

REGULAR SESSION

AGENDA

MILWAUKIE CITY COUNCIL MARCH 17, 2009

MILWAUKIE CITY HALL
10722 SE Main Street

2050th MEETING

REGULAR SESSION – 7:00 p.m.

- | | Page # |
|---|-----------|
| 1. CALL TO ORDER
Pledge of Allegiance | |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS | |
| A. Milwaukie High School Student of the Month | |
| 3. CONSENT AGENDA <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i> | 1 |
| A. Award Contract for Facilities Condition Assessment to Faithful Gould, Inc. – Resolution | 2 |
| 4. AUDIENCE PARTICIPATION <i>(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)</i> | |
| 5. PUBLIC HEARING <i>(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)</i> | 10 |
| A. Milwaukie Municipal Ordinance Amendment ZA-09-01 Proposed Amendments to the Milwaukie Municipal Code, Title 19 Zoning -- Ordinance (Li Alligood) | 11 |

- 6. OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)* **46**
- A. Sustainability Plan for the City of Milwaukie – Resolution (JoAnn Herrigel & Paul Shirey) 47**
- B. Council Reports**

7. INFORMATION

8. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council will meet in executive session immediately following adjournment pursuant to ORS 192.660(2)(i) performance evaluations of public offices and employees.
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

3.

CONSENT AGENDA



To: Mayor and City Council

**Through: Mike Swanson, City Manager
Kenneth Asher, Community Development and Public Works Director**

**From: Paul Shirey, Public Works Operations Director
Willie Miller, Facilities Coordinator**

**Subject: Award Contract for Facilities Condition Assessment to
Faithful+Gould, Inc.**

Date: March 2 for March 17, 2009 City Council Meeting

Action Requested

Authorize the City Manager to execute a contract and issue a purchase order with Faithful+Gould Inc. in an amount not to exceed \$55,000 to perform a facilities condition assessment for City Hall, Library, Public Service Building and Johnson Creek.

History of Prior Actions and Discussions

None

Background

The City recently advertised for proposals to conduct condition assessments for each of its four major buildings, City Hall, Ledding Library, Public Safety Building and Johnson Creek Public Services buildings. The City has never done this kind of systematic assessment process and as a result, predicting, planning and budgeting for improvements to the City's buildings is imprecise and inefficient in some cases.

A Facility Condition Assessment and Inventory (FCA&I) is the first step in implementing an Asset Management system in the Facilities Division and is in step with the migration

of all of Public Works to an asset management culture. A FCA&I generally involves the following steps:

1. Creating a catalogue, in hierarchical manner, of all the components, or assets, of each building, from its “skin” to the electrical, plumbing and mechanical systems as well as the surfaces and coverings, fire and security systems, structure and information systems.
2. Evaluating the condition of the asset, life cycle, repair and maintenance required and cost to replace at end of life.
3. Evaluating risk of failure of each asset.
4. Recommended annual cost of replacement or upgrades over a time horizon, usually ten to twenty years.

The scope of work for Milwaukie includes an in-depth assessment of City Hall and Ledding Library and a systems lifecycle assessment for the Johnson Creek campus and the Public Safety Building. The RFP asks respondents to identify a data management software to manage information collected and that the City will be able to use over time.

Fifteen proposals were submitted. An evaluation matrix was used to rank the proposals that considered previous similar experience, team qualifications, schedule, project understanding and cost. The initial evaluation team included Willie Miller, Annette Quinn and Paul Shirey. Tom Larsen helped the team evaluate the top three proposals in order to make a final selection.

The selected firm, Faithful+Gould (FG), have completed condition and maintenance assessments for nearly 4 billion square feet of property within the last five years. FG have twenty years of experience conducting facility condition assessments and is a national firm with offices serving Oregon and the region located in Beaverton. The project schedule is sixty days beginning to end and will be conducted by a team of five professionals.

Concurrence

The Building Official concurs with the selection of Faithful+Gould.

Fiscal Impact

The fiscal impact to the Facilities Department professional services budget is a maximum of \$55,000. This includes a 10% contingency. Funds are included in the Professional Services and Contract Services budgets of the Facilities Department in the FY 2008/2009 approved budget. The Facilities department is funded through an annual

occupancy charge assessed to all city departments based upon total square footage occupied.

The outcome of this FCA&I should be to help make more rational decisions regarding how the City spends its limited resources to maintain its facilities based upon where the truly critical needs are as opposed to improvements that would simply be desirable to do. The work will help City decision makers understand the tradeoffs between keeping occupancy charges relatively low and the risk inherent in deferring certain investments. Good asset management in Facilities will result in lowering operating costs over time based on more efficient and rational decisions on where to spend limited resources to achieve the best return on investment.

Work Load Impacts

The Operations Director and the Facilities Coordinator will spend about 10% of their time during the two months that this work is planned to be implemented. Staff will return to Council this summer to report on the outcomes of the Assessment.

Alternatives

1. Approve as recommended.
2. Deny request. The City will continue to “fly blind” in terms of being able to plan ahead for upgrades and replacements necessary to prolong the useful life of its building assets.

Attachments

1. Resolution Awarding a Contract for Facilities Condition Assessment Services
2. Request for Proposals (without attachments)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF CONTRACT to FAITHFUL+GOULD, INC. FOR FACILITIES CONDITION ASSESSMENT.

WHEREAS, the City recognized the need to implement an asset management system in the Facilities Division to better preserve the City’s investment in its major public facilities; and

WHEREAS, a facility condition assessment and inventory is the first step in implementing an asset management system; and

WHEREAS, the City has the need for an in-depth assessment or a system lifecycle assessment of City Hall, the Ledding Library, the Johnson Creek campus, and the Public Safety Building; and

WHEREAS, a request for proposals was issued asking respondents to propose a scope of work to address the City’s needs and identify a data management software to manage information in a format useable to the City to implement an asset management system; and

WHEREAS, the City received fifteen proposals that it has evaluated and ranked according to an evaluation matrix that considered previous similar experience, team qualifications, schedule, project understanding, and cost; and

WHEREAS, the firm of Faithful+Gould Inc. has been identified by the evaluation team as the company that best meets the City’s need for services;

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie authorizes the City Manager to sign a contract and purchase order for the completion of a facilities condition assessment with the company Faithful+Gould Inc, in the not to exceed amount of \$56,000.

Introduced and adopted by the City Council on March 17, 2009.

This resolution is effective on March 17, 2009.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat Duval, City Recorder

City Attorney



REQUEST FOR PROPOSAL

**TO PROVIDE PROFESSIONAL SERVICES FOR
CITY OF MILWAUKIE
FACILITIES CONDITION ASSESSMENT AND INVENTORY**

The City of Milwaukie is requesting proposals from qualified consulting firms to conduct a facility condition assessment and inventory for each of its major campuses.

Project Description

The City of Milwaukie owns, operates and maintains a variety of buildings housing the primary functions of municipal government. The facilities are City Hall, Ledding Library, Public Safety and Johnson Creek (Public Works). The City's interest is to use the information generated by the study to predict major systems replacement schedules and budget accordingly, and to better manage the maintenance of the City's real estate assets. The primary deliverables of the study include a comprehensive inventory for each building on each campus utilizing a data base program to be determined and a comprehensive condition assessment of two campuses and lifecycle assessment for the others. In keeping with the City's Sustainability goals, the study will identify opportunities for replacing, repairing or upgrading various building components and systems using the most sustainable technology available.

Scope of Work

Task 1 Identify a methodology to create a facility inventory for each campus

Objective

Using industry standards, recommend a cost effective approach to creating an asset register for each building on each campus. The register would typically include fields such as asset category, type and description, age, life-cycle and replacement value.

Product

A matrix for each building that lists all assets in a hierarchical fashion. Recommend software the City should acquire to electronically store, retrieve, and update the asset inventory. The asset register may be created using Excel software if the City is unable to acquire the recommended software during the course of this project.

Meetings

Meet with staff to review proposed method and to determine a data collection schedule for the inventory.

Task 2 Detailed Condition Assessment for City Hall and Ledding Library

Objective

Conduct a comprehensive evaluation of City Hall and Ledding Library, documenting all system deficiencies, encompassing the structure, systems and components of each. Provide estimates of the cost and prepare a schedule to repair, or renew elements as needed. Recommend energy efficient and sustainable solutions where applicable.

Product

Input data using the Asset Matrix developed in Task One.

Meetings

Meet once with staff at beginning of task to determine a schedule for on-site work at each location. Work closely with the Facilities Coordinator as needed.

Task 3 Systems Lifecycle Assessment for PSB and JCB

Objective

For the Public Safety Building and Johnson Creek facility (excepting the Operations Building), assess system conditions and conduct a targeted evaluation of:

- Exterior structure
- HVAC
- Electrical
- Plumbing

Recommend energy efficient and sustainable solutions where applicable.

Product

Input data and recommendation in asset register data base.

Meetings

Meet once with staff at beginning of task to determine a schedule for on-site work at each location. Work closely with the Facilities Coordinator as needed

Proposal Requirements

Consultants are encouraged to provide clear, concise proposals that contain only information required responding to the needs of this project. The proposal shall be limited to 15 single-sided pages. Use Arial font, at least 12 point. Excluded from this count are the resumes and the copy of a recent similar project. At a minimum, each proposal shall include the following:

1. General Information – The consultant shall provide general information describing the firm size, office locations, and relevant firm capabilities.
2. Project Schedule – The consultant shall submit a proposed project schedule identifying key tasks and milestone dates and their associated duration. The City desires to complete the Facilities Condition Assessment on or before June 30, 2009.
3. Project Team – The consultant shall identify the team to be assigned to the project by name: this includes project manager, and other key team members. Resumes for team member shall be provided.
4. Experience/Qualifications – The consultant shall submit a copy of one recent similar project that reflects the quality of their work. They shall also provide information on recent projects similar in nature to the proposed project to document the consultant's expertise, experience, and ability to complete the proposed project in a timely manner. A list of three project references with name, address, phone number, and contact person(s) shall also be provided.
5. Project Approach – The proposal shall identify in sufficient detail the consultants approach to and understanding of the project for each distinct phase of the work. The proposal should also address approach to quality control and quality assurance, methods for managing cost and time to ensure product delivery on time and at budget and techniques for dealing with unanticipated changes during the project.
6. Project Cost – The consultant shall provide a breakdown outlining the projected hours to be spent on the project by each team member for the serves described in the Scope of Work. A professional service rate shall be provided for each team member. A not-to-exceed amount for full project completion, based upon the Scope of Work, shall be provided.

Sealed proposals for Professional Consulting Services [three (3) copies of each proposal] will be received at the City of Milwaukie Johnson Creek Public Works and Community Development facility until 5:00 PM (PST), on Monday, February 23rd, 2009 and shall be addressed to:

Paul Shirey, Operations Director
Facilities Condition Assessment
City of Milwaukie Public Works
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

Paul Shirey Operations Director for Public Works is the City's Project Manager for this work. Please contact Paul at (503) 786-7614 with any inquires regarding this Facilities Condition Assessment and Inventory.

