Regular Session RS

Milwaukie City Council

CITY OF MILWAUKIE

COUNCIL REGULAR SESSION

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

2419th Meeting
REVISED AGENDA
FEBRUARY 4, 2025
(Revised February 3, 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-0.

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

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

1. **CALL TO ORDER** (6:30 p.m.)
   - A. **Pledge of Allegiance**
   - B. **Native Lands Acknowledgment**

2. **ANNOUNCEMENTS** (6:31 p.m.) **1**

3. **PROCLAMATIONS AND AWARDS**
   - ~~A. Outstanding Milwaukie High School Student Award~~ (removed from the agenda)

4. **SPECIAL REPORTS**
   - A. **None Scheduled.**

5. **COMMUNITY COMMENTS** (6:35 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** (6:40 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:** **6**
     1. **December 17, 2024, regular session,**
     2. **January 7, 2025, work session,**
     3. **January 7, 2025, regular session, and**
     4. **January 7, 2025, goal setting town hall.**
   - B. **Authorization of a Cell Phone Tower Lease Agreement – Resolution** **15**
   - C. **Authorization of a Low-Income Housing Tax Exemption – Resolution** **18**
   - D. **Authorization of a Project Change Order for the Stanley Reservoir Project – Resolution** **23**
   - E. **Approval of an Oregon Liquor and Cannabis Commission (OLCC) Application for Keeper Coffee, 10722 SE Main Street – New License** **26**
   - F. **Approval of an OLCC Application for pFriem Brewing Company, 10722 SE Main Street – New License** **27**

6. CONSENT AGENDA (continued)

G. Approval of an OLCC Application for pFriem Brewing Company, 10722 SE Main Street – New License (2nd location) **28**

7. BUSINESS ITEMS

A. Adoption of Council Goals – Resolution (6:45 p.m.) **28-2**
(staff report and resolution added)
Staff: Emma Sagor, City Manager

8. PUBLIC HEARINGS

A. Adoption of Flood Control Code Requirements – Ordinance (7:00 p.m.) **30**
Staff: Brett Kelver, Senior Planner

9. COUNCIL REPORTS

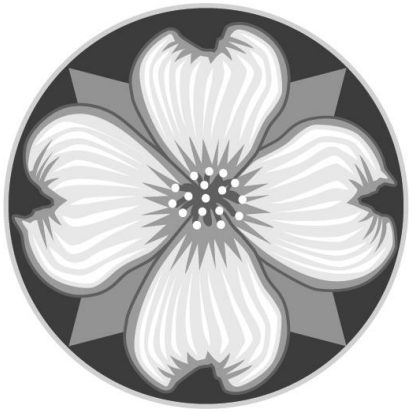
A. Legislative and Regional Issues – Discussion (7:20 p.m.) **98**
Staff: Scott Stauffer, City Recorder

10. ADJOURNMENT (7:40 p.m.)

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

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

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

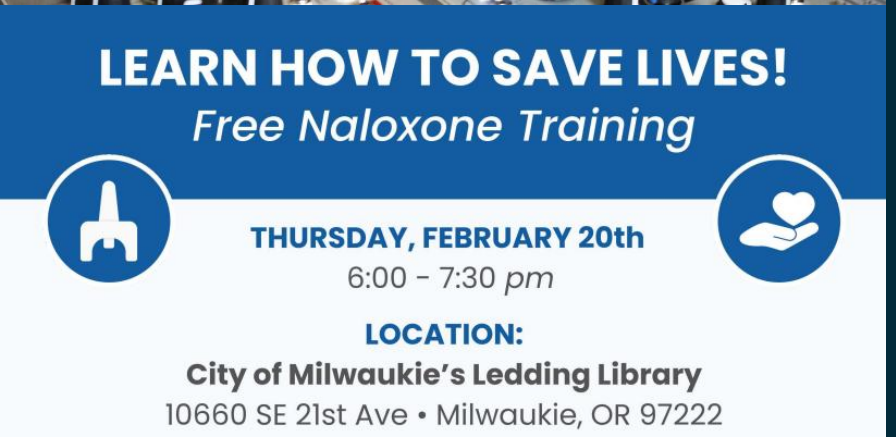


RS Agenda Item 2

Announcements

Native Lands Acknowledgment

The City of Milwaukie respectfully acknowledges that our community is located on the ancestral homeland of the Clackamas people. In 1855, the surviving members of the Clackamas signed the Willamette Valley Treaty also known as the Kalapuya etc. Treaty with the federal government in good faith. We offer our respect and gratitude to the indigenous people of this land.



Mayor's Announcements – February 4, 2025

- **2024 Volunteer of the Year – Nominate a Community Member by February 12**
  - Learn more and submit a nomination on Engage Milwaukie at engage.milwaukieoregon.gov
- **Annual Board and Committee Recruitment – Applications Accepted February 1 to April 1**
  - Online form to apply is at onboard.milwaukieoregon.gov
  - Questions, send an email to ocr@milwaukieoregon.gov or call 503-786-7502
- **Minthorn Springs Monthly Volunteer Restoration Event – Sat., Feb. 8 (9:30 AM – 12 PM)**
  - Learn more and RSVP at www.wetlandsconservancy.org/upcoming-events
- **Synthesizer Petting Zoo w/Synth Library of Portland – Sat., Feb. 15 (1-3 PM)**
  - Experiment and play with a variety of electronic musical instruments and learn how synthesizers make and shape sound
  - Ledding Library (Community Room), 10660 SE 21st Ave.
- **Free Naloxone Training – Thu., Feb. 20 (6 – 7:30 PM)**
  - Learn how to save lives including information about the overdose crisis, risk factors, signs and symptoms of an overdose and more
  - Ledding Library (Community Room), 10660 SE 21st Ave.
- **Kellogg Creek Stewardship Day – Sat., Feb. 22, (9 AM – 12 PM)**
  - Volunteers will first spend time inside learning about the Kellogg Creek Restoration and Community Enhancement Project before heading outside to work on removing invasive species
  - Milwaukie Presbyterian Church, 2416 SE Lake Rd.
- **Grand Opening Celebrations for Three New Parks – Sat., Mar. 8**
  - Save the date for these events. More details to come.
    - Balfour Park, (12 - 2 PM)
    - Bowman-Brae Park (12:30 – 2:30 PM)
    - Scott Park (1:30 – 3:30 PM)
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**

Mayor's Announcements – February 4, 2025

Bowman Brae Park is open!

Haiku #1

Stately flag ripples
Above the green football field
Students swirl in late

-Erica Fuson, Milwaukie High School Teacher–

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

Haiku #2

Take my hand neighbor

Let us help one another

Together we thrive

–Tom Chester–

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

RS Agenda Item 5

Community Comments

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: Gabriela Fantuzzo Address:

Organization: Roberto Arreola + ESC comments Phone:

Email:

Meeting Date: _____ **Topic:** _____

Agenda Item You Wish to Speak to:

☒ #5 Community Comments

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

☐ #7 Other Business, Topic: _____

☐ #8 Public Hearing, Topic: _____

You are Speaking...

☒ in Support Equity

☐ in Opposition

☐ from a Neutral Position

☐ to ask a Question

Comments:

RS Agenda Item 6

Consent Agenda

This set of minutes has been revised per Council request; see red text below.

CITY OF MILWAUKIE

2416th Meeting

COUNCIL REGULAR SESSION

MINUTES

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

DECEMBER 17, 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
Emma Sagor, City Manager
Scott Stauffer, City Recorder
Courtney Wilson, Urban Forester

Mayor Batey called the meeting to order at 6:32 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities including a free drop-in flu shot clinic, the city's annual Winter Solstice and Christmas Ships viewing event, and the annual Bing in the New Year event. **Batey** noted that the city was accepting nominees for the 2024 volunteer of the year award and would be recruiting for Planning Commissioners.

Councilor Stavenjord announced the Longest Night of the Year Vigil in honor of houseless individuals event in Oregon City the same evening as the Winter Solstice.

Mayor Batey read a Council service themed Haiku.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures. **Sagor** reported on staff follow-up to December 3 comments regarding an ongoing code enforcement case. No audience member wished to address Council.

6. CONSENT AGENDA

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. **November 12, 2024, study session,**
2. ~~November 19, 2024, work session, and~~ (removed from the agenda)
3. ~~November 19, 2024, regular session.~~ (removed from the agenda)

B. Resolution 64-2024: A resolution of the City Council of the City of Milwaukie, Oregon, certifying the results of the November 5, 2024, election.

C. Resolution 65-2024: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the city manager to enter into an intergovernmental agreement (IGA) with the North Clackamas School District (NCSD) for school resource officer (SRO) services.

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

7. BUSINESS ITEMS

C. Downtown Open Container Policy – Discussion (added, moved up the agenda)

Mayor Batey explained when public comment would be taken during this agenda item and clarified that the proposal was to allow individuals to walk around with open containers of alcohol in downtown Milwaukie.

Burdick provided an overview of the proposed open container policy, noting public safety, health, and legal concerns and the benefits of encouraging a vibrant downtown environment. How event permits for open container activities in Milwaukie had been processed to date were reviewed and it was noted that the only city in Oregon with an open container policy was Hood River.

Councilor Anderson and **Burdick** remarked on the lack of data regarding open container policies given there were few cities with an open container policy. **Sagor** suggested this was the beginning of a conversation and that there was a belief that such a policy could increase pressures on public safety resources.

Council President Massey remarked on the importance of knowing the policy details when preparing to implement it and was skeptical about adopting a wide-open policy.

Councilor Khosroabadi asked if an open container policy would lead to more impaired driving. **Burdick** remarked that there would likely be an increase in the number of driving under the influence (DUI) incidents with such a policy and explained how the Milwaukie Police Department (MPD) generally handles intoxicated individuals.

Councilor Stavenjord, **Burdick**, and **Sagor** noted that the proposal was to identify a specific area where individuals could carry around open alcoholic beverages in the public right-of-way (ROW). They remarked on how Hood River's policy functioned.

Councilor Stavenjord and **Burdick** commented on how such a policy could be implemented for a trial period and then revisited by Council. **Mayor Batey**, **Burdick**, and **Sagor** discussed whether the Oregon Liquor and Cannabis Commission (OLCC) would allow such policies and noted the need for special event insurance and that insurance requirements would impact the implementation of an open container policy.

Sagor asked community members to speak about their vision of the proposed policy.

Mayor Batey reviewed the comment procedures.

Mike Lesch, Beer Store Milwaukie owner, remarked on the benefits of allowing the open drinking and carrying of store-bought alcoholic beverages to support downtown events such as First Friday.

Karen Baranick, Downtown Association of Milwaukie (DAM) representative and Milwaukie Sport and Spine owner, supported implementing an open container policy.

Tyler King, unincorporated Clackamas County resident, supported implementing an open container policy by allowing the policy for specific times and events at first.

Shalena Havens, Havens Acupuncture owner, supported implementing an open container policy to encourage a vibrant downtown area.

Councilor Stavenjord and **Burdick** noted that it was possible to get a DUI for drinking while riding a bicycle and the group discussed how MPD enforces public intoxication laws during such events as the citywide Porchfest concert.

Council President Massey appreciated that the community proposal focused on events and encouraged the city to take baby steps if the policy is implemented.

Councilor Anderson supported an open container policy and revisiting the special events permit policy to allow for open container and consider removing the financial impact of open container citations. **Anderson** suggested the concerns about the policy was more about society at-large's attitude toward drinking and **Mayor Batey** noted public health aspects of drinking on a daily basis.

Councilor Khosroabadi remarked on the public safety and health aspects of drinking in public and asked if the benefits of allowing increased public drinking were worth it given the health effects.

Councilor Stavenjord appreciated the discussion, remarked on the benefits and concerns about allowing increased alcohol consumption in public, and suggested the conversation continue with public health and economic experts invited to participate. **Mayor Batey** and **Councilor Stavenjord** noted that Stavenjord supported exploring the policy on an event-basis.

Mayor Batey summarized there was Council support for exploring an event-based approach to an open container policy. **Councilor Anderson** and **Batey** noted that staff had heard Anderson's request to look at removing the financial penalty of open container citations.

Mayor Batey expressed support for exploring an event-based approach to such a policy and remarked on the challenges of drawing a line around an open container area and suggested insurance requirements could stop the implementation of such a policy.

Sagor thanked the community for coming to the meeting and confirmed staff had enough Council input to further develop policy implementation options, including MPD's enforcement of open container laws. **Councilor Anderson** expressed discomfort with having a financial penalty if MPD was not actively enforcing the open container citation. **Mayor Batey** supported MPD's work to avoid issuing an open container citation.

Rod Smith, Milwaukie resident, remarked on the open container policy in the City of New Orleans, Louisiana, whether an open alcoholic beverage container policy would lead to an open marijuana use policy, and suggested such a policy would require additional law enforcement services.

Mayor Batey suggested staff would bring the issue back to Council in earl 2025.

A. Tree Code Amendments Adoption – Ordinance

Sagor reported that comments about the tree code changes had been received, and staff would like additional time to review those before Council adopts the code changes.

Stauffer noted that the agenda item was a business item and not a public hearing.

Wilson reviewed the proposed tree code amendments, noting that the changes would provide organizational clarity and enhance enforcement capabilities.

Gavares noted the code amendments had been presented to Council at a previous meeting. **Mayor Batey**, **Sagor**, and **Gericke** explained that comments from Mayor Batey had been received just before the present meeting and staff needed time to review those comments. **Batey** observed that no public comments had been received.

The group noted that the Mayor's comments would be reviewed, and the tree code amendment ordinance would be rescheduled to a future meeting.

B. Sparrow Site Goals and Next Steps – Discussion

Briglio noted previous Council discussion on the project and asked for Council to confirm that the development goal was to build affordable homeownership units for buyer who could afford 80-to-100 percent of area median income (AMI).

The group discussed the project affordability goal, how a request for proposals (RFP) process that aimed for different AMI percentages, and noted that an RFP process with multiple rounds, if no developer bids at lower AMI percents, could take a long time. **Briglio** was confident it would take a long time to get houses built on the site.

Mayor Batey summarized that it was Council consensus to prepare the first RFP for a homeownership model with a cap at 80-percent of AMI. The group acknowledged there was more than one land trust model the city could pursue to secure an initial developer, owners, and maintain affordability on the site into he future.

Sagor and **Briglio** reviewed the other project goals Council had agreed to at previous meetings and it was Council consensus that the goals had been agreed to.

Councilor Anderson and **Mayor Batey** remarked on how the city works with the county to improve county owned roads adjacent to city properties.

Briglio noted next steps in releasing an RFP for the Sparrow Site in early 2025.

Briglio asked for Council input on whether construction excise tax (CET) funds should be used on the project. It was Council consensus to wait until bids had been received on the project to determine if CET funds should be used.

8. PUBLIC HEARING

A. None Scheduled.

~~9. COUNCIL REPORTS~~ (moved to the December 17, 2024, work session agenda)

10. ADJOURNMENT

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 8:17 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

CITY OF MILWAUKIE

COUNCIL WORK SESSION

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

MINUTES

JANUARY 7, 2025

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; Emma Sagor, City Manager; Justin Gericke, City Attorney; Scott Stauffer, City Recorder; Vera Kolias, Senior Planner; Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 4:00 p.m. and noted that Councilor Khosroabadi would be joining later and that the work session and regular session were abbreviated to accommodate a Council goal setting town hall later that evening.

1. Affordable Housing Incentives Code – Discussion

Weigel explained that the proposed code amendment package for affordable housing incentives had been developed as part of the city's Housing Production Strategy (HPS) implementation, which was adopted in 2023. **Kolias** explained that the proposed changes were aimed at consolidating all affordable housing incentives into one section of the municipal code and incorporate elements from Oregon Senate Bill (SB) 1537 to streamline the process for those proposing affordable housing developments.

Councilor Khosroabadi arrived at 4:09 p.m.

The group discussed eligibility requirements for qualifying definitions and how to ensure enforcement of the 99-year affordability requirement.

Kolias presented the proposed list of variances for setbacks and lot coverage. The group discussed lot coverage in connection with the city's tree code and discussed creative solutions for maintaining tree canopy coverage while accommodating density increases. Staff noted that the tree code was separate from land use regulations and did not currently allow variances.

Kolias presented the proposed list of variances for all developments excluding single dwelling units and design standards. **Kolias** and **Weigel** reviewed the approval criteria, and the group discussed whether proving infrastructure capacity and economic feasibility were necessary.

Kolias reviewed the proposed changes to the expedited Type II review process.

Mayor Batey questioned whether the affordability thresholds were too high, asked how a 10% affordability rule would apply to small projects, like three-unit developments, and suggested that allowing ground-floor housing in downtown zones should only apply to fully affordable buildings. **Batey** emphasized that stronger incentives should go to projects with more affordable units. **Briglio** responded by asking whether the program should focus more on increasing housing density rather than just allowing any three-unit developments and pointed out that many similar code changes were originally aimed at multi-unit buildings, like apartment complexes. **Briglio** suggested that Council consider whether they want to prioritize incentives for higher-density projects.

The group discussed concerns about potential loopholes where developers might construct predominantly market-rate units with a minimal affordable component to qualify for incentives. Council suggested exploring requirements tied to the percentage of total square footage rather than unit count.

Sagor noted staff would revise the draft amendments based on Council's feedback and return for another work session.

2. Adjourn

Mayor Batey adjourned the meeting at 5:02 p.m.

Respectfully submitted,

_____

Nicole Madigan, Deputy City Recorder

CITY OF MILWAUKIE

2417th Meeting

COUNCIL REGULAR SESSION

MINUTES

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

JANUARY 7, 2025

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
Justin Gericke, City Attorney
Kimberly Graves, Municipal Court Judge
Brent Husher, Library Director
Nicole Madigan, Deputy City Recorder
Emma Sagor, City Manager
Scott Stauffer, City Recorder

Before the meeting Judge Graves administered the oath of office to newly elected Councilors Khosroabadi and Anderson.

Mayor Batey called the meeting to order at 5:13 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including clean-up events at Minthorn Springs Natural Area, Elk Rock Island, and Tideman-Johnson Park, city office closures for the Martin Luther King, Jr. holiday, a city manager open door session, the city's recruitment for planning commissioners, and a movie screening at the Ledding Library.

Councilor Stavenjord wished Milwaukians a happy new year and Council remarked on the successful December events.

Mayor Batey read an outdoor activity themed Haiku poem.

3. PROCLAMATIONS AND AWARDS

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

Kim Kellogg, MHS Principal, introduced MHS student Vanessa Valdovinos Rosas and Council congratulated them on their academic and extracurricular activities.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures. **Sagor** noted there was no follow-up from the December 17 comments and reported that written correspondence had been received regarding Council goal setting and the expected nurses strike at Providence Milwaukie Hospital.

Rod Smith, Milwaukie resident, proposed that the city address houselessness and climate change by becoming a structure-free tent city.

6. CONSENT AGENDA

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

B. Resolution 1-2025: A resolution of the City Council of the City of Milwaukie, Oregon, establishing the 2025 City Council meeting schedule.

C. Resolution 2-2025: A resolution of the City Council of the City of Milwaukie, Oregon, designating the 2025 papers of record.

D. Resolution 3-2025: A resolution of the City Council of the City of Milwaukie, Oregon, approving the project goals of the Sparrow Site.

E. Resolution 4-2025: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an intergovernmental agreement (IGA) with Clackamas River Water (CRW) for a utility billing extension.

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

7. BUSINESS ITEMS

A. None Scheduled.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

Councilor Khosroabadi reported that the city had provided the North Clackamas School District's (NCSD's) Wichita Center with $75,000 in funding for a rental assistance program.

Sagor reported that the Oregon Liquor and Cannabis Commission (OLCC) was open to providing Council a tour of the agency's Milwaukie facility. Council expressed interest in going and Sagor confirmed staff would coordinate an OLCC site visit for Council.

10. ADJOURNMENT

Mayor Batey announced that Council would hold a goal setting town hall after the meeting.

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 5:46 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

CITY OF MILWAUKIE

COUNCIL GOAL SETTING TOWN HALL

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

MINUTES

JANUAR 7, 2025

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
Justin Gericke, City Attorney
Brent Husher, Library Director
Katherin Hopkins, Human Resources Director
Michael Osborne, Finance Director
Peter Passarelli, Public Works Director
Emma Sagor, City Manager
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 6:06 p.m.

Sagor provided an overview of Council goal setting, noting what Council's goals have been, what new goals have been proposed, and how the town hall will work for in-person attendees and through the online survey on the Engage Milwaukie website.

Rod Smith, Milwaukie resident, asked how new goal ideas would be incorporated into Council's goal setting process. **Sagor** explained all proposed goals would be discussed by Council at their retreat later in January.

Council and staff participated in a town hall discussion about Council goals for the next two-year period.

The town hall ended at 7:49 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

CITY OF MILWAUKIE

RS 6. B. 2/4/25

OCR USE ONLY

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Date Written: Jan. 24, 2025

Reviewed: Kelli Tucker, Accounting and Contracts Specialist, and
Peter Passarelli, Public Works Director

From: Michael Osborne, Finance Director

Subject: **Cell Tower Lease Agreement Amendment**

ACTION REQUESTED

Council is asked to approve an amendment to the cell tower lease agreement for the leased property at the city's public works campus.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

For several years, the city leased property west of the public works campus at 9100 SE 58th Avenue from the Cassinelli family. The property had an existing cell phone tower on the site that was previously leased by the Sarah H. Cassinelli Revocable Living Trust to the cell provider, Sprint Spectrum LP.

June 20, 2017: Council authorized the city to purchase the adjacent property from the Cassinelli Trust via Resolution 63-2017, which included the existing cell phone tower lease in the purchase. The lease will expire on June 5, 2026.

In 2023, representatives from the current cell phone provider, STC Five LLC, contacted the city about extending the lease term and acknowledging an organization change to name STC Five LLC as the current lessee. Staff agreed and began negotiating terms for the extension.

ANALYSIS

The amendment will accomplish three key things: 1) acknowledge the current lessee as STC Five LLC; 2) extend the term of the agreement up to 25 years (or through June 2051), through five 5-year auto-renewal periods; and 3) switch from monthly to annual lease payments to the city for ease of administration.

The cell tower cannot be easily removed, nor does it impact on the city's ability to navigate the campus grounds - this is the primary reason that STC Five LLC is requesting to extend the agreement by 25 years.

BUDGET IMPACT

STC Five LLC agrees to continue to pay annual rent of $15,741.96 to the city, with an increase of 15% at each renewal term. With the extended renewal terms, the total revenue received by the city will total $530,691 through 2051.

CLIMATE IMPACT

The cell tower sits on a 40-foot by 40-foot portion of the property.

EQUITY IMPACT
This tower sits in a mostly commercial area of Milwaukie. The view of the tower affects few residential homes and has been in place since 2001.

WORKLOAD IMPACT
The proposed amendment states that future payments will be made on an annual basis. This adjustment will help reduce staff's workload of processing payments 12 times a year to once per year.

COORDINATION, CONCURRENCE, OR DISSENT
Over the past year, staff have coordinated with the current lessee, STC Five LLC, on an extension of the agreement.

STAFF RECOMMENDATION
Staff recommend that Council give consent to the amendment for the cell phone tower lease agreement to extend the lease through 2051.

ALTERNATIVES
Council could decline the amendment in which the current lease would expire on June 5, 2026. The city would need to coordinate with STC Five LLC to remove the tower prior to the expiration.

ATTACHMENTS
1. Resolution Amending the Lease Agreement

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AMENDING THE LEASE AGREEMENT FOR THE CELL PHONE TOWER AT THE CITY'S PUBLIC WORKS CAMPUS.

WHEREAS the city purchased property from the Sarah H. Cassinelli Revocable Living Trust, which included a lease of the cell phone tower site at 9100 SE 58th Avenue, Portland, OR, and

WHEREAS the current lessee, STC Five LLC, contacted the city requesting to extend the lease agreement by five 5-year auto-renewal periods, through June 5, 2051, and

WHEREAS the city will continue to receive annual rent payments from STC Five LLC on for the duration of the lease agreement.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, that the city manager or designee is authorized to sign an amendment to the lease agreement with STC Five LLC.

Introduced and adopted by the City Council on **February 4, 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

CITY OF MILWAUKIE

RS 6. C. 2/4/25

OCR USE ONLY

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Date Written: Jan. 23, 2025

Reviewed: Scott Stauffer, City Recorder

From: Joseph Briglio, Assistant City Manager

Subject: **Low Income Housing Tax Exemption Program Resolution Amendment**

ACTION REQUESTED

Council is asked to adopt a new resolution amending the effective date for a previously authorized low-income housing tax exemption program in alignment with a North Clackamas School District (NCSD) resolution approving the city-wide application of the nonprofit low-income housing property tax exemption for qualifying properties allowed for by Oregon Revised Statute (ORS) 307.540-548.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

April 19, 2016: Council declared a housing emergency in response to a combination of low vacancy rates and rapidly increasing rents and home sale prices. This emergency has been extended numerous times.

December 12, 2017: Council discussed the low-income housing property tax exemption in relationship to Northwest Housing Alternatives (NHA) Walsh Commons project in a study session.

January 11, 2018; January 25, 2018; and February 8, 2018: The North Clackamas School District (NCSD) Board held study sessions to discuss the non-profit low-income housing tax exemption in relation to the Northwest Housing property tax exemption request. meeting. Following the February 8 discussion, the NCSD Board adopted Resolution R17/18-66 (Attachment 1) approving NHA's property tax exemption at the same meeting.

February 20, 2018; February 5, 2019; March 3, 2020; March 2, 2021; March 1, 2022; March 7, 2023: Council passed resolutions to grant NHA an exemption from property taxes under ORS 307.540-548 for Walsh Commons.

June 2023: Council adopted the city's Housing Production Strategy (HPS).

February 8, 2024: The Council and the NCSD Board held a joint session to consider a proposal to allow non-profit developers of affordable housing to make use of this tax incentive program city-wide rather than project by project and parcel by parcel. Both entities were supportive of the idea and directed staff to move forward in taking next steps.

April 16, 2024: Council approved Resolution 16-2024 granting an exemption from property taxes under ORS 307.540-307.548 for any qualifying nonprofit low-income housing project within city limits.

January 2025: city staff identified a minor typographical error in Resolution 16-2024 which set the tax exemption expiration date of June 30, 2024, when it should be June 30, 2034.

ANALYSIS

Background

In coordination with NCSD, Council approved Resolution 16-2024 on April 16, 2024, to allow for the city-wide application of the nonprofit low-income housing property tax exemption. The district and city agreed to a 10-year resolution term beginning in 2024 and ending on June 30, 2034. The requested action would fix a typo and align both organizations.

STAFF RECOMMENDATION

Staff recommends that Council amend the resolution.

ATTACHMENTS

1. Council Resolution
2. Approved NCSD Resolution

COUNCIL **RESOLUTION No.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER OREGON REVISED STATUTE (ORS) 307.540 TO 307.548 FOR ANY QUALIFYING NONPROFIT LOW-INCOME HOUSING PROJECT WITHIN CITY LIMITS.

WHEREAS in response to rapidly rising residential rents and a lack of affordable housing options for low-income families, the City Council declared a housing emergency in Milwaukie on April 19, 2016, and continues to explore opportunities to provide affordable housing across a range of different income spectrums, and

WHEREAS ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by nonprofit corporations and occupied by low-income persons, and the city wishes to adopt the policy set forth in those sections, and

WHEREAS the City Council has requested that the North Clackamas School District (NCSD) agree to the policy of exemption under ORS 307.540 to 307.548 and thereby allow the exemption of property taxes levied by the school district for qualifying properties within the city limits; and

WHEREAS the city and NCSD property tax levies jointly comprise more than 51 % of the total combined rate of taxation for all properties in Milwaukie, and

WHEREAS on May 9, 2024, the NCSD Board of Directors adopted Resolution R23/24-71 approving a property tax exemption program for qualifying properties in Milwaukie; and

WHEREAS on April 16, 2024, the City Council adopted Resolution 16-2024 granting a tax exemption for ten years, however due to a typographical error, staff has brought a new resolution for Council to adopt with the correct ten-year date.

Now, Therefore, be it Resolved as follows:

Section 1: The City of Milwaukie adopts the provisions of ORS 307.540 to 307.548 city-wide.

Section 2: The finance director is directed to provide an annual report of eligible projects that were approved in the prior 12-month period for the school district and other taxing districts' records.

Section 3: This resolution is to remain in effect until **June 30, 2034**, unless otherwise extended by amendment or new resolution.

Section 4: This resolution is effective upon adoption.

Introduced and adopted by the City Council on **February 4, 2025**.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

NORTH CLACKAMAS SCHOOL DISTRICT NO. 12

RESOLUTION R23/24-71

A RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH CLACKAMAS SCHOOL DISTRICT NO. 12, CLACKAMAS COUNTY, OREGON, AGREEING TO THE POLICY OF EXEMPTION OF CERTAIN NONPROFIT LOW-INCOME-HOUSING PROJECTS UNDER ORS 307.540 TO 307.548 AT THE REQUEST OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE.

WHEREAS, affordable housing provides permanent, stable housing options for low-income families; and

WHEREAS, affordable housing provides school-age children experiencing homelessness with transitional housing, through eviction prevention and rapid re-housing services; and

WHEREAS, stable housing reduces student mobility, improves school effectiveness, addresses attendance challenges, and inhibits malnutrition; and

WHEREAS, the City Council of the City of Milwaukie, Oregon, has adopted the provisions of ORS 307.540 to 307.548, which authorize the City to approve an exemption from city property taxation for certain low-income housing owned and operated by a nonprofit corporation under ORS 501(c)(3) or 501(c)(4); and

WHEREAS, ORS 307.543 authorizes the City of Milwaukie to request other taxing districts to approve the policy of exemption under ORS 307.540 to 307.548 and thereby extend the exemption to the tax levies of all taxing districts if the rate of taxation of the taxing district plus the rate of taxation of the City equal 51 percent or more of the total combined rate of taxation on the property granted exemption; and

WHEREAS, the City Council of City of Milwaukie has requested that the Board of Directors (the "Board") of North Clackamas School District No. 12 (the "District") to agree to the policy of exemption under ORS 307.540 to 307.548 and thereby extend the exemption to the property taxes levied by the District; and

WHEREAS, for the reasons stated above, the Board finds that encouraging and supporting the development of affordable housing in the District will further the District's educational mission and improve student outcomes; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board agrees to and approves the policy of exemption under ORS 307.540 to 307.548, as adopted and administered by the City of Milwaukie.

2. The term of this approval shall commence upon approval of this resolution by the Board and shall continue until June 30, 2034, which date may be extended by resolution of the Board at the Board's pleasure. The Board reserves the right to repeal this resolution of approval

prior to June 30, 2034, and upon 30 days' written notice to the City of Milwaukie, if, in the Board's sole discretion, the law or circumstances have changed and the policy of exemption under ORS 307.540 to 307.548 is no longer in the best interests of the District, or if the City fails to comply with sections 3 or 4 of this resolution.

3. If the City of Milwaukie adopts additional provisions relating to the exemption under ORS 307.453(3) following the effective date of this resolution, the City must seek reauthorization of the resolution from the Board.

4. Approval of this resolution is contingent on the City of Milwaukie providing an annual written report no later than May 1 of each year of eligible developments approved in the prior 12-month period.

5. All projects approved for a tax exemption by the City of Milwaukie during the term of this resolution shall continue to be exempt as provided in ORS 307.543(2) after expiration of this resolution, unless or until the exemption is terminated as provided in ORS 307.548.

DATED this 9 day of May, 2024.

Jena Benologa

School Board Chair

[signature]

District Superintendent / Clerk

CITY OF MILWAUKIE

RS 6. D. 2/4/25

OCR USE ONLY

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Date Written: Jan. 24, 2025

Reviewed: Peter Passarelli, Public Works Director

From: Michael Osborne, Finance Director

Subject: **Stanley Water Reservoir Project Authorization Increase**

ACTION REQUESTED

Council is asked to authorize an increase of the project authorization amount for construction services with T Bailey Inc. for the Stanley Reservoir improvements by an additional $200,000, making the total project authorization not to exceed $3,100,000.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

June 7, 2022: Council adopted the 2023-2024 Biennium Budget and Capital Improvement Plan (CIP) that identified the Stanley Reservoir project and allocated $2.7 million of American Rescue Plan Act (ARPA) revenues for this project.

January 2, 2024: Council awarded the project to T Bailey Inc. (Resolution R3-2024) with an authorized project budget of $2,645,314.

September 17, 2024: Council increased the project authorization by $254,686, increasing the total project authorization to $2,900,000.

ANALYSIS

Additional authorization is needed to amend the contract for additional services related to electrical modifications, chlorine piping, and automation control items for Well #6. With the reservoir and Well #6 offline during construction, the completion of this work at this time will prevent the need to take Well #6 offline later. This added scope will be written into a contract change order following authorization of the increased project authorization amount of $200,000.

- The increased authorization will also provide for any future scope of work increases that may be necessary to complete the construction, alteration, installation or repair work for Stanley Reservoir Improvements and Well #6.

BUDGET IMPACT

The Stanley Reservoir project is identified in the 2025-2026 biennium budget and CIP. Funding for this added scope is being provided from other budgeted Water Fund CIP projects for electrical and automation control work such as Variable Frequency Drive (VFD) improvements and Automation and Control Upgrades.

WORKLOAD, CLIMATE AND EQUITY IMPACT

Not applicable.

COORDINATION, CONCURRENCE, OR DISSENT

Not applicable.

STAFF RECOMMENDATION

Staff recommends that Council increase the project budget authorization for the construction contract with T Bailey Inc. to $3,100,000 to allow for existing scope increases and unforeseen changes necessary to complete the project, and to authorize delegated staff to administer the project in accordance with the project specifications up to the increased amount.

ALTERNATIVES

Council could decide to:

1. Approve the project authorization increase as presented, or
2. Reject the project authorization increase and risk Well #6 being taken off-line and reducing city's water supply.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING AN INCREASE IN THE PROJECT AUTHORIZATION FOR THE STANLEY RESERVOIR IMPROVEMENTS PROJECT.

WHEREAS the city approved Resolution 3-2024, which awarded a contract to T Bailey Inc. for the construction of the Stanley Reservoir Improvements project for $2,645,314, and

WHEREAS additional work is required due to costs associated with performing the work to Stanley Reservoir and Well #6, and additional funding was authorized by Resolution R51-2024, and

WHEREAS the project authorization amount previously authorized by Resolution R51-2024 needs to again be increased to allow the additional funding for project completion.

Now, Therefore, be it by the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, that the project authorization amount for the construction of Stanley Reservoir Improvements with T Bailey Inc. be increased by $200,000 and that the city manager, or public works director, is authorized to administer the project in the amount not to exceed $3,100,000.

Introduced and adopted by the City Council on **February 4, 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

MILWAUKIE POLICE DEPARTMENT

Memorandum

To: **Mayor Batey and Milwaukie City Council**

From: **Ryan Burdick, Police Chief** RB

Through: **Emma Sagor, City Manager**

Date: **January 21, 2025**

Re: **OLCC Application – Keeper Coffee Company**

Action requested:

It is respectfully requested the council approve the OLCC application for Keeper Coffee Company located at 10722 SE Main Street Milwaukie, 97222.

We have conducted a background check and find no reason to deny the request for the liquor license.

MILWAUKIE POLICE DEPARTMENT

Memorandum

To: **Mayor Batey and Milwaukie City Council**

From: **Ryan Burdick, Police Chief** RB

Through: **Emma Sagor, City Manager**

Date: **January 21, 2025**

Re: **OLCC Application – pFriem Brewing Company LLC**

Action requested:

It is respectfully requested the council approve the OLCC application for pFriem Brewing Company LLC located at 10722 SE Main Street Milwaukie, 97222.

We have conducted a background check and find no reason to deny the request for the liquor license.

MILWAUKIE POLICE DEPARTMENT

Memorandum

To: **Mayor Batey and Milwaukie City Council**

From: **Ryan Burdick, Police Chief** RB

Through: **Emma Sagor, City Manager**

Date: **January 21, 2025**

Re: **OLCC Application – pFriem Brewing Company LLC**

Action requested:

It is respectfully requested the council approve the OLCC application for pFriem Brewing Company LLC located at 10722 SE Main Street Milwaukie, 97222.

We have conducted a background check and find no reason to deny the request for the liquor license.

RS Agenda Item 7

Business Items

CITY OF MILWAUKIE

This report and attachments were added to the packet on February 3, 2025.

RS 7. A. 2/4/25

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COUNCIL STAFF REPORT

To: Mayor and City Council

Date Written: Feb. 2, 2025

Reviewed: Joseph Briglio, Assistant City Manager, and Scott Stauffer, City Recorder

From: Emma Sagor, City Manager

Subject: **Adoption of Council Goals for 2025-2027**

ACTION REQUESTED

Council is asked to adopt a resolution setting the Council goals for 2025-2027.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

April 18, 2023: Council last set its goals with the adoption of Resolution 21-2023. The goals adopted in 2023 included climate change mitigation and resilience action; equity, justice, and inclusion; and improving Milwaukie's parks system and services.

2024. Throughout the last six months of calendar year (CY) 2024, Council and staff discussed the coming goal setting process, noting the status of the previously adopted goals and the November 2024 election as indicators that it was time for Council to revisit its goals. Council also agreed to explore setting three-year goals to get on a better cycle of aligning goal development with biennial budget development.

January 7, 2025: Council held a goal setting town hall session to present proposed goals and take public comment. The public was also invited to participate in an online survey on the goals through the Engage Milwaukie website.

January 31 and February 1, 2025: Council held a two-day retreat to discuss and come to consensus on new Council goals.

ANALYSIS

Council regularly sets goals to articulate policy priorities and help direct city resources in working toward the 2024 Community Vision. See the Council goals webpage for links to previous Council goal resolutions https://www.milwaukieoregon.gov/citycouncil/goals.

Generally, goals are set for two to three years and reviewed/updated as needed. The current Council wants to better align the timeline of their goal setting with the city's biennial budget calendar, so they are currently considering what goals to select for 2025-2027, which would span the next budget biennium (fiscal years 2027-2028). New goals would then be set in 2028 to inform the fiscal year 2029-2030 budget.

The goal setting process kicked off in November 2024, with Council generating a starting list of several potential goal "ideas." Council then solicited feedback from the public on these ideas via an online survey, the results of which can be viewed at **engage.milwaukieoregon.gov/city-council-goals-2**. This survey feedback, along with other public comment and community data,

informed a two-day retreat on January 31 and February 1, at which Council determined what goals to adopt.

During the retreat, Council engaged in several exercises to review public feedback on the goal ideas, express their support or questions about different goal ideas, and refine the list down to up to three goals. Once the three goals were identified, Council and staff directors worked collaboratively to discuss actions desired to advance these goals, as well as resourcing tradeoffs that would have to be considered to do this work.

Council reached consensus around advancing the following three goals for adoption:

- Economic Development: Support Milwaukie's Business Districts and invest in Neighborhood Hubs.
- Parks and Greenspace: Deliver Milwaukie Bay Park and expand equitable access to greenspace, including the future restored Kellogg Creek Natural Area.
- Affordability: Identify opportunities to provide utility relief and support more income-restricted housing in Milwaukie.

Attachment 2 shows an initial draft, high-level action plan for each goal. These will continue to be refined over the next several months. The first action in each on the Council side is to engage in further action planning and articulate key priorities for that goal, in collaboration with a city advisory board or committee. Council and staff are also committed to using an equity and climate lens as they engage in this action planning, considering how the steps the city takes will further address disparities in the community and help reduce carbon emissions or adapt to a changing climate.

BUDGET IMPACT

The impact of Council goals has fluctuated in recent years, with some goals having a larger impact on the city's fiscal resources than others. Staff will work to keep Council informed on any changes to the budget caused by the adopted goals.

CLIMATE & EQUTY IMPACT

In recent years, Council's goals have directly impacted the city's climate and equity work as the goals established climate and equity as the city's goals. In various reports from staff since the climate and equity goals were adopted, the city has made progress on a number of Climate Action Plan (CAP) and Equity, Inclusion & Justice actions. Staff have worked to make climate and equity part of the ongoing operations of the city and will continue to prioritize these actions in its work going forward. As noted above, Council and staff will apply an equity and climate lens to all decision making within these goals, supported by the city's Climate and Natural Resources Manager and Equity and Inclusion Coordinator.

WORKLOAD IMPACT

The adoption of Council goals can have a major impact on the workload of certain staff, particularly the city manager, assistant city manager, and department directors. Depending on which goals are adopted, and the subject area of the goal, staff will work to ensure the workload is as balanced as possible to allow for work toward the goal to happen and that staff have the resources and time to work on the goal.

COORDINATION, CONCURRENCE, OR DISSENT

The city manager, assistant city manager, department directors, and key staff have worked with Council to prepare for goal setting discussion and to take public feedback on proposed goals.

STAFF RECOMMENDATION

Staff recommend that Council adopt the attached resolution to set new goals for the rest of the current 2024-2025 fiscal biennium and the 2026-2027 biennium.

ALTERNATIVES

Council could decline to adopt goals.

ATTACHMENTS

1. Resolution
2. DRAFT 2025-2027 Council Goal Action Lists

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING COUNCIL GOALS FOR 2025-2027.

WHEREAS establishing Council goals helps prioritize resources and capacity to address areas that are not yet embedded within the current work of the city; and

WHEREAS Council has traditionally set goals of two or three-year duration and this Council has expressed a desire to better align goal setting with the city's biennial budget timeline to allow for strategic investment; and

WHEREAS Council discussed goal ideas and gathered community input between November 2024 and January 2025, including through a town hall meeting on January 7, 2025, and a community feedback survey on the Engage Milwaukie website; and

WHEREAS Council has hereby identified the following goals to serve as the city's primary objectives for the remainder of the fiscal year 2024-2025 biennium and the fiscal year 2026-2027 biennium (calendar years 2025, 2026, and 2027).

ECONOMIC DEVELOPMENT: Support Milwaukie's business districts and invest in Neighborhood Hubs.

PARKS AND GREENSPACE: Deliver Milwaukie Bay Park and expand equitable access to green space, including the future restored Kellogg Creek Natural Area.

AFFORDABILITY: Identify opportunities to provide utility relief and support more income-restricted housing development in Milwaukie.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that these City Council goals outlined above and in Exhibit A are adopted for calendar years 2025, 2026, and 2027.

Introduced and adopted by the City Council on **February 4, 2025**.

