



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

AGENDA

JANUARY 7, 2025

Council will hold this meeting in-person and by video conference. The public may come to City Hall, join the Zoom webinar, or watch 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-386>.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov.

Early Start Time. This meeting will begin earlier than usual at 5:00 p.m. The estimated agenda item start times reflect this early start time.

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

Page #

Swearing-In of New Councilors – Oath of Office. (5:00 p.m.) Before the meeting begins the oath of office will be administered to newly elected Councilors Adam Khosroabadi and Will Anderson.

1. CALL TO ORDER (5:05 p.m.)

A. Pledge of Allegiance

B. Native Lands Acknowledgment

2. ANNOUNCEMENTS (5:07 p.m.)

3. PROCLAMATIONS AND AWARDS

A. Outstanding Milwaukie High School (MHS) Student – Award (5:10 p.m.)

Presenter: Kim Kellogg, MHS Principal

4. SPECIAL REPORTS

A. None Scheduled

5. COMMUNITY COMMENTS (5:20 p.m.)

To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed at 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 (5:20 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:

2

- 1. November 19, 2024, work session,**
- 2. November 19, 2024, regular session,**
- 3. December 3, 2024, work session, and**
- 4. December 3, 2024, regular session.**

B. Establishment of the 2025 Council Meeting Schedule – Resolution

17

C. Designation of the 2025 Papers of Record – Resolution

20

6.	CONSENT AGENDA (continued)	
	D. Adoption of Goals for the Sparrow Site Project – Resolution	23
	E. Authorization of an Intergovernmental Agreement with Clackamas River Water for a Utility Billing Extension – Resolution	29
7.	BUSINESS ITEMS	
	A. None Scheduled.	
8.	PUBLIC HEARINGS	
	A. None Scheduled.	
9.	COUNCIL REPORTS	34
10.	ADJOURNMENT (5:30 p.m.)	

Council Goals Town Hall. After the regular session, Council will hold a goal setting town hall. For more information about the town hall click on the link below.

<https://www.milwaukieoregon.gov/citycouncil/city-council-goal-setting-town-hall>.

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.



CITY OF MILWAUKIE

January 7, 2025, 5:00 p.m.
City Hall Council Chambers

**Swearing-in Ceremony of the
Councilors
Elected on November 5, 2024**

Administered By
Municipal Court Judge Kimberly Graves

City Councilors
**Adam Khosroabadi
Will Anderson**



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The ceremony will be broadcast live on the city's YouTube Channel,
Comcast Cable Channel 30 in city limits, and via Zoom video conference.

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Comcast Cable Channel 30 in city limits, and via Zoom video conference.

OATH OF OFFICE

I, Will Anderson, do solemnly swear that I will support the Constitution and laws of the State of Oregon, the Charter and Ordinances of the City of Milwaukie, and that I will faithfully and impartially discharge the duties of City Councilor of the City of Milwaukie in the County of Clackamas, according to the best of my ability.

Sworn on this 7th day of **January 2025**, before the City Council of the City of Milwaukie, in the County of Clackamas, in the State of Oregon.

Will Anderson, City Councilor Position 3

Kimberly Graves, Municipal Court Judge

OATH OF OFFICE

I, Masoud Adam Khosroabadi, do solemnly swear that I will support the Constitution and laws of the State of Oregon, the Charter and Ordinances of the City of Milwaukie, and that I will faithfully and impartially discharge the duties of City Councilor of the City of Milwaukie in the County of Clackamas, according to the best of my ability, so help me God.

Sworn on this 7th day of January 2025, before the City Council of the City of Milwaukie, in the County of Clackamas, in the State of Oregon.

Adam Khosroabadi, City Councilor Position 1

Kimberly Graves, Municipal Court Judge



RS Agenda Item

2

Announcements

RS 2. 1/7/25 Mayor's Announcements**JAN 11 · 9:30 AM - NOON*****SE 37th & Railroad Ave.***

Minthorn Springs volunteer restoration event

JAN 20 · ALL DAY

City offices and library closed for Martin Luther King, Jr. Day

JAN 24 · 9-10 AM***City Hall, 10501 SE Main St.***

Open door session with the city manager

FEB 1 · 9:30 AM – 12:30 PM***SE 37th Ave. & Tenino St.***

Habitat enhancement at Tideman Johnson Park

FEB 12 · 11:59 PMengage.milwaukieoregon.gov/milwaukie-2024-volunteer-of-the-year

Deadline for Volunteer of the Year nominations

Planning Commissioners Needed!Apply online at onboard.milwaukieoregon.gov.**Minthorn Springs****Tideman Johnson Park****Pollinator Pathways
Volunteers**

**Bike, run, waterski,
Kind, inclusive, plant a tree,
We are Milwaukie.**

– Jennifer Murphy –

Share your Milwaukie Haiku!
Email yours to bateyl@milwaukieoregon.gov



RS Agenda Item

3

**Proclamations
& Awards**



RS 3. A. 1/7/25
Presentation

Student of the Month

Vanessa Valdovinos Rosas



Vanessa Valdovinos Rosas



Vanessa has a 3.65 GPA

- Working toward an Honors Diploma
- Has earned the State of Oregon Seal of Biliteracy
- National Honor Society
- ECMC Scholar

AP Classes

- AP World History
- AP Government
- Math in Society
- AP Biology
- AP Psychology

Electives / Extracurricular & Work

- French 1-2-3
- Yearbook
- Survey of Child/Youth/Family
- Digital Photography
- Education - Summer Intern
- Will graduate with 34 credits

School Involvement

01 Volleyball – 4 years


02 Track and Field – 1 year

03 Ascension – 4 years

04 Tennis – 2 years


05 Swimming – 1 year

06 Northwest Regional Outdoor
Science School – 3 years

A decorative border at the top of the page features various winter-themed illustrations. On the left, there are large, multi-pointed snowflakes in shades of light blue and red. In the center, a red poinsettia flower with a white star in its center is surrounded by smaller blue and white floral motifs. On the right, there are more snowflakes, some in green and red, and a red star with a white center. The background of the border is a dark blue with subtle geometric patterns.

Vanessa is a fantastic student that shines just as bright as her smile. She bravely tries new things every year whether it be through athletics, academics, or community work, and she confidently gives her 100%. In her final year of high school, Vanessa is still leaving her mark and working hard to leave Milwaukie High even better than when she came in.

-Celina Avila

A decorative border at the top of the page features various winter-themed elements. On the left, there are large, stylized snowflakes in shades of light blue and red. In the center, a red poinsettia flower is surrounded by smaller blue snowflakes and green leaves. To the right, there are more snowflakes in green and red, along with a red star-like shape. The background of the border is a dark blue color.

Vanessa is a wonderful human that radiates leadership and dedication. She has served our community in such a powerful and impactful way. I am truly confident that she will be a extraordinary educator as she is currently contributing to our school community and culture in a meaningful way. I could have not been more proud to be a part of her journey here at MHS and hopefully we will have her back at MHS working her magic as a teacher in the future.

-Valentina Galindo

The **City of Milwaukie**
is proud to recognize for

Outstanding Student Achievement

in academics, civic engagement, and extra-curricular activities at Milwaukie High School

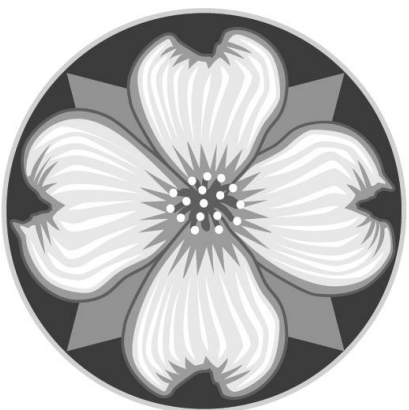
Vanessa Valdovinos Rosas

Let it be known to all that on this seventh day of January 2025, the City Council of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, recognized this student as an excellent example of the bright future of this community and nation.



Lisa M. Batey, Mayor





RS Agenda Item

5

Community Comments

From: [King, Renée](#)
To: [Lisa Batey](#); [OCR](#)
Cc: [Ramos, Olivia B](#); [Craig, Paul J](#); [Henry, Brad W](#)
Subject: Oregon Nurses Association strike at Providence-Oregon hospitals
Date: Tuesday, January 7, 2025 11:09:47 AM

RS 5. 1/7/25
Correspondence

This Message originated outside your organization.

Dear Mayor Batey and Council,

Despite every effort from our leadership to avoid a work stoppage, the Oregon Nurses Association has delivered open-ended strike notices to all eight Providence Oregon hospitals, including Providence Milwaukie Hospital. Hospitalists, OB hospitalists and palliative care physicians at Providence St. Vincent, and represented caregivers at Providence Women's Clinic in the Portland-metro area, are also included in the strike notices. The strikes at Providence ministries will begin at 6 a.m. on Friday, Jan. 10, 2025, and are of indefinite duration.

