

Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

REVISED AGENDA

MAY 7, 2024

(Revised May 3, 2024)

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. **For Zoom login** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-371>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 895 1701 8421 and Passcode: 657661. 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. **2023 Volunteer of the Year Presentation – Award** (6:05 p.m.)
Staff: Jason Wachs, Community Engagement Coordinator
 - B. **Mental Health Awareness Month – Proclamation** (6:20 p.m.) **4**
Staff: Tony Cereghino, Police Captain
 - C. **National Law Enforcement Week – Proclamation** (6:30 p.m.) **5**
Staff: Tony Cereghino, Police Captain
 - D. **Public Service Recognition Week – Proclamation** (6:35 p.m.) **6**
Staff: Lisa Batey, Mayor

- 4. **SPECIAL REPORTS**
 - A. **Hillside Park and Scattered Sites Relocation – Update** (6:40 p.m.)
Presenters: Housing Authority of Clackamas County

- 5. **COMMUNITY COMMENTS** (7:15 p.m.) **7**
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** (7:20 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:**
 - 1. **April 2, 2024, work session,** (removed from the agenda) **and**
 - 2. **April 2, 2024, regular session,** (removed from the agenda)
 - B. **Appointment to the Transportation System Plan Advisory Committee – Resolution** **14**
 - C. **Authorization of an Amendment to the Judge Services Contract – Resolution** **17**
 - D. **Authorization of a Contract for Grind and Paving Work – Resolution** **34**
7. **BUSINESS ITEMS**
- A. **Youth Board and Committee Member Appointments – Resolution** **41**
 (7:25 p.m.)
 Staff: Nicole Madigan, Deputy City Recorder
 - B. **City Manager Recruitment Materials – Motion** (7:35 p.m.) **44**
 Presenter: Heather Gantz, Raftelis
8. **PUBLIC HEARINGS**
- A. **Neighborhood Hubs Adoption – Ordinance** (7:45 p.m.) **52**
 Staff: Vera Kalias, Senior Planner, and
 Adam Heroux, Associate Planner
9. **COUNCIL REPORTS** (8:45 p.m.)
10. **ADJOURNMENT** (8:55 p.m.)

Executive Session. After the regular session, Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

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

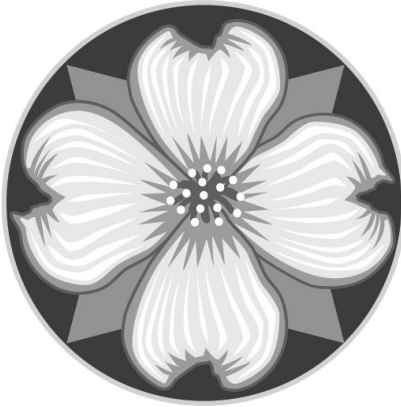
The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation 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

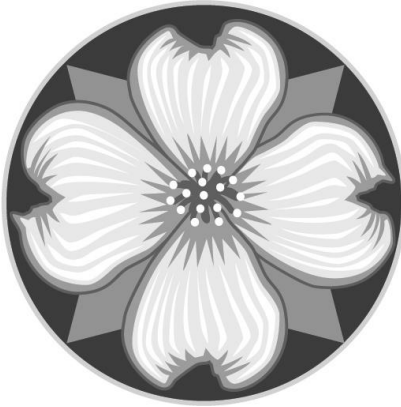
2

Announcements



Mayor's Announcements – May 7, 2024

- **Get Involved With Your Neighborhood – Leaders Elected in May**
 - City has 7 recognized and active Neighborhood District Associations (NDAs)
 - Anyone who lives or owns/represents a business or non-profit within an NDA is a member.
 - Attend your NDA meeting in May to participate in the election of officers.
- **21st Annual Friends of the Ledding Library Plant Sale – May 11, 12, & 18 (9 AM – 4 PM)**
 - Selection of perennials, native plants, vegetables, trees, and shrubs.
 - Milwaukie Floral and Garden, 3306 SE Lake Rd.
- **Minthorn Springs Open House – Sat., May 11 (9:30 AM – 12 PM)**
 - Learn about the benefits of wetlands, learn from a birding expert on the waterfowl present, see artists' demonstrations, and more.
 - Minthorn Wetland is located at SE 37th Ave. and SE Railroad Ave.
 - For more information contact info@wetlandsconservancy.org.
- **Corporal Diffie Veteran's Fund Pancake Breakfast – Sat., May 18 (9 AM – 1 PM)**
 - Fund provides police officers with immediate access to funds to help veterans.
 - Event includes breakfast, raffle prizes, and a close up look at an M3 Stuart Tank.
 - Milwaukie American Legion Post 180, 2146 SE Monroe St.
- **Kellogg Creek Bioblitz Volunteer Event – Sat., May 18 (9 AM – 1 PM)**
 - Document plants, birds, insects, and other wildlife in around Kellogg Creek
 - Event is open to everyone. Local experts will help.
 - Learn more and register at <https://ncurbanwatershed.wordpress.com/kellogg-creek-bioblitz/>.
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**



RS Agenda Item

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Proclamations & Awards

PROCLAMATION

WHEREAS mental health is part of everyone’s overall health and wellbeing, and mental illnesses are prevalent in our county, state, and nation, with one in five adults experiencing a mental health issue every year, and

WHEREAS stigma and the resulting discrimination is a primary obstacle to early identification and effective treatment of individuals with mental illness and their ability to recover to lead full, productive lives, and

WHEREAS approximately half of chronic mental illness begins by the age of 14 and suicide is the second leading cause of death of people ages 10 to 24, and

WHEREAS long delays of sometimes decades often occur between the time symptoms first appear and when individuals get help, and it is important to maintain mental health, learn the symptoms of mental illness to get help, and cure the stigma and discrimination that too often interferes, and

WHEREAS every citizen and community can make a difference in helping cure the stigma and discrimination that for too long has surrounded mental illness and discouraged people from getting help, and

WHEREAS public education and civic activities can encourage mental health and help improve the lives of individuals and families affected by mental illness.

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 MAY 2024 to be MENTAL HEALTH AWARENESS MONTH in Milwaukie to increase public understanding of the importance of mental health, to promote identification and treatment of mental illnesses, and to cure the resulting stigma and discrimination.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 7th day of May 2024.

Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer, City Recorder

PROCLAMATION

WHEREAS since the first recorded death in 1791, more than 20,000 Law Enforcement Officers in the United States have made the ultimate sacrifice in the line of duty, and

WHEREAS nationally, gunfire continues to be the number one cause of line of duty death for police officers, and

WHEREAS the Oregon Fallen Officer Memorial contains over 180 names of fallen Oregon officers including Sgt. James Worell of the Milwaukie Police Department who died on December 31st, 1953, and

WHEREAS there were 245 officers killed in the line of duty across the United States in 2022, and

WHEREAS the People of Milwaukie wish to express their greatest appreciation for the sacrifice and service of those officers.

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 **MAY 12th through MAY 18th, 2024**, to be **NATIONAL LAW ENFORCEMENT WEEK** 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 7th day of May 2024.

Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer, City Recorder



PROCLAMATION

WHEREAS the first full week of May has been designated as “Public Service Recognition Week” around the nation since 1985, to recognize and promote the important contributions of the diverse people who meet the needs of our country through service at federal, state, and local government levels; and

WHEREAS the delivery of essential services at all levels of government only happens because of the efforts of dedicated public servants; and

WHEREAS public service is a noble calling involving a variety of challenging and rewarding professions, and Milwaukie’s approximately 150 employees year after year provide a range of essential functions to our community, from public safety to ensuring safe water and public sanitation, to planning, engineering, and building services, to libraries and maintaining transportation routes; and

WHEREAS public servants have much to offer the Milwaukie community, as demonstrated by their dedication, expertise, and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants.

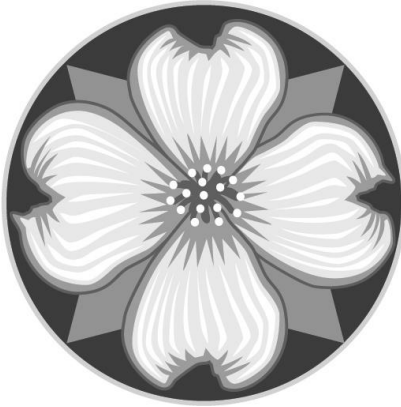
NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **MAY 5th through MAY 11th, 2024**, to be **PUBLIC SERVICE RECOGNITION WEEK** and commend Milwaukie’s public servants for their outstanding contributions during Public Service Recognition Week and throughout the year, and I call upon a new generation to consider a career in public service.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 7th day of May 2024.

Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer, City Recorder



RS Agenda Item

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Community Comments

From: [Scott Stauffer](#)
To: [AC Pixel](#)
Cc: milwaukie@pxl.ac; [OCR](#)
Subject: RE: Form submission from: Contact Us
Date: Friday, April 19, 2024 7:59:00 AM

Got it – we'll send it to Council and staff. A copy of your correspondence will be archived in the record of the next Council meeting as well. If we may be of further assistance, please let us know.

SCOTT STAUFFER

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

From: AC Pixel <acpixel@acpixel.com>
Sent: Thursday, April 18, 2024 5:10 PM
To: Scott Stauffer <StaufferS@milwaukieoregon.gov>
Cc: milwaukie@pxl.ac; [OCR <OCR@milwaukieoregon.gov>](mailto:OCR@milwaukieoregon.gov)
Subject: RE: Form submission from: Contact Us

This Message originated outside your organization.

Why not both, maybe it'll reach the right ears :)

|

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Aidan (Pixel)

[Aerokick.app](#)

[Pixel.Chat](#)

On Thu, Apr 18 2024 at 4:06 PM, Scott Stauffer <StaufferS@milwaukieoregon.gov> wrote:

Greetings Aidan – we have received your comment, below. Would you like these remarks to be shared with the City Council? City staff? Council and staff?

Please reply to this email to confirm who you'd like this to be shared with.

SCOTT STAUFFER

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

From: Milwaukie Oregon <milwaukie-or@unicodeweb.com>
Sent: Thursday, April 18, 2024 2:35 PM

To: ContactUs <contactus@milwaukieoregon.gov>

Subject: Form submission from: Contact Us

Submitted values are: 78367

First Name Aidan

Last Name Poole

Email milwaukie@pxl.ac

Address 12090 SE 56th Ave

Phone Number

Question/Comment

Hi City of Milwaukie! My name is Aidan. I somewhat recently moved into my house(about a year ago) from another house(Also in Milwaukie). I've been quite enjoying it here however due to my line of work I need quite fast internet speeds. Unfortunately even though I only moved a few short miles, my new location does not have any sort of Fiber internet like my last location did. This means I not only have slower speeds, but also that the cost of my network is more expensive.

I'd like to formally put in a request that Milwaukie works to bring the internet access throughout the city to more modern, fast standards. I do remember a survey that was sent out a couple years back by Milwaukie asking about a city-ran fiber network, and would love to know if anything ever came from filling that out, as the speed and prices that were listed on that survey were ultimately perfect.

One way or another, thank you for your time and thank you for all that you do for this city, hopefully we can all have better and cheaper internet availability soon as I'm sure I'm not the only one looking for it!

Thanks,

~

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd.**

From: [Robert Massey](#)
To: [Scott Stauffer](#); [Emma Sagor](#); [Lisa Batey](#)
Subject: Fwd: Resident parking permits in downtown Milwaukie
Date: Thursday, April 25, 2024 6:48:28 AM

Scott, This email was addressed to me only. I recall these type inputs are acknowledged and placed into general comment section of record for next public hearing?

Wasn't sure if Mr. Moses had contacted anyone else - he doesn't mention a name in his reference to city admin. Want to avoid multiple city/council responses going to him. Will you respond or prefer that I do it?

Thanks, RM

Get [Outlook for iOS](#)

From: Spencer Moses <spencerandrewmoses@gmail.com>
Sent: Tuesday, April 23, 2024 1:50 PM
To: Robert Massey <MasseyR@milwaukieoregon.gov>
Subject: Resident parking permits in downtown Milwaukie

This Message originated outside your organization.

Hello,

I am a fairly new resident of the downtown Milwaukie area and I've recently been harassed by the meter maid (Foteff) your city hired to fleece local residents for arbitrary parking violations.

I would like for you to amend your parking code to provide for the issuance of permits to local residents in the block of multifamily apartments and townhomes adjacent to the Masonic lodge & Ledding library.

I live in one of the 2 bedroom townhomes (1 car attached garage) and haven't had an issue up until recently when this ridiculous meter maid (Foteff) has decided to make use of multiple petty parking rules to harass me for the "crime" of having a roommate and 2 vehicles and parking near where I LIVE.

I have contacted the local city admin and they said there are none able to be issued unless I operate a business in this area.

Living here and patronizing local businesses daily isn't enough? Really?

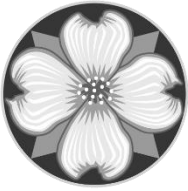
Local officials (ie. YOU and the other councilors) CLEARLY did not think this through when approving the construction of these units and implementing the existing parking regulations.

This is an unjust tax on the working class that I will not tolerate.

I look forward to hearing from you.

Spencer Moses
Spencerandrewmoses@gmail.com

Sent from my iPhone



**CITY OF MILWAUKIE
CITY COUNCIL**

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

Speaker Card

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

Name: Thao Tu

Address: **11108 SE STEELE ST**

Organization: Vietnamese Community of Oregon

Phone: **503 349 9232**

Email: thaotvnco@gmail.com

Meeting

Date: _____

Topic:

Agenda Item You Wish to Speak to:

#5 Community Comments

Note: Council generally does not respond to comments during this meeting. The city manager will respond to comments at the next regular session.

#7 Other Business, Topic: _____

#8 Public Hearing, Topic: _____

You are Speaking...

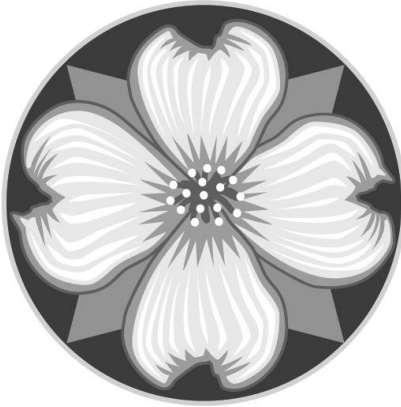
in Support

in Opposition

from a Neutral Position

to ask a Question

Comments: We would like to say some words about the Vietnamese American Remembrance Day April 30 to honor the Oregonian soldiers and American soldiers who died for the good cause for freedom in South Vietnam in the Vietnam War.



RS Agenda Item

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Consent Agenda

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, Acting City Manager

Date Written: Apr. 24, 2024

Reviewed: Scott Stauffer, City Recorder

From: Nicole Madigan, Deputy City Recorder

Subject: **Transportation System Plan Advisory Committee (TSPAC) Appointment**

ACTION REQUESTED

Council is asked to approve a resolution making an appointment to the Transportation System Plan Advisory Committee (TSPAC).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[February 7, 2023](#): Council appointed the inaugural cohort of members to the TSPAC, including Mark Stehn as a representative of business groups.

[March 5, 2024](#): Jay Jones was appointed as a replacement for Stehn as a business representative on the TSPAC.

April 2024: staff received confirmation that the individual nominated below, a representative of the freight industry, was interested in serving on the TSPAC.

ANALYSIS

As outlined in previous staff reports the city has undertaken a multi-year effort to update the Transportation System Plan (TSP) document. A critical part of the update process involves engaging community members through the TSPAC which Council formed in 2023. Since its establishment in February 2023, the TSPAC has met several times and has successfully begun its work to advise staff on updating the TSP.

When the TSPAC was formed, the city wanted a representative of freight businesses to provide specialized input on the TSP. Until recently staff were unable to find someone to fill this vacancy. Jason Altamirano is the Vice President and Chief Operating Officer (COO) of Titan Freight Systems and has agreed to represent the freight industry on the TSPAC.

As the work of the TSPAC is based on a limited-duration project which started in 2023, individuals appointed in 2024 join the committee in the middle of a term that will end on June 30, 2025. Upon the completion of this term, Council may extend or reappoint all committee members depending on whether the work of the TSP update project is finished.

BUDGET IMPACT

None.

CLIMATE IMPACT

Transportation reflects the largest source of greenhouse gas emissions in Milwaukie. Freight traffic is a significant portion of our transportation system and contributor to emissions. Ensuring

we have robust representation on our TSPAC is important for developing a realistic TSP that will meet Milwaukie’s future transportation needs while also advancing our climate and carbon reduction goals.

WORKLOAD IMPACT

None.

EQUITY IMPACTS

The recommended committee appointment would help the city achieve its goal of providing a diverse spectrum of voices. The nominated individual brings experience and expertise in terms of freight truck industry that has not been represented on the TSPAC to this point, and the company the nominee works for – Titan Freight Systems – has been certified by the Oregon Certification Office for Business Inclusion and Diversity (COBID).

COORDINATION, CONCURRENCE, OR DISSENT

Community development and planning department staff coordinated with the city manager and city recorder on this committee nomination.

STAFF RECOMMENDATION

Staff recommends making the following appointments:

Transportation System Plan Advisory Committee (TSPAC):

Position	Name	Term Start Date	Term End Date
17	Jason Altamirano (<i>Freight Representative</i>)	5/7/2024	6/30/2025

ALTERNATIVES

Council could decline to make the recommended appointment, which could result in a vacancy on the TSPAC.

ATTACHMENTS

- 1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, MAKING AN APPOINTMENT TO THE TRANSPORTATION SYSTEM PLAN ADVISORY COMMITTEE (TSPAC).**

WHEREAS Milwaukie Charter Section 26 authorizes the mayor, with the consent of the Council, to make appointments to boards and committees (BCs), and

WHEREAS the city is undertaking an update of the Transportation System Plan (TSP), and an advisory committee was established in 2023 to support the TSP update work, and

WHEREAS the individual named below has expressed interest in serving on the TSPAC, and

WHEREAS staff recommends the following individual be appointed.

Transportation System Plan Advisory Committee (TSPAC)

Position	Name	Term Start Date	Term End Date
17	Jason Altamirano (<i>Freight Representative</i>)	5/7/2024	6/30/2025

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individual named in this resolution is appointed to the Transportation System Plan Advisory Committee (TSPAC) for the term dates noted.

Introduced and adopted by the City Council on **May 7, 2024**.

This resolution is effective immediately.

ATTEST:

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Apr. 11, 2024

Reviewed: Kelli Tucker, Accounting & Contracts Specialist

From: Scott Stauffer, City Recorder, and
Mary Quinn, Court Clerk

Subject: Municipal Court Judge Services Contract Amendment

ACTION REQUESTED

Council is asked to adopt a resolution authorizing the city manager to execute a personal services agreement amendment for municipal court judge services.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On January 23, 2014, Council authorized a contract for judge services with Kimberly Graves. Council extended this contract in November 2015 and January 2018.

[January 21, 2020](#): Council authorized a new contract with Judge Graves for an initial two-year term following a formal, competitive solicitation process let by staff. Council then authorized a two-year extension of this contract on [April 19, 2022 as allowed for in the contract terms](#).

February 2024: staff received confirmation that Judge Graves would like to continue to serve as Milwaukie's municipal court judge for another two-year term.

ANALYSIS

Judge Graves has served as the judge of the Milwaukie municipal court since 2014. Council extended the judge's first contract twice. In 2020, after a formal solicitation process, Council awarded a new contract to Judge Graves based on the staff's recommendation. That contract was for an initial two-year period ending on May 31, 2022, with an option to extend for two additional two-year terms. In April 2022 Council authorized the first two-year extension, which set a new contract expiration date of May 31, 2024. As required by [Section 28 of the City Charter](#) and the [contract terms](#), each contract extension must be authorized by Council. This report and resolution represent the second opportunity for Council to extend this contract.

The proposed amendment extends the contract period until May 31, 2026, and increases the judge's compensation by approximately 6% to a new total not to exceed \$30,000 per year. The proposed increase reflects inflationary increases for the remaining two years.

BUDGET IMPACTS

If adopted, the contract amendment would result in an overall compensation increase of \$2,000 per fiscal year due to the new contract amount of approximately \$30,000, which will include the proposed 6% compensation increase.

CLIMATE IMPACTS

There is no known climate impact related to the requested action.

EQUITY IMPACTS

The municipal court judge presides over the city's judicial branch and exercises a great influence on how fines and penalties are administered to those who have violated the municipal code. Hiring and retaining a judge who supports the city's equity, justice, and inclusion goals is critical when making decisions that directly impact community members and the court's ability to help Milwaukie achieve those goals.

WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

The city recorder, court clerk, accounting and contracts specialist, city manager, and municipal court judge worked on the proposed contract amendment.

STAFF RECOMMENDATION

Staff recommends that Council adopt the resolution authorizing the city manager to execute the contract amendment with Judge Graves to continue to serve as the city's municipal court judge.

ALTERNATIVES

Council could decline to approve the contract amendment and direct staff to begin a formal solicitation to find a new judge for these services.

ATTACHMENTS

1. Resolution
2. Proposed Amendment
3. Current Personal Services Agreement



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR MUNICIPAL COURT JUDGE SERVICES.

WHEREAS the Milwaukie Municipal Court is the city’s judicial tribunal and hears cases arising under the municipal code, the development code, and the Oregon Vehicle Code, and

WHEREAS the city requires municipal court judge services for the operations of its municipal court, and

WHEREAS in 2020 the City Council awarded a contract to Kimberly Graves to provide municipal court judge services, and in 2022 Council approved a two-year extension of this contract, and

WHEREAS the current contract expires on May 31, 2024, and the city has the option to extend the contract for one (1) additional two-year period for a total of six years, and

WHEREAS city staff have negotiated with Judge Graves to extend the contract term and provide adequate compensation for these services.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager is authorized to sign a contract amendment with Kimberly Graves for municipal court judge services for an extended term through May 31, 2026.

Introduced and adopted by the City Council on **May 7, 2024**.

This resolution is effective immediately.

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



**AMENDMENT #2 TO PERSONAL SERVICES AGREEMENT
WITH THE CITY OF MILWAUKIE, OREGON
FOR MUNICIPAL COURT JUDGE SERVICES**

This agreement hereby amends the above-entitled contract between the City of Milwaukie and Kimberly M. Graves, hereinafter called Consultant, for performance of services.

This amendment is as follows:

1. Under Section 2 (Effective Date and Duration), the contract expiration date is extended for a two-year period until May 31, 2026.
2. Under Section 3 (Compensation), the first sentence is replaced with:
City agrees to pay Consultant not to exceed thirty thousand dollars (\$30,000) per contract year for performance of those services described in the Scope of Work.
3. Under Section 9 (Method & Place of Submitting Notice, Bills and Payments), the City's contact information is replaced with:

City of Milwaukie
 Attn: Accounts Payable
 10501 SE Main Street
 Milwaukie, OR 97222
 Phone: 503.786.7535
 Email: ap@milwaukieoregon.gov

4. Under Exhibit A (Scope of Work), Section C, will be replaced with:
City shall pay Consultant for performance of services not to exceed \$30,000 per contract year as described in Section 2 of this Agreement. Compensation shall be paid to Consultant at the following rates:

Description	Amount
Regular court session(s)	\$1,050 per session
Reimbursable expenses (including additional meetings and travel expenses)	As requested by Consultant and approved by City

The terms stated above in this amendment are effective June 1, 2024. All other conditions remain in full force and effect.

In Witness to the above, the following duly authorized representatives of the parties referenced have executed this agreement:

City of Milwaukie

Kimberly M. Graves

Signature

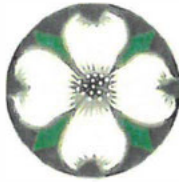
Signature

Print Name & Title

Print Name & Title

Date

Date



**AMENDMENT TO PERSONAL SERVICES AGREEMENT
WITH THE CITY OF MILWAUKIE, OREGON
FOR MUNICIPAL COURT JUDGE SERVICES**

This agreement hereby amends the above-entitled contract between the City of Milwaukie and Kimberly M. Graves, hereinafter called Consultant, the original compensation amount of which was \$37,000 per year for performance of services.

This amendment is as follows:

1. Under Section 2 (Effective Date and Duration), the contract expiration date is extended for a two-year period until May 31, 2024.
2. Under Section 3 (Compensation), the first sentence is replaced with:
City agrees to pay Consultant not to exceed twenty-eight thousand dollars (\$28,000) per contract year for performance of those services described in the Scope of Work.
3. Under Exhibit A (Scope of Work), Section A(1), the third paragraph referencing attendance court is deleted completely.
4. Under Exhibit A (Scope of Work), Section C, will be replaced with:
City shall pay Consultant for performance of services not to exceed \$28,000 per contract year as described in Section 2 of this Agreement. Compensation shall be paid to Consultant at the following rates:

Description	Amount
Regular court session(s)	\$1,980 per month
Reimbursable expenses (including additional meetings and travel expenses)	As requested by Consultant and approved by City

The terms stated above in this amendment are effective June 1, 2022. All other conditions remain in full force and effect.

In Witness to the above, the following duly authorized representatives of the parties referenced have executed this agreement:

City of Milwaukie

Kelly A. Bruts

 Signature
Kelly Bruts, City Manager (Acting)

 Print Name & Title
4/19/2022

 Date

Kimberly M. Graves

Kimberly M. Graves

 Signature
Kimberly Graves, Judge

 Print Name & Title
4/26/22

 Date

COUNCIL RESOLUTION No. 24-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR MUNICIPAL COURT JUDGE SERVICES.

WHEREAS the Milwaukie Municipal Court is the city's judicial tribunal and hears cases arising under the municipal code, the development code, and the Oregon Vehicle Code; and

WHEREAS the city requires municipal court judge services for the operations of its municipal court; and

WHEREAS in 2020 the City Council awarded a new contract to Kimberly Graves to provide municipal court judge services; and

WHEREAS the current contract expires on May 31, 2022, and the city has the option to extend the contract for an additional two-year period; and

WHEREAS city staff has negotiated with Judge Graves to keep the services provided applicable to the court's current needs and provide adequate compensation for these services.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager is authorized to sign a contract amendment with Kimberly Graves for municipal court judge services for an extended term through May 31, 2024.

Introduced and adopted by the City Council on **April 19, 2022**.

This resolution is effective immediately.



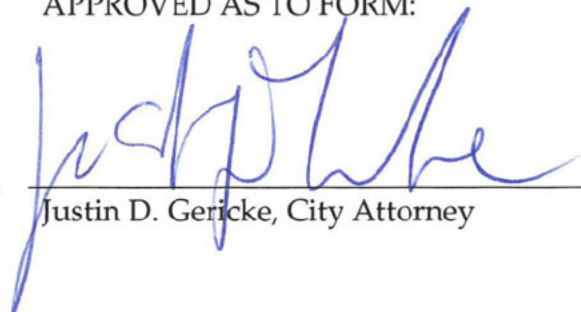
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder



Justin D. Gericke, City Attorney



**PERSONAL SERVICES AGREEMENT
WITH THE CITY OF MILWAUKIE, OREGON
FOR MUNICIPAL COURT JUDGE SERVICES**

THIS AGREEMENT made and entered into this 23rd day of January 2020 by and between the City of Milwaukie, a municipal corporation of the State of Oregon, hereinafter called City, and Kimberly M. Graves, hereinafter called Consultant.

RECITALS

WHEREAS City has need for the services of a person or an entity with particular training, ability, knowledge, and experience as possessed by Consultant, and

WHEREAS City has determined that Consultant is qualified and capable of performing the professional services as City does hereinafter require, under those terms and conditions set forth,

THEREFORE, the Parties agree as follows:

1. SERVICES TO BE PROVIDED

Consultant shall provide services as specified in the Scope of Work, a copy of which is attached hereto, labeled Exhibit A and hereby incorporated by reference. Consultant shall initiate services immediately upon receipt of City's notice to proceed, together with an executed copy of this Agreement.

2. EFFECTIVE DATE AND DURATION

This Agreement shall become effective upon the date of execution, and shall expire, unless otherwise terminated or extended, by May 31, 2022. All work under this Agreement shall be completed prior to the expiration of this Agreement.

This Agreement may be extended at the option of the City up to two (2) two-year periods. Any renewal shall be upon the same original terms and provisions, unless otherwise negotiated in writing. Any extension of this Agreement requires City Council authorization.

3. COMPENSATION

City agrees to pay Consultant not to exceed thirty-seven thousand dollars (\$37,000) per contract year for performance of those services described in the Scope of Work. The first contract year shall be from the date of execution of this Agreement through May 31, 2021 and each subsequent contract year will be a twelve-month period. Payment shall be based upon the following applicable terms:

- A.** Payment by City to Consultant for performance of services under this Agreement includes all expenses incurred by Consultant, with the exception of expenses, if any identified in this Agreement as separately reimbursable.
- B.** Payment will be made in installments based on Consultant's invoice, subject to the approval of the City Manager, or designee, and not more frequently than twice per month. Payment shall be made only for work actually completed as of the date of invoice.

