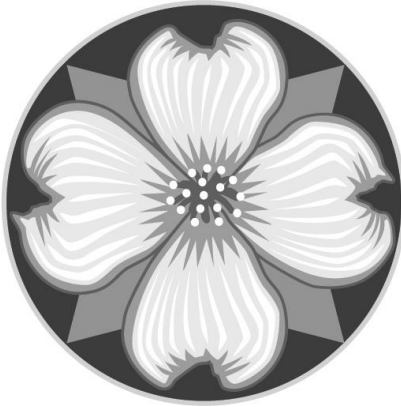




**Regular Session**

**RS**

**Milwaukie City Council**

## COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](https://www.milwaukieoregon.gov))

2378<sup>th</sup> Meeting

## REVISED AGENDA

APRIL 4, 2023

(Revised March 31, 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-346>.

**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](mailto: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.)**

**1**

**3. PROCLAMATIONS AND AWARDS**

**A. None Scheduled.**

**4. SPECIAL REPORTS**

**A. Opioid Settlement Funding – Report (6:05 p.m.)**

**4**

Presenter: Clackamas County Public Health Division

**5. COMMUNITY COMMENTS (6:25 p.m.)**

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

**6. CONSENT AGENDA (6:30 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:**

**22**

**1. February 14, 2023, study session,**

**2. February 21, 2023, work session, and**

**3. February 21, 2023, regular session.**

**4. ~~March 7, 2023, work session, and~~ (removed from agenda)**

**5. ~~March 7, 2023, regular session.~~**

**B. Authorization of a Contract for the King Road Project – Resolution**

**32**

**C. Authorization of a Nature in Neighborhoods Grant Application – Resolution**

**35**

**D. Authorization of the Purchase of Network Switches – Resolution**

**42**

**E. Authorization of a Public Works Vehicle Purchase – Resolution**

**45**



## 7. BUSINESS ITEMS

- A. Annexation of 8909 SE 55<sup>th</sup> Avenue (File #A-2023-001) – Ordinance** **49**  
(6:35 p.m.)  
Staff: Adam Heroux, Associate Planner
- B. Annexation of 9351 SE Stanley Avenue (File #A-2023-002) – Ordinance** **75**  
(6:45 p.m.)  
Staff: Brett Kelter, Senior Planner
- C. Oregon Criminal Justice Commission STOPS Data – Report** (6:55 p.m.) **99**  
Staff: Luke Strait, Police Chief
- D. Psilocybin Code Amendments – Discussion** (7:15 p.m.) **101**  
Staff: Vera Kolias, Senior Planner

## 8. PUBLIC HEARINGS

- A. None Scheduled.**

## 9. COUNCIL REPORTS

- A. Legislative and Regional Issues – Discussion** (7:35 p.m.)  
Staff: Scott Stauffer, City Recorder

## 10. ADJOURNMENT (7:45 p.m.)

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

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

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

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

### Executive Sessions

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



## COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

2378<sup>th</sup> Meeting

## MINUTES

APRIL 4, 2023

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

**Staff Present:** Justin Gericke, City Attorney  
Adam Heroux, Associate Planner  
Brett Kelter, Senior Planner  
Vera Kolias, Senior Planner  
Ann Ober, City Manager

Peter Passarelli, Public Works Director  
Scott Stauffer, City Recorder  
Luke Strait, Police Chief  
Laura Weigel, Planning Manager

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

### 1. CALL TO ORDER

**A. Pledge of Allegiance.**

**B. Native Lands Acknowledgment.**

### 2. ANNOUNCEMENTS

**Mayor Batey** announced upcoming activities, including Earth Day events, a prescription drug drop-off and document shredding event, a city manager open door session, and a clean-up event at Minthorn Springs Natural Area. **Council President Nicodemus** noted the upcoming May special election and encouraged Milwaukie residents to vote.

### 3. PROCLAMATIONS AND AWARDS

**A. None Scheduled.**

### 4. SPECIAL REPORTS

#### **A. Opioid Settlement Funding – Report**

**Apryl Herron** with the Clackamas County Public Health Division and **Elizabeth White** with Clackamas County Health, Housing, and Human Services provided an overview of the opioid addiction crisis and the nationwide settlement with healthcare companies that would fund local drug abuse prevention and treatment programs. They reported that Oregon had some of the highest drug overdose and fatality rates in the nation and Milwaukie had the highest rates in the county. They explained how the county and cities would use the settlement funds. **Ober** reported that the city had used settlement funds to support the Milwaukie Police Department (MPD) behavioral health specialist position and noted that some cities in the county had planned to use the funds to develop a software program to allow social workers to communicate better with each other.

**Mayor Batey** and **White** commented on successful prevention strategies.

**Mayor Batey** asked about the age range of individuals dying from opioid use. **Herron** reported the county had seen low fatality rates for those under age 18 and that the highest rate was among 30 to 40-year-olds. **White** noted the importance of prevention programs.

**Councilor Massey** remarked on what smaller cities were doing to address the crisis and asked if the county had resources to support these programs. **White** and **Herron** commented on county funding and how small cities are addressing the crisis.

**Mayor Batey** noted the increased availability of naloxone and **Herron** noted where the public can access naloxone for free or through their healthcare provider.

**Councilor Stavenjord**, **Herron**, and **White** remarked on the overdose calls data, whether prevention training helps reduce overdose fatalities, and if opioid settlement funding could be used with supportive housing funds to support addiction programs.

**Councilor Khosroabadi** asked for demographic data from the overdose call data. The group commented on how Milwaukie could use settlement funds.

## **5. COMMUNITY COMMENTS**

**Mayor Batey** reviewed the public comment procedures. **Ober** reported there was no follow-up from the March 21 comments and provided an update on a comment from March 7 regarding a parking ticket issued by a private company on a private parking lot.

**Philip Moen**, Milwaukie resident, remarked that no chemical was safe, thanked the city's public works crews for keeping the streets clear during the recent snow days, asked about the role of the Public Safety Advisory Committee (PSAC), and suggested the city adopt a requirement that all outside residential doors have a deadbolt. **Mayor Batey** encouraged Moen to attend a neighborhood district association (NDA) meeting.

## **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 14, 2023, study session,
2. February 21, 2023, work session,
3. February 21, 2023, regular session,
4. ~~March 7, 2023, work session, and~~ (removed from the agenda)
5. ~~March 7, 2023, regular session.~~ (removed from the agenda)

**B. Resolution 17-2023:** A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an engineering services contract with Kittelson & Associates for a not to exceed amount of \$943,210 for the King Road Improvements Project (CIP-2022-A15).

**C. Resolution 18-2023:** A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an application for a Metro Nature in Neighborhoods Grant for the Scott, Bowman-Brae, and Balfour parks projects.

**D. Resolution 19-2023:** A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the purchase of replacement network equipment.

**E. Resolution 20-2023:** A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the purchase of a 2023 Ford F-550 service body truck.

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

## **7. BUSINESS ITEMS**

### **A. Annexation of 8909 SE 55<sup>th</sup> Avenue (File #A-2023-001) – Ordinance**

**Kelver** provided an overview of the annexation process and the city's Northeast Sewer Extension (NESE) program. The group commented on how the county handles septic system replacement permits in unincorporated places.

**Kelver** noted there were two annexations for Council to consider. **Mayor Batey** and **Kelver** noted that one of the properties and the city's Johnson Creek Boulevard (JCB) facility were in the Portland 97206 zip code.

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30AB06500 and located at 8909 SE 55<sup>th</sup> Avenue into the city limits of the City of Milwaukie (File #A-2023-001). Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjard and Mayor Batey voting "aye." [5:0]

**Stauffer** read the ordinance two times by title only and polled the Council with Councilors Khosroabadi, Massey, Nicodemus, and Stavenjard and Mayor Batey voting "aye." [5:0]

Ordinance 2227:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AB06500 AND LOCATED AT 8909 SE 55<sup>th</sup> AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2023-001).

### **B. Annexation of 9351 SE Stanley Avenue (File #A-2023-002) – Ordinance**

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30AC00700 and located at 9351 SE Stanley Avenue into the city limits of the City of Milwaukie (File #A-2023-002). Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjard and Mayor Batey voting "aye." [5:0]

**Stauffer** read the ordinance two times by title only and polled the Council with Councilors Khosroabadi, Massey, Nicodemus, and Stavenjard and Mayor Batey voting "aye." [5:0]

Ordinance 2228:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AC00700 AND LOCATED AT 9351 SE STANLEY AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2023-002).

### **C. Oregon Criminal Justice Commission (CJC) STOPS Data – Report**

**Strait** introduced Kelly Officer with the CJC. **Officer** provided an overview of the STOPS program and reported on the MPD traffic stop data for 2021-2022. The CJC did not find a significant difference in the data of MPD traffic stops for Asian, Black, Latinx, or Middle Eastern individuals. **Mayor Batey**, **Officer**, and **Council President Nicodemus** discussed why and how stops data for White drivers is used to compare other races.

**Officer** presented traffic stop search data and reported that there had not been enough data for each racial group to reach a finding for MPD searches.

**Officer** presented the decision to stop data and reported that MPD's data for Black individual stops had changed to "not statistically significant" for 2021-2022 from the previous year's findings of "significantly different". The group discussed the positive change in the decision to stop data and commended Strait and the MPD for their work to address concerns about racial equity. **Councilor Massey** and **Officer** observed that Black individuals were still being pulled over at a higher rate than other groups.

**Council President Nicodemus** and **Strait** noted that race was not listed on Oregon driver licenses and police officers had to determine the driver's perceived racial identity. **Councilor Stavenjord** suggested the city lobby the state to add race to licenses and commended the CJC for how it analyzed stops data.

**Mayor Batey** recessed the meeting at 7:46 p.m. and reconvened at 7:54 p.m.

#### **D. Psilocybin Code Amendments – Discussion**

**Kolias** noted previous Council discussion on the topic and changes in state law related to the regulation of Psilocybin and reviewed the city's options for regulating Psilocybin.

**Kolias** reported that the Milwaukie Municipal Code (MMC) did not prohibit Psilocybin home grow operations and asked for Council feedback on the staff proposal to have the Psilocybin code mirror the marijuana code. The group noted that the city had received an application for a Psilocybin home grow operation.

**Kolias** reviewed the MMC regulations for grow operations in the North Milwaukie Innovation Area (NMIA) and asked for Council feedback on prohibiting Psilocybin grow operations in residential zones and the NMIA area.

**Mayor Batey** and **Kolias** noted that because of federal banking limitations of Psilocybin operations most sales would be cash transactions. They commented on previous city concern about industrial areas becoming large scale grow operations.

**Council President Nicodemus** and **Councilor Khosroabadi** supported the staff proposals to regular grow operations in the NMIA and residential areas.

**Councilor Massey** and **Kolias** commented on concerns about over-saturating the NMIA with grow operations. **Kolias** reported that the MMC's 1,500-foot distance between operations rule had been enforced in the NMIA.

**Councilor Stavenjord** thought the state's Psilocybin guidelines were enough but would also support local rules being adopted. The group discussed the state rules and proposed city rules for residential Psilocybin grow operations. It was Council consensus to prohibit residential Psilocybin grow operations.

Council discussed regulating Psilocybin grows in the NMIA and it was Council consensus to regulate NMIA grow operations in the same manner as marijuana grow operations were regulated.

### **8. PUBLIC HEARING**

#### **A. None Scheduled.**

### **9. COUNCIL REPORTS**

#### **A. Legislative and Regional Issues – Discussion**

The group commented on the status of bills being tracked by Council and staff.

**Mayor Batey** noted a request for Council to support the expansion of broadband. It was Council consensus to add the city's logo to a letter in support of expanding the availability of broadband.

**Ober** reported there had been a request from the county for Council to support a request that the Oregon Department of Transportation (ODOT) conduct more outreach on the proposal to add tolls on Interstate 205 (I-205). **Councilor Stavenjord** commented on how the tolling issue had been discussed at Clackamas County Coordinating Committee (C4) meetings. The group discussed tolling and it was Council consensus to support the request for additional tolling outreach.

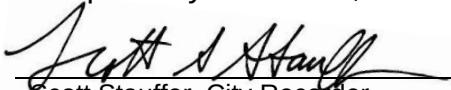
**Mayor Batey** suggested Council would have more legislative letters to consider at the April 18 meeting.

#### **10. ADJOURNMENT**

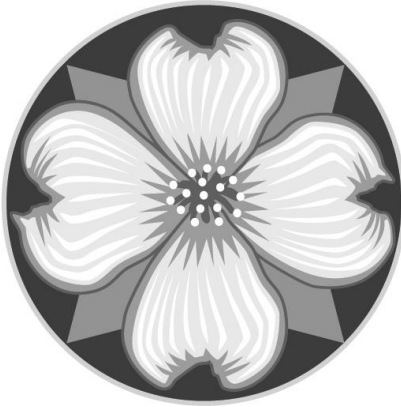
It was moved by Councilor Massey and seconded by Council President Nicodemus to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

**Mayor Batey** adjourned the meeting at 8:39 p.m.

Respectfully submitted,

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

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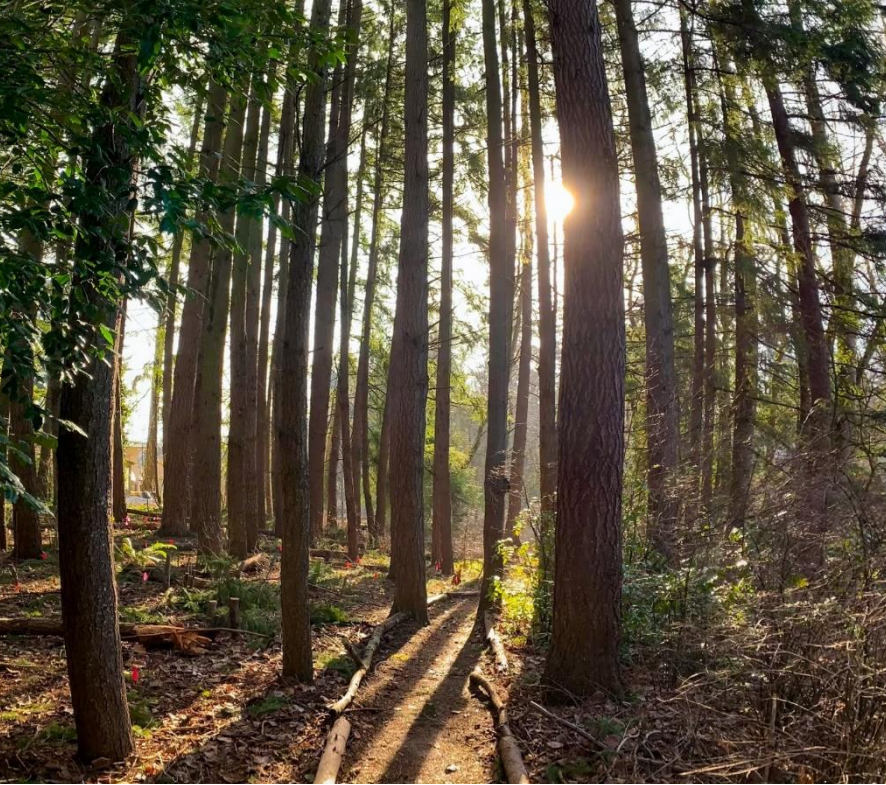


**RS Agenda Item**

**2**

## **Announcements**

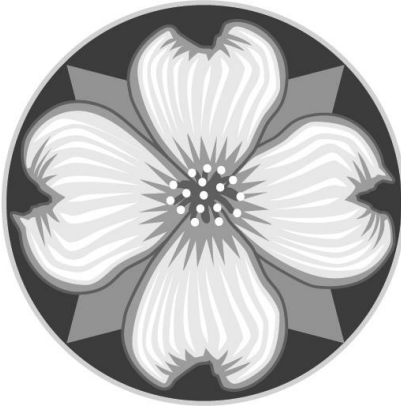




# Mayor's Announcements – April 4, 2023

- **Earth Day Volunteer Restoration Event – Sat., Apr. 22 (9 – 11 AM)**
  - Volunteer to restore the Willow Place Natural Area (4699 SE Pennywood Dr.)
  - Volunteers will focus on removing invasive plants.
  - Register to volunteer at [www.milwaukieoregon.gov/sustainability/earth-day-restoration-event](http://www.milwaukieoregon.gov/sustainability/earth-day-restoration-event)
- **Prescription Drug Drop-Off and Document Shredding Day – Sat., Apr. 22 (10 AM – 2 PM)**
  - The event includes the collection of unused or expired prescription drugs and a truck will be on hand to shred sensitive documents.
  - Please arrive with all items in a box or bag and remove staples.
  - The event takes place at the Public Safety Building Parking Lot, 3200 SE Harrison St. Please enter the lot from Railroad Ave. and exit onto Harrison St.
- **City Manager Open Door Session – Fri., Apr. 28 (9 – 10 AM)**
  - Ask questions, raise concerns, or just find out what the city is doing
  - No sign up is necessary. First come, first served.
  - Session takes place at City Hall, 10722 SE Main St.
- **LEARN MORE AT [WWW.MILWAUKIEOREGON.GOV](http://WWW.MILWAUKIEOREGON.GOV) OR CALL 503-786-7555**





**RS Agenda Item**

**4**

## **Special Reports**

# Strategies to confront the opioid crisis in Clackamas County

## *Overview of gaps and priorities*

Clackamas County is expected to receive \$13.7 million over the next 18 years, as stipulated by a settlement agreement with pharmaceutical companies for their actions that helped fuel the opioid crisis. Community perspectives from nearly 60 local organizations serving Clackamas County were gathered to identify current service gaps and prioritize approved abatement strategies to inform settlement allocation decisions. By investing in evidence-based abatement strategies and services that address areas of community need, we can save lives and address the toll of the opioid epidemic.

### Recovery

#### Current Gaps

- Overnight shelters, supportive and long-term housing and access to low-income permanent housing that embraces a harm reduction model
- Peer recovery mentors and community-based recovery centers
- Childcare and transportation, particularly in rural communities

#### Priority Strategies

- Invest in additional housing supports that integrate MOUD and other supportive services
- Expand access to peer recovery centers that may include support groups, social events, computer access, and other services
- Provide additional resources and assistance to help with basic needs (childcare; transportation)

### Harm Reduction

#### Current Gaps

- Reliable availability and access to naloxone across all populations, particularly for rural communities, youth and non-English speakers
- Mobile harm reduction services currently unable serve the entire county
- Fentanyl-related education for the community, DHS, and law enforcement.

#### Priority Strategies

- Increase distribution of naloxone and improved access for priority populations
- Provide additional community harm reduction trainings and messaging to decrease stigma related to naloxone and MOUD.
- Expand mobile unit resources that offer or provide referrals to harm reduction services available in all communities throughout the county

### Linkage to Treatment

#### Current Gaps

- Limited availability among existing services, including medications for opioid use disorder (MOUD)
- Trauma-informed transitions from the hospital, emergency departments and urgent care settings.
- Education for health care providers on trauma-informed care and reducing stigma
- Adequate and sustainable funding

#### Priority Strategies

- Increase access to emergency department interventions that include MOUD, peer support, discharge planning, and recovery case management or supportive services.
- Expansion of warm hand-off programs (Project Hope, Behavioral Health and First Responder co-response)



## Treatment

### Current Gaps

- Limited availability of community triage and stabilization centers that include peer support, detox, and referrals to services
- Methadone providers and same-day access to medications
- MOUD services for youth, rural communities, and sustainable programming in jails
- Services with immediate access to treatment, including high barriers for:
  - Youth
  - People with co-occurring SUD and mental illness
  - People not criminal justice-involved
  - Fathers with children
  - People insured through OHP

### Priority Strategies

- Increase inpatient/residential treatments and MOUD community resources in community (health systems, mobile units, justice settings)
- Provide additional access to evidence-based withdrawal management services
- Support crisis stabilization centers that serve as an alternative to EDs for persons with substance use disorders, co-occurring mental health conditions, and those who experience an overdose

## Substance Use Prevention

### Current Gaps

- Prevention education, specifically focused on fentanyl and overdose prevention education, social-emotional education and early childhood skills building
- School-based interventions, including afterschool and youth mentorship programs, school resource officers, drug/alcohol counselors and community parenting classes
- Complete, local data due to inconsistent in Student Health Survey participation across school districts
- Lack of mental health interventions and service providers accepting Oregon Health Plan coverage, as well as limited rural resources

### Priority Strategies

- Expand school-based interventions to prevent opioid use
- Remove barriers to access for youth mental health services
- Provide additional evidence-based prevention programming (parental skills, child life skills, family communication, case management)

## **EXHIBIT E**

### **List of Opioid Remediation Uses**

#### **Schedule A Core Strategies**

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“*Core Strategies*”).<sup>14</sup>

A. **NALOXONE OR OTHER FDA-APPROVED DRUG TO  
REVERSE OPIOID OVERDOSES**

1. Expand training for first responders, schools, community support groups and families; and
2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.

B. **MEDICATION-ASSISTED TREATMENT (“MAT”)  
DISTRIBUTION AND OTHER OPIOID-RELATED  
TREATMENT**

1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;
2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

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<sup>14</sup> As used in this Schedule A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

C. **PREGNANT & POSTPARTUM WOMEN**

1. Expand Screening, Brief Intervention, and Referral to Treatment (“*SBIRT*”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“*OUD*”) and other Substance Use Disorder (“*SUD*”) / Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. **EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME (“*NAS*”)**

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. **EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES**

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;
4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. **TREATMENT FOR INCARCERATED POPULATION**

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. **PREVENTION PROGRAMS**

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. **EXPANDING SYRINGE SERVICE PROGRAMS**

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. **EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE**

## Schedule B Approved Uses

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

|                     |
|---------------------|
| PART ONE: TREATMENT |
|---------------------|

### A. **TREAT OPIOID USE DISORDER (OUD)**

Support treatment of Opioid Use Disorder (“*OUD*”) and any co-occurring Substance Use Disorder or Mental Health (“*SUD/MH*”) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:<sup>15</sup>

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (“*MAT*”) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (“*ASAM*”) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (“*OTPs*”) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Provide treatment of trauma for individuals with OUD (*e.g.*, violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (*e.g.*, surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

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<sup>15</sup> As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.



8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (“*DATA 2000*”) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
13. Disseminate of web-based training curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.
14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service for Medication–Assisted Treatment.

**B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY**

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED**  
**(CONNECTIONS TO CARE)**

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

**D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS**

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
  1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“*PAARP*”);
  2. Active outreach strategies such as the Drug Abuse Response Team (“*DART*”) model;
  3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
  4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“*LEAD*”) model;
  5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
  6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (“CTP”), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

**E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME**

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (“NAS”), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.
6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.
10. Provide support for Children’s Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

|                      |
|----------------------|
| PART TWO: PREVENTION |
|----------------------|

**F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS**

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs (“PDMPs”), including, but not limited to, improvements that:

1. Increase the number of prescribers using PDMPs;
2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increasing electronic prescribing to prevent diversion or forgery.
8. Educating dispensers on appropriate opioid dispensing.

**G. PREVENT MISUSE OF OPIOIDS**

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Funding community anti-drug coalitions that engage in drug prevention efforts.
6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”).
7. Engaging non-profits and faith-based communities as systems to support prevention.



8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

## **H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)**

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities providing free naloxone to anyone in the community.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.
8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Supporting screening for fentanyl in routine clinical toxicology testing.

|                                     |
|-------------------------------------|
| <b>PART THREE: OTHER STRATEGIES</b> |
|-------------------------------------|

**I. FIRST RESPONDERS**

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

**J. LEADERSHIP, PLANNING AND COORDINATION**

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment

intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

#### **K. TRAINING**

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (*e.g.*, health care, primary care, pharmacies, PDMPs, etc.).