As an important community partner to Providence, we want to assure you our hospitals will remain open, and we are doing everything we can to limit the impact on communities statewide. However, this will be one of the largest (and possibly the first) indefinite, open-ended strikes to include physicians with hospital attending obligations in the U.S. This action by ONA creates significant risk to community access because there is not a replacement work force for physicians, like exists for nurses.

As we work through this period, patients may be impacted and for that we are deeply sorry. Our clinical leaders are working with regional health care partners and the state to ensure we are able to continue providing the best patient care we can despite these circumstances.

Your continued support as we navigate this situation is appreciated. If you have questions or concerns, please reach out to one of my colleagues so we can address them in a timely manner: Communications manager Olivia Ramos at olivia.ramos@providence.org or 360-901-4037, or Government affairs liaison Renée King at renee.king@providence.org or 503-314-3496.

Sincerely,

Brad Henry
Chief Executive
Providence Milwaukie Hospital

This message is intended for the sole use of the addressee, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the addressee you are hereby notified that you may not use, copy, disclose, or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete this message.



**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: Bob Smith

Address: _____

Organization: _____

Phone: _____

Email: _____

Meeting Date: _____

Topic: Public Open

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: _____



RS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

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

MINUTES**NOVEMBER 19, 2024**

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

Staff Present: Joseph Briglio, Assistant City Manager
Katie Gavares, Climate & Natural Resources
Manager
Justin Gericke, City Attorney
Brett Kolver, Senior Planner
Peter Passarelli, Public Works Director

Emma Sagor, City Manager
Tim Salyers, Code Compliance
Coordinator
Scott Stauffer, City Recorder
Laura Weigel, Planning Manager
Courtney Wilson, Urban Forester

Mayor Batey called the meeting to order at 4:07 p.m. and noted that Councilor Stavenjord was joining the meeting via Zoom.

1. Natural Resource Code Update – Discussion

Kolver noted that the updated code adoption was planned for early 2025 and provided background on how and where the natural resource code had been implemented and applied in Milwaukie thus far. The group discussed how properties were delineated when following water quality resource (WQR) and habitat conservation area (HCA) codes.

Kolver explained how Milwaukie's existing code and the natural resource code changes overlapped and shared tentative plans for reviewing procedures for housing development or construction that results in a WQR disturbance. **Mayor Batey, Kolver** and **Weigel** discussed the frequency and type of permits submitted with WQR disturbance. **Kolver** presented other recommendations for code changes that included removing unused developer options, clarifying water quality mitigation, and a review of the Federal Emergency Management Agency (FEMA) Floodplain & Endangered Species Act overlay.

Kolver discussed efforts to improve the city's mapping of HCA, focusing on streamlining the verification process for correcting inaccuracies. The proposed changes were aimed at making it easier for staff and applicants to update maps, particularly when discrepancies arise. The group discussed what technology was being used to update aerial maps. **Kolver** explained the plan to review stormwater facilities on the map to ensure consistency in how these were treated, particularly in terms of their classification as wetlands or secondary water features, noting the goal was to improve clarity and reduce unnecessary regulatory burdens for property owners, particularly when minor updates to maps were needed.

Kolver outlined next steps and asked if Council had further questions. **Councilors Anderson and Khosroabadi** expressed interest in exploring how residential cluster development variances could apply to affordable housing. **Councilor Massey** and **Kolver** discussed the concept of primary protected water features based on drainage area size. **Weigel, Massey,** and **Kolver** commented on the complicated nature of the natural resource code topic. The group discussed neglected parking lots that are no longer subject to HCA guidelines and the challenges they pose for enforcing water quality conservation on those types of sites.

2. Tree Code Update – Discussion

Wilson provided an overview of the current tree code, including regulations on public and private trees, and specific permit requirements for private residential development and private residential non-development. **Salyers** and **Wilson** reviewed the history of implementing the tree code and noted the changes made to remove redundancy and improve clarity. **Councilor Massey** asked where staff obtained the definitions for damaged and unhealthy trees. **Wilson** advised that the definitions came from the International Society of Arboriculture (ISA) best management practice manual.

Salyers explained how the violation section of the tree code was updated for easier and clearer citing of violations. **Wilson** presented the administrative changes and **Councilor Anderson** asked for clarification on replanting requirements. **Mayor Batey** and **Wilson** commented on the invasive species list and Type B non-development tree removal noticing.

Wilson presented changes related to the private residential canopy credit. The group discussed concerns around the complexity of the bonding process requirement.

Wilson emphasized that the goal of the amendments was to refine the tree code for better enforcement, clearer organization, and greater consistency with original objectives. **Wilson** asked Council for feedback and noted the final draft would be presented to Council for adoption next month, with updates to informational materials accordingly.

Mayor Batey appreciated the reorganized structure, particularly the decision to align the Tree Board's regulations with other city codes. **Batey** and **Salyers** discussed Tree Board term limits. **Salyers** highlighted those parts of the tree code now referenced in other sections of the municipal code to avoid duplication. **Councilor Massey** and **Wilson** discussed tree code infographic materials available to the public. The group discussed how to improve outreach efforts for tree code compliance, particularly through welcome packets for new residents, to better inform the community about tree regulations.

Passarelli thanked staff and summarized that the tree code changes would help improve communication with residents and make the code more accessible to the public.

Council Reports (added to the agenda)

Councilor Anderson noted conflicting times for the Clackamas County Coordinating Committee (C4) meeting and the Transportation System Plan Advisory Committee (TSPAC) as well as a Transportation System Plan (TSP) community listening session on December 5.

Mayor Batey shared photos and details from a tour with the North Clackamas Parks and Recreation District (NCPRD) District Advisory Committee (DAC) and the Library Planning Task Force of the Concord Site. **Councilor Massey** and **Batey** discussed what kind of activities and programming would be offered at the community center, how many phases there were to the project, and the cost of the total project.

3. Adjourn

Mayor Batey adjourned the meeting at 5:55 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

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

MINUTES

NOVEMBER 19, 2024

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

Staff Present: Joseph Briglio, Assistant City Manager
Ryan Burdick, Police Chief
Katie Gavares, Climate & Natural Resources
Manager
Justin Gericke, City Attorney
Katherine Hopkins, Human Resources
Director

Brett Kelter, Senior Planner
Nicole Madigan, Deputy City Recorder
Michael Osborne, Finance Director
Peter Passarelli, Public Works Director
Emma Sagor, City Manager
Scott Stauffer, City Recorder
Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:31 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including leaf drop sessions, a Kronberg Park planting event, the annual Thanksgiving Farmers Market, a Transportation System Plan (TSP) open house, and the annual Umbrella Parade and tree lighting.

Mayor Batey read a government relations themed Haiku poem.

Sagor introduced Briglio as the city's new assistant city manager.

3. PROCLAMATIONS AND AWARDS

A. Outstanding Milwaukie High School (MHS) Student – Award

Kim Kellogg, MHS Principal, introduced Gustavo Barraza and Council congratulated them on their academic and extracurricular activities.

Kellogg provided a brief update on activities and programs at MHS. **Mayor Batey** and **Kellogg** remarked on restoration work done by local students in Kellogg Creek.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures. **Sagor** reported there was no follow-up report from the November 5 comments. No audience member wished to address Council.

6. CONSENT AGENDA

Councilor Khosroabadi noted a scrivener's error in the minutes of the October 15 regular session and **Stauffer** confirmed it would be corrected.

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

A. City Council Meeting Minutes:

1. October 8, 2024, study session,
2. October 13, Council dinner,
3. October 15, 2024, work session, and
4. October 15, 2024, regular session.

B. Resolution 61-2024: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the purchase of a replacement sewer combination truck.

C. Approval of a collective bargaining agreement (CBA) with the American Federation of State, County, and Municipal Employees (AFSCME) – Motion.

D. Approval of a cost-of-living adjustment (COLA) for management and on-represented employees – Motion.

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

Mayor Batey and **Sagor** remarked on the completion of negotiations with AFSCME and noted that the city would be trading in an older truck for a new one.

7. BUSINESS ITEMS

A. Future Regional Housing Funding – Report

Chrisine Lewis, Metro Councilor, provided an update on the implementation of the voter approved 2018 regional affordable housing bond and the 2020 supportive housing services (SHS) bond, reporting that over 4,600 homes had been built to address homelessness and how local governments had been involved in the implementation.

Andy Shaw, Metro Government Affairs Director, discussed plans for future housing funding based on feedback from local stakeholders to continue housing and services that work toward Metro’s goal that homelessness is rare, brief, and non-recurring.

Councilor Anderson, Lewis, and Shaw remarked on whether Metro will ask voters to authorize the use of bond funds for capital projects. They noted the area median income (AMI) required for Metro’s housing projects and the volatility of Oregon’s tax revenue.

Shaw reported that Metro was looking at how to extend the housing and SHS revenue rates for 20 years with a long-term sustainable governance model. **Lewis** remarked on the importance of providing long-term funding stability for housing services.