This resolution is effective immediately.

Lisa M. Batey

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Goal title	ECONOMIC DEVELOPMENT: Support Milwaukie's Business Districts and invest in Neighborhood Hubs	
	Council actions	***Staff actions***

2025 actions
FOCUS: Support downtown momentum; Business engagement and fact finding
	• **COUNCIL GOAL ACTION PLANNING:** Articulate economic development priorities and objectives, *in collaboration with the Milwaukie Redevelopment Commission Community Advisory Committee (MRCCAC)*
	  • Refresh Urban Renewal Area (URA) 5-year action plan
	• Establish regular business engagement tables (URA, North Milwaukie Industrial Area (NMIA), International Way, and neighborhood businesses)
		• Hire Economic Development coordinator
		  • Build relationships with business groups
		• Plan for investments in downtown placemaking, beautification, and streetscape improvements
		• Scope and explore planning/code work that supports economic development (e.g., corridor planning)
		• Continue URA business support grant program and begin work to replicate program citywide, funded by Construction Excise Tax (CET)

2026 actions *FOCUS: Neighborhood Hubs + Business support, attraction, and retention*	• Select priority Neighborhood Hubs for placemaking investment based on market analysis • Explore opportunities for additional URAs to support economic development beyond downtown • Direct staff on planning/code work to undertake to support economic development • Continue business engagement and host Annual Business Summit • Explore tools for incentivizing business action in line with other city values (e.g., depaving)	• Conduct market analysis around Neighborhood Hubs • Launch city-wide business grants funded by CET • Review Business Tax code and fees and propose adjustments that allow for greater business assistance while supporting financial stability • Explore transportation enhancements needed to support workforce and business needs and climate goals (informed by updated Transportation System Plan (TSP)) • Continue investing in downtown and launch downtown streetscape capital improvement project • Develop vacant storefront tool kit • Implement placemaking investments in Hubs
2027 actions *FOCUS: Institutionalizing business support as a city function*	• Champion transportation investments that support economic development • Continue business engagement and host Annual Business Summit	• Implement Business Tax changes

Goal title	PARKS AND GREENSPACE: Deliver Milwaukie Bay Park and expand equitable access to greenspace, including the future restored Kellogg Creek Natural Area	
	Council actions	***Staff actions***
2025 actions *FOCUS: Get Milwaukie Bay Park back on track and secure funding for Kellogg project*	• **COUNCIL GOAL ACTION PLANNING:** Articulate parks and greenspace priorities and objectives, *in collaboration with the Parks and Recreation Board (PARB)* • Continue dialogue with North Clackamas Parks and Recreation District (NCPRD) Board to advance Milwaukie Bay Park (MBP) • Advocate for MBP and Kellogg Creek Dam Removal and Restoration Project (Kellogg project) funding at regional, state and federal levels	• Support MBP planning and funding efforts • Support Kellogg project planning and funding efforts • Continue engagement with NCPRD to ensure adequate maintenance and investment in Milwaukie parks • Begin scoping for greenspace strategy, including: • Mapping and equity analysis • Launch Good Neighbor grant program
2026 actions *FOCUS: Plan for the greenspace system Milwaukie wants*	• Continue advocacy for MBP and Kellogg project • Engage community in conversations around park priorities and concerns • Engage in conversations, as timely, about parks governance	• Help build Milwaukie Bay Park! • Renegotiate cooperative intergovernmental agreement (IGA) with NCPRD • Develop comprehensive greenspace strategy
2027 actions *FOCUS: Clarify future of parks governance*	• Continue to engage and make decisions around parks governance and long-term strategy	• Begin implementation of greenspace strategy

Goal title	AFFORDABILITY: Identify opportunities to provide utility relief and support more income-restricted housing development in Milwaukie	
	Council actions	***Staff actions***

2025 actions
FOCUS: Planning and analysis to identify most impactful actions
	• **COUNCIL ACTION PLAN:** Define Council's affordability priorities and strategy, *in collaboration with Community Utility Advisory Committee (CUAC)*
	• Advocate for ratepayers with non-city utilities (e.g., electric, gas, broadband)
		• Complete utility rate design work and explore ways to deepen discounts
		• Review and update fee schedule as part of financial stability strategy
		  • Review permit rates for different customer classes and alignment with city values (e.g., climate)
		  • Update stormwater impervious surface area data for utility billing
		  • Update utility billing code to reflect needed efficiencies
		• Conduct a cost/benefit analysis of new affordability ideas (rebates, discounts, and exemptions)
		• Begin Sparrow development
		• Adopt affordable housing code improvements (part of the city's Housing Production Strategy)

2026 actions
FOCUS: Implementation and awareness raising
	• Continue advocacy for affordability
	• Develop land banking strategy
		• Develop and implement communications strategy
		  • Outreach programming at the library, city events, etc.
		  • Mailers, social media, etc.
		• Develop FY27-28 budget that allows for implementation of affordability mechanisms prioritized by Council via its strategy
		• Update city's land banking strategy with a focus on acquisition of land for affordable housing development (part of the city's Housing Production Strategy)
		• Complete Sparrow development
		• Review and make changes to the city's R-HD zone to support housing production (part of the city's Housing Production Strategy)

2027 actions *FOCUS: Institutionalize affordability programs*	• Continue advocacy • Plan for institutionalization of affordability work	• (If funding allows) Acquire property for next affordable housing development • Continued implementation of communication strategy

RS 7. A. 2/4/25
Presentation

2025-2027 City Council Goals

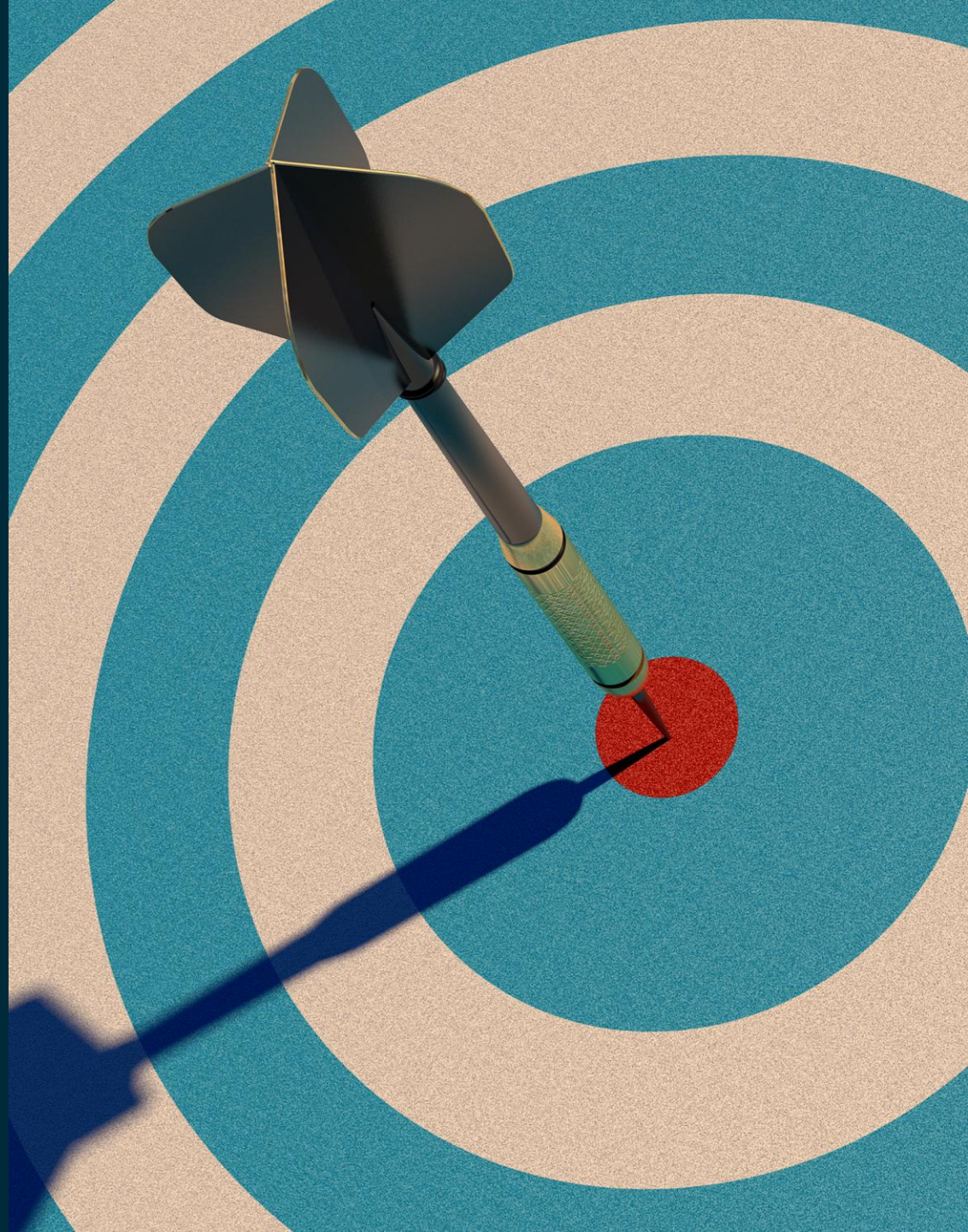
What are Council goals? Why set them?

- Articulation of **policy priorities** for the next three years

- Help to **focus resources** (budget, staff time, council advocacy and attention)

- **Not EVERYTHING** we care about!
  - City continues to deliver high-quality core services and other policy-driven work

- Parameters for this Council's goal setting:
  - Up to three goals
  - ACTION and DELIVERABLE focused
  - Change schedule to better align with budget development (these goals will inform next biennial budget; new goals set in early 2028)



The road to get here

- **November 12, 2024**: Mini-retreat and goal development kick-off
  - 10 “goal ideas” developed
- **December 12, 2024 – January 16, 2025:** *Engage Milwaukie* community survey to gather feedback on goal ideas
  - 241 responses
- **January 7, 2025:** In-person town hall
- **January 31 – February 1, 2025:** Council retreat to finalize goals

Goal setting retreat: Jan. 31 – Feb. 1

- **Reviewed community feedback**
  - Engage Milwaukie and Town Hall input
  - 2023 Community survey data
  - Other submitted comments

- **Discussed context**
  - Financial forecast
  - Existing programmed work
  - Potential trade-offs

- **Prioritized goals and selected top 3**

- **Action and accountability planning**
  - More to come throughout year 1

Prioritized goals for 2025-2027

ECONOMIC DEVELOPMENT: Support Milwaukie's Business Districts and invest in Neighborhood Hubs.

PARKS AND GREENSPACE: Deliver Milwaukie Bay Park and expand equitable access to greenspace, including the future restored Kellogg Creek Natural Area.

AFFORDABILITY: : Identify opportunities to provide utility relief and support more income-restricted housing in Milwaukie.

Looking forward

- **Regular Council work sessions to chart goal progress:**
  - One goal per month (starting in April)
  - Updates on staff and Council actions
  - Decisions and direction provided on next quarter's work

- **Further action planning and performance measure refinement in year 1**
  - Council will work to refine objectives for each goals and update action plans (draft included in meeting packet)
  - Performance measures will be used to track change overtime
  - Equity and climate lens will be applied throughout

- **Goal story telling**
  - Updates on the web, in the *Milwaukie Pilot*, and more!

Great things ahead!

RS Agenda Item 8

Public Hearings

CITY OF MILWAUKIE

RS 8. A. 2/4/25

OCR USE ONLY

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Date Written: Jan. 23, 2025

Reviewed: Joseph Briglio, Assistant City Manager/Community Development Director

From: Laura Weigel, Planning Manager, and
Brett Kelver, Senior Planner

Subject: **FEMA Flood Requirements (Title 18 amendments, file #ZA-2024-003)**

ACTION REQUESTED

Council is asked to adopt a package of code amendments related to the flood hazard protections established in Milwaukie Municipal Code (MMC) Title 18.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

May 1980: Council adopted **Ordinance 1461** to establish flood hazard regulations, which were installed in the municipal code as Title 18.

April 2002: Council adopted **Ordinance 1899** to update Title 18, including a new reference to the 1990 version of the federally provided flood insurance rate maps.

June 3, 2008: Council adopted **Ordinance 1983** to approve amendments to MMC Title 18 Flood Hazard Regulations.

February 4, 2020: Council received a work session update regarding the draft Comprehensive Plan floodplain policies and upcoming amendments to MMC Title 18.

February 2, 2021: Council received a work session update on the proposed amendments in advance of the March 2 adoption hearing.

March 2, 2021: Council adopted **Ordinance 2199** to amend MMC Title 18.

April 20, 2021: Council adopted **Ordinance 2201** for a small adjustment of the recent amendments to MMC Title 18.

November 19, 2024: Council received a work session update regarding the need to amend MMC Title 18 to add "no net loss" standards for key floodplain functions.

January 14, 2025: Planning Commission held a public hearing and recommended approval of the proposed amendments to MMC Title 18 in land use file #ZA-2024-003.

ANALYSIS

Background

The Federal Emergency Management Agency (FEMA) oversees the National Flood Insurance Program (NFIP), established by Congress in 1968 to enable property owners to purchase insurance as protection against flood losses. In exchange, participating communities are required to maintain state and local floodplain management regulations that reduce future flood damage. The regulations provide construction methods and details that must be followed when

constructing within flood management areas, and they control the alteration of the floodplain so as not to increase flood damage. Because the city participates in the NFIP, property owners within the city limits are eligible to purchase federally subsidized flood insurance policies instead of being forced to work exclusively with the private sector, where flood insurance is prohibitively expensive if available at all.

As a federal agency, FEMA must consider whether NFIP activities affect threatened or endangered species protected by the Endangered Species Act (ESA). In 2009, a lawsuit was brought against FEMA for its failure to consult with the US Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) on the impacts of implementing the NFIP in Oregon. Following the resulting settlement in 2010, FEMA began a consultation with NMFS to conduct a biological assessment of the NFIP's impacts on ESA-listed species in Oregon.

In 2016, NMFS issued a Biological Opinion (BiOp) concluding that the current implementation of the NFIP in Oregon was likely to jeopardize the continued existence of 16 threatened or endangered anadromous fish species[1] and the southern resident killer whale. Unless adjusted, the NFIP was likely to result in the destruction or "adverse modification" of critical habitat for these species. The BiOp proposed alternative approaches to NFIP performance standards to avoid continued jeopardy and adverse modification. To evaluate the proposed changes, FEMA is preparing an Environmental Impact Statement (EIS) as required by federal law. Once the EIS is complete (anticipated by 2027), a final implementation plan for NFIP-ESA integration will be released and local communities will be required to take steps for full compliance.

In the interim, the ESA is the law of the land. The BiOp directed FEMA to require that NFIP communities immediately implement measures that collectively meet a standard of "no net loss" for key floodplain habitat features and functions essential to the survival of ESA-listed species—flood storage, water quality, and vegetation. The no net loss principle is demonstrated where a development action that might otherwise result in negative impacts to one or more of the floodplain functions instead avoids or mitigates those impacts in a way that completely offsets them. While Milwaukie's municipal code already includes some provisions that implement a no net loss standard (such a required balancing of "cut and fill" to maintain flood storage capacity), those restrictions are not as far reaching as what is required by the ESA and BiOp.

FEMA provided NFIP communities with three options for immediate action:

1. **Prohibition** – Prohibit all new development within the regulatory floodplain.
2. **Model Ordinance** – Adopt a model ordinance developed to incorporate the "no net loss" principle into existing flood hazard regulations.
3. **Permit-by-Permit Assessment** – Require applicants for development in the floodplain to conduct a habitat assessment documenting that the project will achieve no net loss.

Communities were required to notify FEMA by December 1, 2024, about which option they would pursue. On **November 19**, staff briefed Council in a work session and recommended the model ordinance option (Option 2). Council agreed, and staff have moved to integrate the code language provided by FEMA into the existing provisions of Title 18.

Key Elements of the Model Ordinance

The **model ordinance** provided by FEMA is an updated version of the code language upon which **Title 18** is based. FEMA highlighted the new language to be incorporated, and planning staff

[1] Fish species that migrate up rivers from the sea to spawn, like the salmon.

have identified the parts of Title 18 that need to be revised or expanded to establish the new no net loss standards. See Attachment 1-B for the ~~strikeout~~/underline version of the proposed amendments. (Attachment 1-C is a clean version.)

FEMA has indicated that adoption of the model ordinance will meet the requirements of the BiOp. Staff's assessment is that the model ordinance language is not sufficiently clear and objective for effective implementation, especially where housing development is concerned. The language provided in Attachments 1-B and 1-C includes modifications necessary to make the model ordinance more functionally clear and objective as needed.

The primary proposed additions to Title 18 are new standards that implement the no net loss principle by identifying representatives or proxies for the three key floodplain functions identified in the BiOp:

- Flood storage = Undeveloped space and fish access
- Water quality = Pervious surface
- Vegetation = Trees

In addition, the new rules identify a new riparian buffer zone (RBZ) as the area of primary focus. The RBZ extends 170 ft horizontally from the ordinary high-water mark of a river, creek, or stream. The "RBZ-fringe" consists of everything beyond the RBZ and floodway but still within the regulatory floodplain. The mitigation requirements for no net loss are more stringent within the RBZ than the RBZ-fringe.

A provision near the end of the model ordinance establishes a "beneficial gain standard" for development activities involving most kinds of uses (e.g., residential, commercial, manufacturing, warehousing, etc.). The beneficial gain standard applies in addition to the no net loss rules and requires that an area equivalent to 5% of the total project area within the RBZ be planted with native herbaceous, shrub, and tree vegetation within the same reach of the waterbody impacted by the project area.

The mechanisms for addressing the proxy for each key floodplain function are described below.

Flood storage—Undeveloped space and fish access

The requirement to maintain the existing flood storage capacity (i.e., to balance cut and fill) has long been a part of Title 18. A proposed development must ensure that the volume of flood storage capacity on a site (which the model ordinance characterizes as "undeveloped space" within the floodplain) is not reduced. The new standards acknowledge the importance of flood storage capacity for the survival of the ESA-listed fish species and raise the bar by requiring that any prospective net reduction in flood storage be mitigated at a 2:1 ratio within the RBZ (or 1:1.5 in the RBZ-fringe) instead of simply 1:1, with new undeveloped space that allows for fish access and egress.

As per the model ordinance provided by FEMA, the mitigation area must be hydrologically connected to the flooding waterbody and must be designed so as not to increase the water velocity in flood events. These requirements will require some degree of technical assessment, so staff is working to identify procedures that will facilitate the implementation of the new rules.

Water quality—Pervious surface

Impervious surfaces such as rooftops and concrete or asphalt driveways and walkways are problematic for water quality, as they can increase the amount and rate of surface water runoff and lead to the erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Impervious surfaces can accumulate large amounts of pollutants that are then flushed

into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

The proposed amendments include a new requirement to balance any proposed increase in impervious surface with an equal amount of new pervious surface within the floodplain. Where it is not possible or practicable to avoid a net increase in impervious surface, the new rules allow for the use of green infrastructure and low-impact development methods such as raingardens, swales, and vegetated roofs for effective infiltration of stormwater. As with the proposed new requirements for fish access/egress, the model ordinance language regarding the use of green infrastructure and low-impact development requires some technical assessment. Staff are working to clarify the information needed as part of the implementation of the new rules.

Vegetation—Trees

Riparian vegetation is important in providing shade, bank stabilization, and habitat, all of which improve conditions for listed fish species. Where development involves the removal of trees within the floodplain, the new rules require an escalating ratio of replanting based on tree diameter at breast height (DBH). Within the RBZ, for trees between six-inch and 20-inch DBH, the replanting ratio is 3:1. It rises to 5:1 for trees larger than 20-inch to 39-inch DBH and to 6:1 for trees larger than 39-inch DBH. Within the RBZ-fringe, the replanting ratios drop to 2:1, 4:1, and 5:1, respectively.

This new requirement is straightforward, though there may be cases where a site does not provide adequate space or conditions for replanting trees at such high ratios. As for mitigation of all three proxies, the proposed amendments include an allowance for off-site mitigation, either within the same reach of the flooding waterbody or a different reach but same watershed. The various local watershed councils may be able to help coordinate off-site tree planting if the required ratios cannot be achieved on site.

See Attachments 1-B and/or 1-C for the full text of the proposed amendments.

BUDGET IMPACT

The requirement to comply with the conclusions of the BiOp will not have a direct impact on the city budget. Failure to comply will jeopardize the city's participation in the NFIP, which could in turn disqualify the owners of floodplain properties from federally subsidized flood insurance policies.

WORKLOAD IMPACT

Staff have been anticipating the release of the BiOp for several years with the understanding that staff time and resources would be required to update the municipal code at some point. The need for this amendment project has been accounted for in the department work program.

CLIMATE IMPACT

The city's flood hazard regulations are part of a larger response to climate change and represent a proactive effort to prevent or limit future flood damage to property and improvements. Compliance with the BiOp contributes to the preservation and enhancement of critical habitat for key species that face increasing pressure from climate change, development, and other forces.

EQUITY IMPACT

The flood hazard regulations of MMC Title 18 apply only to properties that include a portion of the mapped floodplain. Issues of race, ethnicity, gender identity, socioeconomic status, able-

bodied-ness, and other like considerations do not factor directly into the establishment or implementation of the flood hazard regulations.

However, the risks and challenges of floodplain areas have sometimes made them the most affordable option for some lower income populations, which means that historically marginalized communities have often been severely impacted by major flood events. For example, as a result of the 1948 Vanport Flood that devastated a World War II federal housing project built near the Columbia River between Portland, Oregon, and Vancouver, Washington, a majority of Black and African American families and residents died or were displaced, leading to a refugee and housing crisis.

If new floodplain development rules require costly analyses and expert consultants with no alternative, there could be a disproportionate impact on some already disadvantaged demographics.

COORDINATION, CONCURRENCE, OR DISSENT

Planning staff have coordinated with the engineering and building departments on this project and have consulted with the city attorney. The Planning Commission held a public hearing on **January 14, 2025**, and voted unanimously to forward a recommendation of approval of the proposed amendments to Council.

STAFF RECOMMENDATION

Council should vote to adopt the proposed amendments to Title 18 and make them effective immediately to maintain compliance with the requirements of the NFIP. Ordinances adopted by Council usually take effect 30 days after adoption, per the City Charter; however, an emergency clause has been included in the ordinance to allow for an immediate effective date for the proposed ordinance and MMC amendments.

ALTERNATIVES

1. Adopt the amendments as proposed.
2. Adopt the proposed amendments with adjustments based on Council discussion. Note that any further adjustments to the proposed amendments must be vetted by FEMA to confirm consistency with the no net loss requirements prescribed by the BiOp.
3. Continue the hearing for further discussion. Note that FEMA's requirement for the city to implement the no net loss standards has been in effect since December 1, 2024. An extended delay of the adoption of new standards that satisfy the conclusions of the BiOp will jeopardize the city's eligibility to participate in the NFIP.
4. Decide not to adopt any amendments to Title 18. *(See the consequences noted in Alternative 3.)*

ATTACHMENTS

1. Adopting Ordinance
   A. Exhibit A. Recommended Findings in Support of Approval
   B. Exhibit B. Proposed amendments to Title 18 (~~strikeout~~/underline version)
   C. Exhibit C. Proposed amendments to Title 18 (clean version)

COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) TITLE 18 FLOOD HAZARD REGULATIONS TO COMPLY WITH NEW FEDERAL REQUIREMENTS (FILE #ZA-2024-003), AND DECLARING AN EMERGENCY.

WHEREAS the State of Oregon has in Oregon Revised Statute (ORS) 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizens; and

WHEREAS Title 18 of the Milwaukie Municipal Code (MMC) establishes flood hazard regulations designed to minimize public and private losses due to flooding; and

WHEREAS the proposed amendments reflect the preliminary conclusions of a Biological Opinion issued by the National Marine Fisheries Service regarding impacts of requirements of the National Flood Insurance Program (NFIP) on several species of threatened or endangered anadromous fish species protected by the Endangered Species Act; and

WHEREAS the proposed amendments establish standards to ensure "no net loss" of key floodplain functions when certain activities are proposed within the regulatory floodplain; and

WHEREAS adoption of the proposed amendments is required for the city to continue to participate in the NFIP; and

WHEREAS legal and public notices have been provided as required by law; and

WHEREAS on January 14, 2025, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a recommendation to approve the proposed amendments; and

WHEREAS the City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the proposed amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code is amended as described in Exhibit B (strikeout/underline version) and Exhibit C (clean version).

Section 3. Emergency. The city desires that the amended MMC Title 18 should be in effect immediately and therefore declares an emergency to exist and this ordinance will become effective upon the date of its adoption.

Read the first time on _____ and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Attachment 1-A

Recommended Findings in Support of Approval
File #ZA-2024-003
Amendments to MMC Title 18 (Flood Hazard Regulations)

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

1. The applicant, the City of Milwaukie, proposes to amend the flood hazard regulations that are established in Title 18 of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2024-003.

2. The purpose of the proposed code amendments is to update the City's flood hazard regulations to establish standards for "no net loss" of key floodplain functions when certain activities are proposed within the regulatory floodplain. The proposed amendments reflect the preliminary conclusions of a Biological Opinion issued by the National Marine Fisheries Service (NMFS) regarding impacts of the National Flood Insurance Program (NFIP) on several species of threatened or endangered anadromous fish species protected by the Endangered Species Act (ESA). The amendments are necessary for the City to retain eligibility to participate in the NFIP, which allows residents to purchase flood insurance at a reasonable cost. The proposal is to amend the existing language in Title 18 based on model language provided by the Federal Emergency Management Agency (FEMA), which oversees the NFIP.

3. The proposal is subject to the criteria and procedures outlined in the following sections of the Milwaukie Municipal Code (MMC):

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

   The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. An initial evidentiary hearing was held by the Planning Commission on January 14, 2025, and another public hearing was held by the City Council on February 4, 2025, as required by law.

4. MMC Section 19.902 Amendments to Maps and Ordinances

   MMC 19.902 establishes the general process for amending the City's Comprehensive Plan and land use regulations within the Milwaukie Municipal Code. Specifically, MMC Subsection 19.902.5 establishes Type V review as the process for changing the text of land use regulations, with the following approval criteria:

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

      The proposed amendments are consistent with other provisions of the Milwaukie Municipal Code, including MMC Chapter 16.32 Tree Code and MMC Section 19.402 Natural Resources.

This standard is met.

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

Of the various goals, objectives, and policies in the Comprehensive Plan, the chapter on Environmental Stewardship & Community Resiliency, with its sections on natural hazards and natural resources, is especially relevant to the proposed amendments.

The Natural Hazards section includes the following goal statement, goals, and policies:

Protect the Milwaukie community from the threats of natural hazards, including those induced by climate change, through risk minimization, education, and adaptation.

Goal 5.1 – Identifying, Avoiding, and Reducing Hazard Potential

Identify areas with high natural hazard potential and develop policies and programs to avoid or reduce potential negative impacts.

Policy 5.1.1: Ensure that City natural hazard maps stay updated and reflect the most recent information and best available science for natural hazard areas, including flooding, landslides, liquefaction, unstable soils, wildfire, earthquakes, drought and sea level rise.

Policy 5.1.2: Require the submittal and neutral third-party review of detailed technical reports for proposed development within high-risk flood, liquefaction, and landslide hazard areas.

Policy 5.1.3: Encourage and prioritize development in areas with low risk of natural hazards and restrict development in areas with high risk that cannot be adequately mitigated.

Policy 5.1.4: Regulate floodplain areas in a manner that protects the public, recognizes their natural functions as waterways and critical habitat, and provides open space/recreational opportunities.

Goal 5.2 – Partnerships and Education

Continue and expand partnerships with government agencies, utilities, and other groups that can help Milwaukie residents prepare for natural hazards.

Policy 5.2.1: Continue to coordinate with regional, state and federal agencies on disaster preparedness efforts.

Policy 5.2.3: Ensure that mapping of the 100- and 500-year floodplain areas stays current and accurate.

Goal 5.3 – Infrastructure and Building Resiliency

Ensure that the City's built environment and infrastructure are adequately prepared for natural disasters.

Policy 5.3.1: Ensure that relevant sections of the Milwaukie Municipal Code, most notably those that deal with Flood Hazards, Seismic Conditions, and Soils, are maintained to reflect best available science.

The Natural Resources and Environmental Quality section includes the following goal statement, goals, and policies:

Protect, conserve, and enhance the quality, diversity, quantity and resiliency of Milwaukie's natural resources and ecosystems, and maintain the quality of its air, land, and water. Utilize a combination of development regulations, incentives, education and outreach programs, and partnerships with other public agencies and community stakeholders.

Goal 3.2 – Water Quality and Resources

Enhance the quality of Milwaukie's water resources and ensure they have adequate flows and quantity to support their long-term health.

Policy 3.2.1: Support programs and regulations to enhance and maintain the health and resilience of watersheds, riparian and upland zones, and floodplains.

Policy 3.2.4: Require a detailed analysis, including alternatives, of how development will avoid impacts to natural resources. If impacts cannot be avoided, include a detailed analysis of how development will minimize and mitigate impacts to the natural resources.

Policy 3.2.5: Regulate floodplains to protect and restore associated natural resources and functions, increase flood storage capacity, provide salmon habitat, minimize the adverse impacts of flood events, and promote climate change resiliency.

Policy 3.2.6: When considering development proposals, take into account changes in water flow, quantity and duration of flow associated with both development and climate change and evaluate the downstream impacts of development in upland areas.

Policy 3.2.7: Protect water quality of streams by using best available science to help control the amount, temperature, turbidity, duration, and quality of runoff that flows into them, in partnership with other regulatory agencies.

Policy 3.2.8: Improve stormwater detention and treatment standards through the use of best available science, technology, and management practices to meet water quality standards and achieve wildlife habitat protection and connectivity goals and standards.

Policy 3.2.9: Establish the City's preference for sustainable stormwater facilities that utilize natural systems and green technology through the use of incentives as well as future code changes.

Goal 3.3 – Flora and Fauna Habitat

Protect and conserve aquatic, aerial, arboreal, and terrestrial wildlife and plant habitat.

Policy 3.3.1: Protect habitat areas for native and non-invasive naturalized plants and wildlife that live and move through the city, especially climate-adapted species, pollinators, and indigenous species subject to Native American fishing rights. Focus these efforts on habitat that is part of or helps create an interconnected system of high-quality habitat and considers downstream impacts of activities within Milwaukie.

Policy 3.3.2: Consider impacts to habitat connectivity when reviewing development proposals.

Policy 3.3.3: Work with regulatory agencies and private property owners to remove barriers to fish passage and wildlife movement corridors between the Willamette River and its tributaries.

Policy 3.3.4: Protect and enhance riparian vegetation that provides habitat and improves water quality along creeks and streams through the use of best available science and management practices to promote beneficial ecosystem services, such as managing water temperature and providing woody debris for habitat.

Policy 3.3.5: Require mitigation that restores ecological functions and addresses impacts to habitat connectivity as part of the development review process.

The City's flood regulations are an important part of a larger network of regional, state, and federal rules intended to protect the public and reduce flood damage. When certain activities are proposed within the regulatory floodplain, the proposed amendments will establish standards for "no net loss" of key floodplain functions, including flood storage capacity and fish access, water quality, and riparian vegetation. The proposed amendments reflect the preliminary conclusions of a Biological Opinion issued by NMFS regarding impacts of the NFIP on several species of threatened or endangered anadromous fish species protected by the ESA.

As proposed, the amendments are consistent with and facilitate the actualization of many relevant goals and policies in the City's Comprehensive Plan.

This standard is met.

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

The proposed amendments are consistent with the following applicable sections of Metro's Urban Growth Management Functional Plan:

Title 3 – Water Quality and Flood Management

MMC Title 18 (Flood Hazard Regulations) incorporates Metro's Title 3 regulations as to ensure that the City's regulations for flood management are consistent with those of Metro, including those related to protecting the key floodplain function of water quality. Furthermore, the proposed amendments are designed to ensure that City regulations continue to be consistent with applicable federal regulations for flood management.

Title 8 – Compliance Procedures

The City's current Comprehensive Plan and land use regulations comply with the Functional Plan. The proposed amendments will be deemed to comply with the Functional Plan if no appeal to the Land Use Board of Appeals is made within the 21-day period set forth in ORS 197.830(9). As required by Metro Code Section 3.07.820.A, the City has provided notice of the proposed amendments to Metro's Chief Operating Officer more than 35 days in advance of the City Council hearing on the proposed amendments.

In processing the proposed amendments, the City has followed its own requirements and procedures for community involvement. The proposed amendments have been discussed at a public information meeting and a public City Council work session. The City has conducted public hearings on the proposed amendments before the Planning Commission and City Council and has published public notice prior to each hearing.

Title 13 – Nature in Neighborhoods

The proposed amendments reflect the importance of key floodplain functions for the survival of several species of threatened or endangered anadromous fish species. The requirement to ensure that new undeveloped space established within the floodplain provides sufficient fish access and egress emphasizes the importance of habitat connectivity. The requirement to mitigate tree removal within the floodplain by planting new trees at a ratio of 3:1 or higher emphasizes the importance of riparian vegetation.

This standard is met.

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

Goal 1 – Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

The City has an adopted and acknowledged amendment process and has followed that process in making these amendments. Public hearings on the proposed amendments have been held and public notice was published prior to each hearing. In addition, all owners of property within designated flood hazard areas were sent notice of the public hearings. The Planning Commission members are appointed by an elected City Council, following an open and public selection process.

Goal 2 – Land Use Planning

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

The proposed amendments will not change the City's land use planning process. The City will continue to have a comprehensive land use plan and implementing regulations that are consistent with the plan. The proposed amendments will update MMC Title 18 of the municipal code and make it consistent with applicable federal flood management regulations. These changes strengthen the City's existing policies that implement Goal 2.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

The proposed amendments will ensure that development within the regulatory floodplain results in no net loss of key floodplain functions, including fish access and egress and riparian vegetation. The proposed amendments reflect the preliminary conclusions of a Biological Opinion issued by NMFS regarding impacts of the NFIP on several species of threatened or endangered anadromous fish species protected by the ESA. By maintaining key floodplain functions, the proposed amendments serve to protect natural resources in flood hazard areas.

Goal 6 – Air, Water, and Land Resources Quality

To maintain and improve the quality of the air, water, and land resources of the state.

The proposed amendments will ensure that development activities within the regulatory floodplain suffer no net loss of key floodplain functions, including water quality. The new rules will require no net increase in impervious surface or that any net increase in impervious surface be mitigated by techniques that retain and treat stormwater to maintain water quality.

Goal 7 – Areas Subject to Natural Hazards

To protect people and property from natural hazards.

The proposed amendments will improve the City's implementation of Statewide Planning Goal 7. The proposed amendments are specifically designed to ensure that City ordinances relating to development in designated flood hazard areas continue to be consistent with applicable federal regulations for flood management.

This standard is met.

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

The primary purpose of the proposed amendments is to revise the flood hazard regulations of MMC Title 18 so that they remain consistent with the latest federal regulations and guidance.

This standard is met.

The City Council finds that the proposed amendments to MMC Title 18 (Flood Hazard Regulations) are consistent with the applicable approval criteria for zoning text amendments as established in MMC 19.902.5.B.

5. MMC Section 19.1008 Type V Review

MMC 19.1008 establishes the procedures and requirements for Type V review, which is the process for legislative actions. The City Council, Planning Commission, Planning Manager, or any individual may initiate a Type V application.

The proposed amendments were initiated by the Planning Manager on November 4, 2024.

a. MMC Subsection 19.1008.3 establishes the public notice requirements for Type V review.

(1) MMC Subsection 19.1008.3.A General Public Notice

MMC 19.1008.3.A establishes the requirements for public notice, including a requirement to post public notice of a public hearing on a Type V application at least 30 days prior to the first evidentiary hearing. The notice must be posted on the City website and at City facilities that are open to the public.

A notice of the Planning Commission's January 14, 2025, hearing was posted as required on December 13, 2024. A notice of the City Council's February 4, 2025, hearing was posted on January 10, 2025.

(2) MMC Subsection 19.1008.3.B DLCD Notice

MMC 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) as per the standards of MMC Subsection 19.1001.6.C.4.a, which required notice to be sent to DLCD at least 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on December 10, 2024, in advance of the first evidentiary hearing on January 14, 2025.

(3) MMC Subsection 19.1008.3.C Metro Notice

MMC 19.1008.3.C requires notice of a Type V application be sent to Metro at least 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on December 10, 2024, in advance of the first evidentiary hearing on January 14, 2025.

(4) MMC Subsection 19.1008.3.D Property Owner Notice (Measure 56)

MMC 19.1008.3.D requires notice to property owners if, in the Planning Manager's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments would result in some changes for properties within a designated flood zone, with new requirements to ensure no net loss of key floodplain

functions related to development. A notice to this effect was mailed to the owners of all affected properties on December 20, 2024.

b. MMC Subsection 19.1008.4 Type V Decision Authority

MMC 19.1008.4 establishes that the City Council is the review authority for Type V applications and may approve, approve with conditions, amend, deny, or take no action on a Type V application after a public hearing.

The City Council held a public hearing to consider this application on February 4, 2025, and approved the proposed amendments as presented.

c. MMC Subsection 19.1008.5 Type V Recommendation and Decision

MMC 19.1008.5 establishes the procedures for review and a decision on Type V applications. The process includes an initial evidentiary hearing by the Planning Commission and a recommendation to the City Council, followed by a public hearing and decision by the City Council.

The Planning Commission held an initial evidentiary hearing on January 14, 2025, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on February 4, 2025, and approved the proposed amendments as presented.

TITLE 18 FLOOD HAZARD REGULATIONS

Note: The ~~strikeout~~ format indicates existing text to be removed; underlining indicates new text to be added.

18.04 PURPOSE AND METHODS

18.04.010 Statement of Purpose

The flood hazard areas within the City of Milwaukie preserve the natural and beneficial values served by floodplains but are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety, and general welfare. These flood losses may be caused by the cumulative effect of obstructions in regulatory floodplains, which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

It is the purpose of this title to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in the regulatory floodplain;

F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas to minimize blight areas caused by flooding;

G. Notify potential buyers that property is in a regulatory floodplain;

H. Notify those who occupy regulatory floodplains that they assume responsibility for their actions;

I. Maintain the natural and beneficial functions and values of floodplains, such as allowing for storage and conveyance of stream flows through existing and natural flood conveyance systems; and

J. Participate in, promote, and maintain eligibility for flood insurance and disaster relief.

18.04.020 Methods of Reducing Flood Losses

In order to accomplish its purposes, this title includes methods and provisions for:

A. Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that development vulnerable to floods, including facilities that serve those uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development that may increase flood damage;

E. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

F. Employing a standard of "no net loss" of natural and beneficial floodplain functions.

18.08 DEFINITIONS

Unless specifically defined below, words or phrases used in this title will be interpreted to give them the meaning they have in common usage.

"Ancillary features" or "ancillary structures" mean features of a development or structures that are not directly related to the primary purpose of the development.

"Appeal" means a request for a review of the interpretation of any provision of this title or a request for a variance.

"Area of February 1996 inundation" or "February 1996 flood" means the area~~s~~ along the Willamette River and its backwaters of Johnson and Kellogg Creeks that ~~were~~ was flooded in February of 1996 to elevation 38 feet (ft) North American Vertical Datum (NAVD) of 1988 ~~in February of 1996~~. ~~These areas are~~This area is shown on the Metro Water Quality and Flood Management Area Maps as well as on the Milwaukie Map.

"Area of shallow flooding" means a designated Zone AO, AH, AR/AO, or AR/AH on a community's Flood Insurance Rate Map with a one percent or greater annual chance of flooding to an average depth of ~~one~~ 1 to ~~three~~ 3 ~~feet~~ where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Shallow flooding is characterized by ponding (AH) or sheet flow (AO).

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map as Zone A, AO, AH, A1-30, AE, A99, or AR. ~~Also referred to as~~ "S~~s~~pecial flood hazard area~~.~~" (SFHA) is synonymous in meaning and definition with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides, including any sunken room or sunken portion of a room.

"Building" means a structure with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools; nursing homes; hospitals; police, fire and emergency response installations; and installations that produce, use, or store hazardous materials or hazardous waste.

"Development" means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Design flood elevation (DFE)" means the higher elevation of the following:

1. The base flood elevation (BFE); or
2. For properties that include an area of February 1996 inundation, the water surface elevation of the February 1996 flood event, interpolated as 2.4 f~~ee~~t above the nearest adjacent BFE.

"Elevated building" means, for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Fill" means the placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered "development."

"Fish accessible space" means the volumetric space available to an adult or juvenile individual of the identified 16 ESA-listed fish to access.

"Fish egress-able space" means the volumetric space available to an adult or juvenile individual of the identified 16 ESA-listed fish to exit or leave from.

"Flood" or "Flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    a. The overflow of inland or tidal waters.
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
    c. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in paragraph 1-b of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as defined in paragraph 1-a of this definition.

"Flood elevation study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also referred to as "Flood Insurance Study."

"Flood insurance rate map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

"Flood insurance study (FIS)": See "Flood elevation study."

"Flood protection elevation (FPE)" means the elevation 1 foot above the Design Flood Elevation (DFE).

"Floodplain or flood-prone area" means land area susceptible to being inundated by water from any source.

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other application of police power. The term describes any state or local regulation in any combination, that provides standards for the purpose of flood damage prevention and reduction.

"Floodplain storage capacity" means the volume of floodwater that an area of floodplain can hold during the one-percent annual chance flood (i.e., during the base flood).

"Floodway" or "regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. ~~Also referred to as "Regulatory floodway."~~

"Footprint" means the existing measurements of a structure related to key floodplain functions and their proxies. Related to floodplain storage, the footprint refers to the volumetric amount of developed space measured from the existing ground level to the BFE. Related to water quality, the footprint refers to the area of impervious surface that the structure creates.

"Functionally dependent use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Green infrastructure" means the use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. Low impact development is a subset of green infrastructure.

"Habitat restoration activity" means an activity with the sole purpose of restoring habitat that has only temporary impacts and long-term benefits to habitat. Such a project does not include ancillary structures (such as a storage shed for maintenance equipment), must demonstrate that no rise in the DFE would occur as a result of the project and obtain a CLOMR and LOMR accordingly, and must obtain any other required permits (e.g., Clean Water Act (CWA) Section 404 permit).