Evaluation of Proposals

The City selection panel will evaluate proposals based on the following criteria:

- | | | |
|----|---|-----------|
| 1. | Recent firm experience on similar projects. The City is interested in the experience of the firm's office proposing to provide professional services. Copy of recent similar project. | 30 Points |
| 2. | Key team members' qualifications and recent experience on similar projects. | 25 Points |
| 3. | Proposed project schedule. | 10 Points |
| 4. | Project understanding and approach. | 20 Points |
| 5. | Professional service rate schedule and not-to-exceed amount for completion of the project based upon the scope of work described above. | 15 Points |

Protest Procedures

Protests regarding this RFP must be presented in writing ten calendar days prior to the RFP due date and shall be addressed to Paul Shirey, Operations Director City of Milwaukie, 6101 SE Johnson Creek Blvd., Milwaukie, OR 97206. Protests shall include the reasons for protest and any proposed changes to RFP requirements. No protest shall be considered after the deadline established for submitting such protest.

Other Instructions

Any amendments to the RFP will be furnished by written addendum to all those holding RFP documents. Any RFP received after the exact time specified for receipt will not be considered and will be returned unopened. The City will furnish no material, labor, or facilities unless specified in the contract.

Attachments:

- A. Proposal Form
- B. Professional Services Agreement
- C. GIS Aerial photos of four City campuses
- D. Site plans for each facility

5.
PUBLIC HEARING



To: Mayor and City Council

Through: Mike Swanson, City Manager
Kenneth Asher, Community Development and Public Works Director
Katie Mangle, Planning Director

From: Li Alligood, Assistant Planner

Subject: Milwaukie Municipal Ordinance Amendment ZA-09-01
Proposed Amendments to the Milwaukie Municipal Code
(Title 19 Zoning Ordinance)

Date: March 5 for March 17, 2009 Regular Session

Action Requested

Adopt the proposed amendments to Milwaukie Municipal Code Title 19 Zoning Ordinance with the recommended findings in support of approval (see Attachment 1, Ordinance and Attachment 1, Exhibits A-C).

History of Prior Actions and Discussions

- **April 6, 1999:**
 - City Council adopted the current M zone retail restrictions in mapped Title 4 Industrial and Employment Areas.
 - City Council adopted the Metro Title 4 Lands Map as an ancillary document to the Comprehensive Plan.

Background

Reason for Action

The City of Milwaukie's zoning ordinance currently allows larger retail developments in mapped Industrial areas than allowed by Metro's Title 4. The proposed amendments would bring the City's zoning ordinance into compliance with Title 4 restrictions.

Milwaukie's Manufacturing Zone

The City of Milwaukie recognizes that healthy industrial areas are integral to the City's economic stability and growth. Milwaukie is home to three productive industrial areas (North Industrial, International Way, and Johnson Creek Boulevard) and the Comprehensive Plan outlines priorities for the retention and protection of these sites.

One of the methods of protecting industrial sites is restricting non-industrial commercial and retail uses, such as shopping centers, that are less employment-intensive than manufacturing uses. To this end, the City's Manufacturing zone (M zone) currently restricts retail and commercial uses within industrial areas to those uses that serve the employees of industrial businesses—delis, banks, fitness centers, and the like. However, there is no restriction on the size of these retail and commercial uses in most of the M zone. An exception is the mapped Title 4 Industrial and Employment areas in the M zone, where retail and commercial uses are restricted to 60,000 square feet or less.

Title 4 of the Metro Functional Plan

Metro is the governmental agency responsible for overseeing the implementation of regional urban growth goals and objectives. As part of its planning for future population growth in the region, Metro must implement an adopted regional urban growth management plan ("Functional Plan").¹ Throughout the Portland metropolitan region, Metro has designated important industrial area classifications: Regionally Significant Industrial Areas; Industrial Areas; and Employment Areas. Title 4 of the Metro Functional Plan outlines development restrictions for these designated properties, which are to be protected for industrial uses and employment-intensive industries. Several Title 4 Employment Areas and one small Industrial Area lie within the City of Milwaukie.

¹ The Urban Growth Management Functional Plan implements the Regional Framework Plan, which is required by the Metro charter as approved by the region's voters in 1992. Under the Metro charter and state law, cities and counties within Metro's boundaries are required to comply and be consistent with Metro's adopted Urban Growth Management Functional Plan and the Regional Framework Plan.

In 2004, Metro Council amended Title 4 to reduce allowable retail outlet areas within designated Industrial Areas to 5,000 square feet per individual retail trade use and 20,000 square feet for multiple retail trade uses on the same site. These restrictions are intended to discourage the development of big-box retail and other commercial uses on valuable industrial sites.

Proposed Code Amendments

Currently, the City's zoning ordinance allows retail uses in Title 4 Industrial areas of up to 60,000 square feet. Milwaukie's zoning ordinance needs to be brought into compliance with Title 4 Industrial Area requirements. The land subject to the current Title 4 amendments is only the area mapped as "Industrial" on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999 (see Attachment 2). This area is part of the property of the Precision Castparts Corp. (PCC), one of the region's largest employers.

The proposed revised policy would limit individual retail trade uses within mapped Title 4 Industrial Areas to no more than 5,000 square feet gross floor area, and multiple retail trade uses on the same site to no more than 20,000 square feet gross floor area.

What this means for affected properties is that if the property owner would like to build a retail store, such as a gift shop, or a branch of an office, such as a bank, it would need to be smaller than 5,000 square feet gross floor area. If they wanted to build a project with several retail uses, such as a mini-mall, all of the retail stores or branches together would need to be equal less than 20,000 square feet gross floor area. The purpose of the proposed change is to protect the value and integrity of regionally significant industrial land.

Attachment 3a is a memo that explains the purpose of Title 4, Metro's 2004 Title 4 amendments, and the deadline for local jurisdiction compliance. Attachment 3b is the text of Title 4 of the Functional Plan. The applicable Industrial Area restrictions are contained on page 3.07-31 in Section 3.07.430 Protection of Industrial Areas. Local jurisdictions are required to demonstrate conformance with the current Title 4 code within approximately 2 years of Metro's adoption of new code. Metro has granted an extension for compliance to April 3, 2009.

Concurrence

On February 24, the Planning Commission initiated and heard the first version of the proposed amendments. They acted based on staff recommendation and recommended the amendments for adoption by City Council. The Planning Commission will re-open the public hearing on March 10, 2009 to review the final version of the proposed amendments and determine whether to recommend its adoption. Assuming the

Planning Commission recommends adoption, the final version of the proposed amendments will be presented to City Council on March 17, 2009. This packet has been prepared with only the final proposed language.

Alex Campbell, City of Milwaukie Resource and Economic Development Specialist, has stated that the proposed amendments will not negatively impact industrial uses in affected areas of the M zone.

A representative of the affected property owner, PCC, attended the February 24 public hearing and stated that PCC has no comments or concerns about the proposed amendments.

Metro has stated that the proposed amendments will bring the City's zoning ordinance into compliance with Title 4 of the Functional Plan (see Attachment 4).

Fiscal Impact

The requested action will have negligible fiscal impact. The proposed amendments affect portions of two properties in the City which are currently fully developed. Implementation of the proposed amendments will not require additional funding.

Work Load Impacts

Adopting the proposed amendments will not result in additional workload impacts. Regardless of the decision, staff must follow the standard procedures for providing notice to the Department of Land Conservation and Development (DLCD) and Metro.

Staff would continue to review and apply restrictions to development in Industrial Areas within the M zone as part of the normal development review process.

Alternatives

Revisions to the land use code are Legislative decisions, which do not have a time limit. The Planning Commission makes recommendations on Legislative actions to the City Council, which has the final decision. The City Council has the following decision making options:

1. Approve the amendments.
2. Approve the amendments with modifications. Substantial modifications to the proposed amendments could jeopardize the amendments' compliance with Metro requirements.
3. Continue the hearing to allow for more discussion.

4. Do not approve the proposal and return the amendments to Planning Commission for further discussion. Return of the proposed amendments to the Planning Commission would cause the City to exceed Metro's deadline for compliance.

Attachments

1. Draft Ordinance for Adoption
 - Exhibit A. Recommended Findings in Support of Approval
 - Exhibit B. Proposed amendments to MMC Title 19 (strikeout version)
 - Exhibit C. Proposed amendments to MMC Title 19 (clean version)
2. Title 4 Maps
 - a. Mapped Title 4 lands in Milwaukie, April 6, 1999
 - b. Map of Title 4 lands in Milwaukie—detail
3. Metro Information
 - a. Memo from Metro granting an extension to the deadline for compliance
 - b. Title 4 of the Metro Functional Plan
4. Comments Received

ATTACHMENT 1
Draft Ordinance for Adoption

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 19 ZONING ORDINANCE TO LIMIT RETAIL USES ON REGIONALLY SIGNIFICANT INDUSTRIAL LAND (FILE #ZA-09-01).

WHEREAS, it is the City's policy to reserve industrial lands for manufacturing, industrial, distribution, and supporting land uses, for the purpose of preserving land supply for industrial uses and ensuring adequate opportunity for uses with high employment density; and

WHEREAS, the proposed amendments to Title 19 increase protections for designated regionally significant industrial areas as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999; and

WHEREAS, the proposed amendments to Title 19.314 bring the Milwaukie Municipal Code into compliance with Title 4 of the Metro Urban Growth Management Functional Plan; and

WHEREAS, the City's Municipal Code must be in compliance with Title 4 by April 3, 2009; and

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

WHEREAS, on February 24 and March 10, 2009, the Milwaukie Planning Commission conducted a public hearing, as required by Zoning Ordinance Section 1011.5 Legislative Actions, and adopted a motion in support of the amendment; and

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

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. Findings of fact in support of the proposed amendment(s) are attached as Exhibit A.

Section 2. Title 19 Zoning Ordinance Text Amendment. The Zoning Ordinance is amended as described in Exhibit B (strikeout version) and Exhibit C (clean version).

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 _____.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

Document1 (Last revised 2/6/2008)

ATTACHMENT 1 Exhibit A
Recommended Findings in Support of Approval
Casefile # ZA-09-01, Metro Title 4 Compliance Amendments

1. The City of Milwaukie has proposed amendments to Section 19.314 Manufacturing zone M of Title 19 Zoning Ordinance.
2. The proposed amendments would bring Milwaukie's zoning ordinance into compliance with Title 4 of the Metro Urban Growth Functional Management Plan.
3. The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance, which is Title 19 of the Milwaukie Municipal Code (MMC).
 - MMC 19.900 Amendments
 - MMC 19.1101.5 Legislative actions
4. Sections of the Milwaukie Municipal Code not addressed in these findings are found to be not applicable to the decision on this application.

