson

By: Organization's Chief Executive Officer (signature)

TRELL ANDERSON

Organization's Chief Executive Officer (print)

SUBSCRIBED AND SWORN before me this 24 day of January, 2019

Theresa Lynne Noe

Notary Public for Oregon (signature)

Theresa Lynne Noe

Notary Public for Oregon (print or type name)



My Commission Expires: 7/29/2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR A 28-UNIT LOW-INCOME HOUSING DEVELOPMENT OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.

WHEREAS, in response to rapidly rising residential rents and a lack of affordable housing options for low income families, the Milwaukie City Council declared a housing emergency in the City of Milwaukie on April 19, 2016, and continues to explore opportunities to provide affordable housing across a range of different income spectrums- and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low income persons and the City wishes to adopt the policy set forth in those sections; and

WHEREAS, Northwest Housing Alternatives (NHA), a not-for-profit organization, is constructing a 28-unit development for families with incomes at or below 60% of the county's median income for 60 years at 2316 SE Willard Street as part of its campus redevelopment; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low income persons and the City wishes to adopt the policy set forth in those sections; and

WHEREAS, the City and North Clackamas School District (NCSD) property tax levies jointly comprise more than 51% of the total combined rate of taxation for NHA's development; and

WHEREAS, on February 8, 2018, the NCSD Board of Directors adopted resolution R17/18-66 and the City adopted resolution 12-208, approving a property tax exemption for NHA's development, with an annual renewal until it is terminated, pursuant to ORS 307.548; and

WHEREAS, NHA has submitted a renewal application for property tax exemption that has been determined by the City to meet the requirements of ORS 307.545 and will be required to submit an application annually to retain the exemption.

Now, Therefore, be it Resolved as follows:

Section 1: The City of Milwaukie adopts the provisions of ORS 307.540 to 307.548.

Section 2: NHA qualifies for a property tax exemption for its 28-unit development at 2316 SE Willard St, pursuant to ORS 307.540 to 307.548.

Section 3: The Finance Director is directed to request the Clackamas County Assessor to exempt the development from taxation by all taxing jurisdictions, pursuant to ORS 307.543(2), commencing on the first day of the tax assessment year beginning July 1, 2019.

Section 4: This Resolution is to remain in effect unless and until termination occurs, pursuant to ORS 307.548.

Section 5: This Resolution is effective upon adoption.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: 01-08-19

Reviewed: Justin Gericke (as to form), City Attorney

From: Steven Bartol, Chief of Police

Subject: **Renewal of intergovernmental agreement between City of Milwaukie and Clackamas County Health, Housing and Human Services for Behavior Health Unit services**

ACTION REQUESTED

Authorize the City Manager to renew the intergovernmental agreement (IGA) between Clackamas County Health, Housing and Human Services (H3s) and the Milwaukie Police Department to partner with the Behavior Health Unit (BHU) when dealing with citizens in mental health crises.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On November 15, 2016, Chief Bartol presented the original request for an intergovernmental agreement between the Milwaukie Police Department and H3s to access their BHU practitioners in the field when dealing with citizens in mental health crises. At the time, H3s was looking to expand the program currently in place with Clackamas County Sheriff's Office. To do this, H3s needed to add staff and was asking each of the municipalities to contribute financially based on population. The video of the November 2016 presentation can be found [here](#). The presentation on the BHU expansion starts at 27:52.

This new IGA provides the same level of service. However, thanks to grants received by H3s, the need for financial contribution by the municipalities has been removed.

ANALYSIS

This program continues to be a valuable part of our response when dealing with citizens in mental health crises and is a service we request frequently.

BUDGET IMPACTS

Based on grants obtained by H3s, this new IGA would save the City \$3,766 per year.

WORKLOAD IMPACTS

Loss of the program would reduce the resources available to officers in the field and increase opportunity for negative outcomes when dealing with citizens in mental health crises.

COORDINATION, CONCURRENCE, OR DISSENT

Clackamas County H3s is in support of the continued partnership and is excited about the opportunity to provide ongoing BHU services and training to officers related to crises intervention and mental health first aid.

STAFF RECOMMENDATION

Staff recommends renewal of the IGA with H3s.

ALTERNATIVES

None identified.

ATTACHMENTS

1. 2019 IGA
2. Resolution authorizing City Manager to sign IGA.

**INTERGOVERNMENTAL AGREEMENT
Agreement #9116**

**BETWEEN THE CITY OF MILWAUKIE, THROUGH ITS POLICE DEPARTMENT,
AND CLACKAMAS COUNTY, THROUGH ITS HEALTH, HOUSING AND HUMAN SERVICES
BEHAVIORAL HEALTH DIVISION**

- I. Purpose.** This Agreement ("Agreement") provides the basis for a cooperative relationship between the City of Milwaukie, acting through its Police Department ("LE AGENCY") and Clackamas County, acting through its Health, Housing and Human Services, Behavioral Health Division ("BHD").

The purpose of this Agreement is to implement the parties' desire to partner in the delivery of behavioral health crisis assessment and diversion services to citizens experiencing mental health crises when involved with the LE AGENCY.

- II. Provisions.** BHD and LE AGENCY agree to jointly oversee the LE AGENCY Behavioral Health Unit (BHU), comprised of Mental Health Specialists, Case Managers and Peer Specialist staff assigned through the BHD Crisis Services to work with the LE AGENCY Patrol Division and provide crisis assessment, diversion intervention, case management, support and referral services to citizens in need who are identified through the LE AGENCY as frequently accessing LE services due to mental illness.

BHD will be responsible for the compensation, professional standards and general conduct of the Mental Health Specialists, Case Management and Peer Specialist staff, who will remain employees of BHD under BHD's supervision and control. LE AGENCY will provide the training that LE AGENCY determines is necessary to enable BHD staff to safely work with LE AGENCY staff while in the field.

- III. BHD/BHU Functions.** The primary functions of the BHD/BHU staff under this Agreement are to:

1. Engage with County residents with perceived mental health conditions and link them to appropriate resources, in order to divert them from incarceration, hospitalization, or unnecessary reliance on LE AGENCY resources; and
2. Enhance LE AGENCY staff skills by providing formal and informal training and education through participation in Crisis Intervention Team Training ("CIT"), and in-person consultation.

- IV. Roles.**

1. LE AGENCY staff will generate referrals for BHD/BHU follow-up. If either BHU or LE AGENCY perceives risk to the follow up, the LE AGENCY will provide an officer to accompany BHU staff on the follow-up visit.
2. BHD/BHU staff will have assigned County vehicles, in which they are authorized to transport County residents, to locations to include, hospital emergency department or community crisis site. These transports, in accordance with program guidelines, must be voluntary, in staff's discretion, and by staff determination, is safe and the individual is in behavioral control.
3. BHD/BHU staff will not be expected to physically participate in what LE AGENCY determines to be an unsecured scene, however, they may asked to be available telephonically or via radio to consult with LE AGENCY staff in live negotiation situations.

4. Occasionally BHD/BHU staff may be requested to assist with the assessment of a Peace Officer or Director's Designee Custody assessment in the field. The BHD/BHU staff cannot accept custody from LE AGENCY staff and cannot provide involuntary transportation.
5. On rare occasions the BHD/BHU staff may have the ability to accompany the allegedly mentally ill person and the LE AGENCY staff to the hospital to communicate the clinical information to the hospital staff, but will not be expected to provide this service with any frequency
6. BHD/BHU staff will not be expected to leave an intervention to attend to another intervention prior to completing their first assignment.
7. BHD/BHU current shifts are as follows: Staff 1: Monday through Friday, 08:30 a.m. – 5:00 p.m.; Staff 2: Sunday through Wednesday, 8:00 a.m. – 6:30 p.m.; Staff 3: Wednesday through Saturday, 8:30 a.m. – 7:00 p.m. Staff 4: Sunday through Wednesday 11:30 am – 10:00 pm. Staff 5: Wednesday through Sunday 11:30 am to 10:00 pm. Any adjustment in hours will be communicated to the LE AGENCY.
8. Outside of BHD/BHU covered shifts, in the event of a mental health crisis, LE AGENCY will have access to 24/7 Crisis Support by calling 503-655-8585. Determination will be made with the 24/7 Crisis Support and on-call supervisor if mobile crisis response is needed. LE AGENCY will provide an officer to accompany BHU staff.

V. Communication.

1. BHU staff will attend LE AGENCY roll call shifts as scheduling permits.
2. LE AGENCY will appoint a liaison to help BHD/BHU staff navigate LE AGENCY, address the needs of their working conditions and successfully perform their duties while working with LE AGENCY.
3. The BHD/BHU staff will be responding to requests from multiple LE Agencies. In the event of conflicting time-sensitive requests, the LE Agencies will negotiate with each other the priority of requests and will communicate the decision to the BHD/BHU staff.
4. LE AGENCY, Clackamas County Sheriff's Office ("CCSO") and BHD supervisory staff will meet periodically to address concerns and systems issues. Additional meetings may be scheduled if needed as determined by LE AGENCY or BHD.

VI. Training. LE AGENCY will attempt to train all LE AGENCY's patrol officers through CCSO's semi-annual CIT program, which includes a three-year certification on Mental Health First Aid. LE AGENCY will participate with CCSO in the development of an Advanced CIT training for select regional LE AGENCY staff, with the goal of developing a regional CIT response team. The advanced CIT training should include, at a minimum, ASIST (Applied Suicide Intervention Skills Training) and Psychological First Aid.

VII. Compensation. BHD will not receive compensation from the LE AGENCY for use of the BHU Unit.

VIII. Liaison Responsibility. The BHD Program Supervisor will act as liaison to LE AGENCY. The LE AGENCY Patrol Captain or designee will act as liaison to BHD.

IX. Confidentiality. Unless otherwise permitted by law, parties agree that the LE AGENCY, its agents and employees shall maintain the confidentiality of any participant records or other participant identifying information, written or otherwise, with which they may come in contact, to the extent required by all applicable provisions of state and federal statutes, rules and regulations, and shall comply with the same in

the event of requests for information by any person or federal, state or local agency. In addition, parties acknowledge the Health Insurance Portability and Accountability Act of 1996 (HIPAA), PL 104-191, 45 CFR Parts 160-164, and agree that the party, its agents and employees will comply with any applicable requirements of HIPAA and state law related to the confidentiality of participant records or other participant identifying information.

- X. **Amendments.** This Agreement may be amended at any time with the concurrence of both parties. Amendments become a part of this Agreement only after the written amendment has been signed by the Clackamas County Health, Housing and Human Services Department Director and the City of Milwaukie official, or by their authorized designees.
- XI. **Term of Agreement.** This Agreement is effective **upon signature**, until terminated by mutual agreement of the parties, or as provided elsewhere in this Agreement.
- XII. **Termination.** In addition to the termination provisions in Section XI above, this Agreement may be terminated or suspended by either party upon the material non-compliance by the other party with any of its obligations under this Agreement. Termination shall be effected by written notice from one party to the other, and shall be effective immediately upon notice, or at a later date specified in the notice. This Agreement may also be terminated at the discretion of either party upon 30 days' written notice to the other party.
- XIII. **Indemnification.** Within the liability limits stated in the Oregon Constitution and the Oregon Tort Claims Act, or successor statute, each party to this Agreement shall defend, indemnify and hold the other party harmless against all liability, loss, or expenses, and against all claims, actions or judgments based upon or arising out of damage or injury (including death) to persons or property to the extent caused by or resulting from any act, error or omission by the indemnifying party or its agents and employees in connection with the performance of this Agreement and acting within the scope of their official duties.

(Signature page follows)

SIGNATURE PAGE

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers.

CITY OF MILWAUKIE

COUNTY OF CLACKAMAS

Authorized Signature Date

Richard Swift, Director Date
Health, Housing and Human Services

Approved as to form:

Name / Title (Printed)

Kathleen Rastetter via email December 12, 2018
County Counsel Date

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE RENEWAL OF THE INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY HEALTH, HOUSING AND HUMAN SERVICES FOR BEHAVIOR HEALTH UNIT SERVICES.

WHEREAS, there is a growing concern regarding the number of people with mental illness that police encounter on a daily basis; and

WHEREAS, it is in the best interest of both law enforcement and the community as a whole to reduce the number of unsafe encounters between police and people with mental illnesses through alternative response strategies; and

WHEREAS, the Behavior Health Unit with the Clackamas County Health, Housing and Human Services (H3s) is willing to extend services provided by their mental health practitioners to assist officers with the Milwaukie Police Department in such circumstances.

Now, Therefore, be it Resolved, that the City Manager is hereby authorized to sign the intergovernmental agreement between the City of Milwaukie and H3s giving Milwaukie Police Officers dealing with persons in mental health crises the ability to access the assistance of H3s mental health practitioners.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Jan. 28, 2019

Reviewed: Justin Gericke, City Attorney

From: Kelly Brooks, Assistant City Manager

Subject: **Local and Regional Committee Assignments 2019**

ACTION REQUESTED

Appoint members of Council to local and regional committees.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On January 15, 2019, Council reviewed and revised a draft list of local and regional committee assignments.

BUDGET IMPACTS

None.

WORKLOAD IMPACTS

None.

ALTERNATIVES

Council could confirm the proposed committee assignments or provide staff with additional revisions to be brought for Council consideration at a future meeting.

ATTACHMENTS

1. 2019 Council Committee Assignment

2019 Local and Regional Committee Assignments

COMMITTEE	FOCUS	GOVERNING AUTHORITY	2018 APPOINTEE	2019 APPOINTEE	STAFF RESOURCES	ELECTED REP REQUIRED?	MEETING SCHEDULE
Audit Committee	The City of Milwaukie created an Audit Committee of the Milwaukie City Council to ensure that audits of the City's financial statements are completed annually in accordance with Oregon state law, to share oversight responsibility of the City's independent auditors with management, and to assist City management in the review and selection of the City's independent auditor (Res. No. 56-2012).	The Audit Committee is to consist of one member of the City Council and one member of the City Budget Committee each appointed by the Council for two-year staggered terms and two citizen members with an interest in City government financial operations, with preference first given to a Certified Public Accountant residing within City limits and second to a Certified Public Accountant with City affiliation, also for a two year term.	Primary: Shane Abma	<u>Kathy Hyzy</u>	Bonnie Dennis	Yes	Meetings are held at least twice annually
Boards, Committees, and Commissions (BCC) Selection Committee	Purpose is to interview citizens who have applied to serve on citywide Boards, Committees, and Commissions.	Comprised of the Mayor, rotating Councilor, and Staff Liaison.	<u>Mark Gamba</u> Councilor: <u>Rotating</u>	Mayor: <u>Mark Gamba</u> Councilor: <u>Any</u>	Scott Stauffer Amy Aschenbrenner	Yes	Interviews are held as needed.
Budget Committee	The Budget Committee is established in accordance with the provisions of ORS 294.336 to review the annual city budget document as prepared by the city budget officer and to recommend an approved budget to the City Council for adoption.	The Committee includes five City Councilors plus an equal number of City residents who are registered voters. The Council appoints the citizen members for four-year terms. The Budget Committee meets as directed by City Council. Typically, the budget preparation meetings are held in the early spring, with additional meetings scheduled as needed and to review revenue and expenditure reports.	Council: <u>Wilda Parks</u> Council: <u>Mark Gamba</u> Council: <u>Shane Abma</u> Council: <u>Lisa Batey</u> Council: <u>Angel Falconer</u>	Council: <u>Wilda Parks</u> Council: <u>Mark Gamba</u> Council: <u>Kathy Hyzy</u> Council: <u>Lisa Batey</u> Council: <u>Angel Falconer</u>	Bonnie Dennis	Yes	Meetings are held quarterly in conjunction with City Council Work Sessions.
Clackamas Cities Association	12 cities in Clackamas County get together for dinner and speaker events to share ideas and to network.	City of Tualatin provides general coordination for cities.	Council: <u>Wilda Parks</u> Council: <u>Mark Gamba</u> Council: <u>Shane Abma</u> Council: <u>Lisa Batey</u> Council: <u>Angel Falconer</u>	Council: <u>Wilda Parks</u> Council: <u>Mark Gamba</u> Council: <u>Kathy Hyzy</u> Council: <u>Lisa Batey</u> Council: <u>Angel Falconer</u>	Ann Ober Scott Stauffer Kelly Brooks	No	Dinners are held monthly. Typically, dinners are held on the third Thursday of the month.
Clackamas County Affordable Housing and Homelessness Task Force	Clackamas County Health, Housing and Human Services Department along with County Administrator, Dan Chandler, are leading an effort to develop a county affordable housing and homelessness strategic plan. The	Clackamas County	Wilda Parks, serving as chair of the Clackamas County Economic Development Commission (EDC)	<u>Wilda Parks</u>	Alma Flores	No	Monthly

2019 Local and Regional Committee Assignments

COMMITTEE	FOCUS	GOVERNING AUTHORITY	2018 APPOINTEE	2019 APPOINTEE	STAFF RESOURCES	ELECTED REP REQUIRED?	MEETING SCHEDULE
	Committee will meet until September 2019						
Clackamas County Budget Committee	Citizen based budget committee appointed by Clackamas County Commissioners	Per Clackamas County Charter	<u>Wilda Parks</u>	<u>Wilda Parks (Clackamas County Appoints)</u>	N/A	No	Meetings are held as needed.
Clackamas County Business Alliance	The Alliance has direct and ongoing contact with local, regional, state and federal policy makers on issues of importance to Clackamas County business. Our relationships with key decision-makers and their staff allows for positive and constructive dialogue on business issues.	Public/private membership	<u>Wilda Parks</u>	<u>Wilda Parks</u>	Alma Flores Vera Kolias	No	The committee meets on the second Wednesdays of the month from 7:30am to 9:00am at Jordan Ramis, 2 Centerpointe Dr., 5th Floor, Lake Oswego, OR 97035
Clackamas County Coordinating Committee (C-4)	C-4 was founded by the County to promote a partnership between the County, its Cities, Special Districts, Hamlets, Villages and Community Planning Organizations (CPOs). C-4 provides Councilors with an opportunity to network and work on building consensus on regional issues.	Voting membership shall consist of one elected representative and an elected alternate appointed by the City Council	Co-Chair: <u>Jim Bernard</u> Clackamas County Co-Chair: <u>Brian Hodson</u> City of Canby Other Clackamas Commissioner: <u>Paul Savas</u> Primary: <u>Mark Gamba</u> City of Milwaukie Alternate: <u>Wilda Parks</u> City of Milwaukie	Primary: <u>Mark Gamba</u> Alternate: <u>Wilda Parks</u>	Ann Ober Kelly Brooks	Yes	Meetings are held on the first Thursday of the month starting at 6:45 p.m. in the Public Services Building of Clackamas County.

2019 Local and Regional Committee Assignments

COMMITTEE	FOCUS	GOVERNING AUTHORITY	2018 APPOINTEE	2019 APPOINTEE	STAFF RESOURCES	ELECTED REP REQUIRED?	MEETING SCHEDULE
Clackamas County Coordinating Committee (C-4) – Metro Sub-Committee	C-4 members who are within the Metro jurisdiction shall be a subcommittee of C-4 named Metro subcommittee to discuss JPACT and MPAC issues. This subcommittee shall at a minimum be the body which nominates and elects cities’ representatives to: JPACT, MPAC, TPAC, MTAC, respectively.	Nominations and elections shall occur in November of each even numbered year in accordance with Metro Charter requirements.	Chair: <u>Paul Savas</u> Clackamas County Co-Chair: <u>Mark Gamba</u> City of Milwaukie	Primary: <u>Mark Gamba</u> Alternate: <u>Wilda Parks</u>	Ann Ober Kelly Brooks	Yes	Meetings are held on the third Wednesday of the month from 7:30 a.m. to 9:00 a.m. in the Public Services Building of Clackamas County.
Clackamas County Economic Development Commission (EDC)	Advise and make recommendations to the Board of County Commissioners (BCC) on matters pertaining to the support and growth of a balanced, sustainable economy within the county and cities within the County.	The voting membership of the EDC shall consist of a maximum of twenty-five (25) voting members (“Members”), appointed by the BCC. A majority of the EDC Members shall be from the private sector. The EDC will actively solicit nominations from businesses in Clackamas County’s cities.	<u>Wilda Parks</u>	<u>Wilda Parks</u>	Alma Flores	No	Development Services Building 150 Beavercreek Rd. Oregon City, OR 97045
Clackamas County Fire District #1 District Board Subcommittee	Purpose is to discuss collaborative opportunities, long-term facility needs, emergency preparedness, impacts of compression, and other challenges facing communities being served.	Subcommittee consists of two Fire Board members and two Council Members appointed by respective jurisdiction.	City Member: <u>Lisa Batey</u> City Member: <u>Angel Falconer</u>	<u>Lisa Batey</u> <u>Angel Falconer</u>	Ann Ober Kelly Brooks	Yes	Meetings are held as needed.
Clackamas County Library District Advisory Committee	Purpose is to advise the Clackamas County Library Service District (Board of County Commissioners) to support two county libraries and ten city libraries.	Committee involves 10 members that are typically appointed by respective library board. The advisory committee was created after the 2008 District creation.	Primary: <u>Krista Downs</u> City of Milwaukie	Recommendations for this Committee come from the Library Board.	Katie Newell	No	Meetings are held as needed.
Clackamas County Mayor and Chair	Broad topics that fall outside the scope of C4.	Ad hoc group – no formal appointment process.	<u>Mark Gamba</u>	Mark Gamba	N/A	No	Oregon City Library

2019 Local and Regional Committee Assignments

COMMITTEE	FOCUS	GOVERNING AUTHORITY	2018 APPOINTEE	2019 APPOINTEE	STAFF RESOURCES	ELECTED REP REQUIRED?	MEETING SCHEDULE
Community Action Board	Members are appointed by the Clackamas County Board of County Commissioners. The group advocates both locally and at the state level on issues related to people and households with low-incomes.	Board is run by Clackamas County. 8 members and one alternate.	Primary: Mark Gamba Alternate: Yelena Voznyuk	Primary: Mark Gamba Alternate: Yelena Voznyuk		No	
Community Collaboration Group			Angel Falconer	Angel Falconer		?	All meetings are from 1:45-2:45 and will be held at Rowe Middle School. Feb 25 March 18 April 22 June 3
Comprehensive Plan Advisory Committee	Advise the Planning Commission and Council regarding proposed revisions to the City Comprehensive Plan	Milwaukie City Council	18 members appointed to this ad hoc committee for the 2-year project	<u>Mark Gamba</u> <u>Lisa Batey</u>	David Levitan Denny Egner Alma Flores	No	Monthly
Greater Portland Inc.	Greater Portland Inc (GPI) is a regional partnership (seven counties and two states) helping companies expand and locate to the Portland-Vancouver area.	City of Milwaukie is a member of the Small City Consortium, which includes public entities that investment less than \$25,000.	Primary: <u>Mark Gamba</u>	<u>Mark Gamba</u>	Alma Flores Kelly Brooks	No	Lunch meetings are held monthly. Date and location vary. Usually held after Metro Mayor Forum
JPACT Finance Subcommittee	Subcommittee of JPACT that will be vetting a 2020 regional ballot measure to fund SW Corridor Light Rail and other transportation projects around the region.	Metro	Chair: Craig Dirksen Clackamas County: Paul Savas Clackamas County Cities: Tim Knapp and Mark Gamba	Mark Gamba	Kelly Brooks	Yes	Meetings are scheduled as needed.