"Hazard tree" means a standing dead, dying, or diseased tree or one with a structural defect that makes it likely to fail in whole or in part and that presents a potential hazard, whether to a structure or as otherwise defined by the community.

"Hazardous material" means hazardous materials as defined by the Oregon Department of Environmental Quality, including any of the following:

1. Hazardous waste as defined in Oregon Revised Statutes (ORS) 466.005;
2. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605, and radioactive substances defined in ORS 453.005
3. Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and ORS 433.010 to 433.045 and 433.106 to 433.990;
4. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
5. Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
6. Material regulated as a Chemical Agent under ORS 465.550;
7. Material used as a weapon of mass destruction or biological weapon;
8. Pesticide residue;
9. Dry cleaning solvent as defined by ORS 465.200(9).

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior; or
    b. Directly by the Secretary of the Interior in states without approved programs.

<u>"Hydraulically equivalent elevation" means a location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or BFE. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow.</u>

<u>"Hydrologically connected" means the interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.</u>

<u>"Impervious surface" means a surface that cannot be penetrated by water and thereby prevents the infiltration of rain and snowmelt into the soil and/or gravel below, increasing the amount and</u>

rate of surface water runoff and leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then flushed into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

"Low impact development (LID)" means an approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. LID is a subset of green infrastructure and employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. LID refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. LID helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title.

"Manufactured dwelling" means a structure, transportable in one or more sections, which is intended for use as a dwelling, built on a permanent chassis, and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include recreational vehicles and is synonymous with "manufactured home" and "mobile home."

"Manufactured dwelling park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

"Mean higher-high water (MHHW)" means the average of the higher-high water height of each tidal day observed over the National Tidal Datum Epoch.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum~~,~~ to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by City ~~of Milwaukie~~ and includes any subsequent improvements to these structures.

"No net loss" means a standard where adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function from the existing condition when a development application is submitted to the state, tribal, or local jurisdiction. For purposes of this title, the floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

"Offsite mitigation" means mitigation occurring outside of the project area.

"Onsite mitigation" means mitigation occurring within the project area.

"Ordinary high water mark (OHWM)" means the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

"Pervious surface" means a surface that allows rain and snowmelt to infiltrate into the soil and/or gravel below. Pervious surface may also be referred to as "permeable surface."

"Qualified professional" means an appropriate subject matter expert that is defined by the City.

"Reach" means a section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

"Recreational vehicle" means a vehicle that is:

1. Built on a single chassis;
2. 400 square feet (sq ft) or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodplain" is also referred to as "regulatory flood hazard area" and means floodplain mapped as either:

1. The land area inundated by the base flood on the Flood Insurance Rate Map (FIRM), or
2. The land area inundated by the February 1996 flood on the Metro Water Quality and Flood Management Area maps.

~~"Regulatory flood hazard area": See "Regulatory floodplain."~~

~~"Regulatory floodway": See "floodway."~~

"Riparian" means of, adjacent to, or living on the bank of a river, lake, pond, or other water body.

"Riparian buffer zone (RBZ)" means a designated area of protection of key floodplain functions. The outer boundary of the RBZ is measured from the ordinary high water mark (OHWM) of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or MHHW line of a marine shoreline or tidally influenced river reach to 170 f~~ee~~t horizontally on each side of the stream or 170 f~~ee~~t inland from the MHHW line. The RBZ includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

"Riparian buffer zone fringe (RBZ-fringe)" means the area outside of the RBZ and floodway but still within the regulatory floodplain.

"Silviculture" means the art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

"Special flood hazard area (SFHA)": See "Area of special flood hazard."

"Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it

include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvements. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

“Undeveloped space” means the volume of flood storage capacity and fish-accessible/egress-able habitat within the regulatory floodplain from the existing ground to the BFE that has not been reduced due to activity that meets FEMA’s definition of development. Examples of development that impede undeveloped space include, but are not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat.

“Variance” means a grant of relief by the City from the terms of a floodplain management regulation.

“Violation” means the failure of a structure or other development to be fully compliant with the City’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this title is presumed to be in violation until that documentation is provided.

“Watercourse” means an artificial or natural stream, swale, creek, river, ditch, canal, or other open channel that serves to convey water, whether intermittently, perennially, or continuously.

18.12 GENERAL PROVISIONS

18.12.010 Applicability

This title applies to all regulatory floodplains and floodways within the jurisdiction of the City of Milwaukie.

Provisions of this title are to be administered concurrently with those of Title 19, the Zoning Ordinance of the City.

18.12.020 Basis for Establishing the Regulatory Floodplain

A. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The FIS for Clackamas County, Oregon and Incorporated Areas," dated January 18, 2019, with accompanying FIRMs 4100C0009D, 4100C0017D, 4100C0028D, and 4100C0036D are incorporated by reference to be a part of this title. The FIS and FIRM panels are on file with the City's Community Development Department.

B. The February 1996 flood inundation area identified by the Metro Water Quality and Flood Management Area maps are incorporated by reference to be a part of this title. The Metro Water Quality and Flood Management Area maps are on file with the City's Community Development.

18.12.030 Coordination with State of Oregon Specialty Codes

Pursuant to the requirement established in ORS 455 that the City administers and enforces the State of Oregon Specialty Codes, the City acknowledges that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in a regulatory floodplain. This title is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

18.12.040 Compliance and Penalties for Noncompliance

A. Compliance

All development within a regulatory floodplain is subject to the terms of this title and required to comply with its provisions and all other applicable regulations.

B. Penalties for Noncompliance

No structure or land will be constructed, located, extended, converted, or altered without full compliance with the terms of this title and other applicable regulations. Violations of the provisions of this title by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) will constitute a violation. Violations will be punishable by a fine of not more than one thousand dollars per violation per day. Nothing contained in this title will prevent the City from taking lawful action to prevent or remedy any violation.

18.12.050 Abrogation and Severability

A. Abrogation

This title is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this title and another title, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions will prevail.

B. Severability

This title and its various parts are severable. If any section, clause, sentence, or phrase of the title is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding will in no way effect the validity of the remaining portions of this title.

18.12.060 Interpretation

In the interpretation and application of this title, all provisions will be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

18.12.070 Warning and Disclaimer of Liability

A. Warning

The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This title does not imply that land outside the areas of special flood hazards or uses permitted within these areas will be free from flooding or flood damages.

B. Disclaimer of Liability

This title does not create liability on the part of the City of Milwaukie, any of its officers or employees, or the Federal Insurance Administrator, for any flood damages that result from reliance on this title or any administrative decision lawfully made hereunder.

18.16 ADMINISTRATION

18.16.010 Designation of The Floodplain Administrator

The City Engineer or their designee is appointed as the Floodplain Administrator to administer, implement, and enforce this title by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

18.16.020 Duties and Responsibilities of the Floodplain Administrator

Duties of the Floodplain Administrator, or their designee, include, but are not limited to:

A. Permit Review

The Floodplain Administrator will review all development permits for the following purposes:

1. To determine that the permit requirements of this title have been satisfied~~;~~.
2. To determine that all other required local, state, and federal permits have been obtained and approved~~;~~.
3. To determine whether the proposed development is located in a floodway.

a. If located in the floodway, assure that the floodway provisions of this title in Subsection 18.20.010.B (Floodways) are met; and

~~4.~~b. ~~To d~~Determine whether the proposed development is located in ~~the regulatory floodplain~~ an area where DFE or BFE data is available either through the FIS or from another authoritative source. If ~~regulatory flood elevation~~ DFE or BFE data is not available, then ensure compliance with the provisions of Section 18.20.060 (Use of Other Design Flood Data); and

~~5.~~c. ~~To p~~Provide to building officials the BFE, DFE, and FPE applicable to any building requiring a development permit~~;~~.

~~6.~~4. To determine whether the proposed development qualifies as a substantial improvement as defined in Chapter 18.08 (Definitions)~~;~~.

~~7.~~5. To determine whether the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in Section 18.20.010 (Alteration of Watercourses)~~; and~~.

~~8.~~6. To determine whether the proposed development activity includes the placement of fill or excavation. If fill or excavation is proposed, ensure compliance with the provisions in Section 18.20.020 (Compensatory Storage).

7. To determine whether the proposed development activity complies with the no net loss standards in Chapter 18.24 (No Net Loss).

B. Information to Be Obtained and Maintained

The following information will be obtained and maintained and will be made available for public inspection as needed, utilizing forms developed by FEMA where applicable:

1. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures located in the regulatory floodplain where DFE or BFE data is provided through the FIS, FIRM, or obtained in accordance with Subsection 18.20.060 (Use of Other Design Flood Data)~~;~~.
2. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Subsections 18.20.010.B (Floodways) and 18.16.020.A (Permit Review) are adhered to~~;~~.
3. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement)~~;~~.
4. Where DFE or BFE data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection~~;~~.
5. Maintain all Elevation Certificates (ECs) submitted to the City~~;~~.
6. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this title and where DFE or BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 18.20.060 (Use of Other Design Flood Data)~~;~~.
7. Maintain all floodproofing certificates required under this title~~;~~.
8. Record and maintain all variance actions, including justification for their issuance~~;~~.
9. Obtain and maintain all hydrologic and hydraulic analyses performed as required under Subsection 18.20.010.B (Floodways)~~;~~.
10. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under Subsection 18.16.020.D (SI/SD)~~;~~.
11. Maintain for public inspection all records pertaining to the provisions of this title~~; and~~.

12. Obtain, record, and maintain a non-conversion agreement for any areas constructed below ~~flood protection elevation~~ FPE subject to inspection at least once a year.

13. Maintain documentation of how the no net loss standards established in Chapter 18.24 (Standards for Protection of Regulatory Floodplain Functions) have been met.

C. Requirement to Notify Other Entities and Submit New Technical Data

1. Community Boundary Alterations

The Floodplain Administrator will notify the Federal Insurance Administrator (FIA) in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBMs) and FIRMs accurately represent the community's boundaries. The notification must include a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

2. Watercourse Alterations

Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of this notification to the Federal Insurance Administration. This notification will be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

a. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

b. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant will be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section (Requirement to Notify Other Entities and Submit New Technical Data) 4.2.3.3. Ensure compliance with all applicable requirements in Subsection 18.16.020.C (Requirement to Notify Other Entities and Submit New Technical Data) and Subsection 18.20.010 (Alteration of Watercourses).

3. Requirement to Submit New Technical Data

A community's flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date this information becomes available, the City must notify the FIA of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Sub-Section 65.3. The City may require the applicant to submit this data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator will require a CLOMR prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the DFE.

An applicant must notify FEMA within six months of project completion when an applicant has obtained a CLOMR from FEMA. This notification to FEMA must be provided as a LOMR.

The applicant will be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator will be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal laws.

D. Substantial Improvement and Substantial Damage Assessments and Determinations

Conduct Substantial Improvement (SI) (as defined in Chapter 18.08) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 18.16.020.B (Information to be Obtained and Maintained). Conduct Substantial Damage (SD) (as defined in Chapter 18.08) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in Subsection 18.12.020.A) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

18.16.030 Establishment of Floodplain Development Permit

A. Floodplain Development Permit Required

A Floodplain Development Permit must be obtained through application on forms furnished by the City Engineer before construction or development begins within any area horizontally within the regulatory floodplain established in Subsection 18.12.020.A. The Floodplain Development Permit is required for all structures, including manufactured dwellings, and for all other development, as defined in Chapter 18.08, including fill and other development activities.

B. Application for Floodplain Development Permit

Application for a Floodplain Development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. The proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of Subsection 18.16.020.B (Information to be Obtained and Maintained).
2. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
3. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for nonresidential structures in Section 18.20.120 (Nonresidential Construction).

4. Description of the extent to which any watercourse will be altered or relocated.
5. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
6. The amount and location of any fill or excavation activities proposed.

18.16.040 Variance Procedure

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

A. Conditions for Variances

1. Variances from the requirements of this title will be heard and decided by the Planning Commission in accordance with the provisions of Section 19.1006 of the City municipal code (Type III review). Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the design flood level, in conformance with the provisions of Subsections ~~18.04.040.D.1.c and D.1.e and 18.04.040.D.2~~ 18.16.040.A.2 and A.3 and 18.16.040.B. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
2. Variances will not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
3. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of Subsection 18.16.040.A.4 are met, and the structure or other development is protected by methods that minimize flood damages during the design flood and create no additional threats to public safety.
4. Approval criteria

   Variances will only be issued upon:

   a. A showing of good and sufficient cause;

   b. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable;

   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances; ~~and~~

   d. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief~~.~~; and

   e. A demonstration that the development will not result in net loss of the following proxies for three floodplain functions in the regulatory floodplain: undeveloped space, pervious surface, or trees 6-in or greater diameter at breast height (see Chapter 18.24 (Standards for Protection of Regulatory Floodplain Functions)).

B. Variance Notification

Any applicant to whom a variance is granted will be given written notice that the issuance of a variance to construct a structure below the flood protection elevation may result in increased premium rates for flood insurance and that any construction below the design flood elevation increases risks to life and property. This notification and a record of all variance actions, including justification for their issuance, will be maintained in accordance with Subsection 18.16.020.B (Information to be Obtained and Maintained).

18.20 PROVISIONS FOR FLOOD HAZARD REDUCTION

In all regulatory floodplains, in addition to the standards established in Chapter 18.24 (Standards for Protection of Regulatory Floodplain Functions) the following standards must be adhered to:

18.20.010 Alteration of Watercourses

A. The flood carrying capacity within the altered or relocated portion of said watercourse must be maintained. Maintenance must be provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Compliance with Subsection 18.20.010 (Alteration of Watercourses) and Subsection 18.16.020.C.3 (Requirement to Submit New Technical Data) is required.

B. Floodways

Located within the regulatory floodplains established in Subsection 18.12.020.A are watercourses and other areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of the floodwaters that carry debris, potential projectiles, and erosion potential.

Encroachments within floodways, including fill, new construction, substantial improvements, and other development within a setback of the adopted regulatory floodway, are prohibited unless:

1. A certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge; OR
2. The encroachment proposal meets all of the following criteria:
    a. Is for the primary purpose of fish enhancement;
    b. Does not involve the placement of any structures (as defined in Chapter 18.08) within the floodway;
    c. Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project;
    d. Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project;
    e. Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency; ~~AND~~and

f. Has evidence to support that no existing structures will be negatively impacted by the proposed activity.

An approved CLOMR must be provided prior to approval of a floodplain permit.

C. If the requirements of Subsection 18.20.010.B (Floodways) are satisfied, all new construction, substantial improvements, and other development must comply with all other applicable flood hazard reduction provisions of Chapter 18.20.

18.20.020 Compensatory Storage (Balanced Cut and Fill)

The placement of fill or structures that displaces ~~ten~~10 cubic yards or less of flood storage area is exempt from the requirements of this section (18.20.020).

The placement of fill or structures that displaces more than ~~ten (~~10~~)~~ cubic yards of flood storage area must comply with the following standards:

A. Development, excavation, and fill must be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

B. Excavation and fill must not be performed in a manner as to adversely impact other functions of a floodplain, including but not limited to, erosion control, promoting biodiversity, and ground water recharge.

C. All fill placed at or below the design flood elevation in the regulatory floodplain must be balanced with at least an equal volume of material removal in a hydraulically equivalent location.

D. Excavation will not be counted as compensating for fill if the excavated areas will be filled with water in two-year rainstorm conditions or are designated for HCA mitigation.

E. Temporary fills permitted during construction must be removed.

F. Uncontained areas of hazardous materials in the regulatory floodplain are prohibited.

G. Excavation to balance a fill must be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In those cases, the excavation may be located in the same drainage basin and as close as possible to the fill site subject to the following:

1. The proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis;

2. The proposed excavation is authorized under applicable municipal code provisions including Section 19.402 Natural Resources; and

3. Measures to ensure the continued protection and preservation of the excavated area for providing balanced cut and fill must be approved by the City.

H. New culverts, stream crossings, and transportation projects must be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. These projects must be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings must be as close to perpendicular to the stream as practicable. Bridges must be used instead of culverts wherever practicable.

I. Excavation and fill required for the construction of detention facilities or structures, and other facilities, must be designed to reduce or mitigate flood impacts and improve water quality. Levees must not be used to create vacant buildable lands.

18.20.030 Utilities and Equipment

A. Water Supply, Sanitary Sewer, and Onsite Waste Disposal Systems

1. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. Onsite waste disposal systems must be located to avoid impairment to them or contamination from them during flooding, consistent with the Oregon Department of Environmental Quality.

B. Electrical, Mechanical, Plumbing, and Other Equipment

All new electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities must be elevated at or above the flood protection elevation or must be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities in Substantially Improved structures must be elevated at or above the flood protection elevation.

18.20.040 Structures

A. All new construction and substantial improvements must be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All new construction and substantial improvements must be constructed with flood resistant materials below the flood protection elevation.

C. All new construction and substantial improvements must be constructed using methods and practices that minimize flood damage.

18.20.050 Tanks

A. Underground tanks must be anchored to prevent flotation, collapse and lateral movement under conditions of the design flood.

B. Above-ground tanks must be installed at or above the flood protection elevation.

18.20.060 Use of Other Design Flood Data

When DFE data has not been provided in accordance with Section 18.12.020 (Basis for Establishing the Regulatory Floodplain), the Floodplain Administrator will obtain, review, and reasonably utilize any flood elevation data available from a federal, state, or other source, in order to administer Section 18.20.

18.20.070 Structures Located in Multiple or Partial Flood Zones

In coordination with the State of Oregon Specialty Codes:

A. When a structure is located in multiple flood zones on the community's regulatory floodplain maps the provisions for the more restrictive flood zone will apply.

B. When a structure is partially located in a regulatory floodplain, the entire structure must meet the requirements for new construction and substantial improvements.

18.20.080 Critical Facilities

Construction of new critical facilities must be located outside the limits of the regulatory floodplain.

If allowed by variance in accordance with the provisions of this title, new critical facilities constructed within the regulatory floodplain must have the lowest floor elevated at least ~~three~~ 3 ~~fee~~t above the ~~base flood height (B~~DFE~~)~~ or to the height of the 500-year flood, whichever is higher. Access to and from any new critical facility must also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

Existing critical facilities, including future improvements and maintenance to critical facilities, within the limits of the regulatory floodplain are exempt from this requirement.

18.20.090 Flood Openings

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements.

Enclosed areas below the flood protection elevation, including crawl spaces, must:

A. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;

B. Be used solely for parking, storage, or building access;

C. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

1. A minimum of two openings.

2. The total net area of non-engineered openings must be not less than ~~one (~~1~~)~~ square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls.

3. The bottom of all openings must be no higher than one foot above grade.

4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they must allow the automatic flow of floodwater into and out of the enclosed areas and must be accounted for in the determination of the net open area.

5. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 must be complied with when applicable.

18.20.100 Garages

A. Attached garages may be constructed with the garage floor slab below the flood protection elevation, if the following requirements are met:

1. Not located within a floodway.

2. The floors are at or above grade on not less than one side;

3. The garage is used solely for parking, building access, and/or storage;

4. The garage is constructed with flood openings in compliance with Subsection 18.04.050.I (Flood Openings) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
5. The portions of the garage constructed below the flood protection elevation are constructed with materials resistant to flood damage;
6. The garage is constructed in compliance with the standards in Chapter 18.20; and
7. The garage is constructed with electrical, and other service facilities located at or above the design flood elevation plus 1 foot.
8. A Non-Conversion Agreement is recorded in the chain of title and prohibits alteration of the accessory structure at a later date as to violate the building code and floodplain damage prevention ordinance requirements and the owner(s) and subsequent owner(s) agree to allow a representative of the City of Milwaukie onto the Property and into the building(s) to verify compliance with this Agreement.

B. Detached garages must be constructed in compliance with the standards for accessory structures in Subsection 18.20.150 (Accessory Structures) or nonresidential structures in Section 18.20.120 (Nonresidential Construction) depending on the square footage of the garage.

18.20.110 Residential Construction

A. New construction and substantial improvement of any residential structure must have the lowest floor, including basement, elevated at or above the flood protection elevation.

B. Enclosed areas below the lowest floor must comply with the flood opening requirements in Section 18.20.090 (Flood Openings).

C. Enclosed areas below the lowest floor must be constructed with flood resistant materials.

D. No enclosed areas below flood protection elevation are permitted at locations sharing a cross section with average floodway velocities that are expected to meet or exceed 5 ft/s <u>(feet per second)</u>.

18.20.120 Nonresidential Construction

A. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure must have the lowest floor, including basement, elevated at or above the flood protection elevation; or, together with attendant utility and sanitary facilities, must:

1. Be floodproofed so that below the flood protection elevation the structure is watertight, with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Any certifications must be provided to the Floodplain Administrator as set forth in Subsection 18.16.020.B (Information to be Obtained and Maintained).

B. Nonresidential structures that are elevated, not floodproofed, must comply with the standards for enclosed areas below the lowest floor in Section 18.20.090 (Flood Openings).

C. Applicants floodproofing nonresidential buildings must be notified that flood insurance premiums will be based on rates that are ~~one (~~1~~)~~ foot below the floodproofed level.

D. Applicants must supply a maintenance plan for the entire structure to include but not limited to: exterior envelop of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components, as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

E. Applicants must supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

18.20.130 Manufactured Dwellings

A. New or substantially improved manufactured dwellings supported on solid foundation walls must be constructed with flood openings that comply with Section 18.20.090 (Flood Openings).

B. The bottom of the longitudinal chassis frame beam must be at or above flood protection elevation.

C. New or substantially improved manufactured dwellings must be anchored to prevent flotation, collapse, and lateral movement during the design flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (see FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

D. Electrical crossover connections must be at or above design flood elevation plus 1 foot.

18.20.140 Recreational Vehicles

A recreational vehicle placed on sites is required to:

A. Be on the site for fewer than 180 consecutive days; and

B. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

Meet the requirements of Section 18.20.130 (Manufactured Dwellings), including the anchoring and elevation requirements for manufactured dwellings.

18.20.150 Accessory Structures

Relief from elevation or floodproofing requirements for residential and nonresidential structures may be granted for accessory structures that meet the following requirements:

A. Accessory structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Subsection 18.20.010.B (Floodways).

B. Accessory structures must only be used for parking, access, and/or storage and must not be used for human habitation.

C. In compliance with State of Oregon Specialty Codes, accessory structures on properties that are zoned residential are limited to one-story structures less than 200 sq~~uare~~ f~~eet~~, or 400 sq~~uare~~ f~~ee~~t if the property is greater than ~~two (~~2~~)~~ acres in area and the proposed accessory structure will be located a minimum of 20 f~~ee~~t from all property lines. Accessory structures on properties that are zoned as nonresidential are limited in size to 120 sq~~uare~~ f~~ee~~t.

D. The portions of the accessory structure located below the flood protection elevation must be built using flood resistant materials.

E. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

F. The accessory structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 18.20.090 (Flood Openings).

G. Accessory structures must be located and constructed to have low damage potential including no enclosed areas at locations sharing a cross section with floodway velocities that are expected to meet or exceed 5 ft/s.

H. Accessory structures must not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed incompliance with Section 18.20.030 (Utilities and Equipment).

I. Accessory structures must be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the design flood.

J. A Non-Conversion Agreement is recorded in the chain of title and prohibits alteration of the accessory structure at a later date as to violate the building code and floodplain damage prevention ordinance requirements and the owner(s) and subsequent owner(s) agree to allow a representative of the City of Milwaukie onto the Property and into the building(s) at least once a year to verify compliance with this Agreement.

18.24 STANDARDS FOR PROTECTION OF REGULATORY FLOODPLAIN FUNCTIONS

Floodplains provide a number of key functions, including floodplain storage, water quality, and vegetation. Development within the floodplain can negatively impact and diminish those functions. Adherent to the 2016 Biological Opinion developed by the National Marine Fisheries Service, mitigation is necessary to ensure there is no net loss in key floodplain functions when development is proposed in the regulatory floodplain.

"No net loss" applies to the net change in floodplain functions as compared to existing conditions at the time of proposed development. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible; then minimizing remaining effects; then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions.

Proxies that provide measurable actions for preventing the loss of these key functions include undeveloped space (for flood storage), pervious surfaces (for water quality), and trees (for

vegetation). No net loss of these three proxies is required for any development in the regulatory floodplain that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6 inches (in) diameter at breast height (DBH) or greater. Mitigation must be addressed to the floodplain function that is receiving the detrimental impact.

In all regulatory floodplains, in addition to the applicable standards established in Chapter 18.20 (Provisions for Flood Hazard Reduction), the following standards for floodplain function proxies must be adhered to where applicable, with mitigation provided in accordance with the ratios presented in Table 18.24.040 as needed.

18.24.010 Undeveloped Space

Development proposals must not reduce the fish-accessible and egress-able habitat and flood storage volume created by undeveloped space within the regulatory floodplain. A development proposal within the regulatory floodplain that would impact undeveloped space must achieve no net loss of fish-accessible and egress-able space and flood storage volume.

Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory flood storage volume based on the ratios in Table 18.24.040. The undeveloped space provided as replacement must be hydrologically connected to the waterbody that is the flooding source and must be designed so that there is no increase in velocity.

18.24.020 Pervious Surfaces

Development proposals must not reduce pervious surface in the regulatory floodplain. New impervious surface must be mitigated through at least one of the following options:

A. Demonstrate no net increase in impervious surface area within the regulatory floodplain.

B. Use green infrastructure (including LID as an option) to achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface, as documented by a qualified professional.

C. If ~~prior~~ the methods identified in Subsections 18.24.020.A or B are not feasible ~~and~~ (as documented by a qualified professional), stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration (water quantity) unless the outfall discharges into the ocean. Treatment is also required to minimize pollutant loading (water quality) for post-construction stormwater runoff from any net increase in impervious area.

   1. Retention facilities must meet all of the following requirements:

      a. Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow, using a continuous simulation for flows between 50% of the 2-year event and the 10-year flow event (annual series).

      b. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80% of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.

      c. Be designed to not entrap fish.

      d. Be certified by a qualified professional.

   2. Detention facilities must meet all of the following requirements:

a. Drain to the source of flooding.

b. Be designed by a qualified professional.

3. For multi-parcel facilities, including subdivisions, stormwater treatment practices must have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement must include:

a. Access to stormwater treatment facilities at the site by the City for the purpose of inspection and repair.

b. A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement must be recorded and must bind subsequent purchasers and sellers even if they were not party to the original agreement.

c. For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.

d. The responsible party for the operation and maintenance of the stormwater facility must have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs must be retained and made available for inspection by the City for 5 years.

18.24.030 Trees

Development proposals must result in no net loss of trees 6-in DBH or greater within the regulatory floodplain. This requirement does not apply to silviculture where there is no development. Note that tree removal may also be subject to the provisions of Chapter 16.32.

A. Trees 6-in DBH or greater that are removed from the RBZ, floodway, or RBZ-fringe must be replaced at the ratios provided in Table 18.24.040 and planted within the regulatory floodplain.

B. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.

C. Replacement trees must average at least 1.5-in caliper or at least 5 ft overall height after planting.

18.24.040 General No Net Loss Standards

A. Mitigation standards

1. Mitigation may be onsite or off-site but must occur within the regulatory floodplain.

2. RBZ impacts must be offset in the RBZ, whether on-site or off-site.

3. Mitigation can be provided in a combination of locations as long as the applicable multipliers provided in Table 18.24.040 are applied appropriately.

4. No net loss mitigation must be provided within, in order of preference: 1) the lot or parcel that floodplain functions were removed from, 2) the same reach of the waterbody where the development is proposed, or 3) the regulatory floodplain within the same hydrologically connected area as the proposed development. Table 18.24.040 presents the no net loss ratios, which increase based on the preferences listed above.

a. The basic mitigation ratios of Table 18.24.040 apply to mitigation that occurs on-site and within the regulatory floodplain. This is the preferred location for mitigation.

b. Mitigation multipliers of 100% apply to mitigation that occurs off-site but within the same waterbody reach (within the regulatory floodplain) and result in the required mitigation occurring at the same value described by the ratios above. This is the second preference for mitigation location.

c. Mitigation multipliers of 200% apply to mitigation that occurs off-site and in a different waterbody reach but within the same watershed (5th field) (within the regulatory floodplain) and result in the required mitigation ratios being doubled. This is the third preference for mitigation location and represents the final option.

For example, if a development would create 1,000 sq ft of new impervious surface, then 1,000 sq ft of new pervious surface would need to be created. However, if only 500 sq ft of the total 1000 sq ft of required pervious surface mitigation can be conducted onsite and in the same waterbody reach, the remaining 500 sq ft of required pervious surface mitigation occurring off-site at a different reach would double because of the 200% multiplier. In other words, another 1,000 sq ft of pervious surface would need to be created at the location in the different reach, in addition to the 500 sq ft created within the same reach.

5. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of floodplain function but, at a minimum, must occur concurrent with the loss.

6. Additional standards may apply in the RBZ as per Subsection 18.24.040.C.

B. Riparian buffer zone (RBZ)

The riparian buffer zone (RBZ) is measured from the ordinary high-water mark (OHWM) of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water (MHHW) of a marine shoreline or tidally influenced river reach to 170 ft horizontally on each side of the stream or inland of the MHHW. The RBZ includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the regulatory floodplain, the no net loss standards of this title only apply to the area within the regulatory floodplain.

The RBZ-fringe is the area outside of the RBZ and floodway but still within the regulatory floodplain.

1. Functionally dependent uses are only subject to the no net loss standards for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard described below in Subsection 18.24.040.C.3 in addition to no net loss standards.

2. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, in addition to complying with the no net loss standards described above, through the beneficial gain standard described below in Subsection 18.24.040.C.3.

3. The beneficial gain standard requires that an area in the RBZ within the same reach as the project (on-site or off-site) and equivalent to 5% of the total project area within the RBZ must be planted with native herbaceous, shrub, and tree vegetation.

4. Uses in the RBZ-fringe are not subject to the beneficial gain standard.

Table 18.24.040
Mitigation Standards for No Net Loss

Basic Mitigation Ratios	Undeveloped Space (cu ft)	Impervious Surface (sq ft)	Trees (6-in<DBH<20-in)	Trees (20-in<DBH<39-in)	Trees (39-in<DBH)
RBZ & Floodway	2:1	1:1	3:1	5:1	6:1
RBZ-Fringe	1.5:1	1:1	2:1	4:1	5:1
Mitigation Multipliers					
Off-site mitigation, same waterbody reach	100%	100%	100%	100%	100%
Off-site mitigation, different waterbody reach but same watershed (5th field)	200%	200%	200%	200%	200%

18.24.050 Activities Exempt from No Net Loss Standards

The following activities are not subject to the no net loss standards in Chapter 18.24; however, they may not be exempt from floodplain development permit requirements.

A. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure.

B. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use or alter culverts, and is less than 6 in above grade. Exempt activities do not include expansion of paved areas.

C. Routine maintenance of landscaping that does not involve grading, excavation, or filling.

D. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration, provided the spoils are removed from the regulatory floodplain or tilled into fields as a soil amendment.

E. Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in place and forest road construction or maintenance that does not alter contours, use or alter culverts, and is less than 6 in above grade.

F. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation.

G. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles, provided there is no net change in footprint.

H. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe, or addition of protection on the face or toe with rock armor.

I. Habitat restoration activities.

TITLE 18 FLOOD HAZARD REGULATIONS

18.04 PURPOSE AND METHODS

18.04.010 Statement of Purpose

The flood hazard areas within the City of Milwaukie preserve the natural and beneficial values served by floodplains but are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety, and general welfare. These flood losses may be caused by the cumulative effect of obstructions in regulatory floodplains, which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

It is the purpose of this title to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in the regulatory floodplain;

F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas to minimize blight areas caused by flooding;

G. Notify potential buyers that property is in a regulatory floodplain;

H. Notify those who occupy regulatory floodplains that they assume responsibility for their actions;

I. Maintain the natural and beneficial functions and values of floodplains, such as allowing for storage and conveyance of stream flows through existing and natural flood conveyance systems; and

J. Participate in, promote, and maintain eligibility for flood insurance and disaster relief.

18.04.020 Methods of Reducing Flood Losses

In order to accomplish its purposes, this title includes methods and provisions for:

A. Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that development vulnerable to floods, including facilities that serve those uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development that may increase flood damage;

E. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

F. Employing a standard of "no net loss" of natural and beneficial floodplain functions.

18.08 DEFINITIONS

Unless specifically defined below, words or phrases used in this title will be interpreted to give them the meaning they have in common usage.

"Ancillary features" or "ancillary structures" mean features of a development or structures that are not directly related to the primary purpose of the development.

"Appeal" means a request for a review of the interpretation of any provision of this title or a request for a variance.

"Area of February 1996 inundation" or "February 1996 flood" means the area~~s~~ along the Willamette River and its backwaters of Johnson and Kellogg Creeks that was flooded in February of 1996 to elevation 38 feet (ft) North American Vertical Datum (NAVD) of 1988. This area is shown on the Metro Water Quality and Flood Management Area Maps as well as on the Milwaukie Map.

"Area of shallow flooding" means a designated Zone AO, AH, AR/AO, or AR/AH on a community's Flood Insurance Rate Map with a one percent or greater annual chance of flooding to an average depth of 1 to 3 f~~ee~~t where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Shallow flooding is characterized by ponding (AH) or sheet flow (AO).

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map as Zone A, AO, AH, A1-30, AE, A99, or AR. "Special flood hazard area" (SFHA) is synonymous in meaning and definition with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides, including any sunken room or sunken portion of a room.

"Building" means a structure with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools; nursing homes; hospitals; police, fire and emergency response installations; and installations that produce, use, or store hazardous materials or hazardous waste.

"Development" means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Design flood elevation (DFE)" means the higher elevation of the following:

1. The base flood elevation (BFE); or
2. For properties that include an area of February 1996 inundation, the water surface elevation of the February 1996 flood event, interpolated as 2.4 f~~ee~~t above the nearest adjacent BFE.

“Elevated building” means, for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Fill” means the placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered “development.”

“Fish accessible space” means the volumetric space available to an adult or juvenile individual of the identified 16 ESA-listed fish to access.

“Fish egress-able space” means the volumetric space available to an adult or juvenile individual of the identified 16 ESA-listed fish to exit or leave from.

“Flood” or “Flooding” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    a. The overflow of inland or tidal waters.
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
    c. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in paragraph 1-b of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as defined in paragraph 1-a of this definition.

“Flood elevation study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also referred to as “Flood Insurance Study.”

“Flood insurance rate map (FIRM)” means the official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

“Flood insurance study (FIS)”: See “Flood elevation study.”

“Flood protection elevation (FPE)” means the elevation 1 foot above the Design Flood Elevation (DFE).

“Floodplain or flood-prone area” means land area susceptible to being inundated by water from any source.

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other application of police power. The term describes any state or local regulation in any combination, that provides standards for the purpose of flood damage prevention and reduction.

"Floodplain storage capacity" means the volume of floodwater that an area of floodplain can hold during the one-percent annual chance flood (i.e., during the base flood).

"Floodway" or "regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Footprint" means the existing measurements of a structure related to key floodplain functions and their proxies. Related to floodplain storage, the footprint refers to the volumetric amount of developed space measured from the existing ground level to the BFE. Related to water quality, the footprint refers to the area of impervious surface that the structure creates.

"Functionally dependent use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Green infrastructure" means the use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. Low impact development is a subset of green infrastructure.

"Habitat restoration activity" means an activity with the sole purpose of restoring habitat that has only temporary impacts and long-term benefits to habitat. Such a project does not include ancillary structures (such as a storage shed for maintenance equipment), must demonstrate that no rise in the DFE would occur as a result of the project and obtain a CLOMR and LOMR accordingly, and must obtain any other required permits (e.g., Clean Water Act (CWA) Section 404 permit).

"Hazard tree" means a standing dead, dying, or diseased tree or one with a structural defect that makes it likely to fail in whole or in part and that presents a potential hazard, whether to a structure or as otherwise defined by the community.

"Hazardous material" means hazardous materials as defined by the Oregon Department of Environmental Quality, including any of the following:

1. Hazardous waste as defined in Oregon Revised Statutes (ORS) 466.005;
2. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605, and radioactive substances defined in ORS 453.005
3. Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and ORS 433.010 to 433.045 and 433.106 to 433.990;
4. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
5. Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
6. Material regulated as a Chemical Agent under ORS 465.550;
7. Material used as a weapon of mass destruction or biological weapon;
8. Pesticide residue;
9. Dry cleaning solvent as defined by ORS 465.200(9).

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior; or
    b. Directly by the Secretary of the Interior in states without approved programs.

“Hydraulically equivalent elevation” means a location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or BFE. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow.

“Hydrologically connected” means the interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.

“Impervious surface” means a surface that cannot be penetrated by water and thereby prevents the infiltration of rain and snowmelt into the soil and/or gravel below, increasing the amount and rate of surface water runoff and leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of

pollutants that are then flushed into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

“Low impact development (LID)” means an approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. LID is a subset of green infrastructure and employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. LID refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. LID helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title.

“Manufactured dwelling” means a structure, transportable in one or more sections, which is intended for use as a dwelling, built on a permanent chassis, and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include recreational vehicles and is synonymous with “manufactured home” and “mobile home.”

“Manufactured dwelling park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

“Mean higher-high water (MHHW)” means the average of the higher-high water height of each tidal day observed over the National Tidal Datum Epoch.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum~~,~~ to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

“New construction” means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by City and includes any subsequent improvements to these structures.

“No net loss” means a standard where adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function from the existing condition when a development application is submitted to the state, tribal, or local jurisdiction. For purposes of this title, the floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

“Offsite mitigation” means mitigation occurring outside of the project area.

“Onsite mitigation” means mitigation occurring within the project area.

“Ordinary high water mark (OHWM)” means the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

“Pervious surface” means a surface that allows rain and snowmelt to infiltrate into the soil and/or gravel below. Pervious surface may also be referred to as “permeable surface.”

"Qualified professional" means an appropriate subject matter expert that is defined by the City.

"Reach" means a section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

"Recreational vehicle" means a vehicle that is:

1. Built on a single chassis;
2. 400 square feet (sq ft) or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodplain" is also referred to as "regulatory flood hazard area" and means floodplain mapped as either:

1. The land area inundated by the base flood on the Flood Insurance Rate Map (FIRM), or
2. The land area inundated by the February 1996 flood on the Metro Water Quality and Flood Management Area maps.

"Riparian" means of, adjacent to, or living on the bank of a river, lake, pond, or other water body.

"Riparian buffer zone (RBZ)" means a designated area of protection of key floodplain functions. The outer boundary of the RBZ is measured from the ordinary high water mark (OHWM) of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or MHHW line of a marine shoreline or tidally influenced river reach to 170 f~~ee~~t horizontally on each side of the stream or 170 f~~ee~~t inland from the MHHW line. The RBZ includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

"Riparian buffer zone fringe (RBZ-fringe)" means the area outside of the RBZ and floodway but still within the regulatory floodplain.

"Silviculture" means the art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

"Special flood hazard area (SFHA)": See "Area of special flood hazard."

"Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvements. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

"Undeveloped space" means the volume of flood storage capacity and fish-accessible/egress-able habitat within the regulatory floodplain from the existing ground to the BFE that has not been reduced due to activity that meets FEMA's definition of development. Examples of development that impede undeveloped space include, but are not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat.

"Variance" means a grant of relief by the City from the terms of a floodplain management regulation.

"Violation" means the failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this title is presumed to be in violation until that documentation is provided.

"Watercourse" means an artificial or natural stream, swale, creek, river, ditch, canal, or other open channel that serves to convey water, whether intermittently, perennially, or continuously.

18.12 GENERAL PROVISIONS

18.12.010 Applicability

This title applies to all regulatory floodplains and floodways within the jurisdiction of the City of Milwaukie.

Provisions of this title are to be administered concurrently with those of Title 19, the Zoning Ordinance of the City.

18.12.020 Basis for Establishing the Regulatory Floodplain

A. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The FIS for Clackamas County, Oregon and Incorporated Areas," dated January 18, 2019, with accompanying FIRMs 4100C0009D, 4100C0017D, 4100C0028D, and 4100C0036D are incorporated by reference to be a

part of this title. The FIS and FIRM panels are on file with the City's Community Development Department.

B. The February 1996 flood inundation area identified by the Metro Water Quality and Flood Management Area maps are incorporated by reference to be a part of this title. The Metro Water Quality and Flood Management Area maps are on file with the City's Community Development.

18.12.030 Coordination with State of Oregon Specialty Codes

Pursuant to the requirement established in ORS 455 that the City administers and enforces the State of Oregon Specialty Codes, the City acknowledges that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in a regulatory floodplain. This title is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

18.12.040 Compliance and Penalties for Noncompliance

A. Compliance

All development within a regulatory floodplain is subject to the terms of this title and required to comply with its provisions and all other applicable regulations.

B. Penalties for Noncompliance

No structure or land will be constructed, located, extended, converted, or altered without full compliance with the terms of this title and other applicable regulations. Violations of the provisions of this title by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) will constitute a violation. Violations will be punishable by a fine of not more than one thousand dollars per violation per day. Nothing contained in this title will prevent the City from taking lawful action to prevent or remedy any violation.

18.12.050 Abrogation and Severability

A. Abrogation

This title is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this title and another title, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions will prevail.

B. Severability

This title and its various parts are severable. If any section, clause, sentence, or phrase of the title is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding will in no way effect the validity of the remaining portions of this title.

18.12.060 Interpretation

In the interpretation and application of this title, all provisions will be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

18.12.070 Warning and Disclaimer of Liability

A. Warning

The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This title does not imply that land outside the areas of special flood hazards or uses permitted within these areas will be free from flooding or flood damages.

B. Disclaimer of Liability

This title does not create liability on the part of the City of Milwaukie, any of its officers or employees, or the Federal Insurance Administrator, for any flood damages that result from reliance on this title or any administrative decision lawfully made hereunder.

