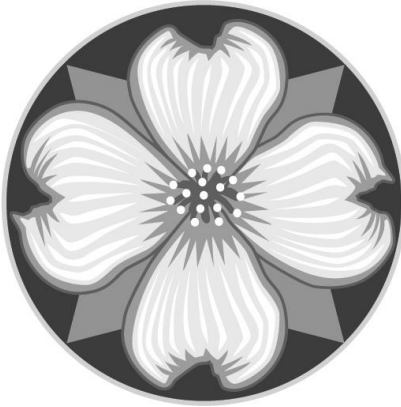




Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

2297th Meeting**REVISED AGENDA**

AUGUST 20, 2019

(Agenda Revised 8/16/19)

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. City Manager Updates – Report (6:01 p.m.)**

Staff: Kelly Brooks, Assistant City Manager

3. CONSENT AGENDA (6:15p.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: 2

1. July 16, 2019, Work Session; and

2. July 16, 2019, Regular Session.

B. Appointments to the Design and Landmark Committee – Resolution 11**C. Authorization of a Contract for the 2019 SSMP Paving Project (CIP-2019-S20) – Resolution 14****D. Accepting the Kellogg Good Neighbor Committee's (KGNC) Recommended Landscape Expenditures – Resolution 28****4. AUDIENCE PARTICIPATION (6:20 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 Public Right-of-Way in Lake Road and Kuehn Road (A-2019-002) – Ordinance (6:25 p.m.) 83

Staff: Denny Egner, Planning Director

B. Renaming of 43rd Avenue in the Keil Crossing Subdivision – Ordinance (6:55 p.m.) 112

Staff: Steve Adams, City Engineer

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. Arts Committee Membership Expansion – Discussion** (7:10 p.m.) **121**
Staff: Jordan Imlah, Public Affairs Specialist

- B. Comprehensive Plan Block 3 Policy Review – Resolution** (7:40 p.m.) **124**
(revised on August 16, 2019)
Staff: David Levitan, Senior Planner

7. INFORMATION (8:40 p.m.)

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

8. ADJOURNMENT (8:45 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

2297th Meeting

MINUTES

AUGUST 20, 2019

Mayor Mark Gamba called the Council meeting to order at 6:04 p.m.

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

Staff: Assistant City Manager Kelly Brooks
Associate Engineer Tessie Prentice
City Attorney Justin Gericke
City Engineer Steve Adams
City Recorder Scott Stauffer
Community Development Director Leila Aman

Finance Director Bonnie Dennis
Planning Director Denny Egner
Public Affairs Specialist Jordan Imlah
Public Works Director Peter Passarelli
Senior Planner David Levitan

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. City Manager Updates – Reports

Ms. Brooks provided updates on city projects, including a Safe Access to Everyone (SAFE) program back-to-school event, the transfer of grant funds to the Milwaukie Parks Foundation, and preliminary attendance information from the Carefree Sunday event. She and **Councilor Batey** noted details about the SAFE event.

3. CONSENT AGENDA

The group noted that Portland resident Tracy Orvis and Milwaukie resident Evan Smiley had been nominated for appointment to the Design and Landmark Committee (DLC).

Councilor Batey noted that staff would correct grammatical errors in the draft minutes.

It was moved by Councilor Batey and seconded by Council President Falconer to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. July 16, 2019, Work Session; and
2. July 16, 2019, Regular Session.

B. Resolution 53-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, making appointments to the City's Design and Landmark Committee.

C. Resolution 54-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, approving the award of a contract for the Construction of the 2019 SSMP Paving Project (CIP-2019-S20) to Eagle-Elsner Inc.

D. Resolution 55-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, accepting the recommendation of the Kellogg Good Neighbor Committee to commit up to \$85,000 from the Good Neighbor Fund for landscape work along the east and west of the Kellogg Creek Treatment Plant.

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

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed public comment procedures. **Ms. Brooks** noted that in follow-up to the August 6 audience participation, City Manager Ann Ober would be meeting with a kayaking group that had received parking tickets at Milwaukie Bay Park.

Kiran Das Bala, Milwaukie resident, commented on the amount of her water bill and suggested it was too high. **Mayor Gamba** asked staff to contact Ms. Das Bala.

Elvis Clark, Milwaukie resident, asked for clarification about where cottage cluster developments would be allowed and suggested that the surrounding neighborhoods be allowed to comment on proposed projects. **Mayor Gamba** explained that the sites discussed in the cottage cluster study were concept exercises and not actually proposed projects. **Councilor Batey** remarked that cottage cluster developments were not currently allowed by the Milwaukie Municipal Code (MMC) and that Council would be considering code changes to allow them in 2020. The group noted that all code changes and proposed developments required some type of public process that would include opportunities for the public comment. **Mr. Clark** remarked that one of the proposed cottage cluster sites had not taken into consideration the cost of adding sidewalks. **Mayor Gamba** noted that the sites in the study were not actual projects.

Matthew Rinker, Milwaukie resident, said he would ask Clackamas County staff for clarification on the total number of units being proposed for the renovated Hillside Park development. He suggested the Ardenwald neighborhood was concerned about the increased density at the Hillside site. He commented on possible traffic safety issues related to a proposal to connect Hillside with the neighborhood via 29th Avenue.

Chris Ortolano, Milwaukie resident, distributed a handout to Council and thanked staff for their work on the Comprehensive Plan review project. He expressed concern about the lack of public involvement in a proposed development project the Planning Commission had considered at its August 13 meeting. He asked for clarification about the timeline for the synthesis phase of the Comprehensive Plan review.

Ronelle Coburn, Milwaukie resident, remarked on the importance of including the public in city processes and suggested the city needed to improve how it communicates project information. She commented on the content of a flyer she created and said she was not anti-development but had concerns about the density of proposed projects.

5. PUBLIC HEARING

A. Annexation of the Public Right-of-Way (ROW) in Lake Road and Kuehn Road (A-2019-002) – Ordinance

Call to Order: **Mayor Gamba** called the public hearing on the proposed annexation of right-of-way in Lake and Kuehn roads, File #A-2019-002, to order at 6:30 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to take public comment on the proposed annexation. **Mr. Egner** cited the applicable MMC, Metro, and state criteria for Council to consider.

Conflict of Interest, Ex-Parte Contacts, Jurisdiction: It was noted that no Council member declared any conflicts of interest or ex-parte contacts, and no audience member wished to challenge Council's jurisdiction over the hearing topic.

Staff Report: **Mr. Egner** explained that the proposed annexations were adjacent to the Cereghino Farms subdivision that had recently been annexed into the city. He

discussed the annexation process that had been undertaken and reported that the developer had started building on the subdivision. **Councilor Batey** and **Mr. Egner** remarked on the county's limited role in this specific annexation process and noted that the county had not objected to the proposed annexation.

Mr. Egner reported that Lake Road would remain a county road until the city asked for it to be turned over to the city for maintenance purposes. He noted that Kuehn Road was a local road not maintained by the county so the city would be taking over maintenance responsibilities. He pointed out that Kuehn Road extended to Aldercrest Road and reported that Mayor Gamba had expressed interest in looking at annexing Kuehn Road all the way to Aldercrest Road. He suggested Council could direct staff to initiate an annexation process for the rest of Kuehn Road. He and **Council President Falconer** noted that some residential properties on Kuehn Road may be on septic sewer systems or connected to the Clackamas County Water Environment Services (WES) system.

Mr. Egner reported that staff recommended Council approve the ordinance annexing the ROWs. He noted they would be rezoned to be consistent with the zoning of adjacent properties.

Correspondence: It was noted that there was no correspondence and that there had not been any testimony on the annexations during the Planning Commission hearing.

Public Testimony: It was noted that no audience member wished to address Council regarding the proposed annexations.

Questions from Council to Staff: **Councilor Batey** noted she had not understood some map sections included in the staff report. The group discussed elements of the survey maps attached to the annexation ordinance.

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 6:44 p.m.

Council Discussion: **Mayor Gamba** explained why he had asked staff to look at annexing all of Kuehn Road, noting public perception about who is responsible for maintaining local roads. The group discussed where "welcome to Milwaukie" signs are posted and the possibility of annexing and developing Kuehn Road as a bicycle and pedestrian connector from Aldercrest Road into the city. The group noted which properties along Kuehn Road were in city limits.

Council Decision: It was moved by **Councilor Batey** and seconded by **Council President Falconer** to approve the Ordinance annexing into the city limits the public rights-of-way of SE Lake Road and SE Kuehn Road adjacent to the Cereghino Farms subdivision and the portion of SE Lake Road west to the current city limits (File #A-2019-002). 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 Batey, Parks, Hyzy, and Falconer**, and **Mayor Gamba** voting "aye." [5:0]

Ordinance 2176:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING INTO THE CITY LIMITS THE PUBLIC RIGHTS-OF-WAY OF SE LAKE ROAD AND SE KUEHN ROAD ADJACENT TO THE CEREGHINO FARMS SUBDIVISION AND THE PORTION OF SE LAKE ROAD WEST TO THE CURRENT CITY LIMITS (FILE #A-2019-002).

Councilor Batey suggested Council should discuss annexing the rest of Kuehn Road at a Work Session before initiating an annexation process. **Council President Falconer** and **Councilor Parks** expressed interest in receiving more information about the properties at the end of Kuehn Road. **Councilor Batey** and **Mr. Egner** noted the possibility of treating properties along Kuehn Road in a similar fashion to the North East Sewer Extension (NESE) area that annexed as they connected to the city's sewer system. **Mayor Gamba** agreed there was no rush to annex Kuehn Road and suggested the city would want to look at it before the Transportation System Plan (TSP) was reviewed so that it could be included in the city's long-term planning process.

B. Renaming of 43rd Avenue in the Keil Crossing Subdivision – Ordinance

Call to Order: **Mayor Gamba** called the public hearing on the proposed renaming of 43rd Avenue in the Keil Crossing Subdivision, to order at 6:53 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to consider renaming parts of 43rd Avenue to Keil Street.

Staff Report: **Ms. Prentice** explained that the proposed annexation was in response to public safety dispatch concerns about similarly named streets in the area. **Councilor Batey** noted that the idea of renaming this part of 43rd Avenue had been proposed during Council's consideration of the Keil Gardens subdivision.

Correspondence: It was noted that there was no additional correspondence.

Public Testimony: It was noted that no audience member wished to address Council regarding the proposed street renaming.

Questions from Council to Staff: The group briefly remarked on the timing of the request and the importance of renaming the street as soon as possible.

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 6:56 p.m.

Council Discussion: **Councilor Hyzy** remarked on the importance of honoring the past and noted that the settlers of the property were not the original owners. **Mayor Gamba** expressed agreement with **Councilor Hyzy's** remark.

Council Decision: It was moved by **Councilor Parks** and seconded by **Councilor Hyzy** to approve the Ordinance approving the renaming of a portion of SE 43rd Avenue to SE Keil Street. Motion passed with the following vote: **Councilors Falconer, Batey, Parks, and Hyzy** and **Mayor Gamba** voting "aye." [5:0]

The group remarked that "Keil" was pronounced as "Kyle" and not "keel."

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

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

Ordinance 2177:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE RENAMING OF A PORTION OF SE 43RD AVENUE TO SE KEIL STREET.

The group remarked on the general effectiveness of the city's newsletter the Pilot.

6. OTHER BUSINESS

A. Arts Committee Membership Expansion – Discussion

Mr. Imlah explained that the idea of expanding the number of committee positions from seven to nine had been proposed by members of Council after recent interviews to fill two vacancies. **A. Adams**, Arts Committee Chair, reported that the committee's workload had increased in recent years. She suggested the committee would benefit from having additional members.

Mr. Imlah reported that the interview panel had identified four applicants to nominate to serve on the committee. He explained that if Council wanted to expand the committee, staff would prepare an ordinance to make the code change and a resolution to appoint the nominated candidates.

Mayor Gamba expressed support for expanding the committee membership.

Councilor Batey suggested that the committee membership be worded in a way that would allow the number of positions to fluctuate. The group discussed the feasibility of writing code language to allow the committee's membership to fluctuate without changing the code. It was noted that the committee's original membership had been seven positions but had been revised to ten and then back to seven. They noted the importance of considering membership changes in terms of meeting quorums to conduct business.

Councilor Batey reported that communications to the interviewed applicants for the committee had been confusing. **Mr. Stauffer** said that staff would provide an update to the applicants regarding the membership expansion and nominations. He summarized that Council supported expanding the committee membership and that staff would bring a code change ordinance for Council to consider on September 3.

B. Comprehensive Plan Block 3 Policy Review – Resolution

Mr. Levitan reviewed the policy areas covered by Block 3 and reported that the urban design policies had been removed for separate consideration. He reviewed the timeline for the public, Comprehensive Plan Advisory Committee, Planning Commission, and Council to consider the urban design policies. **Mr. Egner** remarked on staff expectations about the outreach that would be done during the synthesis stage of the project.

Councilor Batey asked where the neighborhood hub concept would be included in the review project. **Mr. Egner** explained that code and zoning changes related to neighborhood hubs would be looked at during the synthesis stage.

Mr. Levitan provided an overview of the community engagement work done related to the Comprehensive Plan review, noting open houses, online surveys, focus groups, and

public meetings. He reported that staff asked Council to adopt the Block 3 policies as presented. He reviewed questions for Council to consider and asked for feedback.

Councilor Hyzy thanked staff for including Council's previous suggestions. **Councilor Parks** asked staff to review the policies and correct a few typographical errors.

It was moved by **Council President Falconer** and seconded by **Councilor Parks** to approve the resolution "pinning down" the proposed goals and policies in Block 3, with the exception of Urban Design, of the Comprehensive Plan update, final versions of which will be adopted by ordinance during the synthesis stage of the project." Motion passed with the following vote: Councilors Batey, Parks, Hyzy, and Falconer, and Mayor Gamba voting "aye." [5:0]

Resolution 56-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, "PINNING DOWN" THE PROPOSED GOALS AND POLICIES IN BLOCK 3, WITH THE EXCEPTION OF URBAN DESIGN, OF THE COMPREHENSIVE PLAN UPDATE, FINAL VERSIONS OF WHICH WILL BE ADOPTED BY ORDINANCE DURING THE SYNTHESIS STAGE OF THE PROJECT."

7. INFORMATION

Mayor Gamba noted upcoming events, including neighborhood concerts, city facility closures for Labor Day, September First Friday events, the annual On-Tap and Uncorked event at the Milwaukie Center, and a North Clackamas Watersheds clean-up event. **Councilor Batey** and **Council President Falconer** commented on the sustainability activities planned for an upcoming Milwaukie Sunday Farmers Market.

Council President Falconer reported that two recent homeless population counts had been published that showed homelessness had increased nine percent in the county. She discussed information from the North Clackamas School District about the number of families who experience homelessness in Milwaukie. She and **Mayor Gamba** commented on the methodology used to count the homeless population.

Councilor Hyzy noted that the deadline to apply for the Milwaukie Leadership Academy was September 2. She encouraged the public to apply online.

8. ADJOURNMENT

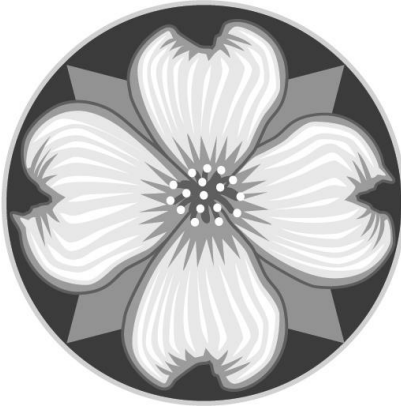
It was moved by **Council President Falconer** and seconded by **Councilor Hyzy** to adjourn the Regular Session. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

Mayor Gamba moved to adjourn the regular session at 7:26 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder



RS Agenda Item

3

Consent Agenda



COUNCIL WORK SESSION

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

MINUTES

JULY 16, 2019

Mayor Mark Gamba called the Council meeting to order at 4:01 p.m.

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

Staff: Assistant City Manager Kelly Brooks	Climate Action and Sustainability Coordinator Natalie Rogers
Building Official Samantha Vandagriff	Code Compliance Coordinator Tim Salyers
City Attorney Justin Gericke	Community Development Director Leila Aman
City Manager Ann Ober	Finance Director Bonnie Dennis
City Recorder Scott Stauffer	Public Works Director Peter Passarelli

1. Home Energy Score (HES) Program – Discussion

Mr. Passarelli explained that the City of Portland had recently adopted a HES program. He noted differences between Milwaukie's proposed program and Portland's program.

Ms. Rogers reviewed Milwaukie's climate action goals and commented on how a HES program supported the goals. She suggested the city adopt a commercial and residential building energy score program. She provided an overview of home energy efficiency guidelines and the group discussed home energy efficiency.

Ms. Rogers discussed the data collected on home energy scorecards. She explained that the score was based on home assets, not owner behavior. The group discussed home upgrades that impact the HES. **Ms. Rogers** clarified that the program would not require specific upgrades but would provide information to homeowners and buyers.

Councilor Hyzy noted that the program would be part of a statewide goal to make HES' more common. **Ms. Rogers** reported that Milwaukie was on the front of a wave of other communities that were looking at implementing a HES program. She and **Mr. Passarelli** explained how the HES program would help the city reach its climate goals.

The group discussed how optional home energy assessments are conducted. **Mr. Passarelli** clarified that the program would require a HES when a house is listed for sale. There would be no requirements for the property owner to make upgrades.

Councilor Parks noted that Milwaukie resident Elvis Clark had submitted comments in opposition to the program. **Ms. Rogers** explained that regular home inspections were not required and suggested that inspections typically happened when someone was looking at buying a home. The group discussed voluntary energy certification programs.

Ms. Rogers remarked that the program would increase public understanding of energy use and costs and could help encourage market interest in energy efficient homes.

The group discussed the costs of energy efficiency upgrades and the resulting utility bill savings. **Ms. Rogers** suggested a HES program would not stop people from buying a home they wanted but would empower buyers to know what more out of a home. **Councilor Hyzy** commented that the HES would be like the miles per gallon data when someone wants a classic car, it would be helpful information but may not stop them from buying a less efficient car.

Ms. Rogers provided a framework of the proposed HES program, explaining that the intent was to make it like Portland's program. She reported that the city would partner with the Oregon Department of Energy (ODOE), the United States Department of Energy, and Earth Advantage, the current contractor for ODOE.

The group discussed the role of energy assessors. **Ms. Rogers** reviewed the proposed program details, noting which homes would need energy scores and which would not. The group discussed homeownership in relation to the need to get a HES. **Ms. Rogers** explained Portland's program exceptions, including homes that are in foreclosure. She and **Mayor Gamba** discussed the impact of a HES at the point of sale.

Ms. Ober thanked staff and suggested the city did not want to create its own program, but instead work with the state's program while proposing some changes to the ODOE. She observed that Milwaukie did not have enough staff to run its own program. **Ms. Rogers** noted that the proposed program was run by the state using a federal scorecard methodology and modeled after Portland's program.

The group commented on the program's impact on foreclosed homes, bank ownership, and how the city would ensure compliance. **Ms. Ober** suggested Council direct staff to look at how the HES would impact the sale of bank-owned properties.

Council President Falconer wanted program exemptions to focus more on equity. She observed that program requirements, controlled by Council, could impact people and there should be an option for people to put on their listing that the home was not required to have a HES. She believed there would be a financial benefit if the city ran its own program. **Ms. Ober** suggested that running a program was a policy question for Council. She remarked that the city could exempt homes, which would mean that fewer homes would be in the program. She also suggested that the program brought two of Council's goals into conflict with each other.

Ms. Rogers noted that Portland worked with the Community Energy Project (CEP), a non-profit organization that works with low-income community members to offer incentives and free energy efficiency upgrades. She reported that she was working with CEP to see if they could help Milwaukie's program.

Mr. Gericke suggested that exempting homes from the program because the owner was a low-income earner could put the seller at a competitive disadvantage when they try to sell the home. **Councilor Hyzy** thought it was an equity issue to not give HES information to people buying a house. **Councilor Batey** and **Councilor Hyzy** wondered if realtors could pay for or incorporate the HES assessment fee into the sale price. **Mr. Passarelli** noted the city had other low-income assistance programs and suggested staff could look at incorporating features of those programs into the HES program.

Council President Falconer asked about foreclosure exemptions. **Ms. Ober** said staff would bring Council more information on exemptions. **Mayor Gamba** remarked that he did not want to make life easier for banks. **Ms. Ober** replied that staff would inform participants of the city's utility forgiveness program about the HES program.

Mayor Gamba referred to section C of the exceptions and waivers section of the program and said he wanted to make sure that anyone in a tight spot financially were being helped. **Ms. Ober** suggested that if someone qualified for the utility assistance program, they would qualify for the HES program. **Council President Falconer** asked that the program notice would clearly include information about exemptions.

Councilor Batey noted the program's 90-day compliance timeline and asked if a house would still need to comply if it was sold on day 20. **Ms. Rogers** said that has happened and Portland has found it difficult to enforce compliance once the home seller moves.

Council President Falconer wondered how many homes were sold by agents versus by the owner. She asked about requiring real estate agents to comply. Council expressed interest in the idea and **Ms. Ober** said staff would look at the suggestion.

Councilor Batey asked to see the Portland program's first year report. She thought Milwaukie's program should consider tree coverage. **Ms. Rogers** noted that the federal program did not include tree coverage and suggested staff could look at including it.

2. Dangerous Building Code Updates – Discussion

Ms. Vandagriff provided an overview of the proposed amendments to the dangerous buildings section of the Milwaukie Municipal Code (MMC). She explained that the primary change would add a trigger date to start the nuisance abatement process for buildings that had been marked as too dangerous to occupy for more than six-months.

Mayor Gamba and **Councilor Batey** remarked that the rest of the dangerous buildings section of the MMC should be cleaned up. **Mayor Gamba** expressed concern about the language in the dangerous buildings code section 3 dealing with Oregon Specialty Code stressed materials requirements. The group discussed the Mayor's concerns and noted that a lot of the dangerous buildings code language had been drafted by the International Code Council (ICC) and confirmed by all state codes. **Councilor Batey** and **Mayor Gamba** asked if the MMC language was the current ICC language.

Mayor Gamba observed that codes are often written by people who have money and that people do not choose to live in rundown homes. He noted the dangerous buildings code required a means of exiting a building and expressed concern that it could be used to evict poor people from their homes. **Ms. Vandagriff** remarked that her professional certifications would not allow her to evict someone from their home unless it was a life-threatening situation. She noted a situation where she had to enforce the code due to a life-threatening exit stairway. **Ms. Ober** stated that it was the city manager's job to make sure staff acted ethically. She suggested the discussion would need more time at a future meeting. She remarked that the dangerous buildings code section had been written by the ICC in response to bad things that had happened.

Mr. Salyers commented that just because a home was identified as a dangerous building did not mean it could not be fixed while people were still living there. He noted that staff was trying to make the MMC better and keep the system moving forward.

3. Adjourn

Mayor Mark Gamba announced that upon adjournment of the Work Session, Council would meet in Executive Session pursuant to Oregon Revised Statute (ORS) 192.660(2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions.

Mayor Gamba adjourned the Work Session at 5:32 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II

COUNCIL REGULAR SESSION

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

2295th Meeting

MINUTES

JULY 16, 2019

Mayor Mark Gamba called the Council meeting to order at 6:14 p.m.

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

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

Community Development Director Leila Aman
Planning Director Denny Egner
Senior Planner David Levitan

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**A. Milwaukie Center – Update**

Siri Bernard, Milwaukie Center board member, introduced Marty Hanley, Milwaukie Center Director, and Junia Stevens, Friends of the Milwaukie Center Development Director. She discussed facility improvements and reported that the board had approved a proposal to change the center's name to the Milwaukie Community Center.

Ms. Stevens introduced herself and commented on her fundraising work for the center. She discussed the center's outreach services and Meals on Wheels program. She explained that the center was getting ready for its Clackamas County Untapped and Uncorked event and expressed interest in working with the city on the event.

Councilor Batey and **Ms. Stevens** noted that the Friends of the Milwaukie Center were a non-profit organization and were setting-up an online presence. **Councilor Batey** suggested that the center be present at events in downtown Milwaukie.

Councilor Parks asked where the board was in the process of renaming the center. **Mr. Hanley** confirmed that Council and the North Clackamas Parks and Recreation District (NCPRD) District Advisory Board would need to approve of the name change. He and **Ms. Stevens** suggested the name change would be part of the center's 40th anniversary activities in 2020. **Councilor Batey** and **Mr. Hanley** remarked on the possibility of the center adopting a new logo and branding package.

Mayor Gamba and **Ms. Stevens** noted the success of the 2018 Untapped and Uncorked event and plans for the 2019 event.

3. CONSENT AGENDA

It was moved by **Councilor Batey** and seconded by **Councilor Parks** to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. May 21, 2019, Work Session;
2. May 21, 2019, Regular Session;
3. June 4, 2019, Work Session;

4. June 4, 2019, Regular Session; and
 5. June 11, 2019, Study Session.
- B. Resolution 48-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, in support of a co-sponsored application with Clackamas County re-designating the North Urban Clackamas County Enterprise Zone.
- C. Resolution 49-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the City Manager to negotiate terms for the purchase of a new city hall.

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

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed the public comment procedures. **Ms. Ober** reported that in follow-up to previous comments about open container regulations, staff recommended that such rules not be expanded due to safety concerns. She asked for Council input and it was noted that Council had no comment on the staff recommendation.

Linn Davis, Program Manager with Healthy Democracy, a group working with the city to facilitate a community discussion about Council compensation, provided an update on the effort to recruit a citizen panel. He reported that because key demographic targets had not been met, the jury selection event would be rescheduled, and the entire project may be postponed to the fall. The group urged the public to respond to the invitation postcards and remarked on the possibility of getting a more diverse pool of jurors if the project were postponed. **Councilor Parks** suggested Council supported postponing the project in the hope of getting more responses.

Donna Smith, Milwaukie resident, explained that she had recently learned about the city’s cottage cluster feasibility study that had proposed infill development in her neighborhood. She expressed frustration that she and her neighbors had not had a voice in the study process. She remarked on neighborhood concerns about increased density impacting infrastructure and parking. She reported that she had collected 70 neighbor signatures for a petition to the city. She had spoken to staff and had learned more about the study and how she could participate. She suggested the city needed to communicate to residents better. **Mayor Gamba**, Milwaukie resident **Mollie Thornley**, and **Ms. Smith** discussed how the city communicates with residents. **Mayor Gamba** noted the intent and timeframe of the cottage cluster study.

Ms. Smith suggested that the city’s use of acronyms was frustrating and reported that she and her neighbors were concerned about development projects in the city and would like to be involved in the process. She expressed opposition to cottage cluster developments. **Councilor Batey** noted that residents could attend neighborhood district association (NDA) meetings and keep in touch with NDA leaders to track projects. **Council President Falconer** remarked that the ongoing Comprehensive Plan review project had been looking at infrastructure and housing policies. The group noted that the Safe Access for Everyone (SAFE) program was funding infrastructure improvements.

Heather Sparks, Milwaukie resident, reported that she had only recently heard about the study and proposals for infill developments. She expressed concern about increase density and suggested the city’s newsletter, the *Pilot*, was not the best way to inform residents about projects. She commented on the city’s funding priorities, suggesting that transportation, mental health, police, and school projects should be prioritized. She

remarked on the quality of housing in her neighborhood and suggested she was worried about her family's safety. She asked for information the city's housing plans. **Mayor Gamba** and **Council President Falconer** noted the SAFE program would improve bicycle and pedestrian infrastructure and that the cottage cluster study was part of the city's effort to consider different housing policies. They suggested Ms. Sparks meet with Ms. Ober to address her concerns. **Ms. Sparks** suggested her neighborhood needed a better way to access information on the city's work.

Elvis Clark, Milwaukie resident, expressed support for his neighbors who had voiced concerns about the cottage cluster study and infill development. He noted he was unable to participate in the Council compensation jury process due to scheduling conflicts. He remarked on the requirements of recently passed state legislation regarding housing and local speed limits and how the city would need to respond.

RJ Barnes, Milwaukie resident, reported that he had recently learned about the cottage cluster study and the proposal for infill development in his neighborhood. He was glad to learn the proposal was just a study and not a project yet. He expressed concern about the financial and infrastructure concerns of cottage cluster housing and offered to be involved in the process. He remarked on neighborhood noticing requirements in other cities and suggested the city should have a noticing requirement for development projects.

Council President Falconer and **Councilor Hyzy** reported that the city did have project noticing requirements that included a mailing to residents and the NDA and that no notice had been sent because there was no proposed project. The group noted when the public can comment on a proposed development during the project review and approval processes. They noted that 70 neighbors had not been aware of the study until recently and that hundreds of residents had participated in the study process.

Council President Falconer thanked the speakers for bringing their concerns to Council's attention. **Councilor Hyzy** and **Ms. Ober** noted opportunities for the public to participate, including the Milwaukie Leadership Academy, Comprehensive Plan review online surveys, and signing-up for email list groups.

5. PUBLIC HEARING

A. Annexation of the Harmony Road Campus of Clackamas Community College (CCC) (File A-2016-006) – Ordinance

Call to Order: **Mayor Gamba called the public hearing to order at 7:09 pm**

Purpose: **Mayor Gamba** explained that the purpose of the hearing was to take public comment on the proposed annexation ordinance.

Conflicts of Interest, Ex-Parte Contacts, Jurisdiction: It was noted that no Council member declared any conflict of interest or ex-parte contacts. It was noted that no audience member wished to challenge Council's authority to participate in the hearing.

Approval Criteria: **Mr. Egner** reviewed the state, regional, and local approval criteria.

Staff Report: **Mr. Egner** noted that the annexation had been pending since 2016. He reviewed the territory to be annexed. He and **Mayor Gamba** noted that another annexation, which included sections of Lake Road, was not related to the CCC annexation.

Mr. Egner reported that the annexation had been proposed before new facilities on the site had triggered construction of city sewer connections. He noted that Clackamas County's changing approach to annexations had also delayed the annexation. He remarked on different annexation processes and reviewed the approval criteria. He reported that the staff and Planning Commission recommendation was for Council to approve the annexation. He and **Councilors Parks and Batey** briefly noted the zoning designations that would be in effect once the territory was annexed.

Councilor Batey noted that CCC had started to refer to the site as the Milwaukie campus. She asked if the annexation would trigger increased liability for the Harmony Road, Railroad Avenue, Linwood Avenue, and Lake Road intersection. **Mr. Egner** suggested the city would have no new liability for the intersection as it was already in city limits. He noted the status of the county projects to improve the intersection and add a pedestrian crossing at Fuller Road and 80th Avenue. The group discussed the status of county road projects in city limits and the county's interest in the city taking over jurisdiction for certain roads.

Correspondence: It was noted that no correspondence had been received on the proposed annexation.

Conduct of Hearing: **Mayor Gamba** reviewed the testimony procedures.

Testimony: It was noted that there was no one present to speak on behalf of the applicant, or in support, opposition, or from a neutral position on the annexation.

Questions from Council to Staff: It was noted that Council had no further questions.

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 Hyzy, Falconer, Batey, and Parks, and Mayor Gamba voting "aye." [5:0]**

Mayor Gamba closed the public hearing on the proposed annexation of the Harmony Road Campus of Clackamas Community College at 7:27 p.m.

Council Discussion: The group noted CCC Board Member Greg Chaimov's support for the annexation and remarked on the historic moment for Milwaukie.

Council Decision: **It was moved by Councilor Parks and seconded by Councilor Batey to approve the Ordinance annexing tracts of land identified as Tax Lots 2S2E05A 0400, 0402, and 0403 (the Harmony Road Campus of Clackamas Community College) as well as the public right-of-way of SE Harmony Road from SE Linwood Avenue to the eastern boundary of the community college campus near 80th Avenue into City Limits of the City of Milwaukie (File #A-2016-006). Motion passed with the following vote: Councilors Hyzy, Falconer, Batey, and Parks, and Mayor Gamba voting "aye." [5:0]**

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

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

Ordinance 2174:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS TAX LOTS 2S2E05A 0400, 0402, AND 0403 (THE HARMONY ROAD CAMPUS OF CLACKAMAS COMMUNITY COLLEGE) AS

WELL AS THE PUBLIC RIGHT-OF-WAY OF SE HARMONY ROAD FROM SE LINWOOD AVENUE TO THE EASTERN BOUNDARY OF THE COMMUNITY COLLEGE CAMPUS NEAR SE 80TH AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2016-006).

6. OTHER BUSINESS

A. Comprehensive Plan Housing Policies – Resolution

Mr. Levitan explained that Council was asked to adopt a resolution “pinning down” Comprehensive Plan housing policies. He noted previous community events, Council, and Planning Commission discussions on the policies, and next steps in the Comprehensive Plan review project.

Council President Falconer proposed adding the words “historically marginalized or” before “vulnerable populations” in the text of Equity Goal article 3. The group discussed and agreed to the change.

Council President Falconer proposed replacing “within walking distance” to “in close proximity to” in the text of Sustainability Goal article 8. The group discussed the wording of the goal and agreed to the change.

Council President Falconer proposed rewording the Livability Goal article 3 to include language that addressed how developments would be oriented to a “shared street scape.” The group discussed how to reword the goal and agreed to make the change.

Councilor Hyzy noted she would send staff a few minor typographical errors to correct.

Mr. Levitan read the revised policy statements Council had agreed to:

Equity Policy 3. Promote zoning and code requirements that remove or prevent potential barriers to home ownership and rental opportunities for people of all ages and abilities, including historically marginalized or vulnerable populations such as people of color, aging populations, and people with low incomes.

Sustainability Policy 8. Allow for a reduction in required off-street parking for new development within close proximity to light rail stations and frequent bus service corridors.

Livability Policy 3. Administer development code standards that require new housing to engage with the public realm and provide for appropriate setback and lot coverage standards.

It was moved by Council President Falconer and seconded by Councilor Hyzy to approve the Resolution “pinning down” the proposed housing goals and policies in the Comprehensive Plan update, final versions of which will be adopted by ordinance during the synthesis stage of the project, with the changes read into record by staff. Motion passed with the following vote: Councilors Hyzy, Falconer, Batey, and Parks, and Mayor Gamba voting “aye.” [5:0]

Resolution 50-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, “PINNING DOWN” THE PROPOSED HOUSING GOALS AND POLICIES IN THE COMPREHENSIVE PLAN UPDATE, FINAL VERSIONS OF WHICH WILL BE ADOPTED BY ORDINANCE DURING THE SYNTHESIS STAGE OF THE PROJECT.

7. INFORMATION

Councilor Batey expressed concern that the Ledding Library project did not include enough bird safe window measures. She proposed that cameras be installed to monitor bird strikes for the first few months the library is open. The group remarked on Wi-Fi and infrastructure requirements for cameras and related cost considerations.

Council President Falconer and **Ms. Ober** noted that there had not been plans for installing cameras at the library except for possibly on the parking lot side of the building. They noted that adding stickers to the windows at the Public Safety Building (PSB) at been an effective way to reduce bird strikes. Ms. Ober commented on staff work to reach out to the Audubon Society and project construction managers to find bird safe solutions. **Councilor Batey** and **Mayor Gamba** suggested the topic had been dropped after Council had discussed the issue previously.

Mayor Gamba announced upcoming events including, the annual Taste of Milwaukie event, movies in the park, the Ardenwald/Johnson Creek NDA national night out concert, August First Friday activities, and the city's CareFree Sunday event. **Councilor Batey** reported that there was a lot of community excitement about the CareFree Sunday event and encouraged the public to volunteer to help run the event.

Councilor Hyzy encouraged the public to apply for the Milwaukie Leadership Academy.

Councilor Batey encouraged the public to consider donating to the library project.

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 Hyzy, Falconer, Batey, and Parks, and Mayor Gamba voting "aye." [5:0]

Mayor Gamba moved to adjourn the regular session at 8:08 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: July 24, 2019

Reviewed: Brett Kelter, Associate Planner

From: Scott Stauffer, City Recorder

Subject: **Appointments to the Design and Landmark Committee**

ACTION REQUESTED

As outlined in the Milwaukie Municipal Code (MMC), consider approving a resolution making appointments to the city's Design and Landmark Committee (DLC).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Over the last several months, two DLC positions became vacant. One committee member resigned to take a seat on the Planning Commission, and another resigned upon moving out of the country. To fill these vacancies, the city launched a recruitment effort and six qualified individuals submitted applications. In August, an interview panel comprised of two members of Council, the committee staff liaison, and the committee chair, met and conducted interviews. The interview panel has nominated the individuals named below for appointment to the DLC.

ANALYSIS

Authority to fill city board, commission, and committee (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 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 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. Generally, position terms expire in March or June, but appointments are also made as needed to fill vacancies. Some BCCs have positions nominated by neighborhood district associations (NDAs) instead of by an interview panel. NDA-nominated appointments are noted if applicable.

Jacqueline Evan Smiley has been nominated to fill position 1, with a term ending March 31, 2020. Ms. Smiley is the museum director of the Gresham Historical Society and has served on the City of Gresham's Historic Resources Sub-Committee. She has lived in Milwaukie for three years.

Tracy Orvis has been nominated to fill position 2, with a term ending March 31, 2021. Ms. Orvis is an architect with Di Loreto Architecture and has years of experience on local civic and professional groups including the Clackamas County Design Review Committee.

BUDGET AND WORKLOAD IMPACTS

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

COORDINATION, CONCURRENCE, OR DISSENT

Staff received confirmation from the interview panel that the individuals listed below have been nominated to serve on this committee.

STAFF RECOMMENDATION

Staff recommends making the following appointments:

DLC: 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	Jacqueline Evan Smiley	8/20/2019	3/31/2020
2	Tracy Orvis	8/20/2019	3/31/2021

ALTERNATIVES

Council could decline to make the recommended appointments, which would result in vacancies on the noted committees.

ATTACHMENTS

1. Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, MAKING APPOINTMENTS TO THE DESIGN AND LANDMARK COMMITTEE (DLC).

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

WHEREAS, vacancies exist on the Design and Landmark Committee (DLC); and

WHEREAS, an interview panel comprised of two members of Council, the committee staff liaison, and chair, have recommended that the following individuals be appointed to the DLC:

Position	Name	Term Start Date	Term End Date
1	Jacqueline Evan Smiley	8/20/2019	3/31/2020
2	Tracy Orvis	8/20/2019	3/31/2021

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

Introduced and adopted by the City Council on **August 20, 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: August 2, 2019

Reviewed: Steve Adams, City Engineer
Kelli Tucker, Accounting & Contracts Specialist

From: Tessie Prentice, Associate Engineer

Subject: **2019 Street Surface Maintenance Program Paving Project (CIP-2019-S20)**

ACTION REQUESTED

Adopt a resolution authorizing the city manager to sign a contract for the 2019 Street Surface Maintenance Program (SSMP) paving project with Eagle-Elsner Inc. and establish construction authorization for the project.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The project is included within the Fiscal Year (FY) 2019-2024 Capital Improvement Plan (CIP) for construction in FY 2020 and the adopted FY 2019-2020 Biennium Budget for the SSMP fund.

ANALYSIS

The project scope includes demolition, base rock, paving, aggregate shoulders, and temporary traffic control for three locations in the city, including SE Wake Street, SE 39th Avenue, and SE Omark Drive. The project consists of 3,250 linear feet of roadway to be repaired. On SE Wake Street, staff worked with the North Clackamas School District for the City to bill the School District for the actual additional cost for constructing a portion of SE Wake Street at a thicker roadway depth to accommodate the heavier bus traffic now using this roadway.

Staff completed a competitive bidding process under Chapter 40 of the city 's Public Contracting Rules and three bids were received before the solicitation deadline. The table below summarizes the bids received:

	Contractor	Schedule A Bid Amount	Schedule B Bid Amount	Total Bid Amount
1	Eagle-Elsner Inc.	\$647,374	\$297,170	\$944,544
2	S-2 Contractors Inc.	\$687,717	\$324,700	\$1,012,417
3	Brix Paving Northwest Inc.	\$705,760.37	\$322,601.23	\$1,028,361.60
	Engineer's Estimate	\$ 713,647	\$ 358,706	\$1,072,353

Eagle-Elsner Inc. was the apparent low bid for both Schedule A and Schedule B and is the intended awardee. A total project authorization was established based on project risks, potential deviations in project quantities, anticipated work, and to cover unforeseen circumstances.

BUDGET IMPACTS

This project is included in the FY 2020 budget for the SSMP fund. The project was divided into two sections, with the engineer's estimate for Schedule A at \$713,647 and Schedule B at \$358,706 for a combined total of \$1,072,353. The SSMP paving budget for FY 2020 is \$1,706,100, which is intended to cover multiple projects and of which no funds (0%) have yet been obligated. The low bid is within both the project estimate and program budget.