- C. Payment by City shall release City from any further obligation for payment to Consultant, for services performed or expenses incurred as of the date of the invoice. Payment shall not be considered acceptance or approval of any work or waiver of any defects therein.
- D. The City certifies that sufficient funds are available and authorized for expenditure to finance costs of this contract.

4. OWNERSHIP OF WORK PRODUCT

City shall be the owner of and shall be entitled to possession of any and all work products of Consultant which result from this Agreement, including any computations, plans, correspondence or pertinent data and information gathered by or computed by Consultant prior to termination of this Agreement by Consultant or upon completion of the work pursuant to this Agreement.

5. ASSIGNMENT/DELEGATION

- A. Except for the appointment of municipal judges pro tem by Consultant, neither party shall assign, sublet or transfer any interest in or duty under this Agreement without the written consent of the other and no assignment shall be of any force or effect whatsoever unless and until the other party has so consented. If Consultant requires the services of a municipal judge pro tem, Consultant shall be fully responsible for the acts or omissions of said judge pro tem and of all persons employed by them, and neither the approval by City of any judge pro tem nor anything contained herein shall be deemed to create any contractual relation between the judge pro tem and City.
- B. If Consultant is unable to perform assigned duties due to a conflict of interest or matter arising by statute, the City shall engage a pro tem to provide services. Should the City choose to engage a municipal judge pro tem, the judge pro tem will not be deemed to have been appointed by the Consultant and shall not be included in or subject to the terms of this Agreement. Compensation for a judge pro tem engaged by the City will be paid directly to the judge pro tem by the City under the terms of a separate agreement.

6. STATUS OF CONSULTANT AS INDEPENDENT CONTRACTOR

Consultant certifies that:

- A. Consultant acknowledges that for all purposes related to this Agreement, Consultant is and shall be deemed to be an independent contractor as defined by ORS 670.700 and not an employee of City, shall not be entitled to benefits of any kind to which an employee of City is entitled and shall be solely responsible for all payments and taxes required by law. Furthermore, in the event that Consultant is found by a court of law or any administrative agency to be an employee of City for any purpose, City shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Consultant under the terms of this Agreement, to the full extent of any benefits or other remuneration Consultant receives (from City or third party) as a result of said finding and to the full extent of any payments that City is required to make (to Consultant or to a third party) as a result of said finding.
- B. The undersigned Consultant hereby represents that no employee of the City, or any partnership or corporation in which a City employee has an interest, has or will receive any remuneration of any description from Consultant, either directly or indirectly, in connection with the letting or performance of this Agreement, except as specifically declared in writing.

If this payment is to be charged against Federal funds, Consultant certifies that he/she is not currently employed by the Federal Government and the amount charged does not exceed his or her normal charge for the type of service provided.

Consultant and its employees, if any, are not active members of the Oregon Public Employees Retirement System and are not employed for a total of 600 hours or more in the calendar year by any public employer participating in the Retirement System.

- C. Consultant certifies that it currently has a City business license or will obtain one prior to delivering services under this Agreement.
- D. City requires that attorney services be provided without conflict by the attorney's representation of clients on matters contrary to City's legal interests. Thus, Consultant shall not engage services of other attorneys or other professionals who individually, or through members of a firm, represent one or more clients on matters contrary to City's interests.

Should Consultant, or a professional he or she has engaged, represent a client in a matter contrary to City's legal interests, Consultant shall promptly consult with the Finance Director or other designated official about the conflict. Consultant shall resolve the conflict to City's satisfaction within seven (7) days of consulting with the City official. Unresolved conflicts are grounds for termination of this agreement.

7. INDEMNIFICATION

City has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant warrants that all its work will be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of a consultant's work by City shall not operate as a waiver or release.

Consultant agrees to indemnify, and defend the City, its officers, agents, employees and volunteers and hold them harmless from any and all liability, causes of action, claims, losses, damages, judgments or other costs or expenses including attorney's fees and witness costs and (at both trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity which in any way arise from, during or in connection with the performance of the work described in this contract, except to the extent that the liability arises out of the sole negligence of the City and its employees. Such indemnification shall also cover claims brought against the City under state or federal workers' compensation laws. If any aspect of this indemnity shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this indemnification.

8. INSURANCE

Consultant and its subconsultants shall maintain insurance acceptable to City in full force and effect throughout the term of this contract. Such insurance shall cover all activities of the consultant arising directly or indirectly out of Consultant's work performed hereunder, including the operations of its subconsultants of any tier. Such policies or certificates must be delivered prior to commencement of the work.

The policy or policies of insurance maintained by the Consultant and its subconsultant shall provide at least the following limits and coverage:

- A.** Automobile Insurance
Consultant shall obtain, at consultant's expense, and keep in effect during the term of this contract, Automobile Liability coverage including coverage for all owned, hired, and non-owned vehicles. Consultant shall carry, at minimum, liability required by the state in which the vehicle is registered. Evidence of auto liability required under this Agreement shall be furnished to the City.
- B.** Workers' Compensation Insurance
The Consultant, its subconsultants, if any, and all employers providing work, labor or materials under this Contract who are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage that satisfies Oregon law for all their subject workers. Out-of-state employers must provide workers' compensation coverage for their workers that complies with ORS 656.126. Employer's Liability Insurance with coverage limits of not less than \$500,000 each accident shall be included.
- C.** Notice of Cancellation
There shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew insurance coverage without 30 days written notice to the City. Any failure to comply with this provision will not affect the insurance coverage provided to the City. The certificates of insurance provided to the City shall state that the insurer shall endeavor to provide 30 days' notice of cancellation to the City.
- D.** Insurance Carrier Rating
Coverages provided by the Consultant must be underwritten by an insurance company deemed acceptable by the City. The City reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.
- E.** Certificates of Insurance
If applicable, as evidence of the insurance coverage required by the contract, the Consultant shall furnish proof to the City. No contract shall be effective until the required certificates have been received and approved by the City. The certificate will specify and document all provisions within this contract. A renewal certificate will be sent to the above address 10 days prior to coverage expiration.
- F.** Independent Contractor Status
The service or services to be rendered under this contract are those of an independent contractor.
- G.** Primary Coverage Clarification
The parties agree that Consultant's coverage shall be primary to the extent permitted by law. The parties further agree that other insurance maintained by the City is excess and not contributory insurance with the insurance required in this section.

Consultant's insurance policy shall not be canceled or their limits of liability reduced below state minimum requirements without 30 days prior notice to City.

The procuring of such required insurance shall not be construed to limit consultant's liability hereunder. Notwithstanding said insurance, Consultant shall be obligated for the total amount of any damage, injury, or loss caused by negligence or neglect connected with this contract.

9. METHOD & PLACE OF SUBMITTING NOTICE, BILLS AND PAYMENTS

All notices, bills and payments shall be made in writing and may be given by personal delivery, mail, email or by fax. Payments may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices, bills, payments, and other information:

City of Milwaukie	Consultant
Attn: Accounts Payable	Attn: Kimberly M. Graves
10722 SE Main Street	[REDACTED]
Milwaukie, Oregon 97222	[REDACTED]
Phone: 503.786.7523	Phone: [REDACTED]
Email: ap@milwaukieoregon.gov	Email: [REDACTED]

And when so addressed, shall be deemed given upon deposit in the United States mail, postage prepaid, or when so faxed, shall be deemed given upon successful fax. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to who notices, bills and payments are to be given by giving written notice pursuant to this paragraph.

10. MERGER

This writing is intended both as a final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. No modification of this Agreement shall be effective unless and until it is made in writing and signed by both parties.

11. TERMINATION WITHOUT CAUSE

At any time and without cause, City shall have the right, in its sole discretion, to terminate this Agreement by giving thirty (30) calendar days' notice to Consultant. If City terminates the contract pursuant to this paragraph, it shall pay Consultant for services rendered to the date of termination.

12. TERMINATION WITH CAUSE

A. City may terminate this Agreement effective upon delivery of written notice to Consultant, or at such later date as may be established by City, under any of the following conditions:

- 1) If City funding from federal, state, local, or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services. This Agreement may be modified to accommodate a reduction in funds.
- 2) If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement.
- 3) If any license or certificate required by law or regulation to be held by Consultant, its subconsultants, agents, and employees to provide the services required by this Agreement is for any reason denied, revoked, or not renewed.
- 4) If Consultant becomes insolvent, if voluntary or involuntary petition in bankruptcy is filed by or against Consultant, if a receiver or trustee is

appointed for Consultant, or if there is an assignment for the benefit of creditors of Consultant.

Any such termination of this agreement under paragraph (a) shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

- B.** City or Consultant, by written notice of default (including breach of contract) to the other party, may terminate the whole or any part of this Agreement:
- 1)** If City or Consultant fail to provide services called for by this Agreement within the time specified herein or any extension thereof; or
 - 2)** If City or Consultant fail to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from the other party, fail to correct such failures within ten (10) calendar days or such other period as the other party may authorize.

The rights and remedies of City or Consultant provided in the above clause related to defaults (including breach of contract) by City or Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

If City terminates this Agreement under paragraph (B), Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred, an amount which bears the same ratio to the total fees specified in this Agreement as the services satisfactorily rendered by Consultant bear to the total services otherwise required to be performed for such total fee; provided, that there shall be deducted from such amount the amount of damages, if any, sustained by City due to breach of contract by Consultant. Damages for breach of contract shall be those allowed by Oregon law, reasonable and necessary attorney fees, and other costs of litigation at trial and upon appeal.

13. ACCESS TO RECORDS

City shall have access to such books, documents, papers and records of Consultant as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts and transcripts.

14. FORCE MAJEURE

Neither City nor Consultant shall be considered in default because of any delays in completion and responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the parties so disenabled, including but not restricted to, an act of God or of a public enemy, civil unrest, volcano, earthquake, fire, flood, epidemic, quarantine restriction, area-wide strike, freight embargo, unusually severe weather or delay of subconsultant or supplies due to such cause; provided that the parties so disenabled shall within ten (10) days from the beginning of such delay, notify the other party in writing of the cause of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation. Each party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligation under the Agreement.

15. NON-WAIVER

The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this Agreement or to exercise any rights hereunder should not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights on any future occasion.

16. NON-DISCRIMINATION

Consultant agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Consultant also shall comply with the Americans with Disabilities Act of 1990, ORS 659A.142, and all regulations and administrative rules established pursuant to those laws.

17. ERRORS

Consultant shall perform such additional work as may be necessary to correct errors in the work required under this Agreement without undue delays and without additional cost.

18. EXTRA (CHANGES) WORK

Only the Finance Director, Bonnie Dennis, may authorize extra (and/or change) work. Failure of Consultant to secure authorization for extra work shall constitute a waiver of all right to adjustment in the contract price or contract time due to such unauthorized extra work and Consultant thereafter shall be entitled to no compensation whatsoever for the performance of such work.

19. WARRANTIES

All work shall be guaranteed by Consultant for a period of one year after the date of final acceptance of the work by the owner. Consultant warrants that all practices and procedures, workmanship and materials shall be the best available unless otherwise specified in the profession.

Neither acceptance of the work nor payment therefore shall relieve Consultant from liability under warranties contained in or implied by this Agreement.

20. ATTORNEY'S FEES

In case suit or action is instituted to enforce the provisions of this contract, the parties agree that the losing party shall pay such sum as the court may adjudge reasonable attorney fees and court costs, including attorney's fees and court costs on appeal.

21. GOVERNING LAW

The provisions of this Agreement shall be construed in accordance with the provisions of the laws of the State of Oregon. Any action or suits involving any question arising under this Agreement must be brought in the appropriate court of the State of Oregon.

22. COMPLIANCE WITH STATE AND FEDERAL LAWS/RULES

Consultant shall comply with all applicable federal, state and local laws, rules and regulations, including, but not limited to, the requirements concerning working hours, overtime, medical care, workers compensation insurance, health care payments, payments to employees and subconsultants and income tax withholding contained in ORS Chapters 279A and 279B, the provisions of which are hereby made a part of this agreement.

23. CONFLICT BETWEEN TERMS

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument in the proposal of the contract, this instrument

shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

24. AUDIT

Consultant shall maintain records to assure conformance with the terms and conditions of this Agreement, and to assure adequate performance and accurate expenditures within the contract period. Consultant agrees to permit City, the State of Oregon, the federal government, or their duly authorized representatives to audit all records pertaining to this Agreement to assure the accurate expenditure of funds.

25. SEVERABILITY

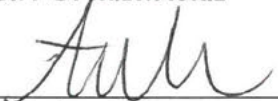
In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected to the extent that it did not materially affect the intent of the parties when they entered into the agreement.

26. COMPLETE AGREEMENT

This Agreement and attached exhibits constitute as the entire Agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. Consultant, by the signature of its authorized representative, hereby acknowledges that he has read this Agreement, understands it and agrees to be bound by its terms and conditions.

IN WITNESS WHEREOF, City has caused this Agreement to be executed by its duly authorized undersigned officer and Consultant has executed this Agreement on the date hereinabove first written.

CITY OF MILWAUKIE



Signature

Ann Ober, City Manager

Printed Name & Title

1-23-2020

Date

CONSULTANT



Sig

Kimberly M. Graves, Attorney

Printed Name & Title

January 21, 2020

Date

Exhibit A SCOPE OF WORK

A. SERVICES TO BE PROVIDED:

1. Judicial Services and Duties

Consultant (or municipal court judge) services include, but are not limited to, all general duties of a municipal court judge acting in the capacity for a municipal court, presiding over arraignments, accepting pleas, conducting sentencing and issuing warrants.

The City holds municipal court no more than twice per month on Wednesdays, generally from 8:00am to 5:00pm. Court trials are conducted in the mornings and arraignments in the afternoon on court day.

Attendance court is held once per month as needed, with the possibility of an additional date each month depending on the need of North Clackamas School District. Attendance court is generally held in the evenings from October through June as needed.

The City's court clerk assists the judge with paperwork and necessary orders. Consultant may review court programs, court fines, court charges and court procedures. Consultant may also issue court orders establishing procedure and amounts of fees. Consultant shall keep the court clerk apprised of any changes in laws and procedures.

There are judicial conferences which the Consultant may attend and request expense reimbursement from the City. Expenses are reimbursed based on city procedures for travel and meals.

Consultant shall select and compensate any pro tem judge, when necessary.

2. City Charter - Chapter VII Section 28 (Municipal Judge)

Chapter VII Section 28 of the Milwaukie Charter sets forth the authority and duties of the municipal court judge as follows:

- (a)** The municipal judge shall be the judicial officer of the city. The municipal judge shall be appointed by and hold office during the pleasure of the council. The municipal judge shall be a member in good standing of the Oregon State Bar during the entire term of office. Disbarment shall be a basis for removal from office. The municipal court judge shall hold a court within the city which shall be known as the municipal court for the city of Milwaukie, Clackamas County, Oregon. The court shall be open for transaction of judicial business for such days and hours as the council may establish.
- (b)** Except as this charter or city ordinance prescribes to the contrary, procedures of the court shall conform to the general laws of this state governing justice of the peace and justice courts.
- (c)** All area within the city and, to the extent provided by state law, area outside the city is within the territorial jurisdiction of the court.
- (d)** The municipal court has original jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by any ordinance of the city. The municipal judge may:

- i. Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;
 - ii. Order the arrest of anyone accused of an offense against the city;
 - iii. Commit to jail or admit to bail anyone accused of such an offense;
 - iv. Issue and compel obedience to subpoenas;
 - v. Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
 - vi. Penalize contempt of court;
 - vii. Issue process necessary to effectuate judgments and orders of the court;
 - viii. Issue search warrants; and
 - ix. Perform other judicial and quasi-judicial functions prescribed by ordinance.
- (e) A municipal judge may appoint municipal judges pro tem which judges shall serve at the pleasure of the council.
- (f) Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.

3. Court Software

The judge shall utilize the City's court operations software to review cases and enter judgments into the case.

The City's municipal court is a court of record and all court proceedings are recorded with *For the Record* software and recording equipment. The City's municipal court may move towards a paperless court during this contract term and the Consultant will play a key role in this implementation.

B. OTHER SERVICES

If the City develops need for additional services during the life of the agreement, those services will be provided with the same conditions as apply to existing accounts at the time. If regulatory bodies establish new regulations, the Consultant shall demonstrate full compliance with those regulations. If Consultant develops other services, the City is to be furnished with any information that it may use to consider these services.

C. COMPENSATION

City shall pay Consultant for performance of services not to exceed \$37,000 per contract year as described in Section 2 of this Agreement. Payment for services will be \$1,800 per month for regular court sessions with additional compensation of \$500 for each attendance court session held.

Compensation shall be paid to Consultant at the following rates:

Description	Amount
Regular court session(s)	\$1,800 per month
Attendance court session(s)	\$500 per session
Reimbursable expenses (including additional meetings and travel expenses)	As requested by Consultant and approved by City

COUNCIL RESOLUTION No. 6-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR MUNICIPAL COURT JUDGE SERVICES.

WHEREAS, the Milwaukie Municipal Court is the city's judicial tribunal and hears cases arising under the municipal code, the development code, and the Oregon Vehicle Code; and


WHEREAS, the city requires municipal court judge services for the operations of its municipal court; and

WHEREAS, the city issued a formal solicitation under Public Contracting Rule 70.020(A) and received only one submission, which was determined to be responsive and responsible.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager is authorized to enter into an agreement with Kimberly Graves for municipal court judge services for an initial term through May 31, 2022.

Introduced and adopted by the City Council on **January 21, 2020**.

This resolution is effective immediately.



Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder



Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, Acting City Manager

Reviewed: Jennifer Garbely, City Engineer, and
Joseph Briglio, Community Development Director

From: Ben Green, Engineering Technician I

Subject: **2024 Grind and Pave Contract (CIP-2024-T61)**

Date Written: April 22, 2024

ACTION REQUESTED

Council is asked to approve the attached resolution to execute a contract with Eagle Elsner Inc. to construct this summer's grind and pave project.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The project scope for the summer 2024 paving and striping maintenance work was determined by city staff from both the engineering and public works departments along with community member recommendations. The maintenance tasks identified for this summer resemble those undertaken in September 2023 on a larger scale.

ANALYSIS

This summer's maintenance work contains the following the elements:

Repaving the following streets: (About 3 linear miles)

- Drake Street, from 43rd Avenue to 40th Avenue
- Llewellyn Street, from 42nd Avenue to 40th Avenue
- 41st Court, from King Road to the cul-de-sac
- Wood Avenue, from Monroe Steet to Park Street
- 55th Avenue, from Monroe Street to Woodhaven Street
- Woodhaven Street and 54th Place, from Staley Avenue to the cul-de-sac
- 60th Avenue, from Monroe Street to dead end
- Sundial Court, from 60th Avenue to Stanley Avenue
- 43rd Avenue, from Lake Road to the cul-de-sac
- Where Else Lane, from Lake Road to the dead end
- Jobes Court, from Where Else Lane to cul-de-sac
- 56th Avenue, from end (Harlow Street) to end (Foxfire Street)
- Harlow Street, from Stanley Avenue to the dead end
- Foxfire Street, from 56th Avenue to Beckman Avenue
- Pennywood Drive, from Freeman Road to the cul-de-sac

Striping: (See full list in Attachment 3)

Clackamas County typically manages the striping tasks for the city; however, due to current staffing limitations, they are unable to accommodate additional responsibilities. Consequently, the inclusion of this task in the project was a late addition, prompted by its significant importance.

Staff completed a competitive bidding process under Chapter 40 of the city’s Public Contracting Rules. 6 bids were received by the solicitation deadline and are summarized below:

	CONTRACTOR	TOTAL BID AMOUNT
1	Eagle Elsner Inc.	\$901,759.35
2	Knife River Corp.	\$964,313.16
3	S-2 Contractors Inc.	\$979,896.40
	Engineer’s Estimate	\$1,300,00.00

BUDGET IMPACT

Paving will be funded by the city’s Street Surface Maintenance Program (SSMP) fund and state gas tax revenue. The road striping will be funded by street maintenance.

CLIMATE IMPACT

Construction activity has a significant impact on the environment due to emissions from transport of materials, heavy equipment uses, and the manufacturing of material such as asphalt concrete pavement. This project intends to limit impacts by recycling asphalt grindings. This eliminates the import and production of aggregate material for street base and shoulders. In addition, recycling asphalt grindings minimizes the need to haul away material. New asphalt will be warm mix asphalt with a minimum 30% recycled content.

EQUITY IMPACT

The condition and repaving of neighborhood streets directly impacts accessibility for all residents, especially including those with disabilities and who may experience other mobility challenges. Repaving efforts aim to prioritize creating smooth and safe surfaces for all to use. It is critical to meaningfully distribute resources throughout the entire city that are going to have the most positive impact.

WORKLOAD IMPACT

None. The city’s engineering team will oversee the construction process. Additional on-call construction management services are available if needed.

COORDINATION, CONCURRENCE, OR DISSENT

Managers from the engineering, public works, and finance departments reviewed and approved the project scope and budget.

STAFF RECOMMENDATION

Staff recommend that Council award the 2024 Grind and Pave Improvements project contract to Eagle Elsner Inc with a project budget authorization of \$1,200,000.

ALTERNATIVES

Council could choose to:

1. Award the project as presented,
2. Reject all bids in the public interest and direct staff to revise and rebid the project during a more favorable period, or
3. Reject all bids in the public interest.

ATTACHMENTS

1. Resolution
2. 2024 Grind and Pave map
3. 2024 Striping list

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, APPROVING THE AWARD OF A CONTRACT FOR CONSTRUCTION OF 2024 GRIND AND PAVE PROJECT TO EAGLE ELSNER INC.

WHEREAS resources to construct these improvements were identified within the city’s 2023-2024 Street Surface Maintenance Program (SSMP) budget; and

WHEREAS a formal competitive bid process following the city’s Public Contracting Rule 40 was completed; and

WHEREAS Eagle Elsner as the lowest responsive and responsible bidder.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager is authorized to execute a contract with Eagle Elsner Inc. for construction of the 2024 Grind and Pave project, to waive any irregularities, and authorize the city engineer or assistant city engineer to administer the project in accordance with the project specifications with a project authorization of \$1,200,000.00.

Introduced and adopted by the City Council on **May 7, 2024**.

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

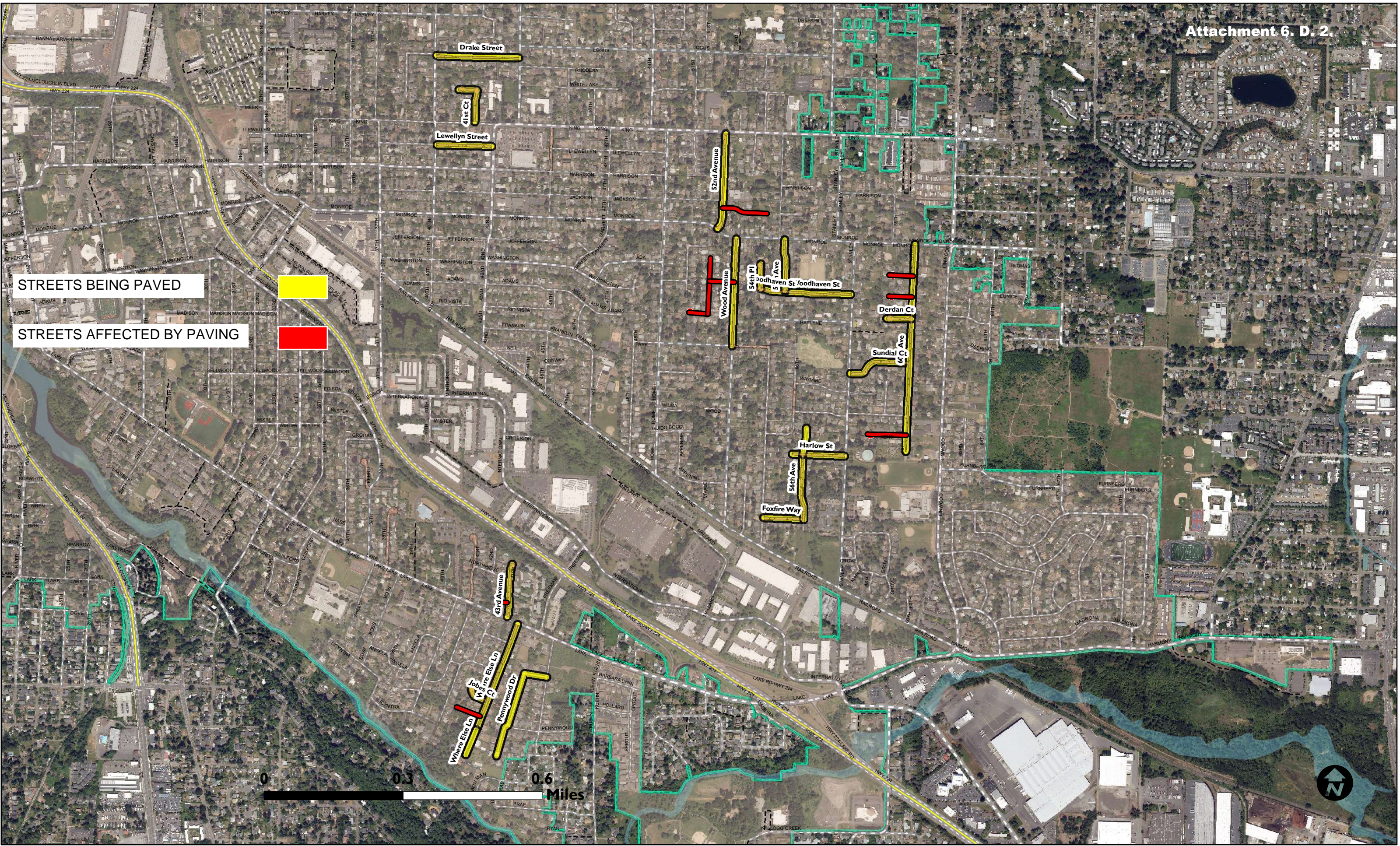
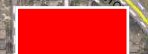
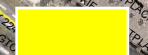
APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

STREETS BEING PAVED

STREETS AFFECTED BY PAVING

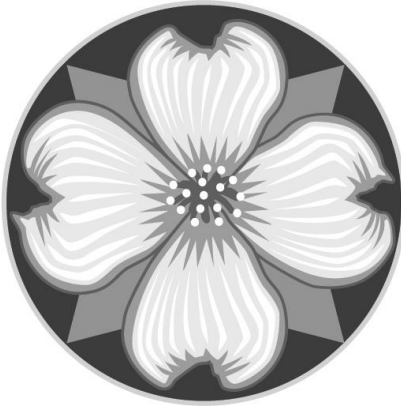


2024 Striping List

CoM

STREET	FROM	TO
HARRISON ST.	MCCLOUGHLIN BLVD.	HWY 224
HARRISON ST.	HWY 224	42ND AV
JACKSON ST.	MCCLOUGHLIN BLVD.	21ST AV
MONROE ST.	MCCLOUGHLIN BLVD.	CAMPBELL ST.
JEFFERSON ST.	MCCLOUGHLIN BLVD.	21ST AV
WASHINGTON ST.	MCCLOUGHLIN BLVD.	35TH AV
KING RD.	40TH AV	HOLLYWOOD AV
STANLEY AV	JCB	KING RD.
MONROE ST.	LINWOOD AV	42ND AV
MONROE ST.	42ND AV	OAK ST
OAK ST.	RAILROAD AV	WASHINGTON ST.
RAILROAD AV	LINWOOD AV	37TH AV
37TH AV	MONROE ST.	INTERNATIONAL WAY
40TH AV	MONROE ST.	KING ST.
INTERNATIONAL WY	37TH AV	LAKE RD.
LAKE RD.	KUEHN RD.	WHERE ELSE LN
LAKE RD.	WHERE ELSE LN	34TH AV
LAKE RD.	34TH AV	21ST AV
21ST AV	LAKE RD.	HARRISON ST.
MAIN ST.	21st Av/Lake Rd	MOORES ST.
LINWOOD AV	RAILROAD AV	MONROE ST.
MILPORT RD.	MCCLOUGHLIN BLVD.	17TH AV
17TH AV	OCHOCO ST.	MCCLOUGHLIN BLVD.
22ND AV	MCCLOUGHLIN BLVD	SPARROW ST.
SPARROW ST.	22ND AVENUE	RIVER RD.
RIVER RD.	WELCOME TO MILWAUKIE SIGN	MCCLOUGHLIN BLVD.
BLUE BIRD ST.	22ND AVENUE	RIVER RD.
27TH AV	WASHINGTON ST.	LAKE RD.
34TH AV	WASHINGTON ST.	LAKE RD.
OATFIELD RD.	WELCOME TO MILWAUKIE SIGN	LAKE RD.
35TH AV	WASHINGTON ST.	LAKE RD.
37TH AV	LAKE RD.	EDISON ST.
42ND AV	RAILROAD AV	KING RD.
43RD AV	KING RD.	HOWE RD.
42ND AV	HARVEY ST.	JOHNSON CR. BLVD.
FREEMAN WAY	INTERNATIONAL WAY	HWY 224
HARVEY ST.	32ND AV	42ND AV
JCB	BROOKSIDE DR.	3990 JCB CITY LIMIT SIGN
RAILROAD AV	OAK STREET	32ND AV
32ND AV	RAILROAD AV	SHERRETT ST
LAVA Dr	17TH AV	ODS Driveway Throat striped only
RAILROAD AV	HARRISON ST	32ND AV
EDISON ST	37TH AV	35TH AV
HOWE RD.	KING RD.	43rd
40TH AV	MONROE ST.	KING ST.
McBROD	17th AV	OCHOCO ST
Frontage	MILPORT RD	OCHOCO ST

Att.
6.
D.
3.