2019 Local and Regional Committee Assignments

COMMITTEE	FOCUS	GOVERNING AUTHORITY	2018 APPOINTEE	2019 APPOINTEE	STAFF RESOURCES	ELECTED REP REQUIRED?	MEETING SCHEDULE
Kellogg for Coho	The project will remove the Kellogg Dam, address contaminated sediments, re-establish fish passage, and restore riparian habitat for endangered salmon and native wildlife.	Not a formal committee created by Council via Resolution	<u>Mark Gamba</u>	<u>Mark Gamba</u> <u>Lisa Batey</u>	Kelly Brooks Peter Passarelli	No	Meetings are held as needed.
Kellogg Good Neighbor Committee	The Committee's purpose is to recommend to City Council how "good neighbor funds" should be spent. This fund was established through the Intergovernmental Agreement between the City of Milwaukie and Clackamas County Service District #1 for the provision of wastewater treatment services. This fund is to be used to help mitigate the impact the Kellogg Plant has on the surrounding neighborhoods. CCSD#1 deposits \$1.00 per EDU of the City's connections. CCSD#1 will also contribute \$1 million as "seed" funding to the good neighbor fund.	The Committee is comprised of seven members with staff from Milwaukie and CCSD#1 providing assistance in ex officio positions: Two members from Island Station and Historic Milwaukie NDAs; One citizen at large; One downtown property owner or business; One City Council Member	City Council: <u>Shane Abma</u> Island Station: <u>Bird</u> and <u>Tomei</u> Historic: <u>Park</u> and <u>Klein</u> Downtown Bus: <u>Hankerson</u>	Kathy Hyzy	Peter Passarelli	Yes	Meetings are held every other month on the second Tuesday evening at 5:30 p.m. at the Kellogg Treatment Plant.
League of Oregon Cities	Legislative Committees (any councilor can participate)	LOC Energy Policy Committee Community Development Committee	Council: Mark Gamba Council: Wilda Parks	Council: Mark Gamba Council: Wilda Parks *Not meeting until 2020 session prep begins	Kelly Brooks Ann Ober	Yes	

2019 Local and Regional Committee Assignments

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Library Construction Task Force	Citizen oversight committee to assist library director and staff to effectively work with the project manager, architect and construction manager in the planning, design, expansion and renovation of the library.	Established via Resolution 90-2016. Comprised of the following members: Up to two City Councilors One Library Board Member Up to six at-large community members from the library service area with one position reserved for a member from the art community.	Mark Gamba Angel Falconer Ryan Healy Rebecca Banyas Tina Fuenmayor Ervin Miller Melissa Perkins Nancy Tice	<u>Mark Gamba</u> <u>Angel Falconer</u> <u>Rebecca Banyas</u> <u>Tina Fuenmayor</u> <u>Ryan Healy</u> <u>Paul Klein</u> <u>Julie Lund</u> <u>Ervin Miller</u> <u>Melissa Perkins</u> <u>Nancy Tice</u>	Katie Newell Ann Ober Alma Flores Leila Aman	Yes	Meetings are held when needed.
Local Contract Review Board	Purpose is to review and adopt public contracting rules and findings as to amendments of professional services contracts.	Established via Resolution by Council.	Council: <u>Wilda Parks</u> Council: <u>Mark Gamba</u> Council: <u>Shane Abma</u> Council: <u>Lisa Batey</u> Council: <u>Angel Falconer</u>	Council: <u>Wilda Parks</u> Council: <u>Mark Gamba</u> Council: <u>Kathy Hyzy</u> Council: <u>Lisa Batey</u> Council: <u>Angel Falconer</u>	Kelli Tucker	Yes	Meetings are held as needed.
Metro Joint Policy Advisory Committee on Transportation (JPACT)	Makes recommendations to Metro Council on transportation needs in the region. Recommends transportation priorities and develops transportation plans for the region. Metro Council must adopt recommendations before they become transportation policies.	Section 2.19.090(b) of the Metro Code and Article IV of the JPACT By-Laws establish the JPACT membership. Comprised of 17 members that serve as elected officials or representatives of transportation agencies across the region. Membership includes one city representative and one alternate from Clackamas County. Member and Alternate must be from different cities. Selection of Member and Alternate is by the cities within the county. Term of appointment is two years.	Primary: <u>Paul Savas</u> Clackamas County (represents Clackamas County) Alternate: <u>(TBD)</u> Clackamas County (represents Clackamas County) Primary: <u>Tim Knapp</u> City of Wilsonville represents Clackamas County Cities) Alternate: <u>Mark Gamba</u> City of Milwaukie (represents Clackamas County Cities)	Representatives to this committee are appointed by C-4. *Will be updated in spring.	Kelly Brooks	Yes	Meetings are held on the third Thursday of the month, from 7:30 a.m. to 9 a.m. in the Metro Council Chambers. Meetings may be attended by the Council representative that serves on C4.
Metro Mayor's Consortium	Advocate at Metro and State on issues that affect all metro cities.	Membership limited to 20 local mayors of the Portland Metro Region.	Primary: <u>Mark Gamba</u> Executive Committee Energy and Climate (Chair) Transportation and Land Use housing and Homelessness Employer Benefits and General Government	<u>Mark Gamba</u> Executive Committee Energy and Climate (Chair) Transportation and Land Use housing and Homelessness Employer Benefits and General Government	Ann Ober Kelly Brooks	Yes	Meetings are held monthly on Wednesdays during lunchtime.

2019 Local and Regional Committee Assignments

COMMITTEE	FOCUS	GOVERNING AUTHORITY	2018 APPOINTEE	2019 APPOINTEE	STAFF RESOURCES	ELECTED REP REQUIRED?	MEETING SCHEDULE
Metro Policy Advisory Committee (MPAC)	Established by the Metro Charter in 1992, MPAC advises the Metro Council on the amendment or adoption of the Regional Framework Plan While MPAC advises the Metro Council on growth management and land use issues at the policy level, the Metro Technical Advisory Committee provides input to MPAC at the technical level.	Section 26 of the Metro Charter establishes MPAC membership. There are 21 voting members, six nonvoting, with one member and an alternate from the largest city in Clackamas County. That member is selected by that jurisdiction. An additional member is selected by the remaining cities within Metro’s boundaries in Clackamas County. That member and alternate are selected by those cities.	Chair: <u>Denny Doyle</u> City of Beaverton Primary: <u>Martha Schrader</u> (TBD) Clackamas County (represents Clackamas County) Alternate: <u>Jim Bernard</u> Clackamas County (represents Clackamas County) Primary: Mark Gamba City of Milwaukie (represents Clackamas County Other Cities) Alternate: <u>Brenda Perry</u> City of West Linn (represents Clackamas County Other Cities) Primary: <u>Betty Dominguez</u> (represents Clackamas County Citizen) Alternate: <u>Ed Gronke</u> (represents Clackamas County Citizen)	Clackamas representatives to this committee are appointed by C4. *Will be updated in spring	Denny Egner	Yes	Meetings are held on the second and fourth Wednesdays of the month, from 5:00 p.m. to 7:00 p.m. in the Metro Council Chambers. Meetings may be attended by the Council representative that serves on C4.

2019 Local and Regional Committee Assignments

COMMITTEE	FOCUS	GOVERNING AUTHORITY	2018 APPOINTEE	2019 APPOINTEE	STAFF RESOURCES	ELECTED REP REQUIRED?	MEETING SCHEDULE
Metro Technical Advisory Committee (MTAC)	Staff-based committee that provides detailed technical support to the Metro Policy Advisory Committee (MPAC).	Comprised of 35 members who are planners, citizens and business representatives.	Primary: <u>Denny Egner</u> City of Milwaukie (represents Clackamas County Other Cities) Primary: <u>Dan Chandler</u> Clackamas County (represents Clackamas County) Alternate: <u>Martha Fritzie</u> Clackamas County (represents Clackamas County) Alternate: <u>Vacant</u> City of Happy Valley (represents Clackamas County Other Cities) Primary: <u>Jerry Andersen</u> (represents Clackamas County Citizen) Alternate: <u>Susan Nielsen</u> (represents Clackamas County Citizen)	Representatives to this committee are appointed by MPAC. Denny Egner	Denny Egner	No	Meetings are held on the first and third Wednesdays of the month, from 10:00 a.m. to 12:00 p.m. in the Metro Council Chambers. Staff attends these meetings.
Milwaukie Center/Community Advisory Board (C/CAB)	The Milwaukie Center/Community Advisory Board is the primary policy advisor to Milwaukie Center staff and the North Clackamas Parks District Advisory Board.	Positions are applied for by individuals and appointed by C/CAB and County Board of Commissioners	Chair: <u>Siri Bernard</u> City of Milwaukie	<u>Siri Bernard</u>	Kelly Brooks	No	Meetings are held on the second Friday of every month at 9:30 a.m. at the Milwaukie Center.
Milwaukie Rotary	Purpose is to promote and support community philanthropy and volunteerism.	The Rotary Club of Milwaukie is one of over 34,000 Rotary clubs worldwide.	Council Member: <u>Wilda Parks</u>	<u>Wilda Parks (Member)</u>	Luke Strait Leila Aman	No	Meets every Tuesday at Gray Gables Estates from noon to 1:15 p.m. <i>*Council member is asked to attend once a month.</i>
North Clackamas Chamber of Commerce and Public Policy Team	Purpose is to discuss policy issues in front of the Chamber for position consideration.	Representatives appointed by the Chamber Board.	Primary: <u>Vera Kolias</u> Councilor: <u>Wilda Parks</u>	Suggest councilors rotate through, but always have a presence	Alma Flores Vera Kolias Kelly Brooks Ann Ober	No	Meetings are held on the first Monday of the month from 12 p.m. to 1:15 p.m. at the Chamber Offices.

2019 Local and Regional Committee Assignments

COMMITTEE	FOCUS	GOVERNING AUTHORITY	2018 APPOINTEE	2019 APPOINTEE	STAFF RESOURCES	ELECTED REP REQUIRED?	MEETING SCHEDULE
North Clackamas Parks and Recreation District Advisory Board (DAB)	Purpose is to make recommendations to the District Board of Directors on the design, planning and development of parks and the provision of recreational programs in the district.	Section E(2) of the May 1, 1990 Agreement between Clackamas County and the City provide for the UPAB. City Council appoints the UPAB member. Apart from the Milwaukie representative, UPAB members are appointed for 3-year terms.	Primary: <u>Wilda Parks</u> Alternate: <u>Lisa Batey</u>	<u>Wilda Parks</u>	Kelly Brooks	No	DAB meetings on hold
North Clackamas Social Needs Roundtable	Purpose is to prevent the spread of homelessness and food insecurity in Clackamas County.	Ad Hoc Committee comprised of school district, county, city, nonprofit, and private sector officials.	Primary: <u>Angel Falconer</u> Primary: <u>Bill Stewart</u> Clackamas County	<u>Angel Falconer</u>	Alma Flores	No	Meetings are held as needed. Typically, two to three times per year at a Milwaukie Church.
North Clackamas Urban Watershed Council	The North Clackamas Urban Watersheds Council's purpose is to advocate for the protection and enhancement of the watersheds' fish and wildlife habitat and improve water quality through partnership with public and private entities, habitat restoration projects, community education and outreach, and strategic planning.	The number of Council Representatives may vary between a minimum of four (4) and a maximum of thirty (30). A minimum of one position will be reserved for each of the following watersheds and sub-basin areas; Upper Kellogg, Lower Kellogg, Lower Mt Scott, Dean, Middle Mt Scott/Cedar, Phillips, Upper Mt Scott, Minthorn Spring, Boardman Creek, River Forest, and Rinearson Creek. The term of office for Council Representatives shall be three years.	Primary: <u>Lisa Batey</u> (represents City of Milwaukie) Alternate: <u>Wilda Parks</u> (represents City of Milwaukie) Citizen Advocate: (non-voting member)	Primary: <u>Lisa Batey</u> (represents City of Milwaukie) Alternate: <u>Wilda Parks</u> (represents City of Milwaukie)	Peter Passarelli	No	Meetings are held on the third Wednesday of the month from 6:00 p.m. to 8:00 p.m. at Oak Lodge Sanitary District.
Homeless Solutions of Clackamas County (HSCC)	HSCC's purpose is to bring together citizens, agencies, governments, churches, businesses, and schools in the Oregon City region to create partnerships that reduce homelessness.	Steering committee made up of co-founders and representatives of agencies, governments, churches, businesses, and schools.	<u>Angel Falconer</u>	<u>Angel Falconer</u>	Valeria Vidal	No	Meetings are held on the second Wednesday of the month from 2:00 p.m. to 3:30 p.m. at Providence Community Center in Oregon City. *Steering committee is expected to attend community meetings quarterly.

2019 Local and Regional Committee Assignments

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Oregon Mayors Association (OMA), Portland Metro Region Team	Purpose is to create a forum for discussing a wide variety of issues, and, most importantly, a unified voice in Salem. Established in 1972, the Oregon Mayors Association is a voluntary association of persons who hold the office of mayor. OMA is recognized as an affiliate organization in cooperation with the League of Oregon Cities. Over two-thirds of Oregon mayors are active members of OMA.	The leadership of the OMA is vested in a Board of ten directors which include a President, President-elect, Secretary-Treasurer, Immediate Past President and six members at-large. The Immediate Past President and the Secretary-Treasurer serve as ex-officio-Directors. The Secretary-Treasurer position is a nonvoting position held by the Executive Director of the League of Oregon Cities Board members are elected at the annual meeting of the OMA, held at the League of Oregon Cities' Annual Conference. The OMA constitution requires that consideration be given to geographic and size diversity on the Board.	Member: <u>Mark Gamba</u>	<u>Mark Gamba</u>	Ann Ober Kelly Brooks	Yes	Meetings are held as needed either by way of teleconference or at League of Oregon Cities' Meetings.
Regional Elected Forum – Tri-City Service District and Clackamas County Service District No. 1	The elected forum includes representation from the cities of Gladstone, Happy Valley, Milwaukie, Oregon City, West Linn, the unincorporated areas of Clackamas County Service District No. 1 (CCSD #1), and the Chair of the RiverHealth Advisory Board.	Clackamas County	Primary: <u>Shane Abma</u> City of Milwaukie	Lisa Batey	Peter Passarelli	Yes	Meetings are held as needed in the County Development Services Bldg.

2019 Local and Regional Committee Assignments

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WES Advisory Committee	On Sept. 14, 2017, the Board of County Commissioners of Clackamas County (BCC) acting as the governing body of WES, created a standing advisory committee consisting of customers, stakeholders and city representatives referred to as the Water Environment Services Advisory Committee.	Clackamas County	None	Lisa Batey		Yes	Quarterly – 6:00 PM. Last meeting was January 11. Next meeting not scheduled at this time.
Regional Water Providers Consortium	The Regional Water Providers Consortium serves as a collaborative and coordinating organization to improve the planning and management of municipal water supplies in the greater Portland, Oregon metropolitan region. Primary focus is conservation and planning interties of water systems to address emergency needs.	Formed in 1997, the Consortium serves the Multnomah, Clackamas, and Washington counties and is made up of 21 water providers and the regional government Metro. Together, these entities provide about 95 percent of the Portland metropolitan area’s drinking water Members of the Consortium are cities, water districts and a people’s utility district throughout the Portland, Oregon metropolitan area. The regional government Metro is also a member. Participation in the Consortium is voluntary and is funded through membership dues.	<u>Lisa Batey</u> City of Milwaukie	Lisa Batey	Peter Passarelli	No	Meetings are held three times per year. Typically, from 6:00 p.m. to 8:30 p.m. at Metro. Usually in the Metro Chambers.
Safe Energy Leadership Alliance	Coalition raising awareness of the safety risks of coal and oil trains and their economic, cultural, environmental, and health impacts.	SELA is a coalition of more than 110 local, state, and tribal leaders from across the Pacific Northwest, Montana, and Canada working together to seek full assessment and disclosure of the economic, cultural, environmental, health impacts, and safety risks of coal and oil trains.	Council: <u>Wilda Parks</u> Council: <u>Mark Gamba</u> Council: <u>Shane Abma</u> Council: <u>Lisa Batey</u> Council: <u>Angel Falconer</u>	Council: Wilda Parks Council: Mark Gamba Council: Kathy Hyzy Council: Lisa Batey Council: Angel Falconer	Peter Passarelli Kelly Brooks	Yes	Meetings are held as needed.

2019 Local and Regional Committee Assignments

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Transportation Policy Alternatives Committee (TPAC)	Staff-based committee that provides detailed technical support to the Joint Policy Advisory Committee on Transportation (JPACT).	TPAC's 21 members consist of technical staff from the same governments and agencies as JPACT, plus a representative from the Southwest Washington Regional Transportation Council, and six community members appointed by the Metro Council. In addition, the Federal Highway Administration and C-TRAN have each appointed an associate non-voting member to the committee.	Primary: <u>Karen Buehrig</u> Clackamas County (represents Clackamas County) Primary: <u>Vacant</u> City of Wilsonville (represents Cities of Clackamas County)	Representatives to this committee are appointed by JPACT.	Jennifer Garbely	No	Meetings are held on the last Friday of the month, from 9:30 a.m. to 12:00 p.m. in the Metro Council Chambers. Staff attends these meetings as needed.
Urban Renewal Agency	Facilitate and support urban renewal efforts in targeted areas of the City of Milwaukie	City Council	Council: <u>Wilda Parks</u> Council: <u>Mark Gamba</u> Council: <u>Shane Abma</u> Council: <u>Lisa Batey</u> Council: <u>Angel Falconer</u>	Council: <u>Wilda Parks</u> Council: <u>Mark Gamba</u> Council: <u>Kathy Hyzy</u> Council: <u>Lisa Batey</u> Council: <u>Angel Falconer</u>	Ann Ober Alma Flores, Executive Director Bonnie Dennis Denny Egner Leila Aman	Yes	Meet as needed during Council work, study, and regular sessions



To: Mayor Gamba and Milwaukie City Council

Through: Ann Ober, City Manager

From: Steve Bartol, Chief of Police

A handwritten signature in black ink, appearing to be "S. Bartol", enclosed in a circular stamp.

Date: January 9, 2019

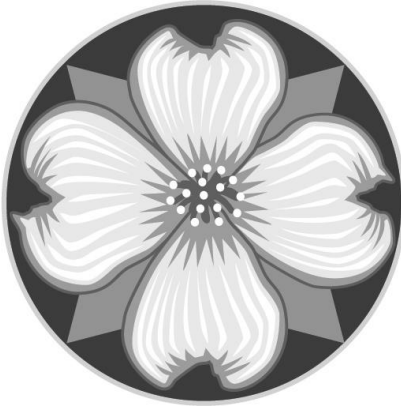
Subject: OLCC Application – Two Sisters Play Cafe – 11923 SE McLoughlin Blvd, Milwaukie, OR 97222

Action Requested:

It is respectfully requested the Council approve the OLCC Application from Two Sisters Play Cafe at 11923 SE McLoughlin Blvd, Milwaukie, OR 97222.

Background:

We have conducted a background investigation and find no reason to deny the request for liquor license.



RS Agenda Item

5

Public Hearing

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Denny Egner, Planning Director

From: Vera Kolias, Associate Planner

Subject: **Expedited Annexation of 10120 SE Wichita Ave**

Date Written: Jan. 28, 2019

ACTION REQUESTED

Approve Application A-2018-002, 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 into the City of 10120 SE Wichita Ave (Tax Lots 12E30DD02300, 02101, and 02102)(the "Annexation Property").
- Application of a Low Density (LD) Comprehensive Plan land use designation and a Residential (R-10) 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:
Clackamas County Service District for Enhanced Law Enforcement.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

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."*

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).

November 2018: The property representative for 10120 SE Wichita Ave approached the City's Community Development Department to initiate the expedited annexation process.

ANALYSIS**Proposal**

The legal representative of the Annexation Property has applied to annex into the City. The Annexation Property consists of three legal lots of record, which are developed with a single-family house and a detached garaged served by a private septic system.

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 R-10, which would assign a City zoning designation of Residential Zone R-10 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., Council must however, 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 property 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 will be served by the City's sewer line accessible in Wichita Ave.
- Water: The Annexation Property is currently served through the City of Milwaukie.
- 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 can adequately serve the Annexation Property. In order to avoid duplication of services, the Annexation Property will be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.
- Street Lights: The Annexation Property is not within a special service district for street lights. The City has operational responsibility for the street lights and street light payments.
- Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the Annexation Property upon annexation. The Annexation Property will continue to receive services and remain

within the boundaries of certain regional and county service providers, including TriMet, North Clackamas School District, Clackamas County Vector Control District, and North Clackamas Parks and Recreation District.

BUDGET IMPACTS

The annexation of the Annexation Property will have minimal fiscal impact on the City. Per Clackamas County Assessor data, the total assessed value of the Annexation Property in 2018 was \$248,150. Based on the latest information available (from the Clackamas County Rate Book for 2017), total property tax collection of approximately \$4,093 is anticipated for the Annexation Property. The City will receive approximately \$1,399 of this total.

WORKLOAD IMPACTS

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

COORDINATION, CONCURRENCE, OR DISSENT

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

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

STAFF RECOMMENDATION

Approve application A-2018-002, an expedited annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1).

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 direct staff to prepare 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



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS TAX LOTS 12E30DD02300, 02101, 02102 AND LOCATED AT 10120 SE WICHITA AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2018-002)

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 territory proposed for annexation lies within the territory of the Clackamas County Service District for Enhanced Law Enforcement; 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 tracts 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 attached as Exhibit A are hereby adopted.

