



COUNCIL REGULAR SESSION

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

2407th Meeting

MINUTES

AUGUST 6, 2024

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

Staff Present: Joseph Briglio, Acting Assistant City Manager Michael Osborne, Finance Director
 Ryan Burdick, Chief of Police Emma Sagor, Acting City Manager
 Justin Gericke, City Attorney Jason Wachs, Community Engagement Coordinator
 Vera Kolas, Senior Planner Laura Weigel, Planning Manager
 Nicole Madigan, Deputy City Recorder

Mayor Batey called the meeting to order at 6:33 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including summer concerts and activities in the parks, a city manager candidates community forum, and a Johnson Creek clean-up event. **Council President Massey** noted a library fundraiser event.

Mayor Batey read a summer concert-themed haiku poem.

3. PROCLAMATIONS AND AWARDS

A. National Farmers Market Week – Proclamation

Tim Taylor and **Frank Winetraub**, Celebrate Milwaukie, Inc. (CMI) Board Members, introduced the proclamation and commented on the importance of the market. **Mayor Batey** proclaimed August 4-10, 2024, to be National Farmers Market Week in Milwaukie.

4. SPECIAL REPORTS

A. Clackamas County Stabilization Center – Update

Adam Brown and **Mary Rumbaugh**, with Clackamas County Health, Housing & Human Services (H3S), provided an update on the county's work to open a stabilization center in the North Milwaukie Innovation Area (NMIA) to provide behavioral health and housing support services. They reported that the county intended to develop a good neighbor agreement (GNA) with the city and other community partners and reviewed the timeline for opening the center in the coming months.

Councilor Anderson, **Rumbaugh**, and **Brown** discussed how the center would be financially supported by Medicare and the Oregon Health Authority (OHA).

Council President Massey and **Rumbaugh** commented on what type of health care providers would be involved in staffing the center.

Councilor Khosroabadi, Rumbaugh, and Brown remarked on the county’s goal to have staff dedicated to groups like veterans and the center’s plans to support anyone who comes to the center. They noted how the county would work to provide additional extended support services through community partners.

Councilor Stavenjord, Brown, and Rumbaugh discussed the coordination of housing and health services at centers across the county and working with third-party service providers. They remarked on how the Milwaukie center would be set-up to provide private spaces and temporary storage for patients. **Malcolm McDonald**, Clackamas County Sheriff’s Office (CCSO), and **Stavenjord** commented on how the county’s services would work with the county’s planned law enforcement deflection system.

Mayor Batey, Rumbaugh, and Brown noted what “post-settlement” meant in the process for funding the center through government budget processes, and what community outreach the county would be doing as the center opens. **Batey, McDonald, and Brown** noted the historical flooding issues at the site and how CCSO and county staff would be addressing flood concerns. **Batey** encouraged the county to provide naloxone training at the Ledding Library.

Sagor and Rumbaugh clarified that individuals sent to the center from other communities would be transported back to their communities, and that the center would primarily serve Clackamas County residents. **Councilor Stavenjord and Rumbaugh** noted an opportunity to do a joint recruitment for health services providers.

B. Clackamas County Recovery Center – Update

Ben West, Clackamas County Commissioner, remarked on the county’s recovery-oriented system of care approach to providing housing and behavioral health services, and remarked on plans to open a recovery center in unincorporated Clackamas County. **West** encouraged Council to adopt a resolution in support of the recovery center.

Cindy Becker, Clackamas County H3S, provided an overview of the planned recovery center, the services that would be provided at the center, and how the county’s service centers would coordinate patient care.

Mayor Batey, Sagor, and Becker noted the addition of a presentation about the center had been added to the meeting record and that there was currently no scheduled update on the center to the Clackamas Board of County Commissioners (BCC).

Councilor Anderson, Becker, and West remarked on substance abuse services that would be provided at the recovery center.

Council President Massey and Becker noted the center was likely to open in two years.

Councilor Khosroabadi and West commented on how the city and county could work together on the services provided by the recovery center.

Councilor Stavenjord, West, and Becker remarked on whether the county would fund medically assisted treatments at the center and possible future uses of the county’s scattered housing sites.

Councilor Stavenjord and Mayor Batey expressed support for a Council resolution in support of the county’s recovery center.

C. Support for Oregon Nurses Association (ONA) – Resolution

Councilors Anderson provided a brief update on changes to the resolution text.

