



Work Session

WS

Milwaukie City Council

COUNCIL WORK SESSION

Zoom Video Conference
www.milwaukieoregon.gov

REVISED AGENDA**DECEMBER 15, 2020****(Revised December 11, 2020)**

Video Meeting: due to the governor's "Stay Home, Stay Healthy" order, the City Council will hold this meeting through Zoom video meetings. The public is invited to watch live on the [city's YouTube channel](#), Comcast Cable channel 30 in city limits, or by joining the Zoom webinar (visit <https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-268> for details).

Written comments may be submitted by email to ocr@milwaukieoregon.gov. Council may take limited verbal comments. **To speak during the meeting**, see the Zoom webinar login information (see meeting page link above).

Note: agenda item times are estimates and are subject to change.

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|--|-----------|
| 1. Temporary Housing Code - Discussion (4:00 p.m.)
Staff: Vera Kolias, Senior Planner | 7 |
| 2. Business Relief Fund - Update (4:30 p.m.)
Staff: Leila Aman, Community Development Director, and
Alison Wicks, Development Project Manager | 14 |
| 3. Public Safety Advisory Committee (PSAC) - Annual Update (5:00 p.m.)
Staff: Jennifer Backhaus, Engineering Technician | 17 |
| 4. Adjourn (5:30 p.m.) | |

Executive Session

Upon adjournment of the work session, Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. (Added December 11, 2020)

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's YouTube channel](#) and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el [canal de YouTube de la ciudad](#) y el Canal 30 de Comcast dentro de los límites de la ciudad.

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



COUNCIL WORK SESSION

Zoom Video Conference
www.milwaukieoregon.gov

MINUTES

DECEMBER 15, 2020

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

Staff Present: Assistant City Manager Kelly Brooks
City Attorney Justin Gericke
City Manager Ann Ober
City Recorder Scott Stauffer
Climate Action & Sustainability Coordinator
Natalie Rogers
Community Development Director Leila Aman

Development Project Manager Alison Wicks
Engineering Director Steve Adams
Engineering Technician Jennifer Backhaus
Planning Manager Laura Weigel
Public Works Director Peter Passarelli
Senior Planner Vera Kolas

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

1. Temporary Housing Code - Discussion

Ms. Kolas explained that the proposed Milwaukie Municipal Code (MMC) amendments had two phases: to formalize a process for temporary emergency shelters for extreme cold, extreme heat, or hazardous air quality events, and to focus on permanent and semi-permanent transitional housing. She explained that the MMC did not allow for temporary housing to be an allowed use for a temporary use permit.

Ms. Kolas reported that Clackamas County and the City of Oregon City had joint policies with Clackamas Fire District #1 (CFD1) for buildings not normally designed as a shelter to be used as a temporary emergency shelter. The partnership outlined clear and consistent standards and Milwaukie's proposed MMC amendments would be subject to a similar policy and partnership. She also reported that the temporary use permit would be limited to no more than 90 days in any 12-month period, with one 30-day extension permitted. She explained that the Planning Commission had recommended approval of the proposed code language and Council had an opportunity to make changes before a public hearing in January.

Councilor Hyzy noted that the Environmental Protection Agency (EPA) was conducting a workshop for extreme heat and hazardous smoke events. She wondered if results from that workshop may help inform the code amendments.

Councilor Batey suggested the COVID-19 portion of the joint policy with CFD1 was temporary and hoped the policy would be written in a way that the policy would not have to be re-written when COVID-19 was no longer an issue. She observed that the beginning of the policy document was Milwaukie-centric while the end of the document seemed more generic, so she suggested making changes to match the beginning.

Mayor Gamba agreed with Councilor Batey's suggestions on the policy wording related to COVID-19. He pushed back on the 90-day limit on temporary use permits for emergency shelters because he believed the climate was going to get more extreme.

Mayor Gamba had concerns with the policy's sleeping area requirements in buildings without fire sprinklers. He noted the policy did not consider cases such as daylight basements where there was easy outside access. He observed that the tightness of a

fire sprinkler rule that intended to keep people safe could result in people being left outside where they may be subject to injury or death due to hazardous conditions. He wondered if the city could have a conversation with CFD1 about the rule.

Councilor Batey understood that there were separate winter and summer seasonal permits and asked if it made more sense to have one permit that would cover all three situations and last longer than 90 days. **Ms. Aman** explained that the building code set the length and noted CFD1 and other jurisdictions had vetted the policy over multiple years. She understood the guidance was based on building safety and best practice and noted the 30-day extension had been agreed upon by building officials. She clarified that the shelters were not intended to be permanent and that the city was relying on the fire district's and building official's interpretation of the code.

Council President Falconer noted that the time limits section of the joint policy included the phrase "or as approved by the local authority having jurisdiction," which would be the city. The group discussed who would have jurisdiction and noted the importance of clarifying the policy. **Ms. Aman** noted that the city issued the temporary event permits.

Ms. Ober explained how the city addressed temporary shelter requests from the county. She noted that the second phase of this discussion would include how to make more shelters available for longer.

2. Business Relief Fund – Update

Ms. Aman thanked Ms. Wicks for her involvement in leading the program. **Ms. Wicks** provided an overview of the Business Relief Fund and reported that three rounds of funding had resulted in a total of \$252,257 being distributed to support Milwaukie businesses. She noted the eligibility requirements, the city's promotional efforts, and fund amounts awarded for each round.

Ms. Wicks provided results from a survey of award recipients, noting what the funds were used for and how the businesses had adjusted since the pandemic started. She also provided quotes from businesses about how helpful the grant program was. She thanked city staff involved in the creation and execution of the program.

Ms. Wicks explained that staff would continue tracking federal, state, and county relief programs and noted business resources that the county had available. She remarked that the city would continue to track how the temporary outdoor seating program was going and explore limiting third-party fees. She explained that some cities had placed limits on third party fees that can be charged for food delivery or pickup. She noted proposed state legislation on limits on third party fees.

Councilor Batey asked about the third-party food delivery service fees and **Ms. Wicks** clarified that pickup orders included a fee for the restaurant if someone ordered through a third-party app and picked it up themselves. **Councilor Batey** hoped the state would pass a fee cap. She also saw an opportunity for Milwaukie businesses to collaborate in a delivery service. The group discussed the logistics of developing a local food delivery system. **Ms. Wicks** reported there was a local delivery service out of Oregon City called Food On Demand.

Mayor Gamba thanked staff for their work on the Business Relief Fund. **Councilor Hyzy** agreed and pointed out that every business that applied in the third round received funds. **Ms. Wicks** confirmed the city would continue to promote available relief

fund opportunities. She noted the city would also do follow-up with businesses to connect them with additional resources.