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

Section 3. The tracts of land annexed by this ordinance and described in Section 2 are hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

Section 4. The tracts of land annexed by this ordinance and described in Section 2 are hereby assigned a Comprehensive Plan land use designation of Low Density Residential and a Municipal Code zoning designation of Residential Zone R-10.

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, ORS 222.005, and,

ORS222.177. The annexation and withdrawal 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 F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

EXHIBIT A
Recommended Findings in Support of Approval
File #A-2018-002, Wichita Ave Annexation

Based on the expedited annexation staff report for 10120 SE Wichita Ave, the “Annexation property,” the Milwaukie City Council finds:

1. The Annexation property consists of three legal lots of record comprising a total of .45 acres (Tax lots 12E30DD02300, 2101, and 2102). The annexation property is contiguous to the existing City limits via the adjacent public right-of-way in Wichita Ave to the west. The annexation property is within the regional urban growth boundary and the City’s urban growth management area (UGMA).

The annexation property is developed with a single-family detached dwelling unit and a detached garage. The surrounding area consists primarily of single-family dwellings with the Wichita Center across Wichita Ave to the west.

2. The property owner seeks annexation to the City to access City sewer services as the current septic system on the property is failing.
3. The annexation petition was initiated by Consent of All Owners of Land on November 14, 2018, with an application for annexation submitted to the City on the same day (November 14). 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 R-10, respectively. Pursuant to MMC Table 19.1004.1.E, the automatic City Comprehensive Plan land use and zoning designations for the annexation property are Low Density Residential and Residential Zone R-10, 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 property is within the City’s UGMA.
 - b. The subject site must be contiguous to the existing city limits;

The annexation property is contiguous to the existing city limits via the adjacent public right-of-way in Wichita Ave to the west.

- c. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;

Richard and Nancy Niska, the owners of the property, consented to the annexation by signing the petition. There are three registered voters for the annexation property and they all signed the petition. 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 annexation 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 Wichita Ave. 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 are no applicable urban service agreements adopted pursuant to ORS 195 in the area of the proposed annexation. 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 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 the 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 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: *Access is provided to the site via Wichita Ave, a local street. 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, and the annexation property is already connected to a City water line. The City's water service master plan for all of the territory within its UGMA addresses the need to prepare for future demand and coordinate service provision changes with CRW. The City 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, as noted in Finding 7.d. 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 Wichita Ave right-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.

- (2) Affect the quality and quantity of urban services; and

The annexation property consists of three tax lots developed with a single-family residence and an accessory garage. 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 will be served by the City's 8-in sewer line accessible in Wichita Ave.

Water: The annexation property is currently served by the City through a City water line in Wichita Avenue adjacent to 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.

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 the department can adequately serve the site. In order to avoid duplication of services, the site will be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The annexation property is not within a special service district for street lights. The City has operational responsibility for the street lights and street light payments.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and 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.

EXHIBIT A

Annexation to the City Of Milwaukie
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-2018-002

Property Address: 10120 SE Wichita Ave, Milwaukie OR 97222

Tax Lot Description: 1S2E30DD 02300

Legal Description: The North 95 feet of the West 110 feet of Lot Fourteen (14) Wichita in the County of Clackamas and State of Oregon.

Property Address: 10120 SE Wichita Ave, Milwaukie OR 97222

Tax Lot Description: 1S2E30DD 02102

Legal Description: The North 57 feet of the East 99.7 feet of the West 209.7 feet of Lot 14 Wichita, Clackamas County, State of Oregon.

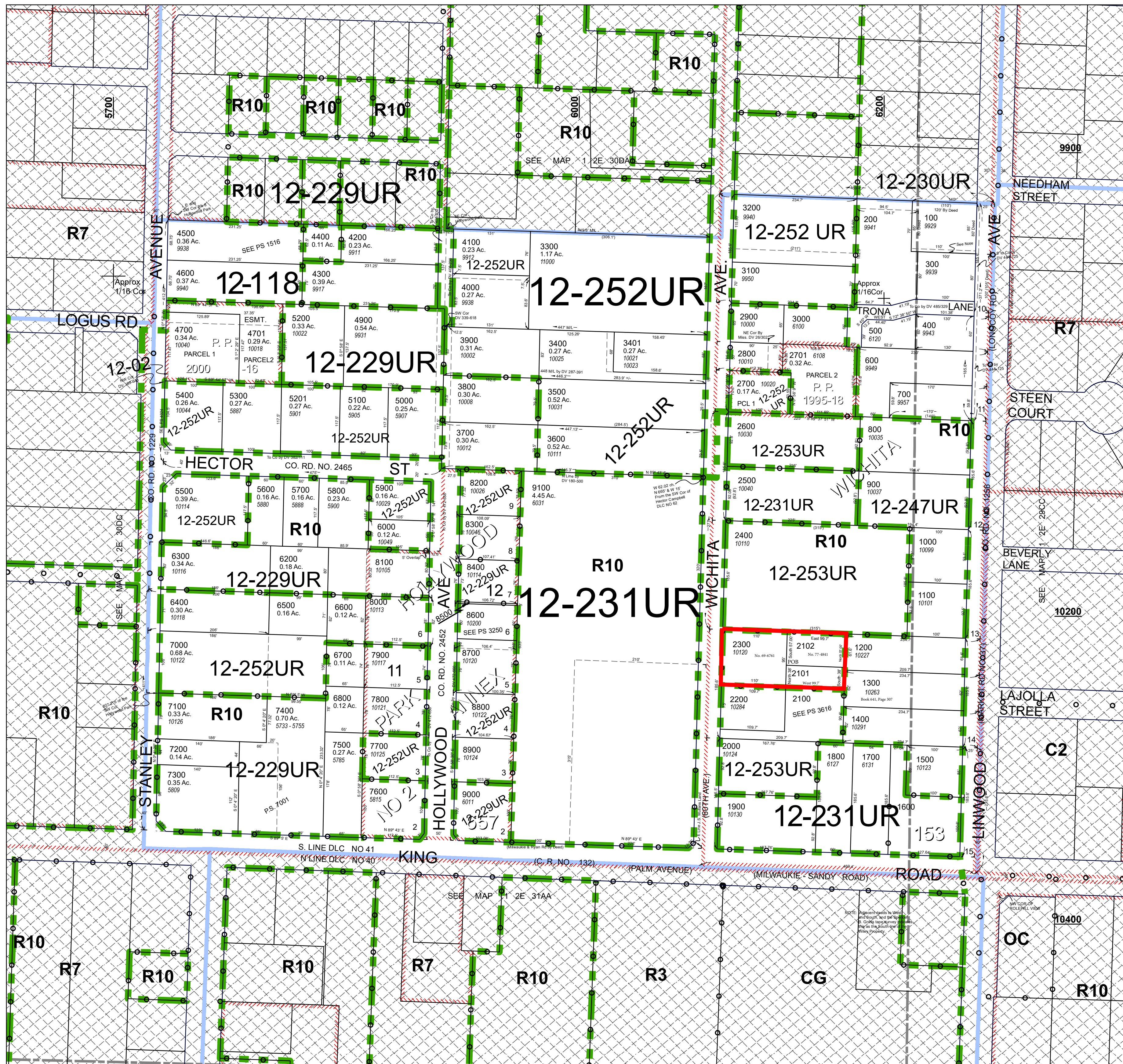
Property Address: 10120 SE Wichita Ave, Milwaukie OR 97222

Tax Lot Description: 1S2E30DD 02101

Legal Description: A part of Lot 14, WICHITA, in the County of Clackamas and State of Oregon, described as follows:

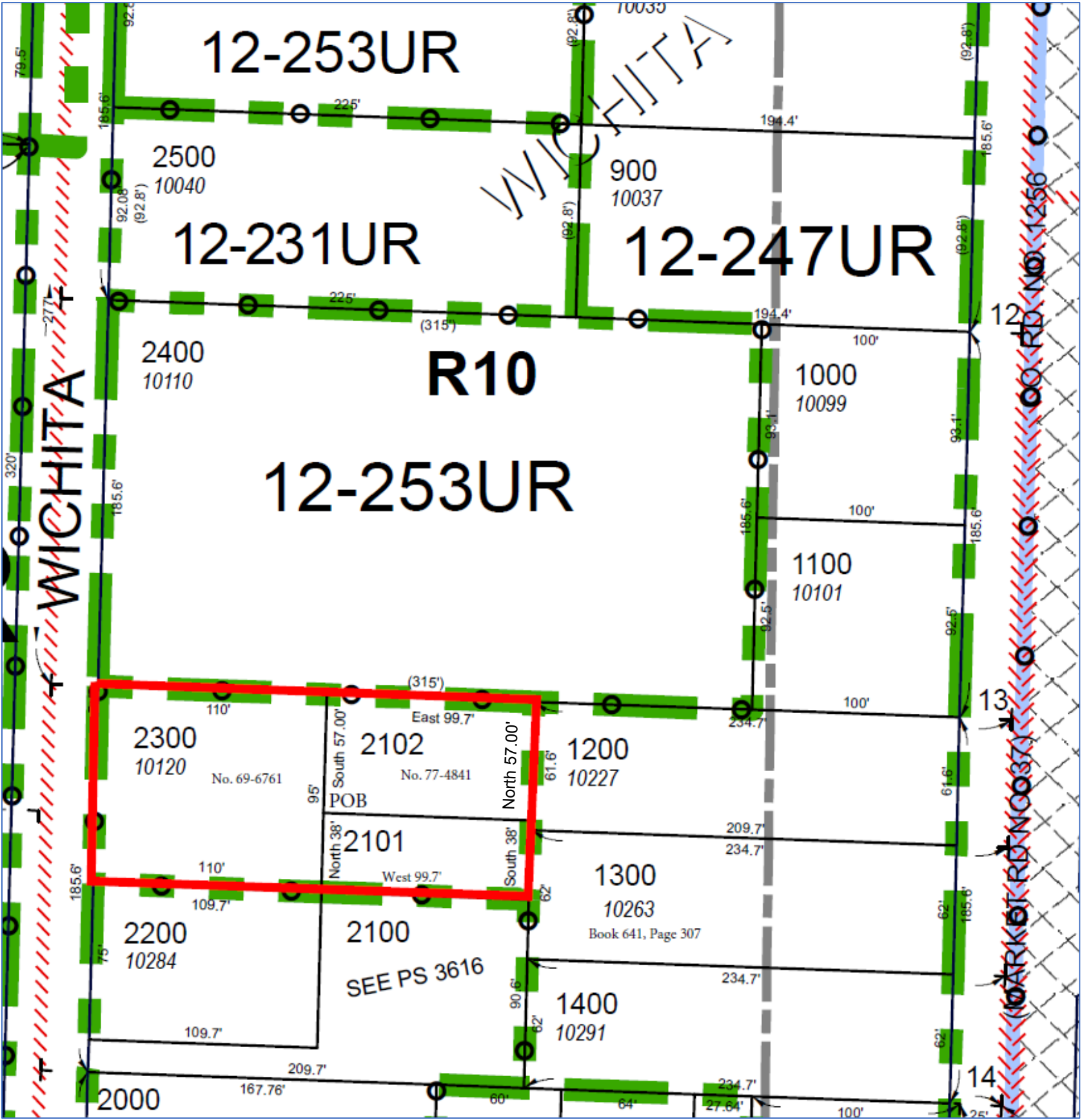
Beginning at the intersection of the Northwest corner of said Lot 14, WICHITA, with the Easterly right of way line of Wichita Street; thence East along the North line of said Lot 14, a distance of 110 feet; thence South parallel with the Easterly right of way line of said Wichita Street, 57 feet to the point of beginning, said point being also the Southwest corner of that tract of land deeded to Thomas A. Wood, et ux, recorded February 8, 1977, Fee No. 77-4841; thence East following the South line of said Wood tract, 99.7 feet to a point also being the Southeast corner of said Wood tract; then South, parallel with the Easterly right of way line of said Wichita Street, 38 feet to a point on the West line of that tract of land deeded to John W. Seltmen, et ux, recorded June 10, 1964, book 641, page 307; thence West 99.7 feet to the Southeast corner of a tract of land deeded to Thomas A. Wood, Jr., recorded April 18, 1969, Fee N. 69-6761; thence following the East line of said Wood tract North 38 feet to the point of beginning.

1 2 E 30DD



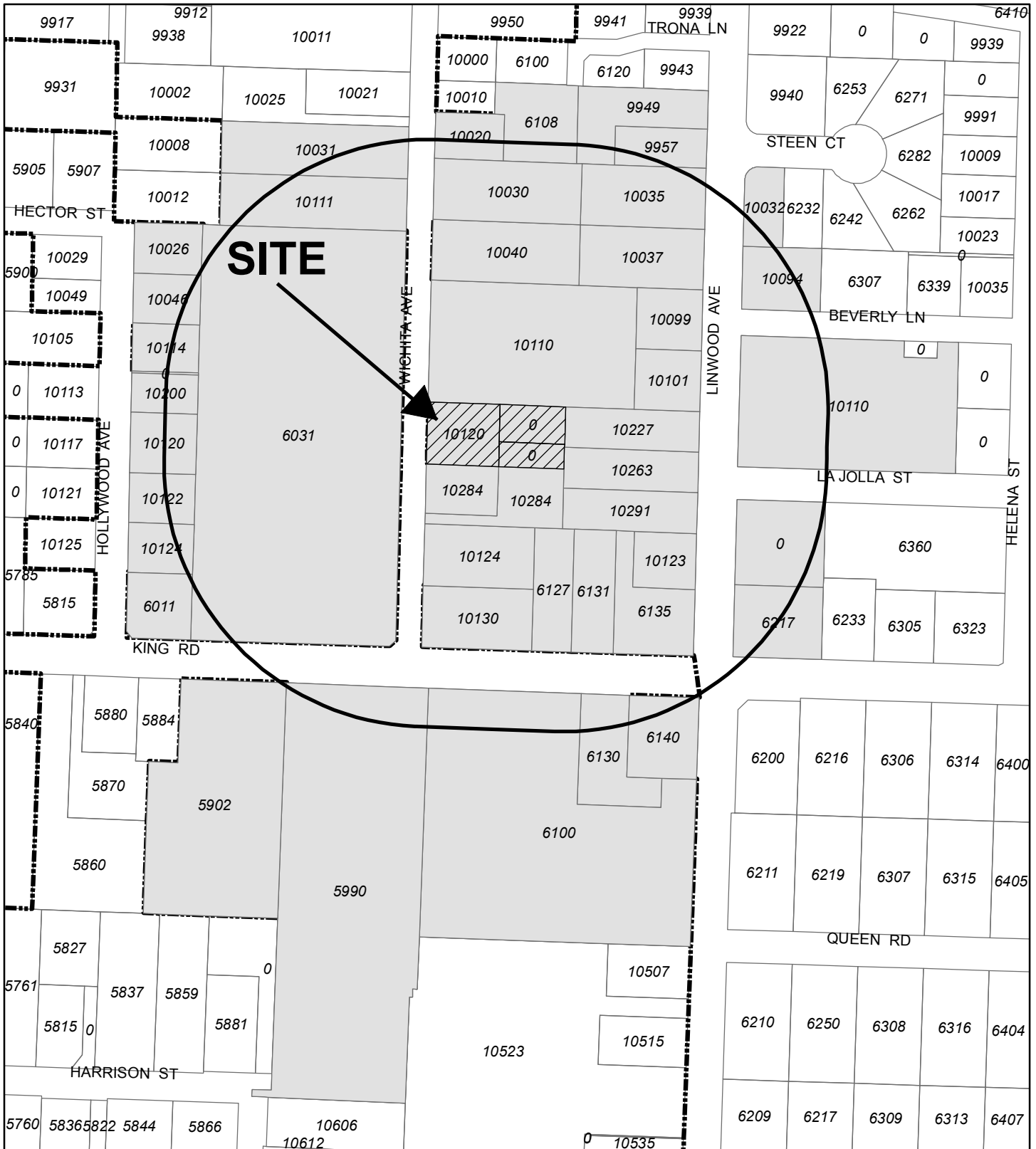
S.E.1/4 S.E.1/4 SEC.30 T.1S. R.2E. W.M.
CLACKAMAS COUNTY

D. L. C.
HECTOR CAMPBELL NO. 41



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'

Attachment 2



Site Map

10120 SE Wichita Ave

(12E30DD02300, 02101, 02102)

File# A-2018-002



North

RS89

Legend



A-2018-002 site



400-ft buffer



Properties receiving notice



Tax Lots



City Limit



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov
WEB: www.milwaukieoregon.gov

Expedited Annexation Application

File #: A-2018-002

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant): RICHARD + NANCY NISKA

Mailing address: 3330 SW RIDGEWOOD AVE, PORTLAND OREGON Zip: 97225

Phone(s): 503 475 4264 E-mail: RICH_NISKA@YAHOO.COM

APPLICANT'S REPRESENTATIVE (if different than above): - SAME -

Mailing address: Zip:

Phone(s): E-mail:

SITE INFORMATION:

Address(es): 10120 SE WICHITA AVE Map & Tax Lot(s): 12 E 30 DD 0 2300 Property size: 0.46 AC
12 E 30 DD 0 2101
12 E 30 DD 0 2102

Existing County zoning: Proposed City zoning: R10

Existing County land use designation: Proposed City land use designation:

PROPOSAL (describe briefly):

Annex to connect to sewer

LIST OF ALL CURRENT UTILITY PROVIDERS:

Check all that apply (do not list water or sewer service providers)

Cable, internet, and/or phone: ☒ Comcast ☐ CenturyLink (formerly Qwest)

Energy: ☒ PGE ☒ NW Natural Gas

Garbage hauler: ☐ Waste Management ☐ Mel Deines ☒ Hoodview Disposal and Recycling

☐ Wichita Sanitary ☐ Oak Grove Disposal ☐ Clackamas Garbage

☒ Other (please list): MILWAUKIE WATER

SIGNATURE:

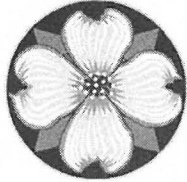
ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County 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: Richard Niska Nancy Lee Niska Date: 11/7/2018

CONTINUED ON REVERSE

THIS SECTION FOR OFFICE USE ONLY:

File #: <i>A-2018002</i> Fee: \$ <i>150.-</i> Receipt #: <i>15704</i> Rcd. by: <i>Maha</i>		Date stamp:
Associated application file #'s:		RECEIVED NOV 14 2018 CITY OF MILWAUKIE PLANNING DEPARTMENT
Neighborhood District Association(s): <i>Linwood Levelling</i>		
Notes (include discount if any):		



www.milwaukieoregon.gov

Transaction Receipt

601-18-000105-PLNG

Receipt Number: 15704

Receipt Date: 11/14/18

Milwaukie Planning Department

6101 SE Johnson Creek Blvd

Milwaukie, OR 97206

503-786-7630

Fax: 503-774-8236

planning@milwaukieoregon.gov

Worksite address: 10120 SE WICHITA AVE, MILWAUKIE, OR 97222

Parcel: 12E30DD02101

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
11/14/18	150.00	Amount Annexation Expedited	110-000-4480	\$150.00	\$150.00
Fee Notes: A-2018-002.					

Payment Method:	Check number: 2123	Payer: RICHARD & NANCY NISKA	Payment Amount:	\$150.00
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Cashier: Alicia Martin

Receipt Total: \$150.00

**PLANNING DEPARTMENT**

6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630

FAX: 503-774-8236

E-MAIL: planning@milwaukieoregon.gov

WEB: www.milwaukieoregon.gov

Expedited Annexation Application

File #: _____

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant): **RICHARD + NANCY NISKA**

Mailing address: **3330 SW RIDGEWOOD AVE, PORTLAND OREGON** Zip: **97225**

Phone(s): **503 475 4264**

E-mail: **RICH_NISKA@YAHOO.COM**

APPLICANT'S REPRESENTATIVE (if different than above): **- SAME -**

Mailing address:

Zip:

Phone(s):

E-mail:

SITE INFORMATION:

Address(es): **10170 SE WICHITA AVE** Map & Tax Lot(s): **12 E 30 DD 0 2101** Property size:

Existing County zoning:

Proposed City zoning:

Existing County land use designation:

Proposed City land use designation:

PROPOSAL (describe briefly):**LIST OF ALL CURRENT UTILITY PROVIDERS:**

Check all that apply (do not list water or sewer service providers)

Cable, internet, and/or phone: ☒ Comcast ☐ CenturyLink (formerly Qwest)

Energy: ☒ PGE ☒ NW Natural Gas

Garbage hauler: ☐ Waste Management ☐ Mel Deines ☒ Hoodview Disposal and Recycling

☐ Wichita Sanitary ☐ Oak Grove Disposal ☐ Clackamas Garbage

☒ Other (please list): **MILWAUKIE WATER**

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:

Richard Niska *Nancy Lee Niska*

Date: **11/7/2019**

CONTINUED ON REVERSE

**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

PROPERTY LOCATED AT 10120 SE WICHITA AVE

PARCEL #1 — HOUSE — 12E30DD02300 — THE NORTH 95 FEET OF THE

WEST 110 FEET OF LOT FOURTEEN (14) IN THE COUNTY OF CLATSOP AND STATE OF OREGON

PARCEL #2 — LOT 1 — 12E30DD02101 — THE NORTH 57 FEET OF THE EAST 99.7

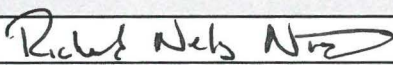
FEET OF LOT 14 WICHITA, CLATSOP COUNTY, STATE OF OREGON

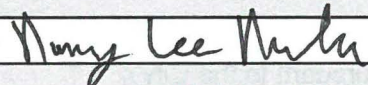
PARCEL #3 — LOT 2 — 12E30DD02102 — A PART OF LOT 14, WICHITA, IN THE

COUNTY OF CLATSOP AND STATE OF OREGON AS DESCRIBED IN EXHIBIT "A"

PETITION SIGNERS

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	I AM A:*			DATE
		PO	RV	OV	
	Richard Nels Niska	X			11/7/2018
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
10120 SE WICHITA AVE, MILWAUKEE OR					

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Nancy Lee Niska	X			11/7/2018
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
10120 SE WICHITA MILWAUKEE					

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	RACHEL IRENE LARSON		X		11/9/18
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
10120 SE WICHITA, MILWAUKEE					420-02

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

EXHIBIT "A"

PARCE #3

LOT #2 - A part of Lot 14, WICHITA, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the intersection of the Northwest corner of said Lot 14, WICHITA, with the Easterly right of way line of Wichita Street; thence East along the North line of said Lot 14, a distance of 110 feet; thence South parallel with the Easterly right of way line of said Wichita Street; 57 feet to the point of beginning, said point being also the Southwest corner of that tract of land deeded to Thomas A. Wood, et ux, recorded February 8, 1977, Fee No. 77-4841; thence East following the South line of said Wood tract, 99.7 feet to a point also being the Southeast corner of said Wood tract; thence South, parallel with the Easterly right of way line of said Wichita Street, 38 feet to a point on the West line of that tract of land deeded to John W. Seltmen, et ux, recorded June 10, 1964, book 641, page 307; thence West 99.7 feet to the Southeast corner of a tract of land deeded to Thomas A. Wood, Jr., recorded April 18, 1969, Fee No. 69-6761; thence following the East line of said Wood tract North 38 feet to the point of beginning.

