



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

REVISED AGENDA

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

OCTOBER 3, 2023

(Revised September 29, 2023)

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to **NEW 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-357>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 831 8669 0512 and Passcode: 023745. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to 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. **Indigenous Peoples Day – Proclamation** (6:05 p.m.) **4**
 Staff: Gabriela Santoyo Gutierrez, Equity & Inclusion Coordinator
 - B. **Hispanic Heritage Month – Proclamation** (6:10 p.m.) **6**
 Staff: Gabriela Santoyo Gutierrez, Equity & Inclusion Coordinator
 - C. **Archives Month – Proclamation** (6:15 p.m.) **9**
 Staff: Scott Stauffer, City Recorder
 - D. **Arbor Day – Proclamation** (6:20 p.m.) **10**
 Staff: Natalie Rogers, Climate & Natural Resources Manager
 - E. **Community Planning Month – Proclamation** (6:25 p.m.) **11**
 Staff: Laura Weigel, Planning Manager

- 4. **SPECIAL REPORTS**
 - A. **Tobacco Use Prevention – Update** (6:30 p.m.)
 Presenter: Northwest Family Services

- 5. **COMMUNITY COMMENTS** (6:45 p.m.)
 To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to ocr@milwaukieoregon.gov), or in person to city staff.**

6. **CONSENT AGENDA** (6:50 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:** **13**
 - 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. **Adoption of Revised Public Safety Advisory Committee (PSAC) Bylaws – Resolution** **21**
7. **BUSINESS ITEMS**
- A. **Planning Department Workplan – Discussion (continued)** (6:55 p.m.) **30**
 Staff: Laura Weigel, Planning Manager
 - B. **Neighborhood Parks Update – Report** (7:15 p.m.) **36**
 Staff: Adam Moore, Parks Development Coordinator
8. **PUBLIC HEARINGS**
- A. **Substantive Code Amendments – Ordinance** (7:45 p.m.) **44**
 Staff: Vera Kalias, Senior Planner
9. **COUNCIL REPORTS** (8:45 p.m.)
10. **ADJOURNMENT** (9:00 p.m.)

Executive Session. After the work session Council will 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. (Added to the agenda)

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

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

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

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

Executive Sessions

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



RS Agenda Item

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Announcements



CALLING ALL PLAY EXPERTS!

SUNDAY, OCT. 8 • 11 AM – 1 PM
SCOTT PARK • 10660 SE 21ST AVE



Mayor's Announcements – October 3, 2023

- **Ledding Library Lecture Series – Chinese Immigrants: Contributions and Exclusion – Wed., Oct. 4 (6 PM)**
 - Ledding Library, 10660 SE 21st Ave., or join on Zoom
- **New City Hall Grand Opening – Fri., Oct. 6 (4 PM)**
 - 4 PM - Ceremony at Historic City Hall (10722 SE Main St.)
 - 4:20 PM - Parade begins at Historic City Hall
 - 4:45 PM – Ribbon cutting at New City Hall (10501 SE Main St.)
 - 5 PM – Open House and Refreshments at New City Hall
- **Park Open House – Scott, Balfour, and Bowman-Brae Final Plans – Sun., Oct. 8 (11 AM – 1 PM)**
 - View and comment on final plans for three developing parks (English and Spanish)
 - Free donuts, chai, or hot chocolate while supplies last, face painting, balloon artistry, family entertainment and more
 - Event location is Scott Park next to Ledding Library (10660 SE 21st Ave.)
 - For more information email parkprojects@milwaukieoregon.gov or call 503.786.7624
- **Fall Author Series – Brian Lowery – Thu., Oct. 12 (6 PM)**
 - Selfless – “The Social Creation of You”
 - Ledding Library, 10660 SE 21st Ave.
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**



RS Agenda Item

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Proclamations & Awards

PROCLAMATION

WHEREAS the City of Milwaukie recognizes that the Indigenous Peoples of the lands known as the Americas have lived on these lands since time immemorial; and

WHEREAS this city wishes to honor the fact that the community of Milwaukie is built upon the traditional homelands of the Clackamas Peoples where some descendants are part of the Confederated Tribes of Grand Ronde, a community of five tribes (Kalapuya, Molalla, Umpqua, Chasta, and Rogue River); and affirms the legal rights of the nine federally recognized tribal nations in the State of Oregon and all Indigenous Peoples everywhere; and

WHEREAS Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the United Nations sponsored International Conference on Discrimination Against Indigenous populations in the Americas; and

WHEREAS this city is committed to protecting and advocating for justice, human rights, and the dignity of all people who live, work, and visit our community, and to supporting the principles contained in the United Nations Declaration on the Rights of Indigenous Peoples endorsed by the United States on December 16, 2010; and

WHEREAS the Declaration recognizes the right of Indigenous Peoples "to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information," and places an obligation on states to "take effective measures, in consultation and cooperation with the Indigenous Peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among Indigenous Peoples and all other segments of society;" and

WHEREAS this city wishes to recognize the second Monday in October as Indigenous Peoples' Day as an opportunity to reflect on the ongoing struggles of Indigenous Peoples of this land, to celebrate the thriving cultures and values of the Indigenous Peoples of our region, and to stand with Indigenous Peoples everywhere.

NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **October 9, 2023**, to be **INDIGENOUS PEOPLES' DAY** in Milwaukie.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this **3rd** day of **October 2023**.

Lisa Batey, Mayor

ATTEST:

Scott Stauffer, City Recorder

PROCLAMATION

WHEREAS each year, the United States observes National Hispanic Heritage Month by celebrating the culture, heritage, and countless contributions of those whose ancestry extends to Spain, Mexico, the Caribbean, Central America, and South America, and

WHEREAS National Hispanic Heritage Month began as a week-long observation declared in 1968 and grew to a month-long celebration in 1988 and is now celebrated from September 15th through October 15th each year, and

WHEREAS September 15 is a significant date because it marks the anniversary of independence for the Latin American countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and 18, respectively, and

WHEREAS we celebrate Hispanic Heritage Month to show our gratitude for the achievements, inspiration, and service our Hispanic and Latin communities provide to our city, region, and country every day, and

WHEREAS Hispanic and Latino, Latina, and Latinx individuals help drive our small business economy as workers, business owners, and entrepreneurs; enrich our academic environment as teachers, professors, and engineers; participate in the good governance and betterment of our society; take leading roles in the Labor Movement and ensure our health and community as nurses, doctors, caretakers, and childcare workers, and

WHEREAS this city wishes to recognize the month beginning September 15 and ending October 15 as an opportunity to reflect on enormous contributions, celebrate the culture, traditions, and diversity, and to stand with the Hispanic and Latin communities.

NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **September 15 – October 15, 2023**, to be **HISPANIC HERITAGE MONTH** in Milwaukie.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 3rd day of **October 2023**.

Lisa Batey, Mayor

ATTEST:

Scott Stauffer, City Recorder

PROCLAMATION

CONSIDERANDO que cada año, los Estados Unidos observa el Mes Nacional de la Herencia Hispana celebrando la cultura, la herencia, y las innumerables contribuciones de aquellos cuyos antepasados se extiende a España, México, el Caribe, América Central, y América del Sur, y

CONSIDERANDO que el Mes Nacional de la Herencia Hispana comenzó como una observación de una semana declarada en 1968 y creció hasta convertirse en una celebración de un mes en 1988 y ahora se celebra del 15 de septiembre al 15 de octubre cada año, y

CONSIDERANDO que el 15 de septiembre es una fecha significativa porque marca el aniversario de la independencia de los países latinoamericanos de Costa Rica, El Salvador, Guatemala, Honduras y Nicaragua. Además, México y Chile celebran sus días de independencia el 16 y 18 de septiembre, respectivamente, y

CONSIDERANDO que celebramos el Mes de la Herencia Hispana para mostrar nuestra gratitud por los logros, la inspiración, y el servicio que nuestras comunidades hispanos y latinos ofrecen todos los días a nuestra ciudad, región, y país, y

CONSIDERANDO que las personas hispanas, latinos, latinas, y latinx ayudan a impulsar nuestra economía de pequeñas empresas como trabajadores, dueños de empresas y empresarios; enriquecen nuestro ambiente académico como maestros, profesores, e ingenieros; también participan en el buen gobierno y en el mejoramiento de nuestra sociedad; asumen roles de liderazgo en el movimiento laboral y garantizan nuestra salud y nuestra comunidad como enfermeras, médicos, cuidadores, y trabajadores de cuidado niños, y

CONSIDERANDO que esta ciudad desea reconocer el mes que comienza el 15 de septiembre y termina el 15 de octubre como una oportunidad para reflexionar sobre las enormes contribuciones, celebrar la cultura, las tradiciones y la diversidad, y apoyar a las comunidades hispana y latina.

AHORA, POR LO TANTO, yo, Lisa Batey, alcaldesa de la ciudad de Milwaukie, una corporación municipal en el condado de Clackamas, en el estado de Oregon, proclamo por la presente que del 15 de septiembre al 15 de octubre de 2023 será el **MES DE LA HERENCIA HISPANA** en Milwaukie.

EN TESTIMONIO, y con el consentimiento del Concejo Municipal de la ciudad de Milwaukie, firmo el presente el **3 de octubre de 2023**.

Lisa Batey, Mayor

ATTEST:

Scott Stauffer, City Recorder

PROCLAMATION

WHEREAS preserving the story of a place and the people who dwell there in any given moment is essential to understanding a community and it is critical that the story of a community can only be complete when all voices and perspectives are heard and included in the shared history of a place and its people; and

WHEREAS civic and community archives seek to collect and preserve the documents, tales, traditions, and voices of those who came before us, and such archives could not exist without the professionals and volunteers who work to preserve the voices of a community; and

WHEREAS Milwaukie's shared history is carefully preserved by the Milwaukie Historical Society and the Office of the City Recorder, who recommend the proclaiming of Archives Month as a reminder that the events of yesterday and today must be documented to better inspire a more perfect future for all residents of our community, regardless of age, race, gender orientation, income, or beliefs.

NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim the month of **OCTOBER 2023** as **ARCHIVES MONTH** in the hope that all voices may be appreciated, recorded, and preserved for the betterment of all.

IN WITNESS WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 3rd day of **October 2023**.

Lisa Batey, Mayor

ATTEST:

Scott Stauffer, City Recorder



PROCLAMATION

WHEREAS in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and is now observed throughout the nation and the world, and

WHEREAS trees play an integral part in capturing and storing carbon and are therefore critical in a solution to the climate crisis, and

WHEREAS trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs of residents, moderate the temperature of increasingly developed and warming cities, clean the air, and provide health benefits for the community, produce life-giving oxygen, and provide and improve habitat for fish and wildlife, and

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **October 28, 2023**, as **ARBOR DAY** in Milwaukie, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to mitigate climate change and promote the well-being of this and future generations.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 3rd day of **October 2023**.

Lisa Batey, Mayor

ATTEST:

Scott Stauffer, City Recorder

PROCLAMATION

WHEREAS community planning provides a wide range of benefits including opportunities to:

- 1) Evaluate and manage the constant change that affects cities and the region in a way that provides better choices for how people live, play, and work;
- 2) Involve and empower all people who live and work in the city in making choices that determine the future of their community; and
- 3) Educate public officials and community members so they understand, support, question, and demand excellence in planning and plan implementation; and

WHEREAS the month of October is designated as National Community Planning Month throughout the United States of America and its territories; and

WHEREAS, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning makes to the quality of our built and natural environment; and

WHEREAS the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of the Planning Commission and other resident planners who have contributed their time and expertise to the improvement of Milwaukie.

NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim that the month of **OCTOBER 2023** as **COMMUNITY PLANNING MONTH** in the City of Milwaukie in conjunction with the national celebration of Community Planning Month.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 3rd day of **October 2023**.

Lisa Batey, Mayor

ATTEST:

Scott Stauffer, City Recorder





RS Agenda Item

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Special Reports

Fast Facts about Flavored Tobacco



RS 4. A. 10/3/23 EXHIBITS



One of the most effective ways to help adults quit smoking and prevent youth from getting hooked on nicotine is to keep flavored tobacco products off store shelves. However, tobacco companies circulate misleading information that hides the truth about the dangers of flavored nicotine. Here are some fast facts:

MYTH #1: Flavored tobacco and vaping products should be available because they are safer to use than cigarettes and help people quit smoking.

FACTS

- E-cigarettes and vaping devices expose users to toxic metals such as lead, nickel, chromium, cadmium, aluminum, and tin. In fact, one JUUL pod can contain as much nicotine as a pack of cigarettes. Nicotine is especially harmful to young people's developing brains, impacting learning, memory and attention.
- No e-cigarette or vaping device has been approved to help people safely and effectively quit smoking. However, products such as patches and gum are scientifically proven to successfully help people quit smoking.
- Anyone interested in quitting can text "READY" to 200-400, call 1-800-QUIT-NOW (1-800-784-8669), en Español: 1-855-DEJELO-YA (1-855-335356-92), or visit www.quitnow.net/Oregon.

MYTH #2: Local tobacco retailers will suffer if there is a flavor ban.

FACTS

- The overwhelming majority of retailers selling flavored tobacco products do not rely on these products as their sole source of revenue. Customers are likely to spend money on other purchases. Economic research shows that the impact of a flavored tobacco ban on businesses would be relatively minor.

MYTH #3: A ban on flavored tobacco products will not prevent youth from using them unless there are penalties for individuals who possess these products.

FACTS

- Research shows that penalizing youth is not an effective strategy for reducing youth use of tobacco. Banning the sale of flavored tobacco, on the other hand, does result in lower rates of youth use.

For more information and a full list of citations visit
www.clackamas.us/publichealth/tobacco.html

Fast Facts about Flavored Tobacco



MYTH #4: A ban on flavored tobacco products will penalize legal buyers and adult users.

FACTS

- Tobacco companies specifically target youth when promoting flavored products. In fact, fewer than 25% of adults who smoke self-report using any form of flavored products compared to 80% of youth who report exclusively using flavored products.
- A flavored tobacco ban would only penalize retailers who possess, sell, or offer to sell, flavored tobacco products. Adults over the age of 21 will still be able to purchase non-flavored tobacco products.

MYTH #5: An equitable flavor ban would include exemptions for menthol.



FACTS

- The mint-like flavor in menthol products creates a temporary sensation that masks the harsh damage caused by smoking. Menthol smokers tend to have a higher nicotine dependence, making quitting even more difficult.

- The tobacco industry has marketed menthol products to Black, African immigrant and LGBTQ+ communities. As a result, they use menthol at higher rates than their white or heterosexual peers. Removing all flavored tobacco, including menthol products, is one of the most effective ways to help adults quit using tobacco and nicotine products.

MYTH #6: Imposing a ban will lead to people finding flavored tobacco products in other places or on the underground market.

FACTS

- Flavor bans in Massachusetts cities showed a significant decline in youth nicotine use. Similar bans also showed a decrease in adult smoking in Canada and Europe, without significant unintended results, such as illegal purchasing of these products on the underground market.

Get Help Quitting

The Oregon Tobacco Quit Line is a telephone and web-based counseling service to help Oregonians quit using tobacco and nicotine products.

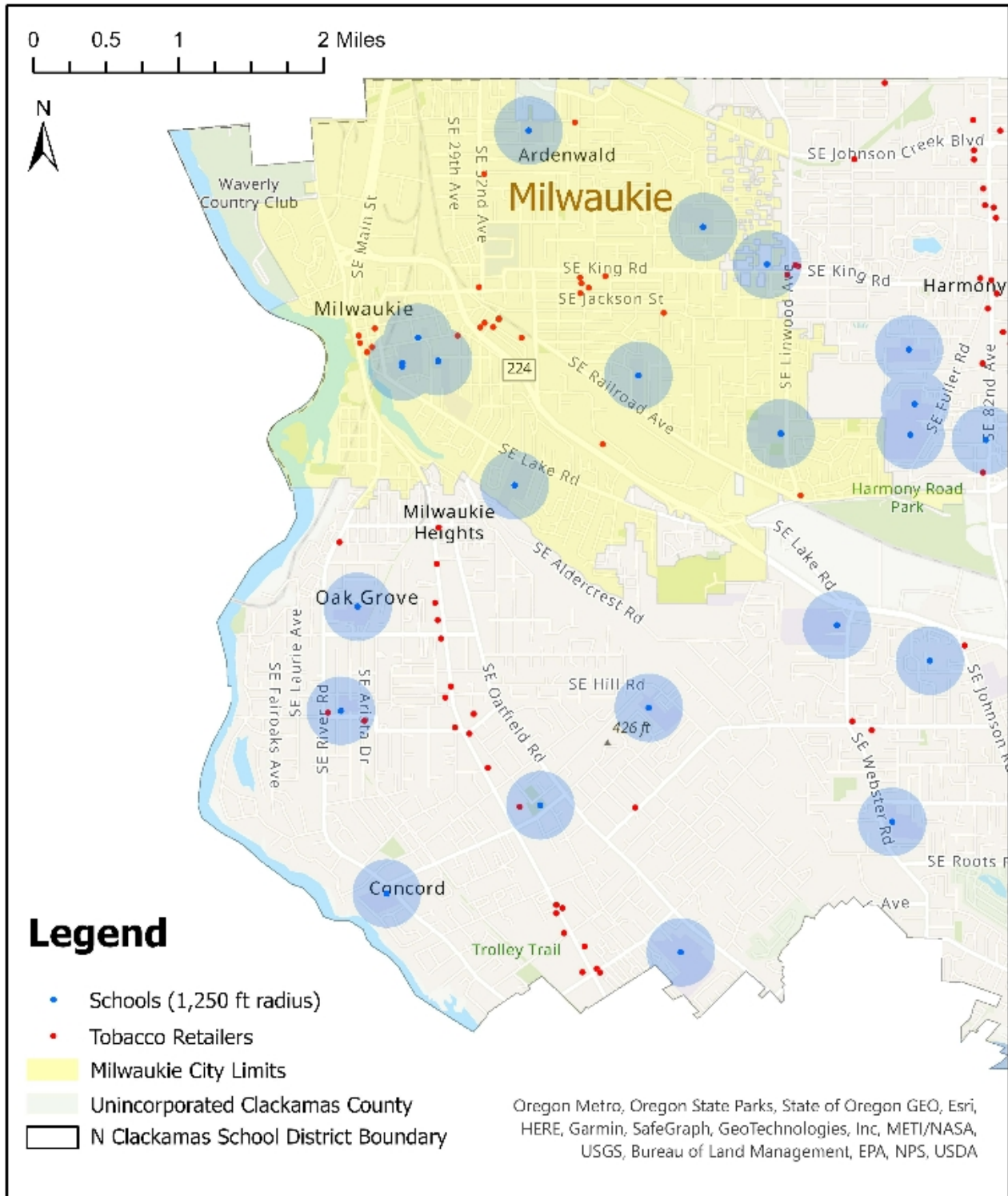
This free service is open 24 hours a day, 7 days a week.