18.16 ADMINISTRATION

18.16.010 Designation of The Floodplain Administrator

The City Engineer or their designee is appointed as the Floodplain Administrator to administer, implement, and enforce this title by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

18.16.020 Duties and Responsibilities of the Floodplain Administrator

Duties of the Floodplain Administrator, or their designee, include, but are not limited to:

A. Permit Review

The Floodplain Administrator will review all development permits for the following purposes:

1. To determine that the permit requirements of this title have been satisfied.
2. To determine that all other required local, state, and federal permits have been obtained and approved.
3. To determine whether the proposed development is located in a floodway.
    a. If located in the floodway, assure that the floodway provisions of this title in Subsection 18.20.010.B (Floodways) are met; and
    b. Determine whether the proposed development is located in an area where DFE or BFE data is available either through the FIS or from another authoritative source. If DFE or BFE data is not available, then ensure compliance with the provisions of Section 18.20.060 (Use of Other Design Flood Data); and
    c. Provide to building officials the BFE, DFE, and FPE applicable to any building requiring a development permit.

4. To determine whether the proposed development qualifies as a substantial improvement as defined in Chapter 18.08 (Definitions).

5. To determine whether the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in Section 18.20.010 (Alteration of Watercourses).

6. To determine whether the proposed development activity includes the placement of fill or excavation. If fill or excavation is proposed, ensure compliance with the provisions in Section 18.20.020 (Compensatory Storage).

7. To determine whether the proposed development activity complies with the no net loss standards in Chapter 18.24 (No Net Loss).

B. Information to Be Obtained and Maintained

The following information will be obtained and maintained and will be made available for public inspection as needed, utilizing forms developed by FEMA where applicable:

1. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures located in the regulatory floodplain where DFE or BFE data is provided through the FIS, FIRM, or obtained in accordance with Subsection 18.20.060 (Use of Other Design Flood Data).
2. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Subsections 18.20.010.B (Floodways) and 18.16.020.A (Permit Review) are adhered to.
3. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
4. Where DFE or BFE data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
5. Maintain all Elevation Certificates (ECs) submitted to the City.
6. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this title and where DFE or BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 18.20.060 (Use of Other Design Flood Data).
7. Maintain all floodproofing certificates required under this title.
8. Record and maintain all variance actions, including justification for their issuance.
9. Obtain and maintain all hydrologic and hydraulic analyses performed as required under Subsection 18.20.010.B (Floodways).
10. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under Subsection 18.16.020.D (SI/SD).
11. Maintain for public inspection all records pertaining to the provisions of this title.
12. Obtain, record, and maintain a non-conversion agreement for any areas constructed below FPE subject to inspection at least once a year.
13. Maintain documentation of how the no net loss standards established in Chapter 18.24 (Standards for Protection of Regulatory Floodplain Functions) have been met.

C. Requirement to Notify Other Entities and Submit New Technical Data

1. Community Boundary Alterations

   The Floodplain Administrator will notify the Federal Insurance Administrator (FIA) in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBMs) and FIRMs accurately represent the community's boundaries. The notification must include a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

2. Watercourse Alterations

   Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of this notification to the Federal Insurance Administration. This notification will be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

   a. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

   b. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

      The applicant will be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section (Requirement to Notify Other Entities and Submit New Technical Data) 4.2.3.3. Ensure compliance with all applicable requirements in Subsection 18.16.020.C (Requirement to Notify Other Entities and Submit New Technical Data) and Subsection 18.20.010 (Alteration of Watercourses).

3. Requirement to Submit New Technical Data

   A community's flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date this information becomes available, the City must notify the FIA of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Sub-Section 65.3. The City may require the applicant to submit this data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

   The Floodplain Administrator will require a CLOMR prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the DFE.

   An applicant must notify FEMA within six months of project completion when an applicant has obtained a CLOMR from FEMA. This notification to FEMA must be provided as a LOMR.

   The applicant will be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator will be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal laws.

D. Substantial Improvement and Substantial Damage Assessments and Determinations

Conduct Substantial Improvement (SI) (as defined in Chapter 18.08) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 18.16.020.B (Information to be Obtained and Maintained). Conduct Substantial Damage (SD) (as defined in Chapter 18.08) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in Subsection 18.12.020.A) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

18.16.030 Establishment of Floodplain Development Permit

A. Floodplain Development Permit Required

A Floodplain Development Permit must be obtained through application on forms furnished by the City Engineer before construction or development begins within any area horizontally within the regulatory floodplain established in Subsection 18.12.020.A. The Floodplain Development Permit is required for all structures, including manufactured dwellings, and for all other development, as defined in Chapter 18.08, including fill and other development activities.

B. Application for Floodplain Development Permit

Application for a Floodplain Development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. The proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of Subsection 18.16.020.B (Information to be Obtained and Maintained).
2. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
3. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for nonresidential structures in Section 18.20.120 (Nonresidential Construction).
4. Description of the extent to which any watercourse will be altered or relocated.
5. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
6. The amount and location of any fill or excavation activities proposed.

18.16.040 Variance Procedure

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

A. Conditions for Variances

1. Variances from the requirements of this title will be heard and decided by the Planning Commission in accordance with the provisions of Section 19.1006 of the City municipal code (Type III review). Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the design flood level, in conformance with the provisions of Subsections 18.16.040.A.2 and A.3 and 18.16.040.B. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
2. Variances will not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
3. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of Subsection 18.16.040.A.4 are met, and the structure or other development is protected by methods that minimize flood damages during the design flood and create no additional threats to public safety.
4. Approval criteria

   Variances will only be issued upon:

   a. A showing of good and sufficient cause;

   b. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable;

   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;

   d. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and

   e. A demonstration that the development will not result in net loss of the following proxies for three floodplain functions in the regulatory floodplain: undeveloped space, pervious surface, or trees 6-in or greater diameter at breast height (see Chapter 18.24 (Standards for Protection of Regulatory Floodplain Functions)).

B. Variance Notification

Any applicant to whom a variance is granted will be given written notice that the issuance of a variance to construct a structure below the flood protection elevation may result in increased premium rates for flood insurance and that any construction below the design flood elevation increases risks to life and property. This notification and a record of all variance actions, including justification for their issuance, will be maintained in accordance with Subsection 18.16.020.B (Information to be Obtained and Maintained).

18.20 PROVISIONS FOR FLOOD HAZARD REDUCTION

In all regulatory floodplains, in addition to the standards established in Chapter 18.24 (Standards for Protection of Regulatory Floodplain Functions) the following standards must be adhered to:

18.20.010 Alteration of Watercourses

A. The flood carrying capacity within the altered or relocated portion of said watercourse must be maintained. Maintenance must be provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Compliance with Subsection 18.20.010 (Alteration of Watercourses) and Subsection 18.16.020.C.3 (Requirement to Submit New Technical Data) is required.

B. Floodways

Located within the regulatory floodplains established in Subsection 18.12.020.A are watercourses and other areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of the floodwaters that carry debris, potential projectiles, and erosion potential.

Encroachments within floodways, including fill, new construction, substantial improvements, and other development within a setback of the adopted regulatory floodway, are prohibited unless:

1. A certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge; OR
2. The encroachment proposal meets all of the following criteria:
    a. Is for the primary purpose of fish enhancement;
    b. Does not involve the placement of any structures (as defined in Chapter 18.08) within the floodway;
    c. Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project;
    d. Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project;
    e. Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency; and
    f. Has evidence to support that no existing structures will be negatively impacted by the proposed activity.

An approved CLOMR must be provided prior to approval of a floodplain permit.

C. If the requirements of Subsection 18.20.010.B (Floodways) are satisfied, all new construction, substantial improvements, and other development must comply with all other applicable flood hazard reduction provisions of Chapter 18.20.

18.20.020 Compensatory Storage (Balanced Cut and Fill)

The placement of fill or structures that displaces 10 cubic yards or less of flood storage area is exempt from the requirements of this section (18.20.020).

The placement of fill or structures that displaces more than 10 cubic yards of flood storage area must comply with the following standards:

A. Development, excavation, and fill must be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

B. Excavation and fill must not be performed in a manner as to adversely impact other functions of a floodplain, including but not limited to, erosion control, promoting biodiversity, and ground water recharge.

C. All fill placed at or below the design flood elevation in the regulatory floodplain must be balanced with at least an equal volume of material removal in a hydraulically equivalent location.

D. Excavation will not be counted as compensating for fill if the excavated areas will be filled with water in two-year rainstorm conditions or are designated for HCA mitigation.

E. Temporary fills permitted during construction must be removed.

F. Uncontained areas of hazardous materials in the regulatory floodplain are prohibited.

G. Excavation to balance a fill must be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In those cases, the excavation may be located in the same drainage basin and as close as possible to the fill site subject to the following:

   1. The proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis;

   2. The proposed excavation is authorized under applicable municipal code provisions including Section 19.402 Natural Resources; and

   3. Measures to ensure the continued protection and preservation of the excavated area for providing balanced cut and fill must be approved by the City.

H. New culverts, stream crossings, and transportation projects must be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. These projects must be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings must be as close to perpendicular to the stream as practicable. Bridges must be used instead of culverts wherever practicable.

I. Excavation and fill required for the construction of detention facilities or structures, and other facilities, must be designed to reduce or mitigate flood impacts and improve water quality. Levees must not be used to create vacant buildable lands.

18.20.030 Utilities and Equipment

A. Water Supply, Sanitary Sewer, and Onsite Waste Disposal Systems

   1. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system.

2. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. Onsite waste disposal systems must be located to avoid impairment to them or contamination from them during flooding, consistent with the Oregon Department of Environmental Quality.

B. Electrical, Mechanical, Plumbing, and Other Equipment

All new electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities must be elevated at or above the flood protection elevation or must be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities in Substantially Improved structures must be elevated at or above the flood protection elevation.

18.20.040 Structures

A. All new construction and substantial improvements must be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All new construction and substantial improvements must be constructed with flood resistant materials below the flood protection elevation.

C. All new construction and substantial improvements must be constructed using methods and practices that minimize flood damage.

18.20.050 Tanks

A. Underground tanks must be anchored to prevent flotation, collapse and lateral movement under conditions of the design flood.

B. Above-ground tanks must be installed at or above the flood protection elevation.

18.20.060 Use of Other Design Flood Data

When DFE data has not been provided in accordance with Section 18.12.020 (Basis for Establishing the Regulatory Floodplain), the Floodplain Administrator will obtain, review, and reasonably utilize any flood elevation data available from a federal, state, or other source, in order to administer Section 18.20.

18.20.070 Structures Located in Multiple or Partial Flood Zones

In coordination with the State of Oregon Specialty Codes:

A. When a structure is located in multiple flood zones on the community's regulatory floodplain maps the provisions for the more restrictive flood zone will apply.

B. When a structure is partially located in a regulatory floodplain, the entire structure must meet the requirements for new construction and substantial improvements.

18.20.080 Critical Facilities

Construction of new critical facilities must be located outside the limits of the regulatory floodplain.

If allowed by variance in accordance with the provisions of this title, new critical facilities constructed within the regulatory floodplain must have the lowest floor elevated at least 3 f~~ee~~t above the DFE or to the height of the 500-year flood, whichever is higher. Access to and from any new critical facility must also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

Existing critical facilities, including future improvements and maintenance to critical facilities, within the limits of the regulatory floodplain are exempt from this requirement.

18.20.090 Flood Openings

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements.

Enclosed areas below the flood protection elevation, including crawl spaces, must:

A. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;

B. Be used solely for parking, storage, or building access;

C. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

   1. A minimum of two openings.

   2. The total net area of non-engineered openings must be not less than 1 square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls.

   3. The bottom of all openings must be no higher than one foot above grade.

   4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they must allow the automatic flow of floodwater into and out of the enclosed areas and must be accounted for in the determination of the net open area.

   5. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 must be complied with when applicable.

18.20.100 Garages

A. Attached garages may be constructed with the garage floor slab below the flood protection elevation, if the following requirements are met:

   1. Not located within a floodway.

   2. The floors are at or above grade on not less than one side;

   3. The garage is used solely for parking, building access, and/or storage;

   4. The garage is constructed with flood openings in compliance with Subsection 18.04.050.I (Flood Openings) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

5. The portions of the garage constructed below the flood protection elevation are constructed with materials resistant to flood damage;
6. The garage is constructed in compliance with the standards in Chapter 18.20; and
7. The garage is constructed with electrical, and other service facilities located at or above the design flood elevation plus 1 foot.
8. A Non-Conversion Agreement is recorded in the chain of title and prohibits alteration of the accessory structure at a later date as to violate the building code and floodplain damage prevention ordinance requirements and the owner(s) and subsequent owner(s) agree to allow a representative of the City of Milwaukie onto the Property and into the building(s) to verify compliance with this Agreement.

B. Detached garages must be constructed in compliance with the standards for accessory structures in Subsection 18.20.150 (Accessory Structures) or nonresidential structures in Section 18.20.120 (Nonresidential Construction) depending on the square footage of the garage.

18.20.110 Residential Construction

A. New construction and substantial improvement of any residential structure must have the lowest floor, including basement, elevated at or above the flood protection elevation.

B. Enclosed areas below the lowest floor must comply with the flood opening requirements in Section 18.20.090 (Flood Openings).

C. Enclosed areas below the lowest floor must be constructed with flood resistant materials.

D. No enclosed areas below flood protection elevation are permitted at locations sharing a cross section with average floodway velocities that are expected to meet or exceed 5 ft/s (feet per second).

18.20.120 Nonresidential Construction

A. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure must have the lowest floor, including basement, elevated at or above the flood protection elevation; or, together with attendant utility and sanitary facilities, must:

1. Be floodproofed so that below the flood protection elevation the structure is watertight, with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Any certifications must be provided to the Floodplain Administrator as set forth in Subsection 18.16.020.B (Information to be Obtained and Maintained).

B. Nonresidential structures that are elevated, not floodproofed, must comply with the standards for enclosed areas below the lowest floor in Section 18.20.090 (Flood Openings).

C. Applicants floodproofing nonresidential buildings must be notified that flood insurance premiums will be based on rates that are 1 foot below the floodproofed level.

D. Applicants must supply a maintenance plan for the entire structure to include but not limited to: exterior envelop of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components, as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

E. Applicants must supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

18.20.130 Manufactured Dwellings

A. New or substantially improved manufactured dwellings supported on solid foundation walls must be constructed with flood openings that comply with Section 18.20.090 (Flood Openings).

B. The bottom of the longitudinal chassis frame beam must be at or above flood protection elevation.

C. New or substantially improved manufactured dwellings must be anchored to prevent flotation, collapse, and lateral movement during the design flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (see FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

D. Electrical crossover connections must be at or above design flood elevation plus 1 foot.

18.20.140 Recreational Vehicles

A recreational vehicle placed on sites is required to:

A. Be on the site for fewer than 180 consecutive days; and

B. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

Meet the requirements of Section 18.20.130 (Manufactured Dwellings), including the anchoring and elevation requirements for manufactured dwellings.

18.20.150 Accessory Structures

Relief from elevation or floodproofing requirements for residential and nonresidential structures may be granted for accessory structures that meet the following requirements:

A. Accessory structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Subsection 18.20.010.B (Floodways).

B. Accessory structures must only be used for parking, access, and/or storage and must not be used for human habitation.

C. In compliance with State of Oregon Specialty Codes, accessory structures on properties that are zoned residential are limited to one-story structures less than 200 sq~~uare~~ f~~eet~~,

or 400 sq ft if the property is greater than 2 acres in area and the proposed accessory structure will be located a minimum of 20 f~~ee~~t from all property lines. Accessory structures on properties that are zoned as nonresidential are limited in size to 120 sq ft.

D. The portions of the accessory structure located below the flood protection elevation must be built using flood resistant materials.

E. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

F. The accessory structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 18.20.090 (Flood Openings).

G. Accessory structures must be located and constructed to have low damage potential including no enclosed areas at locations sharing a cross section with floodway velocities that are expected to meet or exceed 5 ft/s.

H. Accessory structures must not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed incompliance with Section 18.20.030 (Utilities and Equipment).

I. Accessory structures must be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the design flood.

J. A Non-Conversion Agreement is recorded in the chain of title and prohibits alteration of the accessory structure at a later date as to violate the building code and floodplain damage prevention ordinance requirements and the owner(s) and subsequent owner(s) agree to allow a representative of the City of Milwaukie onto the Property and into the building(s) at least once a year to verify compliance with this Agreement.

18.24 STANDARDS FOR PROTECTION OF REGULATORY FLOODPLAIN FUNCTIONS

Floodplains provide a number of key functions, including floodplain storage, water quality, and vegetation. Development within the floodplain can negatively impact and diminish those functions. Adherent to the 2016 Biological Opinion developed by the National Marine Fisheries Service, mitigation is necessary to ensure there is no net loss in key floodplain functions when development is proposed in the regulatory floodplain.

“No net loss” applies to the net change in floodplain functions as compared to existing conditions at the time of proposed development. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible; then minimizing remaining effects; then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions.

Proxies that provide measurable actions for preventing the loss of these key functions include undeveloped space (for flood storage), pervious surfaces (for water quality), and trees (for vegetation). No net loss of these three proxies is required for any development in the regulatory floodplain that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6 inches (in) diameter at breast height (DBH) or greater. Mitigation must be addressed to the floodplain function that is receiving the detrimental impact.

In all regulatory floodplains, in addition to the applicable standards established in Chapter 18.20 (Provisions for Flood Hazard Reduction), the following standards for floodplain function proxies must be adhered to where applicable, with mitigation provided in accordance with the ratios presented in Table 18.24.040 as needed.

18.24.010 Undeveloped Space

Development proposals must not reduce the fish-accessible and egress-able habitat and flood storage volume created by undeveloped space within the regulatory floodplain. A development proposal within the regulatory floodplain that would impact undeveloped space must achieve no net loss of fish-accessible and egress-able space and flood storage volume.

Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory flood storage volume based on the ratios in Table 18.24.040. The undeveloped space provided as replacement must be hydrologically connected to the waterbody that is the flooding source and must be designed so that there is no increase in velocity.

18.24.020 Pervious Surfaces

Development proposals must not reduce pervious surface in the regulatory floodplain. New impervious surface must be mitigated through at least one of the following options:

A. Demonstrate no net increase in impervious surface area within the regulatory floodplain.

B. Use green infrastructure (including LID as an option) to achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface, as documented by a qualified professional.

C. If ~~prior~~ the methods identified in Subsections 18.24.020.A or B are not feasible ~~and~~ (as documented by a qualified professional), stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration (water quantity) unless the outfall discharges into the ocean. Treatment is also required to minimize pollutant loading (water quality) for post-construction stormwater runoff from any net increase in impervious area.

   1. Retention facilities must meet all of the following requirements:

      a. Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow, using a continuous simulation for flows between 50% of the 2-year event and the 10-year flow event (annual series).

      b. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80% of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.

      c. Be designed to not entrap fish.

      d. Be certified by a qualified professional.

   2. Detention facilities must meet all of the following requirements:

      a. Drain to the source of flooding.

      b. Be designed by a qualified professional.

3. For multi-parcel facilities, including subdivisions, stormwater treatment practices must have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement must include:
    a. Access to stormwater treatment facilities at the site by the City for the purpose of inspection and repair.
    b. A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement must be recorded and must bind subsequent purchasers and sellers even if they were not party to the original agreement.
    c. For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.
    d. The responsible party for the operation and maintenance of the stormwater facility must have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs must be retained and made available for inspection by the City for 5 years.

18.24.030 Trees

Development proposals must result in no net loss of trees 6-in DBH or greater within the regulatory floodplain. This requirement does not apply to silviculture where there is no development. Note that tree removal may also be subject to the provisions of Chapter 16.32.

A. Trees 6-in DBH or greater that are removed from the RBZ, floodway, or RBZ-fringe must be replaced at the ratios provided in Table 18.24.040 and planted within the regulatory floodplain.
B. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.
C. Replacement trees must average at least 1.5-in caliper or at least 5 ft overall height after planting.

18.24.040 General No Net Loss Standards

A. Mitigation standards
    1. Mitigation may be onsite or off-site but must occur within the regulatory floodplain.
    2. RBZ impacts must be offset in the RBZ, whether on-site or off-site.
    3. Mitigation can be provided in a combination of locations as long as the applicable multipliers provided in Table 18.24.040 are applied appropriately.
    4. No net loss mitigation must be provided within, in order of preference: 1) the lot or parcel that floodplain functions were removed from, 2) the same reach of the waterbody where the development is proposed, or 3) the regulatory floodplain within the same hydrologically connected area as the proposed development. Table 18.24.040 presents the no net loss ratios, which increase based on the preferences listed above.
        a. The basic mitigation ratios of Table 18.24.040 apply to mitigation that occurs on-site and within the regulatory floodplain. This is the preferred location for mitigation.

b. Mitigation multipliers of 100% apply to mitigation that occurs off-site but within the same waterbody reach (within the regulatory floodplain) and result in the required mitigation occurring at the same value described by the ratios above. This is the second preference for mitigation location.

c. Mitigation multipliers of 200% apply to mitigation that occurs off-site and in a different waterbody reach but within the same watershed (5th field) (within the regulatory floodplain) and result in the required mitigation ratios being doubled. This is the third preference for mitigation location and represents the final option.

For example, if a development would create 1,000 sq ft of new impervious surface, then 1,000 sq ft of new pervious surface would need to be created. However, if only 500 sq ft of the total 1000 sq ft of required pervious surface mitigation can be conducted onsite and in the same waterbody reach, the remaining 500 sq ft of required pervious surface mitigation occurring off-site at a different reach would double because of the 200% multiplier. In other words, another 1,000 sq ft of pervious surface would need to be created at the location in the different reach, in addition to the 500 sq ft created within the same reach.

5. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of floodplain function but, at a minimum, must occur concurrent with the loss.

6. Additional standards may apply in the RBZ as per Subsection 18.24.040.C.

B. Riparian buffer zone (RBZ)

The riparian buffer zone (RBZ) is measured from the ordinary high-water mark (OHWM) of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water (MHHW) of a marine shoreline or tidally influenced river reach to 170 ft horizontally on each side of the stream or inland of the MHHW. The RBZ includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the regulatory floodplain, the no net loss standards of this title only apply to the area within the regulatory floodplain.

The RBZ-fringe is the area outside of the RBZ and floodway but still within the regulatory floodplain.

1. Functionally dependent uses are only subject to the no net loss standards for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard described below in Subsection 18.24.040.C.3 in addition to no net loss standards.

2. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, in addition to complying with the no net loss standards described above, through the beneficial gain standard described below in Subsection 18.24.040.C.3.

3. The beneficial gain standard requires that an area in the RBZ within the same reach as the project (on-site or off-site) and equivalent to 5% of the total project area within the RBZ must be planted with native herbaceous, shrub, and tree vegetation.

4. Uses in the RBZ-fringe are not subject to the beneficial gain standard.

Table 18.24.040 Mitigation Standards for No Net Loss					
Basic Mitigation Ratios	**Undeveloped Space (cu ft)**	**Impervious Surface (sq ft)**	**Trees (6-in<DBH≤20-in)**	**Trees (20-in<DBH≤39-in)**	**Trees (39-in<DBH)**
RBZ & Floodway	2:1	1:1	3:1	5:1	6:1
RBZ-Fringe	1.5:1	1:1	2:1	4:1	5:1
Mitigation Multipliers					
Off-site mitigation, same waterbody reach	100%	100%	100%	100%	100%
Off-site mitigation, different waterbody reach but same watershed (5th field)	200%	200%	200%	200%	200%

18.24.050 Activities Exempt from No Net Loss Standards

The following activities are not subject to the no net loss standards in Chapter 18.24; however, they may not be exempt from floodplain development permit requirements.

A. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure.

B. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use or alter culverts, and is less than 6 in above grade. Exempt activities do not include expansion of paved areas.

C. Routine maintenance of landscaping that does not involve grading, excavation, or filling.

D. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration, provided the spoils are removed from the regulatory floodplain or tilled into fields as a soil amendment.

E. Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in place and forest road construction or maintenance that does not alter contours, use or alter culverts, and is less than 6 in above grade.

F. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation.

G. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles, provided there is no net change in footprint.

H. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe, or addition of protection on the face or toe with rock armor.

I. Habitat restoration activities.

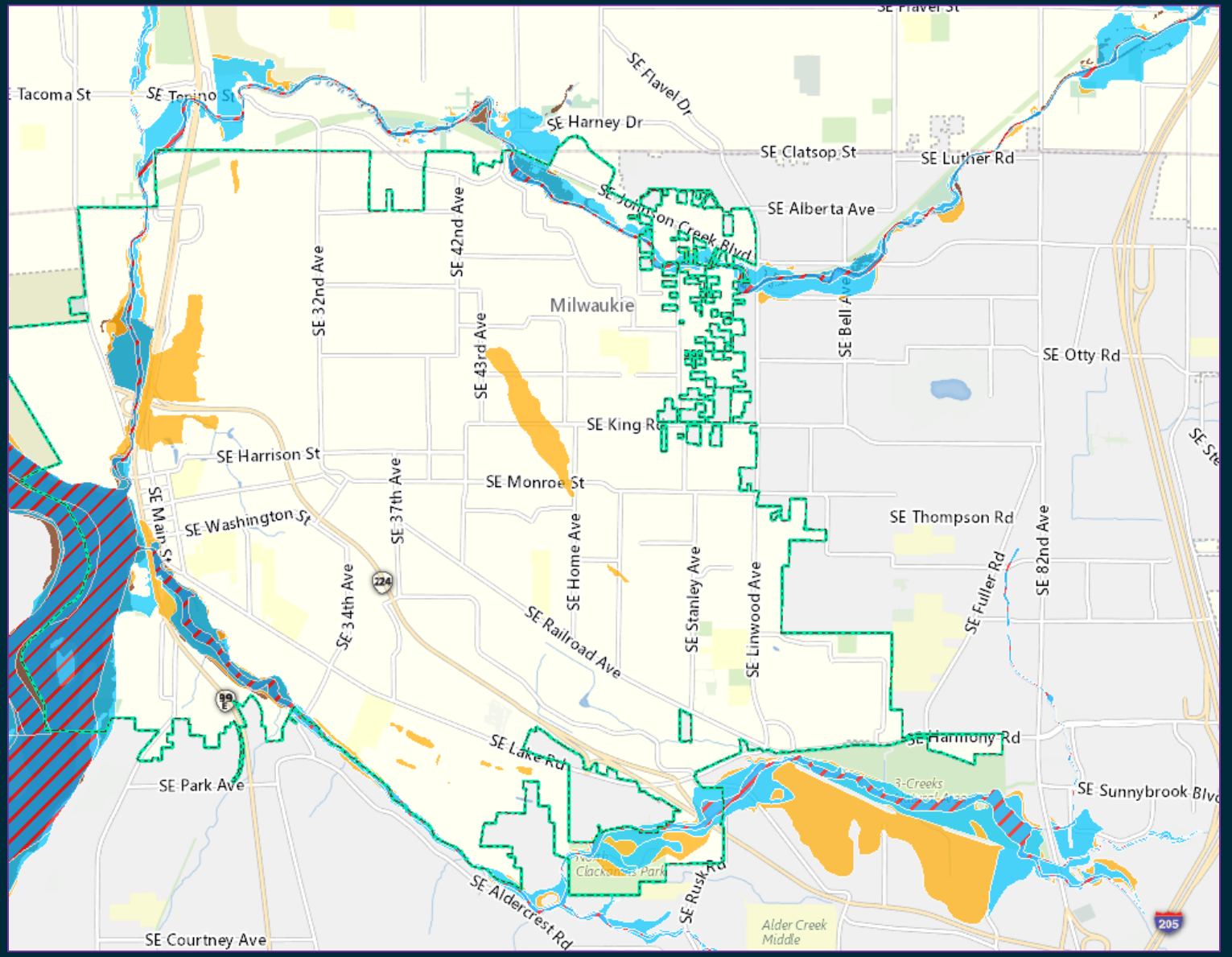
RS 8. A. 2/4/25
Presentation

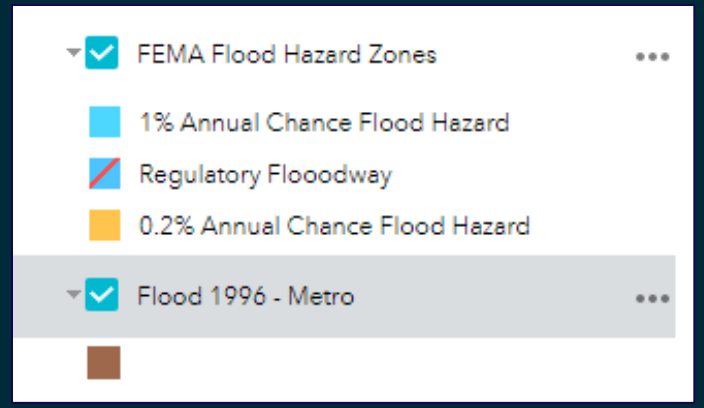
Amendments to Title 18
(Flood Hazard Regulations)
File #ZA-2024-003

City Council
Recommendation Hearing
February 4, 2025

Brett Kelver, Senior Planner

Flood Hazard Areas in Milwaukie





Title 18 (Flood Hazard Regulations)

- ☐ Chapter 18.04 **PURPOSE AND METHODS** (§ 18.04.010 – § 18.04.020)
- ☐ Chapter 18.08 **DEFINITIONS** (§ 18.08.010)
- ☐ Chapter 18.12 **GENERAL PROVISIONS** (§ 18.12.010 – § 18.12.070)
- ☐ Chapter 18.16 **ADMINISTRATION** (§ 18.16.010 – § 18.16.040)
- ☐ Chapter 18.20 **PROVISIONS FOR FLOOD HAZARD REDUCTION** (§ 18.20.005 – § 18.20.150)

Purpose:

- ❖ Preserve flood storage capacity.
- ❖ Minimize flood damage to development.
- ❖ Limit impacts to other properties.

This establishes eligibility for National Flood Insurance Program (NFIP).

Integration of NFIP & ESA

- Triggered by lawsuit involving **Endangered Species Act** (ESA).
- The new regulations must ensure "no net loss" of three key floodplain functions:
    1. Flood storage
    2. Water quality
    3. Riparian vegetation

The City was required to select a preliminary implementation path by Dec 1 and opted to use the model ordinance provided by FEMA.

No Net Loss Requirements

Three proxies for key floodplain functions:

1. Undeveloped space (flood storage)
   - ✓ New flood storage volume required at 2:1 and must provide fish access & egress.
2. Pervious surface (water quality)
   - ✓ Any net new impervious surface must be infiltrated and treated.
3. Trees (riparian vegetation)
   - ✓ Trees >6-in DBH must be replaced if removed—at minimum 3:1 ratio in RBZ. (5:1 if over 20-in DBH & 6:1 if over 39-in DBH).

Riparian Buffer Zone (RBZ) – NEW!

- Area in floodplain within 170 ft of ordinary high-water mark.

No Net Loss Mitigation Table

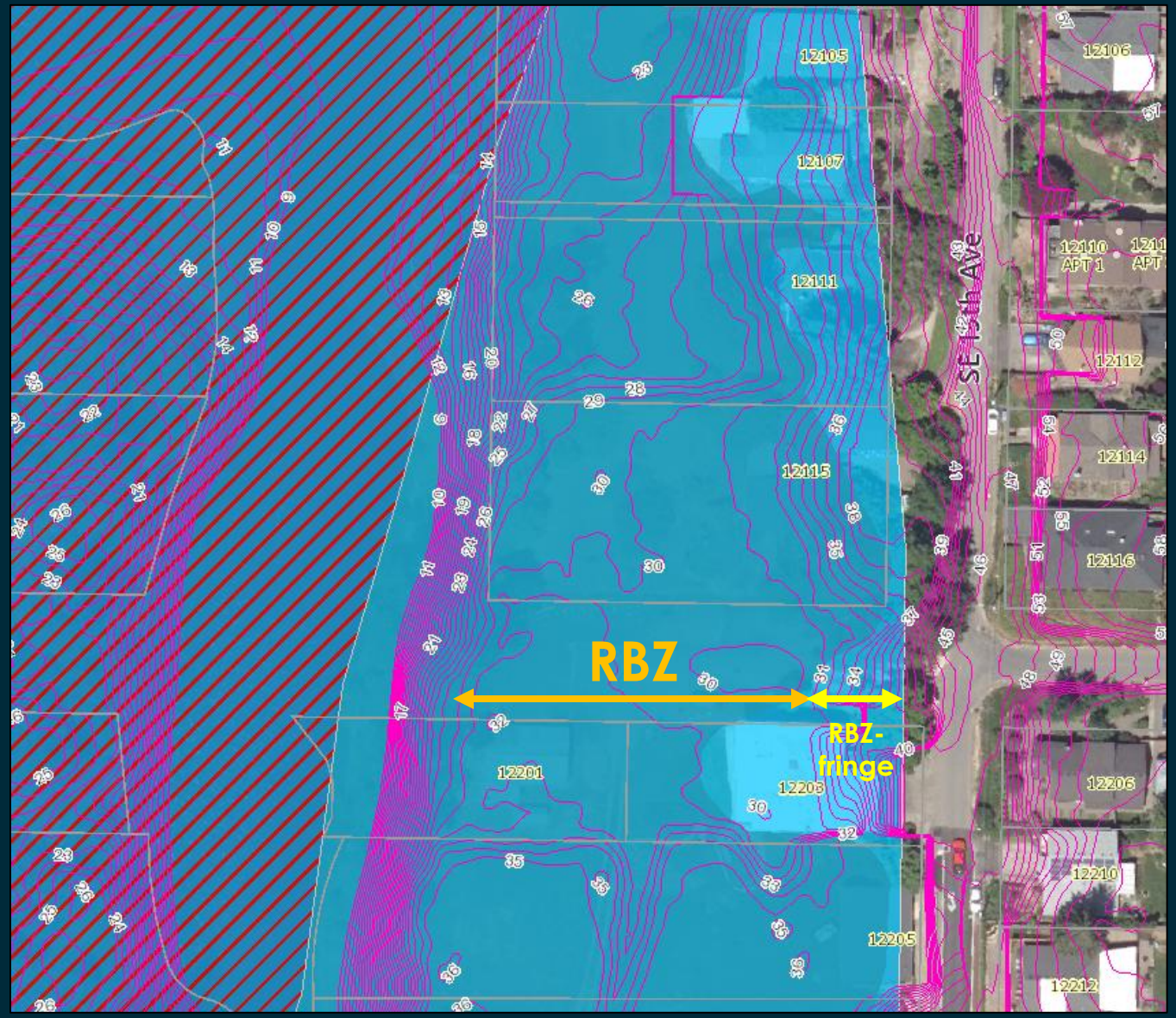
Table 1 No Net Loss Standards

Basic Mitigate Ratios	Undeveloped Space (ft^3)	Impervious Surface (ft^2)	Trees (6"<dbh≤20")	Trees (20"<dbh≤39")	Trees (39"<dbh)
RBZ and Floodway	2:1*	1:1	3:1*	5:1	6:1
RBZ-Fringe	1.5:1*	1:1	2:1*	4:1	5:1
Mitigation multipliers					
Mitigation onsite to Mitigation offsite, same reach	100%	100%	100%	100%	100%
Mitigation onsite to Mitigation offsite, different reach, same watershed (5^{th} field)	200% *	200%*	200%*	200%	200%

Beneficial Gain Standard – NEW!

5% of project area in RBZ must be planted with native herbaceous, shrub, and tree vegetation.

Mapping Example



Key

- 100-year floodplain
- Floodway
- 1996 flood area

- Riparian Buffer Zone (RBZ) = extends 170 ft from ordinary high water mark
- RBZ-fringe = beyond RBZ but still within floodplain

Approval Criteria (Type V code amendments)

Amendments to Zoning Text (MMC 19.902.5.B) must show consistency with:

1. Other parts of Milwaukie Municipal Code
2. Goals/policies of Comp Plan
3. Metro Urban Growth Management Functional Plan
4. State statutes and Statewide Planning Goals
5. Relevant federal regulations

Decision-Making Options

1. Adopt the proposed amendments as presented, with the recommended Findings in Support of Approval (presented as Exhibit 1-A).
2. Adopt the proposed amendments with additional revisions, revising the recommended Findings as needed.
3. Continue the hearing.

Questions?

PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

If you wish to have appeal standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.

2/4/2025 | **RS 8. A. Adoption of Flood Control Code Requirements – Ordinance**

Land Use File No. ZA-2024-003

NAME	ADDRESS	PHONE	EMAIL
Roy Weedman	13200 SE Where Else Ln	5037097622	weedk515@gmail.com

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: Roy Weedman Address:

Organization: Phone:

Email:

Meeting Date: 2-4-25 **Topic:** Flood plan

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 9

Council Reports

DevNW

DEVELOPING THRIVING COMMUNITIES

2025 Priority Bills:

- HB 3235 Chief Sponsor: Rep. Nathanson
  - $10m funding request to increase availability of mortgages to first time homebuyers of shared appreciation homes—the continuation of an existing program.
  - Affordable homeownership projects currently in development using LIFT funds will be completed and buyers will seek mortgages throughout the 2025-2027 biennium. With an expectation of a 1:1 private capital match.

- HB 3236 Chief Sponsor: Rep. Nathanson
  - Expansion of the Oregon Affordable Housing Tax Credit (OAHTC) to utilize the resources to lower the cost of home mortgages under this program by allowing banks to reduce their interest rate into the fund.

- LC 2569 Chief Sponsor: Rep. Hartman; Rep. Dobson
  - $4.2m funding request to support conversion of scattered-site single family homes into permanently affordable Community Land Trust (CLT) homes.
  - Pilot project in partnership with Housing Authority of Clackamas County to convert up to 70 homes, 87% of which are within the Metro UGB, into permanently affordable homes for ownership for buyers primarily below 80% AMI.
  - No state funding is currently available for the conversion of existing homes into the CLT model.

GRB Priority Funding:

- $100.9m Local Innovation Fast Track (LIFT) for Homeownership
- $16.9m Homeownership Development Incubator Program (HDIP)
- $30m Downpayment assistance for CBO/CRO
- $2.5m Foreclosure avoidance counseling
  - Supports a statewide network of HUD-certified housing counselors that provide no-cost assistance for homeowners facing a housing crisis and/or mortgage instability. Over 860 households received support through October 2024, on track to serve over 1,300 homeowners by end of 2023-2025 biennium.
- $1m Homeownership centers fund shortfall
  - One-time request to ensure stable funding for statewide network of Regional Housing Centers facing a funding shortfall from limited document recording fee receipts due to high interest rates pushing down new home sales and refinances.
- $19.7 Continuation of youth experiencing homelessness program

Contact: Karen Saxe, DevNW. karen.saxe@devnw.org. 503-449-0523

DevNW

DEVELOPING THRIVING COMMUNITIES

LC 2569: Housing Authority Scattered Site Homes
Preservation and Conversion to Community Land Trust Homes (CLTs)

Overview:

Housing Authorities (Clackamas County in this pilot) need to sell their aging, scattered site, single family housing portfolios, in order to fund new affordable housing development that will be more durable, energy efficient, and cost-effective to manage. Rather than being sold on the open market, and likely becoming unaffordable investor-owned rentals, Housing Authorities and partner Community Land Trust (CLT) developers (affordable housing nonprofit organizations) propose to convert these homes to permanently affordable Community Land Trusts, primarily for buyers below 80% AMI (as well as those displaced by wildfires up to 120% AMI). The Housing Authority of Clackamas County's scattered site portfolio is a mix of single family and multi-plex homes, 87% of which are located within the Metro UGB across Gladstone, Milwaukie, Oregon City, West Linn, Wilsonville and unincorporated Clackamas County-areas facing skyrocketing housing costs that are pushing homeownership further out of reach for first-time homebuyers.

Based on conversations directly with the Housing Authority of Clackamas County, our goal is to create 70 new CLT homes for low- and moderate-income first-time homebuyers in Clackamas County, while demonstrating a model that can be replicated in other Counties.

Plan:
Community Land Trust developers (such as DevNW, Proud Ground, and others) will

1. Buy batches of homes from the Housing Authority, financed by a deferred Note carried by the Housing Authority (average purchase price = $350,000);
2. Complete needed rehab on the homes, focused on items needed for mortgage financing and/or energy efficiency (e.g. roof replacement, ductless heat pump insulation, etc.);
3. Recruit and provide homebuyer education and one-on-one counseling to income-qualified first time homebuyers;
4. Bring public subsidy to the sale of the home, to convert to a Community Land Trust at the time of purchase by an eligible buyer (average purchase price = $275,000)

2025 Legislative Request:

We estimate that we will need $130,000 subsidy per home to cover limited rehab and the subsidy to convert to a CLT (permanently buying-down the price of the home). Conversion into CLTs, and therefore maintaining these critical affordable homes, will occur faster than new construction on this scale.

Clackamas County is hoping to get permission from OHCS to use approximately $5M in CDBG-DR funds. If that is approved, we would need $60,000 per home from the legislature, totaling **$4.2M for the 2025-2027 biennium**, to create 70 new permanently affordable CLT homes in one of the state's most expensive housing markets.

Chief Sponsor: Rep. Hartman, Lead: Rep. Dobson

Contact: Karen Saxe, DevNW. karen.saxe@devnw.org. 503-449-0523

From:	William Anderson
To:	Scott Stauffer; Emma Sagor
Cc:	Adam Khosroabadi
Subject:	Housing Needs Analysis
Date:	Tuesday, January 28, 2025 7:45:37 AM
Attachments:	Screenshot 2025-01-28 at 7.41.59 AM.png Screenshot 2025-01-28 at 7.43.52 AM.png

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Morning Scott,

Would you include Oregon's first Housing Needs AnalysisReport in the packet? I will note that it calls on Milwaukie to build 2,164 units of housing over the next 20 years. Our UGMA needs approximately 10,000 new units of housing over the next 20 years. These number are just to meet market demands, only if we get past these benchmarks can we begin to make our housing more affordable.

