

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
April 1, 2008**

**Council President Stone** announced that pursuant to Milwaukie charter Section 13 the results of all elections shall be made a matter of record in the proceedings of Council. For the record on March 31, 2008, the City received a faxed copy of the final results of the March 11, 2008 Special Election certified by Clackamas County Clerk Sherry Hall. A total of 2,439 votes were cast in the election for Milwaukie Councilor Position #1. Greg Chaimov received 1,538 votes, David Miller 871 votes, and there were 30 write-ins. Council found that Greg Chaimov was duly elected to Council Position #1, and staff was directed to prepare a resolution to that effect for the April 15, 2008 Council agenda. The Council accepted the results and authorized Municipal Court Judge Ron Gray to administer the Oath of Office to Greg Chaimov.

### **OATH OF OFFICE**

**Municipal Court Judge Ron Gray** administered the Oath of Office to **Greg Chaimov** for Council Position #1.

### **CALL TO ORDER**

**Council President Stone** called the 2027<sup>th</sup> meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Council President Susan Stone and Councilors Deborah Barnes, Greg Chaimov, and Joe Loomis. Mayor Jim Bernard absent

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle, Community Services Director JoAnn Herrigel, Assistant Planner Ryan Marquardt, Code Compliance Assistant Sarah Lander and Resource and Economic Development Specialist Alex Campbell.

### **PLEDGE OF ALLEGIANCE**

**Council President Stone** announced that Mayor Bernard was on vacation and if the Council meeting extended beyond 9:15 p.m. Councilor Loomis would ask to be excused.

### **PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARD**

#### **Downtown Parking Management Update**

**Ms. Mangle** and **Ms. Herrigel** provided the staff report. Some of the goals and policies in the Transportation System Plan (TSP) were to better manage the system and identify specific strategies: improve the enforcement system, improve the permit system, improve on-street parking management, and better utilize on-street spaces. The transit section talked about improving downtown transit stops.

The objective of the enforcement category was to enforce against those who parked too long. Staff had been working on purchasing a handheld license plate scanning that would make the ticketing process more efficient and allow enforcement against moving

to evade. Right now employees moved their cars every 2 hours from spot to spot, and even though there was an ordinance banning that it was not enforceable as Ms. Lander had no way to prove it. Purchasing the license plate scanner, which they hoped to do in the next 2 months, would finally allow enforcement against that activity and free up space for visitors. They also wanted to strengthen the ordinance using the Vancouver, Washington model. That amendment would come to Council in June.

In the next budget staff would propose a full-time parking manager position which was specifically recommended in the 2003 Parking Plan as well as the TSP. Ms. Lander now splits her time between parking enforcement and code enforcement, and a point person was needed to shepherd projects, enforce, and manage contracts.

Staff would also recommend a parking fund in the next budget. Most of the income from parking fees or citations went into the general fund and was not captured for parking purposes. There was a real opportunity to capture the potential revenue directly related to parking and use it to fund things like the parking manager position or specific projects to make that system work better. Both of those would be related to funding new ventures such as the Neighborhood Parking Permit Program to protect some of the streets in the Historic Milwaukie neighborhood, which could not be done with the current structure.

The second category was to improve the permit system. The City had been contracting with Ashforth-Pacific to manage the parking lots and spent about \$11,000 annually. Ashforth decided it wanted to focus on its own properties and wished to terminate the service when the City found another solution. Staff looked at contracting with another service but decided it would be cheaper to do in-house plus customer service would improve. The license plate scanner came with a pretty robust software package for better tracking and could tie into a permit system. It would make managing the system in-house easy and cost-effective. People could just come to City Hall and purchase a permit whereas now it is not a simple process. The current process does not make it easy for people to do the right thing.

**Ms. Mangle** said they were continuing to update the parking inventory map. At the South part of downtown all of the free long-term parking stalls were eliminated except on Adams. The 8-hour stalls, which equated to free on-street parking, were converted to 2- or 4-hour stalls. Adding permit parking in the fringe areas increased capacity from 189 to 254 stalls available for downtown employees to purchase a \$25 permit. All downtown on-street parking was now regulated.

The last objective was to improve transit stops. Staff was working on dissolving the transit center in downtown and moving the bus layover function out of the core. The area around City Hall would likely gain parking spaces when that project happened. Some of the bus stops could involve curb extensions and covered bus shelters, so a parking spot or two might be lost at the corners. Things would change downtown with ongoing management and development.

**Ms. Mangle** discussed improved public information strategies to help employees figure out where to park. The first step of that was the transportation website, which had a whole page on downtown parking including how to get a permit. The next step would be to take that information out to the downtown employees. City staff would do the more targeted outreach once the new permit system was in place. She said Mr. Campbell held a meeting in September of 2007 with several of the downtown business leaders, and a downtown parking structure was one of the topics.

**Councilor Loomis** was happy the City would be bringing the permitting process in house if there was funding.

**Ms. Lander** said the enforcement side went well when she is able to get out on a consistent basis and was getting that feedback from the business community. She could do a much better job if it was full-time. When she was not able to do enforcement it impacted the feasibility of people being able to get to the businesses, and some businesses were more impacted than others. People did not move their cars unless there was a chalk mark, and the handheld device would help alleviate that problem. She was working on the request for bid.

**Councilor Stone** asked about the length of the permit.

**Ms. Lander** replied it was a monthly permit and people could purchase 6 months for the cost of 5. Most people purchased permits on a monthly basis.

**Councilor Stone** said it frustrated her in downtown Portland when she was looking for parking and the only spaces available are 15-minute spaces. She asked if we need 15-minute spots or could they be longer?

**Ms. Mangle** said we have about eight 15-minute spots, which were requested by the business including the Library, drycleaners, Candyland, and Windhorse. There were some longer 1-hour spaces in front of Chopsticks and development on Monroe and Main Streets. The rest were 2- or 4-hour spaces.

**Councilor Stone** suggested changing the times in front of Windhorse so she could find parking. When she had tried to have lunch in downtown Milwaukie there was no place to park.

**Ms. Mangle** wanted to encourage employees to park in the lots and looked forward to changes in behavior. The benefit of 2-hour or permit on-street parking was that it spread out the permit spaces. If they found that those spaces are needed for visitors at some point they would take them away.

**Ms. Herrigel** added that Ms. Lander worked for Community Services and it was important to work with the Planning Department to implement the TSP. Council would see the budget request in Community Services for the parking manager position. The rationale being that person would be the eyes on the parking in the downtown area.

## **CONSENT AGENDA**

- A. City Council Work Session Minutes of the January 15, 2008 Work Session;**
- B. Resolution 20-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing David Aschenbrenner to the Milwaukie Budget Committee;**
- C. Resolution 21-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Leslie Schockner to the Milwaukie Budget Committee;**
- D. Resolution 22-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Charles Bird to the Milwaukie Citizens Utility Advisory Board;**
- E. Resolution 23-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Bob Hatz to the Milwaukie Citizens Utility Advisory Board;**
- F. Resolution 24-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Andrew Tull to the Milwaukie Design and Landmarks Committee;**

- G. Resolution 25-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Tom Hogan to the Milwaukie Ledding Library Board; and**
- H. Resolution 26-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Ron Rasch to the Milwaukie Ledding Library Board.**

It was moved by Councilor Chaimov and seconded by Councilor Loomis to adopt the consent agenda. Motion passed unanimously among the members present. [4:0]

## AUDIENCE PARTICIPATION

None.

## PUBLIC HEARING

### Milwaukie Riverfront Park Zoning and Comprehensive Plan Map Amendments – Ordinance

**Council President Stone** called the public hearing on the legislative Comprehensive Plan amendment, File CPA-08-01; Zoning Map amendment, File ZC-08-01; and deleting the Portland Traction Line from the City list of Historic Resources, file HR-08-01, initiated by the City of Milwaukie to order at 7:33 p.m.

The purpose of the hearing was to consider an ordinance to adopt proposed amendments to the Comprehensive Plan, Zoning Map, and list of historic resources.

**Mr. Monahan** reviewed the procedure. No member of Council declared any potential or actual conflicts of interest as defined in ORS 244. **Councilor Loomis** attended the Planning Commission hearing when this matter was presented. No member of the audience challenged any Council member's ability to participate in the decision.

#### Staff Presentation

**Mr. Marquardt** provided the staff report and requested that City Council adopt the changes. The property owner was the City of Milwaukie, and Ms. Herrigel was its representative. The application dealt with two tax lots located in the Historic Milwaukie Neighborhood.

It was listed as priority project 1A within the Downtown and Riverfront Land Use Framework Plan, and this was the kickoff to the process of developing the park. These were the first phase of applications for the Riverfront Park, which included a comprehensive plan map change, zone change and a request for deletion of a historic resource. There were no park design details in this application; it was just about zoning in the park. The Planning Commission heard the first phase, and City Council was the final decision maker. The second phase of applications was anticipated later in 2008, and they would only be heard by City Council.

He referred to the site map. The Comprehensive Plan map change request involved tax lot 4600, which was designated town center and the proposed change was to public. That was the designation that should apply to publicly-owned properties and the change was appropriate. The two other applications were for tax lot 4600 that was zoned commercial limited and tax lot 3901 that had a historic resource overlay. The first to proposed change was from commercial limited to public to make the parcel consistent with rest of zoning in downtown and would allow the park as an outright use, which was currently not allowed with the current zoning. The second change was to delete the historic resource overlay from tax lot 3901, which would remove the Portland

Traction from the historic list. The boundary of the overlay was determined by the tax lot boundary and was not related to where the rail line existed it was more about the property description.

The first key issue in the application concerned the deletion of the Portland Traction line. It was the former site of the rail line between Portland and Oregon City during the 1890's to 1950's. Why remove the rail line from the list of historic resources? The answer was the code required that any unranked resource be listed as a contributing or significant historic resource or deleted entirely before any alteration occurred or before park development could proceed. He read Martha Richards' rationale for deletion, "unfortunately there was not enough evidence of the line in the riverfront park to make it worth including as a historic resource in Milwaukie's inventory".

**Mr. Marquardt** provided aerial photos from 1968 and 1977. In 1968, the trestle still existed over Johnson Creek and the rail line ran down through the area. By 1977, the trestle had been removed and there was no evidence of the rail line in the park any longer. It was not until the 1980's that the area was designated as a historic resource overlay, so by the time the overlay was placed upon the site the rail line and those elements had already been removed. When going to the site today you could sort of see the area where the rail line once was, but any evidence of the historic resource had long since been removed. The one piece that was still there was a footing on the north side of Johnson Creek where the trestle went across the Creek, which did not really factor in because it was on the north side of the Creek and was not covered by the historic resource overlay. There was no evidence of the line and the Planning Commission recommended delisting the Portland Traction line from the list of historic resources with the condition that signage to be placed to commemorate the rail line's presence. The Planning Commission, Design and Landmarks Committee (DLC), and Riverfront Board all reviewed the proposal and supported placing some sort of signage to commemorate the rail line's presence. They further supported removing it from the list. The recommendation gave the rail line the commemoration it deserved but enabled the development of Riverfront Park.

The second key issue had to do with the zoning and Comprehensive Plan map amendments. Mr. Marquardt listed the criteria found in Chapter 19.900, Chapter 2 of the Comprehensive Plan. The changes had to be consistent with the policies and objectives of the Comprehensive Plan and Oregon Statewide Land Use Planning Goals. The general spirit of those was whether or not the zone change was appropriate. Staff believed it was appropriate because the parcel had been envisioned as part of Riverfront Park for some time. The public need was established because this was a key part of the downtown redevelopment strategy. The change was also good because the parcel did not have that much value as a commercial property. It was landlocked and covered by the water quality resource area, which limited development potential. The proposed changes allowed development and was the centerpiece of the long-term vision of downtown Milwaukie. He listed the Comprehensive Plan policies that it supported. He provided a sketch of the north side of the park that indicated habitat restoration, native plantings, and filtering stormwater. It furthered goals related to hazard mitigation and provided a use that would not be extensively damaged in a flood event. He explained the goals related to Willamette Greenway. Supported goals were related to parks and recreation for the City. This was a major quasi-judicial zoning process. The Planning Commission held a hearing on March 11, 2008 and considered the applications and recommended the findings in Exhibit 1 Attachments A and B. The options before the City Council were to approve the applications with findings and conditions of approval as written; approve applications with modified findings and conditions of approval; or continue the hearing to allow further discussion.

Correspondence

**Mr. Marquardt** said one additional piece of correspondence was received from Metro related to the Functional Plan compliance. City staff responded to a request for employment and housing information related to the zone change. There were no further comments from Metro.

**Councilor Stone** asked if anyone knew when the trestle was removed and why?

**Mr. Marquardt** said it appeared that it was removed sometime in the early 1970's but he was not sure why.

**Councilor Stone** asked about the reference in the presentation about Martha Richards. Was that a recent evaluation?

**Mr. Marquardt** replied Ms. Richards had examined that and several other properties in 2007.

**Councilor Stone** was wondering in her evaluation was there any sign of the track at all? Could it be buried? Was it physically removed?

**Ms. Mangle** responded Ms. Richards did not do a below ground archeological investigation. Common historic property evaluations were about the visual. Without being able to see anything there was not much to evaluate, and the criteria for listing a historic property were not met because it was about form and structure.

**Councilor Stone** asked if in the course of developing the park we could unearth parts of the old line.

**Ms. Mangle** replied that was possible. If there was something that was unearthed that seemed worth listing, the project would determine the best course of action. If it was something archeologically significant the State would be involved. If it was something interesting the project could choose to use that in the public art. That was more of a project decision. From the land use side the de-listing would not preclude them from listing something of value in the future.

Applicants Testimony

**Ms. Herrigel** said Gary and Sharon Klein donated the property, and Mr. Klein testified at the Planning Commission hearing about the trestle and when it was removed. On behalf of the Riverfront Board and project team they had every intention, if they hit a rail or a tie, of investigating it and determining if there was a way to integrate it into the art at Riverfront Park. They would do everything they could to make sure that it was adequately analyzed and reviewed by the appropriate bodies. There were 3 land use applications and there would be 4 more, so there was a lot of permitting involved. This was not the last time City Council would hear about this. She asked Council how she should come back with information and in what format? She and the Riverfront Board encouraged Council to pass these issues. She spoke with the DLC and Planning Commission meeting and felt everyone was moving in the same direction and understood the issues. She and the Riverfront Board were committed to making sure there was a commemoration not only at the beginning of the trolley trail at Jefferson Street, but also potentially interpretive signage at Klein Point.

**Councilor Stone** noted the DLC had submitted a letter to the Planning Commission saying the group was thinking along the same lines but was leaning toward having the commemoration in the vicinity of the line.

**Ms. Herrigel** said the commemoration would be integrated to the best of everyone's abilities and in a useful fashion. In the next month they would gather historians at the

Riverfront Board meeting to help formulate some ideas and different types of interpretive designs.

**Councilor Stone** commented when she was at the last Riverfront Board meeting Jerry Herrmann was a wealth of information.

Testimony in Support of the Application – None.

Neutral Comments – None,

Testimony in Opposition to the Application – None.

Staff Report and Recommendation

**Mr. Marquardt** reported DLC member Andrew Tull had a chance to present before the Planning Commission and discuss with their recommendations. He went along with the idea of commemorating the trolley line, but not necessarily within the confines of the property. They had gone along to support this current recommendation, which was signage within the Riverfront Park. Staff recommended that Council adopt the ordinance with findings and conditions of approval.

**Councilor Loomis** indicated he had learned nothing new from what he heard at the Planning Commission.

**Mr. Swanson** suggested the motion be a little different and was going to amend a couple of sections. The motion would be to read the ordinance by title only 2 times with the following amendments. The first amendment would be in section 1 which was amended to read:

“The Portland Traction Line is deleted from the historic resource list. The section of the former Portland Traction Rail Line between Johnson Creek and Jefferson Street does not contain enough physical evidence of the rail line’s presence to justify keeping the rail line on the City’s list of historic resources and the Portland Traction Line was hereby deleted from the City’s list of historic resources.”

**Councilor Barnes so moved Councilor Chaimov seconded. Motion passed unanimously among the members present. [4:0]**

**Mr. Swanson** said the amendment for section 2 would read:

“Findings of fact in support of the proposed amendments are adopted as part of this ordinance and attached as exhibit A Findings. The City of Milwaukie Comprehensive Plan Land Use Map 7 is hereby amended to change the land use designation town center to public and amending the Milwaukie Zoning Map from limited commercial zone (CL) to downtown open space for tax lot 4600 on Clackamas County Assessor’s Map 1S1E35AA.”

**Councilor Barnes so moved Councilor Chaimov seconded. Motion passed unanimously among the members present. [4:0]**

**It was moved by and seconded by to close the public hearing. Motion passed unanimously among the members present. [4:0]**

**It was moved by Councilor Barnes and seconded by Councilor Chaimov for the first and second readings by title only and adoption of the ordinance amending the Comprehensive Plan and Zoning Maps and deleting a Historic Landmark with the findings and conditions in support of this action recommended by the**

**Planning Commission. Motion passed unanimously among the members present. [4:0]**

**Mr. Swanson** read the ordinance 2 times by title only with the amendments.

**Ms. DuVal polled the Council: Council President Stone and Councilors Loomis, Chaimov, and Barnes voting 'aye.'** Motion passed unanimously among the members present. [4:0]

**ORDINANCE 1981:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE CITY OF MILWAUKIE COMPREHENSIVE PLAN LAND USE MAP 7 FROM LAND USE DESIGNATION "TOWN CENTER" TO "PUBLIC" AND AMENDING THE MILWAUKIE ZONING MAP FROM "LIMITED COMMERCIAL ZONE C-L" TO "DOWNTOWN OPEN SPACE" FOR TAX LOT 4600 ON CLACKAMAS COUNTY ASSESSOR'S MAP 1S 1E 35AA; AND DELETING THE PORTLAND TRACTION LINE FROM THE CITY LIST OF HISTORIC RESOURCES.**

**Council President Stone** read the LUBA information.

**OTHER BUSINESS**

**A. Authorize Grant Application for Riverfront Park Phase 1 – Resolution**

**Ms. Herrigel** reported she was working simultaneously on park design, permits, and funding, and this was specifically about the funding portion of the project. She attached an update to the staff report because she had been hearing from neighborhood district association (NDA) leaders and the general public about wanting to know what was happening with the Riverfront. She felt that was because to a large extent people believed that the concept plan endorsed in 2006 was considered to be the final plan. There was no final plan yet. The final plan was at 50% design phase. It would be at 90% design by July 2008, and they would have the final design done when the permit they were submitting to the Corps of Engineers and Division of State Lands (DSL) was approved. They had until April 2009. It could be as long as that before they had a final design for the riverfront. In the interim they still had some options for moving forward. There were 4 more land use actions before the Planning Commission related to water, traffic, and design elements including materials and adherence to Downtown Design Standards. She believed they had an opportunity to take some tasks that were preliminary and get funding for them. This Friday by noon they would pull together a grant that would ask the Oregon Parks and Recreation Department for up to \$750,000 to move power poles; relocate a water line that ran along the upper ridge, re-grading to change the stair step on the upper level, and a public plaza near the Harrison entrance way with interpretive signage and pointing the way to Trolley Trail. She discussed undergrounding the power lines. It was incredibly expensive, but within the next two weeks she would submit the formal request to PGE to find out how expensive it would be. Since they were transmission lines she had been told that in order to bury them they had to be put in metal vaults that had to be deep underground. That kind of excavation and the cost of the vaults was very expensive. In the interim she was looking at moving the poles closer to the sidewalk. She would like to find out how the City Council would like to provide input into the design and develop concepts.

It was moved by Councilor Loomis and seconded by Councilor Barnes to adopt the resolution authorizing staff to apply for a grant from the Oregon Parks and Recreation Department for Phase 1 of the Milwaukie Riverfront Park. Motion passed unanimously among the members present. [4:0]

**RESOLUTION 27-2008:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING STAFF TO APPLY FOR A GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR PHASE ONE OF MILWAUKIE RIVERFRONT PARK.**

Councilor Chaimov said that he would be happy with periodic reporting.

Councilor Barnes agreed with Councilor Chaimov and felt the Riverfront Board minutes were adequate.

**B. South Downtown Concept Contract Approval – Resolution**

Mr. Asher said the action being requested was to authorize the City Manager to execute a \$55,000 contract with the Center for Environmental Structure (CES) to assist the City with further explorations related to the planning and development of the south downtown area. He noted the resolution and contract had been updated since the original staff report. He was excited about launching into this work with the firm they had managed to hook. There had been questions raised associated with this work with regards to the need and relationship to the Downtown and Riverfront Framework Plan. They were trying to build upon the Riverfront Framework Plan but not replace it. They needed to build on the vision and to build the right stuff. They need to add some detail to the vision document. They would discuss the Downtown Plan and Framework Plan in greater detail at the May 20 work session. This planning work takes its queue from the vision piece. This piece was not code; it was a vision. The reason to be working on the south downtown was not arbitrary. As heard from Ms. Herrigel there was a convergence of opportunities happening at the south end that included a new access point, restoration of Kellogg Creek, work with Cash Spot site, light rail station locations, future relocation of the Farmers' Market, and decommissioning of the Kellogg Treatment Plant, and continued revitalization. All of those things want to hold together into some coherent vision, and the south downtown planning effort was an attempt to try to pull together the open space activities, access, pathways and the urban space through a plaza and continued redevelopment. That was still really important work and the timing right now was crucial to begin what he hoped was a long standing relationship with a consultant team that could be sensitive to needs in Milwaukie. The Downtown Plan was helpful. There were things in the plan, including access to Riverfront Park, and we need to start asking if this was getting closer to what we want or are were we moving away from what we wanted.