WORKLOAD IMPACTS

This project is scheduled for FY 2020 and no additional impacts are anticipated. Construction will occur during September and October. Scheduling and temporary traffic control will be planned to minimize impact on Ardenwald School for the SE Wake Street construction and for Alpine Food Distributing, Inc. for the SE Omark Drive construction.

COORDINATION, CONCURRENCE, OR DISSENT

Finance concurs with staff recommendation.

STAFF RECOMMENDATION

Staff recommends award of the 2019 SSMP paving project to Eagle-Elsner Inc. with a project authorization of \$1,087,000 for the bid price and 15% contingency to cover unforeseen circumstances.

ALTERNATIVES

1. Award the contract as presented.
2. Reject all bids in the public interest and direct staff to revise and rebid the project during a more favorable period.
3. Reject all bids in the public interest and direct staff to redesign the project.

ATTACHMENTS

1. Draft Public Improvement Contract
2. Resolution



**PUBLIC IMPROVEMENT CONTRACT
WITH THE CITY OF MILWAUKIE, OREGON
FOR (PROJECT TITLE)**

THIS CONTRACT, made and entered into this (Day) day of (Month), (Year), by and between the City of Milwaukie, a municipal corporation of the State of Oregon, hereinafter called City and (Contractor Name), a(an) (State) corporation/partnership) hereinafter called Contractor, duly authorized to perform such services in Oregon.

RECITALS

WHEREAS, the City requires construction and related services which Contractor is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, time is of the essence in this contract and all work under this contract shall be completed no later than (Date);

THEREFORE, in consideration of the promises and covenants contained herein, the parties hereby agree as follows:

1. Compensation and Work

Contractor, in consideration of the sum of \$ _____ to be paid by the City in the manner and at the time herein provided, and in consideration of the other covenants and agreements herein contained, hereby agrees to perform and complete the work herein described and provided for and to furnish all necessary machinery, tools, apparatus, equipment, supplies, materials and labor and do all things in accordance with the applicable plans, the applicable Specifications, the Special Provisions and other required provisions, bound herewith, and in accordance with such alterations or modifications of the same as may be made by the Engineer, and according to such directions as may from time to time be made or given by the Engineer or Agency under the authority and within the meaning and purpose of this Contract. This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the Contractor.

2. Contract Documents

Applicable plans, the applicable Specifications, the Special Provisions and other required provisions and the schedule of contract prices are hereby specifically referred to and by this reference made a part hereof, and shall by such reference have the same force and effect as though all of the same were fully written or inserted herein.

3. Contractor - Payment of Benefits

Contractor shall faithfully complete and perform all of the obligations of this Contract, and in particular shall promptly, as due, make payment of all just debts, dues, demands and obligations incurred in the performance of said Contract; and shall not permit any lien or claim to be filed or prosecuted against the City. It is expressly understood that the laws of the State of Oregon shall govern this Contract in all things.

4. Payments

In consideration of the faithful performance of all of the obligations, both general and special, herein set out, and in consideration of the faithful performance of the work as set forth in this Contract, the applicable plans, Specifications, Special Provisions, other required provisions, schedule of contract prices, and all general and detailed specifications and plans which are a part hereof, and in accordance with the direction of the Engineer and to his/her satisfaction,

and, on Federal Aid Projects, to the satisfaction of the Federal Highway Administration, or its authorized representative, in conformity with the requirements of the Federal Aid Road Act and all amendments thereto, the City agrees to pay to the Contractor the amount earned, as determined from the actual quantities of work performed and the prices and other bases of payment specified and taking into consideration any amounts that may be deductible under the terms of the Contract, and to make such payments in the manner and at the times provided in the applicable Specifications or Special Provisions.

5. Nonwaiver

All work performed by Contractor under this Agreement shall be the property of the City. The failure of the City to insist upon or enforce strict performance by Contractor of any of the terms of this contract or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its right to assert or rely upon such terms or rights on any future occasion.

6. Governing Law and Conflict Between Terms

The provisions of this Agreement shall be construed in accordance with the provisions of the laws of the State of Oregon. Any action or suits involving any questions arising under this Agreement must be brought in the Circuit Court of Clackamas County or the U. S. District Court in Portland. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid of the Contractor, this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said bid conflicting herewith.

7. Notices and Contact Information

All notices, bills and payments shall be made in writing and may be given by personal delivery, mail or by email. Notices, bills and payments sent by mail should be addressed as follows:

City of Milwaukie	(Contractor's Firm Name):
Attn: Accounts Payable	Attn: (insert contract manager's name)
10722 SE Main Street	Address: (insert contract manager's address)
Milwaukie, Oregon 97222	
Phone: 503-786-7523	Phone: (insert #)
Fax 503-786-7528	Fax: (insert #)
Email Address: ap@milwaukieoregon.gov	Email Address: (insert address)

and when so addressed, shall be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to whom notices, bills and payments are to be given by giving written notice pursuant to this paragraph.

For purposes hereof, the City's authorized representative will be the City Engineer, 6101 SE Johnson Creek Blvd, Milwaukie, Oregon 97206, telephone 503-786-7600.

For purpose hereof, the Contractor's authorized representative will be (Enter Representative's Name and Address and Phone).

8. Hazardous Materials

Contractor shall supply City with a list of any and all hazardous substances used in performance of this Agreement. That list shall identify the location of storage and use of all such hazardous substances and identify the amounts stored and used at each location. Contractor shall provide City with material safety data sheets for all hazardous substances brought onto City property, created on City property or delivered to City pursuant to this Agreement. For the purpose of this section, "hazardous substance" means hazardous substance as defined by ORS 453.307(5).

Contractor shall complete the State Fire Marshall's hazardous substance survey as required by ORS 453.317 and shall assist City to complete any such survey that it may be required to complete because of substances used in the performance of this Agreement.

9. Hazardous Waste

If, as a result of performance of this Agreement, Contractor generates any hazardous wastes, Contractor shall be responsible for disposal of any such hazardous wastes in compliance with all applicable federal and state requirements. Contractors shall provide City with documentation, including all required manifests, demonstrating proper transportation and disposal of any such hazardous wastes. Contractor shall defend, indemnify, and hold harmless City for any disposal or storage of hazardous wastes generated pursuant to this Contract and any releases or discharges of hazardous materials.

10. Severability

In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect and shall in no way be affected or invalidated thereby.

11. Complete Agreement

This Agreement and attached exhibits constitutes the entire Agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement 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 Agreement. Contractor, by the signature of its authorized representative, hereby acknowledges that he has read this Agreement, understands it and agrees to be bound by its terms and conditions.

IN WITNESS WHEREOF, the City has caused this agreement to be executed by its duly authorized undersigned officer, acting pursuant to authorization of the City Council, and the Contractor has executed this agreement on the date herein above first written.

CITY OF MILWAUKIE

CONTRACTOR

Signature

Signature

Printed Name & Title

Printed Name & Title

Date

Date

(Federal Employer Identification Number)

Oregon Construction Contractors Board License
Number and License Expiration Date

(SEAL)

If the Contractor is a corporation, attach evidence of authority to sign.

ATTEST:

By:

(Signature)

Name:

Title:

Address for giving notices:

ACKNOWLEDGMENT

By a Corporation:

State of _____

County of _____

On this _____ day of _____, 20____, before me, a Notary Public in and for the County of _____, State of _____, personally appeared _____, known to me to be the _____ of the corporation described in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and he or she acknowledged to me that such corporation executed the same, pursuant to its by-laws or a resolution of its board of directors.

(SEAL)

Signature of Notary Public

Name of Notary Public

Notary Public, State of _____

City of Milwaukie, Oregon
Public Works Contract Performance Bond

KNOW ALL MEN BY THESE PRESENTS, that we,

(Official Name & Form of Organization)

Whose address is: _____

(Street Address)

(City)

(State)

(Zip)

as Principal, and,

(Name of Surety)

(Street Address of Surety)

(City)

(State)

(Zip)

(Print - Agent / Contact Name)

(Phone Number)

a corporation duly authorized to conduct a general surety business in the State of Oregon, as Surety, are jointly and severally held and bound unto the City of Milwaukie, Oregon, a municipality of the State of Oregon, hereinafter called Obligee, in the sum of

_____ and ____/100 DOLLARS (\$_____),
(The Contract Price, Both in Words & Figures)

lawful money of the United State of America, for the payment of which we, as Principal, and as Surety, jointly and severally bind ourselves, our successors and assigns firmly by these presents,

TERMS AND CONDITIONS

On the (Day) day of (Month), (Year),

(Name of Contractor)

Principal, entered into a contract with the City of Milwaukie, Oregon, Obligee, to construct certain public improvements and to provide material, labor and equipment for the construction of those improvements. The public improvements and work to be performed by Principal are more fully described in the contract documents between Principal and Obligee. Those contract documents are incorporated herein by reference.

In the event that Principal fails to complete the work as required under the contract, Surety shall either complete the work or pay Obligee the costs of completion of the work. Work is only complete when it meets the standards required by the Contract and applicable City standards. Surety's obligation shall remain in effect until the work is accepted by Obligee, but shall terminate on acceptance by Obligee.

The total amount of the Surety's liability to Obligee under this bond shall in no event exceed the amount stated above.

Surety agrees that no change, extension of time, alternation, or addition to the terms of the contract, or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the contract or to the work or the specifications.

IN WITNESS WHEREOF, the parties hereto have caused this Bond to be executed in (City, State), this (Day) day of (Month), (Year).

Contractor

Principal Signature

Principal Printed Name

Witnesses:

Surety

(A true copy of the Power of Attorney must be attached to the original of this bond)

Surety Attorney of Fact

Countersigned:

Resident Agent

City of Milwaukie, Oregon
Public Works Contract Payment Bond

KNOW ALL MEN BY THESE PRESENTS, that we,

(Official Name & Form of Organization)

Whose address is: _____

(Street Address)

(City) *(State)* *(Zip)*
 as Principal, and,

(Name of Surety)

(Street Address of Surety) *(City)* *(State)* *(Zip)*

(Print - Agent / Contact Name) *(Phone Number)*

a corporation duly authorized to conduct a general surety business in the State of Oregon, as Surety, are jointly and severally held and bound unto the City of Milwaukie, Oregon, a municipality of the State of Oregon, hereinafter called Obligee, in the sum of

_____ and ____/100 DOLLARS (\$_____),
(The Contract Price, Both in Words & Figures)

lawful money of the United State of America, for the payment of which we, as Principal, and as Surety, jointly and severally bind ourselves, our successors and assigns firmly by these presents,

TERMS AND CONDITIONS

On the (Day) day of (Month), (Year),

(Name of Contractor)

Principal, entered into a contract with the City of Milwaukie, Oregon, Obligee, for the construction of certain public improvements. As part of the contract, Principal is required to furnish materials, labor, and equipment to construct the improvements. The contract documents between Principal and Obligee are incorporated herein by this reference.

In the event that Principal fails to make payments when due to suppliers of labor, equipment or materials, Surety shall pay the suppliers the amounts they are due. In the event that Obligee pays any amounts to suppliers that Principal was required to pay, Surety shall reimburse Obligee for those payments. In the event that Principal permits any lien or claim to be filed or prosecution against the City on account of any labor or material furnished, Surety shall take such steps as are necessary to clear the lien, claim or prosecution. In the event that Principal fails to (1) promptly pay all contributions or amounts due the State Unemployment Compensation Trust Fund incurred

to the performance of the contract, (2) promptly, as due, make payments to the person, co-partnership, association, or corporation entitled thereto of the money and sums mentioned in Section 279C.600 of the Oregon Revised Statutes, or (3) promptly pay to the Oregon State Tax Commission all sums required to be deducted and retained from wages of employees of the Principal and his sub-Contractors, pursuant to the Section 316.711, Oregon Revised Statutes, Surety shall make the required payments. Surety's obligations under this bond shall terminate when all payments required of Principal described in this paragraph are made in full.

The total amount of the Surety's liability under this bond both to the Obligee and to the persons furnishing labor or materials, provisions and goods to any person or persons, shall in no event exceed the amount stated above.

Surety agrees that no change, extension of time, alternation, or addition to the terms of the contract, or to the work to be performed there under or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the contract or to the work or the specifications.

IN WITNESS WHEREOF, the parties hereto have caused this Bond to be executed in (City, State), this (Day) day of (Month), (Year).

Contractor

Principal Signature

Principal Printed Name

Witnesses:

Surety

(A true copy of the Power of Attorney must be attached to the original of this bond)

Surety Attorney of Fact

Countersigned:

Resident Agent

CERTIFICATION OF WORKERS' COMPENSATION COVERAGE

The Contractor, for the purposes of this Contract, hereby certifies that it is currently providing Oregon Workers' Compensation coverage for all its employees and will maintain coverage throughout the course of the project through one of the following methods:

1. ☐ "Carrier-Insured Employer" (State Accident Insurance Fund Corp. or other authorized insurer)

Insurance Company Name _____

ID/Policy Number _____

2. ☐ "Self-Insured Employer" (Certified by the Workers' Compensation Division)

ID number as assigned by the
Workers' Compensation Division _____

3. ☐ I am an independent contractor and will perform all work under this contract without the assistance of others.

In the event of cancellation or change in the information above, Contractor certifies that it will immediately notify the Agency of said cancellation or change and will obtain alternate coverage.

Dated _____ 20____

(Contractor's Signature)

REMINDER - ADDITIONAL INFORMATION NEEDED

Has your insurance carrier filed with Oregon Workers' Compensation Division a guaranty contract as proof of coverage for your employees working in Oregon?

For filing information, contact the Workers' Compensation Division at Labor and Industries Building: Salem, OR 97310; Phone (503) 947-7810.

CERTIFICATE OF INSURANCE

PROJECT SPECIAL PROVISIONS



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, APPROVING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE 2019 SSMP PAVING PROJECT (CIP-2019-S20) TO EAGLE-ELSNER INC.

WHEREAS, the City of Milwaukie has identified the reconstruction of SE Omark Drive, SE Wake Street and SE 39th Avenue within the street surface maintenance program (SSMP); and

WHEREAS, these improvements are contained within the 2019-2020 biennial budget; and

WHEREAS, a formal competitive bid process following Public Contract Rule 40 was completed; and

WHEREAS, Eagle-Elsner Inc. was the lowest responsive and responsible bidder.

Now, Therefore, be it Resolved that City Council authorizes the city manager to execute a contract with Eagle-Elsner Inc. for the construction of the 2019 SSMP paving project, waive any irregularities, and authorize the city engineer or designee to administer the project in accordance with the project specifications with a project authorization of \$1,087,000.

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: Aug. 7, 2019

Reviewed: Blanca Marston, Administrative Specialist

From: Peter Passarelli, Public Works Director

Subject: **Kellogg Good Neighbor Committee (KGNC) Landscape Work**

ACTION REQUESTED

The KGNC is requesting that Council approve a resolution requesting that Clackamas County Water Environment Services (WES) commit up to \$85,000 for landscape work, picnic table and park bench installation, and irrigation work within the open space park area along the west and east sides of the Kellogg Creek Treatment Plant.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[July 19, 2016:](#) Council accepted the recommendation of the KGNC to use \$60,000 from the Kellogg Good Neighbor Fund for path lighting and path repair and requested that WES process the funding request.

[August 1, 2017:](#) Council accepted the recommendation of the KGNC to use \$6,000 from the Kellogg Good Neighbor Fund for two additional park benches and a garbage can for the park area adjacent to the plant. Council also requested that WES process the funding request.

[February 20, 2018:](#) Council accepted the recommendation of the KGNC to commit up to \$11,540 for landscape work within the open space park area along the westside side of the plant.

ANALYSIS

The wastewater treatment agreement between the city and Clackamas County Service District #1 (CCSD#1) (section 4.11) provides that \$1 per equivalent dwelling unit (EDU) paid by the city for treatment, be set aside in a good neighbor fund that shall be used for the purpose of mitigating the impact of the plant on the surrounding neighborhoods. Funds may be used for buffer acquisitions and/or landscaping within 200 yards of the plant property line, improvements at the plant, or neighborhood sewer infrastructure projects.

The KGNC was established in March 2013 to meet the agreement stipulation that projects and/or efforts to be undertaken with good neighbor fund monies include participation by city residents and groups representing areas near the plant. This year, the group decided that funding for landscaping around the plant is a priority.

Upon further review by KGNC members, WES staff, and county facilities personnel, the landscape work approved February 20, 2018, was deferred because the group felt that the project was not focusing on the correct landscaping issues and that problems along the east side

of the plant would remain. It was determined that the work should be part of a larger rehabilitation of the landscape around the plant.

The original landscape master plan developed in 2014 focused on ameliorating odors and providing visual screening for the plant. Layout and installation of plants were put together by landscape architects and the county to provide the best possible appearances while accomplishing the directives set forth by the master plan. Plants and trees were selected based on the desired solutions and nativity to the region as well as availability.

In general, the directives and goals set forth in the master plan have been met and were successful. It has been noted by KGNC members and WES staff that the vegetation selected for the landscaping was well suited for the overall site, but there are areas that have been problematic. Wet soil created problems for some of the ground cover and tree species. Growth patterns in the vegetation did not provide the desired effect and screening as projected. For example, the Photinia grows as a large shrub, but as it ages leaves the lower stems and branches exposed with open visibility. This did not provide a full screen and resulted in poor aesthetics as the plants mature. Additionally, some of the tree choices and locations proved to be unsustainable. Oregon ash, beech, oak, and chestnut trees were in some cases planted under or too close to other established trees, not allowing sunlight and the proper environment for establishing healthy and mature growth.

As noted, overall the project has been very successful, but adjustments need to be made and new vegetation added to continue the process of accomplishing the goals set forth in the master plan and by the KGNC.

Based on inspections and soil studies, the county facilities and landscaping team have put together a design for added vegetation that will replace some of the existing vegetation and fill in where necessary to complete the visibility screen and remain appealing in an overall landscape design (attached presentation). The project will also replace dead or dying trees with appropriate tree species.

After studying the existing vegetation and needs, it has been determined that fulfillment of the master plan is best served by adding additional trees, shrubbery, and groundcover. The plant selection has been made based on combined knowledge of more than 80 years' experience in the landscaping industry, including design, installation, irrigation, and maintenance.

The committee spent considerable time and effort discussing what elements of the exterior landscaping around the plant should be included in this funding request. Some of the issues were caused by the different planting standards from previous landscape projects around the plant and the Trolley Trail project. KGNC members met with WES facilities staff and the county's landscape contractor for an onsite walk around the plant. This meeting and previous discussions focused on landscape maintenance expectations, irrigation problems, difficult growing conditions due to improper plant selection, future planting requirements, and focusing on using plant material that would reduce future maintenance. WES staff have been in contact with the city's Tree Board and the planning department to discuss tree planting and landscaping requirements.

The requested landscape project, with pricing provided by Earthworks Landscape Service, includes the removal of dead plants on the outside perimeter of the treatment plant,

transplanting dogwoods from the westside of the Trolley Trail to east side of the trail, the addition and replacement of shrubs, bushes, trees, groundcover, and ornamental grasses, the installation of planting pockets in rocky locations, the adjustment of beds to allow for denser planting, and mulching (see attached scope). The estimated cost of this work is \$62,120. The work to repair and adjust the irrigation will be on a time and material basis and is estimated to cost between \$15,000 and \$18,000. With a project contingency, the funding request is \$85,000. The procurement process for the project will be handled by WES and will follow county procurement requirements. It is anticipated that the work will begin Fall 2019.

BUDGET IMPACTS

The KGNC provides oversight to the good neighbor fund. The fund is administered by WES and receives funding from \$1 set aside each month per EDU paid by the city for wastewater treatment service. The fund receives about \$11,352 per month from the city's EDU payment and as of April 2019 had a balance of approximately \$202,073.

WORKLOAD IMPACTS

City staffing is minimal for this project with involvement from the public works director as the KGNC liaison.

COORDINATION, CONCURRENCE, OR DISSENT

The KGNC is made up of Milwaukie citizens and meets with WES representatives every other month. They have reached agreement on the importance of this landscaping project after considerable discussion on the design.

STAFF RECOMMENDATION

Council is asked to approve a resolution requesting that WES commit up to \$85,000 for landscape work within the park and the eastside side of the Kellogg Treatment Plant.

ALTERNATIVES

If Council does not approve this project funding, the money in the Kellogg Good Neighbor Fund intended to be used on this project could be used for future projects.

ATTACHMENTS

1. Kellogg Landscape Presentation
2. Resolution

WES - KELLOGG CREEK TREATMENT PLANT

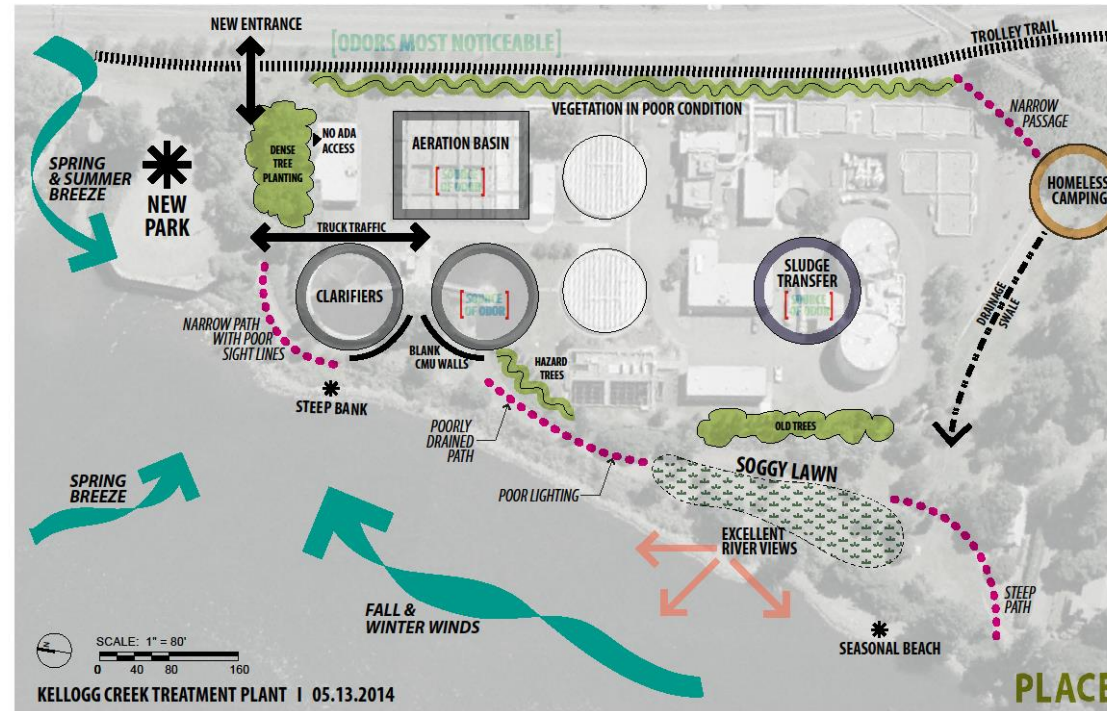
Serving the community since 1974

RS31

WES KELLOGG - MAKING CHANGES IN THE COMMUNITY

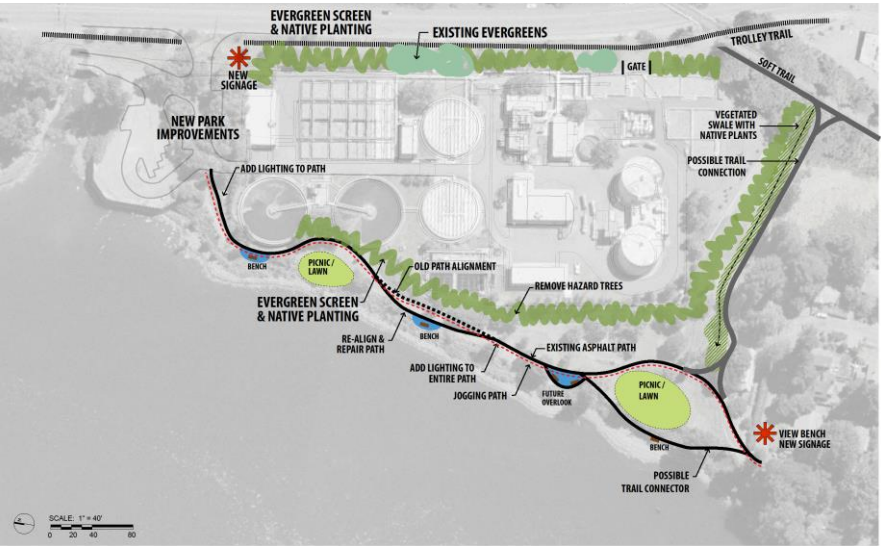
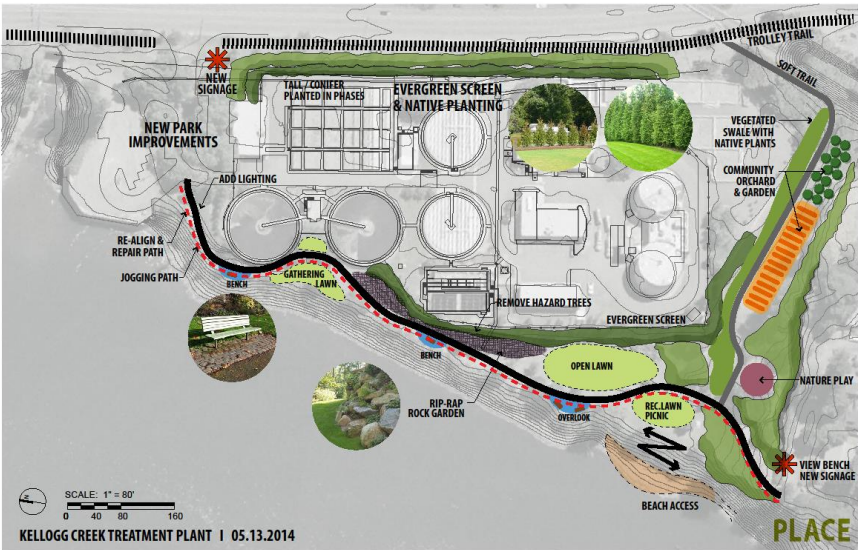
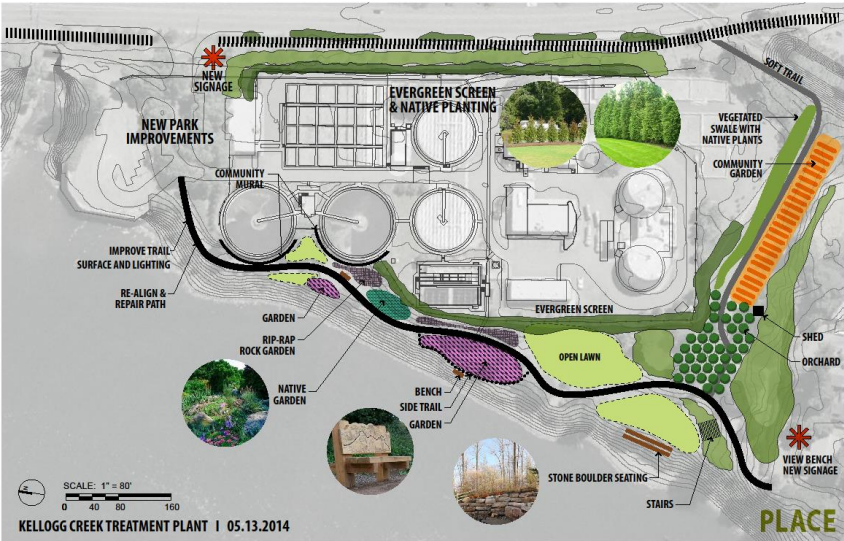
It began here.

Understanding the conditions



Continued here.

Great planning & Multiple options.
Balancing need and sustainability





Water Environmental Services KELLOGG PLANT 2019

RS34

Kellogg Creek - Current Vegetation

Numbers correspond to view point on map



1

RS35



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RS36



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RS37



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RS38



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RS39



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RS40



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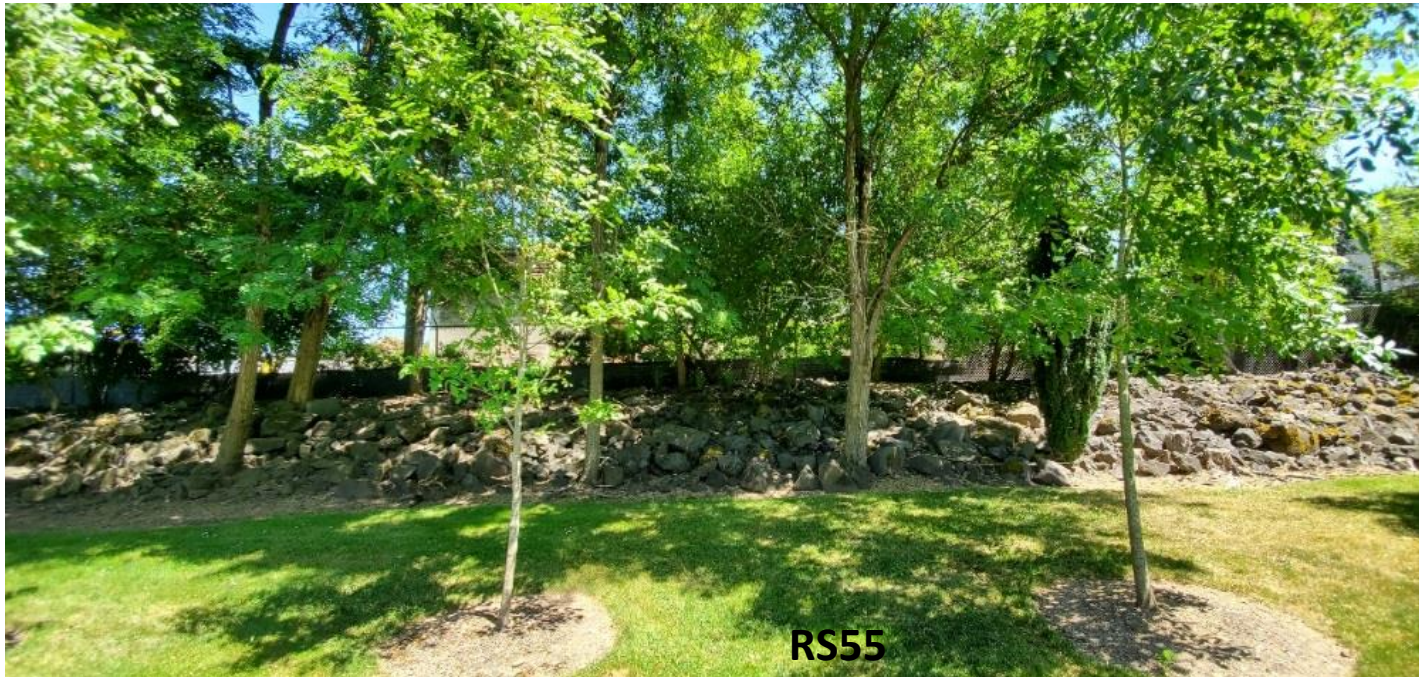


RS54



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RS55



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RS56



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RS57



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RS59



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RS60



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RS61



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RS62



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RS63

Suggested Vegetation

Completing the Vision

Pacific Wax Myrtle



Description

- ▶ It grows to 2-10 m tall, and has serrated, sticky green leaves 4-13 cm long and 0.7-3 cm broad, which emit a spicy scent on warm days. The flower's inflorescence is arranged in a spike 0.6-3 cm long, in range of colors from green to red. The fruit is a wrinkled purple berry 4-6.5 mm diameter, with a waxy coating, hence the common name wax myrtle. This species has root nodules containing nitrogen-fixing microorganisms, allowing it to grow in relatively poor soils.
- ▶ Cultivation and uses
- ▶ It grows well on cool, moist coastlines and can be planted in lines as a seaside windbreak. The bark and leaves have historically been used on occasion for gastrointestinal ailments. The most active chemical is apparently the glycoside myricinic acid, which is related to saponin. The plant tissues are also high in tannins. The wax may be extracted from the fruit and made into candles and soap; however, this species produces much less wax than other bayberries, and so is rarely used for this purpose.

Oregon Bearberry/Kinnikinnik



Description

- ▶ *Arctostaphylos uva-ursi* is a small procumbent woody [groundcover](#) shrub 5-30 cm (2-12 in) high. The [leaves](#) are [evergreen](#), remaining green for 1-3 years before falling. The [fruit](#) is a red [berry](#).
- ▶ The leaves are shiny, small, and feel thick and stiff. They are alternately arranged on the stems. Undersides of leaves are lighter green than on the tops. New stems can be red if the plant is in full sun, but are green in shadier areas. Older stems are brown. In spring, they have white or pink flowers.
- ▶ Pure stands of *Arctostaphylos uva-ursi* can be extremely dense, with heights rarely taller than 6 inches. Erect branching twigs emerge from long flexible prostrate stems, which are produced by single roots. The trailing stems will layer, sending out small roots periodically. The finely textured velvety branches are initially white to pale green, becoming smooth and red-brown with maturity. The small solitary three-scaled buds are dark brown.
- ▶ The simple leaves of this broadleaf evergreen are alternately arranged on branches. Each leaf is held by a twisted leaf stalk, vertically. The leathery dark green leaves are an inch long and have rounded tips tapering back to the base. In fall, the leaves begin changing from a dark green to a reddish-green to purple.
- ▶ Terminal clusters of small urn-shaped flowers bloom from May to June. The perfect flowers are white to pink, and bear round, fleshy or mealy, bright red to pink fruits called [drupes](#). This smooth, glossy skinned fruit will range from 1/4 to 1/2 inch (6 to 13 mm) in diameter. The fruit will persist on the plant into early winter. Each drupe contains 1 to 5 hard seeds, which need to be [scarified](#) and [stratified](#) prior to [germination](#) to reduce the seed coat and break embryo dormancy. There is an average of 40,900 cleaned seeds per pound

Uses

- ▶ Historically, it was used by the [Blackfeet Nation](#) as food.

Aureola Japanese Forest Grass



Description

- *Hakonechloa macra* is a small, mostly shade-loving, clump-forming [bunchgrass](#), slowly spreading in circumference. The stalks cascade in a graceful rounded fountain shape somewhat reminiscent of [Pennisetum](#) (fountain grass) but with the actual leaves resembling [Chasmanthium](#). The species tends to be between 45 cm and 60 cm (18" to 24") in height.
- The leaves are thin and papery and resemble many forms of bamboo. They are very flexible and have a distinctive rustling sound when the wind blows that adds to their appeal. The foliage rises from the roots on thin wiry stalks. The leaf blades are green but many color variations exist. The papery texture keeps the foliage cool to the touch and often the surface is slightly puckered or rippled.
- The flowers bloom in midsummer from leaf nodes near the ends of the stalks. The flowers are light purple fading to tan then dropping off over the course of several weeks.

Cultivars

- The [cultivars](#) of *Hakonechloa macra* may be green, or boldly variegated in stripes of white, green, or yellow, or have solid colored leaves. Some cultivars tend to turn orange or red in colder weather. The cultivars often grow significantly shorter in height than the species. The height may also be somewhat dependent on soil moisture, nutrients, and length of growing season. The plant is tough enough to survive in USDA Zone 5 (-28 °C). It prefers even moisture and average humidity, but can tolerate minor dry spells and arid climates (with irrigation) with minimal damage.
- It is mainly used as an ornamental grass in Japanese style gardens, or to brighten shady areas of the garden. The graceful form tends to soften formal shady areas as well. Solid green leaves are the hallmark of the species. The green form is the fastest grower and tends to be slightly larger than most cultivars, and is mildly sun tolerant though it may burn if not given adequate shade. The foliage tends to be deep bright green and may have orange, red or purple tones to some degree in the fall.

Blue Fescue Ornamental Grass



Description

- ▶ *F. glauca* is a clump-forming ornamental grass noted for its glaucous, finely-textured, blue-gray foliage. The foliage forms a dome-shaped, porcupine-like tuft of erect to arching, needle-like 9-ribbed blades, radiating upward and outward to a length of 140-180 mm. Light green flowers with a purple tinge appear in terminal panicles atop stems rising above the foliage in late spring to early summer, but inflorescences are not very showy. Flowers give way to puffy wheat-like seed-heads

Cultivation

- ▶ In cultivation *F. glauca* can reach a height of 14-18 cm (6-7 in) (inflorescences typically bring total clump height to 20-25 cm (8-10 in)). It does best in well-drained soil as plants will not grow well in wet soils. It tolerates dry and low nutrient soils. Plant in a full sun for best foliage colour. It will also grow in a lightly shaded position. Will tolerate drought, neglect and lack of nutrients but prefers regular watering. If plant has a large amount of dead leaves, prune back to 40mm from ground level. This is to be done in winter. Lift and divide clumps if needed (also to be done in winter). Division of established clumps in winter is the easiest method although, plants can be grown from seed.

Cotoneaster



Description

- ▶ The shoots are dimorphic, with long shoots (10-40 cm (3.9-15.7 in) long) producing structural branch growth, and short shoots (0.5-5 cm (0.20-1.97 in) long) bearing the flowers; this pattern often developing a 'herringbone' form of branching. The leaves are arranged alternately, 0.5-15 cm (0.20-5.91 in) long, ovate to lanceolate in shape, entire; both evergreen and deciduous species occur.
- ▶ The flowers are produced in late spring through early summer, solitary or in corymbs of up to 100 together. The flower is either fully open or has its five petals half open 5-10 mm (0.20-0.39 in) diameter. They may be any shade from white through creamy white to light pink to dark pink to almost red, 10-20 stamens and up to five styles. The fruit is a small pome 5-12 mm (0.20-0.47 in) diameter, pink or bright red, orange or even maroon or black when mature, containing one to three (rarely up to five) seeds.^{[3][4]} Fruit on some species stays on until the following year.

Wildlife value

- ▶ *Cotoneaster* species are used as larval food plants by some Lepidoptera species including grey dagger, mottled umber, short-cloaked moth, winter moth and hawthorn moth. The flowers attract bees and butterflies and the fruits are eaten by birds.

Burning Bush



Description

- This deciduous shrub grows to 6.1 m (20 ft) tall, often wider than tall. As with the related Euonymus phellomanus, the stems are notable for their four corky ridges or "wings." The word *alatus* (or *alata*, used formerly) is Latin for "winged," in reference to the winged branches. These structures develop from a cork cambium deposited in longitudinal grooves in the twigs' first year, unlike similar wings in other plants.^[8] The leaves are 2-7 cm ($\frac{3}{4}$ -2 $\frac{3}{4}$ in) long and 1-4 cm ($\frac{1}{2}$ -1 $\frac{1}{2}$ in) broad, ovate-elliptic, with an acute apex. The flowers are greenish, borne over a long period in the spring. The fruit is a red aril enclosed by a four-lobed pink, yellow or orange capsule

Oregon Oceanspray



Species Name: Oceanspray (*Holodiscus discolor*)

Description: A medium to large shrub, with long arching stems and up to 15 feet tall. The leaves are 1 to 3 inches long, lobed with a central vein and arranged alternately on the stem (center photo). The tiny cream-colored flowers grow in dense clusters at the branch tips and are present in late spring to mid-summer (top photo). The dried flowers persist into wintertime. Oceanspray's name comes from the appearance of these flower clusters.

Wildlife Value: Oceanspray is beneficial to songbirds who use the shrub for cover. The flower clusters attract bees and other pollinators. Looking closely at the blooming clusters, I found them teeming with tiny insects (bottom photo). Besides pollinating the shrubs, these insects are going to be somebody's lunch - those songbirds, perhaps.

Oregon Grape



Description

- ▶ *Mahonia aquifolium* grows to 1-2 m (3 ft 3 in-6 ft 7 in) tall by 1.5 m (5 ft) wide, with pinnate leaves up to 30 cm (12 in) long, each leaf made up of spiny leaflets. The leathery leaves resemble those of [holly](#) and the stems and twigs have a thickened, corky appearance. The flowers, borne in dense clusters in late spring, are yellow, and are followed by spherical dark dusty blue berries, which give rise to the common name "Oregon grape".

Cultivation

- ▶ *Mahonia aquifolium* is a popular subject in shady or woodland plantings. It is valued for its striking foliage and flowers, which often appear before those of other shrubs. It is resistant to summer drought, tolerates poor soils, and does not create excessive leaf litter. Its berries attract birds.