3. Public Safety Advisory Committee (PSAC) – Annual Update

Ms. Backhaus provided an overview of the committee and reported it had been able to meet virtually. She reported on PSAC's collaboration with the city manager's office and Bike Milwaukie to supply neighbors with "slow" signs to promote safe driving through neighborhoods. She reported that Rob Reynolds had been elected PSAC Chair.

Mr. Reynolds explained that PSAC's workplan had a focus on disaster preparedness and noted their partnership with the Community Emergency Response Team (CERT). He also thanked the city's emergency management coordinator for her assistance.

Mr. Reynolds reported that the school engagement aspect of the Safe Routes to Schools (SRTS) program had been on hold due to COVID-19. PSAC hoped to reconnect with schools and students about how to walk and bike safely. **Council President Falconer** observed that Linwood Elementary School had an action plan and asked about the other schools. **Ms. Backhaus** did not have a recent update and noted that PSAC would follow up.

Councilor Batey noted that one of her Council committee assignments was to the Regional Water Providers Consortium who had a lot of emergency preparedness resources on their website. She also noted that there was a mobile water purification trailer. **Mr. Passarelli** clarified that the city's water department had completed the training required to operate the trailer. He noted the logistics of distributing emergency water and the group discussed how CERT and PSAC could observe a trailer training drill.

Councilor Hyzy understood PSAC was also planning to identify additional emergency shelters and suggested they note that in their workplan. She asked about the role of the neighborhood district association (NDA) representatives on PSAC and **Ms. Backhaus** confirmed that every PSAC agenda had an opportunity to discuss NDA concerns.

Councilor Hyzy was curious why PSAC's workplan included alternative street design standards and Transportation Systems Plan (TSP) updates because she understood the city would not get to the TSP for a couple years. **Mr. Reynolds** noted that NDAs had brought safety concerns to PSAC about the designs of the Home Avenue sidewalks and the Monroe Street Neighborhood Greenway. He observed that the projects were in the design phase and encouraged people to not be over-anxious about the specifics. PSAC was keeping it on their work plan because they wanted to be involved in the safety design and make sure residents were being heard.

Mr. Adams noted when and how the city's work on the TSP would start. He discussed the city's outreach plans to the NDAs, businesses, and all community members. He and **Ms. Brooks** discussed upcoming funding for the TSP and how requested needs would be discussed to prioritize and award resources to projects. **Mr. Adams** confirmed that the city would share the Monroe Greenway design plans with the NDAs and community.

Ms. Ober added that staff had been working on expanding public outreach and engagement efforts on large projects that affect multiple neighborhoods, such as the Monroe Greenway.

4. Adjourn

Mayor Gamba announced that after the work session Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Mayor Gamba adjourned the meeting at 5:12 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Amy Aschenbrenner", written in black ink.

Amy Aschenbrenner, Administrative Specialist II



CITY OF MILWAUKIE

Memorandum

To: City Council

From: Leila Aman, Community Development Director

CC: Ann Ober, City Manager

Date: December 10, 2020

Re: Community Development Department Projects – City Council Update for
December 15, 2020 Council meeting

Community Development/Economic Development/Housing	Planning	Building
<ul style="list-style-type: none">▪ Covid-19-Related Business Relief▪ ADU SDC Waiver▪ Housing Emergency and Renter Protections▪ Rent Relief▪ City Hall Blue Ribbon Committee	<ul style="list-style-type: none">▪ Comprehensive Plan Update▪ Comprehensive Plan Implementation▪ Planning Commission▪ Design and Landmarks Committee▪ Land Use/Development Review	<ul style="list-style-type: none">▪ Nov 2020 in review to come

COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/HOUSING

COVID-19 Related Business Relief

- Applications have closed for Round 3 of the Business Relief Fund (BRF) and all grants were disbursed to businesses by the second week of December. 25 businesses were awarded a total of \$85,257 for this final round. The total BRF awards result in \$252,000 of funds for our local businesses. A survey is being sent out to all grant recipients from Rounds 1-3 to provide feedback about the impact of the BRF and how the city can assist Milwaukie businesses in the future.
- In response to City Council public comment received on December 1 and overall concerns from Milwaukie food establishments being ordered to limit their services and relying on third-party, app based delivery platforms, staff are researching what Portland and Gresham have done and are discussing options.

ADU SDC Waiver

- Council received an update on November 17 for a full update on the program. To date 10 applicants have completed waiver forms and are in line for the program that is scheduled to end on June 30, 2020. Of these 10, one has received final approval, three have ready to issue or picked up building permits, one is pending department review of eligible waived frontage improvements, three are pending building permit review, one is pending completion of a

building permit submittal and one is awaiting land use approval. Staff are maintaining a waitlist for others interested, or for learning more about potential future funding or other ADU development updates. More details about that program, and who to contact to place a name and address on the waitlist, can be found here: <https://www.milwaukieoregon.gov/housingaffordability/adu-waiver-pilot-program>

Housing Emergency and Renter Protections

- City Council renewed the housing emergency and renter protections for an additional six months. Staff plan to return to a City Council work session in March to discuss whether to maintain permanent protections.

Rent Relief

- As of November 24, there were 19 households that received rental assistance or that were in process of receiving a rental assistance grant from the City. These 19 relief grants account for \$24,467 of the \$25,000. The city partnered with Northwest Housing Alternatives to administer \$25,000 for Round 1 of emergency rent relief allocated by Milwaukie's City Council to assist households financially impacted by COVID-19. The city and NHA are now finalizing a contract for a Round 2 of \$25,000 in rent assistance, to begin disbursed this month.

City Hall Blue Ribbon Committee

- The City Hall Open House is live on the Engage Milwaukie platform, <https://engage.milwaukieoregon.gov/>. Staff are asking the Milwaukie community to weigh in on what is next for the City Hall building through December 18, 2020. The Open House will gather information about community values and priorities for a new use at City Hall. The City Hall Blue Ribbon Committee will use information gathered at the Open House to create draft goals to recommend to City Council.

PLANNING

Comprehensive Plan Implementation

- The next CPIC meeting will be held on December 17. It will be a joint meeting with the Design and Landmarks Committee and the Tree Board. The main topics for discussion are:
 - a summary of the results and findings from the first public engagement event;
 - a discussion about form-based code;
 - a discussion about clear and objective standards vs discretionary standards;
 - an interactive exercise to discuss in small facilitated breakout groups various approaches to the code amendments in the form of code concepts; and
 - more detailed findings from the code audit.