As we begin to see more redevelopment occurring downtown like the North Main Village and transit center project and begin to contemplate the possible construction of light rail stations it behooved us to begin to get more information on urban design and the kind of character that we want and want to keep. CES was the firm that he would like to engage to begin working with the City on the exploration and validation of the south downtown plan. The contract in the staff report had been updated with an enhanced scope of work. The key change was not so much in the substance of what the firm intended to do, but what did change was the Center's insistence that he convey to Council their interest in taking Milwaukie not just through the validation process, but to get down to some truth of what ought to be built. The firm's insistence was that Council

not cut this short and shoehorn into some budget. They want to do the work with the City of Milwaukie and insisted he be completely open and not just do \$50,000 of work but also provide what the City wanted. They think we are going to want a large-scale model that we can get into and help build and that we want developed documentation and full-scale mock-ups. It was an approach to this kind of work that was unique. This firm's approach was a lot less traditionally architectural and planning. It was a very common sense approach to going into a community and taking time to understand what was of value and what people valued. The scope was front-loaded so that the firm would spend a lot of time interviewing people and presenting to Council and listening to get a sense of not just how the drawings looked, but what people appreciated in this place. He had many conversations with Mr. Schmidt in the last several days trying to get to a scope and contract that met both needs. One of the things Mr. Schmidt said that he noticed when he was here walking around was that when he got down to the end of Main Street and sat in Dogwood Park he felt it was a gorgeous place and whatever was done down there it needed to be preserved and made better. That was probably not the only place in the downtown or at the south end where they would come to that conclusion so they would begin to build their work under that type of analysis. Another thing he said was what he appreciated about Milwaukie was that it was a small town and did not feel like Portland. It felt like a place unto itself and he got a sense of how vulnerable that was because a larger City surrounded it. It was an interesting design problem for us, which was how do we preserve and prepare for building things that built on small town character. If there was one thing that united the staff, Council and the community it was that indeed is what we treasured about this place. We were not entirely sure how to do light rail stations or light rail at all or other projects in a way that would enhance the character. Between the commitment that they had already shown, the history that they had with doing this kind of work in different places and scales, the things he was already hearing from the consultant team, and their very upfront insistence that this be an open process. He was truly excited to bring this action to Council and to answer any questions Council had about how we would do this and about who they are and to get going. The timing could not be better to find a group of professionals who could compliment our staff and our own understanding with some professional expertise with a homegrown feel.

**Councilor Chaimov** was thrilled and surprised we could attract the interest of an organization of the quality and stature of the Center. The City may look back at this as one of the most important decisions made. The entire process would teach a way of making decisions that would make future decisions better.

**Councilor Loomis** was not comfortable with all the new information. He noted the same things about the beauty in downtown but did not want to lose sight of what was really important.

**Mr. Asher** provided the strikeout version. The staff report remained the same and the resolution was the same except the dollar amount went up by \$5,000. He had proposed a scope of work that only dealt with the first phase because that was all we could afford right now. He was explaining to the firm that probably the best thing to do was one step at a time. They were not going for that. They said we were buying the first phase, but said that he needed to get up and explain to the City Council that even though we were buying the first phase the phases build on one another. If this did not go well in the first phase the City could opt out. He was sorry for the short notice, but he wanted to get the firm started in time to be helpful to us in all of the upcoming discussions that would be potentially informed by this work. That was his rationale.

**Councilor Loomis** said this was a project that the whole community should be behind and if we did not find a plan and a project to accomplish that, then that was sad. He thought we were on the right track.

**Mr. Swanson** met with Mr. Schmidt and knew about the Center and echoed what Councilor Chaimov said. It was interesting because they chose their projects, and the fact that they were interested was surprising to him. This was not the same as the 1990's approach. These consultants did not come in and say we are here to help you institute the Portland model. They were very interested in helping construct the Milwaukie model. One of the incredible things about the firm was the members' listening skill, and Mr. Schmidt had a great read on the community because he walked around and observed. He did not try to order things or say this is the way it is. This was an incredibly different approach, and there was sensitivity as to what the City's future was. He endorsed the selection and was impressed by what he had seen.

**Councilor Stone** had no doubt that the firm was reputable. She was frustrated that she did not have enough time to look at it. That was a little bit of an issue for her. They had talked about looking at the Downtown Plan and having a discussion about it. The scope for this firm was for the south end of town. Questions had not been answered for her in terms of the downtown plan and she wanted to have a discussion maybe in concert with those people. Was this the right place to have the plaza or should it be more central? Looking at the downtown plan as a whole with some emphasis on the south end but she would like to have the firm looking a little north as well to see if there were other possibilities. How feasible was that in tonight's acceptance?

**Mr. Asher** replied that he would like to say it was feasible but he wasn't sure he could. To be a study of a larger portion of the town or a validation of the Downtown Plan even though related was a different ball of wax. He was hoping to create a learning process through the scope specifically on the south end of downtown. He was confident that with this firm if there was good reason to begin to migrate to another part of town to discuss a plaza that was a likely thing. Maybe it was in the wrong place in the south downtown sketch so perhaps that plaza would be proposed to be in midtown. He believed there could be some study around that kind of design element. If he understood Councilor Stone's interest it was to revisit the Plan in a way that asked questions about buying in, right stuff, and was it still right for the people of Milwaukie. That was a different set of questions than what was being proposed to be answered in this scope of work. The process of going through it with this firm and the community would gear us up to take on more of what was being talked about. He saw it as a step in that direction. It could be planning that would work for this community and be a springboard to address other issues. He did not see it to be the same thing.

**Councilor Chaimov** said he expected this to be the first step in taking a much larger view of the downtown community.

**Councilor Stone** thought it was premature because of the light rail decision. Planning for the south downtown with that as part of the plan. In some respects the cart was before the horse. It was not that we did not need the consultant on board at some time in the future, but she thought it was too soon.

**Mr. Asher** had heard that before from Councilor Stone and had thought about that. He offered two things for the good of the Council to consider and for the record. This was first raised as a need by staff about 18-months ago when it felt pressure points being exerted on the south end and things were happening in isolation. In his opinion the City have had 18 months to check and check again as to whether or not this was a good area to focus on. His second point was that he would be more comfortable bringing the kinds of recommendations related to light rail, etc. having a consultant firm at his side that he trusted and respected as important design decisions were made. He would be concerned if we did not have someone like that on our team really quickly because we did have some really large downtown development related decisions that needed to be made in the near future.

It was moved by Councilor Barnes and seconded by Councilor Chaimov to adopt the resolution authorizing the City Manager to execute a contract with the Center for Environmental Structure in the amount of \$55,000 related to the planning and development of the South Downtown Area. Motion passed with the following vote: Councilors Barnes, Chaimov, and Loomis voting 'aye' and Council President Stone voting 'no.' [3:1]

**RESOLUTION 28-2008:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE CENTER FOR ENVIRONMENTAL STRUCTURE FOR PLANNING SERVICES FOR MILWAUKIE'S SOUTH DOWNTOWN AREA.**

**B. Contract with Angelo Planning Group for Transportation Code Update Project – Resolution**

**Ms. Mangle** provided the staff report. Angelo Planning Group would help staff with the Transportation Codes Update project. It included section 19.400 of the zoning code and some other miscellaneous sections including public area requirements. There were two main problems that need to be solved. We all had heard about the Public Area Requirements in December, and there were similar challenges with section 1400, which applied to the rest of the City and what part of the transportation system development was responsible for improving. There were similar challenges in making sure we were requiring proportional improvements and staff had some difficulty with interpreting code. This project had been on the Planning Commission work plan for about 3 years. This was the part of the code that affected almost every application in the planning department. The consultants would build on staff work to identify problems and solutions. They anticipated 4-5 policy changes that would make it clearer and more defensible. There would be policy changes, and Angelo would help staff research what other cities were doing and alternatives for future Planning Commission and City Council direction. They would also be responsible for developing draft code language. She anticipated the project to go through the end of the year to ensure things were done correctly. Public Area Requirements were adopted in 2001, and section 19.1400, which applied to the rest of the City, was adopted in 2002. Section 1400 was knowingly adopted by the City as an aggressive policy, and the policy makers felt it was important that development paid its fair share. It was aggressive and acknowledged at the time that they would need to see how it went and refine it. It had taken longer than expected. They really wanted to make sure it worked this time. Part of contract included test drives so they could use some of the case studies and see how the code would have applied.

**Ms. Shanks**, project manager, said that it would likely go through December. Angelo Planning Group was involved in the first update so had a history with the City, and they had been doing research related to public area requirements. There were 2 other firms that had replied to the RFP, but staff felt that Angelo Planning was the most qualified and had the most experience working with the City. They had strong transportation code experience and code writing experience.

It was moved by Councilor Chaimov and seconded by Councilor Barnes to adopt a resolution authorizing the City Manager to execute an Agreement for Services Contract for land use consulting services for the Transportation Code Update Project with Angelo Planning Group in the amount of \$37,000. Motion passed unanimously among the members present. [4:0]

**RESOLUTION 29-2008:****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT FOR SERVICES CONTRACT FOR DEVELOPMENT OF TRANSPORTATION CODE AMENDMENTS.**

**Mr. Swanson** said there was an executive session on the topic that Councilor Chaimov would have to excuse himself for. We would have to recess if the next item on the agenda went longer than 9:05 p.m.

**C. Enterprise Zone Re-Designation – Resolution**

**Mr. Campbell** provided the staff report. The existing Enterprise Zone had been in effect for about 9 years and offered abatement on all property taxes on the value of new investments within the industrial areas in the City and some areas in unincorporated Clackamas County. It was available only to firms that committed to increase employment by at least 10% along with their new investment. It could be a 3-year or 5-year abatement. The program was set to terminate at the end of the current fiscal year. The proposal was for Council to adopt a resolution supporting an application for a designation of another 10 years and to continue with a similar program. The proposal included an enlargement of the area. The City Council and Board of County Commissioners (BCC) encouraged them to talk to the Fire District and all of the taxing districts as are required. The Fire District's concern was that it was entirely reliant on property tax, and with new investments they could face additional costs of inspection services. The BCC directed staff to specifically work to try and address those concerns through a fee of some kind. Those negotiations were continuing and they do not have to be finalized to move forward with the resolution.

**Councilor Barnes** asked Mr. Campbell to comment on one business that came into Milwaukie that used the Enterprise Zone and what kind of jobs and how many were added and what kind of salaries were they making.

**Mr. Campbell** replied he did not have detail on salary levels beyond the fact that salary requirements were met. The first one that came to mind was Hygrade Metals Molding that moved into the North Industrial area. That company added 30 jobs and paid more than 150% of the minimum wage. Hygrade produced metal window frames, and the company did a national search for a new location. The Enterprise Zone was what attracted the company to relocate here.

**Councilor Barnes** had gone along with Mr. Campbell on many business meetings with the different companies, and people said over and over that the Enterprise Zone was what made them come to Milwaukie. Those companies were providing good family wage jobs and economic growth for the City which supported public safety and libraries. She understood the Fire District's concerns, but the Enterprise Zone helped spur economic development for the greater good.

**Councilor Loomis** added that it was not the only reason they were coming to Milwaukie but it was one of the reasons. Other areas offered the same opportunities so if it were not approved then we would not have an even playing field.

**Councilor Stone** commented on the Fire District and fees to be charged. In the staff report it said they would like us to consider allowing only 5-year abatements because they could not collect fees on 3-year.

**Mr. Campbell** replied the statute was clear that local jurisdictions could apply additional requirements upon firms that were requesting a 5-year abatement. It did not provide that flexibility with the 3-year abatement. There was the option of not offering the 3-year

abatement. Some zone sponsors had gone that route. In looking at the firms who had used the North Milwaukie/Clackamas Enterprise Zone, 9 of 11 used the 3-year rather than the 5-year program. The 5-year program had a high wage requirement. Staff discussed the matter and was hesitant to recommend lowering the wage requirements.

**Councilor Stone** asked if that would be part of the negotiations. How would there be allocated fees. It looked like it put substantial work on them for larger businesses.

**Renate Mengelberg**, Clackamas County Business & Economic Development, had followed up on the BCC request to talk with the County building inspector to get a preliminary idea of what might be involved in doing the fire inspections on new buildings and expansions. She had not had a chance to discuss with the Fire District on what their estimate was, but the County said it would probably be between 10 – 12 hours over a 6-month period at approximately \$45 an hour or \$600 per review. The BCC was in favor of keeping the 3-year abatement and working with the Fire District to address offsetting the cost of the review. They were in the process of working with the fire district on that. The Preliminary idea might be that the County may cover the cost.

**Kyle Gorman**, Executive Officer, Clackamas Fire District #1, addressed what the Board had discussed and development of a policy related to tax abatements. One concern of the Board was providing new taxable property and exempting it from the tax roles meant that the District had to protect businesses along with the employees with no funds to do it. The Board believed that the existing boundaries should not be amended unless the sponsor in consultation with the District concluded that the amendment was in the best interest of the community at large, and would not diminish the District's ability to provide services. The Board had indicated in their discussions that a tax exemption granted to an eligible business should not be extended unless all of the terms of the original tax exception grant, including the number of employees to be hired and the wages to be paid, had been met in full. A concern that was related to the PCC tax abatement was that the enterprise zone was granted a waiver of the number of employees. They felt that once the exemption was made that number of employees should be hired, and that commitment should remain. The Board was all in favor of employment and 400 employees in the local area were too much to ignore. The Board said they would not generally support E-Zone applications for tax exemptions. The proposed additions of machinery and equipment and the concern for them was that no one knew the depreciation rate, and after the abatement that machinery or equipment could be valueless. As a result, there was no long-term tax benefit to the community. Because of their concern the Board would generally not support proposals, which included large amounts of equipment rather than bricks and mortar construction. Sponsoring agencies should require that applicants provide proposals that would enhance the level of efficiency of local public services. They were very proud of the fact that their civilian death rate for fires was less than 1/7 of the national average and wanted community and business support in doing so. He thanked Mr. Campbell and Ms. Mengelberg for talking to the Fire District and including it in the process. They do not always agree, but they believed that part of the process was communication between the agencies.

**Councilor Chaimov** asked Mr. Campbell if they adopted resolutions would they have the flexibility to accommodate the District's concern on a case-by-case basis.

**Mr. Campbell** replied any waiver of the employment requirement would come to Council. They would continue the discussion of dealing with fees and their permit review costs. His recollection was the only reason the Fire District was being consulted on the PCC abatement was because of the waiver. They did not consult with the districts on individual abatements except in the case that there was a waiver. This City Council was consulted on the PCC waiver. Although the requirement was waived it

appeared based on a report that PCC provided they had met the requirement. They were not 100% confident that they would.

**It was moved by Councilor Chaimov and seconded by Councilor Barnes to adopt the resolution supporting a co-sponsored application with Clackamas County for designation of the Milwaukie / North Clackamas County Enterprise Zone. Motion passed unanimously among the members present. [4:0]**

**RESOLUTION 30-2008:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF THE CO-SPONSORED APPLICATION WITH CLACKAMAS COUNTY FOR DESIGNATION OF THE MILWAUKIE / N. CLACKAMAS COUNTY ENTERPRISE ZONE.**

**It was moved by Councilor Chaimov and seconded by Councilor Loomis to adopt the resolution directing the Mayor to enter into an IGA with Clackamas County regarding the Milwaukie / North Clackamas County Enterprise Zone Management. Motion passed unanimously among the members present. [4:0]**

**RESOLUTION 31-2008:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DIRECTING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH CLACKAMAS COUNTY REGARDING MILWAUKIE / N. CLACKAMAS COUNTY ENTERPRISE ZONE MANAGEMENT.**

**D. Council Reports**

None.

**Council President Stone** announced the Council would meet in executive session pursuant to ORS 192.660 (h) to consult with Counsel concerning legal rights and duties of a public body with regards to current litigation or litigation likely to be filed.

**ADJOURNMENT**

**It was moved by Councilor Stone and seconded by Councilor Chaimov to adjourn the meeting. Motion passed unanimously among the members present. [4:0]**

**Council President Stone** adjourned the regular session at 9:13 p.m.

*Pat DuVal*

---

Pat DuVal, Recorder

# REGULAR SESSION

# AGENDA

## MILWAUKIE CITY COUNCIL April 1, 2008

MILWAUKIE CITY HALL  
10722 SE Main Street

2027<sup>th</sup> MEETING

REGULAR SESSION – 7:00 p.m.

Oath of Office Administered to Councilor Greg Chaimov by Municipal Court  
Judge Ron Gray

- |   | Page # |
|---|--------|
| I. CALL TO ORDER<br>Pledge of Allegiance  |        |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS  |        |
| Downtown Parking Management Update (Katie Mangle / JoAnn Herrigel)  | 2      |
| 3. <b>CONSENT AGENDA</b> <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> |        |
| A. Minutes of January 15, 2008 Council Work Session   | 8      |
| B. Resolution Reappointing David Aschenbrenner to the Budget Committee  | 18     |
| C. Resolution Reappointing Leslie Schockner to the Budget Committee   | 19     |
| D. Resolution Reappointing Charles Bird to the Citizens Utility Advisory Board  | 20     |
| E. Resolution Reappointing Bob Hatz to the Citizens Utility Advisory Board  | 21     |
| F. Resolution Reappointing Andrew Tull to the Design and Landmarks Committee  | 22     |
| G. Resolution Reappointing Tom Hogan to the Milwaukie Ledding Library Board   | 23     |
| H. Resolution Appointing Ron Rasch to the Milwaukie Ledding Library Board   | 24     |

4. **AUDIENCE PARTICIPATION** *(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 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.)*
  
- Milwaukie Riverfront Park Zoning and Comprehensive Plan Map Amendments – Ordinance (Katie Mangle / Ryan Marquardt)** **26**
  
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.)*
  - A. **Authorize Grant Application for Riverfront Park Phase I – Resolution (JoAnn Herrigel)** **54**
  - B. **South Downtown Concept Contract Approval – Resolution (Kenny Asher)** **61**
  - C. **Contract with Angelo Planning Group for Transportation Code Update Project – Resolution** **72**
  - D. **Enterprise Zone Re-Designation – Resolutions (Alex Campbell)** **101**
  - E. **Council Reports**
  
7. **INFORMATION**
  - A. **Center/Community Advisory Board Minutes of February 8, 2008** **144**
  - B. **Citizens Utility Advisory Board Minutes of February 6, 2008** **148**
  
8. **ADJOURNMENT**

## **Public Information**

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment 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.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

2.

PROCLAMATIONS,  
COMMENDATIONS,  
SPECIAL REPORTS,  
AND AWARDS



**To:** Mayor and City Council

**Through:** Mike Swanson, City Manager  
Kenneth Asher, Community Development and Public Works Director

**From:** Katie Mangle, Planning Director  
JoAnn Herrigel, Community Services Director

**Subject:** Downtown Parking Management Update

**Date:** March 21, 2008 for April 1, 2008  
City Council Regular Session

**Action Requested**

This is an update and discussion item regarding the City's strategy to manage parking in downtown Milwaukie. No action is requested at this time.

**Background**

The Transportation System Plan Council adopted in December 2007 included a chapter specifically on parking in downtown Milwaukie. This chapter includes both a set of policies by which the City will manage parking, and a set of recommended capital and operating improvements. A multi-departmental Downtown Parking team has been at work implementing, or forming strategies to implement, many of the recommendations. This briefing is an update to council on projects underway.

**Improving Enforcement**

*Objective: Enforce the City's existing time limits for on-street parking and dissuade employees from parking in areas intended for customers/visitors. Specifically, enforce against drivers who move their cars between short term parking stalls with the intent of evading both parking tickets and the cost of a long-term parking permit.*

- **Purchasing License Plate Scanner Device**

This spring the City will purchase a hand-held license plate scanner device and parking management software package. This device will finally allow the Parking Manager to cite vehicles that violate the City's current "Move-to-Evade" ordinance. Additionally, the accompanying software will enable the City to manage the permit system in-house. The goal is to have a vendor selected by the end of this fiscal year.

- **Strengthening "Move-to-Evade" ordinance**

Staff is preparing a proposal to revise the City's "Move-to-Evade" ordinance (10.20.080) to allow the Parking Manager more latitude to cite people who move their cars several times per day to avoid receiving parking tickets in short duration parking areas. Purchase of a license plate scanner will be required to implement this policy. Staff will bring a revised ordinance proposal for Council adoption by June 2008.

- **Proposing a full-time Parking Manager position.**

As downtown Milwaukie will continue to evolve, it will be important for the City to manage the City's parking resources consistently over time. Staff is proposing appropriate resources in next year's budget to actively manage the City's valuable parking resources.

If parking management is to become a priority for the community, the City will need to dedicate more resources to both staffing and capital improvements. Specifically, the TSP recommends creation of a Parking Manager position. This person would be responsible not only for enforcement and permit management, but also for coordinating planning and budgeting for parking lot improvements. Staff is recommending one FTE position to fill the role of Parking Manager, for fiscal year 2008-09. It is expected that revenues from the new permit system and increased parking enforcement capacity will subsidize at least 60% of the cost of this new position in the first year. This subsidy is expected to increase over time.

- **New Parking Fund**

Staff is proposing to create a new Parking Fund within the 2008-09 budget. This fund will account for parking fee and permit revenues, and fund parking-related improvement projects. Creating a separate fund will allow the City to capture income generated by the parking program and use it for parking projects from year to year. In the past parking projects were frequently funded by the Facilities and Streets budgets, while parking revenues were deposited into the Facilities and General funds. Ongoing maintenance of City-managed parking lots will still be covered by the Facilities budget.

## **Improving the Permit System**

*Objective: Make parking permit system easier for customers to use.*

- **Improving how the City manages the Permit System.**

The City currently contracts with Ashforth Pacific to manage its permit system, but they are no longer managing parking for other organizations and wish to terminate their contract with the City as soon as possible. Though other parking management contractors exist, to better serve our customers, staff is proposing to bring this permitting function in-house. This will save money (current cost is about \$11,000 per year) and make the permit system easier for downtown employees to use. In-house management of the system depends on approval of the new full-time Parking Manager position and acquisition of license scanner/software package that allows City to manage the permitting program.

