



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

2376th Meeting**AGENDA**

MARCH 7, 2023

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. For Zoom login visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-345>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 831 8669 0512 and Passcode: 023745. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov. Council will take verbal comments.

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

Page #

1. **CALL TO ORDER** (6:00 p.m.)
 - A. **Pledge of Allegiance**
 - B. **Native Lands Acknowledgment**
2. **ANNOUNCEMENTS** (6:01 p.m.) **2**
3. **PROCLAMATIONS AND AWARDS**
 - A. **Women's History Month – Proclamation** (6:05 p.m.) **4**
Presenter: The Milwaukie Historical Society
 - B. **Southern Police Institute Graduation – Recognition** (6:15 p.m.)
Staff: Luke Strait, Police Chief
4. **SPECIAL REPORTS**
 - A. **2022 Volunteer of the Year Selection Process – Award** (6:25 p.m.) **6**
Staff: Jason Wachs, Community Engagement Coordinator
5. **COMMUNITY COMMENTS** (6:40 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** (6:45 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:** **9**
 1. February 7, 2023, work session, and
 2. February 7, 2023, regular session.
 - B. **Authorization of a Grant Application for Scott Park – Resolution** **15**
 - C. **Renewal of a Tax Exemption for Northwest Housing Alternatives – Resolution** **20**

6. CONSENT AGENDA (continued)

- D. Authorization of a Contract for the Wastewater System Improvements Project – Resolution 29
- E. Adoption of a Stranded Workers Agreement – Resolution 33
- F. Authorization of a Contract for Affordable Housing Fund (Construction Excise Tax) Recipients – Resolution 46

Agenda Note: after the consent agenda, Council will recess the regular session to meet as the Milwaukie Redevelopment Commission (MRC); Council will reconvene after the MRC meeting. For information about the MRC meeting visit <https://www.milwaukieoregon.gov/bc-rc/redevelopment-commission-12>.

7. BUSINESS ITEMS

- A. Council Goals – Discussion (7:00 p.m.)
Presenters: City Council
- B. Climate Friendly Equitable Communities (CFEC) Parking Reform – Discussion (7:30 p.m.) 56
Staff: Ryan Dyar, Assistant Planner

8. PUBLIC HEARINGS

- A. Washington Area Improvements Project Best Value Contracting – Resolution (8:30 p.m.) 131
Staff: Jennifer Garbely, Assistant City Engineer

9. COUNCIL REPORTS

- A. Legislative and Regional Issues – Discussion (8:50 p.m.)
Staff: Scott Stauffer, City Recorder

10. ADJOURNMENT (9:00 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
& Zoom Video Conference (www.milwaukieoregon.gov)

2376th Meeting

MINUTES

MARCH 7, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

<p>Staff Present: Joseph Briglio, Community Development Director Ryan Dyar, Assistant Planner Jennifer Garbely, Assistant City Engineer Justin Gericke, City Attorney Ann Ober, City Manager Peter Passarelli, Public Works Director</p>	<p>Tessie Prentice, Civil Engineer Jeff Rogerson, Police Sargent Scott Stauffer, City Recorder Luke Strait, Police Chief Jason Wachs, Community Engagement Coordinator</p>
---	--

Mayor Batey called the meeting to order at 5:59 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including the city board and committee recruitment process, a Minthorn Springs clean-up event, a repair fair at the library, a Welcome Home Vietnam Veterans event, and an electrification information session. **Council President Nicodemus** noted a Black and Indigenous health care provider selfcare day.

3. PROCLAMATIONS AND AWARDS

A. Women's History Month – Proclamation

Linda Carr, Siri Bernard, and Sarah Harris with the Milwaukie Historical Society introduced the proclamation and commented on the lives of women who have influenced Milwaukie. **Mayor Batey** proclaimed March to be Women's History Month.

B. Southern Police Institute (SPI) Graduation – Recognition

Strait introduced the SPI training program. **Rogerson** provided an overview of the SPI course work and experience. **Strait** recognized Rogerson for earning straight-A grades at the institute. **Strait** and **Ober** explained how the Milwaukie Police Department (MPD) uses the SPI program for internal leadership training.

Council President Nicodemus and **Councilor Stavenjord** asked about the trauma informed policing course that Rogerson had taken at SPI. **Rogerson** explained that the course was new and remarked on the skills learned through course.

Councilor Khosroabadi thanked MPD for proactively seeking SPI training.

4. SPECIAL REPORTS

A. 2022 Volunteer of the Year Selection Process – Award

Wachs introduced the award selection process, noting award criteria and past winners. Council participated in a secret ballot process to select the 2022 Volunteer of the Year.

Stauffer announced the first round of voting results: Samantha Swindler received two votes, Elizabeth Start received two votes, and Terri Geier-Brindell received one vote.

Stauffer announced the second round of voting results: Samantha Swindler received two votes, Elizabeth Start received three votes.

Start was declared the recipient of the 2022 Volunteer of the Year award and **Wachs** noted upcoming events where the award recipient would be honored.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the February 21 community comments.

Ley Garnett, Milwaukie resident, expressed frustration about receiving a parking ticket for parking in a private lot and asked Council to adopt private parking lot regulations. The group clarified that the ticket had not been issued by the city and was for a higher fine amount than the city's parking citations. They also noted that private property owners can charge fees for parking on their property.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. February 7, 2023, Work Session, and
2. February 7, 2023, Regular Session.

- B. Resolution 10-2023:** A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an application for a state parks and recreation grant for the Scott Park project.
- C. Resolution 11-2023:** A resolution of the City Council of the City of Milwaukie, Oregon, granting an exemption for a 28-unit low-income housing development owned and operated by Northwest Housing Alternatives, Inc.
- D. Resolution 12-2023:** 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 construction of the Wastewater System Improvements (CIP2021-X39) to McDonald Excavating, Inc.
- E. Resolution 13-2023:** A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an intergovernmental agreement for the lending of personnel in Clackamas County when personnel are unable to get to their normal reporting location during an emergency.
- F. Resolution 14-2023:** A resolution of the City Council of the City of Milwaukie, Oregon, authorizing contracts for the recipients of affordable housing funds (Construction Excise Tax (CET) Program).

Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Mayor Batey recessed the meeting at 6:54 p.m. so Council could meet as the Milwaukie Redevelopment Commission. The meeting was reconvened at 6:59 p.m.

7. BUSINESS ITEMS

A. Council Goals – Discussion

Mayor Batey provided an overview of previous Council goals discussions.

Council President Nicodemus, **Councilor Massey**, and **Mayor Batey** expressed support for keeping climate change, equity, justice, and inclusion, and parks, as goals.

Councilor Khosroabadi expressed concern about when the goals would be revisited, and **Ober** commented on the timing of revisiting each goal. **Khosroabadi** commented on the urgency of housing affordability and the city being able to accomplish its goals.

Ober suggested Mayor Batey and Council President Nicodemus would draft a goals resolution for Council to consider. **Mayor Batey** did not want to include timeframes for revisiting the goals in the resolution and wondered where Council members were on the proposed climate fee. **Batey** did not think the city should push climate and park fees in the same year and supported not considering a climate fee in 2023.

Council discussed housing affordability issues, bills meant to address affordability being considered by the state legislature, what cities can do to address housing, and the impact of fees on residents.

Mayor Batey summarized that a goals resolution would be drafted, and **Ober** suggested Council could discuss a draft resolution at the March 14 study session.

Mayor Batey recessed the meeting at 7:23 p.m. and reconvened at 7:30 p.m.

B. Climate Friendly Equitable Communities (CFEC) Parking Reform – Discussion

Briglio introduced Dyar. **Dyar** provided an overview of the CFEC parking code amendments, noting changes made in response to new state rules and how CFEC updates would impact the Transportation System Plan (TSP) update project.

Dyar presented the city's options for parking reforms, noted Council's previous discussions of the options and the Planning Commission's recommendation to adopt code amendments. **Mayor Batey** and **Dyar** noted the city's neighborhood district associations (NDAs) had been notified of the proposed code changes.

Dyar reported that TriMet would be adding a bus line which would impact where the city could mandate parking rules. **Dyar** cited parking related actions in the Climate Action Plan (CAP) and Comprehensive Plan and reviewed the proposed code amendments.

Mayor Batey and **Dyar** remarked on what bicycle parking changes had been proposed.

Councilor Massey noted that the governor's executive order that had initiated the state rule changes had been challenged in court and asked if a judicial ruling could impact the code changes. **Briglio** and **Gericke** remarked on the likelihood of the order being struck down and what the city could do if that happened.

The group expressed frustration that the state was forcing cities to revisit housing and parking work so soon after the state had required such work be done through the requirements of the middle housing legislation, House Bill (HB) 2001, passed in 2019.

Ober and **Dyar** explained that Council would be asked to adopt the CFEC code reforms in April. The group remarked on when to Council should consider the code changes and it was Council consensus to schedule adoption for the April 18 regular session.

8. PUBLIC HEARING

A. Washington Area Improvements Project Best Value Contracting – Resolution

Call to Order: **Mayor Batey** called the hearing on contracting to order at 7:53 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to take public comment on the proposed contracting process for the Washington area project.

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

Staff Presentation: **Garbely** explained why staff recommended that best value contracting be used for the Washington area project, noting the points system and how contractors could be selected. **Mayor Batey** and **Garbely** noted that the best value contracting process was in the city's Public Contracting Rules (PCRs).

Prentice provided an overview of the work to be included in the project, noting the project's proximity to schools and collector and arterial streets, and the project's complicated in-water work in Spring Creek and next to Hager's Pond.

Garbely remarked that best value contracting would help identify the best contractors to do specific parts of the project. **Mayor Batey**, **Garbely**, and **Prentice** noted the role JLA Public Consulting and contractors would provide in terms of public outreach.

Councilor Massey asked about the project's timeframe and **Prentice** remarked on the timing of going out to bid for a contract and when in-water work could be done. **Massey**, **Prentice**, and **Garbely** noted it would likely be a two-year project.

Mayor Batey and **Prentice** commented that the vehicle counts reported for the arterial streets in the project area seemed low.

Correspondence: No correspondence had been received on the topic.

Audience Testimony: No audience member wished to speak on the topic.

Questions from Council to Staff: **Councilor Khosroabadi** asked if the best value contracting could be used for other projects and **Garbely** commented on other engineering projects that may use the process. **Gericke** and **Ober** noted the contracting process used was based on each project and that some contracting process changes would be presented to Council in the next year.

Close Public Comment: It was moved by **Councilor Stavenjord** and seconded by **Councilor Massey** to close the public comment part of the Washington Area Improvement project contracting practice. Motion passed with the following vote: **Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord** and **Mayor Batey** voting "aye." [5:0]

Mayor Batey closed the public hearing at 8:09 p.m.

Council Decision: It was moved by **Council President Nicodemus** and seconded by **Councilor Khosroabadi** to approve the resolution, acting as the Local Contract Review Board, adopting findings, and allowing the use of best value contracting for the Washington Street Area Improvements Project. Motion passed with the following vote: **Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord** and **Mayor Batey** voting "aye." [5:0]

Resolution 15-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, ADOPTING FINDINGS, AND ALLOWING THE USE OF BEST VALUE CONTRACTING FOR THE WASHINGTON STREET AREA IMPROVEMENTS.

9. COUNCIL REPORTS

A. Legislative and Regional Issues – Discussion

Ober and **Mayor Batey** discussed a trend in state legislation that has impacted cities' home rule authority and the involvement of the League of Oregon Cities (LOC) in the bill process. The group remarked on bills dealing with system development charges (SDCs) for affordable housing projects. It was Council consensus that Ober could discuss home rule authority with other cities and lawmakers and bring requests for the city to take a position on specific home rule related legislation to Council.

Ober and **Briglio** reported that State Representative Mark Gamba had asked for the city's input on a bill that could impact the city's ability to grant variances for land use projects. The group remarked on the status of the variance bill and other housing bills, what the impact of variance and SDC changes could have on Milwaukie, and how Council can best take positions on policy issues and specific bills.

Stauffer provided an update on bills the city was tracking and Council position letters that had been drafted for Council to consider. **Mayor Batey** reviewed the issues referenced in each letter, including federal rail safety regulations, federal funding for TriMet bus electrification, and state bills addressing photo radar, marijuana taxes, and extending enterprise zones. The group discussed the wording of each letter and whether to support the policy position and send the letters. It was Council consensus to send the letters regarding federal funding for bus electrification and the state bills.

The group discussed how often staff would provide bill tracker updates to Council.

Councilor Massey noted that a Council member serves as the Budget Committee vice chair, a position that had not been previously discussed by the current Council. **Massey** was interested in serving as the committee vice chair. Council expressed support for Massey serving as the Budget Committee vice chair and noted the committee would need to formally make that appointment at a meeting.

Mayor Batey, **Stauffer**, and **Ober** discussed the proclamation request process and efforts to limit the number of proclamations on any given agenda. **Batey** reported that the city had received a request for a proclamation which would be respectfully declined.

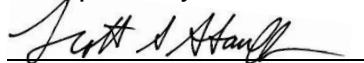
Councilor Stavenjord reported on issues discussed at a recent Clackamas County Coordinating Committee (C4) meeting.

10. ADJOURNMENT

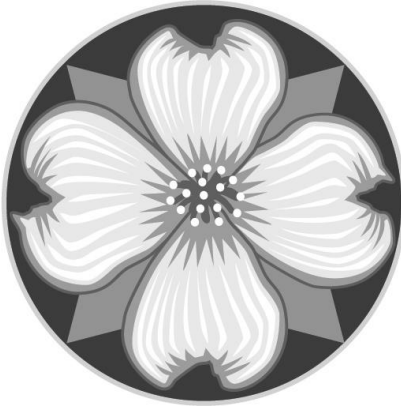
It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Mayor Batey adjourned the meeting at 9:12 p.m.

Respectfully submitted,


 Scott Stauffer, City Recorder

This page intentionally left blank.



RS Agenda Item

2

Announcements

Join a
BOARD or
COMMITTEE
milwaukieoregon.gov/bc



Mayor's Announcements – March 7, 2023

- **Annual Boards and Committees Recruitment – Apply by April 1**
 - Volunteer groups cover a variety of areas and work directly on local projects
 - Learn more and apply at milwaukieoregon.gov/bc
- **Minthorn Springs Volunteer Cleanup – Sat., Mar. 11 (9:30 AM – 12 PM)**
 - Volunteers work to remove invasive plants and pick up trash
 - If you drive, park at the east end of the Milwaukie Marketplace and walk across SE 37th Ave. to Minthorn Springs entrance
- **Repair Fair – Sat., Mar. 11 (10 AM – 1 PM)**
 - Free event that brings skilled volunteers and people with broken items together
 - Ledding Library, 10660 SE 21st Ave.
 - Learn more at clackamas.us/recycling/repairfair
- **Welcome Home Vietnam Veterans Event – Sat., Mar. 18 (2 PM – NEW TIME)**
 - Join the American Legion Post 180, the Susannah Lee Barlow Chapter of the Daughters of the American Revolution, the city, and other veteran service groups in commemorating the day
 - Event will begin at City Hall (10722 SE Main St.) and include a procession to the Vietnam Veterans Monument at Scott Park (10660 SE 21st Ave.)
- **Electrification Information Session – Mon., Mar. 20 (6 – 7:30 PM)**
 - Learn about the benefits and cost saving incentives for transitioning to electric, while saving money shrinking carbon footprints. Refreshments will be provided.
 - Ledding Library (10660 SE 21st Ave.)
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**



RS Agenda Item

3

Proclamations & Awards

PROCLAMATION

WHEREAS Milwaukie women of every race, class, and ethnic background have made historic contributions to the growth and strength of our city in countless ways; and

WHEREAS Milwaukie women have played and continue to play critical economic, cultural, and social roles in every sphere of the city by constituting a significant portion of the labor force working inside and outside the home; and

WHEREAS Milwaukie women have played a unique role throughout the history of the city by providing most of the volunteer labor force of the city; and

WHEREAS Milwaukie women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our city; and

WHEREAS Milwaukie women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS Milwaukie women have courageously served our country in the national and state armed forces; and

WHEREAS Milwaukie women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the industrial labor movement, the civil rights movements, and especially the peace movement; and

WHEREAS despite these contributions, the role of women in Milwaukie, Oregon, and our national histories, has been overlooked and undervalued.

NOW, THEREFORE, I, Lisa M. Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, and with the full support and sponsorship of the Milwaukie Historical Society, do hereby proclaim **MARCH 2023** to be **WOMEN'S HISTORY MONTH** in Milwaukie and do recommend its observance with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 7th day of **MARCH 2023**.

Lisa M. Batey, Mayor

ATTEST:

Scott Stauffer, City Recorder

MILWAUKIE
WOMEN'S
HISTORY MONTH



SOUTHERN POLICE INSTITUTE
A Tradition of Excellence Since 1951

Southern Police Institute

Founded in 1951



University of Louisville - McCandless Hall

Southern Police Institute History

The original idea for establishing the Southern Police Institute came from Swedish economist Gunnar Myrdal's 1944 book, *An American Dilemma*, when he wrote:

"It is my conviction that one of the most potent strategic measures to improve the Southern interracial situation would be the opening of a pioneering modern police college in the south, which would give a thorough social and pedagogical training as well as a technical police training."

Southern Police Institute History

In 1949, David A. McCandless, who at the time was director of Public Safety with the City of Louisville, carried the idea through with a series of discussions with the University of Louisville and city officials until the proposal of forming the Southern Police Institute took root and was founded in 1951.

Courses were designed primarily for an audience of commanding, supervising, and administrative police officers from southern and bordering states and commonwealths.



SOUTHERN POLICE INSTITUTE
1ST ADMINISTRATIVE OFFICERS COURSE
January 3 - March 23, 1951

First Row (left to right): Associate Director, Roland L. Soule, Dorothy P. Cline, Secretary, Col. David A. McCasland, Director, Second Row: Maxwell Allen, Dir. of Security, Stewart, Louisville, Kentucky; Sgt. R.C. Arant, Oak Ridge, Tennessee; Sgt. James W. Bibb, Louisville, Kentucky; Lt. A.B. Carr, Rocky Mount, North Carolina; Lt. Thomas G. Cavender, LaGrange, Georgia; Lt. Paul H. Dolan, South Charleston, West Virginia; Cpl. David A. Payne, Kentucky State Police; Third Row: Sgt. Clarence Eberly, Jefferson County, Kentucky; Cpl. Brock H. Gessitt, Louisville, Kentucky; Lt. Charles C. Holton, Cincinnati, Kentucky; F. Middleton, Louisville State Police; Sgt. Joseph A. Modica, Lexington, Kentucky; Capt. Frank W. Quick, Jefferson County, Kentucky; Fourth Row: Flavil L. Royalty, Chief of Guards; Joseph E. Seagrams, Louisville, Kentucky; Patrolman Clarence F. Silbersen, Louisville, Kentucky; Lt. C.T. Summerfield, Plant Protection, International Harvester, Louisville, Kentucky; Lt. Ray Lewis Tompkins, Charleston, West Virginia; Patrolman O.L. Wilkerson, Raleigh, North Carolina; Capt. E.E. Williams, Chattanooga, Tennessee; Sgt. Jesse G. Workman, Charleston, West Virginia.

Administrative Officers Course

AOC has been offered continuously since 1951.

1st Administrative Officers Course

148th Administrative Officers Course



148th Administrative Officers Course
Southern Police Institute
University of Louisville
August 15 - November 11, 2022

148th Class Administrative Officers Course

38 Officers (Corporal through Commander)

21 States, 1 District:

Alaska, Arizona, Connecticut, Florida, Georgia,
Illinois, Indiana, Kentucky, Maryland, Minnesota,
Mississippi, Missouri, Nevada, Ohio, Oklahoma,
Oregon, Pennsylvania, South Carolina, Tennessee,
Virginia, Wisconsin, and the District of Columbia.

Administrative Officers Course

An advanced educational and training institute whose mission is to enhance the professional development of law enforcement practitioners.

Based on the belief that law enforcement is a demanding activity requiring the highest level of professional preparation.

The primary leadership program, AOC is designed to provide a comprehensive and challenging educational experience intended to enhance the professional and personal lives of the students.

Administrative Officers Course

The AOC is a twelve-week (480 hour) in-residence, accredited college-level educational program.

The curriculum is designed to develop informed, effective, ethically, and technically competent law enforcement managers who are capable of assuming positions of leadership in their respective agencies.

This comprehensive development program provides instruction in law enforcement issues, diagnostic problem-solving, and administrative law.

148th Class Administrative Officers Course

- Law Enforcement Administration
- Organizational Behavior In Law Enforcement
- Managing Organizational Performance
- Criminal Justice Leadership
- Trauma Informed Policing

148th Class Administrative Officers Course

- Research, Research, Research
- Reading
- Writing
- Presentations
- Trauma Informed Policing
 - Adverse Childhood Experiences (ACE's)
 - Trauma affecting memory
 - View crime as a public health issue -
Informing criminals of services, not just
incarceration



**QUESTIONS OR
COMMENTS?**





RS Agenda Item

4

Special Reports

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Jordan Imlah, Communications Program Manager, and
Dan Harris, Events and Emergency Management Coordinator

From: Jason Wachs, Community Engagement Coordinator

Subject: **2022 Volunteer of the Year Award Nominations**

Date Written: Feb. 21, 2023

ACTION REQUESTED

Council is asked to review nomination forms and select a winner to receive the 2022 award.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Staff opened the nomination process to the community on Nov 28, 2022. The nomination period closed on Feb. 15, 2023.

Thirteen community members were nominated for the award. Nominees are listed below in alphabetical order by last name. Staff provided Council with nomination forms on Feb. 16.

- Jamie Berry
- Charles Bird
- Roy W. Burge
- Pam Denham
- Terri Geier Brindell
- Greg Hemer
- Heather Hobson
- Stephanie Hollingshead
- Susanna Pai
- Virginia Pai
- Wilda Parks
- Elizabeth Start
- Samantha Swindler

Nominees could include anyone who resides in Milwaukie or members of a non-profit organization/business that serves the Milwaukie community. The winner is chosen according to the following criteria:

- Longevity of service to the community.
- Volunteer service during calendar year 2022 within the nominee's total volunteer efforts.
- Service within Milwaukie city limits.

The volunteer service for which the person(s) is nominated does not have to be specifically in a city volunteer capacity (i.e., board, commission, committee, neighborhood district association (NDA), etc.), however, some contribution to a city-related activity within the nominee's total effort is preferred.

The 2022 Volunteer of the Year is recognized during the 2023 volunteer appreciation picnic in July 2023 at North Clackamas Park. The winner is also featured in The Pilot newsletter and on the city's social media accounts.

BUDGET AND WORKLOAD IMPACTS

The 2023 volunteer appreciation picnic will cost approximately \$6,000. An existing wooden plaque is engraved with the winner's name and displayed in the lobby of city hall at a minimal cost. The other budgetary impact is primarily staff time to obtain nominations and organize the volunteer appreciation event.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

City manager's and city recorder's office staff reviewed award nominations for accuracy, completeness, and compliance with program requirements.

STAFF RECOMMENDATION

Staff recommends that Council select a recipient for the 2022 volunteer of the year award.

ALTERNATIVES

Council could decline to name a recipient for the 2022 volunteer of the year award.

ATTACHMENTS

1. Nomination forms provided under separate cover.

2022 Volunteer of the Year Award



Background

- Volunteer of the Year Award began in 2012
- **Past winners:**
 - Brandi and Tom Johnson - 2021
 - Hamid Shibata Bennett - 2020
 - Lisa & Stephan Lashbrook - 2019
 - Greg Hemer - 2018
 - Lisa Gunion-Rinker - 2017
 - Joel Bergman - 2016
 - David Aschenbrenner - 2015
 - Alicia Hamilton - 2014
 - Dion Shepard - 2013
 - Ed Zumwalt – 2012



2022 Nominations

- The nomination process for 2022 began on Nov. 28, 2022 and ended on Feb. 15, 2023
- Thirteen community members were nominated. Listed in alphabetical order by last name.
 1. Jamie Berry
 2. Charles Bird
 3. Roy W. Burge
 4. Pam Denham
 5. Terri Geier Brindell
 6. Greg Hemer
 7. Heather Hobson
 8. Stephanie Hollingshead
 9. Susanna Pai
 10. Virginia Pai
 11. Wilda Parks
 12. Elizabeth Start
 13. Samantha Swindler



Criteria for Choosing the Winner

- Anyone who resides in Milwaukie or members of a non-profit organization/business that serves the Milwaukie community
- Longevity of service to the community
- Some contribution of volunteer service in 2022 within the nominee's total volunteer efforts
- Service within the city limits of Milwaukie
- Some contribution to a city related activity within the total effort is preferred (i.e. board, commission, committee, NDA, etc.), but not required

Thanking and Honoring the Winner

- Recognized at the Annual Volunteer Appreciation Picnic in July
 - All members of boards, commissions, committees, and NDA officers are invited
- Press release distributed to local media
- Featured in the Pilot newsletter
- Social media posts
- Added to the Volunteer of the Year plaque in the City Hall lobby



Next Steps

- Questions/discussion about history or criteria
- Paper ballots distributed to choose winner
- Staff will return to the April 18 Council Meeting to officially announce the winner and thank them
- Winner will be featured in the May or June Pilot Newsletter
- 2022 Volunteer of the Year honored at Volunteer Appreciation Picnic on Thursday, July 13



2022	2022	2022	2022	2022
VOLUNTEER <i>of the</i> YEAR	VOLUNTEER <i>of the</i> YEAR	VOLUNTEER <i>of the</i> YEAR	VOLUNTEER <i>of the</i> YEAR	VOLUNTEER <i>of the</i> YEAR
Please vote for one volunteer to receive the 2022 Volunteer of the Year Award.				
<i>round 1</i>				
<input type="checkbox"/> Jamie Berry	<input type="checkbox"/> Jamie Berry	<input type="checkbox"/> Jamie Berry	<input type="checkbox"/> Jamie Berry	<input type="checkbox"/> Jamie Berry
<input type="checkbox"/> Charles Bird	<input type="checkbox"/> Charles Bird	<input type="checkbox"/> Charles Bird	<input type="checkbox"/> Charles Bird	<input type="checkbox"/> Charles Bird
<input type="checkbox"/> Roy W. Burge	<input type="checkbox"/> Roy W. Burge	<input type="checkbox"/> Roy W. Burge	<input type="checkbox"/> Roy W. Burge	<input type="checkbox"/> Roy W. Burge
<input type="checkbox"/> Pam Denham	<input type="checkbox"/> Pam Denham	<input type="checkbox"/> Pam Denham	<input type="checkbox"/> Pam Denham	<input type="checkbox"/> Pam Denham
<input checked="" type="checkbox"/> Terri Geier-Brindell	<input type="checkbox"/> Terri Geier-Brindell	<input type="checkbox"/> Terri Geier-Brindell	<input type="checkbox"/> Terri Geier-Brindell	<input type="checkbox"/> Terri Geier-Brindell
<input type="checkbox"/> Greg Hemer	<input type="checkbox"/> Greg Hemer	<input type="checkbox"/> Greg Hemer	<input type="checkbox"/> Greg Hemer	<input type="checkbox"/> Greg Hemer
<input type="checkbox"/> Heather Hobson	<input type="checkbox"/> Heather Hobson	<input type="checkbox"/> Heather Hobson	<input type="checkbox"/> Heather Hobson	<input type="checkbox"/> Heather Hobson
<input type="checkbox"/> Stephanie Hollingshead	<input type="checkbox"/> Stephanie Hollingshead	<input type="checkbox"/> Stephanie Hollingshead	<input type="checkbox"/> Stephanie Hollingshead	<input type="checkbox"/> Stephanie Hollingshead
<input type="checkbox"/> Susanna Pai	<input type="checkbox"/> Susanna Pai	<input type="checkbox"/> Susanna Pai	<input type="checkbox"/> Susanna Pai	<input type="checkbox"/> Susanna Pai
<input type="checkbox"/> Virginia Pai	<input type="checkbox"/> Virginia Pai	<input type="checkbox"/> Virginia Pai	<input type="checkbox"/> Virginia Pai	<input type="checkbox"/> Virginia Pai
<input type="checkbox"/> Wilda Parks	<input type="checkbox"/> Wilda Parks	<input type="checkbox"/> Wilda Parks	<input type="checkbox"/> Wilda Parks	<input type="checkbox"/> Wilda Parks
<input type="checkbox"/> Elizabeth Start	<input type="checkbox"/> Elizabeth Start	<input checked="" type="checkbox"/> Elizabeth Start	<input checked="" type="checkbox"/> Elizabeth Start	<input type="checkbox"/> Elizabeth Start
<input type="checkbox"/> Samantha Swindler	<input checked="" type="checkbox"/> Samantha Swindler	<input type="checkbox"/> Samantha Swindler	<input type="checkbox"/> Samantha Swindler	<input checked="" type="checkbox"/> Samantha Swindler
 CITY OF MILWAUKIE	 CITY OF MILWAUKIE	 CITY OF MILWAUKIE	 CITY OF MILWAUKIE	 CITY OF MILWAUKIE

2022

VOLUNTEER
of the
YEAR

Please vote for one volunteer to receive
the 2022 Volunteer of the Year Award.

- ☐ Jamie Berry *round 2*
- ☐ Charles Bird
- ☐ Roy W. Burge
- ☐ Pam Denham
- ☐ Terri Geier-Brindell
- ☐ Greg Hemer
- ☐ Heather Hobson
- ☐ Stephanie Hollingshead
- ☐ Susanna Pai
- ☐ Virginia Pai
- ☐ Wilda Parks
- ☐ Elizabeth Start
- ☒ Samantha Swindler



CITY OF MILWAUKIE

2022

VOLUNTEER
of the
YEAR

Please vote for one volunteer to receive
the 2022 Volunteer of the Year Award.

- ☐ Jamie Berry *round 2*
- ☐ Charles Bird
- ☐ Roy W. Burge
- ☐ Pam Denham
- ☐ Terri Geier-Brindell
- ☐ Greg Hemer
- ☐ Heather Hobson
- ☐ Stephanie Hollingshead
- ☐ Susanna Pai
- ☐ Virginia Pai
- ☐ Wilda Parks
- ☐ Elizabeth Start
- ☒ Samantha Swindler



CITY OF MILWAUKIE

2022

VOLUNTEER
of the
YEAR

Please vote for one volunteer to receive
the 2022 Volunteer of the Year Award.

- ☐ Jamie Berry *round 2*
- ☐ Charles Bird
- ☐ Roy W. Burge
- ☐ Pam Denham
- ☐ Terri Geier-Brindell
- ☐ Greg Hemer
- ☐ Heather Hobson
- ☐ Stephanie Hollingshead
- ☐ Susanna Pai
- ☐ Virginia Pai
- ☐ Wilda Parks
- ☒ Elizabeth Start
- ☐ Samantha Swindler



CITY OF MILWAUKIE

2022

VOLUNTEER
of the
YEAR

Please vote for one volunteer to receive
the 2022 Volunteer of the Year Award.

- ☐ Jamie Berry *round 2*
- ☐ Charles Bird
- ☐ Roy W. Burge
- ☐ Pam Denham
- ☐ Terri Geier-Brindell
- ☐ Greg Hemer
- ☐ Heather Hobson
- ☐ Stephanie Hollingshead
- ☐ Susanna Pai
- ☐ Virginia Pai
- ☐ Wilda Parks
- ☒ Elizabeth Start
- ☐ Samantha Swindler



CITY OF MILWAUKIE

2022

VOLUNTEER
of the
YEAR

Please vote for one volunteer to receive
the 2022 Volunteer of the Year Award.

- ☐ Jamie Berry *round 2*
- ☐ Charles Bird
- ☐ Roy W. Burge
- ☐ Pam Denham
- ☐ Terri Geier-Brindell
- ☐ Greg Hemer
- ☐ Heather Hobson
- ☐ Stephanie Hollingshead
- ☐ Susanna Pai
- ☐ Virginia Pai
- ☐ Wilda Parks
- ☒ Elizabeth Start
- ☐ Samantha Swindler



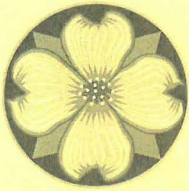
CITY OF MILWAUKIE



RS Agenda Item

5

Community Comments



**CITY OF MILWAUKIE
CITY COUNCIL**

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

Speaker Card

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

Name: (Lee) Ley Garnett
Organization: _____

Address: 4928 SE Llewellyn St
Phone: 503-575-2492
Email: leygarnett@comcast.net

Meeting Date: 3/7/23

Topic: parking lot on Main near

Agenda Item You Wish to Speak to:

- ☒ #5 Community Comments
- ☐ #7 Other Business, Topic:
- ☐ #8 Public Hearing, Topic:

You are Speaking...