(MW)

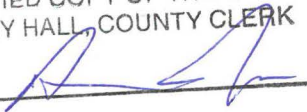
11-06-18



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.

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL COUNTY CLERK

BY: 

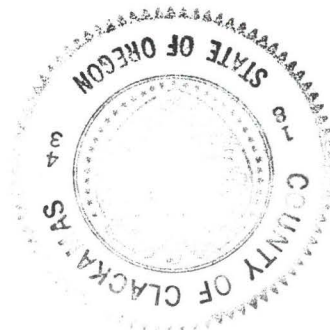
Name ANDREW JONES

Title ELECTIONS MANAGER

Department CLERK

County of CLACKAMAS

Date 11/9/2018



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 (township, range, ¼ section, and tax lot)
1	Richard Nels Niska	3330 SW Ridgewood Ave Portland OR 97225	10120 SE WICHITA AVE MILWAUKIE, OR 97222
2	Nancy Lee Niska	3330 SW Ridgewood Ave Portland OR 97225	10120 SE WICHITA AVE MILWAUKIE, OR 97222
3	Rachel Irene Larson	10120 SE Wichita Ave Milwaukie OR 97222	10120 SE WICHITA AVE MILWAUKIE OR 97222
4			
5			
6			
7			
8			
9			
10			

Name of Owner/Voter	Mailing Street Address	Property Address
	Mailing City/State/Zip	Property Description (township, range, ¼ section, and tax lot)
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		

CERTIFICATION OF PROPERTY OWNERSHIP OF 100% OF LAND AREA

I hereby certify that the attached petition contains the names of the owners¹ (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.



Name Mary Neigel
Title GIS Cartographer II
Department Assessment & Tax
County of Clackamas
Date 11.06.18

¹ 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.

WOOD FAMILY LIVING TRUST, NANCY L. NISKA,
SUCCESSOR TRUSTEE

GRANTOR Clackamas County Official Records
Sherry Hall, County Clerk

2017-016460

TO:

RICHARD N. NISKA AND NANCY L. NISKA, TRUSTEES,
OR THEIR SUCCESSORS IN TRUST, UNDER THE
RICHARD & NANCY NISKA REVOCABLE LIVING
TRUST DATED THE 21ST DAY OF OCTOBER, 2016,
AND ANY AMENDMENTS THERETO



02032260201700164600010015

\$53.00

03/13/2017 10:58:07 AM

GRANTEE

D-D Cnt=1 Stn=5 LESLIE
\$5.00 \$16.00 \$22.00 \$10.00

After recording, return to:

LEONARD J. KOVAC, JR.

11073 S.E. Main Street

Milwaukie, OR 97222

Until a change is requested, all

tax statements shall be sent to

the following address:

No Change.



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That, WOOD FAMILY LIVING TRUST, NANCY L. NISKA, SUCCESSOR TRUSTEE, hereinafter called the Grantor, for the consideration hereinafter stated, to grantor paid by RICHARD N. NISKA AND NANCY L. NISKA, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE RICHARD & NANCY NISKA REVOCABLE LIVING TRUST DATED THE 21ST DAY OF OCTOBER, 2016, AND ANY AMENDMENTS THERETO thereafter called the Grantee, does hereby grant, bargain, sell and convey their interest unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

House — The North 95 feet of the West 110 feet of Lot Fourteen (14) in the County of Clackamas and State of Oregon.

Lot #1 — The North 57 feet of the East 99.7 feet of the West 209.7 feet of Lot 14 Wichita, Clackamas County, State of Oregon.

Subject to easements and restrictions of record.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as described above and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS \$ *NONE . *THIS CONVEYANCE IS A DISTRIBUTION OF A REV. LIVING TRUST.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 23rd day of February, 2017.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

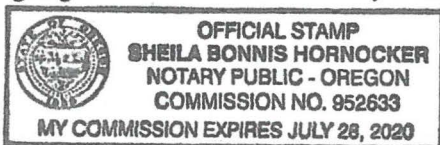
WOOD FAMILY LIVING TRUST

NANCY L. NISKA, SUCCESSOR TRUSTEE

STATE OF OREGON, County of Clackamas) ss.

February 23, 2017

Personally appeared before me NANCY L. NISKA, Successor Trustee of the Wood Family Living Trust and acknowledged the foregoing instrument to be her voluntary act and deed.



Before Me:

Notary Public for Oregon

RS101

WOOD FAMILY LIVING TRUST, NANCY L. NISKA,
SUCCESSOR TRUSTEE

GRANTOR



02056370201700381920020021

\$58.00

06/07/2017 02:27:27 PM

TO:

RICHARD N. NISKA AND NANCY L. NISKA, TRUSTEES,
OR THEIR SUCCESSORS IN TRUST, UNDER THE
RICHARD & NANCY NISKA REVOCABLE LIVING
TRUST DATED THE 21ST DAY OF OCTOBER, 2016,
AND ANY AMENDMENTS THERETO

GRANTEE

D-D

Cnt=1 Stn=54 COUNTER2

\$10.00 \$16.00 \$22.00 \$10.00

After recording, return to:

LEONARD J. KOVAC, JR. *Sheila Morrocker*

11073 S.E. Main Street

Milwaukie, OR 97222

Until a change is requested, all

tax statements shall be sent to

the following address:

No Change.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That, WOOD FAMILY LIVING TRUST, NANCY L. NISKA, SUCCESSOR TRUSTEE, hereinafter called the Grantor, for the consideration hereinafter stated, to grantor paid by RICHARD N. NISKA AND NANCY L. NISKA, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE RICHARD & NANCY NISKA REVOCABLE LIVING TRUST DATED THE 21ST DAY OF OCTOBER, 2016, AND ANY AMENDMENTS THERETO thereafter called the Grantee, does hereby grant, bargain, sell and convey their interest unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

See legal description.

Subject to easements and restrictions of record.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as described above and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS \$ *NONE . *THIS CONVEYANCE IS A DISTRIBUTION OF A REV. LIVING TRUST.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 7th day of June, 2017.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

WOOD FAMILY LIVING TRUST

Nancy L. Niska
NANCY L. NISKA, SUCCESSOR TRUSTEE *Trustee*

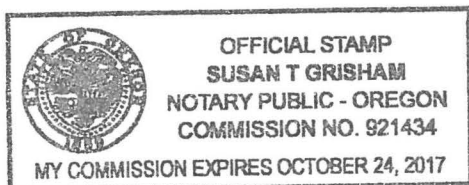
STATE OF OREGON, County of *Clackamas*

ss. June 7, 2017

Personally appeared before me NANCY L. NISKA, Successor Trustee of the Wood Family Living Trust and acknowledged the foregoing instrument to be her voluntary act and deed.

Before Me: *Susan T. Grisham*

Notary Public for Oregon



RS102

EXHIBIT "A"

Lot #2 - A part of Lot 14, WICHITA, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the intersection of the Northwest corner of said Lot 14, WICHITA, with the Easterly right of way line of Wichita Street; thence East along the North line of said Lot 14, a distance of 110 feet; thence South parallel with the Easterly right of way line of said Wichita Street; 57 feet to the point of beginning, said point being also the Southwest corner of that tract of land deeded to Thomas A. Wood, et ux, recorded February 8, 1977, Fee No. 77-4841; thence East following the South line of said Wood tract, 99.7 feet to a point also being the Southeast corner of said Wood tract; thence South, parallel with the Easterly right of way line of said Wichita Street, 38 feet to a point on the West line of that tract of land deeded to John W. Seltmen, et ux, recorded June 10, 1964, book 641, page 307; thence West 99.7 feet to the Southeast corner of a tract of land deeded to Thomas A. Wood, Jr., recorded April 18, 1969, Fee No. 69-6761; thence following the East line of said Wood tract North 38 feet to the point of beginning.

MW

11-06-18

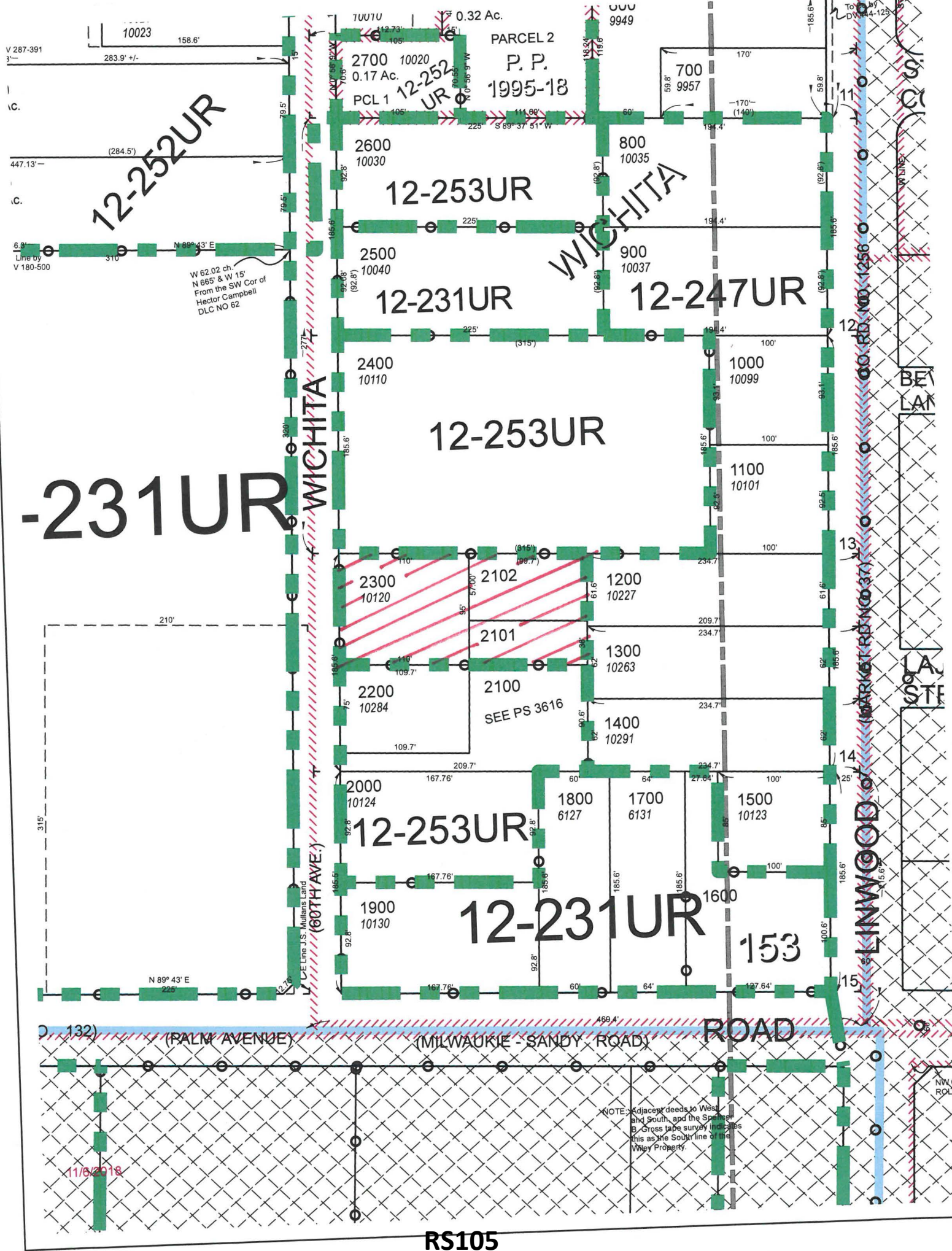


CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E 30DD) 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 GIS Cartographer II
Department Assessment & Tax
County of Clackamas
Date 11.06.18



CONFIDENTIAL

Census Form

Date _____

Use one form per housing unit

CITY OF MILWAUKIE, OREGON

ADDRESS 101 20 SE WICHITA AVE

HOUSING TYPE:

Single Unit Structure ☒
Multiple Unit Structure ☐
Trailer or Mobile Home ☐

TENURE:

Owner Occupied ☐
Renter Occupied ☒
Vacant ☐
Seasonal ☐

RESIDENTS:

	<u>Last Name</u>	<u>First Name</u>
Respondent	<u>LARSON</u>	<u>RACHEL</u>
2)	_____	_____
3)	_____	_____
4)	_____	_____
5)	_____	_____
6)	_____	_____
7)	_____	_____
8)	_____	_____
9)	_____	_____
10)	_____	_____

POPULATION RESEARCH CENTER

PORTLAND STATE
UNIVERSITY

(503) 725-3922



January 30, 2019

Mark Gamba, Mayor
City of Milwaukie Oregon
10722 SE Main Street
Milwaukie, OR 97222

Re: Milwaukie Municipal Code Amendments ZA-2018-004
Proposed Revisions to Title 14 - Signs

Dear Mayor Gamba,

On behalf of the more than 8,000 members of the **Portland Metropolitan Association of Realtors® (PMAR)**, I am writing to express concern regarding the Milwaukie Municipal Code Amendments File #ZA-2018-004 (Proposed Revisions to Title 14 - Signs) for Council's consideration at its February 5th meeting:

PMAR urges Council to reconsider the proposed language of Subsection 14.12.104(B) which includes a limitation for temporary signs at six-months. The current code reads as follows:

Temporary signs which are nonilluminated, have an overall face area not exceeding 16 square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, building permits, public hearing notices, construction signs, garage sale, open house, special event, holiday, and similar signs. Temporary signs shall be removed within a reasonable period.

As reported by the Regional Multiple Listing Services®' 2018 December Market Action Report, the average total market time in the City of Milwaukie at present is at 75-days. Total market time is the number of days from when a property is listed to closing of the sale. Unfortunately, market fluctuations easily could mean a property available for sale in Milwaukie might be listed for a duration greater than six-months. Requiring the removal of a for-sale sign in those circumstance could be a significant burden on your constituents attempting to sell their property. We propose the language be amended to limit the time allowed to the specific duration of event rather than an arbitrary time limit that may not work under all circumstance. In-other-words, when the garage sale is over, the sign is removed. When the sale of the property has closed, the sign would come down.

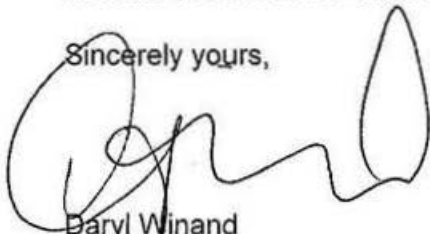
PMAR is a professional association serving nearly 8,000 members within the real estate industry. Its mission is to provide services, products and programs that will enhance its members' ability to conduct their real estate business ethically and competently, to advocate and protect private property rights, and to promote the real estate profession. PMAR represents and serves individuals in all facets of the real estate industry. Its members are committed to protecting homeownership, establishing and maintaining high professional standards of practice and creating unity in the real estate profession.

Mark Gamba, Mayor
January 30, 2019
Page 2 of 2

PMAR applauds the City's efforts to establish a workable and mutually beneficial sign code for its citizenry, local businesses and those who conduct business within the City of Milwaukie. We appreciate Council's consideration of our recommendation.

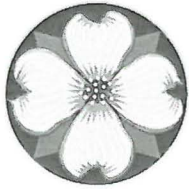
If you require any further information or have any additional questions for PMAR, please do not hesitate to contact me at 503-459-2162.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Daryl Winand', with a large, stylized loop at the end.

Daryl Winand
Deputy Director Realtor® Advocacy
Portland Metropolitan Association of Realtors®

Cc: City of Milwaukie Council Members: Angel Falconer, Lisa Batey, Wilda Parks, Katy Hyzy
City of Milwaukie City Manager: Ann Ober
Members, PMAR Realtor® Advocacy Committee
Drew Coleman, PMAR President
Jane Leo, PMAR Director Realtor® Advocacy
Kathy Querin, PMAR CEO



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.

2/5/19

5. A. Annexation of 10120 SE Wichita Avenue

Land Use File No. A-2018-002

NAME	ADDRESS	PHONE	EMAIL
Adam Zucker	4014 SE Ankeny St	503-956-3473	adam@zuckerengineering.com
Melinda Graham	160 NE 6 th Ave, Portland OR	503-546-4645	mgraham@zinkstudio.com
Hurtis/Dorothy Hadley	2006 SE Junior St	97211	

COUNCIL STAFF REPORT

To: Mayor and City Council

Date Written: January 28,
2019

Ann Ober, City Manager

Reviewed: Alma Flores, Community Development Director, and Denny Egner, Planning Director

From: Vera Kolias, Associate Planner

Subject: **2018 Code Amendments: Round 3 – Part 1**

ACTION REQUESTED

Open the public hearing for Application ZA-2018-004. Discuss the proposed amendments, take public testimony, and provide direction to staff regarding any desired revisions to the proposed amendments. Due to the complexity of some of the proposed amendments, this is part one of a two-part hearing to provide sufficient time for discussion. This hearing will focus on the bulk of the proposed amendments and part 2 of the hearing will focus on the proposed green building code language. This staff report focuses on all of the amendments except for the green building standards.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[June 19, 2018](#): City Council held a public hearing and adopted housekeeping code amendments (ZA-2018-001). A number of proposed amendments were held to be considered in a follow-up round of code amendments.

The Planning Commission was scheduled to hold a worksession on [July 10, 2018](#), but the meeting was canceled.

[July 17, 2018](#): City Council held a worksession to discuss the proposed code amendment package.

[August 21, 2018](#): City Council held a second worksession to discuss the proposed code amendment package.

[August 28, 2018](#): The Planning Commission held a worksession to discuss the proposed code amendment package.

[November 13, 2018](#): The Planning Commission held a public hearing on the proposed code amendment package and voted to recommend adoption.

ANALYSIS

Over the course of several years, Planning Department staff have been tracking issues with current zoning code language and have made recommendations for amended language. These items have been identified through a variety of means, including:

- Questions about specific code language that have been raised by the public on multiple occasions and that are not easily answered;

- Code interpretation applications; and
- Onerous land use review procedures for specific types of small development proposals.

To date, there are over 100 individual items on the "code fix" list.

The Planning Department brought packages of "housekeeping" code amendments in 2016 (ZA-2016-002) and in June 2018 (ZA-2018-001). Housekeeping amendments are clarifications or minor tweaks, and are not intended to affect the meaning or intent of existing regulations. The current package of proposed code amendments includes some simple housekeeping corrections, but primarily involves more significant changes include changes in policy. Several of the proposed changes were held over from the last package of housekeeping code amendments.

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

1. Revising the definitions of "public park," "livestock," and "live/work unit":
 - The proposed definition of public park removes a reference to the City Community Services Department, which no longer exists.
 - The proposed definition of livestock clarifies that this term refers to animals such as goats, sheep, etc., that are not kept as pets. This is related to the proposed language regarding agricultural uses in the residential zones.
 - The proposed definition of live/work unit provides flexibility in the design of live/work units. The current code language essentially requires that these units are multi-story. The change is related to a proposed revision for live/work design and development standards.
2. Revising live/work standards:
 - The proposed language includes language that allows live/work units to be either multi-story or single-floor units to provide flexibility in their design.
3. Revising the regulations for agricultural uses in residential zones:
 - The proposed language clarifies that livestock animals are different from animals kept as pets.
4. Revising a number of sections that include various iterations of personal/business services as permitted uses within zoning districts to provide consistency throughout the code.
5. Modifying the odor control standards for marijuana businesses:
 - The proposed language responds to a conflict with the Oregon Building Code and removes specific mechanical and ventilation requirements from the zoning code.
6. Revising the landscaping standard for multi-family development:
 - The proposed language allows non-native trees that are not nuisance trees to be planted, rather than requiring only native trees, to provide flexibility in species selection.

7. Amending the maximum height and height variance language in the Downtown Mixed Use (DMU) zone (*See Key Issue*):
 - The proposed language corrects an inconsistency between the table of standards and Figure 19.304-4 as well as accounts for the permitted height bonus numerical standards.
8. Revising access standards:
 - The proposed language allows for a modification to the access spacing standards for driveways and intersections rather than requiring a Type III Variance. The modification process is already outlined in Title 12 and is under the authority of the City Engineer.
9. Creating a new code section regulating seasonal and temporary uses:
 - The proposed language creates a process for review and approval of temporary uses, such as parking for construction workers and boat rentals at Milwaukie Bay Park. This type of permit does not currently exist in the municipal code.
10. Allowing signs for historic property identification:
 - The proposed language creates an exemption for signs for historic properties and heritage trees, including standards for the signs and what qualifies as an historic property.
11. Banners and temporary signs:
 - The proposed language would disallow banner-type signs to be used as permanent wall signs in an effort to require higher quality signage. The proposed language also includes a 6-month time limit for temporary signs as no time limit currently exists. If the signage is related to a permitted temporary use, then the 6-month timeframe would not apply (e.g., construction signs).
12. Requiring businesses that are closed to remove signs:
 - The proposed language requires that signs for businesses that have closed must be removed within 6 months. The purpose is to reduce clutter as well as confusion when signs are still up for businesses that no longer exist.
13. Creating a new code section for green building standards (*to be discussed at the next hearing*):
 - The proposed language creates a new section for green building standards as identified for building height bonuses in the General Mixed Use (GMU), Neighborhood Mixed Use (NMU), and North Milwaukie Industrial Area (NMIA) zones as well as the local approval criteria for the Vertical Housing Development zone. The proposed language revises current standards to include a requirement for energy efficiency.
14. Revising the permitted uses in the Manufacturing zone:
 - The proposed language would allow repair and service shops for personal vehicles in the Manufacturing zone.
15. Adding language specific to vacation rentals in the standards governing conditional uses:
 - The proposed language includes standards for vacation rentals, including a requirement for a building inspection and notification to neighbors.
16. Revising the standards for street layout and connectivity:

- The proposed language changes the standard for dead-end streets (“closed-end street system”) such that a cul-de-sac with no more than 20 units could be built off a dead-end street. The current language would not permit this. The amendment provides opportunity for additional development.
17. Revising the review process for wireless communication facilities, including a list of exemptions:
 - The proposed language further clarifies the permitting process for wireless communication facilities, including a list of exemptions, reflecting a ruling by the Federal Communications Commission. The proposed language also adds references to Title 21, alerting applicants to other city code requirements such as franchise agreements, as well as other revisions recommended by the ROW/Contracts Coordinator.
 18. Revising a standard for Accessory Dwelling Units (ADUs):
 - The proposed language regarding allowing 1 ADU per single family home (as opposed to only one per lot) is a requirement of Senate Bill (SB) 1051.
 19. Revising parking lot landscaping standards:
 - The proposed language changes the spacing of trees from 1 tree for every 40 linear ft to every 30 linear ft and also adds a requirement for a minimum tree canopy within 10 years. The proposed language is intended to result in species selection and plantings that provide better shade in parking areas.
 20. Clarifying language related to boundary changes:
 - The proposed language clarifies that a boundary change within an approved subdivision requires a subdivision replat.
 21. Revising the timeframe for notification of code and plan amendments to Metro to coincide with their 35-day requirement prior to the first evidentiary hearing, rather than the existing 45 days outlined in City code.
 22. Adding references to the 100-day deadline for decisions for certain affordable housing developments, per SB 1051.