## **Improving On-Street Parking Management**

*Objective: On-street parking should be preserved for visitors and customers to support a lively downtown retail core. Manage downtown parking to minimize spillover into the residential neighborhoods.*

- Over the past six months staff has implemented the following changes to more effectively use on-street parking stalls:
  - **Eliminated free all-day on-street parking stalls.**  
All stalls that were designated for 8-hour parking have been converted to 2-hour or 4-hour stalls. This effectively eliminates on-street park-and-ride activity within the downtown zones.
  - **Added “Or With Permit” signs** to selected stalls to allow permittees to park in designated on street stalls that are not needed as short-term stalls for adjacent retail or restaurants. Adding these signs increased the permit system capacity from 189 to 254.
  - **Regulated all on-street parking in downtown.**  
Nearly all on street parking within the core downtown area is now has signed and striped for limited parking.<sup>1</sup> All parking stalls are signed for 4 hours or less, unless by permit.

## **Improving Transit Stops**

Staff has been working with TriMet to develop and implement a plan to disaggregate the Milwaukie Transit Center. This would mean relocating the bus layover function and improving the bus stops in the core of downtown. Improving the transit center will affect on-street parking; some spaces will be gained in the vicinity of SE 21<sup>st</sup> Ave and Jackson St when the bus layover location is moved, while improved bus stops (with curb extensions and shelters) may require removal of on-street parking in other locations.

---

<sup>1</sup> On Adams St between 21<sup>st</sup> Ave and 23<sup>rd</sup> Ave there are currently no limits to on-street parking, but staff is currently developing a plan for signing and striping the parking spaces on this street.

### **Improving Public Information**

*Objective: Provide clear information to all users about where and when to park, how to use the permit system, and alternatives to driving. Engage business and property owners in managing existing, and planning for future, off-street parking lots.*

- Staff is creating a “transportation information package” for downtown employees. Include parking, transit, and bike information.
- Staff created a Transportation section of the City website, which includes information on parking downtown.
- The Resource and Economic Development Specialist held a breakfast meeting with downtown businesses in September to provide information to business owners.

### **Parking Utilization**

In February 2008, the City sold 146 permits to park in the available 254 permit-only stalls (57% of the permits available were sold). Of these permits, approximately 25% were sold to people identified as Portland-bound commuters. Prior to the addition of the on-street permit stalls (October 2007) 80% of the permits available were sold.

### **Concurrence**

The following departments are have been and will continue to participate in the implementation measures outlined above: Community Development, Information Systems and Technology, Planning, Community Services, Facilities, Streets, and Engineering.

### **Fiscal Impact**

Some of the recommendations outlined above for managing downtown parking can be implemented within the adopted budget. The proposed 2008-09 budget includes increased requests for funding sources to implement other recommendations such as creating a full-time Parking Manager position. The proposed budget creates a \$90,000 Parking Fund that estimates \$59,000 in revenues from permit fees and parking fines, \$31,000 in General Fund revenues, and \$10-15,000 in expenditures for projects to manage and improve the parking program. This fund would also include a full-time Parking Manager position (an increase of .5 FTE over the current staffing for parking enforcement).

Though the Parking Fund will require some support from the General Fund, it will capture existing revenues from parking program activities. In the short term, this is an important step that establishes a structure for managing an on-going parking program. In the near term, this will have the positive fiscal impact of relieving the Street Fund of paying for parking-related expenses on an ad hoc basis. As downtown evolves, the

long-term fiscal impacts are likely to be positive as well. When demand for parking increases, the City will be able to charge more for permits and it is possible that the program could become self-sustaining.

### **Work Load Impacts**

Staff in the Planning, Community Services and Community Development departments will continue to work on identifying and implementing ways to improve the City's management of parking in downtown Milwaukee.

Effective implementation of the recommendations for parking management and capital improvements will be a challenge with current staffing levels. The responsibility for parking management is spread across the following five departments:

- Planning (planning and implementation direction),
- Community Services (enforcement, permit contract management),
- Operations (parking lot maintenance and improvement, signage),
- Community Development (business outreach and revitalization),
- Engineering (design and traffic management).

Without a designated Parking Manager to coordinate the effort of implementing the recommendations, it has proven difficult for Planning and Community Services staff to manage the implementation effort. For example, enforcement of time stay limits is crucial for protecting on-street parking for Main Street retail customers. However, the parking enforcement officer's time is split between parking enforcement, parking administrative duties and her important Code Enforcement duties throughout Milwaukee.

### **Alternatives**

None at this time.

### **Attachments**

None.

3.  
CONSENT AGENDA

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION

January 15, 2008

**Mayor Bernard** called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Mayor Bernard and Councilors Barnes, Chaimov, Loomis, and Stone

Staff Present: City Manager Mike Swanson, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle, Resource and Economic Development Specialist Alex Campbell

#### **Updated Planning Commission Work Plan for FY 2008 - 2009**

**Ms. Mangle** said the Planning Commission talked with the City Council in May about its work plan and wished to provide an update. One of the big priorities was to finish the Transportation System Plan (TSP), which was completed, as well as a number of code amendment projects including the sign code, downtown public area requirements, and parking. A recently added item was residential design standards that had come up recently with the Balfour project. There had also been discussions in the community about houses being in proportion to existing houses and limitations to parking lot sizes. The Planning Commission felt strongly that it wanted to pursue that matter before the end of the fiscal year meaning the sign code project would drop off. The Commission had a list of four major projects it wanted to tackle in the next 6 months. When talking about public area requirements there were concerns about proportionality and legal limitations. There were similar problems with Chapter 19.1400, but the policy implications were a little different. Staff would continue to work on housekeeping and other minor code fixes to address problems identified during application processes, and the list was at about 200 items right now. Issues were identified as Category A easy fixes, Category B that would take some research and outreach, and category C requiring more research and outreach. It was important to prioritize work because they could not do everything, so it was a matter of balancing the need and level of difficulty. The housekeeping amendments were easy, while required much more focus and time. The 4 areas identified by the Planning Commission were those with the greatest pain involved. In the past it was the practice for Council to be the last stop before adoption. She thought some of the issues were of a high enough stature in the community that Council might want to be involved earlier. She asked Council how she could best educate and involve that body in the process.

**Councilor Barnes** asked if Ms. Mangle planned on having meetings where someone could take notes along the way.

**Ms. Mangle** outlined the steps in each code amendment. Some of the more complex items, like public area requirements, would have Planning Commission work sessions, so notes would be taken and available. Outreach and effective communication would be tailored to fit individual issues.

**Councilor Barnes** observed the TSP process was successful because of the work with subcommittees and suggested something based on that model but on a smaller scale.

CITY COUNCIL WORK SESSION – January 15, 2008

DRAFT MINUTES

Page 1 of 10

**RS Page 8**

**Ms. Mangle** discussed that option with the Planning Commission, so one idea was for 2 or 3 Commissioners to focus on a topic. That process would likely look different for each project.

**Councilor Chaimov** said his preference for communication would be for staff to prepare a memo to Council at important decision points and to discuss it at a work session.

**Mayor Bernard** said he did not see rezoning of the McFarlane site on the list.

**Ms. Mangle** responded that matter was on the work plan which development review, code amendments, and master plan work which included supporting the light rail project. She commented on the level of urgency for code amendments in the community. McFarlane was still on the work plan and would continue to be nudged forward.

**Mayor Bernard** said his concern was that people had invested time, energy and money, and the City needed to ensure those investments were protected.

**Councilor Stone** liked being in the loop prior to a presentation and decision and asked Ms. Mangle if she was looking for feedback on priorities. It sounded like amendments to the public area improvements and the sign code needed some work.

**Ms. Mangle** said it was important to be realistic about what could be achieved, and several Commissioners were concerned that certain code sections work better.

**Councilor Stone** would want to look at businesses that were not appropriate in neighborhoods and anything that could add more muscle to the code to keep lock down facilities out of the neighborhoods was a good idea. We needed to make adjustments to our code so it spoke to small businessmen as well as bigger developers. It seemed like things came up, and there was a knee jerk reaction. It would be great if the code changes prevented that.

**Mayor Bernard** said that sections of the code were adopted in the 1990's and were just now being enforced. Things had changed, the environment had changed, and the City needed to figure out to enforce the code. His phone rang all of the time over those issues.

**Ms. Mangle** said no matter how much staff and the Planning Commission tried it may not be perfect, so the routine maintenance was always going to be a part of the picture. It was a matter of tackling one problem at a time.

**Councilor Stone** wanted to support citizen investments in general.

### **Street Operations Fund Outlook**

**Mr. Asher** discussed the state of Fund 320, street operations. It was mainly supported by the state gas tax and franchise fees from the other utilities. There were two things the Council should and would care a lot about given the state of fund 320. First, was how to continue basic street operations because it was getting more tenuous. Some different approaches for allocating funds may come up during the budget season. Second, was the ability to get grants for capital improvement projects, which they had done successfully over the past few years. There was a grant opportunity, a transportation enhancement grant through ODOT, for 17<sup>th</sup> Avenue bike lanes and sidewalks, but he did not think the City could apply because there was no money for matching funds.

**Mr. Campbell** explained that the chart on page 5 showing regular revenues from gas taxes and franchise fees was a story they all had heard. Historically over the past 10 years they had frequently exceeded \$100,000 - \$150,000 of their non-capital expenditures in that fund, but that was no longer happening. The impact of that was laid out on page 6 showing last fiscal year, current fiscal year, and what the next fiscal year would look like. The bottom line was the ending fund balance. If the City continued its current practice there would be a negative fund balance of about \$75,000 at the end of next year. When they looked at next year's budget they needed to look at service cuts. There were not a lot of optional services and functions being provided by the street fund. In terms of coming up with that additional small margin for basic services there were a couple of options. They looked at the various balances among the utilities. Fund 320 helped pay for community development administration, engineering, operations supervisors' costs, and other activities that the street surface maintenance fund should support. Staff had not felt a need in the last budget to do that, but they would like the flexibility to make a proposal in a way that was transparent. For instance, the engineering staff did a fair amount of support in terms of engineering, pavement design, and inspection on the street surface maintenance projects. Staff proposed to make some sort of payment from street surface maintenance to engineering that would offset some of the Fund 320 obligations to engineering. He was seeking Council input on the proposal.

**Mr. Campbell** discussed the grant match issue and suggested a phase or part of 17<sup>th</sup> Avenue that could be matched with fees in lieu of (FILO) from the North Industrial area. The TSP ranked that project highly because of the pedestrian element of the improvements. He did not see how they would do the pedestrian part of the improvements, but they could do bike improvements with a scaled-down project. Assuming that nothing changed he thought the best use of funds was to wait and do the project when they had adequate matching funds from additional FILO funds or a new systems development charge (SDC) study.

**Mr. Asher** hoped to engage Council in a discussion to make sure they were all on the same page. First, the budget was coming and they needed to figure out way to reallocate or cut costs which would not be easily done. Second, they could brainstorm about finding replacement sources of funding to match projects, but it was a heads up that the City needed to notify ODOT on the transportation enhancement round the first of next month. They did not have the ability to get that right now for the project that had been programmed. They would be hard-pressed to find any other project because they would run into the same issue. The FILO monies were collected from certain neighborhoods, and they proposed some of those monies were proposed for the quiet zone. Once it was gone it was gone. Staff was open to any ideas or direction for Council to confront this hard reality.

**Councilor Stone** liked the idea of floating the cost of business to other departments. She asked if there was a way to build a general grant fund using funds from other departments. If the cost of doing business was floated, how much might that amount to in a year?

**Mr. Asher** said that is what happens today. The general fund collects property taxes, and the utilities collect fees. The utilities can afford to help City services, and they already do through transfers. Fund 320 was being asked to fund the same amount as the other 3 utilities. Mr. Campbell was suggesting that the new street surface maintenance program was not contributing anything even though engineering was providing services to that program. It may be that some of that 320 transfer could be offset. It was more of a tweak because they were already

doing that across the board. The non-revenue departments were supported by the revenue-producing departments.

**Councilor Stone** asked if the City had matching funds for 17<sup>th</sup> Avenue last year.

**Mr. Campbell** replied if the City had got the grant last time it would have been in a difficult situation. There were some existing obligations coming up including the Lake Road match, the railroad crossing project, and Logus Road. There was also a downtown streetscape for a grant written in 2005 and that had a \$50,000 match. That was not SDC eligible, and no FILO had been collected in the downtown. The expected match for that grant he assumed would have been from the street fund.

**Councilor Chaimov** asked if there were ways the City could raise revenue that would make the monies eligible for matches. He assumed Milwaukie needed to use certain money for matches.

**Mr. Campbell** responded that SDC's were restricted and had to be spent on capacity expanding projects, and that did not include bike lane projects. It also had to be an identified project in the SDC rate study. As far as the grantors were concerned they were happy to use any local money for match.

**Councilor Loomis** understood that staff wanted to use some of street surface maintenance fee to pay for part of engineering.

**Mr. Campbell** replied that was one way it could be done. The other would be that the street surface maintenance program was written to support street maintenance that was already ongoing, so they could figure out how to pay for that either directly out of 320 or from the street surface maintenance program.

**Councilor Loomis** would have a hard time supporting that. He guessed that state gas tax was to maintain and build roads. Now the fund was down to zero and would hate to see that bleed into this other program.

**Mr. Asher** said if fund 315, the street surface maintenance fund, were used it would only be work that was eligible. The new revenue would be dedicated for street surface maintenance, and the intent was not to rob this fund to do anything else. If we were to make such a move in the budget it would be consistent with work going on supporting the SSMF projects, but right now fund 320 was paying all the engineering cost. There was still the perception issue, which was that people were prone to believe that staff was trying to move money around for some other purpose. He was not asking for anything specific from Council tonight. It was just a little bit of an alarm sounding so that when staff went through the budget and reported that it was no longer applying for transportation grants that Council understood why. Mr. Campbell was researching how what other cities were doing to raise local money that Milwaukie may want to consider. It was important to engage in Council in the discussion now. There were no other resources based on state of the general fund.

**Councilor Chaimov** suggested that staff come back with options for raising specific amounts of money for projects like the 17<sup>th</sup> Avenue improvements. If there was a match needed, Council could consider a menu of funding options and evaluate whether to ask voters if they would like to have their money spent that way. We may need to have specific and targeted investments in the community.

**Councilor Barnes** asked for a definition of street capital projects.

**Mr. Campbell** he said that was any project to which Fund 320 was contributing.

**Mr. Asher** noted CDBG projects tended to be sidewalk projects, and fund 320 provided the match.

**Councilor Barnes** said it seemed like street division employees were spending a lot of time on door hangers and suggested code enforcement should take on that task. It seemed like four people putting up door hangers was a lot. Could the police department move the speed trailers? Or could it be done by a neighborhood association person? She would rather see our employees doing what they were trained to do rather than those other things.

**Mr. Asher** replied it was a struggle. They always tried to be responsive to neighborhood concerns like the speed trailer and accommodate the interests in traffic calming. The door hangers showed how much the utility workers provided support services. The Library often called on them for its needs and were often called upon for meeting setup. Part of reason they had Mr. Clark and Mr. Shirey begin to account for their time was so that they could make the right allocations. It was really difficult to say “no” when neighborhood or internal customer service issues came up. They were still getting to the base level of service to maintain streets. He concurred that it was something that they struggled with. He believed that the door hanger function was rotated among departments on a monthly basis.

**Mr. Campbell** added about 200 door hangers per month had to get out in a short period of time.

**Mr. Asher** observed they did a lot with a little and were concerned about erosion of core services. He was concerned about that in this fund unless something changed on the revenue side.

**Mayor Bernard** did not see any solutions coming out of Salem although Metro and the City of Portland were working on some ways to raise funds.

**Mr. Asher** said the only difference was a fix coming out of the state legislature would be aimed at changing the mechanism by which that fund got revenue. It could be an increase in the state gas tax or vehicle registration fee to fill the coffers back up on a regular basis. It had not done well in the past, and it seemed like there was more energy aimed at it now than in the past. The Governor was on record as having it as a very high priority and has committees up and running to explore options. He would respond to Councilor Chaimov’s request as early as February 5.

### **Downtown Milwaukie Market Expectation**

**Mr. Asher** said for this meeting the Council needed to distance itself from the Milwaukie it knew and loved. It was a great place with potential. Real estate needed to be thought of as a commodity and something that was bought and sold on the market. Prices were affected by a number of things and were always in comparison to other places. Certain places had certain features and prices. What was interesting about this report to him had nothing to do with Milwaukie as a place to raise a family, livability, or attractiveness. This was a hard-nosed business analysis of how the space would trade in the market compared to other neighborhoods. He introduced Jerry Johnson.

**Mr. Johnson** said the big issue with this project that he did for Metro reflected that there was greater demand for public intervention, mixed use, and urban density development forms. One of the things they were bringing up over and over was why the 2040 Centers were not working. It was a fact that some development forms cost more money to build. One needed an urban amenity

premium that justified the increased expenditure. If you got into an area like the Pearl District the achievable pricing was \$400-\$600 per foot. The Pearl had a broad range of amenities that included great retail, shopping, and entertainment in proximity to employment and transit infrastructure. They could get a high price point because people would pay more to live in that area. Developers look at achievable pricing and alternatives and highest and best use. When prices are relatively high we get higher density development forms because people will pay a great premium to be closer to that amenity mix. The work they did for Metro looked at a range of amenity types they thought would have a positive impact. They tried to isolate what could be attributed to what. Square footage, quality, and school district were all worth a certain amount, so when one isolated those issues and came down to looking at it they could attribute it to the different amenity types. Amenities included bakeries, cinemas, grocery stores, and flower shops. They were trying to address that primary challenge of getting an urban area going. There was a statistically significant linkage with certain amenity forms. Some amenity forms had a fairly significant impact on achievable pricing. One was a specialty grocer. Premium was if you were within a few blocks of a specialty grocer. That was one of the reasons why the Pearl District was at a premium; the closer you were to Whole Foods the higher, premium pricing. They looked at case studies after that. The conclusion was that from some of the urban amenity experiences one could get higher density and urban development forms. The flip side was that it said if you make your area more attractive, people would pay more to live there. Therefore you get higher density development forms that support the cycle of reinvestment and things get stronger over time.

They also talked a little bit on case studies and specific issues with Milwaukie. The big issues were people looked at alternative investment opportunities and Milwaukie traded at a discount relative to some areas that had more established amenity premiums like Sellwood Moreland. Because of the location you were truncated from some of the trade areas, which made it difficult for some of the retailers to get a lot of strong pull. They did a gravity model to figure out how much Milwaukie could pull from. Sellwood Moreland had a lot of restaurants and had a trade area that was easier to get to because Milwaukie was truncated between Hwy 224 / 99E. It was a more difficult pitch to get some of the tenants that would help drive the amenities. It did not make it an impossible situation because people were interested in investing Milwaukie. Location qualities in Milwaukie were pretty strong. People needed to understand that you need certain pricing levels that Milwaukie was not at to get development forms, and you need to make sure that when expecting certain development forms you are cognizant of the fact that the development form comes with an associated achievable pricing or it won't work. When you looked at mid-rise, rental, apartments that number changed a lot because costs and funding numbers changed. It would take \$1.35-\$1.65 per square foot per month and Milwaukie was probably closer to \$1.10 of \$1.15 per square foot, which meant that without some level of intervention you could not expect someone to build. Keep in mind the achievable pricing in Milwaukie that you and get your expectations in line with what the market will support. The PDC can make up the difference but without the need to be market savvy. There were some things that were pretty positive in Milwaukie in the long term and he thought it would be quite strong. They recommended to Metro that the North Main Village project was good for Milwaukie and established some price points and some expectations. It had proven some market parameters, but you cannot get ahead of yourself.

**Mayor Bernard** understood that the only resolution might be an urban renewal district.

**CITY COUNCIL WORK SESSION – January 15, 2008**

**DRAFT MINUTES**

**Page 6 of 10**

**RS Page 13**

**Mr. Johnson** said the City could buy density, but there was a limit. What you really want to do is change the price curve by making it more attractive and have an exit strategy to subsidies. It was always better to be more market savvy, and create a point where you could pull out. Very few jurisdictions could continue to buy density, and was that a useful expenditure of funds. He said there was some proof of concept studies that helped establish what price points would be in an urban, and get some level of population to support a more retail tenant mix. You could strengthen your retail tenants, get daytime/evening populations and make the activities stronger over time so that you will evolve to the point where downtown was a place that people paid a premium to be close to. It had to develop over time. You need to find ways to leverage, and depending on the market, with a little push, you could get them to do a higher quality development with higher density. You could help underwrite tenant improvements for a tenant that would help with pricing that helped the overall downtown by providing an amenity that was useful. Maybe that was a position where jurisdictions could get beyond the straight development and take a look at different options. The results of his study showed that there was a statistically valid reason to underwrite amenities as far as encouraging higher density urban development forms. The amenities could fundamentally change achievable pricing and close the gap more than throwing money at a project.

**Councilor Barnes** asked if it was better to have amenities first or people.

**Mr. Johnson** said what you want to get is people investing in downtown and up the ante for the next investment. You cannot push beyond what the market can do unless you buy density. You need to get on a path of investment and reinvestment, which supports a higher level of amenities to change achievable pricing for better density over time. You need to keep expectations in line with the market.

**Mr. Asher** said the other evolution he heard was there was little more sophistication in understanding what made things go. People were willing to live in denser corridors and pay more. When the 2040 Plan was first written the discussion did not go much farther than having density in these Centers because they did not want to expand the UGB. Therefore the notion was to subsidize density and make sure these mid-rise projects could be built. There was an idea that it was enough just to help make it such that people could live in dense corridors. The fairly new thinking was that they were not trying to do that, but if we invest in amenities to make a great place with transportation systems, activities, and jobs then this density thing would take care of itself and evolve. It was a different emphasis on what the policy investment should be all about.