Uses

- ▶ The small purplish-black fruits, which are quite tart and contain large seeds, are included in smaller quantities in the traditional diets of Pacific Northwest aboriginal peoples, mixed with [salad](#) or another sweeter fruit. Today, they are sometimes used to make jelly, alone or mixed with salad. Oregon-grape juice can be fermented to make wine, similar to European barberry wine folk traditions, although it requires an unusually high amount of sugar. The berries can also be eaten raw after the season's first frosts

Red-twig Dogwood



Description

- ▶ In the wild, it commonly grows in areas of damp soil, such as [wetlands](#). It is a medium to tall [deciduous shrub](#), growing 1.5-4 m tall and 3-5 m wide, spreading readily by underground [stolons](#) to form dense thickets. The branches and twigs are dark red, although wild plants may lack this coloration in shaded areas. The [leaves](#) are opposite, 5-12 cm long and 2.5-6 cm broad, with an ovate to oblong shape and an entire margin; they are dark green above and [glaucous](#) below; fall color is commonly bright red to purple. The [flowers](#) are small (5-10 mm diameter), dull white, in clusters 3-6 cm diameter. The [fruit](#) is a [globose](#) white [berry](#) 5-9 mm diameter.

Cultivation

- ▶ *Cornus sericea* is a popular ornamental shrub that is often planted for the red coloring of its twigs in the dormant season. The [cultivars](#) 'Bud's Yellow', 'Flaviramea' with lime green stems, and 'Hedgerows Gold' (variegated foliage) have gained the [Royal Horticultural Society's Award of Garden Merit](#).

Uses

- ▶ *C. sericea* is frequently used for waterway bank erosion protection and restoration in the United States and Canada. Its root system provides excellent soil retention, it is hardy and provides an attractive shrub even when bare in winter, and its ability to be reproduced by cuttings makes it a low-cost solution for large-scale plantings.
- ▶ Some [Plateau Indigenous](#) tribes ate the berries to treat [colds](#) and to slow bleeding.

Strawberry Tree



Description

- ▶ *Arbutus unedo* grows to 5-10 m (16-33 ft) tall, rarely up to 15 m (49 ft), with a trunk diameter of up to 80 cm (31 in). It grows in [hardiness zones](#) 7-10.
- ▶ The [leaves](#) are dark green and glossy, 5-10 cm (2-4 in) long and 2-3 cm (0.79-1.18 in) broad, with a serrated margin.
- ▶ The [hermaphrodite flowers](#) are white (rarely pale pink), bell-shaped, 4-6 mm (0.16-0.24 in) diameter, produced panicles of 10-30 together in autumn. They are pollinated by [bees](#), and have a mild sweet scent.
- ▶ The [fruit](#) is a red berry, 1-2 cm (0.39-0.79 in) diameter, with a rough surface. It matures in about 12 months, in autumn, at the same time as the next flowering. It is edible; the fruit is sweet when reddish. Seeds are often [dispersed](#) by [frugivorous birds](#)
- ▶ The name *unedo* is attributed to [Pliny the Elder](#), who allegedly claimed that "*unum tantum edo*", meaning "I eat only one". It is not known whether he meant that the fruit was so good he could eat only one, or whether he meant that the fruit was uninteresting so he ate only one.¹

Uses

Arbutus unedo's fruits have a high content of [sugars](#) (40%), and [antioxidant](#) vitamins such as [vitamin C](#), [beta-carotene](#), [niacin](#), [tocopherols](#), and organic acids that are precursors to [omega-3](#) and [omega-6 fatty acids](#) (nearly 9%).^{[21][22]} They are edible fresh, but that is an uncommon consumption, especially because the mature fruit tends to bruise very easily, making transportation difficult.

They are used mostly for jam, marmalades, yogurt and [alcoholic beverages](#),^{[23][24]} such as the Portuguese [medronho](#), a type of strong brandy. Many regions of [Albania](#) prepare the traditional drink [rakia](#) from the fruits of the plant (mare or kocimare in [Albanian](#)), hence comes the name of the drink "raki kocimareje". In order to reduce the high content of [methanol](#) in the drink, the spirit is distilled twice.

The flowers are pollinated by [bees](#), and the resulting [honey](#) is bitter tasting but still considered a delicacy.

Herbal medicine

Arbutus unedo's leaves have been employed in traditional and [folk medicine](#) in the form of [a decoction](#) having the following properties: astringent, diuretic, urinary anti-septic, antiseptic, intoxicant, rheumatism, tonic, and more recently, in the therapy of hypertension and diabetes.[†]

The leaves are reported to have a high concentration of [flavonol](#) antioxidants, especially [quercetin](#), best extracted with a decoction, and together with the fruits are a source of antioxidants.

The leaves also have [anti-inflammatory](#) properties

Ecological design

In [landscape design](#), [ecosystem restoration](#) or [permaculture](#) based designs, *A. unedo* can have many purposes. While the ornamental one is the most common, this can be a valuable plant also for restoring degraded ecosystems and preventing [desertification](#). Being a pioneer plant and growing well also in poor soils, can be used in a wide array of situations.

The [flowers](#) are a significant source of nectar and pollen for bees, while the fruits are food for the birds.

Its salt tolerance, coupled with it being an [evergreen](#), make it a good choice for wind barriers in lands close to the sea.

A. unedo is [fire resistant](#) (can regrow after a fire), and being a pioneer plant can contribute to the discontinuity of fire-prone pines and eucalyptus monocultures;^[32] for the same reasons it is a good candidate for reforestation in Mediterranean areas.

The dense foliage throughout the year can be a shelter for insects and small animals during the [winter](#).

Its extensive [root system](#) can help in the soil stabilization process.

Other uses

The wood is quite hard and well suited for a various uses such as [fire wood](#) and to make [pipes](#). Since it doesn't usually grow straight, it is not well suited for construction or similar uses.

The tree is also grown as an ornamental plant, because of the nice looking and smelling of the flowers and the fruit, the interesting presence at the same time of fruits and flowers on the plant and because it is an evergreen. It is used as a single or multi-trunked [ornamental tree](#), and as a specimen or [hedge shrub](#) in gardens and public landscapes.

Western Hemlock



Description

- ▶ Western hemlock is a large [evergreen coniferous tree](#) growing to 165-230 ft (50-70 m) tall, exceptionally 273.42 ft (83.34 m), and with a trunk diameter of up to 9 ft (2.7 m). It is the largest species of [hemlock](#), with the next largest ([mountain hemlock](#), *T. mertensiana*) reaching a maximum of 194 ft (59 m). The [bark](#) is brown, thin and furrowed. The crown is a very neat broad conic shape in young trees with a strongly drooping lead shoot, becoming cylindric in older trees; old trees may have no branches in the lowest 100-130 ft (30-40 m). At all ages, it is readily distinguished by the pendulous branchlet tips. The shoots are very pale buff-brown, almost white, with pale pubescence about 1 mm ($\frac{1}{32}$ in) long. The [leaves](#) are needle-like, 5-23 mm ($\frac{3}{16}$ - $\frac{29}{32}$ in) long and 1.5-2 mm ($\frac{1}{16}$ - $\frac{5}{64}$ in) broad, strongly flattened in cross-section, with a finely [serrated](#) margin and a bluntly acute apex.

Cultivation

- ▶ Western hemlock is cultivated as an [ornamental tree](#) in gardens in its native habitats and along the U.S. Pacific Coast, where its best reliability is seen in wetter regions. In relatively dry areas, as at [Victoria, British Columbia](#), it is exacting about soil conditions. It needs a high level of organic matter (well-rotted wood from an old log or stump is best; animal manures may have too much [nitrogen](#) and [salt](#)), in a moist, acidic soil. It is also cultivated in [temperate](#) regions worldwide. It has gained the [Royal Horticultural Society's Award of Garden Merit](#).

Forestry

- ▶ When planted well upon the banks along a river, western hemlock can help to reduce erosion.
- ▶ Outside of its native range, western hemlock is of importance in [forestry](#), (as a [softwood](#)) for timber and [paper](#) production, it is used for making doors, joinery and furniture. It can also be an [ornamental tree](#) in large [gardens](#)

Food

- ▶ The edible [cambium](#) can be collected by scraping slabs of removed bark. The resulting shavings can be eaten immediately, or can be dried and pressed into cakes for preservation. The bark also serves as a source of [tannin](#) for [tanning](#). [citation needed]
- ▶ Tender new growth needles (leaves) can be chewed directly or made into a bitter tea, rich in [vitamin C](#) (similar to some other hemlock and pine species). [citation needed]
- ▶ Western hemlock boughs are used to collect [herring](#) eggs during the spring spawn in [southeast Alaska](#). The boughs provide an easily collectible surface for the eggs to attach to as well as providing a distinctive taste. This practice originates from traditional gathering methods used by [Native Alaskans](#) from southeast Alaska, specifically the [Tlingit people](#).

Green Giant Arborvitae



Description

- ▶ *Thuja* are **evergreen trees** growing from 10 to 200 feet (3 to 61 metres) tall, with stringy-textured reddish-brown **bark**. The shoots are flat, with side shoots only in a single plane. The leaves are scale-like 1-10 mm long, except young seedlings in their first year, which have needle-like leaves. The scale leaves are arranged in alternating decussate pairs in four rows along the twigs. The male cones are small, inconspicuous, and are located at the tips of the twigs. The female **cones** start out similarly inconspicuous, but grow to about 1-2 cm long at maturity when 6-8 months old; they have 6-12 overlapping, thin, leathery scales, each scale bearing 1-2 small **seeds** with a pair of narrow lateral wings
- ▶ The five species in the genus *Thuja* are small to large evergreen trees with flattened branchlets. The leaves are arranged in flattened fan shaped groupings with resin-glands, and oppositely grouped in 4 ranks. The mature leaves are different from younger leaves, with those on larger branchlets having sharp, erect, free apices. The leaves on flattened lateral branchlets are crowded into appressed groups and scale-like and the lateral pairs are keeled. With the exception of *T. plicata*, the lateral leaves are shorter than the facial leaves (Li *et al.* 2005). The solitary flowers are produced terminally. Pollen cones with 2-6 pairs of 2-4 pollen sacked sporophylls. Seed cones ellipsoid, typically 9-14mm long, they mature and open the first year. The thin woody cone scales number from 4-6 pairs and are persistent and overlapping, with an oblong shape, they are also basifixed. The central 2-3 pairs of cone scales are fertile. The seed cones produce 1 to 3 seeds per scale, the seeds are lenticular in shape and equally 2 winged. Seedlings produce 2 cotyledons.
- ▶ A **hybrid** between *T. standishi* and *T. plicata* has been named as the **cultivar** *Thuja* 'Green Giant'.

Uses

- ▶ They are widely grown as **ornamental trees**, and extensively used for **hedges**. A number of cultivars are grown and used in landscapes.^{[13][14]} Homeowners will sometimes plant them as privacy trees. The cultivar 'Green Giant' is popular as a very vigorous hedging plant, growing up to 80 cm/year when young.
- ▶ The **wood** is light, soft and aromatic. It can be easily split and resists decay. The wood has been used for many applications from making chests that repel moths to shingles. *Thuja* poles are also often used to make fence posts and rails. The wood of *Thuja plicata* is commonly used for **guitar sound boards**.^[16] Its combination of light weight and resistance to decay has also led to *T. plicata* (western redcedar) being widely used for the construction of bee hives.

Bald Cypress



Description

- ▶ *axodium distichum* is a large, slow-growing, and long-lived [tree](#). It typically grows to heights of 35-120 feet (10-40 m) and has a [trunk diameter](#) of 3-6 feet (0.9-1.8 m).
- ▶ The main trunk is often surrounded by [cypress knees](#). The [bark](#) is grayish brown to reddish brown, thin, and fibrous with a stringy texture; it has a vertically, interwoven pattern of shallow ridges and narrow furrows.
- ▶ The needle-like [leaves](#) are $\frac{1}{2}$ to $\frac{3}{4}$ inch (1.3 to 1.9 cm) long and are simple, alternate, green and linear, with entire margins. In autumn, the leaves turn yellow or copper red. The bald cypress drops its needles each winter and then grows a new set in spring.
- ▶ This species is [monoecious](#), with male and female flowers on a single plant forming on slender, tassel-like structures near the edge of branchlets. The tree flowers in April and the seeds ripen in October. The male and female [strobili](#) are produced from buds formed in late autumn, with pollination in early winter, and mature in about 12 months. Male [cones](#) emerge on [panicles](#) that are 4-5 inches (10-13 cm) inches long. Female cones are round, [resinous](#) and green while young. They then turn hard and then brown as the tree matures. They are globular and 2.0-3.5 cm ($\frac{3}{4}$ -1 $\frac{3}{8}$ in) in diameter. They have from 20 to 30 spirally arranged, four-sided scales, each bearing one, two, or rarely three triangular [seeds](#). Each cone contains 20 to 40 large seeds. The cones disintegrate at maturity to release the seeds. The seeds are 5-10 mm ($\frac{3}{16}$ - $\frac{13}{32}$ in) long, the largest of any species of Cupressaceae, and are produced every year, with heavy crops every 3-5 years. The seedlings have three to nine, but usually six, [cotyledons](#) each.
- ▶ The bald cypress grows in full sunlight to partial shade. This species grows best in wet or well-drained soil but can tolerate dry soil. It is moderately able to grow in [aerosols](#) of salt water. The cones are often consumed by wildlife.^{[11][12]}
- ▶ This tree is suitable for cultivation in light (sandy), medium (loamy) and heavy (clay) soils. It does well in acid, neutral and alkaline soils and can grow in very alkaline and saline soils. It can grow in semi-shade (light woodland) or no shade. It prefers moist or wet soil and can grow in water. It can tolerate atmospheric pollution.



RS79

SPRING & SUMMER VEGETATION APPEARANCE



Green Giant
Arborvitae



Western
Hemlock



Bald
Cypress



Pacific Wax
Myrtle



Red Twig
Dogwood



Burning
Bush



Oregon
Ocean Spray



Oregon
Grape



Blue Fescue
ORN Grass



Golden Japanese
ORN Grass



Bearberry
Ground Cover



Cotoneaster
Ground Cover



Green Giant
Arborvitae



Western
Hemlock



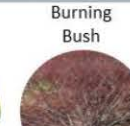
Bald
Cypress



Pacific Wax
Myrtle



Red Twig
Dogwood



Burning
Bush



Oregon
Ocean Spray



Oregon
Grape



Blue Fescue
ORN Grass



Golden Japanese
ORN Grass



Bearberry
Ground Cover



Cotoneaster
Ground Cover

RS80

FALL & WINTER VEGETATION APPEARANCE



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACCEPTING THE RECOMMENDATION OF THE KELLOGG GOOD NEIGHBOR COMMITTEE (KGNC) TO COMMIT UP TO \$85,000 FROM THE GOOD NEIGHBOR FUND FOR LANDSCAPE WORK ALONG THE EAST AND WESTSIDE OF THE KELLOGG CREEK TREATMENT PLANT.

WHEREAS, Council approved an intergovernmental agreement with Clackamas County Water Environment Services (WES) in December 2012 for the provision of wastewater treatment services; and

WHEREAS, the agreement with WES established a Kellogg Good Neighbor Fund that receives \$1 per equivalent dwelling unit (EDU) per month from all city sewer connections; and

WHEREAS, Council appointed the KGNC to advise on the use of the good neighbor fund; and

WHEREAS, KGNC has recommended the use of up to \$85,000 in funds from the Kellogg Good Neighbor Fund for landscape work along the east and westside of the Kellogg Treatment Plant.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, to accept the recommendation of the Kellogg Good Neighbor Committee for the use of up to \$85,000 in funds from the Kellogg Good Neighbor Fund for landscape work along the east and westside of the Kellogg Treatment Plant and requests that (WES) process the funding request.

Introduced and adopted by the City Council on **August 20, 2019**.

This resolution is effective immediately.

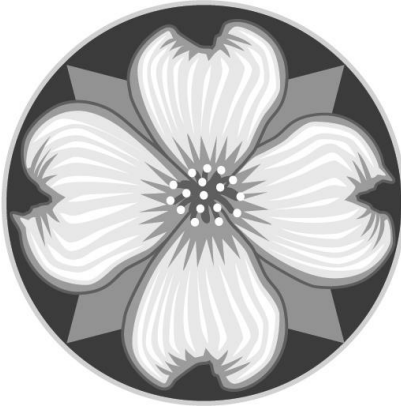
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

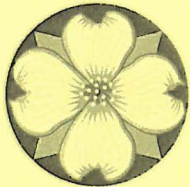
Justin D. Gericke, City Attorney



RS Agenda Item

4

Audience Participation



CITY OF MILWAUKIE CITY COUNCIL

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

Speaker Registration

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

Name: MS-KIRAN DAS BALA

Organization:

Address:

Phone:

Email:

9725 S.E. 29th AVE
MILWAUKIE, OR 97222
7 (503) 901-2569
Donot give away

Meeting Date: _____

Topic: _____

Agenda Item You Wish to Speak to:

☒ #4 Audience Participation

☐ #5 Public Hearing, Topic:

☐ #6 Other Business, Topic:

You are Speaking...

☐ in Support

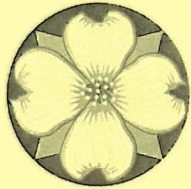
☐ in Opposition

☐ from a Neutral Position

☐ to ask a Question

my phone
#

Comments:



**CITY OF MILWAUKIE
CITY COUNCIL**

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

involve

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Name: ELVIS Clark

Organization:

Address:

Phone:

Email:

Meeting Date: 8/20/19 **Topic:** ECLARKMILWORLD@yahoo.com

Agenda Item You Wish to Speak to:

☒ #4 Audience Participation

☐ #5 Public Hearing, Topic:

☐ #6 Other Business, Topic:

You are Speaking...

☐ in Support

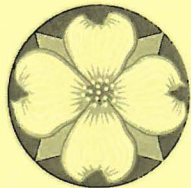
☐ in Opposition

☐ from a Neutral Position

☐ to ask a Question

Comments:

Received
comment on Cottage Cluster Feasibility } *Parking Sidewalks*



CITY OF MILWAUKIE CITY COUNCIL

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ocr@milwaukieoregon.gov

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Name: Matthew Rinker

Organization:

Address: 3012 SE Balfour St.

Phone: 971 336 8663

Email: Mat Rinker@hotmail.com

Meeting Date: 8/20/2019

Topic: Hillside Park

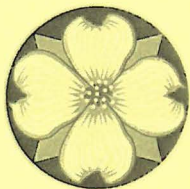
Agenda Item You Wish to Speak to:

- ☒ #4 Audience Participation
- ☐ #5 Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

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

Comments:



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Name: Chris Ortolano

Organization: Neighbor

Meeting Date: 8/20/19

Topic: Comp Plan Update & CITIZEN PARTICIPATION

Address: 11088 SE 4th Ave, 97222

Phone: (503) 353-3000

Email: cortolano@gmail.com

Agenda Item You Wish to Speak to:

☒ #4 Audience Participation

☐ #5 Public Hearing, Topic:

☐ #6 Other Business, Topic:

You are Speaking...

☐ in Support

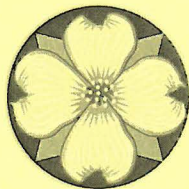
☐ in Opposition

☒ from a Neutral Position

☐ to ask a Question

Comments:

Reference HB100
Citizen Participation Guideline



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CITY COUNCIL

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ocr@milwaukieoregon.gov

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Name: Ronelle CoBURN

Organization:

Address: 9114 SE 29th Ave

Phone: 510-219-9647

Email:

Meeting Date: 8-20-19

Topic: Cottage Cluster Parking

You are Speaking...

☐ in Support

☐ in Opposition

☐ from a Neutral Position

☒ to ask a Question

Comments:

Oregon's Statewide Planning Goals & Guidelines

GOAL 1: CITIZEN INVOLVEMENT

OAR 660-015-0000(1)

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

1. Citizen Involvement -- To provide for widespread citizen involvement.

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly

representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process.

The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body wishes to assume the responsibility for, development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

2. Communication -- To assure effective two-way communication with citizens.

Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

4. Technical Information -- To assure that technical information is available in an understandable form.

Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

5. Feedback Mechanisms -- To assure that citizens will receive a response from policy-makers.

Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The

rationale used to reach land-use policy decisions shall be available in the form of a written record.

6. Financial Support -- To insure funding for the citizen involvement program.

Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.

GUIDELINES

A. CITIZEN INVOLVEMENT

1. A program for stimulating citizen involvement should be developed using a range of available media (including television, radio, newspapers, mailings and meetings).

2. Universities, colleges, community colleges, secondary and primary educational institutions and other agencies and institutions with interests in land-use planning should provide information on land-use education to citizens, as well as develop and offer courses in land-use education which provide for a diversity of educational backgrounds in land-use planning.

3. In the selection of members for the committee for citizen involvement, the following selection process should be observed: citizens should receive notice they can understand of the opportunity to serve on the CCI; committee appointees should receive official notification of their selection; and

committee appointments should be well publicized.

B. COMMUNICATION

Newsletters, mailings, posters, mail-back questionnaires, and other available media should be used in the citizen involvement program.

C. CITIZEN INFLUENCE

1. Data Collection - The general public through the local citizen involvement programs should have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.

2. Plan Preparation – The general public, through the local citizen involvement programs, should have the opportunity to participate in developing a body of sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the comprehensive land-use plans.

3. Adoption Process – The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.

4. Implementation - The general public, through the local citizen involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan. The

general public, through the local citizen involvement programs, should have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.

5. Evaluation - The general public, through the local citizen involvement programs, should have the opportunity to be involved in the evaluation of the comprehensive land use plans.

6. Revision - The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

D. TECHNICAL INFORMATION

1. Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and one changes) should provide assistance to the citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

2. Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

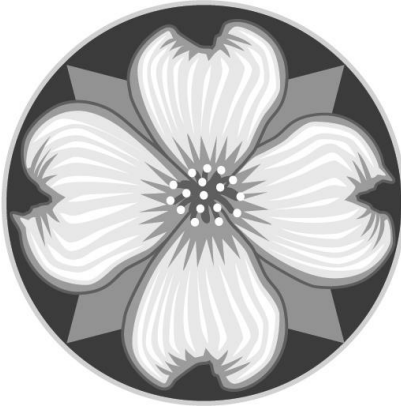
E. FEEDBACK MECHANISM

1. At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.

2. A process for quantifying and synthesizing citizens' attitudes should be developed and reported to the general public.

F. FINANCIAL SUPPORT

1. The level of funding and human resources allocated to the citizen involvement program should be sufficient to make citizen involvement an integral part of the planning process.



RS Agenda Item

5

Public Hearing

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: August 5, 2019

Reviewed: Leila Aman, Community Development Director

From: Denny Egner, Planning Director

Subject: **Annexation of Public Right-of-Way in SE Lake Road and SE Kuehn Road**

ACTION REQUESTED

Approve application A-2019-002, an 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:

- Annex into the city the public right-of-way (ROW) in SE Lake Road and SE Kuehn Road adjacent to the Cereghino Farms subdivision as well as the SE Lake Road ROW west to the city limits, the “Annexation Territory.”
- Application of a low density residential (LDR) Comprehensive Plan land use designation and a residential (R-10) zoning designation to the Annexation Territory.
- Amendments to the city’s Comprehensive Plan land use map and zoning map to reflect the city’s new boundary and the Annexation Territory’s new land use and zoning designations.
- Withdrawal of the Annexation Territory from the following urban service districts:
 - Clackamas County Service District for Enhanced Law Enforcement
 - Clackamas County Service District No. 5 for Street Lights

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

September 5, 2017: Council approved a memorandum of understanding (MOU) that expressed a desire to have the Cereghino Farms subdivision property annex to the city.

April 16, 2019: Council adopted a resolution authorizing the city manager to sign an annexation agreement with the developer of the Cereghino Farms subdivision.

April 30, 2019: The applicant and the city signed an annexation agreement outlining the terms and conditions of the proposed annexation. The applicant provided an application for annexation.

May 21, 2019: Council adopted Ordinance 2171, annexing the Cereghino Farms subdivision property, with the effective date based on recording the final subdivision plat. Council subsequently passed a motion to initiate the annexation of the adjacent public ROW in SE Lake Road and SE Kuehn Road.

ANALYSIS

Proposal

On May 21, 2019, immediately following the annexation of the Cereghino Farms subdivision property on SE Lake Road at SE Kuehn Road, Council passed a motion to initiate the annexation of the adjacent public ROW in SE Lake Road and SE Kuehn Road. The proposed ROW annexation would adjust the city's zoning and other maps to eliminate gaps between the new subdivision and the nearest city limits across SE Kuehn Road and farther west on SE Lake Road.

The Annexation Territory is adjacent to some properties in unincorporated Clackamas County and other properties within the current city limits; all adjacent properties have low density residential land use and zoning designations. The Annexation Territory will receive equivalent low-density residential city land use and zoning designations.

Site and Vicinity

The Annexation Territory is just over 2 acres of public ROW in SE Lake Road and SE Kuehn Road adjacent to the newly annexed Cereghino Farms subdivision. Clackamas County currently has maintenance authority over the ROW, although the city expects to initiate a transfer of that authority following annexation.

The Annexation Territory is contiguous to the existing city limits in the SE Lake Road ROW to the west as well as along the property boundary of 4686 SE Lake Rd to the west. The Annexation Territory is within the city's urban growth management area (UGMA). The surrounding area consists of residential dwellings and lots (mostly single-family). To the southwest are undeveloped parcels of residentially designated land.

Annexation Petition

The petition is being processed as a non-expedited annexation and was initiated by a motion of Council, as allowed by Oregon Revised Statute (ORS) 222.111(2).

The annexation application includes a request for city Comprehensive Plan land use and zoning designations to the Annexation Territory. The existing Comprehensive Plan land use and zoning designations of the adjacent properties, whether in the county or the city, are low density residential and residential R-10, respectively. As proposed, the city Comprehensive Plan land use and zoning designations for the Annexation Territory would be low density residential (LDR) and residential R-10, respectively.

Pursuant to city, regional, and state regulations on annexations, all necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Territory were notified of these proceedings as prescribed under MMC 19.1102.1.B.

Annexation Approval Criteria

Annexations must meet the approval criteria of MMC 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 222.120(5) to withdraw the Annexation Territory 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 city maintains a public sewer system in SE Lake Road within the Annexation Territory that can adequately serve the area. The existing sewer system in SE Kuehn Road is maintained by Clackamas County Water Environment Services (WES); staff intends to seek jurisdictional transfer of the sewer system to the city following annexation.
- Water: Clackamas River Water (CRW) is the water service provider identified in the North Clackamas Urban Area Public Facilities Plan. However, the city's more recent UGMA agreement with the county identifies the city as the lead urban service provider in the area of the proposed annexation. The city's water service master plan for all territory within its UGMA addresses the need to prepare for future demand and coordinate service provision changes with CRW. The city has 6-inch and 12-inch cast iron pipe (CIP) water mains in SE Lake Road west of SE Kuehn Road and a 12-inch CIP water main in Lake Road east of SE Kuehn Road. CRW maintains an 8-inch ductile iron pipe (DIP) water main in SE Lake Road east of SE Kuehn Road and a 6-inch CIP water main in SE Kuehn Road. As per the city's intergovernmental agreement (IGA) with CRW, CRW will continue to provide water service within the Annexation Territory, which should not be withdrawn from this district at this time.
- Storm: The city has a short segment of storm line on the north side of the ROW at 4637 SE Lake Road but no other stormwater facilities in the SE Lake Road or SE Kuehn Road ROW.
- Fire: The Annexation Territory is currently served by Clackamas Fire District #1 and will continue to be served by the district upon annexation, since the entire city is within this district.
- Police: The Annexation Territory is currently served by the Clackamas County Sheriff's Office and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The city has its own police department, and this department can adequately serve the area. To avoid duplication of services, the area will be withdrawn from this district upon annexation to the city.
- Street Lights: The Annexation Territory is currently within Clackamas County Service District #5 for Street Lights but will be withdrawn from this district upon annexation.
- Other Services: Community development, public works, planning, building, engineering, code enforcement, and other municipal services are available through the city and will be available to the area upon annexation. The Annexation Territory will 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.

BUDGET IMPACTS

The Annexation Territory is existing public ROW and does not have a taxable value. No taxes will be collected by the city as a result of this annexation.

WORKLOAD IMPACTS

For most city services, workload impacts from the annexation itself will be minimal. Police services may experience the greatest impact due to the need to patrol and respond to an area at

the periphery of the city boundary. Following the annexation, when jurisdiction for maintenance is transferred to the city from the county (under a separate process), the city will incur some expense for maintenance of the SE Lake Road and SE Kuehn Road roadways and associated stormwater facilities.

COORDINATION, CONCURRENCE, OR DISSENT

All city departments, necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Territory were notified of these annexation proceedings as required by city, regional, and state regulations. The Oak Grove Community Council also received notice of the annexation petition and meeting.

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

STAFF RECOMMENDATION

Staff recommends approval of the proposed annexation.

ALTERNATIVES

The application is subject to Comprehensive Plan Chapter 6 City Growth and Governmental Relationships, ORS Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC19.1100 Annexations and Boundary Changes.

Council has two decision-making options:

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

ATTACHMENTS

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



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING INTO THE CITY LIMITS THE PUBLIC RIGHTS-OF-WAY OF SE LAKE ROAD AND SE KUEHN ROAD ADJACENT TO THE CEREGHINO FARMS SUBDIVISION AND THE PORTION OF SE LAKE ROAD WEST TO THE CURRENT CITY LIMITS (FILE #A-2019-002).

WHEREAS, the territory proposed for annexation is contiguous to the city's boundary and is within the city's urban growth management area (UGMA); and

WHEREAS, the requirements of the Oregon Revised Statutes (ORS) for initiation of the annexation were met by the City Council approving a motion to initiate the annexation at its regular session meeting on May 21, 2019; and

WHEREAS, the territory proposed for annexation lies within the territories of both the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District #5 for Street Lights; and

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

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

WHEREAS, the annexed public right-of-way will receive Comprehensive Plan land use and zoning designations equivalent to the adjacent properties; and

WHEREAS, the city conducted two public hearings and mailed notice as required by law; and

WHEREAS, the Planning Commission held a public hearing on July 23, 2019, and recommended approval of the annexation; 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 public right-of-way 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 public rights-of-way described and depicted in Exhibit B is hereby annexed to the City of Milwaukie.

Section 3. The public rights-of-way annexed by this ordinance and described in Section 2 is hereby withdrawn from both the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District #5 for Street Lights.

Section 4. The public rights-of-way annexed by this ordinance and described in Section 2 is hereby assigned a comprehensive plan land use designation of low density residential (LDR) and a municipal code zoning designation of residential 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 ORS 222.177. 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

FINDINGS IN SUPPORT OF APPROVAL

Based on the staff report for the annexation of the public right-of-way in SE Lake Road and SE Kuehn Road adjacent to the Cereghino Farms subdivision property as well as the SE Lake Road ROW west to the current city limits, the Milwaukie City Council finds:

1. The Annexation Territory consists of approximately 2.16 acres of public right-of-way (ROW) in SE Lake Road and SE Kuehn Road, found on Assessor Maps 1S2E31CC, 2S2E06BA, 2S2E06BB, and 2S2E06BD. The Annexation Territory is contiguous to the existing city limits via the existing SE Lake Road ROW to the west as well as via a residential property at the southwest corner of SE Lake Road and SE Kuehn Road. The Annexation Territory is within the regional urban growth boundary and also within the city's urban growth management area (UGMA).

Clackamas County currently has maintenance authority over the ROW that comprises the Annexation Territory, though the city expects to initiate a transfer of that authority following annexation. The surrounding area consists of residential dwellings and lots (mostly single-family).
2. The City Council initiated annexation of the Annexation Territory on May 21, 2019, in conjunction with the recent annexation of the Cereghino Farms subdivision property (Ordinance 2171, land use file #A-2019-001). The city seeks annexation of the SE Lake Road and SE Kuehn Road ROW to provide greater contiguity of the city limits to the Cereghino Farms subdivision property. The proposed annexation meets the requirements for initiation set forth in Oregon Revised Statutes (ORS) 222.111, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) 19.1102.2.A.4.
3. The annexation petition was processed, and public notice was provided in accordance with ORS 222.170(1), Metro Code Section 3.09.030, and MMC 19.1102.
4. The proposed annexation would adjust the city boundary on the comprehensive plan land use map and zoning map. The application includes a proposal to show the appropriate city land use and zoning designations over the Annexation Territory; for ROW, those designations are determined by the designations of the adjacent properties. The existing comprehensive plan land use and zoning designations on the adjacent properties, both in the county and within the current city boundary, are low density residential and residential R-10, respectively. As proposed, the city land use and zoning designations for the Annexation Territory would also be low density residential and residential R-10, respectively.
5. The approval criteria for 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 boundary (UGB);

The Annexation Territory is within the regional UGB and within the city's UGMA.

- B. The subject site must be contiguous to the existing city limits;

The Annexation Territory is contiguous to the existing city limits via the existing SE Lake Road ROW to the west as well as via a residential property at the southwest corner of SE Lake Road and SE Kuehn Road.

- C. The requirements of the ORS for initiation of the annexation process must be met;

As allowed by ORS 222.111, the City Council initiated the annexation by a motion approved at its regular session meeting on May 21, 2019.

- D. The proposal must be consistent with Milwaukie Comprehensive Plan policies;

Chapter 6 of the comprehensive plan contains the city's annexation policies. Applicable annexation policies include: (1) delivery of city services to annexing areas where the city has adequate services and (2) requiring annexation in order to receive a city service. City sewer and water services are available in the SE Lake Road portion of the Annexation Territory; bringing the Annexation Territory into the city will make those services available to other nearby unincorporated properties if they choose to annex. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.

- E. The proposal must comply with the criteria of Metro Code Section 3.09.050, which refers to criteria (d) and (e) of Section 3.09.045.

The annexation proposal is consistent with applicable Metro code sections for annexations, as detailed in Finding 6.

- F. The proposal must comply with the criteria of MMC 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.

The annexation would add new territory within the city limits, and the new territory must be designated on both the zoning map and the comprehensive plan map for land use. These additions effectively constitute amendments to the zoning map and comprehensive plan map.

The approval criteria for zoning map amendments and comprehensive plan amendments are provided in MMC 19.902.6.B and 19.902.3.B, respectively.

Collectively, the criteria address issues such as compatibility with the surrounding area, being in the public interest and satisfying the public need, adequacy of public facilities, consistency with transportation system capacity, consistency with goals and policies of the Milwaukie Comprehensive Plan and relevant Metro plans and policies, and consistency with relevant State statutes and administrative rules.

MMC Table 19.1104.1.E establishes automatic zoning map and comprehensive plan map designations for expedited annexations. Compliance with the table is essentially equivalent to specific findings that address individual criteria for zoning map and comprehensive plan map amendments, such as compatibility, public need, etc. In essence, if a proposed designation is consistent with the table, it is consistent with the various applicable plans and policies.

In the case of the proposed annexation, the public ROW will assume the zoning designation of adjacent properties, which is R-10 both for incorporated and unincorporated lots in this area. The application includes a proposal to designate the Annexation Territory according to the

guidance of MMC Table 19.1104.1.E, from a county zoning designation of Residential R-10 to a city designation of R-10 for zoning and a county land use designation of Low Density Residential to a city designation of Low Density Residential for land use. The approval criteria for both proposed amendments are effectively met.

6. Prior to approving an annexation, the city must apply the provisions set forth in Metro Code Section 3.09.050.D, which references subsections D and E of Section 3.09.045. 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 outlines procedures and practices for coordinating land use planning activities. The proposed annexation is in keeping with the city's policy of requiring properties to annex to the city in order to connect to city services.

- (2) Any applicable annexation plan adopted pursuant to ORS 195.205;

There are no applicable annexation plans adopted pursuant to ORS 195 in the area of the proposed annexation.

- (3) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020
(2) between the affected entity and a necessary party;

There are no applicable cooperative planning agreements adopted pursuant to ORS 195 in the area of the proposed annexation.

- (4) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Clackamas County completed a North Clackamas Urban Area Public Facilities Plan in 1989 in compliance with Goal 11 of the Land Conservation and Development Commission for coordination of adequate public facilities and services. The city subsequently adopted this plan as an ancillary comprehensive plan document. The plan contains four elements:

- Sanitary Sewerage Services*
- Storm Drainage*
- Transportation Element*
- Water Systems*

The proposed annexation is consistent with the four elements of this plan as follows:

Wastewater: *The city maintains a public sewer system in SE Lake Road within the Annexation Territory that can adequately serve the area. The existing sewer system in SE Kuehn Road is maintained by Clackamas County Water Environment Services (WES); staff intends to seek jurisdictional transfer of the sewer system to the city following annexation.*

Storm: *The city has a short segment of storm line on the north side of the ROW at 4637 SE Lake Road but no other stormwater facilities in the SE Lake Road or SE Kuehn Road ROW.*

Transportation: Clackamas County currently maintains SE Lake Road and SE Kuehn Road. Following this annexation of ROW, the city will initiate a transfer of jurisdiction for maintenance authority.

Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, the city's more recent UGMA agreement with the county identifies the city as the lead urban service provider in the area of the proposed annexation. The city'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 has 6-in and 12-in cast iron pipe (CIP) water mains in SE Lake Road west of SE Kuehn Road and a 12-in CIP water main in Lake Road east of SE Kuehn Road. CRW maintains an 8-in ductile iron pipe (DIP) water main in SE Lake Road east of SE Kuehn Road and a 6-in CIP water main in SE Kuehn Road. As per the city's intergovernmental agreement (IGA) with CRW, CRW will continue to provide water service within the Annexation Territory.

(5) Any applicable comprehensive plan.

As discussed in Finding 5, the proposed annexation is consistent with the Milwaukie Comprehensive Plan. 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 will initiate a transfer of jurisdiction for the newly annexed ROW in SE Lake Road and SE Kuehn Road once the annexation is official.

B. Consider whether the boundary change would:

(1) Promote the timely, orderly, and economic provision of public facilities and services;

As discussed above in Finding 6-a, the city is the primary identified urban service provider in the area of the proposed annexation. The proposed annexation will facilitate the timely, orderly, and economic provision of urban services to properties abutting the Annexation Territory.

The city has public sewer service via a sewer line in SE Lake Road. As per the UGMA agreement discussed above in Finding 6-a, CRW will continue to provide water service to the surrounding area through its existing water lines within the Annexation Territory.

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

The Annexation Territory consists of approximately 2.16 acres of public ROW in SE Lake Road and SE Kuehn Road. 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.

Upon annexation, the Annexation Territory will be served by the Milwaukie Police Department. The city will also assume responsibility for the street lights in the Annexation Territory; however, with the city's current enrollment in PGE Option A, maintenance of these street lights will be performed by PGE. To avoid duplication of law enforcement and street lighting services, the site will be withdrawn from both the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District #5 for Street Lights, respectively, upon annexation.

- C. A city may not annex territory that lies outside the UGB, except that it may annex a lot or parcel that lies partially within and partially outside the UGB.

The Annexation Territory is entirely within the regional UGB.

7. The city is authorized by ORS 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 city maintains a public sewer system in SE Lake Road within the Annexation Territory that can adequately serve the area. The existing sewer system in SE Kuehn Road is maintained by WES; staff intends to seek jurisdictional transfer of the sewer system to the city following annexation.*

Water: *CRW is the water service provider identified in the North Clackamas Urban Area Public Facilities Plan. However, the city's more recent UGMA agreement with the county identifies the city as the lead urban service provider in the area of the proposed annexation. The city'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 has 6-in and 12-in CIP water mains in SE Lake Road west of SE Kuehn Road and a 12-in CIP water main in Lake Road east of SE Kuehn Road. CRW maintains an 8-in DIP water main in SE Lake Road east of SE Kuehn Road and a 6-in CIP water main in SE Kuehn Road. As per the city's IGA with CRW, CRW will continue to provide water service within the Annexation Territory, which should not be withdrawn from this district at this time.*

Storm: *The city has a short segment of storm line on the north side of the ROW at 4637 SE Lake Road but no other stormwater facilities in the SE Lake Road or SE Kuehn Road ROW.*

Fire: *The Annexation Territory is currently served by Clackamas Fire District #1 and will continue to be served by the district upon annexation, since the entire city is within this district.*

Police: *The Annexation Territory is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The city has its own police department, and this department can adequately serve the area. To avoid duplication of services, the area will be withdrawn from this district upon annexation to the city.*

Street Lights: *The Annexation Territory is currently within Clackamas County Service District #5 for Street Lights but will be withdrawn from this district upon annexation.*

Other Services: Community development, public works, planning, building, engineering, code enforcement, and other municipal services are available through the city and will be available to the area upon annexation as necessary. The Annexation Territory will continue to 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.