KEY ISSUES

A question has been raised about the proposed language clarifying the building height variance in the Downtown Mixed Use Zone. The question relates to whether or not the city wished to allow buildings that do not have a housing component or are not built to the green building standard to exceed the base maximum height. A strict reading of the code would only allow a building that is not using bonuses to seek a height variance. That is not what was intended for the code. The code is supposed to allow any developer to seek a height variance if they think it will meet the very strict discretionary approval criteria.

Since adoption of the Moving Forward Milwaukie code amendments for downtown, staff have interpreted the code language to mean that there is flexibility for buildings exceeding the base maximum height in downtown. The code already provides bonuses for buildings providing lodging, housing, or are built to specific green standards. But, if a developer elects to use only one of those bonuses, yet still wants to build a five-story building, then the building height

variance is available. The language provides a way to review an “exemplary development,” which is a subjective determination by the Planning Commission for a building that the code could not have anticipated. The code is not clear on that point.

The code language was intended to provide the flexibility for a variance application for such a building, but a variance with very specific and difficult to achieve discretionary criteria. However, as currently written, the code would only allow a development that did not elect to use any height bonuses to seek the variance:

Applicability

*The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights specified in Figure 19.304-4 **and** do not elect to use the height bonuses in Subsection 19.304.5.B.3.*

The key word in the code is “and.” As written, a building could exceed the base maximum only without use of any bonuses. Staff believes that the intent of the approved code was for maximum flexibility but with compliance with the approval criteria. To illustrate the point, staff believes that any of the following conceptual examples should be eligible for a height variance:

- A five-story commercial office building, built to the green standard;
- A six-story green, mixed-use building;
- A four-story mixed commercial building built to meet Oregon Energy Code, but not to the green building standard;
- A five-story residential building built to meet Oregon Energy Code, but not to the green building standard.

To achieve the flexibility intended, staff proposes to revise the code language to replace “and” with “or”.

The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights specified in Figure 19.304-4 or do not elect to use the height bonuses in Subsection 19.304.5.B.3.

BUDGET IMPACTS

None.

WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

The proposed revisions were reviewed by the City Manager, Community Development Director, the former Engineering Director, the Public Works Director, the Development Project Manager, City Attorney, and the ROW/Contracts Coordinator. The Planning Commission held

a public hearing to discuss the amendments on November 13 and voted to recommend approval of the revised code amendment package to City Council.

STAFF RECOMMENDATION

Staff requests that this first portion of the code amendment package be adopted separately from the green building code language that will be discussed at the next hearing. This would allow the amendments to move forward, as property owners and applicants are waiting for adoption in order to proceed with projects.

ALTERNATIVES

No alternatives are being presented. If there are significant issues, the Council could choose to continue the public hearing to a future date. This would delay the adoption and effective dates of the amendments.

ATTACHMENTS

1. Ordinance
2. Recommended Findings in Support of Approval
3. Proposed code amendment language (underline/strikeout)
4. Proposed code amendment language (clean)

COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 11 MISCELLANEOUS PERMITS, TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, TITLE 14 SIGNS, TITLE 17 LAND DIVISION, AND TITLE 19 ZONING TO MAKE MINOR CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2018-004).

WHEREAS, the proposed amendments to Titles 11, 12, 14, 17, and 19 make changes and clarifications that will more effectively communicate and implement existing policy; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on November 13, 2018, the Milwaukie Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendment; and

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

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

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

Section 2. Amendments The Milwaukie Municipal Code is amended as described in Exhibit B (Title 11 Miscellaneous Permits; Title 12 Streets, Sidewalks, and Public Places; Title 14 Signs; Title 17 Land Division, and Title 19 Zoning underline/strikeout version), and Exhibit C (Title 11 Miscellaneous Permits; Title 12 Streets, Sidewalks, and Public Places; Title 14 Signs; Title 17 Land Division, and Title 19 Zoning clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

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

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Mark Gamba, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott Stauffer, City Recorder

Justin D. Gericke, City Attorney

**Recommended Findings in Support of Approval
File #ZA-2018-004, Code Fix Amendments**

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

1. The applicant, the City of Milwaukie, proposes to amend various regulations that are contained in Title 11 Miscellaneous Permits, Title 12 Streets, Sidewalks, and Public Places, Title 14 Sign Ordinance, Title 17 Land Division, and Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2018-004.
2. The purpose of the proposed code amendments is as a collection of “housekeeping” amendments – clarifications or minor tweaks – that are not intended to affect the meaning or intent of existing regulations; they are not intended to be a change in policy. The amendments are located in several titles of the municipal code:
 - Title 11 – Miscellaneous Permits – create a process for review and approval of temporary uses.
 - Title 12 – Streets, Sidewalks, and Public Places – allow for a modification to access spacing standards.
 - Title 14 – Signs – disallow banner-type signs to be used as wall signs; regulate temporary signs with a 6-month time limit; create an exemption for signs identifying historic properties; clarify that signs for businesses that have closed must be removed within 6 months.
 - Title 17 – Land Division – clarify that a boundary change within an approved subdivision requires a subdivision replat.
 - MMC 19.201 – Definitions – revise the definitions of “public park”, “livestock”, and “live/work”
 - MMC 19.300 – various sections - the permitted use “Personal-service-oriented” is amended to read “Personal/business services” so that the use is consistently named throughout the code.
 - MMC 19.301 and 302 – Low and Medium Density Zones – clarify the difference between livestock and animals as household pets on single family properties.
 - MMC 19.303.4 – Detailed Development Standards – minor correction to a typo regarding FAR
 - MMC 19.304 – Downtown Zones – correct a mathematical error in Table 19.304.2 regarding building height; correct an inconsistency between the table of standards and Figure 19.304-4.
 - MMC 19.304.5 – Detailed Development Standards - eliminate the requirement for a 6-ft step back as a development standard and keep it as a design standard in MMC 19.508 (including a clarification in 19.508).

- MMC 19.308 – Community Shopping Commercial Zone – Add indoor recreation to the list of permitted uses.
 - MMC 19.309 – Manufacturing Zone – allow the repair and service of personal vehicles as a permitted use.
 - MMC 19.505.3 – Multi-family housing – replace the requirement for native trees with trees that are not a nuisance species for on-site tree plantings. Natural Resources – various minor clarification revisions
 - MMC 19.505.6 – clarify that live/work units can be multi-story or single-floor units.
 - MMC 19.509 – Marijuana Business Standards – remove language that conflicts with ORS 455.040.
 - ~~MMC 19.510 – Green Building Standards – create a new section related to green building standards for height bonuses. Reference corrections are made to correspond to this new section.~~
 - MMC 19.600 – Off-Street parking – revisions to planting requirements.
 - MMC 19.708 – Transportation Facility Requirements – revision to allow additional development off a dead-end street.
 - MMC 19.904 – Community Service Uses – various amendments to the standards for wireless communication facilities to reflect a ruling by the Federal Communications Commission and add references to Title 21 reflecting franchise agreements.
 - MMC 19.905 – Conditional Uses – add standards for vacation rentals.
 - MMC 19.910 – add language allowing one accessory dwelling unit (ADU) per single family home, which is a requirement of SB 1051.
 - MMC 19.911 – Variances – clarify that a building height variance in the DMU would be an option for developments that are proposed to exceed the allowed building height with height bonuses, or that do not elect to use height bonuses
 - MMC 19.1000 – Review Procedures – revisions to related to Metro notification to coincide with their recent changes to requirements; add references related to ORS 197.311, which addresses the new requirements for expedited review of qualifying affordable housing projects.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.1000 Review Procedures
 4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. A public hearing was held on November 13 and December 20, 2018, as required by law.
 5. MMC 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.
- (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on November 13, 2018. A public hearing before City Council is scheduled for December 18, 2018. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.
- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.
- The proposed amendments have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code. The amendments are clarifying in nature and are minor adjustments to policy.*

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.
- Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.*

- (i) The Goal statement of the Economic Base and Industrial/Commercial Land Use Element reads as follows:

To continue to support and encourage the development of a broad industrial base in the City, and to encourage the expansion of service facilities in the community.

Objective #2 – Employment Opportunity states:

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

The proposed amendments:

- *Add indoor recreation to the list of permitted uses in the Community Shopping Commercial Zone and add service and repair of personal vehicles to the list of permitted uses in the Manufacturing Zone.*

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.

The proposed amendments:

- *Add indoor recreation to the list of permitted uses in the Community Shopping Commercial Zone and add service and repair of personal vehicles to the list of permitted uses in the Manufacturing Zone.*
- (ii) Historic Resources Element – Objective #2, Policy #4 states:

Encourage appropriate memorialization of historic sites, objects, or structures through signs or plaques which convey the historic significance of a resource.

The intent of the proposed amendments to the sign code is to exempt appropriate identifying signage for historic sites and properties from a sign permit, which may encourage their installation.
- ~~(iii) Energy Conservation Element – Goal statement:~~

~~To conserve energy by encouraging energy efficient land use patterns and transportation systems, and by encouraging the construction industry and private homeowners to participate in energy conservation programs.~~

~~Objective #3 – Construction states:~~

~~To encourage the construction industry to construct energy efficient residential, commercial and industrial facilities.~~

~~The intent of the proposed amendment to green building standards is to require a higher level of sustainable design and construction in new developments that seek height bonuses. Buildings that are more efficient and perform better than required by the building code are encouraged, using a height bonus as an incentive.~~
- (iv) Residential Land Use and Housing Element - Objective #5 – Housing Choice states:

To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.

The intent of the proposed amendment to the standards for live/work units is to provide flexibility in the development of these types of units and remove prescriptive requirements. The amendment addressing SB 1051 would allow one ADU per single-family home or lot, which provides additional opportunities for the development of ADUs. The amendment addressing ORS 197.311 complies with the requirement that qualifying affordable housing projects are reviewed within 100 days, rather than 120 days.
- (c) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

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

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

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

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

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

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

- 6. MMC 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.

- a. MMC 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendments were initiated by the Planning Director on June 20, 2018.

- b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V review have been met as follows:

- (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Opportunity for public comment and review has been provided. The City Council had a worksession on the proposed amendments on July 17, 2018 and August 21, 2018. The Planning Commission had a worksession about the proposed amendments on August 28, 2018. The current version of the draft amendments has been posted on the

City's website since October 12, 2018. On October 12, 2018 staff emailed NDA leaders with information about the Planning Commission hearing and a link to the draft proposed amendments.

- (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's November 13, 2018, hearing was posted as required on October 12, 2018. A notice of the City Council's February 5, 2019 hearing was posted as required on January 4, 2019.

- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The Planning Director has determined that the proposal affects a large geographic area.

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on October 9, 2018.

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on September 28, 2018.

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

Notice to individual property owners in the North Milwaukie Industrial Area, the Downtown Mixed Use Zone, and the General Mixed Use Zone regarding the new Green Building Standards in MMC 19.510 was sent on October 8, 2018.

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held a duly advertised public hearing on November 13, 2018 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on February 5, 2019 and approved the amendments.

Underline/Strikeout Amendments

TITLE 11 MISCELLANEOUS PERMITS

11.05 TEMPORARY USES, PERMITS, AND REGULATIONS

11.05.010 Uses

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as:

- A. Seasonal sales uses on private property and on land owned by the City of Milwaukie. These activities include, but are not limited to, the sale of produce, rental of recreational equipment, provision of recreational lessons, or sale of products at a park owned by the City of Milwaukie.
- B. Temporary real estate offices;
- C. Construction parking;
- D. Construction trailers;
- E. Construction offices;
- F. Other temporary uses similar to those listed above as determined by the City Manager

Approval may be granted provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this code. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site.

11.05.020 Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified in the adopted fee schedule. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in this section.

11.05.030 Permit Approval

A. Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or designee provided that the applicant submits a narrative and detailed site plan that demonstrates that the proposed use:

1. Generally does not have negative impacts and is not inconsistent with the standards and limitations of the zoning district in which it is located;
2. Meets all applicable City and County health and sanitation requirements;
3. Meets all applicable Uniform Building Code requirements; and
4. On-site real-estate offices, construction offices, and construction trailers shall not be approved until land use approval and building permits, if applicable, have been issued.

B. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or designee.

1. Temporary construction offices, construction trailers, and real estate offices shall not be issued for a period exceeding one (1) year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant provides a narrative describing the need for additional time and an anticipated date of project completion.
2. Other temporary uses, that are not temporary events per MMC 11.04, shall be issued a permit for up to one (1) year to accommodate the duration of the proposed temporary use.

Renewals may be provided as follows:

- a. A renewal permit may be obtained for a period of one (1) year after providing a narrative describing how the use will remain temporary and how the use is not and will not become permanent.
- b. A temporary use permit shall not be renewed for more than three (3) consecutive years; however, a renewal may be obtained annually for uses that do not exceed a four-month period of time per year.

C. Conditions

In issuing a temporary use permit, the City Manager or designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following:

1. Increased yard dimensions;
2. Fencing, screening or landscaping to protect adjacent or nearby property;
3. Limiting the number, size, location or lighting of signs;
4. Restricting certain activities to specific times of day; and
5. Reducing the duration of the temporary use permit to less than one (1) year.

D. Revocation

Any departure from approved plans not authorized by the City Manager or designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

C. Accessway Location

4. Distance from Intersection

To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curb, the distance shall be measured from the nearest intersecting street edge of pavement.

Distance from intersection may be modified with a modification as described in MMC 12.16.040.B.2.

TITLE 14 SIGN ORDINANCE

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

Sign, Banner. "Banner sign" means a sign of lightweight fabric or similar material that can be mounted ~~both on a permanent or temporary basis~~. A banner sign may not be used as a wall sign. ~~provided appropriate wall sign standards are met.~~

Sign, Wall. "Wall sign" means any sign painted on, attached to, or installed against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, the angle of said wall not to exceed thirty degrees from the vertical. Wall signs may not project more than 12 inches from the wall to which they are attached. Painted wall decorations which include a message are considered to be wall signs. Banners and similar signs may not be used as wall signs.

CHAPTER 14.16 SIGN DISTRICTS

14.12.010 Exempted Signs

- B. Temporary signs which are nonilluminated, have an overall face area not exceeding 16 ~~square feet~~, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, building permits, public hearing notices, ~~construction signs~~, garage sale, open house, special event, holiday, and similar signs. Temporary signs shall be removed within 6 months. Temporary signs for construction projects may be maintained for the duration of the project. ~~a reasonable period of time.~~
- N. Signs or tablets, (including names of buildings and the date of erection) when cut into any masonry surface or constructed of bronze or other similar durable noncombustible surface, that meet the following requirements:
1. Not to exceed 2 sq ft for wall signs and placed no higher than 6 ft above ground level; or,
 2. 2 sq ft and no taller than 3 ft for a monument sign; and
 3. This exemption is limited to:
 - a. historic properties as listed in Appendix A of the Milwaukie Comprehensive Plan; or
 - b. any building that is shown to be at least 50 years old; or
 - c. a City-identified heritage tree; or
 - d. an historic site recognized and acknowledged by the City Council or a duly appointed city commission or committee.

Except when installed within a park, only 1 sign per property is permitted. The sign may not be installed in the public right-of-way unless permitted as an encroachment within the public right-of-way per MMC 12.14.

CHAPTER 14.28 REMOVAL OF SIGNS IN VIOLATION

14.28.010 ABANDONED SIGN

A. Time Limit

Abandoned signs and sign structures shall be removed within 180 days of the time that a sign is no longer used on the structure. Signs for businesses that have closed must be removed within 180 days of the business closure.

TITLE 17 LAND DIVISION

CHAPTER 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA

17.12.020 APPLICATION PROCEDURE

Table 17.12.020 Boundary Change Review Procedures			
Boundary Change Action	Type I	Type II	Type III
1. Lot Consolidation Other Than Replat			
a. Legal lots created by deed.	X		
2. Property Line Adjustment			
a. Any adjustment that is consistent with the ORS and this title.	X		
b. Any adjustment that modifies a plat restriction.		X	
3. Partition Replat			
a. Any modification to a plat that was decided by the Planning Commission.			X
b. Parcel consolidation.	X		
c. Actions not described in 3(a) or (b).		X	
4. Subdivision Replat			
a. <u>Any modification to a plat affecting 4 or more lots.</u>			X

TITLE 19 ZONING

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

~~“Abutting” means sharing a common boundary or property line. to reach or touch, to touch at the end or be contiguous with, to join at a border or boundary, and/or to terminate on. Abutting properties include properties across a street or alley.~~

"Adjacent" means touching; across a public right-of-way from; across an easement from; across a stream or creek from.

"Livestock" means domestic animals, such as cattle, horses, sheep, hogs, or goats, raised for home use (such as meat, milk, or shearing) or for profit.

"Live/work unit" means a dwelling unit where residential and nonresidential spaces are combined and where the dwelling unit is the principal residence of the business operator/proprietor. ~~Nonresidential spaces are typically located on the ground floor and residential spaces are located on upper floors.~~

"Personal/business services" means the provision of services to individuals or businesses. Typical uses include laundromats/dry cleaners, tanning salons, barbers, beauty salons, shoe repair, copy centers, secretarial services, pet grooming and pet day care, and blueprint services.

"Public park" means a park, playground, swimming pool, reservoir, or athletic field within the City which is under the control, operation, ~~or management, or ownership of the City of Milwaukie Community Services Department or other public agency.~~

CHAPTER 19.300 BASE ZONES

19.301 LOW DENSITY RESIDENTIAL ZONES

19.301.3 Use Limitations and Restrictions

- A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.
1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
 2. Unless raised as a household pet, Livestock, other than usual household pets, are not shall not be housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
 3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
 4. Livestock shall be properly and humanely caged or housed, and proper sanitation shall be maintained at all times.
 5. All livestock food shall be stored in rodent-proof receptacles.
-

19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES

19.302.3 Use Limitations and Restrictions

- A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.
1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.

Proposed Code Amendment

2. Unless raised as a household pet, livestock, other than usual household pets, are not shall not be housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock.
 3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
 4. Livestock shall be properly and humanely caged or housed, and proper sanitation shall be maintained at all times.
 5. All livestock food shall be stored in rodent-proof receptacles.
-

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
Commercial ^{3, 4}			
<u>Personal/business services</u> Personal-service-oriented <u>Personal/business services</u> Personal-service-oriented firms are involved in providing consumer services. Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.	P	P	

19.303.3 Development Standards

Table 19.303.3 Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
B. Development Standards			
1. Minimum floor area ratio	0.5:1	0.5:1	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft)			Subsection 19.303.4.B Building Height
a. Base maximum	45	45	Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone
b. Maximum with height bonus	57–69	Height bonus not available	

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

A. Floor Area Ratio**1. Intent**

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that the intensity of development is controlled. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum floor area ratio in Table 19.303.3 applies to all nonresidential building development.

~~The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.~~

- b. Required minimum floor area ratio shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FAR.

~~Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.~~

- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

- a. Parking facilities.
- b. Public parks and plazas.

B. Building Height

1. Intent

Maximum building height standards promote a compatible building scale and relationship of one structure to another.

2. Standards

- a. The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
- b. Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.
- c. The maximum building height in the NMU Zone is 3 stories or 45 ft, whichever is less. No building height bonuses are available in the NMU Zone.

3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components, increase area vibrancy, and/or help meet sustainability goals.