Although the survey closed on November 29, the virtual open house will still be available on the city's interactive engagement website: engage.milwaukieoregon.gov. Staff will continue to update the interactive project webpage that provides general information about the project, the overall schedule, and links to various related documents and other background information.

Planning Commission

- PD-2020-001 – The Planning Commission will hold a continued public hearing on December 8 for the application for a Planned Development at Waverly Woods. The proposal is for the phased development of four apartment buildings, a community center with a swimming pool, and a community room totaling 100 dwelling units. The public hearing with the Planning Commission was continued to December 8.

- ZA-2020-001 – Community Development and Planning staff are proposing a set of code amendments related to Milwaukie Municipal Code (MMC) Chapter 11.05 Temporary Uses, Permits, and Regulations. Staff is proposing a few strategic code fixes to provide language that defines indoor temporary emergency housing as an allowed use for a temporary use permit. Staff believe this will both clarify and simplify the process for both applicants and staff administering the permits allowing staff to respond quickly in the event of an emergency, such as weather-related events. A work session with the Planning Commission was held on November 10; a work session with the City Council has been scheduled for December 15. The Planning Commission held a public hearing on the proposed code amendments on December 8; the City Council public hearing is scheduled for January 19, 2021.
- VR-2020-004, ADU-2020-005 – The Planning Commission held a public hearing on November 10 for the application for a variance to the ADU building footprint standard. The proposal was to convert 200 sq ft of an existing accessory into an ADU. The existing structure has a footprint of 840 sq ft where the maximum for a structure with an ADU is 800 sq ft. The Planning Commission approved the proposal with conditions on Nov. 10. A Notice of Decision was sent out on Nov. 13.
- The Planning Commission discussed revisions to their bylaws on November 24. The Planning Commission had a few recommended changes to the bylaws which will be discussed on January 12, 2021.

Design and Landmarks Committee

- The DLC is taking a break from meetings in December and January unless needed. The next regular meeting is scheduled for February 1, 2021.

Land Use/Development Review¹

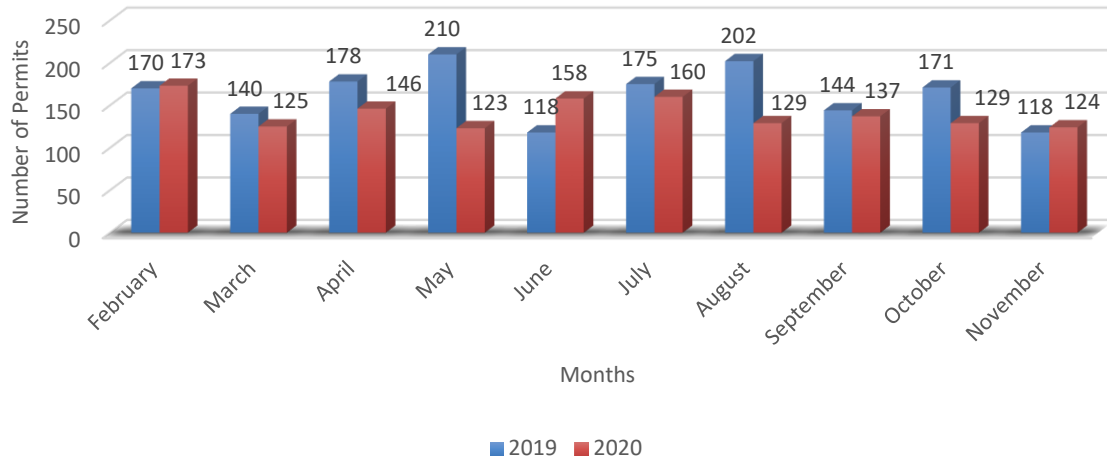
- PD-2020-001: A Type IV application for preliminary planned development review for the Hillside Master Plan was submitted on November 17. The application is still in completeness review.

¹ Only land use applications requiring public notice are listed

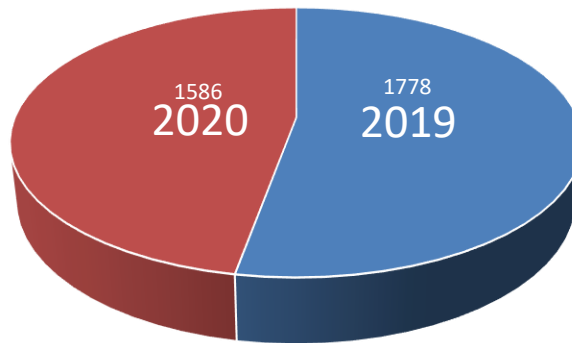
BUILDING

- Nov 2020 in review to come

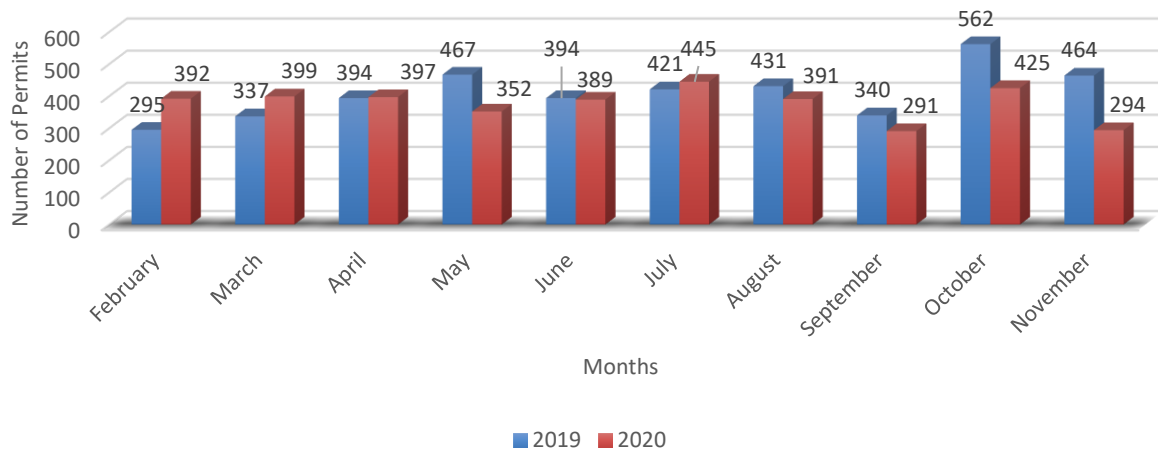
Permit Activity by Month (Application Date)