Mayor Batey and **Lewis** commented on whether Metro might provide funds directly to cities for housing services. **Sagor** and **Batey** noted that the city had just received a draft intergovernmental agreement (IGA) for the city to receive housing support funds through Clackamas County.

Councilor Khosroabadi, Lewis, and Shaw commented on how cities and Metro might build housing with three-dimensional (3-D) printing and other new technologies.

Councilor Stavenjord, Lewis, and Shaw discussed the importance of continuing to fund county service agencies with SHS bond funds. They also remarked on how future housing and SHS bonds could be structured to better predict annual tax revenues, and whether the allocation of housing funds might be managed through Metro instead of the counties.

Council President Massey appreciated the number of housing units built by Metro and remarked on whether the housing production rate could last. **Lewis** commented on the importance of providing consistent additional funding for housing and SHS projects.

Councilor Anderson and **Lewis** remarked on the involvement of Care Oregon in the implementation of the housing and SHS bonds, and how Metro tracked and worked to ensure that the jobs created by the bonds were living wage workforce jobs.

Councilor Anderson, Lewis, and **Shaw** commented on what the city could do to continue to support Metro’s housing and SHS work.

Mayor Batey and **Lewis** discussed the challenges of tracking how local, regional, and state rent assistance funds are used and whether bond funds could be used to retrofit existing structures for affordable housing and support community enhancement projects.

B. Stormwater and Erosion Control Code Amendments Adoption – Ordinance

Passarelli explained that the code changes were required for the city’s National Pollutant Discharge Elimination System (NPDES) permit. **Gavares** reviewed previous discussions about the code amendments, noting changes made in response to Council feedback.

Mayor Batey noted questions sent to staff before the meeting. **Gericke** and **Passarelli** explained federal and state legal backgrounds of the terms in the code changes and noted that the city’s stormwater program had been successfully implemented since the 1990s.

It was moved by Councilor Anderson and seconded by Council President Massey for the first and second readings by title only and adoption of the ordinance amending Municipal Code (MMC) Chapters 13.14 Stormwater Management and 16.28 Erosion Control by adding requirements related to escalating enforcement. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Sagor read the ordinance two times by title only.

Stauffer polled the Council with Councilors Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Ordinance 2246:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) CHAPTERS 13.14 STORMWATER MANAGEMENT AND 16.28 EROSION CONTROL BY ADDING REQUIREMENTS RELATED TO ESCALATING ENFORCEMENT.

C. Federal Emergency Management Administration (FEMA) Flood Control Code Amendments - Discussion

Kelver explained why the city needed to amend the flood control code, reviewed flood hazard areas in the city, and noted that this part of the code allowed the city to participate in the National Flood Insurance Program (NFIP). **Kelver** reviewed three Pre-Implementation Compliance Measures (PICMs) options, one of which the city needed to select by December 1, 2024, with the expectation that code changes would be adopted by February 5, 2025.

Kelver and **Mayor Batey** remarked on the status of applications in the flood before the code is revised in February.

The group remarked on whether the new flood code and map would impact the city's Coho Point at Kellogg Creek development project. **Briglio** thanked Kelter for serving as the city's flood plan manager.

Council President Massey and **Kelter** noted that the city and residents would remain in the NFIP while the code was being revised.

Mayor Batey, **Kelter**, and **Weigel** discussed why staff had chosen not to recommend the permit-by-permit PICM option and how the staff's recommendation to have applicants show no net loss would take a permit-by-permit like approach.

Kelter summarized that Council agreed with the staff recommendation.

Mayor Batey recessed the meeting at 8:30 p.m. and reconvened at 8:40 p.m.

D. Milwaukie Police Department (MPD) Leadership – Update

Sagor and **Burdick** provided an overview of the police department's culture of service and core values, noting leadership changes, and the department's goals of earning community trust and maintaining open dialogue. They reviewed MPD's recruitment practices, training programs, partnerships and outreach work, and commitment to policy accountability and data transparency.

Burdick and **Sagor** presented MPD use of force and state Statistical Transparency of Policing (STOPS) data from 2020-2024.

Councilor Khosroabadi appreciated MPD's efforts to be transparent. **Burdick** and **Khosroabadi** remarked on the department's morale.

Councilor Anderson remarked on the evolution of law enforcement since 2020, recent incidents in Milwaukie, and the work of MPD to engage the community. **Burdick** and **Sagor** remarked on balancing the department's work, goals, and the reality of police work.

Council President Massey remarked on the detail of STOPS data collected and appreciated MPD's ongoing outreach effort.

Mayor Batey noted that the community had long supported MPD and appreciated MPD's outreach work. **Sagor** noted MPD's presence at all city events.

Councilor Stavenjord commented on the importance of public engagement and appreciated the department's continued community work even as recent tragic incidents had occurred. **Sagor** and **Burdick** remarked on when MPD's use of force policies are reviewed and how the public would be asked to engage in that review. **Stavenjord** suggested MPD should publicly state when it will review policies, encouraged the department to develop a community law enforcement academy, and wondered if MPD officers could afford to live in Milwaukie.

Sagor reported that staff would follow up with Council's suggestions.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS (moved to the November 19, 2024, work session)

10. ADJOURNMENT

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

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

Mayor Batey adjourned the meeting at 9:23 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL WORK SESSION

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

MINUTES

DECEMBER 3, 2024

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

Staff Present: Tanya Battye, Civil Engineer
Joseph Briglio, Assistant City Manager
Jennifer Garbely, City Engineer
Justin Gericke, City Attorney
Kimberly Graves, Municipal Court Judge
Patrick McLeod, Building Official
Emma Sagor, City Manager
Scott Stauffer, City Recorder

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

1. Historic City Hall – Site Visit

Council, staff, and Travis Henry with Henry Point Development participated in a tour of the historic city hall building, located at 10722 SE Main Street, and received updates on the building's redevelopment work and plans for future uses.

Councilor Anderson joined the meeting at 5:00 p.m. via Zoom.

2. Municipal Court Check-in – Update

Graves reported that there were no major changes to report with the municipal court, though citations were slightly down due to some officer absences. **Graves** expressed support for the additional no parking signage for parking spots along Main Street at both Scott and Harrison streets. The group discussed the prohibited parking spaces. **Graves** noted reduced court appearance times around the holidays.

3. Greenway Placemaking – Discussion

Garbely explained that the discussion was to obtain Council's feedback on implementing the greenway parts of the Transportation System Plan (TSP).

Garbely asked Council what they thought of when thinking of greenway placemaking. Council shared thoughts on what greenway placemaking looked like to them which included using triggers that make community members aware of entering a greenway space and implementing infrastructure such as traffic calming devices that help community members who use the greenway feel safe using it.

Garbely led the group into the next question about the kind of street treatments travelers expect on greenways. The group discussed roundabouts made of materials besides plants, use of green thermal plastic and painting streets, slow street model signage, reducing speed, and reducing traffic by use of diverters. **Councilor Massey, Sagor, and Garbely** suggested the city look at taking inspiration from greenway infrastructure locally and globally to apply in a Milwaukie framework.

The group discussed community placemaking versus engineering safety buildouts and how greenway treatments help make those roadways easily identifiable to everyone using the street. **Sagor** noted that long-term costs need to be considered when installing signage for repair or replacement.

The group reviewed the city streets currently identified as greenways. They discussed whether any other existing bicycle routes should be made greenways and how information could be shared with the community about existing bicycle route infrastructure.

Garbely provided an update on the greenway work that the city already completed. The group discussed gaps in the currently completed routes. **Sagor** noted that there were funds available through the Spot Program to fund the three currently identified projects for greenway improvements, and that Council could make greenways and transportation safety a Council goal which would allow resources to be allocated to complete a greenway treatment strategy.

4. Adjourn

Mayor Batey adjourned the meeting at 6:09 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION**MINUTES**

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

DECEMBER 3, 2024

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

Staff Present: Joseph Briglio, Assistant City Manager
Tanya Battye, Civil Engineer
Jennifer Garbely, City Engineer
Justin Gericke, City Attorney
Emma Sagor, City Manager
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 6:34 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including information sessions on the Transportation System Plan (TSP) and floodplain code updates, the city's Umbrella Parade and Winter Solstice events, the ongoing leaf drop off event, the opening of a new downtown Milwaukie business, and the reopening of Scott Park.

Mayor Batey read an Umbrella Parade themed haiku poem.

3. PROCLAMATIONS AND AWARDS

A. Outstanding Milwaukie High School (MHS) / Milwaukie Academy of the Arts (MAA) Student – Award

Kim Kellogg, MHS Principal, introduced MAA student Stella Gaydos and Council congratulated them on their academic and extracurricular activities.

B. Christmas Ships – Proclamation

Stauffer commented on the Ship's 2024 sailing season and the city's winter events at Milwaukie Bay Park. **Mayor Batey** proclaimed Christmas Ships Days in Milwaukie.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures. **Sagor** noted there was no follow-up from the November 19 comments and reported that court staff had responded to November 5 comments related to a traffic citation.