#### **L. RESEARCH**

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (*e.g.*, Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (“*ADAM*”) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

# Opioid Litigation Settlement: *Using Evidence to Lead Action*

April 4, 2023

Apryl Herron, MPH

Clackamas County Public Health Division

Elizabeth White, MPA

Clackamas County Children, Family & Community  
Connections

# Agenda

- Review Impact of the Opioid Crisis
- Provide Settlement Agreement Background
- Overview of County Framework to Guide Investments
- Questions



# Lifting Up Our Community

- Clackamas County and Cities will receive funding from the National Opioid Settlement to mitigate harms associated with the opioid and other drug crisis.
- New funding provides an opportunity to make strategic investments in evidence-based approaches that **strengthen our communities, prevent opioid misuse and stem the rising number of overdose deaths.**

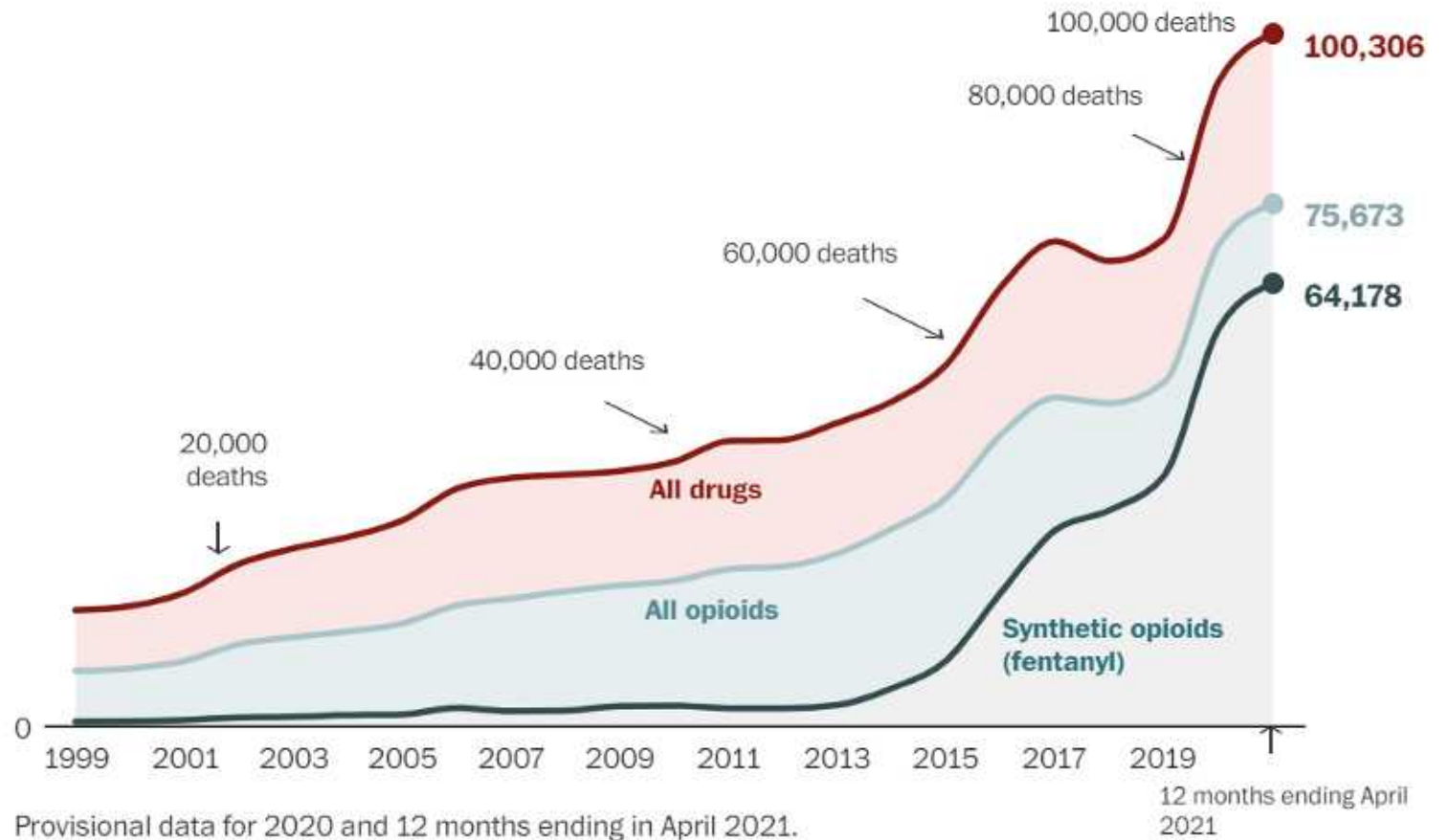




# National Opioid Crisis

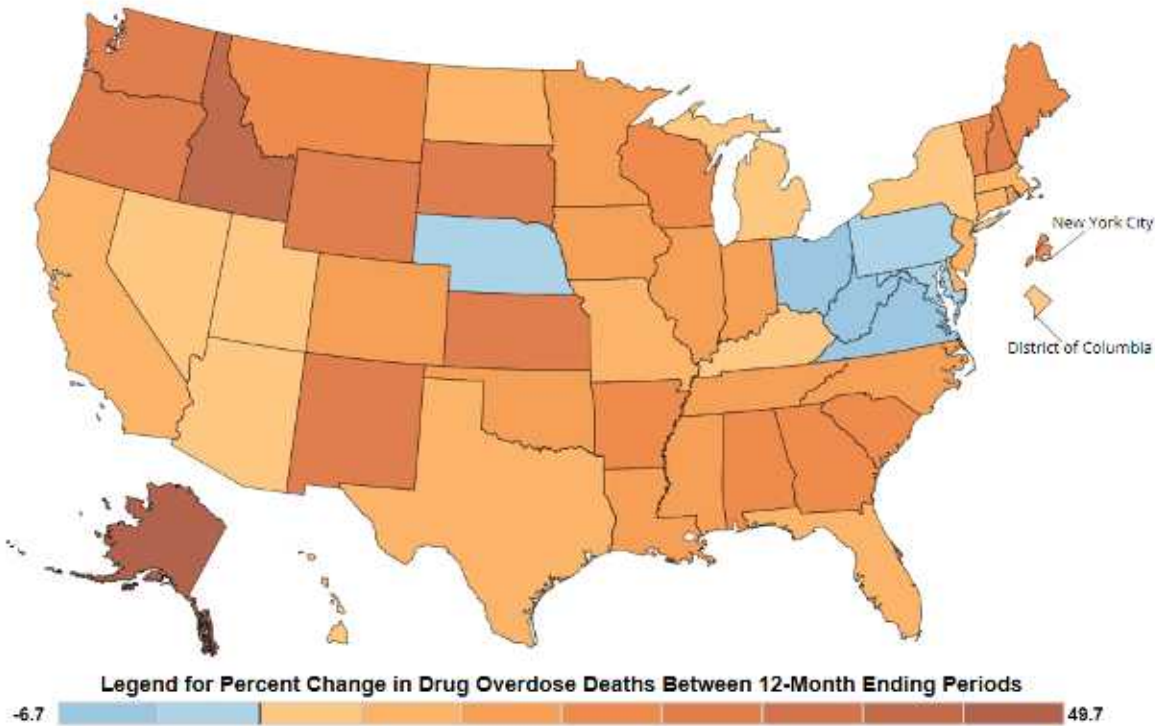
- Over **100,000** people died as a result of the overdose epidemic from April 2020 to April 2021.
- Approximately **75,000** of those deaths involved opioids, most of which were due to synthetic opioids such as fentanyl.

U.S. drug overdose deaths per year



# Local Impact

Oregon saw a 26.09% increase in ALL overdose deaths- March 2021-March 2022.



CDC, Center for Health Statistics, Vital Statistics Rapid Release (VSRR) program: <https://emergency.cdc.gov/han/2020/han00438.asp>

## Alcohol and Drug Addiction Worsens in Oregon- Deaths soar during pandemic

- Oregon now ranks 2nd in the country for substance use disorders
- Oregon fell to 50th in access to treatment,
- Oregon ranks 1st in prescription opioid misuse
- Oregon ranks 1st in methamphetamine use

[National Survey on Drug Use and Health](#), conducted by the Substance Abuse and Mental Health Services Administration (SAMHSA), 2020



# Using Data to Inform Decisions

Public Health staff maintain a substance use data dashboard that includes key indicators of opioid harm. These numbers describe some, but not all, of the impact of opioids on the people of our county.

Data can be used to identify populations and areas of the county most impacted. Data collected includes:

- **Overdose deaths** involving opioids
- **Emergency Department (ED) visits** for overdose
- Non-fatal overdoses that involve **illicit drugs, such as heroin, fentanyl and meth**
- The rate of **prescriptions for opioids**



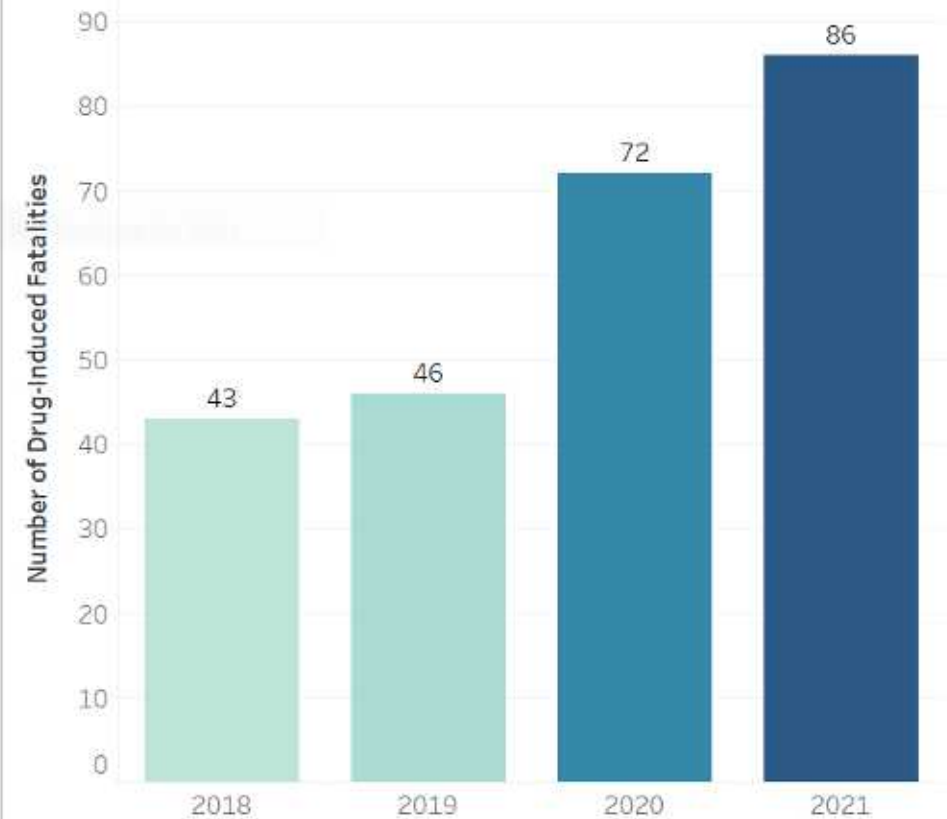
# Local Impact

Clackamas County saw a 87% increase in drug-related deaths from 2019 (46) to 2021 (86).

Source: CDC Wonder, Vital Statistics  
Created by: Clackamas County Public Health Division  
Data are provisional and subject to change

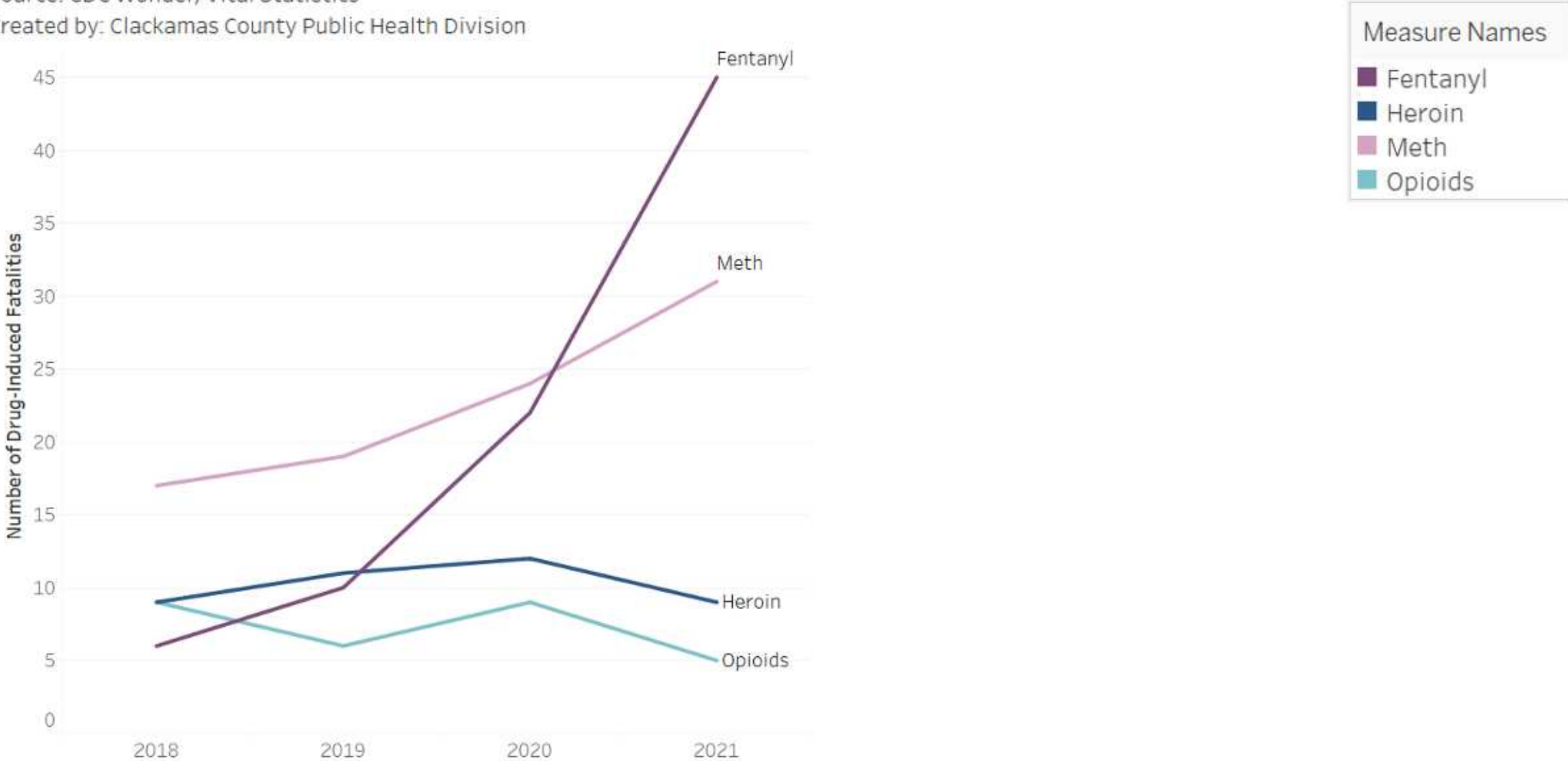
## Number of Drug-Induced Fatalities in Clackamas County by Year

Source: CDC Wonder, Vital Statistics  
Created by: Clackamas County Public Health Division



# Number of Yearly Drug-Induced Fatalities in Clackamas County by Drug Type

Source: CDC Wonder, Vital Statistics  
Created by: Clackamas County Public Health Division



# Local Impact

Overdose-Related 911 Calls via FirstWatch  
By City January 2022 – March, 2023

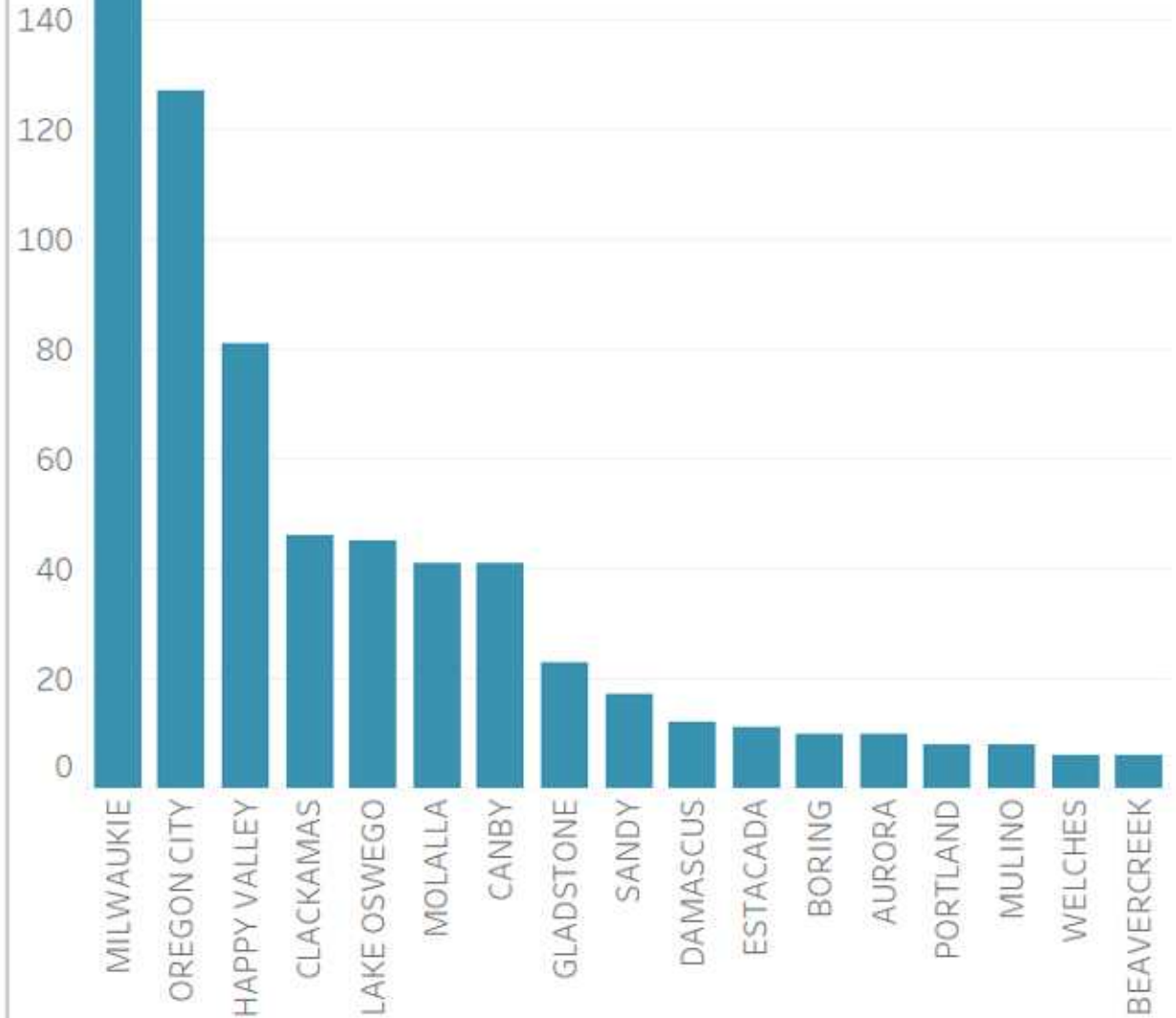
Source: FirstWatch

Created by Clackamas County Public Health Division

## % of Calls by Drug Type

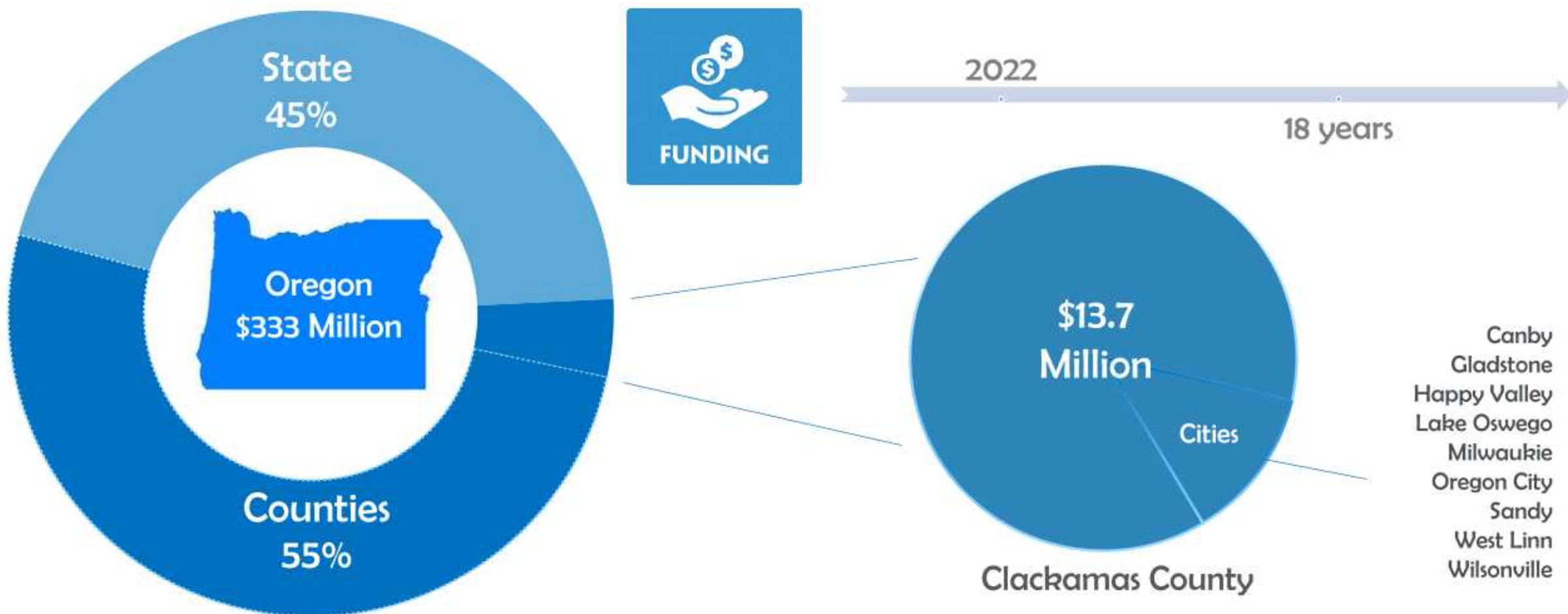
|                |     |
|----------------|-----|
| UNKNOWN        | 42% |
| fentanyl       | 23% |
| oxy            | 6%  |
| meth           | 5%  |
| heroin         | 5%  |
| acetaminophen  | 4%  |
| antidepressant | 3%  |
| opioid         | 3%  |
| cocaine        | 2%  |

## # of Calls by City (cities with less than 5 calls suppressed)





# Settlement Agreement Background





# Allowable Uses of Settlement Funding

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The Exhibit E of the Settlement Agreement identifies **nine core abatement strategies**:

- |                                         |                                                   |
|-----------------------------------------|---------------------------------------------------|
| 1) Targeted naloxone distribution       | 6) Healthcare system interventions                |
| 2) Criminal justice interventions       | 7) Warm hand-off program and recovery support     |
| 3) Medication for Opioid Use Disorder   | 8) Data collection and research                   |
| 4) Enrich prevention strategies         | 9) Treatment during pregnancy & postpartum period |
| 5) Linkage to Syringe Exchange programs |                                                   |

# Opioid Settlement Framework:

## Evidence



Assess gaps in prevention, treatment, harm reduction and recovery to lift up disparities

## Collaboration



Engage communities to identify funding priorities

Stakeholder recommendations inform funding distribution

## Transparency



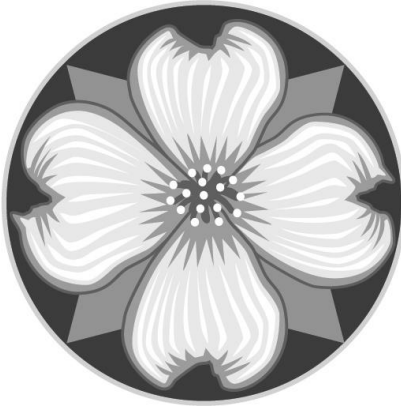
Annual report on investments and lives saved

# Support to Cities

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- **Inform investments**
  - Assessment findings & data
    - **Identify gap & needs**
  - Share evidence-based programs/practices
- **Maximize investments**
  - Coordinate aligned activities to build economies of scale
  - Strengthen local response through **collaborative investments**

# Questions?

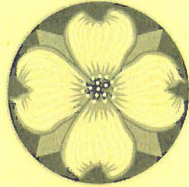


**RS Agenda Item**

**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:** Philip Moen **Address:** 3826 SE Llewellyn St  
**Organization:** Milwaukie OR 97222  
**Phone:** 503-786-6979  
**Email:** 503-786-6979

**Meeting Date:** \_\_\_\_\_ **Topic:** \_\_\_\_\_

Agenda Item You Wish to Speak to:

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

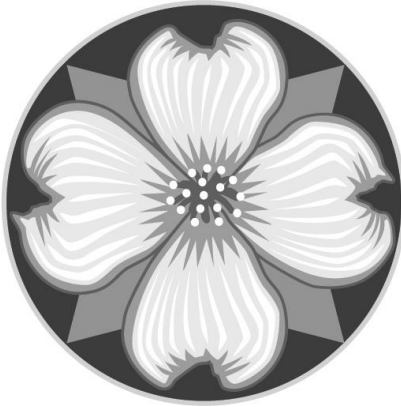
You are Speaking...