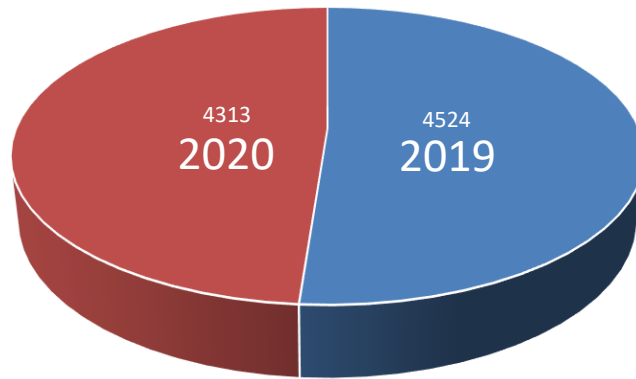
Permit Activity - January through November (Application Date)



Inspection Activity by Month



Inspection Activity - January through November



COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 2, 2020

Reviewed: Laura Weigel, Planning Manager

From: Leila Aman, Community Development Director, and
Vera Kolias, Senior Planner

Subject: **Proposed Code Amendments for Emergency Temporary Housing**

ACTION REQUESTED

Council is asked to review and provide feedback on a package of proposed code amendments developed by staff that will clarify code language related to temporary housing for emergency situations. These amendments are scheduled for a public hearing before the Planning Commission on December 8, which will result in a recommendation to Council. The Council public hearing is tentatively scheduled for January 19, 2021. This is a briefing of proposed changes to Milwaukie Municipal Code (MMC) 11.05 Temporary Uses, Permits and Regulations relating to permitting for emergency housing.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[November 10, 2020:](#) Planning Commission work session. Based on the discussion with the Planning Commission, staff revised the approach for the code amendments and proposed a two-phase approach to temporary and transitional housing. The first phase is to formalize a process for temporary emergency indoor shelters for warming, cooling, or hazardous air quality. The second phase will be focused on permanent and semi-permanent transitional housing. Staff are in the initial stages of research for the second phase and anticipate conducting a needs analysis and beginning discussions in the second half of 2021.

A third aspect of this issue is related to emergency management situations. The city's emergency management coordinator will attend a Planning Commission meeting at a future date to provide an update on the city's emergency planning efforts, including efforts related to short- and long-term emergency shelters.

[December 8, 2020:](#) Planning Commission public hearing. The commission voted unanimously to approve the proposed amendments and formally recommend them to Council.

ANALYSIS

Staff recently responded to emergency temporary housing requests due to displacement caused by recent wildfires. Staff used the temporary permit process to respond to this emergency successfully. The current code language, however, does not explicitly define temporary emergency housing as an allowable use. Staff are proposing a few strategic code fixes to provide language that defines temporary housing as an allowed use for a temporary use permit. Staff believe this will both clarify and simplify the process for both applicants and staff administering the permits, thereby allowing staff to respond quickly in the event of an emergency.

The proposed code amendments for phase 1 are only to allow temporary emergency indoor shelters for warming, cooling, or hazardous air quality (as defined by the Environmental Protection Agencies (EPA) US Air Quality Index) as temporary use permits in MMC 11.05. These are typically short-term emergencies of 90 days or less. Staff explored what neighboring communities were doing to address these seasonal shelter needs. Clackamas County and the City of Oregon City both utilize a joint policy with Clackamas Fire District #1 (CFD1) for warming shelters to allow a building not normally designated for a residential occupancy to be used as a temporary shelter. This joint policy is a partnership between the local jurisdiction, their planning divisions, building officials and CFD1. The partnership outlines clear and consistent standards and requires planning department approval, and a joint inspection by CFD1 and the local building official prior to occupancy. These standards do not apply to vehicles.

Staff propose to adopt a joint policy with CFD1 for emergency shelters in existing structures for warming, cooling, and hazardous air quality. These shelters would be subject to the minimum requirements outlined in the Milwaukie and Clackamas Fire District #1 Joint Policy for Temporary Emergency Shelters (see Attachment 2). These requirements include provisions for life safety, such as smoke alarms, carbon monoxide detectors, means of egress, responsible person in charge, etc.

These permits are proposed for a maximum of 90 days in any 12-month period with an option for one 30-day extension. Permits will require planning approval, approval of the community development director, and a joint inspection between Milwaukie's building official and CFD1.

BUDGET IMPACT

None.

WORKLOAD IMPACT

City staff already administer temporary use permits and have done so in the past for emergency housing situations. No impact to workload is expected.

CLIMATE IMPACT

One of the reasons for the code amendments are the recent wildfires that resulted in families fleeing affected areas seeking shelter. The proposed amendments are in response to these events, which have been linked to the impacts of climate change.

COORDINATION, CONCURRENCE, OR DISSENT

The community development, planning, and building departments concur with the proposed amendments.

ATTACHMENTS

1. Draft code amendment language (underline/strikeout)
2. Milwaukie and Clackamas Fire District Joint Policy for Temporary Emergency Shelters

Underline/Strikeout Amendments

Title 11 Miscellaneous Permits

11.05 TEMPORARY USES, PERMITS, AND REGULATIONS

11.05.010 USES

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

- A. Seasonal sales uses on private property and on land owned by the City of Milwaukie. These activities include, but are not limited to, the sale of produce, rental of recreational equipment, provision of recreational lessons, or sale of products at a park owned by the City of Milwaukie.
- B. Temporary real estate offices;
- C. Construction parking;
- D. Construction trailers;
- E. Construction offices;
- F. Shelters for warming, cooling, or hazardous air quality, subject to the Milwaukie and Clackamas Fire District Joint Policy for Temporary Emergency Shelters.
- ~~G. F~~-Other temporary uses similar to those listed above as determined by the City Manager

11.05.030 PERMIT APPROVAL

A. Findings of Fact

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

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

B. Time Limits

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

- 1. Temporary construction offices, construction trailers, and real estate offices shall not be issued for a period exceeding one year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant

provides a narrative describing the need for additional time and an anticipated date of project completion.

2. Permits for shelters for warming, cooling, or hazardous air quality uses are limited to no more than 90-days in any twelve-month period with an option for one 30-day extension.

23. Other temporary uses, that are not temporary events per MMC 11.04, shall be issued a permit for up to one year to accommodate the duration of the proposed temporary use.

Renewals may be provided as follows:

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



TEMPORARY EMERGENCY SHELTER POLICY

City of Milwaukie and Clackamas Fire District #1 joint policy

The following policy is a collaboration between the City of Milwaukie Building Official and the Clackamas Fire District #1 Fire Marshal for temporary shelters within the jurisdictional City of Milwaukie. This policy contains the minimum guidelines to allow a building not normally designated as an "R" (Residential) Occupancy (defined as the use of a building or structure, or a portion thereof, for sleeping purposes) to be used as a temporary shelter.

