

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
September 6, 2011**

CALL TO ORDER

Mayor Ferguson called the 2109th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Assistant to the City Manager Teri Bankhead, Engineering Director Gary Parkin, Civil Engineer Zach Weigel, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Recognition of Outgoing Budget Committee Members

Mayor Ferguson and Councilors recognized Melissa Arne, David Aschenbrenner, and Leslie Schockner for their service to the community on the Budget Committee.

CONSENT AGENDA

Mayor Ferguson read the consent agenda items.

It was moved by Councilor Chaimov and seconded by Councilor Miller to remove consent agenda items 3.C, the Resolution approving the award of a contract for the construction of Harrison St (Highway 224 to 42nd Ave) Water System Improvements Phase I, and 3.D, the Resolution authorizing a memorandum of understanding with TriMet for development of a light rail building, for a separate vote. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting "aye."

It was moved by Councilor Chaimov and seconded by Councilor Miller to approve the consent agenda as modified:

- A. Resolution No. 78-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Clare Fuchs to the Milwaukie Planning Commission;
- B. Resolution No. 79-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Lisa Gunion-Rinker to the Milwaukie Park and Recreation Board;
- E. A Letter of Support for the 17th Avenue Multi-Use Trail for a Regional Flexible Fund Allocation;
- F. OLCC Application, Short Snout Brewing, 9554 SE 38th Avenue, new outlet; and
- G. City Council Minutes:
 - 1. July 19, 2011 Work Session;
 - 2. July 19, 2011 Regular Session;
 - 3. August 2, 2011 Work Session

Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting "aye."

Contract Award for the Harrison Street Water Main Replacement Project

Mr. Parkin reported on the budgeting issue related to this project and the fiscal ramifications of awarding this contract. \$325,000 was budgeted for the project. In addition to increased construction costs, the project was extended to include 32nd Avenue to Hwy. 224 to accommodate the Harrison Street Quiet Zone making the total construction \$527,381.80. If this contract award were approved, the City would be committed to following through with a supplemental budget later this year in which of \$187,381 in water system development charge (SDC) funds would be allocated for the expenditure.

Councilor Chaimov understood this meant the City would build what was planned for both this fiscal year and the next.

It was moved by Councilor Chaimov and seconded by Councilor Hedges to adopt the resolution approving a contract for Harrison Street Water System Improvements Phase 1 with Jim Smith Excavating in the amount of \$572,381.80. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”

RESOLUTION NO. 80-2011:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF HARRISON ST (HIGHWAY 224 TO 42ND AVENUE) WATER SYSTEM IMPROVEMENTS PHASE 1.

Memorandum of Understanding

Mayor Ferguson announced he had inquired with the Oregon State Ethics Commission regarding his involvement in light rail funding for the City of Milwaukie and had been advised his participation would be a conflict of interest. He excused himself from the meeting, and Council President Chaimov presided.

It was moved by Council President Chaimov and seconded by Councilor Hedges to adopt consent agenda item 3.D, the Resolution authorizing a memorandum of understanding with TriMet for development of a light rail building as modified. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis voting “aye” and Mayor Ferguson recusing himself. [4:0]

RESOLUTION NO. 81-2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH TRIMET FOR THE DEVELOPMENT OF A LIGHT RAIL STATION BUILDING ADJACENT TO THE STATION TO BE BUILT IN DOWNTOWN MILWAUKIE AT SE 21ST AVENUE AND SE LAKE ROAD.

AUDIENCE PARTICIPATION

Gwen L. Alvarez, Milwaukie, addressed banning plastic bags in the City of Milwaukie and how that might affect residents suffering under current economic conditions. This was more about creating a habit, and she suggested having a circle of sewers who would make bags from used t-shirts. She urged a ban on bags for retailers modeled in the bill before the State Legislature this past session.

Vincent Alvarez, Milwaukie, provided information on cities that had already implemented bag bans and noted reusable bags were a habit that people could acquire.

Councilor Hedges supported the ban but had gotten a negative response to his *Pilot* article. Most people indicated they used their plastic bags more than once for a variety of purposes.

Mr. Alvarez observed there had been an overwhelming desire not to have light rail, but it was coming. He thought few people used their bags multiple times and noted people might have to be brought along kicking and screaming.

Mayor Ferguson looked forward to arranging a grocers' summit on the matter.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. File #A-11-04 – Expedited Annexation of 9320 SE Stanley Avenue – Ordinance

Ms. Mangle provided the staff reports. The septic system on the subject property had failed, and the City allowed an emergency connection to its system in the North East Sewer Extension (NESE) Area. The property will be in the R-7 zone upon annexation. There is currently a single-family residence on the property which was allowed outright in that zone. The application met all relevant federal, state, and regional regulations, and no objections to the annexation were received from any necessary party. Staff, therefore, recommended approval of the expedited annexation of the property located at 9320 SE Stanley Avenue.

It was moved by Councilor Hedges and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as 9320 SE Stanley Avenue into the City Limits of the City of Milwaukie and withdrawing the tract from the territory of Clackamas County Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights – File #A-11-04. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”[5:0]

Mr. Monahan read the ordinance two times by title only.

Ms. DuVal polled the Council: **Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”[5:0]**

ORDINANCE NO. 2038:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS 9320 SE STANLEY AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS – FILE #A-11-04

B. File #A-11-05 – Expedited Annexation of 10113 SE Hollywood Avenue – Ordinance

Ms. Mangle provided the staff reports. The property has a septic system that was beginning to fail, and the property owner has begun the process of obtaining permits to connect to the City's wastewater service in the North East Sewer Extension (NESE) Area. The property is zoned County R-10 and will retain that zoning upon annexation to the City of Milwaukie. There was currently a duplex on the site which is allowed conditionally, not outright, in an R-10 zone. Staff research indicated that the duplex was

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MINUTES

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a legal, non-conforming use and would be a de facto conditional use upon annexation. The application met all relevant federal, state, and regional regulations, and no objections to the annexation were received from any necessary party. Staff, therefore, recommended approval of the expedited annexation of the property located at 10113 SE Hollywood Avenue.

It was moved by Councilor Miller and seconded by Councilor Chaimov for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as 10113 SE Hollywood Avenue into the City Limits of the City of Milwaukie and withdrawing the tract from the territory of Clackamas County Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights – File #A-11-05. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”[5:0]

Mr. Monahan read the ordinance two times by title only.

Ms. DuVal polled the Council: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”[5:0]

ORDINANCE NO. 2039:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS 10113 SE HOLLYWOOD AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS – FILE #A-11-05.

C. Adoption of the South Downtown Concept Plan – Resolution

Mr. Asher and **Ms. Mangle** reported that staff recommended adoption of the South Downtown Plan and sought direction to undertake the described work elements. Mr. Asher reviewed the background of the Plan development that included significant public input and summarized the elements of the Plan. He felt an adopted vision would give staff the necessary direction on what would be built and what was and was not realistic. The Plan was shared with the Planning Commission and Design and Landmarks Committee and feedback indicated support to have this list attached to the South Downtown Plan developed for the City by Walker Macy. This action was essential in getting to the new vision. It was neither the last step nor was it a commitment to funding. Rules and regulations would be developed based on direction and impetus.

Ms. Mangle discussed the preliminary implementation plan. With the support of a powerful vision, City staff would have some teeth in working with TriMet on its major public investment. She noted several property owners had expressed interest in redevelopment. She and Mr. Asher have been developing a preliminary implementation plan and were seeking direction to pursue it. This will require significant work and a lot of creativity. Some changes would need to be made to the Downtown Plan in order to reconcile the visions, and certain areas would be rezoned to be specific to what the community asked. There would be a broad number of uses that would require some limitations, and buildings would probably have some stringent standards. She discussed how one might feasibly attract people to the South Downtown with food carts and perhaps holding a second weekday Farmers’ Market and expand the use of Dogwood Park. The Triangle site, Kellogg for Coho, and other natural areas and features were part of the Plan.

Councilor Loomis appreciated staff's work on the community involvement process. He was pleased it incorporated the natural elements.

Councilor Miller was one of the original members of the Group of 9 that worked on developing the Pattern Language as well as the subsequent larger group. He thought it was a good plan and foresaw the likelihood of having disagreements every step of the way. He felt the City should look forward and take the next step.

Councilor Chaimov thanked Councilor Loomis for his participation and staff for running such a thoughtful and inclusive process.

Councilor Hedges thought it was an exciting plan and understood the need for a concept. He was concerned, however, about spending 90% of the City's funds on six blocks. It was important to remember the other areas of the City. He would support the Plan but not spending megabucks on it.

It was moved by Mayor Ferguson and seconded by Councilor Chaimov for adoption of the resolution adopting the South Downtown Concept Plan and directing staff to undertake work elements described in a Preliminary Implementation Strategy. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting "aye." [5:0]

RESOLUTION NO. 82-2011:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE SOUTH DOWNTOWN CONCEPT PLAN AND DIRECTING STAFF TO UNDERTAKE WORK ELEMENTS DESCRIBED IN A PRELIMINARY IMPLEMENTATION STRATEGY.

D. Council Reports

Mayor Ferguson and Councilors provided an update on meetings they attended on behalf of the City and announced upcoming community events.

ADJOURNMENT

It was moved by Councilor Hedges and seconded by Councilor Miller to adjourn the meeting. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting "aye." [5:0].

Mayor Ferguson adjourned the regular session at 8:15 p.m.

Respectfully submitted,

Pat DuVal, Recorder

REGULAR SESSION

AGENDA

MILWAUKIE CITY COUNCIL SEPTEMBER 6, 2011

MILWAUKIE CITY HALL
10722 SE Main Street

2109th MEETING

REGULAR SESSION – 7:00 p.m.

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No. |
|--|-------------|
| 1. CALL TO ORDER Pledge of Allegiance | |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS | |
| A. Recognition of Outgoing Budget Committee Members Melissa Arne, David Aschenbrenner, and Leslie Schockner | |
| 3. CONSENT AGENDA <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i> | 1 |
| A. Resolution Appointing Clare Fuchs to the Milwaukie Planning Commission | 2 |
| B. Resolution Appointing Lisa Gunion-Rinker to the Milwaukie Park and Recreation Board | 4 |
| C. Resolution Approving the Contract for Harrison Street Water System Improvements Phase I | 6 |
| D. Resolution Authorizing a Memorandum of Understanding with TriMet for Development of a Light Rail Building | 14 |
| E. Letter of Support for the 17th Avenue Multi-Use Trail for a Regional Flexible Fund Allocation | 26 |
| F. O.L.C.C. Application – Short Snout Brewing, 9554 SE 38th Avenue, new outlet | 34 |
| G. City Council Minutes | 38 |
| 1. July 19, 2011 Work Session | |
| 2. July 19, 2011 Regular Session | |
| 3. August 2, 2011 Work Session | |
| 4. AUDIENCE PARTICIPATION <i>(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The</i> | |

Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)

5. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
- A. **None scheduled.**
6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)* **58**
 - A. **File #A-11-04 – Expedited Annexation of 9320 SE Stanley Avenue – Ordinance** **59**
Staff: **Brett Kelter, Associate Planner**
 - B. **File #A-11-05 – Expedited Annexation of 10113 SE Hollywood Avenue – Ordinance** **91**
Staff: **Ryan Marquardt, Associate Planner**
 - C. **Adoption of South Downtown Concept Plan – Resolution** **121**
Staff: **Kenny Asher, Community Development and Public Works Director**
 - D. **TriMet Funding** **215**
Staff: **Bill Monahan**
 - E. **Council Reports**
7. **INFORMATION**
8. **ADJOURNMENT**

Public Information

- **Executive Session:** The Milwaukie City Council may meet in executive session immediately following adjournment of the regular session pursuant to ORS 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

3.
CONSENT AGENDA



Agenda Item: 3.A.
Meeting Date: September 6, 2011

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Appointment of Clare Fuchs to the Milwaukie Planning Commission

Prepared By: Teri Bankhead **Dept. Head Approval:** Bill Monahan **City Mgr. Approval:** Bill Monahan

ISSUE BEFORE THE COUNCIL

Recommendation to appoint Clare Fuchs to the Milwaukie Planning Commission

STAFF RECOMMENDATION

Make appointment to vacant seat on the Milwaukie Planning Commission

KEY FACTS & INFORMATION SUMMARY

One vacancy currently exists on the Planning Commission. Five applications were received and all individuals were interviewed by Mayor Ferguson, Councilor Hedges, and Katie Mangle. Ms. Fuchs was recommended by the interview panel for appointment.

OTHER ALTERNATIVES CONSIDERED

n/a

CITY COUNCIL GOALS

No associated goal

ATTACHMENT LIST

n/a

FISCAL NOTES

n/a

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING CLARE FUCHS TO THE MILWAUKIE PLANNING COMMISSION.

WHEREAS, a vacancy exists on the Milwaukie Planning Commission; and

WHEREAS, Milwaukie Charter Section 26 provides that, “the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body,” and

WHEREAS, Clare Fuchs possesses the necessary qualifications to serve on the Milwaukie Planning Commission.

Now, therefore, the City of Milwaukie, Oregon resolves as follows:

SECTION 1: That Clare Fuchs is appointed to the Milwaukie Planning Commission.

SECTION 2: That her term of appointment shall commence September 6, 2011 and shall expire on March 31, 2015.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on September 6, 2011.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Resolution No. _____



Agenda Item: 3.B.
Meeting Date: September 6, 2011

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Appointment to the Milwaukie Parks and Recreation Board

Prepared By: Teri Bankhead

Dept. Head Approval: Bill Monahan

City Mgr. Approval: Bill Monahan

ISSUE BEFORE THE COUNCIL

Recommendation to Appoint Lisa Gunion-Rinker to the Milwaukie Parks and Recreation Board

STAFF RECOMMENDATION

Make appointment for vacant seat to the Milwaukie Parks and Recreation Board

KEY FACTS & INFORMATION SUMMARY

One vacancy exists on the Milwaukie Parks and Recreation Board. Two applications were received and all individuals were interviewed by Mayor Ferguson, Councilor Miller, and JoAnn Herrigel. Lisa Gunion-Rinker was recommended by the interview panel for appointment.

OTHER ALTERNATIVES CONSIDERED

n/a

CITY COUNCIL GOALS

No associated goal

ATTACHMENT LIST

n/a

FISCAL NOTES

n/a

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING LISA GUNION-RINKER TO THE MILWAUKIE PARKS AND RECREATION BOARD.

WHEREAS, a vacancy exists on the Parks and Recreation Board; and

WHEREAS, Milwaukie Charter Section 26 provides that, “the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body,” and

WHEREAS, Lisa Gunion-Rinker possesses the necessary qualifications to serve on the Milwaukie Parks and Recreation Board.

Now, therefore, the City of Milwaukie, Oregon resolves as follows:

SECTION 1: That Lisa Gunion-Rinker is appointed to the Milwaukie Parks and Recreation Board.

SECTION 2: That her term of appointment shall commence immediately and shall expire on March 31, 2013.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on September 6, 2011.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Resolution No. _____



Agenda Item: 3.C.
Meeting Date: September 6, 2011

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Contract Approval for Harrison St Water System Improvements Phase I

Prepared By: Zachary Weigel

Dept. Head Approval: Gary Parkin

City Mgr. Approval: Bill Monahan

ISSUE BEFORE THE COUNCIL

Approve construction of the Harrison St Water System Improvements Phase I project between Highway 224 and 42nd Ave.

STAFF RECOMMENDATION

Authorize the City Manager to sign the Harrison Street Water System Improvements Phase I public improvements contract.

KEY FACTS & INFORMATION SUMMARY

- The construction project consists of replacement of approximately 3000 lineal feet of the existing 6” and 8” water main, including appurtenances, on Harrison St between Highway 224 and 42nd Ave with 8” ductile iron water line.
- The project will replace the existing aging water system. This is needed prior to construction of the Harrison St Quiet Zone Improvements and Harrison St Street Surface Maintenance Program (SSMP) Phase I projects scheduled for Spring, 2012.
- Jim Smith Excavating submitted the lowest, responsible bid as part of the City’s competitive bidding process.

OTHER ALTERNATIVES CONSIDERED

Not Applicable

CITY COUNCIL GOALS

This project is included in the 2012-2016 CIP and 2011/12 Budget adopted by the City Council in June 2011.

ATTACHMENT LIST

- Staff Report
- Resolution
- Vicinity Map

FISCAL NOTES

- The Harrison St Water System Improvements Phase I project is part of the 2011/12 budget.
- Project funding includes \$325,000 in the Water Capital and Reserve Fund.
- The remainder of project funding includes \$247,381.80 in Water System Development Charges.



To: Mayor and City Council

Through: Bill Monahan, City Manager
Kenny Asher, Community Development and Public Works Director
Gary Parkin, Engineering Director

From: Zachary Weigel, Civil Engineer

Date: August 25, 2011 for September 6th Regular Session

Subject: Contract Approval for Harrison St Water System Improvements Phase I

ACTION REQUESTED

Authorize the City Manager to sign a contract for the construction of the Harrison St Water System Improvements Phase I Project (between Highway 224 and 42nd Ave) with Jim Smith Excavating, in the amount of \$572,381.80.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

June 2011: City Council adopted the 2012-2106 Capital Improvement Plan and the 2011/2012 Budget, including the Harrison St Water System Phase I Improvements.

BACKGROUND

The 2012-2016 Capital Improvement Plan identified the Harrison St Water System Improvements Phase I as a project to be completed in the 2011/12 fiscal year. The project includes the work shown on the Project Vicinity Map (Attachment 2) and the elements as described below:

- A. Replace approximately 3000 lineal feet of existing 6" and 8" water main on Harrison St with 8" ductile iron water line.
- B. Replace approximately 50 water services on Harrison St with 1" copper water service pipe.
- C. Bore 100 lineal feet of 16" steel casing and install new 8" HDPE water main undercrossing Union Pacific rail track on Harrison St.
- D. Relocate an existing pressure reducing station out of 32nd Ave and Harrison St intersection and into the southern sidewalk on Harrison St just west of 32nd Ave.

Replacement of the existing 6” and 8” water line on Harrison St is not specifically listed as a project in the Milwaukie Water System Master Plan. However, the Water Operations Division has identified a need to replace this water main due to its age, material, and required support of planned street improvement projects within the project limits. According to Milwaukie records, the existing water line on Harrison St was constructed prior to 1940 and was constructed with cast iron pipe and lead packed joints. The expected useful life of this type of water piping is between 40 and 50 years. With a current age of at least 70 years, the existing pipe on Harrison St has greatly exceeded its expected life.

The Water Operations Division is experiencing an increased frequency of needed repairs to water lines of the same age and material as on Harrison St. This increased frequency is likely because these water lines have exceeded their expected design life. A type of break that has been occurring with increased frequency is a fracture of the bell section of the cast iron pipe, which causes the water main to leak. The bell is the end of a length of pipe where the pipe flares outward, creating a larger diameter to accept the spigot end of the next length of pipe. This connection point is called the “pipe joint” and is where the lead packing is installed to create a tight seal. When the bell section of a pipe fractures, the water main must be shut down and the entire joint cut out and a new section of pipe “sleeved” into place. Such a repair is time exhaustive, expensive, and is disruptive to water system customers.

There are two street improvement projects scheduled to be constructed on Harrison St in Spring of 2012. These projects are the Harrison St Quiet Zone Improvements and Harrison St Street Surface Maintenance Program (SSMP) Phase I. Upon completion of these two street construction projects, Harrison St will have a new paved surface between Highway 224 and 42nd Ave. Due to the likelihood of a future water line leak and repair within the new street construction limits, the existing water line on Harrison Street needs to be replaced prior to completion of the two street improvement projects.

The Harrison St Water System Improvement Phase I project went through a competitive bidding process in accordance with Chapter 30 of the City’s Public Contracting Rules. The City received 8 bids before the August 24, 2011 2:00 PM bid opening. The following table is a summary of all bid amounts as well as the engineer’s estimate.

| | Contractor | Bid Amount |
|----|-------------------------------|-------------------|
| 1 | Jim Smith Excavating | \$572,381.80 |
| 2 | Dunn Construction | \$579,015.50 |
| 3 | Subcom Excavation & Utilities | \$595,469.85 |
| 4 | M.L. Houck Construction | \$629,990.75 |
| 5 | JW Underground | \$655,457.00 |
| 6 | Dirt & Aggregate Interchange | \$662,771.00 |
| 7 | Moore Excavation | \$673,266.00 |
| 8 | Banzer Construction | \$691,532.50 |
| ** | Engineers Estimate | \$523,279.00 |

Selection of the Contractor was based on the lowest responsive bid submitted in conformance with the Contract Documents. The lowest responsive bid was submitted by Jim Smith Excavating, a construction firm from Oregon City, OR. Although Jim Smith Excavating does not have recent experience working with the City of Milwaukie, the firm has experience with similar construction projects in nearby municipalities.

Construction is expected to begin the third week of September. The project should last 75 days, with an expected completion date at the beginning of December. During construction, the Contractor will maintain local access to properties within the construction limits at all times. One-way traffic with flaggers can be expected on Harrison St during construction hours, but restored to two-way traffic on weekends and evenings. Also, side streets off of Harrison St will be closed to through traffic during construction hours during certain portions of the work. Disruptions to traffic will be minimized as much as possible.

There will be interruptions of water service for short periods during service connections and water main connections. For this reason, water service interruptions for businesses on 42nd Avenue between King Rd and Harrison St, and Harrison St between 42nd Ave and 44th Ave will only be allowed during evening hours when businesses are closed.

A communications plan regarding construction notification, water service interruption, and traffic control will be developed and implemented in coordination with the Milwaukie Public Affairs Coordinator.

CONCURRENCE

Engineering staff coordinated with Operations staff on both the concept and design phases of the project. This project was reviewed and approved as a high priority project by the Citizens Utility Advisory Board (CUAB) and Budget Committee as part of the Capital Improvement Program and 2011-12 Budget process.

FISCAL IMPACT

Project costs are included in the 2011-12 Budget. The approved Water Fund budget includes \$325,000.00 in Water Capital and Reserve funds for construction. The recommended bid for total construction cost for this project is \$572,381.80 (more than the budgeted amount). The original budget for the Harrison St Water System Improvement Phase I project was based on a similar water line project completed a few years ago. Construction costs have increased since this time and are reflected in the engineer's estimate and the bid price. Also, the west construction limits of this water line project were extended from 32nd Ave to Highway 224 to accommodate the Harrison St Quiet Zone Improvements and Harrison St Street Surface Maintenance Program (SSMP) Phase I projects. Extension of the project limits resulted in an additional 400 lineal feet of pipe replacement and construction of an undercrossing of the Union Pacific rail track. Upon completion of the design, the updated engineer's estimate increased by approximately \$200,000.

Engineering staff, in coordination with Finance staff, have identified additional funding available in the Water SDC fund. As a result, \$325,000 of the project will be funded through Water Capital and Reserves funds and the remainder, \$247,381.80, will be funded through Water SDC funds to complete the project.

WORK LOAD IMPACTS

Engineering staff will provide project management throughout the course of the construction, including the following:

- Enforcement of contract provisions
- Interpretation of construction plans and specifications

- Negotiation of changes to contract provisions when necessary
- Acceptance of furnished materials
- Ensurance of conformance with Bureau of Labor and Industries requirements
- Management and coordination between the contractor, public, City departments, and regulatory agencies.
- Measurement of quantities
- Issuance of payments for work completed

Construction inspection will be provided by “in-house” Engineering staff for the duration of this project. This will reduce the cost of the project and slightly increase the workload of the Engineering staff. Construction inspection duties include ensuring the work is performed in accordance with City construction specifications by visually inspecting the materials and installation processes during construction operations. Also, inspection duties include documenting the work by providing detailed written reports, photographic evidence, and measurement of quantities on a daily basis. Engineering staff work load to provide project management and inspections duties will require approximately 60%-70% of one staff engineer’s time or 0.6 FTE – 0.7 FTE.

The Water Operations staff will assist construction operations by responding to water system emergencies, performing water system shutdowns, and providing general project support when necessary.

ALTERNATIVES

1. Do not award the project (defer indefinitely)
 - If council wishes not to award the project and remove it from the CIP list.
2. Re-bid the project without amendments
 - If council approves of the project need and design but thinks the project should be re-bid for any reason.
3. Direct the staff to modify the project and re-bid
 - If council does not approve of the project design and/or thinks that rebidding could reduce cost.

ATTACHMENTS

1. Resolution
2. Project Vicinity Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF HARRISON ST (HIGHWAY 224 TO 42ND AVE) WATER SYSTEM IMPROVEMENTS PHASE I.

WHEREAS, the existing 6” and 8” waterline on Harrison St between Highway 224 and 42nd Ave is deficient in structure and service reliability; and

WHEREAS, water system improvements were approved for funding in the 2011-2012 budget and 2012-2016 Capital Improvement Plan; and

WHEREAS, Jim Smith Excavating, Inc. is the lowest responsive and responsible bidder;

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie authorizes the City Manager to sign a contract for the construction of Harrison St Water System Improvements Phase I with Jim Smith Excavating, Inc., in the amount of \$572,381.80.

Introduced and adopted by the City Council on September 6, 2011.

This resolution is effective on September 6, 2011.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

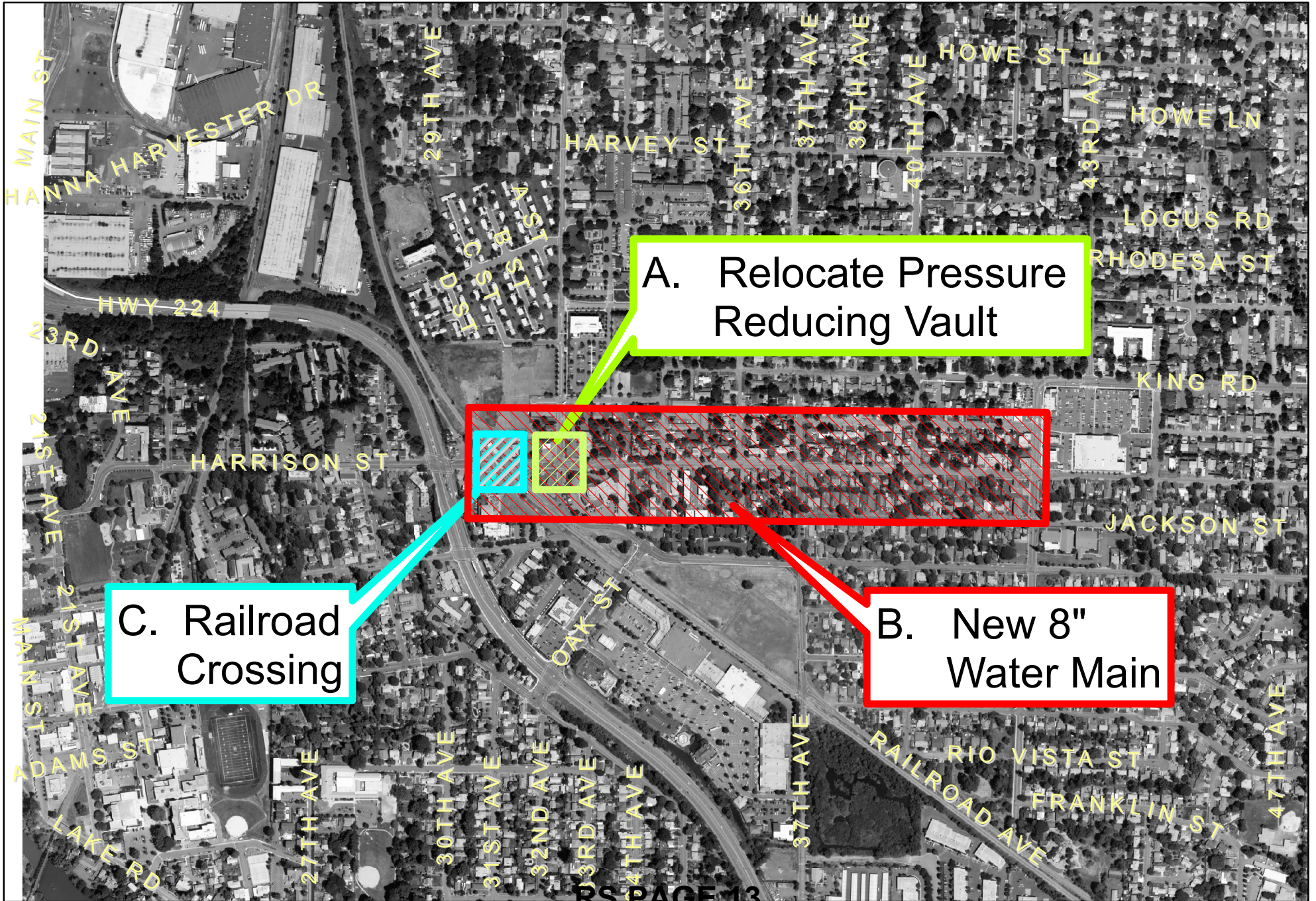
Pat DuVal, City Recorder

City Attorney

Document1 (Last revised 09/18/07)

Harrison St. Waterline Improvements Project Overview

Attachment 2





Agenda Item: 3.D.
Meeting Date: September 6, 2011

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Approve a Memorandum of Understanding with TriMet for Triangle Site Development

Prepared By: Jeanne Garst

Dept. Head Approval: Kenny Asher

City Mgr. Approval: Bill Monahan

ISSUE BEFORE THE COUNCIL

Staff is requesting authorization from Council for the City Manager to sign a Memorandum of Understanding (MOU) with TriMet for the development of a light rail station building adjacent to the station to be built in downtown Milwaukie at SE 21st Avenue and SE Lake Road.

STAFF RECOMMENDATION

Staff is recommending Council authorize the City Manager to sign the MOU with TriMet.

KEY FACTS & INFORMATION SUMMARY

At the August 16, 2011, City Council meeting Council directed staff to move forward with the development of the MOU.

OTHER ALTERNATIVES CONSIDERED

Not applicable.

CITY COUNCIL GOALS

Goal 8: Develop the station building with the Light Rail line so the building is in place when the light rail line opens in Milwaukie.

ATTACHMENT LIST

1. Memorandum of Understanding with TriMet
2. August 16, 2011 Staff Report to Council
3. Resolution

FISCAL NOTES

None. The development solicitation and development agreement negotiation will not incur City funds.



To: Mayor and City Council
Through: Bill Monahan, City Manager
From: Kenneth Asher, Director of Community Development & Public Works
Date: August 26 for the September 6, 2011 Regular Session
Subject: Light Rail Station Building Joint Development Offering MOU

ACTION REQUESTED

Staff is requesting authorization from Council for the City Manager to sign a Memorandum of Understanding (MOU) with TriMet for the development of a light rail station building adjacent to the station to be built in downtown Milwaukie at SE 21st Avenue and SE Lake Road.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

August 2011: PSAC, at their August 25 meeting, offers support for the building with a small police suite as the preliminary plans show.

August 2011: Council directs staff to move forward with developing the MOU with TriMet.

BACKGROUND

At the August 16, 2011 City Council meeting staff presented a progress report on TriMet's process for offering land to be acquired as part of the Portland-Milwaukie light rail project for the development of a light rail station building adjacent to the station to be built in downtown Milwaukie at SE 21st Avenue and SE Lake Road (see Attachment 2 – 8/16/11 staff report). At that meeting Council indicated support for staff to move forward with the MOU with TriMet for the triangle site development.

CONCURRENCE

TriMet and City staff have collaborated on the MOU. The development concept has the support of the Design and Landmarks Committee, PSAC and members of the community that have commented as part of the light rail process.

FISCAL IMPACT

None. The development solicitation and development agreement negotiation will not incur City funds.

WORK LOAD IMPACTS

Community Development and Planning staff will work on this project, which is in their respective workplans. The CD staff is currently down 1.5 FTE.

ALTERNATIVES

Not applicable.

ATTACHMENTS

1. Memorandum of Understanding with TriMet
2. August 16, 2011 Staff Report to Council
3. Resolution

ATTACHMENT 1

MEMORANDUM OF UNDERSTANDING

Regarding Transit-Oriented Development of the Triangle Site

This Memorandum of Understanding (“Agreement”) is entered into this ___ day of _____, 2011, by and between **TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON** (“TriMet”), located and **CITY OF MILWAUKIE** (“City”), collectively (“Parties”) and individually (“Party”).

Recitals

- A. TriMet is designing and constructing the Portland-Milwaukie Light Rail project.
- B. TriMet and the City entered a Memorandum of Understanding in June 2008 concerning transit improvements in Milwaukie over a ten-year period (2008-2018), which included a commitment to examine joint development projects that would enhance Milwaukie’s vitality.
- C. The Light Rail project requires acquisition of property located at SE 21st Avenue and SE Lake Road to accommodate the Downtown Milwaukie MAX station.
- D. The property, known as the Triangle Site, will be purchased by TriMet with Federal Transit Administration (FTA) New Starts funds.
- E. Approximately 8,600 square feet of the Triangle Site will not be occupied by light rail facilities.
- F. The City has established a conceptual design for development of the Site, which derived from a three-year community planning process known as the South Downtown Plan.
- G. Both the conceptual design for the Site (known as the “Light Rail Station Building”) and the South Downtown Plan enjoy support from the Milwaukie community and have been endorsed by the Milwaukie city council as the city’s future vision for the area.
- H. Parties agree that transit-oriented development of the site would increase light rail ridership, and help catalyze the economic revitalization of downtown Milwaukie.
- I. Because the Site will be purchased with FTA funds, it will be subject to FTA’s joint development rules. TriMet has successfully developed a number of properties in accordance with these rules and the Parties believe this particular expertise will be critical to successful development of the Triangle Site.

Section 1. Purpose and Scope of Agreement

- 1. The purpose of this Agreement is to express the Parties’ understanding regarding their respective project management, technical and financial roles, as well as the coordination of staff and financial resources that will result in the construction of a high-quality transit-oriented development project.
- 2. This Agreement is a statement of the current intent of the Parties, and does not create a binding agreement between the Parties and may not be relied upon as a basis for a contract by estoppel, or serve as the basis for a claim based on detrimental reliance or any other theory.
- 3. The Parties agree that all public communications concerning the work contemplated by this Agreement (e.g., press releases or information provided to the media) will be undertaken jointly by the Parties.

Section 2: Project Management

1. The Parties hereby designate the following Project Managers:

TriMet Jillian Detweiler
 TriMet
 710 NE Holladay St
 Portland, Or 97232
 (503) 962-2292
 detweilj@trimet.org

City Kenny Asher
 City of Milwaukie
 6101 SE Johnson Creek Blvd.
 Milwaukie, Or 97212
 (503) 786-7654
 AsherK@ci.milwaukie.or.us

2. The Project Managers are responsible for leadership of the Triangle Site transit-oriented development (TOD) as described in sections 3 through 6 of this Agreement.

Section 3: TriMet's Technical Roles and Responsibilities

1. Acquisition of the property.
2. Preparation of a development solicitation, which will include information about the light rail project and its interface with the Site.
3. Distribution of development solicitation.
4. Coordination of source evaluation process including assembling the source evaluation panel.
5. Selection of developer.
6. Negotiation of development agreement.
7. Preparation of materials to seek TriMet Board approval with development agreement.
8. Preparation of materials to seek FTA concurrence with disposal of the Site for joint development.
9. Transfer of property in accordance with development agreement and any FTA conditions.
10. Design and construction of station improvements in a manner that preserves the developable area of the Site consistent with the 60% Final Design plans.

Section 4: City's Technical Roles and Responsibilities

1. Evaluation and adoption of TOD-friendly zoning code amendments necessary to allow a project consistent with the conceptual design to be permitted.
2. Review of light rail Final Design to ensure developable area of Site is preserved consistent with the 60% Final Design.
3. Promotion of the vision for the future of South Downtown area, by:
4. Meeting with developers and potential building users to elevate interest in the Triangle Site development opportunity
5. Implementing the South Downtown Plan by updating city planning documents and continuing to work with property owners in the South Downtown area to coordinate private redevelopment and/or real estate plans and aspirations.
6. Amending parts of the zoning code that impede the revitalization of Main Street.
7. Working with businesses and property owners on various Main Street initiatives.
8. Providing input on the development solicitation, including information about conceptual design for the Site and planning in the area, transportation and circulation issues, zoning and permitting requirements, design review requirements, application fees, system development charges and fee waivers available to the selected development team.
9. Participation on the source evaluation panel.
10. Management of communications with interested Milwaukie committees, business groups and other civic organizations about the project.

Section 5: TriMet's Financial Responsibilities

1. Staffing and materials necessary to carry out its technical roles and responsibilities as described in Section 2.
2. Third-party products necessary for Board and FTA approval.
3. Write-down of property value, subject to FTA rules.

Section 6: City's Financial Responsibilities

1. Staffing and materials necessary to carry out technical responsibilities described in Section 4.
2. Third-party and other costs associated with stakeholder involvement

3. Fee waivers, tax abatement programs, frontage improvement subsidies, SDC waivers and other incentives that the City determines are necessary and appropriate to achieve the development described in the development solicitation.

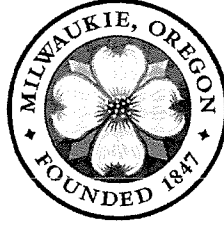
Daniel E. Blocher, P.E.
Executive Director, Capital Projects
TriMet

Bill A. Monahan
City Manager
City of Milwaukie

Milwaukee Triangle Site Redevelopment Process

| | |
|-----------------|---|
| Now – Oct 2011 | CoM develops and distributes materials to market S. Milwaukee vision |
| Summer 2011 | Environmental investigation of UP property |
| June 2011 | Draft MOU between CoM, TriMet and possibly Metro regarding joint development roles and responsibilities |
| July 2011 | Execute MOU |
| Sept – Nov 2011 | Draft and finalize RFQ |
| Nov 2011 | Develop RFQ distribution plan |
| March 2012 | Complete acquisition of Site |
| March, 2012 | Issue RFQ |
| April, 2012 | Preproposal conference |
| April 2012 | Proposals due |
| May 2012 | Stakeholder input on proposals |
| May 2012 | Proposal evaluation |
| May 2012 | Interviews if needed |
| May 2012 | Selection team recommends developer to TriMet E.D. |
| June 2012 | Adopt zoning code changes necessary to permit the desired type of development |
| June, 2012 | Developer selected |
| June – Oct 2012 | Negotiate development agreement (Length on time depends on developer) |
| Aug – Oct 2012 | Prepare material to submit to FTA |
| October 2012 | TriMet Board authorizes GM to enter into development agreement |
| Nov 1 2012 | Seek FTA concurrence with joint development |
| Jan 2013 | FTA Approval |
| Feb 2013 | Amend development agreement consistent with FTA direction, if any |
| March 2013 | TriMet and developer execute development agreement |

ATTACHMENT 2



To: Mayor and City Council

Through: Bill Monahan, City Manager

From: Kenneth Asher, Director of Community Development & Public Works

Date: August 5, 2011 for the August 16 Regular Session

Subject: Progress Report on the Light Rail Station Building Joint Development Offering

ACTION REQUESTED

No action requested. This is a progress report on TriMet's process for offering land to be acquired as part of the Portland-Milwaukie light rail project for the development of a light rail station building adjacent to the Downtown Milwaukie/SE 21st station.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

April 2011: Council adopts Resolution 46-2011 identifying completion of the Light Rail Station building (by the time the light rail project opens) as one of 20 City Council goals.

December 2010: Staff provided a progress report on the design and process integration of the proposed Light Rail Station Building on the "Triangle Site" adjacent to the downtown Milwaukie light rail platforms.

September 2010: Staff provided a progress report to Council on concept planning in the South Downtown area, which included information about design work underway specific to the light rail station building.

February 2010: Council was updated on the overall Community Development workplan, which included the light rail station building.

October 2009: Staff, along with CES, provided Council with an update on South Downtown planning, which focused on the recent completion of a Pattern Language document that memorialized the community's desire for a light rail station building (Pattern 5).

June 2008: The City Council adopted a ten-year MOU with TriMet (Umbrella Agreement) that, among other things, committed the two parties to working together on a joint development project on the "Triangle Site".

BACKGROUND

In 2008, the City and TriMet executed a Memorandum of Understanding (MOU) known as the “Umbrella Agreement” as a statement of intent to develop transit-related plans, funding strategies, service enhancements and facility improvements in downtown Milwaukie for the ten year period from 2008 to 2018. Section 5c of this agreement addressed joint development opportunities on sites that could enhance the effectiveness of the light rail project while contributing to downtown Milwaukie’s revitalization. The Triangle Site was named as one such site, and the City subsequently engaged in a design process to articulate the community’s vision for a building that could help integrate the light rail project in Milwaukie’s south downtown district. (For more background on that building concept and the design process, see the 12/7/10 City Council Work Session Report).

The light rail project requires acquisition of property located at SE 21st and Lake Road to accommodate the downtown Milwaukie MAX station. Approximately 8,600 square feet of this property, known as the Triangle Site, will not be occupied by light rail or pedestrian facilities and will be therefore available for development of the City’s light rail station building concept (see Attachment 1).

To facilitate development of the Triangle Site, and in an attempt to achieve the City’s vision for the station building and the South Downtown concept plan, TriMet and the City are now embarking on a joint development process. The process, outlined in the attached MOU (see Attachment 2), will be subject to TriMet and Federal Transit Administration (FTA) rules. TriMet has successfully developed a number of properties in accordance with these rules and has the necessary expertise to negotiate the development agreement that will govern what gets built on the site. The City will partner with TriMet to ensure that its vision is the guiding factor in selecting the development team and in approving the team’s building proposal.

The MOU, which is non-binding, will be executed by the parties’ executives after this briefing. It describes the technical roles and responsibilities of both parties, as well as the financial responsibilities. TriMet, for example, agrees to acquire the site, prepare and distribute the developer solicitation, select the developer and negotiate the development agreement. TriMet will also prepare the materials necessary for FTA approval. The City agrees to make its zoning code consistent with the development concept vision, promote the opportunity to the development community, provide input on the development solicitation and participate on TriMet’s source evaluation panel to select the development team. Financially, TriMet commits to provide the staffing and materials necessary to carry out its technical responsibilities and to write-down (i.e. reduce) the value of the property, subject to FTA rules. The City’s financial responsibilities include providing the staffing necessary to carry out its technical responsibilities and potentially to offset development costs associated with desired concept.

The MOU also includes a project schedule with important milestones. These include: Acquisition of the Site and Issuance of the Request for Qualifications to Developers (March 2012); Selection of Developer and Adoption of Zoning Code Amendments (June 2012); TriMet and FTA authority to enter into Joint Development Agreement (Oct-Nov 2012); Execution of Development Agreement (Jan 2013).

If the development solicitation does not produce a qualified development team interested in or capable of building the City’s concept for the site, TriMet and the City will confer on an alternate approach to developing the site.

CONCURRENCE

TriMet and City staff have collaborated on the MOU. The development concept has the support of the Design and Landmarks Committee and members of the community that have commented as part of the light rail process.

FISCAL IMPACT

None. The development solicitation and development agreement negotiation will not incur City funds.

WORK LOAD IMPACTS

Community Development and Planning staff will work on this project, which is in their respective workplans. The CD staff is currently down 1.5 FTE.

ALTERNATIVES

Not applicable.

ATTACHMENTS

1. Architectural rendering of the Light Rail Station Building concept, as endorsed by the DLC
2. Draft MOU

ATTACHMENT 3

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH TRIMET FOR THE DEVELOPMENT OF A LIGHT RAIL STATION BUILDING ADJACENT TO THE STATION TO BE BUILT IN DOWNTOWN MILWAUKIE AT SE 21ST AVENUE AND SE LAKE ROAD.