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

Post Office

Comments:

RS 5. 3/7/23 Speaker Exhibits





CAUTION
CUSTOMER'S PARKING
SPACES ARE RESERVED
FOR THE USE OF THE
CUSTOMER'S VEHICLE
ONLY. NO OTHER VEHICLES
OR TRUCKS ARE TO BE
PARKED IN THESE SPACES.

WARNING
NO PARKING
EXCEPT AS NOTED
ON THIS SIGN

UNAUTHORIZED
CARS & TRUCKS
WILL BE
TOWED AWAY
AT OWNERS
EXPENSE







RS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

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

MINUTES

FEBRUARY 7, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, and Rebecca Stavenjord, Council President
Desi Nicodemus, and Mayor Lisa Batey

Staff Present:	Justin Gericke, City Attorney	Peter Passarelli, Public Works Director
	Nicole Madigan, Deputy City Recorder	Scott Stauffer, City Recorder
	Ann Ober, City Manager	Luke Strait, Police Chief
	Tim Salyers, Code Compliance Coordinator	

Mayor Batey called the meeting to order at 4:04 p.m.

1. Fireworks Ban – Discussion

Salyers reminded Council of the Nov. 15, 2022, work session where Clackamas Fire District 1 (CFD1) has presented fireworks ban information. **Salyers** stated what the new ordinance would prohibit, and which fireworks were already prohibited as well as the current fine for using illegal fireworks. **Salyers** provided some citation issuing history for the use of illegal display fireworks within the city as well as when Council enacted an emergency ban on all fireworks in June of 2021. **Salyers** listed which cities have firework bans in place and what type of bans they have opted for. **Mayor Batey** and **Salyers** discussed the ban in Grants Pass, Oregon.

Salyers stated there would not be any foreseen financial and workload impacts and touched on the environmental impacts approving the ban.

Mayor Batey, **Salyers**, and **Gericke** discussed the permitting process for public fireworks displays and whether citation fines for the proposed ban should be adjusted.

Councilor Khosroabadi asked about the effectiveness in compliance with a limited ban versus a complete ban and **Chief Strait** responded with the Milwaukie Police Department's (MPD) hope in generating voluntary compliance and the department's staffing ability to enforce.

Council President Nicodemus shared a pros and cons list for enacting a firework ban. **Mayor Batey** added a pro and pointed out that cities in Washington had added bans.

The group discussed the citation issuing process including confiscation.

Councilor Stavenjord asked if any contact had been made with fireworks vendors, and **Salyers** replied that contact had been made and shared a conversation that was had with a vendor outside of the city limits. **Mayor Batey** made note of the timing of enacting a ban now to get ahead of vendor's investments. **Councilor Stavenjord** commented on the possibility of confusion in certain areas of the city based on the patchwork of city boundaries and **Salyers** acknowledged confusion that had arisen due to city boundaries.

Councilor Massey and **Mayor Batey** discussed the fire department's presentation regarding risks and, commented on past emergency bans and **Councilor Massey** expressed a general observation that simplicity would be preferred for community participation and enforcement.

The group discussed what more would be needed to decide whether to move forward with a ban, and different citing scenarios. Council decided to place the topic of a ban on the February 21 regular session as a public hearing.

2. Adjourn

Mayor Batey announced that after the work session Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Batey adjourned the meeting at 4:55 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

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

MINUTES

FEBRUARY 7, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, and Rebecca Stavenjord, Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Joseph Briglio, Community Development Director
Justin Gericke, City Attorney
Peter Passarelli, Public Works Director
Ann Ober, City Manager

Natalie Rogers, Climate & Natural Resources Manager
Scott Stauffer, City Recorder
Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:01 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including the annual board and committee recruitment process, the volunteer of the year award nomination process, a work party at Minthorn Springs, and a city manager open door session. **Councilor Stavenjord** noted the start of the Portland Winter Light Festival that included sites in Clackamas County.

3. PROCLAMATIONS AND AWARDS

A. Celebrating Black Excellence Month – Proclamation

Council President Nicodemus remarked on the importance of Black history and recognizing Black excellence. **Mayor Batey** proclaimed February 2023 to be Black Excellence Month in Milwaukie.

4. SPECIAL REPORTS

A. Safe Routes to Schools (SRTS) Update – Report

Nick d’Alonzo and **Philip Stose**, Milwaukie residents, reported on the community effort to seek Oregon Department of Transportation (ODOT) grant funding to support pedestrian and bicycle safety projects around Seth Lewelling Elementary School and in the Lewelling neighborhood. They noted the anticipated role of the city to accept the funds and manage the construction of the project if funds are awarded by the state.

Mayor Batey thanked the neighborhood for their work and noted the timing of such projects aligned with the upcoming Transportation System Plan (TSP) update. The group remarked on how the Lewelling SRTS project had started and Council thanked the neighborhood for their work.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures and **Ober** reported there was no follow-up from the January 17 comments. No audience member wished to address Council.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. January 3, 2023, Work Session, and
2. January 3, 2023, Regular Session.

B. Resolution 6-2023: A resolution of the City Council of the City of Milwaukie, Oregon, making appointments to the Transportation System Plan Advisory Committee (TSPAC).

C. Resolution 7-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a memorandum of understanding between the city and Dave's Killer Bread for the provision of \$110,000 to fund the installation of electric vehicle chargers at city facilities.

D. Resolution 8-2023: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, establishing the guaranteed maximum price for the new city hall improvements.

E. Approval of an Oregon Liquor License Commission (OLLC) application for Oak Union Brewing, 1887 SE Milport Road, Unit 310 – wholesale outlet.

Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

7. BUSINESS ITEMS

A. Electric Vehicle (EV) Strategy and City EV Infrastructure – Discussion

Rogers and **Passarelli** provided an overview of the city's electrification strategy, Climate Action Plan (CAP) greenhouse gas (GHG) goals, climate legislation advocacy work, and approach to encouraging the construction of EV infrastructure and charging stations. The group noted cost and installation differences between the three EV station levels.

Rogers and **Passarelli** discussed the electrification of the city's vehicle fleet, and Portland General Electric's (PGE's) work to install public EV charging stations. The group noted the issue with gas vehicles intentionally parked at EV charging stations and how EV charging station owners can address the problem.

Rogers and **Passarelli** noted incentives offered by PGE to encourage residents and businesses to install and use EV stations. They explained that the city had received funding from Dave's Killer Bread to install additional EV charging stations as part of an Oregon Department of Environmental Quality (DEQ) incident mitigation agreement. The group commented on how the Dave's Killer Bread funding had been linked to the city's EV project and where the charging stations would be located.

The group commented on the revenue the city could see from charging stations and where future charging stations could and should be built.

B. Preliminary Housing Production Strategy (HPS) – Discussion

Weigel introduced the HPS and introduced **Beth Goodman**, housing consultant with ECONorthwest. **Goodman** provided an overview of the HPS, where the city was in the overall HPS project, reviewed the state requirements for the HPS, and reviewed the project stakeholder outreach.

Goodman noted the city's existing affordable housing strategies, the criteria used to identify additional strategies, and presented and discussed actions called for in the HPS, including developing a land banking strategy. **Mayor Batey**, **Goodman**, and **Briglio** commented on the city's role in developing affordable housing land trust partnerships.

Goodman presented the proposed/recommended HPS action to reduce system development charges (SDCs) and **Ober** and **Briglio** noted how the city had adjusted SDCs for affordable housing projects to-date. **Mayor Batey** was skeptical about the proposal to change the SDC rate for housing priced at 80% of area median income (AMI). The group remarked on the impact of SDCs on affordable housing developments.

Goodman presented the proposed HPS action to adopt a multiple-unit property tax exemption (MUPTTE). The group discussed how a MUPTTE would be implemented and noted concerns about such tax exemptions from other taxing districts. The group noted the Milwaukie Municipal Code (MMC) already had exemptions for certain housing types to build additional floors based.

Goodman presented the proposed HPS action regarding high-density residential (HDR) zone changes. **Mayor Batey** remarked on recent HDR changes, how encouraging larger developments could lead to more small housing units and suggested that the city could revisit HDR zones through the neighborhood hubs project.

Goodman presented the proposed HPS action to permit different sized housing projects. The group noted that the city had considered taking such actions but had not adopted any affordable action housing code changes. They noted affordable housing funding and long-term administrative concerns about such changes.

Goodman presented the proposed HPS action to adopt inclusionary zoning (IZ). **Mayor Batey** and **Goodman** remarked on whether the state legislature would act on IZ in the 2023 session. The group commented on the impact of IZ on communities where it had been adopted and how IZ is tracked in other cities.

Goodman presented the proposed HPS action to develop services to prevent houselessness. **Ober** and **Briglio** noted the importance of partnering with the county to expand such housing services and the group remarked on the likelihood that the state may provide funding for cities to develop housing support services.

Goodman presented the proposed HPS actions to establish a revolving loan fund for homeownership assistance. The group noted there were community partners the city could work with to promote homeownership and the city could seek Community Development Block Grant (CDBG) funds to support such work.

Goodman presented the proposed HPS action to use urban renewal to support new housing infrastructure. **Ober** and **Mayor Batey** noted the Milwaukie Redevelopment Commission (MRC) had budgeted funds for such work.

Goodman presented the proposed HPS actions to continue to use the Construction Excise Tax (CET) fund to support housing work. The group commented on how(?) the CET is used.

Goodman discussed recommended future actions in the HPS, including initiating rental assistance programs, pre-approving and allowing accessory dwelling units (ADUs) and tiny homes, preserving manufactured homes, and relocation assistance. The group remarked on whether the city had already started a relocation assistance program.

The group discussed which HPS actions the city could pursue and how to best word the HPS recommendations to give the city the best chance at successfully achieving them.

Goodman asked for Council feedback on what had been included or left out of the HPS. **Mayor Batey** asked for more information about the MUPTE, and **Ober** noted that several recommendations would require follow-up from staff at future meetings.

Goodman reviewed next steps in the HPS process, and the group noted when the HPS may be scheduled for adoption by Council. **Briglio** commended Weigel's work on the HPS, and **Councilor Khosroabadi** observed that the HPS was an encouraging document that showed the work the city had been doing.

Mayor Batey noted an audience member wished to address Council regarding the HPS.

Camden McKone, Milwaukie resident, supported the HPS recommendations to increase density and give developers more options and incentives to build affordable housing.

8. PUBLIC HEARING

A. None Scheduled.

Mayor Batey recessed the meeting at 8:48 p.m. and reconvened at 8:58 p.m.

9. COUNCIL REPORTS

B. Council Communication Agreement and Committee Assignments – Discussion (moved up the agenda)

Mayor Batey introduced the agreement and Council had no comments and made no changes to the agreement. **Stauffer** noted the agreement would be placed on the February 21 regular session consent agenda for approval.

The group discussed and finalized Council's committee assignments. **Stauffer** noted the assignments matrix would be on the February 21 regular session consent agenda.

A. Legislative and Regional Issues – Discussion (moved down the agenda)

Stauffer reported on bills pending before the Oregon State Legislature that Council and staff were watching. The group discussed the bill tracking process that Council and staff would follow during the legislative session and noted the status of various bills.

The group discussed outfit color coordination for the 2023 Council photos and Council members' attendance at recent regional policy events and meetings.

10. ADJOURNMENT

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

Mayor Batey adjourned the meeting at 9:37 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Peter Passarelli, Public Works Director; and
Sasha Freeman, Administrative Specialist II

From: Adam Moore, Parks Development Coordinator

Subject: **Resolution Authorizing Application for Scott Park State Grant**

Date Written: Feb. 23, 2023

ACTION REQUESTED

Council is asked to adopt a resolution authorizing staff to submit an application to an Oregon Parks and Recreation Department Local Government Grant program for an additional \$250,000 for the construction of Scott Park.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Scott Park

[November 6, 1990:](#) Council adopted the Scott Park Master Plan, which has not been fully implemented.

[May 1, 2018:](#) Council repealed the Scott Park Master Plan after a public hearing. Repeal of the plan had been recommended by the Planning Commission after a separate public hearing.

Park Development Project

[September 14, 2021:](#) The park development project was presented by staff and discussed by Council during a study session.

[January 4, 2022:](#) An update on the status of the park development project was presented by staff and discussed by Council during a study session.

[January 18:](#) Council adopted a resolution authorizing a grant agreement with the State of Oregon Department of Administrative Services (DAS).

[February 1:](#) Council adopted a resolution authorizing a contract for park design and development services with GreenWorks, P.C.

[June 7:](#) An update on the status of the park development project was presented by staff and discussed by Council during a study session.

[September 20:](#) An update on the status of the park development project was presented by staff and discussed by Council during a study session.

[November 1:](#) An update on the status of the park development project was presented by staff and discussed by Council during a study session.

[December 6:](#) Council approved the concept plans for Scott Park, Bowman-Brae Park, and Balfour Park by resolution.

ANALYSIS

After an eight-month public engagement process, the new concept plan for Scott Park was unanimously approved by Council on December 6, 2022. The planning process followed a public involvement plan created with members of the City's Equity Steering Committee (ESC) and Parks and Recreation Board (PARB). Community feedback from the concept plan was solicited at multiple planning events, online surveys, and focus groups.

Since approval of the plan, staff have received initial playground designs based on the current project budget and additional cost estimates for construction of the park. To ensure that the play features at Scott Park meet the community's expectations and Council direction, and to ensure that the project budget accounts for expected rising costs due to inflation, staff would like to apply for an additional \$250,000 grant for the construction of Scott Park.

The Local Government Grant program from the Oregon Parks and Recreation Department provides funding for park amenities on a reimbursement basis. The grant program will require a minimum 40% match of grant funds, which will be covered by ARPA funding and a donation by the Ledding Library Foundation. The grant application is due April 1, and an announcement of award is expected in July 2023. A grant agreement is expected to be complete by November 2023, with funds being spent within two years of the grant agreement. Due to ARPA funding, construction of Scott Park needs to be completed by October 2024, well ahead of State of Oregon grant deadline.

Projected Timeline- Upcoming

Spring 2023

- Playground and play feature design.

Summer 2023

- Expected grant announcement.

Fall 2023

- Final design & permitting.
- Construction contract(s).

Winter 2023 – Fall 2024

- Construction.

Fall 2024

- Ribbon Cutting.

Winter 2024

- Grant reporting and close out.

CLIMATE IMPACTS

The park development project will help the city address climate change adaptation and mitigation goals at the neighborhood level. This project will add park amenities, vegetation, stormwater facilities, and permeable sidewalks to existing city parkland. These new park amenities have the potential to limit automotive trips as residents living in the Historic Milwaukie neighborhood will have developed parks within a walkable distance of their homes. Additional trees and plants will help meet the city's 40% tree cover goals, while small rain gardens will help with storm water detention. Any development project will have a carbon

footprint, though this project will strive to keep its carbon footprint small using natural, recycled, and/or locally sourced products wherever possible.

BUDGET IMPACTS

Staff will work on a budget amendment to account for any revenue and expenses in the fiscal year the grant is received. Award of the grant is expected to be announced in July 2023 with a grant agreement in November of 2023. This is a reimbursable grant, which requires at least a 40% match. This project is primarily paid for with ARPA funds received through the state, which makes up most of the match. A donation from the Ledding Library Foundation is also supporting the Scott Park construction.

WORKLOAD IMPACTS

Public works staff will be leading the effort to develop these three parks while coordinating with other city departments and outside agencies as required. A full-time parks development coordinator has been hired, who will act as project manager and oversee the project consulting team. Under the direction of the public works director, the parks development coordinator will collaborate with NCPRD staff where appropriate, and staff in the city manager's office and the planning and engineering departments. In addition to Council, other public boards, and commissions, such as the ESC, PARB, and the Planning Commission will all be engaged, particularly as park master plans are created and refined. NCPRD's District Advisory Committee (DAC) and the Clackamas County Board of County Commissioners, which acts as the NCPRD Board, will also be informed of the city's progress on the project, where appropriate. Staff will manage workloads and currently have the capacity to manage the work detailed in this report.

COORDINATION, CONCURRENCE, OR DISSENT

Development of new public recreation space will require close collaboration between departments within the city, related outside agencies, and the public. Continued partnership with NCPRD and Clackamas County will be sought to help ensure successful completion of this important project.

STAFF RECOMMENDATION

Approve the resolution authorizing staff to apply for the state grant for Scott Park.

ALTERNATIVES

Council could decide to:

1. Adopt the resolution authorizing the grant application,
2. Provide staff with additional direction ahead of application deadline, or
3. Do nothing.

ATTACHMENTS

1. Resolution
2. Scott Park Final Master Plan Concept



COUNCIL RESOLUTION No.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
AUTHORIZING AN APPLICATION FOR A STATE PARKS AND RECREATION GRANT FOR
THE SCOTT PARK PROJECT.**

WHEREAS the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program, and

WHEREAS the city desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements, and enhancements, and

WHEREAS the City Council has prioritized the development of Milwaukie's undeveloped parks, and

WHEREAS the city has conducted an extensive public involvement process with the community to develop the 2022 Concept Plan for Scott Park, and

WHEREAS the conceptual plans provide a clear vision for future improvements and amenities to the park site, and

WHEREAS the city has available sufficient local matching funds related to this grant application should the grant funds be awarded, and

WHEREAS the City of Milwaukie will ensure, through its park provider or itself, adequate funding for on-going operations and maintenance of this park and recreation facility should the grant funds be awarded.

Introduced and adopted by the City Council on **March 7, 2023**

This resolution is effective immediately.

ATTEST:

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

KEYNOTES

- ① PLAYGROUND
(EL CAMPO DE JUEGOS)
- ② POND PLATFORM
(PLATAFORMA DEL ESTANQUE)
- ③ STAGE
(ESCENARIO)
- ④ BENCH
(BANCA)
- ⑤ RIPARIAN
(RIBEREÑO)
- ⑥ NATIVE PLANTING
(PLANTA NATIVA)
- ⑦ LAWN
(CÉSPED)
- ⑧ ROCK STEPPERS
(ADOQUINES)
- ⑨ LOG
(LEÑO)
- ⑩ ACCESSIBLE PICNIC TABLE
(MESA DE PICNIC ACCESIBLE)
- ⑪ DRINKING FOUNTAIN
(FUENTE DE AGUA)
- ⑫ BIKE RACK
(PORTABICICLETAS)



December 2022/Diciembre 2022

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Ann Ober, City Manager

From: Joseph Briglio, Community Development Director

Subject: **Annual Renewal of Northwest Housing Alternatives Property Tax Exemption**

ACTION REQUESTED

Council is asked to adopt a resolution approving the renewal of the nonprofit low-income housing property tax exemption for Tax Year (TY) 2023-2024 for Northwest Housing Alternatives' (NHA) 28-unit affordable housing development at WALSH Commons, which serves families with incomes under 60% of the area median family (MFI) income.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[December 12, 2017](#): Staff from the city and NHA gave a presentation on the state's nonprofit low-income housing property tax exemption program, and NHA's request to be approved for the program for its 28-unit low-income housing development. Council was unanimous in support for providing a property tax exemption to NHA and directed staff to work with the North Clackamas School District (NCSD) to pursue the "local option" exempting NHA from all property taxes. When the combined rate of taxation of the city and the boards of other agencies agreeing to the exemption make up at least 51% of the total combined rate of taxation on the property, that property is eligible for the exemption. For NHA's property, the combined tax levy rate for the city and NCSD was approximately 60% of the total property tax rate.

[January 11, 2018](#); [January 25, 2018](#); and [February 8 2018](#): The NCSD Board held study sessions to discuss NHA's property tax exemption request. Council submitted a letter of support to the NCSD board prior to the January 25 meeting and the NCSD Board had several questions for NHA about their request, which NHA staff responded to on January 17 and February 5. The NCSD Board also brought up concerns raised by Clackamas Fire District #1 (CFD1), who had submitted a letter noting that while they were not opposed to NHA's request, there were concerns about the impact to their tax base if additional requests were approved for other properties in the future. Following the February 8 discussion, the NCSD Board adopted Resolution R17/18-66 (Attachment 1) approving NHA's property tax exemption at the same meeting.

[February 20, 2018](#); [February 5, 2019](#); [March 3, 2020](#); [March 2, 2021](#); [March 1, 2022](#): Council passed resolutions to grant NHA an exemption from property taxes under [Oregon Revised Statute \(ORS\) 307.540-548](#) for WALSH Commons.

ANALYSIS

[ORS 307.540-548](#) permits local jurisdictions to grant property tax exemptions to nonprofit low-income developments that serve residents with incomes at or below 60% MFI. NHA's exemption request was approved under the "local option" found in [ORS 307.543\(2\)](#), which provides an exemption from all local property taxes (including those imposed by school and special service

districts). Approval of the local option required that the NCSD board adopt a resolution approving the exemption, which occurred on February 8, 2018.

[ORS 307.545](#) requires NHA to submit an annual renewal request to the city by March 1 of the assessment year for which the exemption is requested. NHA is not required to seek annual approval from NCSD to extend the exemption. NHA has completed the required application form (Attachment 2) and staff has reviewed, determined the application meets all requirements of [ORS 307.545](#), and has prepared a resolution for approval of NHA's property tax exemption request (Attachment 3).

BUDGET IMPACTS

The estimated assessed value of NHA's 28-unit development is \$1.4 million. Approval of a nonprofit low-income property tax exemption would see the city forego property tax revenue of approximately \$6,600 in Fiscal Year (FY) 2023.

WORKLOAD IMPACTS

The community development department has adequate staffing to support this nonprofit low-income housing tax exemption renewal request.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

City staff and Council worked with NCSD and NHA in 2018 to adopt an NCSD resolution approving NHA's request.

STAFF RECOMMENDATION

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

ALTERNATIVES

Council can elect to deny the exemption request from NHA, which would result in approximately \$28,000 in total property tax liability for NHA in FY 2023.

ATTACHMENTS

1. NCSD Board Resolution Approving Exemption
2. NHA's 2023 Renewal Form for Nonprofit Low-Income Housing Property Tax Exemption
3. Resolution approving NHA's Nonprofit Low-Income Housing Property Tax Exemption

NORTH CLACKAMAS SCHOOL DISTRICT NO. 12

RESOLUTION R17/18-66

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

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

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

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

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

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

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

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

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

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

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

DATED this 8th day of February 2018.


School Board Chair


District Superintendent / Clerk

**COMMUNITY DEVELOPMENT**

6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7600

FAX: 503-774-8236

E-MAIL:

fadenrechtc@milwaukieoregon.gov

Low Income Housing Property Tax Exemption Certification Form

Please complete all sections by **February 28, 2023** by notarized, hard copy to the email contact listed above. Any applications received after this date will not be accepted or eligible for exemption.

Please choose one: ☐ Original Application ☒ Renewal Application

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

Section A: GENERAL INFORMATION

Applicant/Sponsor Name: Northwest Housing Alternatives		SSN/Tax ID: 93-0814473
Address: 2316 SE Willard St.	City/State: Milwaukie, OR	Zip: 97222
Project Contact: Ivy Cleveland	Phone: 503-654-1007	Fax:
E-mail: cleveland@nwhousing.org	Additional Contact (as needed): schroeder@nwhousing.org	
Property Owner (if other than Applicant/Sponsor)		
Entity Name:	Signatory Name & Title:	
Address:	City/State:	Zip:
Contact Person:	Phone:	Fax:
Email:	Additional Contact (as needed):	
<p>Briefly describe your organization's charitable purpose:</p> <p>Northwest Housing Alternatives, founded in 1982, is Oregon's leading and most successful nonprofit developer and owner of affordable housing. Prior to the redevelopment of our campus in 2018-2019, we operated our staff offices, transitional housing, and the Annie Ross House emergency shelter on this site for over 30 years. Now that redevelopment is complete, we have reopened Annie Ross House and the offices, and have opened Walsh Commons, which comprises 28 units of permanently affordable housing for low-and very-low income Oregonians.</p> <p>To date, the site has always received a tax exemption. This application is specifically regarding the 28 units of permanent affordable housing at Walsh Commons.</p>		

Section B: PROPERTY CONSIDERED FOR EXEMPTION

Property Tax Account #	Taxlot Account #	Address	Record Owner	Total Units	Total Low Income Units	Total SF	Total SF (Res.Use)	Total SF (Low Income Res. Use)*
00027580	11E36BC	06000 2316 SE	Northwest	28	28	48,084	29,851	29,851
		Willard St. Milwaukie	Housing			(Total	(Interior SF)	(Interior SF)
		OR 97222	Alternatives			housing footprint)		

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

Section C: ELIGIBLE PROPERTY CHECKLIST

1. Do you own the property in question?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
2. If you do not own the property, do you have a leasehold interest in the property? <ul style="list-style-type: none"> If yes, describe your interest and include a statement describing how you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants rather than the owner or corporation from whom you lease: 	<input type="checkbox"/> YES	<input type="checkbox"/> NO
3. If you lease the property identified in the application, please explain to what extent your lease agreement coincides with the timeframe of the qualifying tax year:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
4. If your organization is not the property owner, but has an ownership interest in the property, describe your interest in the property. NOTE: Your nonprofit organization must be responsible for day-to-day operations to be eligible for exemption in this program:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
5. Are you applying for an exemption for vacant land being held for the development of low-income housing for residents with incomes of less than 60% MFI? <ul style="list-style-type: none"> If yes, provide the below information for each piece of land being held: <ul style="list-style-type: none"> i. When did you originally purchase the land? The holding period may not exceed six years: ii. Describe in detail your plans for this property including the income levels served by the development, number of units and unit types, available amenities, and your estimated time frame for completion of this plan: 	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
6. Is all or a portion of the property being used for charitable purpose? <ul style="list-style-type: none"> If a portion, approximately what percentage of the property? 	<input checked="" type="checkbox"/> ALL	<input type="checkbox"/> PORTION
7. Will any property on the list be purchased prior to July 1, 2021? <ul style="list-style-type: none"> If yes, please list: 	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

Section D: DESCRIPTION OF PROJECT BENEFIT

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

- | | |
|--|---|
| 1. Reduce rents that your very low income residential tenants pay on the property?
If yes, by approximately how much? \$127/Unit/Month | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| 2. Provide greater services to your very low income residential tenants?
If yes, please explain: NHA Provides a robust resident services program to assist tenants in finding assistance and creating a sense of community | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| 3. Provide any other benefit to your very low income residential tenants?
If yes, please explain: | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

Section E: DELCARATIONS

Please read carefully and sign before a notary.

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

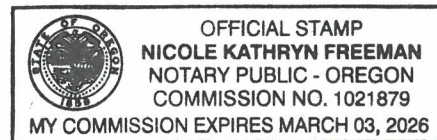
Northwest Housing Alternatives

For: Organization's Name

By: Organization's Chief Executive Officer (signature)

Ray Hackworth

Organization's Chief Executive Officer (print)



SUBSCRIBED AND SWORN before me this 14th day of FEBRUARY, 2023

Nicole Kathryn Freeman

Notary Public for Oregon (signature)

NICOLE KATHRYN FREEMAN

Notary Public for Oregon (print or type name)

My Commission Expires: MARCH 3, 2026

Internal Revenue Service
District Director

P O BOX 486
LOS ANGELES, CA 900530486

AUG 24 1988

Department of the Treasury

Date:

NORTHWEST HOUSING ALTERNATIVES INC
2316 SOUTH EAST WILLARD STREET
MILWAUKIE, OR 97222

Employer Identification Number:
93-0814473

Case Number:
958131104

Contact Person:
TERRY IZUMI

Contact Telephone Number:
(213) 894-4170

Our Letter Dated:
Dec.17, 1985
Caveat Applies:
no

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi). Your exempt status under section 501(c)(3) of the code is still in effect.

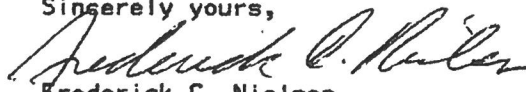
Grantors and contributors may rely on this determination until the Internal Revenue Service publishes a notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If the heading of this letter indicates that a caveat applies, the caveat below or on the enclosure is an integral part of this letter.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,


Frederick C. Nielsen
District Director

Letter 1050(CG)

RS26

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR A 28-UNIT LOW-INCOME HOUSING DEVELOPMENT OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.**

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

WHEREAS Oregon Revised Statute (ORS) 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by nonprofit corporations and occupied by low-income persons, and the city wishes to adopt the policy set forth in those sections, and

WHEREAS Northwest Housing Alternatives (NHA), a nonprofit organization, has constructed a 28-unit development, known as WALSH Commons, for households with incomes at or below 60% of the area median income for 60 years at 2316 SE Willard Street as part of its campus redevelopment, and

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

WHEREAS on February 8, 2018, the NCSD Board of Directors adopted Resolution R17/18-66 and the city adopted Resolution 12-2018, approving a property tax exemption for NHA's development, with an annual renewal until it is terminated, and

WHEREAS NHA has submitted an annual renewal certification request for property tax exemption that has been determined by the city to meet the requirements of ORS 307.545.

Now, Therefore, be it Resolved as follows:

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

Section 2: NHA qualifies for a property tax exemption for WALSH Commons, its 28-unit development at 2316 SE Willard St.

Section 3: The finance director is directed to request the Clackamas County Assessor to exempt the development from taxation by all taxing jurisdictions, commencing on the first day of the tax assessment year beginning July 1, 2023.

Section 4: This resolution is to remain in effect until terminated.

Section 5: This resolution is effective upon adoption.

Introduced and adopted by the City Council on **March 7, 2023**.

Lisa M. Batey, 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: Feb. 24, 2023

Reviewed: Jennifer Garbely, Assistant City Engineer

From: Brandon Boutros, Associate Engineer

Subject: **Wastewater System Improvements – Construction Contract Award (CIP2021-X39)**

ACTION REQUESTED

Council is asked to approve the attached resolution to execute a contract with McDonald Excavating, Inc., to construct the Wastewater System Improvements project.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The Wastewater System Improvements project is in the current 2023-2028 Capital Improvement Program (CIP) and the 2023-2024 Biennium Budget adopted by Council on June 7, 2022.

The wastewater improvements on Harrison Street and Home Avenue were not done during the Home Avenue and Wood Avenue Improvements project due to prohibitive subgrade conditions. The scope of the Wastewater System Improvements was expanded to include cure-in-place pipe (CIPP) lining of wastewater mainlines in Home Avenue and Harrison Street. Funds for the CIPP lining will come from the Home Avenue and Wood Avenue Improvements project.

The scope of the Wastewater System Improvements was also expanded to include wastewater connections to the Milwaukie Station Food Cart Pod. This addition was initiated by the Milwaukie Urban Renewal Plan adopted in 2016 and the 5-Year Action Plan (2023-2027) adopted in 2022. This was added to the Wastewater System Improvements project to save money by bundling projects for a bulk rate. Funds for the Milwaukie Station Food Cart Pod will come from the tenant improvement monies from the tax increment.

January 25, 2023: A request for bids for construction of the Wastewater System Improvements project was posted. The submittal deadline was February 16, 2023.

ANALYSIS

The Wastewater System Improvements project contains the following elements:

- Wastewater mainline pipe replacement on Kent Street,
- Wastewater mainline pipe replacement and a new manhole on Washington Street,
- Wastewater mainline pipe replacement, a new manhole, and a manhole removal on 37th Avenue,
- CIPP lining on Harrison Street,
- CIPP lining on Home Avenue, and
- Six dump stations connected to one grease interceptor connected to the mainline in 21st Avenue at the Milwaukie Station Food Cart Pod.

Staff completed a competitive bidding process under Chapter 40 of the city's Public Contracting Rules. Three bids were received by the solicitation deadline and are summarized below:

	CONTRACTOR	TOTAL BID AMOUNT
1	McDonald Excavating, Inc.	\$782,272.00
2	Pacific Excavation, Inc.	\$785,000.00
3	Tapani, Inc.	\$835,000.00
	Engineer's Estimate	\$915,000.00

McDonald Excavating, Inc. submitted the low bid of \$782,272.00. A total project authorization of \$883,000.00 is requested, which includes a \$100,728.00 contingency based on project risks, potential deviations in quantities, anticipated work, and to cover unforeseen circumstances.