Amy Ryman, Milwaukie resident, commented on an ongoing noise nuisance situation and asked for the city's help in resolving the issues.

6. CONSENT AGENDA

Councilor Anderson noted a scrivener's error in the November 5, 2024, regular session minutes. **Stauffer** confirmed the error would be fixed.

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

A. City Council Meeting Minutes:

- 1. November 5, 2024, work session, and**
- 2. November 5, 2024, regular session.**

B. Resolution 62-2024: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an increase in the project authorization for a public improvement contract with Tapani, Inc. for the Meek Street Pipe Installation North Phase (CIP-2016-Y11).

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

7. BUSINESS ITEMS

A. Monroe and Washington Greenway – Update

Garbely and **Battye** provided an update on the greenway project, noting the location of curb, sidewalk, and crosswalk improvements, where the roadway would shift and where trees would be removed or built around, and plans to install signage. They discussed how on-street parking would be impacted and how the city and Oregon Department of Transportation (ODOT) would engage the community and impacted homeowners.

Councilor Khosroabadi, Battye, and Garbely remarked on how driveways along the greenway that are not in compliance with the city code would be rebuilt by the project.

Battye reported on project scope reductions that had been made due to a lack of funding, and suggested the project would be under construction by summer 2026.

The group commented that the project was at risk of losing more funding due to how long it had taken to get to the construction phase, what elements of the project might be restored if additional funding was secured, and that based on the current project timeline the construction open house would be in spring 2026.

Mayor Batey reviewed the comment procedures.

Bernie Stout, Milwaukie resident, asked if Garrett Drive was part of the city's planned Americans with Disabilities Act (ADA) improvements and requested that a flashing beacon be installed on Washington Street. **Mayor Batey** confirmed that staff planned to add a beacon if extra funding was secured.

Dennis Tarr, Milwaukie resident, asked about the bicycle pathway along the greenway from downtown to the Seven Acres Apartments. **Mayor Batey** noted that part of the greenway would be designed in 2026. They also noted the part of Washington Street currently under construction would be resurfaced before the project was completed.

Karin Levine, Milwaukie resident, remarked that the project engagement plan had failed to communicate to residents and suggested the city didn't listen to residents' comments. **Mayor Batey** noted that the public could communicate with Council directly by emailing ocr@milwaukieoregon.gov.

Battye confirmed that a flashing beacon at Washington Street and 37th Avenue would be added to the project if additional funding was secured. **Mayor Batey** and **Garbely** noted that flashing beacons cost around \$50,000.

Battye confirmed that the downtown to Seven Acres segment of the greenway had not been designed yet. **Battye** and **Garbely** noted how staff had distributed project information to the community.

8. PUBLIC HEARING

A. Quarterly Fee Schedule Revisions – Resolution

Call to Order: **Mayor Batey** called the public hearing on the proposed fee schedule revisions, to order at 7:46 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to receive a staff update and consider a resolution adopting fee schedule changes.

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

Staff Report: **Briglio** explained that the city had previously received a request from Reliable Credit to reduce the quarterly parking permit rate to encourage better use of the available public parking spaces. **Sagor** added that staff would review the entire fee schedule in 2025 and explained that the parking permit change had been brought forward now to ensure the lower permit fee was available to all parking customers. **Sagor** and **Briglio** reported that the lowered fee had resulted in more permits being purchased. Staff would monitor the permit purchases in the coming months and adjust the fee as necessary.

Mayor Batey remarked that the permit prices had been set to match the cost of a monthly TriMet transit pass to encourage people to use public transit instead of personal vehicles. **Batey** and **Briglio** remarked on how many additional passes had been purchased by downtown businesses since the fee had been lowered.

Councilor Stavenjord asked if the permit system tracked whether the employee using the permit worked full- or part-time. **Sagor** and **Briglio** confirmed the permit system did not track employment status and suggested staff would investigate the permit system.

Council President Massey, Briglio, and Sagor noted that Reliable Credit owned much of the block their building was located on, that per a change in the code nine years ago they had one more year to employ the option to demolish the existing storefronts to make a parking lot for their employees, and that the city had no assurances from Reliable Credit that they would not tear down the storefronts.

Councilor Khosroabadi expressed concern about Reliable Credit leveraging the lowered permit price against the city. The group noted that the city did not control the development of private property and **Mayor Batey** explained how Reliable Credit had received the 10-year timeframe to consider demolishing Main Street storefronts.

Councilor Anderson remarked on balancing downtown parking and environmental concerns with the desire for a lively downtown.

Correspondence: **Sagor** reported that one email had been received regarding downtown parking from the Business of Milwaukie (BOM) group.

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

Audience Testimony: No audience member wished to speak to Council.

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

Mayor Batey closed the public comment part of the hearing at 8:05 p.m.

Council Discussion: **Mayor Batey** remarked on balancing previous Council direction to encourage public transit and helping businesses encourage their employees return to in-person work. **Batey** noted plans for Council conversations about the Harrison and Main parking lot and the parking fee schedule at future meetings.

The group discussed the city’s position in encouraging Reliable Credit to not tear down storefront businesses and how big of an impact the permit fee reduction would have on revenue and the environment.

Mayor Batey believed the fee change would have less of a revenue impact, would encourage employees to come back to work, and would impact climate goals.

Councilor Stavenjord, Briglio, and Sagor remarked that permits were assigned to vehicles and not individuals and what the city could look at doing with the permit system in the future. They commented on how to construct a parking permit system that would encourage the use of public transit.

Councilor Anderson left the meeting at 8:15 p.m. and returned at 8:16 p.m.

Councilor Anderson agreed with Councilor Stavenjord about structuring the permit system, noted the need for a larger discussion about downtown parking, and agreed with the staff recommendation.

Councilor Khosroabadi and Mayor Batey suggested the new businesses coming to downtown would increase the demand for parking.

Council Decision: **It was moved by Councilor Khosroabadi and seconded by Councilor Stavenjord to approve the resolution revising Section 4 of the Fee Schedule for downtown parking. Motion passed with the following vote: Councilors Anderson, Khosroabadi, Massey, and Stavenjord voting “aye” and Mayor Batey voting “no.” [4:1]**

Resolution 63-2024:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REVISING SECTION 4 OF THE FEE SCHEDULE FOR DOWNTOWN PARKING.

9. COUNCIL REPORTS

A. Quarterly Council Budget Review – Report

Sagor noted why Council had requested regular updates on its budget in a public meeting and suggested the regularity of the updates could be reduced. **Stauffer** provided a brief report on Council expenses in the current fiscal year to-date and asked for Council input on using funds designated for lobbying.

Mayor Batey and Sagor remarked on the need for Council to discuss how Council members can use their education and training budget.

Mayor Batey suggested the city should spend lobbying money in support of the Kellogg Creek Dam removal project. **Councilor Stavenjord** suggested Council discuss its overall legislative priorities and how lobbying funds could be used to support those priorities. The group discussed the city's participation in the League of Oregon Cities (LOC) 2025 legislative priorities process, the need for Council to discuss legislative priorities, and the need for brief talking points to support the Council's legislative goals.

B. Council Goal Setting Process – Check-In

Sagor reviewed Council's goal setting discussion at the November mini retreat, presented a draft of possible Council goals, and asked for Council feedback.

Council President Massey, Mayor Batey, and Sagor commented on how the public would weigh-in on the potential goals. **Massey** observed that the city would work on some of the proposed goals anyway and **Batey** believed making an issue a goal would help ensure it gets worked on.

Councilor Anderson remarked on the possibility that some goal ideas could be doubled-up into a single goal and whether the city prioritizing certain big projects would make a difference in achieving the project. **Sagor** remarked on how the public engagement materials would be worded to best structure public feedback.

Council discussed whether any of the proposed goals should be removed from consideration and how to best get feedback on the goals from the public. It was Council consensus to not remove any of the proposed goals.

Mayor Batey proposed wording changes to the parks, financial stability, and help Milwaukians most in need goals. **Councilor Stavenjord, Batey, and Sagor** commented on how to word the goals.

Sagor summarized the plan to hold a goal setting town hall on January 7, 2025, and have Council set new goals during the annual retreat on January 31 and February 1.

The group discussed rewording the affordability goal.

C. Council Reports

Council President Massey reported on a recent North Clackamas Watershed Council (NCWC) meeting that featured updates on the North Clackamas Parks and Recreation District (NCPRD) system plan and the Kellogg Creek Dam removal project.

Councilor Anderson reported on recent Clackamas County Coordinating Committee (C4) project prioritization work, Governor Tina Kotek's recent statewide housing report, and recent neighborhood district association (NDA) meetings.

Councilor Khosroabadi reported on a recent North Clackamas Chamber of Commerce meeting that looked at ways to make Oregon a more business-friendly state, and a meeting with Island Station neighborhood residents about the Sparrow Site.

Councilor Stavenjord reported on escorting Millie the Goose on Small Business Saturday and thanked the businesses who participated in the event.