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

**Comments:**

Snow + Safety committee





**RS Agenda Item**

**6**

## **Consent Agenda**

**COUNCIL STUDY SESSION**

Ledding Library, 10660 SE 21st Ave  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

**MINUTES**

February 14, 2023

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

**Staff Present:** Brett Kelter, Senior Planner  
Toby LaFrance, Finance Director  
Nicole Madigan, Deputy City Recorder  
Adam Moore, Parks Develop Coordinator

Ann Ober, City Manager  
Peter Passarelli, Public Works Director  
Laura Weigel, Planning Manager

**Mayor Batey** called the meeting to order at 5:17 p.m.

**1. Downtown Design Review – Discussion**

**Weigel** and **Kelter** thanked the Design and Landmarks Committee (DLC) for their work. **Kelter** noted that the adoption for the Downtown Design Review would come before Council at the March 21 regular session, provided a timeline of the project, and introduced Elizabeth Decker of JET Planning. **Kelter** presented the differences between development and design standards as part of the building code and downtown design guidelines. **Kelter**, **Decker**, and **Weigel** provided an overview and clarification of the current review process, the identified issues with the current code, what had been determined as possible solutions, a new list of design elements, highlighted key changes, and noted code cleanup adjustments.

The group discussed the current process and proposed changes that included concerns in connecting with the neighborhood district association. They also discussed the differences in the proposed map of floor area ratios and the Planning Commission's public art recommendations.

**Mayor Batey** requested staff find and replace the word "shall".

**2. Parks Update – Discussion**

**Passarelli** introduced Zech Hazel and John Ghilarducci with the FCS Group who would present on the preferred system development charge (SDC) methodology.

**Passarelli** reminded Council of previous parks discussions and shared that the recommendations included in the current presentation were a result of those previous conversations with Council.

**Passarelli** presented services and funding source information for the Milwaukie Community Center. **Mayor Batey** and **Passarelli** discussed the amount subsidized for center services by the North Clackamas Parks and Recreation District (NCPRD) and what those funds covered. **Passarelli** noted that the amount subsidized by NCPRD is paid from district wide property taxes and the city would need to either work with Clackamas County or NCPRD to find ways to fund services to non-Milwaukie residents or not provide those services to non-Milwaukie residents. **Mayor Batey** shared surprise that NCPRD had not expressed interest in keeping the center.

**Passarelli** presented additional expenses for staffing and maintenance for managing the park portion of North Clackamas Park. **Mayor Batey** and **Passarelli** discussed the role

of the proposed operations and service supervisor for North Clackamas Park. The group discussed the services the center provides for the community, staffing needs for the center, and what is included in the North Clackamas Park property.

**Passarelli** presented comparison projected budgets that included the cost of operating North Clackamas Park and the Milwaukie Center and noted that capital improvement was not included in the budget as it was funded separately. The group discussed the services included in the budget, levy costs to residents, how and when Milwaukie could refer a levy to voters for changes, the previous proposal to NCPRD, and how to cut costs.

**Passarelli** explained how FCS made their determination for SDC rates. **Mayor Batey**, **Passarelli**, and **Ober** discussed the identified costs presented in the staff report for future projects.

**Ghilarducci** provided a brief explanation on what SDCs are, what they can be used for, how they are calculated, and what Milwaukie's current SDCs are compared to NCPRD's other zones. **Mayor Batey** asked how NCPRD's SDCs were significantly higher. **Ghilarducci** believed that the SDCs were calculated from an analysis done before 2010 and were based on future projects and projected development growth. **Passarelli** added that the proposed interim SDC rates for the city would be put in place if the city left the district until a new master plan for future projects could be created with community engagement.

**Hazel** began to present the proposed calculated SDC fee options that were created from data provided by NCPRD and city staff and **Passarelli** added that during the calculation process, staff reviewed previously used growth projections. **Hazel** presented how calculations were made based on resident growth and measurement of parks.

**Hazel** presented additional calculations for the proposed SDC fee option. The group discussed city staff reviewing previously used growth projections, why Scott Park was included on the infill park project list and why the parks had been divided into lists that did and did not add acreage as the city currently owns its parks. **Hazel** included calculations for an aquatic center and skate park as an added option.

**Ghilarducci** presented the four calculated SDC options in a list of comparable cities and zones for review. The group discussed options for phasing in a SDC maximum, that SDC calculations could be adjusted based on which projects the community would want to include in a master plan, that managing North Clackamas Park was a large portion of the cost, how NCPRD could have used Milwaukie's SDCs but Milwaukie City Council reversed a decision to turn over the city's SDCs, where NCPRD is at in their SDC and levy process, development growth in the city versus outside the city, and what the next steps would be.

**Ober** asked Council for guidance regarding next steps for staff. The group discussed waiting for NCPRD to raise their SDC rates and refer their levy, working on a partnership with NCPRD to continue services at North Clackamas Park, the city's options for leaving the district, services at the Milwaukie Center, NCPRD's plan to dissolve the zones, the risk of waiting and not referring the parks levy ballot measure to voters in May, reviewing different combinations of services to lower the SDC cost, the difference and connection between adopting new SDCs and referring a levy to the voters, and comparing Milwaukie's size and services to similarly sized neighboring cities.

**Ober** noted that Council's conversations reflected a desire for Council to have decision making authority over parks and stated for that to be the case the city would have to take

control of its parks. The group discussed the connection between setting parks as a Council goal and referring a parks levy to the voters, concerns about community engagement and outreach around increasing the cost of the parks levy and cost burdening residents with more fees, who should be financially responsible to provide services at the center, and ideas for beginning community engagement.

**Ober** summarized that for moving forward Council would need to make parks a Council goal, that staff would return to discuss engagement strategies and the roles that staff and Council would take, and that Council was welcomed and encouraged to begin negotiation conversations for a partnership with the county for providing services and that staff would play a supporting role in those conversations.

The group discussed the need for an action plan if they were going to refer a parks levy on the November ballot and how Council and the city would handle possible outcomes from a NCPRD November ballot. They discussed the funding reasons why staff pushed for a May ballot and the possibility of confusing residents with conflicting voter publications in November and weighing the risk of a failed May ballot because of limited time for community engagement.

The group discussed the reasons for keeping parks as a goal even if Council decided to remain with NCPRD, canceling the recreation planning March 16 town hall, bringing a goals resolution to an upcoming regular session meeting, and the parks timeline.

## **2. Adjourn**

**Mayor Batey** adjourned the meeting at 8:30 p.m.

Respectfully submitted,

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Nicole Madigan, Deputy City Recorder

## COUNCIL WORK SESSION

City Hall Council Chambers, 10722 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

## MINUTES

FEBRUARY 21, 2023

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

**Council Absent:** Councilor Adam Khosroabadi

|                       |                                                |                                      |
|-----------------------|------------------------------------------------|--------------------------------------|
| <b>Staff Present:</b> | Joseph Briglio, Community Development Director | Nicole Madigan, Deputy City Recorder |
|                       | Ryan Burdick, Police Captain                   | Ann Ober, City Manager               |
|                       | Mandy Byrd, Development Project Manager        | Scott Stauffer, City Recorder        |
|                       | Justin Gericke, City Attorney                  | Luke Strait, Police Chief            |
|                       | Vera Kolias, Senior Planner                    | Laura Weigel, Planning Manager       |

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

### 1. Coho Point at Kellogg Creek Update – Discussion

**Mayor Batey** noted that Councilor Khosroabadi was excused as absent from the work session.

**Briglio** introduced Farid Bolouri with Black Rock Development and Real Estate, and Bolouri's Coho Point architect, Alan Jones, and explained this was an opportunity for Council to get to know the selected developer for the Coho Point project and for Bolouri and Jones to provide a project update.

**Bolouri** and **Jones** introduced themselves and provided a brief history of the project that included a timeline, rendering of the completed building, and a site plan. **Mayor Batey** asked if retail spaces would be located on the Main Street side only. **Jones** replied that in addition to Main Street, retail space would wrap both corners and extend to the public plaza. The group discussed Jones' statement that the project would include affordable housing. **Jones** noted plans for improvements to the Adams Street right of way as well as a connecting path to and rehabilitation of Dogwood Park.

**Jones** presented building specifications that included square footage, the number of apartment units, bike, and vehicle parking spaces, where the entrances were located, the aesthetic look of the building, and provided an explanation of how each floor would be laid out. **Jones** mentioned the retaining wall along Kellogg Creek and explained that civil engineers were working with the Federal Emergency Management Agency (FEMA) on an application for cut and fill and relocation of the wetlands.

**Jones** reviewed the FEMA application process which resulted in the need to submit a full conditional letter of map revision (CLOMR) application package, which **Jones** believed would be ready to submit later that week. **Jones** shared a list of tasks that the city and developer would work on together. **Jones** stated that an extension was needed for due diligence to March 31, 2024, and for the land use approval to October 2024.

**Jones** presented what the next steps would be if extensions and applications were approved that would culminate in building occupancy late summer of 2026.

**Mayor Batey** commented on the scale and drop of the path along the Kellogg Creek side of the building. The group discussed the Kellogg Dam removal project in connection with Coho Point. **Jones** addressed the Mayor's comments by stating that the project involved a great deal of fill, and the garage would be built above the 1996 flood line.



**Councilor Massey** asked if there were other issues that had delayed the project. **Jones** responded that besides the CLOMR process other delays were a result of the pandemic.

**Council President Nicodemus** asked about funding and inflation concerns and **Bolouri** informed Council that other avenues were being considered to assist in offsetting inflation.

**Councilor Stavenjord** asked how many commercial tenants **Bolouri** was expecting. **Bolouri** advised that they do not plan for a number of tenants but explained there was over 6600 square feet of retail space with several entrance options and expressed hope for a restaurant. **Stavenjord** asked what contingencies **Bolouri** had planned for. **Bolouri** shared that the main contingency would come from working with interested institutions that would likely want more equity.

**Mayor Batey** noted the solar panels on the Coho Point roof and asked what green building standard the project would be going with. **Jones** explained they were considering both the Energy Trust of Oregon's Path to Net Zero and the Leadership in Energy and Environmental Design (LEED) as well as reviewing the new energy efficient changes to the city and state building codes.

**Briglio** advised that city staff would approve the extensions.

## **2. Psilocybin Code Amendments – Discussion**

**Kolias** presented background information on the Oregon Psilocybin Service Act which involved options for how the city could incorporate or prohibit the act. **Mayor Batey** believed that the city no longer had an option to prohibit. **Kolias** was unsure if there was a time limit for prohibiting and would look further into the matter. **Kolias** shared the different types of licenses that the Oregon Health Authority issued for psilocybin. The group discussed what the service facilitator's role was and what was needed to acquire a license.

**Kolias** presented state law restrictions for the psilocybin act and shared that at the time of the presentation, the Planning Department had received both an inquiry for building a service center that was denied – due to the state's law prohibiting a center in a residential zone, and an inquiry for manufacturing that the Planning Department had endorsed.

**Mayor Batey** and **Kolias** discussed commercially growing marijuana in the city.

**Kolias** again presented Council's options and stated that staff believed the state regulations were sufficient. **Ober** added that the police department had concerns to share, and that Strait and Burdick would be arriving soon.

**Mayor Batey** and **Kolias** discussed the law around growing psilocybin in residential settings.

**Council President Nicodemus**, **Kolias**, and **Mayor Batey** discussed if and when the city may see tax revenue from the sale of psilocybin.

**Burdick** shared concerns the police department had considered, including theft and burglaries, staff impacts and workload for enforcement, and suggested the city should wait and observe how the psilocybin would be handled in neighboring cities for a year.

The group discussed **Burdick's** concerns, acknowledging residential burglaries as a possibility, pointing out the differences in growing marijuana versus psilocybin and that Milwaukie would not be the only city in the area to offer psilocybin services. They discussed the addiction aspect including that background checks were part of the licensure process, and that psilocybin could only be given and taken in a psilocybin service center.

The group discussed ways to address the police departments concerns that included looking into the ability to change and restrict the code as necessary to respond to possible negative incidences, and how changes could affect individuals already endorsed by the city. The group commented on the licensure requirements for facilities, and the applicant's process after the city endorses a land use compatibility statement (LUCS) for growing psilocybin.

**Councilor Stavenjord** asked how the city would be notified of issued psilocybin licenses. **Kolias** responded that for the city, besides the service facilitator license, the other three state issued licenses would require a business license and the Planning Department's standard zoning enforcement would apply. A service facilitator would not be required to obtain a license as they can only work within a service center which would already have a business license.

The group discussed what it would mean to restrict the zoning for psilocybin and how anyone with a city endorsed LUCS would be grandfathered in and that the state's annual process to renew a license would likely not give the city an opportunity to revoke a LUCS.

**Ober** stated that staff would bring back the psilocybin code amendments discussion to Council. **Mayor Batey** shared contemplations on banning psilocybin in residential zones and **Ober** noted that Oregon is leading the way for this new treatment, as such there is no one to learn from. **Mayor Batey** suggested planning to ban and with an option to roll back if the no issues arise.

**Gericke** believed, after quick review of the act, that there is no time limit for referring a ban to voters, but a voter approved ban would only stop new licenses from being issued.

**Ober** asked if Council had any other questions for staff to look into to bring back for conversation. **Councilor Stavenjord** wanted to know what the Oregon Health Authority's (OHA) capacity for enforcement was statewide and **Mayor Batey** wanted to know about the cash nature of the psilocybin business.

### **3. Adjourn**

**Mayor Batey** announced that after the meeting Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(f) to consider information or records that are exempt by law from public inspection.

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

Respectfully submitted,

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Nicole Madigan, Deputy City Recorder

**COUNCIL REGULAR SESSION**

City Hall Council Chambers, 10722 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

**MINUTES**

FEBRUARY 21, 2023

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

**Council Absent:** Councilor Adam Khosroabadi

**Staff Present:** Justin Gericke, City Attorney  
Ann Ober, City Manager  
Tim Salyers, Code Compliance Coordinator

Scott Stauffer, City Recorder  
Luke Strait, Police Chief

**Mayor Batey** called the meeting to order at 6:02 p.m.

**1. CALL TO ORDER**

**A. Pledge of Allegiance.**

**B. Native Lands Acknowledgment.**

**2. ANNOUNCEMENTS**

**Mayor Batey** announced upcoming events, including the annual board and committee recruitment, a city manager open door session, a Ledding Library heritage lecture, the annual watershed wide clean-up event, a repair fair at the library, and noted that the city was looking for sponsors to support a 2023 Carefree Sunday event.

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

**Kim Kellogg**, MHS Principal, introduced Khaicjae Kaleiohi and Council congratulated them on their academic and extra-curricular activities. **Kellogg** provided an update on activities at MHS, including recognition of the MHS Special Olympics basketball team.

**4. SPECIAL REPORTS****A. Celebrating Black Excellence Month – Report**

**Council President Nicodemus** commented on MHS' Celebrating Black Excellence activities, offered advice to Black students, and introduced MHS Black Student Union (BSU) members Mariah Wells, Blain Ketema, Olivia Bordallo, and Octobio Jenkins. **Wells, Ketema, Bordallo, and Jenkins** remarked on celebrating Black excellence.

**B. Clackamas Fire District #1 (CFD1) Levy – Report**

**Ober** introduced Nick Brown, CFD1 Fire Chief, and Brian Stewart, CFD1 Assistant Fire Chief. **Brown** and **Stewart** explained why the district had referred a levy to voters at the May 2023 election. They discussed the district's staffing issues, wildfire response capabilities, and the district's plan to use the levy revenue to hire additional fire fighters.

The group discussed the lack of state and federal resources available for wildfires, how long it would take CFD1 to hire new firefighters if the levy were approved, and the

minimum staffing requirements for urban and rural fire stations. They noted the reimbursement funds the district receives from the county for non-fire 9-1-1 calls and how those funds can be used.

**Brown** reported that CFD1 was one of the only fire districts that had never gone out for an operating levy before. The group noted that levies must be renewed by voters every five years and **Brown** commented on the likelihood that the district would have to ask voters to approve another capital bond in the future.

**Mayor Batey** asked about fire district response protocols to emergency calls and **Brown** explained why the district responds differently than paramedic units.

## **5. COMMUNITY COMMENTS**

**Mayor Batey** noted that Councilor Khosroabadi had been excused from the meeting.

**Mayor Batey** reviewed the comment procedures. **Ober** reported there was no follow-up from the February 7 comments. No audience member wished to speak to Council.

## **6. CONSENT AGENDA**

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

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

1. January 10, 2023, study session.
2. January 17, 2023, work session,
3. January 17, 2023, regular session, and
4. January 28-29, 2023, retreat.

### **B. Resolution 9-2023: A resolution of the City Council of the City of Milwaukie, Oregon, adopting the Council Communication Agreement.**

### **C. Motion to confirm the 2023 Council committee assignments.**

Motion passed with the following vote: Councilors Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [4:0]

## **7. BUSINESS ITEMS**

~~**A. Parks Levy Ballot Measure Referral – Resolution**~~ (removed from the agenda)

~~**B. Council Goals – Discussion**~~ (removed from the agenda)

## **8. PUBLIC HEARING**

### **A. Fireworks Ban Adoption – Ordinance**

Call to Order: **Mayor Batey** called the public hearing on the proposed amendments to the code to order at 7:25 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to take public comment on the proposed fireworks ban ordinance.

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

Staff Presentation: **Salyers** introduced the proposed ordinance, noted previous Council discussions, and explained current and proposed firework restrictions.

Correspondence: **Stauffer** reported that three emails had been received on the topic.

Conduct of Hearing: **Mayor Batey** reviewed the hearing procedures.

Audience Testimony: **Carol Addison**, unincorporated Clackamas County resident, noted the importance of firework fundraisers for local non-profit groups and encouraged Council to not ban the sale of fireworks in Milwaukie that were legal in Oregon. **Mayor Batey** and **Addison** noted the location of non-profit firework stands.

**Jason Trout**, TNT Fireworks regional manager, noted there were two permitted firework sales locations in the city, underscored the importance of firework sales for non-profit groups, and encouraged Council to not adopt a total ban on all fireworks.

Staff Response to Testimony: **Salyers** noted that the city did not provide code enforcement services outside city limits where Addison resided.

Close Public Comment: **It was moved by Councilor Stavenjord and seconded by Councilor Massey to close the public comment part of the hearing on the proposed fireworks ban ordinance. Motion passed with the following vote: Councilors Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [4:0]**

**Mayor Batey** closed the public hearing at 7:39 p.m.

Council Discussion: **Councilor Massey** remarked on the testimony received from non-profit groups, the confusing approach to firework bans in other cities and suggested that the public safety concerns of firework use outweighed the good work done by non-profit groups who fundraise through firework sales.

**Councilor Massey** expressed concern about the proposed \$1,000 fine for violating a firework ban. **Councilor Stavenjord** and **Mayor Batey** asked about the proposed fine amount. **Salyers** explained that \$1,000 would be the maximum fine amount and the municipal court judge would have discretion in recuding the fine amount. **Salyers** remarked on code enforcement staff’s approach to issuing citations.

**Council President Nicodemus** and **Councilor Stavenjord** agreed with Councilor Massey and expressed support for adopting the ordinance to ban fireworks, noting public safety and environmental concerns. **Mayor Batey** agreed with Council’s remarks.

The group discussed how much the fine amount should be for using fireworks, noting staff and the judge’s ability to apply lower amounts. It was Council consensus to leave the ordinance with a fine up to \$1,000.

Council Decision: **It was moved by Council President Nicodemus and seconded by Councilor Massey for the first and second readings by title only and adoption of the ordinance amending Municipal Code (MMC) Chapter 9.18 Fireworks to prohibit the sale, possession, and use of consumer fireworks. Motion passed with the following vote: Councilors Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [4:0]**

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

**Stauffer** polled the Council with Councilors, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [4:0]

**Ordinance 2225:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) CHAPTER 9.18 FIREWORKS TO PROHIBIT THE SALE, POSSESSION, AND USE OF CONSUMER FIREWORKS).**

## **9. COUNCIL REPORTS**

### **A. Legislative and Regional Issues – Discussion**

**Stauffer** provided an update on legislation being tracked by the city and the group discussed pending bills and whether Council needed to submit testimony on any issue.

The group reviewed two Council letters proposed by Mayor Batey and discussed the process for Council and staff to review, edit, and submit policy letters. It was Council consensus to wait to submit a letter in support of the bill addressing electric bike rebates and to submit the letter regarding the creation of a utility rate payer assistance fund.

**Mayor Batey** discussed the status of bills addressing the state REACH building code, hazardous railroad regulations, utility regulations, and federal broadband funding.

**Ober** reported that staff had learned about an Oregon Department of Transportation (ODOT) list about proposed street crosswalk closures and the group discussed the potential impact of the closures on the city's sidewalks.

**Councilor Stavenjord** reported providing testimony in support of a bill that would lower the voting age in Oregon to 16 and had attended several regional meetings.

**Mayor Batey** reported meeting with the chief executive officer (CEO) of Portland General Electric (PGE) regarding their request for a rate increase. **Batey** suggested that the CEO planned to present PGE's case at a Council meeting in the spring.

## **10. ADJOURNMENT**

**It was moved by Council President Nicodemus and seconded by Councilor Massey to adjourn the Regular Session. Motion passed with the following vote: Councilors Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [4:0]**

**Mayor Batey** adjourned the meeting at 8:37 p.m.

Respectfully submitted,

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Scott Stauffer, City Recorder



**COUNCIL STAFF REPORT**

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

**Date Written:** March 23, 2023

**Reviewed:** Steve Adams, PE, City Engineer

**From:** Tessie Prentice, RLA, PE, Civil Engineer / Landscape Architect

**Subject:** **King Road Improvements (CIP-2022-A15) Engineering Services**

**ACTION REQUESTED**

Council is asked to authorize a contract with Kittelson & Associates for design of the King Road improvements project.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

[June 7, 2022:](#) Council adopted the Capital Improvement Plan (CIP) for fiscal years 2023-2028. The CIP included funding allocations for sidewalk, street, and stormwater improvements to King Road from 42<sup>nd</sup> Avenue to city limits near Linwood Avenue.

