

2349<sup>th</sup> Meeting

## COUNCIL REGULAR SESSION

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

## MINUTES

JANUARY 4, 2022

**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  
Vera Kolas, Senior Planner  
Ann Ober, City Manager

Peter Passarelli, Public Works Director  
Scott Stauffer, City Recorder  
Natalie Rogers, Climate and Natural  
Resources Manager  
Laura Weigel, Planning Manager

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

### 1. CALL TO ORDER

#### **A. Pledge of Allegiance.**

It was noted that due to technical issues Mayor Gamba left the meeting at 6:05 p.m. and rejoined at 6:07 p.m.

#### **B. Native Lands Acknowledgment.**

### 2. ANNOUNCEMENTS

**Mayor Gamba** announced upcoming activities, including opportunities for the public to comment on the Milwaukie Redevelopment Commission's (MRC's) five-year plan and nominate individuals for the volunteer of the year award, and clean-up events at Minthorn Springs Nature Area and Homewood Park. **Councilor Batey** noted a Christmas tree recycling event and an indigenous heritage lecture.

### 3. PROCLAMATIONS AND AWARDS

#### **A. Clackamas Fire District #1 (CFD1) – Update**

**Brian Stewart**, CFD1 Assistant Chief, provided an update on district operations, including the annual Operation Santa program, the number of calls the district responded to in 2021, and winter weather preparedness planning. **Councilor Batey** asked if the pandemic had impacted the number of calls the district responded to. **Stewart** reported it was hard to track COVID-19 symptoms through calls.

**Councilor Batey** asked for an update on the recent oil spill into Kellogg Creek that had happened due to a fire. **Stewart** had nothing to report on the incident. **Batey** remarked that the event had highlighted a lack of communication about such spills.

**Council President Hyzy** asked how CFD1 worked with other districts to support each other during the pandemic. **Stewart** explained that CFD1 managed its staffing needs on its own and communicates with other agencies about maintaining service and supplies.

### 4. SPECIAL REPORTS

#### **A. City Manager Updates – Report** (moved to January 4, 2022, work session agenda)

## **5. COMMUNITY COMMENTS**

**Mayor Gamba** reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the December 21, 2021, community comments.

**Charles Bird**, Island Station Neighborhood District Association (NDA) Co-Chair, commented on Council's decision to dissolve the Kellogg Good Neighbor Committee (KGNC) and asked Council to attend an Island Station NDA meeting to answer questions about that decision and the plan to continue the committee's work.

## **6. CONSENT AGENDA**

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

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

1. December 7, 2021, work session.

**B. Resolution 1-2022:** A resolution of the City Council of the City of Milwaukie, Oregon, establishing the 2022 City Council meeting schedule.

**C. Resolution 2-2022:** A resolution of the City Council of the City of Milwaukie, Oregon, designating the 2022 papers of record.

**D. Resolution 3-2022:** A resolution of the City Council of the City of Milwaukie, Oregon, making appointments to city boards and committees.

**E. Resolution 4-2022:** A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, approving the award of a contract for on-call public information and engagement services.

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

## **7. BUSINESS ITEMS**

### **A. Board and Committee (BC) Code Changes – Ordinance, Resolution**

**Stauffer** reviewed the proposed changes, which involved moving the date that BC terms end on to June 30, extending current BC terms to end on June 30, and revising the Park and Recreation Board (PARB) membership requirements to allow for two non-city resident members. **Stauffer** explained why some BC positions had not been included in the resolution and noted a typographical error in the resolution.

It was moved by Councilor Nicodemus and seconded by Councilor Batey for the first and second readings by title only and adoption of the ordinance amending Municipal Code Chapter 2.10 Boards, Commissions, and Committees Generally and Code Chapter 2.12 Park and Recreation Board. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

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

**Stauffer** polled the Council with Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

**Ordinance 2213:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE CHAPTER 2.10 BOARDS, COMMISSIONS, AND COMMITTEES GENERALLY AND CODE CHAPTER 2.12 PARK AND RECREATION BOARD.**

It was moved by Council President Hyzy and seconded by Councilor Nicodemus to approve the resolution extending all current board and committee term dates to June 30. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

**Resolution 5-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, EXTENDING ALL CURRENT BOARD AND COMMITTEE TERM DATES TO JUNE 30.**

**Stauffer** noted next steps in the city’s move to an annual BC recruitment process.

## **B. Wastewater System Development Charges (SDCs) – Discussion**

**Passarelli** noted previous Council discussion about SDCs, explained that staff and the consultant team would introduce a new SDC rate structure proposal, and introduced Doug Gabbard with the FCS Group consultant firm.

**Gabbard** introduced John Ghilarducci and Zech Hezel with the FCS Group, discussed how SDCs are calculated and used. **Hezel** explained how SDCs are designed to account for forecasted system growth. The group commented on how dry-weather flow data is collected and calculated per equivalent dwelling unit (EDU) and noted that the average Milwaukie family residence used 115 gallons per day.

**Hezel** discussed the costs that shaped SDCs, including eligible improvement projects, reimbursement fees for eligible projects, and various other adjustments factored into the overall calculation. **Gabbard** noted that the proposed SDC fee schedule was built on the types of housing units the city had and wanted to see more of, including duplexes, multi-family housing, and accessory dwelling units (ADUs). The group remarked on why multi-family units were calculated differently than single-family units, noting that changing the how single-family units were calculated would take a lot of staff time.

**Hezel** and **Gabbard** presented the SDC fee schedule based on house size, noting that the schedule aligned with Clackamas County Water Environment Services (WES) house sizes. **Councilor Falconer** commented on WES’ process to adopt the updated fees and EDU size. **Passarelli** remarked that the proposed schedule was meant to be less regressive than the current one. **Council President Hyzy** asked where multi-family units would be in the schedule and **Gabbard** believed such units would be in the multi-family category. **Councilor Batey** supported using WES’ house sizes.

**Council President Hyzy** remarked on the city’s interest in encouraging the development of multi-family housing and wondered if the proposed SDCs would provide enough revenue to support planned infrastructure projects. **Passarelli** commented that staff was comfortable with the proposed rates and noted that the water system master plan review process had shown there were not a lot of capacity projects needed.

**Gabbard** reviewed data comparing Milwaukie’s current and proposed SDC rates to other cities. **Councilor Batey** commented on how low other cities fees were and **Gabbard** remarked that some of the data needed to be revised.

**Passarelli** and **Gabbard** noted next steps staff would take to present the proposed SDC fee schedule for Council consideration in spring 2022 and asked for Council feedback on proceeding with a hearing. The group discussed whether to proceed with making changes to the city’s SDCs before WES adopted its fee changes. It was Council consensus to proceed with a hearing in spring 2022 on the proposed SDC changes.

**C. Council Budget – Discussion** (moved to January 4, 2022, work session agenda)

**D. Council Committee Assignments for 2022 – Discussion**

**Brooks** presented the matrix of Council committee assignments and the group discussed assignment changes involving the Oregon Department of Transportation (ODOT) Region 1 Committee, Metro's Policy Advisory Committee (MPAC), the Clackamas Childcare for All Committee, and others. **Brooks** noted the matrix would be presented on the January 18 consent agenda for approval.

**E. Legislative and Regional Policy Issues – Discussion**

The group discussed letters Council had been asked to send, one to the Oregon State Marine Board regarding boat noise and one to the Oregon Transportation Commission requesting funding support for infrastructure and safety projects. They also remarked on the status of legislation to be considered during the state legislature's 2022 session.

**Mayor Gamba** recessed the meeting at 7:38 p.m. and reconvened at 7:45 p.m.

**F. Comprehensive Plan Implementation – Update** (continued from the December 21, 2021, work session)

**Kolias** reviewed where information about the Comprehensive Plan implementation project was online. **Councilor Batey** and **Kolias** remarked on who in the community had received notifications about the Comprehensive Plan project.

**Kolias** discussed proposed code changes related to flag lots and back lots and asked for Council feedback. **Mayor Gamba** and **Councilors Falconer and Batey** supported incentivizing setbacks to encourage the construction of more middle housing types.

**Councilor Batey** was concerned about Council discussing the code changes outside of a hearing. **Gericke** suggested the discussion was for Council to preview the changes and for staff to hear what information Council would like to have in the hearing. **Gericke** agreed that Council should not deliberate on the changes at the current meeting.

In response to a question asked by Councilor Batey, **Kolias** noted that the proposed code language would not change the city's standards for reviewing flag lots.

**Kolias** explained what the proposed code would change in terms of a structure's maximum coverage of a lot and how a structure could get bonus stories. **Councilor Batey** suggested that any drawings presented with the code changes should reflect the changes. **Kolias** and **Weigel** remarked that staff would confirm that the drawings matched the proposed code requirements.

**Mayor Gamba, Kolias,** and **Councilors Falconer and Batey** discussed how to incentivize middle housing through height bonuses and reduced setback requirements.

**Briglio** and **Mayor Gamba** remarked on the city's efforts to insert affordable housing into all code sections versus developing an affordable housing code section. The group discussed how the city could best incentivize different housing types and how the code should be structured to best support affordable and middle housing.

**Kolias** reviewed the proposed code related to parking, which included no off-street parking requirement for most middle housing types. **Councilor Batey** remarked on the Planning Commission's consideration of the parking code changes. **Council President Hyzy** asked for information about how no on-street parking had worked in other cities.

**Ober** asked if Council wanted staff to prepare an affordable housing code package in the next three months. **Councilor Batey** believed such a package could be added if there was information shared to the public via the Engage Milwaukie website. **Councilor Falconer** and **Ober** clarified that the affordable housing package would be separate from the currently proposed middle housing code. **Ober** summarized that Council supported adding an affordable housing code and staff would come back to Council soon to follow-up on an affordable housing code.

**Mayor Gamba** commented on experiences in other cities related to parking spots and asked for information about curb cuts and standards. **Kolias** confirmed staff would provide that information during the hearing process.

**Kolias** presented and discussed the proposed code changes related to increasing the areas where manufactured dwelling parks would be allowed. **Councilor Falconer** asked if staff had reached out to such parks for input on the code changes and **Kolias** reported that there were few parks in the city and staff had not reached out to them. The group remarked on the need to solicit feedback from manufactured dwelling park residents in a separate process and whether the proposed code changes would cause any issues for such housing parks.

**Kolias** reviewed next steps in the Comprehensive Plan code change hearings process which would start on January 18 with a hearing on the proposed tree code. **Councilor Batey** remarked on the number of comments the Planning Commission had received at its hearing on the tree code. **Mayor Gamba** and **Passarelli** noted that the proposed tree code fee structure would be presented to Council at the February 1 hearing.

## **8. PUBLIC HEARING**

**A. None Scheduled.**

## **9. COUNCIL REPORTS**

None.

## **10. ADJOURNMENT**

**It was moved by Councilor Falconer and seconded by Councilor Nicodemus 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 8:40 p.m.

Respectfully submitted,

  
Scott Stauffer, City Recorder

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