WHEREAS, Council adopted Resolution 46-2011 identifying completion of the Light Rail Station building (by the time the light rail project opens) as one of 20 City Council goals; and

WHEREAS, the development concept has the support of the Design and Landmarks Committee, Public Safety Advisory Committee (PSAC), and members of the community that have commented as part of the light rail process; and

WHEREAS, Council has indicated support for staff to move forward with the Memorandum of Understanding with TriMet for the triangle site development;

NOW, THEREFORE, BE IT RESOLVED that City Council authorizes the City Manager to sign a Memorandum of Understanding with TriMet for Development of a Light Rail Station Building adjacent to the station to be built in downtown Milwaukie at SE 21st Avenue and SE Lake Road.

Introduced and adopted by the City Council on

This resolution is effective on

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



Agenda Item: 3.E.
Meeting Date: Sept. 6, 2011

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Support Letter for 17th Ave MTIP Application

Prepared By: JoAnn Herrigel **Dept. Head Approval:** JoAnn Herrigel **City Mgr. Approval:** Bill Monahan

ISSUE BEFORE THE COUNCIL

Authorize the Mayor to sign the attached letter of support for the nomination of the 17th Avenue Multi-Use Trail for a Regional Flexible Fund (RFF) allocation of \$2.96 million for 2014-15 funding.

STAFF RECOMMENDATION

Authorize the Mayor to sign the attached letter of support for the nomination of the 17th Avenue Multi-Use Trail for a Regional Flexible Fund (RFF) allocation of \$2.96 million for 2014-15 funding.

KEY FACTS & INFORMATION SUMMARY

At Council's direction, staff submitted a project description for the 17th Avenue multi-use trail for consideration as the preferred MTIP project for Metro's 2014-15 Regional Flexible Funding allocation for Clackamas County. Staff and elected officials from Clackamas County and all its Cities have recommended this project be moved forward to Metro. The attached letter of support is required to accompany the MTIP application.

OTHER ALTERNATIVES CONSIDERED

None

CITY COUNCIL GOALS

Supports a goal to "Allocate resources within the CIP to improve livability in the neighborhoods"

ATTACHMENT LIST

1. Project Summary
2. Project map
3. Draft Letter of Support

FISCAL NOTES

Project match of \$304,916 will be required for this grant when funds become available in 2014-15.



To: Mayor and City Council
Through: Bill Monahan, City Manager
From: JoAnn Herrigel
Date: August 24, 2011
Subject: Support letter for 17th Avenue Project Nomination

ACTION REQUESTED

Authorize the Mayor to sign the attached letter of support for the nomination of the 17th Avenue Multi-Use Trail for a Regional Flexible Fund (RFF) allocation of \$2.96 million for 2014-15 funding.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

March 2011: Council authorized staff to submit an application for the 17th Avenue Multi-Use Trail for consideration for funding as part of the Regional Flexible Fund allocation process.

BACKGROUND

Beginning in April 2011, City staff began meeting with staff from Clackamas County and its cities to discuss various project proposals that might be eligible for the County's RFF allocation of \$2.69 million in Active Transportation and Complete Streets funding. City staff attended several Clackamas Transportation Advisory Committee (CTAC) meetings at which public works, engineering and planning staff from all Clackamas County jurisdictions discussed the benefits and technical aspects of 9 potential projects.

On Thursday July 21, 2011, the Clackamas County Coordinating Committee (C4) Metro Subcommittee (with Councilor Loomis representing Milwaukie) hosted a public comment meeting to gather input on the project proposals. Over 61 people were in attendance at the meeting and 95 comments were received either through email or at the meeting. 42 of those providing verbal testimony at the July 21 meeting expressed support for the 17th Avenue project over the other four other final projects under consideration.

The C4 Metro Subcommittee met a second time, on Thursday August 4th, 2011, to discuss the projects and develop a recommendation for projects to be funded by the 2014-15 Regional Flexible Funds Allocation. A brief presentation on the recommendation from the Clackamas Transportation Advisory Committee (CTAC) was presented. The C4 Metro Subcommittee recommended and all voted in favor of the following:

- I. The Clackamas County Regional Freight ITS project should be forwarded to JPACT for funding as the Freight project. The project, which will benefit several jurisdictions in Clackamas County, will reduce freight delay and improve reliability. It will also improve safety for bicycle and pedestrian travel along these freight routes by providing improved operations at the signals.
- II. Taking into consideration the various criteria and the opportunity to complete a facility that will impact users throughout Clackamas County, the 17th Ave Multi-use Regional Trail Connection project request for \$2.969 M of 2014-2015 regional Flexible Funds was recommended to be moved forward to JPACT for funding.
- III. The C4 Metro Subcommittee included the caveat that if there should be a surplus of money that it should be directed toward the Happy Valley Mt. Scott trail project development proposal.

The next step in the nomination process for the 17th Avenue Trail project is the submittal of a project narrative to Metro for further review and comment by the public, TPAC and JPACT and, finally, Metro Council adoption. Metro requires a letter from the sponsoring organization to accompany the project narrative.

CONCURRENCE

The Community Services Director has worked closely with staff and directors from the City's Community Development, Engineering and the Planning departments on this project nomination process.

FISCAL IMPACT

A project match of \$304,916 will be required for this grant when funds become available in 2014-15. Staff is researching various sources of funding to assist the City with this match.

WORK LOAD IMPACTS

The Community Services Director will shepherd the project through the Metro approval process with the support of Engineering and Community Development staff. Community Services staff will work with the Park District to begin outreach to stakeholders along 17th Avenue over the next few months and to further refine the project design.

ALTERNATIVES

Deny authorization for the Mayor to sign a letter of support for this project.

ATTACHMENTS

- 1) Project Summary
- 2) Project map
- 3) Draft Letter of Support

ATTACHMENT 1
2014-15 REGIONAL FLEXIBLE FUND ALLOCATION

PROJECT SUMMARY

PROJECT SUMMARIES SHOULD BE LIMITED TO TWO PAGES OF NARRATIVE + ONE MAP PER PROJECT

1. **Project sponsor agency:** City of Milwaukie

Project partners: North Clackamas Parks and Recreation District (NCPRD) and Metro

2. **Project extent or area description and how you identified the location as a priority:**

The project would construct a multi-use regional trail on the west side of SE 17th Avenue within existing 60 ft Right of Way between Harrison Street at 99E and Ochoco Street in the City of Milwaukie. Bike and vehicle lanes will be restriped to formalize on-street bike lanes. These improvements will connect two significant regional multi-use trails: the Trolley Trail (to be completed in 2011) and the Springwater Corridor.

3. **Purpose and need statement (highlight most relevant criteria):**

Completes the "last mile"

The proposed project would link two significant regional multi-use trail systems; the Trolley Trail and the Springwater Corridor, completing a key link in the regional bike/pedestrian/multi-modal system. This particular link in the system is a key element in a direct, seamless, off-road bicycle travel/commute route from Gladstone to downtown Portland. A 2010 trail count survey indicated that 50% of cyclists and pedestrians using this road were commuting to work and/or participating in non-recreational activities (running errands, shopping, etc). 28% of survey respondents use this corridor on a daily basis, and an additional 64% use the corridor between 1-20 times a month. Bike and pedestrian improvements on SE 17th Avenue will significantly improve connectivity for the currently revitalizing downtown Milwaukie (designated a Town Center) and the Milwaukie riverfront area.

Improves safety and Increases use by providing a good user experience

Currently, sidewalks are intermittent along both sides of 17th Ave. Only a few short sections of sidewalk exist on the west side from Lava Drive to Ochoco. Bike lanes are narrow along the west side of SE 17th Avenue and bus stops are not safe. Further, transitions at the Milport and Hwy. 224 intersections are particularly difficult for non-auto travelers due to high traffic volume, including heavy trucks, as well as deteriorating shoulders and storm drain systems in that area. Intersection enhancements will make non-auto travel along this section of 17th Avenue much safer. Improvements to access to bus stops on SE 17th Avenue will encourage people to use Tri-Met.

Separates pedestrian/bike traffic vehicular conflicts

Current road striping and intersection design cause bike/pedestrian conflicts with vehicles at several areas along 17th Ave.

Serves high density or projected high growth areas and Improves access to High Priority Destinations

Several downtown Milwaukie businesses and Institutions such as Dark Horse Comics and the Waldorf School will benefit from this multi-modal trail. In addition, North Main Village (a 98 unit, mixed-use transit oriented development on Main Street) and an additional future planned TOD development at Jackson and Main downtown will benefit from this multi-modal trail. The proposed project would also provide improved

commute options for workers in the north industrial area along Main Street and increase the synergy between this employment area and the Town Center immediately to the south.

Includes outreach/education/engagement component

The City of Milwaukie and NCPRD will engage property owners along 17th Ave and community members in discussions regarding design, construction and long term maintenance beginning in 2011-2012 in anticipation of project construction in 2014-2015.

Can leverage funds

The City and NCPRD would continue to pursue additional funding to maximize the safety and efficiency of this ped/bike route. The partners have provided matching funds and in-kind project management.

Serves Economic Justice Community

The project connects areas of low concentrations of essential services with downtown Milwaukie and Sellwood, where services are available. The project also safely connects communities with high concentrations of low income people (Oak Lodge/Milwaukie) to jobs and services. It also fills the mobility gap, providing bicycle and pedestrian facilities in an area that is lacking facilities.

4. Description of project design elements:

The proposed cross-section for this .9 mile of SE 17th Ave. would include two 11 foot vehicle lanes, two 5' bike lanes, and a separated 11-12 foot ped/bikeway trail along the western edge of ROW. A retaining wall would be installed along the western edge of the ROW and bus stops and crosswalks would be improved. The project would include replacement of a concrete barrier at the Milport intersection and prioritize maintaining continuous pathways at all intersections. Project includes curb and stormwater improvements, ADA ramps at all intersections, new pavement markings, relocation of conflicting utilities, and potentially construction of a pedestrian island at Highway 224 for northbound SE 17th Ave. pedestrian traffic. All necessary right-of-way is publicly owned.

5. Please attach a map of project area
(see attached)

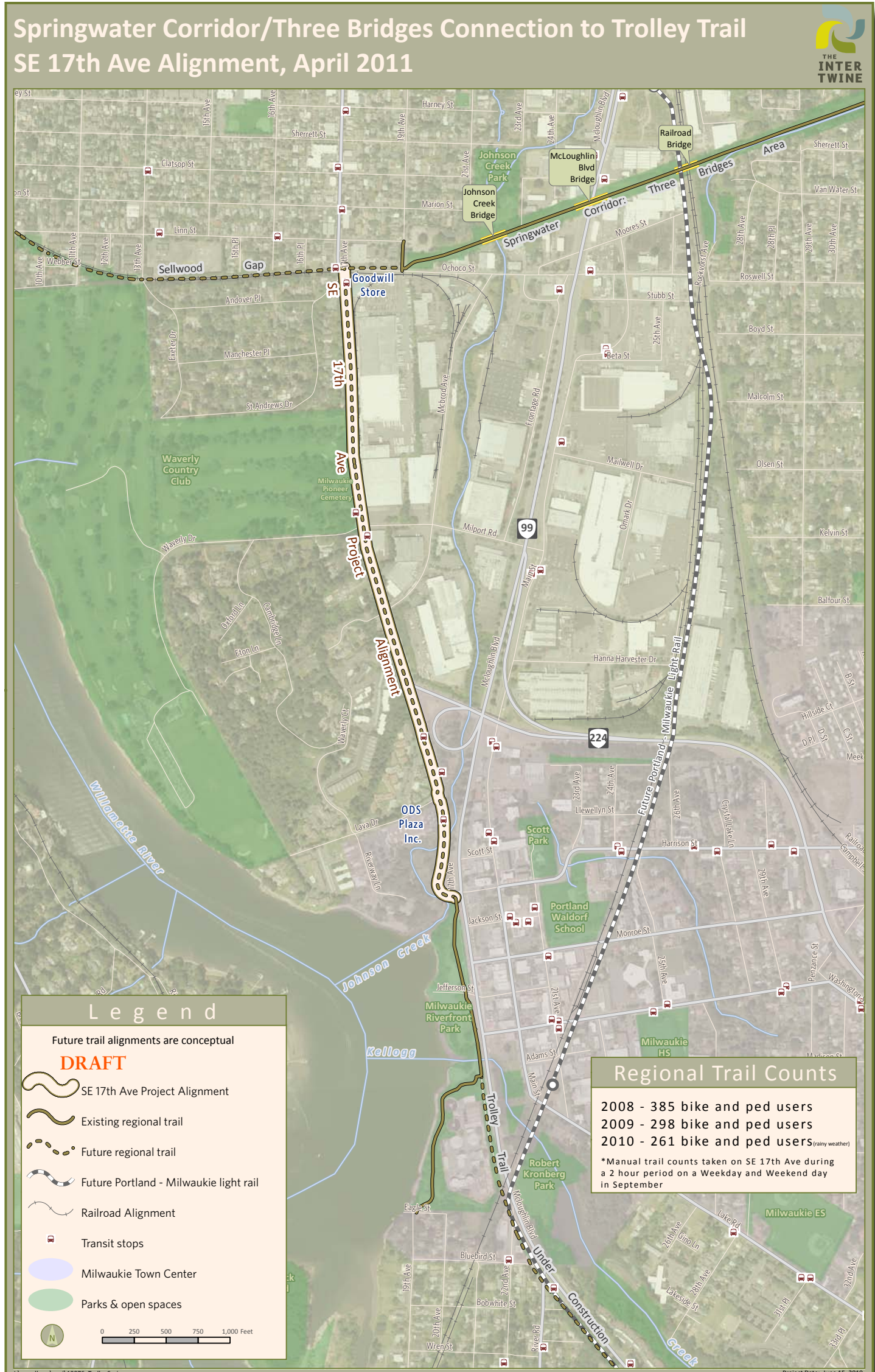
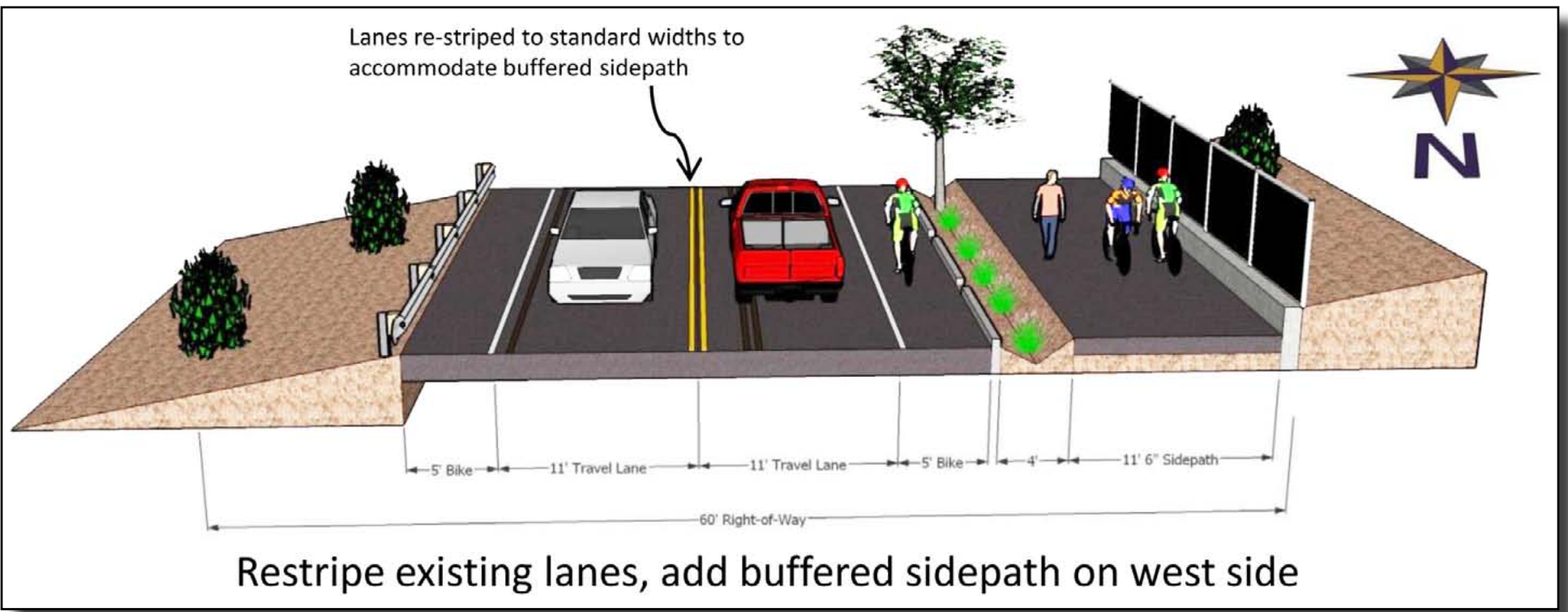
6. Please provide an estimate of total project cost and the funds you are requesting for the project.

The total project estimate is \$3.4 million. Preliminary Engineering is estimated at \$1.1 million and construction at \$2.3 million. The City of Milwaukie requests \$3 million in RFFA Active Transportation to complete this project. Project staff is working to refine the proposed design to minimize costs without impacting the project benefits.

Project Contacts:

City of Milwaukie JoAnn Herrigel, 503-786-7508, herrigelj@ci.milwaukie.or.us

NCPRD Katie Dunham, 503-742-4358, KDunham@co.clackamas.or.us



ATTACHMENT 3



August 24, 2011

Metro Council
600 NE Grand Ave
Portland OR 97232

Dear Metro Councilors:

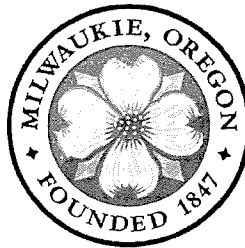
The City Council of the City of Milwaukie approves the 17th Avenue multi-use trail project for nomination for Regional Flexible Fund Allocation funding for 2014-15. We are proud that our City and County staff and elected colleagues from Clackamas County joined us in supporting this critical link between the Trolley Trail and the Springwater Trail.

Milwaukie staff will work closely with North Clackamas Parks and Recreation District, TriMet, ODOT and the City of Portland to ensure the success of this project. City Council is aware that there is a local match for the \$2.96 million grant of \$304,916 and we are committed to providing these funds for the project.

We appreciate your consideration of funding for this important project and would like to relay our thanks to your staff for their technical support and input throughout this selection and nomination process.

Sincerely,

Jeremy Ferguson
Mayor, City of Milwaukie



Agenda Item: 3.F.
Meeting Date: September 6, 2011

To: Mayor Ferguson and Milwaukie City Council
Through: Bill Monahan, City Manager
From: Bob Jordan, Chief of Police
Date: August 22, 2011
Subject: O.L.C.C. Application – Short Snout Brewing – 9554 SE 38th Avenue

Action Requested:

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Short Snout Brewing – 9554 SE 38th Avenue.

Background:

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

POLICE DEPARTMENT
3200 SE Harrison Street
Milwaukie, Oregon 97222
P) 503 786 7400 / F) 503 786 7426
www.cityofmilwaukie.org



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

| | | | |
|---|--|--|--------------------------------------|
| Application is being made for: | | CITY AND COUNTY USE ONLY | |
| LICENSE TYPES | ACTIONS | Date application received: _____ | |
| <input type="checkbox"/> Full On-Premises Sales (\$402.60/yr) | <input type="checkbox"/> Change Ownership | The City Council or County Commission: | |
| <input type="checkbox"/> Commercial Establishment | <input checked="" type="checkbox"/> New Outlet | _____ | |
| <input type="checkbox"/> Caterer | <input type="checkbox"/> Greater Privilege | (name of city or county) | |
| <input type="checkbox"/> Passenger Carrier | <input type="checkbox"/> Additional Privilege | recommends that this license be: | |
| <input type="checkbox"/> Other Public Location | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Granted <input type="checkbox"/> Denied | |
| <input type="checkbox"/> Private Club | | By: _____ | |
| <input type="checkbox"/> Limited On-Premises Sales (\$202.60/yr) | | (signature) (date) | |
| <input type="checkbox"/> Off-Premises Sales (\$100/yr) | | Name: _____ | |
| <input type="checkbox"/> with Fuel Pumps | | Title: _____ | |
| <input type="checkbox"/> Brewery Public House (\$252.60) | | OLCC USE ONLY | |
| <input type="checkbox"/> Winery (\$250/yr) | | Application Rec'd by: <u> <i>J</i> </u> | |
| <input checked="" type="checkbox"/> Other: <u>Brewery</u> | | Date: <u>8-8-11</u> | |
| 90-DAY AUTHORITY | | 90-day authority: <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority | | | |
| APPLYING AS: | | | |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Corporation | <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Individuals |

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① ~~Brian Van Ornum~~ ③ _____

② Short Snout Brewing LLC ④ _____

2. Trade Name (dba): SHORT SNOOT BREWING

3. Business Location: 9554 SE 38th Ave MILWAUKIE CLATSOPAS OR 97222
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: SAME
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 703-347-2915
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? Yes No Name: BRIAN VAN ORNUM
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? MILWAUKIE
(name of city or county)

11. Contact person for this application: BRIAN VAN ORNUM 703-347-2915
(name) (phone number(s))
9554 SE 38th Ave, Milwaukie, OR 97222 shortsnoutbrewing@gmail.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① *B. Wall* Date 07/28/11 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____



OREGON LIQUOR CONTROL COMMISSION
LIMITED LIABILITY COMPANY QUESTIONNAIRE

● See section 2 of Guide for help with this form

105149-90 / 5-2609

Please Print or Type

LLC Name: SHORT SNOUT BREWING, LLC Year Filed: 2009

Trade Name (dba): SHORT SNOUT BREWING

Business Location Address: 9554 SE 38th Ave

City: MILWAUKEE ZIP Code: 97222

List Members of LLC:

Percentage of Membership Interest:

1. BRIAN VAN ORNUM
(managing member)

100%

2. _____
(members)

3. _____

4. _____

5. _____

6. _____

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: _____ DOB: _____

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Signature: B. Wall
(name)

OWNER/MANAGER
(title)

Date: July 28, 2011



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type Short Snout Brewing LLC

Applicant Name: BRIAN VAN ORNUM Phone: 703-347-2915

Trade Name (dba): SHORT SNOOT BREWING

Business Location Address: 9554 SE 38th Ave. #

City: MILWAUKEE ZIP Code: 97222

DAYS AND HOURS OF OPERATION

Table with 3 columns: Business Hours, Outdoor Area Hours, and The outdoor area is used for. Rows include days of the week (Sunday-Saturday) and checkboxes for food service, alcohol service, and enclosed areas.

Seasonal Variations: [] Yes [] No If yes, explain:

ENTERTAINMENT

- Check all that apply: [] Live Music, [] Recorded Music, [] DJ Music, [] Dancing, [] Nude Entertainers, [] Karaoke, [] Coin-operated Games, [] Video Lottery Machines, [] Social Gaming, [] Pool Tables, [X] Other: N/A

DAYS & HOURS OF LIVE OR DJ MUSIC

Table for Live or DJ Music hours with rows for Sunday through Saturday and columns for start and end times.

SEATING COUNT

Restaurant: [X] Outdoor: [X] Lounge: [X] Other (explain): [X] Banquet: [X] Total Seating: [X]

OLCC USE ONLY box containing fields for Investigator Verified Seating, Investigator Initials, and Date.

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: July 28, 2011

**MINUTES
MILWAUKIE CITY COUNCIL WORK SESSION
JULY 19, 2011**

Mayor Ferguson called the work session to order at 5:00 p.m. in the City Hall Conference Room.

Council Present: Council President Greg Chaimov, and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Associate Planner Brett Kelter, City Attorney Tim Ramis, Assistant to the City Manager Teri Bankhead, Public Affairs Coordinator Grady Wheeler, Community Services Director JoAnn Herrigel

City Manager's Report

Mr. Monahan introduced Teri Bankhead recently hired to the position of Assistant to the City Manager.

Mr. Monahan distributed correspondence related to Natural Resource Overlay from the Audubon Society as well as the proposed amendments Mr. Kelter would discuss later in the work session. In addition he provided a document related to the garbage rate increase and consolidated fees.

Mr. Monahan briefly discussed code amendments and a resolution regarding board, commission, and committee changes and distributed information on a case filed against Lane County regarding open meetings law violations.

Mr. Monahan announced the executive session and study session on July 20.

Mr. Asher briefly reviewed community development and planning active projects. He updated the City Council on projects including the Commercial Core Enhancement Program (CCEP), the Dark Horse Real Estate Study, and the Gleaners Project. The Planning update focused on land use and development review and the Downtown Façade Improvement Program. He announced Nicole West had accepted a position with the Audubon Society.

Natural Resource Code Amendments

Mr. Asher said the planning staff had been working on amendments for over 2 years to bring Milwaukie into compliance with State and Metro regulations. He discussed the process and added the plan had been written in such a way that there were many ways the City could be in compliance.

Mr. Kelter said one of the questions asked was related to Milwaukie being in Compliance with Metro Title 13. There were several options the City could take to be in compliance: adopting the model code, using existing code, if it met the standards, or making additional changes over the model rules. When staff reviewed the model it made sense to forge an alternative path. He discussed the alternatives before the Council in more detail.

Mr. Kelter referred to the proposed tree removal language. The City had received correspondence from the Audubon Society expressing its concerns. When he looked at the activities requiring a Type I review, a provision was added that would allow some tree removal. After talking with the Audubon Society about the shade canopy and water quality resource issues, they reduced the fee appropriately. If a tree were not a nuisance, native, or in any water quality area, it would be allowed under a Type I review.

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This stemmed from conversations with the advisory group about making provisions more robust and addressing more situations.

Councilor Chaimov understood the amendments on the green sheet had not been considered by the Planning Commission.

Mr. Kelver replied that the Planning Commission had not considered either set of amendments and added that he felt the tree removal regulations had been clarified.

Councilor Miller referred to page 26 and the caliper size of the replacement trees. He said a ½-inch caliper tree could not be 6-feet in height. He questioned if that requirement minimized the replacement tree and if it had to do with the expense of a larger replacement tree.

Mr. Kelver referred to page 26 and said there was an “or” depending on the species.

Councilor Miller said trees 6-feet tall would be about 2-inch in caliper. He noted page 32 had the same plant sizes.

Mr. Kelver said part of the conversation with the advisory board was if the caliper grew too large it might put a burden on the property owner. It was a fair point, and they gave a choice and some flexibility by using “or” depending on the species.

Councilor Hedges referred to page 26 and asked what happened if a tree did not last two years. If a tree died and had to be replanted, then would the tree have to live 2 years from the initial planting or at the time the replacement tree was planted?

Councilor Miller thought there needed to be some standard with another 2-year clause.

Mr. Asher understood staff should add language to demonstrate a 2-year life span to be compliant.

Councilor Hedges thought the intent was to protect the water quality. He was not sure if a 2-year period was a long enough time. If the tree died after 2 years then it did not matter, which did not seem in the spirit of the amendments.

Mr. Ramis suggested that the City Council determine and state the policy and not leave it to interpretation. He understood from the conversation that the section was ambiguous, so he would prepare on clarifying language. Mr. Ramis recommended crafting the language now rather than amending it in the future.

Mr. Kelver discussed housekeeping changes to the nonconforming development language.

Councilor Hedges referred to page 18, section 8 regarding preserving existing native vegetation against removal and replacement of lawns and gardens and asked if that had to do with restoration or new activity on the property.

Mr. Kelver replied a property owner may have to do some mitigation in an equivalent area. Some restoration may be required on proposed development. The intent is that one did not have to do restoration just because he was in the area. There were no changes in water quality area, but now the newly-established habitat conservation area was being regulated. He discussed the Metro exemption which, as written, applied to levels of projects that did not require a building permit.

Councilor Hedges wanted to know if we were putting limitations on property owners.

Mr. Kelver replied to be in compliance with Title 13, regulations had to be imposed.

Councilor Hedges asked if the City was being stricter than necessary because it felt preserving water quality was more important than the rights of property owners.

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Mr. Asher said that was the nub of the issue. The only way to answer that for staff was to test and balance the new Code against the opinions of property owners, builders, and other jurisdictions.

Councilor Hedges felt the wording “normal” yard and lawn maintenance was open to interpretation.

Mr. Kelver said the intent was to set a standard that removing native vegetation was not normal. The current code was not as clear and this choice of wording was deliberate not to define what “normal” meant. The subsequent sentence further defined vegetation.

Mr. Ramis said the City should try to cure the ambiguity. He discussed the definition of the word “practicable” which he felt was needed.

Monthly Neighborhood District Association Dialogue

Matt Rinker, Jeff Davis, and Bryan Dorr, Ardenwald-Johnson Creek; Vincent Alvarez and Debby Patten Lake Road; Mary Weaver and Linda Hedges, Hector Campbell; and Ed Zumwalt, Historic Milwaukie.

Ms. Hedges announced the August 8 Neighborhood picnic and said that Jason Smith from Blount had attended the July Association meeting to introduce himself and the company.

Ms. Bird said the owner of medicinal marijuana business and two people from Portlansterdam University came to the last Neighborhood meeting. The owner reassured them that there is no consumption on the property with the exception of one person who was a bicyclist. The other issues they discussed were light rail and the art work.

Mr. Zumwalt urged the Mayor and Councilors to attend the monthly leadership meetings.

Mr. Dorr announced upcoming Neighborhood Association events. They have an opening for a Public Safety Advisory Committee (PSAC) representative from Ardenwald and noted that Naomi’s had been demolished.

Ms. Weaver discussed economic development generally and the interconnection of business, the City, and the neighborhoods.

Mayor Ferguson noted a void in the economic development position and the role that City Council had with businesses. He did not believe the Council was aware of any issues.

Councilor Chaimov offered the Chamber of Commerce perspective and expressed appreciation for Alex. Campbell’s economic development efforts. The downside was transportation, lack of activities, and little growth in the area as compared to Happy Valley. Light rail might provide that opportunity.

Mr. Asher added that Milwaukie was a built-out community and had limited development areas other than MacFarlane and Murphy sites. It was important that the City plan to attract business for that site, and he hoped to tackle that with the neighborhoods in the future.

Mr. Monahan said most of the issues raised with the neighborhood questions would be handled by the Economic Development Specialist. His or her job would be to communicate with new businesses; however, why businesses left was a more difficult issue.

Mr. Asher said economic development and retention efforts had historically been meager. The question was local government's role related to business development. He would like to do more than had been done in the past. The Commercial Core Enhancement Program was an attempt to make the codes more business friendly.

Councilor Miller suggested inviting downtown business to the neighborhood leadership meeting.

Mayor Ferguson encouraged neighbors and citizens to focus on doing business in Milwaukie.

Mayor Ferguson adjourned the meeting at 6:48 p.m.

Respectfully submitted,

Juli Howard, Deputy City Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
July 19, 2011**

Agenda Item: 3.G.2.

Meeting Date: September 6, 2011

CALL TO ORDER

Mayor Ferguson called the 2106th meeting of the Milwaukie City Council to order at 7:05 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Community Services Director JoAnn Herrigel, Associate Planner Brett Kolver, Assistant to the City Manager Teri Bankhead, Community Development and Public Works Director Kenny Asher

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

CONSENT AGENDA

It was moved by Councilor Hedges and seconded by Councilor Miller to approve the consent agenda consisting of:

- A. **Resolution No. 70-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Establishing Authority to Enter into an Agreement with Clackamas County Service District No. 5 (District) Regarding the Transfer of Street Lights in Dual Interest Area 1 and Related to the NE Sewer Extension Project;**
- B. **City Council Minutes:**
 - 1. **April 26, 2011 Study Session;**
 - 2. **May 31, 2011 Study Session; and**
 - 3. **July 5, 2011 Regular Session; and**
- C. **Resolution No. 71-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Granting Authority to the City Manager to Sign an Agreement with Metro for a Nature in the Neighborhoods Grant of \$213,000 for the Klein Point Overlook and Johnson Creek Confluence Enhancements.**

Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting "aye." [5:0]

AUDIENCE PARTICIPATION

Ed Zumwalt, Milwaukie, encouraged people to attend the Milwaukie Daze Festival this coming weekend and highlighted some of the scheduled events.

Les Poole, Clackamas County, expressed concerns about Kellogg Lake environmental issues related to the crossing and commented on the irony the Council's considering habitat protections at this meeting. A group was gathering signatures to put urban renewal on the ballot in Clackamas County because they felt it was being abused. He had yet to see anything on the agenda regarding making Kellogg Lake Park and Kronberg Park a single entity. He asked for documentation for all funding being applied to mitigation of the historic railroad trestle, Kronberg Park, Kellogg Lake Park, the Trolley Trail, Kellogg Lake, and the Willamette Greenway. All the money, he stated, was being spent in Multnomah County.

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Mr. Monahan said staff would provide Mr. Poole with the appropriate records request form to ensure he was provided with the desired information.

Fred Nelligan, Oak Lodge Community Council, read his comments to the City Council into the record. Based on his involvement over the past year, he formed the opinion that the Portland-Milwaukie Light Rail (PMLR) project was vital to the: continued integration of suburban communities with the Portland Metro area, to the economic redevelopment of the blighted McLoughlin commercial corridor, and to the efforts of Oak Grove to establish a unique and vibrant community identity. His involvement expanded to the Park Avenue Stakeholders Advisory Group that focused on making the Park Avenue Station a model commercial corridor. He commended the many people involved in making this project work for the benefit of all, and he, personally, was thankful for the opportunity to serve.

Mayor Ferguson recognized Mark Gamba for the photos he had taken of the City of which some were displayed in the Council Chambers.

PUBLIC HEARING

A. Garbage Rate Increase

Mayor Ferguson called the public hearing on the proposed increase in residential and commercial garbage and some drop box rates to order at 7:16 p.m.

The purpose of the hearing was to consider a resolution increasing residential and commercial garbage and some drop box rates to reflect increases in the Metro tip fee and fuel costs and to hear public comment on the proposal.

Ms. Herrigel, joined by Rick Winterhalter from the Clackamas County Office of Sustainability, provided the staff report. She reviewed the process to determine if the rate of return was in the 8% - 12% range. In January forms are distributed to the haulers to identify revenues and expenses to develop a composite. After a review in May, Metro reviews its tip fees and makes any necessary adjustments in July. With Metro's recent increase in tip fees, the haulers' rate of return would fall under 8%. She reviewed typical customer increases.

Mayor Ferguson reviewed the conduct of the hearing. No correspondence had been received on the matter, and no one wished to testify.

Mayor Ferguson closed the public testimony portion of the hearing at 7:25 p.m.

Councilor Hedges asked what the effect would be if the increase were not approved.

Ms. Herrigel replied the haulers would come in with a rate of return under 8%, which was under the allowable rate of return according to the franchise agreement, resulting in a larger increase next year. The 8% had been established as a reasonable rate to sustain business.

Councilor Miller commented this increase would be difficult for the average citizen.

Councilor Loomis asked the justification for the increase in Metro's tip fee.

Ms. Herrigel replied Metro considered the fuel and transportation costs related to moving material to Arlington. She discussed customers' service level options.

Councilor Miller understood recycling was not optional if one had garbage service.

Ms. Herrigel responded the haulers liked to have consistency so they knew what to pick up.

It was moved by Councilor Chaimov and seconded by Councilor Loomis to adopt the resolution increasing residential and commercial garbage and some drop box

rates to reflect increases in the Metro tip fee and fuel costs. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting “aye.” [5:0]

RESOLUTION NO. 72-2011:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, INCREASING RESIDENTIAL AND COMMERCIAL GARBAGE AND SOME DROP BOX RATES TO REFLECT INCREASES IN THE METRO TIP FEE AND FUEL COSTS.

B. Natural Resource Amendments to the Zoning Code and Comprehensive Plan – Ordinance and Resolution

Mayor Ferguson called the public hearing on the legislative Comprehensive Plan and Zoning Ordinance amendment initiated by the City of Milwaukie to order at 7:37 p.m.

The purpose of this hearing was to consider an ordinance to adopt proposed amendments to the Comprehensive Plan Chapter 3 and the Milwaukie Municipal Code Title 19 Zoning Ordinance to protect the City’s Natural Resources. This was a legislative decision by the City Council and was based on the following standards: the state wide planning goals; applicable federal or state laws or rules; any applicable plans and rules adopted by Metro; applicable Comprehensive Plan policies; and applicable provisions of implementing ordinances. Mayor Ferguson reviewed the order of business.

The City Council decision was the final decision of the City. All testimony and evidence was directed toward the applicable substantive criteria. Failure to address a criterion or raise any issue with sufficient detail precluded an appeal based on that criterion or issue. Any party with standing could appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board. Persons with standing were those who submitted written comments or testified and signed the City Council Attendance sign-up sheet.

There were no conflicts of interest declared and no challenges to the Council’s ability to participate in the discussion.

Mr. Kelter provided the staff report. The City had existing rules that protected its most sensitive areas. Cities throughout the region were being asked to update their regulations so construction and development activities did not harm the habitat of birds, fish, and native plants and trees. After working with dozens of citizens and property owners over the past two years, the City was ready to update its code to protect these habitat conservation areas while allowing property owners to make desired improvements.

The existing rules, adopted in 2002, protected the most sensitive areas that were within about 50-feet of our creeks and streams, wetlands, and the Willamette River. The proposed rules would extend protection to habitat areas beyond the water quality resource (WQR) areas. He provided an overview of Metro’s Nature in the Neighborhoods Program. Title 13 dealt with habitat conservation areas (HCA), and Mr. Kelter described the regulations. The City looked at its code to determine what barriers to habitat-friendly practices might be eliminated. In Milwaukie that meant somewhat widening the habitat areas near streams and wetlands while allowing everyday activities that resulted in small disturbances. The amendments would provide a reasonable path for development that met clear standards, including mitigation, and tree protection.

Mr. Kelter reviewed the two-year public outreach process undertaken by the Planning Department that included an advisory group, webpage information, an open house, and public notice. The Planning Commission held seven work sessions and recently held

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four public hearings on the matter. Some of the most controversial issues identified were tree removal, HCA exemptions for existing residential lots, allowing minor disturbances close to water quality resources like streams and wetlands, division of high-percentage resource properties, and reducing the burden on property owners. At its June 14 hearing the Commission concluded its deliberations and agreed by a 4:1 vote to recommend that the City Council adopt the proposed amendments. Mr. Kelder reviewed the project timeline.

Mr. Kelder described the elements of Type I, II, or III reviews, mitigation, and related fees and activities. Many activities had been identified in the proposed code that would be exempt from review, application, or fee. He showed a few examples by comparing consideration of activities before and after the amendments were adopted. He pointed out the trigger area outside the WQR and HCA that would necessitate a construction management plan if the activity were greater than 150 square feet. There had been lengthy discussions about tree removal which resulted in more clear rules for all parties. He described the Type I review that included a 1-for-1 tree replacement. Exempt situations included removal of downed trees, 3 or fewer nuisance trees, emergency situations, as part of a natural resources plan, and major pruning within 10-feet of structures. All Type III tree removals would go to the Planning Commission. He showed a slide of a lot with the 50-foot water quality resource area with an additional 150-feet of HCA. The inventory was done by looking at the stream areas of about 200-feet plus existing development such as driveways, parking lots, and houses. Additionally, elements such as existing vegetation and urban development value were all part of the cross-referencing and analysis. Therefore, the HCA line was not consistent like the WQR. Some kind of basic plan might be required if significant development activity were proposed near a certain resource.

Councilor Hedges understood the HCA was not a precise distance and asked how the property owner would know.

Mr. Kelder replied the map being proposed for adoption along with the rules would be used by staff and property owner to identify the HCA for a specific project. Additionally, the map would be reviewed for accuracy and made available online for reference. Staff has worked with a number of property owners to determine the impacts of the proposed code amendments.

Mr. Asher added referring to maps was not dissimilar to any maps staff might consult when there was a proposal to alter property.

Mr. Kelder noted Ms. Allgood had set up a laptop in the conference room if anyone had questions about their properties tonight. Another major category was options for new development. In the WQR, small additions up to 150-sf would be subject to a Type II review, while all other new construction needed Type III review. In the HCA, up to 500 sf of new disturbance was allowed outright. If the objective standards were met, it would be a Type I review; otherwise a Type III review would be required. This rule held true for new project, and if outside the WQR and HCA a construction management plan would be needed if the project were greater than 150 sf.

Mr. Kelder reported there had been significant discussion about certain property owners bearing a special burden for others. As a result, fees would be waived for some of the more simple processes like map corrections, construction management and natural resource management plans, and tree removal. Because tree removal was such an issue, the Type III tree removal fee of \$1,700 was reduced to \$500 to acknowledge the people going through the process were bearing a special burden for the community.

The Planning Commission recommendation was to adopt the ordinance and related exhibits as proposed with addenda. Mr. Kelter reviewed the decision-making options.

Lisa Batey, Planning Commission Chair, reported the body held four hearings on this very complicated matter and debated long and hard. Some of the environmental groups felt the amendments went too far in the direction of allowing tree removal while property owners felt the amendments were too stringent. The recommendation, including tree removal, was a compromise, and she felt the result was a happy medium.

No additional correspondence had been received other than the Audubon Society of Portland letter from Urban Conservationist Jim Labbe dated July 18, 2011, distributed at the work session.

Mayor Ferguson reviewed the conduct of the hearing.

Testimony in support:

Rob Kappa, Milwaukie, spoke on behalf of the proposal. He felt staff, the advisory committee, and the Planning Commission had dealt with a difficult issue. The preservation of tree canopy was very important, and protecting rivers and streams was critical. He encouraged the City Council to vote in favor of the proposed amendments and noted the Audubon Society's recommendation related to protection and restoration of regionally significant riparian habitat.

Vincent Alvarez, Milwaukie, fully supported the plan; however, he would like to see more restrictions on tree removal. Owning property on streams had special restrictions, and what was done on a certain property impacted others. He liked the Plan but would like more restrictions on tree removal.

Chantelle Gamba, Milwaukie, spoke in strong support of the proposed amendments. It was a sound recommendation to the City Council with one exception. She lived on a property that was heavily impacted by WQR and HCA and objected to the compromise that allowed property owners to cut down trees without a permit. The negative results of tree removal were well-documented. Tree removal eradicated the spawning grounds of native and endangered fish, contributed to the erosion of valuable topsoil, and increased vulnerability to flooding. By subjecting property owners to a permitting process, the City was not ruling out the possibility of tree removal but providing a broader perspective and a safety net to support healthy choices. She urged the City Council to adopt the code amendments with the exception of tree removal. She would rather see the City Council adopt a tree ordinance.

Mark Gamba, Milwaukie, stated the document before the City Council represented thousands of hours of work on a model Metro code molded to fit Milwaukie. It should give reasonable protection to our precious natural resources without unduly hampering property owners in the care of their land. In some places this code was a little more restrictive than the Metro version in that it was a result of a process in which there was a great deal of compromise and further assumed that municipalities had their own tree code. Metro assumed trees would already be protected and that the home exemption was not particularly damaging. Milwaukie did not have a tree code, so the presumed protections did not exist. He was opposed to the compromise that allowed the cutting of three non-native trees on certain properties. Other than that change, Mr. Gamba encouraged the City Council to adopt the proposed ordinance.

Jason Howard, Johnson Creek Watershed Council, Milwaukie, spoke as an active member in the natural resource overlay project. He echoed the comments of those who spoke before him and believed the removal of three trees went too far.

Jim Labbe, Portland Audubon Society, observed this was an important piece to a broad regional effort focusing in riparian corridors. Efforts were going into restoring and

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enhancing these resources and these were consistent baseline protections throughout the region: adopt updated natural resource protections in a timely manner and without further weakening of safeguards for clean water and wildlife, revise permitted tree cutting in WQR to adequately protect and improve water quality and aquatic habitat, and avoid broad exemptions that would allow unmitigated tree cutting in HCAs on developed residential properties. He encouraged the City of Milwaukie to develop a tree ordinance and become a Tree City, USA.