August 2022: The city's CIP steering team approved the project charter scope of work as described in the CIP.

January 2023: the city's CIP steering team approved the project charter revision that revised the scope of work to include water work based on the latest revision of the water master plan. The project limits were revised to be 43<sup>rd</sup> Avenue to city limits at Linwood Avenue because of additional water work identified in the water master plan at the intersection of King Road and 42<sup>nd</sup> Avenue. The scope of the intersection was too extensive to be funded in this biennium budget

**ANALYSIS**

Engineering services for the project will exceed \$250,000; therefore, the formal selection procedure was followed per 70.015.A of the city's Public Contracting Rules. Four proposals were submitted and reviewed by a committee of five city staff members. The proposals were ranked as follows:

| Proposing Firm         | Total of 100 points | Ranking |
|------------------------|---------------------|---------|
| Century West           | 89.0                | 3       |
| Kittelson & Associates | 90.2                | 1       |
| Mackenzie              | 79.1                | 4       |
| Burgess & Niple        | 90.0                | 2       |

Through the selection process, Kittelson & Associates was deemed the most appropriate and fully able to perform the services. The other proposers were allowed seven days to protest the selection. No protests were received.

**BUDGET IMPACT**

Adequate funding for the King Road improvements has been programmed into the 2023–2028 CIP. Therefore, the project will not have a negative impact on the city’s budget.

**WORKLOAD IMPACT**

The engineering department has accounted for adequate staffing levels and schedules to manage the capital improvement program, including this project. The work will not cause negative impacts to staff workload.

**CLIMATE IMPACT**

The King Road improvements project design includes street and sidewalk improvements as recommended in the mitigation strategies for Land Use and Transportation Planning in the city’s Climate Action Plan (CAP).

**COORDINATION, CONCURRENCE, OR DISSENT**

The predesign phase of the project included coordination with the CIP steering team. The CIP steering team includes members from public works, engineering, community development and finance departments to evaluate the scope and budget of the project.

**STAFF RECOMMENDATION**

Authorize the city manager to award the engineering services contract for King Road improvements project to Kittelson & Associates in the amount not to exceed \$943,210.

**ALTERNATIVES**

Council could decide to:

1. Not award contract,
2. Reject the intended awardee and direct staff to re-negotiate or consider new proposals, or
3. Reject all proposals and direct staff to amend the request for proposals and re-advertise.

**ATTACHMENTS**

1. Resolution



**COUNCIL RESOLUTION No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING AN ENGINEERING SERVICES CONTRACT WITH KITTELSON & ASSOCIATES FOR A NOT TO EXCEED AMOUNT OF \$943,210 FOR THE KING ROAD IMPROVEMENTS PROJECT (CIP-2022-A15)**

**WHEREAS** the city has identified said improvements in the 2023–2028 Capital Improvement Plan (CAP), and

**WHEREAS** the city has identified said improvements in the 2023–2024 biennium budget, and

**WHEREAS** said improvements are consistent with the city’s Safe Access for Everyone (SAFE) program and Street Surface Maintenance Program (SSMP), and

**WHEREAS** a formal competitive selection process per the city’s Public Contracting Rule 70 was completed, and

**WHEREAS** city engineering staff has negotiated the final scope and fee for services.

**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 a contract with Kittelson & Associates for design of King Road Improvements Project, waive any irregularities, and authorize the city engineer or designee to administer the project in accordance with the engineering services agreement in the amount not to exceed nine hundred forty three thousand two hundred ten dollars (\$943,210).

Introduced and adopted by the City Council on **April 4, 2023**.

This resolution is effective immediately.

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Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney

## COUNCIL STAFF REPORT

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

**Date Written:** Mar. 21, 2023

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

**From:** Adam Moore, Parks Development Coordinator

**Subject:** **Resolution Authorizing Application for Metro Nature in Neighborhoods Grant**

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### ACTION REQUESTED

Council is asked to adopt a resolution authorizing staff to apply to a Metro Nature in Neighborhoods – Neighborhood Livability grant program for an additional \$350,000 for the construction of Scott Park, Bowman-Brae Park, and Balfour Park.

### HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

#### 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 plans for Scott, Balfour, and Bowman-Brae Parks were 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 the three parks 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 \$350,000 grant for the construction of Scott, Balfour, and Bowman-Brae Parks.

The Nature in Neighborhoods – Neighborhood Livability program from Metro provides funding for park amenities on a reimbursement basis. The grant program will require a minimum 2:1 match of grant funds, which will be covered by federal American Rescue Plan Act (ARPA) funding. The grant application is due on April 21, with additional details to be provided by Metro in the coming weeks. Due to ARPA funding, construction of the three parks needs to be completed by October 2024, well ahead of the three-year grant deadline.

Nature in Neighborhoods grants requires community partners to support the grant and participate in their implementation. Staff will partner with the PARB, [FACT Oregon](#), and the [Boys and Girls Club of Portland Metropolitan Area](#) – Oak Grove Club, to select playground equipment at three separate design charrettes. FACT Oregon is a non-profit that works with families raising children with disabilities. The [Oak Grove Club](#) of the Boys and Girls Club has approximately 45 first through fifth graders who attend school at either Ardenwald, Seth Lewelling, Riverside, or Oak Grove elementary schools. PARB will also invite members of the ESC and representatives from the effected neighborhood associations to their charette. Playground designs will be based on each parks budget and be based on feedback and direction given in previous rounds of community engagement. If the grant is not received Council could decide to reallocate other park funds to make up the amount of the grant in part or in full. If any value engineering or design changes are necessary for budgetary reasons, additional public engagement will be conducted and those people who helped design the concept plans or playground designs will be invited to give feedback on the necessary changes. Grant award notice is expected in July or August of 2023.

### **Projected Timeline- Upcoming**

|                                                                                       |                                                                                  |
|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Spring 2023                                                                           | Winter 2023 – Fall 2024                                                          |
| <ul style="list-style-type: none"><li>• Playground and play feature design.</li></ul> | <ul style="list-style-type: none"><li>• Construction.</li></ul>                  |
| Summer 2023                                                                           | Fall 2024                                                                        |
| <ul style="list-style-type: none"><li>• Expected grant announcement.</li></ul>        | <ul style="list-style-type: none"><li>• Ribbon Cutting.</li></ul>                |
| Fall 2023                                                                             | Winter 2024                                                                      |
| <ul style="list-style-type: none"><li>• Final design &amp; permitting.</li></ul>      | <ul style="list-style-type: none"><li>• Grant reporting and close out.</li></ul> |

### **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 supporting Scott Park construction. A donation from the Ardenwald-Johnson Creek Neighborhood District Association (NDA) is supporting Balfour 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 North Clackamas Parks and Recreation District (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 Concept Plan
3. Balfour Park Final Concept Plan
4. Bowman-Brae Final Concept Plan





**COUNCIL RESOLUTION No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
AUTHORIZING AN APPLICATION FOR A METRO NATURE IN NEIGHBORHOODS GRANT  
FOR THE SCOTT, BOWMAN-BRAE, AND BALFOUR PARKS PROJECT.**

**WHEREAS** Metro is accepting applications for the Nature in Neighborhoods – Neighborhood Livability 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 Plans for Scott Park, Balfour Park, and Bowman-Brae 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 **April 4, 2023**

This resolution is effective immediately.

ATTEST:

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Lisa M. Batey, Mayor

APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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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)



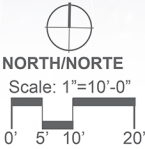
December 2022/Diciembre 2022





LEGEND/LEYENDA

- |                                                       |                                  |                                                |                                                      |
|-------------------------------------------------------|----------------------------------|------------------------------------------------|------------------------------------------------------|
| 1 Stormwater Swale<br>(Pantano de aguas de tormentas) | 4 Bike Rack<br>(Portabicicletas) | 7 Picnic Table<br>(Mesa de picnic)             | 10 Park Entry Sign<br>(Letrero de entrada al parque) |
| 2 6'-8' Wide Pathway<br>(Camino 6' - 8' de ancho)     | 5 Slide Mound<br>(Montículo)     | 8 Picnic Shelter<br>(Área cubierta para comer) | 11 Drinking Fountain<br>(Fuente de Agua)             |
| 3 Low Retaining Wall<br>(Muro de contención pequeño)  | 6 Bench<br>(Banco)               | 9 Water Feature<br>(Instalación de Agua)       |                                                      |



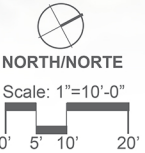
December 2022/Diciembre 2022





LEGEND (LEYENDA)

- |                                                    |                                       |                                               |                                       |
|----------------------------------------------------|---------------------------------------|-----------------------------------------------|---------------------------------------|
| 1 Stormwater Swale (Pantano de aguas de tormentas) | 4 Bench (Banco)                       | 7 Picnic Shelter (Área cubierta para comer)   | 10 Log (Leño)                         |
| 2 6'-9' Wide Pathway (Camino 6' - 9' de ancho)     | 5 Bike Rack (Portabicicletas)         | 8 Screening Shrubs (Arbustos de ocultación)   | 11 Drinking Fountain (Fuente de agua) |
| 3 Picnic Table (2) (Mesa de picnic -2)             | 6 Main Park Entry (Entrada principal) | 9 Pollinator Garden (Jardín de Polinizadoras) | 12 Entry Sign (Letrero de Entrada)    |



December 2022/Diciembre 2022





**COUNCIL STAFF REPORT**

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

**Date Written:** Mar. 20, 2023

**Reviewed:** Toby LaFrance, Finance Director  
Kelli Tucker, Accounting & Contracts Specialist

**From:** Joe Gardner, Information Technology (IT) Manager

**Subject:** **Purchase Authorization of Network Equipment Replacement**

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**ACTION REQUESTED**

Council is asked to approve the purchase of network equipment to replace existing systems.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

[December 19, 2017](#): Council authorized the purchase of replacement network equipment.

October 2022: Software maintenance releases or bug fixes are no longer available for existing network equipment.

January 2023: staff is notified of long lead times for network equipment due to global chip shortages as the city's equipment is either approaching or at end-of-life.

February 2023: staff researched procurement options for replacement network equipment.

**ANALYSIS**

Network equipment is recommended to be replaced every five to eight years. In January, staff was made aware by the current network vendor that software maintenance releases and fixes will no longer be available for the city's existing devices. As this network equipment reaches end of life there are increased risks of security vulnerabilities in the system. Additionally, annual maintenance costs have begun to increase exponentially due to the equipment's age. Understanding that risk of network equipment failure increases as it reaches its end-of-life and replacement equipment may not be readily available soon due to global chip shortages, staff determined that replacing existing network equipment is in the city's best interest.

Staff negotiated the purchase of replacement network equipment and configuration services with CVE Technologies Group. This procurement complies with the city's public contracting rules for purchasing from a competitively awarded contract through the National Association of State Procurement Officials ValuePoint cooperative. The contract was awarded to Cisco for data communications products and services and CVE Technologies Group is a certified fulfillment partner of Cisco; therefore, the city may purchase directly from the fulfillment partner.

The purchase price is not to exceed \$260,000 and professional services for the configuration and replacement of the equipment is included in the total project cost.

**BUDGET IMPACT**

The adopted biennial budget accounts for \$157,000 of this project from the information technology (IT) department's capital outlay. The additional \$103,000 will be absorbed by savings within in the IT department's materials and services budget over the biennium.

**WORKLOAD IMPACT**

The IT department does not have dedicated network staff or expertise to complete this work, so IT staff will work with the vendor to provide access and coordinate replacement of equipment prioritizing network downtime.

**CLIMATE IMPACT**

The new network equipment is expected to be more efficient and reduce energy consumption and operating costs in the long term.

**COORDINATION, CONCURRENCE, OR DISSENT**

None.

**STAFF RECOMMENDATION**

Staff recommends that Council authorize the city manager to approve the purchase of replacement network equipment from CVE Technologies Group.

**ALTERNATIVES**

None.

**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, AUTHORIZING THE PURCHASE OF REPLACEMENT NETWORK EQUIPMENT.**

**WHEREAS** the city uses network devices for daily technology operations, and

**WHEREAS** the current network equipment is at end of life and software updates are no longer available by the manufacturer, and

**WHEREAS** annual maintenance costs for this equipment will begin to increase exponentially, and

**WHEREAS** the city's Public Contracting Rule 15.010(A) allows the city to purchase goods and services from competitively awarded price agreements without a subsequent procurement process, and

**WHEREAS** the National Association of State Procurement Officials ValuePoint let a formal competitive process for data communications products and services and awarded price agreement AR3227 to Cisco, and

**WHEREAS** staff desires to purchase replacement network equipment from CVE Technologies Group, Inc., a certified fulfillment partner of Cisco.

**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 approve the purchase order with CVE Technologies Group, Inc. for replacement network equipment not exceeding \$260,000.

Introduced and adopted by the City Council on **April 4, 2023**.

This resolution is effective immediately.

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Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney

## COUNCIL STAFF REPORT

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

**Date Written:** March 15, 2023

**Reviewed:** Keisha Brewster (as to form), Administrative Specialist III, and  
Vic Foley, Fleet Lead Mechanic

**From:** Damien Farwell, Fleet & Facilities Supervisor, and  
Peter Passarelli, Public Works Director

**Subject: Public Works Vehicle Purchase**

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### ACTION REQUESTED

Council is asked to authorize the city manager to approve the purchase of a new 2023 Ford F-550 Service Body Truck in the amount of \$108,757.28.

### HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

1995: A 1995 Chevy 3500 service body truck was purchased by the city.

[June 7, 2022](#): Council adopted the Biennial Budget for 2023-2024, which included funding to replace this vehicle and all associated equipment installed onto it.

### ANALYSIS

The city currently owns a 1995 Chevrolet 3500 Service Body Truck used by the street division for transport of materials and equipment to job sites. The truck carries items such as a 26-inch walk behind concrete cutting saw weighing approximately 1,050 pounds, a concrete slurry vacuum weighing up to 800 pounds when full and a 110-gallon water tank for concrete cutting dust suppression weighing around 1,000 pounds when full.

Further research by staff indicated that there are currently not any commercially available electric vehicle (EV) service body trucks that meet the payload and chassis strength requirements to carry these items.

### BUDGET IMPACT

The total purchase price is \$108,757.28 which exceeds the original budgeted total of \$75,000 for this intended purpose. The increased cost is due to a combination of factors to include supply chain disruptions, unprecedented demand and increased inflation impacting the vehicle market. The additional funds will be made up by deferring the purchase of another budgeted vehicle.

### WORKLOAD IMPACT

By replacing the older truck, the city will realize gains from decreased maintenance costs associated with an aging vehicle.

**CLIMATE IMPACT**

The overall climate impact from replacing this vehicle will be neutral, it is considered a like for like exchange and will see the same typical usage and mileage as the older vehicle.

**COORDINATION, CONCURRENCE, OR DISSENT**

Not applicable.

**STAFF RECOMMENDATION**

Staff recommend that Council authorize the city manager to approve the purchase of the 2023 Ford F550 Service Body Truck in the amount of \$108,757.28.

**ALTERNATIVES**

Council could decide to defer the purchase of the 2023 Ford F550 Service Body Truck.

**ATTACHMENTS**

1. Resolution



**COUNCIL RESOLUTION No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
AUTHORIZING THE PURCHASE OF A 2023 FORD F-550 SERVICE BODY TRUCK**

**WHEREAS** road repair and maintenance is required in the day-to-day operation of all the city's public works' divisions.

**WHEREAS** the Street's department's current service body truck is 28 years old.

**WHEREAS** in accordance with section 10.085B of the city's Public Contracting Rules. City staff identified the need to purchase 2023 Ford F-550 Service Body Truck that has established a price with Gresham Ford, in the amount of \$108,757.28.

**Now, Therefore, be it Resolved** that City Council of the City of Milwaukie, Oregon, that the city manager is authorized to approve the purchase of a 2023 Ford F-550 Service Body Truck used by the Streets department in the amount of \$108,757.28.

Introduced and adopted by the City Council on **April 4th, 2023**.

This resolution is effective immediately.

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Lisa Batey, Mayor

ATTEST:

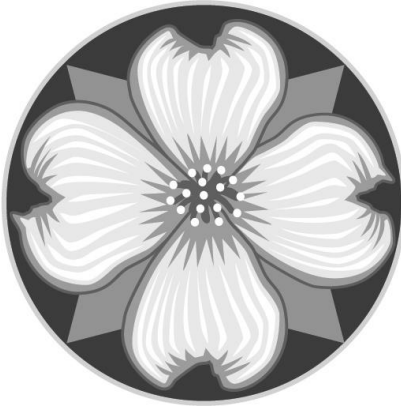
APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney



**RS Agenda Item**

**7**

## **Business Items**



**COUNCIL STAFF REPORT**

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

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

**From:** Adam Heroux, Associate Planner

**Subject:** **Annexation of Property at 8909 SE 55<sup>th</sup> Ave**

**Date Written:** March 28, 2023

**ACTION REQUESTED**

Council is asked to approve application A-2023-001, an annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation into the city of 8909 SE 55<sup>th</sup> Ave (Tax Lot 1S2E30AB06500), the “annexation property.”
- Application of an industrial (I) Comprehensive Plan land use designation and a manufacturing (M) zoning designation to the annexation property.
- Amendments to the city’s Comprehensive Plan land use map and zoning map to reflect the city’s new boundary and the annexation property’s new land use and zoning designations.
- Withdrawal of the annexation property from the following urban service districts:
  - Clackamas County Service District for Enhanced Law Enforcement
  - Clackamas County Service District #5 for Street Lights

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

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

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

**June 2010:** Council approved the first annexation of property in the NESE project area (Ordinance #2016, land use file #A-10-01). Since then, Council has approved the annexation of approximately 167 additional properties in the NESE area. To date, there are approximately 92 properties within the NESE project area that have not yet annexed.

**January 2023:** The property owners at 8909 SE 55<sup>th</sup> Ave approached the city’s community development department to initiate the expedited annexation process and make an emergency connection to the city sewer system. The owners signed a consent to annex form and paid the necessary fees and charges.

## ANALYSIS

### Proposal

The applicant, Patricia Portash, has applied to annex the approximately 9,919-sq-ft (0.23-acre) site to the city. The annexation property is developed with a single unit detached dwelling. It has industrial Clackamas County land use and zoning designations and will receive equivalent industrial city land use and zoning designations upon annexation.

### Site and Vicinity

The annexation property is within the city's UGMA area and is contiguous to the existing city limits along the public right-of-way (ROW) of SE 55<sup>th</sup> Ave to the east and where adjacent to the neighboring property at 8903 SE 55<sup>th</sup> Ave to the north (see Figure 1). The annexation property is currently developed with a single-unit house built in 1967; the immediate surrounding area consists primarily of manufacturing buildings and land uses with some single-unit houses beginning approximately 200 feet to the south of the southern property line.

### Annexation Petition

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

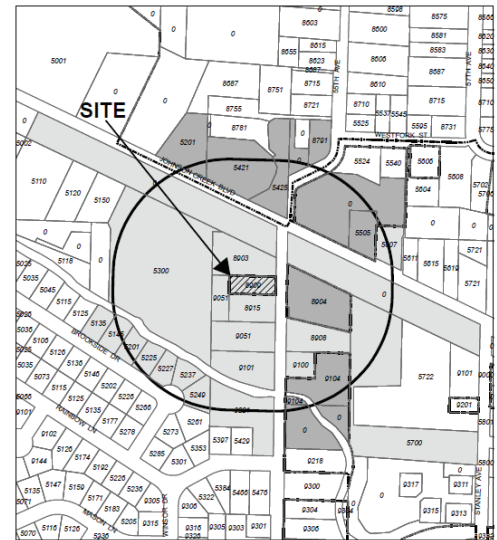
As set forth in Milwaukie Municipal Code (MMC) Table 19.1104.1.E, the expedited annexation process automatically assigns city land use and zoning designations to the annexation property based on the existing Clackamas County land use and zoning designations. The existing county Comprehensive Plan land use designation for the annexation property is industrial (I), which corresponds to the city's industrial (I) Comprehensive Plan designation upon annexation. The current county zoning designation for the annexation property is general industrial (GI), which corresponds to a city zoning designation of manufacturing (M) upon annexation. The current residential land use of a single detached dwelling is a pre-existing legal nonconforming use in the (M) zone.

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

### Annexation Approval Criteria

The annexation application is subject to Milwaukie Comprehensive Plan Section 12 Urban Growth Management, Oregon Revised Statutes (ORS) Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1100 Annexations and Boundary Changes.

**Figure 1. Site Map**



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

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

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

- Wastewater: The annexation property is within the city's sewer service area and, via an emergency connection allowed in conjunction with the proposed annexation, is served by the city's 8-inch sewer line accessible in SE 55<sup>th</sup> Ave.
- Water: The annexation property is currently served by Clackamas River Water (CRW) through CRW's existing water line in SE 55<sup>th</sup> Ave. Pursuant to the city's intergovernmental agreement (IGA) with CRW, water service will continue to be provided by CRW and the annexation property will not be withdrawn from this district at this time.
- Storm: The annexation property is not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.
- Fire: The annexation property is currently served by Clackamas Fire District #1 and will continue to be served by this fire district upon annexation since the entire city is within this district.
- Police: The annexation property is currently served by the Clackamas County Sheriff's Office and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The city has its own police department, and this department can adequately serve the site. To avoid duplication of services, the site will be withdrawn from this district upon annexation to the city.
- Street Lights: As of July 1, 2011, an IGA between the city and Clackamas County Service District No. 5 for Street Lights (the "district") transferred operational responsibility to the city for the street lights and street light payments in the city's NESE project area. The annexation property will be withdrawn from the district upon annexation to the city.
- Other Services: Community development, public works, planning, building, engineering, code enforcement, and other municipal services are available through the city and will be available to the site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

### **BUDGET IMPACTS**

This annexation will have minimal fiscal impact on the city. As with most annexations of residential properties, the costs of providing governmental services will likely be offset by the collection of property taxes. According to Clackamas County Assessor data, the total current assessed value of the annexation property is \$193,590. Based on the latest information available (from the Clackamas County Rate Book for 2022), total property tax collection of approximately

\$4,151 is anticipated for the annexation property. The city will be provided with approximately \$897 of this total.

### **WORKLOAD IMPACTS**

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

### **CLIMATE IMPACTS**

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

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

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

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

### **STAFF RECOMMENDATION**

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

### **ALTERNATIVES**

Council has two decision-making options:

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

### **ATTACHMENTS**

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



## **COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AB06500 AND LOCATED AT 8909 SE 55<sup>th</sup> AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2023-001).**

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

**WHEREAS** the requirements of the Oregon Revised Statutes (ORS) for initiation of the annexation were met by providing written consent from a majority of electors and all owners of land within the territory proposed for annexation; and

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

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

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

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

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

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

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

Section 1. The Findings in Support of Approval attached as Exhibit A are adopted.

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

Section 3. The tract of land annexed by this ordinance and described in Section 2 is withdrawn from the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District #5 for Street Lights.

Section 4. The tract of land annexed by this ordinance and described in Section 2 is assigned a Comprehensive Plan land use designation of industrial (I) and a municipal code zoning designation of manufacturing (M).



Section 5. The city will immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030, ORS 222.005, and ORS 222.177. The annexation and withdrawal will become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

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

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

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Lisa Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney

## EXHIBIT A

### FINDINGS IN SUPPORT OF APPROVAL

Based on the staff report for the annexation of 8909 SE 55<sup>th</sup> Avenue, the “annexation property,” the Milwaukie City Council finds:

1. The annexation property consists of one tax lot comprising 0.23 acres (tax lot 1S2E30AB06500). The annexation property is contiguous to the existing city limits along the public right-of-way (ROW) of SE 55<sup>th</sup> Ave to the east and where adjacent to the neighboring property at 8903 SE 55<sup>th</sup> Ave to the north. The annexation property is within the regional urban growth boundary and also within the city’s urban growth management area (UGMA).