A building in the GMU Zone can utilize up to 2 of the development incentive bonuses in Subsection 19.303.4.B.3.a. and 3.b, for a total of 2 stories or 24 ft of additional height, whichever is less. Buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

a. Residential

New buildings that devote at least 1 story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

b. Green Building

New buildings that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Earth Advantage, or Green Globes certified) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

c. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

19.304 DOWNTOWN ZONES

19.304.2 Uses

Table 19.304.2 Uses Allowed in Downtown Zones—Uses			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Commercial			
Personal/business services Personal-service-oriented Personal/business services Personal-service-oriented firms are involved in providing consumer services. Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.	P/CU	N	Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses

19.304.4 Development Standards

Table 19.304.4 Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
A. Development Standards			
1. Building height (ft) a. Minimum b. Maximum	25 45-69 35-65 (height bonus available)	None 15	Subsection 19.304.5.B Building Height Figure 19.304-4 Base Maximum Building Heights Subsection 19.304.5.I Transition Measures Subsection 19.304.5.B.3 Height Bonuses

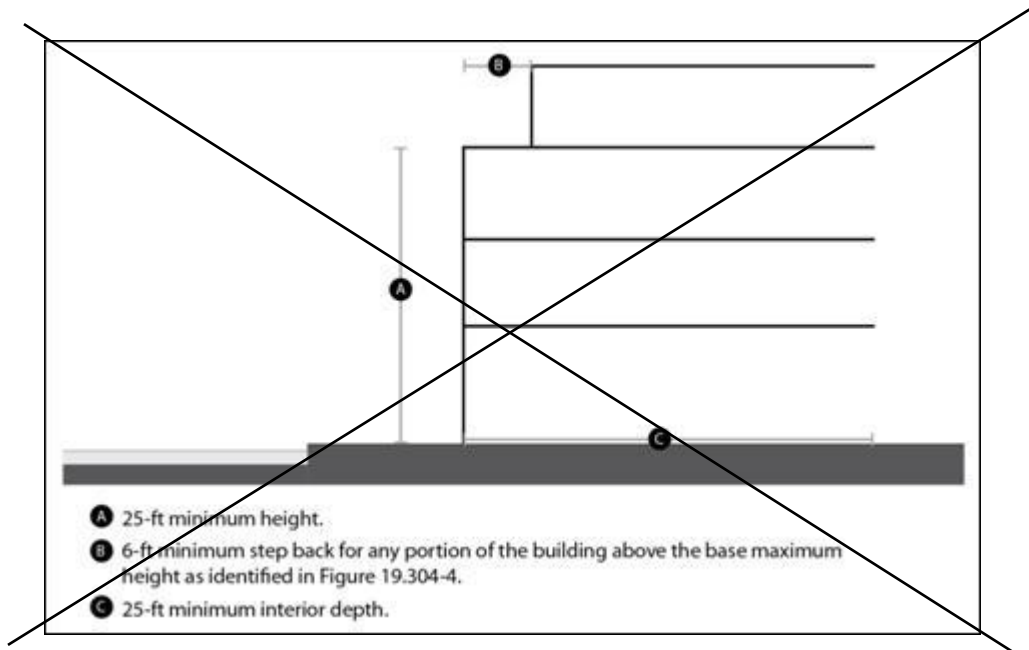
19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

- B. Building Height
 - 2. Standards

- d. ~~Buildings shall provide a step back of at least 6 ft for any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4.~~

**Figure 19.304.5.B.2
Building Height Standards**



3. Height Bonuses

c. Green Building

New buildings that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Earth Advantage, or Green Globes certified) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

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:

- D. Personal/business services ~~Personal service business~~ such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.
-

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:

- D. Personal/business services ~~Personal service business~~ such as a barber shop, tailor shop or laundry, and dry cleaning pickup station;
-

19.308 COMMUNITY SHOPPING COMMERCIAL ZONE C-CS

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

19.308.1 Uses

Development shall be a community-scale shopping center.

B. Such center may include the following additional uses:

1. Eating and drinking establishment;
 2. Financial institution;
 3. Entertainment use (theater, etc.);
 4. Personal/business services ~~Personal service businesses~~;
 5. Repair, service or maintenance of goods authorized in this district;
 6. Offices, clinics, or trade schools, provided no more than 15% of the total floor space of the center is devoted to such uses;
 7. Marijuana retailer subject to the standards of Subsection 19.509.1;
 8. Indoor recreation;
 9. Any other uses determined by the Planning Commission to be similar and compatible to the above-listed uses.
-

19.310 BUSINESS INDUSTRIAL ZONE BI

19.310.4 Limited Uses

- A. Limited retail or service uses may be allowed that primarily service the needs of BI Zone clients, employees, and businesses, as opposed to the general public. These uses, subject to the provisions of Subsection 19.310.4.B below, shall include:
3. Personal/business services ~~Personal service businesses~~ such as a barber, beauty parlor, tailor, dressmaking, shoe repair shop, self-service laundry, dry cleaning, photographer, instruction studios, or similar uses;
-

19.309 MANUFACTURING ZONE M

19.309.2 Permitted Uses

Permitted uses are limited to industrial uses meeting the following criteria:

H. The following uses are allowed outright and do not need to be part of a project involving an industrial use as described under Subsection 19.309.2.B

2. Repair and Service

This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. ~~Few customers come to the site, particularly not general public daily customers.~~ Auto service and repair shops for personal vehicles are not included in this category and are not allowed in the M Zone.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.505 BUILDING DESIGN STANDARDS

19.505.3 Multifamily Housing

Table 19.505.3.D Multifamily Design Guidelines and Standards		
Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
8. Landscaping	Landscaping of multifamily developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.	a. For every 2,000 sq ft of site area, 1 tree shall be planted or 1 existing tree shall be preserved. <u>Preserved tree(s) must be at least 6 inches in diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukee Native Plant List.</u> (1) New trees must be listed as native trees in the Milwaukee Native Plant List. (2) Preserved tree(s) must be at least 6 in diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukee Native Plant List. b. Trees shall be planted to provide, within 5 years, canopy coverage for at least 1/3 of any common open space or courtyard. Compliance with this standard is based on the expected growth of the selected trees. c. On sites with a side or rear lot line that abuts an R-10, R-7, or R-5 Zone, landscaping, or a combination of fencing and landscaping, shall be used to provide a sight-obscuring screen 6 ft high along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting. d. For projects with more than 20 units:

Table 19.505.3.D Multifamily Design Guidelines and Standards		
Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
		(1) Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system. (2) To reduce the “heat island” effect, highly reflective paving materials with a solar reflective index of at least 29 shall be used on at least 25% of hardscape surfaces.

19.505.6 Live/Work Units

C. Use Standards

1. Any nonresidential use allowed in the base zone within which a live/work unit is legally located may be conducted on the premises of that live/work unit.
2. At least one of the employees of the commercial portion of the live/work unit must reside in the unit.
3. ~~If the live/work unit is multistory, the ground floor of a live/work unit can be used for either commercial or residential purposes. When the ground floor is being used as part of the dwelling, the provisions of Subsection 19.508.4.E.5.e are not applicable.~~
4. A live/work unit is allowed instead of, or in addition to, a home occupation as defined by Section 19.201.

D. Development Standards

In addition to the standards of the base zone, live/work units shall comply with all of the following standards.

1. The nonresidential portion of the unit shall occupy at least 25% of the gross floor area.
2. ~~If the live/work unit is multistory, the nonresidential portion of the building shall be located on the ground floor and the residential unit shall be located on the upper floors or to the rear of the nonresidential portion. Live/work units may be single-floor units, in which case a separation between the residential and nonresidential uses is not required.~~
3. Employees shall be limited to occupants of the residential portion of the building plus up to ~~3~~ 5 persons not residing in the residential portion.

~~E. Design Standards~~

- ~~1. Live/work units are subject to the design standards of Subsection 19.508.~~
- ~~2. The transitional entry standards of Subsection 19.505.5.C.2 do not apply to live/work units.~~

19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS

19.508.4 Building Design Standards

A. Building Façade Details

1. Purpose

To provide cohesive and visually interesting building façades in the downtown, particularly along the ground floor.

2. Nonresidential and Mixed-Use Buildings

The following standards apply only to nonresidential and mixed-use buildings.

a. Vertical Building Façade

Nonresidential and mixed-use buildings 2 stories and above shall provide a defined base, middle, and top.

(2) Middle

The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:

(a) Windows that comply with the standards of Subsection 19.508.4.E.

(b) One of the following elements:

(i) A change in exterior cladding, and detailing and material color between the ground floor and upper floors. Differences in color must be clearly visible.

(ii) ~~Either a~~ Street-facing balconies or decks at least 2 ft deep and 4 ft wide, ~~or a 6-ft minimum building step back on the third floor or higher,~~ for at least 25% of the length of the building.

(c) A change in wall plane of not less than 24 in. deep and 24 in. wide. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column, marquee, or similar architectural feature.

(d) Provide a step back of at least 6 ft for any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4.

19.509 MARIJUANA BUSINESS STANDARDS

19.509.2 Security and Odor Control for Certain Marijuana Businesses

- A. The operation shall be entirely indoors, within a fully-enclosed, secure building meeting building codes adopted by the City of Milwaukie and all other applicable state regulations.
- B. ~~Odor shall be managed through the installation of activated carbon filters on exhaust outlets to the building exterior from any rooms used for all production, processing, testing, research, and warehousing uses. A marijuana business shall use an air filtration and ventilation system that ensures that all odors associated with the marijuana is confined to the licensed premises to the extent practicable. Negative air pressure shall be maintained within the rooms. Exhaust outlets shall be a minimum of 25 ft from a property line.~~

- C. ~~An alternative odor control system may be approved by the building official based on a report by a mechanical engineer licensed by the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.~~
-

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.606.2 Landscaping

B. General Provisions

4. Required trees shall be species that, within 10 years of planting, will provide a minimum of 20-ft diameter shade canopy. Compliance with this standard is based on the expected growth of the selected trees.

C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.

2. Planting Requirements

Landscaping requirements for perimeter buffer areas shall include 1 tree planted per ~~30~~ 40 lineal ft of landscaped buffer area. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals along the perimeter buffer to the greatest extent practicable. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.708 TRANSPORTATION FACILITY REQUIREMENTS

E. Street Layout and Connectivity

5. ~~Closed-end street systems~~ Streets with a permanent turnaround may serve no more than 20 dwellings.
-

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

19.904.11 Standards for Wireless Communication Facilities

A. Applicability

The placement, construction, or modification of wireless communication facilities are subject to the provisions of this subsection. In addition, wireless communication facilities shall comply with all municipal codes, heretofore or hereafter amended.

C. Application Process

1. ~~Type I Review~~ Exemptions

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

- a. Temporary WCF during an emergency declared by the City.
- b. Temporary WCF located on the same site as, and during the construction of, a permanent WCF for which appropriate permits have been granted.
- c. Licensed amateur (ham) radio stations.
- d. Satellite dish antennas 6 ft or less in diameter when located in nonresidential zones, and satellite dish antennas 3 ft or less in diameter when located in residential zones, including direct to home satellite services, when used as an accessory use of the property.

2. Type I Review

- a. Modification of WCFs involving the following activities are subject to Section 19.1004, provided that the proposal does not substantially change the physical dimensions of the support structure:

- (1) Changing the number of antennas.
- (2) Removal of existing transmission equipment.
- (3) Replacement of existing transmission equipment.

- b. For the purposes of this section, a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (1)a.For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 ft, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than 10 ft, whichever is greater;
- (2)b.For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 ft, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 ft;
- (3)c.For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- (4)d.It entails any excavation or deployment outside the current site;
- (5)e.It would defeat the concealment elements of the eligible support structure; or

(6)f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment.

23. Type II Review

Placement, construction, or modification of WCFs not involving the construction of a new monopole, other than those activities described in Subsection 19.904.11.C.1, are subject to Section 19.1005 Type II Review, provided that the antennas and base equipment comply with the standards contained in this subsection. Also see Table 19.904.11.C.

34. Type III Review

All proposed new monopole towers, and projects exceeding the applicability for Type II review, are subject to Section 19.1006 Type III Review. Also see Table 19.904.11.C.

Table 19.904.11.C
Wireless Communication Facilities—Type and Review Process

Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower up to 100 Ft	Building Rooftop or Wall Mounted Antenna	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions
BI	III	P/I/II	P/I/II	P/I/II
M	III	P/I/II	P/I/II	P/I/II
M-TSA	III	P/I/II	P/I/II	P/I/II
C-N	N	P/I/II	P/I/II	P/I/II
C-G	N	P/I/II	P/I/II	P/I/II
C-L	N	P/I/II	P/I/II	P/I/II
C-CS	N	P/I/II	P/I/II	P/I/II
OS	N	P/I/II	P/I/II	P/I/II
DMU	N	P/I/II	P/I/II	P/I/II
GMU	N	P/I/II	P/I/II	P/I/II
NMU	N	P/I/II	P/I/II	P/I/II
R-1-B	N	P/I/II	P/I/II	P/I/II
R-1	N	N	P/I/II	P/I/II
R-2	N	N	P/I/II	P/I/II
R-2.5	N	N	P/I/II	P/I/II

Proposed Code Amendment

R-3	N	N	P/ <u>I</u> / <u>II</u>	P/ <u>I</u> / <u>II</u>
R-5	N	N	P/ <u>I</u> / <u>II</u>	P/ <u>I</u> / <u>II</u>
R-7	N	N	P/ <u>I</u> / <u>II</u>	P/ <u>I</u> / <u>II</u>
R-10	N	N	P/ <u>I</u> / <u>II</u>	P/ <u>I</u> / <u>II</u>

III = Type III review—requires a public hearing in front of the Planning Commission

II = Type II review—provides for an administrative decision

I = Type I review—provides for an administrative decision

P = Permitted **N** = Not Permitted

D. Application Submittal Requirements

In addition to the required submittal material the following must also be included with the application:

1. Applications for a WCF that will include a new monopole tower:
 - a. A narrative description of:
 - (1) Tower location;
 - (2) Design;
 - (3) Height;
 - (4) Antenna location and type for all planned antennas;
 - (5) Indication of the number of additional antennas the tower will be able to accommodate;
 - (6) Right-of-way license number;
 - (7) Type of service provided.
2. WCF Not Including a New Tower
 - a. Detailed narrative description describing the proposed antenna location, design and height, the right-of-way license number, and the type of service provided.

F. Location and Size Restrictions

2. Height: maximum heights. Also see Table 19.904.11.C.
 - d. For antennas on utility poles in the right-of-way, a one 15-ft extension is permitted to the original installation by the owner. The carrier may replace the existing pole with a new utility pole not to exceed 15 ft above the height of the pole that is to be replaced. Equipment cabinets shall be attached to the utility pole. Where this is not practicable, the base equipment shall be subject to requirements of Subsection 19.904.11.G.1.b.

G. Development Standards for All WCFs

9. Discontinued Use of and Removal of WCFs
 - a. Any WCF not operated for a continuous period of 6 months shall be considered abandoned. The WCF owner is required to remove all abandoned facilities and base equipment within 90 days after notice from the City of Milwaukie.

- b. If the owner of the WCF cannot be located or is no longer in business, it shall be the responsibility of the landowner on whose property the WCF is located to remove the abandoned facility and base equipment.
 - c. If the landowner is the City of Milwaukie, the City may invoice the owner of the WCF for the removal.
-

19.905 CONDITIONAL USES

19.905.9 Standards Governing Conditional Uses

H. Vacation Rentals

Operation of a vacation rental requires the following:

- 1. Prior to initial occupancy, the Building Official shall verify that building code and fire code standards are satisfied.
 - 2. With annual filing of MMC Title 5 Business Tax, the operator shall send a notice to neighbors within 300 ft that includes the following information:
 - a. Property owner contact information;
 - b. Vacation rental operator and/or property manager contact information; and
 - c. City of Milwaukie Police nonemergency telephone number.
-

19.910 RESIDENTIAL DWELLINGS

19.910.1 Accessory Dwelling Units

D. Approval Standards and Criteria

- 1. An application for an accessory dwelling unit reviewed through a Type I review shall be approved if the following standards are met.
 - a. An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.
 - b. The primary use of property for the proposed accessory dwelling unit is a single-family detached dwelling.
 - c. One accessory dwelling unit per ~~lot~~ single family home or per lot is allowed.
-

19.911 VARIANCES

19.911.6 Building Height Variance in the Downtown Mixed Use Zone

B. Applicability

The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights or stories and allowed height through bonuses specified in Figure 19.304-4 ~~and~~ or do not elect to use the height bonuses in Subsection 19.304.5.B.3 and Section 19.510.

CHAPTER 19.1000 REVIEW PROCEDURES

19.1001 GENERAL PROVISIONS

19.1001.6 Applications

B. Review of Multiple Applications

When multiple land use applications are required for a single proposal, the applicant may request, or the City may require, that the applications be processed concurrently or individually.

The City shall generally allow applicants the choice of having multiple applications for a single proposal processed concurrently or individually. The City may require that applications be reviewed concurrently for proposals where a review of an application(s) would be difficult without the context of the other applications related to the proposal. Alternatively, the City may require parts of an application to be processed separately in order to comply with the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311) or to allow decisions on parts of a proposal to be made with a lower level of review.

C. Notice Requirements

1. Sign Notice

a. Notice of Type II, III, and IV applications, and some Type V applications, shall be posted on the subject property by the applicant per Sections 19.1005-19.1008 respectively.

b. Signs shall be posted in a location which is clearly visible to vehicles traveling on a public street and legible to pedestrians walking by the property. If the sign is providing notice of a public hearing, the sign shall include the date, time, and place of the hearing. The number and size of signs shall be appropriate given the size of the property, the number of street frontages, and the functional classification of surrounding streets. The City shall provide the applicant at least 1 sign and instructions for posting. An affidavit of posting shall be submitted by the applicant prior to the issuance of the decision and made part of the case file.

c. If the affidavit of posting is not submitted on time or if the required number and type of notice signs are not posted for the required period of time, the City may require an extension of the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311), delay the decision, and/or postpone or continue the public hearing on the application as necessary. The applicant will be required to repost the notice signs as necessary to meet the requirements of Sections 19.1005-19.1008 respectively.

19.1001.7 Decisions

C. 120-Day Decision Requirement

The City shall take final action on land use actions subject to ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed

complete, unless the applicant provides a written statement consenting to an extension of the 120-day decision requirement. The total of all extensions, except as provided for mediation per ORS 227.178(11), shall not exceed 245 days.

19.1004 TYPE I REVIEW

19.1004.5 Type I Decision

Written notice of the decision for Type I applications shall be provided to the applicant and property owner of record. The decision shall be issued with sufficient time to allow the appeal authority for a Type I application to issue a final decision within 120 days from when the application was deemed complete. The final decision for an affordable housing application, as defined in and subject to all of the provisions of ORS 197.311, shall be issued within 100 days from when the application was deemed complete.

19.1005 TYPE II REVIEW

19.1005.5 Type II Decision

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

19.1006 TYPE III REVIEW

19.1006.3 Type III Public Notice

B. Metro Notice

For Zoning Map amendments, the City shall provide notification to Metro at least ~~45~~ 35 days prior to the initial evidentiary hearing on adoption.

19.1006.5 Type III Decision

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

19.1007 TYPE IV REVIEW

19.1007.3 Type IV Public Notice

B. Metro Notice

For Zoning Map or Comprehensive Plan map amendments, the City shall provide notification to Metro at least ~~45~~ 35 days prior to the initial evidentiary hearing on adoption.

19.1007.5 Type IV Decision

A. The Planning Commission shall serve as the recommendation authority for Type IV applications.

B. The Planning Commission shall conduct an initial evidentiary hearing and provide a recommendation to the City Council with sufficient time to allow the City Council to issue a final decision within 120 days from the date that the application was deemed complete. The final decision for an affordable housing application, as defined in, and subject to all of the provisions of ORS 197.311, shall be issued within 100 days from when the application was deemed complete.

19.1008 TYPE V REVIEW

19.1008.3 Type V Public Notice

C. Metro Notice

Notice of a Type V application shall be mailed to Metro at least ~~45~~ 35 days prior to the initial evidentiary hearing on adoption.

19.1009 PUBLIC HEARINGS

19.1009.11 Continuance of Hearing

A. Receipt of Additional Materials

All evidence, testimony, or documents relied upon by the applicant shall be submitted to the City and made available to the public. If additional evidence, testimony, or documents is provided by any hearing participant, the hearing body may allow a continuance or leave the record open for at least 7 days to allow other parties a reasonable opportunity to respond. The hearing body may ask the applicant to consider granting an extension of the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311) if a delay in proceedings could impact the ability of the City to take final action on the application, including resolution of any local appeals.

E. 120-Day Decision Requirement

Except for Type V applications, a continuance or extension granted pursuant to Subsection 19.1009.11 shall be subject to the limitations of the 120-day decision requirement (or the 100-day decision requirement for projects meeting the provisions of ORS 197.311) unless the continuance or extension is requested or agreed to in writing by the applicant.

19.1009.12 Decision

- A. Following the close of the public portion of the hearing, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse, or remand the decision that is on appeal. Remanding the decision to a prior hearing body requires that there is adequate time, pursuant to Subsection 19.1001.7.C for the prior hearing body to issue a decision and for the City to issue a final decision if the decision resulting from the remand is appealed.
- B. A final local decision on a Type I, II, III, or IV land use application shall be made within 120 days from the date the application was deemed complete (or within 100 days for a project meeting all provisions of ORS 197.311), except that, with the agreement of the hearing body and the applicant or appellant, the processing of a matter under consideration may be extended per Subsection 19.1001.7.C.
-

19.1011 DESIGN REVIEW MEETINGS

19.1011.1 Responsibility of City for Design Review Meetings

The City shall:

- A. Schedule land use applications for design review before the Design and Landmarks Committee at the earliest available scheduled meeting. If the Design and Landmarks Committee is unable to schedule a design review meeting with sufficient time for the Planning Commission to hold a public hearing in compliance with the 120-day decision requirement (or within 100 days for a project meeting all provisions of ORS 197.311), one of the following shall occur:
1. The applicant may extend the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311) per Subsection 19.1001.7.C in order to accommodate Design and Landmarks Committee review of the application.
 2. If the applicant does not extend the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311), the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.907.6.

19.1011.9 Continuance of Meeting

- A. A design review meeting may be continued if the Planning Director determines that there is sufficient time to hold a continued meeting before the Design and Landmarks Committee and a public hearing before the Planning Commission within the required 120 days or if the applicant waives the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311) per Subsection 19.1001.7.C.
-

Clean Amendments

TITLE 11 MISCELLANEOUS PERMITS

11.05 TEMPORARY USES, PERMITS, AND REGULATIONS

11.05.010 Uses

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as:

- A. Seasonal sales uses on private property and on land owned by the City of Milwaukie. These activities include, but are not limited to, the sale of produce, rental of recreational equipment, provision of recreational lessons, or sale of products at a park owned by the City of Milwaukie.
- B. Temporary real estate offices;
- C. Construction parking;
- D. Construction trailers;
- E. Construction offices;
- F. Other temporary uses similar to those listed above as determined by the City Manager

Approval may be granted provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this code. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site.

11.05.020 Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified in the adopted fee schedule. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in this section.

11.05.030 Permit Approval

A. Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or designee provided that the applicant submits a narrative and detailed site plan that demonstrates that the proposed use:

1. Generally does not have negative impacts and is not inconsistent with the standards and limitations of the zoning district in which it is located;
2. Meets all applicable City and County health and sanitation requirements;
3. Meets all applicable Uniform Building Code requirements; and
4. On-site real-estate offices, construction offices, and construction trailers shall not be approved until land use approval and building permits, if applicable, have been issued.

B. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or designee.

1. Temporary construction offices, construction trailers, and real estate offices shall not be issued for a period exceeding one (1) year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant provides a narrative describing the need for additional time and an anticipated date of project completion.
2. Other temporary uses, that are not temporary events per MMC 11.04, shall be issued a permit for up to one (1) year to accommodate the duration of the proposed temporary use.