Dick Shook, Clackamas County, spoke to the importance of preserving natural areas and urged the City Council to adopt the natural resource amendments. He agreed with earlier comments and encouraged moving forward to put something on the books.

Pat Russell, Clackamas County, read a brief letter which he had prepared as an individual into the record.

My name is Pat Russell and I live in unincorporated Clackamas County at 15989 SE Bilquist Circle, south of Bilquist elementary adjacent Webster Road. I have advocated for salmon recovery in the Kellogg-Mt. Scott watershed since 2001 and participated in Title 3 and 13 at Metro and habitat planning in the Beaverton area during the '90's.

As a past urban planner, I have been impressed with the City's efforts to date to restore salmon access at the mouth of Kellogg Creek and return its estuary to a more natural condition since the forming of the man-made impoundment in the 1850's by our illustrious Joseph Kellogg. Back then, it was known as Cold Creek with abundant salmon. We can't relive the past, but salmon do have a place in our community and are a key indicator of our watershed health and the City's viable domestic water resource. Please keep you restoration initiative alive and find the money.

I also appreciate the City's support and delegation of staff to help form and run the new North Clackamas Urban Watersheds Council. Both JoAnn Herrigel and Nicole West have been invaluable over the past two years.

It is good that your Planning Commission's recommendation under consideration tonight has come close to meeting the aspirations of the environmental community, gaining favor by groups, like the Portland Audubon. Salmon may be one step closer to coming home.

Neutral testimony:

Jean Baker, Milwaukie, had watched the process for many months as land use planning and the environment had been very important to her for many years. She objected to the changes in public notice and had concerns about fees and violation penalties. Other than these concerns, she felt staff had done a great job.

Tanya Burns, North Clackamas Parks and Recreation District, was a natural resource coordinator and participated on the advisory group which she noted was very diverse. She expressed concerns about areas that had already been degraded and needed to be enhanced. She did not think this would be a burdensome process, and she was committed to working with groups to improve habitat areas.

Testimony in opposition:

Christopher Burkett, Milwaukie, read his comments into the record:

I have been involved with the formation of these proposed Natural Resource regulations for over two years. I've exhaustively studied every state, regional and local document even vaguely associated with these regulations. I've met with Metro Regional Planners, attended every meeting of the Citizen's Advisory

Group, and participated in numerous follow up session of the Milwaukie Planning Commission. It's been an interesting journey and we're now at the final step which determines what impact these regulations will have on homeowners.

My single biggest concern about the proposed regulations is that they take away my ability to properly manage trees on our fully mature and manicured landscaped property. The natural world is infinitely complex and is filled with unexpected surprises. Despite our best efforts, it won't neatly conform to the fixed rules of planning departments. Our beautifully landscaped home property is as cohesively designed and as well maintained as the Japanese Gardens, or Crystal Springs Rhododendron Gardens in Portland. There is no erosion, degradation, or rupture of the local ecological fabric. We plan to spend the rest of our lives here; we know every square inch of our property, and we know what is best for our land. We do not need the government telling us what to do.

We have heard from the Milwaukie Planning Department about how the new restrictions on tree cutting are less onerous than what is currently in place. What hasn't been discussed is the deception that was used in 2002, which I saw and witnessed first had when I testified in opposition to that ordinance. The minutes from those meetings show that the Planning Commissioners had no idea that they were approving a tree cutting prohibition on homeowner's properties. They were deliberately deceived by the Planning Department at that time, who snuck this into the ordinance. This was done by inserting just one little word, "activity," into the prohibition section of the ordinance. Since tree cutting was not specifically permitted, it was thereby prohibited. The Commissioners had no idea that this was hidden in the language. They were also misled to believe that the ordinance only applied to new development and not existing home sites.

Regrettably, the statement to the effect that "every activity is prohibited unless specifically permitted" is still included in this new natural resource ordinance. This specific language is not in any other part of Milwaukie's code, nor is it in Metro's Model Ordinance, nor is it in any other local jurisdiction's Natural Resource Ordinance. This all-encompassing prohibition can lead to other, unnamed and unknown restrictions, as happened in 2002. Milwaukie already has many more restrictions than are required, without including this catch-all clause. Do not be misled by conciliatory statements in the "Intent Section" of the ordinance: they may mean nothing unless they are implemented by specific clauses in the body of the ordinance.

We have been informed by the Planning Department that our private property and our land is a "shared community resource," and that property owners must be subservient to the demands of the "good of the greater community." I strongly disagree with this socialist viewpoint which subjugates my basic rights as a private property owner. The proper function of government is the preservation of property, not the taking of property. Society cannot benefit when individuals are harmed. Our property doesn't need "restoration or enhancement." It need protection from bureaucratic depredation.

The concept of creating a "Habitat Conservation Area" is interesting but what about conserving our habitat? Humans are living creatures who need protection from bureaucratic oppression. Without regulatory protection, our idyllic home property and the quality of our life will be seriously degraded by the intrusion of local government into the most basic and personal aspects of our lives. The restrictions contained within these regulations compromise the use of almost all of our home property.

This heavy burden which will be placed on the backs of homeowners does not represent the will of all of the citizens of Milwaukie and it certainly does not represent the will of the homeowners who are going to be directly affected. Why do environmental activists who don't even live in Milwaukie attempt to dictate what happens to our landscaped home properties? How easy it is for people who don't have to live with, or pay for, the consequences.

By what right does anyone justify trying to shove us aside and take control of our land? Who worked hard for an entire lifetime to be able to afford to purchase this beautiful property? Who actually lives on it, maintains it, and pays taxes on it?

Then there's the question of how the Ordinance was reviewed by the Milwaukie Planning Commission. The Planning Commission was actually advised by the City's lawyer, during the course of their public meetings, that when crafting a legislative ordinance there was no legal necessity for them to weigh the facts or consider the evidence but that they could be openly biased and could vote however they chose to, without having to justify their decision. He also advised them that they could take 90% of the value of homeowners' property without it being considered a "taking," which would require compensation. They have followed his advice.

There are some Planning Commissioners who dismiss the landscaping plans of homeowners as being of no importance and some Commissioners who treat any Habitat Conservation Area as if it were public land which just happens to be inconveniently located on private property. They have dismissed most of our opposition without discussing the facts or merits of our objections and in the discussions have shown that they are sometimes not familiar with many details of the ordinance. At the conclusion of their process, they felt that the ordinance must be "balanced" because everyone seemed unhappy with it.

If it were up to me, I would throw the whole ordinance in the trash. But of course, it's not up to me. At a minimum, I urge you to adopt the "Homestead Exemption" clause, which will give us a little bit of breathing room. While this isn't a blanket exemption by any means, it may help shield us from further bureaucratic encroachment. The environmental restrictions which began with a deception in 2002 have grown, and the regulated areas have expanded, but this is not the end of the attempts to gain control over our property, it is only the beginning.

Somewhere a line has to be drawn to protect us. We simply want to live undisturbed on our land, in harmony with nature and at peace with our neighbors. We ask you to come to our aid this evening.

Russ Stoll, Milwaukie, pointed out the homeowner's exemption in Metro's model ordinance that allowed people to continue their landscaping practices on their property. It also contained a list of conditional activities. The homeowner's exemption had been taken out of the Milwaukie ordinance, and he read the language. This was not a blanket exemption. One of the most important things about watershed protection was preventing erosion into the creek, and secondary was preserving the canopy. As a volunteer with the Johnson Creek Watershed Council, he spent a lot of time restoring riparian habitat he fully agreed with the general thrust of the legislation. It was not a blanket exemption. However, he thought it was a fundamental point of American law and tradition that people had the right to enjoy their own property. In doing site visits he failed to see the need for these tree regulations. Most property owners were planting rather than removing trees. Trees enhanced property values. Without a homestead exemption the City was interfering too much with the lives and properties of its citizens.

Steve Melnichuk, Milwaukie, had been a steward of his property for 35 years, and it had more trees than when he purchased it. There were no invasive species, and most of the trees were native. During the Planning Commission meeting he made a presentation and requested a list of those activities that were permitted so he would know what was prohibited. He noted the HCA was quite large in some areas, and he felt there should be more research done before the City Council voted on adoption of the ordinance. He thought the fees were not “nominal” to all property owners.

Further staff comments:

Mr. Kelter addressed Ms. Baker’s comments relative to public notice. He referred to finding 7-C-1, Type 5 Public Notice on packet page 14 and concluded with a reference to 7-C-4, Measure 56 notice. He felt her concerns were addressed. He referred to staff report page 91 and the technical report review and explained the deposit. Other comments by Ms. Baker did not actually address the proposal before the City Council.

Mr. Kelter commented on Mr. Stoll’s reference to a section of Metro’s model ordinance. Staff used that document as its guide, and there were a number of things that did not appear in the code amendments now before the City Council as it was felt some sections did best serve the needs of the City of Milwaukie. Mr. Melnichuk’s comments about prohibitions had been addressed previously before the Planning Commission. The language being used referred to what type of activity required what type of review similar to the rest of the zoning code. It lists the types of activities that are allowed with different types of review and were, in fact, if one did not find an activity that meant it was not allowed. Mr. Kelter also noted nothing had changed in draft maps where areas for some types of activities were a concern and requiring some sort of simple plan. Mr. Melnichuk made a good argument for the fee proposal with regard to Type 1 which were the activities staff recommended waiving.

It was moved by Councilor Chaimov and seconded by Councilor Miller to close the public hearing. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting “aye.” [5:0]

Mayor Ferguson closed the public testimony portion of the hearing at 9:14 p.m.

City Council discussion and decision:

Councilor Loomis asked why the City chose to list what was permitted but not what was prohibited.

Mr. Kelter replied it was his understanding of how the larger zoning code worked and was specifically designed to say some activities were allowed in the resource areas but not others.

Mr. Ramis added this structure was inherited from Herbert Hoover when it was decided it was more efficient to make a list of what was allowed rather than create a long list of what was not allowed. This was a typical structure.

Councilor Hedges referred to page 33 and the possible requirement by the Planning Director of a maintenance bond.

Mr. Kelter replied it was in the section regarding standards for mitigation. It was intended to ensure the larger projects or those that might be phased would have some level of guarantee that the mitigation work would be done and that plant health and survival would be ensured for that period of time. An annual report was also required. Bonds were required for other projects to help ensure follow through. In this case there was some discretion on the part of the Planning Director.

Councilor Hedges was concerned a future Planning Director might require the bond on a whim. There did not seem to be any kind of appeal process.

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Mr. Asher understood a bond might be more typical on larger commercial developments. The amount of the bond would have a reasonable basis and not be capricious or arbitrary.

Councilor Hedges asked if this could be written so it did not apply to the residential property owner although he could understand for a bond for a commercial project. He asked for an explanation of the apparent inconsistency in how long plantings and trees were to survive.

Mr. Kelder replied the two-year time period had to do with tree replacement in a Type I process. This section was more general and had to do with a development situation. It could be made consistent although one had more to do with tree replacement and the other more development related general plantings.

Councilor Hedges asked why the WQR regulations were relaxed after being in place for a number of years.

Mr. Kelder replied the WQR regulations were adopted in 2002. From his research he understood Metro had provided a model ordinance and a great deal of that had been incorporated into the City's code without any recent revisitation. Some WQR rules were found to be unwieldy, blunt, and unresponsive under certain circumstances. This was an opportunity to make adjustment to the rules under certain situations to make them more effective.

Councilor Miller, referring to page 26, thought the ½-inch caliper replacement tree should be increased to 1-1/2 or 2-inch caliper. He believed 2-inch to 6-feet was the industry standard. He suggested the same type of change on page 32. He further recommended extending the bare root tree planting date from February 28 to April 15 for a better survival rate. He noted bare root trees were much less expensive.

Staff asked several clarifying questions on the proposals.

Councilor Loomis understood the City was required to amend its code to come into compliance with Metro regulations with some flexibility from the model code.

Mayor Ferguson called for a recess at 9:37 p.m. so staff could compile its notes. The meeting resumed at 9:47 p.m.

Councilor Loomis was not really in favor of the amendments but might support them if the homestead exemptions were included. He noted Dave Green, who was very environmentally conscious, testified that he had some concerns about property owners' rights.

Councilor Hedges supported requests to not cut down so many trees and limit that activity to keep the tree canopy as it was now. On the other side he supported the homestead exemption for residential properties. These people bought their properties before the codes came into being and should not be disadvantaged. He felt they were likely good stewards of their properties. If the City Council cannot agree on the homestead exemption, then those properties should be exempted from all fees for any type of planning review. He felt strongly about waiving fees for those who had been looking after their properties.

Councilor Chaimov had no amendments to suggest and supported the mauve, not green, amendments.

Councilor Miller wanted to remove the section that allowed cutting three trees without replacement as he did not feel it was appropriate.

Mayor Ferguson commented on the photos of well-manicured lawns and tree habitat. He questioned how one balanced property rights for established homes with ample

amounts of tree coverage with habitat protection. How did one balance property rights of those who were good stewards with those who do not care for their properties as well?

Mr. Asher replied the homestead exemption had been thoroughly scrutinized and tailored to address the equity issues.

Mr. Kelder stated a lot of these issues were discussed during the advisory process and identified as many specific situations property owners might encounter in dealing with their existing landscaping. He did not feel the homestead exemption was necessary in this code because exemptions were identified, and, in some cases, a simple review without a fee was written into the amendment. His perception throughout the process was that tree removal was the largest issue. He felt the bases had been covered without needing the broader exemption.

Mr. Asher felt that judicious oversight was better than a blanket exemption.

Councilor Loomis observed it was easier to regulate than not. People were fundamentally good stewards, and he felt it was important to educate people about what they can and cannot do with their property.

Councilor Hedges did not feel there should be a maintenance bond on residential properties and should only apply to commercial.

Councilor Chaimov observed this was difficult in that the City Council was trying to achieve a balance between the community's interest in waterways and habitat areas with property owners' rights to use their properties as they saw fit. Although the Planning Commission's decision may not have been his, these were the citizens designated by the City Council to come up with the best balance they could after listening to community input. He was not inclined to substitute his judgment for the balance they achieved. He was similarly disinclined to accept Mr. Gamba's suggestion about restricting tree removal as he was about Commissioner Stoll's suggestion to adopt the homestead exemption. He thought there was at least a reasonable possibility that with the number of exemptions built into this code and without Milwaukie's having a tree ordinance the City may not be compliant with Title 13. He would rather not have to redo this process. He would support the Planning Commission's work with the clarifying mauve amendments presented in the work session.

Mr. Asher summarized the proposals expressed by the City Council members: homeowner's exemption, not allowing the cutting of three trees, maintenance bond, the clarifying amendments, tree caliper size, changing the dates for bare root tree planting, tree survival and survival of replacement trees; consistency between establishment period between trees and shrubs, and if homeowner's exemption did not pass then waving all fees for those grandfathered in related to this part of the code. The City Council addressed each in turn.

1. Homeowner's exemption (Councilors Hedges, Loomis, and Miller in favor; Councilor Chaimov and Mayor Ferguson opposed. Passed 3:2)
2. Allow cutting of three trees (staff report page 25, B.1.f.) and using the language suggested by the Audubon Society letter point 2 and clarifying language in 19.402.6.B.1.f – the tree is not categorized as either a nuisance or native species on the Milwaukie Native Plant list and is not located in a WQR ~~categorized as Class A (“Good”), according to Table 19.40241.G~~ provided that no more than 3 such trees will be removed during any 12-month period. (Councilors Hedges and Miller in favor; Councilors Chaimov and Loomis and Mayor Ferguson opposed. Failed 2:3)

3. Proposed amendments related to 19.402.2.D, Coordination with Other Regulations. (Passed unanimously)
4. Proposed amendments related to 19.402.4.A.9 related to exempt activities., Exempt Activities. (Passed unanimously)
5. Maintenance bond requirements do not apply to residential property owners. (Councilors Hedges, Loomis, and Miller in favor; Councilor Chaimov and Mayor Ferguson opposed. Passed 3:2)
6. Clarify language that replacement trees must be established two years from the time of the planting of the replacement tree. (Passed unanimously)
7. Change establishment periods to two years for consistency. (Councilors Hedges, Loomis, and Miller and Mayor Ferguson in favor; Councilor Chaimov opposed. Passed 4:1)
8. Change minimum caliper of replacement trees from ½-inch to 1-1/2- inch. (Councilors Hedges and Miller in favor; Councilors Chaimov and Loomis and Mayor Ferguson opposed. Failed 2:3)
9. Modify dates for planting bare root trees. (Passed unanimously)

The City Council discussed fee waivers and what costs might not be covered specific to this set of codes.

Mr. Asher noted there were already fees associated with WQR areas, so it was possible fees were being reduced which had already been collected and supported activities associated with earlier hearings.

Mayor Ferguson asked if fees could be adjusted in the HCA and outside the WQR. He called a brief recess at 10:34 p.m. so staff could look into some of these questions and resumed the meeting at 10:40 p.m.

Mr. Asher said the fees paid by applicants now tended to be higher fees related to land use and not necessarily tied to this code amendment. He thought it would be a mistake to waive land use fees because a property was in a WQR area or HCA. The fees particular to this code language had already been waived or reduced in the case of a Type III application. He felt the burden had already been addressed relative to these code amendments.

Councilor Hedges did not intend that waivers would apply to an empty lot but rather to those in residence in their own homes prior to the effective date of these amendments and only applicable when triggered by these codes.

Councilor Chaimov understood Councilor Hedges' intent was if there were an action separate and apart from these code amendment then the fees were not waived. The fees would be waived if the action triggered this code and this code alone.

Mayor Ferguson summarized: applications with fees associated with this code and this code alone would be waived in the area outside WQR and inside the HCA provided the property was residential and the applicant owned the property prior to the effective date of this ordinance. (Councilors Hedges, Loomis, and Miller and Mayor Ferguson in favor; Councilor Chaimov opposed. Passed 4:1)

Mr. Ramis suggested referring the matter to staff and considering the proposed code amendments at the August 2, 2011 City Council meeting.

Mr. Kelder briefly reviewed the amendments.

OTHER BUSINESS

A. Revisions to Board, Commission, and Committee Terms – Ordinances and Resolution

It was moved by Mayor Ferguson and seconded by Councilor Chaimov to hold the remaining agenda items over to the August 2, 2011, City Council agenda. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting “aye.” [5:0]

B. Council Reports

Mayor Ferguson announced several upcoming community events.

ADJOURNMENT

It was moved by Mayor Ferguson and seconded by Councilor Chaimov to adjourn the meeting. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting “aye.” [5:0].

Mayor Ferguson adjourned the regular session at 10:56 p.m.

Respectfully submitted,

Pat DuVal, Recorder

**MINUTES
MILWAUKIE CITY COUNCIL WORK SESSION
AUGUST 2, 2011**

Mayor Ferguson called the work session to order at 5:00 p.m. in the City Hall Conference Room.

Council Present: Council President Greg Chaimov, and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Assistant to the City Manager Teri Bankhead, Public Affairs Coordinator Grady Wheeler, Program Specialist Beth Ragel, Police Chief Bob Jordan, and Community Services Director JoAnn Herrigel

City Manager's Report

Mr. Monahan handed out a memo from Ms. Herrigel regarding combining Kellogg Lake properties as suggested by Les Poole.

The matter of TriMet funding was scheduled for the September 6, 2011 City Council agenda.

Ms. Mangle provided a copy of the planning projects including light rail urban design, electronic sign code project, and annexation applications.

Mr. Asher provided updates on the Lake Road multimodal improvements, South Downtown planning and implementation, and the Walk Safely Milwaukie Program.

Councilor Miller discussed signage issues with the Lake Road project.

Milwaukie Arts Committee

Committee members present: Jeff Davis, Betty Arne, and Eric Griswold

Ms. Ragel reviewed the accomplishments of the previous year and upcoming projects for 2011 - 2012. The Committee will evaluate submissions for the next round of sculptures for the City Hall garden. She would return with bylaws for adoption at a future meeting.

Mayor Ferguson congratulated the Committee for its work on the "Landscape through Our Lenses" program and interaction with the Milwaukie youth. He was impressed by the Arts Committee and appreciated its support and involvement at First Fridays.

Mr. Griswold said the photo exhibit was inspiring, and he would like more people, including youth to show their perspective and vision of the City.

Mr. Miller asked about the status of the Chopsticks building mural.

Ms. Ragel replied the mural was stored in vacant retail space and noted the Arts Committee was interested in restoring it. There would be a report on the mural program proposal in September. Under the current code the mural would not be permitted.

Mr. Davis said they had volunteers interested in a restoration effort.

Councilor Chaimov thanked the Committee, and asked what Council could do to better to assist.

Mr. Davis replied his only thought at this time was the mural. The Committee had been able to make things work with existing resources and appreciated the City Council's support.

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Mr. Monahan said he would collect any Council comments or suggestions on the proposed bylaws and forward them to Ms. Ragel prior to adoption.

Mr. Davis discussed the *Hometown Superhero* show and the youth element. He noted there was a chance the OPB radio broadcast, *Livewire*, might take place at the Masonic Lodge.

Mr. Loomis was impressed with the Committee and appreciated what they did for the community. He asked if the Committee had had an opportunity to discuss the term limit amendments and what the members' feelings were.

Ms. Ragel replied although the Committee had not discussed the amendments, she did not see a conflict. There were still plenty of opportunities for those interested in the arts to volunteer and get involved.

Mr. Monahan discussed how the proposed terms limits would affect the Arts Committee.

Public Safety Advisory Committee

Committee members present: Don Wiley, Pepi Anderson, and Ray Bryan.

Councilor Loomis asked for thoughts on the Walk Safely Milwaukie Program (WSMP).

Mr. Wiley thought the ideas were phenomenal and resulted in more direct interaction between staff and the neighborhood leadership.

Mr. Bryan appreciated the program in terms of addressing both large and small projects. He also felt the interaction with the neighborhood leadership was beneficial.

Ms. Anderson said there were some issues early on, but all parties interacted well, resulting in a good experience. She addressed the need for the neighborhood leadership group to be empowered and to identify roles.

Mr. Monahan commented the leadership group was not a formal body established by the City Council.

Councilor Loomis observed there would always be changes with a new program like the WSMP. The initial negativity had caught Council by surprise, but the input made it a stronger program.

Mr. Wiley reported the 9k for K9 fundraiser grossed almost \$1,600 and attracted more than 54 participants.

Mayor Ferguson discussed a developing a brochure suggesting how neighborhoods and residents would report their traffic safety needs. He encouraged partnering with TriMet on programs that supported railroad safety outreach and communication in the community.

Mr. Wiley talked briefly about the Officer of the Year program and the bike project.

Chief Jordan updated the group on the Milwaukie Police Department K9 program.

North Clackamas Parks and Recreation District Update

Ms. Herrigel introduced North Clackamas Parks and Recreation (NCPRD) staff members Gary Barth, Dave Miletich, and Michelle Healy.

Mr. Barth discussed the business and community organization chart for the County, parks history, and advisory board governance information.

Mr. Barth said a key District strategy was to update the 10-year old Master Plan that included better integrated natural resource management.

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Ms. Healy added information about funding to begin the Plan update process which will take about two years. The public will be engaged throughout the process.

Mr. Barth reviewed the District vision and goals.

Ms. Healy said there were \$137 million in projects and another \$7 million in projects that did not get in the capital improvement plan (CIP). She discussed systems development charges (SDC) which were the main source of revenue. It was a 5-year implementation program to identify costs, partnerships and funding streams. The projects will be reviewed to determine what can realistically be accomplished.

Mr. Barth reviewed the programs and services that the District provided to residents.

Mr. Miletich reviewed the recreation program numbers. They had more than 3,500 participants in classes, programs, and special events. North Clackamas Park had more than 87,000 visitors, and Hood View was been extremely popular. He discussed working with the schools to offer more recreation programs.

Mr. Barth commented on the impact of the loss of the Oregon Institute of Technology (OIT) gym space. He discussed the summer rec mobile program and movies in the park.

Mayor Ferguson stated the Neighborhood hoped to see activity at Hector Campbell School.

Mr. Barth provided an overview of NCPRD assets and maintenance issues. He discussed the budgets by agency throughout the County and gave an overview of finances. NCPRD had a budget of \$17.5 million. In comparison to other parks districts in the region, the NCPRD staffing level is about one-third of others due in large part to the tax base. Funding comes from SDC's and the \$0.54 tax base, and there are no capital bonds

Councilor Chaimov commented Milwaukie residents would like to have a master plan for Kronberg Park before light rail is completed.

Ms. Healy suggested going to the District prior to beginning a master plan and stated nothing had been budgeted this year for Kronberg Park. The District may be able to lend its expertise though.

Mr. Barth said the CIP was the guiding document, and the City could provide input on priorities through its appointee to the District Advisory Board.

Ms. Healy added that planning was a component in the CIP. The most recent priorities have been North Clackamas Park, Milwaukie Riverfront Park, and the Trolley Trail.

Councilor Loomis commented that North Clackamas Park was a \$4 million project that was of no cost to the City. As an employee of the District, he has only heard positive things from Park users.

Mayor Ferguson adjourned the meeting at 6:55 p.m.

Respectfully submitted,

Pat DuVal, Recorder

6.

OTHER BUSINESS



Agenda Item: 6.A.
Meeting Date: September 6, 2011

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Expedited Annexation (File #A-11-04)

Prepared By: Brett Kelper

Dept. Head Approval: Katie Mangle

City Mgr. Approval: Bill Monahan

ISSUE BEFORE THE COUNCIL

Consideration of an expedited annexation for the property at 9320 SE Stanley Ave.

STAFF RECOMMENDATION

Approval of application A-11-04 for an expedited annexation of the property at 9320 SE Stanley Ave.

KEY FACTS & INFORMATION SUMMARY

The septic system on the Annexation Property has failed and the City has allowed an emergency connection to the City's sewer system in the Northeast Sewer Extension (NESE) area. The property would be in the Residential R-7 zone upon annexation. The existing residential structure on site is a single-family home, which is allowed outright in the R-7 zone. Staff does not believe there are any adverse impacts to annexing this property into the city.

OTHER ALTERNATIVES CONSIDERED

Council can approve or deny the requested annexation.

CITY COUNCIL GOALS

n/a

ATTACHMENT LIST

1. Annexation Ordinance
 - Exhibit A. Findings in Support of Approval
 - Exhibit B. Legal Description and Tax Map
2. Annexation Site Map
3. Applicant's Annexation Application
4. Applicant's Consent to Annex Form

FISCAL NOTES

Minimal fiscal impact is expected. It is expected that property taxes received by the City for this property will be roughly offset by the cost of providing services to the property.



To: Mayor and City Council

Through: Bill Monahan, City Manager
Kenneth Asher, Community Development and Public Works Director
Katie Mangle, Planning Director

From: Brett Kever, Associate Planner

Date: August 30, 2011 for September 6, 2011 Regular Session

Subject: File #A-11-04 – Expedited Annexation of 9320 SE Stanley Ave

ACTION REQUESTED

Approve application A-11-04, an expedited annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation of 9320 SE Stanley Avenue (the "Annexation Property") into the City (Tax Map 1S2E30AD Tax Lot 4200).
- Application of a Low Density (LD) land use designation and a Residential (R-7) zoning designation to the Annexation Property.
- Amendments to the City's Land Use Map and Zoning Map to reflect the City's new boundary and the Annexation Property's new land use and zoning designations.
- Withdrawal of the Annexation Property from the following urban service providers and districts:
 - Clackamas County Service District for Enhanced Law Enforcement
 - Clackamas County Service District No. 5 for Street Lights

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

June 2010: Council approved the first annexation of property in the Northeast Sewer Extension (NESE) Project Area, at 5840 SE Morris St (file #A-10-01). Since then, Council has approved the annexation of 57 additional properties in the NESE area.

January 2010: Council annexed the rights-of-way in the Northeast Sewer Extension (NESE) Project Area making all properties in this area contiguous to the City limits and eligible for annexation (Ordinance 2010).

September 2009: Council initiated annexation of the rights-of-way in the NESE Project Area by resolution (Resolution No. 58-2009).

August 2009: Staff briefed Council on the status of the NESE Project and the need to annex the rights-of-way in this area.

July 1990: Clackamas County Order No 90-726 established an Urban Growth Management Agreement in which the City and County agreed to coordinate the future delivery of services to the unincorporated areas of North Clackamas County. With respect to Dual Interest Area “A,” the agreement states: *“The City shall assume a lead role in providing urbanizing services.”*

BACKGROUND

PROPOSAL

In late May 2011, the City of Portland informed City of Milwaukie staff that an overflow pipe for the septic tank on the Annexation Property drained directly into Johnson Creek. City staff notified Clackamas County as the jurisdiction with authority, and the County required the property owners to disconnect the overflow pipe. The owners discovered that the septic system had failed and waste was draining from the house directly into the creek via the overflow pipe. According to the intergovernmental agreement between the City and County regarding the NESE area, the County could not issue a permit to repair or replace the septic system because City sewer service was available. On July 12, 2011, the City authorized an emergency connection to the City's sewer system, upon submission of an annexation application and a Consent to Annex form. The Consent to Annex form obligates the property owner to complete the annexation process. This is necessary so as to avoid extraterritorial provision of City services, which is contrary to City policy. The property owners propose an expedited annexation to the City in order to fulfill their contractual obligation to annex following the emergency sewer connection earlier this year.

SITE AND VICINITY

The Annexation Property is contiguous to the existing city limits as a result of the NESE right-of-way annexation in 2010. The Annexation Property is within the City's urban growth management area (UGMA) and the NESE project area.

The Annexation Property is currently developed with one single-family house, which is outright allowed in the City's Residential R-7 Zone. The Annexation Property is located on the east side of Stanley Ave between SE Morris Street to the north and SE Laurel Street to the south, just north of and adjacent to Johnson Creek. The surrounding area consists of single-family residences.

ANNEXATION PETITION

This is a regular expedited annexation petition (see Attachment 3), and is similar to other expedited annexations approved by City Council in the past two years. Any property that is within the UGMA and contiguous to the city limit may apply for an expedited annexation so long as all property owners of the area to be annexed and at least 50% of registered voters within the area to be annexed consent to the annexation.

The property owners, who are the only registered voters residing at the Annexation Property, have signed the petition for annexation. The expedited annexation process automatically assigns City land use and zoning designations to the Annexation Property based on the existing Clackamas County land use and zoning designations. The existing County land use and zoning designations for the Annexation Property are Low Density Residential (LDR) and Residential

R7, respectively, and the City land use and zoning designations would be Low Density Residential (LD) and Residential Zone R-7.

Pursuant to City, regional, and State regulations on expedited annexations, all necessary parties, interested persons, and residents and property owners within 400 feet of the site were notified of these proceedings. A public hearing is not required for an expedited annexation; however, Council must adopt an ordinance to implement the annexation.

EXPEDITED ANNEXATION APPROVAL CRITERIA

Expedited annexations must meet the approval criteria of Milwaukie Municipal Code (MMC) Subsection 19.1102.3. Compliance with the applicable criteria is detailed in Attachment 1, Exhibit A.

UTILITIES, SERVICE PROVIDERS, AND SERVICE DISTRICTS

The City is authorized by ORS Section 222.120 (5) to withdraw the Annexation Property from non-City service providers and districts upon annexation of the site to the City. This allows for a more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's Comprehensive Plan policies relating to annexation.

Wastewater: The Annexation Property is within the City's sewer service area and is served by the City's 8-inch sewer line in Stanley Ave.

Water: The Annexation Property is currently served by Clackamas River Water (CRW) through a CRW water line in Stanley Ave. Pursuant to the City's IGA with CRW, CRW will continue to serve this property, and the site should not be withdrawn from this district at this time.

Storm: The Annexation Property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Fire: The Annexation Property is currently served by Clackamas County Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.

Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Property is currently within Clackamas County Service District No. 5 for Street Lights (the "District"). There are two street lights across Stanley Ave from the Annexation Property. As of July 1, 2011, an intergovernmental agreement between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area, though the properties themselves remain in the District until they annex to the City. The Annexation Property should be withdrawn from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, etc.

CONCURRENCE

All City departments, necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Sites were notified of these annexation proceedings as required by City, regional, and State regulations. The Lewelling Neighborhood District Association and the Southgate Planning Association also received notice of the annexation petition and meeting. The City did not receive any objection to the proposed annexation by any necessary party.

FISCAL IMPACT

The annexation will have minimal fiscal impact on the City. Costs of providing governmental services will likely be off-set by the collection of property taxes. The total assessed value of the Annexation Property in 2010 was \$167,251.¹ Total property tax collections in the range of \$2700 are anticipated in FY 2011-12 for the Annexation Property, and the City will receive approximately \$680 of this total.

WORK LOAD IMPACTS

Work load impacts will be minimal and will likely include, but are not limited to, the following: utility billing, provision of general governmental services, and the setting up and maintenance of property records.

ALTERNATIVES

The application is subject to Milwaukie Comprehensive Plan Chapter 6 City Growth and Governmental Relationships, Oregon Revised Statutes Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1100 Annexations and Boundary Changes.

The City Council has two decision-making options:

1. Approve the application and adopt the ordinance and findings in support of approval.
2. Deny the application and adopt findings in support of denial. In this case, where the City has already allowed the applicant to connect to the City's sewer system, denial would result in the provision of extraterritorial sewer service to the Annexation Property, which is counter to City policy.

ATTACHMENTS

1. Annexation Ordinance
 - Exhibit A. Findings in Support of Approval
 - Exhibit B. Legal Description and Tax Map
2. Annexation Site Map
3. Applicant's Annexation Application
4. Applicant's Consent to Annex Form

¹ According to the Clackamas County Assessor's Office, the assessed value of the real property in 2010 was \$118,861; the value of the accompanying manufactured home was \$48,390.

ATTACHMENT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS 9320 SE STANLEY AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS. (FILE #A-11-04).

WHEREAS, the territory proposed for annexation is contiguous to the City's boundary and is within the City's urban growth management area; and

WHEREAS, the requirements of the Oregon Revised Statutes for initiation of the annexation were met by providing written consent from a majority of electors and all owners of land in the territory proposed for annexation; and

WHEREAS, the territory proposed for annexation lies within the territory of Clackamas County Service District No. 5 for Street Lights and Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party; and

WHEREAS, the annexation will promote the timely, orderly, and economic provision of public facilities and services; and

WHEREAS, Table 19.1504.1.E of the Milwaukie Municipal Code provides for the automatic application of City zoning and Comprehensive Plan land use designations; and

WHEREAS, the City conducted a public meeting and mailed notice of the public meeting as required by law; and

WHEREAS, the City prepared and made available an annexation report that addressed all applicable criteria, and, upon consideration of such report, the City Council favors annexation of the tract of land and withdrawal from all applicable districts based on findings and conclusions attached hereto as Exhibit A;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The Findings in Support of Approval and attached as Exhibit A are hereby adopted.

Section 2. The tract of land described and depicted in Exhibit B is hereby annexed to the City of Milwaukie.

Section 3. The tract of land annexed by this ordinance and described in Section 2 is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights.

Section 4. The tract of land annexed by this ordinance and described in Section 2 is hereby assigned a Comprehensive Plan land use designation of Low Density Residential and a Municipal Code zoning designation of Residential zone R-7.

Section 5. The City shall immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030 and ORS 222.005 and 222.177. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

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 _____.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Document1 (Last revised 09/18/07)

ATTACHMENT 1
Exhibit A

FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 9320 SE Stanley Ave (the “Annexation Property”), the Milwaukie City Council finds:

1. The Annexation Property consists of one tax lot comprising 0.38 acres (Tax Map 1S2E30AD Tax Lot 4200). The western border of the site is contiguous to the existing city limits via SE Stanley Avenue. The Annexation Property is also within the City’s urban growth management area (UGMA).

The Annexation Property is developed with a single-family dwelling unit. The surrounding area consists primarily of single-family dwellings.
2. The property owner seeks annexation to the City to access City services, namely sewer service. The Annexation Property was allowed to make an emergency connection to the City’s sewer system after the septic system on the property failed. Since City policy does not allow extraterritorial connections to City services, the property owners submitted an annexation application and Consent to Annex form prior to making the sewer connection, which obligated them to complete the annexation process.
3. The annexation petition was initiated by Consent of All Owners of Land on July 12, 2011. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1102.2.A.1.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC Section 19.1104.
5. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.
6. The expedited annexation process provides for automatic application of City land use and zoning designations to the Annexation Property based on its existing land use designation in the County, which is Residential R7. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use and zoning designations for the Annexation Property are Low Density Residential and Residential Zone R-7, respectively.
7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
 - A. The subject site must be located within the City’s urban growth management area (UGMA);

The Annexation Property is within the City’s UGMA.

- B. The subject site must be contiguous to the existing city limits;
The Annexation Property is contiguous to the existing city limits along its eastern edge.
- C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;
David and Teresa Nelson, owners of the Annexation Property and both registered voters, consented to the annexation by signing the petition. There are no additional registered voters residing at the Annexation Property. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors residing at the Annexation Property.
- D. The proposal must be consistent with Milwaukie Comprehensive Plan Policies;
Chapter 6 of the Comprehensive Plan contains the City's annexation policies. Applicable annexation policies include: (1) delivery of City services to annexing areas where the City has adequate services and (2) requiring annexation in order to receive a City service. City sewer service is available to the Annexation Property in Stanley Ave. The property owners are pursuing expedited annexation because the City allowed an emergency connection to the City sewer due to the failure of the existing septic system on the Annexation Property. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.
- E. The proposal must comply with the criteria of Metro code Sections 3.09.050(d) and, if applicable, (e).
The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as detailed in Finding 8.

8. Prior to approving an expedited annexation, the City must apply the provisions contained in Section 3.09.045.D of the Metro Code. They are listed below with findings in italics.

- A. Find that the change is consistent with expressly applicable provisions in:
 - (1) Any applicable urban service agreement adopted pursuant to ORS 195.205;
There are no applicable urban service agreements adopted pursuant to ORS 195 in the area of the proposed annexation. The City, however, has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. Pursuant to this agreement, the City recently completed construction of a public sewer system in this area. The proposed annexation is in keeping

with the City's policy of requiring properties to annex to the City in order to connect to City services such as the new sewer line.

- (2) Any applicable annexation plan adopted pursuant to ORS 195.205;

There are no applicable annexation plans adopted pursuant to ORS 195 in the area of the proposed annexation.

- (3) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

There are no applicable cooperative planning agreements adopted pursuant to ORS 195 in the area of the proposed annexation.

- (4) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Clackamas County completed a North Clackamas Urban Area Public Facilities Plan in 1989 in compliance with Goal 11 of the Land Conservation and Development Commission for coordination of adequate public facilities and services. The City subsequently adopted this plan as an ancillary Comprehensive Plan document. The plan contains four elements:

- *Sanitary Sewerage Services*
- *Storm Drainage*
- *Transportation Element*
- *Water Systems*

The proposed annexation is consistent with the four elements of this plan as follows:

Sewer: The City is the identified sewer service provider in the area of the proposed annexation and recently completed construction of a public sewer system that can adequately serve the Annexation Property.

Storm: The Annexation Property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Transportation: The City will require public street improvements along the Annexation Property's frontage when new development occurs.

Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, the City's more recent UGMA agreement with the County identifies the City as the lead urban service provider in the area of the proposed annexation. The City is in the process of developing a water service master plan for all of the territory within its UGMA and discussing possible

service provision changes with CRW. In the meantime, CRW will continue to provide water service to the Annexation Property.

- (5) Any applicable comprehensive plan.

The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous page. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. It does, however, contain the City-County UGMA agreement, which identifies the area of the proposed annexation as being within the City's UGMA. The UGMA agreement requires that the City notify the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has already annexed and taken jurisdiction of the Stanley Ave right-of-way adjacent to the proposed Annexation Property.

- B. Consider whether the boundary change would:

- (1) Promote the timely, orderly and economic provision of public facilities and services;

The City is the identified urban service provider in the area of the proposed annexation, and the proposed annexation will facilitate the timely, orderly, and economic provision of urban services to the Annexation Property.

The City has recently expanded City sewer service into this area via Stanley Ave. The proposed annexation is requested because the City allowed the Annexation Property to make an emergency connection to the City's new sewer system due to the failure of the existing septic system on the Annexation Property.

The area is currently served by CRW, and the City does not propose to duplicate CRW's water system to serve the Annexation Property.

- (2) Affect the quality and quantity of urban services; and

The Annexation Property is a tax lot developed with a single-family residence. Annexation of the site is not expected to affect the quality or quantity of urban services in this area, given the surrounding level of urban development and the existing level of urban service provision in this area.

- (3) Eliminate or avoid unnecessary duplication of facilities and services.

The Annexation Property will be served by the Milwaukie Police Department upon annexation. In order to avoid duplication of law enforcement services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

CRW is the current water service provider in the area of the proposed annexation. Until such time as the existing IGA between the City and CRW is renegotiated, the City does not intend to duplicate CRW's existing water supply system or withdraw private properties being served by CRW from the CRW district. CRW will continue to be the water service provider in this area.

9. The City is authorized by ORS Section 222.120 (5) to withdraw annexed territory from non-City service providers and districts upon annexation of the territory to the City. This allows for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's Comprehensive Plan policies relating to annexation.

Wastewater: The Annexation Property is within the City's sewer service area and is served by the City's 8-inch sewer line in Stanley Ave.

Water: The Annexation Property is currently served by CRW through a CRW water line in Stanley Ave. Pursuant to the City's IGA with CRW, the site should not be withdrawn from this district at this time.

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Fire: The Annexation Property is currently served by Clackamas County Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.

Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Property is currently within Clackamas County Service District No. 5 for Street Lights (the "District"). There are two street lights across Stanley Ave from the Annexation Property. As of July 1, 2011, an intergovernmental agreement between the City and the District transfers operational responsibility to the City for the street lights and street light payments in the NESE area, though the properties themselves remain in the District until they annex to the City. The Annexation Property should be withdrawn from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, etc.

ATTACHMENT 1
Exhibit B



RECORDED IN CLACKAMAS COUNTY
JOHN KRAUFFMAN, COUNTY CLERK
2002-009419
\$26.00
08248313288288894185618618
01/29/2002 04:41:37 PM
D-D Cnt=1 Stn=10 AMIEE
\$5.00 \$11.00 \$10.00

WARRANTY DEED

00069990

DAVID NELSON, personal representative of the estate of LOUIS ERNEST NELSON, Multnomah County Probate number 010290 292, grantor, conveys and warrants to DAVID NELSON, grantee, the following described real estate in Clackamas County, Oregon:

Lots 3, 4, 5 and 6, Block 2, Stanley - along with manufactured home with title 9922582438
This real estate is located at 9320 SE Stanley Ave, Milwaukie, OR

12E 30 AD 04200

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. The grantee should check to determine if there is any fire protection available for the property. Some property, such as farm property or forest property has limited uses as defined under Oregon law in particular ORS 30.930. Before signing or accepting this instrument, the person acquiring fee title or any interest in the property should check with the appropriate city or county planning dept. to verify approved uses.

The consideration paid for this conveyance was distribution to sole heir in the above estate. The probate inventory value of the real estate was \$175,000.