RS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, Acting City Manager

Date Written: April 4, 2023

Reviewed: Scott Stauffer, City Recorder

From: Nicole Madigan, Deputy City Recorder

Subject: **Youth Appointments to City Boards and Committees**

ACTION REQUESTED

As outlined in the Milwaukie Municipal Code (MMC), Council is asked to consider approving a resolution making appointments to city boards and committees (BCs).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[November 5, 2019](#): Council adopted Resolution 69-2019 initiating a BC youth member program.

[November 17, 2020](#): Seven youth applicants were appointed to BCs after.

On [May 3, 2022](#), and [March 21, 2023](#), Council directed staff to continue youth recruitment efforts.

In the fall of 2023 and winter of 2024, several BC youth applications were received, and a panel of Council members, BC staff liaisons, and BC chairs interviewed the nominated applicants.

ANALYSIS

Authority to fill city BC vacancies is granted to the Mayor and Council by Section 26 of the City Charter. To fill vacant positions, members of Council, and appropriate staff liaisons and BC chairs, conduct interviews from applications received by the city. The interview panel makes appointment recommendations to Council, which considers and typically approves recommendations through the regular session consent agenda. Appointed individuals serve for a term length determined by the MMC. BC appointments are made when a term has expired or when a position has been vacated. BC terms expire on June 30, but appointments are also made as needed to fill vacancies.

In 2019, the city initiated a youth BC member pilot program that resulted in Council appointing seven youth members to select BCs in November 2020. About half of the youth members appointed remained active until resigning due to attending college. Youth recruitment after the COVID-19 pandemic proved to be difficult and slow going.

In May 2022 and March 2023, Council directed staff to focus recruitment on three specific BCs - the Arts Committee, Library Board, and the Parks and Recreation Board (PARB). Staff recruitment efforts included attending school functions and contacting faculty, engaging the Ledding Library Teen Advisory Board (TAB), and using social media. During the January work session, Council directed staff to proceed with interviews before the annual recruitment process.

As of March 2024, a total of six applications from five youth applicants had been received. Interviews were held on March 28 and interview panels consisted of Mayor Batey, Councilor

Khosroabadi, the chair from each of the three BC's, and staff liaisons from the Ledding Library Board and PARB. The panels have nominated all applicants to vacant positions.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

There are no fiscal, climate, or workload impacts associated with the recommended actions.

EQUITY IMPACT

Staff strive to make participation with the city's BC's as accessible as possible by holding hybrid meetings and offering BC applications translated into other languages. The addition of youth members on the city's BCs will help to build relations with our younger community members and provide a space for youth to have a voice in local government.

COORDINATION, CONCURRENCE, OR DISSENT

The office of the city recorder worked with BC staff liaisons, BC chairs, and members of Council to interview and nominate the following individuals.

STAFF RECOMMENDATION

Staff recommends making the following appointments:

Arts Committee: two-year terms, limit of three consecutive terms.

Position	Name	Term Start Date	Term End Date
Y1	Harper Paramchuk	5/7/2024	6/30/2026
Y2	Adair Rhodeside	5/7/2024	6/30/2026

Library Board: two-year terms, limit of three consecutive terms.

Position	Name	Term Start Date	Term End Date
Y1	Beatrice Perkins	5/7/2024	6/30/2026

Park and Recreation Board (PARB): two-year terms, limit of three consecutive terms.

Position	Name	Term Start Date	Term End Date
Y1	Avree Hayes	5/7/2024	6/30/2026
Y2	Stella Stastny	5/7/2024	6/30/2026

ALTERNATIVES

Council could decline to make the recommended appointments, which would result in vacancies on the noted boards and committees.

ATTACHMENTS

1. Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, MAKING YOUTH BOARD AND COMMITTEE MEMBER APPOINTMENTS.

WHEREAS Milwaukie Charter Section 26 authorizes the Mayor, with the consent of the City Council, to make appointments to boards and committees (BCs), and

WHEREAS in November 2019, the City Council initiated a youth BCs member pilot program and in May 2022 and March 2023 Council directed that the program be extended, and

WHEREAS the city conducted a recruitment and interview process that resulted in interview panels consisting of Council members, staff liaisons, and BC members nominating the individuals named below to fill BC positions, and

WHEREAS the panels recommend the following individuals be appointed.

Arts Committee:

Position	Name	Term Start Date	Term End Date
Y1	Harper Paramchuk	5/7/2024	6/30/2026
Y2	Adair Rhodeside	5/7/2024	6/30/2026

Library Board:

Position	Name	Term Start Date	Term End Date
Y1	Beatrice Perkins	5/7/2024	6/30/2026

Park and Recreation Board (PARB):

Position	Name	Term Start Date	Term End Date
Y1	Avree Hayes	5/7/2024	6/30/2026
Y2	Stella Stastny	5/7/2024	6/30/2026

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individuals named in this resolution are appointed to the identified boards or committees of the City of Milwaukie for the term dates noted.

Introduced and adopted by the City Council on **May 7, 2024**.

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

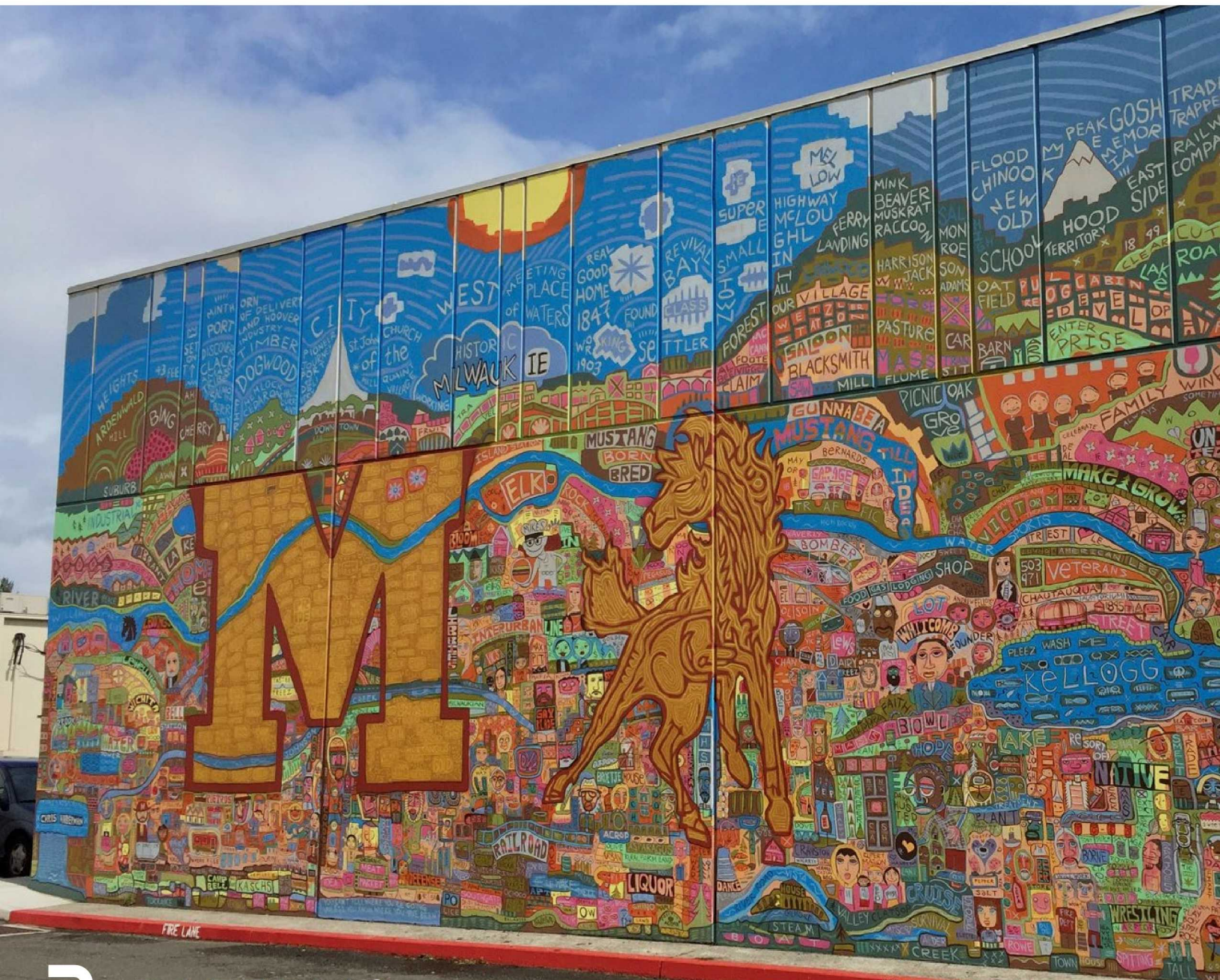
APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



City Manager





The Position

The City Manager serves as the Chief Executive Officer and plays a pivotal role in ensuring effective and efficient administration across all City operations. The City Manager assumes management responsibility, leadership, and accountability for a diverse portfolio of services, including Community Development, Engineering, Planning, Building, Public Works, Sewer, Storm, Water, Streets, Fleet and Facilities, Police, Library, Community Services, Information Technology, Records and Information Management, Finance, and Human Resources.

Reporting to the City Council, the City Manager provides direct support, advice, and assistance to the Mayor and City Council on a wide variety of issues. This position directs the development and implementation of the City's goals, objectives, policies, and priorities and conducts special projects as directed by the City Council. The City Manager also outlines speeches, guides the setting of Council meeting agendas, and writes and edits agenda items and Council memorandums addressed to the Council. The City Manager routinely reviews local, state, and federal legislation to determine the impact on administrative plans, policies, and strategies and prepares and coordinates responses and recommendations as appropriate.

Working closely with the City Council and Budget Committee, the City Manager is responsible for developing and administering the City's annual budget. Aligning with the City's budget and policies, this position establishes appropriate service levels, and monitors and evaluates the efficiency and effectiveness of service delivery methods. The City Manager effectively collaborates with the Assistant City Manager and department leadership to translate the Council's vision and goals into actionable plans and allocates resources to support the effective delivery of City services.

The City Manager maintains positive public relations, engages with the community, and effectively represents Milwaukie to outside agencies. This position also represents the City and its interests through regional committees and taskforces, and community involvement groups. The City Manager is responsive to customer needs and works collaboratively to resolve inquiries, complaints, emergencies, or problems affecting the availability or quality of services.

The Priorities

- Build strong, positive relationships with the City Council. Continue to guide the Council in establishing annual goals and priorities and promote inclusionary decision-making based on a foundation of trust and mutual respect.
- Provide human-centered leadership throughout the City, fostering a welcoming and collaborative team environment. Build trust and empower employees to bring fresh ideas, develop innovative strategies, and provide creative solutions to meet the growing needs of the community.
- Continue to drive financial stability. Develop sustainable budgets, maintain fiscal accountability, collaborate to identify new sources of revenue, and plan for the long term. Work to understand and communicate the financial impacts of Council decisions.
- Partner with City Council and Team Milwaukie to embed equity and climate principles into day-to-day operations. Develop a plan to transition from specific goals to institutionalizing and purposefully weaving sustainable and equitable practices into everything Milwaukie does to ensure the City is resilient and entirely equitable.
- Collaborate with staff and key partners to continue advancing the [Kellogg Creek Restoration and Community Enhancement Project](#). Realize the project benefits of restoring habitat, creating fish passage, strengthening community, and updating infrastructure.
- Support the City Council in realizing their goal of [Improving Milwaukie's Parks System and Services](#). Successfully guide the Council through the complexities and decision-making as they explore withdrawing from the North Clackamas Parks & Recreation District.
- Further prioritize infrastructure projects, including roads, multimodal, and water initiatives. Apply an equitable, sustainable, and financial lens to projects in order to consider the proper timing, planning, and community support over the next five years to realize these initiatives.
- Partner with staff to seek out economic development activities. Maintain a business-friendly environment, build relationships with the business community, and explore diverse opportunities that support new and existing businesses.
- Collaborate with the City Council, City staff, and community as Milwaukie continues to grow. Continue to identify affordable and sustainable housing solutions, support Milwaukie's houseless community, and create opportunities for future generations to call Milwaukie home.
- Develop and maintain positive relationships with neighboring communities, Clackamas County, Metro, and other regional organizations. Seek opportunities to effectively partner and collaborate while protecting Milwaukie's identity and interests.



RS46



The Successful Candidate

The new City Manager is a strategic thinker who will quickly understand Milwaukie's values and is excited by the opportunity to collaborate with others to identify solutions to the City's most pressing issues. They are excited by the opportunity to lead a growing community and will represent Milwaukie with integrity and effectively advocate for equitable and sustainable services. The City Manager understands and appreciates public service and truly values a sense of community and belonging. Considered a true ambassador, the successful candidate leads by example and is fully invested in Milwaukie's future growth and success.

The City Manager is an active listener with highly effective communication skills and has a strong history of developing effective relationships and partnerships. The successful candidate navigates political relationships with ease, maintains objectivity in working with elected officials, and partners with the City Council to provide advice and guidance when necessary. They have a history of supporting sound decisions while maintaining the flexibility to meet the changing needs of the community. The City Manager is confident yet humble, with a willingness to respectfully push back on the City Council and community as needed.

A strategic thinker with a multidisciplinary approach, the City Manager embraces a collaborative, open problem-solving environment and routinely invites others to share ideas. The City Manager models behaviors expected throughout the organization and sets the tone for a welcoming and inclusive culture built on trust and collaboration. A highly effective leader, the successful candidate develops strategy, sets goals, provides clear expectations, and empowers staff to implement the City's initiatives. A champion of equity, justice, and inclusion, the City Manager is a thoughtful manager who values and models diversity of thought and action in all interactions.

The City Manager knows how to create a vision for the future while maintaining excellence in the City's programs, services, and daily operations. They are known for monitoring best practices and collaborating to identify alternative solutions in support of City goals and initiatives. With a commitment to financial sustainability, the successful candidate has a strong financial background, including experience with local, state, and federal grants. The City Manager aligns with Milwaukie's climate action initiatives and is prepared to preserve its health and quality of life for current and future generations.

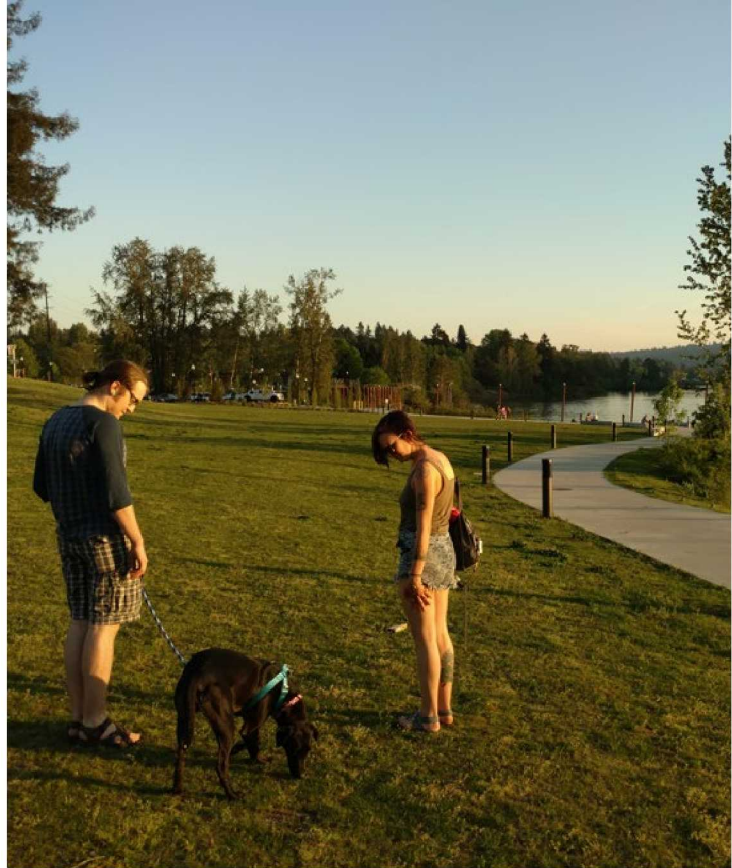
The successful candidate values and appreciates partnerships at all levels and effortlessly builds consensus, guiding others to decisions. The City Manager is an approachable leader with a history of engaging in effective, meaningful communication with residents, business and community leaders, key stakeholders, and regional partners. They intentionally build connections, encourage diverse perspectives, support authentic engagement, provide transparent communication, and ensure the City remains connected to the community at all levels.

The Qualifications

The City Manager brings at least seven (7) years of progressively responsible experience in local government, including five (5) years of administrative or leadership responsibility and at least three (3) years managing professional-level staff. The ability to work closely with the City Council is essential, as is the ability to develop effective local and regional partnerships. A sound financial background with a strong understanding of budgets and financial management is required.

A bachelor's degree in public administration, business administration, or similar field is required. An equivalent combination of education and experience enabling the incumbent to perform the essential functions of the position will be considered. Ideally, the City Manager will reside within the City of Milwaukie.

Studies have shown that women and people of color are less likely to apply for jobs unless they meet every one of the qualifications listed. We are most interested in finding the best candidate for the job, and that candidate may be one from a less traditional background. If you have transferable experience, please tell us about it!





Inside the City of Milwaukie

The City of Milwaukie has a council-manager form of government. The five elected members, a Mayor and four City Councilors, represent the community while concentrating on policy issues responsive to the community's needs. The Mayor and City Councilors are elected at-large and serve staggered 4-year terms. The City Council appoints the City Manager, City Attorney, and Municipal Judge. Milwaukie employs about 155 full- and part-time employees and works collaboratively with two unions. The 2023-24 biennial budget of \$192 million is aligned with City Council goals, and the administration is committed to professionalism, efficiency, equity, and customer service.

Milwaukie's talented and dedicated staff, known as Team Milwaukie, serves as stewards of the living and built environment to help create a safe and welcoming community for all. Milwaukie delivers effective public services and continues to focus on the future, with an eye on establishing programs that support the community's goals. The City operates its own police department and municipal court. It also provides sewer and water utilities, street operations, planning, building inspections, public records, engineering, community development, and library services.

Team Milwaukie implements the Council's vision and adopted goals. Currently, those adopted goals are:

- Climate Change Mitigation and Resilience Action
- Equity, Justice, and Inclusion
- Improving Milwaukie's Parks System and Services

Additional information on the Council's goals can be found [here](#).

Staff does this in part through the implementation of a three-year roadmap centered around the goals and priorities that staff feel are essential to live out City values, deliver on its mission, and advance toward the City's vision. The four priorities are:

- Support Our Employees
- Work Smarter Together
- Revitalize Milwaukie
- Help Milwaukians Most in Need

Located in Clackamas County, the City regularly partners with county staff on a variety of programs and initiatives. Milwaukie is also located within the boundary of Metro, a metropolitan service district serving greater Portland, and TriMet, the tri-county transportation district of Oregon. Clackamas Fire District #1 provides fire and emergency services for the City, and the North Clackamas Parks & Recreation District maintains Milwaukie's parks while providing recreational services and programs.

The Milwaukie Community

Nestled along the banks of the Willamette River and steeped in a rich history, Milwaukie enjoys the comforts of a small town, as well as the benefits of its close location to Portland. With a population approaching 22,000, Milwaukie strives to stay true to itself and the spirit of the community, even if that's unconventional at times, while upholding a strong sense of optimism that keeps everyone persistent in their pursuit for shared successes. Woven through the fabric of the community is the value placed on ingenuity, equity, and community connection. Milwaukie prizes creativity to get things done by finding innovative solutions, and residents embrace originality to find new ideas that better the community.

Together, these strengths have contributed to the 2017 visioning process that received an outpouring of support from the community and led Milwaukie to receive the Award for Public Involvement and Participation from the Oregon chapter of the American Planning Association. In 2024, that vision is being used as the basis for a

new citywide strategic plan to drive the organization towards this ambitious vision. They can also be found in the City's robust and thriving business community. With more than 1,500 companies, including Oregon Tool, Bob's Red Mill, Dark Horse Comics, and Precision Castparts Corporation, Milwaukie is home to several of Oregon's largest and most iconic employers. These same values drive events in Milwaukie each year. The Umbrella Parade and Tree Lighting, Winter Solstice and Christmas Ships Viewing, Earth Day Celebration, Milwaukie Farmers Market, Juneteenth, Pride Celebration, and neighborhood concerts combine creativity and positivity to help bring the community closer together.

Like the founders before them, the people of Milwaukie know the City is destined for great things, and all are welcome to join the community as it forges its own path to success.

2040 Community Vision

In 2040, Milwaukie is a flourishing city that is entirely equitable, delightfully livable, and completely sustainable. It is a safe and welcoming community whose residents enjoy secure and meaningful work, a comprehensive educational system, and affordable housing. A complete network of sidewalks, bike lanes, and paths along with well-maintained streets and a robust transit system connect our neighborhood centers. Art and creativity are woven into the fabric of the City.

Milwaukie's neighborhoods are the centers of daily life, with each containing amenities and community-minded local businesses that meet residents' needs. Our industrial areas are magnets for innovation and models for environmentally sensitive manufacturing and high-wage jobs. Our residents can easily access the training and education needed to win those jobs.

Milwaukie nurtures a verdant canopy of beneficial trees, promotes sustainable development, and is a net-zero energy city. The Willamette River, Johnson Creek, and Kellogg Creek are free-flowing and accessible. Their ecosystems are protected by a robust stormwater treatment system and enhanced by appropriate riparian vegetation. Milwaukie is a resilient community, adaptive to the realities of a changing climate, and prepared for emergencies, such as the Cascadia Event.

Milwaukie's government is transparent and accessible and is committed to promoting tolerance and inclusion and eliminating disparities. It strongly encourages engagement and participation by all and nurtures a deep sense of community through celebrations and collective action. Residents have the resources necessary to access the help they need. In this great city, we strive to reach our full potential in the areas of education, environmental stewardship, commerce, culture, and recreation; and are proud to call it home.





The Compensation

The full salary range for the City Manager is \$148,992 - \$201,474 and will depend on the qualifications of the successful candidate. For a complete breakdown of the City's extensive Benefit Package, please visit milwaukieoregon.gov/humanresources/employee-benefits.



To Be Considered

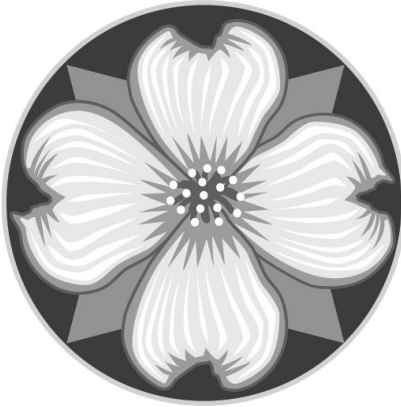
A diverse workforce strengthens our organization. The City values diversity and supports a positive, welcoming environment where all its employees can thrive.

Applications will be accepted electronically by Raftelis at jobs.crelate.com. Applicants complete a brief online form and are prompted to provide a cover letter and resume. Open until filled with first review of applications on **June 10, 2024**.



Questions

Please direct questions to Heather Gantz at hgantz@raftelis.com or 503-860-1111.



RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: May 1, 2024

Reviewed: Laura Weigel, Planning Manager

From: Vera Koliass, Senior Planner, and
Adam Heroux, Associate Planner

Subject: **Neighborhood Hubs – Proposed Code Amendments**

ACTION REQUESTED

Council is asked to open the public hearing for land use file #ZA-2024-001, discuss the proposed amendments to the Milwaukie Municipal Code (MMC) Title 19 (Zoning), Zoning map, Comprehensive Plan Land Use Designations, and Comprehensive Plan Land Use map, take public testimony, provide direction to staff regarding any desired revisions to the proposed amendments, and vote to approve file #ZA-2024-001 and adopt the proposed ordinance and recommended Findings in Support of Approval found in Attachment 1.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[September 5, 2017](#): Council adopted the [Milwaukie Community Vision & Action Plan](#) to serve as a foundation for the Comprehensive Plan. Council incorporated Hubs into the action plan.

[April 3, 2018](#): Council authorized a contract with Angelo Planning Group to focus on policy development, market feasibility, and community engagement for the Hubs project as part of the Comprehensive Plan update.

[January 15, 2019](#): During a joint session with the Planning Commission, Design and Landmark Committee (DLC), and Comprehensive Plan Advisory Committee (CPAC), Council received updates on the Comprehensive Plan update process including how Hubs work intersects with increased housing density and infrastructure improvements.

[August 18, 2020](#): Council adopted the [2040 Comprehensive Plan](#), incorporating the Hubs project into many aspects of the plan. More than 50 different policies in the Comprehensive Plan have the potential to impact and strengthen the implementation of Hubs.

[August 2, 2022](#): Staff provided Council a project update, including the approach for Phase 2 work with the consultant team.

[December 19, 2023](#): Council held a work session and discussed the project and proposed amendments.

[March 12, 2024](#): Planning Commission held a public hearing and voted unanimously to recommend approval of the proposed amendments.

BACKGROUND INFORMATION

PHASE 1

What are Neighborhood Hubs?

Neighborhood Hubs are gathering places where residents have easy access to goods and services close to their homes. They are places where neighbors create meaningful relationships with each other. Hubs will vary in size and intensity, with some as small as a neighborhood tool library and others as large as a cluster of mixed-use buildings with housing above shops and services.

The city has conducted extensive community outreach and planning work on the Hubs project since it emerged from the Milwaukie Community Vision & Action Plan outreach in 2016 and 2017. A Neighborhood Hubs report was drafted by the consultant in June 2020. Staff has used this baseline report to develop a project approach for implementation moving forward, which is the focus of this discussion.

The 2020 draft report was intended to address the following questions:

- Where could Hubs be located?
- What types of services or other amenities can Hubs provide and what could they look like in size and scale?
- How would Hubs take shape and what can the city do to support Hubs?

PHASE 2

Staff worked with the consultant team during most of 2023 on Phase 2 of the Hubs project. The team analyzed the identified Hubs to ground-truth information from the 2020 report (which can be found on the [Engage Milwaukie](#) project page), interviewed property and business owners in the Hubs and held six workshops in the neighborhoods most impacted by the Hubs to discuss code concepts with the community, and prepared a list of short-term priority Hubs. The team also reviewed city code to identify any gaps between what people want in the Hubs and what the code currently allows. Finally, the team worked on possible economic development tools and resources to spur activity in Hubs.

Ground-truthing process

Early in Phase 2 of the project, staff visited and prepared an analysis of each Hub to identify existing conditions based on the factors in the bulleted list below. This analysis evaluated potential Hub activities, identified changes in each Hub since 2019, and determined short-term priority Hubs.

- Commercial intensity
- Sidewalk connectivity
- Transit accessibility
- Biking accessibility
- Adjacent residential density
- Presence of public spaces
- Community support
- Planned development
- Planned transportation investments
- Demographic factors (renter status, race, rent burden)

Outreach

The project team used several methods to communicate about the project, share information, and learn more about the goals for Hubs from those most interested or affected. This included:

ACTIVITY	DESCRIPTION
Engage Milwaukie <ul style="list-style-type: none"> • 1,215 page visits, 35 new EM registrations, 99 engagements • Business/Property Owner Survey • 22 stakeholder survey responses 	Created and maintained a project webpage as a place for people to learn more about the project, ask questions of the team, set up the initial property owner/tenant survey, and to set the stage for the fall workshops including an online workshop. Contains Spanish option.
Milwaukie Pilot <ul style="list-style-type: none"> • Published 5 project updates 	Published and mailed project updates in April, May, October, November, and December 2023.
Milwaukie Farmers Market	Promoted the project at the market on 3 occasions.
Equity Steering Committee <ul style="list-style-type: none"> • Attended 3/23; Sent updates 11/22 	Collected feedback on community engagement and provided a progress report on equity considerations.
Neighborhood District Associations (NDAs) <ul style="list-style-type: none"> • 79 participants in Spring meetings 	Staff met with all 7 NDAs in the spring to provide a project update and learn more about the goals and desires for each of their Hubs.
Property and business owner interviews <ul style="list-style-type: none"> • 18 interviews, 23 participants (9 were survey participants) 	Staff engaged property and business owners in direct interviews to identify potential partners interested in hub development and identify current barriers. List below.
<ul style="list-style-type: none"> • K. Marie • Naphtali's • NW Family Services • Sunny Corner Market • Chapel Theater • 2 Sisters Play Café • Eric's Market 	<ul style="list-style-type: none"> • River Roadhouse Grill • Central Planning • Clackamas Community College • Milwaukie Floral • Milwaukie Lutheran • The Vital Element
<ul style="list-style-type: none"> • Milwaukie Café +Bottle Shop • Valerie Hunter (9391 SE 32nd Ave) • Paul Lisac (9250 SE 32nd Ave) • North Clackamas School District • Peter Perrin (9616 SE Stanley) • Lisa Dorn Design 	
Fall workshops <ul style="list-style-type: none"> • 123 participants— 74 in-person, 49 online. • 83% support, 10% neutral, 7% oppose 	Hosted six in-person workshops and one online (Spanish version too) to provide residents, businesses, and property owners opportunities to shape proposed code changes that can help Hubs grow. The online workshop asked about safety walking and biking. On average, very few participants opposed the proposed changes.