Call 1-800-QUIT-NOW or use the QR code to learn more.



For more information and a full list of citations visit
www.clackamas.us/publichealth/tobacco.html

Schools and Tobacco Retailers In and Around Milwaukie, OR



Oregon Tobacco Inspections Report

December 2022



Program Description

Oregon law prohibits the sale of tobacco products and inhalant delivery systems to persons under 21 years of age. The Oregon Public Health Division conducts random, unannounced inspections of retailers that sell tobacco products and inhalant delivery systems, such as e-cigarettes, to ensure compliance with state law.

As of January 1, 2022, any business that wants to sell tobacco and inhalant deliver system products in Oregon is required to get a tobacco retail license from the Department of Revenue. Tobacco license systems support retailer accountability by imposing effective penalties, including the suspension of tobacco licenses for retailers who repeatedly violate the law. If an employee or owner of the tobacco retailer makes an illegal sale during an inspection the Oregon Health Authority issues a civil penalty to the licensed owner.

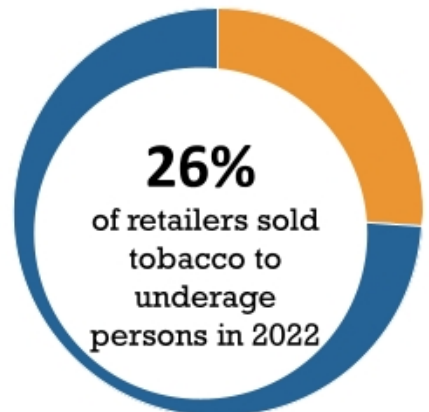
In 2022, the new Oregon Tobacco Retail License program conducted 500 minimum legal sales age inspections.

Violations varied by product type. E-cigarettes were sold more often to underage persons than cigarettes and little cigars.



Youth marketing

Research shows that if people do not start smoking before they turn 19, they are far less likely to ever start. This makes young people key targets of the tobacco industry. The tobacco industry surrounds people with marketing and promotes products with flavors that appeal to youth. While youth use of cigarettes has been decreasing over time, use of other tobacco and nicotine products, such as e-cigarettes and small cigars, are still a concern.



Oregon Tobacco Inspections Report

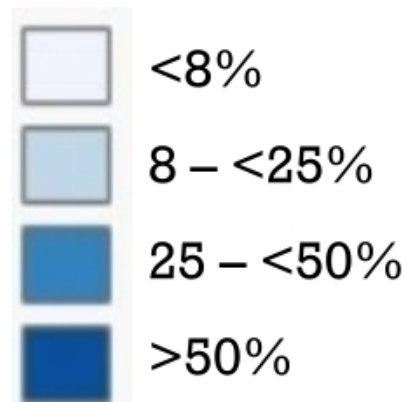
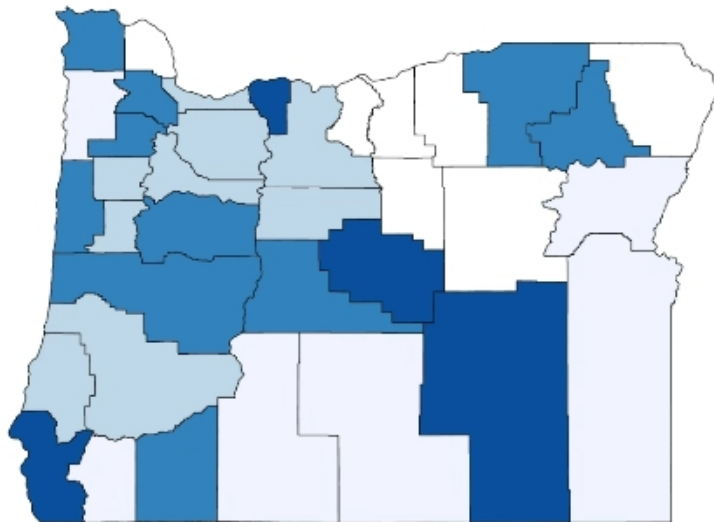
The retail environment

Commercial tobacco companies spend over \$100 million per year to market their products in Oregon, much of it in the retail environment. Tobacco products are cheap, readily available and easy to get, and are heavily promoted and marketed in stores where youth frequent. Higher exposure to tobacco marketing in the retail space is associated with increased youth initiation and ongoing use of tobacco.

Violation rates were highest in grocery stores and markets followed by vape shops and tobacco stores where flavored products that appeal to youth are sold.

Convenience Stores	23%
Grocery/Market	37%
Pharmacy	0%
Tobacco/Vape Shops	27%

Violation rates in Oregon vary by county.



*Counties in white had no inspections conducted

Tobacco enforcement and commercial tobacco prevention

Studies show implementation of strong commercial tobacco prevention policies along with active tobacco enforcement, effective retailer education, and leadership support are essential to success in reducing youth tobacco use. Specifically, retail licensure creates a straightforward method for tracking and holding businesses that sell tobacco products and inhalant delivery systems accountable.

For more information contact: Oregon Tobacco Retail License Program:
Toacco.Inspections@dhsosha.state.or.us,
www.healthoregon.gov/tobaccoretailsales

Oregon
Health
Authority

Youth Use of Flavored Tobacco in Clackamas County: A Call to Action

3 October 2023

**Marc Czornij, Clackamas County Tobacco Prevention & Education Program
Abigail Wells, Northwest Family Services
Mike Cox, Flavors Hook Oregon Kids**

Objectives

- **Provide an update on the policy landscape related to flavored tobacco products**
- **Share data about youth's experience with e-cigarettes/vaping and the retail environment**
- **Offer a call to action**
- **Express gratitude for prioritizing youth health and well-being**



About Clackamas County TPEP

What we do

- **Reduce exposure to secondhand smoke**
- **Encourage tobacco users to quit**
- **Prevent youth initiation of tobacco & vaping products**

How we do it

- **Collaboration with local, regional and state partners**
- **Policy, systems and environmental changes (i.e., reduce access to tobacco and vaping products)**

Tobacco Prevention and Education Program | Clackamas County



About Northwest Family Services

- **Supports family stability, child well-being, and victims of crime by focusing on the social determinants of health.**
- **Programs include Housing, Behavioral Health, Youth Empowerment, Basic Needs, and Family Support.**
- **Programs encompass a broad spectrum of support, including health and social service navigation, youth prevention and intervention programs, and outpatient alcohol and drug treatment.**



About Flavors Hook Oregon Kids

- **Coalition of 50+ organizations working to protect Oregon kids from the tobacco industry**
- **Leading the push to end the sale of flavored tobacco products in Oregon**
- **Flavorshookoregonkids.org**

FLAVORS **HOOK** OREGON KIDS

Regional & State Updates

Statewide

- **Legislature did not pass bill banning the sale of flavored tobacco products (HB 3090)**

Washington County

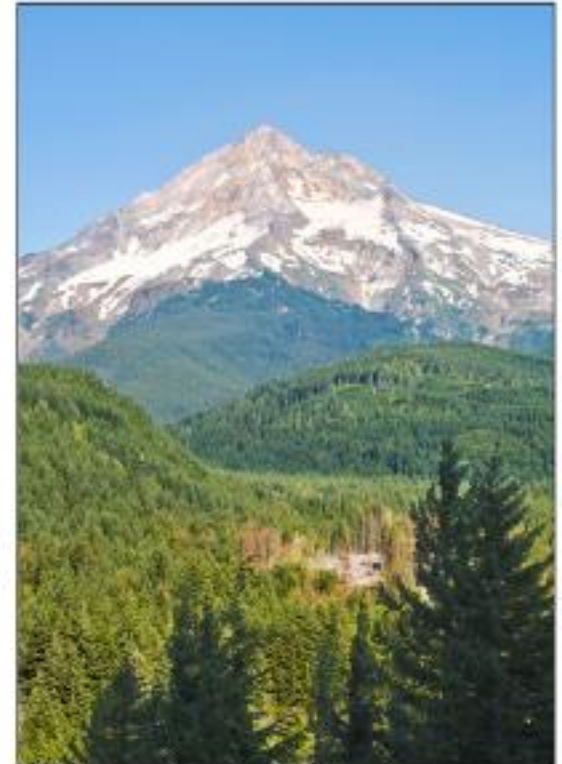
- **76% voted for a ban on flavored tobacco products sales**

Multnomah County

- **Board of Health adopted a policy banning flavored tobacco product sales**

Clackamas County

- **Risk of vape shops and hookah lounges relocating**



Why are flavored products a problem?



81% of youth e-cigarette users use flavored products.



Fruit, candy/desserts, mint and menthol are reported as the most popular flavors.

[More than 2.5 Million Youth Reported E-Cigarette Use in 2022](#)
[CDC Online Newsroom](#) | CDC



*High
light*

Highlightvape.
.com

**Flavored
products
contain high
amounts of
nicotine**

**One cartridge of e-liquid can
contain as much nicotine as
2-3 packs of cigarettes.**

**Nicotine is highly addictive
and can cause serious harm
to young people's developing
brains, impacting learning,
memory, and attention.**

Lifelong Addiction

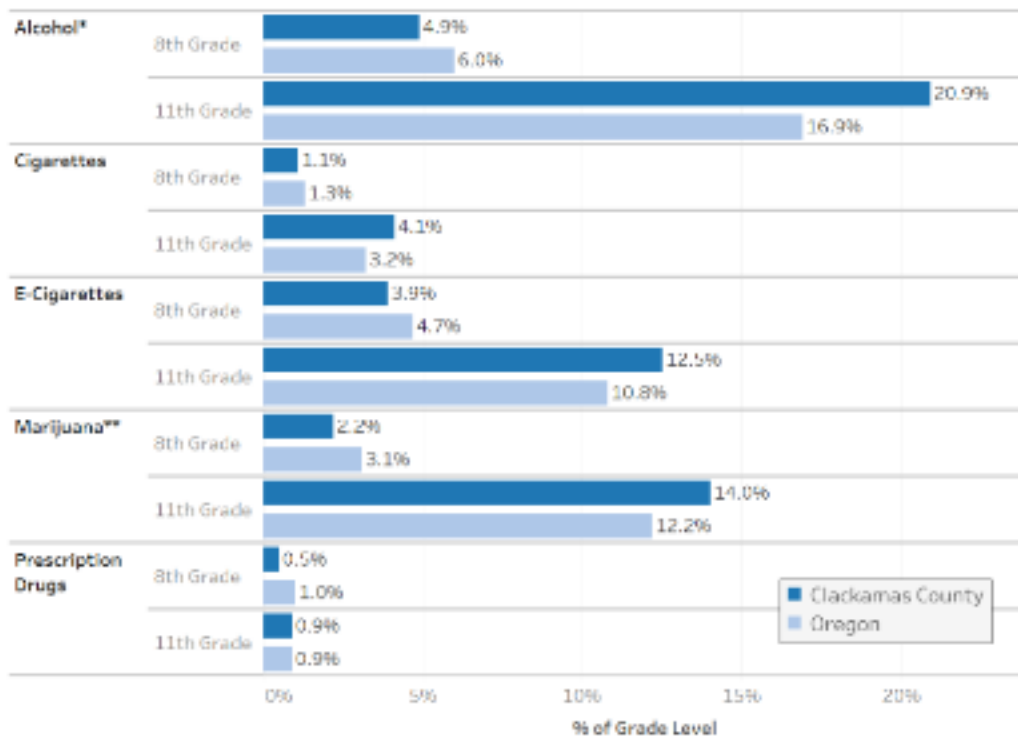
The tobacco industry knows that flavors hook youth. This creates a new generation of smokers. There is substantial evidence that e-cigarette use increases the risk of ever using combustible tobacco cigarettes among youth and young adults. ¹

Almost 90% of adults who smoke cigarettes daily first try smoking by age 18. ²

¹National Academies of Sciences, Engineering, and Medicine. 2018. Public health consequences of e-cigarettes. Washington, DC: The National Academies Press. doi: <https://doi.org/10.17226/24952><https://www.blueprintclackamas.com/indicators/index/view?indicatorId=8&scaleTypeId=3>

²U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012. https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf_NBK99237.pdf

Youth Substance Use



Compared to their peers across Oregon, 11th graders in Clackamas County consistently use tobacco and vaping products at higher rates.

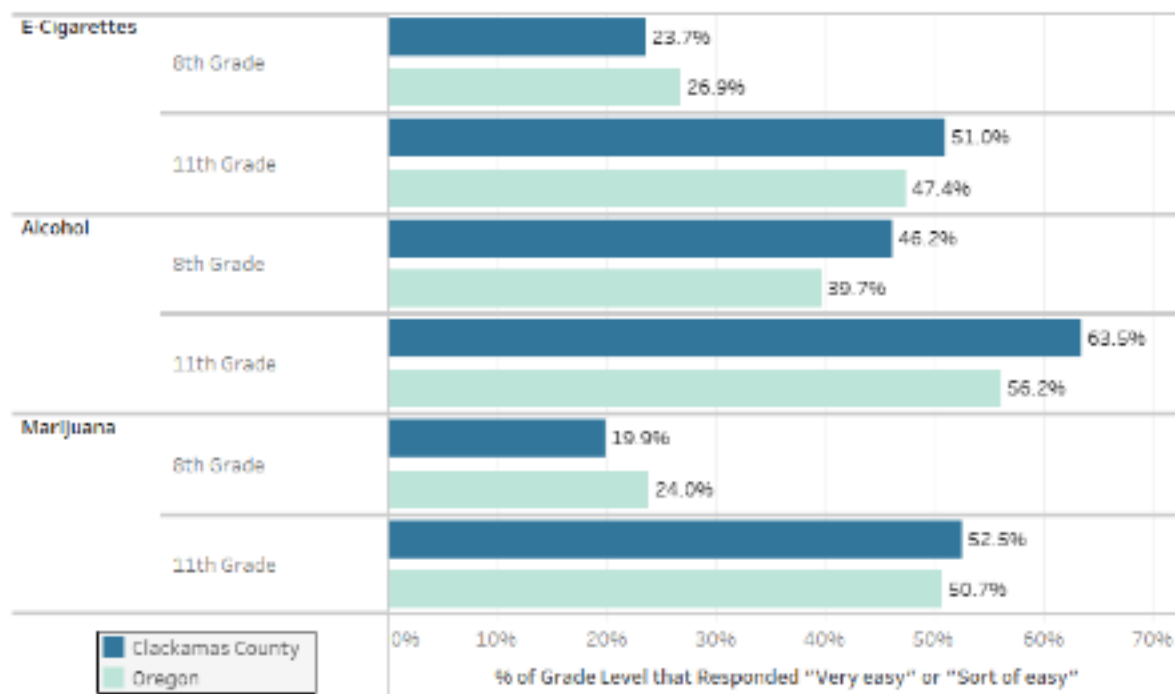
*Denominator: those who have drunk alcohol

**Denominator: those who have tried marijuana

Ease of Access

More 11th graders in Clackamas County perceived access to e-cigarettes as “very easy” or “sort of easy” compared to their peers across Oregon.

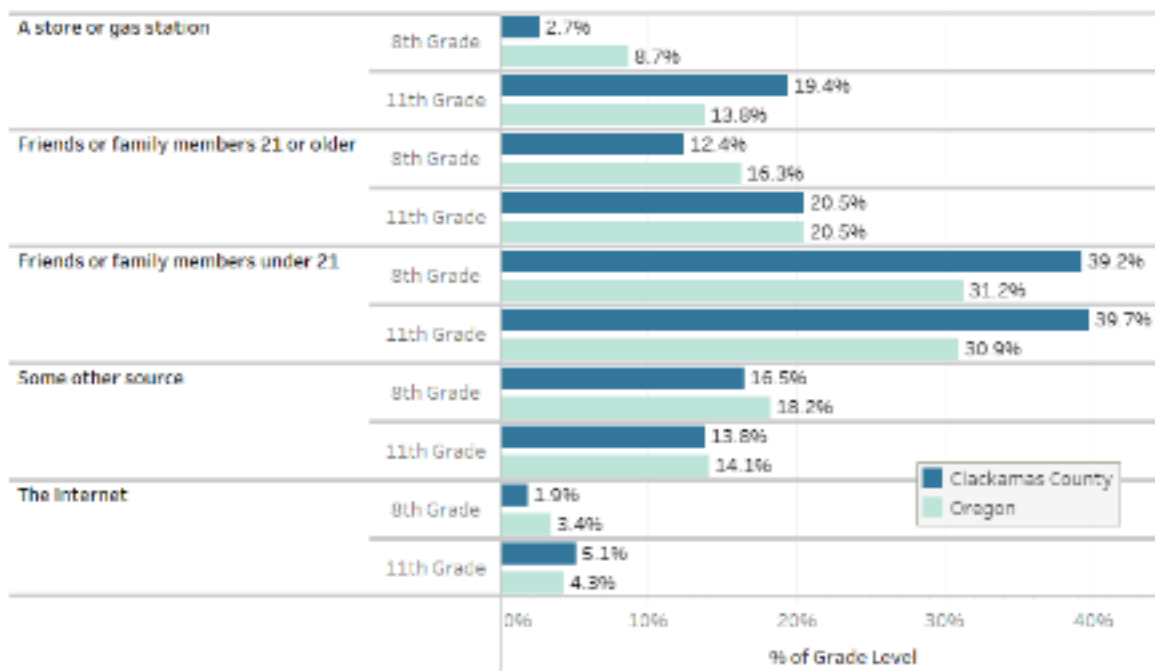
“If you wanted to get some, how easy would it be for you to get:___”



Denominator excludes those that answered "I am not sure," "I don't know what this question is asking" and "I prefer not to answer."

Tobacco Sources

"In the past month, where did you get your tobacco products? You can choose more than one."



The most common source was friends or family under 21 years old.

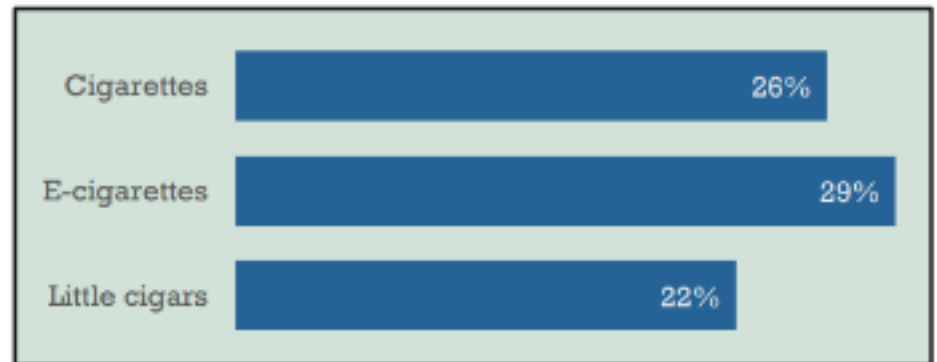
Nearly 1 in 5 11th graders reported getting tobacco products from a store or gas station.