**Mr. Johnson** said when the 2040 Plan was first done nobody thought about the economics of density. It was a pie in the sky circles. Then they tried to figure out why it was not working. When you run the numbers it did not work. What you really wanted to do was find ways to make them function as they should. Some communities were using shadow platting that showed phased development of density over time and did not require density forms that did not make sense. You needed to keep in mind that people could always go somewhere else. The Pearl had the amenity base, but South Waterfront did not. They were having more trouble holding pricing because they did not have the amenity mix. It was like Milwaukie, a truncated market. There were limited by I-205 and Macadam Avenue.

**Mr. Asher** said Mr. Johnson's study for Metro focused on urban amenities of retail and commercial space. The City was working on a couple of public

investment projects including Riverfront Park, light rail, and a public plaza at south end of Main. He asked Mr. Johnson how strong were those investments in terms of market makers.

**Mr. Johnson** said they were nice in that they organize the downtown and people would understand how money was being spent. It was a common area amenity you needed to make sure you kept a vital commercial core. He had seen people do public space that killed commercial cores. City Hall may be a commercial core killer in the long term. You did not want to make people go in front of too many vacant storefronts. Downtown revitalization projects often went block-by-block in phases. Public buildings can be a killer on some of those things. Libraries were great for residential.

**Councilor Stone** asked the effect of incorporating public buildings in a plaza?

**Mr. Johnson** said a key issue was keeping some sort of ground floor vitality. Public buildings were great because people had to come there and gave daytime population as well as sometimes evening populations. The big issue like in Hillsboro was making sure you were taking care of your corners where you had some retail commercial presence so you did not create a dark block in the evening that took away from the vitality.

**Councilor Stone** said Milwaukie needed more amenities and more businesses in the downtown.

**Mr. Johnson** said everyone wanted a Trader Joe's and remove 'Ole Stinky.'

**Councilor Stone** was concerned that the downtown was a small space. They needed to be choosy about what went in. Milwaukie used to have a bustling downtown, and she would like to see that happen again. Her concern with plans to densify was that we needed to develop for people who already lived here, and not just for the people that were going to move here. She was concerned that there would not be room for people who lived in Milwaukie to come downtown in anyway other than by bike because there was no place to park. She did not think the City needed to over densify its downtown because it was a small space. She thought the focus should be on retail.

**Mr. Johnson** said Metro picked up on the fact that each Center should have unique identity. We needed to get away from the density targets and make it an attractive place to be.

**Mr. Asher** said the Town Center project would be reported on during the regular session. The developers may have ideas about what to expect in this market. He said we always needed to have a realistic view of what the market could deliver. He was not sure that Milwaukie could deliver. The River was an amenity. The region was growing, and that investment would show up. He found reports like this case study to be important because he did not want to foist too many issues on to a market that was non-existent or 10 years away. He wanted to be smart about nurturing current projects and help the developers get the amenities in the projects for a catalytic affect. This report and idea had become the Urban Living Infrastructure Program, which the Metro Council adopted. Milwaukie was selected as one of the four focus centers to support tenant improvements. Those funds could be made available to developers on their projects such as Mr. Parecki and Mr. Kemper.

### **Library Funding**

**Mr. Swanson** provided an update at the last work session and he talked about the Clackamas County request for \$10,000 for an information campaign. Two

**CITY COUNCIL WORK SESSION – January 15, 2008**

**DRAFT MINUTES**

Page 8 of 10

questions were raised. One was what would be the rate required within the City if we needed to make up \$480,000 = \$0.36 per \$1,000. The second question was what would a \$0.15 rate would generate = \$213,000. He would have Commissioner Peterson and Dan Zinzer to talk about the library district proposal at the next meeting. He would be at a Mayor/Manager's meeting on Thursday where the proposal would be discussed. He provided a table that looked at the assessed value Countywide and calculated what would be raised at \$.35 per thousand, which was the last library levy. Then he went back and pulled out what was spent for library purposes, and looked at the differences between to the two. For the last 10 years the net difference between the revenue and the amount budgeted for libraries was a little over \$15 million and was the library levy contribution to the county's general fund. The county was under no obligation, under Measure 50, to use those monies for library purposes. One of the provisions of Measure 50 was that special levies like the library levy were folded into the County's general fund and became discretionary funds. It would be an argument one would hear more. Why should libraries seek to pass a ballot measure when in the past it generated those net savings? If those monies were no longer available, the net worth would continue to be funded, but it would be money accrued to the general fund. There would be some interesting discussions over the next couple weeks. He would have more information available at the next work session.

**Councilor Loomis** asked if measure 50 spelled out priorities.

**Mr. Swanson** said that law enforcement was one and he thought there were some others.

**Councilor Loomis** said that he heard part of the issue was pressure from judges that people were being let out of jail, and that part of Measure 50 gave judges power to do something.

**Mr. Swanson** said it also stated law enforcement was a priority, but not the only recipient. His concern was the answer was a zero sum game. Either pass the district and get money or get nothing. There was a certain preference for law enforcement, but it did say law enforcement first. One of the things he needed to do was review Measure 50 and its priorities.

**Councilor Loomis** did not imagine this was an easy choice for the County Commissioners.

**Mr. Swanson** said it was not an easy choice. Where he finally had a problem was the all or nothing nature for the libraries and the basic win-win for the County. If the district passed, then the libraries would be well funded, but if the district went down to defeat, the County could still solve some of its budget problems. The City could be down \$480,000 in its general fund. This was a system, and when we start to weaken the chain we are only as strong as the weakest link. Milwaukie would be faced with a \$480,000 loss, so the budget Committee would have to make some tough choices.

**Councilor Chaimov** asked if the City could put a measure on the ballot that asked voters to fund the library at its current level, but have the measure not take effect if the district measure passed.

**Mr. Swanson** said the danger could be that people would go for the least expensive option. There would be a lot of other difficult decisions to make if the district did not pass. The \$0.36 would result in \$480,000. If the district measure was defeated, the unincorporated area would still want those services which would be paid for by the City. How would people be charged for that? In the

**CITY COUNCIL WORK SESSION – January 15, 2008**

**DRAFT MINUTES**

Page 9 of 10

**RS Page 16**

past there was a library card that unincorporated people paid for. There would be questions about how that was structured. Do we do a special levy (3-5 year) or would it be a request to increase the permanent rate? He still thought it would be difficult if branches were closed.

### **Community Partners Task Force**

**Mr. Swanson** said when Mike Kuenzi was here a couple of weeks ago he mentioned the community partners task committee. They need a council member and they were going to try and schedule the first meeting early February. He had hoped to put it on the February 5 work session, but WES hoped to have names before that.

The group discussed the City's representative. It was decided that Councilor Barnes be the representative.

**Mayor Bernard** adjourned the work session at 6:59 p.m.

---

Pat DuVal, City Recorder

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REAPPOINTING DAVID ASCHENBRENNER TO THE MILWAUKIE BUDGET COMMITTEE.**

**WHEREAS**, a vacancy exists on the Milwaukie Budget Committee; and

**WHEREAS**, Milwaukie Municipal Code Section 2.14.020 states, the board shall consist of the members of the governing body and an equal number of members appointed from the electors of the municipal corporation.

**WHEREAS**, David Aschenbrenner possesses the necessary qualifications to serve on the Milwaukie Budget Committee.

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

SECTION 1: That David Aschenbrenner is reappointed to the Milwaukie Budget Committee.

SECTION 2: That his term of appointment shall commence on April 1, 2008 and shall expire on March 31, 2011.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on April 1, 2008.

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REAPPOINTING LESLIE SCHOCKNER TO THE MILWAUKIE BUDGET COMMITTEE.**

**WHEREAS**, a vacancy exists on the Milwaukie Budget Committee; and

**WHEREAS**, Milwaukie Municipal Code Section 2.14.020 states, the board shall consist of the members of the governing body and an equal number of members appointed from the electors of the municipal corporation.

**WHEREAS**, Leslie Schockner possesses the necessary qualifications to serve on the Milwaukie Budget Committee.

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

SECTION 1: That Leslie Schockner is reappointed to the Milwaukie Budget Committee.

SECTION 2: That her term of appointment shall commence on April 1, 2008 and shall expire on March 31, 2011.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on April 1, 2008.

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REAPPOINTING CHARLES BIRD TO THE MILWAUKIE CITIZENS UTILITY ADVISORY BOARD.**

**WHEREAS**, a vacancy exists on the Milwaukie Citizens Utility Advisory 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**, Charles Bird possesses the necessary qualifications to serve on the Milwaukie Citizens Utility Advisory Board.

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

SECTION 1: That Charles Bird is reappointed to the Milwaukie Citizens Utility Advisory Board.

SECTION 2: That his term of appointment shall commence on April 1, 2008 and shall expire on March 31, 2012.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on April 1, 2008.

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REAPPOINTING BOB HATZ TO THE MILWAUKIE CITIZENS UTILITY ADVISORY BOARD.**

**WHEREAS**, a vacancy exists on the Milwaukie Citizens Utility Advisory 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**, Bob Hatz possesses the necessary qualifications to serve on the Milwaukie Citizens Utility Advisory Board.

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

SECTION 1: That Bob Hatz is reappointed to the Milwaukie Citizens Utility Advisory Board.

SECTION 2: That his term of appointment shall commence on April 1, 2008 and shall expire on March 31, 2012.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on April 1, 2008.

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REAPPOINTING ANDREW TULL TO THE MILWAUKIE DESIGN AND LANDMARKS COMMITTEE.**

**WHEREAS**, a vacancy exists on the Milwaukie Design and Landmarks Committee; and

**WHEREAS**, Milwaukie Municipal Code Section 19.323.4(A) provides for appointment of members of the Milwaukie Design and Landmarks Committee “by the council;” and

**WHEREAS**, Andrew Tull possesses the necessary qualifications to serve on the Committee and has indicated his desire to be reappointed.

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

**SECTION 1:** That Andrew Tull is reappointed to the Milwaukie Design and Landmarks Committee.

**SECTION 2:** That his term of appointment shall commence upon adoption of this resolution and shall expire on March 31, 2012.

**SECTION 3:** This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on April 1, 2008.

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REAPPOINTING TOM HOGAN TO THE MILWAUKIE LEDDING LIBRARY BOARD.**

**WHEREAS**, a vacancy exists on the Milwaukie Ledding Library 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**, Tom Hogan possesses the necessary qualifications to serve on the Milwaukie Ledding Library Board.

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

SECTION 1: That Tom Hogan is reappointed to the Milwaukie Ledding Library Board.

SECTION 2: That his term of appointment shall commence on April 1, 2008 and shall expire on March 31, 2012.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on April 1, 2008.

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING RON RASCH TO THE MILWAUKIE LEDDING LIBRARY BOARD.**

**WHEREAS**, a vacancy exists on the Milwaukie Ledding Library 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**, Ron Rasch possesses the necessary qualifications to serve on the Milwaukie Ledding Library Board.

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

SECTION 1: That Ron Rasch is appointed to the Milwaukie Ledding Library Board.

SECTION 2: That his term of appointment shall commence on April 1, 2008 and shall expire on March 31, 2010.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on April 1, 2008.

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

5.  
PUBLIC HEARING



**To: Mayor and City Council**

**Through: Mike Swanson, City Manager  
Kenneth Asher, Community Development and Public Works Director**

**From: Katie Mangle, Planning Director  
Ryan Marquardt, Assistant Planner**

**Subject: Milwaukie Riverfront Park Zoning and Comprehensive Plan Map  
Amendments**

**Date: March 25, 2008 for April 1, 2008 Regular Session**

**Action Requested**

Adopt an ordinance amending the Comprehensive Plan and Zoning Maps, and deleting a Historic Landmark. The Planning Commission's recommended findings and conditions in support of this action are attached in Attachment 1: Ordinance, Exhibits A and B.

**Background**

The applicant for the proposed map changes is the City of Milwaukie, represented by JoAnn Herrigel, Community Services Director. The City of Milwaukie is the property owner of both subject parcels in these land use applications.

This application includes proposed map changes necessary to proceed with developing Milwaukie Riverfront Park. Development of the park would eventually alter the area north of Kellogg Creek and south of Johnson Creek between SE McLoughlin Boulevard and the Willamette River. The map changes included in this application are the first phase of land use applications to allow development of the park. The Planning Commission will review the final design of the park in a subsequent Design Review land use application.

**Proposed Amendments**

The proposed zoning and comprehensive plan map changes would affect two specific sites - the northernmost parcel in the park (Tax Lot 4600) and the former railroad right of

way for the Portland Traction Line. The proposed changes are shown in Attachment 2: Comprehensive Plan and Zoning Map - Existing and Proposed.

Gary and Sharon Klein owned Tax Lot 4600 before they donated it to the City for the purpose of incorporating the land in Riverfront Park. Currently, the Comprehensive Plan designation of this lot is Town Center (TC), and its Zoning designation is Commercial Limited (CL). Since a park is not an outright allowed use in the CL zone, the City is proposing to change the zoning designation to Downtown Open Space (DOS). Rezoning this lot will allow the City to develop the park since Parks, Plazas and Open Space are outright permitted uses for the DOS zone.

The City is also proposing a Comprehensive Plan Map Change for Tax Lot 4600 to change its Comprehensive Plan designation from TC to Public (P). The change to the Comprehensive Plan Map designation is necessary to allow the City to rezone the lot from CL to DOS. The Comprehensive Plan designation determines what zones, and consequently what uses, are or are not appropriate for an area. The TC designation encourages mixed-use development combined with residential high-density housing and retail, service commercial, and/or offices. However, the Comprehensive Plan calls for publicly owned open spaces to be designated as Public. The Zoning Ordinance also specifically states that the DOS zone is established to implement the "Public" designation of the Milwaukie Comprehensive Plan. Based on the City's planned use of the lot, a Comprehensive Plan designation of Public is the most appropriate designation, and will allow a change from CL zoning to DOS for development of the Riverfront Park.

The other tax lot for which a change is proposed is Tax Lot 3901. This lot is a long parcel that runs from Johnson Creek south to Jefferson Street along the eastern edge of the park, and is the property that used to contain the Portland Traction Rail Line. The lot is currently covered by the Historic Preservation Overlay zone, and is listed as an "Unrankable" site. Prior to any development of such sites, Milwaukie Municipal Code (MMC) section 19.325.5 requires that the owner complete the process to either list the site as a Significant or Contributing resource, or delete it from the list. The City is proposing to delete the property from the City's Historic Resource list and remove the Historic Preservation Overlay. The Portland Traction Company abandoned the rail line in 1967, and the tracks were either removed or covered up sometime during the early 1970s. As described in the Key Issues section below, staff does not believe that the Historic Preservation Overlay is appropriate for the site, and complicates the development of the park. Deleting the Historic Resource Designation does not preclude the City from recognizing or commemorating the rail line that once ran through the park.

**Key Issue Number 1: Should the Historic Resource designation be removed from Tax Lot 3901?**

The proposed development of Riverfront Park involves grading and installation of stairs and a plaza on the site of the rail line alignment. The railroad bed and any remnants of rail or rail ties, if they exist, would be altered and/or removed. This would constitute

further demolition of the resource. The code requires that, before any alteration or demolition of an "Unrankable" resource takes place, it must either be listed as a Contributing or Significant resource or be removed from the list altogether. De-listing the rail line would mean that the site would be removed from the map and list of historic resources, and there would not be any further process for the Riverfront Park with regard to the Historic Preservation Overlay zone.

The rail line was in service from 1893 through 1958, and was an important transportation feature that linked Milwaukie to other cities as it developed in the 20<sup>th</sup> century. The Portland Traction Company abandoned the rail line in 1967, and the tracks were removed sometime prior to 1977. Until October 1989, the zoning code did not have any regulations pertaining to destruction of historic resources, or even designation of historic resources. Unfortunately, the City did not designate the rail line as an historic resource until it was already substantially destroyed. When the list was created in 1988, this resource was designated as "Unrankable," probably because little remained of the line or the trestle.

In 2007, the City hired historic resources consultant Martha Richards of URS Corporation to research this and other "Unrankable" properties on the City's Historic Resources list. She completed a Cultural Resources Survey Form and a Statement of Significance regarding the Portland Traction Line. In her opinion as a professional historic resource consultant, the resource is not eligible for listing as a Significant or Contributing Resource because almost no physical evidence of the rail line remains on the site. See Figures 1 and 2 below.



*Figures 1 and 2: Area of the Portland Traction Line in Riverfront Park looking north and south, respectively.*

To be ranked as a Contributing Historic Resource, which is the lesser of the two possible historic rankings, an historic resource must receive a rating score level of fifty to sixty percent of the evaluation worksheet or score a high of ten in at least one of the categories of the evaluation worksheet. Because almost no trace of the line remains, staff did not have the site evaluated according to this worksheet. At least 45 of the 86

points possible (52% of the score) depend upon the physical state of the resource. Because of the state of the Portland Traction Line, it is probably impossible for the property to reach 50% of the possible 86 points. It is also not likely that the land by itself would receive a score of 10 for its historical association with a person/group/organization, event, or a broad historical pattern.

If the City were to designate the rail line as either Significant or Contributing, development of the park would require that the City put the property through a formal review process to demolish an historic resource. City code requires that prior to demolition of an historic resource, the applicant must list the property for sale for at least 90 days, and the Planning Commission must hold a public hearing. The end result of the process is either approval of the demolition or sale of the property to another party. The process does not have any direct connection to preservation or recognition of the resource. Additionally, the City has no desire to sell the property, as this would preclude the proposed development of Riverfront Park. If the City were to designate the Portland Traction Line as a Significant or Contributing resource, the result would be to add additional process to the development of the Riverfront Park.

The Milwaukie Design and Landmarks Committee (DLC) commented that if the Portland Traction Line is removed from the list of Historic Resources, the line's presence within the park should be commemorated. The Community Services Director and Milwaukie Riverfront Board concurred and commented that commemoration can be tied into signage that is already planned for the Trolley Trail. See Attachment 4: Comments Received. Based on these comments, the Planning Commission recommends that the City Council adopt a condition of approval that at least one descriptive or interpretive sign, monument, or work of public art relating to the historical presence of the Portland Traction Line be placed within the redeveloped Riverfront Park. This condition ensures that the rail line's presence will be acknowledged in the park, and allows flexibility for the park designers with respect to the style and placement of such commemoration.

In conclusion, the Planning Commission believes the most appropriate course of action for the Portland Traction Line is commemoration in the future Riverfront Park through signage, a monument, or public art within the Park. This would ensure that this important part of Milwaukie's history is remembered when people visit the park, and avoid adding a regulatory hurdle to the Park's review and approval process.

**Key Issue 2: Do the proposed Comprehensive Plan Map and Zone Map changes comply with the criteria and procedures outlined in the Comprehensive Plan and Milwaukie Municipal Code?**

Changes to the Comprehensive Plan Map and Zoning Map must meet the criteria of the Comprehensive Plan and Zoning Ordinance. The Comprehensive Plan objectives and policies, the Downtown and Riverfront Plan, Statewide Planning Goals and the criteria for zoning map amendments support the proposed change to a Comprehensive Plan designation of Public and Zoning Map Change to Downtown Open Space. The applicable policies and criteria are listed below for the City Council's reference. A complete description of how the proposed changes comply with the policies and criteria

is found in Attachment 1, Exhibit A: Findings, and Attachment 3: Applicant's Narrative and Plans/Drawings.

As presented in the attached findings, the Planning Commission believes that the proposed changes are consistent with all applicable goals, policies, and regulations and makes sense for the site. The existing zoning of the property is not appropriate given its location. A significant portion of the site is covered by the Water Quality Resource, which limits its overall development potential. The site does not have direct access to a public street and is not readily visible. It is unlikely that the commercial uses allowed by the CL zone would be feasible on this site.

Changing the zoning to Downtown Open Space is a benefit to the City because it is necessary to allow the development of the Riverfront Park. The Park is a very important part of a revitalized downtown Milwaukie. It will help reconnect the City with the Willamette River, which is a defining characteristic of the City and its past. It will create a valuable recreational resource that will accommodate many different types of users with its paths, boat ramp, water features, plazas, informal amphitheatre open spaces. Lastly, it will restore and improve important riparian areas for Johnson Creek, Kellogg Creek, and the Willamette River.

### **Concurrence**

The Planning Commission considered the proposed changes at a hearing on March 11, 2008 and recommends that the City Council adopt the proposed changes.

The Design and Landmarks Committee reviewed the proposed deletion of the Portland Traction Line as a Historic Resource. See Attachment 4: Comments Received. They support this action so long as the rail line is commemorated within the redeveloped Riverfront Park. They are satisfied that the proposed condition of approval in Attachment 1, Exhibit 2 adequately addresses the issue.

The Riverfront Board commented that they support the proposed changes to allow the development of Riverfront Park. See Attachment 4: Comments Received.

The City Attorney concurs with adoption of the proposed changes.

### **Fiscal Impact**

There is no fiscal impact associated with the proposed map changes. The changes affect City owned property and the rezoning will not affect the tax base.

### **Work Load Impacts**

There is no significant work load impact associated with the proposed map changes. Staff will need to spend a small amount of time to correct City maps to reflect the changes. Staff will also need to provide notice of the changes to affected state and local government agencies.

**Alternatives**

- 1) Adopt an ordinance amending the Comprehensive Plan and Zoning Maps, and deleting a Historic Landmark with the findings and conditions in support of this action recommended by the Planning Commission.
- 2) Adopt an ordinance amending the Comprehensive Plan and Zoning Maps, and deleting a Historic Landmark with modified the findings and conditions in support of this action.
- 3) Continue the hearing to allow for further discussion.

