1. CALL TO ORDER (6:00 p.m.)
   A. Pledge of Allegiance

2. PROCLAMATIONS AND SPECIAL REPORTS
   A. Outstanding Milwaukie High School (MHS) Student Achievement for December and January – Award (6:01 p.m.)
      Presenters: Carmen Gelman, MHS Principal

3. CONSENT AGENDA (6:20 p.m.)
   Consent items are routine matters that are not discussed during the meeting; they may be approved in one blanket motion and any Councilor may remove an item from the Consent Agenda for separate consideration.
   A. Approval of Council Meeting Minutes of:
      1. December 3, 2019, Work Session;
      2. December 3, 2019, Regular Session;
      3. December 10, 2019, Study Session;
      4. December 10, 2019, Special Session;
      5. December 17, 2019, Work Session; and
      6. December 17, 2019, Regular Session.
   B. Approval of a Municipal Court Judge Services Contract – Resolution

4. AUDIENCE PARTICIPATION (6:25 p.m.)
   To address Council, complete a comment card and submit it to staff. The Mayor will call for comments regarding City business. Per the Milwaukie Municipal Code (MMC) only issues that are “not on the agenda” may be raised; issues that await a Council decision and for which the record is closed may not be discussed; “all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition.” The presiding officer may limit the time permitted for comments and may request that a spokesperson be selected for a group of persons wishing to speak. The public is also invited to make comments in writing and may submit comments before the meeting, by mail, e-mail, or in person to City staff.

5. PUBLIC HEARING
   Public Comment will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.
   A. None Scheduled.
6. OTHER BUSINESS
These items will be presented by staff or other individuals. A synopsis of each item together with a brief statement of the action requested shall be made by those appearing on behalf of an agenda item.

A. Climate Emergency – Resolution (6:30 p.m.)
   Presenter: Kathy Hyzy, Councilor

B. Home Energy Score (HES) Adoption – Ordinance (6:35 p.m.)
   Staff: Peter Passarelli, Public Works Director, and Natalie Rogers, Climate Action and Sustainability Coordinator

C. Natural Hazard Mitigation Plan (NHMP) Adoption – Resolution (6:50 p.m.)
   Staff: Luke Strait, Police Chief

D. Design and Landmark Committee (DLC) – Annual Update (7:20 p.m.)
   Staff: Brett Kelver, Associate Planner

E. Council Input on Legislative and Regional Issues – Discussion (7:50 p.m.)
   Staff: Kelly Brooks, Assistant City Manager

7. INFORMATION (8:05 p.m.)
The Council and City Manager will provide reports on City events, projects, and programs.

8. ADJOURNMENT (8:10 p.m.)

Americans with Disabilities Act (ADA) Notice
The City of Milwaukie is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). Milwaukie City Hall is wheelchair accessible and equipped with Assisted Listening Devices; if you require any service that furthers inclusivity please contact the Office of the City Recorder at least 48 hours prior to the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502 or 503-786-7555. Most Council meetings are streamed live on the City’s website and cable-cast on Comcast Channel 30 within Milwaukie City Limits.

Executive Sessions
The City Council may meet in Executive Session pursuant to ORS 192.660(2); all discussions are confidential and may not be disclosed; news media representatives may attend but may not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and are closed to the public.

Meeting Information
Times listed for each Agenda Item are approximate; actual times for each item may vary. Council may not take formal action in Study or Work Sessions. Please silence mobile devices during the meeting.
RS Agenda Item 3

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

Present: Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Absent: Council President Angel Falconer

Staff: City Attorney Justin Gericke
City Engineer Steve Adams
City Manager Ann Ober
City Recorder Scott Stauffer
Community Development Director Leila Aman
Public Works Director Peter Passarelli

1. Diesel Emissions and Construction Sites – Discussion

Mr. Passarelli explained that staff wanted to understand Council’s thoughts on diesel emissions. He discussed issues caused by diesel emissions and how cities can address those issues. He reported on the amount of diesel fuel the city purchases per year to power its vehicle fleet. He provided details of the city’s diesel vehicles and explained plans to replace vehicles that currently don’t meet emissions standards. He noted the city’s plan to begin using renewable diesel. Mr. Adams and the group discussed differences in regulation standards between the state of California and the federal government.

Councilor Batey noted truck idling she had observed. Mr. Adams said some cities had idling restrictions and explained that the city could be more restrictive and limit which contractors bid for city projects. He understood that until the state adopted stricter standards, the city could not regulate how private developers operate their vehicles. He asked if Council wanted staff to look at vehicle idling times, vehicle age, and/or pollution emission regulations.

Mr. Passarelli clarified that currently off-road vehicles were not required to pass the State of Oregon Department of Environmental Quality (DEQ) standards. Mr. Adams added that some jurisdictions do require off-road vehicles, such as construction excavators, to pass DEQ standards. Councilor Hyzy asked if surrounding jurisdictions had emission requirements in their contracting rules. Mr. Passarelli noted that staff had not done research and was asking for direction on how to proceed. Mr. Adams believed that Ashland was the only Oregon city that had passed legislation to look at diesel emissions.

Councilor Batey wanted to discuss idling times and vehicles separately. She thought the city could have a policy on idling times at construction sites. Mr. Passarelli noted there was a state law on idling, which had not been enforced. Councilor Batey asked for more information about the state law and what the scale of cost increase would be if the city enacted any policies.

Ms. Ober noted the city had relatively small construction contracts. She expressed concern that contractors may not bid on city projects if their company could not meet vehicle requirements. She suggested the city could reach out to contractors and ask if they could meet these types of requirements.
Councilor Hyzy suggested reaching out to the Oregon Environmental Council (OEC). She reported that the City of Portland adopted clean air construction standards in 2018.

Councilor Batey noted complaints she had received about construction truck idling in Milwaukie. She asked if those were code enforcement complaints. The group reviewed upcoming construction projects. Ms. Ober noted staff time constraints and suggested she could reach out to code enforcement staff for their input.

Mayor Gamba asked staff to do more research into Portland’s construction standards and how that may affect Milwaukie’s bidding. He and the group discussed potential state legislation that could be passed.

Mr. Passarelli reiterated that the city was working to replace its fleet vehicles that do not meet DEQ standards and to reduce diesel use.

2. Water Environment Services (WES) – Annual Report

Chris Storey, WES Assistant Director, introduced himself and noted he was joined by Shelly Parini, WES Business and Communications Strategic Manager. He summarized that WES provides clean water by cleaning wastewater to protect public health and the environment. He explained the WES Advisory Committee membership makeup. He provided a map of the WES service area and noted that Milwaukie was in Zone 2A, meaning the city had a contract for service with WES but was not in WES’ jurisdictional boundaries. He explained that WES had consolidated three service districts into one entity to provide a regional emphasis on surface water and wastewater infrastructure services. He noted benefits of aligning services around watersheds instead of political boundaries.

Mr. Storey noted the city’s current wastewater rate and explained how funds were used. He observed WES’ commitment to smoothly adjust rates instead of spiking rates.

Mr. Storey provided updates on projects to replace aging equipment and improve efficiency and odor control at the Kellogg Water Resource Recovery Facility. He noted that WES had received a grant and had been looking to have art murals installed at the Kellogg facility. Councilor Hyzy said the city’s Kellogg Good Neighbor Committee (KGNC) would like to hear more as the murals project developed.

Mr. Storey discussed staff shortages at WES and the impact it has on projects. He reported that a new anaerobic digester would be installed at the Tri-City facility. Mayor Gamba and Mr. Storey discussed the energy efficiencies of the new digesters and WES energy use in general. The group discussed how WES treats fats, oils, and grease (FOG) at the two facilities. Mayor Gamba noted that the City of Gresham’s wastewater treatment plant was a net zero facility and had greatly reduced energy costs. Mr. Storey discussed Gresham’s treatment plant and the capacity needed to process both FOG and food waste. He observed that WES was building a digester at the Tri-City facility to increase capacity. Councilor Hyzy was interested to see how conversations go with Metro about food waste. She explained the difference between FOG and food waste. She and Mr. Storey noted possible limitations that may exist when treating both FOG and food waste. Mr. Storey said it came down to capacity to process both and noted WES was willing to have the conversation.

Mr. Storey explained that WES was upgrading the 82nd Drive Pedestrian Bridge that connects the cities of Gladstone and Oregon City. He noted the upgrades would include
the addition of a larger pipe and upgrading seismic support structures. He discussed WES’ work related to potential climate change events. He noted they used the United States Environmental Protection Agency (EPA)’s climate resiliency evaluation and awareness tool (CREAT).

**Mr. Storey** discussed the KGNC and Milwaukie Bay Park improvements. He reported that WES had recently signed good neighbor agreements with the Oregon City and Gladstone. He noted that WES was not the surface water provider for the City of Milwaukie, but rather a co-permittee with the city under one DEQ permit. He discussed regional stormwater management projects.

**Mr. Storey** provided information on the upcoming Three Creeks project that would include wetland restoration, water mitigation, and natural habitat restoration. He noted the project funding and timeline. The group discussed the Three Creeks natural area.

**Mr. Storey** recognized WES' watershed partners that help WES ensure good water quality for the region. **Councilor Batey** noted her work with the North Clackamas Watershed Council and discussed potential grant opportunities.

**Mr. Storey** explained that WES had been working to update its rules and standards with an emphasis on green infrastructure and best practices. He shared that there would be stakeholder meetings and an open online public comment period.

**Mr. Storey** explained that WES currently assigns equivalent dwelling units (EDUs) by treating each house the same. He reported that people had expressed concerns that the system was not an accurate representation of actual usage, so WES had undertaken an internal review to see if dwelling size had an impact on the amount of water consumed. He reported that smaller homes on average were indeed consuming less water than larger homes. The WES Advisory Committee debated the issue and recommended five dwelling size categories with proportional system development charge (SDC) fees. He noted WES’ desire to accurately represent the impact homes have on the wastewater system. He reported that the WES Advisory Committee liked this approach and was looking for feedback through upcoming open houses and a public comment period.

**Mr. Storey** explained that every drop of water that arrives at a WES facility gets treated, which leads to inefficiency during peak weather when the plant is treating rainwater. He explained there was an eightfold increase in water during the winter months because of groundwater and rainwater getting into the system. He shared a map illustrating region-wide inflow and infiltration (I&I) issues and discussed potential solutions. The group discussed the process of identifying and updating home lateral sewer lines.

3. **Adjourn**

**Mayor Gamba** adjourned the Work Session at 5:28 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II
Mayor Mark Gamba called the Council meeting to order at 6:05 p.m.

Present: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Staff: Assistant City Manager Kelly Brooks, Associate Planner Vera Kolias, City Attorney Justin Gericke, City Manager Ann Ober

City Recorder Scott Stauffer, Community Development Director Leila Aman, Housing & Economic Development Associate Christina Fadenrecht, Planning Director Denny Egner

1. CALL TO ORDER
Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Milwaukie High School (MHS) Outstanding Student Achievement Award for November 2019 (rescheduled) (removed from the agenda)

B. Christmas Ships – Proclamation

Dave Kaiser, Christmas Ships Vice President, introduced the proclamation and commented on the 2019 season. Mayor Gamba proclaimed Christmas Ships Days.

C. Portland General Electric (PGE) Resiliency – Update

Maria Pope, PGE President, introduced Bill Messner, PGE’s Director of Safety, Security, and Resiliency. She provided an overview of PGE’s work to make the region’s electrical system resilient and responsive to climate change. The group remarked on the recent installation of the region’s first electric avenue charging station in Milwaukie and the increased use of electric vehicles.

Ms. Pope noted that the city and PGE had partnered to install smart street lights in Milwaukie. She commented on PGE’s commitment to decarbonization, electrification, and system performance. She provided an overview of PGE’s work to lower customer power usage and bills through the smart grid program.

Mr. Messner discussed PGE’s response to climate change concerns. He remarked on PGE’s work with national and regional partners to prepare for emergencies. Ms. Pope commented on how PGE crews restore power during an outage. Mr. Messner remarked on PGE’s wildfire prevention and response efforts. He, Councilor Batey, and Ms. Pope noted how utility poles are maintained.

Mr. Messner talked about PGE’s work to prevent cyberattacks and prepare for earthquakes. He and Ms. Pope noted the regional network of utility providers who support each other in emergency and disaster situations.

Ms. Pope commented on PGE’s customer bill assistance program, noting their work with state and federal agencies to help low-income customers get financial assistance.
Mayor Gamba asked if PGE had a program to underground utility lines to prepare for earthquakes. Ms. Pope noted the high cost of burying lines and reported that PGE had been working on it with local governments. She and Mayor Gamba discussed resiliency goals for the smart grid testbed.

Councilor Hyzy asked about the governance structure of the western United States power grid. Ms. Pope explained PGE’s role in the western power grid. She and Councilor Hyzy noted the use of software to manage power flow through the grid. They remarked on regional reactions to developing local power grids to enhance post-disaster resiliency.

Councilor Batey remarked on utility poles in her neighborhood and the city’s plan to build new sidewalks. She urged PGE to coordinate pole replacement work with city sidewalk projects. Ms. Pope agreed it was good to work together and noted PGE’s ongoing pole replacement work. She complimented the city on its efficient permitting process for replacing poles. The group observed that the city had a map of planned sidewalk projects that PGE could review when replacing poles. They commented on the good working relationship between the city and PGE.

D. Department of Environmental Quality (DEQ) Emergency Spill Planning – Update

Mike Zollitsch, Oregon DEQ Emergency Response Program Manager, remarked on the state’s disaster resiliency work. He distributed a handout and discussed DEQ’s response to hazardous waste spills and the recently passed state House Bill 2209 which required spill response plans. He noted that the state was working on creating rules for spill response plans and commented on the need for industry-specific strategies.

Councilor Hyzy and Mr. Zollitsch noted that the Union Pacific Railroad (UPRR) line that runs along Hwy 224 carried crude oil rail cars. They observed that the short rail line that runs through downtown Milwaukie would probably not be required to develop response plans. The group commented on whether short line trains carry hazardous materials. Mr. Zollitsch remarked that a railroad’s goal in developing response plans is to restore rail service. He noted that DEQ and the Oregon Department of Transportation work first to restore road service and eventually to protect the environment when responding to spills.

Mr. Zollitsch discussed differences in response plan requirements in Oregon and Washington. He noted DEQ would work to improve relationships with state and local emergency response agencies.

Councilor Hyzy asked when response plans would be completed. Mr. Zollitsch explained that industry plan rules go into effect in January 2020 and plans needed to be submitted to DEQ within a year. He commented on the state rule-making process and the opportunity for the public to comment on draft rules. He added that DEQ would be developing regional response plans while the industry plans were being created. He expected it would take six years to develop plans for most road and rail lines and noted that emergency responders were located within a half-mile of the rail lines in Milwaukie. He talked about the toxicity of crude oil and how DEQ would respond to a spill.

Councilor Batey and Mr. Zollitsch clarified that the state law requiring industry response plans goes into effect on January 1, 2020, and the new rules needed to be developed within a year. They commented on how compliance with the new law and rules would be assessed, noting the challenges railroads have working with many subcontractors in different regions. They remarked on how laws in Oregon, Washington, and California differed in terms of holding railroads financially accountable for spills.
Mayor Gamba noted that railroads were required to be fiscally bonded to ensure they were financially able to respond to emergencies. Mr. Zollitsch explained that railroads were required to pay for a natural resources damage assessment. He remarked on how the federal government had created an oil liability trust fund to cover assessment costs. He and Mayor Gamba commented on how the trust fund had been created using revenue from oil transported from Alaska.

Ms. Ober and Mr. Zollitsch summarized that there would be a regulatory process for the new rules where the public could comment.

Councilor Batey and Mr. Zollitsch noted the proximity of Milwaukie’s first responders to the UPRR line and that there had not been many spills in Milwaukie to date.

3. CONSENT AGENDA

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

A. City Council Meeting Minutes:
   1. November 5, 2019, Work Session;
   2. November 5, 2019, Regular Session; and
B. Resolution 71-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Public Safety Advisory Committee (PSAC).

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

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed the public comment procedures and Ms. Ober reported that there was no follow-up from the November 19 audience participation.

Douglas Edwards, Milwaukie resident, explained that he had recently moved to the city. He noted that he had served in elected office in California and thanked Council for their service. The group noted there were board and committee vacancies if Mr. Douglas was interested in applying.

Mayor Gamba announced that Agenda Item 6. A. would be heard before Item 5. A.

6. OTHER BUSINESS

A. Extending the Housing Emergency and Maintaining Renter Protections – Resolutions (2) (moved up the agenda)

Ms. Fadenrecht reviewed previous Council actions to extend the housing emergency and renter protection measures. She reported on the state of the housing market in the region. She noted staff’s recommendation to continue the emergency measures and asked for Council feedback on modifying the ordinances.

Mayor Gamba noted that the state had just passed legislation making no cause eviction illegal. Ms. Fadenrecht confirmed that the state had passed eviction legislation and that the law was under review due to legal concerns. Staff suggested Council keep the city’s measures in place until the state law had been clarified.
It was Council consensus that staff should bring proposed modifications to the housing emergency and renter protection ordinances to a future meeting.

It was moved by Councilor Parks and seconded by Councilor Hyzy to approve the Resolution extending the declared housing emergency for a period of six months, pursuant to Ordinance 2117. Motion passed with the following vote: Councilors Parks, Hyzy, Falconer, and Batey, and Mayor Gamba voting “aye.” [5:0]

Resolution 72-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, EXTENDING THE DECLARED HOUSING EMERGENCY FOR A PERIOD OF SIX MONTHS, PURSUANT TO ORDINANCE 2117.

It was moved by Council President Falconer and seconded by Councilor Batey to approve the Resolution maintaining the renter protection measures in Milwaukie Municipal Code (MMC) 5.60, pursuant to Ordinance 2118. Motion passed with the following vote: Councilors Parks, Hyzy, Falconer, and Batey, and Mayor Gamba voting “aye.” [5:0]

Resolution 73-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, MAINTAINING THE RENTER PROTECTION MEASURES IN MILWAUKIE MUNICIPAL CODE (MMC) 5.60, PURSUANT TO ORDINANCE 2118.

Mayor Gamba recessed the regular session at 7:17 pm and reconvened at 7:25 p.m.

5. PUBLIC HEARING

A. Appeal of Elk Rock Estates Development (File #AP-2019-003) – Order, continued from November 19, 2019 (moved down the agenda)

Call to Order: Mayor Gamba called the public hearing on the appeal of the Planning Commission’s decision to deny a natural resources cluster development application, files NR-2018-005 and AP-2019-003, to order at 7:26 p.m.

Opening: Mayor Gamba explained Council would deliberate on the appeal until 9 p.m. and would likely continue the hearing to December 10.

Purpose: Mayor Gamba noted the purpose of the hearing was for Council to deliberate on the appeal. Ms. Kolias cited the relevant code criteria for Council to consider.

Procedures: Mayor Gamba reviewed the order of business and procedures.

Site Visits: It was noted that all Council members had visited the site.

Ex-Parte Contacts and Conflicts of Interest: It was noted that Council President Falconer, Mayor Gamba, and Councilors Parks and Batey had no new contacts or conflicts to report. Councilor Hyzy reported she had no new contacts to report but due to previously cited conflicts of interest she would recuse herself from participating in the hearing.

It was noted that Councilor Hyzy left the meeting at 7:30 p.m.

Jurisdiction: It was noted that no audience member challenged Council’s jurisdiction.

Staff Update: Ms. Kolias reviewed the code sections Council was to deliberate on.
Questions from Council to Staff: Councilor Batey suggested Council would have questions once deliberation started. Mr. Gericke commented on Council’s access to information in the application record and the importance of not considering new evidence.

Council Discussion:

Councilor Parks remarked that she had questions about the site related to the natural resource designations and the flood plain area, and the amount of cut-and-fill to be done. She liked the design of the proposed homes.

The group remarked on how to deliberate on the appeal issues.

Mayor Gamba and Councilor Batey commented on inaccuracies they had noted in the final written testimony submitted by the appellant.

Mayor Gamba suggested it was not possible to always have clear and objective standards for all development projects due to changing conditions. He believed the role of the local governing body was to apply the rules to a project while accounting for the effects of climate change such as increased flooding. He discussed the relevance of the MMC and Federal Emergency Management Administration (FEMA) flood plain building standards and the long-term consequences of the city allowing new homes to be built in a flood plain. He thought there were enough grounds to deny the application.

Council President Falconer and Councilor Batey suggested Council begin by looking at the reasons for denying the application in the September 10 staff report to the Planning Commission. The group discussed the first question outlined in the report related to whether the application adequately addressed flood plain issues. Ms. Kolias reviewed the questions posed to the Commission at the September 10 hearing. The group noted that the Commission had denied the application on two grounds. They noted that staff had prepared draft findings for denying or approving the application for the Commission.

The group discussed flood plain issues and flood flow velocity, noting MMC requirements that had been brought up in the Commission hearing related to the construction of residential crawl spaces. It was noted that the city’s engineering staff memo outlining the site’s flood plain issues had different flood data than what the applicant’s engineering consultant had used. Mr. Egner began to remark on the intent of the applicant in using flood data from a different location on the Willamette River and Mr. Gericke asked Mr. Egner to not characterize the applicant’s intent.

The group remarked on which MMC section addressed garage size and closed spaces. Mr. Gamba suggested the FEMA flood data used in the city’s engineering memo and by the applicant were irrelevant because the MMC required the use of FEMA’s flood map which provided an average velocity rate. Councilor Batey remarked that the applicant, not the city, had the burden to disprove the FEMA data. She and Mayor Gamba talked about the use of FEMA’s flood map and whether the MMC requirements for crawl spaces in a 100-year flood plain were a reason for denying the application.

It was noted that staff was tracking the list of reasons to deny the application. Mr. Egner suggested Council had so far agreed with the Commission’s reasons related to flooding for denying the application. It was noted that Council agreed with Mr. Egner’s statement.

Ms. Kolias reviewed the second reason the Commission had cited in denying the application, required mitigation work in a natural resource area. Mayor Gamba didn’t know if the proposed mitigation work made up for the loss of habitat conservation area (HCA) on the site. Council President Falconer and Councilor Batey commented on
the Commission’s consideration of the mitigation plan, the lack of alternate mitigation options considered by the applicant, and the confusion about the maximum number of units allowed on the site. Mayor Gamba and Council President Falconer remarked that the maximum density for the site was one unit of housing.

Councilor Batey agreed with Mayor Gamba and Council President Falconer about site density and asked if the applicant could build rowhouses on 19th Avenue. The group noted rowhouses could be built on the site. They remarked on the applicability of MMC natural resource requirements and Comprehensive Plan natural resource hazard objectives.

Council President Falconer commented on the number of units proposed by the applicant and the number of units allowed on the site.

Councilor Batey referenced staff’s September 10 recommended findings for denial and remarked that the applicant’s proposed mitigation plan was appealing. Council President Falconer commented on the desirability of the open space on the site being managed by a homeowner’s association (HOA) versus the city.

The group noted that the Commission had not addressed mitigation criteria in their findings of denial. Council President Falconer believed the applicant had not considered enough alternative layouts and expressed concern about the proposed mitigation plan.

Mayor Gamba wondered if conditions of approval should be prepared in case the project was sent back to the city by the state Land Use Board of Appeals (LUBA). Mr. Gericke suggested Council did not need to prepare conditions of approval right now and noted how Council could prepare for a LUBA hearing decision.

Councilor Batey commented on the project’s potential impact on neighboring properties based on the proposed cut-and-fill work that could alter the flood plain flow. She thought there had not been analysis of the altered flood plain. Mr. Gericke suggested Council make a note of things to be found in the record. Councilor Batey felt there had not been enough analysis of the impact of the project on the flood plain and neighboring properties.

The group noted the next criteria to consider. It was Council consensus that the natural resource findings for denial related to floodplain issues that staff had presented to the Commission was a good starting place for Council’s deliberations.

Councilor Batey commented on the disconnect between Willamette Greenway standards and natural resource overlay zone criteria. She believed Council’s role was to interpret the competing standards and criteria when considering development projects. She thought the applicant and some neighbors had prioritized river views over other design elements and suggested the preservation of river views should not overrule other design concepts like rowhouses. She believed the emphasis on river views had led to the application not meeting several criteria. Mayor Gamba added that the Comprehensive Plan’s natural resource hazards section referenced flooding. He believed life safety should always take priority over river views. Councilor Batey agreed that the project was incompatible with the Comprehensive Plan’s focus on life and safety in floodplains.

Councilor Parks suggested the Comprehensive Plan be cited as a reason for denial.

The group noted staff was tracking Council’s findings.

Councilor Batey commented that the building setbacks should be directed away from the river and noted that the issue had not been addressed by the Commission. She discussed inconsistencies in the Willamette Greenway standards related to required distances from the riverbank to pathways and buildings. Ms. Kolias noted that building new structures within certain distances of the riverbank would trigger a greenway review.
Councilor Batey commented that the applicant’s report had made it sound like there might be public access points to the river, but she believed that would not be the case. Councilor Parks and Mayor Gamba noted the application stated there would be no public river access which they thought would contradict state law.

Ms. Kolias noted Council had addressed the issues in the September 10 staff report. She reviewed variance requests outlined in the July 23 staff report to the Commission. She and Councilor Batey noted that Commission had not discussed the variances which included a request to build three-story structures.

Mayor Gamba understood the reasoning for the three-story request. He asked if a bottom floor could be an unenclosed space. Mr. Egner began to reply, and Mr. Gericke suggested the answer was not in the record and could not be considered. The group discussed whether the MMC definition of floor height was in the record.

Mayor Gamba said he would not approve the variance request regarding garage door width because he believed the MMC did not allow enclosed spaces to be built in a floodplain which meant there could not be a garage door on the first floor. Councilor Batey agreed and expressed concern about garage doors dominating the front of homes.

The group discussed whether a two-and-a-half story structure could be built if the ground floor were an open carport. They noted how access to the second floor could be built and what height restrictions may need to be considered. Mr. Gericke reminded Council that a code section could not be considered if was not in the record. Councilor Batey suggested she had concerns but could see approving the height variance.

Mayor Gamba remarked on the potential impact of the side yard setback variance request on adjacent park and natural areas. He and Councilors Parks and Batey suggested they would deny the side yard variance request.

Ms. Kolias reported that earlier versions of the project had required a variance related to the proximity of driveways to buildings, but plan changes had eliminated the need for that variance. She and Councilor Batey remarked on the driveway route in previous plans.

Councilor Batey discussed the applicant’s reference to the city’s Housing Needs Analysis (HNA) to support the type of housing to be built on the site. She suggested the applicant would be building homes that cost more than $490,000, like other developers had built in the city recently. Council President Falconer and Mr. Gericke noted that the construction of other homes was not in the record. Councilor Batey remarked that she did not think the type of housing proposed for the site was the kind of housing the city needed per the HNA. She and Council President Falconer remarked on the type of housing called for by the HNA and the type of housing proposed for the site.

Councilor Parks suggested that the entire HNA was part of the record. The group noted that the types of houses being built in the city was not in the record.

Councilor Batey disagreed with the applicant’s argument that staff had supported findings of approval because they had prepared draft findings of approval and denial. She noted that staff had reported they were conflicted over the recommendation and had prepared findings for both outcomes instead of making a recommendation. Council President Falconer remarked that such work reflected staff’s unbiased approach.

Council President Falconer noted it was 8:52 p.m.

Mayor Gamba commented on the applicant’s argument that the approval criteria for cluster developments needed to consider the definition of the word practicable. He
understood that to mean the cost of the project need to be considered. **Council President Falconer** suggested the applicant’s argument had underscored the concerns about a lack of consideration for alternative designs. **Mayor Gamba** cited the Comprehensive Plan's standards for the lowest living level floor and noted that the requested garage door variance would not be a foot above the lowest flood elevation. The group remarked on whether the lowest floor could be an open garage and the likelihood that future home owners could turn a first-floor garage in a floodplain into a living space. **Mr. Egner** and **Mr. Gericke** suggested staff could investigate what guidance about first-floor garages existed in the application record at the next hearing.

**Councilor Batey** asked for confirmation that the river dock was no longer part of the application. **Ms. Kolias** confirmed that the dock was not part of the proposed project. **Councilor Batey** asked staff to look in the record to see which code provision was used for the dock. She expressed concern about a dock project in an area where the city had been working to restore fish habitat. **Mr. Gericke** suggested the dock element of the project was not being proposed so should not be part of Council's deliberation.

**Council President Falconer** asked when Council should consider the applicant’s written statement about having an opportunity to amend the application. **Mr. Gericke** suggested Council could consider that at the end of deliberations.

The group noted staff’s recommendation for Council to continue the hearing to December 10 at 7:15 p.m. at the Public Safety Building (PSB) Community Room. They noted issues with noise in the PSB room and staff said they would look at the speaker system.

**Council Decision:** It was moved by Council President Falconer and seconded by **Councilor Parks** to continue the hearing to a date certain of December 10, 2019. Motion passed with the following vote: Councilors Parks, Falconer, and Batey, and Mayor Gamba voting “aye.” [4:0]

7. **INFORMATION**

**Mayor Gamba** announced upcoming events, including a Hillside master plan celebration, a community planning 101 class, the annual Umbrella Parade and Tree Lighting event, the annual Winter Solstice and Christmas Ships viewing event, a Homewood Park habitat enhancement event, and the closure of the temporary Ledding Library site in preparation of the grand opening of the new library building in January. **Councilor Batey** encouraged the public to donate to the Milwaukie Parks Foundation.

8. **ADJOURNMENT**

It was moved by Councilor Parks and seconded by Council President Falconer to adjourn the Regular Session. Motion passed with the following vote: Councilors Parks, Falconer, and Batey, and Mayor Gamba voting “aye.” [4:0]

Mayor Gamba moved to adjourn the regular session at 9:07 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder
Mayor Mark Gamba called the Council meeting to order at 5:20 p.m.

Present: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Staff: Assistant City Manager Kelly Brooks  Climate Action and Sustainability Coordinator Natalie Rogers
City Manager Ann Ober  Public Works Director Peter Passarelli
City Recorder Scott Stauffer


Ms. Brooks explained how staff planned to approach Council’s community engagement goal. She reviewed previous community surveys and reported that another one would be done in January 2020. She explained that the city was also working with Portland State University (PSU) to evaluate the city’s engagement practices. She also noted that a staff engagement task force had been established. She reported on the additional community engagement items the city was working on, including the city’s new leadership program; the updating of an internal volunteer database; and the hiring of a new events coordinator. Ms. Ober added that the city would be implementing a new volunteer system that would make it easier for volunteers to sign up and get notified about volunteer opportunities.

Ms. Brooks discussed the questions the city would ask in the engagement audit aimed at evaluating events and seeing who participated in events. She reported that PSU was currently collecting data and would present a report to Council in spring 2020.

Ms. Brooks provided an overview of the 2017 community survey and explained changes to the 2020 version. She noted staff’s desire to ask baseline questions to see results over time. Council President Falconer asked if respondents could reply to open-ended questions asking how the city should provide information to the public and how the public would like to provide feedback to the city. Ms. Brooks said she would add that into the survey. She clarified that the survey would be a statistically significant telephone survey to 400 people. The group discussed the survey questions and the types of feedback that was helpful to receive.

Ms. Brooks discussed the survey timeline. Ms. Ober noted Council’s first budget meeting would happen soon after they received this information and should help inform how to allocate certain funds.

Ms. Brooks provided a chart showing the International Association of Public Participation’s (IAP2’s) Spectrum of Public Participation. She explained the importance of determining the decision type for a project and informing the public of that approach. She reviewed the five IAP2 participation levels: inform, consult, involve, collaborate, and empower. Council President Falconer observed that it was important to incorporate appropriate language when choosing an approach for a project. She asked that councilors and staff use the correct terms to provide clarity for the level of public involvement. Ms. Ober said more training around these concepts for Council would be scheduled. Councilor Hyzy thought looking at past city decisions would help Council
understand what happened and how it went. She thought it was a helpful tool to improve the ability to communicate with the public in a meaningful way.

**Mayor Gamba** asked that when a citizen advisory committee is formed that it be noted that it is part of a collaborating process. He and **Ms. Brooks** remarked on the feasibility of reaching 20,000 people via a project committee. **Ms. Brooks** noted tools like online surveys that could help a committee. She said the first question to ask was which level of collaboration was needed on a project.

**Ms. Ober** noted that the time commitment increased as the projects moved to the right on the IAP2 scale. She noted the need to be intentional in picking which approach to use and understand what works best for the goal. **Ms. Brooks** said there’s times when there are opposing values and the answer to those intense conversations is building relationships. She suggested that people can’t be asked to fully engage in every problem, so it was important to use time and research-intensive strategies wisely and for the big problems.

**Ms. Brooks** discussed next steps, including internal coordination; hiring an events coordinator; outlining tools, templates and roles; and scheduling a workshop for neighborhood district association (NDA) and board and committee (BC) members. She noted that cities all over the country are coming up with standardized ways to engage the public and provided an example from the City of San Luis Obispo. She summarized the city was making progress and had a long way to go.

**Councilor Batey** noted the differences between the IAP2 spectrum and tools used by San Luis Obispo. **Ms. Ober** noted that Milwaukee wanted to use the empower model, while some cities may not. **Councilor Hyzy** asked for the internal document to be included in the training manual for new city councilors.

**Ms. Brooks** said the NDAs and BCs were important engagement centers. She said the city would like to do a workshop with these groups to talk about engagement.

**Councilor Batey** asked if the survey would ask about NDA engagement, and **Ms. Brooks** said it would. The group discussed the role of NDAs in the community.

**Councilor Parks** appreciated staff's work and the presented strategy approach. **Mayor Gamba** said it was good to ponder when approaching budgeting. He believed the empower piece was a good process that cities choose to engage with in different ways. **Ms. Ober** noted that the Council compensation citizen jury had required $35,000 in grant funding to run. She commented on the that type and level of engagement the jury required related to its cost. **Mayor Gamba** noted a participatory budget process could happen soon. **Ms. Ober** noted that the city currently allotted $125,000 per goal set by Council. **Councilor Hyzy** thought spending for this type of Council goal may be best used in the next cycle.

**Ms. Ober** asked staff to put this item on the Council forecaster for this time next year to start a discussion to build it into a budget. It was noted that Mayor Gamba would reach out and get names for who is doing participatory budget work in the region, and Ms. Ober would reach out to Healthy Democracy.

**Ms. Brooks** noted that a participatory budget tool could help support the engagement goal. She said the key was asking what the goal is for the budget in terms of engagement and how a higher level of engagement could play within an overall public engagement plan. **Councilor Hyzy** asked to involve the Budget Committee in that conversation. **Ms. Ober** said staff would make it a broad discussion and involve the
Budget Committee too. Ms. Brooks said PSU was also looking at best practices in their report and noted they may be able to help the conversation.


Mr. Passarelli provided a global climate change year in review. He discussed statistics related to global temperature increases, carbon dioxide (CO2) emissions, and ice sheet melting. Mayor Gamba noted additional climate facts about CO2 and ocean levels rising.

Ms. Rogers noted good climate news items and observed that bad news can paralyze people. She highlighted that it was important to note it was an era of opportunity for improvement. She reviewed the city’s Climate Action Plan (CAP) and its timelines for net zero electricity, net zero building energy, being a carbon neutral city, and increasing canopy coverage. She provided CAP project highlights, including the Portland General Electric (PGE) smart grid test bed program and the new Ledding Library energy efficiencies. Mayor Gamba asked if the library would have signage noting its energy savings features, and Ms. Ober said she would check.

Ms. Rogers and Mr. Passarelli discussed PGE’s Green Future Impact project. Ms. Rogers discussed the home energy score (HES) program and reported that studies confirmed HES programs were good energy efficiency options for communities. She noted that the website trees.milwaukieoregon.gov was live and featured a Branch Out tool showing the city’s canopy coverage.

Ms. Rogers reviewed additional items the city was working on, including climate events, grants, tours, workshops, the addition of electric vehicles to city fleet, and work with the Milwaukie Environmental Stewards Group (MESG) group to help with a Styrofoam collection event. Mayor Gamba noted that the Waverly Greens Apartments had installed a large solar panel and was doing additional climate action work.

Ms. Rogers noted it was important to better define the city’s 2035 climate action goal and asked for guidance for how staff should proceed with promotional efforts. She reported that the current goal discussed net zero electricity. She suggested that better defining the goal would help clarify terms and help staff request help from partners.

Ms. Rogers defined renewable electricity and renewable energy certificates (RECs). She explained that RECs are the accepted way to track and trade renewable energy and explained the differences between unbundled and bundled RECs. The group discussed renewable electricity versus carbon-free electricity. The group discussed biogenic electricity generation.

Mr. Passarelli explained staff’s interpretation of the 2035 goal. Ms. Rogers said the question was: does the city want to request and promote all renewable electricity types or only carbon-free electricity types in a future net-zero carbon grid? Mayor Gamba said the intention was to drive new solar, wind, and other renewable energy sources.

Mr. Passarelli reported that PGE was in the process of constructing a new renewable campus and a facility for the Green Future Impact. He said this is all related to regional conversations with municipalities and efforts for PGE to be a cleaner carbon-free partner. Councilor Batey, Mr. Passarelli, and Ms. Ober discussed the possibility of dropping carbon-generating sources from PGE’s renewable portfolio standard (RPS).
**Ms. Ober** discussed her conversation with PGE about the role of RECs and bundle vs nonbundled. She noted her previous work in the field and explained that un-bundled RECs were a stopgap and there’s a point at the end goal for no or minimal unbundled RECs to help push the market forward. **Mayor Gamba** and **Ms. Ober** discussed unbundled and bundled RECs and their impacts on other areas around the country. They discussed how to administer renewable energy credits. **Ms. Ober** observed that the goal was to get as much carbon-free energy to as many people as possible.