Registration:

Each year prior to opening as an emergency shelter, the shelter's building manager shall contact the City of Milwaukie to request approval. The approval is subject to:

- Obtaining a site inspection to verify the building meets the minimum requirements of this policy.
- If required, compliance with applicable land use, zoning and development regulations or approval to waive these regulations is granted via a valid emergency declaration, executed by the City or an approval from City Planning or Community Development Director.

Time Limits:

If approved, a building may be used as a temporary shelter for a maximum of ninety (90) days within any twelve (12) month period of time beginning on the first (1st) day of occupancy, or as approved by the local authority having jurisdiction. A thirty (30) day extension may be requested and will be reviewed by the authority having jurisdiction and a determination made within 72 business hours.

Maximum Number of Occupants Allowed: **adjusted to keep recommended physical distancing between occupants to prevent current spreading of COVID-19 virus*

The maximum number of allowable temporary shelter occupants shall be calculated using an occupant load factor of one (1) individual for every ~~thirty-five (35)~~ ***110 square feet** of net room area.

Life Safety Requirements: The following minimum life safety requirements apply to all buildings being used as a temporary shelter.

1. Fire Sprinklers:

It is not necessary for a building to have fire sprinklers installed for it to be used as a temporary shelter; however, buildings with an approved fire sprinkler system installed may have sleeping areas located on any building floor level.

In buildings without fire sprinklers installed, the temporary sleeping areas may only be located on the first (ground) or second floor. Sleeping areas are not permitted in basement areas of a non-fire-sprinklered building.

2. Smoke Alarms and Detection:

- All temporary shelter sleeping areas shall be provided with approved smoke alarms or a complete approved smoke detection system.
- All other areas of the building used for temporary shelter operations shall be equipped with smoke alarms or a smoke detection system as approved by the authority having jurisdiction.
- Smoke alarms or smoke detection may be battery operated.

3. Carbon Monoxide (CO) Alarms and Detection:

- All temporary shelter sleeping areas shall be provided with approved carbon monoxide alarms, or a complete approved detection system in buildings that have a carbon monoxide source such as heater, fireplace, furnace, appliance or cooking source that uses, coal, wood, petroleum products and other fuels that emit carbon monoxide as a by-product of combustion. This would include buildings that have an attached garage with a door, ductwork or ventilation shaft that communicates with the rooms intended for sleeping.
- Carbon monoxide alarms may be battery operated.

4. Means of Egress (Exits):

All floor levels used as temporary shelter areas shall have a minimum of two means of egress (exits) from each floor level. All means of egress (exits) paths shall be maintained free of obstructions at all times. Exits from sleeping areas shall be as follows:

- Sleeping areas located on the ground floor of a temporary shelter with an occupant load of 49 or less shall have at least one (1) exit and at least one (1) window qualifying as an escape or rescue window as defined by the current Oregon Residential Specialty Code.
- All other floor levels used as temporary shelter sleeping areas that have an occupant load of ten (10) or more shall have at least two (2) exits from the area. The exits serving the areas shall be separated by a distance equal to at least one-third (1/3) of the longest diagonal distance of the area.

5. Emergency Evacuation Plan:

All temporary shelters shall create and maintain an approved emergency evacuation plan which provides for evacuation of all occupants in an emergency event. At a minimum, the emergency evacuation plan shall contain the following:

- **Building floor plans.** Building floor plans for each floor of the temporary shelter with sleeping areas clearly identified.
- **Room size.** The square footage of all rooms of the temporary shelter.
- **Egress (exit) path.** Building floor plans shall clearly show the egress (exit) paths from all areas of the temporary shelter. Egress (exit) path floor plans shall be posted throughout the temporary shelter.
- **Life-safety systems.** The emergency evacuation plan shall also include information about the fire sprinkler system, fire alarm system or the smoke detection systems.
- **Extinguishers.** Location of the required fire extinguishers placed within the building.
- **Occupant List.** A list of all occupants each night must be maintained and made available to the emergency personnel in the event of a fire or accident.

6. Fire Extinguishers:

Appropriately sized fire extinguishers shall be placed adjacent to the means of egress with clearly marked indicators as to the location.

7. Fire Watch:

During sleeping hours a fire watch shall be maintained continuously. This means at least one responsible person at least 18 years of age shall be awake and assigned this responsibility. The fire watch person shall be equipped with a working flash light and have access to a phone or carry a cell phone on their person.

8. Smoking or Open Flames:

- Smoking shall not be allowed at any time inside the temporary shelter.
- Open flames shall not be allowed within the temporary shelter except for approved cooking appliance which require a flame for combustion fuel to operate.

9. Documentation:

Documentation of all fire safety requirements including, copies of the temporary shelter evacuation plan, shall be maintained on site and shall be available for review at the request of the authority having jurisdiction.

10. Responsible Person In Charge:

- The authority having jurisdiction shall be notified of the Responsible Person In Charge of the temporary shelter and be provided with a means of contact. An alternate Responsible Person In Charge may be listed.
- The responsible Person In Charge is responsible to maintain the list of the aforementioned requirements are complied with.

11. Revocation:

Failure to maintain the minimum requirements of the policy can result in the temporary shelter approval being revoked by the authority having jurisdiction.

City of Milwaukie Building Official
(required)

Date

Clackamas Fire District #1 Fire Marshal
(required)

Date

City of Milwaukie Plan/Development Director
(if required)

Date



WS 1.
12/15/2020
Presentation

ZA-2020-001

Code Amendments – Temp. Emergency Housing

Presentation to the
City Council
Vera Kolas, Senior Planner
December 15, 2020

Proposed Amendments to MMC 11.05

- Allow indoor emergency housing as a temporary use during certain situations, such as:
 - Extreme cold or heat events
 - Hazardous air quality



Proposed Amendments

- Requirements and limitations
 - Subject to the Milwaukie and Clackamas Fire District Joint Policy for Temporary Emergency Shelters
 - Limited to no more than 90 days in any 12-month period – one 30-day extension permitted



Questions?



COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Nov. 23, 2020

From: Leila Aman, Community Development Director,
Alison Wicks, Development Project Manager, and
Christina Fadenrecht, Housing and Economic Development Assistant

Subject: Milwaukie Business Relief Fund Reporting

ACTION REQUESTED

Council is asked to receive a report on the 2020 Milwaukie Business Relief Fund (BRF), which provided grants to small businesses impacted by the COVID-19 pandemic.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

November 21, 2017: Council adopted Ordinance 2154 implementing a construction excise tax (CET).

March 17, 2020: Council declared a state of emergency due to the impacts of the novel coronavirus (COVID-19) outbreak.

April 7, 2020: Council adopted a resolution authorizing the use of CET revenue for economic development to fund a business relief fund (BRF) to provide grants to small businesses impacted by the COVID-19 pandemic.

ANALYSIS

In response to the COVID-19 outbreak, the State of Oregon took important measures to limit the spread of the disease in our communities. On March 17 Governor Kate Brown issued Executive Order 20-07 that prohibited on-premises consumption of food and drinks. On March 23, the governor issued Executive Order 20-12 Stay Home, Save Lives, which directed individuals to stay at their home to slow the spread of COVID-19.

Throughout 2020, Milwaukie businesses have been impacted by state orders including initial closures in the spring, reopening in the summer, and renewed “freeze” orders in the fall. To support Milwaukie small businesses that were impacted by the governor’s executive orders and businesses that have been negatively impacted by the COVID-19 pandemic, the city created the Milwaukie BRF. The city has issued three rounds of BRF grants totaling \$252,257, comprised of \$132,000 allocated from the CET by Council and \$120,257 received from the State of Oregon COVID-19 Emergency Business Assistance Matching Fund issued by Business Oregon.

The Milwaukie BRF Round 1 was launched in April. Grants were awarded to 47 businesses, totaling \$132,000. Grants ranged from \$1,500 to \$4,000. Funding for the first round was allocated from the city’s CET program. Eligible businesses included public-facing businesses directly impacted by the governor’s executive orders, or businesses experiencing a 25% or higher decline in revenue due to the impacts of the pandemic. Priority was given to businesses that were directly impacted by Executive Order 20-07 and Executive Order 20-12, businesses with

ten employees or less, women-owned, person of color-owned, or veteran-owned businesses, and businesses located within geographic areas included within the city's economic development plans and strategies. All businesses were required to have a current city businesses license. The city and the community development team were able to act quickly, and businesses received funds by May 1, before assistance was available for businesses via the Federal CARES Act or the state.

In May, Business Oregon announced the State of Oregon Emergency Business Assistance Matching Fund. The city applied for funding and received \$35,000 to support the Milwaukie BRF Round 2, which was launched in July. Fifteen businesses received grants totaling \$35,000 in Round 2. Grants ranged from \$1,000 to \$5,500. Eligibility requirements, which were set by Business Oregon, included businesses with ten or fewer employees, businesses adversely affected by either being prohibited from operation as directed by Executive Order 20-12 or by demonstrating a 50% decline in sales over a defined period, and businesses unable to access federal CARES Act funding including the Paycheck Protection Program (PPP) and the Small Business Administrations' Economic Injury Disaster Loan Emergency Advance (EIDL). Business Oregon also requested marketing activities and outreach to encourage participation of businesses owned by members of historically disadvantaged population groups. The city coordinated with Clackamas County, Gladstone, Happy Valley, Lake Oswego, and Oregon City, and organizations that serve communities of color in the greater Portland metro region to promote the program to historically disadvantaged business owners.

In September, Business Oregon provided the city with an additional \$97,000 in funding via the COVID-19 Emergency Business Assistance Matching Fund, fully matching the funds provided by the city in Round 1. In October the city began taking applications for Milwaukie BRF Round 3. The city was able to award \$85,257 to 25 businesses in the time period allowed by Business Oregon and all eligible applicants received an award. Unused funds totaling \$9,567 were returned to Business Oregon and will be reallocated in future grant cycles. Grant awards ranged from \$1,500 to \$12,500. Eligibility requirements set by Businesses Oregon were similar to BRF Round 2, with two changes that increased the number of eligible businesses. Businesses with 25 or fewer employees were included, and businesses were eligible if they had received CARES Act funding but grant award amounts were reduced by any amount an applicant had received in federal CARES Act funds. The city contracted with the Microenterprise Services of Oregon (MESO) for grant administration of BRF Round 3. MESO helped promote available funding, hosted a web-based application, communicated with applicants, reviewed applications for eligibility, and gathered grant agreement documentation from businesses. The city's contract with MESO for this work cost \$7,275.

In total, the Milwaukie BRF has given out 87 grants totaling \$252,257, with 94% of the grants going to businesses with 10 or fewer employees, 73% to women-owned businesses, and 41% to businesses owned by people of color. The types of businesses that have received the most grants included:

- Food service, covering restaurants, coffee shops, and bars (32% of BRF funds)
- Personal and business services, including salons, barbershops, massage, and tattoo providers (26% of BRF funds)
- Medical and dental clinics, including acupuncture, chiropractic, and therapy-related services (15% of BRF funds)

Use of the funds was not restricted by the city or the state. Businesses can use the funds as needed for working capital expenses, payroll, lease or commercial mortgage payments, utilities, insurance and inventory, or other uses. More than half of businesses receiving grants reported that the funding would go towards payroll and rent.

The city's community development team continues to track grant opportunities for Milwaukie businesses from the state and Clackamas County. It is anticipated that additional state and federal funding opportunities will be available for Milwaukie businesses.

BUDGET IMPACT

The \$132,000 in funding provided by the city's CET revenue for economic development was included in the city's reimbursement by the CARES Act. Staff time spent administering the BRF is also eligible to be reimbursed by CARES Act. Staff tracked their time for all three rounds of the BRF for reimbursement. The contract with MESO for \$7,275 is not eligible for CARES Act reimbursement and came out of the community development professional services budget.

WORKLOAD IMPACT

Developing and administering the BRF had a significant impact on workload of the community development department. The workloads of the community development director, the development project manager, and the economic development and housing assistant, and supporting staff in finance and strategic engagement were all impacted by this program. The assistance of MESO in the administration of Round 3 reduced the impact on staff workload.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff has coordinated this work with the city manager, city attorney, and the accounting and contracts specialist.

STAFF RECOMMENDATION

Staff report is an update, no recommendations at this time.

ALTERNATIVES

Staff report is an update, no alternatives s at this time.

ATTACHMENTS

None.



BUSINESS RELIEF FUND SUMMARY

Leila Aman, Community
Development Director

Alison Wicks, Development
Project Manager

Business Relief Fund

March 17, 2020 - Gov. Kate Brown Executive Order 20-07
Prohibited on-premises consumption of food and drinks

March 17, 2020 – City of Milwaukie State of Emergency
City of Milwaukie declared a state of emergency due to the impacts of the novel coronavirus (COVID-19) outbreak

March 23, 2020 - Gov. Kate Brown Executive Order 20-12
Stay Home, Save Lives

April 7, 2020 - City Council Resolution 21-2020
Authorized the Business Relief Fund



December 15, 2020

Business Relief Fund

Business Relief Fund

- Round 1 - \$132,000
- Round 2 - \$35,000
- Round 3 - \$85,257
- Total - \$252,257



December 15, 2020

Business Relief Fund

Round 1 – April 2020

- **Eligibility**
 - Milwaukie business license
 - Public-facing businesses directly impacted by Governor's Order; or
 - Experiencing 25% or higher decline in sales
- **Promotion**
 - Staff phone calls
 - Email to all businesses
 - Website & Social media



December 15, 2020

Business Relief Fund

Round 1 – April 2020

- **Source of Funding:**
Milwaukie CET \$132,000
- 47 grants
- \$1,500 - \$4,000



December 15, 2020

Business Relief Fund

Round 2 – July 2020

- **State of Oregon COVID-19 Emergency Business Assistance Matching Fund**
- **Eligibility**
 - 10 or fewer employees
 - businesses adversely affected by either being prohibited from operation as directed by Executive Order 20-12;
 - or by demonstrating a 50% decline in sales over a defined period
 - businesses unable to access federal CARES Act funding
- **Promotion**
 - Clackamas County and other cities - \$500,000
 - Outreach to historically disadvantaged businesses



December 15, 2020

Business Relief Fund

Round 2 – July 2020

- **Source of Funding:** State of Oregon COVID-19 Emergency Business Assistance Matching Fund
- \$35,000
- 15 grants
- \$1,000 - \$5,500
- 50% of funds to sole proprietors



December 15, 2020

Business Relief Fund

Round 3 – October 2020

- State of Oregon COVID-19 Emergency Business Assistance Matching Fund
- **Eligibility**
 - Businesses with 25 or fewer employees
 - businesses adversely affected by either being prohibited from operation as directed by Executive Order 20-12;
 - or by demonstrating a 50% decline in sales over a defined period
 - grant award amounts were reduced by any amount an applicant had received in federal CARES Act funds
- MESO contract administration



Round 3 – October 2020

- **Source of Funds:** State of Oregon COVID-19 Emergency Business Assistance Matching Fund
- \$85,257
- 25 grants
- \$1,500 - \$12,500

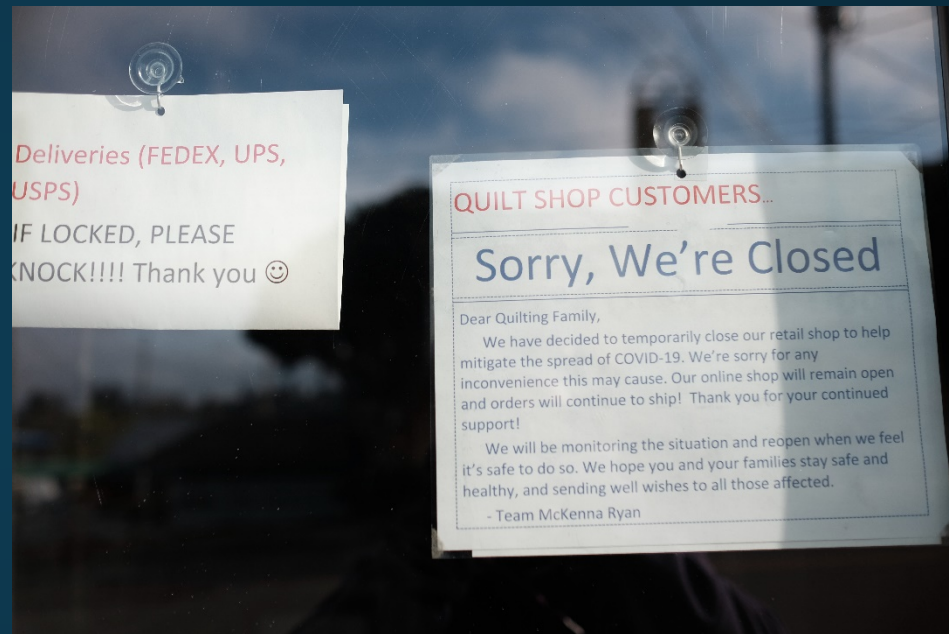


December 15, 2020

Business Relief Fund

Award Summary

- 87 grants
- \$252,257 total funding



December 15, 2020

Business Relief Fund

Award Summary

Industry	#	%
Restaurant, Bar, and Coffee	28	32%
Personal and Business Services	23	26%
Medical and Dental Clinics	13	15%
Retail Sales	6	7%
Day Care	5	6%
Indoor Recreation	5	6%
Other	5	6%
Construction and Contractors	2	2%
Total	87	100%

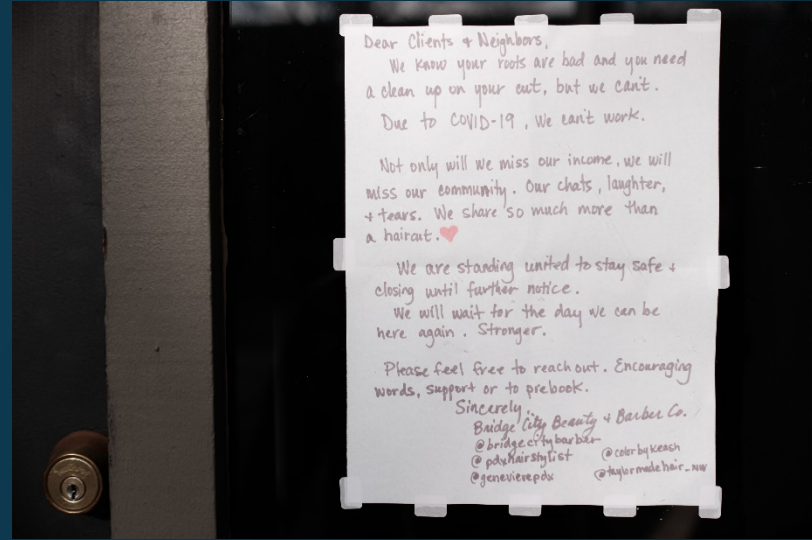


December 15, 2020

Business Relief Fund

Award Summary

- 97% to businesses with 10 or fewer employees
- 73% to women owned businesses
- 41% to businesses owned by BIPOC



Survey Results

What businesses used awards for:

- 71% Lease or commercial mortgage
- 52% Payroll
- 38% Utilities



Survey Results

- 47% more than 50% decline in business revenue
- 57% have had to lay off or furlough employees
- 57% we able to access CARES Act resources
- 95% changed how they conduct business
- 100% reduced hours, limit operations, closed and reopened
- 100% found the BRF grant helpful



Survey Results

Was this grant helpful?

"Absolutely. Not just for the financial part to pay my bills but from a stress-relief standpoint, it felt great to be supported by my little community. Don't underestimate that part which is, of course, hard to quantify."

"The grant helped us to reopen by paying rent and payroll during the first month we reopened."

"We depleted our working capital during the first shutdown and this grant helped us cover our lease payment."



Survey Results

Was this grant helpful?

"My business was closed from March to June. At this time I did not have any income and all of my bills except for payroll continued. Without this help, I would have lost my business. Your gift is why we are still open."

"This allowed me to keep my full staff working for an entire month and was very helpful to our budget"



Thank you!

- Christina Fadenrecht
- Kelli Tucker
- Alicia Martin
- Tempest Blanchard
- Dan Harris



December 15, 2020

Business Relief Fund

What's Next for Business Support

- Tracking Federal, State, and County relief
- Clackamas Business Recovery Centers
- Temporary Outdoor Seating
- Limits on Third-Party Fees



Limits on Third-Party Fees

July 2020 local cities placed limits on Third-Party Fees

Portland

- 10% for delivery
- 5% for pick-up

Gresham

- 15% limit



Limits on Third-Party Fees

- Rep. Rob Nosse - proposed Cocktail To-Go and Limits on Third-Party Fees at the state level
- Could be considered at a December 2020 Special Session or January 2021 Regular Session



December 15, 2020

Business Relief Fund



BUSINESS RELIEF FUND

Alison Wicks

Development Project Manager

wicksa@milwaukieoregon.gov

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 3, 2020

Reviewed: Steve Adams, City Engineer, and
Kelly Brooks, Assistant City Manager

From: Jennifer Backhaus, Engineering Technician II, and
Rob Reynolds, Public Safety Advisory Committee Chair

Subject: **Public Safety Advisory Committee (PSAC) Annual Update**

ACTION REQUESTED

This is an opportunity for the PSAC to present the upcoming year's work plan and receive Council feedback on its planned projects.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[May 7, 2019:](#) PSAC held a joint meeting with Council to discuss new changes to the upcoming year's work plan, which included disaster preparedness coordination as an ongoing task.

[April 17, 2018:](#) Council adopted a resolution accepting updated PSAC bylaws.

ANALYSIS

Council expanded the role of PSAC in 2015 to include a broad vision of public safety centered on police and fire, safe routes to schools, and bicycle and pedestrian safety. This expanded role included designating PSAC as the Community Planning Advisory Council in compliance with the Americans with Disabilities ACT (ADA). Council further expanded this role in 2019 by approving changes to PSAC's work plan to include disaster preparedness.

Disaster Preparedness

PSAC's work plan outlines their process to ensure the public is educated and prepared for any disaster. The committee will work with the city's emergency manager to ensure proper coordination and cooperation with the city, Milwaukie Police Department, Clackamas Fire District #1, and aid in coordination with other organizations such as Milwaukie Community Emergency Response Team .

BUDGET, WORKLOAD, & CLIMATE IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT & STAFF RECOMMENDATION

Not applicable.

ALTERNATIVES

Council could request that PSAC make additions and/or changes to the work plan prior to submitting to Council for adoption

ATTACHMENTS

1. Draft Work Plan

Milwaukie Public Safety Advisory Committee

Work Plan
2020 – 2021

Summer 2020 – Fall 2020

Alternative Street Design Standards

PSAC will work with the City's Engineering Department regarding the design of alternative standards for greenways and other low-volume, low-speed streets. The city recently updated their Public Works Standards which includes a new low-volume street standard. PSAC will designate volunteer(s) to work with engineering to review this new standard and report back to the committee and NDAs for input.

2021- 2022

Transportation System Plan Updates

Work with the City's Engineering Department (and other relevant advisory bodies) regarding updates to the Transportation System Plan.

Continued/Ongoing

Disaster Preparedness

PSAC will work with CERT, Milwaukie Police, Clackamas Fire, and the City Emergency Management Coordinator to determine what the public should expect from these entities and how they can provide support to their community during an emergency. PSAC has a unique position that allows great communication between the City of Milwaukie, the NDAs, and the public. PSAC members will use this position to:

- Increase awareness of emergency protocols and evacuation orders
- Increase awareness of what can be expected of all city services during an emergency
- Provide education about CERT
- Work with the City's Emergency Operations Manager
 - Aid in the development and community awareness of key Emergency and Disaster Planning Resources and Procedures
 - Provide feedback and act as a bridge between the City's EOM and the NDAs
- Encourage each NDA to have their own Disaster Preparedness committee and supplies
- Assist with CERT membership advocacy
- Provide public education on general disaster preparedness that the public can do at home
 - ClackCo Public Alerts Registration (<https://www.clackamas.us/dm/publicalerts>)
 - "2 Weeks Ready"

- What can we learn from the COVID-19 crisis?
- Promote National Preparedness Month (September)
 - Discuss how PSAC can participate
 - Booth at applicable public events and public-speaking opportunities with designated city personnel

Milwaukie Police, Clackamas Fire, CERT, MPSF

PSAC recognizes and appreciates the ongoing work of our police force, fire and rescue, as well as the important contributions of the volunteers of Community Emergency Response Team and Milwaukie Public Safety Foundation. PSAC will continue to respond to neighborhood concerns and act as the liaison between Police/Fire and the NDAs. PSAC will work to maintain the strong relationships it has built with these organizations by inviting a member from one of these groups to each meeting and by promoting important events throughout the year and/or designating volunteers to assist as our schedules allow:

- Officer of the Year Dinner - Each year in/around February
- Shred Day/Prescription Drug Drop Off Day - Each year in/around April
- Bike Giveaway - Each year in/around April
- 9K for K9 - Each year in/around July

Safe Routes to School

Continue to support efforts of SRTS in community outreach and awareness. Assist with communication to city neighborhoods.

Additional Tasks

- SAFE Outreach
- Work with Engineering on community member requests; consider adding time to each meeting to prioritize incoming community traffic control requests.
- Review Requests for Service applications for potential prioritization within the SAFE program
- Review requests for ADA improvements, acting as the Community Planning Advisory Council, for prioritization within the ADA transition plan.
- Maintain open communication and a positive relationship with the Milwaukie Police Department and Clackamas County Fire Department. Schedule some time during an upcoming meeting for an update about the police department (trends, policies, procedures, etc.).
- Support and aid Milwaukie's CAREFree Sundays event to establish communication between the two groups and see what opportunities exist for PSAC to participate.
- Work with Planning to ensure Neighborhood Hubs Project connects with proposed SAFE projects.