



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

Zoom Video Conference
www.milwaukieoregon.gov

2347th Meeting**AGENDA**

DECEMBER 7, 2021

Council will hold this meeting through video conference. The public may attend the meeting by watching live on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits, or by joining the Zoom webinar. **Written comments** may be submitted by email to ocr@milwaukieoregon.gov. Council will take limited verbal comments. **For Zoom webinar login information** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-313>.

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

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1. **CALL TO ORDER** (6:00 p.m.)
 - A. **Pledge of Allegiance**
 - B. **Native Lands Acknowledgment**
2. **ANNOUNCEMENTS** (6:01 p.m.) **2**
3. **PROCLAMATIONS AND AWARDS**
 - A. **Pearl Harbor Remembrance Day – Proclamation** (6:05 p.m.) **4**
Presenters: American Legion Post 180
4. **SPECIAL REPORTS**
 - A. **City Manager Updates – Report** (6:15 p.m.)
Staff: Ann Ober, City Manager
5. **COMMUNITY COMMENTS** (6:25 p.m.)

To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to ocr@milwaukieoregon.gov), or in person to city staff.**
6. **CONSENT AGENDA** (6:30 p.m.)

Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.

 - A. **Approval of Council Meeting Minutes of:** **6**
 1. **October 12, 2021, study session,**
 2. **October 19, 2021, regular session,**
 3. **November 2, 2021, work session, and**
 4. **November 2, 2021, regular session.**
 - B. **Authorization of a Contract for Washington St. Improvements – Resolution** **18**
 - C. **Authorization of a Contract for Human Resources Legal Services – Resolution** **21**
 - D. **Adoption of Revised Bylaws for the Library Board – Resolution** **24**

7. BUSINESS ITEMS

- A. Engineering Update – Report** (6:40 p.m.) **31**
Staff: Steve Adams, City Engineer, and
Jennifer Garbely, Assistant City Engineer
- B. Floating Code Adoption – Ordinance** (7:10 p.m.) **35**
Staff: Samantha Vandagriff, Building Official
- C. Legislative & Regional Issues – Discussion** (7:40 p.m.)
Staff: Kelly Brooks, Assistant City Manager

8. PUBLIC HEARINGS

- A. None Scheduled.**

9. COUNCIL REPORTS (7:55 p.m.)

10. ADJOURNMENT (8:00 p.m.)

Milwaukie Redevelopment Commission (MRC) Meeting

After the regular session Council will meet as the MRC. For information about the MRC meeting click here: <https://www.milwaukieoregon.gov/bc-rc/redevelopment-commission-7>

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

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

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

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

Executive Sessions

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



RS Agenda Item

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Announcements

Mayor's Announcements – December 7, 2021

- **Christmas Ships Schedule – Dec. 7, 10, 15, 17, 18 and 20**

- Stop by Milwaukie Bay Park and visit downtown businesses for some holiday shopping
- Learn more at www.christmasships.org

- **Christopher Howell Poetry Reading – Wed., Dec. 8 (6:30-7:30 PM)**

- Born in Portland, Oregon, Christopher Howell is the author of twelve collections of poems, most recently *The Grief of a Happy Life* and has won numerous awards for his work.
- Livestreamed on Ledding Library's YouTube Channel

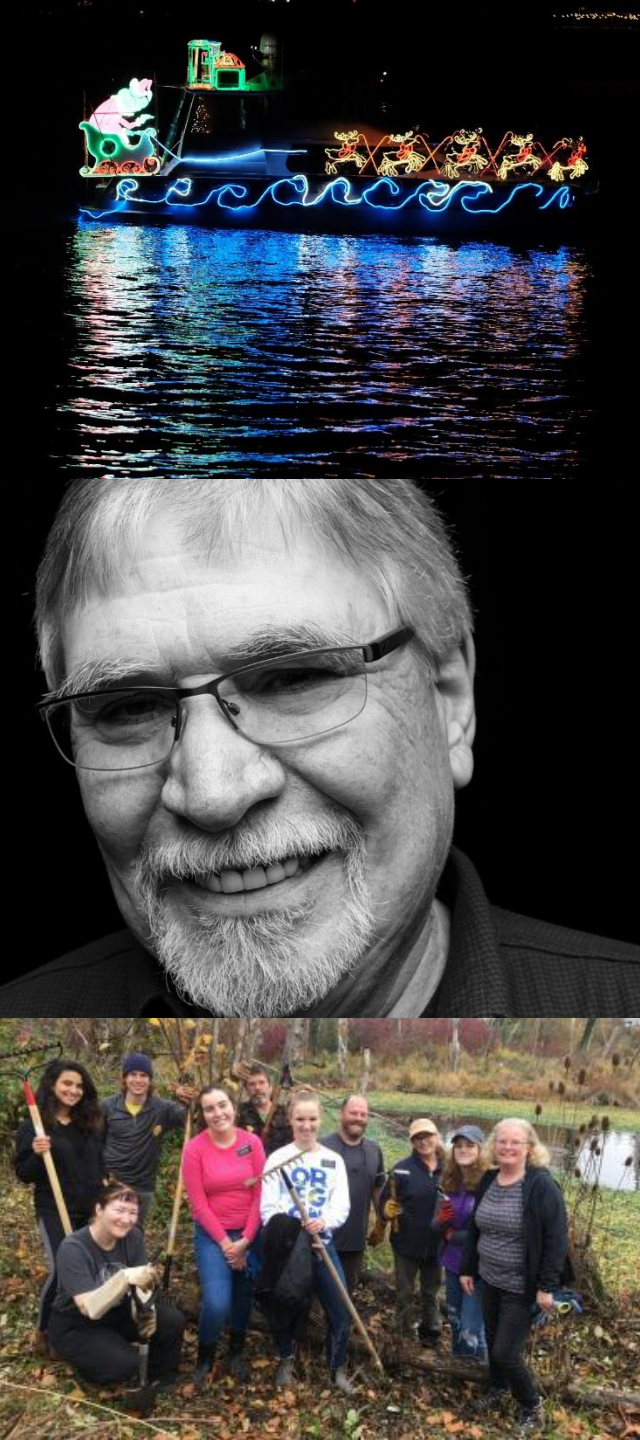
- **Minthorn Springs Volunteer Work Party – Sat., Dec. 11 (10 AM – 12 PM)**

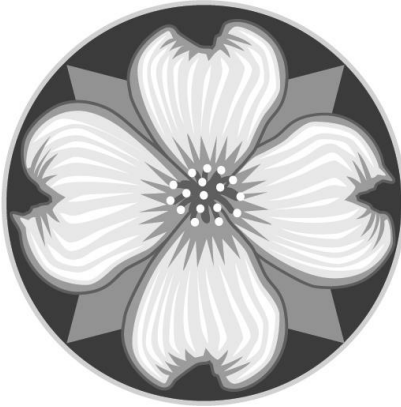
- Volunteer to help remove invasive plants to make way for a native planting in January.
- The natural area is located between 37th Ave. and Railroad Ave. in Milwaukie.
- Register to volunteer in advance by emailing pattylyons@wetlandsconservancy.org.

- **Free Leaf Drop Events For Milwaukie Residents – Saturday, Dec. 11 & 18 (7 AM – 2 PM)**

- To participate, please bring along a utility bill (e-bill or paper bill) as proof of residency.
- Event is free, but the city will collect nonperishable food for local families from anyone that would like to donate.
- Milwaukie's Public Works Yard, 6101 SE Johnson Creek Blvd.

- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**





RS Agenda Item

3

Proclamations & Awards

PROCLAMATION

WHEREAS eighty years ago today, Imperial Japan launched an unprovoked attack on the United States Naval Base at Pearl Harbor, killing more than 2,400 Americans and destroying much of our nation's Pacific Fleet; and

WHEREAS this attack led President Franklin D. Roosevelt to call on the United States Congress to declare an act of war the following day, stating that December 7, 1941 would be a "date which will live in infamy"; and

WHEREAS as we mourn the lives of those we lost on that fateful day, we remember those who defended Pearl Harbor – and all those who answered the call to serve their country in battlefields across the world; and

WHEREAS each year, we are reminded of these immense sacrifices and all that we owe our service members who fight to defend the freedom we cherish; and

WHEREAS on this day of remembrance this community pauses to reflect on the significance of the eightieth anniversary of the attack on Pearl Harbor.

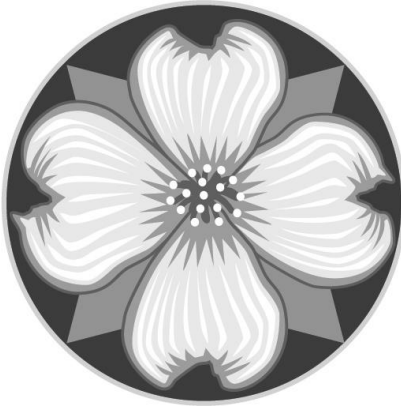
NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim December 7, 2021, to the **PEARL HARBOR REMEMBRANCE DAY** and do hereby encourage all residents of *The Dogwood City of the West* to mark this anniversary of the event that led to this country's involvement in World War II.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 7th day of December 2021.

Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder



RS Agenda Item

6

Consent Agenda

COUNCIL STUDY SESSIONZoom Video Conference
www.milwaukieoregon.gov**MINUTES**

OCTOBER 12, 2021

Council Present: Councilors Lisa Batey, Angel Falconer, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

Staff Present: Ann Ober, City Manager
Peter Passarelli, Public Works Director

Natalie Rogers, Climate & Natural Resource Manager
Scott Stauffer, City Recorder

Mayor Gamba called the meeting to order at 6:05 p.m.

1. Council Goal: Climate Action – Update

Rogers and **Passarelli** provided an update on the city's ongoing climate action work, including clean energy, energy affordability, and environmental justice legislation passed or considered by the state legislature in 2021. The group remarked on which failed climate bills may be reintroduced in future legislative sessions.

Rogers reported on the city's ongoing Climate Collaborative Campaign work with Portland General Electric (PGE). The group remarked on the popularity of the electric tool exchange event and other venues that exchange gas-powered tools for energy efficient tools or other incentives.

Rogers discussed the city's work with PGE and other cities in the region to develop a community green tariff and reviewed other projects the city planned to work with PGE on, including energy pricing and sources. The group discussed the city's efforts to work with PGE to make sure low-income customers would be protected from rate increases while looking at adding a dedicated climate infrastructure revenue generating source to utility rates. **Councilor Batey, Rogers, and Passarelli** commented on whether the city could obtain general aggregated, not rate-payer specific, data from PGE about low-income rate payers. The group noted that the city and PGE planned to present a green tariff proposal to the Oregon Public Utility Commission (PUC) by fall 2022.

Rogers presented other issues the city and PGE were working on, including the installation of electric vehicle (EV) charging stations on utility poles. **Councilor Batey** and **Rogers** remarked on where pole-mounted EV charging stations could be placed in Milwaukie and noted that PGE offered programs to assist residents in financing the installation of charging stations. The group noted that reserved parking spaces near pole-mounted stations for charging vehicles would need to be monitored by parking enforcement staff which was a part of the project that was still being developed.

Rogers and **Ober** provided an update on the city's work to develop a tree code, noting a delay in the public hearing schedule and community reactions received to-date. **Rogers** explained how the draft tree code had been developed and continued to evolve and how the public could review and comment on the draft code language.

Rogers discussed the city's urban forestry work, the creation of an urban forest hotline, and plans for the city's Arbor Day event and seasonal tree trimming along public roads.

Rogers presented an update on the development of a countywide climate action plan (CAP). **Mayor Gamba** and **Council President Hyzy** noted that local elected officials

would be asked to provide feedback on the county CAP. The group noted the city's CAP was the most developed of any city plan in the county and other cities had expressed interest in modeling their plans after Milwaukie's.

Passarelli noted that Council would receive another CAP update in spring 2022 and staff planned to discuss climate action funding strategies.

2. Adjourn

Mayor Gamba adjourned the meeting at 7:02 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL REGULAR SESSION

Zoom Video Conference
www.milwaukieoregon.gov

2344th Meeting

MINUTES

OCTOBER 19, 2021

Council Present: Councilors Lisa Batey, Angel Falconer, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

Staff Present: Kelly Brooks, Assistant City Manager
Justin Gericke, City Attorney
Ann Ober, City Manager

Scott Stauffer, City Recorder
Luke Strait, Police Chief
Laura Weigel, Planning Manager

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

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba announced upcoming activities, including ways the public can comment on proposed Comprehensive Plan changes, the hours of operation for the Friends of the Ledding Library bookstore, the city hall scarecrow contest, the North Clackamas Parks and Recreation District (NCPRD) Boo Bash, the city's Arbor Day event, and a downtown trick-or-treating event.

Jeff Davis, with the Davis Graveyard, presented a short YouTube video on the 2021 Davis Graveyard (<https://www.youtube.com/watch?v=xPDtyD-khvs>) and provided an overview of the Halloween display and plans for 2021. Council thanked Davis and the display's supporters for being an annual highlight of the season.

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

Carmen Gelman, MHS Principal, introduced student Alondra Aranda-Martinez and Council congratulated them on their academic and extra-curricular activities.

B. MHS Update – Report

Gelman commented on the grand opening of the new MHS building and the struggles of returning to in-person learning.

C. Domestic Violence Awareness Month – Proclamation

Strait introduced the proclamation and Sarah Groshell and Cat Koch with the Clackamas Women's Center. **Groshell** and **Koch** remarked on services the center provides and the importance of working toward ending domestic violence. **Mayor Gamba** proclaimed October to be Domestic Violence Awareness Month.

D. Barlow Trail 175th Anniversary – Proclamation

Greg Hemer, with the Milwaukie Historical Society, commented on the importance of the trail to Oregon history and the need to include all perspectives in our shared history. **Mayor Gamba** proclaimed October to be Barlow Trail 175th Commemoration Month.

E. Former City Attorney Tim Ramis Memorial – Proclamation

Gericke and **Ober** remarked on the recent passing of Ramis. The group expressed appreciation for Ramis' service and remarked on ways the city could memorialize Ramis in a public space. **Mayor Gamba** read the memorial proclamation.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Gamba reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the October 5 community comments.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. September 14, 2021, Study Session,
2. September 21, 2021, Work Session, and
3. September 21, 2021, Regular Session.

~~**B. Approval of a cost-of-living adjustment (COLA) for management and non-represented employees.**~~ (removed from the agenda before the meeting)

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

7. BUSINESS ITEMS

A. City Hall Project Goals Adoption – Resolution

Stauffer provided an update on the city hall project, the City Hall Blue Ribbon Committee (CHBRC) process that had resulted in the development of project goals, and the status of the city's request to the North Clackamas School District (NCSD) Board to remove a park-related deed restriction on the city hall site. **Stauffer** explained that Council was asked to formally adopt the project goals.

Councilor Falconer thanked the community members who served on the CHBRC including NCSD Board Member Tory McVay.

Mayor Gamba commented on the age of the city hall building and the importance of finding a good new use for the building.

Councilor Batey expressed support for the goals, encouraged staff to make sure there would be enough response time during the request for proposals (RFP) process for groups who may not respond to RFPs often, and noted that community members had not been aware that Council would be voting on the goals today. **Stauffer** confirmed that two CHBRC members would be part of the RFP review committee.