Public notice has been provided in accordance with MMC Subsection 19.1011.5 Legislative Review. The Planning Commission held a public hearing on February 24, 2009. The February 24, 2009 public hearing was re-opened on March 10, 2009 to review the revised amendments. The City Attorney confirmed that no general public notice was necessary for the Planning Commission to re-open the hearing but notice was provided to those who participated at the February 24, 2009 hearing.

The City Council has held a public hearing on March 17, 2009, as required by law.

5. Section 19.901 Initiation of amendments

MMC 19.901 requires that an amendment to the Milwaukie zoning text be initiated by the City Council, Planning Commission, or by a property owner. This text amendment is proposed by the City of Milwaukie and was initiated by the Planning Commission at the first public hearing.

The criterion for compliance with the requirements of MMC 19.901 is met.

6. Section 19.902 Amendment procedure

- A. MMC 19.902.1.A requires that proposed amendment applications be heard at a public hearing and follow the procedures outlined in MMC Subsection 19.1011.5 Legislative actions.

The Planning Commission held a public hearing for this application on February 24, 2009, the earliest practicable meeting after the application was submitted. The City Council will hold a public hearing on March 17, 2009, within 40 days of the Commission's recommendation on this application.

- B. MMC 19.902.1.B establishes standards for providing notice to Metro of any proposed amendment to the comprehensive plan or zoning ordinance.

Notice to Metro was provided 45 days in advance of the scheduled City Council hearing. A report containing the analysis of the application's consistency with the Metro Urban Growth Functional Plan has been delivered to Metro.

The criteria for compliance with the requirements of MMC 19.902 are met.

7. Subsection 19.904.1 Requirements for zoning text amendment proposals

A. MMC 19.904.1 requires that proposals for zoning text amendments provide written evidence that the following requirements are satisfied:

- i. Applicable requirements of MMC Section 19.1003 Form of Petitions, applications and appeals, which specify the form of petitions, applications, and appeals.

City staff submitted an application on the prescribed form. Because the application is for a zoning code text amendment and no development is proposed, the other portions of MMC 19.1003 are not applicable.

- ii. Reasons for requesting the proposed text amendments.

The proposed code amendments focus on revisions to MMC 19.314 Manufacturing zone M. The proposed revisions are designed to bring the City's M zone regulations into compliance with new requirements in Title 4 of the Metro Urban Growth Management Functional Plan. The amendments limit the types and scale of non-industrial uses in designated Industrial Areas. Metro's deadline for Title 4 compliance for April 3, 2009.

- iii. Explanation of how the proposed text amendments are consistent with other provisions of this title.

The proposed text amendments are minimal and affect only property located within the M zone and within designated Industrial Areas. The proposed text amendments limit non-industrial uses on sites within designated Industrial Areas in the M zone. No other uses or sites are affected.

- iv. The approval criteria of MMC 19.905.

The applicable approval criteria of MMC 19.905 are addressed below.

The criteria to comply with the requirements of MMC 19.904 are met.

8. Section 19.905 Approval criteria for all amendments

MMC 19.905 establishes the approval criteria for zoning text amendments. The applicable criteria are evaluated as follows:

- A. The proposed amendments must conform to applicable comprehensive plan goals, policies and objectives and be consistent with the provisions of City ordinances, Metro Urban Growth Management Functional Plan, and applicable regional policies.

Compliance with City Policy:

The proposed amendments will not change current City land use policy. The amendments are consistent with applicable comprehensive plan goals, policies and objectives. Specifically, the following comprehensive plan goals apply to this application:

- i. Chapter 2 – Plan Review and Amendment Process, Objective 2 – Implementing the Plan: *Implement this Plan through appropriate ordinances and action.*
 - Policy 1. Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan as necessary.

The amendments ensure that the City’s zoning code comply with Title 4 of the Metro Urban Growth Management Functional Plan. The proposed revisions for inclusion in this amendment will accomplish the following:

- Limit non-industrial uses on lots included in mapped “Industrial” areas as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999
- Protect Title 4-designated Industrial Areas for manufacturing and other industrial activities

ii. Chapter 4 – Land Use – Economic Base and Industrial/Commercial Land Use Element, Objective 4 – Industrial Land Use: *To encourage new industries to locate within the three major industrial areas of the City, in order to take maximum advantage of existing access and public facilities serving industry.*

- Policy 3. Lands designated for industrial use as shown on Map 7, Land Use, should be reserved for industrial, manufacturing, distribution, and supporting land uses.

The City’s existing Manufacturing zone regulations currently restrict any non-industrial development to 60,000 sf or less and require that any use in an industrial zone be at least 25% industrial. The proposed amendments reduce the maximum floor area of non-industrial development in designated Industrial Areas to less than 5,000 sf for individual stores, branches or other retail outlets. Multiple stores, branches or other retail outlets would be restricted to a total of 20,000 sf floor area.

- Policy 4. Lands located in “Employment” or “Industrial” areas shown on the Milwaukie Comprehensive Plan Title 4 Lands Map are reserved for manufacturing, industrial, distribution, and supporting land uses, for the purpose of preserving land supply for industrial uses and ensuring adequate opportunity for uses with high employment density.

The purpose of the proposed amendment is compliance with new requirements in Title 4 by placing restrictions on non-industrial uses on lands located in “Industrial” areas shown on the Milwaukie Comprehensive Plan Title 4 Lands Map.

Compliance with Metro Policy:

The amendments are consistent with Title 4 of Metro’s Urban Growth Management Functional Plan. Cities are required to comply with policies in the Functional Plan, as required by Section 5.e.2 of the Metro Charter. The City’s Zoning Ordinance is currently in compliance with each of the following Titles in the Framework Plan. Specifically, the following Metro titles apply:

iii. Title 4 – Industrial Lands and Other Employment Areas

MMC Title 19 complies with Metro’s Title 4 regulations.

B. The proposed amendments will meet or can be determined to reasonably meet applicable regional, state, or federal regulations.

The City has complied with all applicable procedural and substantive standards imposed by Metro, as discussed above. The primary purpose of the proposed amendments is to revise applicable code sections related to non-industrial development in designated

Industrial Areas to ensure compliance with new requirements in Title 4 of the Metro Urban Growth Management Functional Plan.

The Oregon Statewide Planning Goals apply to the proposed amendments as follows:

i. Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City has an adopted and acknowledged amendment process and is following that process in making these amendments. The proposed amendments do not change the City's citizen involvement program. Public hearings on the proposed amendments have been held and public notice was published twice prior to each hearing as required by the Milwaukie Comprehensive Plan. In addition, all owners of property within designated Title 4 Industrial Areas were sent notice of the public hearings.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed amendments do not change the City's land use planning process.

ii. Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The proposed amendments improve the City's implementation of Statewide Planning Goal 9. The proposed amendments are specifically designed to ensure that City ordinances relating to non-industrial development in designated Industrial Land areas comply with new requirements in Title 4 of the Metro Urban Growth Management Functional Plan.

The criteria for compliance with the applicable requirements of MMC 19.905 are met.

9. Subsection 19.1011.5 Legislative Actions

MMC 19.1011.5 outlines the procedures for processing legislative land use policies and plans. The City has followed the procedures for notification and decision making outlined in this section.

The criteria for compliance with the requirements of MMC 19.1011.5 are met.

10. The application was referred to the following department and agencies on January 22, 2009: Milwaukie Building Department, Milwaukie Engineering Department, Clackamas County Fire District #1, the Lewelling Neighborhood District Association Chairperson and Lewelling Land Use Committee. The comments received are summarized as follows:

- No comments

ATTACHMENT 1 Exhibit B

**Revised Proposed Code Amendments
Strikeout Version**

TITLE 19 ZONING ORDINANCE

CHAPTER 19.300 USE ZONES

19.314 MANUFACTURING ZONE M

19.314.2 Preexisting Uses and Developments

Notwithstanding the provisions of Chapter 19.800, Nonconforming Uses, prohibited uses and structures located in any mapped “Employment” or “Industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to May 6, 1999, and would be impacted by amendments prohibiting retail uses in excess of sixty thousand (60,000) square feet, are considered to be approved uses and structures for the purposes of this section. If such a preexisting use or development is damaged or destroyed by fire, earthquake, or other natural force, then the use will retain its preexisting status under this provision, so long as it is substantially reestablished within three (3) years of the date of the loss.

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses, prohibited uses and structures located in any mapped “Industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to **date of adoption of this ordinance**, may continue and expand to add up to twenty (20) percent more floor area and ten (10) percent more land area than exists on the above-stated date. This expansion requires a conditional use review.

19.314.3 Prohibited Uses

- A. Any use which has a primary function of storing, utilizing, or manufacturing explosive materials or other hazardous material as defined by the Uniform Fire Code, Article 80;
- B. New residential construction, churches, public schools;
- C. Retail uses greater than sixty thousand (60,000) square feet gross floor area per building or business are prohibited on all lots included in mapped "Employment" or "~~Industrial~~" areas as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999.
- D. All lots included in mapped “Industrial” areas, as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999, carry the following additional restrictions:
 1. Individual retail trade uses greater than five thousand (5,000) square feet gross floor area per building or business are prohibited.
 2. Multiple retail trade uses that occupy more than twenty thousand (20,000) square feet gross floor area are prohibited, whether in a single building or in multiple buildings within the same project.
 3. Facilities whose primary purpose is to provide training to meet industrial needs are exempted from this prohibition.

ATTACHMENT 1 Exhibit C

Proposed Code Amendments
Clean Copy

TITLE 19 ZONING ORDINANCE

CHAPTER 19.300 USE ZONES

19.314 MANUFACTURING ZONE M

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Notwithstanding the provisions of Chapter 19.800, Nonconforming Uses, prohibited uses and structures located in any mapped “Employment” or “Industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to May 6, 1999, and would be impacted by amendments prohibiting retail uses in excess of sixty thousand (60,000) square feet, are considered to be approved uses and structures for the purposes of this section. If such a preexisting use or development is damaged or destroyed by fire, earthquake, or other natural force, then the use will retain its preexisting status under this provision, so long as it is substantially reestablished within three (3) years of the date of the loss.

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses, prohibited uses and structures located in any mapped “Industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to **[date of adoption of this ordinance.]** may continue and expand to add up to twenty (20) percent more floor area and ten (10) percent more land area than exists on the above-stated date. This expansion requires a conditional use review.