DAVID NELSON PERSONAL REPRESENTATIVE
Subscribed and sworn to before me on January 23, 2002
by David Nelson as personal representative

Notary Public for Oregon

After recording please return to mail future real estate tax statements to:

Mr. David Nelson
9320 SE Stanley
Milwaukie, OR 97222



2002-09419

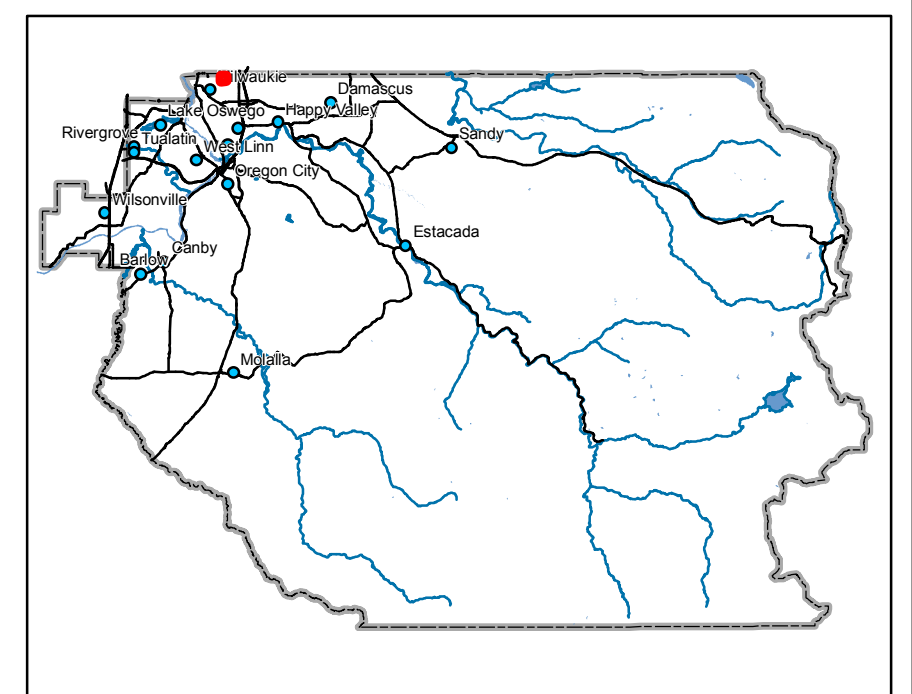
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Clackamas County
1" = 100'

D. L. C.
HECTOR CAMPBELL NO. 41

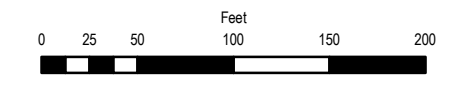
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- 300
- 400
- 500
- 600
- 700
- 800
- 1200
- 1400
- 1490
- 1800
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- 2600
- 3900
- 6700
- 7701
- 8000
- 8600
- 8900M1

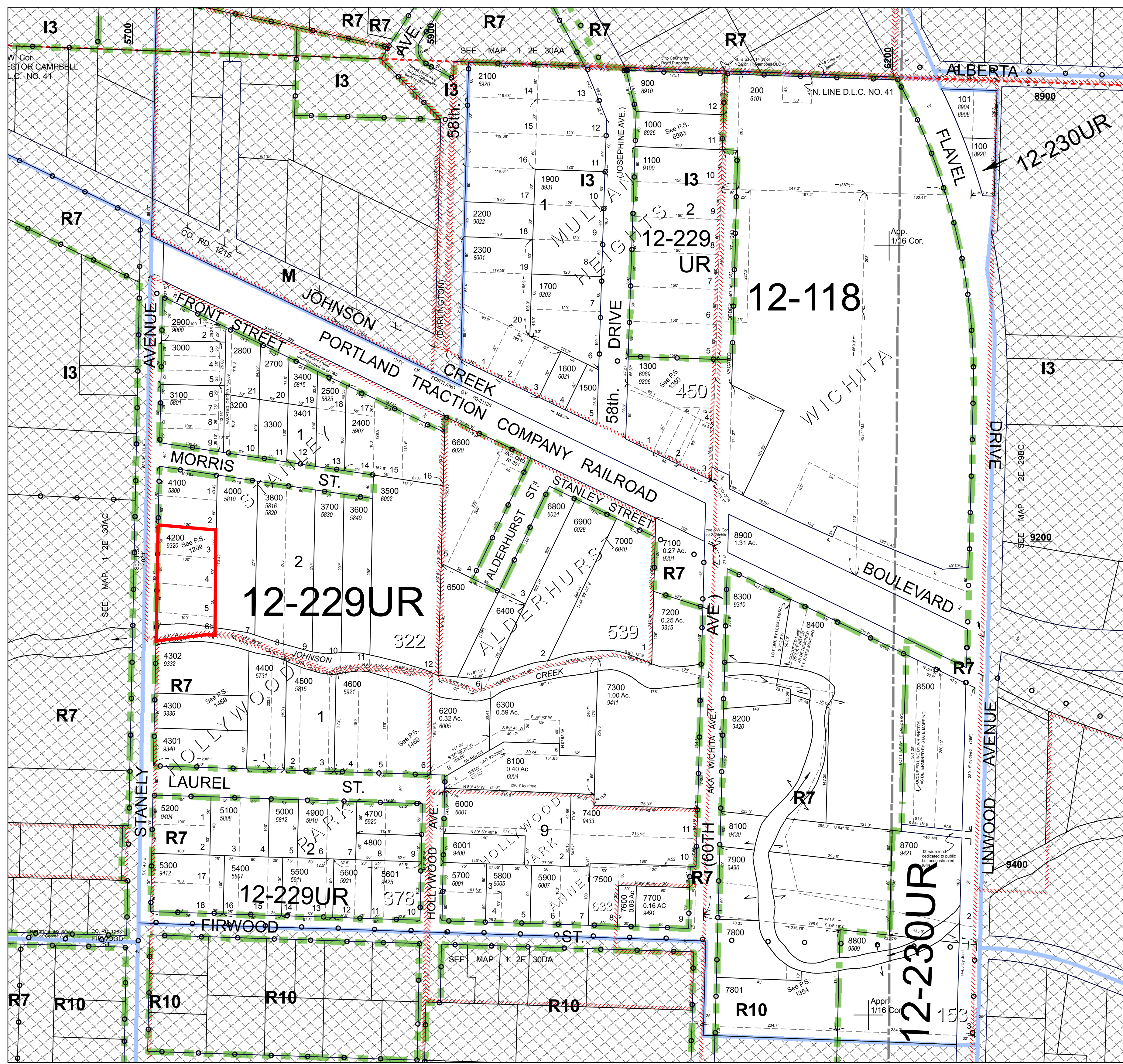
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- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



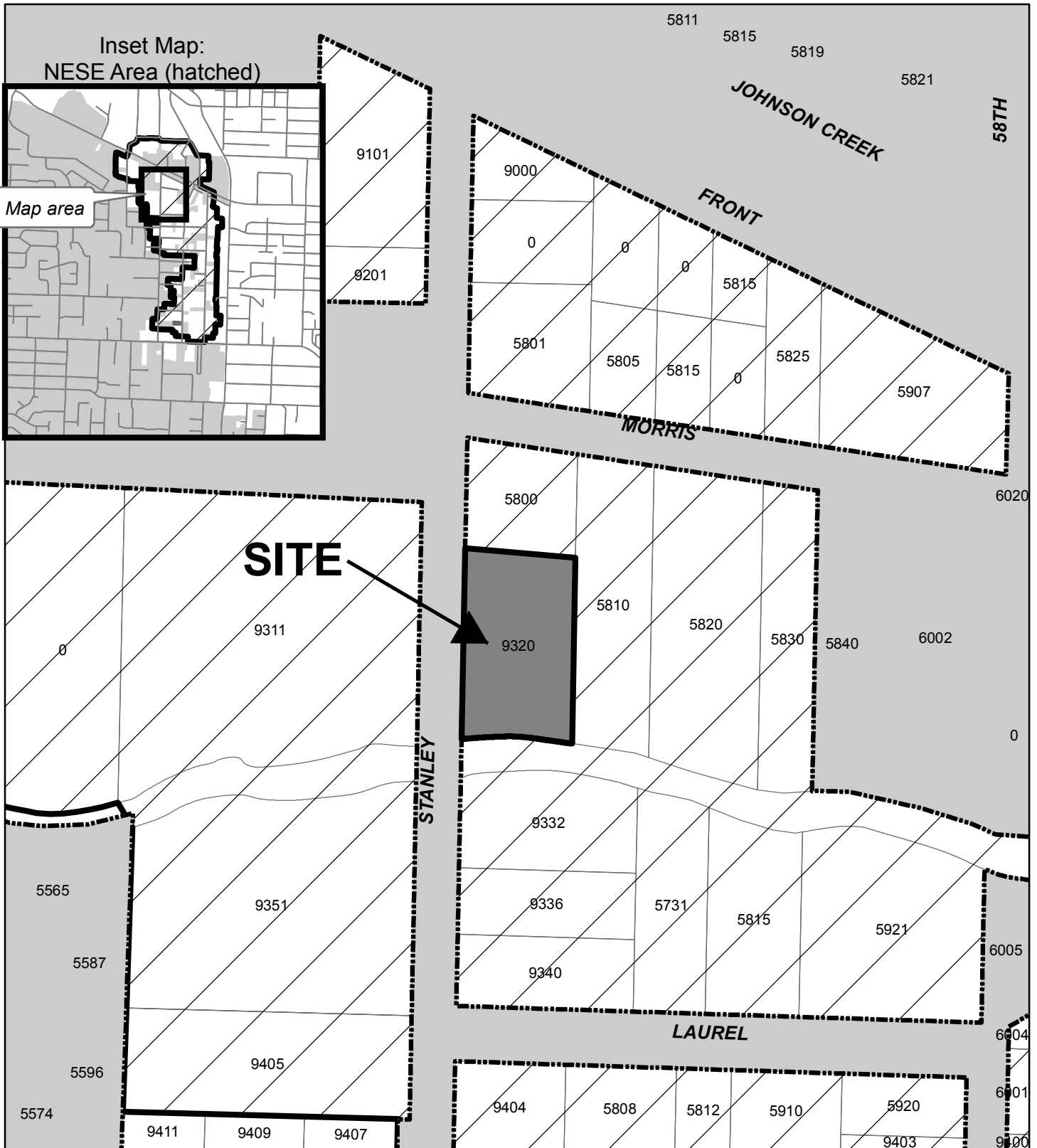
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



9/30/2010







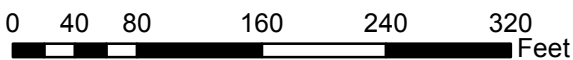
ATTACHMENT 2



Site Map
9320 SE Stanley Ave
(Tax Lot ID 1S2E30AD 4200)
File #A-11-04

Legend

-  NE Sewer Extension Project Boundary
-  A-11-04 site
-  Tax Lots
-  City Limit





PLANNING DEPARTMENT
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206

PHONE: 503-786-7630
 FAX: 503-774-8236
 E-MAIL: planning@ci.milwaukie.or.us
 WEB: www.cityofmilwaukie.org

Expedited Annexation Application

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant): *David Nelson*

Mailing address: *9320 SE Stanley Ave.* Zip: *97222*

Phone(s): *503-771-5498* E-mail: _____

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: _____ Zip: _____

Phone(s): _____ E-mail: _____

SITE INFORMATION:

Address(es): *9320 SE Stanley Ave.* Map & Tax Lot(s): *1S2E30AD04200* Property size: _____

Existing County zoning: *R-7* Proposed City zoning: *R-7*

Existing County land use designation: *LDR* Proposed City land use designation: *LD*

PROPOSAL (describe briefly):

Expedited annexation for emergency sewer connection

SIGNATURE:

David Nelson

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County are not made legal upon annexation to the City. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: *David Nelson* Date: *7-12-11*

THIS SECTION FOR OFFICE USE ONLY:

| |
|--|
| File #: <i>A-11-04</i> Fee: \$ <i>100*</i> Receipt #: _____ Rcd. by: <i>bk</i> Date stamp: _____ |
| Associated application file #'s: _____ |
| Neighborhood District Association(s): _____ |
| Notes (include discount if any): <i>* Expedited fee is \$150, minus \$50 applied from pre-application mtg.</i> |
| <p>RECEIVED</p> <p>JUL 12 2011</p> <p>CITY OF MILWAUKIE PLANNING DEPARTMENT</p> |

PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or voter precinct number.

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|--|----------------------|----------|--------|-------------------------------------|------------------|
| | | PO | RV | OV | |
| <i>David Nelson</i> | David Nelson | | | <input checked="" type="checkbox"/> | 7-12-11 |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 9320 SE. Stanley Ave. ^{Milwaukie} OR. 97222 | 15 | 2E | 30AD | 04200 | 478 |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|--|----------------------|----------|--------|-------------------------------------|------------------|
| | | PO | RV | OV | |
| <i>Teresa Nelson</i> | Teresa Nelson | | | <input checked="" type="checkbox"/> | |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 9320 SE. Stanley Ave. ^{Milwaukie} OR. 97222 | 15 | 2E | 30AD | 04200 | 478 |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------|----------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
| | | | | | |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| | | | | | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------|----------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
| | | | | | |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
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| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------|----------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
| | | | | | |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| | | | | | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------|----------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
| | | | | | |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| | | | | | |

*PO = Property Owner RV = Registered Voter OV = Owner and Registered Voter

**CERTIFICATION OF PROPERTY OWNERSHIP OF
100% OF LAND AREA**

I hereby certify that the attached petition contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

Name CRAIG FERRIS
Title CARTOGRAPHER III
Department ASSESSMENT & TAX
County of CLACKAMAS
Date 7-12-11



¹ Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E30AD 04200) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.



Name CRAIG FERRIS
Title CARTOGRAPHER III
Department ASSESSMENT & TAX
County of CLACKAMAS
Date 7-12-11



RECORDED IN CLACKAMAS COUNTY
JOHN KRAUFFMAN, COUNTY CLERK

2002-009419



\$25.00

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\$5.00 \$11.00 \$10.00

01/29/2002 04:41:37 PM

WARRANTY DEED

0 0069990

DAVID NELSON, personal representative of the estate of LOUIS ERNEST NELSON, Multnomah County Probate number 010290 292, grantor, conveys and warrants to DAVID NELSON, grantee, the following described real estate in Clackamas County, Oregon:

Lots 3, 4, 5 and 6, Block 2, Stanley - along with manufactured home with title 9922582438
This real estate is located at 9320 SE Stanley Ave, Milwaukie, OR
12E 30 AD 04200

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. The grantee should check to determine if there is any fire protection available for the property. Some property, such as farm property or forest property has limited uses as defined under Oregon law in particular ORS 30.930. Before signing or accepting this instrument, the person acquiring fee title or any interest in the property should check with the appropriate city or county planning dept. to verify approved uses.

The consideration paid for this conveyance was distribution to sole heir in the above estate. The probate inventory value of the real estate was \$175,000.

.....
DAVID NELSON PERSONAL REPRESENTATIVE
Subscribed and sworn to before me on January 23, 2002
by David Nelson as personal representative

.....
Notary Public for Oregon

After recording please return to mail future real estate tax statements to:

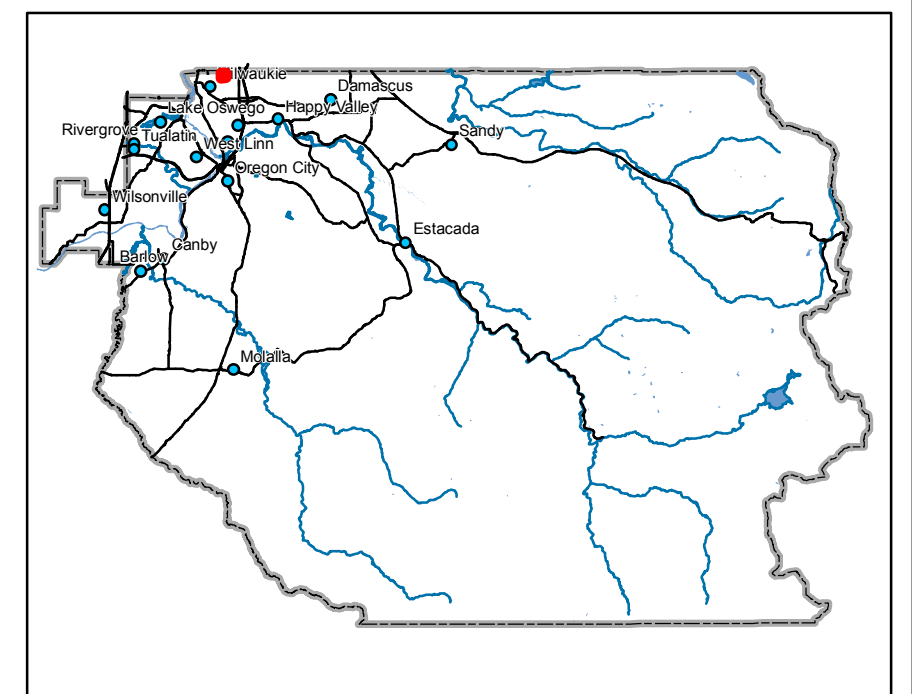
Mr. David Nelson
9320 SE Stanley
Milwaukie, OR 97222



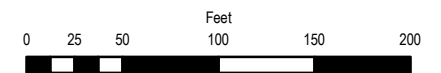
Cancelled Taxlots

- 201
- 202
- 300
- 400
- 500
- 600
- 700
- 800
- 1200
- 1400
- 1490
- 1800
- 2000
- 2190
- 2600
- 3900
- 6700
- 7701
- 8000
- 8600
- 8900M1

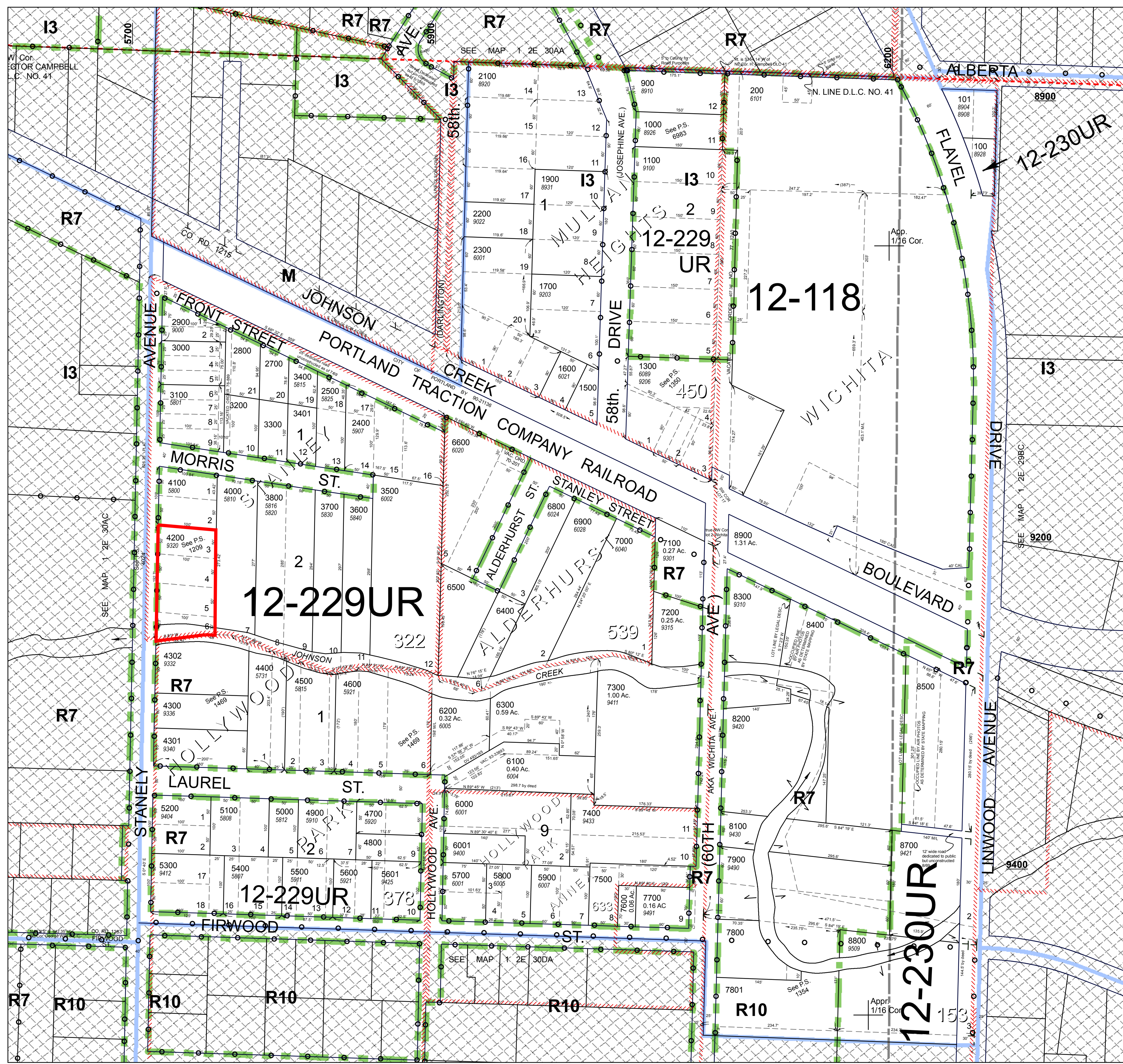
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



9/30/2010



CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least a majority of the electors registered in the territory proposed for annexation as described in the attached petition.



Name FLOYD THOMAS
Title DEPUTY CLERK
Department ELECTIONS
County of CLACKAMAS
Date 7-12-11

CLACKAMAS COUNTY ELECTIONS
SHERRY HALL, COUNTY CLERK
1710 RED SOILS CT, SUITE 100
OREGON CITY, OR 97045

NOTICE LIST

(This form is NOT the petition)

LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION.

| | Name of Owner/Voter | Mailing Street Address | Property Address |
|----|---------------------|---|---|
| | | Mailing City/State/Zip | Property Description (township, range, ¼ section, and tax lot) |
| 1 | David Nelson | 9320 SE Stanley Ave. Milwaukie, OR 97222 | 9320 SE Stanley Ave Milwaukie OR 97222 1S2E30AD04200 |
| 2 | Teresa Nelson | 9320 SE Stanley Ave Milwaukie OR 97222 | 9320 SE Stanley Ave. 1S2E30AD04200 Milwaukie |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |

Urban Service Provider Franchises for 9320 SE Stanley Ave

Qwest Communications
1801 California St, #5100
Denver, CO 80202

NW Natural
Account Services
Attn: Annexation Coordinator
220 NW 2nd Avenue
Portland, OR 97209

PGE
121 SW Salmon Street
Portland, OR 97204

M. Deines Sanitary
P.O. Box 22265
Milwaukie, OR 97269

**List of Current and Proposed Urban Service Providers and Service Districts
for 9320 SE Stanley Ave**

| CURRENT | PROPOSED |
|--|--|
| <u>Sanitary Sewer:</u> | |
| (None—served by individual septic system.) | Milwaukie Public Works 6101 SE Johnson Creek Blvd. Milwaukie, OR 97206 |
| <u>Water:</u> | |
| Clackamas River Water 16770 SE 82 nd Dr. Clackamas, OR 97015 | SAME |
| <u>Fire Protection:</u> | |
| Clackamas County Fire District #1 11300 SE Fuller Rd. Milwaukie, OR 97222 | SAME |
| <u>Law Enforcement:</u> | |
| Clackamas County Enhanced Law Enforcement District 12800 SE 82 nd Ave. Clackamas, OR 97015 | Milwaukie Police Department 3200 SE Harrison St. Milwaukie, OR 97222 |
| <u>Parks and Recreation:</u> | |
| North Clackamas Parks & Rec District 150 Beaver Creek Rd. Oregon City, OR 97045 | SAME |
| <u>Regional Government (Open Space/Zoo):</u> | |
| Metro Service District 600 NE Grand Ave. Portland, OR 97232 | SAME |
| <u>Vector Control:</u> | |
| Clackamas County Vector Control 1102 Abernathy Rd. Oregon City, OR 97045 | SAME |
| <u>Transit:</u> | |
| TriMet 4012 SE 17 th Ave. Portland, OR 97202 | SAME |
| <u>Extension Service:</u> | |
| OSU Extension Services 200 Warner Milne Rd. Oregon City, OR 97045 | SAME |

Urban Renewal:

Clackamas County Urban Renewal Agency SAME
150 Beaver Creek Rd.
Oregon City, OR 97045

Port District:

Port of Portland SAME
121 NW Everett St.
Portland, OR 97209

Soil Conservation:

Clackamas County Soil Conservation Dist. SAME
221 Molalla Ave. #102
Oregon City, OR 97045

Schools:

North Clackamas School District #12 SAME
4444 SE Lake Rd.
Milwaukie, OR 97222

Clackamas ESD SAME
13455 SE 97th Ave.
Clackamas, OR 97045

Clackamas Community College SAME
19600 Molalla Ave.
Oregon City, OR 97045

Street Lights:

Clackamas County Service District #5 (to be removed from the District)
150 Beaver Creek Rd.
Oregon City, OR 97045
(Services provided by the City as of July 1, 2011.)

Library:

Libraries in Clackamas County (LINCC) SAME
16239 SE McLoughlin Blvd. #208
Oak Grove, OR 97267

County Financial Services:

Clackamas County Finance SAME
2051 Kaen Rd.
Oregon City, OR 97045

Stormwater & Water Quality/Stream Issues:

Water Environment Services (WES) Milwaukie Public Works & Planning Depts.
150 Beaver Creek Rd., Suite 430 6101 SE Johnson Creek Blvd.
Oregon City, OR 97045 Milwaukie, OR 97206

EXPEDITED ANNEXATION CODE EXCERPTS

MILWAUKIE MUNICIPAL CODE SECTIONS

19.1104.1 Expedited Process

- A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.
5. Approval criteria for annexations are found in subsection 19.1502.3.

19.1102.3 Annexation Approval Criteria. The city council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria.

- A. The subject site must be located within the city urban growth boundary;
- B. The subject site must be contiguous to the existing city limits;
- C. The requirements of the Oregon Revised Statutes for initiation of the annexation process must be met;
- D. The proposal must be consistent with Milwaukie comprehensive plan policies;
- E. The proposal must comply with the criteria of Metro Code Sections 3.09.050(d) and, if applicable, (e).

METRO CODE SECTIONS

3.09.050 Hearing & Decision Requirements for Decisions Other Than Expedited Decisions.

- (d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.

MILWAUKIE COMPREHENSIVE PLAN

Chapter 6: City Growth and Governmental Relationships; City Growth Element

Goal Statement: To identify the City's future planning and service area, establish the respective responsibilities for reviewing and coordinating land use regulations and actions within the area, and determine the most cost-effective means to provide the full range of urban services within the area.

The proposal meets all of the requirements above.

x David Nelson

AFTER RECORDING RETURN TO:
Planning Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

This Space For County Recording Use Only

| |
|------------------------------------|
| <u>FOR OFFICE USE ONLY</u> |
| Annexation File No. <u>A-11-04</u> |
| Date Received <u>7/12/11</u> |

**CITY OF MILWAUKIE
CONSENT TO ANNEXATION &
AGREEMENT NOT TO CONTEST ANNEXATION**

In consideration for the City of Milwaukie for the property described below:

All owners of the property listed below, and their successors and assigns, consent to annex the following described real property into the City of Milwaukie by preparing and signing all relevant annexation documents that the City of Milwaukie desires, including but not limited to a "Petition" for annexation and/or a "Covenant of Waiver of Rights and Remedies," so that the following described real property located in Clackamas County, Oregon, and within the Urban Growth Management Area of the City of Milwaukie, can be annexed into the City of Milwaukie.

All owners of the property listed below further agree that they, their successors and assigns, will not oppose, in any manner, requests or attempts to annex the following described real property into the City of Milwaukie:

PROPERTY DESCRIPTION

Street Address: 9320 SE Stanley Ave.

City: Milwaukie State: OR Zip Code: 97222

Tax Map ID: Township 1S Range 2E Section 30AD Tax Lot(s) 04200

I/WE, THE UNDERSIGNED PROPERTY OWNER(S), AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THIS DOCUMENT AND ASSOCIATED SUBMISSIONS IS TRUE AND CORRECT.

Property Owner David Nelson Date: 7-12-11
Signature
David Nelson
Printed Name

Property Owner Teresa Nelson Date: 7-12-11
Signature
Teresa Nelson
Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name



Agenda Item: 6.B.
Meeting Date: September 6, 2011

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title Expedited Annexation (File #A-11-05)

Prepared By: Ryan Marquardt

Dept. Head Approval: Katie Mangle

City Mgr. Approval: Bill Monahan

ISSUE BEFORE THE COUNCIL

Consideration of an expedited annexation for the property at 10113 SE Hollywood Ave.

STAFF RECOMMENDATION

Approval of application A-11-05 for an expedited annexation of the property at 10113 SE Hollywood Avenue.

KEY FACTS & INFORMATION SUMMARY

The property has a septic system that is beginning to fail and has begun the process of obtaining permits to connect to City wastewater service in the Northeast Sewer Extension Area. The property would be in the Residential R-10 zone upon annexation. The residential structure on site is a duplex, which is allowed conditionally, and not outright, in the R-10 zone. Staff's research shows the duplex to be a legal, nonconforming use, which would be a de facto conditional use upon annexation. Staff does not believe there are any adverse impacts to annexing this property into the city.

OTHER ALTERNATIVES CONSIDERED

Council can approve or deny the requested annexation.

CITY COUNCIL GOALS

n/a

ATTACHMENT LIST

1. Annexation Ordinance
 - Exhibit A. Findings in Support of Approval
 - Exhibit B. Legal Description and Tax Map
2. Annexation Site Map
3. Applicant's Annexation Application
4. Applicant's Consent to Annex Form

FISCAL NOTES

Minimal fiscal impact is expected. It is anticipated that property taxes received by the city for this property will be roughly offset by the cost of providing services to the property.



To: Mayor and City Council

Through: Bill Monahan, City Manager
Kenneth Asher, Community Development and Public Works Director
Katie Mangle, Planning Director

From: Ryan Marquardt, Associate Planner

Date: August 30, 2011 for September 6, 2011 Regular Session

Subject: File #A-11-05 – Expedited Annexation of 10113 SE Hollywood Ave

ACTION REQUESTED

Approve application A-11-05, an expedited annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation of 10113 SE Hollywood Avenue (the "Annexation Property") into the City (Tax Map 1S2E30DD Tax Lots 8000 and 6600).
- Application of a Low Density (LD) land use designation and a Residential (R-10) zoning designation to the Annexation Property.
- Amendments to the City's Land Use Map and Zoning Map to reflect the City's new boundary and the Annexation Property's new land use and zoning designations.
- Withdrawal of the Annexation Property from the following urban service providers and districts:
 - Clackamas County Service District for Enhanced Law Enforcement
 - Clackamas County Service District No. 5 for Street Lights

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

June 2010: Council approved the first annexation of property in the Northeast Sewer Extension (NESE) Project Area, at 5840 SE Morris St (file #A-10-01). Since then, Council has approved the annexation of 57 additional properties in the NESE area.

January 2010: Council annexed the rights-of-way in the Northeast Sewer Extension (NESE) Project Area making all properties in this area contiguous to the City limits and eligible for annexation (Ordinance 2010).

September 2009: Council initiated annexation of the rights-of-way in the NESE Project Area by resolution (Resolution No. 58-2009).

August 2009: Staff briefed Council on the status of the NESE Project and the need to annex the rights-of-way in this area.

July 1990: Clackamas County Order No 90-726 established an Urban Growth Management Agreement in which the City and County agreed to coordinate the future delivery of services to the unincorporated areas of North Clackamas County. With respect to Dual Interest Area “A”, the agreement states: *“The City shall assume a lead role in providing urbanizing services.”*

BACKGROUND

PROPOSAL

The applicant proposes an expedited annexation to the City in order to connect to the City's wastewater system. The septic tank on the Annexation Property is beginning to fail. The City issued a Land Use Compatibility Statement on July 26, 2011 that has allowed the applicant to obtain permits to connect the property to the City's wastewater system. The City's policy is not to allow extraterritorial connections to City services, so the applicant has consented to annexation as part of obtaining authorization for the emergency connection.

SITE AND VICINITY

The Annexation Property is contiguous to the existing city limits on the east side by the Hollywood Ave right-of-way, annexed in January 2010, and on the west side by 10118 SE Hollywood Ave. The Annexation Property is within the City's urban growth management area (UGMA) and the NESE project area. See Attachment 2 – Annexation Site Map.

The Annexation Property is a duplex, and is comprised of two tax lots. The duplex has addresses of 10109 and 10113 SE Hollywood Ave. The county's tax lot data lists 10113 SE Hollywood as the address of the site. The structure is on tax lot 8000, which has an area of approximately 8814 sq ft. Tax lot 6600 has an area of approximately 5344 sq ft, is landlocked, and does not contain any part of the primary structure on the site.

The County Assessor Office lists the structure on the site being built in 1950, though it does not positively identify the structure as a duplex until 1990. An aerial photograph of the structure from 1968 shows that the structure had the same configuration then as it does today, including what appears to be two separate porches and walkways. The County Planning Department stated that the first County zoning was applied to this area on July 13, 1970. Duplexes are currently allowed in the County R-10 zone as a conditional use, though this property has never been approved as a conditional use. Based on the date of construction of the structure and its appearance in 1968, staff believes that this property is a legal nonconforming use in the County.



Annexation Property – 10113 SE Hollywood Ave.

Upon annexation through the expedited annexation process, the site would receive a City zoning designation of Residential zone R-10. A duplex in this zone is a conditional use. Per Milwaukie Municipal Code Subsection 19.905.8.A, a legally established use currently identified in the code as a conditional use is a de facto

conditional use, even if it has not undergone a conditional use review. A de facto conditional use does not require a conditional use review, though future modifications to the use would be evaluated as modifications to a conditional use.

The structure appears out of conformance with setback standards for the R-10 20-ft front yard setback and out of conformance on the north side with the R-10 10-ft side yard setback. The site does appear to conform to all other basic development and use standards in the R-10 zone. Overall, staff does not believe there is any reason for concern regarding the annexation of this nonconforming use property, which will become a de facto conditional use upon annexation to the city.

Staff is not certain that tax lot 6600, the landlocked tax lot on the west side of the site, constitutes a legal separate buildable lot. The County Assessor Office shows that this tax lot was separate from tax lot 8000 in 1969, which predates the existence of Clackamas County's lot creation standards for the area. However, Clackamas County Planning staff noted that tax lot 6600 and tax lot 8000 may not be separate lots of record if they were under the same ownership when zoning and lot size standards were first applied to the area. Staff does not believe that it is necessary to resolve this question prior to annexation of the site. If the current or future owner is interested in using tax lot 6600 as a separate buildable lot, they would need to have the Milwaukie Planning Director issue a legal lot determination. During this process, the Planning Director can further evaluate the details of this property and decide whether tax lots 6600 and 8000 are separate legal buildable lots.

ANNEXATION PETITION

This is a regular expedited annexation petition (see Attachment 3), and is similar to other expedited annexations approved by City Council in the past two years. Any property that is within the UGMA and contiguous to the city limit may apply for an expedited annexation so long as all property owners of the area to be annexed and at least 50% of registered voters within the area to be annexed consent to the annexation.

The property owner has signed the petition for annexation. The expedited annexation process automatically assigns City land use and zoning designations to the annexed property based on the existing Clackamas County land use and zoning designations. The County land use and zoning designations for the site are Low Density Residential (LDR) and Residential R10, respectively, and the City land use and zoning designations would be Low Density Residential (LD) and Residential Zone R-10.

Pursuant to City, regional, and State regulations on expedited annexations, all necessary parties, interested persons, and residents and property owners within 400 feet of the site were notified of these proceedings. A public hearing is not required for an expedited annexation; however, Council must adopt an ordinance to implement the annexation.

EXPEDITED ANNEXATION APPROVAL CRITERIA

Expedited annexations must meet the approval criteria of Milwaukie Municipal Code (MMC) Section 19.1102.3. Compliance with the applicable criteria is detailed in Attachment 1 Exhibit A.

UTILITIES, SERVICE PROVIDERS, AND SERVICE DISTRICTS

The City is authorized by ORS Section 222.120 (5) to withdraw the Annexation Property from non-City service providers and districts upon annexation of the site to the City. This allows for a more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's Comprehensive Plan policies relating to annexation.

Wastewater: The Annexation Property is within the City's wastewater service area and is served by the City's 8-inch sewer line in Hollywood Ave.

Water: The Annexation Property is currently served by Clackamas River Water (CRW) through a CRW water line in Hollywood Ave. Pursuant to the City’s IGA with CRW, CRW will continue to serve this property, and the Annexation Property should not be withdrawn from this district at this time.

Storm: The Annexation Property is not currently connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Fire: The Annexation Property is currently served by Clackamas County Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.

Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the Annexation Property. In order to avoid duplication of services, the Annexation Property should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Property is currently within Clackamas County Service District No. 5 for Street Lights (the “District”). As of July 1, 2011, an intergovernmental agreement between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area, though the properties themselves remain in the District until they annex to the City. The Annexation Property should be withdrawn from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the property upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, etc.

CONCURRENCE

All City departments, necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Sites were notified of these annexation proceedings as required by City, regional, and State regulations. The Lewelling Neighborhood District Association and the Southgate Planning Association also received notice of the annexation petition and meeting. The City did not receive any objection to the proposed annexation by any necessary party.

FISCAL IMPACT

The annexation will have minimal fiscal impact on the City. Costs of providing governmental services will likely be off-set by the collection of property taxes. The total assessed value of the Annexation Property in 2010 was \$220,598. Total property tax collections in the range of \$3,500 are anticipated in FY 2011-12 for the Annexation Property, and the City would receive approximately \$900 of this total.

WORK LOAD IMPACTS

Work load impacts will be minimal and will likely include, but are not limited to, the following: utility billing, provision of general governmental services, and the setting up and maintenance of property records.

ALTERNATIVES

The application is subject to Milwaukie Comprehensive Plan Chapter 6 City Growth and Governmental Relationships, Oregon Revised Statutes Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1500 Boundary Changes.

The City Council has two decision-making options:

1. Approve the application and adopt the ordinance and findings in support of approval.
2. Deny the application and adopt findings in support of denial. In this case, where the City has already allowed the applicant to connect to the City's sewer system, denial would result in the provision of extraterritorial sewer service to the Annexation Property, which is counter to City policy.

ATTACHMENTS

1. Annexation Ordinance
Exhibit A. Findings in Support of Approval
Exhibit B. Legal Description and Tax Map
2. Annexation Site Map
3. Applicant's Annexation Application
4. Applicant's Consent to Annex Form

ATTACHMENT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS 10113 SE HOLLYWOOD AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS. (FILE #A-11-05).

WHEREAS, the territory proposed for annexation is contiguous to the City's boundary and is within the City's urban growth management area; and

WHEREAS, the requirements of the Oregon Revised Statutes for initiation of the annexation were met by providing written consent from a majority of electors and all owners of land in the territory proposed for annexation; and

WHEREAS, the territory proposed for annexation lies within the territory of Clackamas County Service District No. 5 for Street Lights and Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party; and

WHEREAS, the annexation will promote the timely, orderly, and economic provision of public facilities and services; and

WHEREAS, Table 19.1104.1.E of the Milwaukie Municipal Code provides for the automatic application of City zoning and Comprehensive Plan land use designations; and

WHEREAS, the City conducted a public meeting and mailed notice of the public meeting as required by law; and

WHEREAS, the City prepared and made available an annexation report that addressed all applicable criteria, and, upon consideration of such report, the City Council favors annexation of the tract of land and withdrawal from all applicable districts based on findings and conclusions attached hereto as Exhibit A;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The Findings in Support of Approval and attached as Exhibit A are hereby adopted.

Section 2. The tract of land described and depicted in Exhibit B is hereby annexed to the City of Milwaukie.

Section 3. The tract of land annexed by this ordinance and described in Section 2 is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights.

Section 4. The tract of land annexed by this ordinance and described in Section 2 is hereby assigned a Comprehensive Plan land use designation of Low Density Residential and a Municipal Code zoning designation of Residential zone R-10.

Section 5. The City shall immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030 and ORS 222.005 and 222.177. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

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 _____.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Document1 (Last revised 09/18/07)

ATTACHMENT 1
Exhibit A

FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 10113 SE Hollywood Ave (the "Annexation Property"), the Milwaukie City Council finds:

1. The Annexation Property consists of two tax lots comprising 0.32 acres (Tax Map 1S2E30DD Tax Lot 6600 and 8000). The western border of the site is contiguous to the existing city limits via property at 10118 SE Stanley Avenue and on the eastern border via the right-of-way for Hollywood Avenue. The Annexation Property is also within the City's urban growth management area (UGMA).

The Annexation Property is developed with a duplex, and the surrounding area consists primarily of single-family dwellings.
2. The property owner seeks annexation to the City to access City services, namely wastewater service. The Annexation Property was allowed to make an emergency connection to the City's sewer system after the septic system on the property failed. Since City policy does not allow extraterritorial connections to City services, the property owners submitted an annexation application and Consent to Annex form prior to making the sewer connection, which obligated them to complete the annexation process.
3. The annexation petition was initiated by Consent of All Owners of Land on July 26, 2011. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1102.2.A.1.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC Section 19.1104.
5. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.
6. The expedited annexation process provides for automatic application of City land use and zoning designations to the Annexation Property based on its existing land use designation in the County, which is Residential R10. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use and zoning designations for the Annexation Property are Low Density Residential and Residential Zone R-10, respectively.
7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
 - A. The subject site must be located within the City's urban growth management area (UGMA);

The Annexation Property is within the City's UGMA.

- B. The subject site must be contiguous to the existing city limits;
The Annexation Property is contiguous to the existing city limits along its eastern edge.
- C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;
Clackamas County has certified that 100% of the property owners and at least 50% of registered voters at the Annexation Property, consented to the annexation by signing the petition. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors residing at the Annexation Property.
- D. The proposal must be consistent with Milwaukie Comprehensive Plan Policies;
Chapter 6 of the Comprehensive Plan contains the City's annexation policies. Applicable annexation policies include: (1) delivery of City services to annexing areas where the City has adequate services and (2) requiring annexation in order to receive a City service. City sewer service is available to the Annexation Property along Hollywood Ave. The property owners are pursuing expedited annexation because the City allowed an emergency connection to the City sewer due to the failure of the existing septic system on the Annexation Property. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.
- E. The proposal must comply with the criteria of Metro code Sections 3.09.050(d) and, if applicable, (e).
The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as detailed in Finding 8.

8. Prior to approving an expedited annexation, the City must apply the provisions contained in Section 3.09.045.D of the Metro Code. They are listed below with findings in italics.

- A. Find that the change is consistent with expressly applicable provisions in:
- (1) Any applicable urban service agreement adopted pursuant to ORS 195.205;
There are no applicable urban service agreements adopted pursuant to ORS 195 in the area of the proposed annexation. The City, however, has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. Pursuant to this agreement, the City recently completed construction of a public sewer system in this area. The proposed annexation is in keeping

with the City's policy of requiring properties to annex to the City in order to connect to City services such as the new sewer line.

- (2) Any applicable annexation plan adopted pursuant to ORS 195.205;

There are no applicable annexation plans adopted pursuant to ORS 195 in the area of the proposed annexation.

- (3) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

There are no applicable cooperative planning agreements adopted pursuant to ORS 195 in the area of the proposed annexation.

- (4) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Clackamas County completed a North Clackamas Urban Area Public Facilities Plan in 1989 in compliance with Goal 11 of the Land Conservation and Development Commission for coordination of adequate public facilities and services. The City subsequently adopted this plan as an ancillary Comprehensive Plan document. The plan contains four elements:

- *Sanitary Sewerage Services*
- *Storm Drainage*
- *Transportation Element*
- *Water Systems*

The proposed annexation is consistent with the four elements of this plan as follows:

Sewer: The City is the identified sewer service provider in the area of the proposed annexation and recently completed construction of a public sewer system that can adequately serve the Annexation Property.