*Not shown: those who answered "I am not sure," "I don't know what this question is asking," or "I prefer not to answer."
Denominator: those who used tobacco or vaping products during the past 30 days.*

Oregon Tobacco Inspections Report

In 2022, the new Oregon Tobacco Retail License program conducted 500 minimum legal sales age inspections. Violations varied by product type. E-cigarettes were sold more often to underage persons than cigarettes and little cigars.

Convenience Stores	23%
Grocery/Market	37%
Pharmacy	0%
Tobacco/Vape Shops	27%



Violation rates were highest in grocery stores and markets, followed by tobacco/vape shops.

Call to Action



- **Pass a resolution in support of a statewide flavor ban**
- **Pass a flavor ban for the city of Milwaukie**
- **Speak with legislators in Salem about youth use and access to flavored products**
- **Pass a policy restricting tobacco retailer proximity to schools and other tobacco retailers**

Thank You for Your Support

Mike Cox

mikecox43@gmail.com

FLAVORS  OREGON KIDS

Marc Czornij

mczornij@clackamas.us



Abigail Wells

awells@nwfs.org





RS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

AUGUST 15, 2023

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

Staff Present: Emma Sagor, Assistant City Manager
Justin Gericke, City Attorney
Dan Harris, Events & Emergency Management Coordinator
Ann Ober, City Manager
Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 4:00 p.m.

1. Natural Hazard Mitigation Plan (NHMP) Update #2 – Discussion

Harris explained what public engagement work had occurred since the last NHMP Council discussion and noted issues previously raised that staff was working to address. **Harris** presented a timeline of the next steps for the updated NHMP adoption.

The group discussed the plan survey results, school seismic reinforcement projects, emergency supplies, and **Mayor Batey** received clarification on how information was presented in the NHMP.

2. Water System Development Charges (SDCs) – Discussion

Passarelli introduced John Ghilarducci and Zech Hazel of the FCS Group. **Ghilarducci** explained what SDCs were, how they were collected, what they could be used for, how changes were calculated, and presented the current fiscal year (FY) 2024 SDC fees.

Hazel explained the calculation process for the maximum allowable SDCs. **Hazel**, **Mayor Batey**, and **Ghilarducci** discussed how calculations were made to decide which projects were eligible to be funded by the SDCs. **Hazel** presented the projected costs and reimbursement calculations for existing facilities, and the total projected calculations of SDCs by meter size.

Ghilarducci addressed concerns on how rising SDCs affect affordable housing and provided an option for a reduced SDC based on development size. **Ghilarducci** provided a comparison of regional SDC rates and presented the next steps that would be taken if Council decide to adopt the presented SDC schedule.

Councilor Stavenjord, **Ghilarducci**, and **Passarelli** discussed how projects were presented in the SDC project list. The group discussed how the formula for future growth was decided, how SDCs are determined for multifamily residential developments, how SDCs may affect affordable housing, whether SDCs could be waived for affordable housing, and how appropriate meter size is selected.

The group commented on how to move forward with the proposed next steps for adopting the new SDC rates.

Mayor Batey, **Ghilarducci**, and **Passarelli** discussed the use of federal infrastructure funds for water improvements and whether the city should use those funds instead of the city's SDCs.

It was the Council consensus to move forward with the proposed next steps for adopting the new SDC rates.

State Housing Policy – Discussion (added to agenda)

Ober informed Council that the city was working with the governor’s office and other cities to provide a clearer understanding of how housing development was occurring within cities in the region by organizing a tour for state staff to see the housing development process in person.

Mayor Batey and **Ober** agreed that they had heard concerns regarding the governor’s housing advisors being primarily developers and noted the importance of getting everyone to the same table to better understand the whole picture.

3. Adjourn

Mayor Batey adjourned the meeting at 5:21 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

AUGUST 15, 2023

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

Staff Present: Justin Briglio, Community Development Director Ann Ober, City Manager
Justin Gericke, City Attorney Emma Sagor, Assistant City Manager
Brett Kelper, Senior Planner Scott Stauffer, City Recorder
Toby LaFrance, Finance Director Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:00 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including opportunities for public input on the city's Natural Hazard Mitigation Plan (NHMP), neighborhood concerts and clean-up events, and a public hearing on plans to develop neighborhood parks. **Stauffer** and **Batey** noted a historic city hall open house and the new city hall grand opening event.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures.

Ober provided follow-up reports on issues raised during the August 1 comments, explaining when Council would discuss a proposal to name the community room at new city hall. It was Council consensus to address the naming proposal during the equity study report item during the September 5 regular session as recommended by staff.

Ober noted that a community member had raised concerns about city policies and reported that staff had not responded as the commentor had not asked for a response.

It was noted that no audience member wished to speak to Council.

6. CONSENT AGENDA

It was moved by Councilor Khosroabadi and seconded by Councilor Massey to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. July 18, 2023, work session, and
2. July 18, 2023, regular session.

B. Resolution 43-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an intergovernmental agreement between the State of Oregon and the City of Milwaukie related to the Monroe Street Greenway.

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

7. BUSINESS ITEMS

A. Parks Governance – Discussion

Ober and **Mayor Batey** provided an update on the city’s ongoing discussion about whether to remain in the North Clackamas Parks and Recreation District (NCPRD). **Batey** reported that Council would be discussing the matter with members of the Clackamas Board of County Commissioners, who serve as the NCPRD Board.

Council President Nicodemus and **Councilor Stavenjord** thanked staff and Council for the update and suggested the city deserved to have high quality parks.

Mayor Batey, Ober, and **Councilor Massey** noted next steps in the parks discussion.

B. Payment Authorization for Non-Contracted Slurry Seal Improvements – Resolution

Briglio and **LaFrance** explained that the requested Council action was necessary to address a staff error that had resulted in the slurry seal project being awarded to a contractor without a contract. They noted process and training changes that had been implemented to avoid this error in the future.

Councilor Khosroabadi, LaFrance, and **Briglio** discussed how the error could impact the annual audit and how the project had been awarded without an approved contract.

Councilors Khosroabadi and Stavenjord, Council President Nicodemus, and **Mayor Batey** expressed support for staff and appreciation for the efforts to change processes and require training. **Ober** acknowledged responsibility for the error and thanked staff who worked to correct it.

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to approve the resolution, acting as the Local Contract Review Board, authorizing a payment of \$211,675.20 to Blackline Inc. for Street Surface Maintenance Program (SSMP) slurry seal improvements completed without a contract. Motion passed with the following vote: Councilors Stavenjord, Khosroabadi, Massey, Nicodemus, and Mayor Batey voting “aye.” [5:0]

Resolution 44-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING A PAYMENT OF \$211,675.20 TO BLACKLINE INC. FOR STREET SURFACE MAINTENANCE PROGRAM (SSMP) SLURRY SEAL IMPROVEMENTS COMPLETED WITHOUT A CONTRACT.

The group remarked on a mailing from the Oregon Secretary of State Audit Division to Council and the Milwaukie Redevelopment Commission (MRC) and staff noted they would review and follow-up as necessary.

LaFrance noted staff’s belief that the contract error should not impact the city’s bond rating. **Ober** remarked on the importance of government transparency.

8. PUBLIC HEARINGS (moved up the agenda)

8. B. Substantive Code Amendments – Ordinance

Weigel explained that due to a noticing error the substantive code amendments hearing would be rescheduled for a future meeting.

9. COUNCIL REPORTS (moved up the agenda)

Councilor Massey reported on a Metro orientation and engagement event and a visit by United States Senator Ron Wyden to the Kellogg Creek Dam. **Mayor Batey** noted the status of the dam removal project.

Councilor Stavenjard remarked on an upcoming county housing board meeting and a recent Transportation System Plan Advisory Committee (TSPAC) meeting.

Mayor Batey reported on issues covered at the recent Oregon Mayors Association conference and noted the upcoming League of Oregon Cities (LOC) conference.

Ober provided an update on the city's partnership with local non-profit organizations that provide housing and behavioral health services at the Ledding Library.

8. PUBLIC HEARINGS (continued)

8. A. Design and Landmarks Committee (DLC) Code Update – Ordinance

Call to Order: **Mayor Batey** called the public hearing on the proposed code adoption, file # ZA-2023-005, to order at 6:55 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to take public comment on the proposed DLC code update.

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

Staff Presentation: **Weigel** provided an overview of the staff proposal to amend the code to retire the DLC, noting the history and workload of the committee and the plans for the Planning Commission or staff to handle the committee's work.

Weigel reviewed correspondence received to-date, noted the Milwaukie Historical Society's opposition to retiring the DLC, reiterated the staff recommendation, and noted Council's decision-making options.

Councilor Khosroabadi and **Weigel** noted that the city was not a participant in the State Historic Preservation Office (SHPO) certified local government (CLG) program and commented on the workload that would be required for staff and potentially for the DLC to become a CLG. They commented on how CLG grant funding could be used for historic preservation projects and how staff planned to use the city's neighborhood hubs project to apply for preservation grants.

Councilor Stavenjard suggested that an ad hoc committee could be formed to satisfy CLG grant requirements. **Weigel** remarked on how the DLC could be retained in an ad hoc form to meet CLG requirements.

Weigel and **Council President Nicodemus** noted the staff workload required to support an ad hoc committee and the challenges of recruiting for an ad hoc committee. They also noted the role of the Planning Commission in CLG funded projects.

Correspondence: **Mayor Batey** noted staff had reported on correspondence received.

Audience Testimony: **Mayor Batey** reviewed the comment procedures.

Steve Bennett, Milwaukie Historical Society, expressed the society's opposition to retiring the DLC.

Greg Hemer, Milwaukie resident, agreed with the Planning Commission's recommendation to not retire the DLC. **Councilor Khosroabadi** and **Hemer** remarked on whether the Planning Commission could function in the same way as the DLC in design review processes. **Mayor Batey** and **Hemer** commented on the DLC's role in a previous historic resources' presentation led by staff.

Denise McGriff, National Trust for Historic Preservation, encouraged Council to update its historic resources inventory and keep the DLC. **Councilor Stavenjord**, **McGriff**, and **Mayor Batey** remarked on how often a CLG committee needed to meet and how such a committee could support the city's housing and neighborhood goals and noted the requirements of becoming a CLG.

Staff Response to Testimony: **Gericke** and **Weigel** remarked on the role of the Planning Commission and the DLC in the pre-application design review processes. **Weigel** believed the city could achieve CLG status and observed that staff had plans to update the historic resources inventory in the future and the DLC could be reinstated at that time. **Weigel** stated that staff supported preserving historic structures.

Council Questions to Staff: There were no further questions for staff.

Close Public Comment: It was moved by **Council President Nicodemus** and seconded by **Councilor Khosroabadi** to close the public testimony part of the DLC code change hearing. Motion passed with the following vote: **Councilors Stavenjord, Khosroabadi, Massey, Nicodemus, and Mayor Batey** voting "aye." [5:0]

Mayor Batey closed the public comment part of the hearing at 7:47 p.m.

Council Discussion:

Council discussed the current workload for the DLC and staff, whether the DLC was needed to obtain CLG status, the importance of historic preservation, and utilizing the DLC as an ad hoc as needed in the future.

Councilors Stavenjord and Massey and **Council President Nicodemus** expressed support for staff's recommendations. **Councilor Khosroabadi** and **Mayor Batey** opposed retiring the DLC.

Batey observed that no current DLC member had provided testimony on the proposal to retire the committee.

The group discussed the prioritization of city projects, including the historical resources inventory update and seeking CLG status, and how the DLC and staff workloads would be impacted by retiring the DLC.

Council President Nicodemus asked if Council was ready to vote on the ordinance.

The group discussed the DLC as an ad hoc committee and what its role could be.

Council President Nicodemus and **Weigel** commented on what action Council should take to maintain the DLC. **Mayor Batey** suggested the proposed code amendments should wait until after the upcoming planning department workplan discussion.

Council Decision: It was moved by **Council President Nicodemus** and seconded by **Councilor Massey** for the first and second readings by title only and adoption of the ordinance amending various parts of the Municipal Code (MMC) as necessary to

formally retire the Design and Landmarks Committee (DLC) (file #ZA-2023-005). Motion passed with the following vote: Councilors Stavenjord, Massey, Nicodemus voting “aye” and Councilor Khosroabadi and Mayor Batey voting “no.” [3:2]

Ober read the ordinance one time by title only.

Stauffer noted that because the Council vote was not unanimous, the ordinance would be read for a second time at a separate meeting on September 5, 2023.

10. ADJOURNMENT

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 8:26 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL SPECIAL SESSION

Home of Mayor Batey
11912 SE 19th Avenue

www.milwaukieoregon.gov/meetings

MINUTES

August 20, 2023

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

Council Absent: Councilor Rebecca Stavenjord

Staff Present: Justin Gericke, City Attorney
Ann Ober, City Manager

Emma Sagor, Assistant City Manager

Mayor Batey called the meeting to order at 5:00 p.m.

The group participated in a social dinner and no topics of city business were discussed.

Mayor Batey adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Ann Ober, City Manager

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Scott Stauffer, City Recorder

From: Ben Green, Engineering Technician I

Subject: **Revised Public Safety Advisory Committee Bylaws Adoption**

Date Written: Sept. 25, 2023

ACTION REQUESTED

Council is asked to approve a resolution adopting revised Public Safety Advisory Committee (PSAC) bylaws.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[September 5, 2023](#): Council received PSAC's annual report, which included proposed revisions to the committee's bylaws. During the annual report, Council directed staff to prepare a resolution to adopt the proposed bylaw revisions.

ANALYSIS

As outlined in the September 5 staff report, over the last year PSAC reviewed its bylaws to incorporate several logistical changes and the city's new board and committee bylaw template. Per Council direction on September 5, a resolution adopting the revised PSAC bylaws has been prepared for consideration by Council.

BUDGET, WORKLOAD, & CLIMATE IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT & STAFF RECOMMENDATION

Not applicable.

ALTERNATIVES

Council could request that the PSAC make further additions and/or changes to the bylaws.

ATTACHMENTS

1. Resolution
2. Revised Bylaws

COUNCIL RESOLUTION No.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
AMENDING THE PUBLIC SAFETY ADVISORY COMMITTEE (PSAC) BYLAWS.**

WHEREAS the Public Safety Advisory Committee (PSAC) annually reviews its bylaws and proposes updates to the City Council as appropriate; and

WHEREAS over the course of 2022 and 2023 the PSAC reviewed its bylaws and agreed to propose changes to the Committee’s bylaws to address operational changes and to adopt the new bylaws template for city boards and committees; and

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

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the Public Safety Advisory Committee Bylaws are amended as outlined in Exhibit A.

Introduced and adopted by the City Council on **October 3, 2023**.

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Milwaukie Public Safety Advisory Committee (PSAC)

www.milwaukieoregon.gov/bc-psac

BYLAWS

Adopted xx/xx/xxxx

By Resolution xx-yyyy

ARTICLE I – NAME

The name of this board/committee is the Public Safety Advisory Committee (PSAC).

ARTICLE II – PURPOSE & AUTHORITY

A. Purpose. The Public Safety Advisory Committee is established for the purpose of advising and making recommendations to the City Council and city departments regarding public safety needs in the City and its Urban Growth Boundary. The Committee shall be responsible for, but not limited to, the following activities:

1. Review and make recommendations on community livability concerns related to public safety issues and neighborhood livability in Milwaukie and within its urban growth Boundary.
2. Review and make recommendations for the city and other community organizations to mitigate the negative influence of crime and traffic impacts on the community.
3. Promote public education and awareness of the effects of traffic impacts and mobility issues in the community.
4. Review and make recommendations on city infrastructure needs related to streets, sidewalks, trails, and multimodal paths, traffic control devices, ADA and various transportation and transit related matters that affect pedestrian, cyclist, and driver safety.
5. Collaborate with local, County, regional and State government agencies to develop strategies to mitigate negative community livability concerns by focusing partnership agency resources to reduce or eliminate specific problem areas, or concerns.
6. Such other activities as Council may assign. (Ord. 2115 § 1, 2016; Ord 1906 § 2, 2002; Ord. 1869 § 3, 2000; Ord 1797 § 3, 1996)

B. Authority. The Committee is authorized by Milwaukie Municipal Code (MMC) Chapter 2.24 Public Safety Advisory Committee.

ARTICLE III – MEMBERSHIP

1. Membership. The Committee shall consist of one voting member representing each of the City's neighborhood associations plus (4) at-large members. It is desirable that Committee members have an interest in solving community public safety problems through active involvement with city departments that are responsible for addressing public safety issues. Generally, the Engineering Director will act as the liaison between the Committee and city staff, however other departments such as the police department may occasionally assist or coordinate when appropriate. The term of office for members shall be from July 1st to June 30th (to allow NDA's to elect offices and representatives at the same meeting). Each term equals two years. Members may be reappointed to the same position by City Council based on the original application (updated if necessary). As outlined in the MMC, the mayor appoints

Board/Committee members with the consent of the City Council. At-large members will be appointed to the Public Safety Advisory Committee by the City Council. Neighborhood district association members shall be appointed by the Council after nomination by the neighborhood association that person will represent. The recommendation shall be reflected in the neighborhood district association minutes and provided to the City. The Council shall have discretion whether to appoint any person nominated by a neighborhood district association. As outlined in MMC 2.10.040 and in the city's Code of Conduct for Board and Committee Members, Board/Committee members serve at the pleasure of the City Council.

2. **Term of Office.** At-large committee member terms are for a period of 2 years. Up to two (2) additional two (2) year terms, for a total of four (4) additional years past the member's original appointment, may be approved by the City Council. Neighborhood representatives will be appointed for two (2) year terms with no limit on the number of terms.
3. **Vacancies.** If a Board/Committee member resigns or otherwise vacates their position, the City Council will fill the vacancy in the same manner as the original appointment. Member resignations should be submitted in writing to the chair and staff liaison.
4. **Code of Conduct.** To ensure the city's boards and committees operate in an efficient, consistent, and orderly manner, and that board/committee members comply with Oregon's public meetings and records laws, the City Council adopted a Code of Conduct for Board and Committee Members. Board/committee members are expected to review, sign, understand, and abide by the Code of Conduct.