It was moved by Councilor Stavenjord and seconded by Councilor Khosroabadi to approve the resolution calling for a fair and just settlement of negotiations with Oregon Nurses Association nurses at Providence Milwaukie Hospital, a community hospital owned by Providence St. Joseph Health. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Resolution 40-2024:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CALLING FOR A FAIR AND JUST SETTLEMENT OF NEGOTIATIONS WITH OREGON NURSES ASSOCIATION NURSES AT PROVIDENCE MILWAUKIE HOSPITAL, A COMMUNITY HOSPITAL OWNED BY PROVIDENCE ST. JOSEPH HEALTH.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures. **Sagor** reported on action taken by staff in response to July 16 comments about solid waste rates and noted staff responses to correspondence received since July 16 regarding Highway 99E and Highway 224 pedestrian crossings. No audience member wished to address Council.

6. CONSENT AGENDA

Councilor Anderson noted several errant references to former Councilor Shane Abma in the minutes and the group agreed that staff would clean-up the minutes after adoption.

It was moved by Councilor Stavenjord and seconded by Councilor Khosroabadi to approve the Consent Agenda as presented with the noted minutes correction.

A. City Council Meeting Minutes:

1. June 11, 2024, study session,
2. July 9, 2024, special session & retreat, and
3. July 14, 2024, Council dinner.

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

7. BUSINESS ITEMS

A. Solid Waste Rates Adoption and Fees Update – Resolutions

Osborne provided an overview of the proposed solid waste rate changes, and the group noted Council would discuss franchise agreements at a future meeting.

It was moved by Councilor Stavenjord and seconded by Councilor Khosroabadi to approve the resolution adopting solid waste service rates effective September 1, 2024. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Resolution 41-2024:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING SOLID WASTE SERVICE RATES EFFECTIVE SEPTEMBER 1, 2024.

Osborne and Sagor explained the need to revise public works related fees.

It was moved by Councilor Stavenjord and seconded by Councilor Khosroabadi to approve the resolution adopting a revision to the Fiscal Year (FY) 2025 Fee Schedule effective September 1, 2024. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Resolution 42-2024:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING A REVISION TO THE FISCAL YEAR (FY) 2025 FEE SCHEDULE EFFECTIVE SEPTEMBER 1, 2024.

8. PUBLIC HEARING

A. Neighborhood Hubs Adoption – Ordinance, 2nd Reading

Call to Order: **Mayor Batey** called the continued public hearing on the proposed neighborhood hubs code adoption, to order at 8:14 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to conduct the second reading and final vote on the hubs ordinance.

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

Sagor read the ordinance one time by title only.

Madigan polled the Council with Councilors Anderson, Khosroabadi, Massey, and Stavenjord voting “aye,” and Mayor Batey voting “no.” [4:1]

Ordinance 2245:

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).

Mayor Batey recessed the meeting at 8:16 p.m. and reconvened at 8:28 p.m.

B. Appeal of Planning Commission Approval of Land Use File #VR-2024-003 – Addition at 11932 SE 35th Avenue – Final Order

Call to Order: Mayor Batey called the public hearing on the appeal of the Planning Commission’s decision to approve Land Use File #VR-2024-003 to order at 8:27 p.m.

Opening and Purpose: **Mayor Batey** reviewed the hearing process and explained the purpose of the hearing was to take comment, consider the evidence, and adopt a final order.

Applicable Standards: **Kolias** cited the applicable standards to be considered.

Procedures: **Mayor Batey** reviewed the order of business for the hearing.

Site Visits: It was noted that Council members had visited the site.

Ex-Parte Contacts and Conflicts of Interest: Council members reported no ex-parte contacts or conflicts of interest.

Jurisdiction: No audience member challenged Council's ability to conduct the hearing.

Staff Presentation: **Kolias** provided an overview of the Type III land use application and appeal processes, noting the proposal for a 13-foot addition to an existing attached garage which had been approved by the Planning Commission, the relevant approval criteria for such applications, and the appeal arguments made by the appellant, Barbara Allan, the Lake Road Neighborhood District Association's (NDA's), and others.

Kolias reviewed Council's decision options and clarified that the Planning Commission had concluded that two of the three required criteria had been met by the proposal.

Conduct of Hearing: **Mayor Batey** reviewed the testimony procedures.

Applicant Testimony: **Kristina Fedorovskiy** discussed why the home addition had been proposed, confirmed that the home addition work would conform to Milwaukie Municipal Code (MMC) requirements, and suggested the project construction would have a minimal impact, and the expanded home would be well maintained.

Testimony in Support of the Applicant: none.

Neutral Testimony: none.

Appellant Testimony: **Barbara Allan**, the appellant, **Mayor Batey**, and **Kolias** clarified that Allan was the appellant to Council. **Allan** opposed the proposal to expand the applicant's garage, citing concerns about the visual appeal of an extended garage wall and safety issues due to limited site lines. **Councilor Anderson** and **Allan** remarked on whether the proposed wall would respond to existing lines as required by the code.