Thank you,

Will Anderson • Council President
City of Milwaukie
he•him•his *Learn why pronouns matter*
o: 503.786.7510 • c: 541.480.9204

Metro UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Milwaukie	1 year	109	14	17	12	22	44
	20 year	2,164	265	338	235	442	885

Clackamas UA	1 year	648	173	136	74	103	163
	20 year	10,241	2,180	1,944	1,148	1,795	3,175

DAS
DEPARTMENT OF ADMINISTRATIVE SERVICES

Oregon Housing Needs Analysis Methodology

December 2024

This report is produced by the Office of Economic Analysis within the Department of Administrative Services. The Oregon Department of Housing and Community Services (OHCS) and the Oregon Department of Land Conservation and Development (DLCD) provided key contributions. Specific staff include:

Office of Economic Analysis

- Carl Ricadonna, Chief Economist
- Jordan Macias, Economist
- Mitchell D'Sa, Economist
- Josh Lehner, (former) Senior Economist

Housing and Community Services Department

- Megan Bolton, Assistant Director of Research
- Love Jonson, Affordable Housing Operations and Policy Analyst
- Brandon Schrader, Housing Economist
- Elise Cordle Kennedy, (former) Senior Research Analyst

Consultants:

ECOnorthwest

- Michael Wilkerson, Director of Research Analytics
- Lorelei Juntunen, Project Director
- Justin Sherrill, Senior Technical Manager
- Madeline Miller, Senior Project Manager
- Becky Hewitt, Senior Policy Advisor

Portland State University Homelessness Research and Action Collaborative

- Marisa A. Zapata, Director, Portland State University
- Franklin Spurbeck, Senior Research Assistant, Portland State University

Department of Land Conservation and Development

- Ethan Stuckmayer, Housing Division Manager
- Jena Hughes, Housing and Growth Management Analyst
- Sean Edging, Senior Housing Planner
- Mari Valencia-Aguilar, Senior Housing Planner
- Celestina Teva, Housing Planner
- Thea Chroman, Housing Planner
- Karen Guillen-Chapman, Urban Growth Boundary Specialist
- Kelly Reid, Portland Metro Area Regional Representative
- Laura Kelly, Portland Metro Area Regional Representative

http://oregon.gov/DAS/OEA
http://oregoneconomicanalysis.com
http://twitter.com/OR_EconAnalysis

Table of Contents

Common Terms & Acronyms

AMI: Area Median Income: Every year the U.S. Department of Housing and Urban Development (HUD) produces a median family income calculation/assessment to determine affordability thresholds for a given area (some geographies are HUD-specific). Affordable housing projects' income limits, rent limits, and other characteristics will be based on this income limit. This term is synonymous with Median Family Income or MFI.[1]

City: This report uses the terms "City" and "city with a population of 10,000 or greater" as DLCD does, which includes, regardless of size: (a) Any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods; and (b) A county with respect to its jurisdiction over Metro urban unincorporated lands.

Cost Burdening / Severe Cost Burdening: The term "cost burdening" refers to households who pay more than 30% of their income on housing costs. The term "severe cost burdening" is used for households paying more than 50% of their income on housing. These terms come from HUD, and include mortgage payments and interest, or rent, utilities, and insurance.

DAS: Department of Administrative Services

DLCD: Department of Land Conservation and Development

Goal 10 (Housing): One of Oregon's 19 statewide land use planning requirements relating to planning for housing need. All local governments are required to plan for housing needs within an urban growth boundary (see term below) under Goal 10. Cities with populations larger than 10,000 people (as well as all cities and certain urban, unincorporated communities in Tillamook County) must regularly update local planning documents to comply with Goal 10.

Goal 14 (Urbanization): One of Oregon's 19 statewide land use planning requirements relating to planning for the orderly and efficient urbanization of land within an urban growth boundary (UGB - see term below). All cities and Metro are required to establish and amend urban growth boundaries to accommodate identified land needs in compliance with Goal 14.

HB: House Bill (year)

[1] A note on AMI vs MFI from HUD: "HUD estimates Median Family Income (MFI) annually for each metropolitan area and non-metropolitan county. The metropolitan area definitions are the same ones HUD uses for Fair Market Rents (except where statute requires a different configuration). HUD calculates Income Limits as a function of the area's Median Family Income (MFI). The basis for HUD's median family incomes is data from the American Community Survey, table B19113 - MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS. The term Area Median Income is the term used more generally in the industry. If the term Area Median Income (AMI) is used in an unqualified manor, this reference is synonymous with HUD's MFI. However, if the term AMI is qualified in some way - generally percentages of AMI, or AMI adjusted for family size, then this is a reference to HUD's income limits, which are calculated as percentages of median incomes and include adjustments for families of different sizes." Source: HUD. 2018. "FY 2018 Income Limits Frequently Asked Questions." https://www.huduser.gov/portal/datasets/il/il18/FAQs-18r.pdf

Housing Affordability: Housing is considered "affordable" to a household if it spends less than 30% of its gross (pre-tax) income on housing costs (see Cost Burdening).

HSC: Housing Stability Council: The advisory body overseeing Oregon Housing and Community Services.

HUD: U.S. Department of Housing and Urban Development

LCDC: Land Conservation and Development Commission: The governing body with policy and administrative oversight of the state land-use planning program. LCDC is supported by the Oregon Department of Land Conservation and Development.

Metro UGB: Metro Urban Growth Boundary: The Portland metropolitan area's urban growth boundary (UGB), managed by Metro. Within the Metro UGB, cities and counties do not have individual UGBs. Since 1997, Oregon law also requires Metro to maintain a 20-year supply of land for future residential development inside the Metro UGB. See also: UGB.

OEA: Oregon Office of Economic Analysis

OHNA: Oregon Housing Needs Analysis

OHCS: Oregon Housing and Community Services

PRC: Population Research Center

PUMA: Public Use Microdata Area: A geographic area defined by the U.S. Census Bureau to have roughly 100,000 people and to (typically) align with County boundaries. PUMA sizes vary depending on the population density. Oregon has 31 PUMAs, with most PUMAs located in the more densely populated western part of the state.

PUMS: Public Use Microdata Sample: Data files produced by the U.S. Census Bureau that allow users to create custom analyses that are not available through pre-tabulated data tables. These data are produced for PUMA geographies.

Regulated Affordable Housing: Housing that is rent- or income-restricted to be affordable to households earning certain incomes. These units typically have public support (funding) in exchange for affordability requirements. Housing is considered "affordable" to a household if it spends less than 30% of its gross (pre-tax) income on housing costs (see Cost Burdening above). Regulations are set according to the types of funding used to develop the housing, such as the Low-Income Housing Tax Credit, or U.S. Housing and Urban Development (HUD) funding. Most regulated affordable housing is affordable for households earning under 60% AMI, but restrictions vary.

SB: Senate Bill (year)

UUL: Urban Unincorporated Lands: follows the definition in HB4063 (2024), which are lands within the Metro urban growth boundary that are identified by the county as: (a) Not within a

city; (b) Zoned for urban development; (c) Within the boundaries of a sanitary district or sanitary authority or a district formed for the purposes of sewage works; (d) Within the service boundaries of a water provider with a water system; and (e) Not zoned with a designation that maintains the land's potential for future urbanization.

UGB: Urban Growth Boundary: A boundary delineating urban and urbanizable land from rural land. This boundary contains urban development, is used to plan for orderly growth, and can be amended to accommodate an identified land need. Cities in Oregon are surrounded by urban growth boundaries (UGBs) which designate where they expect to grow over a 20-year period. The Portland metropolitan region has a single regional UGB, established and maintained by Metro. See also: Metro UGB.

Background and Policy Context

The Oregon Housing Needs Analysis and its Implementation

The Oregon Housing Needs Analysis (OHNA) is a new component to Oregon's statewide land use planning system intended to facilitate housing production, affordability, and choice to meet housing needs for Oregonians statewide. The OHNA articulates new responsibilities for state agencies and local governments to reorient the implementation of statewide land use planning goals 10 (Housing) and 14 (Urbanization) to produce more housing, advance equitable access to housing, and enable state and local government action to address need. It affects the way all communities plan for housing and urban lands, and cities with populations of 10,000 or greater are now specifically required to regularly plan and take action to address needs. Under House Bill 2001 and 2889 (2023 Session), the OHNA adds the following new components to Oregon's Housing Planning Program:

Methodology	Dashboard	Program
• A methodology that estimates the total number of **Needed Housing Units** over a 20-year period for all of Oregon, divided into geographic regions, components of need, and income levels. • An allocation of need from each region to each local government in a region to use in their Housing Capacity Analyses. • This allocation at the local government level forms the basis for the development of **Housing Production Targets** for cities with over 10,000 people to use in their Housing Production Strategies. • The methodology will be run annually by the Oregon Office of Economic Analysis inside DAS.	• A publicly available **Housing Production Dashboard** to track progress toward housing production target goals by city. • A set of **Housing Equity Indicators** to monitor equitable housing outcomes by city. • The dashboard and equity indicators will be updated annually by OHCS.	• A **Housing Acceleration Program** that supports cities that are falling behind on their Housing Production Targets. • The Housing Acceleration Program requires action, partnership, and investment to identify barriers to production within the control of local governments. • The Housing Acceleration Program and OHNA integration into Oregon's other Land Use Planning Goals will be managed by DLCD and aligned with cities' Housing Capacity Analysis and Housing Production Strategy deadlines.

OHNA Implementation

1. **This report outlines the final OHNA Methodology**. DAS is responsible for finalizing the methodology with input from OHCS and DLCD and will run it annually.
2. **The OHNA Housing Production Dashboard and Housing Equity Indicators** will be published on OHCS's information dashboard website on January 1, 2025. OHCS is responsible for publishing and updating these items, with input from DAS and DLCD.
3. **DLCD is writing administrative rules for the OHNA Program** through January 1, 2026. To integrate the OHNA into the existing statewide land use planning system, the Land Conservation and Development Commission (LCDC) must adopt new and revised Oregon Administrative Rules surrounding three topics:
    a. **Housing Needs and Production** rules go into effect January 1, 2025.
    b. **Housing Acceleration** rules go into effect January 1, 2025.
    c. **Housing Capacity and Urbanization** rules will be adopted by January 1, 2026.

More information on OHNA implementation can be found on DLCD's Rulemaking Website.

This Report: The OHNA Methodology

This report describes the OHNA Methodology.[2] It describes the methodological steps, including how different components were calculated and the data sources used. It also provides state and regional results by housing need component and by income level and local (city) results by income level.

Public Input and Finalizing the OHNA Methodology

The law (Oregon Revised Statutes (ORS) 184.451) required DAS to finalize and run the OHNA methodology by January 1, 2025. OHCS and DLCD made recommendations to DAS in fall 2024 informed by public input. The OHNA Methodology process is outlined below, including opportunities that the public had for comment and testimony.

- May 2024: Statewide and Metro-specific webinars hosted by DAS, DLCD, and OHCS
- July 2024: DAS published Interim Methodology Report
- July-August 2024: Public comment period on Interim Methodology
- August 2024: Respond to public comments and revise methodology
- September 2024: DAS published Draft Methodology Report, LCDC meeting and public testimony on Draft Methodology
- October 2024: Housing Stability Council Presentation on Draft Methodology Report
- October-November 2024: Respond to public comments and revise methodology
- December 2024: DAS publishes Final Methodology

[2] A summary of changes from the Draft to the Final methodology can be found in Appendix B.

Legislative History

The OHNA has been under development for several years. Under 2019's House Bill 2003, OHCS completed a Pilot Methodology and published a technical report that describes a recommended methodology and the analytical choices that were ruled out. Many of the data limitations identified and discussed in the Pilot Methodology technical report are relevant in this Final Methodology and are not revisited herein.

In February 2021, OHCS produced a companion report that summarizes the Pilot Methodology and provides an overview of the policy choices. And in March 2021, DLCD conducted a review of the pilot methodology and submitted an evaluation of the methodology along with legislative recommendations.

Under subsequent direction from the Legislature (2021's House Bill 5006), OHCS and DLCD refined the methodology in 2022 to better account for specific functions and components and provided a Recommendations Report on how to implement the OHNA into Oregon's existing Land Use Planning System. For a detailed technical explanation of the OHNA methodology and changes recommended last year, see the technical appendix to the OHNA Recommendations Report.

In the 2023 Legislative Session, House Bills 2001 and 2889 codified the OHNA into law advancing these recommendations and directing OHCS, DLCD, and DAS to begin implementation. In addition, Senate Bill (SB) 406 required certain communities and any city in Tillamook County to plan for needed housing. In summer 2023, DLCD began rulemaking and implementation which will continue through June 30, 2026.

In the 2024 Legislative Session, House Bill 4063 was adopted which requires Metro counties to plan for the housing needs of Metro urban unincorporated lands (UULs) and directs DAS to include an allocation for each Metro county as part of the OHNA. Also in early 2024, OHCS and DAS began implementing the OHNA into their programs and systems.

The OHNA Legislative History can be summarized as follows:

- 2018: HB4006 Housing production reporting required
- 2019: HB2001 legalizes middle housing; HB2003 requires local housing production strategies; Pilot OHNA method
- 2020: OHCS pilots OHNA methodology and DLCD completes Housing Production Strategy Rulemaking
- 2021: HB5006 directs DLCD to create recommendations to implement the OHNA statewide
- 2022: HB5202 directs DLCD to manage Housing Capacity Work Group
- 2023: HB2001 and 2889 make the OHNA law and direct DAS, DLCD, and OHCS to implement it into programs; SB 406 required certain communities and any city in Tillamook County to plan for needed housing
- 2024: HB4063 requires Metro counties to plan for the housing needs of Metro urban unincorporated lands

Oregon Housing Needs Analysis Methodology

The OHNA Methodology focuses on the affordability and geographic distribution of newly produced housing, not the characteristics of the existing housing stock across the state. This is a methodological choice that has implications for policymaking and tracking the overall affordability of the entire housing stock. The Final Methodology incorporates multiple considerations to reflect different types of demand on current and future housing need. The OHNA Methodology has six steps:

1. Determine Regions
2. Determine Income Categories
3. Determine Components of Housing Need
4. Allocate Needed Housing to Income Categories
5. Allocate Needed Housing to Cities and UGBs
6. Set Housing Production Targets

Step 1: Determine Regions

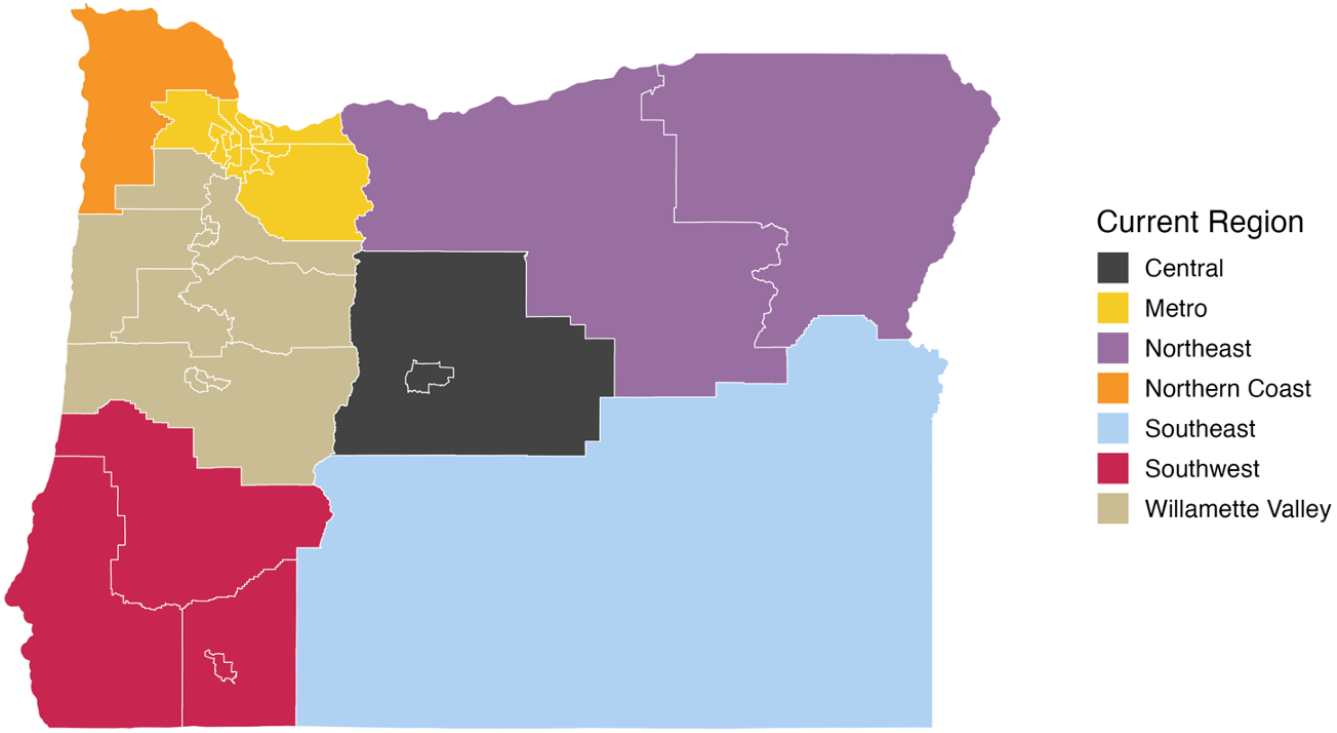
The first step in completing the OHNA is to define the regions for the analysis. The regions affect the entire analysis, from the ability to develop the analysis based on available data to the interpretation of the findings about regional housing needs for individual cities. Since each possible dataset that could be used to define regions has its own level of geographic specificity, choices about regions are integrally tied to choices about data.

Defining regions for this analysis required identifying the source of data that would be used throughout the analysis. The source of data needs to be consistently available statewide, available at an appropriate geographic level, updated annually, have acceptable margins of error for the variables of interest for the methodology, and be flexible enough to allow for comparisons necessary to deliver the analysis required by the statute. While the methodology is structured to account for limitations in available data, future iterations of the methodology could benefit from improvements in state access to data sources, such as a statewide parcel database of standardized assessor's data or a statewide rental registry that included information on costs and accessibility.

Regions

Figure 1 shows the regions in the OHNA Final Methodology. The OHNA regions are built from Census Public Use Microdata Areas (PUMA) regions using data from the 2022 vintage of data. PUMA regions shown in white outline, are aggregated up to the OHNA regions, shown in color. The U.S. Census Bureau updates PUMAs every 10 years following the Decennial Census; future changes to PUMA boundaries may affect the OHNA regions in the future.

Figure 1. OHNA Regions (PUMA boundaries denoted in white)



Step 2: Determine Income Categories

The second step is to define the income categories that are used to distribute needed housing across the income spectrum. The OHNA Methodology uses Area Median Income (AMI) limits that were stated in ORS 184.453(4):

(a) Less than 30%
(b) 30% or more and less than 60%
(c) 60% or more and less than 80%
(d) 80% or more and less than 120%
(e) 120% or more

These income categories align with common funding sources, including OHCS's programs, for subsidized affordable housing. It's important to note that the distribution of households in each income category is not equal.

The methodology uses regional incomes to allocate housing need to individual jurisdictions. This is an important change from prior Goal 10 planning requirements in which jurisdictions used their own city-level incomes to estimate housing need by income level. The effect of this change is that local governments will be required to plan for a share of the region's estimated housing needs by income, rather than locally estimating and planning for housing needs by income only within the boundaries of the local government.

Income categories translate into housing affordability. Income categories are expressed as a percent of AMI, which is determined by the U.S. Department of Housing and Urban Development (HUD) and takes into account household size and the number of bedrooms. A housing unit is determined to be affordable to a household if it accounts for less than 30% of that household's gross income.

Across the Final Methodology, all income categories are adjusted to account for household size. HUD provides regional AMIs based on a four-person household and provides guidance to allow practitioners to adjust for household size and number of bedrooms in a unit,[3] which is as follows:

Household Size Income Adjustment

- 1-person household: 70% of AMI
- 2-person household: 80% of AMI
- 3-person household: 90% of AMI
- 4-person household: 100% of AMI
- 5-person household: 108% of AMI

Apartment Unit Size Income Adjustment

- Studio unit: 70% of AMI
- 1-bedroom unit: 75% of AMI
- 2-bedroom unit: 90% of AMI
- 3-bedroom unit: 104% of AMI

Step 3: Determine Components of Need

The third step of the OHNA is to determine the different components of housing need. The OHNA is an estimate of total housing needed statewide over a 20-year horizon and includes housing units that are needed now to house the existing population (Current Need) as well as units needed in the future to accommodate household growth (Future Need).

- **Current Need** includes housing underproduction and housing units for people experiencing homelessness.
- **Future Need** includes units for expected population growth, expected housing units that will be lost to second and vacation homes, and units to accommodate expected demographic change.

By including an estimate of current housing need in planning requirements, the OHNA departs from historic Goal 10 planning requirements which only required jurisdictions to look forward at the 20-year population forecast. The Final Methodology recognizes that Oregon has been underbuilding housing for several decades and that a narrow focus solely on future population growth will not help communities relieve the pressures created in housing markets by low vacancy rates and high prices.

[3] Portland Housing Bureau Median Income Percentages 2024. https://www.portland.gov/phb/documents/2024-income-and-rent-limits-phb/download

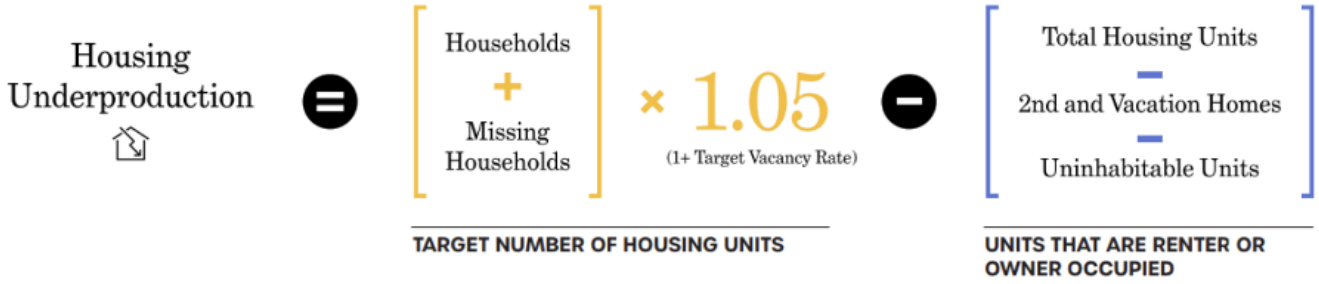
Current Need

The OHNA is an estimate of total housing needed statewide over a 20-year planning horizon, including an estimate of how many units the state, regions, and cities need currently to adequately house their existing populations. Current need takes into account housing underproduction and units needed for people experiencing homelessness.

Housing Underproduction

The Final Methodology adopts with some minor modifications of an approach used by Up for Growth, a housing policy research nonprofit in Washington, D.C., that has been vetted by housing industry experts.[4] This approach calculates the target number of housing units a region's market should have (demand) and compares that against the actual number of units that market has available for year-round occupancy (supply). These steps are broken down below. Regions where the demand exceeds supply are experiencing housing underproduction.

Figure 2. Up for Growth Housing Underproduction Methodology



Target Number of Housing Units

The estimate of the target number of housing units starts with the Census Bureau's estimate of total households and then estimates the number of "missing households" that have not formed in a market compared to historical formation rates in 2000.

Household formation is influenced by the housing stock available—when a market does not build sufficient housing, prices rise and vacancy falls, affecting the likelihood of households to form (e.g., roommates splitting up, children moving out, etc.). This measure estimates the number of households that are expected to form in less constrained housing market conditions, and as such are a component of current demand.

The Final Methodology calculates "missing households" based on changes in the headship rate (the percentage of people who are heads of households, or householders) for different age cohorts between 18 and 64. The lack of housing availability and affordability is not the only reason that explains reduced household formation rates, therefore including all age cohorts would be an overcount of household formation primarily caused by housing market

[4]Up for Growth, Housing Underproduction in the U.S. 2024. https://upforgrowth.org/apply-the-vision/housing-underproduction-reports/

constraints. Age cohorts are therefore limited to head of households between 18 and 64 as the most likely ages where this occurs—effectively excluding head of households over 65 is one way to limit the impact of the overcount. Limiting the age cohorts helps compensate for the nature of the overcount–essentially that housing isn't the only factor contributing to decreased household formation rates. The standard UFG approach limits age cohorts over the age of 44, the expansion of head of households to the age of 64 acknowledges circumstances unique to Oregon's housing market, and the fact that working households of all ages are experiencing the impacts of a constrained, underproduced housing market.

The OHNA Methodology uses a baseline headship rate in the year 2000 for all cohorts. This year was chosen because 2000 Decennial Census data offers the most recent statistically reliable estimate of a housing market that was more in balance. Headship rates were also generally stable between 1980 and 2000, so going back further would not have a large impact on the baseline headship rate. The Final Methodology compares the most recent headship rate (based on 2023 PUMS data) against the 2000 baseline for each age cohort. If a cohort has a lower headship rate in the most recent year compared to the baseline, it indicates that fewer households formed. The total estimate of "missing households" is the sum of reduced household formation from cohorts aged 64 years and younger. Should there be negative missing households (more households formed compared to the baseline rate) in any age cohort, they are netted out to zero because they are not contributing to excess demand beyond what is already captured in the households formed data observation.

The estimate of missing households is added to the current total number of households to approximate the total number of households that would be seeking housing in unconstrained market conditions. The model then applies a 5% target vacancy rate to estimate the total number of housing units a region should have to accommodate current need and have a healthy level of vacancy. Five percent vacancy is the 75th percentile of the national vacancy rate between 1980 and 2000 and is meant to represent unconstrained market conditions. It is backed by industry stakeholder outreach and research and is used in other methodologies of estimating housing need and underproduction.

Actual Units Available for Year-Round Occupancy

The estimate of the actual number of units available for year-round occupancy starts with the Census Bureau's estimate of total housing units and removes uninhabitable units and second and vacation homes that are not available for year-round occupancy from the stock. Uninhabitable units are identified in the Census PUMS data as those that lack indoor plumbing and complete kitchens, and that have been vacant for at least a year. Second and vacation homes are identified in the Census Bureau as those that are vacant and used for "seasonal or recreational purposes."

By removing uninhabitable units and second and vacation homes from the estimate of the current housing stock, the Final Methodology attempts to calculate each region's total housing stock available for year-round occupancy as a more accurate reflection of housing supply. When compared to the total number of households each region would have in unconstrained market conditions, the Final Methodology can capture current housing underproduction and incorporate current housing need into future planning purposes. This change pushes Oregon's

statewide housing planning system toward one that more accurately measures total housing need; planning for future housing need without accounting for current need will continue to yield insufficient housing production relative to demand across the state.

Housing Units Needed for People Experiencing Homelessness

DAS and OHCS engaged the Portland State University (PSU) Homeless Research and Action Collaborative (HRAC) to develop the methodology to estimate housing units needed for people experiencing homelessness. The HRAC methodology uses an annualized point in time count of unsheltered households, the number of households served in shelter over a year, and households doubled-up based on K-12 student data and U.S. Census data.

Determining the number of units a region needs to house people experiencing homelessness requires careful attention, because available datasets have many known limitations including undercounting populations. Populations experiencing homelessness are generally not captured in foundational datasets derived from the Census, so they are not included in the projections of current (or future) need. This methodological choice was made under the assumption that if jurisdictions can plan for current need as the sum of underproduction and housing for people experiencing homelessness, while planning for enough housing units to meet future need, then homelessness would become "functionally zero," and would be rare and brief.[5]

The Final Methodology relies heavily on the limited research available on this topic, as well as discussion and feedback from stakeholders with expertise in research and service provision for those experiencing homelessness in Oregon. The state continues to explore new research and better data to continually improve this portion of the OHNA methodology.[6]

The HRAC methodology combines portions of four data sets to better estimate the number of people experiencing homelessness in an OHNA region. The approach uses Continuum of Care (CoC) Point-In-Time Count (PITC) data and McKinney-Vento Student Data (MVSD) for children enrolled in K-12 public schools. It also utilizes CoC Homeless Management Information System (HMIS) data, By-Name Lists (BNL), and American Community Survey (ACS) data.

To calculate the number of households who need housing, the HRAC methodology combines:

- **Unsheltered data:** PITC unsheltered data that is annualized and converted to household numbers; or the household count from BNL across one year;
- **Sheltered data:** Households served in shelter over one calendar year, as recorded in HMIS; and,
- **Doubled-up data:** MVSD for doubled-up student households plus ACS doubled-up households without children enrolled in K-12 schools.

[5] Functional Zero Homelessness occurs "when the number of people experiencing homelessness at any time does not exceed the community's proven record of housing at least that many people in a month." https://community.solutions/built-for-zero/functional-zero

[6] Recommendations for improving data are included in Chapter 7 of the OHCS RHNA Technical Report and Appendix B describes the key analytical issues in estimating the amount of housing need to accommodate the population of people experiencing homelessness in Oregon

All data are converted to households (HH), and annualized when the data set is not an annual count. Each household is assumed to occupy one housing unit, thereby producing the estimate of the number of housing units needed. See Appendix C for a copy of the complete memo detailing the HRAC methodology.

Future Need

The OHNA is an estimate of total housing needed statewide over a 20-year planning horizon. Future need takes into account the housing units needed for population growth, housing units lost to second and vacation home demand, and housing units needed to accommodate demographic change.

Housing Units for Population Growth

To estimate 20-year future housing needs, forecasted population growth must be translated into future households and then translated into future needed housing units.

PSU's Population Research Center (PRC) produces the official population estimates for the State of Oregon with the exception of the Portland Metro Region.[7] The Final Methodology converts the PRC population forecast to households using the most recent regional average household size estimated with the most recent PUMS data.

As with past Goal 10 housing planning requirements, the OHNA Methodology excludes the estimate of people living in group quarters because they are not considered part of the household population, and their needs are planned for separately. Each region's base-year population estimates are reduced by the 2023 PUMS-derived share of population in group quarters, before converting population to households. For the horizon year forecasts, the model uses 2023 PUMS to calculate a group quarters rate by age cohort and apply it to regions' 2045 age cohort forecasts to arrive at an overall regional group quarters rate. Since most regions' forecast a greater share of older cohorts in 2045, the OHNA currently models slight increases in overall group quarter rates for all regions in the horizon year.

The loss of units to second and vacation homes in the future is calculated as a separate component of need (see next section), therefore the Final Methodology assumes that each future household will occupy one housing unit, while also planning for the target vacancy rate. Once total future needed housing units are determined, the Final Methodology applies the same 5% vacancy factor to estimate the future housing stock that cities and regions should plan for (see page 11).

Housing Units Lost to Second and Vacation Home Demand

Estimating second and vacation homes as its own component allows cities to better account for demand for these housing units in the future and improves the State's understanding of the

[7] Metro is responsible for issuing population forecasts within the Metro urban growth boundary, which serve as the basis for comprehensive and land use plans (see ORS 195.036). The Metro allocation methodology, outlined later in this document, is based on housing needs estimates for the Metro UGB in Metro's Urban Growth Report.

role that second and vacation homes play in each region's housing market. In many outdoor recreation- and tourist-heavy communities, particularly along the coast, in the Gorge, and in central Oregon, the presence of second and vacation homes removes units of the existing housing stock from year-round occupants at a different rate than in other parts of the state. This contributes to underproduction of needed housing by reducing the number of units available to full-time renters and owners, thereby decreasing vacancy rates and putting upward pressure on housing costs. As the stock of second and vacation homes grows in the future, it effectively takes away from housing production, as fewer units are available for year-round occupancy.

Summary of Process to Identify Second and Vacation Homes

1. Calculate change in the number of second and vacation homes per region
2. Determine how much housing is needed to offset this expected future loss in units
3. Apply the ratio to forecasted housing unit growth

The current share of second and vacation homes varies by region, as does the pace at which these shares are changing over time. First, the model calculates the change in the number of second and vacation homes for each region between the years 2000 and 2020. The growth in second and vacation homes is then contextualized by the number of all housing units added for each region between 2000 and 2020. The ratio of second and vacation homes added compared to the total housing production is calculated for each region. This ratio is effectively an approximation of how much additional production would be required to offset the loss in units to second and vacation home demand over the 20-year planning period. In practice, a jurisdiction could implement policies to reduce the growth of second and vacation homes or target the production of additional units to offset the loss of units available for year-round occupancy.

Example Calculation for Second and Vacation Home Demand

If a city produced 1,000 housing units between 2000 and 2020 but saw the number of second and vacation homes in the same time period grow from 100 to 200 units (either through new construction or conversion of an existing home), then it would have a ratio of 0.1 ((200-100)/1000). If this city was expected to grow by 2,500 households over twenty years, the additional production to account for units lost to second and vacation home need would be 0.1 * 2,500 or 250 units.

The Final Methodology only calculates second and vacation homes as part of determining future housing need. These units are no longer available for year-round occupancy, and as units are purpose-built or converted into second and vacation homes, the progress toward the desired number of units per household or target vacancy rate is lessened. Units identified as being currently occupied as second and vacation homes are captured as part of the underproduction calculation (current need).

Housing Units for Demographic Change

The number of housing units needed to account for demographic change helps to account for changing household demographic composition as the population of Oregon changes.

Like many states, Oregon is aging, and seniors typically have smaller household sizes; according to Census data, the average household size (persons per household, PPH) headed by a person aged 60 to 69 is only 1.9 people, compared to 2.9 people for households headed by a person aged 30-39. As population forecasts expect a larger share of the population to be 65 and older, and as the fertility rate continues to remain below replacement rate, more housing units will be needed to house Oregon's older total future population. An example below depicts how demographic change is handled in the model.

First, the Final Methodology uses PUMS data to calculate the current PPH for each major age cohort by region. It then joins the age cohort-based PPH figures to the 2025 and 2045 population forecasts by age cohort and then calculates a total PPH for each region for 2025 and 2045. Average household sizes for each region are forecast to be smaller due to changing demographics.

The PRC-forecasted populations in each region in 2025 and 2045 are then converted into households by dividing by the average household size in each region. This differs from the population change component, where the PPH is held constant between the baseline and horizon years (using 2025 PPH).

The final step in the process is to convert the added number of households in each region into needed housing units. Following the methodology for the other components, the Final Methodology also applies the target 5% vacancy factor to the estimated number of needed housing units in the future (see page 11).

Example Regional Demographic Change

1. $(Population_{2045} \div PPH_{2025}) - (Population_{2025} \div PPH_{2025})$ = Households added by Population Change
2. $(Population_{2045} \div PPH_{2045}) - (Population_{2025} \div PPH_{2025})$ – Households added by Population Change = Households added by Demographic Change
3. Households added by Demographic Change x 1.05 = Housing Units Needed to Account for Demographic Change

The demographic change component is effectively capturing the change in household size for existing households (starting in 2025) as well as the marginal new households added between 2025 and 2045. This is a deviation from other components in that it considers housing need for existing and future households. It is included in the future need category because it captures future demand for housing from existing households (rather than underproduction and homelessness, which are current demand).

Step 4: Allocate Needed Housing to Income Categories

Once total housing units needed are estimated for each component and each region, the next step is to distribute housing need to income categories. Allocation processes differ by component.

Current Need: Housing Underproduction

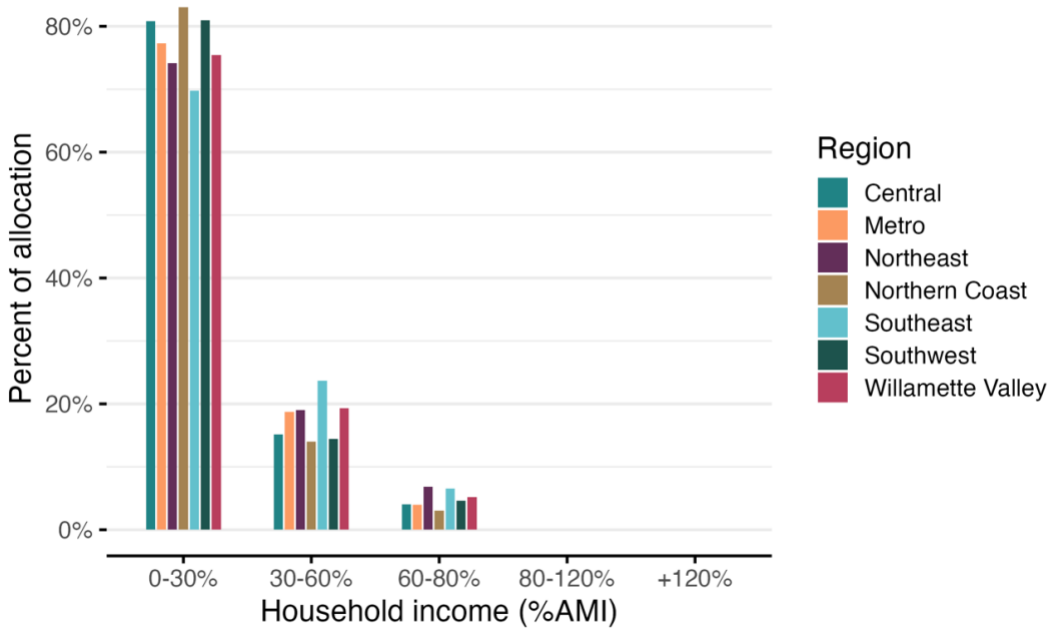
Underproduced units are allocated to income categories based on the rate of cost burdened renter households in each region. Cost burdening is a good proxy to estimate the income levels where current housing is in most need. Underproduction in a market leads to increased cost burdening by limiting choice and reducing overall affordability, and these impacts are most acutely experienced by lower-income renter households who have the highest rates of cost burdening. Underproduced units are therefore distributed proportionate to rates of regional cost burdening to approximate the income levels with the most acute need. For example, if 50% of all renter households who are cost burdened earn 0-30% of AMI, then 50% of the underproduction units should be targeted for households earning 0-30% of AMI. The model uses 2023 PUMS to first isolate cost-burdened renter households in each region, and from there, calculate the proportion of these cost-burdened households in each AMI household income bracket.

Current Need: Housing Units Needed for People Experiencing Homelessness

Housing units needed for people experiencing homelessness are distributed by income based on information provided from OHCS. There is no existing, high-quality dataset with information about the incomes of people who are experiencing homelessness, but many households that are experiencing homelessness have incomes and still cannot find a home that is affordable to them.

The Final Methodology uses data on the incomes of people experiencing homelessness from HMIS information managed by Continuums of Care. The data are from 2023 and are regional. Statewide, of households whose incomes are captured in the data, a large portion (77%) are in the lowest income category of 0-30% AMI. The regional distributions by income are shown in Figure 3.

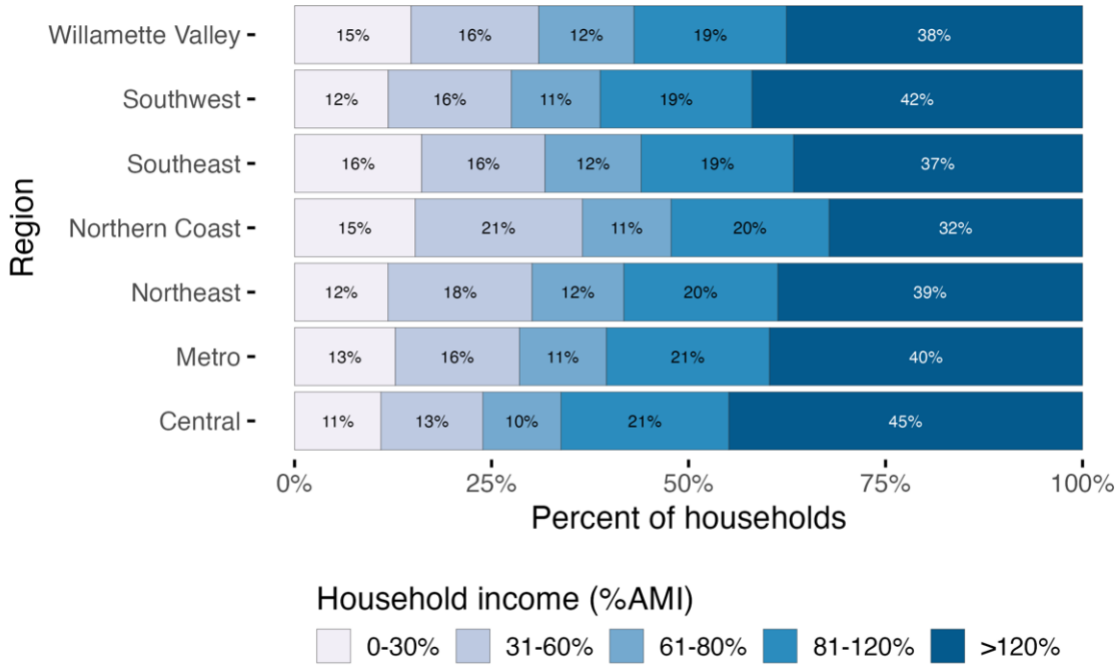
Figure 3. Income Distributions for Each OHNA Region for People Experiencing Homelessness, 2023



Future Need: Housing Units for Population Growth

Units needed to accommodate population growth are allocated based on each region's current income distribution. The state's income distribution and that of each region are shown in Figure 4 below.

Figure 4. Income Distributions for Oregon and Each OHNA Region, 2023



Future Need: Housing Units Lost to Second and Vacation Home Demand

PUMS data does not provide rent or valuation data for units identified as second and vacation homes, but data on the year built are available and are used as a proxy for valuation with the assumption that newer units are more expensive and should be allocated to the highest income categories. The OHNA methodology allocates units identified as second and vacation homes that were built prior to 1990 to the 80-120% AMI income category while those built after 1990 are allocated to the 120%+ AMI income category. This distribution was determined based on a PUMS analysis of regional patterns of affordability of occupied homes by year built.

Future Need: Housing Units Needed for Demographic Change

Given the similarities between units needed for population growth and units needed for demographic change, units needed for demographic changes are also allocated to income categories based on each region's income distribution.

Step 5: Allocate Needed Housing to Cities and UGBs

After the total housing units needed over 20 years is calculated, the fifth step in the methodology is to determine what needed housing should be allocated to areas inside or outside of Urban Growth Boundaries. The Portland Metro region has a different allocation methodology (see page 25). While the Salem-Keizer area has two cities within one UGB, PRC provides city-level population projections for both Salem and Keizer, preventing the need to create a separate allocation process for this UGB.

Step A. Determine Regional Need Inside vs. Outside UGBs

First, the 20-year future population growth outside of UGBs is determined for each region. This is based on PRC forecasts which report outside-UGB subtotals for every county. This step recognizes that not all Oregonians live inside UGBs, and not all Oregonians will live inside UGBs in the future. Lands outside a UGB receive a future housing estimate to reflect projected demand, but do not receive any current need allocations. Current need is a symptom of a lack of enough housing units within the planned areas of growth. Areas outside of UGBs are rural and resource lands and generally do not plan for housing growth under the statewide land use system; therefore, the responsibility for providing additional housing units to meet current need is accommodated inside of UGBs.

Second, units that accommodate population growth, demographic change, and demand for second and vacation homes outside UGBs are removed from the regional total. The remaining units are then allocated to UGBs inside the region.