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 | www.aks-eng.com

AKS Job #6685-02

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

EXHIBIT B

Annexation Description

A portion of right-of-way, located in the Northwest One-Quarter of Section 6, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of the Elisha Kellogg Donation Land Claim No. 54, also being on the west line of Document Number 2015-052983, Clackamas County Deed Records; thence along said west line, North 01°19'24" East 226.08 feet to the northeast corner of Document Number 2017-074698, Clackamas County Deed Records, also being on the southerly right-of-way line of SE Lake Road (45.00 feet from centerline), and the Point of Beginning; thence along said southerly right-of-way line along a non-tangent curve to the right with a Radius of 5774.58 feet, a Delta of 01°36'36", a Length of 162.28 feet and a Chord of North 70°42'56" West 162.27 feet; thence continuing along said southerly right-of-way line, North 69°54'38" West 154.92 feet; thence continuing along said southerly right-of-way line (variable width from centerline), North 72°46'23" West 100.12 feet; thence continuing along said southerly right-of-way line (50.00 feet from centerline), North 69°54'38" West 48.41 feet; along a curve to the right with a Radius of 5779.58 feet, a Delta of 00°54'03", a Length of 90.87 feet and a Chord of North 69°27'36" West 90.87 feet to the northwest corner of said deed, also being on the easterly right-of-way line of SE Kuehn Road, County Road No. 1249, (15.00 feet from center line); thence along said easterly right-of-way line, South 00°58'18" West 818.63 feet to the northwest corner of Document Number 2007-064347, Clackamas County Deed Records; thence leaving said easterly right-of-way line, North 87°34'13" West 30.00 feet to the westerly right-of-way line of SE Kuehn Road, County Road Number 1249, (variable width from centerline); thence along said westerly right-of-way line, Northerly 475 feet, more or less, to the southeast corner of Document Number 2006-109951, Clackamas County Deed Records, also being on the City of Milwaukie city limits line; thence continuing along said westerly right-of-way line and said city limits line, Northerly 385 feet, more or less, to the intersection of said westerly right-of-way line and the southerly right-of-way line of SE Lake Road (30.00 feet from centerline); thence along said southerly right-of-way line and said city limits line, Northwesterly 273 feet, more or less, to the southwesterly extension of the easterly line of Document Number 2011-010989, Clackamas County Deed Records; thence along said southwesterly extension and said city limits line, Northeasterly 60 feet, more or less, to the southeasterly corner of said deed, also being on the northerly right-of-way line of SE Lake Road (variable width from centerline); thence leaving said city limits line along said northerly right-of-way line, Southeasterly 881 feet, more or less, to the northerly extension of the west line of said Document Number 2015-052983; thence along said northerly extension and the west line of said Document Number 2015-052983, Southerly 101 feet, more or less, to the Point of Beginning.

The above described tract of land contains 2.16 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

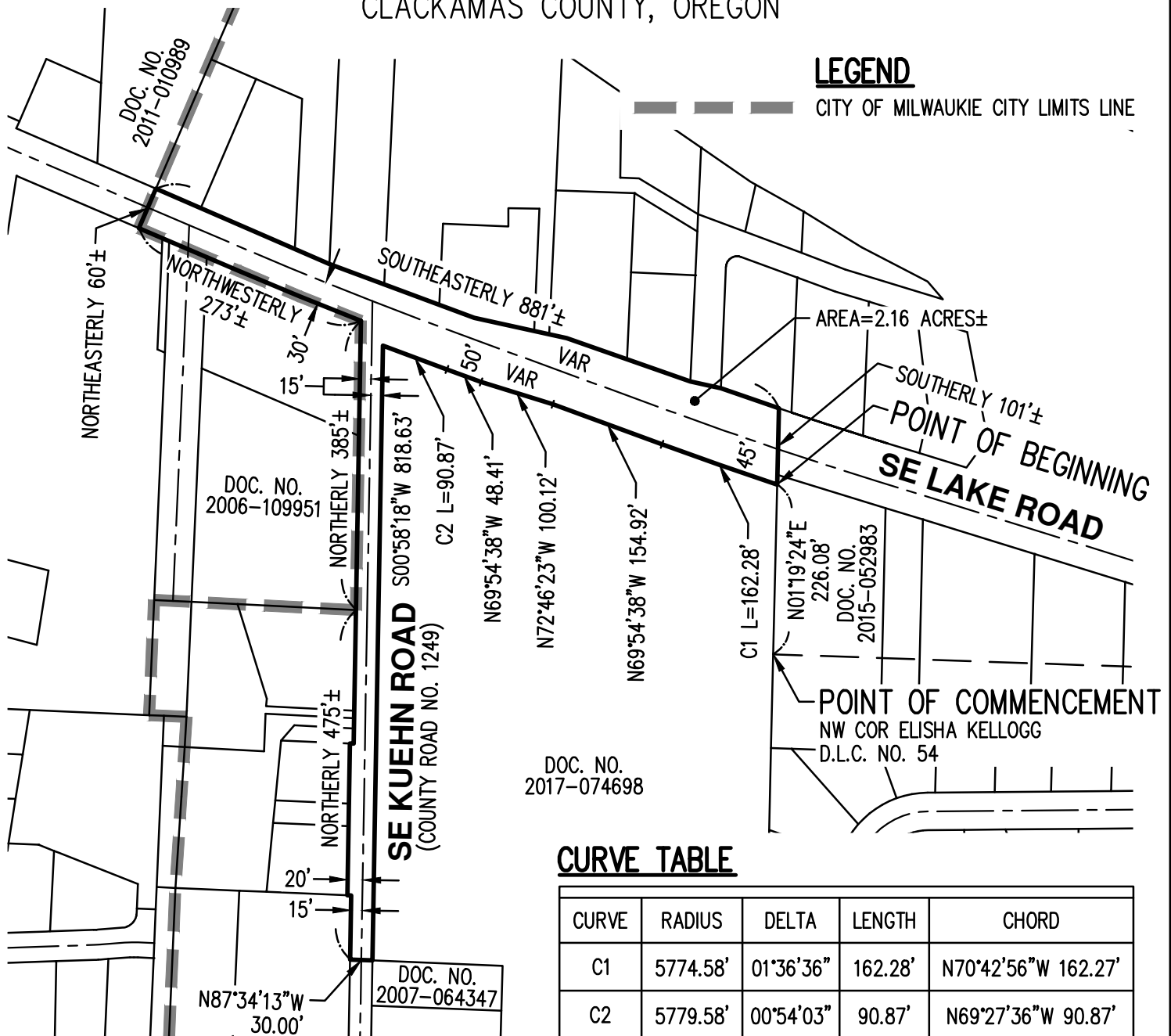
Benjamin R Huff

OREGON
MARCH 14, 2017
BENJAMIN R HUFF
84738PLS

RENEWS: 6/30/21

EXHIBIT B

A PORTION OF RIGHT-OF-WAY,
LOCATED IN THE NORTHWEST 1/4 OF SECTION 6,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	5774.58'	01°36'36"	162.28'	N70°42'56"W 162.27'
C2	5779.58'	00°54'03"	90.87'	N69°27'36"W 90.87'

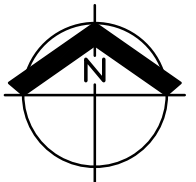
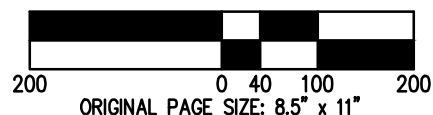
7/12/2019

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PREPARED FOR

CITY OF MILWAUKIE
6101 SE JOHNSON CREEK BOULEVARD
MILWAUKIE, OR 97206

SCALE: 1"= 200 FEET



Benjamin R Huff
OREGON
MARCH 14, 2017
BENJAMIN R HUFF
84738PLS
RENEWS: 6/30/21

ANNEXATION MAP

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6189 **RS96** WWW.AKS-ENG.COM

AKS

EXHIBIT
B

DRWN: WCB
CHKD: BRH
AKS JOB:
6685-02

Exhibit B

1 2 E 31CC
MILWAUKIE

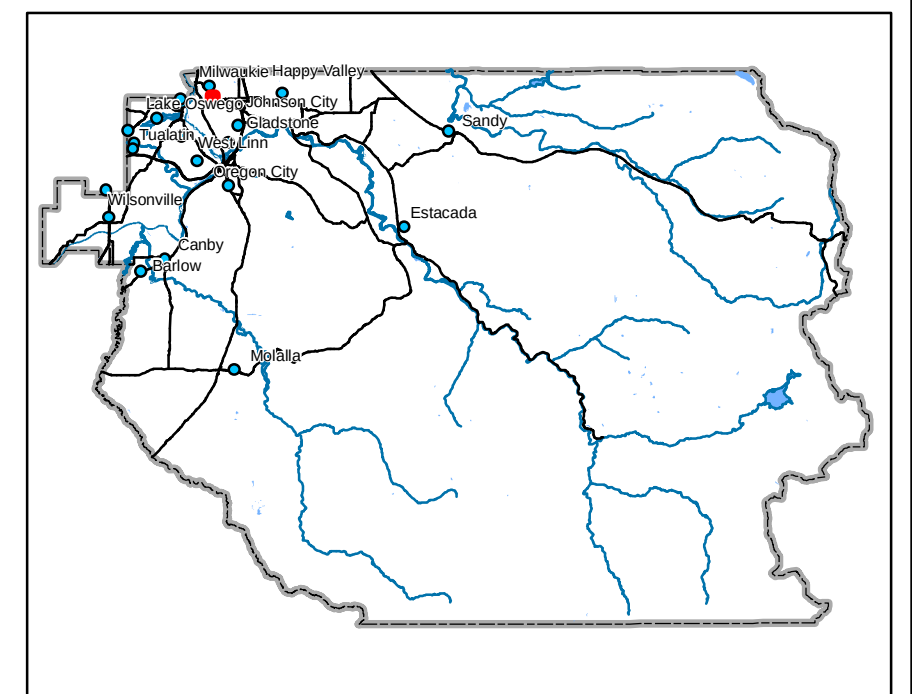
S.W.1/4 S.W.1/4 SEC.31 T.1S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
JOHN GARRETT NO 38 & 61
JOSEPH KELLOGG NO 39 & 67

Cancelled Taxlots

200
300
400
501
502
600
621
622C2
628
628C1
629C1
629C2
630C1
630C2
630C2
700
701
800
902
1000
1100
1780

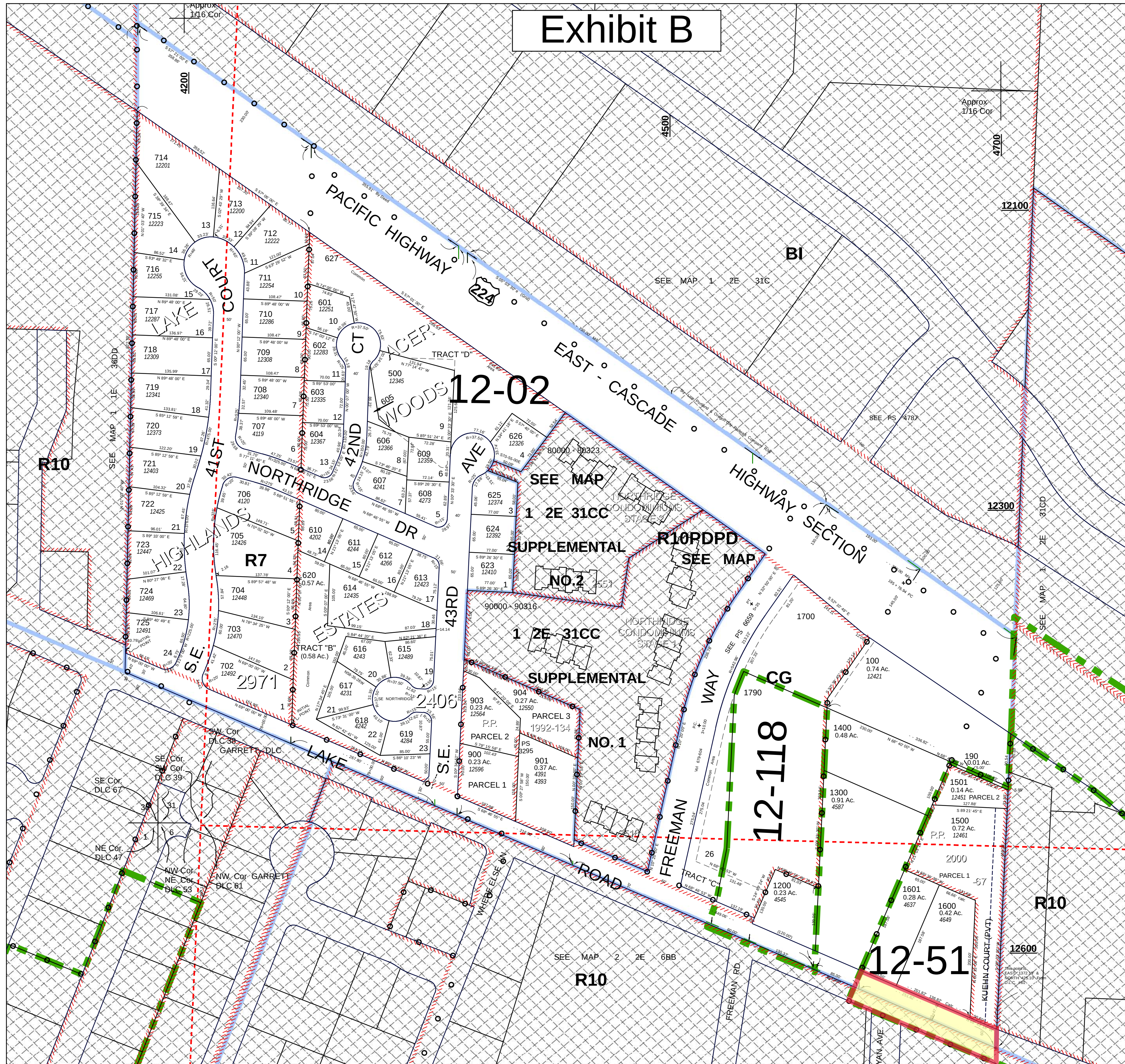
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor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



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

7/25/2016

1 2 E 31CC
MILWAUKIE



RS97

NE 1/4 NW 1/4 SEC. 6 T.2S. R.2E. W.M.
CLACKAMAS COUNTY

JOSEPH KELLOGG NO 53
ELISHA KELLOGG NO. 54
JOHN GARRETT NO. 61

CANCELLED
1200
1400
1190
190
990
1191
1090
1100

12600

This map was prepared for
assessment purpose only.

1"=100'

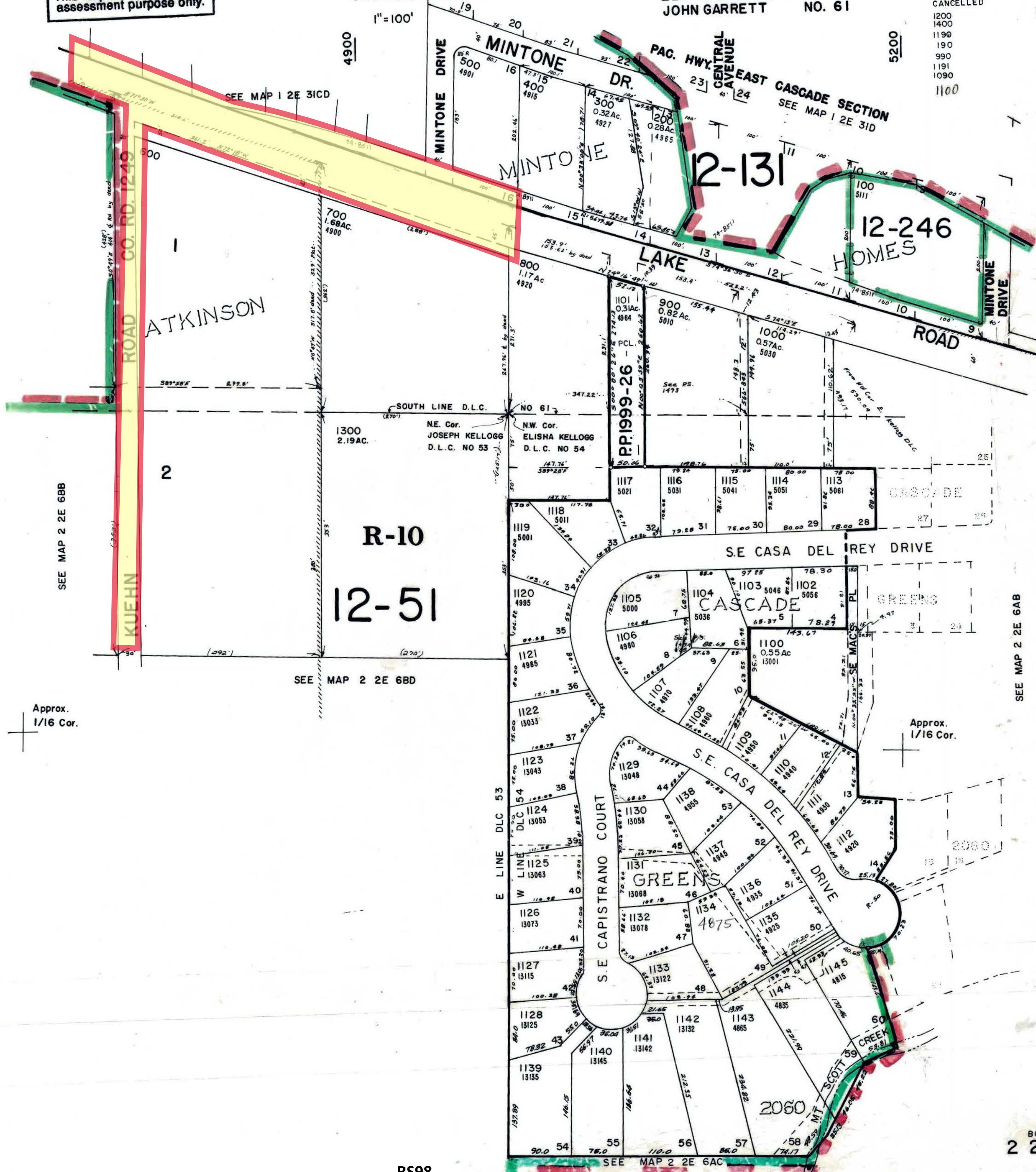
4700

4900

5200

12800

13100



SEE MAP 2 2E 6BB

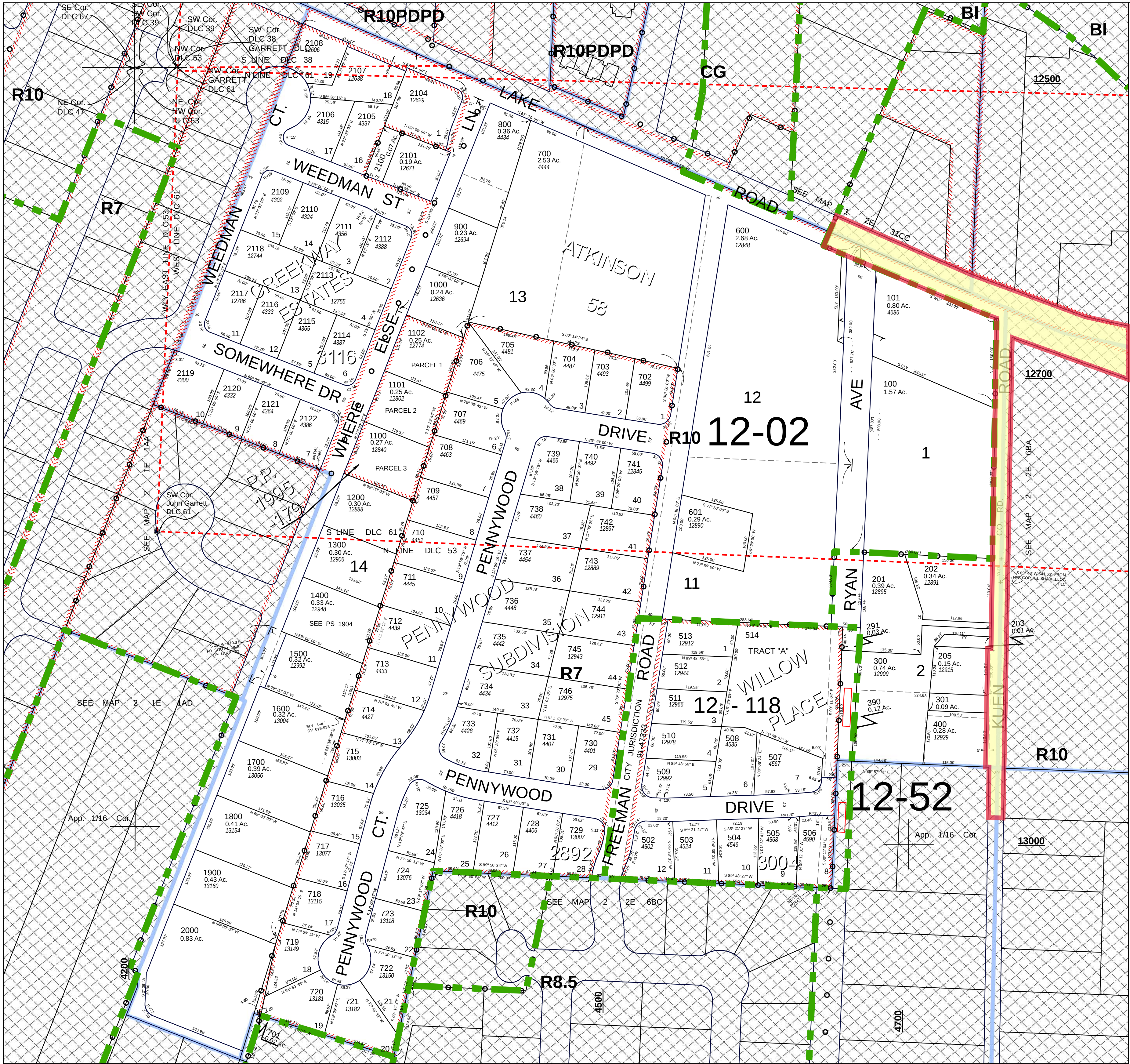
SEE MAP 2 2E 6BD

SEE MAP 2 2E 6AB

SEE MAP 2 2E 6AC

RS98

F.H.D.
BOOK 15
2 2E 6BA



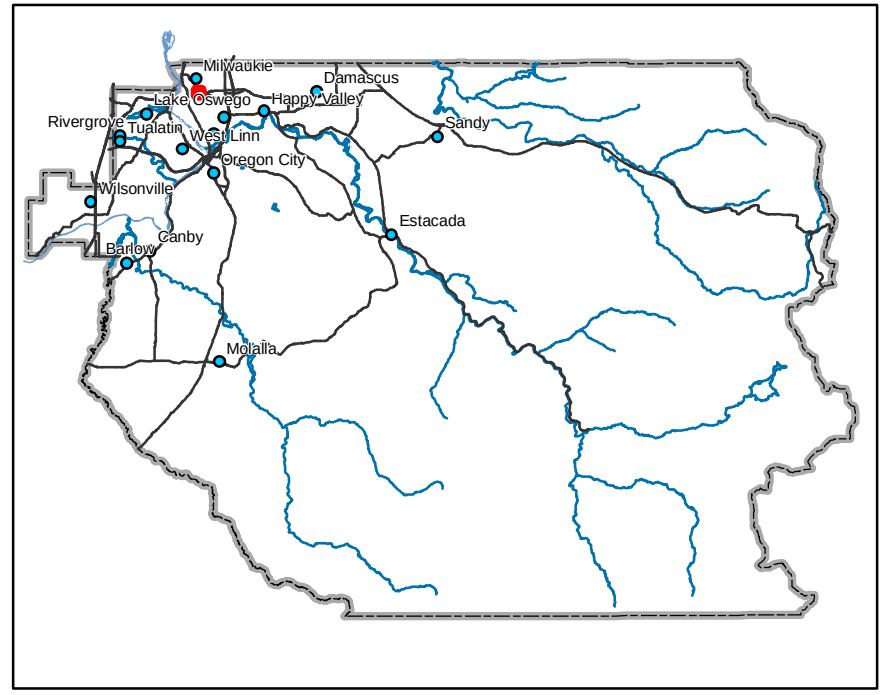
2 2 E 06BB
N.W.1/4 N.W.1/4 SEC.6 T.2S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
JOHN D. GARRETT NO. 38 & 61
JOSEPH KELLOGG NO. 53

Cancelled Taxlots

- 200
- 204
- 401
- 500
- 500U1
- 500U2
- 501
- 590
- 591
- 594
- 596
- 2102
- 2103

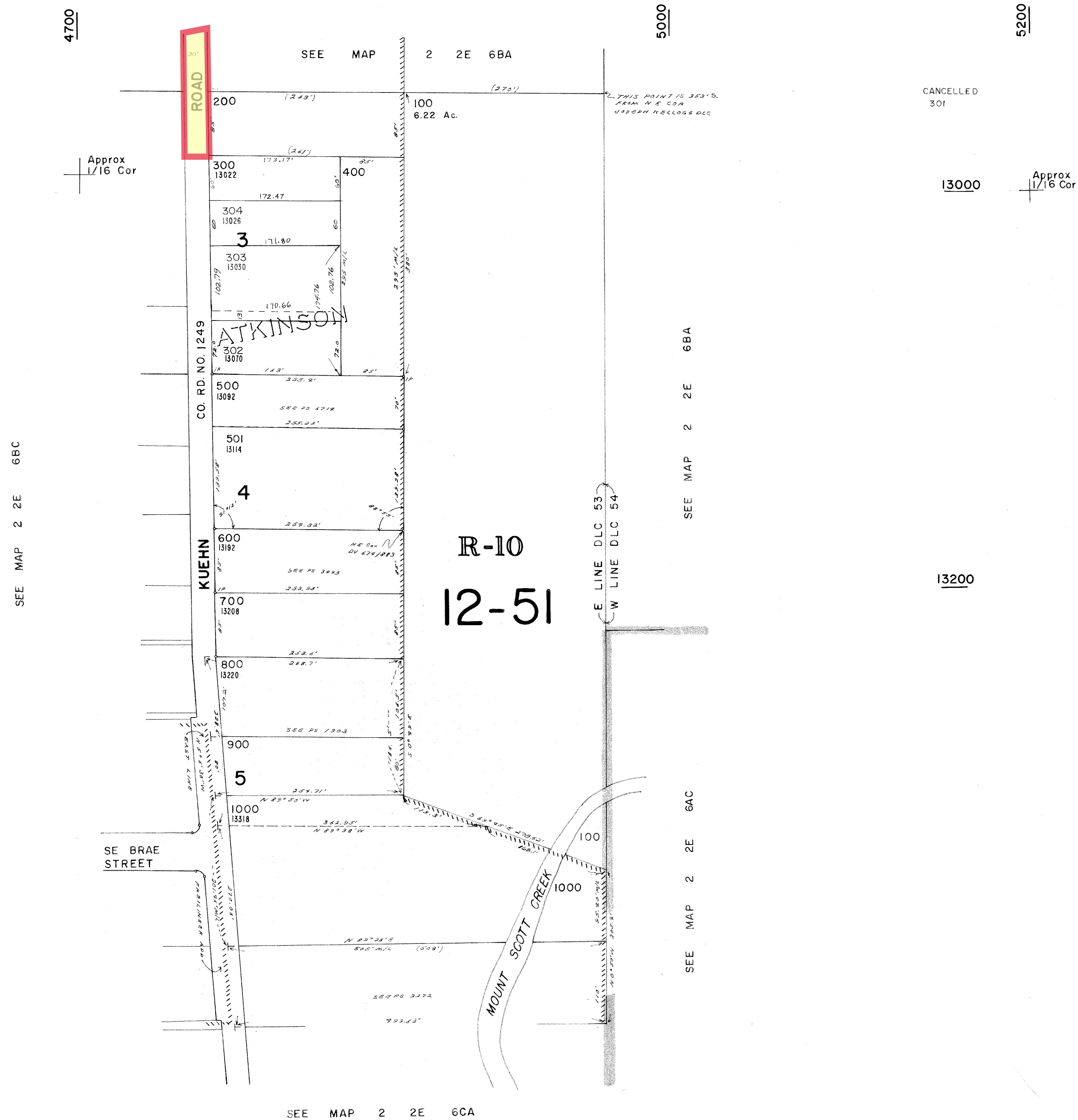
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- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



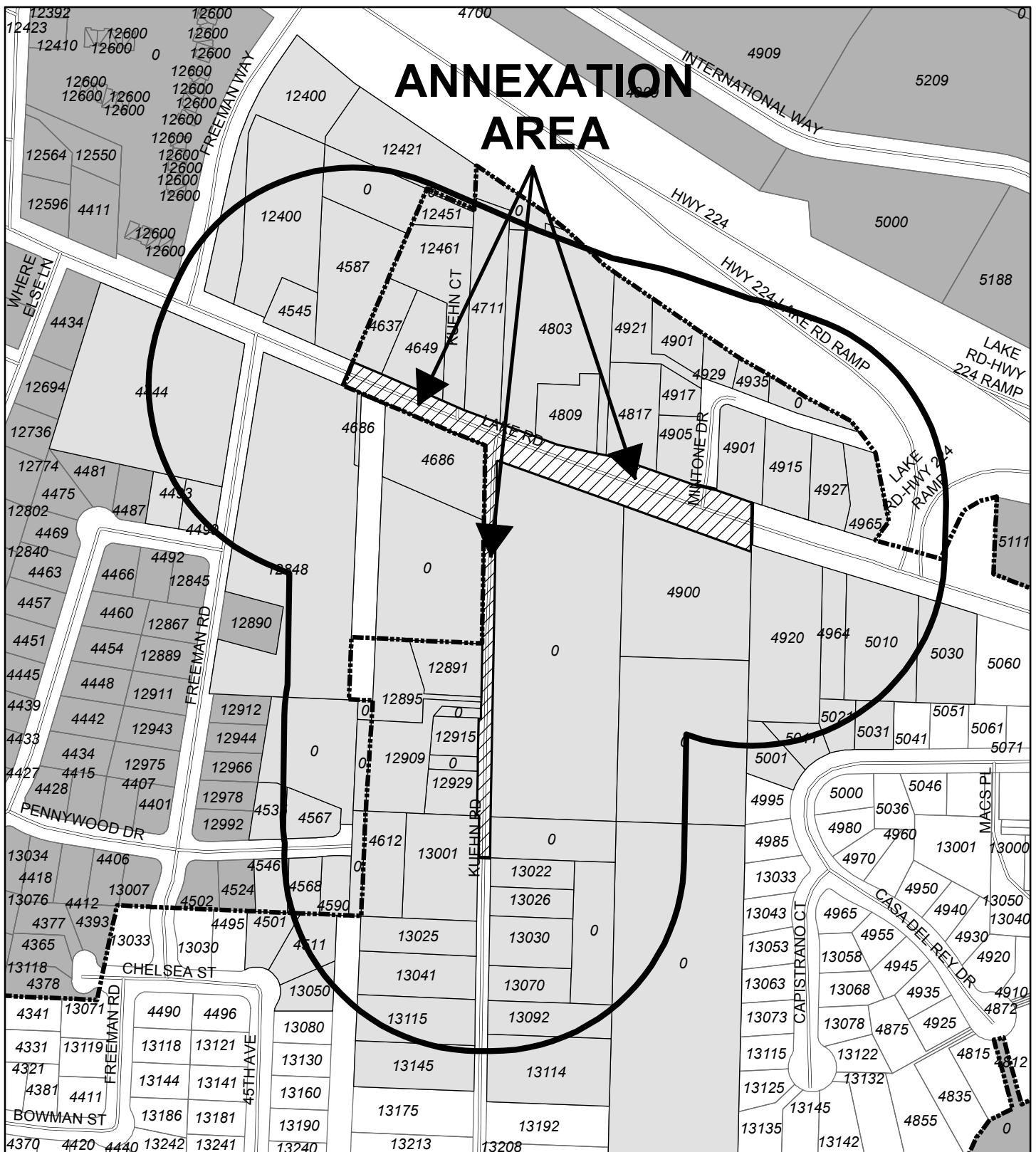
THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

11/12/2015

2 2 E 06BB

$$1'' = 100'$$


F.H.D.



Site Map

Annexation of public right-of-way
in Lake Rd & Kuehn Rd
File #A-2019-002



0 85 170 340 510 680 Feet

RS101

Legend

- ROW being annexed
- 400-ft notice boundary
- Properties receiving notice
- Other Milwaukee tax lots
- Other tax lots (unincorporated)
- City Limit



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@ci.milwaukie.or.us
WEB: www.cityofmilwaukie.org

Nonexpedited Annexation Application

RESPONSIBLE PARTIES:

File #: A-2019-002

APPLICANT (owner or other eligible applicant): <u>City of Milwaukie</u>	
Mailing address: <u>6101 SE Johnson Creek Blvd., Milwaukie, OR</u>	Zip: <u>97206</u>
Phone(s):	E-mail:
APPLICANT'S REPRESENTATIVE (if different than above): <u>Denny Egner, Planning Director</u>	
Mailing address: <u>(same)</u>	Zip:
Phone(s): <u>(503) 786-7654</u>	E-mail: <u>egnerd@milwaukieoregon.gov</u>

SITE INFORMATION:

Address(es): <u>(NA) Rowan Lake Rd</u>	Map & Tax Lot(s):	Property size:
Existing County zoning: <u>R-10</u>	Proposed City zoning: <u>R-10</u>	
Existing County land use designation: <u>low density residential</u>	Proposed City land use designation: <u>LDR</u>	

PROPOSAL (describe briefly):

<u>Annex the public right-of-way on Lake Rd and Kuehn Rd adjacent to the recently annexed Cereghino Farms subdivision.</u>
--

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
	☐ Wichita Sanitary	☐ Oak Grove Disposal
	☐ Hoodview Disposal and Recycling	☐ Clackamas Garbage
☐ Other (please list):		

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County are not made legal upon annexation to the City. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: [Signature]

Date: 5/31/19

CONTINUED ON REVERSE

THIS SECTION FOR OFFICE USE ONLY:

File #:	Fee: \$	Receipt #:	Rcd. by:	Date stamp:
Associated application file #'s:				RECEIVED MAY 31 2019 CITY OF MILWAUKIE PLANNING DEPARTMENT
Neighborhood District Association(s):				
Notes (include discount if any): <i>Council initiated by resolution on May 21, 2019 (see attached minutes, page 3)</i>				



COUNCIL REGULAR SESSION

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

2292nd Meeting

MINUTES

MAY 21, 2019

Mayor Mark Gamba called the Council meeting to order at 6:08 p.m.

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

Planning Commission: Chair Kim Travis, Vice Chair Adam Argo, Commissioners Greg Hemer, Lauren Loosveldt

Staff: City Attorney Justin Gericke
City Manager Ann Ober
City Recorder Scott Stauffer
Development Manager Leila Aman
Information Technology Manager Brandon Gill
Planning Director Denny Egnor

Police Chief Luke Strait
Police Officer Mark Inman
Police Records Supervisor Shannan Coyle
Public Works Director Peter Passarelli
Senior Planner David Levitan

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Milwaukie High School (MHS) Outstanding Student Achievement Award

Carmen Gelman, MHS Principal, **Chief Strait**, and **Officer Inman** introduced MHS student Jacob De Lamater and remarked on his academic and extra-curricular achievements and participation in the Milwaukie Police Department (MPD) Cadet program. Council congratulated him on his accomplishments.

MHS Construction Update

Ms. Gelman provided an update on the MHS construction project, noting that furniture had been selected and that a tree that had been removed from the campus would be carved into art pieces and installed in the building. **Councilor Batey** and **Ms. Gelman** noted that the project was on schedule and would be finished by July 2020. **Ms. Gelman** added that the building would include a large community room.

B. Mental Health Awareness Month – Proclamation

Council President Falconer, **Chief Strait**, and **Gary Marschke**, with the National Alliance on Mental Illness (NAMI), introduced the proclamation. **Mayor Gamba** and **Mr. Marschke** commented on NAMI's work with law enforcement agencies in Clackamas County. **Mayor Gamba** proclaimed May to be Mental Health Awareness Month.

C. Public Works Week – Proclamation

Mr. Passarelli and **Councilor Batey** commented on the wide range of services provided by public works professionals. **Mayor Gamba** thanked the Public Works Department for their service and proclaimed May 19-25 to be Public Works Week.

D. Dogwood Day – Proclamation

Mr. Stauffer, **Greg Hemer**, with the Milwaukie Historical Society, and **Linda Kidd**, with the Daughters of the American Revolution, introduced the proclamation and announced the winners of the Dogwood Day tree raffle and Instagram photo contest. **Mayor Gamba** proclaimed May 21 to be Dogwood Day.

F. Preservation Month – Proclamation (added to the agenda May 20, 2019)
Councilor Batey and **Mr. Hemer** introduced the proclamation and noted an upcoming historic homes tour. **Mayor Gamba** proclaimed May to be Preservation Month.

3. CONSENT AGENDA

Councilor Batey asked that item 3. D. be removed from the Consent Agenda for consideration at a future meeting. She explained that staff would be following-up on several issues and that the matter was not time sensitive.

It was moved by **Councilor Batey** and seconded by **Council President Falconer** to approve the Consent Agenda as presented except for item D.

A. City Council Meeting Minutes:

1. April 9, 2019, Special Session;
2. April 9, 2019, Study Session;
3. April 16, 2019, Work Session; and
4. April 16, 2019, Regular Session.

B. Resolution 37-2019: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the execution of a Microsoft Enterprise Agreement and purchase of software support services from SHI International Corp.

C. Resolution 38-2019: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing a contract for the 2020 Street Surface Maintenance Program (SSMP) slurry seal project to Blackline, Inc.

D. ~~A resolution accepting a Kellogg Good Neighbor Committee (KGNC) recommendation for landscape work.~~ (removed from the agenda)

E. Approval of a 2.75% cost of living adjustment (COLA) for management and non-represented city staff.

F. Approval of an Oregon Liquor Control Commission (OLCC) Application for Milwaukie Café and Bottle Shop, 9401 SE 32nd Avenue, Off-Premises Sales.

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

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed the public comment procedures. **Ms. Ober** reported that there was no follow-up from the May 7 audience participation. She provided an update on the timeframe for a community conversation about council compensation that she and Mr. Gericke had worked on with Healthy Democracy, a non-partisan democracy program.

Chris Ortolano, Vice Chair of the Hector Campbell Neighborhood District Association (NDA), encouraged residents to attend the May 28 Planning Commission hearing on a proposal to develop the property located at Monroe Street and 37th Avenue.

5. PUBLIC HEARING

A. Annexation of Cereghino Farms, 4900 SE Lake Road, and Adoption of Adjusted Tax Rates for Annexed Properties (A-2019-001) – Ordinance and Resolution

Staff Presentation: **Mr. Egner** reviewed the requested Council actions to annex and set tax rates for the Cereghino Farms property. He described the property and noted the need to annex adjacent right-of-way (ROW) property on Lake and Kuehn roads.

The group briefly remarked on the Cereghino Farms annexation process to-date.

Audience Testimony: It was noted that no audience member wished to address Council regarding the hearing topic.

Council Discussion: The group commented that there were benefits for the City in annexing the property despite concerns about the annexation agreement.

Council Decision: It was moved by Councilor Batey and seconded by Councilor Parks to approve the ordinance annexing the Cereghino Farms subdivision into the city limits of the City of Milwaukie (File #A-2019-001). 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 2171:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING THE CEREGHINO FARMS SUBDIVISION INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2019-001).

Ms. Ober thanked Mr. Egner and Mr. Gericke for their work on the annexation.

It was moved by Councilor Parks and seconded by Councilor Batey to approve the resolution establishing a special city tax incentive for annexation of the Cereghino Farms subdivision. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

Resolution 39-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING A SPECIAL CITY TAX INCENTIVE FOR ANNEXATION OF THE CEREGHINO FARMS SUBDIVISION.

It was moved by Councilor Parks and seconded by Councilor Hyzy to direct city staff to initiate the annexation of the rights-of-way for the portions of Lake Road and Kuehn Road that abut the Cereghino Farms subdivision and the portion of Lake Road west of current city limits. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

6. OTHER BUSINESS

A. Amendments to the Milwaukie Municipal Code (MMC) Chapter 8.16 Security Alarm Systems – Ordinance

Ms. Coyle explained that the proposed code language would match the new alarm permitting system and update outdated sections. She and Ms. Ober reported that staff had prepared alternative language for Council to consider that would make the City Manager the appeal officer for revoked permits instead of Council.

Councilor Batey asked if there had been appeals of revoked alarm permits. Ms. Coyle reported that the old system did not accurately track revoked permits. The group remarked that the new system could increase revoked permit appeals.

Councilor Hyzy suggested that revoked permit appeals should not be heard in public meetings. It was Council consensus that the City Manager should hear appeals of revoked alarm permits. **Mr. Stauffer** read the alternative code language, that would designate the City Manager as the revoked alarm permit hearing official, into the record:

8.16.050 REVOCATION PROCEDURE

B. If no report is submitted, or if the Chief finds that the action taken will not prevent further false alarms, the Chief will give written notice that the permit will be revoked on the tenth day after the date of the notice. The alarm user has ten days to request an appeal of the Police Chief's decision to the City Manager. The appeal may be submitted to the City Recorder.