ARTICLE IV – MEETINGS

- A. **Open Meetings.** All Board/Committee meetings are public meetings as set forth by Oregon's Public Meetings Laws, Oregon Revised Statute (ORS) Chapter 192.
- B. **Meeting Conduct.** Board/Committee meetings will be conducted efficiently and transparently as outlined in these bylaws, the MMC, relevant state and federal laws, and by the city's Code of Conduct for Board and Committee Members. Where these bylaws or other city guides do not provide direction, the most recent edition of Robert's Rules of Order will be followed.
- C. **Regular Schedule.** The Board/Committee will hold regular meetings as determined by the MMC, the City Council, or the chair and staff liaison. The board/committee's regular schedule will be to meet on the fourth Thursday of each month at 6:00 p.m. at the Public Safety Building and on Zoom. The time, date, and/or location of a particular meeting may be changed by a majority vote of a quorum of the membership at least three weeks prior to the meeting.
 1. **Special Meetings.** Special meetings may be called at the request of the chair or a majority of the board/committee. If a special meeting is called, the chair and staff liaison will set a date and time taking into consideration such factors as the availability of the board/committee members and staff, and a meeting location.
 2. **Closed Sessions.** The board/committee may meet in closed, or executive, session as allowed by ORS 192.660(2) and consistent with MMC 2.04.090 when requested by the City Council to do so.
- D. **Attendance & Absences.** Board/Committee members are expected to attend all meetings, events, and activities of the board/committee. As outlined in the MMC and Code of Conduct, if a member fails to attend 75% of the meetings in a year, the member may be removed from the board/committee through the process outlined in the Code of Conduct unless otherwise excused by the chair.
 1. **Absences.** If a board/committee member is unable to attend a meeting, it is the member's responsibility to inform the chair and staff liaison before the meeting.

- E. Quorum & Related Matters.** For the purposes of conducting board/committee business, including holding official meetings, a majority, or quorum, is more than half of the voting membership of the Committee, as then constituted.
- 1. Lack of Quorum.** If there is no quorum of board/committee members within 15 minutes following the scheduled start time of a meeting, the meeting is cancelled. If the chair or staff liaison knows that a quorum will not be present at the meeting, they will notify the board/committee members before the meeting about the cancellation.
 - 2. Rescheduling Agenda Items.** If a meeting is canceled due to a lack of a quorum, all agenda items that were scheduled for the cancelled meeting will automatically be placed on the next regularly scheduled meeting agenda unless the chair or staff liaison determines that a special meeting is needed to address the items. The staff liaison will ensure that the required public meeting notices will be posted for the next meeting.
- F. Meeting Procedures.** At the beginning of each meeting, the Committee shall start with a mission statement and Native Lands Acknowledgment Statement.
- 1.** The mission statement is as follows “The Public Safety Advisory Committee is established for the purpose of advising and making recommendations to the City Council and city departments regarding public safety needs in the City and its Urban Growth Boundary”.
 - 2.** The Native Lands Acknowledgment statement must be consistent with the officially approved statement by council.
- G. Agenda Order.** The chair and the staff liaison will coordinate and arrange the meeting items as necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:
- 1.** Call to Order
 - 2.** Mission Statement and Native Lands Acknowledgment statement
 - 3.** Approval of Minutes
 - 4.** Public Comments (3-5 minutes each or as may be approved by the committee)
 - 5.** Reports from Clackamas Fire District #1, Police Department, City of Milwaukie Staff and Committee members.
 - 6.** Action Items
 - 7.** Discussion
 - 8.** Adjournment
- H. Adjournment Time.** Committee meetings will end no later than 7:30 PM, unless, by majority vote of the members present the adjournment time is extended.
- I. Voting.** All Board/Committee members who are present at a meeting, including the chair and officers, are allotted one vote each on all motions. One member must make a motion and another member must second that motion in order for the Committee to vote. The concurrence of a majority of the whole committee present shall be required to determine any matter before the committee. In the case of a tie vote, the matter fails. When a vote is taken all members must vote unless a member abstains from voting and cites the reason for abstaining for the record. The board/committee secretary or staff liaison will call the roll, altering the order of members called. The chair will vote last.
- J. Motions & Related Matters.** Any Board/Committee member may make a motion. A motion needs a second to be considered, otherwise it fails.
- 1. Reconsideration of Actions Taken.** A board/committee member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been

reconsidered, no motion for further reconsideration may be made without unanimous consent of the Board/Committee.

K. Minutes & Related Matters. The written and approved meeting minutes are the official record of the meeting.

A. Preparing the Minutes. The board/committee secretary or city staff will be present at each meeting and will provide written minutes. Written minutes should not be a verbatim transcript but should give a true reflection of the matters discussed at the meeting and the views of the participants. The written minutes must include at least the following information:

1. The date, time, location of the meeting;
2. Names of the Board/Committee members present;
3. All motions and proposals;
4. The results of all votes;
5. The substance of any discussion on any matters; and,
6. A reference to any document discussed at the meeting.

B. Posting & Approval. The staff liaison will make the draft written meeting minutes available to the public within a reasonable time after the meeting. The Board/Committee will review and vote upon the minutes at its next meeting after the minutes have been written. Approved minutes will be posted on the city's website and retained permanently as required by Oregon Administrative Rule (OAR) 166-200-0235(5)(a).

ARTICLE V – OFFICERS & ASSIGNED DUTIES

A. Officers. The officers of the Board/Committee will consist of a chair, vice chair, and secretary.

1. Election of Officers. Members will elect the officers annually during the first meeting in April/July. Any member may nominate another member as an officer. Officers may be re-elected. If an officer is unable to complete their term, the board/committee will hold a special election to fill the vacant officer position.

B. Duties of the Chair. The chair will preside and preserve the order of Board/Committee meetings, review agendas and confer on business with the staff liaison and sign all documents memorializing board/committee actions. The chair will set reasonable time limits for community comments and testimony. In the event the Chairperson cannot attend a scheduled meeting, another elected officer shall act as the presiding officer, either as appointed by the Chair or by agreement of the members attending.

C. Duties of the Vice Chair. If the chair is absent or otherwise disqualified from serving, the vice chair will perform all duties and be subject to all the responsibilities of the chair. If both the chair and vice chair are absent from a meeting, the remaining members present will elect an acting chair for that meeting.

D. Duties of Board/Committee Members. The role of a board/committee member is to participate in the Board/Committee's work and activities as assigned by the City Council by attending meetings and events and participating in discussions and decisions. As outlined in the city's Code of Conduct, board/committee members must behave in an appropriate manner when performing their duties as board/committee members in-person and in written or digital communications.

1. Meeting Preparation. Board/committee members must prepare for participation at a meeting by fully reviewing the staff report and any materials provided by city staff.

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

ARTICLE VI – GOALS & AMENDMENTS

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

ARTICLE VII – BY-LAW CHANGES

1. By-laws need to be reviewed annually at the January or February meeting.

By-laws may be amended, repealed or altered by a majority of a quorum of the committee, subject to approval by the City Council. A copy of the proposed changes must be sent to all members before a vote may be taken.

ARTICLE VIII – OPERATING PROCEDURES. An Operating Manual Shall be adopted and provided to each member, along with a copy of the most current by-laws and the current year's

work plan. The purpose of the Operating Manual is to provide consistency, clarity, and an open record of information needed to conduct business of PSAC.

1. The Operating Manual shall contain:
 - a. the purpose and duties of PSAC as determined by City Council;
 - b. details useful for conducting business, including communications with members, sub-committee duties, and any other regularly used procedures.
 - c. names, addresses, email addresses, phone numbers, and term of office of the committee members, however, personal information shall be kept confidential by committee members unless written permission to share is provided to the chairperson.
2. Changes and additions to the manual may be suggested by any member and adopted by majority vote at any regular meeting.
3. The Operating Manual must be consistent with PSAC by-laws, the policies of City Council, and state where applicable.



RS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Ann Ober, City Manager, and
Joseph Briglio, Community Development Director

From: Laura Weigel, Planning Manager

Subject: **Planning Department Work Program**

Date Written: Sept. 21, 2023

ACTION REQUESTED

Council is asked to review the draft planning department five-year work program.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Each year Council holds a joint meeting with the Planning Commission to review the planning department work plan. The most recent joint discussion with the Commission focused on the next few years. This Council discussion will focus on the five-year work program.

On [December 17, 2019](#), Council held a joint session with the Commission to discuss the planning work program for 2020 and beyond.

On [April 20, 2021](#), Council held a joint session with the Commission to discuss the planning work program for 2021-2026.

On [April 19, 2022](#), Council held a joint session with the Commission to discuss the planning work program for 2022-2026.

On [August 1, 2023](#), Council held a joint session with the Commission to discuss the upcoming work program.

On [September 5, 2023](#) Council started the work program discussion and elected to continue the discussion on September 19, 2023.

On [September 19, 2023](#) Council pulled the discussion item from the agenda and elected to continue the discussion on October 3, 2023.

DISCUSSION

Staff has been making progress on the projects outlined in the existing work program (Attachment 1) since 2019. Staff has shared the work program with Council and the Planning Commission every year (except 2020 which was a time of transition) since the Comprehensive Plan was developed to ensure that projects are in alignment with Council expectations and goals. With new members of Council onboard, the consideration of Council goals, new projects added to the work program due to state initiatives, and with staff looking to the future, now is a good time to review the current work program with Council.

The original order of the projects was based on priorities coming out of the Comprehensive Plan and Council goals. Staff believes the order of projects is still correct with a few minor adjustments to consider.

Originally, it was anticipated that reviewing/updating the city's flood protection regulations would be done at the same time as the Natural Resource Assessment. However, based on the fact that the city adopted updated flood hazards regulations (Milwaukie Municipal Code (MMC) Title 18) in 2021 to be in compliance with the Oregon Department of Land Conservation and Development (DLC) and since there are likely changes coming from the state and the Federal Emergency Management Agency (FEMA) in 2026/2027 that would require the city to update its standards, it does not seem prudent to undertake that work at this time. The MMC complies with state requirements and any additional work should begin after new regulations are in place. As a result, staff proposes not starting this project now, but waiting until the regulations are in place.

Phase two of the neighborhood hubs projects is currently underway. A series of community meetings are scheduled for the last two weeks of October and staff will be ready to discuss potential code concepts and economic development strategies with Council in December. In addition to the work identified as part of phase two and given the high degree of interest from the community, staff may propose a third phase of Hubs work to further accomplish the project goals. If staff does propose a third phase of work, we would also propose undertaking that work on the heels of phase three to keep the momentum going.

There are three strategies, in the form of potential code packages, that the city is committed to exploring based on the city's recently adopted Housing Production Strategy (HPS). Those three strategies have been added to the planning department work program.

The Business Industrial (BI) and Manufacturing (M) zones in the city have not been updated in over a decade and need to be brought up to date. This code package has been added to the work program after all other tasks have been completed.

Column one on Attachment 2 shows the original order of work tasks that Council has seen since 2019. Column two shows the proposed task order for discussion. Attachment 3, the potential revised 2023-2027 work program, shows updated estimated timelines for existing and new tasks.

Staff would like to know if Council agrees with the proposed order of task/projects? And are there any projects missing?

BUDGET IMPACT

The planning department has sufficient funding to carry out the objectives for the current biennium.

WORKLOAD IMPACT

The work for the current biennium has been assigned to specific staff and workloads are being adjusted to accommodate projects in addition to providing a high level of customer service at the development review counter.

CLIMATE IMPACT

Planning staff will be working on a variety of projects that may impact the climate goals for the community.

COORDINATION, CONCURRENCE, OR DISSENT

The work program has been reviewed with community development staff.

STAFF RECOMMENDATION

Staff recommends that the Council review and discuss the work program.

ALTERNATIVES

None.

ATTACHMENTS

1. 2023-2026 Planning Work Program (As of 2022)
2. Original and Proposed Work Tasks
3. Potential Revised 2023-2027 Work Program

Planning Work Forecast 2023-2026																					
Task	Plan/Zone Map	Code Change	Engagement Level	Team	Consultant Needed	2023				2024				2025				2026			
						Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
CURRENT PLANNING																					
A. Comp Plan Implementation- Phase 1 + HB 2001																					
1. Housing, Tree and Parking Code	Yes	Yes	High		Yes																
B. Comp Plan Implementation - Phase 2																					
1. Transportation Systems Plan	Yes	Yes	High	Lead: Planning Support: Engineering + Outreach: CMO	Yes																
2. Neighborhood Hubs (Phase 2)	Yes	Yes	High	Lead: Planning Support: CD	Yes																
3. Housing Needs Analysis Update/Housing Production Strategy (Required)	Yes	Yes	Moderate	Lead: Planning Support: None	Yes																
4. Downtown Design Review Update	Yes	Yes	Moderate	Lead: Planning Support: None	Yes																
5. Residential High Density Zones Review	Yes	Yes	Low	Lead: Planning Support: None	No																
C. Comp Plan Implementation - Phase 3																					
1. Natural Resources Assessment and Code Update	Yes	Yes	Moderate	Lead: Planning Support: Public Works	Yes																
2. Flood Protection – Consider creating a zoning overlay for added protection. New changes from Fed/State in 2026	Yes	Yes	Moderate	Lead: Planning Support: Engineering	Maybe																
3. Potential Parks and Institutions Zone/CSU Analysis	Yes	Yes	Moderate	Lead: Planning Support: None	Maybe																
4. Willamette Greenway *Establish 2 tiers of review clear and objective standards for housing *Adjust boundary	Yes	Yes	Moderate	Lead: Planning Support: None	Maybe																
5. New Town Center Plan - Replace current 1997 Plan and potentially consolidate the Downtown/Riverfront Plan as components of the TC Plan	Yes	Yes	Moderate/High	Lead: Planning Support: None	Yes																
6. Historic Resources Inventory and potential code update	Yes	Yes	Moderate	Lead: Planning Support: CMO + Outreach: CMO	Potentially																
7. Urban Growth Management Agreement – prepare and adopt a new agreement with the County	Yes	No	Low	Lead: Planning & City Attorney Support: Public Works, CMO, & Engineering	Not likely																
8. Potential Neighborhood Hubs (Phase 3) *NMU Boundary Adjustments along 32nd/Olsen *Area plans (Trolley Trail and Chapel Theater) *Home Occupations/Accessory Commercial Units	Yes	No	Moderate/High	Lead: Planning, CD Support: None	Potentially																
D. Other Planning Code Amendments																					
1. EV Charging Code Update* (HB 2180 & Gov Climate Order)	No	Yes	Low																		
2. Climate Friendly Equitable Communities (Gov. Brown Executive Order 20-04)*	Yes	Yes	Low																		
3. Psilocybin Code Update*																					
4. Sign Code Update - Eliminate provisions for electronic signs or reduce light intensity.	No	Yes	Low	Lead: Planning Support: City Attorney	Not likely																
5. Bi-annual Housekeeping Code Amendments	No	Yes	Low	Lead: Planning Support: None	No																
6. Title 17 Update (Land Division)	No	Yes	Low	Lead: Planning Support: City Attorney	No																
7. Bicycle Parking Standards*	No	Yes	Low	Lead: Planning Support: None	No																
8. HPS Implementation- Increase Capacity in HDR Zone*	Yes	Yes	Low	Lead: Planning Support: None	No																
9. HPS Implementation- Evaluate Incentives for Affordable Housing*	Yes	Yes	Low	Lead: Planning Support: CD	No																
9. HPS Implementation- Develop pre-approved Plan Sets for ADUs and Middle Housing Typologies*	No	No	Low	Lead: Planning Support: CD	Maybe																
10. Business Industrial and Manufacturing Zone Updates	Maybe	Yes	Low	Lead: Planning Support: CD	Maybe																
*State initiated																					
Yellow = Underway																					
Blue = New																					
Grey = Complete!																					

Attachment 7. A. 2.

Original Work Task Order	Proposed Task Order for Discussion
<ol style="list-style-type: none"> 1. Natural Resource Assessment/Code Update 2. Expand floodplain protection (originally w/ Natural Resources) 3. Sign Code Update 4. Parks and Institutions Zone 5. Revise the Willamette Greenway zone to: <ol style="list-style-type: none"> a. establish two tiers of review and b. create a clear and objective path for housing 6. New Town Center Plan/Consolidation 7. Update Historic Resources Inventory 8. Urban Growth Management Agreement 	<ol style="list-style-type: none"> 1. Natural Resource Assessment/Code Update 2. Sign Code Update - Electronic Signs 3. Neighborhood Hubs Phase 3 (potentially) -NMU Zoning Boundary adjustment along 32nd/Olsen -Area Plans -Home Occupations/Accessory Commercial Units 4. HPS - Evaluate Incentives for Affordable Housing 5. Parks and Institutions Zoning Code Update (CU/CSU code) 6. Revise the Willamette Greenway zone to: <ol style="list-style-type: none"> a. establish two tiers of review and b. create a clear and objective path for housing 7. HPS - Increase Capacity in HDR zone 8. Review/consolidate/update Downtown and Central Milwaukie plans to potentially create one plan 9. HPS - Develop per-approved plan sets for ADU's and Middle Housing 10. Update Historic Resources Inventory 11. Urban Growth Management Agreement 12. Business Industrial and Manufacturing Zone Updates 13. Expand floodplain protection (originally w/ Natural Resources)
	Blue = New
	Brown = New Timeframe

Planning Work Forecast 2023-2027																									
Task	Plan/Zone Map	Code Change	Engagement Level	Team	Consultant Needed	2023				2024				2025				2026				2027			
						Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
CURRENT PLANNING																									
A. Complete																									
1. Housing, Tree and Parking Code	Yes	Yes	High		Yes																				
2. Housing Needs Analysis Update/Housing Production Strategy*	Yes	Yes	Moderate	Lead: Planning Support: None	Yes																				
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4. Residential High Density Zones Review	Yes	Yes	Low	Lead: Planning Support: None	No																				
5. EV Charging Code Update* (HB 2180 & Gov Climate Order)	No	Yes	Low	Lead: Planning Support: PW	No																				
6. Psilocybin Code Update*	No	Yes	Low	Lead: Planning Support: None	No																				
B. Underway																									
1. Transportation Systems Plan	Yes	Yes	High	Lead: Planning Support: Engineering + Outreach: CMO	Yes																				
2. Climate Friendly Equitable Communities (Gov. Brown Executive Order 20-04)*	Yes	Yes	Low																						
3. Neighborhood Hubs (Phase 2)	Yes	Yes	High	Lead: Planning Support: CD	Yes																				
4. Bi-annual Housekeeping Code Amendments	No	Yes	Low	Lead: Planning Support: None	No																				
5. Title 17 Update (Land Division)	No	Yes	Low	Lead: Planning Support: City Attorney	No																				
6. Bicycle Parking Standards*	No	Yes	Low	Lead: Planning Support: None	No																				
7. Natural Resources Assessment and Code Update	Yes	Yes	Moderate	Lead: Planning Support: Public Works	Yes																				
C. Future																									
Flood Protection – Consider creating a zoning overlay for added protection. New changes from Fed/State in 2026	Yes	Yes	Moderate	Lead: Planning Support: Engineering	Maybe																				
1. Sign Code Update - Eliminate provisions for electronic signs or reduce light intensity.	No	Yes	Low	Lead: Planning Support: City Attorney	Not likely																				
2. Potential Neighborhood Hubs (Phase 3) *NMU Boundary Adjustments along 32nd/Olsen *Area plans (Trolley Trail and Chapel Theater) *Home Occupations/Accessory Commercial Units	Yes	No	Moderate/High	Lead: Planning, CD Support: None	Maybe																				
3. HPS Implementation- Evaluate Incentives for Affordable Housing* (2025)	Yes	Yes	Low	Lead: Planning Support: CD	No																				
4. Potential Parks and Institutions Zone/CSU Analysis	Yes	Yes	Moderate	Lead: Planning Support: None	Maybe																				
5. Willamette Greenway *Establish 2 tiers of review *Create clear and objective standards for housing *Adjust boundary	Yes	Yes	Moderate	Lead: Planning Support: None	Maybe																				
6. HPS Implementation- Increase Capacity in HDR Zone* (2025)	Yes	Yes	Low	Lead: Planning Support: None	No																				
7. New Town Center Plan - Replace current 1997 Plan and potentially consolidate the Downtown/Riverfront Plan as components of the TC Plan	Yes	Yes	Moderate/High	Lead: Planning Support: None	Yes																				
8. HPS Implementation- Develop pre-approved Plan Sets for ADUs and Middle Housing Typologies* (2026)	No	No	Low	Lead: Planning Support: CD	Maybe																				
9. Historic Resources Inventory and potential code update	Yes	Yes	Moderate	Lead: Planning Support: CMO + Outreach: CMO	Potentially																				
10. Urban Growth Management Agreement – prepare and adopt a new agreement with the County	Yes	No	Low	Lead: Planning & City Attorney Support: Public Works, CMO, & Engineering	Not likely																				
11. Business Industrial and Manufacturing Zone Updates	Maybe	Yes	Low	Lead: Planning Support: CD	Maybe																				

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Sept. 21, 2023

Reviewed: Peter Passarelli, Public Works Director, and
Sasha Freeman, Administrative Specialist II

From: Adam Moore, Parks Development Coordinator

Subject: **Neighborhood Parks Update – October 2023**

ACTION REQUESTED

Council is asked to receive an update on the Neighborhood Parks Project.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**Park Development Project**

[September 14, 2021](#): The park development project was presented by staff and discussed by Council during a study session.

