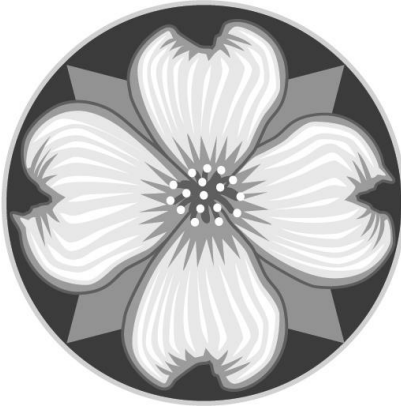




Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2349th Meeting**AGENDA**

JANUARY 4, 2022

Council will hold this meeting in-person and through video conference. The public may attend the meeting at City Hall, watch 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. Council will take limited verbal comments. **For Zoom webinar login information** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-315>.

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.)

3. PROCLAMATIONS AND AWARDS

- A. Clackamas Fire District #1 – Update (6:05 p.m.)**
Presenters: Brandon Paxton, Clackamas Fire

4. SPECIAL REPORTS

- A. City Manager Updates – Report (6:20 p.m.)**
Staff: Ann Ober, City Manager

5. COMMUNITY COMMENTS (6:35 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), or in person to city staff.**

6. CONSENT AGENDA (6:40 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: | 2 |
| 1. December 7, 2021, work session. | |
| B. Establishment of 2022 Council Meeting Schedule – Resolution | 5 |
| C. Establishment of 2022 Papers of Record – Resolution | 8 |
| D. Appointments to City Boards & Committees – Resolution | 10 |
| E. Authorization of a Contract for On-Call Engineering Public Engagement Services – Resolution | 13 |

7. BUSINESS ITEMS

- A. Board & Committee Code Changes – Ordinance, Resolution (6:45 p.m.) 17**
Staff: Scott Stauffer, City Recorder
- B. Wastewater System Development Charges – Discussion (7:00 p.m.) 25**
Staff: Peter Passarelli, Public Works Director
- C. Council Budget – Discussion (7:45 p.m.)**
Staff: Ann Ober, City Manager
- D. Council Committee Assignments for 2022 - Discussion (8:15 p.m.) 32**
Staff: Kelly Brooks, Assistant City Manager
- E. Legislative & Regional Policy Issues – Discussion (8:45 p.m.)**
Staff: Kelly Brooks, Assistant City Manager
- F. Comprehensive Plan Implementation – Update (continued) (9:00 p.m.) 39**
Staff: Vera Kolias, Senior Planner

8. PUBLIC HEARINGS

- A. None Scheduled.**

9. COUNCIL REPORTS (10:00 p.m.)

10. ADJOURNMENT (10:05 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 or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's YouTube channel](#) and Comcast Channel 30 in city limits.

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

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

Executive Sessions

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



COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street, and
Zoom Video Conference, www.milwaukieoregon.gov

2349th Meeting

MINUTES

JANUARY 4, 2022

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
Vera Kolias, Senior Planner
Ann Ober, City Manager

Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder
Natalie Rogers, Climate and Natural
Resources Manager
Laura Weigel, Planning Manager

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

1. CALL TO ORDER

A. Pledge of Allegiance.

It was noted that due to technical issues Mayor Gamba left the meeting at 6:05 p.m. and rejoined at 6:07 p.m.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba announced upcoming activities, including opportunities for the public to comment on the Milwaukie Redevelopment Commission's (MRC's) five-year plan and nominate individuals for the volunteer of the year award, and clean-up events at Minthorn Springs Nature Area and Homewood Park. **Councilor Batey** noted a Christmas tree recycling event and an indigenous heritage lecture.

3. PROCLAMATIONS AND AWARDS

A. Clackamas Fire District #1 (CFD1) – Update

Brian Stewart, CFD1 Assistant Chief, provided an update on district operations, including the annual Operation Santa program, the number of calls the district responded to in 2021, and winter weather preparedness planning. **Councilor Batey** asked if the pandemic had impacted the number of calls the district responded to. **Stewart** reported it was hard to track COVID-19 symptoms through calls.

Councilor Batey asked for an update on the recent oil spill into Kellogg Creek that had happened due to a fire. **Stewart** had nothing to report on the incident. **Batey** remarked that the event had highlighted a lack of communication about such spills.

Council President Hyzy asked how CFD1 worked with other districts to support each other during the pandemic. **Stewart** explained that CFD1 managed its staffing needs on its own and communicates with other agencies about maintaining service and supplies.

4. SPECIAL REPORTS

A. City Manager Updates – Report (moved to January 4, 2022, work session agenda)

5. COMMUNITY COMMENTS

Mayor Gamba reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the December 21, 2021, community comments.

Charles Bird, Island Station Neighborhood District Association (NDA) Co-Chair, commented on Council's decision to dissolve the Kellogg Good Neighbor Committee (KGNC) and asked Council to attend an Island Station NDA meeting to answer questions about that decision and the plan to continue the committee's work.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. December 7, 2021, work session.

B. Resolution 1-2022: A resolution of the City Council of the City of Milwaukie, Oregon, establishing the 2022 City Council meeting schedule.

C. Resolution 2-2022: A resolution of the City Council of the City of Milwaukie, Oregon, designating the 2022 papers of record.

D. Resolution 3-2022: A resolution of the City Council of the City of Milwaukie, Oregon, making appointments to city boards and committees.

E. Resolution 4-2022: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, approving the award of a contract for on-call public information and engagement services.

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

7. BUSINESS ITEMS

A. Board and Committee (BC) Code Changes – Ordinance, Resolution

Stauffer reviewed the proposed changes, which involved moving the date that BC terms end on to June 30, extending current BC terms to end on June 30, and revising the Park and Recreation Board (PARB) membership requirements to allow for two non-city resident members. **Stauffer** explained why some BC positions had not been included in the resolution and noted a typographical error in the resolution.

It was moved by Councilor Nicodemus and seconded by Councilor Batey for the first and second readings by title only and adoption of the ordinance amending Municipal Code Chapter 2.10 Boards, Commissions, and Committees Generally and Code Chapter 2.12 Park and Recreation Board. 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 2213:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE CHAPTER 2.10 BOARDS, COMMISSIONS, AND COMMITTEES GENERALLY AND CODE CHAPTER 2.12 PARK AND RECREATION BOARD.

It was moved by Council President Hyzy and seconded by Councilor Nicodemus to approve the resolution extending all current board and committee term dates to June 30. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 5-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, EXTENDING ALL CURRENT BOARD AND COMMITTEE TERM DATES TO JUNE 30.

Stauffer noted next steps in the city’s move to an annual BC recruitment process.

B. Wastewater System Development Charges (SDCs) – Discussion

Passarelli noted previous Council discussion about SDCs, explained that staff and the consultant team would introduce a new SDC rate structure proposal, and introduced Doug Gabbard with the FCS Group consultant firm.

Gabbard introduced John Ghilarducci and Zech Hezel with the FCS Group, discussed how SDCs are calculated and used. **Hezel** explained how SDCs are designed to account for forecasted system growth. The group commented on how dry-weather flow data is collected and calculated per equivalent dwelling unit (EDU) and noted that the average Milwaukie family residence used 115 gallons per day.

Hezel discussed the costs that shaped SDCs, including eligible improvement projects, reimbursement fees for eligible projects, and various other adjustments factored into the overall calculation. **Gabbard** noted that the proposed SDC fee schedule was built on the types of housing units the city had and wanted to see more of, including duplexes, multi-family housing, and accessory dwelling units (ADUs). The group remarked on why multi-family units were calculated differently than single-family units, noting that changing the how single-family units were calculated would take a lot of staff time.

Hezel and **Gabbard** presented the SDC fee schedule based on house size, noting that the schedule aligned with Clackamas County Water Environment Services (WES) house sizes. **Councilor Falconer** commented on WES’ process to adopt the updated fees and EDU size. **Passarelli** remarked that the proposed schedule was meant to be less regressive than the current one. **Council President Hyzy** asked where multi-family units would be in the schedule and **Gabbard** believed such units would be in the multi-family category. **Councilor Batey** supported using WES’ house sizes.

Council President Hyzy remarked on the city’s interest in encouraging the development of multi-family housing and wondered if the proposed SDCs would provide enough revenue to support planned infrastructure projects. **Passarelli** commented that staff was comfortable with the proposed rates and noted that the water system master plan review process had shown there were not a lot of capacity projects needed.

Gabbard reviewed data comparing Milwaukie’s current and proposed SDC rates to other cities. **Councilor Batey** commented on how low other cities fees were and **Gabbard** remarked that some of the data needed to be revised.

Passarelli and **Gabbard** noted next steps staff would take to present the proposed SDC fee schedule for Council consideration in spring 2022 and asked for Council feedback on proceeding with a hearing. The group discussed whether to proceed with making changes to the city’s SDCs before WES adopted its fee changes. It was Council consensus to proceed with a hearing in spring 2022 on the proposed SDC changes.

C. Council Budget – Discussion (moved to January 4, 2022, work session agenda)

D. Council Committee Assignments for 2022 – Discussion

Brooks presented the matrix of Council committee assignments and the group discussed assignment changes involving the Oregon Department of Transportation (ODOT) Region 1 Committee, Metro's Policy Advisory Committee (MPAC), the Clackamas Childcare for All Committee, and others. **Brooks** noted the matrix would be presented on the January 18 consent agenda for approval.

E. Legislative and Regional Policy Issues – Discussion

The group discussed letters Council had been asked to send, one to the Oregon State Marine Board regarding boat noise and one to the Oregon Transportation Commission requesting funding support for infrastructure and safety projects. They also remarked on the status of legislation to be considered during the state legislature's 2022 session.

Mayor Gamba recessed the meeting at 7:38 p.m. and reconvened at 7:45 p.m.

F. Comprehensive Plan Implementation – Update (continued from the December 21, 2021, work session)

Kolias reviewed where information about the Comprehensive Plan implementation project was online. **Councilor Batey** and **Kolias** remarked on who in the community had received notifications about the Comprehensive Plan project.

Kolias discussed proposed code changes related to flag lots and back lots and asked for Council feedback. **Mayor Gamba** and **Councilors Falconer and Batey** supported incentivizing setbacks to encourage the construction of more middle housing types.

Councilor Batey was concerned about Council discussing the code changes outside of a hearing. **Gericke** suggested the discussion was for Council to preview the changes and for staff to hear what information Council would like to have in the hearing. **Gericke** agreed that Council should not deliberate on the changes at the current meeting.

In response to a question asked by Councilor Batey, **Kolias** noted that the proposed code language would not change the city's standards for reviewing flag lots.

Kolias explained what the proposed code would change in terms of a structure's maximum coverage of a lot and how a structure could get bonus stories. **Councilor Batey** suggested that any drawings presented with the code changes should reflect the changes. **Kolias** and **Weigel** remarked that staff would confirm that the drawings matched the proposed code requirements.

Mayor Gamba, Kolias, and Councilors Falconer and Batey discussed how to incentivize middle housing through height bonuses and reduced setback requirements.

Briglio and Mayor Gamba remarked on the city's efforts to insert affordable housing into all code sections versus developing an affordable housing code section. The group discussed how the city could best incentivize different housing types and how the code should be structured to best support affordable and middle housing.

Kolias reviewed the proposed code related to parking, which included no off-street parking requirement for most middle housing types. **Councilor Batey** remarked on the Planning Commission's consideration of the parking code changes. **Council President Hyzy** asked for information about how no on-street parking had worked in other cities.

Ober asked if Council wanted staff to prepare an affordable housing code package in the next three months. **Councilor Batey** believed such a package could be added if there was information shared to the public via the Engage Milwaukie website. **Councilor Falconer** and **Ober** clarified that the affordable housing package would be separate from the currently proposed middle housing code. **Ober** summarized that Council supported adding an affordable housing code and staff would come back to Council soon to follow-up on an affordable housing code.

Mayor Gamba commented on experiences in other cities related to parking spots and asked for information about curb cuts and standards. **Kolias** confirmed staff would provide that information during the hearing process.

Kolias presented and discussed the proposed code changes related to increasing the areas where manufactured dwelling parks would be allowed. **Councilor Falconer** asked if staff had reached out to such parks for input on the code changes and **Kolias** reported that there were few parks in the city and staff had not reached out to them. The group remarked on the need to solicit feedback from manufactured dwelling park residents in a separate process and whether the proposed code changes would cause any issues for such housing parks.

Kolias reviewed next steps in the Comprehensive Plan code change hearings process which would start on January 18 with a hearing on the proposed tree code. **Councilor Batey** remarked on the number of comments the Planning Commission had received at its hearing on the tree code. **Mayor Gamba** and **Passarelli** noted that the proposed tree code fee structure would be presented to Council at the February 1 hearing.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

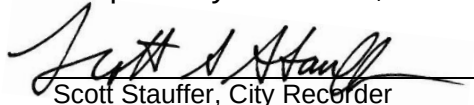
None.

10. ADJOURNMENT

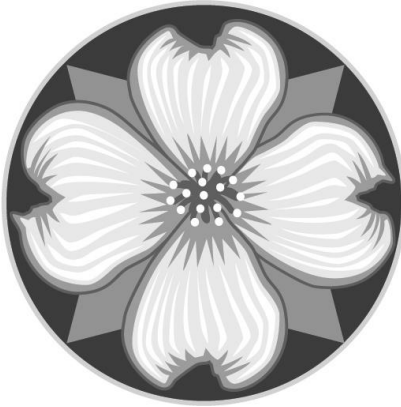
It was moved by **Councilor Falconer** and seconded by **Councilor Nicodemus** to adjourn the Regular Session. Motion passed with the following vote: **Councilors Falconer, Batey, Nicodemus, and Hyzy** and **Mayor Gamba** voting “aye.” [5:0]

Mayor Gamba adjourned the meeting at 8:40 p.m.

Respectfully submitted,


 Scott Stauffer, City Recorder

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RS Agenda Item

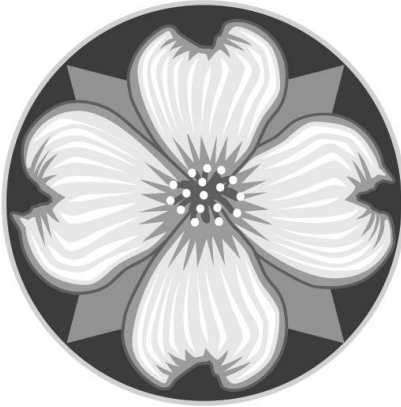
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Announcements

Mayor's Announcements – January 4, 2022



- **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
- **2021 Volunteer of the Year – Nominations Accepted Until Monday, February 14, 2022**
 - Nominate someone you know who has contributed their time and energy to the Milwaukie community
 - Submit a nomination at engage.milwaukieoregon.gov
- **Minthorn Springs Volunteer Work Party – Saturday, January 8 (10 AM – 12 PM)**
 - Volunteer alongside the Milwaukie Parks Foundation and the Wetland Conservancy.
 - Register in advance at wetlandsconservancy.org/stewardship/volunteer-opportunities.
- **Homewood Park Volunteer Opportunity – Monday, January 17 (9 AM -12 PM)**
 - Celebrate the 27th Anniversary of Martin Luther King Jr.'s Day of Service!
 - Join your neighbors in pulling invasive ivy and repairing the trail through the park.
 - Questions? Contact Matt Jordan at mjordan@ncprd.com or call 971-313-2031.
 - Sign up today at ncprd.com/nature-volunteer-application
- **LEARN MORE AT [WWW.MILWAUKIEOREGON.GOV](https://www.milwaukieoregon.gov) OR CALL 503-786-7555**



RS Agenda Item

5

Community Comments



Neissan Saber
12200 SE McLaughlin Blvd
#19103

Milwaukie

(503) 449-2135

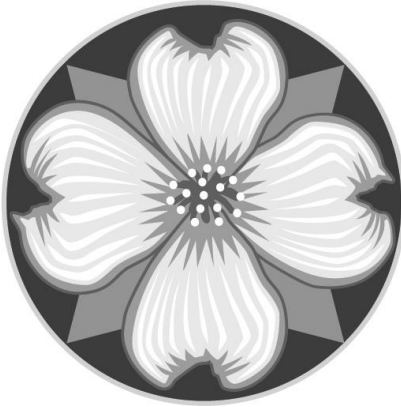
saberneissan@gmail.com

Concern:

The internet & phone connectivity
are very poor and at times
non-existent. This is a
concern as I'm 61 YO and
need to know that I can reach
to people in an emergency situation.