C. If an appeal is submitted, the City Manager will meet with the requestor as soon as feasible.

It was moved by Council President Falconer and seconded by Councilor Parks to approve the ordinance amending Milwaukie Municipal Code (MMC) Chapter 8.16 Security Alarm Systems, amended to include language read into the record by staff. 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 2172:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE (MMC) CHAPTER 8.16 SECURITY ALARM SYSTEMS.

Mayor Gamba recessed the Regular Session at 7:25 p.m. and reconvened the Regular Session at 7:29 p.m.

B. Comprehensive Plan Housing Policies Discussion – Joint Session with the Planning Commission

Mayor Gamba introduced the discussion and reported that Ed Zumwalt, Milwaukie resident, had submitted a speaker card to address the group.

Mr. Zumwalt remarked on the changes occurring in Milwaukie and whether the City should take on national housing issues. He expressed concern about parking and residential density and suggested that established neighborhoods were being invaded and could become ghettos. He urged the group to exercise caution as Milwaukie grew.

Mr. Levitan explained that staff was looking for feedback on the draft Comprehensive Plan housing policies. He discussed how the policies had been developed, noting the Comprehensive Plan Advisory Committee's (CPAC's) work, public outreach events, and online survey. He summarized that the community generally supported allowing more housing options but there had been opposition to non-single-family housing, including triplexes, fourplexes, and rowhouses. He and **Council President Falconer** noted that the survey had not been conducted scientifically and the participant demographic data did not necessarily reflect the average Milwaukie household.

Council President Falconer commented on Mr. Zumwalt's remarks and asked that the minutes reflect that he had suggested that the City's neighborhoods were being invaded and turned into ghettos. She expressed concern that residents were being pushed out. She remarked on the importance of welcoming new residents and collecting survey results and holding discussions that better represent Milwaukie's population.

Mr. Levitan reviewed the lenses that the draft policies had focused on: equity, affordability, livability, and sustainability. He discussed community input received and noted pending state legislation related to housing. He introduced consultant Matt Hastie, with Angelo Planning Group, who had worked on the Comprehensive Plan review.

Mr. Hemer suggested that a business-oriented point of view would find that the City was under-capacity in terms of housing and was working with constrained revenues due to land and sewer infrastructure limitations. He asked that the policies include language that would trigger a reevaluation of the policy when the City's population hit a certain point to help avoid an environmental disaster. **Mayor Gamba** suggested that the City's sewer capacity issues were not related to Milwaukie's size but neighboring cities' growth that could be handled within Clackamas County Water Environment Services' (WES') existing system. The group remarked on WES' infrastructure capacity and which agency should be monitoring population growth to make necessary system expansions.

Councilor Batey discussed street and traffic infrastructure constraints and the need to consider land-banking and other property value tools. She urged the group to think about approaching some policies incrementally and to learn from other cities in the region who had taken short-term approaches to density increases. **Mr. Levitan** remarked on the timing of updating housing policies, development regulations, public works standards, and zoning ordinances. **Council President Falconer** commented on the flexible, non-proscriptive tone of the proposed policy language that she thought was the right approach. The group discussed how specific policies should be in terms of setting expectations for future city actions to achieve the policy goals.

Mr. Hemer reiterated his support for policy language that would trigger a review of infrastructure capacity. **Mr. Egner** discussed the timing and triggers of Comprehensive Plan reviews, noting the impact of forecasted and actual growth. **Mr. Hastie** remarked on the impacts of the City's limited land supply on housing and suggested that housing should be constantly considered even when not triggered by policy.

Chair Travis reported that CPAC had discussed how to measure housing policies. She expressed support for a CPAC proposed concept and asked why the proposal had been left out of the draft policy. **Vice Chair Argo** expressed support for identifying key performance measures in the Comprehensive Plan. The group discussed creating performance indicators for each policy section to measure and trigger specific actions. They noted the importance of being able to respond to changing circumstances and suggested establishing the indicators on regular timeframes.

Ms. Loosveldt remarked that it would be difficult to measure cultural and value-based elements of the policy. **Councilors Batey and Hyzy** commented on the challenges of connecting and measuring values inspired by the community vision statement. **Council President Falconer** discussed an example situation where the existing code conflicts with community values. **Mr. Egner** remarked on the need to focus on performance standards to promote the City's goals while not being too specific or over-regulating.

Chair Travis suggested that a proposed bicycle and pedestrian infrastructure requirement may cost too much and negatively impact housing affordability goals. She

and **Mr. Egner** discussed tensions between goals and values, including increased density and preserving neighborhood character. **Council President Falconer** liked the proposed policy language that would give flexibility in navigating conflicting goals. The group commented on how well-worded policies and variance processes help the City to navigate situations that involve conflicting community values and goals.

Chair Travis commented that allowing more housing types was often seen as increasing density but should be understood to increase housing choices. She suggested that the policy language reflect the community's interest in housing choices for residents of all ages. **Mr. Hemer** expressed agreement with Chair Travis' comments.

Mr. Hemer suggested the policies encourage programs for first-time homeowners. The group remarked on what kind of programs the City could create for first-time homeowners and noted that the City worked with groups that focus on home ownership.

Councilor Batey expressed opposition to allowing tiny homes on wheels without more property maintenance requirements and code enforcement efforts. She noted that she supported cottage cluster developments. The group discussed concerns about tiny homes and allowing people to live in recreational vehicles (RVs). They noted how the City of Portland handled RV utility connections and commented on sewage and safety requirements to be addressed if RVs were an allowed housing type.

Mr. Hemer remarked on community concerns about housing and conflicting goals like preserving trees and increasing density. He expressed support for increased density and suggested that most residents supported increased density in neighborhood hubs and corridors. He and **Mr. Levitan** talked about the importance of explaining how policy changes would give property owners more choices for how to use residential property. **Councilor Hyzy** suggested there was community support the housing goals and concern about implementing specific policies. **Councilor Batey** suggested there needed to be more community conversation on housing and the group noted there was more programming planned. **Ms. Loosveldt** suggested that public forums on housing policies be held as the policies were measured and re-evaluated in the future.

Ms. Loosveldt asked about how to incentivize ways for residential property owners to increase revenue that would also help achieve the housing goals. **Councilor Batey** noted that Council had received a report on accessory dwelling units (ADUs) and cottage cluster housing at the May 21 Work Session.

Mr. Argo discussed public perceptions and concerns about housing policies and the negative legacy of historical zoning decisions that have shaped the region's housing situation. He suggested that despite the City's efforts to hold a broad community conversation on housing there was still no common understanding around the concept. He asked if there were ways to educate the public about property rights and the uncomfortable legacies of housing. The group remarked on when in the Comprehensive Plan review process the narrative sections that explain why policies need to change would be written. They discussed how to present the narratives to the public. They noted when the housing policies would be pinned down, the Comprehensive Plan review would finish, policy narrative outreach would be done and related code changes would be presented for consideration and adoption.

Ms. Ober remarked on the importance of documenting why certain actions were taken for the historical record. She expressed appreciation for the Planning Commission, Council, and staff interest in documenting why policies change. **Mr. Argo** and **Councilor Hyzy** commented on the importance of telling the story behind the policies.

Mayor Gamba asked for input on the proposed housing equity goal. He suggested the goal's defined types of rental and ownership housing were not accurate and should be avoided. The group agreed with Mayor Gamba's suggestion and discussed alternative wording for the goal. **Councilor Batey** noted that perceptions about renters and owners was a long-standing issue.

Mr. Hemer asked for clarification about uses permitted by the state in the affordability goal. **Council President Falconer**, **Mr. Hastie**, and **Mayor Gamba** suggested it was good to include state-permitted activities in the City's policies to reinforce the policy and to cover the City in case something changed at the state level.

Ms. Loosveldt asked if language in the equity goal addressed Mr. Hemer's proposal to encourage home ownership. **Mr. Hemer** suggested the equity goal's language about homeless people might be better under the affordability goal. **Ms. Loosveldt** proposed that the language should not be about homeless people but anyone who finds themselves in need of housing. **Mr. Egner** and **Mayor Gamba** remarked that the issue was distinct enough to be a separate policy.

Ms. Loosvelt remarked on the visionary nature of the equity goal language and suggested it might need to be rewritten. **Mr. Hastie** replied that the section was meant to explain why the goal was important. The group discussed examples of where cultural values could conflict with regulations in terms of residential buildings. They commented on the wording of the equity goal and staff noted the language would be reviewed.

Councilor Batey noted a county sponsored housing and renters' rights event scheduled to occur at the Wichita Center.

7. INFORMATION

Mayor Gamba announced upcoming events, including clean-up days at 3-Creeks Natural Area and Tideman-Johnson Park, the Milwaukie Sunday Farmers Market, Memorial Day closures, the annual Dogwood Dash race, June First Friday activities, the annual bulky waste pick-up days, and the Ledding Library's annual book sale.

Councilor Batey reported that the City was recruiting volunteers, vendors, and sponsors for the 2019 CAREFREE Sunday event. She and **Council President Falconer** noted that the event route had changed.

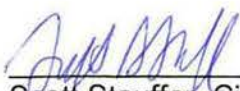
Councilor Batey noted the City's website had the latest information on the South Downtown projects and she encouraged the public to patronize downtown businesses during construction. She noted the renters' rights event at the Wichita Center.

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 9:27 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

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**RS 5. A.
8/20/19
Presentation**

Annexation

Lake Road and Kuehn Road right-of-way

File #A-2019-002

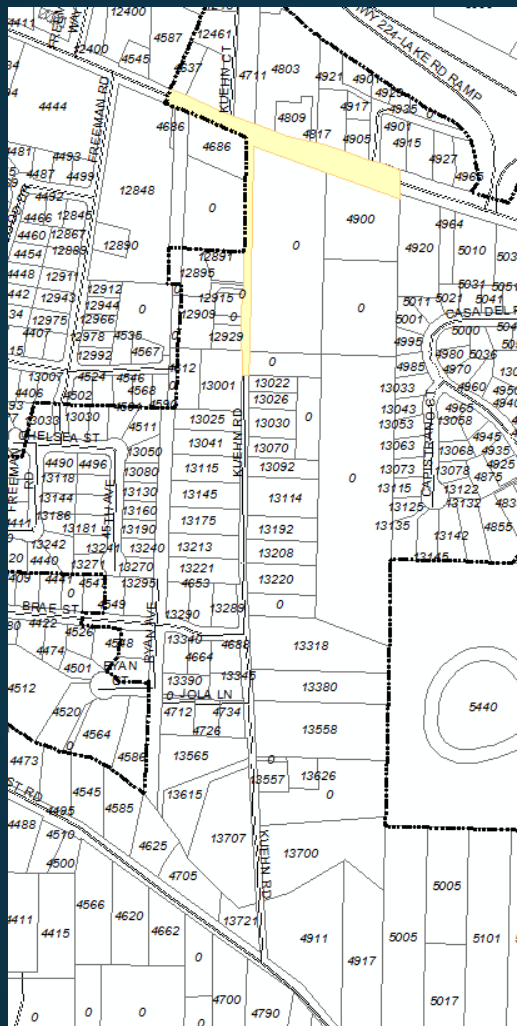
**City Council
August 20, 2019
Presentation by Denny Egner, Planning Director**

Annexation Area

- ROW in Lake Road and Kuehn Road where adjacent to Cereghino Farms subdivision (approx. 2.2 acres of ROW)
- Includes Lake Road ROW west to existing city limits
- City will assume maintenance authority for Kuehn Road; will request transfer of Lake Road from the County in the future



Kuehn Rd



Approval Criteria

(MMC Subsection 19.1102.3)

1. Located within the urban growth boundary
2. Contiguous to city limits
3. ORS requirements for initiation of annexation
4. Consistent with comprehensive plan policies
5. Complies with Metro code sections (3.09.050.d & e) related to agreements and provision of urban services
6. Complies with City zoning and plan map criteria

Recommendation

On July 23, the Planning Commission recommended that the Council:

- Annex the ROW
- Designate the ROW as LDR – Low Density Residential on the Comprehensive Plan map and as Residential R-10 on the zoning map



Annexation

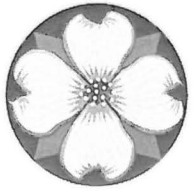
Lake Road and Kuehn Road right-of-way

File #A-2019-002

City Council

August 20, 2019

Presentation by Denny Egner, Planning Director



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.

8/20/19

5. A. Annexation of Public Right-of-Way in Lake Road and Kuehn Road

Land Use File No. A-2019-002

NAME	ADDRESS	PHONE	EMAIL

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: July 31, 2019

Reviewed: Steve Adams, City Engineer
Denny Egner, Planning Manager

From: Wendy Marshall, Civil Engineer

Subject: **Street Renaming – Keil Crossing Subdivision**

ACTION REQUESTED

Approve by ordinance the renaming of SE 43rd Avenue to SE Keil Street between SE Railroad Avenue and SE 44th Avenue within the Keil Crossing subdivision. See Exhibit 1.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[July 23, 2019:](#) Planning Commission recommended that Council approve renaming this portion of SE 43rd Avenue to SE Keil Street to reflect the historical connection to the neighborhood.

ANALYSIS

Keil Crossing subdivision, on SE Railroad Avenue between SE 42nd Avenue and SE 45th Avenue, was recorded with Clackamas County on June 29, 2019. The subdivision includes two new streets with access from SE Railroad Avenue. Both streets were given numerical avenue names. The eastern-most street (SE 44th Avenue) runs in a north-south direction, consistent with other numbered streets in the City. The western-most street (SE 43rd Avenue) runs in an east-west direction.

When the new street signs were installed and building permits were in review, code enforcement and police personnel recognized that the street name for SE 43rd Avenue was confusing for emergency personnel and other road users, as the standard convention is to use the term *Street* for east-west routes, and *Avenue* for north-south routes. Furthermore, searching the web for the 4200 block of SE 43rd Avenue directed the user to a City of Portland street.

Staff have determined it is in the city's and the public's best interest to rename SE 43rd Avenue within the Keil Crossing subdivision. Staff proposed two naming options to Planning Commission. One alternative is SE Keil Street, after the family that purchased the property in 1888. The subdivision was named after this family. A second option was to match another nearby east-west street that aligns with the subject street. The closest east-west street, which does not align entirely, is SE Conway Street, a cul-de-sac located 250 feet to the east.

On July 23, 2019, Planning Commission unanimously selected SE Keil Street over SE Conway Street to honor the history of the Keil family.

Proposed address numbers have been assigned by city staff per standard procedure to provide logical continuation of the grid. The numbering scheme is consistent with the proposed street names.

The revision should occur as soon as possible, and before any new homes are occupied to minimize impact to the residents. Staff consider this request as a housekeeping measure to reconcile the street naming problem.

PROCEDURAL:

Oregon Revised Statute (ORS) 227.120 states that:

“Within six miles of the limits of any city, the commission, if there is one, or if no such commission legally exists, then the city engineer shall recommend to the city council the renaming of any existing street, highway or road, other than a county road or state highway, if in the judgment of the commission, or if no such commission legally exists, then in the judgment of the city engineer, such renaming is in the best interest of the city and the six mile area. Upon receiving such recommendation the council shall afford persons particularly interested, and the general public, an opportunity to be heard, at a time and place to be specified in a notice of hearing published in a newspaper of general circulation within the municipality and the six mile area not less than once within the week prior to the week within which the hearing is to be held.”

Planning Commission has recommended approval and notice was made in The Oregonian on August 10, 2019, pursuant to ORS 227.120. Staff is presenting the matter to Council for final approval.

BUDGET IMPACTS

The proposed action will have minimal budget impact of less than \$100. Two street name signs will be modified by the city sign shop.

WORKLOAD IMPACTS

City sign shop staff will require minimal time to replace sign faces. There is no impact to ongoing staff workload.

COORDINATION, CONCURRENCE, OR DISSENT

Code enforcement, engineering, planning, and police staff agree with changing the name to facilitate quick and reliable access for first responders and other road users.

STAFF RECOMMENDATION

Staff recommends adopting the street name of SE Keil Street as recommended by the Planning Commission.

ALTERNATIVES

None identified.

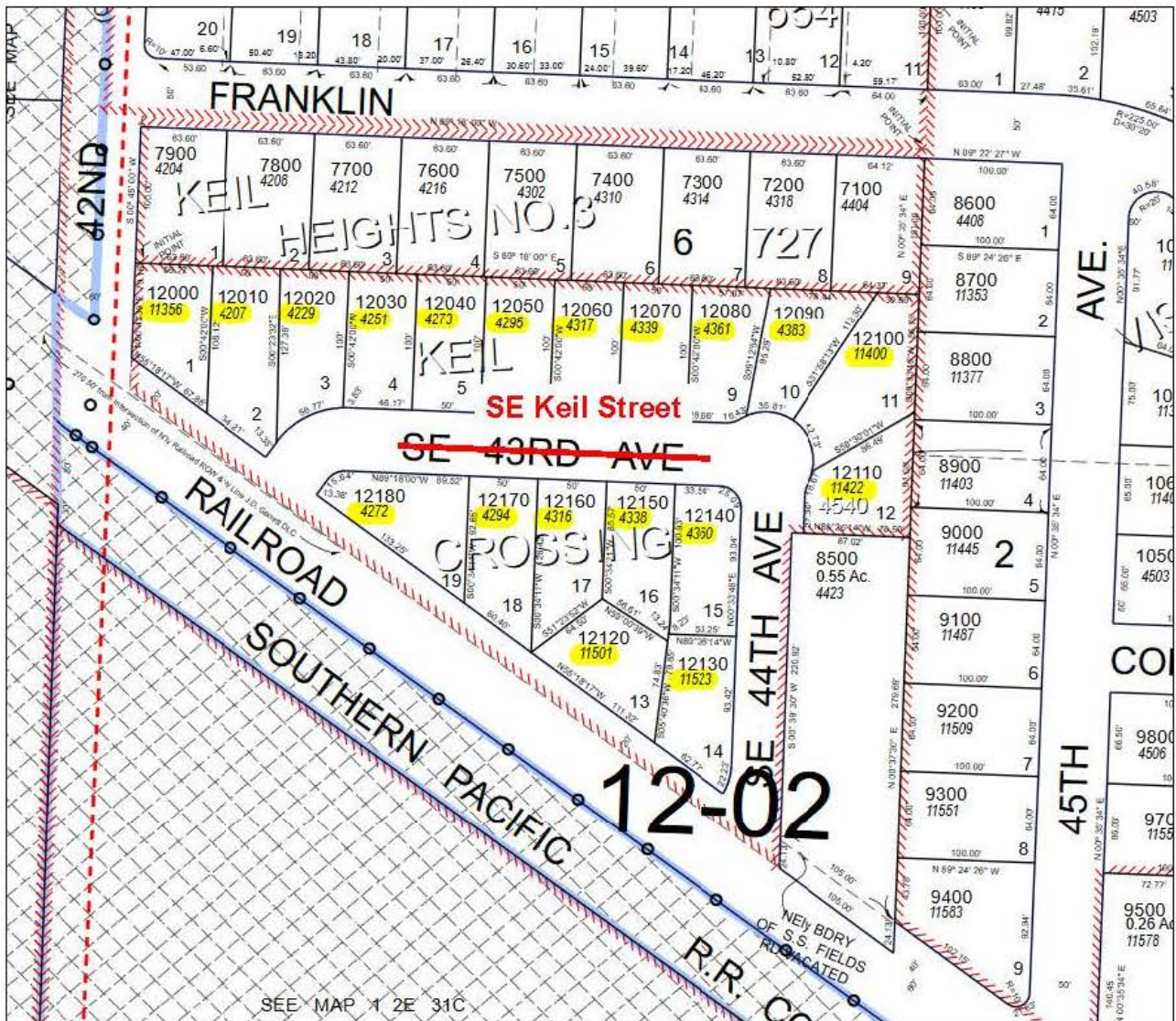
EXHIBITS

A. Tax map with proposed change

ATTACHMENTS

1. Planning Commission Staff Report July 23, 2019
2. Ordinance

EXHIBIT A
Tax Map with Proposed Change





CITY OF MILWAUKIE

To: Planning Commission
Through: Dennis Egner, Planning Director
From: Wendy Marshall, Civil Engineer
Date: July 16, 2019, for July 23, 2019, Work Session
Subject: Street Renaming – Keil Crossing Subdivision

ACTION REQUESTED

Recommend that the City Council rename SE 43rd Avenue within the Keil Crossing subdivision. Options include Keil Street and Conway Street.

BACKGROUND INFORMATION

Keil Crossing subdivision, on SE Railroad Avenue between SE 42nd Avenue and SE 45th Avenue, was recorded with Clackamas County on June 29, 2019. The subdivision includes two new streets with access from SE Railroad Avenue. Both streets were given numerical avenue names. The eastern-most street (SE 44th Avenue) runs in a north-south direction similar to other numbered streets in the City. The western-most street (SE 43rd Avenue) runs in an east-west direction. See Attachment A.

When the new street signs were installed and building permits were in review, Code Enforcement and Police personnel recognized that the street name for SE 43rd Avenue was confusing for emergency personnel and other road users, as the standard convention is to use the term *Street* for east-west routes, and *Avenue* for north-south routes.

Staff has determined it is in the City's and the public's best interest to rename SE 43rd Avenue within the Keil Crossing subdivision. One option is to name the street SE Keil Street after the family that purchased the property in 1888. The Cultural Resource Survey Form for the house that previously occupied the property is included as Attachment B. The subdivision was named after this family.

A second option is to make the street name the same as another nearby east-west street that aligns with the subject street. The closest east-west street, though it does not align entirely, is SE Conway Street which is a cul-de-sac located 250 feet to the east.

Proposed address numbers have been assigned and will be revised by City staff per standard procedure to provide logical continuation of the grid and to coincide with the new street name (if approved by City Council).

The revision should occur as soon as possible, before any new homes are occupied, to minimize impact to the residents. Staff considers this request as a housekeeping measure to reconcile a prior naming problem.

BUDGET IMPACT

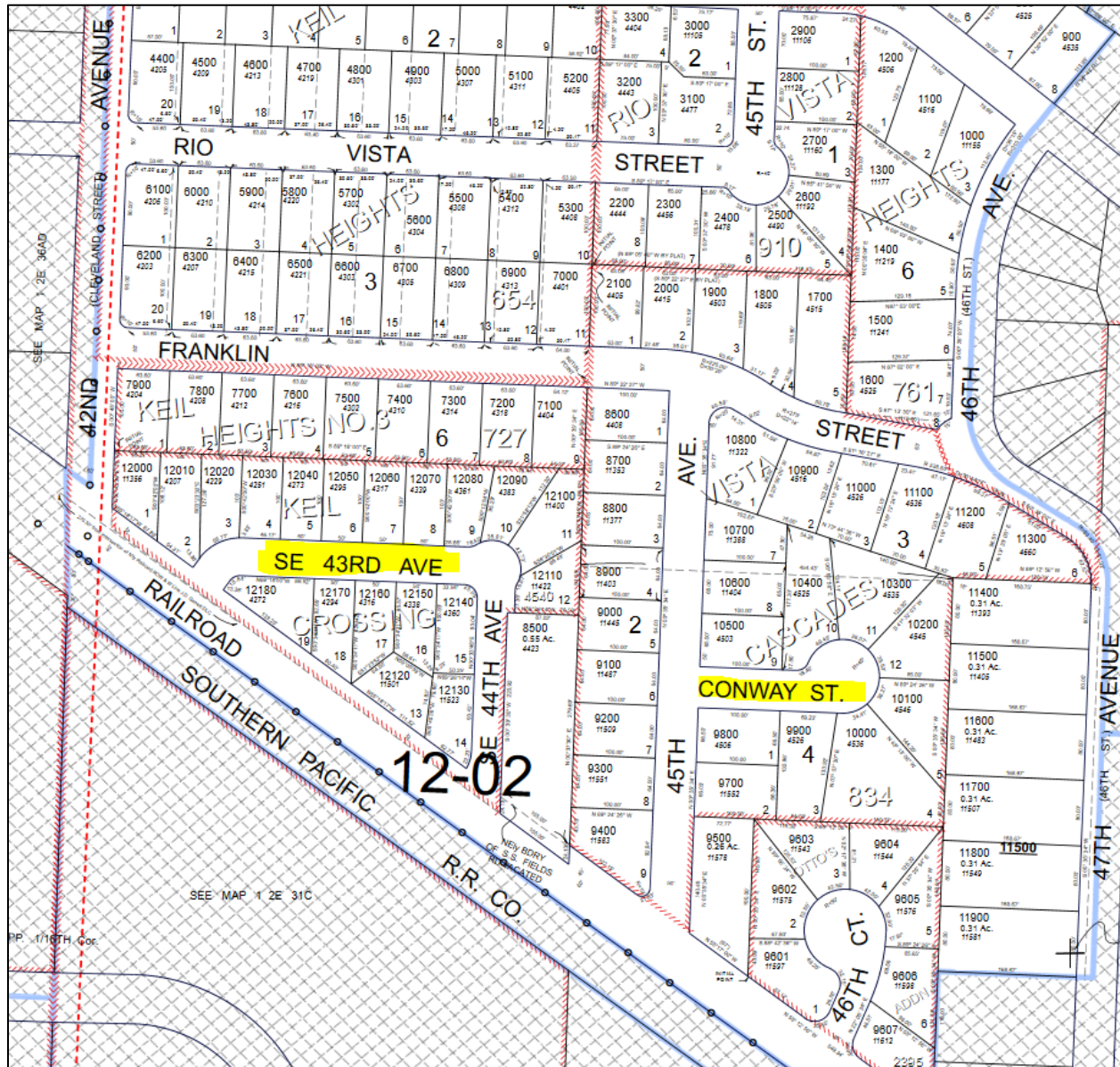
The proposed action is anticipated to have minimal budget impact of less than \$400. Two street name signs will be modified by the City sign shop.

ATTACHMENTS

- A. Tax Lot Map
- B. Cultural Resource Survey Form

ATTACHMENT A

Tax Lot Map



ATTACHMENT B
Cultural Resource Survey Form

Cultural CLACKAMAS COUNT. PHOTO INFORMATION ROLL: <u>X</u> FRAME: <u>9,10,11.</u>	Resource Survey Form T.D. NUMBER <u>M-31-R5</u> STUDY AREA: <u>MILWAUKIE</u> LEGAL: T. <u>1S</u> R. <u>2E</u> SEC. <u>31BC</u> TAX (LOTS): <u>8100</u> ZONE _____ SIZE _____
IDENTIFICATION: COMMON/HISTORICAL NAME: <u>The KEIL-HOESLY FARM HOUSE</u> ADDRESS: <u>4217 S. E. Railroad Avenue, Milwaukie</u> AREA: <u>Milwaukie</u> CURRENT OWNER: <u>CARL HOESLY</u> USE: <u>Residence</u> OWNER'S ADDRESS: <u>210 W. McLoughlin Blvd., Vancouver, WA 98660</u> ORIGINAL OWNER: <u>Jacob and Elizabeth Keil</u> USE: <u>Vacant</u> AREA OF SIGNIFICANCE: TOWN: <u>X</u> COUNTY: _____ CITY: _____ NATION: _____	
HISTORIC INTEREST: THEME: <u>Architecture - 19th Century/Agriculture--Horticulture</u> DATE: <u>1880's</u> DESCRIPTION: <u>Jacob and Elizabeth Keil came to Milwaukie in 1876 from Wisconsin. They bought this farm from Mr. Wait when it was a small square building, with only a kitchen, front room and bedroom in 1888. In the 1890's they commissioned Mr. Shindler to build on the front portion of the house. Mr. Shindler was the first mayor of Milwaukie. Some of the original orchard trees still stand, probably acquired from Seth Lewelling Nursery.</u>	
ARCHITECTURAL INTEREST: STYLE: <u>Vernacular</u> STORIES: <u>2</u> DATE: <u>1880's/Add.</u> CONDITION: <u>fair</u> ARCHITECT: _____ SIDING: <u>1895 Shiplap 8", wide rake and corner boards.</u> ROOF: <u>Cross Gable</u> DOORS: _____ WINDOWS: <u>Narrow 1/1 double-hung, architrave molding.</u>	
MAIN ENTRANCE: <u>Front entrance: Multi-light with architrave molding. Hip roof supported by chamfered posts and decorative brackets.</u>	
NOTES: <u>Additions to the north. Center portion appears to have been built before that of the body of the house, but without later architrave molding.</u> <u>One window 4/4 off kitchen (looking into woodshed).</u>	
	BIBLIOGRAPHY: <u>Unrecorded interview w/ a member of the Hoesly-Keil family.</u> DATE: <u>10/5/83</u> RECORDER: <u>Altier/Hayden</u> 106



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE RENAMING OF A PORTION OF SE 43RD AVENUE TO SE KEIL STREET

WHEREAS, an east-west street within the new Keil Crossing subdivision was named “SE 43rd Avenue”; and

WHEREAS, the street name was found to be confusing and inconsistent with standard naming conventions for east-west streets within the City of Milwaukie; and

WHEREAS, it is in the public’s best interest to provide a logical street grid to minimize confusion for first responders and other road users; and

WHEREAS, Planning Commission recommendation of approval and public notification are required and have been completed pursuant to ORS 227.120,

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

Section 1. The portion of “SE 43rd Avenue” between SE Railroad Avenue and SE 44th Avenue within the Keil Crossing subdivision shall be renamed “SE Keil Street.”

Section 2. Once this action takes place, a certified copy of this ordinance shall be filed with the Clackamas County Recorder, Assessor, and Surveyor.

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 _____.

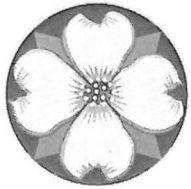
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

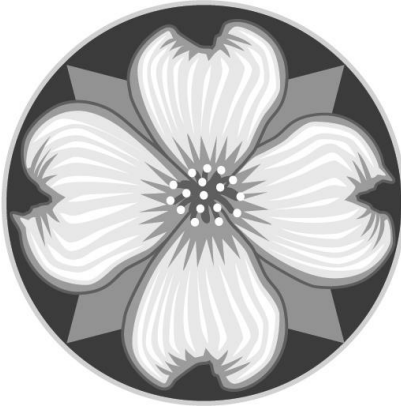
If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.

8/20/19

**5. B. Renaming of 43rd Avenue in the
Keil Crossing Subdivision**

Land Use File No. (none)

NAME	ADDRESS	PHONE	EMAIL



RS Agenda Item

6

Other Business

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, city manager
Reviewed: Jason Wachs, community programs coordinator
From: Jordan Imlah, public affairs specialist

Date Written: Aug. 8, 2019

Subject: Membership Increase for the Milwaukie Arts Committee

ACTION REQUESTED

Discuss the opportunity for increasing the membership of the Milwaukie Arts Committee from seven members to nine members.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The Arts Committee was created by Ordinance #1982 on March 18, 2008 and the inaugural ten committee members were appointed by Resolution 6-2008 on July 1, 2008. On March 19, 2015, City Council approved [Ordinance #2098](#) to reduce the size of the committee from ten to seven members.

ANALYSIS

On July 31, 2019, a panel consisting of city councilors Kathy Hyzy and Wilda Parks, A Adams (Arts Committee chair) and Jordan Imlah (staff liaison) convened to interview candidates to fill two vacant positions on the Arts Committee. Afterwards, the panel identified four highly qualified individuals and a desire was shared to add each of them. Given the Arts Committee's current goals and high level of community engagement, the panel felt that a larger committee would help move its objectives more effectively.

Changing the size of the committee's membership based on its needs and available volunteers is not unprecedented. When the committee was officially formed in March 2008, City Council and staff originally planned for a 7-person committee. After interviewing ten potential candidates, City Council was in favor of appointing each applicant and directed staff to change the ordinance to reflect a 10-person committee. In March 2015, committee membership was reduced to seven in an effort to reach a quorum for its monthly meetings.

Should City Council favor a membership increase, city staff will return to the Sep. 3 regular session meeting with an amended ordinance for adoption, as well as a resolution to appoint the four selected candidates.

BUDGET IMPACTS

The addition of two committee members would raise operating costs slightly, however, the increase would be negligible.

WORKLOAD IMPACTS

The workload to liaise a 9-member committee is expected to increase only marginally.

COORDINATION, CONCURRENCE, OR DISSENT

Councilors Kathy Hyzy and Wilda Parks expressed that they are in favor of adding two additional committee positions.

STAFF RECOMMENDATION

Agree to move forward with a 9-member Arts Committee and direct staff to return to the Sep. 3 regular session meeting with an amended ordinance and resolution to appoint four new committee members.

ALTERNATIVES

Maintain a 7-member Arts Committee and direct staff to select two of the four preferred candidates to fill the current vacancies.

ATTACHMENTS

1. Draft ordinance amending Milwaukie Municipal Code section 2.17



COUNCIL ORDINANCE **DRAFT**

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 2 OF THE MILWAUKIE MUNICIPAL CODE TO REVISE SECTION 2.17, THE MEMBERSHIP OF THE MILWAUKIE ARTS COMMITTEE

WHEREAS, City Council, by Ordinance #1979 created the Milwaukie Arts Committee on March 18, 2008,

WHEREAS, the Milwaukie Arts Committee reduced the size of its members from ten to seven on May 19, 2015,

WHEREAS, the goals and objectives of the Milwaukie Arts Committee require additional support,

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

Section 1. The Milwaukie Municipal Code Chapter 2.17 is amended to read:

The committee shall consist of nine members appointed by the Mayor with the consent of City Council. The majority of members will be residents of Milwaukie.

Section 2. The remaining sections of Chapter 2.17 remain as written.

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

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: August 8, 2019

Reviewed: Denny Egner, Planning Director

From: Mary Heberling, Assistant Planner, and
David Levitan, Senior Planner

Subject: **Resolution “Pinning Down” Comprehensive Plan Block 3 Goals and Policies**

ACTION REQUESTED

Council is asked to adopt a resolution “pinning down” the Comprehensive Plan’s Block 3 goals and policies, as recommended by the Comprehensive Plan Advisory Committee (CPAC) and Planning Commission. “Pinning down” the Block 3 goals and policies means that these policies are approved for inclusion in the draft Comprehensive Plan document that will be brought back for public hearings before the Planning Commission and the Council in late 2019, at which point there may be additional revisions to the goals and policies.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[August 1, 2017](#): Staff briefed Council on the proposed framework, approach, and community engagement for the Comprehensive Plan update, including how the Comprehensive Plan could be organized by “super actions” adopted in the Community Vision.

[September 5, 2017](#): Council adopted the Community Vision and directed staff to move forward with the Comprehensive Plan update.

[October 17, 2017](#): Staff introduced the proposed work program for the Comprehensive Plan update, and Council adopted a resolution appointing 15 members to the CPAC.

[February 13, 2018](#): Staff prepared an update on the status of the Comprehensive Plan.

[August 21, 2018](#): Council adopted a resolution “pinning down” the goals and policies for the four Block 1 topic areas – community engagement, economic development, urban growth management, and history, arts, and culture.

[January 15, 2019](#): Council adopted a resolution “pinning down” the goals and policies for the four Block 2 topic areas – natural hazards, parks and recreation, energy and climate change, and Willamette Greenway.

[July 16, 2019](#): Council adopted a resolution “pinning down” the goals and policies for the housing chapter.

[August 6, 2019](#): Council held a work session to review the Block 3 policies.

ANALYSIS

The Block 3 policies address public facilities, natural resources, environmental quality, and urban design. Over the past year, Council met four times to “pin down” policies, with the most recent action being the resolution adopted on July 16 to “pin down” the housing policies.

Goals and policies will not be adopted by ordinance until after the final block of work – the “synthesis” stage – which will be used to review and organize the goals and policies and evaluate them based on the Community Vision. The process for formally adopting the Comprehensive Plan in late 2019 will include public hearings before the Planning Commission and Council.

As noted in the Council’s work session on August 6, there has been extensive outreach and committee work for the Block 3 policies. Policies have been reviewed and addressed through:

- Four meetings of the CPAC
- Three meetings of the Planning Commission
- One Design and Landmarks Committee (DLC) meeting
- An open house on July 15 attended by approximately 60 people
- An online open house with 197 completed surveys
- Two focus group discussions – environmental organizations and 15 members of the Latinx community
- One work session with the Council

The raw data from the online open house was included in the Council packet for the August 6 work session. This packet includes the final consultant report documenting the survey results.

The version of the Block 3 policies that was provided to Council for the August 6 work session incorporated feedback from the various meetings and outreach efforts. Council provided additional comments that have been included in the version attached to the draft resolution.

During the Council discussion on August 6, staff brought up concerns from a CPAC member about not having enough time to review and finalize the draft policies in the urban design chapter of Block 3. The idea was presented to “pin down” all chapters in Block 3, except urban design to give the CPAC more time to review the draft policies. The final draft urban design policies would be brought back to Council during the synthesis stage or during final plan adoption. Council members generally agreed with this idea.

Following Council’s August 6 review, the Planning Commission had a final opportunity to review and recommend edits to the policies at their August 13 meeting. Staff intends to present these recommended edits to Council on August 20.

BUDGET IMPACTS

None.

WORKLOAD IMPACTS

None. The planning department has adequate staffing and resources to continue with the Comprehensive Plan update work program.

COORDINATION, CONCURRENCE, OR DISSENT

This staff report and accompanying attachments have been reviewed by the city manager and community development director.

STAFF RECOMMENDATION

Staff recommends that Council adopt a resolution “pinning down” the Block 3 goals and policies for public facilities, natural resources, and environmental quality. Action on urban design policies will be deferred to allow the CPAC another opportunity to review these policies.

ALTERNATIVES

Should Council propose enough changes to the Block 3 goals and policies that it decides it is not ready to adopt a resolution to “pin down” the goals and policies on August 20, staff can continue to make refinements and bring back a revised resolution at the September 3 Council meeting. Depending on the scope of the changes and staff’s ability to adequately address them, the resolution may be able to be adopted by consent.

ATTACHMENTS

1. Resolution “pinning down” Block 3 goals and policies, except the urban design policies
 - a. Recommended Block 3 Goals and Policies (Clean Version)
2. August 6, 2019 Council and August 13, 2019 Commission edits to the Block 3 policies
3. Consultant’s final report on the Block 3 online open house



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, “PINNING DOWN” THE PROPOSED GOALS AND POLICIES IN BLOCK 3, WITH THE EXCEPTION OF URBAN DESIGN, OF THE COMPREHENSIVE PLAN UPDATE, FINAL VERSIONS OF WHICH WILL BE ADOPTED BY ORDINANCE DURING THE SYNTHESIS STAGE OF THE PROJECT.

WHEREAS, in late 2015 the City Council directed staff to develop a Community Vision and the first complete update to its Comprehensive Plan since 1989; and

WHEREAS, the City Council approved a work plan for the Comprehensive Plan Update project that includes three distinct blocks of work, with goals and policies to be “pinned down” by resolution at the end of each block; and

WHEREAS, Block 3 includes four topic areas: Natural Resources, Environmental Quality, Public Facilities, and Urban Design; and

WHEREAS, a robust public engagement process was undertaken for Block 3, led by the Comprehensive Plan Advisory Committee (CPAC); and

WHEREAS, the CPAC, with additional feedback from the Planning Commission, City Council, Design and Landmarks Committee, and City staff developed recommended goals and policies for the four Block 3 topic areas; and

WHEREAS, the proposed Block 3 goals and policies may be further refined during the project’s “Synthesis” stage, prior to their adoption by ordinance;

Now, Therefore, be it Resolved that the City Council hereby adopts a resolution “pinning down” the proposed Block 3 policies, except the Urban Design policies. At the conclusion of all three blocks of work, the City Council will formally adopt the goals and policies via ordinance.

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

Natural Resource & Environmental Quality Policies - August 20 Council Version

Overarching Chapter Goal: Protect, conserve and enhance the quality, diversity, and resiliency of Milwaukie's natural resources and ecosystems, and maintain the quality of its air, land and water. Utilize a combination of development regulations, incentives, education and outreach programs, and partnerships with other public agencies and community stakeholders.

Goal 1 - Prioritize the protection of Milwaukie's natural resources and environmental quality through the use of best available science and increased community awareness and education.

1. Partner with community groups, environmental organizations, and others to pursue legislative and administrative rule changes and regional, state, and federal funding for the acquisition, protection, or enhancement of natural resources.
2. Promote public education and encourage collaboration with community partners and organizations when developing strategies to protect air and water quality and other natural resources.
3. Support the clean-up and remediation of brownfields and other potentially contaminated land by identifying and pursuing available resources for such work in an effort to protect natural resources and the City's groundwater supply.
4. Periodically update the City's inventory of wetlands, floodplains, fish and wildlife habitat and corridors, and other natural resources through both technology and in-field verification.