Renewals may be provided as follows:

- a. A renewal permit may be obtained for a period of one (1) year after providing a narrative describing how the use will remain temporary and how the use is not and will not become permanent.
- b. A temporary use permit shall not be renewed for more than three (3) consecutive years; however, a renewal may be obtained annually for uses that do not exceed a four-month period of time per year.

C. Conditions

In issuing a temporary use permit, the City Manager or designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following:

1. Increased yard dimensions;
2. Fencing, screening or landscaping to protect adjacent or nearby property;
3. Limiting the number, size, location or lighting of signs;
4. Restricting certain activities to specific times of day; and
5. Reducing the duration of the temporary use permit to less than one (1) year.

D. Revocation

Any departure from approved plans not authorized by the City Manager or designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

C. Accessway Location

4. Distance from Intersection

To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curb, the distance shall be measured from the nearest intersecting street edge of pavement.

Distance from intersection may be modified with a modification as described in MMC 12.16.040.B.2.

TITLE 14 SIGN ORDINANCE

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

Sign, Banner. "Banner sign" means a sign of lightweight fabric or similar material that can be mounted on a temporary basis. A banner sign may not be used as a wall sign.

Sign, Wall. "Wall sign" means any sign painted on, attached to, or installed against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, the angle of said wall not to exceed thirty degrees from the vertical. Wall signs may not project more than 12 inches from the wall to which they are attached. Painted wall decorations which include a message are considered to be wall signs. Banners and similar signs may not be used as wall signs.

CHAPTER 14.16 SIGN DISTRICTS

14.12.010 Exempted Signs

- B. Temporary signs which are nonilluminated, have an overall face area not exceeding 16 sq ft, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, building permits, public hearing notices, garage sale, open house, special event, holiday, and similar signs. Temporary signs shall be removed within 6 months. Temporary signs for construction projects may be maintained for the duration of the project.
- N. Signs or tablets, (including names of buildings and the date of erection) when cut into any masonry surface or constructed of bronze or other similar durable noncombustible surface, that meet the following requirements:
 - 1. Not to exceed 2 sq ft for wall signs and placed no higher than 6 ft above ground level; or,
 - 2. 2 sq ft and no taller than 3 ft for a monument sign; and
 - 3. This exemption is limited to:
 - a. historic properties as listed in Appendix A of the Milwaukie Comprehensive Plan; or
 - b. any building that is shown to be at least 50 years old; or
 - c. a City-identified heritage tree; or
 - d. an historic site recognized and acknowledged by the City Council or a duly appointed city commission or committee.

Except when installed within a park, only 1 sign per property is permitted. The sign may not be installed in the public right-of-way unless permitted as an encroachment within the public right-of-way per MMC 12.14.

CHAPTER 14.28 REMOVAL OF SIGNS IN VIOLATION

14.28.010 ABANDONED SIGN

A. Time Limit

Abandoned signs and sign structures shall be removed within 180 days of the time that a sign is no longer used on the structure. Signs for businesses that have closed must be removed within 180 days of the business closure.

TITLE 17 LAND DIVISION

CHAPTER 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA

17.12.020 APPLICATION PROCEDURE

Table 17.12.020 Boundary Change Review Procedures			
Boundary Change Action	Type I	Type II	Type III
1. Lot Consolidation Other Than Replat			
a. Legal lots created by deed.	X		
2. Property Line Adjustment			
a. Any adjustment that is consistent with the ORS and this title.	X		
b. Any adjustment that modifies a plat restriction.		X	
3. Partition Replat			
a. Any modification to a plat that was decided by the Planning Commission.			X
b. Parcel consolidation.	X		
c. Actions not described in 3(a) or (b).		X	
4. Subdivision Replat			
a. Any modification to a plat affecting 4 or more lots.			X

TITLE 19 ZONING

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

“Abutting” means sharing a common boundary or property line.

"Adjacent" means touching; across a public right-of-way from; across an easement from; across a stream or creek from.

"Livestock" means domestic animals, such as cattle, horses, sheep, hogs, or goats, raised for home use (such as meat, milk, or shearing) or for profit.

"Live/work unit" means a dwelling unit where residential and nonresidential spaces are combined and where the dwelling unit is the principal residence of the business operator/proprietor.

"Personal/business services" means the provision of services to individuals or businesses. Typical uses include laundromats/dry cleaners, tanning salons, barbers, beauty salons, shoe repair, copy centers, secretarial services, pet grooming and pet day care, and blueprint services.

"Public park" means a park, playground, swimming pool, reservoir, or athletic field within the City which is under the control, operation, management, or ownership of the City of Milwaukie or other public agency.

CHAPTER 19.300 BASE ZONES

19.301 LOW DENSITY RESIDENTIAL ZONES

19.301.3 Use Limitations and Restrictions

- A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.
1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
 2. Unless raised as a household pet, livestock shall not be housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
 3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
 4. Livestock shall be properly and humanely caged or housed, and proper sanitation shall be maintained at all times.
 5. All livestock food shall be stored in rodent-proof receptacles.
-

19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES

19.302.3 Use Limitations and Restrictions

- A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.
1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.

Proposed Code Amendment

2. Unless raised as a household pet, livestock shall not be housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock.
 3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
 4. Livestock shall be properly and humanely caged or housed, and proper sanitation shall be maintained at all times.
 5. All livestock food shall be stored in rodent-proof receptacles.
-

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
Commercial ^{3, 4}			
Personal/business services Personal/business services are involved in providing consumer services. Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.	P	P	

19.303.3 Development Standards

Table 19.303.3 Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
B. Development Standards			
1. Minimum floor area ratio	0.5:1	0.5:1	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft)			Subsection 19.303.4.B Building Height
a. Base maximum	45	45	Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone
b. Maximum with height bonus	57–69	Height bonus not available	

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

A. Floor Area Ratio**1. Intent**

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that the intensity of development is controlled. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum floor area ratio in Table 19.303.3 applies to all nonresidential building development.
- b. Required minimum floor area ratio shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FAR.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

- a. Parking facilities.
- b. Public parks and plazas.

B. Building Height

1. Intent

Maximum building height standards promote a compatible building scale and relationship of one structure to another.

2. Standards

- a. The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
- b. Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.
- c. The maximum building height in the NMU Zone is 3 stories or 45 ft, whichever is less. No building height bonuses are available in the NMU Zone.

3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components, increase area vibrancy, and/or help meet sustainability goals.

A building in the GMU Zone can utilize up to 2 of the development incentive bonuses in Subsection 19.303.4.B.3.a. and ~~3-b~~ Section 19.510, for a total of 2 stories or 24 ft of additional height, whichever is less. Buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

a. Residential

New buildings that devote at least 1 story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

b. Green Building

New buildings that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Earth Advantage, or Green Globes certified) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

c. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

19.304 DOWNTOWN ZONES**19.304.2 Uses**

Table 19.304.2 Uses Allowed in Downtown Zones—Uses			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Commercial			
Personal/business services Personal/business services are involved in providing consumer services. Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.	P/CU	N	Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses

19.304.4 Development Standards

Table 19.304.4 Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
A. Development Standards			
1. Building height (ft) a. Minimum b. Maximum	25 45-69 35-65 (height bonus available)	None 15	Subsection 19.304.5.B Building Height Figure 19.304-4 Base Maximum Building Heights Subsection 19.304.5.I Transition Measures Subsection 19.304.5.B.3 Height Bonuses

19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

B. Building Height

- 3. Height Bonuses
 - c. Green Building

New buildings that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Earth Advantage, or Green Globes certified) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

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:

- D. Personal/business services such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.

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:

- D. Personal/business services such as a barber shop, tailor shop or laundry, and dry cleaning pickup station;

19.308 COMMUNITY SHOPPING COMMERCIAL ZONE C-CS

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

19.308.1 Uses

Development shall be a community-scale shopping center.

B. Such center may include the following additional uses:

1. Eating and drinking establishment;
2. Financial institution;
3. Entertainment use (theater, etc.);
4. Personal/business services;
5. Repair, service or maintenance of goods authorized in this district;
6. Offices, clinics, or trade schools, provided no more than 15% of the total floor space of the center is devoted to such uses;
7. Marijuana retailer subject to the standards of Subsection 19.509.1;

8. Indoor recreation;
 9. Any other uses determined by the Planning Commission to be similar and compatible to the above-listed uses.
-

19.310 BUSINESS INDUSTRIAL ZONE BI

19.310.4 Limited Uses

- A. Limited retail or service uses may be allowed that primarily service the needs of BI Zone clients, employees, and businesses, as opposed to the general public. These uses, subject to the provisions of Subsection 19.310.4.B below, shall include:
 3. Personal/business services such as a barber, beauty parlor, tailor, dressmaking, shoe repair shop, self-service laundry, dry cleaning, photographer, instruction studios, or similar uses;
-

19.309 MANUFACTURING ZONE M

19.309.2 Permitted Uses

Permitted uses are limited to industrial uses meeting the following criteria:

- H. The following uses are allowed outright and do not need to be part of a project involving an industrial use as described under Subsection 19.309.2.B
 2. Repair and Service

This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Auto service and repair shops for personal vehicles are not included in this category and are not allowed in the M Zone.
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CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.505 BUILDING DESIGN STANDARDS

19.505.3 Multifamily Housing

Table 19.505.3.D Multifamily Design Guidelines and Standards		
Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
8. Landscaping	Landscaping of multifamily developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.	- For every 2,000 sq ft of site area, 1 tree shall be planted or 1 existing tree shall be preserved. Preserved tree(s) must be at least 6 inches in diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukie Native Plant List. - Trees shall be planted to provide, within 5 years, canopy coverage for at least $\frac{1}{3}$ of any common open space or courtyard. Compliance with this standard is based on the expected growth of the selected trees. - On sites with a side or rear lot line that abuts an R-10, R-7, or R-5 Zone, landscaping, or a combination of fencing and landscaping, shall be used to provide a sight-obscuring screen 6 ft high along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting. - For projects with more than 20 units: - Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system. - To reduce the "heat island" effect, highly reflective paving materials with a solar reflective index of at least 29 shall be used on at least 25% of hardscape surfaces.

19.505.6 Live/Work Units

C. Use Standards

- Any nonresidential use allowed in the base zone within which a live/work unit is legally located may be conducted on the premises of that live/work unit.
- At least one of the employees of the commercial portion of the live/work unit must reside in the unit.
- If the live/work unit is multistory, the ground floor can be used for either commercial or residential purposes. When the ground floor is being used as part of the dwelling, the provisions of Subsection 19.508.4.E.5.e are not applicable.
- A live/work unit is allowed instead of, or in addition to, a home occupation as defined by Section 19.201.

D. Development Standards

In addition to the standards of the base zone, live/work units shall comply with all of the following standards.

- The nonresidential portion of the unit shall occupy at least 25% of the gross floor area.
- If the live/work unit is multistory, the nonresidential portion of the building shall be located on the ground floor and the residential unit shall be located on the upper floors

or to the rear of the nonresidential portion. Live/work units may be single-floor units, in which case a separation between the residential and nonresidential uses is not required.

3. Employees shall be limited to occupants of the residential portion of the building plus up to 3 5 persons not residing in the residential portion.

19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS

19.508.4 Building Design Standards

A. Building Façade Details

1. Purpose

To provide cohesive and visually interesting building façades in the downtown, particularly along the ground floor.

2. Nonresidential and Mixed-Use Buildings

The following standards apply only to nonresidential and mixed-use buildings.

a. Vertical Building Façade

Nonresidential and mixed-use buildings 2 stories and above shall provide a defined base, middle, and top.

(2) Middle

The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:

- (a) Windows that comply with the standards of Subsection 19.508.4.E.
- (b) One of the following elements:
 - (i) A change in exterior cladding, and detailing and material color between the ground floor and upper floors. Differences in color must be clearly visible.
 - (ii) Street-facing balconies or decks at least 2 ft deep and 4 ft wide-for at least 25% of the length of the building.
- (c) A change in wall plane of not less than 24 in. deep and 24 in. wide. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column, marquee, or similar architectural feature.
- (d) Provide a step back of at least 6 ft for any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4.

19.509 MARIJUANA BUSINESS STANDARDS

19.509.2 Security and Odor Control for Certain Marijuana Businesses

- A. The operation shall be entirely indoors, within a fully-enclosed, secure building meeting building codes adopted by the City of Milwaukie and all other applicable state regulations.
 - B. Odor shall be managed for all production, processing, testing, research, and warehousing uses. A marijuana business shall use an air filtration and ventilation system that ensures that all odors associated with the marijuana is confined to the licensed premises to the extent practicable.
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CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.606.2 Landscaping

B. General Provisions

- 4. Required trees shall be species that, within 10 years of planting, will provide a minimum of 20-ft diameter shade canopy. Compliance with this standard is based on the expected growth of the selected trees.

C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.

2. Planting Requirements

Landscaping requirements for perimeter buffer areas shall include 1 tree planted per 30 40 lineal ft of landscaped buffer area. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals along the perimeter buffer to the greatest extent practicable. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.708 TRANSPORTATION FACILITY REQUIREMENTS

E. Street Layout and Connectivity

- 5. Streets with a permanent turnaround may serve no more than 20 dwellings.
-

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

19.904.11 Standards for Wireless Communication Facilities

A. Applicability

The placement, construction, or modification of wireless communication facilities are subject to the provisions of this subsection. In addition, wireless communication facilities shall comply with all municipal codes, heretofore or hereafter amended.

C. Application Process

1. Exemptions

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

- a. Temporary WCF during an emergency declared by the City.
- b. Temporary WCF located on the same site as, and during the construction of, a permanent WCF for which appropriate permits have been granted.
- c. Licensed amateur (ham) radio stations.
- d. Satellite dish antennas 6 ft or less in diameter when located in nonresidential zones, and satellite dish antennas 3 ft or less in diameter when located in residential zones, including direct to home satellite services, when used as an accessory use of the property.

2. Type I Review

- a. Modification of WCFs involving the following activities are subject to Section 19.1004, provided that the proposal does not substantially change the physical dimensions of the support structure:
 - (1) Changing the number of antennas.
 - (2) Removal of existing transmission equipment.
 - (3) Replacement of existing transmission equipment.
- b. For the purposes of this section, a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 ft, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than 10 ft, whichever is greater;
 - (2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 ft, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 ft;
 - (3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in

height or overall volume than any other ground cabinets associated with the structure;

- (4) It entails any excavation or deployment outside the current site;
- (5) It would defeat the concealment elements of the eligible support structure; or
- (6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment.

23. Type II Review

Placement, construction, or modification of WCFs not involving the construction of a new monopole, other than those activities described in Subsection 19.904.11.C.1, are subject to Section 19.1005 Type II Review, provided that the antennas and base equipment comply with the standards contained in this subsection. Also see Table 19.904.11.C.

34. Type III Review

All proposed new monopole towers, and projects exceeding the applicability for Type II review, are subject to Section 19.1006 Type III Review. Also see Table 19.904.11.C.

Table 19.904.11.C Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower up to 100 Ft	Building Rooftop or Wall Mounted Antenna	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions
BI	III	P/I/II	P/I/II	P/I/II
M	III	P/I/II	P/I/II	P/I/II
M-TSA	III	P/I/II	P/I/II	P/I/II
C-N	N	P/I/II	P/I/II	P/I/II
C-G	N	P/I/II	P/I/II	P/I/II
C-L	N	P/I/II	P/I/II	P/I/II
C-CS	N	P/I/II	P/I/II	P/I/II
OS	N	P/I/II	P/I/II	P/I/II
DMU	N	P/I/II	P/I/II	P/I/II
GMU	N	P/I/II	P/I/II	P/I/II
NMU	N	P/I/II	P/I/II	P/I/II
R-1-B	N	P/I/II	P/I/II	P/I/II

R-1	N	N	P/I/II	P/I/II
R-2	N	N	P/I/II	P/I/II
R-2.5	N	N	P/I/II	P/I/II
R-3	N	N	P/I/II	P/I/II
R-5	N	N	P/I/II	P/I/II
R-7	N	N	P/I/II	P/I/II
R-10	N	N	P/I/II	P/I/II

III = Type III review—requires a public hearing in front of the Planning Commission

II = Type II review—provides for an administrative decision

I = Type I review—provides for an administrative decision

P = Permitted N = Not Permitted

D. Application Submittal Requirements

In addition to the required submittal material the following must also be included with the application:

1. Applications for a WCF that will include a new monopole tower:
 - a. A narrative description of:
 - (1) Tower location;
 - (2) Design;
 - (3) Height;
 - (4) Antenna location and type for all planned antennas;
 - (5) Indication of the number of additional antennas the tower will be able to accommodate;
 - (6) Right-of-way license number;
 - (7) Type of service provided.
2. WCF Not Including a New Tower
 - a. Detailed narrative description describing the proposed antenna location, design and height, the right-of-way license number, and the type of service provided.

F. Location and Size Restrictions

2. Height: maximum heights. Also see Table 19.904.11.C.
 - d. For antennas on utility poles in the right-of-way, a one 15-ft extension is permitted to the original installation by the owner. The carrier may replace the existing pole with a new utility pole not to exceed 15 ft above the height of the pole that is to be replaced. Equipment cabinets shall be attached to the utility pole. Where this is not practicable, the base equipment shall be subject to requirements of Subsection 19.904.11.G.1.b.

G. Development Standards for All WCFs

9. Discontinued Use of and Removal of WCFs

- a. Any WCF not operated for a continuous period of 6 months shall be considered abandoned. The WCF owner is required to remove all abandoned facilities and base equipment within 90 days after notice from the City of Milwaukie.
 - b. If the owner of the WCF cannot be located or is no longer in business, it shall be the responsibility of the landowner on whose property the WCF is located to remove the abandoned facility and base equipment.
 - c. If the landowner is the City of Milwaukie, the City may invoice the owner of the WCF for the removal.
-

19.905 CONDITIONAL USES

19.905.9 Standards Governing Conditional Uses

H. Vacation Rentals

Operation of a vacation rental requires the following:

1. Prior to initial occupancy, the Building Official shall verify that building code and fire code standards are satisfied.
 2. With annual filing of MMC Title 5 Business Tax, the operator shall send a notice to neighbors within 300 ft that includes the following information:
 - a. Property owner contact information;
 - b. Vacation rental operator and/or property manager contact information; and
 - c. City of Milwaukie Police nonemergency telephone number.
-

19.910 RESIDENTIAL DWELLINGS

19.910.1 Accessory Dwelling Units

D. Approval Standards and Criteria

1. An application for an accessory dwelling unit reviewed through a Type I review shall be approved if the following standards are met.
 - a. An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.
 - b. The primary use of property for the proposed accessory dwelling unit is a single-family detached dwelling.
 - c. One accessory dwelling unit per lot single family home or per lot is allowed.
-

19.911 VARIANCES

19.911.6 Building Height Variance in the Downtown Mixed Use Zone

B. Applicability

The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights or stories and allowed height through bonuses specified in

Figure 19.304-4 and or do not elect to use the height bonuses in Subsection 19.304.5.B.3 and Section 19.510.

CHAPTER 19.1000 REVIEW PROCEDURES

19.1001 GENERAL PROVISIONS

19.1001.6 Applications

B. Review of Multiple Applications

When multiple land use applications are required for a single proposal, the applicant may request, or the City may require, that the applications be processed concurrently or individually.

The City shall generally allow applicants the choice of having multiple applications for a single proposal processed concurrently or individually. The City may require that applications be reviewed concurrently for proposals where a review of an application(s) would be difficult without the context of the other applications related to the proposal. Alternatively, the City may require parts of an application to be processed separately in order to comply with the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311) or to allow decisions on parts of a proposal to be made with a lower level of review.

C. Notice Requirements

1. Sign Notice

- a. Notice of Type II, III, and IV applications, and some Type V applications, shall be posted on the subject property by the applicant per Sections 19.1005-19.1008 respectively.
- b. Signs shall be posted in a location which is clearly visible to vehicles traveling on a public street and legible to pedestrians walking by the property. If the sign is providing notice of a public hearing, the sign shall include the date, time, and place of the hearing. The number and size of signs shall be appropriate given the size of the property, the number of street frontages, and the functional classification of surrounding streets. The City shall provide the applicant at least 1 sign and instructions for posting. An affidavit of posting shall be submitted by the applicant prior to the issuance of the decision and made part of the case file.
- c. If the affidavit of posting is not submitted on time or if the required number and type of notice signs are not posted for the required period of time, the City may require an extension of the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311), delay the decision, and/or postpone or continue the public hearing on the application as necessary. The applicant will be required to repost the notice signs as necessary to meet the requirements of Sections 19.1005-19.1008 respectively.

19.1001.7 Decisions

C. 120-Day Decision Requirement

The City shall take final action on land use actions subject to ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete, unless the applicant provides a written statement consenting to an extension of the 120-day decision requirement. The total of all extensions, except as provided for mediation per ORS 227.178(11), shall not exceed 245 days.

19.1004 TYPE I REVIEW

19.1004.5 Type I Decision

Written notice of the decision for Type I applications shall be provided to the applicant and property owner of record. The decision shall be issued with sufficient time to allow the appeal authority for a Type I application to issue a final decision within 120 days from when the application was deemed complete. The final decision for an affordable housing application, as defined in and subject to all of the provisions of ORS 197.311, shall be issued within 100 days from when the application was deemed complete.

19.1005 TYPE II REVIEW

19.1005.5 Type II Decision

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

19.1006 TYPE III REVIEW

19.1006.3 Type III Public Notice

B. Metro Notice

For Zoning Map amendments, the City shall provide notification to Metro at least ~~45~~ 35 days prior to the initial evidentiary hearing on adoption.

19.1006.5 Type III Decision

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

19.1007 TYPE IV REVIEW

19.1007.3 Type IV Public Notice

B. Metro Notice

For Zoning Map or Comprehensive Plan map amendments, the City shall provide notification to Metro at least ~~45~~ 35 days prior to the initial evidentiary hearing on adoption.

19.1007.5 Type IV Decision

A. The Planning Commission shall serve as the recommendation authority for Type IV applications.

B. The Planning Commission shall conduct an initial evidentiary hearing and provide a recommendation to the City Council with sufficient time to allow the City Council to issue a final decision within 120 days from the date that the application was deemed complete. The final decision for an affordable housing application, as defined in, and subject to all of the provisions of ORS 197.311, shall be issued within 100 days from when the application was deemed complete.

19.1008 TYPE V REVIEW

19.1008.3 Type V Public Notice

C. Metro Notice

Notice of a Type V application shall be mailed to Metro at least ~~45~~ 35 days prior to the initial evidentiary hearing on adoption.