18:03:09 From Charles Bird to Everyone: I would like to speak as Co Char of the ISNDA

18:03:53 From Ann Ober, City Manager, She/Her to Everyone: Thanks Charles. We will call you up in a few minutes.



RS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

Zoom Video Conference
www.milwaukieoregon.gov

MINUTES

DECEMBER 7, 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	Ann Ober, City Manager
	Kelly Brooks, Assistant City Manager	Mary Quinn, Court Clerk
	Justin Gericke, City Attorney	Natalie Rogers, Climate & Natural
	Kimberly Graves, Municipal Court Judge	Resources Manager
	Adam Moore, Parks Development Coordinator	Scott Stauffer, City Recorder

Mayor Mark Gamba called the meeting to order at 4:00 p.m.

1. Downtown Milwaukie Business Association (DMBA) – Quarterly Update

Brooks shared a photo of the lit-up tree at city hall and reported that the city's annual Umbrella Parade and Tree Lighting event had been a success.

Rory Dunnaback, DMBA President, discussed efforts to increase business participation in the community and thanked the city for hiring Dan Harris as events coordinator. **Council President Hyzy** thanked Dunnaback for their work.

Councilor Batey noted previous efforts to start a downtown main street program in Milwaukie and suggested the DMBA consider using that model. **Dunnaback** said the association would investigate a main street program.

Council President Hyzy and **Dunnaback** remarked on how the DMBA and Milwaukie Redevelopment Commission (MRC) Community Advisory Committee (CAC) could collaborate as downtown urban renewal projects were considered.

Dunnaback noted the DMBA's 2022 plans and thanked Council for their support.

Mayor Gamba and **Briglio** discussed challenges of forming a business association and what programs could help build a successful association. **Dunnaback** expressed interest in meeting with Briglio to discuss ways to grow the association.

Councilor Batey believed that bringing back the First Friday event would help engage businesses. **Ober** remarked on city staff's increased capacity to support downtown projects and activities in the coming year.

2. Municipal Court – Update

Graves provided an update on the municipal court, noting the adoption of paperless practices and the impacts of Oregon Senate Bill (SB) 817 which resulted in the elimination of truancy courts across the state, including Milwaukie's and the write-off of truancy-related fines. **Councilor Batey** and **Graves** commented on whether the legislature would address truancy court again in the future. **Mayor Gamba** and **Graves** remarked on the effectiveness of truancy court programs and **Councilor Nicodemus**, **Graves**, and **Councilor Batey** commented on whether the elimination of the truancy program was good or bad in terms of helping students and families be successful.

Council President Hyzy and **Graves** noted that before the COVID-19 pandemic the city's truancy court saw about 60 cases a year and the program had been paused by the North Clackamas School District (NCSd) due to concerns about federal immigration enforcement issues.

Councilor Nicodemus remarked on how truancy programs have had a harmful effect on student and family success and expressed support for such programs ending. **Graves** agreed that the elimination of the program would be a good thing for communities where it hadn't been used like Milwaukie and NCSd had.

Graves observed that it was unlikely that the legislature would address truancy courts again and that research had shown that courts overall have a negative impact on families in various issues including truancy. **Councilor Batey** and **Graves** commented on the possibility that schools would seek new programs to address truancy.

Councilor Batey and **Graves** noted that the court had returned to in-person operations and had seen a consistently full docket on court days.

3. Park and Recreation Board (PARB) – Annual Update

Rogers introduced Ben Johnson, PARB Chair, and provided an update on PARB, noting the board's staff liaison change, online Earth Day event, and work to update its bylaws and advocate for the city's park development projects. **Johnson** commented on staff and board member transitions in recent years and the board's ongoing work to support the city's park projects.

Rogers reviewed the board's plans for 2022, which included continued support for the park projects, filling board vacancies, focusing on recreation opportunities and developing food forests, conducting educational events, and working with the North Clackamas Parks and Recreation District (NCPRD) District Advisory Committee (DAC).

Rogers discussed city staff's efforts to improve the Pennywood Retention Pond area as a public greenspace and asked for Council feedback on PARB advocating for areas outside of parks, such as greenspaces. **Council President Hyzy** and **Mayor Gamba** cautioned about the amount of extra staff time such work could require and expressed support for PARB looking at how to activate greenspace. **Councilor Batey** supported PARB looking at greenspaces and suggested there were park and privately owned spaces that PARB could advocate for. **Rogers** commented on the city and PARB's ability to organize work projects for greenspaces and parks in coordination with other parks-oriented community groups.

Rogers explained that as part of the work to update its bylaws PARB had discussed whether its member residency requirement should be changed to allow non-city residents to serve on the board. **Rogers** asked for Council feedback on changing the board's residency requirement and **Council President Hyzy**, **Councilors Falconer and Batey**, and **Mayor Gamba** supported changing the requirement if most board members were residents. The group remarked on whether non-resident members should be required to have certain content expertise and noted staff would provide Council a comparison of the residency requirements are for all boards and committees.

Rogers, **Council President Hyzy**, and **Stauffer** noted that several non-residents had recently applied to serve on PARB and that those applications could be kept on file in case Council revises the residency requirement soon.

Rogers and **Stauffer** commented that a code change to revise PARB's residency requirement could be brought for Council consideration soon.

Rogers thanked PARB's members and noted how the public could contact the board, city staff, the parks district, and apply to serve on the board.

Mayor Gamba expressed support for PARB's advocacy for food forests. **Rogers** and **Councilor Batey** remarked on where such forests could be placed and noted there were partner groups in the area that the city could work with on such programs.

Board and Committee (BC) Term End Dates – Update

Stauffer noted previous discussions about the move to an annual BC recruitment process which would include changing BC term end dates to June 30 and asked for Council input on the staff recommendation that Council change the term end date soon so the city could focus on a single late spring BC recruitment campaign instead of the previously proposed two recruitment campaigns. Council expressed support for changing the term end dates and running a single recruitment campaign in the spring.

Stauffer noted that staff would prepare an ordinance to change the code and a resolution to adjust current BC terms to end in June.

Green Tariff Program – Update

Ober and **Rogers** provided an update on the city's ongoing work with Portland General Electric (PGE) to support a green tariff program, noting that the effort had run into a delay caused by an Oregon Public Utilities Commission (PUC) process. They asked for Council support to send a letter to the PUC asking for the city's program application pieces to be combined for quicker consideration.

The group noted that the City of Beaverton was working on the same request and there was Council consensus that Milwaukie should send a letter to the PUC and approach Beaverton about sending a joint letter to the PUC. The group also remarked on the need to continue to advocate for state green tariff legislation in the coming years.

4. Adjourn

Mayor Gamba adjourned the meeting at 5:21 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 20, 2021

Reviewed: Nicole Madigan, Deputy City Recorder

From: Scott Stauffer, City Recorder

Subject: **Establish 2022 Council Meeting Dates**

ACTION REQUESTED

Council is asked to designate its regular meeting schedule for calendar year 2022.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Council sets its meeting schedule by adopting a resolution at the beginning of each calendar year.

[January 5, 2021](#): Council adopted [Resolution 1-2021](#), establishing its 2021 meeting schedule.

ANALYSIS

Council is required by Milwaukie Municipal Code (MMC) 2.04.070 to provide notice of its regularly scheduled meeting times and locations. The proposed resolution establishes the dates and times of the work, regular, and study session meetings.

Work sessions are held before regular sessions on the same day and are informal meetings where Council may consider a limited number of agenda items but may not take any official action.

Regular sessions are formal business meetings where ceremonial and business items are considered and acted upon. Work and regular sessions have historically been held on the first and third Tuesdays of each month.

Study sessions are informal meetings where one or two topics may be considered in-depth. These meetings have typically been held on the second Tuesday of each month.

In recent years, regular session meetings have started at 6 p.m. But, with the onset of the COVID-19 pandemic in March 2020, Council revised its meeting schedule to provide flexibility in establishing when regular session meetings start.

Most Council meetings have been held in-person at city facilities such as City Hall, the Public Safety Building (PSB), and the Ledding Library, and it is Council's intention to primarily hold public meetings in-person. However, due to the COVID-19 pandemic Council has conducted most meetings via Zoom video conference since spring 2020. The proposed resolution includes language that notes the logistical need to meet via video conference.

In addition, in 2021 the Oregon State Legislature passed [House Bill \(HB\) 2560](#) which added a virtual attendance requirement for all public meetings. HB2560 will take effect on January 1, 2022, and city staff have been working to ensure that Council and all the city's public meetings meet the new requirement.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff has not received any requests to change the Council meeting schedule.

STAFF RECOMMENDATION

Staff recommends Council adopt the proposed resolution to establish its 2022 meeting calendar.

ALTERNATIVES

Council may direct staff to set different meeting dates and times for its regular meetings.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
ESTABLISHING THE 2022 CITY COUNCIL MEETING SCHEDULE.**

WHEREAS, the Milwaukie City Charter requires the City Council to hold a regular meeting in the city at least twice a month at a time and place that it designates; and

WHEREAS, Milwaukie Municipal Code (MMC) 2.04.070 states that the City Council must provide notice of its regular meeting times and locations; and

WHEREAS, the City Council adopted Resolution 1-2021, which established that regular session meetings would be held on the first and third Tuesday of each month during the year 2021.

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

Section 1. Regular Session City Council meetings will be held on the first and third Tuesday of each month at 6:00 p.m., or at a different time if special circumstances warrant, in the Council Chambers at City Hall, 10722 SE Main Street, or via video conference, or at a designated alternate location as required and allowed by the Public Meetings Laws of the State of Oregon.

Section 2. The City Council may schedule work or study sessions, if deemed necessary by the members, and hold them either before or after the regular session or on alternative meeting dates. Further, the City Council may cancel any work session or study session if there are insufficient agenda topics to warrant convening a meeting.

Section 3. The city recorder is directed to provide notice to the public of all City Council meetings as required by law.

Section 4. Resolution 1-2021, adopted January 5, 2021, is repealed.

Section 5. This resolution is effective **January 4, 2022**.

ATTEST:

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 20, 2021

Reviewed: Nicole Madigan, Deputy City Recorder

From: Scott Stauffer, City Recorder

Subject: **Designating Papers of Record for 2022**

ACTION REQUESTED

Council is asked to designate the city's newspapers of record for calendar year 2022.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Since 1992, the Council has adopted an annual resolution designating the city's papers of record.

[January 5, 2021](#): Council adopted [Resolution 2-2021](#), establishing the 2021 papers of record.

ANALYSIS

To ensure that the people of Milwaukie are informed about the work of their government, and pursuant to Oregon Revised Statute (ORS) 192.620, the city is required to provide public notice of all "deliberations and decisions" of a governing body. To comply with the law, the city posts meeting notices online, in The Pilot newsletter, and on bulletin boards at city facilities. The city may also post certain decisions and issues in local newspapers.

To ensure that the papers of record continue to meet the definition of a paper of "general circulation" as required by statute. The three papers identified in the proposed resolution are The Oregonian, The Clackamas Review, and The Daily Journal of Commerce (DJC). These papers satisfy the statutory definition as they serve the Milwaukie area, and in the case of the DJC, reach necessary audiences for project bidding and contracting purposes. These papers have been the city's papers of record for many years, and in the case of The Clackamas Review, the city has used it since the 1950s when it was then known as The Milwaukie Review.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff has not received any requests to change the city's papers of record.

STAFF RECOMMENDATION

Adopt the proposed resolution designating the papers of record.

ALTERNATIVES

Council may direct staff to set identify different newspapers to designate as papers of record.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
DESIGNATING THE 2022 PAPERS OF RECORD.**

WHEREAS Oregon Revised Statute (ORS) 192.620 requires the public be informed of “the deliberations and decisions” of the governing body; and

WHEREAS ORS 193.010 defines a newspaper of general circulation and ORS 193.020 defines a newspaper in which public notices may be published; and

WHEREAS The Clackamas Review, The Oregonian, and The Daily Journal of Commerce meet city public noticing needs and state law requirements.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, that The Clackamas Review, The Oregonian, and The Daily Journal of Commerce are designated as the papers of record for the City of Milwaukie for calendar year 2022.

Introduced and adopted by the City Council on **January 4, 2022**.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 17, 2021

Reviewed: Natalie Rogers, Climate and Natural Resources Manager, and
Steve Adams, City Engineer

From: Scott Stauffer, City Recorder

Subject: **Appointments to City Boards and Committees**

ACTION REQUESTED

As outlined in the Milwaukie Municipal Code (MMC), Council is asked to consider approving a resolution making appointments to the Park and Recreation Board (PARB) and Public Safety Advisory Committee (PSAC).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On April 1, 2021, PARB position 5 became vacant when Lisa Lashbrook's third consecutive term ended.

On May 18, PARB position 6 became vacant when Martin McKnight resigned.

On June 1, PSAC position 1 became vacant with Nicole Perry's third consecutive term ended.

On July 1, PARB position 1 became vacant when Linda Blue resigned.

Over the summer and fall, city staff worked to recruit community members to apply for the vacant positions. By November, enough applications had been received for staff to schedule interviews.

On December 16, two interview panels were convened to interview applicants for PARB and PSAC. Both panels included Councilors Lisa Batey and Angel Falconer, the PARB panel included staff liaison Natalie Rogers and board chair Ben Johnson, and the PSAC panel included staff liaison Steve Adams and committee chair Jay Panagos.

ANALYSIS

Authority to fill city board and committee (BC) vacancies is granted to the Mayor and Council by Section 26 of the City Charter. To fill vacant positions, members of Council along with appropriate staff liaisons and committee chairs recruit volunteers and usually conduct interviews from applications received by the city, however interviews are not required by the MMC. Appointed individuals serve for a term length determined by the MMC. Upon the completion of a term, if the individual is eligible, they may be reappointed by Council to serve another term.

Committee appointments are made when a term has expired or when a position is vacated. Historically, position terms have expired in March or June, but appointments are also made as needed to fill vacancies. In fall 2021, Council directed staff to prepare an ordinance to change BC end dates to June 30. At the time of this report, Council had not yet approved an ordinance

changing term end dates, therefore the PARB term end dates listed below continue to be March 31 but are expected to be changed soon. PSAC terms already end on June 30.

Some committees have positions nominated by neighborhood district associations (NDAs) instead of by an interview panel. NDA-nominated appointments are noted if applicable.

Most BC positions are term-limited, meaning there is a limit to the number of times that members can be re-appointed. The nominated individuals would be appointed to complete terms that have already started. The nominated individuals would be eligible for reappointment to future terms.

The PARB interview panel has nominated two applicants to fill two of the three vacant board positions. At the time of this report, the panel had not identified a third applicant to fill the remaining vacant position on the board.

The following individuals have been nominated to fill the noted vacant positions.

Virginia Pai has been nominated to fill PARB position 5. Virginia has lived in Milwaukie since 1982, is a retired information technology specialist and is a member of the Milwaukie Parks Foundation.

Heather Baskerville has been nominated to fill PARB position 6. Heather has lived in Milwaukie since 2016, is a senior product manager at an energy efficiency consulting firm and has years of volunteer experience, including service on the city's Kellogg Good Neighbor Committee (KGNC).

Ashley Akerberg has been nominated to fill PSAC position 1. Ashley has lived in Milwaukie since 2020, works in human resources for an international employment agency, and has over a decade of experience in organizational development and diversity, equity, and inclusion work.

BUDGET, WORKLOAD, AND CLIMATE IMPACTS

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

COORDINATION, CONCURRENCE, OR DISSENT

Staff worked with Council members, the PARB and PSAC staff liaisons and chairs, to conduct interviews and confirm these nominations.

STAFF RECOMMENDATION

Staff recommends the following appointments:

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

Position	Name	Term Start Date	Term End Date
5	Virginia Pai	1/4/2022	3/31/2023
6	Heather Baskerville	1/4/2022	3/31/2023

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

Position	Name	Term Start Date	Term End Date
1	Ashley Akerberg, <i>at-large position</i>	1/4/2022	6/30/2023

ALTERNATIVES

Council could decline to make the recommended appointments, which would result in vacant positions on the noted BCs.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
MAKING APPOINTMENTS TO CITY BOARDS AND COMMITTEES.**

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

WHEREAS vacancies exist on the city's Park and Recreation Board (PARB) and Public Safety Advisory Committee (PSAC); and

WHEREAS the city recruited applications and convened a panel of Council members, the BC staff liaisons, and BC chairs to interview the applicants; and

WHEREAS the interview panels have nominated the following individuals for appointment:

Park and Recreation Board (PARB):

Position	Name	Term Start Date	Term End Date
5	Virginia Pai	1/4/2022	3/31/2023
6	Heather Baskerville	1/4/2022	3/31/2023

Public Safety Advisory Committee (PSAC):

Position	Name	Term Start Date	Term End Date
1	Ashley Akerberg, <i>at-large position</i>	1/4/2022	6/30/2023

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

Introduced and adopted by the City Council on **January 4, 2022.**

This resolution is effective immediately.

ATTEST:

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 14, 2021

Reviewed: Kelly Brooks, Assistant City Manager

From: Jennifer Garbely, Assistant City Engineer, and
Beth Britell, Civil Engineer

Subject: **On-Call Public Information and Engagement Services**

ACTION REQUESTED

Council is asked to adopt a resolution authorizing the city manager to sign a contract with JLA Public Involvement (JLA) for on-call public information and engagement services.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[August 21, 2018](#): Council adopted Resolution 69-2018 awarding the contract for the Safe Access for Everyone (SAFE) program public information and engagement to JLA at cost of \$193,683. JLA supported public engagement during the design and construction of the following SAFE projects: Sellwood Street, Ardenwald Elementary School, 22nd Avenue and River Road, Kronberg Park Multi-Use Trail, Linwood Avenue, 43rd and 42nd Avenues, and Home Avenue. The six-month contract extension with JLA expires December 30, 2021.

ANALYSIS

Capital Improvement Plan (CIP) projects that do not include SAFE funding also have the potential for significant impacts to pedestrians, bicyclists and drivers and may require resources that are beyond the capacity of current city staff. The city's Public Engagement Guide indicates that consultant public information and engagement support may be needed for projects or programs with budgets that exceed \$100,000, projects or programs that require extensive public outreach both in person and digitally for more than one year, and projects that require the expansion of right-of-way onto private property. All engineering department led projects in the 2021-2026 CIP meet at least one of the criteria listed above.

The services to be provided would be on an on-call, as-needed basis. Individual task orders will be issued upon written approval by the city and consultant engineer prior to delivering services. Each task order will include work limits, scope, timeline, and fee to complete.

Staff completed a request for qualifications (RFQ) process under Chapter 70 of the city's Public Contracting Rule. Four proposals were received by the solicitation deadline and are summarized below:

CONSULANT	
1	Barney & Worth
2	EnviroIssues
3	Goodsides LLC
4	JLA Public Involvement

The contract resulting from this RFQ will begin in 2022 for a period of five years.

BUDGET IMPACT

This contract is funded by the individual project budgets included in the fiscal year (FY) 2021-22 budget and in 2021–2026 CIP.

WORKLOAD IMPACT

Additional time from the engineering team is required to oversee the on-call contract but provides additional resources to the staff.

CLIMATE IMPACT

Some additional climate impact should be expected due to longer driving distances for consultant staff.

COORDINATION, CONCURRENCE, OR DISSENT

Managers from engineering and finance reviewed and approved the project scope and budget.

STAFF RECOMMENDATION

Staff recommends that Council award the on-call public information and engagement services contract to JLA Public Involvement with a project budget authorization of \$350,000.

ALTERNATIVES

Council could choose to:

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

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, APPROVING THE AWARD OF A CONTRACT FOR ON-CALL PUBLIC INFORMATION AND ENGAGEMENT SERVICES.**

WHEREAS staff established the need for a robust public information and engagement in development and construction of the city's fiscal year (FY) 2021-2026 Capital Improvement Plan (CIP) identified construction projects; and

WHEREAS City Council Goal 2: Equity, Justice, and Inclusion identifies supporting the implementation of policies, procedures, and practices that will lead to a city that is more responsive to, more trusted by, and more reflective of the community we serve; and

WHEREAS to help city staff ensure that city CIP projects are responsive, trusted, and reflective of the community, a procurement process was undertaken to select a vendor that can provide public engagement activities for CIP projects; and

WHEREAS a procurement process was undertaken that resulted in the staff recommendation that a contract with JLA Public Involvement be executed for public engagement activities related to CIP projects.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager is authorized to execute a contract with JLA Public Involvement for \$350,000 and for on-call public information and engagement services, and the city engineer or designee is authorized to administer the project in accordance with the project specifications.

Introduced and adopted by the City Council on **January 4, 2022**.

This resolution is effective immediately.

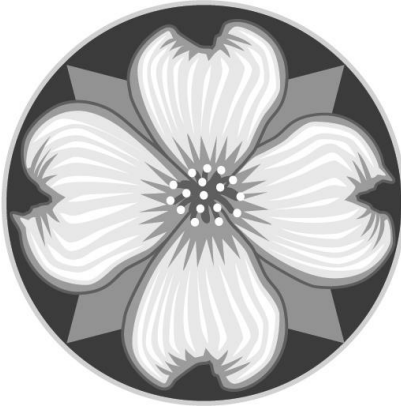
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



RS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 20, 2021

Reviewed: Justin Gericke, City Attorney, and
Natalie Rogers, Climate & Natural Resources Manager

From: Scott Stauffer, City Recorder

Subject: **Board & Committee (BC) Code Changes**

ACTION REQUESTED

Council is asked to adopt an ordinance amending the Milwaukie Municipal Code (MMC) related to changing term end dates for all city BCs to June 30 and revising the residency requirements for Park and Recreation Board (PARB) members. Council is also asked to adopt a resolution revising all current BC terms to end on June 30.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[November 2, 2021](#): Council received an update from staff on the plan to move to an annual BC recruitment and interview process in 2022. During that report, Council expressed support for changing BC term end dates to June 30 to better align with an annual recruitment process.

[December 7, 2021](#): During the work session, Council received the annual PARB report and expressed support for revising the MMC to amend the board's residency requirement. Also at the work session, in response to a question from staff, Council directed that an ordinance be prepared to revise the MMC to change all BC term end dates to June 30.

ANALYSIS

In late spring 2021, Council directed staff to move BC recruitments and interviews to an annual process. While planning for an annual process, staff noted that BC term end dates ended on March 31 or June 30, which complicated Council's interest in a once-a-year BC recruitment and interview schedule. To simplify the city's BCs in a way to better align with a truly annual process, staff proposed that all BC term end dates be changed to end on June 30. As noted above, on December 7 Council expressed support for this change at two different regular session meetings.

Most BC terms currently end on March 31. However, the Budget Committee and Public Safety Advisory Committee (PSAC).

In response to Council direction, staff prepared an ordinance that would amend the wording of Milwaukie Municipal Code (MMC) Chapter 2.10.030(G), which currently designates "March 31" as the expiration date for BC terms, to read as "June 30" as the expiration date. And, to ensure that all current BC terms align with the June 30 end date, a resolution has been prepared that would adjust all current terms to end on June 30 in the year the current term ends.

Also, at the December 7 work session, Council expressed support for revising the MMC related to the residency requirement for PARB members. Currently, all seven PARB members are required to live in city limits. At the work session, staff reported that PARB had agreed on a

recommendation to Council that the residency requirement be amended to allow for individuals who do not live in the city to serve on the board. Accordingly, the proposed ordinance would amend the board's residency requirement by allowing up to two non-resident members; the remaining five board positions would need to be filled by Milwaukie residents.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

The city recorder consulted with Council, the city attorney, BC staff liaisons, and the city manager on the proposed code changes.

STAFF RECOMMENDATION

Staff recommends that Council approve the proposed ordinance and resolution.

ALTERNATIVES

Council could decline to approve the ordinance and resolution, which would leave the current March 31 term end date for most BCs and the current PARB residency requirement in place.

ATTACHMENTS

1. Ordinance and Code Changes (clean)
2. Code Changes (redline)
3. Resolution and List of Extended Terms

COUNCIL ORDINANCE No.**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE CHAPTER 2.10 BOARDS, COMMISSIONS, AND COMMITTEES GENERALLY AND CODE CHAPTER 2.12 PARK AND RECREATION BOARD.**

WHEREAS the City Council in response to community feedback and in consultation with city staff, board, and committee (BC) liaisons and chairs, have identified the need to align all BC term end dates to the same day; and

WHEREAS there are logistical and scheduling reasons to establish June 30 as the annual BC term end date; and

WHEREAS the Park and Recreation Board (PARB) has recommended that its residency requirements be revised to allow for non-resident individuals to serve on the board.

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

Section 1. Milwaukie Municipal Code (MMC) Chapter 2.10.030(G) shall now read as:

“The Mayor appoints board, commission, and committee vacancies with the consent of Council. An appointment may not exceed four (4) years and expires on June 30 unless mandated by state statute or by the City ordinance that established the board, commission, or committee. All board, commission, and committee members serve without compensation.”

Section 2. MMC Chapter 2.12.020 Membership – Qualifications shall now read as:

“The Board shall consist of seven (7) members, representing the geographic diversity of the City, appointed by the Council, five of whom must be City residents. Whenever possible, persons will be appointed who have demonstrated interest, experience or expertise in some area of parks, recreation or related services.”

Section 3. Effective Date. These code amendments will become effective 30 days from the date of adoption.

Read the first time on **January 4, 2022** 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

Redline Changes to the Milwaukie Municipal Code (MMC)
Related to Board and Committee (BC) Term End Dates and
Park and Recreation Board (PARB) Residency Requirements

2.10.030 BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS

G. The Mayor appoints board, commission, and committee vacancies with the consent of Council. An appointment may not exceed four (4) years and expires on ~~March 31~~June 30 unless mandated by state statute or by the City ordinance that established the board, commission, or committee. All board, commission, and committee members serve without compensation.

2.12.020 MEMBERSHIP—QUALIFICATIONS

The Board shall consist of seven (7) members, representing the geographic diversity of the City, appointed by the Council, ~~all~~five of whom must be City residents. Whenever possible, persons will be appointed who have demonstrated interest, experience or expertise in some area of parks, recreation or related services.

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
EXTENDING ALL CURRENT BOARD AND COMMITTEE TERM DATES TO JUNE 30.**

WHEREAS the City Council in response to community feedback and in consultation with city staff, board, and committee (BC) liaisons and chairs, have identified the need to align all BC term end dates to the same day; and

WHEREAS there are logistical and scheduling reasons to establish June 30 as the annual BC term end date; and

WHEREAS to align all BC terms it is necessary for all current BC terms to be extended to June 30 to reflect the corresponding change to Milwaukie Municipal Code Chapter 2.10.030(G) establishing June 30 as the term end date for city BCs.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that all current BC terms (outlined in Exhibit A) are hereby extended to June 30 of the year the current term is scheduled to end.

Introduced and adopted by the City Council on **January 4, 2022**.

This resolution is effective 30 days after adoption.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Original Exhibit

**Current Board & Committee (BC)
Term End Dates to be Extended to June 30**

Note: some BC positions are not listed due to current vacancies or the position number is not in use.

Arts Committee

Position #	Name	Original Term End Date	New Term End Date
1	Joshua Freeman	3/31/2023	6/30/2023
2	Nicole Bursdall	3/31/2023	6/30/2023
3	Julie Ratcliff	3/31/2023	6/30/2023
4	Allison Johansen	3/31/2022	6/30/2022
5	Laura Steenson	3/31/2022	6/30/2022
7	Samantha Swindler	3/31/2023	6/30/2023
8	Hamid Shibata Bennett	3/31/2023	6/30/2023
9	Paul Montone	3/31/2022	6/30/2022
10	Gabriella Ugarte	3/31/2022	6/30/2022

Audit Committee

Position #	Name	Original Term End Date	New Term End Date
1	Mack Stilson	3/31/2023	6/30/2023
2	Mona Henry	3/31/2022	6/30/2022
3	Mary Rowe	3/31/2023	6/30/2023
5	Matthew Dake	3/31/2022	6/30/2022

Citizens Utility Advisory Board (CUAB)

Position #	Name	Original Term End Date	New Term End Date
1	Corey Hester	3/31/2022	6/30/2022
2	Laura Hanna	3/31/2023	6/30/2023
3	Jacob Stetson	3/31/2022	6/30/2022
4	Edward Simmons	3/31/2023	6/30/2023
5	Joel Bergman	3/31/2022	6/30/2022

Design and Landmarks Committee (DLC)

Position #	Name	Original Term End Date	New Term End Date
1	Jacqueline Evan Smiley	3/31/2022	6/30/2022
2	Tracy Orvis	3/31/2023	6/30/2023
4	Mary Neustadter	3/31/2022	6/30/2022
5	Cynthia Schuster	3/31/2022	6/30/2022

Equity Steering Committee (ESC)

Position #	Name	Original Term End Date	New Term End Date
1	Cameron Ruen	3/31/2023	6/30/2023
2	Amira Stanley	3/31/2023	6/30/2023
3	Nikki Storm	3/31/2023	6/30/2023
4	Dennis Ward	3/31/2023	6/30/2023
5	Elizabeth Start	3/31/2023	6/30/2023
6	Seyon Belai	3/31/2024	6/30/2024
7	Sara Vasquez	3/31/2024	6/30/2024
8	Aneesa Turbovsky	3/31/2024	6/30/2024
9	Corey Hester	3/31/2024	6/30/2024

Ledding Library Board

Position #	Name	Original Term End Date	New Term End Date
1	Jason Tanamor	3/31/2023	6/30/2023
2	Erin Lee	3/31/2022	6/30/2022
3	Karla Branson	3/31/2022	6/30/2022
4	Robin Chedister	3/31/2023	6/30/2023
5	Jessica Stetson	3/31/2023	6/30/2023
6	Ann Heiliger	3/31/2022	6/30/2022
7	Krystina Thomas	3/31/2023	6/30/2023

Park and Recreation Board (PARB)

Position #	Name	Original Term End Date	New Term End Date
2	Ben Johnson	3/31/2023	6/30/2023
3	Martha Germany	3/31/2022	6/30/2022
4	Virginia Pai (to be appointed 1/4/22)	3/31/2023	6/30/2023
5	Heather Baskerville (to be appointed 1/4/22)	3/31/2022	6/30/2022
6	Ali Feuerstein	3/31/2023	6/30/2023
7	Samantha Swindler	3/31/2023	6/30/2023

Planning Commission

Position #	Name	Original Term End Date	New Term End Date
1	Greg Hemer	3/31/2023	6/30/2023
2	Amy Erdt	3/31/2022	6/30/2022
3	Joseph Edge	3/31/2022	6/30/2022
4	Robert Massey	3/31/2025	6/30/2025
5	Lauren Loosveldt	3/31/2023	6/30/2023
6	Adam Khosroabadi	3/31/2024	6/30/2024
7	Jacob Sherman	3/31/2024	6/30/2024

Tree Board

Position #	Name	Original Term End Date	New Term End Date
1	Kathleen Brennan-Hunter	3/31/2024	6/30/2024
2	Key Garnett	3/31/2024	6/30/2024
3	Alexis Barton	3/31/2022	6/30/2022
4	Christina Harris	3/31/2022	6/30/2022
5	Jon Brown	3/31/2023	6/30/2023
6	Madison Tucker	3/31/2023	6/30/2023
7	Gina Dake	3/31/2023	6/30/2023

Current Board & Committee (BC)
Term End Dates to be Extended to June 30

Note: some BC positions are not listed due to current vacancies or the position number is not in use.

Arts Committee

Position #	Name	Original Term End Date	New Term End Date
1	Joshua Freeman	3/31/2023	6/30/2023
2	Nicole Bursdall	3/31/2023	6/30/2023
3	Julie Ratcliff	3/31/2023	6/30/2023
4	Allison Johansen	3/31/2022	6/30/2022
5	Laura Steenson	3/31/2022	6/30/2022
7	Samantha Swindler	3/31/2023	6/30/2023
8	Hamid Shibata Bennett	3/31/2023	6/30/2023
9	Paul Montone	3/31/2022	6/30/2022
10	Gabriella Ugarte	3/31/2022	6/30/2022

Audit Committee

Position #	Name	Original Term End Date	New Term End Date
1	Mack Stilson	3/31/2023	6/30/2023
2	Mona Henry	3/31/2022	6/30/2022
3	Mary Rowe	3/31/2023	6/30/2023
5	Matthew Dake	3/31/2022	6/30/2022

Citizens Utility Advisory Board (CUAB)

Position #	Name	Original Term End Date	New Term End Date
1	Corey Hester	3/31/2022	6/30/2022
2	Laura Hanna	3/31/2023	6/30/2023
3	Jacob Stetson	3/31/2022	6/30/2022
4	Edward Simmons	3/31/2023	6/30/2023
5	Joel Bergman	3/31/2022	6/30/2022

Design and Landmarks Committee (DLC)

Position #	Name	Original Term End Date	New Term End Date
1	Jacqueline Evan Smiley	3/31/2022	6/30/2022
2	Tracy Orvis	3/31/2023	6/30/2023
4	Mary Neustadter	3/31/2022	6/30/2022
5	Cynthia Schuster	3/31/2022	6/30/2022

Equity Steering Committee (ESC)

Position #	Name	Original Term End Date	New Term End Date
1	Cameron Ruen	3/31/2023	6/30/2023
2	Amira Stanley	3/31/2023	6/30/2023
3	Nikki Storm	3/31/2023	6/30/2023
4	Dennis Ward	3/31/2023	6/30/2023
5	Elizabeth Start	3/31/2023	6/30/2023
6	Seyon Belai	3/31/2024	6/30/2024
7	Sara Vasquez	3/31/2024	6/30/2024
8	Aneesa Turbovsky	3/31/2024	6/30/2024
9	Corey Hester	3/31/2024	6/30/2024

Ledding Library Board

Position #	Name	Original Term End Date	New Term End Date
1	Jason Tanamor	3/31/2023	6/30/2023
2	Erin Lee	3/31/2022	6/30/2022
3	Karla Branson	3/31/2022	6/30/2022
4	Robin Chedister	3/31/2023	6/30/2023
5	Jessica Stetson	3/31/2023	6/30/2023
6	Ann Heiliger	3/31/2022	6/30/2022
7	Krystina Thomas	3/31/2023	6/30/2023

Park and Recreation Board (PARB) **The original PARB roster included an Arts Committee member and did not include Gary Klein.**

Position #	Name	Original Term End Date	New Term End Date
2	Ben Johnson	3/31/2023	6/30/2023
3	Martha Germany	3/31/2022	6/30/2022
4	Gary Klein	3/31/2023	6/30/2023
5	Virginia Pai (to be appointed 1/4/22)	3/31/2023	6/30/2023
6	Heather Baskerville (to be appointed 1/4/22)	3/31/2022	6/30/2022
7	Ali Feuerstein	3/31/2023	6/30/2023

Planning Commission

Position #	Name	Original Term End Date	New Term End Date
1	Greg Hemer	3/31/2023	6/30/2023
2	Amy Erdt	3/31/2022	6/30/2022
3	Joseph Edge	3/31/2022	6/30/2022
4	Robert Massey	3/31/2025	6/30/2025
5	Lauren Loosveldt	3/31/2023	6/30/2023
6	Adam Khosroabadi	3/31/2024	6/30/2024
7	Jacob Sherman	3/31/2024	6/30/2024

Tree Board

Position #	Name	Original Term End Date	New Term End Date
1	Kathleen Brennan-Hunter	3/31/2024	6/30/2024
2	Key Garnett	3/31/2024	6/30/2024
3	Alexis Barton	3/31/2022	6/30/2022
4	Christina Harris	3/31/2022	6/30/2022
5	Jon Brown	3/31/2023	6/30/2023
6	Madison Tucker	3/31/2023	6/30/2023
7	Gina Dake	3/31/2023	6/30/2023

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 13, 2021

Reviewed: Jennifer Lee (as to form), Administrative Specialist II

From: Peter Passarelli, Public Works Director

Subject: **Wastewater System Development Charges (SDCs)**

ACTION REQUESTED

Council is asked to review and provide guidance on the proposed SDC methodology and SDC rate structure recommendations for the city's wastewater utility.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

April 14, 2000: Council received a staff proposal to utilize Construction Excise Tax (CET) funds to facilitate construction of accessory dwelling units (ADU) for affordable housing.

[June 16, 2020](#): Council adopted a resolution waiving city controlled SDCs and frontage improvement requirements for ADUs for a limited duration.

[March 2, 2021](#): Council received a presentation on SDCs and provided guidance to staff and the city's consultant team concerning the desire to develop a tiered wastewater SDC for residential properties based on dwelling unit size.

ANALYSIS

SDCs are one-time charges assessed on new development, additions, and changes of use to pay for the costs of expanding public facilities. As growth creates new infrastructure demand, SDCs provide a mechanism for new growth to pay for new demand on the water, sewer, storm, transportation, and parks systems. Milwaukie currently charges SDCs for development and redevelopment for water, sewer, parks, and street systems. SDCs are the city's principal source of revenue for planning and infrastructure costs related to growth.

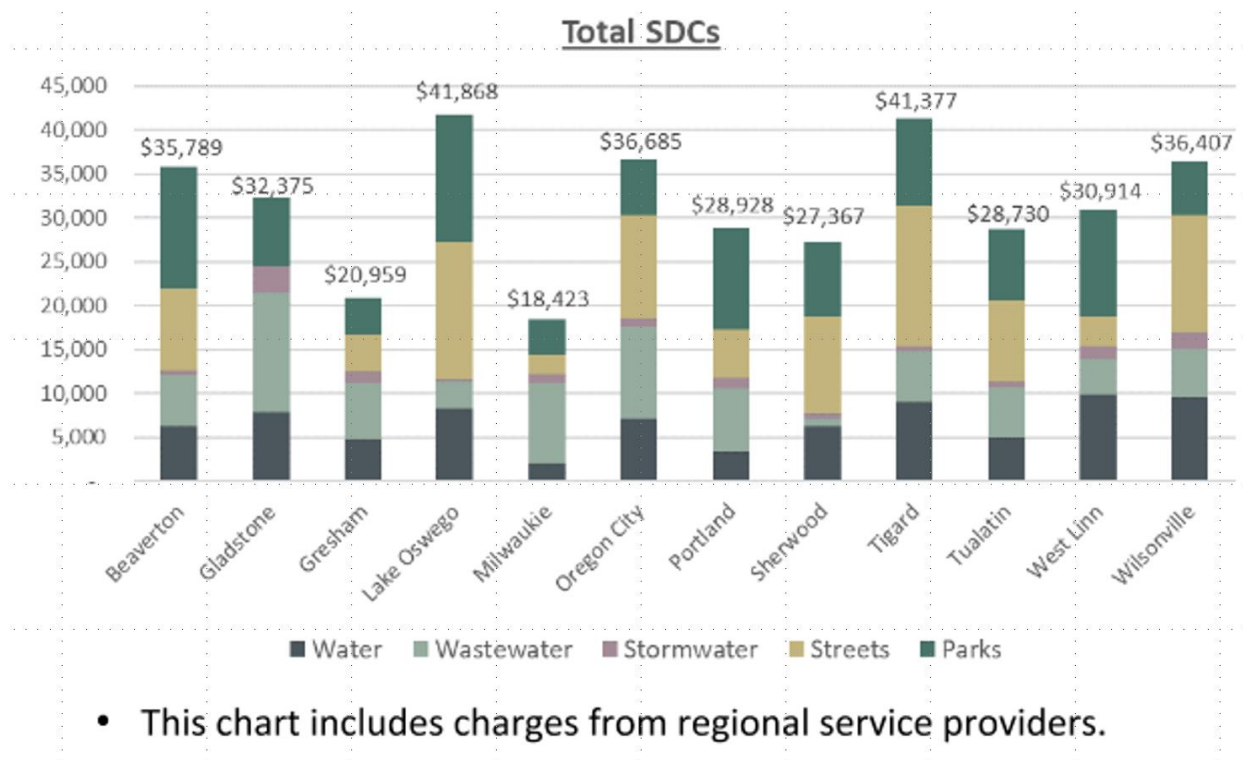
Generally, the charges are broken down into two components: 1) a reimbursement charge to recover existing capacity available for growth and 2) an improvement charge to cover planned capacity for growth. In some circumstances, the fee may include an administrative fee/compliance fee to cover the costs of complying with Oregon's SDC laws.

Not all SDCs collected by Milwaukie are set by the city. The city collects charges set and managed by the North Clackamas Parks and Recreation District (NCPRD) as well as sewer connection fees set by Clackamas County Water Environment Services (WES) and the City of Portland.

SDC Philosophy

Council has generally reflected the view that growth should pay for growth, but the current SDC structure is regressive as a percentage of house value, it overestimates the impact of smaller dwelling units, and is a potential barrier to affordable housing. Although Milwaukie

SDCs are lower compared to other communities regionally, this is likely a combination of the current build of the community and infrastructure needs based on Master Plans from ten years ago that no longer capture future growth requirements as opposed to reflecting the Council's current philosophy. The chart below provides a comparison of total SDC charges between Milwaukie and other regional communities.



SDC Status

The following table provides a summary of information by utility of last analysis, planned analysis, rate structure components and any rate discounts. The current SDC rates are included as Attachment 1.

Category	Water	Wastewater	Storm	Transportation
Last SDC Analysis	2010 Master Plan	2010 Master Plan	2012 Master Plan	2004 ?
Next Planned update	2022	2021 part of WW Master Plan	2024 with SW Master Plan	After completion of TSP
Administration Fee	Yes	No	No	No
Improvement Fee	Yes	Yes	Yes	Yes
Reimbursement Fee	Yes	Yes	No	Yes
Unit Charge Basis	Meter Size	Fixture Units 16 = 1 EDU	Impervious Surface Area (ESU)	Trips
Indexed for Inflation	Yes- Seattle CCI	Yes – Seattle CCI	Yes – Seattle CCI	Yes- Seattle CCI
ADU Reduction	None	35% reduction	None	35% reduction

The unit charge basis for SDCs can be confusing in some cases. As an example, the wastewater SDC charge is based on a 16-fixture units per single family residential property equivalent dwelling unit (EDU). The utility rate that the city charges wastewater customers also includes an EDU charge basis but that is based on the consumption of 10 CCF of water.

Staff and the consultant team have developed preliminary rate structures from the wastewater SDC study and are presenting the findings and recommendations for review and feedback. The tables below show the current methodology and a proposed tiered schedule.

SDC Schedule (Current Method)		
	EDUs	Calculated SDC
Single-Family Dwelling	1	\$1,065
Duplex, ADU (per dwelling)	0.65	\$692
Other (per EDU)	1	\$1,065

Tiered SDC Schedule		
	EDUs	Calculated SDC
< 500 sqft (use ADU rate)	0.6	\$639
500-800 sqft	0.7	\$745
800-1,799 sqft	0.9	\$958
1,800-2,999 sqft	1	\$1,065
3,000-3,799 sqft	1.1	\$1,171
≥ 3,800 sqft	1.2	\$1,278
Multi-family	0.8	\$852
Accessory dwelling unit (ADU)	0.6	\$639
Other (per EDU)	1	\$1,065

Based on feedback, staff will make necessary revisions and then schedule the required public hearing necessary for adoption. Ninety (90) day public notice is required for the hearing.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

Not applicable.

COORDINATION, CONCURRENCE, OR DISSENT

The community development, engineering, and public works departments, the city manager's office, and city attorney have all discussed this topic.

STAFF RECOMMENDATION

Not applicable.

ALTERNATIVES

Not applicable.

ATTACHMENTS

1. Current SDC Schedule

12. SDC & Construction Excise Tax

SDC fees for Water, Stormwater, and Transportation will be indexed for inflation annually using the Engineering-News Record Construction Cost Index (CCI) for Seattle (Resolution 40-2007). The CCI increase is 2.5%. Based on Oregon State Statute (ORS 223.304), the charges are broken down into three components; (1) reimbursement (to recover existing facility capacity available for growth), (2) improvement (to recover planned capacity improvements for growth), and (3) administration (to recover direct costs).

Water System Development Charge

FY 2021 FEE				
<u>Meter Size</u>	<u>Reimbursement</u>	<u>Improvement</u>	<u>Administration</u>	<u>TOTAL</u>
3/4" x 3/4"	\$ 1,036.00	\$ 860.00	\$ 145.00	\$ 2,041.00
1"	\$ 1,727.00	\$ 1,437.00	\$ 243.00	\$ 3,407.00
1.5"	\$ 3,455.00	\$ 2,869.00	\$ 484.00	\$ 6,808.00
2"	\$ 5,525.00	\$ 4,594.00	\$ 776.00	\$ 10,895.00
3"	\$ 11,050.00	\$ 9,185.00	\$ 1,549.00	\$ 21,784.00
4"	\$ 17,267.00	\$ 14,352.00	\$ 2,421.00	\$ 34,040.00
6"	\$ 34,532.00	\$ 28,707.00	\$ 4,844.00	\$ 68,083.00
8"	\$ 55,253.00	\$ 45,931.00	\$ 7,749.00	\$ 108,933.00
10"	\$ 79,425.00	\$ 66,025.00	\$ 11,140.00	\$ 156,590.00
12"	\$ 155,399.00	\$ 129,182.00	\$ 21,794.00	\$ 306,375.00
FY 2022 FEE				
<u>Meter Size</u>	<u>Reimbursement</u>	<u>Improvement</u>	<u>Administration</u>	<u>TOTAL</u>
3/4" x 3/4"	\$ 1,066.00	\$ 885.00	\$ 149.00	\$ 2,100.00
1"	\$ 1,777.00	\$ 1,479.00	\$ 250.00	\$ 3,506.00
1.5"	\$ 3,556.00	\$ 2,952.00	\$ 498.00	\$ 7,006.00
2"	\$ 5,686.00	\$ 4,728.00	\$ 799.00	\$ 11,213.00
3"	\$ 11,372.00	\$ 9,452.00	\$ 1,594.00	\$ 22,418.00
4"	\$ 17,769.00	\$ 14,770.00	\$ 2,491.00	\$ 35,030.00
6"	\$ 35,537.00	\$ 29,542.00	\$ 4,985.00	\$ 70,064.00
8"	\$ 56,861.00	\$ 47,268.00	\$ 7,974.00	\$ 112,103.00
10"	\$ 81,736.00	\$ 67,946.00	\$ 11,464.00	\$ 161,146.00
12"	\$ 159,921.00	\$ 132,941.00	\$ 22,428.00	\$ 315,290.00

Wastewater System Development Charge

A wastewater unit is equal to 16 fixture units derived from Table 7-3 of the Oregon Plumbing Specialty Code. Each residential dwelling unit is 1 wastewater unit. Accessory Dwelling Units (ADUs) and duplex units are assumed to have a lesser impact and will be charged at 65% of the EDU rate. Multi-family over two units and all other development will be charged based on actual number of plumbing fixture units.

FY 2021 Fee				
Wastewater SDC	Reimbursement	Improvement	Administration	Total
Single-Family Dwelling	\$ 455.00	\$ 778.00	\$ -	\$ 1,233.00
Duplex, ADU (per dwelling)	\$ 296.00	\$ 505.00	\$ -	\$ 801.00
Other (per EDU)	\$ 455.00	\$ 778.00	\$ -	\$ 1,233.00
FY 2022 Fee				
Wastewater SDC	Reimbursement	Improvement	Administration	Total
Single-Family Dwelling	\$ 468.00	\$ 801.00	\$ -	\$ 1,269.00
Duplex, ADU (per dwelling)	\$ 305.00	\$ 520.00	\$ -	\$ 825.00
Other (per EDU)	\$ 468.00	\$ 801.00	\$ -	\$ 1,269.00

Stormwater System Development Charge

Stormwater unit is equal to 2,706 square feet of impervious surface on the property. Each single-family residential property is 1 Stormwater unit.

FY 2021 Fee				
Stormwater SDC	Reimbursement	Improvement	Administration	Total
Single-family Property (lot)	\$ -	\$ 965.00	\$ -	\$ 965.00
All Other (per DRU)	\$ -	\$ 965.00	\$ -	\$ 965.00
FY 2022 Fee				
Stormwater SDC	Reimbursement	Improvement	Administration	Total
Single-family Property (lot)	\$ -	\$ 993.00	\$ -	\$ 993.00
All Other (per DRU)	\$ -	\$ 993.00	\$ -	\$ 993.00

Transportation System Development Charge

Trip generation rates for each land use type are derived from the Institute of Transportation (ITE) report Trip Generation (10th Edition, 2017). Trip rates are expressed as vehicle trips entering and leaving a property during the p.m. peak travel period.

FY 2021 Fee				
Transportation SDC	Reimbursement	Improvement	Administration	Total
Single-family dwelling (per unit)	\$ 105.00	\$ 2,089.00	\$ -	\$ 2,194.00
ADU and duplex (per unit)	\$ 68.00	\$ 1,358.00	\$ -	\$ 1,426.00
All other (per trip)	\$ 105.00	\$ 2,089.00	\$ -	\$ 2,194.00
FY 2022 Fee				
Transportation SDC	Reimbursement	Improvement	Administration	Total
Single-family dwelling (per unit)	\$ 108.00	\$ 2,150.00	\$ -	\$ 2,258.00
ADU and duplex (per unit)	\$ 70.00	\$ 1,398.00	\$ -	\$ 1,468.00
All other (per trip)	\$ 108.00	\$ 2,150.00	\$ -	\$ 2,258.00

Parks and Recreation System Development Charge

This charge is set by the North Clackamas Parks and Recreation District. Rates herein are updated as changes are adopted by their governing board. Accessory Dwelling Units (ADUs) are charged half the rate of Single-Family. Visit www.ncprd.com/sdcs for information on Parks SDC's, including calculation of employees.

<u>System Development Charge</u>	FY 2021 Fee	FY 2022 Fee
Single-Family Residential (fee per dwelling unit)	\$ 3,985.00	\$ 3,985.00
Multifamily Residential (fee per dwelling unit)	\$ 3,608.00	\$ 3,608.00
Nonresidential (fee per employee)	\$ 60.00	\$ 60.00

School Construction Excise Tax

This charge is set by the North Clackamas School District. Rates herein are updated as changes are adopted by their governing board.

<u>School Construction Excise Tax</u>	FY 2021 Fee	FY 2022 Fee
Residential (fee per sq. ft.)	\$ 1.35	\$ 1.39
Commercial ¹ (fee per sq. ft.)	\$ 0.67	\$ 0.69

Metro Construction Excise Tax

This charge is set by Metro. Rates herein are updated as changes are approved by their governing board.

Permits for construction projects valued at \$100,000 or less will be exempted from this tax as well as permits for development of affordable housing units and permits issued to 501(c)(3) nonprofit organizations for other projects aimed at serving low-income populations. Permits for construction valued at more than \$10 million will be assessed a flat \$12,000 fee (0.12 percent of \$10 million).

<u>Metro Construction Excise Tax</u>	FY 2021 Fee	FY 2022 Fee
Metro Construction Excise Tax (fee per \$100.00 of permit value)	\$ 0.12	\$ 0.12

¹ Total commercial fee capped at \$32,600 per project. Private schools, public improvements, low-income (HUD) housing, hospitals, religious facilities, and agricultural buildings are exempt. Construction under 1,000 sq. ft. is exempt.

Bancroft Financing for Commercial System Development Charges

Bancroft Financing provides the opportunity for property owners of single family, multi-family, not-for-profit, public organizations, and commercial properties, to finance system development charge(s) over a ten year period, or less at the desire of the property owner, subject to the following interest rate (Ordinance 2108, adopted November 17, 2015):

<u>Commercial System Development Charges</u>	FY 2021 FEE	FY 2022 FEE
Bank Prime Rate	Subject to change as published by the Federal Reserve System ¹	Subject to change as published by the Federal Reserve System ¹
Administration	2.00%	2.00%
Total	Current prime rate plus Administration	Current prime rate plus Administration

Construction Excise Tax for Affordable Housing (CET-AH)

Construction Excise Tax for affordable housing will be assessed at 1 percent (1%) of permit value. Permits for construction projects valued at \$100,000 or less will be exempted from this tax as well as permits for development of affordable housing units at or below 80% Median Family Income (MFI), public Improvements under public contracting code, schools, hospitals, places of worship, agriculture, non-profit care, affordable for-sale single family housing—at or below 80 percent MFI, and Accessory Dwelling Units for 5 years from time of adoption. (Ordinance 2154, adopted November 21, 2017)

¹ The bank prime rate established by the Federal Reserve is updated periodically as determined by the Federal Reserve Board. The current bank prime rate can be found on the Federal Reserve website under "bank prime loan".

Milwaukie Sewer SDC Update

RS 7. B.
1/4/22
Presentation

Tuesday, January 4, 2022

Prepared by FCS GROUP



Agenda

- **Background**
- **SDC Calculations**
- **Comparison**



Agenda

- **Background**
- SDC Calculations
- Comparison



Key Characteristics of SDCs

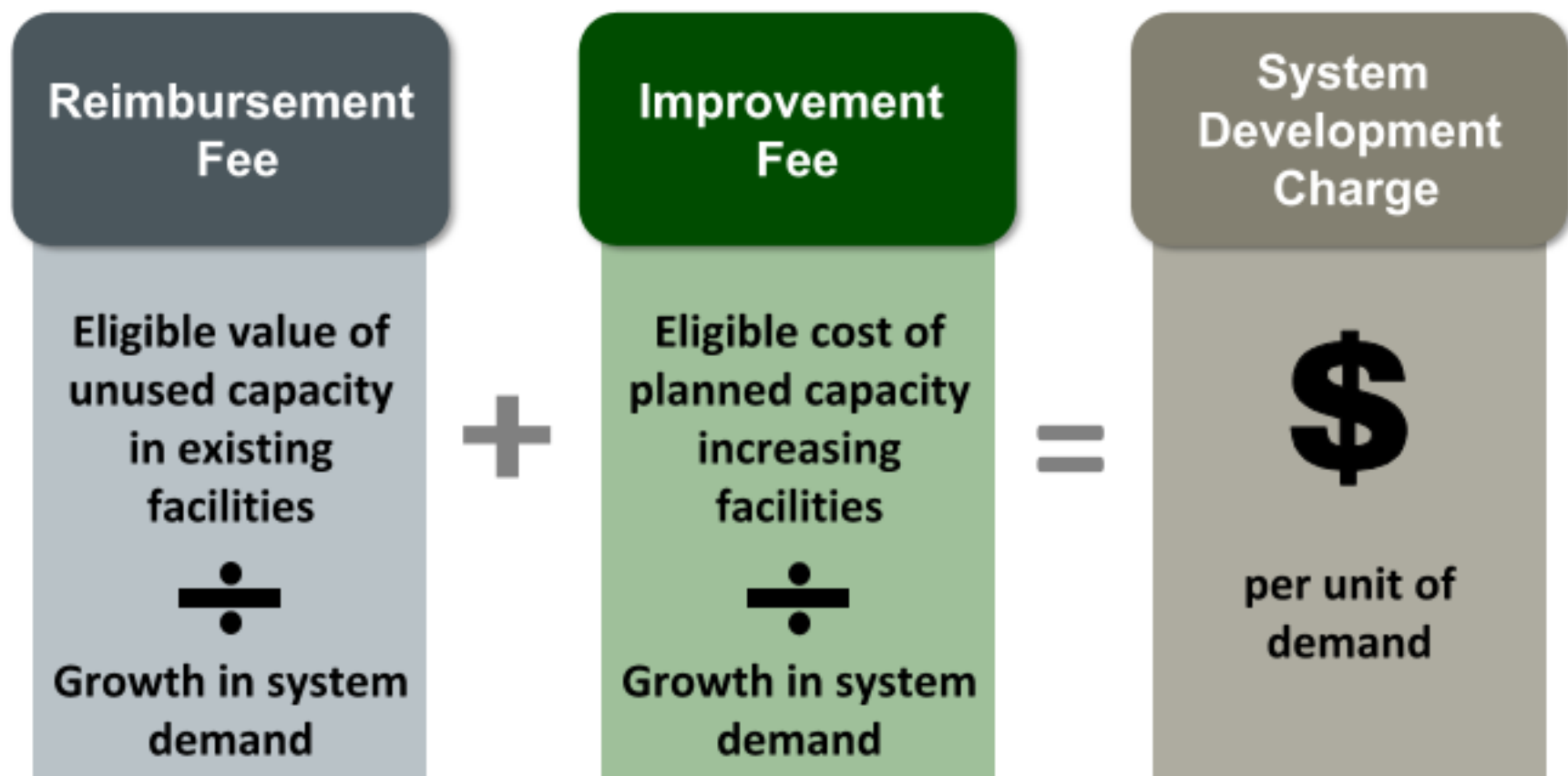
- SDCs are one-time charges, not ongoing rates. Paid at the time of development.
- SDCs are available for water, wastewater, stormwater, transportation, and parks.
- SDCs are for capital only, in both their calculation and in their use.
- SDCs include both existing and future (planned) infrastructure cost components.
- SDCs are for “system” facilities, not “local” facilities.

Legal Framework for SDCs

ORS 223.297 - 314, known as *the SDC Act*, provides “a uniform framework for the imposition of system development charges by governmental units” and establishes “that the charges may be used only for capital improvements.”



The SDC Calculation





Agenda

- Background
- **SDC Calculations**
- Comparison



Growth

	2020	2040	Growth	Growth Share
Dry-weather flow, gallons per day	1,621,328	2,006,855	385,527	19.21%
Flow per EDU, gallons per day	115	115		
Implied EDUs	14,099	17,451	3,352	19.21%

Source: 2019 Wastewater System Master Plan, Table 5-6 (2020 flow); Table 5-12 (2040 flow); Table 5-13 (flow per EDU)



Improvement Fee Cost Basis

Project ID	Project Name	Timing	Cost	SDC Eligibility	SDC-Eligible
					Costs
CAP-1	Manhole Surveying	2023-2041	\$ 475,000	0.00%	\$ -
CAP-2	Pipe Upgrades	2029	819,000	20.01%	163,899
CAP-3	Flow Monitoring	2026-2041	124,000	19.21%	23,821
CAP-4	Harvey Street Improvements	2022	5,000	0.00%	-
C-1	Pipeline Rehabilitation and Replacement	2023-2041	7,239,000	0.00%	-
C-2	Pump Station Condition Assessments	2023	30,000	0.00%	-
C-3 thru 7	Pump Station Improvements	2026-2041	4,250,000	19.21%	816,447
C-8	Johnson Creek Siphon Inspection	2026	100,000	0.00%	-
C-9	Waverly South	2023	91,000	0.00%	-
C-10	Waverly Heights Sewer System Reconfiguration	2023-2025	3,404,000	0.00%	-
C-11	SCADA Design & Construction	2022	105,000	0.00%	-
C-12	Ardenwald North Improvements	2022	476,000	0.00%	-
C-13	Milwaukie/El Puente SRTS Improvements	2022-2023	522,000	0.00%	-
C-14	Logus Road & 40th Ave Improvements	2022-2023	149,000	0.00%	-
C-15	Wastewater System Improvements FY2023	2023	491,000	0.00%	-
C-16	International Way Improvements	2024	144,000	0.00%	-
C-17	North Milwaukie Improvements	2025	465,000	0.00%	-
C-18	SAFE & SSMP FY 2025 Improvements - Park/Lloyd/Stanley	2025	139,000	0.00%	-
C-19	Vehicle Purchases	2022-2024	752,000	0.00%	-
C-20	Lift Station Pump & SCADA Controls Replacement	2022-2025	200,000	0.00%	-
C-21	Wastewater Capital Maintenance Program	2022-2041	1,000,000	0.00%	-
R-1	S1 Island Pump Station Rebuild	2026-2041	-	0.00%	-
R-2	S3 Home & Monroe Pump Station Retrofit	2026-2041	-	0.00%	-
R-3	S5 Brookside Pump Station Retrofit and Pump Upgrade	2026-2041	-	0.00%	-
R-4	Bolted Manholes	2027	13,000	0.00%	-
P-1	Wastewater System Master Plan Update	2026-2041	800,000	19.21%	153,684
Total			\$ 21,793,000		\$ 1,157,851

Source: 2019 Wastewater System Master Plan, Table 10-1 (project list, timing, and cost); Water Systems Consulting (SDC eligibility)



Reimbursement Fee Cost Basis

Original Cost of Sewer Pipes	\$ 16,930,032
Outstanding Principal	964,578
Capacity Available through 2040	19.21%
Reimbursable Cost	\$ 3,067,044

Source: City staff (original cost of pipes, outstanding principal); Water Systems Consulting (available capacity)



Adjustments

Unadjusted Improvement Fee Cost Basis	\$ 1,157,851
Improvement Fee Fund Balance	(708,495)
Improvement Fee Cost Basis	<u>\$ 449,356</u>
Unadjusted Reimbursement Fee Cost Basis	\$ 3,067,044
Reimbursement Fee Fund Balance	(20,061)
Reimbursement Fee Cost Basis	<u>\$ 3,046,983</u>

SDC Calculation

Cost Basis:	
Improvement Fee	\$ 449,356
Reimbursement Fee	3,046,983
Compliance Costs	73,800
Total Cost Basis	\$ 3,570,139
Growth in EDUs	3,352
Improvement Fee per EDU	\$ 134
Reimbursement Fee per EDU	909
Compliance Fee per EDU	22
Total SDC per EDU	\$ 1,065



SDC Schedule

	EDUs	Calculated SDC
Single-Family Dwelling Unit	1.00 \$	1,065
Duplex, ADU (per dwelling Unit)	0.65 \$	692
Other* (per EDU)	1.00 \$	1,065



SDC Schedule (based on house size)

	EDUs	Calculated SDC
< 500 sqft (use ADU rate)	0.60	\$ 639
500-800 sqft	0.70	\$ 745
800-1,799 sqft	0.90	\$ 958
1,800-2,999 sqft	1.00	\$ 1,065
3,000-3,799 sqft	1.10	\$ 1,171
≥ 3,800 sqft	1.20	\$ 1,278
Multi-family	0.80	\$ 852
Accessory dwelling unit (ADU)	0.60	\$ 639

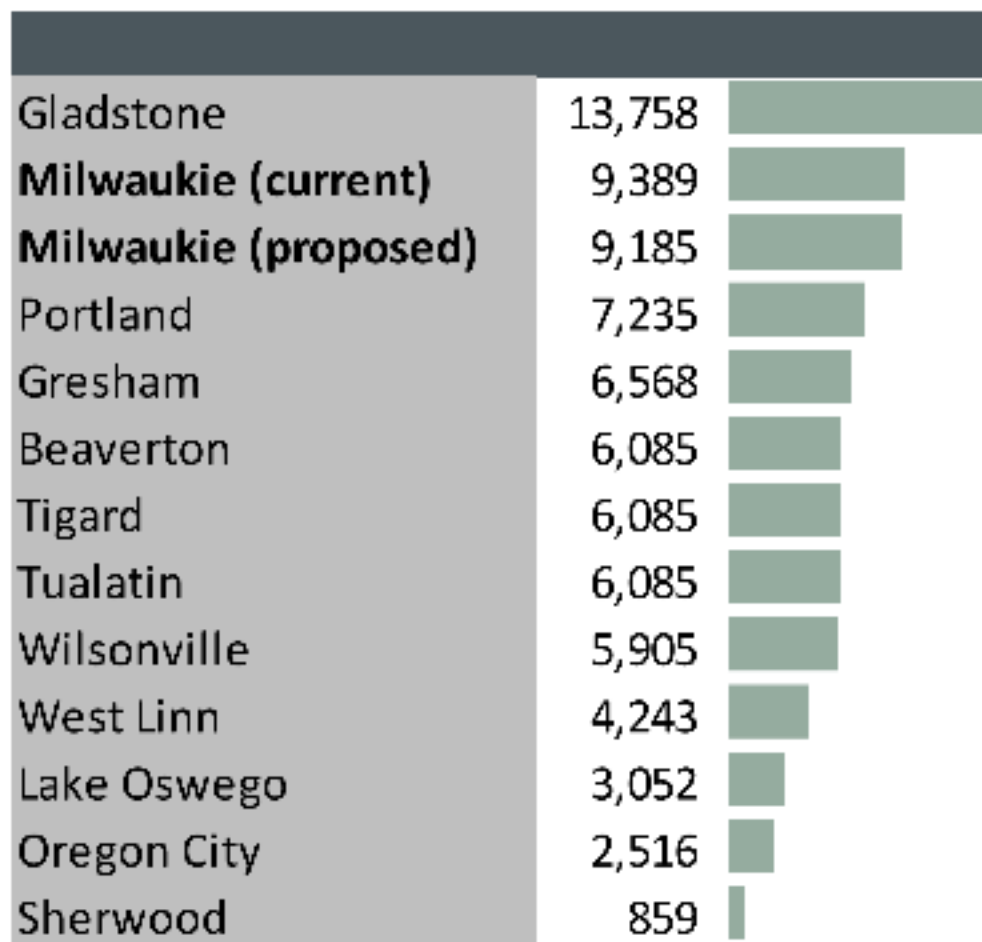
- Thresholds are based on WES's expected schedule
 - » *Water Environment Services Rules and Regulations, March 2021 (Public Review Draft)*
 - » <https://www.clackamas.us/wes/sanitary-and-stormwater-rules-and-standards-update>



Agenda

- Background
- SDC Calculations
- **Comparison**

Comparison



- Note that this includes WES's wastewater treatment SDC: \$8,120 per EDU

Thank you!

Questions?

**Doug Gabbard – Project
Manager**

(503) 252-3001

DougG@fcsgroup.com

www.fcsgroup.com

General Fund - City Council

(Amounts in Thousands: \$100 = \$100,000)

	Actual FY 2017	Actual FY 2018	BN 2019-2020				BN 2021-2022				
			Budget	Actuals FY 2019	Estimated FY 2020	Estimated Total	Proposed Total	Approved Total	Adopted Biennial Budget		
				FY 2021	FY 2022	Total			FY 2021	FY 2022	Total
Personnel Services											
Budgeted FTE Positions	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Council Stipends ¹	\$ 15	\$ 15	\$ 32	\$ 15	\$ 15	\$ 30	\$ 34	\$ 34	\$ 16	\$ 18	\$ 34
Employee Benefits	2	2	4	2	2	4	2	2	1	1	2
Total Personnel Services	\$ 17	\$ 17	\$ 36	\$ 17	\$ 17	\$ 34	\$ 36	\$ 36	\$ 17	\$ 19	\$ 36
Materials & Services											
Contractual Services:											
Willamette Falls TV ²	33	33	130	65	70	135	158	158	77	81	158
General Office Supplies	5	2	6	3	4	7	6	6	3	3	6
Dues & Subscriptions	1	1	4	2	2	4	4	4	2	2	4
Education & Training:											
Education - Mayor	6	3	10	4	5	9	10	10	5	5	10
Education - Council #1	1	1	6	-	-	-	6	6	3	3	6
Education - Council #2	1	3	6	-	-	-	6	6	3	3	6
Education - Council #3	3	4	6	4	3	7	6	6	3	3	6
Education - Council #4	1	5	6	1	2	3	6	6	3	3	6
General Meals & Travel	8	7	12	4	5	9	10	10	5	5	10
Advertising & Publicity	-	1	-	-	-	-	6	6	3	3	6
Art Mural Rolling Fund	-	1	40	-	11	11	29	29	29	-	29
Events	25	29	-	-	-	-	6	6	3	3	6
Total Materials & Services	84	90	226	83	102	185	253	253	139	114	253
City Council Total	\$ 101	\$ 107	\$ 262	\$ 100	\$ 119	\$ 219	\$ 289	\$ 289	\$ 156	\$ 133	\$ 289

¹ Council Stipends presented above includes an increase from \$300 to \$369 per month for the Mayor and an increase of \$250 to \$307 per month for Councilors.

² Services with Willamette Falls TV for live broadcasting of City Council meetings and other events.

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 21, 2021

Reviewed: All City Directors

From: Kelly Brooks, Assistant City Manager

Subject: **2022 Council Committee Assignments**

ACTION REQUESTED

Council is asked to review and discuss the 2022 Council committee assignments and make revisions prior to adoption.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Every January, Council updates the matrix noting which of its members serve on various intergovernmental and regional advisory bodies.

ANALYSIS

Staffing assignments will be further refined before final adoption as the assistant city manager receives input from department directors and city manager.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

None.

STAFF RECOMMENDATION

None.

ATTACHMENTS

1. 2022 Council Committee Assignments Matrix

2021 Local and Regional Committee Assignments

DRAFT

Attachment 7.D.1.

Committee	Focus	Governing Authority	2021 Appointee	2022 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
Audit Committee	The City of Milwaukie created an Audit Committee of the Milwaukie City Council to ensure that audits of the City's financial statements are completed annually in accordance with Oregon state law, to share oversight responsibility of the City's independent auditors with management, and to assist City management in the review and selection of the City's independent auditor (Res. No. 56-2012).	The Audit Committee is to consist of one member of the City Council and one member of the City Budget Committee each appointed by the Council for two-year staggered terms and two citizen members with an interest in City government financial operations, with preference first given to a Certified Public Accountant residing within City limits and second to a Certified Public Accountant with City affiliation, also for a two year term.	<u>Kathy Hyzy</u>		Bonnie Dennis	Yes	Meetings are held at least twice annually
Boards, Committees, and Commissions (BCC) Selection Committee	Purpose is to interview citizens who have applied to serve on citywide Boards, Committees, and Commissions.	Comprised of the Mayor, rotating Councilor, and Staff Liaison.	<u>Mayor: Mark Gamba</u> <u>Councilor: Rotating</u>		Scott Stauffer	Yes	Interviews are held as needed.
Budget Committee	The Budget Committee is established in accordance with the provisions of ORS 294.336 to review the annual city budget document as prepared by the city budget officer and to recommend an approved budget to the City Council for adoption.	The Committee includes five City Councilors plus an equal number of City residents who are registered voters. The Council appoints the citizen members for four-year terms. The Budget Committee meets as directed by City Council. Typically, the budget preparation meetings are held in the early spring, with additional meetings scheduled as needed and to review revenue and expenditure reports.	<u>Mayor and Council</u>		Bonnie Dennis	Yes	Meetings are held quarterly
Clackamas Cities Association (CCA)	12 cities in Clackamas County get together for dinner and speaker events to share ideas and to network.	City of Lake Oswego provides general coordination for cities.	<u>Mayor and Council</u>		Ann Ober, Kelly Brooks, Scott Stauffer	No	Dinners are held monthly. Typically, dinners are held on the third Thursday of the month.
Clackamas County Coordinating Committee (C-4)	C-4 was founded by the County to promote a partnership between the County, its Cities, Special Districts, Hamlets, Villages and Community Planning Organizations (CPOs). C-4 provides Councilors with an opportunity to network and work on building consensus on regional issues.	Voting membership shall consist of one elected representative and an elected alternate appointed by the City Council	<u>Primary: Kathy Hyzy</u> <u>Alternate: Mark Gamba</u>		Ann Ober, Kelly Brooks	Yes	Meetings are held on the first Thursday of the month starting at 6:45 p.m. in the Public Services Building of Clackamas County.

2021 Local and Regional Committee Assignments

Committee	Focus	Governing Authority	2021 Appointee	2022 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
Clackamas County Coordinating Committee (C-4) – Metro Sub-Committee	C-4 members who are within the Metro jurisdiction shall be a subcommittee of C-4 named Metro subcommittee to discuss JPACT and MPAC issues. This subcommittee shall at a minimum be the body which nominates and elects cities' representatives to: JPACT, MPAC, TPAC, MTAC, respectively.	Nominations and elections shall occur in November of each even numbered year in accordance with Metro Charter requirements.	<u>Primary: Kathy Hyzy</u> <u>Alternate: Mark Gamba</u>		Ann Ober, Kelly Brooks	Yes	Meetings are held on the third Wednesday of the month from
Clackamas County Fire District #1 District Board Subcommittee	Purpose is to discuss collaborative opportunities, long-term facility needs, emergency preparedness, impacts of compression, and other challenges facing communities being served.	Subcommittee consists of two Fire Board members and two Council Members appointed by respective jurisdiction.	<u>Lisa Batey</u> <u>Angel Falconer</u>		Ann Ober, Kelly Brooks	Yes	Development Services Building 150 Beavercreek Rd. Oregon City, OR 97045
Clackamas County Library District Advisory Committee	Purpose is to advise the Clackamas County Library Service District (Board of County Commissioners) to support two county libraries and ten city libraries.	Committee involves 10 members that are typically appointed by respective library board. The advisory committee was created after the 2008 District creation.	<u>(Recommendations for this Committee come from the Library Board.)</u>		Katie Newell	No	Meetings are held as needed.
Clackamas County Mayor and Chair	Broad topics that fall outside the scope of C4.	Ad hoc group – no formal appointment process.	<u>Mark Gamba</u>		Ann Ober	No	Oregon City Library
Community Action Board	Members are appointed by the Clackamas County Board of County Commissioners. The group advocates both locally and at the state level on issues related to people and households with low-incomes.	Board is run by Clackamas County. 8 members and one alternate.	<u>Mark Gamba</u> <u>Alternate: Yelena Voznyuk</u>		Kelly Brooks	No	Meetings are held as needed.
Comp Plan Implementation Committee	Limited duration city committee formed to review code concepts and provide input on proposed amendments to MMC that is consistent with comp plan policies and HB 2001.	Members are appointed by Milwaukie City Council	<u>Lisa Batey</u>		Vera Kolias	Yes	
Kellogg for Coho	The project will remove the Kellogg Dam, address contaminated sediments, re-establish fish passage, and restore riparian habitat for endangered salmon and native wildlife.	Not a formal committee created by Council via Resolution	<u>Mark Gamba</u>		Kelly Brooks, Peter Passarelli	No	Meetings are held as needed.

2021 Local and Regional Committee Assignments

Committee	Focus	Governing Authority	2021 Appointee	2022 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
			<u>Lisa Batey</u>				
Kellogg Good Neighbor Committee	The Committee's purpose is to recommend to City Council how "good neighbor funds" should be spent. This fund was established through the Intergovernmental Agreement between the City of Milwaukie and Clackamas County Service District #1 for the provision of wastewater treatment services. CCSD deposits \$1.00 per Edu of the city's connections.	The Committee is comprised of seven members with staff from Milwaukie and CCSD#1 providing assistance in ex officio positions: Two members from Island Station and Historic NDAs, 1 citizen at large, 1 downtown property owner or business, 1 City council member.	<u>Kathy Hyzy</u>		Peter Passarelli	Yes	Meetings are held every other month on the second Tuesday evening at 5:30 p.m. at the Kellogg Treatment Plant.
League of Oregon Cities	Legislative Committees (any councilor can participate)	LOC Energy Policy Committee Community Development Committee	<u>Kathy Hyzy</u>		Kelly Brooks, Ann Ober	Yes	
			<u>Mark Gamba</u>				
Local Contract Review Board	Purpose is to review and adopt public contracting rules and findings as to amendments of professional services	Established via Resolution by Council.	<u>City Council</u>		Kelli Tucker	Yes	Meetings are held as needed.
Metro Joint Policy Advisory Committee on Transportation (JPACT)	Makes recommendations to Metro Council on transportation needs in the region. Recommends transportation priorities and develops transportation plans for the region. Metro Council must adopt recommendations before they become transportation policies.	Section 2.19.090(b) of the Metro Code and Article IV of the JPACT By-Laws establish the JPACT membership. Comprised of 17 members that serve as elected officials or representatives of transportation agencies across the region. Membership includes one city representative and one alternate from Clackamas County. Member and Alternate must be from different cities. Selection of Member and Alternate is by the cities within the county. Term of appointment is two years.	<u>Kathy Hyzy</u> (Representatives to this committee are appointed by C-4.)			Yes	Meetings are held on the third Thursday of the month, from 7:30 a.m. to 9 a.m. in the Metro Council Chambers. Meetings may be attended by the Council representative that serves on C4.