Mayor Batey reported on Metro's supporting housing services (SHS) bond measure and noted that an update on the city's ongoing parks governance discussion was scheduled for a future Council meeting.

Sagor provided an update on traffic speed data collected along the 29th Avenue Greenway at Boyd Street, noting that daily maximum vehicle speed traveled had dropped since additional signage had been placed by the city. The group discussed what the speed data confirms about comments from the community about vehicle speeding experiences along the greenway.

Councilor Stavenjord shared photos of Millie the Goose on Small Business Saturday.

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 Anderson, Khosroabadi, Massey, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Mayor Batey adjourned the meeting at 9:38 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Date Written: Dec. 13, 2024

Reviewed: Nicole Madigan, Deputy City Recorder, and
Gabriela Santoyo Guitierrez, Equity & Inclusion Coordinator

From: Scott Stauffer, City Recorder

Subject: **2025 Council Meeting Dates**

ACTION REQUESTED

Council is asked to designate its regular meeting schedule for calendar year 2025.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Council sets its meeting schedule by adopting a resolution at the beginning of each calendar year.

[January 2, 2024](#): Council adopted [Resolution 1-2024](#), establishing its 2024 meeting schedule.

ANALYSIS

[Milwaukee City Charter Section 20](#) requires Council to hold meetings in the city at least twice a month and [Milwaukee Municipal Code \(MMC\) 2.04.070](#) requires Council to provide notice of its regularly scheduled meeting times and locations. The proposed resolution establishes the dates and times of the work, regular, and study session meetings.

Work sessions are held on the same day as, and usually before, regular sessions. Work sessions are informal meetings where Council may consider a limited number of agenda items and may not take any official action. *Regular sessions* are formal business meetings where ceremonial and business items are considered and acted upon. Work and regular sessions have historically been held on the first and third Tuesdays of each month.

Study sessions are informal meetings where one or two topics may be considered in-depth. These meetings are typically held on the second Tuesday of each month.

In recent years, regular session meetings have started at 6 p.m. However, in 2020 Council revised its meeting schedule to be more flexible in establishing the starting time of regular session meetings. Accordingly, in summer 2024 Council agreed to push the start time of regular sessions to 6:30 p.m. to allow for more discussion time during work sessions. The proposed resolution continues this later regular session start time.

Council meetings have historically been held in-person at city facilities such as City Hall, the Public Safety Building (PSB), and the Ledding Library. Since 2020 Council has conducted meetings in-person and via Zoom video conference, when possible, except for times when inclement weather closed public facilities and meetings were canceled or held just on Zoom. The proposed resolution includes language that notes the logistical need to meet via video conference.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

EQUITY IMPACTS

It is critical for effective and transparent government that the public is aware of, and able to attend, the city's public meetings. By annually announcing its meeting schedule, Council is helping ensure that all community members know when and where these meetings will be held.

COORDINATION, CONCURRENCE, OR DISSENT

Staff have not received any requests to change the Council meeting schedule.

STAFF RECOMMENDATION

Staff recommends Council adopt the proposed resolution to establish its 2025 meeting calendar.

ALTERNATIVES

Council may direct staff to set different meeting dates and times for its regular meetings.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING THE 2025 CITY COUNCIL MEETING SCHEDULE.

WHEREAS Milwaukie City Charter Section 20 requires City Council to hold a regular meeting in the city at least twice a month at a time and place that it designates; and

WHEREAS Milwaukie Municipal Code (MMC) 2.04.070 requires the City Council to provide notice of its regular meeting times and locations; and

WHEREAS the City Council adopted Resolution 1-2024, which established that regular session meetings would be held on the first and third Tuesday of each month during the year 2024.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon:

Section 1. Regular Session City Council meetings will be held on the first and third Tuesday of each month at 6:30 p.m., or at a different time if special circumstances warrant, in the Council Chambers at City Hall, 10501 SE Main Street, via video conference, or at a designated alternate location as required and allowed by the Public Meetings Laws of the State of Oregon.

Section 2. The City Council may schedule work or study sessions, if deemed necessary by the members, and hold them either before or after the regular session or on alternative meeting dates. Further, the City Council may cancel any work session or study session if there are insufficient agenda topics to warrant convening a meeting.

Section 3. The city recorder is directed to provide notice to the public of all City Council meetings as required by law.

Section 4. Resolution 1-2024, adopted January 2, 2024, is repealed.

Section 5. This resolution is effective **January 7, 2025**.

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
Emma Sagor, City Manager

Date Written: Dec. 13, 2024

Reviewed: Nicole Madigan, Deputy City Recorder,
Gabriela Santoyo Guitierrez, Equity & Inclusion Coordinator, and
Kelli Tucker, Accounting & Contracts Specialist

From: Scott Stauffer, City Recorder

Subject: **2025 Papers of Record**

ACTION REQUESTED

Council is asked to designate the city’s newspapers of record for calendar year 2025.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Since 1992, the Council has adopted an annual resolution designating the city’s papers of record.

[January 2, 2024](#): Council adopted [Resolution 2-2024](#), establishing the 2024 papers of record.

ANALYSIS

To ensure that the people of Milwaukie are informed about the work of their government, and pursuant to Oregon Revised Statute (ORS) 192.620, the city is required to provide public notice of all “deliberations and decisions” of a governing body. To comply with the law, the city posts meeting notices online, in The Pilot newsletter, and in public viewing areas at city facilities. The city may also post certain notices, decisions, and issues in local newspapers.

To ensure that the papers of record continue to meet the definition of a paper of “general circulation” as required by statute, the six papers identified in the proposed resolution are [The Oregonian](#), [The Portland Tribune](#), [The Portland Business Journal](#), [The Daily Journal of Commerce \(DJC\)](#), [The Asian Reporter](#), and [The Portland Observer](#). These papers satisfy the statutory definition as they serve the Milwaukie area, and in the case of the DJC, reaching necessary audiences for project bidding and contracting purposes on a regional and statewide platform.

Several of the noted newspapers have served as the city’s paper of record for many years. In 2023, the city updated its public contracting rules by adding a requirement to advertise all formal solicitations in minority-focused publications or with minority-focused organizational outlets to improve outreach and increase exposure of contracting opportunities to businesses certified with the State of Oregon’s Certification Office for Business Inclusion and Diversity (COBID). The Asian Reporter and The Portland Observer are the two primary papers of record for 2024 that meet this procurement requirement.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

EQUITY IMPACTS

Maintaining consistent lines of communication with the community is required under state law and is also a best practice for open and transparent government. By designating the city's papers of record, the Council is continuing to underscore the importance of communicating with the public in a consistent manner and through reliable news outlets.

COORDINATION, CONCURRENCE, OR DISSENT

Staff have not received any requests to change the city's papers of record.

STAFF RECOMMENDATION

Adopt the proposed resolution designating the papers of record.

ALTERNATIVES

Council may direct staff to set identify different newspapers to designate as papers of record.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE 2025 PAPERS OF RECORD.

WHEREAS Oregon Revised Statute (ORS) 192.620 requires the public be informed of “the deliberations and decisions” of the governing body, and

WHEREAS ORS 193.010 defines a newspaper of general circulation and ORS 193.020 defines a newspaper in which public notices may be published, and

WHEREAS The Portland Tribune, The Portland Business Journal, The Oregonian, The Daily Journal of Commerce, The Asian Reporter, and The Portland Observer meet city public noticing needs and state law requirements.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, that The Portland Tribune, The Portland Business Journal, The Oregonian, The Daily Journal of Commerce, The Asian Reporter, and The Portland Observer are designated as the papers of record for the City of Milwaukie for calendar year 2025.

Introduced and adopted by the City Council on **January 7, 2025.**

This resolution is effective immediately.

Lisa M. Batey, 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, City Manager

Date Written: Dec. 20, 2024

Reviewed: Joseph Briglio, Assistant City Manager, and
Acting Community Development Director

From: Mandy Byrd, Development Project Manager

Subject: **Sparrow Site Project Goals**

ACTION REQUESTED

Council is asked to consider a resolution to approve the project goals for the Sparrow Site in preparation for a request for qualifications/proposal (RFQ/RFP) solicitation.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[June 20, 2018](#): Staff met with the Island Station Neighborhood District Association (NDA) to provide an in-person update of city plans to land bank property for the purpose of housing development opportunities.

[March 19, 2019](#): Council delegated signing authority to the city manager to purchase the Sparrow Site from TriMet for \$33,287.

[February 18, 2020](#): Council reviewed and provided input on development goals and received an update on the proposed project community engagement plan.

[January 19, 2021](#): Council received an update on the Sparrow Site and reviewed project goals.

[March 16, 2021](#): Council received an update on the Sparrow Site, the Site Access Study, and reviewed project goals.

[April 6, 2021](#): Council received an update on the Sparrow Site, the Site Access Study, and reviewed project goals.

[May 18, 2021](#): Council considered a resolution to approve the project goals for the TriMet Remnant Lot (Sparrow Site).

[June 1, 2021](#): Council adopted a resolution to approve the project goals for the TriMet Remnant Lot (Sparrow Site).