The group noted that bundled RECs were better than unbundled. **Ms. Rogers** explained that bundled RECs provided local jobs and other benefits. She did not want unbundled RECs to be villainized because they still resulted in new infrastructure coming online. **Ms. Ober** agreed and noted an example of when it was a good reason to use unbundled RECs. She did note that the city could push for bundled RECs. **Mr. Passarelli** noted that Idaho Power sold so many of their RECs and sent out renewable energy to other states that they import coal power.

**Ms. Rogers** summarized she was hearing that Council wanted to use bundled RECs and was okay with some unbundled products right now, but the push was for bundled RECs. **Mr. Passarelli** said RECs are very interwoven because the RPS allows unbundled RECs to meet those goals. **Ms. Ober** appreciated that and noted she was talking about the gap. The group continued to discuss the ability to request bundled RECs.

**Ms. Rogers** asked if Council wanted to request and promote all renewable electricity types or only carbon-free electricity types. **Mr. Passarelli** suggested excluding the biomass from the city’s mix and review the biogas piece as part of the electric generation. **Mayor Gamba** reported that the sewerage treatment plant in Gresham was net zero because they were collecting fats, oils, and grease (FOG) and creating electricity from that to run their plant. He and **Ms. Rogers** discussed the feasibility of building that type of plant. **Councilor Hyzy** thought that was something for NW Natural to consider.

**Councilor Batey** asked about the carbon offset piece in the natural gas world. **Ms. Rogers** said the Smart Energy program through NW Natural Gas was creating dairy digesters on farms. She had spoken with NW Natural and noted that there were no dairy digesters in Milwaukie, so it was not a local solution. She observed it was a cool program and said the city could push them to do something different for Milwaukie residents to take advantage of.

**Ms. Rogers** provided an overview of the carbon accounting calculator, noting that it helped figure out that there was a 33% carbon gap to close in Milwaukie by 2035. She showed a chart illustrating the details and discussed potential solutions such as: localized energy efficiency outreach, education and incentives, supply-side advocacy, collaboration with regional partners, promotion of existing PGE renewal products, and exploration into community scale PGE products. She noted the community scale PGE products was a bigger conservation and wanted to talk about it more. PGE was excited and had been exploring MuniGreen, a program that moved a community from needing to opt-in to renewable energy products to needing to opt-out.

**Mr. Passarelli** noted that Milwaukie was the only municipality that PGE serves that used the carbon accounting calculator to look at how to fill the gap. **Ms. Rogers** said PGE was impressed that Milwaukie was often the first ones to ask questions.
Councilor Hyzy discussed building efficiency and how to improve building codes at the state level. She wanted to direct staff that that was a great opportunity to explore. Mr. Passarelli said staff could advocate for improved state building energy codes but with needed the Zero Energy Ready Oregon (ZERO) coalition to do the technical heavy lift on the code. Mayor Gamba and Ms. Rogers discussed how conversations with building owners related to energy benchmarking had been progressing. Councilor Hyzy hoped these conversations could also be Council driven. Ms. Rogers said people could visit milwaukieclimateaction.com to learn more.

3. Adjourn

Mayor Gamba adjourned the Study Session at 7:18 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II
Mayor Mark Gamba called the Council meeting to order at 7:26 p.m.

Present: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Staff: Administrative Specialist Amy Aschenbrenner

Associate Planner Vera Kolias

City Attorney Justin Gericke

City Manager Ann Ober

Planning Director Denny Egner

1. Appeal of Elk Rock Estates Development (File #AP-2019-003) – Order, continued from December 3, 2019

Call to Order: Mayor Gamba called the public hearing on the appeal of the Planning Commission’s decision to deny a natural resources cluster development application, files NR-2018-005 and AP-2019-003, to order at 7:26 p.m.

Opening: Mayor Gamba noted Council’s previous deliberations on the appeal matter.

Purpose: Mayor Gamba explained that the purpose of the hearing was for Council to continue its deliberation on the appealed application and come to a decision. Ms. Kolias cited the relevant Milwaukie Municipal Code (MMC) criteria for Council to consider.

Procedures: Mayor Gamba reviewed the order of business and hearing procedures.

Site Visits: It was noted that all Council members had visited the site.

Ex-Parte Contacts and Conflicts of Interest: Councilor Hyzy noted she would recuse herself from participating in the hearing due to potential conflicts of interest. Councilor Batey reported that in the last week someone had asked her about the hearing, and she had declined to discuss the matter. She did not believe the contact would affect her ability to participate in the hearing.

It was noted that Councilor Hyzy left the meeting at 7:30 p.m.

Jurisdiction: It was noted that no audience member challenged Council’s jurisdiction.

Staff Update: Ms. Kolias remarked that Council was expected to reach a tentative decision at the hearing and finalize that decision on December 17.

Questions from Council to Staff: It was noted that Council had no questions for staff.

Council Discussion: The group remarked on the availability of notes from previous Council deliberations on the hearing matter. Councilor Batey suggested Council use the Planning Commission’s findings for denial as a framework for deliberating. The group discussed what criteria and findings Council needed to address. It was noted that Council did not need to address a dock that had been included in draft findings presented to the Commission, since it had been removed from the project.

The group noted where the requested variances were in the record. Ms. Kolias summarized that in previous deliberations Council had not been supportive of the garage door width variance request, they had been supportive of the height variance request,
and had found the setback variance request to be unsupportable due to the required encroachment into Spring Park. It was Council consensus that Ms. Kolias’ summary accurately reflected Council’s positions on the requested variances.

The group discussed using the Commission’s findings for denial as a framework for deliberation and in which order they should consider the criteria and findings.

**Councilor Batey** agreed with the Commission’s findings on the lack of alternatives analysis and Willamette Greenway standards. **Council President Falconer** and **Mr. Gericke** suggested Council should briefly discuss each finding for the record and the group discussed whether the findings should be adopted one at a time or all together.

**Mayor Gamba** discussed the floodplain data used by the applicant and the Federal Emergency Management Administration (FEMA) data that the MMC requires the city to use. He suggested the non-FEMA data was irrelevant and therefore the average flood flow velocity, per FEMA data, exceeded the allowed threshold for building a foundation in a floodplain. The group commented on whether Council should use the Commission’s language for the finding of denial related to the floodplain. **Mr. Egner** suggested that if Council agreed with Mayor Gamba’s statement and the draft findings in the September 10 staff report to the Commission then staff had enough direction to draft findings of denial. **Councilor Batey** reviewed the Commission’s October 1 findings for denial. It was Council consensus that staff would use the referenced Commission findings language to draft findings of denial related to the floodplain.

The group remarked on which criteria should be reviewed next and **Mr. Egner** suggested it should be the Willamette Greenway overlay and natural resource zones. **Ms. Kolias** summarized the September 10 draft findings for the overlay and natural resource zone concluded the overall project was deficient. **Councilor Batey** and **Council President Falconer** expressed agreement with the September 10 draft findings and the variance Council had already agreed to grant.

The group discussed the Willamette Greenway overlay zone. There was Council agreement that the development would not be compatible with the overlay standards, the surrounding area, and Comprehensive Plan policies related to flood hazards.

**Councilor Batey** and **Mayor Gamba** commented on state law related to public access to recreational areas and taking private property for public access. **Mr. Gericke** suggested information about state protections of recreational areas was not in the appeal record. **Mayor Gamba** suggested that the Willamette Greenway overlay included information about State Planning Rule 15 and public access to recreational areas. **Councilor Batey** suggested that citing state public access laws would put any developer in a tough position of balancing the development of private property and maintaining public access. The group commented on the seasonal nature of public access to the river and where natural resource preservation objectives were in the record. **Council President Falconer** noted the proposed project did not dedicate land for public access and she therefore felt the development did not conform with city and state recreational access policies. **Councilor Batey** believed the application had failed to address riverside landscaping and flooding issues. **Council President Falconer** noted that the development would disrupt the 100-year floodplain.

**Councilor Batey** noted the draft findings referenced the dock that had been removed from the project. **Council President Falconer** remarked that Council would not consider the dock. She noted there were no recreational uses planned on the site.
Councilors Parks and Batey noted code requirements related to periodic flooding that fell under the natural resources criteria for the application. The group discussed the proposed planting plan and how to reconcile it with code requirements and the noted lack of an alternative site plan analysis. Council President Falconer, Mr. Egner, and Councilor Batey remarked on the mitigation plan language to include in the findings that would give the applicant a path to amending the proposal to get the project approved.

Mayor Gamba suggested that the findings discuss and define “practicable.” The group discussed different ways “practicable” was understood and interpreted by the applicant in designing the site layout and how many houses to build. Mayor Gamba believed the applicant understood “practicable” to mean affordable and maximum financial potential.

Councilor Batey referred to Comprehensive Plan Willamette Greenway policy objective 1 and suggested the findings should state that the objective had not been met. It was noted that staff had written down Councilor Batey’s proposed wording.

Councilor Batey asked where Council had landed on the development standards related to the proposed mitigation plan. Council President Falconer proposed adding a sentence that stated that the lack of an alternatives analysis for the mitigation plan meant that the application had not met the criteria. The group discussed how to word the findings to note that the proposed mitigation plan had been based on a faulty proposal. Mr. Egner referred to several passages of the draft findings and Council provided feedback on whether they were to be included in the final findings.

Council President Falconer thought Council was basing its argument on the finding that there had been an inadequate alternatives analysis. Councilor Batey suggested that the findings note that none of the alternative studies met the maximum density requirement. They discussed points to be made in the findings about the lack of alternatives analysis and that the alternate studies done had not dealt with the site’s maximum density and the increased disturbance of the site.

Councilor Batey, Mayor Gamba, and Mr. Egner discussed whether the mitigation plan had been properly addressed by the applicant when taken into consideration with the requirements that developers need to avoid, minimize, and then mitigate for disturbances of natural areas on a project site. Ms. Kolias cited how the Commission had connected the lack of alternatives analysis with the mitigation plan and it was Council consensus to use the same approach that the Commission had taken in the final findings for denial.

Councilor Parks noted that the draft findings for denial stated that the project was not consistent with the Comprehensive Plan’s residential cluster development policies. The group noted that the Commission had not addressed that finding.

Mayor Gamba stated that he disagreed with the argument that there is not a clear and objective standard. He commented that there could not be a clear and objective path for development because there would always be a need for a group of informed people to apply the code. He suggested that climate change was an example of how a code becomes outdated as the environment changes how development occurs. He believed there was a clear and objective path forward for the site that the applicant had ignored. He remarked on alternative designs that the applicant could have proposed that he thought would address flooding concerns. He read two code sections into the record:
MMC 18.04.010 Purpose

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;
B. To minimize expenditure of public money and costly flood control projects;
C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. To minimize prolonged business interruptions;
E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
G. To ensure that potential buyers are notified that property is in an area of special flood hazard;
H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
I. To maintain the functions and values of floodplains such as allowing for storage and conveyance of stream flows through existing and natural flood conveyance systems.

18.04.020 Methods of Reducing Flood Losses

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

It was noted that the applicant Matt Gillis, Gillis Properties, objected to the mayor reading the code sections in to the record. Mayor Gamba and Council President Falconer remarked that those parts of the code were in the record. Mr. Gericke reported that the applicant could object, and Council did not need to respond. It was noted that another member of the audience objected to Mr. Gillis’ objection.

Mr. Egner asked if Council had finished its deliberation on the Comprehensive Plan’s conditional use issues and if Council wanted to keep the related draft findings. It was Council consensus to keep the section of the findings for denial that stated the project did not comply with the Willamette Greenway and natural resource zone code requirements.
Councilor Bay asked if Council needed to address the argument made by the applicants’ attorney about needed housing. Mr. Gericke explained that Council’s job was to review the applicable criteria. He suggested Council could deliberate on housing but was not required to do so. Councilor Batey observed that Council had already discussed housing needs as they related to the appeal.

Mayor Gamba announced that the applicant would have an opportunity to offer an amendment to the application or propose conditions of approval that would make the application consistent with the Comprehensive Plan and applicable regulations. The group noted that any additional information from the applicant needed to be submitted to the city by noon on Monday December 16.

Council Decision: It was moved by Councilor Batey and seconded by Council President Falconer to continue the hearing to a date certain of December 17, 2019. Motion passed with the following vote: Councilors Parks, Falconer, and Batey, and Mayor Gamba voting “aye.” [4:0]

2. Adjourn

It was moved by Councilor Batey and seconded by Councilor Hyzy to adjourn. Mayor Gamba adjourned the Special Session at 8:46 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder
Mayor Mark Gamba called the Council meeting to order at 4:04 p.m.

Present: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Staff: Assistant City Manager Kelly Brooks  
City Recorder Scott Stauffer  
Associate Planner Mary Heberling  
Community Development Director Leila Aman  
City Attorney Justin Gericke  
Planning Director Denny Egner  
City Manager Ann Ober  
Senior Planner David Levitan

1. Draft Comprehensive Plan Format – Discussion

Mr. Levitan explained that staff was asking council to review the layout of the draft Comprehensive Plan policy document. He noted the draft plan had been posted on the city website and had been reviewed by the Planning Commission and the Comprehensive Plan Advisory Committee (CPAC). The first public hearing on the plan was scheduled for January 14, 2020 at the Planning Commission.

Mr. Levitan provided an overview of the document layout and thanked Assistant Planner Mary Heberling for the design work. He reviewed questions for Council related to document readability and layout, and if there were additional items Council wished to include in the document.

Mr. Levitan reviewed the Planning Commission’s comments on the document, including their desire to add additional information about the area’s Native American history. He said the CPAC had wanted additional diversity in the photos and to add photos of wildlife.

It was noted that Council President Falconer arrived late to the meeting at 4:13 p.m.

Mayor Gamba commended Ms. Heberling for her work on the document design. Councilor Batey believed staff would revisit the land use pages. Mr. Levitan noted discussions to change the page layout to increase readability.

The group discussed if there were any comments from the Planning Commission and CPAC that stood out. He clarified that staff was collating comments and feedback from the Planning Commission, CPAC, Council, and the public, to incorporate it over the next few weeks for the January 2020 hearing.

Councilor Hyzy noted she had a lot of comments and believed it would be helpful for Council to review the document section by section. She clarified that Council was being asked about the background and introduction sections, and not to edit the policy. She thought the document layout looked great. She said her big note was that she would like a staff member trained in the International Association for Public Participation (IAP2) standards to review the document, to make sure it accomplished the city’s community engagement goal. Mr. Levitan said Ms. Heberling had been though IAP2 training and had reviewed the document but was open to further review. Councilor Hyzy wanted to clarify a couple points.
Council President Falconer asked that the history of exclusion in Milwaukie housing be included in the housing background summary. **Councilor Hyzy** thought the term “American pioneers” could be perceived as only white European settlers and may not include the full range of people who arrived during the westward expansion, such as Ah Bing. **Mr. Levitan** noted those matched other comments staff had received and that staff would edit that section.

**Councilor Parks** reported that overall she thought the document was arranged very well. She thought the document was accessible for all community members.

**Councilor Batey** thought it could be helpful for Council to review the document to identify terms that may need to be added to the glossary. **Mr. Levitan** noted staff’s efforts to keep the glossary useful and not too long.

**Councilor Hyzy** discussed the section on climate change and adapting to increased threats. She wanted to include a sentence about the role of minimizing or mitigating the city’s production of greenhouse gases. She and **Mayor Gamba** also discussed a callout box noting Milwaukie’s relationship with the Kellogg Water Resource Recovery Facility and the regional interties in the system. The group discussed the system and terms to use. **Councilor Hyzy** noted she had additional minor notes and would email staff.

### 2. Metro Parks and Nature Bond Local Share – Discussion

**Ms. Brooks** noted she was joined by Parks and Recreation Board (PARB) Vice Chair Ben Johnson. Also present were Ali Feuerstein, PARB member, and Heather Koch with the North Clackamas Parks and Recreation District (NCPRD). She explained that the purpose of the discussion was for staff to provide a high-level overview of funding available to the city from the recently approved Metro parks and nature bond and begin to look at options for local share allocation. She provided a chart of fund types for the bond and noted local share and the Nature in Neighborhoods capital grants.

**Ms. Brooks** explained the amount of local share funding available and how the funds could be used. She provided an overview of the Nature and Neighborhoods grant program.

**Ms. Brooks** presented a chart explaining PARB’s recommendation for allocating bond funding for Milwaukie Bay Park, Scott Park, and Dogwood Park. She reviewed other funding opportunities that could help fund those projects and noted the project cost estimate totals.

**Ms. Brooks** discussed the question of either fully funding Scott Park or partially funding it to provide more resources to Milwaukie Bay Park. She reported that PARB’s recommendation was to put more resources on Milwaukie Bay Park because Scott Park could be a candidate for grant funding. She explained PARB’s recommendation included a total of $1 million committed from the city towards Milwaukie Bay Park. She noted this would send a strong message that the city wanted the project to happen and hopefully encouraged regional partners to support allocating additional resources to the project as well. She noted PARB’s desire to do work with community partnerships for grant money for Scott Park.

**Ms. Brooks** explained PARB’s desire for the city to not forget about Dogwood Park, and to put money towards landscaping and additional design elements.
Ms. Brooks noted the projected construction timelines for Milwaukie Bay Park, Scott Park, and Dogwood Park. Mayor Gamba asked about timing of construction projects near Dogwood Park and Ms. Brooks said she would work with the city’s community development department on project timing. She noted the design work would keep moving because Dogwood Park was related to the Coho Point at Kellogg Creek project.

Mr. Johnson explained PARB’s interest in ensuring flexibility in the language with where the pots of money could go. He noted PARB’s interest in Scott Park having a feature related to the children’s wing of the library, such as a learning and natural education focus, which he thought could be funded through grants. He and Ms. Brooks noted that costs could fluctuate between the projects and it would be helpful to allocate funding as needed. Councilor Batey noted that some infrastructure was already in place for Scott Park, so it should not be as expensive as Wichita Park.

Mr. Johnson expressed PARB’s excitement for the Metro Bond passing. He noted PARB’s desire to include a park on the east side of the city but understood the funding could only go so far. He reported that PARB suggested park funding after the three parks should go to either Balfour Park or another park on the east side.

Ms. Brooks noted the need to also discuss Capital Improvement Plan (CIP) and Safe Access for Everyone (SAFE) projects in addition to park projects.

Ms. Brooks reviewed next steps, including finalizing Council recommendations of funding priorities, coordinating with NCPRD on a funding strategy for Milwaukie Bay Park, and pursuing grant opportunities. She noted that she hoped to limit grant applications to two a year, due to available funds and staff time.

Council President Falconer appreciated the conversation about the need for parks on the east side of the city. She thought it would be helpful to have a discussion of anticipated system development charge (SDC) funds and other resources that could be used for projects.

Mayor Gamba was glad PARB was thinking about Scott Park and noted the opportunity for nature play in that area that could be a great area for kids and parents. Ms. Ober noted the city had met with Portland Waldorf School representatives who had expressed difficulties with people coming onto their campus during school hours to play on their playground. The school was very supportive of the city building a play space. Councilor Hyzy discussed the importance of parks that could encourage intergenerational play. Councilor Parks noted the importance of having all-abilities play areas.

3. Adjourn
Mayor Gamba adjourned the Work Session at 4:56 p.m.
Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II
Mayor Mark Gamba called the Council meeting to order at 6:04 p.m.

Council Present: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Planning Commissioners Present: Commissioners Joseph Edge, Lauren Loosveldt, Robert Massey

Staff: Associate Planner Vera Koliash, Assistant City Manager Kelly Brooks, City Attorney Justin Gericke, City Manager Ann Ober

City Recorder Scott Stauffer, Community Development Director Leila Aman, Planning Director Denny Egner, Senior Planner David Levitan

1. CALL TO ORDER
Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Milwaukie High School (MHS) Outstanding Student Achievement Award for November 2019 presented to Stevie Pendleton

Carmen Gelman, MHS Principal, introduced Mr. Pendleton and Council congratulated him on his academic and extra-curricular accomplishments.

Ms. Gelman presented a video update on MHS construction work and noted other projects including expanded course offerings and the creation of an equity task force. The group thanked Ms. Gelman for arranging an MHS tour for Council. They noted that the city was recruiting students to serve as youth members on city committees.

B. Metro Council – Update

Christine Lewis, Metro Councilor, reported that voters had approved a Metro parks and nature bond measure. She reviewed Metro’s work to build affordable housing. She and Mayor Gamba noted the location of an affordable housing project in Gladstone.

Metro Councilor Lewis discussed the Southwest Corridor transportation project that would be part of Metro’s Transportation 2020 (T2020) bond measure. She thanked Mayor Gamba for his work on the T2020 Task Force. She provided an update on Metro’s garbage and recycling programs and thanked the city for developing a food waste and scraps policy. She and Mayor Gamba remarked on policy advocacy work Metro is doing to reduce waste from packaging materials and mattresses.

Metro Councilor Lewis noted Metro’s community placemaking grant program that aimed to address equity issues through art projects. She provided an update on the Oregon Zoo.

Councilor Batey, Mayor Gamba, and Metro Councilor Lewis discussed the regional ranking of proposed transportation projects in Clackamas County. Council President Falconer commented that TriMet had been looking at ways to connect projects like the Southwest Corridor with affordable housing projects. She asked if there were opportunities for Milwaukie to share its experiences around light rail. Metro Councilor
Lewis and Mayor Gamba noted how Milwaukie’s light rail experience had already been shared with other local leaders to inform other projects in the region.

3. CONSENT AGENDA
A. None scheduled.

4. AUDIENCE PARTICIPATION
Mayor Gamba reviewed the public comment procedures and Ms. Ober reported that there was no follow-up report from the December 3 audience participation.

Chris Ortolano and Ronelle Coburn, Milwaukie residents, introduced themselves. Mr. Ortolano presented a letter from community members which requested that staff maintain open lines of communication with the community and find ways to collaborate on projects in central Milwaukie. He noted that staff and developers had been open to public comments. He expressed concern about how the proposed Monroe Apartments project would interact with the Monroe Street Neighborhood Greenway. He suggested that the community and city use the services of a mediator to resolve project issues.

5. PUBLIC HEARING
A. Interim Accessory Dwelling Unit (ADU) Code Amendments (ZA-2019-002) – Ordinance

Call to Order: Mayor Gamba called the public hearing on the proposed accessory dwelling unit code amendments, File #ZA-2019-002, to order at 6:58 p.m.

Purpose: Mayor Gamba announced that the purpose of the hearing was to take public comment on the propose code amendments.

Conflict of Interest: It was noted that no Council member had a conflict to declare.

Staff Presentation: Ms. Kolias explained that the amendments were the result of changes in state law aimed at removing barriers to building certain types of housing. She cited deadlines for cities to comply with the law and explained what the amendments would do to owner occupancy and rental property parking requirements.

Mayor Gamba and Ms. Kolias remarked on how the city monitors rental properties to track ADUs that become rentals and when off-street parking needs to be built.

Councilor Batey agreed with the Planning Commission that the state was dictating local policies through the code amendments. Ms. Kolias reported that the Commission had unanimously supported the amendments and had objected to the state regulating what they thought to be local issues.

Correspondence: Ms. Kolias reported that one letter had been received. She explained that owner occupancy requirements for vacation rentals would be part of the conditional use process going forward. She noted that no changes to system development charges (SDCs) or ADU fee-in-lieu-of-construction (FILOC) policies had been proposed.

Audience Testimony: It was noted that no audience member wished to address Council.

Close Public Hearing: It was moved by Councilor Batey and seconded by Councilor Parks to close the public hearing on the proposed ADU code amendments. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]
Mayor Gamba closed the public hearing at 7:09 p.m.

Council Discussion: Councilor Batey reiterated her agreement with the Commission’s concerns and noted there would be more work for the city to do related to parking.

Mayor Gamba supported the state-backed changes in local policy outlined the code amendments. Councilors Hyzy and Batey remarked on the likely impact of the amendments on parking for rental properties.

Council Decision: It was moved by Councilor Parks and seconded by Council President Falconer to approve the ordinance amending Milwaukie Municipal Code (MMC) Title 19 Zoning for the purpose of compliance with Oregon House Bill 2001 (File #ZA-2019-002). Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

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

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

Ordinance 2186:


B. Appeal of the Elk Rock Estates Development (File #AP-2019-003) – Order, continued from December 10, 2019

Call to Order: Mayor Gamba called the public hearing on the appeal of the Planning Commission’s decision to deny a natural resources cluster development application, files NR-2018-005 and AP-2019-003, to order at 7:14 p.m.

Opening: Mayor Gamba reviewed Council hearings on the appeal matter and noted that Council intended to confirm the tentative decision made at the last hearing.

Purpose: Mayor Gamba noted that the purpose of the hearing was for Council to continue deliberating on the appeal. Ms. Kolias cited the criteria for Council to consider.

Procedures: Mayor Gamba reviewed the order of business and hearing procedures.

Site Visits: It was noted that all Council members had visited the site.

Ex-Parte Contacts and Conflicts of Interest: Councilor Hyzy announced she would recuse herself from the hearing due to ex-partē contacts and conflicts of interest.

It was noted that Councilor Hyzy left the meeting at 7:17 p.m.

Councilor Batey remarked that she had no new contacts to report.

Jurisdiction: It was noted that no audience members challenged Council’s jurisdiction.

Staff Update: Ms. Kolias reported that the applicant had replied to the offer to amend the application by the deadline set at the last hearing. She summarized the proposed plan changes which included keeping existing homes and adding three new homes.

Questions from Council to Staff: Councilor Batey asked for clarification on how to proceed if Council wanted to consider the applicant’s amended proposal. She expressed appreciation to the applicant for listening to Council and amending his plan.
Council President Falconer asked if the applicant had addressed the project’s encroachment into the habitat conversation area (HCA). Ms. Kolias reported that the amended plan would require variances for density and lot widths, and the proposed HCA disturbance was not estimated to exceed 10,000 square feet. The group noted that the revised plan would not require cut-and-fill work and the applicant had proposed dedicating part of the site to the city as park land to mitigate the HCA disturbance.

Councilor Parks and Ms. Kolias noted that the applicant had laid out an extended timeline to amend the plan. Ms. Kolias explained the proposed timeline and noted Council was asked to continue the hearing to February 4, 2020. She remarked that the extended hearing would allow staff and the applicant time to discuss the revised plan.

Mayor Gamba and Mr. Gericke discussed what legal requirements there were related to the city or an applicant extending the land use timeframe. The group remarked on the possible extended hearing schedule in February and March 2020.

Council Discussion: The group noted that Council did not need to close the hearing or take public comment at the current hearing.

Councilor Batey asked if Council needed to take any action on the criteria and conditions of approval laid out in the letter from the applicant’s attorney. Mr. Gericke did not believe Council needed to address those issues now.

Mayor Gamba commented that the revisions were a good step forward.

Mr. Gericke summarized next steps related to a continued hearing on February 4.

Council Decision: It was moved by Council President Falconer and seconded by Councilor Batey to acknowledge the extension of the 120-day land use clock to March 4, 2020, and to continue the hearing to a date certain of February 4, 2020, for further consideration of the applicant’s proposal. Motion passed with the following vote: Councilors Falconer, Batey, and Parks, and Mayor Gamba voting “aye.” [4:0]

Mayor Gamba noted that the public comment on the new proposal would be taken at the February 4, 2020 hearing.

It was noted Councilor Hyzy returned to the meeting at 7:30 p.m.

6. OTHER BUSINESS

A. Approval of Term Sheet and Delegation of Authority for the Coho Point at Kellogg Creek Redevelopment Project – Resolution

Ms. Aman introduced Dr. Farid Bolouri, Black Rock LLC, and reviewed the Coho Point project timeline and proposed development terms. She reported that Council was asked to approve the terms for developing the site with Black Rock.

Councilor Batey asked about the feedback received at the second project open house. Ms. Aman noted the information that had been presented and feedback that had been received at the open house.

Ms. Aman provided an overview of the project goals, included affordable housing. The group noted that the goals called for “a range of housing types” on the site.

Ms. Aman discussed the number of parking spaces proposed for the site as a transit-oriented development (TOD). The group remarked on the number of bicycle parking
spaces proposed. Dr. Bolouri commented on the positive impacts of light rail on Milwaukie in terms of parking needs and bicycle use.

Ms. Aman reviewed the development criteria agreed to in the exclusive negotiating agreement (ENA) with Black Rock. She noted how the architect had incorporated the criteria to activate outdoor spaces. She and Councilor Batey commented on where certain elements would be located on the site. The group remarked on accessibility and viewpoint advantages of having a restaurant on the first floor versus on a rooftop.

Ms. Aman continued to review the ENA criteria, including the addition of the property owned by Dr. Bolouri in the project and the plan to include bicycle parking. She presented drone photos showing viewpoints from the site and noted how the project would help connect regional trails and transportation lines. She commented on how the property would support Council’s housing goals by providing a mix of housing unit types and reviewed the public improvements to be built on the site. The group noted that there would be a rain garden on the second floor of the building.

Ms. Aman and Dr. Bolouri discussed how the project would support regional connectivity and seek a sustainable building certification. Dr. Bolouri reported that the project team was looking at adding solar panels and was open to working with workforce business and educational programs. Ms. Aman noted that the project would be required to do utility infrastructure improvements. She reviewed the financial aspects of the project and noted that Council could be asked for further approvals regarding SDCs if the city manager was not authorized to fully negotiate the development and disposition agreement (DDA) with Black Rock. She noted next steps in the process.

Mayor Gamba asked if the project would include electric bicycle charging stations. Dr. Bolouri remarked on the number of bicycle parking stations that would be built and believed charging stations could be included.

Mr. Gericke cautioned the group from getting into the project details at this stage in the process. Ms. Ober noted that the public would have future opportunities to comment on the project. The group noted that no design review decisions had been made and Council may review the project if the Planning Commission’s decision was appealed.

Mayor Gamba discussed his request that the project be conditioned upon an Oregon Bureau of Labor and Industry (BOLI) determination on prevailing wages for project workers. He asked that the terms be reworded to ensure that a BOLI determination was applied. Ms. Aman reported that a BOLI determination wording had been included in the ENA terms and suggested that language be used in the terms. Mayor Gamba agreed the ENA terms would work and the group noted the ENA text to be used.

Councilor Batey thought the terms looked good and noted that Council could be asked to weigh-in on any SDC waivers. She and Mayor Gamba remarked on Council’s previously expressed preference for a rooftop restaurant.

Councilor Batey commented on the long-standing interest in building a pedestrian overpass from Coho Point to Milwaukie Bay Park. She noted the expense of an overpass and observed that this project meant the end of the overpass idea. She asked that the project look at installing bird safe windows. Dr. Bolouri noted the bird safe window request. The group discussed the reasons for a pedestrian bridge and the challenges of building one at any point along McLoughlin Boulevard in Milwaukie. They noted that the project would set up the future construction of an underpass to the park.
It was moved by Councilor Parks and seconded by Councilor Hyzy to approve the resolution approving the term sheet and authorizing the city manager to negotiate and execute a development and disposition agreement (DDA) with Black Rock LLC subject to conditions as amended by staff. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 74-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE TERM SHEET AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A DEVELOPMENT AND DISPOSITION AGREEMENT (DDA) WITH BLACK ROCK LLC SUBJECT TO CONDITIONS.

B. Authorization of Condition Waivers for the Purchase and Leaseback of 10501 SE Main Street (New City Hall) – Resolution

Ms. Aman introduced Sara Daley, commercial real estate broker, and explained that Council was asked to authorize the waiver of conditions and delegate authority to the city manager to negotiate and finalize a lease with Advantis Credit Union for the building to be used as a new city hall. She and Ms. Daly reviewed the project timeline which included closing on the purchase in March 2020 and a two-year leaseback period.

Councilor Batey asked for clarification as to whether the leaseback period could change. Ms. Aman and Ms. Daly noted that under the proposed conditions Advantis would be locked into the leaseback period which could not be ended early or extended without the city’s permission. They commented that Advantis was committed to the leaseback period and had been good partners throughout the process.

It was moved by Councilor Batey and seconded by Councilor Hyzy to approve the resolution authorizing the city manager to waive all conditions comprised of the general conditions, Council waiver approval, and delegation of authority to the city manager to waive lease back condition and finalize lease negotiations and execute a lease with the seller to finalize the purchase and sale agreement (PSA) for the acquisition of 10501 SE Main Street, Milwaukie, Oregon, 97222 for the purpose of a city hall. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 75-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO WAIVE ALL CONDITIONS COMPRISED OF THE GENERAL CONDITIONS, COUNCIL WAIVER APPROVAL, AND DELEGATION OF AUTHORITY TO THE CITY MANAGER TO WAIVE LEASE BACK CONDITION AND FINALIZE LEASE NEGOTIATIONS AND EXECUTE A LEASE WITH THE SELLER TO FINALIZE THE PURCHASE AND SALE AGREEMENT (PSA) FOR THE ACQUISITION OF 10501 SE MAIN STREET, MILWAUKIE, OREGON, 97222 FOR THE PURPOSE OF A CITY HALL.

Mayor Gamba recessed the regular session at 8:13 pm and reconvened at 8:23 p.m.

C. Planning Commission Annual Review – Update

Mr. Egner reported that the Planning Commission had recently reviewed its workplan and bylaws and held an annual meeting with neighborhood district association (NDA)
Commissioners Massey and Edge reported that the NDA’s wanted to be involved in development projects earlier. Council President Falconer asked if there were legal constraints as to when NDAs can get involved in a land use application. Mr. Egner reviewed the land use process and noted when application materials become publicly available. The group discussed the staff practice of recommending that developers attend NDA meetings to get input on projects. Commissioner Loosveldt and Mr. Egner remarked on the importance of making project information available through city media channels. Mr. Egner suggested staff could make pre-application notes available online and look at requiring developers to present their projects to NDAs.

Mr. Egner and Commissioner Massey summarized that the Planning Commission supported including an annual NDA meeting into the Commission’s bylaws. Commissioner Massey remarked on the Commission’s interest in attending NDA meetings and bridging the gap between the city and residents. Councilors Batey and Hyzy agreed that it would be good for commissioners and Council members to attend more NDA meetings.

Mr. Egner reviewed the Commission’s workplan for the next year which included Comprehensive Plan updates, the Council’s direction to focus on housing policies, and updating the Transportation System Plan (TSP). Ms. Ober suggested Council also wanted to focus on developing a tree code for private property and parking.

Mr. Egner provided an overview of the upcoming recruitment for the Comprehensive Plan Implementation Committee (CPIC) which would include a commissioner.

Mr. Egner continued to review projects on the Commission’s workplan, including commercial zoning amendments, cleaning-up ancillary documents, and reviewing the Downtown Design Standards that the Design and Landmarks Committee (DLC) had been working on. He noted upcoming staff work related to the Commission’s workplan, including a review of Federal Emergency Management Administration (FEMA) flood plain regulations and a study of the 29th Avenue and Monroe Street intersection.

Commissioner Massey asked about the project to align the city’s and FEMA’s flood standards. Mr. Egner explained that the project included the use of grant funds to evaluate flood plain code language. The group noted whether revised flood plain requirements would impact proposed development projects. Commissioner Massey suggested the city should adopt flood requirements that go beyond FEMA standards.

Commissioner Edge believed the Downtown Design Standards review could be done quickly as he thought they aligned with the changing Comprehensive Plan policies. He expressed support for the Commission working on housing policies. Council President Falconer suggested the city exercise caution in proceeding too quickly with certain housing policies as the state was still in the process of developing the rules. Ms. Ober noted that Council had also asked for a robust engagement strategy on housing. Mayor Gamba agreed with Commissioner Edge about the need to work on housing policy.

Councilor Batey wondered if there was a way to address easier housing policies quickly while working on more complex issues. Ms. Ober commented on the need to be transparent and engage the public when working on housing policy. Council President Falconer agreed with the need to work on housing policy quickly and suggested any process would be slowed due to the lack of agreement on basic housing definitions.
Mr. Egner summarized that the Commission’s work over the next year would focus on housing policy and reviewing tree code for private property. Ms. Ober suggested that Commission would also focus on parking. Mr. Egner and Commissioner Loosveldt believed there should be a commitment to review the Downtown Design Standards.

Councilor Batey did not believe the Commission’s bylaws needed to be revised to add an annual meeting with NDA leaders. Mr. Egner thought adding the meeting to the bylaws would help remind the Commission to hold the meeting. It was noted that staff would prepare revised Commission bylaws for Council to consider at a future meeting.

Mayor Gamba and Mr. Egner noted that Statewide Planning Goal 1 required the city to form a Community Involvement Advisory Committee (CIAC). The group discussed whether the Commission should be the CIAC, as recommended by the Comprehensive Plan Advisory Committee, or whether a standalone CIAC should be set up. They noted benefits and challenges of either approach to implementing the CIAC and how the city should approach the issue through a community engagement process.

Commissioner Edge reported that NDA leaders were interested in forming an engagement and involvement committee. He and Council President Falconer remarked on the feasibility of forming a new committee. Councilor Batey urged commissioners to watch the Council’s December 10 study session presentation on the city’s community engagement work. She observed that a task force might be needed to look at the CIAC issue. Councilor Hyzy and Council President Falconer suggested CIAC work would be shared by the Commission, Council, and staff.

Councilor Batey noted that the state CIAC goal was related to planning functions. Commissioner Massey appreciated the benefits of marrying the CIAC function with the Commission but expressed concern about the perception of doing so. The group discussed the public engagement role of city boards and committees. Commissioner Edge suggested a hybrid approach could be to form a committee of city board and committee members that would meet a couple times a year with subject matter experts.

Councilor Batey asked that the Commission not make land use decisions on only one or two criteria. The group noted that neither the Council or Commission should remark on ongoing development projects.

7. INFORMATION
Mayor Gamba announced upcoming events, including the Winter Solstice and Christmas Ships Viewing, a Christmas tree recycling and habitat enhancement events, the grand opening of the new Ledding Library, and a William Stafford poetry reading celebration. He noted upcoming construction work on Hwy 212. Councilor Batey noted upcoming Safe Access for Everyone (SAFE) events.