Goal 2 – Enhance water quality and water resources.

1. Support programs and regulations to enhance and maintain the health and resilience of watersheds, riparian and upland zones, and floodplains.
2. Support efforts to restore Kellogg and Johnson Creeks and their tributaries and remove the Kellogg Dam.
3. Improve and expand coordination with adjacent jurisdictions on the protection and restoration of local rivers, creeks, and other natural resources.
4. Maintain the City's regulatory hierarchy that requires a detailed analysis, including alternatives, of how development will 1) avoid, 2) minimize, and 3) mitigate for impacts to natural resources.
5. Regulate floodplains to protect and restore associated natural resources and functions, increase flood storage capacity, provide salmon habitat, minimize the adverse impacts of flood events, and promote climate change resiliency.
6. When considering development proposals, take into account changes in water flow and quantity associated with climate change and evaluate the downstream impacts of development in upland areas.
7. Protect water quality of streams by using best available science to help control the amount, temperature, turbidity, and quality of runoff that flows into them, in partnership with other regulatory agencies.

8. Improve stormwater detention and treatment standards through the use of best available science, technology, and management practices to meet water quality standards and achieve wildlife habitat protection and connectivity goals and standards. Establish the City's preference for sustainable stormwater facilities that utilize natural systems and green technology through the use of incentives as well as future code changes.
9. Monitor water table levels and ensure protection of the City's groundwater supply, particularly those water resources that provide the City with potable water.
10. Coordinate and partner with State and federal regulatory programs to protect the quality of the City's groundwater resources from potential pollution, including potential impacts associated with infiltration from water, wastewater and stormwater pipes.

Goal 3 – Protect and conserve fish and wildlife habitat.

1. Protect habitat areas for indigenous fish and wildlife species that live and move through the City, especially those subject to Native American fishing rights. Focus these efforts on habitat that is part of or helps create an interconnected system of high-quality habitat, and also considers downstream impacts of activities within Milwaukie.
2. Consider impacts to habitat connectivity when reviewing development proposals.
3. Work with regulatory agencies and private property owners to remove barriers to fish passage and wildlife movement corridors between the Willamette River and its tributaries.
4. Protect and enhance riparian vegetation that provides habitat and improves water quality along creeks and streams through the use of best available science and management practices to promote beneficial ecosystem services, such as managing water temperature and providing woody debris for habitat.
5. Require mitigation that restores ecological functions and addresses impacts to habitat connectivity as part of the development review process.
6. Encourage and incentivize voluntary restoration of natural resource areas, including removal of invasive-species vegetation, on-site stormwater management, and planting of native-species or climate-adapted vegetation.
7. Develop a habitat connectivity analysis and strategic action plan.

Goal 4 – Develop a healthy urban forest in Milwaukie.

1. Implement and maintain an urban forestry program.
2. Pursue the City's goal of creating a 40% tree canopy through a combination of development code and other strategies that lead to preservation of existing trees and planting of new trees and prioritize native and climate-adapted species.
3. Provide flexibility in the division of land, the siting and design of buildings, and design standards in an effort to preserve the ecological function of designated natural resources and environmentally-sensitive areas and retain native vegetation and trees.

4. Prioritize increased tree canopy in areas that are currently canopy-deficient and can help provide a more equitable distribution of trees in the city, including street trees.
5. Enhance protections for existing native-species and climate-adapted trees that contribute to a diverse and multi-aged tree canopy.
6. Evaluate the stormwater impacts associated with tree removal as part of the development review process.

Goal 5 – Encourage and incentivize sustainable design and development practices.

1. Provide information about alternatives to conventional construction and site planning techniques that can help increase energy efficiency, utilize existing buildings and reclaimed materials, and reduce long-term costs
2. Incorporate sustainable and low-impact building- and site-planning technologies, habitat-friendly development strategies, and green infrastructure into City codes and standards.
3. Identify and develop strategies to remove barriers to sustainable design and development, including affordability and regulatory constraints.
4. Identify additional opportunities for partner agencies and environmental organizations to provide early feedback and recommendations on reducing environmental impacts associated with development.
5. Examine development code changes that help reduce impacts on wildlife, such as bird-friendly building design.

Goal 6 – Maintain a safe and healthy level of air quality and monitor, reduce, and mitigate noise and light pollution.

1. Coordinate with federal and state agencies to help ensure compliance with state and federal air quality standards, while advocating for improved regional air quality standards.
2. Advocate for a consistent, effective level of environmental monitoring of local industrial activities by state and federal agencies to ensure that applicable State and federal air quality standards are met.
3. Support local efforts such as good-neighbor agreements and partner with community organizations and/or governments that aim to evaluate and reduce local sources of air and noise pollution and their impacts on local residents.
4. Encourage or require building and landscape design, land use patterns, and transportation design that limit or mitigate negative noise impacts to building users and residents, particularly in areas near freeways, regional freight ways, rail lines, major city traffic streets, and other sources of noise.
5. Continue to enforce and enhance noise standards and pursue other nuisance codes such as odor to address the adverse impacts of industries and vehicles.
6. Evaluate impacts to both humans and wildlife related to light and noise pollution and require appropriate mitigation.

7. Create standards and best practices for the demolition of buildings to reduce impacts associated with creation or release of dust and air pollutants.
8. Incorporate emission reduction and other environmental requirements into the city's contracting process to reduce air quality impacts associated with use of city equipment and activities on city-owned properties or developments.

DRAFT

Public Facilities and Services Policies – August 20 Council Version

Overarching Chapter Goal – Plan, develop and maintain an orderly and efficient system of public facilities and services to serve urban development.

Goal 1 – Provide high quality public services to current and future Milwaukie residents.

1. Maintain and enhance levels of public facilities and services to City residents, businesses, and vulnerable populations as urban development or growth occurs.
2. Ensure that existing residents and taxpayers do not pay for services that don't directly benefit Milwaukie residents.
3. As an element of the Comprehensive Plan, maintain a Public Facilities Plan, in conformance with Statewide Planning Goals, that incorporates key components of the master plans for water, wastewater, stormwater, and other public facilities under City control.
4. Use the Public Facilities Plan to help guide the programming of improvements as the City's Capital Improvement Plan is updated, and to establish Public Work Standards that identify the public facilities improvements that are required for properties to develop.
5. Use public facilities to strategically invest in different parts of the City and to help reduce disparities, enhance livability, promote growth and redevelopment, and to maintain affordability.
6. Require developers to pay their proportionate share of the cost of utilities and facilities needed to support their developments, except in such cases where the City may provide incentives to achieve priorities outlined in the City's vision.
7. To maximize the efficient provision of all services and to encourage cooperation and coordination, maintain up-to-date intergovernmental agreements with all public service agencies and service agreements with the providers of private services.
8. Work with other regional service providers in to plan for supply security, new technologies, and resiliency in the delivery of urban services.
9. Provide infrastructure, facilities and systems that are resilient to changes in climate, can reasonably withstand natural or man-made disasters, and will continue to function during an emergency event.
10. Design, upgrade and maintain systems to ensure that they are sustainable and resilient and utilize best available science and technology.

Goal 2 – Provide an adequate supply and efficient delivery of water services.

1. Maintain and safeguard clean groundwater as the primary water supply source for the community. Utilize wellhead protection zones and land use restrictions to avoid impacts on wells and to maintain water quality.
2. Increase storage capacities and provide interconnections with the water systems of other providers in the region to ensure a reliable water supply for use during emergencies or periods of extremely high demand and to mitigate the impacts of climate change.

3. Continue to develop water storage and well sources to provide adequate water supply and water pressure in all areas of the City, including levels sufficient for firefighting throughout the City.
4. Provide a self-sufficient and resilient water system that meets the demands of current and future City residents.
5. Develop programs and establish targets for water conservation by customers of the City's water system and achieve them through community outreach and education, clearly identified metrics, and incentives.
6. Encourage and remove code barriers to the use of grey water systems and rainwater collection, with clear strategies and targets for expanding water supply and reducing the demand for water provided by the City.

Goal 3 - Continue to provide adequate wastewater collection and treatment services to all Milwaukie residents.

1. Comply with federal and State clean water requirements in managing the wastewater collection system.
2. Maintain and improve the existing sanitary sewer collection system through preventive maintenance and ongoing appraisal.
3. Encourage alternative distributive systems and other wastewater microsystems that help increase the efficiency and resiliency of the wastewater system.
4. Encourage the optimization and improvement of the Kellogg Water Resource Recovery Facility (the sewage treatment plant). Encourage capacity expansion through water conservation and the use of pre-treatment by heavy users.
5. Work with plant operators to minimize or eliminate external impacts of the wastewater treatment process by reducing the overall physical footprint of the plant, covering portions of the plant, reducing vehicle trips, eliminating odors, or other viable strategies.
6. Participate in developing long-term plans for the treatment plant, including examining the potential for generating energy from plant and system operations, recovery of nutrients and other resources, and the possible acquisition of the plant by the City.

Goal 4 - Maintain and improve the City's stormwater management system to ensure that waterways are clean and free flowing.

1. Preserve and restore natural functioning and historic floodplains and healthy uplands to better manage flood events, provide and enhance wildlife habitat, improve water quality, and increase climate change resiliency.
2. Require that stormwater be managed and treated on-site, except where to the City determines it to be infeasible.
3. To the extent possible, stormwater should be managed with green infrastructure such as green roofs, water quality swales, rain gardens, and the intentional placement of appropriate trees.

4. Restrict development within drainageways and their buffers to prevent erosion, regulate stormwater runoff, protect water quality, and protect and enhance the use of drainageways as wildlife corridors.
5. Provide resources and tools to facilitate stormwater retrofits for existing development.
6. Consider potential stormwater impacts during the land use review process.
7. Examine the feasibility of daylighting creeks that provide opportunities to conserve or enhance vegetation and wildlife habitat .
8. Expand public outreach and education programs on how the community can help protect Milwaukie waterways.
9. Encourage and incentivize the reduction of impervious surfaces for both existing development and redevelopment.

Goal 5 - Improve and expand solid waste services available to City residents.

1. Utilize franchise agreements with private operators to coordinate the collection of solid waste, recyclable materials, and yard/food waste, reduce environmental impacts, identify strategies to reduce waste generation, and provide educational materials and programs to Milwaukie residents.
2. Manage and monitor the adequacy of the solid waste hauler service and communicate with private operators when problems arise.
3. Require solid waste haulers to provide curbside or onsite recycling and composting services.
4. Examine and pursue strategies to reduce food waste and expand opportunities for composting.
5. Require new development to provide on-site and enclosed space for recycling.
6. Create an equity and inclusion strategy that aims to increase opportunities for underrepresented groups and reduce the potential for monopolies through implementation and enhancement of the City's solid waste franchise system.
7. Work with partners, including haulers, to educate residents on recycling and waste reduction.
8. Establish clear targets for waste reduction by residential, commercial, and industrial customers.

Goal 6 - Maintain facilities and personnel to respond to public safety needs quickly and efficiently.

1. Support efforts to implement Crime Prevention Through Environmental Design (CPTED) principles in building and site design and transportation corridors.
2. Increase public awareness of crime prevention methods and involve the community in crime prevention programs.
3. Coordinate with the fire department to address fire safety in the design of buildings and through site planning, consistent with state fire code requirements and other best practices for fire protection.

4. Distribute resources throughout the city for responding to fires, floods, and other natural and human-induced disasters, including staff designated to help coordinate the city's response.
5. Work with partners to require streets be designed and maintained to meet the minimum needs of emergency services providers while also ensuring that street widths are appropriate and create a quality environment for pedestrians and bicycles.

Goal 7 - Coordinate with local partners in planning for schools, medical facilities, and other institutional uses.

1. Coordinate community development activities and public services with the school district.
2. Work with the district, in coordination with the City's park and recreation provider, to meet community and neighborhood recreational and educational needs.
3. Provide transportation improvements such as sidewalks and bikeways that promote safe access to schools.
4. Support creation of a master plans for institutional uses such as parks, schools and hospitals.
5. Support the provision of temporary housing for the families of local medical patients.
6. Establish a Transportation Demand Management (TDM) program for schools and other large institutions and businesses.

Goal 8 - Provide high quality administrative services to the people of Milwaukie while maintaining cost-effectiveness and convenience.

1. Maintain the efficiency of the City's land development processing, including provision of a one-stop development permit center.
2. Maintain and improve library service levels and facilities that keep pace with the demands of existing and future residents.
3. Maintain a public safety building which houses City police services.
4. Strive to consolidate public-facing city services (other than public safety) in one city facility.

Goal 9 - Ensure that energy and communications services are adequate to meet residential and business needs.

1. Coordinate with public utility and communications companies to provide adequate services, while minimizing negative impacts on residential neighborhoods, natural and scenic resources, and recreational areas.
2. Encourage grid modernization to promote energy security and grid resiliency and to work toward producing enough renewable energy to fully meet the community's energy demand.
3. Encourage the provision of electric vehicle charging stations in appropriate locations.
4. Explore opportunities to create a public communications utility to expand equitable access to high speed broadband internet service.

5. Work with utility companies to underground utility systems and infrastructure to improve aesthetics and reduce damage from storm events and other natural disasters.
6. Promote and prioritize renewable energy production and use.

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Natural Resource & Environmental Quality Policies - August 20 Council Version

Includes track changes to draft policies reviewed at 8/6 CC work session and 8/13 PC work session

Overarching Chapter Goal: Protect, conserve and enhance the quality, diversity, and resiliency of Milwaukie's natural resources and ecosystems, and maintain the quality of its air, land and water. Utilize a combination of development regulations, incentives, education and outreach programs, and partnerships with other public agencies and community stakeholders.

Goal 1 - Prioritize the protection of Milwaukie's natural resources and environmental quality through the use of best available science and increased community awareness and education.

1. Partner with community groups, environmental organizations, and others to pursue legislative and administrative rule changes and regional, state, and federal funding for the acquisition, protection, or enhancement of natural resources.
2. Promote public education and encourage collaboration with community partners and organizations when developing strategies to protect air and water quality and other natural resources.
3. Support ~~and identify resources for~~ the clean-up and remediation of brownfields and other potentially contaminated land by identifying and pursuing available resources for such work in an effort to protect natural resources and the City's groundwater supply.
4. Periodically update the City's inventory of wetlands, floodplains, fish and wildlife habitat and corridors, and other natural resources through both technology and in-field verification.

Goal 2 – Enhance water quality and water resources.

1. Support programs and regulations to enhance and maintain the health and resilience of watersheds, riparian and upland zones, and floodplains.
2. Support efforts to restore Kellogg and Johnson Creeks and their tributaries and remove the Kellogg Dam.
3. Improve and expand coordination with adjacent jurisdictions on the protection and restoration of local rivers, creeks, and other natural resources.
4. Maintain the City's regulatory hierarchy that requires a detailed analysis, including alternatives, of how development will 1) avoid, 2) minimize, and 3) mitigate for impacts to natural resources.
5. Regulate floodplains to protect and restore associated natural resources and functions, increase flood storage capacity, provide salmon habitat, minimize the adverse impacts of flood events, and promote climate change resiliency.
6. When considering development proposals, take into account changes in water flow and quantity associated with climate change and evaluate the downstream impacts of development resulting from development in upland areas ~~and changes in water flow and quantity associated with climate change.~~
7. Protect water quality of streams by using best available science to help control the amount, temperature, turbidity, and quality of runoff that flows into them, in partnership with other regulatory agencies.

8. Improve stormwater detention and treatment standards through the use of best available science, technology, and management practices to meet water quality standards and achieve wildlife habitat protection and connectivity goals and standards. Establish the City's preference for sustainable stormwater facilities that utilize natural systems and green technology through the use of incentives as well as future code changes.
9. Monitor water table levels and ensure protection of the City's groundwater supply, particularly those water resources that provide the City with potable water.
10. Coordinate and partner with State and federal regulatory programs to protect the quality of the City's groundwater resources from potential pollution, including potential impacts associated with infiltration from water, wastewater and stormwater pipes.

Goal 3 – Protect and conserve fish and wildlife habitat.

1. Protect habitat areas for indigenous fish and wildlife species that live and move through the City, especially those subject to Native American fishing rights. Focus these efforts on habitat that is part of or helps create an interconnected system of high-quality habitat, and also considers downstream impacts of activities within Milwaukie.
2. Consider impacts to habitat connectivity when reviewing development proposals.
3. Work with regulatory agencies and private property owners to remove barriers to fish passage and wildlife movement corridors between the Willamette River and its tributaries.
4. Protect and enhance riparian vegetation that provides habitat and improves water quality along creeks and streams through the use of best available science and management practices to promote beneficial ecosystem services, such as managing water temperature and providing woody debris for habitat.
5. Require mitigation that restores ecological functions and addresses impacts to habitat connectivity as part of the development review process.
6. Encourage and incentivize voluntary restoration of natural resource areas, including removal of invasive-species vegetation, on-site stormwater management, and planting of native-species or climate-adapted vegetation.
7. Develop a habitat connectivity analysis and strategic action plan.

Goal 4 – Develop a healthy urban forest in Milwaukie.

1. Implement and maintain an urban forestry program.
2. Pursue the City's goal of creating a 40% tree canopy through a combination of development code and other strategies that lead to preservation of existing trees and planting of new trees and prioritize native [and climate-adapted](#) species.
3. Provide flexibility in the division of land, the siting and design of buildings, and design standards in an effort to preserve the ecological function of designated natural resources and environmentally-sensitive areas and retain native vegetation and trees.

4. Prioritize increased tree canopy in areas that are currently canopy-deficient and can help provide a more equitable distribution of trees in the city, including street trees.
5. Enhance protections for existing native-species and climate-adapted trees that contribute to a diverse and multi-aged tree canopy.
6. Evaluate the stormwater impacts associated with tree removal as part of the development review process.

Goal 5 – Encourage and incentivize sustainable design and development practices.

1. Provide information about alternatives to conventional construction and site planning techniques that can help increase energy efficiency, utilize existing buildings and reclaimed materials, and reduce long-term costs
2. Incorporate sustainable and low-impact building- and site-planning technologies, habitat-friendly development strategies, and green infrastructure into City codes and standards.
3. Identify and develop strategies to remove barriers to sustainable design and development, including affordability and regulatory constraints.
4. Identify additional opportunities for partner agencies and environmental organizations to provide early feedback and recommendations on reducing environmental impacts associated with development.
5. Examine development code changes that help reduce impacts on wildlife, such as bird-friendly building design.

Goal 6 – Maintain a safe and healthy level of air quality and monitor, reduce, and mitigate noise and light pollution.

1. Coordinate with federal and state agencies to help ensure compliance with state and federal air quality standards, while advocating for improved regional air quality standards.
2. Advocate for a consistent, effective level of environmental monitoring of local industrial activities by state and federal agencies to ensure that applicable State and federal air quality standards are met.
3. Support local efforts such as good-neighbor agreements and partner with community organizations and/or governments that aim to evaluate and reduce local sources of air and noise pollution and their impacts on local residents.
4. Encourage or require building and landscape design, land use patterns, and transportation design that limit or mitigate negative noise impacts to building users and residents, particularly in areas near freeways, regional freight ways, rail lines, major city traffic streets, and other sources of noise.
5. Continue to enforce and enhance noise standards and pursue other nuisance codes such as odor to address the adverse impacts of industries and vehicles.
6. Evaluate impacts to both humans and wildlife related to light and noise pollution and require appropriate mitigation.

7. Create standards and best practices for the demolition of buildings to reduce impacts associated with creation or release of dust and air pollutants.
8. Incorporate emission reduction and other environmental requirements into the city's contracting process to reduce air quality impacts associated with use of city equipment and activities on city-owned properties or developments.

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Public Facilities and Services Policies – August 20 Council Version

Includes track changes to draft policies reviewed at 8/6 CC work session and 8/13 PC work session

Overarching Chapter Goal – Plan, develop and maintain an orderly and efficient system of public facilities and services to serve urban development.

Goal 1 – Provide high quality public services to current and future Milwaukie residents.

1. Maintain and enhance levels of public facilities and services to City residents, businesses, and vulnerable populations as urban development or growth occurs.
2. Ensure that existing residents and taxpayers do not pay for services that don't directly benefit Milwaukie residents.
3. As an element of the Comprehensive Plan, maintain a Public Facilities Plan, in conformance with Statewide Planning Goals, that incorporates key components of the master plans for water, wastewater, stormwater, and other public facilities under City control.
4. Use the Public Facilities Plan to help guide the programming of improvements as the City's Capital Improvement Plan is updated, and to establish Public Work Standards that identify the public facilities improvements that are required for properties to develop.
5. Use public facilities to strategically invest in different parts of the City and to help reduce disparities, enhance livability, promote growth and redevelopment, and to maintain affordability.
6. Require developers to pay their proportionate share of the cost of utilities and facilities needed to support their developments, except in such cases where the City may provide incentives to achieve priorities outlined in the City's vision.
7. To maximize the efficient provision of all services and to encourage cooperation and coordination, maintain up-to-date intergovernmental agreements with all public service agencies and service agreements with the providers of private services.
8. Work with other regional service providers in to plan for supply security, new technologies, and resiliency in the delivery of urban services.
9. Provide infrastructure, ~~and~~ facilities ~~and systems~~ that ~~are resilient to changes in climate~~, can reasonably withstand natural or man-made disasters, ~~and systems that~~ will continue to function during an emergency event.
10. Design, upgrade and maintain systems to ensure that they are sustainable and resilient and utilize best available science and technology.

Goal 2 – Provide an adequate supply and efficient delivery of water services.

1. Maintain and safeguard clean groundwater as the primary water supply source for the community. Utilize wellhead protection zones and land use restrictions to avoid impacts on wells and to maintain water quality.

2. Increase storage capacities and provide interconnections with the water systems of other providers in the region to ensure a reliable water supply for use during emergencies or periods of extremely high demand and to mitigate the impacts of climate change.
3. Continue to develop water storage and well sources to provide adequate water supply and water pressure in all areas of the City, including levels sufficient for firefighting throughout the City.
4. Provide a self-sufficient and resilient water system that meets the demands of current and future City residents.
5. Develop programs and establish targets for water conservation by customers of the City's water system and achieve them through community outreach and education, clearly identified metrics, and incentives.
6. Encourage and remove code barriers to the use of grey water systems and rainwater collection, with clear strategies and targets for expanding water supply and reducing the demand for water provided by the City.

Goal 3 - Continue to provide adequate wastewater collection and treatment services to all Milwaukie residents.

1. Comply with federal and State clean water requirements in managing the wastewater collection system.
2. Maintain and improve the existing sanitary sewer collection system through preventive maintenance and ongoing appraisal.
3. Encourage alternative distributive systems and other wastewater microsystems that help increase the efficiency and resiliency of the wastewater system.
4. Encourage the optimization and improvement of the Kellogg Water Resource Recovery Facility (the sewage treatment plant). Encourage capacity expansion through water conservation and the use of pre-treatment by heavy users.
5. Work with plant operators to minimize or eliminate external impacts of the wastewater treatment process by reducing the overall physical footprint of the plant, covering portions of the plant, reducing vehicle trips, eliminating odors, or other viable strategies.
6. Participate in developing long-term plans for the treatment plant, including examining the potential for generating energy from plant and system operations, recovery of nutrients and other resources, and the possible acquisition of the plant by the City.

Goal 4 - Maintain and improve the City's stormwater management system to ensure that waterways are clean and free flowing.

1. Preserve and restore natural functioning and historic floodplains and healthy uplands to better manage flood events, provide and enhance wildlife habitat, improve water quality, and increase climate change resiliency.
2. Require that stormwater be managed and treated on-site, except where to the City determines it to be infeasible.

3. To the extent possible, stormwater should be managed with green infrastructure such as green roofs, water quality swales, rain gardens, and the intentional placement of appropriate trees.
4. Restrict development within drainageways and their buffers to prevent erosion, regulate stormwater runoff, protect water quality, and protect and enhance the use of drainageways as wildlife corridors.
5. Provide resources and tools to facilitate stormwater retrofits for existing development.
6. Consider potential stormwater impacts during the land use review process.
7. Examine ~~the feasibility and encourage opportunities to of~~ daylighting creeks that provide opportunities to conserve or enhance vegetation and wildlife habitat, where feasible.
8. Expand public outreach and education programs on how the community can help protect Milwaukie waterways.
9. Encourage and incentivize the reduction of impervious surfaces for both existing development and redevelopment.

Goal 5 - Improve and expand solid waste services available to City residents.

1. Utilize franchise agreements with private operators to coordinate the collection of solid waste, recyclable materials, and yard/food waste, reduce environmental impacts, identify strategies to reduce waste generation, and provide educational materials and programs to Milwaukie residents.
2. Manage and monitor the adequacy of the solid waste hauler service and communicate with private operators when problems arise.
3. Require solid waste haulers to provide curbside or onsite recycling and composting services.
4. Examine and pursue strategies to reduce food waste and expand opportunities for composting.
5. Require new development to provide on-site and enclosed space for recycling.
6. Create an equity and inclusion strategy that aims to increase opportunities for underrepresented groups and reduce the potential for monopolies through implementation and enhancement of the City's solid waste franchise system.
7. Work with partners, including haulers, to educate residents on recycling and waste reduction.
8. Establish clear targets for waste reduction by residential, commercial, and industrial customers.

Goal 6 - Maintain facilities and personnel to respond to public safety needs quickly and efficiently.

1. Support efforts to implement Crime Prevention Through Environmental Design (CPTED) principles in building and site design and transportation corridors.
2. Increase public awareness of crime prevention methods and involve the community in crime prevention programs.

3. Coordinate with the fire department to address fire safety in the design of buildings and through site planning, consistent with state fire code requirements and other best practices for fire protection.
4. Distribute resources throughout the city for responding to fires, floods, and other natural and human-induced disasters, including staff designated to help coordinate the city's response.
5. Work with partners to require streets be designed and maintained to meet the minimum needs of emergency services providers, while also ensuring that street widths are appropriate and create a quality environment for pedestrians and bicycles.

Goal 7 - Coordinate with local partners in planning for schools, medical facilities, and other institutional uses.

1. Coordinate community development activities and public services with the school district.
2. Work with the district, in coordination with the City's park and recreation provider, to meet community and neighborhood recreational and educational needs.
3. Provide transportation improvements such as sidewalks and bikeways that promote safe access to schools.
4. Support creation of a master plans for institutional uses such as parks, schools and hospitals.
5. Support the provision of temporary housing for the families of local medical patients.
6. Establish a Transportation Demand Management (TDM) program for schools and other large institutions and businesses.

Goal 8 - Provide high quality administrative services to the people of Milwaukie while maintaining cost-effectiveness and convenience.

1. Maintain the efficiency of the City's land development processing, including provision of a one-stop development permit center.
2. Maintain and improve library service levels and facilities that keep pace with the demands of existing and future residents.
3. Maintain a public safety building which houses City police services.
4. Strive to consolidate public-facing city services (other than public safety) in one city facility.

Goal 9 - Ensure that energy and communications services are adequate to meet residential and business needs.

1. Coordinate with public utility and communications companies to provide adequate services, while minimizing negative impacts on residential neighborhoods, natural and scenic resources, and recreational areas.
2. Encourage grid modernization to promote energy security and grid resiliency and to work toward producing enough renewable energy to fully meet the community's energy demand.
3. Encourage the provision of electric vehicle charging stations in appropriate locations.

4. Explore opportunities to create a public communications utility to expand equitable access to high speed broadband internet service.
5. Work with utility companies to underground utility systems and infrastructure to improve aesthetics and reduce damage from storm events and other natural disasters.
6. Promote and prioritize renewable energy production and use.

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CITY OF MILWAUKIE | COMPREHENSIVE PLAN UPDATE

Comprehensive Plan Update Block 3 Community Engagement Summary Report

Prepared for



Prepared by



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Overview

The City of Milwaukie is updating its Comprehensive Plan. In July 2019, the City conducted community outreach related to topic areas, called “Block 3 topics” within the planning process.

Block 3 topic areas were:

- Public Facilities
- Natural Resources and Environmental Quality
- Urban Design

For previous Comprehensive Plan topics, town hall public meetings were a successful outreach and engagement tool; coupled with focus groups, online engagement and discussion with the Comprehensive Plan Advisory Committee (CPAC). For the Block 3 topics, project staff recognized an opportunity to vary the outreach methods to help ensure additional perspectives are gained during the planning process, and to help avoid engagement fatigue among stakeholders.

Staff engaged the community through:

- Open House meeting held July 15 at the Milwaukie Public Safety Building
- Spanish-language focus group conducted July 17
- Environmental organizations focus group conducted July 16
- Online survey open July 15 – 25

This report summarizes the community feedback received during these outreach efforts. The results of the outreach will inform the Comprehensive Plan Advisory Committee (CPAC) and Milwaukie planning staff as they develop and refine the policies for these topic areas.

Methods and Reach

The objectives of the Block 3 outreach included:

- Gathering unique perspectives and expand the reach of City outreach efforts
- Varying the engagement methods used to fit in the timeline required and help avoid engagement fatigue among stakeholders
- Informing and hearing from key interest groups on topics of environmental quality, natural resources and public facilities

Reach of Block 3 outreach opportunities

50	Approximate open house attendees
178	Online survey responses
19	Focus group participants
	• 15 Spanish-language focus group participants • 4 Environmental organization focus group participants

Participants in the open house, online survey and focus groups engaged parallel information and prompting questions regarding the Block 3 policies. Some Spanish-language focus group participants participated in the online survey. Their additional comments were captured during the focus group meeting; summarized in the topic-specific feedback sections in this report.

A crosstab comparison was completed for each survey question to see how respondents' answers differed based on their age, income, and their reported location. For each category, respondents were divided into two groups and their responses were compared.

- For age, respondents were classified as “older respondents” if they were 41 or older and classified as “younger respondents” if they were younger than 41, the median age of Milwaukie residents.
- For income, respondents were classified as having a higher income if their annual household income is \$50,000 or greater and were classified as having a lower income if their annual household income is less than \$50,000. The median annual household income of Milwaukie residents is approximately \$59,000.
- For location, respondents were divided into respondents who live or work in Milwaukie and respondents who live and work outside of Milwaukie.

Notable variations across these groups are included in the survey feedback section of each topic. Detailed graphical comparisons are included in Appendix I.

Public open house

Approximately 50 individuals participated in the public open house. The open house included four informational stations, with project staff and CPAC members available for discussion and to answer questions. Stations included information on the Comprehensive Plan Update background and process, and on each of the three Block 3 topic areas. Open house participants were invited to indicate whether they were supportive, had questions or concerns, or were unsupportive of a set of draft policy questions using colored dots and to provide their additional written feedback.

Online survey

The online survey was distributed via the City's list serve and project website. The online survey received 178 total responses. A gift card prize drawing was offered as an incentive for participation in the survey. The survey used similar questions to those posed at the open house, plus some additional questions. The online survey used Likert scales to gauge respondents' agreement with a number of policy-related topics.

Focus groups

Spanish-language group: This group included 15 Spanish-speaking Milwaukie residents. The participants have lived in Milwaukie for 11.5 years on average. The group discussed each of the questions in the online survey in more detail.

Environmental organization group: This group included a representative from four environmental agencies engaged in work locally and in the Portland-Metro area: Friends of Trees, Johnson Creek Watershed Council, North Clackamas Watershed Council, and Portland Audubon. These participants discussed and gave feedback on draft policies for the Natural Resources and Environmental Quality chapter.

Key findings and take-aways

Overall, Block 3 outreach showed strong support for the draft policies that were reviewed. In particular, tree canopy goals received support, as did bike and pedestrian connections to transit, good neighbor agreements with the Kellogg Wastewater Treatment Plant, and allowing housing in commercial areas. Other select key findings include:

- Some notable differences among survey respondents based on age, income and location:
 - Younger residents were more supportive of promoting reuse and salvage opportunities through franchise agreements compared to older respondents.
 - Lower income residents were more supportive of prioritizing hiring and support for minority and women owned businesses compared to respondents of higher income.
 - Older residents were most supportive of removing Kellogg Dam, although this was also an important priority among a large share of younger respondents.
- Spanish language outreach participants:
 - Showed an interest in promoting safety
 - Were interested in how policies on the Block 3 topics intersect with housing policy in order to expand the supply of affordable housing
- There may be opportunity to address questions and concerns apparent about potential policies that were not ranked as high priorities or where questions or confusion were apparent among focus group participants, including:
 - Expanding the capacity of the Kellogg Wastewater Treatment Plant
 - Adoption of form-based code
 - Provision of adequate parking with increased development

Who we heard from

Demographic information was collected from respondents to the online survey but not for focus group or open house participants. A summary of demographic characteristics is provided below.

Neighborhood distribution

Survey participants were asked to identify which neighborhood they live or work in. A considerable portion (23%) of respondents were from outside of Milwaukie. Additional analysis compared responses of those who indicated they are from outside of Milwaukie to those within Milwaukie.

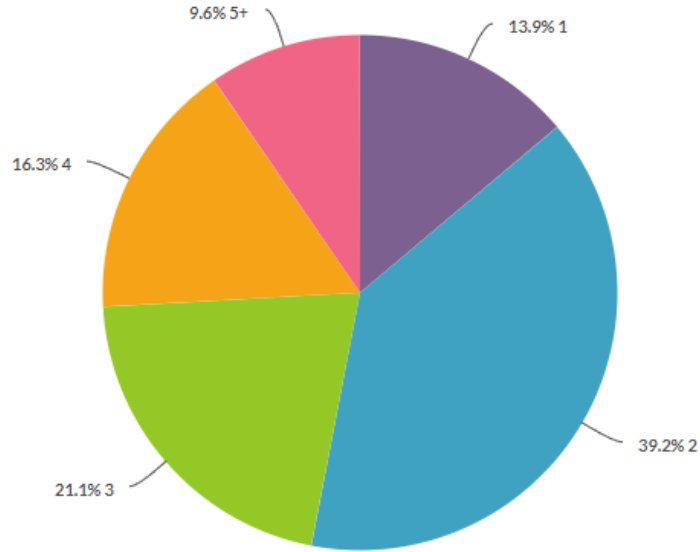
Age

The median age of survey respondents was 48. The median age in Milwaukie is 41, meaning people over the age of 41 were overrepresented in the survey sample. Only five respondents were under the age of 30.

Household Size

The most common household size was two (39%). 47% of respondents lived in households of three or more.

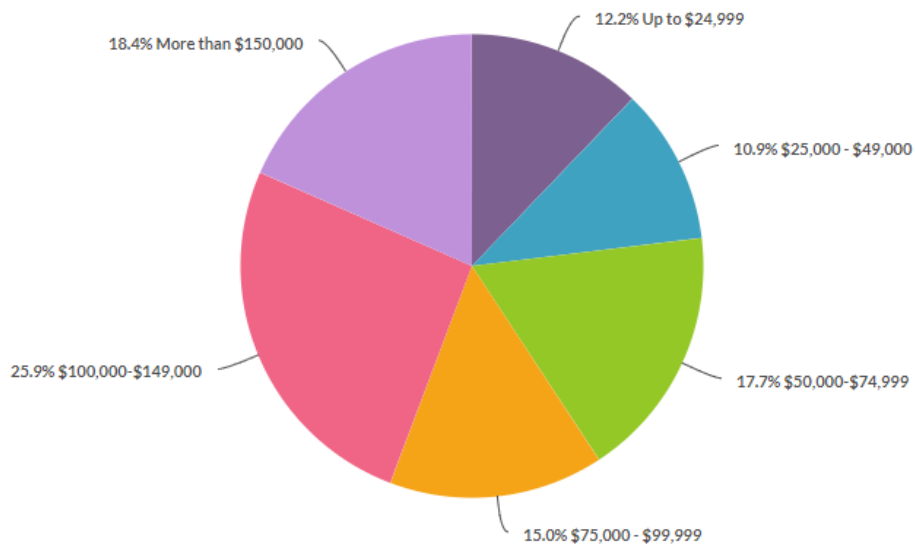
Household size of survey respondents (N=166)



Income

The online survey reached people of a wide variety of household incomes. On average, results show respondents are of higher income than the Milwaukie population. Median household income for Milwaukie residents is \$59,000. Additional analysis was completed to compare the responses of lower income people (below \$50,000) to higher income people (above \$50,000).

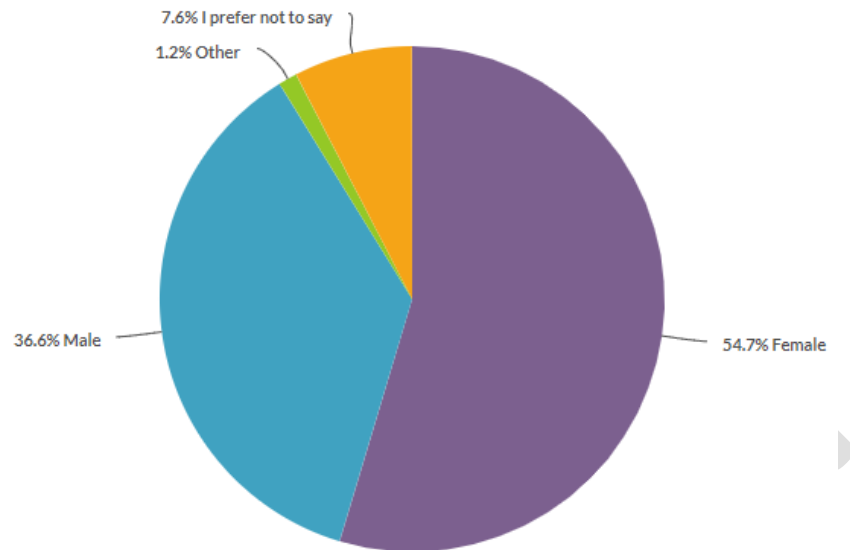
Income distribution of survey respondents (N=147)



Gender

A greater portion (55%) of survey respondents identify as female compared to male respondents (37%). About 8 percent of respondents did not share gender data.

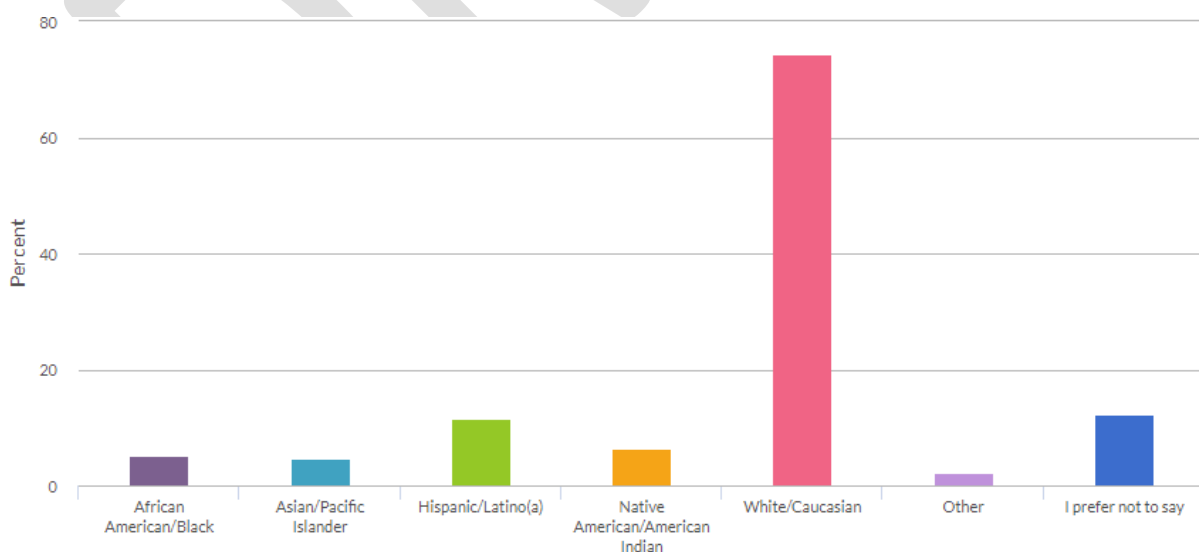
Gender identity of survey respondents (N=172)



Race and ethnicity

The second most common cultural category after White/Caucasian (74%) was Hispanic/Latino(a) at roughly 12 percent. The distribution of race and ethnicity is similar to that reported by the U.S. Census Bureau (American Community Survey, 2017, 5-year estimates) for the City of Milwaukee.

Race and ethnicity of survey respondents



Topic-specific feedback

The following section summarizes survey, open house, and focus group feedback by topic.