Brooks had already had conversations with parties interested in city hall and asked Council to direct any interested groups or individuals to contact staff. **Brooks** believed the city could commit to a six-week RFP response time and apologized that staff had not done a better job of spreading the word about the project goals adoption.

Ober thanked staff for their work to keep the city hall project going.

It was moved by Councilor Falconer and seconded by Councilor Batey to approve the resolution approving the project goals for the City Hall site. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 54-2021:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE PROJECT GOALS FOR THE CITY HALL SITE.

B. Oak Lodge Governance Options – Presentation

Ober explained that Council was receiving an update on the Oak Lodge Governance Options study because city staff had been involved in the study work.

Beth Goodman, with ECONorthwest, introduced study team members Nick Popenuk with Tiberius Solutions, and Mitra Anoushiravani and Cole Merkel with the Oak Lodge Governance Project (OLGP). **Anoushiravani** provided an overview of the OLGP.

Goodman and **Popenuk** discussed the findings of the Metro-funded governance study which looked at the costs and feasibility of the unincorporated Oak Lodge area incorporating as a new city, annexing to the City of Milwaukie, or not seeking any governance changes. The study looked at issues related to local control, political clout, community development and land use decision making, property values and housing costs, and fiscal and equity considerations.

Mayor Gamba and **Popenuk** noted that the study suggested that if Oak Lodge annexed into Milwaukie the overall costs of administering the city would be less than Oak Lodge becoming its own city because Milwaukie already has significant infrastructure in place that a new city would have to pay for and build.

Popenuk discussed the study’s conclusion that annexing into Milwaukie would mean Oak Lodge residents would likely pay a higher tax rate than if it became its own city.

Goodman remarked on what had been learned from the study, the likelihood that only parts of the Oak Lodge area would incorporate into Milwaukie or become its own city and noted that a new city would make its own policy and service decisions which would determine its tax rates.

Merkel discussed next steps in the process which included more research, community discussions and presentations, and outreach efforts.

Councilor Falconer asked about the obstacles for Oak Lodge residents wanting to annex into the city. **Weigel** explained that Oak Lodge, or any area wanting to annex into Milwaukie, would need to be added to the city’s urban growth management area (UGMA) which would require negotiations with Metro and Clackamas County.

Mayor Gamba and **Popenuk** discussed the study’s conclusions about the cost impact of Milwaukie annexing parts of Oak Lodge and investing in sidewalks and other infrastructure improvements. It was noted that a more detailed analysis of the costs of bringing annexed areas up to par with the rest of Milwaukie would need to be done.

Mayor Gamba, Goodman, and Popenuk commented on the study’s prediction that because of Milwaukie’s higher tax rate fewer apartments would be built in Oak Lodge if it annexed into Milwaukie.

Councilor Batey noted land use changes coming due to Oregon House Bill (HB) 2001 requirements which would affect all urban areas including unincorporated Oak Lodge. **Goodman** commented on assumptions made in the study related to multi-family developments, land use, and other policies related to HB 2001.

Councilor Batey was surprised that study area population was 27,000 and asked if anyone knew the population estimate of Milwaukie's UGMA. **Goodman** did not know the UGMA population and explained how the study area population had been determined. **Batey, Popenuk, and Goodman** discussed what the optimal size of a city is in terms of sharing service costs by residents and whether there could be a point in which too many Oak Lodge residents annexing into Milwaukie would make an incorporated City of Oak Lodge financially unviable.

Mayor Gamba and Popenuk noted that cities were required to provide certain services and discussed if contracting with the sheriff's office for law enforcement services counted as providing a service. **Gamba, Popenuk, and Goodman** commented on the tax base required to provide full city services and noted the need for more detailed studies of annexation or incorporation if the Oak Lodge pursued either option.

Mayor Gamba encouraged Oak Lodge residents to incorporate as a city or annex into Milwaukie.

The group noted how Council and public can stay informed as the OLGP progressed.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

None.

10. ADJOURNMENT

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

Mayor Gamba adjourned the meeting at 8:44 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL WORK SESSION

Zoom Video Conference
www.milwaukieoregon.gov

MINUTES

NOVEMBER 2, 2021

Council Present: Councilors Lisa Batey, Angel Falconer, Desi Nicodemus,
Council President Kathy Hyzy, and Mayor Mark Gamba

Staff Present: Kelly Brooks, Assistant City Manager
Justin Gericke, City Attorney
Adam Moore, Parks Development Coordinator

Ann Ober, City Manager
Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder

Mayor Mark Gamba called the meeting to order at 4:02 p.m.

1. Citizens Utility Advisory Board (CUAB) – Annual Update

Passarelli provided an update on the CUAB's work to advise the city on utility rates during the biennial budget process and update the city's wastewater system development charges (SDCs) and master plans. **Councilor Batey** and **Passarelli** commented on the administration fee applied to water rates. **Council President Hyzy** asked that the fee chart Passarelli presented be shared with the public.

Passarelli discussed the CUAB's work plan for the next year, which included reviewing the city's Capital Improvement Plan (CIP), wastewater SDCs, and utility rates.

Passarelli reviewed ongoing public works department projects, including a risk and resiliency assessment, and updating the city's water emergency response plan. **Council President Hyzy** and **Passarelli** commented on whether the assessment would identify threats to the city's ground water wells.

Councilor Batey, Passarelli, and Ober remarked on the city's intertie connections with other water service providers, intention to add a connection with Oak Lodge Water Services, and whether it was common for interties to cause contamination issues.

Passarelli provided an update on the city's ongoing water supervisory control and data acquisition (SCADA) system update project, noting global and local issues that had delayed the project. **Council President Hyzy** and **Passarelli** noted there were no expected budget impacts from the project delay.

Passarelli reported on the work to repair Well #2, noting project delays and planned next steps to get the well operational again. **Mayor Gamba** and **Passarelli** commented on the ground contamination around Well #2 and noted that the water pulled from the well is treated to meet water quality standards. **Councilor Batey** and **Passarelli** noted where in the storage and distribution process the water brought into the system through Well #2 is treated.

2. Adjourn

Stauffer announced that after the work session Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions and (i) to review and evaluate the job performance of a chief executive officer, other officers, employees, and staff, if the person whose performance is being reviewed and evaluated does not request an "open hearing."

Mayor Gamba adjourned the meeting at 4:52 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL REGULAR SESSION

Zoom Video Conference
www.milwaukieoregon.gov

2345th Meeting

MINUTES

NOVEMBER 2, 2021

Council Present: Councilors Lisa Batey, Angel Falconer, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

Staff Present: Joseph Briglio, Community Development Director
Kelly Brooks, Assistant City Manager
Justin Gericke, City Attorney
Adam Moore, Parks Development Coordinator

Ann Ober, City Manager
Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder

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

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba announced upcoming activities, including Planning Commission hearings on the Comprehensive Plan implementation, a question-and-answer session for the 42nd Avenue and 43rd Avenue improvements project, the city's Arbor Day, leaf drop-off, and Veterans Day events, and a work party event at Minthorn Springs.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. City Manager Updates – Report

Ober thanked the American Federation of State, County, and Municipal Employees (AFSCME) and management negotiating teams for working to develop a new contract.

5. COMMUNITY COMMENTS

Mayor Gamba reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the October 19 community comments.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. October 5, 2021, Work Session, and
2. October 5, 2021, Regular Session.

B. Approval of a collective bargaining agreement (CBA) with the American Federation of State, County, and Municipal Employees (AFSCME) – motion.

C. Approval of a cost-of-living adjustment (COLA) for management and non-represented employees – motion.

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

Mayor Gamba thanked AFSCME and management for their work on the new CBA.

7. BUSINESS ITEMS

A. Board and Committee (BC) Annual Interview Process – Update

Stauffer provided an update on the move to an annual interview process for BCs that would fill vacancies and create alternate appointee lists to fill future vacancies. **Stauffer** explained that applicants would be recruited and interviewed twice a year because BC terms end in March and June. The group commented on whether two-month recruitment periods would be enough time for people to apply. **Councilor Batey** commented that Council needed to help recruit applicants and noted that the second recruitment campaign would be just for two BCs whose terms end on June 30.

Mayor Gamba and **Stauffer** remarked on the importance of having alternate lists and noted that ad hoc interviews may be needed if there are vacancies and no alternates.

Councilor Nicodemus and **Stauffer** commented that the city would likely continue to hold BC interviews via Zoom video conference.

Councilor Batey noted existing BC vacancies and suggested some positions needed to be filled before annual interviews were held in February 2022. **Stauffer** agreed that interviews for certain BCs should be scheduled in 2021 and commented on the city's intention to be clearer about the status of applications throughout the year.

Council President Hyzy and **Stauffer** remarked on how an annual interview panel would consider individuals who had applied for multiple BCs. **Mayor Gamba** and **Stauffer** agreed that the set BC interview questions should be updated.

Stauffer discussed plans for the annual recruitment campaign. **Council President Hyzy** suggested the volunteer dinner and award be highlighted in recruitment materials.

Stauffer explained there would be two recruitment and interview campaigns because of the two different BC term end dates and asked if Council would be open to changing all term end dates to June 30. **Councilor Batey** expressed support for moving to June 30 end dates for all BCs and the group commented on the benefits of recruiting for BCs in warmer springtime weather. **Mayor Gamba** recalled that the city had previously done an annual recruitment process and it hadn't worked. The group commented on developing strong alternate lists. It was Council consensus that staff should prepare the necessary ordinances and resolutions to move all BC term end dates to June 30. **Stauffer** noted that such a change may not happen until later in 2022.

Stauffer asked for feedback on updating the BC application form. **Council President Hyzy** and **Councilor Falconer** encouraged the form to be reviewed with an equity point of view. **Councilor Batey** and **Hyzy** believed the background question could be reworded and **Stauffer** agreed to send example applications to Council to review.

Council President Hyzy commented that other agencies had started to accept applications in non-written formats and encouraged staff to look at such options.

B. Milwaukie Bay Park Funding and Construction Agreements – Resolutions (2)

Ober discussed previous Council and staff discussions and North Clackamas Parks and Recreation District (NCPRD) Board actions related to the proposed intergovernmental agreements (IGAs) for funding and constructing Milwaukie Bay Park. **Ober** reported that the city and district had reached agreement on the IGA language, noted the estimated project timeline, and asked Council to approve the IGAs.

Councilor Batey expressed frustration that the park project had been delayed and that NCPRD Board Member Paul Savas had caused the delays. **Batey** and **Ober** proposed changes to the resolutions approving the IGAs. The group discussed the proposed resolution changes which would add language to both resolutions noting that the park is a regional asset and a clause to the funding resolution that would rescind the city's approval of the funding IGA if the district board did not fund the project by June 1, 2022.

It was moved by Councilor Batey and seconded by Councilor Nicodemus to approve the resolution authorizing an intergovernmental agreement with the North Clackamas Parks and Recreation District for Milwaukie Bay Park Phase III Funding as amended during the meeting. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

Resolution 55-2021:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING AN UPDATED INTERGOVERNMENTAL AGREEMENT WITH THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT FOR MILWAUKIE BAY PARK PHASE III FUNDING.

It was moved by Councilor Batey and seconded by Councilor Nicodemus to approve the resolution authorizing an intergovernmental agreement with the North Clackamas Parks and Recreation District for Milwaukie Bay Park Phase III grant administration, construction, and operations as amended during the meeting. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

Resolution 56-2021:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT FOR MILWAUKIE BAY PARK PHASE III GRANT ADMINISTRATION, CONSTRUCTION, AND OPERATIONS.

Ober thanked city staff for their dedicated work on the park project.

C. Legislative Session Preparation – Discussion

Brooks remarked on the likelihood of the state legislature holding a special session in 2021 and asked for feedback on how to track legislation during the 2022 session.

Gamba explained how the League of Oregon Cities (LOC) determines which bills to support and encouraged Council to participate in the League's policy committee process. The group noted which LOC committees Council members serve on and discussed what policy topics were likely to be considered by the legislature in 2022. They noted other sources of legislative information Council members use to track bills.

The group agreed to add legislative policy discussion items to a regular session agenda in December and once a month during the 2022 session.

Introduction of New Community Development Director

Briglio introduced himself and the group welcomed him to Milwaukie.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

None.

10. ADJOURNMENT

Mayor Gamba announced that Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions and (i) to review and evaluate the job performance of a chief executive officer, other officers, employees, and staff, if the person whose performance is being reviewed and evaluated does not request an “open hearing,” and (h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (executive session added to the agenda)

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

Mayor Gamba adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Nov. 23, 2021

Reviewed: Jennifer Garbely, PE, Assistant City Engineer, and
Natalie Rogers, Climate & Natural Resource Manager (as to climate impact)

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

Subject: **Washington St. Area Improvements (CIP-2021-A13) Engineering Service Award**

ACTION REQUESTED

Council is asked to authorize the city manager or designee to execute a contract with AKS Engineering & Forestry for design of the Washington Street area improvements project.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

July 2020: The 2021 – 2022 biennium budget and 2021 – 2026 Capital Improvement Plan (CIP) included funding allocations for the Milwaukie / El Puente Elementary Safe Routes to School (SRTS) Improvements, which included sidewalk improvements, pavement improvements, sewer replacement, storm pipe replacement, and Edison Street improvements as part of the fiscal year (FY) 2021 Safe Access for Everyone (SAFE) and Street Surface Maintenance Program (SSMP).

June 2021 to present: The project charter review period was conducted and resulted in a change of the project name to Washington Street Area Improvements. To better meet the available budget for 2021 CIP projects, the 26th Avenue and Oak Street improvements were removed from this project's scope of work and Edison Street improvements were removed from the SAFE & SSMP FY 2021 scope of work and added to this project's scope of work.

September 10, 2021: Discussions were held between the city engineer and public works director regarding inclusion of the Washington Street Spring Creek culvert replacement in this project scope of work. This project had not been identified in the current Stormwater Master Plan nor budgeted in the 2021-2022 biennium budget. Staff determined that funding for the culvert replacement would come from the stormwater maintenance budget.

September 15, 2021: A request for qualifications (RFQ) for engineering and related services for the Washington Street area improvements project was posted. The submittal deadline was October 14, 2021.

ANALYSIS

Engineering services for the project will exceed \$250,000. Therefore, the formal selection procedure was followed under the city's Public Contracting Rule 70.015.A. Eight proposals were submitted and reviewed by a committee of three city staff members. The proposals were ranked as follows:

Proposing Firm	Total of 100 max points	Ranking
AKS Engineering & Forestry	91.0	1
KPFF	86.0	2
Century West	81.7	3
Kittleson & Associates	81.0	4
PACE	80.0	5
DOWL	78.7	6
Otak	78.0	7
Harper Houf Peterson Righellis	72.7	8

Through the selection process, AKS Engineering & Forestry was deemed the most appropriate and fully able to perform the services. The other applicants were allowed seven days to protest the selection. No protests were received.

BUDGET IMPACT

The 2021 – 2026 CIP, planning, engineering, and design budget for the Milwaukie / El Puente Elementary SRTS improvements project included funds for an out-of-house design contractor.