[June 8, 2021](#): Council held an executive session and received an update on the Sparrow Site, the results of the Site Access Study, and reviewed property acquisition options.

[June 21, 2022](#): Council delegated signing authority to the city manager to purchase the 0.30-acre site at 12302 SE 26th Ave (Tax Lot No. 11E36CC05100) (the “Sparrow Auxiliary Site”) from the Tri-County Metropolitan Transportation District (TriMet) within the incorporated area of Milwaukie for the agreed amount of \$84,000. The deed for this purchase was recorded on January 17, 2023.

[September 17, 2024](#): Council received a project update and provided general direction on the project goals for Sparrow.

[December 10, 2024](#): Council held a study session to learn more about ownership models for affordable housing.

[December 17, 2024](#): Council discussed and gave final direction on the 2024 updated Sparrow Site project goals.

ANALYSIS

Background

The Sparrow Site is located at the corner of Sparrow Street and 25th Avenue in the Island Station neighborhood. In March 2019, the city acquired the Sparrow Main Lot from TriMet for \$33,287 for the development of housing to meet the city’s affordable housing goals as outlined in the Milwaukie Housing Affordability Strategy (MHAS). In 2022, the city acquired the Sparrow Auxiliary Lot from Tri-Met, to assist with street access improvements along 26th Avenue between Lark Street and Sparrow Street. In October 2024, Clackamas County, in partnership with the city, applied for United States Department of Housing and Urban Development (HUD) Pathways to Removing Obstacles (PRO) grant funds to assist with financing the street access improvements. HUD is supposed to provide the results to applicants in early February 2025.

The Sparrow Main Lot is considered a brownfield and will require clean-up in order to comply with the purchase agreement. Per the purchase agreement, a remedial action plan is due to DEQ by August 5, 2025.

Final Project Goals (per Council discussion on October 17, 2024), for Approval:

1. **Affordable Homeownership.** Affordable Homeownership. Affordable homeownership models that serve households earning up to 80% of Area Median Income (AMI) with a preference (in scoring and evaluation) for proposals that offer deeper affordability.
2. **Unit Mix.** Preference for the project to include family-size units.
3. **Equity in Contracting and Workforce Development.** Preference for a development team that will utilize hiring tools and contracting strategies that reflect the City’s equity goals.
4. **Preservation of Tree Canopy.** Project design that will minimize the impact of development on the tree canopy.
5. **Sustainable Design.** Project that uses sustainable and energy efficient design and construction methods.
6. **Affirmative outreach.** Development team that will create an affirmative outreach plan to provide information and attract eligible persons to live in the development from all racial, ethnic, and gender groups in the housing market area.
7. **City of Milwaukie Financing.** Project team that would work collaboratively with the City to leverage State funding as needed, in order to minimize the need for city financing.
8. **Project Delivery.** Development team with experience in project delivery and that can begin construction as soon as practicable.

Next Steps

Once goals are authorized, the next steps in the disposition process would be a Council hearing to declare both the Sparrow Main Lot (Lot 0300) and the Sparrow Auxiliary Lot (Lot 5100) as surplus property, after which the city would issue an RFQ/RFP.

Potential Timeline:

February 2025	Surplus Hearing
Spring 2025	Issue RFP/Q
Summer 2025	Award RFP/Q and sign Disposition and Development Agreement (DDA)

BUDGET IMPACT

The city used general funds within the community development department budget to acquire the Sparrow Site (Lot 0300). The city used budgeted general funds within the community development department budget to acquire the Sparrow Auxiliary Site (Lot 5100). The Site Access Study determined that access to the site will require capital improvement resources. As the city moves forward with an RFP/Q process in search of a development partner, it is also possible for Construction Excise Tax (CET) and HUD PRO Grant funds to be utilized to further support and incentivize affordable housing development on the site.

CLIMATE IMPACT

The city's 2023 climate goals update indicated that transportation emissions amount to 52% of Milwaukie's total emissions. Transit Oriented Development (TOD) housing projects, like the Sparrow Site, have the potential to mitigate transportation-related carbon emissions by promoting access to alternative and public transportation. Street and pedestrian improvements provided by the Safe Access for Everyone (SAFE) program that are a part of the project also mitigate greenhouse gas emissions through increased access to alternative transportation infrastructure.

Environmental remediation may improve the possibility of healthy vegetation on the site, which could align with city canopy goals if appropriate tree preservation and arboricultural construction practices are followed. The Sparrow Site development will help implement the city's Comprehensive Plan, which includes the city's climate action goals.

Additionally, two of the proposed project goals are specifically targeted at increasing the project's climate impact including: 1) preservation of the tree canopy, and 2) sustainable and energy efficient design and construction methods.

EQUITY IMPACT

The housing crisis has a disproportional impact on marginalized populations. If the Sparrow Project comes to fruition, it could potentially create much needed affordable housing for underserved community members. This will promote the city's equity goals by creating housing units affordable to a more diverse population.

Additionally, two of the proposed project goals are specifically targeted at increasing the project's equity impact including: 1) good faith efforts to diversify contracting, and 2) affirmative outreach to diversify future residents of the property.

WORKLOAD IMPACT

The city's assistant city manager, community development director, and development project manager, as well as public works, planning, and engineering staff will work together to facilitate this project.

COORDINATION, CONCURRENCE, OR DISSENT

The city manager, assistant city manager, city attorney, community development director, and development project manager have coordinated on this effort.

STAFF RECOMMENDATION

Staff recommends approval of the Sparrow Project Goals.

ALTERNATIVES

Council could decide to take the Sparrow properties in a different direction other than affordable homeownership.

ATTACHMENTS

1. Resolution.

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE PROJECT GOALS FOR THE SPARROW SITE.**

WHEREAS the city purchased the Sparrow Site (Tax Lot No. 11E36CC00300) from TriMet in March 2019 for redevelopment targeted to help meet the city's affordable housing goals; and

WHEREAS the city developed project goals to be included in a request for qualifications/proposals (RFQ/P) for development of the Sparrow Site based on the city's affordable housing goals and the City Council's input; and

WHEREAS to accomplish the project goals through an RFQ/P for future development, the acquisition of an additional parcel (Sparrow Auxiliary Site) is needed for right-of-way access improvements; and,

WHEREAS the city purchased the Sparrow Auxiliary Site (Tax Lot No. 11E36CC05100) from Tri-Met in January 2023, and

WHEREAS the city updated the project goals to be included in an RFQ/P for development to the Sparrow Site based on the city's affordable housing goals and the City Council's input.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the following project goals for redevelopment of the Sparrow Site will be included in an RFQ/P:

1. Affordable Homeownership. Affordable homeownership models that serve households earning up to 80% of Area Median Income (AMI) with a preference (in scoring and evaluation) for proposals that offer deeper affordability.
2. Unit Mix. Preference for the project to include family-size units.
3. Equity in Contracting and Workforce Development. Preference for a development team that will utilize hiring tools and contracting strategies that reflect the City's equity goals.
4. Preservation of Tree Canopy. Project design that will minimize the impact of development on the tree canopy.
5. Sustainable Design. Project that uses sustainable and energy efficient design and construction methods.
6. Affirmative outreach. Development team that will create an affirmative outreach plan to provide information and attract eligible applicants to live in the development from all racial, ethnic, and gender groups in the housing market area.

7. City of Milwaukie Financing. Project team that would work collaboratively with the City to leverage State funding as needed, in order to minimize the need for city financing.
8. Project Delivery. Development team with experience in project delivery and that can begin construction as soon as practicable.

Introduced and adopted by the City Council on **January 7, 2025**.

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
Emma Sagor, City Manager

Reviewed: Peter Passarelli Public Works Director

From: Michael Osborne, Finance Director

Subject: **CRW/Milwaukee Joint Billing IGA Extension**

Date Written: Jan. 2, 2025

ACTION REQUESTED

Council is asked to agree to a six-month extension of the current intergovernmental agreement (IGA) between the city and Clackamas River Water (CRW) that began in 2015.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[January 20, 2015](#): The city and CRW entered an IGA for the administration of approximately 330 water accounts from residents who are connected to CRW's water infrastructure. The city administers the water billing of these accounts and included the water fee with the remaining city fees (Sewer, Stormwater, Street Surface Maintenance Program (SSMP), and Safe Access for Everyone (SAFE)) on one invoice to residents. The advantage of this agreement is that it gives the city enforcement leverage to collect past due accounts by tying all the services together. This agreement continues to be in place today.

ANALYSIS

City and CRW staff continue to talk about the future of this agreement. The current IGA is set to expire at the end of January 2025. The city and CRW are requesting a six-month extension to the agreement while staff work together on the future of this agreement.

BUDGET IMPACT

Currently the city invoices residents for CRW's portion of the water billing, collects the fees, and remits to CRW monthly while charging a 5% administration fee.

CLIMATE IMPACT

The IGA has little impact on the climate as this agreement is for administrative purposes.