**Attachments**

1) Ordinance

Exhibit A: Findings

Exhibit B: Condition of Approval

- 2) Comprehensive Plan and Zoning Map - Existing and Proposed
- 3) Applicant's Narrative and Plans/Drawings (to City Council only)
- 4) Comments Received

ATTACHMENT 1

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE CITY OF MILWAUKIE COMPREHENSIVE PLAN LAND USE MAP 7 FROM LAND USE DESIGNATION "TOWN CENTER" TO "PUBLIC" AND AMENDING THE MILWAUKIE ZONING MAP FROM "LIMITED COMMERCIAL ZONE C-L" TO "DOWNTOWN OPEN SPACE" FOR TAX LOT 4600 ON CLACKAMAS COUNTY ASSESSOR'S MAP 1S 1E 35AA; AND DELETING THE PORTLAND TRACTION LINE FROM THE CITY LIST OF HISTORIC RESOURCES.**

**WHEREAS**, the City of Milwaukie desires to review, amend, and revise its Comprehensive Plan and Zoning Ordinance on a regular basis; and

**WHEREAS**, the City of Milwaukie has applied for the changes described in land use files CPA-08-01, ZC-08-01 and HR-08-01 to enable the future redevelopment of the Milwaukie Riverfront Park; and

**WHEREAS**, the proposed changes are necessary steps toward revitalization of Milwaukie's Riverfront Park; and

**WHEREAS**, land use files CPA-08-01, ZC-08-01 and HR-08-01 have been reviewed by the Historic Milwaukie Neighborhood District Association, Milwaukie Riverfront Board, Milwaukie Design and Landmarks Committee, Metro, the Department of Land Conservation and Development, and other affected agencies; and

**WHEREAS**, land use files CPA-08-01, ZC-08-01 and HR-08-01 have been reviewed and recommended for adoption by the Planning Commission at a duly advertised Public Hearing on March 11, 2008, and;

**WHEREAS**, the City Council held a duly advertised Public Hearing on April 1, 2008; and

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

**SECTION 1. DELETION OF THE PORTLAND TRACTION LINE FROM THE HISTORIC RESOURCE LIST.** The section of the former Portland Traction Rail Line between Johnson Creek and Jefferson Street does not contain enough physical evidence of the rail line's presence to justify keeping the rail line on the City's list of historic resources.

**SECTION 2. FINDINGS.** Findings of fact in support of the proposed amendments are adopted as part of this ordinance and attached as Exhibit A (Findings).

**SECTION 3. CONDITIONS OF APPROVAL.** A condition of approval related to commemoration of the Portland Traction Line in the Riverfront Park is adopted as part of this ordinance and attached in Exhibit B (Condition of Approval).

ATTACHMENT 1

Read the first time on April 1, 2008, and moved to a second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_, 2008.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Ramis, Crew, & Corrigan, LLP

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

## **Exhibit A: Findings in Support of Approval**

Sections of the Milwaukie Comprehensive Plan and Milwaukie Municipal Code that are not addressed in these findings are found to not be applicable to the proposed map changes.

1. The City of Milwaukie (the "applicant"), represented by JoAnn Herrigel, has applied for a Comprehensive Plan Map Amendment (CPA-08-01), Zoning Map Change (ZC-08-01) and Historic Resource Review (HR-08-01). The applicant owns the properties for which the map changes have been proposed. The proposed map changes will allow the future development of the Milwaukie Riverfront Park.
2. The tax lots affected by the proposed map changes are Tax Lots 4600 and 3901 on Clackamas County Assessor's Map 1S 1E 35AA. The map change proposed by application CPA-08-01 is to change the Comprehensive Plan Designation on Tax Lot 4600 from Town Center (TC) to Public (P). The map change proposed by application ZC-08-01 is to change the Zoning Map on Tax Lot 4600 from Commercial Limited (CL) to Downtown Open Space (DOS). The map change proposed by application HR-08-01 is to remove the Unranked Historic Resource from the City's list of historic resources and remove the Historic Resource Overlay from Tax Lot 3901.

The Milwaukie Riverfront Park, which contains the affected lots, is bordered on the north by Johnson Creek, on the west by the Willamette River, on the south by the Kellogg Sewage Treatment Plant site, and on the east by SE McLoughlin Boulevard / Highway 99E. Tax Lot 4600 is on the northern portion of the Milwaukie Riverfront Park next to Johnson Creek. Tax lot 3901 runs north to south from Johnson Creek to SE Jefferson Street on the eastern side of the park.

3. Chapter 2 – Plan Review and Amendment Process of the Milwaukie Comprehensive Plan (MCP) governs the procedures for amendments to the MCP. Land Use Applications CPA-08-01 and ZC-08-01 are consistent with this chapter as follows:
  - A. Chapter 2, Objective #1, Policy #2 states: "The Planning Commission will hold at least one public hearing on any proposed modifications to the Plan and forward its recommendations to the City Council." On March 11, 2008, the Planning Commission held a public hearing and forwarded its recommendation to the City Council regarding land use files CPA-08-01, ZC-08-01, and HR-08-01. The City Council held a public hearing and adopted the changes proposed by these applications on April 1, 2008.
  - B. Chapter 2, Objective #1, Policy #4 states: "Submit copies of proposed Plan changes to affected governmental units at the draft amendment stage and following final adoption of changes." The proposed Plan changes were referred to all affected governmental units on February 4, 2008. Following the adoption of final changes, notice will again be provided pursuant to State, Metro, and City of Milwaukie requirements.
  - C. Chapter 2, Objective #1, Policy #6 states: "If the proposed amendment is quasi-judicial, notice of the requested change will be mailed to all residents within 400 feet of the property under consideration at least 30 days prior to the public hearing. Newspaper notice in accordance with the requirements for legislative plan amendments is also required."

All changes proposed by the applicant are Major Quasi-judicial. The notice procedures for Major Quasi-judicial hearings in MMC 19.1011.4(B) for providing newspaper notice, surrounding property owner notices, and a notice sign posted at the site were followed.

- D. Chapter 2, Objective #1, Policy #7 states that all plan amendments be evaluated based on the criteria listed in that Policy. The proposed plan amendment meets these criteria as follows:

i) *Conformance with the Comprehensive Plan, its goals, policies, and spirit*

The proposed changes will rezone Tax Lot 4600 from CL to DOS and change its Comprehensive Plan designation from TC to P. It is necessary to change the zoning designation to allow development of the park outright, since parks and open space are not permitted outright in the CL zone. The change in the Comprehensive Plan Designation is necessary because the type of uses called for in areas designated TC are structures with mixed uses. The Public designation is the most appropriate one to allow a public Riverfront Park to be developed.

As demonstrated in these findings, the proposed Comprehensive Plan Map and Zone Map changes are directly supportive of many of the Comprehensive Plan's goals and policies. The proposed changes are clearly and explicitly in conformance with the applicable goals and policies, and meet the spirit of the Comprehensive Plan and its ancillary documents.

ii) *Public need for the change*

The change allows for the development of the Milwaukie Riverfront Park to better serve the City, its residents, visitors, and users of the Willamette River. Development of the park will provide an economic catalyst for downtown and Milwaukie as a whole. The proposed Riverfront Park is supported by the Milwaukie Downtown and Riverfront Plan, which is an ancillary document to the Comprehensive Plan, and supported by many elements within the Comprehensive Plan itself.

iii) *Public need is best satisfied by this particular change*

Implementation of the proposed Riverfront Park development requires the Comprehensive Plan and Zone Map changes proposed by these applications. This particular change is the best and most straightforward change that will allow for the park to be developed.

iv) *The change will not adversely affect the health, safety, and welfare of the community*

The proposed changes will not result in any direct action that would be inconsistent with this criterion. Development of the Riverfront Park has the support of many diverse groups within the community. The changes to allow a park will bring more people to the area and should increase the overall health, safety and welfare of the community.

v) *The change is in conformance with applicable Statewide Planning Goals*

The proposed change is in conformance with the applicable Statewide Planning Goals as follows:

Goal 1: Citizen Involvement. The development of the Riverfront Park plan and the corresponding proposed zone changes were the result of a broad public involvement effort.

Goal 2: Land Use Planning. The proposed change is in conformance with the land use planning goals and policies embodied in Milwaukie's Comprehensive Plan and the Milwaukie Downtown and Riverfront Plan.

Goal 5: Open Spaces, Scenic and Historic Spaces, and Natural Resources. The proposed changes will allow development of a park that preserves open spaces, protects natural resources through riparian zone restoration and enhancements, and improves the scenic quality of the Milwaukie riverfront area.

Goal 7: Areas Subject to Natural Disasters and Hazards. The proposed changes allow development of a park. The proposed park complies with this goal by providing a use that does not put intensive uses and structures near a flood hazard area and by providing native plantings to stabilize riverbanks and better absorb stormwater.

Goal 8: Recreational Needs. The proposed changes comply with this goal because they allow development of a park in downtown Milwaukie that will serve the recreational needs of various groups of users from Milwaukie and the surrounding area.

Goal 15: Willamette River Greenway. The proposed changes comply with this goal because they allow for development of a park that will increase views to and from the river, provide public access to the riverfront, and provide multiple forms of recreation focused on the river.

- vi) *The change is consistent with Metro Growth Management Functional Plan and applicable regional policies*

The changes will allow for development of open space on the site that preserves and enhances the natural features of the site. This supports Metro's Title 3, Water Quality and Flood Management of the Metro Functional Plan. No other titles of the Functional Plan are applicable.

4. The proposed Comprehensive Plan Map Change and Zoning Map Change are consistent with the Milwaukie Comprehensive Plan as follows:

- A. MCP Chapter 1 – Citizen Involvement. The development of the Riverfront Park and the associated map changes are the result of extensive public involvement. This involvement includes a declaration of cooperation for the Milwaukie Riverfront Park Project. Parties to this agreement included Celebrate Milwaukie, Inc., Johnson Creek Watershed Council, Friends of Kellogg Creek and nearby property owner. The Milwaukie Riverfront Park Board was appointed by the City Council to develop and monitor implementation of the Milwaukie Riverfront Park. The City has kept citizens involved and updated through numerous neighborhood district association meetings, discussions with the Riverfront Board and Parks Board, open houses, surveys, information in the City newsletter and its website. The public was properly notified of all public hearings pursuant to Milwaukie Municipal Code (MMC) Section 19.1011.4.

- B. MCP Chapter 3 – Environment and Natural Resources.
  - i) Natural Hazards Element. The proposed park design includes native planting and re-vegetation projects along the Willamette River and Johnson Creek. These replanting will aide in bank stabilization and flood control. All future development of the Riverfront Park will comply with MMC Title 18, Flood Hazard Regulations. The map changes to allow development of Riverfront Park are consistent with this element.
  - ii) Open Spaces, Scenic Areas, and Natural Resources Element. The proposed park design will create a large, high quality open space in downtown Milwaukie and further utilize the river as a scenic resource for the City. Plantings and re-vegetation in the park will restore the park as an important natural resource for the City.
- C. MCP Chapter 4 – Land Use.
  - i) Recreational Needs Element. The proposed park will better utilize an existing park site in the City. A redeveloped Riverfront Park will be a key asset to the City's livability and civic identity. The size and variety of programming proposed for the park will make it a diverse recreational facility. The development of the park will also increase opportunities for Riverfront Recreation.
  - ii) Willamette Greenway Element. Redevelopment of the Riverfront Park will increase views, interaction, and access to and from the Willamette River, and provide a public recreational use along the river.
- 5. MMC Chapter 19.900, Amendments, governs changes to the zoning map. The proposed Zone Map and Comprehensive Plan Map amendments are consistent with this chapter as follows:
  - A. MMC 19.901 allows amendments to the zoning map to be initiated by the City Council, Planning Commission, or by the application of a property owner. As owner of Tax Lot 4600, the City of Milwaukie has initiated this amendment application.
  - B. MMC 19.902 governs the procedures for processing amendments. The application is a zoning map amendment and has been processed in accordance with MMC 19.1011.4, Major Quasi-judicial review. Notice was provided to the Oregon Department of Land Conservation and Development on February 13, 2008. Notice was provided to Metro on February 19, 2008, and a functional plan analysis was provided to Metro 15 days prior to the final hearing on the proposed change.
  - C. MMC 19.903 provides requirements for zoning map amendments. The applicant's submittal contains all the information required by this subsection.
  - D. MMC 19.905 contains approval criteria for zoning map and text amendments. The proposed change complies with these criteria as follows:
    - i) MMC 19.905.1.A requires that the proposed amendment must conform to applicable Comprehensive Plan goals, policies and objectives and be consistent with the provisions of city ordinances, Metro urban growth management functional plan and applicable regional policies. As

described in Finding 3 above, the proposed zone change complies with this criterion.

- ii) MMC 19.905.1.B requires that the anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The planning commission and city council shall use its discretion to weigh these factors in determining the intent of the proposed zone.

The proposed zone change meets the intent of the proposed zone. MMC 19.312.2.E describes the characteristics of the Downtown Open Space zone. The description is: "The downtown open space zone is established to implement the "Public" designation of the Milwaukie comprehensive plan and to provide a specific zone to accommodate open space, park, and riverfront uses. The downtown open space zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the downtown open space zone includes parkland, open space, and riverfront amenities."

The subject site is adjacent to other parcels that make up Riverfront Park and is bordered by the Willamette River, Johnson Creek and McLoughlin Boulevard. The character of the immediate area is recreation (boat ramp with parking) and open space (river bank, undeveloped, grassed and treed areas). The site zoned C-L has grass covered areas and a mitigation site related to McLoughlin Boulevard improvements. Across McLoughlin are commercial uses. The previous small-scale commercial uses (a tavern and antique shop) no longer exist and all of the adjacent area is now undeveloped. Commercial uses nearby are confined to the east side of McLoughlin Boulevard. Therefore, the rezone to DOS from C-L is compatible with the existing and adjacent uses as well as the "Public" comprehensive plan designation.

The development effects would primarily be from grading and additional traffic. The proposed park plan would decrease the overall amount of existing impervious surfaces within the park. Mitigation measures would be required through the permitting process to protect the creeks from erosion during construction. Water quality facilities located near the parking areas will address the effects of developing new impervious surfaces within the park. A traffic study would be conducted for the application for site development to determine the best way to manage traffic flows.

Because the proposal replaces open space with open space, no major changes to the existing development pattern within the park are expected. The site is currently developed with mitigation for impacts from the McLoughlin Boulevard road widening project with street landscaping, a sidewalk, a path and grass. The proposed development within the C-L site primarily includes adding grass, restoring the bank along Johnson Creek with native plant materials, and developing a portion of a paved trail and pathway that will lead to a paved overlook. The expected change would be limited to an expansion of existing park uses, which is currently not conforming for the C-L zone but is consistent with the planned land use and the adjacent public park use. No other changes to nearby development patterns would be expected that would not already be supported by the proposed zone change.

- iii) MMC 19.905.1.C requires that the proposed amendment will meet or can be determined to reasonably meet applicable regional, state or federal regulations. No regional, state or federal regulations are anticipated to apply to the proposed rezone of the parcel from C-L to DOS. Therefore, the proposed amendment complies with this criterion.
- iv) MMC 19.905.1.D requires that the proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.

According to Section 19.312 (E) in the Milwaukie Zoning Ordinance, “The downtown open space zone is established to implement the “Public” designation of the Milwaukie comprehensive plan and to provide a specific zone to accommodate open space, park, and riverfront uses.” Anticipated future development of the park would be limited to parkland, open space, and riverfront amenities. Public facilities and services would be subject to less demand from development under the DOS zone than from development under the C-L zone. The main demands would be from operation of the entire Riverfront Park, and the specific impacts from the C-L site would be minimal or none as it is proposed to include trees, grass, and paved areas. Public services would therefore generally be limited to park maintenance.

Existing public facilities in the vicinity a high voltage PGE overhead powerline that runs the length of the park, water lines, and the Kellogg Waste Treatment Plant located south of Kellogg Creek. Public facilities will remain in their existing locations and the proposed rezone will not increase demand on these facilities. The park will include water quality facilities located near the boat ramp parking area and the proposed parking area near the waste treatment plant.

Therefore, current and future public facilities and services can accommodate anticipated development of the subject site as a result of this proposed rezone.

- v) MMC 19.905.1.E requires that the proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact analysis may be required subject to the provisions of Chapter 19.1400.

Highway 99 (McLoughlin Boulevard) borders Riverfront Park on the east side. The City's functional classification of this section of McLoughlin Boulevard is arterial. During a recent traffic analysis for this street, it was projected to be Level of Service E or better. Traffic operational findings, within the McLoughlin Boulevard Retrofit Project (McLoughlin Technical Memo #3, DKS Associates 2003), provide additional capacity and traffic impact analysis information relevant to the proposed amendment.

A transportation impact analysis is required if the proposed change meets the "threshold scoring" method described in the Transportation Design Manual. Because the proposed zone change is from a zoning designation that allows more intense uses to a zoning designation that allows less intense uses, a TIS is not required for this zone change.

6. Land Use Application HR-08-01 is a request to remove the Unranked Historic Resource from the City's list of historic resources and remove the Historic Resource Overlay from Tax Lot 3901. This tax lot is the former site of the Portland Traction Line Railway that ran between Portland and Oregon City, through Milwaukie. The tax lot is currently designated as an Unrankable Historic Resource. The procedures for deleting a landmark have been completed, as demonstrated below:
  - A. MMC 19.323.4.A allows property owners to make an application for designation or deletion of an historic resource, and states that "the application shall be in such a form and detail as the planning director prescribes." The planning director requested the following information from the applicant: Cultural Resources Survey Form and a narrative describing how the proposal meets the evaluation criteria. The planning director did not require submission of the Cultural Resource Evaluation Form used by the in City 1988 to score potential historic resources. The review procedure for such an application is the Major Quasi-judicial review described in MMC 19.1011.4. The applicant, the City of Milwaukie, is the property owner. The Planning Commission held a public hearing on March 11, 2008, and the application has been processed per the requirements of MMC 19.1011.4.
  - B. MMC 19.323.4.B requires the Planning Commission to conduct a public hearing, enter findings, and make a written recommendation to the City Council. The City Council's findings on this request are as follows:
    - i) The 40 historic properties on the City's list that are ranked as "Significant" or "Contributing" were evaluated using a Cultural Resource Survey Form that was part of the 1988 Milwaukie Historic and Cultural Resources Inventory. The survey form has three categories of criteria: Historical Association, Architecture and Environment.  
  
In 2007, the City engaged Martha Richards, an historic preservation consultant with URS Corporation, to evaluate the Portland Traction Line. She was asked to use the Cultural Resources Survey Form and her best professional judgment to recommend a course of action for the City among three options: 1) designate the Portland Traction Line as Significant, 2) designate it as Contributing, or 3) remove it from the inventory list.
    - ii) The consultant completed the Cultural Resource Survey Form, which provides basic facts and data about the rail line. The consultant also

produced a Statement of Significance for the property, which provides a narrative description of the history and features of the rail line.

The evaluation concluded that the Portland Traction Line was the first streetcar line in Portland, and as such played an important role in Milwaukie's early development. Unfortunately, little physical evidence of the line remains in the Riverfront Park area. The location of the Traction Line is "barely discernable" in the area with the Historic Resource Overlay. Ms. Richards' conclusion is that "although the streetcar line was an important transportation improvement for the residents of Milwaukie, not enough physical evidence remains in this vicinity to warrant its designation as an historic resource."

- iii) MMC 19.323.3 Definitions describes that to be designated as a Contributing Historic Resource, "...an historic resource must receive a rating score level of fifty to sixty percent of the evaluation worksheet or score a high of ten in at least one of the categories of the evaluation worksheet."

The site was not evaluated according to this worksheet. At least 45 of the 86 points possible on the score sheet depend upon the physical state of the resource. Due to the unfortunate loss of most of the physical evidence of the Portland Traction Line, it is not possible for the property to reach 50% of the possible 86 points. Further, it is not likely that the resource would receive a score of 10 for its historical association with a person/group/organization, event, or a broad historical pattern. The City Council finds that despite the line's association with the early development of Milwaukie, this resource could most likely not meet the definition of a Contributing Historic Resource.

- iv) The City Council finds, based on the above evaluation, that the Portland Traction Line, described as Tax Lot 3901 of Clackamas County Assessor's Map 1S 1E 35AA, be removed from the local list of historic resources and remove the Historic Resource overlay from this property. As a condition of approval, the City Council requires that at least one descriptive or interpretive sign, monument, or work of public art work relating to the historical presence of the Portland Traction Line be placed within the redeveloped Riverfront Park.

- 7. Notice of the proposed changes were given to the following agencies and persons: City of Milwaukie Engineering Department, Historic Milwaukie Neighborhood District Association (NDA), Clackamas County, Metro, Oregon Department of Transportation, Oregon Department of Land Conservation and Development, North Clackamas Parks and Recreation District, and the Milwaukie Design and Landmarks Committee. The following comments were received:

The Engineering Department commented that a transportation impact study is not required for the proposed zone change because the proposed zoning allows less intensive use of the site.

