



COUNCIL REGULAR SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2389th Meeting

MINUTES

OCTOBER 3, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Joseph Briglio, Community Development Director
Justin Gericke, City Attorney
Vera Kalias, Senior Planner
Adam Moore, Parks Development Coordinator
Ann Ober, City Manager
Nicole Madigan, Deputy City Recorder

Peter Passarelli, Public Works Director
Gabriella Santoyo Gutierrez, Equity & Inclusion Coordinator
Scott Stauffer, City Recorder
Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:09 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including a Ledding Library heritage lecture, the new city hall grand opening, a park design open house, a fall author's series at the library, and a work party at the Minthorn Springs Natural Area.

3. PROCLAMATIONS AND AWARDS

A. Indigenous Peoples Day – Proclamation

Santoyo Gutierrez remarked on recognizing Indigenous Peoples Day and **Mayor Batey** proclaimed October 9, 2023, to be Indigenous Peoples Day.

B. Hispanic Heritage Month – Proclamation

Santoyo Gutierrez remarked on recognizing Hispanic Heritage month and **Mayor Batey** proclaimed October to be Hispanic Heritage Month.

C. Archives Month – Proclamation

Mayor Batey congratulated Stauffer and Madigan on their election to leadership roles with the Oregon Association of Municipal Recorders (OAMR). **Stauffer** and **Greg Hemer**, Milwaukie Historical Society, remarked on recognizing community archives and **Mayor Batey** proclaimed October to be Archives Month.

D. Arbor Day – Proclamation

Ober remarked on the city's Arbor Day activities and **Mayor Batey** proclaimed October 28, 2023, to be Arbor Day.

E. Community Planning Month – Proclamation

Ober and **Weigel** remarked on recognizing community planning work and **Mayor Batey** proclaimed October to be Community Planning Month.

4. SPECIAL REPORTS

A. Tobacco Use Prevention – Update

Mayor Batey noted that Northwest Family Services (NWFS) had recently celebrated its 40th anniversary of operations.

Marc Czornji, Clackamas County Public Health, and **Abigail Wells**, NWFS, and **Michael Cox**, Flavors Hook Oregon Kids campaign, provided an overview of programs aimed at preventing youth tobacco use and discussed legislative efforts to ban the availability of flavored tobacco products. They noted where tobacco retailers were in Milwaukie and asked Council to support a statewide ban on flavored tobacco.

The group remarked on the differences between city and county government responses to public health issues and how bans adopted in adjacent counties may influence the availability of flavored tobacco in Clackamas County.

Councilor Khosroabadi and **Council President Nicodemus** expressed support for a flavored tobacco ban. **Councilor Massey** and **Cox** commented on whether the state legislature would adopt a statewide ban and how the Council could support a ban.

Mayor Batey remarked on the status of previous legislative efforts to pass a flavored tobacco ban and suggested Council would be open to considering a resolution in support of a ban. **Councilor Stavenjord** and **Cox** noted the campaign would appreciate having a resolution from Milwaukie and other cities by the end of the year.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures and **Ober** reported that in response to previous comments staff had been in communication with Lewelling neighborhood residents regarding a proposed Safe Routes to School (SRTS) grant. It was noted that no audience member wished to speak to Council.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. August 15, 2023, work session,
2. August 15, 2023, regular session,
3. August 20, 2023, Council dinner,
4. ~~September 5, 2023, work session, and (removed from the agenda)~~
5. ~~September 5, 2023, regular session.~~

B. Resolution 49-2023: A resolution of the City Council of the City of Milwaukie, Oregon, amending the Public Safety Advisory Committee (PSAC) Bylaws.

Motion passed with the following vote: **Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord** and **Mayor Batey** voting “aye.” [5:0]

7. BUSINESS ITEMS

A. Planning Department Workplan – Discussion (continued)

Weigel continued to provide an overview of projects on the department’s workplan which had been started at a previous meeting.

Councilor Khosroabadi and **Weigel** discussed plans to update business industrial and town center zoning and the urban growth management agreement (UGMA).

Councilor Massey, Weigel, and **Ober** remarked on plans to update community service uses (CSUs) for parks and public areas to reflect recent Comprehensive Plan changes.

Mayor Batey, Weigel, and **Ober** commented on the UGMA and the city's interest in annexation. They remarked on updating the town center plan and Metro's 2040 Vision plan, and how Council's goals were reflected in the planning department's workplan.

Mayor Batey agreed that updating the sign code was not a top priority. **Batey, Weigel,** and **Ober** discussed how area plans were different from neighborhood hubs, why the Willamette Greenway zone needed to be revised, and the impact of state rule changes on department workplans.

Councilor Khosroabadi, Weigel, and **Ober** discussed project timeframes and noted that state mandated housing work would not be impacted by city projects.

Councilor Stavenjord observed that some projects focused on localized economic development work. **Stavenjord** and **Weigel** remarked on staff workload capacity.