Public Facilities

Public Improvements

Survey Feedback:

1. The City recently began implementing a 9-year program (Safe Access for Everyone, or SAFE) that aims to improve pedestrian and bicycle connections throughout the City and remove barriers for all residents, including those with disabilities. As the City considers additional improvements to its pedestrian and bicycle facilities, where should it focus improvements? Please prioritize the following options with 1 being the most important and 4 being the least important:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Continue providing safe access to schools	1		511	167
Connections to frequent transit service	2		433	168
Connections to established commercial areas such as Downtown Milwaukie and the Milwaukie Marketplace	3		391	168
Connections to neighborhood commercial hubs and neighborhood mixed use areas	4		352	174

Lowest Rank Highest Rank

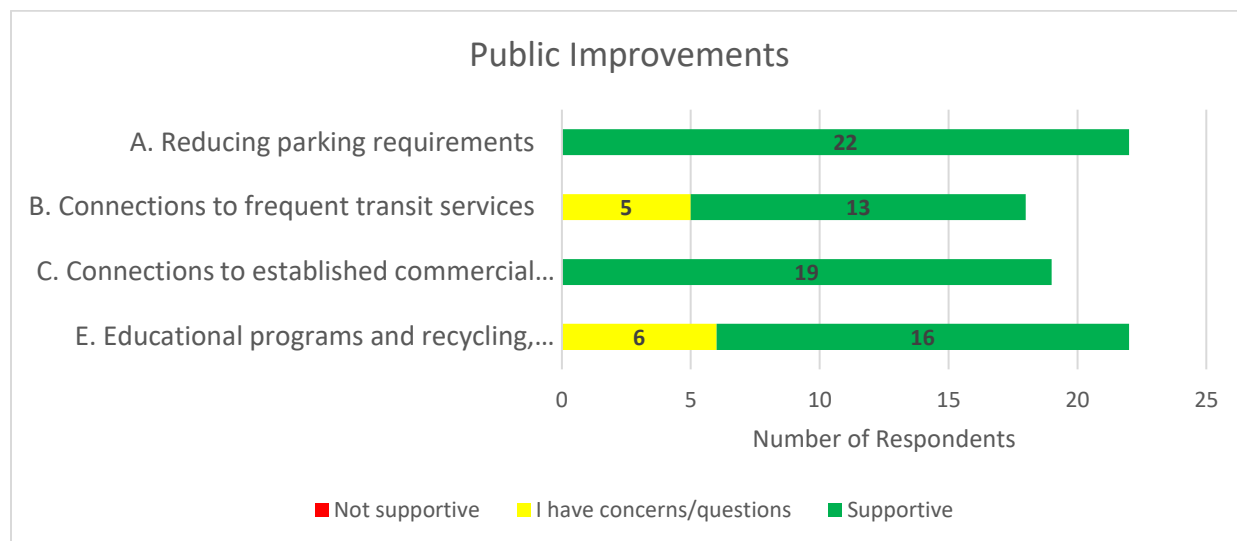
Survey respondents prioritized continuing to provide safe access to schools as a strategy to improve bike and pedestrian infrastructure. The second highest ranked strategy was to increase connections to frequent transit service.

Crosstab Comparisons:

There were no substantial differences in respondents' answers based on their age, the location of their residence, or their household income.

Open House Feedback:

Respondents at the open house were supportive of all four strategies and generally consistent with the prioritization results from the online survey.



Spanish-Language Focus Group Feedback:

Participants in the Spanish-language focus group also prioritized providing safe access to schools and spoke about specific improvements such as adding lighting, sidewalks, and speedbumps to highly trafficked alternative routes to 82nd Avenue and neighborhood connections.

Franchise Agreements

Survey feedback:

2. The City uses franchise agreements with private providers for the collection of garbage, recycling, and yard/food waste. What types of items might be included in franchise agreements to help reflect community priorities? Please prioritize the following options with 1 being the most important and 5 being the least important:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Establish programs to reduce waste through reuse/salvage of large items	1		558	168
Educational programs on recycling, composting, and other efforts to reduce waste generation	2		531	167
Call for a transition to electric or other low-emission vehicles	3		480	169
Expand composting opportunities	4		478	162
Prioritize hiring and support for minority and women owned businesses and other equitable hiring practices	5		471	170


Lowest Rank Highest Rank

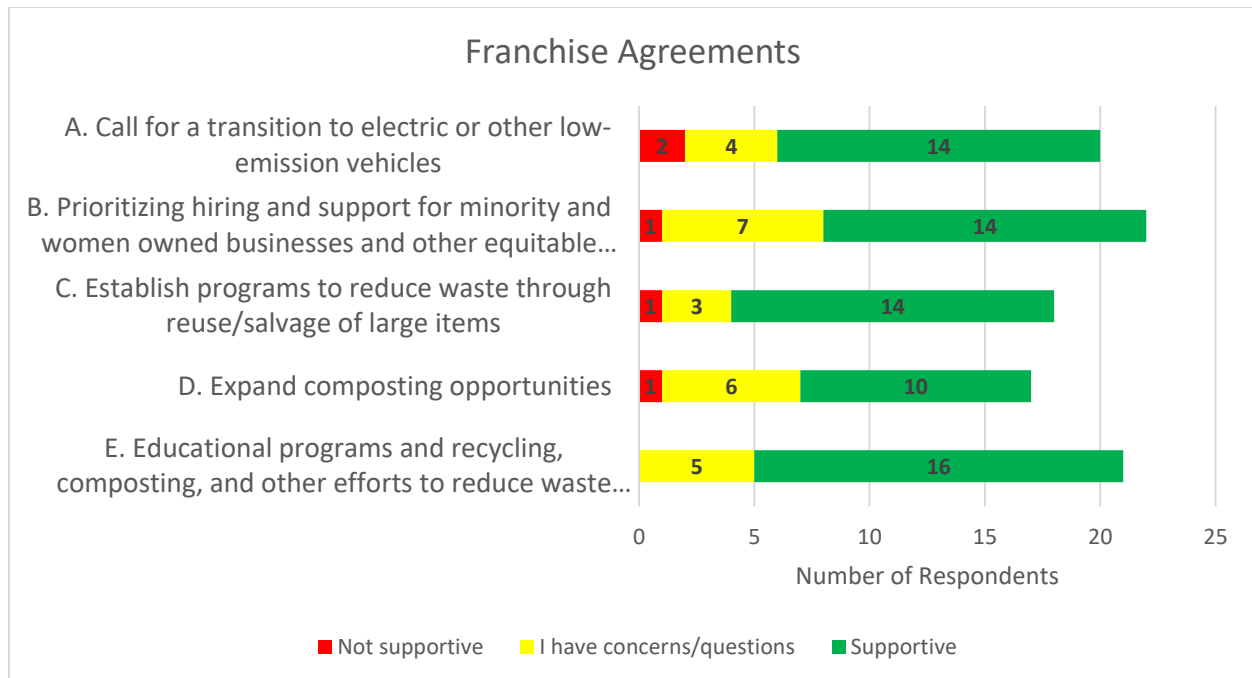
The highest-ranking item to include in franchise agreements with garbage collection providers was establishing programs to reduce waste through reuse and salvage of large items. The second highest-ranking item was educational programs on recycling, composting, and other efforts to reduce waste generation.

Crosstab Comparisons:

- Age – Respondents who were 41 or older thought prioritizing hiring and support for minority and women owned businesses and other equitable hiring practices was the least important strategy whereas respondents younger than 41 thought this was the most important strategy. Older respondents thought that establishing programs to reduce waste through reuse/salvage of large items was the most important strategy, while younger respondents thought this was the second to least important strategy.
- Location of residence – There were no substantial differences in respondents' answers based on their location of residence.
- Income – Respondents with a lower income (less than \$50,000) thought prioritizing hiring and support for minority and women owned businesses and other equitable hiring practices was the second most important priority, whereas respondents with a higher income (greater than \$50,000) thought it was the least important priority.

Open House Feedback

The responses from the open house were generally consistent with the prioritization results in the online survey.



Spanish-Language Focus Group Feedback:

Participants prioritized educational programs and workshops. They noted the importance of offering and promoting these classes in multiple languages and the opportunity that the City has to help build partnerships between garbage collection providers and Milwaukie residents through emails, the City website, newsletters, and other methods of communication and engagement.

Kellogg Wastewater Treatment Plant

Survey feedback:

3. The existing Comprehensive Plan calls for the City to “use best efforts to decommission or downsize the Kellogg Wastewater Treatment Plant” and “transition... to some other sewage treatment facility.” The City is considering revising this policy language to instead call for the continued use and improvement of the current plant. How would you prioritize the following improvements? Please prioritize the following options with 1 being the most important and 4 being the least important:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Expansion of “good neighbor ” programs (odor control, landscaping, etc.)	1		502	166
Plant footprint reduction	2		400	164
Examine feasibility of covering/capping the plant for recreational purposes	3		388	170
Capacity expansion	4		359	158

Lowest Rank Highest Rank

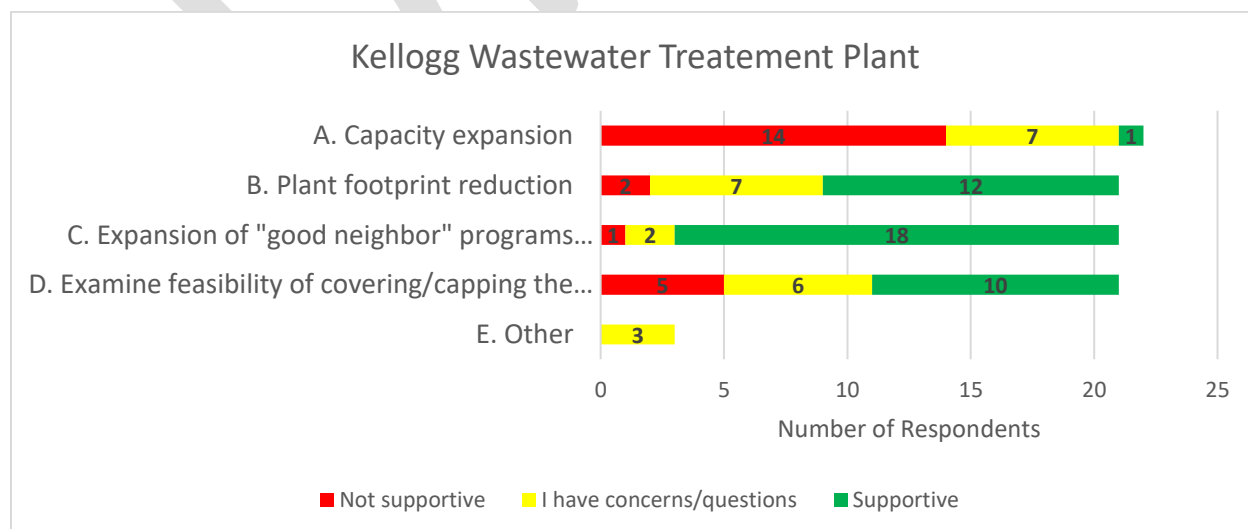
Survey respondents supported expansion of “good neighbor” programs as the best strategy for improving the Kellogg Wastewater Treatment Plant.

Crosstab Comparisons:

There were no substantial differences in respondents’ answers based on their age, the location of their residence, or their household income.

Open House Feedback:

The responses from the open house were generally consistent with the prioritization in the survey.

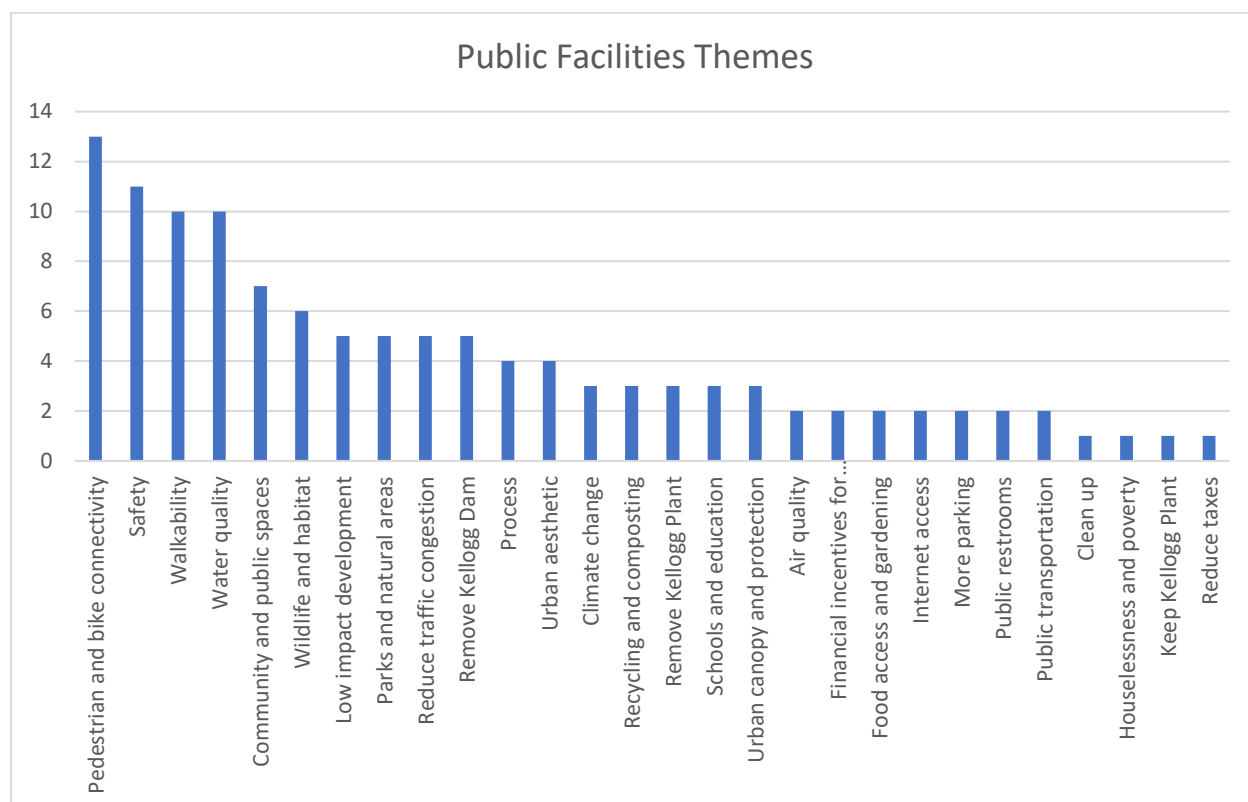


Spanish-Language Focus Group Feedback:

Participants generally agreed that they did not want to see capacity expansion of the facility, but it was more difficult to prioritize the other options as a group. Several people were not familiar with the facility because they did not utilize the waterfront area around it very much. There was some interest in covering the plant if there is a possibility to create a park on top of it.

Open Ended Feedback Related to Public Facilities

Survey feedback:



The most common theme from the open-ended public facilities survey question was pedestrian and bike connectivity. Many respondents called for most sidewalks, wider sidewalks, bike lanes and better protected pedestrian and bike lanes, and bike and pedestrian crossings over water and highways. Safety and walkability were popular themes. Respondents wanted safer walking options. Traffic speed was cited as a concern. Water quality and community and public spaces were also common themes. Many respondents advocated for removing Kellogg dam and having cleaner options for drinking and wastewater. For community and public space comments, residents mentioned the need for more usable waterfront areas, plazas, parks and farmers markets.

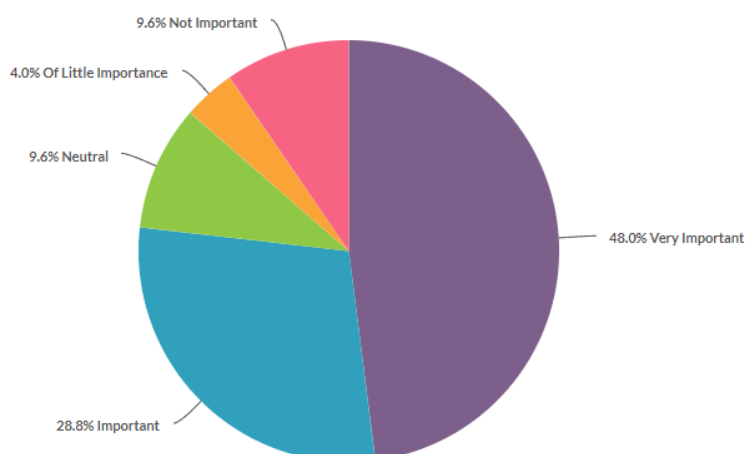
Natural Resources and Environmental Quality

Removal of Kellogg Dam

[Survey feedback:](#)

Respondent ranking of Kellogg Dam removal importance

5. Over the past two decades, the City has advocated for the removal of the Kellogg Dam in an effort to restore riparian habitat and reestablish fish passage in the Kellogg Lake area and along Kellogg Creek and other tributaries of the Willamette River. The Comprehensive Plan proposes to include a policy calling for the removal of Kellogg Dam. How would you rate this as a priority for the City of Milwaukie?



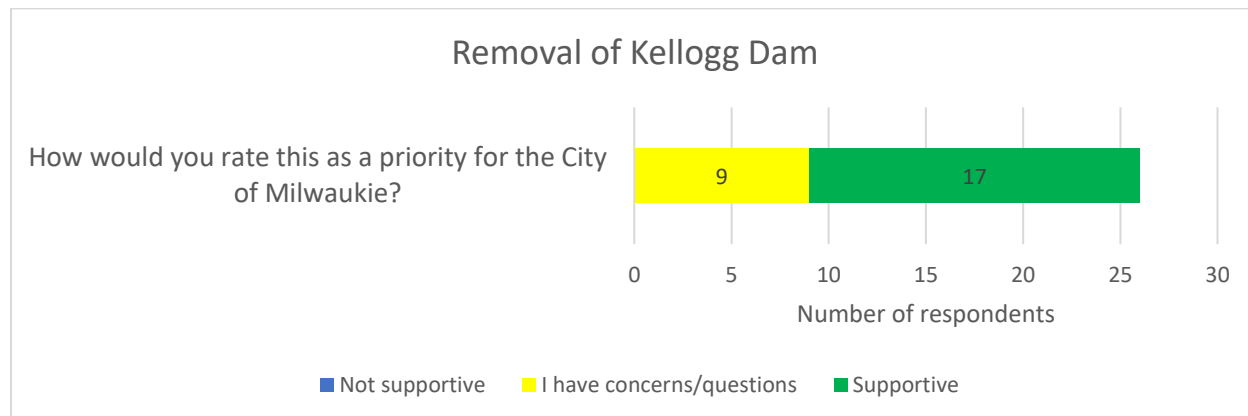
The majority of survey respondents (77%) categorized the removal of Kellogg Dam as important or very important. 13% of respondents think removal is not important or of little importance. A total of 9.3% of respondents are neutral on removal.

Crosstab Comparisons:

- Age – Respondents who were 41 or older were more likely to think including a policy in the Comprehensive Plan calling for the removal of Kellogg Dam is “very important” (59% as compared to 35% of younger respondents). Respondents younger than 41 were more likely to be neutral on this policy (15% of younger respondents as compared to 8% of older respondents) or to say it was “not important” (15% as compared to 5%)
- Location of residence – There were no substantial differences in respondents’ answers based on their location of residence.
- Income – Respondents with higher incomes were more likely than respondents with lower incomes to say that this policy is “very important” (55% as compared to 35%). However, there was no substantial difference in the percentage of respondents who said that this policy was either “very important” or “important” based on their income.

Open House Feedback:

The responses from the open house were generally consistent with the prioritization in the survey, although no respondents in the open house were unsupportive of the removal, while some respondents of the survey thought the dam removal was “not important.”



Spanish-Language Focus Group Feedback:

Initially, participants did not have strong opinions regarding the removal of Kellogg Dam. After hearing more about the benefits to fish populations and habitats along the creek, the group was overall in support of removing the dam, although some wondered how the money for removal could be spent elsewhere to benefit parks or community programs.

Tree Canopy Goal

Survey feedback:

Survey respondents' priorities for achieving the tree canopy target

6. The City is proposing to include a new Comprehensive Plan policy that “supports achievement of the City’s goal of creating a 40% tree canopy by 2040,” a goal which was adopted by the City Council through the Climate Action Plan and Urban Forest Management Plan. Which of the following strategies would you support to help the City achieve the 40% tree canopy target? Please prioritize the following options with 1 being the most important and 5 being the least important:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Focus plantings on city and other public properties	1		539	163
Encourage a diversity of native and climate change-suited species to increase forest resiliency	2		514	166
Provide additional financial or regulatory incentives for tree protection	3		496	165
Provide flexibility in the division of land, siting and design and buildings, and permitted housing types on private property in exchange for increased tree protection	4		468	163
Consider amendments to the Milwaukie Municipal Code that address preservation, protection, replacement and maintenance of trees on private property.	5		455	166

Lowest Rank Highest Rank

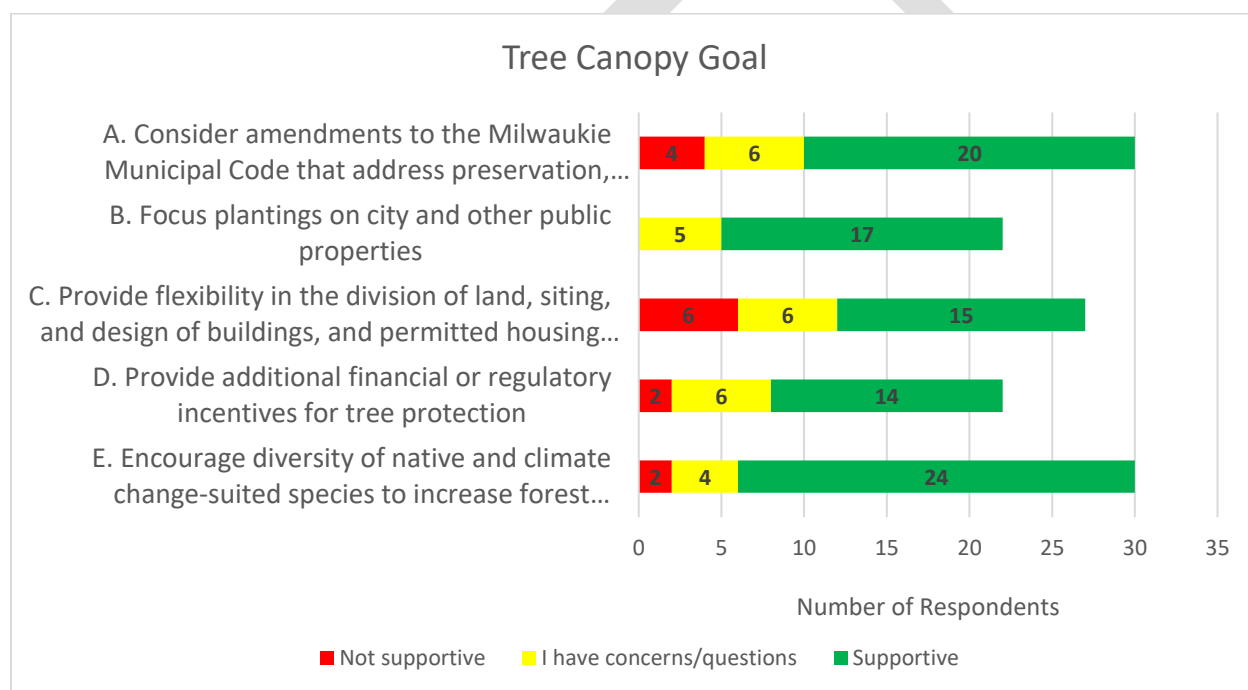
Survey respondents support focusing plantings on city and other public properties as the best strategy to achieve tree canopy goals. Respondents also rank encouraging a diversity of native and climate change-suited species as a popular strategy.

Crosstab Comparisons:

- Age – Older respondents thought providing financial or regulatory incentives for tree protection was the second most important strategy, while younger respondents thought this was the least important strategy.
- Location of residence – Respondents who live in Milwaukie thought focusing plantings on city and public property was the most important strategy, while respondents who live outside Milwaukie thought this was the second to least important strategy. Respondents who live in Milwaukie thought that considering amendments to the municipal code to improve the urban tree canopy was the least important strategy, while respondents who live outside Milwaukie thought this was the second most important strategy.
- Income – There were no substantial differences in respondents' answers based on their income.

Open House Feedback:

The responses from the open house were generally consistent with the prioritization in the survey.



Spanish-Language Focus Group Feedback:

Prioritization with the Spanish-language group differed somewhat from survey and open house results. This group expressed greatest interest in financial or regulatory incentives to not only keep trees on private property, but to add more; in particular, fruit trees. Many also supported added flexibility in the siting and design of buildings and permitted housing in exchange for increased tree protection because of the potential help this could provide to add ADUs to their properties and across Milwaukie to increase available housing.

Regulating Air and Water Quality

Survey feedback:

Survey respondents' priorities for responding to environmental quality concerns

7. The City has limited authority to regulate air and water quality (regulations are established, monitored and enforced at the state and federal level). How might the City better respond to residents' concerns about environmental quality? Please prioritize the following options with 1 being the most important and 3 being the least important:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Coordinate with local organizations to expand monitoring of air and water quality	1		339	163
Help facilitate/develop/broker good neighbor agreements between residents and nearby businesses	2		324	160
Adopt stricter nuisance codes	3		321	169

Lowest Rank Highest Rank

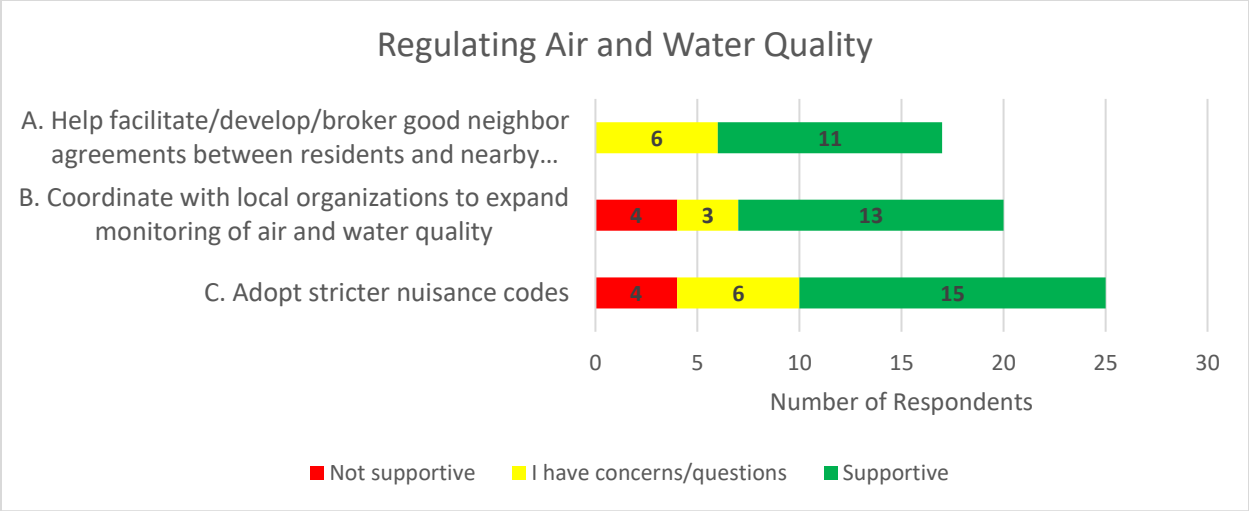
Survey respondents ranked coordinating with local organizations to expand monitoring of air and water quality as the best choice for regulating air and water quality and adopting stricter nuisance codes as the lowest priority of the three options.

Crosstab Comparisons:

- Age – There were no substantial differences in respondents' answers based on their age.
- Location of residence – Respondents who live in Milwaukie indicated adopting stricter nuisance codes was the most important strategy, while respondents who live outside of Milwaukie thought this was the least important strategy.
- Income – Respondents with higher incomes thought facilitating good neighbor agreements between residents and nearby businesses was the most important strategy, while respondents with lower incomes thought this was the least important strategy.

Open House Feedback:

The open house feedback was somewhat different from the survey respondents. Open house attendees prioritized good neighbor agreements over coordinating with local organizations, while survey respondents thought coordinating with local organizations was more important than brokering good neighbor agreements.

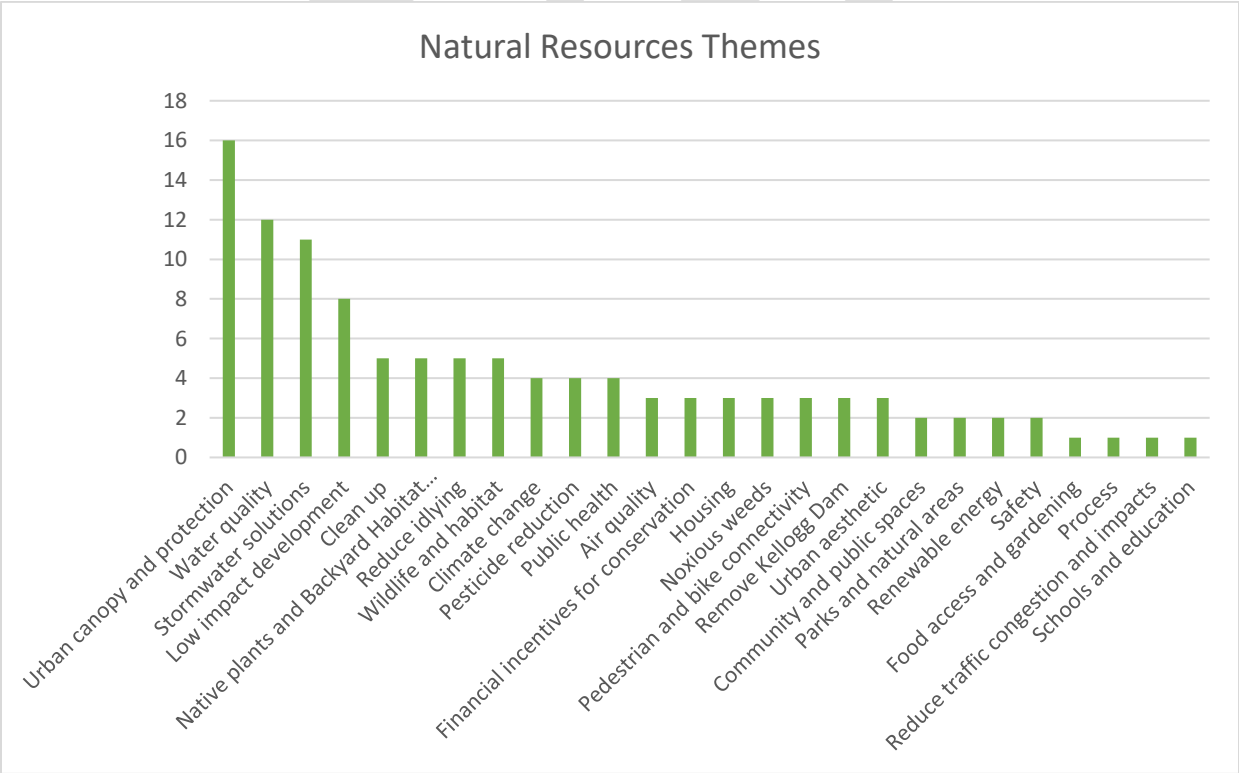


[Spanish-Language Focus Group Feedback:](#)

The discussion among the group focused on how stricter nuisance codes could help reduce pollutants while also benefiting the health and safety of local residents. For example, a stricter noise nuisance code could make construction less disruptive to nearby neighbors and result in lower levels of dust and contaminants affecting air quality and respiratory health.

[Open Ended Feedback Related to Natural Resources](#)

Survey feedback:



In the open-ended question on natural resources and environmental quality, respondents prioritized urban canopy and protection. Respondents expressed a desire for greater regulation and enforcement of tree codes. They also suggested planting trees, particularly native trees and climate-resilient trees. Respondents were also concerned about waterways with water quality and stormwater solutions. Respondents suggested restoring wetlands and local streams on private and public property. They expressed concern about developers impacting natural areas. They mentioned clear cutting on private property, burying streams, pesticide run off and building in flood plains as some of the impacts to environmental quality as the city grows.

Environmental Focus Group Feedback Related to Natural Resources

The environmental focus group included representatives from four organizations who gave feedback on draft policies on the Natural Resources and Environmental Quality chapter.

Key takeaways from this group's discussion included:

- Taking a forward-thinking approach to the policies that would help address changes that are likely to happen in the future such as the impacts of climate change and FEMA development regulations.
- Emphasizing green infrastructure over gray, or traditionally constructed, infrastructure. For example, creating swales versus installing additional pipelines, to increase capacity of stormwater management.
- Encouragement to include more ambitious language and goals knowing that the City of Milwaukie has been and can continue to be a leader in this space and help influence the policies of surrounding cities and counties.
- Ensuring that policies and subsequent codes are equitable and provide benefit to all residents, especially low-income and historically marginalized populations. Specific examples included equitable distribution of tree plantings on public land and ensuring that potential tree codes do not place additional financial burdens on low-income populations for things like assessments or pruning requirements.
- Involving environmental organizations to help broker and/or manage relationships with developers as early as possible in the development process.

Urban Design

Sustainable and Livable Development

[Survey feedback:](#)

Survey respondents' priorities for designing sustainable and livable developments

9. Do you support the following strategies aimed at designing future development and redevelopment in a more sustainable, livable manner? Please prioritize the following options with 1 being the most important and 5 being the least important:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Improve bicycle/pedestrian connections to transit, with a focus on how to make the last leg of trips (known as "last-mile connections") more efficient.	1		633	163
Encourage conversion of underutilized surface parking lots to parks or new development, especially with wider adoption of rideshare and autonomous vehicles	2		487	157
Increase requirements for plazas and other public amenities	3		475	156
Expand queuing/loading areas for rideshare and microtransit (shuttles and minibuses)	4		390	153
Reduce parking requirements	5		369	156

Lowest Rank Highest Rank

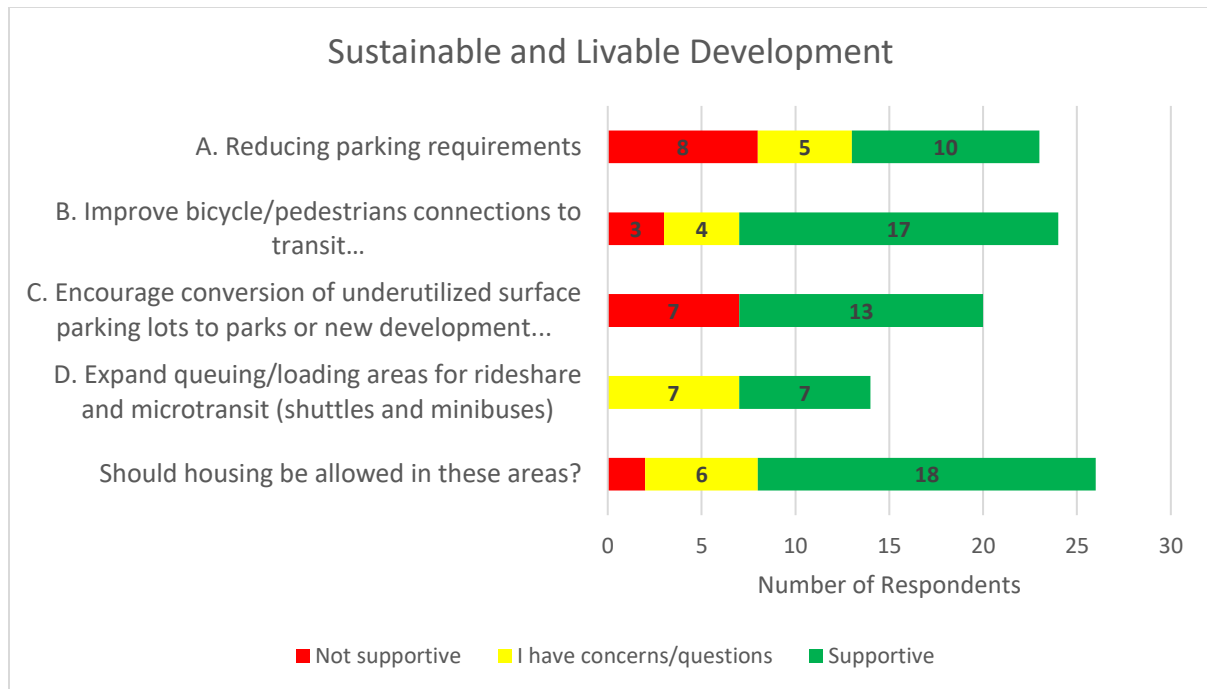
Survey respondents supported improving bicycle/pedestrian connections to transit, with a focus on how to make last mile connections more efficient. This strategy ranked substantially above other strategies.

Crosstab Comparisons:

There were no substantial differences in respondents' answers based on their age, the location of their residence, or their household income.

[Open House Feedback:](#)

Open house attendees had mixed opinions on the suggested strategies aimed at creating sustainable and livable development that did not necessarily match with the responses from the survey. Open house attendees were generally more supportive of reduced parking requirements and expanding loading areas for rideshare and microtransit than they were of encouraging the conversion of underutilized surface parking lots to parks or new development, while the reverse was true for survey respondents.



Spanish-Language Focus Group Feedback:

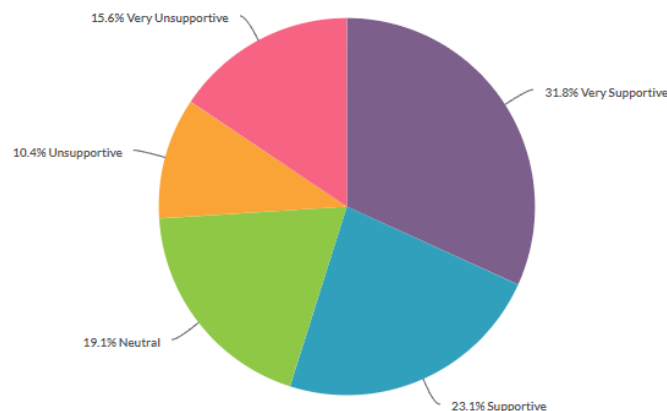
Like survey respondents, focus group participants prioritized improving bike/pedestrian connections to transit. They also supported increasing requirements for plazas and other public amenities with a specific note about adding more restrooms in public areas and parks.

Form-Based Development

Survey feedback:

Survey respondent support for form-based development codes (N=178)

10. A form-based development code relies more on regulating the physical form (height, setbacks, shape, square footage) of a structure and less on evaluating and separating specific land uses. For example, a triplex with three 800 sf units, a duplex with two 1,200 sf units, and a 2,400 sf single family home could all be permitted if they had the same general form and appearance. How supportive would you be of a form-based code?



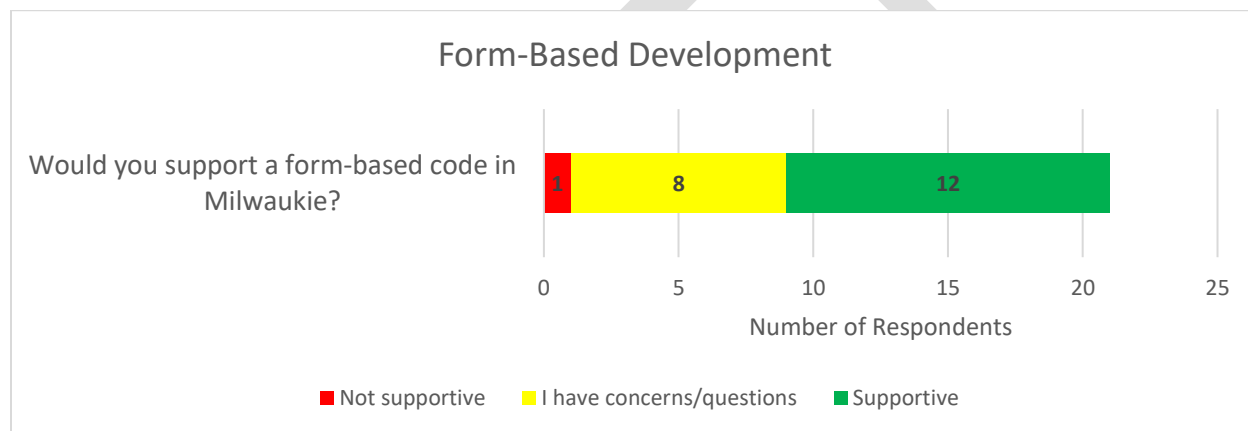
The majority of survey respondents (55%) are supportive or very supportive of form-based code while 26 percent are unsupportive or very unsupportive.

Crosstab Comparisons:

- Age – There were no substantial differences in respondents’ answers based on their age.
- Location of Residence – There were no substantial differences in respondents’ answers based on their location of residence.
- Income – Respondents with lower incomes were more likely to be “very unsupportive” of a form-based development code, but the same percentage of respondents were either “very unsupportive” or “unsupportive” of a form-based development code regardless of income.

[Open House Feedback:](#)

Open house attendees were more supportive of a form-based development code than survey respondents.