[January 4, 2022](#): An update on the status of the park development project was presented by staff and discussed by Council during a study session.

[January 18](#): Council adopted a resolution authorizing a grant agreement with the State of Oregon Department of Administrative Services (DAS).

[February 1](#): Council adopted a resolution authorizing a contract for park design and development services with GreenWorks, P.C.

[June 7](#): An update on the status of the park development project was presented by staff and discussed by Council during a study session.

[September 20](#): An update on the status of the park development project was presented by staff and discussed by Council during a study session.

[November 1](#): An update on the status of the park development project was presented by staff and discussed by Council during a study session.

[December 6](#): Council approved the concept plans for Scott Park, Bowman-Brae Park, and Balfour Park by resolution.

[July 11](#): An update on the status of the park development project was presented by staff and discussed by Council during a study session.

[August 8](#): Balfour Park & Bowman-Brae Park public hearings.

ANALYSIS

After a seventeen-month public engagement and design process, the final designs for Scott, Balfour, and Bowman-Brae Parks are nearly complete!

A celebration for this milestone has been planned for Sunday, October 8 at Scott Park from 11:00am to 1:00pm. This celebration will be very similar to the project kick-off event that was held on May 1, 2022. Postcards in Spanish and English will be sent to the 97222-area code and the city's Urban Growth Management Area (UGMA). City staff have also created a flyer for the event that will be distributed through the elementary schools in the area.

The celebration will feature free Pip's Doughnuts & Chai or Hot Chocolate for participants, a children's story hour by Nikki Brown Clown, music by Ants Ants Ants, an inclusive 3D park design art workshop by the Children's Healing Art Project (CHAP), a photobooth, button making & other crafts, family yard games, facepainting and balloon animals, and summaries of all the park engagement up to this point. Other city departments and committees have been invited to conduct outreach at the event. Additional information on the open house is available on the city's website at: www.milwaukieoregon.gov/calendar.

City staff and the design team led by GreenWorks will be on hand to answer questions on the final park, playground, and planting designs for all three parks. Participants will be asked to fill out a short, needs-based survey for all three parks. All park materials will be provided in Spanish and English with Spanish interpretation available on site. For those who cannot attend the celebration on October 8, an online survey will be available from October 3 to October 17 on Engage Milwaukie at: engage.milwaukieoregon.gov/.

These designs are based on the 2022 park concept plans that were unanimously approved by Council on December 6, 2022. The planning process followed a public involvement plan created with members of the City's Equity Steering Committee (ESC) and Parks and Recreation Board (PARB). Community feedback from the process was solicited at multiple planning events, online surveys, and focus groups.

To help fund the construction of the final designs, the City has received two large grants. On September 20, the State of Oregon announced that the city will receive \$300,000 from the Oregon State Parks Local Government Grant Program (LGGP) for Scott Park. The City of Milwaukie's application was ranked #2 in the state out of 45 awarded applications. A grant agreement is expected from the state in November 2023. While the grant is specifically for Scott Park, funds will ensure both nature-based play and inclusive play options at all three parks.

The city was also awarded the Nature in Neighborhoods (NIN) – Neighborhood Livability program grant from Metro, which will provide funding for park amenities at Scott, Balfour, and Bowman-Brae Parks. The NIN grant will provide \$350,000 to the project and will pay for nature-based play landscaping and native planting areas throughout all three parks. With these grants and the other contributions made to the project, the work at Scott, Bowman-Brae, and Balfour is well within the current cost estimates for the project. The award of the construction contracts for the parks will provide clarity on how precise the cost estimates have been.

Land use applications for all three parks have been or are anticipated to be approved with Balfour and Bowman-Brae receiving unanimous approval from the Planning Commission after public hearings in August 2023. Scott Park received a Type II staff level development review and is anticipated to receive approval in early October. City staff expect that the project will go out to bid in November with construction occurring between mid-January and October 2024. City staff will be planning groundbreaking events and ribbon cutting celebrations for the public.

CLIMATE IMPACTS

The park development project will help the city address climate change adaptation and mitigation goals at the neighborhood level. This project will add park amenities, vegetation, stormwater facilities, and permeable sidewalks to existing city parkland. These new park amenities have the potential to limit automotive trips as residents living in the three Milwaukie neighborhoods will have developed parks within a walkable distance of their homes.

Additional trees and plants will help meet the city's 40% tree cover goals, while small rain gardens will help with storm water detention. Any development project will have a carbon footprint, though this project will strive to keep its carbon footprint small using natural, recycled, and/or locally sourced products wherever possible.

BUDGET IMPACTS

Staff will work on a budget amendment to account for any revenue and expenses in the fiscal year the grants are received. Grant agreements for expected to be completed in November of 2023. Both grants are a reimbursable and this project is primarily paid for with federal American Recovery Plan Act (ARPA) funds received through the state, which makes up most of the match. A donation from the Ardenwald-Johnson Creek Neighborhood District Association (NDA) through the Milwaukie Parks Foundation is supporting Balfour Park construction. City staff are negotiating the award of a donation from the Ledding Library Foundation for Scott Park and city funds from the safe streets project to connect neighborhoods together through Scott and Balfour Parks.

WORKLOAD IMPACTS

Public works staff will be leading the effort to develop these three parks while coordinating with other city departments and outside agencies as required. Under the direction of the public works director, the parks development coordinator will collaborate with North Clackamas Parks and Recreation District (NCPRD) staff where appropriate, and staff in the city manager's office and the planning and engineering departments. In addition to Council, other public boards, and commissions, such as the ESC, PARB, and the Planning Commission will all be engaged, particularly as park master plans are created and refined. Staff will manage workloads and currently have the capacity to manage the work detailed in this report.

COORDINATION, CONCURRENCE, OR DISSENT

Development of new public recreation space will require close collaboration between departments within the city, related outside agencies, and the public.

STAFF RECOMMENDATION

Provide direction on future engagement and project management.

ALTERNATIVES

Not applicable.

ATTACHMENTS

1. September 2023 postcard for the October 8 Open House and Celebration
2. September 2023 flyer for the October 8 Open House and Celebration



REVIEW THE FINAL PARK DESIGNS!

¡ECHE UN VISTAZO A LOS DISEÑOS FINALES DEL PARQUE!

Come grab a donut and review the final designs for three new parks in Milwaukie. Let us know if these parks meet your needs. Family fun and entertainment provided.

*Oct 8 from 11 am to 1 pm at Scott Park & Ledding Library
10660 SE 21st Ave. Milwaukie, OR*

Can't make it?

An online survey is available from October 3 – 17

engage.milwaukieoregon.gov

Venga a disfrutar de una dona y eche un vistazo a los diseños finales de los tres nuevos parques en Milwaukie. Queremos saber su opinión sobre si estos parques cumplen con sus expectativas. Habrá diversión y entretenimiento para toda la familia.

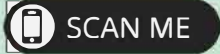
*8 de oct de 11 am a 1 pm en el Parque Scott y la Biblioteca
Ledding
10660 SE 21st Ave. Milwaukie, OR*

¿No puede unirse en persona?

*Del 3 al 17 de octubre, puede participar en nuestra encuesta
en línea en*

engage.milwaukieoregon.gov

PIP'S IN THE PARK!



On October 8, enjoy free donuts while reviewing the final park designs for Balfour, Scott, and Bowman-Brae Parks. Scan the code or visit the website to see who's performing.

Find event and survey information at [Milwaukieoregon.gov/calendar](https://milwaukieoregon.gov/calendar)
For more information contact:
parkprojects@milwaukieoregon.gov.

¡PIP ESTÁ EN EL PARQUE!



El 8 de octubre, disfrute de donas gratis mientras echa un vistazo a los diseños finales de los parques Balfour, Scott y Bowman-Brae. Escanee el código o visite el sitio web para ver quiénes se presentarán en el evento.

Busque información sobre eventos y encuestas en [Milwaukieoregon.gov/calendar](https://milwaukieoregon.gov/calendar)
Para más información contacte:
parkprojects@milwaukieoregon.gov.



CITY OF MILWAUKIE
6101 SE Johnson Creek Blvd
Milwaukie, OR 97206

Presorted
Standard
U.S. Postage
PAID
Portland, OR
Permit #990

CALLING ALL PLAY EXPERTS!

SUNDAY, OCT. 8 • 11 AM – 1 PM
SCOTT PARK • 10660 SE 21ST AVE







SHAPE OUR PLAYGROUNDS!

The City of Milwaukie is seeking play experts to share their insights about the final designs for Scott, Balfour and Bowman-Brae Parks on Sunday, Oct. 8 from 11 AM to 1 PM! Stick around to enjoy doughnuts, storytime, live music, a special art project, photo booth, games and more!

All park materials are provided in English and Spanish with interpreters, if needed.

EVENT HIGHLIGHTS

-  The Pip's Mobile Doughnuts & Chai Making Van (free, while supplies last)
-  Ants, Ants, Ants (children's band)
-  Nikki Brown Clown (inspirational children's entertainer)
-  Children's Healing Art Project (inclusive 3D park design)

SCAN QR CODE!



¡LLAMANDO A TODOS LOS EXPERTOS EN JUEGOS!

DOMINGO, 8 DE OCTUBRE • 11 AM – 1 PM
SCOTT PARK • 10660 SE 21ST AVE



DÁLE FORMA A NUESTROS PARQUES INFANTILES

La Ciudad de Milwaukie busca a expertos en juegos para compartir sus opiniones sobre los diseños finales de los parques Scott, Balfour y Bowman-Brae el domingo 8 de octubre de 11 AM a 1 PM. ¡Quédate para disfrutar de donas, cuentos, música en vivo, un proyecto de arte especial, un fotomatón, juegos y mucho más! Todos los materiales del parque están disponibles en inglés y español con intérpretes, si es necesario.

EVENTOS DESTACADOS



The Pip's Mobile Doughnuts & Chai Making Van
(gratis, mientras duren)



Ants, Ants, Ants (banda para niños)



Nikki Brown Clown
(entretenimiento inspirador para niños)



Children's Healing Art Project
(Diseño de parque 3D inclusivo)

ESCANEAR CÓDIGO QR



CITY OF MILWAUKIE

RS 7. B. 10/3/23
Presentation

Neighborhood Park Update

October 3, 2023

Milwaukie City Council



Since Last Update

- Bowman-Brae access
- Scott Park to parking lot connection
- Land Use Applications
- Outreach at Fiesta Latina de la Parque
- **100% design!**



October 3, 2023

Neighborhood Parks Project

Oregon Parks LGGP Award!



- **\$300,000** for Scott Park construction
- Ensures inclusive & accessible playgrounds at all three parks
- **Number 2** rated project out of 45 statewide awarded projects



October 3, 2023

Neighborhood Parks Project

Budget: \$3,335,000

ARPA	City Funds	Library Foundation	A-JC NDA	Metro Local Share	Metro NIN Grant	State LGGP	SAFE Streets
\$2,250,000	\$60,000	\$10,000	\$22,000	\$317,000	\$350,000	\$300,000	\$25,000

- **\$672,000 in new grants since last year.**
- Cost estimates with contingency are within current budget & our project timeline looks good, though...



Next Steps

- Construction solicitation in November
- Construction January 2024 to October 2024



October 3, 2023

Neighborhood Parks Project

Final Designs Celebration



**CALLING ALL
PLAY EXPERTS!**

SUNDAY, OCT. 8 • 11 AM – 1 PM
SCOTT PARK • 10660 SE 21ST AVE

SHAPE OUR PLAYGROUNDS!

- Accessible & inclusive event
- Spanish interpretation onsite, if needed
- Surveys on Engage Milwaukie until October 17



October 3, 2023

Neighborhood Parks Project

Nikki Brown Clown

- Literacy and Nutrition Advocate
- Rose Festival Entertainer of the Year, Clown of the Year
- NikkiBrownClown.com
- Story Hour at: 11:15am



October 3, 2020

Neighborhood Parks Project



Ants Ants Ants



- Family friendly music inspired by Sesame Street & Schoolhouse Rock
- National Parenting Product Award Winner
- AntsAntsAnts.com
- Available on Spotify
- Robots dance at 12:15pm!



October 3, 2020

Neighborhood Parks Project

Children's Healing Art Project

- Community-based non-profit focused on healing in the community & hospitals
- ChapPDX.org
- Three-time PDX Parent Picks Winner
- 3D park designing craft



October 3, 2020

Neighborhood Parks Project

Pip's Mobile Doughnuts & Chai



- **Free & unlimited** (with park survey please)
 - Chai & Hot Chocolate
 - Nutella & Sea Salt
 - Cinnamon & Sugar
- 11am – 1pm



October 3, 2020

Neighborhood Parks Project

Watch Your Mailbox for an Invitation!

REVIEW THE FINAL PARK DESIGNS!

Come grab a donut and review the final designs for three new parks in Milwaukie. Let us know if these parks meet your needs. Family fun and entertainment provided.

*Oct 8 from 11 am to 1 pm at Scott Park & Ledding Library
10660 SE 21st Ave. Milwaukie, OR*

Can't make it?

An online survey is available from October 3 - 17

engage.milwaukieoregon.gov

¡ECHE UN VISTAZO A LOS DISEÑOS FINALES DEL PARQUE!

Venga a disfrutar de una dona y eche un vistazo a los diseños finales de los tres nuevos parques en Milwaukie. Queremos saber su opinión sobre si estos parques cumplen con sus expectativas. Habrá diversión y entretenimiento para toda la familia.

*8 de oct de 11 am a 1 pm en el Parque Scott y la Biblioteca
Ledding
10660 SE 21st Ave. Milwaukie, OR*

¿No puede unirse en persona?

Del 3 al 17 de octubre, puede participar en nuestra encuesta en línea en

engage.milwaukieoregon.gov

Adam M. Moore (he/him)
Parks Development Coordinator
moorea@milwaukieoregon.gov





RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Laura Weigel, Planning Manager

From: Vera Kolias, Senior Planner

Subject: **Substantive Code Amendments**

Date Written: Sept. 19, 2023

ACTION REQUESTED

Council is asked to open the public hearing for land use file #ZA-2023-002, discuss the proposed amendments to the Milwaukie Municipal Code (MMC) Title 12 (Streets, Sidewalks, and Public Places), Title 17 (Land Division), and Title 19 (Zoning), take public testimony, provide direction to staff regarding any desired revisions to the proposed amendments. Council is asked to vote to approve file #ZA-2023-002 and adopt the proposed ordinance and recommended Findings in Support of Approval found in Attachment 1.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[June 20, 2023](#): Council held a work session to discuss the proposed amendments.

[April 25, 2023](#): The Planning Commission held a public hearing and voted 4-1 to recommend approval of the proposed amendments.

ANALYSIS

Over the course of several years, planning department staff has been tracking issues with current zoning code language and has made recommendations for amended language. These items have been identified through a variety of means, including:

- Questions about specific code language that have been raised by the public on multiple occasions and that are not easily answered;
- Changes in state law requiring amendments to local codes;
- Implementation of the comprehensive plan; and
- Code interpretation applications.

Over the past several months, planning staff has created categories for code amendment packages to help organize the various amendments and to help with the overall department workplan:

- **Large efforts** which will each be its own project – examples include: Willamette Greenway Overlay re-write (MMC 19.401); Natural Resources code re-write (MMC 19.402); Historic Preservation Overlay Zone (MMC 19.403)
- **Substantive code amendments** – examples include a review of Type III Variance applications to determine if changes are warranted to simplify processes. The amendments under discussion at this work session are this type.
- **Housekeeping** – these are amendments that are clarifications or minor tweaks that are not intended to affect the meaning or intent of existing regulations. Housekeeping amendments are a way of cleaning up the code.