Hub Prioritization

The Neighborhood Hubs Phase 2 scope of work included a task to refine the list and types of the 13 Hubs identified in the 2020 Hubs Report. The purpose of this refinement was to confirm and/or justify the original priority list from the 2020 report. The specific tasks were to:

- Revisit the 2020 Hub boundaries and include/remove properties based on current information.



Figure 1. Milwaukie Floral Hub - Lake Road

- Consider consolidating hub types for simplicity and logical consistency.
- Develop criteria for prioritizing hubs that consider more than just market conditions and includes elements like placemaking and community building. Examples include access to public spaces, nature and art in the neighborhood, existing connections with pedestrian or bike infrastructure, etc. See Attachment 3 for the Johnson Economics report that informed the 2020 report.
- Revisit the existing, short-term, and long-term types based on hub consolidation, prioritization, and community review.

Refinement Criteria

As noted above, this task included developing a set of evaluation criteria that better reflects the city’s values for Neighborhood Hubs than just market conditions. These new evaluation criteria are as follows:

Placemaking Criteria

- Opportunity sites
- Proximity to green space or park
- Art in the neighborhood
- Existing pedestrian connections
- Existing bike connections

Community Building Criteria

- Neighborhood (NDA) interest
- Property/Business owner interest
- Pop-up potential
- Community meeting space
- In use as hub now

Each Hub was evaluated against each criterion. The Hubs that reflect more criteria and have more realistic potential (willing property owner, likelihood of re-development) are the focus of this phase of the project, including zoning and economic development resources. The other Hubs have been designated for future consideration if circumstances change– they have not been eliminated from consideration.

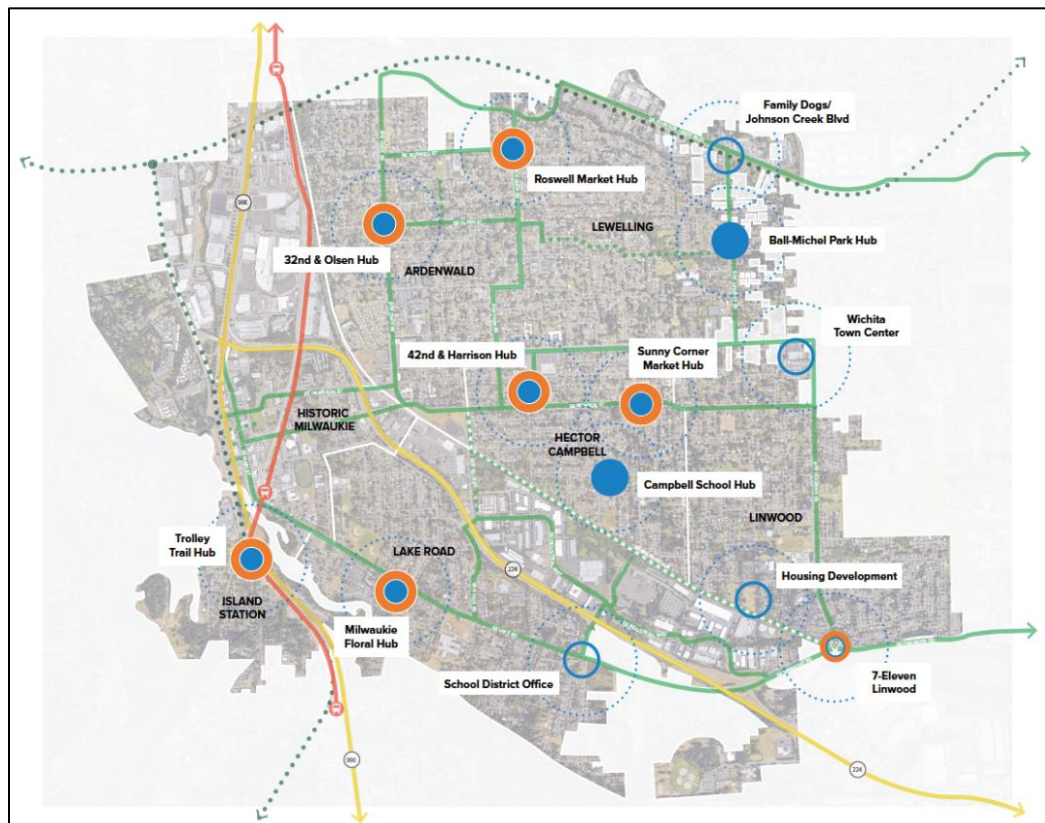


Figure 2. Neighborhood Hub locations

Another key aspect of the project was the development of an economic development toolkit to provide a resource of neighborhood-scale economic development strategies appropriate for application within Neighborhood Hubs. The toolkit is not being adopted and is primarily to be used by staff to explore the opportunity to implement select tools. The draft toolkit can be found in Attachment 2.

ANALYSIS

Proposed Code and Map Amendments

Building on the feedback received from the workshops, surveys, and interviews, staff has drafted zoning language and map amendments. The intent of the amendments is to:

- Expand opportunities for commercial and civic activities in the identified Hub areas.
- Streamline land use review processes where applicable.
- Provide opportunities for temporary pop-up uses to help test concepts and pilot programs within neighborhoods.
- Streamline the zoning map by consolidating and/or eliminating some zones.

Attachments 1.b and 1.c include the underline/strikeout and clean text of the proposed amendments; map amendments are included in Attachment 1.d.

Key amendments:

- Re-zone properties in the Limited Commercial zone (C-L) to Neighborhood Mixed Use (NMU) and eliminate the Limited Commercial zone.
- Create a new Small-Scale Mixed Use zone (SMU)
- Re-zone properties in the Neighborhood Commercial zone (C-N) to Small-Scale Mixed Use and eliminate the Neighborhood Commercial zone.
- Re-zone the Milwaukie Floral site on Lake Rd to the new Small-Scale Mixed Use zone
- Expand the 42nd Ave NMU zone by re-zoning the Chapel Theatre site at 4107-4117 SE Harrison St from Residential-High Density to Neighborhood Mixed Use (NMU)

Relationship to Comprehensive Plan

The proposed amendments directly implement Section 8 of the Comprehensive Plan (Urban Design and Land Use); specifically, Policy 8.1.4 – Neighborhood Hubs:

- Provide opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for residents of the surrounding area.
- Ensure that new development is compatible with the height, massing and building form allowed by zoning on adjacent residential properties. A hub development need not be identical to the height, massing or form of buildings allowed by nearby zoning for a finding of compatibility.
- Ensure new development contributes to a pedestrian friendly environment along the property frontage.
- Encourage development of multi-season outdoor seating areas and pedestrian plazas.
- Provide for a high level of flexibility in design and incentives to accommodate a variety of start-ups, temporary uses and incremental expansions and explore innovative techniques for waiving or deferring full site development and parking requirements.

- Provide a process to allow start-up and temporary uses that take advantage of incentives and deferral programs to make a smooth transition to status as a permanent use.

The proposed amendments encourage and allow a wider variety of commercial and civic activities in residential neighborhoods, including: upzone commercial areas currently zoned Limited Commercial (C-L) to Neighborhood Mixed Use (NMU), upzone commercial areas currently zoned Neighborhood Commercial (C-N) to a new zone called Small-Scale Mixed Use, and rezone an existing longstanding commercial area from Moderate Density Residential to Small-Scale Mixed Use. The proposed amendments include revisions to the code section related to temporary uses to allow additional flexibility in pop-up activities and pilot projects to test new uses in other areas of existing neighborhoods, including outdoor seating, food carts, or other temporary businesses. Combined with the economic development toolkit, the proposed package of amendments sets the stage for opportunities and improvements in Neighborhood Hubs, as outlined in the Comprehensive Plan.

CONCLUSIONS

Staff recommendations to City Council

1. That Council vote to approve the proposed amendments to MMC Title 11 (Miscellaneous Permits), Title 14 (Signs), Title 19 (Zoning), the Zoning Map, the Comprehensive Plan Land Use Maps, and to the Comprehensive Plan presented in Attachments 1-b and 1-c.
2. That Council vote to adopt the proposed ordinance and attached Findings in Support of Approval presented in Attachments 1 and 1-a, respectively.

Code Authority and Decision-Making Process

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

- MMC Section 19.902 Amendments to Maps and Ordinances
- MMC Section 19.1008 Type V Review

This application is subject to Type V review, which states that the Council make the final decision. Type V applications are legislative in nature and involve the creation, revision, or large-scale implementation of public policy.

Council has 4 decision-making options as follows:

- A. Approve the proposed amendments as per to the recommended Findings in Support of Approval.
- B. Approve the proposed amendments with revisions, including modifications to the recommended Findings in Support of Approval. Such modifications need to be read into the record.
- C. Deny the proposed amendments.
- D. Continue the hearing.

There is no deadline for a final decision on Type V applications, as they are legislative in nature.

Comments

Notice was provided as described in MMC 19.1008, with a 30-day notice and code commentary made available online on February 7, 2024. Email notice was sent to all NDAs on February 12, 2024. The required 35-day notice to Metro and the Oregon Department of Land and Conservation Development (DLCD) was posted on February 6, 2024. Measure 56 notices were mailed to all properties affected by the proposed amendments on February 14, 2024. Notice was also mailed to all properties within 300 feet of the affected properties on February 14, 2024. Notice was also posted at City Hall and the Ledding Library. Additional outreach was done via city social media outlets and the Pilot newsletter.

BUDGET IMPACT

The Neighborhood Hubs project has been accounted for in the Planning Department budget.

CLIMATE IMPACT

Neighborhood Hubs are intended to provide more services within neighborhoods and be accessible by bike and walking. Changes to our code could result in additional, yet still very low, density in historically low-density neighborhoods, making neighborhoods more compact and energy efficient. Improved bike and pedestrian infrastructure are a key factor in the success of decarbonization efforts as they relate to the Neighborhood Hubs project. Creating new spaces for gathering and connecting between neighbors makes people more resilient in responding together to climate instability. Recent wildfires, intense winter storms, and the COVID-19 pandemic have all demonstrated the value of neighbors banding together to support one another in times of crisis.

EQUITY IMPACT

Staff engaged directly with property and business owners in the Hubs in this phase of the project to identify ways the code might be amended to help businesses grow in the Hubs identified in the 2020 Report. It should be noted that in previous phases of Hubs work there was not an emphasis on reaching out to underrepresented communities that staff is aware of..

While the focus of the engagement for this phase of the project was primarily around specific geographic Hubs and those business and property owners, the project team recognizes the need to engage underrepresented community members who might want to grow or start businesses that may or may not be in Hubs. This outreach will be a key component of the economic development grant assistance program which will be developed over the next few years.

Staff is also in the process of developing a potential Phase 3 of the Hubs work which includes researching the possibility of allowing Accessory Commercial Units (ACUs) and auditing the current home occupation code to remove barriers/costs of starting micro home businesses. This work, if it moves forward, will stress the importance of reaching out to underrepresented communities who may want to expand a home-based business or start a new one.

The current proposed amendments include revisions to the code related to temporary commercial uses to allow additional flexibility for pop-up activities and pilot projects to test new uses in other areas of existing neighborhoods, including outdoor seating, food carts, or other temporary businesses. This will provide more opportunity for small business owners who might be typically priced out of more traditional brick and mortar business locations. The pending economic development grant program combined with the proposed package of amendments sets the stage for opportunities and improvements for current Neighborhood

Hubs, including financial assistance for current and future, small and local businessowners. The amendments also aim to reduce confusion in code language and make it more accessible.

Gentrification and displacement may result from the development of Hubs and the city overall as improvements are made over time. Increased access to desirable amenities will increase livability which could increase property values and rents for housing and commercial spaces. To reduce the likelihood that improved livability leads to displacement, the city could explore anti-displacement strategies city-wide.

WORKLOAD IMPACT

The Neighborhood Hubs project is included in the Planning Department work plan.

COORDINATION, CONCURRENCE, OR DISSENT

Neighborhood Hubs has been led primarily by staff from the planning and community development departments.

STAFF RECOMMENDATION

Staff recommend approval of the proposed code amendments.

ALTERNATIVES

None.

ATTACHMENTS

1. Ordinance
 - a. Recommended Findings in Support of Approval (including Metro and State Findings)
 - b. Draft code amendment language (underline/strikeout)
 - c. Draft code amendment language (clean)
 - d. Draft zoning map amendments
 - e. Draft comprehensive plan amendments
2. Draft Economic Development Toolkit
3. Comments received

COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE COMPREHENSIVE PLAN COMMERCIAL LAND USE DESIGNATIONS, MUNICIPAL CODE (MMC) TITLE 11 MISCELLANEOUS PERMITS, TITLE 19 ZONING ORDINANCE, TITLE 14 SIGNS, AND THE ZONING MAP FOR THE PURPOSE OF IMPLEMENTING NEIGHBORHOOD HUBS (PRIMARY FILE #ZA-2024-001).

WHEREAS it is the city’s intent to support and promote small areas of commercial and civic activity in residential neighborhoods, known as Neighborhood Hubs, and to streamline processes and simplify the code where possible; and

WHEREAS the proposed code amendments implement several of the goals and policies of the city’s comprehensive plan related to urban design and land use, including the opportunity to establish Neighborhood Hubs; and

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

WHEREAS on March 12, 2024, the Planning Commission held a public hearing as required by MMC 19.1008.5 and passed a motion recommending that the City Council adopt the amendments; and

WHEREAS the City Council, after posting the required notice, held a public hearing on May 7, 2024, finding that the proposed amendments were in the public interest and agreeing with the recommendation of the Planning Commission.

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 MMC, the Milwaukie Comprehensive Plan, the Zoning Map, and the Land Use Map are 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

APPROVED AS TO FORM:

ATTEST:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

**Findings in Support of Approval
File #ZA-2024-001; CPA-2024-001; ZC-2024-001
Neighborhood Hubs Code Amendments**

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

1. The applicant, the City of Milwaukie, proposes to amend the zoning map, comprehensive plan, and make code amendments to Titles 11, 14 and 19 related to Neighborhood Hubs. The intent is to implement Section 8 of the city's comprehensive plan. The land use application file numbers are ZA-2024-001, CPA-2024-001, and ZC-2024-001.
2. The proposed amendments relate to implementation of Section 8, Policy 8.1.4 of the Comprehensive Plan related to identified Neighborhood Hubs located in several locations in the city within residential zones. Providing opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for residents in the surrounding areas has been a goal for the community. The adopted Comprehensive Plan policies call for expanded commercial and civic opportunities in the city's residential areas and consolidation of zones where possible to simplify the code.
3. Amendments are proposed in several titles of the municipal code, as follows:
 - Milwaukie Comprehensive Plan
 - Comprehensive Plan Commercial Land Use Designations
 - Municipal Code – Title 11 Miscellaneous Permits
 - Section 11.05 – Temporary Permits, Uses, and Regulations
 - Municipal Code - Title 19 Zoning Ordinance
 - Chapter 19.100 – INTRODUCTORY PROVISIONS
 - Section 19.107 Zoning
 - Chapter 19.300 – BASE ZONES
 - Section 19.303 Commercial Mixed Use Zones
 - Section 19.305 Neighborhood Commercial Zone C-N
 - Section 19.306 Limited Commercial Zone C-L
 - Chapter 19.1100 ANNEXATIONS AND BOUNDARY CHANGES
 - Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes
 - Municipal Code - Title 14 Signs
 - 14.16.030 Neighborhood Commercial Zone
 - 14.16.040 Commercial Zones
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Chapter 19.1000 Review Procedures

5. Sections of the MMC not addressed in these findings are found to be not applicable to the decision on this land use application.
6. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. **Public hearings were held on March 12, 2024 and May 7, 2024 as required by law.**

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

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

The amendments were formally initiated by the Planning Manager on January 5, 2024.

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

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

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

The project team conducted a variety of engagement activities prior to the formal hearing process to get feedback from the public to help hone the final proposed amendment language. These efforts included: meetings with all NDAs, an online survey on the Engage Milwaukie platform, stakeholder interviews, and a series of in-person workshops.

The Planning Commission had a work session about the proposed code amendment language in January and the City Council had a work session in December 2023. The current version of the draft amendments has been posted on the application webpage since February 6, 2024. On February 12, 2024 staff e-mailed NDA members and stakeholders with information about the hearing and a link to the draft proposed amendments. On February 14, 2024, a Measure 56 notice was sent to all properties affected by the code amendments and a notice to all properties within 300 ft of those properties was also sent.

- (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 March 12, 2024 hearing was posted as required on February 8, 2024. **A notice of the City Council's May 7, 2024 hearing was posted as required on April 4, 2024.***

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

The proposed amendments will apply to several discrete geographic areas. Notices were sent to all affected property owners on February 14, 2024.

- (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 February 6, 2024

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

Notice of the proposed amendments was sent to Metro on February 6, 2024

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

The proposed amendments will apply to properties deemed to be Neighborhood Hubs and propose changes to permissible uses on the properties. However, the vast majority of the changes increase the number of permitted uses and/or streamline or eliminate land use review processes. Notice was sent to all affected property owners on February 14, 2024.

- (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 March 12, 2024 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on May 7, 2024 and approved the amendments.

8. MMC 19.902 Amendments to Maps and Ordinances

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

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

The Planning Commission held a duly advertised public hearing on March 12, 2024 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on May 7, 2024 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

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

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

The only amendments proposed to the text of the comprehensive plan are in the section related to commercial land use designations. The proposed amendments reflect the proposed zoning map amendments that affect Neighborhood Hubs, a stated goal in the Comprehensive Plan.

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

The proposed amendments reflect the community's desire for policies and regulations that provide opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for residents of the surrounding area. As noted above, the only text amendment to the comprehensive plan reflects the creation of a new small-scale mixed use zone that reflects the proposed zoning map amendments.

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

The proposed amendments confirm the community's vision for provision of areas of commercial and civic activity in residential neighborhoods. As noted above, the only text amendment to the comprehensive plan reflects the creation of a new small-scale mixed use zone that reflects the proposed zoning map amendments.

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

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

The Metro Urban Growth Management Functional Plan includes Title 12: Protection of Residential Neighborhoods, the intent of which is to protect neighborhoods from air and water pollution and also address provision of adequate levels of public services. Section 3.07.1230 is the most relevant section to review given the proposed amendments related to Neighborhood Hubs.

- (a) Section 3.07.1230 Access to Commercial Services

The proposed amendments expand opportunities for convenient locations of commercial activities within established residential neighborhoods. By identifying these Neighborhood Hubs and allowing more commercial uses and areas of activity, the city strives to reduce air pollution and traffic congestion.

- (b) Title 7 Housing Choice

The proposed amendments also reduce barriers to the development of mixed use buildings that will support Metro's policies for expanding housing choice with a needed housing type in Milwaukie.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies. Additional findings specific to the UGMFP are included with these findings. The proposed code amendments are in compliance with Metro's Functional Growth Management Plan.

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

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

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

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

The Planning Commission held a duly advertised public hearing on March 12, 2024 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on May 7, 2024 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

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

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

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

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

9. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.
- a. MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on March 12, 2024 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on May 7, 2024 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

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

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

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

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

The goals and policies of the Comprehensive Plan support the amendments to re-zone and/or expand permitted uses in identified Neighborhood Hubs.

- (c) Section 8 – Urban Design and Land Use:

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

- (a) Policy 8.1.4 Neighborhood Hubs

a) Provide opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for residents of the surrounding area.

b) Ensure that new development is compatible with the height, massing and building form allowed by zoning on adjacent residential properties. A hub development need not be identical to the height, massing or form of buildings allowed by nearby zoning for a finding of compatibility.

c) Ensure new development contributes to a pedestrian friendly environment along the property frontage.

- d) Encourage development of multi-season outdoor seating areas and pedestrian plazas.
- e) Provide for a high level of flexibility in design and incentives to accommodate a variety of start-ups, temporary uses and incremental expansions and explore innovative techniques for waiving or deferring full site development and parking requirements.
- f) Provide a process to allow start-up and temporary uses that take advantage of incentives and deferral programs to make a smooth transition to status as a permanent use.

The proposed amendments implement this section of the comprehensive plan related to Neighborhood Hubs. The amendments propose to do a number of things to encourage and allow a wider variety of commercial and civic activities in residential neighborhoods, including: upzone commercial areas currently zoned Limited Commercial (C-L) to Neighborhood Mixed Use, upzone commercial areas currently zone Neighborhood Commercial (C-N) to a new zone called Small-Scale Mixed Use, and rezone an existing longstanding commercial area from Moderate Density Residential to Small-Scale Residential. The proposed amendments include revisions to the code section related to temporary uses to allow additional flexibility in pop-up activities and pilot projects to test new uses in other areas of existing neighborhoods, including outdoor seating, food carts, or other temporary businesses.

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

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

The Metro Urban Growth Management Functional Plan includes Title 12: Protection of Residential Neighborhoods, the intent of which is to protect neighborhoods from air and water pollution and also address provision of adequate levels of public services. Section 3.07.1230 seems to be the most relevant section to review given the proposed amendments related to Neighborhood Hubs.

- (a) Section 3.07.1230 Access to Commercial Services

The proposed amendments expand opportunities for convenient locations of commercial activities within established residential neighborhoods. By identifying these Neighborhood Hubs and allowing more commercial uses and areas of activity, the city strives to reduce air pollution and traffic congestion.

- (b) Title 7 Housing Choice

The proposed amendments also reduce barriers to the development of mixed use buildings that will support Metro's policies for expanding housing choice with a needed housing type in Milwaukee.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies. Additional findings specific to the UGMFP are included with these findings. The proposed code amendments are in compliance with Metro's Functional Growth Management Plan.

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

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

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

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

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

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

The Zoning Map amendments involve all properties zoned C-L, C-N, and a portion of a property zoned R-MD, as well as properties zoned NMU for allowance of live theatre and playhouses. The amendments are legislative in nature and subject to Type V review.

The Planning Commission held a duly advertised public hearing on March 12, 2024 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on May 7, 2024 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

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

- (a) The proposed amendment is compatible with the surrounding area based on the following factors:

- i. Site location and character of the area.

The proposed zoning map amendments:

- Rezone properties zoned C-L to NMU
- Eliminate the C-L zone
- Rezone properties zoned C-N to a new SMU zone (Small-Scale Mixed Use)
- Eliminate the C-N zone
- Rezone a portion of the property located at 3306 SE Lake Rd to SMU

- ii. Predominant land use pattern and density of the area.

As noted above, the proposed zoning map amendments predominantly affect the C-L and C-N zones, which are already commercial zones. The proposed amendments expand some permitted uses, streamline land use review, correct existing non-conformities, and simplify the zoning code by eliminating and consolidating zones.

- iii. Expected changes in the development pattern for the area.

Given that the amendments affect existing commercially-zone properties, the change in development pattern in some areas may include a modest increase in intensity of use. The amendments implement goals and policies established in the comprehensive plan for Neighborhood Hubs.

- (b) The need is demonstrated for uses allowed by the proposed amendment.

Per the City's 2020 comprehensive plan, the city anticipates working with local residents, property owners, businesses, and others to create a series of neighborhood hubs intended to improve neighborhood livability by providing ready access to places to eat, drink, shop, gather, and play. "Neighborhood hubs" is a concept that emerged during the development of Milwaukie's Community Vision and Action Plan and aims to enhance livability and provide residents with access to amenities and services close to where they live. Design and future development or redevelopment of these hubs will vary and will reflect the scale and needs of the adjacent neighborhoods.

- (c) The availability is shown of suitable alternative areas with the same or similar zoning designation.

Staff has interpreted this criterion to mean that the finding shall show that there is no suitable alternative area with the same or similar zoning designation.

As noted above the proposed zoning map amendments would consolidate some commercial zones, and upzone others, to simplify the code, provide opportunities for commercial and civic activities in residential neighborhoods, and make adjustments to streamline land use review.

- (d) The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

The public transportation facilities, public utilities, and services in the existing neighborhood-scale commercial areas are adequate to support the proposed amendments. The subject properties are already being used for, or are zoned for, smaller scale residential development. The proposed amendments may increase the demand on the facilities, utilities, or services in the area, which have been planned for.

- (e) The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

The proposed amendment may intensify the development potential of some of the identified Hub areas. Any increase in development will be modest and not result in a failure level of service on the city's transportation system. The city's TSP anticipates neighborhood-scale development in these zones and the TSP is being fully revised in 2024-2025.

- (f) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

The subject areas are designated for commercial development and will continue to be designated as such. The goals and policies of the Comprehensive Plan for Neighborhood Hubs development are noted above in Finding 9 and the primary purpose of the amendments is to implement the comprehensive plan as it relates to Neighborhood Hubs. The proposed amendment is consistent with those goals and policies.

- (g) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

See Finding 8.a.(1)(d) above.

- (h) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

See Finding 8.a.(1)(e) above.

UGMFP Findings for Milwaukie Code Amendments for Neighborhood Hubs

The Metro Urban Growth Management Functional Plan (UGMFP) provides tools to meet regional goals and objectives adopted by Metro Council, including the 2040 Growth Concept and the Regional Framework Plan. Under the Metro Charter, the City of Milwaukie's Comprehensive Plan and implementing ordinances are required to comply and be consistent with the UGMFP. The UGMFP consists of 14 code titles with policies and compliance procedures.

Metro requires "substantial compliance" with requirements in the UGMFP. Per the definition in Title 10, "substantial compliance" means that the City's zoning code conforms with the purposes of the performance standards in the functional plan "on the whole." Any failure to meet individual performance standard requirements is considered technical or minor in nature.

Based on the findings described below, the proposed code amendments related to Neighborhood Hubs substantially comply with all applicable titles of the Urban Growth Management Functional Plan.

Title 12: Protection of Residential Neighborhoods

Finding:

Title 12 is designed to protect existing neighborhoods from air and water pollution and also address provision of adequate levels of public services. Under Title 12, the City is required to ensure that its Comprehensive Plan and implementing ordinances include strategies to reduce air pollution and traffic congestion by making commercial retail services more accessible to residents of neighborhoods (3.07.1230).

The local code findings state that the proposed amendments expand opportunities for convenient locations of commercial activities within established residential neighborhoods. The proposed amendments affect existing neighborhood-scale commercial areas and expand existing uses and/or streamline land use review processes by eliminating Conditional Use review. By identifying these Neighborhood Hubs and allowing more commercial uses and areas of activity, the city strives to reduce air pollution and traffic congestion.

The proposed code amendments are the result of an evaluation of the existing zoning ordinance and extensive community outreach and engagement to reduce barriers to and encourage the development of properties with small-scale commercial and civic activities in existing residential areas.

Based on the findings above, the proposed amendments are consistent with Title 7.

Title 8: Compliance Procedures

Finding: Title 8 establishes a process for ensuring compliance with requirements of the UGMFP. An amendment to the City comprehensive plan or land use regulations is deemed to comply with the UGMFP only if the City provided notice to Metro as required by section 3.07.820(a). The City of Milwaukie provided Metro a set of draft code amendments on February 6, 2024, which was more than 35 days prior to the first evidentiary hearing, scheduled for March 12, 2024.

Based on the findings above, the proposed amendments are consistent with Title 8.

Statewide Findings for Milwaukie Plan and Code Amendments – Neighborhood Hubs

This memo summarizes the consistency of the proposed code amendments with the following statewide goals, as well as key Oregon Revised Statutes (ORSs) and Oregon Administrative Rules (OARs):

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 10: Housing
- Goal 9: Economic Development
- Goal 11: Public Facilities
- Goal 12: Transportation
- Goal 13: Energy
- Goal 14: Growth Management

Other Statewide Planning Goals are not directly applicable to the proposed code amendments. Goals related to agriculture and forestry do not apply to land intended for future urbanization within the urban growth boundary. Additionally, the proposed amendments do not involve land or resources designated as part of Oregon’s coastal zone.

Consistency with the applicable goals is a requirement for any amendment to a City’s land use ordinances.

Based on the findings described below, the proposed code amendments comply with the applicable Statewide Goals and associated ORS and OAR provisions.