BUDGET IMPACT

The overall project cost is within the approved 2023-2024 Biennium Budget with funds transferring from the Home Avenue and Wood Avenue Improvements project and plus funds from Milwaukie's urban renewal agency to cover the Milwaukie Food Cart Station.

Based on the McDonald Excavating, Inc. bid, the price breakdown is shown below:

	Bid	Contingency	TOTAL AMOUNT
37 th Avenue, Washington Street, & Kent Street	\$565,083.00	\$78,917.00	\$644,000.00
Home Avenue & Harrison Street	\$107,789.00	\$10,825.00	\$118,614.00
Milwaukie Station Food Cart Pod	\$109,400.00	\$10,986.00	\$120,386.00
Total	\$782,272.00	\$100,278.00	\$883,000.00

WORKLOAD IMPACT

None. The city's engineering team will oversee the construction process. Additional on-call construction management services are available if needed.

CLIMATE IMPACT

Construction activity has a significant impact on the environment due to emissions from transport of materials, heavy equipment uses, and the manufacturing of materials such as asphalt and concrete. This project intends to limit impacts by minimizing demolition and considering boring pipe instead of digging an open trench. When reconstructing the roadway base through full depth reclamation, the existing asphalt and base rock is recycled in place to create the new road base, eliminating the need to excavate and haul away the existing road, and import crushed rock for a new road. The new asphalt will be warm mix asphalt with a minimum 30% recycled content.

COORDINATION, CONCURRENCE, OR DISSENT

Managers from engineering, public works, planning, building, community development and finance reviewed and approved the project scope and budget.

STAFF RECOMMENDATION

Staff recommend that Council award the Wastewater System Improvements project contract to McDonald Excavating, Inc. with a project budget authorization of \$883,000.00.

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 CONSTRUCTION OF THE WASTEWATER SYSTEM IMPROVEMENTS (CIP2021-X39) TO MCDONALD EXCAVATING, INC.**

WHEREAS the city's fiscal year 2023-2028 Capital Improvement Plan (CIP) identified the Wastewater System Improvements and the Home Avenue & Wood Avenue Improvements as a priority to improve sanitary sewer infrastructure, and

WHEREAS resources to construct these improvements were identified within the city's 2023-2024 biennium budget, and

WHEREAS the Milwaukie Urban Renewal Plan adopted in 2016 and 5-Year Action Plan (2023-2027) adopted in 2022 specifies tenant improvements monies to help property owners in attracting businesses to locations that are costly to renovate and incentivize new retail and restaurant businesses to locate within the urban renewal area, and

WHEREAS the mobile food units at the Milwaukie Station Food Cart Pod require the installation of infrastructure for the sanitary removal of wastewater, and

WHEREAS the city's engineering department determined combining these improvements into one contract was in the city's best interest, and

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

WHEREAS McDonald Excavating, Inc. was the lowest responsive and responsible bidder.

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 McDonald Excavating, Inc. for construction of the Wastewater System Improvements project, to waive any irregularities, and the city engineer or assistant city engineer is authorized to administer the project in accordance with the project specifications with a project authorization of \$883,000.00.

Introduced and adopted by the City Council on **March 7, 2023**.

This resolution is effective immediately.

ATTEST:

Scott S. Stauffer, City Recorder

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Scott Stauffer, City Recorder

From: Dan Harris, Events & Emergency Management Coordinator

Subject: **Stranded Workers IGA Adoption**

Date Written: Feb. 13, 2023

ACTION REQUESTED

Council is asked to approve the attached resolution authorizing the city manager to sign the attached intergovernmental agreement (IGA) which clarifies the ways in which employees of this and other signatory jurisdictions may work in service to their home jurisdictions if a natural disaster or other large-scale emergency prevents them from being able to report to the jurisdiction where they are employed.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

2022: The city's events and emergency management coordinator met several times with representatives of the cosignatories to develop this agreement.

ANALYSIS

Although the city enjoys a mild climate, it is subject to periodic winter storms and is in an area likely to be significantly affected by the Cascadia Subduction Zone earthquake. These and other hazards are expected to disrupt transportation in the area. Many city employees live far enough from Milwaukie that they would not be able to reach the city in case of major disruption.

Because employees of surrounding jurisdictions live in Milwaukie and will be similarly unable to reach their places of employment under such emergency conditions, it is mutually beneficial for Milwaukie and neighboring jurisdictions to clarify and standardize the appropriate treatment of employees working on a temporary basis at jurisdictions hosting them closer to their homes.

BUDGET IMPACT

None. Staff members of all jurisdictions will continue to be paid normally by their employer for while working in service to another jurisdictions.

WORKLOAD IMPACT

Under normal circumstances, this agreement will not affect workload. In case of emergency, this agreement will provide additional support to Milwaukie employees who are able to report for work.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

This agreement has been reviewed by the city manager's office and the city attorney. It has also been reviewed by appropriate representatives from the cities of Lake Oswego, Happy Valley, Wilsonville, Molalla, Sandy, Rivergrove, Tualatin, Estacada, and Oregon City and is expected to be adopted by those cities.

STAFF RECOMMENDATION

Staff recommends the adoption of this agreement.

ATTACHMENTS

1. IGA
2. Resolution

**INTERGOVERNMENTAL AGREEMENT
FOR
THE LENDING OF PERSONNEL WITHIN CLACKAMAS COUNTY WHEN
PERSONNEL ARE UNABLE TO GET TO THEIR NORMAL REPORTING LOCATION**

This Intergovernmental Agreement (“Agreement”) is entered into, pursuant to Oregon Revised Statutes (ORS) 190.010 to 190.030 , by and among Clackamas County and those cities, and special districts within Clackamas County who have signed this Agreement (herein collectively known as “Parties”).

RECITALS

WHEREAS, the Pacific Northwest is prone to natural hazards such as earthquakes, floods, wind, snow, and ice storms; and

WHEREAS, those hazards, when they occur, may cause a loss of power and communications, significantly damage or affect transportation routes, and leave Party agency Personnel stranded and unable to report to their normal work locations; and

WHEREAS, the Parties have an interest in strengthening and coordinating disaster preparedness, response, and recovery capabilities and enhance its disaster resilience throughout Clackamas County; and

WHEREAS, the Parties’ Personnel (defined below), when stranded by hazard impacts, may be available to assist with emergency management activities in another agency EOC; and

WHEREAS, ORS 190.010 to 190.030 authorize units of local government in Oregon to enter into written agreements with any other unit or units of local government for the performance of any of all functions and activities that any of them has the authority to provide.

NOW, THEREFORE, the Parties agree as follows:

TERMS AND CONDITIONS

I. PURPOSE OF THIS AGREEMENT

The purpose of this Agreement is to authorize, facilitate and establish conditions and provisions for sharing Personnel amongst the Parties during emergencies when transportation routes are disrupted and Personnel are unable to report to their normal work locations. Other Personnel otherwise covered by a separate lending IGA or mutual aid agreement are excluded from this Agreement.

II. DEFINITIONS

- A. Borrower/Borrowing Agency means a Party agency that accepts Emergency Assistance in the form of Personnel from another Party agency, pursuant to the terms of this Agreement.
- B. Emergency includes, but is not limited to, a human-caused or natural event or other circumstance, such as an earthquake, flood, wind, snow, wildfire, or ice storm, which prevents Personnel from reporting to their normal work locations.
- C. Emergency Assistance means Personnel assistance offered during an Emergency and accepted by a Borrowing Agency to assist in the response, relief and/or recovery efforts.
- D. Emergency Operations Center (EOC) is the physical location at which the coordination of information and resources to support incident management (on-scene operations) activities normally takes place. In the context of this Agreement, an EOC includes support and coordination facilities such as emergency coordination centers (ECCs), department operations centers (DOCs), and fire operations centers (FOCs).
- E. Emergency Program Manager means the person appointed by a Party agency who is responsible for the organization, administration and operation of the emergency management agency within its jurisdiction.
- F. Personnel may be full-time, part-time, or other qualified employees from the Party agency.
- G. Lender/Lending Agency means a Party agency that provides Emergency Assistance in the form of Personnel to another Party agency, pursuant to the terms of this Agreement.
- H. National Incident Management System (NIMS) is a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work together seamlessly and manage incidents involving all threats and hazards – regardless of cause, size, location, or complexity – in order to reduce loss of life, property, and harm to the environment.

III. ADMINISTRATION

Clackamas County Disaster Management will serve as the administrator of this Agreement. The administrator will maintain copies of all signed Agreements and

organize meetings of the Party Emergency Program Managers to implement tasks related to the administration and implementation of this Agreement, as outlined in Section V.B.i.

IV. PARTICIPATION IN THIS AGREEMENT

- A. Participation in this Agreement is voluntary and no Party is obligated under this Agreement to act either as a Borrowing or Lending Agency. Each Party shall decide on a case-by-case basis, in its sole discretion, whether it can, under the circumstances, lend or borrow Personnel. No Party shall be liable to another Party, or be considered to be in breach or default under this Agreement, on account of any refusal to lend or borrow Personnel, or any delay in or failure to perform any discretionary duties in this Agreement, except to make payment as specified in this Agreement.
- B. The county and all cities, inter-local agencies, regional governments, and special districts within Clackamas County are eligible to be a Party to this Agreement.

V. ROLES OF PARTY EMERGENCY PROGRAM MANAGERS

- A. Each Party agrees that its Emergency Program Manager or designee will serve as its representative in any meeting to address administration and implementation of this Agreement.
- B. The Party agency Emergency Program Managers, or designees, together, shall:
 - i. Meet annually or as necessary to review and update this Agreement, develop and maintain procedures for Agreement implementation, and evaluate lessons learned from actual use of this Agreement.
 - ii. Develop planning details associated with being a Borrower or Lender under the terms of this Agreement.
 - iii. Develop and implement a means to maintain and disseminate accurate rosters of Party agency approved Personnel.
- C. Each Party agency Emergency Program Manager, or designee, shall:
 - i. Participate in any meetings convened to address administration and implementation of this Agreement.
 - ii. Develop and maintain procedures necessary to implement this Agreement, including but not limited to, communicating with approved Personnel the nature of this IGA.
 - iii. Develop, maintain, and publish a current roster of approved Personnel. Personnel listed on the roster must meet the definition in Part II.F of this Agreement. The list must be available to Party Emergency Program Managers, through an agreed-upon process.

- iv. Maintain a current master copy of this Agreement, and a copy of all implementing policies, procedures, and other documentation.
- v. Notify all Parties if their agency terminates its participation in this Agreement.

VI. PERSONNEL

- A. Personnel must meet at least the minimum qualification standards established by the Party agency and be willing to offer Emergency Assistance to another Party agency in order to participate in this program.
- B. Personnel are authorized to offer Emergency Assistance to other Party agencies (i.e., Borrowers) when requested to do so by a Borrowing Agency party when an Emergency prevents the Borrowing Agency's Personnel from reporting to their normal work locations. Personnel will make every effort to report to their normal work locations before offering assistance to another Party agency.
- C. When reporting to a Borrowing Agency's EOC or other designated site, Personnel must request an assignment from a person authorized to assign and supervise personnel in that EOC or ask to be directed to a person authorized to assign and supervise personnel in the Borrowing Agency's service area for field operations.
- D. The Borrowing Agency is not required to accept and assign reporting Personnel.
- E. Personnel acting under this Agreement are employees of the Lender who provided the Personnel, and shall remain subject to their respective employers' personnel and operations policies, and will make appropriate efforts to advise their employers of their situation either directly or through the Borrowing Agency.

VII. NO EMPLOYMENT RELATIONSHIP

- A. Personnel of the Lender shall, at all times while performing Emergency Assistance or acting under the authority of this Agreement, continue to be employees of the Lender and shall not be deemed to enter into any employment relationship with the Borrower for any purpose. Wages, hours, and other terms and conditions of employment of the Lender shall remain applicable to its Personnel who perform Emergency Assistance under this Agreement. Each Lender shall be solely responsible for payment of its employees' wages, any required payroll taxes and any benefits or other compensation. Each Lender who provides Personnel is and will remain solely responsible for all employment and human resource functions for the Personnel including, but not limited to, FMLA/OFLA administration, worker's compensation, paid sick leave, EEO complaints, and similar employment-related or human resource issues and concerns. A Borrower shall not be responsible for paying any wages, benefits, taxes, or other compensation for any Borrowed Personnel under this Agreement. The costs associated with borrowed

Personnel are subject to the reimbursement process outlined in Paragraph IX, Payment for Emergency Assistance. No business partnership or joint venture is established or contemplated between the Lender and Borrower Agencies in this Agreement. Borrower and Lender Agencies are merely Parties sharing authority and responsibilities pursuant to ORS 190.

- B. In no event shall a Lender or its officers, employees, agents, or representatives be authorized (or represent that they are authorized) to make any representation, enter into any agreement, waive any right, or incur any obligation in the name of, on behalf of or as agent for their respective employing agencies solely by virtue of this Agreement.
- C. Personnel responding under this Agreement shall remain under the administrative control of their respective employers (the Lender), but will be under the temporary supervisor and operational control of the Borrower. Pursuant to Section XII of this Agreement, the Lender shall not be liable for any damages, liabilities, or costs. Personnel may decline to perform any assigned task for any reason, including but not limited to if they judge such task to be unsafe or if they are not qualified to perform the assigned task. A Lender may recall its employees if they are needed to provide support or services within the Lender's jurisdiction. If the Borrower requests Lender's Personnel to supervise or direct activities while offering Emergency Assistance, such request shall not relieve the Borrower of any liability or responsibility under this Agreement and shall not create any Lender liability.
- D. In the event of any dispute between Personnel and the Borrower about the performance of services under this Agreement, Personnel shall be subject to the exclusive direction and control (including personnel actions and discipline) of the Lender.

VIII. DUTIES OF BORROWING AGENCY

- A. The Borrower is responsible for making arrangements, as necessary, to provide for the safety, housing, meals, and transportation to and from job/housing sites for loaned Personnel. The reasonable actual costs associated with such arrangements shall be borne by the Borrowing Agency.
- B. The Borrower is responsible for ensuring Personnel understand the scope of their assigned duties and for training them on the policies of the Borrowing Agency.
- C. Unless otherwise agreed to with the Lender, the Borrower shall release Personnel providing Emergency Assistance as soon as conditions allow the personnel to return to their normal work locations. The Borrower shall notify the Lender when the Lender's Personnel are released.
- D. If Personnel does not meet the needs or is otherwise not satisfactory to the Borrower, the Borrower shall be authorized to decline the assistance of the individual. The Borrower

shall provide a written explanation to the Lender upon request or no later than the conclusion of the Emergency.

IX. PAYMENT FOR EMERGENCY ASSISTANCE

The Parties agree to the following terms:

- A. The Lender shall invoice the Borrower for the total costs of providing loaned employees including salary or hourly wages, overtime, and benefits. In addition, the Lender may invoice the Borrower for overhead for all time beyond the first 12 hours. All costs shall be consistent with the Lender's personnel policies and/or collective bargaining agreements as applicable, or other conditions of employment. The Borrower and Lender may make other arrangements for payment if mutually agreed to.
- B. A Borrower shall pay a Lender for all reasonable and actual invoiced and itemized costs associated with Emergency Assistance provided by the Lender within sixty (60) days of receipt of the Lender's invoice. The Lender, in its sole discretion, may elect to extend the repayment deadline upon written request of the Borrower.

X. TERMINATION

Any Party may terminate its participation in this Agreement by written notice to the administrator of this agreement and the Emergency Program Managers of the other Parties. Notice of termination becomes effective upon receipt by the other Parties. Any Party terminating its participation remains liable for all obligations incurred during its period of participation, until the obligation is satisfied.

XI. RECORD KEEPING

- A. Time sheets and/or daily logs showing hours worked by Personnel responding under this Agreement will be recorded on a shift-by-shift basis and provided to the Borrower upon request. Under all circumstances, the Borrower remains responsible for ensuring that the amount and quality of all documentation is adequate to enable disaster reimbursement.
- B. All records generated or received by Lender's Personnel while assisting Borrower during an Emergency that relate to the Emergency are considered Borrower's records for public records retention purposes. Once Personnel are no longer assisting Borrower, Personnel will provide Borrower with any and all applicable public records in Personnel's possession to Borrower for retention.

XII. INDEMNIFICATION AND LIMITATION OF LIABILITY

- A. INDEMNIFICATION.** Except as provided in Paragraph B below, and at all times subject to the applicable tort claims limitations in the Oregon Constitution and the Oregon Tort Claims Act, the Borrower shall indemnify, hold harmless, and defend each Lender (including its officers, employees, volunteers, and agents) that provides Personnel to the Borrower from and against any and all third party claims, losses, harms, liability, damage, cost, or expense, including costs of defense, judgments, or awards of damages arising out of or based upon Borrower's acts or omissions in performing under this Agreement including, but not limited to, using Lender's Personnel.
- B. ACTIVITIES IN BAD FAITH OR BEYOND SCOPE.** Notwithstanding anything to the contrary in this Agreement, no Party shall be required under this Agreement to indemnify, hold harmless and defend any other Party or Personnel from any claim, loss, harm, liability, damage, cost, or expense caused by, related to, or resulting from the activities of any Party's officers, employees, or agents acting in bad faith, performing activities beyond the scope of their employment, or in the case of malfeasance in office or willful or wanton neglect of duty.
- C. LIABILITY FOR PARTICIPATION.** In the event of any third-party liability, claim, demand, action or proceeding, or whatever kind or nature, arising from the rendering of Emergency Assistance through this Agreement, the Borrower agrees to indemnify, hold harmless, and defend, to the fullest extent of the law, each signatory to this Agreement whose only involvement in the transaction or occurrence, which is the subject of such claim, action, demand or proceeding, is the execution and approval of this Agreement.

XIII. WORKERS' COMPENSATION AND EMPLOYEE CLAIMS

- A.** All Lender Personnel made available to a Borrower shall remain the general employees of the Lender while engaging in and carrying out duties, functions, or activities pursuant to this Agreement, and each Party shall remain fully responsible as the employer for all taxes, assessments, fees, premiums, wages, withholdings, worker's compensation, and other direct and indirect compensation, benefits, and related obligations with respect to its employees. Likewise, each Party shall provide worker's compensation in compliance with statutory requirements of the states of Oregon.

XIV. NON-EXCLUSIVENESS AND OTHER AGREEMENTS

- A.** This Agreement is not intended to be exclusive among the Parties. Any Party may enter into separate Emergency Assistance agreements with any other entity. No such separate agreement shall terminate any responsibility under this Agreement.
- B.** Other agreements for Emergency Assistance between any Parties are unaffected by this Agreement and remain in effect until separately terminated. When another agreement exists at the time a request for Emergency Assistance is made, the Borrower and Lender

should be clear about the agreement under which the request is being made and by which the assistance costs will be paid.

XV. NO PARTNERSHIP

This Agreement shall not be interpreted or construed to create an association, joint venture or partnership among the Parties or to impose any partnership obligation or liability upon any Party. Further, no Party shall be considered an agent of any other Party or otherwise have authority to bind any other Party.

XVI. NO THIRD PARTY BENEFICIARY

Nothing in this Agreement shall be construed to create any rights in or duties to any third party, nor any liability to or standard of care in reference to any third party. This Agreement shall not confer any right or remedy upon any person other than the Parties. This Agreement shall not release or discharge any obligation or liability of any third party to any Party.

XVII. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement, though other existing agreements of the Parties may take precedence over certain concepts outlined in this Agreement.

XVIII. SUCCESSORS AND ASSIGNS

This Agreement is not transferable or assignable, in whole or in part, and any Party may terminate its participation in this Agreement subject to Article X.

XIX. TORT CLAIMS

Notwithstanding anything to the contrary herein, this Agreement does not waive any tort claim protections or limitations provided under the Oregon Tort Claims Act or the Oregon Constitution or remove from any of the Parties any protection provided by applicable tort claims laws.

XX. WAIVER OF RIGHTS

Any waiver at any time by any Party of its rights with respect to a default under this Agreement, or with respect to any other matter arising in connection with this Agreement, shall not constitute or be deemed a waiver with respect to any subsequent default or other matter arising in connection with this Agreement. Any delay in asserting or enforcing any right, except those related to the statutes of limitations, shall not constitute or be deemed a waiver.

XXI. ADHERENCE TO LAW

Each Party shall comply with all federal, state, and local laws and ordinances applicable to this Agreement.

XXII. EXECUTION IN COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

**IGA FOR THE SHARING OF PERSONNEL WITHIN CLACKAMAS COUNTY WHEN
PERSONNEL ARE UNABLE TO GET TO THEIR NORMAL REPORTING LOCATION
SIGNATURE PAGE**

In Witness Whereof, the Public Entity _____ (Party) has caused this Agreement to be executed by its duly authorized representatives as of the date of their signatures below:

_____	_____	_____
Signature of Officer	Date	Officer's Title

_____	_____	_____
Signature of Counsel	Date	Counsel's Title

Name and title of primary Contact Representative: _____
Address: _____ _____
Phone: _____ Email: _____

Name and title of alternate Contact Representative: _____
Phone: _____ Email: _____

1. Mail the original signed **IGA Signature Page** (this page - actual hard copy page) to:
Clackamas County Disaster Management

Attn: Jamie Poole
1710 Red Soils Court, Suite 225, Oregon City, OR 97045
E-mail: jpoole@clackamas.us
Telephone: 503-655-8838

2. Retain a second original signed **IGA Signature Page** for your records.

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR THE LENDING OF PERSONNEL IN CLACKAMAS COUNTY WHEN PERSONNEL ARE UNABLE TO GET TO THEIR NORMAL REPORTING LOCATION DURING EN EMERGENCY.**

WHEREAS the Pacific Northwest is prone to natural hazards such as earthquakes, floods, wind, snow, and ice storms, and

WHEREAS those hazards, when they occur, may cause a loss of power and communications, significantly damage, or affect transportation routes, and leave employees from public agencies stranded and unable to report to their normal work locations, and

WHEREAS public agencies in Clackamas County have an interest in strengthening and coordinating disaster preparedness, response, and recovery capabilities and enhance its disaster resilience throughout Clackamas County, and

WHEREAS the City of Milwaukie recognizes employees may be stranded by hazard impacts but still may be available to assist with emergency management activities in another agency emergency operation center, and

WHEREAS the intergovernmental agreement attached as Exhibit 1 allows for and provides a process for public agencies in Clackamas County to share employees during an emergency, and

WHEREAS Oregon Revised Statutes (ORS) 190.010 to 190.030 authorize units of local government to enter into written agreements with any other unit or units of local government for the performance of any of all functions and activities that any of them has the authority to provide.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager is authorized to sign the intergovernmental agreement with the other cities in Clackamas County as identified in Attachment 1.

Introduced and adopted by the City Council on **March 7, 2023**.

This resolution is effective immediately.

Lisa M. Batey, 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

Reviewed: Ann Ober, City Manager

From: Joseph Briglio, Community Development Director

Subject: **Contract Authorization for Affordable Housing Fund (Construction Excise Tax Program) Recipients**

Date Written: Feb. 24, 2023

ACTION REQUESTED

Council is asked to authorize the city manager to execute funding agreements with the recipients of the Affordable Housing Fund (Construction Excise Tax (CET) program) in accordance with the request for proposal (RFP) requirements and general contract terms listed below.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[November 21, 2017](#): Council adopted Ordinance 2154 authorizing a CET.

ANALYSIS

The CET program was established by Council in 2017 and codified within Milwaukie Municipal Code (MMC) [Chapter 3.60](#) (Affordable Housing Construction Excise Tax). The CET levy is a one percent tax on development with \$100,000 or more in construction value. For example, a property owner who is building an addition that has an assessed construction value of \$100,000 would have to pay \$1,000 in CET to the city. As development continues throughout the city, the CET fund increases in proportionality.

The accumulated CET funds are deposited into several accounts depending on whether they originated from a residential or commercial/industrial project. Residential CET monies support first time homebuyer programs managed by the state and the construction of income-restricted affordable housing units (80% area median income and below). Commercial/industrial CET monies fund the construction of affordable workforce housing (120% of area median income (AMI) and below) and economic development-related activities and programs.

CET REQUEST FOR PROPOSALS

The city recently released its inaugural competitive bid process for CET funds through a formal RFP. Based in city ordinance, the RFP prioritized both workforce and affordable housing with a preference for the greatest number of income-restricted units for the longest duration. It further prioritized projects that offered deeply affordable (30% AMI) units designed to transition people out of houselessness, provide supportive services on-site, prevent displacement, involve community land trusts, offer first-time homebuyer education, serve historically underserved communities, and serve other high priority special needs populations as outlined in the Milwaukie Housing Affordability Strategy (MHAS). Lastly, since the city lacks the resources to manage income-restricted units and qualify tenants on an on-going basis, it was imperative that

each proposal guaranteed continuing income-verification administration and unit restriction management for at least a 30-year term.

CET RECIPIENTS

The city received two proposals that were assessed and scored by a selection committee. The two proposals included Hillside Park Phase I and Milwaukie Courtyard Housing Project. Hillside Park is a development partnership between RelatedNW (affordable housing developer), the Housing Authority of Clackamas County (supportive services and income restricted unit management), and Northwest Housing Alternatives (NHA) (additional supportive services management). As proposed, it would create 275 income restricted units for households earning between 30% to 60% AMI. Since this project includes federal dollars, the units are required to remain affordable for a period of 60-years and provide regular audits. This project is located at the current Housing Authority property on 32nd Avenue.

The Milwaukie Courtyard Housing Project is a workforce housing development that proposes 36 “for-sale” units with at least 18 restricted at 100% AMI and slated to be managed through Proud Ground’s community land trust model, which requires ongoing affordability requirements and management for 30-years. This project is unique in the affordable housing realm as it offers home ownership opportunities and wealth generation, rather than rental housing. This project is proposed over two sites – one located on Harvey Street and the other on 36th Avenue.

The selection committee scored the Hillside Park Phase I project highest, however, it also felt that the Milwaukie Courtyard Housing Project warranted some award amount due to its rare land trust model and the opportunity for home ownership. Therefore, Hillside Park Phase I was awarded \$1.7M (requested \$2M) and the Milwaukie Courtyard Housing Project was awarded \$300K (requested \$600K). The Notice of Intent to Award is attached (Attachment 1), as well as the selection committee scoring sheets.

GENERAL CONTRACT TERMS AND CONDITIONS

The Hillside Park Phase I recipient will be awarded \$1.7 million and conditioned to assure that all 275-units will be income-restricted below 80% AMI, with the majority dedicated for 30% to 60% AMI. Although the city will require at least a 30-year restriction term, the applicant has proposed a 60-year term.

The Milwaukie Courtyard Housing Project recipient will be awarded \$300,000 and conditioned to restrict at least half of the units (18 of the 36) for 100% AMI, which the city considers workforce affordable housing. The city will also require that the affordable units are restricted for no less than 30-years.

BUDGET IMPACT

There is currently \$2,000,000 in CET revenue dedicated to support the development of affordable housing. This amount is for the first round of CET programming. It will likely take a few more years to capture a significant amount of CET funds for affordable housing purposes.

WORKLOAD IMPACT

Community development staff will need to continue to work with recipients to ensure compliance of all conditions and requirements associated with the funding.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

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

STAFF RECOMMENDATION

Staff recommends that council approve the resolution authorizing the fund agreements.

ALTERNATIVES

Council could choose to not approve the resolution and subsequent authorization, which would have a detrimental impact on each of the recipient's income-restricted affordable housing developments.

ATTACHMENTS

1. Letter of Intent to Award
2. Resolution



CITY OF MILWAUKIE

December 21, 2022

RE: Affordable Housing Construction Grant (Construction Excise Tax Funds)

Dear Proposers,

Thank you for taking time to submit a proposal to the City of Milwaukie's solicitation for Affordable Housing Construction Grant monies (Construction Excise Tax Funds). The selection panel for this solicitation has completed its evaluation process. It is the city's intent to award the Hillside Park Phase I project with \$1,700,000 and the Milwaukie Courtyard Housing Project with \$300,000 worth of grant funds. The city will begin developing draft grant award agreements over the coming weeks.

The following page addresses those who responded to the solicitation and identifies the aggregate score awarded to each proposer by the selection panel.

If you have any questions regarding this notice of intent to award, please contact me at 503.786.7616 or briglio@milwaukieoregon.gov.

Sincerely,

Joseph Briglio
Community Development Director
City of Milwaukie

2022 CET Evaluation Score Sheet

	Aggregate	Aggregate Evaluators Project Score	
	Total Possible Points	Hillside Park	Middle Housing
Project Concept & Design	21	21	21
Bonus points	9	9	6
Site Feasibility	21	21	20
Bonus points	9	9	6
Income-qualified Population & Services	21	21	20
Bonus points	9	9	5
Cost Benefit	21	21	17
Bonus points	9	6	1
Financial Feasibility	21	21	17
Bonus points	9	3	3
Organizational Experience & Performance	21	21	17
Bonus points	9	8	2
Total	180	170	135

*Proposal Requirements can be found under "Proposal Requirements" section of the RFP on pages 5-7

Scoring Guide

7	Exceptional - An exceptional proposal (a score of "7") will reflect all acceptable and most exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met and shows significant innovation or benefit. No elements of the proposal need improvement.
6	Very Good - A very good proposal (a score of "6") will reflect all acceptable and some exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met and shows some innovation or benefit. No elements of the proposal need improvement.
5	Good - A good proposal (a score of "5") will reflect all acceptable and either some exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met or shows some innovation or benefit. No elements of the proposal need improvement.
4	Acceptable - An acceptable proposal (a score of "4") will reflect all acceptable standards set forth in the criteria outlined in the evaluation worksheet have been met. No elements of the proposal need improvement.
3	Needs Improvement - A score of "3" means the proposal does not meet the standards set forth in the criteria outlined in the evaluation worksheet but could be modified to meet the standards.
2	Needs Significant Improvement - A score of "2" means the proposal does not meet the standards set forth in the criteria in the evaluation worksheet , and would need to be significantly modified to meet those standards.
1	Unacceptable - A score of "1" means the proposal does not meet standards set forth in the criteria outlined in the evaluation worksheet and cannot be readily modified to meet the standards.

Bonus Points

1-3	1, 2, or 3 Bonus points may be awarded in each category if the proposal meets a number of preferred criteria or meets any criteria in an especially innovative way or to a significant extent.
-----	--

2022 CET Evaluation Score Sheet	Total Possible Points	Evaluator # 1 Project Score	
		Hillside Park	Middle Housing
Project Concept & Design	7	7	7
Bonus points	3	3	2
Site Feasibility	7	7	7
Bonus points	3	3	3
Income-qualified Population & Services	7	7	7
Bonus points	3	3	1
Cost Benefit	7	7	4
Bonus points	3	3	
Financial Feasibility	7	7	4
Bonus points	3	2	
Organizational Experience & Performance	7	7	6
Bonus points	3	2	
Total	60	58	41

*Proposal Requirements can be found under "Proposal Requirements" section of the RFP on page

Scoring Guide	
7	Exceptional - An exceptional proposal (a score of "7") will reflect all acceptable and most exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met and shows significant innovation or benefit. No elements of the proposal need improvement.
6	Very Good - A very good proposal (a score of "6") will reflect all acceptable and some exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met and shows some innovation or benefit. No elements of the proposal need improvement.
5	Good - A good proposal (a score of "5") will reflect all acceptable and either some exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met or shows some innovation or benefit. No elements of the proposal need improvement.
4	Acceptable - An acceptable proposal (a score of "4") will reflect all acceptable standards set forth in the criteria outlined in the evaluation worksheet have been met. No elements of the proposal need improvement.
3	Needs Improvement - A score of "3" means the proposal does not meet the standards set forth in the criteria outlined in the evaluation worksheet but could be modified to meet the standards.
2	Needs Significant Improvement - A score of "2" means the proposal does not meet the standards set forth in the criteria in the evaluation worksheet , and would need to be significantly modified to meet those standards.
1	Unacceptable - A score of "1" means the proposal does not meet standards set forth in the criteria outlined in the evaluation worksheet and cannot be readily modified to meet the standards.