The current package of proposed **substantive** code amendments includes the following: (Please refer to Attachment 1 for draft language):

1. Access Management (MMC 12.16 – multiple sections)
 - **Revise and reorganize** this code section to clarify standards and, more importantly, expand the city engineer’s authority to modify requirements based on studies and evidence submitted by the applicant. The current code provides for a modification process for some standards and requires a Type III variance for relief from others. The proposed language gives the city engineer the authority, based on specific required evidence, to modify this subsection’s requirements to provide more appropriate design flexibility determined by sound engineering principles. The Type III variance process is not a good avenue for resolving engineering and safety issues. Since the city engineer already has this authority, it is reasonable to expand that authority to cover the entire subsection. The proposed language also includes revised requirements for the access study and provides for an appeal process.
 - **NOTE:** a question was raised by the Planning Commission about notice to abutters and/or an opportunity to comment on a requested modification to an access standard. Staff is not recommending that notice or opportunity to comment on a technical component of a development be provided. This is not a discretionary land use decision; it is a technical review based on established engineering and safety standards.
 - **NOTE:** The Planning Commission recommended that consistency with the Transportation System Plan (TSP) and any other applicable policy document be included in the approval criteria, which has been done.
2. Definitions (MMC 19.201)
 - **Add** a definition for “plex development” which is used in the code to distinguish duplexes, triplexes, and quadplexes from cottage clusters and townhouse development. Using the general term of “middle housing” to cover all of those housing types is not specific enough in some cases because there are instances where cottage clusters or townhouses require different standards due to the number of units or that they are on individual lots, for example.
3. Residential Zones (MMC 19.301 and 19.302)
 - **Revise** the minimum lot size for townhouses on corner lots. The proposed amendments would allow townhouses on corner lots up to 3,500 sq ft in size. Currently, townhouses are only allowed on lots that are between 1,500 – 2,999 sq ft. The amendment is necessary because the street-side-yard setback, which is 15 ft, combined with the maximum lot size of 2,999 sq ft has the effect of disallowing townhouses on a standard corner lot in the city. This is because a typical townhouse is at least 20 ft wide; if you add in the required 15-foot street-side-yard setback, the true minimum width required to accommodate a townhouse is 35 ft. A typical depth for many lots in the city is 100 ft. A lot that is 35 x 100 feet deep exceeds the maximum lot size for a townhouse. The intent of the minimum lot size was not to disallow townhouses on corner lots, so the proposed amendments are limited to corner lots so that these developments are possible.

- **NOTE:** The Planning Commission recommended that Council discuss street side yard setback standards as a future policy issue.
4. North Milwaukie Innovation Area (NMIA) (MMC 19.312.7)
- **Revise** the applicability of design standards for new construction to only those developments where the closest wall of the street-facing façade is within 50 ft of a front or street side lot line. The proposed amendment acknowledges that developments set far back from the street should not be held to detailed design standards and is consistent with the applicability of residential design standards. This proposed amendment responds to the recently approved variance application for an addition on SE Moores St, which was a good example of why this amendment is appropriate.
 - **NOTE:** a question was raised by the Commission about the proposed applicability standard of 50 ft. The purpose of the design standards is an acknowledgement of the relationship that a building has with the public right-of-way, especially the pedestrian environment. The design standards are not intended to relate to buildings that might be visible from the street; they are more about the direct relationship with the right-of-way. A building located more than 50 ft from the front property line does not directly contribute to that relationship.
5. Supplementary Development Regulation (MMC 19.500)
- **Revise** the language allowing front porches to encroach up to 6 ft into the front yard setback to include covered decks in the backyard (MMC 19.501.2). The proposed language would require that back decks seeking this exception would need to meet the same standards as front porches (unenclosed and no more than 18 inches above grade). Staff has reviewed several proposals for covered back decks on homes constructed with the minimum rear yard setback, which would require a variance. The proposed language would allow for reasonable additional use of a property's backyard without the need for a costly variance application.
 - **Revise** the design standards for accessory structures to increase the maximum size for structures proposing metal siding to a Type B accessory structure (600 sq ft and/or 15 ft tall – MMC 19.502.2). Common prefabricated metal sheds/shops are typically up to 600 sq ft; this proposed amendment responds to numerous resident requests to install such a structure without the requirement of adding wood siding to cover the metal siding or require a more expensive stick-built structure to meet the standard to avoid a Type III variance. Maximum lot coverage and minimum setbacks remain in place – the only change is allowance of reasonable design flexibility for larger accessory structures.
6. Building Design Standards – Cottage Cluster Housing (MMC 19.505.4)
- **Revise** the development standards to allow attached cottages in the R-MD zone. The proposed amendment would allow up to three attached cottages, providing an opportunity for a more efficient design and construction of cottage developments in addition to the more traditional single unit cottage. All other size standards for each individual dwelling unit would remain.
 - **Revise** the development standards to limit the number of attached cottages in the R-HD zone to four. This ensures that a cottage cluster development proposal will

not conflict with the multi-unit residential definition of five or more units in a building.

7. Off-Street Parking (MMC 19.600)

- **Revise** the parking code language to clarify that the new requirements for electric vehicle (EV) charging infrastructure apply when new parking spaces are constructed, and they are associated with a new or existing building. The amendments also extend the EV charging requirement to commercial parking structures (as new parking spaces involving a building).

8. **NEW:** Cottage Cluster Standards (MMC 19.505.4)

- In the process of the housekeeping code amendments that were adopted on April 18, specifically where design standards were consolidated for the housing types, staff neglected to include one section of code into the newly organized design standards section. Staff asks to take advantage of this code amendment process to correct the inadvertent error and add the missing language related to cottage cluster parking design standards.

BUDGET IMPACT

None.

WORKLOAD IMPACT

None.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

The engineering department assisted in preparing the code amendments.

STAFF RECOMMENDATION

The Planning Commission voted 4:1 to recommend approval of the amendments.

ALTERNATIVES

Not applicable.

ATTACHMENTS

1. Ordinance

- a. Findings in support of approval
- b. Proposed code amendments (underline/strikeout format)
- c. Proposed code amendments (clean)

COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, 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).

WHEREAS the proposed amendments to Milwaukie Municipal Code (MMC) Titles 12, 17, and 19 to make changes and clarifications that will more effectively communicate and implement existing policy; and

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

WHEREAS on April 25, 2023, 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 shall 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 _____.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

EXHIBIT A

Recommended Findings in Support of Approval File #ZA-2023-002, Substantive Code Fix 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 various regulations that are contained in Title 12 Streets, Sidewalks, and Public Places, Title 17 Land Division, and Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2023-002.
2. The purpose of the proposed code amendments is as a collection of substantive amendments that are clarifications, streamline processes, or address recent variance applications, that are not intended to significantly affect the meaning or intent of existing regulations; they are not intended to be a change in policy. The amendments are located in several titles of the municipal code:
 - Municipal Code –
 - MMC 12.16 – Access Management – Revise modification process
 - Municipal Code –
 - MMC 17.28 – Land Division – Design Standards
 - Zoning Ordinance –
 - MMC 19.201 – Add a definition for plexes
 - MMC 19.301 and 19.302 – Revise the lot size range for townhouses on corner lots
 - MMC 19.312 – NMIA zone – Revise the applicability of design standards
 - MMC 19.501 – General Exceptions – Revise the list of exceptions
 - MMC 19.502 – Accessory Structures – Revise design standards
 - MMC 19.505 – Cottage Cluster Design Standards – Allow attached cottages
 - MMC 19.600 – Clarification regarding EV charging requirements
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.1000 Review Procedures
4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on April 25, 2023 and October 3, 2023 as required by law.
5. MMC 19.902 Amendments to Maps and Ordinances
 - a. 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.
 - (1) 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 April 25, 2023. A public hearing before City Council was held on October 3, 2023. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) 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 have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code. The amendments are clarifying in nature and are not intended to affect policy.

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

Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.

- (i) Goal 11.1 for Economic Development reads as follows:

Provide a diverse range of uses, services, and amenities that contribute to a sustainable, equitable, and resilient economy and are adaptable to changing land uses and technology.

Policy 11.1.2 states:

Adapt to industry trends and emerging technologies that have the potential to affect employment, land use, and infrastructure needs, such as automation, the sharing economy, autonomous vehicles, and other future technological advances.

The proposed amendments revise the applicability of design standards for new construction in the North Milwaukie Innovation Area Zone.

- (ii) Goal 7.1 for Housing (Equity) states:

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. To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.

Policy 7.1.2 states:

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

Goal 8.3 for Urban Design and Land Use states:

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

The intent of the proposed amendments is to revise the minimum lot size for townhouses on corner lots. The proposed amendments would allow townhouses on corner lots up to 3,500 sq ft in size. Currently, townhouses are only allowed on lots that are between 1,500 – 2,999 sq ft. The amendment is necessary because the street-side-yard setback, which is 15 ft, combined with the maximum lot size of 2,999 sq ft has the effect of disallowing townhouses on a standard corner lot in the city. This is because a typical townhouse is at least 20 ft wide; if you add in the required 15-foot street-side-yard setback, the true minimum width required to accommodate a townhouse is 35 ft. A typical depth for many lots in the city is 100 ft. A lot that is 35 x 100 feet deep exceeds the maximum lot size for a townhouse. The intent of the minimum lot size was not to disallow townhouses on corner lots, so the proposed amendments are limited to corner lots so that these developments are possible.

The proposed amendments also revise the development standards to allow attached cottages in the R-MD zone. The proposed amendment would allow up to three attached cottages, providing an opportunity for a more efficient design and construction of cottage developments in addition to the more traditional single unit cottage. All other size standards for each individual dwelling unit would remain.

The proposed amendments revise the development standards to limit the number of attached cottages in the R-HD zone to four. This ensures that a cottage cluster development proposal will not conflict with the multi-unit residential definition of five or more units in a building

- (c) 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 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.

- (d) 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. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.

The proposed amendments are found to be consistent with the Transportation Planning Rule for the following reason. The proposed text amendment does not impact the transportation system given that the amendments are clarifying in nature and do not create the opportunity for any more vehicle trips than are currently allowed by other similar uses in each respective zone.

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

Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore, the proposal is found to be consistent with federal regulations that are relevant to local government planning.

6. MMC 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 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendments were initiated by the Planning Manager on February 1, 2023.

- 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. The Planning Commission had a work session about the proposed amendments on February 28, 2023. The City Council had a study session on the proposed amendments on June 13, 2023.

The current version of the draft amendments has been posted on the City's website since March 23, 2023. On March 27, 2023 staff emailed NDA leaders with information about the Planning Commission hearing and a link to the draft proposed amendments.

- (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 April 25, 2023, hearing was posted as required on March 23, 2023. A notice of the City Council's September 19, 2023 public hearing was posted as required on August 17, 2023. On September 6, this hearing was rescheduled to October 3, 2023. A notice of the City Council's rescheduled October 3,

2023 public hearing was posted on September 6, 2023. Ample public notice and information about the proposed amendments was provided.

- (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 Planning Manager has determined that the proposal affects a large geographic area. Notice to individual property owners and individual properties 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 March 20, 2023.

- (5) 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 March 21, 2023.

- (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 generally do not further restrict the use of property. In general, the proposed amendments implement current interpretation or add flexibility and provide clarification.

- (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 April 25, 2023 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on October 3, 2023 and approved the amendments.

Underline/Strikeout Amendments

TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

A. Access

Private property shall must be provided street access with the use of accessways. Driveway approaches shall must be constructed as set forth in the Milwaukie Public Works Standards.

B. ~~Access Spacing~~ Accessway Location

Spacing and location criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity, and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

1. ~~Standards~~ Spacing Between Accessways

Spacing between accessways is measured between the closest edges of driveway aprons where they abut the roadway. Spacing between accessways and street intersections is measured between the nearest edge of the driveway apron and the nearest face of curb of the intersecting street. Where intersecting streets do not have curb, the spacing is measured from the nearest edge of pavement.

a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, shall must be a minimum of six hundred (600) feet.

b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, shall must be a minimum of three hundred (300) feet.

~~c. For middle housing development, access spacing requirements may be modified by the City Engineer per Subsection 12.16.040.B.2 based on a variety of factors, including average daily traffic, anticipated increase of traffic to and from the proposed development, crash history at or near the access point, sight distance, and/or other safety elements.~~

2. Double Frontage

When a lot has frontage on two (2) or more streets, access must be provided first from the street with the lowest classification. For example, access must be provided from a local street before a collector or arterial street.

3. Location Limitations

Individual access to single detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

4. Distance from Property Line

The nearest edge of the driveway apron must be at least five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.

5. Distance from Intersection – Public Streets and Private Access Drives

To protect the safety and capacity of street intersections, the following minimum distances from the nearest intersecting street face of curb to the nearest edge of driveway apron must be maintained. Where intersecting streets do not have curbs, the distances must be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified as described in MMC Section 12.16.050. Distance from private access drives will be reviewed by the City Engineer on a case-by-case basis, and will include factors such as volume of traffic on both the private access drive and public street it is connected to, clear sight distance, and accident history.

a. At least forty-five (45) feet for single detached residential properties, plex development (i.e., a duplex, triplex, or quadplex), cottage clusters with four (4) or fewer units, and townhouses of four (4) or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron must be located as far from the nearest intersection street face of curb as practicable; in such cases a formal modification is not required.

b. At least one hundred (100) feet for multi-unit residential properties, or cottage cluster developments of five (5) or more units and all other uses accessing local and neighborhood streets.

c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

2. Modification of Access Spacing

~~Access spacing may be modified with submission of an access study prepared and certified by a registered Professional Traffic Operations Engineer (PTOE) in the State of Oregon. The Access Study shall assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study shall include the following:~~

- ~~a. Review of site access spacing and design;~~
- ~~b. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;~~
- ~~c. Review of all modes of transportation to the site;~~
- ~~d. Mitigation measures where access spacing standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the City Engineer.~~

~~C. Accessway Location~~

~~1. Double Frontage~~

~~When a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.~~

~~2. Location Limitations~~

~~Individual access to single detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.~~

~~3. Distance from Property Line~~

~~The nearest edge of the driveway apron shall be at least five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.~~

~~4. Distance from Intersection~~

~~To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curbs, the distance shall be~~

~~measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified with a modification as described in MMC Section 12.16.040.B.2.~~

~~a. At least forty five (45) feet for single detached residential properties or middle housing developments of four (4) or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron shall be located as far from the nearest intersection street face of curb as practicable.~~

~~b. At least one hundred (100) feet for multi-unit residential properties or middle housing developments of five (5) or more units and all other uses accessing local and neighborhood streets.~~

~~c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.~~

~~d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.~~

DC. Number of Accessway Locations

1. Safe Access

Accessway locations ~~shall~~must be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

2. Shared Access

The number of accessways on collector and arterial streets ~~shall~~must be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multi-unit areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses ~~shall~~must be established by means of common access easements.

3. Single Detached Residential and Middle Housing

One accessway per property is allowed for single detached residential uses, plex development, cottage cluster development up to four units, and townhouses and middle housing developments up to four (4) units.

a. For lots with more than one street frontage on a local street and/or neighborhood route, one additional accessway may be granted. Under such circumstances, a street frontage ~~shall~~must have no more than one driveway approach.

b. For lots with one street frontage on a local street and/or neighborhood route, one additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the City Engineer. The spacing is

measured between the nearest edges of the driveway aprons. Where the fifty (50) foot spacing cannot be met, an additional accessway shall not be granted.

c. No additional accessways shall be granted on collector and arterial streets.

4. All Uses Other than Single Detached Residential and Middle Housing

The number of accessways for uses other than single detached residential and middle housing developments up to four (4) units is subject to the following provisions:

a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B~~2~~₂.

b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.

~~E~~D. Accessway Design

1. Design Guidelines

Driveway approaches ~~shall~~must meet all applicable standards of the Americans with Disabilities Act, U.S. Access Board guidelines or requirements, and Milwaukie Public Works Standards.

2. Authority to Restrict Access

The City Engineer may restrict the location of accessways on streets and require that accessways be placed on adjacent streets upon finding that the proposed access would:

- a. Cause or increase existing hazardous traffic conditions;
- b. Provide inadequate access for emergency vehicles; or
- c. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.

3. Backing into the Right-of-Way Prohibited

Accessways ~~shall~~must be designed to contain all vehicle backing movements on the site, except for detached or attached single detached residential uses on local streets and neighborhood routes.

~~F~~E. Accessway Size

The following standards allow adequate site access while minimizing surface water runoff and reducing conflicts between vehicles, bicyclists, and pedestrians.

1. Accessways ~~shall~~must be the minimum width necessary to provide the required number of vehicle travel lanes. The City Engineer may require submission of vehicle turning templates to verify that the accessway is appropriately sized for the intended use.
2. Single attached and detached residential uses ~~shall~~must have a minimum driveway apron width of twelve (12) feet and a maximum width of twenty (20) feet.
3. ~~Plex development, cottage cluster developments with up to four units, or townhouse developments~~ Multi-unit residential or middle housing development comprised of up to four (4) units, ~~shall~~must have a minimum driveway apron width of twelve (12) feet on local or neighborhood streets and sixteen (16) feet on collector or arterial streets, and a maximum driveway apron width of twenty (20) feet on all streets.
4. Multi-unit residential or ~~middle housing~~cottage cluster developments with between five (5) and eight (8) units ~~shall~~must have a minimum driveway apron width of sixteen (16) feet on local or neighborhood streets and twenty (20) feet on collector or arterial streets, and a maximum driveway apron width of twenty-four (24) feet.
5. Multi-unit residential or ~~middle housing~~cottage cluster developments with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, ~~shall~~must have a minimum driveway apron width of twenty (20) feet on local or neighborhood streets and twenty-four (24) feet on collector or arterial streets, and a maximum driveway apron width of thirty (30) feet.
6. Commercial, office, and institutional uses ~~shall~~must have a minimum driveway apron width of sixteen (16) feet and a maximum width of thirty-six (36) feet.
7. Industrial uses ~~shall~~must have a minimum driveway apron width of twenty-four (24) feet and a maximum width of forty-five (45) feet.
8. Maximum driveway apron widths for commercial and industrial uses may be increased if the City Engineer determines that more than two (2) lanes are required based on the number of trips anticipated to be generated or the need for on-site turning lanes. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2, 2019; Ord. 2004 § 1, 2009)

12.16.050 VARIANCE MODIFICATIONS

~~Relief from any access management requirement or standard of Section 12.16.040 may be granted through a variance process, which requires submission and approval of a Variance land use application. Variance criteria and procedures are located in Section 19.911. (Ord. 2025 § 3, 2011; Ord. 2004 § 1, 2009)~~

Access management standards may be modified with submission of an access study prepared and certified by a registered Professional Traffic Operations Engineer (PTOE) in the State of Oregon, when required by the City Engineer based on street classification. The Access Study must assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity

along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study must include the following:

1. Review of site access spacing and design;
2. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;
3. Traffic Safety: provide ODOT crash data (for the most recent five-year period for which data is available) adjacent to the site within a distance equal to the access spacing distance from the project site;
4. Review of all modes of transportation to the site;
5. Evaluation of traffic volume, traffic type, and speed of existing traffic on street(s) where access is proposed to be taken;
6. Mitigation measures where access standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the City Engineer.
7. Evidence of consistency with the Transportation System Plan.

12.16.060 RIGHT OF APPEAL

If the applicant is dissatisfied with the written decision of the City Engineer for a modification request submitted pursuant to Subsection 12.16.050, the applicant may file a written appeal with the Community Development Director no later than thirty (30) days from the date that the decision was mailed. The appeal must contain a statement of the reasons why the applicant is dissatisfied with the written decision, and must be signed by the applicant, or by someone authorized to sign on the applicant's behalf. A notice of receipt must be mailed to the applicant by registered mail within five (5) days of the receipt of the appeal. The Community Development Director must act upon the appeal no later than sixty (60) days after receipt, and a copy of the written decision must be mailed to the applicant by registered mail no later than five (5) days after preparation of the decision. The decision of the Community Development Director shall be final.