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

Mayor Gamba moved to adjourn the regular session at 9:20 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder
To: Mayor and City Council
   Ann Ober, City Manager

Reviewed: Bonnie Dennis, Finance Director

From: Kelli Tucker, Accounting & Contracts Specialist

Subject: Contract Authorization for Municipal Court Judge Services

ACTION REQUESTED
Council is asked to adopt a resolution authorizing the city manager to execute a personal services agreement with Kimberly Graves for municipal court judge services.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
November 2013 – the city’s municipal court judge resigned.

December 2013 – the city published a formal solicitation for services of a municipal court judge and five proposals were received.

January 2014 – all five proposers were interviewed before the evaluation panel selected Kimberly Graves as the most qualified to perform the services. Council adopted Resolution 7-2014 authorizing the city manager to execute a contract for an initial two-year term.

November 2015 to January 2018 – Council adopted Resolutions 101-2015 and 5-2018, each extending the contract with Ms. Graves for two additional years.

November 2019 – following best practice of competitively soliciting for professional services every five to seven years, staff issued a formal solicitation for services of a municipal court judge with the objective of executing a new contract for the desired services.

ANALYSIS
Staff only received one response to the formal solicitation for municipal court judge services and it was from the city’s current judge, Kimberly Graves. The proposal was reviewed, and all requirements were satisfied. Given that Ms. Graves has provided satisfactory services during her current contract term, the interview criterion was cancelled and deemed unnecessary to grant the intent to award.

The initial term of the contract with Ms. Graves will be through May 31, 2022. The city will also reserve the right to extend the contract up to two (2) additional two-year periods for a total of about six years. Each extension period will be presented to and authorized by Council.

BUDGET IMPACTS
Services are budgeted in the 2019-2020 biennial budget.

WORKLOAD IMPACTS
None.
COORDINATION, CONCURRENCE, OR DISSENT
The court operations supervisor concurs with this report.

STAFF RECOMMENDATION
Adopt resolution authorizing the city manager to execute the contract with Kimberly Graves to serve as the city’s municipal court judge.

ALTERNATIVES
Direct staff to begin a second formal solicitation for services.

ATTACHMENTS
1. Resolution
2. Personal Services Agreement
COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR MUNICIPAL COURT JUDGE SERVICES.

WHEREAS, the Milwaukie Municipal Court is the city’s judicial tribunal and hears cases arising under the municipal code, the development code, and the Oregon Vehicle Code; and

WHEREAS, the city requires municipal court judge services for the operations of its municipal court; and

WHEREAS, the city issued a formal solicitation under Public Contracting Rule 70.020(A) and received only one submission, which was determined to be responsive and responsible.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager is authorized to enter into an agreement with Kimberly Graves for municipal court judge services for an initial term through May 31, 2022.


This resolution is effective immediately.

__________________________________________
Mark F. Gamba, Mayor

ATTEST:                                    APPROVED AS TO FORM:

__________________________________________
Scott S. Stauffer, City Recorder

__________________________________________
Justin D. Gericke, City Attorney
PERSONAL SERVICES AGREEMENT
WITH THE CITY OF MILWAUKIE, OREGON
FOR MUNICIPAL COURT JUDGE SERVICES

THIS AGREEMENT made and entered into this _____ day of January, 2020 by and between the City of Milwaukie, a municipal corporation of the State of Oregon, hereinafter called City, and Kimberly M. Graves, hereinafter called Consultant.

RECITALS

WHEREAS City has need for the services of a person or an entity with particular training, ability, knowledge, and experience as possessed by Consultant, and

WHEREAS City has determined that Consultant is qualified and capable of performing the professional services as City does hereinafter require, under those terms and conditions set forth,

THEREFORE the Parties agree as follows:

1. SERVICES TO BE PROVIDED
Consultant shall provide services as specified in the Scope of Work, a copy of which is attached hereto, labeled Exhibit A and hereby incorporated by reference. Consultant shall initiate services immediately upon receipt of City’s notice to proceed, together with an executed copy of this Agreement.

2. EFFECTIVE DATE AND DURATION
This Agreement shall become effective upon the date of execution, and shall expire, unless otherwise terminated or extended, by May 31, 2022. All work under this Agreement shall be completed prior to the expiration of this Agreement.

This Agreement may be extended at the option of the City up to two (2) two-year periods. Any renewal shall be upon the same original terms and provisions, unless otherwise negotiated in writing. Any extension of this Agreement requires City Council authorization.

3. COMPENSATION
City agrees to pay Consultant not to exceed thirty seven thousand dollars ($37,000) per contract year for performance of those services described in the Scope of Work. The first contract year shall be from the date of execution of this Agreement through May 31, 2021. Payment shall be based upon the following applicable terms:

A. Payment by City to Consultant for performance of services under this Agreement includes all expenses incurred by Consultant, with the exception of expenses, if any identified in this Agreement as separately reimbursable.

B. Payment will be made in installments based on Consultant’s invoice, subject to the approval of the City Manager, or designee, and not more frequently than monthly. Payment shall be made only for work actually completed as of the date of invoice.

C. Payment by City shall release City from any further obligation for payment to Consultant, for services performed or expenses incurred as of the date of the
invoice. Payment shall not be considered acceptance or approval of any work or waiver of any defects therein.

D. Where applicable, Consultant must make payment promptly as due to persons supplying Consultant labor or materials for the execution of the work provided by this order. Consultant must pay all contributions or amounts due from Consultant to the Industrial Accident Fund incurred in the performance of this order. Consultant shall not permit any lien or claim to be filed or prosecuted against City or any subdivision of City on account of any labor or material to be furnished. Consultant further agrees to pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

E. If Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to Consultant or a subconsultant by any person as such claim becomes due, City’s Finance Director may pay such claim and charge the amount of the payment against funds due or to become due the Consultant. The payment of the claim in this manner shall not relieve Consultant or their surety from obligation with respect to any unpaid claims.

F. If labor is performed under this order, then no person shall be employed for more than eight (8) hours in any one day, or forty (40) hours in any one week, except in cases of necessity, or emergency or where the public policy absolutely requires it, and in such cases, except cases of contracts for personal services as defined in ORS 279A.055, the labor shall be paid at least time and a half for all overtime in excess of eight (8) hours a day and for all work performed on Saturday and on any legal holidays as specified in ORS 279B.020. In cases of contracts for personal services as defined in ORS 279A.055, any labor shall be paid at least time and a half for all hours worked in excess of forty (40) hours in any one week, except for those individuals excluded under ORS 653.010 to 653.260 or under 29 USC SS 201-209.

G. Consultant shall promptly, as due, make payment to any person, co-partner, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention incident to sickness or injury to the employees of Consultant or all sums which Consultant agrees to pay for such services and all moneys and sums which Consultant collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

H. The City certifies that sufficient funds are available and authorized for expenditure to finance costs of this contract.

4. OWNERSHIP OF WORK PRODUCT
City shall be the owner of and shall be entitled to possession of any and all work products of Consultant which result from this Agreement, including any computations, plans, correspondence or pertinent data and information gathered by or computed by Consultant prior to termination of this Agreement by Consultant or upon completion of the work pursuant to this Agreement.

5. ASSIGNMENT/DELEGATION
Except for the appointment of municipal judges pro tem by Consultant, neither party shall assign, sublet or transfer any interest in or duty under this Agreement without the written consent of the other and no assignment shall be of any force or effect whatsoever unless and until the other party has so consented. If City agrees to assignment of tasks to a subcontract, Consultant shall be fully responsible for the acts or omissions of any subconsultants and of all persons employed by them, and neither the approval by City of
any subconsultant nor anything contained herein shall be deemed to create any contractual relation between the subconsultant and City.

City Council may appoint municipal judges pro tem outside of this Agreement, which judges shall serve at the pleasure of City Council. Should City Council choose to appoint a municipal judge pro tem, the judge(s) will not be deemed to have been appointed by the Consultant and shall not be included in or subject to the terms of this Agreement. Compensation for a municipal judge pro tem appointed by City Council will be paid directly to the judge by the City under the terms of a separate agreement.

6. **STATUS OF CONSULTANT AS INDEPENDENT CONTRACTOR**

Consultant certifies that:

A. Consultant acknowledges that for all purposes related to this Agreement, Consultant is and shall be deemed to be an independent contractor as defined by ORS 670.700 and not an employee of City, shall not be entitled to benefits of any kind to which an employee of City is entitled and shall be solely responsible for all payments and taxes required by law. Furthermore, in the event that Consultant is found by a court of law or any administrative agency to be an employee of City for any purpose, City shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Consultant under the terms of this Agreement, to the full extent of any benefits or other remuneration Consultant receives (from City or third party) as a result of said finding and to the full extent of any payments that City is required to make (to Consultant or to a third party) as a result of said finding.

B. The undersigned Consultant hereby represents that no employee of the City, or any partnership or corporation in which a City employee has an interest, has or will receive any remuneration of any description from Consultant, either directly or indirectly, in connection with the letting or performance of this Agreement, except as specifically declared in writing.

If this payment is to be charged against Federal funds, Consultant certifies that he/she is not currently employed by the Federal Government and the amount charged does not exceed his or her normal charge for the type of service provided.

Consultant and its employees, if any, are not active members of the Oregon Public Employees Retirement System and are not employed for a total of 600 hours or more in the calendar year by any public employer participating in the Retirement System.

C. Consultant certifies that it currently has a City business license or will obtain one prior to delivering services under this Agreement.

D. Consultant is not an officer, employee, or agent of the City as those terms are used in ORS 30.265.

E. City requires that attorney services be provided without conflict by the attorney's representation of clients on matters contrary to City's legal interests. Thus, Consultant shall not engage services of other attorneys or other professionals who individually, or through members of a firm, represent one or more clients on matters contrary to City's interests.

Should Consultant, or a professional he or she has engaged, represent a client in a matter contrary to City's legal interests, Consultant shall promptly consult with the Finance Director or other designated official about the conflict. Consultant
shall resolve the conflict to City's satisfaction within seven (7) days of consulting with the City official. Unresolved conflicts are grounds for termination of this agreement.

7. **INDEMNIFICATION**

City has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant warrants that all its work will be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of a consultant’s work by City shall not operate as a waiver or release.

Consultant agrees to indemnify and defend the City, its officers, agents, employees and volunteers and hold them harmless from any and all liability, causes of action, claims, losses, damages, judgments or other costs or expenses including attorney’s fees and witness costs and (at both trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity which in any way arise from, during or in connection with the performance of the work described in this contract, except to the extent that the liability arises out of the sole negligence of the City and its employees. Such indemnification shall also cover claims brought against the City under state or federal workers’ compensation laws. If any aspect of this indemnity shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this indemnification.

8. **INSURANCE**

Consultant and its subconsultants shall maintain insurance acceptable to City in full force and effect throughout the term of this contract. Such insurance shall cover all activities of the consultant arising directly or indirectly out of Consultant’s work performed hereunder, including the operations of its subconsultants of any tier.

The policy or policies of insurance maintained by the Consultant and its subconsultant shall provide at least the following limits and coverage:

A. **Automobile Insurance**

Consultant shall obtain, at consultant’s expense, and keep in effect during the term of this contract, Automobile Liability coverage including coverage for all owned, hired, and non-owned vehicles. Consultant shall carry, at minimum, liability required by the state in which the vehicle is registered. Evidence of auto liability required under this Agreement shall be furnished to the City.

B. **Professional Liability Insurance**

Consultant shall obtain, at consultant’s expense, and keep in effect during the term of this contract, Professional Liability Insurance covering any damages caused by an error, omission or any negligent acts. Combined single limit per occurrence shall not be less than $1,000,000. Annual aggregate limit shall not be less than $1,000,000. Coverage procured through the Oregon State Bar Professional Liability Fund shall be sufficient to comply with this section.

C. **Workers’ Compensation Insurance**

The Consultant, its subconsultants, if any, and all employers providing work, labor or materials under this Contract who are subject employers under the Oregon Workers’ Compensation Law and shall comply with ORS 656.017, which requires them to provide workers’ compensation coverage that satisfies Oregon law for all their subject workers. Out-of-state employers must provide workers'
compensation coverage for their workers that complies with ORS 656.126. Employer’s Liability Insurance with coverage limits of not less than $500,000 each accident shall be included.

D. Notice of Cancellation
There shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew insurance coverage without 30 days written notice to the City. Any failure to comply with this provision will not affect the insurance coverage provided to the City. The certificates of insurance provided to the City shall state that the insurer shall endeavor to provide 30 days’ notice of cancellation to the City.

E. Insurance Carrier Rating
Coverages provided by the Consultant must be underwritten by an insurance company deemed acceptable by the City. The City reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.

F. Certificates of Insurance
As evidence of the insurance coverage required by the contract, the Consultant shall furnish a Certificate of Insurance to the City. No contract shall be effective until the required certificates have been received and approved by the City. The certificate will specify and document all provisions within this contract. A renewal certificate will be sent to the above address 10 days prior to coverage expiration.

G. Independent Contractor Status
The service or services to be rendered under this contract are those of an independent contractor. Consultant is not an officer, employee or agent of the City as those terms are used in ORS 30.265.

H. Primary Coverage Clarification
The parties agree that Consultant’s coverage shall be primary to the extent permitted by law. The parties further agree that other insurance maintained by the City is excess and not contributory insurance with the insurance required in this section.

Consultant’s insurance policy shall not be canceled or their limits of liability reduced without thirty (30) days prior notice to City. A copy of each insurance policy, certified as a true copy by an authorized representative of the issuing insurance company, or at the discretion of City, in lieu thereof, a certificate in form satisfactory to City certifying to the issuance of such insurance shall be forwarded to:

City of Milwaukie  
Attn: Finance  
10722 SE Main Street  
Milwaukie, Oregon 97222

Business Phone: 503-786-7555  
Business Fax: 503-653-2444  
Email Address: finance@milwaukieoregon.gov

Such policies or certificates must be delivered prior to commencement of the work.

The procuring of such required insurance shall not be construed to limit consultant’s liability hereunder. Notwithstanding said insurance, Consultant shall be obligated for the total amount of any damage, injury, or loss caused by negligence or neglect connected with this contract.
9. **METHOD & PLACE OF SUBMITTING NOTICE, BILLS AND PAYMENTS**

All notices, bills and payments shall be made in writing and may be given by personal delivery, mail, email or by fax. Payments may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices, bills, payments, and other information:

<table>
<thead>
<tr>
<th>City of Milwaukie</th>
<th>Consultant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attn: Accounts Payable</td>
<td>Attn: Kimberly M. Graves</td>
</tr>
<tr>
<td>10722 SE Main Street</td>
<td>PO Box 582</td>
</tr>
<tr>
<td>Milwaukie, Oregon 97222</td>
<td>West Linn, Oregon 97068</td>
</tr>
<tr>
<td>Phone: 503.786.7523</td>
<td>Phone: 503.816.9015</td>
</tr>
<tr>
<td>Email: <a href="mailto:ap@milwaukieoregon.gov">ap@milwaukieoregon.gov</a></td>
<td>Email: <a href="mailto:kimberly@graves-legal.com">kimberly@graves-legal.com</a></td>
</tr>
</tbody>
</table>

And when so addressed, shall be deemed given upon deposit in the United States mail, postage prepaid, or when so faxed, shall be deemed given upon successful fax. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to whom notices, bills and payments are to be given by giving written notice pursuant to this paragraph.

10. **MERGER**

   This writing is intended both as a final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. No modification of this Agreement shall be effective unless and until it is made in writing and signed by both parties.

11. **TERMINATION WITHOUT CAUSE**

   At any time and without cause, City shall have the right, in its sole discretion, to terminate this Agreement by giving notice to Consultant. If City terminates the contract pursuant to this paragraph, it shall pay Consultant for services rendered to the date of termination.

12. **TERMINATION WITH CAUSE**

   **A.** City may terminate this Agreement effective upon delivery of written notice to Consultant, or at such later date as may be established by City, under any of the following conditions:

   1) If City funding from federal, state, local, or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services. This Agreement may be modified to accommodate a reduction in funds.

   2) If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement.

   3) If any license or certificate required by law or regulation to be held by Consultant, its subconsultants, agents, and employees to provide the services required by this Agreement is for any reason denied, revoked, or not renewed.

   4) If Consultant becomes insolvent, if voluntary or involuntary petition in bankruptcy is filed by or against Consultant, if a receiver or trustee is appointed for Consultant, or if there is an assignment for the benefit of creditors of Consultant.
Any such termination of this agreement under paragraph (a) shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

B. City, by written notice of default (including breach of contract) to Consultant, may terminate the whole or any part of this Agreement:

1) If Consultant fails to provide services called for by this agreement within the time specified herein or any extension thereof, or

2) If Consultant fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from City, fails to correct such failures within ten (10) days or such other period as City may authorize.

The rights and remedies of City provided in the above clause related to defaults (including breach of contract) by Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

If City terminates this Agreement under paragraph (B), Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred, an amount which bears the same ratio to the total fees specified in this Agreement as the services satisfactorily rendered by Consultant bear to the total services otherwise required to be performed for such total fee; provided, that there shall be deducted from such amount the amount of damages, if any, sustained by City due to breach of contract by Consultant. Damages for breach of contract shall be those allowed by Oregon law, reasonable and necessary attorney fees, and other costs of litigation at trial and upon appeal.

13. ACCESS TO RECORDS
City shall have access to such books, documents, papers and records of Consultant as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts and transcripts.

14. FORCE MAJEURE
Neither City nor Consultant shall be considered in default because of any delays in completion and responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the parties so disabled, including but not restricted to, an act of God or of a public enemy, civil unrest, volcano, earthquake, fire, flood, epidemic, quarantine restriction, area-wide strike, freight embargo, unusually severe weather or delay of subconsultant or supplies due to such cause; provided that the parties so disabled shall within ten (10) days from the beginning of such delay, notify the other party in writing of the cause of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation. Each party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligation under the Agreement.

15. NON-WAIVER
The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this Agreement or to exercise any rights hereunder should not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights on any future occasion.
16. **NON-DISCRIMINATION**
Consultant agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statues, rules, and regulations. Consultant also shall comply with the Americans with Disabilities Act of 1990, ORS 659A.142, and all regulations and administrative rules established pursuant to those laws.

17. **ERRORS**
Consultant shall perform such additional work as may be necessary to correct errors in the work required under this Agreement without undue delays and without additional cost.

18. **EXTRA (CHANGES) WORK**
Only the Finance Director, Bonnie Dennis, may authorize extra (and/or change) work. Failure of Consultant to secure authorization for extra work shall constitute a waiver of all right to adjustment in the contract price or contract time due to such unauthorized extra work and Consultant thereafter shall be entitled to no compensation whatsoever for the performance of such work.

19. **WARRANTIES**
All work shall be guaranteed by Consultant for a period of one year after the date of final acceptance of the work by the owner. Consultant warrants that all practices and procedures, workmanship and materials shall be the best available unless otherwise specified in the profession.

Neither acceptance of the work nor payment therefore shall relieve Consultant from liability under warranties contained in or implied by this Agreement.

20. **ATTORNEY’S FEES**
In case suit or action is instituted to enforce the provisions of this contract, the parties agree that the losing party shall pay such sum as the court may adjudge reasonable attorney fees and court costs, including attorney’s fees and court costs on appeal.

21. **GOVERNING LAW**
The provisions of this Agreement shall be construed in accordance with the provisions of the laws of the State of Oregon. Any action or suits involving any question arising under this Agreement must be brought in the appropriate court of the State of Oregon.

22. **COMPLIANCE WITH STATE AND FEDERAL LAWS/RULES**
Consultant shall comply with all applicable federal, state and local laws, rules and regulations, including, but not limited to, the requirements concerning working hours, overtime, medical care, workers compensation insurance, health care payments, payments to employees and subconsultants and income tax withholding contained in ORS Chapters 279A and 279B, the provisions of which are hereby made a part of this agreement.

23. **CONFLICT BETWEEN TERMS**
It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument in the proposal of the contract, this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.
24. **AUDIT**
Consultant shall maintain records to assure conformance with the terms and conditions of this Agreement, and to assure adequate performance and accurate expenditures within the contract period. Consultant agrees to permit City, the State of Oregon, the federal government, or their duly authorized representatives to audit all records pertaining to this Agreement to assure the accurate expenditure of funds.

25. **SEVERABILITY**
In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected to the extent that it did not materially affect the intent of the parties when they entered into the agreement.

26. **COMPLETE AGREEMENT**
This Agreement and attached exhibits constitute as the entire Agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. Consultant, by the signature of its authorized representative, hereby acknowledges that he has read this Agreement, understands it and agrees to be bound by its terms and conditions.

**IN WITNESS WHEREOF**, City has caused this Agreement to be executed by its duly authorized undersigned officer and Consultant has executed this Agreement on the date hereinabove first written.

**CITY OF MILWAUKIE**

Signature

Ann Ober, City Manager
Printed Name & Title
Date

**CONSULTANT**

Signature

Kimberly M. Graves, Attorney
Printed Name & Title
Date
Exhibit A

SCOPE OF WORK

A. SERVICES TO BE PROVIDED:

1. Judicial Services and Duties
   
   Consultant (or municipal court judge) services include, but are not limited to, all general duties of a municipal court judge acting in the capacity for a municipal court, presiding over arraignments, accepting pleas, conducting sentencing and issuing warrants.

   The City holds municipal court no more than twice per month on Wednesdays, generally from 8:00am to 5:00pm. Court trials are conducted in the mornings and arraignments in the afternoon on court day.

   Attendance court is held once per month as needed, with the possibility of an additional date each month depending on the need of North Clackamas School District. Attendance court is generally held in the evenings from October through June as needed.

   The City's court clerk assists the judge with paperwork and necessary orders. Consultant may review court programs, court fines, court charges and court procedures. Consultant may also issue court orders establishing procedure and amounts of fees. Consultant shall keep the court clerk apprised of any changes in laws and procedures.

   There are judicial conferences which the Consultant may attend and request expense reimbursement from the City. Expenses are reimbursed based on city procedures for travel and meals.

   Consultant shall select and compensate any pro tem judge, when necessary.

2. City Charter - Chapter VII Section 28 (Municipal Judge)
   
   Chapter VII Section 28 of the Milwaukie Charter sets forth the authority and duties of the municipal court judge as follows:

   (a) The municipal judge shall be the judicial officer of the city. The municipal judge shall be appointed by and hold office during the pleasure of the council. The municipal judge shall be a member in good standing of the Oregon State Bar during the entire term of office. Disbarment shall be a basis for removal from office. The municipal court judge shall hold a court within the city which shall be known as the municipal court for the city of Milwaukie, Clackamas County, Oregon. The court shall be open for transaction of judicial business for such days and hours as the council may establish.

   (b) Except as this charter or city ordinance prescribes to the contrary, procedures of the court shall conform to the general laws of this state governing justice of the peace and justice courts.

   (c) All area within the city and, to the extent provided by state law, area outside the city is within the territorial jurisdiction of the court.

   (d) The municipal court has original jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by any ordinance of the city. The municipal judge may:
i. Render judgments and, for enforcing them, impose sanctions on persons and property within the court’s territorial jurisdiction;

ii. Order the arrest of anyone accused of an offense against the city;

iii. Commit to jail or admit to bail anyone accused of such an offense;

iv. Issue and compel obedience to subpoenas;

v. Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;

vi. Penalize contempt of court;

vii. Issue process necessary to effectuate judgments and orders of the court;

viii. Issue search warrants; and

ix. Perform other judicial and quasi-judicial functions prescribed by ordinance.

(e) A municipal judge may appoint municipal judges pro tem which judges shall serve at the pleasure of the council.

(f) Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.

3. Court Software
The judge shall utilize the City’s court operations software to review cases and enter judgments into the case.

The City’s municipal court is a court of record and all court proceedings are recorded with For the Record software and recording equipment. The City’s municipal court may move towards a paperless court during this contract term and the Consultant will play a key role in this implementation.

B. OTHER SERVICES
If the City develops need for additional services during the life of the agreement, those services will be provided with the same conditions as apply to existing accounts at the time. If regulatory bodies establish new regulations, the Consultant shall demonstrate full compliance with those regulations. If Consultant develops other services, the City is to be furnished with any information that it may use to consider these services.

C. COMPENSATION
City shall pay Consultant for performance of services not to exceed $37,000 per contract year as described in Section 2 of this Agreement. Compensation shall be paid to Consultant at the following rates:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular court session</td>
<td>$900 per session</td>
</tr>
<tr>
<td>Truancy court session</td>
<td>$500 per session</td>
</tr>
<tr>
<td>Reimbursable expenses (including additional meetings and travel expenses)</td>
<td>As requested by Consultant and approved by City</td>
</tr>
</tbody>
</table>
RS Agenda Item 6

Other Business
COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE.

WHEREAS, in April 2016 world leaders recognized the urgent need to combat climate change by signing the Paris Agreement, agreeing to keep global warming “well below 2°C above pre-industrial levels” and to “pursue efforts to limit the temperature increase to 1.5°C;” and

WHEREAS, the damage done by the current average global warming of 1°C demonstrates that the Earth is already too hot for safety and justice, as seen through stronger and more frequent wildfires, floods, rising seas, diseases, droughts, and extreme weather; and

WHEREAS, according to the United Nations’ Special Rapporteur on Extreme Poverty, 1.5°C of global warming could expose 500 million people to water poverty, 36 million people to food insecurity because of lower crop yields, and 4.5 billion people to deadly heat waves; and

WHEREAS, in October 2018, the United Nations released a special report which projected that limiting warming to even the dangerous 1.5°C target this century will require a complete transformation of every sector of the global economy by 2030; and

WHEREAS, climate change and the global industrialized economy’s overshoot of ecological limits are driving the Sixth Mass Extinction of species, according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services; and

WHEREAS, the United States of America has disproportionately contributed to the climate and ecological emergencies and thus bears an extraordinary responsibility to rapidly solve these crises; and

WHEREAS, in July 2019, legislators introduced a concurrent Congressional resolution to declare a national climate emergency in the United States; and

WHEREAS, restoring a safe and stable climate requires an emergency mobilization on a scale not seen since World War II in order to reach zero greenhouse gas emissions across all sectors of the economy; to rapidly and safely drawdown and remove all the excess carbon from the atmosphere at emergency speed and until safe, pre-industrial climate conditions are restored; and to implement measures to protect all people and species from the consequences of abrupt climate breakdown; and

WHEREAS, the measures to restore a safe climate include a rapid, just, managed phase-out of fossil fuels; ending greenhouse gas emissions as quickly as possible to establish a zero-emissions economy; a widespread effort to reduce excess carbon in the
atmosphere; a full transition to a regenerative agriculture system; and an end to the Sixth Mass Extinction through widespread conservation and restoration of ecosystems; and

WHEREAS, the scale of action necessary to achieve these measures will require unprecedented levels of public awareness, engagement, and deliberation to develop and implement effective, just, and equitable policies to address the climate emergency; and

WHEREAS, Milwaukie can act as a global leader through initiating an emergency Climate Mobilization to rapidly move from an ecologically, socially, and economically extractive local economy to one that is regenerative, as well as advocating for the regional, national, and international efforts necessary to reverse global warming and the ecological crisis.

NOW BE IT THEREFORE RESOLVED, by the City Council of the City of Milwaukie, Oregon, that a climate and ecological emergency which threatens our city, region, state, nation, civilization, humanity and the natural world, is hereby declared; and

BE IT FURTHER RESOLVED, that Milwaukie renews its community-wide commitment to addressing our part in the global climate crisis through the fifty-three actions outlined in our Climate Action Plan (CAP) and enacts the acceleration of our climate action goals by five years. By 2030, Milwaukie will have no net carbon emissions from its electricity use; by 2035, Milwaukie’s buildings will have no net carbon emissions, and by 2045, Milwaukie will be a fully carbon-neutral city; and

BE IT FURTHER RESOLVED, that Milwaukie commits to a qualitative update of its Climate Action Plan on a three-year cycle, and to refining those actions as needed to achieve our community’s carbon reduction targets through the most appropriate and effective solutions available, with the intent that these actions will result in a just and equitable transition for vulnerable and historically marginalized people; and

BE IT FURTHER RESOLVED, that the Milwaukie City Council directs staff to include climate impact statements in all relevant Council staff reports and motions, much as it currently includes fiscal impact statements; and

BE IT FURTHER RESOLVED, that the Milwaukie City Council commits to educating our residents about the financial and regulatory actions needed to eliminate greenhouse gas emissions as quickly as possible in order to achieve our accelerated climate action goals; and

BE IT FURTHER RESOLVED, that by the adoption of this resolution, the Milwaukie City Council hereby declares its support for H.Con.Res.52 and S.Con.Res.22, “Expressing the sense of Congress that there is a climate emergency which demands a massive-scale mobilization to halt, reverse, and address its consequences and causes”; and

BE IT FURTHER RESOLVED, that Milwaukie calls on the State of Oregon to declare a climate emergency; revise its statewide Renewable Portfolio Standards to achieve 50% renewable energy by 2030 and 100% renewables by 2050; and to adopt meaningful climate legislation in the 2020 short legislative session. Milwaukie also calls on Clackamas County, Metro, the United States Congress, the President of the United States, and all
governments and people worldwide to declare a climate emergency, initiate a Climate Mobilization to reverse global warming and the ecological crisis, and provide maximum protection for all people and species of the world, particularly those most vulnerable to the effects of the crisis; and

**BE IT FURTHER RESOLVED**, in furtherance of this resolution, the City of Milwaukie shall submit a certified copy of this resolution to the President of the United States; Governor Kate Brown; Senators Jeff Merkley and Ron Wyden; Representative Kurt Schrader; the Metro Council and the Board of Clackamas County Commissioners and request that all relevant support and assistance in effectuating this resolution be provided.

Introduced and adopted by the City Council on **January 21, 2020**.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

**Footnotes:**
The Paris Agreement: [https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement](https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement)
The UN Special Report on Global Warming of 1.5°C: [https://www.ipcc.ch/sr15/](https://www.ipcc.ch/sr15/)
H.Con.Res.52 - Expressing the sense of Congress that there is a climate emergency which demands a massive-scale mobilization to halt, reverse, and address its consequences and causes: [https://www.congress.gov/bill/116th-congress/house-concurrent-resolution/52?q=%7B%22search%22%3A%5B%22climate+emergency%22%5D%7D&s=1&r=1](https://www.congress.gov/bill/116th-congress/house-concurrent-resolution/52?q=%7B%22search%22%3A%5B%22climate+emergency%22%5D%7D&s=1&r=1)
COUNCIL RESOLUTION No.

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BE IT FURTHER RESOLVED, that the Milwaukie City Council commits to educating our residents about the financial and regulatory actions needed to eliminate greenhouse gas emissions as quickly as possible in order to achieve our accelerated climate action goals; and

BE IT FURTHER RESOLVED, that by the adoption of this resolution, the Milwaukie City Council hereby declares its support for H.Con.Res.52 and S.Con.Res.22, “Expressing the sense of Congress that there is a climate emergency which demands a massive-scale mobilization to halt, reverse, and address its consequences and causes”; and

BE IT FURTHER RESOLVED, that Milwaukie calls on the State of Oregon to declare a climate emergency; revise its statewide Renewable Portfolio Standards to achieve 50% renewable energy by 2030 and 100% clean and renewable energy by 2050; and to adopt meaningful climate legislation in the 2020 short legislative session. Milwaukie also calls on Clackamas County, Metro, the United States Congress, the President of the United
States, and all governments and people worldwide to declare a climate emergency, initiate a Climate Mobilization to reverse global warming and the ecological crisis, and provide maximum protection for all people and species of the world, particularly those most vulnerable to the effects of the crisis; and

**BE IT FURTHER RESOLVED**, in furtherance of this resolution, the City of Milwaukie shall submit a certified copy of this resolution to the President of the United States; Governor Kate Brown; Senators Jeff Merkley and Ron Wyden; Representative Kurt Schrader; the Metro Council and the Board of Clackamas County Commissioners and request that all relevant support and assistance in effectuating this resolution be provided.

Introduced and adopted by the City Council on **January 21, 2020**.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:  
APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder  
Justin D. Gericke, City Attorney

**Footnotes:**
The Paris Agreement: [https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement](https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement)
The UN Special Report on Global Warming of 1.5°C: [https://www.ipcc.ch/sr15/](https://www.ipcc.ch/sr15/)
H.Con.Res.52 - Expressing the sense of Congress that there is a climate emergency which demands a massive-scale mobilization to halt, reverse, and address its consequences and causes: [https://www.congress.gov/bill/116th-congress/house-concurrent-resolution/52?q=%7B%22search%22%3A%22%5B%22climate+emergency%22%5D%7D&s=1&r=1](https://www.congress.gov/bill/116th-congress/house-concurrent-resolution/52?q=%7B%22search%22%3A%22%5B%22climate+emergency%22%5D%7D&s=1&r=1)
PGE is helping achieve
Milwaukie’s clean energy future

DRAMATICALLY REDUCING OUR GREENHOUSE GAS EMISSIONS

50% clean energy used to serve customers by 2022. We’re committed to reducing our emissions by more than 80% and to enable other sectors of the economy to decarbonize with us, as informed by our deep decarbonization study.

1,800 megawatts of clean energy including our wind farms and low-impact hydropower facilities, and 500+ megawatts more by 2022 when facilities like the Wheatridge wind-solar-storage facility come onto our system.

Choices for customers to go greener faster

#1 100% voluntary renewable energy program (Green Future™) in the country for a decade, with 225,000 customers participating (6,900 Milwaukie customers).

New 160 megawatt renewable facility made possible by Green Future Impact customers with ambitious sustainability goals, including the City of Milwaukie.

10,000+ customers who generate their own energy through our net-metering program and produce a total of 100 megawatts a year (including 260 Milwaukie customers generating 1.7MW).

$14 million in grants for local renewable energy projects since 2002 through the Renewable Development Fund, which is supported by Green Future customers. The RDF has provided $210,062 in grants to build 96kW of local renewable energy in Milwaukie.

$880+ million for energy efficiency and renewable energy remitted to Energy Trust of Oregon between 2008 and 2019.

BUILDING THE RESILIENT, EFFICIENT GRID OF THE FUTURE

Three Smart Grid Test Beds, including one in Milwaukee, a first-of-its-kind project testing methods to integrate a host of smart grid customer controlled technologies such as smart thermostats, water heaters, rooftop solar, batteries and EVs on an unprecedented scale to support a cleaner, more flexible modern grid.

Hardening the grid against disruption by strengthening our transmission and distribution system, implementing 30 MW of new battery storage, updating our cyber and physical security systems, and using automated sensing technology to continuously monitor our transmission lines.

Helping ensure a coordinated, rapid response to a crisis by collaborating with local, state and federal entities.

90,000 customers helping balance the grid by volunteering to shift energy use during peak times through our demand response programs (6,147 Milwaukie customers participate).

Our goal: reduce emissions by more than 80%

Where we’re going

Without action

With action

Greenhouse gas emissions (MMtCO₂e)

0 2 4 6 8 10 12 14 16

2010 2050

How we’ll get there

Build renewables

Increase energy efficiency

Eliminate coal

Other actions
SUPPORTING OREGON’S FUTURE CLEAN, MODERN TRANSPORTATION SYSTEM

Supporting TriMet to electrify its bus fleet, including electric bus charging infrastructure, TriMet’s first all-electric bus route, the Powell Garage bus depot conversion to all electric, and long-term electric fuel planning.

Providing free universal TriMet passes to PGE employees who live in Oregon and work at our Portland-metro area locations.

Seven publicly available PGE Electric Avenues in the Portland-Salem metro areas by the end of 2020, including one in Milwaukie (SE McLoughlin Blvd/ SE Jackson St), each able to charge at least four vehicles at a time.

Committed to electrifying our 1,100+ vehicle fleet, which supports the state’s zero emission vehicle goals and will improve local air quality in neighborhoods where we work, live and operate.

$3M+ in grants to support schools, nonprofits and public agencies adopting electric vehicles through the PGE Drive Change Fund and our electric school bus pilot, both funded by the Oregon Clean Fuels program.

Helped establish Oregon’s ZEV adoption goals through Senate Bill 1044, including goals for 250,000 ZEVs to be registered by 2025 and ZEVs reaching 90% of new vehicle sales by 2035.

WORKING WITH CUSTOMERS AND OUR COMMUNITY TO HELP OREGON THRIVE

$1.84 million in grants remitted to regional partners in the Clackamas River basin in 2019 to support fish and habitat work.

3,000+ PGE employees, 67 of whom live in Milwaukie, as well as 1,000+ contractors. They are engineers, environmental scientists, IBEW lineworkers, grid operators, experts in electric vehicles and more.

$4.7 million donated by PGE employees, retirees and the PGE Foundation to support local schools and nonprofits in 2019.

60 scholarships and 55 summer internships provided to Oregon students in 2019.

14 public parks and recreation sites operated and maintained by Portland General Electric (6 in Clackamas County).