Testimony in Support of the Appellant:

Teresa Bresaw, Lake Road NDA representative, expressed concern about how public notices and hearing materials for land use actions were distributed, commented on appeal hearing rules and the Planning Commission's reliance on planning staff, and opposed the proposed garage wall extension citing maintenance issues and a lack of visual appeal. **Bresaw** believed the applicant had not met the approval criteria.

Paul Hawkins, Lake Road NDA Land Use Committee member, suggested the Planning Commission's decision would have been different if Commissioners had visited the site.

Mara Indra, Portland resident, objected to the proposed garage wall extension, citing the impacts of the extended wall on the neighboring property, and believed that the applicant had not met the approval criteria or yard setback rules.

Mathew Baxter, Milwaukie resident, noted neighborhood concerns about the proposed garage extension, and expressed concern about future redevelopment of properties in the area into more dense housing types. **Mayor Batey** noted that state law allowed for all residential areas to be redeveloped into more dense housing.

Staff Response to Testimony: **Kolias** clarified that the materials Bresaw had referenced had been included in the record for the Planning Commission and Council hearings, and that staff reviewed each variance request on a case-by-case basis.

Mayor Batey and **Kolias** noted that the applicant did not have to show that alternatives to the wall extension had been considered.

Applicant Rebuttal and Final Remarks: **Fedorovskiy** addressed concerns raised in testimony, noting that there was no requirement to address future construction, and reiterated that the impacts of construction on the site would be minimal.

Fedorovskiy remarked on why adding on to the house in other spots did not make sense and believed the Planning Commission had made the right conclusion on the application.

Close Public Hearing: **It was moved by Councilor Stavenjord and seconded by Councilor Khosroabadi to close the public comment part of the hearing. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]**

Council Discussion:

Councilor Anderson remarked on the proposed garage wall extension and suggested the applicant had met the criteria.

Council President Massey commented on the approval criteria, the importance of side yard setbacks, and the impact of adding on to a structure that did not meet current standards. **Massey** expressed support for upholding the appeal.

Councilor Khosroabadi remarked on the approval criteria, public benefit of the proposed wall extension, the inability to apply current rules on previously built structures and possible future construction and suggested the applicant had met the criteria.

Councilor Stavenjord commented on the approval criteria and challenges of applying the code to real situations, the importance of the hearing process, and expressed support for upholding the Planning Commission’s decision.

Mayor Batey and **Sagor** noted the time, and that the Council did not need to vote to extend the meeting past 10:00 p.m. as there was a hearing on the agenda.

Gericke clarified that Council would be voting to approve or deny the application.

Mayor Batey remarked on the importance of encouraging dialogue between neighbors, how the Planning Commission had considered the application, and concluded that enough of the criteria had been met by the applicant. **Batey** suggested the situation pointed out potential land use code changes for Council to consider in the future.

Mayor Batey suggested there was a Council majority in support of approving the application. The group discussed modifying the approval order to address the public benefit criterion and Council’s approval options.

Councilor Stavenjord noted the county offered neighbor dispute mediation services.

Council Decision: **It was moved by Councilor Stavenjord and seconded by Councilor Khosroabadi to modify the Planning Commission decision to approve the variance requested by Kristina Fedorovskiy for an addition to the attached garage at the property located at 11932 SE 35th Avenue, Land Use Application #VR-2024-003.**

It was moved by Mayor Batey and seconded by Councilor Khosroabadi to amend the motion to note that Council was approving only Criteria #1. Councilor Stavenjord accepted the amendment and noted that the motion was to modify the Planning Commission decision to remove reference to a condition of approval regarding the fence and to approve the variance requested by Kristina Fedorovskiy for an addition to the attached garage at the property located at 11932 SE 35th Avenue, Land Use Application #VR-2024-003.

Motion passed with the following vote: with Councilors Anderson, Khosroabadi, Stavenjord and Mayor Batey voting “aye,” and Councilor Massey voting “no.” [4:1]

Mayor Batey reviewed the state Land Use Board of Appeals (LUBA) appeal process.

9. COUNCIL REPORTS

Mayor Batey reintroduced the community comment regarding bicycle and pedestrian safety issues on Hwy 224. The group discussed how the city could approach the Oregon Department of Transportation (ODOT) about safety concerns and **Briglio** agreed to initiate the conversation with the state.

Councilor Stavenjord reported on recent Clackamas County Coordinating Committee (C4) meetings, including statewide housing and houseless services efforts, a letter from cities regarding transit systems. The group discussed how Council could consider and possibly participate in the county deflection center conversation via email.

Council President Massey reported on recent North Clackamas Watershed Council (NCWC) work including ongoing sediment testing in Kellogg Lake. The group commented on the status of the Kellogg Dam removal project.

10. ADJOURNMENT

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

Mayor Batey adjourned the meeting at 10:34 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

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