~~Appeal of the decision of the City Engineer for a modification request submitted pursuant to Subsection 12.16.050 any access management requirement or standard of Section 12.16.040 not associated with a land use decision is subject to the provisions of Section 19.1006 Type III Review. (Ord. 2025 § 3, 2011; Ord. 2004 § 1, 2009)~~

12.16.070 VIOLATION PENALTY

Any person, firm, or corporation violating any of the provisions of this chapter, or causing, permitting, or suffering the same to be done, shall be fined not more than two hundred fifty dollars (\$250.00). Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (Ord. 2004 § 1, 2009)

Title 17 Land Division

CHAPTER 17.28 DESIGN STANDARDS

17.28.040 GENERAL LOT DESIGN

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

C. Limits on Compound Lot Line Segments

Changes in direction alongside and rear lot lines ~~shall~~must be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding ~~40%~~ 20% of the distance between opposing lot corners along a given lot line may only be permitted through the variance provisions of MMC Subsection 19.911. Changes in direction ~~shall~~must be measured from a straight line drawn between opposing lot corners.

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

Residential Uses and Structures

“Plex development” means a duplex, triplex, or quadplex.

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONE

Table 19.301.4 Moderate Density Residential Development Standards

Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000- 6,999 ²	7,000 and up	
A. Permitted Dwelling Type					
	Townhouse ¹ , Cottage ⁴	Cottage ⁴ , Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling,	Single Detached Dwelling, Single Detached Dwelling,	Subsection 19.501.1 Lot Size Exceptions

			with up to 2 ADUs, Cottage [±] , Duplex, Triplex, Quadplex Quadplex	with 2 ADUs, Cottage [±] , Duplex, Triplex, Quadplex, Cottage Cluster	
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1 ~~For a cottage within a cottage cluster only.~~ A townhouse is permitted on a corner lot up to 3,500 sq ft in area.

19.302 HIGH DENSITY RESIDENTIAL ZONE

19.302.4 Development Standards

In the high density residential zone, 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 zone the following housing types are permitted on lot sizes as follows:

Between 1,500 to 2,999 sq ft: Townhouse; a townhouse is permitted on a corner lot up to 3,500 sq ft in area. ; ~~Cottage in a cottage cluster~~

Table 19.302.2 High Density Residential Uses Allowed		
Use	R-HD	Standards/ Additional Provisions
Residential Uses		
Mixed Use	P	Subsection 19.505.7 Nonresidential Development

19.302.5 Additional Development Standards

B. Lot Coverage

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

1. Increased Lot Coverage for Single Detached Dwellings and Middle Housing

19.312 NORTH MILWAUKIE INNOVATION AREA

19.312.7 Design Standards for All Uses in the MUTSA and on NME Key Streets

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

A. Design Standards for All New Construction and Major Exterior Alterations

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards in this section ~~generally~~ apply to the street-facing façades of new, and major alterations to, commercial, institutional, manufacturing, and mixed-use buildings when the closest wall of the street-facing façade is within 50 ft of a front or street-side lot line. Exterior maintenance and repair and minor exterior alterations are not subject to these standards. Subsection 19.312.7.B below defines exterior maintenance and repair and major/minor exterior and interior alterations.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.2 Yard Exceptions

C. A covered porch or deck on a single detached dwelling or middle housing unit may extend 6 ft into a required front or rear yard if all of the following standards are met:

1. The porch or deck is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural

supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.

2. The surface of the porch or deck does not exceed 18 in high above the average grade.
3. The porch or deck is at least 5 ft from the front and/or rear lot line.

19.502 ACCESSORY STRUCTURES

19.502.2 Specific Provisions for Accessory Structures

A. The following standards apply to ~~for~~ residential accessory structures on single detached unit, townhouse, cottage cluster, and plex development properties. ~~family detached, duplex, rowhouse, and cottage cluster properties.~~ The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these standards is to allow accessory structures that accommodate the typical needs of a ~~single family detached residence.~~ ~~while protecting the character of single family neighborhoods.~~

1. Development Standards

b. Other Development Standards

~~(3) A minimum of 5 ft is required between the exterior wall of an accessory structure and the exterior wall of any other structure on a site, excluding a fence or similar structure.~~

~~(4)~~ (3) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space, and is all of the following, which results in an addition and is not an accessory structure:

2. Design Standards

a. Metal siding is prohibited on structures more than ~~40~~ 15 ft high or with a footprint greater than ~~200~~ 600 sq ft, unless the siding replicates the siding on the primary dwelling or has the appearance of siding that is commonly used for residential structures.

~~b. Structures located in a front, side, or street side yard that are visible from the right-of-way at a pedestrian level shall use exterior siding and roofing materials that are commonly used on residential structures.~~

19.505 BUILDING DESIGN STANDARDS

19.505.4 Cottage Cluster Housing

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD
A. Home Structure Types		
1. Building types allowed, minimum and maximum number per cluster	Detached <u>and Attached</u> cottages 3 minimum 12 maximum dwelling units <u>Maximum number of attached units = 3</u>	Detached and Attached <u>cottages</u> 3 minimum 12 maximum dwelling units <u>Maximum number of attached units = 4</u>
B. Home Dwelling Unit Size		
1. Max building footprint per <u>home dwelling unit</u>	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	

E. Site Design and Other Standards

4. Off-Street Parking

2 f. Off-street parking may be arranged in clusters, subject to the following standards:

- i. (1) Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five contiguous spaces.
- ii. (2) Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight contiguous spaces.
- iii. (3) Parking clusters must be separated from all other areas by at least 4 ft of landscaping.
- iv. (4) Clustered parking areas may be covered.

g. Off-street parking spaces and vehicle maneuvering areas must not be located:

- i. (1) Within of 20 ft from any street property line, except alley property lines;
- ii. (2) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- iii. (3) Off-street parking spaces must not be located within 10 ft of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 ft of other property lines.

h. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.

i. Garages and carports (whether shared or individual) must not abut common courtyards.

j. Individual attached garages up to 200 square feet must be exempted from the calculation of maximum building footprint for cottages.

k. Individual detached garages must not exceed 400 square feet in floor area.

l. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.602.3 Applicability for Development and Change in Use Activity

The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.

- A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site shall also conform to the requirements of Chapter 19.600. The construction of new off-street parking spaces may be subject to the electric vehicle charging requirements of Subsection 19.605.5. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.

19.602.4 Applicability not Associated With Development or Change in Use

- A. Any parking or loading area developed to serve an existing use(s) that is not associated with development activity or a change in use described in Subsection 19.602.3 shall conform to

the requirements of Sections 19.604 and 19.606-19.611, as well as to the electric vehicle (EV) charging requirements of Subsection 19.605.5 as applicable. The total number of spaces in the existing parking area and new parking area shall not exceed the maximum allowed quantity of parking as established in Section 19.605.

- B. Any parking or loading area that is not developed to serve an existing use and is not associated with development activity or a change in use as described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611. The requirements of Section 19.605 do not apply to parking areas described under Subsection 19.602.4.B.
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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 new 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 new buildings that are commercial, industrial, multi-unit with 5 or more dwelling units, or mixed-use with 5 or more dwelling units and that provide new off-street parking 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 Buildings~~.** For new commercial and industrial buildings ~~that provide off-street parking,~~ where new off-street parking spaces are constructed, choose one of the following:
- 1) At least 50% of the total number of newly constructed parking spaces 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 newly constructed parking spaces 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 newly constructed parking spaces 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 Buildings~~.** For new multi-unit and mixed-use buildings with five or more dwelling units, where new off-street parking spaces are provided constructed, choose one of the following:

- 1) All (100%) of the newly constructed parking spaces 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 the total number of newly constructed parking spaces 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 newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

C. Structured Parking Facilities. For new structured parking facilities, where new off-street parking spaces are constructed, choose one of the following:

- 1) At least 50% of the total number of newly constructed parking spaces 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 newly constructed parking spaces 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 newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

CHAPTER 19.900 LAND USE APPLICATIONS

19.905 CONDITIONAL USES

19.905.9 Standards Governing Conditional Uses

G. Vacation Rentals

Operation of a vacation rental requires the following:

1. Prior to initial occupancy, the Building Official shall verify that building code and fire code standards are satisfied.

~~2. Prior to initial occupancy, continuous screening is required along the rear and side lot lines of the vacation rental property abutting any neighboring residential lot. Any combination of dense plantings of trees and shrubs with a minimum height of 6 ft that will provide continuous sight obstruction for the benefit of adjoining residential properties within 3 years of planting is allowed. Fencing must comply with the fence regulations in MMC 19.502.2.B.~~

23. With annual filing of MMC Title 5 Business Tax, the operator shall send a notice to neighbors within 300 ft that includes the following information:

- a. Property owner contact information;
- b. Vacation rental operator and/or property manager contact information; and
- c. City of Milwaukie Police nonemergency telephone number.

Clean Amendments

TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

A. Access

Private property must be provided street access with the use of accessways. Driveway approaches must be constructed as set forth in the Milwaukie Public Works Standards.

B. Accessway Location

Spacing and location criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity, and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

1. Spacing Between Accessways

Spacing between accessways is measured between the closest edges of driveway aprons where they abut the roadway. Spacing between accessways and street intersections is measured between the nearest edge of the driveway apron and the nearest face of curb of the intersecting street. Where intersecting streets do not have curb, the spacing is measured from the nearest edge of pavement.

a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, must be a minimum of six hundred (600) feet.

b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, must be a minimum of three hundred (300) feet.

2. Double Frontage

When a lot has frontage on two (2) or more streets, access must be provided first from the street with the lowest classification. For example, access must be provided from a local street before a collector or arterial street.

3. Location Limitations

Individual access to single detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

4. Distance from Property Line

The nearest edge of the driveway apron must be at least five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.

5. Distance from Intersection – Public Streets and Private Access Drives

To protect the safety and capacity of street intersections, the following minimum distances from the nearest intersecting street face of curb to the nearest edge of driveway apron must be maintained. Where intersecting streets do not have curbs, the distances must be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified as described in MMC Section 12.16.050. Distance from private access drives will be reviewed by the City Engineer on a case-by-case basis, and will include factors such as volume of traffic on both the private access drive and public street it is connected to, clear sight distance, and accident history.

- a. At least forty-five (45) feet for single detached residential properties, plex development (i.e., a duplex, triplex, or quadplex), cottage clusters with four (4) or fewer units, and townhouses of four (4) or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron must be located as far from the nearest intersection street face of curb as practicable; in such cases a formal modification is not required.
- b. At least one hundred (100) feet for multi-unit residential properties, or cottage cluster developments of five (5) or more units and all other uses accessing local and neighborhood streets.
- c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.
- d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

C. Number of Accessway Locations

1. Safe Access

Accessway locations must be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

2. Shared Access

The number of accessways on collector and arterial streets must be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multi-unit areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses must be established by means of common access easements.

3. Single Detached Residential and Middle Housing

One accessway per property is allowed for single detached residential uses, plex development, cottage cluster development up to four units, and townhouses up to four (4) units.

- a. For lots with more than one street frontage on a local street and/or neighborhood route, one additional accessway may be granted. Under such circumstances, a street frontage must have no more than one driveway approach.
- b. For lots with one street frontage on a local street and/or neighborhood route, one additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the City Engineer. The spacing is measured between the nearest edges of the driveway aprons. Where the fifty (50) foot spacing cannot be met, an additional accessway shall not be granted.
- c. No additional accessways shall be granted on collector and arterial streets.

4. All Uses Other than Single Detached Residential and Middle Housing

The number of accessways for uses other than single detached residential and middle housing developments up to four (4) units is subject to the following provisions:

- a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B.
- b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.

D. Accessway Design

1. Design Guidelines

Driveway approaches must meet all applicable standards of the Americans with Disabilities Act, U.S. Access Board guidelines or requirements, and Milwaukie Public Works Standards.

2. Authority to Restrict Access

The City Engineer may restrict the location of accessways on streets and require that accessways be placed on adjacent streets upon finding that the proposed access would:

- a. Cause or increase existing hazardous traffic conditions;
- b. Provide inadequate access for emergency vehicles; or
- c. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.

3. Backing into the Right-of-Way Prohibited

Accessways must be designed to contain all vehicle backing movements on the site, except for detached or attached single detached residential uses on local streets and neighborhood routes.

E. Accessway Size

The following standards allow adequate site access while minimizing surface water runoff and reducing conflicts between vehicles, bicyclists, and pedestrians.

1. Accessways must be the minimum width necessary to provide the required number of vehicle travel lanes. The City Engineer may require submission of vehicle turning templates to verify that the accessway is appropriately sized for the intended use.
2. Single attached and detached residential uses must have a minimum driveway apron width of twelve (12) feet and a maximum width of twenty (20) feet.
3. Plex development, cottage cluster developments with up to four units, or townhouse developments comprised of up to four (4) units, must have a minimum driveway apron width of twelve (12) feet on local or neighborhood streets and sixteen (16) feet on collector or arterial streets, and a maximum driveway apron width of twenty (20) feet on all streets.
4. Multi-unit residential or cottage cluster developments with between five (5) and eight (8) units must have a minimum driveway apron width of sixteen (16) feet on local or neighborhood streets and twenty (20) feet on collector or arterial streets, and a maximum driveway apron width of twenty-four (24) feet.
5. Multi-unit residential or cottage cluster developments with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, must have a minimum driveway apron width of twenty (20) feet on local or neighborhood streets and twenty-four (24) feet on collector or arterial streets, and a maximum driveway apron width of thirty (30) feet.
6. Commercial, office, and institutional uses must have a minimum driveway apron width of sixteen (16) feet and a maximum width of thirty-six (36) feet.
7. Industrial uses must have a minimum driveway apron width of twenty-four (24) feet and a maximum width of forty-five (45) feet.

8. Maximum driveway apron widths for commercial and industrial uses may be increased if the City Engineer determines that more than two (2) lanes are required based on the number of trips anticipated to be generated or the need for on-site turning lanes. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2, 2019; Ord. 2004 § 1, 2009)

12.16.050 MODIFICATIONS

Access management standards may be modified with submission of an access study prepared and certified by a registered Professional Traffic Operations Engineer (PTOE) in the State of Oregon, when required by the City Engineer based on street classification. The Access Study must assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study must include the following:

1. Review of site access spacing and design;
2. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;
3. Traffic Safety: provide ODOT crash data (for the most recent five-year period for which data is available) adjacent to the site within a distance equal to the access spacing distance from the project site;
4. Review of all modes of transportation to the site;
5. Evaluation of traffic volume, traffic type, and speed of existing traffic on street(s) where access is proposed to be taken;
6. Mitigation measures where access standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the City Engineer.

12.16.060 RIGHT OF APPEAL

If the applicant is dissatisfied with the written decision of the City Engineer for a modification request submitted pursuant to Subsection 12.16.050, the applicant may file a written appeal with the Community Development Director no later than thirty (30) days from the date that the decision was mailed. The appeal must contain a statement of the reasons why the applicant is dissatisfied with the written decision, and must be signed by the applicant, or by someone authorized to sign on the applicant's behalf. A notice of receipt must be mailed to the applicant by registered mail within five (5) days of the receipt of the appeal. The Community Development Director must act upon the appeal no later than sixty (60) days after receipt, and a copy of the written decision must be mailed to the applicant by registered mail no later than five (5) days after preparation of the decision. The decision of the Community Development Director shall be final.

12.16.070 VIOLATION PENALTY

Any person, firm, or corporation violating any of the provisions of this chapter, or causing, permitting, or suffering the same to be done, shall be fined not more than two hundred fifty dollars (\$250.00). Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (Ord. 2004 § 1, 2009)

Title 17 Land Division

CHAPTER 17.28 DESIGN STANDARDS

17.28.040 GENERAL LOT DESIGN

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

C. Limits on Compound Lot Line Segments

Changes in direction alongside and rear lot lines must be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding 20% of the distance between opposing lot corners along a given lot line may only be permitted through the variance provisions of MMC Subsection 19.911. Changes in direction must be measured from a straight line drawn between opposing lot corners.

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

Residential Uses and Structures

“Plex development” means a duplex, triplex, or quadplex.

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONE

Table 19.301.4 Moderate Density Residential Development Standards					
Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999 ²	7,000 and up	
A. Permitted Dwelling Type					
	Townhouse ¹	Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with up to 2 ADUs, Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster	Subsection 19.501.1 Lot Size Exceptions

¹ A townhouse is permitted on a corner lot up to 3,500 sq ft in area.

19.302 HIGH DENSITY RESIDENTIAL ZONE

19.302.4 Development Standards

In the high density residential zone, 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 zone the following housing types are permitted on lot sizes as follows:

Between 1,500 to 2,999 sq ft: Townhouse; a townhouse is permitted on a corner lot up to 3,500 sq ft in area.

Table 19.302.2 High Density Residential Uses Allowed		
Residential Uses		
Use	R-HD	Standards/ Additional Provisions
Mixed Use	P	Subsection 19.505.7 Nonresidential Development

19.303 COMMERCIAL MIXED-USE ZONES

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

B. Building Height

1. Intent

Maximum building height standards promote a compatible building scale and relationship of one structure to another.

2. Standards

- a. The base maximum building height in the GMU Zone is three stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
- b. Buildings in the GMU Zone must provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.
- c. The maximum building height in the NMU Zone is three stories or 45 ft, whichever is less. No building height bonuses are available in the NMU Zone.

3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components, increase area vibrancy, and/or help meet sustainability goals.

A building in the GMU Zone can utilize up to two of the development incentive bonuses in Subsection 19.303.4.B.3.a. and Section 19.510, for a total of two stories or 24 ft of additional height, whichever is less. Buildings that elect to use both height bonuses for a 5-

story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

a. Residential

Buildings that devote at least one story or 25% of the gross floor area to residential uses are permitted one additional story or an additional 12 ft of building height, whichever is less.

b. Green Building

Project proposals that receive approvals and certification as identified in Section 19.510 are permitted one additional story or an additional 12 ft of building height, whichever is less.

c. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

19.312 NORTH MILWAUKIE INNOVATION AREA

19.312.7 Design Standards for All Uses in the MUTSA and on NME Key Streets

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

A. Design Standards for All New Construction and Major Exterior Alterations

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards in this section apply to the street-facing façades of new, and major alterations to, commercial, institutional, manufacturing, and mixed-use buildings when the closest wall of the street-facing façade is within 50 ft of a front or street-side lot line. Exterior maintenance and repair and minor exterior alterations are not subject to these standards. Subsection 19.312.7.B below defines exterior maintenance and repair and major/minor exterior and interior alterations.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.2 Yard Exceptions

C. A covered porch or deck on a single detached dwelling or middle housing unit may extend 6 ft into a required front or rear yard if all of the following standards are met:

1. The porch or deck is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.
2. The surface of the porch or deck does not exceed 18 in high above the average grade.
3. The porch or deck is at least 5 ft from the front and/or rear lot line.