Bonus Points

1-3	1, 2, or 3 Bonus points may be awarded in each category if the proposal meets a number of preferred criteria or meets any criteria in an especially innovative way or to a significant extent.
-----	--

2022 CET Evaluation Score Sheet	Total Possible Points	Evaluator # 2 Project Score	
		Hillside Park	Middle Housing
Project Concept & Design	7	7	7
Bonus points	3	3	1
Site Feasibility	7	7	7
Bonus points	3	3	3
Income-qualified Population & Services	7	7	6
Bonus points	3	3	1
Cost Benefit	7	7	6
Bonus points	3	3	1
Financial Feasibility	7	7	7
Bonus points	3	1	3
Organizational Experience & Performance	7	7	6
Bonus points	3	3	2
Total	60	58	50

*Proposal Requirements can be found under "Proposal Requirements" section of the RFP on page:

Scoring Guide

7	Exceptional - An exceptional proposal (a score of "7") will reflect all acceptable and most exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met and shows significant innovation or benefit. No elements of the proposal need improvement.
6	Very Good - A very good proposal (a score of "6") will reflect all acceptable and some exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met and shows some innovation or benefit. No elements of the proposal need improvement.
5	Good - A good proposal (a score of "5") will reflect all acceptable and either some exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met or shows some innovation or benefit. No elements of the proposal need improvement.
4	Acceptable - An acceptable proposal (a score of "4") will reflect all acceptable standards set forth in the criteria outlined in the evaluation worksheet have been met. No elements of the proposal need improvement.
3	Needs Improvement - A score of "3" means the proposal does not meet the standards set forth in the criteria outlined in the evaluation worksheet but could be modified to meet the standards.
2	Needs Significant Improvement - A score of "2" means the proposal does not meet the standards set forth in the criteria in the evaluation worksheet , and would need to be significantly modified to meet those standards.
1	Unacceptable - A score of "1" means the proposal does not meet standards set forth in the criteria outlined in the evaluation worksheet and cannot be readily modified to meet the standards.

Bonus Points

1-3	1, 2, or 3 Bonus points may be awarded in each category if the proposal meets a number of preferred criteria or meets any criteria in an especially innovative way or to a significant extent.
-----	--

2022 CET Evaluation Score Sheet	Evaluator # 3 Project Score		
	Total Possible Points	Hillside Park	Middle Housing
Project Concept & Design	7	7	7
Bonus points	3	3	3
Site Feasibility	7	7	6
Bonus points	3	3	
Income-qualified Population & Services	7	7	7
Bonus points	3	3	3
Cost Benefit	7	7	7
Bonus points	3		
Financial Feasibility	7	7	6
Bonus points	3		
Organizational Experience & Performance	7	7	5
Bonus points	3	3	
Total	60	54	44

*Proposal Requirements can be found under "Proposal Requirements" section of the RFP or

Scoring Guide

7	Exceptional - An exceptional proposal (a score of "7") will reflect all acceptable and most exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met and shows significant innovation or benefit. No elements of the proposal need improvement.
6	Very Good - A very good proposal (a score of "6") will reflect all acceptable and some exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met and shows some innovation or benefit. No elements of the proposal need improvement.
5	Good - A good proposal (a score of "5") will reflect all acceptable and either some exceptional standards set forth in the criteria outlined in the evaluation worksheet have been met or shows some innovation or benefit. No elements of the proposal need improvement.
4	Acceptable - An acceptable proposal (a score of "4") will reflect all acceptable standards set forth in the criteria outlined in the evaluation worksheet have been met. No elements of the proposal need improvement.
3	Needs Improvement - A score of "3" means the proposal does not meet the standards set forth in the criteria outlined in the evaluation worksheet but could be modified to meet the standards.
2	Needs Significant Improvement - A score of "2" means the proposal does not meet the standards set forth in the criteria in the evaluation worksheet , and would need to be significantly modified to meet those standards.
1	Unacceptable - A score of "1" means the proposal does not meet standards set forth in the criteria outlined in the evaluation worksheet and cannot be readily modified to meet the standards.

Bonus Points

1-3	1, 2, or 3 Bonus points may be awarded in each category if the proposal meets a number of preferred criteria or meets any criteria in an especially innovative way or to a significant extent.
-----	--



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE RECIPIENTS OF CONSTRUCTION EXCISE TAX (CET) PROGRAM FUNDING.

WHEREAS the City Council adopted Ordinance 2154 authorizing the city to implement a Construction Excise Tax (CET) for the purposes of supporting affordable housing; and

WHEREAS Milwaukie Municipal Code (MMC) Chapter 3.06 provides the authority to levy the CET and outlines the dedication of its revenues; and

WHEREAS on January 11, 2023, Governor Tina Kotek issued Executive Order No. 23-02 declaring a state of emergency due to houselessness; and

WHEREAS the city has conducted a competitive request for proposals process to solicit affordable housing projects interested in receiving CET funding; and

WHEREAS the CET selection committee scored the Hillside Park Phase I the highest and nominated it for an award of \$1.7 million; and

WHEREAS the CET selection committee scored the Milwaukie Courtyard Housing Project the second highest and nominated it for an award of \$300,000; and

WHEREAS both projects provide a mix of critical income-restricted housing for at least 30-years.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager, or their designee, is authorized to execute agreements with the applicants of the Hillside Park Phase I Project for the award of \$1.7 million and the Milwaukie Courtyard Housing Project for the award of \$300,000 for the purposes of supporting the development and creation of long-term affordable housing within the city.

Introduced and adopted by the City Council on **March 7, 2023**.

This resolution is effective immediately.

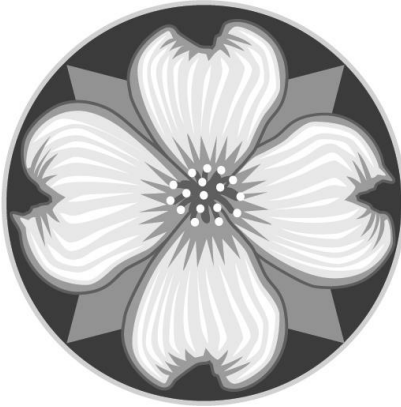
Lisa M. Batey, Mayor

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: Feb. 16, 2023

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

From: Ryan Dyar, Assistant Planner

Subject: **Climate Friendly Equitable Communities (CFEC) Parking Reform**

ACTION REQUESTED

Council is asked to provide feedback on the package of code amendments proposed to comply with recent changes to state administrative rules related to how jurisdictions regulate off-street parking.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[February 14, 2023](#): Planning Commission recommended that Council approve the code amendments and Findings in Support of Approval without modification for ZA-2022-005.

[January 10, 2023](#): Staff updated the Commission on the code amendment process and discussed the decision to delay updating the city's requirements for bicycle parking. Staff also presented the updated code language for large parking lots.

[November 8, 2022](#): Staff updated the Commission on the code amendment process and asked for direction on updating the city's requirements for bicycle parking.

[September 13, 2022](#): Staff provided the Commission with an overview of the new administrative rules and reported on the direction provided by Council at their August 16 meeting. The Commission concurred with the majority Council response and expressed a desire to eliminate parking mandates citywide in response to the new rules.

[August 16, 2022](#): Staff provided Council with an overview of the new administrative rules and asked for direction on implementing the new rules related to parking. Most of the Council expressed a desire to eliminate parking mandates citywide considering the requirements in OAR 660-012-0440, Parking Reform Near Transit Corridors.

[August 18, 2020](#): Council adopted the Milwaukie Comprehensive Plan, which includes several policies aimed at reducing greenhouse gas (GHG) emissions.

[October 2, 2018](#): Council adopted the Climate Action Plan (CAP) to achieve carbon neutrality by reducing GHG emissions and offsetting or capturing as much carbon as the Milwaukie community emits.

ANALYSIS

Recap of CFEC and Parking Regulation Requirements

On March 10, 2020, Governor Kate Brown issued Executive Order 20-04, directing state agencies to reduce climate pollution. In response, the Land Conservation and Development Commission (LCDC) initiated the Climate Friendly Equitable Communities (CFEC) rulemaking process which amended Oregon Administrative Rules (OAR) Chapter 660, Division 8, Division 12, and Division 44. The new rules, adopted in May 2022, apply in Oregon's eight urban areas with populations over 50,000 people, including the Portland Metro region, and broadly aim to promote more environmentally friendly modes of transportation. The proposed amendments in ZA-2022-005 specifically relate to compliance with the provisions in OAR Chapter 660, Division 12, Rules 400-450, which govern how local governments regulate off-street vehicle parking. The rules stipulate that jurisdictions must amend their land use regulations to comply with the new parking requirements before June 30, 2023.

Summary of Parking Rule Requirements

Under the parking rules, there are two basic approaches Milwaukie can follow. Those approaches are listed in Table 1. Upon reviewing the requirements, staff concluded that because of the prohibition on mandating vehicle parking near frequent transit under OAR 660-012-0440, Milwaukie would only be able to apply mandates in roughly 20% of the city if choosing Option B (see Figure 1). On August 16, 2022, Council directed staff to draft code amendments to pursue Option A to remove minimum parking mandates citywide.

It should be noted that the frequent transit provisions under OAR 660-012-0440 and rules removing mandates for certain housing types and childcare centers under OAR 660-012-0430 went into effect on Jan 1, 2023. Consequently, the city currently cannot mandate off-street parking for approximately 80% of the city for any land use and cannot require off-street parking for certain housing types citywide. Additionally, through its [Forward Together Plan](#), TriMet is proposing to increase the frequency of [Bus Route 71](#) to run every fifteen minutes and has proposed rerouting the line from SE King Road and SE Bell Avenue to SE Linwood Avenue and SE Harmony Road. This change is expected to take effect in September of 2023, subject to TriMet's ability to hire enough operators. The proposed increased service along SE Linwood Avenue and SE Harmony Avenue would subject the remaining 20% of the city to the provisions in OAR 660-012-0440, thereby removing the city's ability to mandate off-street parking citywide.

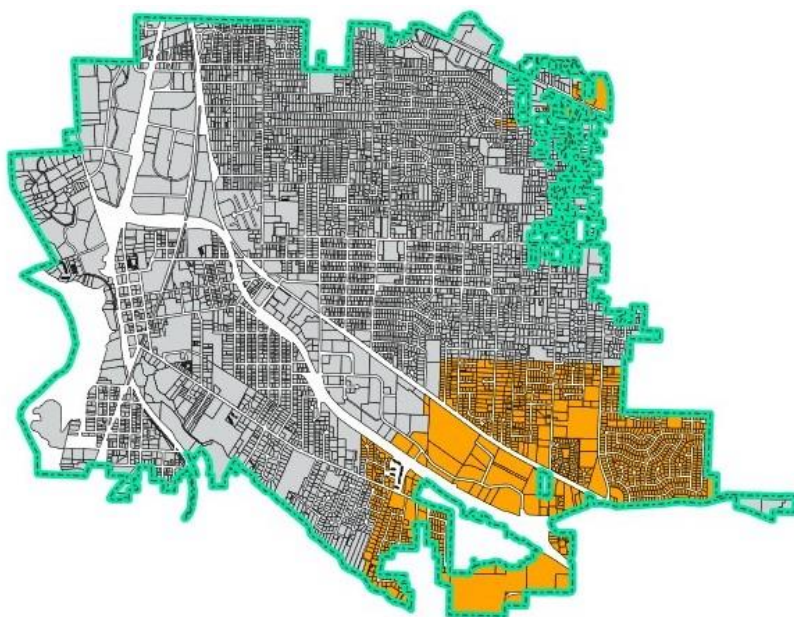


Figure 1. Properties in orange are where parking mandates could currently apply under OAR 660-012-0440. However, TriMet is proposing to increase bus service along SE Linwood and SE Harmony in September 2023, which would have the effect of removing the city's ability to mandate off-street parking citywide.

Table 1: Parking Reform Options		
		Outcome
Option A	Remove parking mandates citywide. And adopt: <ul style="list-style-type: none"> - 0405: Adopt parking regulation improvements. New standards for large parking lots. - 0410: EV conduit. Adopted through land use file ZA-2022-006. - 0415: Parking Maximums. Does not apply to Milwaukie. 	Milwaukie removes parking mandates and adopts new development standards for large parking lots found in OAR 660-012-0405.
Option B	Retain some parking mandates. And adopt requirements found in: <ul style="list-style-type: none"> - 0425: Reducing the burden of existing mandates - 0430: Types of development without mandates and a maximum multifamily mandate of one space/unit. - 0435: Region 2040 center reform. - 0440: Parking reform near priority transit corridors. - 0445: Fair policies <u>or</u> reduced regulation. - 0450: More populous: price a percentage of on-street spaces. Does not apply to Milwaukie. 	Milwaukie continues to mandate parking in a small portion (20%) of the city and must comply with rules limiting where, when, and how parking mandates apply.

Proposed Amendments

Staff has reviewed the administrative rules and consulted with DLCD staff to develop the proposed amendments which are summarized below.

Eliminate Parking Minimums and OAR 660-012-0405 Compliance

Attachments 1b and 1c contain a draft of the code amendments that would remove minimum parking quantity requirements and references to required parking from the zoning code. The proposed amendments also implement the provisions of [OAR 660-012-0405](#), which collectively aim to promote parking efficiency and mitigate the negative impacts of automobile parking

infrastructure. Specifically, the rule requires that development codes ensure carpool/vanpool spaces have prioritized placement in new developments, that they encourage shared parking, and that they require that builders account for the drawbacks of large newly constructed surface parking lots (those over ¼ acre in size) by providing shade trees or by investing in green energy.

With regards to carpool/vanpool and shared parking requirements, staff believes the Milwaukie Municipal Code (MMC) already complies with the new rules. To satisfy the new requirements for large surface parking lots, staff drafted amendments with the Milwaukie Urban Forester that leverage the recently adopted standards and processes for residential tree canopy in Title 16 of the MMC (see Subsection 19.606.4 in Attachments 1b and 1c). In addition, the proposed amendments include requirements for large surface parking lots to provide pedestrian facilities along parking lot driveways, at the intersections of driveways and drive aisles, and adjacent to primary building façades. The MMC historically has required new parking areas to provide walkways; the difference between those requirements and what is proposed in Attachments 1b and 1c relates to specific design requirements in the OAR. For example, pedestrian crossings must be raised or constructed of distinctive materials, and walkways must be constructed with a zero-foot setback along the longest façade of a building. The longest façade of a newly constructed building must also include a primary building entrance.

Council should note that the administrative rules—in conjunction with a [guidance document](#) provided by DLCD—are relatively prescriptive; there is little room for municipal discretion in implementing these requirements. However, there is one notable difference between the administrative rules and the proposal in Attachments 1b and 1c. The rules allow builders to mitigate the negative impacts of large surface parking areas by installing on-site solar. If a solar installation is not desirable or possible—and the builder cannot or does not want to satisfy the requirement by providing a tree canopy to cover 50% of the lot—they can satisfy the requirement under the OAR by paying a fee-in-lieu of solar development into a city or state fund for equitable solar or wind energy development. Staff excluded the fee-in-lieu option from the proposed code amendments because there is currently no city or state fund set up to accept the fee-in-lieu payment.¹

Bicycle Parking Quantity and Development Requirements

The draft amendments also include proposed changes to the city's bicycle parking requirements (see MMC 19.609 in Attachments 1b and 1c). The primary justification for updating MMC 19.609 is that the existing bicycle parking quantity requirements in MMC 19.609 for new and redeveloping commercial, industrial, and community service uses are derived from the minimum number of required automobile parking spaces. With the elimination of minimum automobile parking requirements, the city needs a new approach to ensure that an adequate quantity of bicycle parking spaces is provided.

After reviewing professional literature and requirements in other jurisdictions, staff recommends temporarily adding a table to MMC 19.609.2 that mirrors the bicycle parking quantity requirements in the existing code. Council should note that the calculations have been modified to facilitate a more direct calculation; rather than having applicants calculate the

¹ Staff have consulted with DLCD about the Oregon Department of Energy (DOE) fund referenced in the OAR. As of mid-December, it was unclear if DOE could accept funds.

minimum number of required vehicle parking spaces and then take 10% of that number, the standards have been reduced to 10% of the original requirement.

Staff recognize that the existing bicycle parking quantity and design standards in MMC 19.609 should be reviewed and updated; however, unlike other changes that are being recommended because of this rulemaking, the city has more discretion and an extended timeframe to update bicycle parking standards. Staff intends to spend more time working through the details to ensure that the city adopts bicycle parking quantity and development standards that are appropriate for the needs and goals of Milwaukie.

Updating Language

The proposed amendments also include minor non-CFEC-related changes to establish consistent language within the MMC, including changing the title Planning Director to Planning Manager and changing the term single family dwelling to single detached dwelling.

BUDGET IMPACT

There are no impacts on the city budget to implement the parking reforms beyond staff time.

WORKLOAD IMPACT

Code amendments enacting parking reform will not have a significant impact on staff if the city decides to remove all parking mandates. If off-street parking mandates are removed citywide, in certain instances when parking is not provided, staff will save time in the land-use and building permitting review process because they will not have to confirm compliance with the regulations in MMC 19.600. If the city continues to mandate parking, the more complicated nature of the requirements will require additional time. Staff may need to reprioritize upcoming projects, shifting less time-sensitive work to a later date.

CLIMATE IMPACT

The CFEC process was initiated to reduce GHG emissions and help communities—especially those most harmed by climate change and prior planning policies—become more resilient in response to a warming planet.

Roughly 38% of Oregon’s GHG pollution comes from the transportation sector. Analysis in the [Oregon Statewide Transportation Strategy Monitoring Report \(2018\)](#) shows that in order to meet the state’s pollution reduction targets, Oregon needs cleaner fuels, improved vehicle efficiency, and a reduction in vehicle miles traveled. The amended rules aim to curtail transportation-related GHG pollution by requiring local governments to prioritize transportation infrastructure and land-use regulations that increase the viability of other modes and by shortening the distance residents must travel to access goods and services.

COORDINATION, CONCURRENCE, OR DISSENT

The DLCD reviewed the proposed amendments and confirmed that they comply with the new administrative rules. Metro was also provided notice of the proposed changes but did not provide comment.

STAFF RECOMMENDATION

Staff requests feedback from Council in anticipation of the scheduled public hearing on April 4, 2023.

ATTACHMENTS

1. Ordinance
 - a. Recommended Findings in Support of Approval
 - b. Draft code amendment language (underline/strikeout)
 - c. Draft code amendment language (clean)

**COUNCIL ORDINANCE No.****DRAFT ORDINANCE**

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) TITLE 19 ZONING AND TITLE 16 ENVIRONMENT FOR THE PURPOSE OF ADDRESSING OFF-STREET PARKING REQUIREMENTS CITYWIDE AS REQUIRED UNDER THE STATE TRANSPORTATION PLANNING RULE (FILE #ZA-2022-005).

WHEREAS it is the intent of the City of Milwaukie to reduce greenhouse gas (GHG) emissions, remove regulations that contribute to the overbuilding of off-street parking, create a safe and pleasant pedestrian environment, mitigate the negative impacts of large surface parking lots; and

WHEREAS the proposed code amendments implement several of the goals and policies of the city's Comprehensive Plan related to housing and comply with Oregon Administrative Rule (OAR) 660-012-0400 – 0450; and

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

WHEREAS on February 14, 2023, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; and

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

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

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

Section 2. Amendments. The Milwaukie Municipal Code (MMC) is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments will become effective 30 Days from the date of adoption.

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

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

Signed by the Mayor on _____.

ATTEST:

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

**Recommended Findings in Support of Approval
File #ZA-2022-005
Climate Friendly and Equitable Communities Parking Code Amendments**

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

1. The applicant, the City of Milwaukie, proposes to make code amendments to Titles 16 and 19 to remove minimum required off-street parking requirements citywide and adopt development standards for newly constructed large parking lots. These changes are proposed pursuant to the Climate Friendly Equitable Communities (CFEC) rulemaking process which amended Oregon Administrative Rules (OAR), Chapter 660, Division 12. The land use application file number is ZA-2022-005.
2. The proposed amendments relate to OARs 660-012-0400 – OAR 660-012-0450 which were adopted by the Oregon Land Conservation and Development Commission in 2022. The rules were developed through the CFEC rulemaking process, which was initiated in response to Governor Brown's Executive Order 20-04. For any city or county subject to the requirements, the updated rules require those jurisdictions to either remove minimum off-street vehicle parking mandates citywide or adopt more complex regulations that allow for some minimum off-street quantity requirements but disallow jurisdictions from applying those mandates to various land uses (affordable housing) and in certain places (near frequent transit). The new rules also require jurisdictions to adopt regulations that mitigate the impacts of newly constructed surface parking lots that are one-quarter acre in size or larger.
3. Amendments are proposed in several titles of the municipal code, as follows:
Municipal Code - Title 19 Zoning Ordinance
 - Chapter 19.200 DEFINITIONS AND MEASUREMENTS
 - Section 19.201 Definitions
 - Chapter 19.300 BASE ZONES
 - Section 19.303 Commercial Mixed-Use Zones
 - Section 19.304 Downtown Zones
 - Section 19.310 Business Industrial Zone
 - Chapter 19.500 SUPPLEMENTAL DEVELOPMENT REGULATIONS
 - Section 19.505 Building Design Standards
 - Chapter 19.600 OFF-STREET PARKING AND LOADING
 - Section 19.601 Purpose
 - Section 19.602 Application
 - Section 19.603 Review Process and Submission Requirements
 - Section 19.604 General Parking Standards
 - Section 19.605 Vehicle Parking Quantity Requirements
 - Section 19.606 Parking Area Design and Landscaping
 - Section 19.607 Off-Street Parking Standards for Residential Areas
 - Section 19.608 Loading

- Section 19.609 Bicycle Parking
- Section 19.610 Carpool and Vanpool Parking
- Section 19.611 Parking Structures
- Chapter 19.900 LAND USE APPLICATIONS
 - Section 19.901 Introduction
 - Section 19.905 Conditional Uses
 - Section 19.910 Residential Dwellings

Municipal Code - Title 16 Environment

- CHAPTER 16.32 TREE CODE
 - Section 16.32.42 Tree Preservation and Planting in Residential Zones
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Chapter 19.1000 Review Procedures
 5. Sections of the MMC not addressed in these findings are found to be not applicable to the decision on this land use application.
 6. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on February 14, 2023, and April 4, 2023, as required by law.
 7. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
 - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Manager, or any individual.

The amendments were initiated by the Planning Manager on December 29, 2022.
 - b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:
 - (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Multiple opportunities for public comment and review have been provided. The draft amendments have been posted on the City's website since January 13, 2023. Planning staff notified all NDA chairs and Land Use Committee members about the proposed code amendments via email on January 17, 2023. The Planning Commission held a work session on January 10, 2023, to discuss the proposed amendments and a public hearing on February 14, 2023.
 - (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's February 14, 2023, hearing was posted as required on January 13, 2023. A notice of the City Council's April 4, 2023, hearing was posted as required on March 2, 2023.

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

The proposed amendments will apply to all properties in the city. Planning Manager has determined that the proposal affects a large geographic area.

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

Notice of the proposed amendments was sent to DLCD on January 10, 2023.

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on January 10, 2023.

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

The proposed amendments will apply to all properties in the city. The Planning Manager has determined that the proposal affects a large geographic area.

- (7) Subsections 19.1008.4 and 19.1008.5 establish the review authority and process for the review of a Type V application.

The Planning Commission held a duly advertised public hearing on February 14, 2023 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on April 4, 2023 and approved the amendments.

8. MMC 19.902 Amendments to Maps and Ordinances

MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.

- a. MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on February 14, 2023 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on April 4, 2023 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (1) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.902.5.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments remove minimum parking quantity requirements from MMC Section 19.605 for automobiles, remove references to required parking throughout the MMC, and add requirements for newly constructed surface parking lots that are a quarter acre in size or larger. These changes are required by changes to the Oregon Administrative Rules. The proposed amendments also add a table to 19.609 to ensure that bicycle parking is provided, which is necessary because bicycle parking requirements were previously tied to the minimum number of required automobile parking spaces. No changes to the amount of required bicycle parking are proposed at this time. Finally, non-substantive amendments are proposed to ensure language consistency throughout the MMC. The amendments coordinate and are consistent with other provisions of the MMC.

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

The following goals and policies of the Comprehensive Plan support the amendments to remove minimum off-street vehicle parking quantity requirements citywide and to adopt development standards that mitigate the negative impacts of large surface parking lots.

SECTION 6: Climate Change & Energy Goals and Policies

Promote energy efficiency and mitigate the anticipated impacts of climate change in Milwaukie through the use of efficient land use patterns, multimodal transportation options, wise infrastructure investments, and increased community outreach and education as outlined in the City's Climate Action Plan.

GOAL 6.1 - BUILT ENVIRONMENT

Create a built environment that prioritizes energy efficiency and climate resiliency and seamlessly integrates the natural environment.

POLICY 6.1.4 Develop standards and guidelines that contribute to a 40% citywide tree canopy.

POLICY 6.1.5 Create a more energy efficient land use pattern that includes, but is not limited to, infill and cluster development, neighborhood hubs and increased density.

POLICY 6.1.6 Encourage the creation of compact, walkable neighborhoods and neighborhood hubs throughout the City that provide a mix of uses and help reduce transportation emissions and energy usage.

SECTION 7: HOUSING GOALS AND POLICIES

Provide safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability within dwellings and neighborhoods that are entirely equitable, delightfully livable, and completely sustainable.

GOAL 7.3 Sustainability

Promote environmentally and socially sustainable practices associated with housing development and construction.

POLICY 7.3.8 Allow for a reduction in required off-street parking for new development within close proximity to light rail stations and frequent bus service corridors.

SECTION 8: URBAN DESIGN & LAND USE GOALS & POLICIES

Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

GOAL 8.2 – Livability

Enhance livability by establishing urban design concepts and standards that help improve the form and function of the built environment.

POLICY 8.2.2 Parking design policies:

A. Establish parking standards that contribute to higher levels of active transportation and increased use of transportation demand management programs to achieve community design patterns that are more sustainable.

B. As technology, development patterns, and transportation options evolve, plan for the potential conversion of parking spaces within the public right-of-way and encourage the redevelopment or conversion of existing private and public parking lots to other uses.

F. Maintain lighting, walkway, and other design standards that contribute to improved public safety.

I. Require canopy trees and swales in parking lots to reduce stormwater runoff and better manage urban temperatures.

J. Prioritize pedestrian and bicycle safety over parking convenience to minimize conflicts between modes.

The proposed amendments implement OAR 660-012-0400 – OAR 660-012-0450, which relate to how local jurisdictions regulate off-street automobile parking. The amendments to the Transportation Planning Rule are intended to reduce

greenhouse gas emissions by curbing reliance on personal automobiles, mitigating the negative impacts of large surface parking lots, and promoting a safe and attractive pedestrian-oriented urban environment. These goals are consistent with the above goals and policies of Milwaukie's Comprehensive Plan.

- (c) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

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

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

Oregon Statewide Planning Goal 12: Transportation

Oregon's Statewide Planning Goal 12 is implemented through the Transportation Planning Rule, Chapter 660 Division 12 of the Oregon Administrative Rules (OAR). The amendments in this application are being proposed to comply with the changes made to the Transportation Planning Rule through the Climate Friendly Equitable Communities rulemaking process. Specifically, these amendments are being proposed to comply with OAR 660-012-0400 – OAR 660-012-0450.

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

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

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

Underline/Strikeout Amendments

Title 16 Environment

Chapter 16.32 Tree Code

16.32.042 TREE PRESERVATION AND PLANTING IN RESIDENTIAL ZONES

A. Applicability

~~The tree preservation and planting standards in this subsection apply to the following types of development in residential zones:~~

- ~~1. Land divisions.~~
- ~~2. Construction of a new residential dwelling unit that results in an increase of building footprint.~~
- ~~3. Construction of a new residential dwelling unit that does not result in an increase of building footprint. For applications meeting this criteria, only Subsections 16.32.042.F, 16.32.042.H and 16.32.042.J will apply.~~

1. Chapter 16.32.042 applies to the following types of development in residential zones:

- a. Land divisions.
- b. Construction of a new residential dwelling unit that results in an increase of building footprint.
- c. Construction of a new residential dwelling unit that does not result in an increase of building footprint. For applications meeting this criteria, only Subsections 16.32.042.F, 16.32.042.H and 16.32.042.J will apply.

2. The following sections apply in any zone whenever MMC 19.606.4 is applicable, and the applicant seeks to comply with 19.606.4.C.3 by establishing a tree canopy.

- a. 16.32.042.F Protection Standards
- b. 16.32.042.G Soil Volume Standards
- c. 16.32.042.H Submittal Requirements

F. Tree Protection Standards

Trees to be retained must be protected from development impacts according to the standards in this subsection to be eligible for tree preservation and tree canopy credit. For applications meeting criteria as outlined in Subsections 16.32.042.A.1.a and 16.32.042.A.1.b ~~16.32.042.A.1 and 16.32.042.A.2~~, a tree protection plan prepared by an ISA certified arborist that demonstrates adequate protection of the trees to be preserved as approved by the Urban Forester is required. Tree protection methods and specifications must be consistent with ISA best management practices using either the following prescriptive path or performance path tree protection methods:

H. Submittal Requirements

For applications for construction of a new residential dwelling unit that does not result in an expansion of building footprint (Subsection 16.32.042.A.1.c ~~16.32.042.A.3~~), applicants must

demonstrate compliance with the applicable provisions of Subsection 16.32.042.F by submitting a report including elements outlined in Subsection 16.32.042.H.2. For applications for land subdivision (Subsection 16.32.042.A.1.a ~~16.32.042.A.1~~) or construction of a new residential dwelling unit that results in an expansion of the building footprint (Subsection 16.32.042.A.1.b ~~16.32.042.A.2~~) an ISA certified arborist that is also tree risk assessment qualified (TRAQ) must demonstrate compliance with the applicable provisions of Subsections 16.32.042.B through 16.32.042.G. Other professionals such as engineers, landscape architects, soil scientists, and surveyors may assist the project arborist as needed in preparing the required information, but the arborist must organize, review, and approve the final product. The minimum submittal requirements include an inventory of existing trees, tree preservation plan, tree canopy plan, and arborist report with the following elements:

1. Tree Inventory Requirements

- a. Survey the locations of all trees at least 6-inch DBH, all trees at least 2-inch DBH that are listed on the Oregon Noxious Weed List or Milwaukie Invasive Tree List, and trees less than 6-inch DBH as specified on the City of Milwaukie Rare or Threatened Tree List. Trees that must be surveyed include those that are on site, within abutting public rights-of-way, and on abutting sites with root protection zones that extend into the site. The locations and information for trees on abutting sites may be estimated.
- b. Number each tree for identification at the site and on the plans.
- c. Identify the common name and scientific name of each tree.
- d. Measure the DBH of each tree in inches according to accepted ISA standards.
- e. Measure the approximate average crown radius of each tree in feet.
- f. Provide the crown area of each tree using the formula: $(\text{crown radius})^2 \times \pi$.
- g. Assess the health condition of each tree using the following categories:
 - (1) Good (no significant health issues)
 - (2) Fair (moderate health issues but likely viable for the foreseeable future)
 - (3) Poor (significant health issues and likely in decline)
 - (4) Very poor or dead (in severe decline or dead)
- h. Identify whether the tree is on the Milwaukie Rare or Threatened Tree List.
- i. Identify whether the tree is proposed for removal or retained.
- j. Organize the tree inventory information in a table or other format approved in writing by the Urban Forester.