2021 Local and Regional Committee Assignments

Committee	Focus	Governing Authority	2021 Appointee	2022 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
Metro Mayor's Consortium	Advocate at Metro and State on issues that affect all metro cities.	Membership limited to 20 local mayors of the Portland Metro Region.	Mark Gamba Executive Committee Energy and Climate (Chair) Transportation and Land Use housing and Homelessness Employer Benefits and General Government		Ann Ober, Kelly Brooks	Yes	Meetings are held monthly on Wednesdays during lunchtime.
Metro Policy Advisory Committee (MPAC)	Established by the Metro Charter in 1992, MPAC advises the Metro Council on the amendment or adoption of the Regional Framework Plan While MPAC advises the Metro Council on growth management and land use issues at the policy level, the Metro Technical Advisory Committee provides input to MPAC at the technical level.	Section 26 of the Metro Charter establishes MPAC membership.	<u>Kathy Hyzy</u>			Yes	Meetings are held on the second and fourth Wednesdays of the month, from 5:00 p.m. to 7:00 p.m. in the Metro Council Chambers. Meetings may be attended by the Council representative that serves on C4.
Milwaukie Center/Community Advisory Board (C/CAB)	The Milwaukie Center/Community Advisory Board is the primary policy advisor to Milwaukie Center staff and the North Clackamas Parks District Advisory Board.	Positions are applied for by individuals and appointed by C/CAB and County Board of Commissioners			Kelly Brooks	No	Meetings are held on the second Friday of every month at 9:30 a.m. at the Milwaukie Center.
Milwaukie Redevelopment Commission	Facilitate and support urban renewal efforts in targeted areas of the City of Milwaukie	MRC	<u>City Council</u>		Kelly Brooks, Executive Director	Yes	Meet as needed during Council work, study, and regular sessions
Milwaukie Redevelopment Commission Community Advisory Committee	Advise MRC on investment opportunities within the tax increment financing district.	MRC	<u>Kathy Hyzy</u>		Kelly Brooks, Executive Director	Yes	Meets as needed to develop recommendations for MRC.
Milwaukie Parks and Recreation Board (PARB)	Advises City Council on parks related issues.	Comprised of 8 members appointed by City Council.	<u>Desi Nicodemus (Council Liaison)</u>		Natalie Rogers	Yes	Meetings are held on the 4th Wednesday of every month at 4:30 at the Ledding Library.
North Clackamas Chamber of Commerce and Public Policy Team	Purpose is to discuss policy issues in front of the Chamber for position consideration.	Representatives appointed by the Chamber Board.	Suggest councilors rotate through, but always have a presence		Leila Aman Vera Kolias Kelly Brooks Ann Ober	No	Meetings are held on the first Monday of the month from 12 p.m. to 1:15 p.m. at the Chamber Offices.

2021 Local and Regional Committee Assignments

Committee	Focus	Governing Authority	2021 Appointee	2022 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
North Clackamas Parks and Recreation District Advisory Board (DAC)	Purpose is to make recommendations to the District Board of Directors on the design, planning and development of parks and the provision of recreational programs in the district.	Section E(2) of the May 1, 1990 Agreement between Clackamas County and the City provide for representation to the DAC. City Council appoints the DAC member.	<u>Desi Nicodemus</u> <u>Ben Johnson</u>		Natalie Rogers	No	DAB meets monthly on the second Wednesday of every month from 5:00 to 7:00 PM
North Clackamas Social Needs Roundtable	Purpose is to prevent the spread of homelessness and food insecurity in Clackamas County.	Ad Hoc Committee comprised of school district, county, city, nonprofit, and private sector officials.	<u>Angel Falconer</u>			No	Meetings are held as needed. Typically, two to three times per year at a Milwaukie Church.
North Clackamas Watershed Council	The North Clackamas Watershed Council's purpose is to advocate for the protection and enhancement of the watersheds' fish and wildlife habitat and improve water quality through partnership with public and private entities, habitat restoration projects, community education and outreach, and strategic planning.	The number of Council Representatives may vary between a minimum of four (4) and a maximum of thirty (30). A minimum of one position will be reserved for each of the following watersheds and sub-basin areas; Upper Kellogg, Lower Kellogg, Lower Mt Scott, Dean, Middle Mt Scott/Cedar, Phillips, Upper Mt Scott, Minthorn Spring, Boardman Creek, River Forest, and Rinearson Creek. The term of office for Council Representatives shall be three years.	<u>Lisa Batey</u>		Peter Passarelli	No	Meetings are held on the third Wednesday of the month from 6:00 p.m. to 8:00 p.m. at Oak Lodge Sanitary District.
Homeless Solutions of Clackamas County (HSCC)	HSCC's purpose is to bring together citizens, agencies, governments, churches, businesses, and schools in the Oregon City region to create partnerships that reduce homelessness.	Steering committee made up of co-founders and representatives of agencies, governments, churches, businesses, and schools.	<u>Angel Falconer</u>			No	Meetings are held on the second Wednesday of the month from 2:00 p.m. to 3:30 p.m. at Providence Community Center in Oregon City. *Steering committee is expected to attend <u>community meetings quarterly</u>
Oregon Mayors Association (OMA), Portland Metro Region Team	Purpose is to create a forum for discussing a wide variety of issues, and, most importantly, a unified voice in Salem. Established in 1972, the Oregon Mayors Association is a voluntary association of persons who hold the office of mayor. OMA is recognized as an affiliate organization in cooperation with the League of Oregon Cities. Over two-thirds of Oregon mayors are active members of OMA.	The leadership of the OMA is vested in a Board of ten directors which include a President, President-elect, Secretary-Treasurer, Immediate Past President and six members at-large. The Immediate Past President and the Secretary-Treasurer serve as ex-officio-Directors. The Secretary-Treasurer position is a nonvoting position held by the Executive Director of the League of Oregon Cities Board members are elected at the annual meeting of the OMA, held at the League of Oregon Cities' Annual Conference. The OMA constitution requires that consideration be given to geographic and size diversity on the Board.	<u>Mark Gamba</u>		Ann Ober, Kelly Brooks	Yes	Meetings are held as needed either by way of teleconference or at League of Oregon Cities' Meetings.

2021 Local and Regional Committee Assignments

Committee	Focus	Governing Authority	2021 Appointee	2022 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
WES Advisory Committee	On Sept. 14, 2017, the Board of County Commissioners of Clackamas County (BCC) acting as the governing body of WES, created a standing advisory committee consisting of customers, stakeholders and city representatives referred to as the Water Environment Services Advisory Committee.	Clackamas County	<u>Angel Falconer</u>		Peter Passarelli	Yes	
Regional Water Providers Consortium	The Regional Water Providers Consortium serves as a collaborative and coordinating organization to improve the planning and management of municipal water supplies in the greater Portland, Oregon metropolitan region. Primary focus is conservation and planning interties of water systems to address emergency needs.	Formed in 1997, the Consortium serves the Multnomah, Clackamas, and Washington counties and is made up of 21 water providers and the regional government Metro. Together, these entities provide about 95 percent of the Portland metropolitan area's drinking water Members of the Consortium are cities, water districts and a people's utility district throughout the Portland, Oregon metropolitan area. The regional government Metro is also a member. Participation in the Consortium is voluntary and is funded through membership dues.	<u>Lisa Batey</u>		Peter Passarelli	No	Meetings are held three times per year. Typically, from 6:00 p.m. to 8:30 p.m. at Metro. Usually in the Metro Chambers.
Safe Energy Leadership Alliance	Coalition raising awareness of the safety risks of coal and oil trains and their economic, cultural, environmental, and health impacts.	SELA is a coalition of more than 110 local, state, and tribal leaders from across the Pacific Northwest, Montana, and Canada working together to seek full assessment and disclosure of the economic, cultural, environmental, health impacts, and safety risks of coal and oil trains.	<u>City Council</u>		Peter Passarelli Kelly Brooks	Yes	Meetings are held as needed.
Transportation Policy Alternatives Committee (TPAC)	Staff-based committee that provides detailed technical support to the Joint Policy Advisory Committee on Transportation (JPACT).	TPAC's 21 members consist of technical staff from the same governments and agencies as JPACT, plus a representative from the Southwest Washington Regional Transportation Council, and six community members appointed by the Metro Council. In addition, the Federal Highway Administration and C-TRAN have each appointed an associate non-voting member to the committee.	Representatives to this committee are appointed by JPACT.		Jennifer Garbely	No	Meetings are held on the last Friday of the month, from 9:30 a.m. to 12:00 p.m. in the Metro Council Chambers. Staff attends these meetings as needed.

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

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

From: Vera Kolias, Senior Planner, and
Natalie Rogers, Climate and Natural Resources Manager

Subject: **Comprehensive Plan Implementation: Proposed Code Language**

Date Written: Dec. 27, 2021

ACTION REQUESTED

The purpose of this report is to review with Council the proposed code amendments related to the Comprehensive Plan Implementation project in advance of the first public hearing on the related code amendments on January 18, 2022.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[December 1, 2020](#): Staff provided Council with a project update.

[January 19, 2021](#): Staff provided Council with a project update

[February 16](#): The Council packet included a project update.

[April 6](#): Staff provided Council with a project update.

[April 20](#): Staff led a discussion with Council about flag lots and the minimum lot size approach.

[May 11](#): Staff led a study session discussion about Oregon House Bill (HB) 2001 and the model code, parking code recommendations, and standards in the proposed consolidated residential zones.

[June 15](#): Staff provided Council with a project update ahead of the posting of the proposed draft code for public comment over the summer.

Following three work sessions in August, the Planning Commission held three public hearings on the proposed amendments ([October 12](#), [October 26](#), and [November 9](#)). On [November 9](#), the Commission voted 5-2 to recommend approval of the amendments with specific revisions and recommendations to the Council.

[December 21](#): Staff led a work session discussion about the proposed code amendments – please refer to that packet for details.

ANALYSIS

Summary of December 21 discussion

The following is a summary of the discussion held on December 21 at the work session.

- Accessory dwelling units (ADUs)
 - Staff to provide more information on the differences between a site with a primary dwelling and an ADU and a site with a detached duplex. Are there advantages or disadvantages to either option? Is there a reason to maintain ADUs as a separate housing type?
- Maximum building height
 - Staff to prepare materials, including visuals, to revise the maximum building height standard to remove “stories” and include only measured building height. No proposal to increase building height was discussed.
- Flag lots and back lots
 - Discussion will continue at the January 4 meeting to review proposed setbacks on flag lots and back lots. Discussion involved revising the code to have consistent setbacks and not have different setbacks on these lots.
- Maximum lot coverage
 - Discussion will continue at the January 4 meeting to review proposed lot coverage. Specifically, the discussion will be about the proposed bonus lot coverage that is limited to one-story development. Questions remain about whether the bonus should continue, should it allow additional height, if there should be conditions attached to the bonus, or if the maximum lot coverage should simply be increased.
- Parking
 - Discussion will continue at the January 4 meeting to review the minimum parking requirements for middle housing, currently proposed to be zero spaces per unit (except for cottage clusters, which will require 0.5 spaces per unit).
- Tree code
 - Council directed public works staff to coordinate with the planning department on setback variances for tree preservation.
 - Council discussed the development tree code triggers. Staff will bring code language to the January 18th hearing regarding development tree code for the construction of additional housing units without expansion of building footprints.
 - Council and staff discussed the canopy standards, and the tree lists to be created by staff for replanting requirements.
 - Council discussed bonding requirements for trees allowed under the draft code.

NEXT STEPS

- Council public hearing #1: January 18, 2022 – focus and potential adoption of the Tree Code
- Council public hearing #2: February 1, 2022
- Council public hearing #3 : February 15, 2022

BUDGET IMPACT

None.

WORKLOAD IMPACT

Some additional permits will likely be submitted when the new code is adopted, but this additional activity will be absorbed by staff.

CLIMATE IMPACT

The objective of the implementation project is code amendments that will support a variety of housing opportunities throughout the city, including middle housing, and an updated tree code that will help the city achieve its stated goal of a 40% tree canopy.

COORDINATION, CONCURRENCE, OR DISSENT

Community development, planning, engineering, city manager's office, and public works staff worked on this project.

ATTACHMENTS

1. Open House #2 questions as posted on Engage Milwaukee

Open House #2 Survey! - CLOSED

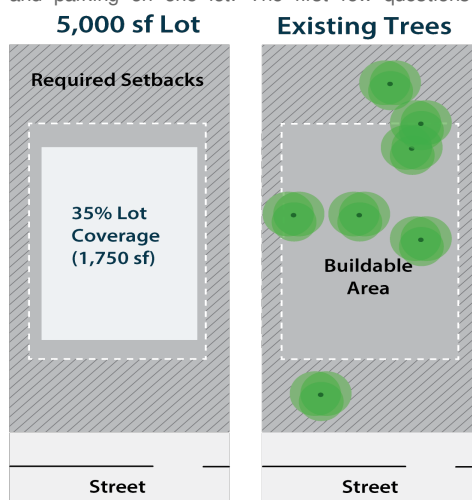
Thank you for spending your time to take the survey on housing, trees, and parking in Milwaukie! *We appreciate your input!*

This survey will take 15-20 minutes to complete. If you complete the survey, you'll be entered to win a gift card to a local Milwaukie business!

Scenarios

Scenario 1: Site Design

Think about your neighborhood and your home. Every lot has a fixed amount of space. How buildings, landscaping, parking and trees (green circles) fit on the lot can vary depending on what is on the lot to begin with, the number and size of dwelling units planned for the space, and the City's rules about how you can build on the lot (development standards). Trade-offs may be required to fit housing, trees and parking on one lot. The first few questions ask you to consider the trade-offs and give your opinion on your preferences.



First, let's look at the lot itself. Assume the lot is 5,000 sq. ft (50 ft x 100 ft)— the typical lot size in Milwaukie. The lot is vacant and has seven mature trees on the property (noted by the green circles). The property is going to be developed as a tri-plex – meaning three dwelling units, which could be attached or detached.

Current development standards require:

- Homes cannot take up more than 35% of the lot size—meaning the building footprint be no more than 1,750 sq. ft.
- Setbacks – the open space between the homes and the property lines, in the front yard, back yard, and side yards.
- The building can be no more than 2.5 stories.
- This would mean that the buildable area to put a house is here, as shown on the graphic (existing lot).