WORKLOAD IMPACT

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

CLIMATE IMPACT

The Washington Street area improvements project design includes street and sidewalk improvements as recommended in the mitigation strategies for Land Use and Transportation Planning in the City of Milwaukie Climate Action Plan (CAP). The design is also looking at ways to improve the Spring Creek culvert, which was identified as a location vulnerable to flooding. Floodplain mitigation is recommended in the adaptation strategies for natural resource actions in the CAP. The design scope of work includes identifying locations for on-site stormwater storage and water filtration.

COORDINATION, CONCURRENCE, OR DISSENT

The predesign phase of the project included coordination with the public works and finance departments to evaluate the scope and budget of the project.

STAFF RECOMMENDATION

Staff recommends that Council authorize the city manager to award the engineering services contract for this project to AKS Engineering & Forestry in the amount of \$799,948.00.

ALTERNATIVES

1. Council could decide to not award contract.
2. Council could reject the intended awardee and direct staff to re-negotiate or consider new qualifications.
3. Council could reject all qualifications and direct staff to amend the request for qualifications and re-advertise.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING AN ENGINEERING SERVICES CONTRACT WITH AKS ENGINEERING & FORESTRY IN AN AMOUNT NOT TO EXCEED \$799,948 FOR THE WASHINGTON STREET AREA IMPROVEMENTS PROJECT (CIP-2021-A13).

WHEREAS the city has identified the Washington Street area improvements in the 2021 – 2026 Capital Improvement Plan (CIP); and

WHEREAS the city has identified these improvements in the 2021 – 2022 biennium budget; and

WHEREAS these improvements are consistent with the city's Safe Access for Everyone (SAFE) program, Street Surface Maintenance Program (SSMP), and Water, Wastewater and Stormwater Master Plans; and

WHEREAS a formal competitive selection process under city Public Contracting Rule 70 was completed; and

WHEREAS engineering staff have negotiated a final scope and fee for services.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager or designee is authorized to execute a contract with AKS Engineering & Forestry for design of the Washington Street area improvements, waive any irregularities, and authorize the city engineer or designee to administer the project in accordance with the engineering services agreement in an amount not to exceed \$799,948.00.

Introduced and adopted by the City Council on December 7, 2021.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Oct. 18, 2021

Reviewed: Keith McClung, Assistant Finance Director
Kelli Tucker, Accounting and Contracts Specialist

From: Gary Rebello, Human Resource Director

Subject: **Human Resource Legal Services Contract**

ACTION REQUESTED

Council is asked to authorize a legal services contract with the legal firm Peck, Rubanoff and Hatfield (PRH) by increasing the current contract's not-to-exceed amount by \$25,000.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

In 2015, staff awarded a direct appointment contract to PRH for human resource (HR) legal consulting.

In 2019, staff followed an intermediate selection process to execute a new contract for HR legal consulting services by comparing proposals from at least three firms. Staff ultimately selected PRH as the most qualified firm to provide these services and new contract was executed.

ANALYSIS

The current contract with PRH was authorized by the city manager, which established the contract value at \$100,000. The contract is nearing its authorized limit sooner than expected as the city experienced higher than expected HR legal service needs due to auditing and updating several police policies and extended bargaining with the city's two unions.

HR legal services continue to be of value to the city and the relationship with PRH has proven successful. Therefore, staff is requesting that Council increase the current contract amount by \$25,000 to keep the contract in compliance with the city's public contracting rules. The increased limit will afford staff additional time to work with PRH and prepare for a new contract solicitation when the current contract has reached the maximum expenditure.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

HR staff consulted with finance department staff who concur with this request action.

STAFF RECOMMENDATION

Staff recommends that Council approve the request to increase the PRH legal services contract value by \$25,000.

ALTERNATIVES

Council could decline to approve the contract increase and direct staff to follow the intermediate selection process of comparing at least three contractor proposals or follow a formal competitive solicitation process to award a new contract.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE CONTRACT AMOUNT WITH PECK, RUBANOFF & HATFIELD FOR HUMAN RESOURCE LEGAL SERVICES NOT TO EXCEED \$125,000.

WHEREAS the city requires legal services for labor and employment matters; and

WHEREAS the city followed an intermediate selection process in compliance with its Public Contracting Rules to contract for human resource legal services; and

WHEREAS the city manager authorized the original contract in 2019, establishing a not-to-exceed value of \$100,000; and

WHEREAS the contract value is nearing its maximum limit due to increased need in the last year for police policy reviews and collective bargaining negotiations; and

WHEREAS city staff requests that Council increase the contract limit by \$25,000.00 to continue services with the legal services firm of Peck, Rubanoff & Hatfield (PRH).

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager, or their designee, is authorized to engage in legal services from Peck, Rubanoff & Hatfield under the current contract at a not-to-exceed amount of \$125,000.

Introduced and adopted by the City Council on **December 7, 2021**.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Jana Hoffman, Supervising Librarian, and
Kim Olson, Circulation Supervisor

From: Katie Newell, Library Director

Subject: **Library Board Bylaws Update**

Date Written: Nov. 23, 2021

ACTION REQUESTED

Council is asked to adopt a resolution accepting the Board of the Ledding Library (Library Board) bylaws as amended.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

To standardize the bylaws for the 12 regular standing committees of the city, Council directed staff to draft an updated bylaws template to provide a general structure that each board and committee (BC) will use to update their bylaws. Council reviewed and approved the proposed template on June 1, 2021. Library Board Chair Jess Stetson and Library Director Katie Newell presented the amended bylaws to Council at their annual library update on November 16, 2021.

ANALYSIS

The Library Board amended their bylaws to conform to the new standardized version and unanimously approved the amended bylaws at their meeting on November 15, 2021.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

The Library Board approved adoption of the bylaws as amended.

STAFF RECOMMENDATION

Staff asks that Council approve the resolution to accept the Library Board bylaws as amended.

ALTERNATIVES

Council could decline the resolution to adopt the bylaws as amended.

ATTACHMENTS

1. Resolution
2. Proposed Library Board bylaws

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
AMENDING THE BYLAWS OF THE BOARD OF THE LEDDING LIBRARY.**

WHEREAS in June 2021 the City Council approved a bylaws template for city boards and committees to use to better standardize operations and procedures of the city's advisory bodies; and

WHEREAS the Board of the Leding Library reviewed and updated its bylaws to conform to the bylaws template; and

WHEREAS the Board will annually review and propose updates to its bylaws as appropriate; and

WHEREAS the Board presented updated bylaws to the City Council in November 2021; and

WHEREAS the Board is pleased to submit the attached updated bylaws (Exhibit A) for City Council approval.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the Board of the Leding Library Bylaws are amended as outlined in Exhibit A.

Introduced and adopted by the City Council on **December 7, 2021**.

This resolution is effective on **immediately**.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Board of the Ledding Library**BYLAWS**

www.milwaukieoregon.gov/bc-lb

Adopted by Council Resolution

ARTICLE I – NAME

The name of this board is the Board of the Ledding Library.

ARTICLE II – PURPOSE & AUTHORITY

- A. **Purpose.** The purpose of the Board is to advise the City Council on matters relating to library patrons' needs and to be representative of the diverse population that makes up Milwaukie and the Ledding Library service area.
- B. **Authority.** The Board/Committee is authorized by Milwaukie Municipal Code (MMC) Chapter 2.28 in accordance with ORS 357.400 to 357.621.

ARTICLE III – MEMBERSHIP

- A. **Membership.** The Board consists of seven members. Non-City residents residing within the Ledding Library service area are eligible for board membership. No member may be an officer, agent, or employee of the City of Milwaukie.
- B. **Appointment.** As outlined in the MMC, the mayor appoints Board members with the consent of the City Council. As outlined in MMC 2.10.040 and in the city's Code of Conduct for Board and Committee Members, Board members serve at the pleasure of the City Council.
- C. **Term of Office.** Board member terms are for a period of two years. Board members may serve no more than three consecutive full terms unless there is an interval of at least one term before reappointment. Current board members may be reappointed to the board/committee if they do not exceed the established term limits for the board.
- D. **Vacancies.** If a Board member resigns or otherwise vacates their position, the City Council will fill the vacancy in the same manner as the original appointment. Member resignations should be submitted in writing to the chair and staff liaison.
- E. **Code of Conduct.** To ensure the city's boards and committees operate in an efficient, consistent, and orderly manner, and that board members comply with Oregon's public meetings and records laws, the City Council adopted a Code of Conduct for Board and Committee Members. Board members are expected to review, sign, understand, and abide by the Code of Conduct.

ARTICLE IV – MEETINGS

- A. **Open Meetings.** All Board meetings are public meetings as set forth by Oregon's Public Meetings Laws, Oregon Revised Statute (ORS) Chapter 192.
- B. **Meeting Conduct.** Board meetings will be conducted efficiently and transparently as outlined in these bylaws, the MMC, relevant state and federal laws, and by the city's Code of Conduct for Board and Committee Members. Where these bylaws or other city guides do not provide direction, the most recent edition of Robert's Rules of Order will be followed.

- C. **Regular Schedule.** The Board will hold regular meetings as determined by the MMC, the City Council, or the chair and staff liaison. The board's regular schedule will be to meet 5:30 pm on the third Monday of every month in the Conference Room of the Ledding Library.
- a. **Special Meetings.** Special meetings may be called at the request of the chair or a majority of the board. If a special meeting is called, the chair and staff liaison will set a date and time taking into consideration such factors as the availability of the board members and staff, and a meeting location.
- b. **Closed Sessions.** The board may meet in closed, or executive, session as allowed by ORS 192.660(2) and consistent with MMC 2.04.090.
- D. **Attendance & Absences.** Board members are expected to attend all meetings, events, and activities of the board. As outlined in the MMC and Code of Conduct, if a member fails to regularly attend meetings, the member may be removed from the board through the process outlined in the Code of Conduct.
- a. **Absences.** If a board member is unable to attend a meeting, it is the member's responsibility to inform the chair and staff liaison before the meeting.
- E. **Quorum & Related Matters.** For the purposes of conducting board business, including holding official meetings, a majority, or quorum, is fifty-one percent of the voting membership of the Board.
- a. **Lack of Quorum.** If there is no quorum of board members within 15 minutes following the scheduled start time of a meeting, the meeting is cancelled. If the chair or staff liaison knows that a quorum will not be present at the meeting, they will notify the board members before the meeting about the cancelation.
- b. **Rescheduling Agenda Items.** If a meeting is canceled due to a lack of a quorum, all agenda items that were scheduled for the cancelled meeting will automatically be placed on the next regularly scheduled meeting agenda unless the chair or staff liaison determines that a special meeting is needed to address the items. The staff liaison will ensure that the required public meeting notices will be posted for the next meeting.
- F. **Agenda Order.** The chair and the staff liaison will coordinate and arrange the meeting items as necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:
- a. Call to Order
 - b. Announcements
 - c. Approval of Minutes
 - d. Community Comments
 - e. Business Items
 - f. Board Member Reports
 - g. Adjournment
- G. **Adjournment Time.** Board meetings will end no later than 6:30pm. However, by majority vote of the members present, the adjournment time may be extended.
- H. **Voting.** All Board members who are present at a meeting, including the chair and officers, are allotted one vote each on all motions. The concurrence of a majority of the whole board present shall be required to determine any matter before the board. In the case of a tie vote, the matter fails. When a vote is taken, all members must vote unless a member abstains from voting and cites the reason for abstaining for the record. The board secretary or staff liaison will call the roll, altering the order of members called. The chair will vote last.
- I. **Motions & Related Matters.** Any Board member may make a motion. A motion needs a second to be considered, otherwise it fails.
- a. **Reconsideration of Actions Taken.** A board member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration may be made without unanimous consent of the Board.

- J. Minutes & Related Matters.** The written and approved meeting minutes are the official record of the meeting.
- 1. Preparing the Minutes.** The board secretary or city staff will be present at each meeting and will provide written minutes. Written minutes should not be a verbatim transcript but should give a true reflection of the matters discussed at the meeting and the views of the participants. The written minutes must include at least the following information:
 - a.** The date, time, location of the meeting;
 - b.** Names of the Board members present;
 - c.** All motions and proposals;
 - d.** The results of all votes;
 - e.** The substance of any discussion on any matters; and,
 - f.** A reference to any document discussed at the meeting.
 - 2. Recordings.** As allowed by state law, all public meetings may be recorded by the city, board, or the public. It will be at the discretion of city staff if an official audio, video, or digital recording of the meeting is created, and if the meeting video is broadcast or streamed live.
 - 3. Posting & Approval.** The staff liaison will make the draft written meeting minutes available to the public within a reasonable time after the meeting. The Board will review and vote upon the minutes at its next meeting after the minutes have been written. Approved minutes will be posted on the city's website and retain permanently as required by Oregon Administrative Rule (OAR) 166-200-0235(5)(a).

ARTICLE V – OFFICERS & ASSIGNED DUTIES

- A. Officers.** The officers of the Board will consist of a chair, vice chair, secretary.
- 1. Election of Officers.** Members will elect the officers annually during the first meeting in April. Any member may nominate another member as an officer. Officers may be re-elected. If an officer is unable to complete their term, the board will hold a special election to fill the vacant officer position.
- B. Duties of the Chair.** The chair will preside and preserve the order of Board meetings, review agendas and confer on business with the staff liaison and sign all documents memorializing board actions. The chair will set reasonable time limits for community comments and testimony.
- C. Duties of the Vice Chair.** If the chair is absent or otherwise disqualified from serving, the vice chair will perform all duties and be subject to all the responsibilities of the chair. If both the chair and vice chair are absent from a meeting, the remaining members present will elect an acting chair for that meeting.
- D. Duties of Secretary.** The secretary shall take minutes at all Board meetings, distribute them to members to review, submit to the library director for posting on the city's website once reviewed and approved.
- E. Duties of Board Members.** The role of a board member is to participate in the Board's work and activities as assigned by the City Council by attending meetings and events and participating in discussions and decisions. As outlined in the city's Code of Conduct, board members must behave in an appropriate manner when performing their duties as board members in-person and in written or digital communications.
- 1. Meeting Preparation.** Board members must prepare for participation at a meeting by fully reviewing the staff report and any materials provided by city staff.

2. **Site Visits.** Before board meetings, members are encouraged to visit sites that are subjects for design review actions. If a board member visits a site, the member will report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
 3. **Compensation.** Board members will receive no compensation for their service. However, the city may reimburse a member for an authorized expense.
 4. **Conflicts of Interest.** In accordance with ORS 244.120, a member of the Board may not participate in any board proceeding in which any of the following persons or businesses have a direct or substantial financial interest:
 - i. The board member or the spouse, brother, sister, child, parent, father-in-law, or mother-in-law of the board member;
 - ii. Any business in which the board member is then serving or has served within the previous two years; or
 - iii. Any business with which the board member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 - iv. A member must disclose any actual or potential interest at the meeting of the board where the action is being taken.
- F. **Duties of City Staff.** The city will assign a staff liaison to the Board and, as appropriate and available, will assign administrative staff to support the board. Staff liaisons will act as the Board primary point of contact for board members, city staff, and the general public. Staff will ensure that the board's meetings are held in accordance with state public meeting laws and will support the board's activities.
1. **Orientation of New Members.** When new board members are appointed, the staff liaison and chair will provide an orientation to the new members as necessary. In addition, city staff may provide other training opportunities to board members.
 2. **Board Manual.** For the efficient documentation of the board's operations, city staff may compile and maintain a board manual.
- G. **Subcommittees & Other Committees.** The board may find it necessary to form subcommittees to investigate areas relevant to the board's purpose. The board may identify members to serve on select subcommittees. A majority of the members will need to consent to the formation and membership of a subcommittee. When requested by the City Council, city staff, or other city boards and committees, the Board may select members to serve as a Board representative on another committee.

ARTICLE VI – GOALS & AMENDMENTS

- A. **Goals.** The board will annually establish project and outcome goals that align with the goals of the City Council and the city. The board will establish an annual workplan to document its progress towards achieving its goals.
- B. **Amending the Bylaws.** The board will review its bylaws annually or as necessary and will prepare and propose appropriate bylaw amendments to the City Council. The City Council retains all authority to amend these bylaws as outlined in MMC 2.10.050.
- C. **Annual Review.** The board will meet annually with the City Council to review the board's goals, workplan, and any proposed bylaw amendments.



RS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Nov. 23, 2021

Reviewed: Kelly Brooks, Assistant City Manager

From: Steve Adams, City Engineer, and
Jennifer Garbely, Assistant City Engineer

Subject: **Engineering Projects Update**

ACTION REQUESTED

This presentation is for informational purposes. No action is requested at this time.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[September 17, 2019:](#) Staff provided Council an update on capital projects completed, in design, and planned for 2020.

[November 19, 2019:](#) Staff provided Council an update on Safe Access for Everyone (SAFE) capital projects.

[May 5, 2020:](#) Staff provided Council an update on capital projects under construction, in design, and anticipated to go out to bid in 2020.

[August 4, 2020:](#) Staff provided Council an update on capital projects under construction, in design, and anticipated to go out to bid in 2020.

[November 17, 2020:](#) Staff provided Council an update on capital projects under construction, in design, and anticipated to go out to bid in 2021.

[March 16, 2021:](#) Staff provided Council an update on capital projects under construction, in design, and anticipated to go out to bid in 2021.

ANALYSIS

The engineering department is working on the design and/or bidding of several projects that are primarily or partially funded through the Street Surface Maintenance Program (SSMP), SAFE, and utility funds:

- **Meek Storm Pipeline North:**

Union Pacific Railroad has so far been unable to provide an approved purchase agreement for the property near Balfour Street that is needed for construction of a proposed stormwater pond. If the railroad cannot agree to sell the property before December 6 the city will proceed with an alternative course of action. Staff will provide Council with an update on that project on December 21. Assistant City Engineer Jennifer Garbely is the project manager.

- **Lake Road SAFE/SSMP:**

The contractor is working on completing this project. The city anticipates the school zone flashers and signal at 34th Avenue and Oatfield Road to be operational in December 2021. Weather permitting, the striping will occur. The contractor is currently constructing retaining walls and installing landscaping. Garbely is the city project manager.

- **Linwood Avenue SAFE:**

The grand opening was held November 20. Remaining work includes striping and other road markings, signage, landscaping, and clean-up of the site. Garbely is the city project manager.

- **43rd Avenue / Howe Street / 42nd Avenue SAFE/SSMP:**

The contractor, Tapini, is preparing to mobilize in December or January. The project will be completed summer 2022. Portland General Electric (PGE) is onsite moving power poles and will be finished in December. Garbely is the city project manager with assistance from Associate Engineer Brandon Boutros.

- **SAFE/ SSMP FY21 (Home and Wood Avenues)**

The project went out to bid and the city plans to bring a contract for award to the December 21 Council meeting. The city anticipates construction will start in February 2022 and be completed by October 2022. Both Wood Avenue and Home Avenue will be reconstructed using in-situ cement treated base and repaved with four inches of asphalt. PGE has several power poles to move, and staff is helping coordinate. Civil Engineer Beth Britell is the city project manager.

- **Monroe Street Greenway**

Staff is working with the Oregon Department of Transportation (ODOT) to move forward with this project. Staff have received cost estimates for construction, design, and right-of-way (ROW) acquisition from the consultant. This information will be used by ODOT to issue a request for proposals (RFP) for design work funded by Metro for two sections of the greenway between 37th Avenue and Linwood Avenue. Design is anticipated to begin in 2022 for these sections. Additionally, staff has requested that ODOT transfer approximately \$1.6 million to the city to cover the costs of certain improvements at the Monroe Street and Hwy 224 intersection. These state funds should cover improvements needed on Monroe Street and Campbell Street. City Engineer Steve Adams is the city project manager.

- **2021 Wastewater Improvements**

This project was on hold but has been reassigned to our new engineer. The project includes replacement of old or high maintenance sanitary sewer mainlines at three locations: Kent Street, 37th Avenue, and Washington Street. This is an in-house design. Boutros is the city designer and project manager.

- **Washington Street Area Improvements**

The Edison Street SAFE and SSMP project was combined with the Milwaukie / El Puente Elementary School Safe Routes to School (SRTS) improvements project and renamed to be the Washington Street Area Improvements. A request for qualifications (RFQ) was posted and eight submittals were received. The AKS Engineering & Forestry submittal was selected by the staff review panel. The project scope includes sidewalk improvements, street pavement improvements, repair to the existing stormwater, sanitary sewer, and water systems, and replacement of the Spring Creek Culvert under Washington Street. Additional project information is available on the project webpage on the city website. Civil Engineer Tessie Prentice is the city project manager.

- **Harvey Street Improvements**

The project is in the design phase. Britell is the city project manager.

- **Ardenwald North Improvements**

The project includes sidewalk improvements, street pavement improvements, and repair to the existing stormwater, sanitary sewer, and water systems west of 32nd Avenue along Van Water Street, Roswell Street, 28th Avenue, 29th Avenue, 30th Avenue, and 31st Avenue. The Ardenwald North Improvements 30% design was reviewed by public works and engineering staff. The project was presented to the Ardenwald Neighborhood District Association at its November meeting and the project webpage is available on the city website. Prentice is the city project manager.

BUDGET IMPACTS

The city will not have funding available to cover the section of the Monroe Street Greenway from 29th Avenue to McLoughlin Boulevard, nor the section on Oak Street from Campbell Street to Monroe Street and Railroad Avenue. The city will likely need to find additional funding of around \$600,000 to cover improvements from 37th Avenue to Linwood Street. For Home Avenue and Wood Avenue, additional resources have been allocated to rebuild the roadway. All other projects are within budget.

CLIMATE IMPACTS

Staff maintains pavement across the city in accordance with the goals outlined, and the funds collected, by the SSMP. The materials and equipment used in the construction of infrastructure contain embedded carbon and generate greenhouse gas emissions. To the extent possible, staff work with contractors to use more sustainable materials and methods such as warm mix asphalt and concrete with a percentage of the cement replaced by fly ash or ground slag. For streets that need to be fully rebuilt, full-depth reclamation will be used instead of complete removal and replacement. This change will save a significant amount of energy otherwise expended by trucking material to and from the construction site, with the added benefit of reducing landfill disposal and the amount of new rock required for a project. Through improved regular maintenance of city streets, the lifespan of city streets will be extended, which will reduce the need for larger and more resource intense repair projects that have greater climate impacts.

While some trees must be removed to provide the required area to construct a project, the goal is to always install more trees than are removed. When feasible, stormwater projects will now start to include the more natural, low-impact development facilities. These are smaller facilities spread more throughout a project that allow better retention, cleansing, and infiltration of stormwater runoff. Where feasible on sidewalk and pathway projects, more pervious asphalt and concrete surfaces will be installed to reduce stormwater runoff. With Capital Improvement Plan projects, language in the project specifications that limits idling time of construction vehicles will be included.

WORKLOAD IMPACTS

The work noted in this report will be accomplished under current staffing levels. Projects have been assigned as listed above.

COORDINATION, CONCURRENCE, OR DISSENT

Engineering staff coordinated with public works, community development, finance, and the city manager's office on these projects through our capital projects chartering process to ensure interdepartmental coordination.

STAFF RECOMMENDATION

This report is informational only.

ALTERNATIVES

Not applicable.

ATTACHMENTS

None.

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Kelly Brooks, Assistant City Manager

From: Samantha Vandagriff, Building Official

Subject: **Floating Code Adoption**

Date Written: Oct. 25, 2021

ACTION REQUESTED

Council is asked to adopt the proposed new Milwaukie Municipal Code (MMC) Chapter 15.40 Floating Code.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

January 1, 2020: the state amended the Oregon Structural Specialty Code (OSSC) and omitted a list of items previously administered by the state, leaving enforcement to the discretion of local jurisdictions.

[February 4, 2020](#): Staff discussed with Council the list of items left to the discretion of local jurisdictions to obtain guidance on which areas the city would seek to administer and enforce.

[June 15, 2021](#): Staff presented the proposed language for MMC Chapter 15.40 Floating Code and asked Council for feedback.

[November 16, 2021](#): Adoption of the proposed code changes were rescheduled to a future Council meeting.

ANALYSIS

The OSSC is the commercial code that the state adopts for enforcement throughout the state. In 2020, changes were made to the administration of the state code leaving a variety of items up to the discretion of the local jurisdiction. During the February 4 Council meeting, an interest in regulating floating structures was expressed

The city does not currently have any construction-related regulations for floating structures. Staff prepared a new code section, MMC 15.40 Floating Code, for this propose and have attached it for Council consideration and adoption.

Staff reviewed floating codes from the cities of Portland, Oregon City, and St. Helens while preparing the attached base document for use in Milwaukie.

Building department staff worked with Clackamas Fire District #1 (CFD1) and the city's engineering department to ensure that code references to items governed under their authority were correct. This new code will ensure that any future structures proposed in the waterways within the city limits will meet minimum safety standards for protection of life and safety. Specific issues raised by council related to Styrofoam, dock size, and marina siting are addressed specifically below.

Styrofoam

At the June 15 work session, Council expressed concern about using Styrofoam (polystyrene-foam) in the floatation systems associated with floating structures. Language has been added to MMC 15.04.090 linking any use of this product to the applicable restrictions in Oregon Revised Statute 830.950 and Oregon Administrative Rule (OAR) 250-101-0700 through 250-010-0715.

Based on my research and conversations with state authorities, eliminating Styrofoam altogether in the floating structure context is not feasible. The state regulations associated with Styrofoam are included as attachments 4 and 5 for your review.

Dock size

The size limitations for private docks were also updated. The language presented to Council on June 15 was based on recommendations from the Oregon Department of Fish and Wildlife and placed a limit of 144 sq ft on the size of docks. The city's existing code language in MMC 19.401.9, however, allows for docks to be up to 400 sq ft in size. In order maintain consistency in our code, the proposed language under MMC 15.040.090 has been updated to reflect the limitations in MMC 19.401.9.

Marinas

Applications for locating a marina are administered by the Oregon Department of State Lands. Marinas are subject to both a state and federal public review process that involves between 14 to 21 state and federal agencies depending on the location of the proposed marina. Upland property owners are also notified and required to sign off, ensuring that a marina cannot be located at a location like Milwaukie Bay Park without the owner of upland property being notified and able to comment. During this process, the state indicated that local jurisdictions are also contacted and involved in the review process.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

The engineering flood plain manager, a representative of CFD1, and the city attorney assisted in preparing the draft code.

ATTACHMENTS

1. Ordinance and Proposed Floating Code language 15.40
2. Proposed Floating Code language 15.40 red lines
3. MMC 19.401.9 Private Noncommercial Docks
4. ORS 830.950
5. OAR 250-010-0700 through 250-010-0715

COUNCIL ORDINANCE No.**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE CHAPTER 15.08 BUILDING PERMITS FOR THE PURPOSE OF CLARIFICATION AND UPDATING CODE LANGUAGE.**

WHEREAS Title 15 of the Milwaukie Municipal Code (MMC) administers building and construction; and

WHEREAS changes to the state commercial and residential building codes clarifies that enforcement of floating structures are at the discretion of the local jurisdiction; and

WHEREAS proposed code language MMC Chapter 15.40 create standards for construction of any floating structure in the City; and

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

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

Section 1. New Section MMC Chapter 15.40 is written and as set forth in Exhibit A (MMC 15.40 new verbiage).

Section 2. Effective Date. The code amendments will become effective 30 days from the hearing date.

Read the first time on **December 7th, 2021** and moved to second reading by _____ vote of the City Council.

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

Signed by the Mayor on _____.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

15.04.240 Floating Structures**15.40.010 Statement of Purpose**

It is the purpose of this chapter is to promote the public's health, safety, and welfare through the regulation of new and existing floating structures and their appurtenances. These regulations recognize that waterborne structures, by their very nature, confront different environmental factors than do structures located on land. It is also recognized that waterborne structures have distinctive design requirements such that strict adherence or application of the land-oriented Building Specialty Codes are not always appropriate, and that modifications or exceptions should be made in appropriate circumstances in the application of those codes.

15.40.020 Scope

The provisions of this chapter apply to construction, location, relocation, use and occupancy of all floating structures, including but not limited to walks, ramps, buildings, and any associated moorage. This moorage and floating structures code does not apply to vessels and unoccupied floating structures that are not in conflict with the purpose of the code as determined by the Building Official.

15.40.030 Definitions

For the purposes of this chapter, the following definitions will apply:

"Addition" means an increase in the floor area or height of a structure or building.

"Alteration" means any change or modification of existing construction.

"Berth" means the mooring of a boat alongside a bulkhead, pier, or between piles. See also 'Slip'.

"Bull rails" means wood running along structures to tie up vessel.

"Boathouse" means a covered floating structure used primarily for the wet or dry storage of a boat.

"Combo" means a boathouse-floating home combination.

"Dangerous Structure" means any structure which has conditions or defects as described in MMC 15.04.230 to the extent that life, health, property, or safety of its occupants or the public are endangered.

"Dock" see "Pier"

"Engineer of Record" means either the engineer or architect of record.

"Fire Apparatus Access Roads" means roads providing the driving surface for fire department vehicles responding to an emergency, extending from a public right of way to a point nearest a moorage or marine gangway or pier.

"Floating Home (Liveaboard)" means a floating structure used primarily as a dwelling unit.

"Floating Structure" means a structure supported by a floatation system and held in place by piling and mooring devices, including but not limited to boathouses, floating homes, liveaboards, marinas, and walkways.

"Gangway" means a variable slope structure intended to provide pedestrian access between a fixed pier or shore and a floating structure.

"Houseboat" means a self-propelled boat designed for use as a temporary dwelling. Any houseboat moored in one location and used as a dwelling for more than 10 days of any 30-day period is classified as a "liveaboard."

"Liveaboard" means a boat moored in one location and used as a dwelling for more than 10 days in any 30-day period. See "Floating Home."

"Marina" means floating structures(s) used primarily for the service, and/or repair, sale or moorage of boats in berths, but may include other occupancies.

"Moorage" means a site used for the mooring of one or more floating structures of boats, including the piling, mooring connectors, piers, ramps, gangways, walkways, and the associated land area.

"Moorage site" means a site within a moorage that is designed to be used for the mooring of a vessel, boathouse, houseboat, or any occupiable floating structure.

“Moored or Mooring” means the attachment of a boat or floating structure in one location temporarily or permanently to piles, walkways, gangways, piers, or other structures.

“Mooring Connectors” means a connection between a floating structure, floating home, liveaboard, boathouse, berth, or marina, and a pile, pier, walkway, gangway, or other structure, with the capability to hold the structure in place under reasonably expected conditions.

“New Construction” means a new building or structure or an addition to an existing building or structure.

“Pier” means a structure extending over the water and supported on piles (fixed) or with floatation and secured by piles or anchors (floating).

“Reasonable or reasonably” in reference to conditions means within all provisions of normal climate up to a 1 in 5 year storm as determined by the State of Oregon.

“Ramp” means a fixed sloped structure providing pedestrian access between portions of a moorage that are at different elevations.

“Repair” means the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

“Sewage” means all water carrying waste discharged from sanitary facilities.

“Specialty Codes” is code of regulation adopted under MMC 15.04.070.

“Sound or Soundness” means substantially free from flaw, defect, decay, or deterioration.

“Tender House” means a non-habitable, floating accessory structure.

“Transient Tie-up” means a floating home structure that provides access to and around a floating home.

“Vessel” means a watercraft, barge, boat, or ship, of any size used primarily for transportation or conveyance.

“Walk” means a fixed portion of a floating house structure that provides access to and around a floating home.

“Walkway” means a covered, or open floating structure used for the ingress or egress to a mooring site.

There are three types:

- A. Fingerfloat: means a fingerlike floating structure, usually attached perpendicular to a main walkway, which physically defines a berth and provides direct pedestrian access to and from a berthed boat or floating home.
- B. Main Walkway: means a floating structure to which several fingerfloats are attached, which provides direct pedestrian access between the berths and marginal walkways or shore.
- C. Marginal Walkway: means a floating structure that provides pedestrian access between two or more main walkways and shore.

“Waste” means garbage, litter, or sewage including kitchen, bath, and laundry waste.

15.40.040 Administration and Enforcement

- A. Floating structures and moorages must comply with these specific regulations and all the applicable specialty codes and regulations of the city, county, state, federal government (including the United States Army Corp of Engineers) regarding floating structures.
- B. Plans for marina fire-protection facilities must be approved by the fire marshal prior to installation. The completed work is subject to final inspection and approved after installation. Existing floating structures moved into the fire district must comply with the Oregon Fire Code as though they were new construction.
- C. The State of Oregon Marine Board is responsible for enforcing pleasure boat rules and regulations pertaining to operation and carriage requirements, and issuance of a certificate of title, identifying number plate, and disposition of all abandoned floating homes, combos, liveaboards and boathouses.
- D. The State of Oregon Department of Environmental Quality is responsible for enforcing violations pertaining to the dumping of waste into the waters of the City.
- E. Nothing in this chapter is intended to displace, conflict or exempt any structure from any other relevant federal, state statute, rule or regulation.
- F. Floating structures and moorages must comply with this chapter and any applicable Specialty codes, and all other applicable regulations of the city, county, state, federal government (including

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the United States Army Corp of Engineers) regarding floating structures. Where conflicts exist between applicable rules or regulations, the most restrictive will apply.

15.40.050 Permit and Inspections

- A. It is unlawful for any person, firm, or corporation, to erect, construct, enlarge, alter, repair, relocate, move, improve, remove, or convert any structure regulated by this chapter, except as provided by this code, or cause the same to be done without first obtaining a separate permit for each structure from the City building department as required by this chapter or the specific state specialty code.
- B. Exemption from the permit requirements of this chapter does not deem to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other rules or regulations of the city, county, state, federal government (including the United States Army Corp of Engineers) regarding floating structures.
- C. Failure to comply with the terms of this chapter is subject to penalty as provided in MMC 15.04.200.
- D. Unless otherwise exempted, separate plumbing, electrical, and mechanical permits are required for any work performed that is covered by this chapter.
- E. Permits and Inspections are required for the following:
 - 1. New construction or alteration of floating homes, liveaboards, or combos.
 - 2. The new construction of an addition of habitable space to a floating home, liveaboard, or combo.
 - 3. Existing floating homes, new floating homes, or any combo moved into the city.
 - 4. New construction, remodel, or addition of public and private floating structures such as, but not limited to, moorages, marinas, yacht clubs, places of assembly, living quarters, marine service stations and repair facilities, and the associated piling, mooring connectors, piers, ramps, gangways, walkways, land structures, roadways and parking areas.
 - 5. Relocation of boathouses, floating homes, liveaboards, combos or other floating structures within a moorage or between separate moorages within the city.
 - 6. Construction, alteration, or repair of individual boathouses, swim or ski floats.
 - 7. Construction, alteration, or repair of tender houses.
 - 8. Any new and/or alteration to any electrical, plumbing, or mechanical installation on a floating structure, including a wood stove.
- F. Permits and inspections are not required on the following:
 - 1. Replacement of piles provided the replacement piles are like material, installed in a like manner and total less than 25 percent of the piles supporting the structure.
 - 2. The attachment or reattachment of flexible water and sewer connections to an individual floating home, liveaboard, or boathouse.
 - 3. Other exceptions allowed pursuant to the various specialty codes.
- G. Permits and inspections for projects constructed outside of the city, but intended to be used in the city, are to be coordinated with the Building Official prior to the commencement of construction.
- H. It is the owner/contractors responsibility to request inspection prior to proceeding with the next phase of work.
- I. Fees must be paid prior to issuance for all permits and prior to any inspections as required by this and other chapters of this code.
- J. Appeals: A person aggrieved by a requirement, decision, or determination arising out of this chapter may appeal through the appeals process in MMC 15.04.220.
- K. Penalties and Enforcement: The Building Official may enforce this code under the provisions of ORS 455.895 and MMC 15.04.200.
- L. The Building Official will administer the provisions of MMC 15.04.230 with regard to dangerous structures.
- M. Existing floating structures moved to the city must comply with this code as though they were new construction.

15.40.060 Maintenance

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All floating structures and supporting structural systems, electrical, plumbing, and mechanical installations and devices regulated under this chapter must be maintained in good serviceable condition.

15.40.070 Regulations pertaining to repairs of floating structures.

- A. Except as specified in subsection B of this section, no building or structure regulated by this code will be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Building Official.
- B. Regulations pertaining to alterations and additions to floating structures.
 - 1. Additions must be made in accordance with the provisions for new construction and will require that the existing structural system support all existing and new loads and comply with new floatation requirements.
 - 2. All repairs to floating structures must maintain spacing as required in MMC 15.40.100(5) for new construction.
 - 3. All repairs made must maintain skirting on all sides that extends from the deck to 6 inches below the waterline. The skirting will provide a barrier to flammable liquids floating on the water. This skirting will be composed of pressure treated plywood or other material approved by the Building Official.

15.40.080 Moorages

- A. All moorages will be provided with identification as follows:
 - 1. All moorages must be identifiable by name and address from the street on which they front or near the point of emergency vehicle access.
 - 2. The head of the gangway providing access to the moorage must be obviously identifiable from the point of emergency vehicle access. In the case of a secondary access road, the moorage must be identified from the shore end of the access road, or the facility needs to be signed as required to provide clear identification.
 - 3. The location and identification of all floating structures must be obvious from the head of the gangway or a sign must be provided indicating the layout of the moorage and the walkway and structure identification method.
 - 4. The walkway and structure identification must be logical and obvious.
- B. Access to moorage sites must be by fire apparatus access roads and have an all weather driving surface capable of supporting a 40 ton load. Roads must be a minimum 20 feet wide with not less than 15 feet 6 inches of overhead clearance and must be provided from the nearest public way to the head of the gangway.
- C. A minimum of 2 exit ramps are required when the most remote floating structure at a moorage site is more than 250 feet from the point of fire department setup. This distance is measured along the route of travel.
- D. A fire protection standpoint system is required at all moorages and must comply with the Oregon Fire Code (OFC), the OSSC, the NFPA, and this chapter. The fire protection standpoint system must:
 - 1. Have a water supply that complies with the following:
 - a. The OFC.
 - b. A fire hydrant within 250 feet from the closest point of fire department access to a moorage site exit ramp.
 - 2. Have a fire department connection located within 150 feet of the fire apparatus set up.
 - 3. Have pipe sized to provide 250 gallons per minute at one hundred pounds per square inch (psi) pressure to any single outlet with a maximum input pressure of 150 psi.
 - 4. Have adequate drain valves installed to ensure complete drainage.
 - 5. Have gate valve outlets made of noncorroding metal, 2 and a 1/2 inch interior diameter (ID) with national standard threads spaced a distance apart as follows:

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- a. For moorages having marine services stations, floating homes, liveaboards, or other types of structures having permanent living quarters, valves are to be every 100 feet and within 50 feet of the end of walkways.
- b. For moorages serving only boathouses, valves are to be every 150 feet within 75 feet at the end of the walkways.
- c. For moorages having only open moorages of pleasure boats, standpipes will only be required along the marginal walkway with valves required only at the intersection of the main walkways, or not less than every 200 feet and 100 feet from the end of the marginal walkways not having intersecting main walkways.
6. Obtain a permit from the City building department.
7. Be tested in accordance with the OFC. The Building Department will be notified at least 24 hours in advance of all tests, and tests will be completed in the presence of the Building Department and the Fire Department.
8. Service testing may be conducted by the Fire Department to assure that continuity of the system upon the signing of a waiver of liability and submitting the established hourly inspection fee for each test.
- E. One approved fire extinguisher must be installed at each end of appear and bulkhead that exceeds 50 feet in length, and on peers exceeding 100 feet in length, and placed so that not more than 100 feet separates extinguishers.
- F. Moorage must be equipped with skirting on all sides that will extend from the deck to 6 inches below the waterline. This skirting provides a barrier to the flammable liquids floating on the water. This skirting will be composed of pressure treated plywood or other materials approved by the Building Official.
- G. Permits for the repair of moorages are required for:
 1. Repairs requiring the replacement of 25% or more of the pilings in any 12 month period. These repairs must be made in accordance with the provisions for new construction.
 2. The repairing of any portion of a moorage in a like manner to the original construction. Plans must show that the resulting repair or replacement does not cause an unsafe are overloaded condition.
 3. The following repairs of existing walks are allowed without permit or inspection by the City:
 - a. Replacement of the decking, stringers, and flotation logs with like materials and in like manner..
 - b. Repair or replacement of up to 25% of the concrete portions of a concrete float.
 - c. Repairs requiring replacement less than 25% of the pilings within any 12 month period and made with like materials in a like manner.

15.04.090 Private piers (docks)

- A. The following will apply to all private piers.
 1. Total area of the pier on the water may not exceed 400 sq ft (square footage measured as the width times the length of the outer edge of the structure) The pier may not include any part that is covered or enclosed, such as, but not limited to, boat houses, sheds, fish cleaning stations, hot tubs and benches.
 2. Piers should have at least 50% of the float surface composed of grating containing at least 60% open space surface.
 3. Ramps and their attendant docks should not extend out into the stream more than 10% of the width of the stream (measured from Ordinary High Water).
 4. The ramp/gangway out to the dock should be 100% grated to allow light to pass through. Ramp width should not exceed 5 feet. Ramp square footage is not included in the total dock area square footage.
 5. Treated wood should not be used in the construction materials for docks or ramps.
 6. The use of submersible polystyrene must meet the requirements of ORS 830.950 and OAR 250-010-0700, 250-010-0710 and 250-010-0715.

15.40.100 New Construction

A. The following are minimum standards for the design and construction of moorages and floating structures. All construction in the floodway will be required to meet MMC 18.20.010.

B. Materials and Installations:

1. Structural members and connectors within 18 inches of the water must meet the following requirements.
 - a. Must be fabricated of material or be coated or treated so that the material will resist deterioration due to the proximity to the water except logs used for flotation and steel pilings.
 - b. Framing lumber must be pressure treated with an approved preservative,
 - c. Framing connectors must be hot-dipped galvanized or noncorrosive metal except for anchoring chain and pins.
 - d. Plywood must have exterior type adhesive.
 - e. Exposed plywood must be exterior grade.
2. The exterior building envelope of the floating structure including exterior walls, floors, roofs, doors, windows, and skylights as well as the mechanical, electrical, and plumbing systems for the structure must comply with the energy efficiency requirements of the State of Oregon Building Code, as defined in ORS 455.010 based on the occupancy of the building. Thermal insulation that may be subject to moisture, such as main floor underfloor insulation, must be of a type approved for damp locations.
3. Under floor areas of enclosed floating homes, combos, liveaboards, or boathouses with wood construction systems must be ventilated in accordance with the applicable building code.

C. Conventional construction methods and materials for floating homes and walkways using log support systems.

1. The logs and stringers forming the floats under floating homes and living portions of a combo will conform to these provisions.
 - a. The structure on the float cannot be larger than the float, except for decks.
 - b. Raft logs are to be 16 inches minimum diameter at the tip and must be spaced no greater than 18 inches between tangent points.
 - c. Bearing walls should align over stringers or center line of logs. When not feasible, adequate support for bearing walls must be provided.
 - d. If the completed log raft is found to be insufficiently stable for the intended structure, additional measures may be required to the stringer layout to create a more rigid frame. Measures may include, but are not limited to, the addition of side chords, fixed joints, or cross bracing.
 - e. Logs must be Douglas fir, Sugarpine, Lodgepole pine, Alaska yellow cedar or Sitka spruce. Logs must sound and be free of all bark above the waterline.
 - f. In a floating home foundation float, at least 75% of all logs must be full length. Segmented logs must be alternated between full length logs. All outboard logs must be full length.
 - g. Logs must be notched so as to provide sufficient bearing for the stringers. The seat of the knot must be a minimum of 4 1/2 inches above the water level.
 - h. Stringers must be a minimum of 4 inches by 10 inches for one story construction and 6 inches by 10 inches for two story or higher construction and must be pressure treated.
 - i. Stringers inside of bearing walls must be placed on the logs not more than 4 feet on center fixed to the logs with a headed steel rods a minimum of 5/8 inches in diameter and a minimum of 20 inches long. Pins are to penetrate the log at least 10 inches. Outside log connections are to have 2 pins.
 - j. The wood construction below the joist is to be inspected for proper construction and soundness of logs, including bearing connections, prior to installation of joists.
2. Floating walkway supports may consist of pressure treated 6 inch by 6 inch stringers not more than 6 feet on center or 4 inch by 6 inch stringers not more than 5 feet on center anchored to the logs with headed steel rods a minimum of 5/8 inches in diameter and a minimum of 20 inches long. Single headed steel rods may be used at interior logs. Maximum joist spacing is 2 feet on center.

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3. Floating homes need only have adequate flotation to maintain a clearance above the water that will result in the lowest floor being dry under all normal loading conditions.
4. Mooring connectors will be provided to construction to adequately keep the moorage in place under all reasonable load conditions. In some instances, it may be necessary for the builder to provide additional measures.
 - a. Floating homes must be anchored with connections to the logs. There must be a minimum of two attachment points to the logs and these points must be a minimum of one foot from each end.
 - b. The connections must consist of a steel bracket or other approved connection. The bracket is to be a minimum of 3/8 inch thick and of adequate in size to support the pins. Pins are to be a minimum of 4 inches apart.
 - c. The bracket must be fixed with a minimum of 3 steel headed rods a minimum of 5/8 inch in diameter and penetrate the log at least 10 inches.
 - d. The connections from the bracket to the walkway or piling must consist of chain with a minimum link wire diameter of 1/2 inch. If attached to walkway logs, the boom chain must be looped around the second log or most secure log of the walkway. Walkways must be adequately secured to piling.
 - e. Bumpers or impact absorbing cushions must be attached to foundation float near anchorage connection points and there must be a minimum 2 per float.
5. Floating structures new construction, or existing construction moved from one moorage to another, must be spaced a minimum of 10 feet apart between the nearest exterior walls and 8 feet apart at the nearest roof projections without additional protection. When the wall to wall separation is less than 10 feet, but more than 8 feet, or the roof to roof separation is less than 8 feet but more than 6 feet, the structure being moved or added to must be equipped throughout with the complete automatic sprinkler system installed in compliance with NFPA 13 or all of the following:
 - a. All windows in the affected wall or wall must be a minimum of 1/4 inch thick, fixed, wire glass in a minimum 16 gauge steel frame, or Underwriters Laboratory (UL) listed (or other nationally recognized testing lab) wood frame. If this requirement negates natural ventilation requirements, a manually activated mechanical ventilation system providing a minimum of 2 air changes per hour with 20% outside air will be provided.
 - b. All doors in the affected wall or walls must be a minimum of a 20 minute fire rated. Door lights are limited to 25% of the door area and be a minimum of 1/4 inch thick, fixed wire glass in a minimum 16 gauge steel frames.
 - c. A fire alarm system consisting of 110 volt rate of rise detectors placed on the outside of the exterior wall, or walls in question, and smoke detectors throughout the building interior must be provided.
 - d. All detectors are to be interconnected to an interior and exterior alarm. The number and placement of detectors will be as determined by the Building Official. The exterior alarm must be capable of being heard for a distance of 150 feet.
6. A covered boat well and a floating home enclosed on more than 2 sides must be separated from the habitable space by a wall having 5/8 inch thick exterior gypsum type "X" board on the boat well side.

15.40.110 Gangways, Ramps, Walkways, and Walks

- A. Gangways, ramps and walkways must be illuminated by lights designed, constructed and maintained to provide a minimum average of 1 foot candle of light per square foot at the walking surface. This does not apply to recreational boat launching and transient tie up facilities.
- B. Gangways and ramps must have a maximum slope of 1 vertical to 2.5 horizontal and must have a nonslip walking surface, or surface cleats, securely fastened in place with a maximum spacing center of 1 and 1/2 feet.
- C. Gangways must have a minimum unobstructed width of 5 feet when a single gangway is required, and 4 feet when more than one gangway is required and must be provided with guardrails and handrails as required by the current applicable building code. Intermediate landings will not be

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required for gangways. Gangways serving and occupant load less than 10 and gangways serving recreational boat launching and transient tie up facilities may be reduced to a minimum of 4 feet in width.

- D. Walkways must have a minimum unobstructed width of 6 feet, except for finger walkways, which may be 3 feet in width. Cleats, bull rails, mooring connections, utility stands, and similar appurtenances may project into the required width of main and marginal walkways.
- E. A 4 foot wide walk must be provided on at least 2 sides of all floating homes.

15.40.120 Engineered Construction

A. General

- 1. Except those structures conforming to conventional construction methods and materials, the minimum structural design of floating structures and moorages must be in conformity with all applicable sections of the applicable state building code and the requirements of this chapter. The piling, mooring connectors, gangway, and the flotation system for all floating structures must have an engineer of record.
- 2. The engineer of record is responsible for establishing the design criteria, preparing and certifying complete construction drawings and calculations for structural strength and flotation. The design criteria must be substantiated by the engineer of record and noted on the first sheet of the construction drawings

B. If any engineer(s) or architect(s) other than the engineer of record is engaged to design a portion of the project, the engineer of record must:

- 1. Verify that the other engineer(s) or architect(s) have used design criteria (loads, load combinations, etc.) that were established by the engineer of record.
- 2. Verify compatibility of the portion designed by the other engineer or architect with the design of the complete project.
- 3. Verify the design of the structural connections between the portion designed by the other engineer and the portion designed by the engineer of record.
- 4. Place review approval stamp on all drawings and calculations prepared by the other engineers or architects showing that the above items have been accomplished.

C. Loading

- 1. All floating structures, pilings, mooring devices, and gangways, must be designed and constructed to sustain all applicable loads specified in the current applicable state building code and this chapter.
- 2. Loads must be calculated based on the maximum current anticipated load at the location of the structure.
- 3. Wave and wake load must be calculated based on the maximum possible wave and/or wake that can be expected at the location of the structure.
- 4. Impact loads from boats, debris, and other objects must be considered with a minimum velocity of 2 feet per second.
- 5. Gangway loading.
 - a. Gangways not more than 6 feet wide must be designed to sustain a live load of 50 psf (pounds per square foot) except those serving public recreational boat launching in transient type facilities may be designed to sustain a live load of 40psf.
 - b. Gangways 6 feet wide and wider, or serving an occupant load of 30 or more, must be designed to sustain a live load of 100psf.
- 6. All floating structures, pilings, mooring connectors, gangways, and ramps must be designed and constructed to resist lateral forces produced by the reasonable combination of expected wind, current, wave/wake and impact loads at the location.

15.40.130 Mooring Connectors

A. Every floating structure must be moored with connectors having the capacity to hold the structure in place under reasonably expected conditions.

B. Whatever structure the mooring connectors are attached to, whether it is a walkway, piling, or other, must be designed to withstand the loads from the mooring connectors. The engineer of record's design criteria for the project must include the maximum dimensions of the floating structures used to determine the loads on the mooring connectors and their supports.

15.40.150 Floatation

A. Floating structures must be constructed and maintained to provide a flotation system that complies with the requirements of this chapter.

1. The flotation devices must be structurally sound and securely attached to the framing for the superstructure, except that foam flotation blocks may be held in place by friction only.
2. Floating homes, boathouses, liveboards and combos must have adequate floatation to maintain clearance above water under all applicable conditions.
3. The flotation system must provide support adequate to provide a level and safe walking surface under all reasonable load conditions.

B. The clearance above water as measured from the water line to the top of the lowest point on the floor or deck under usual dead load conditions must not be less than 1 foot for walkways and not less than 1 foot 8 inches for all other floating structures.

C. In addition to dead loads, the floatation system must be adequate to support the maximum condition of the following minimum live loads (depending on the use, higher loads may be more appropriate):

1. 25psf applied to the gross area;
 2. A concentrated load of 600 lbs.;
 3. 25psf applied to the gross, main floor area plus 10psf on each upper floor or loft;
 4. For nonresidential occupancies, the live load required by the OSSC for the particular nonresidential occupancy;
 5. Pedestrian walkways or ramps serving an occupant load of 10 or more 40psf; all others 25psf;
 6. Pedestrian walkways or structures serving boat launching or transient tie up facilities only 20psf;
 7. At locations where live loads are transmitted from gangways to floating structures, the live load may be reduced 50 percent on the gangway for purposes of calculating the reaction only.
- Additional floatation may be required to compensate for the reaction on the floating system to maintain the prescribed clearance above the water.

D. Floating structure when subjected to either short term off-center loading or wind loading must not exceed the following limitations:

1. The maximum angle of list cannot exceed 4.0 degrees, or the clearances above water when measured from the water line to the top of the first floor or deck will not be less than 1/3 of the normal clearance above the water, whichever is more restrictive.
2. The ratio of resisting moment (Mr) to applied moment (Ma) must be equal or greater than unity:

$$\frac{Mr}{Ma} > 1$$

The resisting moment due to buoyancy (Mr) must be computed about a longitudinal axis passing through the center of gravity at a list of angle of not more than 4.0 degrees.

3. The minimum off-center loading must be considered as applicable to the completed structure and must be considered in addition to all dead loads. It must consist of a minimum live load of 100 pounds per lineal foot of floor length at the first floor and 50 pounds per lineal foot of floor length at each additional floor or loft. If the width of the floor or loft exceeds 20 feet then the load must consist of 5 pounds times the width of the floor per lineal foot of floor length at the first floor and 2.5 pounds times the width of the floor per lineal foot of floor length at each additional floor or loft. These uniform live loads are to be applied halfway between the center of the gravity and the outside edges the floors. The overturning moments resulting from the off-center loading (Ma) must be computed about both sides of the center axis of gravity.
4. Other appropriate eccentric or off-center loading due to wind, snow, live loads, or combinations of these must also be considered.

15.40.160 Plumbing

- A. All plumbing installation must be designed and installed in accordance with the Oregon Plumbing Specialty Code (OPSC) and this chapter. Permits and inspections are required for all work.
- B. Flexible connectors for water lines must be approved by the National Sanitation Foundation and be of the type approved for mobile home installations or marine uses.
- C. Piping materials must be as specified in the OPSC.
- D. Continuously running water through the moorage supply line is an acceptable alternative to pipe insulation to avoid pipe refreezing.

15.40.170 Electrical

- A. All electrical work must be designed and installed in accordance with the Oregon Electrical Specialty Code (OESC) and this chapter. Permits and inspections are required for all work.
- B. Transformer pads cannot be located closer than 8 feet to combustible services and 2 feet to vertical noncombustible services.
- C. Overhead power drops must be installed and maintained a minimum of 12 feet above walking surface and/or the ordinary high-water line.
- D. Electrical installations within 2 feet of the water are considered to be in a wet environment, except that insulation inside a structure and not exposed to the water may be considered to be in a dry environment.

15.40.180 Mechanical

- A. All mechanical work including but not limited to heating, air conditioning, ventilating, gas piping and wood stoves, must be designed and installed in accordance with the Oregon Mechanical Specialty Code (OMSC) for commercial and the Oregon Residential Specialty Code (ORSC) for residential and this chapter. Permits and inspections are required for all work.

15.04.240 Floating Structures**15.40.010 Statement of Purpose**

It is the purpose of this chapter is to promote the public's health, safety, and welfare through the regulation of new and existing floating structures and their appurtenances. These regulations recognize that waterborne structures, by their very nature, confront different environmental factors than do structures located on land. It is also recognized that waterborne structures have distinctive design requirements such that strict adherence or application of the land-oriented Building Specialty Codes are not always appropriate, and that modifications or exceptions should be made in appropriate circumstances in the application of those codes.

15.40.020 Scope

The provisions of this chapter apply to construction, location, relocation, use and occupancy of all floating structures, including but not limited to walks, ramps, buildings, and any associated moorage. This moorage and floating structures code does not apply to vessels and unoccupied floating structures that are not in conflict with the purpose of the code as determined by the Building Official.

15.40.030 Definitions

For the purposes of this chapter, the following definitions will apply:

"Addition" means an increase in the floor area or height of a structure or building.

"Alteration" means any change or modification of existing construction.

"Berth" means the mooring of a boat alongside a bulkhead, pier, or between piles. See also 'Slip'.

"Bull rails" means wood running along structures to tie up vessel.

"Boathouse" means a covered floating structure used primarily for the wet or dry storage of a boat.

"Combo" means a boathouse-floating home combination.

"Dangerous Structure" means any structure which has conditions or defects as described in MMC 15.04.230 to the extent that life, health, property, or safety of its occupants or the public are endangered.

"Dock" see "Pier"

"Engineer of Record" means either the engineer or architect of record.

"Fire Apparatus Access Roads" means roads providing the driving surface for fire department vehicles responding to an emergency, extending from a public right of way to a point nearest a moorage or marine gangway or pier.

"Floating Home (Liveaboard)" means a floating structure used primarily as a dwelling unit.

"Floating Structure" means a structure supported by a floatation system and held in place by piling and mooring devices, including but not limited to boathouses, floating homes, liveaboards, marinas, and walkways.

"Gangway" means a variable slope structure intended to provide pedestrian access between a fixed pier or shore and a floating structure.

"Houseboat" means a self-propelled boat designed for use as a temporary dwelling. Any houseboat moored in one location and used as a dwelling for more than 10 days of any 30-day period is classified as a 'liveaboard'.

"Liveaboard" means a boat moored in one location and used as a dwelling for more than 10 days in any 30-day period. See 'Floating Home'.

"Marina" means floating structures(s) used primarily for the service, and/or repair, sale or moorage of boats in berths, but may include other occupancies.

"Moorage" means a site used for the mooring of one or more floating structures of boats, including the piling, mooring connectors, piers, ramps, gangways, walkways, and the land area used in conjunction therewith.

“Moorage site” means a site within a moorage which is designed to be used for the mooring of a vessel, boathouse, houseboat, or any occupiable floating structure.

“Moored or Mooring” means the attachment of a boat or floating structure in one location temporarily or permanently to piles, walkways, gangways, piers, or other structures.

“Mooring Connectors” means a connection between a floating structure, floating home, liveaboard, boathouse, berth, or marina, and a pile, pier, walkway, gangway, or other structure, with the capability to hold the structure in place under reasonably expected conditions.

“New Construction” means a new building or structure or an addition to an existing building or structure.

“Pier” means a structure extending over the water and supported on piles (fixed) or with floatation and secured by piles or anchors (floating).

“Reasonable or reasonably” in reference to conditions means within all provisions of normal climate up to a 1 in 5 year storm as determined by the State of Oregon.

“Ramp” means a fixed sloped structure providing pedestrian access between portions of a moorage which are at different elevations.

“Repair” means the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

“Sewage” means all water carrying waste discharged from sanitary facilities.

“Specialty Codes” is code of regulation adopted under MMC 15.04.070.

“Sound or Soundness” means substantially free from flaw, defect, decay, or deterioration.

“Tender House” means a non-habitable, floating accessory structure.

“Transient Tie-up” means a floating home structure providing access to and around a floating home.

“Vessel” means a watercraft, barge, boat, or ship, of any size used primarily for transportation or conveyance.

“Walk” means a fixed portion of a floating house structure providing access to and around a floating home.

“Walkway” means a covered, or open floating structure used for the ingress or egress to a mooring site.

There are three types:

- A. Fingerfloat: means a fingerlike floating structure, usually attached perpendicular to a main walkway, which physically defines a berth and provides direct pedestrian access to and from a berthed boat or floating home.
- B. Main Walkway: means a floating structure to which several fingerfloats are attached, thereby providing direct pedestrian access between the berths and marginal walkways or shore.
- C. Marginal Walkway: means a floating structure which provides pedestrian access between two or more main walkways and shore.

“Waste” Means garbage, litter, or sewage including kitchen, bath, and laundry waste.

15.40.040 Administration and Enforcement

- A. Floating structures and moorages must comply with these specific regulations and all the applicable specialty codes and regulations of the city, county, state, federal government and the Army Corp of Engineers regarding floating structures.
- B. Plans for marina fire-protection facilities must be approved by the fire marshal prior to installation. The completed work is subject to final inspection and approved after installation. Existing floating structures moved to the fire district must comply with the Oregon Fire Code as though they were new construction.
- C. The State of Oregon Marine Board is responsible for enforcing pleasure boat rules and regulations pertaining to operation and carriage requirements, and issuance of a certificate of title, identifying number plate, and disposition of all abandoned floating homes, combos, liveaboards and boathouses.
- D. The State of Oregon Department of Environmental Quality is responsible for enforcing violations, pertaining to the dumping of waste into the waters of the city.
- E. Nothing in this chapter is intended to displace, conflict or exempt any structure from any other relevant federal, state statute, rule or regulation.

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- F. Floating structures and moorages must comply with this chapter and any applicable Specialty codes, and all other applicable regulations of the city, county, state, federal government and the Army Corp of Engineers regarding floating structures. Where conflicts exist between applicable rules or regulations, the most restrictive ~~shall~~will apply.

15.40.050 Permit and Inspections

- A. It is unlawful for any person, firm, or corporation, to erect, construct, enlarge, alter, repair, relocate, move, improve, remove, or convert any structure regulated by this chapter, except as provided by this code, or cause the same to be done without first obtaining a separate permit for each structure from the City building department as required by this chapter or the specific state specialty code.
- B. Exemption from the permit requirements of this chapter does not deem to grant authorization for any work to be done in any manner in violation of the provisions of this chapter for any other rules or regulations of the city, county, state, federal government or the Army Corp of Engineers regarding floating structures.
- C. Failure to comply with the terms of this chapter is subject to penalty as provided in MMC 15.04.200.
- D. Unless otherwise exempted, separate plumbing, electrical, and mechanical permits are required for any work performed that is covered by this chapter.
- E. Permits and Inspections are required for the following:
 - 1. New construction or alteration of floating homes, liveaboards, or combos.
 - 2. The new construction of an addition of habitable space to a floating home, liveaboard, or combo.
 - 3. Existing floating homes, new floating homes, or combo's moved into the city.
 - 4. New construction, remodel, or addition of public and private floating structures such as, but not limited to, moorages, marinas, yacht clubs, places of assembly, living quarters, marine service stations and repair facilities, and the associated piling, mooring connectors, piers, ramps, gangways, walkways, land structures, roadways and parking areas.
 - 5. Relocation of boathouses, floating homes, liveaboards, combos or other floating structures within a moorage or between separate moorages within the city.
 - 6. Construction, alteration, or repair of individual boathouses, swim or ski floats.
 - 7. Construction, alteration, or repair, of tender houses.
 - 8. Any new and/or alteration to any electrical, plumbing, or mechanical installation on a floating structure, including a wood stove.
- F. Permits and inspections are not required on the following:
 - 1. Replacement of piles provided the replacement piles are like material, installed in a like manner and total less than 25 percent of the piles supporting the structure.
 - 2. The attachment or reattachment of flexible water and sewer connections to an individual floating home, liveaboard, or boathouse.
 - 3. Other exceptions allowed pursuant to the various specialty codes.
- G. Permits and inspections for projects constructed outside of the city, but intended to be used in the city, are to be coordinated with the Building Official prior to the commencement of construction.
- H. It is the owner/contractors responsibility to request inspection prior to proceeding with the next phase of work.
- I. Fees must be paid prior to issuance for all permits and prior to any inspections as required by this and other chapters of this code.
- J. Appeals: Right of appeal: A person aggrieved by a requirement, decision, or determination arising out of this chapter, may appeal through the appeals process as noted in MMC 15.04.220.
- K. Penalties and Enforcement: The Building Official may enforce this code under the provisions of ORS 455.895 and MMC 15.04.200.
- L. The Building Official will administer the provisions of MMC 15.04.230 with regard to dangerous structures.
- M. Existing floating structures moved to the city must comply with this Code as though they were new construction.

15.40.060 Maintenance

All floating structures and supporting structural systems, electrical, plumbing, and mechanical installations and devices regulated under this chapter must be maintained in good serviceable condition.

15.40.070 Regulations pertaining to repairs of floating structures.

- A. Except as specified in subsection B of this section, no building or structure regulated by this code will be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Building Official.
- B. Regulations pertaining to alterations and additions to floating structures.
 - 1. Additions must be made in accordance with the provisions for new construction and will require that the existing structural system support all existing and new loads and comply with new floatation requirements.
 - 2. All repairs to floating structures must maintain spacing as required in MMC 15.40.100(5) for new construction.
 - 3. All repairs made must maintain skirting on all sides that extends from the deck to 6 inches below the waterline. The skirting will provide a barrier to flammable liquids floating on the water. This skirting will be composed of pressure treated plywood or other material approved by the Building Official.

15.40.080 Moorages

- A. All moorages will be provided with identification as follows:
 - 1. All moorages must be identifiable by name and address from the street on which they front or near the point of emergency vehicle access.
 - 2. The head of the gangway providing access to the moorage must be obviously identifiable from the point of emergency vehicle access. In the case of a secondary access road, the moorage must be identified from the shore end of the access road, or the facility needs to be signed as required to provide clear identification.
 - 3. The location and identification of all floating structures must be obvious from the head of the gangway or a sign must be provided indicating the layout of the moorage and the walkway and structure identification method.
 - 4. The walkway and structure identification must be logical and obvious.
- B. Access to moorage sites must be by fire apparatus access roads having all weather driving surface is capable of supporting a 40 ton load. Roads must be a minimum 20 feet wide with not less than 15 feet 6 inches overhead clearance. They must be provided from the nearest public way to the head of the gangway.
- C. A minimum of 2 exit ramps are required when the most remote floating structure at a moorage site is more than 250 feet from the point of fire department setup. This distance is measured along the route of travel.
- D. The following described fire protection standpoint system will be required at all moorages. standpipe system must comply with The Oregon Fire Code (OFC), the OSSC, the NFPA, and this chapter.
 - 1. Have a water supply that complies with the following:
 - a. The OFC.
 - b. A fire hydrant within 250 feet from the closest point of fire department access to a moorage site exit ramp.
 - 2. Have a fire department connection located within 150 feet of the fire apparatus set up.
 - 3. Have pipe sized to provide 250 gallons per minute at one hundred pounds per square inch (psi) pressure to any single outlet with a maximum input pressure of 150 psi.
 - 4. Have adequate drain valves installed to ensure complete drainage.

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5. Have gate valve outlets made of noncorroding metal, 2 and a 1/2 inch interior diameter (ID) with national standard threads spaced a distance apart as follows:
 - a. For moorages having marine services stations, floating homes, liveaboards, or other types of structures having permanent living quarters, valves are to be every 100 feet and within 50 feet of the end of walkways.
 - b. For moorages serving only boathouses, valves are to be every 150 feet within 75 feet at the end of the walkways.
 - c. For moorages having only open moorages of pleasure boats, standpipes will only be required along the marginal walkway with valves required only at intersection Maine walkways, or not less than every 200 feet and 100 feet from the end of the marginal walkways not having intersecting main walkways.
6. All fire protection standpipe systems must obtain a permit from the City building department.
7. Standpipe system must be tested in accordance with the OFC. The building department will be notified at least 24 hours in advance of all tests, and tests will be done in the presence of the Building Department and the Fire Department.
8. An annual service test may be conducted by the Fire Department to assure that continuity of the system upon the signing of a waiver of liability and submitting the established hourly inspection fee for each test.
- E. One approved fire extinguisher must be installed at each end of appear and bulkhead that exceeds 50 feet in length, and on peers exceeding 100 feet in length, and placed so that not more than 100 feet separates extinguishers.
- F. Moorage must be equipped with skirting on all sides that will extend from the deck to 6 inches below the waterline. This skirting provides a barrier to the flammable liquids floating on the water. This skirting will be composed of pressure treated plywood or other materials approved by the Building Official.
- G. Permits for the repair of moorages are required for:
 1. Repairs requiring the replacement of 25% or more of the pilings in any 12 month period. These repairs must be made in accordance with the provisions for new construction.
 2. The repairing of any portion of a moorage in a like manner to the original construction. Plans must show that the resulting repair or replacement does not cause an unsafe are overloaded condition.
 3. The following repairs of existing walks are allowed without permit or inspection by the City:
 - a. Replacement of the decking, stringers, and flotation logs, like for like.
 - b. Repair or replacement of up to 25% of the concrete portions of a concrete float.
 - c. Repairs requiring replacement less than 25% of the pilings within any 12 month period and made with like materials in a like manner.

15.04.090 Private piers (docks)

- A. The following ~~shall-will~~ apply to all private piers.
 1. Total area of the pier on the water may not exceed 400 sq ft (square footage measured as the width times the length of the outer edge of the structure) 444 square feet in total with the width not to be over 6 feet and the length not over 24 feet. The pier may not include any part that is covered or enclosed, such as but not limited to boat houses, sheds, fish cleaning stations, hot tubs and benches.
 2. Piers should have at least 50% of the float surface composed of grating containing at least 60% open space surface.
 3. Ramps and their attendant docks should not extend out into the stream more than 10% of the width of the stream (measured from Ordinary High Water).
 4. The ramp/gangway out to the dock should be 100% grated to allow light to pass through. Ramp width should not exceed 5 feet. Ramp square footage is not included in the total dock area square footage.
 5. Treated wood should not be used in the construction materials for docks or ramps.
 6. The use of submersible polystyrene must meet the requirements of ORS 830.950 and OAR 250-010-0700, 250-010-0710 and 250-010-0715.

15.40.100 New Construction

A. The following are minimum standards by which moorages and floating structures are to be designed and built. All construction in the floodway will be required to meet MMC 18.20.010.

B. Materials and Installations:

1. Structural members and connectors within 18 inches of the water must meet the following requirements.
 - a. Must be fabricated of material or be coated or treated so that the material will resist deterioration due to the proximity to the water except logs used for flotation and steel pilings.
 - b. Framing lumber must be pressure treated with an approved preservative,
 - c. Framing connectors must be hot-dipped galvanized or noncorrosive metal except for anchoring chain and pins.
 - d. Plywood must have exterior type adhesive.
 - e. Exposed plywood must be exterior grade.
2. The exterior building envelope of the floating structure including exterior walls, floors, roofs, doors, windows, and skylights as well as the mechanical, electrical, and plumbing systems for the structure ~~shall~~must comply with the energy efficiency requirements of the State of Oregon Building Code, as defined in Oregon Revised Statutes Section 455.010 based on the occupancy of the building. Thermal insulation which may be subject to moisture, such as main floor underfloor insulation, ~~must~~shall be of a type approved for damp locations.
3. Under floor areas of enclosed floating homes, combos, liveaboards, or boathouses with wood construction systems must be ventilated in accordance with the applicable building code.

C. Conventional construction methods and materials for floating homes and walkways using log support systems.

1. The logs and stringers forming the floats under floating homes and living portions of the combo will conform to these provisions.
 - a. The structure on the float cannot be larger than the float, except for decks.
 - b. Raft logs are to be 16 inches minimum diameter at the tip and must be spaced no greater than 18 inches between tangent points.
 - c. Bearing walls should align over stringers or center line of logs. When not feasible, adequate support for bearing walls must be provided.
 - d. If the completed log raft is found to be insufficiently stable for the intended structure, additional measure may be required to the stringer layout to create a more rigid frame. Measure may include, but are not limited to, the addition of side chords, fixed joints, or cross bracing.
 - e. Logs must be Douglas fir, Sugarpine, Lodgepole pine, Alaska yellow cedar or Sitka spruce. Logs must sound and be free of all bark above the waterline.
 - f. In a floating home foundation float, at least 75% of all logs must be full length. Segmented logs must be alternated between full length logs. All outboard logs must be full length.
 - g. Logs must be notched so as to provide sufficient bearing for the stringers. The seat of the knot must be a minimum of 4 1/2 inches above the water level.
 - h. Stringers must be a minimum of 4 inches by 10 inches for one story construction and 6 inches by 10 inches for two story or higher construction and must be pressure treated.
 - i. Stringers inside of bearing walls must be placed on the logs not more than 4 feet on center fixed to the logs with a headed steel rods a minimum of 5/8 inches in diameter and a minimum of 20 inches long. Pins are to penetrate the log at least 10 inches. Outside log connections are to have 2 pins.
 - j. The wood construction below the joist is to be inspected for proper construction and soundness of logs, including bearing connections, prior to installation of joists.
2. Floating walkway supports may consist of pressure treated 6 inch by 6 inch stringers not more than 6 feet on center or 4 inch by 6 inch stringers not more than 5 feet on center anchored to the logs with

- headed steel rods a minimum of 5/8 inches in diameter and a minimum of 20 inches long. Single headed steel rods may be used at interior logs. Maximum joist spacing is 2 feet on center.
3. Floating homes need only have adequate flotation to maintain a clearance above the water that will result in the lowest floor being dry under all normal loading conditions.
 4. Mooring connectors will be provided to construction to adequately keep the moorage in place under all reasonable load conditions. In some instances, it may be necessary for the builder to provide additional measures.
 - a. Floating home must be anchored with connections to the logs. There must be a minimum of two attachment points to the logs and these points must be a minimum of one foot from each end.
 - b. The connections must consist of a steel bracket or other approved connection. The bracket is to be a minimum of 3/8 inch thick and an adequate in size to support the pins. Pins are to be a minimum of 4 inches apart.
 - c. The bracket must be fixed with a minimum of 3 steel headed rods a minimum of 5/8 inch in diameter and penetrate the log at least 10 inches.
 - d. The connections from the bracket to the walkway or piling must consist of chain with a minimum link wire diameter of 1/2 inch. If attached to walkway logs, the boom chain must be looped around the second log or most secure log of the walkway. Walkways must be adequately secured to piling.
 - e. Bumpers or impact absorbing cushions must be attached to foundation float near anchorage connection points and there must be a minimum 2 per float.
 5. Floating structures of new construction, or existing construction moved from one moorage to another, must be spaced a minimum of 10 feet apart between the nearest exterior walls and 8 feet apart at the nearest roof projections without additional protection. When the wall to wall separation is less than 10 feet, but more than 8 feet, or the roof to roof separation is less than 8 feet but more than 6 feet, the structure being moved or added to must be equipped throughout with the complete automatic sprinkler system installed in compliance with NFPA 13 or all of the following:
 - a. All windows in the affected wall or wall must be a minimum of 1/4 inch thick, fixed, wire glass in a minimum 16 gauge steel frame, or Underwriters Laboratory (UL) listed (or other nationally recognized testing lab) wood frame. If this requirement negates natural ventilation requirements, a manually activated mechanical ventilation system providing a minimum of 2 air changes per hour with 20% outside air will be provided.
 - b. All doors in the affected wall or walls must be a minimum of a 20 minute fire rated. Door lights are limited to 25% of the door area and be a minimum of 1/4 inch thick, fixed wire glass in a minimum 16 gauge steel frames.
 - c. A fire alarm system consisting of 110 volt rate of rise detectors placed on the outside of the exterior wall, or walls in question, and smoke detectors throughout the building interior must be provided.
 - d. All detectors are to be interconnected to an interior and exterior alarm. The number and placement of detectors will be as determined by the Building Official. The exterior alarm must be capable of being heard for a distance of 150 feet.
 6. A covered boat well and a floating home, enclosed on more than 2 sides must be separated from the habitable space by a wall having 5/8 inch thick exterior gypsum type 'X' board on the boat well side.

15.40.110 Gangways, Ramps, Walkways, and Walks

- A. Gangways, ramps and walkways must be illuminated by lights designed, constructed and maintained to provide a minimum average of 1 foot candle of light per square foot at the walking surface. This does not apply to recreational boat launching and transient tie up facilities.
- B. Gangways and ramps must have a maximum slope of 1 vertical to 2.5 horizontal and must have a nonslip walking surface, or surface cleats, securely fastened in place with a maximum spacing center of 1 and 1/2 feet.
- C. Gangways must have a minimum unobstructed width of 5 feet when a single gangway is required, and 4 feet when more than one gangway is required and must be provided with guardrails and

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handrails as required by the current applicable building code. Intermediate landings will not be required for gangways. Gangways serving and occupant load less than 10 and gangways serving recreational boat launching and transient tie up facilities may be reduced to a minimum of 4 feet in width.

- D. Walkways must have a minimum unobstructed width of 6 feet, except for finger walkways, which may be 3 feet in width. Cleats, bull rails, mooring connections, utility stands, and similar appurtenances may project into the required width of main and marginal walkways.
- E. A 4 foot wide walk must be provided on at least 2 sides of all floating homes.

15.40.120 Engineered Construction

A. General

1. Except those structures conforming to conventional construction methods and materials, the minimum structural design of floating structures and moorages must be in conformity with all applicable sections of the applicable state building code and the requirements of this chapter. The piling, mooring connectors, gangway, and the flotation system for all floating structures must have an engineer of record.
2. The engineer of record is responsible for establishing the design criteria, and preparing and certifying complete construction drawings and calculations for structural strength and flotation. The design criteria must be substantiated by the engineer of record and noted on the first sheet of the construction drawings

B. If any engineer(s) or architect(s) other than the engineer of record is engaged to design a portion of the project the engineer of record must:

1. Verify that the other engineer(s) or architect(s) have used design criteria (loads, load combinations, etc.) that were established by the engineer of record.
2. Verify that compatibility of the portion's design with the design of the complete project.
3. Verify the design of the structural connections between the portion(s) of the project design by the other engineer and the portions designed by the engineer of record.
4. Place review approval stamp on all drawings and calculations prepared by the other engineers showing that the above items have been accomplished.

C. Loading

1. All floating structures, pilings, mooring devices, and gangways, must be designed and constructed to sustain all applicable loads specified in the current applicable state building code and this chapter.
2. Loads must be calculated based on maximum current anticipated at the location of the structure.
3. Wave and wake load must be calculated based on the maximum possible wave and/or wake that can be expected at the location of the structure.
4. Impact loads from boats, debris, and other objects must be considered with a minimum velocity of 2 feet per second.
5. Gangway loading.
 - a. Gangways not more than 6 feet wide must be designed to sustain a live load of 50 per square feet (psf) except those serving public recreational boat launching in transient type facilities may be designed to sustain a live load of 40psf.
 - b. Gangways 6 feet wide and wider, or serving an occupant load of 30 or more, must be designed to sustain a live load of 100psf.
6. All floating structures, pilings, mooring connectors, gangways, and ramps must be designed and constructed to resist lateral forces produced by the reasonable combination of expected wind, current, wave/wake and impact loads at the location.

15.40.130 Mooring Connectors

A. Every floating structure must be moored with connectors having the capacity to hold the structure in place under reasonably expected conditions.

B. Whatever structure the mooring connectors are attached to, whether it is a walkway, piling, or other, must be designed to withstand the loads from the mooring connectors. The engineer of record's design criteria for the project must include the maximum dimensions of the floating structures as these determined the loads on the mooring connectors and their supports.

15.40.150 Floatation

A. Floating structures must be constructed and maintained to provide a flotation system that complies with the requirements of this chapter.

1. The flotation devices must be structurally sound and securely attached to the framing for the superstructure, except that foam flotation blocks may be held in place by friction only.
2. Floating homes, boathouses, liveboards and combos must have adequate floatation to maintain clearance above water under all applicable conditions.
3. The flotation system must provide support adequate to provide a level and safe walking surface under all reasonable load conditions.

B. The clearance above water as measured from the water line to the top of the lowest point on the floor or deck under usual dead load conditions, must not be less than 1 foot for walkways and not less than 1 foot 8 inches for all other floating structures.

C. In addition to dead loads, the floatation system must be adequate to support the maximum condition of the following minimum live loads: (Depending on the use, higher loads may be more appropriate).

1. 25psf applied to the gross area; or,
 2. A concentrated load of 600 lbs.; or,
 3. 25psf applied to the gross, main floor area plus 10psf on each upper floor or loft; or,
 4. For nonresidential occupancies, the live load required by the OSSC for the particular nonresidential occupancy.
 5. Pedestrian walkways or ramps serving an occupant load of 10 or more 40psf; all others 25psf.
 6. Pedestrian walkways or structures serving boat launching or transient tie up facilities only 20psf.
 7. At locations where live loads are transmitted from gangways to floating structures, the live load may be reduced 50 percent on the gangway for purposes of calculating the reaction only.
- Additional floatation may have to be provided to compensate for this reaction on the floating system to maintain the prescribed clearance above the water.

D. Floating structure when subjected to either short term off-center loading or wind loading must not exceed the following limitations:

1. The maximum angle of list cannot exceed 4.0 degrees, or the clearances above water when measured from the water line to the top of the first floor or deck will not be less the 1/3 of the normal clearance above the water, whichever is the more restrictive.
2. The ratio of resisting moment (Mr) to applied moment (Ma) must be equal or greater than unity:

$$\frac{Mr}{Ma} > 1$$

The resisting moment due to buoyancy (Mr) must be computed about a longitudinal axis passing through the center of gravity at a list of angle of not more than 4.0 degrees.

3. The minimum off-center loading must be considered as applicable to the completed structure and must be considered in addition to all dead loads. It must consist of a minimum live load of 100 pounds per lineal foot of floor length at the first floor and 50 pounds per lineal foot of floor length at each additional floor or loft. If the width of the floor or loft exceeds 20 feet then the load must consist of 5 pounds times the width of the floor per lineal foot of floor length at the first floor and 2.5 pounds times the width of the floor per lineal foot of floor length at each additional floor or loft. These uniform live loads are to be applied halfway between the center of the gravity and the outside edges the floors. The overturning moments resulting from the off-center loading (Ma) must be computed about both sides of the center axis of gravity.
4. Other appropriate eccentric or off-center loading due to wind, snow, live loads, or combinations of these must also be considered.

15.40.160 Plumbing

- A. All plumbing installation must be designed and installed in accordance with the Oregon Plumbing Specialty Code(OPSC) and this chapter. Permits and inspections are required for all work.
- B. Flexible connectors for water lines must be approved by the National Sanitation Foundation and be of the type approve for mobile home installations or marine uses.
- C. Piping materials must be as specified in the OPSC.
- D. Continuously running water through the moorage supply line is an acceptable alternative to pipe insulation to avoid pipe refreezing.

15.40.170 Electrical

- A. All electrical work must be designed and installed in accordance with the Oregon Electrical Specialty Code (OESC) and this chapter. Permits and inspections are required for all work.
- B. Transformer pads cannot be located closer than 8 feet to combustible services and 2 feet to vertical noncombustible services.
- C. Overhead power drops must be installed and maintained a minimum of 12 feet above walking surface and/or the ordinary high-water line.
- D. Electrical installations within 2 feet of the water are considered to be in a wet environment, except that insulations inside a structure and not exposed to the water may be considered to be in a dry environment.

15.40.180 Mechanical

- A. All mechanical work including but not limited to heating, air conditioning, ventilating, gas piping and wood stoves, must be designed and installed in accordance with the Oregon Mechanical Specialty Code (OMSC) for commercial and the Oregon Residential Specialty Code (ORSC) for residential and this chapter. Permits and inspections are required for all work.

19.401.9 Private Noncommercial Docks

Private noncommercial docks are subject to the following requirements:

- A. Only 1 dock is allowed per riverfront lot of record.
- B. In areas designated as open water areas or special management areas by the Division of State Lands, docks may be restricted or additional requirements may be applied to docks. Restrictions or additional requirements will be identified by DSL in their review of the development application.
- C. Private, noncommercial docks shall not exceed 400 sq ft (square footage is measured as the width times the length of the outer edge of the structure), with the following exceptions:
 - 1. Legal nonconforming docks or boathouses;
 - 2. Nonconforming structures may be altered or replaced pursuant to Chapter 19.800.
- D. Docks, pilings, and walkways shall either be dark natural wood colors, or painted dark earthtones (dark brown or green).
- E. Private noncommercial docks shall not:
 - 1. Restrict boat access to adjacent properties;
 - 2. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
 - 3. Interfere with critical fish and wildlife habitat or fishing use of the river as determined by Oregon Department of Fish and Wildlife; nor
 - 4. Significantly add to recreational boating congestion.

ORS 830 Small Watercraft

SUBMERSIBLE POLYSTYRENE

830.950 Definitions for ORS 830.955. As used in ORS 830.955:

(1) “Encapsulated” means a protective covering or physical barrier between the polystyrene device and the water.

(2) “Submersible polystyrene device” means any molded or expanded type of polystyrene foam used for flotation. [1991 c.759 §2]

830.955 Prohibition of installation of submersible polystyrene device. (1) No person shall install a submersible polystyrene device on a dock, buoy or float unless the device is encapsulated by a protective covering or is designed to prevent the polystyrene from disintegrating into the waters of this state.

(2) A person may repair and maintain a dock or float existing on September 29, 1991, with an expanded submersible polystyrene device in accordance with rules adopted by the State Marine Board under ORS 830.110.

(3) The board shall publish and distribute information to the public regarding the proper use and installation of submersible polystyrene devices. [1991 c.759 §§3,4,5]

Oregon State Marine Board

Chapter 250

Division 10

STATEWIDE RULES

250-010-0700

Flotation Encapsulation Rules; Definitions

For the purposes of OAR 250-010-0700 to 250-010-0715 the following definitions shall apply:

- (1) "Bonded" means an effective and permanent means of physical or chemical adhesion.
- (2) "Dock" means an individual, unenclosed, structure, which may either be secured to the adjacent or underlying land or that floats, that is used for mooring boats and for similar recreational uses such as sunbathing or as a swimming platform. A structure does not lose its designation as a dock if it has an unenclosed recreation area, or includes a second level that may be used for a recreational purpose such as a viewing platform or sunbathing deck.
- (3) "Float" or "Floating Structure" means a structure supported by polystyrene foam flotation and held in place by piling and mooring devices, including but not limited to boathouses, floating homes, marinas, and walkways, boarding floats or combination thereof.
- (4) "Fuel Float" means any floating structure used to dispense any form of fuel or any floating structure used to store, maintain or repair boat engines.
- (5) "Mil" means one-one thousand of an inch of thickness or 0.001 of an inch.
- (6) "Repair or Maintenance" means the reconstruction or renewal of any part of an existing floating structure for the purpose of its maintenance.
- (7) "Polystyrene Foam Flotation" means all products manufactured from expanded polystyrene foam beads with cell diameters of 0.125" or larger used as flotation.

Statutory/Other Authority: ORS 830.110

Statutes/Other Implemented: ORS 830.110 & ORS 830.955

History:

OSMB 16-2018, adopt filed 12/05/2018, effective 01/01/2019

250-010-0705

Materials and Methods of Encapsulation

- (1) As of January 1, 1992, when a person installs a submersible polystyrene device on a dock, buoy, or float on the waters of this state the device must be encapsulated by a protective covering or be designed to prevent the polystyrene from disintegrating into the water.
- (2) Effective methods of encapsulation shall completely cover or be a physical barrier between the polystyrene foam flotation and the water. Small gaps up to 0.75 inch diameter ballast holes are permitted in the physical barrier or covering provided they are 0.1% or less of the square footage of the floating structure.
- (3) All materials and methods of encapsulation shall comply with all requirements specified in OAR 250-010-0705 and provide an effective physical barrier between the polystyrene foam flotation and the water for a period not less than ten (10) years. Any fasteners used to hold

encapsulation materials together shall be effectively treated or be of such form as to reduce corrosion and decay.

(4) Any polystyrene foam flotation or part thereof installed, removed, replaced, or repaired during construction or maintenance activities shall be effectively contained. All unused or replaced polystyrene foam shall be removed from the waters of this state and disposed of in an approved manner at an upland disposal site or recycled.

(5) The Board may formally approve other encapsulation materials or methods, if based on their judgment the proposed alternatives meet or exceed the provision of this rule. The Board shall not approve or endorse specific products of any person or firm.

(6) The following materials or methods of encapsulation are approved:

(a) Concrete 1.0 inch or more in thickness.

(b) Galvanized steel 0.065 inch or 16 gauge or more in thickness.

(c) Liquid coatings, 30 mils or more in thickness, chemically or securely bonded.

(d) Rigid (hard) plastics, 50 mils or more in thickness.

(e) Fiberglass and plastic resins, 30 mils or more in thickness, chemically or securely bonded.

(f) Pliable (soft) plastic sheets, 10 mils or more in thickness, chemically or securely bonded.

Multiple layers of single plastic sheets less than 10 mils in thickness are not permitted. The process of using shrink-wrap, with shrink-wrap sheets 10 mil or more in thickness, is permitted.

(g) Non-treated dimensional wood 4.0 inches or more in thickness and round wood logs.

(h) Non-treated marine grade plywood 0.5 inches or more in thickness.

(7) All polystyrene foam flotation used on fuel floats or floating structures used to store, maintain, or repair boat engines shall be encapsulated with materials that are not subject to degradation by fuel oils or products. The exemptions in OAR 250-010-0705(8) shall not apply to any polystyrene foam device used to support fuel floats, docks, or floating structures used to store, maintain, or repair boat engines.

(8) Exemptions:

(a) The construction, maintenance, or operation of boats or vessels.

(b) Any polystyrene foam device manufactured into extruded closed cell beads 0.125 inch or smaller, approved for marine use.

Statutory/Other Authority: ORS 830.110

Statutes/Other Implemented: ORS 830.955 & ORS 830.110

History:

OSMB 17-2018, adopt filed 12/05/2018, effective 01/01/2019

250-010-0710

Existing Structures

(1) Any repairs or maintenance of a floating structure, including those existing structures placed on the waters of this state prior to January 1, 1992, shall comply with provisions as specified in OAR 250-010-0705.

(2) Repairs or maintenance to existing encapsulated foam flotation that was encapsulated with the following previously approved of materials and methods of encapsulation, and was installed before January 1, 2019, are exempt from the requirements in OAR 250-010-0710(1) and may be

repaired or maintained in accordance with OAR 250-010-0705 or with like materials and in a like manner to the existing encapsulation material and method:

- (a) Treated dimensional wood, 1.5 inches (actual) or more in thickness.
- (b) Treated plywood 0.5 inches or more in thickness.
- (c) Pliable (soft) plastic sheets, 7 mils or more in thickness, chemically or securely bonded.
- (3) Any alteration or addition of an existing floating structure which leads to an increase in the square footage of that floating structure, must comply with the provisions as specified in OAR 250-010-0705.

Statutory/Other Authority: ORS 830.110

Statutes/Other Implemented: ORS 830.110 & ORS 830.955

History:

OSMB 17-2018, adopt filed 12/05/2018, effective 01/01/2019

250-010-0715

Buoys and Other Floating Devices

- (1) All polystyrene foam buoys must comply with both OAR 250-010-0245 Buoy Standards and OAR 250-010-0705.
- (2) All polystyrene foam markers, ski floats, bumpers, fish trap markers, or similar devices shall be encapsulated in accordance with OAR 250-010-0705.

Statutory/Other Authority: ORS 830.110

Statutes/Other Implemented: ORS 830.110 & ORS 830.955

History:

OSMB 17-2018, adopt filed 12/05/2018, effective 01/01/2019