19.1009 PUBLIC HEARINGS

19.1009.11 Continuance of Hearing

A. Receipt of Additional Materials

All evidence, testimony, or documents relied upon by the applicant shall be submitted to the City and made available to the public. If additional evidence, testimony, or documents is provided by any hearing participant, the hearing body may allow a continuance or leave the record open for at least 7 days to allow other parties a reasonable opportunity to respond. The hearing body may ask the applicant to consider granting an extension of the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311) if a delay in proceedings could impact the ability of the City to take final action on the application, including resolution of any local appeals.

E. 120-Day Decision Requirement

Except for Type V applications, a continuance or extension granted pursuant to Subsection 19.1009.11 shall be subject to the limitations of the 120-day decision requirement (or the 100-day decision requirement for projects meeting the provisions of ORS 197.311) unless the continuance or extension is requested or agreed to in writing by the applicant.

19.1009.12 Decision

A. Following the close of the public portion of the hearing, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse, or remand the decision that is on appeal. Remanding the decision to a prior hearing body requires that there is adequate time, pursuant to Subsection 19.1001.7.C for the prior hearing body to issue a decision and for the City to issue a final decision if the decision resulting from the remand is appealed.

B. A final local decision on a Type I, II, III, or IV land use application shall be made within 120 days from the date the application was deemed complete (or within 100 days for a project meeting all provisions of ORS 197.311), except that, with the agreement of the hearing body and the applicant or appellant, the processing of a matter under consideration may be extended per Subsection 19.1001.7.C.

19.1011 DESIGN REVIEW MEETINGS

19.1011.1 Responsibility of City for Design Review Meetings

The City shall:

A. Schedule land use applications for design review before the Design and Landmarks Committee at the earliest available scheduled meeting. If the Design and Landmarks Committee is unable to schedule a design review meeting with sufficient time for the Planning Commission to hold a public hearing in compliance with the 120-day decision requirement (or within 100 days for a project meeting all provisions of ORS 197.311), one of the following shall occur:

1. The applicant may extend the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311) per Subsection 19.1001.7.C in order to accommodate Design and Landmarks Committee review of the application.
2. If the applicant does not extend the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311), the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.907.6.

19.1011.9 Continuance of Meeting

A. A design review meeting may be continued if the Planning Director determines that there is sufficient time to hold a continued meeting before the Design and Landmarks Committee and a public hearing before the Planning Commission within the required 120 days or if the applicant waives the 120-day decision requirement (or the 100-day decision

requirement for a project meeting all provisions of ORS 197.311) per Subsection 19.1001.7.C.

A stylized, abstract illustration of a flower or shell-like shape in shades of white, grey, and brown, set against a green and brown background, all contained within a circular frame on the left side of the slide.

ZA-2018-004

Housekeeping Code

Amendments

Presentation to the
Milwaukie City Council
Vera Kolas, Associate Planner
February 5, 2019

Background

- Project goals:
 - Clarification
 - Corrections
 - Not intended to significantly change policy



Process

- Planning Commission: 1 worksession; 1 public hearing
- City Council: 2 worksessions
- Notification provided to NDAs
- Code Commentary posted with 30-day notice
-  M56 notice sent to: DMU, GMU, NMIA

Proposed Amendments

- Title 11 Miscellaneous Permits
 - Create a process for temporary permits
- Title 12 Streets
 - Allow modification of access standards



Proposed Amendments

- Title 14 Sign Code
 - disallow banner-type signs to be used as wall signs;
 - regulate temporary signs with a 6-month time limit; COMMENT RECEIVED
 - create an exemption for signs identifying historic properties;
 - clarify that signs for businesses that have closed must be removed within 6 months.



Proposed Amendments

- Title 17 Land Division Code
 - clarify that a boundary change within an approved subdivision requires a subdivision replat



Proposed Amendments

- Zoning Code
 - MMC 19.201 – definitions of “public park”, “livestock”, “live/work”, “personal/business services”, “adjacent”
 - MMC 19.300 – “personal-service-oriented”
 - MMC 19.301 and 302
 - Livestock vs pet



Proposed Amendments

- MMC 19.304 – Downtown
 - Correct a mathematical inconsistency
 - Remove 6-ft step back from development standards; remains a design standard in 19.508.



Proposed Amendments

- MMC 19.309 – Manufacturing zone
 - Add personal vehicle repair as an allowed use
- MMC 19.505.6 – Live/work units
 - Clarification: single-story allowed
- MMC 19.505.3 – Multifamily design
 - Remove native tree requirement



Proposed Amendments

- MMC 19.509 – Marijuana business standards
 - Remove conflicting code language



Proposed Amendments

- MMC 19.606 – Parking lot landscaping
 - Revised standards
- MMC 19.708 – dead-end streets
- MMC 19.904.11 – Wireless communication facilities
- MMC 19.905 – Vacation Rentals



Proposed Amendments

- MMC 19.910 – ADUs
 - Allow 1 ADU per SFR
- MMC 19.911 – Building height variance
 - Clarification – KEY ISSUE
- MMC 19.1000 – Review Procedures
 - Revised Metro notification timeframe
 - 100-day review for affordable housing



Key Issue

- Clarify: Should a building height variance in Downtown apply to:
 - Buildings the exceed base max. ht with or without bonuses
- Strict reading of code applies only to buildings not using bonuses



Key Issue

Applicability

*The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights specified in Figure 19.304-4 **and** do not elect to use the height bonuses in Subsection 19.304.5.B.3.*



Key Issue

Applicability – proposed language

The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights specified in Figure 19.304-4 or do not elect to use the height bonuses in Subsection 19.304.5.B.3.



Comments Received

- Portland Metropolitan Association of Realtors
 - More flexibility for temporary signs



Staff Recommendation

- Adopt the amendments and recommended Findings of Approval.



Decision-Making Options

- A. Approve application subject to the recommended Findings of Approval
- B. Approve the application with modified Findings of Approval
- C. Deny the application upon finding that it does not meet approval criteria
- D. Continue the hearing



Next Steps

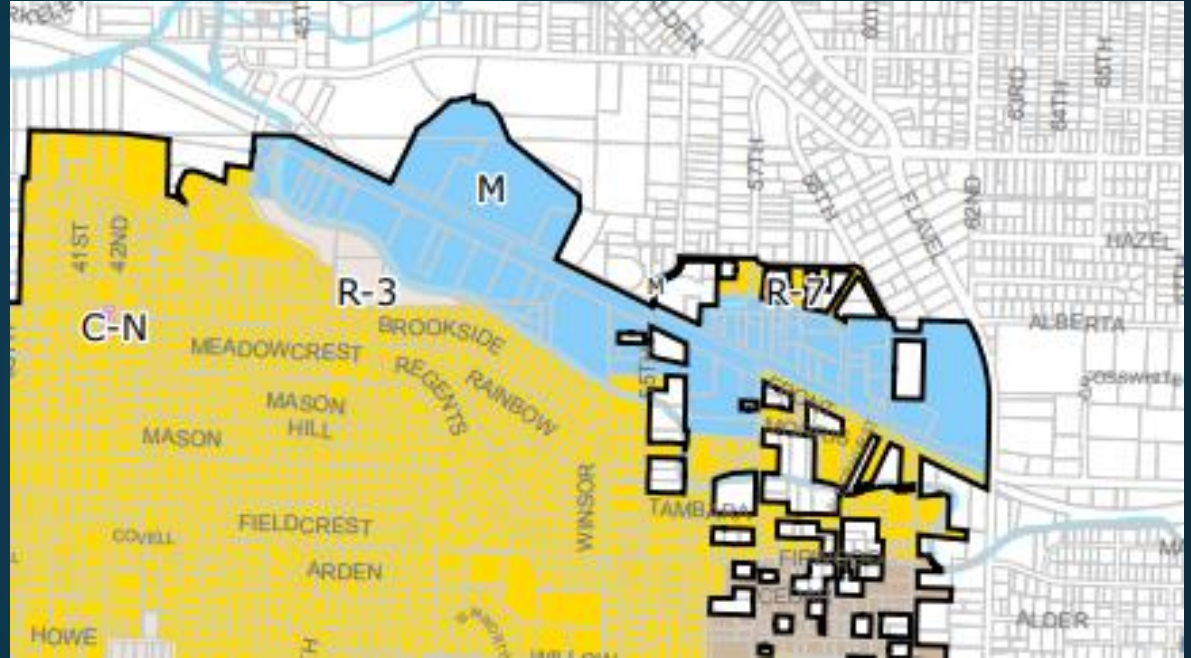
- 3/5/19 City Council Hearing
pt 2 – green building
standards

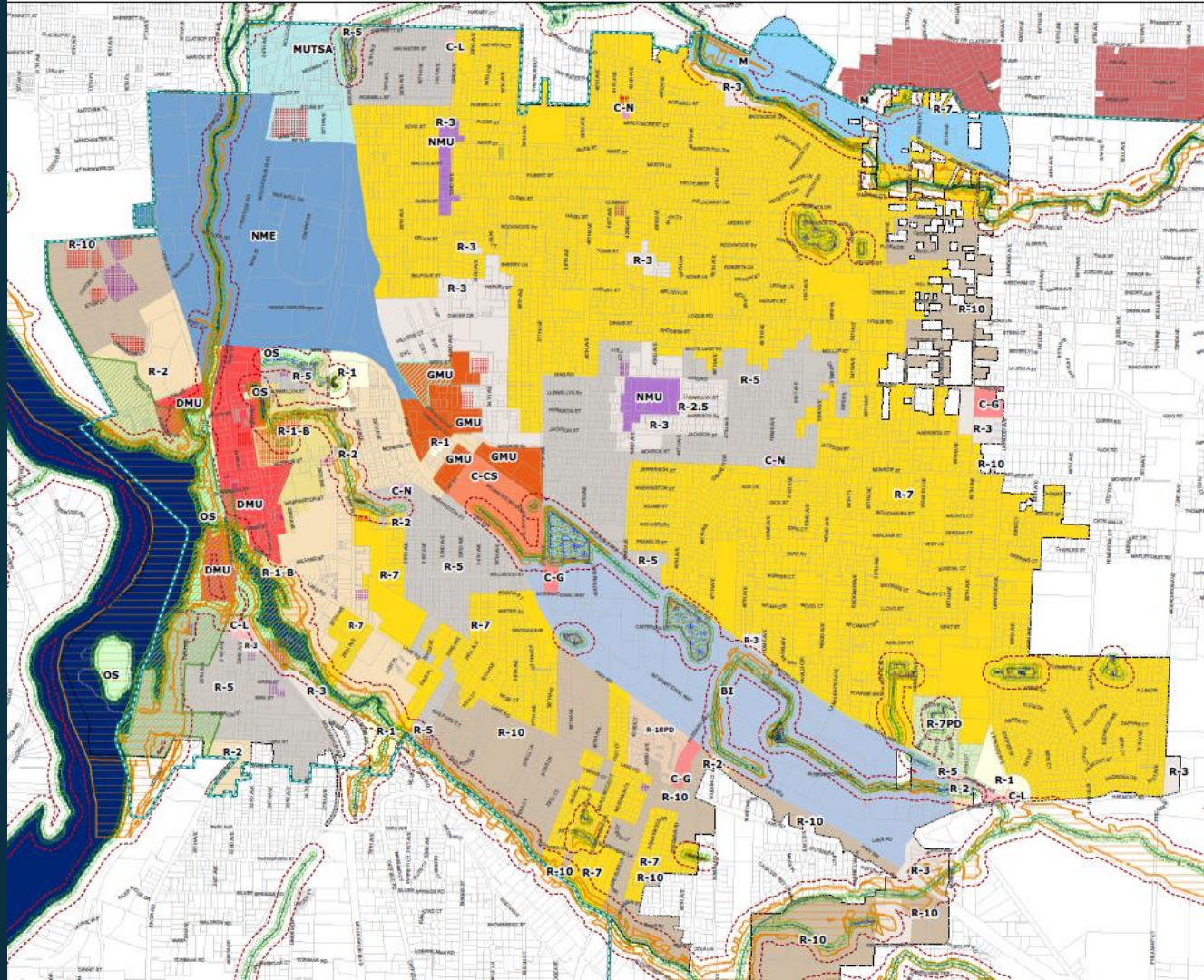


Questions?



- Allow personal vehicle repair in the M zone.





- Clarify that streets with a permanent turnaround can have no more than 20 dwellings.



Scott Stauffer

From: Daryl Winand <DWinand@pmar.org>
Sent: Wednesday, January 30, 2019 2:10 PM
To: Mark Gamba
Cc: Angel Falconer; Lisa Batey; Wilda Parks; Kathy Hyzy; Ann Ober; Kathy Querin; Jane Leo; Scott Stauffer
Subject: PMAR Testimony Re: Milwaukie Municipal Code Amendments ZA-2018-004 Feb 5, 2019

Good afternoon all,

Enclosed herewith please find the Portland Metropolitan Association of Realtors® comments with regard to the draft Milwaukie Municipal Code Amendment ZA-2018-004 for inclusion in the City Commission's informational materials at its February 5th meeting. Ms. Stauffer, if you would be so kind as to respond confirming receipt I would appreciate it.

Cheers,



Daryl Winand

Deputy Director Realtor® Advocacy

Portland Metropolitan Association of Realtors®

150 SW Harrison St., Suite #200

Portland, OR 97201

503-459-2162 | www.hownw.com |



January 30, 2019

Mark Gamba, Mayor
City of Milwaukie Oregon
10722 SE Main Street
Milwaukie, OR 97222

Re: Milwaukie Municipal Code Amendments ZA-2018-004
Proposed Revisions to Title 14 - Signs

Dear Mayor Gamba,

On behalf of the more than 8,000 members of the **Portland Metropolitan Association of Realtors® (PMAR)**, I am writing to express concern regarding the Milwaukie Municipal Code Amendments File #ZA-2018-004 (Proposed Revisions to Title 14 - Signs) for Council's consideration at its February 5th meeting:

PMAR urges Council to reconsider the proposed language of Subsection 14.12.104(B) which includes a limitation for temporary signs at six-months. The current code reads as follows:

Temporary signs which are nonilluminated, have an overall face area not exceeding 16 square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, building permits, public hearing notices, construction signs, garage sale, open house, special event, holiday, and similar signs. Temporary signs shall be removed within a reasonable period.

As reported by the Regional Multiple Listing Services®' 2018 December Market Action Report, the average total market time in the City of Milwaukie at present is at 75-days. Total market time is the number of days from when a property is listed to closing of the sale. Unfortunately, market fluctuations easily could mean a property available for sale in Milwaukie might be listed for a duration greater than six-months. Requiring the removal of a for-sale sign in those circumstance could be a significant burden on your constituents attempting to sell their property. We propose the language be amended to limit the time allowed to the specific duration of event rather than an arbitrary time limit that may not work under all circumstance. In-other-words, when the garage sale is over, the sign is removed. When the sale of the property has closed, the sign would come down.

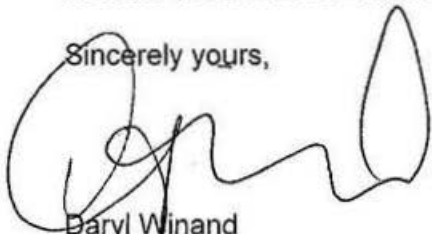
PMAR is a professional association serving nearly 8,000 members within the real estate industry. Its mission is to provide services, products and programs that will enhance its members' ability to conduct their real estate business ethically and competently, to advocate and protect private property rights, and to promote the real estate profession. PMAR represents and serves individuals in all facets of the real estate industry. Its members are committed to protecting homeownership, establishing and maintaining high professional standards of practice and creating unity in the real estate profession.

Mark Gamba, Mayor
January 30, 2019
Page 2 of 2

PMAR applauds the City's efforts to establish a workable and mutually beneficial sign code for its citizenry, local businesses and those who conduct business within the City of Milwaukie. We appreciate Council's consideration of our recommendation.

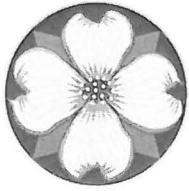
If you require any further information or have any additional questions for PMAR, please do not hesitate to contact me at 503-459-2162.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Daryl Winand', with a large, stylized loop at the end.

Daryl Winand
Deputy Director Realtor® Advocacy
Portland Metropolitan Association of Realtors®

Cc: City of Milwaukie Council Members: Angel Falconer, Lisa Batey, Wilda Parks, Katy Hyzy
City of Milwaukie City Manager: Ann Ober
Members, PMAR Realtor® Advocacy Committee
Drew Coleman, PMAR President
Jane Leo, PMAR Director Realtor® Advocacy
Kathy Querin, PMAR CEO



PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

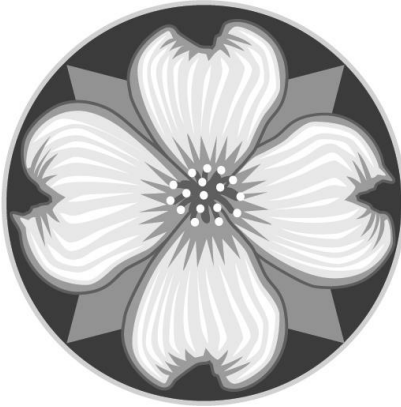
If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.

2/5/19

**5. B. Consideration of Code Amendments,
Round 2 – continued from 12/18/18**

Land Use File No. ZA-2018-004

NAME	ADDRESS	PHONE	EMAIL



RS Agenda Item

6

Other Business

[illegible]

Waste Water Technical Assistance Program	Creation of a circuit rider program, within the Department of Environmental Quality, to provide needed technical assistance for communities on water quality issues, including wastewater treatment and permit compliance options.		No bill number yet - request in to legislative counsel	Creates third-party technical assistance program for wastewater providers.	Support	TBD								
Wetland Development Permitting	Work to establish legislative authority for the Department of State Lands to assume the federal program from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act.		HB 2436	Directs Department of State Lands to conduct study on potential changes to laws, or implementation of law, regulating removal or fill activities. Requires department to submit report regarding study.	Support	House Agriculture and Land Use								
				Authorizes maintenance activities in dry, traditionally maintained channels to be conducted without removal or fill permit subject to certain conditions. Requires Department of State Lands and State Department of Agriculture to enter memorandum of understanding for State Department of Agriculture to implement and enforce provisions for maintenance of dry, traditionally maintained channels. Requires Department of State Lands to adopt by rule general permit for maintenance activities in wet, traditionally maintained channels.	Monitor	House Agriculture and Land Use	Hearing held 1/31							
				Directs Department of State Lands to conduct study on issues related to wetlands mitigation	Support	House Agriculture and Land Use								
				Directs Department of State Lands, in consultation with State Department of Fish and Wildlife, to conduct study on developing general permit for certain removal fill activities by private landowners in eastern Oregon.	Monitor	House Agriculture and Land Use								
Wood Smoke Reduction Program Support	Increase funding to support local wood smoke reduction programs and efforts.		HB 5017/HB 5018 (DEQ Budget Bills)	DEQ agency request budget included request for \$500,000 in GF to increase funding to aid local programs to curtail wood smoke reduction (Policy Option Package 114). The request was not included in the governor's recommended budget. The legislature will make final determination.	Support funding for this program	Joint Ways & Means Subcommittee on Natural Resources								

[letterhead, addresses, etc]

Representative Karin Power
Senator Kathleen Taylor
Representative Rob Nosse
[also relevant committee chairs?]

In the 2017 session, HB 2682 was enacted, giving the City of Portland the authority to establish speed limits on neighborhood streets five miles per hour below those set by the state. This year, HB 2702 would give further special flexibility to Portland to regulate speeds on city streets. Given Oregon's strong home rule tradition, it seems that speed limits on any roads other than state highways should be left to localities to set for themselves.

The Milwaukie City Council [unanimously?] urges you to amend the current HB2702 to give Milwaukie – and all jurisdictions – the authority to set their own speed limits on streets other than state highways.

A recently-released study by Smart Growth America, entitled "Dangerous by Design," shows that the number of pedestrians killed by vehicles increased by 35 percent over the last decade. The report shows Oregon faring slightly better than the national average, although the Portland metropolitan area fares better. The report can be found here: <https://smartgrowthamerica.org/dangerous-by-design/>

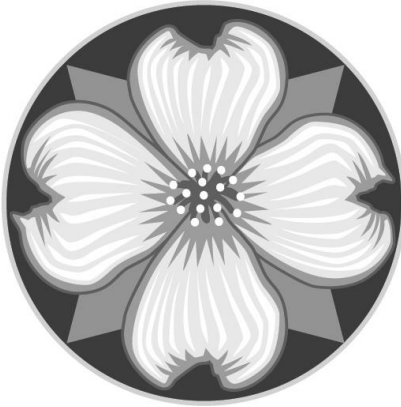
The recommendations in this report, along with Vision Zero programs and "Twenty is Plenty" campaigns, make it clear that controlling speed limits is an important tool for reducing pedestrian fatalities. Other tools, like road design and traffic enforcement, are available to cities, and it is time to return speed limits to city control.

Thank you for your consideration of this request. We would be happy to work with your offices on this proposal, and to come to Salem to testify.

[Mayor's signature block]

cc: Sen. Shemia Fagan
Rep. Mark Meek
bcc: Happy Valley City Council
Gladstone City Council
Oregon City City Council
Lake Oswego City Council
West Linn City Council
Gresham City Council

Tualatin City Council
Tigard City Council
Beaverton City Council
Hillsboro City Council
The Street Trust
AARP



RS Agenda Item

7

Information



- LOOKING FOR VOLUNTEERS! -

SPRING PARK & ELK ROCK ISLAND HABITAT ENHANCEMENT

Mayor's Announcements – Feb. 5, 2019

- **2018 Volunteer of the Year** – Nominations accepted through Feb. 15
- **Milwaukie Police Department's Officers of the Year Dinner & Awards** – Tue., Mar. 12 (6 PM) – Tickets must be purchased by Feb. 16.
- **Tourism Grants Available** – Application deadline Thu., Feb. 28
- **State of the City Address** – Thu., Feb. 7 (5:30 PM)
- **Solar Homes Tour** – Sat., Feb. 16 (1 - 4 PM)
- **Presidents Day – Ledding Library and City Offices Closed** – Mon., Feb. 18
- **City Manager Open Door** – Thu., Feb 21 (8:30 – 10 AM)
- **Hillside Master Plan Community Design Workshop** – Thu., Feb. 21 (6:30 – 8:30 PM)
- **Spring Park & Elk Rock Island Habitat Enhancement** – Sat., Feb. 23 (9 AM – 12 PM)
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV**