

**Regular Session**

**RS**

**Milwaukie City Council**



**COUNCIL REGULAR SESSION**

Zoom Video Conference  
www.milwaukieoregon.gov

2348<sup>th</sup> Meeting

**REVISED AGENDA**

DECEMBER 21, 2021

(Revised December 17, 2021)

**Council will hold this meeting in-person video conference.** The public may attend the meeting by watching live on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits, or by joining the Zoom webinar. **Written comments** may be submitted by email to [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov). Council will take limited verbal comments. **For Zoom webinar login information** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-314>.

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

**Page #**

1. **CALL TO ORDER** (6:00 p.m.)
  - A. **Pledge of Allegiance**
  - B. **Native Lands Acknowledgment**
2. **ANNOUNCEMENTS** (6:01 p.m.) **2**
3. **PROCLAMATIONS AND AWARDS**
  - A. **Milwaukie High School (MHS) Outstanding Student – Award** (6:05 p.m.)  
Presenter: Carmen Gelman, MHS Principal
  - B. **MHS Update – Report** (6:25 p.m.)  
Presenter: Carmen Gelman, MHS Principal
  - C. **Christmas Ships – Proclamation** (6:35 p.m.) **4**  
Presenter: Dave Kaiser, Portland Christmas Ships
4. **SPECIAL REPORTS**
  - A. **City Manager & In-Person Meetings – Update** (6:45 p.m.) (item title revised)  
Staff: Ann Ober, City Manager
5. **COMMUNITY COMMENTS** (6:55 p.m.)

To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov)), or in person to city staff.**
6. **CONSENT AGENDA** (7:00 p.m.)

Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.

  - A. **Approval of Council Meeting Minutes of:** **6**
    1. **November 9, 2021, study session,**
    2. **November 16, 2021, work session, and**
    3. **November 16, 2021, regular session.**



6. **CONSENT AGENDA** (continued)
  - B. **Authorization to accept a Grant from the State of Oregon to Update the city's housing needs analysis and strategy – Resolution** **17**
7. **BUSINESS ITEMS**
  - A. **Annexation of 5880 Hector Street (A-2021-002) – Ordinance** (7:05 p.m.) **50**  
Staff: Brett Kelter, Senior Planner
  - B. **Annexation of 5911 Willow Street (A-2021-006) – Ordinance** (7:10 p.m.) **77**  
Staff: Brett Kelter, Senior Planner
  - C. **Statistical Transparency of Policing (STOP) Data – Report** (7:15 p.m.) **106**  
Staff: Luke Strait, Police Chief
  - D. **Goal Update: Equity, Justice, and Inclusion – Report** (7:45 p.m.) **108**  
Staff: Jon Hennington, Equity Program Manager
  - E. **Milwaukie Bay Park & the North Clackamas Parks and Recreation District (NCPRD) – Discussion** (8:30 p.m.) (item added)  
Staff: Ann Ober, City Manager
8. **PUBLIC HEARINGS**
  - A. **None Scheduled.**
9. **COUNCIL REPORTS** (9:00 p.m.)
10. **ADJOURNMENT** (9:05 p.m.)

#### **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](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502. To request Spanish language translation services email [espanol@milwaukieoregon.gov](mailto: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](mailto:ocr@milwaukieoregon.gov) o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a [espanol@milwaukieoregon.gov](mailto: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 REGULAR SESSION

Zoom Video Conference  
www.milwaukieoregon.gov

2348<sup>th</sup> Meeting

## MINUTES

DECEMBER 21, 2021

**Council Present:** Councilors Lisa Batey, Angel Falconer, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

**Staff Present:** Justin Gericke, City Attorney  
Jon Hennington, Equity Program Manager  
Brett Kelter, Associate Planner  
Adam Moore, Parks Development Coordinator  
Ann Ober, City Manager  
Peter Passarelli, Public Works Director

Natalie Rogers, Climate & Natural  
Resources Manager  
Scott Stauffer, City Recorder  
Luke Strait, Police Chief  
Laura Weigel, Planning Manager  
Courtney Wilson, Urban Forester

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

### 1. CALL TO ORDER

**A. Pledge of Allegiance.**

**B. Native Lands Acknowledgment.**

### 2. ANNOUNCEMENTS

**Mayor Gamba** announced upcoming community activities, including a public comment period for the city's urban renewal plan, the nomination process for the city's volunteer of the year award, and a poetry reading event. **Council President Hyzy** noted that individuals nominated previously for the volunteer of the year award could be renominated and **Councilor Batey** noted a Christmas tree recycling event.

### 3. PROCLAMATIONS AND AWARDS

#### **A. Milwaukie High School (MHS) Outstanding Student – Award**

**Carmen Gelman**, MHS Principal, introduced August Wygal and Council congratulated the student on their academic and extra-curricular achievements.

#### **B. MHS Update – Report**

**Gelman** briefly commented on the return of in-person student activities.

#### **C. Christmas Ships – Proclamation**

**Dave Kaiser**, Vice President of the Portland Christmas Ships, introduced the proclamation, and remarked on the Ships' 2021 season. **Mayor Gamba** proclaimed December 3 to 15, 2021, to be Christmas Ships Days in Milwaukie.

### 4. SPECIAL REPORTS

#### **A. City Manager and In-Person Meetings – Update**

The group discussed plans to return to in-person meetings, noting upcoming hearings where testimony should be taken in-person and the rise of the COVID-19 Omicron variant. It was the group consensus to monitor public health guidance and make decisions about in-person attendance as the first Council meetings of 2022 approached.



## **5. COMMUNITY COMMENTS**

**Mayor Gamba** reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the December 7 community comments.

## **6. CONSENT AGENDA**

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

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

1. November 9, 2021, study session,
2. November 16, 2021, work session, and
3. November 16, 2021, regular session.

### **B. Resolution 61-2021: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a grant agreement with the Oregon Department of Land Conservation and Development to develop a housing capacity analysis and housing production strategy.**

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

## **7. BUSINESS ITEMS**

### **A. Annexation of 5880 Hector Street (A-2021-002) – Ordinance**

**Kelver** reported that the property requesting to be annexed had made an emergency connection to the city’s sewer system. **Councilor Batey** and **Kelver** confirmed that an emergency sewer connection indicated there had been a failing septic system and/or a sale of the property which required a quick annexation process.

**Councilor Falconer** wondered if the annexation process could be streamlined and asked if Council rejecting an annexation application would impact the sale of the property. **Kelver** and **Gericke** remarked on the property sale and annexation timelines and suggested Council rejecting an annexation was not likely to impact the sale. **Gericke** remarked that staff would need to review the annexation process in the code and state law to see what could be done to streamline the process. **Councilors Falconer** and **Batey** and **Mayor Gamba** expressed support for looking at ways to streamline the annexation process.

It was moved by **Councilor Falconer** and seconded by **Councilor Batey** for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30DD05600 and located at 5880 SE Hector St into the city limits of the City of Milwaukie (File #A-2021-002). Motion passed with the following vote: **Councilors Falconer, Batey, Nicodemus, and Hyzy** and **Mayor Gamba** voting “aye.” [5:0]

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

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

Ordinance 2211:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30DD05600 AND LOCATED AT 5880 SE HECTOR ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2021-002).**



## **B. Annexation of 5911 Willow Street (A-2021-005) – Ordinance**

**Kelver** reported that the property requesting to annex had made an emergency connection to the city's sewer system.

**It was moved by Councilor Falconer and seconded by Council President Hyzy for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30DA09702 and located at 5911 SE Willow St into the city limits of the City of Milwaukie (File #A-2021-005). Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]**

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

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

### **Ordinance 2212:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30DA09702 AND LOCATED AT 5911 SE WILLOW ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2021-005).**

## **C. Statistical Transparency of Policing (STOP) Data – Report**

**Strait** introduced Oregon Criminal Justice Commission (CJC) Executive Director Ken Sanchagrin and Research Director Kelly Officer.

**Sanchagrin** reviewed CJC's work to report STOP data for all discretionary traffic and pedestrian stops by law enforcement officers, noting the impact of the COVID-19 pandemic on the data. **Councilor Batey** and **Sanchagrin** noted that CJC's definition of a successful search was a search that resulted in contraband being recovered.

**Sanchagrin** presented and discussed STOP data results for the Milwaukie Police Department (MPD) for stops made from 2019-2021, explaining how CJC's predicted disposition analysis is done. **Council President Hyzy** and **Sanchagrin** observed that overall, the MPD's stops had resulted in fewer citations being issued, searches conducted, and arrests made compared to other similar agencies.

**Sanchagrin** and **Councilor Batey** discussed the predicted and actual percentage of MPD stop results broken down by race.

**Sanchagrin** explained that the CJC was unable to conduct a Knowles, Persico, and Todd (KPT) Hit-Rate analysis of MPD stops because MPD officers had not conducted enough searches in the last two years. A KPT Hit-Rate analysis shows whether a successful police search differs across racial and ethnic groups.

**Officer** presented the CJC's veil of darkness modeling of MPD stop data which showed that in Milwaukie Black individuals were more likely to be stopped in the daytime versus the nighttime compared to White individuals. **Mayor Gamba** and **Officer** remarked on the difference in the number of stops conducted at different times of day and whether there was enough MPD data to provide significant results.

**Councilor Nicodemus** commented that the data was not surprising and underscored that need for continued implicit bias work and suggested that the veil of darkness model be renamed to something that didn't have negative implications for Black people.



**Officer** and **Sanchagrin** thanked Nicodemus for the suggestion. **Sanchagrin** remarked on the small size of Oregon's Black, Indigenous, and People of Color (BIPOC) populations, how those groups were reflected in the data, and expressed hope that work can be done to remedy the discrepancies shown in the STOP data. **Nicodemus** expressed frustration about the reality of Black people being pulled over more often than other groups and agreed there are things to be done to fix the discrepancies.

**Strait** thanked the CJC for the report, Councilor Nicodemus for the feedback, and the officers and staff of the MPD for their equity work. **Strait** acknowledged that implicit bias was an issue for the MPD, commented on how the data had and would inform how the department operated, and how the department would continue to work on implicit bias, equity, and transparency issues in the future. **Mayor Gamba** agreed with Strait's remarks and thanked the MPD and CJC for their work.

**Ober** noted the Equity Steering Committee (ESC) would hold its first meetings in 2022.

**Ober** commented that bias was an issue for everyone, and the city would continue to work on it. **Councilor Nicodemus** did not believe anyone at the MPD was a racist, agreed there was bias work to do, and thanked the MPD for their work. **Councilor Falconer** thanked Nicodemus for the remarks and the MPD for their work. **Ober** thanked the CJC for their work and **Sanchagrin** thanked the city for the partnership.

#### **D. Goal Update: Equity, Justice, and Inclusion – Report**

**Hennington** shared a graphic representation of the differences between inequality, equality, equity, and justice, and provided an update on the city's ongoing equity work, including MPD implicit bias training and unconscious bias training for non-MPD staff.

**Councilor Falconer** asked if equity training would be offered to the city's boards and committees (BCs). **Hennington** and **Ober** reported that the city would be sharing equity training resources with the BCs and the public in the future.

**Hennington** continued to provide an update on the city's equity work, including the formation and initial workload of the ESC which would include the development of an equity lens. **Council President Hyzy** asked if the equity lens would be available to use during the city's annual BC interviews in May. **Hennington** thought the lens may not be ready but there could be a conversation with the ESC about the interview process.

**Hennington** discussed the work to conduct an equity review of city policies, reporting that most policies were in good shape. **Councilor Batey**, **Hennington**, and **Ober** noted plans to review human resource (HR) and hiring policies in 2022. They commented on using video and non-written application programs for employees and BCs.

**Hennington** reported on staff work to develop a language access policy, noting how the policy defined interpretation and translation services and how the city would identify a language to translate documents for based on Milwaukie's population data. **Hennington** explained that because of the new policy staff would be working to have the February 2022 Pilot newsletter available in Spanish. **Councilor Batey** expressed support for the policy and suggested there may be a need in the future for city documents to be translated into Russian. **Batey** and **Hennington** noted that documents would be translated into certain languages based on population or need while more languages would be available for in-person interpretation needs.



**Hennington** commended Ober's equity work which had included serving on the initial board of the Oregon Latinos in Local Government Network, which the city had joined in 2021. **Ober** remarked on the network's work plan in 2022 and beyond.

**Hennington** discussed the Clackamas County Racial Justice Research Project, a two-year effort meant to encourage underrepresented and marginalized communities to develop strategies and solutions for the well-being of the community.

Council thanked Hennington for taking on the city's equity work and **Hennington** expressed appreciation for doing this work in Milwaukie.

**Mayor Gamba** recessed the meeting at 8:33 p.m. and reconvened at 8:43 p.m.

**Comprehensive Plan Implementation - Update** (added to the agenda, continued from the December 21, 2021, work session)

**Rogers** provided an overview of the draft tree code and the development of a residential tree code, noting permitting processes and preservation standards. **Councilor Batey** appreciated the code's use of percentages to determine how much of a site's tree canopy needed to be saved. **Rogers** remarked on how staff had come-up with the percentage approach. **Batey** and **Rogers** commented on whether tree removal percentages could be considered by staff with other land use approval requirements.

**Rogers** continued to review the draft tree code, discussing canopy standards and credit for future tree growth. **Councilor Batey**, **Rogers**, and **Passarelli** remarked on the challenges of guessing how big a tree would get at full maturity after many years and what factors the Tree Board considered when developing the canopy credit.

**Mayor Gamba** remarked on balancing tree planting to mix fast and slow growing trees for short- and long-term canopy growth. **Rogers** commented on how the draft code would encourage the planting of trees for canopy growth and noted how the city would be involved in advising public and private property owners about tree planting.

**Rogers** and **Passarelli** discussed the draft code's tree protection standards. The group commented on the proposed requirement that developers post a bond during construction to ensure that any costs to replace damaged trees would be covered.

**Rogers** reviewed the draft code's soil volume standards and residential development mitigation standards that were meant to preserve and promote canopy growth. **Rogers** presented a graphic showing the development process for trees and explained how the low-income assistance program would work.

**Rogers** and **Passarelli** asked for Council feedback on whether the physical size of an additional housing unit should trigger the tree development standards. **Mayor Gamba** suggested if the soil was disturbed to add housing then the standards should be triggered. The group commented on what development projects might result in significant enough soil and tree root disturbance to require the planting of new trees. **Council President Hyzy** and **Councilor Falconer** suggested that finishing a basement to add housing space did not necessarily mean tree standards should be applied.

**Councilor Batey** wondered if building a new sidewalk would trigger tree protections and cited existing regulations that allowed for some soil disturbance without mitigation.

**Rogers** and **Ober** summarized next steps and topics that staff would bring for discussion at the tree code hearing in 2022.



**Councilor Batey** asked if Council should consider adopting the tree code before the other Comprehensive Plan code amendments. **Ober** replied that staff would consider the idea and report back to Council.

**Council President Hyzy** asked for information about the City of Portland's water bill credit for planting trees and urged staff to think about how the tree code requirements could interact with development setback distances.

#### **E. Milwaukie Bay Park and the North Clackamas Parks and Recreation District (NCPRD) – Update**

**Ober** reported that NCPRD had informed the city that the original plan to present the park funding agreements to the NCPRD Board for approval had been wrong and that the District Advisory Committee (DAC) would need to vote to approve the agreements before the Board would consider them. **Ober** and **Passarelli** noted ongoing efforts by city staff and Council to monitor the situation and attend the DAC's January 12, 2022, meeting where the agreements would be presented.

The group noted that all Council members could attend the DAC meeting without concern about a quorum being present since it was not the Council's meeting and Council would not be discussing city business as a body or making any decisions.

### **8. PUBLIC HEARING**

**A. None Scheduled.**

### **9. COUNCIL REPORTS**

**None.**

### **10. ADJOURNMENT**

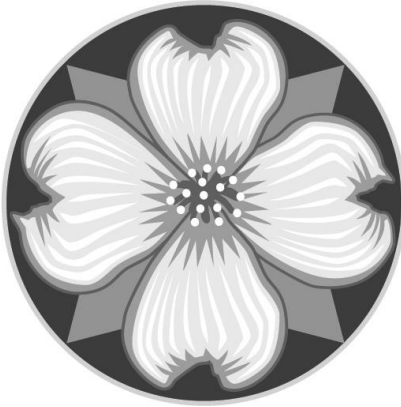
**It was moved by Councilor Nicodemus and seconded by Councilor Falconer to Go [University of Michigan] Blue and Go [University of Cincinnati] Bearcats and to adjourn the regular session. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]**

**Mayor Gamba** adjourned the meeting at 9:43 p.m.

Respectfully submitted,

  
 \_\_\_\_\_  
 Scott Stauffer, City Recorder





**RS Agenda Item**

**2**

## **Announcements**

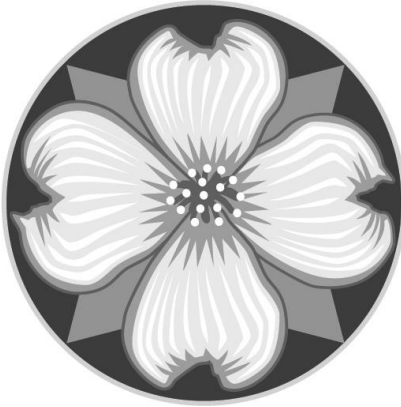




# Mayor's Announcements – December 21, 2021

- **Redevelopment Area Five-Year Action Plan**
  - Weigh in on the improvements you would like to see in downtown and central Milwaukie
  - Join the conversation at [engage.milwaukieoregon.gov](https://engage.milwaukieoregon.gov)
- **2021 Volunteer of the Year – Nominations Accepted Until Feb. 14, 2022**
  - Nominate someone you know who has contributed their time and energy to the Milwaukie community
  - Submit a nomination at [engage.milwaukieoregon.gov](https://engage.milwaukieoregon.gov)
- **William Stafford Birthday Celebration – Saturday, January 8 (2-4 PM)**
  - For information or to register, email Tom Hogan at [tomhogan2@comcast.net](mailto:tomhogan2@comcast.net) or call 503-819-8367
- **LEARN MORE AT [WWW.MILWAUKIEOREGON.GOV](https://www.milwaukieoregon.gov) OR CALL 503-786-7555**





**RS Agenda Item**

**3**

## **Proclamations & Awards**



## PROCLAMATION

**WHEREAS** the Christmas Ships Parade is a 67-year-old tradition; and

**WHEREAS** the Christmas Ships will sail to destinations on the Columbia and Willamette Rivers between December 3<sup>rd</sup> and December 21<sup>st</sup>, 2021; and

**WHEREAS** the Christmas Ships will sail to Milwaukie Bay on December 7<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, and 20<sup>th</sup>, 2021; and

**WHEREAS** the City of Milwaukie wishes to thank the Christmas Ships for bringing their annual floating parades to and through Milwaukie Bay.

**NOW, THEREFORE**, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim December 3<sup>rd</sup> through December 21<sup>st</sup>, 2021, as **Christmas Ships Days** in Milwaukie, and hereby extends the city's warmest wishes for a successful parade season!

**IN WITNESS WHEREOF**, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 7<sup>th</sup> day of December 2021.

---

Mark F. Gamba, Mayor

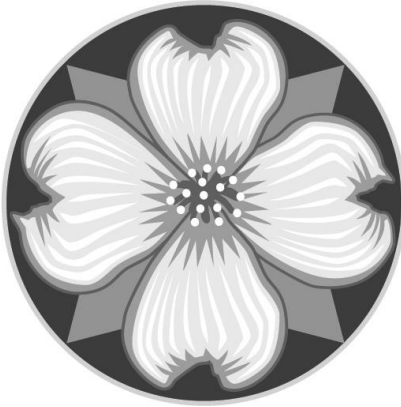
ATTEST:

---

Scott S. Stauffer, City Recorder







**RS Agenda Item**

**5**

**Community Comments**



**Scott Stauffer**

---

**From:** Rebecca Bergio <rebecca.bergio@gmail.com>  
**Sent:** Friday, December 17, 2021 8:18 AM  
**To:** OCR  
**Subject:** Tent camping on Residential Property

**This Message originated outside your organization.**

---

Dear City of Milwaukie Council,

This fall, two tents were set up in my next-door neighbors backyard to accommodate boarders that couldn't be accommodated inside the home. Because the backyard is small, the tents were placed close to the fence line so that two of my bedrooms were approximately 10 feet away from the tents. Not only were voices heard at night but loud media devices such as TVs and/or computers were also loud. Dogs living inside the tents barking at night created another nighttime noise disturbance.

The police were called once and responded when the tents occupants had a loud argument that was escalating. Code enforcement was contacting and responded but could do little about the problem because there is not an ordinance that prevents tent camping on residential property.

There is an ordinance preventing private campgrounds but this is not really applicable to the situation I describe. There is an ordinance preventing RVs on residential property from being used for habitation. And when homes are built, there are setbacks so that homes are not built to close together—allowing for privacy, quite, and peaceful living for all.

I'm asking that the city council, look at the problem I have experienced as an opportunity to set some guidelines to residential tent-camping. Of course, this should not pertain to kids or families who occasionally like to try tent camping in their own backyard. This is about those who want to live in a tent long-term in a location not suited for it.

Thank you ahead of time for considering my opinion and taking action on this proposal.

--

Becky 503-702-6148



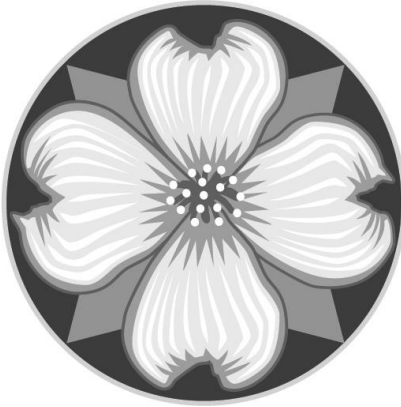
17:57:31 From nwygal to Hosts and panelists: Actually I'm August's Mom. August is just about to join.

17:57:41 From Scott Stauffer (he/him) City Recorder to Hosts and panelists: Wonderful - thank you1

17:57:57 From nwygal to Hosts and panelists: Thank you 😊

18:23:14 From Council Pres. Kathy Hyzy (she/hers) to Everyone: August, it is literally his job to find you money....





**RS Agenda Item**

**6**

**Consent Agenda**



**COUNCIL STUDY SESSION**

Zoom Video Conference  
www.milwaukieoregon.gov

**MINUTES**

NOVEMBER 9, 2021

**Council Present:** Councilors Lisa Batey, Angel Falconer, Desi Nicodemus, and Mayor Mark Gamba

**Council Absent:** Council President Kathy Hyzy

**Staff Present:** Ann Ober, City Manager

Scott Stauffer, City Recorder

**Mayor Gamba** called the meeting to order at 5:18 p.m.

**1. Metro Recycling Programs – Update**

**Pam Peck**, Metro Policy and Compliance Program Director, introduced Metro Senior Planner Scott Klag and discussed regional, national, and international extended producer responsibility (EPR) strategies and policies meant to get waste producers to take responsibility for the waste their products create. **Klag** provided an overview of EPR policies and laws, noting how such laws and policies work.

**Klag** and **Peck** reviewed local EPR laws. **Peck** discussed the recently adopted EPR legislation passed in Oregon, Senate Bill (SB) 582, related to plastic recycling and modernizing the state's recycling programs. **Councilor Batey** and **Peck** noted the state was accepting applications to serve on the SB 582 oversight board and remarked on why there were not more recycling depots. The group commented on why the implementation of statewide EPR rules had been delayed.

**Klag** discussed the history and implementation of producer responsibility legislation, including Oregon's bottle, e-cycles, PaintCare, and drug take back bills. **Klag** noted EPR bills considered by the legislature in 2021 and likely to be introduced in 2022.

**Peck** remarked on the role of local communities and producers in supporting EPR programs. **Councilor Batey** noted Council's interest in monitoring EPR bills and the local support for such programs. **Klag** and **Peck** commented on the importance of cities and local businesses supporting EPR legislation. The group remarked on what issues may or may not be introduced during the legislature's 2022 short session. The group remarked on the importance of supporting EPR legislation and local programs.

**Study Session Agendas**

The group briefly noted that study session agendas are purposely limited to one topic.

**2. Adjourn**

**Mayor Gamba** adjourned the meeting at 6:16 p.m.

Respectfully submitted,

---

Scott Stauffer, City Recorder



## COUNCIL WORK SESSION

Zoom Video Conference  
www.milwaukieoregon.gov

## MINUTES

NOVEMBER 16, 2021

**Council Present:** Councilors Lisa Batey, Angel Falconer, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

**Staff Present:** Joseph Briglio, Community Development Director  
Kelly Brooks, Assistant City Manager  
Justin Gericke, City Attorney  
Katie Newell, Library Director

Peter Passarelli, Acting City Manager  
Scott Stauffer, City Recorder  
Samantha Vandagriff, Building Official  
Laura Weigel, Planning Manager

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

### 1. Building Permits & Planning Projects – Update

**Weigel** provided an update on planning department projects, including land use applications, staff support for planning-related board, committee, and commission meetings, the Monroe Apartments development, the central Milwaukie bikeways concept plan, and the Comprehensive Plan implementation.

**Weigel** reviewed upcoming work the department would focus on, including the Henley Place (Kellogg Bowl site), Coho Point at Kellogg Creek, and Hillside Master Plan projects, an update to the city's Transportation System Plan (TSP) and housing needs and production strategy. **Councilor Batey** and **Weigel** noted the Comprehensive Plan update had been approved by Council in 2020.

**Vandagriff** reported on building inspections and permits issued for new single-family residences, accessory dwelling units, multi-family units, and solar panel installations.

**Councilor Batey**, **Vandagriff**, and **Weigel** remarked on the number of units planned for the Birnam Oaks development. They noted that the Providence senior living development had been put on hold due to a lack of funding and commented on the plans known about the proposed Dogwood Station development.

**Council President Hyzy** thanked staff for the updates and data.

### 2. Library Board – Annual Update

**Newell** introduced Ledding Library Board Chair Jessica Stetson. **Stetson** commented on the board's dedication to the library and noted recent board membership changes. **Newell** and **Stetson** noted the board's liaison roles to the countywide library district.

**Stetson** reviewed the board's work during the COVID-19 pandemic which focused on promoting the library's e-book service, free lunch and activity programs, and the physical re-opening of the library building. **Newell** commented on the library staff's library operations and community engagement work during the pandemic, and the library's current COVID protocols.

**Stetson** discussed the board's priorities for the coming year, which included supporting the library's physical reopening and the county library district and updating the board bylaws. **Newell** explained how the board had reviewed its bylaws to standardized them to match the city's new bylaws template.



**Newell** discussed the library's circulation, patron visits, Wi-Fi usage, volunteer, and activity participation statistics for the last year, noting the impact of the pandemic and the library's value to the community.

**Newell** reported that the new library building had been featured on the cover of the November issue of Library Journal magazine and had received several local and regional architectural awards. The group commented on the years of work that had gone into getting the new library built and the photo selected for the magazine cover.

Council thanked the board and Newell for their work and **Stauffer** noted the board was the first to standardize its bylaws using the new template.

### **3. City Hall Project – Update**

**Briglio** provided an update on the project to determine the next use of the current city hall building, explaining that due to the park related deed restriction on the site the city would be seeking to replat the block so that the building part would be free from the park restriction which would remain on the non-building part of the block.

**Briglio** and **Mayor Gamba** noted the project's updated timeline for when the city would issue a request for proposals (RFP) to solicit building use concepts.

**Councilor Batey** and **Briglio** noted that by separating the building and park parts of the block the city would continue to maintain the park areas while the building would be sold or leased. **Council President Hyzy** and **Briglio** observed that the parking lot, which would be part of the park property, could be leased to the new building owner or user.

**Council President Hyzy** expressed support for the city's replat plan.

### **4. Adjourn and Regular Session Agenda Note**

**Mayor Gamba** and **Passarelli** noted that regular session agenda item 7. A. Floating Code Adoption would be rescheduled to a future meeting.

**Mayor Gamba** adjourned the meeting at 5:07 p.m.

Respectfully submitted,

---

Scott Stauffer, City Recorder



**COUNCIL REGULAR SESSION**

Zoom Video Conference  
www.milwaukieoregon.gov

2346<sup>th</sup> Meeting

**MINUTES**

NOVEMBER 16, 2021

**Council Present:** Councilors Lisa Batey, Angel Falconer, Desi Nicodemus,  
Council President Kathy Hyzy, and Mayor Mark Gamba

**Staff Present:** Steve Adams, City Engineer  
Joseph Briglio, Community Development Director  
Justin Gericke, City Attorney  
Jon Hennington, Equity Program Manager  
Vera Kolias, Senior Planner

Peter Passarelli, Acting City Manager  
Scott Stauffer, City Recorder  
Samantha Vandagriff, Building Official  
Laura Weigel, Planning Manager

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

**1. CALL TO ORDER**

**A. Pledge of Allegiance.**

**B. Native Lands Acknowledgment.**

**2. ANNOUNCEMENTS**

**Mayor Gamba** announced upcoming activities, including the city's leaf drop event, a celebration of the new Linwood Avenue multi-use path, the Thanksgiving edition of the Milwaukie Farmers Market, and the city's Umbrella Parade and Tree Lighting event.

**3. PROCLAMATIONS AND AWARDS****A. Outstanding Milwaukie High School (MHS) Student – Award**

**Carmen Gelman**, MHS Principal, introduced Mason Roy-Hart and Council congratulated the student on their academic and extra-curricular achievements.

**B. MHS Update – Report**

**Gelman** reported that MHS was looking forward to the installation of its new electronic reader board and remarked on the challenges of returning to in-person learning.

**4. SPECIAL REPORTS**

**A. None Scheduled.**

**5. COMMUNITY COMMENTS**

**Mayor Gamba** reviewed the public comment procedures. **Passarelli** reported that there was no follow-up report from the November 2 community comments and that item 7. A. had been pulled from the agenda and would be placed on a future agenda.

**6. CONSENT AGENDA**

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

**A. City Council Meeting Minutes:** (removed from the agenda)

**1. October 12, 2021, study session, and**

**2. October 19, 2021, regular session.**



**B. Resolution 57-2021: A resolution of the City Council of the City of Milwaukie, Oregon, making inaugural appointments to the Equity Steering Committee.**

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

Council remarked on the recruitment and interview process for the Equity Steering Committee (ESC) and congratulated the new committee members.

**7. BUSINESS ITEMS**

**A. Floating Code Adoption – Ordinance** (removed from the agenda)

**8. PUBLIC HEARING**

**A. Hillside Planned Development – Final Order, Ordinance (File #PD-2021-001)**

Call to Order: **Mayor Gamba** called the public hearing on the Hillside Planned Development, file #PD-2021-001, to order at 6:38 p.m.

Purpose and Procedure: **Mayor Gamba** announced that the purpose of the hearing was to consider the Planning Commission’s recommendation to approve the proposed planned development. **Gamba** reviewed the applicable city, regional, and state rules and standards, and the hearing order of business.

Conflict of Interest: No Council member declared any conflict of interest.

Ex-Parte Communications: **Mayor Gamba** and **Councilor Batey** noted that they had attended planning events for the Hillside redevelopment project several years ago. **Councilor Falconer** pointed out that Council’s attendance at the Hillside planning events had occurred before the applicant had submitted the project application. **Council President Hyzy** and **Councilor Batey** reported that they had recently heard from a Hillside resident about the project but had not commented on the project to the resident.

Audience Challenge: There were no challenges to Council’s participation in the hearing.

Staff Presentation: **Kolias** provided an overview of the Hillside planned development, noting the Planning Commission’s recommendation to approve the application, the project location, and the applicant’s plan to build 600 multi-family affordable housing units in phases. **Kolias** discussed the site’s current and proposed zoning and Comprehensive Plan designations and reviewed the key issues for Council to consider.

**Adams** discussed the project’s transportation study, noting the impact of the pandemic and how the expected traffic flow would impact streets and intersections around the project. **Mayor Gamba** and **Adams** commented on the traffic impact around Hillside due to residents with higher income levels who may commute to work living at the site.

**Council President Hyzy** referenced the applicant’s transportation demand measures (TDM) program and asked if parts of that would be required once the application was approved. **Kolias** noted that staff had language to propose to the final order that would require parts of the TDM to remain in place. **Councilor Falconer** suggested Council was getting into deliberation and staff should continue their presentation.

**Councilor Batey** and **Adams** noted that other recently approved development projects had not been included in the Hillside project’s traffic analysis. They observed that the Hwy 224 and Harrison Street intersection would be impacted by the project and was managed by the Oregon Department of Transportation (ODOT).



**Adams** reported that the public works department had confirmed there would be sufficient utility infrastructure in place to support the redeveloped site. **Mayor Gamba** and **Adams** commented on plans to connect the site's street grid to the surrounding neighborhood, noting the importance of the 29<sup>th</sup> Avenue bicycle/pedestrian greenway and the project's up-to seven-year timeline for connecting streets.

**Kolias** reviewed the development plan's key elements, including mixed income housing, open space and tree canopy areas, green building standards, and blended density designations. **Councilor Batey** asked about the conditions of approval related to the planting and placement of trees. **Kolias** did not believe there was a specific tree planting requirement for trees on private property. **Passarelli** noted that trees in the public right-of-way (ROW) are subject to the city's street tree standards.

**Council President Hyzy** asked if the green building standards would apply to the privately developed housing on the site. **Kolias** did not know.

**Mayor Gamba** and **Kolias** noted that the project was not required to aim for a 40% tree canopy on the site because the city did not currently have that as a requirement.

**Kolias** provided a summary of the modified development standards sought by the applicant, including minimum setback length, the use of metal panels and fiber cement, and a reduced amount of onsite vehicle and bicycle parking per housing unit. The group noted how parking for the commercial developments had been factored into the site plan and that all streets on the site would have on street parking.

**Kolias** reviewed the application approval criteria, recommendations that Council approve the application, noted that staff had minor text changes to the final order to present for Council consideration, and summarized Council's decision-making options.

**Council President Hyzy** and **Adams** noted that the new width of Linwood Avenue.

**Councilor Batey** and **Kolias** remarked on city requirements for commercial uses on the ground floor of mixed-use buildings and commented on the applicant's intent to plant trees and fencing on the western side of the site along the Union Pacific Railroad line.

**Mayor Gamba** asked why boarding houses had not been included on the list of uses for the site. **Kolias** reported that boarding houses had not been mentioned by the applicant. The group noted that boarding houses are a residential use.

Correspondence: **Kolias** reported that the city had received no additional correspondence on the hearing topic besides what had been included in the packet.

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

Testimony from the Applicant: **Devin Ellin**, Housing Authority of Clackamas County (HACC) Director of Development, introduced architect Ryan McCluckie and land use consultant Debbie Cleek. **Ellin** explained that the project goal was to redevelop an aging public housing development into a vibrant mixed-use, mixed-income community.

The group noted technical difficulties with the presentation and **Mayor Gamba** recessed the meeting at 7:37 p.m. and reconvened at 7:45 p.m.

Testimony from the Applicant (continued): **Ellin** provided an overview of the project, noting the need for affordable housing and the public engagement work done to-date.

**McCluckie** reported that the project had gone through the city's approval process and discussed existing site conditions and elements of the master plan including zoning and



density changes, the tree planting plan, open space locations, vehicle and pedestrian circulation and parking. **McCluckie** explained that the project would be completed in phases to help ensure that current Hillside residents were not displaced.

**Councilor Falconer** and **McCluckie** noted the elevation of the existing nine-story Hillside Manor building and that the tallest of the new buildings would be four stories.

**Councilor Batey** and **Lisa McClellan**, project architect, remarked that the new buildings would be built away from the railroad to diminish the need for a sound wall.

**Councilor Batey** noted that previous versions of the plan had included a community center and **McCluckie** reported that the center had been removed because of the community spaces that were required to be included in the affordable housing buildings.

**Council President Hyzy** asked if the developers would be required to build to the same green standards as public buildings and **McCluckie** explained that the developers would have a variety of options including using sustainability and green standards. **Ellin** remarked on the county's interest in working with developers who build to green standards and confirmed that green standards were not required for the project.

**Council President Hyzy**, **Ellin**, and **Mayor Gamba** commented on how many affordable and market rate housing units would be built. The group noted there were unknown variables that would impact the number of units built, including the availability of public funding and the desire for a mixed-income development. **Ellin** and **Gamba** expressed support for the project serving as many low-income individuals and families as possible. **Gamba** was frustrated that the project would not result in as much new low-income housing units as had been hoped for.

**Council President Hyzy** and **McCluckie** commented on secure bicycle storage and what the county envisioned for such storage on the site. **Mayor Gamba** asked if indoor bicycle storage facilities would include charging stations for electric bikes. **McCluckie** believed such infrastructure would become more common and **McClellan** added that publicly funded housing projects were required to include charging station infrastructure.

**Councilor Batey** asked for clarification on the number of affordable housing units to be built. **Ellin** reiterated that the final number of units was uncertain at this point, but the goal was to build as many low-income units as possible while responding to neighborhood and county commission support for mixed-income units. **Mayor Gamba** remarked on the high rental rates of affordable housing in downtown Milwaukie.

**Council President Hyzy** asked if work force housing would be built. **Ellin** commented on balancing market rate and affordable units to ensure that the project was feasible.

**Councilor Falconer** asked if community comments had supported the site being mixed-income housing. **Ellin** and **McClellan** reported that most immediate neighbors and current residents of Hillside wanted the site to be integrated into the surrounding neighborhood and to include mixed-income housing.

**Mayor Gamba** asked why the boarding house use had not been included in the project. **Cleek** explained that the listed uses were what HACC wanted to encourage on the ground floor of mixed-use buildings. **McClellan** and **Kolias** noted that the Milwaukie Municipal Code (MMC) considered boarding houses to be multi-family housing, but it was unclear if they were single room occupancy (SRO) housing. **Cleek** and **Ellin** believed boarding houses had been left off the list because such housing was often for short-term and not long-term residents.



**Mayor Gamba** asked if the site would include edible fruit trees as had been suggested during the project planning process. **McCluckie** believed the county would be open to planting fruit trees but such trees were not on the city's approved street trees list.

**Mayor Gamba** and **McCluckie** confirmed that the 29<sup>th</sup> Avenue bicycle and pedestrian greenway would connect to the site's street grid but may not be built for seven years.

**Mayor Gamba** asked next steps for the project, observing that this hearing could be Council's last chance to be involved in the project. **Ellin** and **McCluckie** reviewed next steps, which included working with federal and state funding partners, moving forward with phase one, and working with the city for building approvals. **Mayor Gamba** and **Kolias** noted that the remaining city approval steps were not likely to get to the Planning Commission or City Council.

**Mayor Gamba** asked if the project's TDM program would include car sharing. **Ellin** suggested the site could include scooter and car sharing services depending on what vendors were operating in Milwaukie. **McCluckie** added that the master plan included general vehicle drop-off and pick-up areas.

**Mayor Gamba** asked why the Americans with Disability Act (ADA) parking spaces would not be 24-hour parking spots. **Cleek** explained that the ADA spots closest to the buildings would be kept available for emergency needs and that there would be a priority parking pass program for residents.

**Mayor Gamba** noted that the project would encourage green roof developments and asked if the county would be developing the buildings. **Ellin** reported that the county would not be building any of the buildings. The group discussed whether it was normal for the county to not build public housing and how HACC would be able to ensure that the project's encouraged building design elements would be built.

**McClellan** remarked that the county had some concern about requiring too many unique building traits as it may result in the project not getting built because of funding limitations. The group discussed whether the voter-approved Metro bond for affordable housing was having the impact it was meant to because of the increasing cost of construction and the nature of the metro area's housing market. They noted successful sustainable public housing projects that had incorporated solar panels in the area.

**Council President Hyzy** and **Mayor Gamba** remarked on Council's anxiety about the details of the Hillside project as it was one of Milwaukie's few opportunities to create a significant number of new affordable and sustainable housing units.

**Mayor Gamba** asked how much of the site would be sold to private developers for market rate housing and commercial uses. **Ellin** noted it was too early to know exactly how much would be sold but believed most of the market rate units would be in the mixed-use buildings along 32<sup>nd</sup> Avenue. The group speculated on what percentage of the site would be market rate development.

**Council President Hyzy** asked if HACC would be taking steps to make sure the commercial developments served Hillside residents and the neighborhood. **Ellin** noted it was early in the project and remarked that it was possible the commercial units may include neighborhood clinics. **Mayor Gamba** observed that Providence Milwaukie Hospital staff had previously expressed a need for work force housing near their facility.



**Mayor Gamba** noted Council's earlier question to city staff about the transportation impacts and asked HACC staff to respond. **Ellin** replied that HACC staff would investigate the impact of the jobs held by Hillside residents on traffic patterns.

**Councilor Nicodemus** wondered about if many Hillside residents would be working from home more frequently than they may have before the pandemic. **Jennifer Danziger**, one of the engineers who had prepared the project traffic impact study, explained how resident income had been taken into consideration. **Danziger** believed that the number of commuter trips to-and-from the site would not be significantly different from what was reported based on the income level of the residents.

**Mayor Gamba** asked if intersections around the site would be impacted if the number of trips doubled. **Danziger** remarked that existing standards allowed for traffic congestion in the area and that the number of trips from the site were not likely to double because of affordable or multi-family housing units.

**Mayor Gamba** asked why the master plan called for medium-to-small street trees and **McCluckie** explained that root size and eventual canopy size had been considered when the street tree list was developed. **Gamba** commented on the ideal street tree.

**Mayor Gamba** asked city staff to think about what Council could do to best ensure that the project elements mentioned in this hearing would come to be built on the site.

Audience Testimony: No audience member wished to speak in support of, or against, the project, or from a neutral position.

Staff Response to Testimony: **Kolias** reported that city staff had found answers to questions raised by Council during the hearing that would be shared during the deliberation part of the hearing.

Applicant Rebuttal: It was noted that the applicant did not have any further comments.

Questions of Clarification: It was noted that Council had no further questions.

**Mayor Gamba** remarked on the fact that no member of the public wanted to comment on the project and congratulated HACC and city staff on their work.

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

**Mayor Gamba** closed the public hearing at 9:26 p.m.

**Mayor Gamba** recessed the meeting at 9:27 p.m. and reconvened at 9:33 p.m.

The group commented on whether Council would proceed to item 7. B. after the hearing and **Mayor Gamba** suggested that the item be rescheduled to a future meeting.

Council Discussion: **Council President Hyzy** was concerned that the project plan did not include a bicycle share program and suggested that such a program be made a condition of approval. Council commented on what a bicycle program would include, how such a condition could be worded, and whether such a condition would hinder the project's ability to be financially feasible.

**Mayor Gamba** asked whether Council could require things like a bicycle share program as a condition of approval. **Kolias** noted the applicant had requested a reduction in the



number of required bicycle and vehicle parking spots and believed Council could require charging outlets in bicycle storage areas. **Kolias** commented on how such conditions of approval could be worded and subsequently enforced by the city and asked if Council did not think the application was providing enough parking spaces. **Council President Hyzy** remarked that the objective should be to remove as many barriers as possible to encourage residents to safely use and easily access bicycles. **Gamba** and **Hyzy** remarked that the proposed number of spaces may be adequate, but they were concerned about where they would be located and how they would be structured. **Weigel** suggested that HACC staff would know what Hillside residents need and **Hyzy** agreed but wondered about setting conditions for the market rate housing.

Council commented on how to proceed with the hearing given Council interest in setting conditions of approval to require certain features on the Hillside site.

**Mayor Gamba** remarked on whether it was a good idea to predetermine what type of market rate development would be allowed before selling those parts of the site. The group discussed which blocks on the site would be sold to private development and whether the list of allowed housing types was too prescriptive.

**Councilor Falconer** and **Council President Hyzy** expressed interest in completing the hearing during the current meeting and **Hyzy** supported approving the application.

**Mayor Gamba** and **Councilor Batey** discussed how to condition the approval of the application in a way that the most affordable and sustainable units would be built while not causing the application to become financially unfeasible. The group remarked on Council's ability to set conditions for a development that the city did not own. **Kolias** and **Gericke** suggested the city could not require a minimum number of affordable or workforce housing units to be built, noting the county's need to meet certain requirements to receive federal and state funding for the project.

**Kolias** noted that any major modification to the approved project plan would need to go through a city review process and presented one of two new conditions that could be included in the conditions of approval related to the ongoing operation of the TDM program. **Kolias** and **Councilor Batey** noted that the TDM condition would have no end date and would be in place as part of the approved plan.

**Kolias** presented the second proposed new condition related the long-term maintenance of the site landscaping. **Councilors Batey and Falconer** and **Kolias** commented on the wording of the proposed landscaping condition.

The group noted that Council did not need to vote to extend the meeting beyond 10 p.m. when there was a hearing on the agenda.

**Kolias** and **Stauffer** noted minor corrections to the ordinance text that included a reference in the title to the planned development zoning designation and an exhibit letter reference, both of which would be included in the final ordinance document.

Council Decision: It was moved by **Councilor Batey** and seconded by **Councilor Falconer** for the first and second readings by title only and adoption of the ordinance adopting the final development plan and program for Hillside Park (File #PD-2021-001) and amending the city's Zoning Map to rezone the property to Residential R-1 and General Mixed Use (GMU), add the "PD" designation to the subject property, and amend the city's comprehensive plan land use map with the Town Center designation and High Density designation on portions of the property, as shown in Exhibit E, and adding the two new conditions of approval



presented by city staff (File #ZC-2021-001). Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Passarelli read the ordinance two times by title only.

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

**Ordinance 2210:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE FINAL DEVELOPMENT PLAN AND PROGRAM FOR HILLSIDE PARK (FILE #PD-2021-001) AND AMENDING THE CITY’S ZONING MAP TO REZONE THE PROPERTY TO RESIDENTIAL R-1 AND GENERAL MIXED USE (GMU), ADD THE “PD” DESIGNATION TO THE SUBJECT PROPERTY, AND AMEND THE CITY’S COMPREHENSIVE PLAN LAND USE MAP WITH THE TOWN CENTER DESIGNATION AND HIGH DENSITY DESIGNATION ON PORTIONS OF THE PROPERTY, AS SHOWN IN EXHIBIT E (FILE #ZC-2021-001).**

**ORDINANCE NUMBER NOTE:** during this meeting the city recorder announced the incorrect ordinance number; it is Ordinance 2210 (not 2211).

It was moved by Councilor Batey and seconded by Councilor Falconer to approve the Final Decision and Order for the proposed planned development, addressed in the recommended Findings, Conditions of Approval, and Other Requirements. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Mayor Gamba read the State Land Use Board of Appeals (LUBA) process for parties interested in appealing Council’s decision on the application.

## **7. BUSINESS ITEMS**

**B. Hillside Manor Project – Update** (removed from the agenda)

## **9. COUNCIL REPORTS**

None.

## **10. ADJOURNMENT**

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

Mayor Gamba adjourned the meeting at 10:21 p.m.

Respectfully submitted,

---

Scott Stauffer, City Recorder



## COUNCIL STAFF REPORT

**To:** Mayor and City Council  
Ann Ober, City Manager

**Reviewed:** Ann Ober, City Manager, and  
Joseph Briglio, Community Development Director

**From:** Laura Weigel, Planning Manager

**Subject:** **Authorization to Accept Grant Award from DLCD**

**Date Written:** Dec. 9, 2021

---

### ACTION REQUESTED

Council is asked to adopt a resolution accepting a grant award from the Oregon Department of Land Conservation and Development (DLCD) to update the city's Housing Capacity Analysis (HCA), also known as the Housing Needs Analysis (HNA) and create a Housing Production Strategy (HPS).

### HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[June 23, 2016](#): Council reviewed preliminary findings of the HNA. The final HNA can be found online [here](#).

[December 20, 2016](#): Council reviewed the Housing Strategies Report.

[July 17, 2018](#): Council adopted the [Milwaukie Housing Affordability Strategy \(MHAS\)](#).

[June 15, 2021](#): Council approved a resolution supporting the submission of an HCA and HPS grant application to DLCD.

### ANALYSIS

Housing has been a top priority for Council for many years and several city efforts have focused on addressing the housing crisis. The MHAS provides a baseline for some of the work required by the state as described below. In late 2020, the Oregon Land Conservation and Development Commission (LCDC) adopted a schedule that requires cities with a population above 10,000 to update their HCA. LCDC assigned Milwaukie a deadline of December 31, 2023, to complete this work. The HCA provides the foundation for the policy and strategy recommendations that will be included in the HPS report. This is a new report required as part of [Oregon House Bill \(HB\) 2003](#), which was adopted in 2019. The report must be submitted to DLCD within one year after the HCA update is complete, which is technically the end of 2024 based on the current HCA update deadline. However, the DLCD grant requires both documents to be completed by June 2023.

Statewide Planning Goal 10 details the required components of the HCA, which include an assessment of current and future (20 year) demand for housing units across a range of prices, rent levels, locations, housing types, and densities. The HCA must then compare these needs with the community's 20-year supply of buildable residential land as calculated by its Buildable Lands Inventory. If the HCA demonstrates that the city does not have adequate land supply to



meet the full spectrum of anticipated housing needs, policies, and actions to help meet this demand must be adopted in the HPS.

The HPS must outline the specific tools, actions, and policies that the city plans to take to address the housing needs identified in the HCA and the city's plan and timeline for adopting and implementing each strategy. DLCD will review and approve each city's HPS based on the adequacy of strategies to meet all identified housing needs, the appropriateness of strategies to facilitate the production of needed housing, and how well the strategies, taken as a whole, will achieve fair and equitable housing outcomes. Cities must reflect and evaluate the progress and effectiveness of their HPS at a mid-term checkpoint (every three or four years, depending on the HCA schedule) to identify what strategies worked, which ones did not, and any course corrections needed to ensure all housing needs are addressed.

DLCD has identified potential strategies to facilitate housing production that could be included in the HPS. These strategies include:

- Zoning and Code Changes,
- Reduce Regulatory Impediments,
- Financial Incentives,
- Financial Resources,
- Tax Exempt and Abatement,
- Land Acquisition, Lease and Partnership, and
- Other Options.

Several of these strategies have already been enacted by the city through the MHAS and can be incorporated into the HPS.

The city has been notified by DLCD that it has been awarded a \$127,000 grant for an HCA and HPS. The grant timeline is as follows:

January 2022: Consultant hired  
August 2022: City adopts HCA  
April 2023: City adopts HPS  
May 31, 2023: Grant closes

### **BUDGET IMPACT**

HB 2003 requires cities to update their HCA and create an HPS. The bill was passed in 2019 and the work was not included in the current budget. Securing the DLCD grant was critical to funding the city's work.

### **WORKLOAD IMPACT**

DLCD requires the HCA and HPS be complete by May 2023. City planning and community development staff will reprioritize work as necessary to complete these tasks and comply with HB2003.

### **CLIMATE IMPACT**

The objective of the HCA and HPS is to identify the current and future need for housing across income levels and housing types and to find ways to get those needed housing types produced throughout the city. As zoning changes allow more housing types throughout the city, leading to increased density, which can reduce the size of dwelling units, leading to less consumption of energy and goods. Generally, a well-planned community allows people to live and get their



essential needs and services within a 20-minute walk leading to lower greenhouse gas emissions.

**COORDINATION, CONCURRENCE, OR DISSENT**

Community development and planning staff will work on this project.

**STAFF RECOMMENDATION**

Staff recommends Council adopt a resolution to authorize the city manager to sign the grant agreement with DLCD to update the city's HCA and create the HPS.

**ALTERNATIVES**

None.

**ATTACHMENTS**

1. Resolution
2. Grant Agreement with DLCD





## COUNCIL RESOLUTION No.

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING A GRANT AGREEMENT WITH THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT TO DEVELOP A HOUSING CAPACITY ANALYSIS AND HOUSING PRODUCTION STRATEGY.

**WHEREAS** the City Council has prioritized the creation of housing that meets the needs of Milwaukie residents and supports complying with Oregon House Bill 2003, which directs the city to update its Housing Capacity Analysis (HCA) and develop a Housing Production Strategy (HPS); and

**WHEREAS** an HCA must assess both current and future (20 year) demand for housing units across a range of prices, rent levels, locations, housing types, and densities, and compare these needs with the community's 20-year supply of buildable residential land as calculated by its Buildable Lands Inventory; and

**WHEREAS** if the HCA demonstrates that the city does not have adequate land supply to meet the full spectrum of anticipated housing needs, policies, and actions to help meet this demand must be adopted in the HPS; and

**WHEREAS** the HPS must outline a list of specific tools, actions, and policies that the city plans to take to address the housing needs identified in the HCA and the city's plan and timeline for adopting and implementing each strategy; and

**WHEREAS** the Oregon Department of Land Conservation and Development (DLCD) has awarded a grant of \$127,000 to the city to complete an HCA and HPS to comply with House Bill 2003.

**Now, Therefore, be it Resolved** by the City Council of the City of Milwaukie, Oregon, that the city manager or their designee is authorized to sign a grant agreement with DLCD to accept funds to develop an HCA and HPS.

Introduced and adopted by the City Council on **December 21, 2021**.

This resolution is effective immediately.

ATTEST:

---

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

---

Scott S. Stauffer, City Recorder

---

Justin D. Gericke, City Attorney



STATE OF OREGON  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
**2021-2023 HB 2001 & HB 2003 PLANNING ASSISTANCE GRANT**



<b>AGREEMENT COVER SHEET</b>	
<b>This cover sheet is informational and not a part of the agreement</b>	
<b>Offer Date:</b> November 1, 2021	
<b>Grantee</b> City of Milwaukie 6106 SE Johnson Creek Blvd Milwaukie, Oregon 97206	<b>Grant No.</b> HA-23-174
<b>Project Title:</b> Milwaukie Housing Capacity Analysis and Housing Production Strategy	
<b>Grantee Representative</b> Laura Weigel, Planning Manager 503-786-7654 <a href="mailto:weigell@milwaukieoregon.gov">weigell@milwaukieoregon.gov</a>	<b>DLCD Grant Manager</b> Laura Kelly 503-798-7587 <a href="mailto:laura.kelly@dlcd.oregon.gov">laura.kelly@dlcd.oregon.gov</a>
<b>GRANT AMOUNT:</b> \$127,000	<b>CLOSING DATE:</b> May 31, 2023
<b>Last day to amend agreement:</b> March 1, 2023	

**Signature**

Grantee shall return a signed agreement to DLCD by e-mail within thirty (30) days of the Offer Date. If not signed and returned without modification by Grantee within thirty (30) days of the Offer Date, the DLCD Grant Program Manager may terminate this offer of the grant award. Upon receipt of the Agreement signed by Grantee, the DLCD Grant Program Manager shall sign and return a digital copy of the signed document via e-mail.

**List of Products**

Preliminary report: Project staff with contact information, advisory committee membership, and refinement of scope within 30 days of the executed agreement (Project Requirement 8)

Signed agreement: between the Grantee and consultant, no later than three business days after both parties have signed the agreement. (Project Requirement 7)

See tasks and products listed in the agreement.

Grantee and the consultant will provide all draft and final Products, including memos, reports, and maps produced by this grant agreement in a digital media format. The term “digital media” means a compact disc, digital video disc, USB flash drive, e-mail, or FTP submittal authorized by DLCD.



STATE OF OREGON  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
2021-2023 HB 2001 & HB 2003 PLANNING ASSISTANCE GRANT  
**AGREEMENT**

**DLCD Grant Number:** HA-23-174

**City of Milwaukie**

This agreement (“Agreement”) is made and entered into by and between the **State of Oregon, acting by and through its Department of Land Conservation and Development**, hereinafter referred to as “DLCD,” and **City of Milwaukie**, hereinafter referred to as “Grantee,” and collectively referred to as the “Parties.”

1. **Effective Date and Availability of Grant Funds.** This Agreement is effective on the date on which every party has signed this Agreement and all required State approvals have been obtained (“Effective Date”). Grant Funds under this Agreement are available for eligible costs as defined in Sections 4 and 6 incurred beginning on the Effective Date and ending on the earlier of the termination of this Agreement or the Project End Date provided in Attachment A. DLCD’s obligation to disburse Grant Funds under this Agreement ends 60 days after the earlier of termination of this Agreement or the Project End Date.
2. **Agreement Documents.** The Agreement consists of this agreement (without any attachments) and the following Attachments, all of which are attached hereto and incorporated by reference:

Attachment A: **Project Description and Budget**  
Attachment B: **DLCD Contact Names and Addresses**  
Attachment C: **Request for Product Reimbursement Form and Instructions**  
Attachment D: **Form 1, Notice of Proposed Change (35-day Notice)**  
Attachment E: **Form 2, Notice of Adopted Change**

In the event of a conflict between two or more of the documents comprising this Agreement, the language in the document with the highest precedence shall control. The precedence of each of the documents comprising this Agreement is as follows: this Agreement without Attachments; Attachments as listed, in descending order of precedence.

3. **Grant Funds.** The maximum, not-to-exceed, grant amount that the DLCD will pay to Grantee is **\$127,000** (the “Grant Funds”). Disbursements will be made only in accordance with the schedule and requirements contained in this Agreement, including Attachment A.
4. **Project.** The Project is described in Attachment A. Grant Funds may be used solely for the Project described in Attachment A and may not be used for any other purpose. No Grant Funds will be disbursed for any changes to the Project unless such changes are approved by DLCD by amendment pursuant to Section 9 hereof. Grantee agrees to implement the Project in accordance with the terms and conditions of this Agreement and complete the Project no later than the Project End Date.
5. **Reports.** Grantee shall submit the reports required by this section to the DLCD Grant Manager and Grants Administrative Specialist in writing by personal delivery, e-mailing, or mailing at the address or number set forth in Attachment B or to such other addresses or numbers as DLCD may specify by notice to Grantee in accordance with Section 8 hereof.



- a. **Progress Reports.** Grantee will submit a written status report at the request of the DLCD Grant Manager or as required in the Project Requirements in Attachment A.
- b. **Financial Reimbursement Reports.** In order to receive reimbursement, Grantee must submit to DLCD requests for reimbursement of eligible costs incurred in producing Product(s), as provided in Attachment A, on the form provided in Attachment C. Grantee shall submit a closeout report to DLCD within 30 days after the termination of the Agreement or the Project End Date, whichever is earlier. Reimbursements for products will be reduced or withheld if Progress or Closeout Reports have not been timely submitted or are incomplete.

**6. Disbursement and Recovery of Grant Funds.**

- a. **Disbursement Generally.** DLCD will disburse the Grant Funds as reimbursement for eligible costs incurred to produce Products in carrying out the Project, up to the amount provided in Section 3, and subject to the timelines and limits for each Task, as specified in Exhibit A. Grantee may request a reimbursement after completion of a Product. Reimbursements will be made by DLCD within 30 days of DLCD's approval of a request for reimbursement. Eligible costs are the reasonable and necessary costs incurred by Grantee, during the period specified in Section 1, in performance of the Project and that are not excluded from reimbursement by DLCD, either by this Agreement or by exclusion as a result of financial review or audit.
- b. **Conditions Precedent to Disbursement.** DLCD's obligation to disburse Grant Funds to Grantee is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:
  - i. DLCD has received funding, appropriations, limitations, allotments or other expenditure authority sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, to make the disbursement.
  - ii. Grantee is in compliance with the terms of this Agreement.
  - iii. Grantee's representations and warranties set forth in Section 7 hereof are true and correct on the date of disbursement with the same effect as though made on the date of disbursement.
  - iv. Grantee has provided to DLCD a request for reimbursement in accordance with Section 5.b hereof. Grantee must submit its final request for reimbursement no later than 30 days after the earlier of termination of this Agreement or the Project End Date. Grantee will not disburse Grant Funds in response to reimbursement requests submitted after that date.

**7. Representations and Warranties of Grantee.** Grantee represents and warrants to DLCD as follows:

- a. **Organization and Authority.** Grantee is duly organized and validly existing under the laws of the State of Oregon and is eligible to receive the Grant Funds. Grantee has full power, authority, and legal right to make this Agreement and to incur and perform its obligations hereunder, and the making and performance by Grantee of this Agreement (1) have been duly authorized by all necessary action of Grantee and (2) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of Grantee's organizational documents, (3) do not and will not result in the breach of, or constitute a default or require any consent under any



other agreement or instrument to which Grantee is a party or by which Grantee or any of its properties may be bound or affected. No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Grantee of this Agreement.

- b. **Binding Obligation.** This Agreement has been duly executed and delivered by Grantee and constitutes a legal, valid and binding obligation of Grantee, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.

The warranties set in this section are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

- 8. **Notices.** Except as otherwise expressly provided in this Agreement, any notices to be given hereunder shall be given in writing by personal delivery, e-mailing, or mailing the same by registered or certified mail, postage prepaid, to the Grantee's Grant Representative or DLCD's Grant Manager, as the case may be, at the address or number set forth in Attachment B, or to such other addresses or numbers as either party may indicate pursuant to this section. Any notice delivered by e-mail shall be effective on the day the party receives the transmission if the transmission was during normal business hours of the receiving party, or on the next business day if transmission was outside normal business hours of the receiving party. Any notice given by personal delivery shall be effective when actually delivered. Any notice given by mail shall be effective three days after deposit in the mail.
- 9. **Amendments.** The terms of this Agreement will not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by the Parties (or in the case of a waiver, by the party against whom the waiver is sought to be enforced). If the Grantee wishes to amend the Agreement, the Grantee must submit a written request, including a justification for any amendment, to the DLCD Grant Manager at least 90 calendar days before the Project End Date.
- 10. **Default.** Reimbursements to Grantee may be withheld or reduced if DLCD determines that Project performance under this Agreement is unsatisfactory, or if one or more terms or conditions of this Agreement have not been met. The amount of Grant Funds withheld will be based on the best professional judgment of the DLCD Grant Manager and Grant Program Manager.
- 11. **Ownership of Product(s).**
  - a. **Definitions.** As used in this Section 11 and elsewhere in this Agreement, the following terms have the meanings set forth below:
    - i. **"Grantee Intellectual Property"** means any intellectual property owned by Grantee and developed independently from the Project.
    - ii. **"Third Party Intellectual Property"** means any intellectual property owned by parties other than DLCD or Grantee.
    - iii. **"Product(s)"** means every invention, discovery, work of authorship, trade secret or other tangible or intangible item and all intellectual property rights therein that Grantee is required to deliver to DLCD or create pursuant to the Project, including but not limited to any Product(s) described in Attachment A.



- b. **Non-Exclusive License.** Grantee hereby grants to DLCD, under Grantee Intellectual Property and under intellectual property created by Grantee pursuant to the Project, an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Product(s) for governmental purposes, and to authorize others to do the same on DLCD's behalf. If a Product(s) created by Grantee pursuant to the Project is a derivative work based on Third Party Intellectual Property, or is a compilation that includes Third Party Intellectual Property, Grantee shall secure on DLCD's behalf and in the name of DLCD an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display, for governmental purposes, the pre-existing elements of the Third Party Intellectual Property employed in the Product(s), and to authorize others to do the same on DLCD's behalf. If a Product(s) is Third Party Intellectual Property, Grantee shall secure on DLCD's behalf and in the name of DLCD, an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display, for governmental purposes, the Third Party Intellectual Property, and to authorize others to do the same on DLCD's behalf.

**12. Indemnity.**

- a. **GENERAL INDEMNITY.** SUBJECT TO THE LIMITS OF THE OREGON CONSTITUTION AND STATE OF OREGON TORT CLAIMS ACT, IF APPLICABLE TO GRANTEE, GRANTEE SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS DLCD, THE STATE OF OREGON AND THEIR AGENCIES, SUBDIVISIONS, OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY FEES, ARISING OUT OF, OR RELATING TO THE ACTS OR OMISSIONS OF GRANTEE OR ITS OFFICERS, EMPLOYEES, SUBCONTRACTORS, OR AGENTS UNDER THIS AGREEMENT.
- b. **CONTROL OF DEFENSE AND SETTLEMENT.** GRANTEE SHALL HAVE CONTROL OF THE DEFENSE AND SETTLEMENT OF ANY CLAIM THAT IS SUBJECT TO SECTIONS 12.a; HOWEVER, NEITHER GRANTEE NOR ANY ATTORNEY ENGAGED BY GRANTEE SHALL DEFEND THE CLAIM IN THE NAME OF THE STATE OF OREGON OR ANY AGENCY OF THE STATE OF OREGON, NOR PURPORT TO ACT AS LEGAL REPRESENTATIVE OF THE STATE OF OREGON OR ANY OF ITS AGENCIES, WITHOUT FIRST RECEIVING FROM THE OREGON ATTORNEY GENERAL, IN A FORM AND MANNER DETERMINED APPROPRIATE BY THE ATTORNEY GENERAL, AUTHORITY TO ACT AS LEGAL COUNSEL FOR THE STATE OF OREGON. NOR SHALL GRANTEE SETTLE ANY CLAIM ON BEHALF OF THE STATE OF OREGON WITHOUT THE APPROVAL OF THE ATTORNEY GENERAL. THE STATE OF OREGON MAY, AT ITS ELECTION AND EXPENSE, ASSUME ITS OWN DEFENSE AND SETTLEMENT IN THE EVENT THAT THE STATE OF OREGON DETERMINES THAT GRANTEE IS PROHIBITED FROM DEFENDING THE STATE OF OREGON, OR IS NOT ADEQUATELY DEFENDING THE STATE OF OREGON'S INTERESTS, OR THAT AN IMPORTANT GOVERNMENTAL PRINCIPLE IS AT ISSUE AND THE STATE OF OREGON DESIRES TO ASSUME ITS OWN DEFENSE.

- 13. **Recovery of Grant Moneys.** Any Grant Funds disbursed to Grantee under this Agreement that are expended in violation or contravention of one or more of the provisions of this Agreement ("Misexpended Funds") or that remain unexpended on the earlier of termination of this Agreement or the Project End Date must be returned to DLCD. Grantee shall return all Misexpended Funds to DLCD promptly after DLCD's written demand and no later than fifteen (15) days after DLCD's



written demand. Grantee shall return all Unexpended Funds to DLCD within fifteen (15) days after the earlier of termination of this Agreement or the Project End Date.

**14. Termination:**

- a. **DLCD's Right to Terminate at its Discretion.** At its sole discretion, DLCD may terminate this Agreement:
  - i. **For its convenience** upon thirty (30) days' prior written notice by DLCD to Grantee;
  - ii. **Immediately upon written notice** if DLCD fails to receive funding, appropriations, limitations, allotments or other expenditure authority at levels sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, to continue to make disbursement under this Agreement; or
  - iii. **Immediately upon written notice** if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement.
- b. **DLCD's Right to Terminate for Cause.** In addition to any other rights and remedies DLCD may have under this Agreement, DLCD may terminate this Agreement immediately upon written notice by DLCD to Grantee, or at such later date as DLCD may establish in such notice, after the occurrence of any of the following events:
  - i. **Grantee is in default** because Grantee institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis;
  - ii. **Grantee is in default** because Grantee commits any material breach or default of any covenant, warranty, obligation or agreement under this Agreement, fails to perform any of its obligations under this Agreement within the time specified herein or any extension thereof, or so fails to pursue its work hereunder as to endanger Grantee's performance under this Agreement in accordance with its terms, and such breach, default or failure is not cured within fourteen (14) calendar days after DLCD's notice, or such longer period as DLCD may specify in such notice.
- c. **Grantee's Right to Terminate for Cause.** Grantee may terminate this Agreement by written notice to DLCD if DLCD is in default because DLCD fails to pay Grantee any amount due pursuant to the terms of this Agreement, and DLCD fails to cure such failure within thirty (30) calendar days after Grantee's notice or such longer period as Grantee may specify in such notice; or
- d. **Termination** under Section 14 shall be without prejudice to any claims, obligations, or liabilities either party may have incurred prior to such termination.

- 15. Accounting and Fiscal Records:** Grantee shall maintain its fiscal records related to this Agreement in accordance with generally accepted accounting principles. The Grantee shall maintain records of the receipt and expenditure of all funds subject to this Agreement for a period of six (6) years after the Project End Date, or for such longer period as may be required by applicable law or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later. Accounting records related to this Agreement will be separately maintained from other accounting records.



16. **Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between DLCD (or any other agency or department of the State of Oregon) and Grantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County in the State of Oregon. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.
17. **Audit.** The Oregon Secretary of State, Attorney General of the State of Oregon and the Director of DLCD or any other duly authorized representative of DLCD shall have access to and the right to examine any records of transactions related to this Agreement for six (6) years after the final disbursement of Grant Funds under this Agreement is authorized by DLCD.
18. **Counterparts.** This Grant Agreement may be executed in any number of counterparts, and any single counterpart or set of counterparts signed, in either case, by all the parties hereto shall constitute a full and original instrument, but all of which shall together constitute one and the same instrument.
19. **Survival.** All agreements, representations, and warranties of Grantee shall survive the execution and delivery of this Agreement, any investigation at any time made by DLCD or on its behalf and the making of the Grant.
20. **Successors and Assigns.** Recipient may not assign this Agreement or any right hereunder or interest herein, in whole or in part, without the prior written consent of DLCD. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective permitted successors and assigns.
21. **Validity and Severability.** If any provision of this Agreement is held to be invalid, such event shall not affect, in any respect whatsoever, the validity of the remainder of this Agreement and the remainder shall be construed without the invalid provision so as to carry out the intent of the parties to the extent possible without the invalid provision.
22. **Relationship of the Parties.** Nothing contained in this Agreement or any acts of the parties hereto shall be deemed or construed to create the relationship of principal and agent, or of partnership, or of joint venture or of any other association other than that of independent contracting parties.
23. **No Third Party Beneficiary Rights.** No person not a party to this Agreement is an intended beneficiary of this Agreement, and no person not a party to this Agreement shall have any right to enforce any term of this Agreement.
24. By signing this Agreement the Parties each represents and warrants that it has the power and authority to enter into this Agreement and that the Agreement is executed by its duly authorized representative. By signing the document, Grantee agrees to comply with the terms of this Agreement.



**Grantee:** City of Milwaukie

**Grant No.** HA-23-174

Print Name of Authorized Official For the Grantee	Title	Date
Signature of Authorized Official For the Grantee		

**Grantor:** State of Oregon, acting by and through its Department of Land Conservation and Development

Print Name of DLCD Grant Program Manager	Title  <b>Community Services Division Manager</b>	Date
<b>Gordon Howard</b>		
Signature of DLCD Grant Program Manager		



**PROJECT PURPOSE STATEMENT**

Milwaukie Housing Capacity Analysis and Housing Production Strategy

**PROJECT OVERVIEW AND MANAGEMENT**

Overall management of the Project will be the responsibility of the Grantee as assisted by the DLCD Grant Manager. Specific Project management duties of Grantee will include:

- a. Organizing and managing the advisory committee;
- b. Selecting a consultant and contracting for consultant services;
- c. Overseeing consultant work described in this Project Description;
- d. Scheduling and managing meetings, including activities such as, preparing and distributing meeting notices, agendas, and summaries; and assisting the consultant with meeting facilitation.

***Advisory Committees***

The Project will employ a technical advisory committee (TAC) composed of local government and state agency staff and others identified by the TAC. The role of the TAC is to review Project materials and advise on technical issues throughout the project. TAC members shall generally consist of representatives from City of Milwaukie, Clackamas County, if any, DLCD, and the Project consultant. Additional representatives from other affected agencies and organizations may serve as recommended by TAC members.

The TAC will meet on a regular basis to review technical analysis and recommendations prepared by City of Milwaukie staff and the consultant. Individual TAC members will be responsible for communicating with officials from their respective jurisdictions and to assure that policy issues are incorporated into technical work at the appropriate time and in the most effective way.

***Agency Role***

DLCD will provide financial, administrative and technical assistance to the Project. DLCD supports the collaborative, regional approach envisioned in the Project and agrees to work equally and fairly with each jurisdiction to help assure that state and local interests are optimized. DLCD recognizes the HNA and HPS will inform, but will not bind, future land use decisions of the cooperating jurisdictions.

***Consultant Role***

The Project will use consultant services to perform technical analysis related to the HNA and HPS. The consultant is expected to provide analysis and recommendations relating to housing planning and land use policy. The consultant is expected to attend regular meetings of the TAC and to assist local planning staff in presentations to planning commissions and elected officials.

***Project Meeting Materials***

Written Project documents or memorandum prepared by the consultant shall be provided to Grantee in digital format at least one week prior to any scheduled TAC meeting.

Grantee shall prepare meeting agendas and summaries for each TAC meeting. Grantee shall distribute meeting materials to project committee members at least five (5) working days prior to any scheduled meeting.



### ***Project Schedule***

The schedule identified in “Schedule, Products, and Budget” section of this Project Description will be observed. DLCD may require an amendment to this Agreement if the timeframes in the schedule are not satisfied. The Project End Date is May 31, 2023.

### ***Expectations for All Written and Graphic Products***

All reports and Products will be delivered to the DLCD Grant Manager according to the schedule provided in this Project Description.

All reports, studies, and other documents produced under the Project must bear the statement in Project Requirement 3, below.

Grantee and the consultant will provide all draft and final Products, including memos, reports, and maps produced by this Agreement in a digital media format. The term “digital media” means a compact disc, digital video disc, USB flash drive, e-mail, or FTP submittal authorized by DLCD.

## **PROJECT REQUIREMENTS**

Grantee agrees to carry out the Project and submit Products in accordance with the requirements in this section.

1. Grantee will produce and submit to DLCD those Products as specified in this Agreement and this Project Description and Budget.
2. Grantee will provide copies of all final Product(s) produced under this Agreement to DLCD in the manner described in this Project Description.
3. All reports, studies, and other documents produced under the Project must indicate on the cover or the title page an acknowledgement of the financial assistance provided by DLCD by bearing the following statement: “This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.”
4. Grantee will identify the location of the originals of any Product(s) if a copy is submitted to DLCD or if the product is one-of-a-kind document.
5. Grantee will provide all letters, memos, reports, charts, products and maps produced under this Agreement in a digital media format.
6. Grantee will obtain DLCD approval of any chosen facilitator, contractor, or consultant before signing an agreement or contract to perform all or a portion of the Project.
7. Grantee will provide a legible copy of the signed agreement between the jurisdiction and the contractor no later than three business days after both parties have signed the agreement.
8. Grantee will complete the following within 30 days of the executed agreement:
  - a. Identify the name, address, telephone number, and e-mail address of those persons who will be completing the project and which of tasks listed under the Project Description for this Agreement they will work on.



- b. Identify the name, address, telephone number, and e-mail address of those persons who are members of the PAC or other committee formed to carry out work on this Agreement.
  - c. List the steps that will be taken to complete each Task and any Product(s) delivered in connection with the Task(s).
- 9. Grantee will, in performing the Project under this Agreement, ensure consistent, coordinated use of population, employment, housing, and land needs projections associated with the following activities: (1) the periodic review work programs and related tasks; (2) the transportation system plans being prepared pursuant to OAR 660-012-0000; (3) any post-acknowledgment plan and land use regulation amendments proposed by the Grantee.
- 10. Any final product must be proposed under Attachment D, Form 1, "Notice of Proposed Change," at least 35 days before the first evidentiary hearing as set forth in ORS 197.610 and OAR 660-018-0020, -0021, and -0022. The products must be adopted by the governing body and submitted under Attachment E, Form 2, "Notice of Adoption" as set forth in ORS 197.615 and OAR 660-018-0040.
- 11. Grantee will consult closely with the DLCD Grant Manager to ensure that adoption of Product(s) under the post-acknowledgment plan amendment process is completed on or before the Project End Date.
- 12. A draft Product may be accepted for approval instead of an adopted Product when requested in writing and received in the DLCD Salem office at least 60 days prior to Project End Date. The request will be reviewed and approved in writing by DLCD if substantial progress has been made toward adoption and adoption is scheduled to occur on or before the date that is 120 days after the Project End Date.
- 13. Any final draft product (e.g., ordinances, maps, websites, databases, supporting documents, and photographs) shall be a hearings-ready draft approved by a resolution of the governing body and shall be accompanied by a report in detailing why the product was not adopted and a timeframe for the future adoption of the product.
- 14. Any notice issued by Grantee that is eligible for reimbursement under ORS 227.186 – Notice to city property owners for costs incurred for Measure 56 – is not reimbursable under this Agreement.
- 15. Any notice issued by Grantee that is eligible for reimbursement under ORS 215.503 – Notice to county property owners for costs incurred for Measure 56 – is not reimbursable under this Agreement.
- 16. Grantee will coordinate and provide notice to DLCD, Clackamas County, and any other agencies and organizations listed in the project description of public meetings, workshops, work sessions, and hearings to develop, review or approve products prepared under this Agreement.
- 17. Grantee will consult with the DLCD Grant Manager and any other entities in the development of Products and provide an opportunity for timely review of all draft Products.
- 18. Grantee will submit a written status report quarterly and at the request of the DLCD Grant Manager at any time outside of the payment schedule in addition to the reports submitted with Attachment C. Quarterly reports shall be submitted in December 2021, March 2022, June 2022, September 2022, December 2022, and March 2023 (or with interim payment).



19. DLCD will provide no more than one interim payment before the Project End Date and a final payment. Payments will be made only upon submittal of qualifying Product(s) and progress report(s) in accordance with the terms of this Agreement and Attachment C. The report(s) must describe the progress to date on each Task(s) or Product(s) undertaken during the billing period. Other written or verbal progress reports will be provided upon reasonable request by the DLCD Grant Manager.
20. Payments under this Agreement may be reduced if Product(s) scheduled to be completed are not completed by the timeline provided in the Project Description. DLCD's payment obligations under this Agreement are conditioned upon DLCD receiving funding, appropriations, limitations, allotments or other expenditures authority sufficient to allow DLCD in the exercise of its reasonable administrative discretion, to meet its payment obligations under this Agreement.
21. Grantee will not use or charge grant funds provided under this Agreement for consultant(s) trip expense(s), lodging, or any other expense submitted by consultant(s), except for the initial consultant(s) trip to Grantee. Grantee may use grant funds to pay for Product(s) produced by consultant(s).
22. Grantee will not use grant funds provided under this Agreement for any regularly scheduled or other scheduled meetings and hearings. Grantee must use its own funds, or in-kind contributions for all regularly scheduled or other scheduled meetings and hearings.

### ***GIS Requirements***

23. If a new comprehensive map or zoning map is created or an existing map is revised or updated, the Product(s) must be submitted in an electronic form compatible with Environmental Systems Research Institute's (ESRI) file formats (coverage, shapefile or geodatabase).
24. Geospatial data should be free of topological errors and metadata must comply with the current State of Oregon Metadata Standards accessible at <http://www.oregon.gov/DAS/CIO/GEO/pages/standards/standards.aspx>, "Oregon GIS Data Standards and Best Practices." The projection of the data may be determined by the jurisdiction. All data should have the projection defined with the dataset and must be documented in the metadata.
25. DLCD may display appropriate Product(s) on its web interface including corporate GIS data generated under this Agreement and any additional data provided that is not specifically restricted into state agency databases, acknowledging that Grantee and agents of Grantee are not responsible for the accuracy of such data. DLCD may also share the data specifically generated under this Agreement with other agencies and organizations, as this is data that DLCD owns as Product(s) under Grant Agreement Section 11.
26. If GIS capability is not available to the Grantee, map Product(s) on digital media will be accepted with the written approval of the DLCD Grant Manager.

## **SCHEDULE, PRODUCTS, AND BUDGET**

### **Pre-Task Submittals**

The contract in Project Requirement 7 and the report in Project Requirement 8 in this Project Description and Budget will be submitted.



**Pre-Task Timeline:** By the dates specified in those requirements.

**Pre-task report budget:** \$0

### **Task 1: Project Management and Public Engagement**

#### **1.1 Project Management**

Consultant will facilitate the Project Management Team (PMT) meetings, provide draft agendas prior to the meetings, and provide meeting summaries with key decisions noted, and identify action items with responsible party identified and due dates assigned. There will be a project kick-off meeting to discuss scope refinements.

#### **1.2 Community Engagement**

Consultant will work with City staff to organize and host two public forums for presentation and discussion of the

1. Draft Housing Capacity Analysis (HCA)
2. Housing Production Strategy (HPS)

There will also be up to three on-line events/surveys hosted on the City of Milwaukie's online engagement site called "Engage Milwaukie" to share and gather feedback on the information presented.

Consultant will help plan engagement throughout the project (timing TBD) with housing consumers, including direct outreach to individuals through interviews, focus groups, or other means; contacting community-based organizations and service providers to connect with those they serve; and/or hosting events (virtual or in-person). This engagement will prioritize underrepresented communities within the City, including renters, low-income households, Hispanic/Latinx residents, other racial and ethnic minorities and immigrant or refugee communities, veterans, people with disabilities, seniors, agricultural workers, and formerly and currently homeless people. The engagement efforts will build from past engagement efforts conducted during the Comprehensive Plan implementation work and be coordinated with the event(s) required under HB 4006 for severely rent burdened communities.

Based on evolving conditions due to the COVID-19 pandemic, engagement will seek to prioritize outreach to underrepresented groups to the extent reasonably and safely possible at the time. Engagement will be targeted through agencies or non-profit groups that represent or work with under-represented communities. Outreach and engagement discussions are likely to occur via videoconference, teleconference, telephone calls, and in-person when feasible.

#### **1.3. Community Engagement - Establish Advisory Committee (AC)**

In addition to the engagement outlined in Task 1.2 the City will recruit and establish an AC made up of members of the community, housing experts, planning commission, and city council to review and provide feedback on the analysis.

**Task 1 Products:** **1.1** Consultant Deliverables: On-going meeting materials and revised scope. City Deliverables: On-going meeting agenda suggestions and feedback on revised scope. **1.2** Consultant Deliverables: Consultant will help plan for the engagement, including helping to define the questions and topics for the outreach and methods to solicit input. Consultant will create materials for engagement with City staff assistance. City Deliverables: City will manage notification of meetings and print/publish all materials, including on-line materials. **1.3** Consultant Deliverables: Prepare meeting materials for AC kick-off meeting (AC #1). City Deliverables: City to prepare AC roster and charge statement. Provide feedback on kick-off materials and distribute to AC.

**Task 1 timeline:** December 1, 2021 to April 30, 2023



**Task 1 budget:** Task 1.1: \$5,000; Task 1.2: \$13,000; Task 1.3: \$25,000

## **Task 2: Housing Capacity Analysis**

The Consultant will develop a HCA that is in accordance with the requirements of Oregon's Goal 10, Metropolitan Housing Rule OAR 660 and Metro's Regional Functional Plan and is reflective of the city's Vision, Comprehensive Plan and Milwaukie's Housing Affordability Strategy (MHAS).

### **A. 2.1 Update the Residential Buildable lands Inventory.**

The Consultant will prepare a draft inventory of buildable land consistent with OAR chapter 660, division 7 or 8, as applicable, including an updated database, maps and summary memo describing and quantifying the City's supply of buildable residential land, including properties that are vacant, partially vacant, and redevelopable. The analysis will build on the City's residential BLI prepared in 2019 and the update will be based on the following information and initiatives:

- A. Changes in related state statutes and administrative rules
- B. Changes in the Metro BLI methodology
- C. Analysis recently conducted for the city infrastructure planning work
- D. Development which has been constructed or received land use approval since completion of the last BLI
- E. Process for addressing the capacity of areas within floodplains and other areas with natural resource or hazard constraints

### **A 2.2 Redevelopment Analysis**

Consultant will prepare an analysis to inform redevelopment potential, focusing on middle housing types. This analysis may use an approach such as residual land value analysis including a pro forma analysis with several different building types focusing on specific areas that may be more ripe for redevelopment.

### **A 2.3 Review and Consolidate Data.**

Consultant will review and consolidate population and housing data and trends from different sources into a technical report that will inform the remaining tasks.

- A. Identify relevant national, state, and local demographic and economic trends and factors that may affect the 20-year projection of housing structure type mix.
- B. Describe the demographic characteristics of the population and) if possible, housing trends that relate to demand for different types of housing.
- C. Determine the types of housing that are likely to be affordable to the projected households based on household income. Estimate the number of additional needed units by structure type.
- D. Determine the needed density ranges for each plan designation and the average needed net density for all structure types. This step will result in a projection of new housing units needed in the next 20-years.
- E. Assess the imbalance of housing to jobs and recommend strategies \_to reverse the imbalance.
- F. Evaluate and reconcile the updated Building Lands Inventory (BLI) with current data and trends if necessary.

### **A. 2.4 Prepare Draft Housing Capacity Analysis Report:**

Consultant will prepare a draft Housing Capacity Analysis report that summarizes and synthesizes all the findings, conclusions, and recommendations from earlier phases of the project.



**A. 2.5 Prepare Final Housing Capacity Report:**

Consultant will prepare a final report incorporating, or responding to, all feedback from City staff, City Council, Planning Commission, and the Advisory Committee. The report will satisfy the compliance requirements House Bill 2003. The Consultant will provide support to City staff during this public hearing and adoption phase of this project. Based on feedback from these policy-making bodies, the consultant will make any needed adjustments.

**Task 2 Products:** **2.1** Consultant Deliverables: Draft BLI. City Deliverables: Provide feedback on draft BLI. **2.2** Consultant Deliverables: Prepare redevelopment analysis memo and BLI overview. **2.3** Consultant Deliverables: Prepare housing and population memo summarizing key findings. City Deliverables: Provide feedback on memo. **2.4** Consultant Deliverables: Prepare report, make available for public comment. Revise report based on staff, community, and AC feedback. City Deliverables: provide feedback on memo. **2.5** Consultant Deliverables: Final Housing Capacity Analysis Report. Multiple drafts of the final report will likely be necessary. It is critical to scope several drafts as well as the appropriate amount of time needed for the City to review. City Deliverables: Provide feedback on memo.

**Submit 35-day notice.** Prepare and submit hearings-ready Products from Task 2.4 online at [https://db.lcd.state.or.us/PAPA\\_Online/Account/Login?ReturnUrl=%2fPAPA\\_Online](https://db.lcd.state.or.us/PAPA_Online/Account/Login?ReturnUrl=%2fPAPA_Online), or via e-mail with Attachment D, Form 1 DLCD Notice of Proposed Change to a Comprehensive Plan or Land Use Regulation, and at least 35 days before first evidentiary hearing. If the notice is submitted online, send an e-mail to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information providing notification of the submittal. If submitting via e-mail, send Task 2.4 Product(s) in a digital media format to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information, and to the Plan Amendment Specialist at the e-mail address specified in Attachment D, Form 1 DLCD Notice of Proposed Change to a Comprehensive Plan or Land Use Regulation.

**Submit Notice of Adoption.** Prepare and submit signed ordinance(s) adopting the Products from Task 2.5 online at [https://db.lcd.state.or.us/PAPA\\_Online/Account/Login?ReturnUrl=%2fPAPA\\_Online](https://db.lcd.state.or.us/PAPA_Online/Account/Login?ReturnUrl=%2fPAPA_Online), or via e-mail with Attachment E, Form 2 Notice of Adopted Change to a Comprehensive Plan or Land Use Regulation, according to the instructions on the form. If the notice is submitted online, send an e-mail to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information providing notification of the submittal. If submitting via e-mail, send the notice on digital media to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information, and to the Plan Amendment Specialist at the e-mail address specified in Attachment E, Form 2 Notice of Adopted Change to a Comprehensive Plan or Land Use Regulation.

**Task 2 timeline:** January 1, 2022 to August 1, 2022

**Task 2 budget:** Task 2.1: \$7,000; Task 2.2: \$15,000; Task 2.3: \$5,000; Task 2.4: \$6,000; Task 2.5: \$8,000

**P1 – Interim Payment**

Reimbursement **up to \$84,000** upon submittal of pre-task reports and the Product(s) listed in Tasks 1–2. Submit Product(s) and a signed Attachment C, Request for Reimbursement Form on digital media to the Grant Manager and the Grant Administrative Specialist to the e-mail addresses listed in Attachment B, DLCD Contact Information.



### **Task 3: Housing Production Strategy**

The Consultant will develop a HPS that is in accordance with the requirements of Oregon House Bill 20003 and reflective of the city's Vision, Comprehensive Plan and Milwaukie's Affordable Housing Strategy (MHAS).

#### **B.3.1 Data Collection and Analysis**

Consultant will gather relevant data from the City's HCA, MHAS, Clackamas County's Consolidated Plan, and other available sources as needed for the HPS to describe current and future housing needs in the context of population and market trends. The city will provide Consultant access to all relevant available local data. The analysis of contextualized housing needs will include:

- a. Socio-economic and demographic trends of a jurisdiction's population, disaggregated by race to the extent possible with available data;
- b. Market conditions affecting the provision of needed housing;
- c. Existing and expected barriers to the development of needed housing;
- d. Housing need for those experiencing homelessness, using the best available data;
- e. Percentage of Rent Burdened Households;
- f. Housing by Tenure (owner vs renter);
- g. Percentage of housing stock that is market rate vs. subsidized; and
- h. Units that are in the development pipeline by housing type;

The analysis will also draw on information gathered through engagement with housing consumers, including underrepresented communities.

#### **B.3.2. Summary of Existing Measures and Past Recommendations**

Consultant will review and provide input to the City on a City provided summary of measures already adopted by the City that promote the development of needed housing, and existing practices that affirmatively further fair housing, link housing to transportation, address equitable distribution of services, and create opportunities for rental housing and homeownership as those terms and requirements are defined in the final rules and state guidance for the HPS. The City will identify and provide all available information about existing relevant measures.

#### **B.3.3. Gap Review**

Based on the Consultant and City evaluation of contextualized housing needs and the summary of the City's existing measures, Consultant will identify gaps where identified housing needs are not being met by the private market, and where there is inadequate public support to fully meet the identified needs. Consultant will review the list of strategies identified in the City's HCA produced in 2022, as well as the MHAS produced in 2018, against the identified gaps to evaluate how well the strategies identified in the HCA address the contextualized housing needs, and where additional strategies may be needed. This evaluation will be qualitative rather than quantitative. In other words, it is not a numerical comparison of units needed of a specific type to units being produced through existing measures, but rather an assessment of whether the City's existing measures and previously identified strategies address the relevant needs where greater public intervention is needed.

Based on the identified gaps, Consultant will work with the City to identify any additional strategies needed to supplement those previously identified. Consultant will combine information on existing measures, previously identified strategies, and possible additional strategies to more fully address contextualized housing needs in a memorandum.

#### **B.3.4 Strategy Development**

Consultant will work with the City and AC to select strategies that are promising for near- to mid-term implementation and that would benefit from additional consideration to refine and provide additional guidance about how the strategy might best be implemented in the City.



### B.3.5 Strategy Refinement

Consultant will provide additional information and qualitative and/or quantitative evaluation of up to five strategies. The purpose of this evaluation is to inform whether the City should include them in the HPS, and how (e.g. implementation considerations, pros and cons, or discussion of options in how to implement or apply the strategy).

### B.3.6 Develop Details of Each Strategy

For the strategies that are recommended for inclusion in the City's HPS, Consultant will produce the following for each strategy, based on Consultant's evaluation, input from staff, and feedback gathered through outreach and engagement:

- a. A description of the strategy;
- b. Identified Housing Need being fulfilled (tenure and income) and analysis of the income and demographic populations that will receive benefit and/or burden from the strategy, including low-income communities, communities of color, and other communities that have been discriminated against, according to fair housing laws;
- c. Approximate magnitude of impact, including (where possible/applicable) an estimate of the number of housing units that may be created, and the time frame over which the strategy is expected to impact needed housing;
- d. Timeline for adoption and implementation;
- e. Actions necessary for the local government and other stakeholders to take in order to implement the strategy; and
- f. Opportunities, constraints, or negative externalities associated with adoption of the strategy.

### B.3.7 Final Strategies

Consultant will prepare a final strategies document for inclusion in the HPS.

### B.3.8 Prepare Draft HPS

Consultant will prepare a draft Milwaukie HPS report that summarizes and synthesizes all of the findings, conclusions and recommendations from earlier phases of the project. As well as a conclusion addressing the following:

- a. A qualitative assessment of how the strategies collectively address the housing needs identified in the HCA and HPS;
- b. Discussion of how the proposed actions, taken collectively, will increase housing options for population groups experiencing a current or projected disproportionate housing need;
- c. How the City's existing measures and proposed strategies will affirmatively further fair housing, link housing to transportation, provide access to Opportunity, address needs for people facing homelessness and equitable distribution of services, create opportunities for rental housing and homeownership, and mitigate vulnerabilities to displacement and housing instability;
- d. The rationale for any identified needs not being addressed; and
- e. The City's plan for monitoring progress on the housing production strategies.

**B. 3.9 Prepare Final Housing Production Strategy Report-** Consultant will prepare a final report incorporating, or responding to, all feedback from City staff, City Council, Planning Commission and the Advisory Committee. The report will satisfy the compliance requirements House Bill 2003. The Consultant will provide support to City staff during this public hearing and adoption phase of this project. Based on feedback from these policy-making bodies, the consultant will make any needed adjustments.



**Task 3 Products:** **3.1** Consultant Deliverables: Draft the summary document and revise based on City feedback. Present draft to AC and make available for public comment. City Deliverables: Review and provide feedback on document. **3.2** Consultant Deliverables: Provide summary document. City Deliverables: City to provide summary of adopted measures. Review and provide feedback on document. **3.3** Consultant Deliverables: Draft the summary document and revise based on City feedback. City Deliverables: Review and provide feedback on document. **3.4** Draft the summary document and revise based on City feedback. Present draft to AC and make available for public comment. City Deliverables: Review and provide feedback on document. **3.5** Consultant Deliverables: Draft refinements and revise based on City feedback. City Deliverables: Review and provide feedback. **3.6** Consultant Deliverables: Draft the strategy document and revise based on City feedback. Present draft to AC and make available for public comment. City Deliverables: Review and provide feedback on document. **3.7** Consultant Deliverables: Prepare strategy document and revise based on City feedback. City Deliverables: Review and provide feedback on document. **3.8** Consultant Deliverables: Prepare report and make available for public comment. Prepare materials for AC meeting. Revise report based on staff, community and AC feedback. City Deliverables: Provide feedback on memo. **3.9** Consultant Deliverables: Final Housing Production Strategy Report. Multiple drafts of the final report will likely be necessary. It is critical to scope several drafts as well as the appropriate amount of time needed for the City to review. City Deliverables: provide feedback on memo.

**Task 3 timeline:** June 1, 2022 to April 1, 2023

**Task 3 budget:** Task 3.1: \$5,000; Task 3.2: \$3,000; Task 3.3: \$3,000; Task 3.4: \$5,000; Task 3.5: \$3,000; Task 3.6: \$8,000; Task 3.7: \$2,000; Task 3.8: \$6,000; Task 3.9: \$8,000

### **FP – Final Payment**

Reimbursement of **up to \$43,000** and the balance of previously unused grant funds from P1 upon submittal of Product(s) listed in Tasks 3. Submit the Product(s) and a signed Attachment C, Final Closeout Form acceptable to DLCD on digital media to the Grant Manager and the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information **no later than May 31, 2023.**

### **Budget Summary**

Task 1.1 – Project Management	\$5,000
Task 1.2 – Community Engagement	\$13,000
Task 1.3 – Advisory Committee Meetings	\$25,000
Task 2.1 – Update Residential BLI	\$7,000
Task 2.2 – Redevelopment Analysis	\$15,000
Task 2.3 – Review and Consolidate Data	\$5,000
Task 2.4 – Prepare Draft Housing Capacity Report	\$6,000
Task 2.5 – Prepare Final Housing Capacity Report	\$8,000
Task 3.1 – Data Collection and Analysis	\$5,000
Task 3.2 – Summary of Existing Measures and Past Recommendations	\$3,000
Task 3.3 – Gap Review	\$3,000
Task 3.4 – Strategy Development	\$5,000
Task 3.5 – Strategy Refinement	\$3,000
Task 3.6 – Development Details of Each Strategy	\$8,000
Task 3.7 – Final Strategies	\$2,000
Task 3.8 – Prepare Draft Housing Production Strategy	\$6,000
Task 3.9 – Prepare Final Housing Production Strategy	\$8,000
<b>TOTAL</b>	<b>\$127,000</b>



**DLCD TA Grant Agreement  
Contact Information**

For questions regarding your grant, please contact:

**Grant Program Manager:**

Laura Kelly  
Portland Regional Solutions Center  
1600 SW Fourth Avenue, Suite 109  
Portland, Oregon 97201

Office: 503-798-7587

E-mail: [laura.kelly@dlcd.oregon.gov](mailto:laura.kelly@dlcd.oregon.gov)

**Housing Team Support Staff:**

Ethan Stuckmayer  
DLCD Salem Office  
635 Capitol Street N.E., Suite 150  
Salem, OR 97301

Office: 503-302-0937

Email: [ethan.stuckmayer@dlcd.oregon.gov](mailto:ethan.stuckmayer@dlcd.oregon.gov)

OR

**Grant Program Manager:**

Gordon Howard  
DLCD Salem Office  
635 Capitol Street N.E., Suite 150  
Salem, Oregon 97301-2540

Office: 503-856-6935

E-mail: [gordon.howard@dlcd.oregon.gov](mailto:gordon.howard@dlcd.oregon.gov)

Payment requests should be sent to:

**Grants Administrative Specialist**

Angela Williamson  
DLCD Salem Office  
635 Capitol Street N.E., Suite 150  
Salem, Oregon 97301-2540

Office: 971-345-1987

E-mail: [DLCD.GFGrant@dlcd.oregon.gov](mailto:DLCD.GFGrant@dlcd.oregon.gov)



**Department of Land Conservation and Development (DLCD)  
2021-2023 Request for Interim Reimbursement / Final Closeout**

Grantee Name <b>City of Milwaukie</b>		Grant No. assigned by DLCD <b>HA-23-174</b>		Final Payment <b>Yes No</b>	
Grant Agreement Start Date From: Execution		Grant Agreement Close Date To: <b>May 31, 2023</b>		Period covered by this Payment From:	
Period covered by this Payment To:					
<b>DLCD Grant Expenditures</b>		<b>DLCD Grant Expenditures</b>		<b>DLCD Grant Expenditures</b>	
<b>Transactions</b>		<b>Previously Reported</b>		<b>This Payment</b>	
				<b>Cumulative</b>	
1. Salaries and Benefits					
2. Supplies and services					
3. Contracts (see instructions)					
4. Other (provide list & explain)					
5. <b>Total (add lines 1-4)</b>					
<b>Local Contributions (if applicable)</b>					
6. Salaries and Benefits					
7. Supplies and services					
8. Contracts					
9. Other					
10. <b>Total (add lines 6-9)</b>					
11. <b>Payment requested (from line 5)</b>		<b>DO NOT WRITE IN THIS SPACE</b>		<b>DO NOT WRITE IN THIS SPACE</b>	
12. <b>Certification:</b> I certify to the best of my knowledge and belief that this report is correct and complete and that all expenditures are for the purposes set forth in the award document. I further certify that all records are available upon request, and the financial records will be retained for six years after the final payment.					
13. Typed or Printed Name and Title			14. Address where payment is to be sent		
15. Signature of Authorized Certifying Official			16. Date Payment Submitted		

Do Not Write Below This Line

**FOR DLCD USE ONLY**

Do Not Write Below This Line

**DLCD CERTIFICATION**

**I certify** as a representative of the Department of Land Conservation and Development (DLCD), that the Grantee:

\_\_\_\_\_ Has met the terms and conditions of the grant and that payment in the amount of \$ \_\_\_\_\_ should be issued  
 \_\_\_\_\_ Has not met the terms and conditions of the grant for the reasons stated on the attached sheet, and payment in the amount of \$ \_\_\_\_\_ should be issued.

Signature of DLCD Grant Manager

Date

Signature of DLCD Program Manager

Date

BATCH #

DATE

VOUCHER#

DATE

PCA#

OBJECT #

VENDOR #

AMOUNT



**Department of Land Conservation and Development  
2021-2023 Planning Technical Assistance Grant Agreement  
Interim Reimbursement and Closeout Form Instructions**

General and line-by-line instructions for completing the Request for Interim Reimbursement/Final Closeout form are provided herein.

***General Instructions and Reminders***

- This form may be completed by hand or typed on paper or completed in Microsoft Word. If you need a Word file, please contact the Grants Administrative Specialist at [DLCD.GFGrant@dlcd.oregon.gov](mailto:DLCD.GFGrant@dlcd.oregon.gov). In any case, submit the form with the grant Product(s) electronically, as called for in the Agreement.
- This form is used for all reimbursement requests – interim or final.
- It is important that you retain documentation of expenditures as provided in paragraph 16 of the Agreement, which provides that records be maintained for at least six years after the final payment has been received by the grantee.
- Interim and final reimbursement requests must not include work performed prior to the Effective Date of this Agreement (generally the date the Agreement is signed by DLCD) and not after the Closing Date of this Agreement.

***Completing the Form***

Please show *total actual expenditures only* of DLCD grant award and local contributions.

First row: DLCD will complete the Grantee Name and Grant Number. In the Final Payment box, highlight or circle “No” for interim payments and “Yes” for final closeouts.

Second row: DLCD will complete Agreement start and close dates. Complete the “Period covered by this payment” The form includes separate boxes for “from” and “to.” Please complete both. These dates must accurately depict the dates the work for the reimbursable expenditure was incurred. If there are any applicable limits on these dates, they will be provided in the payment descriptions in the “Schedule, Products, and Budget” section of the Agreement.

The next section of the form includes columns for itemizing each expense category:

- **“DLCD Grant Expenditures, Previous Reported”** column -- should be blank if the submission is Payment 1. If the request is for a second or later interim payment or final closeout, enter the sum of previous payments in this “Previously Reported” column.
- **“DLCD Grant Expenditures, This Payment”** column – captures and identifies expenditures for the products that are currently being submitted for review and payment.
- **“DLCD Grant Expenditures, Cumulative”** column – simply the total of the two previous columns.
- **“DLCD Grant Expenditures, Transactions”** – Complete items 1–4 as applicable and item 5, total in the “Previously Reported” column if applicable and in the “This Payment” column. Complete previous and current local contributions in items 6–9 and the total on line 10 if applicable. Local contribution does not include expenses reimbursed by the grant. It is included to provide DLCD with accurate information regarding the cost of projects and/or products completed in compliance with this grant. This category includes both in-kind and cash contributions.
  - **1. Salary and Benefits** includes the grantee’s staff time, including Other Personnel Expenses. Receipts are not required with this report submission.



- **2. Supplies and Services** include allowable grantee supplies used for completion of grant products. Receipts are not required with this report submission.
  - **3. Contracts** include consultants, attorneys, and any company or individual hired by the grantee to conduct grant work. This category does not include employees of the grantee, but rather an individual or entity that invoices the grantee for services rendered. Information required for the closeout report includes name, address, phone number, and e-mail address of the payee. If there are multiple entities, please provide the amount of grant funds allocated for the reimbursement of each.
  - **4. Other** - Provide a brief explanation and cost breakdown for amounts listed as “Other.” Receipts are not required. Note: Grantee travel expenses are not eligible for reimbursement.
  - **5. Totals** – Sum the categories of grant expenditures in the Previously Reported, This Payment, and Cumulative columns. The Total payments at closeout cannot exceed the maximum amount in paragraph 3 of the Agreement.
- Re-enter the payment request from line 5 “DLCD Grant Expenditures This Payment” on line 11.
- Certification: Be sure to read and understand the information in item 12 prior to signing the form.
- A legible name and title is required in cell 13.
  - A mailing address, including city and zip code, where payment should be sent must be provided in cell 14.
  - The signature under “Signature of Authorized Certifying Official” must be of the person taking responsibility for the accuracy of the information contained in the form.

Before a payment can be issued, *all grant products, required documentation, and the signed reimbursement request form* must be received, accepted, and reviewed by the grant manager and grant program manager, subject to the requirements contained in the Agreement.

Please follow the payment schedule as identified in the Grant Agreement when submitting a request for payment or closeout.

A **signed cover letter**, completed and signed **reimbursement request form**, and completed **Products** can be submitted in one of the following ways: (1) the preferred method – an e-mail with PDF files sent to the Grants Administrative Specialist at [DLCD.GFGrant@dlcd.oregon.gov](mailto:DLCD.GFGrant@dlcd.oregon.gov), or (2) via the DLCD FTP site (contact the Grants Administrative Specialist for instructions at 971-345-1987) or (3) a CD or DVD mailed to the address for the Grants Administrative Specialist in Attachment B of the Agreement. If none of these options are possible, mail the relevant documents to:

Grants Administrative Specialist  
Department of Land Conservation and Development  
635 Capitol St. NE Suite 150  
Salem, OR 97301





**NOTICE OF A PROPOSED CHANGE  
TO A COMPREHENSIVE PLAN OR  
LAND USE REGULATION**  
**FORM 1**

**Attachment D**

**FOR DLCD USE**

**File No.:**

**Received:**

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing**. (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction:

**Grant No.:**

Local file no.:

Please check the type of change that best describes the proposal:

- ☐ **Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **UGB amendment** over 100 acres by a metropolitan service district
- ☐ **Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **Periodic review task** – Task no.:
- ☐ **Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title):

Phone: E-mail:

Street address: City: Zip:

**Briefly summarize the proposal** in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

Date of first evidentiary hearing:

Date of final hearing:

- ☐ This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- ☐ Comprehensive Plan text amendment(s)
- ☐ Comprehensive Plan map amendment(s) – Change from to  
Change from to
- ☐ New or amended land use regulation
- ☐ Zoning map amendment(s) – Change from to  
Change from to
- ☐ An exception to a statewide planning goal is proposed – goal(s) subject to exception:
- ☐ Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL):

List affected state or federal agencies, local governments and special districts:



# NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

---

1. Except under certain circumstances,<sup>1</sup> proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<https://www.oregon.gov/lcd/CPU/Pages/Plan-Amendments.aspx>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendment@dlcd.oregon.gov](mailto:plan.amendment@dlcd.oregon.gov) with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at <http://www.oregon.gov/LCD/CPU/Pages/PAPA-Submittals.aspx>.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or.xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0000 or [plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov).

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

---

<sup>1</sup> 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.



**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0000 or e-mail [plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov).

**Notice checklist. Include all that apply:**

- ☐ Completed Form 1
- ☐ The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- ☐ Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- ☐ A map of the affected area showing existing and proposed plan and zone designations
- ☐ A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- ☐ Any other information necessary to advise DLCD of the effect of the proposal



## DLCD FORM 2



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

## FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction:

Grant No.

Local file no.:

Date of adoption:

Date sent:

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

☐ Yes: Date (use the date of last revision if a revised Form 1 was submitted):☐ No

Is the adopted change different from what was described in the Notice of Proposed Change? ☐ Yes ☐ No  
If yes, describe how the adoption differs from the proposal:

Local contact (name and title):

Phone: E-mail:

Street address: City: Zip:

**PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY****For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

**For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

Change from to . acres. ☐ A goal exception was required for this change.Change from to . acres. ☐ A goal exception was required for this change.Change from to . acres. ☐ A goal exception was required for this change.Change from to . acres. ☐ A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): .

☐ The subject property is entirely within an urban growth boundary☐ The subject property is partially within an urban growth boundary



**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

---

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.



## NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

---

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<https://www.oregon.gov/lcd/CPU/Pages/Plan-Amendments.aspx>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov) with the subject line "Notice of Adopted Amendment."

Submittals may also be uploaded to DLCD's FTP site at

<https://www.oregon.gov/LCD/CPU/Pages/PAPA-Submittals.aspx>.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or .xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0000 or [plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov).

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

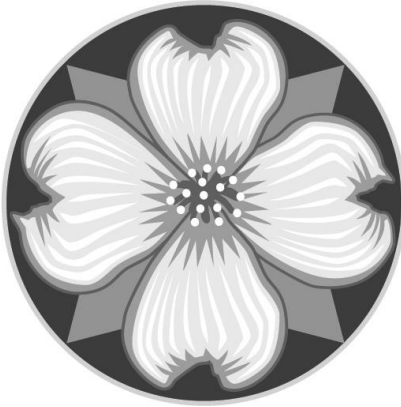
---

**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0000 or e-mail [plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov).

### **Notice checklist. Include all that apply:**

- ☐ Completed Form 2
- ☐ A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- ☐ The findings and the text of the change to the comprehensive plan or land use regulation
- ☐ If a comprehensive plan map or zoning map is created or altered by the proposed change:
  - ☐ A map showing the area changed and applicable designations, and
  - ☐ Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
  - ☐ Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change.





**RS Agenda Item**

**7**

## **Business Items**



**COUNCIL STAFF REPORT**

**To:** Mayor and City Council  
Ann Ober, City Manager

**Reviewed:** Joseph Briglio, Community Development Director, and  
Laura Weigel, Planning Manager

**From:** Brett Kelter, Senior Planner

**Subject:** **Annexation of Property at 5880 SE Hector Street**

**Date Written:** Dec. 9, 2021

**ACTION REQUESTED**

Council is asked to approve application A-2021-002, 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:

- Annexation into the city of 5880 SE Hector St (Tax Lot 1S2E30DD05600), the “annexation property.”
- Application of a low density residential (LD) Comprehensive Plan land use designation and a residential (R-10) zoning designation to the annexation property.
- Amendments to the city’s Comprehensive Plan land use map and zoning map to reflect the city’s new boundary and the annexation property’s new land use and zoning designations.
- Withdrawal of the annexation property from the following urban service districts:
  - Clackamas County Service District for Enhanced Law Enforcement

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**July 1990:** Clackamas County Order No 90-726 established an urban growth management agreement (UGMA) in which the city and county agreed to coordinate the future delivery of services to the unincorporated areas of north Clackamas County. With respect to Dual Interest Area “A,” the agreement states: “The city shall assume a lead role in providing urbanizing services.”

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

**June 2010:** Council approved the first annexation of property in the NESE project area (Ordinance #2016, land use file #A-10-01). Since then, Council has approved the annexation of approximately 164 additional properties in the NESE area. To date, there are approximately 95 properties within the NESE project area that have not yet annexed.

**March 2021:** The previous property owner at 5880 SE Hector St approached the city’s community development department to initiate the expedited annexation process and make an emergency connection to the city sewer system. The owner signed a consent to annex form and paid the necessary fees and charges before selling the property to the current owners, who are following through on the annexation process.



## ANALYSIS

### Proposal

The applicants, Michael and Ryan McGraw, have applied to annex the approximately 7,066-sq-ft (0.16-acre) site to the city. The annexation property is developed with a single-family detached dwelling. It has residential Clackamas County land use and zoning designations and will receive equivalent residential city land use and zoning designations upon annexation.

### Site and Vicinity

The annexation property is within the city's UGMA and is contiguous to the existing city limits along its frontage on the public right-of-way (ROW) in Hector Street to the north as well as where adjacent to the residential property 10114 SE Stanley Ave to the west (see Figure 1). The annexation property is currently developed with a single-family house; the surrounding area consists primarily of single-family residential dwellings.

### Annexation Petition

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

As set forth in Milwaukie Municipal Code (MMC) Table 19.1104.1.E, the expedited annexation process automatically assigns city land use and zoning designations to the annexation property based on the existing Clackamas County land use and zoning designations. The existing county Comprehensive Plan land use designation for the annexation property is low density residential (LDR), which corresponds to the city's low density residential (LD) Comprehensive Plan designation upon annexation. The current county zoning designation for the annexation property is urban low-density residential R-10, which corresponds to a city zoning designation of residential R-10 upon annexation.

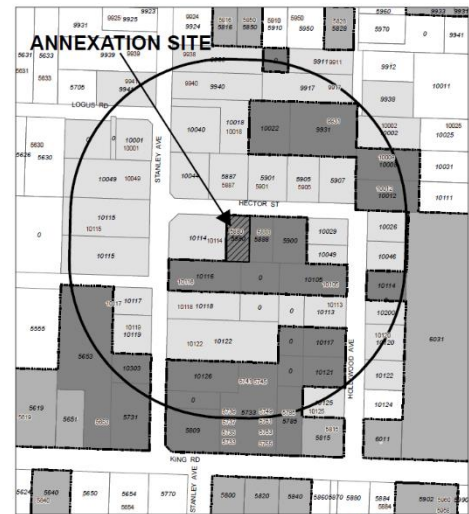
Pursuant to city, regional, and state regulations on expedited annexations, all necessary parties, interested persons, and residents and property owners within 400 feet of the site were notified of these proceedings under MMC 19.1103.4.1.C. A public hearing is not required for an expedited annexation;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

### Annexation Approval Criteria

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

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

Figure 1. Site Map





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

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

- Wastewater: The annexation property is within the city's sewer service area and, via an emergency connection allowed in conjunction with the proposed annexation, is served by the city's 8-inch sewer line accessible in Hector Street.
- Water: The annexation property is currently served by Clackamas River Water (CRW) through CRW's water line in Hector Street. Pursuant to the city's intergovernmental agreement (IGA) with CRW, water service will continue to be provided by CRW and the annexation property will not be withdrawn from this district at this time.
- Storm: The annexation property is not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.
- Fire: The annexation property is currently served by Clackamas Fire District #1 and will continue to be served by this fire district upon annexation since the entire city is within this district.
- Police: The annexation property is currently served by the Clackamas County Sheriff's 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 site. To avoid duplication of services, the site will be withdrawn from this district upon annexation to the city.
- Street Lights: As of July 1, 2011, an IGA between the city and Clackamas County Service District No. 5 for Street Lights (the "district") transferred operational responsibility to the city for the street lights and street light payments in the NESE project area. The annexation property is not within the district. The city has operational responsibility for any future street lights and street light payments.
- 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 site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

## **BUDGET IMPACTS**

This annexation will have minimal fiscal impact on the city. As with most annexations of residential properties, the costs of providing governmental services will likely be offset by the collection of property taxes. According to Clackamas County Assessor data, the total current assessed value of the annexation property is \$157,062. Based on the latest information available (from the Clackamas County Rate Book for 2021), total property tax collection of approximately \$2,845 is anticipated for the annexation property. The city will receive approximately \$706 of this total.



## **WORKLOAD IMPACTS**

For most city services, workload impacts from the annexation itself will be minimal and will likely include, but are not limited to, utility billing, provision of general governmental services, and the setting up and maintenance of property records.

## **CLIMATE IMPACTS**

The annexation is not expected to have any impact on the climate. The property is currently occupied by a single-family home and redevelopment is not anticipated in the short term.

## **COORDINATION, CONCURRENCE, OR DISSENT**

All city departments, necessary parties, interested persons, and residents and property owners within 400 feet of the annexation property were notified of these proceedings as required by city, regional, and state regulations. The Lewelling Neighborhood District Association (NDA) also received notice of the annexation petition and the Council meeting.

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

## **STAFF RECOMMENDATION**

Approve the application and adopt the ordinance and findings in support of approval.

## **ALTERNATIVES**

Council has two decision-making options:

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

## **ATTACHMENTS**

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



**COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30DD05600 AND LOCATED AT 5880 SE HECTOR ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2021-002).**

**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 providing written consent from a majority of electors and all owners of land within the territory proposed for annexation; and

**WHEREAS** the territory proposed for annexation lies within the territory of the Clackamas County Service District for Enhanced Law Enforcement; and

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

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

**WHEREAS** Table 19.1104.1.E of the Milwaukie Municipal Code (MMC) provides for the automatic application of city zoning and comprehensive plan land use designations; and

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

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

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

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

Section 4. The tract of land annexed by this ordinance and described in Section 2 is assigned a Comprehensive Plan land use designation of low density residential (LD) and a municipal code zoning designation of residential R-10.



Section 5. The city will 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 will 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 5880 SE Hector St, the “annexation property,” the Milwaukie City Council finds:

1. The annexation property consists of one tax lot comprising 0.16 acres (tax lot 1S2E30DD05600). The annexation property is contiguous to the existing city limits along its frontage on the public right-of-way (ROW) in Hector Street to the north as well as where adjacent to the residential property 10114 SE Stanley Ave to the west. The annexation property is within the regional urban growth boundary and also within the city’s urban growth management area (UGMA).

The annexation property is developed with a single-family detached dwelling unit. The surrounding area consists primarily of single-family dwellings.

2. The current owners of the annexation property seek annexation to the city to access city services, namely sewer service. The previous owner has signed a consent to annex form and paid the necessary fees and charges to allow an emergency connection to the city sewer service.
3. An application for annexation was submitted to the city by the previous owner on March 4, 2021. The application, including the annexation petition, was updated by the current owners on October 19, 2021. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsections 19.1104.1.A.3 and 19.1102.2.C.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC 19.1104. The annexation petition is being processed as an expedited annexation at the request of the current property owners. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.
5. The expedited annexation process provides for automatic application of city comprehensive plan land use and zoning designations to the annexation property based on their existing comprehensive plan land use and zoning designations in the county, which are urban low density residential (LDR) and residential R-10, respectively. Pursuant to MMC Table 19.1104.1.E, the automatic city comprehensive plan land use and zoning designations for the annexation property is low density residential (LD) and residential R-10, respectively.
6. The applicable city approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.

- A. The subject site must be located within the city’s urban growth boundary (UGB);

*The annexation property 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 property is contiguous to the existing city limits along its frontage on the public ROW in Hector Street to the north as well as where adjacent to the residential property 10114 SE Stanley Ave to the west.*

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

*Michael and Ryan McGraw, the current property owners, consented to the annexation by signing the petition. Ryan McGraw constitutes 50% of the registered voters for the annexation property. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors, if any, residing in the annexation territory.*

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

*Chapter 12 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. With annexation, the city will take over urban service provision for the property. City services to be provided include wastewater collection, stormwater management, police protection, and general governmental services. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.*

- E. The proposal must comply with the criteria of Metro Code Sections 3.09.045(d) and, if applicable, (e).

*The annexation proposal is consistent with applicable Metro code sections for expedited annexations as detailed in Finding 7.*

- F. The proposal must comply with the criteria of Section 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 and comprehensive plan land use maps.*

The approval criteria for zoning map amendments and comprehensive plan amendments are provided in MMC 19.902.6.B and 19.902.4.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 land use map designations for expedited annexations. 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 annexation property will assume the zoning and comprehensive plan designations provided in MMC Table 19.1104.1.E, which are R-10 and low density residential, respectively. The approval criteria for both proposed amendments are effectively met.*

7. Prior to approving an expedited annexation, the city must apply the provisions contained in Section 3.09.045.D of the Metro Code. They are listed below with findings in italics.

A. Find that the change is consistent with expressly applicable provisions in:

- (1) Any applicable urban service agreement adopted pursuant to ORS 195.065;

*There is one applicable urban service agreement adopted pursuant to ORS 195 in the area of the proposed annexation (see Finding 8, Street lights). The City has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. The proposed annexation is in keeping with the city's policy of encouraging properties within the UGMA to annex to the city.*

*The city has an intergovernmental agreement with WES regarding wholesale rates for wastewater treatment, but that agreement does not address issues related to annexations.*

- (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 is the identified sewer service provider in the area of the proposed annexation and maintains a public sewer system that can adequately serve the annexation property via an 8-inch sewer line accessible in Hector Street.*

*Storm: The annexation property is not connected to a public storm water system.*



*Treatment and management of on-site storm water will be required when new development occurs.*

*Transportation: Access is provided to the annexation property via Hector Street, a local street maintained by the city. The city may require public street improvements along the annexation property's frontage when new development occurs.*

*Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, the city's more recent UGMA agreement with the county identifies the city as the lead urban service provider in the area of the proposed annexation. The city'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. As per the city's intergovernmental agreement (IGA) with CRW, CRW will continue to provide water service to the annexation property through its existing water line in Hector Street.*

(5) Any applicable comprehensive plan.

*The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous pages. The Clackamas County Comprehensive Plan contains no specific language regarding city annexations. The comprehensive plans, however, contain the city-county UGMA agreement, which identifies the area of the proposed annexation as being within the city's UGMA. The UGMA agreement requires that the city notify the county of proposed annexations, which the city has done. The agreement also calls for city assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The city has already annexed and taken jurisdiction of the public ROW in Hector Street adjacent to the annexation property.*

B. Consider whether the boundary change would:

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

*With annexation, the city will be the primary urban service provider in the area of the proposed annexation, and the annexation will facilitate the timely, orderly, and economic provision of urban services to the annexation properties.*

*The city has public sewer service in this area via Hector Street.*

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

*The annexation property consists of one tax lot developed with a single-family residence. Annexation of the site is not expected to affect the quality or quantity of urban services in this area, given the surrounding level of urban development and the existing level of urban service provision in this area.*

(3) Eliminate or avoid unnecessary duplication of facilities and services.

*Upon annexation, the annexation property will be served by the Milwaukie Police Department. The city will assume responsibility for maintaining street lights in the annexation territory. In order to avoid duplication of law enforcement services, the site will*



*be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement upon annexation.*

8. The city is authorized by ORS Section 222.120(5) to withdraw annexed territory from non-city service providers and districts upon annexation of the territory to the city. This allows for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the city's comprehensive plan policies relating to annexation.

Wastewater: *The annexation property is within the city's sewer service area and, via an emergency connection allowed in conjunction with the proposed annexation, is served by the city's 8-inch sewer line accessible in Hector Street.*

Water: *The annexation property is currently served by Clackamas River Water (CRW) through CRW's water line in Hector Street. Pursuant to the city's intergovernmental agreement (IGA) with CRW, water service will continue to be provided by CRW and the annexation property will not be withdrawn from this district at this time.*

Storm: *The annexation property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.*

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

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

Street Lights: *As of July 1, 2011, an IGA between the city and Clackamas County Service District No. 5 for Street Lights (the "district") transferred operational responsibility to the city for the street lights and street light payments in the city's northeast sewer extension project area. The annexation property is not within the district. The city has operational responsibility for any future street lights and street light payments.*

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 site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.*



## **EXHIBIT B**

### **Annexation to the City of Milwaukie LEGAL DESCRIPTION**

Milwaukie Annexation File No. A-2021-002

Property Address: 5880 SE Hector St, Milwaukie OR 97222

Tax Lot Description: 1S2E30DD05600

Legal Description:

Part of the Hector Campbell D.L.C., in Township 1 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, more particularly described as follows, TO-WIT:

Beginning at the initial point of the Survey of Hollywood Park, a duly recorded plat in said County and State, which point is also the Southwest corner of Block 8 of said plat; thence Southerly along the Easterly line of the County Road (commonly known as Stanley Avenue), 432.50 feet to the South line of Hector Street, a 40-foot Dedicated Road conveyed to Clackamas County by Deed recorded in Book 382, Page 111, Deed Records; thence East along the South line of said Hector Street, 206.6 feet to a point that is 1,360 feet West of the East line of that Tract conveyed to Walter S. Gibson, Et Ux, by Deed recorded September 4, 1946 in Book 376, Page 596, Deed Records, and true point of beginning of the tract herein described; thence South parallel with the East line of said Gibson Tract, 117.50 feet to the South line of the Gibson Tract described in Book 239, Page 90, Deed Records; thence West along the South line of said last mentioned Gibson Tract, 60 feet; thence North 117.50 feet to the South line of Hector Street; thence East along South line 60 feet to the true point of beginning.



S.E. 1/4 S.E. 1/4 SEC. 30 T.1S. R.2E. W.M.  
CLACKAMAS COUNTY  
1" = 100'

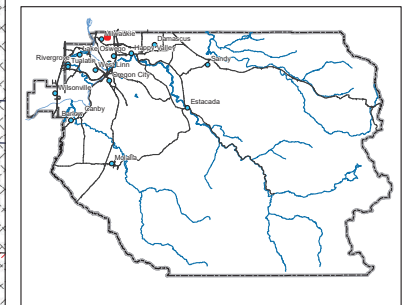
D. L. C.  
HECTOR CAMPBELL NO. 41

**Key, from True Point of Beginning:**  
1= S parallel with E line of Gibson tract (Book 376, Page 596) 117.5 ft  
2= W along S line of Gibson tract (Book 239, Page 90) 60 ft  
3= N 117.5 ft to S line of Hector St  
4= E along S line of Hector St 60 ft to True Point of Beginning

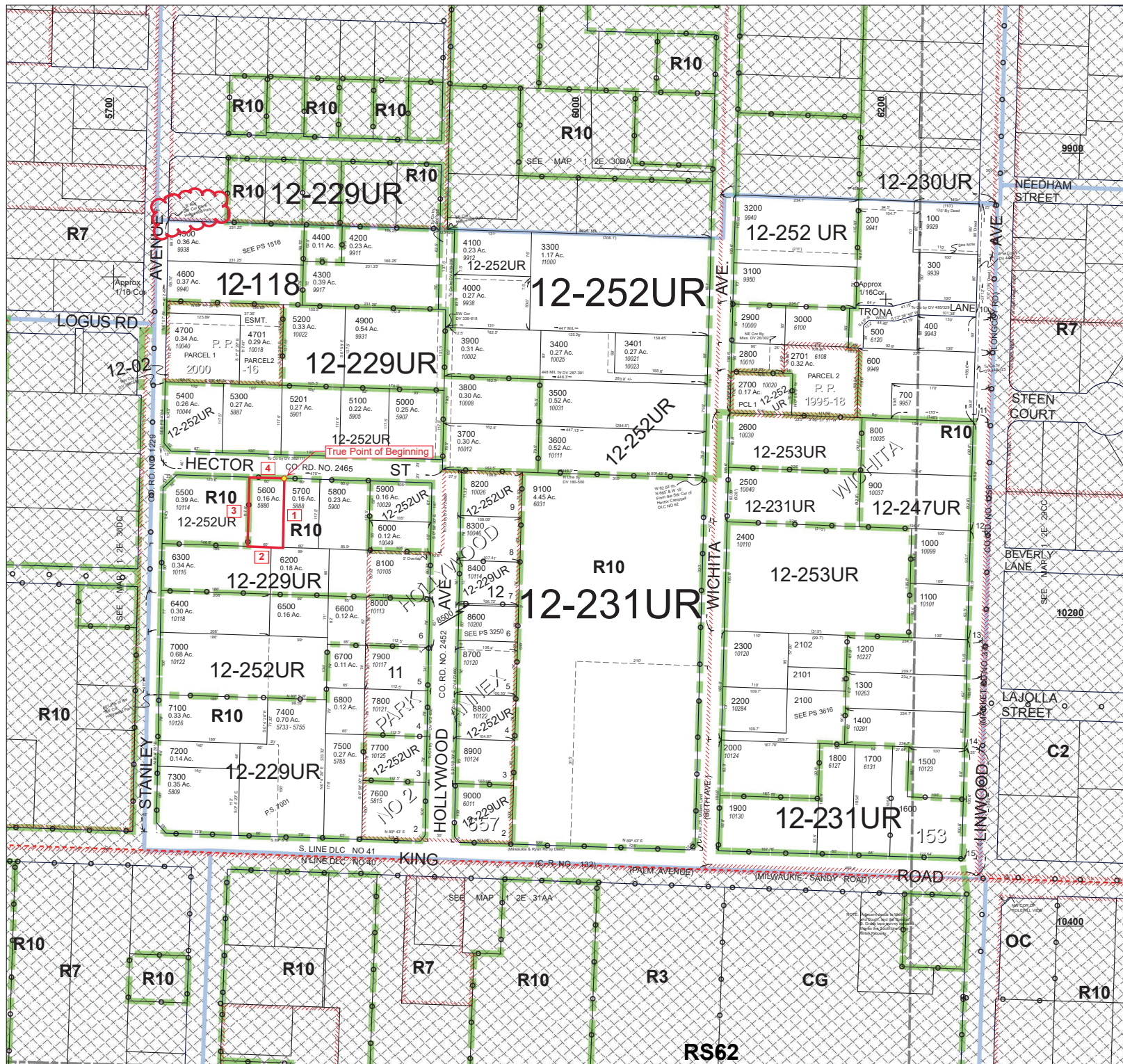
**Cancelled Taxlots**

2101  
4800  
5401  
5501  
6100  
6900  
7301

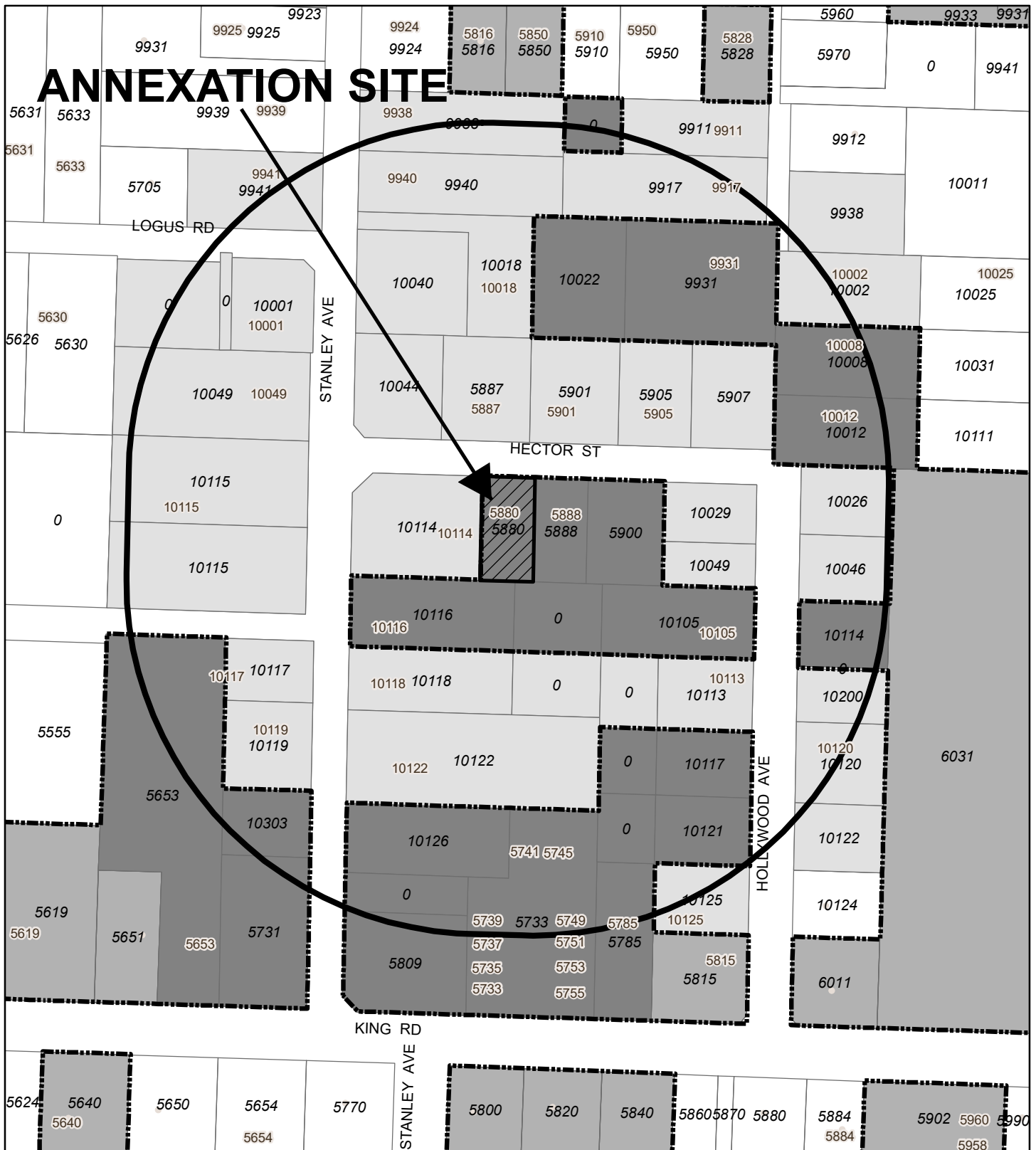
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor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



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY







**Site Map**  
**5880 SE Hector St**  
 (Tax ID: 1S2E30DD, lot 5600)  
 File# A-2021-002



North

0 45 90 180 270 360  
 Feet

RS63

**Legend**

- A-2021-002 site
- 400-ft public notice boundary
- City Limit
- Properties receiving notice (Milwaukee)
- Properties receiving notice (unincorporated)
- Other tax lots (Milwaukee)
- Other tax lots (unincorporated)





**MILWAUKIE PLANNING**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503.786.7630  
 planning@milwaukieoregon.gov

# Expedited Annexation Application

File # A-2021-002

## RESPONSIBLE PARTIES:

<b>APPLICANT</b> (owner or other eligible applicant): <u>Ryan M'Graw</u>	
Mailing address: <u>5880 SE Hector St, Milwaukie, OR</u>	Zip: <u>97222</u>
Phone(s): <u>925-640-9074</u>	Email: <u>rymcgraw93@gmail.com</u>
<b>APPLICANT'S REPRESENTATIVE</b> (if different than above): <u>X</u>	
Mailing address:	Zip:
Phone(s):	Email:

## SITE INFORMATION:

Address(es): <u>5880 SE Hector St</u>	Map & Tax Lot(s): <u>1S2E30DD05600</u>
Existing County zoning: ... <u>R10</u>	Proposed City zoning: <u>R-10</u> Property size: <u>0.16 acres</u> ...
Existing County land use designation: ... <u>Low Density Residential (LDR)</u>	Proposed City land use designation: <u>Residential Low Density (LD)</u>

## PROPOSAL (describe briefly):

<u>Sewage connected, need annexation.</u>
---

## LIST OF ALL CURRENT UTILITY PROVIDERS:

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

<b>Cable, internet, and/or phone:</b>	<input checked="" type="checkbox"/> Comcast	<input type="checkbox"/> CenturyLink
<b>Energy:</b>	<input checked="" type="checkbox"/> PGE	<input type="checkbox"/> NW Natural Gas
<b>Garbage hauler:</b>	<input type="checkbox"/> Waste Management	<input checked="" type="checkbox"/> Hoodview Disposal and Recycling
	<input type="checkbox"/> Wichita Sanitary	<input type="checkbox"/> Oak Grove Disposal <input type="checkbox"/> Clackamas Garbage
<input type="checkbox"/> Other (please list):		

**SIGNATURE:** Ryan M'Graw

**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: Ryan M'Graw

Date: 9/20/21

CONTINUED ON REVERSE

RESET



**THIS SECTION FOR OFFICE USE ONLY:**

File #: <i>A-2021-002</i>	Fee: \$ <i>150</i> - <i>paid by previous owner</i>	Receipt #: <i>---</i>	Recd. by: <i>---</i>	Date stamp:
Associated application file #'s:				
Neighborhood District Association(s): <i>Lewelling</i>				
Notes (include discount if any):  <i>Tax code - 012-229</i> <i>Average - 0.16 acres</i>  <i>Legal description doc. no. 2021-027019</i>				



**EXPEDITED ANNEXATION  
PETITION OF OWNERS OF 100% OF LAND AREA  
AND PETITION OF AT LEAST 50% OF REGISTERED VOTERS**

**TO: The Council of the City of Milwaukie, Oregon**

**RE: Petition for Annexation to the City of Milwaukie, Oregon**

We, the petitioners (listed on reverse), are property owners of and/or registered voters in the territory described below. We hereby petition for, and give our consent to, annexation of this territory to the City of Milwaukie.

This petition includes a request for the City to assign a zoning and land use designation to the territory that is based on the territory's current zoning designation in the County, pursuant to the City's expedited annexation process.

The territory to be annexed is described as follows:

***(Insert legal description below OR attach it as Exhibit "A")***

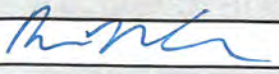
(See attached warranty deed with legal description.)

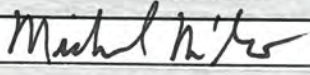


## PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or voter precinct number.

\*PO = Property Owner    RV = Registered Voter    OV = Owner and Registered Voter

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Ryan McGraw	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10/19/21
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5880 SE Hector St	15	2E	30DD	5600	420

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Michael McGraw	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/20/21
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5880 SE Hector St	15	2E	30DD	5600	420

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	



File No.: 21-139121

Clackamas County Official Records  
Sherry Hall, County Clerk

**2021-027019**

03/16/2021 02:12:02 PM

D-D Cnt=1 Stn=73 LESLIE  
\$15.00 \$16.00 \$10.00 \$62.00

**\$103.00**

**Grantor**

Anthony C. Suit  
705 E 17th Street  
Vancouver, WA 98663

**Grantee**

Michael McGraw and Ryan McGraw  
103 Rubicon Circle  
Danville, CA 94526

**After recording return to**

Michael McGraw and Ryan McGraw  
103 Rubicon Circle  
Danville, CA 94526

**Until requested, all tax statements shall be sent to**

Michael McGraw and Ryan McGraw  
103 Rubicon Circle  
Danville, CA 94526

Tax Acct No(s): 12E30DD05600, 00084027

Reserved for Recorder's Use

**STATUTORY WARRANTY DEED**

Anthony C. Suit, Grantor(s) convey and warrant to Michael McGraw and Ryan McGraw, Grantee(s), the real property described in the attached Exhibit A, free of encumbrances EXCEPT covenants, conditions, restrictions, easements, and encumbrances of record as of the date hereof.

The true consideration for this conveyance is **\$408,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WFG Title 21-139121 NW

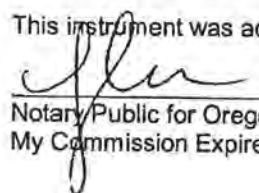


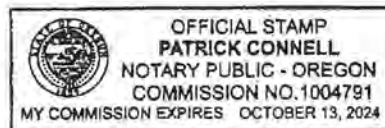
Executed this 12 day of March, 2021

  
Anthony C. Suit

STATE OF OREGON  
COUNTY OF MULTNOMAH

This instrument was acknowledged before me this 12<sup>th</sup> day of March, 2021 by Anthony C. Suit.

  
Notary Public for Oregon  
My Commission Expires: 10/13/2024





**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Part of the Hector Campbell D. L.C, In Township 1 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, more particularly described as follows, TO-WIT:

Beginning at the initial point of the Survey of Hollywood Park, a duly recorded plat in said County and State, which point is also the Southwest corner of Lot 8 of said plat; thence Southerly along the Easterly line of the County Road (commonly known as Stanley Avenue), 432.50 feet to the South line of Hector Street, a 40 foot Dedicated Road conveyed to Clackamas County by Deed recorded in Book 382, Page 111, Deed Records; thence East along the South line of said Hector Street, 206.6 feet to a point that is 1,360 feet West of the East line of that Tract conveyed to Walter S. Gibson, Et Ux, by Deed recorded September 4, 1946 in Book 376, Page 596, Deed Records, and true point of beginning of the tract herein described; thence South parallel with the East line of said Gibson Tract, 117.50 feet to the South line of the Gibson Tract described in Book 239, Page 90, Deed Records; thence West along the South line of said last mentioned Gibson Tract, 60 feet; thence North 117.50 feet to the South line of Hector Street; thence East along South line 60 feet to the true point of beginning.



Checked by:  
Joshua Boll  
*Joshua Boll*



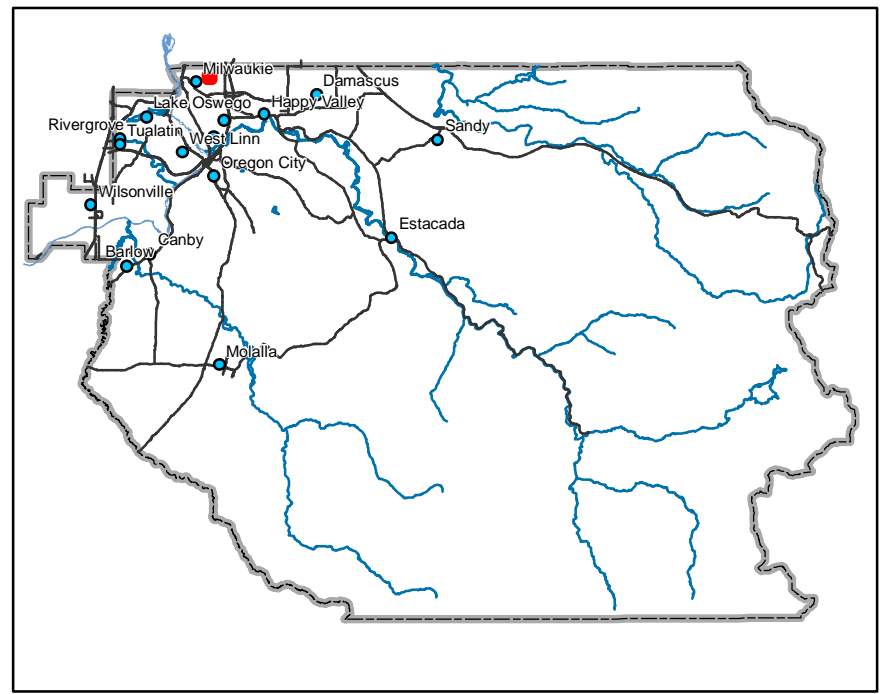
S.E.1/4 S.E.1/4 SEC.30 T.1S. R.2E. W.M.  
CLACKAMAS COUNTY  
1" = 100'

D. L. C.  
HECTOR CAMPBELL NO. 41

Key, from True Point of Beginning:  
1= S parallel with E line of Gibson tract (Book 376, Page 596) 117.5 ft  
2= W along S line of Gibson tract (Book 239, Page 90) 60 ft  
3 = N 117.5 ft to S line of Hector St  
4 = E along S line of Hector St 60 ft to True Point of Beginning

Cancelled Taxlots  
2101  
4800  
5401  
5501  
6100  
6900  
7301

- 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



## CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E30DD) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name JOSHUA BOLL  
Title GIS CARTOGRAPHER 2  
Department ASSESSMENT  
County of CLACKAMAS  
Date 10/20/21





**CERTIFICATION OF PROPERTY OWNERSHIP OF  
100% OF LAND AREA**

I hereby certify that the attached petition contains the names of the owners<sup>1</sup> (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.



Name Carlton Smith

Title GIS Cartographer 3

Department Tax Assessors Office

County of Clackamas

Date 11/30/2021

<sup>1</sup> Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.



## CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least 50% of the electors registered in the territory proposed for annexation as described in the attached petition.

Name Larry Clark  
Title deputy clerk  
Department Elections  
County of Clackamas  
Date 10-20-2021





# NOTICE LIST

(This form is NOT the petition)

LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION.

	Name of Owner/Voter	Mailing Street Address	Property Address
		Mailing City/State/Zip	Property Description (township, range, 1/4 section, and tax lot)
1	Ryan M'braw	Milwaukie, OR, 97222	5880 SE Hector St.
		5880 SE Hector St	152E30DD05600
2	Stephanie Ball (Voter)	Milwaukie, OR, 97222	5880 SE Hector St.
		5880 SE Hector St	152E30DD05600
3	Michael M'braw	103 Rubicon Circle <del>5880 SE Hector St</del>	5880 SE Hector St.
		Panville, CA, 94526	152E30DD05600
4			
5			
6			
7			
8			
9			
10			



# EXPEDITED ANNEXATION CODE EXCERPTS

## MILWAUKIE MUNICIPAL CODE SECTIONS

---

### 19.1104.1 Expedited Process

- A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.
- 5. Approval criteria for annexations are found in subsection 19.1102.3.

**19.1102.3 Annexation Approval Criteria.** The city council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria.

- A. The subject site must be located within the city urban growth boundary;
- B. The subject site must be contiguous to the existing city limits;
- C. The requirements of the Oregon Revised Statutes for initiation of the annexation process must be met;
- D. The proposal must be consistent with Milwaukie comprehensive plan policies;
- E. The proposal must comply with the criteria of Metro Code Sections 3.09.050(d) and, if applicable, (e).
- F. The proposal must comply with the criteria of Section 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.

## METRO CODE SECTIONS

---

### 3.09.050 Hearing & Decision Requirements for Decisions Other Than Expedited Decisions.

- (d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.

## MILWAUKIE COMPREHENSIVE PLAN


---

### Chapter 6: City Growth and Governmental Relationships; City Growth Element

Goal Statement: To identify the City's future planning and service area, establish the respective responsibilities for reviewing and coordinating land use regulations and actions within the area, and determine the most cost-effective means to provide the full range of urban services within the area.

### Applicant Response

The proposal meets the applicable requirements listed above.

X   
(Applicant's Signature)



**COUNCIL STAFF REPORT**

**To:** Mayor and City Council  
Ann Ober, City Manager

**Reviewed:** Joseph Briglio, Community Development Director, and  
Laura Weigel, Planning Manager

**From:** Brett Kelter, Senior Planner

**Subject:** **Annexation of Property at 5911 SE Willow Street**

**Date Written:** Dec. 9, 2021

**ACTION REQUESTED**

Council is asked to approve application A-2021-005, 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:

- Annexation into the city of 5911 SE Willow St (Tax Lot 1S2E30DA09702), the “annexation property.”
- Application of a low density residential (LD) Comprehensive Plan land use designation and a residential (R-10) zoning designation to the annexation property.
- Amendments to the city’s Comprehensive Plan land use map and zoning map to reflect the city’s new boundary and the annexation property’s new land use and zoning designations.
- Withdrawal of the annexation property from the following urban service districts:
  - Clackamas County Service District for Enhanced Law Enforcement

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**July 1990:** Clackamas County Order No 90-726 established an urban growth management agreement (UGMA) in which the city and county agreed to coordinate the future delivery of services to the unincorporated areas of north Clackamas County. With respect to Dual Interest Area “A,” the agreement states: “The city shall assume a lead role in providing urbanizing services.”

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

**June 2010:** Council approved the first annexation of property in the NESE project area (Ordinance #2016, land use file #A-10-01). Since then, Council has approved the annexation of approximately 164 additional properties in the NESE area. To date, there are approximately 95 properties within the NESE project area that have not yet annexed.

**June 2021:** The property owner at 5911 SE Willow St approached the city’s community development department to initiate the expedited annexation process and make an emergency connection to the city sewer system. The owner signed a consent to annex form and paid the necessary fees and charges.



## ANALYSIS

### Proposal

The applicant, Mark Hayward, has applied to annex the approximately 10,002-sq-ft (0.23-acre) site to the city. The annexation property is developed with a single-family detached dwelling. It has residential Clackamas County land use and zoning designations and will receive equivalent residential city land use and zoning designations upon annexation.

### Site and Vicinity

The annexation property is within the city's UGMA and is contiguous to the existing city limits along an access easement to frontage along the public right-of-way (ROW) in Hollywood Avenue and Willow Street to the west and where adjacent to other residential properties to the north at 5954 and 5972 SE Hazel Pl and to the east at 9715 SE Wichita Ave (see Figure 1). The annexation property is currently developed with a single-family house; the surrounding area consists primarily of single-family residential dwellings.

### Annexation Petition

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

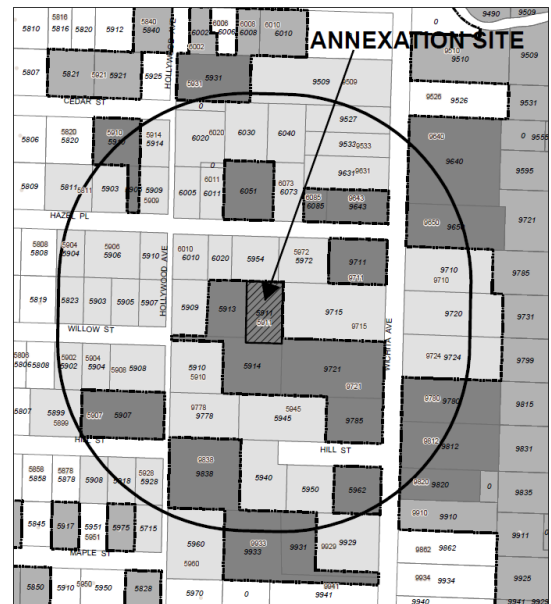
As set forth in Milwaukie Municipal Code (MMC) Table 19.1104.1.E, the expedited annexation process automatically assigns city land use and zoning designations to the annexation property based on the existing Clackamas County land use and zoning designations. The existing county Comprehensive Plan land use designation for the annexation property is low density residential (LDR), which corresponds to the city's low density residential (LD) Comprehensive Plan designation upon annexation. The current county zoning designation for the annexation property is urban low-density residential R-10, which corresponds to a city zoning designation of residential R-10 upon annexation.

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

### Annexation Approval Criteria

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

Figure 1. Site Map





Expedited 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 property from non-city service providers and districts upon annexation to the city. This allows for a more unified and efficient delivery of urban services to the newly annexed property and is in keeping with the city's Comprehensive Plan policies relating to annexation.

- Wastewater: The annexation property is within the city's sewer service area and, via an emergency connection allowed in conjunction with the proposed annexation, is served by the city's 8-inch sewer line accessible within a public easement extending east from Hollywood Avenue and Willow Street.
- Water: The annexation property is currently served by Clackamas River Water (CRW) through CRW's existing water line extending from Willow Street. Pursuant to the city's intergovernmental agreement (IGA) with CRW, water service will continue to be provided by CRW and the annexation property will not be withdrawn from this district at this time.
- Storm: The annexation property is not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.
- Fire: The annexation property is currently served by Clackamas Fire District #1 and will continue to be served by this fire district upon annexation since the entire city is within this district.
- Police: The annexation property is currently served by the Clackamas County Sheriff's 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 site. To avoid duplication of services, the site will be withdrawn from this district upon annexation to the city.
- Street Lights: As of July 1, 2011, an IGA between the city and Clackamas County Service District No. 5 for Street Lights (the "district") transferred operational responsibility to the city for the street lights and street light payments in the NESE project area. The annexation property is not within the district. The city has operational responsibility for any future street lights and street light payments.
- 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 site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

### **BUDGET IMPACTS**

This annexation will have minimal fiscal impact on the city. As with most annexations of residential properties, the costs of providing governmental services will likely be offset by the



collection of property taxes. According to Clackamas County Assessor data, the total current assessed value of the annexation property is \$139,818. Based on the latest information available (from the Clackamas County Rate Book for 2021), total property tax collection of approximately \$2,532 is anticipated for the annexation property. The city will receive approximately \$628 of this total.

### **WORKLOAD IMPACTS**

For most city services, workload impacts from the annexation itself will be minimal and will likely include, but are not limited to, utility billing, provision of general governmental services, and the setting up and maintenance of property records.

### **CLIMATE IMPACTS**

The annexation is not expected to have any impact on the climate. The property is currently occupied by a single-family home and redevelopment is not anticipated in the short term.

### **COORDINATION, CONCURRENCE, OR DISSENT**

All city departments, necessary parties, interested persons, and residents and property owners within 400 feet of the annexation property were notified of these proceedings as required by city, regional, and state regulations. The Lewelling Neighborhood District Association (NDA) also received notice of the annexation petition and the Council meeting.

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

### **STAFF RECOMMENDATION**

Approve the application and adopt the ordinance and findings in support of approval.

### **ALTERNATIVES**

Council has two decision-making options:

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

### **ATTACHMENTS**

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



**COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30DA09702 AND LOCATED AT 5911 SE WILLOW ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2021-005).**

**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 providing written consent from a majority of electors and all owners of land within the territory proposed for annexation; and

**WHEREAS** the territory proposed for annexation lies within the territory of the Clackamas County Service District for Enhanced Law Enforcement; and

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

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

**WHEREAS** Table 19.1104.1.E of the Milwaukie Municipal Code (MMC) provides for the automatic application of city zoning and comprehensive plan land use designations; and

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

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

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

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

Section 4. The tract of land annexed by this ordinance and described in Section 2 is assigned a Comprehensive Plan land use designation of low density residential (LD) and a municipal code zoning designation of residential R-10.



Section 5. The city will 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 will 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 5911 SE Willow St, the “annexation property,” the Milwaukie City Council finds:

1. The annexation property consists of one tax lot comprising 0.23 acres (tax lot 1S2E30DA09702). The annexation property is contiguous to the existing city limits along an access easement to frontage along the public right-of-way (ROW) in Hollywood Avenue and Willow Street to the west and where adjacent to other residential properties to the north at 5954 and 5972 SE Hazel Pl and to the east at 9715 SE Wichita Ave. The annexation property is within the regional urban growth boundary and also within the city’s urban growth management area (UGMA).

The annexation property is developed with a single-family detached dwelling unit. The surrounding area consists primarily of single-family dwellings.

2. The current owner of the annexation property seeks annexation to the city to access city services, namely sewer service. The owner has signed a consent to annex form and paid the necessary fees and charges to allow an emergency connection to the city sewer service.
3. The annexation petition was initiated by consent of all owners of land on June 16, 2021, with an application for annexation submitted to the city on June 17, 2021. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsections 19.1104.1.A.3 and 19.1102.2.C.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC 19.1104. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.
5. The expedited annexation process provides for automatic application of city comprehensive plan land use and zoning designations to the annexation property based on their existing comprehensive plan land use and zoning designations in the county, which are urban low density residential (LDR) and residential R-10, respectively. Pursuant to MMC Table 19.1104.1.E, the automatic city comprehensive plan land use and zoning designations for the annexation property is low density residential (LD) and residential R-10, respectively.
6. The applicable city approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.

- A. The subject site must be located within the city’s urban growth boundary (UGB);

*The annexation property 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 property is contiguous to the existing city limits along an access easement to frontage along the public ROW in Hollywood Avenue and Willow Street to the west and where adjacent to other residential properties to the north at 5954 and 5972 SE Hazel Pl and to the east at 9715 SE Wichita Ave.*

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

*Mark Hayward, the current property owner, consented to the annexation by signing the petition. Mark Hayward is the only registered voter for the annexation property. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors, if any, residing in the annexation territory.*

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

*Chapter 12 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. With annexation, the city will take over urban service provision for the property. City services to be provided include wastewater collection, stormwater management, police protection, and general governmental services. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.*

- E. The proposal must comply with the criteria of Metro Code Sections 3.09.045(d) and, if applicable, (e).

*The annexation proposal is consistent with applicable Metro code sections for expedited annexations as detailed in Finding 7.*

- F. The proposal must comply with the criteria of Section 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 and comprehensive plan land use maps.*

The approval criteria for zoning map amendments and comprehensive plan amendments are provided in MMC 19.902.6.B and 19.902.4.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 land use map designations for expedited annexations. 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 annexation property will assume the zoning and comprehensive plan designations provided in MMC Table 19.1104.1.E, which are R-10 and low density residential, respectively. The approval criteria for both proposed amendments are effectively met.*

7. Prior to approving an expedited annexation, the city must apply the provisions contained in Section 3.09.045.D of the Metro Code. They are listed below with findings in italics.

A. Find that the change is consistent with expressly applicable provisions in:

- (1) Any applicable urban service agreement adopted pursuant to ORS 195.065;

*There is one applicable urban service agreement adopted pursuant to ORS 195 in the area of the proposed annexation (see Finding 8, Street lights). The City has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. The proposed annexation is in keeping with the city's policy of encouraging properties within the UGMA to annex to the city.*

*The city has an intergovernmental agreement with WES regarding wholesale rates for wastewater treatment, but that agreement does not address issues related to annexations.*

- (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 is the identified sewer service provider in the area of the proposed annexation and maintains a public sewer system that can adequately serve the annexation property via an 8-inch sewer line accessible within a public easement extending east from Hollywood Avenue and Willow Street.*



Storm: *The annexation property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.*

Transportation: *Access is provided to the annexation property via an access easement at the intersection of Hollywood Avenue and Willow Street, local streets maintained by the city. The city may require public street improvements along the annexation property's frontage when new development occurs.*

Water: *Clackamas River Water (CRW) is the identified water service provider in this plan. However, the city's more recent UGMA agreement with the county identifies the city as the lead urban service provider in the area of the proposed annexation. The city'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. As per the city's intergovernmental agreement (IGA) with CRW, CRW will continue to provide water service to the annexation property through its existing water line extending from Willow Street.*

(5) Any applicable comprehensive plan.

*The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous pages. The Clackamas County Comprehensive Plan contains no specific language regarding city annexations. The comprehensive plans, however, contain the city-county UGMA agreement, which identifies the area of the proposed annexation as being within the city's UGMA. The UGMA agreement requires that the city notify the county of proposed annexations, which the city has done. The agreement also calls for city assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The city has already annexed and taken jurisdiction of the public ROW in Hollywood Avenue and Willow Street, adjacent to the public access easement serving the annexation property.*

B. Consider whether the boundary change would:

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

*With annexation, the city will be the primary urban service provider in the area of the proposed annexation, and the annexation will facilitate the timely, orderly, and economic provision of urban services to the annexation properties.*

*The city has public sewer service in this area via an easement extending east from Hollywood Avenue and Willow Street.*

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

*The annexation property consists of one tax lot developed with a single-family residence. Annexation of the site is not expected to affect the quality or quantity of urban services in this area, given the surrounding level of urban development and the existing level of urban service provision in this area.*

(3) Eliminate or avoid unnecessary duplication of facilities and services.



*Upon annexation, the annexation property will be served by the Milwaukie Police Department. The city will assume responsibility for maintaining street lights in the annexation territory. In order to avoid duplication of law enforcement services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement upon annexation.*

8. The city is authorized by ORS Section 222.120(5) to withdraw annexed territory from non-city service providers and districts upon annexation of the territory to the city. This allows for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the city's comprehensive plan policies relating to annexation.

Wastewater: *The annexation property is within the city's sewer service area and, via an emergency connection allowed in conjunction with the proposed annexation, is served by the city's 8-inch sewer line accessible within a public easement extending east from Hollywood Avenue and Willow Street.*

Water: *The annexation property is currently served by CRW through CRW's existing water line extending from Willow Street. Pursuant to the city's IGA with CRW, water service will continue to be provided by CRW and the annexation property will not be withdrawn from this district at this time.*

Storm: *The annexation property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.*

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

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

Street Lights: *As of July 1, 2011, an intergovernmental agreement between the city and Clackamas County Service District No. 5 for Street Lights (the "district") transferred operational responsibility to the city for the street lights and street light payments in the city's northeast sewer extension project area. The annexation property is not within the district. The city has operational responsibility for any future street lights and street light payments.*

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 site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.*



## **EXHIBIT B**

### **Annexation to the City of Milwaukie REVISED LEGAL DESCRIPTION (November 16, 2021)**

#### **Milwaukie Annexation File No. A-2021-005**

Property Address: 5911 SE Willow St, Milwaukie, OR 97222

Tax Lot Description: 1S2E30DA09702

#### **Legal Description:**

The annexation property (tax lot 9702) is comprised of the following two parcels:

##### **Parcel I:**

The North 10.5 feet of the East 76.65 feet of that tract conveyed to Colleen Sweeney, by Deed recorded March 27, 1978, Recorder's Fee No. 78-12381, said Sweeney tract being more particularly described as follows:

Part of the Hector Campbell Donation Land Claim No. 41, in Township 1 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southwest corner of certain tract conveyed to John E. Taylor and Anna M. Taylor, by deed recorded March 4, 1942, in Book 291, Page 51, which beginning point is North along the West side of Wichita Road, 1654.00 feet and West 456.00 feet from the Southeast corner of that certain tract conveyed to School District No. 119, by deed recorded May 21, 1909 in Book 109, Page 128; to the place of beginning; thence South along the Easterly line of Hollywood Park, according to the duly recorded plat thereof, 10 feet, more or less, to the Northwest corner of that certain tract conveyed to Fred Gedlich and Louise Gedlich, by deed recorded August 26, 1949, in Book 422, Page 496; thence East 110 feet along the North line of said Gedlich tract to the Northeast corner thereof; thence South along the East line of the said Gedlich tract, 110 feet to the North line of that certain tract conveyed to Theron J. Smith and Elida Smith, by deed recorded April 1, 1942, in Book 292, Page 163; thence East along the North line of said Smith tract, 125 feet to a point; thence North parallel with the Easterly line of Hollywood Park, 120 feet, more or less, to the Southeast corner of the aforementioned Taylor tract, thence West along the South line of said Taylor tract, 235 feet to the place of beginning.

##### **Parcel II:**

The Easterly 76.65 feet of the following described tract of land:



A tract of land in Section 30, Township 1 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point which is the Southeast corner of that certain tract of land described in deed recorded in Book 109, Page 128, of the Deed Records of Clackamas County, Oregon, wherein T.S. Mullan and Mary Mullan are the grantors and School District No. 119 is the grantee; running thence 1774 feet Northerly along the Westerly line of Wichita Road to a point; thence 456.0 feet, more or less, Westerly, to a point in the Easterly line of Hollywood Park, which is 1043 feet Southerly from the Northeasterly corner of said Hollywood Park; being the true point of beginning of the land herein described; thence Southerly along the Easterly line of said Hollywood Park, 120 feet to a point; thence Easterly and parallel with the Northerly line of that certain tract of land described in deed recorded in Book 214, Page 461 of the Deed Records of Clackamas County, Oregon, and being the first of two tracts described in said deed, 235 feet to a point; thence Northerly and parallel with the Easterly line of said Hollywood Park, 120 feet to a point in the Northerly line of said tract described in Deed Book 214, Page 461; thence Westerly 235 feet to the point of beginning. EXCEPTING THEREFROM the Westerly 75.0 feet conveyed to George B. Miller, et ux, by deed recorded September 11, 1951, in Book 448, Page 423, Deed Records.



EXHIBIT B:  
REVISED 11/16/2021

1 2 E 30DA

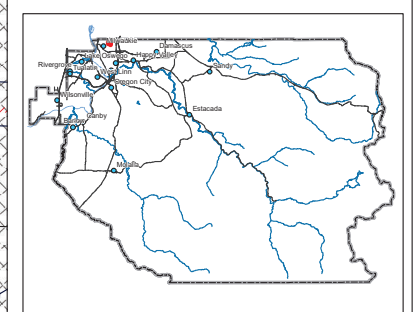
N.E. 1/4 S.E. 1/4 SEC. 30 T. 1S. R. 2E. W.M.  
CLACKAMAS COUNTY  
1" = 100'

D. L. C.  
HECTOR CAMPBELL NO. 41

Key--Annexation Area, Parcel I  
The N 10.5 ft of the E 76.65 ft of Sweeney tract (Fee No. 78-12381) outlined below, from Place of Beginning:  
1 = S along E line of Hollywood Park, 10 ft m/l to NW corner of Gedlich tract (Book 422, Page 496)  
2 = E 110 ft along N line of Gedlich tract to NE corner thereof  
3 = S along E line of Gedlich tract 110 ft to N line of Smith tract (Book 292, Page 163)  
4 = E along N line of Smith tract 125 ft  
5 = N parallel with E line of Hollywood Park 120 ft m/l to SE corner of Taylor tract (Book 291, Page 51)  
6 = W along S line of Taylor tract 235 ft to Place of Beginning

Cancelled Taxlots  
500  
600  
701  
800  
8001  
7101  
7201  
7701  
7801  
8401  
9200  
9701  
13000

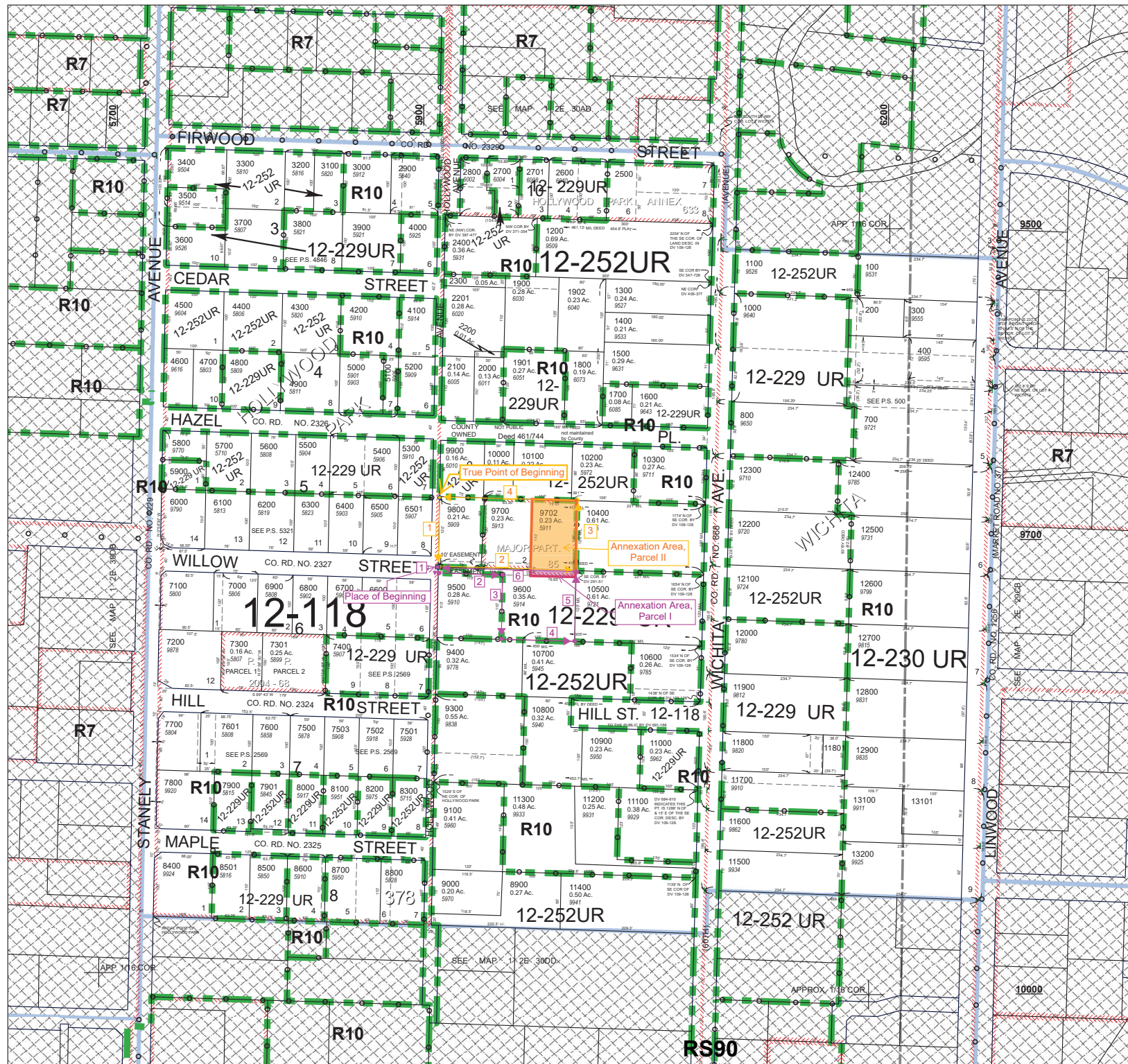
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Key--Annexation Area, Parcel II
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



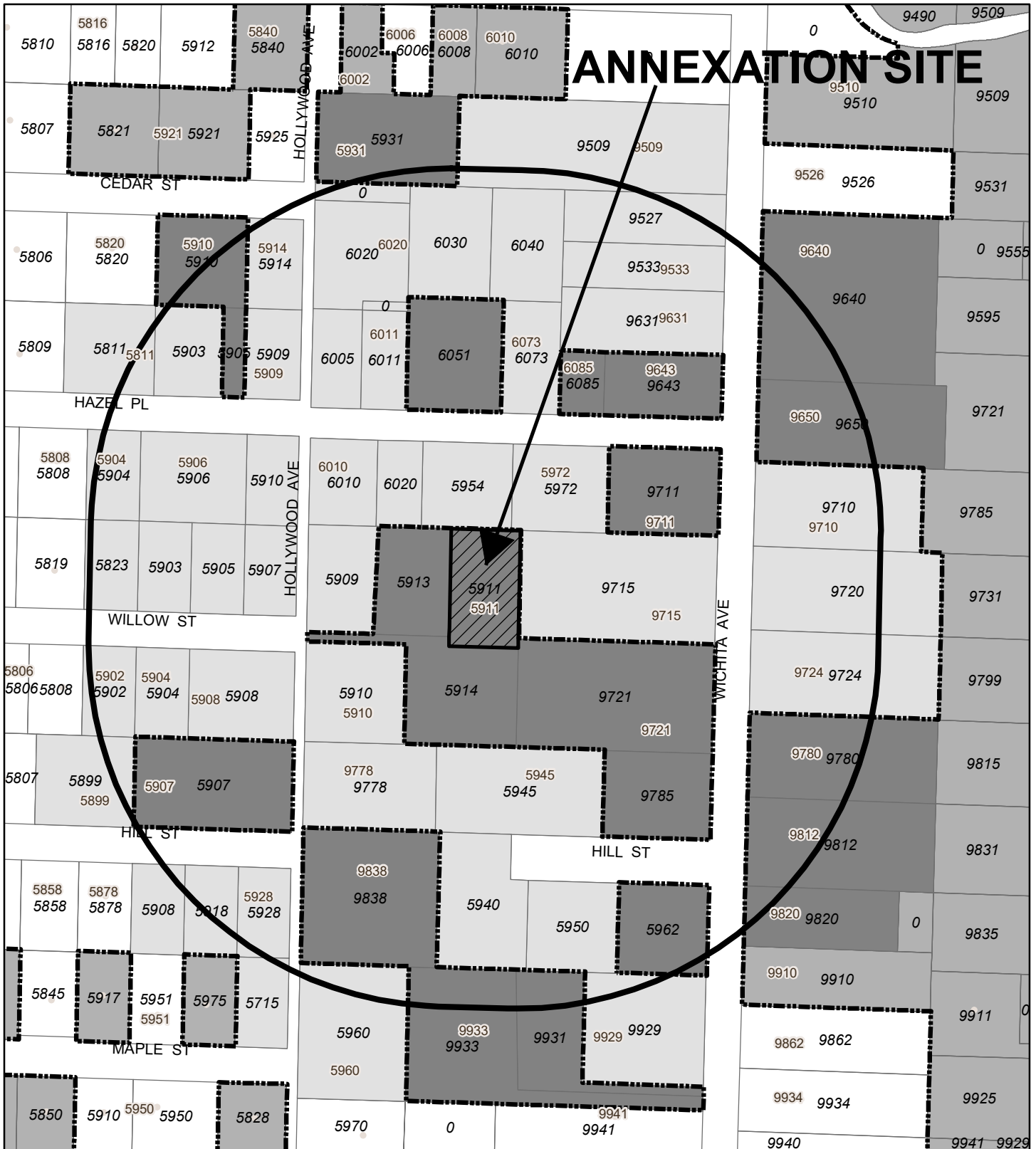
THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

9/27/2018

1 2 E 30DA







**Site Map**  
**5911 SE Willow St**  
**(Tax ID: 1S2E30DA, lot 9702)**  
**File# A-2021-005**



RS91

**Legend**

- A-2021-005 site
- 400-ft public notice boundary
- City Limit
- Properties receiving notice (Milwaukee)
- Properties receiving notice (unincorporated)
- Other tax lots (Milwaukee)
- Other tax lots (unincorporated)





MILWAUKIE PLANNING  
6101 SE Johnson Creek Blvd  
Milwaukie OR 97206  
503.786.7630  
planning@milwaukieoregon.gov

Expedited Annexation  
Application

File # A-2021-005

RESPONSIBLE PARTIES:

<b>APPLICANT</b> (owner or other eligible applicant): <u>Mark Hayward</u>	
Mailing address: <u>18960 S HWY 99E OR CITY OR</u> Zip: <u>97045</u>	
Phone(s): <u>503-656-3333</u>	Email:
<b>APPLICANT'S REPRESENTATIVE</b> (if different than above):	
Mailing address:	
Zip:	
Phone(s):	Email:

SITE INFORMATION:

Address(es): <u>5911 SE WILLOW ST.</u>	Map & Tax Lot(s): <u>1S2E30AD09702</u>
Existing County zoning: ... <u>R10</u>	Proposed City zoning: <u>R-10</u> Property size: <u>0.23 acres</u>
Existing County land use designation: ... <u>LDR</u>	Proposed City land use designation: <u>LD</u>

PROPOSAL (describe briefly):

Annex to connect to city sewer.

LIST OF ALL CURRENT UTILITY PROVIDERS:

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

<b>Cable, internet, and/or phone:</b>	<input type="checkbox"/> Comcast	<input type="checkbox"/> CenturyLink
<b>Energy:</b>	<input checked="" type="checkbox"/> PGE	<input type="checkbox"/> NW Natural Gas
<b>Garbage hauler:</b>	<input type="checkbox"/> Waste Management	<input checked="" type="checkbox"/> Hoodview Disposal and Recycling
	<input type="checkbox"/> Wichita Sanitary	<input type="checkbox"/> Oak Grove Disposal <input type="checkbox"/> Clackamas Garbage
<input type="checkbox"/> Other (please list):		

SIGNATURE:

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

Submitted by: [Signature] Date: 6/14/21

CONTINUED ON REVERSE

RESET



THIS SECTION FOR OFFICE USE ONLY:

File #: A-2021-005	Fee: \$ \$150	Receipt #:	Recd. by:	Date stamp:
Associated application file #'s:				June 16, 2021 (payment made)
Neighborhood District Association(s): Lewelling				
Notes (include discount if any): Area = 0.23 acres Tax Code = 012-229				



**EXPEDITED ANNEXATION  
PETITION OF OWNERS OF 100% OF LAND AREA  
AND PETITION OF AT LEAST 50% OF REGISTERED VOTERS**

**TO: The Council of the City of Milwaukie, Oregon**

**RE:     Petition for Annexation to the City of Milwaukie, Oregon**

We, the petitioners (listed on reverse), are property owners of and/or registered voters in the territory described below. We hereby petition for, and give our consent to, annexation of this territory to the City of Milwaukie.

This petition includes a request for the City to assign a zoning and land use designation to the territory that is based on the territory's current zoning designation in the County, pursuant to the City's expedited annexation process.

The territory to be annexed is described as follows:

**(Insert legal description below OR attach it as Exhibit "A")**


This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



# PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or voter precinct number.

\*PO = Property Owner    RV = Registered Voter    OV = Owner and Registered Voter

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Mark Haywood	X			6/14/2021
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5411 SE Willow St	1S	2E	30DA	9702	420

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	



**CERTIFICATION OF PROPERTY OWNERSHIP OF  
100% OF LAND AREA**

I hereby certify that the attached petition contains the names of the owners<sup>1</sup> (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.



Name Caleb  
Title Cartographer II  
Department Tax Assessment  
County of Clackamas  
Date 6/15/21

<sup>1</sup> Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.



CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E 30 DA) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.



Name Chick Smith  
Title Cartographer II  
Department Tax Assessor  
County of Clackamas  
Date 6/15/21



## CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least 50% of the electors registered in the territory proposed for annexation as described in the attached petition.

Name Rebekah Stern Doll  
Title Deputy Clerk  
Department Elections  
County of Clackamas  
Date June 15, 2021

*There are no active voters at  
5911 SE Willow St, Milwaukie, OR*





WARRANTY DEED - STATUTORY FORM  
Individual/Corporate

Escrow Number: 4418374

Roxanne L. Howlett

Grantor, conveys and warrants to

Mark Hayward

Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Clackamas County, Oregon:

See Attached Legal Description Exhibit "A".

The above described property is free from encumbrances except covenants, conditions, restrictions, rights of way, easements and reservations now of record.

The true and actual consideration for this conveyance is \$ 37,500.00

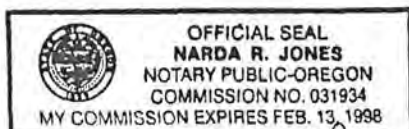
Dated this 23rd day of February, 1995 ; if this deed is given by a corporate grantor, its name is signed by its authorized officers by authority of the Board of Directors.

Roxanne L. Howlett  
Roxanne L. Howlett

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON, County of  
Personally appeared Roxanne L.  
Howlett

STATE OF OREGON, County of  
Personally appeared



who, being duly sworn, each for himself and not one for the other, did say that the former is the pres. & that the latter is the secretary of

instrument to be her and acknowledged the foregoing  
voluntary act and deed.

and that this instrument was signed on behalf of the corporation, by authority of its board of directors and is acknowledged to be its voluntary act and deed.  
Before me:

Before me: February 27, 1995

Narda R. Jones  
Notary Public for Oregon  
My commission expires: February 13, 1998

Notary Public for Oregon  
My commission expires:

After recording return to:

Mr. Mark Hayward  
5903 SE Willow  
Milwaukie, Oregon 97222

Until a change is requested all tax statements shall be sent to the following address.

Mr. Mark Hayward  
5903 SE Willow  
Milwaukie, Oregon 97222

STATE OF OREGON.

County of \_\_\_\_\_  
I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_, on page \_\_\_\_\_ or as fee/file instrument/microfilm/reception No. \_\_\_\_\_.  
Records of Deeds of said county.  
Witness my hand and seal of County affixed.

BY \_\_\_\_\_ N  
95-011826



Description:

PARCEL I:

The North 10.5 feet of the East 76.65 feet of that tract conveyed to Colleen Sweeney, by Deed recorded March 27, 1978, Recorder's Fee No. 78 12381, said Sweeney tract being more particularly described as follows:

Part of the Hector Campbell Donation Land Claim No. 41, in Township 1 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Pt 9702  
Beginning at the Southwest corner of certain tract conveyed to John E. Taylor and Anna M. Taylor, by deed recorded March 4, 1942 in Book 291, page 51, which beginning point is North along the West side of Wichita Road, 1654.00 feet and West 456.00 feet from the Southeast corner of that certain tract conveyed to School District No. 119, by Deed recorded May 21, 1909 in Book 109, Page 128; to the place of beginning; thence South along the Easterly line of Hollywood Park, according to the duly recorded plat thereof, 10 feet, more or less, to the Northwest corner of that certain tract conveyed to Fred Gedlich and Louise Gedlich, by Deed recorded August 26, 1949 in Book 422, Page 496; thence East 110 feet along the North line of said Gedlich tract to the Northeast corner thereof; thence South along the East line of said Gedlich tract to the Northeast corner thereof; thence South along the East line of the said Gedlich tract, 110 feet to the North line of that certain tract conveyed to Theron J. Smith and Elida Smith, by Deed recorded April 1, 1942 in Book 292, Page 163; thence East along the North line of said Smith tract, 125 feet to a point; thence North parallel with the Easterly line of Hollywood Park, 120 feet, more or less, to the Southeast corner of the aforementioned Taylor tract; thence West along the South line of said Taylor tract, 235 feet to the place of beginning.

TOGETHER WITH an easement for ingress and egress over the North 10 feet of the Sweeney tract described under Recorder's Fee No. 78 12381, EXCEPT the North 10.5 feet of the East 76.65 feet thereof.

PARCEL II:

The Easterly 76.65 feet of the following described tract of land:

A tract of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Remainder 9702  
Beginning at a point which is the Southeast corner of that certain tract of land described in deed recorded in Book 109, Page 126, of

Dated February 2, 1995

Page 2

C113260T



-980  
the Deed Records of Clackamas County, Oregon wherein T.S. Mullan and Mary Mullan are the grantors and School District No. 119 is the grantee; running thence 1774 feet Northerly along the Westerly line of Wichita Road to a point; thence 456.0 feet, more or less, Westerly, to a point in the Easterly line of Hollywood Park, which is 1043 feet Southerly from the Northeasterly corner of said Hollywood Park; being the true point of beginning of the land herein described thence Southerly along the Easterly line of said Hollywood Park, 120 feet to a point; thence Easterly and parallel with the Northerly line of that certain tract of land described in deed recorded in Book 214, Page 461 of the Deed records of Clackamas County, Oregon, and being the first of two tracts described in said deed; 235 feet to a point; thence Northerly and parallel with the Easterly line of said Hollywood Park, 120 feet to a point in the Northerly line of said tract described in Deed Book 214, Page 461; thence Westerly 235 feet to the point of beginning. EXCEPTING THEREFROM the Westerly 75.0 feet conveyed to George B. Miller, et ux, by deed recorded September 11, 1951 in Book 448, Page 423, Deed Records.

TOGETHER WITH an easement for roadway over the Southerly 10 feet of that tract conveyed to George B. Miller, et ux, by deed recorded September 11, 1951 in Book 448, Page 423, Deed Records.

ALSO TOGETHER WITH an easement for ingress, egress and utilities, for the benefit of Parcel II as described above, over the South 10 feet of the following described property.

The West 83.35 feet of that tract of land herein described.

A tract of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point which is the Southeast corner of that certain tract of land described in deed recorded in Book 109, Page 126, of the Deed Records of Clackamas County, Oregon, wherein T. S. Mullan and Mary Mullan are the grantors and School District No. 119 is the grantee; running thence 1774 feet Northerly along the Westerly line of Wichita Road to a point; thence 456.0 feet, more or less, Westerly, to a point in the Easterly line of Hollywood Park, which is 1043 feet Southerly from the Northeasterly corner of said Hollywood Park; being the true point of beginning of the land herein described thence Southerly along the Easterly line of said Hollywood Park, 120 feet to a point; thence Easterly and parallel with the Northerly line of that certain tract of land described in deed recorded in Book 214, Page 461 of the Deed Records of Clackamas County, Oregon, and being the first of two tracts described in said deed; 235 feet to a point; thence Northerly and parallel with the Easterly line of said Hollywood Park, 120 feet to a point in the Northerly line of said tract described in Deed Book 214, Page 461; thence Westerly 235 feet to the point of beginning. EXCEPTING THEREFROM the Westerly 75.0 feet conveyed to

Dated February 2, 1995

Page 3

C113260T



George B. Miller, et ux, by deed recorded September 11, 1951 in Book 448, Page 423, Deed Records.

STATE OF OREGON 95-011826  
CLACKAMAS COUNTY  
Received and placed in the public  
records of Clackamas County  
RECEIPT# AND FEE: 15976 \$40.00  
DATE AND TIME: 03/01/95 02:37 PM  
JOHN KAUFFMAN, COUNTY CLERK

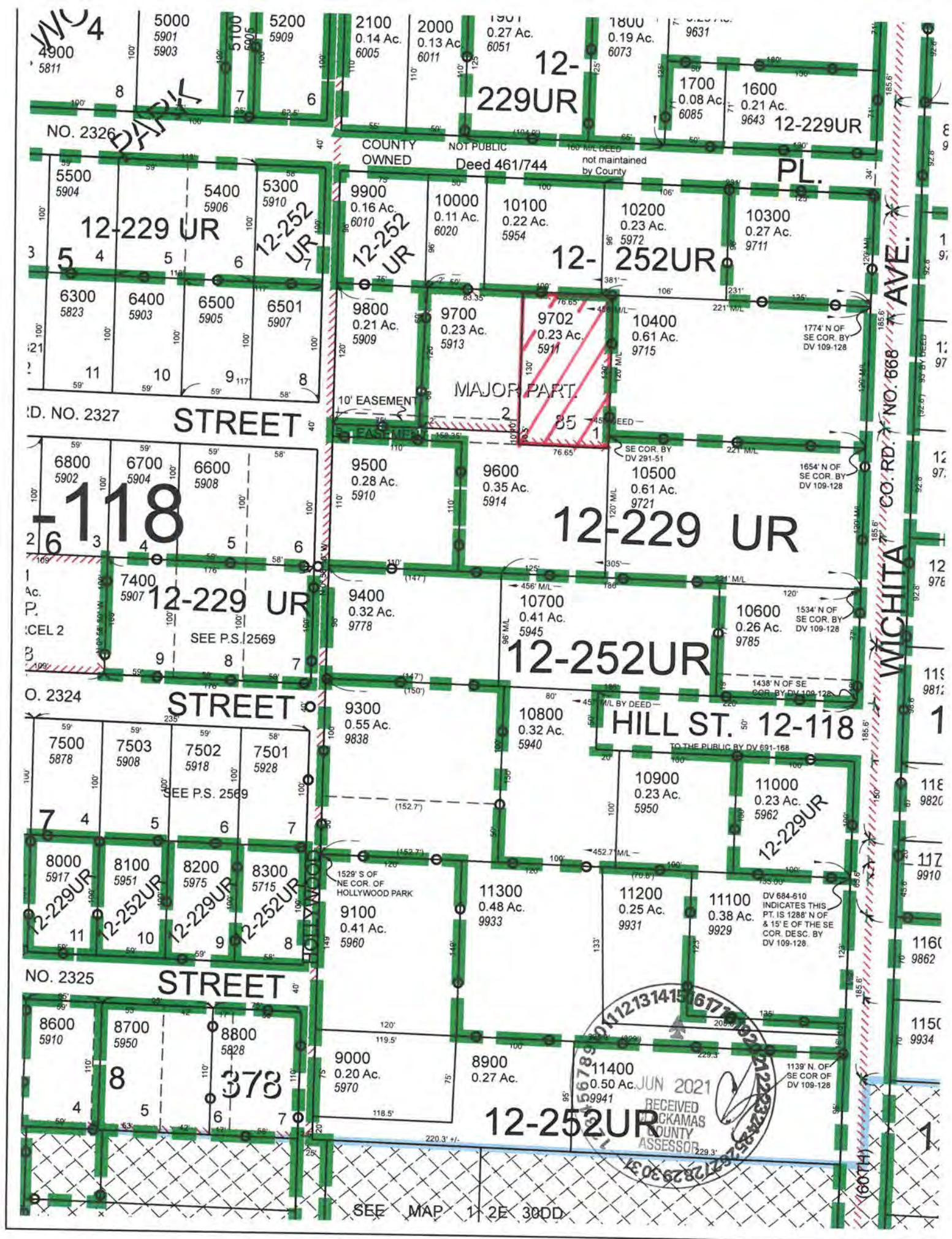
4

Dated February 2, 1995

Page 4

C113260T







NOTICE LIST

(This form is NOT the petition)

LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION.

	Name of Owner/Voter	Mailing Street Address	Property Address
		Mailing City/State/Zip	Property Description (township, range, ¼ section, and tax lot)
1	MARK STAYWARD 100%	# my address	5911 SE Willow St. 152E30DA09702
2			
3			
4			
5			
6			
7			
8			
9			
10			



# EXPEDITED ANNEXATION CODE EXCERPTS

## MILWAUKIE MUNICIPAL CODE SECTIONS

---

### 19.1104.1 Expedited Process

- A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.
- 5. Approval criteria for annexations are found in subsection 19.1102.3.

**19.1102.3 Annexation Approval Criteria.** The city council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria.

- A. The subject site must be located within the city urban growth boundary;
- B. The subject site must be contiguous to the existing city limits;
- C. The requirements of the Oregon Revised Statutes for initiation of the annexation process must be met;
- D. The proposal must be consistent with Milwaukie comprehensive plan policies;
- E. The proposal must comply with the criteria of Metro Code Sections 3.09.050(d) and, if applicable, (e).
- F. The proposal must comply with the criteria of Section 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.

## METRO CODE SECTIONS

---

### 3.09.050 Hearing & Decision Requirements for Decisions Other Than Expedited Decisions.

- (d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.

## MILWAUKIE COMPREHENSIVE PLAN

---

### Chapter 6: City Growth and Governmental Relationships; City Growth Element

Goal Statement: To identify the City's future planning and service area, establish the respective responsibilities for reviewing and coordinating land use regulations and actions within the area, and determine the most cost-effective means to provide the full range of urban services within the area.

### Applicant Response

The proposal meets the applicable requirements listed above.

X   
(Applicant's Signature)



## COUNCIL STAFF REPORT

**To:** Mayor and City Council  
Ann Ober, City Manager

**Reviewed:** Ann Ober, City Manager  
Justin Gericke, City Attorney

**From:** Luke Strait, Chief of Police

**Subject:** **Criminal Justice Commission STOP Data**

**Date Written:** Dec. 10, 2021

---

### ACTION REQUESTED

Council is asked to receive a briefing from the Criminal Justice Commission (CJC) on annual Statistical Transparency of Police (STOP) data and provide feedback.

### HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[July 14, 2020](#): Council discussed a proposed resolution in support of diversity, equity, and inclusion (DEI) and the Black, Indigenous, and people of color (BIPOC) community crafted by Mayor Gamba and Councilor Hyzy.

[August 4, 2020](#): Council requested a resolution be added to the Aug. 18, 2020 agenda to change the existing community engagement goal to equity, inclusion, and justice.

[August 18, 2020](#): Council approved a resolution changing Council's community engagement goal to equity, inclusion, and justice.

[September 15, 2020](#): Council received an update on the equity, inclusion, and justice goal, including a STOP data briefing from the acting director of the CJC, Ken Sanchagrin.

### BACKGROUND

The STOP data program was developed in coordination with House Bill (HB) 2355 from the 2017 state legislative session. The CJC began collecting and analyzing data related to all discretionary police stops in Oregon. The CJC collects data annually from July 1 through June 30. July 2020 marked the end of the first year of reporting. The CJC publishes their annual report and data each year on December 1. The most recent report can be found [here](#). The CJC also provides data summaries for individual [agencies](#).

With multiple years of data collection now complete, the 2021 report provides additional data regarding stops made by the Milwaukie Police Department (MPD). Staff from the CJC will be presenting and explaining the new data and the analysis techniques they use.

### Efforts related to bias-free policing

Staff recognizes that bias is present in all individuals and accepts the responsibility to be proactive in the efforts to consistently work to minimize bias in the delivery of police services. Some efforts to accomplish this that we have undertaken in the recent past include:

- Conducted listening sessions with our BIPOC community, and
- Worked on relationship-building with Milwaukie's BIPOC residents, and



- Implemented a BIPOC review group for police policies and the police contract, and
- Provided in-person and virtual training on bias through Fair and Impartial Policing (FIP), and
- Brought BIPOC community members to meet with police staff to discuss these challenges and their experiences, and
- Emphasized equity goals in recruitment, selection, hiring, and on-boarding, and
- Created an [Equity in Policing page](#) for data and information

The MPD recognizes that there is still very important work to do in this area. The department looks forward to working closely with the city's equity program manager, Jon Hennington, and members of our BIPOC community to guide our future equity work.

#### **BUDGET IMPACT**

None.

#### **WORKLOAD IMPACT**

Consistently striving to provide bias-free police services has been and will continue to be a significant undertaking. Staff recognizes the importance of this and embraces this responsibility.

#### **CLIMATE IMPACT**

None.

#### **COORDINATION, CONCURRENCE, OR DISSENT**

None.

#### **STAFF RECOMMENDATION**

Staff recognizes how critically important it is to provide bias-free police services. Staff will examine data and information provided by CJC and continue to work closely with the equity program manager and the CJC to identify future steps to continue to promote bias-free policing.

#### **ALTERNATIVES**

Not applicable.

#### **ATTACHMENTS**

1. [CJC STOP Data Report 2021](#) (external link, no document attached)
2. [CJC STOP Data Agency Summaries](#) (external link, no document attached)





**RS 7. C. 12/21/21  
Presentation**

# Statistical Transparency of Policing (STOP) Program

*Review of Results for City of Milwaukie*

Ken Sanchagrin, JD PhD  
Executive Director

Kelly Officer  
Research Director

Oregon Criminal Justice Commission  
21 December 2021



# HB 2355 – STOP

## Brief Background

THE OREGON LEGISLATIVE ASSEMBLY 2017 Regular Session

### Enrolled House Bill 2355

Introduced and printed pursuant to House Rule 12.00. Provisions filed (at the request of Attorney General Ellen Rosenbaum)

CHAPTER \_\_\_\_\_

AN ACT

Relating to public safety; creating new provisions; amending ORS 31.050, 321.310, 321.320, 327.022, 340.570, 340.610, 341A.410, 321.020, 439C.501, 420.470, 420.520, 475.060, 475.700, 475.804, 475.824, 475.804, 475.876, 475.884 and 475.894; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

**SECTION 1.** As used in sections 1 to 4 of this 2017 Act:

(1) "Law enforcement agency" means an agency employing law enforcement officers to enforce criminal laws.

(2) "Law enforcement officer" means a member of the Oregon State Police, a sheriff or a municipal police officer.

(3) "Officer-initiated pedestrian stop" means a detention of a pedestrian by a law enforcement officer, not associated with a call for service, when the detention results in a citation, an arrest or a consensual search of the pedestrian's body or property. The term does not apply to detentions for routine searches performed at the point of entry to or exit from a controlled area.

"Officer-initiated traffic stop" means a detention of a driver of a motor vehicle by a law enforcement officer, not associated with a call for service, for the purpose of investigating a suspected violation of the Oregon Vehicle Code.

"Targeting" means the targeting of an individual by a law enforcement agency or a law enforcement officer, on suspicion of the individual's having violated a provision of law, based on the individual's real or perceived age, race, ethnicity, color, national origin, language, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, or on the agency or officer's acting on a suspect description or information received or suspected violation of a provision of law.

"Sexual orientation" has the meaning given that term in ORS 174.106.

(4) (1) No later than July 1, 2018, the Oregon Criminal Justice Commission, in consultation with the Department of State Police and the Department of Justice, shall develop and implement a standardized method to be used by law enforcement officers to record and report pedestrian stop and officer-initiated traffic stop data. The standardized method shall require, and any form developed and used pursuant to the standardized method shall require, the following data to be recorded for each stop:

(a) The date and time of the stop;

(b) The location of the stop;

Enrolled House Bill 2017 HB 2355-25

Page 1



- HB 2355 (2017) required law enforcement to report on all discretionary traffic and pedestrian stops.

### STOP Data Elements

Agency Name	Gender
Stop Date/Time	Reason for the Stop
Location & County†	Outcome of Stop
Type of Stop (Traffic/Ped)	Search (Y/N)
Residential Zip Code†	Search Reason
Race/Ethnicity	Search Findings
Age	Was an Arrest Made?



# HB 2355 – STOP

## Brief Background

### 2020-2021 STOP Data for Milwaukie PD

Race/Ethnicity	STOP Data		Census
	Num.	Pct.	Pct.
White	2,109	77.7%	88.5%
Black	182	7.0%	1.0%
Hispanic	253	9.7%	9.2%
Asian or PI	89	3.4%	3.6%
Native American	15	0.6%	0.3%
Middle Eastern	39	1.5%	--
Two+ Races	--	--	3.7%
<b>Total</b>	<b>2,597</b>	<b>100%</b>	<b>100%</b>

### Research Approach

- Historically, **benchmark analyses** have been used to determine if there are disparities. But, academic research has found that benchmark analyses are often biased/invalid.
- Consistent with best practices, the STOP Program utilizes three rigorous statistical analyses to evaluate police stops.
  - The **Veil of Darkness** Analysis, which focuses on the decision to stop a driver.
  - The **Predicted Disposition** Analysis, which examines citation, search, and arrest rates for disparities across racial/ethnic groups.
  - The **KPT Hit Rate** Analysis, which examines the share of successful searches across racial/ethnic groups.
- The final caveat is that no analysis is perfect, and all approaches have strengths and weaknesses. No statistical method can “prove” or “disprove” racial animus.



# OREGON STOP PROGRAM

## ANALYTICAL RESULTS FOR MILWAUKIE





# HB 2355 – STOP

## Post-Stop Outcomes

Stop Outcomes	Milwaukie PD	All Tier 2
Nothing/Warning	80.6%	68.5%
Citation	17.8%	28.9%
Search	0.7%	1.9%
Arrest	1.5%	2.6%

### List of Variables Used for Matching

Age	Gender
Agency	Holiday
Stop Reason	Stop Type
Daylight	Daily Stop Volume
Day of the Week	Time of Stop

## Predicted Disposition Analysis

- This analysis focuses on post stop outcomes, such as who is searched, arrested, or cited.
- We use propensity score matching, which mimics important aspects of a random control trial.
- In effect, you can balance your data so you can **test for race-based differences for individuals who match on other factors.**



# Analyses of Oregon Stop Data

Post Stop Outcomes: Searches, Arrests, Citations

## Predicted Disposition Results for Milwaukie PD (2019-2021)

Race	Citation		Search		Arrest		Citation, Search, or Arrest	
	Actual	Predicted	Actual	Predicted	Actual	Predicted	Actual	Predicted
Asian	33.7%	38.1%	0.0%	0.0%	0.4%	0.7%	34.0%	39.3%
Black	34.0%	35.6%	0.4%	0.5%	0.8%	1.0%	34.9%	36.4%
Hispanic	38.8%	37.5%	0.6%	0.4%	0.6%	0.9%	39.3%	38.2%
Mideast	38.5%	39.0%	0.0%	0.4%	0.8%	0.9%	38.9%	39.9%
Native Am.	27.3%	33.4%	0.0%	0.6%	0.0%	1.1%	27.3%	34.3%

*Note: No statistically significant differences were found in these analyses.*

The actual citation percentage in the STOP data for Hispanics

The citation percentage we'd expect if our stopped Hispanics were White.

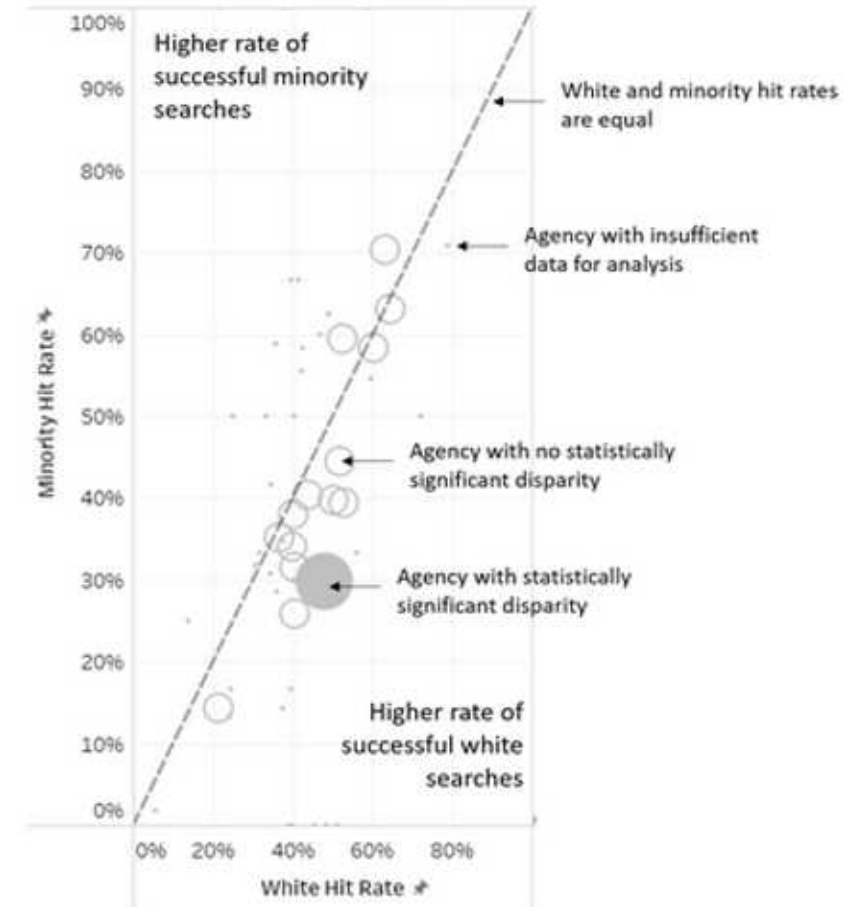


# HB 2355 – STOP

## Analysis of Oregon STOP Data

### KPT Hit Rate Analysis

- Search **success rates should be close to equal across race** if the decision to search is based on race neutral factors.
- If hit rates are significantly lower for one racial/ethnic group, that group is being searched more often than overall success rates would warrant.
  - If an agency finds contraband 40% of the time when searching whites and 40% of the time when searching Hispanics, this would be evidence of equal treatment based on the application of a race-neutral standard in deciding who to search.
  - If, however, an agency finds contraband 40% of the time when searching whites but only 15% of the time when searching Hispanics, this would indicate the presence of a disparity.
- For Milwaukie PD, CJC was unable to run the KPT Hit Rate Analysis because it did not search individuals enough to qualify for the test.





# HB 2355 – STOP

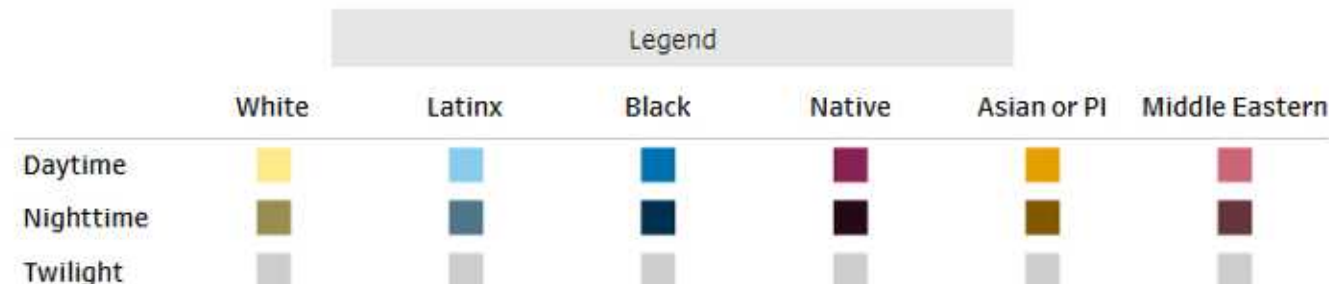
Who is stopped by law enforcement?

## Veil of Darkness Model

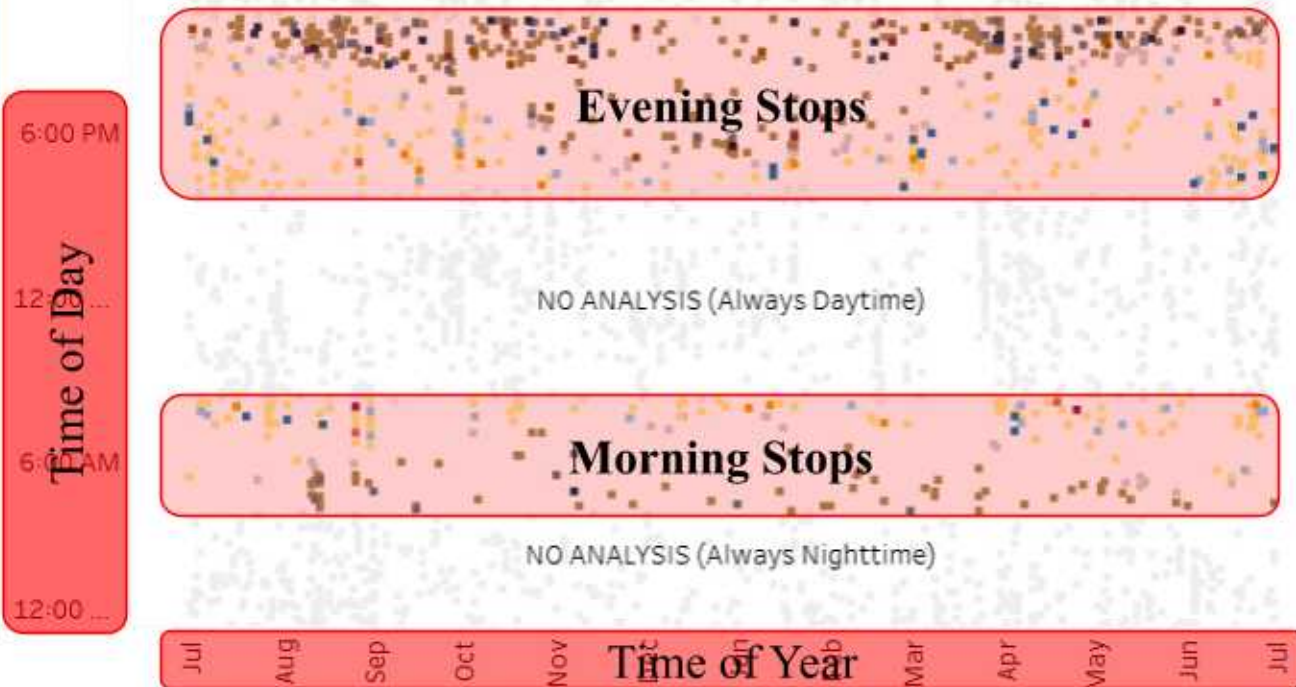
- If stops are being made in a race-neutral manner, stop rates should be **almost identical in daylight and darkness**.
- To compare similar driving populations, only stops made during the morning and evening are included in the models.
- The data included in these models can be found online:

[www.oregon.gov/cjc/SAC/Pages/stop.aspx](http://www.oregon.gov/cjc/SAC/Pages/stop.aspx)

*Each dot is a stop, color coded by race/ethnicity and time of day.*



Stops by Date, Time and Analysis Windows - Milwaukie PD  
Jul 2020 - Jun 2021





# HB 2355 – STOP

## Analysis of Oregon STOP Data – The Decision to Stop a Driver

### ■ Veil of Darkness Model

- Black individuals are more likely to be stopped in daylight vs. darkness compared to white individuals.

#### Odds Ratio of Veil of Darkness Model

Study Year(s)	Black	Latinx
2019-2021	2.68*	1.58

- The odds of stops for Black drivers in daylight was nearly 2.7 times the odds for white drivers, indicating a statistically significant difference.

#### Veil of Darkness Stops

Race	Light	Dark	Total Stops
Black	60.2%	39.8%	113
White	53.1%	46.9%	1,563

#### Evening Window - Veil of Darkness Stops

Race	Light	Dark	Total Stops
Black	57.4%	42.6%	94
White	50.4%	49.6%	1,193



# Questions



- Contact Info:

Ken Sanchagrin

Executive Director

[ken.sanchagrin@oregon.gov](mailto:ken.sanchagrin@oregon.gov)

971-719-6000

Kelly Officer

Research Director

[kelly.j.officer@cjc.oregon.gov](mailto:kelly.j.officer@cjc.oregon.gov)

503-302-4137



## COUNCIL STAFF REPORT

**To:** Mayor and City Council  
Ann Ober, City Manager

**Date Written:** Dec. 10, 2021

**From:** Jon Hennington, Equity Program Manager

**Subject:** **Council Goal Update: Equity, Justice, & Inclusion**

---

### ACTION REQUESTED

Council is asked to receive an update on the equity, inclusion, and justice goal.

### HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[July 14, 2020](#): Council discussed a proposed resolution in support of diversity, equity, and inclusion (DEI) and the Black, Indigenous, and People of Color (BIPOC) community crafted by Mayor Gamba and Councilor Hyzy.

[August 18, 2020](#): Council approved a resolution changing its goals to include one focused on equity, inclusion, and justice.

[July 13, 2021](#): Council received an update on the equity, inclusion, and justice goal.

[August 3, 2021](#): Council adopted an ordinance creating an Equity Steering Committee.

### ANALYSIS

#### Staff Training

On December 9, 2021, all non-police city staff participated in a DEI training focused on recognizing and understanding unconscious bias. This year, the city partnered with World Trust Educational Services, Inc., a filmmaking and educational organization dedicated to promoting racial equity. The city has also contracted with World Trust to conduct another training in Spring 2022, as part of a plan to hold semi-annual trainings so that the learning opportunities build on one another. Staff is currently working to build a curriculum that pairs with these trainings to allow newly hired staff to receive an introductory training that provides a framework for understanding the city's commitment to equity, inclusion, and justice.

In October, the police department participated in an implicit bias training provided by Calibre Press. The three-hour online training, taught by Lt. Carter Larry, Director of Safety and Security for Valley View School District, and 20-year veteran of the Bolingbrook, Illinois police department. Lt. Carter, who is a person of color, presented a training designed for officers and support staff of all ranks and assignments. It focused on providing simple yet realistic and effective techniques to assist them in overcoming bias and improve both verbal and nonverbal communication skills.

Finally, the equity program manager has been, and will be, meeting with newly hired staff to provide an overview of the city's equity program.



## **Equity Steering Committee**

On November 16, Council adopted Resolution 57-2021, appointing the initial nine members of the ESC previously authorized by Ordinance 2207. The ESC will begin meeting in mid-to-late January 2022. The committee will begin by learning more about the city and its structure. This will be followed by a process of developing bylaws alongside a mission, vision, and goals. Staff has established a timeline to allow ESC members sufficient time to flesh out these items prior to beginning work on adopting an equity program this Spring.

## **Policy Reviews & Development**

Over the last several months, the equity program manager has been working with city departments on reviewing policies and developing new ones. Overall, city policies are in a good state, but some updates are recommended. Staff anticipates several draft policy revisions will be finalized and brought before Council in early 2022. Staff is currently coordinating with the finance department on developing a revised procurement policy that incorporates the equity, inclusion, and justice goal with current best practices in local government procurement. Additional policy development continues with the police and human resources departments.

## **Language Access Policy**

Staff from the city manager's office, court, and the city recorder's office coordinated to develop a language access policy to address translation and interpretation services provided by the city. This policy defines interpretation as "the oral rendition of a spoken message from one language to another" and translation as "the process of translating works or text from one language to another."

The policy outlines the options for interpretation that should be available to community members in their preferred languages, including direct interpretation via a bilingual staff member or the use of an interpretation service. The policy requires information regarding interpretation services to be readily available at all city offices so that both staff and members of the public know how to access these services. The policy also prohibits the use of minors for interpreting sensitive information for an adult unless there are no other viable options available.

The policy directs staff to translate documents, online communication (city website, social media posts, Engage Milwaukie, etc.), and other key project materials into the major languages spoken by Milwaukie community members that relate to a critical topic or program area. For the purposes of this policy, these critical topics are:

- City-provided utility services
- Public safety
- City finances, taxes, and fees
- Construction projects and related impacts
- Community engagement

A major language is defined as a language that United States Census Bureau data indicates at least 4% of the city population belong to a specific language group when rounded up to the nearest whole percentage point. Currently, Spanish is the only language that meets this criterion.

This policy has been approved by the city manager. As a result, staff will proceed with selecting a vendor to translate The Pilot and will begin offering a Spanish-language version of The Pilot both online and in print starting with the February 2022 issue.



### **Latinos in Local Government Network**

In the Summer of 2021, City Manager Ann Ober joined with leaders in five other cities to create a new non-profit in the state - the Oregon Latinos in Local Government Network. The organization supports the professional development of Latinos in leadership in local government and inspires all local government professionals in Oregon to improve the delivery of culturally responsive services to Latino communities. The city has joined the network as of December 2021 and the city manager will be relinquishing her board seat in July 2022 to provide more leaders a chance to make a change in Oregon.

### **Racial Justice Research Project**

The city has entered an intergovernmental agreement (IGA) with Clackamas County in support of the county's Racial Justice Research Project. This project is supported by numerous local governments and businesses across Clackamas County. This project's purpose is to gain better understanding of the needs of population groups that continue to experience racial disparity in order to better address those needs. The county has contracted with the Coalition of Communities of Color to conduct this study. The researchers will be conducting interviews with community members in Milwaukie and across the county during the next several months. The final report is anticipated in Spring 2024.

### **Community Events**

Building on the success of the city's support of the Juneteenth event, staff will work with the ESC to determine a recommended path that allows the city to equitably support events such as Juneteenth, Pride, and other events led by communities of color, LGBTQIA+, and other diverse communities in Milwaukie.

### **BUDGET IMPACT**

Existing resources will be allocated for ongoing equity efforts. No additional budgetary impacts are anticipated at this time.

### **WORKLOAD IMPACT**

The city's equity, inclusion, and justice program has been, and will continue to be, a significant undertaking. Staff anticipates working with a consultant to assist in developing an equity lens for use by city departments.

### **CLIMATE IMPACT**

None.

### **STAFF RECOMMENDATION**

None.

### **ATTACHMENTS**

1. Language Access Policy



CITY OF MILWAUKIE  
*Language Access Policy*

**PURPOSE**

Milwaukie is comprised of more than one people and culture. The city is committed to building and supporting an inclusive and well-informed community where people are equally valued and treated equitably. The purpose of this policy is to cultivate community participation, maximize community member understanding of city-related matters affecting them, and create a welcoming environment. This policy is designed to promote fair and equitable access to City information and services for individuals with limited English proficiency.

**DEFINITIONS**

**Interpretation:** the oral rendition of a spoken message from one language to another, preserving both the intent and meaning of the original message

**Sensitive Information:** information which could impact the financial or legal situation for an individual or organization

**Translation:** the process of translating works or text from one language to another. An accurate translation is one that conveys the intent and essential meaning of the original text.

**APPLICATION****Interpretation:**

City staff should provide interpretation options to community members in their preferred languages whenever practical. When an individual requests language assistance during an in-person or virtual interaction with a city department, city staff should employ either direct interpretation with the assistance of a certified bilingual city staff member or an interpretation service provider. For public meetings and events, city staff should arrange for appropriate interpretation services when a request is made more than two working days (48 hours) prior to the meeting or event. A minor may not interpret sensitive information for an adult unless there are no other viable options available.

Interpretation services provided for the municipal court will follow guidelines established by Oregon Revised Statutes (ORS) and Uniform Trial Court Rules (UTCRC).

**Translation:**

City staff should translate documents, online communication (city website, social media posts, Engage Milwaukie, etc.), and other key project materials into the major languages spoken by Milwaukie community members that relate to a critical topic or program area. For this policy, a major language is defined as one where census data indicates at least 4% of the population belong to a specific language group when rounded up to the nearest whole percentage. The city has identified the following topics and program areas as critical for translation services:

- City-provided utility services
- Public safety
- City finances, taxes, and fees



- Construction projects and related impacts
- Community engagement

When a program or activity impacts a specific portion of the community or smaller service area, the best practice is to assess the language needs of those living in that area to determine the most effective communication methods.

City staff should consider and use alternative forms of language assistance rather than translation when the alternative would be more effective and/or practical. For example, if a department can provide the information in person, over the phone or through video conferencing in a more timely and understandable manner, they should do so.

City staff should work to ensure that interpreter services are made available for all public meetings and events.

## **IN PRACTICE**

### **Interpretation**

City departments should utilize certified bilingual employees when available to assist in in-person or telephone communication with community members who request language assistance. In the event a bilingual city employee is not available, a telephone interpretive service should be used to assist. All city buildings should be stocked with language identification cards and posters as well as easily accessible language hotline information for all front-line city staff. Reasonable efforts should be made to provide an interpreter at community meetings called by the city when the city receives a request more than two working days (48 hours) prior to the meeting or event. City event and meeting notices should prominently include information about requesting interpretive services and that these services are provided at no cost to the requesting individual.

### **Translation**

To ensure accuracy and quality in translations, staff should thoroughly review English materials, before translation, to assess whether the information is well written, clear, and accurate, and using simple language that is easily translatable. Content should also be edited to meet the city's writing standards before translation to ensure it continues into the new language.

### **Plain Language**

To aid translations—as well as the readability of all materials in English—city documents should follow the principles of plain language. These include:

- eliminating nonessential information
- organizing the document so it highlights the main point(s) early and within each section of the document, if sections are present



- using familiar words with clear meanings; avoiding jargon, technical terms, abbreviations and acronyms, redundant phrases, contractions, colloquialisms, idioms, and metaphors
- writing in active voice with simple verbs and concrete nouns
- using short, simple sentences; avoiding wordy phrases and unnecessary synonyms.
- writing with consistent, accurate punctuation (commas and hyphens, especially) and capitalization (to help distinguish between proper nouns/names and common nouns)
- using short paragraphs and bulleted lists

### **Cultural Competency**

City staff should make sure their messages are culturally competent and determine whether the concept being presented exists in other cultures. If staff are unsure if their materials are culturally appropriate, they should test the messaging and images with a community partner that works with that population or a member of the target audience. Avoid idiomatic expressions or colloquialisms (expressions or sayings that do not have the same meaning in other languages/cultures). If certain text is unavoidable, staff should work with the translator to find best possible translation to convey the contextual meaning.

### **MORE INFORMATION**

For questions or more information about translation, contact Jordan Imlah at [imlahj@milwaukieoregon.gov](mailto:imlahj@milwaukieoregon.gov).





# CITY OF MILWAUKIE

RS 7. D. 12/21/21  
Presentation

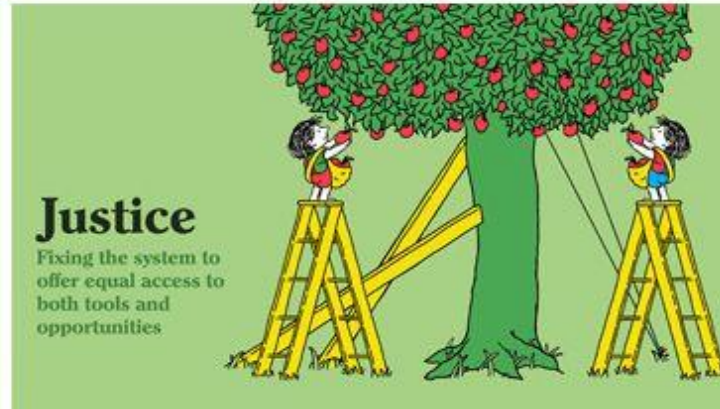
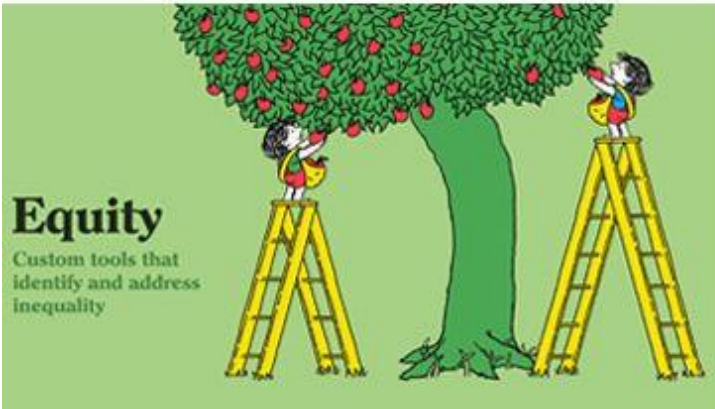
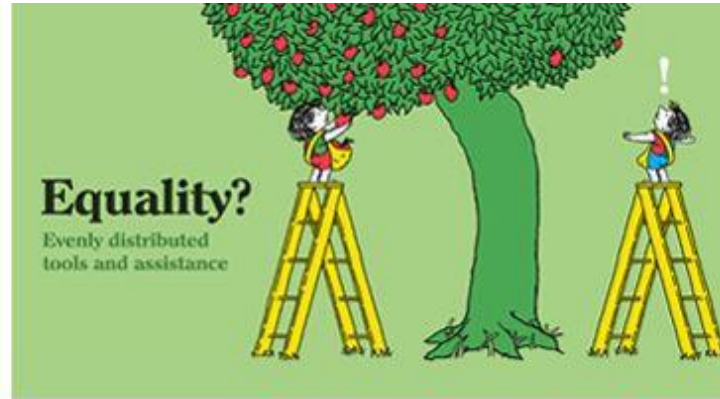
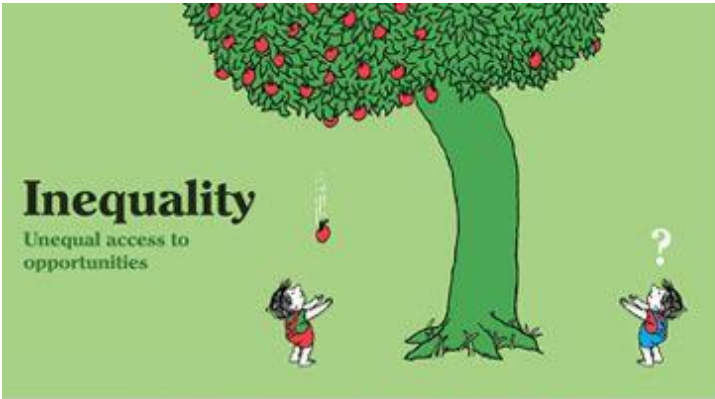
## Citywide Equity Plan Phase III

## DEI Across the City

Council Update  
December 21, 2021







Source: "Addressing Imbalance," by Tony Ruth  
– based on imagery from "The Giving Tree" by Shel Silverstein

## Inequality

Unequal access to opportunities

## Equality?

Evenly distributed tools & assistance

## Equity

Custom tools that identify & address inequality

## Justice

Fixing the system to offer equal access to both tools & opportunities

# Equity vs. Justice



## Staff Trainings



# Milwaukie Police Department Implicit Bias Training



**Lt. Carter Larry**

Director of Safety & Security

Valley View School District  
(Illinois)

20-year veteran of Bolingbrook, IL  
Police Department

**Training designed by and for law  
enforcement officers**

**Focused on providing simple yet  
realistic and effective techniques to  
assist in overcoming bias**



# Milwaukie City Staff

## Unconscious Bias Training



**Amikaeyla  
Gaston**

State Department Cultural  
Ambassador

Founder and Executive  
Director for the International  
Cultural Arts and Healing  
Sciences Institute

**Focused on how biases form and  
how to recognize and address  
them – as well as raising  
awareness of sources that  
reinforce bias**

**Staff Trainings**





## Equity Steering Committee

- **Nine-person group of community members empowered to advise Council and staff on matters related to the equity, inclusion, and justice goal**
- **First meeting – late January 2022**
- **Initial meetings**
  - **Get to know one another and the city**
  - **Develop Mission, Vision, & Goals**
  - **Adopt Bylaws**
- **ESC will begin developing an equity lens for the city in Spring 2022**





- Ongoing process of working with departments to review policies & make recommendations
- Overall, policies are in good shape, but some revisions will be necessary
- Currently focused on work with MPD and Finance
- Future policies will likely come before Equity Steering Committee

## Policy Reviews & Development





## **Language Access Policy** (Translation & Interpretation)

**Result of collaboration between:**

- **City Manager's Office**
- **Office of the City Recorder**
- **Municipal Court**

**Provides guidance for  
translation & interpretation  
services citywide**





- **Interpretation** – the oral rendition of a spoken message from one language to another
- **Translation** – the process of translating works or text from one language to another
- **Major Language** – a language that U.S. Census Bureau data indicates at least 4% of the city population belong to a specific language group when rounded up to the nearest whole percentage point.
  - Currently, Spanish is the only language that meets this criterion

## Language Access Policy (Translation & Interpretation)





## **Language Access Policy** (Translation & Interpretation)

# **Interpretation Policy**

- Options for interpretation should be made available to community members in their preferred languages, including direct interpretation via a bilingual staff member or the use of an interpretation service
- Information regarding interpretation services must be readily available at all city offices so that both staff and members of the public know how to access these services
- The use of minors to interpret sensitive information for an adult is prohibited unless there are no other viable options available
- Interpretation services provided for the municipal court will follow guidelines established by Oregon Revised Statutes (ORS) and Uniform Trial Court Rules (UTCRC)





# Translation Policy

- Online communication and other key project materials that relate to a critical topic or program area should be translated into major languages in our community
  - Critical topics include
    - City-provided utility services
    - Public safety
    - City finances, taxes, and fees
    - Construction projects and related impacts
    - Community engagement

## Policy Reviews & Development





**Language Access Policy**  
(Translation & Interpretation)

# The Pilot:

Próximamente disponible en español

Beginning this February, issues of The Pilot will be available in Spanish.

Details on availability and distribution will be coming soon.





**In the Summer of 2021, City Manager Ann Ober joined with leaders in five other cities to create a new non-profit in the state - the Oregon Latinos in Local Government Network.**

**The organization supports the professional development of Latinos in leadership in local government and inspires all local government professionals in Oregon to improve the delivery of culturally responsive services to Latino communities.**

**The city has joined the network as of December 2021 and the city manager will be relinquishing her board seat in July 2022 to provide more leaders a chance to make a change in Oregon.**

**Latinos in Local  
Government Network**





## **Clackamas County Racial Justice Research Project**

### **What is research justice?**

- **Goes beyond extracting information and collecting a needs assessment of groups – It recognizes that those who are a part of underrepresented and marginalized communities are the experts in their lived experiences and have the strategies and solutions to ensure the well-being of their communities and environments**





## Who is the project studying?

- **Black, Indigenous, and People of Color (BIPOC)**, communities of color, and people of color refer to those who belong to racial and ethnic groups and/or are citizens of sovereign Tribal nations. BIPOC can include members/citizens of Tribal Nations but should not be conflated with the 9 Federally recognized Tribes.
- **Additional communities we intend to center in this project** include people from Asian, Pacific Islander, Native Hawaiian, Middle Eastern, Latinx, Slavic, Black, African American, African, immigrant, and refugee communities.

## Clackamas County Racial Justice Research Project





## Clackamas County Racial Justice Research Project



### Why these groups?

- The reason why we are focusing on these groups is that they have experienced historical oppression, genocide, and other hardships due to how they have been racialized in this country.
- These are also groups that are negatively impacted by racism and xenophobia, which systematically impacts their livelihoods.



# What is the goal of this project?

- The goal of this project is to better understand the experiences of Black, Indigenous, and People of Color (BIPOC) Clackamas residents within city limits and outside of those jurisdictions to the surrounding areas and the region.

## Clackamas County Racial Justice Research Project





## **Clackamas County Racial Justice Research Project**

### **Who is guiding the research?**

- **Clackamas County has contracted with the Coalition of Communities of Color (CCC) to guide this research project.**
- **While CCC will be providing the expertise and structure to this project, the project will be led and designed by a steering committee of BIPOC community members.**





## How can I get involved?

- 1. Engage to better the experiences of BIPOC communities.**
  - Participate in community engagement meetings
  - Disseminate information, surveys, and other useful data
  - Support the effort with community members, stakeholders, and other leaders in the County
- 2. Support**
  - Support the effort with community members, stakeholders, and other leaders in the County.
- 3. Contact: Office of Equity and Inclusion: Clackamas County**
  - <https://www.clackamas.us/diversity>

## Clackamas County Racial Justice Research Project





# Questions?

---

Jon Hennington – Equity Program Manager

[henningtonj@milwaukieoregon.gov](mailto:henningtonj@milwaukieoregon.gov)



**CITY OF MILWAUKIE**