Storm: The Annexation Property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Transportation: The City will require public street improvements along the Annexation Property's frontage when new development occurs.

Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, the City's more recent UGMA agreement with the County identifies the City as the lead urban service provider in the area of the proposed annexation. The City is in the process of developing a water service master plan for all of the territory within its UGMA and discussing possible

service provision changes with CRW. In the meantime, CRW will continue to provide water service to the Annexation Property.

- (5) Any applicable comprehensive plan.

The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous page. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. It does, however, contain the City-County UGMA agreement, which identifies the area of the proposed annexation as being within the City's UGMA. The UGMA agreement requires that the City notify the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has already annexed and taken jurisdiction of the Hollywood Ave right-of-way adjacent to the proposed Annexation Property.

- B. Consider whether the boundary change would:

- (1) Promote the timely, orderly and economic provision of public facilities and services;

The City is the identified urban service provider in the area of the proposed annexation, and the proposed annexation will facilitate the timely, orderly, and economic provision of urban services to the Annexation Property.

The City has recently expanded City sewer service into this area via Hollywood Ave. The proposed annexation is requested because the City allowed the Annexation Property to make an emergency connection to the City's new sewer system due to the failure of the existing septic system on the Annexation Property.

The area is currently served by CRW, and the City does not propose to duplicate CRW's water system to serve the Annexation Property.

- (2) Affect the quality and quantity of urban services; and

The Annexation Property is two tax lots developed with a duplex residence. Annexation of the site is not expected to affect the quality or quantity of urban services in this area, given the surrounding level of urban development and the existing level of urban service provision in this area.

- (3) Eliminate or avoid unnecessary duplication of facilities and services.

The Annexation Property will be served by the Milwaukie Police Department upon annexation. In order to avoid duplication of law enforcement services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

CRW is the current water service provider in the area of the proposed annexation. Until such time as the existing IGA between the City and CRW is renegotiated, the City does not intend to duplicate CRW's existing water supply system or withdraw private properties being served by CRW from the CRW district. CRW will continue to be the water service provider in this area.

9. The City is authorized by ORS Section 222.120 (5) to withdraw annexed territory from non-City service providers and districts upon annexation of the territory to the City. This allows for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's Comprehensive Plan policies relating to annexation.

Wastewater: The Annexation Property is within the City's sewer service area and is served by the City's 8-inch sewer line in Hollywood Ave.

Water: The Annexation Property is currently served by CRW through a CRW water line in Stanley Ave. Pursuant to the City's IGA with CRW, the site should not be withdrawn from this district at this time.

Storm: The Annexation Property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Fire: The Annexation Property is currently served by Clackamas County Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.

Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Property is currently within Clackamas County Service District No. 5 for Street Lights (the "District"). As of July 1, 2011, an intergovernmental agreement between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area, though the properties themselves remain in the District until they annex to the City. The Annexation Property should be withdrawn from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, etc.

10. The Annexation property is developed with a duplex. Based on records from Clackamas County Assessor's office showing the structure was constructed in 1950, an aerial photograph from 1968 showing that the structure appears to have two entrances, and the fact that Clackamas County did not establish zoning for this area until July 13, 1970, the City Council finds that the use of the property as a duplex is an legal nonconforming use with respect to the current Clackamas County zoning.

Upon annexation, the property will receive a City of Milwaukie zoning designation of Residential zone R-10. A duplex, or single-family attached dwelling, is a conditional use in the R-10 zone. The City Council finds in accordance with MMC 19.905.8.A that the duplex will be considered a de facto conditional use upon annexation.

Annexation to the City Of Milwaukie
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-11-05

Property Address: 10113 SE Hollywood Avenue, Milwaukie, OR 97222

Tax Lot Description: 1S2E30DD 08000 and 06600

Legal Description: Lot 8000
Lot 6, EXCEPT the East 5 feet thereof, and the North 4 feet of Lot 5, EXCEPT the East 5 feet thereof, Block 11, HOLLYWOOD PARK ANNEX NO 2, in the County of Clackamas and State of Oregon.

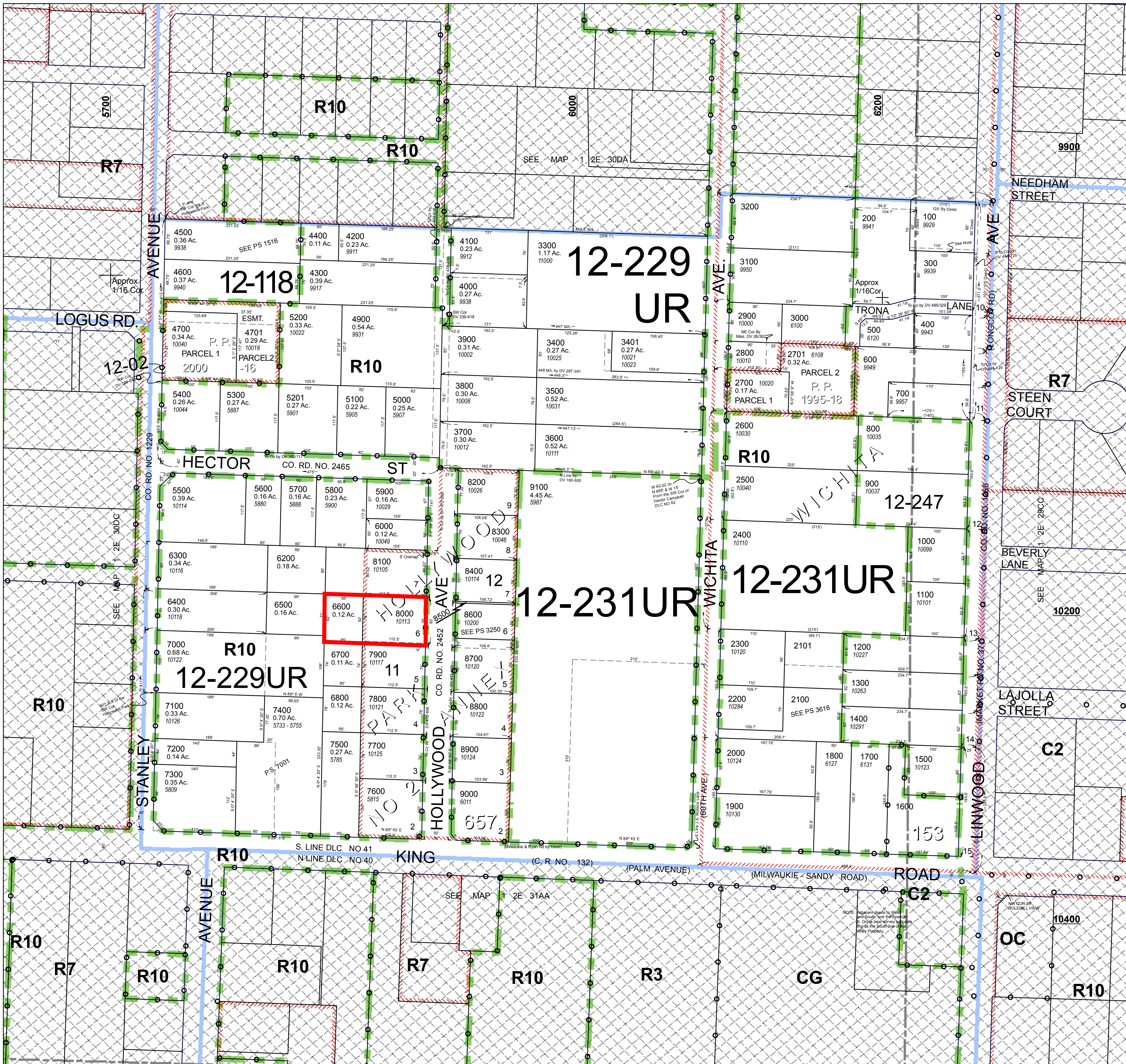
Lot 6600
A tract in the Hector Campbell Donation Land Claims in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian. in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northwest corner of lot 6. Block 11, HOLLYWOOD PARK ANNEX NO. 2; thence West on the Westerly extension of the North line of said Lot 6, a distance of 65 feet, more or less, to the East line of tracts described in Deed recorded July 20, 1954, in Book 484, Page 60, and February 7, 1949 in Book 416, Page 295, Clackamas County Deed Records; thence South along said East line 82 feet; thence East, parallel with said Westerly extension of the Northerly line of Lot 6, a distance of 65 feet, more or less, to the West line of HOLLYWOOD PARK ANNEX NO. 2; thence North along said West plat line 82 feet to the point of beginning.

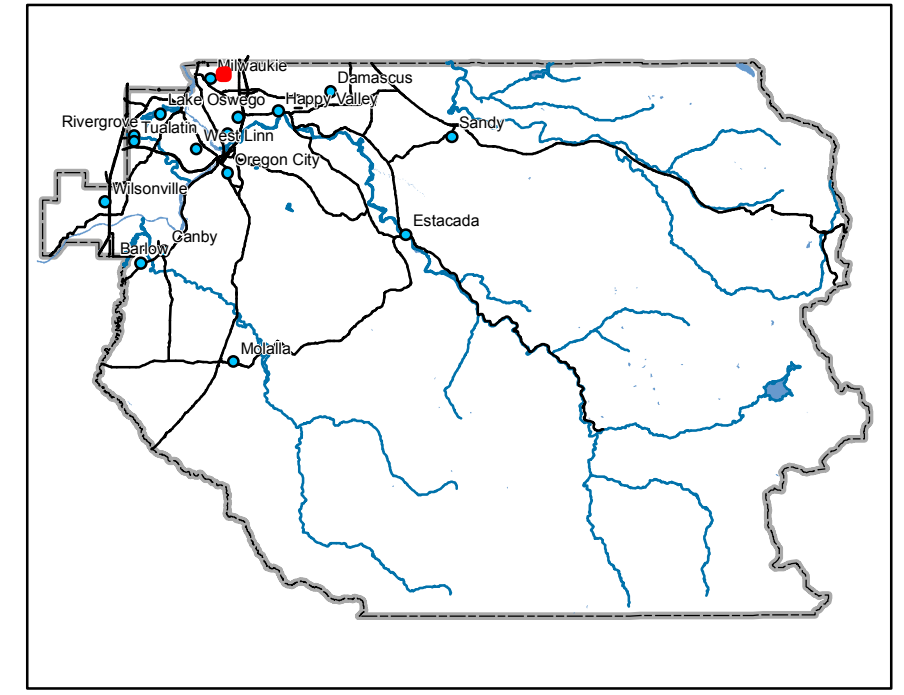
County: Clackamas

Cancelled Taxlots

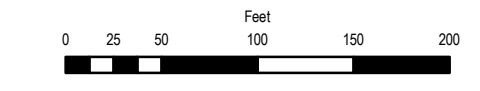
- 4800
- 5401
- 5501
- 6100
- 6900
- 7301



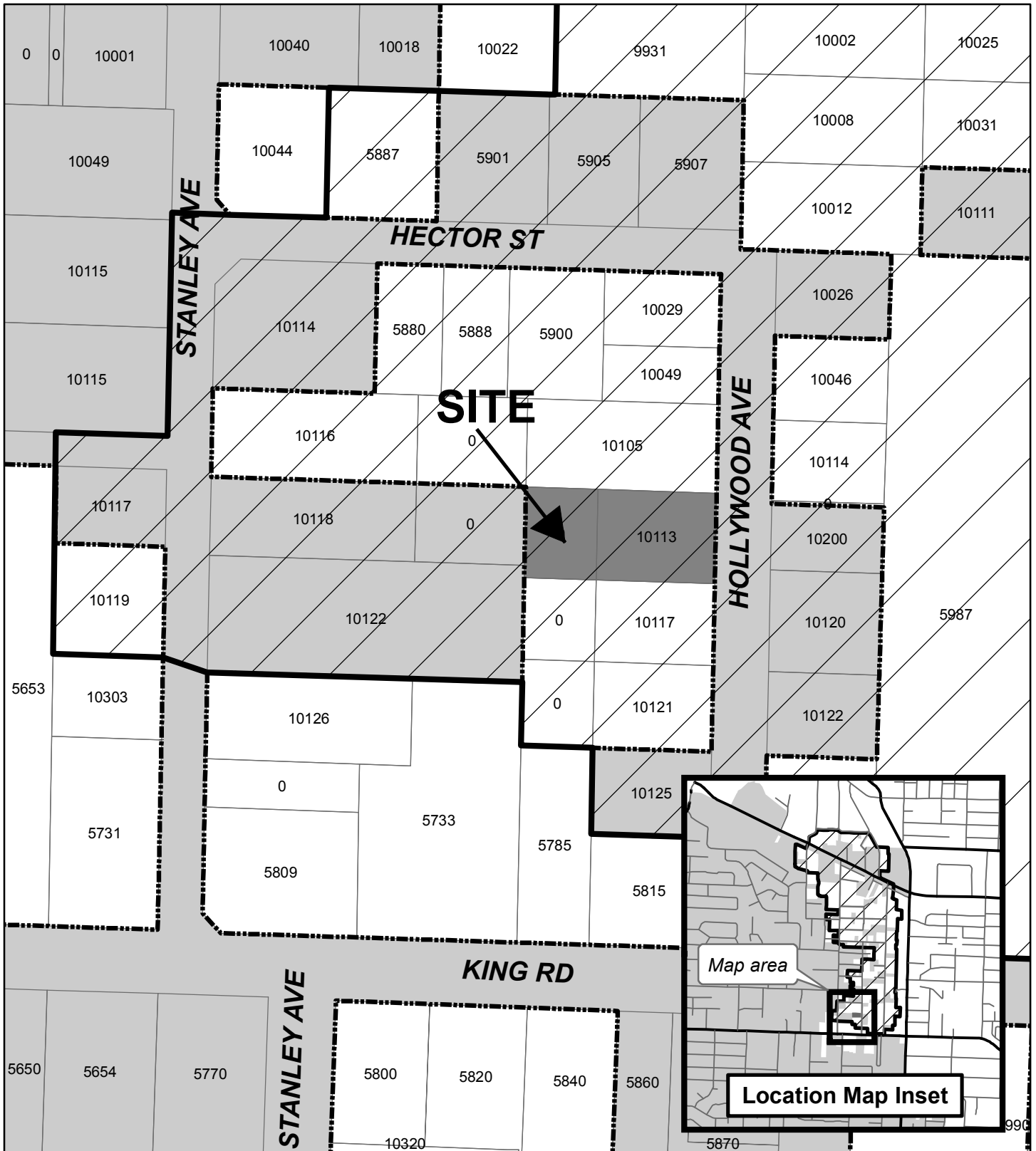
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY








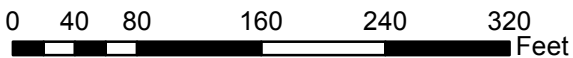
12/14/2010



Site Map
10113 SE Hollywood Ave
(Tax Lot ID1S2E30DD 8000 and 6600)
File #A-11-05

Legend

- City Limit 
- NE Sewer Extension Project Boundary 
- Tax Lots 
- A-11-05 Site 
- City Limit 



ATTACHMENT 3



PLANNING DEPARTMENT
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206

PHONE: 503-786-7630
 FAX: 503-774-8236
 E-MAIL: planning@ci.milwaukie.or.us
 WEB: www.cityofmilwaukie.org

Expedited Annexation Application

RESPONSIBLE PARTIES:

| | |
|---|-----------------------------------|
| APPLICANT (owner or other eligible applicant): <i>THOMPSON, Ray</i> | |
| Mailing address: <i>3740 S.E. King Rd</i> | Zip: <i>97222</i> |
| Phone(s): <i>(503) 740-5442</i> | E-mail: <i>Ambassador@aol.com</i> |
| APPLICANT'S REPRESENTATIVE (if different than above): <i>W. F. THOMPSON ("Bill")</i> | |
| Mailing address: <i>3740 S.E. King Rd.</i> | Zip: <i>97222</i> |
| Phone(s): <i>(503) 740-5442</i> | E-mail: <i>Ambassador@aol.com</i> |

SITE INFORMATION:

| | | |
|---|--|----------------|
| Address(es): <i>10109 910113 S.E. Hollywood Ave</i> | Map & Tax Lot(s): <i>152E30DD 8000 of 6000</i> | Property size: |
| Existing County zoning: <i>R10</i> | Proposed City zoning: <i>R10</i> | |
| Existing County land use designation: <i>LDR</i> | Proposed City land use designation: <i>LD</i> | |

PROPOSAL (describe briefly):

| |
|---------------------------------------|
| <i>annexation to connect to sewer</i> |
|---------------------------------------|

SIGNATURE:

| | |
|---|-----------------------|
| ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County are not made legal upon annexation to the City. To the best of my knowledge, the information provided within this application package is complete and accurate. | |
| Submitted by: <i>Ray T. Thompson</i> | Date: <i>6.4.2011</i> |

THIS SECTION FOR OFFICE USE ONLY:

| | |
|--|---|
| File #: <i>A-11-05</i> Fee: \$ <i>150</i> Receipt #: <i>425256</i> Rcd. by: <i>SFS</i> | Date stamp: |
| Associated application file #'s: <i>NA</i> | <p>RECEIVED</p> <p>JUL 26 2011</p> <p>CITY OF MILWAUKIE PLANNING DEPARTMENT</p> |
| Neighborhood District Association(s): <i>County</i> | |
| Notes (include discount if any): | |

PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or voter precinct number.

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------------|----------------------|----------|-------------------------------------|----------|------------------|
| | | PO | RV | OV | |
| <i>Olivia Stevens</i> | Olivia Stevens | | <input checked="" type="checkbox"/> | | 6/2/11 |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 10109 SE Hollywood Ave | | | | | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|-------------------------|----------------------|----------|-------------------------------------|----------|------------------|
| | | PO | RV | OV | |
| <i>Mike Boone</i> | <i>Mike Boone</i> | | <input checked="" type="checkbox"/> | | 6/2/11 |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 10113 SE Hollywood Blvd | | | | | |

site address

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------------|----------------------|----------|-------------------------------------|----------|------------------|
| | | PO | RV | OV | |
| <i>Hilary Thair</i> | <i>Hilary Thair</i> | | <input checked="" type="checkbox"/> | | |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 10109 SE Hollywood Ave | | | | | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------------|----------------------|----------|-------------------------------------|----------|------------------|
| | | PO | RV | OV | |
| <i>Aaron Tebeck</i> | Aaron Tebeck | | <input checked="" type="checkbox"/> | | 6-2-11 |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 10109 SE Hollywood ave | | | | | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|----------------------------------|----------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
| <i>Ray T. Thompson</i> | Ray T. Thompson | | | | 6/4/11 |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 10109 & 10115 S.E. Hollywood Ave | | | | | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------------|------------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
| | <i>Michelle Thomas</i> | | | | 6/4/11 |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 10109 SE Hollywood Ave | | | | | |

*PO = Property Owner RV = Registered Voter OV = Owner and Registered Voter

Assessor

CERTIFICATION OF PROPERTY OWNERSHIP OF 100% OF LAND AREA

I hereby certify that the attached petition contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

EJS Farm

Name Ray F. Thompson Jr.

Title GIS Cartographer 2

Department A&T

County of Clark

Date 7-25-11



Ray F. Thompson Jr.

¹ Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

Assessor

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 1ZE30AD) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name DS Storm
Title GIS Cartographer 2
Department A&T
County of Clackamas
Date 7-25-11



CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least a majority of the electors registered in the territory proposed for annexation as described in the attached petition.

Name PAUL HANES
Title DEPUTY CLERK
Department ELECTIONS
County of CLACKAMAS
Date 7/25/11



CLACKAMAS COUNTY ELECTIONS
SHERRY HALL, COUNTY CLERK
1710 RED SOILS CT, SUITE 100
OREGON CITY, OR 97045

NOTICE LIST

(This form is NOT the petition)

LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION.

| | Mailing Street Address | Property Address |
|----|------------------------|--|
| | Mailing City/State/Zip | Property Description <small>(township, range, ¼ section, and tax lot)</small> |
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |

Order No: 228359

LEGAL DESCRIPTION

PARCEL I:

Lot 6, EXCEPT the East 5 feet thereof, and the North 4 feet of Lot 5, EXCEPT the East 5 feet thereof, Block 11, HOLLYWOOD PARK ANNEX NO. 2, in the County of Clackamas and State of Oregon.

PARCEL II:

12E 300D 08000 ✓

A tract in the Hector Campbell Donation Land Claim in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

06600 ✓

Beginning at the Northwest corner of Lot 6, Block 11, HOLLYWOOD PARK ANNEX NO. 2; thence West on the Westerly extension of the North line of said Lot 6, a distance of 65 feet, more or less, to the East line of tracts described in Deed recorded July 20, 1954, in Book 484, Page 60, and February 7, 1949, in Book 416, Page 295, Clackamas County Deed Records; thence South along said East line 82 feet; thence East, parallel with said Westerly extension of the Northerly line of Lot 6, a distance of 65 feet, more or less, to the West line of HOLLYWOOD PARK ANNEX NO. 2; thence North along said West plat line 82 feet to the point of beginning.



2



CLACKAMAS COUNTY

Property Account Summary

As Of 7/25/2011 Status: Active

Account No.: 00084269 Alternate Property Number: 12E30DD08000
Account Type: Real Property
TCA: 012-229
Situation Address: 10113 SE HOLLYWOOD AVE MILWAUKIE OR 97222
Legal: 657 HOLLYWOOD PK ANNEX 2 PT LTS 5&6 BLK 11

Parties:

Table with 2 columns: Role, Name & Address. Includes Mortgage Company, Owner, Tax Service Co., and Taxpayer.

STATE OF OREGON
COUNTY OF CLACKAMAS
I, J Mayo, County assessor of the State of Oregon for the County of Clackamas, do hereby certify that the foregoing copy of prop summary has been by me compared with the original, and that it is a correct transcript therefrom, and the whole of such original, as the name appears on file and of record in my office and in my care and custody.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this 25th day of July, 2011

Assessor
By: Deputy

Property Values:

Table with 4 columns: Value Name, 2007, 2006, 2005. Rows include AVR Total, TVR Total, Real Mkt Land, Real Mkt Bldg, Real Mkt Total.

Property Characteristics:

Table with 3 columns: Tax Year, Characteristic, Value. Lists details for 2007 such as Neighborhood, Land Class Category, etc.

Exemptions:

(End of Report)



12 E 30 DD

S.E. 1/4 S.E. 1/4 SEC. 30 T. 1S. R. 2E. W.M.
Clackamas County
1" = 100'

D. L. C.
HECTOR CAMPBELL NO. 41

Estimated Taxable

| |
|------|
| 400 |
| 500 |
| 600 |
| 700 |
| 800 |
| 900 |
| 1000 |

——— Parcel Boundary
 - - - Private Road HOA
 - - - Historical Boundary
 - - - Railroad Centerline
 ■ TaxCodeLx via
 □ Map Index
 ▭ Water Lot
 ○ Land Use Zoning
 ○ PLG's
 ○ Corner
 ○ Survey Corner
 - - - Utility Line
 - - - DCC Line
 - - - Masonry Line
 - - - PLG's Section Line
 ○ Historic Corner 40'
 ○ Historic Corner 20'

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

12 E 30 DD

STATE OF OREGON
 COUNTY OF CLACKAMAS } ss

I *J Mayo* County assessor of the State of Oregon for the County of Clackamas, do hereby certify that the foregoing copy of *Assessor Map* has been by me compared with the original, and that it is a correct transcript therefrom, and the whole of such original, as the name appears on file and of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this *25th* day of *July*, 20*11*

Assessor
 By: Deputy

ATTACHMENT 4

AFTER RECORDING RETURN TO:
Planning Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

This Space For County Recording Use Only

| | |
|-----------------------------------|----------------|
| <u>FOR OFFICE USE ONLY</u> | |
| Annexation File No. | <u>A-11-05</u> |
| Date Received | <u>7/26/11</u> |

**CITY OF MILWAUKIE
 CONSENT TO ANNEXATION &
 AGREEMENT NOT TO CONTEST ANNEXATION**

In consideration for the City of Milwaukie for the property described below:

All owners of the property listed below, and their successors and assigns, consent to annex the following described real property into the City of Milwaukie by preparing and signing all relevant annexation documents that the City of Milwaukie desires, including but not limited to a "Petition" for annexation and/or a "Covenant of Waiver of Rights and Remedies," so that the following described real property located in Clackamas County, Oregon, and within the Urban Growth Management Area of the City of Milwaukie, can be annexed into the City of Milwaukie.

All owners of the property listed below further agree that they, their successors and assigns, will not oppose, in any manner, requests or attempts to annex the following described real property into the City of Milwaukie:

PROPERTY DESCRIPTION

Street Address: 19113 410109 S.E Hollywood Ave
 City: Milwaukie State: OR Zip Code: 97222
 Tax Map ID: Township 1S Range 2E Section 30DD Tax Lot(s) 08000 + 06600

I/WE, THE UNDERSIGNED PROPERTY OWNER(S), AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THIS DOCUMENT AND ASSOCIATED SUBMISSIONS IS TRUE AND CORRECT.

Property Owner Raymond T. Thompson Jr Date: 4/4/11
Signature
Raymond T. Thompson Jr
Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name

Property Owner _____ Date: _____
Signature

Printed Name



Agenda Item: 6.C.
Meeting Date: September, 6, 2011

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: South Downtown Concept Plan Adoption

Prepared By: Kenny Asher, Katie Mangle **Dept. Head Approval:** Kenny Asher **City Mgr. Approval:** Bill Monahan

ISSUE BEFORE THE COUNCIL

Should the Council adopt the South Downtown Concept Plan and approve a preliminary work plan for developing the work program and implementing ordinances to accomplish the South Downtown vision?

STAFF RECOMMENDATION

Adopt the resolution in Attachment 1.

KEY FACTS & INFORMATION SUMMARY

In June, City Council directed staff to prepare the South Downtown Concept Plan for adoption by resolution, and present a strategy for implementation measures, such as amendments to City plans and regulations.

OTHER ALTERNATIVES CONSIDERED

Stop all planning efforts for the South Downtown, modify the proposal before adopting the refined Concept Plan, or adopt the plan with direction to staff to pursue certain aspects or features.

CITY COUNCIL GOALS

- Pursue economic development initiatives that promote small business, promote the development of neighborhood-centered commercial centers and that promote downtown as a special place
- Develop the light rail station building
- Complete the Kellogg-for-Coho project by 1/1/16

ATTACHMENT LIST

1. Resolution
 - A. South Downtown Concept Plan
 - B. Summary of Essential Patterns for South Downtown Buildings
 - C. Preliminary Implementation Plan
2. South Downtown interviews
3. Development Advisors' Report

FISCAL NOTES

There is no immediate fiscal impact to the adoption of the resolution. However, the proposed work plan presumes some level of continued commitment of staff time and Community Development budget during this fiscal year. The long-term fiscal impact of investing in the South Downtown is expected to be positive. Many millions of dollars in public spending are already planned for the area beginning with the light rail project and its related street improvements.



To: Mayor and City Council

Through: Bill Monahan, City Manager

From: Kenneth Asher, Community Development and Public Works Director
Katie Mangle, Planning Director

Date: August 24, 2011 for September 6, 2011 Regular Session

Subject: South Downtown Concept Plan

ACTION REQUESTED

Adopt the South Downtown Concept Plan by resolution (Attachment 1) and direct staff to undertake work elements described in a Preliminary Implementation Strategy.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

June 2011: City Council directed staff to prepare the South Downtown Concept Plan for adoption by resolution, and present a strategy for implementation measures, such as amendments to City plans and regulations.

September 27, 2010: Staff briefed Council on the South Downtown Concept Plan as completed by Walker Macy, and recommended implementation steps that would begin to realize the vision described in the Plan. Council directed staff to hold off on implementation until after the new Council was seated (January 2011).

April 2010: Council authorized a planning and design services contract with Walker Macy to develop a South Downtown Concept Plan.

February 2010: Staff introduced the team of Walker Macy/LMN Architects to Council. The Walker Macy/LMN team was selected by a selection committee in January 2010.

October 2009: The Center for Environmental Studies presented the efforts of Phases 1-3, including the Patterns, armature drawing, and updates on support for light rail-related tasks.

August 2009: Brief update and distribution of the draft Pattern Language for South Downtown Milwaukie to Council, along with the armature drawing image and reminder of planned closures of street segments in the South Downtown.

August 2008: Council approved South Downtown phases two and three under the direction of the Center for Environmental Structure (Resolution 78-2008).

May 2008: Selection of Lake Road as the future Milwaukie light rail station location (Resolution 51-2008).

April 2008: Approval of the first phase of work with the Center for Environmental Structure for studying the South Downtown area and Milwaukians' hopes and aspirations for the area (Resolution 28-2008).

November 2007: Work Session discussion to review a preliminary Concept Plan created by Gast-Hillmer Urban Design.

April 2007: Work Session discussion to solicit Council ideas for South Downtown.

November 2006: Work Session discussion regarding the Cash Spot, Robert Kronberg Park and the need for coordinated planning at the south end of downtown.

BACKGROUND

The South Downtown Concept Plan is a community-driven vision that has been developed through the engagement of more than 50 citizen volunteers over the past three years. The hallmark of the Plan is its effort to define community-sensitive development that was imagined specifically for this part of Milwaukie, by Milwaukians (see Attachment 2, South Downtown Interviews, for a sampling of the raw material around which this concept has been built). Covering a six-acre area between Washington and Kellogg Lake, from SE 21st Avenue to McLoughlin Blvd., this small area is home to an assortment of buildings, businesses, open space areas, public rights-of-way, views to the Willamette, topographical complexity, and the to-be-constructed Downtown Milwaukie/SE 21st Avenue light rail station.

The South Downtown Concept Plan (see Attachment 1, Exhibit A) is a statement of what the city wants to see happen across these six acres, which are certain to experience change in the coming years.

For decades, the South Downtown has been experienced as the end of downtown, where the grid runs out and the railroad infrastructure and right-of-way becomes most pronounced. In the South Downtown Concept Plan, this mixture of open space and built space becomes a revitalized area – a gathering place that supports and contains a multitude of activities while allowing movement through to other places.

Taking advantage of its proximity to parks and natural areas, views and transportation links, the vision is not one of a campus (i.e. a self-contained place) but rather a pleasant continuation of the downtown experience. Anchored by a beautiful plaza positioned to overlook the Willamette River, and positioned to naturally draw people to and from the light rail station, the plaza is the centerpiece of the new vision. It would be shaped and sized to accommodate an expanded Milwaukie Farmer's Market. The plaza is imagined to contain a water feature and terraced seating on the west, retail spaces to the east, and Main Street running through the center.

The South Downtown Concept Plan describes other important public spaces and connections in addition to the plaza:



- Main Street remains open through the plaza, but traffic is calmed through the area. During scheduled times, the plaza and a portion of Main St. are closed to vehicular traffic.
- A jewel-box pavilion sits in the southwest corner of plaza, looking out over Kellogg Creek. This building could be the interpretative center for the Kellogg Creek Restoration Area, or the concierge location for visitors to downtown Milwaukie.
- The section of Lake Rd. between Main St. and 21st Ave. is opened to two-way traffic and reconfigured at the east end to allow safer and more convenient turns for cars and bikes.

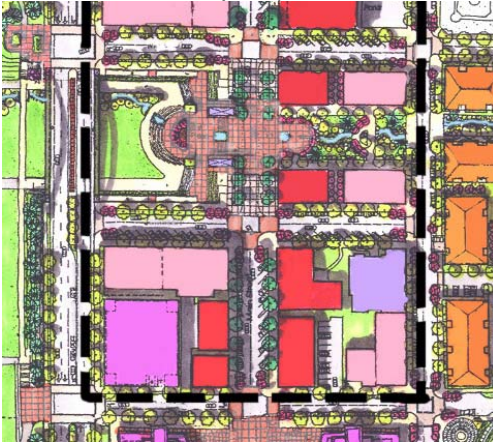

- An overcrossing of the highway at Washington allows people to move from the plaza directly to the riverfront area without climbing any stairs.
- The principal connection between the plaza and the light rail station is along an Adams Street pedestrian way.
- The entire area is designed to be safe and comfortable for visitors, businesses and residents.
- Dogwood Park is integrated with the plaza improvements and Main St. streetscape features, and the newly established Kellogg Creek Nature Area, and becomes a park that is heavily used by people.

COMPARISON: THE EXISTING DOWNTOWN PLAN AND THE SOUTH DOWNTOWN CONCEPT

The *Downtown Framework Plan* and the *South Downtown Plan* would lead to different development outcomes for the City. Though the choice might appear as an abstraction today, in a short matter of time there will be actual construction in the South Downtown related to light rail, and after that, there *could be* revitalization activity in the area.

The following table attempts to compare the implications of A) implementing the current plans and policies in the Downtown Plan; and B) adopting and implementing the South Downtown Concept.

| | Option A Do Nothing Continue to implement the <u>2000 Downtown Plan</u> vision in the South Downtown area | Option B Adopt the <u>2010 South Downtown Plan</u> (with or without amendments) |
|---------------|--|--|
| Vision |  <p>The area would be an Arts/ Entertainment/ Office campus to terminate Main Street. Existing block structure is abandoned for a "superblock." No through-streets. Large parking demand. Large, new buildings with interior orientation.</p> |  <p>The area would extend the pattern and grain of downtown, connecting Main Street to parks and the light rail station through active, multi-modal, and people-friendly spaces.</p> |

| | | |
|---|--|---|
| Land Uses & Development Standards | <p>The planned uses are primarily office and entertainment space, with very little residential, retail or restaurants allowed. High parking requirements, likely requiring a parking garage on-site. The buildings face Washington Street, but are not oriented toward 21st Ave or the creek. The high minimum lot size means no small lots (which could help replicate the fine grain of existing downtown development) could be created.</p> | <p>A variety of uses would be allowed to encourage a mix of activities in ownership and business types. A wide assortment of individual buildings would be constructed on development sites around a public plaza. The scale and character of the new development would make use of, or fit with, existing buildings. A “station building” would connect the light rail station to 21st Ave., announcing Milwaukie as a destination.</p> |
| Street Design | <p>Because light rail was not anticipated, (and/or for other reasons), Main Street and Lake Rd each dead-end in a cul-de-sac, vacating the existing connection between the Lake Rd neighborhood and downtown. Since these streets are presumed to be private, there are no street design standards which means no public area requirements are in place. Envisions 99E bridging over a pedestrian bridge at Jefferson St.</p> | <p>Main Street would connect in both directions to Lake Rd, both to add more options for people to get around the area, but also to support the retail and restaurants located around the plaza. The street would be designed for people first, and would slow auto traffic. Lake Road is open in both directions. Adams becomes a bike/ped connection to the light rail station. Envisions a ped bridge over 99E at Washington St.</p> |
| Public Spaces (Plaza Location) | <p>Envisions a public plaza between Monroe and Jefferson Streets, west of Main St, on the site of the Rexall pharmacy building, which would be demolished. (A private plaza is shown at the south end of Main St. as a forecourt to the office/entertainment complex.)</p> | <p>An oval plaza is located near the intersection of Main St & Adams St, from which people can enjoy views of the Willamette river. The design of Main St would be integrated with the plaza.</p> |
|  |  | |
| Rate of Private Investment | <p>Superblock redevelopment requires single-owner land assembly with large upfront investments. Existing property</p> | <p>Smaller, incremental improvements to existing buildings could allow revitalization to begin in the near</p> |

| | | |
|--|--|---|
| | owners have not invested significantly in their properties, nor have they coordinated redevelopment efforts. Public areas have not been improved, as intensification has not occurred. Vision still is far from “market-ready.” | term. The Station Building on the triangle site is a short-term opportunity that could catalyze other investment in the five-year timeframe. Property owners have begun to coordinate and discuss improvements based on this vision. |
| City Sponsorship, Ownership and Political Support | The City would be choosing to stop investing resources in the area’s planning, so Milwaukie’s interest would be more on the regulatory side. Property owner coordination is unnecessary. Siting the light rail station on the Triangle Site might be seen as a show of support for the area, but failing to follow through with a station area plan and associated code amendments might undermine that appearance. Joint development of the Triangle Site will be more challenging in this environment. | Sponsorship, ownership and political support are demonstrated through adoption of the community’s work on the South Downtown Plan, joint development of the Triangle Site, ongoing implementation efforts toward the vision by the Community Development and Planning Departments, and continued coordination with other property owners. |

Until a new vision and implementing ordinances are adopted, the existing plans, street standards, and zoning code will remain in place.

The public (outdoor) spaces and their relationship to each other and the natural setting, was the focus of the 2010 phase of the South Downtown planning process, and are therefore well understood. Identifying the fundamental pieces of infrastructure to support future development – for example the location of the plaza relative to the buildings and Main Street, is a critical part of the planning process. So too is identifying the sites that will be developed. In the South Downtown area, there are four: the Cash Spot Site (1), the Bernard Block (2), the Shipley Block (3), and the Triangle Site (4).

The attached resolution to adopt the South Downtown Concept Plan will cement this arrangement of public spaces as the City’s new vision for this part of town. The resolution does not, however, implement any new policy or code language related to the buildings in the area. The package of regulatory amendments and other tools that will cause the buildings themselves to conform with the South Downtown vision will be brought to the council for consideration within the next 9-12 months. Over that time, the staff will also prepare amendments to the regulatory documents that govern how public space and right-of-way is used in the South Downtown. These updates will also be brought to council for adoption over the next several quarters.¹

The redevelopment or reuse of the buildings on the four development sites (plus the jewel-box pavilion) will be essential to achieving the South Downtown vision. The buildings and uses, as they exist today, do not have the qualities that Milwaukian’s talked about wanting from the area in the future. For example, South Downtown buildings (which could be reused from existing stock) will be expected in the future to have a strong “people-orientation.” That is, they must not be out-of-scale with the surrounding areas, they must help activate what’s happening outside of them, both in front and behind, they must be well-crafted and durable structures, and they must be economically affordable to a diversity of residents and businesses.

¹ Staff is scheduled to engage the Planning Commission and Design and Landmarks Committee on the same question in the weeks prior to the council meeting and will be prepared to report on the Commission and Committee’s response at the Council meeting.

One of the City's South Downtown planning documents, A Pattern Language for the South Downtown of Milwaukie, Oregon, described a built form and construction process that seemed most promising and "true" to the vision of the community volunteers (although sometimes these descriptions were internally conflicting or confusing).

In moving forward, the city must try to hold fast to the most important values and ideas resonant in the Pattern Language, but only insofar as will allow implementation to realistically occur. That is to say, holding to all of the patterns too dogmatically would likely frustrate any development in the South Downtown, which would guarantee the status quo (or ensuing vacancies and disinvestment) and that would clearly violate the spirit of the Pattern Language document itself, which is really a recipe for positive, community-supported change. In an attempt to operationalize the patterns that relate to the future buildings, staff created a summary of the essential patterns for building use, reuse and development, based on the Pattern Language document. See Attachment 1, Exhibit B, for this Summary of Essential Patterns for South Downtown Buildings.

PRELIMINARY IMPLEMENTATION STRATEGY

The Community Development and Planning Departments are the lead departments for shaping and realizing long-range plans in Milwaukie. The Directors of these Departments have been collaborating and seeking the advice of industry professionals on a strategy for incrementally realizing the South Downtown vision. The City has tools like the zoning code which it can seek to amend, and can create tools that other cities use to help guide development. The City can also work with property owners and citizens to make "small moves" to incrementally bring more life and beauty to the area.

Adopting the Concept Plan is an important milestone for the project, and a signal to the local, regional and business communities that Milwaukie is beginning the implementation phase of this multi-year planning project. Yet adoption of the Concept Plan is just the first step, as it won't, on its own, accomplish anything contemplated in the Plan. What follows is a proposed list of tasks for the Planning and Community Development departments to pursue over the coming year to move the South Downtown Concept toward reality.

See Attachment 1, Exhibit C, for a proposed Preliminary Implementation Plan, which describes how the City could take action, adopt regulations, or otherwise allow/encourage property owners to begin to implement the Concept Plan.

CONCURRENCE

The concept described and illustrated in the Concept Plan was endorsed by a steering committee of 25 citizens and other stakeholders, including property owners, a North Clackamas School District representative and downtown business representatives. A Project Management Team representing most of the City departments participated in the development of the refined concept. TriMet has seen the Concept Plan and is coordinating the design of the light rail project with it. Staff has briefed the Planning Commission and DLC on the Concept Plan, as both groups will participate in the implementation work plan.

FISCAL IMPACT

The long-term fiscal impact of investing in the South Downtown is expected to be positive. Judging from the feedback of real estate professionals (see Attachment 3), local business and

property owners, community members, regional partners like TriMet and design professionals who have worked on similar projects, the South Downtown Plan positions Milwaukie to convert some of its lowest-value downtown real estate into land that is vastly improved.

Realization of the South Downtown Concept Plan vision can also be thought of as a return on Milwaukie's investment in light rail. If at all typical, and the South Downtown appears to have the right blend of features and assets, this return will come in the form of higher property values, new construction and new business that will occur in the area in and around the South Downtown. Planning and Community Development investments in the South Downtown should be made over the next five years to attract private capital to the area, in the form of tenant improvements, new buildings, improved infrastructure, housing units, businesses and spin-off development elsewhere on Main Street. Milwaukie continues to enjoy the natural advantages of a walkable downtown, a waterfront location, proximity to Portland and strong neighborhoods. Converting those advantages into downtown development (which hasn't occurred yet, despite all these advantages), will require sustained leadership and resources from the City.

Many millions of dollars in public spending are already planned for the area beginning with the light rail project and its related street improvements. Millions more will be required to accomplish the vision, considering the cost of the dam removal and Kellogg restoration project, development of the new plaza and pedestrian bridge over McLoughlin, and the private investment that will need to occur to house the new residences, businesses and other uses. The City can elect to help fund these improvements significantly, nominally, or not at all. In any event, the City's leadership and commitment to a unified vision, such as described in the South Downtown Concept Plan, is a good and important step toward raising the tax base in this six acre area. Most likely, the effect of this leadership will cause positive fiscal change in areas far beyond the South Downtown area itself.

WORK LOAD IMPACTS

The South Downtown planning effort is one of a handful of high priority Community Development work areas, along with Portland-to-Milwaukie Light Rail, Minor League Baseball, the Commercial Core Enhancement Program, and the Residential Standards Project. Depending on Council's priorities, staff will adjust work plans accordingly. Should Council adopt the South Downtown Plan, the Community Development and Planning staff will begin preparing for new assignments that will likely consume 20-30 percent of the capacity in those departments.

ALTERNATIVES

Council should consider the following alternatives to the upcoming action that will be requested:

- a. Stop all planning efforts for the South Downtown
- b. Solicit additional information before adopting the refined Concept Plan
- d. Adopt the plan with direction to staff to pursue certain aspects or features

Staff does not recommend any of these alternatives. Although redevelopment does not appear imminent on any of the South Downtown parcels, the City is best served by having an adopted plan for the light rail station area before light rail design progresses too much farther. The South Downtown planning progress will also help advance the community's desire for a station building on the triangle site, and will accelerate zoning code revisions that will ensure that new development occurs in keeping with the community's vision.

ATTACHMENTS

1. Resolution
 - A. South Downtown Concept Plan²
 - B. Summary of Essential Patterns for South Downtown Buildings
 - C. Preliminary Implementation Plan
 2. South Downtown Interviews
 3. Development Advisors' Report
-

² Blank pages have been removed from the electronic version of this document for ease of viewing. Page numbers will not be consecutive.

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE SOUTH DOWNTOWN CONCEPT PLAN AND DIRECTING STAFF TO UNDERTAKE WORK ELEMENTS DESCRIBED IN A PRELIMINARY IMPLEMENTATION STRATEGY.

WHEREAS, the 2000 Downtown Framework Plan envisions a revitalized downtown area full of shops, employees and residents; and

WHEREAS, the City of Milwaukie has invested time and resources over the past four years to prepare and position the portion of downtown south of Washington Street for redevelopment that is supportive of community desires; and

WHEREAS, this area, known as the South Downtown, can become a focal point that connects public parks, natural areas, main street pedestrian activity, a public plaza and a light rail station; and

WHEREAS, the City Council adopted Resolution 28-2008 locating a light rail station in the South Downtown area; and

WHEREAS, the South Downtown is expected to see the development of a new public plaza, a clear pedestrian orientation, individualized buildings and built elements, pleasant outdoor spaces, gathering areas, with people living, working and enjoying the area in various ways; and

WHEREAS, the South Downtown vision is described in Exhibits A and B, wherein Exhibit A is the Concept Plan which lays out the arrangement of public spaces and public improvements in the area, and Exhibit B is a summary of Essential Patterns for South Downtown Buildings to be reused or newly constructed in the area; and

WHEREAS, adoption of the South Downtown Concept Plan will clarify for property owners, businesses, prospective builders and developers as well as other government agencies, the City's intended future for the South Downtown area; and

WHEREAS, Concept Plan adoption will also direct future Community Development activities including updates to zoning, engineering and public works codes and standards; and

WHEREAS, a Preliminary Implementation Plan (Exhibit C) describes near-term actions to be taken by the Planning and Community Development departments that can initiate implementation of the South Downtown Concept Plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts the South Downtown Concept Plan, including the Essential Patterns for South Downtown Buildings, and directs the staff to undertake and develop a Preliminary Implementation Plan that will set in motion further actions by the City, property owners, and other groups and agencies to strive toward the vision described in the Plan.

Introduced and adopted by the City Council on _____ .

This resolution is effective on _____ .

Jeremy Ferguson, Mayor

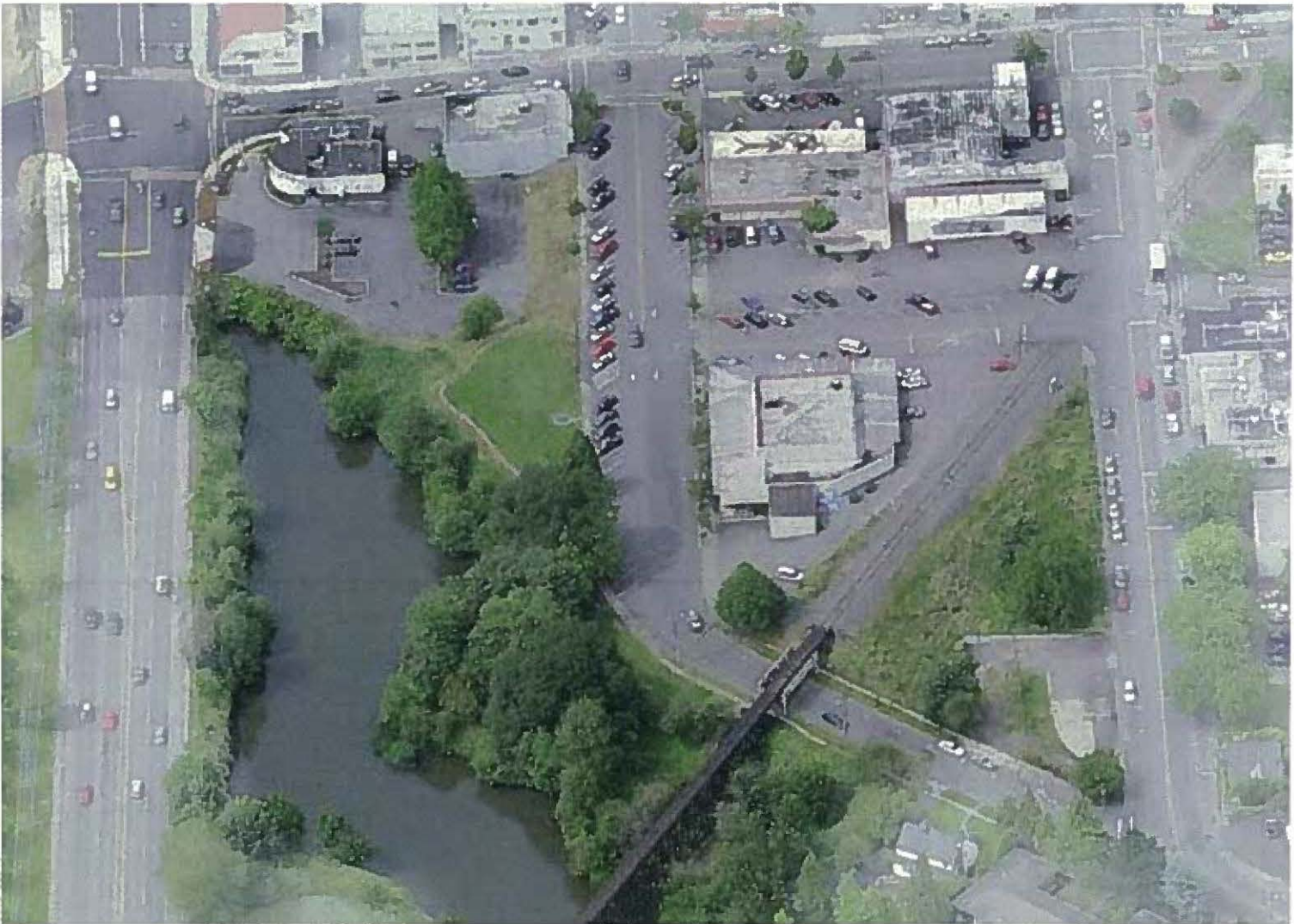
ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

City of Milwaukie



SOUTH DOWNTOWN CONCEPT PLAN

August 2011

WALKER·MACY



City of Milwaukie

Project Management Team

Kenny Asher

Katie Mangle

Jeanne Garst

South Downtown Steering Committee

David Aschenbrenner* (Hector Campbell/CMI)

Lisa Batey* (Island Station/PC)

Carrie Rose Berkeley (Lewelling)

Jim Bernard (Property Owner/CMI)

Ray Bryan (Historic Milwaukie)

Carlotta Collette* (Ardenwald)

Rosemary Crites (Oak Grove citizen/realtor)

Mark Gamba* (Historic Milwaukie)

Dave Green (Riverfront Board)

Neil Hankerson (Downtown Property Owner)

Joe Krumm (Milwaukie High School)

Joe Loomis (Milwaukie City Council)

Matt Menely (Bicyclist/Waldorf Parent)

Mike Miller* (Lake Road/CMI)

Arlene Miller (Lake Road)

Christie Schaeffer (Parks Board)

Cynthia Schuster (Main Street Milwaukie (MSM))

Eric Shawn (NCUWC)

Dion Shepard* (Historic Milwaukie)

Joan Shipley (Property Owner)

Sarah Smith* (Hector Campbell)

Ed Zumwalt (Historic Milwaukie)

*Group of Nine participant

Consultants

Walker Macy

Landscape Architects and Planners

Portland, OR

LMN Architects

Seattle, WA

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1 INTRODUCTION & PROCESS

PLANNING PROCESS

This project is part of an ongoing planning effort for South Downtown, dating to 2008 and represents a refinement of the ideas explored thus far. This portion of the work, Phase 4 (see graphic on opposite page) saw the expansion of the project Steering Committee from 9 people to 22. Everyone who volunteered was appointed to the new Steering Committee, including seven of the Group of Nine who were previously deeply engaged with the planning process. Also of significance was the addition of the South Downtown property owners – all of whom became active participants during this phase.

The Steering Committee met three times in full, with one extra meeting held in June for a dozen or so Committee members who were interested in delving more deeply into critical design decisions.

The consultant team interviewed project stakeholders, summarized their input, reviewed and commented on prior South Downtown studies, conducted a conference call and meeting with the Development Advisors, met with TriMet and Ankrom Moisan architects (who are working on the Triangle Site and light rail station building), studied the fabric of downtown Milwaukie and shared images from similar downtowns, and then drew up three concept plans for the Steering Committee to review and respond to.



Joe Loomis



Neil Hankerson and Eric Shawn

Planning Timeline

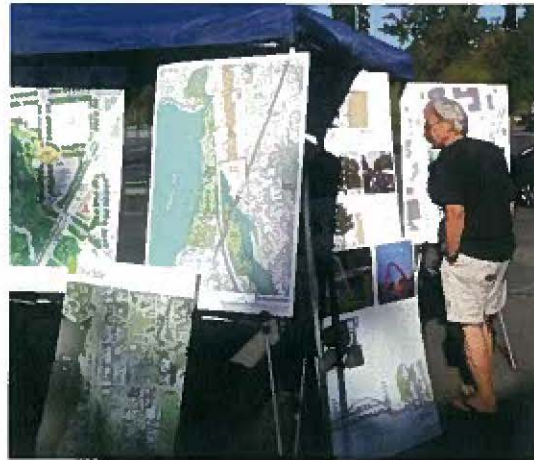
| Milwaukee South Downtown Refinement | 2010 | | | | |
|--|--|--|--|--|--------|
| Schedule | April | May | June | July | August |
| 1.0 Orientation and Kickoff Meeting | [Steering Committee, Development Advisors] | | | | |
| 2.0 Plan Evaluation and Initial Assessment | | [Steering Committee, Development Advisors, Public Open House, Trimet Coordination] | | | |
| 3.0 Alternative Concepts & Open House | | | [Steering Committee, Development Advisors, Public Open House, Trimet Coordination, Triangle Site Coordination] | | |
| 4.0 Preferred Concept and Implementation | | | | [Steering Committee, Development Advisors] | |

- Monthly Project Management Team Meetings*
- Steering Committee
 - Development Advisors
 - Public Open House
 - Trimet Coordination
 - Triangle Site Coordination

| | | |
|----------------|---------|---|
| PHASE 1 | 2008 | South Downtown Concept Plan Review, Validation, Exploration and Development |
| PHASE 2 | 2008-09 | Diagnosis Pattern Language for a New South Downtown Concept |
| PHASE 3 | 2009 | Guidelines and strategies for Implementation |
| PHASE 4 | 2010 | Pattern Language and Concept Plan Testing and Refinement |
| PHASE 5 | 2011-12 | 'Small Moves' Project Implementation Zoning and Comp Plan Updates Land Disposition and Development Agreements |
| PHASE 6 | 2012-13 | Light Rail Construction Begins First Construction Projects |
| PHASE 7 | 2014-15 | Light Rail Station Construction Light Rail Opens |

Farmers Market Open House

With the consensus of the Steering Committee and a set of clear and compelling drawings, an Open House was held at the Milwaukie Farmers Market on the morning of September 12. This setting created an opportunity for the public to view the material and comment on the plan. City staff were interested in soliciting opinions about the scheme, and educating more people about the exciting vision that was emerging for the South Downtown. Feedback from the event was overwhelmingly positive for the vision of South Downtown presented.



2 CONTEXT

A Pattern Language developed through a previous planning process is the guiding document for the South Downtown project and supports the community's goal to create a welcoming place for citizens and visitors.

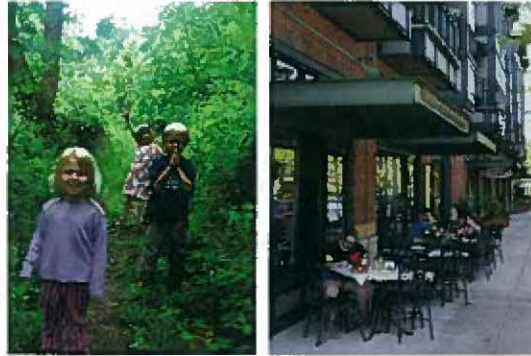
The patterns are listed below. There are several refinements to these Patterns that can reflect the Preferred Concept while continuing to support and strengthen the community's goals. The Patterns will be updated in a subsequent process.

1. Relationship of the South Downtown to its surrounding areas.
2. A Major Plaza forms the core and focus of the South Downtown.
3. The Plaza lies at the head of Main Street.
4. From the Plaza there are views of the Willamette River and the western setting sun.
5. The Transit Station leads directly into the Plaza.
6. The Plaza is given its shape and character by a inner frontage ring of two-story buildings faced all along its length with a generous colonnade. The ring creates beautiful and comprehensible outdoor space.
7. There is a second, wider and deeper outer ring of land, containing more loosely placed one, two & three story buildings and open land. In the outer ring, especially, there is a tangled network of narrow lanes, residences, businesses, and open space.
8. As an additional support for the Plaza, 25% of the boundary land that surrounds the plaza will be restored to its natural state, preserved as an ecological area for Parkland, Fish and Wildlife.
9. The prevailing form of buildings in the SDT are ShopHouses--small mixed-use buildings, which contain both dwellings and workplaces on the same lot and are owner occupied. In many cases adjacent buildings share party walls or floors. Each lot will include some commercial workspace, some domestic living space, and some outdoor work area or garden.
10. The overall building density in the South Downtown will be limited to a floor area ratio of 1.51 for the 119,000sf of buildable land within the SDT perimeter. Thus the buildings in the SDT, in their aggregate, will be limited to 140,000sf of built space.
11. All buildings (and exterior works) in the SDT will be built by individual craftspeople working in a masonry tradition that emphasizes brickwork and cast stone, with lesser amounts of stone, concrete, ceramic tile, plaster, and metalwork. Smaller buildings may be built in wood frame with exterior woodwork.
12. From very the start, owners and owner-occupiers will be strongly encouraged to ornament their own buildings, perhaps give them an individual touch. This also means that the construction management will be organized to allow individual and personal qualities to appear in each building that is built. Furthermore, a subsidized maintenance program will assist and encourage owners to look after their properties, and keep them in sparkling order.
13. Throughout the South Downtown, there is a web of connected paths, roads, cars, electric cars, incentives for electric cars which need small parking areas, small buses, mini-parking, bicycles, sidewalks, paved areas, and parkland. They work unobtrusively and smoothly together.

ESSENTIAL ELEMENTS

The Walker Macy consultant team determined the following essential elements of the concept plan:

- Include a plaza as central anchor for South Downtown
- Plaza should be a vibrant, beautiful, public place
- There should be activity in evenings
- Attract small, local businesses and artist studios
- Respect history, reuse buildings
- Use timeless, locally-appropriate materials
- Preserve views and connections to River
- Provide access to preserved natural elements
- Promote pedestrian and bike-friendliness
- Integrate the light rail station
- Hide parking in structures
- Buildings should be of appropriate scale, with active ground floors



The Walker Macy team undertook several exercises on the way to a refined concept plan. The team did a detailed review of the South Downtown area, noting conditions such as floodplain elevations and railroad setback requirements.

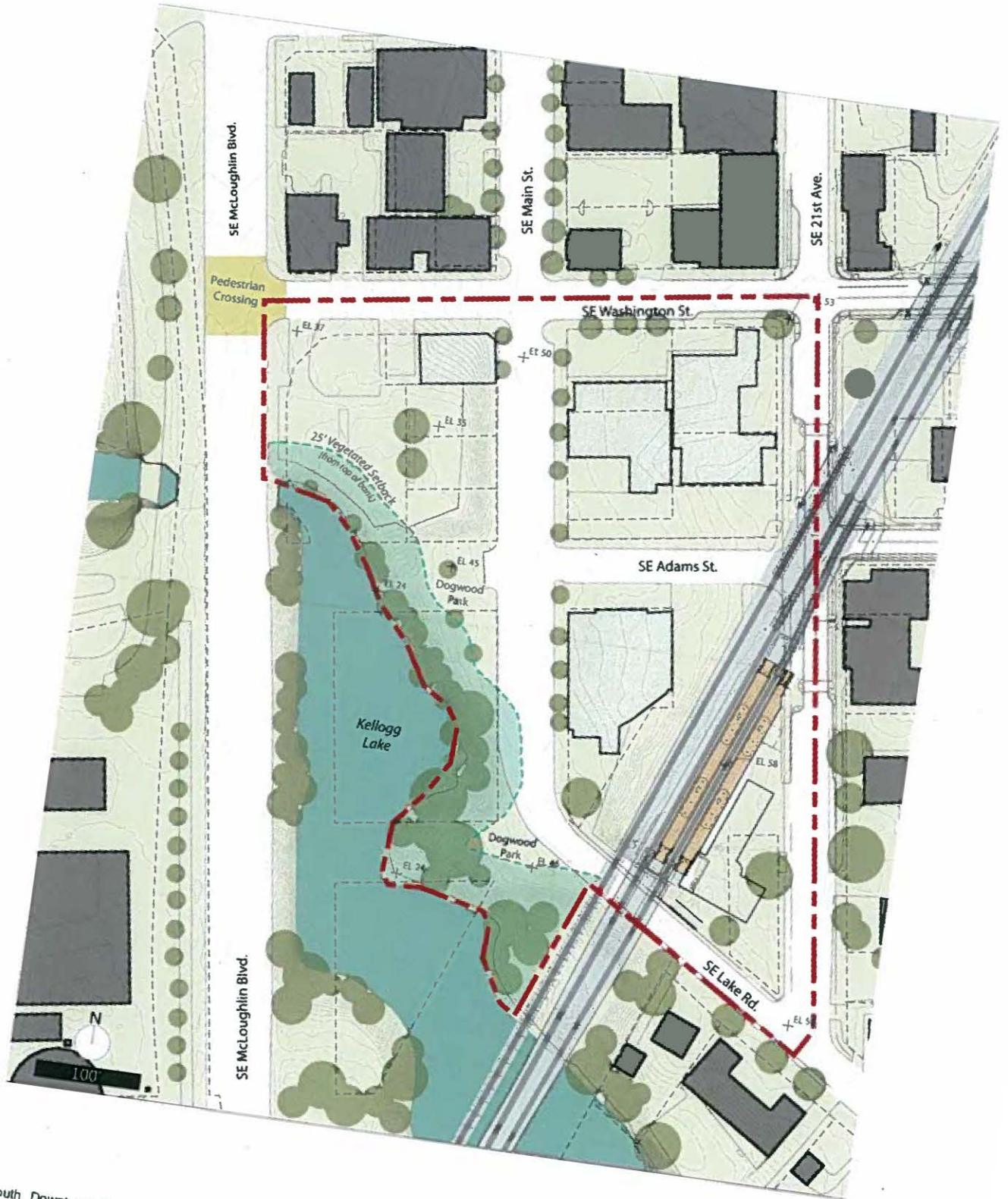
The diagrams on the following pages were developed during a detailed analysis of the study area. The study area is situated within an incredible confluence of urban amenities and proposed improvements. These include:

- The site terminates Main Street, the central spine of downtown Milwaukie. Some key civic activities can be found along Main Street--the weekly Farmers Market, City Hall and nearby Ledding Library and schools.
- A new light rail station will open in Fall 2015 and will bring associated streetscape and bus transit improvements.
- Kellogg Lake, currently impounded underneath McLoughlin Boulevard, will be drained and restored as a functional salmon stream and natural area, with public trails to the stream's edge. Together with the estuary of Johnson Creek, this restoration will bring local citizens into close contact with downtown Milwaukie's natural features.
- The site features views of the Willamette River and the setting sun. The Milwaukie Riverfront Park will significantly enhance the Willamette River shoreline in the coming years.
- The Trolley Trail, which begins at this park, will provide bicycle and pedestrian connections south to Oregon City.
- A possible reconfiguration of the wastewater treatment plant west of the site across McLoughlin Boulevard could significantly reduce odor and aesthetic impacts, replacing much of the site with a proposed Water Resources Center.

Existing & Future Civic Improvements



Study Area



Parcel Framework



| | |
|--|---|
| | Parcel in Private Holding |
| | Parcel Owned by City of Milwaukee |
| | Parcel Owned by Union Pacific Railroad (UPRR) |
| Sub-Area I | |
| Parcel in Private Holding | 1.56ac |
| Parcel Owned by City of Milwaukee | 1.91ac |
| Parcel Owned by UPRR | 0.31ac |
| Public Right of Way | 1.14ac |
| TOTAL | 4.66ac |
| Sub-Area II | |
| Parcel Owned by UPRR | 0.52ac |
| TOTAL | 0.52ac |
| Sub-Area III | |
| Parcel in Private Holding | 0.76ac |
| Parcel Owned by UPRR | 0.29ac |
| TOTAL | 0.36ac |

Existing Conditions



View looking north on Main Street, showing excess paved area and angled parking. Large trees at left should be protected if possible. Overhead power lines should be relocated underground.



Looking east over Kellogg Lake to Dogwood Park, from McLoughlin Boulevard. This lake will be drained and the creek restored.



The existing freight rail trestle over Lake Road limits the height of vehicles using the road. A future TriMet light rail bridge will be placed alongside it. The passages underneath these bridges should be designed for pedestrian comfort.



The Triangle site will be the location of a future MAX station, with double tracks to the left of the existing rails in this photo. Comfortable, clear pedestrian access to and from the station will help support the future South Downtown.



The existing Dogwood Park has an important view of the Willamette River and future Riverfront Park. This physical and visual connection to an iconic part of Milwaukie's identity should be maintained as the South Downtown develops.



The existing Adams Street will be closed to through-traffic when light rail is built. The area will provide opportunities for improved pedestrian access and amenities.

Existing Built Character

Analysis of the existing buildings and property patterns in downtown Milwaukie led the team to conclude that a finer-grained approach to development will establish this district's character in a way that respects the character of downtown. Such an approach might feature individual buildings on tighter lots, developed incrementally over time. Special attention should be paid to ground-level design, fenestration and pedestrian amenities, regardless of building style or function.



Existing building footprints and lot patterns in downtown.



Numerous historic structures help define the character of downtown Milwaukie.



This modest commercial building features generous pedestrian-scaled storefront windows.

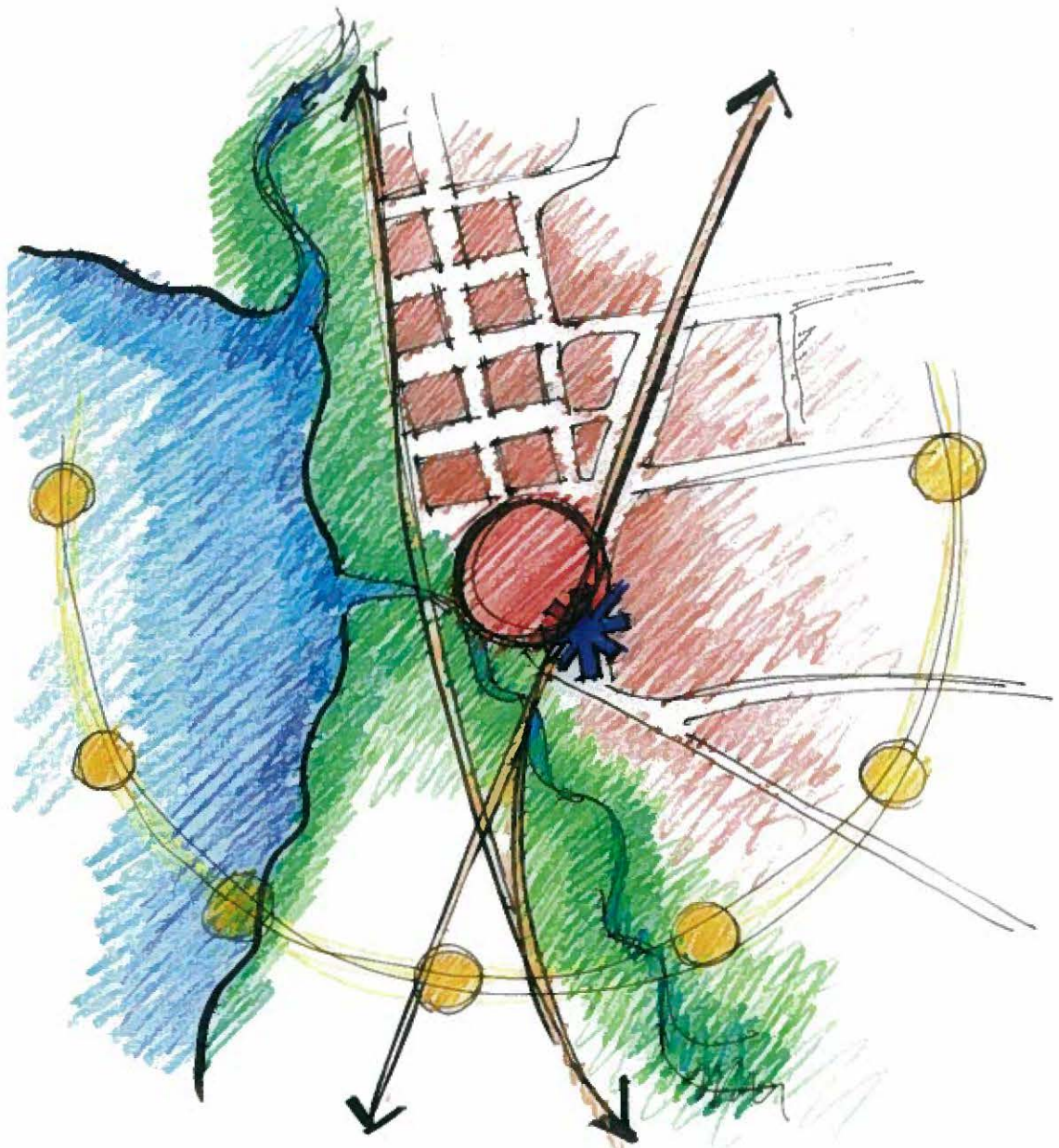


Main Street features several buildings with good street-level storefronts, wide sidewalks and outdoor seating.

Context Summary

This diagram summarizes the important position that this site occupies in downtown Milwaukee, at the southern end of downtown next to a future generator of significant pedestrian activity surrounded by a dramatic

set of natural and recreational improvements. The site provides good opportunities to take advantage of solar access to the south and west to encourage sustainable site planning and architectural improvements.



3 CONCEPT

Concept

Plaza

Farmers Market

Streets

McLoughlin Bridge

Natural Connections

Light Rail

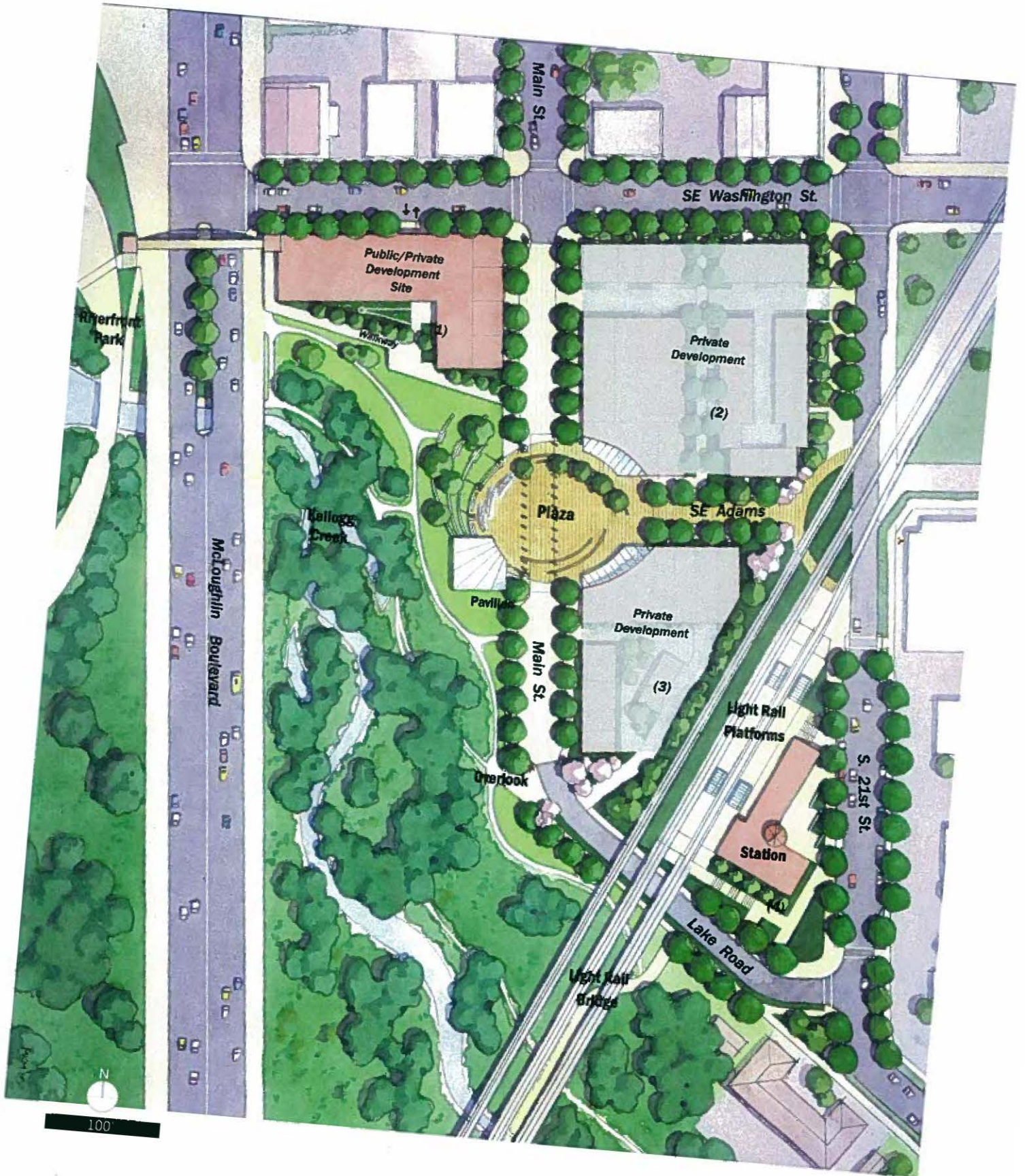
CONCEPT PLAN

Using input from the Steering Committee and City staff, the Walker Macy team compiled key elements from three concepts into a single refined concept plan. Some important features of the plan are:

- The entire area is designed to be safe and comfortable for visitors, workers and residents, with special focus paid to the relationship between the area and Milwaukie High School and its students.
- Main Street remains open through the district, but traffic is calmed, narrowing the street with a slight grade change and pavement treatment. During events, and potentially at other scheduled times, the plaza and a portion of Main Street are closed to vehicular traffic.
- Four development sites are established, commonly known as the Cash Spot Site (1), the Bernard Block (2), the Shipley Block (3), and the Triangle or station Site (4) (see drawing at right). "L" shaped buildings are anticipated on the Cash Spot and Triangle sites, given their physical constraints. The City of Milwaukie has ownership interests on both of these sites, and is actively working with another design team on the Triangle Site project, which is intended to support light rail related activities.



- The other two sites are entirely privately owned, and will redevelop according to designs that have not yet been defined. City staff is working with the property owners to see if redevelopment can be guided along the lines suggested in the South Downtown planning project. Of particular importance are the ground floor-facing frontages on Main Street and especially on the plaza.
- A plaza at Main Street and Adams has views to the Willamette, a water feature and terraced seating on the west, retail spaces to the east, and Main Street running through the center.
- A pavilion sits in the southwest corner of plaza, looking out over Kellogg Creek. This is a small, architecturally distinctive building with an important use – such as a Nature Center that introduces the public to the Kellogg Creek Restoration Area or an active use such as a restaurant.
- The plaza's edges are occupied by retail uses or cafes, which help activate the space and reinforce the form of the plaza with overhead canopies and awnings.



Concept

Plaza



Director Park in Portland features a curbless, low-speed street next to a plaza.



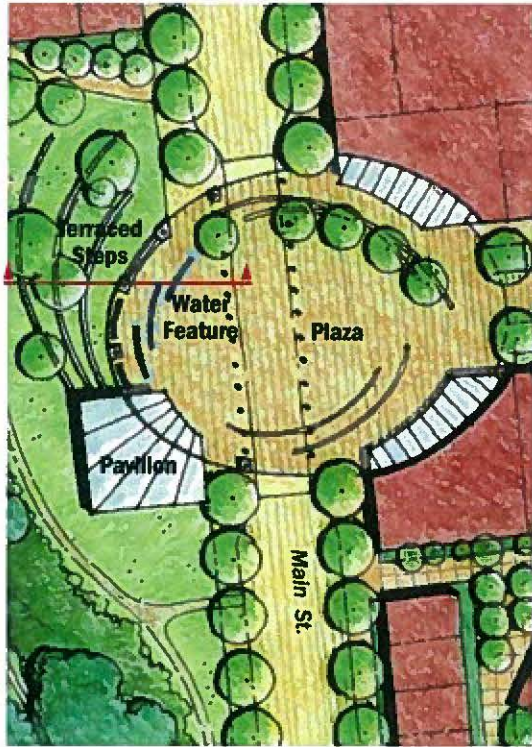
Active fountains can be attractive places for families to gather and help populate the Plaza at a variety of times during the week.



The townhouse developments shown here are of a scale that reflects the preferences of local citizens, with buildings up to 4 stories in height designed to respect surrounding single-family neighborhoods.



Plaza



Pavillion example



Cafe seating on a plaza



Cross-section through terraced seating adjacent to Plaza

Farmers Market

The plaza and adjacent streetscapes are designed to accommodate at least 100 Farmers Market stalls. Main Street would be closed to through traffic on Market days, using decorative gateways. The precise location of these gateways will be dependent on the redevelopment of surrounding properties. Interim closure of the street can be achieved with simple traffic cones.



Street used as farmers market



■ Market Stalls (100 total)

Main Street

Main Street through South Downtown will be an important contributor to the character of the district, connecting the area to the rest of downtown Milwaukie while establishing a distinct identity for South Downtown. The street currently occupies sufficient right-of-way for the re-allocation of space--from wide drive lanes and angled parking to 11' driving lanes, wide sidewalks and parallel parking.

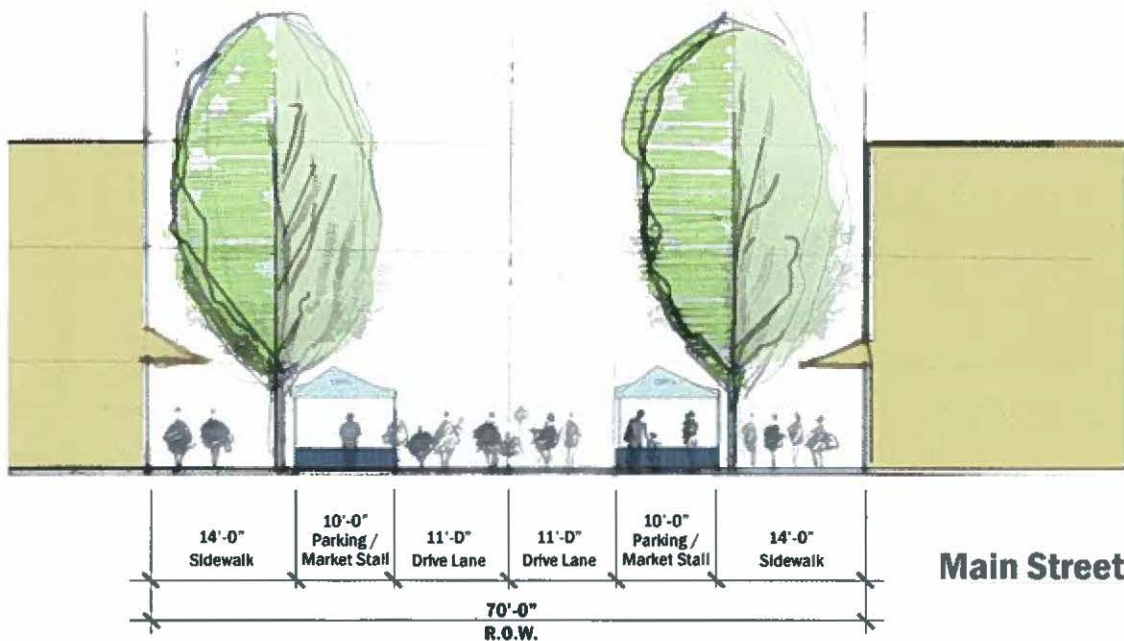
The portion of Main Street traversing the proposed plaza should be curbless, surfaced with special pavers to fully integrate the street within the plaza. Bollards could define the space for autos. As described on the facing page, Main Street would be closed for special events such as the Farmers Market or Sunday Parkways-type bicycle festivals but would remain open to through-traffic at very low speeds at most times of the day.



Curbless street



Sunday Parkways



Main Street

Adams Street

Adams will be an important part of the South Downtown urban structure. The existing street will be narrowed and be developed as a pedestrian green street. While this street will not be accessible to private vehicles, it will still be designed in a way that fire trucks and service vehicles can access buildings facing the street (this typically requires at least 20' of unobstructed travel lane).

The street is envisioned as a pedestrian-friendly lane that can be configured for use by the Farmers Market on weekends. Private development parcels on its north and south edges should frame the street with active retail spaces or residences with front yards and stoops directly adjacent to Adams, to permit informal supervision and activation of the street.



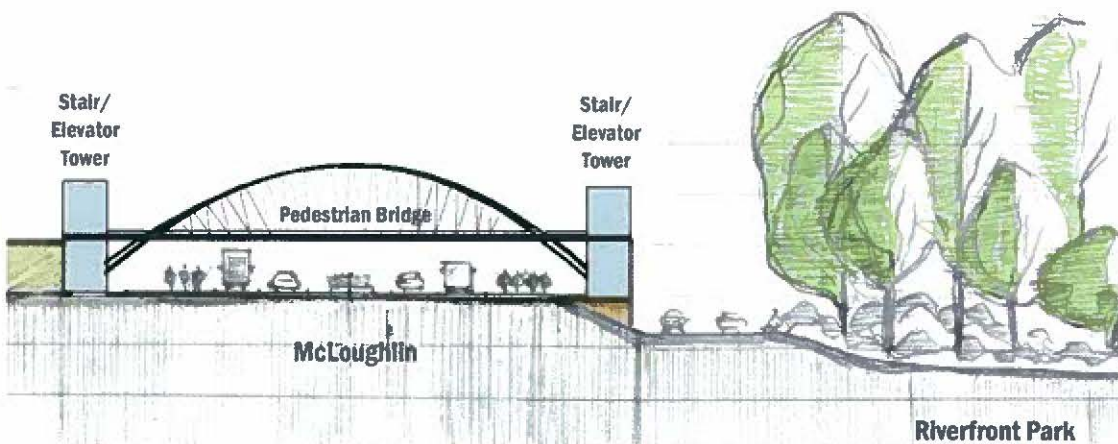
Pedestrian-oriented street with stormwater planters



Adams Street cross-section (on a market day)

Crossing McLoughlin

It is important to connect all of downtown including the South Downtown District with the Willamette waterfront in as many safe and clear ways as possible. The planned undercrossing of McLoughlin at Kellogg Creek is supplemented by an overcrossing of the highway at Washington. This bridge is at approximately the same elevation as the plaza, allowing people to move from the plaza directly to the riverfront area without climbing stairs. The at-grade intersection of Washington and McLoughlin is also envisioned to receive additional pedestrian-friendly improvements.



Natural Connections

The concept for South Downtown is predicated on strengthening the City of Milwaukie's close relationship to nature, in particular its connections to the Willamette River at the new Riverfront Park. The proposed restoration of Kellogg Creek will provide South Downtown with nearby nature trails through native riparian banks and along the restored stream.



The existing Dogwood Park is expanded and integrated to the north and east with the plaza improvements and Main Street streetscape features, and to the south and west with the newly established Kellogg Creek Nature Area.



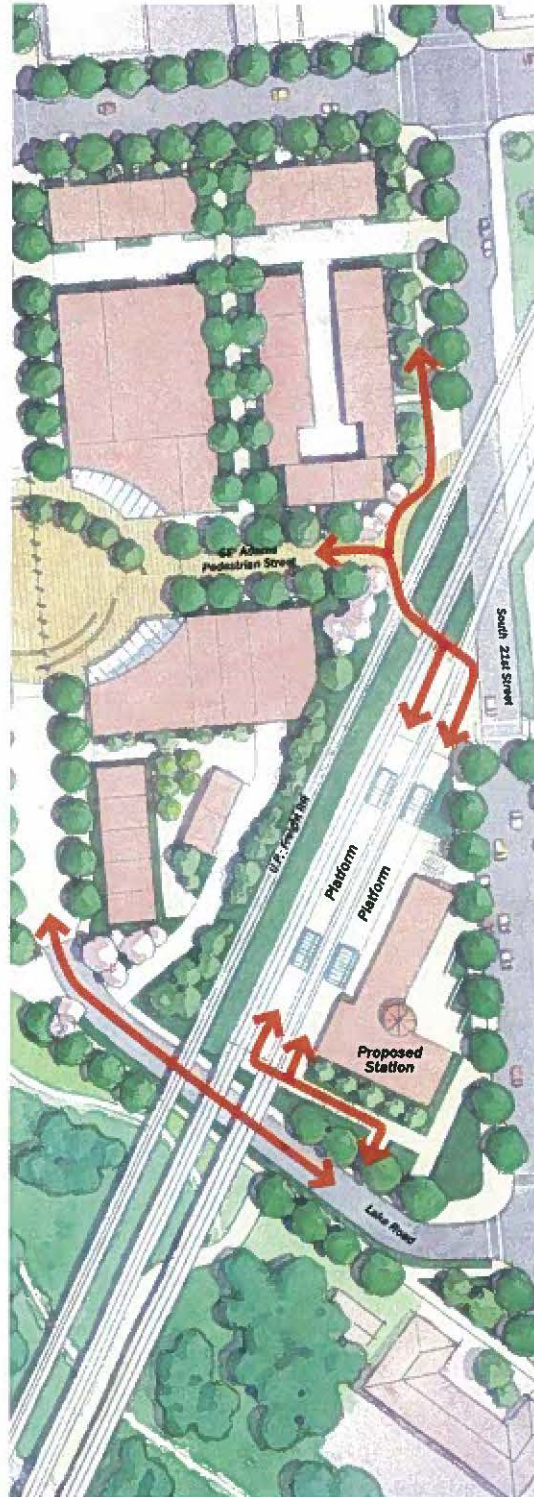
A passageway under McLoughlin Boulevard is proposed, where the existing dam now stands, to connect this Nature Area with the mouth of Kellogg Creek and Riverfront Park.



Connecting to Transit

The proposed new Downtown Milwaukie light rail station will bring increased activity to the area. The plan considers several important elements for the successful integration of light rail with South Downtown:

- There should be a visual connection between the light rail trains and platforms and the proposed Plaza (and vice versa). This will require careful design of the buildings between the two elements.
- The rear facades of buildings adjacent to the new light rail facility should be designed where possible to present a positive relationship to the trains, minimizing blank walls or service entries and parking.
- The safety of station users should be considered in the design of pedestrian pathways to and from the platforms.
- The principal connection between the plaza and the light rail station is along Adams Street, newly designed as a pedestrian way. (This portion of Adams will be closed due to light rail construction). Near 21st, a crescent shaped sidewalk creates an easier crossing of three rail tracks on foot or bike.
- The section of Lake Road between Main Street and 21st is opened to two-way traffic and reconfigured at the east end to allow safer and more convenient turns for cars and bikes.



4 IMPLEMENTATION

IMPLEMENTATION

What should the City of Milwaukie do next, to implement the South Downtown Concept Plan?

The Community Development and Planning Departments lead the shaping and realizing of long-range plans for Milwaukie. The Directors of these Departments have been collaborating and seeking the advice of industry professionals on a strategy for incrementally realizing the South Downtown vision. The City has tools like the zoning code which it can seek to amend, and can create tools that other cities use to help guide development.