Goal 1: Citizen Involvement

Finding: Goal 1 requires the City to employ an appropriately-scaled involvement program to ensure the opportunity for meaningful public involvement throughout the land use planning process. Goal 1 requires the City to incorporate six key components in its public involvement program:

- Citizen Involvement: An officially-recognized committee for public involvement broadly representative of geographic areas and interests related to land use and land-use decisions to provide for widespread public involvement;
- Communication: Mechanisms for effective two-way communication between the public and elected/appointed officials;
- Influence: Opportunities for the public to be involved in all phases of the planning and decision-making process including developing, evaluating, and amending plans;

- **Technical Information:** Access to technical information used in the decision-making process, provided in an accessible and understandable format;
- **Feedback Mechanisms:** Programs to ensure that members of the public receive responses from policy-makers and that a written record for land-use decisions is created and made accessible; and,
- **Financial Support:** Adequate resources allocated for the public involvement program as an integral component of the planning budget.

Following is a summary of activities undertaken by the City to support the proposed code amendments related to Neighborhood Hubs.

Community Engagement

The project team used several methods to communicate about the project, share information, and learn more about the goals for Hubs from those most interested or affected. This included:

ACTIVITY	DESCRIPTION
<p>Engage Milwaukie</p> <ul style="list-style-type: none"> • <i>1,215 page visits, 35 new EM registrations, 99 engagements</i> • <i>Business/Property Owner Survey</i> • <i>22 stakeholder survey responses</i> 	<p>Created and maintained a project webpage as a place for people to learn more about the project, ask questions of the team, set up the initial property owner/tenant survey, and to set the stage for the fall workshops including an online workshop.</p>
<p>Milwaukie Pilot</p> <ul style="list-style-type: none"> • <i>Published 5 project updates</i> 	<p>Published and mailed project updates in April, May, October, November, and December 2023.</p>
<p>Milwaukie Farmers Market</p>	<p>Promoted the project at the market on 3 occasions.</p>
<p>Equity Steering Committee</p> <ul style="list-style-type: none"> • <i>Attended 3/23; Sent updates 11/22</i> 	<p>Collected feedback on community engagement and provided a progress report on equity considerations.</p>
<p>Neighborhood District Associations (NDAs)</p> <ul style="list-style-type: none"> • <i>79 participants in Spring meetings</i> 	<p>Staff met with all 7 NDAs in the spring to provide a project update and learn more about the goals and desires for each of their Hubs.</p>
<p>Stakeholder interviews</p>	<p>Staff engaged property and business owners in direct interviews to identify potential partners interested in</p>

<ul style="list-style-type: none"> • 18 interviews, 23 participants (9 were survey participants) 	hub development and identify current barriers. List below.	
<ul style="list-style-type: none"> • K. Marie • Naphtali’s • NW Family Services • Sunny Corner Market • Chapel Theater • 2 Sisters Play Café • Eric’s Market 	<ul style="list-style-type: none"> • River Roadhouse Grill • Central Planning • Clackamas Community College • Milwaukie Floral • Milwaukie Lutheran • The Vital Element 	<ul style="list-style-type: none"> • Milwaukie Café +Bottle Shop • Valerie Hunter (9391 SE 32nd Ave) • Paul Lisac (9250 SE 32nd Ave) • North Clackamas School District • Peter Perrin (9616 SE Stanley) • Lisa Dorn Design
<p>Fall workshops</p> <ul style="list-style-type: none"> • 123 participants – 74 in-person, 49 online. • 83% support, 10% neutral, 7% oppose 	Hosted six in-person workshops and one online to provide residents, businesses, and property owners opportunities to shape proposed code changes that can help Hubs grow. The online workshop asked about safety walking and biking. On average, very few participants opposed the proposed changes.	

Planning Commission and City Council Updates

City staff conducted two work sessions with the City’s Planning Commission and City Council to review the status of the work and solicit feedback on key issues. These meetings also were open to the public and were recorded and available for public viewing after the meetings.

The specific proposed code language was posted with a code commentary on the City’s website on February 7, 2024. Specific notice of the draft amendments and the March 12, 2024 public hearing was as follows: Measure 56 notices mailed to all affected properties; public notice mailed to all properties within 300 ft of the affected properties; and email notices were sent to all Neighborhood District Association members and stakeholders identified during the earlier engagement efforts.

An article with information about the proposed amendments and links to the draft code language was published in the March edition of the city’s monthly newsletter, which is mailed to all addresses in the city. The current version of the draft amendments have been posted on the application webpage since February 7, 2024.

Based on the findings above, the Zoning Code update is consistent with Oregon Statewide Planning Goal 1.

Goal 2: Land Use Planning

Goal 2. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Goal 2 requires the City to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed plan and code amendments are related directly to implementation of the city's comprehensive plan as it relates to Neighborhood Hubs (Goal 8, Policy 8.1.4).

The proposed Zoning Code update is consistent with Oregon Statewide Planning Goal 2.

Goal 9: Economic Development

Goal 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Goal 9 requires the City to have a comprehensive plan and policies that "...contribute to a stable and health economy in all regions of the state." The City of Milwaukie is already in compliance with Goal 9 regarding adequate provision of commercial and industrial land. The proposed code amendments make modest changes to existing commercially-zoned properties to expand the opportunity for neighborhood-scale commercial and civic activities.

The proposed Zoning Code update is consistent with Oregon Statewide Planning Goal 9.

Goal 11: Public Facilities

Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Goal 11 requires the City to "plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." The City of Milwaukie coordinates with several other local service providers to ensure timely, orderly and efficient arrangement and provision of public services to serve development within the City of Milwaukie and its planning area between the city limits and UGB. The City of Milwaukie provides planning and zoning services inside the city limits, as well as provision of water, conveyance of wastewater, transportation facilities on city-owned facilities, law enforcement, and library services. The City is already in compliance with Goal 11 and the preparation and adoption of updated specific facility master plans for water, wastewater and stormwater are underway at this time.

Goal 11 is not applicable to the proposed code amendments related to Neighborhood Hubs.

Goal 12: Transportation

Goal 12: To provide and encourage a safe, convenient and economic transportation system.

Finding: Goal 12 and the State Transportation Planning Rule (TPR; OAR 660, Division 012) require cities to provide and encourage a safe, convenient, and economic transportation system. Together, they require the City to develop and maintain a Transportation System Plan (TSP),

which must be incorporated as part of the Comprehensive Plan. A local TSP acts as a guiding policy document for long-term transportation planning and presents the City's goals and policies while outlining and prioritizing proposed improvements for pedestrian, bicycle, public transit, motor vehicle, and freight systems; downtown parking; and neighborhood traffic management.

The city was in compliance with Goal 12 prior to these code amendments and with the planned update to the TSP in 2024-2025 reflecting the proposed code amendments for Neighborhood Hubs, the proposal is consistent with Goal 12 Transportation and the Transportation Planning Rule.

Goal 13: Energy

Goal 13: To conserve energy.

Finding: Goal 13 requires that any spatial changes to future patterns of allowed land uses must conserve energy.

The city's Comprehensive Plan is already in compliance with Goal 13 and the proposed code amendments provide greater opportunities for more compact development and efficient use of land which will result in a reduction in energy consumption, including in transportation and utilities.

The proposed code amendments, related to Neighborhood Hubs, are consistent with Statewide Planning Goal 13.

Goal 14: Growth Management

Goal 14: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The entirety of the city and its Municipal Planning Area (MPA) is located within the Urban Growth Boundary (UGB). As such, the proposed amendments will not result in the transition of any land from rural to urban uses or result in population or employment growth outside of the UGB.

The proposed amendments are directly related to Neighborhood Hubs which will enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

Goal 14 does not directly apply to the proposal but the amendments are consistent with Goal 14.

Underline/strikeout Amendments

TITLE 11 MISCELLANEOUS PERMITS

11.05 TEMPORARY USES, PERMITS, AND REGULATIONS

11.05.010 USES

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as:

A. Seasonal sales uses on private property and on land owned by the City of Milwaukie. These activities include, but are not limited to, the sale of produce, rental of recreational equipment, provision of recreational lessons, or sale of products at a park owned by the City of Milwaukie.

B. Temporary real estate offices;

C. Construction parking;

D. Construction trailers;

E. Construction offices;

F. Shelters for warming, cooling, or hazardous air quality, subject to the Milwaukie and Clackamas Fire District Joint Policy for Temporary Emergency Shelters;

G. Outdoor dining and seating areas, on private property and where not permitted by right

H. Food carts where not permitted by right

I. Play equipment and sporting events

J. Bicycle parking, such as a bike corral or bike station

K. Other temporary uses similar to those listed above as determined by the City Manager.

Approval may be granted provided such uses are consistent with the intent of the underlying zoning district. ~~and comply with other provisions of this code~~ These activities are intended to be in use for a limited duration and shall not become a permanent part of a site. (Ord. 2198 § 2, 2021; Ord. 2168 § 2, 2019)

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107 ZONING

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-MD
Residential	R-HD
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Mixed Use	MUTSA
General Mixed Use	GMU
North Milwaukie Employment	NME
Neighborhood Mixed Use	NMU
<u>Small Mixed Use</u>	<u>SMU</u>
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES
 NEIGHBORHOOD HUBS 2024 CODE AMENDMENTS

DRAFT DATE 4/1/2024

19.302 HIGH DENSITY RESIDENTIAL ZONES

19.303 COMMERCIAL MIXED-USE ZONES

19.304 DOWNTOWN ZONES

19.305 ~~NEIGHBORHOOD COMMERCIAL ZONE C-N~~ Hold for future use

19.306 ~~LIMITED COMMERCIAL ZONE C-L~~ Hold for future use

19.303 COMMERCIAL MIXED-USE ZONES

19.303.1 Purpose

A. The General Mixed Use Zone is intended to recognize the importance of central Milwaukee as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high-quality urban development that is pedestrian-friendly and complementary to the surrounding area.

B. The Neighborhood Mixed Use Zone is intended to recognize 32nd and 42nd Avenues as neighborhood commercial centers. This zone allows for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity.

C. The Small-Scale Mixed Use Zone is intended to allow for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity. This zone supports neighborhood hubs, which are gathering places where residents have easy access to goods and services close to their homes. They are places where neighbors create meaningful relationships with each other.

19.303.2 Uses

A. Permitted Uses

Uses allowed outright in the commercial mixed-use zones are listed in Table 19.303.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.303.2 as “CU” are permitted only as conditional uses in conformance with Section 19.905.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the commercial mixed-use zones may continue in existence. Alteration or expansion of a nonconforming use, structure, or development that brings the use, structure, or development closer to compliance may be allowed through development review pursuant to Section 19.906. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

D. Prohibited Uses

Uses not listed in Table 19.303.2, and not considered accessory or similar pursuant to Subsections 19.303.2.E and G below, are prohibited. Uses listed with an “N” in Table 19.303.2 are also prohibited.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards.

F. Drive-Through Uses

For the purpose of this section, drive-through uses are not considered accessory uses and must be approved through a conditional use review in the NMU Zone in conformance with Section 19.905. Drive-through facilities must also conform to Section 19.606.3.

G. Similar Uses

The Planning ~~Manager~~ Director, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.303.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Table 19.303.2				
Uses Allowed in Commercial Mixed-Use Zones				
Uses and Use Categories	GMU	NMU	SMU	Standards/Additional Provisions
Residential				
Single detached dwelling	N	CU	<u>CU</u>	Subsection 19.505.1 One- to Four-Unit Residential Development Section 19.905 Conditional Uses
Rowhouse <u>Townhouses</u> ¹	P	CU	<u>CU</u>	Subsection 19.505.5 Rowhouses <u>Townhouses</u>
<u>Duplex, Triplex, Quadplex</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>Section 19.905 Conditional Uses</u>
Multi-unit housing	P	CU	<u>CU</u>	Subsection 19.505.3 Multi-Unit Housing
Cottage cluster housing	P	CU	<u>CU</u>	Subsection 19.505.4 Cottage Cluster Housing
Mixed use ²	P	P	<u>P</u>	Subsection 19.505.7 Nonresidential Development
Live/work units	P	P	<u>P</u>	Subsection 19.505.6 Live/Work Units
Accessory dwelling units	N	CU	<u>CU</u>	Section 19.905 Conditional Uses Subsection 19.910.1 Accessory Dwelling Units
Boarding house	CU	CU	<u>CU</u>	Section 19.905 Conditional Uses
Commercial^{3, 4}				
Production-related office Professional and administrative office	P	P	<u>P</u>	Subsection 19.303.6.C Marijuana testing and research facilities
Drinking establishments Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption. Examples include taverns, bars, or cocktail lounges.	P	<u>CU-P</u>	<u>CU</u>	Section 19.905 Conditional Uses
Eating establishments	P	P	<u>P</u>	

<p>Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include incidental sales of alcoholic beverages.</p> <p>Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.</p>				
<p><u>Mobile food trucks and food carts on private property</u></p>	<p><u>P</u></p>	<p><u>P</u></p>	<p><u>P</u></p>	
<p>Indoor recreation</p> <p>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; and <u>movie theaters, live theaters, and playhouses.</u></p>	<p>P</p>	<p>P</p>	<p><u>P</u></p>	
<p>Retail-oriented sales</p> <p>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	<p>P</p>	<p>P</p>	<p><u>P</u></p>	

<p>Marijuana retailer</p> <p>Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</p>	P	P	<u>N</u>	Subsection 19.303.6.A Marijuana retailers
<p>Vehicle sales and rentals⁵</p> <p>Vehicle sales and rentals means a business that sells or leases consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles.</p>	P	N	<u>N</u>	
<p>Personal/business services</p> <p>Personal/business services are involved in providing consumer services.</p> <p>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing</p>	P	P	<u>P</u>	
<p>Repair-oriented</p> <p>Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, and office equipment; tailors and seamstresses; shoe repair; locksmiths; and upholsterers.</p>	P	P	<u>P</u>	
<p>Vehicle repair and service⁶</p>	P	CU	<u>N</u>	Section 19.905 Conditional Uses

<p>Firms servicing passenger vehicles; light and medium trucks; and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Also includes quick-servicing activities, where the driver generally waits in the car before and while the service is performed.</p> <p>Examples include gas stations, quick oil change shops, car washes, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shop, auto detailing, and tire sales and mounting.</p>				
<p>Day care⁷</p> <p>Day care is the provision of regular child care, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</p> <p>Examples include nursery schools, before- and after-school care facilities, and child development centers.</p>	P	P	<u>P</u>	
<p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments.</p>	P	P	<u>CU</u>	
<p><u>Automobile</u> parking facility</p> <p>Parking facilities provide <u>automobile</u> parking that is not</p>	N	CU	<u>N</u>	Section 19.611 Parking Structures

<p>accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.</p> <p>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>				
<p>Manufacturing and Production</p>				
<p>Manufacturing and production⁸</p> <p>Manufacturing and production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used.</p> <p>Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; marijuana processors; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and toys. Marijuana production is prohibited.</p> <p><u>Within the SMU, the following manufacturing and production uses are also prohibited: marijuana processing, automotive manufacture and assembly, and auto-repair shops.</u></p>	<p>P</p>	<p>P</p>	<p><u>P</u></p>	<p>Subsection 19.509.2 Security and odor control for certain marijuana businesses</p>

Institutional				
Community service uses	CSU	CSU	<u>CSU</u>	Section 19.904 Community Service Uses
Accessory and Other				
Accessory use	P	P	<u>P</u>	Section 19.503 Accessory Uses
Home occupation	P	P	<u>P</u>	Section 19.507 Home Occupation Standards
Short-term rentals	P	P	<u>P</u>	Section 19.507 Home Occupation Standards

P = Permitted.

N = Not permitted.

CSU = Permitted with community service use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

1. The limit of 4 consecutive ~~rowhouses~~ townhouses established in 19.505.5 does not apply in the GMU Zone. In the GMU Zone, there is no limit on the number of consecutive rowhouses.

2. Residential uses built as part of a vertical mixed-use building are not subject to conditional use review in the NMU Zone.

3. In the NMU Zone, unless otherwise specified in this section, all nonresidential uses listed in Table 19.303.2 shall be no greater than 10,000 sq ft in area per use. A nonresidential use greater than 10,000 sq ft in area may be approved through a conditional use review pursuant to Section 19.905.

4. The 10,000 sq ft size limitation in Footnote 3 of Table 19.303.2 does not apply to "retail-oriented sales" uses established within the existing lot and building situated at 4320 SE King Rd, within the lot's boundaries that exist on February 13, 2016, the effective date of Ordinance #2112. Redevelopment of the site is subject to all standards of Table 19.303.2.

5. Vehicle retail sales are permitted in the GMU Zone only when conducted within a completely enclosed building (including inventory display and storage).

6. Vehicle repair and service uses are permitted in the commercial mixed-use zones only when conducted within a completely enclosed building.

7. Day care and child care uses are limited to 5,000 sq ft.

8. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on the site would not be considered manufacturing or production.

19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3				
Commercial Mixed Use Zones—Summary of Development Standards				
Standard	GMU	NMU	SMU	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (sq ft)	1,500	1,500	<u>1,500</u>	
2. Minimum street frontage (ft)	25	25	<u>25</u>	
B. Development Standards				
1. Minimum floor area ratio	0.5:1	0.5:1	<u>0.5:1</u>	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft)				Subsection 19.303.4.B Building Height
a. Base maximum	45	45	<u>35</u>	Section 19.510 Green Building Standards
b. Maximum with height bonus	57–69	Height bonus not available	<u>Height bonus not available</u>	Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone
3. Street setbacks (ft)				Subsection 19.303.4.C Street Setbacks
a. Minimum street setback	0–15 ¹	None	<u>10</u>	Section 19.501.2 Yard Exceptions
b. Maximum street setback	10–20 ²	10	<u>15</u>	
c. Side and rear setbacks	None	None	<u>5/10</u>	
4. Frontage occupancy	50%	None	<u>None</u>	Subsection 19.303.4.D Frontage Occupancy Requirements

				Figure 19.303.4.D Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	<u>85%</u>	
6. Minimum vegetation	15%	15%	<u>15%</u>	Subsection 19.504.6 Minimum Vegetation
7. Primary building entrances	Yes	Yes	<u>Yes</u>	Subsection 19.303.4.E Primary Building Entrances
8. Off-street parking required standards	Yes	Yes	<u>Yes</u>	Chapter 19.600 Off-Street Parking and Loading
9. Transit street	Yes	Yes	<u>Yes</u>	Subsection 19.505.8 Building Orientation to Transit
10. Transition measures	Yes	Yes	<u>Yes</u>	Subsection 19.504.5 Transition Area Measures
C. Other Standards				
1. Residential density requirements (dwelling units per acre)				Subsection 19.202.4 Density Calculations
a. Stand-alone residential				Subsection 19.303.4.F Residential Density
(1) Minimum	25	11.6	<u>7.0</u>	Subsection 19.501.4 Density Exceptions
(2) Maximum	50	14.5		
b. Mixed-use buildings	None	None		
2. Signs	Yes	Yes	<u>Yes</u>	Subsection 14.16.040 Commercial Zone

1. Residential edge treatments apply to properties as shown in Figure 19.303.5.
2. Commercial edge treatments apply to properties as shown in Figure 19.303.4.C.2.b.

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.

A. Floor Area Ratio

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that the intensity of development is controlled. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum FAR in Table 19.303.3 applies to all nonresidential building development.
- b. Required minimum FAR shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of FAR to determine conformance with minimum FAR.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

- a. Parking facilities.
- b. Public parks and plazas.

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 ~~3 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 shall 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 ~~3 stories or 45 ft., whichever is less.~~ No building height bonuses are available in the NMU Zone.
- d. The maximum building height in the SMU Zone is 35 ft. No building height bonuses are available in the SMU Zone.

19.303.5 Standards for Residential Street Edges

For properties shown as having a residential edge on Figure 19.303.5, and for development that occurs adjacent to or abutting an ~~R-3 or R-5~~ residential zone, the following standards apply:

- A. A minimum setback of 15 ft shall apply.
- B. Along the property line adjacent to the residential zone, buildings within 50 ft of 37th Avenue and Monroe Street shall provide a step back of at least 15 ft for any portion of the building above 35 ft.
- C. An additional minimum 8-ft-wide densely planted buffer is required along property lines where flex space development abuts a residential zone.

~~19.305 NEIGHBORHOOD COMMERCIAL ZONE C-N~~

~~In a C-N Zone the following regulations shall apply:~~

~~19.305.1 Uses Permitted Outright~~

~~In a C-N Zone the following uses and their accessory uses are permitted outright:~~

~~A. No uses permitted outright.~~

~~19.305.2 Conditional Uses Permitted~~

~~In a C-N Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:~~

~~A. A food store not exceeding 2,500 sq ft of floor area;~~

~~B. A store providing convenience goods and services for a local area;~~

~~C. Laundry;~~

~~D. Eating establishment;~~

~~E. Any other use similar to the above and not listed elsewhere.~~

~~19.305.3 Standards~~

~~In a C-N Zone the following standards shall apply:~~

~~A. Lot size. Lot area shall be at least 5,000 sq ft but not greater than 25,000 sq ft. Lot width shall be at least 50 ft. Average lot depth shall be at least 80 ft.~~

~~B. Front yard. A front yard shall be at least 15 ft.~~

~~C. Side yard. A side yard shall be at least 5 ft, and there shall be additional 1 ft of side yard for each 3 ft of height over 2 stories or 25 ft, whichever is less, except on corner lots a side yard shall be at least 15 ft on the side abutting the street.~~

~~D. Rear yard. A rear yard shall be at least 10 ft.~~

~~E. Off street parking and loading. As specified in Chapter 19.600.~~

~~F. Height restriction. Maximum height of a structure shall be 2.5 stories or 35 ft, whichever is less.~~

~~G.— Lot coverage. Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40% of the total area of the lot.~~

~~H.— Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, etc., shall be 20% of the total area of the lot.~~

~~I.— Screening. Neighborhood commercial uses must be screened from adjacent residential uses.~~

~~J.— Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft.~~

~~K.— Transportation requirements and standards. As specified in Chapter 19.700.~~

~~19.305.4 Prohibited Uses~~

~~The following uses and their accessory uses are prohibited:~~

~~A.— Adult entertainment business. (Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)~~

~~19.306 LIMITED COMMERCIAL ZONE C-L~~

~~In a C-L Zone the following regulations shall apply:~~

~~19.306.1 Uses Permitted Outright~~

~~In a C-L Zone the following uses and their accessory uses are permitted outright:~~

~~A.— Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.~~

~~B.— Offices for administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, testing, scientific, or statistical businesses or organizations.~~

~~C.— Retail trade establishment such as a food store, drugstore, gift shop, hardware store, selling primarily from a shelf goods inventory.~~

~~D.— Personal/business services such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.~~

~~E. Eating establishments, provided the floor area does not exceed 3,250 sq ft and the use does not include drive-through facilities.~~

~~F. Marijuana retailer subject to the standards of Subsection 19.509.1.~~

~~G. Bed and breakfast.~~

~~H. Vacation rental.~~

~~I. Short term rental when associated with a legally permitted dwelling unit.~~

~~J. Any other use similar to the above and not listed elsewhere.~~

~~19.306.2 Conditional Uses and Community Service Uses Permitted~~

~~A. In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:~~

~~1. Funeral home;~~

~~2. Marina and boat sales;~~

~~3. Parking facility;~~

~~4. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;~~

~~5. Financial institution;~~

~~6. Trade or commercial school;~~

~~7. Single unit detached dwelling;~~

~~8. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock. Marijuana production is not permitted as an agricultural use;~~

~~9. Middle housing or multi-unit housing;~~

~~10. Adult foster/care home;~~

~~-~~

~~11. High impact commercial, except adult entertainment businesses;~~

~~12. Hotels and motels;~~

~~13. Eating establishments that exceed 3,250 sq ft in floor area;~~

~~14. Any other use similar to the above and not listed elsewhere.~~

~~B. In a C-L Zone the following community service uses and their accessory uses are permitted subject to the provisions of Section 19.904:~~

~~1. Residential care facility.~~

~~19.306.3 Standards~~

~~In a C-L Zone the following standards shall apply:~~

~~A. Lot size. None, except as follows for dwelling. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,000 sq ft. Lot width shall be at least 50 ft. Lot depth shall be at least 80 ft.~~

~~B. Front yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.~~

~~C. Side yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.~~

~~D. Rear yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.~~

~~E. Transition area. A transition area shall be maintained according to Subsection 19.504.6.~~

~~F. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft except as permitted under the Land Division Ordinance.~~

~~G. Off-street parking and loading. As specified in Chapter 19.600.~~

~~H. Height restriction. Maximum height of any structure shall be 3 stories or 45 ft, whichever is less.~~

~~I. Open use. A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 ft high.~~

~~J. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15% of the total area of the lot.~~

~~K. Transportation requirements and standards. As specified in Chapter 19.700.~~

~~L. Offices for marijuana research or testing shall be subject to the security and odor control standards of Subsection 19.509.2.~~

~~19.306.4 Prohibited Uses~~

~~The following uses and their accessory uses are prohibited:~~

~~A. Adult entertainment businesses. (Ord. 2224 § 2, 2022; Ord. 2168 § 2, 2019; Ord. 2140 § 2, 2017; Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2094 § 2, 2015; Ord. 2089 § 2, 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)~~

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, GMU, NMU, SMU

CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

19.1104 EXPEDITED PROCESS

19.1104.1 Administration and Approval Process

E. The City zoning and Comprehensive Plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table 19.1104.1.E, provided below:

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
MR2	R-HD	High density residential
PMD	R-HD	High density residential

HDR	R-HD	High density residential
SHD	R-HD	High density residential
C3	C-G	Commercial
OC	C-L NMU	Commercial
RTL	C-L NMU	Commercial
PC	C-CS	Commercial
LI	BI	Industrial
GI	M	Industrial
BP	BI	Industrial
OSM	R-MD/CSU	Public

**TITLE 14
SIGNS**

CHAPTER 14.16 Sign Districts

14.16.030 ~~NEIGHBORHOOD COMMERCIAL~~ SMALL-SCALE MIXED USE ZONE

No sign shall be installed or maintained in a ~~C-N~~ SMU Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.030.

Table 14.16.030 Standards for Signs in Neighborhood Commercial Zones C-N <u>Small-Scale Mixed Use Zone SMU</u>				
Sign Type	Area	Height	Number	Illumination¹
Freestanding signs	1.5 SF per lineal ft. of street frontage, not exceeding 40 SF per display surface and 80 SF overall.	May not project over the top of a building or max. 20 ft., whichever is less.	1 permitted. ²	External only
Wall signs ²	Max. 20% of building face. ³	Cannot extend above roofline or top of a parapet wall, whichever is higher.	Dictated by area requirements. ⁴	External only
Awning signs	Max. 25% of surface of	No higher than the point where	1 per frontage per occupancy.	External only

	awning, not to exceed 20% of building face.	the roofline intersects the exterior wall.		
Hanging sign suspended beneath awning or other portion of the building	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to the lowest portion of awning or suspended sign.	1 hanging sign per awning.	External only
Projecting sign	Max. 20% of face of building to which the sign is attached ⁵ .	Min. clearance 8 ft. from ground level to the lowest portion of projecting sign.	1 projecting sign per building face	External only
Daily display signs ⁶	Max. 8 SF per display surface and 16 SF overall.	Max. 6 ft. above ground level.	1 per property or occupancy.	External only

¹ Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination must be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

² ~~In addition to one wall sign.~~

² Location: limited to the building surface or surfaces facing the public right-of-way.

³ In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign will be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

⁴ Wall signs are permitted in addition to one freestanding sign.

⁵ If a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces must not exceed 20% of the face of the building.

⁶ Must not be located within required landscaped area, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

⁷ Existing freestanding or roof signs in the SMU zone established prior to XXX, 2024, the effective date of Ordinance XXX, are allowed to remain and may be re-faced and/or repaired, so long as the size or height of the sign does not increase.

(Ord. 2078 § 2 (Exh. B), 2014; Ord. 2001 § 2, 2009; Ord. 1965 §§ 2, 3, 2006; Ord. 1733 § 1(1) (Exh. A), 1993)

14.16.040 COMMERCIAL ZONES

No sign shall be installed or maintained in the C-L, C-CS, NMU, and GMU Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.040.

Table 14.16.040 Standards for Signs in Commercial Zones C-L, C-CS, NMU, and GMU					
Sign Type	Area	Height	Location	Number	Illumination¹
Freestanding signs	1.5 sq ft per lineal ft. of street frontage and 1 additional sq ft per each lineal ft. of frontage over 100 ft ²	Max. 25 ft from ground level, 14 ft min. clearance below lowest portion of a sign in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way. ³	1 multifaced sign per street frontage. ⁴	Permitted
Wall signs	Max. 20% of building face. ⁵	Not above roofline or top of parapet wall, whichever is higher.	NA.	No limit.	Permitted

Clean Amendments

TITLE 11 MISCELLANEOUS PERMITS

11.05 TEMPORARY USES, PERMITS, AND REGULATIONS

11.05.010 USES

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as:

- A. Seasonal sales uses on private property and on land owned by the City of Milwaukie. These activities include, but are not limited to, the sale of produce, rental of recreational equipment, provision of recreational lessons, or sale of products at a park owned by the City of Milwaukie.
- B. Temporary real estate offices;
- C. Construction parking;
- D. Construction trailers;
- E. Construction offices;
- F. Shelters for warming, cooling, or hazardous air quality, subject to the Milwaukie and Clackamas Fire District Joint Policy for Temporary Emergency Shelters;
- G. Outdoor dining and seating areas, on private property and where not permitted by right
- H. Food carts where not permitted by right
- I. Play equipment and sporting events
- J. Bicycle parking, such as a bike corral or bike station
- K. Other temporary uses similar to those listed above as determined by the City Manager.