Step B. Allocating Regional Need to Urban Growth Boundaries

Next, each component of need is allocated from the adjusted regional total (excluding areas outside of UGBs) to each of the UGBs in the region using a set of policy variables and weights in the following combinations. ORS 184.453 requires the methodology to allocate housing

need to each city in consideration of forecasted population growth, regional job distribution, and an equitable statewide distribution of housing. The allocation weights below operationalize this direction to align with the policy priorities set forth by the legislature, balancing where people currently live, where the PSU population forecasts expect people to live, and where the region's jobs are located. Second and vacation home allocations focus those housing units where the housing markets are most directly impacted today. Including an area's share of jobs as a weight in the allocation is a policy choice driven by Oregon's desire to create compact livable communities with access to jobs and amenities. Locating housing closer to jobs also helps support Oregon's climate and emissions reductions goals.

- **Housing Underproduction**
  - 50% from UGB's share of its region's current population
  - 50% from UGB's share of its region's current employment (derived from current Census Longitudinal Employer-Household Dynamics (LEHD) block-level counts of jobs within all geographies)
- **Housing Units for People Experiencing Homelessness**
  - 50% from UGB's share of its region's current population
  - 50% from UGB's share of its region's current employment
- **Housing Units for Population Growth**
  - 50% from UGB's share of its region's population growth
  - 50% from UGB's share of its region's current employment
- **Housing Units for Demographic Change**
  - 50% from UGB's share of its region's current population
  - 50% from UGB's share of its region's current employment
- **Housing Units Lost to Second and Vacation Home Demand**
  - 100% from UGB's share of its regions current second and vacation home stock (as determined by 2020 Decennial Census block-level counts of second and vacation homes spatially joined to UGB boundaries)

Step C. Distribute from Urban Growth Boundaries to Cities

This is only applicable in the Portland Metro UGB, which contains multiple jurisdictions (see page 25).

Step 6: Set Housing Production Targets

Once the total housing need is determined, the final (sixth) step of the methodology is to set targets for housing production. In early 2023, Governor Tina Kotek issued Executive Order 23-04 to establish an annual statewide housing production goal. Based on this policy objective and using the same formula as the Governor's housing production goal, the OHNA Final Methodology prioritizes and front-loads the current need over 10 years and spreads the future need over the 20-year OHNA planning horizon to calculate the annual production target. An example calculation of an annual production target is shown below using statewide total housing need. The same calculations apply for calculating the production targets for each city and each income level.

Example Annual Housing Production Target Calculation Using Statewide Results

See page 36 for more detail on the statewide results by component. See page 27 for a discussion of an alternative approach to estimating the statewide total housing need.

Total Need: 494,503 units
Current Need: 95,937 units
Future Need: 398,566 units

Annual Production Target:
[Current Need / 10 years] + [Future Need / 20 years]
[95,937 units / 10 years] + [398,566 units / 20 years]
= 9,594 units + 19,928 units
= 29,522 units per year

Changes Affecting the Annual Statewide Housing Production Target

In Executive Order 23-04, Governor Tina Kotek encouraged the state to produce 36,000 units per year. In the Final Methodology, the statewide annual production target is 29,522. The change is not due to Oregon producing more units, or from a different formula, it comes from changes to the methodology to calculate the total statewide housing need, and the underlying variables having changed in the four years since the Pilot Methodology was conducted.

Governor Kotek's statewide annual housing production target used an estimate of statewide housing need from the Pilot Methodology, which was produced in 2020. Page 4 describes the OHNA methodology iterations since the Pilot Methodology was completed. The following three categories represent the majority of the changes:

1. Methodological Changes. The OHNA Final Methodology adopted two new components compared to the Pilot: *Housing Units Lost to Second and Vacation Homes* and *Housing Need for Demographic Change*. In addition, the methodology changed how *Underproduction* and *Housing Units Needed for People Experiencing Homelessness* are estimated.
2. Data Updates: In addition, new data has been released since 2020. Page 40 outlines all the data sources in the OHNA Final Methodology and when they are updated.
3. Regions have Changed: In 2022, Census PUMA boundaries changed which impacted several of the regions, making comparisons from 2020 to 2024 challenging due to different regional boundaries. Page 7 describes the PUMA geographies that make up the OHNA regions and how boundary changes following the Decennial Census may cause further changes.

In order to produce annual targets for each jurisdiction that are more stable from year to year, DAS will run the OHNA Methodology each year and average the current year's results with the prior year's results. The intention with smoothing the data is to prevent OHNA targets from jumping around significantly from year to year due to data volatility, allowing local jurisdictions to have more consistent information for planning purposes. In this case the 2025 official results are the average of 2022 and 2023. The smoothing process will be challenging when PUMA boundaries change again in 2032, and a technical update may be required at that point in time.

Peer Cities

OHCS must produce a Housing Production Dashboard, which must include, for each city with a population of 10,000 or greater, "a comparative analysis of progress in comparison to the region and other local governments with similar market types" which are referred to as "peer cities."[8] DLCD must base referral decisions to the Housing Acceleration Program on a city's relative progress and performance towards housing production targets.[9] The following housing market attributes that indicate market similarity were used to group cities into peers:

1. Current population size (static)
2. Share of households with incomes >$200,000 (static)
3. Share of housing used as second and vacation homes (static)
4. Share of housing that is single unit detached (static)
5. Share of housing that is owner-occupied (static)
6. Population growth between 2010 and 2020 (percent change)

The methodology uses a statistical analysis called a K-Nearest Neighbor (KNN) to group each city with seven other peers based on their shared conditions across the seven variables listed above (see Figure 5 for the list of peers). The KNN algorithm uses place-level ACS and Decennial Census population estimates data as inputs, and each input is equally weighted. This approach allows for each city to be compared to its seven "closest" peers. This approach offers several advantages including a consistent number of peer cities, and for each city to be grouped with its best fitting peers.

KNN calculates a matrix of Euclidean distances between each pair of cities (the square root of the sum of squared differences for every variable). Some city pairs are socioeconomically and demographically "closer," or more similar to each other than others. As Euclidean distance increases, the potential fit as a peer decreases. A common rule of thumb for KNN is to limit neighbor groupings to the square root of the total number of samples in the set. In this case, the KNN model contains 58 cities (and Tillamook County) that have a population over 10,000 in Oregon, indicating that 7 nearest neighbors is the optimal number for the OHNA application.

[8] "City" is used as shorthand for the jurisdictions that will receive peers. See ORS 456.601(3)b: https://www.oregonlegislature.gov/bills_laws/ors/ors456.html
[9] See ORS 197A.130: https://www.oregonlegislature.gov/bills_laws/ors/ors197A.html

Not every local government defined as a "city with a population of 10,000 or greater" can be readily paired with market peers utilizing this methodology. This includes:

- Urban unincorporated lands within Metro counties: The peer methodology omits these local governments because they are non-standard and not reflected in any Census geographic unit. The closes approximation would be to use aggregation of census tracts, but these cross into other incorporated cities.
- Cities and specified unincorporated communities within the Tillamook County: While SB 406 (2023) defines these communities as "cities with a population of 10,000 or greater" for the purpose of housing planning, they are not large enough to have suitable Census data to be included in the peer methodology and are therefore grouped together.

Figure 5. Peer Cities List

City	Peer 1	Peer 2	Peer 3	Peer 4	Peer 5	Peer 6	Peer 7
Albany	Keizer	McMinnville	Medford	Grants Pass	Hermiston	Forest Grove	Woodburn
Ashland	Astoria	Pendleton	Klamath Falls	Newberg	North Bend	Newport	Tualatin
Astoria	Ashland	Pendleton	Klamath Falls	Roseburg	North Bend	The Dalles	Newport
Baker City	Sweet Home	North Bend	Central Point	Pendleton	Milwaukie	St. Helens	The Dalles
Beaverton	Hillsboro	Gresham	Eugene	Corvallis	Tualatin	Salem	Tigard
Bend	Oregon City	Newberg	Tigard	Redmond	Medford	Grants Pass	Forest Grove
Canby	Dallas	Oregon City	Gladstone	Central Point	Silverton	Newberg	Woodburn
Central Point	Dallas	Silverton	St. Helens	Woodburn	Oregon City	Keizer	Cornelius
Coos Bay	Pendleton	La Grande	Ontario	Springfield	Newport	McMinnville	Klamath Falls
Cornelius	Central Point	Troutdale	St. Helens	Dallas	Gladstone	Canby	Sandy
Corvallis	Beaverton	Eugene	Hillsboro	Monmouth	Gresham	Fairview	Tualatin
Cottage Grove	St. Helens	Woodburn	Prineville	Hermiston	Sweet Home	Dallas	Independence
Dallas	Woodburn	Central Point	Canby	St. Helens	Hermiston	Silverton	Oregon City
Eugene	Salem	Gresham	Hillsboro	Beaverton	Corvallis	Medford	Springfield
Fairview	Wilsonville	Lebanon	Independence	Tualatin	Monmouth	Hermiston	Corvallis
Forest Grove	Newberg	Molalla	The Dalles	Albany	Silverton	Hermiston	Keizer
Gladstone	Troutdale	Canby	Milwaukie	Central Point	Cornelius	Silverton	Oregon City
Grants Pass	Roseburg	The Dalles	Medford	Albany	Keizer	Silverton	McMinnville
Gresham	Salem	Eugene	Beaverton	Medford	Hillsboro	Springfield	Albany
Happy Valley	Sandy	Sherwood	West Linn	Oregon City	Lake Oswego	Canby	Bend
Hermiston	Independence	Lebanon	Woodburn	Albany	Dallas	Prineville	Forest Grove

City	Peer 1	Peer 2	Peer 3	Peer 4	Peer 5	Peer 6	Peer 7
Hillsboro	Beaverton	Eugene	Gresham	Salem	Tualatin	Corvallis	Tigard
Independence	Hermiston	Lebanon	Dallas	Silverton	Woodburn	Forest Grove	Prineville
Keizer	McMinnville	Albany	Woodburn	Newberg	Central Point	Milwaukie	Grants Pass
Klamath Falls	Pendleton	Astoria	Roseburg	Grants Pass	Ashland	Monmouth	Springfield
La Grande	Coos Bay	Pendleton	Ontario	Klamath Falls	Springfield	Milwaukie	Newport
Lake Oswego	Tigard	Sherwood	Newberg	Oregon City	Tualatin	West Linn	Canby
Lebanon	Independence	Hermiston	Albany	Roseburg	Forest Grove	Prineville	Fairview
Lincoln City	Tillamook County	Astoria	Molalla	The Dalles	Newport	Ashland	North Bend
McMinnville	Keizer	Albany	Milwaukie	Newberg	Woodburn	Silverton	Grants Pass
Medford	Albany	Grants Pass	Salem	Gresham	Keizer	McMinnville	Springfield
Milwaukie	North Bend	McMinnville	Keizer	Silverton	Pendleton	Gladstone	Central Point
Molalla	The Dalles	Prineville	Forest Grove	Silverton	Redmond	Newberg	Roseburg
Monmouth	Klamath Falls	Astoria	Lebanon	Corvallis	Ashland	Roseburg	Fairview
Newberg	Forest Grove	Silverton	The Dalles	Keizer	Oregon City	McMinnville	Central Point
Newport	Astoria	Ashland	Pendleton	Coos Bay	McMinnville	North Bend	Newberg
North Bend	Milwaukie	Silverton	Newberg	The Dalles	Central Point	Pendleton	Grants Pass
Ontario	Springfield	Independence	Lebanon	Pendleton	McMinnville	Hermiston	Klamath Falls
Oregon City	Canby	Central Point	Newberg	Silverton	Dallas	Keizer	Forest Grove
Pendleton	Klamath Falls	Astoria	Roseburg	Milwaukie	McMinnville	Ashland	North Bend
Portland	Eugene	Salem	Gresham	Hillsboro	Beaverton	Medford	Bend
Prineville	The Dalles	Roseburg	Molalla	Sweet Home	Silverton	Cottage Grove	Hermiston
Redmond	The Dalles	Molalla	Grants Pass	Central Point	Prineville	Oregon City	Silverton
Roseburg	Grants Pass	Prineville	The Dalles	Pendleton	Albany	McMinnville	Klamath Falls
St. Helens	Woodburn	Cottage Grove	Dallas	Central Point	Troutdale	Silverton	Keizer
Salem	Eugene	Gresham	Medford	Hillsboro	Albany	Beaverton	Springfield
Sandy	Cornelius	Dallas	Oregon City	Central Point	Canby	Sherwood	Redmond
Sherwood	West Linn	Oregon City	Lake Oswego	Cornelius	Central Point	Canby	Sandy
Silverton	The Dalles	Newberg	North Bend	Central Point	Molalla	Milwaukie	Keizer
Springfield	McMinnville	Albany	Medford	Roseburg	Gresham	Pendleton	Keizer

City	Peer 1	Peer 2	Peer 3	Peer 4	Peer 5	Peer 6	Peer 7
Sweet Home	Prineville	Cottage Grove	Roseburg	The Dalles	Baker City	St. Helens	Redmond
The Dalles	Molalla	Silverton	Prineville	Grants Pass	Newberg	Roseburg	Forest Grove
Tigard	Tualatin	Newberg	Oregon City	Canby	Forest Grove	Lake Oswego	Keizer
Troutdale	Gladstone	St. Helens	Woodburn	Cornelius	Central Point	Milwaukie	Keizer
Tualatin	Tigard	Beaverton	Hillsboro	Ashland	Gresham	Newberg	Fairview
West Linn	Sherwood	Lake Oswego	Cornelius	Happy Valley	Oregon City	Sandy	Central Point
Wilsonville	Fairview	Hillsboro	Tualatin	Beaverton	Corvallis	Forest Grove	Monmouth
Woodburn	St. Helens	Dallas	Keizer	Central Point	Hermiston	McMinnville	Cottage Grove
Tillamook County	Lincoln City	Baker City	Newport	North Bend	Redmond	Sweet Home	Astoria

Updating the Methodology

After the OHNA methodology produces the first official needs estimates and production targets in 2025, DAS plans to revisit the methodology at least every five years. The law also allows OHCS and DLCD to recommend changes to the OHNA Methodology, provided that the agencies provide an opportunity for written and oral testimony on proposed recommendations.

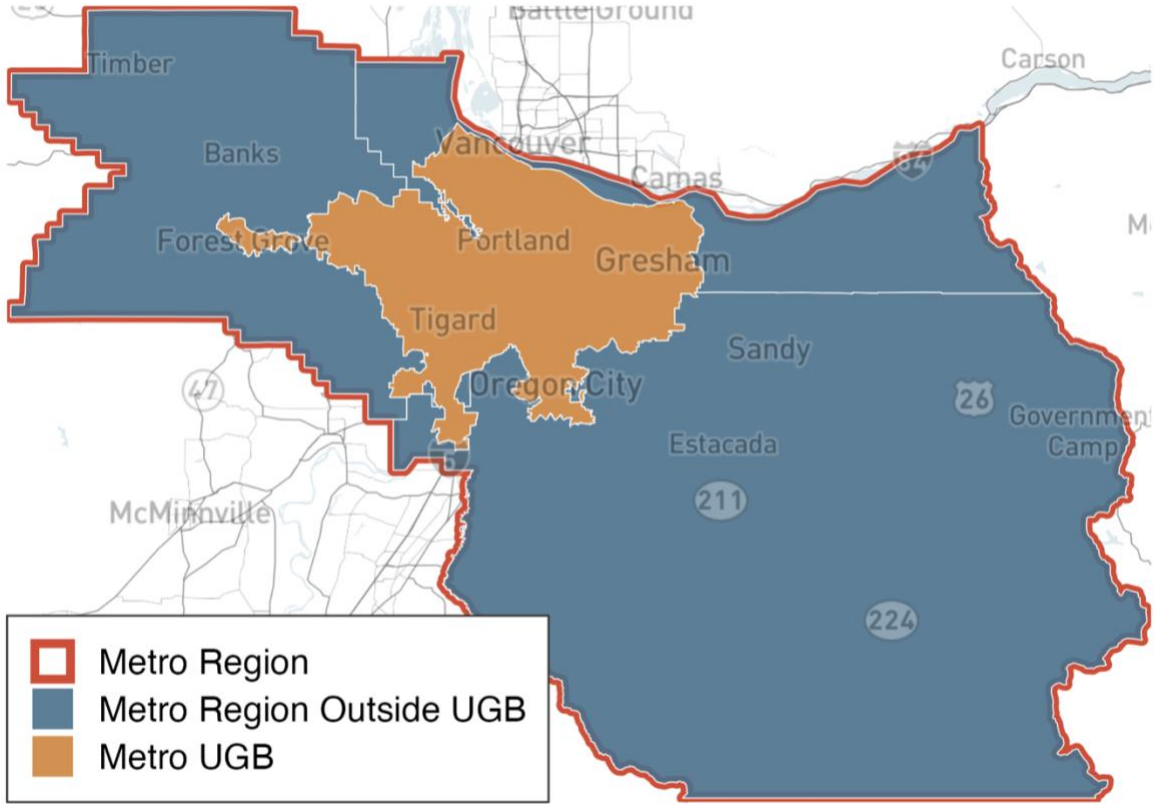
Portland Metro Region

The law codifying the OHNA into the statewide land use planning system treats the Portland Metro UGB differently from the rest of the state. Under HB2889 (2023) Metro maintains its statutory responsibility to estimate the region's housing need within the Metro UGB, while DAS is made responsible for allocating that need to Metro cities and urban, unincorporated lands (UULs).[10]

OHNA Metro UGB Suballocation Methodology Steps

In the OHNA methodology, every region, except for the Portland Metro Region uses a top-down estimation of need, followed by a local jurisdiction allocation process for all UGB's and non-UGB areas within the region. The Portland Metro Region is composed of Multnomah, Washington, and Clackamas counties. The Metro UGB is the growth boundary sitting inside the three counties, determined by Metro to separate urban and urbanizable land from rural land.

Figure 6. Map of OHNA Metro Region (Three Counties), Metro Region Outside UGB, and Metro UGB Areas



The OHNA methodology estimates the Portland Metro Region's total housing need (areas in red outline in Figure 6) in the same manner as all other regions in the state, but then swaps in Metro's own estimate of current and future housing need from its Urban Growth Report

[10]See ORS 184.453(3)(e) which requires DAS to consider Metro's projected housing needs and ORS 197A.348(2) which requires Metro to project housing need for the components of need that are included in the OHNA.

(UGR)[11] for the units needed inside the Metro UGB (areas in orange in Figure 6). The estimates of housing units needed in the Metro Region Outside UGB area (the blue remainder in Figure 6) are held constant so any changes related to a control total inside the Metro UGB do not impact the need in the rest of the region.

Step A: Determining Need for Metro UGB

The OHNA uses Metro's estimate of current and future housing need from its 2024 adopted UGR for the units needed inside the Metro UGB.

Planning for housing need inside the Metro UGB is determined separately from the rest of the OHNA Metro Region. The OHNA Metro Region's current and future need is calculated in the same manner as all other regions. However, within the OHNA Metro Region future and current need is allocated to UGBs using an amended methodology different from all other regions.

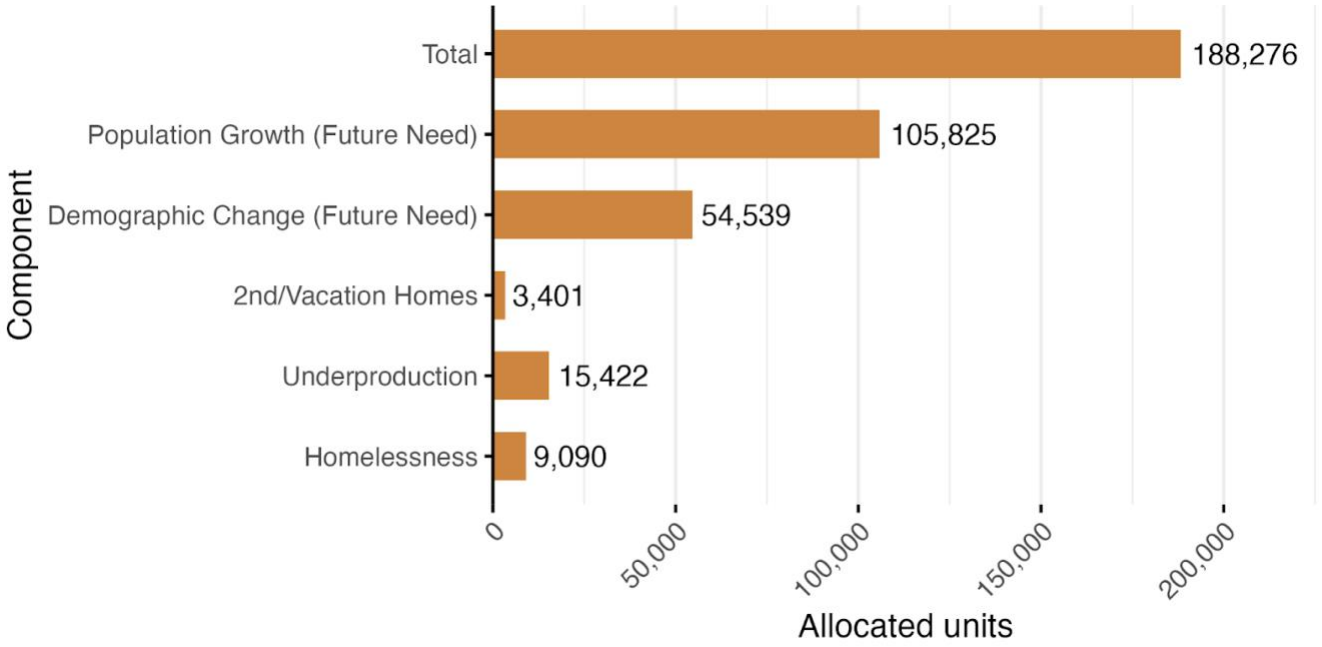
Current and future need is first determined for the Metro Region Outside UGB Areas (including the cities of Sandy, Estacada, Canby, Molalla, Barlow, Gaston, Banks, and North Plains), and the county areas outside of all UGBs separately. Then the estimate of current and future need within the Metro UGB is determined using Metro's adopted UGR, which includes an estimate of total future need from "household growth" (population growth and demographic change combined) along with estimates of need for underproduction, second and vacation homes, and units to address homelessness.

To align the Metro UGB need with the rest of OHNA, the UGR-calculated "household growth" need is split into population growth and demographic change components, and across household income brackets using the pre-existing distributions from the rest of the OHNA Metro Region. The rest of the Metro UGR-calculated components are swapped into the model for the Metro UGB as-is and allocated along the same regional income distributions.

Oregon statute requires that Metro must coordinate its regional forecasts with governments within the UGB. These growth forecast distributions are used to update land use and transportation plans, regulations and related policies. Metro typically completes its distributed forecast within one to two years after adopting the regional forecast in the UGR. Once available, the distributed forecast will be substituted in place of housing capacity when determining subsequent housing need allocations within the Metro UGB.

[11] See Metro's Urban Growth Report here: https://www.oregonmetro.gov/public-projects/2024-growth-management-decision/

Figure 7. Distribution by Component of Need for OHNA Metro Region, 2025



Step A Alternative: Scenario of Total Statewide Housing Needs with OHNA-Metro UGR Methodology Alignment

As noted on page 25, House Bill 2889 (2023) retains Metro's statutory responsibility to estimate housing need within the Metro UGB. Metro has discretion on the data sources and specific methods used in the UGR to estimate housing need, but the policy intent is for the UGR methodology to align with OHNA methodology.

Metro updates its UGR every 6-years, with 2024 being the most recent update year. Metro began the update process in early 2024 and adopted the UGR on December 5, 2024. Due to timeline discontinuity between the OHNA methodology development process and Metro's process, the underlying methods and data sources used to estimate housing need within the Metro UGB differ from OHNA. This discontinuity primarily affects the estimate of regional housing need but also has some feedback loops into local allocation process. This discontinuity could be reconciled if Metro were to update its UGR methodology to align with the OHNA and/or produce an updated calculation of need on or before the 6-year update schedule.

A comparison is shown below demonstrating the difference in the estimate of total OHNA Metro Region housing need had Metro's UGR incorporated the OHNA methodology and sources. A summary discussion of the major differences between methods is also included below.

Figure 8. Comparison of Metro UGB Allocation by Component

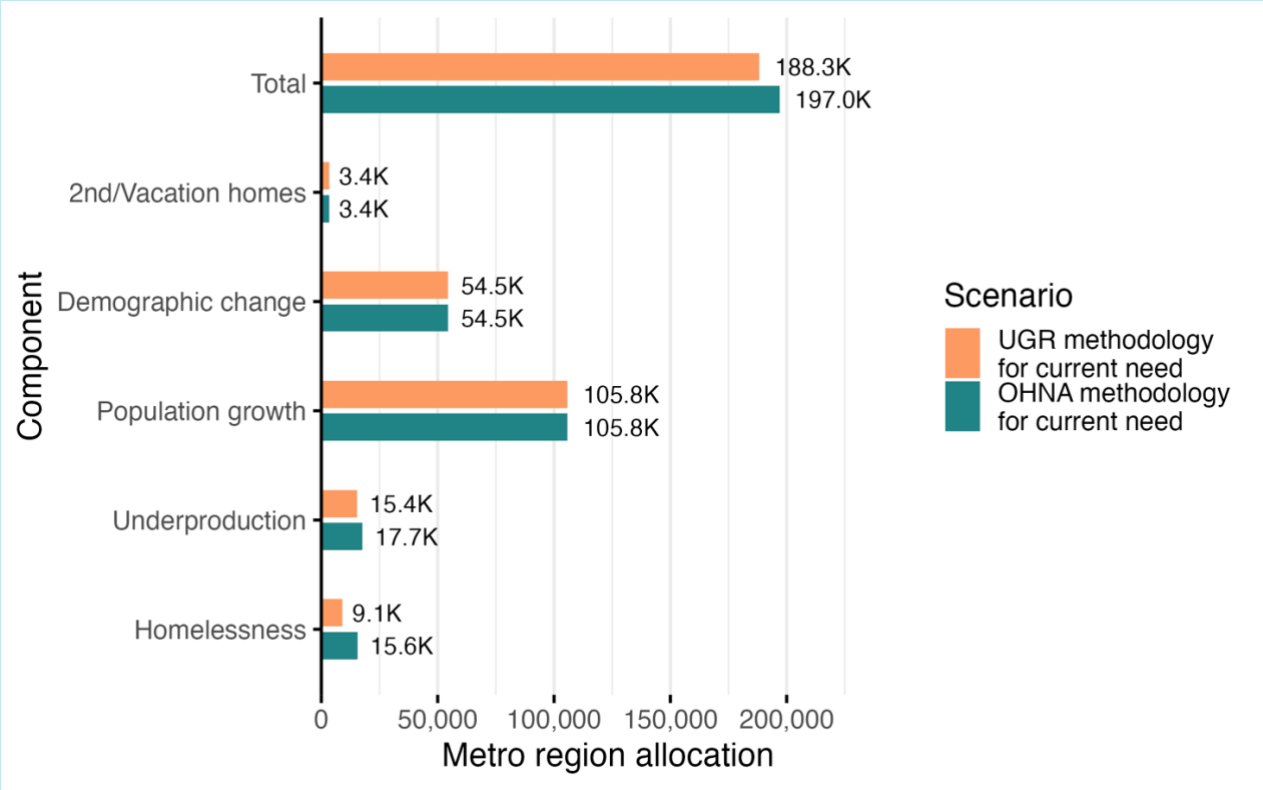
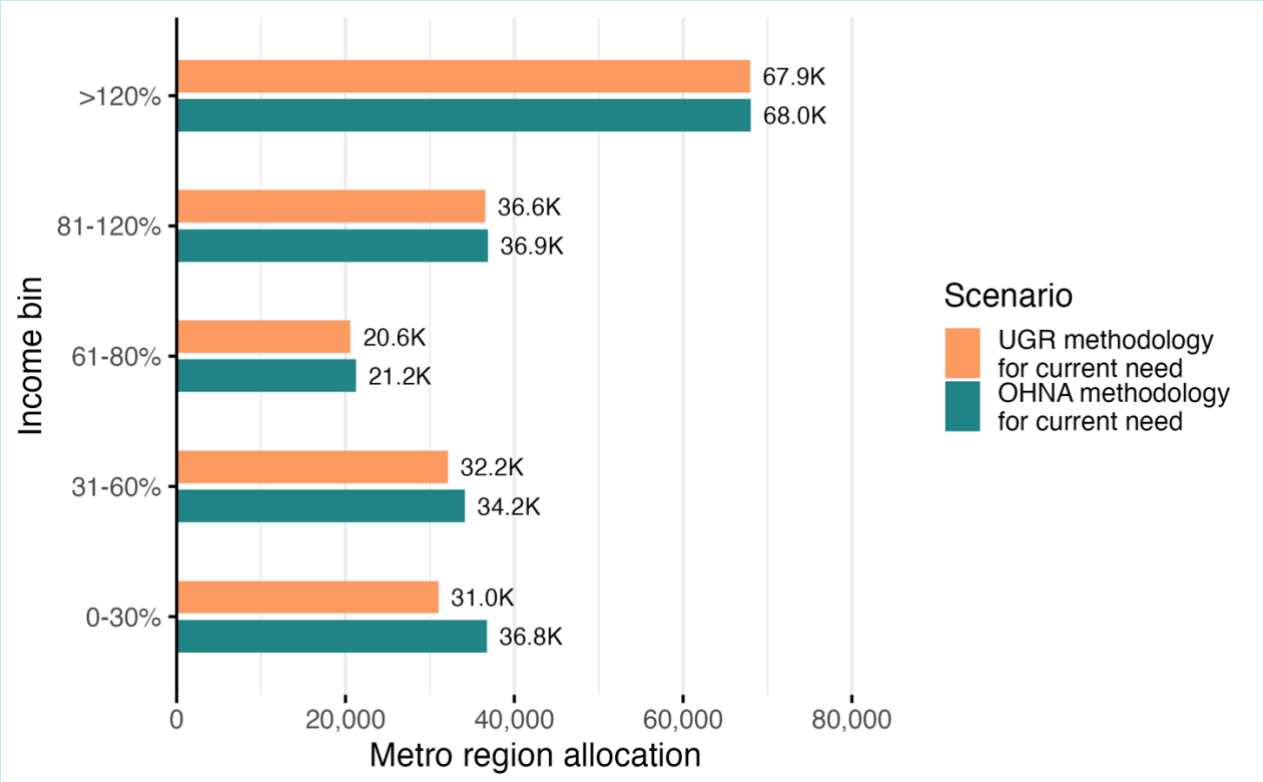


Figure 9. Comparison of Metro UGB Allocation by Income Level



Statewide Results

Had Metro's UGR estimate of regional housing need incorporated the OHNA Methodology for the calculation of current need, the estimate of total statewide housing need would have been 503,000 units instead of 494,503 and the annual statewide housing production target would have been 30,400 in 2025 instead of 29,522 (see page 19 for the discussion of statewide housing production targets).

Differences Between Methods

The two largest differences between the OHNA Methodology and the Metro UGR methodology are in how to estimate *Underproduction*, and how to estimate *Units Needed for People Experiencing Homelessness*. Given the income distributions of these two components, nearly the entire difference between the two methods is contained within the 0-80% AMI household income range.

Underproduction

As described on page 10, the OHNA Final Methodology estimates the "missing households" component of housing underproduction based on changes in the headship rate (the percentage of people who are heads of households, or householders) for different age cohorts between 18 and 64. In addition, the Final Methodology uses 2023 PUMS 1-year data to calculate underproduction, averaging it with results from 2022 PUMS 1-year data to create the final "smoothed" targets (see page 21 for a description of "smoothing"). These changes occurred between the Draft Methodology, published in September 2024, and this Final Methodology.

Metro's UGR methodology estimates the "missing households" using the prior age cohort range of 18 to 44 and uses 2022 PUMS data to estimate housing underproduction. The update to OHNA and the release of the latest vintage of census data occurred after Metro had submitted its draft UGR. The result is 2,250 fewer units of underproduction using the Metro UGR methodology than if the OHNA Final Methodology had been used.

Units for People Experiencing Homelessness

As described on page 12, the OHNA Final Methodology uses an approach created by the PSU Homeless Research and Action Collaborative (HRAC) to estimate the number of units needed for people experiencing homelessness. This approach includes new ways to annualize the sheltered and unsheltered data, introduces new local data, and adjusts the methodology to estimate the doubled-up population. This approach was finalized in November 2024 (see Appendix C on page 47 for the final methodology memo from HRAC).

Metro's UGR methodology estimates the number of units needed for people experiencing homelessness using the previous OHNA Methodology. The update to the OHNA Final Methodology occurred after Metro had submitted its draft UGR. The result is 6,556 fewer units needed for people experiencing homelessness using the Metro UGR methodology compared to the OHNA Final Methodology.

Step B: Allocation of Need from UGBs to Cities and Urban Unincorporated Lands (UULs)

As noted on page 25, House Bill 2889 (2023) maintains Metro's statutory responsibility to estimate the region's housing need within the Metro UGB, while giving DAS the responsibility to allocate that need to Metro cities and urban, unincorporated lands (UULs).

The allocation of future and current housing need to the cities and UULs within the OHNA Metro Region but outside the Metro UGB (the blue areas in Figure 6 on page 25) mirrors the methodology used in all other OHNA regions of the state.

The allocation of future and current housing need to cities and UULs within the Metro UGB uses a different allocation methodology that is unique to the Metro UGB. This approach reflects the fact that the area inside the Metro UGB functions as a single housing market with many different jurisdictions; the Metro UGB also has access to more robust data that allows for more nuanced indicators. Unique elements of the allocation methodology for the Metro UGB include a more refined approach to capturing access to jobs, and an approach that takes existing housing affordability and recent housing production into consideration when allocating existing, unmet housing needs. Each component of the methodology is allocated using the following indicators and weights:

Units Needed for Underproduction and for People Experiencing Homelessness:

- **Production:** 50% from the city's rate of housing unit production relative to the UGB-wide average as calculated from the Regional Land Information System (RLIS) parcel-based housing layer, which provides unit counts and year built for parcels. Units built within the last five years of the model "run-year" (the year corresponding to the model's PUMS data inputs) are calculated as a share of total units within each jurisdiction and UUL (**Inverse weight** – see comments on Inverse Weighting on page 35).
- **Affordability:** 50% from the percentage of a city's housing units that are rental 0-50% AMI units, relative to the UGB-wide average, using the most recent vintage of the CHAS 5-year data (**Inverse weight**). Urban unincorporated lands within the UGB have their affordability level calculated using tract-level CHAS data for tracts with at least 30% of their area in the UUL. CHAS is more out-of-date compared to the ACS/PUMS products, so the model corrects for this by applying the affordability rate from CHAS to the more recent unit counts calculated with RLIS's Housing Layer.

Future need is allocated to cities (including the unincorporated urbanizable areas for which they have planning authority based on intergovernmental agreements) and UULs using the following indicators and weights:

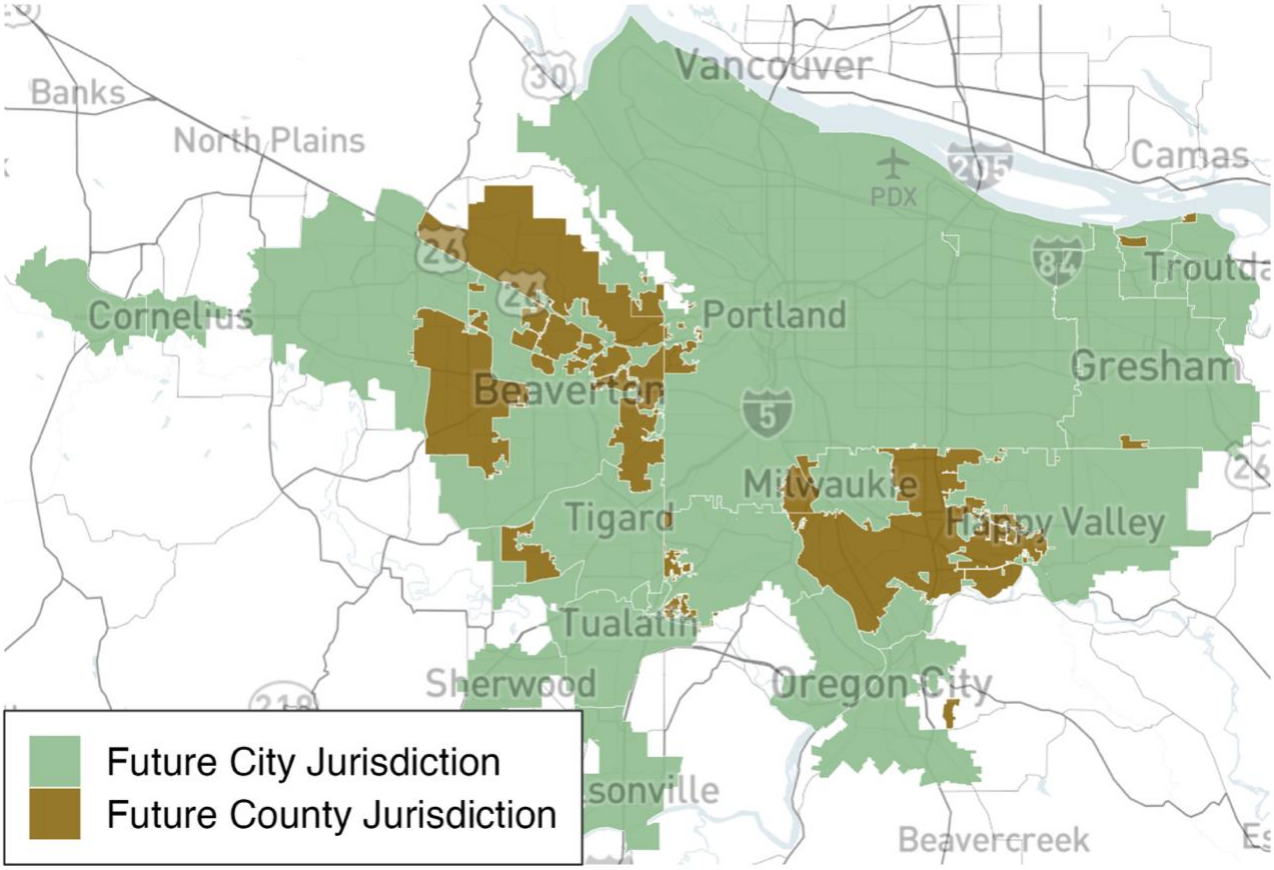
Units Needed to Accommodate Population Growth:

- **Residential capacity**: 33% from the city's share of jurisdictional residential capacity, as calculated with Metro's UGR process, wherein capacity in Metro's unincorporated

urbanizable areas has been assigned to their future responsible jurisdictions as shown in Figure 10.[12]

- **Jobs access:** 33% from the city's share of UGB employed residents who live within areas with adequate transit or walking access to jobs, as calculated with TriMet and SMART's most recent transit schedule data and OpenStreetMap street grid data (see comments on Measuring Jobs Access on page 32)
- **Forecasted job growth:** 33% from the city's share of all forecasted jobs to be added between 2020 and 2050, based on Metro's UGR modeling. This metric uses Metro's TAZ-level job forecasts, which are then assigned to cities using a Metro-provided map of expected future jurisdictional responsibilities (see Figure 11 on page 34).

Figure 10. Future Metro UGB Jurisdictional Responsibility



[12] The allocation is required to incorporate population forecasts under ORS 195.033 and 195.036. Under these statutes, only Metro is authorized to create population projections for cities within the Metro UGB for use in comprehensive planning. Because Metro's distributed forecast won't be published until 2025 and given the relatively close statistical relationship between modeled residential capacity and expected population growth, residential capacity is used as a proxy for the forecast in the initial run of the methodology. In the future, once Metro's distributed forecast is adopted, it will be substituted in as the source for this component of the allocation.

Units needed to accommodate demographic change:

- **Current population:** 33% from the city's share of current (baseline) population, as calculated with 2020 block-level Decennial Census data. The choice to use Decennial Census is driven by the need to allocate population to the complex UUL boundaries as well as cities, which can only be done with granular geographies like census blocks
- **Jobs access:** 33% from the city's share of UGB employed residents who live within areas with adequate transit or walking access to jobs, as calculated with TriMet and SMART's most recent transit schedule data and OpenStreetMap street grid data (see below).
- **Residential capacity:** 33% from the city's share of jurisdictional residential capacity, as calculated with Metro's UGR process, wherein capacity in Metro's unincorporated urbanizable areas has been assigned to their future responsible jurisdictions.

Units lost to second and vacation homes:

- **Second and vacation homes:** 100% from the city's share of all current UGB second and vacation homes as calculated with 2020 Decennial Census place-level counts

Measuring Jobs Access

One of the weights used to allocate units for population growth to Metro cities is a measurement of transit access to jobs. The approach uses current TriMet and SMART's schedule data, OpenStreetMap street grid data, and open-source trip-routing software to plot transit and walking trips from every Transit Analysis Zone (TAZ) in the Metro UGB to every other TAZ in the Metro UGB.

Walk and transit access was chosen specifically to be most applicable to all households, regardless of income and access to private vehicles as a mode of transportation. Joining this with Longitudinal Employer-Household Dynamics (LEHD) job location data spatially allocated to the TAZs, the model calculates the number of jobs reachable by transit within a 60-minute journey, mid-week, at 8:00 AM. The UGBs' TAZs are rank ordered by job access, and a threshold is set at the 10^{th} percentile to denote "transit access" zones. Each TAZ is assigned to a city based on Metro's TAZ planning jurisdiction shapefile, and where this information is missing, it is assigned based on which city has the largest overlap with any given TAZ. The number of employed residents living in these "transit access TAZs" is calculated for each jurisdiction, and the jurisdiction's share of the UGB's total is used as the final weight.

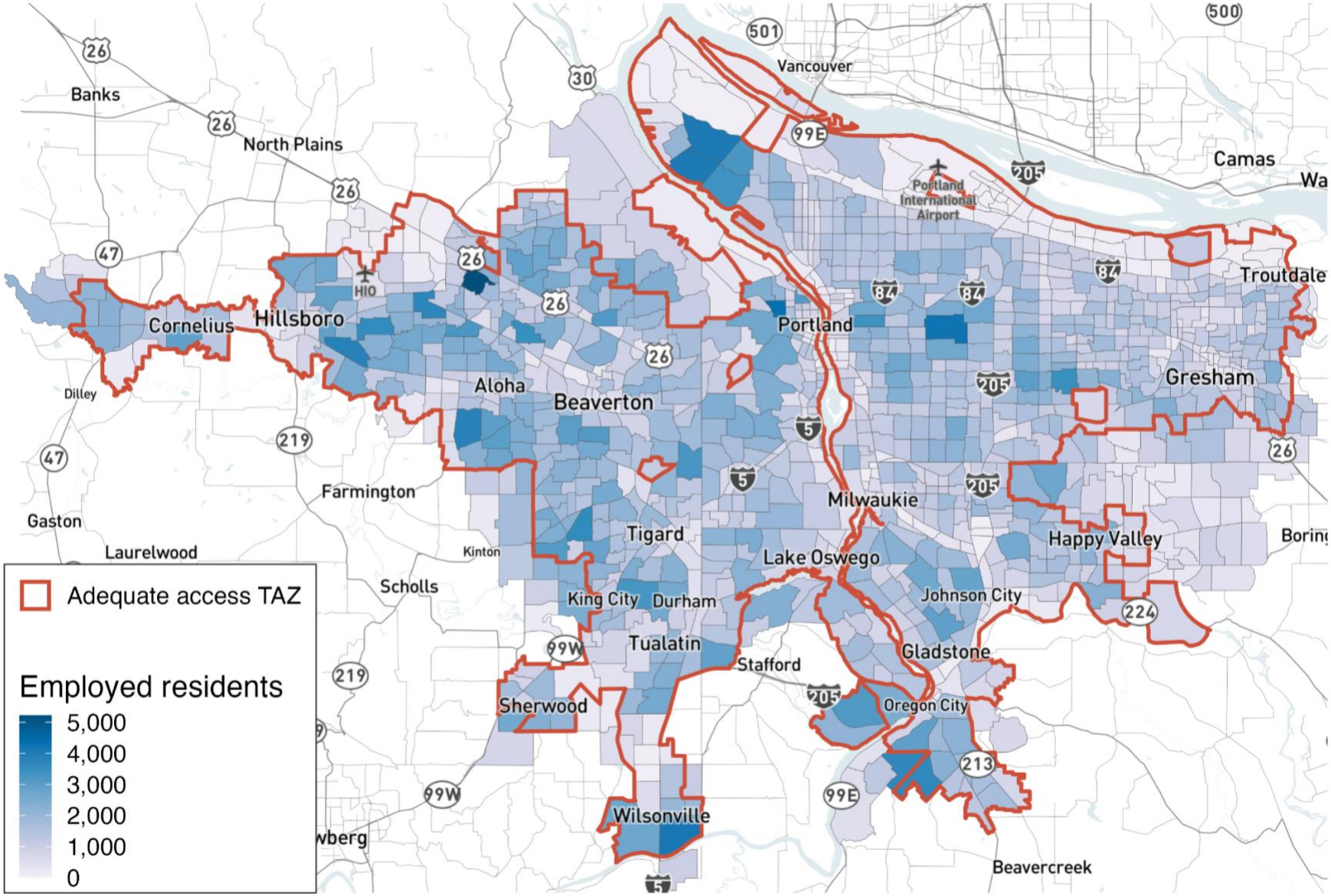
In the interest of maintaining accurate assessments of transit access, future iterations of the OHNA model will incorporate the most up-to-date TAZ-level jobs totals, transit schedules, and OpenStreetMap data.

Measuring Job Growth

Similar to the transit allocation component, the methodology incorporates forecasted job growth to operationalize the statutory direction to incorporate access/proximity to jobs as part of the allocation. This component has the effect of allocating more housing where future job growth is projected to occur. This data set is provided by Metro from their housing and transportation modeling processes, based on TAZ geographies, with job total forecasts for

2020 and 2050 included in separate columns for each TAZ. TAZs are joined spatially to jurisdictional boundaries (including planning agreements), based on spatial data provided by Metro and the change in jobs between 2020 and 2050 is totaled for all Metro jurisdictions. The weight is calculated as a jurisdiction's share of all UGB added jobs.

Figure 11. TAZ Transit Access Zones Used to Calculate the Jobs Access Weights



Inverse Weighting

Several weights used in the Metro UGB Suballocation Methodology are termed “inverse weights.” The selected inverse weights operationalize statutory direction for the allocation to incorporate an "equitable distribution of housing" under ORS 184.453 (3)(c), ensuring cities that have historically underproduced market-rate or affordable housing are responsible for a greater proportionate share of housing underproduction. The selected inverse weights have the effect of allocating more housing, particularly housing affordable at lower incomes, to cities that have historically produced less market-rate and affordable housing units. The inverse weighting system works in the following manner, using the “Production” weight as an example:

- Each city’s rate of housing unit production is calculated by taking the previous five years of total permits from RLIS housing unit data and converting them to a percentage of current total units.
- The UGB average is calculated from among all cities.
- The “delta,” or nominal units needed for each city to match the UGB’s average rate, is calculated. Cities above the UGB average receive a weight of 0.
- All the nominal deltas are converted to percent of the total delta. This percentage becomes half the weight used to allocate underproduction and units needed to accommodate homelessness.

Example Delta Calculation for Inverse Weights
UGB average rate of housing unit production: 7% of current units (average of all cities)

City X	**City Y**
City X’s current units: 12,000 City X’s actual production: 600 City X’s production rate: 5% of current units To match the UGB rate of housing production, City X should have built 840 units (7% * 12,000) Its delta is 240 units (840 – 600) If the sum of all cities’ deltas was 500, City X would have 240/500 or 48%. Because recent production is only half of the weight for the current need allocation, this 48% would be averaged with the weight calculated for affordability to arrive at a blended weight.	City Y’s current units: 15,000 City Y’s actual production: 1,500 City Y’s production rate: 10% of current units To match the UGB rate of housing production, City Y only needed to build 1,050 units (7% * 15,000) Since it produced more than the average, it has no delta, and its weight would be zero.

Statewide and Regional Results

This section provides statewide and regional results of total 20-year housing need by income and need component based on the Final Methodology. Local city-level results are provided by income level in beginning on page 53.

Statewide Results

Figure 12. Statewide and Regional 20-Year Total Housing Need by Income Level

Region	Income Level					Total Need
	0-30%	31-60%	61-80%	81-120%	>120%	
Central	8,151	8,568	6,853	12,759	22,071	58,401
Metro	31,034	32,156	20,591	36,566	67,929	188,276
Northeast	3,598	3,230	2,088	4,458	6,593	19,966
Northern Coast	4,554	3,364	1,350	3,450	3,574	16,292
Southeast	3,088	2,308	1,290	2,242	3,667	12,594
Southwest	13,200	11,002	6,476	10,724	21,150	62,551
Willamette Valley	33,905	25,746	14,342	24,440	37,989	136,421
Oregon	**97,529**	**86,373**	**52,990**	**94,638**	**162,972**	**494,503**

Figure 13. Statewide 20-Year Total Housing Need by Income Level and Component

	Current Need		Future Need			
Income Level	Underproduction	Units for Homelessness	Second & Vacation Homes	Demographic Change	Pop. Growth	Total Needs
0-30%	15,049	35,287	-	17,377	29,818	97,529
31-60%	16,630	8,221	-	22,683	38,840	86,373
61-80%	7,953	2,129	-	15,616	27,292	52,990
81-120%	7,368	-	11,370	27,572	48,329	94,638
>120%	3,301	-	5,930	55,938	97,803	162,972
Total	**50,300**	**45,637**	**17,300**	**139,185**	**242,081**	**494,503**

Regional Results

Figure 14. OHNA Regions (from page 8)

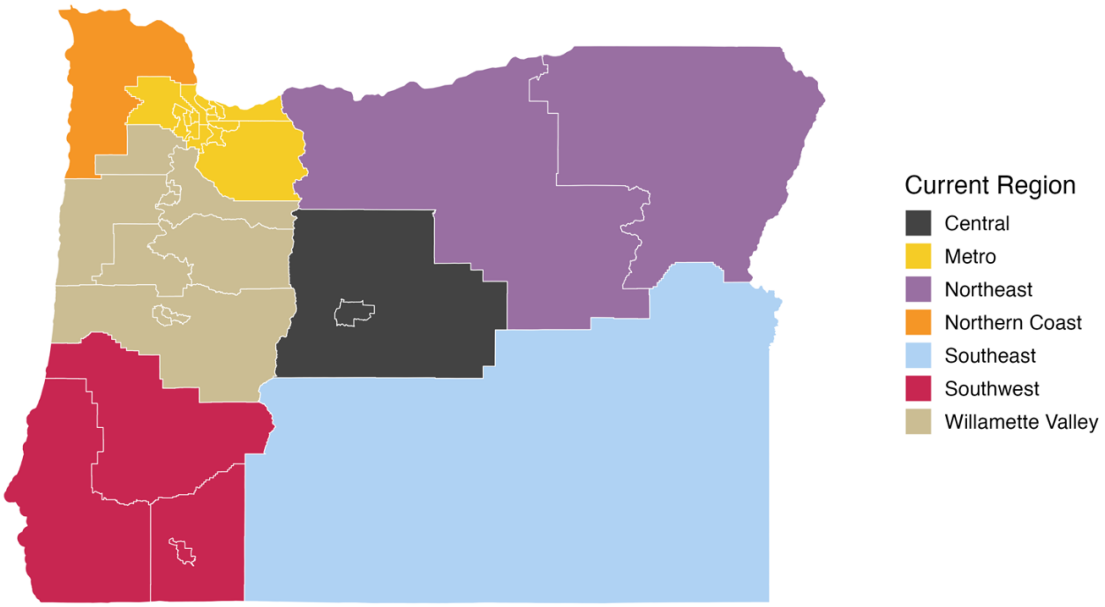


Figure 15. Central Region 20-Year Total Housing Need by Income Level and Component

	Current Need		Future Need			
Income Level	**Underproduction**	**Units for Homelessness**	**Second & Vacation Homes**	**Demographic Change**	**Pop. Growth**	**Total Needs**
0-30%	1,469	2,113	-	1,090	3,479	8,151
31-60%	1,708	396	-	1,539	4,925	8,568
61-80%	1,267	107	-	1,303	4,176	6,853
81-120%	1,227	-	1,813	2,316	7,403	12,759
>120%	609	-	1,692	4,713	15,057	22,071
Total	**6,280**	**2,616**	**3,505**	**10,960**	**35,041**	**58,401**

Figure 16. Northern Coast Region 20-Year Total Housing Need by Income Level and Component

	Current Need		Future Need			
Income Level	**Underproduction**	**Units for Homelessness**	**Second & Vacation Homes**	**Demographic Change**	**Pop. Growth**	**Total Needs**
0-30%	1,064	2,374	-	582	535	4,554
31-60%	1,235	407	-	903	819	3,364
61-80%	442	79	-	432	397	1,350
81-120%	423	-	1,301	909	818	3,450
>120%	158	-	644	1,459	1,314	3,574
Total	**3,321**	**2,859**	**1,945**	**4,284**	**3,883**	**16,292**

Figure 17. Southwest Region 20-Year Total Housing Need by Income Level and Component

	Current Need		Future Need			
Income Level	Underproduction	Units for Homelessness	Second & Vacation Homes	Demographic Change	Pop. Growth	Total Needs
0-30%	1,645	6,613	-	2,152	2,789	13,200
31-60%	2,147	1,181	-	3,353	4,321	11,002
61-80%	1,022	375	-	2,215	2,863	6,476
81-120%	930	-	1,571	3,584	4,639	10,724
>120%	594	-	613	8,709	11,234	21,150
Total	**6,338**	**8,170**	**2,184**	**20,014**	**25,846**	**62,551**

Figure 18. Willamette Valley Region 20-Year Total Housing Need by Income Level and Component

	Current Need		Future Need			
Income Level	Underproduction	Units for Homelessness	Second & Vacation Homes	Demographic Change	Pop. Growth	Total Needs
0-30%	5,008	14,794	-	5,229	8,874	33,905
31-60%	5,118	3,825	-	6,240	10,563	25,746
61-80%	2,115	987	-	4,165	7,075	14,342
81-120%	1,960	-	2,781	7,313	12,386	24,440
>120%	860	-	954	13,415	22,761	37,989
Total	**15,061**	**19,605**	**3,735**	**36,362**	**61,659**	**136,421**

Figure 19. Northeast Region 20-Year Total Housing Need by Income Level and Component

	Current Need		Future Need			
Income Level	Underproduction	Units for Homelessness	Second & Vacation Homes	Demographic Change	Pop. Growth	Total Needs
0-30%	771	1,128	-	862	837	3,598
31-60%	665	282	-	1,150	1,133	3,230
61-80%	296	112	-	853	827	2,088
81-120%	233	-	1,309	1,483	1,433	4,458
>120%	146	-	733	2,904	2,810	6,593
Total	**2,110**	**1,522**	**2,042**	**7,253**	**7,040**	**19,966**

Figure 20. Southeast Region 20-Year Total Housing Need by Income Level and Component

	Current Need		Future Need			
Income Level	**Underproduction**	**Units for Homelessness**	**Second & Vacation Homes**	**Demographic Change**	**Pop. Growth**	**Total Needs**
0-30%	615	1,238	-	836	400	3,088
31-60%	501	427	-	929	450	2,308
61-80%	222	110	-	647	310	1,290
81-120%	281	-	300	1,120	541	2,242
>120%	150	-	189	2,241	1,087	3,667
Total	**1,770**	**1,775**	**489**	**5,773**	**2,788**	**12,594**

Figure 21. Metro Region 20-Year Total Housing Need by Income Level and Component

	Current Need		Future Need			
Income Level	**Underproduction**	**Units for Homelessness**	**Second & Vacation Homes**	**Demographic Change**	**Pop. Growth**	**Total Needs**
0-30%	4,478	7,026	-	6,626	12,904	31,034
31-60%	5,256	1,703	-	8,568	16,629	32,156
61-80%	2,588	360	-	5,999	11,644	20,591
81-120%	2,314	-	2,295	10,848	21,108	36,566
>120%	786	-	1,106	22,498	43,540	67,929
Total	**15,422**	**9,090**	**3,401**	**54,539**	**105,825**	**188,276**

Data Sources and Updates

The OHNA Final Methodology relies on publicly available data, which are updated and released throughout the calendar year. Figure 22 below lists the variables used throughout the OHNA Final Methodology, their sources, and when they are typically updated.

Figure 22. Publicly Available Data Sources and Release Schedules

Category	Component	Data Input	Source	Area	Annual Release Schedule
Many	Regional Income Limits as a Percent of Area Median	AMI levels to allocate units to incomes	HUD	Region	April
Current Need	Underproduction	Total households	Census PUMS for American Community Service (ACS) 1-year estimates	Region	October
		Missing households			
		Total housing units			
		Second and vacation homes			
		Uninhabitable units			
		Rate of cost burdening (to allocate units to income levels)			
	Units Needed for Homelessness	Point-In-Time count	Continuums of Care	Continuums of Care	Varies (annual)
		Homelessness Management Information Systems			
		McKinney-Vento student data	Oregon Dept. of Education	Region	Varies (annual)
		Doubled-up population	Census PUMS	Region	October
Future Need	Units Needed for Population Growth	Population forecasts	PSU	Region	Rotating 4-year cycle

Category	Component	Data Input	Source	Area	Annual Release Schedule
					for a set of counties and their UGBs
		Number of people living in group quarters	Census PUMS	Region	October
		Average household size			
		Regional income distribution (to allocate units to income levels)			
	Units Lost to Second and Vacation Home Demand	Total housing units	Census PUMS	Region	October
		Units identified as used for "seasonal or recreational purposes"			
		Year built for units identified as used for "seasonal or recreational purposes" (to allocate units to income levels)			
	Units Needed for Demographic Change	Population forecasts by age cohort, by region	PSU	Region	Rotating 4-year cycle for a set of counties and their UGBs
		Number of people living in group quarters	Census PUMS	Region	October

Category	Component	Data Input	Source	Area	Annual Release Schedule
		Average household size			
		Regional income distribution (to allocate units to income levels)			
Allocating Needed Housing	Local Allocation Factor	UGB's current share of regional population	PSU	UGB	Rotating 4-year cycle for a set of counties and their UGBs
		UGB's current share of regional jobs	Census LEHD-LODES	UGB	December
		UGB's current share of regional units identified as used for "seasonal or recreational purposes"	2020 Census	UGB	December
Metro	Metro UGB	Metro's UGR Current and Future Need Totals	Metro UGR	UGB	At least every six years
	Local allocation factor	City's share of UGB's jobs and residents in transit accessible areas	Census LEHD-LODES	City (Metro only)	Variable
	Local allocation factor	City's share of UGB's jobs and residents in transit accessible areas	TriMet GTFS	City (Metro only)	Quarterly
	Local allocation factor	City's share of UGB's affordable units	HUD CHAS	City (Metro only)	September

Category	Component	Data Input	Source	Area	Annual Release Schedule
	Local allocation factor	City's share of UGB's recent housing production	Metro RLIS	City (Metro only)	Monthly
	Local allocation factor	City's share of residential capacity	Metro UGR	City (Metro only)	At least every six years
	Local allocation factor	City's share of forecast added jobs	Metro Distributed Forecast	City (Metro only)	At least every six years
	Local allocation factor	City's share of current population	ACS	City (Metro only)	Annual
	Local allocation factor	City's share of 2020 vacation units	Census	City	Decennial

Notes: All references to Census PUMS are for 1-year ACS data.
PSU forecasts come from the Population Research Center: *https://www.pdx.edu/population-research/population-forecasts*
LEHD-LODES is the Longitudinal Employer Household Data Origin-Destination Employment Statistics: *https://lehd.ces.census.gov/data/*
TriMet GTFS is the General Transit Feed Specification: *https://developer.trimet.org/GTFS.shtml*
HUD CHAS is the Comprehensive Housing Affordability Survey: *https://www.huduser.gov/portal/datasets/cp.html*
HUD SOCDS is the State of the Cities Data Systems which is calculated from Census Data: *https://www.huduser.gov/portal/datasets/socds.ht*

Appendix A. Summary of Public Comment on Draft Methodology

As part of the OHNA Final Methodology development process (see page 5), OHCS and DLCD offered opportunities for the public to comment on the Draft Methodology on behalf of DAS. The following describes the opportunities for public comment.

1) OHCS posted the document to its website, emailed its listserv to announce the public comment period, and discussed the Draft Methodology at its October Housing Stability Council Meeting.
2) As part of the September LCDC meeting, DLCD posted the document to its website, emailed its listserv about the meeting agenda, and held public testimony.
3) The public comment period ran from September 12, 2024, when the LCDC meeting packet was distributed, to October 4, 2024, when OHCS convened its Housing Stability Council Meeting.
4) Throughout the 2024 methodology development process, DLCD and OHCS advertised email addresses where the public could send comments.

The agencies combined public comment and testimony on the methodology and summarized them below. Although some comments and testimony also discussed the OHNA policy and housing policy frameworks, only comments related to the methodology are summarized below. These comments are listed in the same order as the steps of the methodology, all are noted in plural.

- Concerns with the vacancy rate used in several components of housing need.
- Concerns with the age cohorts ending at 45 to estimate the housing underproduction component of housing need.
- Concerns with the data source used to estimate second and vacation homes and the method of distributing them to income levels.
- Suggestions to include different population trends as a component of housing allocation.
- Suggestions to use different population projections.
- Concerns about including access to transit and access to employment as components of housing allocation from regions to cities.
- Suggestions that housing allocation should consider formal capacity planning estimates.
- Suggestions that housing allocation should have a different consideration of the presence of existing affordable housing stock.
- Suggestions to change or remove peer cities.

Appendix B. Major Changes from Draft Methodology to Final Methodology

The Draft OHNA Methodology was released on September 12, 2024, with a few known needed refinements and the opportunity for the public to comment. A summary of anonymized public comment is listed in Appendix A. This Appendix outlines the major changes between the Draft and Final Methodologies, listed in the same order as the steps in the methodology.

Step 3: Determine Components of Need: Housing Underproduction
The Final Methodology expanded the upper limit of the age cohort used to estimate missing households in the housing underproduction component from 44 to 64.

Step 3: Determine Components of Need: Housing Units Needed for People Experiencing Homelessness
DAS and OHCS engaged the Portland State University (PSU) Homeless Research and Action Collaborative (HRAC) to develop the methodology to estimate housing units needed for people experiencing homelessness. This refined the methodology used in the Draft Report. Updates included new ways to annualize the sheltered and unsheltered data, introducing new local data, and making adjustments to the estimates of the doubled-up population.

Step 4: Allocate Needed Housing Units to Income Categories: Units for People Experiencing Homelessness
The Final Methodology uses data from the regional Continuums of Care Homeless Management Information Systems (HIMS) to allocate units for people experiencing homelessness to income categories. The Draft Methodology used statewide OHCS administrative data from Community Action Agencies that receive state Emergency Housing Assistance (EHA) and State Housing Assistance Program (SHAP) funds. In the Draft Methodology, data were from 2020 and were statewide. The data used in the final methodology are from 2023 and are regional.

Step 5: Allocate Needed Housing to Cities and UGBs
The Final Methodology allocates housing from regions to statewide UGBs still in the same manner, but several changes have been made to the custom Metro UGB-to-cities allocation. See below.

Step 6: Set Housing Production Targets
The Final Methodology "smooths" the OHNA results by averaging the current year results (2023) and the prior year results (2022). The results in the Draft Methodology were not smoothed.

Changes to Methodologies in Portland Metro Region

Estimating Need: Metro Adopted UGR
As noted in the draft report, the Final Methodology uses Metro's adopted Urban Growth Report estimate of current and future housing need within the Metro UGB. This estimate serves as a control total for the Metro UGB portion of the Metro region's estimated housing need. As described on page 27, Metro's UGR methodology to estimate housing need was intended to align with the OHNA methodology, but due to timeline discontinuities, it did not incorporate

changes to estimating housing underproduction or estimating housing units needed for people experiencing homelessness.

Allocating Need: New Data
Metro provided an updated geospatial shapefile identifying Urban and Urbanizable unincorporated areas, which was used in the Final Methodology.

Allocating Need: New Weights
Units needed for population growth and demographic change are now allocated from the Metro UGB to Metro cities in the following manner:

- Units for population growth:
  - 1/3rd based on jurisdiction's share of UGB-wide residential capacity
  - 1/3rd based on jurisdiction's share of UGB-wide forecasted jobs to be added from 2020-2050
  - 1/3rd based on jurisdiction's transit-accessible workforce
- Units for demographic change:
  - 1/3rd based on jurisdiction's share of UGB-wide residential capacity
  - 1/3rd based on jurisdiction's share of UGB-wide current population
  - 1/3rd based on jurisdiction's share of transit-accessible workforce

The Final Methodology definition of transit-accessible Metro UGB workforce has been changed, with TAZs above the 10th percentile (in terms of total jobs within a 60-minute AM transit + walking trip) now being qualified as areas of adequate transit. The rest of this weight calculation is unchanged from the Draft Methodology.

The Final Methodology introduces a new weight for allocating units for population growth in the Metro UGB to jurisdictions: a jurisdiction's share of forecasted added jobs 2020-2050. Job forecast data is provided by Metro at the TAZ level. The TAZs are assigned to cities in the same way as the Transit Access weight, and total added jobs are summed by jurisdiction, and converted to shares of all added jobs in the Metro UGB.

Misc: Data Updates
As noted in the draft report, the Final Methodology includes the most recent data available from each data source used in the OHNA. The Data Sources and Update Schedule section, beginning on page 40, list the sources and their update schedules. As anticipated, updating the methodology with the latest data available impacted the results.

Misc: Determine Peer Cities
The Final Methodology makes a few minor changes to the Peer City methodology from the Draft. It redefines "high income households" to those earning $200,000 a year or more, instead of the previous definition of $150,000 or more. It no longer considers a city's OHNA target (as a % of total stock) as an input variable to the KNN model. It includes Tillamook County and does not include Metro UULs.

Appendix C. Detailed Methodology to Estimate Units Needed for Those Experiencing Homelessness

MEMO

TO: Megan Bolton, Oregon Housing & Community Services

FROM: Marisa A. Zapata, PhD, Portland State University
Franklin Spurbeck, Portland State University

DATE: November 8, 2024

SUBJECT: Homeless population and household estimates for OHNA, update

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In 2020, the State of Oregon created its first regional housing needs analysis. As part of this new analytical and geographic approach, the state also included housing needs estimates for people experiencing homelessness. Housing needs assessments typically use US Census data, but the Census is known for not counting people experiencing homelessness well. This memo provides a recommendation on how to estimate the housing needs for people experiencing homelessness based on more relevant data sets. The proposed methodology uses an annualized point in time count of unsheltered households, the number of households served in shelter over a year, and households doubled-up based on K-12 student data and US Census data.

The draft OHNA methodology includes a recommendation about how to estimate the number of housing units needed for people experiencing homelessness. The homelessness estimates used for this approach had several limitations. To create a more robust methodology for estimating the number of housing units needed for people experiencing homelessness, PSU-HRAC reviewed additional literature, assessed various data sets, and met with continua of care for input. In this memo, we present a recommended methodology for the initial creation of OHNA numbers. We then document future considerations when conducting OHNAs along with additional research that responds to those considerations.

Recommended Methodology & Data Sets

We recommend combining portions of four data sets to better estimate the number of people experiencing homelessness in an OHNA region.

Our approach uses CoC Point-In-Time Count (PITC) data and McKinney-Vento Student Data (MVSD) for children enrolled in K-12 public schools. We also utilize CoC Homeless Management Information System (HMIS) data, By-Name Lists (BNL), and American Community Survey (ACS) data. Details on each data set follow.

Point-In-Time Count (PITC)

The PITC is a one-night count of people experiencing homelessness. The PITC includes a count of people living unsheltered (PITCu), and people living in shelter and transitional housing (PITCs). The sheltered and transitional housing numbers are submitted every year based on individuals sleeping in shelters that submit data into the CoC's Homeless Management Information System (HMIS). A count of people living unsheltered occurs a minimum of every other year. Some CoCs administer the unsheltered survey each year.

Homeless Management Information System (HMIS)

HMIS data is client-level administrative data created when an individual or family experiencing or at risk of homelessness interacts with the homeless services system.

By-Name Lists (BNL)

By-name lists are created by CoCs for a variety of purposes. Some are updated frequently and include information about where people are currently living. A BNL that includes people living unsheltered can augment or replace PITCu data (BNLu).

McKinney-Vento Student Data (MVSD)

The MVSD is a count of students enrolled in K-12 schools identified as experiencing homelessness. Unlike HUD, who oversees the PIT and HMIS, schools count students who are living doubled-up as homeless. That means the count includes students living unsheltered (MVSDu), sheltered (MVSDs), or doubled-up (MVSDd). The MVSD is the only widely collected primary data set about homelessness that includes doubled-up people.

American Community Survey (ACS)

The ACS is administered by the US Census Department on a continual basis. Collected data is used to create detailed estimates of people and housing information. We use ACS data to estimate the population living doubled-up (ACSdu).

Methodology

Methodology Overview

We recommend the following formula for calculating the number of households that need housing. It combines:

- **Unsheltered data:** PITC unsheltered data that is annualized and converted to household numbers; or, the household count from BNL across one year;
- **Sheltered data:** Households served in shelter over one calendar year, as recorded in HMIS; and,

- **Doubled-up data:** MVSD for doubled-up student households plus ACS doubled-up households without children enrolled in K-12 schools.

All data are converted to households (HH), and annualized when the data set is not an annual count.

Detailed Methodology

All data were converted into households and annualized based on a multiplier when an annual data set was not available.

$$[\ (\ PIT_{unsheltered} * PIT_{uannualizedrate} / PIT_{uhh}\ )\ _{or}\ (\ BNL_{hh}\ )\ ] + HMIS_{shelterhh}$$
$$+ [\ (\ MVSD_{unsheltered} + MVSD_{motel} + MVSD_{doubledup}\ ) / ACS_{hhsize}] + (\ ACS_{doubleduphh} - ACS_{doubledup5\text{-}18hh}\ )$$
$$= \textit{Total needed households for people experiencing homelessness}$$

where:

$PIT_{uannualizedrate}$ = an individual-level multiplier determined by how long an individual reports experiencing homelessness in the past year (Shinn et. al. 2024)

ACS_{hhsize} = Average number of children per family in a given OHNA region, derived from ACS data (same as draft OHNA methodology)

Unsheltered estimate

The unsheltered estimate can come from two data sources. One starts with the individual-level PIT count unsheltered data and applies an annualization rate derived from Shinn et. al. (2024). The other approach to estimating the number of unsheltered people living in the region is to use a current, deduplicated by-name list for one year. Details about each approach follow.

Annualized PIT Count Unsheltered Data

We recommend beginning with each CoC's PITCu data, still at the individual level. Using a method developed by Shinn et. al. (2024), annualize the unsheltered PIT estimate by weighting each individual by the inverse of how long that person reports experiencing homelessness in the past year. Individuals for whom there is no length of time homeless can either be weighted at one (representing only themselves), or can have a weight assigned to them based on the distribution of known lengths previously homeless from the rest of the PITCu. For categorical responses, such as "0 to 3 months," we assume the person has been experiencing homelessness for a length of time in the middle of the range (in this example, 2 months).

To go from annualized number of people to annual number of households, we divide the annualized estimate of people experiencing unsheltered homelessness by the average household size of households experiencing unsheltered homelessness, at the county level.

Table 1 Example of Annualized Unsheltered Rate

Client ID	How long have you been homeless this time?	Length homeless (integer)	Inverse (12 months/ integer months)	Weight
00001	0 - 3 months	2 months	12/2	6
00002	24 - 35 months	12 months	12/12	1
00003	No data	12 months	12/12	1
00004	4-6 months	5 months	12/5	2.4

In the above example, we go from a PITCu of three people to an annual estimate of 10.4 people.

Unsheltered Coordinated Entry Data

Some CoCs supplement their PITCu with data from a coordinated entry list, which is one type of BNL. This data may not include sufficient information to annualize or convert to households. In this case, we recommend adding the number of CE records that CoC added, without attempting to annualize or convert to households.

Unsheltered By-Name List

For counties that keep a well-maintained list of people experiencing unsheltered homelessness, we recommend using that list to reflect the number of people experiencing unsheltered homelessness. This number *should* be higher or close to the annualized PIT unsheltered count.

Sheltered estimate

We recommend pulling an HMIS report of all people who have used housing services for the given year. As much as possible, deduplicate by household; for households with multiple stays, include the more recent stay. Exclude households served in PSH or RRH, who are already in housing units. Exclude individuals who have exited the homeless services system by dying, who have exited to permanent housing and have not re-entered homelessness, or who exited to unsheltered homelessness. Exclude individuals who entered homelessness from unsheltered homelessness. If there's no data to suggest where an individual exited to or entered from, keep them in the dataset.

Doubled-up estimate

McKinney-Vento Estimate

We recommend using the most recent McKinney-Vento numbers available. Use doubled-up, motel/hotel, and unsheltered student numbers, but do not use the sheltered student numbers. Note that "unaccompanied youth" are already included in the other MV subcategories, so do not double count them. Publicly available McKinney-Vento data is redacted whenever the exact number of students in any instance is less than five. In those instances, replace the redaction with a 1. Once the number of students has been aggregated up to the OHNA region, divide by the average number of school-aged students per household in that OHNA region to move from an estimate of doubled-up students to doubled-up households.

ACS estimate

This estimate is based on a new method developed by Richard et. al. (2022), and uses census data to estimate the number of individuals who are doubled-up in a particular geography. We modified the method to estimate doubled-up households instead of doubled-up individuals. We then used this as the basis for estimating the number of households experiencing doubled-up homelessness. We further modified the Richard et. al. method by excluding from the estimate all doubled-up households that contain a child age 5-18, as we assume households with doubled-up children are accounted for by McKinney-Vento data.

We sum the McKinney-Vento estimate of households experiencing doubled-up homelessness and the ACS estimate of households experiencing doubled-up homelessness to create the overall estimate of doubled-up homelessness in each OHNA region.

Data Notes

We recommend using the most recent and/or valid data regardless of whether the data all come from the same year. The number of people experiencing homelessness can change rapidly based on local contexts. Data sets are also updated at different times. In this report we are using data from 2022 (ACS), 2023 (PITCu, MVSD, HMIS), and 2024 (PITCu).

The selected data sets include a mix of one day and annual counts. We identified a method to annualize the PIT unsheltered data. CoCs that manage an updated BNL that includes people living unsheltered and can be deduplicated should use their BNL annual count instead. We classified the ACS as an annual count, even though it is best understood as something in between one day and an annual count.

Not all data sets include household counts. We use the household size calculations from the EcoNW work to calculate household size for the MVSD. EcoNW calculated the average number of school-aged children per household in each OHNA region, then divided the MVSD count by that number, thereby creating an estimate of doubled-up households from the MVSD count of doubled-up students. The ACS household calculation for people living doubled-up involved creating a flag for the head of household for each dwelling unit that contained individuals who were flagged as being doubled-up. We then used this doubled-up head of household flag as the basis for estimating the number of doubled-up households in the population.

Each data set should be deduplicated within itself. We expect that some deduplication will happen across the data sets depending on the CoC. However, we recognize that there will be duplication. In particular, identifying people who are moving out of shelter and onto the street, or moving off the street onto someone’s couch, can be challenging. Despite the likely probability of someone being reflected in multiple data sets, we also know that there are many people experiencing homelessness who are not counted at all.

The methodology and corresponding data should *not* be used beyond the purpose of the OHNA. For instance, some CoCs classify shelter versus unsheltered differently based on the data set. Or, a BNL may include people in shelter as well. The purpose of this methodology is to provide a robust process

for estimating the needed housing units for people experiencing homelessness, regardless of their circumstances.

Future areas of improvement

- Duplication between lists. Many people experiencing homelessness move between emergency shelter, unsheltered homelessness, and being doubled-up. Without data that includes personally identifiable information, it will be difficult to de-duplicate across datasets.
- Better usage of BNL lists, such as Built for Zero lists or Coordinated Entry. At this time, there is little consistency across the state on how such by-name lists are created or maintained. However, such lists have the potential to be more accurate than extrapolating from other datasets.
- Accounting for the annual households served in shelters that do not report to HMIS.

Reference List

Joint Office of Homeless Services. (2024, August 15). *JOHS System Performance Quarterly Report - FY24 Q4.* Tableau Public. https://public.tableau.com/app/profile/johs/viz/JOHSSystemPerformanceQuarterlyReport-FY24Q4/Report

Richard, M. K., Dworkin, J., Rule, K. G., Farooqi, S., Glendening, Z., & Carlson, S. (2022). Quantifying Doubled-Up Homelessness: Presenting a New Measure Using U.S. Census Microdata. *Housing Policy Debate, 32*, 1-22. https://doi.org/10.1080/10511482.2021.1981976

Shinn, M., Yu, H., Zoltowski, A. R., & Wu, H. (2024). Learning more from homeless Point-in-Time Counts. *Housing Policy Debate, 34*, 1-10.https://doi.org/10.1080/10511482.2024.2306607

Appendix D. Local Results

Each figure contains the UGBs in an OHNA Region and displays the UGB's 1-year annual housing production target in total and by income level, as well as the 20-year housing need allocation in total and by income level. See page 19 for the calculation of annual housing production targets.

Figure 23. Central Region Results

Central UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Bend UGB	1-year	1,971	355	314	240	413	649
	20-year	33,763	4,826	4,941	3,928	7,474	12,595
Culver UGB	1-year	15	3	2	2	3	4
	20-year	241	38	37	29	52	85
La Pine UGB	1-year	57	9	9	7	13	20
	20-year	1,008	133	142	114	232	388
Madras UGB	1-year	132	26	22	17	25	41
	20-year	2,208	346	346	274	446	795
Metolius UGB	1-year	9	2	2	1	2	3
	20-year	157	25	25	20	31	56
Prineville UGB	1-year	184	37	31	24	36	57
	20-year	3,049	485	477	375	624	1,087
Redmond UGB	1-year	594	111	99	76	115	193
	20-year	10,141	1,524	1,574	1,254	2,056	3,734
Sisters UGB	1-year	100	15	14	11	23	36
	20-year	1,791	215	238	192	437	710

Figure 24. Metro Region Results

Metro UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Banks UGB	1 year	10	2	2	1	2	3
	20 year	163	31	29	18	30	57
Barlow UGB	1 year	0	0	0	0	0	0
	20 year	6	1	1	1	1	2
Beaverton	1 year	791	156	146	89	142	259
	20 year	14,086	2,302	2,424	1,562	2,667	5,130
Canby UGB	1 year	125	28	23	14	22	39
	20 year	2,189	390	376	238	409	776
Clackamas UA	1 year	648	173	136	74	103	163
	20 year	10,241	2,180	1,944	1,148	1,795	3,175
Cornelius	1 year	63	8	10	7	13	26
	20 year	1,255	156	198	138	249	513
Durham	1 year	15	5	4	2	2	2
	20 year	191	58	43	22	28	40
Estacada UGB	1 year	41	8	7	4	7	14
	20 year	736	124	124	80	139	269
Fairview	1 year	37	4	6	4	8	15
	20 year	743	89	115	81	152	305
Forest Grove	1 year	159	19	25	17	32	65
	20 year	3,182	386	497	348	641	1,309
Gaston UGB	1 year	4	1	1	0	1	1
	20 year	65	16	12	7	10	19
Gladstone	1 year	79	27	19	9	11	13
	20 year	1,055	305	229	120	162	238
Gresham	1 year	524	89	91	58	98	187
	20 year	9,726	1,433	1,615	1,073	1,891	3,715
Happy Valley	1 year	464	83	83	52	85	161
	20 year	8,491	1,301	1,428	938	1,626	3,197
Hillsboro	1 year	744	138	134	83	136	253
	20 year	13,473	2,113	2,280	1,487	2,586	5,009
Johnson City	1 year	5	2	1	1	0	0
	20 year	50	22	14	6	5	4
King City	1 year	129	31	26	14	22	36
	20 year	2,131	411	388	236	390	706
Lake Oswego	1 year	299	82	63	33	50	71
	20 year	4,620	1,009	870	503	864	1,373
Maywood Park	1 year	8	3	2	1	1	2
	20 year	123	31	25	14	20	34

Metro UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Milwaukie	1 year	109	14	17	12	22	44
	20 year	2,164	265	338	235	442	885
Molalla UGB	1 year	65	14	12	7	11	21
	20 year	1,152	198	197	126	214	418
Multnomah UA	1 year	55	10	10	6	10	18
	20 year	982	155	165	107	194	362
North Plains UGB	1 year	39	7	7	4	7	14
	20 year	724	108	119	79	139	278
Oregon City	1 year	274	37	44	30	54	108
	20 year	5,358	691	853	587	1,066	2,160
Portland	1 year	2,851	334	431	302	620	1,164
	20 year	57,019	6,678	8,615	6,032	12,408	23,287
Rivergrove	1 year	3	1	1	0	1	0
	20 year	44	12	9	4	10	9
Sandy UGB	1 year	86	18	15	9	15	28
	20 year	1,523	259	259	166	286	553
Sherwood	1 year	144	33	28	16	24	42
	20 year	2,427	450	437	271	441	828
Tigard	1 year	462	85	83	51	85	158
	20 year	8,407	1,308	1,419	928	1,614	3,139
Troutdale	1 year	77	15	14	9	14	26
	20 year	1,397	219	236	153	273	515
Tualatin	1 year	223	75	53	26	30	39
	20 year	3,061	853	655	349	473	730
Washington UA	1 year	1,479	475	340	171	210	284
	20 year	21,036	5,503	4,366	2,385	3,378	5,404
West Linn	1 year	240	83	57	28	33	39
	20 year	3,225	928	695	364	511	727
Wilsonville	1 year	186	41	35	20	33	56
	20 year	3,175	566	556	346	609	1,099
Wood Village	1 year	20	2	3	2	4	8
	20 year	391	47	61	42	80	160

Figure 25. Northeast Region Results

Northeast UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Adams UGB	1 year	2	0	0	0	0	0
	20 year	26	5	5	3	4	8
Antelope UGB	1 year	0	0	0	0	0	0
	20 year	8	0	0	0	4	3
Arlington UGB	1 year	4	1	1	0	1	1
	20 year	64	12	11	7	14	21
Athena UGB	1 year	6	2	1	1	1	2
	20 year	103	21	19	12	19	33
Baker City UGB	1 year	69	18	13	7	12	18
	20 year	1,115	230	191	120	227	347
Boardman UGB	1 year	44	11	9	5	7	12
	20 year	736	148	131	85	133	239
Canyon City UGB	1 year	4	1	1	0	1	1
	20 year	63	13	10	6	14	19
Cascade Locks UGB	1 year	11	2	2	1	2	4
	20 year	200	32	31	21	46	69
Condon UGB	1 year	5	1	1	0	2	1
	20 year	87	12	9	6	33	28
Cove UGB	1 year	2	1	0	0	0	1
	20 year	34	8	6	4	6	10
Dayville UGB	1 year	1	0	0	0	0	0
	20 year	12	1	1	1	6	4
Dufur UGB	1 year	4	1	1	0	1	1
	20 year	60	12	10	7	12	19
Echo UGB	1 year	3	1	1	0	1	1
	20 year	57	11	10	6	12	18
Elgin UGB	1 year	9	3	2	1	1	2
	20 year	139	31	25	15	27	42
Enterprise UGB	1 year	22	6	4	2	4	6
	20 year	361	71	60	38	77	114
Fossil UGB	1 year	3	1	0	0	1	1
	20 year	49	8	6	4	16	16
Granite UGB	1 year	3	0	0	0	2	1
	20 year	58	0	0	0	37	21
Grass Valley UGB	1 year	1	0	0	0	0	0
	20 year	13	3	2	2	2	4
Haines UGB	1 year	2	0	0	0	0	0
	20 year	27	5	4	2	8	8