[Spanish-Language Focus Group Feedback:](#)

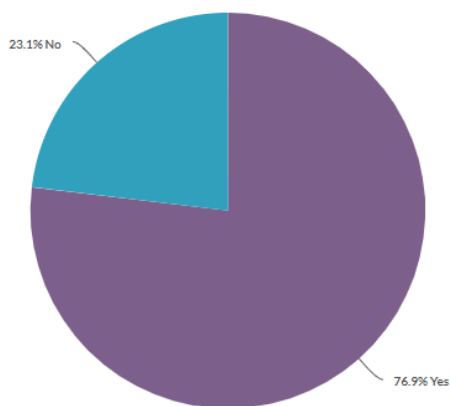
Participants had mixed feelings about a form-based code and asked a lot of clarifying questions. Many participants noted that the concept was somewhat confusing. Those who supported it did so on the understanding that this strategy would allow for more ADUs or duplexes to help address housing needs in Milwaukie.

Housing in Commercial Areas

Survey feedback:

Survey respondents' support for housing in commercial areas

11. The City has existing commercial areas (most notably the Milwaukie Marketplace) where housing is not currently permitted. Should housing be allowed in these areas?



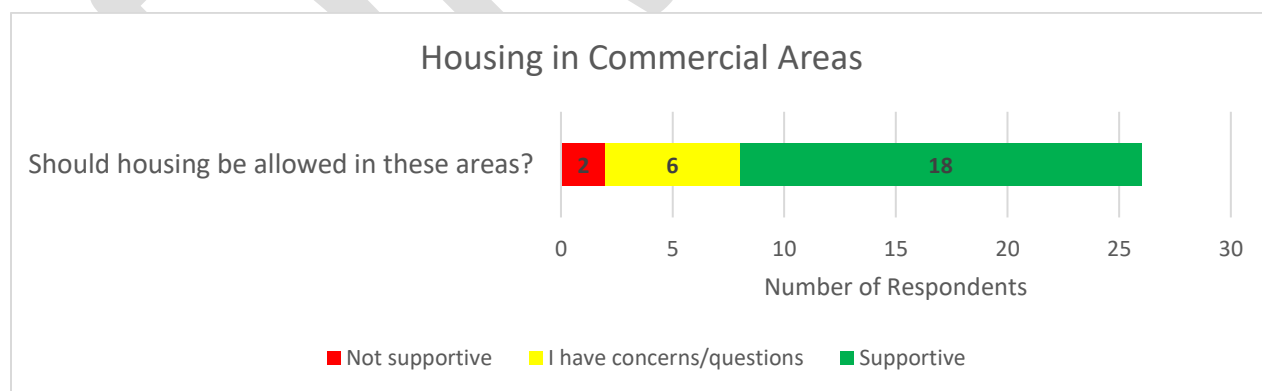
The majority of survey respondents (77%) support allowing housing in commercial areas while 22% oppose this change.

Crosstab Comparisons:

There were no substantial differences in respondents' answers based on their age, the location of their residence, or their household income.

Open House Feedback:

In general, open house attendees were more supportive of allowing housing in commercial areas where it is not currently allowed than survey respondents.

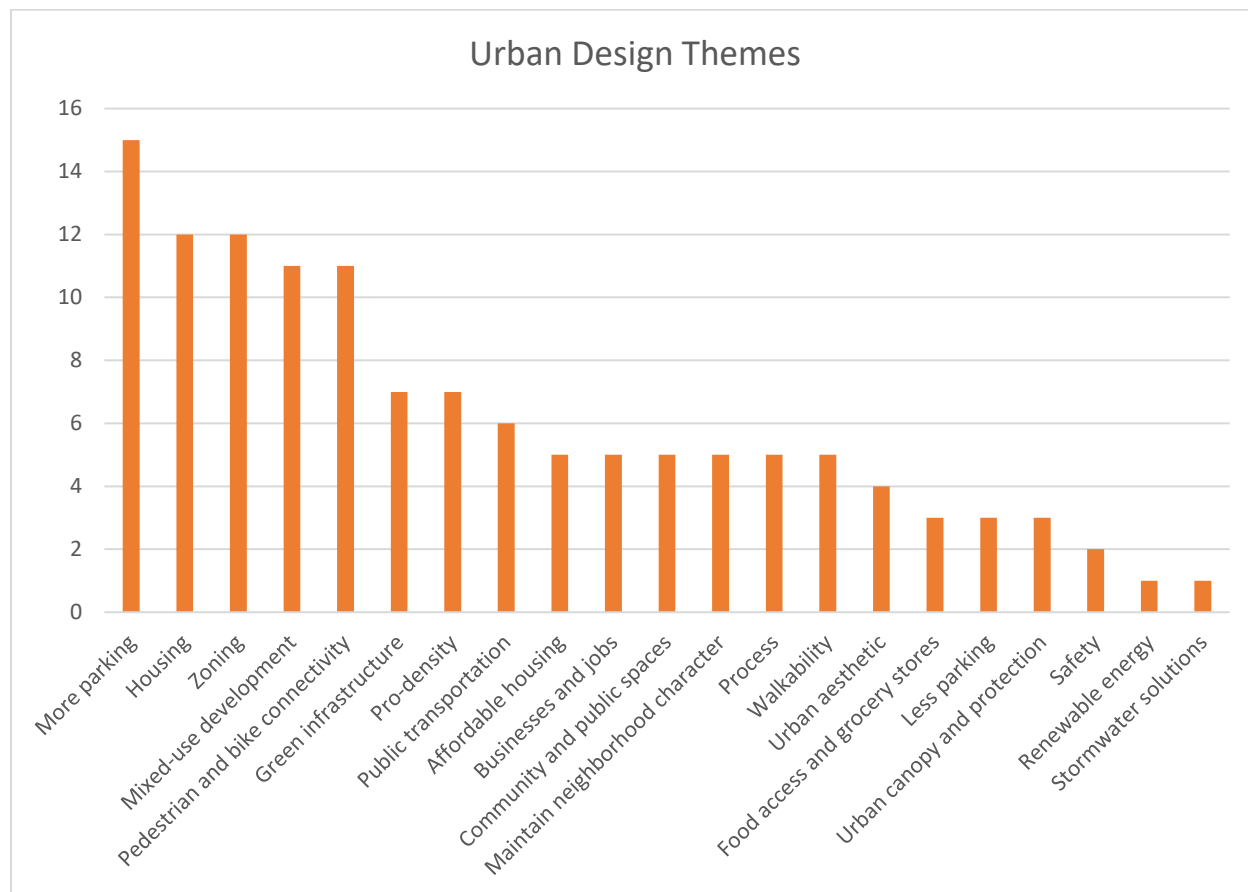


Spanish-Language Focus Group Feedback:

Participants were generally in support of allowing for housing in commercial areas. Several people noted that this was a recurring theme during the Housing Block conversations as well. Participants also spoke about a connection between housing in commercial areas and increased use of bikes and public transit.

Open Ended Feedback Related to Urban Design

Survey feedback:



The most common theme in answers to the open-ended survey question on urban design was a desire for more parking. Respondents suggested a desire for more downtown parking, underground parking, paid and timed parking and parking tied to development. In addition to more parking, comments about housing and zoning were common. A number of respondents wanted more dense housing with more diverse housing forms such as ADUs, tiny homes and housing coupled with commercial areas. Mixed-use housing and affordable housing were popular themes. Respondents were also concerned about transportation and the environment. Public transportation and pedestrian and bike connectivity were common themes. Additionally, green infrastructure was mentioned regularly.

Conclusion and next steps

City planning staff and the CPAC will finalize policies related to the Block 3 topic areas. Policies from the three Blocks as well as Housing will be compiled into the draft Comprehensive Plan to be considered by the Planning Commission and City Council.

Throughout the process to update the Comprehensive Plan, the City has seen high levels of participation and engagement with local residents. Residents have consistently expressed interest in continued involvement in city planning and implementation processes as well as educational programs to help residents fully utilize the resources provided by the City. Milwaukie also has the opportunity to continue

outreach to minority and underserved populations through methods such as the Spanish-language focus groups and live interpretation services. These efforts are appreciated by all and remove barriers to engagement for the benefit of all Milwaukie residents.

DRAFT

Appendix I: Crosstab Comparison Data

This appendix includes charts and graphs for crosstab comparisons where a substantial difference in opinion was seen based on respondents age, location of residence, or income.

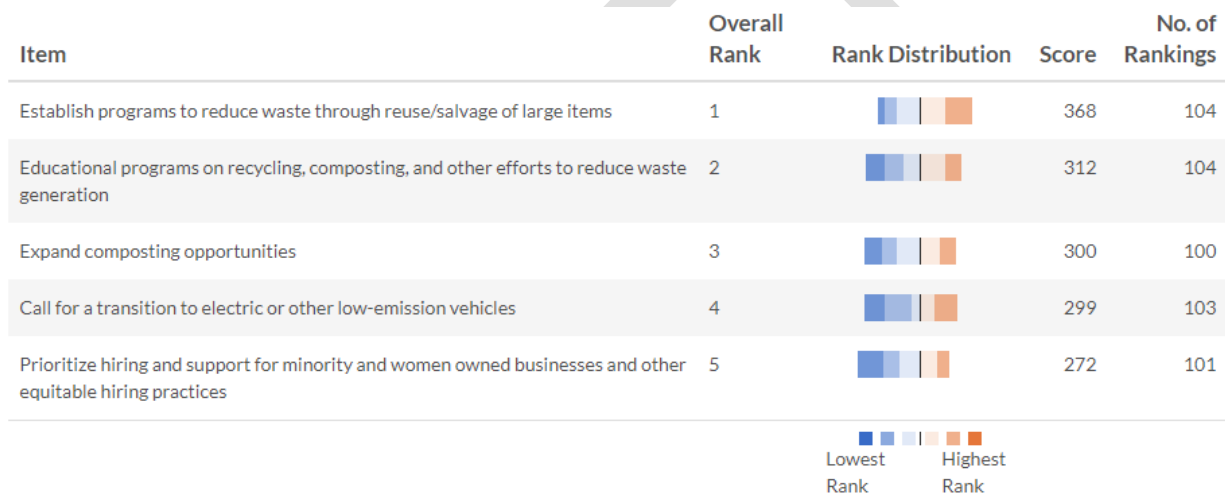
Public Facilities

Franchise Agreements

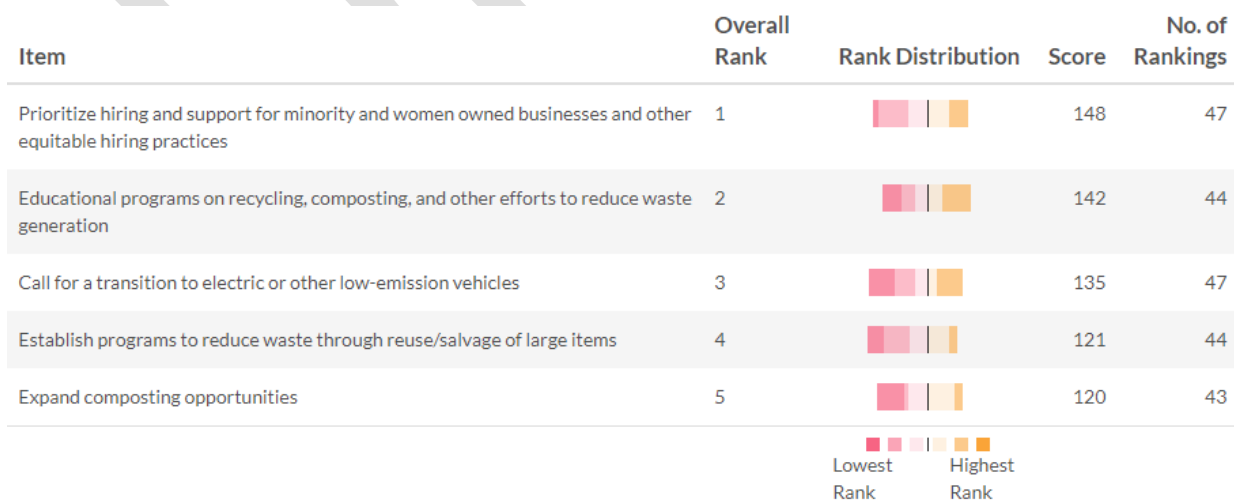
Question: The City uses franchise agreements with private providers for the collection of garbage, recycling, and yard/food waste. What types of items might be included in franchise agreements to help reflect community priorities?

Age

Older Respondents:



Younger Respondents:



Income

Respondents with higher incomes:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Establish programs to reduce waste through reuse/salvage of large items	1		366	110
Educational programs on recycling, composting, and other efforts to reduce waste generation	2		345	111
Expand composting opportunities	3		321	108
Call for a transition to electric or other low-emission vehicles	4		308	108
Prioritize hiring and support for minority and women owned businesses and other equitable hiring practices	5		302	108

Lowest Rank Highest Rank

Respondents with lower incomes:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Establish programs to reduce waste through reuse/salvage of large items	1		99	29
Prioritize hiring and support for minority and women owned businesses and other equitable hiring practices	2		91	32
Educational programs on recycling, composting, and other efforts to reduce waste generation	3		89	27
Call for a transition to electric or other low-emission vehicles	4		81	32
Expand composting opportunities	5		72	25

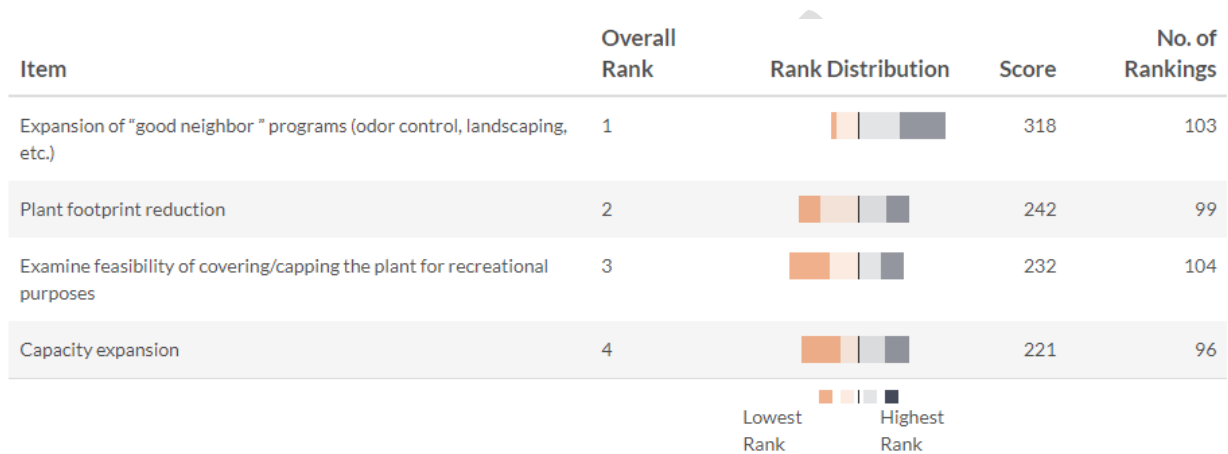
Lowest Rank Highest Rank

Kellogg Wastewater Treatment Plant

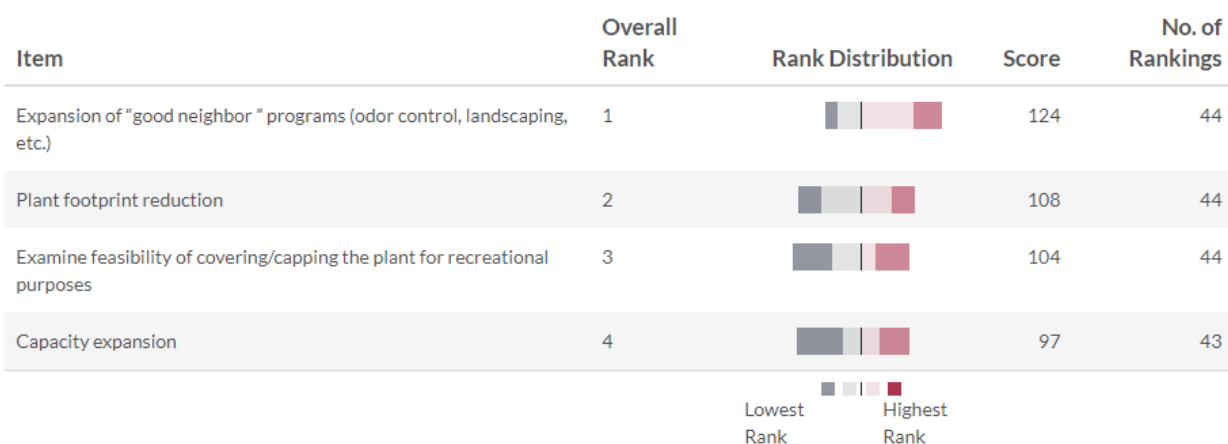
Question: The existing Comprehensive Plan calls for the City to “use best efforts to decommission or downsize the Kellogg Wastewater Treatment Plant” and “transition... to some other sewage treatment facility.” The City is considering revising this policy language to instead call for the continued use and improvement of the current plant. How would you prioritize the following improvements?

Age

Older respondents:



Younger respondents:

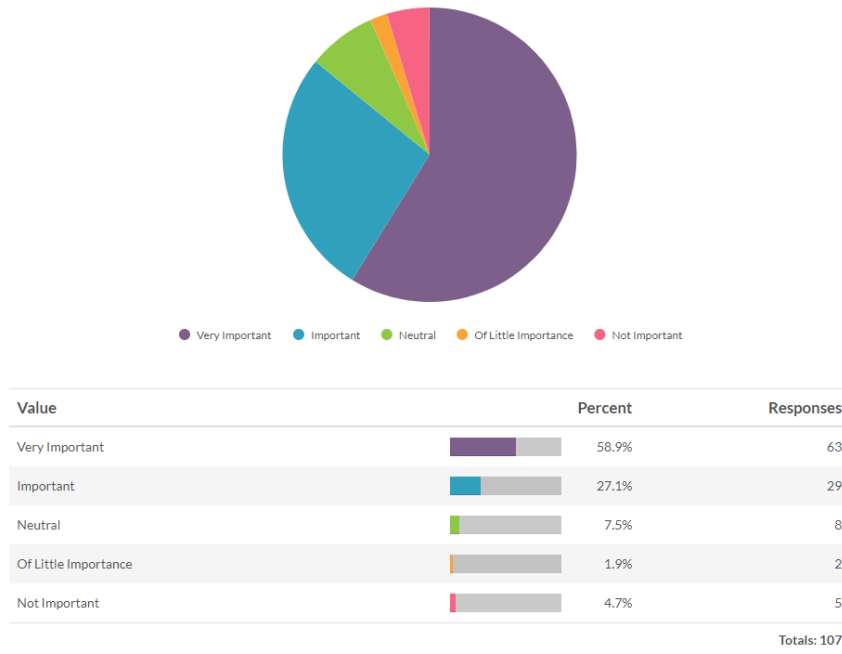


Natural Resources and Environmental Quality

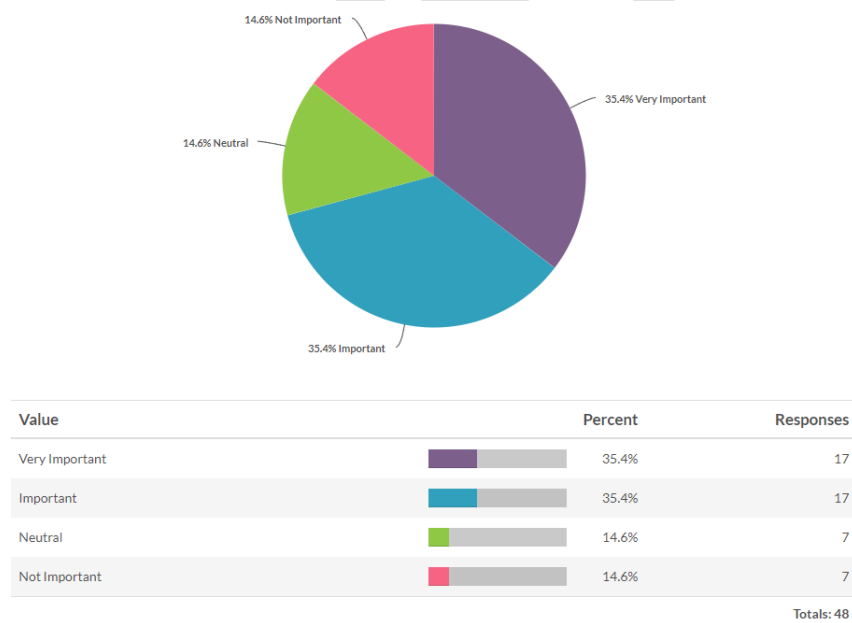
Removal of Kellogg Dam

Age

Older Respondents:

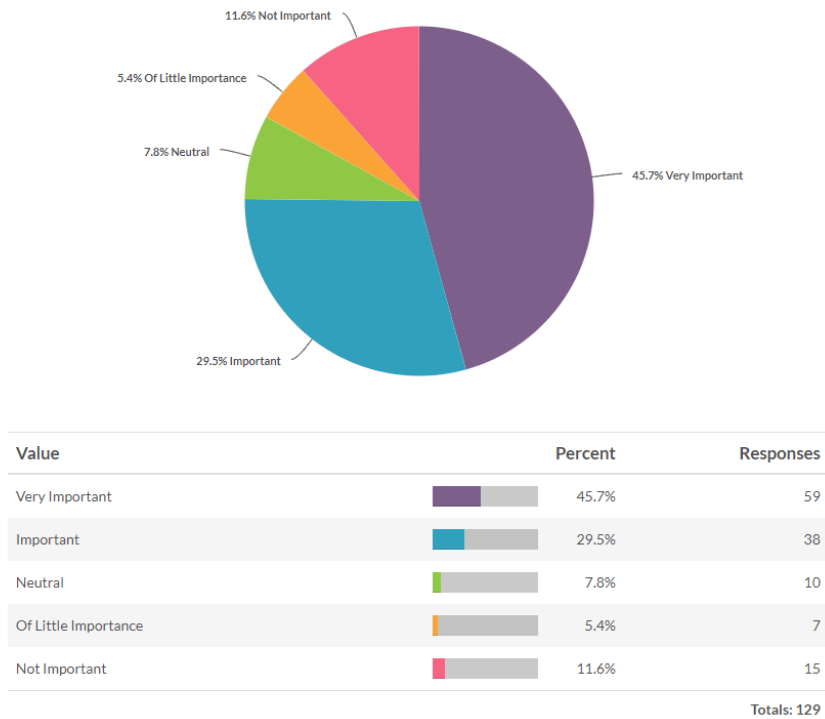


Younger Respondents:

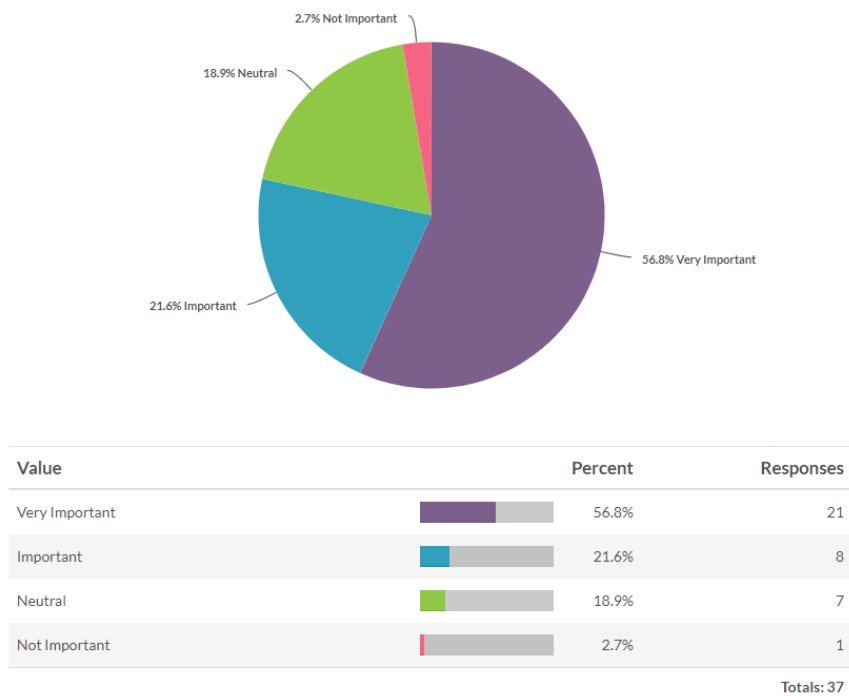


Location

Resides in Milwaukie:

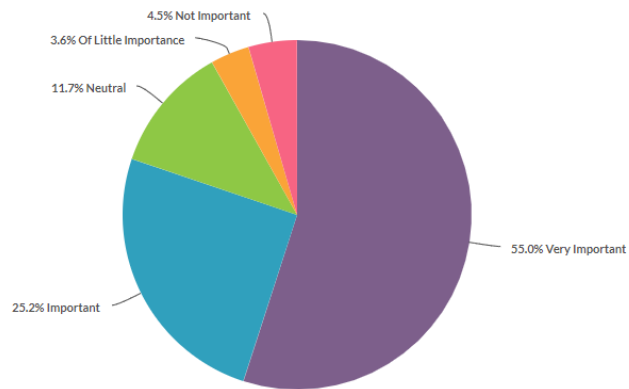


Resides outside of Milwaukie:



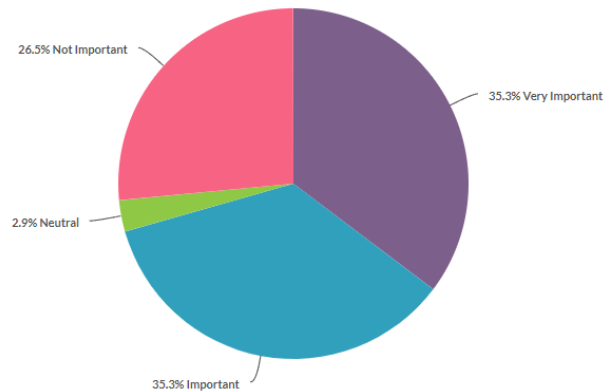
Income

Respondents with higher incomes:



Value	Percent	Responses
Very Important	55.0%	61
Important	25.2%	28
Neutral	11.7%	13
Of Little Importance	3.6%	4
Not Important	4.5%	5
Totals: 111		

Respondents with lower incomes:



Value	Percent	Responses
Very Important	35.3%	12
Important	35.3%	12
Neutral	2.9%	1
Not Important	26.5%	9
Totals: 34		

Regulating Air and Water Quality

Income

Respondents with higher incomes:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Help facilitate/develop/broker good neighbor agreements between residents and nearby businesses	1		217	106
Coordinate with local organizations to expand monitoring of air and water quality	2		216	107
Adopt stricter nuisance codes	3		211	109

Lowest Rank Highest Rank

Respondents with lower incomes:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Coordinate with local organizations to expand monitoring of air and water quality	1		62	27
Adopt stricter nuisance codes	2		56	32
Help facilitate/develop/broker good neighbor agreements between residents and nearby businesses	3		46	25

Lowest Rank Highest Rank

Location

Resides in Milwaukie:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Adopt stricter nuisance codes	1		240	124
Coordinate with local organizations to expand monitoring of air and water quality	2		237	118
Help facilitate/develop/broker good neighbor agreements between residents and nearby businesses	3		236	116

Lowest Rank Highest Rank

Resides outside of Milwaukie:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Coordinate with local organizations to expand monitoring of air and water quality	1		85	36
Help facilitate/develop/broker good neighbor agreements between residents and nearby businesses	2		67	35
Adopt stricter nuisance codes	3		63	36

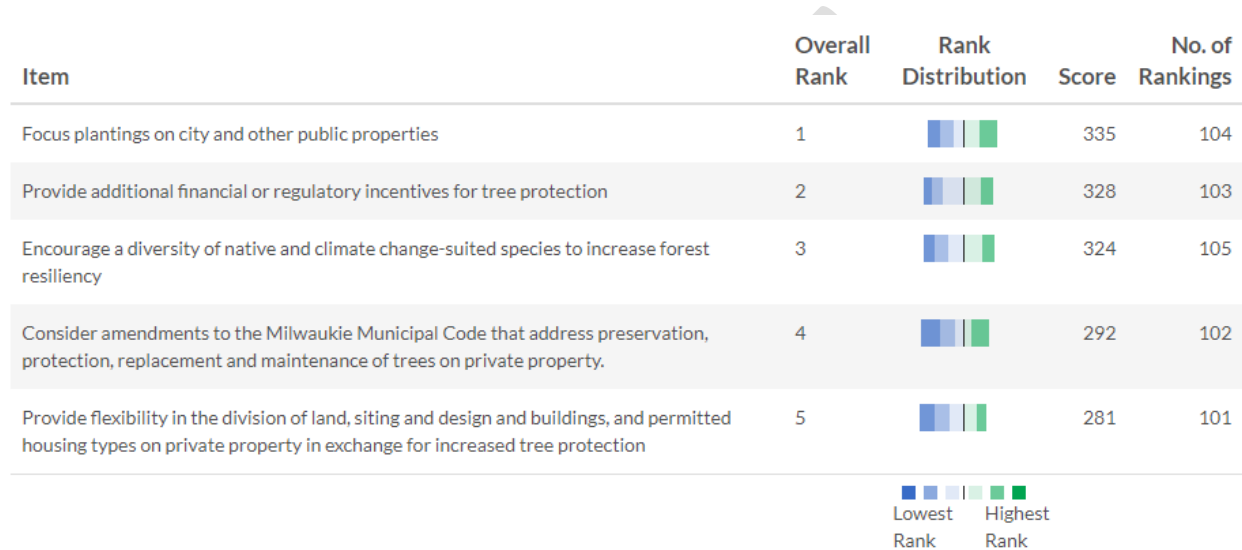
Lowest Rank Highest Rank

Tree Canopy Goal

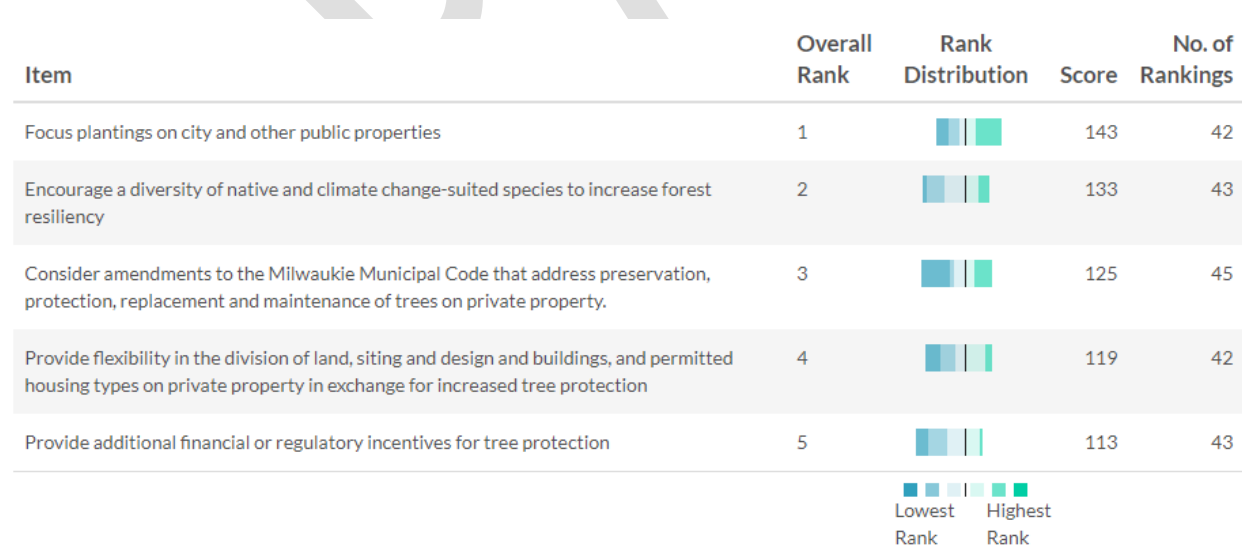
Question: The City is proposing to include a new Comprehensive Plan policy that “supports achievement of the City’s goal of creating a 40% tree canopy by 2040,” a goal which was adopted by the City Council through the Climate Action Plan and Urban Forest Management Plan. Which of the following strategies would you support to help the City achieve the 40% tree canopy target?

Age

Older respondents:



Younger respondents:



Location of Residence

Resides in Milwaukie:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Focus plantings on city and other public properties	1		409	117
Provide additional financial or regulatory incentives for tree protection	2		361	120
Encourage a diversity of native and climate change-suited species to increase forest resiliency	3		359	119
Provide flexibility in the division of land, siting and design and buildings, and permitted housing types on private property in exchange for increased tree protection	4		336	117
Consider amendments to the Milwaukie Municipal Code that address preservation, protection, replacement and maintenance of trees on private property.	5		318	121

Lowest Rank Highest Rank

Resides outside of Milwaukie:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Encourage a diversity of native and climate change-suited species to increase forest resiliency	1		127	38
Consider amendments to the Milwaukie Municipal Code that address preservation, protection, replacement and maintenance of trees on private property.	2		113	36
Provide additional financial or regulatory incentives for tree protection	3		108	36
Focus plantings on city and other public properties	4		105	37
Provide flexibility in the division of land, siting and design and buildings, and permitted housing types on private property in exchange for increased tree protection	5		101	37

Lowest Rank Highest Rank

Income

Respondents with higher incomes:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Focus plantings on city and other public properties	1		358	108
Encourage a diversity of native and climate change-suited species to increase forest resiliency	2		339	110
Provide additional financial or regulatory incentives for tree protection	3		326	108
Consider amendments to the Milwaukie Municipal Code that address preservation, protection, replacement and maintenance of trees on private property.	4		306	106
Provide flexibility in the division of land, siting and design and buildings, and permitted housing types on private property in exchange for increased tree protection	5		295	106


 Lowest Rank Highest Rank

Respondents with lower income:

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Focus plantings on city and other public properties	1		92	27
Encourage a diversity of native and climate change-suited species to increase forest resiliency	2		90	28
Provide flexibility in the division of land, siting and design and buildings, and permitted housing types on private property in exchange for increased tree protection	3		87	28
Provide additional financial or regulatory incentives for tree protection	4		77	28
Consider amendments to the Milwaukie Municipal Code that address preservation, protection, replacement and maintenance of trees on private property.	5		73	32

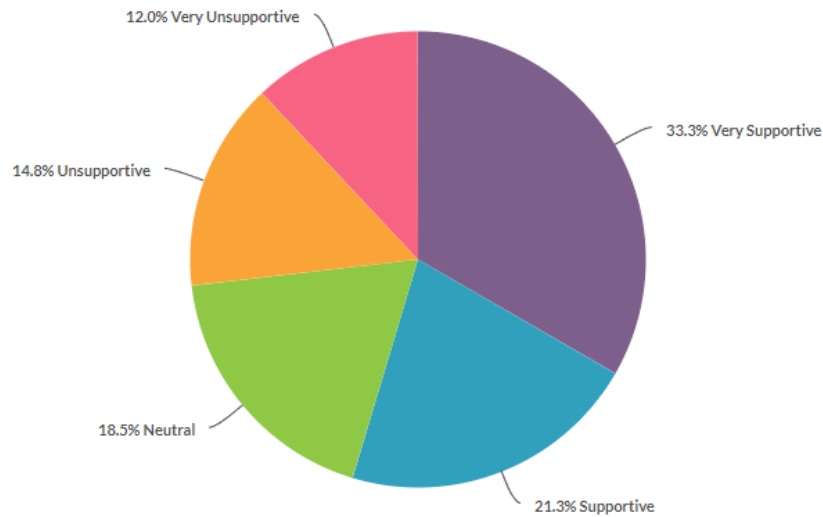

 Lowest Rank Highest Rank

Urban Design

Form Based Development

Income

Respondents with higher incomes:

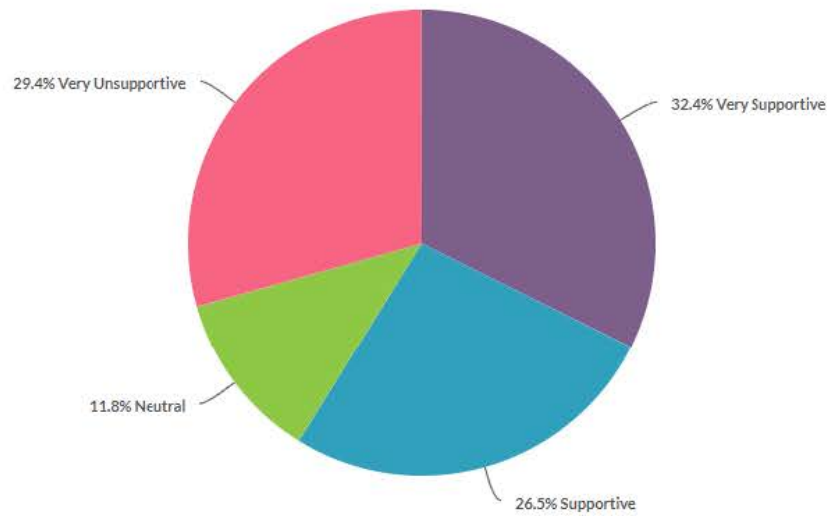


Value		Percent	Responses
Very Supportive		33.3%	36
Supportive		21.3%	23
Neutral		18.5%	20
Unsupportive		14.8%	16
Very Unsupportive		12.0%	13

Totals: 108



Respondents with lower incomes:



Value		Percent	Responses
Very Supportive		32.4%	11
Supportive		26.5%	9
Neutral		11.8%	4
Very Unsupportive		29.4%	10

Totals: 34

RS 6. B.

8/20/19

Presentation



“Pinning Down” Block 3 Goals and Policies for Comprehensive Plan

City Council

David Levitan, Senior Planner

August 20, 2019

Block 3 Basics

- 4 topic areas in Block 3
 - Public Facilities
 - Natural Resources
 - Environmental Quality
 - Urban Design
- Urban Design policies not included in tonight's resolution; CPAC and PC will be reviewing in coming weeks



Process and Community Engagement

- 4 CPAC meetings
- July 15 Open House (~60 attendees)
- Online Survey (~200 responses)
- Focus groups with stakeholders from Latinx and environmental communities
- PC and CC work sessions



Updates since August 6 work session

- Reviewed Block 3 policies with PC on August 13; minor edits incorporated into updated policies
- Scheduled dates with PC and CPAC to review urban design policies



Requested Council Action

- Adopt a resolution “pinning down” the proposed Block 3 goals and policies
- There will be an opportunity to further refine policies during “synthesis” stage later this fall



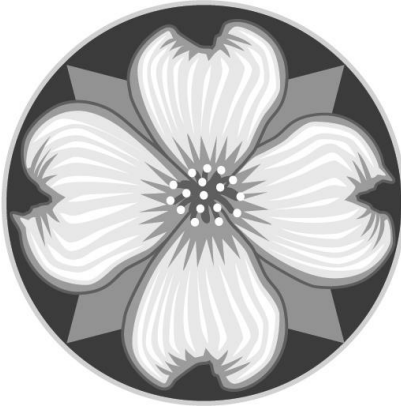
Questions for Council

- Is the Council ready to adopt a resolution “pinning down” Block 3 goals and policies?
- Are there goals or policies that need to be further refined?



Questions?





RS Agenda Item

7

Information



Mayor's Announcements – August 20, 2019

- **Lewelling Concert in the Park (Norman Sylvester)** – Wed., Aug. 21 (6:30 PM)
 - Ball-Michel Park, 9781 SE Stanley Ave.
- **Ardenwald-JC Concert in the Park (Lincolns Beard)** – Thu., Aug. 22 (7 PM)
 - Ardenwald Park, 3667 SE Roswell St.
- **Lewelling Concert in the Park (Lucky Beaucoup Band)** – Wed., Aug. 28 (6:30 PM)
 - Ball-Michel Park, 9781 SE Stanley Ave.
- **Ardenwald-JC Concert in the Park (Inner Limits Band)** – Thu., Aug. 29 (7 PM)
 - Ardenwald Park, 3667 SE Roswell St.
- **Ice Cream Social & Beach Bum Day** – Tue., Aug. 27 (12:30 – 1:30 PM)
 - Milwaukie Center, 5440 SE Kellogg Creek Dr.
- **Labor Day – City Offices and Library Closed** – Mon., Sep. 2
- **First Friday** – Fri., Sep. 6 (5 – 9 PM)
 - Downtown Milwaukie
- **On Tap & Uncorked** – Sat., Sep. 7 (1 – 9 PM)
 - North Clackamas Park, 5440 SE Kellogg Creek Dr.
- **North Clackamas Watersheds Cleanup** – Sat., Sep. 14 (8:30 AM – 1:30 PM)
 - Volunteers will meet at North Clackamas Park, 5440 SE Kellogg Creek Dr.
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV**