



**Regular Session**

**RS**

**Milwaukie City Council**

**COUNCIL REGULAR SESSION**

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

**REVISED AGENDA**

**NOVEMBER 15, 2022**

(Revised November 10, 2022)

**Council will hold this meeting in-person and through video conference.** The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. **For Zoom login** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-336>.

**To participate in this meeting by phone** dial 1-253-215-8782 and enter Webinar ID 841 6722 7661 and Passcode: 097479. To raise hand by phone dial \*9.

**Written comments** may be delivered to City Hall or emailed to [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov). Council will take verbal comments.

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

**Page #**

1. **CALL TO ORDER** (6:00 p.m.)
  - A. **Pledge of Allegiance**
  - B. **Native Lands Acknowledgment**
  
2. **ANNOUNCEMENTS** (6:01 p.m.) **2**
  
3. **PROCLAMATIONS AND AWARDS**
  - A. **Outstanding Milwaukie High School (MHS) Student – Award** (6:05 p.m.)  
 Presenter: Kim Kellogg, MHS Principal
  - B. **MHS Update – Report** (6:25 p.m.)  
 Presenter: Kim Kellogg, MHS Principal
  
4. **SPECIAL REPORTS**
  - A. **None Scheduled.**
  
5. **COMMUNITY COMMENTS** (6:35 p.m.)  
 To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov)), or in person to city staff.**
  
6. **CONSENT AGENDA** (6:40 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:** **4**
    1. **October 11, 2022, study session,**
    2. **October 18, 2022, work session, and** (removed from the agenda)
    3. **October 18, 2022, regular session.** (removed from the agenda)
  - B. **Library District Advisory Committee (LDAC) Nomination – Resolution** **6**

8. **PUBLIC HEARINGS** (moved up the agenda)
  - A. **High Density Residential Zones Adoption – Ordinance** (6:45 p.m.) **43**  
 Staff: Vera Koliás, Senior Planner, and  
 Adam Heroux, Associate Planner
  - B. **Electric Vehicle (EV) Charging Infrastructure Code Amendments Adoption – Ordinance** (7:15 p.m.) **123**  
 Staff: Brett Kelper, Senior Planner, and  
 Adam Heroux, Associate Planner
7. **BUSINESS ITEMS** (moved down the agenda)
  - A. **Climate Fund Adoption – Ordinance and Resolution** (7:45 p.m.) **10**  
 Staff: Natalie Rogers, Climate & Natural Resources Manager
  - B. **Safe Access for Everyone (SAFE), Street Surface Maintenance Program (SSFMP), and Urban Renewal Bonding – Discussion** (8:45 p.m.) **38**  
 Staff: Kelly Brooks, Assistant City Manager, and  
 Michael Osborne, Assistant Finance Director
9. **COUNCIL REPORTS** (9:45 p.m.)
10. **ADJOURNMENT** (9:50 p.m.)

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

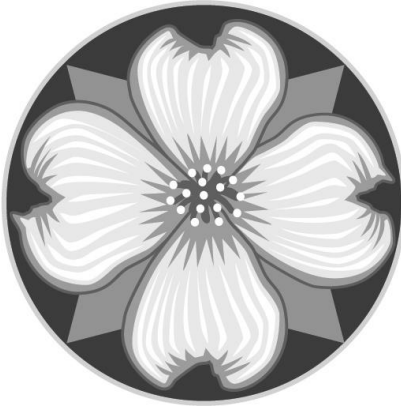
The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502. To request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

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

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

**Executive Sessions**

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



**RS Agenda Item**

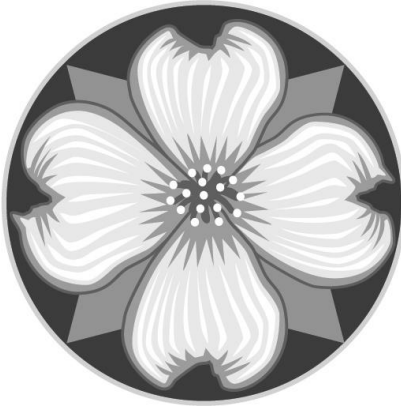
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# **Announcements**



# Mayor's Announcements – November 15, 2022

- **Leaf Drop – Saturdays in Nov. (19 ) and Dec. (3, 10, & 17) - 7 AM to 2 PM**
  - Free leaf disposal events for Milwaukie residents
  - Bring along utility bill (e-bill or paper bill) as proof of residency
  - Service is free, but city will collect non-perishable food for local families in need.
  - Johnson Creek Building, 6101 SE Johnson Creek Blvd.
- **Thanksgiving Farmers Market – Sun., Nov. 20 (9:30 AM – 2 PM)**
  - Learn more at [milwaukiefarmersmarket.com](http://milwaukiefarmersmarket.com)
- **City Manager Open Door Session – Tue., Nov 29 (9 - 10 AM)**
  - Ask questions, raise concerns, or just find out more about what the city is doing.
  - No sign-up necessary. First-come, first-served.
  - City Hall (Council Chambers), 10722 SE Main St.
- **Umbrella Parade and Tree Lighting – Sat., Dec. 3 (4 - 6 PM)**
  - Join the Milwaukie tradition of decorating umbrellas and parading through downtown ending with the lighting of the tree
  - Prizes will be awarded for most creative, most festive, and most Milwaukie
  - Parade begins at 4:30. Everyone who wants to be part of contest must arrive by 4:15.
  - Event is free, including hot cocoa and cookies while supplies last
- **Winter Solstice and Christmas Ships – Sat., Dec. 17 (4:30 - 7:30 PM)**
  - Annual celebration at Milwaukie Bay Park that includes warm fires and tasty treats for purchase as neighborhood fundraiser
  - Check the website below for more information about what food and drinks will be available for purchase, what times we expect the ships to sail by, and the best ways to get to and from this popular event.
- **LEARN MORE AT [WWW.MILWAUKIEOREGON.GOV](http://WWW.MILWAUKIEOREGON.GOV) OR CALL 503-786-7555**



**RS Agenda Item**

**3**

**Proclamations  
& Awards**

# Criteria for Student of the Month

We are looking for students that:

- contribute to and/or have made an impact on their community.
- strive for excellence in their academics, activities and or passion area.
- have overcome an obstacle and are showing growth and are thriving.

# November Student of the Month



Logan Law



# Logan Law

- 12 Grade
- GPA: 4.0

(3) Sport Athlete

9/10th grade Equity Team

Principals Council

Cross Country (4 years)

- 1st in League
- 2nd in State

Basketball (4 years)

4 years varsity

(2) First Team All League


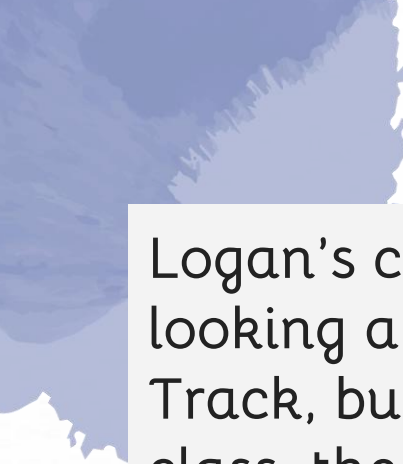
Track (4 years)

3rd at State

1500 - 3K

College Options





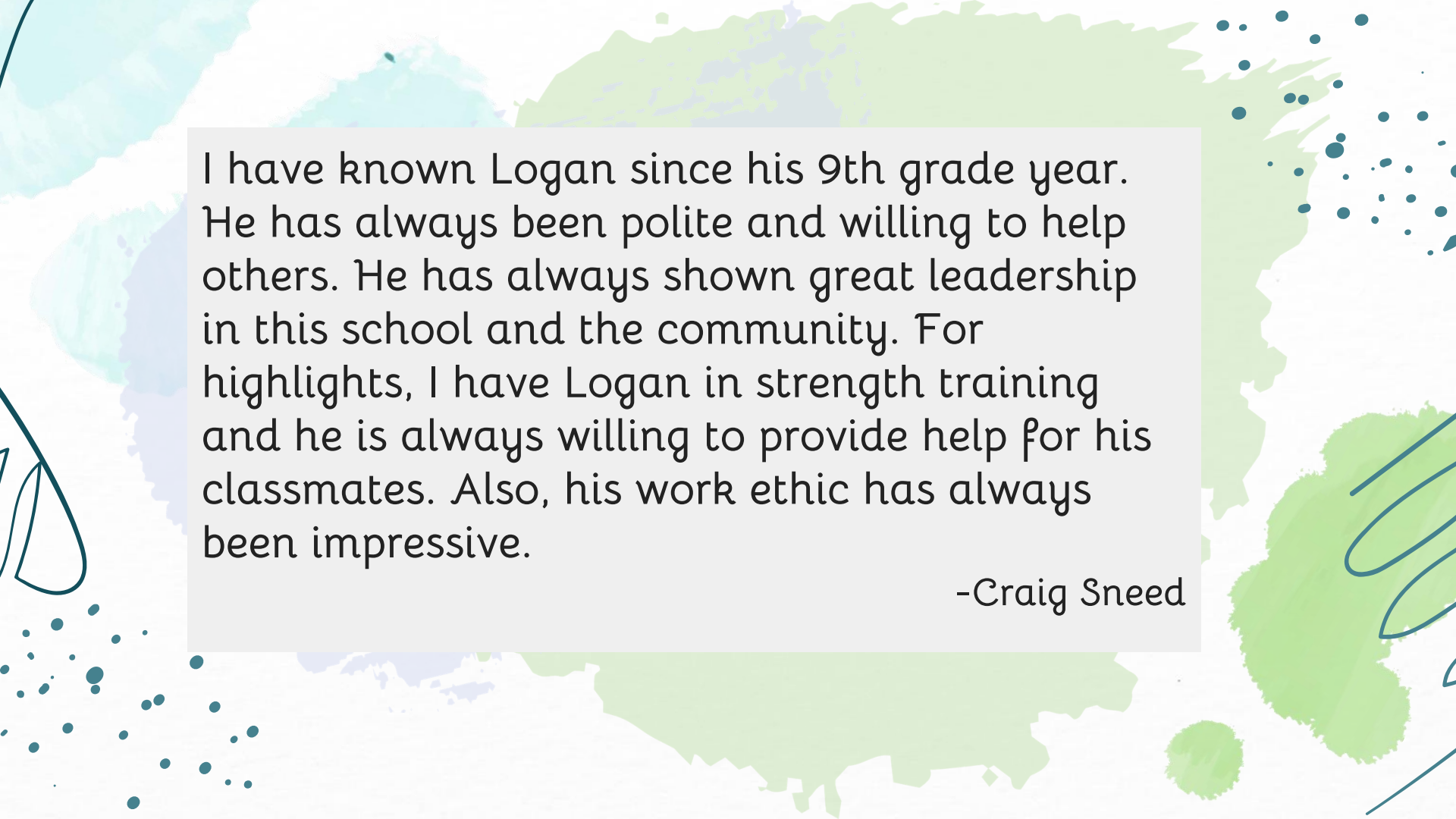
Logan's commitment to excellence is most obvious when looking at his accomplishments in Cross Country and Track, but he's also excellent in the way he participates in class, the effort and attention he devotes to discussions, and in the way he leads his peers. It's refreshing to work with someone who applies such a positive and motivated attitude to everything they do. Logan is a great influence on the school culture here at MHS.

Richard Alves



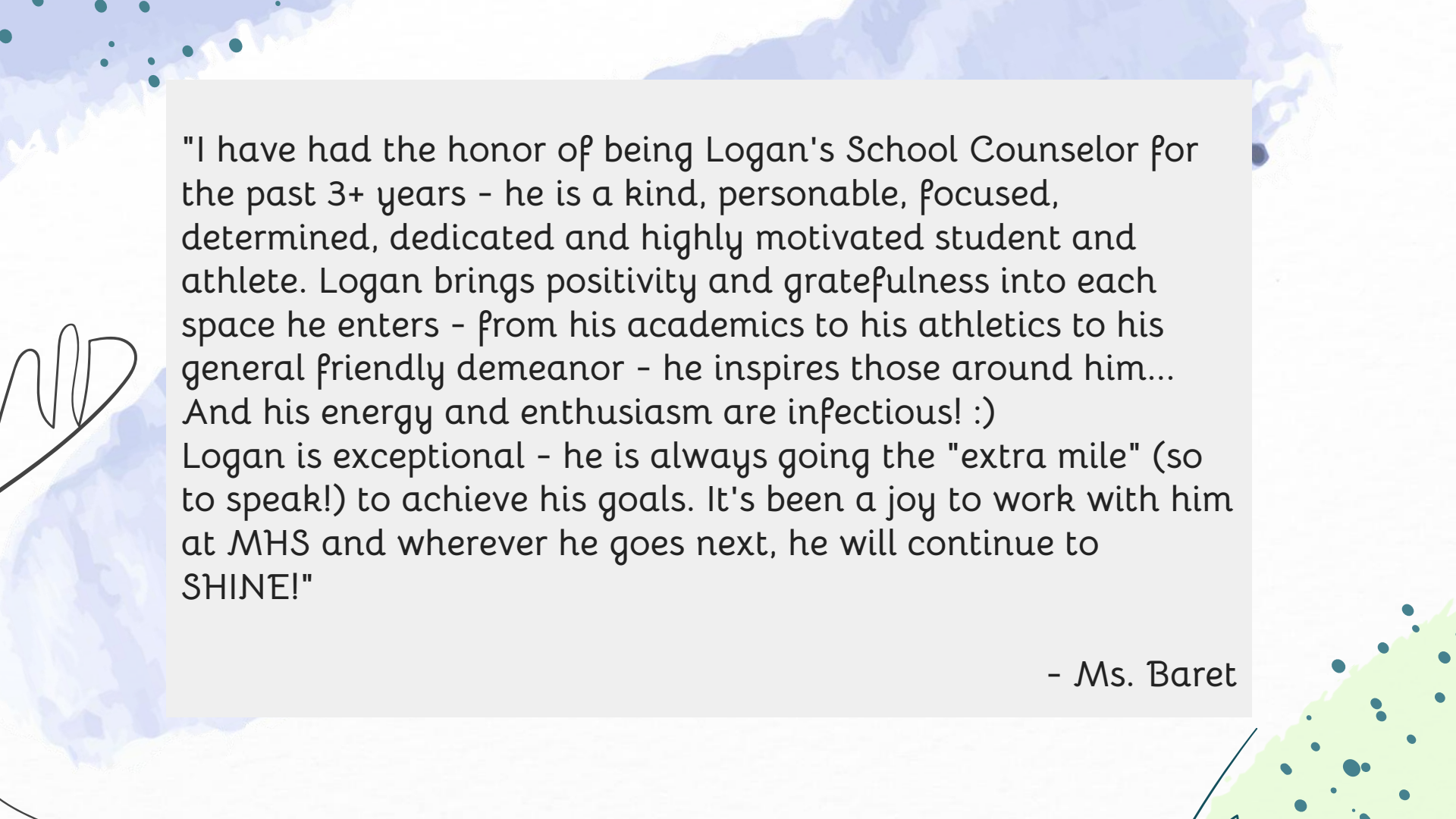
Logan is incredibly hard working, both in academics and athletics. Not only does he not shy away from challenge, but he seeks it out. In both settings he performs at the highest level even when he is under pressure and he has had a tremendous amount of success to show for his grit and determination. Importantly, in the midst of his success, he remains a modest and humble young man. He has good relationships with his peers and is supportive of the efforts of others. I am fully confident his successes will continue on to the next level of education and I am happy to have been able to share time with him here at MHS.

- Dan Lee



I have known Logan since his 9th grade year. He has always been polite and willing to help others. He has always shown great leadership in this school and the community. For highlights, I have Logan in strength training and he is always willing to provide help for his classmates. Also, his work ethic has always been impressive.

-Craig Sneed



"I have had the honor of being Logan's School Counselor for the past 3+ years - he is a kind, personable, focused, determined, dedicated and highly motivated student and athlete. Logan brings positivity and gratefulness into each space he enters - from his academics to his athletics to his general friendly demeanor - he inspires those around him... And his energy and enthusiasm are infectious! :) Logan is exceptional - he is always going the "extra mile" (so to speak!) to achieve his goals. It's been a joy to work with him at MHS and wherever he goes next, he will continue to SHINE!"

- Ms. Baret



# MHS/MAA Updates

Hispanic Heritage & Culture Assembly

Assembly - Friday, November 4



# Student Equity Training Wednesday, November 9

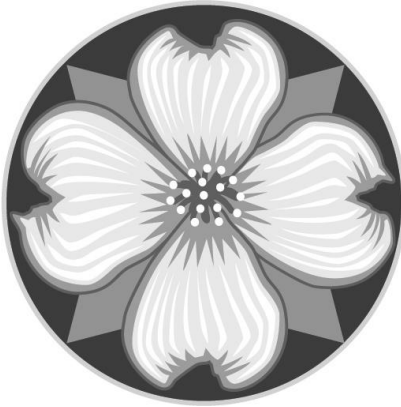
- 35-40 Students
- Guest speakers
- Break-out groups

**Next:** Meetings during  
lunch

- Students  
projects/campaigns







**RS Agenda Item**

**6**

# **Consent Agenda**

**COUNCIL STUDY SESSION**

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

**MINUTES****OCTOBER 11, 2022**

**Council Present:** Councilors Adam Khosroabadi, Lisa Batey, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

**Staff Present:** Nicole Madigan, Deputy City Recorder  
Ann Ober, City Manager

Natalie Rogers, Climate and Natural Resources  
Manager  
Courtney Wilson, Urban Forester

**Mayor Gamba** called the meeting to order at 5:15 p.m.

**Council President Hyzy** announced that it was National Coming Out Day, shared personal experiences, and encouraged community members to celebrate and feel comfortable in who they are.

**1. Climate Goal Update – Green Tariff**

**Rogers** provided an overview on how electrical grids work and how electricity products such as unbundled renewable energy certificates (REC) are purchased. **Councilor Batey** and **Rogers** discussed how electrons are produced in the state of Oregon versus procurement of unbundled RECs.

**Rogers** explained the difference in producing and using a bundled REC. **Mayor Gamba, Rogers,** and **Councilor Khosroabadi** discussed what it means for those who buy unbundled REC certificates and whether customers understand that the clean energy they are buying is not what is being produced to power their homes and businesses but offsetting how the electrons are being produced.

**Rogers** noted that Portland General Electric (PGE) does not offer a bundled REC product for residential and small business customers which is why city staff have been working on the green tariff product. **Rogers** reminded Council of the net zero electricity by 2030 goal and what type of energy production the city was considering as clean. **Councilor Batey** asked if the law prohibits the sale of RECs from offshore wind farms. **Rogers** was unaware of any prohibited sales on private investments such as offshore wind farms.

**Rogers** advised staff had calculated community energy usage and there is a large gap to close for the city to reach the net zero goal, but new state legislative changes were coming that may reduce the gap.

**Mayor Gamba** and **Rogers** discussed the calculations, and that the production gap could be larger as unbundled RECs were included in the calculations.

**Rogers** presented goals the city's potential green tariff goals. **Council President Hyzy** and **Rogers** discussed electron loss over transmission lines, the benefits of investing in more transmission between the United States east and west coasts, and energy storage. **Rogers** presented a goal that the product would include automatic enrollment for all community members with a call-in option to opt out. **Hyzy** and **Rogers** discussed the benefits of the opt out method versus an opt in. **Rogers** presented additional goals for the product that included low-income rate programs and cost saving features.

**Rogers** presented a timeline of the city's history with the green tariff product program that included the 2021 Oregon House Bill (HB) 2475 for energy affordability. **Mayor**

**Gamba** asked if an income level had been established and **Rogers** responded that the Oregon Public Utility Commission (PUC) was still working on the program but believed that PGE had rolled out its own program that would address those at 60% of median income. **Rogers** presented the last of the tariff's timeline that included a survey PGE conducted in 2021, and the most recent steps that had occurred in 2022 which included partnering with PGE to work on passing legislation.

**Mayor Gamba, Rogers, and Council President Hyzy** discussed frustrations with the pace at which the program was moving and the possibility of the city branching off and partnering with the City of Beaverton to move quicker on a green tariff product.

**Rogers** presented the next steps for the tariff program that included a community workgroup hosted by the PUC. **Mayor Gamba** asked when the PUC would meet, and **Rogers** replied the PUC was checking with participants to meet in fall of 2022/winter 2023 and that Rogers would be taking the lead in the meeting by talking to other communities about the steps Milwaukie had already taken. **Council President Hyzy** stated the importance of including discussions around a low-income product.

**Rogers** mentioned that PGE would submit a draft of the tariff to the city, but staff had questions that need to be answered first. **Mayor Gamba** and **Rogers** commented on build timing. **Rogers** reviewed additional questions that need to be answered and circled back to Council President Hyzy's comment on considerations needed to be taken regarding a low-income option.

**Rogers** explained that once PGE submits the tariff to the PUC the city would likely submit a letter supporting the concept but that would not lock the city into agreeing to use the product. Next the PUC would review the tariff and then PGE and the city would begin to build Milwaukie's specific tariff product program and negotiate the agreement. The tariff then goes to the PUC to approve. **Mayor Gamba** and **Rogers** discussed how long the PUC's review process should take. **Rogers** stated that the city would likely sign a participation agreement and Council would issue a resolution or ordinance. The final step would be for utility customers to enroll in the program with an option to opt out.

The group discussed if the focus of the tariff product should be on affordability, when and how to begin community outreach and engagement, and at what level Council would like to be involved with submitting the tariff to the PUC.

**Mayor Gamba** noted disparities on billing amounts versus income levels. The group discussed low-income homeowner and renter weatherization programs that reduce billing costs, how the city could increase outreach to notify customers of the available programs, and how those in need of services could be auto enrolled into services. **Councilor Nicodemus** asked how the city could keep landlords from pricing out their renters after taking advantage of energy upgrade programs. **Rogers** advised that most programs available to renters were temporary weatherization improvements that would be minimal to the value of the home or go with the renter.

**Councilor Batey** asked for an update on the home energy score (HES) program. **Rogers** reported that the HES program was self-sufficient and ongoing.

**Mayor Gamba** adjourned the meeting at 6:35 p.m.

Respectfully submitted,

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Nicole Madigan, Deputy City Recorder

**COUNCIL STAFF REPORT**

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

**Reviewed:** Scott Stauffer, City Recorder

**From:** Brent Husher, Library Director

**Subject:** **Library District Advisory Committee (LDAC) Appointment**

**Date Written:** Nov. 11, 2022

**ACTION REQUESTED**

Council is asked to adopt a resolution affirming the nomination of Ledding Library Board member Karla Branson to serve on the Library District Advisory Committee (LDAC).

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

November 3, 2009: Council affirmed Mark Docken as the first representative from the Library Board to serve on LDAC.

September 17, 2013: Upon Docken's resignation from the Library Board and LDAC, Melissa Perkins was affirmed by Council to serve as the LDAC representative.

November 17, 2015: Upon Perkin's resignation from the Library Board and LDAC, Karol Miller was affirmed by Council to serve as the LDAC representative.

January 15, 2019: Upon Miller's resignation from the LDAC, Krista Downs was affirmed by Council to serve as the LDAC representative.

March 31, 2020: Downs' term on the Library Board ended and Robin Chester was affirmed by Council to serve as LDAC representative.

[November 7, 2022](#): Upon Chester's resignation from the Library Board and LDAC, the Library Board nominated Karla Branson to serve as the city's LDAC representative.

**ANALYSIS**

The Library District of Clackamas County (LINCC) was formed in November 2008 by the voters of Clackamas County. LDAC was formed as the advisory board to LINCC's governing body, the Clackamas Board of County Commissioners (BCC). Each member library is represented on LDAC by a member of their library's board. Because of Robin Chester's resignation, a new representative to LDAC must be appointed.

**BUDGET IMPACTS**

None.

**WORKLOAD IMPACTS**

The library director will attend the LDAC meetings with the city's LDAC representative.

**CLIMATE IMPACT**

None.

**COORDINATION, CONCURRENCE, OR DISSENT**

The Library Board accepted Branson's offer to serve as the city representative to LDAC at their meeting on November 7, 2022, directing Husher to present this nomination to Council.

**STAFF RECOMMENDATION**

The library director concurs with the Library Board's recommendation.

**ALTERNATIVES**

None.

**ATTACHMENTS**

1. Resolution



**COUNCIL RESOLUTION No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AFFIRMING THE APPOINTMENT OF A LIBRARY BOARD MEMBER TO REPRESENT THE CITY ON THE CLACKAMAS COUNTY LIBRARY DISTRICT ADVISORY BOARD.**

**WHEREAS** on November 4, 2008, the electors of Clackamas County approved the creation of the Clackamas County Library District and among the statements made in the ballot measure explanatory statement was the following: “Each of these libraries would be required to ensure representation of both city and unincorporated residents on their local library board, whose designated member will then serve and represent their library on the District Advisory Board,” and

**WHEREAS** Section 1.2 of the cooperative intergovernmental agreement between the Library District and member cities sets forth the process for appointment of District Advisory Board members as follows: “The District Board shall organize and appoint a District Advisory Committee consisting of one nominee from each Library City consistent with the policies and procedures of Clackamas County and/or the District for advisory committees. The District Board shall appoint the individual nominated by the Library City governing body to fill the service area’s seat,” and

**WHEREAS** Milwaukie Municipal Code (MMC) 2.28.020E calls for the Library Board to appoint one of its members to the District Advisory Board and the City Council to affirm that action and forward it to the District governing body, and

**WHEREAS**, the Ledding Library Board on November 7, 2022, appointed member Karla Branson to serve as the city’s representative on the District Advisory Board.

**Now, Therefore, be it Resolved** by the City Council of the City of Milwaukie, Oregon, that pursuant to MMC 2.28.020E, the appointment of Ledding Library Board member Karla Branson to represent the City of Milwaukie on the District Advisory Board of the Library District of Clackamas County is hereby affirmed.

Introduced and adopted by the City Council on **November 15, 2022.**

This resolution is effective immediately.

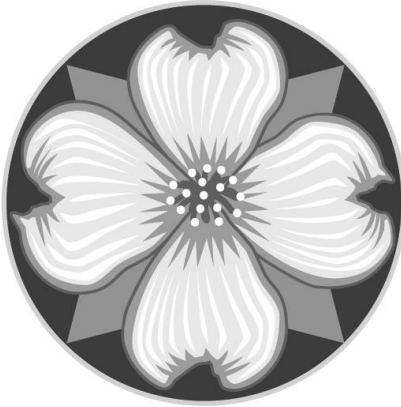
\_\_\_\_\_  
Mark Gamba, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Scott S. Stauffer, City Recorder

\_\_\_\_\_  
Justin D. Gericke, City Attorney



**RS Agenda Item**

**7**

**Business Items**

**COUNCIL STAFF REPORT**

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

**Date Written:** Nov. 3, 2022

**Reviewed:** Peter Passarelli, Public Works Director

**From:** Natalie Rogers, Climate & Natural Resource Manager

**Subject:** **Climate Financing - Continued Discussion**

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**ACTION REQUESTED**

Council is asked to review the proposed fee structure and ordinance for the climate fund, review associated stormwater fund code modifications, and adopt the ordinance and resolution modifying the master fee schedule if appropriate.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

[May 2, 2017](#): Council adopts a resolution setting goals for the 2017-2018 biennium, including a climate change action goal calling for the creation of a climate action plan for the city.

[October 2, 2018](#): Council adopts the Milwaukie [Climate Action Plan](#) (CAP) which includes high-level carbon reduction goals and 53 city-led actions to mitigate emissions and adapt to a changing climate.

[January 21, 2020](#): Council adopts a resolution to declare a climate emergency and calls for the acceleration of the adopted CAP carbon reduction goals by 5-years for each goal.

[August 18, 2020](#): Council adopts the [2020 Comprehensive Plan](#), including policies related to climate and energy, and environmental policies focused on natural resources, surface water utilities, and trees in Milwaukie.

[July 20, 2021](#): Council discussed 2021 and 2022 goal setting, including continuing the climate action goal. As a component of the renewed climate goal, Council discussed having staff focus on exploring long-term financing mechanisms to institutionalize climate work at the city.

[July 20, 2021](#): Council discussed 2021 and 2022 goal setting, including continuing the climate action goal. As a component of the renewed climate goal, Council discussed having staff focus on exploring long-term financing mechanisms to institutionalize climate work at the city.

[September 21, 2021](#): Council adopts a resolution adopting the 2021 and 2022 Council goals, including the renewed climate action goal.

[October 12, 2021](#): Staff presented an update on Milwaukie's to-date climate programming and relevant projects implemented to achieve the city's climate goals.

[July 19, 2022](#): Staff and consultants presented the initial options for climate and sustainability revenue generation to Council for discussion and direction.

[September 20, 2022](#): Staff and consultants present a revised option for the fee structure reflecting Council direction on reductions and exemptions. Council directed staff to proceed with the \$500,000 fund goal.



## ANALYSIS

Council adopted the city’s first climate change action Council goal in 2017, calling for the creation of the CAP to address climate change in Milwaukie. Council has since adopted the CAP and a [climate emergency declaration](#), which work together to call for carbon-free electricity by 2030, zero-emissions from fossil fuels by 2035, and community carbon neutrality by 2045.

Over the last five years, staff have integrated climate action into ongoing city processes and educated staff and community members on climate impacts associated with municipal and community processes. Through this work, staff have created, and expanded city-led sustainability and carbon reduction programs and projects as directed by Council and the CAP.

Council renewed their adoption of Climate Action as a city goal, adding an emphasis on securing permanent funding for climate programs offered at the city. After discussion with city consultant FCS Group and Council on potential funding options, Council directed staff to proceed with development of a climate fee which utilizes similar funding mechanisms as the Streets and Surface Maintenance Program (SSMP). Staff and FCS Group used the existing SSMP classifications and billing unit structure and modified the classifications and fee rates to address the emission intensity and proportional community emission contributions of each land use classification. Staff and consultants also modified the fee structure based on Council request to reduce rates for multifamily housing and exempt and account for qualified low-income utility customers. In the draft code, staff have also outlined potential appeal and classification modification processes and have defined the permissible use of funds.

In addition, staff have included a modified stormwater fund code for Council consideration and potential adoption. Modification of the stormwater fund code is necessary to better define intended funding sources for overlapping stormwater and climate programming.

### Proposed Fee Structure

The below table outlines the proposed categories of utility customers (based on consolidation of existing SSMP categories) and assigned fees. The table includes the proposed ratio of greenhouse gas emissions for each customer category evaluated using current greenhouse gas (GHG) inventory models. This GHG ratio determines the equivalent proportion of the climate fund to be paid by customers within that category. Billing unit fees are then evaluated considering the goal balance (\$500,000 goal shown below) and the current number of customers within that category.

SSMP Category	GHG Category	GHG Emissions Ratio	Fee per Billing Unit
C2A, C3A	Industrial	51.00%	\$4.99
C1A, C1B, C2B, C2D, C3B, C3C, C4A, C5C, C7A, C8A, C9A	Services	6.00%	\$0.40
C5A, C6A, C6B, C7C, C8B	Retail	1.00%	\$0.21
MFR	Multi-family	10.65%	\$1.60
RESID	Residential	31.35%	\$2.13

Multifamily customers have a 0.75 multiplier for billing units and single-family residential customers have a 1.10 multiplier for billing units based on Council direction to adjust for

emissions contributions – these multipliers may be modified in the future by Council resolution. Customers participating in Milwaukie’s low-income billing assistance program will be exempt from the climate fee.

## **Engagement**

Engagement for the Climate Fund started after Council direction to proceed with fund development in September. Staff have developed an Engage Milwaukie page that includes an overview of the climate fund purpose, proposed fee mechanism and schedule, and background on city goals. Staff also created and shared a community-focused survey on the Engage Milwaukie page to solicit feedback on programming interests and needs from the community and a business-focused survey to head commercial audience input on programming. Both surveys were available from Oct 24 to Nov 6. Staff performed outreach on the climate fund and surveys at the city’s Arbor Day celebration a on Oct 22. Physical survey copies were made available at all city buildings for the entirety of the survey window. Social media posts and pilot articles went out about the fund and surveys, along with a utility bill insert (physical flyer for mailed bills and online PDF insert for online bills) to all utility customers. Staff emailed the same insert along with additional information about the fund purpose, upcoming Council discussions and links to the survey to the current 2022 business registration list which included over 1200 recipients. Staff have also been receiving calls and communication from residents and business owners, and have discussed the fund proposal, concerns and opportunities, and engagement pathways in their communications. Staff will use all feedback collected for program creation and prioritization in the coming year. Each program developed will likely have unique engagement and outreach plans and include Council direction.

## **BUDGET IMPACT**

Selection and implementation of one or more of the proposed options for revenue generation strategies could result in an increase in budget for climate programming and projects in Milwaukie. This would also remove the need for adoption of climate as a Council goal to continue funding for the existing programs and services.

## **WORKLOAD IMPACT**

The climate fund would provide consistent funding for current staff as well as future contracted or city staff. By slightly expanding funding for programs, staff could have more flexibility to work with community partners to reduce workload. Staff could also invest in program development, technology, and resources to create more efficient program administration. Without additional climate funding, staff will continue to prioritize programs, outreach and education based on staff capacity. This may lead to a reduction in community offerings, particularly for engagement and outreach projects which require significant staff time.

Finance department staff will have some workload for the administration of the fee.

## **CLIMATE IMPACT**

Continued and slightly expanded funding through a climate fee would continue city involvement in climate work by allowing staff to perform the strategies outlined in the CAP and work towards the city’s adopted goals. Significant emission reductions could be seen along with other environmental, economic, and livability co-benefits that align with climate adaptation and mitigation.

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

FCS Group and city staff are continuing to coordinate with community development, finance, public works utility divisions and the city manager on the outreach, establishment, and administration of the climate fund.

### **STAFF RECOMMENDATION**

Staff recommends that Council adopt the t attached ordinance and resolutions

### **ALTERNATIVES**

Council could alternatively decide to:

1. Not adopt the ordinance and resolution and continue the discussion to a later date, or
2. Not adopt the ordinance and resolution and end discussion on the climate fund. This may affect future climate programming options at the city.

### **ATTACHMENTS**

1. Ordinance adopting the Climate Fee and Stormwater Fund code
2. Climate Fee draft code
3. Stormwater Fund code amendments
4. Resolution modifying the Master Fee Schedule to include the new climate fee
5. Revised Master Fee Schedule

**COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE (MMC) BY ADDING A NEW CHAPTER 3.70 – CLIMATE FEE AND AMENDING CHAPTER 13.14 STORMWATER MANAGEMENT TO CLARIFY THE USE OF STORMWATER FUNDS.**

WHEREAS the City of Milwaukie has formally adopted a Climate Action Plan (CAP) that includes strategies and actions for the city to conserve our natural resources, encourage sustainable neighborhoods and behaviors, and promote resiliency, and

WHEREAS the City Council declared on January 21, 2020 that a climate and ecological emergency exists that threatens the city, region, state, nation, civilization, humanity, and the natural world, and

WHEREAS the City Council has set goals to take aggressive steps to minimize climate change and increase climate-related resilience by implementing specific actions identified in the city’s CAP, and

WHEREAS the City Council has determined that to achieve these goals it is necessary to provide a dedicated revenue source.

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

Section 1. Amendments. The Milwaukie Municipal Code (MMC) is amended as described in Exhibit A (Chapter 3.70 Climate Fee)), and Exhibit B (Chapter 13.14 Stormwater Management).

Section 2. Effective Date. This ordinance will become effective on March 1, 2023.

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

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

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

\_\_\_\_\_  
Mark F. Gamba, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Scott S. Stauffer, City Recorder

\_\_\_\_\_  
Justin D. Gericke, City Attorney

**Climate Fee**

3.70.010 PURPOSE

The purpose of this fee to provide funding for the city's climate and sustainability related programming to meet the goals outlined in the city's Climate Action Plan.

3.70.020 DEFINITIONS

"Carbon Free Electricity" means electricity that at the time of generation produces no carbon emissions.

"Climate Action Plan" means the city's detailed and strategic framework for measuring, planning, and reducing greenhouse gas (GHG) emissions and related climatic impacts.

"Greenhouse Gas (GHG)" means any gas that has the property of absorbing infrared radiation (net heat energy) emitted from Earth's surface and reradiating it back to Earth's surface, thus contributing to the greenhouse effect.

"Greenhouse Gas Emissions" means the production and discharge of a greenhouse gas.

"Multi-family Residential" means residential property consisting of two (2) or more dwelling units. For the purposes of this chapter, condominiums and individual mobile home units are also classified as multi-family residential properties.

"Responsible party" means the person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit or property.

"Single-family Residential" means a residential property that has only detached dwelling units.

3.70.030 ADMINISTRATIVE OFFICERS

A. Except as provided in subsection B of this section, the City Manager or designee will be responsible for the administration of this chapter. The City Manager will be responsible for developing administrative procedures for the chapter, and consideration and assignment of categories of use subject to appeal to the City Manager.

B. The Finance Director will be responsible for the administration and collection of fees under this chapter.

3.70.040 DEDICATION OF REVENUES

All funds and all proceeds from funds collected pursuant to this chapter will be used to support the strategies and programs identified in the city's Climate Action Plan.

3.70.050 ANNUAL REPORT

A. A report will be prepared and presented to City Council on an annual basis detailing the city’s progress towards achieving the goals outlined in the Climate Action Plan.

3.70.060 CLIMATE FEE

A. A fee is imposed and levied upon the responsible party for all developed property within the city unless otherwise exempted (MMC 3.70.100, MMC 3.70.120). The fee will be based on estimated GHG emissions of development type and the customers estimated average daily vehicle trip generation as determined by MMC 3.25.060. The fee is to be calculated as described below in Section 3.70.070.

B. The fee will be imposed and levied on the property owner of the developed property in the event of nonpayment by the responsible party.

3.70.070 DETERMINATION OF CLIMATE FEE

A. Category Assignment

1. Each developed property in the City will be assigned to a customer GHG category reflecting business type or property use. The customer GHG category is determined based on the property’s assigned SSMP category (MMC 3.25.060) as outlined in Table 1.

*Table 1.* SSMP Category and GHG Category.

SSMP Category	GHG Category
C2A, C3A	Industrial
C1A, C1B, C2B, C2D, C3B, C3C, C4A, C5C, C7A, C8A, C9A	Services
C5A, C6A, C6B, C7C, C8B	Retail
MFR	Multifamily
RESID	Residential

B. The determination of category of use will not be considered a land use decision as that term is defined in ORS 197.015.B. Billing units will be based on the responsible party’s calculated SSMP unit as determined in MMC 3.25.060, except for residential and multi-family properties, which will be determined as follows:

1. Multifamily residential: Billing units for multi-family will be determined by multiplying the total multi-family SSMP units by 0.75 or as determined by the master fee schedule.

2. Residential: Billing units for single-family residential will be determined by multiplying the total residential SSMP units by 1.10 or as determined by the master fee schedule.

C. Greenhouse Gas Emissions Ratio: The GHG emissions ratio for each land use category is calculated by using energy consumption data and an industry standard emissions calculator. The calculated GHG emissions ratios are as follows:

- Industrial: 51.00%
- Services: 6.00%
- Retail: 1.00%
- Multifamily: 10.65%
- Residential: 31.35%

The GHG emissions ratio is used to allocate revenue requirements to the appropriate customer category. The ratio and calculation methodology may be adjusted as determined by City Council resolution.

#### D. Fee Calculation

Fees will be calculated by multiplying billing units by the monthly charge for the assigned customer category to establish the monthly fee to be billed, or as determined by the master fee schedule. Fee calculations will reflect the proportional community emissions contributions for each GHG category customer type.

#### E. Fee Indexed

All fees will be adjusted for inflation annually according to the 12-month Consumer Price Index -West Region published by the Bureau of Labor Statistics.

#### F. Fee Reduction

1. A reduction in an assigned fee may be requested using forms prescribed by the city. The criteria for fee reductions as it applies to a property may include infrastructure installation that results in permanent emission reductions for the property. Proof of emission reduction potential and completion of infrastructure installation must be submitted by the responsible party before fee reductions are applied on the next billing cycle. Approved fee reductions may be partially or fully rescinded if the city can demonstrate that the responsible party is not complying with the conditions of approval on the approved fee reduction application.

2. If a fee reduction application is denied, the responsible party may file an appeal to the City Manager using forms prescribed by the city. Appeals must be filed within 14 days from the date of the fee reduction application determination. The City Manager will consider the application against the applicable review criteria, taking into consideration information provided by the applicant and city staff. The City Manager may affirm, reverse, or modify with changes the decision of the Public Works Director or designee. The appeal decision of the City Manager is final and may not be appealed to another review body within the City.

### 3.70.080 ADMINISTRATION OF FEE

A. Under the supervision of the Finance Director, the climate fee will be billed and collected with and as part of the monthly city utility bill for those lots or parcels utilizing city water and sewer, as provided for in Section 13.04.100, and billed and collected separately for those developed properties not utilizing city water and sewer. In the event of nonpayment, the city may bill the property owner or take other action as authorized by law to collect from the responsible party.

B. In the event payments received are insufficient to satisfy a customer's applicable fees, the funds received will be proportionately divided amongst the climate fee, bicycle and pedestrian fee, street maintenance fee, sanitary sewer service charges, storm sewer service charges, and water service charges.

### 3.70.090 WAIVER OF FEE IN CASE OF VACANCY

A. When any property within the city becomes vacant and water service is discontinued, a waiver of the fee may be granted by the Finance Director upon written application of the responsible party, including a signed statement affirming under penalty of perjury that the property is vacant, and upon payment of all outstanding water, sanitary sewer, storm sewer, street maintenance, bicycle and pedestrian, and climate fees.

B. For purposes of this section, "vacant" means that an entire building or utility billing unit has become vacant or continuously unoccupied for at least thirty (30) days. "Vacant" does not mean that only a portion of a property without a separate water meter has become vacant or unoccupied.

C. Fees will be waived in accordance with this section only while the property remains vacant. The responsible party must notify the city within five (5) days of the premises being occupied, partially occupied, or used, regardless of whether water service is restored.



### 3.70.100 RELIEF FOR LOW INCOME RESIDENTIAL CUSTOMERS FROM FEE

The climate fee will not be billed to residential customers enrolled in the city's low-income utility program.

### 3.70.110 FEE APPEAL PROCEDURE

A. Any responsible party that disputes any interpretation given by the city regarding the GHG category of use assigned to a property pursuant to this chapter may request a review and appeal such interpretation in accordance with this section. The dispute must first be presented to the Public Works Director or designee for review and thereafter may be appealed to the City Manager. Failure to appeal an interpretation made under this chapter within the time and in the manner provided will be sufficient cause to deny the relief requested. Except in cases of hardship as determined by the City Manager, disputes that result in changes to the fee charged under this chapter will become effective with the next billing cycle.

B. A responsible party who disputes an interpretation made by the Public Works Director or designee regarding the assigned GHG category of use under this chapter must submit a written appeal to the City Manager within fourteen (14) days from the date of notice of the Public Works Director or designee determination under subsection A of this section, together with a filing fee in the amount determined by City Council resolution. The application for appeal must include a detailed explanation of the grounds for the appeal. Appeals are limited to the issue of whether the appropriate GHG category has been assigned to the property.

C. The City Manager will review the application and consider the appeal taking into consideration information provided by the applicant and City staff. The City Manager may affirm, reverse, or modify with changes the decision of the Public Works Director or designee. The appeal decision of the City Manager is final and may not be appealed to another review body within the City.

### 3.70.140 SEVERABILITY

In the event any section, subsection, paragraph, sentence, or phrase of this chapter is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter will continue to be effective. If a court of competent jurisdiction determines that this chapter imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the fee will be created and the remainder of the chapter and the fees imposed thereunder will continue to apply to the remaining properties without interruption.

Nothing contained herein will be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable law.

## Attachment 7. A. 3.

### 13.14.010 PURPOSE

The City finds and declares that absent effective maintenance, operation, regulation, and control, existing stormwater drainage conditions in all drainage basins and subbasins within the City constitute a potential hazard to the health, safety, and general welfare of the City. The City Council further finds that natural nature-based and manmade stormwater facilities and conveyances together constitute a stormwater system and that the effective regulation and control of stormwater can best be accomplished through formation, by the City, of a stormwater utility. (Ord. 2013 § 1, 2010; Ord. 1755 § 6, 1994)

### 13.14.020 DEFINITIONS

“City” means the City of Milwaukie, a municipality, and its authorized employees.

“City Council” means the City Council of Milwaukie.

“Customer” means a person in whose name service is rendered as evidenced by the signature on the application/contract for stormwater, sanitary sewer, or water service or, in the absence of a signed instrument, by the receipt and payment of bills regularly issued in their name.

“Developed” means an area which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area, which affects the hydraulic properties of the location.

“Equivalent service unit (ESU)” means a configuration of development or impervious surface estimated to contribute an amount of runoff to the City’s stormwater system which is approximately equal to that created by the average developed single-family residence within Milwaukie. One ESU is equal to two thousand seven hundred six (2,706) square feet of impervious surface area.

“Impervious surface” means that hard surface area which either prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions. Impervious surfaces may include, but are not limited to, rooftops, concrete, or asphalt paving, walkways, patios, driveways, parking lots, or storage areas, trafficked gravel, and oiled, macadam, or other surfaces which similarly impede the natural infiltration or runoff of stormwater.

“Improved premises” means any area which the Public Works Director determines has been altered such that the runoff from the site is greater than that which could historically have been expected. Improved premises do not include public roads under the jurisdiction of the City, County, State or federal government.

“Manager” means the City Manager or designee of the City stormwater management system.

“Nature-based stormwater facilities” means strategies used to maintain or mimic a site's natural hydrology and capacity to collect, soak in and filter stormwater runoff. These may

include but are not limited to rain gardens, vegetated swales, permeable pavement, green roofs, rainwater harvesting, urban forest canopy, tree trenches and green streets.

“One- or two-family residential” means an area which is improved with one or two (2) attached single-family dwelling units for occupancy each by a single family or a similar group of people, provided each dwelling has a separate billing within the City’s utility billing system.

“On-site mitigation control system” means a stormwater drainage facility which the Public Works Director has determined prevents the discharge, or substantially reduces the discharge, of stormwater or nonpoint source pollution into a receiving water or public stormwater system facility.

“Person responsible” means the occupant, lessee, tenant, contract purchaser, owner, agent, or other person having possession of property, or if no person is in possession, then the person in control of the use of the property, or in control of the supervision of development on the property.

“Public Works Standards” mean the City of Milwaukie Public Works Standards and the referenced City of Portland Stormwater Management Manual that the City requires be complied with for the design and construction of on-site mitigation facilities including stormwater detention, retention, and water quality treatment facilities.

“Stormwater” means water from precipitation, surface or subterranean water from any source, drainage, and nonseptic wastewater.

“Stormwater service” means the operations of the City’s stormwater utility in providing programs and facilities for maintaining, improving, regulating, collecting, and managing stormwater quantity and quality within the City’s service area.

“Stormwater system” means any structure or configuration of ground that is used or by its location becomes a place where stormwater flows or is accumulated, including, but not limited to, pipes, sewers, curbs, gutters, manholes, catch basins, ponds, creeks, underground injection control (UIC) facilities, open drainageways, their appurtenances and nature-based facilities. Stormwater system does not include the Willamette River.

“Street wash water” means water that originates from publicly financed street cleaning activities consistent with the City’s National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit.

“Toxic substances” mean any chemical listed as toxic under Section 307(a)(1) of the Federal Clean Water Act (CWA) or Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA).

“Undeveloped” means any area which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area, which affects the hydraulic properties of the location. (Ord. 2013 § 1, 2010; Ord. 1755 § 6, 1994)

#### 13.14.025 REGULATIONS AND REQUIREMENTS

##### A. Compliance with Industrial NPDES Stormwater Permits

Any industrial discharger, discharger associated with construction activity, or other discharger subject to any NPDES permit issued by the Oregon DEQ, from which pollutants may enter the public or private stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by federal regulations. Proof of compliance with said permits may be required in a form acceptable to the Manager of the City stormwater management system prior to issuance of any grading, building, or occupancy permits or business license.

##### B. Compliance with State, Local, and Federal Regulations

All users of the public stormwater system, and any person or entity whose actions may affect the system, shall comply with all applicable federal, State, and local laws, including Section 19.402 Natural Resources. Compliance with the requirements of this chapter shall in no way substitute for, or eliminate the necessity for compliance with, applicable federal, State, and local laws.

##### C. Conflicts with Existing and Future Regulatory Requirements of Other Agencies

Any provisions or limitations of this chapter, and any rules adopted pursuant hereto, are superseded and supplemented by any applicable federal, State, or local requirements existing or adopted subsequent hereto which are more stringent than the provisions and limitations contained herein. Any provision of this chapter and rules adopted pursuant hereto which are more stringent than any such applicable federal, State, or local requirement shall prevail and shall be the standard for compliance by the connectors to and the discharges to the public stormwater system.

##### D. Accidental Spill Prevention and Control

Dischargers who are not required to obtain an NPDES permit; but who handle, store, or use hazardous or toxic substances or discharges prohibited under Section 13.14.105.E General Discharge Prohibitions, on their sites; shall prepare and submit to the Manager, at the Manager’s request, an Accidental Spill Prevention Plan within sixty (60) days of notification by the City. If other laws or regulations require an Accidental Spill Prevention and Control Plan, a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this section.

#### E. Notification of Spills

As soon as any person in charge of a facility, or responsible for emergency response for a facility, becomes aware of any suspected, confirmed, or unconfirmed release of material, pollutants, or waste creating a risk of discharge to the public stormwater system, such persons shall:

1. Begin containment procedures;
2. Notify proper emergency personnel in case of an emergency;
3. Notify appropriate City and/or State officials regarding the nature of spill;
4. Follow up with the City regarding compliance and modified practices to minimize future spills, as appropriate.

The notification requirements of this section are in addition to any other notification requirements set forth in federal, State, or local regulations and laws. The notification requirements do not relieve the person of necessary remediation.

#### F. Requirement to Eliminate Illicit Connections

1. The Manager may require by written notice that a person responsible for an illicit connection to the public stormwater system comply with the requirements of this chapter to eliminate the illicit connection or secure approval for the connection by a specified date.

2. If, subsequent to eliminating a connection found to be in violation of the chapter, the responsible person can demonstrate that an illicit discharge will no longer occur, that person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

#### G. Requirement to Remediate

Whenever the Manager finds that a discharge of pollutants is taking place, or has taken place, which will result in, or has resulted in, pollution of stormwater or the public stormwater system, the Manager may require by written notice to the responsible person that the pollution be remediated and the affected property restored, to the standards established by the Manager, within a specified time.

#### H. Requirement to Monitor and Analyze

Whenever the Manager determines that any person is engaged in any activity, and/or owns or operates any facility, which may cause or contribute to stormwater pollution or illicit discharges to the public stormwater system, the Manager may, by written notice, order that such person

undertake such monitoring activities and/or analyses, and furnish such reports, as the Manager may deem necessary to demonstrate compliance with this chapter. The written notice shall be served either in person or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required. The burden to be borne by the owner or operator; including costs of these activities, analyses, and reports; shall bear a reasonable relationship to the need for the monitoring, analyses, and/or reports and the benefits to be obtained. The recipient of such order shall undertake and provide the monitoring, analyses, and/or reports within the time frames set forth in the order.

#### I. Stormwater Treatment

The quality of stormwater leaving the site after development shall be equal to or better than the quality of stormwater leaving the site before development, based on the following criteria:

1. On-site mitigation facilities for water quality required for development shall be designed, installed, and maintained in accordance with the Public Works Standards.
2. Land use activities of particular concern as pollution sources shall implement additional best management practices for pollution control including, but not limited to, those management practices specified in the Public Works Standards.
3. Development in a watershed that drains to streams with established total maximum daily load (TMDL) limitations; as provided under the CWA, Oregon Law, Administrative Rules, and other legal mechanisms; shall assure that on-site mitigation facilities for water quality control meet the requirements for pollutants of concern.

#### J. Design and Performance Criteria for Stormwater Detention and Water Quality Treatment Facilities Constructed on Private Property

1. All on-site mitigation facilities; including stormwater detention, retention, and water quality treatment facilities required by the City; shall be designed and constructed to meet the Public Works Standards.
2. Except as permitted by the Engineering Director, as provided by the Public Works Standards, on-site mitigation facilities shall be located on private property and shall not be located on property that will become a public right-of-way, public stormwater easement, or future street plan.
3. Except as permitted by the Manager, as provided by the Public Works Standards, once constructed, the on-site mitigation facilities shall be privately owned, operated, and maintained. Maintenance responsibility shall include all elements of the stormwater detention and water quality treatment system up to the point of connection with a drainage structure or waterway of the public stormwater system. Such connection shall be subject to City approval.

4. Maintenance as required by the Public Works Standards shall be specified in an operation and maintenance plan submitted to and approved by the Manager prior to issuance of a notice to proceed with public improvements. Prior to the time of project acceptance, the developer or applicant shall enter into an agreement with the City to ensure the implementation of the operation and maintenance plan, and a memorandum of agreement shall be recorded with Clackamas County. Private stormwater detention and water quality treatment facilities are subject to periodic inspection by the City to ensure proper maintenance and performance.

5. Failure to properly operate or maintain on-site mitigation facilities for stormwater detention, retention, and water quality treatment according to the operation and maintenance plan of the adopted City of Portland Stormwater Management Manual in effect on the date of the ordinance codified in this chapter is a violation.

(Ord. 2036 § 3, 2011; Ord. 2025 § 3, 2011; Ord. 2013 § 1, 2010)

#### 13.14.030 REQUEST FOR SERVICE, INITIATION OF BILLING

A request for water service constitutes a request for stormwater service and will initiate appropriate billing for stormwater services as established in this chapter. If development of a parcel does not require initiating water service, the creation of an improved premises from which stormwater may be discharged into the public stormwater system shall constitute a request for service and initiate the obligation to pay the fees and charges authorized in this chapter. (Ord. 2013 § 1, 2010; Ord. 1755 § 6, 1994)

#### 13.14.040 CHARGES FOR STORMWATER SERVICE

A. Except as the charges may be reduced under subsection C of this section, the obligation to pay stormwater service charges arises whenever there is a request for stormwater service for an improved premises. Unless another person responsible has agreed in writing to pay and a copy of that writing is filed with the City, the person receiving the City's water utility charge bill shall pay the stormwater charges as set by City Council resolution. If there is no water service to the property or if water service is discontinued and the property is an improved premises, the stormwater charges shall be paid by the person responsible for the property. The person required to pay the charge is hereafter referred to as the customer.

B. The City Council may by resolution establish fees and charges necessary to provide and operate a stormwater system and service.

C. Upon completion of the on-site mitigation credit application package available from the City's Public Works Department, a customer of the utility may request a reduction of the stormwater service charge. The service charge will be reduced in relation to the customer's ability to demonstrate that on-site stormwater facilities meet or exceed the City's standards for stormwater quantity and quality control at that site.



Any reduction given shall continue until the condition of the property is changed or until the Public Works Director determines the property no longer qualifies for the credit given. Upon change in the condition of the property, another application may be made by a person responsible.

D. Service charge avoidance may be requested through the application package available from the Public Works Department. The criteria for waiver of the service charge as it applies to a specific customer includes total retention of stormwater with no effective discharge to the City's stormwater system; the petitioner's ability to demonstrate through hydrologic/hydraulic analysis that the site receives no stormwater service from the City's stormwater system; and proof that stormwater facilities are constructed and maintained to City standards.

E. For the purposes of this chapter, dry wells are not an on-site mitigation control system eligible for service charge reduction or service charge avoidance because of the potential water quality impact that dry wells may have on the City's groundwater resources. (Ord. 2013 § 1, 2010; Ord. 1755 § 6, 1994)

#### 13.14.050 STORMWATER CHARGES—BILLING

A. Charges for stormwater service supplied by the City to any customer shall be charged for and billed to each such customer in accordance with rates established by the City Council. Prior to the establishment of stormwater service fees and charges by the City Council, the Milwaukie Citizens Utility Advisory Board shall prepare and deliver a report and recommendation on rates to the City Council. The Committee shall prepare and deliver its recommendation to City Council on an annual basis, according to the rules established by City Council. Stormwater service fees and charges as established by the City Council shall be added to and made a part of the billings for water and sewer service.

B. The customer shall be responsible for all stormwater service fees and charges, except as allowed by Section 13.14.040. The City may require deposits prior to providing stormwater service or in lieu of a deposit, obtain a signed agreement from the property owner, whether the customer or not, that they will be ultimately liable for the charges and that the City may use a lien as one method to secure payment if the charges are not paid. However, the City may not require a property owner to sign such an agreement.

C. Billings may be prorated. The proration shall be a daily rate determined by dividing the annual minimum billing by three hundred sixty-five (365) days times the number of days of occupancy from last meter reading and/or billing date.

D. A reduced stormwater service charge may be charged for customers who qualify as low income utility customers under the provisions of Chapter 13.20 of this code.

E. All money collected through stormwater fees and charges shall be deposited in the stormwater utility account as established and maintained by the City's Finance Director. (Ord. 2013 § 1, 2010; Ord. 1755 § 6, 1994)

F. Funds collected under this chapter shall be used for the purpose of maintaining and operating stormwater control facilities both manmade and nature-based, planning, designing, establishing, acquiring, developing, constructing, maintaining and improving the stormwater program and drainage facilities.

#### 13.14.055 PUBLIC INVESTMENT OF STORMWATER FUNDS

A. Funds collected under this chapter shall not be used for maintaining, operating or improving stormwater facilities on private property, or direct financial assistance for private tree removal except when:

1. Providing non-federal grant match funding to projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the National Flood Insurance Program.

2. The facility is a nature-based stormwater facility or component of and it can be demonstrated to the satisfaction of the City Engineer, using a science based approach, that the facility provides stormwater and public benefits that extend beyond the boundaries of the property or development.

3. It can be demonstrated that a private tree, using a science based approach, that the tree provides stormwater and public benefits that extend beyond the boundaries of the property or development to the satisfaction of the City Engineer in consultation with the Urban Forester.

4. The facility has been dedicated to the city and is within a public easement.

#### 13.14.060 STORMWATER CHARGES—WHEN DELINQUENT

A. The City shall prepare and mail billings for stormwater fees and charges on the last business day of each month. Payment is due on the 15th of the month following the billing date. Accounts are delinquent if the City does not receive full payment by 5:00 p.m. on the last business day of the month immediately following the billing date.

B. A delinquent fee, in an amount established by resolution of the City Council, shall be added to all delinquent accounts.

C. The Finance Director or designee is authorized to determine what constitutes a de minimis account balance and to waive the penalties in subsections B and D of this section in de minimis or extenuating circumstances.

D. In addition to other lawful remedies, the Finance Director may enforce the collection of charges authorized by this chapter by withholding delivery of water to any premises where the stormwater service fees and charges are delinquent or unpaid, following the procedures and

standards for shutting off water service for nonpayment of water bills as provided in Chapter 13.04. However, the Finance Director shall not deny or shut off water service to any subsequent tenant based upon an unpaid claim for services furnished to a previous tenant who has vacated the premises. (Ord. 2013 § 1, 2010; Ord. 1895 § 4, 2001; Ord. 1755 § 6, 1994)

#### 13.14.070 DELINQUENT CHARGES—LIEN

If the property owner elects pursuant to Section 13.14.050.B to authorize the use of a lien on real property to secure stormwater charge payment in lieu of a security deposit, all stormwater charges shall be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the City pertaining to its municipal stormwater system, and such ledger record or other record shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property. Whenever a bill for stormwater service remains unpaid sixty (60) days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by ORS 223.610 or in any other manner provided by law or City ordinance. (Ord. 2013 § 1, 2010; Ord. 1755 § 6, 1994)

#### 13.14.080 APPEAL

Any customer aggrieved by any decision made with regard to the customer's account or a decision on charge reduction or avoidance may appeal to the Manager by filing with the City a written request for review no later than ten (10) days after receiving the decision. The Manager's decision shall be subject to review by the City Council upon filing of an appeal within fifteen (15) days of the notice of decision. (Ord. 2013 § 1, 2010; Ord. 1755 § 6, 1994)

#### 13.14.090 RIGHT OF ACCESS

Employees of the City shall be provided access during regular business hours to all parts of the premises which include portions of the City's stormwater drainage system for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the system is used. Should there be no one available on the premises, notice will be provided to the owner, tenant, occupant, or their agent that arrangements must be made to allow the inspection. (Ord. 2013 § 1, 2010; Ord. 1755 § 6, 1994)

#### 13.14.100 TAMPERING WITH SYSTEM

- A. No unauthorized person shall damage, destroy, uncover, deface, or tamper with any conduit, structure, appurtenance, or equipment which is a part of the stormwater system.
- B. The Manager may adopt such rules and regulations as are necessary to protect the stormwater system and the public health, safety, and welfare. Violation of said rules or regulations is deemed a violation of this chapter and shall be punished accordingly.
- C. Portions of Johnson Creek, Kellogg Creek, and their natural tributaries are within the boundaries of the city and are considered waters of the United States pursuant to the CWA.

In order to protect the waters the City has a comprehensive enforcement program to comply with:

1. The 1987 Amendments to the CWA, as implemented by the Environmental Protection Agency (EPA) NPDES regulations adopted November 16, 1990, make necessary the adoption of plans and programs for stormwater management meeting specified criteria.
2. Section 402(p) of the CWA (33 U.S.C. 1251 et seq.), as amended by the Water Quality Act of 1987, requires that municipalities must:
  - a. Prohibit nonstormwater discharge into the public stormwater system; and
  - b. Require controls to reduce the discharge of pollutants from stormwater to the maximum extent practicable.
3. Section 303(d) of the CWA requiring states and the EPA to identify certain substandard waters and to set total maximum daily loads (TMDLs). The Oregon Department of Environmental Quality has and will continue to establish TMDLs for some water bodies within the city. The City seeks to comply with all TMDL requirements.
4. The Endangered Species Act (ESA) and associated 4(d) rules covering protection of West Coast salmon and steelhead.
5. All provisions of the federal law by implementing a stormwater management plan, in conjunction with other co-permittees.
6. The Safe Drinking Water Act and Divisions 40 and 44 of Chapter 340 of the Oregon Administrative Rules pertaining to UIC facilities.

(Ord. 2013 § 1, 2010; Ord. 1755 § 6, 1994)

#### 13.14.105 DISCHARGE REGULATIONS

##### A. Discharge of Pollutants

The commencement, conduct, or continuance of any nonstormwater discharge to the public stormwater system is prohibited and is a violation of this chapter, except as described below.

1. The prohibition shall not apply to any nonstormwater discharge permitted or approved under an Industrial or Municipal NPDES permit, waiver, or discharge order issued to the discharger and administered by the DEQ, provided that the discharger is in full compliance with all requirements of the permit, waiver, or discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any discharge to the municipal separate storm wastewater system (MS4).

2. Except as provided in subsection A.3, the prohibition shall not apply to the following nonstormwater discharges to the public stormwater system: municipal water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to the municipal separate storm sewer system (MS4), uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and flows from fire fighting activities.

3. The Manager may require best management practices to reduce pollutants, or may prohibit a specific discharger from engaging in a specific activity identified in subsection A.2, if at any time the Manager determines that the discharge is, was, or will be a significant source of pollution.

#### B. Discharge in Violation of Permit

Any discharge that would result in or contribute to a violation of an existing or future Municipal NPDES permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such discharge.

#### C. Illicit Connections and Illicit Discharges

It is prohibited to establish, use, maintain, or continue illicit connections to the public stormwater system, or to commence or continue any illicit discharges to the public stormwater system.

#### D. Waste Disposal Prohibitions

1. No person may throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, catch basin, inlet, or other component of the public stormwater system, materials that may cause or contribute to pollution, including, but not limited to, any refuse, rubbish, garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, sediment or sediment-laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations.

2. Runoff from commercial or industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not discharge directly to a private or public stormwater system; this includes, but is not limited to, outdoor

commercial, industrial, or business activities that create airborne particulate matter, process by-products or wastes, hazardous materials or fluids from stored vehicles, where runoff from these activities discharges directly or indirectly to a private or public stormwater system.

#### E. General Discharge Prohibitions

##### 1. Discharge to Sanitary Sewer System

No person shall discharge or contribute to the discharge of any stormwater or other unpolluted water into the City's sanitary sewer system.

##### 2. Discharge to Public Storm Sewer System

It is unlawful to discharge or cause to be discharged directly or indirectly into the public stormwater system any of the following:

- a. Any discharge having a visible sheen, or containing floating solids or discoloration (including, but not limited to, dyes and inks);
- b. Any discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic substances;
- c. Any discharge which causes or may cause damage, interference, nuisance, or hazard to the public stormwater system or the City personnel;
- d. Any discharge containing human sanitary waste or animal feces.

(Ord. 2013 § 1, 2010)

#### 13.14.110 COMPLIANCE REQUIRED

The provisions of this chapter must be strictly complied with in every instance, and service must be paid for by all premises supplied, according to the rates established by the City Council. Exceptions to these provisions shall be made only upon the written authorization of the Manager. (Ord. 2013 § 1, 2010; Ord. 1755 § 6, 1994)

#### 13.14.115 INSPECTION AND ENFORCEMENT

##### A. Authority to Inspect

1. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Manager has reasonable cause to believe that there exists in any building or upon any premises any condition which may constitute a violation of the provisions of this chapter, the Manager may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the Manager by this chapter; provided that: (a) if such building or premises is occupied, he or she first shall present proper credentials

and request entry; and (b) if such building or premises is unoccupied, he or she first shall make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

2. The property owner or occupant has the right to refuse entry but, in the event such entry is refused, the Manager is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry and performing such inspection.

3. As used in this section, inspection includes, but is not limited to, the physical inspection of a facility, and the review and copying of records relating to compliance with Sections 13.14.025 to 13.14.130.

#### B. Authority to Sample, Establish Sampling Devices, and Test

With the consent of the owner or occupant, or with court consent, the Manager may establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the Manager may take any samples deemed necessary to aid in the pursuit of the inquiry or to record the on-site activities.

#### C. Continuing Violation

Unless otherwise provided, a person shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued, or permitted by the person.

#### D. Concealment

Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a violation of the chapter.

#### E. Acts Resulting in Violation of Federal Law

Any person who violates any provision of this chapter, or any provision of any stormwater-related permit issued by DEQ, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, also may be in violation of the CWA, Safe Drinking Water Act, or the ESA and may be subject to the sanctions of these Acts including civil and criminal penalties.

#### F. Violations Deemed a Nuisance

Any condition caused or permitted to exist in violation of any provision of this chapter is a threat to public health and safety. Any such condition is unlawful and constitutes a nuisance. In addition to any other remedies, the Manager may enforce this chapter by compliance order, stop work order, abatement proceedings, or civil action as provided in MMC 8.04.070, or as otherwise authorized by law. (Ord. 2013 § 1, 2010)

#### 13.14.120 VIOLATION – PENALTY

Violation of any provision of this chapter by any person, firm, or corporation is punishable by a fine of not more than one thousand dollars (\$1,000.00). Each day on which a violation occurs or continues is a separate offense. (Ord. 2013 § 1, 2010; Ord. 1755 § 6, 1994)

#### 13.14.130 DISCLAIMER OF LIABILITY

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific, engineering, and other relevant technical considerations. The standards set forth herein are minimum standards and the chapter does not imply that compliance will insure that there will be no unauthorized discharge of pollutants into the public stormwater system. This chapter shall not create liability on the part of the City, or any agent or employee thereof, for any damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 2013 § 1, 2010)





**COUNCIL RESOLUTION No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REVISING FEES AND CHARGES AND UPDATING SECTION 14 OF THE MASTER FEE SCHEDULE FOR FISCAL YEARS 2023 AND 2024.**

**WHEREAS** it is the policy and practice of the city to determine and recover certain costs from fees and charges levied for various services, products, and regulations; and

**WHEREAS** the city manager must periodically review city fees and charges to ensure the recovery of city costs in providing services, products, and regulations, and recommend adjustments to the City Council; and

**WHEREAS** Milwaukie advisory boards, commissions, and committees periodically recommend adjustments to the fees and charges levied for various services, products, and regulations; and

**WHEREAS** the city manager has reviewed city fees and charges, has received guidance from advisory boards, commissions, committees, and city staff, and has finalized the updated master fee schedule.

**Now, Therefore, be it Resolved** that:

SECTION 1. The City of Milwaukie “Fees” document included as Exhibit A to this resolution is hereby adopted.

SECTION 2. This resolution supersedes previously adopted fee resolutions.

Introduced and adopted by the City Council on **November 15, 2022.**

This resolution is effective immediately.

\_\_\_\_\_  
Mark F. Gamba, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Scott S. Stauffer, City Recorder

\_\_\_\_\_  
Justin D. Gericke, City Attorney



## **Fiscal Years 2023 & 2024**

# **MASTER FEE SCHEDULE**

**REVISED FOR PROPOSED Climate Fee**

**Revision date: 10/31/2022**

## 14. Utilities

Climate Fee Category Assignment: Each developed property in the City shall be assigned to a customer GHG category reflecting business type or property use. The customer GHG category is determined based on the property's assigned SSMP category (MMC 3.25.060) and respective GHG category, as outlined in Table 1.

**Table 1.** SSMP Category and GHG Category.

SSMP Category	GHG Category
C2A, C3A	Industrial
C1A, C1B, C2B, C2D, C3B, C3C, C4A, C5C, C7A, C8A, C9A	Services
C5A, C6A, C6B, C7C, C8B	Retail
MFR	Multifamily
RESID	Single Family Residential

### Climate Fee

Account Type	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
Single Family Residential	\$2.13	\$2.13
Low Income	Exempt	Exempt
Multi-Family Residential (per unit)	\$1.60	\$1.60
Industrial (per unit)	\$4.99	\$4.99
Services (per unit)	\$0.40	\$0.40
Retail (per unit)	\$0.21	\$0.21

RS 7. A. 11/15/22 Presentation



CITY OF MILWAUKIE

# Milwaukie Community Climate Action Plan

## Climate Fund

Continued Discussion – Nov 15<sup>th</sup>, 2022

**Natalie Rogers**

*Climate and Natural Resource Manager*

[RogersN@milwaukieoregon.gov](mailto:RogersN@milwaukieoregon.gov)

# Overview of prior discussion and direction



## Oct 2018 – CAP Adoption

- 53+ city led actions including programs, education, incentives

## Jan 2020 – Climate Emergency Declaration

- Accelerates goals, clarifies reporting timeline, re-establishes community education/outreach

## Sept 2021 – Climate goal adoption for 2021/2022

- Prior discussions focus on funding of climate initiatives

## July 2022 – Staff and consultants present climate funding model options

- Council shows preference for GHG emission fee option

## Sept 2022 – Staff and consultants present updated funding structure with potential funding goals and deliverables

- Council shows preference for \$500k option with programs providing economic incentives

# Overview of selected fund and opportunities



## Fund Structure

Climate fee based on SSMP fund structure

- SSMP categories consolidated into GHG categories
- Industrial, services, retail, SFR, MFR

Each GHG category assigned proportion of fund responsibility based on emission profile of land use

- Industrial: 51.00%
- Services: 6.00%
- Retail: 1.00%
- Multifamily: 10.65%
- Residential: 31.35%

Category's cost split amongst billing units in each category

Monthly Fee by Residential Type <i>(Per dwelling unit):</i>	Monthly Fee by Business Type: <i>(Per SSMP billing unit):</i>
Single-family Residential: \$2.13	Services Category: \$0.40
Multi-family Residential: \$1.60	Retail Category: \$0.21
	Industrial Category: \$4.99

## CAP Programming Areas

- Building Energy and Efficiency
- Transportation
- Vehicles and Fuels
- Natural Resources\*
- Public Health and Preparedness

## Programming Opportunities

- Education
  - Ex. Fuels and emissions, public health impacts
- Outreach and awareness
  - Ex. State/federal incentives, regional programming
- City incentives
  - Ex. Rebates, gap cost coverage
- City staff assistance
  - Ex. Workplace policies, local group action

# Climate Fund Programming Survey



- Climate fund engage page – 616 unique visitors
- Community survey
  - 187 online responses, 3 paper surveys
- Business survey
  - 19 online responses
  - 14 business responses on community survey
- Survey framed to answer question ‘what programs do Milwaukians use, and what programs do they want?’
  - Engage page outlines fee structure, proposed cost, and how/what type of programs would be created
  - Helps to answer questions:
    - Is the fund balance selected appropriate for community interest?
    - Have existing programs been utilized by residents?
    - What barriers to participation can be addressed by programming?

## Climate Fund

The city is exploring new ways to financially support existing and future climate and urban forest programs in Milwaukee by creating a new climate fee for businesses and residents to support a larger community climate fund. Help direct how the fund is used by taking the online survey below from Oct. 24 to Nov. 6!

### WHAT IS A CLIMATE FUND AND WHY IS IT NEEDED?

The Milwaukee community adopted strong greenhouse gas emission reduction goals and canopy expansion goals to combat climate change and promote community livability. In the last five years, Milwaukee has become a leader in small-community climate action and awarded in urban forestry. Looking forward, the climate and urban forest programs at the city needs dedicated funding to maintain existing work and progress further towards the adopted emission reduction and canopy goals. A climate fund, supported through a new climate fee, could establish a consistent resource for climate action moving forward and support these programs and work.

City Council is exploring a climate fund goal of \$500,000 to pay for existing services and give a slight boost to the programs to explore new opportunities and incentives for the community. The new climate fund would be paid by business and residential utility customers, and a fee would appear on a customer's monthly utility bill.

### HOW MUCH WOULD IT COST?

Contributions to the fund are scaled for each customer type to reflect the greatest sources of carbon emissions in the city rather than property taxes. A utility customer's monthly fee would be calculated considering their customer type (according to the Street Surface Maintenance Program) and reported number of billing units or dwelling units for residential properties. In the proposed fee structure, a single-family residential property owner would pay \$2.13 per month and a multifamily unit property owner would pay \$1.60 a month per unit. The proposed billing unit fees are:

Monthly Fee by Residential Type (Per dwelling unit)	Monthly Fee by Business Type: (Per \$500P billing unit)
Single-family Residential: \$2.13	Services Category: \$0.40
Multi-family Residential: \$1.60	Retail Category: \$0.21
	Industrial Category: \$4.99

Customers participating in the utility billing assistance program would not pay a fee. [Click here](#) to learn more about utility billing assistance.

### WHAT COULD THIS FEE PAY FOR?

The climate fund would support both existing and future climate work with City Council and community direction:



Each of the above city-led actions and programming would have a positive impact on Milwaukee's community carbon emissions. Program continuation and development would be directed by council and community feedback.

### SHARE YOUR FEEDBACK ON CLIMATE FUND PRIORITIES BY TAKING THE SURVEY BELOW!

The survey will help guide staff and council in prioritizing programs and offerings that provide the most community benefits.

Milwaukee City Council asked staff to explore what programs would be of the most interest to community members. Programs could include educational and outreach efforts like sustainability events and fairs, financial incentives like rebates, grants or scholarships for energy efficiency upgrades and repairs, community partnerships with non-profits for services and offerings, and other programs that offer economic, environmental, and livability benefits.

The survey will be open from Oct. 24 to Nov. 6.

Physical copies will be made available at the below city buildings:

City Hall - 10722 SE Main St Milwaukee, OR 57222  
 Ledding Library - 10660 SE 21st Ave St, Milwaukee, OR 57222  
 Public Safety Building - 3200 SE Harrison St, Milwaukee, OR 57222  
 Johnson Creek Facility - 6101 SE Johnson Creek Blvd, Milwaukee, OR 57206

CLOSED: This survey has concluded.

## Community Climate Fund Survey

A community-focused survey to receive feedback on community priorities and interests on climate related programs in Milwaukee!

This survey is for all community members, including those who live in Milwaukee, work at or for a Milwaukee business, or anyone who would like to provide feedback on climate programming in Milwaukee.

[COMPLETE FORM](#)

CLOSED: This survey has concluded.

## Business Climate Fund Survey

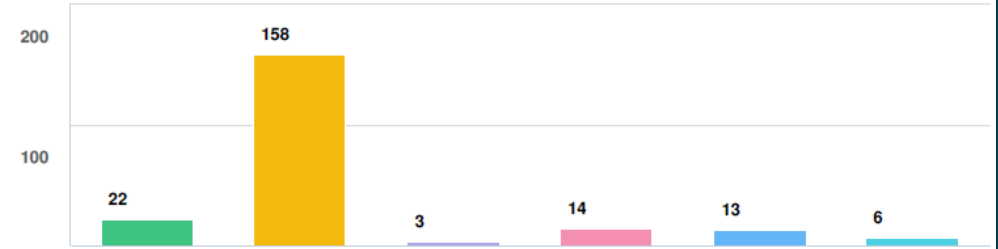
A business-focused survey to receive feedback on small business, commercial and industrial community priorities and interests on climate related programs in Milwaukee

Employees and residents are encouraged to take the community climate survey as well!

[COMPLETE FORM](#)



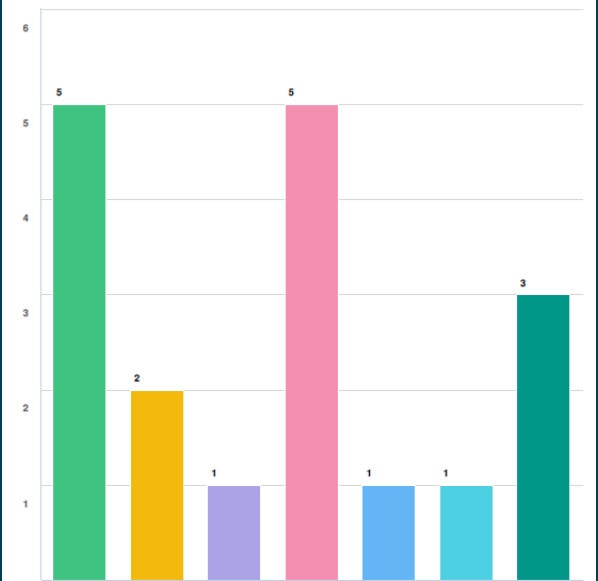
## Q1 What is your relationship with the Milwaukee community? Check all that apply:



### Question options

- I am a Milwaukee resident and rent my home/residence
- I am a Milwaukee resident and own my home/residence
- I am not a Milwaukee resident but partake in Milwaukee programs, events, and community activities
- I am an employee of a business located in Milwaukee
- I am a representative of, or an owner of a business located in Milwaukee
- I represent an organization or community group that performs advocacy in Milwaukee

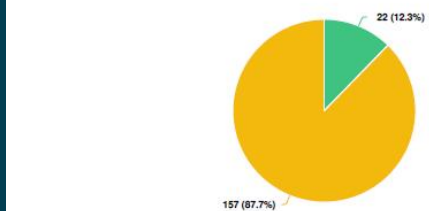
## Q3 Do you participate in any of the below programs? Check all that apply.



### Question options

- Energy bill assistance through the electric or gas utility
- Milwaukee's utility assistance program for water/sewer/stormwater bill assistance
- Housing assistance programs
- Food Bank or food scarcity assistance programs
- Weatherization or home upgrade assistance programs
- Transportation assistance programs
- Other programs (optional). Feel free to share with us the most helpful programs

## Q2 Do you self identify as a low income community member?



### Question options

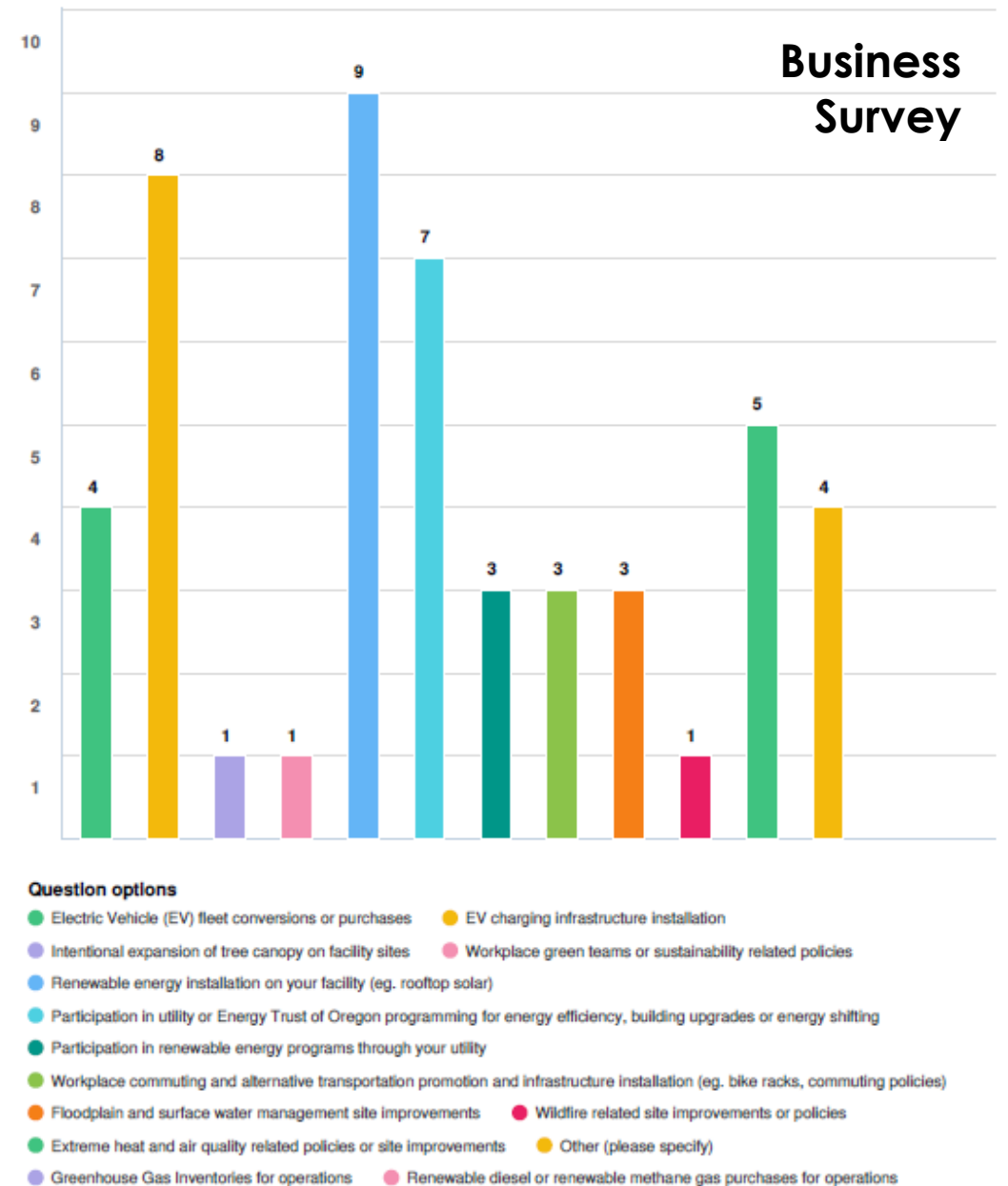
- Yes
- No



**Q7** The city is looking to refine existing programs to provide the community the most helpful resources that also have emission reduction benefits. Of the potential programs listed below, what do you think would be the most helpful for all community me...



**Q9** From the climate related projects and initiatives listed below, where would your business appreciate assistance (staff assistance, incentives, process/application guidance, etc.) from the city?



# New Code Elements



- Applicable project overview - adopted CAP strategies/actions
- Fee reduction process
  - Establish application and appeal process
  - Reductions for customers with qualified infrastructure improvements
- Category adjustment process
  - Application and appeal process
  - Adjustment of assigned GHG category
- Stormwater code
  - Clarifies funding responsibility for public natural resource projects
  - Nature based infrastructure definition
  - Climate fund closes gap for private natural resource projects

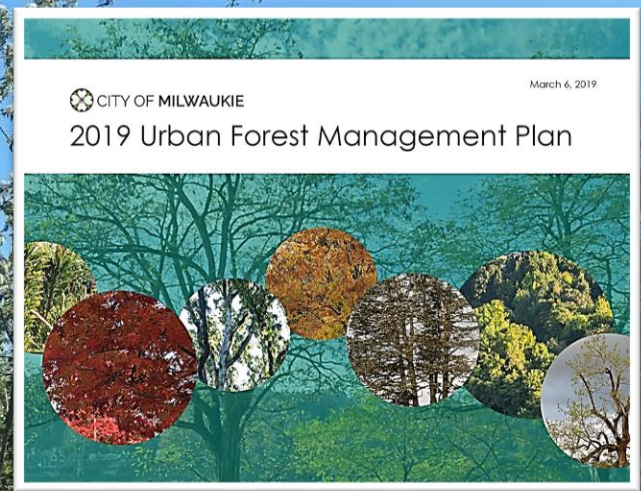
Interested in learning more?

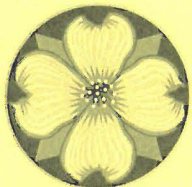
[Engage.milwaukieoregon.gov](http://Engage.milwaukieoregon.gov)

Thank you!

Natalie Rogers  
503-786-7668

[RogersN@milwaukieoregon.gov](mailto:RogersN@milwaukieoregon.gov)





# CITY OF MILWAUKIE CITY COUNCIL

10722 SE Main Street  
P) 503-786-7502  
F) 503-653-2444  
ocr@milwaukieoregon.gov

## Speaker Card

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

Name: Kew Crawford

Organization:

Address: 4351 SE Jackson St  
Milw.

Phone: 503-387-3304

Email: kewcraw67@msn.com / Thinking  
Sessions

Meeting Date: 11/15/2022 Topic: Climate Fee

Agenda Item You Wish to Speak to:

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

You are Speaking...

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

Comments:



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Name: Michael Rinella

Address: 3236 SE Hawey St.

Organization:

Phone: 971.930.5391

Email: michaelrinella@gmail.com

Meeting Date: Nov. 15

Topic: Climate Fund

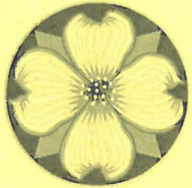
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**Name:** Rita Lynn

Organization:

Address:

Phone:

Email:

**Meeting Date:** 11-15-22      **Topic:** climate fee

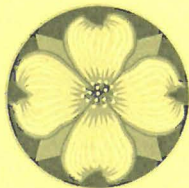
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Name: Rob Reynolds

Organization:

Address: 10708 SE Home Ave

Phone: 503-901-9588

Email:

Meeting Date: 11/15/2022

Topic: Environmental Fee

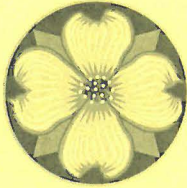
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**Name:** Brad Reed

**Address:** 4110 SE Jackson St.

**Organization:**

**Phone:**

**Email:**

**Meeting Date:** 11/15/22 **Topic:** Climate Fund

**Agenda Item You Wish to Speak to:**

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

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- from a Neutral Position
- to ask a Question

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**Name:** KIRK J. ERWIN

Organization:

**Address:** 12505 SE RIVER RD #28

**Phone:** 541-621-1475

**Email:** KRWN-04@AOL.COM

**Meeting Date:** 11-15-22 **Topic:** CLIMATE FEE

Agenda Item You Wish to Speak to:

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

You are Speaking...

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- from a Neutral Position
- to ask a Question

**Comments:**

**From:** [Dave MCNEEL](#)  
**To:** [Natalie Rogers](#)  
**Subject:** Climate Crazies!  
**Date:** Wednesday, October 26, 2022 12:15:27 PM

**RS 7. A.  
Correspondence  
11/15/22**

---

**This Message originated outside your organization.**

---

Looks like it is time to RECALL the Milwaukie City Council and elect some commonsense leaders. Dave McNeel

**From:** [tigerllc](#)  
**To:** [Natalie Rogers](#); [Milwaukie Climate Action Plan](#)  
**Cc:** [Peter Passarelli](#); [Joseph Briglio](#)  
**Subject:** RE: Survey on Milwaukie Climate Fund/Fee 10/24 to 11/6  
**Date:** Tuesday, October 25, 2022 5:00:24 PM

---

**This Message originated outside your organization.**

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No more fees or taxes. Electrical vehicles are not green and contribute more to carbon emissions, ie; burning coal use of nuclear and the high cost, highly pollutive batteries used. Musk is a fraud and you all bought in. We have plenty of trees in Milwaukie. Fix the roads and sidewalks.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** Natalie Rogers <[RogersN@milwaukieoregon.gov](mailto:RogersN@milwaukieoregon.gov)>  
**Date:** 10/25/22 4:39 PM (GMT-08:00)  
**To:** Milwaukie Climate Action Plan <[ClimateAction@milwaukieoregon.gov](mailto:ClimateAction@milwaukieoregon.gov)>  
**Cc:** Peter Passarelli <[PassarelliP@milwaukieoregon.gov](mailto:PassarelliP@milwaukieoregon.gov)>, Joseph Briglio <[BriglioJ@milwaukieoregon.gov](mailto:BriglioJ@milwaukieoregon.gov)>  
**Subject:** Survey on Milwaukie Climate Fund/Fee 10/24 to 11/6

Good Afternoon,

My name is Natalie Rogers and I'm the City of Milwaukie's Climate and Natural Resources Manager. Also included on this email is Joseph Briglio, Milwaukie's Community Development Director and current point of contact for economic development at the city.

The City of Milwaukie is exploring a new Climate Fund related to future climate programming efforts in the city. The Climate Fund will be generated by a new assessed fee for Milwaukie residential and commercial utility customers, similar to the Streets and Surface Maintenance Program fee. You can learn more about the Climate Fund and the proposed fees at : <https://engage.milwaukieoregon.gov/climate-fund> or by reading the attached handout.

You are being contacted because you have registered for a business in Milwaukie. The proposed Climate Fund fee is being assessed for residents and businesses with utility accounts for water/wastewater/stormwater services with

the city. If you are a Milwaukie utility customer, you are invited to participate in the Climate Fund Business Survey, available online at: <https://engage.milwaukieoregon.gov/climate-fund>. The survey is linked at the bottom of the page. The survey will be open from October 24 to the end of day on November 6. The results from this survey will be used to guide potential program development at the city and in the upcoming conversations with City Council on the Climate Fund at the [November 15<sup>th</sup> City Council Regular Session](#).

For questions on the Climate Fund, please reach out to [climateaction@milwaukieoregon.gov](mailto:climateaction@milwaukieoregon.gov).

If you have general economic development questions, or would like to connect on other business matters with the City, please reach out to Joseph directly at [BriglioJ@milwaukieoregon.gov](mailto:BriglioJ@milwaukieoregon.gov).

Thank you,

Natalie

## **NATALIE ROGERS**

Climate and Natural Resources Manager

she • her • hers

P: 503-786-7668

CITY OF MILWAUKIE

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

To learn more, visit [Milwaukieoregon.gov/sustainability](https://Milwaukieoregon.gov/sustainability)

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**From:** [Ray Bryan](#)  
**To:** [Natalie Rogers](#)  
**Cc:** [Milwaukie Climate Action Plan](#); [Peter Passarelli](#); [Joseph Briglio](#)  
**Subject:** Re: Survey on Milwaukie Climate Fund/Fee 10/24 to 11/6  
**Date:** Tuesday, October 25, 2022 9:33:10 PM

---

**This Message originated outside your organization.**

---

Hi Natalie,

Thank you for reaching out. Our business is a rental home, we pay garbage, all other utilities are paid by our tenants. Any tax increase that the City of Milwaukie implements will increase the cost for renters to reside in Milwaukie.

Thank you,

Ray

On Tue, Oct 25, 2022 at 4:42 PM Natalie Rogers <[RogersN@milwaukieoregon.gov](mailto:RogersN@milwaukieoregon.gov)> wrote:

Good Afternoon,

My name is Natalie Rogers and I'm the City of Milwaukie's Climate and Natural Resources Manager. Also included on this email is Joseph Briglio, Milwaukie's Community Development Director and current point of contact for economic development at the city.

The City of Milwaukie is exploring a new Climate Fund related to future climate programming efforts in the city. The Climate Fund will be generated by a new assessed fee for Milwaukie residential and commercial utility customers, similar to the Streets and Surface Maintenance Program fee. You can learn more about the Climate Fund and the proposed fees at : <https://engage.milwaukieoregon.gov/climate-fund> or by reading the attached handout.

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For questions on the Climate Fund, please reach out to [climateaction@milwaukieoregon.gov](mailto:climateaction@milwaukieoregon.gov).

If you have general economic development questions, or would like to connect on other business matters with the City, please reach out to Joseph directly at [BriglioJ@milwaukieoregon.gov](mailto:BriglioJ@milwaukieoregon.gov).

Thank you,

Natalie

## **NATALIE ROGERS**

Climate and Natural Resources Manager

she • her • hers

P: 503-786-7668

CITY OF MILWAUKIE

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**From:** [Pepi Anderson](#)  
**To:** [Natalie Rogers](#)  
**Subject:** Re: Survey on Milwaukie Climate Fund/Fee 10/24 to 11/6  
**Date:** Tuesday, October 25, 2022 7:31:17 PM

---

**This Message originated outside your organization.**

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I am a good citizen, 74 years old who could get by without a business permit as I work parttime as a nurse consultant. I can't get into the survey without Registering and don't plan to do that. No more fees for me please

On Tue, Oct 25, 2022 at 4:40 PM Natalie Rogers <[RogersN@milwaukieoregon.gov](mailto:RogersN@milwaukieoregon.gov)> wrote:

Good Afternoon,

My name is Natalie Rogers and I'm the City of Milwaukie's Climate and Natural Resources Manager. Also included on this email is Joseph Briglio, Milwaukie's Community Development Director and current point of contact for economic development at the city.

The City of Milwaukie is exploring a new Climate Fund related to future climate programming efforts in the city. The Climate Fund will be generated by a new assessed fee for Milwaukie residential and commercial utility customers, similar to the Streets and Surface Maintenance Program fee. You can learn more about the Climate Fund and the proposed fees at : <https://engage.milwaukieoregon.gov/climate-fund> or by reading the attached handout.

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For questions on the Climate Fund, please reach out to [climateaction@milwaukieoregon.gov](mailto:climateaction@milwaukieoregon.gov).



If you have general economic development questions, or would like to connect on other business matters with the City, please reach out to Joseph directly at [BriglioJ@milwaukieoregon.gov](mailto:BriglioJ@milwaukieoregon.gov).

Thank you,

Natalie

## **NATALIE ROGERS**

Climate and Natural Resources Manager

she • her • hers

P: 503-786-7668

CITY OF MILWAUKIE

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**From:** [Scott@TruckRackInc.com](mailto:Scott@TruckRackInc.com)  
**To:** [Natalie Rogers](#); [Milwaukie Climate Action Plan](#)  
**Cc:** [Peter Passarelli](#); [Joseph Briglio](#)  
**Subject:** RE: Survey on Milwaukie Climate Fund/Fee 10/24 to 11/6  
**Date:** Thursday, October 27, 2022 9:30:26 AM

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**This Message originated outside your organization.**

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Good morning Natalie,

The way this Email is written, it sounds like a "Climate Fund" has been approved and you are currently surveying the public on how the funds "should be used". Although, it also states, "The City of Milwaukie is exploring a new Climate Fund".

Can you be clear whether this Climate Fund has already been passed by the City Council or... is the Nov. 15<sup>th</sup> Council Meeting referred to where it will be discussed? The provided links are scheduling only and do not have agenda's. At least that I'm able to quickly find.

As a business owner surviving through the pandemic and it's continuing aftermath I'm questioning the cities thought process of adding another straw to the camels back. It should be realized by someone that continuing to add taxes under the guise of fee's will prevent new businesses from starting-up, as well as making it more difficult for the current businesses to survive or choose to stay in the area. Which in the long run is detrimental to ALL the other city services who will loss income from this decision.

I also question if this is a tax, why it is not having to go to a vote, since it affects both the business sector and residents..

I also question how you can set a rate, without having a plan? Surveying the public to determine how to use the money, would indicate you don't have a plan. If you don't have a plan, how do you know what the cost will be or whether you have achieved your goal? Or are you saying, you are going to tax everyone and then figure out how to spend our money, without having any accountability to achievable goal?

Thank you in advance for your assistance.

Scott Tiedtke

---

**From:** Natalie Rogers <[RogersN@milwaukieoregon.gov](mailto:RogersN@milwaukieoregon.gov)>  
**Sent:** Tuesday, October 25, 2022 4:36 PM  
**To:** Milwaukie Climate Action Plan <[ClimateAction@milwaukieoregon.gov](mailto:ClimateAction@milwaukieoregon.gov)>  
**Cc:** Peter Passarelli <[PassarelliP@milwaukieoregon.gov](mailto:PassarelliP@milwaukieoregon.gov)>; Joseph Briglio <[BriglioJ@milwaukieoregon.gov](mailto:BriglioJ@milwaukieoregon.gov)>  
**Subject:** Survey on Milwaukie Climate Fund/Fee 10/24 to 11/6

Good Afternoon,

My name is Natalie Rogers and I'm the City of Milwaukie's Climate and Natural Resources Manager. Also included on this email is Joseph Briglio, Milwaukie's Community Development Director and current point of contact for economic development at the city.

The City of Milwaukie is exploring a new Climate Fund related to future climate programming efforts in the city. The Climate Fund will be generated by a new assessed fee for Milwaukie residential and commercial utility customers, similar to the Streets and Surface Maintenance Program fee. You can learn more about the Climate Fund and the proposed fees at :

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For questions on the Climate Fund, please reach out to [climateaction@milwaukieoregon.gov](mailto:climateaction@milwaukieoregon.gov).

If you have general economic development questions, or would like to connect on other business matters with the City, please reach out to Joseph directly at [BriglioJ@milwaukieoregon.gov](mailto:BriglioJ@milwaukieoregon.gov).

Thank you,  
Natalie

**NATALIE ROGERS**

Climate and Natural Resources Manager

she • her • hers

P: 503-786-7668

CITY OF MILWAUKIE

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

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**From:** [linda@hammy.org](mailto:linda@hammy.org)  
**To:** [Milwaukie Climate Action Plan](#)  
**Subject:** Comment for City Council meeting  
**Date:** Wednesday, November 2, 2022 7:26:13 PM

---

**This Message originated outside your organization.**

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Mayor and Council Members

This is a very poor time to ask citizen/property owners to pay another tax. Property taxes just came out, with an increase of 3.6%. Inflation is so high that people have to choose between eating or paying their rent or mortgage. Seniors on fixed incomes such as my husband and I have had to make hard choices to make our money stretch. Adding another fee which was not approved by a vote of the people demonstrates a certain contempt on Council's part for the will of the people who live here. While addressing climate change is everyone's responsibility, the city's approach seems out of proportion to the capacity of city staff to administer. Recent development at the Mission Homes site on King Road and the Seven Acres site on Monroe and 37<sup>th</sup> have demonstrated that inadequate staff oversight allowed developers to remove more tree canopy than had been approved and about which neighbors had expressed concern. It is the City's responsibility to provide public safety, good roads, utilities that work, provide a legitimate government to oversee enforcement of laws and to respond to citizen concerns. The effort the City wants to fund through this tax falls outside of that boundary. What do you propose to provide to those of us who have already installed our own solar panels and will be paying for them over the next 25 years? Or those who have nurtured large lots with native trees for beautiful and valuable tree canopy without any assistance from the City but just because it was the right thing to do? I am strongly opposed to the addition of more taxes, especially by only a vote of Councilors who appear to be out of touch with today's reality. Please do not pass this extra tax.

Linda Hedges  
5185 SE Elk Street  
Milwaukie OR 97222

**From:** [Scott Stauffer](#)  
**To:** [Natalie Rogers](#)  
**Subject:** FW: MILWAUKIE CLIMATE FUND  
**Date:** Thursday, November 3, 2022 8:04:35 AM

---

And here is the other one.

**SCOTT STAUFFER, CMC**

City Recorder  
he • him • his  
City of Milwaukie  
p: 503.786.7502

---

**From:** Bernie Stout <usabs1@nethere.com>  
**Sent:** Wednesday, November 2, 2022 9:41 PM  
**To:** OCR <OCR@milwaukieoregon.gov>  
**Subject:** MILWAUKIE CLIMATE FUND

**This Message originated outside your organization.**

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## **Wednesday, November 02, 2022**

Dear City Council,

Today I received the written notice of the Milwaukie Climate Fund with my utility bill.

Community survey October 24 to November 6<sup>th</sup> , seems like the time should be extended into next year considering the holidays coming up.

On the surface it would seem there are plenty of other Federal & State programs that meet the needs listed . **Please do not** implement the Milwaukie Climate Fund. There are many other basic needs that

should be addressed. Work with the budget we currently have and complete the projects we have now.

I am disappointed that this is just now being published.

Bernie Stout

Hector Campbell Neighborhood Resident

**From:** [Scott Stauffer](#)  
**To:** [Natalie Rogers](#)  
**Subject:** FW: Climate Funding  
**Date:** Thursday, November 3, 2022 8:04:29 AM

---

Hi Natalie – here is 1 of 2 climate fund comments OCR received over night.

**SCOTT STAUFFER, CMC**

City Recorder  
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City of Milwaukie  
p: 503.786.7502

---

**From:** Cindy Kidman <kidmanci@yahoo.com>  
**Sent:** Thursday, November 3, 2022 6:13 AM  
**To:** OCR <OCR@milwaukieoregon.gov>  
**Subject:** Climate Funding

**This Message originated outside your organization.**

---

Hi,

I'm responding to your information to again increase the water bill, which in the 8 years being here, has had **multiple** times. Sometimes without notification and as a senior on a fixed income becomes harder to handle. I think the council can find other ways to cut costs to handle the request without adding additional cost which are not part of the water bill. Put the request on the ballot letting the people decide what is best.

Sincerely,

Cynthia Kidman

[Sent from Yahoo Mail for iPad](#)



**From:** [Scott Stauffer](#)  
**To:** [Natalie Rogers](#)  
**Subject:** FW: Milwaukie Climate Fund  
**Date:** Thursday, November 3, 2022 3:28:37 PM

---

Hi Natalie – here is another comment.

**SCOTT STAUFFER, CMC**

City Recorder  
he • him • his  
City of Milwaukie  
p: 503.786.7502

---

**From:** Angela Phillips <akphilli3621@gmail.com>  
**Sent:** Thursday, November 3, 2022 12:18 PM  
**To:** OCR <OCR@milwaukieoregon.gov>  
**Subject:** Milwaukie Climate Fund

**This Message originated outside your organization.**

---

I received your flyer along with my water/sewer bill informing me of your plans to add monthly fees for your "Climate fund". I really don't understand, was this something we voted on or did the City Council just make an executive decision? While these fees seem small on their own do you understand that people are seeing increased prices in absolutely everything? Do you see the increased homelessness, do you have family members or friends that are living paycheck to paycheck, on fixed incomes or seeing their savings disappear. Is this really what we need to concentrate on when people are having to adjust to lower standards of living financially and suffering from the emotional toll of the last 3 years? I understand that climate "crisis" is getting lots of attention in the media and is a hot topic and an easy way to leverage people's fears and emotions to get things done. I'm disappointed to see this happening in Milwaukie, I moved out of Portland 8 years ago in part to get away from the ridiculous agenda's and encroachment on my personal property and finances. I've lived in Oregon a total of 40 years and want to stay here but government policies, agenda's "program's" are making it very difficult. Is the climate more important than the people? There's a lot of things we can do to be responsible for our environment without government dictates. How about using current budgets, the same money used to create this flyer, to create an education tool, maybe highlighting reusing items, current bike paths in Milwaukie and biking safety, how to plant a tree, how to create a butterfly/bee garden, solar programs that may be available. You have to educate not throw money at things and expect everyone to support. The more these kinds of programs get installed the more division you will see and that seems to be maybe our biggest problem of all is the divide.

Thanks for reading.  
Angela

**From:** [Scott Stauffer](#)  
**To:** [Natalie Rogers](#)  
**Subject:** FW: Community Climate Fund Survey  
**Date:** Friday, November 4, 2022 10:54:16 AM

---

Another comment for 11/15.

**SCOTT STAUFFER, CMC**

City Recorder  
he • him • his  
City of Milwaukie  
p: 503.786.7502

---

**From:** Bernie Stout <usabs1@nethere.com>  
**Sent:** Thursday, November 3, 2022 8:41 PM  
**To:** OCR <OCR@milwaukieoregon.gov>  
**Subject:** Community Climate Fund Survey

**This Message originated outside your organization.**

---

Thursday, November 03, 2022

## Community Climate Fund Survey

Seems this survey is intentionally skewed by the site design.

1. Only the top three choices are available. Unless you use the slide bar at the bottom and try to keep track of which question you are on each line, then go up and down several times. Very complicated.

Would have liked to leave some questions blank. Seems a bit too invasive and skewed to discount answers to get a desired result.

2. It would be nice to get a response to why this is considered balanced? The questions seem more

like judgements than inquiries.

Bernie Stout

**From:** [Scott Stauffer](#)  
**To:** [Natalie Rogers](#)  
**Cc:** [OCR](#)  
**Subject:** FW: Milwaukie Climate Fund  
**Date:** Monday, November 7, 2022 8:32:56 AM

---

Here is another one Natalie.

**SCOTT STAUFFER, CMC**

City Recorder  
he • him • his  
City of Milwaukie  
p: 503.786.7502

---

**From:** Marty and Esther Hagen <esmart@hotmail.com>  
**Sent:** Friday, November 4, 2022 7:25 PM  
**To:** OCR <OCR@milwaukieoregon.gov>  
**Subject:** Milwaukie Climate Fund

**This Message originated outside your organization.**

---

To: City Council  
Re: Milwaukie Climate Fund

Peace be to you.

I have been a resident of Milwaukie for 23 years and have seen the prices go up and up for our water and power.

My opinion on having more taxes on our utility bill is a strong objection for several reasons.

1. We don't need to control climate. Cycles of weather are normal and work out eventually.
2. People that started this trend of "global warming" have now switched terms to "climate change" because they see the warming trend balance out.
3. We don't need to worry about climate change or combat it. It's a way the world adjusts to life. It is normal. Earth has adjusted from many warm times and several cold times over the centuries. It's normal to warm up after an ice age. Then as the earth warms up, more air evaporates into the sky causing more clouds, which cools us off, but also hold the heat in. All good.
4. Over 78 percent of our air is carbon dioxide gases which our trees need. We don't need to reduce these gases.
5. People can plant trees if they think that makes life more livable for them. We don't need to take people's money and force them to support this fund.
6. Past shows Milwaukie values livability enough to not have to have government costs associated with helping us to be wise about decisions.

7.

8. Please don't make us pay for what we can do for ourselves. Please don't raise our cost of living in Milwaukie.

Sincerely,  
Esther Hagen

Peace be to you.

# It is Always about Getting Priorities Right

---

The Role of Local Government:

**The main goal of local government is to provide Essential Public Services for residents of the area within its jurisdiction.**

**This includes:**

- The Council manages finances, service delivery and assets to meet the needs of their community and ensure Long-term financial sustainability for future generations.
- The Council uses *strategic asset plans* as the basis of responsible revenue raising decisions, ensuring rates reflect true annual costs of essential service delivery and long-term infrastructure needs.
- The Council articulates evidence-based priorities and develop partnerships with their community and government to achieve those priorities.
- The Council Demonstrates Strict Local Accountability  
This means that local representatives of the people are elected to meet the ultimate goal which is to provide Essential Services in the most cost-effective manner possible.

**The last thing Milwaukie Residents need is yet Another Tax!**

For Example:

**My Current Yearly Taxes:**

Property Taxes

- City of Milwaukie - \$839.08 (No specification as to where the money is going)
- Urban Renewal Milwaukie - \$51.01 (No specification as to where the money is going)
- City of Milwaukie Bond - \$71.16 (No specification as to what the money was used for)

**Total = \$961.25** (\$80.10 per month)

---

Education Tax Total = **\$2,014.41** (\$167.88 per month)

General Government Tax Total = **\$2,247.86** (\$187.32 per month)

---

**Utility Taxes:**

NW Natural Gas

- 2% Milwaukie Franchise Fee \$1.43
- Public Purpose Charge - \$4.15 (\$5.68 per month)
- Metro Housing Services charge - \$ .10

PGE

- City of Milwaukie Tax (1.5%) - \$1.95
- Low Income Assistance - \$1.04 (\$4.94 per month)
- Public Purpose Charge (1.5%) - \$1.95

## **Total Cost of the Abstruse Taxes = \$5,234.14 or \$445.92 per month**

The majority of Milwaukie residents are middle class like me, currently struggling to make ends meet!

### Current Economic Situation:

- Inflation is at an all-time high
- Food prices are at an all-time high
- Gas prices are at an all-time high
- Energy prices are at an all-time high
- Property taxes are at an all-time high
- Garbage rates are at an all-time high
- Road degradation is at an all-time high
- Crime is at an all-time high
- Emergency services are struggling to be fully staffed
- Massive business layoffs
- Record unemployment
- Record business bankruptcies
- Record Personal bankruptcies

### ***We cannot afford a "Feel Good", unmeasurable, unaccountable, non-science-based, Carbon Emissions Boondoggle!***

As a former City Councilor and Council President for 6 years, I am very familiar with the challenges of governing the city of Milwaukie and doing what is best for the entire community. With limited resources, it always comes down to a matter of priorities!

### The focus needs to be strictly on **Essential Services!**

- Water and sewer infrastructure needs work (recent huge increase in sewer fees!)
- Stormwater infrastructure needs a lot of work
- Police Department needs critical resources and staffing
- Neighborhood Streets and roads are in serious disrepair

As a 47-year Milwaukie resident, currently retired on a fixed income, I am asking that you **do not** put me (and the majority of other Milwaukie residents) in a position to choose between paying for food, healthcare, housing and gas for a Feel-Good Green Tax.

*Please do the right thing and abandon this ill-advised additional and unnecessary tax!*

Sincerely,

*Larry Lancaster*

[larnan90@comcast.net](mailto:larnan90@comcast.net)

503-805-7233

**From:** [Ed Simmons](#)  
**To:** [Natalie Rogers](#)  
**Cc:** [Courtney Wilson](#); [Peter Passarelli](#); [lhanna56@gmail.com](#); [coreyhester@hotmail.com](#); [sofie.sherburt@gmail.com](#); [Adam Khosroabadi](#); [Lisa Batey](#); [Desi Nicodemus](#); [Kathy Hvyz](#); [Mark Gamba](#)  
**Subject:** Follow up to climate survey  
**Date:** Sunday, November 6, 2022 7:45:07 PM

---

**This Message originated outside your organization.**

---

Greetings,

First, let me make clear that I believe the climate is warming and that this poses great risks for humanity and life on earth itself. My wife and I have taken concrete steps to reduce the carbon “load” of our household. We installed solar panels on our home in 2010, changed fixtures to reduce water and electricity consumption, consolidate trips by vehicles to reduce fuel consumption and practice recycle and reuse whenever feasible. Since purchasing our Milwaukie home in 2009 we have added multiple trees and bushes and converted to drip watering for most plants that require summer water. These were and are actions within our power to do as private citizens.

I recently completed a survey regarding climate actions that Milwaukie might take to help reduce CO2 emissions and otherwise reduce climate warming. I was disappointed greatly that nothing regarding what the City of Milwaukie itself should do to reduce carbon dioxide emissions or mitigate climate warming was included in the survey. I also watched the Sept Council meeting where a climate fund presentation was made. I have also asked questions of the Urban Forester and the Climate and Natural Resources Manager to clarify my understandings of what the City is doing. Most of the climate survey questions seemed to rely on getting private citizens to do the lifting. The City itself needs to do more lifting and demonstrate that reducing climate warming can actually be done by doing the things within its power to do.

My belief is that the City needs to not just talk the talk but also needs to walk the walk in terms of reducing carbon load. The climate goals will be simply aspirational if the City itself does not work to realize them. For example the city owned land that is available could be planted with long lived trees. I see some trees planted in front of the public works building but there is a lot of



open land that the city owns where trees could be planted. The entire length of the Milwaukie expressway has a lot of open space. I understand from the Urban Forester that no agreement had been reached with ODOT to plant trees because ODOT expressed concerns about maintaining the trees once planted. Well, yes trees need to be maintained and the City could do that. If the City climate plan is serious about getting 40% canopy by 2035 the trees need to get planted pretty quickly as it takes a decade or longer for them to produce much canopy.

Also it is within the power of the City to cover its building with solar panels to the greatest extent feasible. In fact parking lots could be covered with overhead panels that would also shelter the vehicles below them. This is within the power of the city to do. Additionally the City would reduce electrical costs and perhaps be net producers of electricity for the power grid. Over time the PV panels would pay for themselves.

The large Monroe apartment project is being constructed and the people living in those apartments will not likely be able to just plug in an electric vehicle to their apartment electrical service. A great place for publicly owned charging stations could be in the Milwaukie Marketplace. The City would need to negotiate this with the owners of the Marketplace, but if a New Seasons store is actually going to be a tenant they might welcome having charging stations close to their store. Apartment residents (and other residents and visitors) could use the chargers which would pay for themselves and turn a profit for the City over time. This is within the power of the City to do.

These are just a few ideas of what the City could do to make progress in realizing the climate goals. I do not disparage efforts that are being undertaken currently, but there needs to be more emphasis on what the City itself can and should do regarding global warming.

For a cooler climate,  
Edward Simmons

**From:** [Scott Stauffer](#)  
**To:** [Natalie Rogers](#)  
**Subject:** FW: Climate fund  
**Date:** Monday, November 7, 2022 8:27:06 AM

---

Hi Natalie - here is one of several that we received over the weekend... I am acknowledging all of these, in case I hadn't mentioned that before.

SCOTT STAUFFER, CMC  
City Recorder  
he • him • his

City of Milwaukie  
p: 503.786.7502

-----Original Message-----

From: Karen Levine <karenlevine53@gmail.com>  
Sent: Sunday, November 6, 2022 8:26 AM  
To: OCR <OCR@milwaukieoregon.gov>  
Subject: Climate fund

This Message originated outside your organization.

I feel that any new fee/tax should be put up for a vote from the people. I believe it would hold the city more accountable to follow through with the climate and urban forest programs/goals. It would also help everyone know what your goals are as they would be explained in the voters' pamphlet.

The plastic bag ban is an example of not walking the talk.

Even a vote doesn't always hold government officials accountable ie; the vote to "remodel" the library and the reality of "building a new" library.

When I first moved to Milwaukie my City of Milwaukie bill was about \$45 every other month. Now, with all the unvoted on fees that have been added to the bill I pay double that every month.

I don't really trust you to do the will of the people of this city or to even really ask us what we we want.

Karen

**From:** [Scott Stauffer](#)  
**To:** [Natalie Rogers](#)  
**Cc:** [OCR](#)  
**Subject:** FW: Climate Fee  
**Date:** Monday, November 7, 2022 8:33:20 AM

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And, another one...

SCOTT STAUFFER, CMC  
City Recorder  
he • him • his

City of Milwaukie  
p: 503.786.7502

-----Original Message-----

From: Vicki Knutsen <V.Knutsen@comcast.net>  
Sent: Friday, November 4, 2022 5:39 PM  
To: Milwaukie Climate Action Plan <ClimateAction@milwaukieoregon.gov>  
Cc: OCR <OCR@milwaukieoregon.gov>  
Subject: Climate Fee

This Message originated outside your organization.

I am very tired of being told to pay for things that I've not been allowed to vote on. People are strapped with inflation costs and this Council can only come up with ways to further make things tighter. Why don't you try an incentive program where you give property tax discounts to those who plant native trees or find ways to encourage good behavior rather than dinging us every time you have a chance.

We should get to vote on these fees that you are proposing.

Vicki Knutsen

Sent from my iPad

**From:** [Ed Williams](#)  
**To:** [Natalie Rogers](#); [Milwaukie Climate Action Plan](#); [Peter Passarelli](#); [Joseph Briglio](#)  
**Subject:** Survey on Milwaukie Climate Fund/Fee 10/24 to 11/6  
**Date:** Monday, November 7, 2022 1:47:02 PM

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**This Message originated outside your organization.**

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**Natalie**

Thanks for sending the survey over for comment. I completed it on the website but I have additional comment I would like included during this discussion.

The City of Milwaukie has no business attempting to change the climate and should be working to better manage existing city services. This is another wasted effort which will take way too many tax dollars to deliver zero real results-- just a fancy website and glossy handouts.

Past failed efforts that I am familiar with include the proposed Harmony Road improvements to add an interchange over the RR tracks to Linwood, a solar program I signed up for 6-8 years ago with the City of Milwaukie, and never heard a word back, and my recent experience with Planning and Development which took from 2016 to 2021 to have permits issued. ( I could go into greater detail , these are all real)

We have owned Harmony Park Apartments since 1994 and have worked to control our rents, meanwhile our Water/Sewer rates have skyrocketed under the management of the City of Milwaukie.

Just 10 years ago our Monthly Water/Sewer charges averaged \$828 per month; currently they exceed 1700.00 per month , **over doubling !** In the same amount of time our property taxes have gone from \$20,446 to over \$33,000 **60% increase!**

Meanwhile the City Council declares a housing emergency and implies Landlords are greedy and uncaring . Now you are floating a pet project that will further increase the cost to homeowners and renters.

There are limits to what the City is able to do , I am all for conserving energy, clean streets, fully funded Police and Fire, Parks, Schools, Planning and Development , community outreach and mental health services but this proposal is outside the scope and the taxpayers should be appalled at adding more charges to their bill.

A small municipal government that already cannot perform on the mandate of delivering the current services timely and cost efficiently has no business taxing my renters more to change the tilt of the earth.

*Sincerely*

*Ed Williams*

*Harmony Park Apartments 5989 & 5979 SE Harmony Road*

*Milwaukie OR 97222*

10117 SE Sunnyside Rd #F545 Clackamas OR 97015

m-702-234-9961

----- Forwarded message -----

From: **Natalie Rogers** <[RogersN@milwaukieoregon.gov](mailto:RogersN@milwaukieoregon.gov)>

Date: Tue, Oct 25, 2022 at 4:37 PM

Subject: Survey on Milwaukie Climate Fund/Fee 10/24 to 11/6

To: Milwaukie Climate Action Plan <[ClimateAction@milwaukieoregon.gov](mailto:ClimateAction@milwaukieoregon.gov)>

Cc: Peter Passarelli <[PassarelliP@milwaukieoregon.gov](mailto:PassarelliP@milwaukieoregon.gov)>, Joseph Briglio <[BriglioJ@milwaukieoregon.gov](mailto:BriglioJ@milwaukieoregon.gov)>

Good Afternoon,

My name is Natalie Rogers and I'm the City of Milwaukie's Climate and Natural Resources Manager. Also included on this email is Joseph Briglio, Milwaukie's Community Development Director and current point of contact for economic development at the city.

The City of Milwaukie is exploring a new Climate Fund related to future climate programming efforts in the city. The Climate Fund will be generated by a new assessed fee for Milwaukie residential and commercial utility customers, similar to the Streets and Surface Maintenance Program fee. You can learn more about the Climate Fund and the proposed fees at : <https://engage.milwaukieoregon.gov/climate-fund> or by reading the attached handout.

You are being contacted because you have registered for a business in Milwaukie. The proposed Climate Fund fee is being assessed for residents and businesses with utility accounts for water/wastewater/stormwater services with the city. If you are a Milwaukie utility customer, you are invited to participate in the Climate Fund Business Survey, available online at: <https://engage.milwaukieoregon.gov/climate-fund>. The survey is linked at the bottom of the page. The survey will be open from October 24 to the end of day on November 6. The results from this survey will be used to guide potential program development at the city and in the upcoming conversations with City Council on the Climate Fund at the [November 15<sup>th</sup> City Council Regular Session](#).

For questions on the Climate Fund, please reach out to [climateaction@milwaukieoregon.gov](mailto:climateaction@milwaukieoregon.gov).

If you have general economic development questions, or would like to connect on other business matters with the City, please reach out to Joseph directly at [BriglioJ@milwaukieoregon.gov](mailto:BriglioJ@milwaukieoregon.gov).

Thank you,

Natalie

**NATALIE ROGERS**

Climate and Natural Resources Manager

she • her • hers

P: 503-786-7668

CITY OF MILWAUKIE

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

To learn more, visit [Milwaukieoregon.gov/sustainability](https://milwaukieoregon.gov/sustainability)

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11 / 2022

for 11/15/22 City Council. Milwaukie Climate Fund flyer informally added in utility bill

Milwaukie voters need to specifically vote on adding so-called climate fund fees to city utility bills.

100% against the continual attempts by Milwaukie invaders, to further increase unnecessary and unwanted bureaucracy and special taxes on residents. Includes phony utility bill climate fund.

Eliminate so-called climate agenda which includes tree ordinance garbage. Complete FRAUD on taxpayers. This is Oregon, not southern California. Large numbers of new trees and shrubs pop up on their own on properties. Mostly unwanted and unneeded.

Electricity especially in the fashions promoted, is NOT a clean fuel. Electricity supplied by hydroelectric, natural gas, and other clean energy sources is fine.

Electric car deceptions – far dirtier to make and maintain electric cars with the specialty batteries, made with special rare elements often mined by slave labor in other countries, including China, countries in Africa, etc. A used electric car is almost worthless if its specific batteries are no longer made due to obsolescence.

Firefighters across the nation are learning how dangerous electric cars are. And how they require massive amounts of our key resource, water, to down just one car fire. 100,000 gallons of water. And then the fires are prone to restart. The car battery fires are difficult to completely extinguish under driver and passenger car seats. Many electric car fires were a problem in Florida vehicles that had been submerged in hurricane Ian.

Throwing massive amounts of taxpayer dollars at so-called man-caused global warming, seems to create far worse environmental issues and unnecessary costs. Then there was the 1970s nonsense that we would be in an ice age under glaciers by the year 2000, trying to motivate the masses.

Wind turbines should be abolished except in a few key places. They are an eye sore, an environmental hazard to birds and wildlife and humans. They last max 20 years and then the large parts are too big and heavy and expensive to recycle—and must be added to landfills. Arlington landfill has already decided they will no longer accept any more wind turbines, now that the first ones from 20 years ago are over-filling their landfills. Besides wind power only works when the wind blows—typically not at times that taxpayers and users need the power.

Solar panels have the same problems. If everyone added solar panels that only last a couple decades, the landfills could not handle them. And solar has those key rare elements.

You have put the cart before the horse on environmental issues. Destroy everything for elitist ideologies that do not currently work for the long term.

California cannot even handle basic electric power needs, without the expansive electric grid plans for the very near future. Europe is so short of oil for heating, they are cutting down key trees in forests to heat their homes this winter. Europe is bringing back coal plants because of oil shortage.

Also against any further expansion of CITY LIMITS.

Also against any further expansion of Milwaukie light rail, bringing crime and drug addiction and mental illness.

Nearly half the fires requiring firefighting resources result in or from homeless and homeless camps.

## Scott Stauffer

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**From:** Wilda Parks <wilda37@comcast.net>  
**Sent:** Friday, November 11, 2022 9:58 AM  
**To:** OCR  
**Cc:** Ann Ober; Lisa Batey; Adam Khosroabadi; Mark Gamba; Kathy Hyzy; Desi Nicodemus; Natalie Rogers  
**Subject:** Climate fee testimony

Milwaukie City Council and staff:

I am writing to you regarding the addition of a fee on the utility bills to address climate change, item 7A on the November 15 agenda. My main point is that I believe there should be more discussion with citizens at large and determination of how the climate fund will be used to benefit citizens. At our Linwood Neighborhood meeting on November 10 it was noted that this is the only NDA meeting where the topic had been discussed with City staff. Respectfully, I believe that at the very least this should be brought to each of the NDA meetings rather than a quick decision by Council on this. It deserves the time and effort to bring it to as many residents as possible before you make your final decision. In my humble opinion it is similar to the SAFE plan where there was a considerable community input beforehand and during the specifics of what the fee would cover. Milwaukie has long been noted as a city that communicates well with its residents and this is a great example of where you have that opportunity.

I was struck by articles in the October Pilot where on page 3 the addition of the fees for climate change are discussed and on the back of that article on page 4 is an article about how residents in Milwaukie can no longer afford to live here. While the article on page 4 is more about rent and mortgage, surely housing includes all the overarching costs of the property; utilities, property tax, levies, fees and other various and sundry items that belong to a household.

Every time an additional fee, levy, bond measure, whatever you want to call it, is added to the cost of living it begins to exceed the availabilities and the opportunities for the average and lower income residents. And that fee that may be placed on residents now will not remain the same over time, it will continue to escalate annually.

I am asking that you consider two things; firstly, prior to adopting a resolution that you take this to public meetings including all NDA meetings for discussion. And including in those discussions the specifics on how that money will be used for the individual households in our city. And how it will increase over time.

Please do not rush to add this fee. Ensure that residents are aware and seek their input. Delay and discussion will only add positive results to your process.

Thank you! W

Wilda Parks  
503-957-9093 (cell)  
Wilda37@comcast.net





2416 SE Lake Road, Milwaukie, OR 97222 - 503-550-9282 - [northclackamaswatersheds.org](http://northclackamaswatersheds.org)

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November 14, 2022

To: Milwaukie City Council  
From: Neil Schulman, Executive Director  
RE: Milwaukie Climate Fund

Dear Mayor Gamba, Council President Hyzy, and Councilors Batey, Khosroabadi, and Nicodemus,

The North Clackamas Watersheds Council, on behalf of the 165,000 people who live in our watersheds, urge you to adopt the Milwaukie Climate Fund. It is a vital step in turning the City's climate resilience intentions into reality, improving the health of our watersheds, water quality, reduce exposure to harmful pollutants that affect human health. It will also make Milwaukie a leader in cities within Clackamas County.

Milwaukie has led the way with the Climate Action Plan, the Comprehensive Plan, Canopy Goal, and the tree code. These programs and policies now need funding to implement them: to plant trees that will sequester carbon, cool us during hotter summers that we know are coming, intercept stormwater, and remove pollutants from the air and water. The Climate Fund is critical to turning these activities into reality and the City's ambitious goals into action.

The Climate Fund will be essential in implementing programs that yield multiple benefits, for fish, wildlife, and most importantly, for people. Trees don't just sequester carbon, they keep buildings cool, increasing energy efficiency and health, with greatest benefits going to low income residents with the least access to air conditioning and the most poorly-insulated homes. They intercept stormwater, provide wildlife habitat, and increase property values. Green stormwater infrastructure such as bioswales, pervious pavement, and other proven green technologies also provide wildlife habitat, more space for sidewalks, trees, and bike lanes, and are aesthetically pleasing.

The North Clackamas Watersheds Council, as a local nonprofit, is also a Milwaukie business. Our office is on Lake Road, which was recently re-paved with pervious pavement that allows stormwater to soak through the pavement. It's also better to drive on, as we found out in the recent rains where oils mixed with rain were drawn through the pavement to be treated instead of pooling on the surface and headed into pipes that lead to streams.

It's for this reason that residents clearly support these strategies. Our Streamside Stewards Program has a growing waiting list, in Milwaukie and throughout the Kellogg-Mt. Scott watersheds.

Even better, the Climate Fund will create a multiplier effect that will outweigh the cost. Planting and maintaining trees and installing modern green stormwater infrastructure are local jobs that can't be outsourced or mechanized. A University of Oregon study found that these forms of environmental restoration has an economic multiplier effect of \$1.5 - 2.2 per dollar of investment in the form of local wages, equipment rental, locally-purchased supplies, and other economic activity. (Nielsen-Pincus & Moseley, 2010). This economic multiplier will more than outweigh the small impact on residents of the Climate Fund.

Most critically, we should not wait. Climate is not waiting for us. We all vividly remember the 114-degree temperatures in Milwaukie of 2021, and the impacts it had on residents, especially the least affluent. We know more climate impacts are coming. The City has taken the right policy steps to create a climate-resilient Milwaukie. Now the Council must fund those steps. We urge you to pass the Climate Fund without delay.

Sincerely,



Neil Schulman  
Executive Director

Re: Written Testimony for **Agenda 7 A, Climate Fund Adoption**, Regular Session, November 14, 2022

To: Mayor Gamba, Council President Hyzy, and Councilors Batey, Nicodemus, Khosrobadi;  
Climate and Natural Resources Manager Natalie Rogers

**Three points in opposition to the climate fee ordinance.**

1. The ordinance states (Section E, page RS17 of Session Packet) that all fees be adjusted by the Consumer Price Index – Western Region.

In practice, this does not seem to be the case. I copy at the end of my testimony here the e-mail I receive from our Public Works Director, Peter Passarelli. Peter states that both the SAFE and SSMP fees are adjusted instead by the Seattle Construction Cost Index.

Using construction costs seems appropriate for SAFE and SSMP fees but it is at odds with the understanding conveyed to the public in the fees appearing on water and sewer bills.

2. **Could not storm water fees be increased in lieu** of parts of the funding purposes of this new climate fee?

I should think that the redefining of Storm Water Services to include *Natural based* projects, even if located on private property, would allow the Council to increase the storm water fee to cover these natural based, climate friendly storm water projects.

I know that the City of Portland allows for discounts on storm water costs to those private owners who maintain certain trees – in the name of storm water benefits.

I would be supportive of Council setting the storm water fee high enough to add natural based systems.

3. Climate fee **funded work beyond storm water** projects (including natural based improvements) **should be subject to voter approval**.

The climate fee ordinance creates a lack of transparency with the Public with its mixing of storm water natural based improvements and other climate activities, such as electric car charging and other electrification efforts.

### 3. (continued)

Moreover, generally the **Public prefers** new taxes and fees, as in the case of the climate fee, be enacted only with **voter approval**. This is demonstrated in that special local property tax levies and local gasoline tax increases require voter approval.

The water and sewer bill has come to represent a significant cost to Milwaukie property owners, and indirectly in many cases, for renters. It now approaches about a quarter to one-third of property tax bills and not too dissimilar in amount to that of gasoline costs.

It is most likely that the SSMP and SAFE fees will both increase sharply this next year to cover the costs of public construction and maintenance, and higher public borrowing costs. These elements are probably missed by the Public when it responds to the City's surveys if they are aware of the surveys at all.

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#### Copy of Peter's e-mail:

RE: Couple of questions related to SAFE and SSMP fees and internet resource

From: Peter Passarelli (passarellip@milwaukieoregon.gov)

To: eclarkmilwor@yahoo.com

Cc: OberA@milwaukieoregon.gov

Date: Wednesday, October 5, 2022 at 07:47 AM PDT

Hi Elvis,

Hope you are well. Sorry it took me a little bit long to get back to on your questions.

The SAFE and SSMP fees are adjusted by Council through a resolution when the Master Fee Schedule is adopted. The adjustments reflect the 5 year average of the Seattle Construction Cost Index, as of December 2021.

The city does have a lease with T-mobile to host their wireless infrastructure on the Elevated storage Tank. The city also uses the tower to host its 900 mhz radio communication system for our SCADA system (a system that allows us to remotely monitor and operate our water and wastewater systems). It could be a potential location for wireless broadband network infrastructure, but space is crowded and it could not interfere with our radio system or T-Mobile's infrastructure.

Hope that helps.

---

Sincerely,  
Elvis Clark  
Ardenwald neighborhood  
Milwaukie 97222

## Scott Stauffer

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**From:** Pam Husband <ultracairn@gmail.com>  
**Sent:** Monday, November 14, 2022 4:07 PM  
**To:** OCR  
**Subject:** Climate Fund

**This Message originated outside your organization.**

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We are against the Climate Fund proposal. We have made sacrifices and extra efforts to be mindful of our environment -- mostly at our own expense. We put 18 solar panels on our home in December 2017 and added 8 more panels in October 2021. We have voluntarily opted to pay extra into PGE's salmon fund. We purchased an electric car in 2020 and installed a charging unit. We have replaced all our windows and sliding doors, choosing ones that are more efficient. We also had an energy audit and added more insulation, as a result. We have done all these things on our own, and, yes, we took advantage of federal and state tax credits and Energy Trust of Oregon rebates -- when available. Quite frankly, we think the City of Milwaukie should give us a discount on our utility billings instead of charging us an extra fee.

Are residents asking for this fund? It will raise a modest amount of money so how will it be prioritized? And how will potential recipients be screened for need? And will there be follow up to make sure funds are spent for the requested project. We think this is a lot of work for city staff for little return.

We think the City is busy juggling conflicting goals -- increased density needing to be balanced against parks, trees, climate issues. Stop, take a breath and focus on more targeted efforts. NO CLIMATE FUND.

Pam Husband and Bill McCracken

## Scott Stauffer

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**From:** Emily Mandelbaum <emylou@gmail.com>  
**Sent:** Tuesday, November 15, 2022 9:55 AM  
**To:** OCR  
**Subject:** Question for tonight's council meeting, Re: climate fee

This Message originated outside your organization.

Hello,

I would like to submit a question for tonight's council meeting regarding the potential climate fee.

What is the proposal/plan for how this money will be used? Is there a clear criteria, budget, line items, and other information that clarify the need for this fee? "Climate" feels a bit too broad a term to describe any actual needs that would be addressed with this increase.

Thank you!

Emily Lowry  
11630 SE 63rd Ave

## Scott Stauffer

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**From:** Emily Mandelbaum <emylou@gmail.com>  
**Sent:** Tuesday, November 15, 2022 11:12 AM  
**To:** Natalie Rogers  
**Cc:** OCR  
**Subject:** Re: Question for tonight's council meeting, Re: climate fee  
**Attachments:** ExecutiveSummary.pdf; We sent you safe versions of your files

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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**This Message originated outside your organization.**

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Hi Natalie,

Thank you so much for getting back to me, and so quickly! It's really encouraging to see these plans, as well as the executive summary. A small follow-up question, as I'm not familiar with how we are currently funding some of these programs: is this fee overlapping with any additional funding, besides the temporary funding you mentioned? I ask because you included programs such as tree events, and education and outreach, which I would have expected to be covered by other funding sources already as we already have a tree board and other programs. But, that also speaks to my ignorance of these programs and their funding.

I was unable to attend our most recent neighborhood district association meeting, and it sounds like the climate fee was discussed there, but perhaps not with the executive summary that you included. This would be a great communication tool, if it's not already being used, to share with the community.

Thank you again,

Emily

On Nov 15, 2022, at 11:05 AM, Natalie Rogers <RogersN@milwaukieoregon.gov> wrote:

Hi Emily,

Thank you for reaching out to the city about the climate fee topic being discussed at city council tonight and your question about what the revenue would pay for. The climate fee would pay for programs, incentives and actions called for in the Climate Action Plan (CAP) which was adopted in 2018. I've attached the executive summary to this email, but you can read the [full plan here](#).

Our current climate programming and staff work is supported by a temporary funding source which would go away with this climate fee. Current programming includes renewable energy and building energy outreach and education, coordination with local utilities to offer milwaukie-specific incentives and programming (like the recent electric tool exchange), tree events and outreach, state and federal advocacy, and utility resiliency planning.

Programs that are called for in the CAP which could be funded through this new fee (approximately \$2.13 per month for single family residential utility customers) would be things like furnace/water heater replacement incentives, more sustainability events and outreach, private tree planting and care assistance, food waste/composting programs, local EV or EV charger incentives and more. Utility customers could also receive a fee reduction if they show they've already invested in climate efforts like EV chargers, rooftop solar, etc.

Programs would be designed to take advantage of current opportunities, grants available to the city, council and community priorities, etc. That's why we can't call out explicitly what programs this would generate at this time, though anything created would align with the 53 CAP strategic actions.

I hope that helps explain things, and please let me know if you have any other questions!

Best,  
Natalie

**NATALIE ROGERS**

Climate and Natural Resources Manager

she • her • hers

P: 503-786-7668

CITY OF MILWAUKIE

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

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## Scott Stauffer

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**From:** Linda Bissonnette <lin.bissonnette@gmail.com>  
**Sent:** Tuesday, November 15, 2022 10:05 AM  
**To:** OCR  
**Subject:** Climate fee

This Message originated outside your organization.

We moved to Milwaukie about 5 years ago downsizing from a home in Tualatin. Taxes seemed high compared to Tualatin, which was a bigger home, but still in Clackamas county. At that time, our taxes were about \$5,000 a year, and now over \$7,000 a year, going up another 250 with our new statement. Our water/sewer bill has also increased, much higher than Tualatin. My daughter's taxes in Beaverton on her home which is valued much higher than ours here, pays about \$4,000 a year.

We are against this Climate Fee. All these rises in fees and taxes will drive us out of Milwaukie if it continues at this pace. With all the new apartments being built in Milwaukie, all these new residences should be bringing in more revenue, thus more income to the city without making us single family homes continue to pay more.

We are retired, and well paying our share toward city and county improvements, and climate changes, but where does it end? Where is the \$250 in tax increases going?

Thank you for allowing our input.  
Dennis & Linda Bissonnette

## Scott Stauffer

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**From:** Brad Gerke <bgerke@goldbergjones.com>  
**Sent:** Tuesday, November 15, 2022 11:45 AM  
**To:** OCR  
**Subject:** November 15, 2022 City Council Meeting - CAP Funding

**This Message originated outside your organization.**

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To Whom It May Concern:

I am a resident of Milwaukie and recently became aware of the City Counsel's proposed draft ordinance related to the Climate Fund Adoption. I am writing today to voice objection and concern regarding the proposal. I will admit at the forefront that I am addressing the Counsel without all of the information – namely I do not know what projects that the Counsel hopes to fund with the proposed fee. Certainly, the entire CAP adoption in 2020 feels like a feel-good measure that can be used to shoe-horn pet projects under an umbrella that is hard to object against. This funding measure only seems to confirm such fears. The CAP has a series of Co-Benefits scoring. Under this Co-Benefits scoring, things that generate a cost are lowest priority. As an aside, I feel it necessary to note that the Co-Benefits scoring on page 6 of the CAP does NOT match the scoring systems found on page 38. On page 6 savings are a 3 and having a cost is a 1, but on the chart on page 38, the high cost actions have a 3. This appears to be reversed in the Materials section on page 54. Because several of the "actions" defined as part of the CAP are city operations line items (see replacement of vehicles), it appears that the proposed change is simply a tax increase for city operations under the guise of a progressive policy.

If the city council, through the 2020 CAP resolution, has under-funded itself that is a budgeting process that needs to be addressed in that fashion, rather than hiding behind a feel-good pet project fund. I ask the counsel to not only to deny this funding measure, but to also reconsider its 2020 resolution.

Bradford Gerke  
Attorney at Law



111 SW Columbia St., #1150  
Portland, OR 97201  
(503) 731-8888  
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## Scott Stauffer

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**From:** Matt Mioduszewski <matt.mioduszewski@gmail.com>  
**Sent:** Tuesday, November 15, 2022 12:31 PM  
**To:** OCR  
**Subject:** Climate change taxes

**This Message originated outside your organization.**

---

Hello,

Without a strong business case with a direct accounting of where funds will specifically be spent, it is premature to start collecting money for such a nebulous cause. Naming a bunch of potential areas isn't a plan, that's a preliminary idea. A more sound and thorough plan needs to be developed for represented citizens to comment on.

Thanks,  
Matt Mioduszewski

## Scott Stauffer

---

**From:** Renee Stilson <stilren61@gmail.com>  
**Sent:** Tuesday, November 15, 2022 1:13 PM  
**To:** OCR  
**Subject:** Climate Fee

This Message originated outside your organization.

Hello, my husband and I are progressive liberals that live in the Ardenwald neighborhood. Why are we just hearing about this climate fee now, so close to when you are voting to adopt it? It seems like it needs more discussion before you spring this fee on people, especially with inflation and other stressors right now. We just completed an election, for goodness sake! We generally support anything that has to do with combating climate change but this seems a bit arbitrary. You don't seem to have a clear plan and the public doesn't seem to have very much of a voice in this. I will definitely be attending the meeting via Zoom and encourage you to slow down on adopting this fee.

Sincerely,

Renée Stilson

## Scott Stauffer

---

**From:** Joel Bergman <jwbpdx@hotmail.com>  
**Sent:** Tuesday, November 15, 2022 1:48 PM  
**To:** OCR  
**Subject:** Climate Fee: 11/15 Council Session

**This Message originated outside your organization.**

---

I urge current City Council to hold off on adopting this new fee at this time. As an involved member of our community, I can most assuredly say that there is a tremendous amount of confusion & concern regarding this proposal, and given that a new city council is about to take seats as our representatives, this proposed fee should be tabled until a more concerted effort is made to educate and inform the tax payers of this community that this fee will impact. There is already a significant financial strain affecting a great majority of the citizens of this city and while I'm not personally opposed to the idea of this fee, it's the responsibility of the current and future city council to properly vet & explain the method & intended use of any new fees imposed on its electorate. The PROCESS must remain as critical as the policy being carried out, and this has not been accomplished yet.

Regards

Joel Bergman

Sent from my T-Mobile 5G Device  
Get [Outlook for Android](#)

## Scott Stauffer

---

**From:** Milwaukie Climate Action Plan  
**Sent:** Tuesday, November 15, 2022 1:50 PM  
**To:** OCR  
**Subject:** FW: Climate Fee

### NATALIE ROGERS

Climate and Natural Resources Manager

she • her • hers

P: 503-786-7668

CITY OF MILWAUKIE

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

To learn more, visit [milwaukieoregon.gov/sustainability](https://milwaukieoregon.gov/sustainability)

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**From:** Mack Stilson <mackstilson@hotmail.com>  
**Sent:** Tuesday, November 15, 2022 1:36 PM  
**To:** Milwaukie Climate Action Plan <ClimateAction@milwaukieoregon.gov>  
**Subject:** Climate Fee

**This Message originated outside your organization.**

---

Hello,

I just wanted to let you know that I am opposed to the proposed Climate Fee. Although it is only about \$2.00 per month per household, this is a fee which we do not get to vote on. I am all for actions to reduce our impact on the climate, however I am not in favor of this fee.

Thank you,  
Mack Stilson  
4245 SE Meadowcrest Ct,  
Milwaukie, OR 97222  
503.319.0095

## Scott Stauffer

---

**From:** LORI FISH <drlfishdc@aol.com>  
**Sent:** Tuesday, November 15, 2022 2:32 PM  
**To:** OCR  
**Subject:** Fee Increase

This Message originated outside your organization.

Good afternoon,

My name is Lori Blain and I am a single mom who raise my children here completely on my own. Now they are in college, which is even financially more challenging for me.

I have watched all of my bills increase astronomically over the years, especially in the last two years. I can barely afford These increases every month! I recently just got a new tax bill and I'm still in a state of shock over how high it is. My wages are not going up at the rate of inflation, or increases in all of the bills here in Milwaukie. As we are headed into an economic downturn, which might be a recession, this is a very poor time to increase our fees in this way. I know people who are having decide between paying bills, food, and gasoline to get to their jobs here in our city.

I ask that you please not do this right now. I am not speaking only for myself I know many of my neighbors and friends in Milwaukie are struggling also.

Thank you, kindly,

Lori Blain

Sent from my iPhone

## Scott Stauffer

---

**From:** Natalie Rogers  
**Sent:** Tuesday, November 15, 2022 3:31 PM  
**To:** 'Emily Mandelbaum'  
**Cc:** OCR  
**Subject:** RE: Question for tonight's council meeting, Re: climate fee

Hi Emily,

Great questions! You're right, bringing those handouts to the NDA meeting would have been a good idea. Unfortunately I was off that day and just came in for the meeting so I was unable to get them printed ahead of time. That's a great suggestion though – I can send it out to the NDA later this week as a reference document.

To answer your question, there are a few existing funds that overlap in subject matter, but unique restrictions for each funding source limit what programs we can offer with these funds. For example, our urban forest programs are funded partially by the existing temporary sustainability budget but the stormwater utility fund is the main funding source as trees benefit stormwater and reduce surface flow and flooding. However, stormwater utility dollars can only be spent on public infrastructure, so private tree planting programs, private tree maintenance, education on private landscaping or assistance for tree care on private land can't be funded by those same public dollars. This exists with other programs related to climate like renewable energy or EV infrastructure – we can spend some public improvement dollars if there are public benefits (like EV chargers in front of city buildings) but we can't provide assistance or incentives to private homes and residences with those same public dollars.

The code for the climate fee is drafted so that the climate fund would supplement those programs to close the gap in program coverage and reduce the barriers for private homeowners or renters from making improvements in their homes. If the fee does not get approved, we'd need to find alternative funding sources if available or hold off on offering these programs as a city.

Happy to answer any other questions you may have!  
Natalie

### **NATALIE ROGERS**

Climate and Natural Resources Manager  
she • her • hers  
P: 503-786-7668  
CITY OF MILWAUKIE  
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To learn more, visit [Milwaukieoregon.gov/sustainability](https://milwaukieoregon.gov/sustainability)

---

**From:** Emily Mandelbaum <emylou@gmail.com>  
**Sent:** Tuesday, November 15, 2022 11:12 AM  
**To:** Natalie Rogers <RogersN@milwaukieoregon.gov>  
**Cc:** OCR <OCR@milwaukieoregon.gov>  
**Subject:** Re: Question for tonight's council meeting, Re: climate fee

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.



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**This Message originated outside your organization.**

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Hi Natalie,

Thank you so much for getting back to me, and so quickly! It's really encouraging to see these plans, as well as the executive summary. A small follow-up question, as I'm not familiar with how we are currently funding some of these programs: is this fee overlapping with any additional funding, besides the temporary funding you mentioned? I ask because you included programs such as tree events, and education and outreach, which I would have expected to be covered by other funding sources already as we already have a tree board and other programs. But, that also speaks to my ignorance of these programs and their funding.

I was unable to attend our most recent neighborhood district association meeting, and it sounds like the climate fee was discussed there, but perhaps not with the executive summary that you included. This would be a great communication tool, if it's not already being used, to share with the community.

Thank you again,

Emily

On Nov 15, 2022, at 11:05 AM, Natalie Rogers <[RogersN@milwaukieoregon.gov](mailto:RogersN@milwaukieoregon.gov)> wrote:

Hi Emily,

Thank you for reaching out to the city about the climate fee topic being discussed at city council tonight and your question about what the revenue would pay for. The climate fee would pay for programs, incentives and actions called for in the Climate Action Plan (CAP) which was adopted in 2018. I've attached the executive summary to this email, but you can read the [full plan here](#).

Our current climate programming and staff work is supported by a temporary funding source which would go away with this climate fee. Current programming includes renewable energy and building energy outreach and education, coordination with local utilities to offer milwaukie-specific incentives and programming (like the recent electric tool exchange), tree events and outreach, state and federal advocacy, and utility resiliency planning.

Programs that are called for in the CAP which could be funded through this new fee (approximately \$2.13 per month for single family residential utility customers) would be things like furnace/water heater replacement incentives, more sustainability events and outreach, private tree planting and care assistance, food waste/composting programs, local EV or EV charger incentives and more. Utility customers could also receive a fee reduction if they show they've already invested in climate efforts like EV chargers, rooftop solar, etc.

Programs would be designed to take advantage of current opportunities, grants available to the city, council and community priorities, etc. That's why we can't call out explicitly what programs this would generate at this time, though anything created would align with the 53 CAP strategic actions.

I hope that helps explain things, and please let me know if you have any other questions!

Best,  
Natalie

**NATALIE ROGERS**

Climate and Natural Resources Manager

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CITY OF MILWAUKIE

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## Scott Stauffer

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**From:** Pat Carlman <carlman44@gmail.com>  
**Sent:** Tuesday, November 15, 2022 4:34 PM  
**To:** OCR  
**Subject:** Climate Fund

**This Message originated outside your organization.**

---

Hello,

I intended to come to the council meeting this evening (11/15) and use my 2 minutes but have a conflict and will be unable to join.

I completely disagree with your plan to pull \$500,000 from a population that already struggles to pay bills. You know we struggle - take a look at the October 2022 Milwaukie Pilot where you announced this charge. On the flip side of the page you stated that you were aware of people struggling to pay bills in this time of rising prices. (*"In Milwaukie, the cost of renting and owning a home have increased sharply over the last 10 years. Today, many Milwaukians pay so much for housing, **they have difficulty affording their other basic needs**. Others, including many who work in Milwaukie, cannot afford housing in the city at all."*)

It's concerning that despite knowing we can't afford more you want to take more. It was just a few months ago you enacted a permit requirement to cut down my own trees, trees that I likely paid for and planted the city now wants to charge to remove. My trees contribute to the climate. And I pay my water bill to keep them alive. (And the water bill rate keeps going up.)

This is not a time to be "exploring new opportunities" for funds. Don't take \$500,000 to "provide incentives". Charging me money to hand it over to someone else is not providing me incentives.

The amount per household is small. The impact, when added to all the other impacts, is unbearable.

Regards,  
Pat Carlman

## Scott Stauffer

---

**From:** jen garcia <jenngarcia7903@yahoo.com>  
**Sent:** Tuesday, November 15, 2022 4:48 PM  
**To:** OCR  
**Subject:** Climate fee

**This Message originated outside your organization.**

---

Your website suggested I leave a comment here regarding the climate fee. Our household urges you to stop adding fees like this to our already high bills. We are one income household and barely able to make it. We love Milwaukie so much but are slowly getting priced out. Please find room in the existing budget for this fee.

Thank you,  
Jennifer Warner

[Sent from Yahoo Mail on Android](#)

## Scott Stauffer

---

**From:** Kendyl <andykendyl@gmail.com>  
**Sent:** Tuesday, November 15, 2022 9:47 PM  
**To:** OCR  
**Subject:** Climate fee

This Message originated outside your organization.

Just a friendly note to say PLEASE don't "Portland" our Milwaukie. The fee is unnecessary and will be added financial burden to my family and many others. We pay plenty of fees already and we are capable of making our own choices to take care of the environment. No new fee!! No new fee!!

**COUNCIL STAFF REPORT**

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

**Date Written:** Nov. 4, 2022

**Reviewed:** Scott Stauffer (as to form), City Recorder

**From:** Kelly Brooks, Assistant City Manager, and  
Michael Osborne, Assistant Finance Director

**Subject:** **Safe Access for Everyone (SAFE), Street Surface Maintenance Program (SSMP)  
and Tax Increment Financing (TIF) Bonds**

---

**ACTION REQUESTED**

Council is asked to review and discuss a package of capital project investments in anticipation of a resolution vote authorizing the city to proceed with bonding on December 6, 2022.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

[February 27, 2018](#): Council directed staff to develop a three phased financing schedule to implement an integrated SAFE, SSMP, and Transportation program

[March 20, 2018](#): Council authorized [Resolution 19-2018](#), which included a maximum principal amount of \$21,000,000, a total interest cost (TIC) of 4.5% plus 25 basis points to account for market changes between approval and issuance.

[June 7, 2022](#): The city's Capital Improvement Plan (CIP) for 2023-2027 and the Milwaukie Redevelopment Commission (MRC) budget and Five-Year Action Plan were adopted. All documents assumed a second bond issuance in fiscal year (FY) 2023 consistent with direction provided in 2018.

[September 20, 2022](#): Staff provided updates on capital projects funded with SAFE, SSMP, and transportation bonds during the regular session. MRC also discussed upcoming financing needs and capital projects that would be included in a December bond issuance.

**ANALYSIS**

At the conclusion of 2022, the city has substantially obligated the 2018 bonded SAFE, SSMP, and transportation funds. The MRC has also adopted five-year action plan that identified the design and construction of capital improvement projects over the course of the next three years. The following staff report, and subsequent conversation with Council on November 15, will provide information on the current terms for financing and what projects would be included or delayed depending on the city's decision.

**FINANCIAL**

The city's two options are to borrow from the bond market investors or from a bank itself. In 2018, the city borrowed from investors because they *usually* offer the lowest rates. The downside to investors is they lock in their rate for 10 years meaning the city cannot refinance during that time. With the last bond in 2018, the city used investors as the rate was low and the terms were longer (30 years).

If the city and MRC proceed with a bond issuance in 2022-2023, the bond advisors will likely recommend borrowing from a bank instead of investors as long as the bank rate is at or below the investor rate due to more advantageous call terms (the point at which the city could renegotiate the rate). The call terms for banks are typically 3-5 years whereas call terms for investor-based bonds are typically 10 years or longer. In addition, the cost of issuance is lower than investor-based borrowing.

### **Why not wait?**

While interest rates are not as good as they were a couple years ago, waiting to construct projects also has a cost risk. Not only do construction and material costs increase, but phase I of SAFE and SMPP also took longer than anticipated because the city needed to scale up the project delivery capabilities. If the city puts the integrated program on pause to wait for a more favorable lending environment, staff would also need to scale down project delivery functions and work through a corresponding delay when/if the city wanted to mobilize the program again.

### **What should we include?**

Eighty-five percent of bonded funds need to be “in place to spend” within 3 years. That means the city can only include projects that can be obligated within the next three years. Staff have taken a conservative approach to including projects while also providing some flexibility to account for higher costs that are already starting to hit projects currently in design.

### **PROJECT INFORMATION**

Council will have an opportunity to discuss the financial risks or opportunities regarding the size of the bond with bond counsel on November 15. The following list of projects totals \$23,938,000. It does not include several smaller projects or International Way. The smaller projects were excluded due to concerns about staff capacity for in-house design. International Way was excluded because it's not clear it can be obligated within the three-year period.

### **In Design – The following projects are in design but need additional funding to construct.**

- Ardenwald North Improvements
- Washington Street Area Improvements
- Downtown Main St. Enhancements – Dogwood Vertical Element and Wayfinding
- Milwaukie Bay Park Trolley Trail
- Tenant Improvements – Food Cart Pod Sewer Connection

### **Design on Hold Pending Bonding**

- Harvey Street Improvements
- King Road Improvements
- Downtown Streetscape Improvements – Downtown Sidewalk
- SAFE Spot Improvements
- Logus Road, 40<sup>th</sup> & 42<sup>nd</sup> Ave.
- Monroe St. Greenway
- Street Surface Slurry Seal
- Dogwood Park
- Residential Street Surface Repair

- Signal Upgrades
- Mccloughlin Boulevard Intersection Upgrades
- Downtown Parking Strategy Implementation – Bike Parking, Metering Study and Partial Implementation
- Transit Stop Improvements

### **BUDGET IMPACT**

The decision whether or not to bond will have impacts on the city budget in numerous ways. Issuing debt incurs finance charges and interest payments not currently paid by city ratepayers. Forgoing debt issuance will push out the timeline for capital projects thereby increasing their costs for future ratepayers.

### **WORKLOAD IMPACT**

If Council decides not to bond, the city will need to re-examine staffing levels and transition to a structure that is needed for a lower level of project output.

### **CLIMATE IMPACT**

Building out the city’s active transportation network as an alternative to single occupancy vehicle travel is an identified strategy within Milwaukie’s Community Climate Action Plan. Continuation of and expedited delivery of the SAFE program will meaningfully contribute towards a more bikeable and walkable city. It is important to note, however, that bonded funds would go towards construction projects that include materials and equipment that contribute to greenhouse gas emissions.

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

Staff coordinated with public works, engineering, community development, and finance in compilation of this report.

### **STAFF RECOMMENDATION**

Staff recommend that Council proceed with bonding for identified projects because the financing costs are outweighed by future increases in capital construction and utilizes the city’s current project delivery staff and protocols that were established through phase I.

### **ALTERNATIVES**

Council could delay the decision to solicit more information about projects and financing option or decline to proceed with bonding all-together.

### **ATTACHMENTS**

1. Project Spreadsheet



**Attachment 7. B. 1.**

2022 Bonded Projects - Proposed					
Project	SSMP	SAFE	Transp.	URA	All Funds
Harvey Street Improvements	958,000	1,129,000			
Ardenwald North Improvements	342,000	765,000			
King Road Improvements	1,571,000	4,026,000			
Washington Street Area Improvements	1,588,000	1,882,000			
Waverly South		78,000			
Crosswalk Art		50,000			
SAFE spot Improvements		250,000			
26th Avenue Improvements	80,000	67,000			
International Way Improvements	514,000	1,956,000			
Logus Road, 40th & 42nd Ave	1,591,000	843,000			
Monroe Street Greenway			1,161,000	1,332,000	
Residential Street Surface Repair			1,500,000		
Signal Upgrades			300,000		
Street Surface Slurry Seal	500,000		500,000		
Downtown Main St. Enhancements				650,000	
Downtown Streetscape Improvements				500,000	
McLoughlin Boulevard Intersection Upgrades				250,000	
Parking Solutions				500,000	
Transit Stop Improvements				300,000	
Tenant Improvements		500,000		500,000	
Dogwood Park				400,000	
Trolley Trail (Milwaukie Bay Park)				600,000	
All Projects	\$ 7,144,000	\$ 11,546,000	\$ 3,461,000	\$ 5,032,000	\$ 27,183,000
Proposed	\$ 6,550,000	\$ 8,895,000	\$ 3,461,000	\$ 5,032,000	\$ 23,938,000

# 2023 Infrastructure Bonds

11/15/2022

*Kelly Brooks, Assistant City Manager*

*Michael Osborne, Assistant Finance Director*

*John Peterson, Piper Sandler*

*Gulgun Ugur, Hawkins*





Background

# Staff Proposal

\$24,000,000 in projects

- \$6,050,000 SSMP
- \$8,895,000 SAFE
- \$3,461,000 Transportation
- \$5,032,000 URA

\*Only includes projects budgeted in CIP for Fiscal Years 23, 24, and 25.



# FY 23/24 Budget Assumptions

## Transportation

- \$21,000,000 Transportation bond
- \$130,000 to pay for bond counsel and fees
- Increase of \$577,000 or 20% in debt service

## URA

- \$6,500,000 debt issuance
- \$100,000 for bond counsel and fees

## 30-Year Bond



# Questions – Part 1

## Why only one scenario?

It was as low as I could go without pushing projects out or triggering a need for a second bond issuance within the 3-year period.

## Doesn't Slurry Seal have its own line item?

Yes, but all of the projects do. The SSMP fund does not have enough money to fund all of the projects programmed without debt. Would need to decide what projects are not happening if council declines to proceed.

## What is the total debt service cost, and could we fund staff instead?

FY 23/24 staffing is tied to delivering a bonded program. If we are no longer expediting the SAFE Program we have more staff than projects and insufficient resources to support our current structure.

# Questions – Part 2

If we just bond for the projects identified as “in design” what would the bond amount be?

- \$11,000,000

*\*Would need to see what projects wouldn't happen and reassess bonding.*

PROJECT	SSMP	SAFE	TRANSP.	URA	ALL FUNDS
Ardenwald North Improvements	342,000	765,000			1,107,000
Washington Street Area Improvements	1,588,000	1,882,000			3,470,000
Monroe Street Greenway			1,161,000	1,332,000	2,493,000
Downtown Main St. Enhancements				650,000	650,000
Downtown Streetscape Improvements				500,000	500,000
McLoughlin Boulevard Intersection Upgrades				250,000	250,000
Parking Solutions				500,000	500,000
Transit Stop Improvements				300,000	300,000
Tenant Improvements				500,000	500,000
Dogwood Park				400,000	400,000
Trolley Trail (Milwaukie Bay Park)				600,000	600,000
<b>Total</b>	<b>1,930,000</b>	<b>2,647,000</b>	<b>1,161,000</b>	<b>5,032,000</b>	<b>10,770,000</b>







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# City of Milwaukie

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## Full Faith and Credit Financing Analysis

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John Peterson  
Senior Vice President  
(503) 275-2865  
[john.peterson@psc.com](mailto:john.peterson@psc.com)

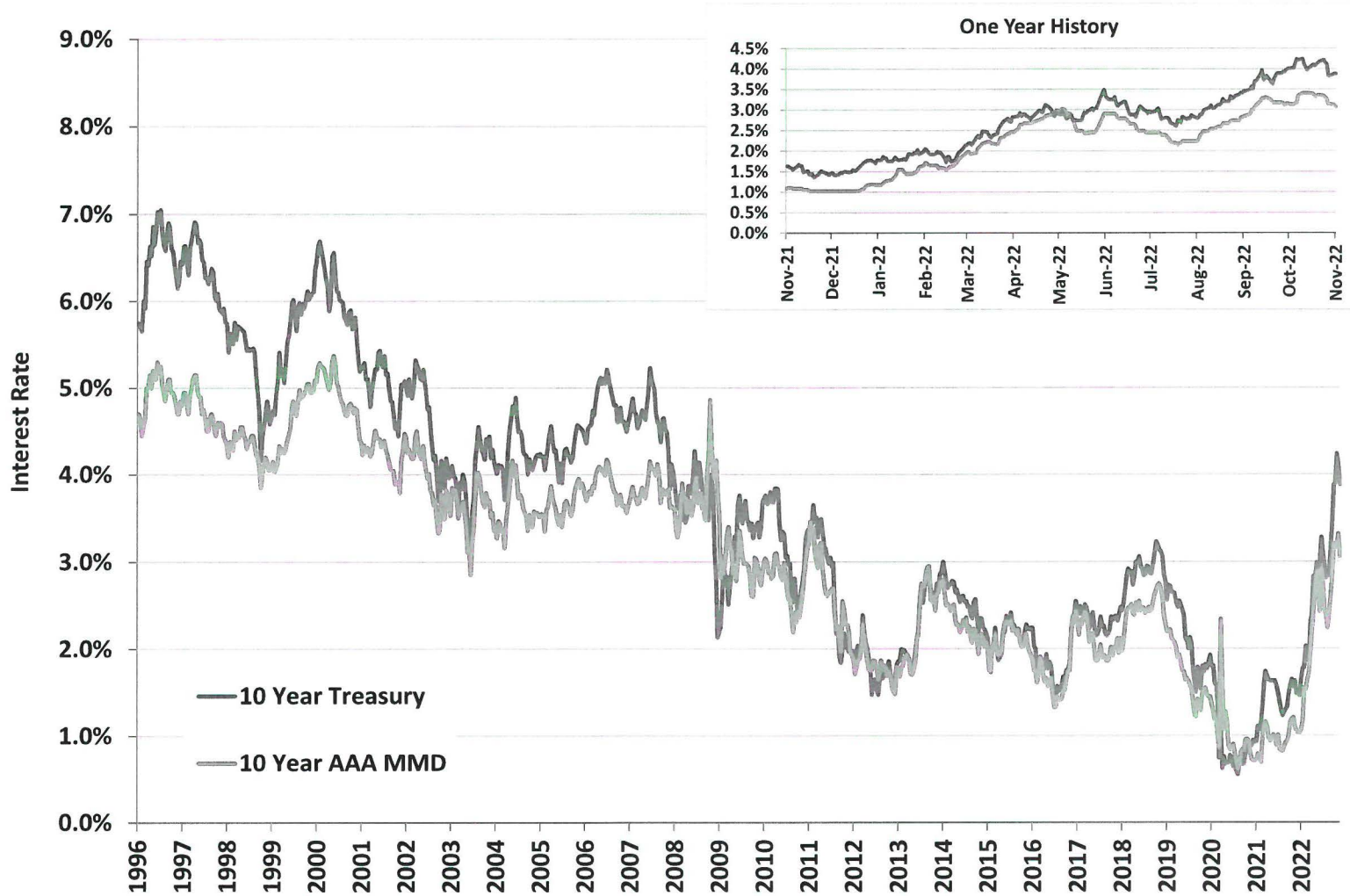
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November 15, 2022

# HISTORICAL INTEREST RATES

## 10 Year Tax-Exempt (AAA MMD) vs. 10 Year Treasury Rates



**CITY OF MILWAUKIE**  
**Outstanding Full Faith and Credit Financings**

Governmental Activities	Purpose	Date of Issue	Date of Maturity	Amount Issued	Amount Outstanding
<i>Full Faith and Credit Obligations:</i>					
Series 2014 (Tax Exempt)	Development of Phase II of Riverfront Park	09/18/14	06/01/29	\$ 965,000	\$ 510,000
Series 2018 (Tax Exempt)	Transportation projects that integrate SAFE, SSMP and gas tax	07/10/18	06/15/48	20,970,000	17,225,000
Series 2020 (Federally Taxable)	Acquisition of property and renovation of new City Hall	06/17/20	06/15/40	6,700,000	6,135,000
Total Full Faith and Credit Obligations					25,845,000

## CITY OF MILWAUKIE

### Debt Service on Outstanding Full Faith and Credit Financings

Fiscal Year	Series 2014		Series 2018		Series 2020		Total Debt Service
	Principal	Interest	Principal	Interest	Principal	Interest	
2023	\$ 65,000	\$ 20,400	\$ -	\$ 640,831	\$ 290,000	\$ 144,062	\$ 1,160,293
2024	65,000	17,800	-	640,831	290,000	140,814	1,154,445
2025	70,000	15,200	-	640,831	295,000	136,901	1,157,932
2026	75,000	12,400	-	640,831	300,000	132,627	1,160,858
2027	75,000	9,400	-	640,831	305,000	127,290	1,157,521
2028	80,000	6,400	-	640,831	310,000	121,559	1,158,790
2029	80,000	3,200	-	640,831	315,000	115,424	1,154,455
2030	-	-	-	640,831	325,000	108,875	1,074,706
2031	-	-	-	640,831	330,000	101,956	1,072,787
2032	-	-	-	640,831	335,000	94,468	1,070,299
2033	-	-	-	640,831	345,000	86,532	1,072,363
2034	-	-	-	640,831	355,000	78,014	1,073,845
2035	-	-	-	640,831	365,000	68,823	1,074,654
2036	-	-	-	640,831	370,000	59,191	1,070,022
2037	-	-	-	640,831	385,000	48,102	1,073,933
2038	-	-	-	640,831	395,000	36,563	1,072,394
2039	-	-	-	640,831	405,000	24,725	1,070,556
2040	-	-	-	640,831	420,000	12,587	1,073,418
2041	-	-	-	640,831	-	-	640,831
2042	-	-	-	640,831	-	-	640,831
2043	-	-	2,625,000	640,831	-	-	3,265,831
2044	-	-	2,715,000	548,956	-	-	3,263,956
2045	-	-	2,810,000	453,931	-	-	3,263,931
2046	-	-	2,915,000	352,069	-	-	3,267,069
2047	-	-	3,020,000	246,400	-	-	3,266,400
2048	-	-	3,140,000	125,600	-	-	3,265,600
	<u>\$ 510,000</u>	<u>\$ 84,800</u>	<u>\$ 17,225,000</u>	<u>\$ 15,184,407</u>	<u>\$ 6,135,000</u>	<u>\$ 1,638,514</u>	<u>\$ 40,777,721</u>

## CITY OF MILWAUKIE

### Debt Service on Outstanding Full Faith and Credit Financings with Transportation Revenue Pledges

Fiscal Year	Series 2018		Total Debt Service
	Principal	Interest	
2023	\$ -	\$ 640,831	\$ 640,831
2024	-	640,831	640,831
2025	-	640,831	640,831
2026	-	640,831	640,831
2027	-	640,831	640,831
2028	-	640,831	640,831
2029	-	640,831	640,831
2030	-	640,831	640,831
2031	-	640,831	640,831
2032	-	640,831	640,831
2033	-	640,831	640,831
2034	-	640,831	640,831
2035	-	640,831	640,831
2036	-	640,831	640,831
2037	-	640,831	640,831
2038	-	640,831	640,831
2039	-	640,831	640,831
2040	-	640,831	640,831
2041	-	640,831	640,831
2042	-	640,831	640,831
2043	2,625,000	640,831	3,265,831
2044	2,715,000	548,956	3,263,956
2045	2,810,000	453,931	3,263,931
2046	2,915,000	352,069	3,267,069
2047	3,020,000	246,400	3,266,400
2048	3,140,000	125,600	3,265,600
	<u>\$ 17,225,000</u>	<u>\$ 15,184,407</u>	<u>\$ 32,409,407</u>

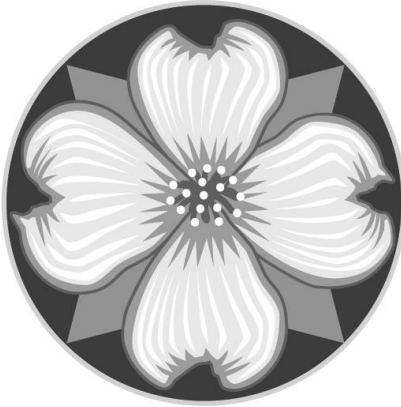
## CITY OF MILWAUKIE

### Full Faith and Credit Financing, Series 2023 – Summary of Scenarios All scenarios are structured around the Series 2018 Debt Service

Structure	Public Sale (10 YR Call)		Private Placement (5 YR Call)	
	Scenario 1	Scenario 2	Scenario 3	Scenario 4
	20 YR + No Cushion	20 YR + 50bps Cushion	20 YR + No Cushion	20 YR + 50bps Cushion
<b>Total Par Amount</b>	\$ 22,215,000	\$ 23,000,000	\$ 24,114,732	\$ 24,114,732
Premium / Discount, estimated	2,041,747	1,260,068	-	-
Costs of Issuance, estimated	(252,122)	(256,950)	(114,732)	(114,732)
<b>Total Proceeds, estimated</b>	\$ 24,004,624	\$ 24,003,118	\$ 24,000,000	\$ 24,000,000
Dated Date	2/15/2023	2/15/2023	2/15/2023	2/15/2023
Final Maturity	6/15/2042	6/15/2042	6/15/2042	6/15/2042
Amortization Period	19.33 Years	19.33 Years	19.33 Years	19.33 Years
Average Life	11.79 Years	11.79 Years	11.51 Years	11.65 Years
<b>Key Statistics</b>				
Cushion over Current Interest Rates	+ 0.00%	+ 0.50%	+ 0.00%	+ 0.50%
All-In True Interest Cost (TIC)*	4.21%	4.62%	4.11%	4.61%
Total Interest	\$13,443,542	\$13,916,583	\$11,244,327	\$12,785,373
Total Interest as % of Par	61%	61%	47%	53%
Maximum Annual Debt Service	\$1,859,463	\$1,924,913	\$1,843,869	\$1,922,862

Note: Preliminary and illustrative for discussion purposes only, subject to change.

\* All-In True interest cost is the blended, overall interest rate for the issue with the Premium (Discount), Cost of Issuance Expense, and Underwriter's Discount factored in. Includes the interest rate cushion.



**RS Agenda Item**

**8**

## **Public Hearings**

**COUNCIL STAFF REPORT**

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

**Date Written:** Nov. 10, 2022

**Reviewed:** Laura Weigel, Planning Manager

**From:** Vera Kolias, Senior Planner, and Adam Heroux, Associate Planner

**Subject: Proposed Code Amendments – High Density Residential Zones**

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**ACTION REQUESTED**

Council is asked to open the public hearing for land use file #ZA-2022-002, discuss the proposed amendments to the Milwaukie Municipal Code (MMC) Title 19 (Zoning), Comprehensive Plan, and Zoning map, take public testimony, provide direction to staff regarding any desired revisions to the proposed amendments, and vote to approve file #ZA-2022-002 and adopt the proposed ordinance and recommended Findings in Support of Approval (Attachment 1).

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

[October 18, 2022](#): Council held a work session to review proposed code amendments.

[September 27, 2022](#): The Planning Commission held a public hearing on the package of code amendments and voted 7-0 to recommend approval. The Commission's vote included the following recommendations to Council:

- Council should find ways to preserve and protect manufactured home parks, which are a critical form of deeply affordable housing.
- Council should discuss the proposed amendment allowing hotels and motels in the R-3 and R-2 zones as conditional uses, which are prohibited in the current code. The Commission was not unanimous in its support of this proposed amendment.

[August 23, 2022](#): The Commission held a work session to review the proposed zone consolidation and development standards, and other related amendments.

[August 9, 2022](#): The Commission held a work session to review the definition and other questions related to boarding houses.

[June 28, 2022](#): The Commission held a work session to review the first set of definitions.

**BACKGROUND AND ANALYSIS**

Consolidation of the high-density residential zones was originally envisioned as part of the Phase 1 Comprehensive Plan implementation project. However, due to the complexity involved in the permitted uses and their respective review processes across the high-density zones, the effort was paused until it was restarted at the Planning Commission's June 28, 2022, work session.



The purpose of the amendments is to:

- Consolidate and simplify the zones and zoning map
- Remove barriers and bias from the zoning code
- Update outdated terminology
- Streamline overly complicated use categories and review processes

The following is an abbreviated analysis and description of the proposed code amendments. For a detailed, comprehensive explanation, please review the staff report from the [October 18, 2022](#) work session.

### **Definitions**

Milwaukie's code includes outdated definitions for several residential use types, including several housing types typically occupied by seniors. Despite having similar land use impacts, the city is inconsistent in how it treats these housing types in high density residential zones. This inconsistency has impacted the development and land use review processes for some recent projects, in some cases requiring applicants to pursue both a Community Service Use (CSU) and Conditional Use (CU) process for the same site. Additionally, neighboring jurisdictions, including Tigard and Beaverton, have simplified their codes to better match the evolving terminology for these types of residential uses.

The proposed amendments revise the code so that:

- 1) The code defines Use Categories by the external impacts of the use, such as foot and vehicle traffic, rather than biasing the land use review process with a focus on the internal aspects of the use.
- 2) The definitions in the code reflect those used by the State of Oregon in its licensing of Community Based Care Settings and used by the city to issue Certificates of Occupancy.
- 3) The term "boarding house" is replaced with the term "single room occupancy" (SRO).

### **Zone consolidation, review processes, and development standards**

To consolidate the zones, a decision would have to be made to either change some uses to be permitted by right that are now subject to Type III Conditional Use review or make those same uses now subject to Type III review where they are permitted by right.

The key differences between the existing high-density residential zones are:

- Where manufactured dwelling parks are permitted.
- How multi-unit developments are permitted (Conditional Use or Permitted outright).
- How residential care facilities are permitted (Conditional Use or Permitted outright).
- Which commercial uses are permitted and what type of land use review is required (Conditional Use or Permitted outright).

## Summary of Key Changes

### AMENDMENTS RELATED TO DEFINITIONS

*Amendments update and consolidate existing residential use definitions to better match current terminology used by the State of Oregon.*

Table 1 below summarizes the current residential use terms, new replacement definitions, and the new use type for each.

<b>Table 1. New Definitions and Use Types</b>		
<b>Current Use Type</b>	<b>New Definition</b>	<b>New Use Type</b>
<b>Residential Home</b>	Adult foster/care home	Adult foster care/home
<b>Congregate Housing Facility</b>	Assisted Living	Residential Care Facility
<b>Senior and Retirement Housing</b>	Assisted Living	Residential Care Facility
<b>Nursing or Convalescent Home</b>	Nursing Facility, Memory Care Community	Residential Care Facility
<b>Boarding House</b>	Single Room Occupancy	Single Room Occupancy

Table 2 below contains the proposed definitions for new use terms.

<b>Table 2. Proposed Definitions</b>		
<b>Proposed Terms</b>	<b>Proposed Definition</b>	
<b>Adult foster/care homes</b>	A dwelling unit operated to provide a permanent residence and licensed care for up to five people who are elderly, disabled, handicapped, or otherwise require such a residence.	
<b>Residential care facility</b>	A living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to Assisted Living Facilities, Nursing Facilities, and Memory Care Facilities.	
<b>Residential Care Facility Types</b>	<b>Assisted living facility</b>	are licensed settings providing housing and care services to six or more people. A registered nurse is on staff or under contract. The nurse does not have to be there all the time. Caregivers do not need to be certified, but they are trained in providing care services.
	<b>Nursing facility</b>	gives licensed 24-hour supervised nursing care. Licensed nursing facilities' caregivers must be certified as nursing assistants; the State Board of Nursing must approve their training. Nurses and certified nurse aides provide personal, therapeutic, and nutritional care.
	<b>Memory care community</b>	is an environment where staff care for people with dementia who have needs that require a more secure setting. Each setting is licensed by the state as a residential care, assisted living or nursing facility. The state also requires memory care facilities to train staff to care for residents with dementia and provide specialized services.
<b>Single Room Occupancy Housing</b>	A building wherein five (5) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen but may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s).	

**Amendments related to the consolidation and the Zoning Map**

*Amendments to the existing high density residential zones reduce the number from five to three through a consolidation that provides more housing opportunities in the high-density zones than currently exists.*

The following tables show a progression of the proposed consolidation, starting with the existing code but updated with revised uses and nomenclature as discussed in earlier work sessions.

Table 3 is the proposed consolidation from 5 zones to 3 with the following key differences:

1. Multi-unit housing is allowed by right in the R3 instead of through a CU process.
2. Single Room Occupancy is allowed by right in R3, R2, and R1B instead of through a CU process.
3. Residential care facilities are permitted by right instead of through a CU.
4. Business/personal services (such as salons and pet groomers) are included in the list of allowed commercial activities based on the numerous requests for such businesses in the R-1-B zone. These uses are proposed to be permitted by right as limited uses (floor area limited to 2,000 sq ft) in the R3 and R2 zones.

5. Office uses are proposed to be consolidated from three types to two types and ensure their consistent use throughout the code to reduce confusion. Office uses are proposed to be permitted by right as limited uses (floor area limited to 2,000 sq ft) in the R3 and R2 zones.
6. Hotel and motel uses are proposed to be permitted as conditional uses in the R3 and R2 zones rather than be prohibited.

<b>Table 3. Proposed Consolidation</b>			
<b>Residential Uses</b>	<b>R3</b>	<b>R2</b>	<b>R1B</b>
<b>Single Detached Dwelling</b>	P	P	P
<b>Duplex</b>	P	P	P
<b>Triplex</b>	P	P	P
<b>Quadplex</b>	P	P	P
<b>Townhouse/Rowhouse</b>	P	P	P
<b>Cottage Cluster</b>	P	P	P
<b>Adult foster/care homes</b>	P	P	P
<b>Accessory Dwelling Unit</b>	P	P	P
<b>Manufactured Dwelling Park</b>	III	N	N
<b>Multi-unit Development</b>	P	P	P
<b>Single Room Occupancy</b>	P	P	P
<b>Residential Care Facility</b>			
<i>Assisted Living</i>	P	P	P
<i>Nursing Facility</i>			
<i>Memory care community</i>			
<b>Commercial Uses</b>			
<b>Personal/Business Services</b>	L	L	P
<b>Office</b>	L/CU	L/CU	P
<i>Production related office</i>			
<i>Professional and administrative office</i>			
<b>Hotel or motel</b>	CU	CU	CU
<b>Bed and breakfast or vacation rental</b>	CU	CU	CU
<b>Accessory and Other Uses</b>			
<b>Accessory Use</b>	P	P	P

<b>Agricultural or horticultural</b>	P	P	P
<b>Community Service Use</b>	CSU	CSU	CSU
<b>Home occupation</b>	P	P	P
<b>Short-term rental</b>	P	P	P

R3 = R3; R-2.5

R2 = R2, R1

R1B = R1B

The high-density zones encompass approximately 330 acres and 650 tax lots, more than 600 of which are already developed. The proposed consolidation:

- adds 7 R-2.5 lots to the existing R-3 zone to create the new R-3 zone, and
- add 4 R-1 lots to the existing R-2 zone to create the new R-2 zone.

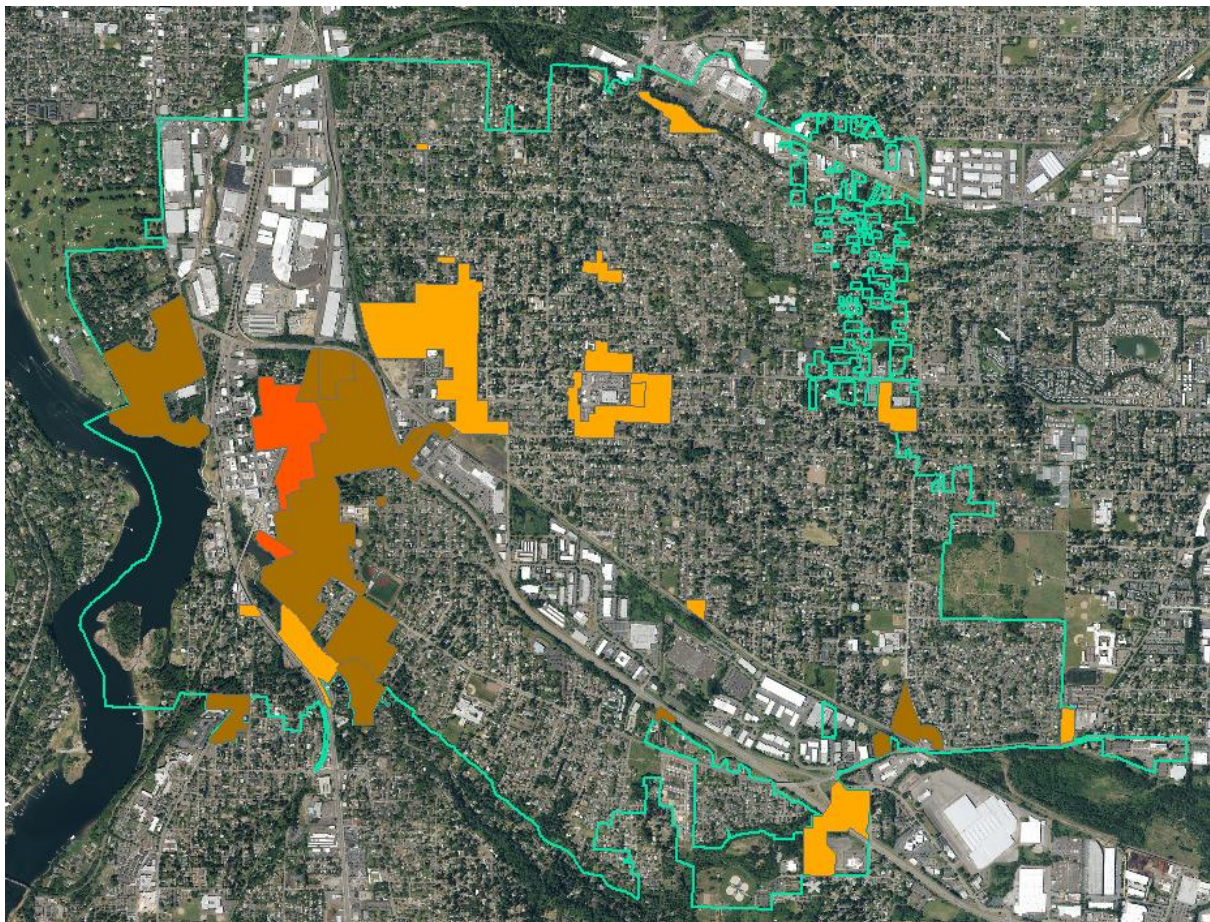


Figure 1. Proposed consolidation of High-Density zones

Legend	
<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span>	New R3
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span>	New R2
<span style="display:inline-block; width:15px; height:15px; background-color:brown; border:1px solid black;"></span>	R-1-B

Please refer to the proposed zoning map in Attachment 1 for the complete zoning map with the proposed consolidation.

### Development Standards

The proposed consolidation of the zones also affects development standards, which are currently different across the zones for various standards. The main differences are for maximum building height, maximum lot coverage, minimum vegetation, and density.

Tables 4 and 5 illustrate the existing code and the proposed code relative to key development standards. The amendments propose to consolidate the standards to be consistent with the intent and purpose of the high-density zones as well as the goals of the comprehensive plan. The proposed density range for the new R2 zone is the current R1 density.

		<b>Table 4. Existing Code</b>				
<b>Standard</b>		<b>R3</b>	<b>R2.5</b>	<b>R2</b>	<b>R1</b>	<b>R1B</b>
<b>Max Building height</b>		35 ft	35 ft	45 ft	45 ft	45 ft
<b>Max lot coverage</b>		40%	40%	45%	45%	50%
<b>Min vegetation</b>		35%	35%	15%	15%	15%
<b>density (du/ac)</b>						
	<b>min.</b>	11.6	11.6	11.6	25	25
	<b>max.</b>	14.5	17.4	17.4	32	32

		<b>Table 5. Proposed Consolidation</b>		
<b>Standard</b>		<b>R3</b>	<b>R2</b>	<b>R1B</b>
<b>Max Building height</b>		35 ft	45 ft	45 ft
<b>Max lot coverage</b>		40%	45%	50%
<b>Min vegetation</b>		35%	15%	15%
<b>density (du/ac)</b>				
	<b>min.</b>	11.6	25	25
	<b>max.</b>	17.4	32	32

R3 = R3; R-2.5

R2 = R2, R1

R1B = R1B

### Additional proposed amendments related to office uses

During the consolidation process staff also noticed there are some inconsistencies in the code around the term office use and propose to remedy these inconsistencies. As part of the Moving Forward Milwaukie project in 2015, the downtown code amendments proposed a variety of types of offices in an effort to distinguish certain types when located at street level. These types

were meant to acknowledge that some office types can help activate the street because they generate foot traffic (such as banks or medical offices) while others do not (such as data processing or call centers).

The proposed amendments include the following related to office uses:

- Keeps production-related office as is.
- Consolidates the other two office types:
  - “Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations, including government, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

Further, the proposed amendments:

- Consolidate the terms in the use tables for the DMU and NMIA zones.
- Revise the use tables in the other commercial zones that currently allow offices to allow both types of offices.

### **October 18 Work Session**

During the October 18 work session, Council asked staff to provide additional information for review during the hearing related to the definition of SROs and to show a full consolidation of the high density residential (HDR) zones into one zone.

### **Definition of SRO**

Council asked staff to provide a definition of SRO housing that included a requirement for access to a kitchen and to consider increasing the number of rooms in an SRO to allow for more opportunities for development of this type of housing in the R-MD zone. As discussed during the work session, the traditional SRO unit is a single room, usually less than 100 square feet, designed to accommodate one person. Amenities such as a bathroom, kitchen or common areas are located outside the unit and are shared with other residents.

The originally proposed definition of SRO housing includes a threshold of five or more rooms for rent based on the city’s definition of multi-unit housing which is a structure with five or more dwelling units. Staff proposes to increase the threshold to nine rooms based on a review of other jurisdictions codes.

The revised proposed definition of SRO housing is:

A building wherein nine (9) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but access must be provided to a shared cooking and eating facility. Each room may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). SRO developments are designed to be occupied by long-term residents on a monthly or longer basis. ~~SRO developments are permitted outright in all residential zones that permit~~

~~multi-unit development. For calculating residential density, four SRO rooms are equal to 1 dwelling unit with fractions rounded up. In each case, density standards of the zone shall determine number of units allowed.~~

**Full consolidation of HDR zones**

During the work session Council noted that there are only a few differences between the three proposed HDR zones and that perhaps a full consolidation, as originally envisioned during the comprehensive plan implementation process could work.

The following tables reflect the permitted uses and key development standards for a full consolidation into one HDR zone. Figure 2 illustrates the zoning map with the full consolidation.

**Table 6. Key development standards: full consolidation compared to existing code**

<b>Standard</b>	<b>HDR</b>	<b>R3</b>	<b>R2.5</b>	<b>R2</b>	<b>R1</b>	<b>R1B</b>
Max Building height	45 ft	35 ft	35 ft	45 ft	45 ft	45 ft
Side yard height plane	25 ft/45 degrees	20 ft/45 degrees	20 ft/45 degrees	25 ft/45 degrees	25 ft/45 degrees	25 ft/45 degrees
Max lot coverage	50%	40%	40%	45%	45%	50%
Min vegetation	15%	35%	35%	15%	15%	15%
Density (du/ac)						
min.	25	11.6	11.6	11.6	25	25
max.	32	14.5	17.4	17.4	32	32

Staff notes that there was discussion about transition requirements between taller buildings and adjacent single detached homes. The code does not have transition area requirements in the HDR zones. The transition area measures in the code apply to commercial, mixed-use, or industrial development abutting the R-MD zone. Transition measures between multi-unit buildings and the R-MD zone were removed during the middle housing code process. However, the code does include side yard height plane requirements, which, for multi-story buildings, will require a development to have larger setbacks in order to meet them. This would address the bulk and height of a building close to the side yard property lines. Staff also notes that the code also already allows 10 ft of additional building height with more landscaping and/or vegetation above the minimum. This would be the case with or without full consolidation.



**Table 7. Permitted Uses: full consolidation compared to existing code**

Full Consolidation	Existing Code					
	HDR	R3	R2.5	R2	R1	R1B
<b>Residential Uses</b>						
Single Detached Dwelling	P	P	P	P	P	P
Duplex	P	P	P	P	P	P
Triplex	P	P	P	P	P	P
Quadplex	P	P	P	P	P	P
Townhouse/Rowhouse	P	P	P	P	P	P
Cottage Cluster	P	P	P	P	P	P
Adult foster/care homes	P	P	P	P	P	P
Accessory Dwelling Unit	P	P	P	P	P	P
Manufactured Dwelling Park	III	III	N	N	N	N
Multi-unit Development	P	CU	CU	P	P	P
Single Room Occupancy	P	CU	CU	CU	CU	CU
Residential Care Facility	P	CU	CU	P	P	P
<i>Assisted Living</i>						
<i>Nursing Facility</i>						
<i>Memory care community</i>						
<b>Commercial Uses</b>						
Personal/Business Services	P	N	N	N	N	N
Office	P	CU	CU	CU	CU	P
Hotel or motel	CU	N	N	N	N	CU
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	CU
<b>Accessory and Other Uses</b>						
Accessory Use	P	P	P	P	P	P
Agricultural or horticultural	P	P	P	P	P	P
Community Service Use	CSU	CSU	CSU	CSU	CSU	CSU
Home occupation	P	P	P	P	P	P
Short-term rental	P	P	P	P	P	P

Staff notes that under the full consolidation, manufactured dwelling parks (MDP) would be permitted in all the HDR zones. While the development of a new MDP is highly unlikely, staff notes that they do not fulfill the goal of high-density development in these areas. This is one aspect of the full consolidation that Council should consider. One way to address this would be to delay the full consolidation until such time as the city pursues an MDP zone like Portland did in 2018, as discussed at the October 18 work session. Or the consolidation could occur now, and staff can plan on working on a MDP zone with Council direction.

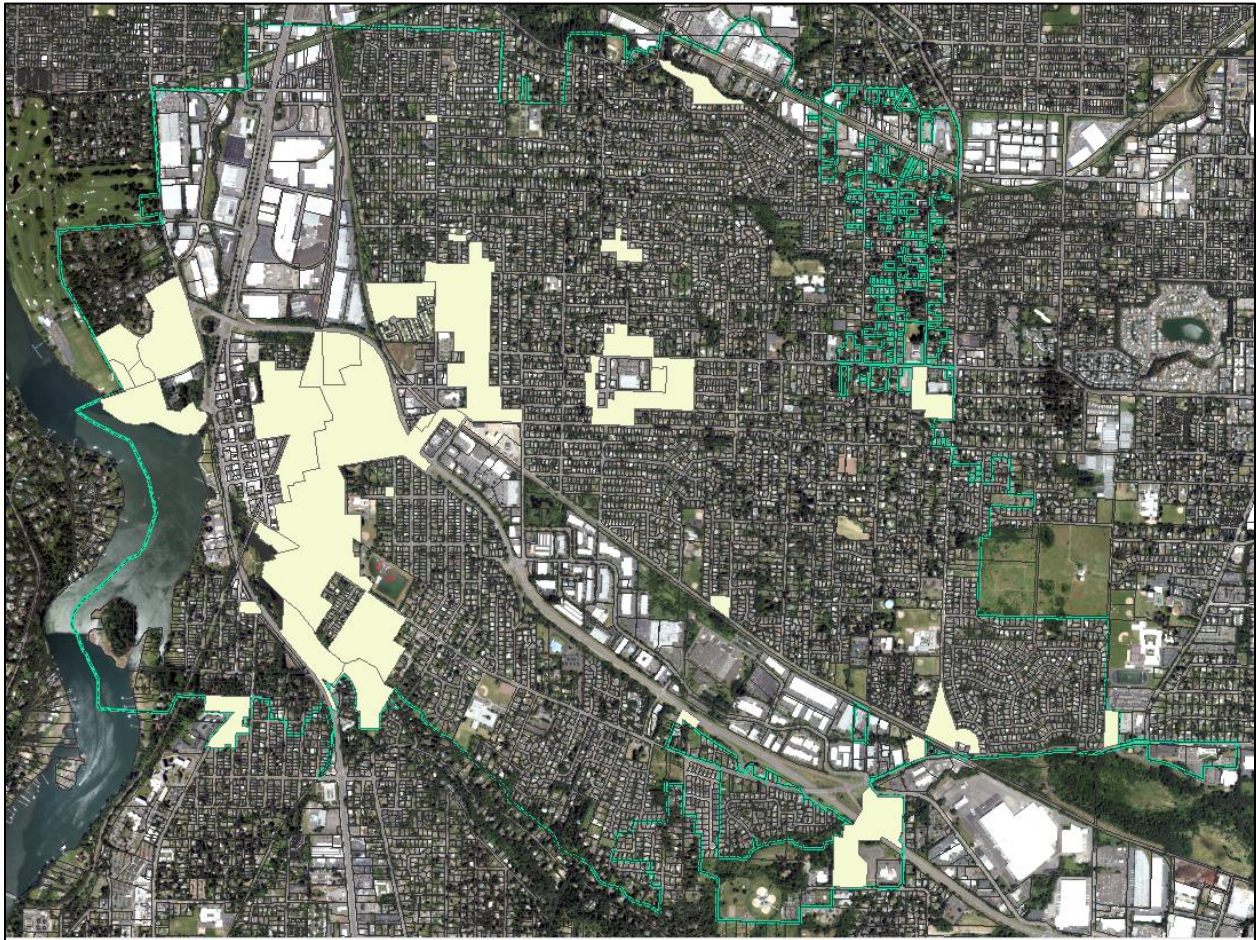


Figure 2. New HDR zone under full consolidation

Staff requests that Council provide clear direction as to which of these additional changes are to be included in the final code package during the vote to adopt.

**BUDGET IMPACT**

Review of development in the HDR zones will be absorbed into current staff responsibilities. No budget impact is anticipated.

**WORKLOAD IMPACT**

The code amendments are a continuation of the comprehensive plan implementation process. While the new code may result in an increase in development proposals, review will be absorbed into staff duties.

**CLIMATE IMPACT**

The proposed code amendments are a continuation of the comprehensive plan implementation process, which supports a more compact and efficient use of residential land which promotes land development that has fewer climate impacts than traditional larger lot development of single detached dwellings.

**COORDINATION, CONCURRENCE, OR DISSENT**

Planning and community development staff have worked on the proposed code language.

**STAFF RECOMMENDATION**

Staff recommends that Council adopt the ordinance, findings, and proposed code amendments found in Attachment 1.

**ALTERNATIVES**

None.

**ATTACHMENTS**

1. Ordinance
  - a. Findings in Support of Approval
  - b. Code Amendments (underline/strikeout)
  - c. Code Amendments (clean)

**COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE COMPREHENSIVE PLAN RESIDENTIAL LAND USE DESIGNATIONS, MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE, TITLE 14 SIGNS, AND THE ZONING MAP FOR THE PURPOSE OF ADDRESSING THE CONSOLIDATION OF THE HIGH-DENSITY RESIDENTIAL ZONES (FILE #ZA-2022-002).**

WHEREAS it is the intent of the City of Milwaukie to support and promote housing opportunities and housing choice throughout the city; increase the supply of attainable housing and providing equitable access to housing for all; and streamline processes and simplify the code where possible, and

WHEREAS the proposed code amendments implement several of the goals and policies of the city’ comprehensive plan related to housing, and

WHEREAS legal and public notices have been provided as required by law, and multiple opportunities for public review and input has been provided, and

WHEREAS on September 27, 2022, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments, 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. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code (MMC) is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments will become effective 30 days from the date of adoption.

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

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

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

\_\_\_\_\_  
Mark F. Gamba, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Scott S. Stauffer, City Recorder

\_\_\_\_\_  
Justin D. Gericke, City Attorney

**Findings in Support of Approval  
File #ZA-2022-002; CPA-2022-001; ZC-2022-001  
High Density Residential Zones Code Amendments**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend the zoning map, comprehensive plan, and make code amendments to Titles 14 and 19 related to permitted uses in the high density residential zones and additional amendments for consistency across the various code sections. The intent is to implement portions of the city's comprehensive plan. The land use application file numbers are ZA-2022-002, CPA-2022-001, and ZC-2022-001.
2. The proposed amendments relate to implementation of portions of the Comprehensive Plan related to housing in, and consolidation of, the city's high density residential zones. Creating and supporting housing opportunities has been a key goal for Council and the community. The adopted Comprehensive Plan policies call for expanded housing opportunities throughout the city and consolidation of zones where possible to simplify the code.
3. Amendments are proposed in several titles of the municipal code, as follows:
  - Milwaukie Comprehensive Plan
    - Comprehensive Plan Residential Land Use Designations
  - Municipal Code - Title 19 Zoning Ordinance
    - Chapter 19.100 – INTRODUCTORY PROVISIONS
      - Section 19.107 Zoning
    - Chapter 19.200 – DEFINITIONS AND MEASUREMENTS
    - Chapter 19.300 – BASE ZONES
      - Section 19.301 Moderate Density Residential Zone
      - Section 19.302 High Density Residential Zones
      - Section 19.303 Commercial Mixed-Use Zones
      - Section 19.304 Downtown Zones
      - Section 19.306 Limited Commercial Zones
      - Section 19.307 General Commercial Zone
      - Section 19.312 North Milwaukie Innovation Area
    - Chapter 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS
      - Section 19.505 Building Design Standards
    - Chapter 19.600 OFF-STREET PARKING
    - Chapter 19.900 LAND USE APPLICATIONS
      - Section 19.904 Community Service Uses
      - Section 19.905 Conditional Uses
    - Chapter 19.1100 ANNEXATIONS AND BOUNDARY CHANGES
      - Section 19.1104 Expedited Process
    - Municipal Code - Title 14 Signs
      - Chapter 14.04 GENERAL PROVISIONS

o Section 14.04.030 Definitions

4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):

- MMC Section 19.902 Amendments to Maps and Ordinances
- MMC Chapter 19.1000 Review Procedures

5. Sections of the MMC not addressed in these findings are found to be not applicable to the decision on this land use application.

6. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on September 27, 2022 and November 15, 2022 as required by law.

7. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.

- a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Manager, or any individual.

*The amendments were initiated by the Planning Manager on August 1, 2022.*

- b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:

- (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

*Opportunity for public comment and review has been provided as follows:*

*The Planning Commission had 3 work sessions about the proposed code amendment language in June and August. The current version of the draft amendments has been posted on the application webpage since August 25, 2022. On August 29, 2022 staff e-mailed NDA leaders with information about the hearing and a link to the draft proposed amendments. On September 1, 2022, the city posted information about the public hearing on social media.*

- (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

*A notice of the Planning Commission's September 27, 2022 hearing was posted as required on August 25, 2022. A notice of the City Council's November 15, 2022 hearing was posted as required on October 13, 2022.*

- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

*The proposed amendments will apply to all high density residential properties in the city, not a discrete geographic area. Individual notice was not required.*

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to DLCD on August 23, 2022.*

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to Metro on August 23, 2022.*

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

*The proposed amendments will apply to all high density residential properties in the city but do not reduce the permissible uses or development opportunities on the properties.*

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

*The Planning Commission held a duly advertised public hearing on September 27, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on November 15, 2022 and approved the amendments.*

## 8. MMC 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.3 establishes requirements for amendments to the text of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.3.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

*The Planning Commission held a duly advertised public hearing on September 27, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on November 15, 2022 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- (2) MMC Subsection 19.902.3.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

- (a) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

*The only amendments proposed to the text of the comprehensive plan are in the section related to residential land use designations. The proposed amendments*

*reflect the proposed zoning map amendments that consolidate the high density residential zones.*

- (b) MMC Subsection 19.902.3.B.2 requires that the proposed amendment is in the public interest with regard to neighborhood or community conditions.

*The proposed amendments reflect the community's desire for policies and regulations that encourage a variety of high-quality, attractive residential development throughout the city. As noted above, the only text amendment to the comprehensive plan consolidates the residential land use designations to reflect the proposed zoning map amendments.*

- (c) MMC Subsection 19.902.3.B.3 requires the public need be best satisfied by this particular proposed amendment.

*The proposed amendments confirm the community's vision for broad housing choice throughout the city. As noted above, the only text amendment to the comprehensive plan consolidates the residential land use designations to reflect the proposed zoning map amendments.*

- (d) MMC Subsection 19.902.3.B.4 requires that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to residential capacity.*

*The Metro Urban Growth Management Functional Plan includes a number of titles that address various aspects of the region's goals and policies for urban development.*

- (a) Title 1 Housing Capacity

*The proposed amendments continue to provide opportunities for high density housing development in the city's high density residential zones.*

- (b) Title 7 Housing Choice

*The proposed amendments will continue to provide the opportunity for much-needed high density housing in the city's high density zones. The amendments also reduce barriers to the development of multi-unit housing, residential care facilities, and single room occupancy housing within these zones. The proposed amendments will support Metro's policies for expanding housing choice with a needed housing type in Milwaukie.*

*The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies. Additional findings specific to the UGMFP are*



*included with these findings. The proposed code amendments are in compliance with Metro's Functional Growth Management Plan.*

- (e) MMC Subsection 19.902.3.B.5 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*DLCD has not identified any areas where the proposed amendments are inconsistent with State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. Additional findings have been prepared demonstrating compliance with the Statewide Planning Goals.*

- b. MMC 19.902.4 establishes requirements for amendments to the maps of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.4.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

*The Planning Commission held a duly advertised public hearing on September 27, 2022 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on December 6, 2022 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- (2) MMC Subsection 19.902.4.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

- (a) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

*Changes to the maps of the Milwaukie Comprehensive Plan must be evaluated against the approval criteria in Subsection 19.902.3.B. A quasi-judicial map amendment shall be approved if these criteria are met. A legislative map amendment may be approved if these criteria are met.*

*The findings for compliance with MMC 19.902.3.B apply to the findings for these map amendments as well. Refer to the findings above for compliance with this code section.*

- 9. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.

- a. MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

*The Planning Commission held a duly advertised public hearing on September 27, 2022 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on December 6, 2022 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- (1) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

*The proposed amendments coordinate and are consistent with other provisions of the Milwaukie Municipal Code.*

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

*The goals and policies of the Comprehensive Plan support the amendments to consolidate the high density zones and the allow multi-unit housing by right.*

- (c) Section 7 – Housing:

Provide safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability within dwellings and neighborhoods that are entirely equitable, delightfully livable, and completely sustainable.

- (a) Goal 7.1 – Equity:

Enable and encourage housing options that meet the needs of all residents, with a specific focus on uplifting historically disenfranchised communities and eliminating disparities for populations with special needs or lower incomes.

- (i) Policy 7.1.1:

Provide the opportunity for a wider range of rental and ownership housing choices in Milwaukie, including additional middle housing types in low and medium density zones.

- (ii) Policy 7.1.2:

Establish development standards that regulate size, shape, and form and are not exclusively focused on regulating density.

- (iii) Policy 7.1.3:

Promote zoning and code requirements that remove or prevent potential barriers to home ownership and rental opportunities for people of all ages and abilities, including historically marginalized or

vulnerable populations such as people of color, aging populations, and people with low incomes.

(b) Goal 7.2 – Affordability:

Provide opportunities to develop housing that is affordable at a range of income levels.

(i) Policy 7.2.2:

Allow and encourage the development of housing types that are affordable to low or moderate-income households, including middle housing types in low and medium density zones as well as larger apartment and condominium developments in high-density and mixed-use zones.

(ii) Policy 7.2.4:

Provide a simplified permitting process for the development of accessory dwelling units (ADUs) or conversion of single-unit homes into duplexes or other middle housing types.

(d) Section 8 – Urban Design and Land Use Goals and Policies:

Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

(a) Goal 8.3 – Process:

Provide a clear and straight forward design review process for development in Milwaukie along with incentives to achieve desired outcomes.

(i) Policy 8.3.2:

Ensure that a clear and objective process is available for all housing types that meet design standards, provide adequate open space, and fit into the community, while offering an alternative discretionary path for projects that cannot meet these standards.

*The proposed amendments implement sections of the comprehensive plan related to multi-unit housing. The amendments propose to consolidate the existing five high density residential zones into three zones, simplify the review process for multi-unit housing in the new consolidation, re-define residential care facilities to use state-accepted terminology and allow them outright where multi-unit housing is permitted,*

*and redefine boarding houses using a more widely used term, single room occupancy, and allowing this use where multi-unit housing is permitted. The amendments simplify the code and also help to move the city closer to realizing its goal of providing “safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability”.*

- (e) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to residential capacity.*

*The Metro Urban Growth Management Functional Plan includes a number of titles that address various aspects of the region’s goals and policies for urban development.*

- (i) Title 1 Housing Capacity

*The proposed amendments will provide additional opportunities for multi-unit housing development throughout the city’s high density residential zones.*

- (ii) Title 7 Housing Choice

*The proposed amendments will provide additional opportunities for multi-unit development and group housing, as well as residential care facilities in the city’s high density residential zones, and will support Metro’s policies for expanding housing choice with a needed housing type in Milwaukie.*

*The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies. The proposed code amendments are in compliance with Metro’s Functional Growth Management Plan.*

- (f) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. The DLCD did not identify any areas where the proposed amendments were inconsistent with State statutes and administrative rules. Additional findings have been prepared demonstrating compliance with the Statewide Planning Goals.*

- (g) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

*The City Council finds that the Federal Fair Housing Amendments Act of 1988 is relevant to the proposed amendments. The proposed amendments provide a clear and objective review process for middle housing development in the residential zones.*

- b. MMC 19.902.6 establishes requirements for amendments to the Zoning Map. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.6.A states that changes to the Zoning Map shall be evaluated through either a Type III or a Type V review.

*The Zoning Map amendments involve all properties zoned R-3, R-2.5, R-2, R-1, and R-1-B, as well as commercially zoned properties for terminology clarifications. The amendments are legislative in nature and subject to Type V review.*

*The Planning Commission held a duly advertised public hearing on September 27, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on December 6, 2022, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- (2) MMC Subsection 19.902.6.B contains approval criteria for changes to the Zoning Map.

- (a) The proposed amendment is compatible with the surrounding area based on the following factors:

- i. Site location and character of the area.

*The proposed zoning map amendments are a consolidation of the existing R-3, R-2.5, R-2, R-1, and R-1-B zones into three zones: R-3, R-2, and R-1-B. The zones remain high density residential in nature, with amendments related to the land use review process, terminology, and the addition of personal service uses in the already mixed use R-1-B zone.*

- ii. Predominant land use pattern and density of the area.

*As noted above, the proposed zoning map amendments affect the R-3, R-2.5, R-2, R-1, and R-1-B zones which are currently predominantly residential in nature at a high density with limited permitted commercial uses. The consolidation of this zone reflects the intent of the comprehensive plan to simplify the zoning code.*

- iii. Expected changes in the development pattern for the area.

*Given that the amendments consolidate existing high density zones, and propose some changes to the land use review process for some uses, the change in development pattern in some areas may include a modest increase. The*

*intent of the amendments package is to consolidate and simplify the code and review processes, but not make significant changes to allowed uses.*

- (b) The need is demonstrated for uses allowed by the proposed amendment.

*Per the City's 2016 Housing Needs Analysis (HNA), Milwaukie currently has a range of housing types, including single dwelling detached and attached homes, duplexes, multi-unit, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years. The HNA includes the City's buildable lands inventory (BLI) for housing within the UGB, showing that the city has sufficient zoned capacity to meet the projected housing needs over the next 20 years. Relevant findings from the HNA include:*

(i) *The projected growth in the number of non-group households over 20 years (2016-2036) is roughly 1,070 households, with accompanying population growth of 2,150 new residents. The supply of buildable land includes properties zoned to accommodate a variety of housing types. Single dwelling residential zones with larger minimum lot sizes will accommodate single dwelling detached housing. Medium density residential zones will accommodate single dwelling attached homes (e.g., townhomes or rowhouses, duplexes and triplexes) and multi-family and mixed-use zones can accommodate high density housing.*

(iii) *Over the next 20 years, Milwaukie is likely to be attractive to younger adults seeking relatively affordable housing near transportation options and employment centers. Some in this generation are already starting families and will be well into middle age during the 20-year planning period. More of these households may move from areas like central Portland to communities like Milwaukie for more attainable housing, more space, and schools.*

The availability is shown of suitable alternative areas with the same or similar zoning designation.

*Staff has interpreted this criterion to mean that the finding shall show that there is no suitable alternative area with the same or similar zoning designation.*

*As noted above the proposed zoning map amendments would consolidate the existing five high density residential zones to three high density zones to simplify the code and make modest adjustments to streamline land use review.*

- (c) The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

*The public transportation facilities, public utilities, and services in the high density residential zones are adequate to support the proposed amendments. The subject properties are already being used for, or are zoned for, residential*

*development. The proposed amendments may increase the demand on the facilities, utilities, or services in the area, which have been planned for.*

- (d) The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

*The proposed amendment is unlikely to intensify the development potential of the high density residential zones. Any increase in development will likely be modest and not in a manner that would result in a failure level of service on the city's transportation system. The city's TSP anticipates residential development in these zones and the TSP is being fully revised in 2022-2023.*

- (e) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

*The subject areas are designated for residential development and will continue to be designated as such. The goals and policies of the Comprehensive Plan for residential development are noted above in Finding 9 and the primary purpose of the amendments is to implement the comprehensive plan as it relates to housing and simplification of the code. The proposed amendment is consistent with those goals and policies.*

- (f) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*See Finding 8.a.(1)(d) above.*

- (g) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*See Finding 8.a.(1)(e) above.*

## **UGMFP Findings for Milwaukie Code Amendments for High Density Residential Zones**

The Metro Urban Growth Management Functional Plan (UGMFP) provides tools to meet regional goals and objectives adopted by Metro Council, including the 2040 Growth Concept and the Regional Framework Plan. Under the Metro Charter, the City of Milwaukie's Comprehensive Plan and implementing ordinances are required to comply and be consistent with the UGMFP. The UGMFP consists of 11 code titles with policies and compliance procedures for the following topics:

- Title 1: Housing Capacity
- Title 7: Housing Choice
- Title 8: Compliance Procedures

Metro requires "substantial compliance" with requirements in the UGMFP. Per the definition in Title 10, "substantial compliance" means that the City's zoning code conforms with the purposes of the performance standards in the functional plan "on the whole." Any failure to meet individual performance standard requirements is considered technical or minor in nature.

Based on the findings described below, the proposed code amendments related to consolidation of the city's high density residential zones substantially comply with all applicable titles of the Urban Growth Management Functional Plan.

### **Title 1: Housing Capacity**

*Finding:* Title 1 of the UGMFP is intended to promote efficient land use within the Metro urban growth boundary (UGB) by increasing the capacity to accommodate housing. Metro's 2020 Compliance Report concluded that Milwaukie is in compliance for the City's Title 1 responsibilities.

Milwaukie has established minimum densities in its Zoning Code (Title 19 of the Municipal Code) (Code) for each residential base zone. These minimum and maximum densities comply with Title 1 for all zones where dwelling units are authorized. The proposed code updates are primarily related to consolidation of the high density residential zones from five zones to three zones, updating of outdated definitions of residential care facilities, and streamlining of land use review processes in these zones. No changes or reduction to the areas zoned for high density residential uses are proposed and, in some cases, the permitted densities are increased. The amendments are intended to increase the supply of attainable housing, and provide equitable access and housing choice for all. The findings demonstrating compliance with city code requirements include information from the Housing Needs Analysis evaluating housing capacity and demonstrate how the proposed



code amendments support compact, dense development, especially in the city's high-density residential zones.

Based on the findings above, the proposed amendments are consistent with Title 1.

## **Title 7: Housing Choice**

### *Finding:*

Title 7 is designed to ensure the production of affordable housing within the UGB. Under Title 7, the City is required to ensure that its Comprehensive Plan and implementing ordinances include strategies to: ensure the production of a diverse range of housing types, maintain the existing supply of affordable housing, increase opportunities for new affordable housing dispersed throughout the City, and increase opportunities for households of all income levels to live in affordable housing (3.07.730). Metro's 2020 Compliance Report concluded that Milwaukie is in compliance for the City's Title 7 responsibilities.

The local code findings, based on the City's 2016 Housing Needs Analysis (HNA), include findings that demonstrate that Milwaukie currently has a range of housing types, including single dwelling detached and attached homes, duplexes, multi-family, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years. The City plans to update the HNA in 2022 to further solidify these findings. The findings also illustrate how the proposed code amendments implement the policies in the new comprehensive plan that promote a diverse range of housing types, with a focus on housing affordability, equity, sustainability, and livability. The proposed amendments allow a variety of housing options for households of all incomes, ages and living patterns, sited in a dispersed manner throughout the high density zones to help ensure access to services, community amenities, and employment centers. A mix of housing types combined with the higher densities will support development of smaller units with lower land costs and increased opportunities for transit, all of which can facilitate more affordable housing.

In addition to the recently adopted comprehensive plan which has multiple policies supporting housing affordability, equity and choices, the City has conducted several recent planning efforts aimed at addressing similar goals. The *Milwaukie Housing Affordability Strategy* and *Equitable Housing Policy & Implementation Plan* identify a variety of specific strategies to further these goals, many of which are already being implemented by the City and its local and regional partners. The proposed code amendments are the result of an evaluation of the existing zoning ordinance to reduce barriers to and encourage the development of smaller, potentially more affordable housing types. Multi-unit development, residential care facilities, and single room occupancy housing are now proposed to be permitted by right in all high density residential zones in the city.

Based on the findings above, the proposed amendments are consistent with Title 7.

## **Title 8: Compliance Procedures**

*Finding:* Title 8 establishes a process for ensuring compliance with requirements of the UGMFP. An amendment to the City comprehensive plan or land use regulations is deemed to comply with the UGMFP only if the City provided notice to Metro as required by section 3.07.820(a). The City of Milwaukie provided Metro a set of draft code amendments on August 31, 2021, which was more than 35 days prior to the first evidentiary hearing, which was held on September 27, 2022.

Based on the findings above, the proposed amendments are consistent with Title 8.

## Statewide Findings for Milwaukie Plan and Code Amendments – Consolidation of High Density Residential Zones

This memo summarizes the consistency of the proposed code amendments with the following statewide goals, as well as key Oregon Revised Statutes (ORSs) and Oregon Administrative Rules (OARs):

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 10: Housing
- Goal 11: Public Facilities
- Goal 12: Transportation
- Goal 13: Energy
- Goal 14: Growth Management

Other Statewide Planning Goals are not directly applicable to the proposed code amendments. Goals related to agriculture and forestry do not apply to land intended for future urbanization within the urban growth boundary. Additionally, the proposed amendments do not involve land or resources designated as part of Oregon’s coastal zone.

Consistency with the applicable goals is a requirement for any amendment to a City’s land use ordinances.

Based on the findings described below, the proposed code amendments comply with the applicable Statewide Goals and associated ORS and OAR provisions.

### Goal 1: Citizen Involvement

*Finding:* Goal 1 requires the City to employ an appropriately-scaled involvement program to ensure the opportunity for meaningful public involvement throughout the land use planning process. Goal 1 requires the City to incorporate six key components in its public involvement program:

- Citizen Involvement: An officially-recognized committee for public involvement broadly representative of geographic areas and interests related to land use and land-use decisions to provide for widespread public involvement;
- Communication: Mechanisms for effective two-way communication between the public and elected/appointed officials;
- Influence: Opportunities for the public to be involved in all phases of the planning and decision-making process including developing, evaluating, and amending plans;
- Technical Information: Access to technical information used in the decision-making process, provided in an accessible and understandable format;

- Feedback Mechanisms: Programs to ensure that members of the public receive responses from policy-makers and that a written record for land-use decisions is created and made accessible; and,
- Financial Support: Adequate resources allocated for the public involvement program as an integral component of the planning budget.

Following is a summary of activities undertaken by the City to support the proposed code amendments related to consolidation of the high density residential zones.

#### Planning Commission and City Council Updates

City staff conducted three worksessions with the City’s Planning Commission and City Council to review the status of the work and solicit feedback on key issues.

The specific proposed code language was posted with a code commentary on the City’s website on August 26, 2022. Prior to the public hearings the Planning Commission had 3 work sessions about the proposed code amendment language in July and August 2022. These meetings also were open to the public and were recorded and available for public viewing after the meetings. A work session with the City Council was held before the City Council hearing on the amendments. Specific notice of the draft amendments and the September 27, 2022 public hearing was as follows: email notices were sent to all Neighborhood District Association members, members of the middle housing code project steering committee, and to everyone who registered on the Engage Milwaukie platform as part of the middle housing code project.. The current version of the draft amendments have been posted on the application webpage since August 26, 2022.

Based on the findings above, the Zoning Code update is consistent with Oregon Statewide Planning Goal 1.

## **Goal 2: Land Use Planning**

*Goal 2. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Finding:** Goal 2 requires the City to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed plan and code amendments are related directly to implementation of the city’s comprehensive plan as it relates to the consolidation of the city’s high density residential zones. Only changes that reduce the required level of land use review for a limited number of residential uses are proposed that impact the land use planning process or policy framework within the city.

Goal 2 does not apply to the proposed amendments.

## **Goal 10: Housing**

*Goal 10: To provide for the housing needs of citizens of the state.*

*Finding:* Goal 10 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, providing flexibility in housing location, type, and density to ensure the availability and prices of housing units are commensurate with the needs and financial capabilities of Oregon households. Comprehensive plans are required to include an analysis of community housing needs by type and affordability, an assessment of housing development potential, and an inventory of residential land; contain policies for residential development and supportive services based on that analysis that increase the likelihood that needed housing types will be developed; and provide for an adequate supply of a variety of housing types consistent with identified policies and meeting minimum density and housing mix requirements (established by OAR 660, Division 007).

The City's 2016 Housing Needs Analysis (HNA), included findings that demonstrate that Milwaukie currently has a range of housing types, including single-family detached and attached homes, duplexes, multi-family, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years.

In 2017 the City adopted its Community Vision which includes the following statement about housing:

“Milwaukie invests in housing options that provide affordability, high quality development and good design, promoting quality living environments. It maintains the small neighborhood feel through creative use of space with housing options that embrace community inclusion and promotes stability.”

In order to realize the full vision for the community the next step was to complete a full overhaul of its Comprehensive Plan which was adopted in 2020. The housing component of the plan is critical to realizing the vision and Council has made housing a top priority of the City for the last several years.

In addition to the updated Comprehensive Plan policies supporting housing affordability, equity and choices, the City has conducted several recent planning efforts aimed at addressing similar goals, including the following.

The **Milwaukie Housing Affordability Strategy (MHAS)** was adopted by the Milwaukie City Council in 2018 after the Council identified housing affordability as its number one priority for the 2017–2018 biennium. The MHAS is a blueprint for providing equitable affordable housing opportunities and is intended to help increase the amount of affordable housing in the City. It serves as an overarching framework, combining existing land uses, needs assessments, housing

policy analysis, and an analysis of best practices from peer cities. The MHAS includes a total of 31 proposed actions or programs focused around the following three goals:

- Develop New Units
- Prevent Displacement and Keep Affordable Units Affordable
- Connect People to Existing Affordable Housing

The **Milwaukie Housing Equity Policy Implementation Plan (EHPIP)** was prepared in 2019 with funding provided through a grant from the Oregon Department of Land Conservation and Development. The EHPIP builds on the work conducted for the MHAS, as well as other housing affordability and equity initiatives in Milwaukie. It identifies a variety of specific strategies to further these goals, with a strong focus on how they will promote geographic, racial, and income equity in Milwaukie. The EHPIP also includes a cross-referencing of EHPIP strategies with draft Comprehensive Plan goals and policies.

The proposed code amendments implement a variety of goals and policies related to housing and will support consistency with Statewide Planning Goal 10. By increasing density in some high density zones, streamlining the land use review process for multi-unit development, single room occupancy housing, and residential care facilities, housing choice and opportunities to expand housing options are made possible.

Additionally, the City plans to update the HNA in 2022 when the city can further consider the impacts of the proposed code amendments related to high density housing on land capacity.

The proposed amendments relate to implementation of portions of the Comprehensive Plan related to housing in, and consolidation of, the city's high density residential zones. Creating and supporting housing opportunities has been a key goal for Council and the community. The adopted Comprehensive Plan policies call for expanded housing opportunities throughout the city and consolidation of zones where possible to simplify the code. The amendments also reduce barriers to the development of multi-unit housing, residential care facilities, and single room occupancy housing within these zones.

The proposed amendments implement comprehensive plan policies related to housing affordability and equity by allowing for a variety of housing options for households of all incomes, ages and living patterns. Housing is sited in a dispersed manner throughout the City to help ensure access to services, community amenities, and employment centers. A mix of housing types combined with the higher densities will support development of smaller units with lower land costs and increased opportunities for transit, all of which can facilitate more affordable housing.

The city's Community Development Department will continue to work on ways to assist in the development of housing, provide incentives for regulated affordable housing development, provide incentives for the retention or conversion of existing affordable housing supply, and provide incentives and reduce barriers within the development code.

Based on the findings above, the Comprehensive Plan Amendment is consistent with Statewide Planning Goal 10.

## **Goal 11: Public Facilities**

*Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

*Finding:* Goal 11 requires the City to “plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The City of Milwaukie coordinates with several other local service providers to ensure timely, orderly and efficient arrangement and provision of public services to serve development within the City of Milwaukie and its planning area between the city limits and UGB. The City of Milwaukie provides planning and zoning services inside the city limits, as well as provision of water, conveyance of wastewater, transportation facilities on city-owned facilities, law enforcement, and library services. The City is already in compliance with Goal 11 and the preparation and adoption of updated specific facility master plans for water, wastewater and stormwater are underway at this time.

Goal 11 is not applicable to the proposed code amendments related to consolidation of the high density residential zones.

## **Goal 12: Transportation**

*Goal 12: To provide and encourage a safe, convenient and economic transportation system.*

*Finding:* Goal 12 and the State Transportation Planning Rule (TPR; OAR 660, Division 012) require cities to provide and encourage a safe, convenient, and economic transportation system. Together, they require the City to develop and maintain a Transportation System Plan (TSP), which must be incorporated as part of the Comprehensive Plan. A local TSP acts as a guiding policy document for long-term transportation planning and presents the City's goals and policies while outlining and prioritizing proposed improvements for pedestrian, bicycle, public transit, motor vehicle, and freight systems; downtown parking; and neighborhood traffic management.

The city was in compliance with Goal 12 prior to these code amendments and with the planned update to the TSP in 2022-2023 reflecting the proposed code amendments for the high density zones consolidation, the proposal is consistent with Goal 12 Transportation and the Transportation Planning Rule.

## **Goal 13: Energy**

*Goal 13: To conserve energy.*

*Finding:* Goal 13 requires that any spatial changes to future patterns of allowed land uses must conserve energy.

The city's Comprehensive Plan is already in compliance with Goal 13 and the proposed code amendments provide greater opportunities for more compact development and efficient use of land which will result in a reduction in energy consumption, including in transportation and utilities.

The proposed code amendments, related to consolidation of the high density residential zones, are consistent with Statewide Planning Goal 13.

## **Goal 14: Growth Management**

*Goal 14: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

The entirety of the city and its Municipal Planning Area (MPA) is located within the Urban Growth Boundary (UGB). As such, the proposed amendments will not result in the transition of any land from rural to urban uses or result in population or employment growth outside of the UGB.

The proposed amendments are directly related to the consolidation of the high density residential zones, which will enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

Goal 14 does not directly apply to the proposal but the amendments are consistent with Goal 14.



**Underline/Strikeout Amendments**

**Title 14 Signs**

**14.040.030 Definitions**

“Residential zones” means the R-MD, R-3, ~~R-2.5~~, R-2, and R-1-B Residential Zones as defined in the Zoning Ordinance.

**Title 19 Zoning Ordinance**

**CHAPTER 19.100 INTRODUCTORY PROVISIONS**

**19.107.1 Zone Classifications**

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

<b>Table 19.107.1 Classification of Zones</b>	
<b>Zone Description</b>	<b>Abbreviated Description</b>
<b>Base Zones</b>	
Residential	R-MD
Residential	R-3
<del>Residential</del>	<del>R-2.5</del>
Residential	R-2
<del>Residential</del>	<del>R-1</del>
Residential-Business Office	R-1-B
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Mixed Use	MUTSA
General Mixed Use	GMU
North Milwaukie Employment	NME
Neighborhood Mixed Use	NMU

Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F

**CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS**

**19.201 DEFINITIONS**

~~“Boarding house” means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily, by persons paying consideration for sleeping purposes where meals may or may not be provided, and which is not occupied as a single-family unit. Lodging capacity is subject to provisions of the Uniform Building Code.~~

~~“Congregate housing facility” means a multidwelling unit, permanent housing center with individual or common housekeeping facilities and services provided for residents who require or desire a more supportive living environment than typically available to residents in traditional apartment or single-family residential housing. These facilities may provide regular on-premises supervision by registered medical staff or care providers. Occupants of these facilities may include the elderly, disabled, handicapped, or other persons as defined in the Federal Fair Housing Amendments Act of 1988. Congregate housing facilities are permitted outright in all residential zones that permit multifamily apartments, and they require conditional use approval in those residential zones that allow multifamily uses conditionally. In each case, density standards of the zone shall determine number of units allowed.~~

Office:

“Production-related office” means offices that are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers; and medical and dental labs.

“Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations, including government, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and

dental clinics, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

~~“Traditional office” means offices that are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.~~

Residential Uses and Structures:

“Adult foster/care homes” means a dwelling unit operated to provide a permanent residence and licensed care for up to five people who are elderly, disabled, handicapped, or otherwise require such a residence.

“Single room occupancy housing (SRO)” means a building wherein nine (9) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but access must be provided to a shared cooking and eating facility. Each room may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). SRO developments are designed to be occupied by long-term residents on a monthly or longer basis. For calculating residential density, four SRO rooms are equal to 1 dwelling unit with fractions rounded up.

“Multi-unit development” means a structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-unit development includes structures commonly called garden apartments, apartments, and condominiums. Residential care facilities are considered a type of multi-unit development.

~~“Residential home” means a dwelling unit operated as a single housekeeping unit for the purpose of providing a permanent residence—which includes food, shelter, personal services, and care—for the elderly, disabled, handicapped, or others requiring such a residence, as defined by the Federal Fair Housing Amendments Acts of 1988.~~

~~“Senior and retirement housing” means a multiunit dwelling where persons who are of retirement age reside. Activity levels, including traffic generation and parking of cars, are generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care, medical supplies, and personal services may be provided on a limited basis. One person may own the entire complex, or each dwelling unit may be owned separately as in a condominium.~~

“Residential care facility” means a licensed living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to assisted living facilities, nursing facilities, and memory care facilities.

“Temporary or transitional facility” means a facility which ~~may~~ provides temporary or transitional services to families or individuals, including lodging where the average stay is 60 days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers, and detention and detoxification facilities.

**CHAPTER 300 BASE ZONES**

**19.301 MODERATE DENSITY RESIDENTIAL ZONES**

<b>Table 19.301.2 Moderate Density Residential Uses Allowed</b>		
<b>Use</b>	<b>R-MD</b>	<b>Standards/Additional Provisions</b>
<b>Residential Uses</b>		
Single detached dwelling	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Duplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Triplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Quadplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Townhouse	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.5</b> Standards for Townhouses
Cottage Cluster	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.4</b> Cottage Cluster Housing
<u>Residential home Adult foster/care home</u>	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	<b>Subsection 19.910.1</b> Accessory Dwelling Units
Manufactured dwelling park	III	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks.
<del>Senior and retirement housing</del> <u>Residential care facility</u> <u>Examples include:</u> <u>assisted living, nursing facilities, and memory care communities</u>	<del>CU</del> <u>CSU</u>	<del><b>Subsection 19.905.9.G</b> Senior and Retirement Housing</del> <b>Subsection 19.904.8</b> <u>Specific Standards for Residential Care Facilities</u>

### 19.302 HIGH DENSITY RESIDENTIAL ZONES

The high density residential zones are Residential Zone R-3, Residential Zone R-2.5, Residential Zone R-2, Residential Zone R-4, and Residential-Business Office Zone R-1B. These zones implement the high density residential land use designations in the Milwaukie Comprehensive Plan.

#### 19.302.1 Purpose

The high density residential zones are intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses.

#### 19.302.2 Allowed Uses in High Density Residential Zones

Uses allowed, either allowed by right or conditionally, in the high density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.302.2 High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
<b>Residential Uses</b>						
Single detached dwelling	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Duplex	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Triplex	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Quadplex	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Residential home	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Accessory dwelling	P	P	P	P	P	<b>Subsection 19.910.1</b>

unit						Accessory Dwelling Units
Manufactured dwelling park	III	N	N	N	N	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks
Townhouse	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.5</b> Standards for Townhouses
Cottage cluster	P	P	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.4</b> Cottage Cluster Housing

<b>Table 19.302.2 CONTINUED</b>						
<b>High Density Residential Uses Allowed</b>						
<b>Use</b>	<b>R-3</b>	<b>R-2.5</b>	<b>R-2</b>	<b>R-1</b>	<b>R-1-B</b>	<b>Standards/ Additional Provisions</b>
<b>Residential Uses CONTINUED</b>						
Multi-unit Housing	CU	CU	P	P	P	<b>Subsection 19.505.3</b> Multi-Unit Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Congregate housing facility	CU	CU	P	P	P	<b>Subsection 19.505.3</b> Multi-Unit Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Senior and retirement housing	CU	CU	CU	P	P	<b>Subsection 19.905.9.G</b> Senior and Retirement Housing
Boarding house	CU	CU	CU	CU	CU	<b>Section 19.905</b> Conditional Uses
<b>Commercial Uses</b>						
Office	CU	CU	CU	CU	P	<b>Subsection 19.302.3</b> Use Limitations and Restrictions
<u>Personal/Business Services</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>P</u>	
Hotel or motel	N	N	N	N	CU	<b>Section 19.905</b> Conditional Uses
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	<b>Section 19.905</b> Conditional Uses
<b>Accessory and Other Uses</b>						
Accessory use	P	P	P	P	P	<b>Section 19.503</b> Accessory Uses
Agricultural or	P	P	P	P	P	<b>Subsection 19.302.3</b> Use

horticultural use						Limitations and Restrictions
Community service use	CSU	CSU	CSU	CSU	CSU	<b>Section 19.904</b> Community Service Uses
Home occupation	P	P	P	P	P	<b>Section 19.507</b> Home Occupation Standards
Short-term rental	P	P	P	P	P	<b>Section 19.507</b> Home Occupation Standards

<b>Table 19.302.2 High Density Residential Uses Allowed</b>				
<u>Use</u>	<u>R-3</u>	<u>R-2</u>	<u>R-1-B</u>	<u>Standards/ Additional Provisions</u>
<b>Residential Uses</b>				
<u>Use</u>	<u>R-3</u>	<u>R-2</u>	<u>R-1-B</u>	<u>Standards/ Additional Provisions</u>
Single detached dwelling	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Duplex	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Triplex	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Quadplex	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Adult foster/care home	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Accessory dwelling unit	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.910.1</b> Accessory Dwelling Units
Manufactured dwelling park	<u>III</u>	<u>N</u>	<u>N</u>	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks
Townhouse	<u>P</u>	<u>P</u>	<u>P</u>	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.5</b> Standards

				for Townhouses
<u>Cottage cluster</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Subsection 19.505.1</u></b> Single Detached and Middle Housing Residential Development <b><u>Subsection 19.505.4</u></b> Cottage Cluster Housing
<u>Multi-unit Housing</u>	<u>CU P</u>	<u>P</u>	<u>P</u>	<b><u>Subsection 19.505.3</u></b> Multi-Unit Housing <b><u>Subsection 19.302.5.F</u></b> Residential Densities <b><u>Subsection 19.302.5.H</u></b> Building Limitations
<u>Single room occupancy housing</u>	<u>CU P</u>	<u>P</u>	<u>P</u>	<b><u>Subsection 19.505.3</u></b> Multi-Unit Housing <b><u>Subsection 19.302.5.F</u></b> Residential Densities <b><u>Subsection 19.302.5.H</u></b> Building Limitations
<u>Residential Care Facility</u>  <u>Examples include: assisted living, nursing facilities, and memory care communities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Subsection 19.505.3</u></b> Multi-Unit Housing <b><u>Subsection 19.302.5.F</u></b> Residential Densities <b><u>Subsection 19.302.5.H</u></b> Building Limitations
<u>Office: Production-related office and Professional and administrative office</u>	<u>L/CU</u>	<u>L/CU</u>	<u>P</u>	<b><u>Subsection 19.302.3</u></b> Use Limitations and Restrictions <b><u>Section 19.905</u></b> Conditional Uses
<u>Personal/Business Services</u>	<u>L/CU</u>	<u>L/CU</u>	<u>P</u>	<b><u>Section 19.905</u></b> Conditional Uses
<u>Hotel or motel</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<b><u>Section 19.905</u></b> Conditional Uses
<u>Bed and breakfast or vacation rental</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<b><u>Section 19.905</u></b> Conditional Uses
<u>Accessory use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Section 19.503</u></b> Accessory Uses
<u>Agricultural or horticultural use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Subsection 19.302.3</u></b> Use Limitations and Restrictions
<u>Community service use</u>	<u>CSU</u>	<u>CSU</u>	<u>CSU</u>	<b><u>Section 19.904</u></b> Community Service Uses
<u>Home occupation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Section 19.507</u></b> Home Occupation Standards
<u>Short-term rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<b><u>Section 19.507</u></b> Home Occupation Standards



**19.302.3 Use Limitations and Restrictions**

B. Office uses allowed in the high density zones are offices, studios, clinics, and other similar professional offices. Corporate offices for marijuana businesses are permitted provided that no marijuana or marijuana products associated with the business are on site. Marijuana testing labs and research facilities are not permitted office uses in these zones. Office and personal service uses in the R-3 and R-2 zones are permitted provided the floor area does not exceed 2,000 sq ft.

<b>Table 19.302.4</b>						
<b>High-Density Residential Development Standards</b>						
<b>Standard</b>	<b>R-3</b>	<b>R-2.5</b>	<b>R-2</b>	<b>R-1</b>	<b>R-1-B</b>	<b>Standards/ Additional Provisions</b>
<b>A. Lot Standards</b>						
Minimum lot size (sq ft)			1,500			<b>Subsection</b> <b>19.501.1</b> Lot Size Exceptions  <b>Subsection</b> <b>19.505.4</b> Cottage Cluster Housing  <b>Subsection</b> <b>19.505.5</b> Townhouses
Minimum lot width (ft)			20			-
Minimum lot depth (ft)			70			
Minimum street frontage requirements (ft)			-			
Townhouse			20			
Standard lot			35			
Flag lot			25			
Double flag lot			25			
<b>B. Development Standards</b>						
Minimum yard requirements for primary structures (ft)						-
Front yard					20	
						See Subsection 19.302.5.A

Side yard		45	
Street side yard		45	
Rear yard			
Maximum building height for primary structures	35 ft	45 ft	<p><b>Subsection 19.302.5.E</b> Height Exceptions</p> <p><b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions</p> <p><b>Subsection 19.302.5.I</b> Transition Measures</p>

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**Table 19.302.4 CONTINUED**

**High Density Residential Development Standards**

Standard	Standards/					Additional Provisions
	R-3	R-2.5	R-2	R-1	R-1B	
Side yard height plane limit		-			-	<p><b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions</p>
Height above ground at minimum required side yard depth (ft)		20			25	
Slope of plane (degrees)		45			45	
Maximum lot coverage (percent of total lot area)		40%		45%	50%	<b>Section 19.201</b> "Lot coverage" definition
Minimum vegetation (percent of total lot area)		35%			15%	<p><b>Subsection 19.504.7</b> Minimum Vegetation</p> <p><b>Subsection 19.302.5.D</b> Front Yard Minimum Vegetation</p> <p><b>Subsection 19.302.5.C</b> Minimum</p>

				Vegetation
<b>C. Other Standards</b>				
Density requirements (dwelling units per acre)	-	-	-	<b>Subsection 19.202.4</b> Density Calculations
Minimum	41.6	41.6	25.0	
Maximum <sup>2</sup>	44.5	47.4	32.0	<b>Subsection 19.302.5.F</b> Residential Densities
				<b>Subsection 19.501.4</b> Density Exceptions

Table 19.302.4				
High Density Residential Development Standards				
Standard	R-3	R-2	R-1-B	Standards/ Additional Provisions
<b>A. Lot Standards</b>				
Minimum lot size (sq ft)		1,500		<b>Subsection 19.501.1</b> Lot Size Exceptions  <b>Subsection 19.505.4</b> Cottage Cluster Housing  <b>Subsection 19.505.5</b> Townhouses
Minimum lot width (ft)		20		
Minimum lot depth (ft)		70		
Minimum street frontage requirements (ft)		-	20	

Townhouse		<u>35</u>	
Standard lot		<u>25</u>	
Flag lot		<u>25</u>	
Double flag lot			
<b>B. Development Standards</b>			
Minimum yard requirements for primary structures (ft)			- <u>20</u>
Front yard		<u>See Subsection 19.302.5.A</u>	
Side yard			<u>15</u>
Street side yard			<u>15</u>
Rear yard			
Maximum building height for primary structures	<u>35 ft</u>		<u>45 ft</u> <b>Subsection 19.302.5.E</b> Height Exceptions <b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions <b>Subsection 19.302.5.I</b> Transition Measures

<b>Table 19.302.4 CONTINUED</b>				
<b>High Density Residential Development Standards</b>				
<b>Standard</b>	<b>R-3</b>	<b>R-2</b>	<b>R-1B</b>	<b>Standards/ Additional Provisions</b>
Side yard height plane limit	-	-		<b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions
Height above ground at	<u>20</u>	<u>25</u>	<u>25</u>	
	<u>45</u>	<u>45</u>	<u>45</u>	

<u>minimum required side yard depth (ft)</u>				
<u>Slope of plane (degrees)</u>				
<u>Maximum lot coverage (percent of total lot area)</u>	40%	45%	50%	<b>Section 19.201 “Lot coverage” definition</b>
<u>Minimum vegetation (percent of total lot area)</u>	35%	15%	15%	<b>Subsection 19.504.7 Minimum Vegetation</b> <b>Subsection 19.302.5.D Front Yard Minimum Vegetation</b> <b>Subsection 19.302.5.C Minimum Vegetation</b>
<b>C. Other Standards</b>				
<u>Density requirements (dwelling units per acre)</u>	-	-	-	<b>Subsection 19.202.4 Density Calculations</b>
<u>Minimum</u>	11.6	25.0	25.0	<b>Subsection 19.302.5.F Residential Densities</b>
<u>Maximum<sup>2, 3</sup></u>	14.5	32.0	32.0	<b>Subsection 19.501.4 Density Exceptions</b>

<sup>3</sup> The density for single room occupancy (SRO) developments is calculated as follows: four SRO rooms equal one dwelling unit.

**19.302.4 Development Standards**

In the high density residential zones, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

In the high density residential zones the following housing types are permitted on lot sizes as follows:

- Between 1,500 to 2,999 sq ft: Townhouse, Cottage in a cottage cluster
- Between 3,000 to 4,999 sq ft: Duplex, Triplex, and Quadplex.
- Between 5,000 to 6,999 sq ft: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, and Quadplex.<sup>1</sup>

7,000 sq ft and up: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster, Multi-Unit Housing.

All other uses require a minimum lot size of 5,000 sq ft.

**19.302.5 Additional Development Standards**

F. Residential Densities

1. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land divisions, replats that change the number of lots, and any development that would change the number of dwelling units on a lot. Development of a single detached dwelling or accessory dwelling units are exempt from the minimum and maximum density requirements. Middle housing, except for townhouses, is exempt from maximum density requirements.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

~~2. Multifamily development in the R-2, R-1, and R-1-B Zones is subject to the minimum site size requirements in Table 19.302.5.F.2. In the event that the minimum site size requirements conflict with the development densities in Subsection 19.302.4.C.1, the site size requirements in Table 19.302.F.2 shall prevail.~~

**Table 19.302.5.F.2**

**Minimum Site Size for Multifamily Development in the R-2, R-1, and R-1-B Zones**

Units	R-2 Zone	R-1 and R-1-B Zone
First Dwelling Unit	5,000 sq ft per unit	5,000 sq ft per unit
Additional Dwelling Units	1,500 sq ft per unit	1,400 sq ft per unit

19.303 COMMERCIAL MIXED-USE ZONES

Table 19.303.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
<b>Residential</b>			
Single-family detached	N	CU	<b>Subsection 19.505.1</b> Single Family Dwellings <b>Section 19.905</b> Conditional Uses
Rowhouse <sup>1</sup>	P	CU	<b>Subsection 19.505.5</b> Rowhouses
Multifamily <u>Multi-unit Housing</u>	P	CU	<b>Subsection 19.505.3</b> Multifamily <u>Multi-unit Housing</u>
Cottage cluster housing	P	CU	<b>Subsection 19.505.4</b> Cottage Cluster Housing
Mixed use <sup>2</sup>	P	P	<b>Subsection 19.505.7</b> <u>Nonresidential Development</u>
Live/work units	P	P	<b>Subsection 19.505.6</b> Live/Work Units
Senior and <i>retirement</i> housing	P	CU	<b>Subsection 19.505.3</b> Multifamily <u>Multi-unit Housing</u>

Table 19.303.2 CONTINUED			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
<b>Commercial<sup>3, 4</sup> CONTINUED</b>			
General office  <del>General office means professional, executive, management, or administrative offices of firms or organizations.</del>  <del>Examples include professional services such as lawyers, architects, or accountants; financial businesses such as lenders, credit unions, or real estate agents; sales offices; offices for testing and research-related businesses (including marijuana testing and research), and medical and dental clinics.</del>	P	P	<b>Subsection 19.303.6.C</b> Marijuana testing and research facilities

<u>Production-related office</u>			
<u>Professional and administrative office</u>			
Commercial lodging.  Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.  Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. <del>Does not include senior and retirement housing.</del>	P	P	

**19.304 DOWNTOWN ZONES**

Table 19.304.2			
Uses Allowed in Downtown Zones			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
<b>Residential</b>			
Boarding house	<u>CU</u>	<u>N</u>	<b>Section <u>19.905</u></b> Conditional Uses
<u>Single room occupancy housing</u>	<u>P</u>	<u>N</u>	<b>Subsection <u>19.505.3</u></b> Multi-unit Housing
Rowhouse	P	N	<b>Subsection <u>19.304.3.A.1</u></b> Downtown residential use limitations  <b>Subsection <u>19.505.5</u></b> Rowhouses
<del>Multifamily</del> <u>Multi-unit Housing</u>	P	N	<b>Figure <u>19.304-2</u></b> Ground-Floor Residential Permitted  <b>Subsection <u>19.304.3.A.1</u></b> Downtown residential use limitations  <b>Subsection <u>19.505.3</u></b> <del>Multifamily</del> <u>Multi-unit Housing</u>
Live/work units	P	N	<b>Subsection <u>19.304.3.A.1</u></b> Downtown residential use limitations  <b>Subsection <u>19.505.6</u></b> Live/Work



			Units
Second-story housing	P	N	<b>Section 19.508</b> Downtown Site and Building Design Standards
Senior and retirement housing	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations  <b>Subsection 19.505.3</b> Multifamily Multi-unit Housing

**Table 19.304.2 CONTINUED**  
**Uses Allowed in Downtown Zones**

Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
<b>Commercial</b>			
<p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. <del>Does not include senior and retirement housing.</del></p>	P/CU	N	<b>Section 19.905</b> Conditional Uses (for vacation rentals only)
<p>Production-related office</p> <p><del>Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the</del></p>	P/CU	N	<p><b>Subsection 19.304.3.A.2</b> Main St limitations</p> <p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Subsection 19.509.2</b> Security and odor</p>

<p>development, testing, research, production, processing, packaging, or assembly of goods and products.</p> <p>Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers; marijuana testing and research facilities, and medical and dental labs.</p>			<p>control for certain marijuana business</p> <p><b>Section 19.905</b> Conditional Uses</p> <p>Note: Production, processing, packaging, and assembly uses must meet the standards listed below under Manufacturing.</p>
<p><del>Traditional office</del></p> <p><del>Traditional office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</del></p> <p><del>Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.</del></p>	<p><del>P/CU</del></p>	<p><del>N</del></p>	<p><del><b>Subsection 19.304.3.A.3</b> Commercial use limitations</del></p> <p><del><b>Section 19.905</b> Conditional Uses</del></p>
<p><u>Professional and Administrative Office</u></p>	<p><u>P/CU</u></p>	<p><u>N</u></p>	<p><u><b>Subsection 19.304.3.A.3</b> Commercial use limitations</u></p> <p><u><b>Section 19.905</b> Conditional Uses</u></p>

**19.304.5 Detailed Development Standards**

J. Residential Density

1. Intent

There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied to residential development in the DMU Zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.

2. Standards

a. Minimum densities for rowhouses and live/work units shall be 10 units per acre.

b. Minimum densities for stand-alone multifamily dwellings ~~and senior/retirement housing~~ in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.

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## 19.306 LIMITED COMMERCIAL ZONE C-L

### 19.306.2 Conditional Uses and Community Service Uses Permitted

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section [19.905](#):

- A. Funeral home;
- B. Marina and boat sales;
- C. Parking facility;
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- E. Financial institution;
- F. Trade or commercial school;
- G. ~~Single-family~~ unit detached dwelling;
- H. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock. Marijuana production is not permitted as an agricultural use;
- I. ~~Duplex or multifamily development~~ Middle housing or multi-unit housing;

J. Adult foster/care home ~~Senior and retirement housing;~~

K. ~~Residential home;~~

L. ~~Congregate housing facility;~~

In a C-L Zone the following community service uses and their accessory uses are permitted subject to the provisions of Section 19.904:

A. Residential care facility

**19.307 GENERAL COMMERCIAL ZONE C-G**

In a C-G Zone the following regulations shall apply:

**19.307.1 Uses Permitted Outright**

In a C-G Zone the following uses and their accessory uses are permitted outright:

A. Production-related office: ~~Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature;~~

B. Professional and administrative office: ~~Offices for administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, testing, scientific or statistical businesses or organizations;~~

**19.312 NORTH MILWAUKIE INNOVATION AREA**

Table 19.312.2			
Uses Allowed in the North Milwaukie Innovation Area			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
Commercial			

<p>Office</p> <p>1. Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products.</p> <p>Examples include: corporate headquarters, architects, engineers, financial services or accounting firm headquarters, call offices/call centers; software and internet</p>	<p>P</p>	<p>P</p>	
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<p><b>Table 19.312.2 CONTINUED</b></p> <p>Uses Allowed in the North Milwaukie Innovation Area</p>			
<p><b>Uses and Use Categories</b></p>	<p><b>NME</b></p>	<p><b>MUTSA</b></p>	<p><b>Standards/Additional Provisions</b></p>
<p>content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; government and utility research offices; call centers, marijuana testing and research facilities, and medical and dental labs or research/bioscience facility.</p> <p><u>2. Professional and Administrative Office</u></p>			

<b>Table 19.312.2 CONTINUED</b>			
<b>Uses Allowed in the North Milwaukie Innovation Area</b>			
<b>Uses and Use Categories</b>	<b>NME</b>	<b>MUTSA</b>	<b>Standards/Additional Provisions</b>
<p><del>2. Service-related office</del></p> <p><del>Traditional service-related office uses are characterized by activities that generally focus on direct in-person, customer-focused services including government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</del></p> <p><del>Examples include: professional services such as lawyers; financial businesses such as lenders, retail brokerage houses, bank branches, or real estate agents; sales offices; government offices and public utility offices; counseling offices; and medical and dental clinics.</del></p>	<p>L</p>	<p>L</p>	<p><b>Subsection 19.312.4.A</b> Standards for Limited Uses</p>

**CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS**

**19.505 BUILDING DESIGN STANDARDS**

**19.505.3 Multi-unit Housing**

**B. Applicability**

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multi-unit developments and residential care facilities ~~congregate housing developments~~ with 3 or more dwelling units on a single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3.

1. All new multi-unit or residential care facilities ~~congregate housing development~~ is subject to the design elements in this subsection.

**C. Review Process**

Two possible review processes are available for review of ~~multifamily~~ multi-unit or residential care facilities ~~congregate housing development~~: objective and discretionary. An applicant may choose which process to use. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

D. Design Guidelines and Standards

Applicable guidelines and standards for ~~multifamily~~ multi-unit and residential care facilities ~~congregate housing~~ are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

**CHAPTER 19.600 OFF-STREET PARKING**

**19.605 VEHICLE PARKING QUANTITY REQUIREMENTS**

<b>Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Minimum Required</b>	<b>Maximum Allowed</b>
<b>A. Residential Uses</b>		
1. Single detached dwellings, including manufactured homes.	1 space per dwelling unit.	No maximum.
2. Multi-Unit Dwellings	1 space per dwelling unit.	2 spaces per dwelling unit.
3. Middle Housing <sup>1</sup>		
a. Duplexes	0	1 space per dwelling unit
b. Triplexes	0	1 space per dwelling unit
c. Quadplexes	0	1 space per dwelling unit
d. Townhouses <sup>2</sup>	0	1 space per dwelling unit
e. Cottage Clusters	0.5 spaces per dwelling unit	1 space per dwelling unit
4. <del>Residential homes</del> <u>Adult foster/care homes</u> and similar facilities allowed by right in residential zones.	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
<b>B. Community Service and Other Public Uses</b>		
7. <del>Residential care facilities</del> <u>Nursing, convalescent, and extended care facilities.</u>	1 space per 4 beds.	1 space per 3 beds.

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

A. Institutions—Public/Private and Other Public Facilities

1. Schools, public or private, and their accompanying sports facilities, day-care centers, private kindergartens;
2. Government office buildings for local, state, or federal government such as a City hall, courthouse, police station, or other similar buildings;
3. Hospital;
4. Cemetery;
5. ~~Nursing or convalescent home~~ Residential care facility;

~~19.904.8 Specific Standards for Nursing or Convalescent Homes~~

~~A. Public services must be adequate to serve the facility.~~

~~B. Facilities will access on arterial or collector streets.~~

~~C. Setbacks must be the greater of 25 ft or the setback of an adjacent residential zone or of the underlying zone.~~

~~D. Maximum height shall not exceed 45 ft.~~

~~E. Buffering of noise and light from adjacent streets and between adjacent properties may be required.~~

~~F. Sites which could cause hazard to disoriented patients through proximity to heavily traveled streets, water hazards, or ravines or steep slopes shall not be approved unless the applicant can satisfy the commission that safety measures will be used to prevent injury to patients.~~

~~G. On parcels surrounded by existing dwellings, additional conditions may be necessary to:~~

~~1. Mitigate the effects of traffic caused by shift changes, particularly regarding noise at night and safety of school children in transit; and/or~~

~~2. Maintain neighborhood scale, particularly regarding size of structure, width of driveway, signs, exterior lighting, and placement of parking facilities.~~



H. ~~Conversion of existing dwellings may be allowed if state codes and rules can be met and the conditions of this subsection are satisfied.~~

I. ~~Off street parking must be provided as per Chapter 19.600.~~

J. ~~15% of the total site is to be landscaped~~

**19.904.4410 Standards for Wireless Communications Facilities**

C. Application Process

3. Type II Review

Placement, construction, or modification of WCFs not involving the construction of a new monopole, other than those activities described in Subsection 19.904.4410.C.1, are subject to Section 19.1005 Type II Review, provided that the antennas and base equipment comply with the standards contained in this subsection. Also see Table 19.904.4410.C.

4. Type III Review

All proposed new monopole towers, and projects exceeding the applicability for Type II review, are subject to Section 19.1006 Type III Review. Also see Table 19.904.4410.C.

<b>Table 19.904.4410.C Wireless Communication Facilities—Type and Review Process</b>				
<b>Towers</b>		<b>WCFs Not Involving New Tower</b>		
<b>Zones</b>	<b>New Monopole Tower up to 100 Ft</b>	<b>Building Rooftop or Wall Mounted Antenna</b>	<b>Water Towers, Existing Towers, and Other Stealth Designs</b>	<b>On Existing Utility Pole in Row with or w/out Extensions</b>
BI	III	P/I/II	P/I/II	P/I/II
M	III	P/I/II	P/I/II	P/I/II
M-TSA	III	P/I/II	P/I/II	P/I/II
C-N	N	P/I/II	P/I/II	P/I/II
C-G	N	P/I/II	P/I/II	P/I/II
C-L	N	P/I/II	P/I/II	P/I/II
C-CS	N	P/I/II	P/I/II	P/I/II
OS	N	P/I/II	P/I/II	P/I/II
DMU	N	P/I/II	P/I/II	P/I/II
GMU	N	P/I/II	P/I/II	P/I/II
NMU	N	P/I/II	P/I/II	P/I/II

R-1-B	N	P/I/II	P/I/II	P/I/II
<del>R-1</del>	<del>N</del>	<del>N</del>	<del>P/I/II</del>	<del>P/I/II</del>
R-2	N	N	P/I/II	P/I/II
<del>R-2.5</del>	<del>N</del>	<del>N</del>	<del>P/I/II</del>	<del>P/I/II</del>
R-3	N	N	P/I/II	P/I/II
R-MD	N	N	P/I/II	P/I/II

**F. Location and Size Restrictions**

**1. Separation for New Monopole Towers**

New monopole towers may not be constructed within 1,500 ft of any preexisting tower. The Planning Commission has the authority to approve a reduction in the minimum separation requirement to not less than 1,000 ft, provided that the applicant can demonstrate the need to the satisfaction of the Planning Commission, for the distance reduction. A tower shall include any preexisting tower or any tower for which the City has issued a building permit, or for which a land use application has been filed and not denied. This distance shall be measured in a straight line from the base of the existing tower to the base of the proposed tower.

**2. Height: maximum heights. Also see Table 19.904.4410.C.**

d. For antennas on utility poles in the right-of-way, one 15-ft extension is permitted to the original installation by the owner. The carrier may replace the existing pole with a new utility pole not to exceed 15 ft above the height of the pole that is to be replaced. Equipment cabinets shall be attached to the utility pole. Where this is not practicable, the base equipment shall be subject to requirements of Subsection 19.904.4410.G.1.b.

**G. Development Standards for All WCFs**

**1. Setbacks and Equipment Cabinets**

a. Setbacks for new monopole towers and equipment cabinets shall be established from the property line and not the leased area. Regardless of the zone, the setbacks shall be as follows:

(5) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

b. For antennas placed on existing utility pole and other support structures located in the right-of-way, the equipment cabinet shall be located on the utility pole to the greatest extent.

(3) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

c. Equipment cabinets for water towers, “stealth” designs or other antenna support structures not covered by the previous subsections.

(2) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

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## 19.905 CONDITIONAL USES

### 19.905.9 Standards Governing Conditional Uses

#### ~~G. Senior and Retirement Housing~~

~~In considering a conditional use application for senior and retirement housing, the Planning Commission shall consider the following:~~

- ~~1. Pedestrian access to transit.~~
- ~~2. Pedestrian access to convenience facilities such as grocery store, pharmacy, laundromat, park and open space, and senior activity center.~~
- ~~3. Pedestrian access to banking, churches, hospitals, and restaurants.~~
- ~~4. Quality of project as a living environment for residents.~~
- ~~5. Minimizing impact on the surrounding area.~~

~~An applicant shall submit materials and the Planning Commission shall attach conditions that will ensure that the special nature of the housing, and the groups to be served, are clearly defined and maintained in perpetuity. A project is required to meet the definition for this type of housing in Section [19.201](#).~~

#### ~~HG. Vacation Rentals~~

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## CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

### 19.1104.1 Administration and Approval Process

<b>Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes</b>		
<b>County Zoning Designation</b>	<b>Assigned City Zoning Designation</b>	<b>Assigned Comprehensive Plan Land Use Designation</b>
R-20	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-15	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-10	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-8.5	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-7	R-MD	<del>Low</del> <u>Moderate</u> density residential
MR1	R-2	<del>Medium</del> <u>High</u> density residential
MR2	R-2	<del>Medium</del> <u>High</u> density residential

**19.910.3 Manufactured Dwelling Parks**

**D. Development Requirements**

All manufactured dwelling parks shall meet the following minimum requirements:

1. The minimum size of a manufactured dwelling park shall be 2 1 acres.

**Clean Amendments**

**Title 14 Signs**

**14.040.030 Definitions**

“Residential zones” means the R-MD, R-3, R-2, and R-1-B Residential Zones as defined in the Zoning Ordinance.

**Title 19 Zoning Ordinance**

**CHAPTER 19.100 INTRODUCTORY PROVISIONS**

**19.107.1 Zone Classifications**

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

<b>Table 19.107.1 Classification of Zones</b>	
<b>Zone Description</b>	<b>Abbreviated Description</b>
<b>Base Zones</b>	
Residential	R-MD
Residential	R-3
Residential	R-2
Residential-Business Office	R-1-B
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Mixed Use	MUTSA
General Mixed Use	GMU
North Milwaukie Employment	NME
Neighborhood Mixed Use	NMU
<b>Overlay Zones</b>	
Willamette Greenway	WG

Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F

**CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS**

**19.201 DEFINITIONS**

Office:

“Production-related office” means offices that are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers; and medical and dental labs.

“Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations, including government, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

Residential Uses and Structures:

“Adult foster/care homes” means a dwelling unit operated to provide a permanent residence and licensed care for up to five people who are elderly, disabled, handicapped, or otherwise require such a residence.

“Single room occupancy housing (SRO)” means a building wherein nine (9) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but access must be provided to a shared cooking and eating facility. Each room may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). SRO developments are designed to be occupied by long-term residents on a monthly or longer basis. For calculating residential density, four SRO rooms are equal to 1 dwelling unit with fractions rounded up.

“Multi-unit development” means a structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not

divided into separate lots. Multi-unit development includes structures commonly called garden apartments, apartments, and condominiums. Residential care facilities are considered a type of multi-unit development.

“Residential care facility” means a licensed living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to assisted living facilities, nursing facilities, and memory care facilities.

“Temporary or transitional facility” means a facility which ~~may~~ provides temporary or transitional services to families or individuals, including lodging where the average stay is 60 days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers, and detention and detoxification facilities.

**CHAPTER 300 BASE ZONES**

**19.301 MODERATE DENSITY RESIDENTIAL ZONES**

<b>Table 19.301.2 Moderate Density Residential Uses Allowed</b>		
<b>Use</b>	<b>R-MD</b>	<b>Standards/Additional Provisions</b>
<b>Residential Uses</b>		
Single detached dwelling	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Duplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Triplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Quadplex	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Townhouse	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.5</b> Standards for Townhouses
Cottage Cluster	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.4</b> Cottage Cluster Housing
Adult foster/care home	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	<b>Subsection 19.910.1</b> Accessory Dwelling Units
Manufactured dwelling park	III	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks.
Residential care facility Examples include: <i>assisted living, nursing</i>	<u>CSU</u>	<b>Subsection 19.904.8</b> <u>Specific Standards for Residential Care Facilities</u>

<i>facilities, and memory care communities</i>		
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**19.302 HIGH DENSITY RESIDENTIAL ZONES**

The high density residential zones are Residential Zone R-3, Residential Zone R-2, and Residential-Business Office Zone R-1B. These zones implement the high density residential land use designations in the Milwaukie Comprehensive Plan.

**19.302.1 Purpose**

The high density residential zones are intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses.

**19.302.2 Allowed Uses in High Density Residential Zones**

Uses allowed, either allowed by right or conditionally, in the high density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

<b>Table 19.302.2 High Density Residential Uses Allowed</b>				
<b>Use</b>	<b>R-3</b>	<b>R-2</b>	<b>R-1-B</b>	<b>Standards/ Additional Provisions</b>
<b>Residential Uses</b>				
<b>Use</b>	<b>R-3</b>	<b>R-2</b>	<b>R-1-B</b>	<b>Standards/ Additional Provisions</b>
Single detached dwelling	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Duplex	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Triplex	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Quadplex	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential



				Development
Adult foster/care home	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	P	P	<b>Subsection 19.910.1</b> Accessory Dwelling Units
Manufactured dwelling park	III	N	N	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks
Townhouse	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.5</b> Standards for Townhouses
Cottage cluster	P	P	P	<b>Subsection 19.505.1</b> Single Detached and Middle Housing Residential Development <b>Subsection 19.505.4</b> Cottage Cluster Housing
Multi-unit Housing	P	P	P	<b>Subsection 19.505.3</b> Multi-Unit Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Single room occupancy housing	P	P	P	<b>Subsection 19.505.3</b> Multi-Unit Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Residential Care Facility  Examples include: assisted living, nursing facilities, and memory care communities	P	P	P	<b>Subsection 19.505.3</b> Multi-Unit Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Office: Production-related office and Professional and administrative office	L/CU	L/CU	P	<b>Subsection 19.302.3</b> Use Limitations and Restrictions <b>Section 19.905</b> Conditional Uses
Personal/Business Services	L/CU	L/CU	P	<b>Section 19.905</b> Conditional Uses
Hotel or motel	CU	CU	CU	<b>Section 19.905</b> Conditional Uses
Bed and breakfast or	CU	CU	CU	<b>Section 19.905</b> Conditional

vacation rental				Uses
Accessory use	P	P	P	<b>Section 19.503</b> Accessory Uses
Agricultural or horticultural use	P	P	P	<b>Subsection 19.302.3</b> Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	<b>Section 19.904</b> Community Service Uses
Home occupation	P	P	P	<b>Section 19.507</b> Home Occupation Standards
Short-term rental	P	P	P	<b>Section 19.507</b> Home Occupation Standards

**19.302.3 Use Limitations and Restrictions**

B. Office uses allowed in the high density zones are offices, studios, clinics, and other similar professional offices. Corporate offices for marijuana businesses are permitted provided that no marijuana or marijuana products associated with the business are on site. Marijuana testing labs and research facilities are not permitted office uses in these zones. Office and personal service uses in the R-3 and R-2 zones are permitted provided the floor area does not exceed 2,000 sq ft.

<b>Table 19.302.4</b>				
<b>High Density Residential Development Standards</b>				
Standard	R-3	R-2	R-1-B	Standards/ Additional Provisions
<b>A. Lot Standards</b>				
Minimum lot size (sq ft)	1,500			<b>Subsection 19.501.1</b> Lot Size Exceptions  <b>Subsection 19.505.4</b> Cottage Cluster Housing  <b>Subsection 19.505.5</b> Townhouses
Minimum lot width (ft)	20			
Minimum lot depth (ft)	70			
Minimum street frontage requirements (ft)	20			

Townhouse		35		
Standard lot		25		
Flag lot		25		
Double flag lot				
<b>B. Development Standards</b>				
Minimum yard requirements for primary structures (ft)			20	
Front yard	See Subsection 19.302.5.A			
Side yard			15	
Street side yard			15	
Rear yard				
Maximum building height for primary structures	35 ft		45 ft	
			<p><b>Subsection 19.302.5.E</b> Height Exceptions</p> <p><b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions</p> <p><b>Subsection 19.302.5.I</b> Transition Measures</p>	
<b>Table 19.302.4 CONTINUED</b>				
<b>High Density Residential Development Standards</b>				
Standard	R-3	R-2	R-1B	Standards/ Additional Provisions
Side yard height plane limit				<b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions
Height above ground at minimum required side yard depth (ft)	20	25	25	
Slope of plane (degrees)	45	45	45	
Maximum lot coverage	40%	45%	50%	<b>Section 19.201</b> "Lot coverage" definition

(percent of total lot area)				
Minimum vegetation (percent of total lot area)	35%	15%	15%	<b>Subsection 19.504.7</b> Minimum Vegetation  <b>Subsection 19.302.5.D</b> Front Yard Minimum Vegetation  <b>Subsection 19.302.5.C</b> Minimum Vegetation
<b>C. Other Standards</b>				
Density requirements (dwelling units per acre)				<b>Subsection 19.202.4</b> Density Calculations  <b>Subsection 19.302.5.F</b> Residential Densities
Minimum	11.6	25.0	25.0	
Maximum <sup>2, 3</sup>	14.5	32.0	32.0	<b>Subsection 19.501.4</b> Density Exceptions

<sup>3</sup> The density for single room occupancy (SRO) developments is calculated as follows: four SRO rooms equal one dwelling unit.

**19.302.4 Development Standards**

In the high density residential zones, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

In the high density residential zones the following housing types are permitted on lot sizes as follows:

- Between 1,500 to 2,999 sq ft: Townhouse, Cottage in a cottage cluster
- Between 3,000 to 4,999 sq ft: Duplex, Triplex, and Quadplex.
- Between 5,000 to 6,999 sq ft: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, and Quadplex.<sup>1</sup>
- 7,000 sq ft and up: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster, Multi-Unit Housing.

All other uses require a minimum lot size of 5,000 sq ft.

**19.302.5 Additional Development Standards**

F. Residential Densities

1. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land divisions, replats that change the number of lots, and any development that would change the number of dwelling units on a lot. Development of a single detached dwelling or accessory dwelling units are exempt from the minimum and maximum density requirements. Middle housing, except for townhouses, is exempt from maximum density requirements.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

**19.303 COMMERCIAL MIXED-USE ZONES**

Table 19.303.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
<b>Residential</b>			
Single-family detached	N	CU	<b>Subsection 19.505.1</b> Single Family Dwellings <b>Section 19.905</b> Conditional Uses
Rowhouse <sup>1</sup>	P	CU	<b>Subsection 19.505.5</b> Rowhouses
Multi-unit Housing	P	CU	<b>Subsection 19.505.3</b> Multi-unit Housing
Cottage cluster housing	P	CU	<b>Subsection 19.505.4</b> Cottage Cluster Housing
Mixed use <sup>2</sup>	P	P	<b>Subsection 19.505.7</b> Nonresidential Development
Live/work units	P	P	<b>Subsection 19.505.6</b> Live/Work Units
Production-related office Professional and administrative office	P	P	<b>Subsection 19.303.6.C</b> Marijuana testing and research facilities
Commercial lodging.  Commercial lodging includes for-profit residential facilities where tenancy is	P	P	

typically less than one month.			
Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments.			

**19.304 DOWNTOWN ZONES**

Table 19.304.2			
Uses Allowed in Downtown Zones			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
<b>Residential</b>			
Single room occupancy housing	P	N	<b>Subsection 19.505.3</b> Multi-unit Housing
Rowhouse	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations  <b>Subsection 19.505.5</b> Rowhouses
<u>Multi-unit Housing</u>	P	N	<b>Figure 19.304-2</b> Ground-Floor Residential Permitted  <b>Subsection 19.304.3.A.1</b> Downtown residential use limitations  <b>Subsection 19.505.3</b> <u>Multi-unit Housing</u>
Live/work units	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations  <b>Subsection 19.505.6</b> Live/Work Units
Second-story housing	P	N	<b>Section 19.508</b> Downtown Site and Building Design Standards
Commercial lodging  Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month.  Examples include hotels, motels,	P/CU	N	<b>Section 19.905</b> Conditional Uses (for vacation rentals only)

vacation rentals, and bed-and-breakfast establishments.			
Production-related office	P/CU	N	<p><b>Subsection 19.304.3.A.2</b> Main St limitations</p> <p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Subsection 19.509.2</b> Security and odor control for certain marijuana business</p> <p><b>Section 19.905</b> Conditional Uses</p> <p>Note: Production, processing, packaging, and assembly uses must meet the standards listed below under Manufacturing.</p>
Professional and Administrative Office	P/CU	N	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Section 19.905</b> Conditional Uses</p>

**19.304.5 Detailed Development Standards**

J. Residential Density

1. Intent

There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied to residential development in the DMU Zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.

2. Standards

a. Minimum densities for rowhouses and live/work units shall be 10 units per acre.

b. Minimum densities for stand-alone multifamily dwellings in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.

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## 19.306 LIMITED COMMERCIAL ZONE C-L

### 19.306.2 Conditional Uses and Community Service Uses Permitted

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:

- A. Funeral home;
- B. Marina and boat sales;
- C. Parking facility;
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- E. Financial institution;
- F. Trade or commercial school;
- G. Single- unit detached dwelling;
- H. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock. Marijuana production is not permitted as an agricultural use;
- I. Middle housing or multi-unit housing;
- J. Adult foster/care home;

In a C-L Zone the following community service uses and their accessory uses are permitted subject to the provisions of Section [19.904](#):

- A. Residential care facility

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## 19.307 GENERAL COMMERCIAL ZONE C-G

In a C-G Zone the following regulations shall apply:

### 19.307.1 Uses Permitted Outright



In a C-G Zone the following uses and their accessory uses are permitted outright:

- A. Production-related office;
- B. Professional and administrative office;

**19.312 NORTH MILWAUKIE INNOVATION AREA**

<b>Table 19.312.2</b>			
<b>Uses Allowed in the North Milwaukie Innovation Area</b>			
<b>Uses and Use Categories</b>	<b>NME</b>	<b>MUTSA</b>	<b>Standards/Additional Provisions</b>
<b>Commercial</b>			
Office	P	P	
1. Production-related office			
2. Professional and Administrative Office	L	L	<b>Subsection 19.312.4.A</b> Standards for Limited Uses

**CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS**

**19.505 BUILDING DESIGN STANDARDS**

**19.505.3 Multi-unit Housing**

B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multi-unit developments and residential care facilities with 3 or more dwelling units on a

single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3.

1. All new multi-unit or residential care facilities is subject to the design elements in this subsection.

C. Review Process

Two possible review processes are available for review of multi-unit or residential care facilities: objective and discretionary. An applicant may choose which process to use. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

D. Design Guidelines and Standards

Applicable guidelines and standards for multi-unit and residential care facilities are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

**CHAPTER 19.600 OFF-STREET PARKING**

**19.605 VEHICLE PARKING QUANTITY REQUIREMENTS**

<b>Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Minimum Required</b>	<b>Maximum Allowed</b>
<b>A. Residential Uses</b>		
1. Single detached dwellings, including manufactured homes.	1 space per dwelling unit.	No maximum.
2. Multi-Unit Dwellings	1 space per dwelling unit.	2 spaces per dwelling unit.
3. Middle Housing <sup>1</sup>		
a. Duplexes	0	1 space per dwelling unit
b. Triplexes	0	1 space per dwelling unit
c. Quadplexes	0	1 space per dwelling unit
d. Townhouses <sup>2</sup>	0	1 space per dwelling unit
e. Cottage Clusters	0.5 spaces per dwelling unit	1 space per dwelling unit
4. Adult foster/care homes and similar facilities allowed by right in	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.

residential zones.		
<b>B. Community Service and Other Public Uses</b>		
7. Residential care facilities	1 space per 4 beds.	1 space per 3 beds.

**CHAPTER 19.900 LAND USE APPLICATIONS**

**19.904 COMMUNITY SERVICE USES**

A. Institutions—Public/Private and Other Public Facilities

1. Schools, public or private, and their accompanying sports facilities, day-care centers, private kindergartens;
2. Government office buildings for local, state, or federal government such as a City hall, courthouse, police station, or other similar buildings;
3. Hospital;
4. Cemetery;
5. Residential care facility;

**19.904.10 Standards for Wireless Communications Facilities**

C. Application Process

3. Type II Review

Placement, construction, or modification of WCFs not involving the construction of a new monopole, other than those activities described in Subsection 19.904.4410.C.1, are subject to Section 19.1005 Type II Review, provided that the antennas and base equipment comply with the standards contained in this subsection. Also see Table 19.904.4410.C.

4. Type III Review

All proposed new monopole towers, and projects exceeding the applicability for Type II review, are subject to Section 19.1006 Type III Review. Also see Table 19.904.10.C.

<b>Table 19.904.10.C Wireless Communication Facilities—Type and Review Process</b>				
<b>Towers</b>		<b>WCFs Not Involving New Tower</b>		
<b>Zones</b>	<b>New Monopole Tower up to 100 Ft</b>	<b>Building Rooftop or Wall Mounted Antenna</b>	<b>Water Towers, Existing Towers, and Other Stealth Designs</b>	<b>On Existing Utility Pole in Row with or w/out Extensions</b>
BI	III	P/I/II	P/I/II	P/I/II
M	III	P/I/II	P/I/II	P/I/II
M-TSA	III	P/I/II	P/I/II	P/I/II
C-N	N	P/I/II	P/I/II	P/I/II
C-G	N	P/I/II	P/I/II	P/I/II
C-L	N	P/I/II	P/I/II	P/I/II
C-CS	N	P/I/II	P/I/II	P/I/II
OS	N	P/I/II	P/I/II	P/I/II
DMU	N	P/I/II	P/I/II	P/I/II
GMU	N	P/I/II	P/I/II	P/I/II
NMU	N	P/I/II	P/I/II	P/I/II
R-1-B	N	P/I/II	P/I/II	P/I/II
R-2	N	N	P/I/II	P/I/II
R-3	N	N	P/I/II	P/I/II
R-MD	N	N	P/I/II	P/I/II

## F. Location and Size Restrictions

### 1. Separation for New Monopole Towers

New monopole towers may not be constructed within 1,500 ft of any preexisting tower. The Planning Commission has the authority to approve a reduction in the minimum separation requirement to not less than 1,000 ft, provided that the applicant can demonstrate the need to the satisfaction of the Planning Commission, for the distance reduction. A tower shall include any preexisting tower or any tower for which the City has issued a building permit, or for which a land use application has been filed and not denied. This distance shall be measured in a straight line from the base of the existing tower to the base of the proposed tower.

### 2. Height: maximum heights. Also see Table 19.904.10.C.

d. For antennas on utility poles in the right-of-way, one 15-ft extension is permitted to the original installation by the owner. The carrier may replace the existing pole with a new utility pole not to exceed 15 ft above the height of the pole that is to be replaced. Equipment cabinets shall be attached to the utility pole. Where this is not practicable, the base equipment shall be subject to requirements of Subsection 19.904.10.G.1.b.

G. Development Standards for All WCFs

1. Setbacks and Equipment Cabinets

a. Setbacks for new monopole towers and equipment cabinets shall be established from the property line and not the leased area. Regardless of the zone, the setbacks shall be as follows:

(5) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.10.G.6 Landscaping and Fencing Requirements.

b. For antennas placed on existing utility pole and other support structures located in the right-of-way, the equipment cabinet shall be located on the utility pole to the greatest extent.

(3) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.10.G.6 Landscaping and Fencing Requirements.

c. Equipment cabinets for water towers, “stealth” designs or other antenna support structures not covered by the previous subsections.

(2) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.10.G.6 Landscaping and Fencing Requirements.

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**19.905 CONDITIONAL USES**

19.905.9 Standards Governing Conditional Uses

G. Vacation Rentals

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**CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES**

**19.1104.1 Administration and Approval Process**

<b>Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes</b>		
<b>County Zoning Designation</b>	<b>Assigned City Zoning Designation</b>	<b>Assigned Comprehensive Plan Land Use Designation</b>
R-20	R-MD	Moderate density residential

R-15	R-MD	Moderate density residential
R-10	R-MD	Moderate density residential
R-8.5	R-MD	Moderate density residential
R-7	R-MD	Moderate density residential
MR1	R-2	High density residential
MR2	R-2	High density residential

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

















### 19.910.3 Manufactured Dwelling Parks

#### D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

1. The minimum size of a manufactured dwelling park shall be 1 acre.

## Milwaukie Comprehensive Plan Zoning Proposed Designations

-  City of Milwaukie
-  County Boundary
-  MUTSA
-  BI
-  GMU
-  C-CS
-  DMU
-  C-G
-  C-L
-  C-N
-  NMU
-  OS
-  M
-  NME
-  R-MD
-  R-1-B
-  R-2
-  R-3



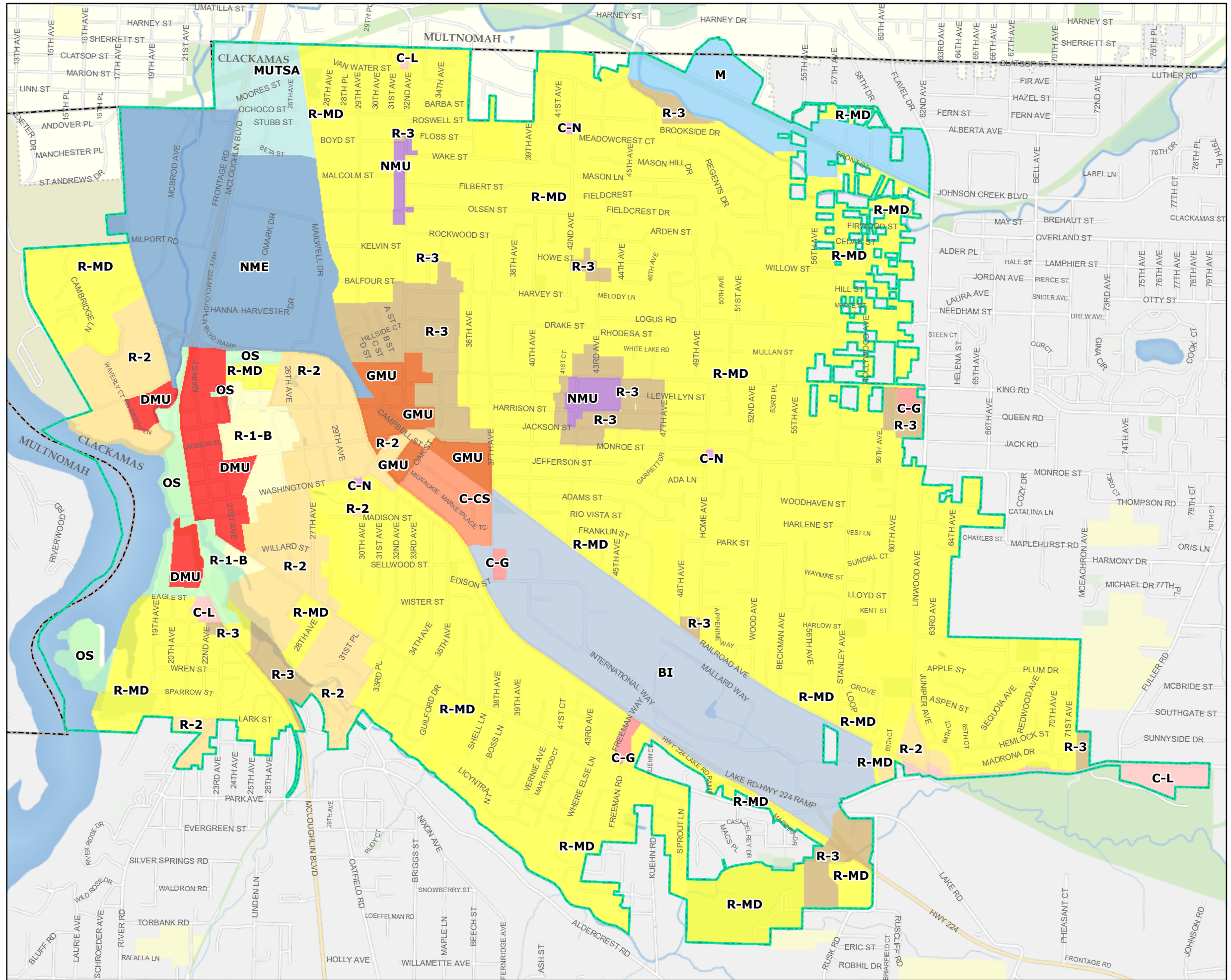
Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

Date: Monday, August 22, 2022

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator  
City of Milwaukie  
6101 SE Johnson Creek Blvd.  
Milwaukie, OR 97206  
(503) 786-7687

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Miles



# PROPOSED CODE AMENDMENTS: HIGH DENSITY RESIDENTIAL ZONES CONSOLIDATION

City Council Public Hearing  
November 15, 2022

Vera Kolas, Senior Planner  
Adam Heroux, Associate Planner





# REVIEW SCHEDULE

Planning Commission	Date	Purpose
Work session	June 28	Consolidate definitions
Work session	August 9	Boarding house definitions
Work session	August 23	Uses, process, consolidation
PUBLIC HEARING	September 27	Recommendation to Council to Approve
City Council		
Work session	October 18	Discuss proposed amendments
<b>PUBLIC HEARING</b>	<b>Tonight</b>	<b>Adopt amendments</b>



# WHY UPDATE MILWAUKIE'S HIGH DENSITY ZONES?

- City council priority
- Remove barriers & bias from the code
- Update outdated terminology
- Streamline overly complicated use categories and review processes



<b>Residential Use Type</b>	<b>Current Definition</b>
<b>Residential Home</b>	A dwelling unit operated as a single housekeeping unit for the purpose of providing a permanent residence—which includes food, shelter, personal services, and care—for the elderly, disabled, handicapped, or others requiring such a residence, as defined by the Federal Fair Housing Amendments Acts of 1988.
<b>Congregate Housing Facility</b>	A multi-dwelling-unit, permanent housing center with individual or common housekeeping facilities and services provided for residents who require or desire a more supportive living environment than typically available to residents in traditional apartment or single-family residential housing. These facilities may provide regular on-premises supervision by registered medical staff or care providers. Occupants of these facilities may include the elderly, disabled, handicapped, or other persons as defined in the Federal Fair Housing Amendments Act of 1988. Congregate housing facilities are permitted outright in all residential zones that permit multifamily apartments, and they require conditional use approval in those residential zones that allow multifamily uses conditionally. In each case, density standards of the zone shall determine number of units allowed.
<b>Senior and Retirement Housing</b>	A multiunit dwelling where persons who are of retirement age reside. Activity levels, including traffic generation and parking of cars, are generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care, medical supplies, and personal services may be provided on a limited basis. One person may own the entire complex, or each dwelling unit may be owned separately as in a condominium.
<b>Nursing or Convalescent Home</b>	<i>This term is not defined anywhere in the Milwaukie Municipal Code. It is referenced, however, in the Community Service Use section with specific standards in 19.904.8</i>
<b>Boarding House</b>	A building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily, by persons paying consideration for sleeping purposes where meals may or may not be provided, and which is not occupied as a single-dwelling unit. Lodging capacity is subject to provisions of the Uniform Building Code.



# ISSUES WITH ALLOWED USES

- Outdated terms
- Inconsistent review processes

Table 19.302.2 (partial)

## High Density Residential Uses Allowed

Use	R-3	R-2.5	R-2	R-1	R-1-B
Multi-unit	CU	CU	P	P	P
Residential home	P	P	P	P	P
Congregate housing facility	CU	CU	P	P	P
Senior and retirement housing	CU	CU	CU	P	P
Boarding house	CU	CU	CU	CU	CU
Community Service Use	CSU	CSU	CSU	CSU	CSU



<b>Proposed Terms</b>		<b>Proposed Definition</b>
<b>Adult foster/care homes</b>		A dwelling unit operated to provide a permanent residence and licensed care for up to five people who are elderly, disabled, handicapped, or otherwise require such a residence.
<b>Residential care facility</b>		A living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to Assisted Living Facilities, Nursing Facilities, and Memory Care Facilities.
<b>Residential Care Facility Types</b>	<b>Assisted living facility</b>	is a licensed setting providing housing and care services to six or more people. A registered nurse is on staff or under contract. The nurse does not have to be there all the time. Caregivers do not need to be certified, but they are trained in providing care services.
	<b>Nursing facility</b>	gives licensed 24-hour supervised nursing care. Licensed nursing facilities' caregivers must be certified as nursing assistants; the State Board of Nursing must approve their training. Nurses and certified nurse aides provide personal, therapeutic, and nutritional care.
	<b>Memory care community</b>	is an environment where staff care for people with dementia who have needs that require a more secure setting. Each setting is licensed by the state as a residential care, assisted living or nursing facility. The state also requires memory care facilities to train staff to care for residents with dementia and provide specialized services.

# SINGLE ROOM OCCUPANCY (SRO)

Residential Use Type	Proposed Definition
<b>Single Room Occupancy Housing</b>	<p>A building wherein five (5) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). SRO developments are designed to be occupied by long-term residents on a monthly or longer basis. SRO developments are permitted outright in all residential zones that permit multi-unit development. In each case, density standards of the zone shall determine number of units allowed.</p>



# CHANGES IN TERMINOLOGY

<b>Current Use Type</b>	<b>New Definition</b>	<b>New Use Type</b>
<b>Residential Home</b>	Adult foster/care home	Adult foster care/home
<b>Congregate Housing Facility</b>	Assisted Living	Residential Care Facility
<b>Senior and Retirement Housing</b>	Assisted Living	Residential Care Facility
<b>Nursing or Convalescent Home</b>	Nursing Facility, Memory Care Community	Residential Care Facility
<b>Boarding House</b>	Single Room Occupancy	Single Room Occupancy



# EXISTING CODE – PERMITTED USES (WITH REVISED USES)

Residential Uses	Table 3. Existing Code (with new uses)				
	R3	R2.5	R2	R1	R1B
Single Detached Dwelling	P	P	P	P	P
Duplex	P	P	P	P	P
Triplex	P	P	P	P	P
Quadplex	P	P	P	P	P
Townhouse/Rowhouse	P	P	P	P	P
Cottage Cluster	P	P	P	P	P
Adult foster/care homes	P	P	P	P	P
Accessory Dwelling Unit	P	P	P	P	P
Manufactured Dwelling Park	III	N	N	N	N
Multi-unit Development	CU	CU	P	P	P
Single Room Occupancy Housing	CU	CU	CU	CU	CU
Residential Care Facility	CU	CU	P	P	P
<i>Assisted Living</i>	-	-			
<i>Nursing Facility</i>	-	-			
<i>Memory care community</i>	-	-			
	-	-			
<b>Commercial Uses</b>					
Office	CU	CU	CU	CU	P
Hotel or motel	N	N	N	N	CU
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU
<b>Accessory and Other Uses</b>					
Accessory Use	P	P	P	P	P
Agricultural or horticultural	P	P	P	P	P
Community Service Use	CSU	CSU	CSU	CSU	CSU
Home occupation	P	P	P	P	P
Short-term rental	P	P	P	P	P





# PROPOSED CONSOLIDATION

Residential Uses	R3	R2	R1B
Single Detached Dwelling	P	P	P
Duplex	P	P	P
Triplex	P	P	P
Quadplex	P	P	P
Townhouse/Rowhouse	P	P	P
Cottage Cluster	P	P	P
Adult foster/care homes	P	P	P
Accessory Dwelling Unit	P	P	P
Manufactured Dwelling Park	III	N	N
Multi-unit Development	P	P	P
Single Room Occupancy	P	P	P
Residential Care Facility			
Assisted Living	P	P	P
Nursing Facility			
Memory care community			
Commercial Uses			
Personal/Business Services	L	L	P
Office	L/CU	L/CU	P
Production related office			
Professional and administrative office			
Hotel or motel	CU	CU	CU
Bed and breakfast or vacation rental	CU	CU	CU
Accessory and Other Uses			
Accessory Use	P	P	P
Agricultural or horticultural	P	P	P
Community Service Use	CSU	CSU	CSU
Home occupation	P	P	P
Short-term rental	P	P	P

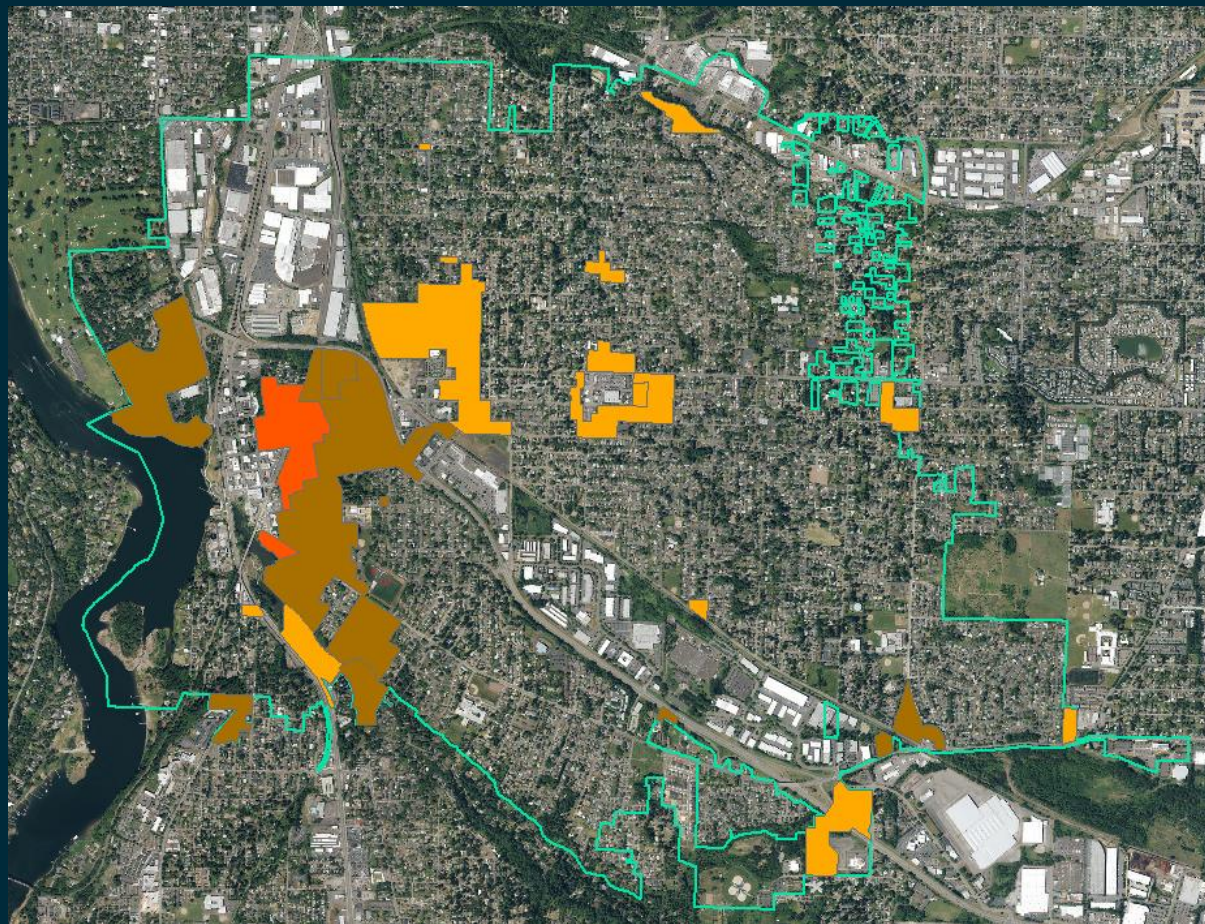
R3 = R3, R2.5

R2 = R2, R1

R1B = R1B



# PROPOSED CONSOLIDATION



## Legend

-  New R3
-  New R2
-  R-1-B



# DEVELOPMENT STANDARDS

Standard	Existing Code				
	<i>R3</i>	<i>R2.5</i>	<i>R2</i>	<i>R1</i>	<i>R1B</i>
Max Building height	35 ft	35 ft	45 ft	45 ft	45 ft
Max lot coverage	40%	40%	45%	45%	50%
Min vegetation density (du/ac)	35%	35%	15%	15%	15%
min.	11.6	11.6	11.6	25	25
max.	14.5	17.4	17.4	32	32

Table 5.  
Proposed Consolidation

Standard	<i>R3</i>	<i>R2</i>	<i>R1B</i>
Max Building height	35 ft	45 ft	45 ft
Max lot coverage	40%	45%	50%
Min vegetation density (du/ac)	35%	15%	15%
min.	11.6	25	25
max.	17.4	32	32



# OCTOBER 18 WORK SESSION

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1. Revise SRO definition
2. Full consolidation into 1 HDR zone



# REVISED SRO DEFINITION

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A building wherein nine (9) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but access must be provided to a shared cooking and eating facility. Each room may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). SRO developments are designed to be occupied by long-term residents on a monthly or longer basis. For calculating residential density, four SRO rooms are equal to 1 dwelling unit with fractions rounded up. ~~SRO developments are permitted outright in all residential zones that permit multi-unit development. In each case, density standards of the zone shall determine number of units allowed.~~



# FULL CONSOLIDATION

Full Consolidation	Existing Code					
	HDR	R3	R2.5	R2	R1	R1B
<b>Residential Uses</b>						
Single Detached Dwelling	P	P	P	P	P	P
Duplex	P	P	P	P	P	P
Triplex	P	P	P	P	P	P
Quadplex	P	P	P	P	P	P
Townhouse/Rowhouse	P	P	P	P	P	P
Cottage Cluster	P	P	P	P	P	P
Adult foster/care homes	P	P	P	P	P	P
Accessory Dwelling Unit	P	P	P	P	P	P
Manufactured Dwelling						
Park	III	III	N	N	N	N
Multi-unit Development	P	CU	CU	P	P	P
Single Room Occupancy	P	CU	CU	CU	CU	CU
Residential Care Facility	P	CU	CU	P	P	P
Assisted Living						
Nursing Facility						
Memory care community						
<b>Commercial Uses</b>						
Personal/Business Services	P	N	N	N	N	N
Office	P	CU	CU	CU	CU	P
Hotel or motel	CU	N	N	N	N	CU
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	CU
<b>Accessory and Other Uses</b>						
Accessory Use	P	P	P	P	P	P
Agricultural or horticultural	P	P	P	P	P	P
Community Service Use	CSU	CSU	CSU	CSU	CSU	CSU
Home occupation	P	P	P	P	P	P
Short-term rental	P	P	P	P	P	P

Key differences

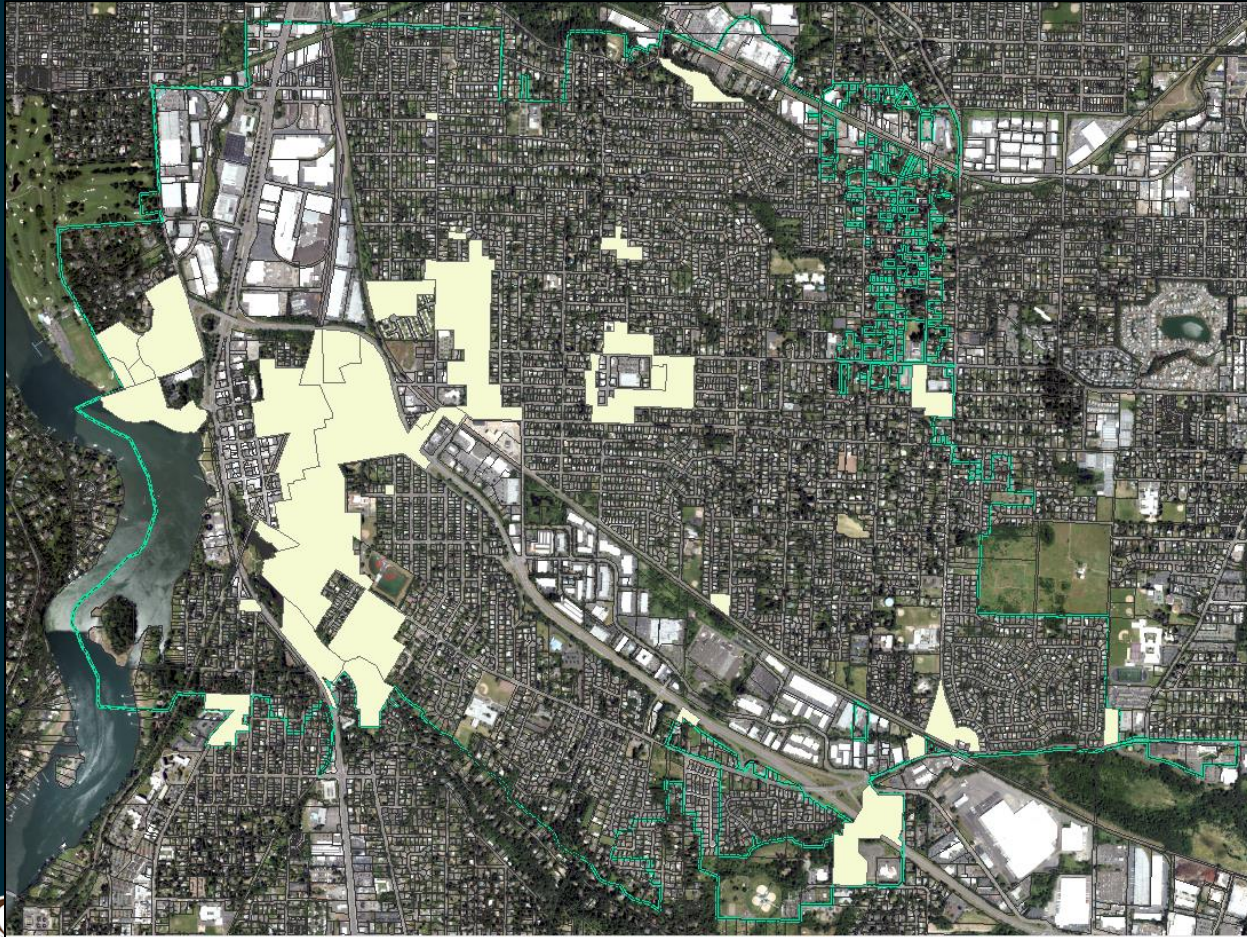
Key differences



# FULL CONSOLIDATION

Full Consolidation		Existing Code				
Standard	HDR	R3	R2.5	R2	R1	R1B
Max Building height	45 ft	35 ft	35 ft	45 ft	45 ft	45 ft
Side yard height plane	25 ft/45 degrees	20 ft/45 degrees	20 ft/45 degrees	25 ft/45 degrees	25 ft/45 degrees	25 ft/45 degrees
Max lot coverage	50%	40%	40%	45%	45%	50%
Min vegetation	15%	35%	35%	15%	15%	15%
Density (du/ac)						
min.	25	11.6	11.6	11.6	25	25
max.	32	14.5	17.4	17.4	32	32





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# FULL CONSOLIDATION





# APPROVAL CRITERIA (TYPE V CODE AND MAP AMENDMENTS)

- Demonstrated need for the amendments
- Consistency with:
  1. Other parts of Milwaukie Municipal Code
  2. Goals/policies of Comp Plan
  3. Metro Urban Growth Management Functional Plan
  4. State statutes and Statewide Planning Goals
  5. Relevant federal regulations
- Amendment to map is compatible with surrounding area:
  1. Location and character
  2. Expected changes in the development pattern
  3. Predominant land use pattern



# DECISION-MAKING OPTIONS

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1. Approve the originally proposed amendments (3 zones) as presented.
2. Approve the originally proposed amendments (3 zones) with changes.
3. Approve the alternative proposed amendments (1 zone)
4. Continue the hearing.



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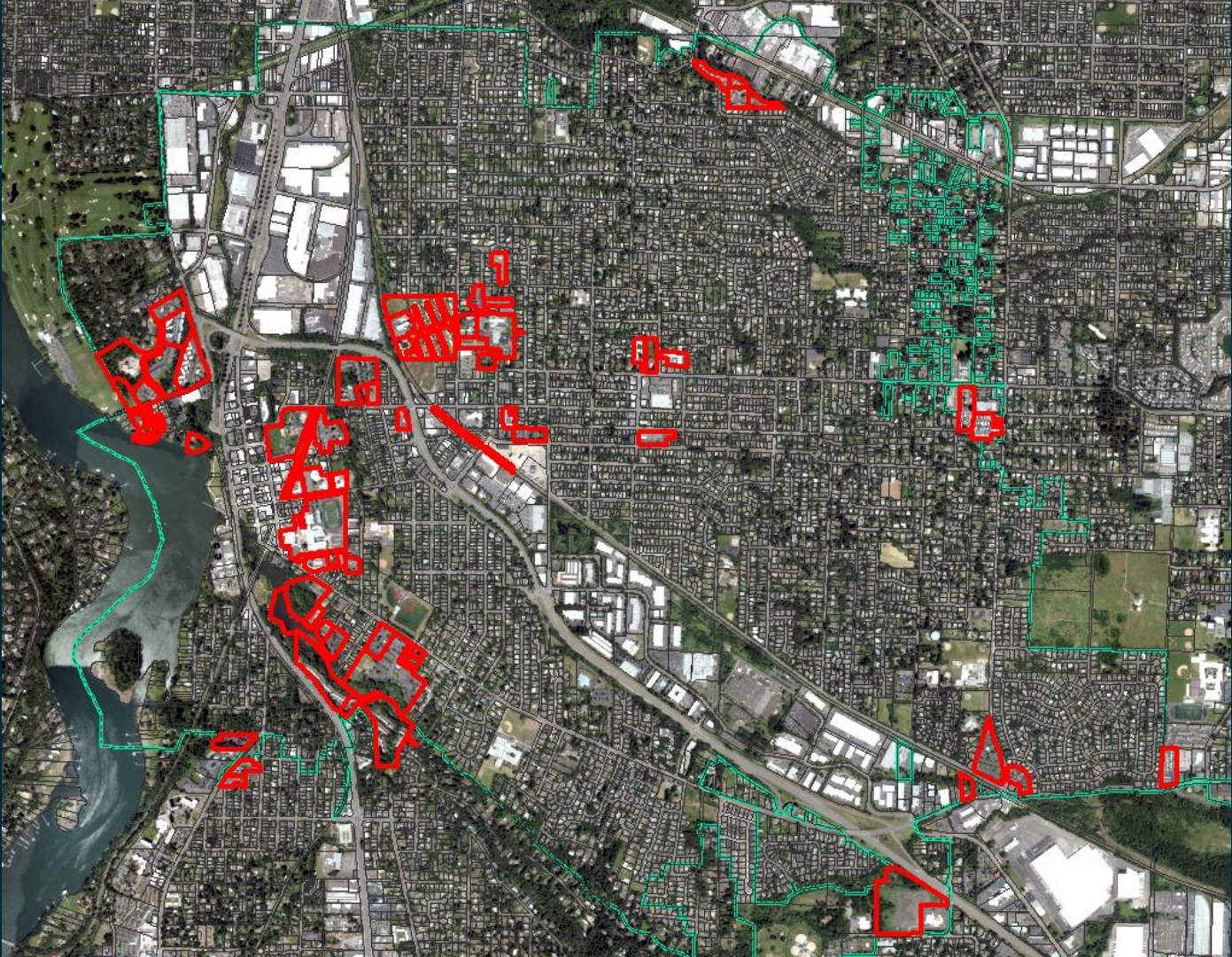
Questions?



# END OF PRESENTATION

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# HOUSING PRODUCED BY ZONE 2000-2020

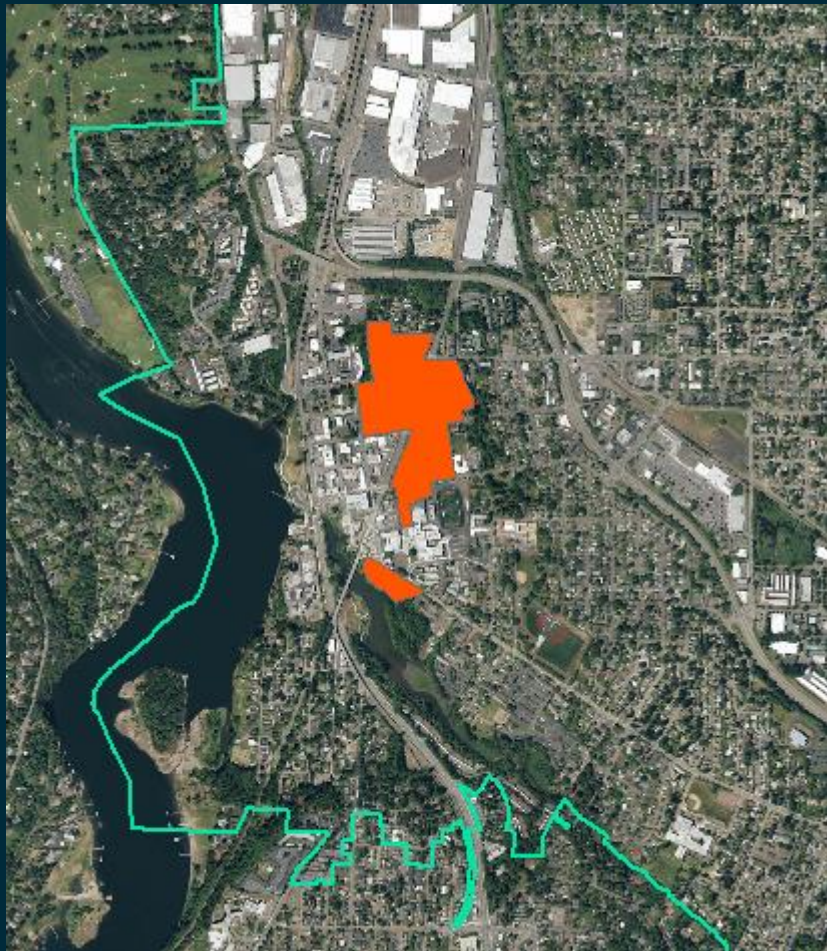
Zones	Single Dwelling Units			Multi Dwelling Units			Total, Combined			
	Units	Acres	Net Density	Units	Acres	Net Density	Units	Acres	Net Density	
Downtown Mixed Use	DMU	13	0	36.4	192	2	92.5	205	2.4	84.3
Neighborhood Mixed Use	NMU	1	0	5.6	2	0	11.1	3	0.4	8.4
High Density Residential	R-2	5	1	4.4	4	0	11.6	9	1.5	6.0
High Density Residential	R-3	6	1	8.2	4	0	14.0	10	1.0	9.9
Moderate Density Residential	R-MD	285	58	5.0	11	3	3.4	296	60.8	4.9
<b>Total</b>		<b>310</b>	<b>60</b>	<b>5.2</b>	<b>213</b>	<b>6</b>	<b>34.6</b>	<b>523</b>	<b>66</b>	<b>7.9</b>

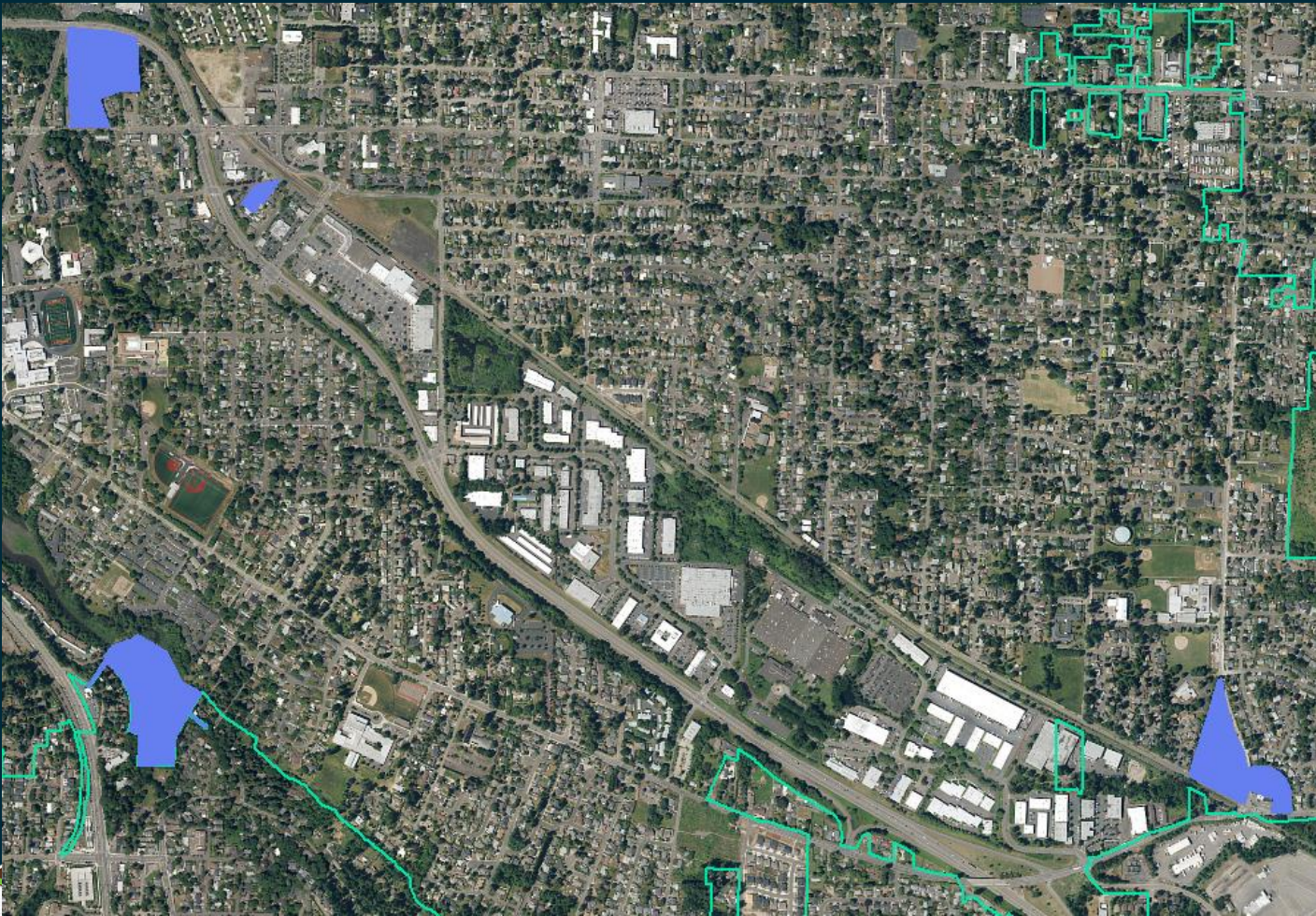
Source: RLIS & Regional Multifamily Database, Compiled by ECONW in 08/2022



# R-1-B ZONE

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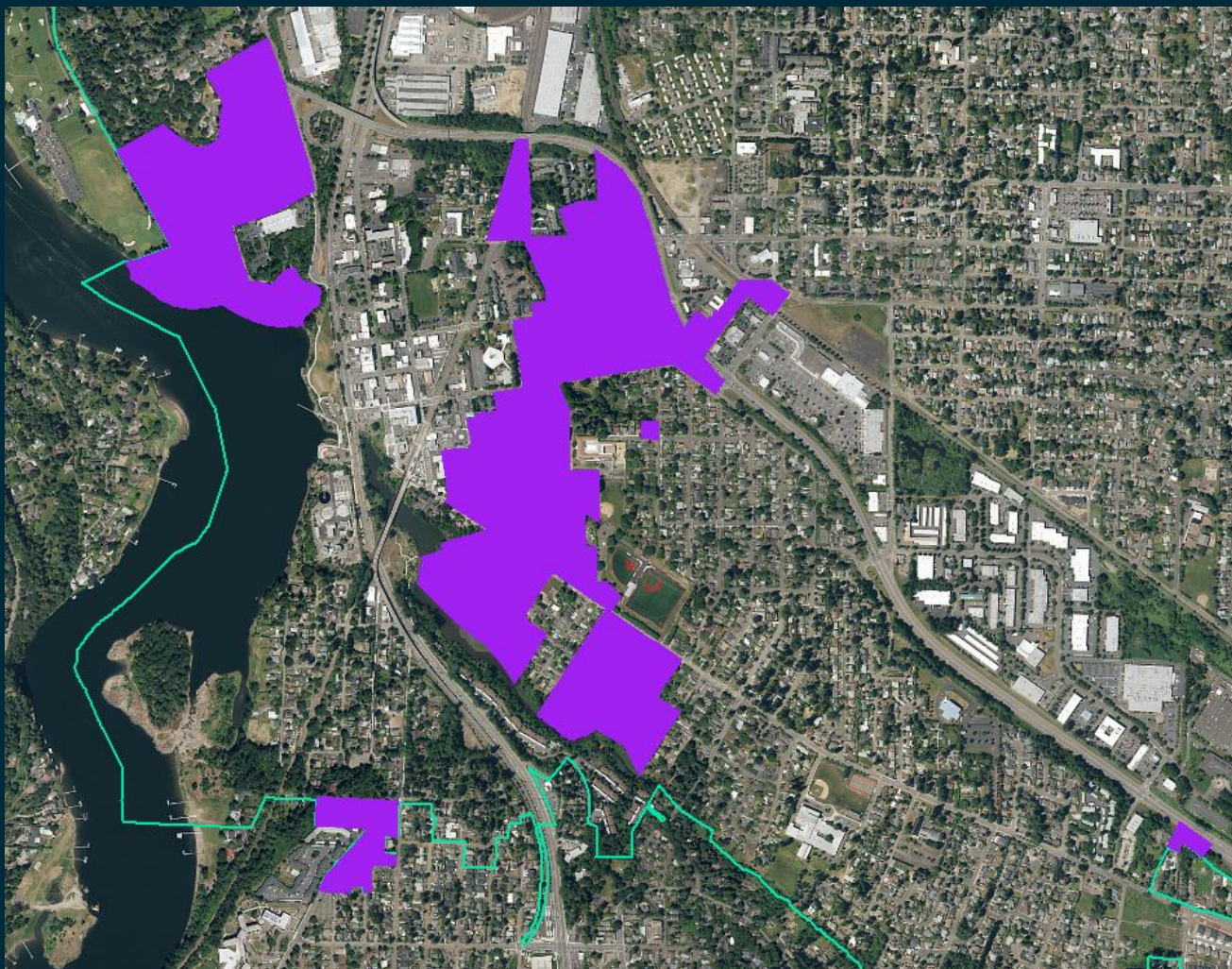




# EXISTING R-1 ZONE







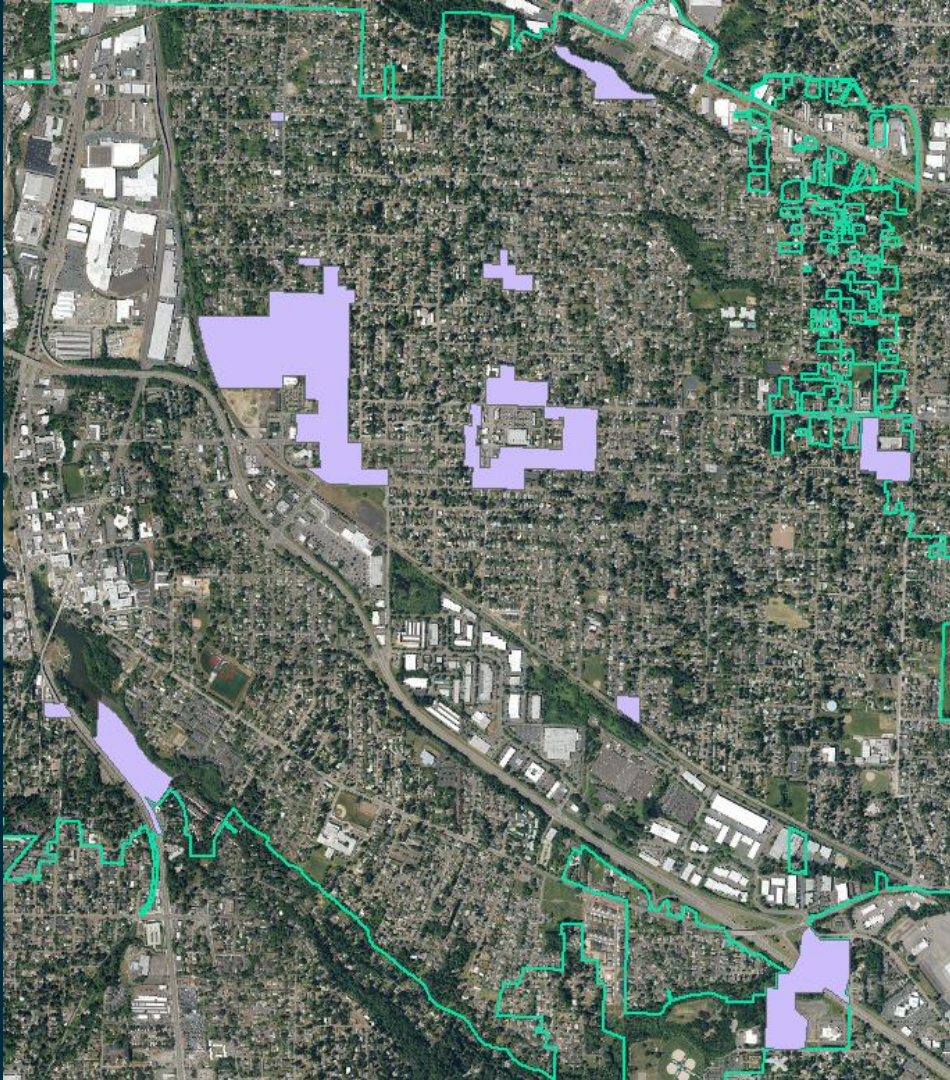
# EXISTING R-2 ZONE



# EXISTING R-2.5 ZONE



# EXISTING R-3 ZONE



# PROPOSED CONSOLIDATION - SUMMARY

	<b>Proposed Zones</b>	<b>R3</b>	<b>R2</b>	<b>R1-B</b>	<b>TOTAL</b>
<b>SIZE</b>	<b>Total Acres</b> <i>43,560 sqft = 1 acre</i>	124.6	175.5	30.2	330.3
	<b>Average Taxlot Area</b> <i>Sq Ft</i>	22,250	20,834	32,898	22,204
	<b>Total Taxlots</b>	<b>243</b> <i>38%</i>	<b>366</b> <i>56%</i>	<b>39</b> <i>6%</i>	<b>648</b>
<b>LAND USES</b>	<b>Single Detached Dwelling</b>	<b>175</b> <i>72%</i>	<b>180</b> <i>49%</i>	<b>17</b> <i>44%</i>	<b>372</b> <i>57%</i>
	<b>Two or more dwellings</b>	<b>30</b> <i>12%</i>	<b>154</b> <i>42%</i>	<b>4</b> <i>10%</i>	<b>188</b> <i>29%</i>
	<b>Commercial</b>	<b>23</b> <i>9%</i>	<b>11</b> <i>3%</i>	<b>14</b> <i>36%</i>	<b>38</b> <i>6%</i>



# PLANNING COMMISSION RECOMMENDATION

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## Council should find ways to preserve and protect manufactured home parks

State Law (ORS 90.645-660)

- Closure of a park requires notice to state
- 1 year notice to tenants
- Payment to tenants – depending on size of home
- Tax credits
- Prohibits a city from enforcing any local regulation adopted after 7/1/2007
  - Options:
    - Create a new zone for manufactured dwellings
    - Implement a local agency “toolkit” – Com Dev department



# DEVELOPMENT STANDARDS

- Eliminate “minimum site size” requirements for multi-unit development:

**Table 19.302.5.F.2**

**Minimum Site Size for Multifamily Development in the R-2, R-1, and R-1-B Zones**

<b>Units</b>	<b>R-2 Zone</b>	<b>R-1 and R-1-B Zone</b>
First Dwelling Unit	5,000 sq ft per unit	5,000 sq ft per unit
Additional Dwelling Units	1,500 sq ft per unit	1,400 sq ft per unit



# WHAT ARE 'BOARDING HOUSES'?

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Residential Use Type	Current Definition
<b>Boarding House</b>	A building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily, by persons paying consideration for sleeping purposes where meals may or may not be provided, and which is not occupied as a single-dwelling unit. Lodging capacity is subject to provisions of the Uniform Building Code.



# HISTORY OF 'SINGLE ROOM OCCUPANCY' DWELLINGS

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- The term “SRO” emerged in the mid-1800s to describe low-cost residential hotels, boarding houses, rooming houses, lodging houses, and the renting out of rooms in private apartments.
- Shared kitchen & eating facilities, sometimes bathrooms
- Separated units
- Often included other services

*Alabama munitions plant workers eating dinner at their boarding house. U.S. Farm Security Administration/Library of Congress. 1941*

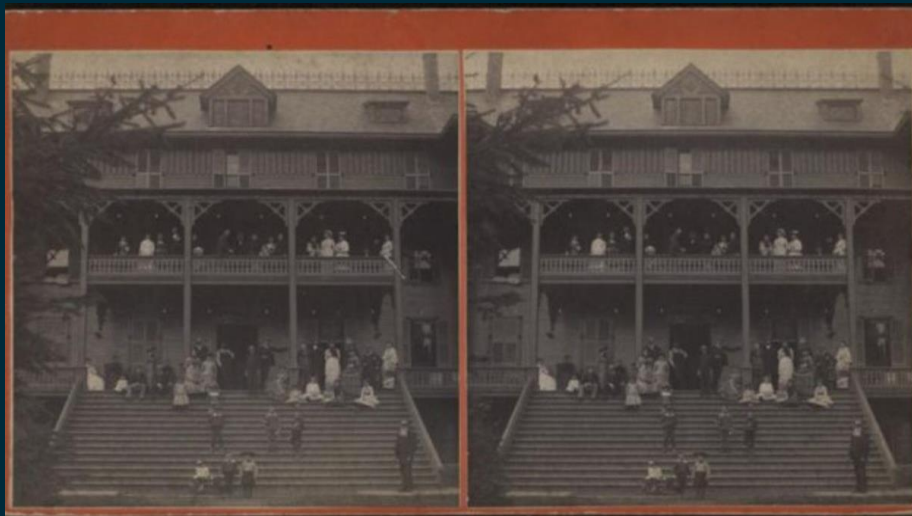




# HISTORY OF 'SINGLE ROOM OCCUPANCY' DWELLINGS

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- **Bedrock of affordable housing** for laborers in American cities
- **Upscale SROs** also provided housing for people of **middle and higher incomes**
- Emergence of **affordable single family homes** in suburbs **shifted the demographics** and income levels of SRO residents



*A Boarding House in 1860's New York City  
New York Public Library Digital Collections*



# HOUSING CHOICE OF LAST RESORT

- **Bottom of the market affordability** due to decreased demand
- **Increased stigmatization** of poverty, single person households, disability, and mental illness
- Inadequate **services**, problematic **design elements**, chaotic **high-contact living**
- Many US cities **banned SROs**
- U.S. lost **2 million+ SRO units** since 1970



*Jackson House in Tampa, FL. Closed in 1989 and remodeled into a museum*



# NEW & IMPROVED SROs

- Efforts to **preserve existing SROs** are meant to reduce houselessness and stabilize residents
- Portland is developing **new affordable SROs** that improve upon the historical SRO model
- Cities like Seattle are developing new **market-rate SROs** akin to adult dorm living
- New SROs are sometimes **motel conversions**



*Joyce Hotel purchased by the Portland Housing Bureau to preserve units*



# NEW & EXISTING SRO EXAMPLES



# PROPOSED AMENDMENT: OFFICE USES

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- **Currently, there are 3 Office types:**
  - **Production-related office**
  - **Professional and administrative office**
  - **Traditional office**
- **Proposal:**
  - **Production-related office**
  - **Combine the others into: Professional and administrative office**
- **Make changes throughout code for consistency**



**COUNCIL STAFF REPORT**

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

**Date Written:** Nov. 3, 2022

**Reviewed:** Joseph Briglio, Community Development Director,  
Laura Weigel, Planning Manager, and  
Natalie Rogers, Climate Action and Sustainability Manager

**From:** Brett Kelter, Senior Planner, and  
Adam Heroux, Associate Planner

**Subject:** **EV Charging Infrastructure**

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**ACTION REQUESTED**

Staff is requesting that Council adopt the proposed amendments to the zoning code in accordance with state law regarding infrastructure for electric vehicle (EV) charging.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

[October 25, 2022:](#) Planning Commission held a public hearing and recommended EV infrastructure zoning code amendments for approval by Council.

[September 27, 2022:](#) Planning Commission held a work session on proposed EV infrastructure zoning amendments to meet new state requirements in Oregon House Bill (HB) 2180 and the Climate Friendly & Equitable Communities (CFEC) rulemaking.

[August 16, 2022:](#) Council held a work session focused on the state requirements for EV charging infrastructure.

[October 6, 2020:](#) Council signed a letter expressing support for Oregon Governor Kate Brown's Electric Vehicles Roadmap Initiative and a future Oregon zero-emissions vehicle requirement.

[August 18, 2020:](#) Council adopted the 2040 Milwaukie Comprehensive Plan, which includes several policies aimed at increasing the prevalence of EV charging stations in Milwaukie.

[October 2, 2018:](#) Council adopted the Climate Action Plan (CAP) to achieve carbon neutrality by reducing greenhouse gas emissions and offsetting or capturing as much carbon as the Milwaukie community emits. The plan includes several actions related to EVs, including direction to implement EV-related zoning regulations for commercial buildings and multifamily housing.

## ANALYSIS

### Background Information

Over the last year, the state government has taken several actions toward expanding EV-ready infrastructure in Oregon, including the following two efforts:

- 1) [HB 2180](#), which passed in May 2021; and
- 2) Oregon Administrative Rule ([OAR](#)) [660-12-0410](#), which emerged from the CFEC rulemaking process.

**HB 2180** – In May 2021, the Oregon Legislature enacted HB 2180, requiring that all newly constructed buildings include EV-capable electrical service capacity<sup>1</sup> for no less than 20% of the vehicle parking spaces in the garage or parking area. Effective as of July 1, 2022, these new state building code requirements apply to commercial buildings as well as multifamily and mixed-use buildings with five or more dwelling units. These requirements are implemented by the building department as a part of the building permit process.

In general, jurisdictions are not allowed to exceed requirements of the base building code in the state of Oregon, and specific language is required in the state building code to allow jurisdictions to establish requirements that exceed base building code requirements. HB 2180, codified in [ORS 455.417](#), includes an exception allowing jurisdictions to require a higher percentage of EV-capable parking spaces than the base state building code. HB 2180 and the resulting changes to the building code specific to EV charging create an opportunity for the city to explore expanded EV-charging requirements that better reflect the adopted climate goals and policies in the Climate Action Plan and Comprehensive Plan.

**CFEC (OAR 660-12-0410)** – On March 10, 2020, Governor Brown issued [Executive Order 20-04](#), directing state agencies to reduce climate pollution. In response, the Land Conservation and Development Commission (LCDC) initiated an update to Oregon's transportation planning administrative rules in September 2020. The new rules, adopted in May 2022, apply in Oregon's eight urban areas with populations over 50,000 people, including the Portland Metro region. **OAR 660-12-0410** expands requirements for EV-capable (level 2) infrastructure (Table 2) by an additional 20% beyond the 20% HB 2180 requires in the building code. Combined, these rules require new mixed use and multifamily buildings with five or more units to provide EV-capable (level 2) infrastructure serving no less than 40% of parking spaces.

Table 1 summarizes and compares aspects of these two new legal requirements.

---

<sup>1</sup> This means that enough electrical capacity is installed to support future EV charging, including the installation of a conduit system labeled for EV charging that extends from the building's electrical service.

**Table 1  
New State Requirements for EV-capable infrastructure**

	HB 2180 (ORS 455.417)	CFEC (OAR 660-12-0410)
<b>Amends the State Building Code</b>	Yes	No
<b>Mandates amendments to Milwaukie city code</b>	No	Yes
<b>Applies to Mixed Use &amp; Multifamily Buildings with 5+ units</b>	Yes	Yes
<b>Applies to Commercial Buildings</b>	Yes	No
<b>Applies only to new construction</b>	Yes	Yes
<b>Requires EV-capable parking spaces that can support level 2 chargers</b>	Yes (20%)	Yes, (40%)
<b>Effective date</b>	07/01/2022	03/31/2023




**Service Capacity and Types of Charging Stations**

Interest groups and federal agencies share some common definitions for different levels of electrical service capacity. These new state requirements focus on EV-capable spaces to accommodate level 2 chargers.

Tables 2 and 3 compare the various levels of charging type and service capacity, respectively.



**Table 2**  
**Levels of EV Charging\***

Level 1	Level 2	Level 3 (aka DC Fast Charging)
 <ul style="list-style-type: none"> <li>• Great for overnight charging</li> <li>• Plug into a typical grounded outlet</li> <li>• All you need is the charging cable that comes with your car</li> </ul>	 <ul style="list-style-type: none"> <li>• Uses 240-volt outlet (dedicated EV-charging)</li> <li>• Ideal for all-electric car charging at home, at work, or on the road</li> <li>• Recharge in just a few hours</li> </ul>	 <ul style="list-style-type: none"> <li>• Recharge in less than an hour</li> <li>• Plug shape matters:               <ol style="list-style-type: none"> <li>1) CHAdeMO standard for Japanese and Korean cars</li> <li>2) CCS Combo standard for most American and European cars</li> <li>3) Tesla (unique plug shape)</li> </ol> </li> </ul>

\* These definitions were sourced from Forth, a nonprofit working to “electrify transportation by bringing people together to create solutions that reduce pollution and barriers to access.”

**Table 3**  
**Spectrum of EV Charging Infrastructure**

**EV Capable**



Enough electrical capacity is installed—or space is reserved at the panel—to support future EV charging spots. Additionally, a conduit system labeled for EV charging is installed from the building electrical service, or from the dedicated space or location for a future electrical service.

**EV Ready**



EV-capable requirements are met, in addition to wiring & junction box or 240-volt outlet (like for a clothes dryer).

**EV Installed**



All EV-capable and EV-ready requirements are met, plus an actual EV charging station is installed.

## **Equity**

A primary intent of the new rules is to improve access to EV charging infrastructure for renters. Access to charging is a major factor in deciding whether to buy an EV. More than 80% of EV charging occurs at home, yet renters often lack the access to an EV charger or an electrical outlet close to parking that can provide charging services for sufficient amounts of time. In the US, homeowners are three times more likely than renters to own an EV. Some barriers for renters include a lack of off-street parking, high cost of charging installations, and unwillingness of apartment-building owners to install charging infrastructure. Given that renters move more often than homeowners, lack of charging access could negatively affect housing choice for renters who are EV owners. These new requirements eliminate some costly barriers to charging station installation, ensuring increased access to EV charging for Milwaukie renters residing at future multi-unit developments.

Milwaukie's 2018 CAP also includes several strategies meant to increase access to EVs and EV charging infrastructure. Installing charging infrastructure at time of development is much cheaper than the cost of retrofits if charging infrastructure is pursued post-development. While development requirements imposed on new construction can create increased rent pressures, an economic study commissioned for Portland's EV-ready code project estimated that their proposed changes would contribute to an increase in rents of less than 1%.

## **Climate Impacts**

Milwaukie's CAP includes EV-ready zoning regulations as a priority mitigation strategy for transportation emissions. While alternative transportation methods including bikes and pedestrian transportation can provide greater emission reduction potentials, automobiles are expected to remain a significant part of our transportation mix over the lifespan of the CAP. EVs as a form of vehicle transportation provide an opportunity to reduce local emissions from transportation, though their lifecycle emission reduction potential is dependent upon use of carbon free electricity for charging. Recent initiatives from the city including efforts to create a new, more affordable voluntary carbon-free electricity product for the community and promotion of rooftop solar would increase the availability of carbon-free electricity for EV charging and could lower Milwaukie's transportation emissions with community utilization.

Conduit installation during construction is critical for achieving Oregon's state goal that more than 90% of new vehicles are EVs by 2035, especially given that buildings typically have 80- to 100-year lifespans. The CAP also proposes that the city create: 1) a program to install EV charging infrastructure at multi-unit housing complexes and 2) incentives for workplace EV charging.

## **Achieving Minimum Compliance**

As noted above in Table 1, the changes required by HB 2180 are implemented through the state building code, so it was not necessary to amend the City's zoning code by July 1, 2022, to be compliant with HB 2180. This requires that 20% of parking spaces must be EV-ready (level 2) for new commercial development and for new mixed-use or multi-unit residential development with five or more residential units.

The CFEC rule requires adoption of the HB 2180 requirements into the zoning code, though only for new mixed-use and multi-unit buildings with five or more residential units and not for new commercial buildings. The CFEC rule requires an additional 20% of parking spaces be EV-ready (level 2), for a total of 40% when combined with HB 2180.

### **Exceeding Minimum Compliance**

Since HB 2180 gives cities the authority to exceed the state building code requirements of 20% EV-capable parking spaces for multifamily, mixed-use, and commercial buildings, it is worth considering whether to have Milwaukie's code require more than the minimum. Important considerations are (1) the city's goals and policies for climate action, housing, and economic development; and (2) understanding the pros and cons of going beyond the minimum state requirements. Jurisdictions wishing to go beyond these building code requirements—for instance, requiring installed chargers—would need to follow the local amendment process established by [OAR 455.040](#) and detailed by [OAR 918-020-0370](#).

Staff discussed these EV-charging requirements in a work session with Council on August 16. Council indicated support for going well beyond the minimum requirements of the rules and directed staff to develop compliance options that would provide opportunities for EV charger installation. Council suggested requiring that up to 100% of parking spaces be made EV-capable, with the option of meeting a reduced EV-capable requirement if the applicant includes a smaller percentage of installed EV chargers. Council expressed support for utilizing this approach for both residential and commercial developments.

Staff followed Council direction and proposed requiring that 100% of parking spaces provided for residential developments be EV-capable (50% for commercial developments), with a reduced compliance standard if a percentage of spaces include an installed EV charger(s). The state Building Codes Division rule [OAR 918-460-0200](#) makes it clear that installed chargers count toward the EV-capable requirement. Table 4 below shows the number of EV-capable spaces that the proposed amendments would require for various parking lot sizes, comparing the recommended option to the minimum standard for compliance outlined in the new state rules. Under the proposed code changes, applicants would have the option to seek a Type III variance, though applicants may not go below the state minimum requirements outlined in HB 2180 and/or the CFEC standards.

See Attachment 1-b for the underline/strikeout version of the proposed amendments and Attachment 1-c for the clean version.

**Table 4  
Total EV-Capable Spaces Created and EV Chargers Installed by Compliance Scenarios**

Commercial Scenarios			Spaces Created with EV infrastructure								Residential Scenarios				Spaces Created with EV infrastructure							
			<i>(Parking Lot Size)</i>												<i>(Parking Lot Size)</i>							
			2	6	10	15	25	50	75	100					2	6	10	15	25	50	75	100
Minimum Compliance		% EV capable 20%	1	2	2	3	5	10	15	20	Minimum Compliance		% EV capable 40%	1	3	4	6	10	20	30	40	
Proposed Compliance Options <i>(Choose A or B)</i>	Option A	% EV capable 50%	1	3	5	8	13	25	38	50	Proposed Compliance Options <i>(Choose A or B)</i>	Option A	% EV capable 100%	2	6	10	15	25	50	75	100	
	Option B	% EV capable 20%	1	2	2	3	5	10	15	20		Option B	% EV capable 40%	1	3	4	6	10	20	30	40	
		% Chargers 5%	1	1	1	1	2	3	4	5			% Chargers 10%	1	1	1	2	3	5	8	10	
<i>Note: Spaces with an installed charger count toward the EV capable requirements</i>														100% EV-capable spaces								
														75-99.99% EV-capable spaces								
														50-74.99% EV-capable spaces								

See Attachment 1-b for the underline/strikeout version of the proposed amendments or Attachment 1-c for the clean version.

### **BUDGET IMPACTS**

No significant impacts. The planning department budgets each year for code amendments.

### **WORKLOAD IMPACTS**

No significant impacts. Staff from the planning and building departments allocate time every year to work on code amendment projects; the amendments necessary to comply with HB 2180 and CFEC will be absorbed into each department's regular workload.

### **CLIMATE IMPACTS**

The CAP includes EV-related zoning regulations as a priority mitigation strategy. While alternative methods of transportation provide greater climate benefit, automobiles are expected to remain a significant part of our transportation mix over the lifespan of the CAP. EVs provide an opportunity to reduce local emissions from transportation, though their total climate impact is dependent upon availability of renewable sources of electricity.

Conduit installation during construction is critical for achieving Oregon's goal that more than 90% of new vehicles are EVs by 2035, especially given that buildings are understood to be 80- to 100-year structures. The CAP also proposes that the city:

- 1) Create a program to install EV charging infrastructure at multi-unit housing complexes,
- 2) Develop incentives for workplace EV charging, and
- 3) Support outreach efforts to encourage shift to electric vehicles.

### **STAFF RECOMMENDATION**

Staff recommends that Council adopt the proposed ordinance, findings, and code amendments found in Attachment 1.

### **ALTERNATIVES**

Council may opt to remove the installed-charger option and simply adopt the minimum EV-capable requirements established in OAR 660-12-0410. Alternately, Council could opt to remove the installed-charger option but still adopt some level of expanded EV-capable requirements.

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

The city attorney has reviewed the proposed amendments and concurs that they meet the minimum state requirements and do not exceed the city's regulatory authority. The planning commission held a public hearing on October 25, 2022 and voted unanimously to recommend that Council adopt the amendments as proposed.

### **ATTACHMENTS**

1. Adopting Ordinance
  - a. Findings in Support of Approval
  - b. Proposed Amendments (underline/strikeout version)
  - c. Proposed Amendments (clean version)

**COUNCIL ORDINANCE No.****AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE TO ESTABLISH ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS (FILE #ZA-2022-006).**

**WHEREAS** it is the intent of the City of Milwaukie through its 2018 Climate Action Plan to implement electric vehicle (EV) ready zoning regulations for commercial buildings and multifamily housing, and

**WHEREAS** the State of Oregon adopted new requirements regarding EV charging infrastructure that must be adopted by local jurisdictions in early 2023, as reflected in the following rules and statutes: Oregon Revised Statute (ORS) 455.417, Oregon Administrative Rule (OAR) 660-12-0410, and OAR 918-460-0200, and

**WHEREAS** legal and public notices have been provided as required by law, and multiple opportunities for public review and input have been provided, and

**WHEREAS** on October 25, 2022, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments, 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. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code (MMC) is amended as described in Exhibit B (underline/strikeout version) and Exhibit C (clean version).

Section 3. Effective Date. The amendments will become effective 30 days from the date of adoption.

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

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

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

ATTEST:

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Mark F. Gamba, Mayor

APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney

**Findings in Support of Approval  
File #ZA-2022-006  
EV Charging Infrastructure Code Amendments**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend Title 19 Zoning to comply with new state rules for electric vehicle (EV) charging infrastructure for off-street parking spaces associated with new commercial and industrial development as well as with new multi-unit and mixed-use developments with more than five dwelling units. Amendments are proposed to MMC Chapter 19.600 Off-Street Parking and Loading. The land use application file number is ZA-2022-006.
2. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.902 Amendments to Maps and Ordinances
  - MMC Section 19.1008 Type V Review

The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on October 25, 2022, and November 15, 2022, as required by law.

3. MMC Section 19.902 Amendments to Maps and Ordinances

MMC 19.902 establishes the general process for amending the City's Comprehensive Plan and land use regulations within the municipal code. MMC Subsection 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows:

- a. MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the municipal code be evaluated through a Type V review per MMC Section 19.1008.

*The Planning Commission held a duly advertised public hearing on October 25, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on November 15, 2022, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- b. MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (1) MMC Subsection 19.905.B.1 requires that the proposed amendments be consistent with other provisions of the Milwaukie Municipal Code.

*The proposed amendments are consistent with other provisions of the Milwaukie Municipal Code, including MMC Chapter 19.600 Off-Street Parking and Loading.*

*This standard is met.*

- (2) MMC Subsection 19.902.5.B.2 requires that the proposed amendments be consistent with the goals and policies of the Comprehensive Plan.

*The following goals and policies of the Comprehensive Plan support the amendments to require the installation of EV charging infrastructure for some new developments:*

Section 6 – Climate Change & Energy

Promote energy efficiency and mitigate the anticipated impacts of climate change in Milwaukie through the use of efficient land use patterns, multimodal transportation options, wise infrastructure investments, and increased community outreach and education as outlined in the City’s Climate Action Plan.

Goal 6.2 – Transportation and Utility Infrastructure

Maintain and expand Milwaukie’s transportation and utility infrastructure in a manner that facilitates greater redundancy, resiliency, energy conservation, and emissions reductions.

Policy 6.2.5

Aim to increase the use of electric and other clean energy vehicles through a mix of infrastructure improvements, incentives, and development requirements.

Section 8 – Urban Design & Land Use

Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

Goal 8.2 – Livability

Enhance livability by establishing urban design concepts and standards that help improve the form and function of the built environment.

Policy 8.2.2

Parking design policies: ... h) Expand the number of electric vehicle charging stations in both public and private parking areas

Section 10 – Public Facilities & Services

Plan, develop and maintain an orderly and efficient system of public facilities and services to serve urban development.

Goal 10.9 – Energy and Communication Services

Ensure that energy and communications services are adequate to meet residential and business needs.

Policy 10.9.3

Encourage the provision of electric vehicle charging stations in appropriate locations.



*The proposed amendments implement sections of the comprehensive plan related to electric vehicle charging. The amendments propose new requirements for parking created through new developments that are commercial, industrial, or multi-unit/mixed-use residential with five or more dwelling units. By requiring a base level of EV charging infrastructure, these new requirements will help building owners save money in the long term and will expand access to EV charging.*

*This standard is met.*

- (3) MMC Subsection 19.902.5.B.3 requires that the proposed amendments be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed amendments are consistent with the Metro Urban Growth Management Functional Plan. A Metro representative has confirmed that a detailed analysis of the Functional Plan is not required.*

*This standard is met.*

- (4) MMC Subsection 19.902.5.B.4 requires that the proposed amendments be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed amendments were initiated in response to House Bill 2180 and the Climate Friendly and Equitable Communities rulemaking process undertaken by the Department of Land Conservation and Development, which focused on establishing statewide requirements for EV infrastructure. The proposed amendments comply with OAR 660-12-0410, ORS 455.417, and OAR 918-460-0200, all of which were adopted to implement these new state requirements.*

*In addition, the proposed amendments are consistent with the following relevant statewide planning goals:*

#### Goal 1 – Citizen Involvement

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

*The City has an adopted and acknowledged amendment process and has followed that process in making the proposed amendments. Public hearings on the proposed amendments have been held and public notice was published prior to each hearing. In addition, the Planning Commission members are appointed by an elected City Council, following an open and public selection process.*

#### Goal 6 Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water, and land resources of the state.

*The proposed amendments will make EV charging more accessible to renters as well as to employees and customers of commercial and industrial businesses in Milwaukie. As a result, it is likely that Milwaukie will see an increase in EV usage and a decrease in polluting internal combustion vehicles. EVs as a form of vehicle transportation provide an opportunity to reduce the impact of local emissions on air quality, though their lifecycle emission-reduction potential is linked to the availability of carbon-free electricity for charging.*

#### Goal 13 Energy Conservation

To conserve energy.

*Recent initiatives from the City, including efforts to create a new, more affordable voluntary carbon-free electricity product for the community and the promotion of rooftop solar generation, would increase the availability of carbon-free electricity for EV charging and could lower Milwaukie's transportation emissions with community utilization. The requirement to provide EV charging infrastructure on-site at new mixed-use and multi-unit developments with 5 or more units will lead to more EV charging where people prefer to charge the most—at home—while reducing unnecessary trips to other off-site charging stations. Requiring conduit installation during construction is a critical step toward achieving Oregon's state goal that more than 90% of new vehicles are EVs by 2035, especially given that buildings typically have 80- to 100-year lifespans.*

*This standard is met.*

- (5) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

*The proposed amendments are not inconsistent with any relevant federal regulations.*

*This standard is met.*

*The City Council finds that the proposed amendments to MMC Chapter 19.600 (Off-Street Parking and Loading) are consistent with the applicable approval criteria for zoning text amendments as established in MMC 19.902.5.B.*

*The City Council finds that the proposed zoning text amendments are approvable in accordance with the applicable procedures and standards of MMC 19.902.*

#### 4. MMC Section 19.1008 Type V Review

MMC 19.1008 establishes the procedures and requirements for Type V review, which is the process for legislative actions. The City Council, Planning Commission, Planning Manager, or any individual may initiate a Type V application.

*The amendments were initiated by the Planning Manager on August 1, 2022.*

- a. MMC Subsection 19.1008.3 establishes the public notice requirements for Type V review.

(1) MMC Subsection 19.1008.3.A General Public Notice

MMC 19.1008.3.A establishes the requirements for public notice

(a) MMC Subsection 19.1008.3.A.1 requires opportunity for public comment.

*The Planning Commission had one work session about the proposed code amendment language on September 27, 2022. Proposed code amendments were first posted on the application webpage on September 23, 2022, and have been updated since as needed. On September 23, 2022 staff emailed Neighborhood District Association (NDA) leaders with information about the hearing and a link to the draft proposed amendments.*

(b) MMC Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

*A notice of the Planning Commission's October 25, 2022, hearing was posted as required on September 23, 2022. A notice of the City Council's November 15, 2022, hearing was posted as required on October 14, 2022.*

(c) MMC Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

*The proposed amendments will apply to all properties in the city, so notice is not required for specific geographies or individual property owners.*

(2) MMC Subsection 19.1008.3.B DLCD Notice

MMC Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to DLCD on September 20, 2022.*

(3) MMC Subsection 19.1008.3.C Metro Notice

MMC Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to Metro on September 20, 2022.*

(4) MMC Subsection 19.1008.3.D Property Owner Notice (Measure 56)

MMC Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

*The proposed amendments will not affect the permissible uses of land. The proposed amendments simply require the provision of electrical service capacity and conduit for parking spaces created in conjunction with specific developments.*

b. MMC Subsection 19.1008.4 Type V Decision Authority

MMC 19.1008.4 establishes that the City Council is the review authority for Type V applications and may approve, approve with conditions, amend, deny, or take no action on a Type V application after a public hearing.

*The City Council held a public hearing to consider this application on November 15, 2022, and approved the proposed amendments as presented.*

c. MMC Subsection 19.1008.5 Type V Recommendation and Decision

MMC 19.1008.5 establishes the procedures for review and a decision on Type V applications. The process includes an initial evidentiary hearing by the Planning Commission and a recommendation to the City Council, followed by a public hearing and decision by the City Council.

*The Planning Commission held an initial evidentiary hearing on October 25, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on November 15, 2022, and approved the proposed amendments as presented.*

*The City Council finds that the applicable requirements of MMC 19.1000 have been met.*

(Underline/Strikeout Version)

**Title 19 Zoning Ordinance**

**CHAPTER 19.600 OFF-STREET PARKING AND LOADING**

**19.605 Vehicle Parking Quantity Requirements**

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Subsection 19.605.5 details requirements for installing electric vehicle (EV) charging infrastructure in multi-unit, mixed-use, commercial, and industrial developments. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

~~Nonresidential development in the Downtown Mixed Use (DMU) and Open Space (OS) Zones is exempt from the requirements of Section 19.605.~~

**19.605.5 Electric Vehicle (EV) Charging Requirements**

**Required EV charging spaces.** All uses that are commercial, industrial, multi-unit with 5 or more units, or mixed-use with 5 or more units must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

A. **Commercial and Industrial Parking.** For commercial and industrial uses that provide off-street parking, choose one of the following:

- 1) At least 50% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

**OR**

- 2) At least 20% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

B. **Multi-Unit and Mixed-Use Residential Parking.** For buildings with five or more dwelling units where off-street parking spaces are provided, choose one of the following:

- 1) All (100%) of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

**OR**

- 2) At least 40% of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

(Clean Version)

## Title 19 Zoning Ordinance

### CHAPTER 19.600 OFF-STREET PARKING AND LOADING

#### 19.605 Vehicle Parking Quantity Requirements

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Subsection 19.605.5 details requirements for installing electric vehicle (EV) charging infrastructure in multi-unit, mixed-use, commercial, and industrial developments. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

#### 19.605.5 Electric Vehicle (EV) Charging Requirements

**Required EV charging spaces.** All uses that are commercial, industrial, multi-unit with 5 or more units, or mixed-use with 5 or more units must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

- A. **Commercial and Industrial Parking.** For commercial and industrial uses that provide off-street parking, choose one of the following:
- 1) At least 50% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;
- OR**
- 2) At least 20% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.
- B. **Multi-Unit and Mixed-Use Residential Parking.** For buildings with five or more dwelling units where off-street parking spaces are provided, choose one of the following:
- 1) All (100%) of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;
- OR**
- 2) At least 40% of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

RS 8. B. 11/15/22 Presentation

# REQUIREMENTS FOR EV CHARGING INFRASTRUCTURE

City Council Public Hearing  
Land Use File #ZA-2022-006  
November 15, 2022

Brett Kelter, Senior Planner  
Adam Heroux, Associate Planner



# NEW STATE REQUIREMENTS

- **House Bill 2180 (HB 2180)**
- **Climate Friendly & Equitable Communities (CFEC) Rulemaking**
- **Deadline for code amendments = March 31, 2023**



*Milwaukie's Electric Avenue*








# HB 2180 & CFEC RULE COMPARISON

<b>Table 3</b> <b>New Statewide Requirements for EV-Capable Infrastructure</b>		
	<b>HB 2180</b> <b>(ORS</b> <b>455.417)</b>	<b>CFEC</b> <b>(OAR 660-12-</b> <b>0410)</b>
<b>Amends the State Building Code</b>	<b>Yes</b>	<b>No</b>
<b>Mandates amendments to Milwaukie city code</b>	<b>No</b>	<b>Yes</b>
<b>Applies to Mixed-Use &amp; Multifamily Buildings with 5+ units</b>	<b>Yes</b>	<b>Yes</b>
<b>Applies to Commercial Buildings</b>	<b>Yes</b>	<b>No</b>
<b>Applies only to New Construction</b>	<b>Yes</b>	<b>Yes</b>
<b>Requires EV-capable parking spaces that support Level 2 chargers</b>	<b>Yes</b> <b>(20%)</b>	<b>Yes</b> <b>(40%)</b>
<b>Effective date</b>	<b>07/01/2022</b>	<b>03/31/2023</b>



# LEVELS OF EV CHARGING INFRASTRUCTURE

Table 1  
Levels of EV Charging\*

Level 1	Level 2	Level 3
 <ul style="list-style-type: none"><li>• Great for overnight charging</li><li>• Plug into a typical grounded outlet</li><li>• All you need is the charging cable that comes with your car</li></ul>	 <ul style="list-style-type: none"><li>• Uses 240-volt outlet (dedicated EV-charging)</li><li>• Ideal for all-electric car charging at home, at work, or on the road</li><li>• Recharge in just a few hours</li></ul>	 <ul style="list-style-type: none"><li>• Recharge in less than an hour</li><li>• Plug shape matters:<ol style="list-style-type: none"><li>1) CHAdeMO standard for Japanese and Korean cars</li><li>2) CCS Combo standard for most American and European</li><li>3) Tesla (unique plug shape)</li></ol></li></ul>

\* These definitions were sourced from Forth, a nonprofit working to “electrify transportation by bringing people together to create solutions that reduce pollution and barriers to access.”



# SPECTRUM OF EV CHARGING INFRASTRUCTURE

Table 2  
Spectrum of EV Charging Infrastructure

## EV Capable



- Electrical capacity is installed—or space is reserved at the panel.
- A conduit system labeled for EV-charging

## EV Ready



- EV Capable requirements are met
- Wiring is installed
- A junction box or 240V outlet is installed

## EV Installed



- All EV-capable and EV-ready requirements are met
- An actual EV charging station is installed.



# WHAT IS REQUIRED BY THE NEW RULES?

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- **40% of new parking spaces must be Level 2 capable** (new multi-unit or mixed-use buildings with 5 units or more)
- **Electrical service capacity** (or space reserved at the panel) **and conduit marked for EV charging**
- ❖ **Cannot require installed EV chargers, nor EV-ready wiring and outlet**



# EQUITY CONSIDERATIONS

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- **Reduced local air pollution** from traffic
- 80% of EV charging **occurs at home**
- Homeowners are **3x more likely** to own EVs — **renters often lack EV chargers** at home
- Likely to **increase EV access** for renters
- **Small impact** on expected rent levels



# EVs IN THE CLIMATE ACTION PLAN

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- *Implement “electric vehicle ready” zoning regulations for commercial buildings and multifamily housing*
- **Create a program** to install EV charging infrastructure at multi-unit housing complexes;
- **Develop incentives** for workplace EV charging; and
- **Support outreach efforts** to encourage shift to electric vehicles.



# CITY COUNCIL DIRECTION

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**At its August 16 work session**, Council expressed support for:

- Increased requirements beyond CFEC and HB 2180 standards
- Compliance options that prioritize installed chargers



# PROPOSED AMENDMENTS

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## **Residential Development** *(Multi-unit or mixed-use 5+ units)*

- Option A = 100% of parking spaces EV Capable

**OR**

- Option B = 40% of parking spaces EV Capable, including at least 10% of spaces with an installed charger

## **Commercial Development**

- Option A = 50% of parking spaces EV Capable

**OR**

- Option B = 20% EV Capable, incl. at least 5% with charger





**Table 4**

**Total EV-Capable Spaces Created and EV Chargers Installed by Compliance Scenarios**

Commercial Scenarios			Spaces Created with EV infrastructure							Residential Scenarios			Spaces Created with EV infrastructure										
			<i>(Parking Lot Size)</i>										<i>(Parking Lot Size)</i>										
			2	6	10	15	25	50	75	100				2	6	10	15	25	50	75	100		
Minimum Compliance		% EV capable	20%	1	2	2	3	5	10	15	20	Minimum Compliance		% EV capable	40%	1	3	4	6	10	20	30	40
Proposed Compliance Options <i>(Choose A or B)</i>	Option A	% EV capable	50%	1	3	5	8	13	25	38	50	Proposed Compliance Options <i>(Choose A or B)</i>	Option A	% EV capable	100%	2	6	10	15	25	50	75	100
	Option B	% EV capable	20%	1	2	2	3	5	10	15	20		Option B	% EV capable	40%	1	3	4	6	10	20	30	40
		% Chargers	5%	1	1	1	1	2	3	4	5			% Chargers	10%	1	1	1	2	3	5	8	10
<p><i>Note:</i> Spaces with an installed charger count toward the EV capable requirements</p>														100% EV-capable spaces									
														75-99.99% EV-capable spaces									
														50-74.99% EV-capable spaces									

# KEY QUESTIONS FOR DISCUSSION

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- Do the proposed amendments satisfy the Council's interest in exceeding the minimum requirements and incentivizing the installation of EV chargers?



# APPROVAL CRITERIA

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## Amendments to Zoning Text (MMC 19.902.5.B)

Consistency with:

1. Other parts of Milwaukie Municipal Code
2. Goals/policies of Comp Plan
3. Metro Urban Growth Management Functional Plan
4. State statutes and Statewide Planning Goals
5. Relevant federal regulations



# DECISION-MAKING OPTIONS

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1. Approve the proposed amendments as presented (with the recommended Findings in Support of Approval).
2. Approve the proposed amendments with revisions (adjusting the recommended Findings as needed).
3. Continue the hearing.

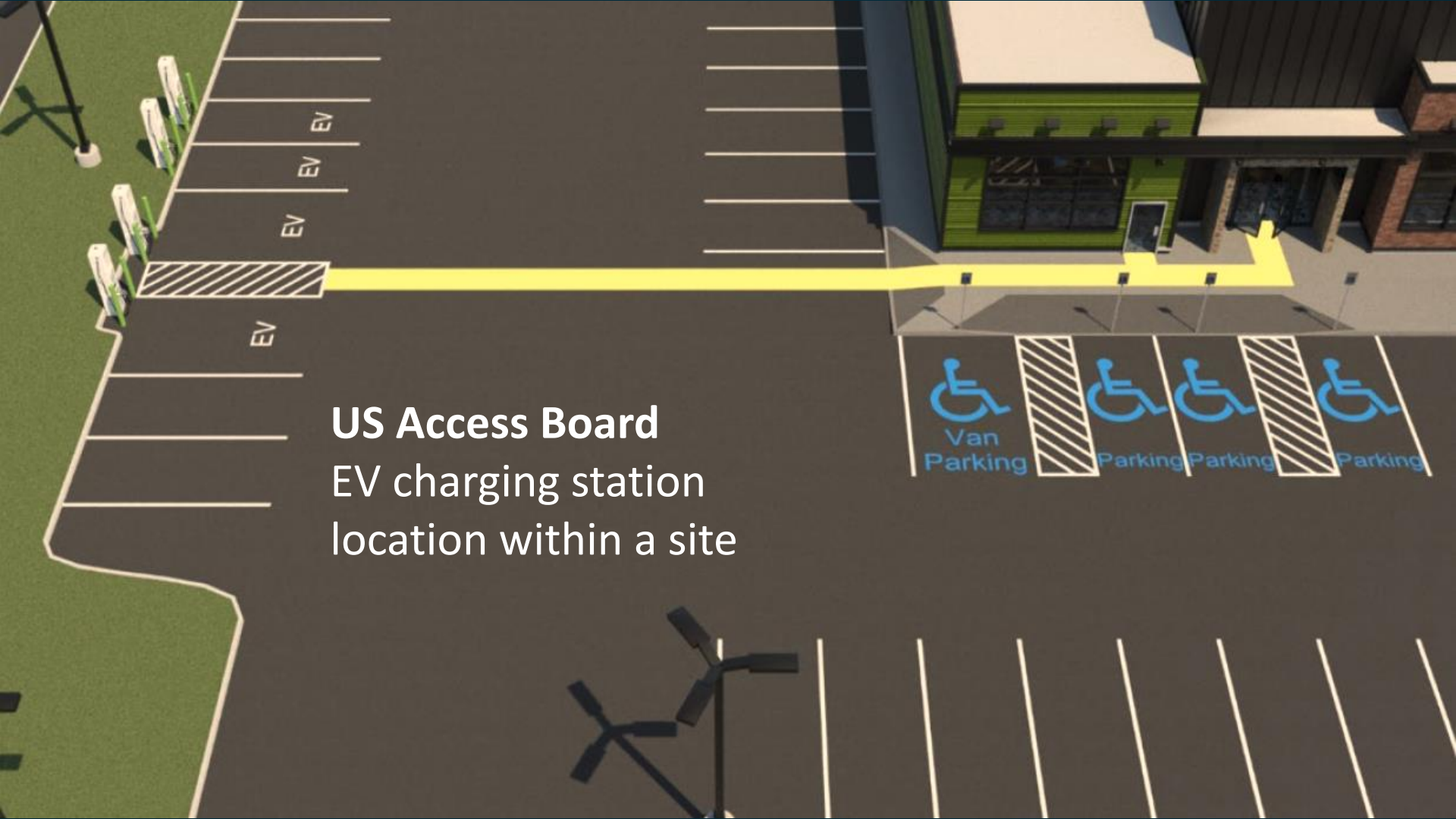
(Amendments required by March 31, 2023)



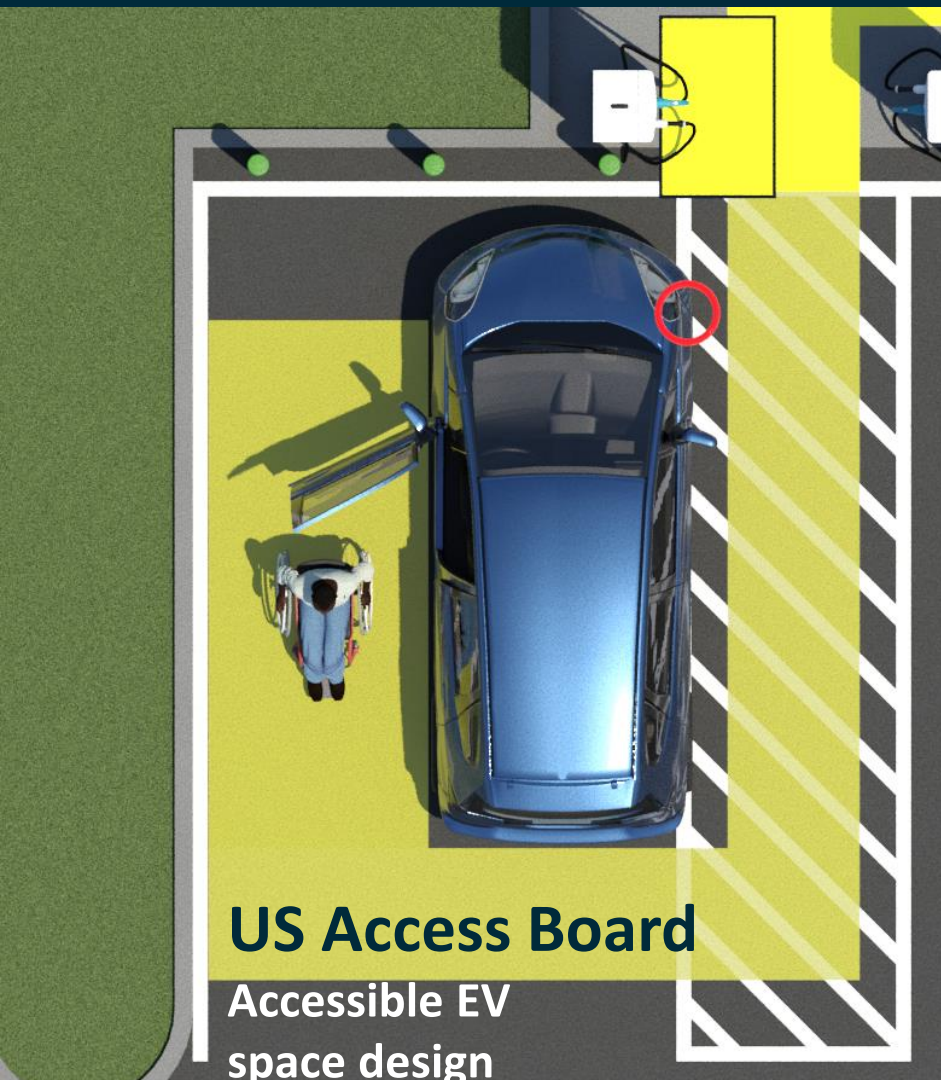
# END OF PRESENTATION

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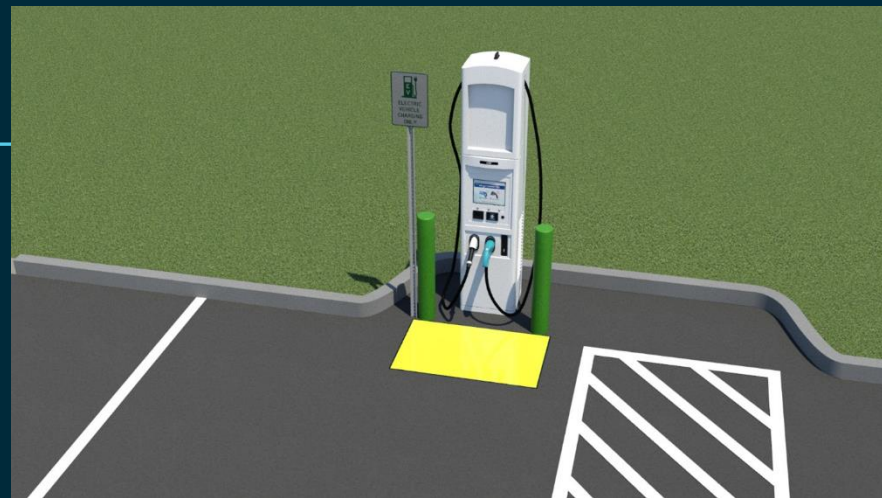
An aerial view of a parking lot. On the left, there are several EV charging stations, each with a white charging cable and a green charging station. A yellow path leads from the charging stations to a building on the right. In the foreground, there are accessible parking spaces marked with blue wheelchair icons and the text 'Van Parking', 'Parking', 'Parking', and 'Parking'. There are also hatched areas between the accessible parking spaces. The building has a green facade and a brick section. There are also some trees and a light pole in the background.

**US Access Board**  
EV charging station  
location within a site



## US Access Board

Accessible EV  
space design





# Milwaukie Community Climate Action Plan

- **10/2/18**  
**CAP approved**

- **8/18/20**  
**Comp Plan**  
**approved**

- **10/6/20**  
**Council letter**  
**supporting EV**  
**Roadmap**  
**Initiative**





# PORTLAND'S CODE APPROACH

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- **Adding development standards** (e.g., placement) for voluntary and required EV-ready installations.
- **Clarifying how EV-ready installations are categorized** in land use code (e.g., primary versus accessory use).
- **Targeting certain incentives to include EV charging** for car sharing and carpool parking.
- **Exempting EV improvements** from nonconforming development thresholds



# PORTLAND CHARGER PLACEMENT

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- **The chargers and equipment can be placed in areas adjacent to parking spaces but are not allowed within required perimeter landscaping areas.**
- **The chargers may project into a portion of a parking space.** However, the chargers cannot project more than a 2-foot square into the minimum required parking dimension.
- **Electrical equipment, generators or transformers associated with EV chargers must be screened from the street** and adjacent residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment.



# PORTLAND FAR INCENTIVE

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- 0.5 to 1 Floor Area Ratio (FAR) bonus incentive for providing structured parking over surface parking if it includes installed chargers adjacent to 50% of spaces, or at least 6+ chargers, whichever is greater.





## DETACHED VERTICAL STRUCTURES

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- Detached vertical structures for Level 2 or higher EV charging must be located within 5 ft of a vehicle area

Detached structures holding conduit and charger are “detached vertical structures.”

## EXHIBIT 1

Cost ranges for charging infrastructure components.

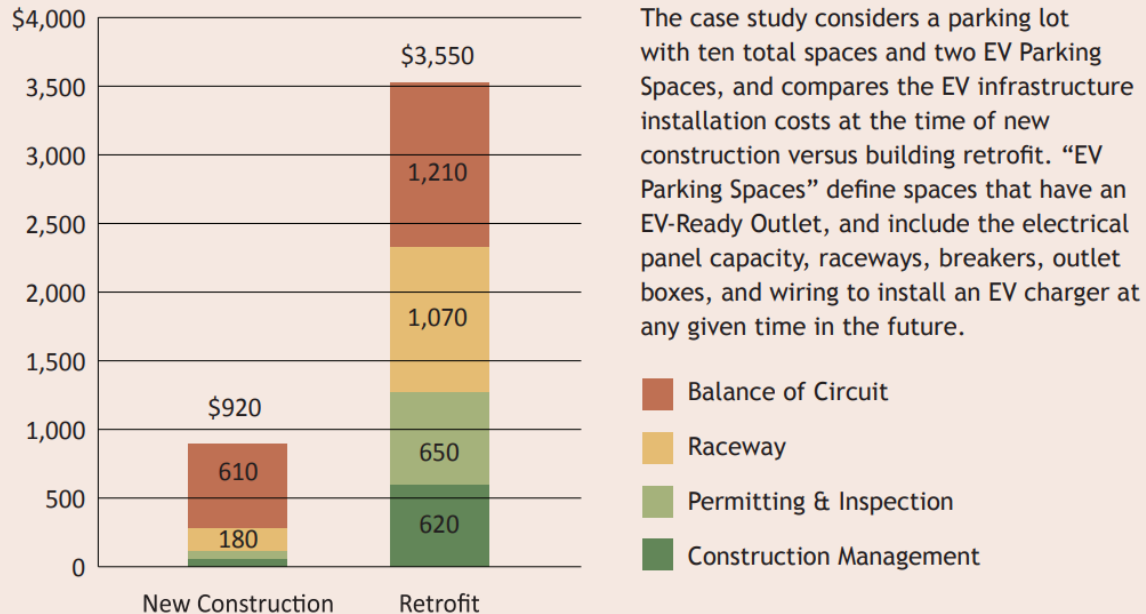
COST ELEMENT	LOWEST COST	HIGHEST COST
Level 2 residential charger	\$380 (2.9 kW)	\$689 (7.7 kW)
Level 2 commercial charger	\$2,500 (7.7 kW)	\$4,900 (16.8 kW); outlier: \$7,210 (14.4 kW)
DCFC (50 kW)	\$20,000	\$35,800
DCFC (150 kW)	\$75,600	\$100,000
DCFC (350 kW)	\$128,000	\$150,000
Transformer (150–300 kVA)	\$35,000	\$53,000
Transformer (500–750 kVA)	\$44,000	\$69,600
Transformer (1,000+ kVA)	\$66,000	\$173,000
Data contracts	\$84/year/charger	\$240/year/charger
Network contracts	\$200/year/charger	\$250/year/charger
Credit card reader	\$325	\$1,000
Cable cost	\$1,500	\$3,500



# RETROFIT VS NEW CONSTRUCTION COST

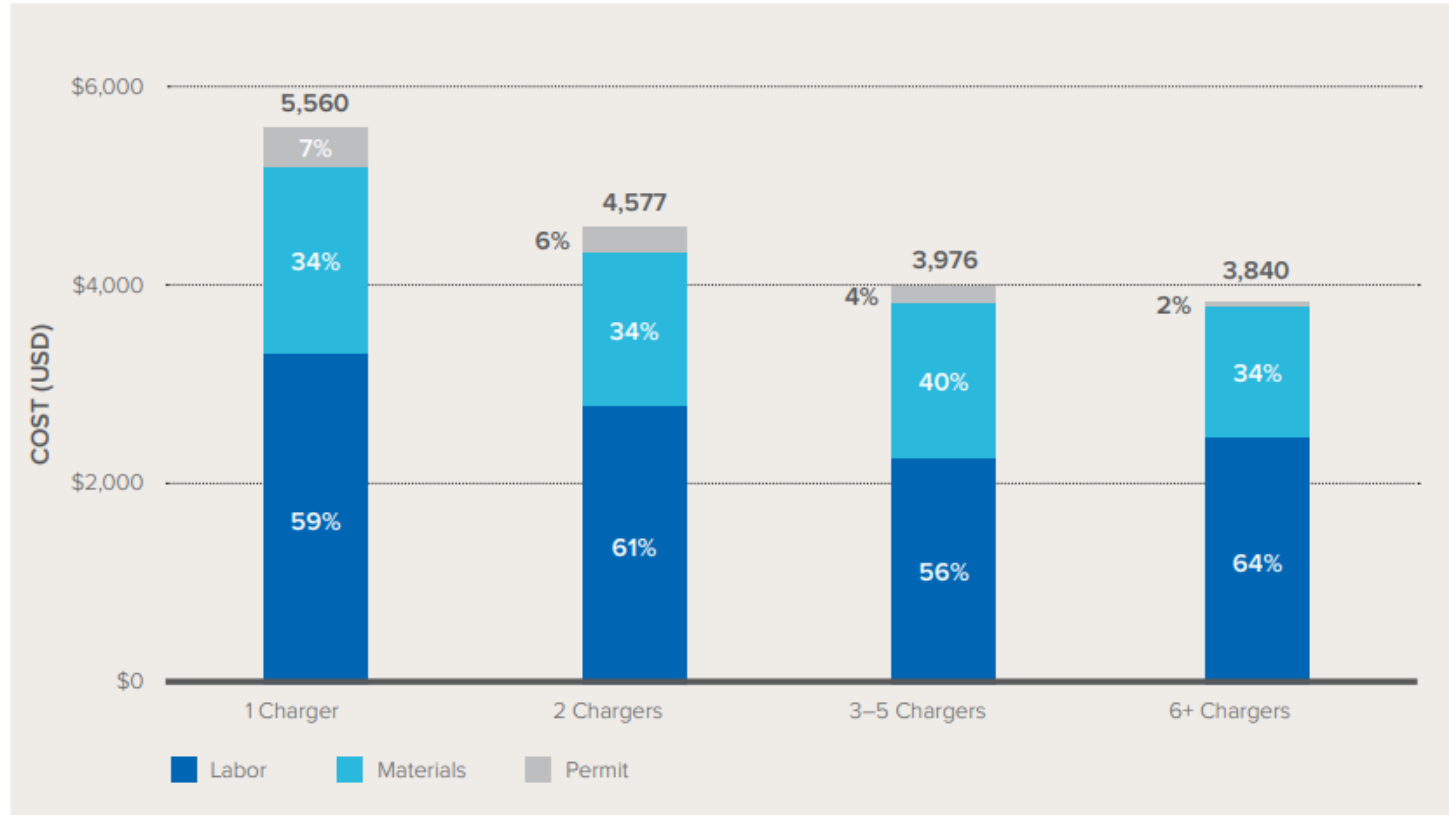
## Cost per EV Parking Space: New Construction vs Retrofit

Case Study prepared for the City and County of San Francisco (2016)



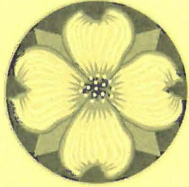
## EXHIBIT 14

Average commercial Level 2 installation costs per charging station by cost category, by number of chargers per site.



Source: *Electric Vehicle Supply Equipment Installed Cost Analysis*, EPRI, 2013





**CITY OF MILWAUKIE  
CITY COUNCIL**

10722 SE Main Street  
P) 503-786-7502  
F) 503-653-2444  
ocr@milwaukieoregon.gov

# Speaker Card

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

**Name:** Michael Rinella

**Address:** 3236 SE Hanvey St.

**Organization:**

**Phone:** 971.930.5391

**Email:**

**Meeting Date:** 11/15

**Topic:** EV station additions

**Agenda Item You Wish to Speak to:**

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

**You are Speaking...**

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

**Comments:**