EQUITY IMPACT

The IGA has little impact on the Equity as this agreement is for administrative purposes.

WORKLOAD IMPACT

City finance staff continue to include the CRW water portion on city invoices as they have since 2015. The extension of this agreement will not add any additional workload to city staff.

COORDINATION, CONCURRENCE, OR DISSENT

City staff continue to work with CRW to coordinate the future of this agreement past the six-month extension. CRW would like to have more control over their 330 water accounts. For example, having an up-to-date list of customers in case of a boil water notice. The city's finance

and public works departments will continue to meet with Todd Heidgerken, CRW's General Manager, and the CREW staff to find if there is a future agreement that works for all.

STAFF RECOMMENDATION

Staff recommend Council agree to the six-month extension.

ALTERNATIVES

Council could not agree to the extension and the IGA from 2015 would expire. CRW would then be responsible for invoicing the 330 customers and the city would send an additional invoice for all other city services.

ATTACHMENTS

1. Resolution
2. First Amendment to the IGA

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE EXTENSION OF THE INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS RIVER WATER (CRW) FOR JOINT BILLING SERVICES.

WHEREAS the city and CRW entered into a mutually beneficial intergovernmental agreement (IGA) on January 21, 2015; and

WHEREAS the city and CRW have been in discussions regarding the future of the joint billing services IGA as it is set to expire on January 31, 2015; and

WHEREAS the city and CRW wish to extend the original term of the IGA by six months, to conclude on July 31, 2025, to allow staff more time to develop a new IGA.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager or their designee are authorized to execute an IGA extension with CRW, extending the IGA expiration date to July 31, 2025, as outlined in the attached First Amendment document (Exhibit A).

Introduced and adopted by the City Council on **January 7th, 2025.**

This resolution is effective on **January 7th, 2025.**

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

CRW Contract# 00138-01-2015
Amendment 1

EXHIBIT A

**FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR JOINT BILLING
BETWEEN THE CITY OF MILWAUKIE AND CLACKAMAS RIVER WATER**

This is an amendment to the Intergovernmental Agreement for Joint Billing dated January 21, 2015 (the "Agreement"), by and between the City of Milwaukie (the "City"), an Oregon municipal corporation organized under Oregon law, and Clackamas River Water ("CRW"), a domestic water supply district organized under ORS Chapter 264.

The parties wish to extend the expiration date of the Agreement.

This amendment modifies **Section 1** of the Agreement as provided below. The other terms of the Agreement shall remain in effect throughout the term of the Agreement, as extended by this amendment.

1. Term

The initial term of the Agreement shall be for a period of 10 years, commencing on January 31, 2015, and ending on January 31, 2025, unless either party gives written notice pursuant to Section 4 of the Agreement. By mutual written agreement, the City and CRW extend the term of this Agreement to July 31, 2025.

The City and CRW have, pursuant to official action of their respective governing bodies duly authorizing the same, caused their respective officers to execute this amendment to the Agreement on their behalf.

DATED this ___ day of January 2025.

CITY OF MILWAUKIE

CLACKAMAS RIVER WATER

By: _____
(signature)

By: _____
(signature)

Name:

Name: Sherry French

Title:

Title: Board President



RS Agenda Item

9

Council Reports

**RS 9. 1/7/25
Council Reports
(Mayor Batey)**

From: [Lisa Batey](#)
To: [Scott Stauffer](#)
Cc: [Joseph Briglio](#); [Peter Passarelli](#)
Subject: Council report: last six months of building electrification calls -- Ashland about to tax gas use in new construction
Date: Friday, January 3, 2025 9:49:25 AM
Attachments: [Carbon Pollution Impact Fee Ordinance \(v2\)-01-21-25 Draft.pdf](#)
[CC_Business Meeting_Carbon Pollution Impact Fee Ordinance--01-21-25.pdf](#)

Scott, please include in the packet for Tuesday – along with the two attachments

All:

I have not provided notes on the electrification zoom calls convened by SAFE Cities in quite a while, so here's a set of catch-up notes. I missed a couple of meetings in Nov/Dec, but Katie has been participating in many of them and may have more detail to share. Some of these calls are Oregon-only, others have participants from around the country.

The big news is that Ashland is poised to be the first city in Oregon to impose a carbon pollution impact fee on new gas installations in residential buildings. This is scheduled for a first reading on January 21st and adoption in February. Their draft ordinance is attached, as is a two-page staff report. They are choosing this route over the NOx standard route, but note they are following what is going on in California in terms of NOx regulation.

Corvallis City Council is expected to consider both a NOx standard and a carbon fee this month (but I am not finding it on their agendas for next week). Bend and Eugene councils both had some substantive conversations about building electrification measures in December. Both cities seem to be focusing in the near term on working to help connect residents with federal and state incentives for heat pumps and other building upgrades, as well as funding additional incentives at the city level. The Bend council packet referred to it a “navigator program”: “Navigator program - this type of program provides personalized support for residents to make an upgrade plan, identify incentives and financing, and connect with contractors. A number of cities have similar programs that have been successful at helping homeowners navigate the upgrade process, especially when paired with regulations and/or increased incentives.”

From meetings earlier in the fall, it sounds like Portland staff have been exploring some fairly aggressive options in terms of curbing gas in new construction, but of course the change in Mayor/Council there means nothing will be moving quickly. Portland does produce an annual report on building energy performance of the 600 largest commercial buildings – the latest came out in November and can be found here: <https://www.portland.gov/bps/climate-action/energy-reporting/news/2024/11/13/now-available-portlands-2023->

As you know, DEQ did adopt the Climate Protection Program rulemaking (for which we had provided a comment in support) in November. You can find all the details on that at this page: [Department of Environmental Quality : Climate Protection Program 2024 : Rulemaking at DEQ](#)

[: State of Oregon](#)

There are two good resources on options cities have to regulate gas infrastructure:

First, there's a blog post on the options that remain despite the Berkeley decision: [Building electrification and the Berkeley decision - SAFE Cities](#)

There is also a 28-page Local Policy Menu prepared by Rewiring America: [Local Policy Menu \(interactive pdf\).pdf - Google Drive](#)

Lisa M. Batey, Mayor (she/her)
City of Milwaukie
E-mail: bateyl@milwaukieoregon.gov
Message line: 503-786-7512

**DRAFT ORDINANCE LANGUAGE - CARBON POLLUTION IMPACT
FEE**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING AMC TITLE 9 HEALTH AND
SANITATION AND ESTABLISHING STANDARDS FOR A CARBON
POLLUTION IMPACT FEE FOR NEW RESIDENTIAL STRUCTURES IN
THE CITY OF ASHLAND**

<p>Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are bold lined through, and additions are <u>bold underlined</u>.</p>
--

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City of Ashland has declared a commitment to climate recovery goals in Title 9 of the Municipal Code as detailed in the Climate and Energy Action Plan (CEAP); and

WHEREAS, emissions from buildings represent one of the largest sources of greenhouse gas emissions in Ashland; and

WHEREAS, reducing fossil fuel consumption is essential to meeting the City's CEAP goals; and

WHEREAS, transitioning to low-carbon electric homes is most feasible in new construction; and

WHEREAS, adding new residential structures reliant on fossil fuels increases the City's carbon footprint and requires additional mitigation efforts; and

WHEREAS, an upfront carbon pollution impact fee provides a mechanism to account for and offset the environmental, health, and societal costs associated with fossil fuel-based systems; and

WHEREAS, revenue generated from this fee could support programs promoting clean technology installations, including support for low-income households, furthering the City’s decarbonization goals.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

Title 9 HEALTH AND SANITATION of the Ashland Municipal Code is hereby amended by modifying the following Sections as follows:

**Title 9
HEALTH AND SANITATION**

Chapters:

- 9.04 Weeds and Noxious Vegetation
- 9.08 Nuisances
- 9.12 Nuisance - Junk
- 9.16 Nuisance - Dogs
- 9.18 Chronic Nuisance Property
- 9.20 Nuisance - Polystyrene Foam
- 9.21 Prohibition on Distribution of Single Use Plastic Bags
- 9.22 Opportunity To Recycle
- 9.24 Woodstove Curtailment and Opacity Limitations
- 9.28 Pesticide Policy
- 9.30 Prohibit Smoking in Place of Employment, in Enclosed Areas Open to Public, and in Downtown Ashland
- 9.40 Climate Recovery
- 9.45 Carbon Pollution Impact Fee**
- 9.50 Solid Waste Management Franchise Ordinance

Chapter 9.45

Sections:

- 9.45.010 Purpose
- 9.45.020 Definitions
- 9.45.030 Carbon Pollution Impact Fee
- 9.45.040 Reporting requirement
- 9.45.050 Penalties
- 9.45.060 Severability

9.45.010 Purpose

The purpose of this chapter is to promote the health, safety, and general welfare of Ashland residents by establishing a Carbon Pollution Impact Fee for new residential development utilizing fossil fuel-powered thermal energy systems. This ordinance aligns with the goals set forth in Chapter 9.40 (Climate Recovery) and implements the Climate and Energy Action Plan (CEAP) to the full extent of the City's authority under applicable federal, state, and local laws.