$130+ million to support low-income weatherization and affordable housing, remitted by PGE since 2002 to Oregon Housing and Community Services.

fullcleanfuture.com
CITY OF MILWAUKIE
CITY COUNCIL
10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

Speaker Registration

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

Name: Milhauer Bishop
Organization: Summer Movement
Address: 11274 SW McKenzie CTW 97
Phone:
Email:
Meeting Date: 1/21/2020 Topic: Resolution for climate emergency

Agenda Item You Wish to Speak to:
☐ #4 Audience Participation
☐ #5 Public Hearing, Topic:
☐ #6 Other Business, Topic:

You are Speaking...
☐ in Support
☐ in Opposition
☐ from a Neutral Position
☐ to ask a Question

Comments: Specifically to the resolution regarding climate emergency
The City of Milwaukie encourages all citizens to express their views to their city leaders in a respectful and appropriate manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

Name: Colin
Organization:

Meeting Date: 1/21/2023
Topic: Mayor's Proposal of a Climate Emergency

Agenda Item You Wish to Speak to:
- [ ] #4 Audience Participation
- [x] #5 Public Hearing, Topic:
- [ ] #6 Other Business, Topic:

You are Speaking:
- [ ] in Support
- [ ] in Opposition
- [ ] from a Neutral Position
- [ ] to ask a Question

Comments: Speaking to the resolution proposed by the mayor regarding a climate emergency.
The City of Milwaukie encourages all citizens to express their views to their city leaders in a respectful and appropriate manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

Name: Dave Robertson
Organization: PGE
Meeting Date: 1-21-20
Topic: Climate Emergency Resolution

Agenda Item You Wish to Speak to:
- [x] #4 Audience Participation
- [ ] #5 Public Hearing, Topic:
- [ ] #6 Other Business, Topic:

You are Speaking...
- [x] in Support
- [ ] in Opposition
- [ ] from a Neutral Position
- [ ] to ask a Question

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

Name: **Jay Ward**  
Organization: **Energy Trust of Oregon**  
Meeting Date: ________  
Topic: ________________  
Agenda Item You Wish to Speak to:  
☐ #4 Audience Participation  
☐ #5 Public Hearing, Topic: **Residential Energie Score**  
☐ #6 Other Business, Topic:  
Comments: **6. B.**  
Address: 4/21 SW Oak St  
Phone: 503 445 7603  
Email: Jay.ward@energystreet.org  
You are Speaking...  
☐ in Support  
☐ in Opposition  
☐ from a Neutral Position  
☐ to ask a Question
COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Blanca Marston (as to form), Administrative Specialist

From: Natalie Rogers, Climate Action and Sustainability Coordinator, and
Peter Passarelli, Public Works Director

Subject: Home Energy Score (HES) Program Adoption

ACTIONS REQUESTED

Council is asked to adopt by ordinance the residential energy performance rating and
disclosure program, or “Home Energy Score” (HES) program.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

October 2, 2018: The city’s Climate Action Plan (CAP) was unanimously adopted by Council.

July 10, 2019: City staff hosted a Milwaukie HES community forum to receive feedback and
answer questions with presentations from the city, Oregon Department of Energy (ODOE), City
of Portland, and Earth Advantage.

July 16, 2019: Staff presented an overview of a potential program at and Council provided
initial feedback and questions to explore further.

August 13, 2019: Staff followed up on remaining questions at a study session and Council
provided staff additional direction and questions.

October 15, 2019: Staff followed up on Council questions and Council provided staff additional
direction.

January 7, 2020: Staff brought Council a draft code and additional resources, and Council
provided code revision direction.

ANALYSIS

In alignment with the CAP, staff have been developing a residential energy scoring program
based on the City of Portland’s HES Program for potential adoption. Residential energy scoring
programs using the US Department of Energy’s (US DOE) HES methodology assess and inform
homeowners and buyers on the energy efficiency of a residential building, with goals of
educating homeowners on building energy efficiency, increasing transparency of the utility and
carbon costs of homes, and encouraging the development or retrofitting of energy efficient
buildings in the community to reduce community-wide carbon emissions. Following
discussions with Council, staff have revised the draft code to reflect their recommended
changes. After program adoption, staff will begin post-adoption outreach efforts to Milwaukie
residential and real estate communities.
Code Revisions
Addition of Disclosure Statements to Code
Staff have included additional language in the proposed HES code in order to codify the need for the additional disclaimers addressing tree and exterior building features and undisclosed features. Further refinement of the disclosure statements may occur as staff work with program partners on scorecard formatting.

Defining “Newly Constructed Home” in Code
Staff have revised the code to address the lack of definition for “newly constructed home.” In the draft HES code and assessment methodology, a “newly constructed home” is a residential building that is built within the current year or the previous year of the HES assessment and will receive a newly constructed home scorecard versus an existing home scorecard. To accommodate newly constructed homes that are listed before construction, builders can receive a HES assessment by sending the assessor the design plans of the building for review. Newly constructed home scorecards do not have the recommended improvements sections found on the existing homes scorecard and will not have the disclosure statement addressing additional improvements unknown to sellers at the time of assessment.

Post-Adoption Outreach
If the Milwaukee HES program is adopted by Council, staff recommends an effective start date of October 1, 2020. This date will avoid peak listing months for residential real estate and provide staff time to perform outreach and education in the community. Following program adoption, staff would coordinate internally to ensure secure and efficient pathways are established for exemption documentation and compliance. Once pathways are established, including a dedicated email inbox for HES documents and correspondence, staff will develop city webpages for the program, including frequently asked questions and instructions for low-income assistance. Staff will work with external partners to develop data processes, promote state-level assessor training, as well as provide learning opportunities to the real estate and assessor communities including potential online webinars and learning materials. Staff will develop outreach and educational materials for city residents and homeowners, including tabling events, online webinars, and informational handouts.

BUDGET IMPACTS
Staff is proposing $2,500 a year be designated in the proposed biennium budget for HES low income assistance, and while staff predicts that amount will meet the community’s needs, more funds may be needed in the future if utilization is high. Funding for any outreach and educational materials will be sourced from existing budget resources.

WORKLOAD IMPACTS
The Milwaukee HES program will primarily impact the workloads of the climate action and sustainability coordinator (CASC) and the code compliance coordinator. Workload impacts are likely to lessen as community members and industry professionals become familiar with the HES program.

COORDINATION, CONCURRENCE, OR DISSENT
Staff will continue to coordinate with ODOE, Earth Advantage, City of Portland, Community Energy Project, PMAR, industry assessors, and the city’s code compliance team to finalize technology and compliance processes as well as perform post-adoption outreach and education.
STAFF RECOMMENDATION
Staff recommends Council adopt the Residential Energy Performance Rating and Disclosure ordinance and code to implement a HES program in Milwaukie.

ALTERNATIVES
1. Council may suggest that staff continue to work with internal and external partners to modify the HES program process and code to fit the Milwaukie community.
2. Council may decline to move forward with an HES program at this time.

ATTACHMENTS
1. Ordinance
AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 16.40 ADOPTING RESIDENTIAL ENERGY PERFORMANCE RATING AND DISCLOSURE REQUIREMENTS.

WHEREAS, the Milwaukie Climate Action Plan (CAP) calls for net-zero emissions from electricity by 2035 and net-zero emissions from all building energy types by 2040, and includes “Adopt a commercial and residential building energy score program based on the City of Portland’s program” as a climate action; and

WHEREAS, according to the 2016 Milwaukie Greenhouse Gas Inventory, building energy is the largest source of sector-based emissions in Milwaukie, with residential building emissions comprising 18% of all sector-based emissions; and

WHEREAS, disclosure of information about building asset energy efficiency is important for consumer protection, especially when purchasing a building and considering the affordability and long-term cost of utilities; and

WHEREAS, the benefits of mandatory energy efficiency disclosures include increases in price capitalization of energy efficiency and encouragement of energy-saving residential investments in the housing market, potentially shifting the market to favor energy efficient homes which may lead to reductions in carbon-intensive energy use.

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

Section 1. The Milwaukie Municipal Code (MMC) is amended by adding a new CHAPTER 16.40 Residential Energy Performance Rating and Disclosure Requirements, to read as shown on the attached Exhibit A.

Section 2. This ordinance shall take effect on October 1, 2020.

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

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

Signed by the Mayor on __________.

Mark Gamba, Mayor

ATTEST:

Scott S. Stauffer, City Recorder

Approved as to form:

Jordan Ramis PC

City Attorney
Chapter 16.40 Residential Energy Performance Rating and Disclosure

16.40.010 Purpose.
The purpose of this chapter is to provide information to homebuyers about residential building energy performance. This information is designed to enable more knowledgeable decisions about the full costs of operating homes and to motivate investments in home improvements that lower utility bills, reduce carbon emissions, and increase comfort, safety, and health for home owners.

16.40.020 Definitions.
For purposes of this Chapter and any rules adopted under this chapter, the following terms have the following meanings.

“Accessory dwelling unit” means a second dwelling on a lot with a single-family detached dwelling. The accessory dwelling unit is incidental to, and smaller than, the primary dwelling on the lot. The accessory dwelling unit may be in a portion of the primary structure on the lot or contained in its own structure apart from the primary structure. The accessory dwelling unit includes its own independent living facilities including provisions for sleeping, cooking, and sanitation and is designed for residential occupancy by one or more people independent of the primary dwelling unit.

“Asset Rating” means a numerical value calculated by a home energy performance score system.

“Covered Building” means any residential structure containing a single dwelling unit or house, regardless of size, on its own lot, or any attached single dwelling unit, regardless of whether it is located on its own lot, where each unit extends from foundation to roof, such as a row house, attached house, common-wall house, duplex, or townhouse. Covered building does not include detached accessory dwelling units, manufactured dwellings, or single dwelling units used solely for commercial purposes.

“City Manager” means the City Manager or their authorized representative, designee, or agent.

“Energy” means electricity, natural gas, propane, steam, heating oil, wood, or other product sold for use in a building, or renewable onsite electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.

“Homebuilder” means an individual or business entity building new construction single dwelling unit housing to be listed for sale.

“Home Energy Assessor” means a person who is certified as a home energy assessor by the Oregon Construction Contractors Board to determine home energy performance scores for residential dwelling units.

“Home Energy Performance Report” means the report prepared by a home energy assessor in compliance with Oregon Administrative Rules adopted by Oregon Department of Energy for Oregon Home Energy Score Standard. The Report must include the following information:

1. The home energy performance score and an explanation of the score;
2. An estimate of the total annual energy used in the home in retail units of energy by fuel type;
3. An estimate of the total annual energy generated by onsite solar electric, wind electric, hydroelectric, and solar water heating systems in retail units of energy, by type of fuel displaced by the generation;

4. An estimate of the total monthly or annual cost of energy purchased for use in the covered building in dollars, by fuel type, based on the current average annual retail residential energy price of the utility serving the covered building at the time of the report and the average annual energy prices of nonregulated fuels, by fuel type, as provided by the Oregon Department of Energy;

5. The current average annual utility retail residential energy price in dollars, by fuel type, and the average annual energy prices of nonregulated fuels, by fuel type, provided by the Oregon Department of Energy;

6. At least one comparison home energy performance score that provides context for the range of potential scores. Examples of comparison homes include, but are not limited to, a similar home with Oregon’s average energy consumption, the same home built to Oregon energy code, or the same home with certain energy efficiency upgrades;

7. The name of the entity that assigned the home energy performance score and that entity’s Oregon Construction Contractors Board license number if such a license is required by law;

8. The date the building energy assessment was performed;

9. For reports that meet all requirements of Oregon Administrative Rules adopted by Oregon Department of Energy for Oregon’s Home Energy Performance Score Standard, the statement “This report meets Oregon’s Home Energy Performance Score standard” must be included on home energy performance reports; and

10. A disclaimer on the potential impacts of vegetation and exterior building features on energy efficiency, for example, “Trees and exterior building features may provide additional energy efficiency benefits to the building. Visit energy.gov to learn more.”

11. A disclaimer on the potential for undisclosed energy efficient improvements and/or assets in the building, for example, “Additional energy efficient features may be present in the home and may not have been disclosed at time of Home Energy Score assessment.”

12. Any additional “Home Energy Performance Report” or “Home Energy Performance Score” requirements as adopted by the Oregon Department of Energy

“Home Energy Performance Score” means an asset rating that is based on physical inspection of the home or design documents used for the home’s construction.

“Home Energy Performance Score System” means a system that incorporates building energy assessment software to generate a home energy performance score and home energy performance report. Examples of home energy performance score systems include, but may not be limited to, the U.S. Department of Energy Home Energy Score or the Home Energy Rating System (HERS).

“House” means a single-family detached dwelling.

“Listed publicly for sale” means listing the covered building for sale by printed advertisement, internet posting, Regional Multiple Listing Service (RMLS) listing, or publicly displayed sign.

“Manufactured dwelling” means a residential trailer, mobile home, or manufactured home meeting ORS 446.003(25) and designed to be used as a year-round residential dwelling. The manufactured dwelling is a structure that is constructed for movement on the public highways.
that has sleeping, cooking, and plumbing facilities and that is being used for residential purposes.

“Manufactured home” means a single-family residential structure, as defined in ORS 446.003(25)(a)(C), which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Section 5401 et seq.) as amended on August 22, 1981.

“Mobile home” means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

“Newly constructed home” means a home constructed in the current or previous year.

“Real estate listing” means any public real estate listing of homes for sale in the city of Milwaukie, by a property owner, representative of a property owner, or by a licensed real estate agent. Real estate listings include any printed advertisement, internet posting, or publicly displayed sign, including but not limited to Regional Multiple Listing Service, Craigslist, Nextdoor and other social media platforms, Redfin, Zillow, Trulia and other third-party listing services. Real estate listings are required to include the Home Energy Performance Score and the Home Energy Performance Report.

“Residential trailer” means a manufactured dwelling that was constructed prior to January 1, 1962.

“Sale” means the conveyance of title to real property as a result of the execution of a real property sales contract. Sale does not include transfer of title pursuant to inheritance, involuntary transfer of title resulting from default on an obligation secured by real property, change of title pursuant to marriage or divorce, condemnation, or any other involuntary change of title affected by operation of law.

“Seller” means any of the following: Any individual or entity possessing title to a property that includes a covered building, the association of unit owners responsible for overall management in the case of a condominium, or other representative body of the jointly-owned building with authority to make decisions about building assessments and alterations.

“Single-family detached dwelling” means a structure, or manufactured home, containing one dwelling unit with no structural connection to adjacent units.

16.40.030 Authority of City Manager.

A. The City Manager is authorized to administer and enforce this chapter’s provisions.

B. The City Manager is authorized to adopt procedures and forms to implement this chapter’s provisions.


Prior to publicly listing any covered building for sale, the seller of a covered building, or the seller’s designated representative, must:

A. Obtain a home energy performance report of such building from a state licensed home energy assessor, and;

B. Provide a copy of the home energy performance report:

   1. To all licensed real estate agents working on the seller’s behalf; and
2. To prospective buyers who visit the home while it is listed publicly for sale; and
C. Maintain a copy of the home energy performance report available for review by City Manager upon request for quality assurance and evaluation of policy compliance.
D. Include the Home Energy Performance Score in all real estate listings, including the Home Energy Performance Report if attachments are accepted by the listing service.

116.40.050 Exemptions and Waivers.
A. The City Manager will exempt a seller from the requirements of this chapter if the seller submits documentation that the covered building will be sold through of any of the following:
1. A trustee’s sale;
2. A deed-in-lieu of foreclosure sale; or
3. Any pre-foreclosure sale in which seller has reached an agreement with the mortgage holder to sell the property for an amount less than the amount owed on the mortgage.
B. The City Manager may exempt a seller from the requirements of this chapter after confirming that compliance would cause undue hardship for the seller under the following circumstances:
1. The covered building qualifies for sale at public auction or acquisition by a public agency due to arrears for property taxes;
2. A court appointed receiver is in control of the covered building due to financial distress;
3. The senior mortgage on the covered building is subject to a notice of default;
4. The covered building has been approved for participation in Oregon Property Tax Deferral for Disabled and Senior Citizens, or equivalent program as determined by the City Manager; or
5. The responsible party is otherwise unable to meet the obligations of this chapter as determined by the City Manager.
C. To the extent that city funds are available, the City Manager may exempt a seller from the assessment fee when the seller participates in the Milwaukie Home Energy Score Low-Income Assistance program by demonstrating household income that is at or below 80 percent of median household income for the Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area;

16.40.060 Enforcement and Penalties.
A. It is a violation of this chapter for any person to fail to comply with the requirements of this section or to misrepresent any material fact in a document required to be prepared or disclosed by this chapter.
B. Any building owner or person who does not comply with the provisions of this chapter will be subject to the following:
1. Upon the first violation, the City Manager may issue a written warning notice to the entity or person, describing the violation and steps required to comply.
2. If the violation is not remedied within 30 days after issue of written warning notice, the City Manager may assess a civil penalty of up to $500. For every subsequent 90-day period during which the violation continues, the City Manager may assess additional civil penalties of up to $500.
C. The City may use the provisions of Milwaukie Municipal Code Chapter 1.08 to enforce this chapter.
Chapter 16.40 Residential Energy Performance Rating and Disclosure
(REVISED 1/21/2020)

16.40.010 Purpose.
The purpose of this chapter is to provide information to homebuyers about residential building energy performance. This information is designed to enable more knowledgeable decisions about the full costs of operating homes and to motivate investments in home improvements that lower utility bills, reduce carbon emissions, and increase comfort, safety, and health for home owners.

16.40.020 Definitions.
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“Asset Rating” means a numerical value calculated by a home energy performance score system.

“Covered Building” means any residential structure containing a single dwelling unit or house, regardless of size, on its own lot, or any attached single dwelling unit, regardless of whether it is located on its own lot, where each unit extends from foundation to roof, such as a row house, attached house, common-wall house, duplex, or townhouse. Covered building does not include detached accessory dwelling units, manufactured dwellings, stacked condominiums or dwelling units where the unit does not extend from foundation to roof, or single dwelling units used solely for commercial purposes.

“City Manager” means the City Manager or their authorized representative, designee, or agent.

“Energy” means electricity, natural gas, propane, steam, heating oil, wood, or other product sold for use in a building, or renewable onsite electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.

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1. The home energy performance score and an explanation of the score.
Proposed Code Amendment

2. An estimate of the total annual energy used in the home in retail units of energy by fuel type;

3. An estimate of the total annual energy generated by onsite solar electric, wind electric, hydroelectric, and solar water heating systems in retail units of energy, by type of fuel displaced by the generation;

4. An estimate of the total monthly or annual cost of energy purchased for use in the covered building in dollars, by fuel type, based on the current average annual retail residential energy price of the utility serving the covered building at the time of the report and the average annual energy prices of nonregulated fuels, by fuel type, as provided by the Oregon Department of Energy;

5. The current average annual utility retail residential energy price in dollars, by fuel type, and the average annual energy prices of nonregulated fuels, by fuel type, provided by the Oregon Department of Energy;

6. At least one comparison home energy performance score that provides context for the range of potential scores. Examples of comparison homes include, but are not limited to, a similar home with Oregon’s average energy consumption, the same home built to Oregon energy code, or the same home with certain energy efficiency upgrades;

7. The name of the entity that assigned the home energy performance score and that entity’s Oregon Construction Contractors Board license number if such a license is required by law;

8. The date the building energy assessment was performed;

9. For reports that meet all requirements of Oregon Administrative Rules adopted by Oregon Department of Energy for Oregon’s Home Energy Performance Score Standard, the statement “This report meets Oregon’s Home Energy Performance Score standard” must be included on home energy performance reports; and

10. A disclaimer on the potential impacts of vegetation and exterior building features on energy efficiency, for example, “Trees and exterior building features may provide additional energy efficiency benefits to the building. Visit energy.gov to learn more.”

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“Home Energy Performance Score” means an asset rating that is based on physical inspection of the home or design documents used for the home’s construction.

“Home Energy Performance Score System” means a system that incorporates building energy assessment software to generate a home energy performance score and home energy performance report. Examples of home energy performance score systems include, but may not be limited to, the U.S. Department of Energy Home Energy Score or the Home Energy Rating System (HERS).

“House” means a single-family detached dwelling.

“Listed publicly for sale” means listing the covered building for sale by printed advertisement, internet posting, Regional Multiple Listing Service (RMLS) listing, or publicly displayed sign.

“Manufactured dwelling” means a residential trailer, mobile home, or manufactured home meeting ORS 446.003(25) and designed to be used as a year-round residential dwelling. The
manufactured dwelling is a structure that is constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities and that is being used for residential purposes.

"Manufactured home" means a single-family residential structure, as defined in ORS 446.003(25)(a)(C), which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Section 5401 et seq.) as amended on August 22, 1981.

"Mobile home" means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

"New home" means a home constructed in the current or previous year.

"Real estate listings" means any public real estate listing of homes for sale in the city of Milwaukie, by a property owner, representative of a property owner, or by a licensed real estate agent. Real estate listings include any printed advertisement, internet posting, or publicly displayed sign, including but not limited to Regional Multiple Listing Service, Craigslist, Nextdoor and other social media platforms, Redfin, Zillow, Trulia and other third-party listing services. Real estate listings are required to include the Home Energy Performance Score and the Home Energy Performance Report.

"Residential trailer" means a manufactured dwelling that was constructed prior to January 1, 1962.

"Sale" means the conveyance of title to real property as a result of the execution of a real property sales contract. Sale does not include transfer of title pursuant to inheritance, involuntary transfer of title resulting from default on an obligation secured by real property, change of title pursuant to marriage or divorce, condemnation, or any other involuntary change of title affected by operation of law.

"Seller" means any of the following: Any individual or entity possessing title to a property that includes a covered building, the association of unit owners responsible for overall management in the case of a condominium, or other representative body of the jointly-owned building with authority to make decisions about building assessments and alterations.

"Single-family detached dwelling" means a structure, or manufactured home, containing one dwelling unit with no structural connection to adjacent units.

16.40.030 Authority of City Manager.

A. The City Manager is authorized to administer and enforce this chapter’s provisions.
B. The City Manager is authorized to adopt procedures and forms to implement this chapter’s provisions.


Prior to publicly listing any covered building for sale, the seller of a covered building, or the seller’s designated representative, must:

A. Obtain a home energy performance report of such building from a state licensed home energy assessor, and;
B. Provide a copy of the home energy performance report.
Proposed Code Amendment

1. To all licensed real estate agents working on the seller’s behalf; and
2. To prospective buyers who visit the home while it is listed publicly for sale; and
C. Maintain a copy of the home energy performance report available for review by City Manager upon request for quality assurance and evaluation of policy compliance.
D. Include the Home Energy Performance Score in all real estate listings, including the Home Energy Performance Report if attachments are accepted by the listing service.

116.40.050 Exemptions and Waivers.
A. The City Manager will exempt a seller from the requirements of this chapter if the seller submits documentation that the covered building will be sold through of any of the following:
   1. A trustee’s sale;
   2. A deed-in-lieu of foreclosure sale; or
   3. Any pre-foreclosure sale in which seller has reached an agreement with the mortgage holder to sell the property for an amount less than the amount owed on the mortgage.
B. The City Manager may exempt a seller from the requirements of this chapter after confirming that compliance would cause undue hardship for the seller under the following circumstances:
   1. The covered building qualifies for sale at public auction or acquisition by a public agency due to arrears for property taxes;
   2. A court appointed receiver is in control of the covered building due to financial distress;
   3. The senior mortgage on the covered building is subject to a notice of default;
   4. The covered building has been approved for participation in Oregon Property Tax Deferral for Disabled and Senior Citizens, or equivalent program as determined by the City Manager; or
   5. The responsible party is otherwise unable to meet the obligations of this chapter as determined by the City Manager.
C. To the extent that city funds are available, the City Manager may exempt a seller from the assessment fee when the seller participates in the Milwaukie Home Energy Score Low-Income Assistance program by demonstrating household income that is at or below 80 percent of median household income for the Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area.

16.40.060 Enforcement and Penalties.
A. It is a violation of this chapter for any person to fail to comply with the requirements of this section or to misrepresent any material fact in a document required to be prepared or disclosed by this chapter.
B. Any building owner or person who does not comply with the provisions of this chapter will be subject to the following:
   1. Upon the first violation, the City Manager may issue a written warning notice to the entity or person, describing the violation and steps required to comply.
   2. If the violation is not remedied within 30 days after issue of written warning notice, the City Manager may assess a civil penalty of up to $500. For every subsequent 90-day
period during which the violation continues, the City Manager may assess additional civil penalties of up to $500.

C. The City may use the provisions of Milwaukie Municipal Code Chapter 1.08 to enforce this chapter.
Re: Written Testimony for Agenda 6 B2, Home Energy Score (mandate) Adoption, Regular Session, January 21, 2020

To: Mayor Gamba, Council President Falconer, and Councilors Batey, Parks, Hyzy; City Manager Ober, Public Works Director Passarelli, and Climate Action Coordinator Rogers

Non facere mihi ut facite apud vestra exultant lusibus, magistri :-(

Sincerely,

Elvis Clark
Ardenwald neighborhood
Milwaukie 97222
January 21, 2020

Re: Climate Emergency Resolution

Dear Mayor Gamba and Councilors:

We are writing to express our support for the Climate Emergency Resolution under consideration by the Council. In fact, it is clear that strongly worded resolutions concerning the crisis facing our planet are considerably overdue.

Hundreds of millions of dead animals in Australia, melting polar ice caps and glaciers world-wide, mass starvations of human populations in low-lying countries — what more does it take to convince people that the situation is an emergency?

Our federal government has lost sight of the fact that the economy is a wholly-owned subsidiary of the environment. It will be up to the leaders of units of local government to make the necessary changes to assure that our children and grand-children have a planet on which they can thrive.

Thank you.

Lisa and Stephan Lashbrook
Milwaukie Home Energy Score Ordinance

January 21st, 2020

Peter Passarelli
Public Works Director

Natalie Rogers
Climate Action and Sustainability Coordinator
HES code was revised following council recommendations

• Past work session revisions:
  • Disclosure statement examples are now included in code
  • Reference to low-income assistance program in code

• New revisions (1/21/2020):
  • Changes to definitions section for clarity:
    • “Asset Rating” and “House” definition removed
    • Additional language added to “Covered Building” and “Homebuilder” for clarity
    • Other definitions left the same for zoning code consistency (MMC 19.201)
Post-adoption outreach and coordination

- Outreach will be performed before **implementation on October 1\textsuperscript{st} 2020**
  - Website development
  - Pilot articles
  - Social media posts
  - Real estate industry webinars (Earth Advantage)
  - Low income assistance promotion

- Coordination with PGE, Energy Trust of Oregon, and Community Energy Project on outreach and education
  - Multiple concurrent programs: Clean Energy Challenge, Smart Grid Test Bed, Solarize 2.0, Home Energy Score
  - Weatherization workshops, energy efficiency incentives, etc.
Questions?

Peter Passarelli
Public Works Director
passarellip@milwaukieoregon.gov
503-786-7614

Natalie Rogers
Climate Action and Sustainability Coordinator
rogersn@milwaukieoregon.gov
503-786-7668
Home Energy Score – Home Seller Process

1. Determine if your home listing needs a HES.
2. Schedule an assessment with a state-certified assessor.
3. List your home with the HES.
5. Have HES Scorecards printed and available at all open house events.
6. Review your scorecard for optional energy efficiency improvements.
Before Listing

- Determine if the home listing needs a HES
  - Is it a public listing?
    - Yes: Is the home in Milwaukie?
      - Yes: Is the home one of the applicable building types?
        - Yes: Homeowners contacts city for participation in low income assistance and submits waiver form.
        - No: No HES required for listing of home.*
      - No: Homeowners contacts city for participation in low income assistance and submits waiver form.
  - No: Determine qualification for low income assistance

- Schedule an assessment with a state-certified assessor
  - Is the homeowner household income below 60% of median family income for the area?
    - Yes: Assessor gives homeowner the HES report and uploads to Green Building Registry
    - No: No HES required for listing of home.*

- Homeowner notifies Realtor of report completion
- Realtor links the HES report in GBR to RMLS
- Listing sites now reflect HES
- Home is officially listed and advertised for sale
- HES Scorecards printed and available at all open house events
- Homeowner and potential buyers review scorecards for energy efficiency improvements

After Listing

* Exemption form required if sale circumstances permit exemption to HES requirements. Homeowner submits to city.
**Median Days on Market**
Shows the average number of days homes are listed before accepting an offer.

**Median Sale Price**
Shows the average sale prices in the area.

<table>
<thead>
<tr>
<th>Year-Over-Year</th>
<th>November 2019</th>
<th>Year-Over-Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>30</td>
<td>+6</td>
</tr>
<tr>
<td></td>
<td>$386K</td>
<td>+8%</td>
</tr>
</tbody>
</table>

Credit: Redfin Data Center
Average Sale-to-List Percentage
Shows how closely the final sale price matches the original asking price.

Mortgage Rates
Shows how mortgage rates have changed over time.

November 2019: 99.0% Year-Over-Year: -0.7%

December 2019: 3.7% Year-Over-Year: -0.8%

Credit: Redfin Data Center
**New Listings**
Shows the total number of new homes listed for sale in the month.

**Number of Homes for Sale**
Shows the total inventory, or number of homes for sale each month.

<table>
<thead>
<tr>
<th>Year</th>
<th>New Listings</th>
<th>Year-Over-Year</th>
</tr>
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<tbody>
<tr>
<td>2017</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2018</td>
<td></td>
<td></td>
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<tr>
<td>2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2020</td>
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</table>

**November 2019**
- New Listings: 44
- Year-Over-Year: -6%

**November 2019**
- Number of Homes for Sale: 84
- Year-Over-Year: -26%

Credit: Redfin Data Center
Homes Sold
Shows the total number of homes that sold in a given month.

Waived Contingencies, %
Shows what percent of Redfin customers waived either a financing or inspection contingency on an offer.

November 2019 | Year-Over-Year | November 2019 | Year-Over-Year
--- | --- | --- | ---
60 | -13.0% | 4% | 1%

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

<table>
<thead>
<tr>
<th>Name:</th>
<th>Jackie Tusi-Russell</th>
</tr>
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<tbody>
<tr>
<td>Organization:</td>
<td>COMMUNITY ENERGY PROJECT</td>
</tr>
<tr>
<td>Meeting Date:</td>
<td>12/12/20</td>
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<tr>
<td>Topic:</td>
<td>Home Energy Score</td>
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<td>Agenda Item You Wish to Speak to:</td>
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<tr>
<td>☑ #4 Audience Participation</td>
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<tr>
<td>☐ #5 Public Hearing, Topic:</td>
<td></td>
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<tr>
<td>☐ #6 Other Business, Topic:</td>
<td></td>
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<tr>
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<tr>
<td>You are Speaking...</td>
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<td>☑ in Support</td>
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<td>☐ in Opposition</td>
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<td>☐ from a Neutral Position</td>
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<td>☐ to ask a Question</td>
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COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Luke Strait, Police Chief

From: Steve Hoffeditz, Emergency Manager

Subject: Natural Hazard Mitigation Plan (NHMP) Adoption

ACTION REQUESTED
Council is asked to adopt an updated NHMP by resolution.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
Milwaukie first developed an addendum plan to Clackamas County’s Natural Hazards Mitigation Plan in 2003. Since then, the county’s plan has been updated twice, in 2013 and in 2019. The last update of Milwaukie’s addendum was approved by the Federal Emergency Management Administration (FEMA) in April 2013.

Retired Milwaukie Police Chief Steve Bartol served as the NHMP addendum coordinator during the 2018/2019 update process. The city’s Emergency Manager Steve Hoffeditz will serve as the coordinator during the implementation and maintenance phase, as well as the next plan update. The coordinator of the NHMP will take the lead in implementing, maintaining, and updating the addendum to the county NHMP in collaboration with the designated coordinator of the county NHMP (the county’s resilience coordinator).

Representatives from the city’s Hazard Mitigation Action Committee (HMAC) have met to discuss updates to the city’s addendum. The HMAC reviewed and revised the city’s addendum with a focus on the NHMP’s risk assessment and mitigation strategy.

The proposed addendum reflects decisions made at the HMAC meetings and during subsequent work and communication with the county’s resilience coordinator and the Oregon Partnership for Disaster Resilience (OPDR). Other documented changes include a revision of the city’s risk assessment and hazard identification sections, NHMP mission and goals, action items, and community profile.

ANALYSIS
In addition to establishing a comprehensive community-level mitigation strategy, the Disaster Mitigation Act of 2000 (DMA2K) and the regulations contained in 44 CFR 201 require that jurisdictions maintain an approved NHMP to receive federal funds for mitigation projects. Local adoption and federal approval of this NHMP ensures that the city will remain eligible for pre- and post-disaster mitigation project grants.

The Oregon Partnership for Disaster Resilience (OPDR) at the University of Oregon’s Institute for Policy Research and Engagement (IPRE) collaborated with the Oregon Office of Emergency Management (OEM), Clackamas County, and Milwaukie to update the NHMP. This project is
funded through the FEMA’s Fiscal Year 2016 (FY16) Pre-Disaster Mitigation (PDM) Competitive Grant Program EMS-2017-PC0005 (PDMC-PL-10-OR-2016-001).

Members of the Milwaukie NHMP HMAC also participated in the county NHMP update process. The county NHMP, and Milwaukie addendum, are the result of a collaborative effort between citizens, public agencies, non-profit organizations, the private sector, and regional organizations. The Milwaukie HMAC guided the process of developing the NHMP.

The NHMP is intended to assist the city in reducing the risk from hazards by identifying resources, information, and strategies for risk reduction. It is also intended to guide and coordinate mitigation activities throughout the city. A risk assessment consists of three phases: hazard identification, vulnerability assessment, and risk analysis.

By identifying and understanding the relationship between hazards, vulnerable systems, and existing capacity, the city will be better equipped to identify and implement actions aimed at reducing the overall risks.

City staff agrees with the mission statement developed during the county planning process:

Promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property and the environment from natural hazards.

New NHMP actions for 2019 included the Multi-Hazard #8 and the Wildfire Action #1. The city’s geographic information system (GIS) staff also updated the following maps (See attachments).

- Assets and FEMA Flood Hazard Zones
- Critical and Essential Assets
- All Asset Locations

BUDGET IMPACTS
None.

WORKLOAD IMPACTS
There are no known additional impacts to staff workloads. The emergency manager will plan and coordinate training for the appropriate city staff during the upcoming year.

COORDINATION, CONCURRENCE, OR DISSENT
None.

STAFF RECOMMENDATION
Staff asks that Council adopt the NHMP by adopting the attached resolution.

ALTERNATIVES
None considered.

ATTACHMENTS
1. Milwaukie Addendum to the County NHMP
2. FEMA Letter regarding Milwaukie’s Addendum
3. Asset and FEMA Flood Hazard Zones
4. Critical and Essential Assets
5. All Asset Locations
6. Resolution
City of Milwaukie Addendum to the Clackamas County Multi-Jurisdictional Hazard Mitigation Plan

March 2019

Volume II: Milwaukie Addendum

Prepared for:
City of Milwaukie

Prepared by:
University of Oregon
Institute for Policy Research and Engagement
Oregon Partnership for Disaster Resilience
Planning grant funding provided by:

Federal Emergency Management Agency (FEMA)
Pre-Disaster Mitigation Program
Grant: EMS-2017-PC-0005
Sub-grant Application Reference: PDMC-PL-10-OR-2016-001, and

Additional Support Provided by:

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Purpose

This is an update of the Milwaukie addendum to the Clackamas County Multi-Jurisdictional Natural Hazard Mitigation Plan (NHMP). This addendum supplements information contained in Volume I (Basic Plan), which serves as the NHMP foundation, and Volume III (Appendices), which provide additional information. This addendum meets the following requirements:

- Multi-Jurisdictional Plan Adoption §201.6(c)(5),
- Multi-Jurisdictional Participation §201.6(a)(3),
- Multi-Jurisdictional Mitigation Strategy §201.6(c)(3)(iv) and
- Multi-Jurisdictional Risk Assessment §201.6(c)(2)(iii).

Updates to Milwaukie’s addendum are further discussed throughout the NHMP and within Volume III, Appendix B, which provides an overview of alterations to the document that took place during the update process.

Milwaukie adopted their addendum to the Clackamas County Multi-jurisdictional NHMP on [Month] [Day], 2019. FEMA Region X approved the Clackamas County NHMP on April 12, 2019, and the City’s addendum on [Month] [Day], 2019. With approval of this NHMP, the City is now eligible to apply for the Robert T. Stafford Disaster Relief and Emergency Assistance Act’s hazard mitigation project grants through April 11, 2024.

Mitigation Plan Mission

The NHMP mission states the purpose and defines the primary functions of the NHMP. It is intended to be adaptable to any future changes made to the NHMP and need not change unless the community’s environment or priorities change.

The city concurs with the mission statement developed during the Clackamas County planning process (Volume I, Section 3):

Promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from natural hazards.

This can be achieved by increasing public awareness, documenting the resources for risk reduction and loss-prevention, and identifying activities to guide the county towards building a safer, more sustainable community.

Mitigation Plan Goals

Mitigation plan goals are more specific statements of direction that Clackamas County residents, as well as public and private partners, can take while working to reduce the city’s risk from natural hazards. These statements of direction form a bridge between the broad mission statement and action items. The goals listed here serve as checkpoints as agencies and organizations begin implementing mitigation action items.

The city concurs with the goals developed during the Clackamas County planning process (Volume I, Section 3). All NHMP goals are important and are listed below in no order of priority. Establishing community priorities within action items neither negates nor eliminates any goals, but it establishes which action items to consider implementing first, should funding become available.
Below is a list of the NHMP goals:

**GOAL #1: PROTECT LIFE AND PROPERTY**

- Implement activities that assist in protecting lives by making homes, businesses, infrastructure, critical facilities, and other property more resistant to natural hazards.
- Reduce losses and repetitive damages for chronic hazard events while promoting insurance coverage for catastrophic hazards.
- Improve hazard assessment information to make recommendations for discouraging new development and encouraging preventative measures for existing development in areas vulnerable to natural hazards.

**GOAL #2: ENHANCE NATURAL SYSTEMS**

- Balance watershed planning, natural resource management, and land use planning with natural hazards mitigation to protect life, property, and the environment.
- Preserve, rehabilitate, and enhance natural systems to serve natural hazard mitigation functions.

**GOAL #3: AUGMENT EMERGENCY SERVICES**

- Establish policy to ensure mitigation projects for critical facilities, services, and infrastructure.
- Strengthen emergency operations by increasing collaboration and coordination among public agencies, non-profit organizations, and business, and industry.
- Coordinate and integrate natural hazards mitigation activities, where appropriate, with emergency operations plans and procedures.

**GOAL #4: ENCOURAGE PARTNERSHIPS FOR IMPLEMENTATION**

- Strengthen communication and coordinate participation among and within public agencies, citizens, non-profit organizations, business, and industry to gain a vested interest in implementation.
- Encourage leadership within public and private sector organizations to prioritize and implement local, county, and regional hazard mitigation activities.

**GOAL #5: PROMOTE PUBLIC AWARENESS**

- Develop and implement education and outreach programs to increase public awareness of the risks associated with natural hazards.
- Provide information on tools, partnership opportunities, and funding resources to assist in implementing mitigation activities.
NHMP Process, Participation and Adoption

This section of the NHMP addendum addresses 44 CFR 201.6(c)(5), Plan Adoption, and 44 CFR 201.6(a)(3), Participation.

Milwaukie first developed an addendum to Clackamas County’s Natural Hazards Mitigation Plan in 2003. This plan was updated in 2009, 2012/2013, and 2018/2019. The most recent update of the Milwaukie addendum to the Clackamas County NHMP was approved by FEMA on April 8, 2013.

In addition to establishing a comprehensive community-level mitigation strategy, the Disaster Mitigation Act of 2000 (DMA2K), and the regulations contained in 44 CFR 201, require that jurisdictions maintain an approved NHMP to receive federal funds for mitigation projects. Local adoption and federal approval of this NHMP ensures that the city will remain eligible for pre- and post-disaster mitigation project grants.

The Oregon Partnership for Disaster Resilience (OPDR) at the University of Oregon’s Institute for Policy Research and Engagement (IPRE) collaborated with the Oregon Office of Emergency Management (OEM), Clackamas County and Milwaukie to update their NHMP. This project is funded through the Federal Emergency Management Agency’s (FEMA) Fiscal-Year 2016 (FY16) Pre-Disaster Mitigation (PDM) Competitive Grant Program EMS-2017-PC-0005 (PDMC-PL-10-OR-2016-001). Members of the Milwaukie NHMP Hazard Mitigation Advisory Committee (HMAC) also participated in the County NHMP update process (Volume III, Appendix B).

The Clackamas County NHMP, and Milwaukie addendum, are the result of a collaborative effort between community members, public agencies, non-profit organizations, the private sector, and regional organizations. The Milwaukie HMAC guided the process of developing the NHMP.

Convener

The Milwaukie police chief served as as the NHMP addendum convener during the 2018/2019 update process; the city’s emergency manager will serve as the convener during the implementation and maintenance phase, as well as the next plan update. The convener of the NHMP will take the lead in implementing, maintaining and updating the addendum to the Clackamas County NHMP in collaboration with the designated convener of the Clackamas County NHMP (Clackamas County Resilience Coordinator).

Representatives from the City of Milwaukie HMAC met formally and informally to discuss updates to their addendum (Volume III, Appendix B). The HMAC reviewed and revised the city’s addendum with focus on the NHMP’s risk assessment and mitigation strategy (action items).

This addendum reflects decisions made at the designated meetings and during subsequent work and communication with the Clackamas County Resilience Coordinator and the OPDR. The changes are highlighted with more detail throughout this document and within Volume III, Appendix B. Other documented changes include a revision of the city’s risk assessment and hazard identification sections, NHMP mission and goals, action items, and community profile.
The Milwaukie HMAC was comprised of the following representatives:

- Convener, Steve Bartol, police chief *(retired)*
- Luke Strait, police chief
- Mark Dye, police captain
- Damien Farwell, fleet and facilities supervisor
- Steve Hoffeditz, emergency manager
- Nick Lindekugel, GIS coordinator
- Peter Passarelli, public works director
- Samantha Vandagriff, building official

Public participation was achieved with the establishment of the HMAC, comprised of city officials representing different departments and sectors. The HMAC served as the local review body for the NHMP’s development. Community members were provided an opportunity for comment through the NHMP review process and a survey administered by Clackamas County *(Volume III, Appendix G)*.

**NHMP Implementation and Maintenance**

City Council will be responsible for adopting the Milwaukie addendum to the Clackamas County NHMP. This addendum designates an HMAC and a convener to oversee the development and implementation of action items. Because the city addendum is part of the county’s multi-jurisdictional NHMP, the city will look for opportunities to partner with the county. The city’s HMAC will convene after readoption of the Milwaukie NHMP addendum on an annual schedule. The county is meeting on a semi-annual basis and will provide opportunities for the cities to report on NHMP implementation and maintenance during their meetings. The city’s emergency manager will serve as the convener and will be responsible for assembling the HMAC. The HMAC will be responsible for:

- Reviewing existing action items to determine suitability of funding;
- Reviewing existing and new risk assessment data to identify issues that may not have been identified at NHMP creation;
- Educating and training new HMAC members on the NHMP and mitigation actions in general;
- Assisting in the development of funding proposals for priority action items;
- Discussing methods for continued public involvement; and
- Documenting successes and lessons learned during the year.

The convener will also remain active in the county’s implementation and maintenance process *(Volume I, Section 4)*.

The city will use the same action item prioritization process as the county *(Volume I, Section 4)*.

**Implementation through Existing Programs**

This NHMP is strategic and non-regulatory in nature, meaning that it does not necessarily set forth any new policy. It does, however, provide: (1) a foundation for coordination and collaboration among agencies and the public in the city; (2) identification and prioritization of future mitigation activities; and (3) aid in meeting federal planning requirements and qualifying for assistance programs. The mitigation plan works in conjunction with other city
plans and programs including the Comprehensive Plan, Capital Improvements Plan, and building codes, as well as the Clackamas County NHMP, and the State of Oregon NHMP.

The mitigation actions described herein (and in Attachment A) are intended to be implemented through existing plans and programs within the city. Plans and policies already in existence have support from residents, businesses and policy makers. Where possible, Milwaukie will implement the NHMP’s recommended actions through existing plans and policies. Many land-use, comprehensive and strategic plans get updated regularly, allowing them to adapt to changing conditions and needs. Implementing the NHMP’s action items through such plans and policies increases their likelihood of being supported and implemented. Implementation opportunities are further defined in action items when applicable.

Future development without proper planning may result in worsening problems associated with natural hazards. Metro, the regional government for Clackamas, Multnomah and Washington counties, determines many land use laws for the tri-county region and sets the urban growth boundary. The entire Portland Metro area is subject to tremendous growth pressures due to its desirable location and the restrictions on urban sprawl placed by urban growth boundary requirements.

Milwaukie’s acknowledged comprehensive plan is the City of Milwaukie Comprehensive Plan (1989, update expected in December 2019). The city implements the plan through its development code.

Milwaukie currently has the following plans, regulations and projects that relate to natural hazard mitigation. For a complete list, visit the city’s website and General City Maps page:

- **Comprehensive Plan** (1989, 2019 Update)
  - Land Use Map (Additional Planning Documents)
- **Municipal Code** (Ord. 1686, July 9, 2018)
  - Title 13: Public Services
  - Title 15: Buildings and Construction
  - Title 16: Environment
  - Title 17: Land Division
  - Title 18: Flood Hazard Areas (SFHA and 1996 flood inundation area)
  - Title 19: Zoning
  - Title 21: Utility Service
- **Capital Improvement Plan** (2017-2022; 2019-2024)
- **Disaster Debris Management Plan** (Metro)
- **Milwaukie Community Climate Action Plan**
- **Emergency Operations Plan**
- **Transportation Systems Plan**
  - Portland Metro 2014 Regional Transportation Plan
- **Stormwater Master Plan**
- **Urban Forest Plan**
- **Wastewater Master Plan**
- **Water System Master Plan**

Other plans:
- **Clackamas County Community Wildfire Protection Plan**
  - Clackamas Fire District #1
Government Structure

The City of Milwaukie has a council-manager form of government. City Council consists of five members—a mayor and four councilors. The mayor presides over City Council meetings. The mayor and City Council members are elected to four-year terms of office through a general election. City Council is responsible for identifying problems and needs within the community, then addressing those problems through community goals and objectives.

The City of Milwaukie currently has the following departments that have a role in natural hazard mitigation:

City Manager’s Office is responsible for taking charge of the daily supervision of city affairs.

Community Development oversees the planning and building departments.

The planning department regulates growth and development in Milwaukie by administering the city’s Comprehensive Plan and Municipal Code related to zoning and land division. Tasks range from implementing existing zoning regulations to assisting City Council with land use and growth planning policy development. Planning is also responsible for regulating development impacts in natural resource areas.

The building division is responsible for plan review and inspections on commercial, industrial and residential developments, as well as fire life and safety plan review.

The Public Works Department provides many of the essential urban services to the community members of Milwaukie, including:

The stormwater division continues regular sewer line cleaning and inspection. The stormwater division maintains the components comprising the Milwaukie’s stormwater infrastructure, valued at more than $6 million. These components include 1,190 catch basins, 548 manholes, 62 sedimentation-manholes, 197 drywells, 37 miles of pipe and open ditches, and five detention ponds. The division uses information from inspections for ongoing analysis of the sewer system components and capital needs assessment, and on-the-spot pipe rehabilitation to minimize sewer back-ups. It also ensures that the city complies with the National Discharge Elimination System (NPDES) permit. The division also monitors pollutants in surface water.

The wastewater division maintains the components that comprise the city's wastewater infrastructure, valued at more than $7 million. This includes 75 miles of sanitary sewer, five lift stations, and 1,607 manholes.

The water division is responsible for the supply and distribution of drinking water, maintaining all the components comprising the city's infrastructure, valued at more than $16.5 million. The various components include 100 miles of water main, 964 fire hydrants, 6,911 water services, seven well houses, three storage reservoirs and four pump stations. The division ensures that the city's water storage and distribution systems comply with all state and federal regulations.

The streets division maintains the components that comprise the city's infrastructure, valued at more than $38.7 million. These include 75 miles of road surface as well as signage and street pavement markings.
The fleet division maintains the city's vehicles and equipment, including police cars, sweepers, excavators, dump trucks and 150 pieces of small equipment and generators. And, the Facilities Division is responsible for maintaining all city facilities.

The Engineering Department provides quality engineering services to ensure that all city utilities, including wastewater collection, water, streets and storm water infrastructure, meet all municipal code requirements, are efficiently managed at the lowest cost to ratepayers, and serve the long-term needs of the community. In addition, the Engineering Department provides floodplain management and regulation for the city.

Public safety is committed to providing quality services to the Milwaukie community. Police services are provided by the Milwaukie Police Department, and fire services are provided by Clackamas Fire District #1. Code enforcement is responsible for neighborhood preservation, code compliance and nuisance abatement.

Continued Public Participation

An open public involvement process is essential to the development of an effective NHMP. To develop a comprehensive approach to reducing the effects of natural disasters, the planning process shall include opportunity for the public, neighboring communities, local and regional agencies, as well as, private and non-profit entities to comment on the NHMP during review. Keeping the public informed of the city’s efforts to reduce its risk to future natural hazard events is important for successful NHMP implementation and maintenance.

The city is committed to involving the public in the NHMP review and update process (Volume I, Section 4). The city posted the plan update for public comment before FEMA approval, and after approval will maintain the plan on the City’s website: hwww.milwaukieoregon.gov.

NHMP Maintenance

The Clackamas County NHMP and City of Milwaukie addendum will be updated every five years in accordance with the update schedule outlined in the Disaster Mitigation Act of 2000. During the county NHMP update process, the city will also review and update its addendum (Volume I, Section 4). The convener will be responsible for convening the HMAC to address the questions outlined below.

- Are there new partners that should be brought to the table?
- Are there new local, regional, state or federal policies influencing natural hazards that should be addressed?
- Has the community successfully implemented any mitigation activities since the NHMP was last updated?
- Have new issues or problems related to hazards been identified in the community?
- Are the actions still appropriate given current resources?
- Have there been any changes in development patterns that could influence the effects of hazards?
- Have there been any significant changes in the community’s demographics that could influence the effects of hazards?

1 Code of Federal Regulations, Chapter 44. Section 201.6, subsection (b). 2015
• Are there new studies or data available that would enhance the risk assessment?
• Has the community been affected by any disasters? Did the NHMP accurately address the impacts of this event?

These questions will help the HMAC determine what components of the mitigation plan need updating. The HMAC will be responsible for updating any deficiencies found in the NHMP.

Mitigation Strategy

This section of the NHMP addendum addresses 44 CFR 201.6(c)(3)(iv), Mitigation Strategy.

The city’s mitigation strategy (action items) were first developed during the 2003 NHMP planning process and revised during subsequent NHMP updates. During these processes, the HMAC assessed the city’s risk, identified potential issues, and developed a mitigation strategy (action items).

During the 2018 update process the city reevaluated their mitigation strategy (action items). During this process action items were updated, noting what accomplishments had been made and whether the actions were still relevant; any new action items were identified at this time (see Attachment A for more information on changes to action items).

Priority Action Items

Table MA-1 presents a list of mitigation actions. The HMAC decided to modify the prioritization of action items in this update to reflect current conditions (risk assessment), needs, and capacity. High priority actions are shown in bold text with grey highlight. The City of Milwaukie will focus their attention and resource availability upon these achievable, high leverage activities over the next five years. Although this methodology provides a guide for the HMAC in terms of implementation, the HMAC has the option to implement any of the action items at any time. This option to consider all action items for implementation allows the committee to consider mitigation strategies as new opportunities arise, such as capitalizing on funding sources that could pertain to an action item that is not currently listed as the highest priority. Refer to Attachment A for detailed information for each action. Full text of the plan goals referenced in Table MA-1 is located on page MA-2.
<table>
<thead>
<tr>
<th>Natural Hazard Action ID</th>
<th>Action Item</th>
<th>Coordinating Organization (Lead)</th>
<th>Internal Partners</th>
<th>Timing</th>
<th>Plan Goals Addressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>MH #1</td>
<td>Ensure that there are adequate shelter facilities in hazard-free zones to serve Milwaukie residents.</td>
<td>Emergency Management</td>
<td>CERT Volunteer, CFD#1</td>
<td>Ongoing</td>
<td>✓✓✓✓✓</td>
</tr>
<tr>
<td>MH #2</td>
<td>Improve network of communications during a disaster.</td>
<td>Information Systems Technology</td>
<td>Public Works, CERT</td>
<td>Short Term</td>
<td>✓✓✓✓✓</td>
</tr>
<tr>
<td>MH #3</td>
<td>Increase outreach and education for hazard awareness and natural disaster preparedness, especially for low-income, elderly, non-English speaking, and other vulnerable populations.</td>
<td>Emergency Management</td>
<td>Public Works, Community Services, CFD#1, CERT</td>
<td>Ongoing</td>
<td>✓✓✓✓✓</td>
</tr>
<tr>
<td>MH #4</td>
<td>Maintain and promote CERT program activity in the area and recruit new members for training.</td>
<td>CFD#1</td>
<td>Emergency Management (EM), CERT</td>
<td>Ongoing</td>
<td>✓✓✓✓✓</td>
</tr>
<tr>
<td>MH #5</td>
<td>Maintain and enhance strategies for debris management for all hazards.</td>
<td>Public Works</td>
<td>Metro</td>
<td>Ongoing</td>
<td>✓✓✓✓✓</td>
</tr>
<tr>
<td>MH #6</td>
<td>Improve and obtain resources and equipment essential for responding to and recovering from disasters.</td>
<td>Public Works</td>
<td>Emergency Management</td>
<td>Long Term</td>
<td>✓✓✓✓✓</td>
</tr>
<tr>
<td>MH #7</td>
<td>Integrate the goals and mitigation actions from the Milwaukie Natural Hazards Mitigation Plan into existing regulatory documents and programs, where appropriate.</td>
<td>Planning</td>
<td>Engineering</td>
<td>Ongoing</td>
<td>✓✓✓✓✓</td>
</tr>
<tr>
<td>MH #8</td>
<td>Coordinate natural hazard related climate change action items through the Milwaukie Community Climate Action Plan.</td>
<td>Public Works</td>
<td>Planning, CFD#1, EM, Community Services</td>
<td>Ongoing</td>
<td>✓✓✓✓✓</td>
</tr>
<tr>
<td>Natural Hazard Action ID</td>
<td>Action Item</td>
<td>Coordinating Organization (Lead)</td>
<td>Internal Partners</td>
<td>Timing</td>
<td>Plan Goals Addressed</td>
</tr>
<tr>
<td>-------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>----------------------------------</td>
<td>-------------------</td>
<td>------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>DR #1</td>
<td>Develop public brochures to raise awareness about drought hazards and mitigation actions residents can take to reduce the impact of drought.</td>
<td>Neighborhood Services</td>
<td>Emergency Management</td>
<td>Ongoing</td>
<td>✓ ✓ ✓ ✓</td>
</tr>
<tr>
<td>EQ #1</td>
<td>Conduct seismic evaluations on identified critical and essential facilities and infrastructure and implement appropriate structural and non-structural mitigation strategies.</td>
<td>Facilities</td>
<td>Building</td>
<td>Ongoing</td>
<td>✓ ✓ ✓ ✓</td>
</tr>
<tr>
<td>FL #1</td>
<td>Evaluate alternatives for reducing the flooding hazard for properties along Kellogg Creek, Johnson Creek, Mount Scott Creek area, and the Willamette River.</td>
<td>Engineering</td>
<td>Planning, Public Works</td>
<td>Long Term</td>
<td>✓ ✓ ✓ ✓ ✓</td>
</tr>
<tr>
<td>FL #2</td>
<td>Ensure continued compliance with the National Flood Insurance Program through enforcement of local floodplain management ordinances.</td>
<td>Engineering</td>
<td>Planning, Building</td>
<td>Ongoing</td>
<td>✓ ✓ ✓ ✓</td>
</tr>
<tr>
<td>SW #1</td>
<td>Bury vulnerable critical infrastructure, such as power lines, to lessen potential failures during severe weather.</td>
<td>Public Works</td>
<td>Engineering</td>
<td>Ongoing</td>
<td>✓ ✓ ✓ ✓</td>
</tr>
<tr>
<td>WF #1</td>
<td>Coordinate wildfire mitigation action items through the Clackamas County Community Wildfire Protection Plan.</td>
<td>CFD#1</td>
<td>Public Works, Building, Planning</td>
<td>Ongoing</td>
<td>✓ ✓ ✓ ✓ ✓</td>
</tr>
</tbody>
</table>

Source: City of Milwaukie HMAC, 2018.
Note: Full text of the plan goals referenced in this table is located on page MA-2.
Risk Assessment

This section of the NHMP addendum addresses 44 CFR 201.6(b)(2) - Risk Assessment. In addition, this chapter can serve as the factual basis for addressing Oregon Statewide Planning Goal 7 – Areas Subject to Natural Hazards. Assessing natural hazard risk has three phases:

- **Phase 1:** Identify hazards that can impact the jurisdiction. This includes an evaluation of potential hazard impacts – type, location, extent, etc.
- **Phase 2:** Identify important community assets and system vulnerabilities. Example vulnerabilities include people, businesses, homes, roads, historic places and drinking water sources.
- **Phase 3:** Evaluate the extent to which the identified hazards overlap with or have an impact on, the important assets identified by the community.

The local level rationale for the identified mitigation strategies (action items) is presented herein and within Volume I, Section 3 and Volume III, Appendix C. The risk assessment process is graphically depicted in Figure MA-1. Ultimately, the goal of hazard mitigation is to reduce the area of risk, where hazards overlap vulnerable systems.

**Figure MA-1 Understanding Risk**

![Understanding Risk Diagram](image)

**Hazard Analysis**

The Milwaukie HMAC developed the city’s hazard vulnerability assessment (HVA), using the city’s previous HVA and the county’s HVA as a reference. Changes from their previous HVA and the county’s HVA were made where appropriate to reflect distinctions in vulnerability and risk from natural hazards unique to Milwaukie, which are discussed throughout this addendum. For detailed information on the methodology see Volume I, Section 2.
Table MA-2 shows the HVA matrix for Milwaukie listing each hazard in order of rank from high to low. For local governments, conducting the hazard analysis is a useful step in planning for hazard mitigation, response and recovery. The method provides the jurisdiction with sense of hazard priorities but does not predict the occurrence of a hazard.

Two catastrophic hazards (Cascadia Subduction Zone earthquake and Crustal earthquake) and two chronic hazards (flood, winter storm) rank as the top hazard threats to the city (Top Tier). Extreme heat and windstorm comprise the next highest ranked hazards (Middle Tier), while the drought, wildfire, volcanic event and landslide hazards comprise the lowest ranked hazards (Bottom Tier).

Table MA-2 Hazard Analysis Matrix – Milwaukie

<table>
<thead>
<tr>
<th>Hazard</th>
<th>History</th>
<th>Vulnerability</th>
<th>Maximum Threat</th>
<th>Probability</th>
<th>Total Threat Score</th>
<th>Hazard Rank</th>
<th>Hazard Tiers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earthquake - Cascadia</td>
<td>4</td>
<td>45</td>
<td>100</td>
<td>49</td>
<td>198</td>
<td>#1</td>
<td>Top Tier</td>
</tr>
<tr>
<td>Earthquake - Crustal</td>
<td>6</td>
<td>50</td>
<td>100</td>
<td>21</td>
<td>177</td>
<td>#2</td>
<td></td>
</tr>
<tr>
<td>Flood</td>
<td>16</td>
<td>20</td>
<td>40</td>
<td>56</td>
<td>132</td>
<td>#3</td>
<td></td>
</tr>
<tr>
<td>Winter Storm</td>
<td>14</td>
<td>30</td>
<td>70</td>
<td>56</td>
<td>170</td>
<td>#4</td>
<td></td>
</tr>
<tr>
<td>Extreme Heat</td>
<td>16</td>
<td>40</td>
<td>60</td>
<td>42</td>
<td>158</td>
<td>#5</td>
<td>Middle Tier</td>
</tr>
<tr>
<td>Windstorm</td>
<td>14</td>
<td>15</td>
<td>50</td>
<td>42</td>
<td>121</td>
<td>#6</td>
<td></td>
</tr>
<tr>
<td>Drought</td>
<td>10</td>
<td>10</td>
<td>50</td>
<td>28</td>
<td>98</td>
<td>#7</td>
<td></td>
</tr>
<tr>
<td>Wildfire</td>
<td>6</td>
<td>15</td>
<td>50</td>
<td>21</td>
<td>92</td>
<td>#8</td>
<td>Bottom Tier</td>
</tr>
<tr>
<td>Volcanic Event</td>
<td>2</td>
<td>10</td>
<td>40</td>
<td>14</td>
<td>66</td>
<td>#9</td>
<td></td>
</tr>
<tr>
<td>Landslide</td>
<td>6</td>
<td>15</td>
<td>20</td>
<td>21</td>
<td>62</td>
<td>#10</td>
<td></td>
</tr>
</tbody>
</table>


Table MA-3 categorizes the probability and vulnerability scores from the hazard analysis for the city and compares the results to the assessment completed by the Clackamas County HMAC. Variations between the city and county are noted in bold text within the city ratings.

Table MA-3 Probability and Vulnerability Comparison

<table>
<thead>
<tr>
<th>Hazard</th>
<th>Milwaukee Probability</th>
<th>Milwaukee Vulnerability</th>
<th>Clackamas County Probability</th>
<th>Clackamas County Vulnerability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drought</td>
<td>Moderate</td>
<td>Low</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Earthquake - Cascadia</td>
<td>Moderate</td>
<td>High</td>
<td>Moderate</td>
<td>High</td>
</tr>
<tr>
<td>Earthquake - Crustal</td>
<td>Low</td>
<td>High</td>
<td>Low</td>
<td>High</td>
</tr>
<tr>
<td>Extreme Heat</td>
<td>Moderate</td>
<td>High</td>
<td>Low</td>
<td>High</td>
</tr>
<tr>
<td>Flood</td>
<td>High</td>
<td>High</td>
<td>High</td>
<td>Moderate</td>
</tr>
<tr>
<td>Landslide</td>
<td>Low</td>
<td>Low</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Volcanic Event</td>
<td>Low</td>
<td>Low</td>
<td>Low</td>
<td>Moderate</td>
</tr>
<tr>
<td>Wildfire</td>
<td>Low</td>
<td>Low</td>
<td>High</td>
<td>Moderate</td>
</tr>
<tr>
<td>Windstorm</td>
<td>Moderate</td>
<td>Low</td>
<td>Moderate</td>
<td>Low</td>
</tr>
<tr>
<td>Winter Storm</td>
<td>High</td>
<td>Moderate</td>
<td>Moderate</td>
<td>Moderate</td>
</tr>
</tbody>
</table>

Source: Milwaukie and Clackamas County HMAC, 2018.
Future Climate Variability

Human-caused climate change is impacting the natural systems and environmental health of regional and local communities. The City of Milwaukie recognizes the effects that climate change will have on the city and its residents, including changes to the frequency, severity, and impacts of natural hazards from historical norms. According to the Intergovernmental Panel on Climate Change Fourth National Climate Assessment, the Pacific Northwest region will see impacts to drought risk, water quality, wildfires and air quality, human health and more due to climate change. Even with these challenges, the Pacific Northwest and Milwaukie will shelter a growing population seeking livability and refuge from more extreme climates in the nation.

Climate models for Oregon suggest future regional climate changes include increases in temperature around 0.2-1°F per decade in the 21st century, along with warmer and drier summers, and some evidence that extreme precipitation will increase in the future. Increased droughts may occur in the Willamette Valley under various climate change scenarios because of various factors, including reduced snowpack, rising temperatures and likely reductions in summer precipitation. Climate models suggest that as the region warms, winter snow precipitation will likely shift to higher elevations and snowpack will diminish as more precipitation falls as rain altering surface flows.

Acknowledging the city’s responsibility to be a leader in the climate crisis, Milwaukie adopted a Climate Action Plan detailing 53 city-led actions to mitigate and adapt to climate change. Along with reducing the city’s greenhouse gas emissions and contribution to climate change, the Climate Action Plan calls for increasing the community’s resiliency and preparedness for natural hazards through policy, advocacy, outreach and education.

Milwaukie is committed to planning and preparing for the immediate and future threats that climate change will have on the community. By addressing the climate crisis through the actionable goals of the Climate Action Plan, Milwaukie hopes to reduce the risk and impact of climate change related natural hazards on residents of Milwaukie and the region while encouraging others to take climate action.

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Community Characteristics

Table MA-4 and the following section provides information on city-specific demographics and assets. Many of these community characteristics can affect how natural hazards impact communities and how communities choose to plan for natural hazard mitigation. Considering the city specific assets during the planning process can assist in identifying appropriate measures for natural hazard mitigation. Between 2010 and 2016, the Milwaukie grew by 220 people (1%; as of 2018 the population was 20,525) and median household income decreased by about 5%. Between 2018 and 2040, the population is forecast to grow by 13% to 23,149. New development has complied with the standards of the Oregon Building Code and the city’s development code.

Transportation/Infrastructure

Milwaukie is accessible by two state highways, OR-99E (or SE McLoughlin Boulevard), running north to south in the western part of the city, and Highway 224, running west to east through the central part of the city. Milwaukie is also bisected by the Union Pacific Railroad main line, which travels northwest to southeast carrying both passengers and freight.

The responsibility and authority, as well as the financial capability, to maintain an adequate level or service for the highways rests with Metro and Oregon Department of Transportation (ODOT) authorities. Congestion can result in the diversion of traffic onto Milwaukie streets.

The city’s public transit is provided by Portland’s TriMet transit system. Eleven bus routes go through the downtown Milwaukie transit center daily. The MAX Orange Line provides service to Milwaukie. The availability and quality of pedestrian and bicycling facilities (sidewalks, bike lanes, and pathways) is inconsistent, generally newer neighborhoods have facilities. Base Maps are found on the city’s website.

Economy

Milwaukie is a major industrial center in the Portland metropolitan area, containing one of the largest concentrations of warehousing and distribution industries in the region. The North Milwaukie Industrial/Innovation Area, Omark Industrial Park and Johnson Creek industrial area comprise more than 300 acres of industrial land within the city. These areas are nearing capacity and very little land within the city is currently available for new industrial development.

Milwaukie’s commercial lands are largely built up. New commercial development along Highway 224, McLoughlin Boulevard, and 82nd Avenue has lured many people away from downtown Milwaukie for purchasing comparison goods, such as clothes, furniture and appliances. Downtown Milwaukie, however, has continued to attract commercial investment in the form of commercial service uses including banks, insurance, professional offices, and a residential mixed-use development. The city has identified areas for commercial, office, or mixed use development: map.

The city, school district and smaller employers (retail, offices and other professional services) provide for most of Milwaukie’s employment.

Table MA-4 Community Characteristics

<table>
<thead>
<tr>
<th>Population Characteristics</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2010 Population</td>
<td>20,290</td>
</tr>
<tr>
<td>2040 Forecasted Population*</td>
<td>23,149</td>
</tr>
<tr>
<td>Race (non-Hispanic) and Ethnicity (Hispanic)</td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>84%</td>
</tr>
<tr>
<td>Black/ African American</td>
<td>2%</td>
</tr>
<tr>
<td>American Indian and Alaska Native</td>
<td>1%</td>
</tr>
<tr>
<td>Asian</td>
<td>3%</td>
</tr>
<tr>
<td>Native Hawaiian and Other Pacific Islander</td>
<td>&lt; 1%</td>
</tr>
<tr>
<td>Some Other Race</td>
<td>&lt; 1%</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>3%</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>8%</td>
</tr>
<tr>
<td>Limited or No English Spoken</td>
<td>4%</td>
</tr>
<tr>
<td>Vulnerable Age Groups</td>
<td></td>
</tr>
<tr>
<td>Less than 15 Years</td>
<td>2,884 14%</td>
</tr>
<tr>
<td>65 Years and Over</td>
<td>3,406 16%</td>
</tr>
<tr>
<td>Disability Status</td>
<td></td>
</tr>
<tr>
<td>Total Population</td>
<td>2,634 13%</td>
</tr>
<tr>
<td>Children</td>
<td>189 5%</td>
</tr>
<tr>
<td>Seniors</td>
<td>1,200 36%</td>
</tr>
<tr>
<td>Income Characteristics</td>
<td></td>
</tr>
<tr>
<td>Households by Income Category</td>
<td></td>
</tr>
<tr>
<td>Less than $15,000</td>
<td>910 10%</td>
</tr>
<tr>
<td>$15,000-$29,999</td>
<td>1,451 16%</td>
</tr>
<tr>
<td>$30,000-$44,999</td>
<td>1,167 13%</td>
</tr>
<tr>
<td>$45,000-$59,999</td>
<td>1,219 14%</td>
</tr>
<tr>
<td>$60,000-$74,999</td>
<td>1,198 14%</td>
</tr>
<tr>
<td>$75,000-$99,999</td>
<td>1,467 17%</td>
</tr>
<tr>
<td>$100,000-$199,999</td>
<td>1,265 14%</td>
</tr>
<tr>
<td>$200,000 or more</td>
<td>206 2%</td>
</tr>
<tr>
<td>Median Household Income</td>
<td>$55,880</td>
</tr>
<tr>
<td>Poverty Rates</td>
<td></td>
</tr>
<tr>
<td>Total Population</td>
<td>2,834 14%</td>
</tr>
<tr>
<td>Children</td>
<td>365 10%</td>
</tr>
<tr>
<td>Seniors</td>
<td>266 8%</td>
</tr>
<tr>
<td>Housing Cost Burden</td>
<td></td>
</tr>
<tr>
<td>Owners with Mortgage</td>
<td>1,877 36%</td>
</tr>
<tr>
<td>Renters</td>
<td>1,792 50%</td>
</tr>
</tbody>
</table>


Milwaukie has grown substantially since its incorporation in 1903 and has an area today of about 5 square miles. Between 1940 and 1980, the population grew from about 2,000 to just under 18,000 residents. Since then the growth in population has slowed.

The city is located within the southern bounds of the Portland metropolitan area (about six miles from downtown Portland). The city is within the Willamette River basin and has two major creeks flowing through it, Johnson Creek in the northern part of the city and Kellogg Creek in the southern part.

Milwaukie’s climate is consistent with the Marine west coast climate zone, with warm summers and cool, wet winters. Milwaukie receives most of its rainfall between October and May, and averages 43 inches of rain, and less than one (1) inch of snow, per year.\(^5\)

Elevations in the city range from 205 feet near 59th Avenue and Monroe Street to a low of 43 feet on the shores of the Willamette River. Milwaukie is characterized by flat or gently hilly topography.

Community Assets -

This section outlines the resources, facilities and infrastructure that, if damaged, could significantly impact the public safety, economic conditions and environmental integrity of Milwaukie. The community assets below were identified by the City of Milwaukie. The tables identify which hazards each asset may be exposed to based upon both a GIS analysis as well as HMAC member knowledge. Additional information is needed to fully understand the extent of risk to each asset. It is important to note that the facilities identified as “critical” and “essential” are characterized differently than the structural code that identifies buildings as “essential” and “non-essential.” The structural code uses different language and criteria and therefore have completely different meanings than the buildings identified in this addendum.

Critical Facilities

These facilities are critical to government response and recovery activities (i.e. life, safety, property, and environmental protection). These facilities include 911 centers, emergency operations centers, police and fire stations, public works facilities, sewer and water facilities, hospitals, bridges, roads, shelters, and more.

Law Enforcement/Fire Stations:

City Facilities:

- Public Safety Building: Milwaukie Police Department/CFD #2 (3200 SE Harrison St.)

Facilities Not in Milwaukie:

- Town Center Station (CFD #1, not in city)
- Oak Grove Station (CFD #3, not in city)
- Lake Road Station (CFD #4, not in city)
- Clackamas County Sheriff (not in city)
- Oregon State Police (not in city)

Hospitals:

- Providence Milwaukie Hospital (10150 SE 32nd Ave)
- Kaiser Permanente Hospital (not in city)
- Willamette Falls Hospital (not in city)

Essential Facilities

Facilities that are essential to the continued delivery of key government services, and/or that may significantly impact the public’s ability to recover from the emergency. These facilities may include city buildings, such as the public safety building and City Hall, as well as other public facilities, such as schools.

City Buildings:

- Ledding Library
- Milwaukie Center
- Milwaukie City Hall
- 40th & Harvey
- Johnson Creek Building

County Buildings:

- Public Safety Building
- Kellogg Treatment Plant
Schools:

- Ardenwald Elementary (new)
- Clackamas Community College (Milwaukie Campus)
- Hector Campbell Elementary (closed)
- Linwood Elementary
- Milwaukie Elementary
- Milwaukie High School (new)
- Portland Waldorf School (private)
- Rowe Middle School
- Seth Lewelling Elementary
- St. John’s School (private)
- School Transportation Center
- Wichita Center for Family and Community (not in city)

Potential Red Cross Shelter Sites:

- Milwaukie Center (5440 SE Kellogg Creek Dr)
- Eagles Wings Ministries (10902 SE Garrett Dr)
- Milwaukie Presbyterian Church (2416 SE Lake Rd)
- Clackamas Park Friends Church (8120 SE Thiessen Rd, Oak Grove)
- King of Kings Lutheran Church (5501 SE Thiessen Rd, Oak Grove)

Essential Infrastructure

Infrastructure that provide necessary services that supplement response efforts:

Bridges:

City

- 17th Avenue across Johnson Creek
- Milport Road across Johnson Creek
- Do you need to note Milwaukie Bay Bridge for WES?

County

- 55th Avenue across Johnson Creek
- Linwood Avenue across Johnson Creek
- Stanley Avenue across Johnson Creek
- 60th Avenue across Johnson Creek
- Oatfield Road across Kellogg Creek
- Rusk Road across Mount Scott Creek

Portland

- Johnson Creek Boulevard across Johnson Creek
- Ochoco Street across Johnson Creek

TriMet

- OR-99E (McLoughlin Boulevard)
- Kellogg Creek
- Ochoco (elevated portion)
State of Oregon

- McLoughlin Boulevard across Johnson Creek, north of the city
- McLoughlin Boulevard across Kellogg Creek
- McLoughlin off-ramp to Hwy. 224 across Johnson Creek
- Hwy. 224 across Johnson Creek, McLoughlin Boulevard and Main Street
- Hwy. 224 across railroad tracks and 26th Avenue
- Hwy. 224 across Mount Scott Creek
- Hwy. 224 across MAX Light Rail Orange Line tracks

Transportation Corridors:

- 17th Ave
- 32nd Ave
- 55th Ave
- Harrison St/42nd Ave/King Rd.
- Highway 224
- Johnson Creek Blvd
- King Rd

- Lake Rd
- Linwood Ave
- Max Orange Line
- McLoughlin Blvd/Highway 99E
- Oatfield Rd
- River Rd
- MAX Orange Ling and Bus Lines

Water Treatment Facilities

- Eight City Wells
- Aeration Packed Towers – 5 @ two locations
- Concrete Storage Tank – 40th & Harvey
- Elevated Water Storage Tank – 40th & Harvey
- Ground Level Metal Tank – Stanley & Harlow
- Sewerage Pump Stations – 5

Other Utilities

- NW Natural pipelines
- PGE Substations (One is at edge of Lake / Harmony; a second is on the East end of Johnson Creek; a third is on the border between Milwaukie and Oak Grove)

Vulnerable Populations:

Vulnerable populations, including seniors, disabled citizens, women, and children, as well those people living in poverty, often experience the impacts of natural hazards and disasters more acutely. Populations that have special needs or require special consideration include:

- Lockdown Facility (9200 SE McBrod Ave.)
- Hillside Manor
- Johnson Creek Treatment Facility
- Prestige Post-Acute and Rehab Center
- Royal Marc Retirement Residence
- Annie Ross House (transitional family housing)
- Milwaukie Center (daytime programs)
- ElderPlace Providence (daytime programs, Providence Milwaukie)
- Senior Center on Rusk Road near North Clackamas Park (in development)
Hazardous Materials:

Facilities that, if damaged, could cause serious secondary impacts may also be considered “critical.” A hazardous material facility is one example of this type of critical facility. Those sites that store, manufacture, or use potentially hazardous materials include: International Way, North Milwaukie Innovative Area, and Precision Cast Parks.

Economic Assets/Population Centers:

Economic assets include businesses that employ large numbers of people and provide an economic resource to the City. If damaged, the loss of these economic assets could significantly affect economic stability, and prosperity. Population Centers usually are aligned with economic centers and are a concern during evacuation/notification during a hazard event. These assets include: Downtown, McLoughlin Commercial Areas, and North Milwaukie Innovative Area.

Environmental Assets:

Environmental assets are those parks, green spaces, wetlands, and rivers that provide an aesthetic, and functional ecosystem services for the community. These environmental assets include: Ball-Michel Park, Dogwood Park, Elk Rock Island, Homewood Park, North Clackamas Park, Milwaukie Bay Park, Stanley Park, Water Tower Park, and Wichita Park.

Cultural or Historical Assets:

These assets include those facilities that augment or help define community character, and if lost, would represent a significant loss for the community.

Historic Inventory: see State Historic Preservation Office for more information: Link

- More than 500 houses
- Five commercial buildings
- Three schools
- One cemetery
- One church
- One city hall
- One water works

Community Attractions:

- 17th Avenue Bike/Pedestrian Path
- Bob’s Red Mill
- Carefree Sundays
- Dark Horse Comics Corporate Headquarters
- First Friday (May-October)
- Milwaukie Bay Park
- Milwaukie Farmers Market
- Milwaukie Museum
- Sara Hite Memorial Rose Garden
- Spring Park and Elk Rock Island
- Springwater Trail
- Trolley Trail
- Winter Solstice Event
- Umbrella Parade and Tree Lighting
- Carefree Sunday
Hazard Characteristics

Drought

The HMAC determined that the city’s probability for drought is moderate and that their vulnerability to drought is low. These ratings did not change since the previous version of this NHMP addendum.

Volume I, Section 2 describes the characteristics of drought hazards, history, as well as the location, extent and probability of a potential event. Due to the climate of Clackamas County, past and present weather conditions have shown an increasing potential for drought.

Milwaukie currently obtains its potable water from the Troutdale Aquifer through eight operating wells located throughout the city. Interties to the City of Portland and Clackamas River Water systems are maintained for emergency water supplies. The network of three water reservoirs provide a storage volume of six million gallons. The Water System Master Plan was last updated in 2010 to provide long-term guidance for the development of the city’s water system, which is a supporting document for the Comprehensive Plan. The document also includes recommended capital improvement projects and a map documenting the water infrastructure placement within the city.

Vulnerability Assessment

Due to insufficient data and resources, Milwaukie is currently unable to perform a quantitative risk assessment, or exposure analysis, for this hazard.

Mitigation Activities

Milwaukie has a drought action item that addresses public awareness. The existing drought hazard mitigation activities are conducted at the county, regional, state, and federal levels and are described in the Clackamas County NHMP.

Please review Volume I, Section 2 for additional information on this hazard.

Earthquake (Cascadia Subduction Zone)

The HMAC determined that the city’s probability for a Cascadia Subduction Zone (CSZ) earthquake is moderate and that their vulnerability to a CSZ earthquake is high. The probability and vulnerability ratings did not change since the previous version of this NHMP addendum. Note: Previously, the earthquake hazard profile was a single risk assessment, which is now divided into two separate earthquake hazards: Cascadia Subduction Zone (CSZ) earthquake and Crustal earthquake.

Volume I, Section 2 describes the characteristics of earthquake hazards, history, as well as the location, extent and probability of a potential event. Generally, an event that affects the county is likely to affect Milwaukie as well. The causes and characteristics of an earthquake event are appropriately described within the Volume I, Section 2 as well as the location and extent of potential hazards. Previous occurrences are well documented within Volume I,

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Section 2 and the community impacts described by the county would generally be the same for Milwaukie as well.

Within the Northern Willamette Valley/Portland Metro Region, three potential faults and/or zones can generate high-magnitude earthquakes. These include the Cascadia Subduction Zone, Portland Hills Fault Zone, Gales Creek-Newberg-Mt. Angel Structural Zone (discussed in the crustal earthquake section).

Figure MA-2 displays relative shaking hazards from a Cascadia Subduction Zone earthquake event. As shown in the figure, most of the city is expected to experience very strong shaking (orange), while areas near rivers and streams will experience severe (light red) to violent (dark red) shaking in a CSZ event.

**Figure MA-2 Cascadia Subduction Zone Expected Shaking**

![Cascadia Subduction Zone Expected Shaking](image)

**Expected Earthquake Shaking**

These data show the strongest shaking expected to occur during an earthquake in a 500-year period. The stronger the amount of shaking, the more structural damage will occur.

Source: [Oregon HazVu: Statewide Geohazards Viewer (DOGAMI)](https://dogami.portland.gov)

Note: To view detail click the link above to access Oregon HazVu

**Cascadia Subduction Zone**

The Cascadia Subduction Zone is a 680-mile-long zone of active tectonic convergence where oceanic crust of the Juan de Fuca Plate is subducting beneath the North American continent at a rate of 4 cm per year. Scientists have found evidence that 11 large, tsunami-producing
Earthquakes have occurred off the Pacific Northwest coast in the past 6,000 years. These earthquakes took place roughly between 300 and 5,400 years ago with an average occurrence interval of about 510 years. The most recent of these large earthquakes took place in approximately 1700 A.D.\(^7\)

The city’s proximity to the Cascadia Subduction Zone, potential slope instability and the prevalence of certain soils subject to liquefaction and amplification combine to give the city a high-risk profile. Due to the expected pattern of damage resulting from a CSZ event, the Oregon Resilience Plan divides the State into four distinct zones and places the city predominately within the “Valley Zone” (Valley Zone, from the summit of the Coast Range to the summit of the Cascades). Within the Northwest Oregon region, damage and shaking is expected to be strong and widespread - an event will be disruptive to daily life and commerce and the main priority is expected to be restoring services to business and residents.

**Earthquake (Crustal)**

The HMAC determined that the city’s probability for a crustal earthquake is low and that their vulnerability to crustal earthquake is high. *The probability rating decreased while the vulnerability rating did not change since the previous version of this NHMP addendum. Note: Previously, the earthquake hazard profile was a single risk assessment, which is now divided into two separate earthquake hazards: Crustal earthquake, and Cascadia Subduction Zone (CSZ) earthquake.*

Volume I, Section 2 describes the causes and characteristics of earthquake hazards, history, as well as the location, extent, and probability of a potential event. Generally, an event that affects the county is likely to affect Milwaukie as well. Figure MA-3 shows a generalized geologic map of the Milwaukie area that includes the areas for potential regional active faults, earthquake history (1971-2008), and soft soils (liquefaction) hazard. The figure shows the areas of greatest concern within the city limits as red and orange.

There are two potential crustal faults and/or zones near Milwaukie that can generate high-magnitude earthquakes. These include the Gales Creek-Mt. Angel Structural Zone and Portland Hills Fault Zone (discussed in greater detail below). Other faults include the Oatfield fault (just to the east of the city on the eastern side of the Willamette River) and the Damascus-Tickle Creek fault to the east of the city, and the Mt. Hood Fault in eastern Clackamas County. Historical records count over 56 earthquakes in the Portland-metro area. The more severe ones occurred in 1877, 1880, 1953 and 1962. The most recent severe earthquake was the March 25, 1993 Scotts Mills quake. It was a 5.6 magnitude quake with aftershocks continuing at least through April 8.

**Portland Hills Fault Zone**

The Portland Hills Fault Zone is a series of NW-trending faults that vertically displace the Columbia River Basalt by 1,130 feet and appear to control thickness changes in late Pleistocene (approx. 780,000 years ago) sediment. The fault zone extends along the eastern margin of the Portland Hills for 25 miles and runs through the western side of Milwaukie.

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Earthquake-induced damages are difficult to predict, and depend on the size, type, and location of the earthquake, as well as site-specific building, and soil characteristics. Presently, it is not possible to accurately forecast the location or size of earthquakes, but it is possible to predict the behavior of soil at any site. In many major earthquakes, damages have primarily been caused by the behavior of the soil.

**Figure MA-3 Active Crustal Faults, Epicenters (1971-2008), and Soft Soils**

Source: [Oregon HazVu: Statewide Geohazards Viewer (DOGAMI)](http://www.oregon.gov/DOGAMI/Hazards/Tools/HazVu.cfm)

Note: To view detail click the link above to access Oregon HazVu

**Vulnerability Assessment**

Due to insufficient data and resources, Milwaukie is currently unable to perform a quantitative risk assessment for this hazard. However, the city completed an analysis, using the best available data, as a component of the vulnerability assessment in 2009, updated in 2012, and reviewed and updated, as appropriate, in 2018. This analysis looked at identified hazard areas in conjunction with available data on property exposed to the hazard. Exposure of community assets to natural hazards was determined by manually comparing community assets with each hazard and identifying where assets and hazards intersected. Additionally, in 2018 the Department of Geology and Mineral Industries (DOGAMI) completed a regional impact analysis for earthquakes originating from the Cascadia
Subduction Zone and Portland Hills faults (O-18-02), findings from that report are provided at the end of the crustal earthquakes hazard section.

Community assets located in the highest hazard zone for earthquakes include the Public Safety Building (Milwaukie Police Department and Clackamas Fire District Station 2), Providence Milwaukie Hospital, and the North Milwaukie Innovative Area. Milwaukie’s infrastructure is particularly vulnerable to earthquake damage, especially Highway 224 and OR-99E. Of the city’s eight wells, two of them are along the fault line, with others in the moderate to high hazard zones for earthquakes. During a major earthquake, emergency responders may have difficulty performing their duties because their buildings could be impacted by the event. The Public Safety Building is in the moderate to high hazard zones. Areas near the Willamette River and various creeks around Milwaukie are likely comprised of softer soils prone to liquefaction. This can be very destructive to underground utilities such as water and sewer lines. Buildings and water lines can sink into the liquefied ground while sewer pipes, manholes and pump stations (assets partially filled with air) may float to the surface. After the earthquake, the liquefied soil will re-solidify, locking tilted buildings and broken pipe connections into place.

Vulnerable populations such as children could be significantly impacted, as many schools lie in the highest two hazard zones. The data gathered from the statewide DOGAMI inventory should be used to prioritize school buildings in Milwaukie for seismic hazard retrofitting.

Seismic building codes were implemented in Oregon in the 1970s, however, stricter standards did not take effect until 1991 and early 2000s. As noted in the community profile, approximately 86% of residential buildings were built prior to 1990, which increases the City’s vulnerability to the earthquake hazard. Information on specific public buildings’ (schools and public safety) estimated seismic resistance, determined by DOGAMI in 2007, is shown in Table MA-5; each “X” represents one building within that ranking category. Of the facilities evaluated by DOGAMI using their Rapid Visual Survey (RVS), three (3) have very high (100% chance) collapse potential, while two (2) have a high (greater than 10% chance) collapse potential. Note: one school has been retrofitted and one is scheduled to be retrofitted.

In addition to building damages, utility (electric power, water, wastewater, natural gas) and transportation systems (bridges, pipelines) are also likely to experience significant damage. There is a low probability that a major earthquake will result in failure of upstream dams.

Utility systems will be significantly damaged, including damaged buildings and damage to utility infrastructure, including water treatment plants and equipment at high voltage substations (especially 230 kV or higher which are more vulnerable than lower voltage substations). Buried pipe systems will suffer extensive damage with approximately one break per mile in soft soil areas. There would be a much lower rate of pipe breaks in other areas. Restoration of utility services will require substantial mutual aid from utilities outside of the affected area.
### Table MA-5 Rapid Visual Survey Scores

<table>
<thead>
<tr>
<th>Facility</th>
<th>Site ID*</th>
<th>Level of Collapse Potential</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Schools</strong></td>
<td></td>
<td>Low (&lt;1%)</td>
<td>Moderate (&gt;1%)</td>
</tr>
<tr>
<td>Alder Creek Middle</td>
<td>Clac_sch83</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>(13801 SE Webster Rd)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ardenwald Elementary</td>
<td>Clac_sch14</td>
<td>Retrofitted per a 2008 bond.</td>
<td>X</td>
</tr>
<tr>
<td>(8950 SE 36th Ave)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hector Campbell Elementary</td>
<td>Clac_sch87</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>(11326 SE 47th Ave) - CLOSED</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Linwood Elementary</td>
<td>Clac_sch19</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(11909 SE Linwood Ave)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Milwaukie Elementary School</td>
<td>Clac_sch20</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(11250 SE 27th Ave)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Milwaukie High School</strong></td>
<td>Clac_sch28</td>
<td>Rebuild in progress per a 2016 bond.</td>
<td>X</td>
</tr>
<tr>
<td>(2301 SE Willard St)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portland Waldorf School</td>
<td></td>
<td>2007 RVS report did not include</td>
<td></td>
</tr>
<tr>
<td>(2300 SE Harrison St)</td>
<td>-</td>
<td>structural appendix for this facility.</td>
<td></td>
</tr>
<tr>
<td>Seth Lewelling Elementary</td>
<td>Clac_sch88</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(5325 SE Logus Rd)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. John Catholic School</td>
<td></td>
<td>2007 RVS report did not include</td>
<td></td>
</tr>
<tr>
<td>(10956 SE 25th Ave)</td>
<td>-</td>
<td>structural appendix for this facility.</td>
<td></td>
</tr>
<tr>
<td><strong>Public Safety</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CFD Fire Station 1</td>
<td>Clac_fir09</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(ca. 1983) (11300 SE Fuller Rd)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CFD Fire Station 2</td>
<td>Clac_fir26</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(ca. 1993) (Public Safety Building) (3200 SE Harrison)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CFD Fire Station 3</td>
<td>Clac_fir27</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(ca. 1997) (2930 SE Oak Grove Blvd)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CFD Fire Station 4</td>
<td>Clac_fir08</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(ca. 1999) (6600 SE Lake Rd)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Hospital</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Providence Milwaukie</td>
<td>Clac_hos02</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(10150 SE 32nd Ave)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: DOGAMI 2007. **Open File Report O-07-02. Statewide Seismic Needs Assessment Using Rapid Visual Assessment.** *Site ID is referenced on the RVS Clackamas County Map*

**Note 1:** Bold indicates facilities that have been seismically retrofitted or rebuilt.

**Note 2:** Private schools were not assessed by DOGAMI as part of O-07-02.

### Mitigation Activities

Milwaukie has taken mitigation steps to reduce the city’s vulnerability in earthquake events. Additional mitigation activities completed by the City of Milwaukie include:

- Compliance with SB 13, enacted in 2001, requiring local governments to develop seismic preparation procedures, inform their employees about the procedures, and conduct earthquake drills.
• Conformance with seismic-related construction requirements in the Oregon Structural Specialty Code and Oregon One- and Two-Family Dwelling Specialty Code.
• Adoption of a policy to require undergrounding of power lines in new subdivisions.
• Development Code restrictions regarding construction on steep slopes.
• The following buildings have been constructed to be earthquake safe: Water tower at 40th Avenue and Harvey Street, Milwaukie High School Fine Arts Center, Linwood Elementary Main Office and Gym, and the Milwaukie Library.
• Ardenwald Elementary retrofitted per 2008 bond passed by voters (former building demolished in 2009).
• Milwaukie High School scheduled for reconstruction/rebuild of main building by August 2021 through a 2016 bond passed by voters.\(^8\)

**Earthquake Regional Impact Analysis**

In 2018, DOGAMI completed a regional impact analysis for earthquakes originating from the Cascadia Subduction Zone and Portland Hills faults ([O-18-02](#)). Their study focused on damage to buildings, and the people that occupy them, and to two key infrastructure sectors: electric power transmission and emergency transportation routes. Each earthquake was studied with wet and dry soil conditions and for events that occur during the daytime (2 PM) and night time (2 AM). Impacts to buildings and people were tabulated at the county, jurisdictional (city), and neighborhood unit level. Estimated damage varied widely across the study area depending on local geology, soil moisture conditions, type of building, and distance from the studied faults. In general, damage from the Cascadia Subduction Zone scenario was greater in the western portion of the study area, however, damage could still be significant in some areas east of the Willamette River. The report found that damage to high-value commercial and industrial buildings was high since many of these facilities are in areas of high to very high liquefaction hazard. Casualties were higher during the daytime scenario (generally double) since more people would be at work and occupying non-wood structures that fare worse in an earthquake. The Portland Hills fault scenario created greater damages than the Cascade Subduction Zone scenario due primarily to its placement relative to population centers and regional assets; however, at distances 15 or more miles from the Portland Hills Fault the damages from the Cascadia Subduction Zone scenario generally were higher. In both the Cascadia Subduction Zone and Portland Hills Fault scenarios, it is forecasted that emergency transportation routes will be fragmented, affecting the distribution of goods and services, conditions are worse under the Portland Hills Fault scenario. Portions of the electric distribution system are also expected to be impacted under both scenarios, however, the impact is considerably less than it is to the transportation routes. Additional capacity or redundancy within the electric distribution network may be beneficial in select areas that are likely to have greater impacts.

Table MA-6 shows the permanent resident population that are vulnerable to injury or death (casualty) and the buildings in the city that are susceptible to liquefaction and landslides. It does not predict that damage will occur in specific areas due to either liquefaction or landslide. More population and property are exposed to higher degrees of expected damage or casualty under the Portland Hills Fault “wet” scenario than in any other scenario.

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Table MA-6 Expected damages and casualties for the CSZ fault and Portland Hills fault: earthquake, soil moisture, and event time scenarios

<table>
<thead>
<tr>
<th></th>
<th>Cascadia Subduction Zone (M9.0)</th>
<th>Portland Hills Fault (M6.8)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&quot;Dry&quot; Soil</td>
<td>&quot;Wet&quot; Saturated Soil</td>
</tr>
<tr>
<td>Number of Buildings</td>
<td>7,891</td>
<td>7,891</td>
</tr>
<tr>
<td>Building Value ($ Million)</td>
<td>2,890</td>
<td>2,890</td>
</tr>
<tr>
<td>Building Repair Cost ($ Million)</td>
<td>295</td>
<td>394</td>
</tr>
<tr>
<td>Building Loss Ratio</td>
<td>10%</td>
<td>14%</td>
</tr>
<tr>
<td>Debris (Thousands of Tons)</td>
<td>162</td>
<td>193</td>
</tr>
<tr>
<td>Long-Term Displaced Population</td>
<td>93</td>
<td>83</td>
</tr>
<tr>
<td>Total Casualties (Daytime)</td>
<td>294</td>
<td>380</td>
</tr>
<tr>
<td>Level 4 (Killed)</td>
<td>14</td>
<td>19</td>
</tr>
<tr>
<td>Total Casualties (Nighttime)</td>
<td>34</td>
<td>92</td>
</tr>
<tr>
<td>Level 4 (Killed)</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>


Cascadia Subduction Zone Scenario

The City of Milwaukie is expected to have a 10% building loss ratio with a repair cost of $295 million under the CSZ “dry” scenario, and a 14% building loss ratio with a repair cost of $394 million under the CSZ “wet” scenario.9 The city is expected to have around 294 daytime or 34 nighttime casualties during the CSZ “dry” scenario and 380 daytime or 92 nighttime casualties during the CSZ “wet” scenario. It is expected that there will be a long-term displaced population of around 93 for the CSZ “dry” scenario and 83 for the CSZ “wet” scenario.10

Portland Hills Fault Scenario

The City of Milwaukie is expected to have a 46% building loss ratio with a repair cost of $1.341 billion under the CSZ “dry” scenario, and a 55% building loss ratio with a repair cost of $1.598 billion under the CSZ “wet” scenario.11 The long-term displaced population and casualties are greatly increased for all the Portland Hills Fault scenarios. The city is expected to have around 1,427 daytime or 326 nighttime casualties during the Portland Hills Fault “dry” scenario and 1,595 daytime or 546 nighttime casualties during the Portland Hills Fault “wet” scenario. It is expected that there will be a long-term displaced population of around 2,459 for the Portland Hills Fault “dry” scenario and 5,456 for the Portland Hills Fault “wet” scenario.12

Recommendations from the report included topics within Planning, Recovery, Resiliency: Buildings, Resiliency: Infrastructure Improvements, Resiliency: Essential and Critical Facilities, Enhanced Emergency Management Tools, Database Improvements, Public Awareness, and Future Reports. The recommendations of this study are largely incorporated within this NHMPs mitigation strategies (Table MA-1 and Volume I, Section 3). For more detailed information on the report, the damage estimates, and the recommendations see:

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11 Ibid, Tables 12-10 and 12-11.
12 Ibid, Tables 12-10 and 12-11.

Please review Volume I, Section 2 for additional information on this hazard.

Flood

The HMA determined that the city’s probability for flood is high and that their vulnerability to flood is high. The probability rating did not change, while the vulnerability rating increased since the previous version of this NHMP addendum.

Volume I, Section 2 describes the characteristics of flood hazards, history, as well as the location, extent, and probability of a potential event. Figure MA-4 illustrates the flood hazard area for Milwaukie.

**Figure MA-4 Special Flood Hazard Area**

Portions of Milwaukie have areas of floodplain (special flood hazard areas, SFHA). These include Johnson Creek, Kellogg Creek, Mount Scott Creek, Minthorn Creek, Spring Creek, and Willamette River. The Federal Emergency Management Agency (FEMA) regulatory floodplains for each of these rivers are depicted as relatively narrow areas on each side of the channels. On the Willamette River, the floodway is generally confined within high
stream banks. The FEMA 100-year map shows that 1.3 miles of the transportation network could be affected in a flood.

Floods can have a devastating impact on almost every aspect of the community, including private property damage, public infrastructure damage, and economic loss from business interruption. It is important for the city to be aware of flooding impacts and assess its level of risk.

The economic losses due to business closures often total more than the initial property losses that result from flood events. Business owners, and their employees are significantly impacted by flood events. Direct damages from flooding are the most common impacts, but indirect damages, such as diminished clientele, can be just as debilitating to a business.

For mitigation planning purposes, it is important to recognize that flood risk for a community is not limited only to areas of mapped floodplains. Other portions of Milwaukie outside of the mapped floodplains may also be at relatively high risk from over bank flooding from streams too small to be mapped by FEMA or from local storm water drainage. City staff has identified sites where local drainage facilities are taxed during high flows, especially where open ditches enter culverts or go underground into storm sewers and works to mitigate the stormwater flood risks in these areas (see the Milwaukie’s Stormwater Master Plan for more information).

The speed of onset, lack of warning and depth of flooding make dam failures a potentially deadly, albeit unlikely, occurrence. There are four major dams upstream of Milwaukie on the Clackamas River: North Fork, Faraday, River Mill and Timothy. These are operated by Portland General Electric and subject to the dam safety and warning requirements of the Federal Energy Regulatory Commission. According to the Clackamas County Emergency Operations Plan, areas of Milwaukie bordering on the Willamette River in the vicinity of its confluence with the Clackamas River would be inundated by a wall of water 60-80 feet high in approximately an hour and a half should the North Fork dam fail under a “probable maximum flood” (a worst-case scenario where all four dams fail). In December 2015, Milwaukie had to evacuate approximately 50 people from their homes as Mount Scott and Johnson Creek overflowed.

The largest flooding event to affect Milwaukie was the February 1996 flood. The high-water level meant tributaries could not drain into the Tualatin and Willamette rivers, which led to localized flooding on several backed-up creeks.

The extent of flooding hazards in Milwaukie primarily depends on climate and precipitation levels. Additionally, withdrawals for irrigation and drinking water, as well as stream and wetland modifications or vegetation removal can influence water flow.

Vulnerability Assessment
Due to insufficient data and resources, Milwaukie is currently unable to perform a quantitative risk assessment for this hazard. However, the city completed an analysis, using the best available data, as a component of the vulnerability assessment in 2009, updated in 2012, and reviewed and updated, as appropriate, in 2018. This analysis looked at identified hazard areas in conjunction with available data on property exposed to the hazard.

Exposure of community assets to natural hazards was determined by manually comparing community assets with each hazard and identifying where assets and hazards intersected.
The areas around Johnson Creek (impacts industrial area), Kellogg Creek, Mount Scott Creek (impact North Clackamas Park, senior center and multiple residences north of Highway 224 and south of Lake Road), and Willamette River are particularly vulnerable to flooding. Additionally, proposed lots on 19th Avenue may be vulnerable to Willamette River flooding. Johnson Creek runs through the downtown mixed-use and North Milwaukie Industrial/Innovation Area. Kellogg Creek mostly affects residential areas in the chance of flooding. The downtown area is located near the Willamette River due to the historic use of the river for economic reasons.

Additionally, a great deal of infrastructure (bridges, water lines, sewage pump stations, etc.) is in the floodplain. Infrastructure exposed to flooding includes, but is not limited to, Highway 224, Lake Road, McLoughlin Boulevard, and the North Milwaukie Innovative Area. Disruption to this infrastructure could result in transportation issues, power outages, sewage back-up, and affect overall community and environmental health.

National Flood Insurance Program (NFIP)

FEMA’s Flood Insurance Study (FIS), and Flood Insurance Rate Maps (FIRMs) are effective as of January 18, 2019 and June 17, 2008. Table MA-7 shows that as of July 2018, Milwaukie has 60 National Flood Insurance Program (NFIP) policies in force. Of those, 50 are for properties that were constructed before the initial FIRMs. The last Community Assistance Visit (CAV) for Milwaukie was on June 26, 2019 (including an audit of Title 18: Flood Hazard Areas). Milwaukie does not participate in the Community Rating System (CRS).

### Table MA-7 Flood Insurance Detail

<table>
<thead>
<tr>
<th></th>
<th>Clackamas County</th>
<th>Milwaukie</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective FIRM and FIS</td>
<td>6/17/2008</td>
<td>1/18/2019</td>
</tr>
<tr>
<td>Initial FIRM Date</td>
<td>-</td>
<td>6/18/1980</td>
</tr>
<tr>
<td>Total Policies</td>
<td>1,957</td>
<td>60</td>
</tr>
<tr>
<td>Pre-FIRM Policies</td>
<td>1,086</td>
<td>50</td>
</tr>
<tr>
<td>Policies by Building Type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>1,761</td>
<td>31</td>
</tr>
<tr>
<td>2 to 4 Family</td>
<td>30</td>
<td>4</td>
</tr>
<tr>
<td>Other Residential</td>
<td>58</td>
<td>16</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>Minus Rated A Zone</td>
<td>123</td>
<td>2</td>
</tr>
<tr>
<td>Insurance in Force</td>
<td>$541,833,400</td>
<td>$18,107,600</td>
</tr>
<tr>
<td>Total Paid Claims</td>
<td>590</td>
<td>48</td>
</tr>
<tr>
<td>Pre-FIRM Claims Paid</td>
<td>450</td>
<td>41</td>
</tr>
<tr>
<td>Substantial Damage Claims</td>
<td>83</td>
<td>5</td>
</tr>
<tr>
<td>Total Paid Amount</td>
<td>$20,830,662</td>
<td>$2,228,684</td>
</tr>
<tr>
<td>Repetitive Loss Structures</td>
<td>51</td>
<td>6</td>
</tr>
<tr>
<td>Severe Repetitive Loss Properties</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>CRS Class Rating</td>
<td>-</td>
<td>NP</td>
</tr>
<tr>
<td>Last Community Assistance Visit</td>
<td>-</td>
<td>6/26/2019</td>
</tr>
</tbody>
</table>

Source: Information compiled by Department of Land Conservation, and Development, July 2018. Note: The portion of the cities of Portland and Tualatin that are within Clackamas County are not included in this table. NP = Not Participating
The table shows that most flood insurance policies are for residential structures, primarily single-family homes. There has been a total of 48 paid claims for $18,107,600. The city complies with the NFIP through enforcement of their flood damage prevention ordinance (Title 18) and their floodplain management program.

Risk Analysis - Repetitive Loss Properties:
Milwaukie works to mitigate problems regarding flood issues as they arise. Some areas in the city are more susceptible to flooding issues and have incurred repetitive losses. The Community Repetitive Loss record for Milwaukie identifies six (6) Repetitive Loss (RL) Properties\(^{13}\), none are considered Severe Repetitive Loss (SRL) Properties\(^{14}\). RL and SRL properties are troublesome because they continue to expose lives and valuable property to the flooding hazard. Local governments as well as federal agencies such as FEMA attempt to address losses through floodplain insurance and attempts to remove the risk from repetitive loss of properties through projects, such as acquiring land and improvements, relocating homes or elevating structures. Continued repetitive loss claims from flood events lead to an increased amount of damage caused by floods, higher insurance rates, and contribute to the rising cost of taxpayer funded disaster relief for flood victims.

Table MA-8 provides information on the identified RL and SRL properties. There have been 17 paid RL claims totaling $612,550. Of these properties, none (0) are considered SRL. Three (3) of the RL properties are not insured as of July 2018. For additional detail and a map of their general location see Volume I, Section 2 and Figure 2-13.

Table MA-8 Repetitive Loss and Severe Repetitive Loss Properties Detail

<table>
<thead>
<tr>
<th>RL or SRL Property</th>
<th>Location</th>
<th>Currently Insured?</th>
<th>Flood Zone</th>
<th>Occupancy</th>
<th>Historic Building</th>
<th>Total Paid Claims</th>
<th>Total Paid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>RL Property 1</td>
<td>NO</td>
<td>A19</td>
<td>Non-residential</td>
<td>No</td>
<td>2</td>
<td>$396,804</td>
<td></td>
</tr>
<tr>
<td>RL Property 3</td>
<td>YES</td>
<td>X</td>
<td>Single Family</td>
<td>No</td>
<td>2</td>
<td>$65,060</td>
<td></td>
</tr>
<tr>
<td>RL Property 5</td>
<td>NO</td>
<td>X</td>
<td>Single Family</td>
<td>No</td>
<td>2</td>
<td>$5,058</td>
<td></td>
</tr>
<tr>
<td>RL Property 14</td>
<td>NO</td>
<td>B</td>
<td>Single Family</td>
<td>No</td>
<td>6</td>
<td>$100,814</td>
<td></td>
</tr>
<tr>
<td>RL Property 15</td>
<td>YES</td>
<td>C</td>
<td>2-4 Family</td>
<td>No</td>
<td>3</td>
<td>$27,463</td>
<td></td>
</tr>
<tr>
<td>RL Property 16</td>
<td>YES</td>
<td>C</td>
<td>2-4 Family</td>
<td>No</td>
<td>2</td>
<td>$17,351</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>17</td>
<td></td>
<td></td>
<td>17</td>
<td>$612,550</td>
<td></td>
</tr>
</tbody>
</table>

Notes: RL – Repetitive Loss Property, SRL – Severe Repetitive Loss Property
For location details see Table 2-15 in the Clackamas NHMP Volume I, Section 2.

Mitigation Activities
Milwaukie employs several mitigation strategies to reduce the city’s risk to flood events, including mapping flood-prone areas by address. The city’s priority is to mitigate residences

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\(^{13}\) A Repetitive Loss (RL) property is any insurable building for which two or more claims of more than $1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. A RL property may or may not be currently insured by the NFIP.

\(^{14}\) A Severe Repetitive Loss (SRL) property is a single family property (consisting of 1 to 4 residences) that is covered under flood insurance by the NFIP, and has incurred flood-related damage for which 4 or more separate claims payments have been paid under flood insurance coverage, with the amount of each claim payment exceeding $5,000, and with cumulative amount of such claims payments exceeding $20,000; or for which at least 2 separate claims payments have been made with the cumulative amount of such claims exceeding the reported value of the property.
located within the floodway (see FL #1). The city development code includes policies and regulations for flood prone areas including, Natural Resources Overlay Zone (Chapter 19.402, Natural Resources Administrative Map), Flood Hazard Regulations (Title 18 – Flood Hazard Areas (includes the SFHA and the 1996 flood inundation area; Flood Hazard Map Viewer), and Willamette Greenway Zone (Chapter 19.401). Milwaukie regularly inspects and maintains the stormwater facilities. Catch basins are routinely cleaned and inspected and a regular street sweeping program reduces the amount of debris and contaminants entering the stormwater system. The city maintains a Stormwater Master Plan and has been planning various projects to restore Kellogg Creek. These projects would include building a bridge over the creek and downtown revitalization.

To improve stormwater management, Milwaukie lined the interiors of all pipes along the 18th Avenue infiltration line. This mitigation project minimizes the amount of groundwater that infiltrates into sewer lines and helps reduce the overall amount of water going into the wastewater treatment plant, thus reducing the chance of overflow of the sewer system. Additionally, a severe repetitive loss property on Rusk Road was purchased and demolished using FEMA Flood Mitigation Assistance funding in 2018 (grant covered approximately $315,000 for the purchase of the property, additional funds were allocated for staff hours, title report, due diligence reports, and demolition contract).

In 2006 Clackamas County Water Environment Services partnered with eight community groups to restore the Three Creeks area – including Mount Scott, a tributary to Kellogg Creek and the Willamette. The group reshaped the stream channel to make it more natural; removed invasive species; planted thousands of native plants to stabilize; and put in lard wood and boulders to stabilize the channel and provide habitat for fish. The groups also removed trash and transient camps that polluted the streams during floods.

Projects completed by the Johnson Creek Watershed Council:

- Tree Plantings along Johnson Creek.
- Storm water detention near Milport Road.

In 2018, the city completed its Urban Forest Plan that includes information on tree planting strategies.

Please review Volume I, Section 2 for additional information on this hazard.

Landslide

The HMAC determined that the city’s probability for landslide is low and that their vulnerability to landslide is low. These ratings did not change since the previous version of this NHMP addendum.

Volume I, Section 2 describes the characteristics of landslide hazards, history, as well as the location, extent, and probability of a potential event within the region. Although catastrophic landslides have not occurred in Milwaukie, steep slopes do exist along the banks of the Willamette River and Kellogg Creek.

Landslide susceptibility exposure for Milwaukie is shown in Figure MA-5.

Most of Milwaukie demonstrates a low to moderate landslide susceptibility exposure. Approximately 4% of Milwaukie has very high or high, and approximately 31% moderate,
However, most of the areas that are identified to exhibit dangerous potential rapidly moving landslides are vacant and often preserved in wooded and dedicated open space.

Note that even if a jurisdiction has a high percentage of area in a high or very high landslide exposure susceptibility zone, this does not mean there is a high risk, because risk is the intersection of hazard, and assets.

**Figure MA-5 Landslide Susceptibility Exposure**

![Map showing landslide susceptibility exposure](image)  
**Source:** Oregon HazVu: Statewide Geohazards Viewer (DOGAMI)  
**Note:** To view detail click the link above to access Oregon HazVu

Landsliding unlikely. Areas classified as Landslide Density = Low (less than 7%) and areas classified as Slopes Prone to Landsliding = Low.

Landsliding possible. Areas classified as Landslide Density = Low to Moderate (less than 17%) and areas classified as Slopes Prone to Landsliding = Moderate (7%-17%) and areas classified as Slopes Prone to Landsliding = Low.

Landsliding likely. Areas classified as Landslide Density = High (greater than 17%) and areas classified as Slopes Prone to Landsliding = High and Moderate (less than 17%) and areas classified as Slopes Prone to Landsliding = High.

Existing landslides Landslide Density and Slopes Prone to Landsliding data were not considered in this category. Note: the quality of landslide inventory (existing landslides) mapping varies across the state.

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**Vulnerability Assessment**

Due to insufficient data and resources, Milwaukie is currently unable to perform a quantitative risk assessment for this hazard. However, DOGAMI completed a statewide landslide susceptibility assessment in 2016 (O-16-02), general findings from that report are provided above and within Figure MA-5. Additionally, the city completed an analysis, using the best available data, as a component of the vulnerability assessment in 2009, updated in 2012, and reviewed and updated, as appropriate, in 2018. This analysis looked at identified hazard areas in conjunction with available data on property exposed to the hazard. Exposure of community assets to natural hazards was determined by manually comparing community assets with each hazard and identifying where assets and hazards intersected.

Across the Willamette River, in the Riverdale area, there is a large area of land at a very high risk of landslide. This could result in potential flooding along Milwaukie’s banks in the event of a landslide that disrupts the flow of the Willamette River. Within the city, parts of Highway 224, SE Lake Rd and SE Johnson Creek Blvd are located within the areas of high landslide susceptibility. These important arterials that help connect Milwaukie. The Milwaukie Heights area, which includes mostly low density residential and open space areas, is also vulnerable. This exposure means that large scale and simultaneous landslides triggered by an earthquake could substantially disrupt city operations buildings, fire stations and key pieces of infrastructure (bridges, sewage pump stations, water reservoirs) that would hinder the ability of the city to respond to emergency situations created by such an event.

As a result, it will be important for the city to pursue opportunities for retrofitting and mitigating important structures and infrastructure, such that said facilities can withstand and survive landslides, particularly simultaneous landslides generated by an earthquake. Business continuity planning shall also be an important factor, given the number of economic centers and employment facilities that are threatened by the landslide hazard.

Potential landslide-related impacts are adequately described within Volume I, Section 2, and include infrastructure damages, economic impacts (due to isolation, and/or arterial road closures), property damages, and obstruction to evacuation routes. Rain-induced landslides, and debris flows can potentially occur during any winter, and thoroughfares beyond city limits are susceptible to obstruction as well.

The most common type of landslides are slides caused by erosion. Slides move in contact with the underlying surface, are generally slow moving, and can be deep. Rainfall-initiated landslides tend to be smaller; while earthquake induced landslides may be quite large. All soil types can be affected by natural landslide triggering conditions.

**Mitigation Activities**

Milwaukie works to mitigate future landslide hazards. The city development code includes several policies and regulations to protect slopes including Erosion Control (Chapter 16.28), Willamette Greenway Zone Overlay (Chapter 19.401), and limitations of permitted development within slopes greater than 25%.

*Please review Volume I, Section 2 for additional information on this hazard.*
Severe Weather

Severe weather can account for a variety of intense, and potentially damaging hazard events. These events include extreme heat, windstorms, and winter storms. The following section describes the unique probability, and vulnerability of each identified weather hazard.

Extreme Heat

The HMAC determined that Milwaukie’s probability for extreme heat events is moderate and that their vulnerability is high. The probability and vulnerability ratings increased since the previous version of this NHMP addendum.

Volume I, Section 2 describes the characteristics of extreme heat, history, as well as the location, extent, and probability of a potential event within the region. Generally, an event that affects the county is likely to affect the city as well.

A severe heat episode or “heat wave” occurs about every two to three years, and typically lasting two to three days but can last as many as five days. A severe heat episode can be defined as consecutive days of upper 90s to around 100. Severe heat hazard in the Portland metro region can be described as the average number of days with temperatures greater than or equal to 90-degrees, or 100-degrees, Fahrenheit. On average, the region experiences 13.6 days with temperatures above 90-degrees Fahrenheit, and 1.4 days above 100-degrees Fahrenheit, based on new 30-year climate averages (1981-2010) from the National Weather Service – Portland Weather Forecast Office.

Milwaukie has not experienced any life-threatening consequences from the few historical extreme heat events, although changes in climate indicate that the area should expect to see more extreme heat events.

Please review Volume I, Section 2 for additional information on this hazard.

Windstorm

The HMAC determined that Milwaukie’s probability for windstorm is moderate and that their vulnerability to windstorm is low. These ratings did not change since the previous version of this NHMP addendum.

Volume I, Section 2 describes the characteristics of windstorm hazards, history, as well as the location, extent, and probability of a potential event within the region. Because windstorms typically occur during winter months, they are sometimes accompanied by flooding and winter storms (ice, freezing rain, and very rarely, snow). Other severe weather events that may accompany windstorms, including thunderstorms, hail, lightning strikes, and tornadoes are generally negligible for Milwaukie.

Volume I, Section 2 describes the impacts caused by windstorms, including power outages, downed trees, heavy precipitation, building damages, and storm-related debris. Additionally, transportation, and economic disruptions result as well.

Damage from high winds generally has resulted in downed utility lines, and trees usually limited to several localized areas. Electrical power can be out anywhere from a few hours to several days. Outdoor signs have also suffered damage. If the high winds are accompanied
by rain (which they often are), blowing leaves, and debris clog drainage-ways, which, in turn, may cause localized urban flooding.

*Please review Volume I, Section 2 for additional information on this hazard.*

**Winter Storm (Snow/Ice)**

The HMAC determined that the city’s probability for winter storm is **high** and that their vulnerability to winter storm is **moderate**. These ratings did not change since the previous version of this NHMP addendum.

Volume I, Section 2 describes the characteristics of winter storm hazards, history, as well as the location, extent, and probability of a potential event within the region. Severe winter storms can consist of rain, freezing rain, ice, snow, cold temperatures, and wind. They originate from troughs of low pressure offshore that ride along the jet stream during fall, winter, and early spring months. Severe winter storms affecting Milwaukie typically originate in the Gulf of Alaska or in the central Pacific Ocean. These storms are most common from November through March.

Most winter storms typically do not cause significant damage, they are frequent, and have the potential to impact economic activity. Road closures due to winter weather are an uncommon occurrence but can interrupt commuter and commercial traffic.

**Vulnerability Assessment**

Due to insufficient data and resources, Milwaukie is currently unable to perform a quantitative risk assessment, or exposure analysis, for the extreme heat, windstorm, and winter storm hazards. However, the city completed an analysis, using the best available data, as a component of the vulnerability assessment in 2009, updated in 2012, and reviewed and updated, as appropriate, in 2018. This analysis looked at identified hazard areas in conjunction with available data on property exposed to the hazard. Exposure of community assets to natural hazards was determined by manually comparing community assets with each hazard and identifying where assets and hazards intersected.

The areas of Milwaukie that are often most at risk to severe storms are residential areas on steeper slopes, where roads may be icy and, thus, difficult to climb and descend. Road corridors leading to residential areas with fuller tree canopies are susceptible to downed tree limbs, and those areas that are above 500 feet in elevation are particularly vulnerable. However, some weather systems are characterized by a temperature inversion, where the valley floor is colder than the nearby hills. Consequently, severe storms affect the entire city. In 2016 and 2017 the state of Oregon declared a state of emergency for severe storms. The city’s plowing, sanding and de-icing removal plan is maintained by the public works department and includes provisions to place equipment on designated principal routes throughout Milwaukie ([Plowing and Sanding Routes Map](#)). Private property owners are also required to clear the sidewalks abutting their property of snow or ice within 24 hours after the snow has stopped falling. For more information see the city’s Winter Weather Response Plan information [webpage](#) and their Winter Weather Response Plan.

The major risk to property results from exposed utilities, especially power lines and water pipes that are damaged by wind, broken tree limbs and cold temperatures. Businesses also suffer economic losses when they must close as the result of the inclement weather and/or the loss of power, which, in turn, disrupts the local supply chain of goods and services.
Periods of extended ice coverage hinder emergency response services and limit the mobility of residents, which could result in serious life safety issues.

Residents and businesses that are in areas that exhibit the severe storm hazard face some risk of damage from severe storms. Severe weather events are expected to impact nearly all Milwaukie residents. In addition, critical infrastructure, economic centers, cultural or historic assets, environmental assets, and hazardous material sites are exposed to the severe weather hazards. For a list of facilities and infrastructure vulnerable to these hazards see the Community Assets section.

The exposure of these facilities and infrastructure means that severe weather events could substantially disrupt the operations of city government buildings and fire stations, impairing key city functions, while hindering the ability of emergency response personnel to respond to emergency situations that are created by a severe storm event.

All these facilities depend upon utility lines, roads and bridges to operate and perform their respective important functions within the city. Exposed utility and power lines are particularly vulnerable to damage from severe winter storms by wind, ice and snow. More hardened infrastructure, like bridges and roads, can sustain a severe winter storm, but during the event, they are often hazardous to traverse because of icy, windy and snowy conditions.

Consequently, severe weather (wind or winter storm) could substantially disrupt numerous key resources and facilities within Milwaukie through impediments to the transportation system and damage to the power grid. Among other things, these transportation problems and power failures disrupt business operations and educational facilities, resulting in economic losses and halting educational opportunities.

Power to hazardous material sites could also disrupted. The sites themselves could be damaged or rendered inaccessible. In turn, these conditions could pose threats to the natural environment of Milwaukie and the health of its population, while disrupting the availability of gasoline for vehicle transport and furthering economic losses.

As a result, it will be important for the city to pursue opportunities for undergrounding utilities and retrofitting utility lines so that they may withstand cold weather conditions without freezing and bursting. Adhering to current building codes for weatherization of structures, as well as current engineering and fire codes that pertain to the steepness of new roads, are also key factors for the city to consider. Business continuity planning shall also be an important factor, given the number of economic centers and employment facilities that are threatened by the severe storm hazard.

**Mitigation Activities**

Mitigating severe weather can be difficult because storms affect all areas of the city, but Milwaukie has made progress to reduce the effects of storms. Milwaukie has a tree board to maintain a plan for the care of the trees as well as codes about where trees can be planted (Chapter 16.32). Most utilities are underground, and all new utilities are required to be undergrounded, but, in case of power outages, the city’s critical facilities have back up power generation. Milwaukie also has a designated snow plow and sanding routes to help expedite snow removal (Plowing and Sanding Routes Map).

*Please review Volume I, Section 2 for additional information on this hazard.*
Volcanic Event

The HMAC determined that Milwaukie’s probability for a volcanic event is low and that their vulnerability to a volcanic event is low. The probability did not change and the vulnerability rating decreased since the previous version of this NHMP addendum.

Volume I, Section 2 describes the characteristics of volcanic hazards, history, as well as the location, extent, and probability of a potential event within the region. Generally, an event that affects the western portion of the County is likely to affect Milwaukie as well. Several volcanoes are located near Milwaukie, the closest of which are Mount Hood, Mount Adams, Mount Saint Helens, Mount Rainier and Three Sisters.

Vulnerability Assessment

Due to insufficient data and resources, Milwaukie is currently unable to perform a quantitative risk assessment, or exposure analysis, for this hazard.

Due to Milwaukie’s relative distance from volcanoes, the city is unlikely to experience the immediate effects that eruptions have on surrounding areas (i.e., mud and debris flows, or lahars). Depending on wind patterns and which volcano erupts, however, the city may experience ashfall. The eruption of Mount St. Helens in 1980, for example, coated the Willamette Valley with a fine layer of ash. If Mount Hood erupts, however, the city could experience a heavier coating of ash.

Mitigation Activities

The existing volcano hazard mitigation activities are conducted at the county, regional, state, and federal levels and are described in the Clackamas County NHMP.

Please review Volume I, Section 2 for additional information on this hazard.

Wildfire

The HMAC determined that Milwaukie’s probability for wildfire is low, and that their vulnerability to wildfire is low. These ratings did not change since the previous version of this NHMP addendum.

The 2017 Clackamas County Community Wildfire Protection Plan (CWPP) was completed in May 2018. The CWPP is hereby incorporated into this NHMP addendum by reference, and it will serve as the wildfire section for this addendum. The following presents a summary of key information; refer to the full CWPP for a complete description, and evaluation of the wildfire hazard: https://www.clackamas.us/dm/CWPP.html. Information specific to Milwaukie is found in the following chapter: Chapter 10.3: Clackamas Fire District #1.

Volume I, Section 2 describes the characteristics of wildland fire hazards, history, as well as the location, extent, and probability of a potential event within the region. The location, and extent of a wildland fire vary depending on fuel, topography, and weather conditions. Weather and urbanization conditions are primarily at cause for the hazard level. Milwaukie has not experienced a catastrophic wildfire within city limits. Clackamas Fire District #1 also provides services to other cities besides Milwaukie, including Oregon City, Happy Valley, Johnson City and many unincorporated areas within Clackamas County.
Clackamas County has two major physiographic regions—the Willamette River Valley in western Clackamas County and the Cascade Range Mountains in eastern and southern Clackamas County. The Willamette River Valley, which includes Milwaukie, is the most heavily populated portion of the county and is characterized by flat or gently hilly topography. The Cascade Range has a relatively small population and is characterized by heavily forested slopes. Eastern Clackamas County is at higher risk to wildfire than western portions of the county due to its dense forest land. Human caused fires are responsible for most fires in Clackamas County.

Milwaukie is highly urbanized and as such does not have much danger of wildfire within its boundaries. The city does have parks and neighborhoods surrounded by mature trees. Located on the edge of its southeastern boundary is the Three Creeks Park, which has heavy fuels adjacent to homes and infrastructure. Three Creeks Park is a designated Medium Priority Community at Risk (CARs). Figure MA-6 shows overall wildfire risk in Milwaukie.

**Figure MA-6 Overall Wildfire Risk**

Source: [Oregon Wildfire Risk Explorer](#), date accessed November 9, 2018.

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16 Clackamas County Community Wildfire Protection Plan, *Clackamas Fire District #1* (2018), Table 10.13-1.
Most of the city has less severe (moderate or less) wildfire burn probability that includes expected flame lengths less than four-feet under normal weather conditions. However, conditions vary widely and with local topography, fuels, and local weather (including wind) conditions. Under warm, dry, windy, and drought conditions expect higher likelihood of fire starts, higher intensity, more ember activity, and a more difficult to control wildfire that will include more fire effects and impacts.

**Vulnerability Assessment**

Due to insufficient data and resources, Milwaukie is currently unable to perform a quantitative risk assessment, or exposure analysis, for this hazard. However, the city completed an analysis, using the best available data, as a component of the vulnerability assessment in 2009, updated in 2012, and reviewed and updated, as appropriate, in 2018. This analysis looked at identified hazard areas in conjunction with available data on property exposed to the hazard. Exposure of community assets to natural hazards was determined by manually comparing community assets with each hazard and identifying where assets and hazards intersected.

Milwaukie does not have much vulnerability to wildfire, though there is always the risk of fire destroying residential and commercial areas. Vegetation along roadways can be highly dangerous, as negligent motorists provide ignition sources by tossing cigarette butts out car windows. Because schools are generally located near parks and scenic areas, they can be threatened by wildfires.

The potential community impacts, and vulnerabilities described in Volume I, Section 2 are generally accurate for the city as well. Milwaukie’s fire response is addressed within the CWPP which assesses wildfire risk, maps wildland urban interface areas, and includes actions to mitigate wildfire risk. The city will update Milwaukie’s wildfire risk assessment, if the fire plan presents better data during future updates (an action item is included to participate in future updates to the CWPP).

Property can be damaged or destroyed with one fire as structures, vegetation and other flammables easily merge to become unpredictable and hard to manage. Other factors that affect ability to effectively respond to a wildfire include access to the location, and to water, response time from the fire station, availability of personnel, and equipment, and weather (e.g., heat, low humidity, high winds, and drought).

**Mitigation Activities**

Milwaukie and Clackamas Fire District #1 (CFD#1) use several mitigation tools to reduce the city’s risk to wildfires. CFD #1 provides emergency fire suppression, medical response and rescue services to the community. Mutual aid agreements with neighboring jurisdictions are also in place. Water supply and storage capacity in Milwaukie conforms with recommended fire flow requirements.

The city does not allow backyard burning due to requirements of DEQ. The CFD #1 provides outreach and education to the community on wildfire mitigation via news releases, posters,

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signage, website messages, safety exhibits at community events, and visits to schools, civic organizations and neighborhood associations.

CFD #1 serves the cities of Happy Valley, Johnson City, Milwaukie and Oregon City, as well as the unincorporated areas of Barton, Beavercreek, Boring, Carus, Carver, Central Point, Clackamas, Clarkes, Damascus, Eagle Creek, Highland, Hillsview, Holcomb, Kelso, Jennings Lodge, Oak Grove, Redland, South End, Sunnyside, and Westwood. For more information on the fire district see their addendum.

Please review the 2017 Clackamas County Community Wildfire Protection Plan (CWPP), Volume I, Section 2, and the Clackamas Fire District #1 Addendum in Volume II for additional information on this hazard.
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ATTACHMENT A: ACTION ITEM FORMS

ACTION ITEM FORMS

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* - Priority Action Item

Note: The HMAC decided to modify the prioritization of action items in this update to reflect current conditions (risk assessment), needs, and capacity.

Summary of Action Changes

Below is a list of changes to the action items since the previous plan.

Previous NHMP Actions: Completed

**Multi-Hazard Action #1** (2012/13): “Improve vegetation management throughout the city” is considered complete since the city has an established program for vegetation management.

**Landslide Action #1** (2012/13): “Reduce the vulnerability of property owners in landslide-prone areas” is considered complete since the city has an established program for steep slope development.

**Wildfire Action #1** (2012/13): “Promote fire-resistant strategies for new and existing developments” is considered complete since the city has an established program for promoting fire resistant strategies through the development and building codes.

See 2019 status identified in each action for activities that have been completed since the previous plan.
Previous NHMP Actions: Removed

Multi-Hazard Action #8 (2012/13): “Improve the hazard assessment in the Milwaukie Natural Hazards Mitigation Plan” was removed from the list since it was determined by the steering committee that this is a function of their Implementation and Maintenance Plan and did not need to be included as an action.

Note: 2012/13 Actions MH #2, MH #3, MH #4, MH #5, MH #6, MH #7, and MH #9 were renumbered to 2019 Actions MH #1, MH #2, MH #3, MH #4, MH #5, MH #6, and MH #7 respectively.

New NHMP Actions (2019):

- Multi-Hazard #8
- Wildfire Action #1

See action item forms below for detail.
**Action Item Forms**

Each action item has a corresponding action item worksheet describing the activity, identifying the rationale for the project, identifying potential ideas for implementation, and assigning coordinating and partner organizations. The action item worksheets can assist the community in pre-packaging potential projects for grant funding. The worksheet components are described below.

**ALIGNMENT WITH EXISTING PLANS/POLICIES**

The Clackamas County NHMP includes a range of action items that, when implemented, will reduce loss from hazard events in the County, participating cities, and special districts. Within the plan, FEMA requires the identification of existing programs that might be used to implement these action items. The City addresses statewide planning goals and legislative requirements through its comprehensive plan, capital improvements plan, mandated standards and building codes. To the extent possible, the City will work to incorporate the recommended mitigation action items into existing programs and procedures. Each action item identifies related existing plans and policies.

**STATUS/RATIONALE FOR PROPOSED ACTION ITEM**

Action items should be fact-based and tied directly to issues or needs identified throughout the planning process. Action items can be developed at any time during the planning process and can come from several sources, including participants in the planning process, noted deficiencies in local capability, or issues identified through the risk assessment. The rationale for proposed action items is based on the information documented in Section 2. The worksheet provides information on the activities that have occurred since the previous plan for each action item.

**IDEAS FOR IMPLEMENTATION**

The ideas for implementation offer a transition from theory to practice and serve as a starting point for this plan. This component of the action item is dynamic, since some ideas may prove to not be feasible, and new ideas may be added during the plan maintenance process. Ideas for implementation include such things as collaboration with relevant organizations, grant programs, tax incentives, human resources, education and outreach, research, and physical manipulation of buildings and infrastructure.

**COORDINATING (LEAD) ORGANIZATION:**

The coordinating organization is the public agency with the regulatory responsibility to address natural hazards, or that is willing and able to organize resources, find appropriate funding, or oversee activity implementation, monitoring and evaluation.

**INTERNAL AND EXTERNAL PARTNERS:**

The internal and external partner organizations listed in the Action Item Worksheets are potential partners recommended by the project HMAC but not necessarily contacted during the development of the plan. The coordinating organization should contact the identified partner organizations to see if they are capable of and interested in participation. This initial contact is also to gain a commitment of time and/or resources toward completion of the action items.
Internal partner organizations are departments within the City or other participating jurisdiction that may be able to assist in the implementation of action items by providing relevant resources to the coordinating organization.

External partner organizations can assist the coordinating organization in implementing the action items in various functions and may include local, regional, state, or federal agencies, as well as local and regional public and private sector organizations.

**PLAN GOALS ADDRESSED:**

The plan goals addressed by each action item are identified as a means for monitoring and evaluating how well the mitigation plan is achieving its goals, following implementation.

**TIMELINE:**

All broad scale action items have been determined to be ongoing, as opposed to short-term (0 to 2 years) or long-term (3 or more years). This is because the action items are broad ideas, and although actions may be implemented to address the broad ideas, the efforts should be ongoing.

**POTENTIAL FUNDING SOURCE**

Where possible potential funding sources have been identified. Example funding sources may include: Federal Hazard Mitigation Assistance programs, state funding sources such as the Oregon Seismic Rehabilitation Grant Program, or local funding sources such as capital improvement or general funds. An action item may include several potential funding sources.

**ESTIMATED COST**

A rough estimate of the cost for implementing each action item is included. Costs are shown in general categories showing low, medium, or high cost. The estimated cost for each category is outlined below:

- Low - Less than $50,000
- Medium - $50,000 – $100,000
- High - More than $100,000
## Multi-Hazard #1

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure that there are adequate shelter facilities in hazard-free zones to serve Milwaukie residents.</td>
<td>Protect Life and Property; Augment Emergency Services; Encourage Partnerships for Implementation; Promote Public Awareness</td>
</tr>
</tbody>
</table>

### Alignment with Existing Plans/Policies:

<table>
<thead>
<tr>
<th>2018/19 Status/Rationale for Proposed Action Item:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Disaster Mitigation Act of 2000 requires that communities create partnerships with emergency response organizations and plan for the shelter and safety of their residents [201.6(c)(4)(ii)].</td>
</tr>
<tr>
<td>• The city works with the Red Cross to get potential facilities inspected. Since 2009, a CERT Volunteer has worked to identify facilities that are adequate shelter sites for Milwaukie residents. There are currently seven facilities in Milwaukie that are Red Cross certified and trained shelter facilities: The Milwaukie Center (5440 SE Kellogg Creek Dr), Eagles Wings Ministries (10902 SE Garrett Dr), and Milwaukie Presbyterian Church (2416 SE Lake Rd). Outside the city are the Clackamas Park Friends Church (8120 SE Thiessen Rd, Oak Grove) and King of Kings Lutheran Church (5501 SE Thiessen Rd, Oak Grove)</td>
</tr>
</tbody>
</table>

### Ideas for Implementation:

- Identify and contact potential shelter sites to see if there is an interest in becoming a designated Red Cross shelter site;
- Maintain relationship with Red Cross to renew and maintain shelters in the city and develop sites as needed

### Coordinating Organization:

<table>
<thead>
<tr>
<th>Coordinating Organization:</th>
<th>Emergency Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal Partners:</td>
<td>External Partners:</td>
</tr>
<tr>
<td>CFD #1, CERT Volunteer</td>
<td>American Red Cross</td>
</tr>
</tbody>
</table>

### Potential Funding Sources:

<table>
<thead>
<tr>
<th>Potential Funding Sources:</th>
<th>Estimated cost:</th>
<th>Timeline:</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Funds</td>
<td>Low</td>
<td>□ Short Term (0-2 years)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ Long Term (2-4+ years)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X Ongoing</td>
</tr>
</tbody>
</table>

### Form Submitted by:

Existing action item

### Priority:

Medium
## Multi-Hazard #2*

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve network of communications during a disaster.</td>
<td>Protect Life and Property; Augment Emergency Services; Encourage Partnerships for Implementation; Promote Public Awareness</td>
</tr>
</tbody>
</table>

### Alignment with Existing Plans/Policies:

### 2018/19 Status/Rationale for Proposed Action Item:

- The city successfully recruited and trained Amateur Radio Operators and identified their 800 MHz communication deficiencies, but funding is still needed to fix those deficiencies. The school district now posts emergency notices on their website. The city now has reverse 9-1-1 capabilities and two variable message sign trailers for use communications in a disaster.
- The Beacon box program provides communication from neighborhoods to the EOC during a disaster. There are 4 boxes throughout the city that have radios that CERT members can communicate with the EOC during an emergency. Milwaukie CERT has 3-4 ham operators that can help if needed.

### Ideas for Implementation:

- Address 800 MHz communication deficiencies, if any arise;
- Work with the Oregon office of emergency management (OEM) and the Regional Disaster Preparedness Organization (RDPO) to resolve 800 MHz communication inoperability;
- Improve communication between school officials and parents by updating school emergency contact information for parents/children every 3 months;
- Supply schools with communication equipment necessary for emergency situations;
- Post bulletins on the internet for school emergency info, community bulletin board on cable, etc.;
- Partner with REM tech and REG on the Emergency Alert System (EAS); and
- Educate citizens and other agencies within the Milwaukie on use of the #ClackCo Public Alerts.
- Inform residents about the County’s Emergency Notification System (CCENS)
- Work to tie-in or interface with both #ClackCo Public Alerts and CCENS to help with redundancy

### Coordinating Organization: Information Systems Technology

<table>
<thead>
<tr>
<th>Internal Partners:</th>
<th>Public Works, CERT</th>
</tr>
</thead>
<tbody>
<tr>
<td>External Partners:</td>
<td>School District, OEM, RDPO</td>
</tr>
</tbody>
</table>

### Potential Funding Sources:

<table>
<thead>
<tr>
<th>Estimated cost:</th>
<th>Potential Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low to Medium</td>
<td>X Short Term (0-2 years)</td>
</tr>
<tr>
<td></td>
<td>□ Long Term (2-4+ years)</td>
</tr>
<tr>
<td></td>
<td>□ Ongoing</td>
</tr>
</tbody>
</table>

### Form Submitted by: Existing action item

| Priority: | High |

* - High Priority Action Item
**Multi-Hazard #3***

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase outreach and education for hazard awareness and natural disaster preparedness, especially for low-income, elderly, non-English speaking, and other vulnerable populations.</td>
<td>Protect Life and Property; Enhance Natural Systems; Augment Emergency Services; Encourage Partnerships for Implementation; Promote Public Awareness</td>
</tr>
</tbody>
</table>

Alignment with Existing Plans/Policies:

Comprehensive Plan; Policy 7.2.5

2018/19 Status/Rationale for Proposed Action Item:

- The Disaster Mitigation Act of 2000 requires that communities communicate with the public after the hazard plan is updated. [201.6(c)(4)(ii)].
- Hazard maps were made available to the public via the city’s website. Clackamas Fire District #1 held disaster preparedness training in schools, senior centers and to city employees. The city has engaged in a broad effort to educate the public about Emergency Preparedness. A city webpage was dedicated to the topic, as well as efforts to coordinate a monthly speaker’s series on emergency preparation with topics ranging from preparing for earthquakes to community resiliency. Citizens and neighborhood association members are encouraged to become trained through CERT. Two shelters have become Red Cross certified, The American Legion and Eagles Wings Ministries. Emergency Preparedness tips are sent through the city’s newsletter, The Pilot, which goes to every address in the city of Milwaukie. Emergency Preparedness tips are provided at each of the seven neighborhood associate meetings.

Ideas for Implementation:

- Disseminate hazard related information to the public;
- Translate outreach materials into Spanish and provide translation services at public meetings.
- Identify property owners in the hazard zones, and conduct a target mailing to disseminate hazard information;
- Conduct public education as hazard seasons approach;
- Target neighborhood associations for public education and outreach;
- Add emergency preparedness and response curriculum to school programs; and
- Develop public education flyers as billing inserts.

Coordinating Organization: Emergency Management

<table>
<thead>
<tr>
<th>Internal Partners:</th>
<th>External Partners:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Works, Community Services, CFD#1, CERT</td>
<td>OEM, FEMA</td>
</tr>
</tbody>
</table>

Potential Funding Sources: Estimated cost: Timeline:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>Low</th>
<th>□ Short Term (0-2 years)</th>
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<td></td>
<td></td>
<td>□ Long Term (2-4+ years)</td>
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<tr>
<td></td>
<td></td>
<td>X Ongoing</td>
</tr>
</tbody>
</table>

Form Submitted by: Existing action item

Priority: High

* - High Priority Action Item
## Multi-Hazard #4

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain and promote CERT program activity in the area and recruit new members for training.</td>
<td>Protect Life and Property; Augment Emergency Services; Encourage Partnerships for Implementation; Promote Public Awareness</td>
</tr>
</tbody>
</table>

### Alignment with Existing Plans/Policies:

### 2018/19 Status/Rationale for Proposed Action Item:
- The City maintains regular CERT trainings for residents and city employees.
- As of 2019, there are currently 34 residents who are trained as CERT responders.

### Ideas for Implementation:
- Provide information about the CERT program to Milwaukie residents through local publications, neighborhood organizations, churches, etc.;
- Identify needs of local CERT programs and obtain funding to purchase CERT supplies;
- Encourage neighborhood associations to sponsor CERT teams;
- Create CERT teams of city employees.

### Coordinating Organization: CFD#1

<table>
<thead>
<tr>
<th>Internal Partners:</th>
<th>External Partners:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Management, CERT</td>
<td>County EOC</td>
</tr>
</tbody>
</table>

### Potential Funding Sources: Estimated cost: Timeline:

| General Fund | Low | $ |

### Form Submitted by: Existing action item

| Priority: | Medium |

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RS116
**Multi-Hazard #5**

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain and enhance strategies for debris management for all hazards.</td>
<td>Protect Life and Property; Enhance Natural Systems; Augment Emergency Services; Encourage Partnerships for Implementation</td>
</tr>
</tbody>
</table>

**Alignment with Existing Plans/Policies:**

Comprehensive Plan, Development Code, Zoning Ordinance, Stormwater Master Plan, Disaster Debris Management Plan

**2018/19 Status/Rationale for Proposed Action Item:**

- The Disaster Mitigation Act of 2000 requires communities to identify actions and projects that reduce the effects of hazards on the community [201.6(c)(3)(ii)]
- A partnership for a debris removal plan was developed with Metro.
- [Disaster Debris Management Plan] last updated in August 2018/19.

**Ideas for Implementation:**

- Create an inventory of equipment needed for each hazard;
- Develop agreements with other jurisdictions, businesses, and tree service outfits to share equipment and manage debris during disasters.

**Coordinating Organization:**

<table>
<thead>
<tr>
<th>Public Works</th>
</tr>
</thead>
</table>

**Internal Partners:**

- Emergency Management

**External Partners:**

- Metro, Oregon Department of Transportation,
- Department of Environmental Quality, USACE,
- Clackamas County Disaster Management

**Potential Funding Sources:**

<table>
<thead>
<tr>
<th>Estimated cost:</th>
<th>Timeline:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low to Moderate</td>
<td>□ Short Term (0-2 years)</td>
</tr>
<tr>
<td></td>
<td>□ Long Term (2-4+ years)</td>
</tr>
<tr>
<td></td>
<td>X Ongoing</td>
</tr>
</tbody>
</table>

**Form Submitted by:**

<table>
<thead>
<tr>
<th>Existing action item</th>
</tr>
</thead>
</table>

**Priority:**

<table>
<thead>
<tr>
<th>Medium</th>
</tr>
</thead>
</table>
Multi-Hazard #6

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve and obtain resources and equipment essential for responding to and recovering from disasters.</td>
<td>Protect Life and Property; Augment Emergency Services; Encourage Partnerships for Implementation</td>
</tr>
</tbody>
</table>

Alignment with Existing Plans/Policies:
Comprehensive Plan, Stormwater Mater Plan

2018/19 Status/Rationale for Proposed Action Item:
- The Disaster Mitigation Act of 2000 requires communities to identify actions and projects that reduce the effects of hazards on the community (201.6(c)(3)(ii)
- Three drinking water bladders were obtained from UASI for the Metro area to use. Boring Water District obtained a generator which Milwaukie can request to use through mutual aid agreements. The city now owns a portable 250kw generator for the Lava Drive pump station.

Ideas for Implementation:
- Harden infrastructure
- Contact local facilities that have large trucks that could serve as water tenders in emergency situations, or purchase water tenders for the city;
- Partner with national guard, local businesses, contractors and developers;
- Obtain funding to purchase one fixed generator for the Lava Drive pump station; and
- Obtain funding to purchase one storage trailer for emergency supplies.

Coordinating Organization: Public Works

<table>
<thead>
<tr>
<th>Internal Partners:</th>
<th>External Partners:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Management</td>
<td>Emergency Management</td>
</tr>
</tbody>
</table>

Potential Funding Sources: Estimated cost: Timeline:
| General Fund | Low to Moderate | □ Short Term (0-2 years) |
|              |                 | □ Long Term (2-4+ years) |
|              |                 | □ Ongoing |

Form Submitted by: Existing action item
Priority: Medium
## Multi-Hazard #7*

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integrate the goals and action items from the Milwaukie Natural Hazards Mitigation Plan into existing regulatory documents and programs, where appropriate.</td>
<td>Protect Life and Property; Enhance Natural Systems; Augment Emergency Services; Encourage Partnerships for Implementation; Promote Public Awareness</td>
</tr>
</tbody>
</table>

### Alignment with Existing Plans/Policies:

- Comprehensive Plan, Development Code, Zoning Ordinance

### 2018/19 Status/Rationale for Proposed Action Item:

- The Disaster Mitigation Act of 2000 requires communities to identify actions and projects that reduce the effects of hazards on the community [201.6(c)(3)(ii)]. Incorporating natural hazards plans into comprehensive plans, local ordinances, and land-use regulations will ensure that communities implement the proper mitigation measures for their community.
- A Spring Park Master Plan was adopted which called for better vegetation management in the park. New codes were adopted to reflect EOC changes and improvements.
- City is in the process of updating their Goal 7: Natural Hazards element of their comprehensive plan (expected December 2019), which proposes stronger floodplain protections.

### Ideas for Implementation:

- Use the mitigation plan to help the City’s Comprehensive Land Use Plan meet State Land Use Planning Goal 7, designed to protect life and property from natural disasters and hazards through planning strategies that restrict development in areas of known hazards;
- Use zoning codes to regulate development in hazard-prone areas;
- Integrate the city’s mitigation actions into the current emergency operations plan and capital improvement plans (where appropriate);
- Partner with other organizations and agencies with similar goals to promote building codes that are more disaster resistant at the state level;
- Use citizen input for the creation of appropriate ordinances; and
- Use the natural hazard mitigation planning to learn how to better integrate the NHMP into existing documents and programs.

### Coordinating Organization:

<table>
<thead>
<tr>
<th>Planning</th>
</tr>
</thead>
</table>

### Internal Partners:

- Engineering

### External Partners:

- Department of Land Conservation and Development,
- Department of Geology and Mineral Industries,
- Oregon Department of Transportation,
- Department of Environmental Quality

### Potential Funding Sources:

- General Fund, DLCD Technical Assistance Grant
  - Estimated cost: Low to Moderate
  - Timeline:
    - ☐ Short Term (0-2 years)
    - ☐ Long Term (2-4+ years)
    - X Ongoing

### Form Submitted by:

- Existing action item

### Priority:

- High

* - **High Priority Action Item**
### Multi-Hazard #8*

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordinate natural hazard related climate change action items through the <a href="#">Milwaukie Community Climate Action Plan</a>.</td>
<td>Protect Life and Property; Enhance Natural Systems; Augment Emergency Services; Encourage Partnerships for Implementation; Promote Public Awareness</td>
</tr>
</tbody>
</table>

**Alignment with Existing Plans/Policies:**

- Milwaukie Community Climate Change Action Plan
- 2018/19 Status/Rationale for Proposed Action Item:

The Climate Change action items provide direction on specific activities that the City and residents in Milwaukie can take to reduce the impacts of climate change.

**Ideas for Implementation:**

Implement relevant mitigation strategies identified in the Climate Action Plan related to the following topic areas:

- Building Energy and Efficiency
- Vehicles and Fuels
- Land Use and Transportation Planning
- Materials use, purchasing, and recovery
- Natural resources
- Public health and emergency preparedness

**Coordinating Organization:**

<table>
<thead>
<tr>
<th>Public Works</th>
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<table>
<thead>
<tr>
<th>Internal Partners:</th>
<th>External Partners:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Management, Planning, Community Services, CFD#1</td>
<td>Portland General Electric, NW Natural, Energy Trust of Oregon, Clackamas Water Environment Services</td>
</tr>
</tbody>
</table>

**Potential Funding Sources:**

<table>
<thead>
<tr>
<th>Estimated cost:</th>
<th>Timeline:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low to High</td>
<td>□ Short Term (0-2 years)</td>
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<tr>
<td></td>
<td>□ Long Term (2-4+ years)</td>
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<tr>
<td></td>
<td>X Ongoing</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Form Submitted by:</th>
<th>Priority:</th>
</tr>
</thead>
<tbody>
<tr>
<td>New action item</td>
<td>High</td>
</tr>
</tbody>
</table>

* - High Priority Action Item
**Drought #1**

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop public brochures to raise awareness about drought hazards and mitigation actions residents can take to reduce the impact of drought.</td>
<td>Protect Life and Property; Encourage Partnerships and Implementation; Promote Public Awareness</td>
</tr>
</tbody>
</table>

Alignment with Existing Plans/Policies:

Comprehensive Plan

2018/19 Status/Rationale for Proposed Action Item:
- The Disaster Mitigation Act of 2000 requires communities to identify actions and projects that reduce the effects of hazards on the community [201.6(c)(3)(ii)]. The continued education of the public to different hazards is important for communities to do and helps create more resilient communities.
- Pre-disaster mitigation strategies will reduce post-disaster response needs by lessening life loss, injury, damage, and disruption.

Ideas for Implementation:
- Meet monthly with neighborhood associations to raise awareness and explain the threat of drought;
- Write articles in the city newsletter, The Pilot, explaining drought hazards and mitigation activities;
- Utilize the website to post information regarding drought; and
- Have a booth at the Farmer’s Market from May-November, providing information to the public about the dangers of drought and mitigation activities that residents can take.

Coordinating Organization: Neighborhood Services

Internal Partners: Emergency Management

Potential Funding Sources: Estimated cost: Low to High

Potential Funding Sources: Short Term (0-2 years) ☐
Long Term (2-4+ years) ☐
Ongoing ☒

Form Submitted by: Existing action item

Priority: Medium
# Earthquake #1*

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conduct seismic evaluations on identified critical and essential facilities and infrastructure and implement appropriate structural and non-structural mitigation strategies.</td>
<td>Protect Life and Property; Augment Emergency Services; Encourage Partnerships for Implementation</td>
</tr>
</tbody>
</table>

Alignment with Existing Plans/Policies:
Capital Improvement Project Plan, Stormwater Master Plan, Comprehensive Plan

2018/19 Status/Rationale for Proposed Action Item:

- The Disaster Mitigation Act of 2000 requires communities to identify mitigation actions that are being considered by the community to reduce the effect that natural hazards will have on the community [201.6(c)(3)(ii)]. Developing and implementing programs to reduce the potential for earthquakes to cause damage can assist a community in mitigating its overall risk to earthquakes.
- Pre-disaster mitigation strategies will reduce post-disaster response needs by lessening life loss, injury, damage, and disruption.
- Refer to risk assessment, and DOGAMI’s rapid visual assessment scores
- Seismic assessment of Public Safety building completed in 2018/19. The Police Department is in the planning stages of retrofitting and is waiting on funding.
- One school has been retrofitted, with the Milwaukie High School’s retrofit expected to be completed in 2021.

Ideas for Implementation:

- Obtain funding to perform seismic evaluations;
- Conduct seismic evaluations on identified community assets (including shelters) for implementing appropriate structural and non-structural mitigation strategies;
- Prioritize seismic upgrades based on criticality of need and population served;
- Seismically retrofit critical government facilities to guarantee continuous operation during and after a natural disaster;
- Partner with appropriate organizations to implement seismic upgrades; and
- Create damage assessment procedures.

Coordinating Organization: Facilities Internal Partners:

<table>
<thead>
<tr>
<th>Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOGAMI, School District, Clackamas Fire District #1</td>
</tr>
</tbody>
</table>

Potential Funding Sources:

<table>
<thead>
<tr>
<th>Estimated cost:</th>
<th>Potential Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low to High</td>
<td>□ Short Term (0-2 years)</td>
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<tr>
<td></td>
<td>□ Long Term (2-4+ years)</td>
</tr>
<tr>
<td></td>
<td>X Ongoing</td>
</tr>
</tbody>
</table>

Form Submitted by: Existing action item

Priority: High

* - High Priority Action Item
Flood #1*

**Proposed Action Item:** Evaluate alternatives for reducing the flooding hazard for properties along Kellogg Creek, Johnson Creek, Mount Scott Creek area, and the Willamette River.

**Alignment with Plan Goals:**
- Protect Life and Property; Enhance Natural Systems; Augment Emergency Services; Encourage Partnerships for Implementation; Promote Public Awareness

**Alignment with Existing Plans/Policies:**
- Flood Ordinance; Stormwater Master Plan; Comprehensive Plan

**2018/19 Status/Rationale for Proposed Action Item:**
- The Disaster Mitigation Act of 2000 requires communities to identify mitigation actions that address new and existing buildings and infrastructure [201.6(c)(3)(ii)].
- Kellogg Creek is in the planning stage for different restoration projects.
- A severe repetitive loss property on Rusk Road was purchased and demolished using FEMA Flood Mitigation Assistance funding in 2018/19; (grant covered approximately $315,000 for the purchase of the property, additional funds were allocated for staff hours, title report, due diligence reports, and demolition contract).

**Ideas for Implementation:**
- Prioritize mitigation of residences located within the floodway.
- Identify repetitive flood loss properties (see NFIP section in this addendum) and discuss mitigation strategies with property owners.
- Regulate development to a higher standard
- Limit cut and fill

**Coordinating Organization:** Engineering

**Internal Partners:**
- Planning, Public Works

**External Partners:**
- Department of Land Conservation and Development; Association of State Floodplain Managers

**Potential Funding Sources:**
- General Fund, HMGP, FMA, PDM

**Estimated cost:**
- Low to High

**Timeline:**
- $ Short Term (0-2 years)
- X Long Term (2-4+ years)
- □ Ongoing

**Form Submitted by:**
- Existing Action Item

**Priority:**
- High

* - *High Priority Action Item*
# Flood #2

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure continued compliance with the National Flood Insurance Program (NFIP) through enforcement of local floodplain management ordinances.</td>
<td>Protect Life and Property; Enhance Natural Systems; Encourage Partnerships for Implementation; Promote Public Awareness</td>
</tr>
</tbody>
</table>

**Alignment with Existing Plans/Policies:**
- Flood Ordinance; Zoning Code, FEMA FIRMs, Comprehensive Plan

**2018/19 Status/Rationale for Proposed Action Item:**
- The National Flood Insurance Program provides communities with federally backed flood insurance to homeowners, renters, and business owners, if communities develop and enforce adequate floodplain management ordinances. The benefits of adopting NFIP standards for communities are a reduced level of flood damage in the community and stronger buildings that can withstand floods.
- The Disaster Mitigation Act of 2000 requires communities to identify mitigation actions that address new and existing buildings and infrastructure [201.6(c)(3)(ii)]. Continued participation in the NFIP will help reduce the level of flood damage to new and existing buildings in communities while providing homeowners, renters and business owners additional flood insurance protection.
- All new development must comply with Title 18 of the City’s Municipal Code prior issuance of permits. When projects begin prior to obtaining permits, a stop work order is replaced on the property and remains until the project can be reviewed for compliance.

**Ideas for Implementation:**
- Assess the floodplain ordinances to ensure they reflect current flood hazards and situations and meet or exceed NFIP requirements.
- Partner with FEMA/DOGAMI to develop and obtain better flood maps.
- Mitigate areas that are prone to flooding and/or have the potential to flood. Recommend revisions to requirements for development within the floodplain where appropriate.
- Consider participation in the National Flood Insurance Program’s Community Rating System;
- Community Assistance Visits (CAV) are scheduled visits to communities participating in the NFIP for: 1) conducting a comprehensive assessment of the community’s floodplain management program; 2) assisting the community and its staff in understanding the NFIP and its requirements; and 3) assisting the community in implementing effective flood loss reduction measures when program deficiencies or violations are discovered. Actively participate with DLCD and FEMA during Community Assistance Visits.

**Coordinating Organization:** Engineering

**Internal Partners:** Planning, Building

**External Partners:** Department of Land Conservation and Development; Association of State Floodplain Managers; FEMA

**Potential Funding Sources:**
- General Fund: Low to Medium

**Timeline:**
- □ Short Term (0-2 years)
- □ Long Term (2-4+ years)
- X Ongoing

**Form Submitted by:** Existing Action Item

**Priority:** Medium
Severe Weather #1

Proposed Action Item:
Bury vulnerable critical infrastructure, such as power lines, to lessen potential failures during severe weather.

Alignment with Plan Goals:
Protect Life and Property; Enhance Natural Systems; Augment Emergency Services; Encourage Partnerships for Implementation

Alignment with Existing Plans/Policies:
Stormwater Master Plan; Development Code

2018/19 Status/Rationale for Proposed Action Item:
- The Disaster Mitigation Act of 2000 requires communities to identify and analyze a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with emphasis on new and existing buildings and infrastructure [201.6(c)(3)(ii)]. Developing and implementing programs to reduce the potential for wind and winter storms to disrupt utility services can assist a community in mitigating its overall risk to wind and winter storms.
- A FEMA grant was used to evaluate the trees along designated routes.
- Current development standards for downtown areas and new subdivisions require undergrounding.

Ideas for Implementation:
- Partner with PGE to obtain funding to bury power lines for critical facilities within the city;
- Partner with PGE to continue hazardous tree inventory and mitigation programs; and
- Partner with major businesses and employers to encourage undergrounding of power lines.

Coordinating Organization: Public Works

Internal Partners: Engineering
External Partners:
Clackamas County Water Environment Services, METRO, Department of Environmental Quality, Department of Land Conservation and Development, Department of State Lands

Potential Funding Sources: Capital Funds
Estimated cost: Low to High
Timeline:
☐ Short Term (0-2 years)
☐ Long Term (2-4+ years)
X Ongoing

Form Submitted by: Existing Action Item
Priority: Medium
**Wildfire #1***

<table>
<thead>
<tr>
<th>Proposed Action Item:</th>
<th>Alignment with Plan Goals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordinate wildfire mitigation action items through the <a href="https://example.com">Clackamas County Community Wildfire Protection Plan</a>.</td>
<td>Protect Life and Property; Enhance Natural Systems; Augment Emergency Services; Encourage Partnerships and Implementation; Promote Public Awareness</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alignment with Existing Plans/Policies:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clackamas County Community Wildfire Protection Plan (2018/19)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>2018/19 Status/Rationale for Proposed Action Item:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The wildfire mitigation action items provide direction on specific activities that organizations and residents in <a href="https://example.com">Milwaukie</a> can take to reduce wildfire hazards. CCWPP updated in 2018/19.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ideas for Implementation: CCWPP Identified Focus Areas and Priority Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wildfire Risk Assessment (Ch. 4):</strong></td>
</tr>
<tr>
<td>1. Maintain and update the Fuels Reduction (FR) and Communities at Risk (CAR) maps and databases.</td>
</tr>
<tr>
<td>2. Continue to track structure vulnerability data throughout the County through structural triage assessments.</td>
</tr>
<tr>
<td>3. Update the Overall Wildfire Risk Assessment as new data becomes available.</td>
</tr>
<tr>
<td><strong>Hazardous Fuels Reduction and Biomass Utilization (Ch. 5):</strong></td>
</tr>
<tr>
<td>1. Develop and maintain an inventory of potential and successful FR projects by meeting with parks and natural lands managers quarterly.</td>
</tr>
<tr>
<td>2. Continue securing funding to implement projects/hire seasonal ODF staff.</td>
</tr>
<tr>
<td><strong>Emergency Operations (Ch. 6):</strong></td>
</tr>
<tr>
<td>1. Develop and FDB Communications Works Group.</td>
</tr>
<tr>
<td>2. Conduct a Conflagration Exercise.</td>
</tr>
<tr>
<td><strong>Education and Community Outreach (Ch. 7):</strong></td>
</tr>
<tr>
<td>1. Develop Firewise toolkit for CAR’s.</td>
</tr>
<tr>
<td>2. Create incentives for fuels reduction.</td>
</tr>
<tr>
<td>3. Update and distribute the Burn Permitting and Fire Restrictions Brochure.</td>
</tr>
<tr>
<td>4. Continue to improve address signage throughout the County.</td>
</tr>
<tr>
<td><strong>Structural Ignitability Policies and Programs (Ch. 8):</strong></td>
</tr>
<tr>
<td>• Identify a DTD representative for the WFEPC.</td>
</tr>
<tr>
<td>• Improve coordination with Rural Fire Agencies.</td>
</tr>
<tr>
<td>• Integrate WU into Plan Map and include a public outreach strategy.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Coordinating Organization:</th>
<th>Clackamas Fire District #1</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Internal Partners:</th>
<th>Public Works, Building, Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Clackamas Fire Defense Board, ODF, U.S. Forest Service, public land management agencies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potential Funding Sources:</th>
<th>Estimated cost:</th>
<th>Timeline:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ODF, operating budgets</td>
<td>Low to High</td>
<td>□ Short Term (0-2 years)</td>
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<td>□ Long Term (2-4+ years)</td>
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<th>Form Submitted by:</th>
<th>New Action Item</th>
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<tbody>
<tr>
<td>Priority:</td>
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</table>

* - High Priority Action Item
ATTACHMENT B: PUBLIC INVOLVEMENT SUMMARY

Members of the HMAC provided edits and updates to the NHMP prior to the public review period as reflected in the final document.

To provide the public information regarding the draft NHMP addendum, and provide an opportunity for comment, an announcement (see text below) was announced on the city’s website and an email contact was provided for public comment. The opportunity to review the draft plan and to comment was left open from August 5 through September 3, 2019.

During the public review period there were no comments provided by the public.

---

City of Milwaukie

Milwaukie’s Natural Hazard Mitigation Plan is in the process of being updated and we’d like your feedback. Take a minute to review the plan at www.milwaukeegro.../feedback-sought-natural-hazard-mit... and share your thoughts with the city's emergency operations manager by emailing: hoffeditzs@milwaukeegro...
Feedback Sought for Natural Hazard Mitigation Plan

The city is in the process of updating its Natural Hazard Mitigation Plan and seeking feedback from the community before it is finalized.

This update is being done in cooperation with the Institute for Policy Research and Engagement's Oregon Partnership for Disaster Resilience program at the University of Oregon and the Oregon Military Department's Office of Emergency Management using funds from the Federal Emergency Management Agency's (FEMA) Pre-Disaster Mitigation Grant Program.

By readopting the plan, Milwaukie will maintain its eligibility to apply for federal funding for natural hazard mitigation projects. The local planning process includes a range of representatives from city and county governments and emergency management personnel, along with outreach to the community.

A natural hazard mitigation plan provides communities with a set of goals, action items and resources designed to reduce risk from future natural disaster events. Engaging in mitigation activities provides a number of benefits, including reduced loss of life, property, essential services, critical facilities, and economic hardship; reduced short-term and long-term recovery and reconstruction costs; increased cooperation and communication within the community through the planning process; and increased potential for state and federal funding for recovery and reconstruction projects.

A PDF of the draft Milwaukie Natural Hazard Mitigation Plan is available below. Input will be collected until Tuesday, Aug. 20. To provide feedback and submit comments, email Steve Hoffeditz, emergency operations manager, at hoffeditz@milwaukieoregon.gov.

A PDF of the draft Milwaukie Natural Hazard Mitigation Plan is available below. Input will be collected until Tuesday, Aug. 20. To provide feedback and submit comments, email Steve Hoffeditz, emergency operations manager, at hoffeditz@milwaukieoregon.gov.

For questions about the Natural Hazard Mitigation Plan or the update process in general, contact Michael Howard, assistant program director for the Oregon Partnership for Disaster Resilience, at 541.346.8413, mhoward@uoregon.edu or Steve Hoffeditz at 503.786.7456, hoffeditz@milwaukieoregon.gov.

SUPPORTING DOCUMENTS

PDF Draft Natural Hazard Mitigation Plan (3 MB)

SHARE
ATTACHMENT C: MAPS

The following pages include City of Milwaukie Critical and Essential Assets and Flood Hazard Maps.
The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator - City of Milwaukie
6101 SE Johnson Creek Blvd, Milwaukie, OR 97266    (503) 786-7687
October 3, 2019

Mr. Joseph Murray  
State Hazard Mitigation Planner  
Oregon Military Department  
Office of Emergency Management  
P.O. Box 14370  
Salem, Oregon 97309

Dear Mr. Murray:

The Federal Emergency Management Agency (FEMA) Region 10 completed a pre-adoption review of the draft *City of Milwaukie addendum to the Clackamas County Hazard Mitigation Plan*. The attached Mitigation Plan Review Tool documents the Region’s review and compliance with all required elements of 44 CFR Part 201.6, as well as identifies the jurisdictions participating in the planning process. This letter serves as Region 10’s commitment to approve the plan upon receiving documentation of its adoption by participating jurisdictions.

Formal adoption documentation must be submitted to FEMA Region 10 by at least one jurisdiction within one calendar year of the date of this letter, or the entire plan must be updated and resubmitted for review. Once FEMA approves the plan, the jurisdictions are eligible to apply for FEMA Hazard Mitigation Assistance grants.

Please contact Jake Grabowsky, Oregon FIT Hazard Mitigation Community Planner, at (202) 856-1901 or james.grabowsky@fema.dhs.gov with any questions.

Sincerely,

Tamra Biasco  
Chief, Risk Analysis Branch  
Mitigation Division

JG
Natural Hazards Mitigation Plan - Critical & Essential Assets

Transportation Infrastructure
- Highway
- RR Track
- MAX Light Rail (Orange Line)
- Light Rail Stop

Critical & Essential Assets
- Jurisdictional Boundaries
- Schools
- Parks
- Streets
- Bridges
- Wells
- Storage Reservoir
- Wastewater Pump Station
- Water Treatment
- Water Tower
- Containment Chamber
- Clearwell
- Storage Reservoir
- Treatment Backwash Station
- Backwash Station
- Water Treatment Tower
- Water Treatment
- Water Treatment Reservoir

Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

Date: Thursday, July 18, 2019

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this map and should be appraised.

GIS Coordinator - City of Milwaukie
6101 SE Johnson Creek Blvd. Milwaukie, OR 97226 (503) 786-7687

RS137
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING UPDATES TO THE CITY’S ADDENDUM TO THE CLACKAMAS COUNTY MULTI-JURISDICTIONAL NATURAL HAZARDS MITIGATION PLAN.

WHEREAS, the city recognizes the threat that natural hazards pose to people, property, and infrastructure within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people, property, and infrastructure from future hazard occurrences; and

WHEREAS, an adopted Natural Hazards Mitigation Plan (NHMP) is required as a condition of future funding for mitigation projects under multiple Federal Emergency Management Administration (FEMA) disaster mitigation grant programs; and

WHEREAS, the city has participated in the FEMA prescribed mitigation planning process to prepare the Clackamas County Multi-Jurisdictional NHMP, which has established a comprehensive, coordinated planning process to eliminate or minimize these vulnerabilities; and

WHEREAS, the city has identified natural hazard risks and prioritized several proposed actions and programs needed to mitigate the impacts of future disasters within the Clackamas County Multi-Jurisdictional NHMP; and

WHEREAS, these proposed projects and programs have been incorporated into the Clackamas County Multi-Jurisdictional NHMP that has been prepared for consideration and implementation by the cities of Clackamas County; and

WHEREAS, the Oregon Office of Emergency Management and FEMA Region X officials have reviewed the city’s addendum to the Clackamas County Multi-Jurisdictional NHMP and have pre-approved it contingent upon this official adoption of the participating governments and entities; and

WHEREAS, the NHMP is comprised of three volumes: Volume I: Basic Plan, Volume II: Jurisdictional Addenda, and Volume III: Appendices, collectively referred to herein as the NHMP; and

WHEREAS, the NHMP is in an on-going cycle of development and revision to improve its effectiveness.

Now, therefore, be it resolved, by the City Council of the City of Milwaukie, Oregon, that the city’s updated addendum to the Clackamas County Multi-Jurisdictional NHMP is adopted as an official plan; and the city manager is directed to develop and implement the mitigation strategies and administrative changes related to the NHMP.
Be it further resolved, that the city will submit this adoption resolution to the Oregon Office of Emergency Management and FEMA Region X officials to enable final approval of the Clackamas County Multi-Jurisdictional NHMP.


This resolution is effective immediately.

________________________________________
Mark F. Gamba, Mayor

ATTEST:

Scott S. Stauffer, City Recorder

APPROVED AS TO FORM:

Justin D. Gericke, City Attorney
RESOLUTION TO ADOPT

NATURAL HAZARDS
MITIGATION PLAN (NHMP)

Luke Strait
Steve Hoffeditz
NHMP Mission

• Promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from natural hazards.

• By adopting the Milwaukie Addendum to the Clackamas County NHMP the city will be eligible to apply for Disaster Relief and Emergency Assistance grant funding.
PURPOSE AND BENEFITS OF THE PLAN

• Assist the City of Milwaukie
  – Reduce risk from hazards
  – Identify resources, information, and strategies for risk reduction
  – Guide and coordinate mitigation activities
  – Reassess hazards, vulnerabilities, and risk analysis
Milwaukie first developed an addendum to Clackamas County’s NHMP in 2003. The last time the plan was updated and approved by FEMA was in 2013. Additional update process in 2018/2019. Retired Chief Bartol was the addendum convener for the 2018/2019 process.
The collaborative process included:

- Representatives of the Milwaukie Hazard Mitigation Action Committee (HMAC)
- Clackamas County Resilience Coordinator
- Oregon Partnership for Disaster Resilience (OPDR)

HMAC focused on risk assessment and mitigation strategy (action items).
Changes to Plan

- Revision of the city’s risk assessment and hazard identification sections

- NHMP mission and goals, action items and updated community profile.
The plan is strategic and non-regulatory in nature.

The plan provides:
- Foundation for coordination and collaboration
- Identification and prioritization of mitigation activities
- Aid in meeting federal requirements
NHMP ONGOING MAINTENANCE

• The plan will go through another review process in five years.
• During that process the Hazard Mitigation Action Committee (HMAC) will be reevaluated and reconvened.
• Council is asked to adopt the updated Milwaukie Addendum to the Clackamas County Natural Hazards Mitigation Plan through resolution.
The Milwaukie HMAC was comprised of the following representatives:

- Convener, Steve Bartol, police chief (retired)
- Luke Strait, police chief
- Mark Dye, police captain
- Damien Farwell, fleet and facilities supervisor
- Steve Hoffeditz, emergency manager
- Nick Lindekugel, GIS coordinator
- Peter Passarelli, public works director
- Samantha Vandagriff, building official

Public participation was achieved by posting the NHMP publicly and providing community members the opportunity to make comments and suggestions during the review process. Community members were also provided an opportunity for comment through a survey administered by Clackamas County (Volume III, Appendix G). The HMAC served as the local review body for the NHMP’s development and was comprised of city officials representing different departments and sectors.

**NHMP Implementation and Maintenance**

City Council will be responsible for adopting the Milwaukie addendum to the Clackamas County NHMP. This addendum designates an HMAC and a convener to oversee the development and implementation of action items. Because the city addendum is part of the county’s multi-jurisdictional NHMP, the city will look for opportunities to partner with the county. The city’s HMAC will convene after re-adoption of the Milwaukie NHMP addendum on an annual schedule. The county is meeting on a semi-annual basis and will provide opportunities for the cities to report on NHMP implementation and maintenance during their meetings. The city’s emergency manager will serve as the convener and will be responsible for assembling the HMAC. The HMAC will be responsible for:

- Reviewing existing action items to determine suitability of funding;
- Reviewing existing and new risk assessment data to identify issues that may not have been identified at NHMP creation;
- Educating and training new HMAC members on the NHMP and mitigation actions in general;
- Assisting in the development of funding proposals for priority action items;
- Discussing methods for continued public involvement; and
- Documenting successes and lessons learned during the year.

The convener will also remain active in the county’s implementation and maintenance process (Volume I, Section 4).

The city will use the same action item prioritization process as the county (Volume I, Section 4).

**Implementation through Existing Programs**

This NHMP is strategic and non-regulatory in nature, meaning that it does not necessarily set forth any new policy. It does, however, provide: (1) a foundation for coordination and collaboration among agencies and the public in the city; (2) identification and prioritization of future mitigation activities; and (3) aid in meeting federal planning requirements and qualifying for assistance programs. The mitigation plan works in conjunction with other city
COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Leila Aman, Community Development Director
Denny Egner, Planning Director

From: Brett Kelver, Associate Planner

Subject: Design and Landmarks Committee (DLC) Update

ACTION REQUESTED
Council is asked to review and comment on the draft DLC work program for 2019-20.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
• 2007-2017: DLC met with Council nine times to review annual work programs.
• November 13, 2018: Most recent annual DLC update to Council (study session — no video).

ANALYSIS
Council and DLC meet annually to discuss the DLC’s work program, with the committee seeking Council concurrence.

The DLC serves the City by reviewing and advising on matters of urban design, architecture, historic preservation, and compliance of projects in the downtown zones with the Downtown Design Guidelines. It does this by making recommendations to the Planning Commission regarding development in downtown Milwaukie and by reviewing and recommending appropriate design guidelines and design review processes and procedures to the Council. Planning staff works closely with the DLC to make progress in these areas.

Over the past year, the primary focus of the DLC has continued to be its effort to update the city’s Downtown Design Review code and process. This work will continue in the coming year.

BUDGET IMPACTS
Staff is budgeted to attend monthly meetings and provide support.

WORKLOAD IMPACTS
The city’s adopted budget includes limited staff time for support of the DLC. Staff support includes scheduling and staffing monthly DLC meetings, preparing materials, providing public notice of those meetings, providing information about projects requiring DLC review, and drafting meeting minutes for DLC review and approval.

COORDINATION, CONCURRENCE, OR DISSENT
The DLC has reviewed and concurs with the proposed work program.

ATTACHMENTS
1. DLC 2019-20 Work Program (draft)
Milwaukie Design and Landmarks Committee

2019-20 WORK PROGRAM

To be Confirmed by City Council on January 21, 2020

Accomplishments of 2018-19
Between November 2018 and December 2019, the Design and Landmarks Committee (DLC) met 16 times, including 2 special meetings outside the Committee’s regular monthly schedule.

The DLC membership fluctuated again during the past year, with Chair Lauren Loosveldt stepping down in April 2019 to take a position on the Planning Commission and Kyle Simukka resigning in May 2019 to move out of the area. In April 2019, Cynthia Schuster was elected as Chair and Brett Laurila was elected as Vice Chair. Two new members (Tracy Orvis and Evan Smiley) were appointed in August 2019 to fill the vacant seats.

Public meetings for recommendations on land use applications:

- **March 2019** = Preliminary review of Coho Point design
- **May 2019** = Design review for height variance request for Monroe Street Apartments at 37th Ave & Monroe St (land use file #VR-2019-003)

The DLC also reviewed and provided comments on draft policies for Historic Preservation and Urban Design as part of the Comprehensive Plan Update process.

Throughout the year, the DLC continued its work to update the Downtown Design Guidelines, reviewing the draft language for a revised framework of design elements. The DLC has been making edits and identifying issues that need further discussion.

Work Program for 2019-20

Downtown Design Review Update

The Downtown Design Review update continues to be the DLC’s focus for the coming year, with the following tasks and deliverables:

- Complete review of revised draft of Design Review document (early 2020)
- Develop revised code language, including applicability and process, as well as revised diagrams and graphics (mid-2020)
- Provide commentary document to explain proposed changes
- Present draft documents to Planning Commission and City Council in worksession settings and solicit feedback (as per timing in citywide workplan)
- Revise draft as necessary in preparation for code amendment process
Other Tasks

- The DLC continues to be prepared to respond as needed for review of the following types of applications:
  - **Downtown Design Review.** For development proposals in Downtown zones, conduct public design review meetings to advise the Planning Commission on implementation of the Downtown Design Guidelines.
  - **Post-Decision Limited Design Review.** Conduct design review meetings on development proposals when the Planning Commission has made design review a condition of approval or to assist with other City projects.
  - **Historic Resources Review.** Review Historic Landmark alteration or demolition requests and advise the Planning Commission on applications when City approval is required by the Milwaukie Municipal Code (MMC).

- The DLC is interested in developing ideas and making a plan for action on Parking Lot Item #1 (Historic Preservation), below, beginning sometime in late 2020.

“Parking Lot” Items

There are several topics and tasks that the DLC would like to work on but may not have time for in 2019-20. Those items are captured in a “parking lot” of ideas for future activity:

1. Historic Preservation
   a. Update the City’s inventory of Historic Resources.
   b. Update code language for the Historic Preservation Overlay Zone (MMC Section 19.403) to clarify and strengthen the City’s protections for designated historic resources.

2. Development of Opportunity Sites

   As opportunities present themselves, participate in the City’s development of its various “opportunity sites,” including Block 14 on Main St between Harrison St and Jackson St, as well as the Coho Point site at Washington St and McLoughlin Blvd.

3. Take advantage of relevant training opportunities as they arise.
Hello,

I suspect most of you received this directly through the LOC update, but wanted to send out the two items directly related to the short session in advance of tonight’s discussion. That way I don’t have to pass out so much paper and you can access all the linked documents.

Kelly

2020 Session - Crystal Ball

This week, the Oregon Legislature completed their final “legislative days” in advance of the short session that starts February 3. This session is confined to 35 days, which means it concludes on March 8. Legislative days represents the final check-in on priority bills from both chambers and party leadership.

One key priority for democratic leadership and Governor Kate Brown is advancing “Cap and Trade” legislation. On Monday, LC 19 was released to the public and is a re-write of HB 2020, the Cap and Trade bill from 2019. The bill now includes a phase-in approach for transportation fuels. While all transportation fuels are included under the program, the state will retire allowances (thus not subjecting the fuel to the carbon pricing program) for all fuel sold in the state. However, starting in 2022, fuel delivered within the Portland metropolitan planning area (i.e. Metro) will no longer receive free allowances. Starting in 2025, fuel delivered within cities that experience more than 10 million gallons of fuel delivered within city limits, will also no longer receive free allowances, thus subjecting the fuels to the carbon pricing program. The bill allows any city or county to opt-in to the program.

During on a press conference earlier in the week, Senate Republican leadership suggested a “walk-out” remains on the table. However, Senator Herman Baertschiger, the Senate Republican leader, suggested Senate Republicans would allow a voter-referred cap and trade bill to move through the Legislature.

The LOC’s priorities for 2020 remain an extension of the 2019 priorities set by the League’s eight policy committees. During the short session, the LOC government relations team will focus on:
A broadband bill, **LC 1** (a rerun of HB 2184 that did not pass in 2019);

- Additional mental health resources;
- Water quality infrastructure funding; and
- Working with the governor’s office on wildland fire preparedness.

The LOC’s government relations team has already met with all levels of leadership to share city priorities, including budget requests. A small group of city leaders joined LOC Executive Director Mike Cully and Legislative Director Jim McCauley this week for a meeting with Governor Brown. Those members included: LOC President and Cottage Grove Councilor Jake Boone; LOC Treasurer and Central Point Councilor Taneea Browning; Springfield Mayor Christine Lundberg; and Dayton Mayor Beth Wytoski, president-elect of the Oregon Mayors Association.

### Senate Committee Holds Hearing on New Carbon Pricing Proposal

This week, the Senate Environment & Natural Resources Committee, chaired by Senator Michael Debrow (D-Portland), heard invited testimony on a legislative concept to regulate greenhouse gases. **Legislative concept (LC) 19** was posted on the Legislature’s website on the evening of January 10. The 156-page bill outlines greenhouse gas reduction goals and regulations that are similar to legislation from the 2019 session (HB 2020), but with some significant revisions, including how transportations fuels would be regulated. View the summary of LC 19 that was prepared by legislative counsel.

Some key components of the bill include:

**Greenhouse gas reduction goals:**

- At least 45% below 1990 emissions levels by 2035; and at least 80% below 1990 emissions levels by 2050. Covers anthropogenic emissions (excludes biogenic emissions generated from combustion of biomass derived fuels).

**Additional goals:**

- Promoting greenhouse gas emissions sequestration and mitigation; promoting adaptation and resilience for natural and working lands, fish and wildlife resources, communities, the economy and the state's infrastructure in the face of climate change and ocean acidification; and providing assistance to households, businesses and workers impacted by climate change or by climate change policies.

**State agency role:**

How does it work?

- The state will establish baseline emissions (measuring each metric ton of covered emissions) and will issue allowances (each allowance permits a covered entity to emit one metric ton of carbon dioxide equivalent). The allowances will be reduced over time to achieve greenhouse reduction goals. Some covered entities will receive free allowances, or a portion of free allowances. For others, allowances will need to be purchased through a state auction.

Covered entities:

- Includes electric system managers (investor-owned utilities, consumer owned utilities, electricity service suppliers, Bonneville Power Administration, and cogeneration transmission and distribution); natural gas suppliers; entities with an air contaminant discharge permit that emit 25,000 metric tons of carbon dioxide equivalent; and transportation fuels.

Transportation fuels (aviation fuels as well as fuels for watercraft and locomotives are excluded):

- Between 2022 and 2025: transportation fuels subject to the cap (i.e. not receiving free allowances) include fuels delivered to the Portland metropolitan planning area and truck stops located 1.5 miles or less from a state border (if the bordering state has not adopted a greenhouse gas reduction program).

- Between 2025 and 2051: transportation fuels subject to the cap include fuels delivered to the Portland metropolitan planning area, fuels delivered to cities that have aggregated motor vehicle fuel delivered of 10 million gallons or more; truck stops within 1.5 miles or less of a state border (if the bordering state has not adopted a greenhouse gas reduction program). The LOC has compiled a list of cities, based on data compiled by the state, that would be included as a result of fuel deliveries of 10 million gallons or more. Please note that this list does not include all cities within the Portland metropolitan planning area (which are also included).

- In addition, after 2025, a city or county may adopt an ordinance or resolution to opt in and, therefore, have transportation fuels sold within their city limits subject to the cap.

- If 19 counties opt-in, all transportation fuels would be subject to the cap.

Proceeds from sale of allowances:

- Revenues from the sale of allowances for transportation fuels will be credited to a newly established Transportation Decarbonization Investments Account. The fund will be established within the State Highway Fund.
  - Other funds will either be deposited to the Common School Fund, if constitutionally required.
Funds that are not otherwise dedicated as indicated above will be deposited in a newly established Oregon Greenhouse Gas Initiative Operating Fund to cover administrative costs for the program.

Remaining funds will be deposited into the Climate Investments Fund, established under the bill.

Transportation Decarbonization Investments Account:

- 20% of revenues will be distributed to state for projects selected by the Oregon Transportation Commission; 80% to local governments for implementation, including planning for implementation, of metropolitan climate plans. A metropolitan climate plan, as defined in the bill, would implement a land use and transportation scenario adopted by a metropolitan service district (i.e. Metro regional government) and approved by the Land Conservation and Development Commission (LCDC); a land use and transportation scenario adopted by a metropolitan planning organization (in accordance with statutory guidelines established by the Oregon Department of Transportation and the Department of Land Conservation and Development) and that has been approved by the LCDC; or a transportation greenhouse gas emissions reduction plan adopted by a county or city that is located outside an urbanized area covered by a Metropolitan Planning Organization (MPO) or a metropolitan service district (plan must be approved by DLCD).

- Projects eligible for funding include, but are not limited to, enhancing roadway drainage, improving slope stability, investing in safe routes to school, retrofitting or replacing certain diesel engines, reducing vehicle miles traveled through bike, pedestrian or other multimodal improvements and traffic signal optimization. Funds may also be used to increase the resilience of transportation infrastructure and evacuation routes against the effects of climate change, extreme precipitation, sea level rise and extreme temperatures and wildfires.

- Funding for planning may not exceed 1% of the total funds in the Transportation Decarbonization Investments Account.

Transportation revenue distribution to local governments:

- The Oregon Transportation Commission (OTC) shall proportionately distribute revenues to each local government with an approved climate plan. The formula for distribution must account for population and vehicle miles traveled.

- Of the moneys allocated for a metropolitan service district or a metropolitan planning organization, the commission shall distribute half the moneys to the metropolitan service district or metropolitan planning organization and half the moneys to the counties and cities within the metropolitan service district or metropolitan planning organization. The proportionate share allocated for distribution to each county and city within the metropolitan service district or metropolitan planning organization shall be determined based on the formula adopted by the OTC (based on population, vehicle miles traveled among other factors that may be considered).
Funds expended by local governments must be expended in a manner that, to the extent practicable, will yield the greatest reductions in greenhouse gas emissions per dollar spent. In allocating funds for specific expenditures, the metropolitan service district must consult with a joint policy advisory committee on transportation, counties or cities within a metropolitan service district must consult with that district, and an MPO must consult with the city and county governing bodies within the MPO.

Climate Investments Fund:

Revenues from the auction of allowances that are deposited into the Climate Investments Fund will be disbursed as follows:

- 10% for eligible Indian tribes;
- 25% for the Oregon Watershed Enhancement Board to benefit natural and working lands;
- 25% for the Oregon Department of Forestry for wildfire mitigation;
- 20% to local governments, including cities, counties and special districts for projects that support the goals in section 2 of the bill (priority for projects that reduce greenhouse gas emissions);
- 20% distributed to state agencies for projects, programs and activities that support the goals in section 2 of the bill.
- The Oregon Greenhouse Gas Reduction Board must endeavor to distribute a majority of funds to “impacted communities”. (The Oregon Greenhouse Gas Reduction Board will determine what communities are designated as “impacted” based on criteria including those at risk of being disproportionately impacted by climate change. The methodology for determining “impacted community status must take into consideration geographic, socioeconomic, historic disadvantage, public health and environmental hazard criteria.

Procurement provisions for the Transportation Decarbonization Investments Fund & Climate Investments Fund:

For the purpose of projects funded through revenues from the Transportation Decarbonization Investments Fund:

- State contracting agencies must provide a preference of no more than 10% for building materials manufactured by covered entities subject to a carbon pricing program (building materials include asphalt, cement, concrete or any other aggregate product, aluminum, steel, iron, coatings for steel and iron, glass, manufactured wood products and copper). ODOT must also purchase roadside vegetation grown and propagated from Oregon-based nursery stock.
- Local contracting agencies may provide a preference of no more than 10% for building materials manufactured by covered entities.

Labor and contracting provisions:
If a construction project or a transportation receives more than $50,000 in funding from moneys in the Climate Investments Fund or the Transportation Decarbonization Investments Account, the primary contractor participating in the construction project:

- Shall pay the prevailing rate of wage for an hour’s labor in the same trade or occupation in the locality where the labor is performed;
- Shall offer health care and retirement benefits to the employees performing the labor on the construction project;
- Shall participate in an apprenticeship program registered with the State Apprenticeship and Training Council;
- May not be a contractor listed by the Commissioner of the Bureau of Labor and Industries under ORS 279C.860 as ineligible to receive a contract or subcontract for public works;
- Must demonstrate history of compliance with federal and state wage laws.

The state will adopt model rules for state contracting agencies to use. Rules must include requirements for the use of a project labor agreement for construction projects that receive more than $200,000 in funding from moneys in the Climate Investments Fund or the Transportation Decarbonization Investments Account. Additional requirements apply to state contracting agencies.

**KELLY BROOKS**
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Short Session Topics

• LC 25 – Happy Valley Bill
• LC 19 – Cap and Trade Bill
• LC 1 – Broadband Grants
• Prevailing Wage & Enterprise Zones- Don’t see anything yet... (https://olis.oregonlegislature.gov/liz/2019R1/Measures/list/)
SUMMARY

Provides that city in Clackamas County annexed into county parks and recreation service district between January 1, 2005, and December 31, 2006, by vote of city electors is deemed withdrawn from and no longer part of county service district as of June 30, 2020.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the withdrawal of territory added to a district by a vote of the electors; and declaring an emergency.

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

SECTION 1. A city in Clackamas County that, pursuant to ORS 198.866 and 198.867, was annexed, between January 1, 2005, and December 31, 2006, into a county service district organized to provide parks and recreation services following a vote of city electors in favor of the annexation is deemed to be withdrawn from and no longer part of the county service district as of June 30, 2020.

SECTION 2. This 2020 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect on its passage.
RS Agenda Item 7

Information
Mayor’s Announcements – Jan. 21, 2020

- **Ledding Cultural Forum 2020 Kickoff Event With Amy Stewart** – Thu., Jan. 23 (6:30 – 7:30 PM)
  - Ledding Library, 10660 SE 21st Ave.

- **Spring Park & Elk Rock Island Habitat Enhancement** – Sat., Jan. 25 (9 AM – 12 PM)
  - Spring Park & Elk Rock Island, 1880 SE Sparrow St.

- **Kronberg Multi-Use Trail Grand Opening** – Sat., Jan. 25 (1 – 2 PM)
  - Kronberg Multi-Use Trail, 11910 SE McLoughlin Blvd.

- **43rd Ave. SAFE Project Open House** – Wed., Jan. 29 (5 – 7 PM)
  - Lewelling Elementary, 5325 SE Logus Rd.

- **Community Conversation on Oregon’s Housing Initiatives** – Thu., Jan. 30 (6 – 8 PM)
  - Clackamas Community College, 7738 SE Harmony Rd.

- **Meet the Author: Lisa Mundorff** – Sat., Feb. 1 (2 PM)
  - Ledding Library, 10660 SE 21st Ave.

- **State of the City Address** – Thu., Feb. 6 (5:30 PM)
  - Ledding Library, 10660 SE 21st Ave.

- **Learn More At** [www.milwaukioregon.gov](http://www.milwaukioregon.gov)