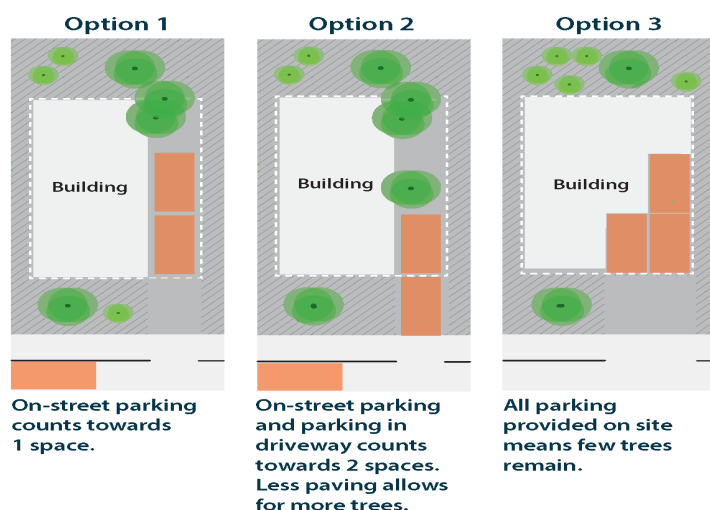
Scenario 1 - Parking

Next, let's look the options for parking on the site. Under the current code, one on-site parking spot is required per unit and it cannot be in the front yard setback. On street parking cannot be counted toward the parking requirement. For a tri-plex (3 units), this means three parking spaces must be provided. Under the current code, all three parking spaces need to be provided on the lot and outside the front yard setback. This code update is exploring flexibility for where required parking is located and how much parking should be required.

Comprehensive Plan Implementation: Phase 1

Engage Milwaukie

Here are three options for addressing parking:



Option 1 (On-street parking counts toward requirement)

- Required parking - two spaces on-site outside the front yard setback and one space on-street.
- Parking additional car in the driveway is not counted as part of the parking requirement.
- Tri-plex is long and narrow, providing more open space.
- Three trees would need to be removed to fit the parking and the house.
- Three new trees would be planted.

Option 2 (On-street parking and driveway parking count towards requirement)

- Required parking - one space on-site, one space in the driveway and one space on-street.
- Triplex is long and narrow, providing more open space (same as option 1).
- Two trees would need to be removed to fit the parking and the house.
- Two new trees would be planted.

Option 3 (Current requirement)

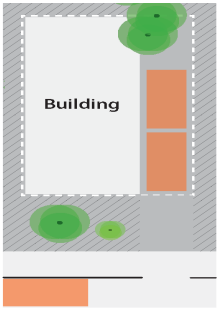
- Required parking - three spaces on-site.
- Triplex is slightly wider and not quite as long as the other options.
- Five trees would need to be removed to fit the parking and the house.
- Five new trees would be planted.

What is your preference for each option, with 1 being "least preferred" and 5 being "most preferred?"

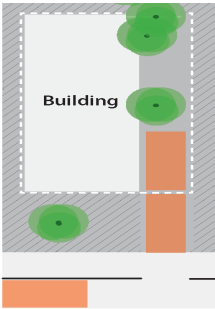


Comprehensive Plan Implementation: Phase 1

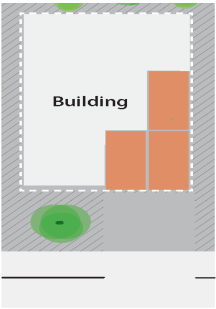
Engage Milwaukee



On-street parking counts towards 1 space.



On-street parking and parking in driveway counts towards 2 spaces. Less paving allows for more trees.



All parking provided on site means few trees remain.

(Required)

Questions	1 - Least Preferred	2	3	4	5 - Most Preferred	Don't Know
Option 1: on street parking counts toward requirements						
Option 2: on street parking and parking in driveway counts towards requirements						
Option 3: only on-site parking counts toward requirements						

For the option(s) that was your most preferred, tell us why below:

Would you support allowing less than one parking space per dwelling unit?

(Choose any one option) (Required)

- ☐ Yes
- ☐ No
- ☐ I have no opinion/I don't know

Answer this question only if you have chosen **yes**.

Why did you select yes?

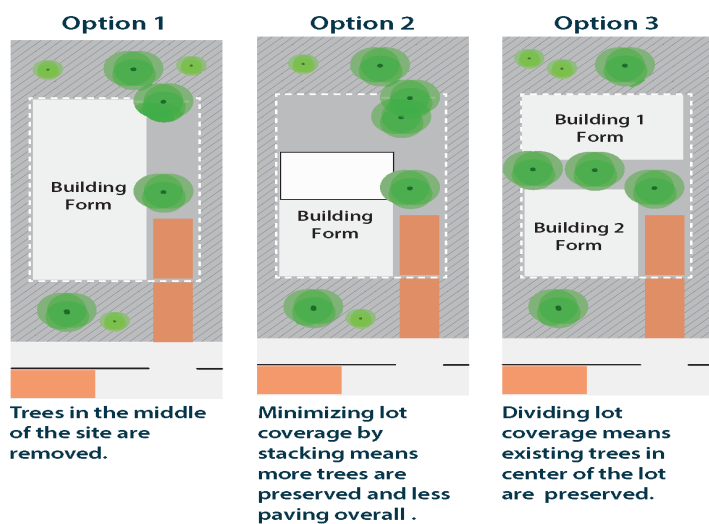
Comprehensive Plan Implementation: Phase 1

Engage Milwaukie

Why did you select no?

Scenario 2: Building Form

Next, let's look the options for a triplex (meaning that there are going to be three dwelling units on one site) on the site. Middle housing can be attached or detached buildings. Maximum building heights would still apply. Here are three options for addressing building form:



Option 1 (One building)

- The three units are in one building.
- Building is one story, long and narrow.
- Three trees would need to be removed to fit the parking and the building.
- Three new trees would be planted.

Option 2 (One building, two stories)

Comprehensive Plan Implementation: Phase 1

Engage Milwaukie

- The three units are stacked in one building.
- Building is two stories, creating more space for landscaping or outdoor uses on the site.
- Two trees to be removed to fit the parking and the building.
- Two new trees would be planted.

Option 3 (Two buildings)

- The three units are in two buildings, built around the trees.
- The two buildings could be one or two stories. One building would a stand-alone building and the other would be a duplex.
- Two trees to be removed to fit the parking and the building.
- Two new trees would be planted.

Scenario 2: Building Form

What is your preference for each option, with 1 being "least preferred" and 5 being "most preferred?"

Option 1

Trees in the middle of the site are removed.

Option 2

Minimizing lot coverage by stacking means more trees are preserved and less paving overall .

Option 3

Dividing lot coverage means existing trees in center of the lot are preserved.

(Required)

Questions	1 - Least Preferred	2	3	4	5 - Most Preferred	Don't know
Option 1: Building form is long and skinny						
Option 2: Building form is stacked						
Option 3: Building form is multiple buildings						

For the option(s) that was your most preferred, tell us why below:

Comprehensive Plan Implementation: Phase 1

Engage Milwaukie

Would you support allowing building heights to go to three stories if it meant that a mature tree on the site could be preserved?

(Choose any one option) (Required)

- ☐ Yes
- ☐ No
- ☐ I have no opinion/I don't know.

Answer this question only if you have chosen yes, ~~that the code update is required~~ to introduce the code update. Examples include: reduced parking near transit or to preserve trees. for
What should the code update include? (select one)

Why did you select yes?

Why did you select no?

Code flexibility

The City of Milwaukie must comply with the state mandate to allow middle housing in all residential zones. This means that duplexes, triplexes, quadplexes, cottage clusters, and townhouses are allowed in all residential areas zoned for detached single-unit dwellings. This creates an opportunity to provide additional flexibility in code requirements to encourage the type of development desired in the City's vision, such as:

- housing choice for people at various income levels,
- focusing higher density housing near transit, or
- preserving trees when housing is built.

Comprehensive Plan Implementation: Phase 1

Engage Milwaukie

An example of this flexibility could be to allow a three-story housing with smaller yards (setbacks) in order to preserve existing trees on a lot. Another example could be to increase the amount of space a building can take up on a lot or reduce parking requirements when the housing is developed along transit routes.

What should the code update include? (select one)

(Choose any one option) (Required)

- ☐ Option 1: Flexibility to preserve trees on site and reduce parking requirements in addition to the mandated middle housing requirements, when certain conditions are met. Examples include: reduced parking near transit or to preserve trees.
- ☐ Option 2: Flexibility to address other City goals in addition to providing middle housing, preserving trees and reducing parking requirements, when certain conditions are met.
- ☐ I have no opinion/I don't know.
- ☐ I don't have enough information to give an opinion.
- ☐ Other (please specify)

What conditions would need to be met to allow a reduction in parking for you?

Examples include: reduced parking near transit or reduced parking to preserve trees on the site.

Answer this question only if you have chosen Option 2: Flexibility to address other City goals in addition to providing middle housing, preserving trees and reducing parking requirements, when certain conditions are met. for What should the code update include? (select one)

What conditions would need to be met to address other City goals?

Examples include: more development on site is allowed for income restricted (affordable) housing or green buildings, reduced parking requirements for income restricted housing, or fewer trees on site to allow for solar panels on the roof.

Comprehensive Plan Implementation: Phase 1

Engage Milwaukee

Envisioning Your Neighborhood

Think about your ideal neighborhood. Imagine you are moving into a new middle housing unit (as either a renter or homeowner), or a new middle housing unit is being built next door to you. Of the following site design features, which are important for you and your household?

What is important to you regarding the size/width of yard (front, back, side setbacks)? - select all that apply

(Choose all that apply) (Required)

- ☐  Small yard
- ☐  In between small and large
- ☐  Large yard

What is important to you regarding the location of parking? - select all that apply

(Choose all that apply) (Required)

- ☐  In the front of the house
- ☐  In the front of the house and on the street
- ☐  In an alley or behind the house

What is important to you regarding the amount/ size the building takes up on a lot (lot coverage)? - select all that apply

(Choose all that apply) (Required)

- ☐  Building covers over 50% of the lot
- ☐  Building covers between 35% and 50% of the lot
- ☐  Building covers 35% of the lot

What is important to you regarding the height of residential building(s) - select all that apply

(Choose all that apply) (Required)

- ☐  Maximum two and one-half stories (current code)
- ☐  Maximum three stories

Comprehensive Plan Implementation: Phase 1

Engage Milwaukie

Of the site design features listed, which is most important to you? (select one)

(Choose any one option) (Required)

- ☐ Size/width of yards (minimum setbacks)
- ☐ Amount of building footprint on lot (lot coverage)
- ☐ Maximum height of building(s)
- ☐ Location of parking
- ☐ Other (please specify)

Do you have additional suggestions or other information to share?

**RS 7. F. 1/4/22
Presentation**

COMPREHENSIVE PLAN IMPLEMENTATION PROJECT – PROPOSED CODE AMENDMENTS

City Council Worksession #2

January 4, 2022

Vera Kolas, Senior Planner



COUNCIL CODE DISCUSSION ITEMS

Outstanding questions from 12/21

- Flag lots and back lots
 - Setbacks
- R-MD Design Standards
 - Maximum lot coverage

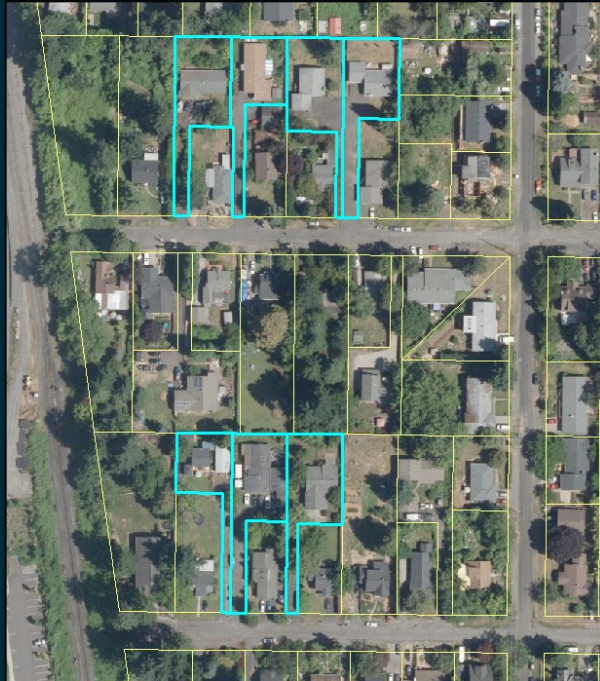
Topics not discussed 12/21

- Minimum required parking
- Manufactured Dwelling Parks



CODE AMENDMENTS – FLAG LOTS & BACK LOTS

Flag lots and back lots are an opportunity for more infill housing and “hidden density”.



CODE AMENDMENTS – FLAG LOTS & BACK LOTS

Standard	Existing Flag lot/Standard lot	Proposed	Discussion Option
Rear Yard setback	30 ft / 20 ft	20 ft for middle housing	• Same as standard lot
Front Yard Setback	30 ft /20 ft	20 ft for middle housing	• Same as standard lot
Side Yard setback	10 ft / 5/10 ft	10 ft	• Same as standard lot

- Allow the “pole” portion to count toward min. lot size for middle housing
- Allow variances to lot standards
- Allow flag lots and back lots in new subdivisions



QUESTIONS?



R-MD: DEVELOPMENT STANDARDS – MAX. LOT COVERAGE

Lot Size (sq ft)	Proposed	Option
1,500 – 2,999	45% (10% bonus for single-story)	• Increase % bonus • Allow bonus for second story
3,000 – 6,999	35% (10% bonus for single-story)	• Increase % bonus • Allow bonus for second story
7,000 and up	30% (10% bonus for single-story)	• Increase % bonus • Allow bonus for second story

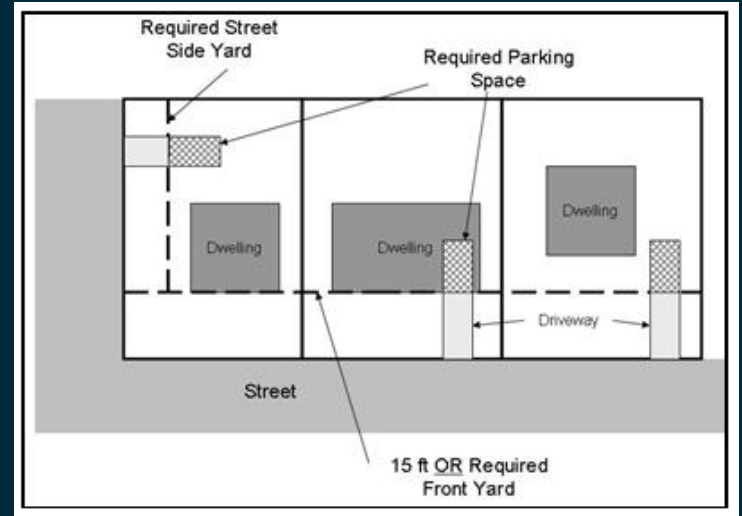


QUESTIONS?



KEY CODE AMENDMENTS - PARKING

- 0 spaces per unit required for middle housing (except cottage clusters)
- Parking space can be in the **driveway or setback**
- Allow alternatives to parking location
 - ❖ Parking modification process



Existing code requirements



QUESTIONS?



MANUFACTURED DWELLING PARKS

Existing Code	Proposed – R-MD	New Proposal
Permitted in R-3, R-5, R-7: Type III review	Not permitted	Allow in R-MD subject to Type III review
Min. lot size: 2 ac		No change



QUESTIONS?



PUBLIC HEARING #1: JANUARY 18 – FOCUS ON TREE CODE

How to provide Comments:

- Testimony at hearing
- engage.milwaukieoregon.gov
- koliasv@milwaukieoregon.gov



QUESTIONS?