The annexation property is currently developed with a single-unit house built in 1967; the immediate surrounding area consists primarily of manufacturing buildings and land uses with many single-unit houses beginning approximately 200 feet to the south of the southern property line.

2. The annexation petition was initiated by consent of all owners of land on January 9, 2022, with an application for annexation submitted to the city on January 17, 2023. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsections 19.1104.1.A.3 and 19.1102.2.C.
3. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC 19.1104. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.
4. The expedited annexation process provides for automatic application of city comprehensive plan land use and zoning designations to the annexation property based on their existing comprehensive plan land use and zoning designations in the county, which are industrial (I) and general industrial (GI), respectively. Pursuant to MMC Table 19.1104.1.E, the automatic city comprehensive plan land use and zoning designations for the annexation property are industrial (I) and manufacturing (M), respectively.
5. The applicable city approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
  - A. The subject site must be located within the city’s urban growth boundary (UGB);  
*The annexation property is within the regional UGB and within the city’s UGMA.*
  - B. The subject site must be contiguous to the existing city limits;  
*The annexation property is contiguous to the existing city limits along the public ROW of SE 55<sup>th</sup> Avenue to the south and where adjacent to the neighboring property at 8903 SE 55<sup>th</sup> Ave to the north.*

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

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

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

*Chapter 12 of the comprehensive plan contains the city's annexation policies. Applicable annexation policies include: (1) delivery of city services to annexing areas where the city has adequate services and (2) requiring annexation in order to receive a city service. With annexation, the city will take over urban service provision for the property. City services to be provided include wastewater collection, stormwater management, police protection, and general governmental services. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.*

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

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

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

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

The approval criteria for zoning map amendments and comprehensive plan amendments are provided in MMC 19.902.6.B and 19.902.4.B, respectively. Collectively, the criteria address issues such as compatibility with the surrounding area, being in the public interest and satisfying the public need, adequacy of public facilities, consistency with transportation system capacity, consistency with goals and policies of the Milwaukie Comprehensive Plan and relevant Metro plans and policies, and consistency with relevant State statutes and administrative rules.

*MMC Table 19.1104.1.E establishes automatic zoning map and comprehensive plan land use map designations for expedited annexations. If a proposed designation is consistent with the table, it is consistent with the various applicable plans and policies.*

*In the case of the proposed annexation, the annexation property will assume the zoning and comprehensive plan designations provided in MMC Table 19.1104.1.E, which are manufacturing (M) and industrial (I), respectively. The approval criteria for both proposed amendments are effectively met.*

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

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

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

*There is one applicable urban service agreement adopted pursuant to ORS 195 in the area of the proposed annexation (see Finding 7, Street lights). The City has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. The proposed annexation is in keeping with the city's policy of encouraging properties within the UGMA to annex to the city.*

*The City has an intergovernmental agreement with Clackamas Water Environment Services (WES) regarding wholesale rates for wastewater treatment, but that agreement does not address issues related to annexations.*

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

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

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

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

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

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

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

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

*Wastewater: The City is the identified sewer service provider in the area of the proposed annexation and maintains a public sewer system that can adequately serve the annexation property via an 8-inch sewer line accessible in SE 55<sup>th</sup> Avenue.*

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

*Transportation: Access is provided to the annexation property via the public ROW of SE*

*55<sup>th</sup> Avenue, a local street maintained by the city. The City may require public street improvements along the annexation property's frontage when new development occurs.*

*Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, the City's more recent UGMA agreement with the county identifies the City as the lead urban service provider in the area of the proposed annexation. The City's water service master plan for all of the territory within its UGMA addresses the need to prepare for future demand and coordinate service provision changes with CRW. As per the City's intergovernmental agreement (IGA) with CRW, CRW will continue to provide water service to the annexation property through its existing water line in SE 55<sup>th</sup> Avenue.*

(5) Any applicable comprehensive plan.

*The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous pages. The Clackamas County Comprehensive Plan contains no specific language regarding city annexations. The comprehensive plans, however, contain the city-county UGMA agreement, which identifies the area of the proposed annexation as being within the city's UGMA. The UGMA agreement requires that the City notify the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has already annexed and taken jurisdiction of the public ROW in SE 55<sup>th</sup> Avenue adjacent to the annexation property.*

B. Consider whether the boundary change would:

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

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

*The City has public sewer service in this area in SE 55<sup>th</sup> Avenue.*

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

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

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

*Upon annexation, the annexation property will be served by the Milwaukie Police Department. In order to avoid duplication of law enforcement services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement upon annexation.*

7. The City is authorized by ORS Section 222.120(5) to withdraw annexed territory from non-City service providers and districts upon annexation of the territory to the city. This allows



for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's comprehensive plan policies relating to annexation.

Wastewater: The annexation property is within the City's sewer service area and, via an emergency connection allowed in conjunction with the proposed annexation, is served by the City's 8-inch sewer line accessible in SE 55<sup>th</sup> Avenue.

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

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

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

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

Street Lights: As of July 1, 2011, an intergovernmental agreement between the City and Clackamas County Service District No. 5 for Street Lights (the "District") transferred operational responsibility to the City for the street lights and street light payments in the City's northeast sewer extension project area. The annexation property will be withdrawn from the District upon annexation to the city.

Other Services: Community development, public works, planning, building, engineering, code enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

## **Exhibit B**

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

Milwaukie Annexation File No. A-2023-001

Property Address: 8909 SE 55<sup>th</sup> Ave, Portland, OR 97206

Tax Lot Description: 12E30AB06500

Legal Description: The North 62 feet of the South 71.21 feet of lot 9, Gibsons Subdivision of Tracts No. 10, 11, 12, and 13, and the West 480 feet of Tracts 1 and 2 of the Logus Tracts, excepting the West 60 feet thereof.

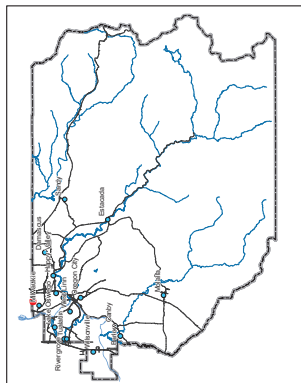
$1'' = 100'$ 

D.L.C.  
GEO. WILLS NO. 42  
HECTOR CAMPBELL

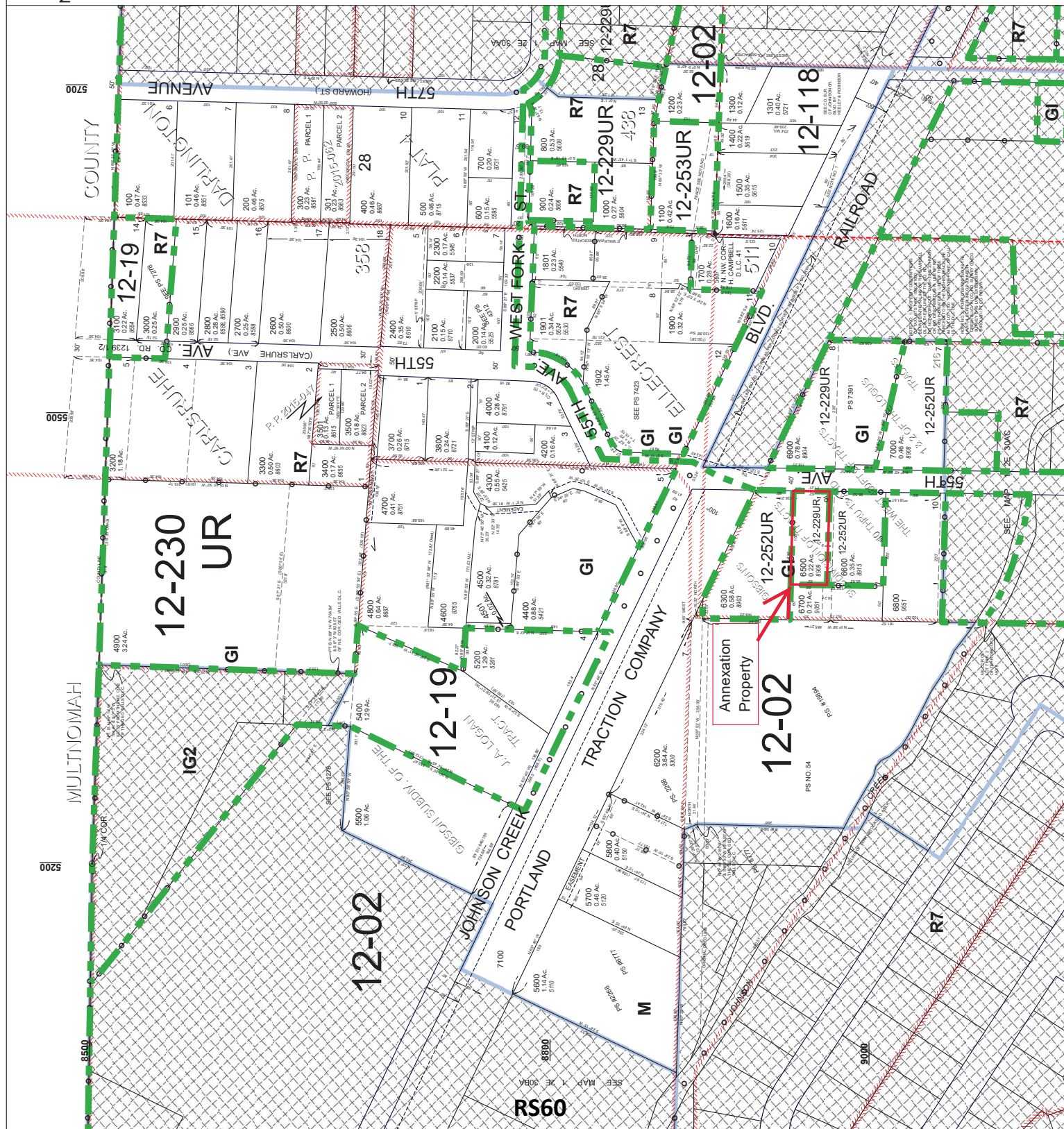
Cancelled Taxlots

|      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |      |      |
|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|
| Room | 100 | 150 | 200 | 250 | 300 | 350 | 400 | 450 | 500 | 550 | 600 | 650 | 700 | 750 | 800 | 850 | 900 | 950  | 1000 |
| 100  | 150 | 200 | 250 | 300 | 350 | 400 | 450 | 500 | 550 | 600 | 650 | 700 | 750 | 800 | 850 | 900 | 950 | 1000 |      |

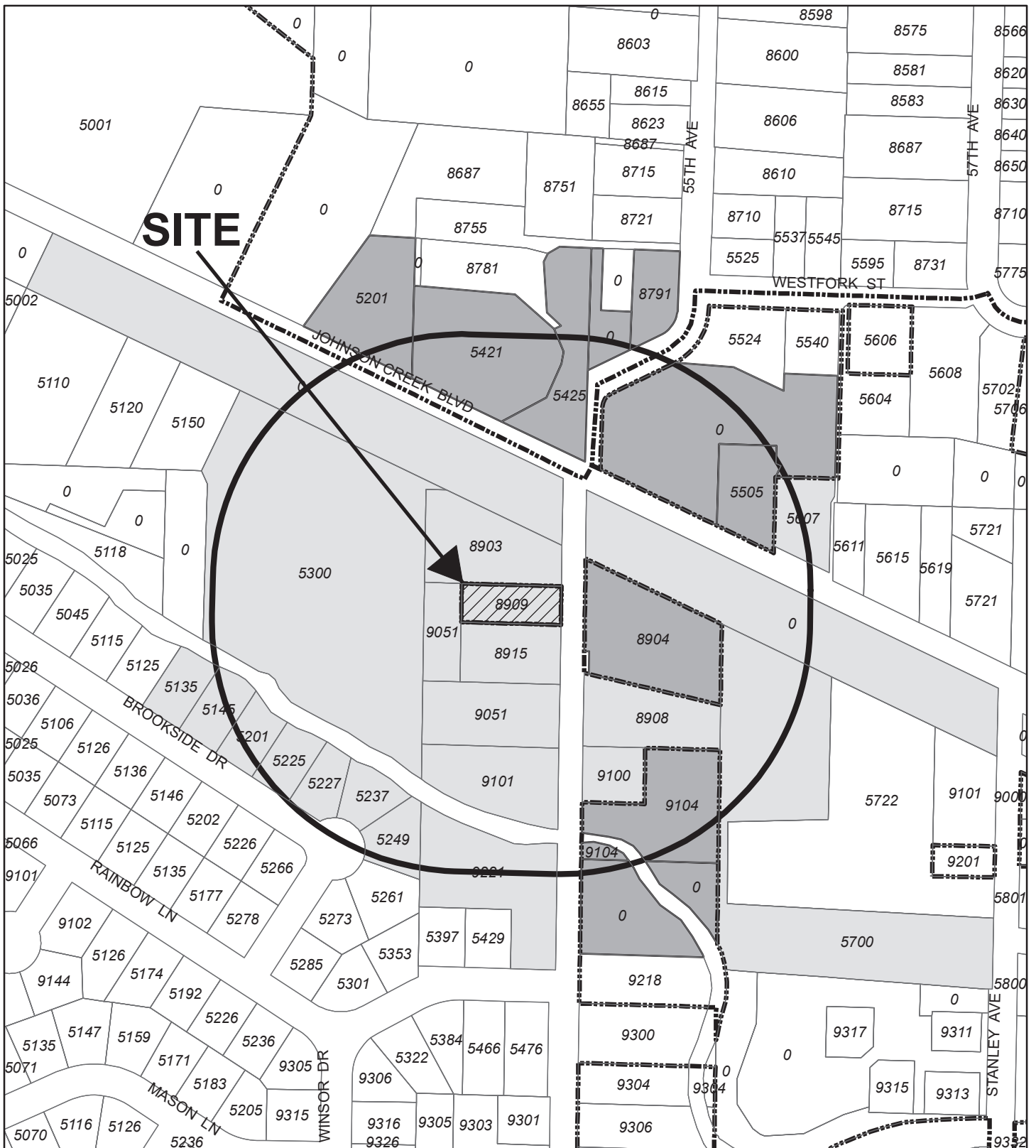
- Parcel Boundary  
 Private Road ROW  
 Historical Boundary  
 Railroad Centerline  
 TaxCodeLines  
 WaterLines  
 Map Index  
 Land Use Zoning  
 Plots  
 Water  
 Corner  
 Section Corner  
 1/16th Line  
 Govt Lot Line  
 DCL Line  
 Meander Line  
 PLSS Section Line  
 Historic Corridor 40'  
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



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY







**Site Map**  
**8909 SE 55th Avenue**  
**(12E30AB06500)**  
**File# A-2023-001**



### Legend

- |  |                 |  |                           |
|--|-----------------|--|---------------------------|
|  | 400 foot buffer |  | Other Tax Lots            |
|  | A-2023-001 Site |  | City of Milwaukie Notices |
|  | City Limit      |  | Clackamas County Notices  |

**RS61**



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

# Expedited Annexation Application

File # A-2023-001

## RESPONSIBLE PARTIES:

**APPLICANT** (owner or other eligible applicant): Patricia L Portash

Mailing address: 8909 SE. 55<sup>th</sup> Ave. Portland OR Zip: 97206

Phone(s): (503) 775-835 Email:

**APPLICANT'S REPRESENTATIVE** (if different than above): Kathy Schroeder - GSE, INC.

Mailing address: Zip:

Phone(s): 503-789-0131 Email: KGSE@aol.com

## SITE INFORMATION:

Address(es): 8909 SE. 55<sup>th</sup> Ave Map & Tax Lot(s): 1S2E30AB 06500  
Portland, OR 97206

Existing County zoning: ... GI Proposed City zoning: M Property size: 0.23 ... acres

Existing County land use designation: ... GI Proposed City land use designation: M

## PROPOSAL (describe briefly):

Annexation to City of Milwaukie Sewer System

## LIST OF ALL CURRENT UTILITY PROVIDERS:

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

**Cable, internet, and/or phone:** ☒ Comcast ☐ CenturyLink  
**Energy:** ☒ PGE ☐ NW Natural Gas  
**Garbage hauler:** ☐ Waste Management ☒ Hoodview Disposal and Recycling  
☐ Wichita Sanitary ☐ Oak Grove Disposal ☐ Clackamas Garbage  
☐ Other (please list):

## SIGNATURE:

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

Submitted by: Patricia L Portash

Date: 1-9-2023

CONTINUED ON REVERSE

RESET



**THIS SECTION FOR OFFICE USE ONLY:**

|                                              |                |                   |                  |                    |
|----------------------------------------------|----------------|-------------------|------------------|--------------------|
| <b>File #:</b>                               | <b>Fee: \$</b> | <b>Receipt #:</b> | <b>Recd. by:</b> | <b>Date stamp:</b> |
| <b>Associated application file #'s:</b>      |                |                   |                  |                    |
| <b>Neighborhood District Association(s):</b> |                |                   |                  |                    |
| <b>Notes</b> (include discount if any):      |                |                   |                  |                    |

# EXPEDITED ANNEXATION CODE EXCERPTS

## MILWAUKIE MUNICIPAL CODE SECTIONS

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### 19.1104.1 Expedited Process

A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.

5. Approval criteria for annexations are found in subsection 19.1102.3.

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

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

## METRO CODE SECTIONS

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

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

## MILWAUKIE COMPREHENSIVE PLAN

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

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

### Applicant Response

The proposal meets the applicable requirements listed above.

X Patricia L. Portash

(Applicant's Signature)

**MILWAUKIE PLANNING DEPARTMENT**

6101 SE Johnson Creek Blvd  
Milwaukie, OR 97206  
503.786.7600  
planning@milwaukieoregon.gov

# Confidential Census Form

|                                                         |                                                                                                                                                                                                                                            |                                                                                                                                                                                             |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Date:</b>                                            | <b>Street Address:</b>                                                                                                                                                                                                                     |                                                                                                                                                                                             |
| <b>Housing Type:</b><br>(Use one form per housing unit) | <input checked="" type="checkbox"/> Single-Family Structure<br><input type="checkbox"/> Multi-Family Structure<br><input type="checkbox"/> Mobile Home<br><input type="checkbox"/> Group Housing<br><input type="checkbox"/> Other Housing | <b>Occupancy:</b><br><input checked="" type="checkbox"/> Owner-Occupied<br><input type="checkbox"/> Renter-Occupied<br><input type="checkbox"/> Seasonal<br><input type="checkbox"/> Vacant |
| <b>Number of Residents:</b> /                           |                                                                                                                                                                                                                                            |                                                                                                                                                                                             |

**If you indicated Group Housing or Other Housing above, please complete the appropriate table below.**

| Group Housing                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Facility Type:</b>                                                                                                                                                |
| <input type="checkbox"/> Adult Correctional Facility                                                                                                                 |
| <input type="checkbox"/> Juvenile Facility<br>e.g., group home, correctional or non-correctional                                                                     |
| <input type="checkbox"/> College/University Student Housing<br>Includes off-campus housing owned by a college/university                                             |
| <input type="checkbox"/> Military Quarters                                                                                                                           |
| <input type="checkbox"/> Other Institutional Facility<br>e.g., psychiatric hospitals, inpatient hospice facilities                                                   |
| <input type="checkbox"/> Nursing/Skilled-Nursing Facility<br>e.g., assisted living and memory care                                                                   |
| <input type="checkbox"/> Non-Institutional Facility<br>e.g., emergency and transitional shelters, residential treatment centers for adults, religious group quarters |
| <b>Facility Name:</b>                                                                                                                                                |

| Other Housing                                            |
|----------------------------------------------------------|
| <b>Housing Unit Type:</b>                                |
| <input type="checkbox"/> Camper/RV                       |
| <input type="checkbox"/> Car/Van                         |
| <input type="checkbox"/> Tent                            |
| <input type="checkbox"/> Motels/Hotels                   |
| <input type="checkbox"/> Houseboat                       |
| <input type="checkbox"/> Other Boat                      |
| <input type="checkbox"/> Other, please specify:<br>_____ |

The information you share on this form is being collected for use by the Portland State University Population Research Center. For questions about the way these census data are used, please contact the Population Research Center at 503-725-3922.



# PETITION SIGNERS

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

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

| SIGNATURE                                    | PRINTED NAME         | I AM A:* |        |          | DATE             |
|----------------------------------------------|----------------------|----------|--------|----------|------------------|
|                                              |                      | PO       | RV     | OV       |                  |
| <i>Patricia L Portash</i>                    | Patricia L Portash   |          |        | ✓        | 1-9-2023         |
| PROPERTY ADDRESS                             | PROPERTY DESCRIPTION |          |        |          | VOTER PRECINCT # |
|                                              | TOWNSHIP             | RANGE    | ¼ SEC. | LOT #(S) |                  |
| 8909 S.E. 55 <sup>TH</sup> AVE DRLO OR 97206 | 15                   | 2E       | 30 AB  | 6500     | 420              |

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

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

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

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

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

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

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

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

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

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

The territory to be annexed is described as follows:

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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface. There is no handwriting or other markings on the paper.



## CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E30AB) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name JOSHUA BOLL  
Title GIS CARTOGRAPHER II  
Department ASSESSMENT  
County of CLACKAMAS  
Date 1/11/23



0-956

KNOW ALL MEN BY THESE PRESENTS, that R.. C. Smelser, Inc.

and existing under the laws of the State of Oregon a corporation duly organized  
in consideration of -----Ten and no/100----- hereinafter called grantor,  
and other good and valuable consideration Dollars  
to grantor paid, does hereby grant, bargain, sell and convey unto Frank D. Portash and  
Patricia L. Portash, Husband and Wife

hereinafter called grantee  
and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments  
and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas  
and State of Oregon, described as follows, to-wit:

The North 62 feet of the South 71.21 feet of lot 9, Gibsons  
Subdivision of Tracts Na. 10, 11, 12 and 13, and the west 480  
feet of Tracts 1 and 2 of the Logus Tracts, XXXX excepting  
the West 60 feet thereof.



Recorded By  
Pioneer National  
Title Insurance Company

To Have and to Hold the above described and granted premises unto the said grantee and grantee's  
heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and  
assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encum-  
brances.

and that grantor will warrant and forever defend the above granted prem-  
ises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural.

Done by order of the grantor's board of directors, with its corporate seal attached,  
this 16 day of August, 1967.

R. C. Smelser, Inc.

By *R. C. Smelser* President

By \_\_\_\_\_ Secretary

Aug. 16, 1967

STATE OF OREGON, County of Multnomah

Personally appeared R. C. Smelser

who, being sworn, each for himself and not one for the other, stated that the former is the Pres.

and that the latter is the \_\_\_\_\_ of grantor corporation and that the seal affixed hereto is

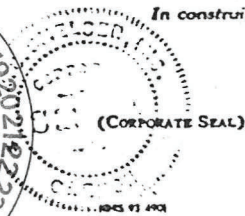
its seal, and that this deed was voluntarily signed and sealed in behalf of the corporation by authority of its  
board of directors.

(OFFICIAL SEAL)

Before me: *E. H. Smith*

Notary Public for Oregon.

My commission expires Feb. 20 1971



WARRANTY DEED  
CORPORATION

*Smelser*  
TO  
*Portash*

AFTER RECORDING RETURN TO

Moreland & Son Branch  
FIRST NATIONAL BANK OF OREGON  
6645 S. E. Hawthorne Avenue  
Portland, Oregon 97202

STATE OF OREGON, County of Clackamas,  
I, Robert Schunacher, County Clerk, Esq.,  
do hereby certify that the within instrument of writing was received for record  
and recorded in the records of

DEED  
157 AUG 23 PM 4 22

BOOK 695 PAGE 731

Witness my hand and seal of said County  
affixed, ROBERT SCHUNACHER,  
County Clerk.