Mayor Batey and **Weigel** commented on why staff and the Comprehensive Plan Advisory Committee (CPAC) had prioritized the neighborhood hubs project.

Councilor Khosroabadi, Mayor Batey, Weigel, and **Briglio** discussed whether the projects on the planning department workplan supported Council's goals.

Ober summarized that staff had enough Council direction on a workplan.

B. Neighborhood Parks Update – Report

Moore provided an update on the design and construction of Balfour, Bowman-Brae, and Scott parks, reporting that public access to Bowman-Brae Park from the west had been restored and the city had leased a parking lot west of Scott Park.

Moore reviewed the parks project budget which relied on grant funding, noted upcoming events including the final park design open house, and commented on the close working relationship between city staff and North Clackamas Parks and Recreation District (NCPRD) staff on the parks project.

Councilor Stavenjord, Moore, and **Mayor Batey** remarked on the colors to be used for playground equipment at the parks based on city branding and community input.

The group commented on the accessibility and equity goals of the parks project.

Mayor Batey recessed the meeting at 8:35 p.m. and reconvened at 8:45 p.m.

8. PUBLIC HEARING

A. Substantive Code Amendments – Ordinance

Call to Order: **Mayor Batey** called the public hearing on the proposed amendments to the Milwaukie Municipal Code (MMC), file # ZA-2023-002, to order at 8:46 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to hear the staff report and take public comment on the proposed substantive code amendments.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Kolias** reported that the Planning Commission had recommended Council adopt the amendments and provided an overview of the proposed code amendments beginning with changes to MMC Title 12 access management. **Mayor Batey** and **Kolias** commented on how townhomes were referenced in Title 12.

Kolias provided a summary of proposed zoning code definition changes. **Councilor Massey** and **Kolias** noted differences between quadplexes and townhomes.

Kolias reviewed proposed code changes related to corner lots and setbacks. **Councilor Khosroabadi** and **Kolias** noted which setback scenarios had raised concerns.

Kolias summarized proposed changes related to the North Milwaukie Innovation Area (NMIA) design standards and supplementary development regulations for back decks and accessory structures. **Councilor Khosroabadi** and **Kolias** noted rear and side yard setback standards. **Councilor Massey** and **Kolias** noted that the 600 square-foot size limit had been the code standard for a long time. **Mayor Batey** and **Kolias** noted what the MMC allowed for accessory dwelling units (ADUs).

Kolias provided an overview of proposed cottage clusters code changes. **Mayor Batey** and **Kolias** noted that cottage clusters could be on a single or multiple lots.

Kolias reviewed proposed changes to electric vehicle (EV) parking requirements and a new code section for cottage cluster standard.

Mayor Batey and **Kolias** remarked on the proposed process change to the lot line adjustments. They noted there had been a proposal to revise the vacation rental code section related to backyard screening which the Planning Commission had removed from the package of amendments.

Correspondence: No correspondence on the hearing topic had been received.

Audience Testimony: No audience member wished to address Council.

Council Questions to Staff: **Councilor Khosroabadi** and **Kolias** noted that the one Planning Commissioner who had objected to the code package had done so because of the proposed vacation rental backyard screenings change.

Close Public Comment: **It was moved by Councilor Khosroabadi and seconded by Councilor Massey to close the public testimony part of the substantive code amendments hearing. Motion passed with the following vote: Councilors Stavenjrd, Khosroabadi, Massey, Nicodemus, and Mayor Batey voting “aye.” [5:0]**

Mayor Batey closed the public comment part of the hearing at 9:12 p.m.

Council Discussion: **Mayor Batey** supported most of the proposed changes but was concerned about the removal of the vacation rental yard screening requirements and allowing metal structures to be placed close to property lines. The group remarked on whether the code should restrict the type of structure a property owner could build.

Council Decision: **It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance amending Municipal Code Title 12 Streets, Sidewalks, and Public Places, Title 17 Land Division, and Title 19 Zoning, to make changes to select sections for the purpose of clarification and improved effectiveness (file #ZA-2023-002). Motion passed with the following vote: Councilors Stavenjrd,**

Massey, Khosroabadi, and Nicodemus voting “aye” and Mayor Batey voting “no.” [4:1]

Ober read the ordinance one time by title only.

Mayor Batey announced that because the vote was not unanimous the second reading and roll call vote would be scheduled for the October 17, 2023, regular session.

9. COUNCIL REPORTS

Mayor Batey introduced a Council support letter request related to federal funding for local affordable housing and electrification projects. It was Council consensus to sign and send the letter as requested.

Ober reviewed plans for Council and staff to drive as a group to the Clackamas County Jail for the October 10, 2023, study session.

10. ADJOURNMENT

Mayor Batey announced that after meeting Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

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

Mayor Batey adjourned the meeting at 9:29 p.m.

Respectfully submitted,



 Scott Stauffer, City Recorder

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