Approval may be granted provided such uses are consistent with the intent of the underlying zoning district. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site. (Ord. 2198 § 2, 2021; Ord. 2168 § 2, 2019)

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107 ZONING

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-MD
Residential	R-HD
Downtown Mixed Use	DMU
Open Space	OS
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Mixed Use	MUTSA
General Mixed Use	GMU
North Milwaukie Employment	NME
Neighborhood Mixed Use	NMU
Small Mixed Use	SMU
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

19.302 HIGH DENSITY RESIDENTIAL ZONES

19.303 COMMERCIAL MIXED-USE ZONES

19.304 DOWNTOWN ZONES

19.305 Hold for future use

19.306 Hold for future use

19.303 COMMERCIAL MIXED-USE ZONES

19.303.1 Purpose

A. The General Mixed Use Zone is intended to recognize the importance of central Milwaukee as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high-quality urban development that is pedestrian-friendly and complementary to the surrounding area.

B. The Neighborhood Mixed Use Zone is intended to recognize 32nd and 42nd Avenues as neighborhood commercial centers. This zone allows for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity.

C. The Small-Scale Mixed Use Zone is intended to allow for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity. This zone supports neighborhood hubs, which are gathering places where residents have easy access to goods and services close to their homes. They are places where neighbors create meaningful relationships with each other.

19.303.2 Uses

A. Permitted Uses

Uses allowed outright in the commercial mixed-use zones are listed in Table 19.303.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.303.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the commercial mixed-use zones may continue in existence. Alteration or expansion of a nonconforming use, structure, or development that brings the use, structure, or development closer to compliance may be allowed through development review pursuant to Section 19.906. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

D. Prohibited Uses

Uses not listed in Table 19.303.2, and not considered accessory or similar pursuant to Subsections 19.303.2.E and G below, are prohibited. Uses listed with an “N” in Table 19.303.2 are also prohibited.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards.

F. Drive-Through Uses

For the purpose of this section, drive-through uses are not considered accessory uses and must be approved through a conditional use review in the NMU Zone in conformance with Section 19.905. Drive-through facilities must also conform to Section 19.606.3.

G. Similar Uses

The Planning Manager, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.303.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Table 19.303.2				
Uses Allowed in Commercial Mixed-Use Zones				
Uses and Use Categories	GMU	NMU	SMU	Standards/Additional Provisions
Residential				
Single detached dwelling	N	CU	CU	Subsection 19.505.1 One- to Four-Unit Residential Development Section 19.905 Conditional Uses
Townhouse ¹	P	CU	CU	Subsection 19.505.5 Townhouses
Duplex, Triplex, Quadplex	CU	CU	CU	Section 19.905 Conditional Uses
Multi-unit housing	P	CU	CU	Subsection 19.505.3 Multi-Unit Housing
Cottage cluster housing	P	CU	CU	Subsection 19.505.4 Cottage Cluster Housing
Mixed use ²	P	P	P	Subsection 19.505.7 Nonresidential Development
Live/work units	P	P	P	Subsection 19.505.6 Live/Work Units
Accessory dwelling units	N	CU	CU	Section 19.905 Conditional Uses Subsection 19.910.1 Accessory Dwelling Units
Boarding house	CU	CU	CU	Section 19.905 Conditional Uses
Commercial^{3, 4}				
Production-related office Professional and administrative office	P	P	P	Subsection 19.303.6.C Marijuana testing and research facilities
Drinking establishments Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption. Examples include taverns, bars, or cocktail lounges.	P	P	CU	Section 19.905 Conditional Uses
Eating establishments	P	P	P	

<p>Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include incidental sales of alcoholic beverages.</p> <p>Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.</p>				
<p>Mobile food trucks and food carts on private property</p>	P	P	P	
<p>Indoor recreation</p> <p>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; movie theaters, live theaters, and playhouses.</p>	P	P	P	
<p>Retail-oriented sales</p> <p>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	P	P	P	

<p>Marijuana retailer</p> <p>Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</p>	P	P	N	Subsection 19.303.6.A Marijuana retailers
<p>Vehicle sales and rentals⁵</p> <p>Vehicle sales and rentals means a business that sells or leases consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles.</p>	P	N	N	
<p>Personal/business services</p> <p>Personal/business services are involved in providing consumer services.</p> <p>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing</p>	P	P	P	
<p>Repair-oriented</p> <p>Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, and office equipment; tailors and seamstresses; shoe repair; locksmiths; and upholsterers.</p>	P	P	P	
<p>Vehicle repair and service⁶</p>	P	CU	N	Section 19.905 Conditional Uses

<p>Firms servicing passenger vehicles; light and medium trucks; and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Also includes quick-servicing activities, where the driver generally waits in the car before and while the service is performed.</p> <p>Examples include gas stations, quick oil change shops, car washes, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shop, auto detailing, and tire sales and mounting.</p>				
<p>Day care⁷</p> <p>Day care is the provision of regular child care, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</p> <p>Examples include nursery schools, before- and after-school care facilities, and child development centers.</p>	P	P	P	
<p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments.</p>	P	P	CU	
<p>Automobile parking facility</p> <p>Parking facilities provide automobile parking that is not</p>	N	CU	N	Section 19.611 Parking Structures

<p>accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.</p> <p>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>				
<p>Manufacturing and Production</p>				
<p>Manufacturing and production⁸</p> <p>Manufacturing and production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used.</p> <p>Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; marijuana processors; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and toys. Marijuana production is prohibited.</p> <p>Within the SMU, the following manufacturing and production uses are also prohibited: marijuana processing, automotive manufacture and assembly, and auto-repair shops.</p>	<p>P</p>	<p>P</p>	<p>P</p>	<p>Subsection 19.509.2 Security and odor control for certain marijuana businesses</p>

Institutional				
Community service uses	CSU	CSU	CSU	Section 19.904 Community Service Uses
Accessory and Other				
Accessory use	P	P	P	Section 19.503 Accessory Uses
Home occupation	P	P	P	Section 19.507 Home Occupation Standards
Short-term rentals	P	P	P	Section 19.507 Home Occupation Standards

P = Permitted.

N = Not permitted.

CSU = Permitted with community service use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

1. The limit of 4 consecutive townhouses established in 19.505.5 does not apply in the GMU Zone. In the GMU Zone, there is no limit on the number of consecutive rowhouses.

2. Residential uses built as part of a vertical mixed-use building are not subject to conditional use review in the NMU Zone.

3. In the NMU Zone, unless otherwise specified in this section, all nonresidential uses listed in Table 19.303.2 shall be no greater than 10,000 sq ft in area per use. A nonresidential use greater than 10,000 sq ft in area may be approved through a conditional use review pursuant to Section 19.905.

4. The 10,000 sq ft size limitation in Footnote 3 of Table 19.303.2 does not apply to "retail-oriented sales" uses established within the existing lot and building situated at 4320 SE King Rd, within the lot's boundaries that exist on February 13, 2016, the effective date of Ordinance #2112. Redevelopment of the site is subject to all standards of Table 19.303.2.

5. Vehicle retail sales are permitted in the GMU Zone only when conducted within a completely enclosed building (including inventory display and storage).

6. Vehicle repair and service uses are permitted in the commercial mixed-use zones only when conducted within a completely enclosed building.

7. Day care and child care uses are limited to 5,000 sq ft.

8. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on the site would not be considered manufacturing or production.

19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3				
Commercial Mixed Use Zones—Summary of Development Standards				
Standard	GMU	NMU	SMU	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (sq ft)	1,500	1,500	1,500	
2. Minimum street frontage (ft)	25	25	25	
B. Development Standards				
1. Minimum floor area ratio	0.5:1	0.5:1	0.5:1	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft)				Subsection 19.303.4.B Building Height
a. Base maximum	45	45	35	Section 19.510 Green Building Standards
b. Maximum with height bonus	57–69	Height bonus not available	Height bonus not available	Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone
3. Street setbacks (ft)				Subsection 19.303.4.C Street Setbacks
a. Minimum street setback	0–15 ¹	None	10	Section 19.501.2 Yard Exceptions
b. Maximum street setback	10–20 ²	10	15	
c. Side and rear setbacks	None	None	5/10	
4. Frontage occupancy	50%	None	None	Subsection 19.303.4.D Frontage Occupancy Requirements

				Figure 19.303.4.D Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	85%	
6. Minimum vegetation	15%	15%	15%	Subsection 19.504.6 Minimum Vegetation
7. Primary building entrances	Yes	Yes	Yes	Subsection 19.303.4.E Primary Building Entrances
8. Off-street parking required standards	Yes	Yes	Yes	Chapter 19.600 Off-Street Parking and Loading
9. Transit street	Yes	Yes	Yes	Subsection 19.505.8 Building Orientation to Transit
10. Transition measures	Yes	Yes	Yes	Subsection 19.504.5 Transition Area Measures
C. Other Standards				
1. Residential density requirements (dwelling units per acre)				Subsection 19.202.4 Density Calculations
a. Stand-alone residential				Subsection 19.303.4.F Residential Density
(1) Minimum	25	11.6	7.0	Subsection 19.501.4 Density Exceptions
(2) Maximum	50	14.5		
b. Mixed-use buildings	None	None		
2. Signs	Yes	Yes	Yes	Subsection 14.16.040 Commercial Zone

1. Residential edge treatments apply to properties as shown in Figure 19.303.5.

2. Commercial edge treatments apply to properties as shown in Figure 19.303.4.C.2.b.

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.

A. Floor Area Ratio

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that the intensity of development is controlled. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum FAR in Table 19.303.3 applies to all nonresidential building development.
- b. Required minimum FAR shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of FAR to determine conformance with minimum FAR.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

- a. Parking facilities.
- b. Public parks and plazas.

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 45 ft. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
- b. Buildings in the GMU Zone shall 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 45 ft. No building height bonuses are available in the NMU Zone.
- d. The maximum building height in the SMU Zone is 35 ft. No building height bonuses are available in the SMU Zone.

19.303.5 Standards for Residential Street Edges

For properties shown as having a residential edge on Figure 19.303.5, and for development that occurs adjacent to or abutting a residential zone, the following standards apply:

- A. A minimum setback of 15 ft shall apply.
- B. Along the property line adjacent to the residential zone, buildings within 50 ft of 37th Avenue and Monroe Street shall provide a step back of at least 15 ft for any portion of the building above 35 ft.
- C. An additional minimum 8-ft-wide densely planted buffer is required along property lines where flex space development abuts a residential zone.

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, GMU, NMU, SMU

CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

19.1104 EXPEDITED PROCESS

19.1104.1 Administration and Approval Process

E. The City zoning and Comprehensive Plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table 19.1104.1.E, provided below:

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
MR2	R-HD	High density residential
PMD	R-HD	High density residential
HDR	R-HD	High density residential
SHD	R-HD	High density residential
C3	C-G	Commercial
OC	NMU	Commercial
RTL	NMU	Commercial
PC	C-CS	Commercial
LI	BI	Industrial
GI	M	Industrial
BP	BI	Industrial

OSM	R-MD/CSU	Public
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**TITLE 14
SIGNS**

CHAPTER 14.16 Sign Districts

14.16.030 SMALL-SCALE MIXED USE ZONE

No sign shall be installed or maintained in a G-N SMU Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.030.

Table 14.16.030 Standards for Signs in Small-Scale Mixed Use Zone SMU				
Sign Type	Area	Height	Number	Illumination¹
Wall signs ²	Max. 20% of building face. ³	Cannot extend above roofline or top of a parapet wall, whichever is higher.	Dictated by area requirements. ⁴	External only
Awning signs	Max. 25% of surface of awning, not to exceed 20% of building face.	No higher than the point where the roofline intersects the exterior wall.	1 per frontage per occupancy.	External only
Hanging sign suspended beneath awning or other portion of the building	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to the lowest portion of awning or suspended sign.	1 hanging sign per awning.	External only
Projecting sign	Max. 20% of face of building to which the sign is attached ⁵ .	Min. clearance 8 ft. from ground level to the lowest portion of projecting sign.	1 projecting sign per building face	External only
Daily display signs ⁶	Max. 8 SF per display surface and 16 SF overall.	Max. 6 ft. above ground level.	1 per property or occupancy.	External only

¹ Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination must be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

² Location: limited to the building surface or surfaces facing the public right-of-way.

³ In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign will be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

⁴ Wall signs are permitted in addition to one freestanding sign.

⁵ If a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces must not exceed 20% of the face of the building.

⁶ Must not be located within required landscaped area, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

⁷ Existing freestanding or roof signs in the SMU zone established prior to XXX, 2024, the effective date of Ordinance XXX, are allowed to remain and may be re-faced and/or repaired, so long as the size or height of the sign does not increase.

(Ord. 2078 § 2 (Exh. B), 2014; Ord. 2001 § 2, 2009; Ord. 1965 §§ 2, 3, 2006; Ord. 1733 § 1(1) (Exh. A), 1993)

14.16.040 COMMERCIAL ZONES

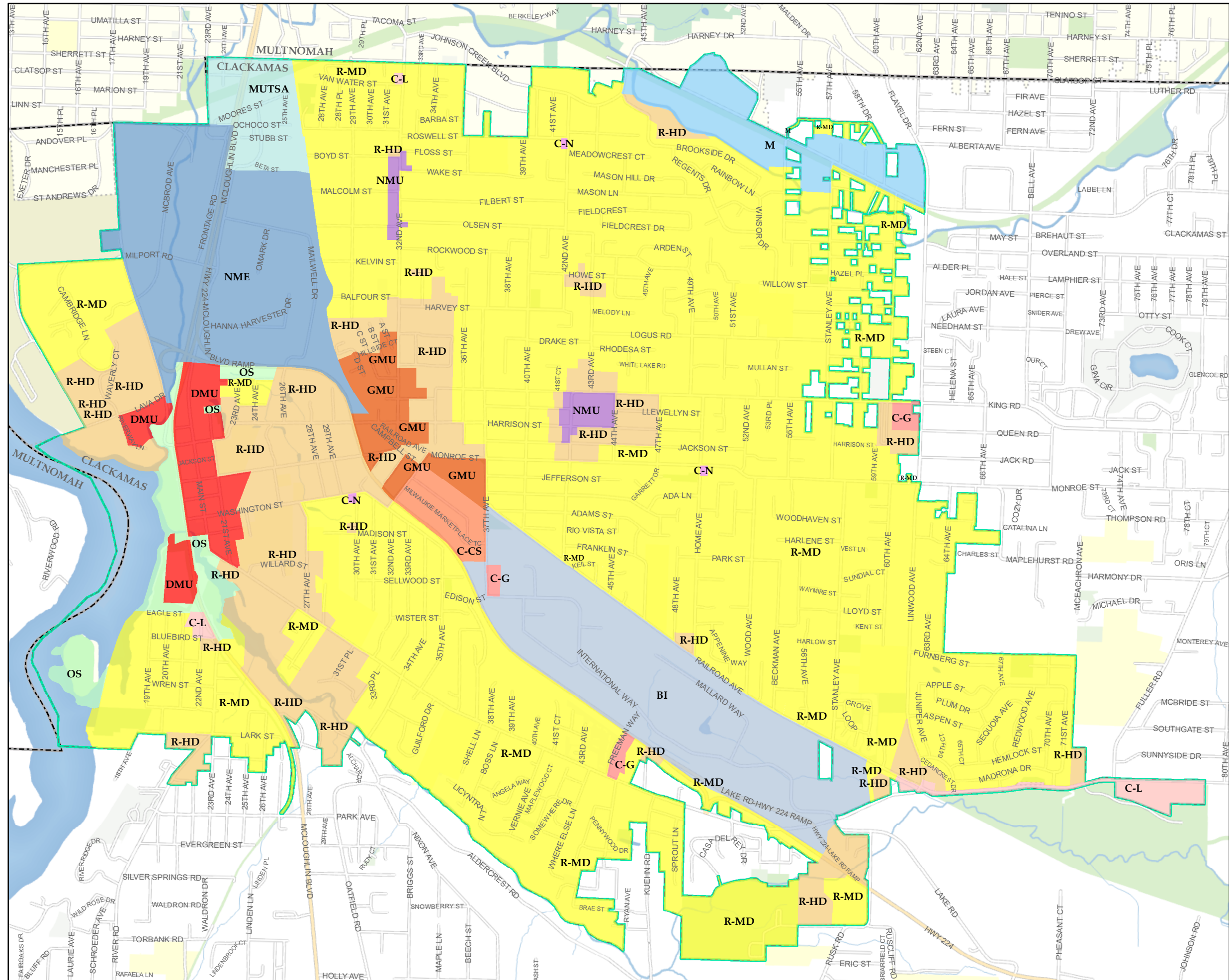
No sign shall be installed or maintained in the C-L, C-CS, NMU, and GMU Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.040.

Table 14.16.040 Standards for Signs in Commercial Zones C-CS, NMU, and GMU					
Sign Type	Area	Height	Location	Number	Illumination ¹
Freestanding signs	1.5 sq ft per lineal ft. of street frontage and 1 additional sq ft per each lineal ft. of frontage over 100 ft ²	Max. 25 ft from ground level, 14 ft min. clearance below lowest portion of a sign in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way. ³	1 multifaced sign per street frontage. ⁴	Permitted

Wall signs	Max. 20% of building face. ⁵	Not above roofline or top of parapet wall, whichever is higher.	NA.	No limit.	Permitted
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Existing Milwaukie Zoning

- MUTSA
- BI
- GMU
- C-CS
- DMU
- C-G
- C-L
- C-N
- NMU
- OS
- M
- NME
- R-MD
- R-HD
- City of Milwaukie
- County Boundary

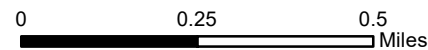


Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

Date: Monday, February 5, 2024

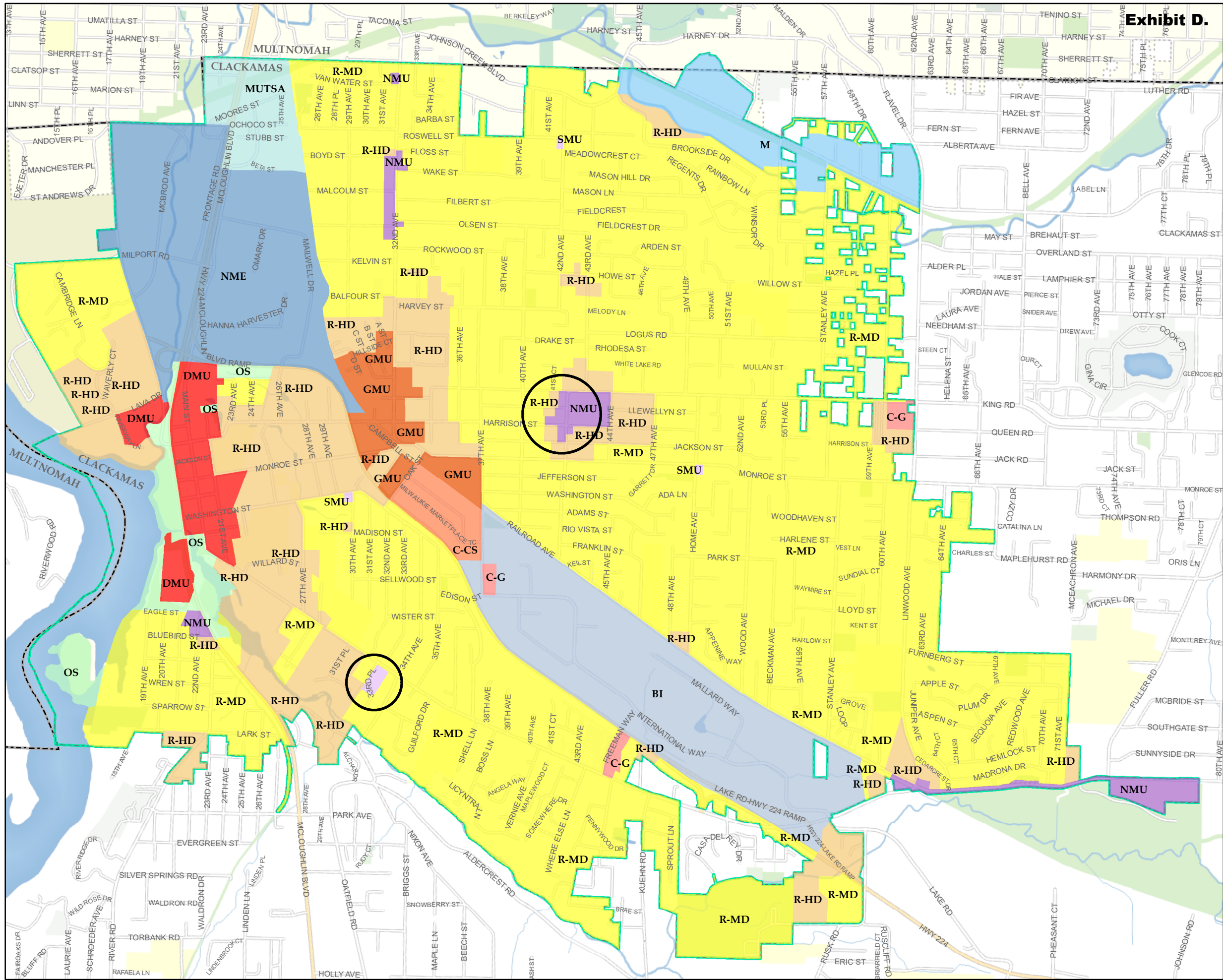
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Proposed Milwaukie Zoning

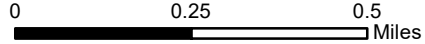
- MUTSA
- BI
- GMU
- C-CS
- DMU
- C-G
- NMU
- SMU
- OS
- M
- NME
- R-MD
- R-HD
- City of Milwaukie
- County Boundary



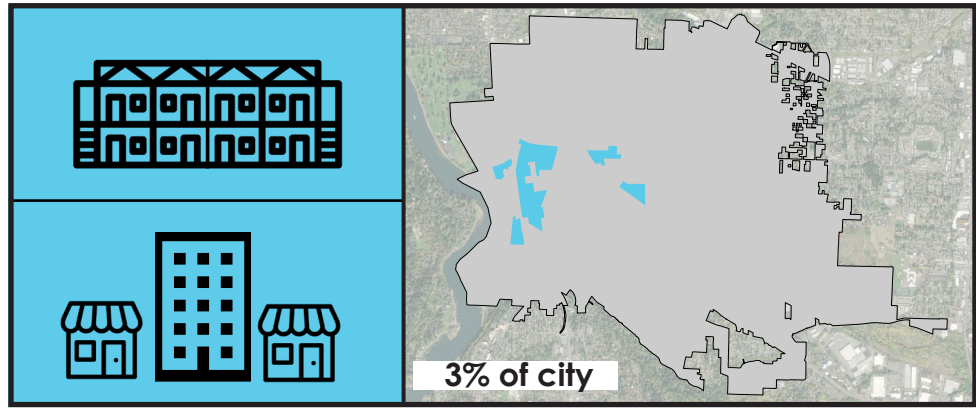
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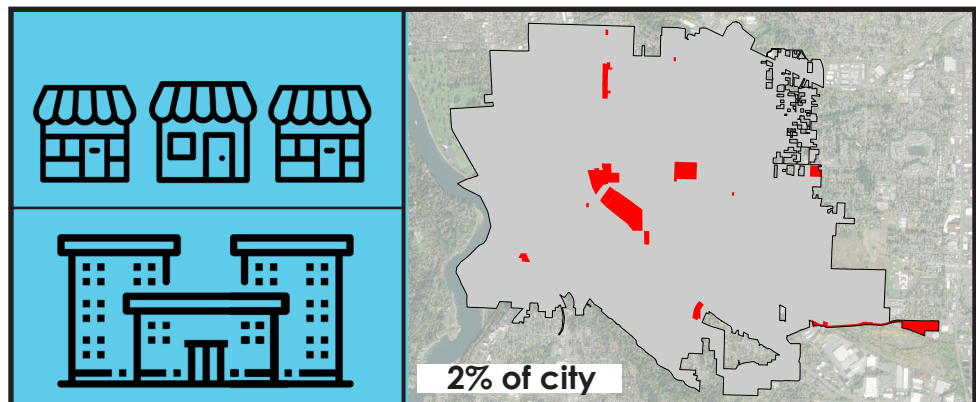


Town Center: Zones DMU & GMU



- a. Mixed-use development combining residential high-density housing with retail, personal service, commercial, and/or offices, is encouraged.
- b. The Downtown and Riverfront Land Use Framework Plan and the Downtown Mixed -Use Zone shall implement Subarea 1 of the Town Center Master Plan.
- c. Downtown Milwaukie is part of the Milwaukie Town Center, which is a regional destination in the Metro 2040 Growth Concept
- d. The Town Center Area shall be served by multimodal transportation options; therefore, on-street parking, shared parking, and enclosed parking are the most appropriate parking options in the Town Center Area.
- e. A variety of higher density housing is desired in the Town Center Area. The city shall work cooperatively with the private sector to provide a diverse range of affordable housing.
- f. Downtown public improvements should be coordinated with private improvement efforts by local property owners and should aim to stimulate and support private investments in the area.
- g. Central Milwaukie is part of the Milwaukie Town Center that serves the larger Milwaukie community with goods and services and seeks to provide opportunities for a dense combination of commercial retail, office, services, and housing uses.
- h. The city will continue to work closely with Metro and TriMet in planning for transit improvements.
- i. More detailed design concepts and principles for these areas are included in the Urban Design section.