What follows is a proposed work program to increase the likelihood that the City will, over time, realize the South Downtown vision that the community participants have endorsed.

Community Development Department-led Activities

- Work closely with the three private property owners in South Downtown on redevelopment plans for their properties. Support individual owners in development efforts, and coordinate these efforts so they can collectively achieve the South Downtown vision.
- Continue predevelopment planning for the Triangle Site, in anticipation of that site's availability and redevelopment with the opening of light rail service.
- Utilize an urban renewal planning process to study site development potential in South Downtown. Advocate for adoption of urban renewal as a means for funding portions of the South Downtown Plan.
- Either with the formation of an urban renewal district or without, establish a redevelopment agency that will assume ongoing responsibility for coordinating development efforts in the South Downtown, raising capital for projects, interfacing between private parties, citizens, city staff and city council, and bringing new resources to all who are working to implement the South Downtown plan.
- Provide TriMet with all South Downtown-related drawings and direct TriMet to incorporate, wherever possible, into the light rail project design.
- Seek to leverage existing regional flexible transportation funds on a streetscape enhancement project in the South Downtown.
- Continue to work on the Kellogg-for-Coho-Initiative as a catalyst and amenity for South Downtown redevelopment.
- Advance the design work on the Refined Concept Plan, to study the plaza and other public spaces in more detail, and/or to study the manner in which new buildings will fit into and support, the Concept Plan.
- Recruit potential tenants, builders, designers and new champions to the effort.
- Launch a "Small Moves" program to implement inexpensive improvements in the South Downtown area to begin the enlivening of public spaces.

Planning Department-led Activities

- Review the zoning code to identify areas of inconsistency with the new South Downtown refined concept plan, and coordinate with the Community Development Department, property owners, Planning Commission and City Council on code updates to facilitate the realization of the new vision.
- Study related transportation requirements and plans that must be reconciled to achieve the new vision, including streetscape plans, transportation plans (e.g. connectivity) and traffic studies.
- Utilize the Downtown Code Refresh project in 2011 to update and improve development standards that would apply to all of downtown, including the South Downtown.
- Work to update Milwaukie's Downtown Design Guidelines to better motivate realization of the design character identified in the South Downtown planning process.
- Recommend amendments of the Downtown Plan and Comprehensive Plan to the Planning Commission and City Council if and when necessary.
- Support property owners with regulatory requirements on development proposals or ideas.
- Ensure that planning and permitting for the light rail project takes into account, and is bolstered by, the community consensus that has emerged around the South Downtown concept.

All of the items listed represent a commitment on the part of the City to achieve the South Downtown Plan. The light rail project is expected to begin construction next year. The choices that Milwaukie makes over the next 2-3 years will determine whether the South Downtown vision will be built.

A Summary of Essential Patterns For South Downtown Buildings

Highest Importance

- It is a truly pleasant place to be and people want to spend time there. The buildings themselves, through design and use, have much to do with this.
- There is a texture or granularity to the place that isn't found in typical new development. The place can and should have a roughness or irregularity that is associated with older places, not new development projects. (This compels the reuse of existing buildings and smaller scale redevelopment projects).
- The place is full of live/ work activity – people live there and people work there; some do both.
- Outdoor space is positively shaped and designed. It is well-used and adds a lot to the life of the area.
- The plaza is the most important community gathering place in town, and it is shaped and activated by the presence of coherent and harmonious buildings along its edges.
- Human scaled buildings reflect an out-of-the ordinary commitment to permanence, careful construction, and stewardship.
- The ground floor is critical in every building. Retail uses front the plaza, and workspaces and residences are prevalent everywhere else.
- The siting, design, and orientation of the buildings contribute to a comfortable and interesting place for walking.

Secondary Importance

- The place is affordable to average people; it is not an elite development.
- Buildings feel Individualized through design, detail or artistic expression.
- Large windows are prevalent at the ground floor level.
- Commercial space can receive occupancy permits with minimal interior finishes. This is expected to help hold rents down and attract commercial tenants in the early years.
- A physical building anchors the light rail station.
- Parking areas are small and don't overwhelm the area.

Potentially Important, but Requires Extraordinary Measures

- Mix of housing types supports a mix of people.
- A land trust or other public-private arrangement to allow inexpensive construction that will keep development costs down.

Unessential and In Conflict with More Important Patterns

- Masonry buildings only.
- Scattered courtyards create generous private spaces for each live/work unit.
- New construction is unregulated, except for the most basic fire life safety issues.

South Downtown Preliminary Implementation Plan

Adoption of the South Downtown Concept Plan is an important step for the City of Milwaukie, but it is just the first step. The plan will not, on its own, accomplish anything contemplated in the Plan. What follows is a proposed list of tasks for the Planning and Community Development departments to pursue over the coming year to move the South Downtown Concept toward reality.

Amendments to Planning and Transportation Policies

The essential elements of the South Downtown Concept Plan must be either required or protected by regulation, or alternatively, allowed by the zoning code so builders have the freedom to make decisions that support the vision. Planning staff must determine what to require, what to protect, and what to allow under a new zoning code for the area. Amendments will be required to the Zoning Code and Map, Downtown Design Guidelines, Transportation System Plan, Comprehensive Plan, and Public Works Standards.

Downtown and Riverfront Land Use Framework Plan

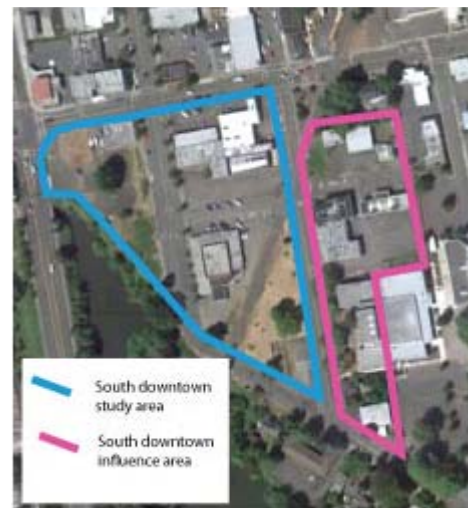
The South Downtown concept is in keeping with the most important elements and guiding principles of the Downtown Plan: create a mixed-use, people-oriented, lively place with connections to the waters and community gathering places. There are, however, key differences between the vision for the study area: a live/work neighborhood instead of an “Arts and Entertainment Anchor”, many smaller buildings instead of one large campus. Therefore, some pages of the Framework Plan will need to be updated to incorporate the South Downtown Concept, particularly the location of the plaza, the circulation plan, and the light rail station location.

Zoning Map

Planning and discussion to date has been focused on the South Downtown study area (outlined in blue in the map). All of this area is currently zoned for Downtown Office.

The South Downtown study area should be rezoned from Downtown Office to another zone (e.g., Station community, South Downtown, etc.) to allow the City to apply special regulations to this area. A new approach to zoning regulations will be necessary to enable implementation of the ideas in the South Downtown Concept Plan.

The “South Downtown influence area” on the other side of 21st Ave (outlined in pink in the map). will be equally affected by the location of the light rail station, and the lots north of the high school are likely to redevelop. All of this area is currently zoned Downtown Office. Changes to the existing zoning may be needed to best support the South Downtown concept, and these should be considered during the Downtown Code Refresh project.¹



¹ It is not clear that a building with ground-floor retail and housing above would be allowed. Small-scale live/work buildings would not be allowed.

Spatial Areas within the Zone

One of the key concepts in the South Downtown is to create a public plaza ringed with high quality buildings that activate Main Street and the plaza. Radiating outward from the plaza are rings of different types, scales, and forms of buildings which are built to allow for flexible uses over time. Buildings in these different “rings” will take different forms, and will require different types of regulations.

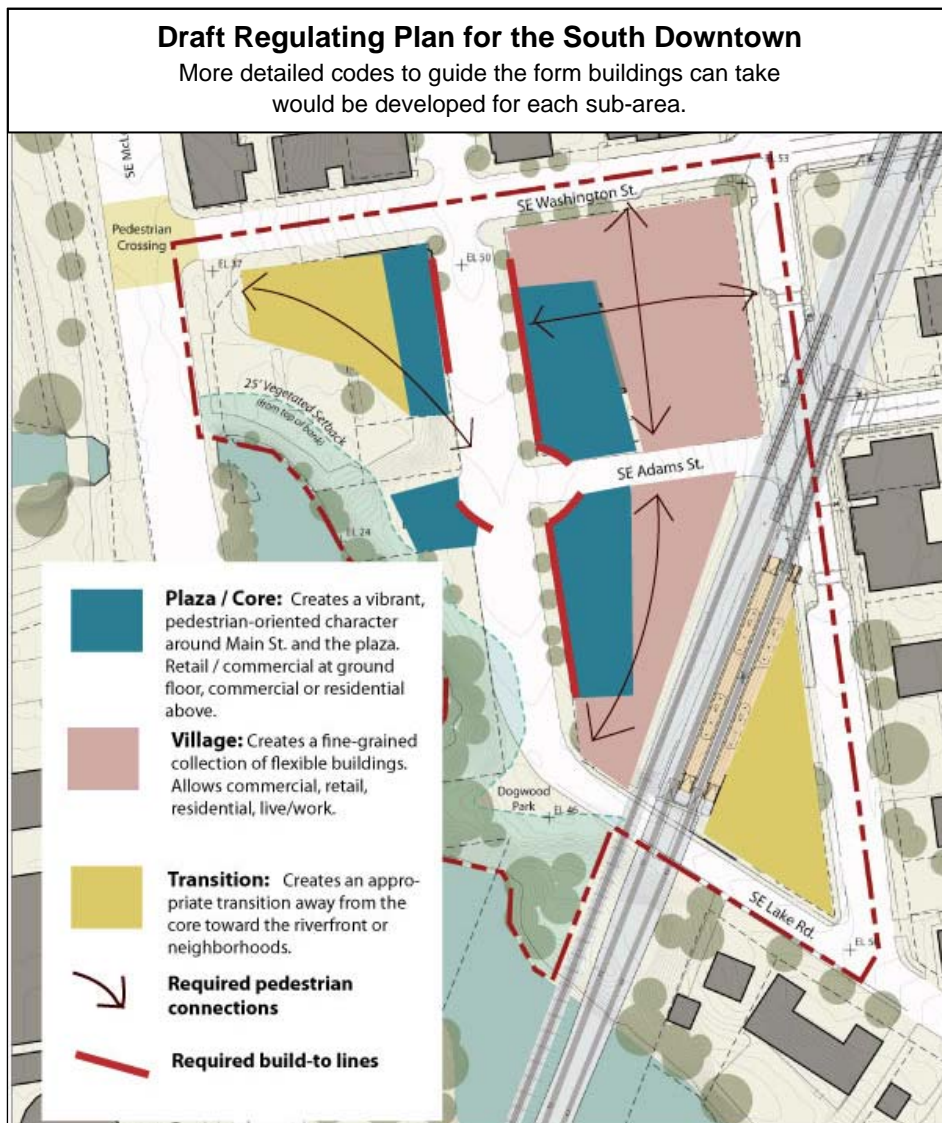
How the Zoning Code Could Shape Development

Staff is investigating ways to change the zoning map and code to enable implementation of the South Downtown Concept. Form-based zoning, generative codes, and menu-based design standards are potential zoning tools.

However, it is evident that many of the most important ideas in the South Downtown concept *cannot* be implemented through the zoning code, but rather through changes to public spaces, actions by existing property owners, and voluntary decisions made by builders and future occupants. One of the key challenges ahead will be to define what essential elements must be required or protected by regulation, and to what degree the zoning code should provide freedom for builders to make future decisions.

There are some key concepts that will need to be reinforced through zoning to adequately influence development to take the form and character described in the South Downtown Concept Plan and Pattern Language. These may include:

- Require active, non-residential uses at the ground level of the buildings fronting the plaza.
- Allow a broad array of uses, such as retail, office, live/work, residential, and food carts, to maximize the potential for continuous activity near the station.
- Require that buildings be built to a specified line along Main St and around the edge of the plaza
- Keep the requirements simple and easy to implement on small-scale projects. Perhaps standards are looser for small buildings, and more stringent for larger buildings.



- Develop a menu-based approach that pushes developers toward human-scale articulation and preferred materials. Elements to be addressed include:
 - Ground-floor windows
 - Private outdoor spaces
 - Building materials
 - Building articulation
 - Roof form

Understanding Traffic

In the course of rezoning the area, the City will need to assess how the proposed changes to the type and intensity of the proposed development would impact the transportation system. Though the intent of the project is to result in a more human-scaled development (as opposed to auto-oriented), the City should understand the range of impacts that could occur to the transportation system, and specific mitigation measures (e.g., traffic signals) that might be triggered by new development.

Public Spaces

The Concept Plan establishes a clear framework for the circulation and character requirements for the public streets and gathering spaces in the South Downtown area. Though these streets, alleys and plazas may be constructed by different entities (potentially with development, as part of the light rail project, or by the City as a capital project), the City will have to amend its plans to allow the vision to be designed and constructed. Amendments and new standards will be required to enable implementation of the public spaces identified in the Concept Plan, including the following:

Transportation System Plan

- Reclassify Main Street west of 21st Ave. from an Arterial to a Local street.

Public Works Standards (changes to the Downtown Public Area Requirements streetscape plan)

- Add a new street cross-section design for Main Street west of 21st Ave. for a 2-way, pedestrian-oriented street.
- Change the street designs for Main Street south of Washington Street, and Adams Street west of 21st Ave.
- Add standards necessary to allow/ require the plaza to be built in the public right-of-way. Remove the standards that require the plaza to be built on the block between Jefferson and Monroe Streets.

Community Development

Although the Planning and Zoning Code Amendments will take many months to prepare and adopt, there are a series of “small moves” that can be undertaken by the Community Development Department to begin to achieve the South Downtown vision even in the very short term. The singular need of the area is to have more people spending more time in it, on foot. The City should look to accomplish anything that can be done to transition the area into more of a destination. Some ideas that are currently being considered include:

- Identifying a location and vendors to entice food carts to the area.

- Helping Celebrate Milwaukie, Inc. to establish a mid-week Milwaukie Farmers' Market that would use the South Downtown location.
- Organizing and inspiring the three private property owners in the South Downtown to convert their properties to uses that support more pedestrian activity more hours of day.
- Accomplishing the joint development project with TriMet on the Triangle Site (the Train Station Building).
- Studying ways in which Dogwood Park can be made more attractive and useful and implementing low-cost landscape design improvements.
- Engaging the public in a refined study of the plaza, using paint and/or other means to better understand its future shape and location.
- Continuing efforts to attract an anchor office user (potentially Dark Horse Comics) to one of the three viable development sites.
- Piggybacking off of the light-rail construction to "adopt" restoration of the north bank of Kellogg Lake as a city priority, and organizing restoration activities in collaboration with the North Clackamas Urban Watersheds Council.
- Designing the new Adams Street Pedestrian Way between Main Street and 21st (and coordinating construction with light rail project)
- Preparing and installing signage that identifies the future vision and features of the South Downtown area.
- Working with Celebrate Milwaukie Inc. or other booster groups to bring programming to the area and featuring its importance by stringing lights along the street, installing temporary art exhibits or landscaping feature.

Two projects related to the South Downtown plan must be prioritized in the Community Development area, even if they can't be characterized as "small moves." These are the completion of the Kellogg-for-Coho Initiative, and installation of the bike/ped bridge over Kellogg Lake underneath the light rail structure. These projects both deal with Kellogg Lake, which for decades, has been the barrier that separates the South Downtown from Island Station and points south (not to mention the barrier that it presents to threatened and endangered salmon). Both projects are suffering from a lack of resources today, as both are expensive capital improvements and currently without project managers at the City.² Staff is hopeful that ongoing relationships with TriMet, ODOT and others will result in the successful implementation of these two projects, without which implementation of the South Downtown Concept Plan will suffer.

² The Economic and Resource Development Specialist position at the city (currently vacant) is responsible for managing the KFCI project and finding funding for the bike/ped bridge.

WORKING SUMMARY OF ISSUES AND INFORMATION RAISED BY MILWAUKIE COMMUNITY MEMBERS

IN PREPARATION FOR PHASE 2 PATTERN LANGUAGE WORK

June 20, 2008
(rev. Aug 6 2008)

The information we have gathered from Milwaukie community members in our one-on-one discussions is here distilled, and roughly grouped under headings based upon content. This material forms the starting point from which we will create a final pattern language during Phase 2 with the group of nine community members who will continue to work with us. This present document contains the raw material from which the final pattern language will be created, but it is not itself yet a proper pattern language.

Some topics which the community members spoke to us about, often with strong feeling and evocatively, were not directly concerned with the south downtown per se. Though these comments were not necessarily directly linked to our scope of work for the south downtown, we have included many of those thoughts here in this working draft, in order to present a more complete image of the community's dreams, concerns, and desires. It is in this context that the south downtown plaza will be created.

OVERALL FEELING AND VISION

- Keep the downtown pedestrian in feel. Lots of small businesses could come in without destroying the small town feel, if the town is kept pedestrian.
- All day long there is activity; vibrance and life. And there is a reason to be here, not just a place to stop.
- Create a safe environment, where you feel happy to be there. You feel invigorated by all the stuff going on around you.
- Things to do at night: I could come to Milwaukie after 6 PM and there would be things going on here. Social dancing, indoors because of weather; some sort of community center; people coming together to talk. Having coffee at outdoor cafes or the cafes that are already here.

- An affordable place: the average person can go to get a good meal, a restaurant or boutique. Not upscale feeling. It is very blue collar city now, keep it that way. Be careful of gentrification. We do not want to be NW Portland or Pearl district, which are too upscale. But, do want some touches of it.
- I want to see a mix of a young group to give a feeling of growth and love.
- What is it that creates the small town feeling of Milwaukie? A bounded zone around the core of the downtown, so that it cannot sprawl outward.
- It is a place with trees, shops, bookstores, galleries, and cafés, concentrated together. Milwaukie can be a beautiful place for people to come on a Saturday.
- We need to maintain the good schools, friendly neighborhoods.
- People of all ages mixing downtown.
- It is really quiet downtown now. There are a lot of people out on the streets in my ideal downtown.
- For the many older Milwaukie citizens for whom walking is difficult, provide a place for them downtown and a way for them to get here.
- Families with strollers, people on their bikes, bikes locked up to the bike racks. In good weather people are sitting outside in plaza and at sidewalk tables of little restaurants.
- Developers need to demonstrate commitment to protecting and extending quality of Milwaukie, in order to be allowed to do a project here.
- Each street is different: unique markets, antique shops, and small stores.
- Don't alter things so much that they lose their character. A lot has to do with what your past is and what our past history is that you want to see maintained.
- More people walking on the street.
- People walking their kids and dogs.
- Smells of trees and flowers, food and people.
- A Milwaukie that is well funded; a different tax base would help – getting more businesses to the downtown core would help with that.
- Keep the downtown contained with park-like spaces, so there is no sprawl. It is contained by Library, the Pond house, Waldorf School, Washington St, Harrison St as it goes along the creek. Preserve these, and preserve this feel.
- The restoration of connections is fundamental to enhancing Milwaukie – an effort to make Milwaukie serve as a modest hub.
- Downtown should have small, personal scale. Small, so it's all walkable. Like Larkspur.
- A downtown that is people-centric rather than car-centric. The farmer's market is a good example. People walking to the downtown, or are biking with their kids to town. You can pay attention to other things other than traffic. People are communing rather than commuting.

- I want others who use the town a lot and stay here for what they do in their life.
- Small businesses and residential downtown.
- A village of shops, restaurants, townhouses, stretching north to north industrial area.
- I want a place I want to go to downtown, something to walk to, not just to drive to.
- Places to sit outside and eat and have a drink.
- Places to gather.
- Places and situations where people are gathered and talking, the more the better.
- There should be lots of light in the downtown.
- Want all amenities close -- go no more than 6 to 8 blocks for groceries, restaurants, boutiques.
- More openness and connection between the Waldorf campus and the downtown.
- Nature is hugely important; giant trees, eagle nests, fish jumping in the river. Salmon, sturgeon, steelhead. Big Madrone trees.
- Utilize Dogwood Park as something gorgeous. The plaza is on the top of the hill and looks at this grassy knoll below. It has an estuary feeling; wildlife, ducks and birds. You can bring your dog on a leash. You meet someone. You can get over to the river. If you have a festival in town, that would be a great place to have it. Even the Farmers Market. As you get off the light rail you see the hustle and bustle, and it is warm and welcoming
- In nice part of year, outdoor tables and people sitting outside.
- Urban-looking; a lot of buildings and shops in a row.
- The whole downtown should be festive for holiday seasons.
- People would be shopping, eating lunch or dinner. Going to events, theater or arts – something that they could go to. Socializing. Talking to friends and neighbors. Picking up a few things they need. Not as crowded as Farmers market is on a beautiful Sunday, more spread out. I don't want to have to stand in line, I don't like big crowds.
- My dream: Milwaukie becomes a city of museums. For instance, there is an opportunity for the largest Kodak Camera museum on the west coast, and a maritime museum for the waterfront park.
- A draw to bring in people from outside the community.
- Have events that are of interest to residents (if they are of interest to residents, others will come).
- I like the hustle and bustle, music playing (live – anything), people talking, tables on the streets, no skateboarding.
- Neighborhoods that provide services to the neighborhood. Like a neighborhood grocery store.

- Nice place to sit outside and enjoy the riverfront and have a cup of coffee
- Downtown should be more for late teenagers and adult-oriented because that is where the strength of our neighborhood associations comes from. They are the people who are spending money. Children would come but it would not be geared to them.
- Invest first in the middle of town; gradually this growth will creep to the south. Putting lots of \$ into the south end first seems perhaps risky. Can it invigorate town, or is it too far from things already working?
- Small festivals and farmers market draw people to downtown.
- Make the downtown the center of the city again. Nowadays people coming to Milwaukie tend to come to the new shopping center area on 224, rather than downtown.

PLAZA

- Create a multi purpose, open, safe, well lighted plaza. The city could organize events in this plaza.
- There should be a plaza near the light rail station.
- A pedestrian mall, focused on trees, gardens, natural look, fountains, and art, with lots of shade and plantings. Some people are sitting, some playing music, some talking; a happy place.
- The pedestrian-only area is walking cobblestone and walkable ground cover that can take ground traffic, like pervious pavers.
- The plaza area has no need to have cars in it. But it has to be accessible so people can get to it to use it.
- Plaza should have a hang out area, with cascading water falls flowing over tiles and natural rock to have soothing feeling.
- Create a town square or a communal area such as in Europe; there are places next to churches, which were town squares. Markets are there and people doing different things.
- Create an area where the public could congregate and would maintain a small town feel, a place where people can feel that they are a part of their city.
- Plaza should be central to downtown, rather than at south end. At Washington St at 21st St.
- A plaza is good, need to make it in a fashion which doesn't attract loafers
- Make sure plaza is not a place for high school kids to smoke dope and homeless people to sleep. More activity will help prevent this. Worried that

- south location will not have the needed level of activity (not central, and underutilized buildings and park surround it.)
- Plaza should not be empty, but should have levels, small defined areas, make topography and landscape interesting.
 - A tower in the plaza, which could be the signature piece for the city of Milwaukie.
 - Plaza should not be a place where it is easy to sell drugs. If people are always around, then the druggies etc. will not be comfortable sitting around.
 - The plaza is near the light rail.
 - There are public parks and a plaza, a gathering area.
 - A secondary plaza is at south end of downtown, but it would not be the major plaza.
 - Make a plaza at south end of town.
 - Plaza needs nearby shops, with a bookstore.
 - In plaza, pieces of canvas that are cool sails that can attach to poles so that if it is too hot can quickly put up a cover over people's heads. Not one big piece, rather several pieces. Some could be up, some down depending on light.
 - Colorful flags in the plaza- dealing with Milwaukie in a historical fashion.
 - Milwaukie needs a town square—it feels like it has one, only on farmer's market Sundays.
 - Main Street should stop at the plaza, not go through.
 - The plaza is adjacent to the light rail at Lake Road.
 - The plaza should be like the plazas in Portugal and Spain, a large area in the center of town where all public stuff will be.
 - Connect plaza with Kellogg Creek park area.
 - Make a rill on the surface of the plaza, with river rock on the bottom of it. (instead of a fountain) The rill should be 6" wide, with tile at the bottom and on the sides. Little fish embedded on the tiles at the bottom of the rill.
 - South from the plaza, the rill goes through the center of the walkway, merging into the park. Have tile fish embedded into the walkway, which goes under the bridge that will be built.
 - The plaza would look like the plazas in Spain with hanging baskets of flowers.
 - Benches (not wooden), rather concrete aggregate with river rock – colored blue or purple.
 - Plaza should be open. Nothing higher than waist height. You can see all the facilities
 - There would be summer carts with foods, veggies, hot dogs and snow cones.

- The farmer's market would be held there too.
- A European deli on the plaza, bakery with tables and chairs outside, so people can have coffee and enjoy kids playing.
- The plaza is a place where the people can be picked up and dropped off for boat tours. The sternwheeler could come into a new dock, which would be there by enlarging the small boat ramp. It would be just below where the plaza is, so that the sternwheeler could tie up and load. This would be part of the integration of the river and downtown.
- It would be a bright open sunny space with beautiful vibrancy.
- Plaza has colored concrete; even when it is cold and grey out, colored concrete makes it brighter.
- Integrate the plaza with the rest of the south end of the development.
- Keep cars out of the plaza.
- The plaza is a meeting place for the citizens of Milwaukie.
- Plaza which would be tree lined with outdoor areas for people to congregate, have lunch, use computer, read Picnic tables.
- Sunken plaza with steps that people could sit at different levels.
- The Sunday market can use the plaza.
- Temporary not permanent stage.
- Frequent garbage pails with frequent pick ups, so that it is clean.
- A plaza like in Fort Collins, that is blocked off to cars, with benches, and access to business that were around it. It is a great place to gather.
- A gathering place where you could see a vendor of coffee, people would know that if they said "Hey, we'll meet you at the plaza after work and we'll go shopping, have a drink"
- A friendly open environment where people can feel safe.
- The plaza is in the park.
- The plaza could have live music, instead of at the library.
- Should be stores near the station, in a building which would be curved with a glass front. It would have: a store selling food sandwiches and coffee; a shop for magazines and newspapers, which could be separate or part of the food place; a "Boots the Chemist"-like store there too; a dry cleaner (drop off their dirty shirts in the am and pick them u in the pm); a shoe repair shop; a key maker.
- The store building near the light rail station should be open from 6 AM to 7PM, so the people using the light rail can use the space. Kids from the high school could sit and play and eat lunch.
- The shops at the plaza have blue metal roofs. So that light shines on them and shoots back to the plaza.

- There should be reflections of light and movement all over. (The glossy tiles would reflect light) Have surfaces reflect light and make the spaces feel bigger. The exterior of the shops should reflect light as well.
- Make Main Street dead end at Adams and create more of a pedestrian area. Use 21st as the main route in that area.
- Near the station should be a plaza, coffee shop, and gallery. Maybe a Post Office.
- Wide sidewalks in front of a grocery at Cashspot site(above parking), with a timber trellis overhead, trellis looks similar to the trestle. Roll-up doors in front of grocery, produce can be rolled out. Grocery becomes almost part of the farmers market. Tied together, grocery is semi-continuous with farmer's market.
- A timber trellis runs around to south from a grocery store, into the plaza, toward the rail trestle. Houses the farmers market. Could connect down to a way to walk across the lake.
- Don't allow dogs there.
- Plaza and other public places can be paid for by individuals. Pioneer Square was paid for by people buying the bricks that make it up.
- Locate a precinct police office at the station or on the plaza for Milwaukie police, sheriff's office and Tri Met police to use.
- Closed Circuit TV cameras there.
- Safety and security – continuity of open and lighted walkways so there are no places for people to grab others.

PARKS

- Downtown should have a nice park setting – someplace where there is a desire for people to go. People can enjoy their lunch or go somewhere after work.
- There is a sense of peace in the park, like on Lake Road. Less car traffic, open space with the trees. One can enjoy the sun and walk around.
- Protect green space.
- Create a nice park by joining both banks of the creek into a single park.
- More parks – more formalized parks, which have a sign that says this is a City of Milwaukie park. Rather than an undeveloped plot of land that nobody really knows what it is there for.
- Connection with nature –not necessarily like you are in the middle of an old growth forest, but there is a connection to nature well within your grasp.
- Better access to Elk Rock Island, with bike rack and allow dogs.

- Green spaces which are different than parks, which are reserved for wildlife, and landscaped in a way that humans are not encouraged to go in. Like the area behind the library. There should be some in downtown or area surrounding downtown.
- Open spaces, park for kids to play in.
- Create local neighborhood parks.
- Create a park at the Kellogg Creek area, a place for people to do things like play Frisbee and still have a natural area.
- A community garden – a Pea patch
- maybe a dog park
- We need a lot more parks, not just small pocket parks but real significant sized neighborhood parks that people can walk to and enjoy.
- The waterfront and plaza will take care of parks for downtown, but need a park at Lake Road area.
- A city park setting without any grass, and a close by area of grass where you can sit down and have a lunch or a festival. Meet a girl or guy close by. It is a nice relaxing area where everyone feels comfortable.
- Small parks every other block, like Buenos Aires.
- Integrate Dogwood Park into the downtown. A flow and an inviting approach.
- In Dogwood Park create small public plaza or meeting area as one approaches down to the level of the creek. Progression from public sidewalk, into the park, then from there down to small meeting areas, and then down to the creek so it does have water access.
- Create 2 kinds of gardens: a) for people to pray and b) to socialize. (eg: Japanese garden, and Mediterranean European garden)
- Create informal natural places integrated into the urban environment, where people can communicate with nature. The waterfront is no longer a natural place, but there are a lot of opportunities to do informal nature places.
- Preserve parks; don't let them be used as the next parking lots.
- Parks need lighting and trimming so that police can monitor and keep them from being used as hangouts for kids.
- Create access to Kellogg Lake.
- Integrate buildings and developed parkspace with natural environments, in a way that allows the community to experience this integration.
- Must preserve wilderness areas in Milwaukie. Johnson Creek, Kellogg Lake. Re-establish native biological diversity around the edges of the lake.
- Restore the Kellogg Lake to a creek, but it must be well done, the habitat must be restored for the fish and other animals – beavers, eagles, osprey, etc. This is a quiet place where the animals thrive, as very few people go back there.

- Efforts to clean up the trails should especially include restoration of water edges and improvements for fish.
- A natural park, separate from the built-up downtown.
- Community gardens in Kronberg Park. The community gardens would supply local food into the farmers market.
- Preserve areas in each neighborhood that are used for recreation.
- Don't cover natural areas with development.
- Keep the south end of town natural.
- Dogwood Park becomes the termination of the downtown.
- If they drain Kellogg Lake, it needs to be a park, so nothing is built on it, because it will be open to flooding in the future. We should not build in the flood plains.
- Keep the mouths of Johnson and Kellogg Creeks, and the riverbank between them, as natural as possible.

CONNECT PARKS

- Link the parks in the city with bike paths. One can walk or bike from one park to another.
- A pedestrian bridge on the trestle.
- Connect the three parks: Riverfront, Dogwood Park, and Kronberg Park.
- Restore connections such as trails: The Spring water trail, the Trolley Trail, and so on.
- There should be a bridge connecting two banks of Kellogg – joggers could go over, jog around a circuit in a safe neighborhood around the area. It would connect to other bike paths.
- Put in a pedestrian bridge over the creek to Kronberg Park
- Integrate Kellogg Lake with the river.
- Connect riverfront with Dogwood Park and the south downtown.
- Don't want park development to be concentrated only in the south downtown. Wants other areas of the city to be connected through the parks.
- Incorporate Dogwood Park and the south end of town with the riverfront.
- Develop Kellogg Lake area and connect it to the Willamette.
- Beautiful walkways along the Kellogg Creek, pedestrian bridge(s) across it; maybe a stone arch bridge down low – you go down the bank, cross that stone arch bridge close to water, then go up again
- When Kellogg lake is lowered, create a walkthru to the river.

RIVERFRONT

- It is important and meaningful that the river is so close.
- I love the river, its always changing and evolving.
- Make McLoughlin easier to cross – I am afraid to cross it at rush hour.
- Place where you can put in your canoe or kayak, the non motorized boats. Make the launch point to be non motorized instead of motorized. Deter the large vehicles with larger things attached to them, but still encourage the connection with nature.
- Unite waterfront with downtown. Currently McLoughlin divides them. When I think of downtown I forget to even include the waterfront.
- Create public playgrounds at the waterfront that are safe, relatively up to date and also are maintained regularly so the broken glass from the beer bottles isn't such a problem.
- We need to make it so you can get back and forth from downtown to riverfront. Pick up your ice cream and be able to walk over to the park.
- Create better connectivity to the waterfront, in a pedestrian friendly way. The recently added traffic light helps, but not enough.
- Riverfront could be the heart of the city, loves Joann's plan.
- Need to improve problematic access to waterfront. Access could be developed through Kellogg Creek conduit.
- Pedestrian bridge to the waterfront. A safer way to get to the waterfront than crossing McLoughlin. It could be underground.
- Need better access to river: two pedestrian bridges, 1 in the south and 1 in the north end of town, connecting Main Street area to Riverfront Park.
- Connect the river to Milwaukie without having to cross the highway.
- Friendly easy access to the river. Focus on the river. That is the draw.
- Make river front more accessible and usable.
- Connection to river is not good, should be two pedestrian overpasses. Underpasses are smelly. One overpass starts from the Dogwood Park area, out to the river. Because this place is well above McLoughlin, don't have to climb much in order go over McLoughlin toward the river. Could call it "Dogwood Overpass", with ironwork railings with dogwood ornaments in the railing. Another pedestrian overpass at the north end of town, around Jackson Street.
- Need more crosswalks across McLoughlin, between the two overpasses. At least one more than currently. Perhaps a light and crosswalk at every corner?
- Pedestrian overpass to riverfront

- Loves the waterfront, needs more strengthening, need to connect to it more.
- Would love a comfortable integration of the downtown and the river
- Have a safe easy connection between downtown and the riverfront, making the riverfront the heart of the city.
- Have great big wide walkways across the McLoughlin Boulevard. It can go overhead too; if the walkway is raised, make it wheel chair accessible. It cannot be an underground walkway, which become public urinals and are scary at night.
- At river front: some outdoor vendors. Kayaks to rent. Specific area for people to fish so they don't get tangled up with the boats. A playground for kids with play structures.
- Loves the waterfront in Milwaukie. It is very important to develop it like Portland has done or Austin, Texas. Beautiful riverscape. You can bike, walk, fish, take boats out. Dock?
- There should continue to be a boat launch because a lot of people fish, to take it away would be wrong.
- Perhaps could locate the farmers' market on the waterfront.
- Concerts there.
- The river is ok, but there really isn't one place to go. Need a real place to go.
- He has only been down to the shore at Milwaukie, one time. Yet he and his wife moved from San Francisco and need to be near water. The access to the Willamette has not been solved by the crosswalks.
- An interconnectivity to the river – a safer way to get to the river.
- A water taxi to take me to downtown Portland
- Have the Spirit of Portland – a cruise ship- come here and stop for dinner.
- Create public spaces at the river and a better connection to it.
- Encourage boat activity on river: Sternwheeler tour of river. Riverfest and dragon boats. Generates economic activity – have tourists visit but not stay.
- Picnic tables by the river
- Strengthen connection between Main Street and the river --don't put up tall buildings between Main Street and the river
- Connection between the shops and the river. (like San Antonio)
- Walkway by the river. Like in Portland, a wide concrete walkway by the river: people skate; there are restaurants with tables by the river; a place on the riverfront where kids play in the fountains.
- Make the waterfront as between the two creeks as a park; it becomes a nice place to be and forms a connection from the downtown to the river
- Move the boat launch further south.

- We should have a destination restaurant that people could access from the water -- There are few places on the river where one can go to eat with your boat.

WATER

- Clean water for public use. Everyone should protect and nurture it.
- Fountains in the plaza which are simple, for kids to enjoy.
- Fountains in the park for kids to play in too.
- Simon Benson bubble features like in downtown Portland. Get a drink and wander on.
- Bring creeks back up above ground, with walking bridges crossing them. On Harrison we have a creek that runs from the Waldorf school under Harrison street to the Pond house and then it goes underground till it dumps in the river. You could have a walking bridge across it to get from the Pond House to the Library. So you can see the water, rather than have it shoveled underground.
- Restore Kellogg Creek so you can hear the sounds of the trickling water.
- Leave Kellogg Lake as is, without draining
- Running water from water features. It is soothing and relaxes you.
- The fountain in front of Ledding library – might be repeated, and the sound of water flowing could be heard in various places.
- Very much likes the fountain in front of Ledding library.
- A water feature in the middle on the south end of the downtown. A more artful way of getting the storm water to where it needs to be
- Small water feature where kids play.
- Make a place to be near water.
- Accessible water: maybe running water, trees, in a calm location which is not too close to car traffic. Must be able to get right up to the water.
- Restore Kellogg Lake to a pretty little creek.
- Need to be able to get to the creek.
- Fountains that kids could run through to cool down.
- I want water – fountains, features, cascading rocks.
- I want the sound of water—a water feature that you can hear.
- Make places where one can play in water.
- I like the water feature at north Main.
- A fountain for whole family to enjoy on hot days. The whole area of the fountain, within the white, line fills up and then recedes every few minutes. People put their feet in it. People could go to this location on their lunch

- hour, soak their feet. A grassy area nearby, people put blankets on the grassy area. Aspen or Birch provide shade and grow quickly.
- I'm OK with restoring Kellogg Lake to a creek.
 - Special places: library/pond house and surroundings, Washington St. flour mill with water wheel (at Washington and 27th); the place where "Spring Creek" passes under Monroe – not visible from the road.
 - Use swales to take runoff and guide it into Kellogg Creek.
 - Clean up the two creeks, Johnson and Kellogg.

PLANTS AND TREES

- Plants- landscaping like the area outside of City Hall. Grass where people can hang out. It gives the location a kind of calm feel and a place that you want to hang out.
- I would see lots of trees
- Interesting mixture of trees and grass (not overly maintained grass, not golf club grass).
- Keep the trees.
- A great variety of native northwestern trees in the park.
- Growing up in the Philippines, had classes outside under growing bamboo. Perhaps Milwaukie could have a version here: a place outside, shaded by a native plant or tree, within which people could picnic, enjoy the moonlight or just sit.
- Plants and trees and flowers.
- Leafy trees that look beautiful and play off each other.
- Flowers and hanging baskets
- A lot of green landscaping that is sustainable.
- Flowers and landscaping that you can smell in the air.
- Preserve significant trees.
- More street trees.
- Loves green; need trees and plants downtown.
- Likes the two dogwood trees in front of City Hall.
- Protect trees: he loves the big tree in front of Ledding Library, on Harrison Street.
- Create a bing cherry orchard.
- Flowers and decorative plants downtown.
- Use natural grasses and plants like salal and huckleberries. The grasses would be in motion from the wind.
- Use plants in an informal way, rather than formalized rows of trees.

- Keep Dogwoods in the downtown.
- Use natural planting whenever can so that it does not require a lot of care.
- Trees which create a canopy.
- I like tree lined streets, there are not enough.
- Really like the trees up and down Main Street.
- Shade is important. Birds are drawn to the trees that give shade. Shade draws people in.
- Perhaps some area might be devoted to a fruit farm or orchards. Mayberry quality of life.
- Flowering baskets on every light pole.
- Easily maintained landscapes.
- Have community supported agriculture.
- Bring back the Old Pacific Dogwoods to downtown.

TRAILS

- There would be paved and unpaved trails for walking and running.
- Unpaved trails for teenagers with dirt bikes, they need to have a safe place to use them.
- Complete the Trolley Trail.
- A path that runs into the new Trolley Trail, so that the Trolley Trail is easily accessible from the downtown Milwaukie area.
- Continue efforts to clean up and complete the Spring Water Trail, including restoration of water edges and improvements for fish. This trail on an old rail line is a very important connection – a trail that one can access by the riverfront, that goes to Gresham, then south, and loops around. It feels good to use it.

BUSINESSES

- Mixed use buildings for businesses + residential.
- Variety of stores that feels homey.
- Businesses that operate throughout the day, that draw people to the downtown.
- Businesses rather than homes in the downtown. Like a bank, or post office and restaurants (serving healthy NW cuisine).
- Coffee places as well.

- Small local businesses selling things that are hand made or grown on their farm. You are talking to people who made the thing.
- More restaurants. Independently owned restaurants. Low key. Mexican, delis, Internet café, vegetarian/vegan place. Non smoking.
- Bar that has a different feel than the bars that are currently in town, like non smoking. The bar would attract younger people, 20 to 40 somethings – live music some nights, bluegrass or folk music or blues, jazz.
- Have the education material store currently in the Waldorf School connected to the downtown.
- Restaurants – variety, but no fast food. Nice to have a deli – slice meat etc. Small restaurants that have a specialty type food.
- Bookstore, though not competing with library, maybe a specialty store of Powell's.
- A brew pub on the upper floor of one of these buildings that overlooks the river. A place where you can take the family and also meet friends, a place like McMenamins. I would like to sit with my friends and have a beer.
- More mixed-use development. You could live in downtown Milwaukie and go someplace nearby and have a complete neighborhood. You could be born and die in your neighborhood.
- There should be small specialized shopping – a small kitchen houseware shop, shops that are more local as opposed to national, northwest related clothing,
- A bike shop at the north end of town near the bike trail.
- Small movie theater which shows first run movies, classic movies too. Could be in conjunction with a theater group, interconnected.
- Have businesses like attorneys, CPAs, graphic designers, they can be anywhere so it is nice to have them in your community. Then you have office people adding to the streets of downtown during the day.
- Pizza place. Hair salon. (like new Safeway project in Milwaukie.) Local bank. Post office, to do your mailing – but it does not have to be a separate entity.
- A hat store.
- Downtown would have retail businesses like card store, small grocery store..
- Need good informal restaurants downtown.
- Restaurants should be accessible directly from the sidewalk.
- A place to do events. A candidate comes to town and could speak there, a flower show, as opposed to having to close off the street every time to do something.
- A really good place to meet people publicly -- a meeting room to meet a few people at. A social restaurant where you can take a team and have a meeting. Have a pitcher of beer, talk for an hour, then make room for the

- next people. Like a Pancake House with a separate meeting room, like a brewery that has a space for the meetings.
- Move lumberyard to contaminated railroad creosote site in Hector Campbell neighborhood northeast of downtown. Might be difficulties associated with doing so.
 - A place in which you do speed dating.
 - On Cashspot site, would like to see 2 story garage, with a grocery like Trader Joe's or a Bi Mart on top, grocery is street level to Main Street.
 - Downtown should have a mix of shops where you can get everyday normal items: a shoe store, small Ace hardware store, a general mercantile. So you can just come downtown for much of what you need. Should be able to buy a nut and bolt, nightcrawlers, a sweatshirt, groceries.
 - Downtown should be more shops than restaurants.
 - Bring more business to downtown. Businesses are needed more than open space.
 - Milwaukie is a hub for medicine: hub of acupuncture, massage and chiropractor.
 - A movie theatre.
 - A live music venue.
 - A Trader Joes grocery store.
 - Update the Bowling Alley into a hot bowling alley, pool place, brew pub to make synthesis with the restaurants.
 - More of an active specialty niche retail scene. Dark Horse may be the starting point of that. Take that and broaden it into a wider arts community.
 - Coffee shops, bakery, florist, (we have had them but they don't make it), popcorn and Chinese food, restaurants of whatever they are making.
 - Brew Pub.
 - A junior college.
 - Used book store.
 - Cooking school.
 - Knitting store.
 - Clothing store. We have used one next to Sullys. Not a big store, a local one.
 - McMenamins
 - A good bagel shop – some sort of a deli.
 - A small grocery store, bakery, dairy, that you could walk to. Doesn't have to be a super chain.
 - A child care center.
 - More destination restaurants, which carry local produce and farms, lots of desserts chocolate, not fast food chains.