*Robert Schunacher*  
Deputy  
Recording Clerk

RS69

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

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

Name JOSHUA BOLL

Title GIS CARTOGRAPHER II

Department ASSESSMENT

County of CLACKAMAS

Date 1/11/23



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



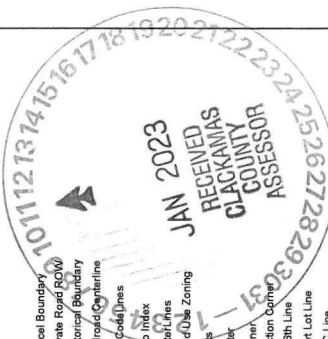
12 E 30AB

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

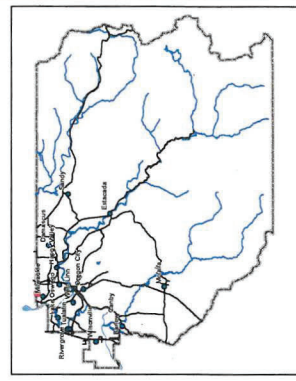
D.L.C.  
GEO. WILLS NO. 42  
HECTOR CAMPBELL NO. 41

Cancelled Taxlots

6100  
1900  
3600  
5000  
5100  
5200  
5300  
5400  
5500  
5600  
5700  
5800  
5900  
6000



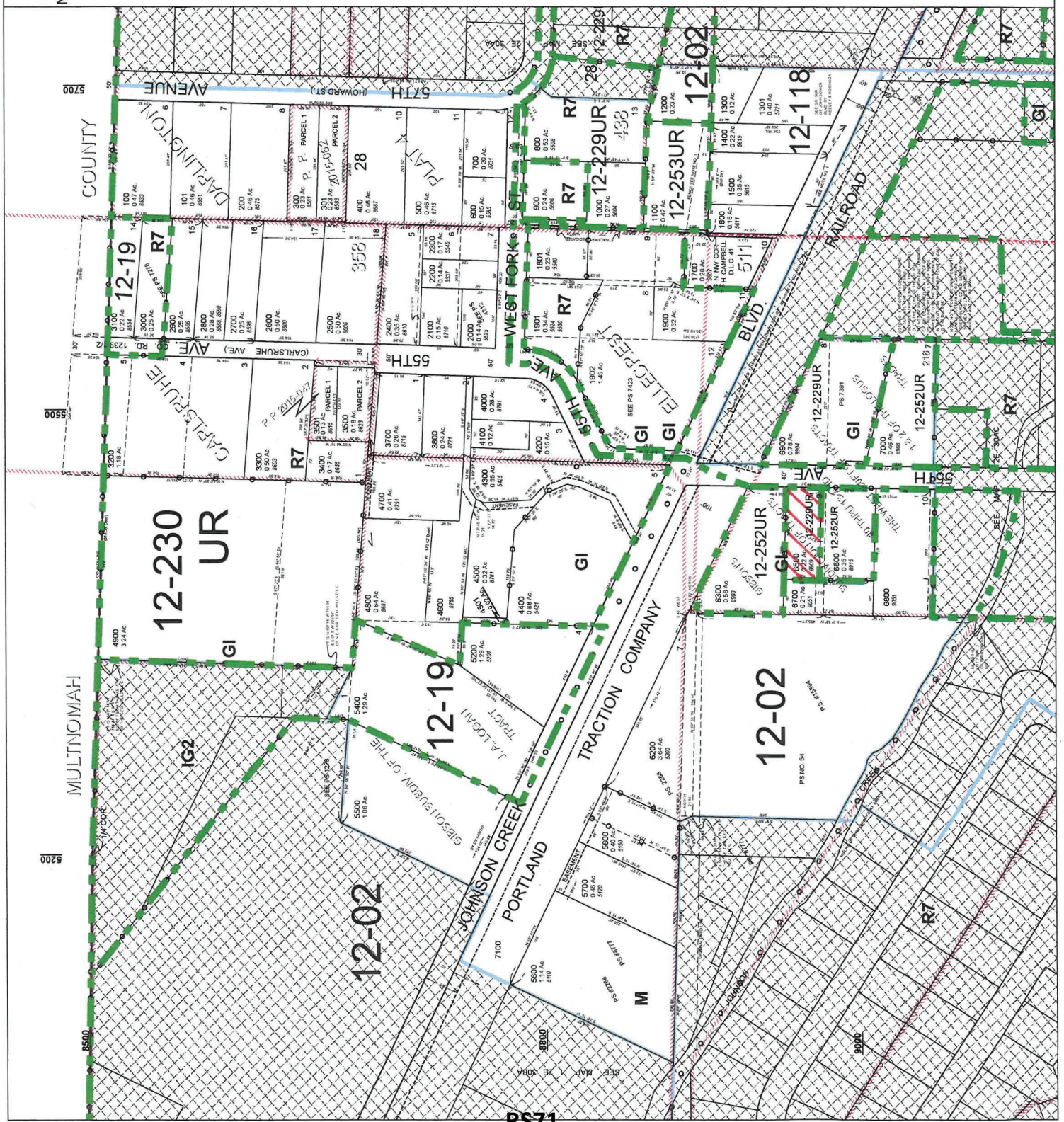
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Taxlot Lines
- Map Index
- Land Use Zoning
- Water
- Corridor
- Section Center Line
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

605018

12 E 30AB



RS71



## CERTIFICATION OF REGISTERED VOTERS

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

Name Tiffany Clark  
Title deputy clerk  
Department Elections  
County of Clackamas  
Date 1-11-2023





# NOTICE LIST

(This form is NOT the petition)

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

|    | Name of Owner/Voter                  | Mailing Street Address                              | Property Address                                                  |
|----|--------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------|
|    |                                      | Mailing City/State/Zip                              | Property Description<br>(township, range, ¼ section, and tax lot) |
| 1  | Patricia L. Portash<br>owner / voter | 8909 S.E. 55 <sup>th</sup> Ave<br>Portland OR 97206 | 8909 SE 55 <sup>th</sup> ave<br>Portland OR 97206                 |
| 2  |                                      |                                                     |                                                                   |
| 3  |                                      |                                                     |                                                                   |
| 4  |                                      |                                                     |                                                                   |
| 5  |                                      |                                                     |                                                                   |
| 6  |                                      |                                                     |                                                                   |
| 7  |                                      |                                                     |                                                                   |
| 8  |                                      |                                                     |                                                                   |
| 9  |                                      |                                                     |                                                                   |
| 10 |                                      |                                                     |                                                                   |

| Name of Owner/Voter | Mailing Street Address | Property Address                                                  |
|---------------------|------------------------|-------------------------------------------------------------------|
|                     | Mailing City/State/Zip | Property Description<br>(township, range, ¼ section, and tax lot) |
| 11                  |                        |                                                                   |
|                     |                        |                                                                   |
| 12                  |                        |                                                                   |
|                     |                        |                                                                   |
| 13                  |                        |                                                                   |
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| 22                  |                        |                                                                   |
|                     |                        |                                                                   |

A stylized graphic of a flower with white petals and a brown center, set against a green and brown background, all within a circular frame. The flower is positioned on the left side of the slide.

**RS 7. A. + 7. B.**  
**4/4/23**  
**Presentation**

# **Expedited Annexations**

**8909 SE 55<sup>th</sup> Ave** (File #A-2023-001)  
**9351 SE Stanley Ave** (File #A-2023-002)

**City Council Regular Session**  
**April 4, 2023**

**Presentation by Brett Kelter, Senior Planner**

# Annexation

## Approval Criteria for Annexation (MMC Subsection 19.1102.3)

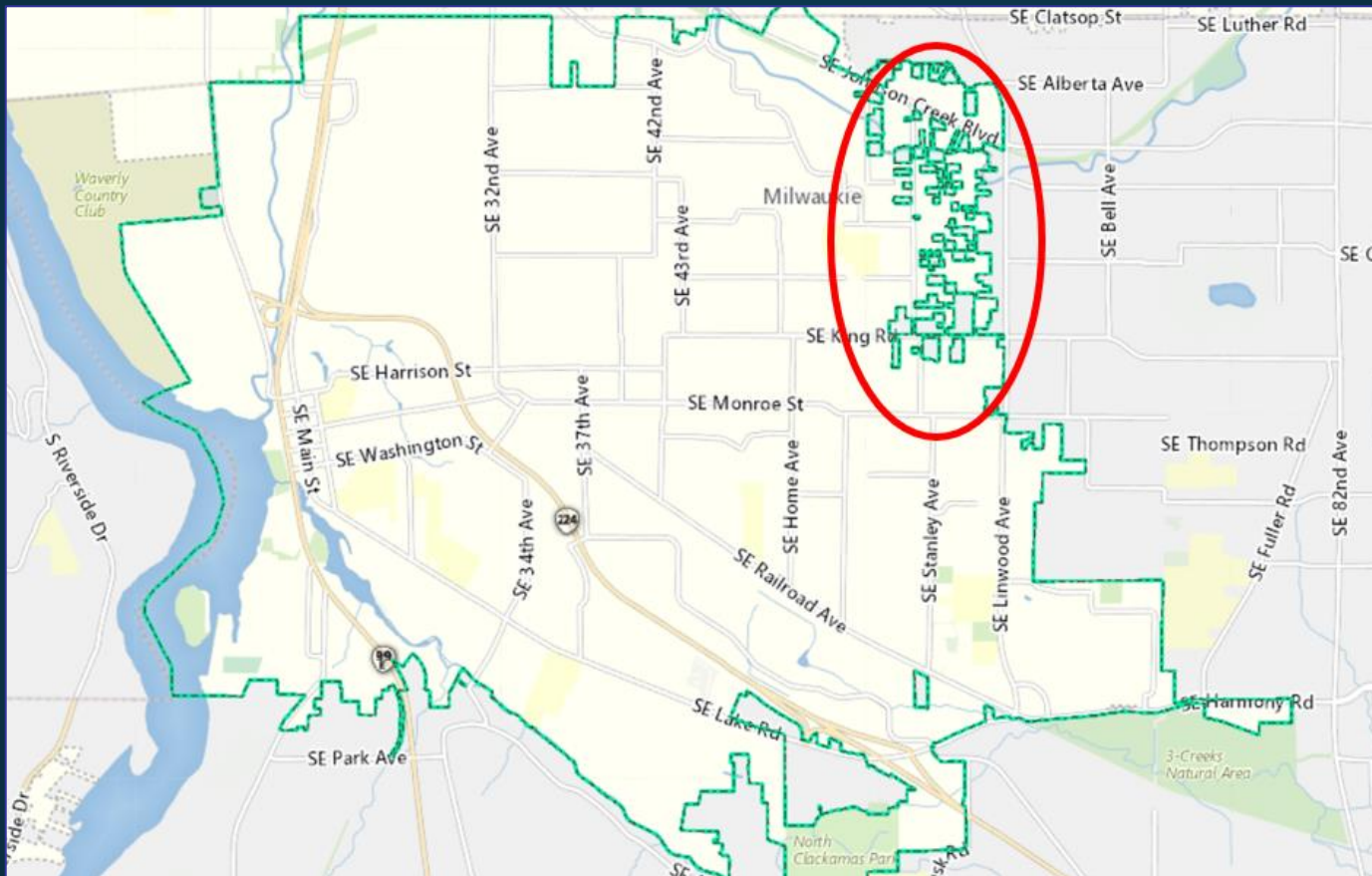
1. Located within the urban growth boundary
2. Contiguous to city limits
3. Meets ORS requirements for initiation of annexation
4. Consistent with comprehensive plan policies
5. Complies with Metro code sections (3.09.050.d & e) related to agreements and provision of urban services
6. Complies with City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



# Expedited Annexations

- Require 100% of property owners of annexing area to sign on
- Maintain similar zoning and Comprehensive Plan designations as in the county
  - No public hearing (but adopted by ordinance)
  - Provide notice to taxing districts and utility providers
  - Coordinate with Department of Revenue, Metro, Secretary of State

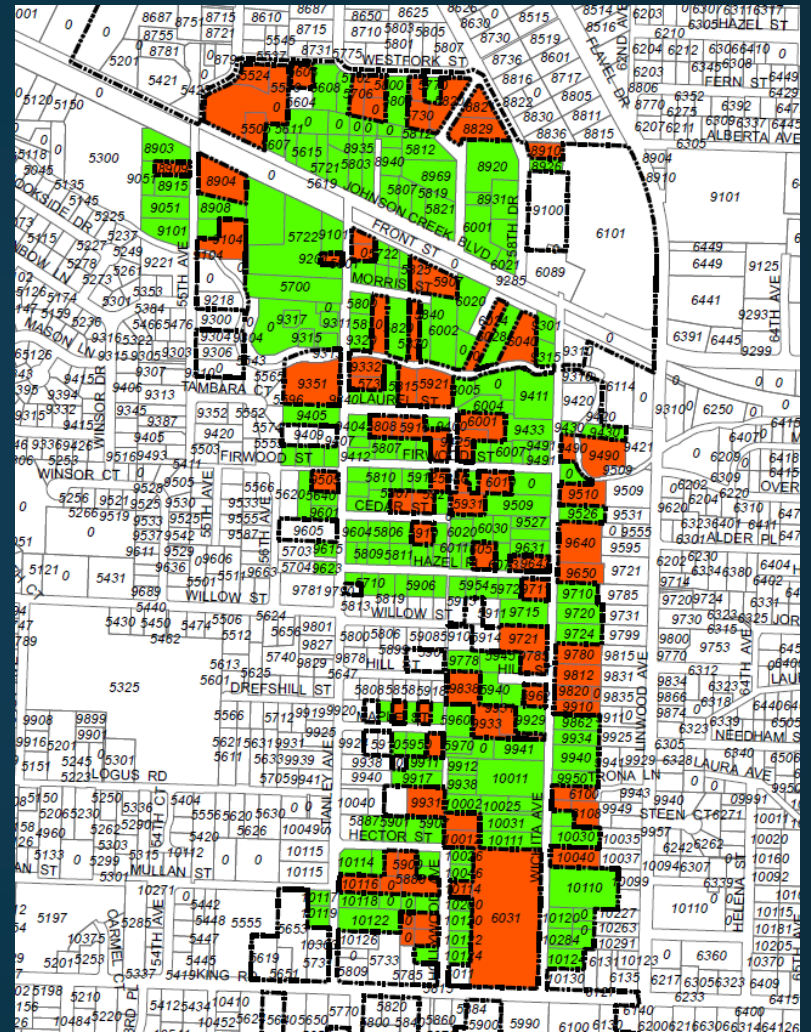
# Northeast Sewer Extension (NESE) Area



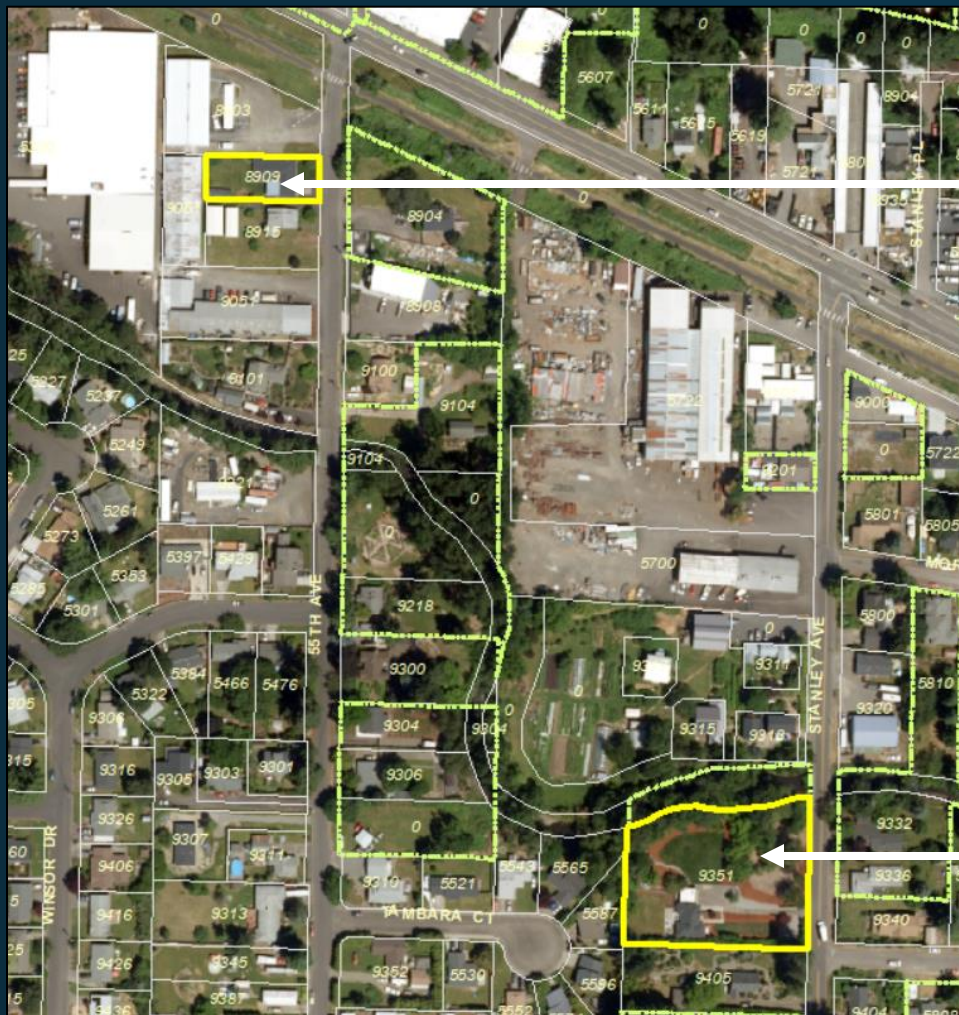
# History of Annexation in NESE Area

- ROW annexation in 2010
- Installation of new sewer in streets
- Requirement to annex for connection to sewer
- Incentives = discounts on reimbursement fee, batch annexations
- c.170 of 260 properties have annexed (red = still not annexed)

Questions?







**8909 SE 55<sup>th</sup> Ave  
(A-2023-001)**

**9351 SE Stanley Ave  
(A-2023-002)**



# 8909 SE 55<sup>th</sup> Ave (A-2023-001)



- Emergency connection to sewer scheduled for April 10.
- County zoning is General Industrial (GI); will become Manufacturing (M) in Milwaukie.
- Will be subject to MMC 19.800 Nonconforming Uses & Development for future changes.

# 9351 SE Stanley Ave (A-2023-002)



- Will connect to sewer in the future after annexation is final (non-emergency).
- County zoning is R-10; will become Moderate Density Residential (R-MD) in Milwaukie.

**COUNCIL STAFF REPORT**

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

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

**From:** Brett Kelter, Senior Planner

**Subject:** **Annexation of Property at 9351 SE Stanley Ave**

**Date Written:** March 23, 2023

**ACTION REQUESTED**

Council is asked to approve application A-2023-002, an annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation into the city of 9351 SE Stanley Ave (Tax Lot 1S2E30AC00700), the “annexation property.”
- Application of a moderate density residential (MD) Comprehensive Plan land use designation and a moderate density residential (R-MD) zoning designation to the annexation property.
- Amendments to the city’s Comprehensive Plan land use map and zoning map to reflect the city’s new boundary and the annexation property’s new land use and zoning designations.
- Withdrawal of the annexation property from the following urban service districts:
  - Clackamas County Service District for Enhanced Law Enforcement
  - Clackamas County Service District #5 for Street Lights

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

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

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

**June 2010:** Council approved the first annexation of property in the NESE project area (Ordinance #2016, land use file #A-10-01). Since then, Council has approved the annexation of approximately 168 additional properties in the NESE area. To date, there are approximately 91 properties within the NESE project area that have not yet annexed.

**January 2023:** The property owners at 9351 SE Stanley Ave approached the city’s community development department to initiate the expedited annexation process. They were interested in



connecting to the city sewer system but opted not to pursue a sewer connection prior to annexation.

## ANALYSIS

### Proposal

The applicants, Nicole Senesi and Valerie Moreno, have applied to annex the approximately 49,384-sq-ft (1.13-acre) site to the city. The annexation property is developed with a single unit detached dwelling. It has residential Clackamas County land use and zoning designations and will receive equivalent residential city land use and zoning designations upon annexation.

### Site and Vicinity

The annexation property is within the city's UGMA area and is contiguous to the existing city limits along the public right-of-way (ROW) of Stanley Avenue to the east and where adjacent to neighboring properties to the north, west, and south (see Figure 1). The annexation property is currently developed with a single-unit house; the surrounding area consists primarily of other single-unit detached residential dwellings.

### Annexation Petition

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

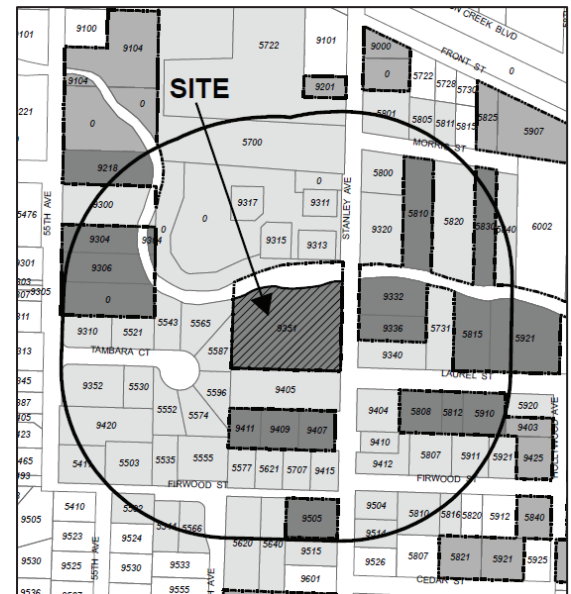
As set forth in Milwaukie Municipal Code (MMC) Table 19.1104.1.E, the expedited annexation process automatically assigns city land use and zoning designations to the annexation property based on the existing Clackamas County land use and zoning designations. The existing county Comprehensive Plan land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

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

### Annexation Approval Criteria

The annexation application is subject to Milwaukie Comprehensive Plan Section 12 Urban Growth Management, Oregon Revised Statutes (ORS) Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1100 Annexations and Boundary Changes.

Figure 1. Site Map





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

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

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

- Wastewater: The annexation property is within the city's sewer service area and can be served by the city's 8-inch sewer line accessible in Stanley Avenue.
- Water: The annexation property is currently served by Clackamas River Water (CRW) through CRW's existing water line in Stanley Avenue. Pursuant to the city's intergovernmental agreement (IGA) with CRW, water service will continue to be provided by CRW and the annexation property will not be withdrawn from this district at this time.
- Storm: The annexation property is not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.
- Fire: The annexation property is currently served by Clackamas Fire District #1 and will continue to be served by this fire district upon annexation since the entire city is within this district.
- Police: The annexation property is currently served by the Clackamas County Sheriff's Office and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The city has its own police department, and this department can adequately serve the site. To avoid duplication of services, the site will be withdrawn from this district upon annexation to the city.
- Street Lights: As of July 1, 2011, an IGA between the city and Clackamas County Service District No. 5 for Street Lights (the "district") transferred operational responsibility to the city for the street lights and street light payments in the city's NESE project area. The annexation property will be withdrawn from the district upon annexation to the city.
- Other Services: Community development, public works, planning, building, engineering, code enforcement, and other municipal services are available through the city and will be available to the site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

### **BUDGET IMPACTS**

This annexation will have minimal fiscal impact on the city. As with most annexations of residential properties, the costs of providing governmental services will likely be offset by the collection of property taxes. According to Clackamas County Assessor data, the total current assessed value of the annexation property is \$275,748. Based on the latest information available (from the Clackamas County Rate Book for 2022), total property tax collection of approximately \$5,913 is anticipated for the annexation property; the city will be provided with approximately \$1,278 of this total.

## **WORKLOAD IMPACTS**

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

## **CLIMATE IMPACTS**

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

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

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

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

## **STAFF RECOMMENDATION**

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

## **ALTERNATIVES**

Council has two decision-making options:

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

## **ATTACHMENTS**

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



## **COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AC00700 AND LOCATED AT 9351 SE STANLEY AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2023-002).**

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

**WHEREAS** the requirements of the Oregon Revised Statutes (ORS) for initiation of the annexation were met by providing written consent from a majority of electors and all owners of land within the territory proposed for annexation; and

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

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

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

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

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

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

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

Section 1. The Findings in Support of Approval attached as Exhibit A are adopted.

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

Section 3. The tract of land annexed by this ordinance and described in Section 2 is withdrawn from the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District #5 for Street Lights.

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

Section 5. The city will immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030, ORS 222.005, and ORS 222.177. The annexation and withdrawal will become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

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

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

---

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney



## EXHIBIT A

### FINDINGS IN SUPPORT OF APPROVAL

Based on the staff report for the annexation of 9351 SE Stanley Ave, the “annexation property,” the Milwaukie City Council finds:

1. The annexation property consists of one tax lot comprising 1.13 acres (tax lot 1S2E30AC00700). The annexation property is contiguous to the existing city limits along the public right-of-way (ROW) in Stanley Avenue to the east and where adjacent to neighboring properties to the north, west, and south. The annexation property is within the regional urban growth boundary and also within the city’s urban growth management area (UGMA).

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

2. The current owners of the annexation property seek annexation to the city to access city services, namely sewer service.
3. The annexation petition was initiated by consent of all owners of land on January 26, 2023, with an application for annexation submitted to the city on January 31, 2023. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsections 19.1104.1.A.3 and 19.1102.2.C.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC 19.1104. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.
5. The expedited annexation process provides for automatic application of city comprehensive plan land use and zoning designations to the annexation property based on their existing comprehensive plan land use and zoning designations in the county, which are urban low density residential (LDR) and residential R-10, respectively. Pursuant to MMC Table 19.1104.1.E, the automatic city comprehensive plan land use and zoning designations for the annexation property are both moderate density residential, MD and R-MD, respectively.
6. The applicable city approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
  - A. The subject site must be located within the city’s urban growth boundary (UGB);  
*The annexation property is within the regional UGB and within the city’s UGMA.*
  - B. The subject site must be contiguous to the existing city limits;  
*The annexation property is contiguous to the existing city limits along the public ROW of Stanley Avenue to the east and where adjacent to neighboring properties to the north, west, and south.*

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

*Nicole Senesi Rodriguez and Valerie Moreno, the current property owners, consented to the annexation by signing the petition. The current property owners are the only registered voters for the annexation property. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors, if any, residing in the annexation territory.*

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

*Section 12 of the comprehensive plan contains the city's annexation policies. Applicable annexation policies include: (1) prioritizing annexation of properties that are surrounded by land within the incorporated city limits and (2) requiring annexation in order to receive a city service. With annexation, the city will take over urban service provision for the property. City services to be provided include wastewater collection, stormwater management, police protection, and general governmental services. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.*

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

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

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

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

The approval criteria for zoning map amendments and comprehensive plan amendments are provided in MMC 19.902.6.B and 19.902.4.B, respectively. Collectively, the criteria address issues such as compatibility with the surrounding area, being in the public interest and satisfying the public need, adequacy of public facilities, consistency with transportation system capacity, consistency with goals and policies of the Milwaukie Comprehensive Plan and relevant Metro plans and policies, and consistency with relevant State statutes and administrative rules.

*MMC Table 19.1104.1.E establishes automatic zoning map and comprehensive plan land use map designations for expedited annexations. If a proposed designation is consistent with the table, it is consistent with the various applicable plans and policies.*

*In the case of the proposed annexation, the annexation property will assume the zoning and comprehensive plan designations provided in MMC Table 19.1104.1.E, which are R-MD and moderate density residential, respectively. The approval criteria for both proposed amendments are effectively met.*

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

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

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

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

*The City has an intergovernmental agreement with Clackamas Water Environment Services (WES) regarding wholesale rates for wastewater treatment, but that agreement does not address issues related to annexations.*

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

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

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

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

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

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

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

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

*Wastewater: The City is the identified sewer service provider in the area of the proposed annexation and maintains a public sewer system that can adequately serve the annexation property via an 8-inch sewer line accessible in Stanley Avenue.*

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

*Transportation: Access is provided to the annexation property via the public ROW of*

*Stanley Avenue, a collector street maintained by the city. The City may require public street improvements along the annexation property's frontage when new development occurs.*

*Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, the City's more recent UGMA agreement with the county identifies the City as the lead urban service provider in the area of the proposed annexation. The City's water service master plan for all of the territory within its UGMA addresses the need to prepare for future demand and coordinate service provision changes with CRW. As per the City's intergovernmental agreement (IGA) with CRW, CRW will continue to provide water service to the annexation property through its existing water line in Stanley Avenue.*

(5) Any applicable comprehensive plan.

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

B. Consider whether the boundary change would:

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

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

*The City has public sewer service in this area in Stanley Avenue.*

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

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

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

*Upon annexation, the annexation property will be served by the Milwaukie Police Department. In order to avoid duplication of law enforcement services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement upon annexation.*

8. The City is authorized by ORS Section 222.120(5) to withdraw annexed territory from non-City service providers and districts upon annexation of the territory to the city. This allows



for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's comprehensive plan policies relating to annexation.

Wastewater: *The annexation property is within the City's sewer service area and can be served by the City's 8-inch sewer line accessible in Stanley Avenue.*

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

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

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

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

Street Lights: *As of July 1, 2011, an intergovernmental agreement between the City and Clackamas County Service District No. 5 for Street Lights (the "District") transferred operational responsibility to the City for the street lights and street light payments in the City's northeast sewer extension project area. The annexation property will be withdrawn from the District upon annexation to the city.*

Other Services: *Community development, public works, planning, building, engineering, code enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The annexation property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.*

EXHIBIT B  
Annexation to the City Of Milwaukie  
LEGAL DESCRIPTION  
(revised 3/23/2023)

Milwaukie Annexation File No. A-2023-002

Property Address: 9351 SE Stanley Ave, Milwaukie OR 97222

Tax Lot Description: 1S2E30AC00700

Legal Description: Part of Hector Campbell Donation Land Claim No. 41 in Section 30, Township 1 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, as follows:

Beginning at a point on the West line of said Hector Campbell Donation Land Claim No. 41, 292 feet North of the Southeast corner of Tract 2, Logus Tracts, Plat No. 142; thence East 258.96 feet to the West line of Stanley Avenue; thence North tracing the West line of said Stanley Avenue 210 feet, more or less, to the center line of Johnson Creek; thence downstream following the center line of said Johnson Creek to the West line of said Hector Campbell Donation Land Claim; thence South along the west line of said Hector Campbell Donation Land Claim to the point of beginning.



1 2 E 30AC  
MILWAUKIE

S.W.1/4 N.E.1/4 SEC.30 T.1S. R.2E. W.M.  
CLACKAMAS COUNTY

 $1'' = 100'$ 

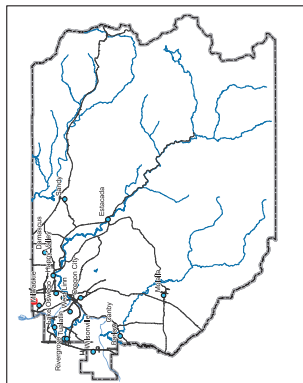
D. L. C.  
HECTOR CAMPBELL NO. 41  
GEORGE WILLS NO. 42

Cancelled Taxlots

5900  
5900  
0  
5900  
5901  
500  
600  
400  
1400  
1402  
1500  
1902  
2000  
2001  
2090  
5601  
5701  
1901

Map revised  
3/23/2023

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

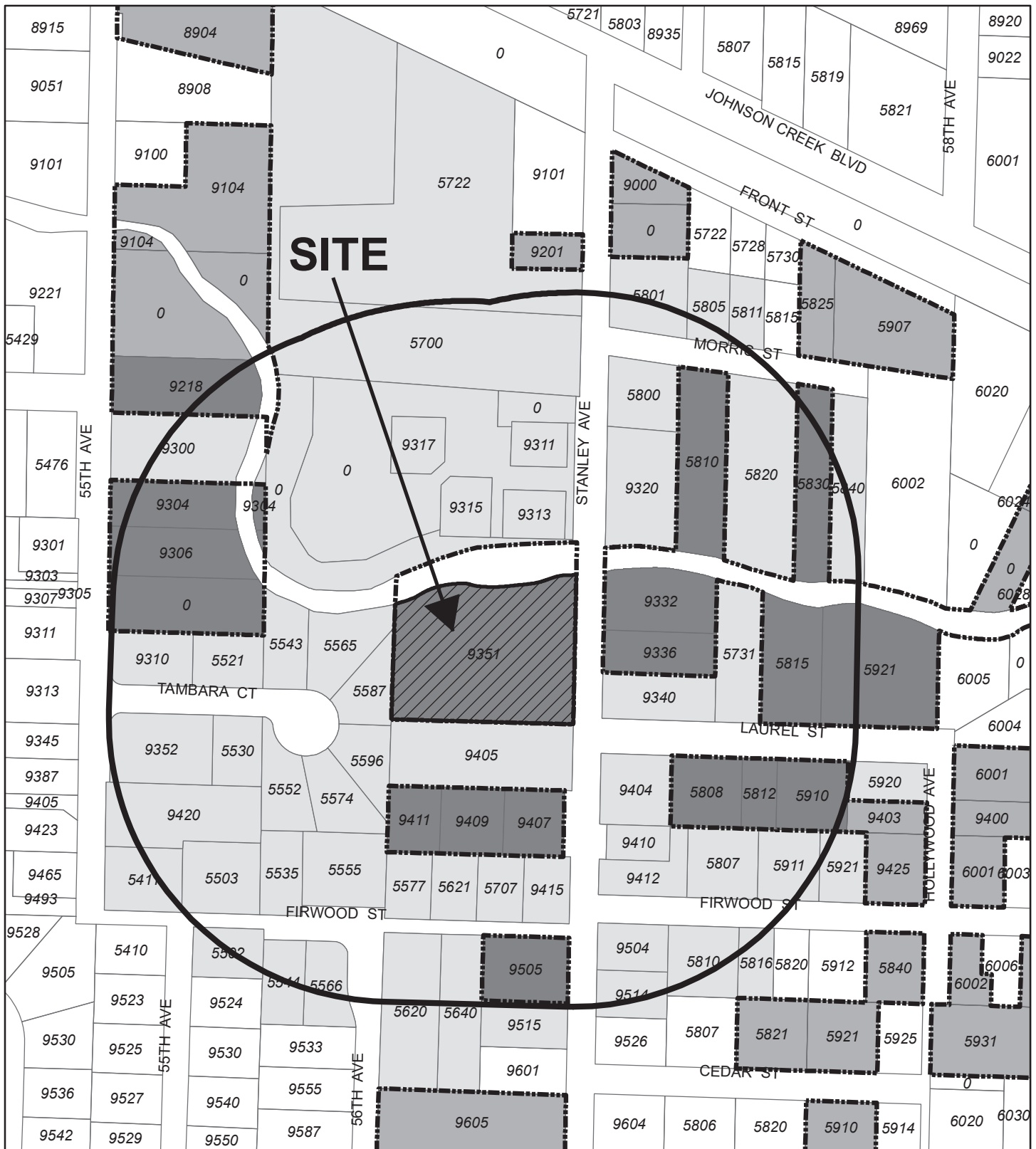


THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

1 2 E 30AC  
MILWAUKIE

08 0001





### Site Map

**9351 SE Stanley Ave**

**(Tax ID = 1S2E30AC, lot 700)**

**File #A-2023-002**



North

0 55 110 220 330 440 Feet

**RS88**

### Legend

- A-2023-002 site
- 400-ft public notice boundary
- City Limit
- Properties receiving notice (Milwaukee)
- Properties receiving notice (unincorporated)
- Other tax lots (Milwaukee)
- Other tax lots (unincorporated)





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

# Expedited Annexation Application

File # A-2023-002

## RESPONSIBLE PARTIES:

|                                                                            |                                 |
|----------------------------------------------------------------------------|---------------------------------|
| <b>APPLICANT</b> (owner or other eligible applicant): <u>Nicole Senesi</u> |                                 |
| Mailing address: <u>9351 SE STANLEY AVE, Milwaukie</u>                     | Zip: <u>97222</u>               |
| Phone(s): <u>503 706 1700</u>                                              | Email: <u>NSENESI@gmail.com</u> |
| <b>APPLICANT'S REPRESENTATIVE</b> (if different than above):               |                                 |
| Mailing address:                                                           | Zip:                            |
| Phone(s):                                                                  | Email:                          |

## SITE INFORMATION:

|                                                      |                                                                        |
|------------------------------------------------------|------------------------------------------------------------------------|
| Address(es): <u>9351 SE Stanley Ave</u>              | Map & Tax Lot(s): <u>132E30AC00700</u>                                 |
| Existing County zoning: ... <u>R7</u>                | Proposed City zoning: <u>R-MD</u> Property size: <u>1.13</u> ... acres |
| Existing County land use designation: ... <u>LDR</u> | Proposed City land use designation: <u>MD</u>                          |

## PROPOSAL (describe briefly):

|  |
|--|
|  |
|--|

## LIST OF ALL CURRENT UTILITY PROVIDERS:

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

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

## SIGNATURE:

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

Submitted by: [Signature] Date: 26 Jun 2023

CONTINUED ON REVERSE

RESET

**THIS SECTION FOR OFFICE USE ONLY:**

|                                              |                |                   |                  |                                                                                   |
|----------------------------------------------|----------------|-------------------|------------------|-----------------------------------------------------------------------------------|
| <b>File #:</b>                               | <b>Fee: \$</b> | <b>Receipt #:</b> | <b>Recd. by:</b> | <b>Date stamp:</b>                                                                |
| <b>Associated application file #'s:</b>      |                |                   |                  | <div>RECEIVED<br/>JAN 31 2023<br/>CITY OF MILWAUKIE<br/>PLANNING DEPARTMENT</div> |
| <b>Neighborhood District Association(s):</b> |                |                   |                  |                                                                                   |
| <b>Notes</b> (include discount if any):      |                |                   |                  |                                                                                   |



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



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

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

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

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

The territory to be annexed is described as follows:

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

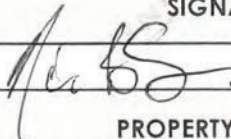
PART of Hector Campbell Donation Land claim  
in section 30, Township 1 South, Range 2 East  
of the WILAMETTE Meridian, CLATSOP County, OR, as follows

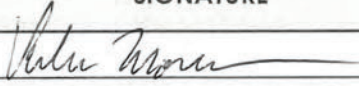
Beginning at a point on the West line of said Hector Campbell Donation  
land claim 292 feet above of the Southeast corner of Lot 2, Lucas  
tracts; thence EAST 258.96 feet to the west line of Stanley Avenue;  
thence North tracing the west line of said Stanley Avenue 210 feet,  
more or less, to the center<sup>line</sup> of Johnson Creek; thence downstream following  
the center line of said Johnson Creek to the West line of the  
Hector Campbell donation land claim; thence South  
along the west line of said Campbell donation land  
claim to the point of the beginning.

## PETITION SIGNERS

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

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

| SIGNATURE                                                                         | PRINTED NAME         | I AM A:* |        |          | DATE             |
|-----------------------------------------------------------------------------------|----------------------|----------|--------|----------|------------------|
|                                                                                   |                      | PO       | RV     | OV       |                  |
|  | Nicole B Savos       |          |        | X        | 1/26/2023        |
| PROPERTY ADDRESS                                                                  | PROPERTY DESCRIPTION |          |        |          | VOTER PRECINCT # |
|                                                                                   | TOWNSHIP             | RANGE    | ¼ SEC. | LOT #(S) |                  |
| 9351 SE STANLEY AVE                                                               | 1S                   | 2E       | 30AC   | 700      | 420              |

| SIGNATURE                                                                         | PRINTED NAME         | I AM A:* |        |          | DATE             |
|-----------------------------------------------------------------------------------|----------------------|----------|--------|----------|------------------|
|                                                                                   |                      | PO       | RV     | OV       |                  |
|  | VALERIE MOROW        |          |        | X        | 1/26/2023        |
| PROPERTY ADDRESS                                                                  | PROPERTY DESCRIPTION |          |        |          | VOTER PRECINCT # |
|                                                                                   | TOWNSHIP             | RANGE    | ¼ SEC. | LOT #(S) |                  |
| 9351 SE STANLEY AVE                                                               | 1S                   | 2E       | 30AC   | 700      | 420              |

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

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

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

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



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

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

Name TERRY DUNOVAN  
Title GIS CARTOGRAPHER 2  
Department A+T  
County of CLACKAMAS  
Date 1/26/23



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

## CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E30Ae) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name TERRY DONOVAN  
Title GIS CARTOGRAPHER 2  
Department A+T  
County of CLACKAMAS  
Date 1/26/23



## CERTIFICATION OF REGISTERED VOTERS

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

Name Mea Anders

Title Deputy Clerk

Department Elections

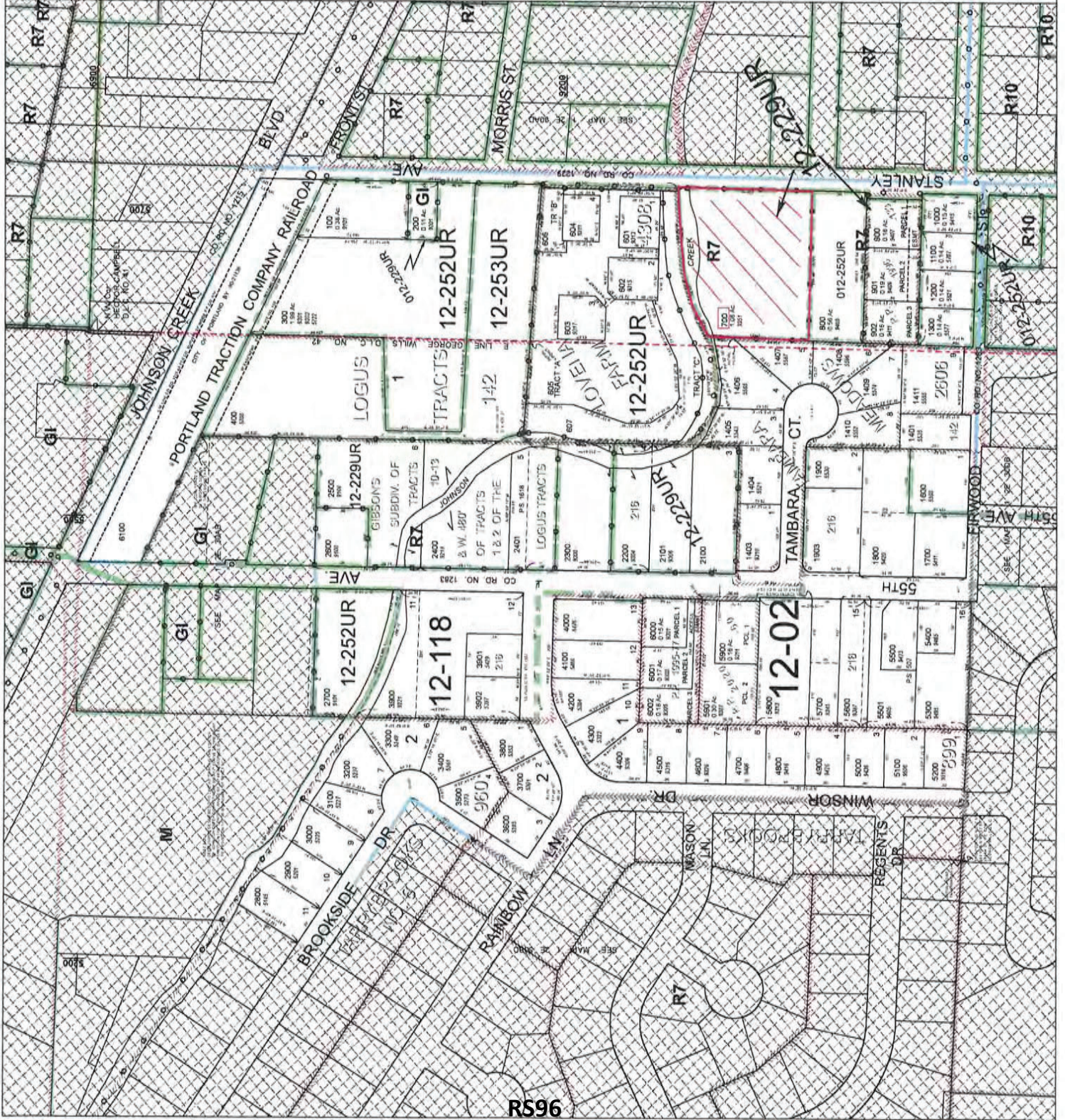
County of Clackamas

Date 2023-01-26

CERTIFIED COPY OF THE ORIGINAL  
CATHERINE MCMCULLEN

BY: mbc



1 2 E 30AC  
MILWAUKIE



# NOTICE LIST

(This form is NOT the petition)

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

|    | Name of Owner/Voter | Mailing Street Address | Property Address                                                  |
|----|---------------------|------------------------|-------------------------------------------------------------------|
|    |                     | Mailing City/State/Zip | Property Description<br>(township, range, ¼ section, and tax lot) |
| 1  | Nicole B Senesi     | 9351 SE STANLEY AVE    | 9351 SE STANLEY AVE                                               |
|    |                     | MILWAUKEE, OR 97222    | T1S, R2E, Section 304C, 02700                                     |
| 2  | VALERIE A MORENO    | 9351 SE STANLEY AVE    | 9351 SE STANLEY AVE                                               |
|    |                     | MILWAUKEE, OR 97222    | T1S, R2E, Section 304C, 02700                                     |
| 3  |                     |                        |                                                                   |
| 4  |                     |                        |                                                                   |
| 5  |                     |                        |                                                                   |
| 6  |                     |                        |                                                                   |
| 7  |                     |                        |                                                                   |
| 8  |                     |                        |                                                                   |
| 9  |                     |                        |                                                                   |
| 10 |                     |                        |                                                                   |

# EXPEDITED ANNEXATION CODE EXCERPTS

## MILWAUKIE MUNICIPAL CODE SECTIONS

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### 19.1104.1 Expedited Process

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

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

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

## METRO CODE SECTIONS

---

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

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

## MILWAUKIE COMPREHENSIVE PLAN

---

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

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

### Applicant Response

The proposal meets the applicable requirements listed above.

X

  
(Applicant's Signature)

**COUNCIL STAFF REPORT**

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

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

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

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

**Date Written:** Mar. 23, 2023

**ACTION REQUESTED**

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

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

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

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

[August 18, 2020](#): Council approved a resolution adopting an equity, inclusion, and justice goal.

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

[December 21, 2021](#): Council heard an annual briefing on STOP data from the director of the CJC, Ken Sanchagrin.

**BACKGROUND**

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

With multiple years of data collection now complete, the 2022 report provides additional data regarding stops by MPD. Staff from the CJC will be presenting and explaining the new data and the analysis techniques they use.