Commercial Zones: ~~NMU~~, ~~C-N~~, ~~C-L~~, C-G, C-CS, SMU

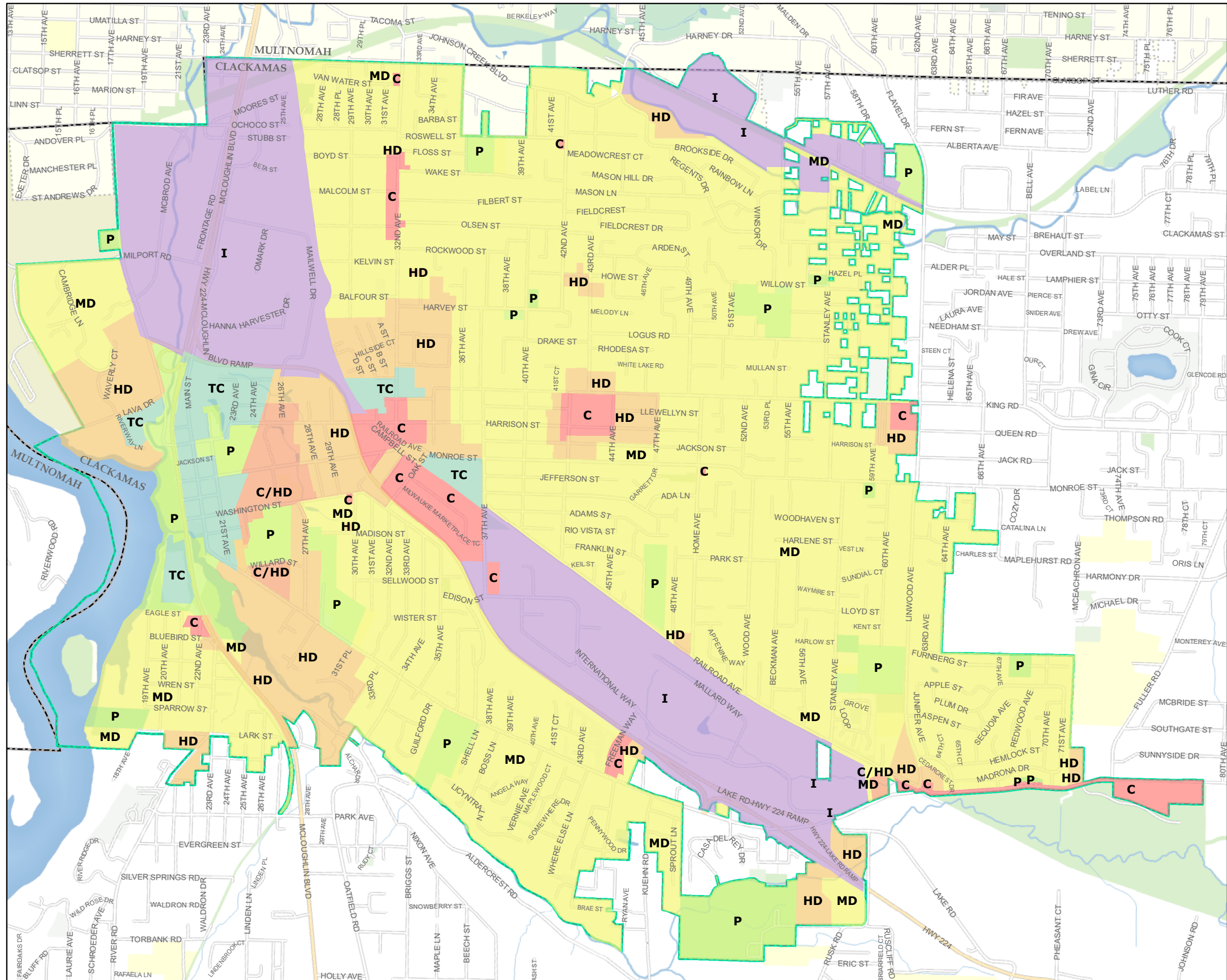


RS120



Existing Milwaukie Comprehensive Plan

- C
- C/HD
- HD
- I
- MD
- P
- TC
- City of Milwaukie
- County Boundary

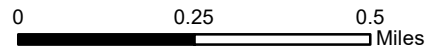


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Date: Monday, February 5, 2024

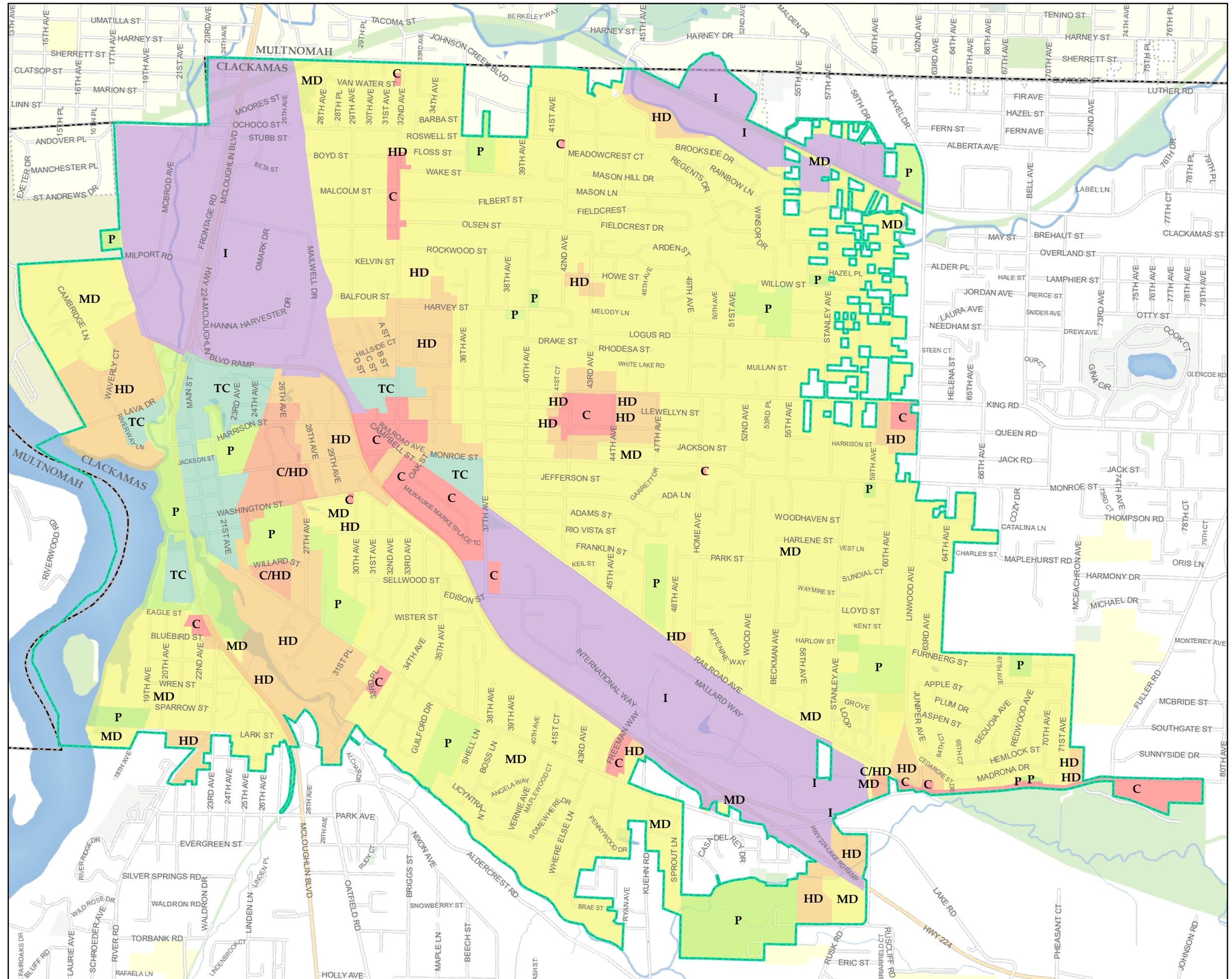
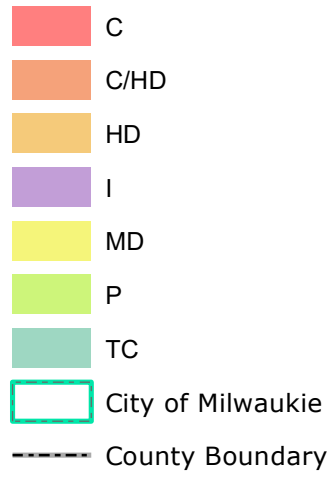
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Proposed Milwaukie Comprehensive Plan

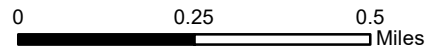


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MEMORANDUM

TO: Urbsworks, City of Milwaukie
FROM: Cascadia Partners
DATE: November 30th, 2023; revised February 12, 2024
PROJECT: Hubs Implementation Project
SUBJECT: Economic Development Toolkit – Admin Draft

Background

As part of the City of Milwaukie’s Hubs Implementation Project, Cascadia Partners was tasked with researching neighborhood-scale economic development strategies appropriate for application within Neighborhood Hubs - gathering places where residents have access to a variety of services or goods within walking or biking distance of their homes. The following memorandum provides an overview of selected strategies and their potential impacts.

Scale and Approach

Cities can choose to pursue a wide range of economic development strategies based on available resources, intended outcomes, and where they are being applied. Milwaukie’s Neighborhood Hubs are intended to transform gradually over time through an incremental approach to economic development given the local context and the public’s desired outcomes for hubs.

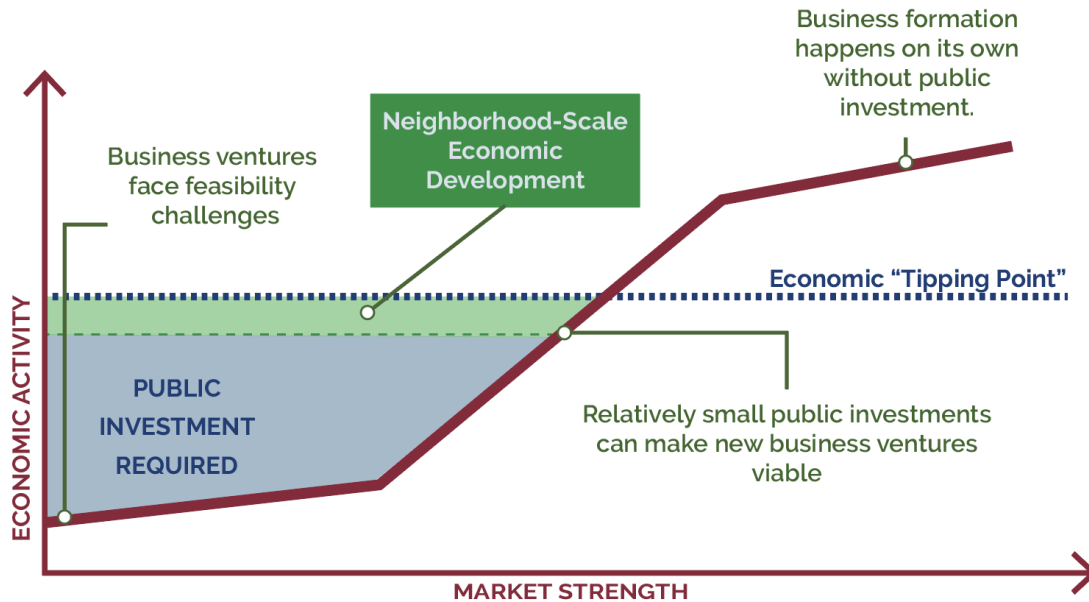
This means that the strategies included in this document are not multi-million-dollar investments intended to transform hubs overnight. Rather, they are neighborhood-scale strategies intended to support existing and future business owners while allowing hubs to change organically to meet the needs of the neighborhoods they serve.

While the strategies in this document are all similar in scale and intended to apply to all hubs, it is important to understand that existing market conditions in each of the hubs will contribute to the near-term impact of each strategy. As figure 1 below illustrates, neighborhood-scale economic development tends to have a higher Impact in markets that are just below the economic “tipping point” where there is enough economic activity to attract new businesses to an area without public intervention. This means that neighborhood-scale economic development strategies will not lead to immediate change in all hubs, but will help some jump-start activity in some hubs, while others will require more time and planning before changes take effect.

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Portland, OR 97209

www.cascadia-partners.com

Figure 1: Neighborhood-Scale Economic Development



Overview of Strategies

Cascadia Partners performed an initial round of research that identified 22 small-scale neighborhood economic development strategies. These strategies were further refined based on three sources of input: strategies applicable to the scale of Milwaukie Hubs, public outreach with business owners and neighborhood associations, and staff review of the strategies relative to staff and budgetary resources in Milwaukie..

The strategies that were selected have two characteristics in common. First, they can be implemented at a small geographic scale (i.e. hubs, not citywide). Second, the resources required to implement them are scaled appropriately given the City’s financial means and staff capacity. The final list of strategies is organized into two tiers. Tier 1 strategies are actions that the City of Milwaukie can lead. Tier 2 strategies will require additional partnerships with outside agencies or interest groups. It should be noted that the following strategies represent a short list for further study. All strategies will require further vetting and analysis before they can be considered for implementation.

Tier 1 Strategies – City Leads
<ul style="list-style-type: none"> • Storefront Improvement Program • Hub-Focused Small Scale Seed Grants • Tactical Urbanism • Pre-Lease and Zoning Technical Assistance • Micro-Scale Small Business Placemaking Grants • City-wide Small Business Alliance • Food Truck-Lot Match Resource • Allow and Incentivize Accessory Commercial Units • Church, School, College (CSC) Outreach • Vendor or Food Truck Pop-Ups

<ul style="list-style-type: none"> • Equitable Economic Development Strategies
Tier 2 Strategies - Partnerships Required
<ul style="list-style-type: none"> • Small Business Loans and Technical Assistance • Community Investment Trust

Implementation Considerations

Each of the strategies above are summarized in the following sections of this document. Each strategy summary includes a high-level assessment of capital and administrative costs as described below.

Capital Cost

The primary source of discretionary funding for economic development is a commercial construction excise tax of 1%. Currently, 50% of this tax is used for economic development activities in the City of Milwaukie. In the most recent biannual budget (FY 2023-24), this amounts to approximately \$312,000¹.

For each strategy described on the following pages, a low, medium, or high estimate of capital cost is estimated using a three-dot scale. This cost is estimated relative to the City of Milwaukie’s biannual economic development budget allocation, excluding in-kind staff resources. Cost impact categories and their meaning are summarized below:

- **Low (●○○):** strategies that could be implemented for less than \$20,000 per beneficiary.
- **Med (●●○):** strategies that require up to 25% of the biannual economic development CET budget annually per beneficiary.
- **High (●●●):** strategies requiring a majority or more than the biannual economic development CET budget per beneficiary.

Administrative Cost

Each strategy is also assessed in terms of its potential impact on the City’s Economic Development Department staff capacity. Currently the City’s Economic Development Department consists of 1 FTE, with no immediate plans for further staff expansion. Given these constraints, staff capacity impacts are measured relative to their administrative burden at 1 FTE. Staffing impact categories and their meaning are summarized below:

- **Low (●○○):** strategies with a “low” staff capacity impact would likely require less than .5 FTE to administer and could potentially be implemented with current staffing.
- **Med (●●○):** strategies with a “med” staff capacity impact would likely incur between .5 and 1 FTE and may require sharing of resources across departments.
- **High (●●●):** strategies with a “high” staff capacity impact would require more than 1 FTE to administer .

¹ City of Milwaukie Biannual Budget FY 2023 – 2024, pg 149

Tier 1 Strategies – City Leads

Storefront and Site Improvement Program

What is it?

Storefront improvement programs provide grants that are intended for small-scale revitalization projects such as new paint, improved signage, or lighting. Including site improvements, such as outdoor seating, plantings, or patio covers, helps to further enhance and activate the space beyond the structure. These grants are intended to provide improved visibility for businesses to help attract customers and improve the quality of the urban environment for surrounding homes and businesses. They also help property owners by increasing the value of their property and helping to attract and retain tenants.

Where Has it Worked?

Prosper Portland's Prosperity Investment Program (PIP) offers matching grants to businesses or property owners in certain tax increment financing (TIF) districts. In most districts, Prosper Portland provides a 50% matching grant of up to \$50,000. These grants can be used for hard costs such as signage, lighting, or tenant improvements. They can also be used for soft costs such as architectural fees, or market analysis.

Figure 2: Example of Façade Improvement, Downtown Milwaukie Pilot Program (2011-2012)

Commercial Building 11008 SE Main St

Before



After



How Could This Work in a Neighborhood Hub?

This strategy would be most applicable to hubs with existing commercial storefronts. Improvements could include improved signage, paint, as well as street furniture and other public realm investments. In addition to supporting businesses, façade improvements could help nascent hubs establish their identity and attract additional investment.

Implementation Considerations

Capital Cost: ●●● Administrative Cost: ●●○

It is likely that implementation of this strategy would require an expansion of both the City's financial and staff economic development resources. Administration of the program would require a significant portion of a full-time staff person's resources due to the need to review applications, oversee compliance, and ensure equitable distribution of grants. The amount of money awarded in each grant cycle could scale to the City's resources.

Hub-Focused Small Scale Seed Grants

What is it?

Hub-Focused small scale seed grants provide opportunities for the improvement of individual neighborhood hubs. These grants are intended to fund projects brought forth by community members or small business owners within a specific hub, for the benefit of all hub users. Proposed projects should provide benefits to multiple property owners and/or businesses and generally improve the look, function, or level of activity within a hub. Projects could include hub-specific branding, training/workshops, sign toppers, and temporary installations.

Where Has it Worked?

In Portland, grants are <\$10,000 each and are typically awarded to a culturally-specific organization or faith-based organizations. In Tacoma, the City's Neighborhood Innovative Grant Program allows community groups within Tacoma's eight Neighborhood Council districts to apply for grant funding supporting neighborhood improvement activities or projects. Most grants requested and approved are in the range of \$500 to \$8,000.

How Could This Work in a Neighborhood Hub?

Hub-focused small-scale seed grants could be applied in any of Milwaukie's proposed neighborhood hubs. While the hubs with more active businesses are likely to see more uptake of such a program, even smaller-scale hubs without active business uses could benefit from temporary installations or other improvements.

Implementation Considerations

Capital Cost ●○○ *Administrative Cost* ●●○

Capital costs for small-scale seed grants are highly scalable. In Tacoma, grants as small as \$500 have been awarded. Program administration would likely include development of grant criteria, outreach to property owners, businesses, and neighborhood groups, and on-going oversight of grant-funded projects.

Placemaking Projects

What is it?

Placemaking projects focus on reclaiming public space within underutilized sites, streetscapes and rights of way in and around neighborhood hubs. This strategy relies on short term, low cost, and scalable interventions with a few examples being temporary storefront seating or creating a temporary public plaza. The purpose of these installations is to provide a proof of concept for improvements to public spaces and build support for permanent investments.

Where Has it Worked?

Better Block PSU, a partnership between volunteer-led group Better Block PDX and Portland State University, helps increase commercial activity through activating public spaces and rights of ways. This group specializes in grassroots urban design concepts that promote placemaking and are flexible to meet the needs of various communities. They have been active since 2013 and have executed dozens of placemaking projects in the Portland region. [For example: in 2014, the group transformed a challenging intersection in Southeast Portland into an inviting plaza for less than \\$770 in material costs.](#) This plaza is now a permanent fixture at SE Clinton St and SE 26th Avenues.

*Figure 3: Tactical Urbanism Demonstration by Better Block PDX.
(Photo: Better Block PDX)*



How Could This Work in a Neighborhood Hub?

Tactical urbanism projects are most successful in areas with moderate to high commercial activity that lack engaging streetscapes, public gathering spaces, or multimodal infrastructure like sidewalks and bike lanes. For neighborhood hubs, the most impactful tactical urbanism projects are likely to be those that focus on public and private space adjacent to businesses such as sidewalks, parking lots, and vacant lots. The City of Milwaukie has already conducted an existing conditions assessment of each hub and could use this information to identify hubs with the highest potential for tactical urbanism.

Implementation Considerations

Capital Cost ●○○ Administrative Cost ●○○

Tactical urbanism is by its nature a low-cost approach to pilot testing more permanent infrastructure. As such, capital and administrative costs are likely to be low for this strategy. Further cost reductions could be achieved by applying for assistance from Better Block PSU which has a regional mandate and has worked with numerous smaller jurisdictions outside of Portland such as Washington County, Independence, and Hood River.

Pre-Lease and Zoning Technical Assistance

What is it?

Pre-leasing and zoning technical assistance provide small businesses owners, property owners, and food truck vendors with the necessary resources to be able to lease, buy, or renovate/redevelop commercial space. This type of technical assistance can benefit both property owners and business owners. Technical assistance can include initial reviews of permit applications for renovations or meetings with business owners to help them understand the City's business licensing rules. During these pre-leasing meetings, participants typically learn: the types of businesses that are allowed in the space (due to zoning regulations), the current occupancy classification of the building/land, the permitting process for any proposed changes to the building/land, and direct contact information for staff in the relevant City department.

Where Has it Worked?

The City of Vancouver, Washington provides pre-leasing meetings at no cost to business owners or property owners. This program is seen as a way to encourage new business investments.

How Could This Work in a Neighborhood Hub?

Pre-leasing assistance will generally be more applicable to Hubs with existing commercial space, though such a program could likely apply to mobile vendors as well. Zoning technical assistance is likely to be more valuable to property owners in hubs with vacant or underutilized properties where redevelopment is being considered.

Implementation Considerations

Capital Cost ●○○ *Administrative Cost* ●●○

While capital costs for this program are likely to be low, administrative costs could be moderate to high depending on interest in the technical assistance being provided. There are likely to be opportunities for other departments, such as Code Compliance, Community Development, and Planning, to contribute in-kind staff assistance.

Micro-Scale Small Business Placemaking Grants

What is it?

Micro-scale small business placemaking grants are utilized to implement business or property-specific placemaking projects within public rights way or private off street parking. These grants are typically sought by business or property owners wishing to repurpose a portion of adjacent right of way or parking area for additional seating. Some examples include parklets, wayfinding and street furniture.

Where Has it Worked?

In 2021, the City of Milwaukie offered small outdoor seating grants to business owners located in commercial and mixed-use zones. Eligible uses included sidewalk, patio, and parklet seating. 12 business owners were awarded grants through this program.

In 2017, the City of Portland convened 82 community members in three informational workshops to identify small scale placemaking projects that could be funded. An intentional effort was made to highlight and empower ideas coming from historically underrepresented community members. In total, 11 funded projects ranged from safety corridor improvements to a culturally specific parade and celebration.

How Could This Work in a Neighborhood Hub?

Micro-scale small business placemaking grants are likely to be most impactful in hubs with existing retail business activity and favorable public realm conditions. Favorable public realm conditions include lower traffic adjacent streets and/or available space in adjacent parking lots or sidewalks.

Implementation Considerations

Capital Cost ●○○ *Administrative Cost* ●●○

Milwaukie is in a favorable position to implement this strategy because it already has a similar precedent in its 2021 Outdoor Seating Grant pilot program. A program of a similar scale would likely require only moderate administrative costs (application and compliance review) and relatively low capital costs (the pilot program was capped at \$10,000 per year). To expand such a program to hubs, some changes to the program criteria, such as eligible zone districts, would need to be made.

City-Wide Small Business Alliance

What is it?

A city-wide small business alliance would address hub-specific issues seen amongst the small/home business within the hubs. Business alliances provide additional marketing support, partnerships, and resource/event sharing. This is beneficial to business owners through becoming a visual member of the community while allowing hub-residents the ability to identify which businesses are located in their neighborhood.

Where Has it Worked?

The City of Portland has numerous small businesses alliances centered around commercial districts. Two of the most active, The Sellwood-Moreland Business Alliance (SMBA) and Lents Business Association, border Milwaukie. SMBA consists of over 100 businesses that represent various industries ranging from restaurants to theaters and specialty stores. Members are able to expand their client base or be in community with other like-minded small businesses. Lents Business Association, also known as Lents Grown, is a smaller scale business association that similarly is composed of a diverse group of members. They are able to network through alliance based social mixers and attending community events (farmers markets, cultural events, etc).

Figure 4: Lents Grown Festival Organized by the Lents Business Alliance
(Photo: EastPDXNews.com)



How Could This Work in a Neighborhood Hub?

For a city the size of Milwaukie, a single city-wide small business alliance is appropriate. This organization would represent the interests of small businesses within hubs, as well as other parts of the City such as Downtown Milwaukie.

Implementation Considerations

Capital Cost ●○○ Administrative Cost ●○○

This strategy would require little to no allocation from the City's economic development budget. While some initial administrative costs may be incurred to recruit businesses and charter the small business alliance, on-going administrative costs should decline as the organization becomes self-sufficient.

Food Truck-Lot Match Resource

What is it?

Today, semi-permanent food truck/cart parking in the Portland region is scarce and can cost more than \$2,500 per month². Finding a temporary space to host a food truck can be equally challenging. Food truck-lot matching resources foster connections between owners of underutilized properties and food truck proprietors. Property owners can advertise their land and amenities (sewer, water, power hookups, etc) and connect with business owners looking to find a location for their food truck or cart. Timelines for these programs could vary from event-based to long-term food cart pods with more robust infrastructure.

² <https://www.wweek.com/news/2022/05/18/dissatisfaction-at-a-famed-food-cart-pod-demonstrates-why-multnomah-county-wants-to-regulate-them/>

Where Has it Worked?

Several websites exist to find and connect with local food trucks such as this [one](#). In the Portland-area, there are numerous examples of successful food trucks and food cart pods. Many of the area's food cart pods are investing in additional infrastructure such as seating, stages for live music, and areas to serve/consume alcohol. Portland's Midtown Beer [Garden](#) is a good example of how a struggling food cart pod/lot has revamped with new infrastructure to welcome more community members.

How Could This Work in a Neighborhood Hub?

The best candidates for this strategy are hubs that feature vacant lots or lots with large, underutilized surface parking lots. In addition, hubs envisioned as community gathering spaces that feature parks or plazas could be good candidates for temporary engagements.

Implementation Considerations

Capital Cost ●○○○ *Administrative Cost* ●○○○

Capital costs for this strategy would be relatively low, assuming resources are limited to a page on the City of Milwaukie's website and publication through social media channels. A Milwaukie-specific stand-alone website would require more up-front cost and on-going maintenance. Some additional considerations include whether the City would be interested in contributing capital to cover the cost of water and wastewater connections which can represent a substantial cost barrier for property owners.

Allow and Incentivize Accessory Commercial Units

What is it?

Allowing and incentivizing accessory commercial units (ACUs) acts as a bridge between brick-and-mortar businesses and home-based businesses. ACUs have the potential to provide hub-area residents with a way to expand their businesses without the need for further development or leasing of commercial space. ACUs could be added to properties in much the same ways as auxiliary dwelling units (ADUs) either through attached or detached additions or renovations of existing spaces such as garages or basements.

Figure 5: An ACU in Waterloo, Ontario
(Photo: Strongtowns)



Where Has it Worked?

Unlike most of the strategies in this document, ACUs are still relatively rare in most North American cities and there are not many recent examples of cities proactively allowing them. This is due to restrictive zoning and building code that limit the visibility and activity of business activities in residential areas. Despite the lack of recent case studies, there is a growing movement to allow ACUs in cities across the United States and Canada³.

How Could This Work in a Neighborhood Hub?

ACUs are ideally suited to the concept of neighborhood hubs. ACUs could provide a bridge to home-based business owners seeking more visibility and lower rents. The small scale of ACUs means they would provide incremental change to hubs with may be lacking commercial activity (and commercial building stock) today.

Implementation Considerations

Capital Cost ●●○ Administrative Cost ●●●

The permitting process could function similarly to accessory dwelling units (ADUs), but would have the additional considerations of appropriate impact fees and visitation hours. ACUs could be incentivized through providing technical assistance, waiving or reducing SDCs, or streamlining permitting processes. Capital and administrative costs would vary based on the degree of incentivization desired. Administrative costs could be mitigated through sharing of staff resources across departments (planning, community development, building code, etc).

³ <https://www.strongtowns.org/journal/2020/8/15/accessory-commercial-units>

Church, School, College (CSC) Outreach

What is it?

Churches, schools, universities, and hospitals often have excess land that can be repurposed for a higher and better use. Outreach could be done with these institutions located within neighborhood hubs in order to understand their long-term property development goals. Facilitation could be made to assist them with connections with resources to optimize their property usage. Examples of resources could include funding for feasibility studies or gap financing assistance. This collaboration would benefit the institutions in making the best use of their space while opening the possibility of providing usable land to community members and business owners.

Where Has it Worked?

In North Portland, the Portsmouth Union Church recently worked with a developer to convert a piece of its property into a 20-unit apartment building – Portsmouth Commons. The units are targeted at those earning below area median income.

How Could This Work in a Neighborhood Hub?

The best candidates for this strategy are hubs that feature vacant lots or lots with large, underutilized surface parking lots. In addition, hubs envisioned as community gathering spaces that feature parks or plazas could be good candidates for temporary engagements.

Implementation Considerations

Capital Cost ●●● *Administrative Cost* ●●○

Capital costs for this strategy could vary widely depending on the level of involvement desired by the City. If the City acts merely as a convenor between landowners and developers, then capital costs are likely to be low. More intensive involvement could include funding for pre-development assistance, feasibility studies, and waivers of SDCs. Administrative costs would likely be high, but could be spread across multiple departments. It should also be noted that church, school, and college landowners are likely to be mission-driven with a strong interest in affordable housing.

Vendor or Food Truck Pop-Ups

What is it?

Vendor or food truck pop ups are temporary events held on vacant or underutilized properties. These events serve two main purposes - they provide a valuable venue for small businesses to gain exposure and they activate areas that may be overlooked by the community. Small business owners, property owners, and community members benefit from providing unique items and services at underutilized properties.

Where Has it Worked?

The City of Vancouver, BC has developed a tactical urbanism and public space innovation platform called VIVA Vancouver. VIVA's pop-up activation program offers funding and support for community groups, non-profit organizations, and residents. Pop-up activations create public spaces by transforming, or programming, streets, laneways, and similar spaces into public gathering spaces.

Figure 6: VIVA Pop Up Vendor Fair
(Photo: City of Vancouver, BC)



How Could This Work in a Neighborhood Hub?

As this strategy serves the dual purpose of visibility for vendors and activation for underutilized spaces, the best candidates are hubs that lack desired levels of commercial activity today. As demonstrated by the City of Vancouver's pop-up concepts, creativity is the only limitation on the types of locations that can host pop-up events. For example, Vancouver has used parking garage rooftops, alleyways, vacant lots, and parks as venues for such events.

Implementation Considerations

Capital Cost ●○○ Administrative Cost ●●○

Major capital costs associated with this strategy would likely include insurance coverage, event staff, bathrooms and other infrastructure. Major administrative costs would likely include event planning and event staffing though the latter could likely be spread across multiple departments such as community development and public works.

Equitable Economic Development Strategies

What is it?

Equitable economic development strategies guide neighborhood hub investments and business recruitment approaches. These strategies benefit community members, BIPOC businesses, and property owners through providing a diverse collection of businesses and services that appeal to historically underrepresented communities. Some key examples of strategies include: culturally responsive business technical assistance, attracting businesses that support a sense of belonging, and marketing/celebrating the program's geographic areas as multi-cultural destinations.

Where Has it Worked?

The City of Beaverton is currently using BIPOC business recruitment strategies to fill ground floor retail spaces of a city owned parking garage. To develop a leasing strategy, they convened a community advisory committee and a consultant to come up with a tenant selection matrix, which ranks applications according to specific criteria. BIPOC ownership is one of the selection criteria.

Prior to releasing any leasing information about the spaces to the public, Beaverton first marketed the opportunity to community-based organizations that serve BIPOC entrepreneurs and have connected interested business owners with technical assistance and lending resources in order to assist with their applications.

How Could This Work in a Neighborhood Hub?

Equitable economic development strategies are applicable to all neighborhood hubs.

Implementation Considerations

Capital Cost ●○○ Administrative Cost ●●●

While capital costs associated with this strategy are likely to be low, administrative costs are likely to be high. Administrative costs include chartering and administration of oversight boards, development and on-going application of equitable development criteria, and on-going program monitoring to ensure the City is attaining desired results.