9.45.020 Definitions. For purposes of this chapter, the following definitions apply:

A. Thermal Energy System: Any system for space conditioning, water heating, cooking, process heat, or other building energy use that relies on fossil fuel combustion, excluding outdoor grills, heaters, or other systems designed for exclusive use outside of enclosed residential structures.

B. Fossil Fuel: Fuels derived from hydrocarbons, including but not limited to natural gas, coal, oil, propane, and kerosene.

C. New Residential Building: The new construction of any residential building, excluding additions, alterations, renovations, or repairs to existing buildings.

D. Social Cost of Greenhouse Gases (SCGHG): The monetary value assigned to climate change damages resulting from the emission of one metric ton (MT) of greenhouse gases. The SCGHG shall be determined as follows:

1. The base value shall be set at the November 2023 determination published by the United States Environmental Protection Agency (EPA).
2. On January 1 of each subsequent year, the SCGHG shall be adjusted by the percentage increase in the Consumer Price Index (CPI-U, U.S. city average, not seasonally adjusted) for the 12 months preceding the previous September 1.
3. Should the EPA release updated SCGHG values in line with leading scientific standards, the City Council may review and adopt such values by ordinance.

E. CO₂e: Carbon dioxide equivalent, a standardized measure for comparing the impact of different greenhouse gases.

9.45.030 Carbon Pollution Impact Fee

A. Fee Assessment:

Applicants utilizing a fossil fuel thermal energy system in a new residential building shall be assessed a Carbon Pollution Impact Fee for each dwelling unit therein. This fee shall be due upon the issuance of building permits.

1. Exceptions: No fee shall be assessed for the following:

- i. Outdoor thermal energy systems, including but not limited to propane grills, patio heaters, and other systems designed for exclusive use outside of enclosed residential structures.**
- ii. Thermal energy systems not explicitly listed in Section 9.45.030 B (Fee Calculation)**

B. Calculation of Fee:

The Carbon Pollution Impact Fee is calculated as follows:

$$\text{Fee} = (\text{SCGHG}) \times (\text{MT}_{\text{CO}_2\text{e}}) \times (\text{Service Life})$$

Where:

- SCGHG is \$208 per metric ton (adjusted annually).**
- MT_{CO2e} is 2.49 metric tons for an average residential natural gas home in Ashland, adjusted for specific appliance usage.**
- Service Life is the expected operational lifespan of the appliance, as detailed below:**

<u>Appliance</u>	<u>CO2e (MT/year)</u>	<u>Service Life (Years)</u>	<u>Fee Example</u>
<u>Furnace</u>	<u>1.32</u>	<u>15</u>	<u>\$208 × 1.32 × 15 = \$4118.40</u>
<u>Water Heater</u>	<u>0.62</u>	<u>10</u>	<u>\$208 × 0.62 × 10 = \$1289.60</u>
<u>Range</u>	<u>0.12</u>	<u>10</u>	<u>\$208 × 0.12 × 15 = \$374.40</u>
<u>Gas Fireplace</u>	<u>0.35</u>	<u>10</u>	<u>\$208 × 0.35 × 10 = \$728.00</u>
<u>Clothes Dryer</u>	<u>0.07</u>	<u>10</u>	<u>\$208 x 0.07 x 10 = \$145.60</u>

If an appliance is not installed but fossil fuel piping exists, the system will be presumed to utilize fossil fuels, and the fee will be adjusted accordingly.

C. Annual Adjustment:

On January 1 of each year, the SCGHG shall be adjusted in proportion to the

Consumer Price Index (CPI-U, U.S. city average, not seasonally adjusted) for the 12 months preceding the previous September 1.

9.45.040 Reporting requirement.

A. Record Maintenance:

The City shall maintain records of all fees collected and report annually on the revenue generated and its allocation.

B. Annual Reporting Requirements for Fossil Fuel Utilities Operating in the City's Right of Way:

Any utility providing fossil fuels and operating within the City's Right of Way must submit an annual report detailing total residential and commercial fossil fuel consumption. For metered fossil fuel services, the report must include the total number of operational meters, separated into residential and commercial accounts. This data shall be provided on the same schedule as payments to the City for Right of Way use.

9.45.050 Penalties

A. Violators of this chapter, including non-payment of the fee or installation of unpermitted fossil fuel systems, are subject to the general penalty provisions in chapter 1.08. A separate violation occurs each day the violation continues. Revenues collected from penalties may be allocated to clean energy programs.

SECTION 2. Effective Date. The provisions of this chapter shall take effect on January 1, 2026.

SECTION 3. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2024, and duly PASSED and ADOPTED this _____ day of _____, 2025.

PASSED by the City Council this _____ day of _____, 2025.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2025.

Tonya Graham, Mayor

Reviewed as to form:

Douglas M. McGeary, Acting City Attorney



Council Business Meeting

01/21/2025

Agenda Item	Ordinance # [_ _ _] AN ORDINANCE AMENDING AMC TITLE 9 HEALTH AND SANITATION AND ESTABLISHING STANDARDS FOR A CARBON POLLUTION IMPACT FEE FOR NEW RESIDENTIAL STRUCTURES IN THE CITY OF ASHLAND	
From	Chad Woodward, Clim & Ener Analyst Douglas M McGeary, Act City Atty	Establishing a Carbon Pollution Impact Fee for New Residential Structures
Contact	541-552-2085, chad.woodward@ashland.or.us 541-552-2091, doug.mcgeary@ashland.or.us	
Item Type	Requested by Council <input type="checkbox"/> Update <input type="checkbox"/> Request for Direction <input type="checkbox"/> Presentation <input checked="" type="checkbox"/>	

SUMMARY

Staff recommends the proposed Carbon Pollution Impact Fee ordinance as the most practical option for addressing fossil fuel-powered systems in new residential structures and advancing the City’s climate goals. This ordinance supports Ashland’s Climate and Energy Action Plan (CEAP) goals by providing a funding mechanism to mitigate greenhouse gas (GHG) emissions and incentivize the use of clean, low-carbon energy alternatives in new construction.

An alternative ordinance focusing on Nitrogen Oxide (NOx) emissions standards is also available for consideration. However, staff prioritizes the Carbon Pollution Impact Fee ordinance while monitoring the implementation of similar NOx-based schemes in California before revisiting this approach.

POLICIES, PLANS & GOALS SUPPORTED

This ordinance directly supports:

CEAP Goals:

Goal 1: Reduce Community GHG Emissions.

Strategy BE-1: Support cleaner energy sources.

Strategy BE-2: Increase building energy efficiency and conservation.

Comprehensive Plan Policies:

Housing Element 6.08: Promote environmental stewardship and sustainability.

Housing Element 6.10 Policy 20: Encourage energy-efficient building and site designs.

BACKGROUND AND ADDITIONAL INFORMATION

In 2023, Ashland began reviewing options to curb natural gas use due to its environmental and public health impacts. A detailed analysis led to the development of two ordinance options:

1. Carbon Pollution Impact Fee Ordinance:

- Implements a fee based on the social cost of carbon and appliance-specific emissions.
- Revenue supports clean energy programs, particularly for low-income households.





Council Business Meeting

2. NOx Emissions Standards Ordinance:

- Establishes limits on NOx emissions for appliances in new residential construction.

While NOx standards offer local air quality improvements, the proposed Carbon Pollution Impact Fee aligns more directly with CEAP's carbon reduction goals and provides immediate, measurable benefits. California's adoption of stricter NOx standards offers a valuable opportunity to monitor their effectiveness before pursuing a similar ordinance in Ashland.

FISCAL IMPACTS

The estimated annual revenue from the Carbon Pollution Impact Fee is approximately \$89,446, based on recent building trends and appliance installations. These funds can support the ordinance's administrative costs and programs promoting clean energy adoption.

Implementation costs include an initial setup budget of \$10,500 for outreach and database updates, with ongoing administrative costs requiring approximately 0.25 FTE.

SUGGESTED NEXT STEPS

- The current contract with Avista, the natural gas franchisee, requires the City to provide a 30-day notice for any action that may affect the franchise agreement. This notice was sent on December 19th, 2024.
- Should Council wish to move forward with the Carbon Pollution Impact Fee, they can motion to approve the first reading of Ordinance # [___], AN ORDINANCE AMENDING AMC TITLE 9 HEALTH AND SANITATION AND ESTABLISHING STANDARDS FOR A CARBON POLLUTION IMPACT FEE FOR NEW RESIDENTIAL STRUCTURES IN THE CITY OF ASHLAND, and set a second reading and final approval at the next regularly scheduled Council meeting, set for _____, 2025
- Staff will also monitor California's implementation of NOx standards for potential consideration as a future policy option for Ashland.

REFERENCES & ATTACHMENTS

- Draft Carbon Pollution Impact Fee Ordinance (December 19, 2024)
- CEAP Report