## **Efforts related to bias-free policing**

Staff knows that bias is present in all individuals. In recognition of this, staff accepts the responsibility to be proactive in the efforts to consistently work to minimize bias in the delivery of police services. Some of the things MPD has done in the recent past include:

- Conducted listening sessions with our BIPOC community,
- Worked on relationship-building with Milwaukie's BIPOC residents,
- Implemented a BIPOC review group for police policies and the police contract,
- Provided in-person and virtual training on bias through Fair and Impartial Policing (FIP) in 2020 and 2022,
- Provided collaborative community session on bias in 2022,
- Brought BIPOC community members to meet with police staff to discuss these challenges and their experiences,
- Emphasized equity goals in recruitment, selection, hiring, and on-boarding,
- Including BIPOC community members in a collaborative on-boarding process, and
- Created an [Equity in Policing webpage](#) for data and information

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

## **BUDGET & CLIMATE IMPACTS**

None.

## **WORKLOAD IMPACT**

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

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

None.

## **STAFF RECOMMENDATION**

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

## **ALTERNATIVES**

Not applicable.

## **ATTACHMENTS**

1. [CJC STOP Data Report 2022](#)





RS 7. C. 4/4/2023 Presentation

# STATISTICAL TRANSPARENCY OF POLICING (STOP) PROGRAM

## REVIEW OF RESULTS FOR CITY OF MILWAUKIE



KELLY OFFICER  
RESEARCH DIRECTOR  
CRIMINAL JUSTICE COMMISSION  
APRIL 4, 2023

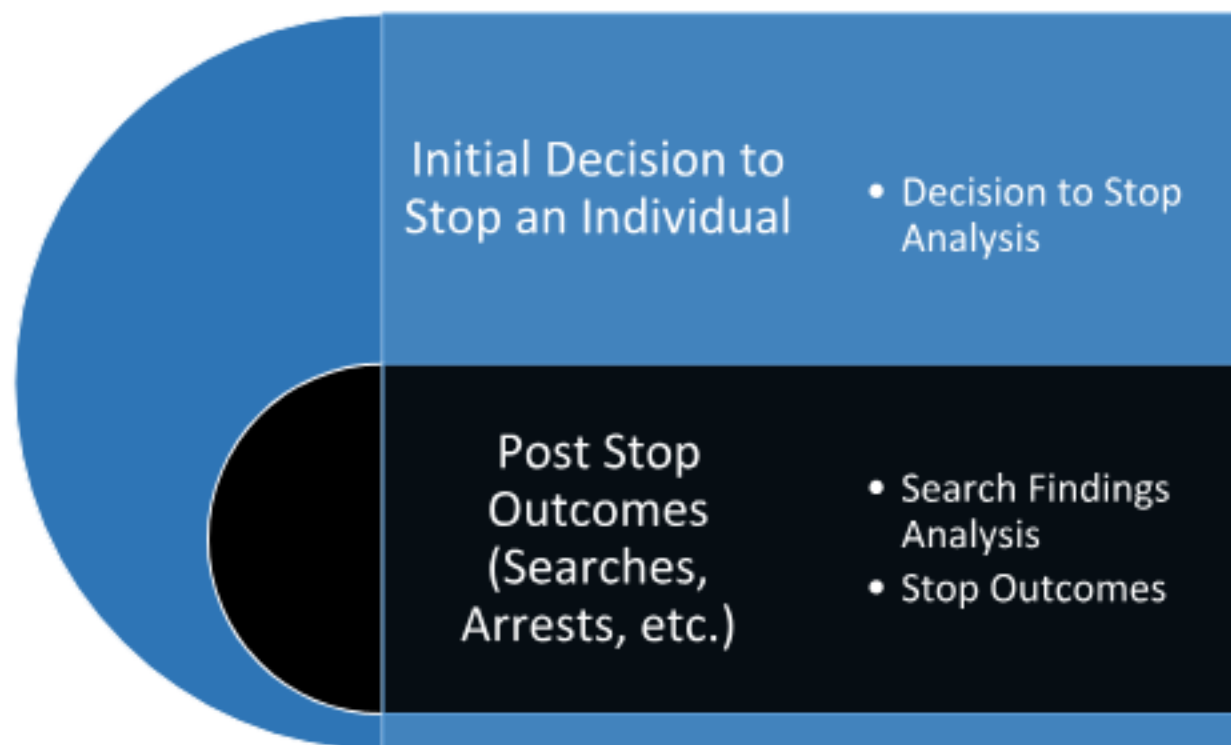


# CRIMINAL JUSTICE COMMISSION

## ADDRESSING RESEARCH CHALLENGES

### CJC's Multimodal Approach

- ❑ Considers the different stages of stops to ensure that each decision point is examined.
- ❑ Doesn't include benchmarks due to their methodological weaknesses.
- ❑ Utilizes multivariate statistics wherever possible to address alternative explanations.
- ❑ Provide the most holistic view of the stops landscape in Oregon.



# STOP OUTCOMES

## DECISION TO CITE, SEARCH, ARREST

### Stop Outcomes

- ☐ Holding other factors constant, do we find different dispositional outcomes across racial/ethnic groups?
- ☐ Propensity score matching analysis is a statistical approach to balance across multiple factors
- ☐ In effect, you are able to balance your data so you can test for race-based differences.
- ☐ Reason for stop is accounted for, but not reason for disposition

- ☐ No Significant Differences Found

| Agency       | Race    | Citation | Search | Arrest |
|--------------|---------|----------|--------|--------|
| Milwaukie PD | Asian   | --       | --     | --     |
|              | Black   | --       | --     | --     |
|              | Latinx  | --       | --     | --     |
|              | MidEast | --       | --     | --     |



# STOP OUTCOMES

## DECISION TO CITE, SEARCH, ARREST

### Stop Outcomes

- No significant differences found in citation rates

| Latinx       |         | Citation Results |           |
|--------------|---------|------------------|-----------|
| Agency       | Race    | Actual           | Predicted |
| Milwaukie PD | Asian   | 18.6%            | 22.7%     |
|              | Black   | 22.5%            | 23.6%     |
|              | Latinx  | 26.4%            | 23.9%     |
|              | Mideast | 13.4%            | 24.1%     |

# SEARCH FINDINGS ANALYSIS

## Outcome/Hit Rate Test

- ❑ Successful searches should be equal across different races if the decision to search is based on race neutral factors.
- ❑ If search success rates are consistently lower for one racial group, the target group is being searched more often than success rates would warrant.
- ❑ Sample size is too low for statistical tests

---

| Reporting Year | White | Black | Latinx | Asian | Mideast | Native |
|----------------|-------|-------|--------|-------|---------|--------|
| Total Searches | 39    | 2     | 4      | 2     | 0       | 0      |
| Hit Rate       | 54%   | 0%    | 0%     | 50%   | --      | --     |

# DECISION TO STOP

## Decision to Stop Model

- ☐ Compares stops made in the daylight to stops made in darkness.
  - ☐ To ensure that similar driving populations are examined, only stops made during the morning and evening are included in the models.
  - ☐ Controls for day of the week, season, and time of day are included as well.
- ☐ If stops are being made in a race-neutral manner, stop rates should be almost identical and the model results for daylight/darkness should not be statistically significant.

| Study Year(s) | Black | Latinx |
|---------------|-------|--------|
| 2019-2021     | 2.68* | 1.58   |
| 2020-2022     | 1.11  | 1.16   |

# DECISION TO STOP

2019-2021

## □ 2021 Report Results

- Black individuals are more likely to be stopped in daylight vs. darkness compared to white individuals.

| Odds Ratio of Decision to Stop Model |       |        |
|--------------------------------------|-------|--------|
| Study Year(s)                        | Black | Latinx |
| 2019-2021                            | 2.68* | 1.58   |

- The odds of stops for Black drivers in daylight was nearly 2.7 times the odds for white drivers, indicating a statistically significant difference.

### Inter-twilight Window Stops

| Race  | Light | Dark  | Total Stops |
|-------|-------|-------|-------------|
| Black | 60.2% | 39.8% | 113         |
| White | 53.1% | 46.9% | 1,563       |

### Evening Inter-twilight Window Stops

| Race  | Light | Dark  | Total Stops |
|-------|-------|-------|-------------|
| Black | 57.4% | 42.6% | 94          |
| White | 50.4% | 49.6% | 1,193       |



# DECISION TO STOP

2020-2022

## □ 2022 Report Results

- No significant difference found in the rate of Black and Latinx individuals stopped in daylight vs. darkness compared to white individuals.

| Odds Ratio of Decision to Stop Model |       |        |
|--------------------------------------|-------|--------|
| Study Year(s)                        | Black | Latinx |
| 2020-2022                            | 1.11  | 1.16   |

### Inter-twilight Window Stops

| Race  | Light | Dark  | Total Stops |
|-------|-------|-------|-------------|
| Black | 44.3% | 55.7% | 115         |
| White | 44.5% | 55.5% | 1,186       |

### Evening Inter-twilight Window Stops

| Race  | Light | Dark  | Total Stops |
|-------|-------|-------|-------------|
| Black | 39.2% | 60.8% | 102         |
| White | 41.8% | 58.2% | 960         |

# RESOURCES

- STOP Website: <https://www.oregon.gov/cjc/stop/Pages/default.aspx>
- HB 2355: [https://www.oregon.gov/cjc/stop/Documents/HB\\_2355\\_Enrolled.pdf](https://www.oregon.gov/cjc/stop/Documents/HB_2355_Enrolled.pdf)
- STOP Dashboard: <https://www.oregon.gov/cjc/SAC/Pages/stop.aspx>
- 2022 STOP Report: [STOP\\_Report\\_2022.pdf \(oregon.gov\)](#)

**COUNCIL STAFF REPORT**

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

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

**From:** Vera Kolias, Senior Planner

**Subject:** **Psilocybin Code Amendments**

**Date Written:** Mar. 30, 2023

**ACTION REQUESTED**

This is a continued discussion. Staff requests feedback from Council to determine what, if any, regulations it would like to impose if code amendments are needed. New information from the last discussion is highlighted.

**BACKGROUND**

[February 21, 2023](#): Council held a work session to discuss the Oregon Psilocybin Service Act, options for regulating psilocybin facilities, and any potential issues.

**ANALYSIS**

Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at [Oregon Revised Statute \(ORS\) Chapter 475A](#)), allows for the manufacture, delivery, and administration of psilocybin at licensed facilities. The ballot measure did not allow for the recreational or personal use of psilocybin as we have seen with marijuana. All types of psilocybin facilities are licensed and regulated by the state.

There are four types of licenses that can be issued under the new program:

- **Service Center:** A location where clients will be administered psilocybin under supervision of a licensed facilitator.
- **Service Facilitator:** A person that administers psilocybin services.
- **Product Manufacturer:** A location where one or more psilocybin products will be manufactured that could include fungi cultivation, psilocybin extraction, and edible psilocybin production.
- **Testing Facility:** A facility to undertake testing of psilocybin products.

Restrictions under state law include:

- Psilocybin will not be available to buy in stores or to take home.
- Psilocybin can only be administered in licensed settings under supervision of licensed service facilitators.
- Service centers are prohibited within residential zones of an incorporated city or within 1,000 feet of a school.
- Manufacturing of psilocybin products is prohibited outdoors (no locational restrictions).

At the February 21 work session, issues were raised regarding psilocybin manufacturing facilities being in residential zones as home occupations. To address these issues, staff proposes a code amendment that would prohibit any psilocybin-related business as home occupations in the same way that the code prohibits marijuana-related businesses as home occupations. The following is an excerpt from the existing home occupation section of the zoning code with the proposed new language underlined:

## **19.507 HOME OCCUPATION STANDARDS**

### **19.507.2 Prohibitions and Use Restrictions**

F. Except as set forth in Section 19.509, all marijuana-related businesses (production, processing, testing, warehousing, and sales) are prohibited as home occupations. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards of Subsection 19.509.2.

G. All psilocybin-related businesses as defined in ORS 475A are prohibited as home occupations.

Additionally staff also notes that, in the NMIA, the zoning code permits marijuana production facilities (grow operations) as conditional uses and includes additional locational requirements and limitations specific to the NMIA:

### **19.509.3 Marijuana Production Limitations**

The following limitations apply to marijuana production in the M-Manufacturing, NME-North Milwaukie Employment, and MUTSA-Tacoma Station Area Mixed Use zones:

A. Within a building utilized for production, multiple producers may operate but no single producer shall operate in a manner where the mature marijuana plant grow canopy associated with that producer's operation exceeds 10,000 sq ft.

B. A marijuana producer shall not be located in a building that is within 1,500 ft of another building that is utilized for marijuana production.

## **Options for Discussion**

Council could decide to take one of the following actions.

- Refer a ballot measure to prohibit licensed facilities within Milwaukie.
  - Such a measure could prohibit manufacturer and/or service center licensees from locating within the city.
- Enact time, place, and manner restrictions.
  - See proposal above regarding home occupations.
  - Does Council wish to treat psilocybin production operations in the same way as marijuana production facilities in the NMIA?
- Do nothing at this time.
  - There is some belief that the psilocybin program will take more time than the marijuana program to get going and that the state restrictions are sufficient, so some jurisdictions are not rushing to take any action at this time.



**BUDGET IMPACT**

None.

**WORKLOAD IMPACT**

The planning division did not anticipate psilocybin regulation as part of its current workplan because the city had not expressed a need or direction to do so. However, should Council direct staff to draft regulations as recommended, the workload impact would not be significant.

**CLIMATE IMPACT**

There are no identified climate impacts affiliated with Ballot Measure 109.

**COORDINATION, CONCURRENCE, OR DISSENT**

The community development, police, and planning departments have worked on this issue to date.

**STAFF RECOMMENDATION**

Based on previous discussions with Council, staff proposes a code amendment that would prohibit psilocybin-related businesses as home occupations.

**ALTERNATIVES**

Council could decide to:

- Refer a ballot measure to prohibit licensed facilities within Milwaukie, or
- Do nothing at this time.

**ATTACHMENTS**

None.

**RS 7. D. 4/4/23  
Presentation**

# Psilocybin Code Amendments

Presentation to the  
Milwaukie City Council  
Vera Kolas, Senior Planner  
April 4, 2023



Oregon Psilocybin Service Act (Ballot Measure 109)  
allows the following:

- Manufacture

- Delivery

- Administration

(Of psilocybin (mushrooms) at licensed facilities)

Oregon Health Authority began accepting  
applications in January



The City can:

1. Prohibit licensed manufacturers or service centers (requires vote at an election)
2. Impose time, place, manner restrictions on licensed facilities

If not prohibited the City must provide OHA with a Land Use Compatibility Statement (LUCS) when requested by applicant.





OHA issues 4 Types of licenses:

- Service Center
- Service Facilitator
- Product Manufacturer
- Testing Facility



Psilocybin grow facility. *The Oregonian*



Psilocybin restrictions under State law:

- NOT available in stores or to take home
- Only administered in licensed settings
- Service center locational restrictions
- Manufacturing prohibited outdoors



## PROPOSED AMENDMENT

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Prohibit psilocybin-related businesses as home occupations:

19.507 HOME OCCUPATION STANDARDS

19.507.2 Prohibitions and Use Restrictions

G. All psilocybin-related businesses as defined in ORS 475A are prohibited as home occupations.



### NMIA Zone

- Marijuana production = Conditional Use
- Multiple producers may operate; single producer limited to 10,000 sq ft.
- A marijuana producer cannot be located in a building that is within 1,500 ft of another building that is utilized for marijuana production.





## OPTIONS FOR DISCUSSION

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- Refer a ballot question to prohibit licensed facilities
- Enact time, place, manner restrictions (code amendments)
  - Prohibit as home occupations?
  - Restrictions on manufacturers in the NMIA?
- Do nothing at this time



# QUESTIONS?

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# Extra Slides if Needed



# Hillsboro Code

Allowed to:

- Operate in all the zones where Office uses are permitted as a primary use
- Operate during the hours of 8 am to 10 pm
- Operate within a maximum 2,000-square-foot footprint.

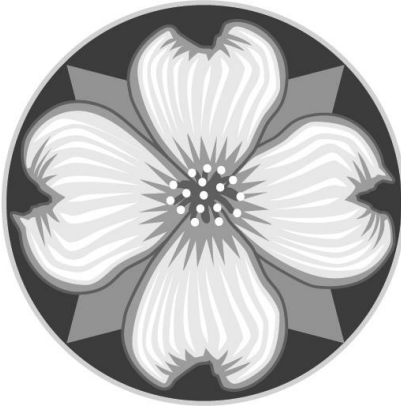




# Home Occ – Marijuana – MMC 19.507

Marijuana-related businesses prohibited as home occupations.





**RS Agenda Item**

**9**

**Council Reports**

**RS 9. B. 4/4/23**  
**Presentation**

# Legislative & Regional Issues

April 4, 2023



# Key Dates

- ~~1/17 – Session Begins~~
- ~~1/25 – City Day at the Capitol~~
- ~~2/21 – Measure Introduction Deadline~~
- ~~2/22 – Revenue Forecast (1<sup>st</sup>)~~
- ~~4/4 – 1<sup>st</sup> Chamber Work Session Deadline~~
- 5/19- 2<sup>nd</sup> Chamber Work Session Deadline
- 5/17 – Revenue Forecast (2<sup>nd</sup>)
- 6/25 – Constitutional Sine Die





# Legislation

- HB2001 – **Adopted!**
- HB3167 – allows electronic notices – First Reading 4/4

## Third Readings 4/4

- HB2095 – photo radar
- HB2112 – public records terminology update
- HB2980 – affordable housing loans
- HB3111 – personnel records retention
- SB275 – DOE/TSPC alignment



# Legislation

## Happening (earlier) Today...

- HB2199 – extends enterprise zones sunset – WS 4/4
- HB2889 – requires housing needs analysis – WS 4/4
- HB3414 – limits urban housing dev. variances – WS 4/4
- HB5035 – funding for SOS records position – WS 4/4 + 4/5
- SB283 – education workforce – WS 4/4
- SB348 – gun control measures (M114) – Hearing 4/4
- SB868 – healthy heating and cooling – WS 4/4
- SB869 – state energy efficiency code – WS 4/4
- SB870 – building performance standards – WS 4/4



# Letters

- HB3201 Coalition – Logo Request (Mayor Batey)
- I-205 Tolling – Letter Sign-On (City Manager Ober)



# Resources

- OLIS: [Oregon Legislative Information System](#)
- LOC: [CM3 – LOC Bill Summary](#)  
(Username/password: [loc@orcities.org](#))
- Thorn Run Partners  
(Metro Mayors Consortium)





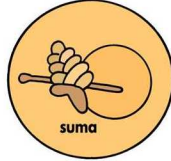
# Questions?

Scott Stauffer, City Recorder  
[stauffers@milwaukieoregon.gov](mailto:stauffers@milwaukieoregon.gov)



# HB 3201: Aligning Statute to Maximize Federal Broadband Funding

Please Join us in supporting HB 3201!



OREGON NATIVE AMERICAN CHAMBER



Oregon Rural Electric Cooperative Association



LEAGUE OF WOMEN VOTERS OF OREGON



Contact: Nolan Pleše, League of Oregon Cities | 971-428-7278 | [nplese@orcities.org](mailto:nplese@orcities.org)





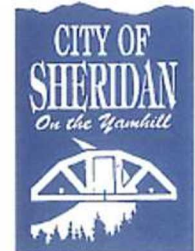
**Contact:** Nolan Pleše, League of Oregon Cities | 971-428-7278 | [nplese@orcities.org](mailto:nplese@orcities.org)



Oregon  
Consumer  
Justice



Oregon State University  
Hatfield





**Problem:**

Oregon is at risk of losing out on hundreds of millions of dollars in federal funds for improving broadband infrastructure because of statutory limits on the Oregon Broadband Fund. Existing statute will also limit Oregon's ability to spend those dollars effectively and efficiently.

**Solution:**

HB 3201 with the -4 amendment is a product of a broadband workgroup led by Representative Pam Marsh. This group included a broad range of stakeholders, including representatives from the Oregon Broadband Office (OBO), front-line community leaders, and public and private sector representatives. This bill aims to bring Oregon statute into alignment with federal rules, guidance, and best practices by eliminating unnecessary restrictions on the Broadband Fund. HB 3201 will:

- Ensure that Broadband Fund speed requirements reflect current technology needs and requirements of funding sources.
- Continue a preference for unserved and underserved areas in Oregon.
- Provide a process for public notice and an opportunity for comment on applications that are already underway. This will ensure any conflicts are identified and addressed early in the process.
- Address the need for a strong and fair challenge process for grant awards through an independent Judicial Review Process as outlined in the Oregon Administrative Procedures Act (APA).

**Background:**

Prior to the pandemic, Oregon lawmakers recognized the need for broadband funding to address the growing digital divide between rural and urban areas, as well as in historically marginalized communities in every corner of the state. In the first special session of 2020, the Legislature passed SB 1603 and created the Oregon Broadband Fund, which predicted a maximum allocation of \$5 million a year. This fund was designed to focus extremely scarce resources on households with no service or extremely slow service.

During the pandemic, Congress passed the bipartisan infrastructure act (IIJA) and funded the ARPA Capital Projects Fund to work toward closing the digital divide. Between the two funds alone, Oregon *may* be eligible to receive up to \$700 million to improve broadband service and infrastructure across the state. These funds are intended to target unserved, underserved, and tribal communities and improve digital equity in historically marginalized communities across the state.





**DRAFT**

**The 2023 State Legislature Must Take Action on the I-205 Toll Project  
March **DRAFT**, 2023**

Dear Clackamas County State Legislators and Members of the Joint Committee on Transportation:

The local governments listed here respectfully request your immediate assistance to address our shared concerns about the proposed I-205 Toll Project.

The importance of I-205 as a dependable and safe route for freight, regional, and interstate movement cannot be overstated. This critical need is the reason that the communities who rely on I-205 have been united in their advocacy to fix the bottleneck between Stafford Road and the Abernethy Bridge.

Unfortunately, the Oregon Department of Transportation's (ODOT) current approach to toll I-205 ahead of the rest of the region and prior to building the third lane on I-205 will have devastating impacts on neighboring communities. ODOT's plan will shift traffic from the interstate onto roadways within communities, causing increased safety risks and more congestion on local roads that are already failing.

ODOT's public engagement efforts to date have ignored and dismissed many questions and concerns raised by our cities, the county, the region and our shared constituents. ODOT staff have made it clear that they were directed by the legislature to toll I-205 and that they are pursuing this approach per your direction. **We implore you to take legislative action this session to lessen the detrimental effects of the proposed tolling in our communities and your districts.**

To help you and the entire Clackamas delegation center on the shared priorities of our jurisdictions, we collectively request legislative action on the following four items that will have an immediate impact on the direction of the proposed toll program:

1. Direct ODOT to pause the I-205 Toll Project until it can be aligned with the Regional Mobility Pricing Program (RMPP), and, direct ODOT to conduct an analysis showing the full impacts of regional tolling on the overall transportation system prior to implementing tolling on any one segment;
2. Schedule a public hearing in the Joint Committee on Transportation, being mindful of the Committee's May 5<sup>th</sup> bill deadline, to provide a venue for the public to share impacts and concerns about the I-205 Toll Project, RMPP, and how ODOT plans to achieve its vision;
3. Create the Regional Toll Advisory Committee (RTAC) in statute to directly advise the Oregon Transportation Commission. Retain RTAC in perpetuity to guide development and implementation of the regional toll program. Also, create a technical committee comprised of regional technical staff to advise RTAC;
4. Direct ODOT to develop a formula that allocates tolling revenues directly to impacted jurisdictions to address existing diversion, affected transportation impacts related to tolling and congestion, operations and maintenance and new infrastructure projects for all modes beyond any NEPA required mitigations.

We respectfully request your leadership to advance these solutions to ensure ODOT is meeting the needs of our shared constituents and is only allowed to advance a project if it is fair, equitable, and beneficial to all Oregonians.