Tier 2 Strategies – Partnerships Required

Community Investment Trust

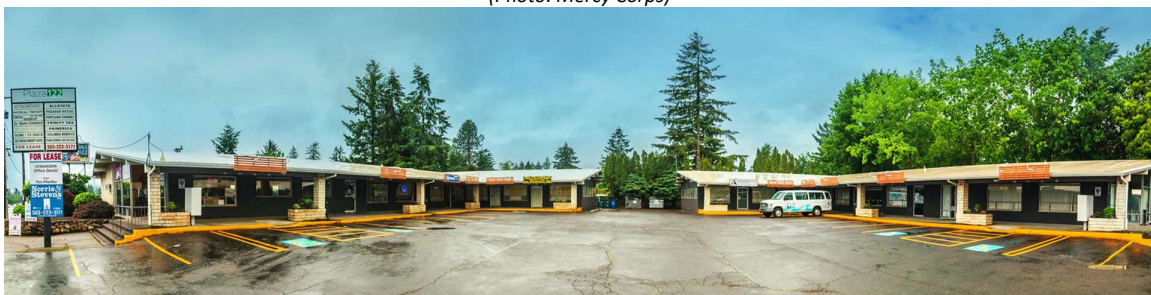
What is it?

Community Investment Trusts (CITs) were pioneered by Mercy Corps in the Portland region and provide an opportunity for local residents to invest in and benefit from commercial development. They provide opportunities for residents to invest relatively small amounts of money in a mission-driven real estate project in their neighborhood.

Where Has it Worked?

Mercy Corps’s first Community Investment Trust is the East Portland CIT, located at Plaza 122, a 29,000-square-foot mid-century commercial retail mall in outer Southeast Portland with approximately 26 to 30 businesses and nonprofit tenants. 300 to 500 Portland and Gresham residents within four zip codes (97216, 97233, 97230, 97236) can follow a long-term path to collective ownership of this building in their neighborhood for as little as \$10 and up to \$100 per month.

*Figure 7: Plaza 122, A Community Investment Trust Property With 300-500 Local Resident Investors
(Photo: Mercy Corps)*



Small Business Loans and Technical Assistance

What is it?

Small business loans coupled with technical assistance are intended to strengthen or jump-start brick-and-mortar, mobile, and home-based businesses by providing access to capital and below-market interest rates.

Where Has it Worked?

Prosper Portland's Thriving Small Business Loan Program provides a low fixed interest rate, 10 year loans, and minimal underwriting requirements as long as participants have completed 15 hours of technical assistance.

Appendix A: Toolkit Database Overview

The economic development database is a Microsoft Excel workbook that includes the following tabs:

- **Strategies:** summary of neighborhood economic development strategies researched as part of the Neighborhood Hubs Implementation Project
 - **Sources:** full list of source documents
 - **Public Input:** summary of city-led public outreach pertaining to economic development strategies
-

Strategies Tabs

The “Strategies” tab summarizes neighborhood economic development strategies researched by Cascadia Partners for the Neighborhood Hubs Implementation Project. Strategies were selected based on an initial round of research, further refined by City of Milwaukie staff, and amended based on business and property owner outreach.

The strategies that were selected have two characteristics in common. First, they have the ability to be implemented at a small geographic scale (i.e. hubs, not citywide). Second, the resources required to implement them are scaled appropriately given the City’s financial means and staff capacity.

Strategy Descriptions and Precedents

Each strategy listed on the strategies tabs includes a brief description and reference to a source document. Relevant page numbers of source documentation are included where applicable. A complete list of source documents can be found on the “Sources” tab.

Strategy Tier

Three tiers of strategies were researched. They are described below:

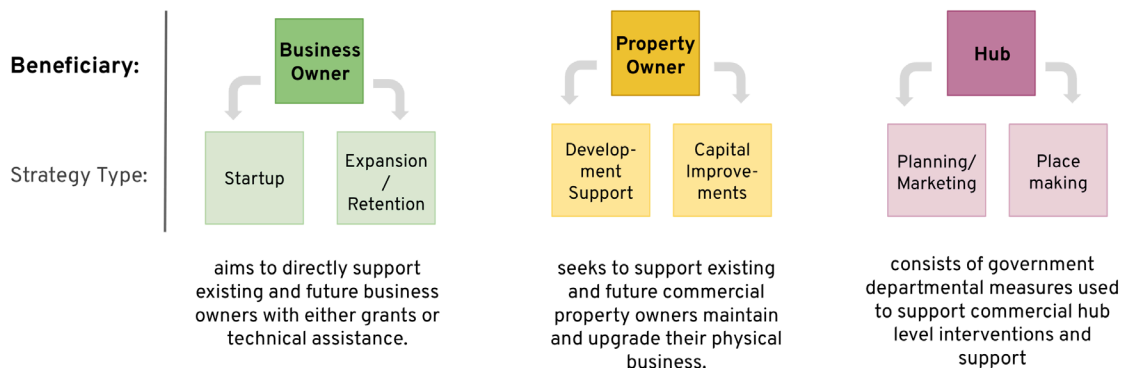
- **Tier 1 Strategies:** strategies for which the City of Milwaukie could play a lead role and that have been identified for further study
- **Tier 2 Strategies:** strategies for which the City of Milwaukie would need additional partners and that have been identified for further study
- **Other Strategies:** strategies not identified for further study

Equity Considerations

Each strategy includes considerations of how implementation can be done in an equitable manner. This could include prioritization of certain populations of concern, or providing outreach in multiple languages, among other strategies.

Beneficiary and Strategy Type

The beneficiary column lists the intended beneficiaries of each strategy, which could include business owners, property owners, or an entire hub. Each strategy is further classified based on the following categories:



Staff Capacity

The “Staff Capacity” column provides a high-level assessment of the impact of each strategy on the City’s Economic Development Department staff capacity. Currently the City’s Economic Development Department consists of 1 FTE, with no plans for further staff expansion. Given these constraints, staff capacity impacts are measured relative to their administrative burden at 1 FTE. Staffing impact categories and their meaning are summarized below:

- **Low:** strategies with a “low” staff capacity impact would likely require less than .5 FTE to administer and could potentially be implemented with current staffing.
- **Med:** strategies with a “med” staff capacity impact would likely incur between .5 and 1 FTE and may require sharing of resources across departments.
- **High:** strategies with a “high” staff capacity impact would require more than 1 FTE to administer and would likely require staff resources beyond what the City currently has available.

Cost

The primary source of discretionary funding for economic development is a commercial construction excise tax of 1%. Currently, 50% of this tax is used for economic development activities in the City of Milwaukie. In the most recent biannual budget (FY 2023-24), this amounts to approximately \$312,000⁴. The “Cost” column classifies each strategy based on its approximate cost relative to this biannual budget allocation, excluding in-kind staff resources. Cost impact categories and their meaning are summarized below:

- **Low:** strategies that could be implemented for less than \$20,000 per beneficiary
- **Med:** strategies that require up to 25% of the biannual economic development CET budget annually per beneficiary.

⁴ City of Milwaukie Biannual Budget FY 2023 – 2024, pg 149

- **High:** strategies requiring a majority or more than the biannual economic development CET budget per beneficiary.

Public Support

The “Public Support” tab lists instances when public input from neighborhood, business, and property owner outreach aligned with a given strategy. See the “Public Engagement” tab for a full summary of public outreach.

In-Kind Resources

In some instances where strategies require additional staff to execute, there may be opportunities to involve staff from other departments. The “In-Kind Resources” column indicates which departments could potentially provide staffing resources to support each strategy.

From: roeter_home@comcast.net
To: [Milwaukie Planning](#)
Cc: campbellneighbors@gmail.com
Subject: Neighborhood Hub Proposed SMU Zone
Date: Friday, February 16, 2024 5:24:33 PM

This Message originated outside your organization.

Hello,

After living across the street from Sunny Corner Market for 32 years I have seen many management changes made at this convenience store. Very few of them were good for the neighborhood.

- The most recent manager has now blocked a large position of their off street parking requiring delivery trucks to either park on Home, blocking one direction of traffic, or on the opposite shoulder of Monroe that within a few years will become a pedestrian friendly walkway.
- They have extended their hours to a neighborhood-friendly 11pm. The door chime and propensity of customers to leave the car running while frequenting the establishment are not conducive for uninterrupted sleep (especially during the summer when it is common to open windows for cooling).
- Homewood Park is relatively new to the neighborhood, less than ½ block from this store. With Alcohol, Cigarettes and Lottery Tickets being the primary business of Sunny Corner Market, I was surprised to see small children's play equipment installed here.
- There have been multiple break-ins and last year armed robbery at this store. This is a *neighborhood* that does not want this criminal activity nor the potential of it increasing with this zoning change.
- The Washington/Monroe Street project currently being managed by ODOT appears to be in conflict with your Neighborhood Hub plans. One is intended to reduce vehicular travel on Monroe and improve livability and that I personally look forward to.
- Milwaukie Wastewater Division has one of its 5 lift stations on the Home Avenue side of the Market's parking lot. Is this City Department agreeable to increased commercial use on this parcel?

The list of in-person interviews on page 2 of the Summary unfortunately includes mostly business owners with their own set of objectives. Your online workshop survey did not mention a need for a zoning change and I am deeply concerned about an increased commercial use of that property. Had I known your intentions I would have stated an opposition to this neighborhood hub. I live next door to Sunny Corner Market and I do not consider it to be a positive change for our community that you bring more noise and litter to the adjacent homeowners. This change will result in eroding the value of our homes.

-
Respectfully,
Kathy Shields-Roeter
10750 SE Home Avenue
503-358-4504

How do you envision the future of your property? What challenges have you encountered or expect to encounter?

Envision: Looking forward to a reduction of vehicle traffic with the Monroe Greenway construction.

Challenges: Sunny Market has expanded their hours past 10pm noise ordinance and no longer has parking available for large truck deliveries. This singular commercial property does not coincide with adjacent residences.

From: [Milwaukie Planning](#)
To: roeter_home@comcast.net
Cc: campbellneighbors@gmail.com
Subject: RE: Commercial Use by Right
Date: Tuesday, February 20, 2024 6:36:00 AM

Good morning Kathy,

The full proposed code amendments are linked on the notice you received. You can review the information here: <https://www.milwaukieoregon.gov/planning/za-2024-001>.

To answer your question: The proposed code amendments have Marijuana Retail as being specifically prohibited in the new SMU zone.

-Vera

VERA KOLIAS, AICP

Senior Planner
she • her
503.786.7653
City of Milwaukie
10501 SE Main St • Milwaukie, OR 97222

Please note that my work schedule is Monday – Thursday from 6 a.m. – 4:30 p.m.

From: roeter_home@comcast.net <roeter_home@comcast.net>
Sent: Saturday, February 17, 2024 11:31 AM
To: Milwaukie Planning <Planning@milwaukieoregon.gov>
Cc: campbellneighbors@gmail.com
Subject: Commercial Use by Right

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

This Message originated outside your organization.

Hello,

I received my public notice in the mail yesterday and continue to be appalled by the proposed change to Neighborhood Commercial (C-N) properties. Is it possible to tell me if the SMU wide variety of commercial uses by right includes the change from a convenience store to a Marijuana Retailer? One would think that the ONLY C-N zoned parcel in a very large residential area would have serious and enforced conditions on permitted use and zone compliance.

Kathy Shields-Roeter
10750 SE Home Avenue
503-358-4504

From: [Vera Kalias](#)
To: roeter_home@comcast.net; Kelly.M.BALL@odot.oregon.gov
Cc: campbellneighbors@gmail.com; [Laura Weigel](#)
Subject: RE: Washington/Monroe Street: SE 37th - SE Linwood Ave, project number: 22141
Date: Thursday, February 22, 2024 11:51:00 AM

Hello Kathy,

Regarding the submitted comments related to the city's Neighborhood Hubs initiative, the proposed code amendments and the Monroe Street Neighborhood Greenway:

- The city does not think that the new small-scale mixed use zone is going to impact the greenway in any way that can't be mitigated with improvements to the right-of-way. Any redevelopment of the site at 5010 SE Monroe St that triggers Development Review is going to clearly identify the public right-of-way and will keep the new development within the tax lot boundaries. Redevelopment will give the city the chance to improve and/or limit the existing access to that site in a way that preserves the greenway's function.
- The intent of the small scale mixed use zone, and the overall Neighborhood Hubs initiative, is to support and create spaces that people can walk or bike to from within the neighborhood, not necessarily attract visitors from outside the community.

You have asked a fair question and we understand the concern, but expanded uses don't necessarily translate to increased trips. Even if vehicle trips increase, there would still be physical improvements that protect and enhance the greenway.

Please let us know if you have any additional questions about this.

-Vera

VERA KOLIAS, AICP

Senior Planner
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503.786.7653
City of Milwaukie
10501 SE Main St • Milwaukie, OR 97222

Please note that my work schedule is Monday – Thursday from 6 a.m. – 4:30 p.m.

From: roeter_home@comcast.net <roeter_home@comcast.net>
Sent: Monday, February 19, 2024 1:10 PM
To: Kelly.M.BALL@odot.oregon.gov
Cc: [Milwaukie Planning <Planning@milwaukieoregon.gov>](mailto:Planning@milwaukieoregon.gov); campbellneighbors@gmail.com
Subject: Washington/Monroe Street: SE 37th - SE Linwood Ave, project number: 22141

This Message originated outside your organization.

Hello,

As long-time home owners on the corner of Home/Monroe my husband and I have been looking forward to the Bicycle and Pedestrian Friendly improvements that will result in improving the

livability of our neighborhood. The below description from the City's website of the intended outcome was greatly encouraging:

Neighborhood Greenways are low-volume, low-speed routes that provide safe, quiet routes for motorists, pedestrians, and bicycles. Neighborhood Greenways often include improvements that reduce vehicle speeds (for example, with curb extensions or mini traffic circles), which makes them safer and more inviting for neighbors, walkers, and bikers, while also reducing cut-through traffic from outside the neighborhood.

We received last week a notice from the City of Milwaukie regarding their intent to change the zoning of the C-N zoned convenience store at the corner of Home/Monroe to a new Small Mixed Use zone. Below is verbiage from the notice that *owners* of C-N zoned properties received:

Your property is currently zoned **Neighborhood Commercial (C-N)**. The proposed amendments would re-zone your property to **Small-Scale Mixed Use (SMU)**. The proposed change would expand the use of your property in a number of ways, such as:

- The C-N zone only allows a limited number of small commercial uses by Conditional Use only. The SMU allows a wide variety of commercial uses by right.
- The minimum lot size in the SMU is 1,500 sq ft as compared to 5,000 sq ft in the C-N zone.
- Maximum lot coverage in the SMU is 85%, as compared to 40% in the C-N zone.

The zoning change appears to be in conflict with the intent of their original design. I am curious if ODOT has been made aware of this change and whether the wide variety of commercial uses by right will require modifications to the design due to the likely consequence of increased traffic through this 4-way stop.

Respectfully,

Kathy Shields-Roeter
10750 SE Home Avenue
503-358-4504

From: [Vera Kolias](mailto:Vera.Kolias)
To: roeter_home@comcast.net
Cc: campbellneighbors@gmail.com
Subject: RE: Neighborhood Hub Proposed SMU Zone
Date: Thursday, February 22, 2024 2:40:00 PM

Hello Kathy,

I wanted to follow-up on your comments on the proposed code amendments.

First, a little bit of background. Please note that the 2020 Comprehensive Plan has specific policies related to Neighborhood Hubs.

The proposed amendments directly implement Section 8 of the Comprehensive Plan (Urban Design and Land Use); specifically, Policy 8.1.4 – Neighborhood Hubs:

- Provide opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for residents of the surrounding area.
 - Ensure that new development is compatible with the height, massing and building form allowed by zoning on adjacent residential properties. A hub development need not be identical to the height, massing or form of buildings allowed by nearby zoning for a finding of compatibility.
 - Ensure new development contributes to a pedestrian friendly environment along the property frontage.
 - Encourage development of multi-season outdoor seating areas and pedestrian plazas.
 - Provide for a high level of flexibility in design and incentives to accommodate a variety of start-ups, temporary uses and incremental expansions and explore innovative techniques for waiving or deferring full site development and parking requirements.
 - Provide a process to allow start-up and temporary uses that take advantage of incentives and deferral programs to make a smooth transition to status as a permanent use.
-
- As you know, a market has been at that location for many decades. The proposed zoning amendments do not require any changes to the existing use of the property – it's likely that it will not change much, if at all.
 - Delivery trucks are not permitted to block traffic – if there are issues with this, please contact code enforcement: code@milwaukieoregon.gov.
 - Staff will ask the Engineering Department to review the site related to how they have blocked it.
 - The market's hours of operation comply with city code.
 - Regarding the door chime, those are typically used as a safety measure to alert an employee who is working alone that someone has come into the store. Have you spoken with the business owner about an alternative?
 - It is not unusual for a neighborhood park to be within walking distance of small neighborhood markets; we are unaware of any conflicts or issues with this location.
 - If there have been break-ins and/or robberies at this site, I'm sure that the Police

Department is aware of it.

- The city's wastewater master plan does not indicate any issues with providing service in this area.

We received your email regarding the Monroe Street Neighborhood Greenway that was sent to ODOT. We will provide a separate response to those comments.

Thank you again for submitting these comments regarding the proposed zoning amendments. They will be made part of the record. You are encouraged to participate in the public hearings as well: the first hearing with the Planning Commission will be held on March 12. Details about that are included on the notice you received.

Please let me know if you have any additional questions.

-Vera

VERA KOLIAS, AICP

Senior Planner
she • her
503.786.7653
City of Milwaukie
10501 SE Main St • Milwaukie, OR 97222

Please note that my work schedule is Monday – Thursday from 6 a.m. – 4:30 p.m.

From: Milwaukie Planning
Sent: Tuesday, February 20, 2024 6:33 AM
To: roeter_home@comcast.net
Cc: campbellneighbors@gmail.com
Subject: RE: Neighborhood Hub Proposed SMU Zone

Hello Kathy,

Thank you very much for your comments on the proposed Hubs code amendments. We sent notices to properties within 300 ft for this exact reason – we want to hear from neighbors. Your comments have been made part of the record. Please note that the 2020 Hubs project included extensive outreach and this location was identified as a Neighborhood Hub, so the location isn't new. But you are correct that the proposed code amendments are intended to provide more opportunities for activities and provision of services in the neighborhoods.

We will review and discuss your comments as a team and will get back to you.

-Vera

VERA KOLIAS, AICP

Senior Planner
she • her
503.786.7653
City of Milwaukie
10501 SE Main St • Milwaukie, OR 97222

Please note that my work schedule is Monday – Thursday from 6 a.m. – 4:30 p.m.

From: roeter_home@comcast.net <roeter_home@comcast.net>

Sent: Friday, February 16, 2024 5:23 PM

To: Milwaukie Planning <Planning@milwaukieoregon.gov>

Cc: campbellneighbors@gmail.com

Subject: Neighborhood Hub Proposed SMU Zone

This Message originated outside your organization.

Hello,

After living across the street from Sunny Corner Market for 32 years I have seen many management changes made at this convenience store. Very few of them were good for the neighborhood.

- The most recent manager has now blocked a large position of their off street parking requiring delivery trucks to either park on Home, blocking one direction of traffic, or on the opposite shoulder of Monroe that within a few years will become a pedestrian friendly walkway.
- They have extended their hours to a neighborhood-friendly 11pm. The door chime and propensity of customers to leave the car running while frequenting the establishment are not conducive for uninterrupted sleep (especially during the summer when it is common to open windows for cooling).
- Homewood Park is relatively new to the neighborhood, less than ½ block from this store. With Alcohol, Cigarettes and Lottery Tickets being the primary business of Sunny Corner Market, I was surprised to see small children’s play equipment installed here.
- There have been multiple break-ins and last year armed robbery at this store. This is a *neighborhood* that does not want this criminal activity nor the potential of it increasing with this zoning change.
- The Washington/Monroe Street project currently being managed by ODOT appears to be in conflict with your Neighborhood Hub plans. One is intended to reduce vehicular travel on Monroe and improve livability and that I personally look forward to.
- Milwaukie Wastewater Division has one of its 5 lift stations on the Home Avenue side of the Market’s parking lot. Is this City Department agreeable to increased commercial use on this parcel?

The list of in-person interviews on page 2 of the Summary unfortunately includes mostly business owners with their own set of objectives. Your online workshop survey did not mention a need for a zoning change and I am deeply concerned about an increased commercial use of that property. Had I known your intentions I would have stated an opposition to this neighborhood hub. I live next door to Sunny Corner Market and I do not consider it to be a positive change for our community that you bring more noise and litter to the adjacent homeowners. This change will result in eroding the value of our homes.

-
Respectfully,

RS147

Kathy Shields-Roeter
10750 SE Home Avenue
503-358-4504

How do you envision the future of your property? What challenges have you encountered or expect to encounter?

*Envision: Looking forward to a reduction of vehicle traffic with the Monroe Greenway construction.
Challenges: Sunny Market has expanded their hours past 10pm noise ordinance and no longer has parking available for large truck deliveries. This singular commercial property does not coincide with adjacent residences.*

From: [Vera Kolias](mailto:Vera.Kolias)
To: roeter_home@comcast.net
Cc: campbellneighbors@gmail.com
Subject: RE: Neighborhood Hub Proposed SMU Zone
Date: Monday, February 26, 2024 1:47:00 PM

Hello Kathy,

Responses to your questions are as follows:

- Food carts on a site could be temporary for an event, or could be there for longer periods of time (restaurants are proposed to be permitted by right in the SMU zone, so food carts would be permitted as well). The proposed code language does not have a limit to the number of food carts allowed on a site.
- According to our historic zoning maps, the property at 5010 SE Monroe St has been zoned C-N since at least 1968, but likely even earlier than that.
- The zoning code does not include a purpose statement for the C-N zone, but it would appear that by requiring a conditional use review for any uses in that zone, the intent was to have more discretion in the decision and review the appropriateness of a use in that location.
- I'm not sure I understand your question about outdoor seating, but if the use of a seating area violates city code, then code enforcement would be involved to ensure compliance.

I hope this answers your questions.

-Vera

VERA KOLIAS, AICP

Senior Planner
she • her
503.786.7653
City of Milwaukie
10501 SE Main St • Milwaukie, OR 97222

Please note that my work schedule is Monday – Thursday from 6 a.m. – 4:30 p.m.

From: roeter_home@comcast.net <roeter_home@comcast.net>
Sent: Monday, February 26, 2024 11:00 AM
To: Vera Kolias <KoliasV@milwaukieoregon.gov>
Cc: campbellneighbors@gmail.com
Subject: RE: Neighborhood Hub Proposed SMU Zone

This Message originated outside your organization.

Hello Vera,

Thank you for your response to my stated concerns. Before communicating with my neighbors on this matter I am attempting to gather as many details as possible for their consideration.

- Can you tell me if the introduction of Food Carts is temporary placement for neighborhood

events or they can be permanent? Also, if permanent, is there a limit on number of Food Carts one can have on the property?

- The Market at 5010 SE Monroe appears to have been originally built as a residence. Can you tell me when it became zoned for commercial activity?
- Decades ago when the property was zoned C-N the residential density was quite low. Of the 42 neighbors who were sent the same notice I received 5 of those home existed prior to 1940 with an additional 2 that were built the same year as the property at 5010 SE Monroe. Was the following intended to preserve the integrity of the neighborhood?
19.305.1 Uses Permitted Outright In a C-N Zone the following uses and their accessory uses are permitted outright: A. No uses permitted outright.
- If the *development of multi-season outdoor seating areas and pedestrian plazas* doesn't function as intended will there be a method for those homeowners adversely affected by this change to challenge the expansion of permitted use?

Thank you for your continued dialogue on this matter,

Kathy Shields-Roeter

503-358-4504

From: Vera Kolas <KolasV@milwaukieoregon.gov>

Sent: Thursday, February 22, 2024 2:40 PM

To: roeter_home@comcast.net

Cc: campbellneighbors@gmail.com

Subject: RE: Neighborhood Hub Proposed SMU Zone

Hello Kathy,

I wanted to follow-up on your comments on the proposed code amendments.

First, a little bit of background. Please note that the 2020 Comprehensive Plan has specific policies related to Neighborhood Hubs.

The proposed amendments directly implement Section 8 of the Comprehensive Plan (Urban Design and Land Use); specifically, Policy 8.1.4 – Neighborhood Hubs:

- Provide opportunities for the development of neighborhood commercial services and the provision of amenities and gathering places for residents of the surrounding area.
- Ensure that new development is compatible with the height, massing and building form allowed by zoning on adjacent residential properties. A hub development need not be identical to the height, massing or form of buildings allowed by nearby zoning for a finding of compatibility.
- Ensure new development contributes to a pedestrian friendly environment along the property frontage.
- Encourage development of multi-season outdoor seating areas and pedestrian plazas.
- Provide for a high level of flexibility in design and incentives to accommodate a variety of start-ups, temporary uses and incremental expansions and explore innovative techniques for waiving or deferring full site development and parking requirements.

- Provide a process to allow start-up and temporary uses that take advantage of incentives and deferral programs to make a smooth transition to status as a permanent use.
- As you know, a market has been at that location for many decades. The proposed zoning amendments do not require any changes to the existing use of the property – it's likely that it will not change much, if at all.
- Delivery trucks are not permitted to block traffic – if there are issues with this, please contact code enforcement: code@milwaukieoregon.gov.
- Staff will ask the Engineering Department to review the site related to how they have blocked it.
- The market's hours of operation comply with city code.
- Regarding the door chime, those are typically used as a safety measure to alert an employee who is working alone that someone has come into the store. Have you spoken with the business owner about an alternative?
- It is not unusual for a neighborhood park to be within walking distance of small neighborhood markets; we are unaware of any conflicts or issues with this location.
- If there have been break-ins and/or robberies at this site, I'm sure that the Police Department is aware of it.
- The city's wastewater master plan does not indicate any issues with providing service in this area.

We received your email regarding the Monroe Street Neighborhood Greenway that was sent to ODOT. We will provide a separate response to those comments.

Thank you again for submitting these comments regarding the proposed zoning amendments. They will be made part of the record. You are encouraged to participate in the public hearings as well: the first hearing with the Planning Commission will be held on March 12. Details about that are included on the notice you received.

Please let me know if you have any additional questions.

-Vera

VERA KOLIAS, AICP

Senior Planner
 she • her
 503.786.7653
 City of Milwaukie
 10501 SE Main St • Milwaukie, OR 97222

Please note that my work schedule is Monday – Thursday from 6 a.m. – 4:30 p.m.

From: Milwaukie Planning

Sent: Tuesday, February 20, 2024 6:33 AM
To: roeter_home@comcast.net
Cc: campbellneighbors@gmail.com
Subject: RE: Neighborhood Hub Proposed SMU Zone

Hello Kathy,

Thank you very much for your comments on the proposed Hubs code amendments. We sent notices to properties within 300 ft for this exact reason – we want to hear from neighbors. Your comments have been made part of the record. Please note that the 2020 Hubs project included extensive outreach and this location was identified as a Neighborhood Hub, so the location isn't new. But you are correct that the proposed code amendments are intended to provide more opportunities for activities and provision of services in the neighborhoods.

We will review and discuss your comments as a team and will get back to you.

-Vera

VERA KOLIAS, AICP

Senior Planner
she • her
503.786.7653
City of Milwaukie
10501 SE Main St • Milwaukie, OR 97222

Please note that my work schedule is Monday – Thursday from 6 a.m. – 4:30 p.m.

From: roeter_home@comcast.net <roeter_home@comcast.net>
Sent: Friday, February 16, 2024 5:23 PM
To: Milwaukie Planning <Planning@milwaukieoregon.gov>
Cc: campbellneighbors@gmail.com
Subject: Neighborhood Hub Proposed SMU Zone

This Message originated outside your organization.

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From: [Avarie F](#)
To: [Milwaukie Planning](#)
Subject: Neighborhood Hubs comment
Date: Monday, February 26, 2024 6:21:41 PM

This Message originated outside your organization.

Hello,

I wanted to provide a written comment about the upcoming proposed Neighborhood Hubs zoning changes, voicing that I am wholeheartedly in support of the proposed rezoning and Hub establishment. I live close to the 32nd & Olsen Hub but was not available to attend the neighborhood workshop.

Something I love about Milwaukie is the overarching spirit of community and collectivism. The establishment of these Hubs would further promote these values while providing some currently lacking services and amenities nearby and would benefit our neighborhoods immensely. It's well-established that mixed use zoning contributes to better liveability and affordability, quality of life and health, community engagement and more. The urban planning concept of the 15 minute city strongly appeals to me and updates to zoning code feels like a step toward something similar for Milwaukie, to make sure we aren't just merely another suburb of Portland but instead a supportive, thriving, interconnected village.

Thank you for the opportunity to comment and thank you to the Planning Commission and community members who have contributed to these proposals.

Sincerely,

Avarie Fitzgerald
(Ardenwald Neighborhood)