The Milwaukie Design and Landmarks Committee (DLC) commented on the removal of the Portland Traction Line site from the Historic Resource inventory. They are in favor of placing the Portland Traction Line permanently on the Historic Resource list. They also commented that they would support the removal of the designation if the leaders of the

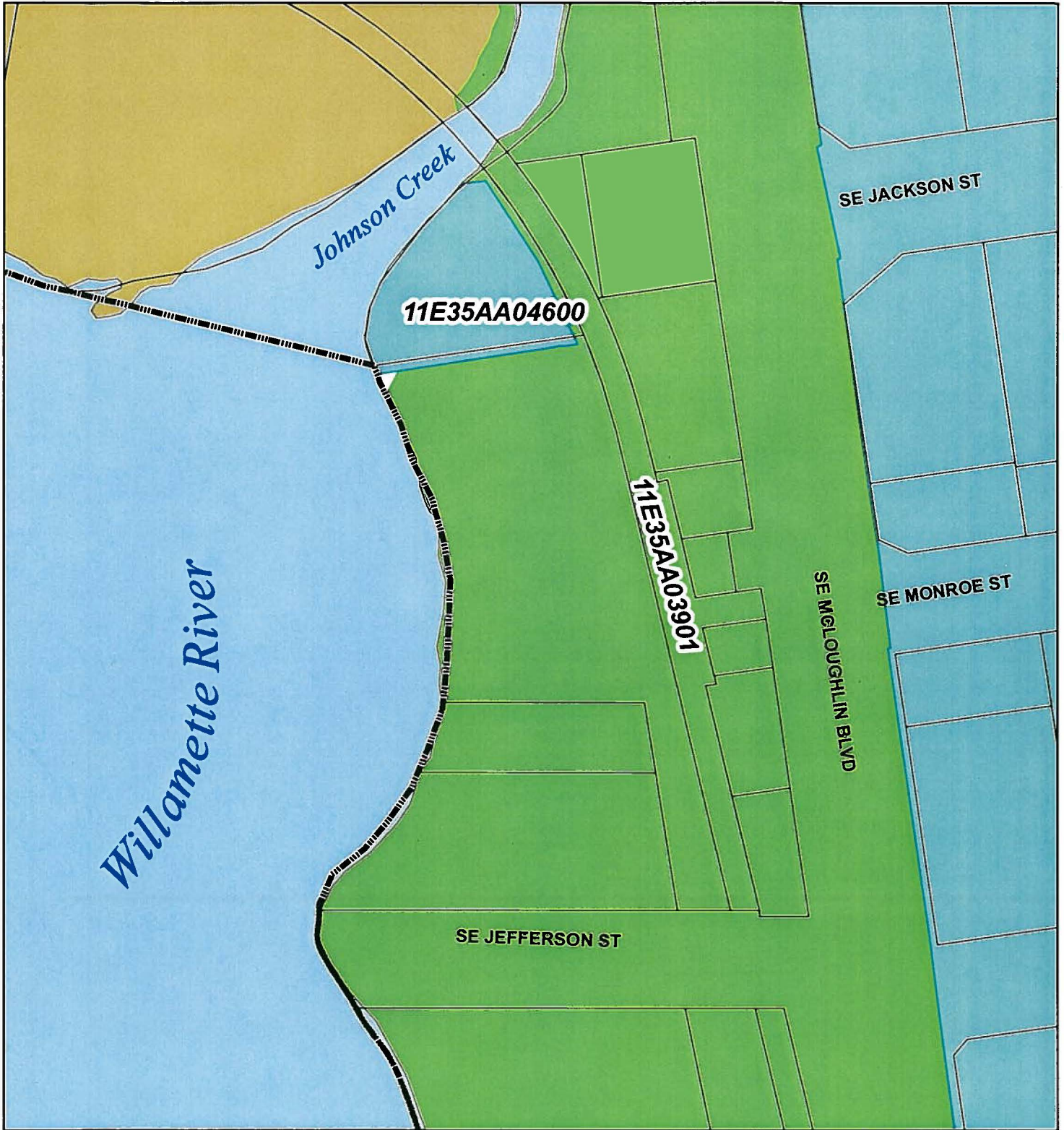
park project and the park's designers will commit to and offer a more tangible demarcation of the line before the resource is altered. They proposed conditions for consideration by the Planning Commission that assure the Portland Traction Line will be commemorated on the area where the rail line once ran.

JoAnn Herrigel, on behalf of the Riverfront Board, commented that she and the Riverfront Board they concur with the DLC's comment that the Portland Traction Line should be commemorated within the Riverfront Park. The Riverfront Board prefers that there be flexibility as to final design of the park and how the Portland Traction line is commemorated.

No other comments were received.

## **Exhibit B: Condition of Approval**

1. Future development of the Milwaukie Riverfront Park that affects Tax Lot 3901 on Clackamas County Assessor's Map 1S 1E 35AA shall include placement of at least one descriptive or interpretive sign, monument, or work of public art relating to the historical presence of the Portland Traction Line. The sign, monument, or public work of art shall be placed within the Riverfront Park site, which is defined as south of Johnson Creek, north of Kellogg Creek, west of SE McLoughlin Boulevard, and east of the Willamette River.












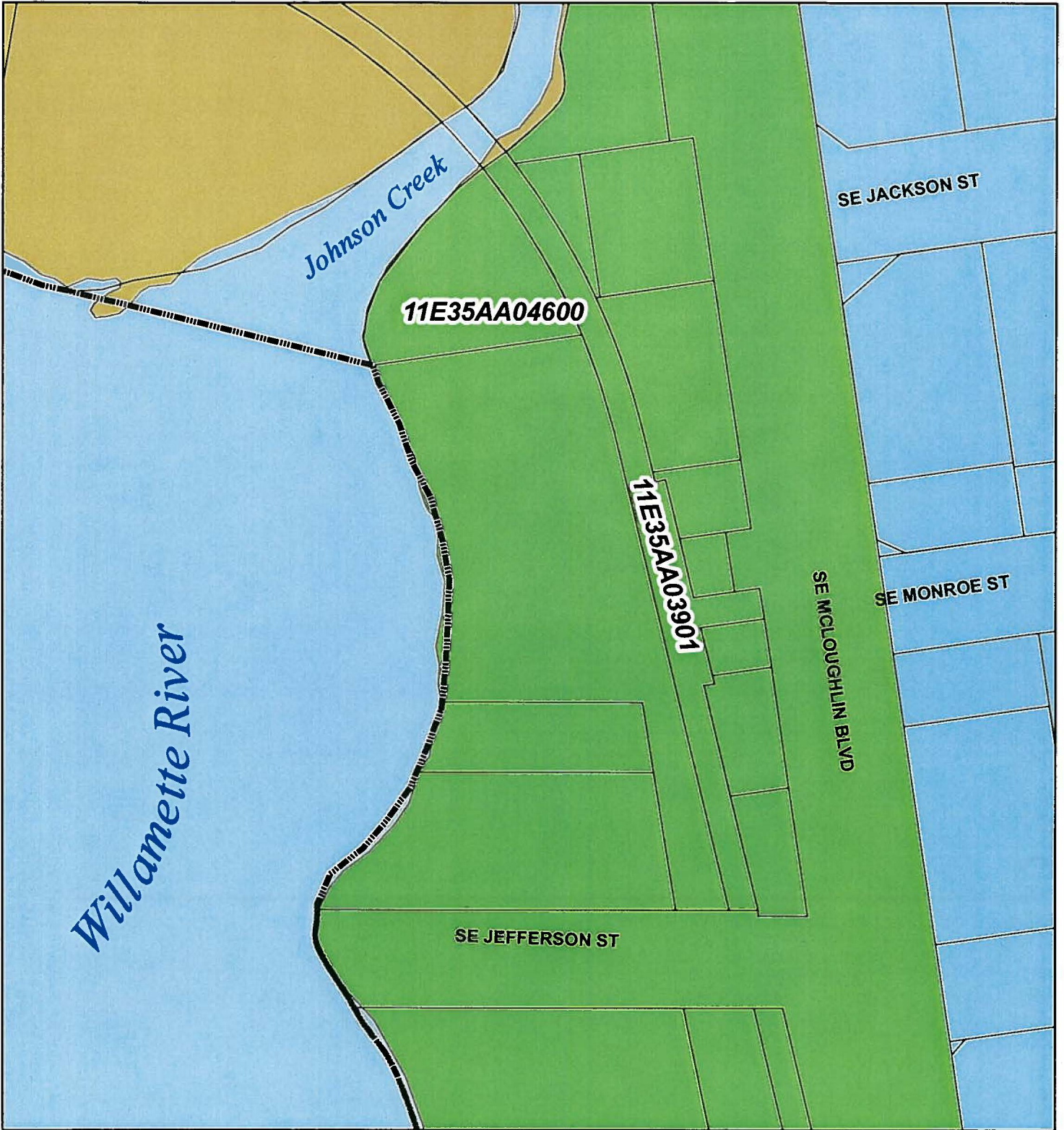
**Existing Comprehensive Plan  
Land Use Designation  
Land Use File #CPA-08-01**



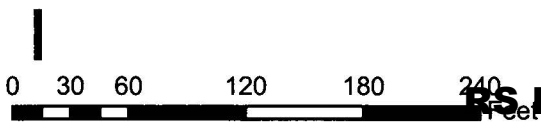
**Legend**

**Comp. Plan Designation**

-  LD - Low Density
-  MD - Moderate Density
-  MED. D - Medium Density
-  HD - High Density
-  C - Commercial
-  C/HD - Mixed Use
-  I - Industrial
-  P - Public
-  TC - Town Center



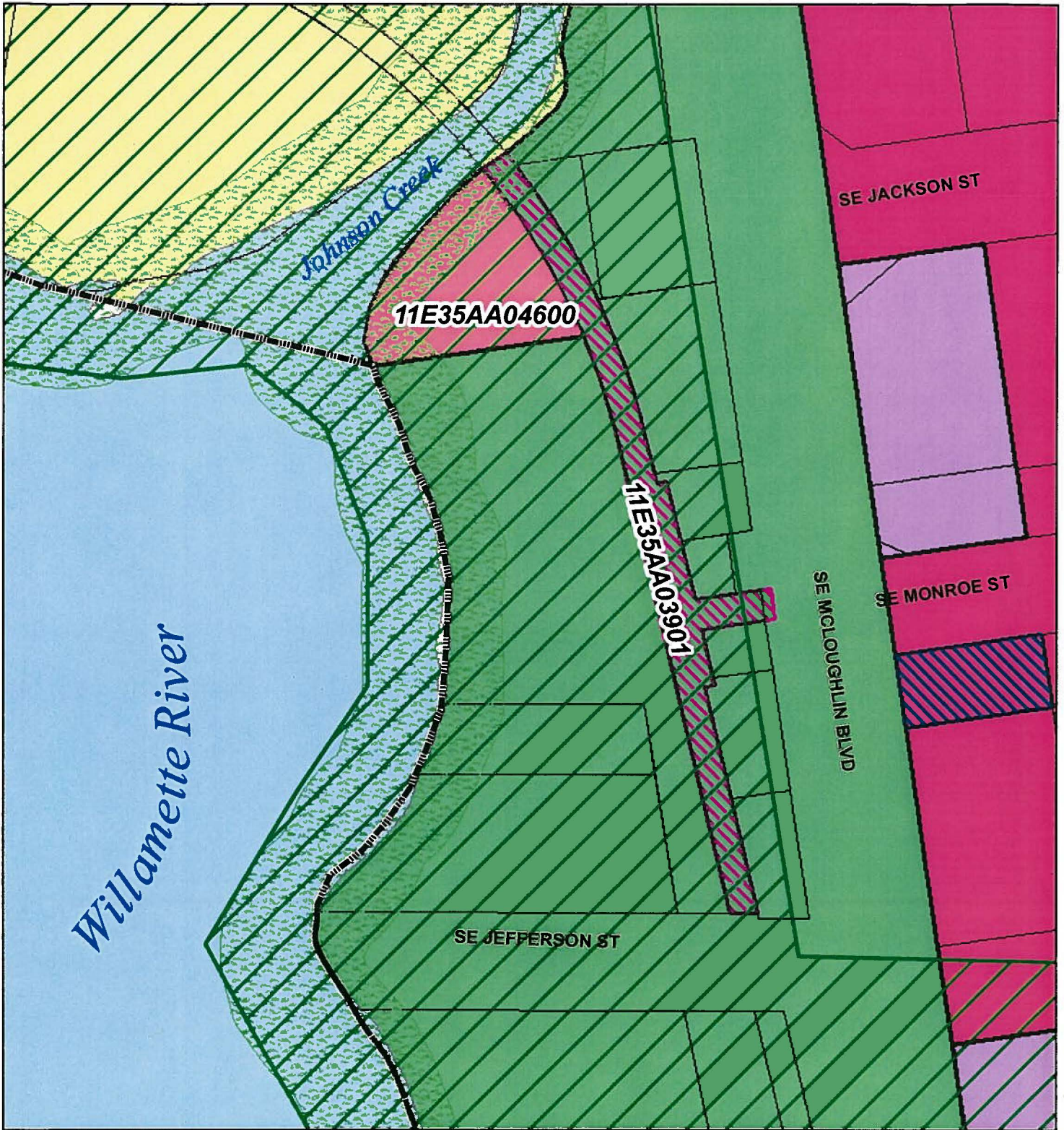
**Proposed Comprehensive Plan  
Land Use Designation  
Land Use File #CPA-08-01**



**Legend**

**Comp. Plan Designation**

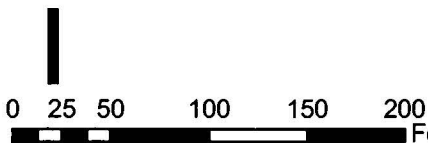
- LD - Low Density
- MD - Moderate Density
- MED. D - Medium Density
- HD - High Density
- C - Commercial
- C/HD - Mixed Use
- I - Industrial
- P - Public
- TC - Town Center

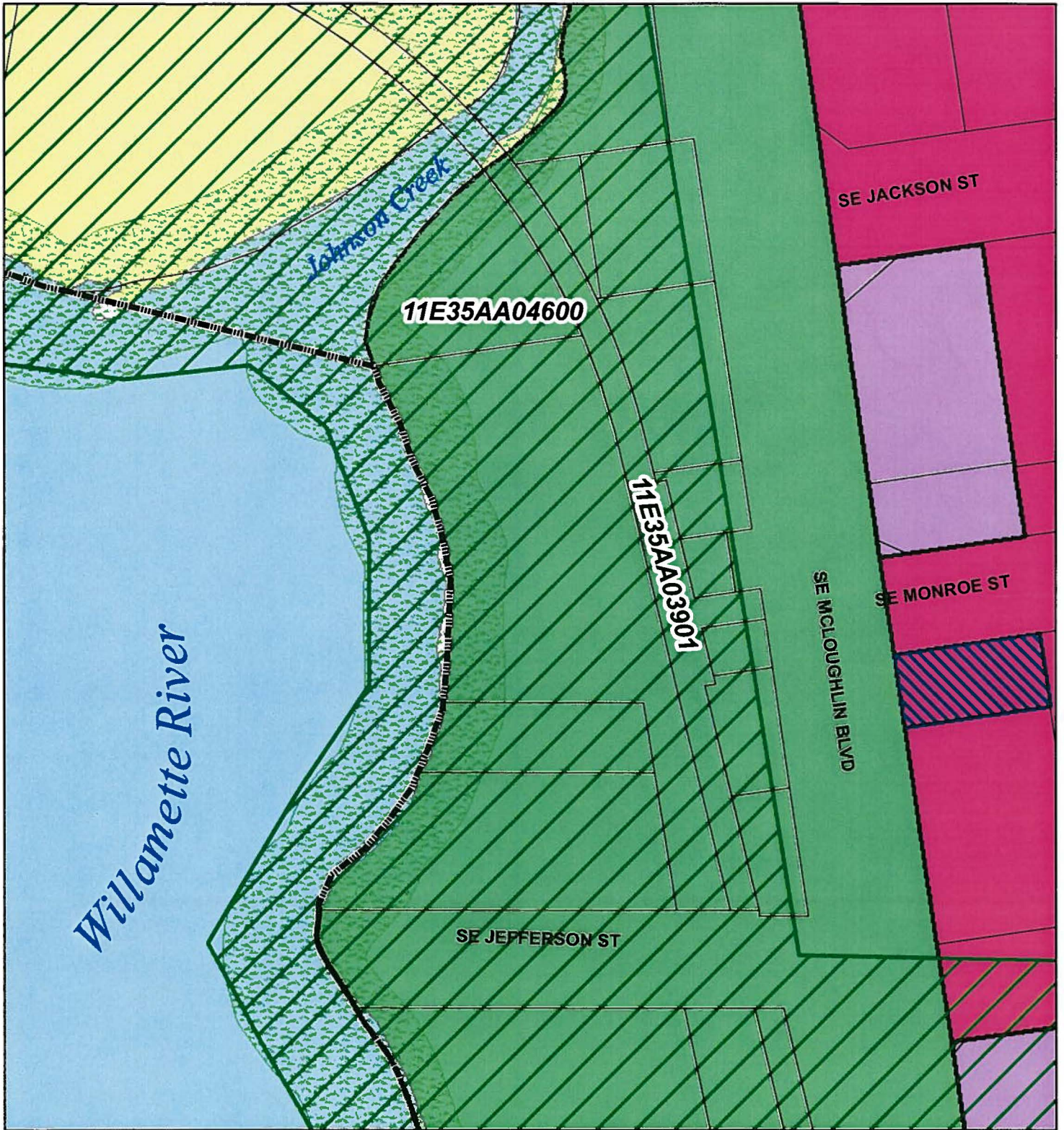


**Existing Zoning**  
**Land Use File #CPA-08-01**

**Legend**

- |     |                           |                          |
|-----|---------------------------|--------------------------|
| R2  | Water Quality Resources   | Willamette Greenway Zone |
| CL  | Riparian Buffer           |                          |
| DC  | Wetland Buffer            |                          |
| DO  | <b>Historic Resources</b> |                          |
| DR  | Significant               |                          |
| DS  | Contributing              |                          |
| DOS | Unrankable                |                          |

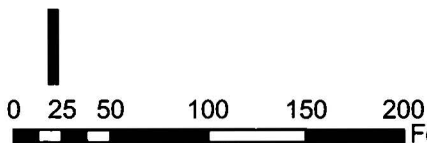




**Proposed Zoning**  
**Land Use File #CPA-08-01**

**Legend**

- |               |                                |                          |
|---------------|--------------------------------|--------------------------|
| <b>Zoning</b> | <b>Water Quality Resources</b> | Willamette Greenway Zone |
| R2            | Riparian Buffer                |                          |
| CL            | Wetland Buffer                 |                          |
| DC            | <b>Historic Resources</b>      |                          |
| DO            | Significant                    |                          |
| DR            | Contributing                   |                          |
| DS            | Unrankable                     |                          |
| DOS           |                                |                          |



# ATTACHMENT 4a



February 21, 2008

Planning Commission  
City of Milwaukie  
10722 SE Main Street  
Milwaukie, OR 97222

RE: CPA-08-01, ZC-08-01, HR-08-01

Dear Planning Commissioners:

This letter formally transmits the recommendation of Milwaukie's Design and Landmarks Committee regarding the request to remove the Portland Traction Line from the City's Inventory of Historic Resources.

The Portland Traction Line is currently listed within the City's Inventory of Historic Resources but has not been ranked as a significant or contributing resource. Beginning in 1893, the line was popularly known as the nation's first true electric railroad, and connected Milwaukie with Portland to the North, and Oregon City to the South until 1967.

While this committee is principally in favor of retaining the Traction Line on the city's Historic Inventory, the recent applications for the development of the Riverfront Park have required us to consider ranking or removing the resource from the inventory. We have been informed by staff that the ranking of, and the continued presence of the Traction Line on the City's inventory may add time and expense to the development of the park.

As we understand it, the design for the Riverfront Park has currently only been prepared on a conceptual level. The changes proposed for the Traction Line site include stairs and a plaza. If made part of the final design, these features would eliminate any sign of the railroad bed and any remaining sections of the line itself.

Instead of recommending the Planning Commission require the Applicant to permanently place this property within the City's Inventory, this Committee is prepared to entertain removal of the resource from the Historic Inventory if the leaders of the park project and the park's designers will commit to and offer a more tangible demarcation of the line before the resource is altered. We are requesting a commitment from the City of Milwaukie that the new park design will in some way visually commemorate the presence of the Portland Traction Line within the physical boundaries of the historic rail line on that property.

The Committee is not asking the designer to restore the railroad track and build the park around it, but we do believe the City, the park and the people of Milwaukie will benefit if visual reference elements of the traction line are included and experientially present in the theme or design of the park.

In order to guarantee that a landmark will be included in the final approved park design, we strongly recommend that one or both of the following conditions of approval (or conditions with a similar intent) be added to the approval of the aforementioned applications. (DLC members strongly lean toward both conditions being accepted):

1. At least one descriptive monument, interpretive monument, or public art work, relating directly to the historical presence of the Portland Traction Line shall be placed within the area formerly designated as Historically Significant.
2. The design of any structures, pathways, or features within the Historically Significant portion of the Riverfront Park design shall meaningfully reflect the historical presence of the Portland Traction Line.

We suggest these conditions of approval as a tool to allow the development of the Park to move forward while creating a valuable reminder of Milwaukie's place in the historic growth of the state's largest population center.

The Design and Landmarks Committee is very committed to increase public awareness of historically significant features of downtown Milwaukie. The removal of this long neglected resource from the historic listing without any form of commemoration of this once vital transportation corridor will be a lasting loss to this community. The Design and Landmarks Committee supports your thoughtful consideration of the questions raised by these applications and appreciates the opportunity to be included in any discussion that affects treatment of Milwaukie's culturally significant resources.

The Committee's decision to prepare this recommendation was unanimous. We encourage the Planning Commission to take advantage of this opportunity to creatively celebrate Milwaukie's history while reconnecting the community to our historic roots along the Willamette.

On behalf of all its members,



Patricia Wisner, Chair  
Design and Landmarks Committee  
City of Milwaukie



Mileage markers should be placed at quarter-mile increments along the Trolley Trail.

TRAIL DESIGN ELEMENTS

Trailhead Access Signage

Since trailheads will serve as access point to people that may not be as familiar with the trail, information signage should be provided that includes a "You Are Here" map and trail etiquette signs. These should be placed on an information kiosk (see Figure 7), designed to be reflective of the former trolley station design. Kiosk must be ADA compliant.