19.502 ACCESSORY STRUCTURES

19.502.2 Specific Provisions for Accessory Structures

A. The following standards apply for residential accessory structures on single detached unit, townhouse, cottage cluster, and plex development properties. The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these standards is to allow accessory structures that accommodate the typical needs of a residence.

1. Development Standards
 - b. Other Development Standards
 - (3) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space, and is all of the following, which results in an addition and is not an accessory structure:
2. Design Standards
 - a. Metal siding is prohibited on structures more than 15 ft high or with a footprint greater than ~~200~~ 600 sq ft, unless the siding replicates the siding on the primary

dwelling or has the appearance of siding that is commonly used for residential structures.

19.505 BUILDING DESIGN STANDARDS

19.505.4 Cottage Cluster Housing

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD
A. Structure Types		
1. Building types allowed, minimum and maximum number per cluster	Detached and Attached cottages 3 minimum 12 maximum dwelling units Maximum number of attached units = 3	Detached and Attached cottages 3 minimum 12 maximum dwelling units Maximum number of attached units = 4
B. Dwelling Unit Size		
1. Max building footprint per dwelling unit	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	

E. Site Design and Other Standards

4. Off-Street Parking

f. Off-street parking may be arranged in clusters, subject to the following standards:

- (1) Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five contiguous spaces.
- (2) Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight contiguous spaces.
- (3) Parking clusters must be separated from all other areas by at least 4 ft of landscaping.
- (4) Clustered parking areas may be covered.

- g. Off-street parking spaces and vehicle maneuvering areas must not be located:
 - (1) Within of 20 ft from any street property line, except alley property lines;
 - (2) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 - (3) Off-street parking spaces must not be located within 10 ft of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 ft of other property lines.
- h. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.
- i. Garages and carports (whether shared or individual) must not abut common courtyards.
- j. Individual attached garages up to 200 square feet must be exempted from the calculation of maximum building footprint for cottages.
- k. Individual detached garages must not exceed 400 square feet in floor area.
- l. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.602.3 Applicability for Development and Change in Use Activity

The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.

- A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site shall also conform to the requirements of Chapter 19.600. The construction of new off-street parking spaces may be subject to the electric vehicle charging requirements of Subsection 19.605.5. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.

19.602.4 Applicability not Associated With Development or Change in Use

- A. Any parking or loading area developed to serve an existing use(s) that is not associated with development activity or a change in use described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611, as well as to the electric vehicle (EV) charging requirements of Subsection 19.605.5 as applicable. The total number of

spaces in the existing parking area and new parking area shall not exceed the maximum allowed quantity of parking as established in Section 19.605.

- B. Any parking or loading area that is not developed to serve an existing use and is not associated with development activity or a change in use as described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611. The requirements of Section 19.605 do not apply to parking areas described under Subsection 19.602.4.B.

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 new buildings that are commercial, industrial, multi-unit with 5 or more dwelling units, or mixed-use with 5 or more dwelling units and that provide new off-street parking 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 Buildings.** For new commercial and industrial buildings where new off-street parking spaces are constructed, choose one of the following:

- 1) At least 50% of the total number of newly constructed parking spaces 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 newly constructed parking spaces 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 newly constructed parking spaces 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 Buildings.** For new multi-unit and mixed-use buildings with five or more dwelling units, where new off-street parking spaces are constructed, choose one of the following:

- 1) All (100%) of the newly constructed parking spaces 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 the total number of newly constructed parking spaces 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 newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

C. **Structured Parking Facilities.** For new structured parking facilities, where new off-street parking spaces are constructed, choose one of the following:

- 1) At least 50% of the total number of newly constructed parking spaces 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 newly constructed parking spaces 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 newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

CHAPTER 19.900 LAND USE APPLICATIONS

19.905 CONDITIONAL USES

19.905.9 Standards Governing Conditional Uses

G. Vacation Rentals

Operation of a vacation rental requires the following:

1. Prior to initial occupancy, the Building Official shall verify that building code and fire code standards are satisfied.
2. With annual filing of MMC Title 5 Business Tax, the operator shall send a notice to neighbors within 300 ft that includes the following information:
 - a. Property owner contact information;
 - b. Vacation rental operator and/or property manager contact information; and
 - c. City of Milwaukie Police nonemergency telephone number.

**RS 8. A. 10/3/23
Presentation**

Housekeeping “Plus” Code Amendments

Presentation to the
Milwaukie City Council
Vera Koliass, Senior Planner
October 3, 2023



Background

- Project goals:
 - Review of Type III variance applications
 - Clarification
 - More substantive
 - Not a departure from established policy
- Planning Commission: voted to recommend approval
- City Council work session: no changes recommended



Proposed Amendments

Title 12 Access Management

- Expand City Engineer’s authority to modify requirements
 - Modification with access study rather than variance

Zoning Code - Definitions

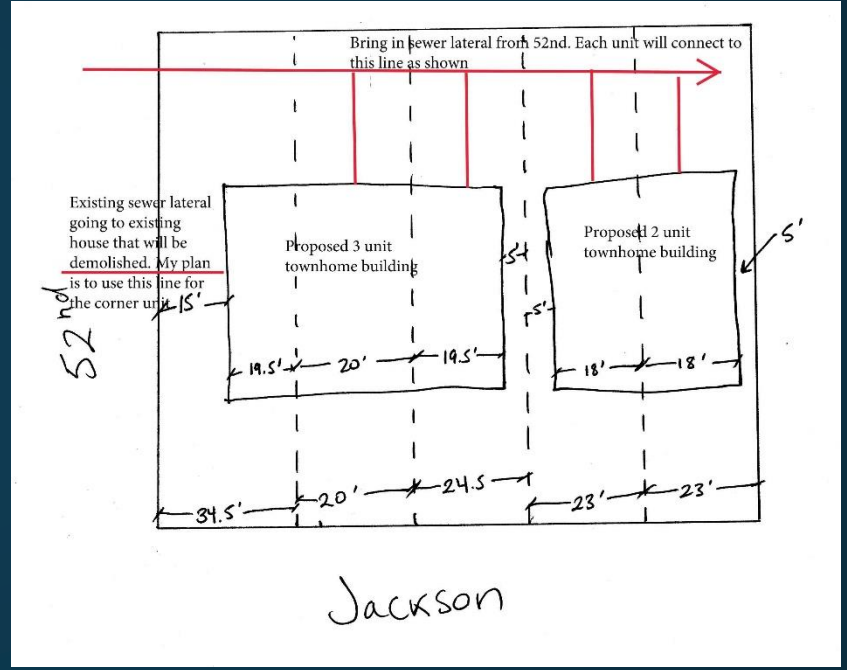
- Plex development
 - Distinguish “plexes” from cottage clusters and townhouses



Proposed Amendments

MMC 19.301 and 19.302 – corner lots

- Revise minimum lot size for a townhouse on a corner lot
 - Accommodate larger min. street side yard setback



Proposed Amendments

MMC 19.312 – NMIA

- Revise the applicability of design standards
 - Only for development within 50 ft of a front or street side lot line
 - 2107 SE Moores St example (VR-2022-009)



Proposed Amendments

Supplementary Development Regulations (MMC 19.500)

- Allow back decks to encroach up to 6 ft into rear yard; same standard as front porches
- Revise applicability of design standards to a Type B accessory structure
 - Up to 600 sq ft = metal siding



Proposed Amendments

Cottage Clusters (MMC 19.505.4)

- Allow up to 3 attached cottages in the R-MD
 - Provides for more efficient construction
 - All other size standards for dwellings remain
- Limit attached cottages in the R-HD to 4
 - Eliminate perceived conflict with multi-unit development



Proposed Amendments

Parking (MMC 19.600)

- Clarify applicability of EV infrastructure requirements
 - New parking spaces AND new structure
 - Includes new commercial parking structures

NEW: Cottage Cluster Standards (MMC 19.505.4)

- Correct staff error from Housekeeping code
 - Include language re: garages inadvertently left out



Questions?



Contact Us

Vera Kolas

Senior Planner

koliasv@milwaukieoregon.gov





RS Agenda Item

9

Council Reports

[place on city letterhead]

October 3, 2023

Clean Communities Investment Partnership, Inc.
11000 Broken Land Pkwy
Columbia, MD 21044

Re: Community Engagement and Accountability Letter of Support
Clean Communities Investment Partnership Application
Funding Opportunity EPA-R-HQ-NCIF-23

Dear Mr. Matusiak,

The City of Milwaukie is pleased to support the application from Clean Communities Investment Partnership, Inc. (CCIP) for Greenhouse Gas Reduction Fund (GGRF) funding through the National Clean Investment Fund (NCIF).

CCIP is a collaboration of strong partners— Enterprise Community Partners, Rewiring America, Local Initiatives Support Corporation, United Way Worldwide and Habitat for Humanity. The coalition is designed to couple tailored financial products with software solutions and complementary partnerships that will build demand for single- and multi-family home electrification in low-income communities and beyond.

The City of Milwaukie embraces equitable access to residential electrification as critical to our own work. The City Council has three goals, and this effort could help advance two of them – climate action and equity and social justice. We believe that CCIP presents a detailed and compelling vision to effectively remove barriers, build markets and help U.S. households (whether they rent or own) at every income level—but particularly in low-income and disadvantaged communities—afford the transition from fossil fuels to clean, efficient and electric appliances, vehicles, solar and battery storage.

We are particularly impressed with the scope of this proposed work, which both reflects an understanding of many of the systemic barriers to this clean energy transition and smartly addresses them one by one—from connecting Americans directly to incentives and contractors and organizing households ready for this transition to spur the market, to providing various financing tools aimed at maximizing affordability.

The City of Milwaukie looks forward to determining the best way to participate in the work of the CCIP once the funding is secured, and to promoting the programming, tools and financing solutions for the benefit of our residents.

[mayor's signature block]



Greenhouse Gas Reduction Fund Community Partnership Opportunity

September 14, 2023

Our Request

We ask that your community sign a Community Engagement and Accountability Letter of Support for our team's Greenhouse Gas Reduction Fund (GGRF) application to the National Clean Investment Fund (NCIF) program. This letter is non-binding and communities can provide letters of support to multiple GGRF applicants. Communities that sign a letter of support will be invited to engage in our participatory governance structure and will be eligible to benefit from our deployment of GGRF monies.

Introduction

Last year, Congress enacted the most far-reaching climate legislation and investment in our history, the Inflation Reduction Act (IRA). Nested within this historic law, the Greenhouse Gas Reduction Fund (GGRF) allocates \$27 Billion to establish financial products and programs that will enable the adoption of net zero technology. The GGRF is an unprecedented opportunity to establish financial products that can welcome low-income and disadvantaged communities to participate in and benefit from the clean energy transition, and we want to connect your community to these funds.

Enterprise Community Partners, Rewiring America, Local Initiatives Support Corporation, United Way Worldwide, and Habitat for Humanity are partnering to form a coalition—the Clean Communities Investment Partnership (CCIP)—to submit an application for up to \$14 billion in NCIF funding for residential electrification. Eligible residential electrification measures will include:

- Home energy audits
- Electrical panel and wiring upgrades
- Smart thermostat installation
- Weatherization and roof improvements
- Remediation
- Heat pumps
- Heat pump water heaters
- Induction stoves
- Electric dryers
- EV chargers
- Solar photovoltaics

Our joint mission is to transform the housing market, save households money, reinvest in communities and tackle the climate crisis. Our approach is centered around four strategies:

1. Reduce friction by simplifying the process and experience of home electrification;
2. Aggregate consumer demand by creating market leverage and momentum;



3. Create financial solutions for every housing type and circumstance that will unlock economic and health benefits for everyone; and
4. Invest in equity by creating workforce development and wealth-building opportunities for community businesses and members.

Because forty-two percent of U.S. energy-related carbon emissions come from decisions made around the kitchen table, we believe that a housing-focused approach is the most effective way to equitably decarbonize and provide significant health and economic benefits to communities nationwide. We also believe that by focusing on residential electrification, we can most effectively and efficiently drive federal GGRF / NCIF dollars to low-to-moderate income families and disadvantaged communities.

Our Team

Enterprise Community Partners: Enterprise has a 40 year history working across the country to build and preserve affordable housing and revitalize communities, and is the leader in creating standards and solutions for green and resilient affordable housing. As one of the largest housing non-profits in the nation, Enterprise offers a unique combination of deep capability in raising and deploying capital in low-income and disadvantaged communities, owning and operating affordable housing, and working with community leaders, elected officials and residents to deliver policy solutions and technical assistance.

Rewiring America: Rewiring America was founded in the summer of 2020 and has quickly become the go-to market leader on electrification. Rewiring played the lead role in shaping the residential electrification provisions in the Inflation Reduction Act, and is a national leader on shaping electrification policy with federal, state and local partners. Rewiring has deep expertise in market data, building household-facing content and software tools, and pulling together the corporate, civic and community-based partnerships necessary to aggregate demand, reduce friction and unlock housing electrification at scale.

Local Initiatives Support Corporation (LISC): In 1979, when the Ford Foundation first conceived of LISC, it envisioned an “intermediary”—a nimble non-profit with strong community partnerships that would connect hard-to-tap public and private resources with underinvested places and people working to access opportunities everyone of us deserves. The premise is still as it was then: government, foundations and for-profit companies have the capital; residents and local institutions understand the need; and LISC helps bridge the gap by offering the relationships and expertise to assist community organizations in attracting the kinds of resources that allow them to do their best work.

United Way Worldwide: For more than 135 years, United Way has been stepping up to build stronger, more resilient communities, envisioning a world where every community is a resilient one, with



family-sustaining jobs, good schools and a healthy environment for all. Engaged in 95% of the U.S., United Way brings extensive opportunities to deliver community education programs and facilitate access to green housing solutions.

Habitat for Humanity: Founded in 1984, Habitat for Humanity is a global nonprofit housing organization working in local communities across all 50 states in the U.S. and in approximately 70 countries. Habitat's vision is of a world where everyone has a decent place to live. Habitat works toward our vision by building strength, stability and self-reliance in partnership with families in need of decent and affordable housing. Habitat can play an integral role in building community awareness and support for electrification as homeowners help build their own all electric homes alongside volunteers, while making home ownership healthier and more affordable.

Our Approach

Reducing Friction

In order to reduce market friction, we are building software tools to educate and excite consumers about electrification as well as to help them scope specific projects tailored to their home circumstances and needs. Our tools will then connect consumers to a curated marketplace that will enable completion of projects with reputable contractors and equipment manufacturers, with support from trained local electrification coaches throughout the process.

Aggregating Demand

In order to aggregate demand, we will combine our suite of software tools and curated marketplace with consumer-facing educational content. This aspect of our approach will include the following components.

- A consumer-facing website to educate households and property owners about electrification.
- The distribution of educational content through corporate, nonprofit, labor and media partnerships to reach tens of millions of households and property owners.
- Community partnerships across all ten EPA regions among urban, rural, suburban and Tribal Nation communities that will include access to the following:
 - Community awareness and education about the benefits of electrification, with civic leaders and community organizations.
 - Centrally negotiated electrification equipment packages across housing types that optimize available incentives and rebates, and that unlock bulk discounts with equipment manufacturers and distributors.
 - Market management tools to optimize scheduling and installation of upgrades for households participating in the community pledge in a way that further reduces project costs.



- Dedicated business and workforce partnerships that ensure community members and locally-owned businesses participate in the associated job and wealth creation opportunities.

Financial Solutions for Everyone:

We will unlock benefits for everyone through a set of integrated financial products across housing types, targeting affordability to low-income homeowners and affordable housing. Our financial solutions center around two major strategies:

- Reducing front-end costs and obstacles to electrification:
 - Incentive pre-funding
 - OEM / distributor sales guarantee funds
 - Corporate carbon offset fund
 - Contractor incentives
- Reducing the cost of capital on the remaining, financed amount
 - Structured lending and investment products
 - Community leasing products
 - Tax credit intermediation platform
 - Virtual power plant platform

We will have structured lending and financial products that reach across the multi-family and single-family sector, with applicability to other asset classes as appropriate including community facilities, health clinics and retail. We will also have products for local community lenders to access subsidized capital. These products include:

Multi-Family

- | | |
|-----------------------------|-------------------------------------|
| ● Incentive Bridge Loan | ● Construction to Permanent Loan |
| ● Contractor Line of Credit | ● Permanent Loan Forward Commitment |
| ● Retrofit Loan | ● Solar Energy Loan |
| ● Construction Loan | ● Predevelopment Loan |

Single-Family

- | | |
|-----------------------------|--------------------------------|
| ● Incentive Bridge Loan | ● Unsecured consumer loans |
| ● Contractor Line of Credit | ● Interest only consumer loans |

Community Lenders

- | | |
|---------------------------------------|---|
| ● Non-recourse Balance Sheet Loan | ● Loan Purchase or Participation Facility |
| ● Non-recourse Off-Balance Sheet Loan | ● Equity Investment |
| | ● Credit Enhancement |



Investing in Equity:

We will ensure that community members and locally-owned businesses are participating in associated job and wealth creation opportunities.

- Dedicated workforce and business development partnerships, including:
 - Connect financed projects to high-quality jobs and wealth creation opportunities;
 - Workforce development and training programs; and,
 - Build upon Enterprise Community's Equitable Path Forward Program to dismantle the legacy of racism in housing.

Governance Principles

Our team is committed to creating a participatory governance structure to guide equitable allocation of GGRF dollars. The following guiding principles have been developed by Stacey Abrams, Senior Counsel to Rewiring America:

- **Transparency:** Community partners will have access to critical information regarding leadership and key management roles as well as budgets and funding distribution.
- **Community Governance:** We will convene a set of advisory committees responsible for promoting accountability and supporting outreach to stakeholders
- **Accountability:** We will annually announce our KPIs and how they will be measured and tracked and produce an annual report measuring KPIs against agreed-upon metrics set by each of the advisory committees
- **Community Benefit:** RCP will collaborate with community partners to to develop and implement appropriate Community Benefit Agreements that ensure all participating entities adhere to the organization's core values and stated objectives

Next Steps

Please provide a signed Community Accountability and Engagement letter by October 4, 2023. With any questions, please contact Valeria Rincon at valeria@rewiringamerica.org. Please note: we have pre-populated the letter with a suggested number of households and percentage low-income households that your community can choose to target for this program based on our best understanding of EPA's programmatic guidance. Each community may choose to edit these numbers or delete this sentence entirely.

A member of our team may reach out to you in the next week to compile details of the specific portfolio of projects in your community that can be included in the 6-month project pipeline for GGRF funding.

Thank you for your time and effort to support our team's GGRF application. We are excited to collaborate with you and to bring necessary funding to support affordable housing renovation and electrification in your community.