Northeast UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Halfway UGB	1 year	4	1	0	0	1	1
	20 year	62	8	6	4	24	20
Helix UGB	1 year	1	0	0	0	0	0
	20 year	17	4	3	2	3	6
Heppner UGB	1 year	10	2	2	1	2	3
	20 year	157	30	24	15	40	49
Hermiston UGB	1 year	168	41	32	19	28	48
	20 year	2,833	545	500	325	523	940
Hood River UGB	1 year	111	25	18	11	26	32
	20 year	1,893	317	279	179	496	623
Huntington UGB	1 year	3	0	0	0	1	1
	20 year	49	6	5	3	20	16
Imbler UGB	1 year	2	0	0	0	0	0
	20 year	30	6	5	3	7	10
Ione UGB	1 year	2	0	0	0	0	0
	20 year	28	5	4	3	7	9
Irrigon UGB	1 year	9	3	2	1	1	2
	20 year	149	32	27	17	26	47
Island City UGB	1 year	9	2	2	1	2	3
	20 year	156	32	28	18	29	50
John Day UGB	1 year	15	4	3	2	3	4
	20 year	247	51	42	26	52	76
Joseph UGB	1 year	9	2	1	1	3	3
	20 year	151	22	18	12	50	50
La Grande UGB	1 year	96	26	19	11	15	25
	20 year	1,545	330	279	176	278	482
Lexington UGB	1 year	1	0	0	0	0	0
	20 year	17	3	3	2	4	5
Lonerock UGB	1 year	1	0	0	0	0	0
	20 year	20	2	2	1	8	7
Long Creek UGB	1 year	3	1	0	0	1	1
	20 year	50	8	7	4	14	16
Lostine UGB	1 year	2	0	0	0	1	1
	20 year	36	4	3	2	15	12
Maupin UGB	1 year	6	1	1	0	3	2
	20 year	120	10	9	6	54	42
Milton-Freewater UGB	1 year	34	10	7	4	5	9
	20 year	542	120	98	61	98	165

Northeast UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Mitchell UGB	1 year	1	0	0	0	0	0
	20 year	22	3	2	1	9	7
Monument UGB	1 year	1	0	0	0	0	0
	20 year	9	2	2	1	1	3
Moro UGB	1 year	4	1	1	0	1	1
	20 year	61	13	11	7	11	20
Mosier UGB	1 year	5	1	1	0	2	2
	20 year	102	9	8	6	43	36
Mt. Vernon UGB	1 year	2	1	0	0	0	0
	20 year	29	7	5	3	5	8
North Powder UGB	1 year	3	1	0	0	0	1
	20 year	42	8	8	5	7	13
Pendleton UGB	1 year	122	33	23	14	20	32
	20 year	1,970	412	348	219	373	617
Pilot Rock UGB	1 year	5	1	1	1	1	1
	20 year	87	17	13	8	23	26
Prairie City UGB	1 year	4	1	1	0	1	1
	20 year	60	11	8	5	18	18
Richland UGB	1 year	2	0	0	0	1	1
	20 year	39	3	3	2	18	13
Rufus UGB	1 year	2	0	0	0	0	1
	20 year	30	5	4	3	9	10
Seneca UGB	1 year	2	0	0	0	1	1
	20 year	40	3	2	1	21	14
Shaniko UGB	1 year	0	0	0	0	0	0
	20 year	6	0	0	0	3	2
Spray UGB	1 year	1	0	0	0	1	0
	20 year	26	2	2	1	12	9
Stanfield UGB	1 year	16	4	3	2	3	5
	20 year	290	50	50	34	54	102
Summerville UGB	1 year	1	0	0	0	0	0
	20 year	8	2	1	1	2	3
Sumpter UGB	1 year	13	0	0	0	8	5
	20 year	259	4	4	2	157	92
The Dalles UGB	1 year	112	31	22	13	18	29
	20 year	1,805	387	323	202	334	559
Ukiah UGB	1 year	2	0	0	0	1	1
	20 year	30	2	2	1	16	10

Northeast UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Umatilla UGB	1 year	50	13	10	6	8	13
	20 year	820	167	145	93	153	262
Union UGB	1 year	9	2	2	1	2	2
	20 year	149	29	25	15	33	47
Unity UGB	1 year	1	0	0	0	0	0
	20 year	11	0	0	0	7	4
Wallowa UGB	1 year	4	1	1	0	1	1
	20 year	68	12	10	6	20	21
Wasco UGB	1 year	1	0	0	0	0	0
	20 year	23	4	3	2	7	7
Weston UGB	1 year	8	2	2	1	1	2
	20 year	138	26	24	16	26	47

Figure 26. Northern Coast Region Results

Northern Coast UGB	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Astoria UGB	1 year	142	61	35	12	17	17
	20 year	1,835	667	434	165	262	307
Bay City UGB	1 year	15	6	4	1	2	2
	20 year	186	69	43	16	29	30
Cannon Beach UGB	1 year	44	14	8	3	12	8
	20 year	660	153	101	39	216	151
Clatskanie UGB	1 year	23	10	6	2	3	3
	20 year	300	109	71	27	42	50
Columbia City UGB	1 year	13	6	3	1	1	1
	20 year	164	63	40	15	21	25
Garibaldi UGB	1 year	12	5	3	1	2	2
	20 year	161	52	34	13	32	30
Gearhart UGB	1 year	25	8	4	2	7	5
	20 year	382	83	55	21	134	90
Manzanita UGB	1 year	22	5	3	1	9	5
	20 year	373	51	37	15	169	103
Nehalem UGB	1 year	16	6	3	1	3	3
	20 year	227	63	45	18	51	50
Prescott UGB	1 year	1	0	0	0	0	0
	20 year	7	2	2	1	1	1
Rainier UGB	1 year	28	12	7	2	3	3
	20 year	359	132	86	33	48	59
Rockaway Beach UGB	1 year	33	7	4	2	13	8
	20 year	553	80	57	23	243	150
Scappoose UGB	1 year	94	38	23	9	11	13
	20 year	1,293	427	305	121	189	251
Seaside UGB	1 year	114	42	25	9	21	17
	20 year	1,603	467	318	124	365	329
St. Helens UGB	1 year	172	72	43	15	20	22
	20 year	2,283	799	544	211	320	410
Tillamook Outside UGB Area	1 year	62	7	11	5	18	21
	20 year	1,233	136	210	101	369	417
Tillamook UGB	1 year	97	42	24	9	11	11
	20 year	1,249	456	300	114	169	210
Vernonia UGB	1 year	21	9	5	2	2	2
	20 year	269	98	64	24	37	45
	1 year	94	38	23	8	12	13

Northern Coast UGB	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Warrenton UGB	20 year	1,276	427	297	117	194	241
Wheeler UGB	1 year	5	2	1	0	1	1
	20 year	62	20	12	5	14	11

Figure 27. Southeast Region Results

Southeast UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Adrian UGB	1 year	2	1	0	0	0	1
	20 year	37	8	6	3	8	11
Bonanza UGB	1 year	3	1	1	0	1	1
	20 year	50	11	7	4	13	15
Burns UGB	1 year	26	9	5	3	4	5
	20 year	381	106	72	38	66	99
Chiloquin UGB	1 year	6	2	1	1	1	1
	20 year	97	24	17	9	21	27
Hines UGB	1 year	15	5	3	1	2	3
	20 year	226	56	40	22	44	64
Jordan Valley UGB	1 year	3	0	0	0	1	1
	20 year	54	5	3	2	26	19
Klamath Falls UGB	1 year	386	132	82	39	54	80
	20 year	5,686	1,573	1,100	584	924	1,504
Lakeview UGB	1 year	34	11	7	3	6	8
	20 year	518	130	93	50	99	145
Malin UGB	1 year	5	2	1	0	1	1
	20 year	76	21	14	7	15	20
Merrill UGB	1 year	6	2	1	1	1	1
	20 year	96	26	18	10	17	26
Nyssa UGB	1 year	25	8	5	3	4	6
	20 year	383	100	71	39	68	106
Ontario UGB	1 year	161	52	33	16	23	36
	20 year	2,450	638	466	256	404	687
Paisley UGB	1 year	2	1	0	0	1	1
	20 year	40	8	6	3	11	12
Vale UGB	1 year	24	8	5	2	4	6
	20 year	373	94	70	39	64	107

Figure 28. Southwest Region Results

Southwest UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Ashland UGB	1 year	223	65	41	22	37	58
	20 year	3,542	779	603	348	681	1,132
Bandon UGB	1 year	51	12	8	4	13	14
	20 year	854	141	117	68	252	276
Brookings UGB	1 year	119	32	20	11	25	31
	20 year	1,923	381	295	170	468	608
Butte Falls UGB	1 year	3	1	1	0	0	1
	20 year	41	10	7	4	8	12
Canyonville UGB	1 year	19	6	4	2	3	5
	20 year	299	74	55	31	46	93
Cave Junction UGB	1 year	23	7	4	2	3	6
	20 year	356	81	64	37	57	116
Central Point UGB	1 year	166	51	32	17	22	44
	20 year	2,608	607	480	278	388	855
Coos Bay UGB	1 year	180	56	34	18	26	45
	20 year	2,793	663	498	284	472	876
Coquille UGB	1 year	37	12	7	4	5	9
	20 year	567	141	102	58	95	173
Drain UGB	1 year	9	3	2	1	1	2
	20 year	130	34	24	13	20	39
Eagle Point UGB	1 year	71	21	14	7	10	20
	20 year	1,135	253	206	121	176	380
Elkton UGB	1 year	2	1	0	0	1	1
	20 year	37	7	5	3	12	11
Glendale UGB	1 year	5	2	1	0	1	1
	20 year	67	19	13	7	9	19
Gold Beach UGB	1 year	37	9	5	3	10	10
	20 year	616	105	80	46	197	189
Gold Hill UGB	1 year	9	3	2	1	1	2
	20 year	141	35	25	14	24	42
Grants Pass UGB	1 year	555	154	105	58	78	160
	20 year	9,058	1,909	1,628	964	1,436	3,121
Jacksonville UGB	1 year	26	8	5	2	4	7
	20 year	408	91	68	39	82	127
Lakeside UGB	1 year	16	3	2	1	5	4
	20 year	267	39	29	16	104	79
	1 year	1,277	348	241	134	180	374

Southwest UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Medford UGB	20 year	20,966	4,353	3,768	2,241	3,307	7,296
Myrtle Creek UGB	1 year	41	14	8	4	5	9
	20 year	600	162	111	61	93	174
Myrtle Point UGB	1 year	19	7	4	2	2	4
	20 year	272	75	51	28	41	78
North Bend UGB	1 year	92	29	18	9	13	23
	20 year	1,421	345	258	147	225	446
Oakland UGB	1 year	7	2	1	1	1	1
	20 year	96	26	18	10	14	28
Phoenix UGB	1 year	43	13	8	4	6	11
	20 year	664	159	122	70	101	213
Port Orford UGB	1 year	16	4	2	1	5	4
	20 year	259	41	28	15	101	74
Powers UGB	1 year	4	1	1	0	1	1
	20 year	54	13	9	5	12	15
Reedsport UGB	1 year	33	10	6	3	6	8
	20 year	500	116	81	45	111	147
Riddle UGB	1 year	8	3	2	1	1	2
	20 year	126	32	24	13	18	39
Rogue River UGB	1 year	27	8	5	3	4	7
	20 year	428	96	76	44	71	140
Roseburg UGB	1 year	377	114	72	39	51	100
	20 year	5,938	1,371	1,081	627	919	1,941
Shady Cove UGB	1 year	21	6	4	2	5	5
	20 year	342	69	52	30	86	106
Sutherlin UGB	1 year	63	21	12	7	8	16
	20 year	970	241	178	101	148	302
Talent UGB	1 year	46	14	9	5	7	13
	20 year	736	166	132	77	119	243
Winston UGB	1 year	58	17	11	6	8	16
	20 year	937	205	170	100	144	318
Yoncalla UGB	1 year	5	2	1	0	1	1
	20 year	75	20	13	7	13	21

Figure 29. Willamette Valley Region Results

Willamette Valley UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Adair Village UGB	1 year	8	2	2	1	1	2
	20 year	124	30	24	13	21	36
Albany UGB	1 year	491	157	101	51	70	111
	20 year	7,797	1,981	1,506	840	1,292	2,179
Amity UGB	1 year	12	4	2	1	2	3
	20 year	185	46	36	20	31	52
Aumsville UGB	1 year	36	9	7	4	6	10
	20 year	621	131	115	69	111	195
Aurora UGB	1 year	12	3	2	1	2	3
	20 year	210	45	39	23	37	65
Brownsville UGB	1 year	9	3	2	1	1	2
	20 year	139	39	27	15	23	36
Carlton UGB	1 year	17	5	3	2	3	4
	20 year	276	63	51	29	51	81
Coburg UGB	1 year	27	8	5	3	4	7
	20 year	442	104	83	48	77	130
Corvallis UGB	1 year	519	176	109	53	72	109
	20 year	7,999	2,158	1,563	847	1,311	2,120
Cottage Grove UGB	1 year	62	23	13	6	8	11
	20 year	896	273	182	94	134	213
Creswell UGB	1 year	33	12	7	3	4	7
	20 year	495	139	98	52	79	127
Dallas UGB	1 year	156	45	31	16	24	39
	20 year	2,589	598	487	282	452	771
Dayton UGB	1 year	13	5	3	1	2	3
	20 year	200	56	40	21	31	52
Depoe Bay UGB	1 year	15	3	2	1	6	4
	20 year	273	36	28	16	119	74
Detroit UGB	1 year	8	0	0	0	6	2
	20 year	161	4	3	2	110	42
Donald UGB	1 year	10	3	2	1	1	2
	20 year	146	40	29	16	23	38
Dundee UGB	1 year	19	6	4	2	3	4
	20 year	287	76	55	30	50	76
Dunes City UGB	1 year	7	2	1	0	3	1
	20 year	121	19	12	6	56	28
Eugene UGB	1 year	1,688	562	352	173	238	364
	20 year	26,273	6,949	5,111	2,796	4,328	7,088

Willamette Valley UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Falls City UGB	1 year	6	2	1	1	1	1
	20 year	88	22	17	10	15	25
Florence UGB	1 year	87	25	15	7	22	17
	20 year	1,373	299	203	105	427	339
Gates UGB	1 year	3	1	1	0	0	1
	20 year	44	10	8	4	9	12
Gervais UGB	1 year	16	5	3	2	2	4
	20 year	249	65	49	27	40	69
Halsey UGB	1 year	6	2	1	1	1	1
	20 year	86	23	17	9	14	23
Harrisburg UGB	1 year	20	7	4	2	3	4
	20 year	300	84	60	32	47	77
Hubbard UGB	1 year	29	9	6	3	4	7
	20 year	467	118	90	50	79	130
Idanha UGB	1 year	1	0	0	0	0	0
	20 year	17	3	2	1	6	5
Independence UGB	1 year	79	23	16	8	12	19
	20 year	1,295	306	245	140	224	379
Jefferson UGB	1 year	18	6	4	2	2	4
	20 year	279	74	55	30	45	76
Junction City UGB	1 year	65	20	13	7	10	15
	20 year	1,050	255	200	113	179	302
Keizer UGB	1 year	252	81	52	26	36	57
	20 year	4,009	1,018	774	432	664	1,120
Lafayette UGB	1 year	29	8	6	3	4	7
	20 year	479	108	90	53	84	146
Lebanon UGB	1 year	141	50	30	14	19	28
	20 year	2,123	600	421	223	337	541
Lincoln City UGB	1 year	147	29	18	9	56	34
	20 year	2,553	362	267	146	1,106	673
Lowell UGB	1 year	6	2	1	1	1	1
	20 year	98	26	18	10	19	25
Lyons UGB	1 year	10	3	2	1	2	2
	20 year	166	39	30	17	32	47
McMinnville UGB	1 year	297	97	62	31	43	65
	20 year	4,660	1,210	901	496	779	1,273
Mill City UGB	1 year	14	5	3	1	2	3
	20 year	205	57	40	21	36	52

Willamette Valley UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Millersburg UGB	1 year	74	16	14	8	13	23
	20 year	1,337	249	241	150	250	448
Monmouth UGB	1 year	97	27	19	10	15	25
	20 year	1,623	367	304	178	284	491
Monroe UGB	1 year	4	2	1	0	1	1
	20 year	60	18	12	6	9	14
Mt. Angel UGB	1 year	27	9	6	3	4	6
	20 year	417	110	81	45	68	114
Newberg UGB	1 year	257	75	52	27	39	64
	20 year	4,248	990	801	462	737	1,258
Newport UGB	1 year	116	35	21	10	27	24
	20 year	1,841	418	291	154	511	467
Oakridge UGB	1 year	17	6	3	2	3	3
	20 year	255	69	48	25	48	65
Philomath UGB	1 year	48	14	10	5	7	12
	20 year	791	187	149	85	138	231
Salem UGB	1 year	2,016	661	420	209	283	444
	20 year	31,617	8,254	6,152	3,392	5,163	8,656
Scio UGB	1 year	10	3	2	1	1	2
	20 year	160	37	30	17	28	48
Scotts Mills UGB	1 year	2	1	0	0	0	1
	20 year	39	9	7	4	7	11
Sheridan UGB	1 year	30	10	6	3	4	6
	20 year	457	126	90	49	73	120
Siletz UGB	1 year	7	3	2	1	1	1
	20 year	113	31	22	12	18	29
Silverton UGB	1 year	84	27	17	9	12	19
	20 year	1,345	338	258	144	228	377
Sodaville UGB	1 year	3	1	1	0	0	1
	20 year	41	10	8	4	7	12
Springfield UGB	1 year	470	172	101	47	60	88
	20 year	6,937	2,042	1,395	728	1,063	1,709
St. Paul UGB	1 year	3	1	1	0	0	1
	20 year	45	12	9	5	7	12
Stayton UGB	1 year	68	22	14	7	10	15
	20 year	1,070	278	208	115	174	295
Sublimity UGB	1 year	14	5	3	1	2	3
	20 year	207	60	42	22	32	52

Willamette Valley UGBs	Results	Total	0-30% AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
Sweet Home UGB	1 year	60	19	12	6	9	13
	20 year	946	243	182	100	162	260
Tangent UGB	1 year	16	5	3	2	2	4
	20 year	254	65	49	27	42	70
Toledo UGB	1 year	23	8	5	2	3	4
	20 year	341	97	66	34	60	84
Turner UGB	1 year	23	6	5	2	4	6
	20 year	386	86	72	42	69	117
Veneta UGB	1 year	26	9	5	3	4	5
	20 year	402	108	78	42	67	106
Waldport UGB	1 year	18	5	3	1	5	4
	20 year	305	56	42	23	101	82
Waterloo UGB	1 year	1	0	0	0	0	0
	20 year	10	3	2	1	1	2
Westfir UGB	1 year	1	0	0	0	0	0
	20 year	16	4	3	1	4	4
Willamina UGB	1 year	14	4	3	1	2	3
	20 year	225	55	43	24	38	64
Woodburn UGB	1 year	213	71	45	22	29	45
	20 year	3,295	880	644	351	535	884
Yachats UGB	1 year	18	3	2	1	8	5
	20 year	333	36	29	16	162	90
Yamhill UGB	1 year	7	2	1	1	1	1
	20 year	108	29	21	12	17	29

Support for M5 & M50 Task Force

House bills 2321, 2333, 2334, and 2335 would create task forces to study the impacts of Measure 5 and Measure 50 on disadvantaged communities, local governments, public education, and alternative revenue sources.

Property tax reform has been a longstanding priority for cities since the passage of M5 and M50. Property taxes are the largest source of revenue for cities, with $1.9 billion collected in FY 2023-24. Property taxes play a vital role in funding capital projects and the essential services that cities provide, including police, fire, roads, parks and more. They are also a key revenue source for counties, special districts and school districts—providing a portion of the state's education budget. The current property tax system is broken and in need of repair due to Measures 5 and 50, which are both now more than 20 years old. Measure 5 put limits on the amount of taxes cities and other government entities can charge and has led to millions of dollars of compression losses every year. Measure 50 has not allowed cities to grow with their needs, the market or inflation since property tax values can only grow 3% every year.

Cities want a property tax system that is:

- **Equitable** and based on a market-based property tax valuation system (RMV) rather than the present complex valuation system from Measure 50.
- **Fair and adequate.** A system that returns to RMV will need to be thoughtful and measured and likely need to make small adjustments year over year so that taxpayers of Oregon can adjust the impact of a return to RMV.
- **Supportive of local choice.** Cities need a system that allows voters to adopt tax levies and establish tax rates outside of current limits to better suit the needs of their communities.

The League of Oregon Cities and cities across Oregon support the Legislature delving into the impacts of M5 and M50 and stand ready to partner with the state to make meaningful property tax reform.

[Date]

House Committee on Revenue
Oregon State Capitol
900 Court Se. NE
Salem, OR 97301

RE: Support for M5 and M50 Impacts Task Forces

Dear Chair Nathanson and Members of the House Revenue Committee,

House bills 2321, 2333, 2334, and 2335 would create task forces to study the impacts of Measure 5 and Measure 50 on disadvantaged communities, local governments, public education, and alternative revenue sources. **The City of _____** strongly supports the state study impacts of Measure 5 and Measure 50 as it greatly impacts cities. Property tax reform has been a longstanding priority for cities since the passage of M5 and M50. Property taxes are the largest source of revenue for cities, with $1.9 billion collected in FY 2023-24. Property taxes play a vital role in funding capital projects and the essential services that cities provide, including police, fire, roads, parks and more.

Measure 5 and 50 are both now more than 20 years old. Measure 5 limits the amount of revenue cities and other government entities can raise for critical services. It has led to millions of dollars of compression losses every year. Measure 50 has not allowed cities to grow with their needs, the market or inflation since property tax values can only grow 3% every year. **In the City of …**

[Insert specific revenue challenges your city faces and how property tax reform could benefit your city]

We support the Legislature diving into the impacts of M5 and M50 and stand ready to partner with the state to make meaningful property tax reform.

Respectfully,

RS 9. A. 2/4/25
Presentation

Legislative & Regional Issues

February 4, 2025

Key Dates

- 1/21 – Session Began
- 2/25 – Measure Introduction Deadline
- 2/26 – Revenue Forecast
- 4/9 – First Chamber Deadline
- 5/14 – Revenue Forecast
- 5/23 – Second Chamber Deadline
- 6/29 – Constitutional Sine Die

https://www.oregonlegislature.gov/calendar

Legislation

* = Council Letter Sent

- **Energy Affordability** (Mayor Batey)
  - **HB2081** One Stop Shop 2.0, home resilience assistance (nothing scheduled)
  - **SB88** Get the Junk Out of Rates, energy rates (nothing scheduled)
- **Elections** (Stauffer)
  - **SB580** requires election filings to be posted online (nothing scheduled)
- **Measures 5 and 50** (Mayor Batey)
  - **HB2321** addresses impacts on disadvantaged communities/rentals (hearing 1/30)*****
  - **HB2333** addresses impacts on local governments (hearing 1/30)*****
  - **HB2334** addresses impacts on higher education (hearing 1/30)*****
  - **HB2335** addresses impacts on jurisdictions, alternate revenue (hearing 1/30)*****

Legislation

- **Records** (Stauffer… LOC/OAMR/PRAC)
  - **HB2533** Extends retention period for certain records (hearing 2/4)
  - **HJR2** Constitutional Amendment to change unfunded mandates for local governments, including public record and meeting fees (hearing 1/17)
  - **(LC)** Records legislation placeholder
  - **(LC)** Pull back OGEC PML authority
- **Veterans** (Councilor Khosroabadi)
  - **HB2537** Low-income medical voucher program for veterans (hearing 1/17)

Legislation

- **Housing Affordability** (Anderson)
  - **DevNW**
  - **Oregon Housing Needs Analysis Report**
  - **Bills?**
- **Measures 5 and 50** (Batey)
  - See bills referred to on previous slide.

Letters

- Karin Power PUC Appointment
- Others?

Resources

- OLIS: Oregon Legislative Information System
- LOC: CM3 – LOC Bill Summary
  (Username/password: loc@orcities.org)
- Thorn Run Partners
  (Metro Mayors Consortium)
- Council

Questions?

Scott Stauffer, City Recorder
stauffers@milwaukieoregon.gov

RS 9. A. 2/4/25
Exhibits

Chair Jama, Vice Chair Bonham, and Members of the Senate Rules Committee,

The Milwaukie City Council is thrilled to submit this letter in support of the Governor's appointment of Karin Power to the Public Utility Commission (PUC). We believe Karin would be an excellent Commissioner and encourage you to approve her appointment.

Karin served as a Milwaukie City Councilor a decade ago, so we might be the tiniest bit biased. But objectively, Karin is the perfect person to serve on the PUC. She is an attorney with a keen ability to cut through the "noise" and get to the heart of an issue. She has served in a variety of roles in the past dozen years that provide her with a broad-ranging information base for decision making – from being counsel to The Freshwater Trust to being a Milwaukie Councilor, a State Representative, and an advisor to the Governor. She has seen the workings of the state from all angles.

In addition to her intellectual prowess, Karin has shown time and again her dedication to equitable access and treatment for all members of the community. As City Councilor, she was instrumental in the effort to fund and build the new Ledding Library, which opened in 2020. The library serves the whole community through its collection and programming, but it is also a place for connecting residents, including the houseless, with needed services – a goal Karin saw the need for a decade ago. As a legislator, Karin was more than just a champion for our climate, she had the unique ability to communicate legally complex issues into understandable policy goals. Few can forget the hours she spent on the house floor while carrying HB 2020, deftly answering questions about the nuance of a 100-page bill to meaningfully address our climate crisis. Her work in 2021 to establish the Oregon Department of Early Learning and Care demonstrates a much-needed understanding of how to work with our agencies to ensure they deliver for Oregonians.

In sum, we are certain that Karin Power is the right person to weigh the complex interests of residential and commercial ratepayers, utilities, and the needed efforts by all of us to address climate change. We urge you to approve her appointment and let Karin get to work for Oregonians in this new role.

All Councilors Signature Block

CITY OF MILWAUKIE

January 31, 2025

Committee on Revenue
Oregon House of Representatives
900 Court Street NE
Salem, OR 97301

RE: House Bills 2321, 2333, 2334, and 2335

Dear Chair Nathanson and Members of the Committee,

I had hoped to testify at your hearing on January 30th but had a scheduling conflict. I appreciate the opportunity to submit these written comments after the hearing.

I wholeheartedly concur in the testimony of Mayor Travis Stovall on behalf of the Metro Mayors' Consortium, of which I am a member, on the vital need of this study of the impacts of Measures 5 and 50 on cities.

I appreciated the comments of Representative Evans yesterday before your committee, particularly his suggestion that Oregonians might actually spend less if we had a more rational system. Because of the constraints of Measures 5 and 50, communities have created more special districts and sought more bonds and levies. All these efforts cost taxpayers more in administration and the time spent by staff of the taxpaying entities in referring initial measures and renewals to the voters.

I offer my own Milwaukie property tax records from 2002 and 2022, attached, as a demonstration. In that twenty-year period, my total tax bill has increased by 137% -- far beyond the approximately 80% it would have been, had it merely been a 3% annual increase, compounded. Additionally, in 2002 there were 15 different line items on my property tax bill – by 2022 there were 25 line items. Moreover, in 2002, 38% of my property tax bill went to the City of Milwaukie. By 2022, taxes paid to the city dropped to 32% of my total bill[1].

We all know 3% has not nearly kept up with inflation over the past five years, but even before that the costs of salaries, employee benefits, materials for capital improvement projects and other costs typically increased by more than 3% per year. City staffing has not kept pace with the growth of our community. To put this in practical terms, let's look at public safety, a department funded primarily by property tax revenue. Best practice says communities should have 2.5 police officers per 1,000 residents. Milwaukie currently has 33 total officers, which is 1.5 officers per 1,000 residents. Rather than being in a position to hire more officers, however, as more and more

[1] Between 2002 and 2022, Milwaukie annexed to Clackamas Fire District #1 and reduced its base tax rate. The City later launched an urban renewal district. This 2022 calculation thus includes the Milwaukie base tax, urban renewal tax, bond, and the fire district tax, which add up to 32% of the total bill.

people move to Milwaukie, we are instead facing potential cuts in police budgets if we can't find new revenue sources.

My thanks to Representative Evans for sponsoring these bills. I encourage the legislature to establish these task forces so that we might move forward with a long overdue assessment of the impact of these 1990s ballot measures.

If I can provide any further information, please do not hesitate to contact me at 503-353-1825.

Lisa M. Batey

Lisa M. Batey
Mayor

Enclosed: 2002 and 2022 Tax Statements

CC: Rep. Mark Gamba
Rep. April Dobson

07/01/2002 - 06/30/2003 REAL PROPERTY TAX STATEMENT

CLACKAMAS COUNTY, OREGON * 150 BEAVERCREEK RD * OREGON CITY, OREGON 97045

PROPERTY DESCRIPTION | **MAP:** | **ACCOUNT NO:**

Code Area:

MILWAUKIE OR 97222

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET VALUES (RMV):		
RMV LAND	69,093	73,238
RMV BLDG	158,970	189,000
RMV TOTAL	228,063	262,238
ASSESSED VALUE	153,724	158,336
TOTAL TAXABLE AV	153,724	158,336
PROPERTY TAXES:	**2,750.34**	**2,800.82**

* Property taxes may be paid online, see applicable fees prior to paying.
* Payments may be mailed to PO Box 6100, Portland, OR 97228-6100. When paying by mail, please make checks payable to Clackamas County Tax Collector.
* You may also pay in our office, located in the Development Services Building at 150 Beavercreek Road in Oregon City.
* If your mortgage company pays your taxes, this information is for your records.

TAX PAYMENT OPTIONS

Payment Options	Date Due	Discount Allowed		Net Amount
FULL	**Nov 15th, 2002**	**84.02**	**3%**	**2,716.80**
2/3	**Nov 15th, 2002**	**37.34**	**2%**	**1,829.87**
1/3	**Nov 15th, 2002**			**933.60**

2002 - 2003 CURRENT TAX BY DISTRICT:

COM COLL CLACK	85.53
ESD CLACKAMAS	56.81
SCH NO CLACK	704.87
EDUCATION TOTAL:	**847.21**
CITY MILWAUKIE	1,035.18
COUNTY CLACK C	380.67
PARK N CLACK	77.25
PORT OF PTLD	10.83
SRV 2 METRO - OREGON ZOO	14.82
URBAN RENEWAL COUNTY	121.31
VECTOR CONTROL	1.01
GENERAL GOVERNMENT	**1,641.07**
CITY MILWAUKIE BOND	39.27
COM COLL CLACK BOND	31.30
SCH NO CLACK BOND	194.35
SRV 2 METRO BOND	28.64
TRANS TRIMET BOND	18.98
EXCLUDED FROM LIMIT	**312.54**
2002 - 2003 TAX BEFORE DISCOUNT	**2,800.82**

DELINQUENT TAXES: **0.00**

TOTAL (after discount) **2,716.80**

Delinquent tax amount is included in payment options listed below. Delinquent taxes marked with an (*) are subject to foreclosure if not paid on or before May 15th.

The on-line tax statement information reflects the certified property tax as of the October certification date for the tax year referenced. This information does not reflect any tax payments, value corrections, or delinquent interest on an account after the due date listed. If you have questions or need current tax balance information, please contact our office at 503-655-8671. Our office hours are Monday through Thursday from 8:00 am to 4:00 pm; Clackamas County offices are closed on Fridays. You can leave a voice mail message or email us at PropertyTaxInfo@co.clackamas.or.us, our goal is to respond to you on the following business day.

CLACKAMAS COUNTY OREGON
150 BEAVERCREEK RD.
OREGON CITY, OREGON 97045

REAL PROPERTY TAX STATEMENT
7/1/2022 to 6/30/2023

Property Location:
MILWAUKIE, OR 97222

Tax Code Area:

MILWAUKIE OR 97222

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET VALUES (RMV):		
RMV LAND	220,158	268,932
RMV BLDG	598,430	729,270
RMV TOTAL	**818,588**	**998,202**
ASSESSED VALUE:	300,645	309,664
PROPERTY TAXES:	6,407.71	6,640.49

Please Make Payment To: CLACKAMAS COUNTY TAX COLLECTOR

Questions about your property value or taxes ?
Please call 503-655-8671 or visit us online at www.clackamas.us/at

(See back of statement for instructions)

TAX PAYMENT OPTIONS

Payment Options	Date Due	Discount Allowed	Net Amount Due
FULL	Nov 15, 2022	199.21 3%	6,441.28
2/3	Nov 15, 2022	88.54 2%	4,338.45
1/3	Nov 15, 2022		2,213.49

2022 - 2023 CURRENT TAX BY DISTRICT:	
COM COLL CLACK	168.86
ESD CLACKAMAS	111.76
SCH NORTH CLACK	1,452.16
SCH NORTH CLACK LOC OPT	504.75
EDUCATION TOTAL:	**2,237.53**
CITY MILWAUKIE	1,253.14
COUNTY CLACKAMAS C	733.10
COUNTY EXTENSION & 4-H	15.17
COUNTY LIBRARY	120.49
COUNTY PUBLIC SAFETY LOC OPT	113.96
COUNTY SOIL CONS	15.17
FD 1 CLACK CO	718.70
PARK N CLACKAMAS	159.54
PORT OF PTLD	21.27
SRV 2 METRO	29.23
SRV 2 METRO LOC OPT	29.73
URBAN RENEWAL COUNTY	61.56
URBAN RENEWAL MILWAUKIE	76.31
VECTOR CONTROL	2.01
VECTOR CONTROL LOC OPT	7.74
GENERAL GOVERNMENT TOTAL:	**3,357.12**
CITY MILWAUKIE BOND	106.28
COM COLL CLACK BOND	76.18
COUNTY PUBLIC SFTY RADIO SYS	27.47
FD 1 CLACK CO BOND	25.61
SCH NORTH CLACK BOND	694.64
SRV 2 METRO BOND	115.66
EXCLUDED FROM LIMIT TOTAL:	**1,045.84**
2022 - 2023 TAX BEFORE DISCOUNT	**6,640.49**

DELINQUENT TAXES: **0.00**

TOTAL (after discount): **6,441.28**

Delinquent tax amount is included in payment options listed below.

↑ TEAR HERE **PLEASE RETURN THIS PORTION WITH YOUR PAYMENT See back of statement for instructions** TEAR HERE ↑

8-22-22_v3

2022 - 2023 Property Tax Payment Clackamas County, Oregon

ACCOUNT NO: 00019599

DISCOUNT IS LOST AFTER DUE DATE & INTEREST MAY APPLY

FULL PAYMENT	**(Includes 3% Discount)**	**DUE Nov 15, 2022**	**6,441.28**
2/3 PAYMENT	**(Includes 2% Discount)**	**DUE Nov 15, 2022**	**4,338.45**
1/3 PAYMENT	**(No Discount offered)**	**DUE Nov 15, 2022**	**2,213.49**

☐ Mailing address or taxpayer name change on back

Enter Amount Paid

MILWAUKIE OR 97222

Please make payment to:

CLACKAMAS COUNTY TAX COLLECTOR
PO BOX 6100
PORTLAND, OR 97228-6100

1/1 70767

03000000195990000644128000043384500002213497

Payment instructions

Please send only a check or money order with your payment stub. **DO NOT** mail cash. **Your cancelled check is proof of payment.**

Property tax payments MUST be credited to the earliest year that taxes are due.

Tax statements for **less** than $40 must be paid in full.

Discounts/payment schedule (choose one)

To receive a discount, payments **MUST** be delivered, U.S. postmarked, or transmitted by private express carrier on or before November 15. Returned checks may cause a loss of the discount.

To receive any applicable discount you **MUST** make:

- **Full payment—**Receive a three percent (3%) discount on the amount of current year tax, as shown on your tax statement, if full payment is delivered, U.S. postmarked, or transmitted by private express carrier by **November 15.**
- **Two-thirds payment—**Receive a two percent (2%) discount on the amount of current year tax paid, as shown on your tax statement, if two-thirds payment is delivered, U.S. postmarked, or transmitted by private express carrier by **November 15.** Pay the final one-third (with no discount) by **May 15** to avoid interest charges.
- **One-third payment—**No discount allowed. Pay one-third by **November 15,** followed by another one-third payment by **February 15.** Pay the final one-third balance by **May 15.**

Interest is charged at a rate of 1.333% monthly, 16% annually. Interest is accrued on past due installment payments accordingly:

- First one-third installment payment, interest begins accruing on **December 16.**
- Second one-third installment payment, interest begins accruing **February 16.**
- Remaining one-third payment, interest begins accruing on **May 16.**

If the 15th falls on a weekend or legal holiday, the due date will be extended to the next business day.

Delinquent taxes and lien dates

All personal property tax is delinquent when any installment is not paid on time. The responsible taxpayer can be served with a warrant 30 days after delinquency. Personal property can be seized and other financial assets can be garnished.

Real property tax is delinquent if not paid by May 15. Foreclosure proceedings on real property begin when taxes have been delinquent for three years.

(*) Accounts subject to foreclosure

Real property tax accounts with an unpaid balance for any tax year marked with an (*) on the front of this statement are subject to foreclosure if not paid on or before May 15. Payments **MUST** be applied to the oldest tax first.

Review your value

If you think your property value is incorrect or if there has been a change to the value that you did not expect or understand, review it with the county assessor's office. Many assessors provide value information online. Visit your county assessor's website or call them for more details.

Appeal rights

If you think the **VALUE** of your property as shown on this statement is too high, you can appeal. Your appeal is to the county board of property tax appeals (BOPTA), except for state appraised industrial property. To appeal industrial property appraised by the Department of Revenue, you must file a complaint in the Magistrate Division of the Oregon Tax Court.

If you disagree with a **PENALTY** assessed for late filing of a real, personal, or combined property return, you may ask the county BOPTA to waive all or a portion of the penalty. See www.oregon.gov/dor/programs/property/pages/property-appeals.aspx.

When and where to appeal to BOPTA

File your petition by **December 31** with the **county clerk** in the county where the property is located. You can get petition forms and information from your **county clerk,** or at www.oregon.gov/dor/forms.

What to pay if you appeal

Follow the payment schedule to avoid interest charges and to receive applicable discounts. If your tax is reduced after appeal, any overpayment of property tax will be refunded.

Tax statement information is available in alternate formats, in compliance with the Americans with Disabilities Act (ADA). Contact your county tax collector.

8-22-22_v3

Mailing address change request (Mailing address changes only. An address change requires the owner's signature. Additional documentation may be required for name changes.)

Date: _____ Account number(s): _____

Name: _____

New mailing address: _____

_____

Phone: _____

Email: _____

Signature: X _____

1/1 70767

RS 9. B. 2/4/25
Reports - Batey

From: Lisa Batey
To: City Council; Peter Passarelli
Subject: notes from today"s MMC meeting
Date: Thursday, January 23, 2025 4:22:53 PM

Scott – please include this in the Feb 4 meeting package.

All:

The MMC had its first meeting of the year today, and as it was focused on the legislative session, I wanted to share a few highlights sooner rather than later. Bad news first.

- One of the Trump Executive Orders had to do with rolling back any IIJA funding devoted to EVs or EV charging. Who knows if it will survive legal challenge, but for now the grant that went to Tualatin to manage for a group of cities (including Milwaukie) is on hold.

- MMC Legislative Agenda – the version I circulated earlier this week is having two short additions: to emphasize mental health funding/system needs, and to call out support for utility affordability and resilience initiatives.

- The MMC lobbyists highlighted several items they expect to be highlights of the session:

    - Transportation: Creating funding for ODOT to the tune of approximately 1.75bil/year is still said to be the likely biggest financial/revenue lift of the term. Apparently the shape of any bill is still being held pretty closely, but the lobbyist suggested that this one will probably be a more active conversation later in the term, not in this first month or two. Mayors were particularly interested in revisiting the STIF funding to allow funding to go to more local shuttle/van systems to connect residents (and especially elderly residents and those with disabilities) to transit and destinations like grocery stores. There was a lot of dissatisfaction with TriMet's RideShare program. Interestingly, Sherwood, out of frustration with lack of service, bought a van and it is staffed by volunteer drivers from the community who run routes around town. I did also put in a plug for youth transit passes, as mentioned on Tuesday by Councilor Stavenjord.

    - Other funding priorities – although transportation is the main focus, the Governor is also expected to propose allocating more funding to K-12 schools, and to wildfire resilience and response. The mayors want to put in a call for enhancing mental health funding, noting that part of the concern about shifting some SHS funding to housing construction/acquisition is that counties are having to provide and fund mental health services because of enormous deficiencies in the state system.

    - Housing: As Councilor Anderson mentioned, the Governor's housing bill is HB 2138, and that is apparently her #1 policy bill. She is also expected to have a second bill that sets standards for state funding of infrastructure grants to support housing

development, and has proposed to allocate $100mil in lottery funds to such a pool (in contrast to the individual $1-3mil allocations many cities got last year). There was a lot of frustration from mayors that the Governor's bill once again moves the goal posts for middle housing and will be burdensome in terms of staff resources, without allowing adequate time to really know what is working and what is not from prior middle housing bills.

- Property tax measures: There are apparently several bills on property tax issues. Some are trying to highlight the problems of 5/50 and the straits they leave cities and counties in. Others, conversely, are attempting to create tax waivers for elderly and other categories of residents, which would make the burden on cities/counties even worse.

- SHS funding – as you've probably seen an email today from Here Together, Metro has indeed postponed the bond measure to the November ballot.

  Summary: Coalition of stakeholders requested moving SHS ballot measure from May to November 2025 to build broader support and improve the design of the program. The Metro Council agreed to shift timeline while maintaining urgency on improvements including:
  - Creating President's work group to start in February 2025
  - Finalizing long-delayed data sharing agreement between Metro's counties
  - Establishing clear regional metrics, KPIs, and overall goals or "North Star"

  There is talk of two different measures – one on the financial and duration aspects, and the other establishing H2PAC (?), a housing equivalent to JPACT and MPAC. There is a lot of jockeying and lack of consensus about who should be part of any such oversight body – a lot of feeling that it is being created as too Portland-heavy. Interestingly, although Mayor Wilson did not participate today, he has reached out to MMC members about wanting to work together. And his staffer, Nils Tilstrom, was listening in.

Apparently Ken Boddie's KOIN-6 "Eye on Politics" show on Sunday will feature a discussion with Mayors Beaty and Buck about MMC, about legislative priorities and SHS issues.

The March MMC meeting will be in person, in conjunction with the Greater Portland Inc (GPI) Small Cities Consortium. Tualatin Mayor Bubenik encouraged more cities to get involved with GPI – apparently it is mostly Tualatin, Tigard, Wilsonville and Sherwood that participate in this Small Cities Consortium. Bubenik said that GPI offers city some helpful resources for economic development work.

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