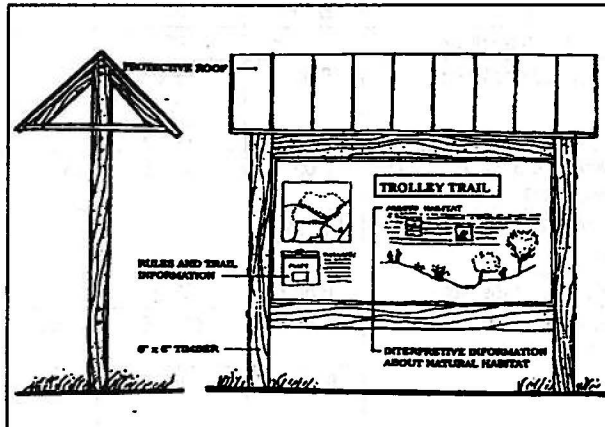


Figure 7. Information Kiosk

Trail Etiquette Sign: Utilize at key access points

The trail etiquette sign will clearly spell out proper rules and customs for trail users. This will be based on national standards and accepted trail practices. A sample sign is shown in Figure 8.



Figure 8. Trail Etiquette Sign

Directional Signage *write out*

Directional signage provides orientation to the trail user and emphasizes the continuity of the trail. St. names, mileage markers, and place names are key elements that should be called out along the trail. St. names should be called out at all trail intersections with roadways. Mileage markers should be based on the historic railroad mileposts, with mileage call outs at quarter-mile increments. In addition to providing trail users with a distance reference, mileage markers are an attraction to joggers and walkers that target exercise for set distances. Directional signage should be used to call out key destinations along the trail route and include the following:

## ATTACHMENT 4c



February 29, 2008

Milwaukie Planning Commission  
Via Katie Mangle  
6101 SE Johnson Creek Blvd  
Milwaukie, OR 97267

Milwaukie Planning Commission Chair and Members:

At their January 22, 2008 meeting, the Milwaukie Riverfront Board discussed the three land use applications recently submitted to the Planning Commission related to the City's Riverfront Park. The members voted unanimously to recommend the approval of these applications by the Commission.

At their February 26 meeting, the Riverfront Board reviewed the February 2, 2008 letter from the Design and Landmark Commission to the Planning Commission regarding the Traction Line de-listing. They were pleased that the DLC was amenable to the de-listing of the Traction line segment from the City's Inventory of Historic Resources. The Board appreciates the DLC's concern for adequate commemoration of the Portland Traction line. The Board and staff from the management team agree that the Traction line is an important part of the history of the city and the region and are committed to its commemoration.

While committed to memorializing the Traction Line, the Riverfront Board, City project management staff, and the design staff at David Evans and Associates feel that the location and type of commemoration should be left to the design team. The Trolley Trail master plan calls for interpretive signage at strategic locations along the Traction Line's 6.5 mile segment between Milwaukie and Gladstone. The team is confident that in addition to any memorial the City installs, the Traction Line will be well memorialized along the length of the new trail. City staff and North Clackamas Parks District staff have discussed the installation of an interpretive sign describing the Traction Line's history near the trailhead at Jefferson Street in Milwaukie. The District is very supportive of this idea.

The design team and the Riverfront Board have put a great deal of time and effort into setting the design for this Park in motion. There is a great deal of

MILWAUKIE CITY HALL  
10722 SE MAIN STREET  
MILWAUKIE, OREGON 97222  
PHONE: (503) 786-7555 • FAX: (503) 652-4433

momentum for this project now that we hope to maintain. Many people and organizations have suggested themes and memorials and even infrastructure for the park and the team is doing their best to integrate them all. We appreciate the DLC's comments regarding the Traction Line's history and importance and we are committed to commemorating it in the Park in a meaningful way. We would request that the Planning Commission allow the design team to use their judgment in selecting the type and location for a memorial for this historic feature.

I have attached an excerpt from the Trolley Trail Master Plan showing the type of interpretive signs being considered for installation along the Trolley Trail.

I appreciate your consideration of this issue and look forward to discussing it further at the March 11 hearing.

Sincerely,

A handwritten signature in blue ink that reads "JoAnn Herrigel". The signature is written in a cursive, flowing style.

JoAnn Herrigel  
Community Services Director

6.  
OTHER BUSINESS



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Community Services Director

Subject: Resolution Authorizing application for Grant for Riverfront Park Phase I

Date: March 18, 2008

**Action Requested**

Approve a resolution authorizing staff to apply for a grant from the Oregon Parks and Recreation Department (OPRD) for Phase One of Milwaukie Riverfront Park.

**Background**

The Oregon Parks and Recreation Department administers an annual grant program that distributes money to local government agencies for financing parks and recreation areas. The City of Milwaukie used funding from this same grant program to construct Lewelling Community Park in 2005-06. The maximum grant amount available under this program in 2008 is \$750,000.

In October of 2006, the City hired David Evans and Associates (DEA) to complete design plans for Milwaukie Riverfront Park. The design has come a long way since then and is now at about a 60% design level. There is still a great deal of work to be done to complete the design, obtain land use approvals and permits and to identify funding for full park construction (see attached project update). However, in order to show the public some tangible results of the City's work on this project and maintain the momentum we have gained, staff would like to apply to (OPRD) for \$750,000 in April of 2008 for a first phase of Milwaukie Riverfront Park construction.

At the City's request, DEA's design team has identified a first phase of the park enhancement that may be completed before land use and permitting is complete and which meets the criteria for the grant program. The elements of this first phase would include:

- Relocation of a water line that traverses the park,

- Relocation of power poles that currently bisect the upper level of the park property,
- Regrading of the upland portion of the park, including removal of a retaining wall between upper and lower levels, and
- Installation of at least one basic park amenity in the upland portion of the park.

### **Concurrence**

The Riverfront Board is supportive of this grant application. The City's Planning and Engineering Directors have reviewed the work proposed to be completed under Phase I of the Riverfront Project and support this grant application.

### **Fiscal Impact**

A 40% match (or, \$300,000) is required for a grant of \$750,000. Staff proposes to use the appraised value of the Klein property (\$250,000), donated to the City in 2003 as the bulk of the City's match. The remainder of the match would be made up of design and engineering costs already incurred by DEA on the project. It is not expected that general funds will be contributed to this match. However, the Community Services budget for 2008-09 does propose adequate funding for the Riverfront Project to cover a minimal match contribution if required.

### **Work Load Impacts**

Community Services staff will complete the grant application. If awarded the grant, community services staff will coordinate grant administration and general project implementation. Engineering and public works staff will oversee the water line relocation project.

### **Alternatives**

Deny authorization to apply for this grant.

### **Attachments**

1. Milwaukie Riverfront Design Project Update
2. Proposed Resolution

# Attachment 1

## Milwaukie Riverfront Park Design Update March 19, 2008

In 2006, the Riverfront Board delivered to City Council a concept plan for Milwaukie Riverfront Park. City Council endorsed this concept and requested that staff move forward with design of the Park. In October of 2006, the City contracted with David Evans and Associates (DEA) for development of design and engineering plans for Milwaukie Riverfront Park.

Current activities related to the Milwaukie Riverfront Park Design can be separated into three main areas: 1) Design, 2) Land use approvals/permitting and 3) Funding. Below is a summary of activities completed to date or underway in each area. It should be noted that these activities, while categorized separately, are taking place concurrently.

### **Design**

The Park design is at about a 60% design level as of March 2008. David Evans expects to provide the City with 90% design plans by July 1, 2008. The final 10% of the design will be completed when the Joint Application Permit has been approved and all comments have been received from regulators.

The Riverfront Board will consider at their March 25<sup>th</sup> meeting how to initiate a discussion regarding Park “themes”. With the Park design in a mature state, it is time to focus on the details of the landscape, art and specific materials used for the Park structures. We also have several stakeholders with interest in placing monuments in the park for which specific locations must be identified and aesthetic choices made.

### **Land Use and Permitting Approvals**

The land use approvals and permitting of Milwaukie Riverfront Park is complicated due to the fact that it is bordered by water on three sides. Ironically, the most attractive aspect of the park makes it cumbersome to design and permit. The design team and City staff are approaching this approval process from the perspective of *working with regulators* rather than combating them. We plan to ask for input and integrate ideas from the regulators, not try to force our ideas on them. Thus we are submitting applications for approvals before the final plan is complete.

The majority of the proposed park enhancements fall within geographic areas that are regulated by either local land use code or state and federal laws. Any proposed site modifications or enhancements that fall under any of these codes or laws, therefore, must be approved before enhancements take place. Thus, what we build at Riverfront and when we build it must be carefully orchestrated to avoid breaking any rules.

## **Local Land Use Approvals**

With the assistance of DEA, three land use applications have been submitted to, and approved by, Planning Commission to date. These applications include:

- **Request for an Amendment to the Milwaukie Comprehensive Plan Map from town Center to Public**  
Tax Lot 4600 is designated as “Town Center” (TC) in the Comprehensive Plan. The TC designation emphasizes compact mixed-use environment. The proposed “Park” designation emphasizes open space, park and riverfront uses. Tax lot 4600 is the only parcel on the Riverfront that still has TC designation and in order to move forward with the park – the designation is required to change.
- **Request for an Amendment to the City of Milwaukie zoning map**  
Tax Lot 4600 – which the Kleins donated to the City in 2003 is currently zoned Limited Commercial (C-L). Parks are not outright permitted uses in C-L zones but they ARE in Down Town Open Space (DOS). This action will rezone the property from C-L to DOS to allow the park development to be permitted.
- **Request to De-List an Unrankable Historic Resource from Milwaukie Inventory of Historic Resources**  
In 1988 the City completed an inventory of historic properties. 40 properties were listed as significant, contributing or unrankable. Of the 40, 6 were unrankable. One of these six was the Portland Traction line. The City later hired a contractor to evaluate the six unrankable properties and to prepare recommendations on whether each was eligible for de-listing. The consultant’s conclusion was that the Traction Line was eligible to be removed. This application requests that it be removed so that “alteration or demolition” may be permitted in this area.

The Planning Commission approved the above applications at their March 11 meeting. These applications will be forwarded to Council for their approval at the April 1 regular session.

Four additional land use applications will be required by the Riverfront Project. These include:

- 1) Willamette Greenway
- 2) Water Quality Resource Zone
- 3) Downtown Design Review
- 4) Transportation Plan Review

Although the Willamette Greenway and Water Quality Resource Zone applications are almost complete, all four applications will be submitted at one time. Staff expects that this submittal will be in May 2008.

### **Joint Permit Application**

Driven by the location of the Park with respect to the river and creeks, the project will be required to submit a Joint Permit Application. This application is submitted to the Corps of Engineers and the Division of State Lands. Staff expects to submit this application in early April 2008. The review process for this application may take up to one year. So, although DEA expects to have 90% design plans to the City by July 1, 2008, the design may not be finalized until after April 2009. If the review goes smoothly, it is possible that the Joint Permit approval will be conveyed earlier than April 2009, in which case, the design will be completed shortly after permit approval is received.

### **Park Funding**

To date, the City has used general funds from the City budget and \$100,000 in funding from the North Clackamas Parks and Recreation District to pay for the Riverfront Park design. It is now expected that the cost of construction of the Park may exceed the original estimate of \$3 million by as much as 100%. We will not have the actual total project cost until the design is complete. Obviously, it is not expected that the general fund or any other easily identifiable revenue source will be able to fund the whole project. Thus, staff and DEA are attempting to break the project into smaller portions that can be completed using various sources of grant funds.

DEA is currently developing a "Phasing Plan" for the project that identifies groups of project components that could be completed in sequence. Although the complete phasing plan is not yet final, DEA has identified a first phase which staff believes can be completed before the final approval of the local, state and federal permits and approvals are received. This first phase would focus on site preparation. Specifically, a water line and power poles would be relocated, the upland area of the site would be graded and a public amenity (as yet unidentified) would be installed. Staff plans to submit a grant application to the Oregon Parks and Recreation Department by April 4, 2008 for this first phase.

There are two main sources of grant funding that staff plans to pursue on behalf of the Riverfront Project. The first source is the Oregon Parks and Recreation Department (OPRD). The second is the Oregon Marine Board (OMB). The OPRD grant program is offered on annual basis and the OMB program is offered every other year (next round is 2009). These two programs are attractive for several reasons. First, they both offer large maximum grant awards. Second, the City and this specific park project are eligible for the funds. And, finally, at least for the OPRD grants, up to two grants can be carried by a local government

at a time and, with this one qualification, there is no limit to how many grants we can be awarded over time.

Staff is also networking with other agencies and organizations to identify other sources of funding for direct construction as well as for assistance with matches required by grants we pursue. The North Clackamas Parks and Recreation District may be able to contribute Park SDC funds to the project. Private funds may be available, too, as the design becomes more detailed. Staff is continuously on the look out for sources of funding and accepts any and all suggestions on this front.

### **Summary**

As is often the case with large public projects, there are many tasks related to the Riverfront Park development that are happening simultaneously. Unfortunately, none of them are very “real” from the public’s perspective. When asked what is happening on the Riverfront Project, staff is hard-pressed to come up with a concise answer that leaves the inquirer with a sense of true accomplishment on the Park’s behalf. As previously noted, the location of the Riverfront Park is what makes it beautiful, but it is also what complicates its construction.

Staff is attempting to move all parts of the project forward at the same time and will continue to keep Council apprised of the project’s progress. With luck, by March of 2009 we will be moving dirt at Milwaukie Riverfront Park!

Attachment 2

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING STAFF TO APPLY FOR A GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR PHASE ONE OF MILWAUKIE RIVERFRONT PARK.**

**WHEREAS**, the Oregon Parks and Recreation Department is accepting applications for the Local Government Program in April 2008; and

**WHEREAS**, the City of Milwaukie desires to participate in the grant program to the greatest extent possible as a means of providing needed park and recreation improvements and enhancements ; and

**WHEREAS**, City staff, the Riverfront Board and the Riverfront Park design team at David Evans and Associates have identified Phase I of the Milwaukie Riverfront Park construction as eligible for funding by OPRD’s Local Government Program ;and

**WHEREAS**, Phase I improvements at Milwaukie Riverfront Park will include relocation of a water line that traverses the park, relocation of power poles that currently bisect the upper level of the park property, regrading of the upland portion of the park, including removal of a retaining wall between upper and lower levels, and installation of at least one basic park amenity in the upland portion of the park.

**WHEREAS**, the applicant hereby certifies that the matching share for this application is readily available at this time;

**NOW, THEREFORE, BE IT RESOLVED** that Milwaukie City staff is authorized to apply for a Local Government Program Grant from the Oregon Parks and Recreation Department for up to \$750,000 in park site preparation and enhancements at Milwaukie Riverfront Park as specified above.

Introduced and adopted by the City Council on \_\_\_\_\_ .

This resolution is effective on \_\_\_\_\_ .

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney



**To: Mayor and City Council**

**Through: Mike Swanson, City Manager**

**From: Kenneth Asher, Community Development and Public Works Director**

**Subject: South Downtown Concept Plan Contract**

**Date: March 21, 2008 for April 1, 2008 Meeting**

**Action Requested**

Authorize the City Manager to execute a \$50,000 contract with the Center for Environmental Structure to assist the city with further explorations related to the planning and development of the South Downtown Area.

**History of Prior Actions and Discussions**

**November 2006** – Work Session discussion regarding the Cash Spot, Robert Kronberg Park and the need for coordinated planning at the south end of downtown.

**April 2007** – Work Session discussion to solicit council ideas for South Downtown.

**November 2007** – Work Session discussion to review a preliminary concept Plan created by Gast-Hillmer urban design.

**March 2008** – Work Session discussion to consider staff's intention to move the planning effort to the next stage of development.

**Background**

In late 2007, South Downtown concept drawings were developed by urban designer Gerry Gast, tying together a number of existing and planned revitalization projects into a cohesive vision for Milwaukie's south downtown area (see staff reports from November 2007 and March 2008). The concept plan displayed features including a new public plaza for the Milwaukie Farmers Market and other civic events, the restoration of Kellogg Creek, a pedestrian undercrossing of McLoughlin Boulevard, pedestrian connections to Milwaukie High School, Robert Kronberg Park, Riverfront Park, mixed-use development, and a proposed light rail station at Lake Road.

Council reviewed these drawings and expressed qualified support for many of the ideas shown. Staff was directed to share the concept with committees and neighborhoods, which was done in late 2007 and early 2008. Reporting back to Council in March 2008, staff disclosed that all audiences (and most individuals) were intrigued or excited about the concept. Staff requested Council support in moving forward with additional planning. Council provided this support.

The city issued a Request for Qualifications (RFQ) soliciting firms to help validate and develop the concept plan for the south end of downtown Milwaukie. Specifically, staff sought firms that could provide both urban design and public involvement services. Eleven firms submitted proposals in response to the RFQ. These firms included architects, landscape architects, engineers, and land use economists.

Staff reviewed the proposals and elected to interview two firms, including one based in Portland and the other split between Eugene, Oregon and Berkeley, California. The principal from the non-Portland firm, called the Center for Environmental Structure (CES), flew to Portland for its interview on March 19. Based on the submittal and interview, staff has selected CES as the most highly qualified firm for meeting the City's needs.

CES is a 40-year-old non-profit corporation comprised of architects, planners, engineers, and contractors that has planned and/or built towns, buildings, landscapes and gardens in a variety of settings. The firm's approach is to create spaces that are highly adapted to support human experience. In its submittal to the RFQ, the firm emphasized user participation:

We believe that people have a right to determine and shape their own environment. We also believe that they know more details necessary to the creation of a good environment, and that good planning and good architecture can only come from whole hearted involvement of the users in the shaping of their streets and buildings.

The commitment to user participation, the recognition of each town as unique and special, and the long and illustrious history of this firm and its use of pattern languages made CES a strong match for Milwaukie. In flying to Milwaukie for its interview, and in the interview itself, CES further demonstrated its commitment to understanding Milwaukie, its needs, and the specific explorations necessary for validating and developing the South Downtown concept. The CES team is enhanced by having two team members based in Eugene, Oregon.

The attached contract contains a preliminary scope of work describing the services that CES will provide to the City. These focus on developing a deep understanding of the South Downtown area – especially its land, geometry, use and function. As importantly, the firm will spend time learning about how Milwaukians' feel about the area (and specific places in the study area), and will provide an initial take on identifying the "patterns" that should guide future public and private investment in the area for years to come.

CES expects to execute this work between May and August 2008. CES Vice-President Randy Schmidt is preparing a return trip to Milwaukie on April 15<sup>th</sup> to present to Council on the firm's experience and approach.

### **Concurrence**

Community Development staff has conferred with the Planning and Community Service directors on this contract and selection. Both concur with the selection, as does the City Manager.

### **Fiscal Impact**

Funds for this contract are available in the Community Development budget. The current fiscal year budget and the proposed budget for fiscal year 2008-2009 have sufficient capacity to cover the cost of the contract.

### **Work Load Impacts**

This project is included in the Community Development work plan for this fiscal year. Staff time from the Community Development Department will be required to complete this project. Staff is hopeful that this work will complement the Community Development, Community Services, Economic Development and Planning Department work plans, which include multiple related projects (including Riverfront Park planning, Public Area Requirement code revisions, Main Street, Kellogg Creek bridge replacement grant writing, etc.)

### **Alternatives**

Staff has been thorough in its solicitation and does not recommend an alternative approach. Council has reviewed the work to date, as well as the correspondence received by staff to date. Staff does continue to welcome input from the Council as to how to best involve stakeholders in this effort.

### **Attachments**

1. Resolution
2. CES Contract and Scope of Work

ATTACHMENT 1

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE CENTER FOR ENVIRONMENTAL STRUCTURE FOR PLANNING SERVICES FOR MILWAUKIE’S SOUTH DOWNTOWN AREA.**

**WHEREAS**, in 2006 the City of Milwaukie recognized the need for coordinated planning to optimize future development of parks and other improvements in the South Downtown area; and

**WHEREAS**, the City has conducted preliminary planning exercises for this part of town, which have been shared with the City Council, Planning Commission, Parks and Riverfront Boards, Neighborhood Associations and others; and

**WHEREAS**, the City is in need of additional planning services to learn more about the South Downtown area, the initial plans drawn up for the area, and the desires of people who care about downtown development; and

**WHEREAS**, the City solicited for these services as required by statute and did conduct interviews with firms deemed mostly highly qualified; and

**WHEREAS**, the Center for Environmental Structure was determined to be the firm most qualified to address Milwaukie’s needs in this area; and

**WHEREAS**, the Community Development Department has sufficient resources to fulfill this contract and does view this work as essential to achieving the revitalization plans and policies in place for the City;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council authorize the City Manager to execute a contract with the Center for Environmental Structure in the amount of \$50,000.

Introduced and adopted by the City Council on April 1, 2008.

This resolution is effective on April 1, 2008.

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney



**CITY OF MILWAUKIE, OREGON  
 AGREEMENT FOR SERVICES RELATED TO**

**SOUTH DOWNTOWN CONCEPT PLAN DEVELOPMENT**

THIS AGREEMENT made and entered into this 2nd of April, 2008 by and between the City of Milwaukie, a municipal corporation of the State of Oregon, hereinafter called City, and Center for Environmental Structure, hereinafter called Contractor.

**RECITALS**

WHEREAS, Contractor has submitted a bid or proposal to City to provide specific services; and

WHEREAS, Contractor is in the business of providing specific services and is aware of the purposes for which City requires the services; and

WHEREAS, City and Contractor wish to enter into a contract under which City shall purchase the services described in Contractor’s bid or proposal;

THEREFORE, The parties agree as follows:

**1. SERVICES TO BE PROVIDED**

Contractor agrees to provide services related to the South Downtown Milwaukie Concept Plan Development as detailed in Exhibit A – Scope of Services and by this reference made a part hereof.

Contractor agrees to complete work that is detailed in Exhibit A and by this reference made a part hereof. Contractor may have some contact with the public in the course of performing this contract and shall maintain good relations with the public. Failure to maintain good relations with the public shall constitute a breach of the contract. The City may treat the failure to maintain good relations as a non-curable breach allowing the City to terminate the contract and to disqualify Contractor from future work for the.