19.314.3 Prohibited Uses

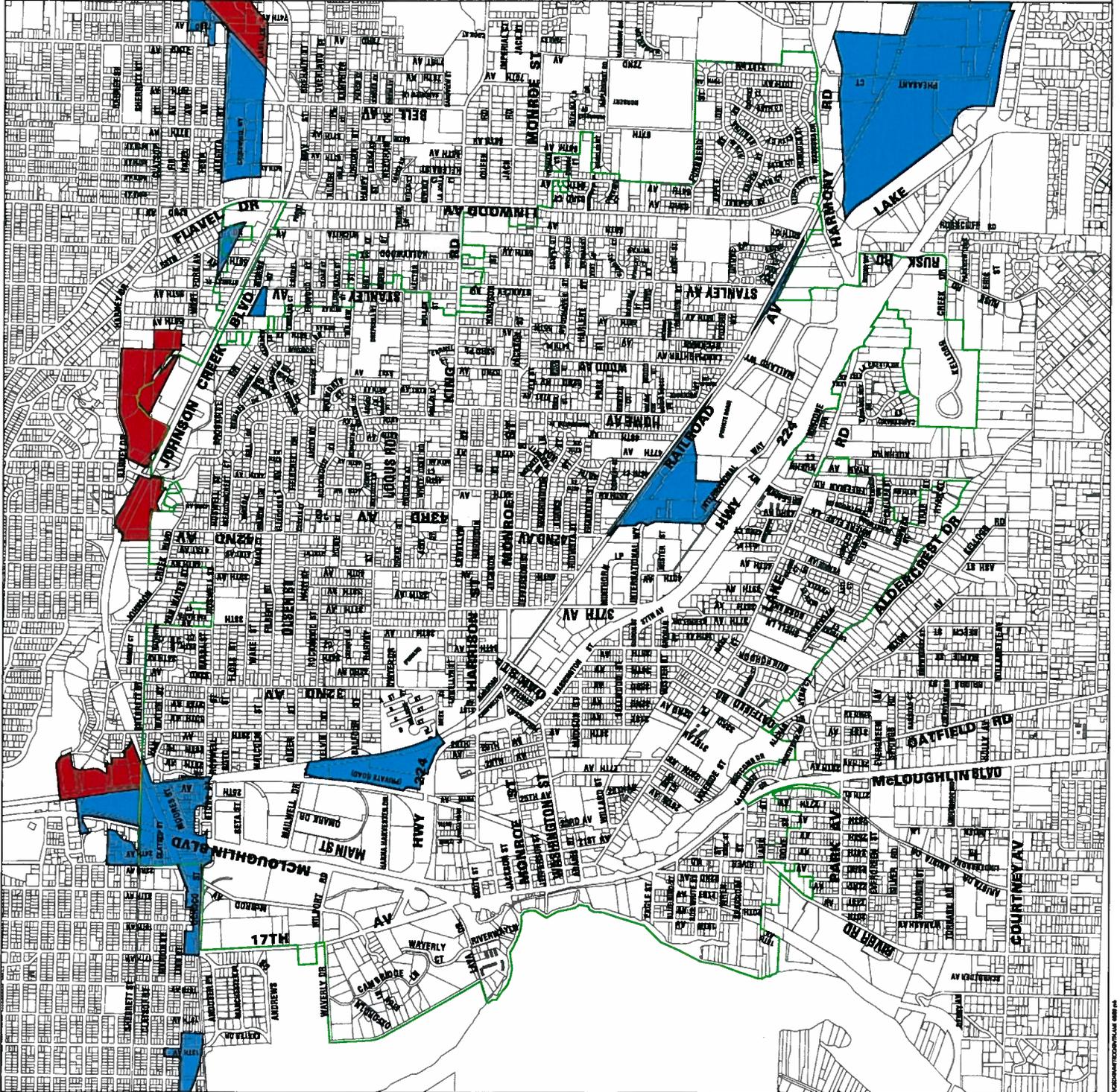
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 3. Facilities whose primary purpose is to provide training to meet industrial needs are exempted from this prohibition.

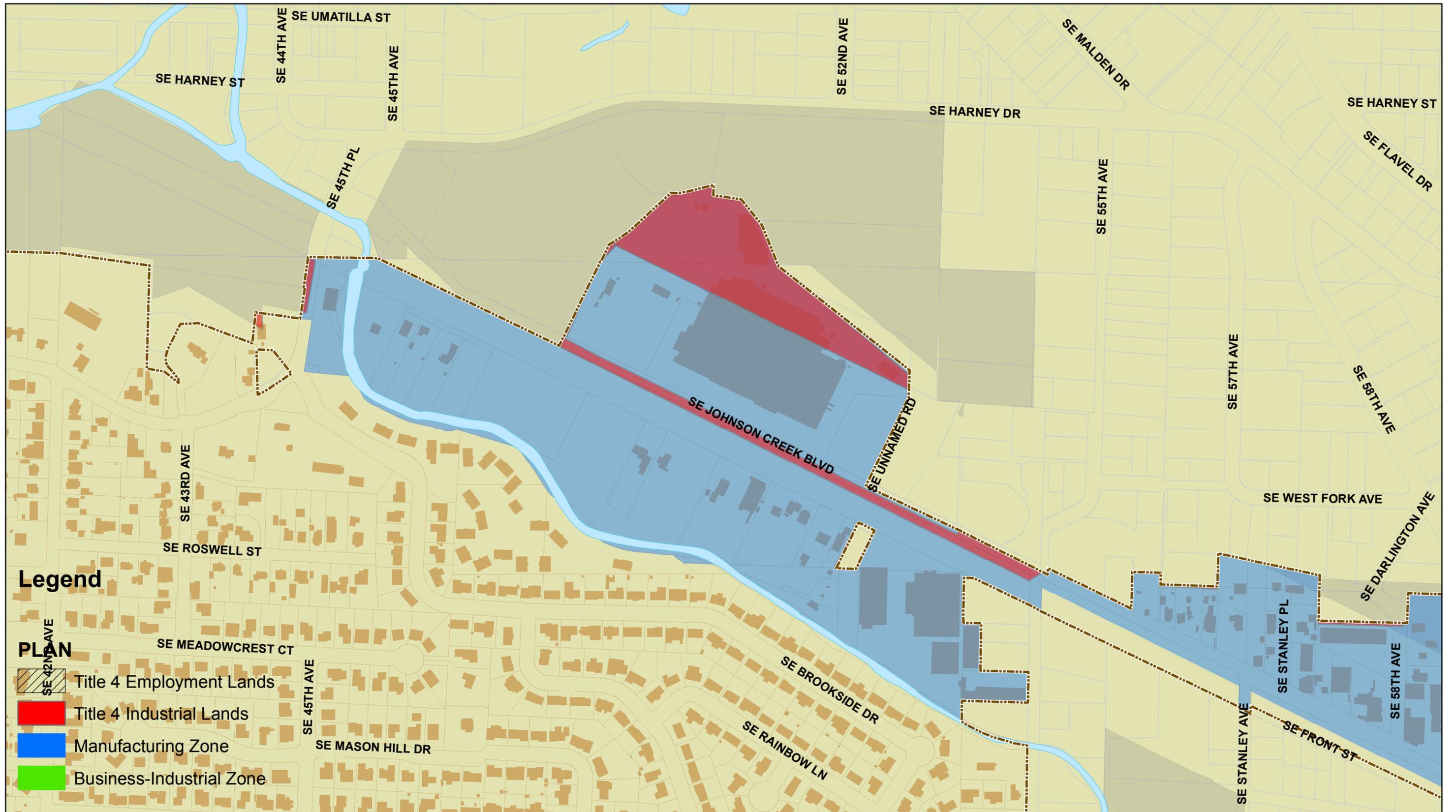
City Of Milwaukee (DRAFT MAP)

METRO Title IV Lands

EMPLOYMENT AREA
INDUSTRIAL AREA

Map Date: April 6, 1999

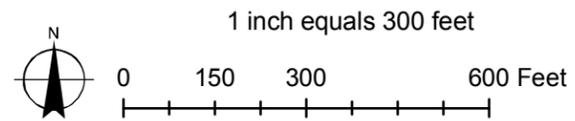




Legend

- PLAN**
-  Title 4 Employment Lands
 -  Title 4 Industrial Lands
 -  Manufacturing Zone
 -  Business-Industrial Zone

Milwaukie Title 4 Areas



Author: City of Milwaukie Planning Department, December 2008
 Source: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center
 All data provided here is for informational purposes only.
 Not suitable for building or engineering purposes.

 Metro | Memo

Date: November 14, 2008

To: MPAC; Clackamas County; Cities of Beaverton, Damascus, Durham, Fairview, Gresham, Happy Valley, Lake Oswego, Milwaukie, Oregon City, Portland, Sherwood, Tigard and Wood Village; and the Oregon Department of Land Conservation and Development

From: Sherry Oeser, Planning and Development Department

Re: Resolution 08-4000 Extension of Deadline to Comply with Title 4 Industrial and Other Employment Areas

The Metro Council recently adopted Resolution 08-4000 approving extensions of time for compliance with new requirements in Title 4 of the Urban Growth Management Functional Plan. Title 4 requires local governments to provide and protect the supply of sites for jobs as well as to protect the capacity of the region's transportation system to move goods and services. Attached to this memo is the order approved by the Council, the staff report, and attachment 1 that details the reason the Council granted the extension. The new deadline to comply with Title 4 is April 3, 2009 for all jurisdictions requesting an extension except for the City of Damascus. The deadline for the City of Damascus is July 31, 2009.

If you have any questions, please contact me at sherry.oeser@oregonmetro.gov or at (503) 797-1721.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN ORDER)
APPROVING EXTENSIONS OF TIME FOR)
COMPLIANCE WITH NEW REQUIREMENTS IN) Resolution No. 08-4000
TITLE 4 OF THE URBAN GROWTH MANAGEMENT)
FUNCTIONAL PLAN FOR CLACKAMAS COUNTY)
AND THE CITIES OF BEAVERTON, DAMASCUS,)
DURHAM, FAIRVIEW, GRESHAM, HAPPY) Introduced by Chief Operating Officer
VALLEY, LAKE OSWEGO, MILWAUKIE, OREGON) Michael Jordan with the concurrence of
CITY, PORTLAND, SHERWOOD, TIGARD, AND) Council President David Bragdon
WOOD VILLAGE)

WHEREAS, the Metro Council revised requirements to protect Industrial and Regionally Significant Industrial Areas in Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (UGMFP) by Ordinance No. 04-1040B (For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to Increase the Capacity of the Boundary to Accommodate Growth in Industrial Employment) on June 24, 2004; and

WHEREAS, the Land Conservation and Development Commission acknowledged the revisions to Title 4 in Periodic Review Task 2 Partial Approval and Remand Order 05-WKTASK-001673 on July 22, 2005; and

WHEREAS, the deadline for cities and counties in the region to revise their land use regulations to comply with the 2004 revisions to Title 4 was July 22, 2007, two years following acknowledgement of the revisions by LCDC; and

WHEREAS, the local governments named in the caption of this resolution have not yet completed the revision of their land use regulations to comply with Title 4 and have asked the Council for more time to complete the revisions; and

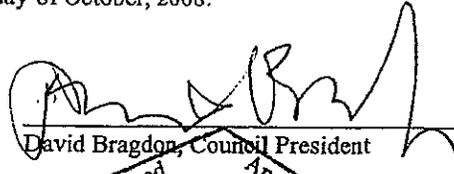
WHEREAS, section 3.07.850 authorizes the Metro Council to extend the time for compliance with Title 4 for the reason that (1) the city or county is making progress toward revision of its regulations or (2) there is good cause for the city's or county's failure to complete the revision; and

WHEREAS, The Council held a public hearing on the proposed extensions on October 16, 2008; now, therefore

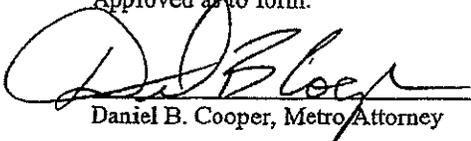
BE IT RESOLVED that the Metro Council

1. Enters Order 08-048 attached to this resolution as Exhibit A, which approves extensions of time for compliance with Title 4 of the UGMFP for the county and cities in the caption of this resolution.
2. Directs the Chief Operating Officer to send a copy of Order No. 08-048, to the county and cities, the Metropolitan Policy Advisory Committee, the Oregon Department of Land Conservation and Development and any person who participated in the public hearing on the extension.

ADOPTED by the Metro Council this 16th day of October, 2008.


David Bragdon, Council President

Approved as to form:


Daniel B. Cooper, Metro Attorney

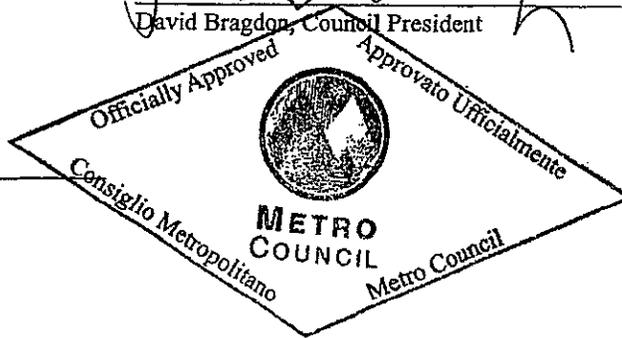


Exhibit "A" to Resolution No. 08-4000
Order No. 08-048

**RELATING TO THE REQUEST BY CLACKAMAS COUNTY AND THE CITIES OF
BEAVERTON, DAMASCUS, DURHAM, FAIRVIEW, GRESHAM, HAPPY VALLEY, LAKE
OSWEGO, MILWAUKIE, OREGON CITY, PORTLAND, SHERWOOD, TIGARD, AND WOOD
VILLAGE TO EXTEND THE TIME FOR COMPLIANCE WITH TITLE 4 OF THE URBAN
GROWTH MANAGEMENT FUNCTIONAL PLAN**

APPLICABLE LAW

The local governments named in the caption of this order requested an extension of time to complete revisions to their land use regulations to comply with Title 4 of the Urban Growth Management Functional Plan, due for completion by July 22, 2007. Metro Code section 3.07.850 sets for the process and criteria for an extension of time for compliance with a requirement of the Urban Growth Management Functional Plan:

"The Council may grant an extension only if it finds that:

- (1) the city or county is making progress toward accomplishment of its compliance work; or
- (2) there is good cause for failure to meet the deadline for compliance."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

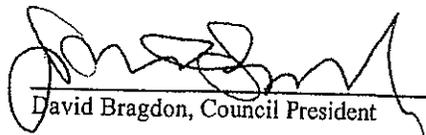
The Metro Council revised requirements to protect Industrial and Regionally Significant Industrial Areas in Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (UGMFP) by Ordinance No. 04-1040B on June 24, 2004. LCDC acknowledged the revisions to Title 4 on July 22, 2005. By operation of law, cities and counties had two years following acknowledgement to bring their land use regulations into compliance with the revisions to Title 4. ORS 268.390(5)(a). Compliance was due July 22, 2007.

The named county and cities have not completed the required revisions to their land use regulations. For the reasons set forth in the Staff Report dated September 29, 2008, the Council grants the extensions.

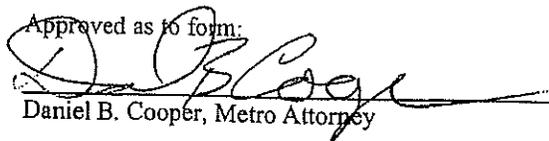
IT IS HEREBY ORDERED THAT:

The request of Clackamas County and the Cities of Beaverton, Damascus, Durham, Fairview, Gresham, Happy Valley, Lake Oswego, Milwaukie, Oregon City, Portland, Sherwood, Tigard, and Wood Village for extensions of time under Metro Code section 3.07.850 to complete revisions to their land use regulations to comply with Title 4 of the Urban Growth Management Functional Plan are approved. The new deadline for Damascus is July 31, 2009. For all other local governments, the new deadline is April 3, 2009.

ENTERED this 16th day of October, 2008.


David Bragdon, Council President

Approved as to form:


Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-4000, FOR THE PURPOSE OF ENTERING AN ORDER APPROVING EXTENSIONS OF TIME FOR COMPLIANCE WITH NEW REQUIREMENTS IN TITLE 4 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FOR CLACKAMAS COUNTY AND THE CITIES OF BEAVERTON, DAMASCUS, DURHAM, FAIRVIEW, GRESHAM, HAPPY VALLEY, LAKE OSWEGO, MILWAUKIE, OREGON CITY, PORTLAND, SHERWOOD, TIGARD, AND WOOD VILLAGE

Date: September 29, 2008

Prepared by: Sherry Oeser

BACKGROUND

The Regional Framework Plan calls for a strong economic climate in this region by balancing economic growth throughout the region and by encouraging the efficient use of land for industrial and commercial uses. To improve the region's economic climate, Title 4 of the Urban Growth Management Functional Plan requires local governments to provide and protect the supply of sites for jobs as well as to protect the capacity and efficiency of the region's transportation system to move goods and services. As part of the June 2004 urban growth boundary (UGB) decision to add employment land, the Council amended Title 4 and limited the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs) and Industrial Areas. The Council and the Land Conservation and Development Commission (LCDC) relied upon these limits on non-industrial uses to provide some of the needed capacity for industrial use and to reduce the need to expand the UGB.

To comply with the new Title 4 requirements, local governments with either a designated RSIA or Industrial Area need to review and, if necessary, revise their land use regulations and submit documentation. The deadline for compliance with Title 4 was July 22, 2007, two years after acknowledgement by the state Land Conservation and Development Commission of the Council's decision.

A city or county may seek an extension of time for compliance with the functional plan. Title 8 of the Functional Plan details the process for an extension request. The Council may grant an extension if it finds that 1) the city or county is making progress toward complying with the requirement, or 2) there is good cause for failure to meet the deadline for compliance. The Council must issue an order on the request.

Of the 21 jurisdictions in the region that have either an RSIA or an Industrial Area, 14 are requesting extensions. Resolution 08-4000 grants an extension to all those jurisdictions requesting one and Attachment 1 details the reason the Council grants the extension.

The new deadline to comply with Title 4 is April 3, 2009 for all jurisdictions except the City of Damascus. The deadline for the City of Damascus is July 31, 2009.

ANALYSIS/INFORMATION

1. **Known Opposition:** No known opposition
2. **Legal Antecedents:** Ordinance 04-1040B, Ordinance 02-969B
3. **Anticipated Effects:** The extension would provide local jurisdictions additional time to bring their land use regulations into compliance with Title 4. In the interim, local jurisdictions must apply Title 4 requirements to land use applications they receive, so granting these extensions will not adversely affect protection of RSIAs or Industrial Areas.
4. **Budget Impacts:** There is no overall budget impact. Staff time will be required to review the documentation submitted by each local government which was not assumed in the FY 08-09 budget. Depending on the complexity of the documentation submitted and the extent to which Metro staff must work with local staff, these reviews are estimated to take between 100 to 300 hours for all jurisdictions. Staff time will be reallocated from local government technical assistance to functional plan compliance so that these Title 4 reviews are completed.

RECOMMENDED ACTION

Adoption of Resolution No. 08-4000

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

3.07.410 Purpose and Intent

The Regional Framework Plan calls for a strong economic climate. To improve the region's economic climate, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Employment Areas, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance 02-969B, Sec. 5; Ordinance No. 04-1040B, Sec. 2.)

3.07.420 Protection of Regionally Significant Industrial Areas

- A. Regionally Significant Industrial Areas (RSIAs) are those areas near the region's most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods. Each city and county with land use planning authority over RSIAs shown on the Employment and Industrial Areas Map shall derive specific plan designation and zoning district boundaries of RSIAs within its jurisdiction from the Map, taking into account the location of existing uses that would not conform to the limitations on non-industrial uses in this section and the need to achieve a mix of employment uses.
- B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the size and location of new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers - such as financial, insurance, real estate, legal, medical and dental offices - to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than

20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and
 2. Training facilities whose primary purpose is to provide training to meet industrial needs.
- C. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the siting and location of new buildings for the uses described in subsection B and for non-industrial uses that do not cater to daily customers—such as banks or insurance processing centers—to ensure that such uses do not reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on Metro’s Freight Network Map, November, 2003, below standards set in the 2004 Regional Transportation Plan or require added road capacity to prevent falling below the standards.
- D. No city or county shall amend its land use regulations that apply to lands shown as RSIA on the Employment and Industrial Areas Map to authorize uses described in subsection B that were not authorized prior to July 1, 2004.
- E. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:
1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.
 2. Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.
 3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph 2 of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no

portion has been developed, or is proposed to be developed, with uses described in subsection B of this section.

4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

- F. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection E of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to July 1, 2004.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 5; Ordinance No. 04-1040B, Sec. 2.)

3.07.430 Protection of Industrial Areas

- A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses

and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and
 2. Training facilities whose primary purpose is to provide training to meet industrial needs.
- B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on Metro's Freight Network Map, November, 2003. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.
- C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.
- D. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:
1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.
 2. Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.
 3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or

parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.

4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

- E. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floorspace and 10 percent more land area.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 5; Ordinance No. 04-1040B, Sec. 2.)

3.07.440 Protection of Employment Areas

- A. Except as provided in subsections C, D and E, in Employment Areas mapped pursuant to Metro Code Section 3.07.130, cities and counties shall limit new and expanded commercial retail uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Employment Areas.
- B. Except as provided in subsections C, D and E, a city or county shall not approve a commercial retail use in an

Employment Area with more than 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

- C. A city or county whose zoning ordinance applies to an Employment Area and is listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if the ordinance authorized those uses on January 1, 2003.
- D. A city or county whose zoning ordinance applies to an Employment Area and is not listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if:
 - 1. The ordinance authorized those uses on January 1, 2003;
 - 2. Transportation facilities adequate to serve the commercial retail uses will be in place at the time the uses begin operation; and
 - 3. The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area over the planning period.
- E. A city or county may authorize new commercial retail uses with more than 60,000 square feet of gross leasable area in Employment Areas if the uses:
 - 1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and
 - 2. Meet the Maximum Permitted Parking - Zone A requirements set forth in Table 3.07-2 of Title 2 of the Urban Growth Management Functional Plan.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 5; Ordinance No. 04-1040B, Sec. 2.)

3.07.450 Employment and Industrial Areas Map

- A. The Employment and Industrial Areas Map is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas.

- B. If the Metro Council adds territory to the UGB and designates all or part of the territory Regionally Significant Industrial Area, Industrial Area or Employment Area, after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer shall issue an order to conform the map to the boundaries established by the responsible city or county. The order shall also make necessary amendments to the Habitat Conservation Areas Map, described in Section 3.07.1320 of Title 13 of this chapter, to ensure implementation of Title 13.
- C. A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by Title 4 upon a demonstration that:
1. The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;
 2. The amendment will not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan, or the amount of the reduction is replaced by separate and concurrent action by the city or county;
 3. If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;
 4. The amendment would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan for state highways, unless mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;
 5. The amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and

6. If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is ten acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less.
- D. A city or county may also amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by Title 4 upon a demonstration that:
1. The entire property is not buildable due to environmental constraints; or
 2. The property borders land that is not designated on the map as Industrial Area or Regionally Significant Industrial Area; and
 3. The assessed value of a building or buildings on the property, built prior to March 5, 2004, and historically occupied by uses not allowed by Title 4, exceeds the assessed value of the land by a ratio of 1.5 to 1.
- E. The Chief Operating Officer shall revise the Employment and Industrial Areas Map by order to conform to an amendment made by a city or county pursuant to subsection C of this section within 30 days after notification by the city or county that no appeal of the amendment was filed pursuant to ORS 197.825 or, if an appeal was filed, that the amendment was upheld in the final appeal process.
- F. After consultation with Metropolitan Policy Advisory Committee, the Council may issue an order suspending operation of subsection C in any calendar year in which the cumulative amount of land for which the Employment and Industrial Areas Map is changed during that year from Regionally Significant Industrial Area or Industrial Area to Employment Area or other 2040 Growth Concept design type designation exceeds the industrial land surplus. The industrial land surplus is the amount by which the current supply of vacant land designated Regionally Significant Industrial Area and Industrial Area exceeds the 20-year need for industrial land, as determined by the most recent "Urban Growth Report: An Employment Land Need Analysis", reduced by an equal annual increment for the number of years since the report.

- G. The Metro Council may amend the Employment and Industrial Areas Map by ordinance at any time to make corrections in order to better achieve the policies of the Regional Framework Plan.
- H. Upon request from a city or a county, the Metro Council may amend the Employment and Industrial Areas Map by ordinance to consider proposed amendments that exceed the size standards of paragraph 6 of subsection C of the section. To approve an amendment, the Council must conclude that the amendment:
1. Would not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;
 2. Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways, unless mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;
 3. Would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas;
 4. Would not reduce the integrity or viability of a traded sector cluster of industries;
 5. Would not create or worsen a significant imbalance between jobs and housing in a regional market area; and
 6. If the subject property is designated Regionally Significant Industrial Area, would not remove from that designation land that is especially suitable for industrial use due to the availability of specialized services, such as redundant electrical power or industrial gases, or due to proximity to freight transport facilities, such as trans-shipment facilities.
- I. Amendments to the Employment and Industrial Areas Map made in compliance with the process and criteria in this section shall be deemed to comply with the Regional Framework Plan.

- J. The Council may establish conditions upon approval of an amendment to the Employment and Industrial Areas Map under subsection F to ensure that the amendment complies with the Regional Framework Plan and state land use planning laws.
- K. By January 31 of each year, the Chief Operating Officer (COO) shall submit a written report to the Council and the Metropolitan Policy Advisory Committee on the cumulative effects on employment land in the region of the amendments to the Employment and Industrial Areas Map made pursuant to this section during the preceding year. The report shall include any recommendations the COO deems appropriate on measures the Council might take to address the effects.

(Ordinance No. 07-1137A, Sec. 2.)

Table 3.07-4
(Section 3.07.420(B))

Clackamas County unincorporated
Commercial
Commercial Industrial

Lake Oswego
General Commercial
Highway Commercial

Troutdale
General Commercial

Hillsboro
General Commercial

Sherwood
General Commercial

Tigard
General Commercial
Commercial Professional

Tualatin
Commercial General

Wilsonville
Planned Development Commercial

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No.
02-969B, Sec. 5.)

**METRO**

February 23, 2009

Katie Mangle
Planning Director
City of Milwaukie
6101 SE Johnson Creek Boulevard
Milwaukie, OR 97206

RE: File No. ZA-09-01, Metro Title 4 Compliance Proposed Amendments to Milwaukie Municipal Code Title 19, Section 19.314

Dear Ms. Mangle:

Metro staff reviewed the Proposed Amendments to Milwaukie Municipal Code Title 19 for Metro Title 4 Compliance, Project File ZA-09-01, and the Metro Functional Plan Analysis dated February 20, 2009 that the City of Milwaukie submitted to document compliance with Title 4 of the Urban Growth Management Functional Plan. Based on our review, we have deemed that upon adoption of the proposed amendments in File ZA-09-01, the City of Milwaukie will come into compliance with the requirements of Title 4 and the revised Title 4 code changes of June 24, 2004.

Section 3.07.450 of the Metro Code sets out a process and criteria for changes to the Employment and Industrial Areas map. While this process does not have to be included in the City's comprehensive plan or implementing codes, I want you to be aware of it should the City contemplate changes to areas designated as Regionally Significant Industrial Areas, Industrial Areas, or Employment Areas.

Title 4 was amended by the Metro Council in June 2004 in conjunction with the Urban Growth Boundary expansion that fulfilled the region's need for industrial land. The purpose of the code change was to protect the supply of employment sites by limiting the types and scale of non-industrial uses in areas designated as Industrial and Regionally Significant Industrial. The change also sought to provide the benefits of 'clustering' to industries that operate more productively and efficiently in proximity to one another, and to protect the capacity and efficiency of the region's transportation system for the movement of goods and services.

We believe the steps the City has taken to amend its code for these industrial areas will help the region achieve these goals. Please contact me if you have any questions.

Sincerely,

Miranda Bateschell
Associate Regional Planner

c: Councillor Carlotta Collette, Metro District 2
Li Alligood, City of Milwaukie
Chris Deffebach, Metro

6.
OTHER BUSINESS



To: Mayor and City Council

Through: Mike Swanson, City Manager
Kenneth Asher, Community Development and Public Works Director

From: JoAnn Herrigel, Community Services Director
Paul Shirey, Operations Director

Subject: Sustainability Plan for City of Milwaukie

Date: March 3, 2009 for March 17 City Council

Action Requested

Approve a Resolution adopting a Sustainable Plan for the City of Milwaukie.

History of Prior Actions and Discussions

February 2009: Staff discussion with Council regarding proposed City Sustainability Plan.

September 2007: Council Adopted Resolution 59-2007 Adopting the US Conference of Mayors Climate Change Agreement.

Background

Sustainability is defined generally as a method of using a resource so that the resource is not depleted or permanently damaged. Ensuring a more sustainable Milwaukie means working throughout the city, within municipal departments to start with and eventually out in the community with citizens, businesses and organizations to meet the needs of the present without compromising the ability of future generations to meet their own needs. It means coordinating efforts to use resources efficiently, reduce waste, and prevent pollution and environmental impacts and more. It means taking into account our shared objectives for a healthy environment, quality of life and economic vitality.

Climate change is a glaring symptom of why doing business as usual is no longer sustainable. Local governments have the power to affect the main sources of pollution directly linked to climate change: energy use, transportation, and waste. Cities have an opportunity to lead by example and make changes that can help reduce the level of carbon spewed into the atmosphere. Cities control the day-to-day activities that determine the amount of energy used and waste generated by their community - from land use and zoning decisions to control over building codes and licenses, infrastructure investments, municipal service delivery and the management of schools, parks, and recreation areas. These are reasons that the City endorsed the US Conference of Mayors Climate Change Agreement in 2007.

The City Sustainability Team (S-Team) was convened in 2007 to pursue sustainable strategies that address reducing global warming pollutants and reducing the impacts of the City's actions on the environment. The Team includes: JoAnn Herrigel, Sarah Lander, Beth Ragel (Community Services), Andrea Villagrana (HR), Brett Kelper (Planning), Ulrike Neitch (Police), Esther Gartner (IST), Annette Quinn, Ernie Roeger and Willie Miller (Fleet and Facilities), Pat Salvione (Library), Gary Parkin (Engineering), Karin Gardner (Operations), Alicia Stoutenburg (CD) and Paul Shirey (Operations Director).

The City S-Team has met monthly for the past 18 months. Its main focus was the development of a Sustainable City Plan which would guide the City's efforts in reducing our "environmental footprint". The Team agreed that the scope of the City's Sustainability Plan should be somewhat modest, initially, to address actions the City employees and Council can take right away that would likely result in cost savings over time. Thus, the Plan focuses on internal City operations, City-owned facilities and the public fleet of vehicles it operates. The four main areas addressed in the Plan are: Waste Reduction, Procurement, Energy and Fossil Fuels, and Outreach/Education

The S-Team developed a specific set of near-term and longer-term goals for each action area and prioritized actions into specific milestone years of 1 (2010), 5 (2014), 10 (2014) and 20 (2029). Actions the City has already taken toward a more sustainable future are also described in each action area.

Each action area includes an overall goal and a set of one, five and ten-year and in some cases, 20-year goals along with Performance Measures so that there is accountability for measuring results of the actions taken over time. During year one, efforts will focus on establishing baseline information that can then be used to measure success. Electricity and gas consumed by each of the City's buildings in 2009 and the greenhouse gases emitted as a result will be the baseline to measure reduction in consumption and emissions year by year as steps are implemented according to the Plan to help meet the reduction goals.

Waste Reduction: Overall Goal - Reduce the amount of solid waste produced at City facilities and at public meetings hosted by the City.

Performance Measures:

- Track waste generation and reduction by conducting an annual waste audit at all City buildings for one month. Audits will monitor the number of external waste collection containers, frequency of collection required, volume of waste in each container and the general composition of waste collected.

Energy and Fossil Fuel Consumption: Overall Goal - Reduce energy use, fossil fuel consumption and greenhouse gas emissions related to the operation of City-owned facilities and fleet of vehicles.

Performance measures: Track annual facility and infrastructure energy use by:

- Total citywide consumption
- Report by facility, account number and department
- Quantify renewable energy use
- Measure carbon footprint of all buildings

Performance measures: Track annual fleet energy use by:

- Vehicle miles traveled or hours operated
- Gallons of fuel, by type, consumed
- MPG ratings, including operating and maintenance cost
- Measure carbon footprint of all vehicles in City fleet

Procurement: Develop a purchasing plan to guide the City in obtaining the most resource efficient goods and service possible.

Performance measures:

- Adopt a preferred procurement hierarchy for the City in 2010 and develop a financial tracking method to monitor the quantity and cost of buying sustainable products.
- Report to City Council on the percentage of sustainable purchases by department and measure cost differences.

Outreach and Education: Foster continued support for the City's sustainability goals with regular communications to elected officials, all City employees and the general public, recognizing the efforts of City staff and allocating resources to support those efforts.

Performance measures:

- Report to City Council annually on the number of educational events, articles and other outreach efforts. Periodically conduct a poll of City employees to determine level of effectiveness in changing behavior and attitudes around sustainable practices.

This Plan will be used by the Sustainability Team to implement all the recommended actions over time. Formal adoption by Council will give the Team a mandate to work with all affected departments to achieve the goals set forth in the Plan. Council will have the opportunity to review and approve major capital expenditures associated with implementing the Plan either as separate items or through the annual budget process.

At the February 17 Work Session, Council emphasized the need to be data driven and quantitative in measuring the impacts to the City in implementing the Plan. The Team will report to Council annually on measurable results including cost savings.

Finally, the Team will take steps to educate staff through ongoing efforts that include the use of the City's web page, through brown-bag events and otherwise disseminating information that will help the City meet the objectives outlined in this Plan.

Concurrence

The S-Team has reviewed the document and supports all actions it contains. The Community Development and Public Works Director, the Community Services Director and the Operations Director have been very involved in the development of the plan and review of the actions it proposes.

Fiscal Impact

Most actions in the plan are expected to have a positive financial impact on the City's budget. The short and long term costs and benefits of all actions will be considered before implementation occurs. Sustainable choices that cost more than conventional choices will be reviewed by Council either through the budget process or through individual Council actions.

Work Load Impacts

No major increase in work load is expected to result from the actions proposed in this Plan. Rather, the plan will lead to doing City business in a more sustainable manner.

Alternatives

None

Attachments

1. Resolution
2. Sustainability Plan
3. US Conference of Mayors Climate Change Agreement

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING A SUSTAINABILITY PLAN FOR THE CITY.

WHEREAS, in September of 2007 the City Council passed Resolution No. 59-2007 endorsing the U.S. Conference of Mayor’s Climate Protection Agreement; and

WHEREAS, the City’s action resulted in the City’s adoption of a policy direction to change how it operates and makes decisions about how to do its work based upon sustainability principles; and

WHEREAS, the City’s Sustainability Team met regularly over an eighteen month period to identify and pursue sustainable strategies aimed at addressing actions the City employees and Council can take immediately that would result in cost savings over time while reducing the City’s “environmental foot print;” and

WHEREAS, the Sustainability Team has developed a Sustainable Plan with a set of specific near-term and longer-term goals for the action areas of:

- Waste reduction;
- Energy and fossil fuel consumption;
- Procurement; and
- Outreach and Education.

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts the City’s Sustainable Plan for the City of Milwaukie and directs the S-Team to report to Council annually on measurable results including cost savings resulting from implementation of the Sustainable Plan, and,

BE IT FURTHER RESOLVED that the Sustainability Team will report back to Council regarding the status of progress in meeting the goals of the Plan annually from this date.

Introduced and adopted by the City Council on March 17, 2009.

This resolution is effective on March 17, 2009.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat Duval, City Recorder

City Attorney



THE CITY OF MILWAUKIE SUSTAINABLE CITY PLAN

Final Draft

January 30, 2009

CITY OF MILWAUKIE SUSTAINABLE CITY PLAN

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THE CITY OF MILWAUKIE SUSTAINABILITY COMMITTEE

The City of Milwaukie Sustainability Committee (or “S-Team”) is made up of volunteer City staff from a variety of departments and each City facility. The S-Team meets on a monthly basis, and also works in smaller Action Teams. The S-Team includes:

Karin Gardner
Esther Gartner
JoAnn Herrigel
Brett Kelter
Sarah Lander
Willie Miller

Annette Quinn
Beth Ragel
Ernie Roeger
Pat Salvione
Paul Shirey
Alicia Stoutenburg

I. MILWAUKIE – A COMMITMENT TO SUSTAINABILITY

Sustainability is defined generally as the use of a resource so that the resource is not depleted or permanently damaged. Ensuring a more sustainable Milwaukie means working throughout the city, within municipal departments, and, eventually, out in the community with citizens, businesses and organizations to meet the needs of the present without compromising the ability of future generations to meet their own needs. It means coordinating efforts to use resources efficiently, reduce waste, prevent pollution and environmental impacts and more. It means taking into account our shared objectives for a healthy environment, quality of life and economic vitality.



Climate change is a glaring symptom of why doing business as usual is no longer sustainable. Local governments have the power to affect the main sources of pollution directly linked to climate change: energy use, transportation, and waste. Cities have an opportunity to lead by example and make changes that can help reduce the level of carbon released into the atmosphere. Cities control the day-to-day activities that determine the amount of energy used and waste generated by their community - from land use and zoning decisions to control over building codes and licenses, infrastructure investments, municipal service delivery and the management of schools, parks, and recreation areas. A widespread municipal acknowledgement of this municipal responsibility resulted in the development of the US Conference of Mayors Climate Change Agreement. In 2007, the Milwaukie City Council adopted this agreement and, with this document is establishing a plan for pursuing its goals.

The Milwaukie City staff has played an active role over the past ten years in identifying ways

that the City can use its resources more efficiently and act more sustainably. In 1996, the City was awarded grants from Metro and the Department of Environmental Quality to hire a Resource Efficiency Coordinator to complete evaluations of City-owned buildings and their resource use in the areas of solid waste, energy, water and fuel. Several efficiency measures were implemented at City facilities as a part of this effort. While a permanent staff committee would not be formed for several years, these efforts demonstrate the City's early awareness and interest in action regarding sustainability.

In 2007, the City formed a Sustainability Team in order to enhance sustainable practices used by City employees at its facilities. One of the major tasks undertaken by this team was to develop and adopt a Sustainability Plan to guide the City's ongoing activities. The Milwaukie Sustainable City Plan looks specifically at City-owned facilities and the public fleet of vehicles. The Plan will be expanded in 2009 and beyond to include actions that may be taken by City residents and business owners.

The following events illustrate the highlights of Milwaukie's more recent sustainability efforts:

- Spring 2007 – Milwaukie Sustainability Committee (the “S-Team”) formed. The team has members from a variety of City departments and meets on a monthly basis.
- July 2007 – Energy Trust of Oregon conducted energy audit of four City buildings.
- September 2007 – The Milwaukie City Council adopted the US Conference of Mayors Climate Protection Agreement.
- February 2008 – The City offered the first employee training session on the basic principles of sustainability.
- March 2008 – City employees dedicated a community garden in front of the Johnson Creek Building. Employees will continue to use the garden to grow organic produce and plan to donate produce to local shelters and retirement facilities.
- March 2008 – The City of Milwaukie became a member of the International Consortium of Local Environmental Initiatives. This organization is comprised of local government members actively working toward sustainable goals.
- Spring 2009 – The Sustainability Committee plans to submit the Milwaukie Sustainable City Plan to City Council for discussion and vote.
- Ongoing – City-owned facilities continued to use basic conservation principles in day to day operations - like using green cleaning products, using low energy light bulbs, recycling, etc.

II. THE NATURAL STEP FOR MILWAUKIE

The City of Milwaukie's Sustainable City Plan is founded on the principles of The Natural Step Framework (TNS). TNS is one of the best-known approaches to explaining sustainability and is based on principles describing how nature and societies use their resources. The Natural Step framework is intended to serve as a foundation, and recognizes the



interconnections between resource use, the environment, and human needs. It also allows our community to use a common set of tools to address specific Milwaukie issues. The Milwaukie Sustainability Team recommends that the City of Milwaukie use the Natural Step as a general framework to introduce employees to the importance of sustainability.

The Oregon Natural Step network was formed to support Oregon business, governmental, and educational organizations. The framework encourages dialogue, consensus building, and systems-thinking (key processes of organizational learning) and creates the conditions for profound change to occur.

From a business perspective, The Natural Step framework enables organizations to intelligently, and profitably, integrate environmental considerations into strategic decisions and daily operations.

The Natural Step's Four System Conditions are summarized below. Organizations measure their actions against these conditions.

In a sustainable society:

1. Fossil fuels, metals, and other minerals cannot be extracted at a faster rate than they can be re-deposited.

Or, can the earth replace what we take?

2. Toxic substances must not be produced at a faster rate than they can be broken down in nature, and synthetic compounds that do not break down must be systematically eliminated.

Or, are we poisoning the earth, air or water?

3. We critically examine how we harvest renewable resources and adjust our consumption and land-use practices to fall well within the regenerative capacities of ecosystems.

Or, do we respect the biodiversity of plants and animals?

4. There must be a fair and efficient use of resources to meet human needs (locally and globally).

Or, are the choices we make fair and equitable?

The Plan focuses on City operations. The S-Team selected four important resource areas to concentrate City efforts on. Positive changes in these four areas will have a strong impact on the overall health and long-term sustainability of the Milwaukie community.

1. **WASTE REDUCTION**

Reduce the amount of solid waste produced at City facilities and at public meetings hosted by the City.

3. **PROCUREMENT**

Develop a purchasing plan to guide the City in obtaining the most resource-efficient goods and services possible.

2. **ENERGY AND FOSSIL FUEL CONSUMPTION**

Reduce energy use, fossil fuel use and greenhouse gas emissions related to the operation of City-owned facilities and public fleet of vehicles.

4. **ONGOING CITY COMMITMENT & EDUCATION**

Foster continued support for the Plan with regular communication to elected officials, all City employees and the general public recognizing the efforts of City staff and by allocating resources to support those efforts.

The team then developed specific activities within each action area. The group prioritized the selected activities into specific milestone target dates, with a beginning date of 2009; one year (2010); five years (2014), ten years (2019) and, in some cases twenty years (2029).

As mentioned above, the Plan focuses on actions to be taken specifically by the City, in and around City-owned facilities. The S-Team would like to expand this in the future and develop action areas to be addressed by other parts of the community (such as our residents and businesses).

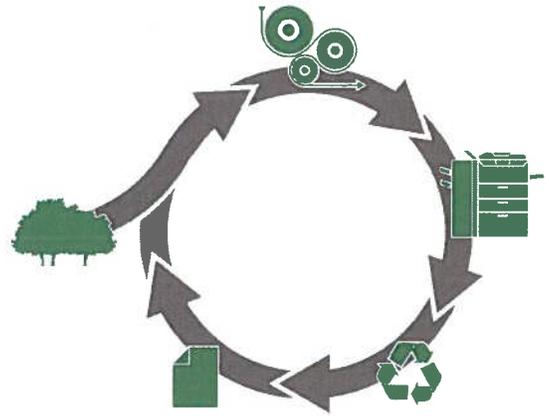


ACTION AREA - WASTE REDUCTION

The primary goal of this action area is to reduce waste generation and increase recycling within City facilities, thereby reducing the quantity of waste the City sends to the landfill.

Current State:

- Milwaukie City Council has reduced material consumption at its meetings. Pitchers of water have replaced individual water bottles and re-usable flatware has replaced disposable flatware.
- An inventory of all existing waste containers (number, size and collection frequency) has been conducted at all four City buildings.
- Waste audits were conducted at all four city buildings in March 2008 to determine what volume of trash was being disposed and to evaluate the general composition of waste in the containers.
- City has provided “side bins” (that attach to all garbage cans) for recyclable items to all employees at all City buildings where this collection method is appropriate. The “side bins” are hung on the side of existing trash containers at employee workstations. These have been provided at City Hall, the Library and JCB. (PSB declined use of the side bins but has central collection bins in all areas of the building).
- Fliers, describing what materials can be recycled at City buildings were distributed to all city employees.
- Internal and external collection containers at all four city buildings were evaluated and adjusted based on need and materials generated.
- Compost bins have been installed at City Hall and JCB for food scraps and other organic material.
- Ledding Library recycles used toner cartridges for the City of Milwaukie through Toner Ink.
- The Sustainability Committee is working with Information Technology to determine the best methods for introducing duplex printing at workstations throughout the City.



Milestones (Proposed Actions) – by 2010:

Decrease waste production by:

- Providing cloth towels near all kitchen facilities as an alternative to paper towels (coordinate washing).
- Providing reusable utensils and napkins for employee use at all facilities.
- Making available reusable shopping bags at all City facilities for City shopping.



Eliminate all recycled materials from the City’s regularly occurring waste stream:

- Educate employees regarding what is recyclable.
 - Put signs in central and break areas.
 - Conduct brown bag lunch training.
 - Distribute recycling flier regularly and post on intranet.
 - Encourage use of compost bins where available.
- Conduct spot checks—show employees what they are throwing away.
- Educate employees on reducing paper use.
 - Print both sides when possible.
 - Reuse paper when possible (one sided copies for drafts).
 - Print only when necessary (and only what is needed).

Reduce Paper Consumption:

- Determine key paper uses (e.g. bulk mailings, bills) and develop ways to reduce paper use for these activities:
 - Establish electronic bill pay
 - Provide Pilot electronically
- Provide “single sided copy” bins near all printers.
- Encourage employees to re-use paper when possible.
- Default printers to duplex.

Performance Measures:

- Track waste generation and reduction by:
 - Conducting an annual waste audit at all City Buildings for one month. Audits will monitor number of external waste collection containers, frequency of collection required, volume of waste in each container and general composition of waste collected.

Milestones (Targets) - By 2014

- Decrease waste production (as measured by reducing the capacity of solid waste containers by one size and/or reduce the frequency of waste removal services at each City building.)
- Eliminate all recyclable materials from the City's regularly occurring waste stream. (This does not include all waste generated by special City events, although recycling services will be made available at City events).
- Reduce recyclable paper generation (use) within the City to 50% of 2008 levels.



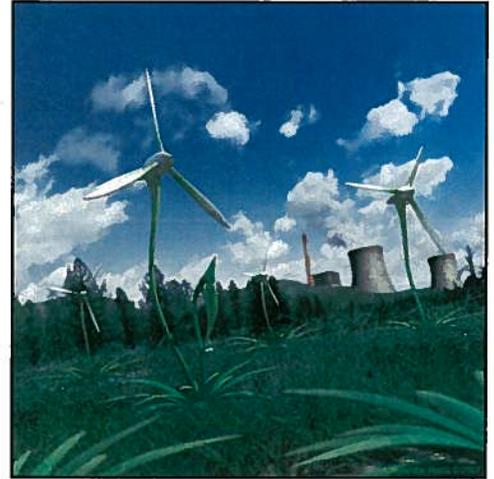
ACTION AREA – ENERGY AND FOSSIL FUEL CONSUMPTION

Goals:

The primary goals of this action area are to reduce the City's energy and fossil fuel consumption and thereby, its greenhouse gas emissions.

Current State:

- Energy Trust of Oregon conducted energy audit of four City buildings in July 2007.
- Signed Mayors' Climate Protection Agreement and joined Cities for Climate Protection Campaign; received tools to conduct greenhouse gas emissions inventory.
- High-efficiency pumps are specified when wastewater lift station pumps are replaced.
- New or upgraded water pump stations have high efficiency pumps and motors to meet future capacity in a more energy efficient manner.
- Lighting fixtures in most city facilities have been upgraded to T-8.
- City Fleet includes one hybrid gas/electric vehicle.
- Heating and Air Conditioning controls have been upgraded to operate more efficiently.
- A bike fleet program is in place for employees to travel between city facilities.



Milestones (Proposed Actions) – By 2010

Energy

Inventory greenhouse gas (GHG) emissions from City operations and develop emissions reduction action plan.

- Evaluate costs of purchasing renewable electric energy (wind, solar, thermal) for all city facilities.
- Identify energy efficiency standards for equipment, appliances, and vehicles and include environmentally preferable purchasing (EPP) policy and coordinate with Procurement Team.
- Evaluate areas to invest in energy efficient upgrades at all City-owned facilities.

- Identify and budget one building efficiency upgrade.
- Conduct feasibility analysis of installing solar panel at all facilities.

Fleet

Conduct a fleet needs assessment and develop a green fleets plan to increase vehicle MPG, reduce GHG, and improve overall maintenance and vehicle longevity.

- Pursue state grant to retrofit diesel fleet with emissions reduction equipment.
- Decrease fossil fuel consumption of City-owned fleet vehicles by 5% over next two years.
- Establish minimum emissions standard by vehicle class.
- Switch from B20 to B99 for most diesel vehicles, at minimum during summertime operations.
- Train City employees with driving responsibilities in more efficient driving and idling techniques.

Milestones (Targets) – By 2014

Energy

- Develop green building policy and adopt Leadership in Energy and Environmental Design (LEED) Silver as the standard for new City buildings and remodels.
- Reduce energy consumption of electricity (kWhs), natural gas (BTUs) and fossil fuels by 5% from 2006 levels.
- Reduce greenhouse gas emissions to 10% below 2007 levels, in keeping with the US Mayors' Climate Protection Agreement. (Greenhouse gas emissions will be measured by reduced emissions of gases such as carbon dioxide, methane, carbon fluorocarbons and related gases. The City will work with its utility partners to determine a baseline for existing facilities and a possible course of action.)
- 50% of energy consumed is from renewable resources (on-site and from electric utility).
- 25% of City fleet is fueled by alternative fuels/technology.

- Increase overall vehicle miles per gallon (MPG) by 10% across the entire fleet.
- New construction and major remodels of City-owned facilities meet or obtain LEED Silver certification.

Sustainable End Point Goals- By 2029

- Zero net increase of carbon and other greenhouse gas emissions (climate neutral).
- Energy sources are 100% renewable.

Performance Measures:

- Track annual facility and infrastructure energy use by:
 - Total citywide consumption.
 - Report by facility, account number and department.
 - Quantify renewable energy use.
 - Measure carbon footprint of all buildings.
 - Number of City buildings that meet or exceed LEED Silver.
- Track annual fleet energy use by:
 - Vehicle miles traveled or hours operated.
 - Gallons of fuel, by type, consumed.
 - MPG ratings, including operating and maintenance cost.
 - Measure carbon footprint of all vehicles in City fleet.

ACTION AREA - PROCUREMENT

The primary goal of this action area is to create a City procurement system that includes environmental and social welfare considerations, as well as cost considerations.



Current State:

- Green Seal cleaning products purchased through Coastwide Labs, a local vendor, are used in all City buildings.
- Procured 100% post- consumer recycled copy paper through Multnomah County. Began a six month pilot program for testing paper at Johnson Creek Building, beginning September 2008.
- Began evaluating preferred vendors for office supplies with regard to sustainable practices and recycled products offered.
- Purchased Toyota Prius Hybrid for Johnson Creek Facility in summer of 2007
- The City's newsletter, The Pilot, is printed on Forrest Stewardship Certified (FSC) paper using soy inks at an FSC printing plant.

Milestones (Proposed Actions) – by 2010:

- Begin City-wide departmental audit to identify areas where sustainable purchase options are applicable.
- Develop procurement guidelines that establish a preferred procurement hierarchy.
- Train City employees responsible for purchasing to follow Procurement Guidelines.
- Develop and implement financial tracking system to track percentage of environmentally preferred purchases made per department.
- Begin shifting all City paper stock to stock which contains 30% post consumer waste, is acid free, FSC certified, and is printed with soy-based ink.

Milestones (Targets) – By 2014

- Increase the percentage of total materials and services purchased that meet environmentally preferred procurement program.
- Perform annual audits via financial tracking system of products purchased to ensure minimum sustainable percentage.

Sustainable End Point Goals – By 2029

- All products and services purchased consider environmental impact with regard to percentage of recycled materials, sustainable sources, reuse and/or recycling options, and socially responsible providers.
- Environmentally preferred (non-toxic) options replace all chemicals and materials used throughout City facilities.

Performance Measures:

- Adopt a preferred procurement hierarchy for the City in 2010 and develop a financial tracking method to monitor the quantity and the cost of buying sustainable products
- Report to Council annually on the percentage of sustainable purchases by department and measure cost differences



ONGOING CITY COMMITMENT & EDUCATION

Goals:

The goal of this action area is to support the City's ongoing commitment to sustainability through comprehensive outreach to Milwaukie employees, our elected officials and the community regarding the City's sustainable actions and policies.

Current State:

- Provided a sustainable education training in February 2007 available to all employees.
- Hosted Master Recycler Plastics Roundup in October 2008.
- Became a member of the International Council for Local Environmental Initiatives (ICLEI.)
- Began Sustainability Corner in the City newsletter, The Pilot, featuring updates and information regarding the City's efforts toward sustainability as well as general educational information.

Milestones (Proposed Actions) – by 2010:

- Develop annual budget for needed resources to support the implementation of the Plan.
- Launch "Sustainability in Milwaukie" website on the City Intranet.
- Begin creating "Sustainability in Milwaukie" internet website for citizen and community use.
- Include updates, information, tips and book suggestions on intranet website for employees and internet website for citizens.

Milestones (Targets) – By 2014

- Provide regular brown-bag lunch classes for employees on sustainability topics.
- Host annual events such as Master Recycler Plastics Roundup, Earth Day events, etc.
- Establish City-wide policy for employee education, including new employee training requirements.



Sustainable End Point Goals – By 2029

- Fully integrate sustainability principles into all decisions and actions taken regarding City business and operations.

Performance Measures:

- Report to City Council annually on the number of educational events, articles and various outreach efforts.
- Periodically conduct a poll of City employees to determine level of effectiveness in changing behavior and attitudes around sustainable practices.



The U.S. Mayors Climate Protection Agreement

(As endorsed by the 73rd Annual U.S. Conference of Mayors meeting, Chicago, 2005)

- A. We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;
- B. We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that 1) includes clear timetables and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries; and
- C. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:
 - 1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
 - 2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
 - 3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
 - 4. Increase the use of clean, alternative energy by, for example, investing in "green tags", advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;
 - 5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
 - 6. Purchase only Energy Star equipment and appliances for City use;
 - 7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
 - 8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
 - 9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
 - 10. Increase recycling rates in City operations and in the community;
 - 11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO₂; and
 - 12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.