2. Tree Preservation Plan Requirements

- a. Provide a site plan drawn to scale.
- b. Include the existing tree locations and corresponding tree numbers from the tree inventory.
- c. Identify rare or threatened trees as described in the City of Milwaukie Rare or Threatened Tree List.
- d. Identify the following site disturbances:

- (1) Demolition
 - (2) Tree removal
 - (3) Staging, storage, and construction access
 - (4) Grading and filling
 - (5) Paving
 - (6) Construction of structures, foundations, and walls
 - (7) Utility construction
 - (8) Trenching and boring
 - (9) Excavation
 - (10) Any other demolition or construction activities that could result in ground disturbances and/or tree damage.
 - e. Locate tree and soil protection fencing to scale.
 - f. Locate soil compaction prevention methods to scale.
 - g. Identify performance path tree protection and soil volume areas.
 - h. Include tree and soil volume protection specifications from the arborist report on the plans including a detail and description of tree and soil volume protection fencing and signage.
 - i. The elements of the tree preservation plan may be included on multiple plan sheets for clarity.
 - j. The final approved set of construction drawings must include the tree preservation plan to ensure contractors, inspectors, and other professionals have access to the information.
3. Tree Planting Plan
- a. Provide a site plan drawn to scale.
 - b. Include the existing trees to be retained and their crown areas to scale.
 - c. Include the trees to be planted and their mature crown areas to scale based on the City of Milwaukie Tree Canopy List.
 - d. Identify the soil volume areas for each tree to be planted to scale.
 - e. For performance path soil volume areas, identify the methods and specifications as applicable for:
 - (1) Compaction Reduction;
 - (2) Soil Amendments;
 - (3) Topsoil Replacement; and/or
 - (4) Soil Under Pavement.
 - f. Include a diagram depicting the tree planting that is consistent with ISA best management practices.

- g. The minimum size of planted trees is 1.5-inch caliper for broadleaf trees and 5-foot tall for conifers unless otherwise approved by the Urban Forester. Nursery stock must be in good health with the size and quality consistent with ISA best management practices and ANSI Z60.1 standards.
- h. The species selection and spacing of trees to be planted must be such that it provides for the eventual mature size of the trees. Soil type, soil conditions and other site constraints shall be considered when selecting species for planting. Final site plans must be approved by the Urban Forester.
- i. Root barriers must be installed according to the manufacturer's specifications when a tree is planted within 5 feet of pavement or an underground utility box unless otherwise approved by the Urban Forester.
- j. Where there are overhead high voltage utility lines, the tree species selected must be of a type that, at full maturity, will not require pruning to avoid interference with the lines.
- l. The elements of the tree canopy plan may be included on multiple plan sheets for clarity.
- m. The final approved set of construction drawings must include the tree canopy plan to ensure contractors, inspectors, and other professionals have access to the information.

4. Arborist Report

- a. Provide a written narrative that summarizes the information from the tree inventory, tree preservation plan, and tree canopy plan.
- b. Provide findings and calculations that demonstrate whether the tree preservation standards in Subsection 16.32.042.B have been met.
- c. Provide findings and calculations that demonstrate whether the tree planting standards in Subsection 16.32.042.C have been met.
- d. If the tree preservation and/or tree planting standards have not been met, provide calculations for the applicable tree mitigation fees as required by Subsection 16.32.042.D.
- e. If the applicant is seeking a variance to the tree preservation and/or tree planting standards in place of providing mitigation fees, provide findings that demonstrate the proposal provides equivalent or greater environmental benefits as preserving or planting the required tree canopy consistent as required by Subsection 16.32.042.E.
- f. Provide findings that demonstrate compliance with the tree protection standards in Subsection 16.32.042.F.
- g. Provide findings that demonstrate compliance with the soil volume standards in Subsection 16.32.042.G.

I. Non-Development Tree Permit Requirements

1. Applicability

A permit is required prior to the removal of the following trees in residential zones on property that is outside the right-of-way and not owned or maintained by the City:

- a. Trees that are at least 6-inch DBH.
- b. Trees that are less than 6-inch DBH as specified on the City of Milwaukie Rare or Threatened Tree List.
- c. Trees that were planted to meet any requirements in Section 16.32.042.

Permits are not required in residential zones when tree removal is approved with development listed in Subsection 16.32.042.A.1.a ~~16.32.042.A~~. Permits are also not required in residential zones for the removal of trees that are grown for commercial agricultural or horticultural purposes including fruit trees, nut trees, or holiday trees.

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

Section 19.201 Definitions

As used in this title:

“Carport” means a stationary structure consisting of a roof, its supports, and not more than 1 wall (or storage cabinets substituting for a wall) used to shelter motor vehicles, recreational vehicles, or boats. ~~A structure is only considered to be a carport when it is being used to meet minimum off-street parking requirements.~~

CHAPTER 19.300 BASE ZONES

19.303 COMMERCIAL MIXED-USE ZONES

19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3 Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	1,500	1,500	
2. Minimum street frontage (ft)	25	25	
B. Development Standards			
1. Minimum floor area ratio	0.5:1	0.5:1	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft)			Subsection 19.303.4.B Building Height
a. Base maximum	45	45	

b. Maximum with height bonus	57–69	Height bonus not available	Section 19.510 Green Building Standards Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone
3. Street setbacks (ft)			
a. Minimum street setback	0–15 ¹	None	Subsection 19.303.4.C Street Setbacks
b. Maximum street setback	10–20 ²	10	Section 19.501.2 Yard Exceptions
c. Side and rear setbacks	None	None	
4. Frontage occupancy	50%	None	Subsection 19.303.4.D Frontage Occupancy Requirements Figure 19.303.4.D Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	
6. Minimum vegetation	15%	15%	Subsection 19.504.6 Minimum Vegetation
7. Primary entrances	Yes	Yes	Subsection 19.303.4.E Primary Entrances
8. Off-street parking <u>standards</u> required	Yes	Yes	Chapter 19.600 Off-Street Parking and Loading
9. Transit street	Yes	Yes	Subsection 19.505.8 Building Orientation to Transit
10. Transition measures	Yes	Yes	Subsection 19.504.5 Transition Area Measures

19.303.6 Additional Provisions

Depending upon the type of use and development proposed, the following sections of the Milwaukie Municipal Code may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

B. Section 19.600 Off-Street Parking and Loading

Contains standards for vehicle and bicycle parking, including ~~required~~ maximum number of spaces and design standards for parking and loading areas where provided.

19.304 DOWNTOWN ZONES

Table 19.304.4 CONTINUED Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
B. Development Standards CONTINUED			
5. Frontage occupancy requirements	50–90%	None	Subsection 19.304.5.E Frontage Occupancy Requirements Figure 19.304-6 Minimum Frontage Occupancy
6. Primary entrances	Yes	No	Subsection 19.304.5.F Primary Entrances
7. Off-street parking <u>standards</u> required	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.G Off-Street Parking Chapter 19.600 Off-Street Parking and Loading
8. Open space	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.H Open Space Subsection 19.508.4.G Open Space/Plazas
9. Transition measures	Yes, where applicable	No	Subsection 19.304.5.I Transition Measures Subsection 19.504.5 Transition Area Measures

19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

G. Off-Street Parking

1. Intent

The desired character for the DMU Zone, particularly along Main St, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

2. Standards

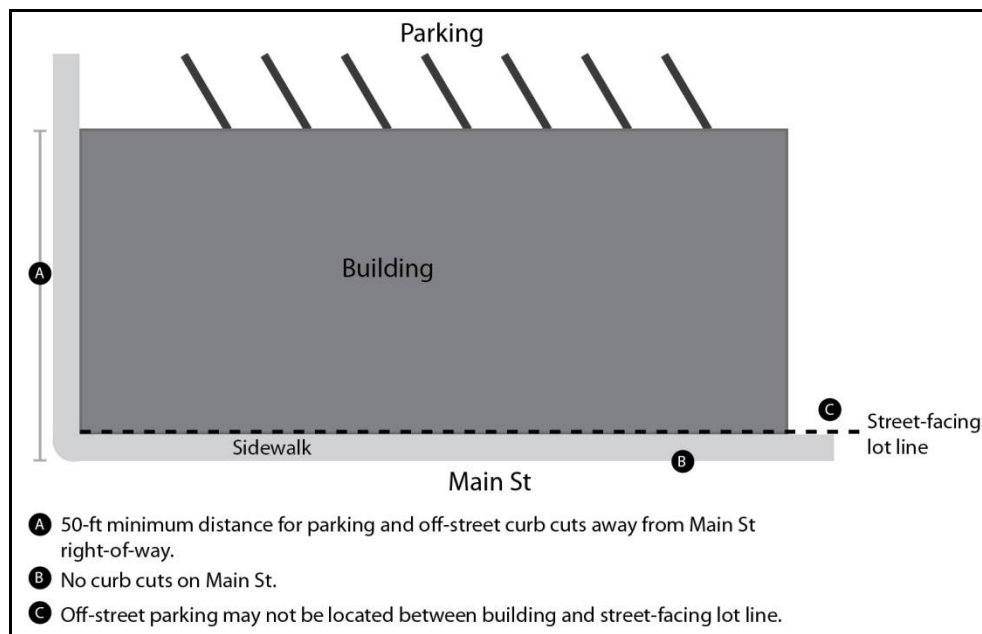
- a. Off-street parking for residential uses is subject to the ~~required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.~~
- b. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main St right-of-way. Off-street surface parking lots approved prior to October 31, 2015, the effective date of Ordinance #2106, are exempt from this prohibition. This

exemption applies only to the property owner on file with the Clackamas County Assessor as of October 31, 2015, the effective date of Ordinance #2106, and is dissolved upon transfer of ownership.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main St right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main St.
 - (2) The off-street parking area or curb cut is visually screened from view from Main St.
 - (3) The community need for the off-street parking area or curb cut within 50 ft of Main St outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking shall not be located between a building and the street-facing lot line.

**Figure 19.304.5.G.2
Off-Street Parking Standards**



3. ~~Exemptions~~

~~All nonresidential uses are exempt from the off-street parking requirements.~~

19.304.8 Variances

The Planning ~~Manager~~ Director or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2170 § 2, 2019; Ord. 2168 § 2, 2019; Ord. 2134 § 2,

2016; Ord. 2120 § 2, 2016; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2094 § 2, 2015; Ord. 2059 § 2, 2013; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

19.310 BUSINESS INDUSTRIAL ZONE BI

19.310.6 Standards

In the BI district, the following standards shall apply to all uses:

H. Landscaping

15% of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to 20% of the site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within required off-street parking lots to help delineate entrances, provide shade, and permeable areas for stormwater runoff. A bond or financial guarantee for landscape completion shall be required.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.505 BUILDING DESIGN STANDARDS

19.505.4 Cottage Cluster Housing

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 (CONTINUED) Cottage Cluster Development Standards		
Standards	R-MD	R-1, R-2, R-2.5, R-3, R-1-B
E. Impervious Area, Vegetated Area (CONTINUED)		
2. Vegetated site area (minimum)	35%	35%
F. Community and Common Space		
1. Community building footprint (maximum) ¹	1,000 sf	1,000 sf
2. Common Space	19.505.1.D	19.505.1.D
G. Parking (see also 19.505.1.D.3)		
1. Automobile parking spaces per primary home (minimum)	0.5	0.5
2. 1. Dry, secure bicycle parking spaces per home (minimum)	1.5	
3. 2. Guest bicycle parking spaces per home (minimum)	0.5	

2. Off-Street Parking

- a. ~~There must be at least 0.5 off-street parking spaces per dwelling unit per Table 19.505.4.B.1.~~ When off-street parking is provided, the parking spaces must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.
- b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
- c. If there are more than 8 units in a cottage cluster and off-street parking is provided, there must be at least 2 separate parking areas with a minimum of 4 parking spaces in each area. A drive aisle connecting the 2 areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: ~~provide adequate, but not excessive, off-street parking;~~ support efficient streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700. The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2025 § 2, 2011)

19.602 APPLICABILITY

19.602.1 General Applicability

The regulations of Chapter 19.600 apply to all off-street parking areas and off-street loading areas, ~~whether required by the City as part of development or a change in use, per Subsection 19.602.3, or voluntarily installed for the convenience of users, per Subsection 19.602.4.~~ Activity that is not described by Subsections 19.602.3 or 4 is exempt from compliance with the provisions of Chapter 19.600. Changes to nonconforming off-street parking and loading are addressed through Chapter 19.600 and not through the provisions of Chapter 19.800.

19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

A. Purpose

The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

B. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.

C. Areas of Required Improvement

The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.

1. Paving and striping of parking areas, per Subsection 19.606.3.A.
- ~~2. Minimum required vehicle parking spaces, per Section 19.605.~~
- 2.3. Minimum required bicycle parking spaces, per Section 19.609.
- ~~3.4.~~ Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D.
- ~~4.5.~~ New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.
- ~~5.6.~~ Other applicable standards within Chapter 19.600, as determined by the Planning Director Manager.

(Ord. 2161 § 2, 2018; Ord. 2025 § 2, 2011)

19.603 REVIEW PROCESS AND SUBMITTAL REQUIREMENTS

19.603.1 Review Process

The Planning Manager ~~Director~~ shall apply the provisions of Chapter 19.600 in reviewing all land use and development permit applications, except when an application is subject to a quasi-judicial land use review or appeal, in which case the body reviewing the application or appeal has the authority to implement and interpret the provisions of Chapter 19.600.

19.603.2 Submittal Requirements

Except for ~~single-family single detached dwellings or development situations where no off-street parking is being provided~~, a development or change in use subject to Chapter 19.600 as per Section 19.602 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning ~~Director~~ Manager.

- A. Delineation of individual spaces and wheel stops.
- B. Drive aisles necessary to serve spaces.
- C. Accessways, including driveways and driveway approaches, to streets, alleys, and properties to be served.
- D. Pedestrian pathways and circulation.
- E. Bicycle parking areas and rack specifications.

- F. Fencing.
- G. Abutting land uses.
- H. Grading, drainage, surfacing, and subgrading details.
- I. Location and design of lighting fixtures and levels of illumination.
- J. Delineation of existing and proposed structures.
- K. Parking and loading area signage.
- L. Landscaping, including the following information.
 - 1. The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items.
 - 2. Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved.

(Ord. 2025 § 2, 2011)

19.604 GENERAL PARKING STANDARDS

19.604.1 Parking Provided with Development Activity

~~All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity.~~
All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.600 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

19.604.2 Parking Area Location

Accessory parking shall be located in one or more of the following areas:

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.
- C. Where parking is approved in conformance with Subsection 19.605.2.
- ~~D. Where shared parking is approved in conformance with Subsection 19.605.4.~~

19.604.3 Use of Converting Off-Street Parking Areas

~~All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per Subsection 19.605.4 has been recorded. Subsection 19.604.3 does not prohibit charging fees for parking when the parking serves the primary or accessory uses on site.~~

When converting an automobile parking area to another use, access for emergency vehicles must be maintained, and adequate parking for truck loading should be considered.

~~19.604.4 Storage Prohibited~~

~~No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2025 § 2, 2011)~~

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.605 is to ensure that development ~~provides adequate, but not excessive,~~ does not provide excessive vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and ~~reductions~~ to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

~~Nonresidential development in the Downtown Mixed Use (DMU) and Open Space (OS) Zones is exempt from the requirements of Section 19.605.~~

19.605.1 ~~Minimum and Maximum Requirements~~ Parking Maximums

- A. ~~Development shall provide at least the minimum and not~~ When off-street parking is provided with development, the number of spaces shall not be more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning ~~Manager~~ Director shall determine which ratio to apply to the proposed development or use.
- B. When a specific use has not been proposed or identified at the time of permit review, the Planning Manager ~~Director~~ may elect to assign a use category from Table 19.605.1 to determine the ~~minimum required and~~ maximum allowed parking. Future tenants or property owners are responsible for compliance with Chapter 19.600 per the applicability provisions of Section 19.602.
- C. If a proposed use is not listed in Table 19.605.1, the Planning ~~Manager~~ Director has the discretion to apply the ~~quantity~~ maximum requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar parking demands. If a similar use is not listed, the ~~quantity~~ maximum allowance ~~requirements~~ will be determined per Subsection 19.605.2.
- D. ~~Where the calculation of minimum parking spaces does not result in a whole number, the result shall be rounded down to the next whole number.~~ Where the calculation of maximum parking spaces does not result in a whole number, the result shall be rounded to the nearest whole number.
- E. Parking spaces for disabled persons, and other improvements related to parking, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the ~~minimum required and~~ maximum allowed number of off-street parking spaces.
- F. Uses that have legally established parking areas that exceed the maximum number of spaces allowed by Section 19.605 prior to June 17, 2010, the effective date of Ordinance #2015, shall be considered nonconforming with respect to the quantity requirements. Such uses shall not be considered parking facilities as defined in Section 19.201.

Table 19.605.1 Minimum To Maximum Off-Street Parking Standards Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single detached dwellings, including manufactured homes.	4 space per primary dwelling unit.	No maximum.
2. Multi-Unit Dwellings	1 space per dwelling unit.	2 spaces per dwelling unit.
3. Middle Housing ¹ a. Duplexes b. Triplexes c. Quadplexes d. Townhouses ² e. Cottage Clusters	0 0 0 0 0.5 spaces per dwelling unit	1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit
4. Residential homes and similar facilities allowed by right in residential zones.	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking 1 space per dwelling unit plus one space per employee on the largest shift plus 1 space per bedroom.
5. Accessory dwelling units (ADU).	No additional space required unless used as a vacation rental, which requires 1 space per rental unit.	No maximum.

Table 19.605.1 CONTINUED Minimum To Maximum Off-Street Parking Standards Requirements		
Use	Minimum Required	Maximum Allowed
B. Community Service and Other Public Uses		
1. Religious institutions.	1 space per 4 seats.	1 space per 2 seats.
2. Day-care center ("family day-care" as defined in Section 19.201 has no parking requirements).	2 spaces per 1,000 sq ft of floor area.	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary or junior high.	1 space per classroom.	2 spaces per classroom.
4. School—senior high.	0.25 spaces per student, plus 1 space per staff.	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	5 spaces per 1,000 sq ft of floor area, or 1 space per 4 seats if seats are permanently installed.	16.66 spaces per 1,000 sq ft of floor area, or 1 space per 3 seats if seats are permanently installed.
6. Library, museum, art gallery.	1 space per 1,000 sq ft of floor area.	1.2 spaces per 1,000 sq ft of floor area.

7. Nursing, convalescent, and extended-care facilities.	1 space per 4 beds.	1 space per 3 beds.
C. Lodging Places		
1. Motel, hotel, boarding house.	1 space per lodging unit.	1.5 spaces per lodging unit.
2. Bed and breakfast establishments.	1 space per lodging unit, plus 1 space for the permanent residence.	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
D. Commercial Uses—Recreational		
1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.	3 spaces for each 1,000 sq ft of floor area.	5.5 spaces per 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium.	1 space per 4 seats.	1 space per 3 seats.
E. Commercial Uses—Retail Goods		
1. Eating and drinking establishments.	4 spaces per 1,000 sq ft floor area.	15 spaces per 1,000 sq ft of floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	2 spaces per 1,000 sq ft of floor area.	5 spaces per 1,000 sq ft of floor area.
3. Bulk retail—furniture and home furnishings, appliances, vehicles, building materials, and similar large items.	1 space per 1,000 sq ft of floor area.	3 spaces per 1,000 sq ft of floor area.
4. Gas stations.	No minimum.	1.25 spaces per 4 pumps.
F. Commercial Uses—Services		
1. General office, including banks.	2 spaces per 1,000 sq ft of floor area.	3.4 spaces per 1,000 sq ft of floor area.
2. Medical/dental office (non-hospital), veterinary clinic.	3.9 spaces per 1,000 sq ft of floor area.	4.9 spaces per 1,000 sq ft of floor area.
Table 19.605.1 CONTINUED		
Minimum To Maximum Off-Street Parking Standards Requirements		
Use	Minimum Required	Maximum Allowed
F. Commercial Uses—Services CONTINUED		
3. Personal services, such as a barbershop, beauty parlor, etc.	4 spaces per 1,000 square floor area.	5.4 spaces per 1,000 sq ft of floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	2.8 spaces per 1,000 sq ft of floor area.	5.1 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	2 spaces per 1,000 sq ft of floor area.	2.5 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	2 spaces per service bay.	3 spaces per service bay.
7. Mortuary/funeral home.	1 space per 5 chapel or parlor seats.	1 space per 3 chapel or parlor seats.

8. Car wash.	No minimum.	2 spaces per wash bay for self-service washes, or 2 spaces per 1,000 sq ft of floor area for full-service washes.
G. Industrial Uses		
1. Manufacturing.	1 space per 1,000 sq ft of floor area.	2 spaces per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	0.5 spaces per 1,000 sq ft of floor area.	1 space per 1,000 sq ft of floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	0.3 spaces per 1,000 sq ft of floor area.	0.4 spaces per 1,000 sq ft of floor area.
4. Mini-warehouse; self-service storage.	1 space per 45 storage units, plus 1 space per employee of the largest shift.	1 space per 20 storage units, plus 1 space per employee of the largest shift.

1 For middle housing developments located on streets classified as Arterials or Collectors in the Transportation System Plan, 0.5 off-street parking spaces per dwelling unit are required.

2 For townhouse developments of 8 or more townhouses, 0.5 off-street parking spaces per dwelling unit are required. Successive or phased townhouse developments to avoid this requirement are not permitted.

19.605.2 Maximum Quantity Modifications and Required Parking Determinations

Subsection 19.605.2 allows for the modification of ~~minimum and~~ maximum parking ratios from Table 19.605.1 as well as the determination of ~~minimum and~~ maximum parking requirements. Parking determinations shall be made when the proposed use is not listed in Table 19.605.1 and for developments with parking demands that are ~~either lower than the minimum required or higher than the maximum allowed~~.

A. Applicability

The procedures of Subsection 19.605.2 shall apply in the following situations:

1. If the proposed use is not listed in Table 19.605.1 and the ~~quantity requirements~~ maximum allowed quantity for a similar listed use cannot be applied.
2. If the applicant seeks a modification from the ~~minimum required or~~ maximum allowed quantities as calculated per Table 19.605.1.

B. Application

Determination of parking ratios in situations listed above shall be reviewed as a Type II land use decision, per Section 19.1005 Type II Review. The application for a determination must include the following:

1. Describe the proposed uses of the site, including information about the size and types of the uses on site, and information about site users (employees, customers, residents, etc.).
2. Identify factors specific to the proposed use and/or site, such as the proximity of transit, parking demand management programs, availability of shared parking, and/or special characteristics of the customer, client, employee or resident population that affect parking demand.

3. Provide data and analysis specified in Subsection 19.605.2.B.3 to support the determination request. The Planning Manager may waive requirements of Subsection 19.605.2.B.3 if the information is not readily available or relevant, so long as sufficient documentation is provided to support the determination request.
 - a. Analyze parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Institute of Transportation Engineers, American Planning Association, Urban Land Institute, or other similar organizations.
 - b. Review parking standards for the proposed use or similar uses found in parking regulations from other jurisdictions.
 - c. Present parking quantity and parking use data from existing developments that are similar to the proposed development. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development.
 - d. For middle housing, provide occupancy and use data quantifying conditions of the on-street parking system within one block of the middle housing development.
 - ~~e. Identify factors specific to the site, such as the preservation of a priority tree or trees, or planting of new trees to achieve 40% canopy, as identified in Chapter 16.32.~~
4. Propose a ~~minimum and maximum~~ parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a maximum range (low and high number of parking spaces) for each development phase ~~and both a minimum and maximum number of parking spaces to be provided at buildout of the project.~~
5. Address the approval criteria in Subsection 19.605.2.C.

C. Approval Criteria

The Planning Manager shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Manager, based on the applicant's materials and other data the Planning Manager deems relevant, shall set the ~~minimum parking requirement~~ and maximum parking allowed. Conditions of approval may be placed on the decision to ensure compliance with the parking determination.

1. All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity allowances ~~requirements~~ for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.
- ~~2. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to decrease the amount of minimum required parking shall meet the following criteria:~~
 - ~~a. The use, frequency, and proximity of transit, parking demand management programs, and/or special characteristics of the site users will reduce expected vehicle use and parking space demand for the proposed use or development, as compared with the standards in Table 19.605.1.~~
 - ~~b. The reduction of off-street parking will not adversely affect available on-street parking.~~

- ~~c. The requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site, or is otherwise consistent with city or comprehensive plan policy.~~

23. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria:

- a. The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.
- b. The parking demand cannot be accommodated by shared or joint parking arrangements or by increasing the supply of spaces that are exempt from the maximum amount of parking allowed under Subsection 19.605.3.A.
- c. The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

19.605.3 Exemptions and ~~By-Right Reductions~~ to Quantity Allowances Requirements

The following exemptions and by-right reductions cannot be used to further modify any parking modification or determination granted under Subsection 19.605.2.

A. Exemptions to Maximum Quantity Allowance

The following types of parking do not count toward the maximum amount of parking allowed on a site. This exemption applies only to the quantity requirements of Section 19.605 and not to the other requirements of Chapter 19.600. The City may impose conditions to ensure that parking spaces associated with these parking types are appropriately identified and used for the intended purpose.

- 1. Spaces for a parking facility.
- 2. Spaces for a transit facility or park and ride facility.
- 3. Storage or display areas for vehicle sales.
- 4. Employee carpool parking, when spaces are dedicated or reserved for that use.
- 5. Fleet parking.
- 6. Truck loading areas.

~~B. Reductions to Minimum Parking Requirements~~

~~Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. The total reduction in required parking is increased to 30% in the Downtown Mixed Use Zone DMU. The total reduction in required parking is increased to 50% for affordable housing units as defined in Subsection 19.605.3.B.8. Applicants may not utilize the reduction in Subsection 19.605.3.B.1 in conjunction with any other reduction in Subsection 19.605.3.B.~~

~~1. Reductions for Neighborhood Commercial Areas~~

~~The minimum parking requirements of Table 19.605.1 shall be reduced by 50% for the properties described below:~~

- ~~a. Properties zoned Commercial Limited (C-L).~~
- ~~b. Properties zoned Commercial Neighborhood (C-N).~~

- c. ~~Properties in the Neighborhood Mixed-Use (NMU) Zone in the area bounded by 40th Ave, King Rd, 44th Ave, and Jackson St.~~

2. ~~Proximity to Public Transit~~

- a. ~~Parking for commercial and industrial uses may be reduced by up to 10% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.~~
- b. ~~Parking for multi-unit developments and middle housing may be reduced by up to 20% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.~~
- c. ~~Parking for all uses except single detached dwellings may be reduced by 25% if the development is within 1,000-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a light rail transit stop, or if it is located in the Downtown Mixed Use Zone DMU.~~
- d. ~~In determining walking distance, the applicant shall measure the shortest route along sidewalks, improved pedestrian ways, or streets if sidewalks or improved pedestrian ways are not present. Walking distance shall be measured along the shortest course from the point on the development site that is nearest to the transit stop.~~

3. ~~Multitenant Commercial Sites~~

~~Where multiple commercial uses occur on the same site, minimum parking requirements shall be calculated as described below. The Planning Manager shall have the authority to determine when multiple uses exist on a site.~~

- a. ~~Use with highest parking requirement. The use that has the largest total number of minimum parking spaces required shall be required to provide 100% of the minimum number of parking spaces.~~
- b. ~~All other uses. All other uses on the site shall be required to provide 80% of the minimum number of parking spaces.~~

4. ~~Carpool/Vanpool~~

~~Commercial and industrial developments that provide at least 2 carpool/vanpool parking spaces may reduce the required number of parking spaces by up to 10%. This reduction may be taken whether the carpool/vanpool space is required pursuant to Section 19.610 or voluntarily provided.~~

5. ~~Bicycle Parking~~

~~The minimum amount of required parking for all non-single detached residential uses, other than middle housing, may be reduced by up to 10% for the provision of covered and secured bicycle parking in addition to what is required by Section 19.609. A reduction of one vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Section 19.609. If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.~~

6. ~~Car Sharing~~

~~Required parking may be reduced by up to 5% if at least one off-street parking space is reserved for a vehicle that is part of a car sharing program. The car sharing program shall be sufficiently large enough, as determined by the Planning Manager, to be accessible to persons throughout Milwaukie and its vicinity. The applicant must provide documentation from the car sharing program that the program will utilize the space provided.~~

~~7. Provision of Transit Facility Improvements~~

~~The number of existing required parking spaces may be reduced by up to 10% for developments that provide facilities such as bus stops and pull-outs, bus shelters, or other transit-related facilities. A reduction of one parking space is allowed for each 100 sq ft of transit facility provided on the site.~~

~~8. Affordable Housing~~

~~Parking minimums in Table 19.605.1 may be reduced for the following:~~

- ~~a. For any multi-unit dwelling unit or middle housing dwelling unit that meets the exemption standards as defined in Section 3.60.050, the minimum parking requirement for that unit may be reduced by 25%.~~

19.605.4 Shared Parking

~~Some or all of a use's required parking spaces may be accommodated off-premises on the parking area of a different site through shared parking, pursuant to the standards of Subsection 19.605.4. The standards of Subsection 19.605.4 do not apply to voluntary shared parking agreements that are not created in order to conform to the quantity requirements of Section 19.605.~~

~~A. Review~~

~~The Planning Director shall determine, in accordance with Section 19.1004 Type I Review, whether the shared parking standards are met. The Planning Director may require a nonconforming parking area be brought into conformance, or closer to conformance as per Subsection 19.602.5, before it may be used for shared parking.~~

~~B. Standards~~

- ~~1. The applicant must demonstrate that the shared parking area has a sufficient quantity of spaces for the uses that will share the parking area. The Planning Director may require the applicant to provide data substantiating the claim that the proposed parking is sufficient for multiple uses during peak hours of demand for each use.~~
- ~~2. The nearest parking spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The measurement shall be along a route that is adequately illuminated; has vertical or horizontal separation from travel lanes within the right-of-way; uses legal crosswalks for right-of-way crossing; and has an asphalt, concrete, or similar surface material. The applicant may propose to construct new facilities or modify existing facilities to comply with Subsection 19.605.4.B.2.~~
- ~~3. Legal documentation between the property owners that guarantees access to the shared parking shall be recorded with the County. The documentation shall be reviewed and approved by the Planning Director prior to being recorded. The agreement shall run with the land and not be tied to property ownership. The agreement shall not be terminated without City approval. The request for terminating the agreement must demonstrate that the properties in the agreement and their uses will comply with the quantity requirements~~

~~of Section 19.605 after dissolution of the agreement. A copy of the recorded documentation shall be provided to the City prior to obtaining a building permit. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2186 § 2, 2019; Ord. 2161 § 2, 2018; Ord. 2112 § 2 (Exh. B), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)~~

19.605.4.5 Electric Vehicle (EV) Charging Requirements

Required EV charging spaces. All uses that are commercial, industrial, multi-unit with 5 or more units, or mixed-use with 5 or more units must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

A. Commercial and Industrial Parking

For commercial and industrial uses that provide off-street parking, choose one of the following:

1. At least 50% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 20% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

B. Multi-Unit and Mixed-Use Residential Parking

For buildings with 5 or more dwelling units where off-street parking spaces are provided, choose one of the following:

1. All (100%) of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 40% of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of

parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

19.606 PARKING AREA DESIGN AND LANDSCAPING

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. The requirements in Subsection 19.606.4 apply to all types of development where a new quarter acre parking lot or larger is provided. All other These standards apply to all types of development where parking is provided, except for middle housing, single detached dwellings, and adult foster/care homes. ~~residential homes.~~

19.606.1 Parking Space and Aisle Dimensions

- A. The dimensions for ~~required~~ off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.

v					
Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)
0° (Parallel)	8.5'	22'	12'	19'	8.5'
30°	9'	17'	12'	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.

1. Dimensions

The minimum width of perimeter landscape areas are shown in Table 19.606.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning ~~Director~~ Manager may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.606.2.C.1.

19.606.3 Additional Design Standards**A. Paving and Striping**

Paving and striping are required for all ~~required~~ maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

D. Pedestrian Access and Circulation

Subsection 19.504.~~98~~ establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.~~98~~.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.
2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.~~98~~.E.

E. Internal Circulation

1. General Circulation

The Planning ~~Manager~~ ~~Director~~ has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modifying drive aisle dimensions.

F. Lighting

Lighting is required for parking areas with more than 10 spaces. The Planning ~~Director~~ ~~Manager~~ may require lighting for parking areas of less than 10 spaces if the parking area would not be safe due to the lack of lighting. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.
2. Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.
3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.
4. Where practicable, lights shall be placed so they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2, 2019; Ord. 2161 § 2, 2018; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2036 § 3, 2011; Ord. 2025 § 2, 2011)

19.606.4 Surface Parking Areas Over One-Quarter Acre

A. Purpose

To comply with OAR 660-012-0405 and to mitigate the negative impacts of large surface parking lots such as increased ambient temperatures, increased stormwater run-off, and diminished pedestrian connectivity, all newly proposed surface parking areas that are greater than one-quarter acre in size must comply with the standards in Subsection 19.606.4.

B. Measurement

Calculating the one-quarter acre threshold (10,890 sq ft) is based on the cumulative area measured around the perimeter of all parking spaces, vehicle maneuvering areas, interior walkways, and interior landscaping areas. This requirement applies even when parking areas are scattered throughout a property or span multiple lots but serve a common use or uses.

C. General Requirements

Parking areas that are over one-quarter-acre in size must comply with all the standards below.

1. Development standards. These standards apply in addition to those in Subsections 19.606.3.D, 19.504.8, and Section 19.505. Where there is a conflict with those standards, the standards in Subsection 19.606.4 take precedence.
 - a. Walkways must be provided along the entire length of at least one side of a driveway and must be separated from the driveway by a curb.

b. Walkway crossings at intersections with drive aisles and driveways must be provided. Crossing facilities must be demarcated by either a raised surface or by utilizing a separate surface material. Demarcation with the use of paint alone is not permitted.

c. The longest façade of a building must include an abutting walkway with a zero-foot setback from the building and must include the building's primary entrance.

d. In no case may a drive-through, drive-aisle, parking area, or other area used by automobiles be located between a building and its abutting walkway.

e. Development must provide trees along driveways. Trees must be planted a minimum of one per 30 lineal ft of the driveway and must be consistent with the planting requirements in 19.606.2.C.2.

2. Developments must provide one of the following:

a. Installation of solar panels with a generation capacity of at least 0.5 kilowatts per parking space on the property. Panels may be located anywhere on the property so long as their placement complies with other development standards in the Milwaukie Municipal Code.

b. Spending at least 1.5% of the project cost on green energy, in compliance with OAR 330-135-0010. This provision applies to public projects only.

c. Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting, as measured per Subsection 19.606.4.D.

D. Tree Canopy Coverage Standards

The following standards apply when providing tree canopy coverage under Subsection 19.606.4.C.2.c.

1. Calculating Parking Lot Area to be Covered by Tree Canopy

When calculating the area required to be covered by a tree canopy for the purposes of this Subsection, the following rules must be followed:

a. All surface areas on which a vehicle is designed to maneuver, such as drives, drive-through lanes, drive aisles, and parking stalls, must be included.

b. Areas not used for passenger vehicles, such as loading areas, interior landscaped areas, interior walkways not designed to be used by a passenger vehicle, and areas that are permanently used for outdoor storage, can be excluded when calculating this area.

2. Calculating Tree Canopy Coverage

When calculating tree canopy coverage to comply with this Subsection, the following rules must be followed:

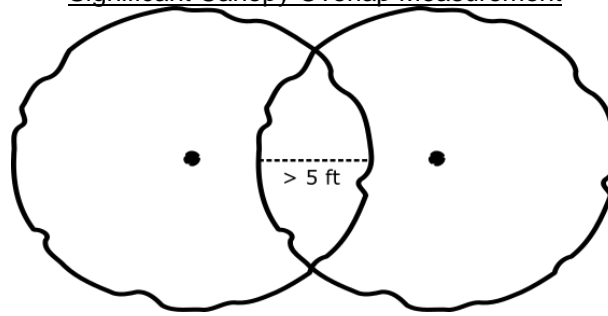
a. The expected diameter of the tree crown at 15 years must be used to calculate tree canopy coverage, regardless of if the tree is mature at that time.

b. The area under the expected canopy at 15 years that is either paved surface, including parking stalls and maneuvering areas, loading areas, walkways that are interior to the parking area, and interior and perimeter parking area landscaping will count towards meeting the required canopy coverage standard.

- c. The existing canopy of trees preserved on-site and providing coverage of the subject parking area can be counted towards the canopy coverage standard. The current diameter of a preserved tree's crown must be used to calculate tree canopy coverage. Or, if the tree was newly planted, the expected diameter of the tree crown area at 15 years can be used. Preserved trees used to meet this standard must be at least 2 in diameter at breast height if deciduous and at least 5 ft tall if coniferous.
- d. Trees located off-site, including those in the public right-of-way, do not count towards the canopy coverage standard.
- e. Newly planted trees that are isolated in disconnected individual planters do not count towards the canopy coverage standard. The canopy of preserved trees that are isolated and at least 12 in diameter at breast height can count toward the canopy coverage standard.
- f. Canopy that covers structures does not count towards the canopy coverage standard unless covering a roofed but unenclosed structure that is used for protecting an automobile, bicycle, garbage/recycling area, or similar area from the elements.
- g. Canopy area of significant overlap does not count towards the canopy coverage standard. Significant overlap is defined as any overlap greater than 5 ft. The overlap measurement is the length of a line segment within the overlap area of a line between tree canopy trucks/centers. See Figure 19.606.4 for an example of this measurement.

Figure 19.606.4

Significant Canopy Overlap Measurement



3. Tree Plan Submittal Requirements

The following must be submitted to demonstrate compliance with this standard at the time development permits are submitted or with any land-use application subject to this Subsection and Subsection 19.906.

- a. A tree plan must be submitted to the Urban Forester or designee per the submittal requirements in Subsection 16.32.042.H
- b. The tree plan shall be prepared by an ISA-certified arborist in coordination with local utility providers. The final tree plan must be reviewed and approved by the Urban Forester.

4. General Tree Planting and Maintenance Requirements

In providing trees under Subsection 19.606.4, plantings shall comply with the following standards.

- a. Trees must be planted in continuous trenches in perimeter and interior landscaping areas and spaced to maintain a continuous canopy 15 years after planting. Canopy spacing will be measured based on the expected diameter of the tree crown 15 years after planting. Sections of the canopy are considered continuous when there is no space greater than 5 ft between two or more projected crown areas. Gaps in the canopy are permitted to accommodate other features of the parking area, such as drive aisles
- b. Applicants must submit a soil volume and protection plan for approval by the Urban Forester or designee as outlined in Subsection 16.32.042.G Soil Volume Standards.
- c. Applicants must submit a tree protection plan for approval by the Urban Forester or designee as outlined in Subsection 16.32.042.F Tree Protection Standards.
- d. Trees must be maintained to ensure their survival and long-term health. Inspection of tree health will occur at the time of site development and, to ensure tree survival, three to five years after planting.

19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.607.1 Residential Driveways and Vehicle Parking Areas

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for single detached dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, and residential homes in all zones, unless specifically stated otherwise.

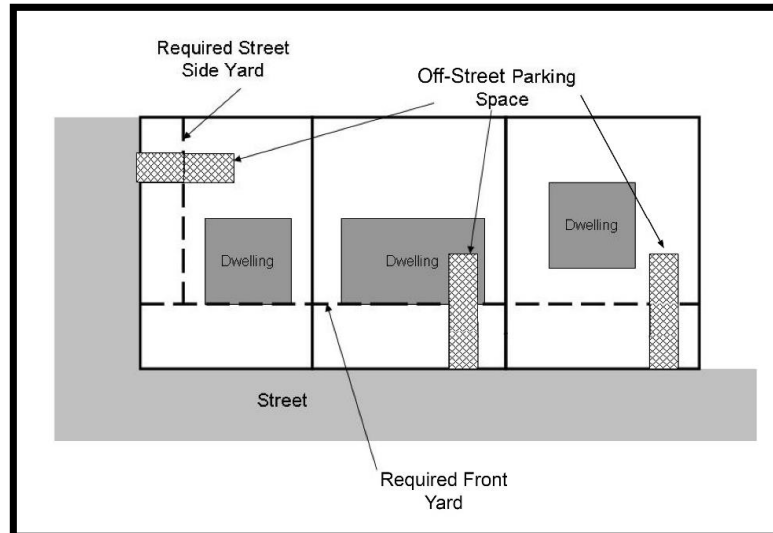
A. Dimensions

Off-street parking space dimensions for ~~required~~ parking spaces are 9 ft wide x 18 ft deep.

B. Location

- ~~1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4. Tandem (end-to-end) parking is allowed for individual units.~~
12. No portion of an off-street parking space the required parking space is allowed within the following areas. See Figure 19.607.1.B.1-19.607.1.B.2. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
 - a. Within an adjacent public street right-of-way or access easement.
 - b. Over a public sidewalk.

Figure 19.607.1.B.21
Parking Space Location



C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.

~~a. Required parking space(s).~~

a. b. All vehicle parking spaces and maneuvering areas located within a required front or street-side yard. Areas for boat or RV parking outside of required front or street-side yards are exempt from this requirement and may be graveled.

b. e. All off-street parking and maneuvering areas for an adult foster/care home. ~~residential home.~~

2. Maneuvering areas and ~~unrequired~~ parking areas that are outside of a required front or side yard are allowed to have a gravel surface.

19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking

Subsection 19.607.2 is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.607.2 apply to off-street parking areas for cottage clusters, rowhouses, duplexes, ~~single-family~~ single detached dwellings, and residential homes in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored in the front yard or required street side yard on cottage cluster, rowhouse, duplex, ~~single-family~~ single detached dwelling, or residential home properties. Commercial vehicles may be present anywhere on these properties for up to 12 hours in 1 day if the vehicle is engaged in loading or unloading materials for a residence(s).
- B. Recreational vehicles and pleasure crafts on middle housing, ~~cottage cluster, rowhouse, duplex, single-family~~ single detached, or adult foster/care home ~~residential home~~ properties must comply with the following regulations:

1. On residential lots less than 1 acre, only 1 recreational vehicle or private pleasure craft that is not located in an enclosed structure such as a garage shall be allowed. Canoes and other crafts less than 12 ft long shall be exempt from this requirement. On lots larger than 1 acre, 1 additional recreational vehicle or private pleasure craft that is not located in an enclosed structure is allowed for each 1/2 acre of area over 1 acre.
2. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a lot used for middle housing, ~~a cottage cluster, rowhouse, duplex, single-family~~ single detached dwelling, or adult foster/care home ~~residential home~~.

19.608 LOADING

19.608.2. Number of Loading Spaces

The Planning ~~Director~~ Manager shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

A. Residential Buildings

Buildings where all of the floor area is in residential use should meet the following standards:

1. Fewer than 50 dwelling units on a site that abuts a local street: no loading spaces required.
2. All other buildings: 1 loading space.

B. Nonresidential and Mixed-Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards:

1. Less than 20,000 sq ft of total floor area: no loading spaces required.
2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.
3. More than 50,000 sq ft of total floor area: 2 loading spaces.

19.609 BICYCLE PARKING

19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, ~~middle housing, and multi-unit residential development, and cottage cluster development~~. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone and at transit centers.

19.609.2 Quantity of Spaces

- A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.

1. ~~Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use. development must provide at least the minimum number of bicycle parking spaces listed in Table 19.609.2.~~
 2. ~~The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.~~
 3. ~~Multi-unit residential and middle housing development with 4 or more units must provide one space per unit. Parking for cottage cluster developments is specified in Table 19.505.4.C.1.~~
- 2 Where the calculation of minimum bicycle parking spaces does not result in a whole number, the result shall be rounded up to the next whole number.

Table 19.609.2	
<u>Minimum Bicycle Parking Quantity Requirements</u>	
<u>Use</u>	<u>Minimum Required</u>
<u>1. Multi-unit residential development</u>	<u>1 space per dwelling unit.</u>
<u>2. Cottage clusters</u>	<u>See Table 19.505.4.C.1. for cottage cluster development bicycle parking requirements.</u>
<u>3. Adult foster/care homes and similar facilities allowed by right in residential zones.</u>	<u>0.1 space per dwelling unit plus 0.1 space per employee on the largest shift.</u>
<u>B. Community Service and other Public Uses</u>	
<u>1. Religious institutions.</u>	<u>0.1 space per 4 seats.</u>
<u>2. Day-care center ("family day-care" as defined in Section 19.201 has no parking requirements).</u>	<u>0.2 spaces per 1,000 sq ft of floor area.</u>
<u>3. School—elementary/junior high.</u>	<u>0.1 space per classroom.</u>
<u>4. School—senior high.</u>	<u>0.025 spaces per student, plus 0.1 space per staff.</u>
<u>5. Meeting room, club, lodge, or association.</u>	<u>0.5 spaces per 1,000 sq ft of floor area, or 0.1 space per 4 seats if seats are permanently installed.</u>
<u>6. Library, museum, art gallery.</u>	<u>0.1 space per 1,000 sq ft of floor area.</u>
<u>7. Nursing, convalescent, and extended-care facilities.</u>	<u>0.1 space per 4 beds.</u>
<u>8. Transit centers</u>	<u>1 space per 100 daily boardings</u>
<u>C. Lodging Places</u>	
<u>1. Motel, hotel, boarding house.</u>	<u>0.1 space per lodging unit.</u>
<u>2. Bed and breakfast establishments.</u>	<u>0.1 space per lodging unit, plus 0.1 space for the permanent residence.</u>
<u>D. Commercial Uses—Recreational</u>	
<u>1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.</u>	<u>0.3 spaces for each 1,000 sq ft of floor area.</u>

2. Theater, auditorium, or stadium.	0.1 space per 4 seats.
<u>E. Commercial Uses—Retail Goods</u>	
1. Eating and drinking establishments.	0.4 spaces per 1,000 sq ft floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	0.2 spaces per 1,000 sq ft of floor area.
3. Bulk retail—furniture and home furnishings, appliances, vehicles, building materials, and similar large items.	0.1 space per 1,000 sq ft of floor area.
4. Gas stations.	2
<u>F. Commercial Uses—Services</u>	
1. General office, including banks.	0.2 spaces per 1,000 sq ft of floor area.
2. Medical/dental office (non-hospital), veterinary clinic.	0.39 spaces per 1,000 sq ft of floor area.
3. Personal services, such as a barbershop, beauty parlor, etc.	0.4 spaces per 1,000 square floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	0.28 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	0.2 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	0.2 spaces per service bay.
7. Mortuary/funeral home.	0.1 space per 5 chapel or parlor seats.
8. Car wash.	2
<u>G. Industrial Uses</u>	
1. Manufacturing.	0.1 space per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	0.05 spaces per 1,000 sq ft of floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	0.03 spaces per 1,000 sq ft of floor area.
4. Mini-warehouse; self-service storage.	0.1 space per 45 storage units, plus 0.1 space per employee of the largest shift.

B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

1. When 10% or more of vehicle parking is covered.
2. If more than 10 bicycle parking spaces are required.
3. Multifamily residential development with 4 or more units.

1. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

- a. When 10% or more of vehicle parking is covered.
- b. If more than 10 bicycle parking spaces are required.
- c. For multi-unit residential development.

19.610 CARPOOL AND VANPOOL PARKING

19.610.2 Number of Spaces

The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of ~~required parking spaces provided. The minimum amount of required parking spaces shall take into account the reduction allowed by Subsection 19.605.3.B.4.~~

19.611 PARKING STRUCTURES

The purpose of Section 19.611 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking ~~that is required~~ for a specific use, or as a parking facility that is a use by itself.

19.611.1 Permitted Zones and Review Procedures

- A. Parking structures, including underground parking, are allowed in all zoning districts except the ~~moderate-density~~ Moderate Density Residential and Open Space Zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Open Space Zone. A parking structure to be used for commercial parking in the Downtown Mixed Use Zone must be permitted through approval of a conditional use application.

19.611.2 Compliance with Other Sections of Chapter 19.600

- A. ~~Spaces in parking structures can be used to satisfy the minimum quantity requirements of Section 19.605. Spaces in parking structures are exempt from counting against maximum parking allowances if the spaces are utilized for types of parking listed in Subsection 19.605.3.A.~~
-

CHAPTER 19.900 LAND USE APPLICATIONS

19.901 INTRODUCTION

Uses or development that are regulated by Titles 14, 17, and 19 of the Milwaukie Municipal Code shall submit and obtain approval for all required land use applications prior to establishment or construction. Table 19.901 below contains a complete list of the City's land use applications and the location of the provisions that govern their submittal, review, and approval. It also identifies the review type(s) associated with each application type. The review type determines who is given notice about land use and development proposals, when the City has to make a decision on a land use application, and who makes the final decision. Descriptions of the different review types and the procedures associated with them are located in Chapter 19.1000. Decision makers for each review type are listed in Table 19.1001.5.

Table 19.901 CONTINUED Land Use Applications		
Application Type	Municipal Code Location	Review Types
Land Divisions:	Title 17	
Final Plat	Title 17	I
Lot Consolidation	Title 17	I
Partition	Title 17	II
Property Line Adjustment	Title 17	I, II
Replat	Title 17	I, II, III
Subdivision	Title 17	III
Middle Housing Land Division	Title 17	II
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Modification to Existing Approval	Section 19.909	I, II, III
Natural Resource Review	Section 19.402	I, II, III, V
Nonconforming Use Alteration	Chapter 19.804	III
Parking:	Chapter 19.600	
Quantity Determination	Subsection 19.605.2	II
Quantity Modification	Subsection 19.605.2	II
Shared Parking	Subsection 19.605.4	I
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.311	IV
Residential Dwellings:	Section 19.910	
Manufactured Dwelling Park	Subsection 19.910.3	III
Temporary Dwelling Unit	Subsection 19.910.4	I, III
Sign Review	Title 14	Varies
Transportation Facilities Review	Chapter 19.700	II
Variances:	Section 19.911	
Use Exception	Subsection 19.911.5	III
Variance	Subsection 19.911.1-4	II, III
Willamette Greenway Review	Section 19.401	III

19.905 CONDITIONAL USES

19.905.5 Conditions of Approval

The Planning Commission, or Planning ~~Manager~~ Director in the case of minor modifications, may impose conditions of approval that are suitable and necessary to assure compatibility of the proposed use with other uses in the area and minimize and mitigate potential adverse impacts caused by the proposed use.

Conditions of approval may include, but are not limited to, the following aspects of the proposed use:

- A. Limiting the hours, days, place, and manner of operation.
- B. Requiring structure and site design features that minimize environmental impacts such as those caused by noise, vibration, air pollution, glare, odor, carbon emissions, and dust.
- C. Requiring additional front, rear, or side yard width.
- D. Limiting building height, size, or location or limiting lot coverage.
- E. Limiting or otherwise designating the size, number, or location of vehicle access points from the street.
- F. Requiring additional landscaping or screening of off-street parking and loading areas.
- G. Limiting or otherwise designating the location, intensity, and shielding of outdoor lighting.
- H. Requiring screening or landscaping for the protection of surrounding properties.
- I. Requiring and designating the size, height, location, and materials for fences.
- J. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.
- K. Requiring adequate public transportation facilities and public utilities prior to occupancy.
- ~~L. Requiring off-street parking.~~

19.910 RESIDENTIAL DWELLINGS

19.910.3 Manufactured Dwelling Parks

D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

- 7. ~~When provided, off-street parking and recreational vehicle parking shall be developed provided as per Chapter 19.600. If 24-ft-wide streets are constructed, an additional off-street parking space per each 2 manufactured dwelling spaces shall be provided as visitor spaces. These parking spaces shall be within 100 ft of the manufactured dwellings they serve.~~

Clean Amendments

Title 16 Environment

Chapter 16.32 Tree Code

16.32.042 TREE PRESERVATION AND PLANTING

A. Applicability

1. Chapter 16.32.042 applies to the following types of development in residential zones:

- a. Land divisions.
- b. Construction of a new residential dwelling unit that results in an increase of building footprint.
- c. Construction of a new residential dwelling unit that does not result in an increase of building footprint. For applications meeting this criteria, only Subsections 16.32.042.F, 16.32.042.H and 16.32.042.J will apply.

2. The following sections apply in any zone whenever Subsection 19.606.4 is applicable, and the applicant seeks to comply with Subsection 19.606.4.C.3 by establishing a tree canopy.

- a. 16.32.042.F Protection Standards
- b. 16.32.042.G Soil Volume Standards
- c. 16.32.042.H Submittal Requirements

F. Tree Protection Standards

Trees to be retained must be protected from development impacts according to the standards in this subsection to be eligible for tree preservation and tree canopy credit. For applications meeting criteria as outlined in Subsections 16.32.042.A.1.a and 16.32.042.A.1.b, a tree protection plan prepared by an ISA certified arborist that demonstrates adequate protection of the trees to be preserved as approved by the Urban Forester is required. Tree protection methods and specifications must be consistent with ISA best management practices using either the following prescriptive path or performance path tree protection methods:

H. Submittal Requirements

For applications for construction of a new residential dwelling unit that does not result in an expansion of building footprint (Subsection 16.32.042.A.1.c), applicants must demonstrate compliance with the applicable provisions of Subsection 16.32.042.F by submitting a report including elements outlined in Subsection 16.32.042.H.2. For applications for land subdivision (Subsection 16.32.042.A.1.a) or construction of a new residential dwelling unit that results in an expansion of the building footprint (Subsection 16.32.042.A.1.b) an ISA certified arborist that is also tree risk assessment qualified (TRAQ) must demonstrate compliance with the applicable provisions of Subsections 16.32.042.B through 16.32.042.G. Other professionals such as engineers, landscape architects, soil scientists, and surveyors may assist the project arborist as needed in preparing the required information, but the arborist must organize, review, and approve the final product. The minimum submittal requirements include an inventory of existing trees, tree preservation plan, tree canopy plan, and arborist report with the following elements:

1. Tree Inventory Requirements

- a. Survey the locations of all trees at least 6-inch DBH, all trees at least 2-inch DBH that are listed on the Oregon Noxious Weed List or Milwaukie Invasive Tree List, and trees less than 6-inch DBH as specified on the City of Milwaukie Rare or Threatened Tree List. Trees that must be surveyed include those that are on site, within abutting public rights-of-way, and on abutting sites with root protection zones that extend into the site. The locations and information for trees on abutting sites may be estimated.
- b. Number each tree for identification at the site and on the plans.
- c. Identify the common name and scientific name of each tree.
- d. Measure the DBH of each tree in inches according to accepted ISA standards.
- e. Measure the approximate average crown radius of each tree in feet.
- f. Provide the crown area of each tree using the formula: $(\text{crown radius})^2 \times \pi$.
- g. Assess the health condition of each tree using the following categories:
 - (1) Good (no significant health issues)
 - (2) Fair (moderate health issues but likely viable for the foreseeable future)
 - (3) Poor (significant health issues and likely in decline)
 - (4) Very poor or dead (in severe decline or dead)
- h. Identify whether the tree is on the Milwaukie Rare or Threatened Tree List.
- i. Identify whether the tree is proposed for removal or retained.
- j. Organize the tree inventory information in a table or other format approved in writing by the Urban Forester.

2. Tree Preservation Plan Requirements

- a. Provide a site plan drawn to scale.
- b. Include the existing tree locations and corresponding tree numbers from the tree inventory.
- c. Identify rare or threatened trees as described in the City of Milwaukie Rare or Threatened Tree List.
- d. Identify the following site disturbances:
 - (1) Demolition
 - (2) Tree removal
 - (3) Staging, storage, and construction access
 - (4) Grading and filling
 - (5) Paving
 - (6) Construction of structures, foundations, and walls
 - (7) Utility construction
 - (8) Trenching and boring

- (9) Excavation
 - (10) Any other demolition or construction activities that could result in ground disturbances and/or tree damage.
 - e. Locate tree and soil protection fencing to scale.
 - f. Locate soil compaction prevention methods to scale.
 - g. Identify performance path tree protection and soil volume areas.
 - h. Include tree and soil volume protection specifications from the arborist report on the plans including a detail and description of tree and soil volume protection fencing and signage.
 - i. The elements of the tree preservation plan may be included on multiple plan sheets for clarity.
 - j. The final approved set of construction drawings must include the tree preservation plan to ensure contractors, inspectors, and other professionals have access to the information.
3. Tree Planting Plan
- a. Provide a site plan drawn to scale.
 - b. Include the existing trees to be retained and their crown areas to scale.
 - c. Include the trees to be planted and their mature crown areas to scale based on the City of Milwaukie Tree Canopy List.
 - d. Identify the soil volume areas for each tree to be planted to scale.
 - e. For performance path soil volume areas, identify the methods and specifications as applicable for:
 - (1) Compaction Reduction;
 - (2) Soil Amendments;
 - (3) Topsoil Replacement; and/or
 - (4) Soil Under Pavement.
 - f. Include a diagram depicting the tree planting that is consistent with ISA best management practices.
 - g. The minimum size of planted trees is 1.5-inch caliper for broadleaf trees and 5-foot tall for conifers unless otherwise approved by the Urban Forester. Nursery stock must be in good health with the size and quality consistent with ISA best management practices and ANSI Z60.1 standards.
 - h. The species selection and spacing of trees to be planted must be such that it provides for the eventual mature size of the trees. Soil type, soil conditions and other site constraints shall be considered when selecting species for planting. Final site plans must be approved by the Urban Forester.
 - i. Root barriers must be installed according to the manufacturer's specifications when a tree is planted within 5 feet of pavement or an underground utility box unless otherwise approved by the Urban Forester.

- j. Where there are overhead high voltage utility lines, the tree species selected must be of a type that, at full maturity, will not require pruning to avoid interference with the lines.
- l. The elements of the tree canopy plan may be included on multiple plan sheets for clarity.
- m. The final approved set of construction drawings must include the tree canopy plan to ensure contractors, inspectors, and other professionals have access to the information.

4. Arborist Report

- a. Provide a written narrative that summarizes the information from the tree inventory, tree preservation plan, and tree canopy plan.
- b. Provide findings and calculations that demonstrate whether the tree preservation standards in Subsection 16.32.042.B have been met.
- c. Provide findings and calculations that demonstrate whether the tree planting standards in Subsection 16.32.042.C have been met.
- d. If the tree preservation and/or tree planting standards have not been met, provide calculations for the applicable tree mitigation fees as required by Subsection 16.32.042.D.
- e. If the applicant is seeking a variance to the tree preservation and/or tree planting standards in place of providing mitigation fees, provide findings that demonstrate the proposal provides equivalent or greater environmental benefits as preserving or planting the required tree canopy consistent as required by Subsection 16.32.042.E.
- f. Provide findings that demonstrate compliance with the tree protection standards in Subsection 16.32.042.F.
- g. Provide findings that demonstrate compliance with the soil volume standards in Subsection 16.32.042.G.

I. Non-Development Tree Permit Requirements

1. Applicability

A permit is required prior to the removal of the following trees in residential zones on property that is outside the right-of-way and not owned or maintained by the City:

- a. Trees that are at least 6-inch DBH.
- b. Trees that are less than 6-inch DBH as specified on the City of Milwaukie Rare or Threatened Tree List.
- c. Trees that were planted to meet any requirements in Section 16.32.042.

Permits are not required in residential zones when tree removal is approved with development listed in Subsection 16.32.042.A.1.a. Permits are also not required in residential zones for the removal of trees that are grown for commercial agricultural or horticultural purposes including fruit trees, nut trees, or holiday trees.

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

Section 19.201 Definitions

As used in this title:

“Carport” means a stationary structure consisting of a roof, its supports, and not more than 1 wall (or storage cabinets substituting for a wall) used to shelter motor vehicles, recreational vehicles, or boats.

CHAPTER 19.300 BASE ZONES

19.303 COMMERCIAL MIXED-USE ZONES

19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3 Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	1,500	1,500	
2. Minimum street frontage (ft)	25	25	
B. Development Standards			
1. Minimum floor area ratio	0.5:1	0.5:1	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft)			Subsection 19.303.4.B Building Height
a. Base maximum	45	45	Section 19.510 Green Building Standards Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone
b. Maximum with height bonus	57–69	Height bonus not available	
3. Street setbacks (ft)			Subsection 19.303.4.C Street Setbacks
a. Minimum street setback	0–15 ¹	None	Section 19.501.2 Yard Exceptions
b. Maximum street setback	10–20 ²	10	
c. Side and rear setbacks	None	None	

4. Frontage occupancy	50%	None	Subsection 19.303.4.D Frontage Occupancy Requirements Figure 19.303.4.D Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	
6. Minimum vegetation	15%	15%	Subsection 19.504.6 Minimum Vegetation
7. Primary entrances	Yes	Yes	Subsection 19.303.4.E Primary Entrances
8. Off-street parking standards	Yes	Yes	Chapter 19.600 Off-Street Parking and Loading
9. Transit street	Yes	Yes	Subsection 19.505.8 Building Orientation to Transit
10. Transition measures	Yes	Yes	Subsection 19.504.5 Transition Area Measures

19.303.6 Additional Provisions

Depending upon the type of use and development proposed, the following sections of the Milwaukie Municipal Code may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

B. Section 19.600 Off-Street Parking and Loading

Contains standards for vehicle and bicycle parking, including maximum number of spaces and design standards for parking and loading areas where provided.

19.304 DOWNTOWN ZONES

Table 19.304.4 CONTINUED Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
B. Development Standards CONTINUED			
5. Frontage occupancy requirements	50–90%	None	Subsection 19.304.5.E Frontage Occupancy Requirements Figure 19.304-6 Minimum Frontage Occupancy

6. Primary entrances	Yes	No	Subsection 19.304.5.F Primary Entrances
7. Off-street parking standards	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.G Off-Street Parking Chapter 19.600 Off-Street Parking and Loading
8. Open space	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.H Open Space Subsection 19.508.4.G Open Space/Plazas
9. Transition measures	Yes, where applicable	No	Subsection 19.304.5.I Transition Measures Subsection 19.504.5 Transition Area Measures

19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

G. Off-Street Parking

1. Intent

The desired character for the DMU Zone, particularly along Main St, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

2. Standards

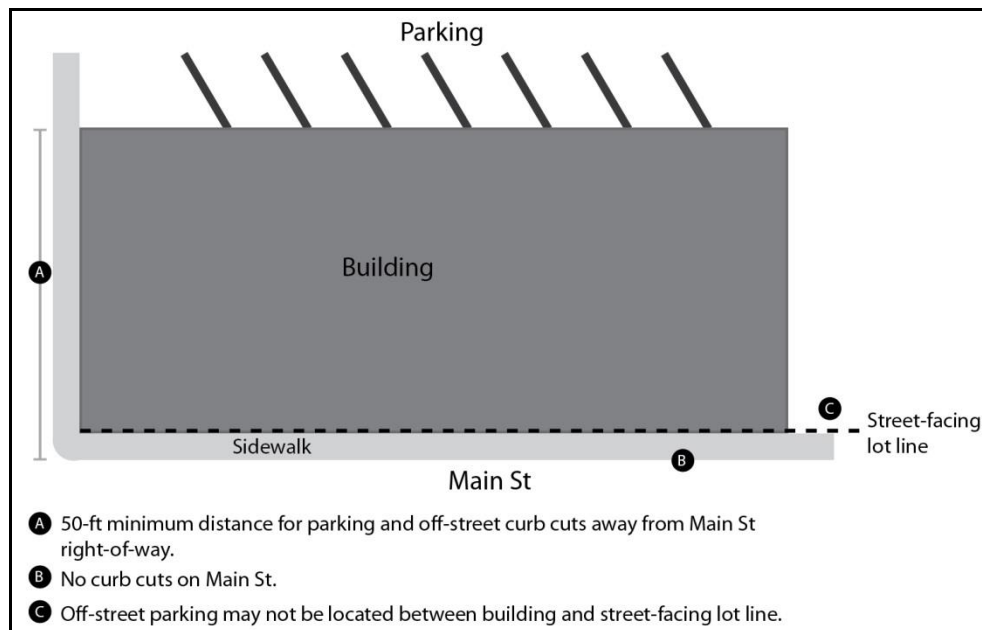
- a. Off-street parking for residential uses is subject to the standards of Chapter 19.600.
- b. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main St right-of-way. Off-street surface parking lots approved prior to October 31, 2015, the effective date of Ordinance #2106, are exempt from this prohibition. This exemption applies only to the property owner on file with the Clackamas County Assessor as of October 31, 2015, the effective date of Ordinance #2106, and is dissolved upon transfer of ownership.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main St right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main St.
- (2) The off-street parking area or curb cut is visually screened from view from Main St.

- (3) The community need for the off-street parking area or curb cut within 50 ft of Main St outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking shall not be located between a building and the street-facing lot line.

**Figure 19.304.5.G.2
Off-Street Parking Standards**



19.304.8 Variances

The Planning Manager or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2170 § 2, 2019; Ord. 2168 § 2, 2019; Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2094 § 2, 2015; Ord. 2059 § 2, 2013; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

19.310 BUSINESS INDUSTRIAL ZONE BI

19.310.6 Standards

In the BI district, the following standards shall apply to all uses:

H. Landscaping

15% of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to 20% of the site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within

off-street parking lots to help delineate entrances, provide shade, and permeable areas for stormwater runoff. A bond or financial guarantee for landscape completion shall be required.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.505 BUILDING DESIGN STANDARDS

19.505.4 Cottage Cluster Housing

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 (CONTINUED) Cottage Cluster Development Standards		
Standards	R-MD	R-1, R-2, R-2.5, R-3, R-1-B
E. Impervious Area, Vegetated Area (CONTINUED)		
2. Vegetated site area (minimum)	35%	35%
F. Community and Common Space		
1. Community building footprint (maximum) ¹	1,000 sf	1,000 sf
2. Common Space	19.505.1.D	19.505.1.D
G. Parking (see also 19.505.1.D.3)		
1. Dry, secure bicycle parking spaces per home (minimum)	1.5	
2. Guest bicycle parking spaces per home (minimum)	0.5	

2. Off-Street Parking

- a. When off-street parking is provided, parking spaces must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.
- b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
- c. If there are more than 8 units in a cottage cluster and off-street parking is provided, there must be at least 2 separate parking areas with a minimum of 4 parking spaces in each area. A drive aisle connecting the 2 areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: support efficient streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700. The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2025 § 2, 2011)

19.602 APPLICABILITY

19.602.1 General Applicability

The regulations of Chapter 19.600 apply to all off-street parking areas and off-street loading areas. Activity that is not described by Subsections 19.602.3 or 4 is exempt from compliance with the provisions of Chapter 19.600. Changes to nonconforming off-street parking and loading are addressed through Chapter 19.600 and not through the provisions of Chapter 19.800.

19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

A. Purpose

The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

B. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.

C. Areas of Required Improvement

The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.

1. Paving and striping of parking areas, per Subsection 19.606.3.A.
2. Minimum required bicycle parking spaces, per Section 19.609.
3. Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D.
4. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.

5. Other applicable standards within Chapter 19.600, as determined by the Planning Manager.

(Ord. 2161 § 2, 2018; Ord. 2025 § 2, 2011)

19.603 REVIEW PROCESS AND SUBMITTAL REQUIREMENTS

19.603.1 Review Process

The Planning Manager shall apply the provisions of Chapter 19.600 in reviewing all land use and development permit applications, except when an application is subject to a quasi-judicial land use review or appeal, in which case the body reviewing the application or appeal has the authority to implement and interpret the provisions of Chapter 19.600.

19.603.2 Submittal Requirements

Except for single detached dwellings or development situations where no off-street parking is being provided, a development or change in use subject to Chapter 19.600 as per Section 19.602 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning Manager.

- A. Delineation of individual spaces and wheel stops.
- B. Drive aisles necessary to serve spaces.
- C. Accessways, including driveways and driveway approaches, to streets, alleys, and properties to be served.
- D. Pedestrian pathways and circulation.
- E. Bicycle parking areas and rack specifications.
- F. Fencing.
- G. Abutting land uses.
- H. Grading, drainage, surfacing, and subgrading details.
- I. Location and design of lighting fixtures and levels of illumination.
- J. Delineation of existing and proposed structures.
- K. Parking and loading area signage.
- L. Landscaping, including the following information.
 1. The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items.
 2. Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved.

(Ord. 2025 § 2, 2011)

19.604 GENERAL PARKING STANDARDS**19.604.1 Parking Provided with Development Activity**

All off-street parking areas shall be provided in conformance with the standards of Chapter 19.600 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

19.604.2 Parking Area Location

Accessory parking shall be located in one or more of the following areas:

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.
- C. Where parking is approved in conformance with Subsection 19.605.2.

19.604.3 Converting Off-Street Parking Areas

When converting an automobile parking area to another use, access for emergency vehicles must be maintained, and adequate parking for truck loading should be considered.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.605 is to ensure that development does not provide excessive vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

19.605.1 Parking Maximums

- A. When off-street parking is provided with development, the number of spaces shall not be more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Manager shall determine which ratio to apply to the proposed development or use.
- B. When a specific use has not been proposed or identified at the time of permit review, the Planning Manager may elect to assign a use category from Table 19.605.1 to determine the maximum allowed parking. Future tenants or property owners are responsible for compliance with Chapter 19.600 per the applicability provisions of Section 19.602.
- C. If a proposed use is not listed in Table 19.605.1, the Planning Manager has the discretion to apply the maximum requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar parking demands. If a similar use is not listed, the maximum allowance will be determined per Subsection 19.605.2.
- D. Where the calculation of maximum parking spaces does not result in a whole number, the result shall be rounded to the nearest whole number.

- E. Parking spaces for disabled persons, and other improvements related to parking, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the maximum allowed number of off-street parking spaces.
- F. Uses that have legally established parking areas that exceed the maximum number of spaces allowed by Section 19.605 prior to June 17, 2010, the effective date of Ordinance #2015, shall be considered nonconforming with respect to the quantity requirements. Such uses shall not be considered parking facilities as defined in Section 19.201.

Table 19.605.1 Maximum Off-Street Parking Standards	
Use	Maximum Allowed
A. Residential Uses	
1. Single detached dwellings, including manufactured homes.	No maximum.
2. Multi-Unit Dwellings	2 spaces per dwelling unit.
3. Middle Housing ¹ a. Duplexes b. Triplexes c. Quadplexes d. Townhouses ² e. Cottage Clusters	1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit
4. Residential homes and similar facilities allowed by right in residential zones.	1 space per dwelling unit plus one space per employee on the largest shift plus 1 space per bedroom.
5. Accessory dwelling units (ADU).	No maximum.
Table 19.605.1 CONTINUED Maximum Off-Street Parking Standards	
Use	Maximum Allowed
B. Community Service and Other Public Uses	
1. Religious institutions.	1 space per 2 seats.
2. Day-care center ("family day-care" as defined in Section 19.201 has no parking requirements).	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary or junior high.	2 spaces per classroom.
4. School—senior high.	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	16.66 spaces per 1,000 sq ft of floor area, or 1 space per 3 seats if seats are permanently installed.
6. Library, museum, art gallery.	1.2 spaces per 1,000 sq ft of floor area.
7. Nursing, convalescent, and extended-care facilities.	1 space per 3 beds.

C. Lodging Places	
1. Motel, hotel, boarding house.	1.5 spaces per lodging unit.
2. Bed and breakfast establishments.	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
D. Commercial Uses—Recreational	
1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.	5.5 spaces per 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium.	1 space per 3 seats.
E. Commercial Uses—Retail Goods	
1. Eating and drinking establishments.	15 spaces per 1,000 sq ft of floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	5 spaces per 1,000 sq ft of floor area.
3. Bulk retail—furniture and home furnishings, appliances, vehicles, building materials, and similar large items.	3 spaces per 1,000 sq ft of floor area.
4. Gas stations.	1.25 spaces per 4 pumps.
F. Commercial Uses—Services	
1. General office, including banks.	3.4 spaces per 1,000 sq ft of floor area.
2. Medical/dental office (non-hospital), veterinary clinic.	4.9 spaces per 1,000 sq ft of floor area.
Table 19.605.1 CONTINUED	
Maximum Off-Street Parking Standards	
Use	Maximum Allowed
F. Commercial Uses—Services CONTINUED	
3. Personal services, such as a barbershop, beauty parlor, etc.	5.4 spaces per 1,000 sq ft of floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	5.1 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	2.5 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	3 spaces per service bay.
7. Mortuary/funeral home.	1 space per 3 chapel or parlor seats.
8. Car wash.	2 spaces per wash bay for self-service washes, or 2 spaces per 1,000 sq ft of floor area for full-service washes.
G. Industrial Uses	
1. Manufacturing.	2 spaces per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	1 space per 1,000 sq ft of floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	0.4 spaces per 1,000 sq ft of floor area.

4. Mini-warehouse; self-service storage.	1 space per 20 storage units, plus 1 space per employee of the largest shift.
--	---

19.605.2 Maximum Quantity Modifications and Parking Determinations

Subsection 19.605.2 allows for the modification of maximum parking ratios from Table 19.605.1 as well as the determination of maximum parking requirements. Parking determinations shall be made when the proposed use is not listed in Table 19.605.1 and for developments with parking demands that are higher than the maximum allowed.

A. Applicability

The procedures of Subsection 19.605.2 shall apply in the following situations:

1. If the proposed use is not listed in Table 19.605.1 and the maximum allowed quantity for a similar listed use cannot be applied.
2. If the applicant seeks a modification from the maximum allowed quantities as calculated per Table 19.605.1.

B. Application

Determination of parking ratios in situations listed above shall be reviewed as a Type II land use decision, per Section 19.1005 Type II Review. The application for a determination must include the following:

1. Describe the proposed uses of the site, including information about the size and types of the uses on site, and information about site users (employees, customers, residents, etc.).
2. Identify factors specific to the proposed use and/or site, such as the proximity of transit, parking demand management programs, availability of shared parking, and/or special characteristics of the customer, client, employee or resident population that affect parking demand.
3. Provide data and analysis specified in Subsection 19.605.2.B.3 to support the determination request. The Planning Manager may waive requirements of Subsection 19.605.2.B.3 if the information is not readily available or relevant, so long as sufficient documentation is provided to support the determination request.
 - a. Analyze parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Institute of Transportation Engineers, American Planning Association, Urban Land Institute, or other similar organizations.
 - b. Review parking standards for the proposed use or similar uses found in parking regulations from other jurisdictions.
 - c. Present parking quantity and parking use data from existing developments that are similar to the proposed development. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development.
 - d. For middle housing, provide occupancy and use data quantifying conditions of the on-street parking system within one block of the middle housing development.

4. Propose a maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a maximum for each development phase.
5. Address the approval criteria in Subsection 19.605.2.C.

C. Approval Criteria

The Planning Manager shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Manager, based on the applicant's materials and other data the Planning Manager deems relevant, shall set the maximum parking allowed. Conditions of approval may be placed on the decision to ensure compliance with the parking determination.

1. All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity allowances for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.
2. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria:
 - a. The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.
 - b. The parking demand cannot be accommodated by shared or joint parking arrangements or by increasing the supply of spaces that are exempt from the maximum amount of parking allowed under Subsection 19.605.3.A.
 - c. The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

19.605.3 Exemptions to Quantity Allowances

The following exemptions and by-right reductions cannot be used to further modify any parking modification or determination granted under Subsection 19.605.2.

A. Exemptions to Maximum Quantity Allowance

The following types of parking do not count toward the maximum amount of parking allowed on a site. This exemption applies only to the quantity requirements of Section 19.605 and not to the other requirements of Chapter 19.600. The City may impose conditions to ensure that parking spaces associated with these parking types are appropriately identified and used for the intended purpose.

1. Spaces for a parking facility.
2. Spaces for a transit facility or park and ride facility.
3. Storage or display areas for vehicle sales.
4. Employee carpool parking, when spaces are dedicated or reserved for that use.
5. Fleet parking.
6. Truck loading areas.

19.605.4 Electric Vehicle (EV) Charging Requirements

Required EV charging spaces. All uses that are commercial, industrial, multi-unit with 5 or more units, or mixed-use with 5 or more units must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

A. Commercial and Industrial Parking

For commercial and industrial uses that provide off-street parking, choose one of the following:

1. At least 50% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 20% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

B. Multi-Unit and Mixed-Use Residential Parking

For buildings with 5 or more dwelling units where off-street parking spaces are provided, choose one of the following:

1. All (100%) of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 40% of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

19.606 PARKING AREA DESIGN AND LANDSCAPING

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. The requirements in Subsection 19.606.4 apply to all types of development where a new quarter-acre parking lot or larger is provided. All other standards apply to all types of development where parking is provided, except for middle housing, single detached dwellings, and adult foster/care homes.

19.606.1 Parking Space and Aisle Dimensions

- A. The dimensions for off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.

v					
Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)
0° (Parallel)	8.5'	22'	12'	19'	8.5'

30°	9'	17'	12'	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.

1. Dimensions

The minimum width of perimeter landscape areas are shown in Table 19.606.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning Manager may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.606.2.C.1.

19.606.3 Additional Design Standards

A. Paving and Striping

Paving and striping are required for all maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

D. Pedestrian Access and Circulation

Subsection 19.504.8 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.8.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.
2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.8.E.

E. Internal Circulation

1. General Circulation

The Planning Manager has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modifying drive aisle dimensions.

F. Lighting

Lighting is required for parking areas with more than 10 spaces. The Planning Manager may require lighting for parking areas of less than 10 spaces if the parking area would not be safe due to the lack of lighting. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.
2. Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.
3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.
4. Where practicable, lights shall be placed so they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2, 2019; Ord. 2161 § 2, 2018; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2036 § 3, 2011; Ord. 2025 § 2, 2011)

19.606.4 Surface Parking Areas Over One-Quarter Acre

A. Purpose

To comply with OAR 660-012-0405 and to mitigate the negative impacts of large surface parking lots such as increased ambient temperatures, increased stormwater run-off, and diminished pedestrian connectivity, all newly proposed surface parking areas that are greater than one-quarter acre in size must comply with the standards in Subsection 19.606.4.

B. Measurement

Calculating the one-quarter acre threshold (10,890 sq ft) is based on the cumulative area measured around the perimeter of all parking spaces, vehicle maneuvering areas, interior walkways, and interior landscaping areas. This requirement applies even when parking areas are scattered throughout a property or span multiple lots but serve a common use or uses.

C. General Requirements

Parking areas that are over one-quarter-acre in size must comply with all the standards below.

1. Development standards. These standards apply in addition to those in Subsections 19.606.3.D, 19.504.8, and Section 19.505. Where there is a conflict with those standards, the standards in Subsection 19.606.4 take precedence.
 - a. Walkways must be provided along the entire length of at least one side of a driveway and must be separated from the driveway by a curb.
 - b. Walkway crossings at intersections with drive aisles and driveways must be provided. Crossing facilities must be demarcated by either a raised surface or by utilizing a separate surface material. Demarcation with the use of paint alone is not permitted.
 - c. The longest façade of a building must include an abutting walkway with a zero-foot setback from the building and must include the building's primary entrance.
 - d. In no case may a drive-through, drive-aisle, parking area, or other area used by automobiles be located between a building and its abutting walkway.

e. Development must provide trees along driveways. Trees must be planted a minimum of one per 30 lineal ft of the driveway and must be consistent with the planting requirements in 19.606.2.C.2.

2. Developments must provide one of the following:

- a. Installation of solar panels with a generation capacity of at least 0.5 kilowatts per parking space on the property. Panels may be located anywhere on the property so long as their placement complies with other development standards in the Milwaukie Municipal Code.
- b. Spending at least 1.5% of the project cost on green energy, in compliance with OAR 330-135-0010. This provision applies to public projects only.
- c. Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting, as measured per Subsection 19.606.4.D.

D. Tree Canopy Coverage Standards

The following standards apply when providing tree canopy coverage under Subsection 19.606.4.C.2.c.

1. Calculating Parking Lot Area to be Covered by Tree Canopy

When calculating the area required to be covered by a tree canopy for the purposes of this Subsection, the following rules must be followed:

- a. All surface areas on which a vehicle is designed to maneuver, such as drives, drive-through lanes, drive aisles, and parking stalls, must be included.
- b. Areas not used for passenger vehicles, such as loading areas, interior landscaped areas, interior walkways not designed to be used by a passenger vehicle, and areas that are permanently used for outdoor storage, can be excluded when calculating this area.

2. Calculating Tree Canopy Coverage

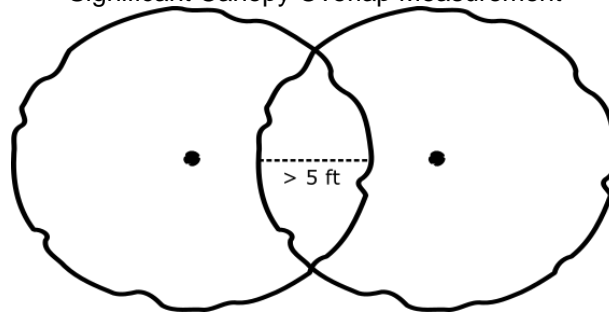
When calculating tree canopy coverage to comply with this Subsection, the following rules must be followed:

- a. The expected diameter of the tree crown at 15 years must be used to calculate tree canopy coverage, regardless of if the tree is mature at that time.
- b. The area under the expected canopy at 15 years that is either paved surface, including parking stalls and maneuvering areas, loading areas, walkways that are interior to the parking area, and interior and perimeter parking area landscaping will count towards meeting the required canopy coverage standard.
- c. The existing canopy of trees preserved on-site and providing coverage of the subject parking area can be counted towards the canopy coverage standard. The current diameter of a preserved tree's crown must be used to calculate tree canopy coverage. Or, if the tree was newly planted, the expected diameter of the tree crown area at 15 years can be used. Preserved trees used to meet this standard must be at least 2 in diameter at breast height if deciduous and at least 5 ft tall if coniferous.
- d. Trees located off-site, including those in the public right-of-way, do not count towards the canopy coverage standard.

- e. Newly planted trees that are isolated in disconnected individual planters do not count towards the canopy coverage standard. The canopy of preserved trees that are isolated and at least 12 in diameter at breast height can count toward the canopy coverage standard.
- f. Canopy that covers structures does not count towards the canopy coverage standard unless covering a roofed but unenclosed structure that is used for protecting an automobile, bicycle, garbage/recycling area, or similar area from the elements.
- g. Canopy area of significant overlap does not count towards the canopy coverage standard. Significant overlap is defined as any overlap greater than 5 ft. The overlap measurement is the length of a line segment within the overlap area of a line between tree canopy trucks/centers. See Figure 19.606.4 for an example of this measurement.

Figure 19.606.4

Significant Canopy Overlap Measurement



3. Tree Plan Submittal Requirements

The following must be submitted to demonstrate compliance with this standard at the time development permits are submitted or with any land-use application subject to this Subsection and Subsection 19.906.

- a. A tree plan must be submitted to the Urban Forester or designee per the submittal requirements in Subsection 16.32.042.H
- b. The tree plan shall be prepared by an ISA-certified arborist in coordination with local utility providers. The final tree plan must be reviewed and approved by the Urban Forester.

4. General Tree Planting and Maintenance Requirements

In providing trees under Subsection 19.606.4, plantings shall comply with the following standards.

- a. Trees must be planted in continuous trenches in perimeter and interior landscaping areas and spaced to maintain a continuous canopy 15 years after planting. Canopy spacing will be measured based on the expected diameter of the tree crown 15 years after planting. Sections of the canopy are considered continuous when there is no space greater than 5 ft between two or more projected crown areas. Gaps in the canopy are permitted to accommodate other features of the parking area, such as drive aisles

- b. Applicants must submit a soil volume and protection plan for approval by the Urban Forester or designee as outlined in Subsection 16.32.042.G Soil Volume Standards.
- c. Applicants must submit a tree protection plan for approval by the Urban Forester or designee as outlined in Subsection 16.32.042.F Tree Protection Standards.
- d. Trees must be maintained to ensure their survival and long-term health. Inspection of tree health will occur at the time of site development and, to ensure tree survival, three to five years after planting.

19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.607.1 Residential Driveways and Vehicle Parking Areas

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for single detached dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, and residential homes in all zones, unless specifically stated otherwise.

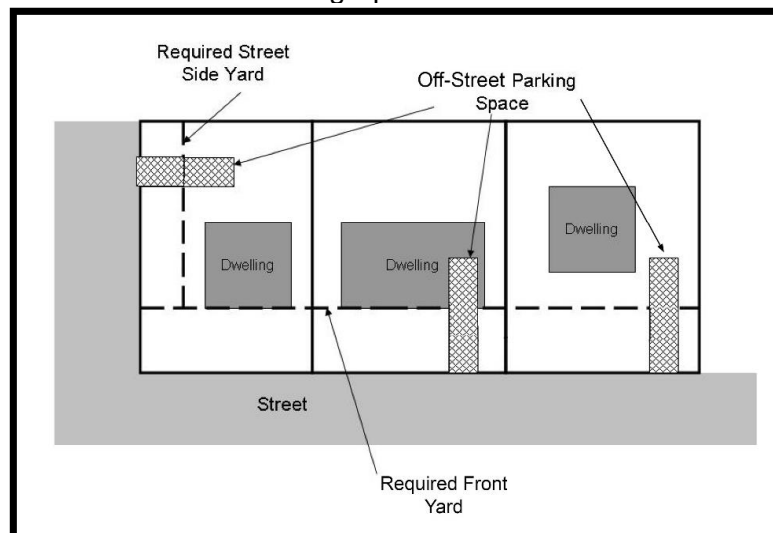
A. Dimensions

Off-street parking space dimensions for parking spaces are 9 ft wide x 18 ft deep.

B. Location

1. No portion of an off-street parking space is allowed within the following areas. See Figure 19.607.1.B.1. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
 - a. Within an adjacent public street right-of-way or access easement.
 - b. Over a public sidewalk.

Figure 19.607.1.B.1
Parking Space Location



C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.
 - a. All vehicle parking spaces and maneuvering areas located within a required front or street-side yard. Areas for boat or RV parking outside of required front or street-side yards are exempt from this requirement and may be graveled.
 - b. All off-street parking and maneuvering areas for an adult foster/care home.
2. Maneuvering areas and parking areas that are outside of a required front or side yard are allowed to have a gravel surface.

19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking

Subsection 19.607.2 is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.607.2 apply to off-street parking areas for cottage clusters, rowhouses, duplexes, single-family single detached dwellings, and residential homes in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored in the front yard or required street side yard on cottage cluster, rowhouse, duplex, single-family-single detached dwelling, or residential home properties. Commercial vehicles may be present anywhere on these properties for up to 12 hours in 1 day if the vehicle is engaged in loading or unloading materials for a residence(s).
- B. Recreational vehicles and pleasure crafts on middle housing, single detached, or adult foster/care home properties must comply with the following regulations:
 1. On residential lots less than 1 acre, only 1 recreational vehicle or private pleasure craft that is not located in an enclosed structure such as a garage shall be allowed. Canoes and other crafts less than 12 ft long shall be exempt from this requirement. On lots larger than 1 acre, 1 additional recreational vehicle or private pleasure craft that is not located in an enclosed structure is allowed for each 1/2 acre of area over 1 acre.
 2. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a lot used for middle housing, single detached dwelling, or adult foster/care home.

19.608 LOADING

19.608.2. Number of Loading Spaces

The Planning Manager shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

A. Residential Buildings

Buildings where all of the floor area is in residential use should meet the following standards:

1. Fewer than 50 dwelling units on a site that abuts a local street: no loading spaces required.
 2. All other buildings: 1 loading space.
- B. Nonresidential and Mixed-Use Buildings
- Buildings where any floor area is in nonresidential uses should meet the following standards:
1. Less than 20,000 sq ft of total floor area: no loading spaces required.
 2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.
 3. More than 50,000 sq ft of total floor area: 2 loading spaces.

19.609 BICYCLE PARKING

19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, multi-unit residential development, and cottage cluster development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone and at transit centers.

19.609.2 Quantity of Spaces

- A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.
1. Unless otherwise specified, development must provide at least the minimum number of bicycle parking spaces listed in Table 19.609.2.
 2. Where the calculation of minimum bicycle parking spaces does not result in a whole number, the result shall be rounded up to the next whole number.

Table 19.609.2	
Minimum Bicycle Parking Quantity Requirements	
Use	Minimum Required
1. Multi-unit residential development	1 space per dwelling unit.
2. Cottage clusters	See Table 19.505.4.C.1. for cottage cluster development bicycle parking requirements.
3. Adult foster/care homes and similar facilities allowed by right in residential zones.	0.1 space per dwelling unit plus 0.1 space per employee on the largest shift.
B. Community Service and other Public Uses	
1. Religious institutions.	0.1 space per 4 seats.
2. Day-care center ("family day-care" as defined in Section 19.201 has no parking requirements).	0.2 spaces per 1,000 sq ft of floor area.
3. School—elementary/junior high.	0.1 space per classroom.

4. School—senior high.	0.025 spaces per student, plus 0.1 space per staff.
5. Meeting room, club, lodge, or association.	0.5 spaces per 1,000 sq ft of floor area, or 0.1 space per 4 seats if seats are permanently installed.
6. Library, museum, art gallery.	0.1 space per 1,000 sq ft of floor area.
7. Nursing, convalescent, and extended-care facilities.	0.1 space per 4 beds.
8. Transit centers	1 space per 100 daily boardings
C. Lodging Places	
1. Motel, hotel, boarding house.	0.1 space per lodging unit.
2. Bed and breakfast establishments.	0.1 space per lodging unit, plus 0.1 space for the permanent residence.
D. Commercial Uses—Recreational	
1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.	0.3 spaces for each 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium.	0.1 space per 4 seats.
E. Commercial Uses—Retail Goods	
1. Eating and drinking establishments.	0.4 spaces per 1,000 sq ft floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	0.2 spaces per 1,000 sq ft of floor area.
3. Bulk retail—furniture and home furnishings, appliances, vehicles, building materials, and similar large items.	0.1 space per 1,000 sq ft of floor area.
4. Gas stations.	2
F. Commercial Uses—Services	
1. General office, including banks.	0.2 spaces per 1,000 sq ft of floor area.
2. Medical/dental office (non-hospital), veterinary clinic.	0.39 spaces per 1,000 sq ft of floor area.
3. Personal services, such as a barbershop, beauty parlor, etc.	0.4 spaces per 1,000 square floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	0.28 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	0.2 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	0.2 spaces per service bay.
7. Mortuary/funeral home.	0.1 space per 5 chapel or parlor seats.
8. Car wash.	2
G. Industrial Uses	
1. Manufacturing.	0.1 space per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	0.05 spaces per 1,000 sq ft of floor area.

3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	0.03 spaces per 1,000 sq ft of floor area.
4. Mini-warehouse; self-service storage.	0.1 space per 45 storage units, plus 0.1 space per employee of the largest shift.

B. Covered or enclosed bicycle parking.

1. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

- a. When 10% or more of vehicle parking is covered.
- b. If more than 10 bicycle parking spaces are required.
- c. For multi-unit residential development.

19.610 CARPOOL AND VANPOOL PARKING

19.610.2 Number of Spaces

The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of parking spaces provided.

19.611 PARKING STRUCTURES

The purpose of Section 19.611 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking for a specific use, or as a parking facility that is a use by itself.

19.611.1 Permitted Zones and Review Procedures

- A. Parking structures, including underground parking, are allowed in all zoning districts except the Moderate Density Residential and Open Space Zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Open Space Zone. A parking structure to be used for commercial parking in the Downtown Mixed Use Zone must be permitted through approval of a conditional use application.

19.611.2 Compliance with Other Sections of Chapter 19.600

- A.. Spaces in parking structures are exempt from counting against maximum parking allowances if the spaces are utilized for types of parking listed in Subsection 19.605.3.A.

CHAPTER 19.900 LAND USE APPLICATIONS

19.901 INTRODUCTION

Uses or development that are regulated by Titles 14, 17, and 19 of the Milwaukie Municipal Code shall submit and obtain approval for all required land use applications prior to establishment or construction. Table 19.901 below contains a complete list of the City's land use applications and the location of the provisions that govern their submittal, review, and approval. It also identifies the

review type(s) associated with each application type. The review type determines who is given notice about land use and development proposals, when the City has to make a decision on a land use application, and who makes the final decision. Descriptions of the different review types and the procedures associated with them are located in Chapter 19.1000. Decision makers for each review type are listed in Table 19.1001.5.

Table 19.901 CONTINUED Land Use Applications		
Application Type	Municipal Code Location	Review Types
Land Divisions:	Title 17	
Final Plat	Title 17	I
Lot Consolidation	Title 17	I
Partition	Title 17	II
Property Line Adjustment	Title 17	I, II
Replat	Title 17	I, II, III
Subdivision	Title 17	III
Middle Housing Land Division	Title 17	II
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Modification to Existing Approval	Section 19.909	I, II, III
Natural Resource Review	Section 19.402	I, II, III, V
Nonconforming Use Alteration	Chapter 19.804	III
Parking:	Chapter 19.600	
Quantity Determination	Subsection 19.605.2	II
Quantity Modification	Subsection 19.605.2	II
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.311	IV
Residential Dwellings:	Section 19.910	
Manufactured Dwelling Park	Subsection 19.910.3	III
Temporary Dwelling Unit	Subsection 19.910.4	I, III
Sign Review	Title 14	Varies
Transportation Facilities Review	Chapter 19.700	II
Variances:	Section 19.911	
Use Exception	Subsection 19.911.5	III
Variance	Subsection 19.911.1-4	II, III
Willamette Greenway Review	Section 19.401	III

19.905 CONDITIONAL USES

19.905.5 Conditions of Approval

The Planning Commission, or Planning Manager in the case of minor modifications, may impose conditions of approval that are suitable and necessary to assure compatibility of the proposed use with other uses in the area and minimize and mitigate potential adverse impacts caused by the proposed use.

Conditions of approval may include, but are not limited to, the following aspects of the proposed use:

- A. Limiting the hours, days, place, and manner of operation.
- B. Requiring structure and site design features that minimize environmental impacts such as those caused by noise, vibration, air pollution, glare, odor, carbon emissions, and dust.
- C. Requiring additional front, rear, or side yard width.
- D. Limiting building height, size, or location or limiting lot coverage.
- E. Limiting or otherwise designating the size, number, or location of vehicle access points from the street.
- F. Requiring additional landscaping or screening of off-street parking and loading areas.
- G. Limiting or otherwise designating the location, intensity, and shielding of outdoor lighting.
- H. Requiring screening or landscaping for the protection of surrounding properties.
- I. Requiring and designating the size, height, location, and materials for fences.
- J. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.
- K. Requiring adequate public transportation facilities and public utilities prior to occupancy.

19.910 RESIDENTIAL DWELLINGS

19.910.3 Manufactured Dwelling Parks

D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

- 7. When provided, off-street parking and recreational vehicle parking shall be developed as per Chapter 19.600.



ZA-2022-005

Climate Friendly Equitable Communities (CFEC) Parking Amendments

City Council Discussion
March 7, 2023

Staff Presentation by Ryan Dyar, Assistant Planner

- Governor Brown's Executive Order #20-04
 - Goal of reducing transportation-related greenhouse gas emissions
 - Department of Land Conservation and Development (DLCD) initiates CFEC
 - Rules change how jurisdictions update **Transportation System Plans (TSP)**
 - Rules change how jurisdictions **regulate off-street vehicle parking**
 - Most rules apply to jurisdictions when updating TSP. Parking rules take effect sooner (**Jan 1, 2023**, and **June 30, 2023**)

PARKING REFORM OPTIONS

Milwaukie must adopt either Option A or B by June 30, 2023

Option A

Remove parking mandates citywide.

And adopt:

- 0405: Adopt parking regulation improvements
- 0410: EV conduit
- 0415: Parking Maximums

Option B



Retain some parking mandates. And adopt:

- 0425: Reducing the burden of existing mandates
- 0430: Types of development without mandates and maximum multifamily mandate of one space/unit
- 0435: Region 2040 center reform
- 0440: Parking reform near priority transit corridors
- 0445: Fair pricing or reduced regulation policies
- 0450: More populous: price a percentage of on-street spaces

PRIOR CITY ACTIONS ON CFEC

- Climate Friendly Equitable Communities (CFEC)
 - City Council Direction (8.16.2022)
 - Planning Commission Briefing (9.13.2022)
 - Planning Commission Work Sessions (11.8.2022) & (1.10.2022)
 - Planning Commission Public Hearing (2.14.2023)



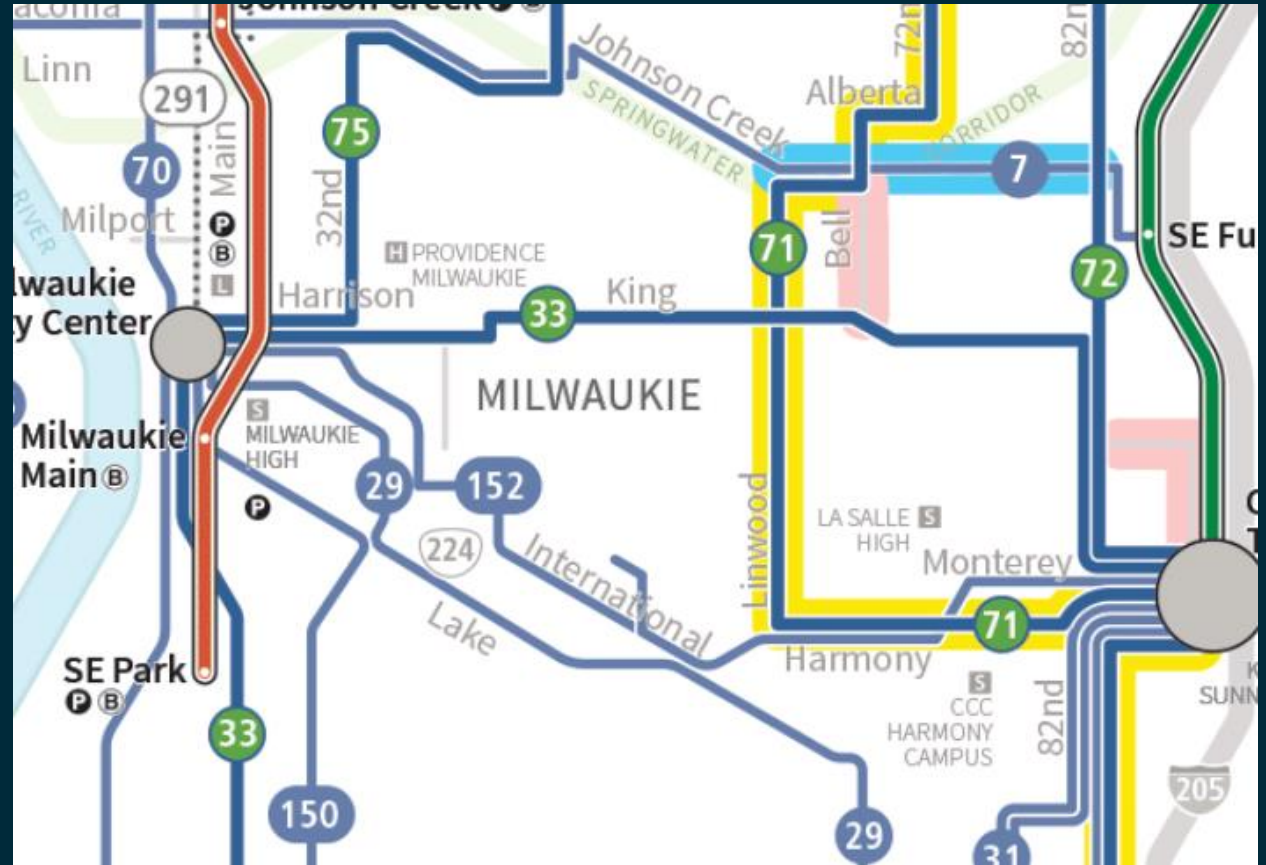
-  Parking Mandates cannot apply
-  Some parking mandates may apply

NEW FREQUENT SERVICE PROPOSED

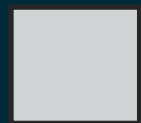
TriMet Forward Together: Revised Service Concept Plan

Line 71 would be upgraded to 15-minute service most of the day.

Takes Effect **September 2023**



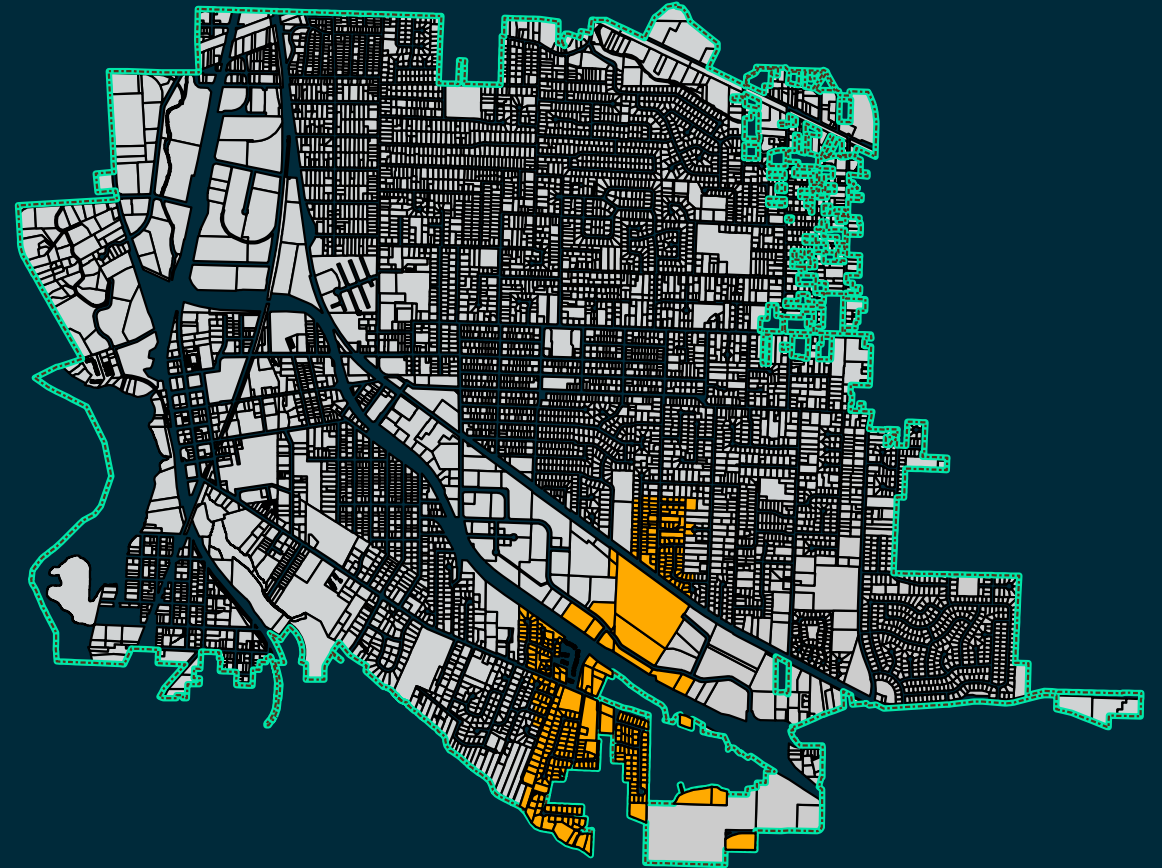
FREQUENT TRANSIT ANALYSIS REVISED



Parking Mandates
cannot apply



Some parking
mandates may apply
(~ 5%)



PRIOR RELATED CITY ACTIONS

4. Topic-specific strategies and actions

Closing the gap: Household and organizational actions

The following pages provide ideas for how households, businesses and organizations can take action and help us close the gap and reach our goals.

HOUSEHOLD STRATEGIES

What Milwaukee residents can help us reach our climate action goals:

Reduce your air travel
Consider alternative travel options that are less impactful.

[Learn more about the source of air travel from the New York Times](#)

Buy carbon credits to offset your impact
Can't avoid the trip? Buy a credit to help mitigate the impact.

[Check out the options on Eutropia](#)

Choose a green vehicle
Consider electric vehicles, hybrid or car with high gas mileage.

[Learn how you could save money through the Oregon Drive Vehicle Incentive Program](#)

If possible, telecommute or carpool to avoid transportation emissions

[Drive or commute to work from home](#)

Take, walk or take public transit to work

[Check out the info on work from home](#)

Consider ride-sharing, bike-sharing and scooter-sharing opportunities rather than owning a car if they are carbon neutral, electric or hybrid

[Learn the facts from NHTSA](#)

6 CLIMATE CHANGE & ENERGY BACKGROUND SUMMARY

CONTEXT

The world's climate is changing at an alarming rate. There is a growing consensus among scientists that human activities are contributing to global warming, and the world is facing the threat of severe impacts on the environment and human health. The world's climate is changing at an alarming rate. There is a growing consensus among scientists that human activities are contributing to global warming, and the world is facing the threat of severe impacts on the environment and human health.

KEY ISSUES

The following issues were identified and discussed in the City of Milwaukee Comprehensive Plan update during the development of the Climate Action Plan:

7 HOUSING BACKGROUND SUMMARY

CONTEXT

Milwaukee has historically been a diverse city, with a mix of people from different backgrounds and cultures. The city has a long history of housing challenges, including a history of segregation and discrimination. The city has a long history of housing challenges, including a history of segregation and discrimination.

REGULATIONS

Various state and local regulations are in place to address housing issues. The city has a long history of housing challenges, including a history of segregation and discrimination.

8 URBAN DESIGN & LAND USE GOALS & POLICIES

POLICY 8.2.2 Housing design policies:

1. Establish design standards that contribute to higher quality of life, including improved and increased transportation and non-transportation options to reduce greenhouse gas emissions and improve public health.
2. Encourage the use of public transit, walking, and biking as primary modes of transportation.
3. Encourage the use of public transit, walking, and biking as primary modes of transportation.
4. Encourage the use of public transit, walking, and biking as primary modes of transportation.
5. Encourage the use of public transit, walking, and biking as primary modes of transportation.
6. Encourage the use of public transit, walking, and biking as primary modes of transportation.
7. Encourage the use of public transit, walking, and biking as primary modes of transportation.
8. Encourage the use of public transit, walking, and biking as primary modes of transportation.
9. Encourage the use of public transit, walking, and biking as primary modes of transportation.
10. Encourage the use of public transit, walking, and biking as primary modes of transportation.

POLICY 8.3.3 Natural environmental impact policies:

1. Review land use plans and policies to ensure they are consistent with the city's natural environment and climate goals.
2. Review land use plans and policies to ensure they are consistent with the city's natural environment and climate goals.
3. Review land use plans and policies to ensure they are consistent with the city's natural environment and climate goals.
4. Review land use plans and policies to ensure they are consistent with the city's natural environment and climate goals.
5. Review land use plans and policies to ensure they are consistent with the city's natural environment and climate goals.
6. Review land use plans and policies to ensure they are consistent with the city's natural environment and climate goals.
7. Review land use plans and policies to ensure they are consistent with the city's natural environment and climate goals.
8. Review land use plans and policies to ensure they are consistent with the city's natural environment and climate goals.
9. Review land use plans and policies to ensure they are consistent with the city's natural environment and climate goals.
10. Review land use plans and policies to ensure they are consistent with the city's natural environment and climate goals.

Climate Action Plan (2017)

- Personal transportation strategies to close the gap

Comprehensive Plan (2020)

- Section 6: Climate Change and Energy
- Section 7: Housing
- Section 8: Urban Design and Land Use

PROPOSED AMENDMENTS

PROPOSAL IN ATTACHMENT # 1

- Remove Vehicle Parking Requirements
- Remove references to required parking
- Large Parking Lots (OAR 660-012-405 – NEW LANGUAGE ADDED UNDER 19.606.4)
- Bicycle Parking (TABLE ADDED IN MMC 19.609 – NO SUBSTANTIVE CHANGES MADE)
- Minor, non-substantive, languages change for Title 19 consistency (EX. SINGLE-FAMILY to SINGLE-DETACHED DWELLING)

Questions?





RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Joseph Briglio, Community Development Director
Jennifer Garbely, Assistant City Engineer

From: Tessie Prentice, Civil Engineer / Landscape Architect

Subject: **Washington Street Area Project Alternative Bid**

Date Written: Feb. 9, 2023

ACTION REQUESTED

Staff is requesting that Council approve the attached resolution to adopt best value construction for the alternative contracting for the Washington Street Area Improvements project.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The project is included in the 2023 to 2028 Capital Improvement Plan (CIP) and the 2023-2024 Biennium Budget adopted by Council on June 7, 2022.

ANALYSIS

Best value construction is a unique bid method that uses the traditional low-bid competitive process with an added qualification element. There are advantages to using the best value construction process as it affords staff the ability to evaluate the bidder's prior experience with projects of similar size and complexity. This is particularly important when the project requires specialized expertise because it allows for the consideration of additional value a contractor may offer in concert with their price to provide a bid package that delivers the best value and long-term public benefits.

To use this process, the city must conform to Oregon Revised Statute (ORS) 279C.335 (1) and (2) and the city's Public Contracting Rule 10.105C, which allow a local contract review board to exempt certain contracts from traditional competitive bidding. To exempt a project, a local contract review board must show through findings that an alternative contracting process is unlikely to encourage favoritism or diminish competition resulting in cost savings.

The procurement process still requires contractors to submit a bid that will count for 65% of the points. The remaining 35% of the points will be based on qualifications in a proposal the contractor submits with their bid.

BUDGET IMPACT

The project is budgeted in the current adopted Biennium 2023 – 2024 Budget.

WORKLOAD & CLIMATE IMPACT

Staffing levels have already been taken into consideration and accounted for within the adopted FY23 CIP; no additional impacts are anticipated.

COORDINATION, CONCURRENCE, OR DISSENT

Engineering and finance have coordinated to ensure staff is meeting procurement rules.

STAFF RECOMMENDATION

Staff have evaluated the project and determined that the provisions of ORS 279C.335 (1) and (2) and Public Contracting Rule 10.105C can be met. Staff is requesting that Council adopt the findings in support of the alternative contracting method best value for the Washington Street Area Improvement Project.

ALTERNATIVES

Council could decide to not adopt the findings, which means staff will use the low bid process.

ATTACHMENTS

1. Resolution

A. Exhibit A: Findings

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, ADOPTING FINDINGS AND ALLOWING THE USE OF THE BEST VALUE CONSTRUCTION CONTRACTING METHOD FOR THE WASHINGTON STREET AREA IMPROVEMENTS PROJECT.

WHEREAS the city adopted Public Contracting Rules (PCRs) by Resolution 52-2022 to be in effect as of June 30, 2022, and

WHEREAS the best value construction form of alternative bidding is allowed per PCR 10.105.C; and

WHEREAS the use of a best value construction bid process for the Washington Street Area Improvements project complies with PCR 10.105.C; and

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board for the City of Milwaukie, that the Findings in the attached Exhibit A are adopted pursuant to the authority granted to the board by Milwaukie Municipal Code (MMC) Chapter 3.05.030, to allow the use of the best value construction bid process for the Washington Street Area Improvements project.

Introduced and adopted by the City Council on **March 7, 2023**.

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

EXHIBIT A

FINDINGS IN SUPPORT OF ALTERNATIVE CONTRACTING METHOD FOR THE WASHINGTON STREET AREA IMPROVEMENT PROJECT

Introduction

Use of Alternative Contracting methods, such as Best Value Construction, is made possible under ORS Chapter 279C, which permits certain contracts or classes of contracts to be exempt from competitive public bidding under strict procedural safeguards. Like other alternative contracting methods, Best Value Construction has significantly different legal requirements than a typical lowest bid method.

Pursuant to ORS 279C.335, a local contract review board may exempt specific contracts from traditional, competitive bidding by showing that an alternative contracting process is unlikely to encourage favoritism or diminish competition and will result in cost savings and other substantial benefits to the public agency. The Oregon Attorney General's Model Public Contract Rules provide for public notice and opportunity for public comment on draft findings in favor of an exemption before final adoption.

Under ORS 279C.330, "findings" means the justification for a contracting agency conclusion that includes, but is not limited to, information regarding:

- Operational, budget, and financial data;
- Public benefits;
- Value engineering;
- Specialized expertise required;
- Public safety;
- Market conditions;
- Technical complexity; and
- Funding sources.

Findings

Operational, Budget, and Financial Data

The Washington Street Area improvements Project has elements of construction that have been identified in the Safe Access for Everyone (SAFE) Program, the Street Surface Maintenance Program (SSMP), the Water Master Plan, and the Wastewater Master Plan. The funds have been bonded and are required to be spent within three years. The Best Value

Construction procurement method allows the city to request a bid schedule to provide unit cost and then a proposal to identify contractor's qualifications to meet the requirements of the project. In addition to bid item price, this process considers the long-term costs and benefits and can include criteria with qualitative, technical, and sustainable aspects in determining an award decision. These criteria could be the reasonableness of the bid, estimated construction timeline, the contractor's history of work and their business relationships.

Public Benefit

The project will be built with a qualified contractor that has prior experience with projects of similar size and complexity. This allows for a better final product to benefit the public. The procurement process still requires contractors to submit a bid that will count for 65% of the points. The remaining 35% of the points will be based on qualifications. The Best Value Construction method allows for an award based on consideration of both a competitive bid (price) and qualifications of the contractor.

Value Engineering

The Best Value Construction process looks at past performance and experience to minimize risk. The contractor in their qualification proposal can submit ideas, value engineering options, and construction methods that provide cost savings that could be incorporated into the construction contract. The benefits of value engineering are not available with only the low bid process.

Specialized Expertise Required

The Spring Creek culvert construction at Washington Street and 27th Avenue requires the in-water work to be completed within a very short timeframe between July 15 to August 31 and must meet all Oregon Department of Fish and Wildlife permit requirements. The contractor ultimately selected will be well qualified in culvert and in-water construction.

The Best Value Construction selection process is based on price and qualifications. The City will benefit by acquiring a Best Value Construction, that allows qualifications to be part of the process to selecting a contractor with established experience and specialized expertise to manage this project. A low bid process does not provide an opportunity to evaluate qualified contractors with the specialized expertise needed for the project.

Public Safety

The Best Value Construction process will allow the contractor to provide qualifications on how they have demonstrated a safe construction site throughout the project and maintained public safety. A low bid process does not give this option.

Market Conditions

The Best Value Construction contracting process is a modern construction delivery method used by both public and private organizations. Best Value Construction allows for the

consideration of additional value a contractor may offer in concert with their bid price to determine the bid that delivers the best long-term benefits and value for the project.

Technical Complexity

The project has significant technical complexities that will be best addressed through qualifications and a team approach. The project is technically complex due to the culvert construction work that is adjacent to an historically significant site. For this project, culvert construction work must be completed within the required in-water work period without compromising the adjacent historic infrastructure. Washington Street is classified as a collector road and traffic will need to be detoured around the site if road closure is required.

Funding Sources

Funding for this project will come from the 2023 to 2028 Capital Improvement Plan (CIP) and the 2023-2024 Biennium Budget adopted by City Council on June 7, 2022. Best Value Construction process uses competitive bid process with a qualification element.

Summary

After careful consideration, the City has found the Best Value Construction method more appropriate than a traditional low bid process to meet the overall project objectives for the Washington Street Area Improvements Project.

Best Value Construction Bid Process

Washington Street Area Improvements Project

Tessie Prentice
Jennifer Garbely



Public Safety

Project proximity to 6 schools ranging from Preschool to Grade 12



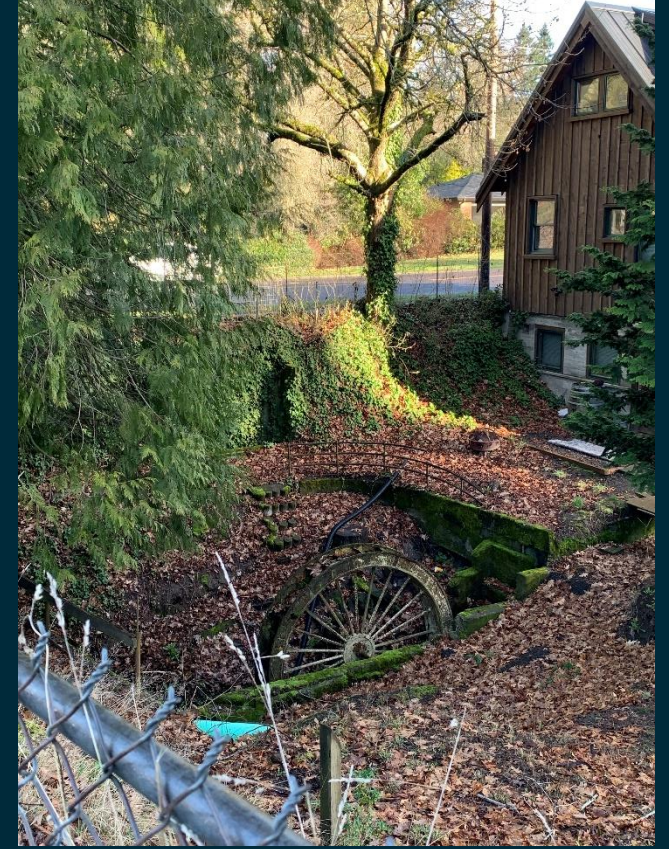
Public Safety

Collector Street connection between Hwy 99E and Hwy 224 and TriMet Bus Route

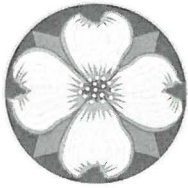


Technical Complexity

Spring Creek Culvert at 27th Avenue and Washington Street



**QUESTIONS OR
COMMENTS?**



PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

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

3/7/2023

8. A. Washington Street Improvements Project Best Value Contracting – Resolution

Land Use File No. (none)

NAME	ADDRESS	PHONE	EMAIL



RS Agenda Item

9

Council Reports

A stylized, abstract illustration of a flower or shell-like structure in shades of white, grey, and brown, set against a green and brown background, all contained within a circular frame on the left side of the slide.

RS 9. A. 3/7/23
Presentation

Legislative & Regional Issues

March 7, 2023

Key Legislative Dates

- ~~1/17 – Session Begins~~
- ~~1/25 – City Day at the Capitol~~
- ~~2/21 – Measure Introduction Deadline~~
- ~~2/22 – Revenue Forecast (1st)~~
- 4/4 – 1st Chamber Work Session Deadline
- 5/19- 2nd Chamber Work Session Deadline
- 5/17 – Revenue Forecast (2nd)
- 6/25 – Constitutional Sine Die



Scheduled Hearings

- HB2001 – requires state housing study – hearing 3/7
- HB2112 – updates public records law terminology – hearing 3/7



Council Letters

- HB2571 – EV Bike Rebates – drafted by Mayor Batey (for 2/21)
- HB2095 – Photo Radar – drafted by Mayor Batey
- HB2505 – Marijuana Taxes – drafted by Mayor Batey
- HB2199 – Enterprise Zone Extension – drafted by Mayor Batey

- TriMet Letter (Mayor Batey)
- Rail Safety Letter (Mayor Batey)
- Others?



Resources

- OLIS: [Oregon Legislative Information System](#)
- LOC: [CM3 – LOC Bill Summary](#)
(Username/password: [loc@orcities.org](#))
- Thorn Run Partners
(Metro Mayors Consortium)



Questions?

Scott Stauffer, City Recorder
stauffers@milwaukieoregon.gov



[address block]

RE: House Bill 2571

Dear Chair Marsh and members of the House Committee on Climate, Energy and the Environment:

The Milwaukie City Council supports the proposal in House Bill 2571 to establish a program for providing rebates to qualifying individuals who purchase electric assisted bicycles (e-bikes) or cargo electric bicycles and qualifying equipment. Establishing a statewide e-bike rebate program as a companion to the statewide electric vehicle (EV) rebate program aligns with Milwaukie's Climate Action Plan, is included as a recommendation in the Oregon Department of Transportation's recently released "Electric Micromobility in Oregon: A TEINA Supplemental Report," and would demonstrate the Legislature's commitment to climate goals and safe, affordable, active transportation options.

Given the benefits and popularity of e-bikes, an e-bike incentive program could further help Milwaukie and the State achieve our ambitious decarbonization goals. Recent results from Denver, Colorado's e-bike rebate program found that the 4,734 e-bikes purchased through the program in 2022 are replacing roughly 100,000 vehicle miles every week and will reduce approximately 1,450 MT of CO₂ annually – the equivalent of removing 312 cars from the road.¹ E-bikes are attractive to many people who might not ride a bicycle, due to physical ability, time concerns, etc. Studies have found that e-bike riders frequently report feeling safer riding an e-bike than a human powered bike, with women, individuals over fifty-five, and individuals with physical limitations reporting an even greater feeling of safety. While e-bikes do not provide as much intense physical activity as human powered bikes, studies have found that e-bike riders tend to go longer distances and ride more frequently. By limiting the rebate to purchases made from in-state retailers, bike rebates can also help small businesses around the state thrive.

In Milwaukie, we have built a number of multi-use paths as well as new bike lanes in the past six years, and have the Monroe Greenway under development, which will stretch from the Willamette River to our eastern edge, where it will join with a similar project by Clackamas County, connecting to the Clackamas Town Center area and I-205 trail. With more safe infrastructure for bike riding than ever before, e-bikes offer an affordable transportation option for communities that have otherwise become car dependent. One comparison calculated that commuting by an e-bike could save an individual \$17,927 after four years compared to commuting by a car.² In addition to being a lower-cost transportation option in car dependent communities, e-bikes offer more flexibility than public transportation and allow people to easily commute to work or run errands on their own time. Additionally, e-cargo bikes can be a versatile and reliable tool, as they make it easier to move children, haul groceries, and provide mobility after disasters. Shifting trips from gasoline vehicles to e-bikes can have an impact on local air

¹ [Denver's popular e-bike rebate program gears up for 2023 with multiple release dates \(denverpost.com\)](https://www.denverpost.com/2023/03/07/denver-e-bike-rebate-program-2023/)

² <https://www.radpowerbikes.com/blogs/the-scenic-route/ebike-vs-car-by-the-numbers>

quality, especially since low-income communities and communities of color often suffer disproportionately from motor vehicle pollution.

For these reasons, we, the undersigned members of the Milwaukie City Council, support this bill and encourage its passage this session.

[signature block]

[address block]

RE: House Bill 2095

Dear Co-Chairs Gorsek and McLain and members of the Joint Committee on Transportation:

The Milwaukie City Council supports House Bill 2095-1, which would open the use of photo radar to cities statewide. Milwaukie utilized a mobile photo radar van for several years, and it was a useful tool for enforcing speed limits and promoting public safety. The Milwaukie Police Department discontinued use of the photo radar van a few years ago due to staffing and other factors, but we continue to believe both fixed and mobile photo radar can be useful tools to promote public safety.

Removing state restrictions on the use of such tools is entirely consistent with Oregon's tradition of recognizing cities' home rule authority. We believe that tools such as photo radar, red light cameras, and local control over speed limits should be available to Milwaukie and all Oregon cities as they grapple with their own specific traffic safety concerns.

For these reasons, we, the undersigned members of the Milwaukie City Council, support H.B. 2095 and encourage its passage this session.

[signature block]

cc: Sen. Kathleen Taylor and Rep. Mark Gamba

[address block]

RE: House Bill 2505 on marijuana taxes

Dear Chair Bynum and members of the House Committee on Economic Development and Small Business:

The Milwaukie City Council supports H.B. 2505, which would allow cities to increase marijuana taxes to 10%, with an allocation of any increase to be shared with the respective county (in our case, Clackamas County).

As you both appreciate, Oregon's property tax restrictions limiting increases to essentially 3% per year impose a significant hardship on cities and counties. This rate has never kept up with the growth in personnel, benefits, infrastructure, and other costs faced by cities – a gap that is widening even more in these inflationary times.

With legalization of marijuana, a new revenue stream was available for the first time in many years. But that revenue stream was quickly curtailed with passage of Measure 110, which rerouted marijuana tax income to treatment facilities. As a result, both cities and counties have suffered a dramatic reduction in marijuana tax revenue – see [this chart submitted to the Senate by the Association of Oregon Counties](#).

Allowing cities to increase taxes up to 10%, with a share to the County, will help remedy the harm to public coffers done by Measure 110, without diminishing the amount going to treatment programs under Measure 110. Moreover, please note that since H.B. 2505 does not amend the language of O.R.S. 475C.453(1)(3), any city seeking to increase marijuana taxes would still have refer the new tax for voter approval.

For these reasons, we, the undersigned members of the Milwaukie City Council, support efforts to provide more flexibility for cities to increase the tax on marijuana sales within their borders, and encourage the passage of such legislation this session.

[signature block]

cc: Sen. Kathleen Taylor and Rep. Mark Gamba

[address block]

RE: House Bill 2199

Dear Chair Bynum and members of the House Committee on Economic Development and Small Business:

The Milwaukie City Council supports House Bill 2199, which would extend the Enterprise Zone program for ten years.

The Enterprise Zone program has, at different times, been a useful incentive for both existing businesses that seek to expand as well as for attracting new businesses. A small city like Milwaukie cannot afford to provide many more costly incentives to attract or retain businesses. The City is currently in discussions with Clackamas County and two businesses relocating to Milwaukie who seek Enterprise Zone incentives.

For these reasons, we, the undersigned members of the Milwaukie City Council, support the extension of the Enterprise Zone program in H.B. 2199 and encourage its passage this session.

[signature block]

cc: Sen. Kathleen Taylor and Rep. Mark Gamba

The Honorable Lori Chavez-DeRemer
U.S. House of Representatives
621 High Street
Oregon City, OR 97045

March 15, 2023

Dear Representative Chavez-DeRemer,

We at the City of Milwaukie are pleased to support TriMet's request for federal funding to purchase two Battery Electric Buses (BEBs) dedicated to Clackamas County routes and to add Transit Signal Priority (TSP) along the length of Line 33, which connects Clackamas Town Center, the City of Milwaukie, and Clackamas Community College.

Tackling climate action is one of the most important things that we can do to protect our future. In Oregon, we know that transportation is the largest contributor to greenhouse gas emissions, and that is why improving the TriMet system and improving ridership is so important. TriMet has also committed to transition away from diesel-powered buses to an entirely Zero-Emission Bus (ZEB) fleet by 2040, and the City of Milwaukie is proud to support this funding request as part of their effort to pilot that transition in our community, bringing with it all the air quality benefits that ZEBs will provide.

Commented [SS1]: Make more vague, less specific; add reference to CAP.

The installation of a next-generation TSP system along Line 33 will increase the speed and reliability of transit for riders, connecting the City of Milwaukie to Clackamas Town Center and the community college. These upgrades are essential to attracting more people to ride the bus, an effort that is critical to Milwaukie's climate goals and that strengthens the connections between our community and the region. Installing TSP systems along the signalized intersections along this line, which includes the McLoughlin corridor, is an exciting new tool to help buses break through the congestion to offer faster trips, with fewer delays, to TriMet riders.

These service improvements will have meaningful benefits to Milwaukie residents and people throughout the region. I am pleased to support this request for federal funding to help TriMet bring these revolutionary new technologies to Milwaukie.

Sincerely,

Lisa Batey
Mayor of Milwaukie

Next Generation Transit Signal Priority for the Line 33 McLoughlin.

This project would implement Next-generation Transit Signal Priority (TSP) along the entire line 33. To implement Next-generation TSP; Oregon Department of Transportation and Clackamas County Traffic Controllers would be updated to modern traffic controllers, high speed data connections to traffic controllers would be established where needed, and licenses for TSP operation would be acquired.

Transit Signal Priority (TSP) is a long-standing mobility solution used by agencies all around the world to help make public transit work smarter for riders and the community at large. At its core, TSP is a set of innovative strategies programmed into traffic signal hardware that provides more green traffic lights to any type of transit vehicle (e.g. buses, light rail, etc.). This assures transit riders a faster journey and helps the transit vehicle avoid sitting in traffic tie-ups.

Traditional TSP, requests priority as a transit vehicle approaches an intersection, the hardware at the intersection negotiates with the vehicle on whether to turn the traffic light green right away, hold an existing green light, or offer some other treatment. . Next-generation TSP solutions that would be deployed on the line 33, innovates on this idea further by factoring in on-time performance, scheduling information, GPS data, ridership patterns, and other data to provide higher-definition data to the traffic signal. All of this new data allows for more informed and nuanced decisions on how and when to provide green lights. Most importantly, Next-generation TSP solutions move from intersection-by-intersection based decisions to corridor-wide or city-wide execution, meaning transit vehicles and their riders can now be assured of an on-time, reliable transit ride on the entire route every time they board.

Agencies that implement next-generation TSP solutions have seen transit vehicle travel times reduced by 20%, a reduction in fuel consumption of 14%, and reduction in harmful vehicle emissions into the community by 12%. Additionally, implementation of Next-generation TSP is faster with little-to-no new hardware needed at a fraction of the cost of legacy traditional TSP solutions. When TriMet deployed this solution on its new Bus Rapid Transit (BRT) route, FX-2 Division, the next-generation TSP system reduced intersection-induced delay by over 6 minutes, and saw a 70% reduction in red light delays for buses. Bottom line, next-generation TSP provides an immediate way for transit agencies to attract riders to transit and assure them of a faster and more dependable ride for a fraction of the cost of other transit improvement solutions.