- Attract new small businesses: baker, upscale grocery/deli, restaurants, gourmet food.
- A grocery store like Trader Joe's – a specialty store – would be great, a reason to come downtown everyday.
- Variety of different types of stores like antique stores, clothing store, grocery store
- Art galleries and shops,
- There should be boutiques, shops in the downtown.
- A signature hotel and conference center, a meeting place. It would bring jobs and business here. A 700-1,000 room facility, with a 2,000 seat auditorium; smaller rooms for smaller meetings; shops and boutiques.
- A marina.
- Has got to be grocery store for all those things at the north end of town.
- More boutiques type retail businesses – clothes, giftware, good card and paper shop, any kind of galleries, textile store with yarns etc,
- More restaurants (any ethnic foods, Indian, Italian, Thai,) a bakery –
- A grocery store that has a small footprint, like New Seasons. Like Select Market.
- Restaurants which have outdoor tables on the sidewalk, build the sidewalks to accommodate that.
- Have credit unions, banks, churches; things that draw people in. Upscale it a little bit.
- Little boutiques, comfortable – mom and pop shops like candy shop.
- Wonderful to have a grocery downtown.
- Mixed use –ground floor retail, second and third story can be office/residential. If you have a small scale office that supports the retail that is below, that is good.
- Restaurants at right size and pricing, like Cha Cha Cha. It is an appropriately scaled restaurant, on the small side, and it will survive.
- Don't do artificial subsidies to get development off the ground – if we do, we are propping something up that should not be.
- It would be nice to have more services and shops here, so you do not have to get in car and leave Milwaukee. Need dry cleaner, florist, pharmacy, shoe repair.
- Put a hotel on the Waverly Country Club; a destination conference place.
- A bookstore. Maybe Powell's could have specialty book store related to youth books.
- Restaurants are important
- A Bed and Breakfast in the downtown.
- No fast food.

- Really nice deli where you can get olives and pre-made salads and good meats and cheeses.
- A grocery store.
- Hair salon, spa.
- Clothing retail, New Seasons grocery store, small store like this, small boutiques book store, a bakery.
- Bring back theater to show real first run movies.
- Need a grocery store downtown.
- A good coffee shop in south downtown
- Shops should be locally owned.
- Bookstore.
- Produce store featuring locally grown and raised produce.
- Music store selling CD's etc.
- Wine and cheese store (like Vino, sit down and taste wines, bring your own cheese etc. 5 different wines to taste for \$10 a pour for 5 tastes).
- More restaurants – no fast food. Good steak house with seafood that doesn't allow smoking. Quirky home style kinds of food – du jour – Cajun café- like the Delta café, which is a lot of home cooking, soul food. Every meal comes with corn bread, homemade- real food. Slow food. Ingredients you didn't need a special degree to pronounce
- Brew pub – quality craft ale – menu not fried pub food- cheap foods, something on the fresher side as well. Microbrew tastings. Not smoky. Man in Estacada has a Fearless Brewing company and I would like to have him come here.
- An espresso cart run by the church on farmer's market Sundays, perhaps at the SE corner of Jefferson and Main. This could be an extension of the church, and an extension of the farmer's market.
- Quickie food and drink, but no fast food.
- Street vendors -- all the time , but on holidays more of it.
- There should be small cafes, bakeries, delis to attract everyone in Milwaukie.
- There should be ice cream stores and a movie theater.
- Milwaukie should have a brew pub like Laurelwood Pub. Friendly, fun for the family and it has the entire brewing operation visible. I want a place where my friends and I can go to have a beer, here in my neighborhood, so I don't have to go to their neighborhood.
- Not box stores or national chains.
- An antique store would be nice.
- Vibrant shops and restaurants
- There ought to be a variety of restaurants. Bring a diverse group of people by having diverse foods.

- Rooftop restaurant with a view of the water.
- A nice restaurant, where you can have drinks and sit on the deck watching the river traffic.
- Create a place where people that are not yet successful, can be out there marketing and bringing their products to the market.
- Have a food coop -- a small grocery store. Make this grocery store accessible by bike.
- Indoor and outdoor cafes with large windows to see and be seen.
- State, county and federal offices need to be downtown. The extra foot traffic caused by those offices being here would energize the downtown.
- A municipal court in town. We should trade with the county commissioners. Build a court they could use for their court needs and we could use it too.
- Could be higher density of offices down at the south end.
- Nothing commercial. Keep truck traffic out as much as you can.
- Ballroom dancing for older people at night.
- More restaurants; nice casual moderate to low priced.
- Clothing stores
- Galleries
- Bakery.
- The downtown needs to be self sustaining: all major amenities like grocery, hardware store, and clothing store; so you don't have to drive elsewhere to get what you need.
- Mother Goose store in Portland is a nice set up. That is a good kind of store for here. (high end craft and home accessories)

HOUSING

- It would be nice to have a few more people living downtown.
- Add residential – apartments above buildings – and that adds people to the street.
- If housing is built at south downtown, make it affordable: 600-900 sq ft units for \$135,000.
- If there is housing, minimize it so the open space is not compromised.
- People living downtown. It adds more life to the downtown. 5 stories might be ok, depending on where it is.
- I don't want every balcony with a barbeque and lawn chairs on housing in downtown.

- Elderly people living downtown, they do not have to drive places, but could walk to what they need. Parking has to be provided though. Should be a better quality building than the north Main building is.
- Bring in residential: condos, apartments. Something with a little bit of upscale, nothing shabby that drives people away. Could be for people whose kids have gone to college looking to downsize, young ones looking to go to Reed College on the light rail. Have a variety of ages to join together.
- Don't build low income housing just because the light rail is here. Build what people want to own.
- Don't build more condos right now. The condo market has gone soft, not worth building them at the moment.
- Potential development areas which are outside of downtown, should be developed as residential rather than business, so that they don't compete with downtown businesses. (One is behind the Milwaukee marketplace and one near hospital)
- Have real co-housing opportunities with a central gathering place and a central kitchen.
- Have 3 ft wide doors for wheelchairs so people can live in places long term.
- Milwaukie Lumber would be a good site for multi family projects that have a style which brings in young people and older people, so you would see people in school or out of school coming to town.
- I want to see a mix of a young group to give a feeling of growth and love so that when they out grow their condo they come to us to buy a house.
- Could locate co-housing + other retail too, at Kronberg Park.
- Above any new storefront buildings, make apartments; so there are people on the streets all the time.

BUILDINGS

- Building heights: 2 floors maximum.
- The buildings should be beautiful, with big arches. Not just a big block of concrete.
- Some amount of building restoration to encourage the sense of history. I would like to see more pride in the historical aspects of those buildings we have that are obviously not of our generation
- Encourage local ownership of buildings, rather than out-of-town owners, so that building owners are more engaged in civic matters.
- No building over 3 stories.
- A lot of the storefronts could use a facelift.

- Development should not have a feel like a strip mall; should not have large national retailers like Walgreens.
- Buildings should have an English cottage feel.
- Buildings should not be overbuilt—we need enough walking space, parking space and open space. Should not feel surrounded by high buildings.
- New development could have storefronts and condos on the street, and several parking levels in the center of the building.
- Small buildings.
- Storefronts should be retail businesses that use and encourage foot traffic. Office uses should be on 2nd floor, rather than first floor storefronts.
- Through codes, we adopt a plan which says this is our niche and we are going to try to build our city this way. Make sure that when people sell a building, the new owner maintains the character.
- Don't want more than 4 stories on buildings.
- Two stories buildings are ideal. Three stories might be allowed, but only with special conditions. Four stories and above not allowed!
- Businesses on Main and 21st Street need a face lift.
- Must shine up downtown a bit. You walk through downtown now and it is nice and quaint, but has a feeling of rattiness. You can tell the type of people you are asking to draw to the city by what the place looks like. I don't want the kind of people drawn to Milwaukee that our downtown speaks to. I don't want it to be snooty. Ask the business people who don't vacuum their rugs to vacuum. Raise up the blue collarness a bit so it isn't tawdry.
- Buildings with a style and a feel that maintain a little bit of the home town feel but yet with an imaginary tone.
- Openness. Keep views of the river as open as you possibly can. Maybe have archways throughout the buildings to give views to the river.
- Find our own style, don't repeat what other areas have done (like Lake Oswego).
- 2 to 3 story buildings.
- Big multi-pane windows, surrounded by big solid members.
- Buildings should have a simple shape, and should be well sited which means tucked in, and surrounded by trees.
- Prefer 2 to 3 stories downtown, instead of one story.
- Likes brick on buildings, for instance on Ed Parecki's Main St building
- Buildings should have nooks and crannies in their facades, like the small commercial Horton Electric Building, on 21st Street. It's not the style of that building; it's the various different small volumes, the separate entrances, along the building edge.
- 5-story buildings OK, if they have a good relationship to the street.

- Building height: 2 to 3 stories is ideal; 4 stories might be ok at either end of Main Street, and only if it's on the east side, as a backdrop for the plaza, not blocking the river.
- Developments should be in small scale increments; this is realistic and cautious. Ed Parecki's renovations are a good example: small scale, re-use of existing buildings. He has 100% occupancy, very successful.
- Buildings should be eclectic, not all the same. Likes that Milwaukie is eclectic, buildings are different styles.
- Make sure that we don't wind up with retail on the street frontage and garbage alleys on the sides or back of a block. Retail and pedestrian friendly experience should be on all sides of a block.
- Nothing should be over 3 stories.
- Buildings shouldn't be higher than 4 stories.
- The old Milwaukie feel should be kept.
- Old buildings like "Wetzler 1913", with the old bricks on it, should stay.
- Preserve height and character of Milwaukie buildings 1 to 2 stories, not like what was done in the north end.
- Maintain the character of the buildings - what Ed Parecki is doing with the bank building is exactly what we should be doing. Don't turn it into a high rise Pearl district.
- The City Hall building represents what the past was, the present and the future.
- Spec development should not be a high price point – hard to rent if too expensive.
- Need to incorporate 21st Street in the upgrades also; it is ugly and awful now.
- Milwaukie needs its own unique style of buildings so people could say, "I have been there. I enjoyed being there and I want to go again."
- Mixed use buildings.
- Neon signs. Loves the neon letter "B" of Bernard's garage and the neon lights of the theatre/arcade.
- Buildings no more than 3 stories tall.
- No overly large buildings that build a wall between McLoughlin and the downtown.
- Parking can be on the interior of the blocks, with stores on the outside.
- South downtown area should have new 3 story buildings.(Bernard Garage area and south)

SUSTAINABILITY

- Any public space should be a demonstration of sustainability concerns and solutions – local materials, recycling containers, energy efficiency, and current technology.
- Ecofriendliness to go along with the river and plazas.
- Build with green, environmentally friendly materials. Recycle.
- Buildings should be green and sustainable.
- Natural products used throughout, as well as traditional building products; combination of the old and new.

OUTDOOR SPACE

- Want more outdoor space adjacent to buildings.
- But, don't need a huge amount of open space. You can have breezeways and walkways and allude to a lot of open space.
- Buildings and lawns alternate, like a campus, which would create an area that people feel comfortable to go to, kick your shoes off and put your feet in the grass.
- Plazas within buildings, courtyards and atria, where people can have conversations, sit on concrete or wood benches.
- Courtyard: a space surrounded on three sides by buildings; two rows of trees arching over, grass, picnic tables, building walls are brick, one and two stories. Like a Spanish courtyard house.
- Create outdoor places where it is nice to be outside in sunny weather (3 months of the year), but which are also covered in some fashion, so you can be sitting outdoors in drizzle (9 months of year). Can sit and read, look at river or creek or lake.
- Privacy gradient of outdoor spaces.

ARTS

- There should be arts.

- Arts – small theater for plays and live art and dance. More formal live music events, classical recitals. Have a dedicated space for this.
- Have a place for artists to hang their work for public exposure maybe for sale maybe not. An art center for the community.
- Arts in whatever form.
- An art walk. That would give more reasons for families to come downtown.
- More art –statues and sculptures. We don't have any.
- Bring artists into the community – building that is specifically designed for artists. Small spaces so that the artist can afford to rent them. 3 or 4 floors.
- Art walk – once a week. Artists in the plaza every first Thursday for instance.
- Create an artist community downtown - the church would want to be a part of it- their meeting space could be a gallery space.
- Artists doing their craft.
- South Downtown could have a performing arts space - Waldorf could go in on it - they need such a space too.
- Artists and street musicians performing on the street.
- Some area where a person could set up and give a seminar to kids on how to throw a pot or something....the arts.
- A performing arts space, perhaps with movies too.
- The things being sold have something of somebody in them -- craftsmanship.

MUSIC

- Music all the time. Riverfront concerts.
- Make Milwaukie the music capital of Oregon.
- Lots of live music.
- Music venues for live music.
- A place to gather to listen to music. People getting together to listen to music is a form of prayer.
- Outdoor concert place: a) in a big open park area, which is separate from the shops.
- Or alternatively: b) Outdoor amphitheater in the midst of the shops. Awnings over it so they could have shows in the rain. There could be a higher building nearby, from which people could watch the shows in the amphitheater from the rooftop in lawn chairs.
- Lunch hour and weekend concerts on the plaza.
- Street musicians.

- A bigger amphitheater on the waterfront.
- Create an outdoor performance place for lunchtime concerts, kids that have dance troops dancing on weekends. There is not a stage – but there is an open area where people can perform. Like at Pioneer Plaza with the stair steps that create levels.
- Outdoor concerts at the farmers market, if they built a stage with it. it could be used for music. Like a Koenigplatz, there are fountains and cafes. It is where the buses etc come. You meet people in the Koenigsplatz. It might be compared to Pioneer Place.

BIKES

- Lots of people on bikes with helmets on, obeying laws. Bike racks all over that are full of bikes.
- More people using bicycles, so we need bicycle racks.
- Encourage bike use. More bicycle racks, a safer way to bike here, More bike lanes, especially on Lake Road. Create lockers for bikers, so people can leave their things safely, if they are going to take the light rail or bus to go somewhere else.
- Everything should be convenient to us, so you can ride a bike anywhere.

PLAY

- A place for kids to play. In Corvallis they have a steel frame with mesh and cement on top that were shapes that the kids could crawl and run on. Its is an art feature which is also a playground.
- There are things to play – like chess, shuffleboard, hopscotch for kids. One pole with a hook so that you could do jump rope during the day. parents bring kids they could have jump rope. But no play structures for kids.
- Maybe have a little skateboard park.
- Skate board plazas.
- Want in downtown: a place for families and kids, something based on nature; for instance a playground with giant logs, giant rocks, and water (not necessarily manufactured play structures.) It's important for the city to have a place to go for families and kids, which is accessible all day long (the Waldorf playground can't be used while school is in session for instance.) Should be part of surroundings, not standing out. Not a concrete jungle, more parklike. For example a maze cut in short grass in the midst

of taller grasses with trees; a natural teeter-totter which is just a board over a log.

SIDEWALKS AND STREETS

- Hanging baskets of planted flowers high in the air, hanging off utility poles at sidewalks. (can see them in various cities, including Portland). Should be 18” deep, 4’ diameter, with nasturtiums and the like hanging down.
- Street side amenities – planters, benches, place for bikes to be parked, activity that happens on the street
- On the street restaurants have tables outside, people sitting and reading, there is some parking, but there is openness to that.
- Places where people could stand and talk or sit and have a sandwich. A vendor could have a rack of clothes outside, or displaying their wares, so you see them when you are going by.
- Small shade trees along street with small branches over the sidewalk, to shade me as I walk downtown. Not big trees overarching the whole street.
- Garbage pails next to the trees, in sufficient numbers that one doesn’t have to walk far to find one.
- Garbage cans downtown, which have recycling containers on them.
- Profound absence of car exhaust smell.
- Do more of the sidewalk improvements from the downtown plan, for instance those installed by St John’s church on Jefferson Street between Main and 21st.
- More terrazzo medallions in sidewalk, like the one by City Hall
- Parking signs, which to tell me where to go to parking, like at Pietros. Identify what places are ok for public to park, in downtown.
- We need wide sidewalks.
- Keep car speed down and traffic volumes down.
- Incorporate historical plaques in the downtown (idea from the Atlanta Olympics). Milwaukie is important in the history of this area. I think we are technically older than Portland.
- Trees on Main Street are beautiful.
- Wide sidewalks (about 12 feet) on Main Street are very good, might possible be extended to other blocks.
- Sidewalk improvement at Main and Jefferson, SE corner – we need to generalize what the issue is.
- Some green streets, parking strips are permeable pavers that grass and weeds grow up through.

- Combination recycle, garbage cans, and ash tray, a la Santa Barbara.
- Replace awful barricades you see coming into Milwaukie on Harrison St. and off of McLoughlin. Use something else besides barricades. Have kids do art work on canvas that depicts the river and create boards that hide the barricade.
- Ashtrays for the people who smoke at the bus stops - there is no place to put their butts except on the ground.
- Some pedestrian streets that are closed off to cars.
- Likes brick in the sidewalks.
- Likes the terrazzo dogwood medallion in the sidewalk, SE corner of Main and Harrison.
- Likes the bump-outs at corners being done in accordance with the downtown plan.
- More bump outs on the sidewalks for planting. Corners where mass planting can be made
- Sidewalks should be wide enough for tables near the building, then the walking area, and then shade trees near the curb. The Wind Horse block is an example, but it could be wider still.
- Flat wooden canopies over sidewalks, like in front of “The Brew” (pub on Main Street). This kind of canopy could be an architectural touchstone for the town that makes sense for the climate.
- Like the flat canopy on Main Street, by the Brew Pub.
- Some streets blocked off from cars, with cobblestone surface.
- More sidewalk benches.
- Benches, places for people to sit down.
- Outdoor seating.
- Do not put in benches, community does not use them. Only people on benches are people drinking beers or the like.
- Garbage cans.
- Possibility of making Main Street pedestrian, or mainly pedestrian. Needs thinking through.

FARMER’S MARKET

- I love the Farmers market.
- Every time I come to the farmer’s market, I am glad I live here.
- The farmers market is great, the produce is better than any store. It could be made more central to all Milwaukie than it is right now, or it could be kept downtown.

- A year-round farmers market, and a place it could be under cover for winter months.
- A place for the Farmers market is very important. It could be incorporated into the south downtown. It brings a sense of community to the city.
- The farmers market is great.
- Farmer's market needs to stay where it is.
- Farmers market could have a mini market on Wednesday in the evening.
- The Farmer's market is great, especially at the beginning of the season (May).
- Move the Farmers market to a mall area in the center of the downtown; it would draw people to the main part where the stores are. Have it be the draw for the downtown.
- The market is the town's living room, it's a communal place.
- The current location is simple, but it suits the market. It is ideal. Current spot is perfect location.
- Market should not be a single straight shot; could be three sections like now; customers can wander for 2 hours and not get bored.
- The south downtown site currently has a lack of shade, lack of adequate parking, lacks visibility from McLoughlin, lack of electricity and water.
- If the market moves, the new place should have drive-in access for vendors, then shut off with bollards. 3 access points is ideal (like current setup)
- Trees are integral to the farmers market.
- Deciduous trees at the market are important; beautiful color change which marks the harvest, the change of season. Also allows more sun at the end of the season.
- Market needs a semi-permanent structure, in the middle of the market, to allow customers to be out of rain. Seating area which is covered overhead to shield rain and sun. Currently have 10' by 40', but 15' by 40' would be better. At very least should have holes in paving, where such a cover structure could be carried there and easily dropped in on market days.
- Farmers Market, if moved, needs trees at edge of market space, to define its edge.
- Ideally there would be trellises in the market space, to give a feeling of shelter, and to shed rain.
- Farmers market is a prime source of interest and activity.
- Sundays should close Main St for the Farmers Market days.
- Integrate the Farmer's Market into the fountain, plaza area at the south downtown.
- If the market moves, how do we recreate the sense of a canopy that the trees now provide for our farmer's market? We could have an arch like was done in CES Fresno farmers market, and then it would be okay to move the market to a place that has no trees.

- An open space for the Farmers market, a permanent place with big shady trees.
- Kronberg Park could have a farmer's market.

CITY HALL AREA

- The town needs a town square, on the block across street from City Hall. Should not build on this site.
- This axis of three things is important, should be protected: City Hall, the "town square" where the market is, the river.
- On block across from City Hall, add more trees at west portion.
- Create a fountain on the block across from City Hall.
- The trees across the street from City Hall are beautiful. Should protect them.
- Keep a plaza in the parking lot across Main St from City Hall.
- Close off Main Street to cars for one block, in front of City Hall. Put brick over street surface, a fountain at either end of the space, green, benches, perhaps stone chess tables. Bollards at either end. This space would work in either event: the block across the street gets developed into a building, or stays open.
- A community theater building might be built, on the western portion of the block west of City Hall. The Farmers Market would still take place in the space where it is. The market can also spread into the closed down block of Main (above). The theatre building mirrors the City Hall; it faces City Hall, but has some "curb appeal" facing McLoughlin too. The theatre would have big broad steps facing the City Hall, where people can sit and hang out. The east face of the building would be about mid-block, where the two east-west traffic islands end; west face of the building is about $\frac{3}{4}$ way to McLoughlin, where concrete still exists in blacktop parking area. South and north faces of the building would be lined up with the south and north faces of City Hall. There could be some underground parking.
- Keep the open space across from City hall, as a town square. Could be a gazebo there with concerts on weekends.
- There needs to be a visual connection from City Hall to the river. The block right across from City Hall could be a public plaza.
- Wants to protect the open connection from City Hall, across the square, to the Willamette.
- The city square should be located at the parking lot that turns into the farmers market. The current scale is okay. I don't think the south end is necessarily a great spot to compete with that.

- Make a plaza in the parking lot in front of City Hall, since this seems to be the center of town. Don't put a building there.
- The plaza ought to be where the market is now occurring. It ought to enhance the City Hall.

PARKING

- Need for parking. This needs thinking through, a difficult issue.
- Create parking structures at either end of the downtown area, so people can get out on foot. Would mitigate the current feeling that downtown is one giant parking lot.
- Cash Spot site, as a park and ride, but not strictly that, needs to feel part of Dogwood Park.
- A parking garage at Cash Spot site, it will relieve the pressure on downtown parking.
- Parking – a place for the public to park to connect with the bus depot or light rail, so it encompasses much of the ridership. It could be multi level. Go underground 1 level, plus 2 levels above ground.
- At CashSpot site, would like to see two levels of parking, with retail shops on McLoughlin, a grocery store fronting on Main Street on top of the parking, lively retail on Main Street south of the grocery. 2 stories of residential above that.
- Parking structure near bowling alley, shops at ground, with parking above. Entire block. (This spot is better than Cashspot site, which occasionally will flood as river rises.)
- Cash Spot site should become parking structure.
- There needs to be more parking, hidden.
- Want parking – underground is best, or parking structure with retail on ground floor.
- Commute parking should be in industrial areas or at Park Blvd.
- Parking structure, parking tucked into building with shops and restaurants all the way around the building. There could be parking for 500 cars and you will not see the cars.
- A parking structure. The parking structure does not have to be an ugly block; it can have hanging baskets, elevators that move cars, shops on the first floor, art work. It could be a beautiful structure.
- By the plaza you need some sort of good parking area.
- Parking for people going to go sit by the river.
- Parking for Farmers Market on Sunday, where do they park?

- Parking in a structure, 2 stories below ground, and 2 stories above ground at most.
- Have a green roof on top of the parking structure, covered with sedum and natural grasses.
- Should be more parking downtown.
- Employees of downtown businesses should have their own parking provided by the business, so that street parking is left for customers. Currently Dark Horse employees use street parking, and come out every 2 hours to move their cars.
- Parking on the periphery. That gets people out of their cars and gets them walking. Point of getting around is that people are on foot, not in cars. City has to invest in some sort of parking structure.
- If there is a parking structure, make it central so you come out right in the middle of things.
- Milwaukie needs parking. Make a place for people to park that is subtle and nice. Parking for park and ride should be close to downtown, but not in it. A parking garage would be better than large sprawling areas for cars.

LIGHT RAIL

- In favor of a light rail stop. It can create energy around itself.
- A south downtown rail station; it will have good access to downtown businesses.
- Create a real station house for the light rail. (like the old one in Bend Oregon)
- There should be a proper, good-sized station building. It should look like a mini Paddington Station. It would have food vendors.
- I want light rail, I will use it. But I don't like it stopping at the Waldorf School.
- Platform at Lake Road may affect some things negatively.
- Would like to see a real rail station, in the old station model; built like the existing trestle with heavy beams.
- Want better public transportation.
- Keep transit places active with people, for a feeling of safety. There is a transit mall behind city hall where buses layover. It's isolated and there have been problems there.
- Ok to have light rail – the potential problems can be handled well if everyone works together to solve them.

- Light rail station should be centrally located. If only one station, it should be at Washington. If two, one at this end and one on Lake Road. Light rail should go all the way to Park Road. Has been to new stations in North Portland that feel safe – no crime reported
- Protect Waldorf school from effects of light rail
- Curtail the sounds of the railroad; get rid of train whistles at intersections in the middle of the night. (both freight trains and trams)
- Is it possible to reduce the scale, length, car-size, noise, of the light rail. In addition, the light rail should be tangent to the downtown.
- Love light rail, but I am concerned about the footprint. The size and the swath of how much room it will take up with two railroad lines. I am sure it could be somehow hidden. Maybe it is because all the buildings down there are so small. Just seems like it is such a small area for it to be coming in here.
- Have a major light rail station at north end of town, rather than south end of town and a termination at Lake Road.
- In favor of light rail for getting to work.
- Light rail should be in the major street; this is how it is in Beaverton, Hillsborough, and Gresham. It makes more sense to have the light rail in McLoughlin, or in Main, or as a pair of lines in Main and 21st.
- Reduce the sound of the trains --I don't want to hear it.
- Don't put obstacles in the way of the platform, so that people can see what is going on on the platform or around the platform
- The lighting at the platform and the plaza has to be bright enough so that people can feel safe.
- The light rail should be in the center of the town to be more centered in a larger commercial area.
- Light rail bridge must not disturb the old trestle. Love the rail trestle. It is massive, strong. Terrified what a light rail bridge will do to it.
- The design of the new light rail bridge should somehow mirror the old trestle.
- Light Rail is ok.
- All of the things close to the light rail should have a natural feel. The rail line should fit in with Dogwood Park and Kronberg Park, not disturb them.
- Don't let the light rail be a knife that slices through the city, for instance in the way that McLoughlin currently does.

BUSSES

- The bus hub could be better located or built to accommodate the large amount of buses that come through Milwaukie.
- The hub aspect needs further consideration, how the bus depot area could be made more friendly, and more useful; and the light rail, similarly, could be made friendly, and helpful, increasing peoples opportunity for connections.
- Keep the buses out of downtown, because they smell, the noise, they tie up a lot of the downtown area that could be used more productively for the citizens.
- Police the bus center better. drugs, prostitution
- A shuttle or tram or trolley from the neighborhoods to downtown, so one doesn't have to drive or park.
- Downtown should be well-served by transit but not gutted by transit. Right now there is a huge issue with the transit mall being in the center of downtown. Having the downtown be a transit center is not the right way to do that.
- I like the electric buses downtown in Seattle.
- The metro buses are at a depot, more controlled, which is arranged to be safe for the school children and convenient for riders. It should not intermingle people walking and buses coming and going as it does now.
- I think the bus terminal needs to be on the outside of Milwaukie downtown. Cannot add any busses and still maintain Milwaukie character.
- A rapid transit bus system, which would access the neighborhood frequently and take people wherever they want to go, not just downtown Portland. Small buses to run to the larger bus lines, they run very frequently. They access the neighborhoods within 2 blocks, as any house and they would take you to the major lines. Like they have in Honolulu.
- Move bus transit area.
- Stop drug dealing at the bus stop areas around the City Hall.

LIGHTING

- More consistent street lighting that has the character and charm of an older town.
- Street lighting which is not too bright, which sends the light down, not up. No light haze. Must prevent light pollution. The street lights in the north main are okay
- Lights for night time activity.
- Lights in the trees are magical.
- Lighting: I want there to be no dark hiding places, so that it will be safe.

- Cute street lights like at North Main Village - carry those all the way through.
- Electrical outlets in the sidewalks so we could light the trees at christmas like at NW 21st.
- Wooden benches.
- Clean public restroom.

VIEWS

- Strengthen views to the river from Main St. Watch the sunset.
- Utilize the beautiful views of the river.
- Make it so one can see the lake.
- View from inside buildings across water.
- Open up the view to the river by getting rid of junk buildings that obscure the view.
- The view to the far evergreens and hills to the west across the river. Important to see this from City Hall area and elsewhere.
- Build things on this side of McLoughlin with a view of the river.

SOUNDS

- Hear music – a lot of talking, different types of conversations going on
- Quiet but active. You don't hear the rushing of traffic. You can have a conversation on the sidewalk. There are things going on. There are people. But you are not competing with squeaky bus wheels etc.
- She never hears little kids laughing in downtown; she loves to hear it. She heard the other day on Main Street, it really surprised her.
- Want mixed sounds. The sounds of life. Languages, yelling, at each other, music, skateboards, laughing, children laughing, discussions.

DRIVING

- The connectivity to Lake Road is not good. Should improve.
- Downtown is easily accessible to the neighborhoods- streets coming into the city with a minimum of traffic back up.
- Do not want to have a lot of traffic down on the south end.

- Must slow down the traffic on McLoughlin. When I was younger, McLoughlin wasn't a knife cut through the city. Traffic increased and made it so.

ANIMALS

- Fish and birds should be around.
- Geese and ducks.

VISITOR'S CENTER

- Milwaukie visitor's center – a concierge for the city. If someone wanted to know how to walk around, get groceries, someone would show them a walking map of Milwaukie. Kind of like an education center. Spreading the good word about Milwaukie.
- Have a facility in the light rail stations. Could the Oregon Tourism Center move there?

DARK HORSE

- Some kind of museum – Dark Horse have a museum – more interactive with the community.
- It would be nice if Dark Horse consolidated their space into a 4 story building downtown with a museum at the bottom.
- I would like to see Dark Horse step up to the plate and make their quarters more community friendly.
- Dark Horse is unique. It attracts people.
- The storefronts of Dark Horse are dark, black and ugly. They should do something else in their displays or lease space.
- A Dark Horse museum -- it would be interesting. Dark Horse comics is international company and very well known outside of here but people here do not know them. If they did seminars or walking tours, then they are contributing to the city not just present in the city.
- A campus of culture, at a public cluster of three buildings: the library, the Pond House, and hopes to have City buy the lawyer office next to Pond House. Could put a Dark Horse museum and theatre there
- Get Dark Horse into an office space somewhere above the ground floor and convert the retail back to something that is more inviting to downtown.

- (Dark Horse Comics scare the little kids from the school, their ground floor presence does not help Milwaukie.)
- Dark Horse would be in a building large enough for them, but not taking up the street space they do now.
 - Dark Horse has a storefront museum. It would be a draw to the downtown.
 - Downtown storefronts should be shops, not offices (eg Dark Horse)
 - I would never want Dark Horse to move.
 - I would like to see Dark Horse's name associated with things downtown. A Dark Horse movie theater, garbage cans (brought to you by Dark Horse). They are an ecologically sound company. Have them help with the downtown revitalization.
 - People in the community are concerned that if the owner of Dark Horse keeps expanding, the downtown will be all Dark Horse.

LIBRARY

- More huge library with lots of books, more study and quiet room space.
- A place that is conducive for studying and reading quietly.
- Make the Booktique in the Pond house bigger.
- The library would be exactly as it is but maybe even bigger with more green space behind it. I love the library.
- Library and surrounds is the living room of the city, and the busiest place in town.
- Library feels nice because of enclosed space, the Pond house. Would be good to have a bridge between the two so pedestrians can stay off the street.

TREATMENT PLANT

- Move the sewer plant.
- Get rid of the treatment plant.
- Get rid of the sewer plant and put boat moorage, restaurant, hotel, there.
- Any buildings on that site the lower floors will need to be able to take flooding without damage.

NORTH DOWNTOWN

CENTER FOR ENVIRONMENTAL STRUCTURE

- Create a pedestrian underpass to the north industrial area, so there is a better pedestrian and visual connection. Expand the downtown north to the Southgate side and build housing there.
- Near 224, have residential, industrial and community college.
- Develop the industrial area on 99 north of town.

OUR THANKS to the following community members who have told us their hopes, concerns, and desires for Milwaukie, which we have summarized above. We thank them for their time and commitment, and we hope to have a continuing relationship with a group of them as we continue our work for Milwaukie.

Amiel Alo
Dave Aschenbrenner
Heather Andrews
Art Ball
Lisa Batey
Scott Churchill
Carlotta Collette
Jeff Davis
Sherri Dow
Brendan Eiswerth
Rev Sarah Fischer
Mark Gamba

Lisa Gunion-Rinker
Alicia Hamilton
Linda Hedges
Frank Hemer
Val Hubbard
Mart Hughes
Jeff Klein
Gary Klein
Dolly Macken-
Hambright
Matt Meneley
Mick Miller

Ronn Palmer
Ed Parecki
Matt Rinker
Greg Seagler
Dion Shepard
Lisa Shippy
Emma Shippy
Sarah Smith
Cami Waner
Ed Zumwalt

ATTACHMENT 3

RECOMMENDATIONS

To

The City of Milwaukie, Oregon

For

The South Downtown Project

June 28, 2010

Development Advisors Panel:

**Jerry Johnson
Johnson Reid LLC**

**Michael Mehaffy
Structura Naturalis Inc.**

**Marilee Utter
Citiventure Associates LLC**

June 28, 2010

Kenny Asher
Development Director
City of Milwaukie
10722 SE Main Street
Milwaukie, Oregon 97222

Dear Kenny,

RE: South Downtown Project: Development Advisors Recommendations


Thank you again for inviting us to review and make recommendations for your exciting project. Following is a report summarizing our recommendations.

If we can be of further assistance, please do not hesitate to let us know.

Sincerely,



Jerry Johnson
Johnson Reid LLC



Michael Mehaffy
Structura Naturalis Inc



Marilee Utter
Citiventure Associates LLC

Background

The City of Milwaukie is planning a major redevelopment project for its South Downtown area, adjacent to a station on the new light rail line that is expected to open in 2015. The City has engaged consultants to develop a pattern language and other planning documents for the site, and to carry the plan forward into implementation. As part of this process, the City invited a board of development advisors to tour the site, meet with stakeholders, meet with the City staff and consultants, review the materials to date, and engage in a discussion of implementation.



*Top: Aerial of the city in relation to Portland, with South Downtown site located at right of bridge.
Bottom left: team tour on June 10, 2010. Bottom right: team meeting with city staff and consultants from Walker Macy landscape architects*

Recommendations of the advisors:

General

1. The “organic” and small-increment approach of the pattern language is indeed compatible with the economic opportunities we see presently in Milwaukie, and in the current market in general (more on this below). It is also well-suited to keeping and enhancing the small-town qualities that residents say they value.
2. We believe it will be critical to continue to identify and work closely with local businesses and cultural assets, to develop proposals for their increasing role in evolving projects. This approach has been aptly termed “economic gardening.”
3. We believe the South Downtown project should be seen as integral to a larger strategy for all of downtown; and in particular, to seek new businesses over time, and to enhance existing businesses, using a suite of tools such as storefront improvements, streetscape remodels, planting, etc. These can be funded with revolving loan funds, grants, and other public financing and funding mechanisms. Even modest initial investments can help to catalyze a significant revitalization over time.
4. Regarding parking, we recommend starting with on-street and tuck-under parking, and secondarily, unobtrusive surface parking lots.
5. Short of a major external funding source, we do not see the economic feasibility of structured parking until relatively late in the project. But we do recommend that a place be designated in your plan, centrally located, covered by liner buildings, and perhaps used as surface parking in the interim. We would caution against the present concept of the important gateway at Washington and McLaughlin presenting a parking garage as the front door to downtown.

Current economics

6. In general, the commercial market in this area is highly limited by the relatively small number of residences in the catchment area. Most of the market we see is for office and residential. Opportunities for commercial are more encouraging for destination retail, outlet stores for manufacturing businesses (e.g. Dark Horse), small family businesses with low overhead (e.g. “shop houses,” live/works), Milwaukie commercial overall is quite over-built and the market is doubtful even for the time period of the light rail opening (e.g. 2015). Typical rents at present are in

- the range of \$12 triple net (i.e. renter pays taxes, insurance and maintenance costs). This is not likely to be sufficient to support even the most modest new construction project. Therefore, developers will have to attract higher rents, or find rent subsidies.
7. There may be more promising and short term opportunity for incubators of small businesses, particularly those that play on existing resources – e.g. creative businesses, small manufacturing, Internet businesses, etc. Some existing buildings may be the most affordable and should be promoted to full advantage with incentives.
 8. Phasing will be critical. Because the current downturn is expected to be protracted for commercial especially, phasing strategies should be employed for successional use of land, e.g. surface parking or temporary uses that can be developed later. Structured parking can also be considered for a later phase if economically feasible. But given the vision of the community for less intensive development, the limited market for commercial and the likelihood that required parking ratios will come down with the coming of light rail and other trends, we believe a centralized structured parking facility may not be warranted.

Potential catalysts

9. If the Farmers' Market can be moved to this area, that would be a major asset for the project, and a strong complement to the vision expressed in the pattern language. (See e.g. the CES project in Fresno, California.)
10. There was some discussion of moving City Hall and/or the library. These could be very significant catalysts and anchors for a strong South Downtown development.
11. The station building should be thought through carefully. It will provide the opportunity for additional station-related activities, but will need to be planned to have better connection to the other side of the development. A joint facility with City Hall would be ideal. At the same time, station amenities would be very beneficial (coffee, newspapers, Bike rental/storage, possibly drop-off daycare, etc).
12. Dark Horse and other distinctive local businesses might be persuaded to have at least an outlet facility in the new area, so that it begins to have a distinctive local character and cultural interest.
13. We believe the waste treatment plant modification must be prioritized. In addition to the area liability posed by its current condition, a new plant offers promising opportunities for synergies from waste heat recovery and district energy, as well as adding area for open space and/or development.

Discussion of patterns and proposed adjustments

14. The proposal for an “outer tier” of shops could still be implemented in the context of the Farmers’ Market, and associated small local vendors that are both temporary and permanent. This facility might begin as an inexpensive trellis-like structure, and gradually become more substantial over time. (Again, see the CES project in Fresno for reference.)
15. There may also be opportunities for live/works or “shop houses,” notably along the front edge of the project along Washington Street, and possibly at the light rail station.
16. The proposal for pedestrianization of the plaza area can be implemented through an incremental approach that allows cars into a “shared space” in a controlled way, varying at different times. Cars can be entirely removed at certain times, but we recommend that this be kept adjustable as conditions require. We believe this will be important to assure that businesses do not fail for lack of pedestrian density. (We also understand and support the desire to maintain mixed-mode connectivity in the area.)
17. The proposal for a pedestrian bridge across McLaughlin should be phased for a later stage, after study of the operation of at-grade crossings and a path along the new creek, under the proposed new vehicular bridge on McLaughlin. Overhead bridges are expensive and in many cases they have failed to get the expected use.
18. The connection from Lake Road to the south is a significant source of traffic for the downtown retail and should be accommodated carefully.

Urban design

19. We understand the consultants’ suggestion that the plaza can be smaller, and might shift to the north to afford better views. In any case, we believe a close connection must be made to the light rail station – perhaps by re-aligning a diagonal pedestrian connection in the present area of SE Adams.
20. We suggest that the plaza and the buildings around it can be smaller grain and perhaps more irregular, more like what is shown in the armature drawing, to give greater charm and distinctiveness.
21. We recommend a strategy of creating a new code for the coordination of acts of building by separate owners. This code might function as a guide for laying out spaces, i.e. as a “generative” code or a similar set of design guidelines for new construction. Work is proceeding in this and related areas, and we recommend that the City investigate this opportunity further.

Architectural character

22. We believe that the spirit of craftsmanship and individuality called for in the pattern language is feasible, but given economic limitations, will need to be interpreted in a simple and inexpensive way.
23. We believe the character of the existing blocks establishes an appealing precedent, using small buildings massed together. But as noted earlier, the needed economies of scale usually achieved by a single large owner will have to be secured by the City itself and the agencies it establishes, in the form of lower-cost utilities, infrastructure, group purchases, etc.
24. Regarding common structures like arcades, a code can specify how such a structure would continue across separate buildings and owners.
25. We recognize the concerns of the consultants regarding arcades in a relatively dark northern climate. But rather than expensive glass, simple pergolas, trellises or awnings might also be sufficient.

Implementation mechanisms

26. We recommend that the City look at ways of setting up a development entity – perhaps a community development corporation or redevelopment agency. As noted, this will be essential for implementation, for coordination, and to achieve economies of scale that would otherwise be provided by larger owner/developers.
27. We recommend the City look carefully at innovative incentives such as a community land trust, shared equity programs, incentives (e.g. vouchers?), tax-exempt financing, low interest loans, etc. for small-scale developers, local residents and owners to become engaged.
28. A public investment by the City will likely be required at some level to realize the type of development the Steering Committee seeks. Determining the amount, source, timing, purpose and management of such an investment will be key in moving forward.
29. In any case, the scale of development should remain modest for the most part. Parcelization into smaller lots, appropriate coding, and use of community land trust funds can be helpful, particularly on publicly-owned land. At the same time, the City and its partners should also be mindful of opportunities for property owners that have larger pieces of land, so as to encourage a mix of scales of development.
30. We recommend that the City' new development entity consider establishing (or facilitating) a "master builder guild" to provide resources for owners and builders.
31. We recommend that resources be provided to support and enhance the design and building skills of owners, to become consistent with the

community's vision of craftsmanship and individuality. These might include pattern languages, pattern books, builder guides, sample plans, etc. These could be offered in a "resource center" format, in conjunction with the "master builder guild."

- 32. An ombudsman to help discuss financing options and public-private partnerships would also be helpful to user-owners without previous experience in development.



Existing downtown fabric





Agenda Item: 6.D.
Meeting Date: September 6, 2011

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: TriMet Funding

Prepared By: Bill Monahan

Dept. Head Approval: Bill Monahan

City Mgr. Approval: Bill Monahan

ISSUE BEFORE THE COUNCIL

How should the City Council address the Council Goal of identifying where the \$5 million for light rail comes from?

STAFF RECOMMENDATION

Council should discuss options of how the City will determine the source of funding the City obligation of \$5 million toward the Portland to Milwaukie Light Rail line.

KEY FACTS & INFORMATION SUMMARY

In December, 2008, the City Council approved an IGA with TriMet that obligates the City to provide \$5 million towards the light rail project. During the City Council goal setting for 2011, concluded on April 19, 2011, the Council adopted several goals. One of the goals was to "Identify where the \$5 million for light rail comes from by August 30, 2011." Council has discussed the goal since April and set the September 6 meeting as a time to discuss the matter publicly. The self-imposed August 30, 2011 target date was not met, however, Council adjusted the deadline in order to gather additional information and to accommodate scheduling concerns.

The IGA notes that the City's contribution is anticipated to be due sometime in 2012, probably in the fall.

OTHER ALTERNATIVES CONSIDERED

Delay action as the contribution of funds is not due until 2012.

CITY COUNCIL GOALS

1. Identify where the \$5 million for light rail comes from by August 30, 2011.

ATTACHMENT LIST

n/a

FISCAL NOTES

n/a