**2. EFFECTIVE DATE AND DURATION**

Contractor shall initiate services upon receipt of City’s notice to proceed, together with an executed copy of this Agreement. This Agreement shall become effective upon the date of execution and shall expire, unless otherwise terminated or extended, on 12/31/08. All services shall be completed prior to the expiration of this Agreement.

**3. COMPENSATION**

City agrees to pay Contractor an amount not exceeding Fifty Thousand dollars (\$50,000) for performance of those services described herein, which payment shall be based upon the following applicable terms:

- A. Payment will be made in installments based on Contractor's invoice, subject to the approval by the City, and not more frequently than monthly. Payment shall be made only for work actually completed as of the date of invoice.
- B. Payment by City shall release City from any further obligation for payment to Contractor, for services performed or expenses incurred as of the date of the invoice. Payment shall not be considered acceptance or approval of any work or waiver of any defects therein.
- C. Where applicable, Contractor must make payment promptly as due to persons supplying Contractor labor or materials for the execution of the work provided by this order. Contractor must pay all contributions or amounts due from Contractor to the Industrial Accident Fund incurred in the performance of this order. Contractor shall not permit any lien or claim to be filed or prosecuted against City or any subdivision of City on account of any labor or material to be furnished. Contractor further agrees to pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.
- D. If labor is performed under this order, then no person shall be employed for more than eight (8) hours in any one day, or forty (40) hours in any one week, except in cases of necessity, or emergency or where the public policy absolutely requires it, and in such cases, except cases of contracts for personal services as defined in ORS 279A.055, the labor shall be paid at least time and a half for all overtime in excess of eight (8) hours a day and for all work performed on Saturday and on any legal holidays as specified in ORS 279C.540. In cases of contracts for personal services as defined in ORS 279A.055, any labor shall be paid at least time and a half for all hours worked in excess of forty (40) hours in any one week, except for those individuals excluded under ORS 653.010 to 653.260 or under 29 USC SS 201-209..
- E. If Contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to Contractor or a subcontractor by any person as such claim becomes due, City may pay such claim and charge the amount of the payment against funds due or to become due the Contractor. The payment of the claim in this manner shall not relieve Contractor or their surety from obligation with respect to any unpaid claims.
- F. Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention incident to sickness or injury to the employees of Contractor or all sums which Contractor agrees to pay for such services and all moneys and sums which Contractor collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.
- G. The City certifies that sufficient funds are available and authorized for expenditure to finance costs of this contract.

**5. ASSIGNMENT/DELEGATION**

Neither party shall assign or transfer any interest in or duty under this Agreement without the written consent of the other and any attempted assignment or transfer without the written consent of the other party shall be invalid.

**6. SUBMITTING BILLS AND MAKING PAYMENTS**

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

<b>Contact Information for City</b>	<b>Contract Manager for Contractor</b>
City of Milwaukie	Company: Center for Environmental Structure
Attn: Kenneth Asher	Attn: Randy Schmidt
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206	Address: 2701 Shasta Road, Berkley CA 94708
Phone: (503) 786-7654	Phone: 510-841-6166
Fax: 503-774-8236	Fax: 510-841-8668
Email Address: asherk@ci.milwaukie.or.us	Email Address: rs@patternlanguage.com

**7. TERMINATION**

The parties agree that any decision by either party to terminate this Agreement before 31st of December, 2008 shall be accompanied by thirty (30) days written notice to the other party prior to the date termination would take effect. There shall be no penalty for early termination. If City terminates the contract pursuant to this paragraph, it shall pay Contractor for services rendered prorated to the date of termination.

**8. ACCESS TO RECORDS**

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

**9. FORCE MAJEURE**

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

**10. NON-DISCRIMINATION**

Contractor agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statues, rules, and regulations. Contractor also shall comply with the Americans with Disabilities Act of 1990, ORS 659.425, and all regulations and administrative rules established pursuant to those laws.

**11. INDEMNITY/HOLD HARMLESS**

Contractor shall defend, indemnify and hold harmless City, City's officers, employees, agents and representatives from and against all liability, claims, demands, judgments, penalties, and causes of action of any kind or character, or other costs or expenses incidental to the investigation and defense thereof, of whatever nature, resulting from or arising out of the activities of the Contractor or its subcontractors, agents, or employees under this contract, except, however, that the foregoing shall not apply to liability that arises out of City's sole negligence.

**12. INSURANCE**

Contractor shall maintain insurance acceptable to City in full force and effect throughout the term of this contract. Such insurance shall cover all risks arising directly or indirectly out of Contractor's activities or work hereunder.

The policy or policies of insurance maintained by the Contractor shall provide at least the following limits and coverages:

**A. Commercial General Liability Insurance**

Contractor shall obtain, at contractor's expense, and keep in effect during the term of this contract, Comprehensive General Liability Insurance covering Bodily Injury and Property Damage on an "occurrence" form (1996 ISO or equivalent). This coverage shall include Contractual Liability insurance for the indemnity provided under this contract. The following insurance will be carried:

<u>Coverage</u>	<u>Limit</u>
General Aggregate	1,000,000
Products-Completed Operations Aggregate	1,000,000
Personal & Advertising Injury	1,000,000
Each Occurrence	1,000,000
Fire Damage (any one fire)	50,000
Medical Expense (any one person)	5,000

**B. Business Automobile Liability Insurance**

If Contractor will be delivering any goods or services which require the use of a vehicle, Contractor shall provide City a certificate indicating that Contractor has business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than \$1,000,000. Said insurance shall name City as an additional insured and shall require written notice to City thirty (30) days in advance of cancellation. If Contractor hires a carrier to make delivery, Contractor shall ensure that said carrier complies with this paragraph.

**C. Workers' Compensation Insurance**

The Contractor and all employers providing work, labor or materials under this Contract that are either subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage that satisfies Oregon law for all their

subject workers or employers that are exempt under ORS 656.126. Out-of-state employers must provide Oregon workers' compensation coverage for their workers who work at a single location within Oregon for more than 30 days in a calendar year. Contractors who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than \$500,000 each accident.

**D. Insurance Carrier Rating**

All coverage provided by the Contractor must be underwritten by an insurance company deemed acceptable by the City. The City reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.

**E. Certificates of Insurance**

As evidence of the insurance coverage required by the contract, the Contractor shall furnish a Certificate of Insurance to the City. No contract shall be effected until the required certificates have been received and approved by the City.

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

**20. ATTORNEY'S FEES**

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

**21. COMPLIANCE WITH STATE AND FEDERAL LAWS/RULES**

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

**22. CONFLICT BETWEEN TERMS**

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument in the proposal of the contract, this instrument shall control and nothing herein shall be considered as an acceptance of the terms of proposal conflicting herewith.

**23. SEVERABILITY**

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

**24. COMPLETE AGREEMENT**

This Agreement, including the exhibit, is intended both as a final expression of the Agreement between the parties and as a complete and exclusive statement of the terms. In the event of an inconsistency between a provision in the main body of the Agreement and a provision in the Exhibit, the provision in the main body of the Agreement shall control. No modification of this Agreement shall be effective unless and until it is made in writing and signed by both parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. Contractor, by the signature of its authorized representative, hereby acknowledges that Contractor has read this Agreement, understands it and agrees to be bound by its terms and conditions.

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

**CITY OF MILWAUKIE**

\_\_\_\_\_  
By: Mike Swanson, City Manager

\_\_\_\_\_  
Date

**CONTRACTOR**

Center for Environmental Structure  
By: Company Name

Randy Schmidt, Vice-President  
Print Name & Title of Authorized Representative

\_\_\_\_\_  
Sign Name

\_\_\_\_\_  
Date

## **EXHIBIT A**

### **South Downtown Concept Plan Review, Validation, Exploration and Development**

#### **Scope of Work**

1. Land Diagnosis and Concept Plan Review. Survey of the land's potentials, its strong and weak features, as well as strengths and weaknesses of current South Downtown Concept plan.
2. Discussions with Stakeholders and development of ongoing work group. These discussions will help identify the issues, concerns, hopes, dreams, aspirations and preferences of the stakeholders. Conversations will focus on specifics in the land itself.
3. Mapping of the diagnoses; this will help identify, graphically, where people want to congregate, what's not working, what the land is trying to tell us; this will broaden the discussion to include other voices. Additionally, this will include the preferences that people have for certain patterns, either existing or desired.
4. Initial Pattern Identification: to make specific the values that both the land and the people are trying to express, in specific architectural terms. These will not be fully fleshed out, but will provide an excellent starting point for future development.
5. Final Report; to summarize and present all of the above findings, including a final recommendation on which features of the existing Plan should be developed and which should be restructured, relocated or abandoned.



**To: Mayor and City Council**

**Through: Mike Swanson, City Manager**  
**Kenneth Asher, Community Development and Public Works Director**

**From: Katie Mangle, Planning Director**  
**Susan P. Shanks, Senior Planner**

**Subject: Transportation Code Update Project**  
**Consultant Contract Award**

**Date: March 21, 2008 for April 1, 2008 Regular Session**

**Action Requested**

Authorize the City Manager to sign an Agreement for Services Contract for land use consulting services for the Transportation Code Update Project with Angelo Planning Group in the amount of \$37,000 (Attachment 1).

**Background**

Planning and Engineering staff are prepared to begin a code update project that has been on the Planning Commission work plan for the past two years. The project to update the City's various codes related to transportation is much-needed because these regulations affect nearly every land use and development application that the City processes. The City's current transportation regulations have proven to be difficult to understand, apply, and defend.

Staff has briefed Council on the issues to be addressed by this contract on at least three occasions over the past year:

- In March 2007, Planning and Engineering staff briefed council on the City's Fee in Lieu Of Construction (FILOC) practices, seeking direction on how to implement this program. The Transportation Code Update project will refine the FILOC program and document council's guidance in the code.
- During the 2007 Transportation System Plan (TSP) council briefings, staff described that one of the next steps would be for the City to update its

transportation regulations and street design standards so they accurately reflect and implement the goals and policies contained in the TSP.

- In its January 2008 decision on Mr. Parecki's appeal of the Planning Director's interpretation of the City's public area requirements code section (19.312), Council directed staff to amend the code to provide for a better balance between public and private investments in downtown Milwaukee. Additional challenges with this code section include the lack of guidance with regard to exacting proportional improvements, and the lack of flexibility for staff to look for creative solutions when the planned street design is difficult to implement. Other transportation-related code sections also have similar challenges, and this project will address them all. See the attached Contract and Scope of Work for more detail (Attachment 2).

In February 2008, staff developed a Scope of Work and distributed a Request for Qualifications (RFQ). Planning staff sent the Request for Qualifications (RFQ) to six reputable consulting firms with relevant experience and posted the announcement on the American Planning Association (APA) website. The City received three proposals in response to the RFQ. Planning staff evaluated the proposals based on the qualifications of each firm and project team; project approach; the ability to work cooperatively and successfully with governmental agencies and the public; and competitiveness of billing rates. Angelo Planning Group was chosen based on the firm's superior experience with this type of project; their knowledge of the City's transportation standards and regulations; experience with developing land use and transportation policy; and a history of preparing clear and thorough products (Attachment 3).

### **Concurrence**

Planning, Engineering, and Community Development staff worked together to develop the Scope of Work for this project. Planning staff will be briefing the Planning Commission on this project's scope and status at their March 25, 2008 meeting. This project has been on the Planning Commission's work plan for the last two years.

### **Fiscal Impact**

The fee proposed by Angelo Planning Group was similar to the fee proposed by another consulting firm and in the range of what staff expected and considers reasonable. The Planning Department has enough consulting budget to cover the anticipated costs of this project in the 2007-08 fiscal year, and the requested Planning budget for fiscal year 2008-09 includes a consulting budget sufficient to fund this and additional planning projects.

### **Work Load Impacts**

This project is included in the work plans for the Planning and Engineering Departments for fiscal years 2007-08 and 2008-09. Planning staff will lead this project, but Engineering and Community Development staff will make significant contributions to developing the recommendations.

### **Alternatives**

1. Defer the project to a later date. This alternative will postpone this long overdue code update project. Almost all land use applications and development permits are subject to the City's transportation regulations and standards, which have proven to be difficult to understand, apply, and defend. Postponing this project will result in the continuation of unnecessary process, effort, expense, and frustration for applicants and staff. It will also do nothing to lessen the City's liability exposure with regard to exactions.
2. Reject proposals and re-advertise. It is unlikely that re-advertising the project will result in retaining a firm with superior qualifications.

### **Attachments**

1. Attachment 1: Resolution authorizing City Manager to enter into an Agreement for Services Contract with Angelo Planning Group in the amount of \$37,000.
2. Attachment 2: Agreement for Services Contract between the City and Angelo Planning Group in the amount of \$37,000 and the Transportation Code Update Project Scope of Work
3. Attachment 3: Angelo Planning Group Letter of Interest

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT FOR SERVICES CONTRACT FOR DEVELOPMENT OF TRANSPORTATION CODE AMENDMENTS.**

**WHEREAS**, the City's transportation regulations require updating to make them easier to understand, apply, and defend; and

**WHEREAS**, updated transportation regulations will serve to implement the goals and policies of the recently adopted Transportation System Plan; and

**WHEREAS**, the Planning Department has solicited and received proposals for the development of transportation code amendments; and

**WHEREAS**, the Planning Department has selected Angelo Planning Group as the firm with the strongest proposal; and

**WHEREAS**, the fee for service is \$37,000.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council, City of Milwaukie, Oregon, that the City Manager is authorized to sign an Agreement for Services Contract in the amount of \$37,000 for development of transportation code amendments as described in the recitals of this resolution.

Introduced and adopted by the City Council on April 1, 2008.

This resolution is effective on April 1, 2008.

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

## ATTACHMENT 2



### CITY OF MILWAUKIE, OREGON PERSONAL SERVICES CONTRACT

### ANGELO PLANNING GROUP TRANSPORTATION CODE UPDATE

THIS AGREEMENT made and entered into this 1st day of April, 2008 by and between the City of Milwaukie, a municipal corporation of the State of Oregon, hereinafter called City, and Angelo Planning Group, hereinafter called Contractor.

#### RECITALS

WHEREAS City has need for the services of a company with a particular training, ability, knowledge, and experience possessed by Contractor, and

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

THEREFORE the Parties agree as follows:

1. **SERVICES TO BE PROVIDED**

Contractor shall initiate services immediately upon receipt of City's notice to proceed, together with an executed copy of this Agreement.

Contractor agrees to complete work that is detailed in Exhibit A and by this reference made a part hereof. Contractor may have some contact with the public in the course of performing this contract and shall maintain good relations with the public. Failure to maintain good relations with the public shall constitute a breach of the contract. The City may treat the failure to maintain good relations as a non-curable breach allowing the City to terminate the contract and to disqualify Contractor from future work for the

2. **EFFECTIVE DATE AND DURATION**

This Agreement shall become effective upon the date of execution, and shall expire, unless otherwise terminated or extended, on December 31, 2008, whichever comes first. All work under this Agreement shall be completed prior to the expiration of this Agreement.

3. **COMPENSATION**

City agrees to pay Contractor not to exceed Thirty Seven Thousand Dollars (\$37,000) for performance of those services described herein, which payment shall be based upon the following applicable terms:

- A. Payment by City to Contractor for performance of services under this Agreement includes all expenses incurred by Contractor, with the exception of expenses, if any identified in this Agreement as separately reimbursable.
- B. Payment will be made in installments based on Contractor's invoice, subject to the approval of the City Manager, or designee, and not more frequently than monthly. Payment shall be made only for work actually completed as of the date of invoice.
- C. Payment by City shall release City from any further obligation for payment to Contractor, for services performed or expenses incurred as of the date of the invoice. Payment shall not be considered acceptance or approval of any work or waiver of any defects therein.
- D. Where applicable, Contractor must make payment promptly as due to persons supplying Contractor labor or materials for the execution of the work provided by this order. Contractor must pay all contributions or amounts due from Contractor to the Industrial Accident Fund incurred in the performance of this order. Contractor shall not permit any lien or claim to be filed or prosecuted against City or any subdivision of City on account of any labor or material to be furnished. Contractor further agrees to pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.
- E. If Contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to Contractor or a subcontractor by any person as such claim becomes due, City's Finance Director may pay such claim and charge the amount of the payment against funds due or to become due the Contractor. The payment of the claim in this manner shall not relieve Contractor or their surety from obligation with respect to any unpaid claims.
- F. If labor is performed under this order, then no person shall be employed for more than eight (8) hours in any one day, or forty (40) hours in any one week, except in cases of necessity, or emergency or where the public policy absolutely requires it, and in such cases, except cases of contracts for personal services as defined in ORS 279A.055, the labor shall be paid at least time and a half for all overtime in excess of eight (8) hours a day and for all work performed on Saturday and on any legal holidays as specified in ORS 279C.540. In cases of contracts for personal services as defined in ORS 279A.055, any labor shall be paid at least time and a half for all hours worked in excess of forty (40) hours in any one week, except for those individuals excluded under ORS 653.010 to 653.260 or under 29 USC SS 201-209.
- G. Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention incident to sickness or injury to the employees of Contractor or all sums which Contractor agrees to pay for such services and all moneys and sums which Contractor collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.
- H. The City certifies that sufficient funds are available and authorized for expenditure to finance costs of this contract.

4. **OWNERSHIP OF WORK PRODUCT**

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

5. **ASSIGNMENT/DELEGATION**

Neither party shall assign, sublet or transfer any interest in or duty under this Agreement without the written consent of the other and no assignment shall be of any force or effect whatsoever unless and until the other party has so consented. If City agrees to assignment of tasks to a subcontract, Contractor shall be fully responsible for the acts or omissions of any subcontractors and of all persons employed by them, and neither the approval by City of any subcontractor nor anything contained herein shall be deemed to create any contractual relation between the subcontractor and City.

6. **STATUS OF CONTRACTOR AS INDEPENDENT CONTRACTOR**

Contractor certifies that:

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

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

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

- C. Contractor certifies that it currently has a City business license or will obtain one prior to delivering services under this Agreement.

D. Contractor is not an officer, employee, or agent of the City as those terms are used in ORS 30.265.

7. **INDEMNIFICATION**

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

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

8. **INSURANCE**

Contractor and its subcontractors shall maintain insurance acceptable to City in full force and effect throughout the term of this contract. Such insurance shall cover all activities of the contractor arising directly or indirectly out of Contractor's work performed hereunder, including the operations of its subcontractors of any tier.

The policy or policies of insurance maintained by the Contractor and its subcontractor shall provide at least the following limits and coverages:

A. **Commercial General Liability Insurance**

Contractor shall obtain, at contractor's expense, and keep in effect during the term of this contract, Comprehensive General Liability Insurance covering Bodily Injury and Property Damage on an "occurrence" form (1996 ISO or equivalent). This coverage shall include Contractual Liability insurance for the indemnity provided under this contract. The following insurance will be carried:

<b><u>Coverage</u></b>	<b><u>Limit</u></b>
General Aggregate	1,000,000
Products-Completed Operations Aggregate	1,000,000
Personal & Advertising Injury	1,000,000
Each Occurrence	1,000,000
Fire Damage (Any one fire)	50,000
Medical Expense (Any one person)	5,000

- B. Commercial Automobile Insurance  
Contractor shall also obtain, at contractor's expense, and keep in effect during the term of the contract, Commercial Automobile Liability coverage including coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than \$1,000,000.
- C. Workers' Compensation Insurance  
The Contractor, its subcontractors, if any, and all employers providing work, labor or materials under this Contract that are either subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage that satisfies Oregon law for all their subject workers or employers that are exempt under ORS 656.126. Out-of-state employers must provide Oregon workers' compensation coverage for their workers who work at a single location within Oregon for more than 30 days in a calendar year. Contractors who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than \$500,000 each accident.
- D. Additional Insured Provision  
The Commercial General Liability Insurance and Commercial Automobile Insurance policies and other policies the City deems necessary shall include the City, its officers, directors, employees and volunteers as additional insureds with respect to this contract.
- E. Notice of Cancellation  
There shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew insurance coverage without 30 days written notice to the City. Any failure to comply with this provision will not affect the insurance coverage provided to the City. The certificates of insurance provided to the City shall state that the insurer shall endeavor to provide 30 days notice of cancellation to the City
- F. Insurance Carrier Rating  
Coverages provided by the Contractor must be underwritten by an insurance company deemed acceptable by the City. The City reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.
- G. Certificates of Insurance  
As evidence of the insurance coverage required by the contract, the Contractor shall furnish a Certificate of Insurance to the City. No contract shall be effected until the required certificates have been received and approved by the City. The certificate will specify and document all provisions within this contract. A renewal certificate will be sent to the above address 10 days prior to coverage expiration.

H. Independent Contractor Status

The service or services to be rendered under this contract are those of an independent contractor. Contractor is not an officer, employee or agent of the City as those terms are used in ORS 30.265.

I. Primary Coverage Clarification

The parties agree that Contractor’s coverage shall be primary to the extent permitted by law. The parties further agree that other insurance maintained by the City is excess and not contributory insurance with the insurance required in this section.

J. Cross-Liability Clause

A cross-liability clause or separation of insureds clause will be included in all general liability, professional liability, pollution and errors and omissions policies required by this contract.

Contractor’s insurance policy shall contain provisions that such policies shall not be canceled or their limits of liability reduced without thirty (30) days prior notice to City. A copy of each insurance policy, certified as a true copy by an authorized representative of the issuing insurance company, or at the discretion of City, in lieu thereof, a certificate in form satisfactory to City certifying to the issuance of such insurance shall be forwarded to:

Office of City Recorder	
City of Milwaukie	Business Phone: 503-786-7504
10722 SE Main St.	Business Fax: 503-653-2444
Milwaukie, Oregon 97222	Email Address: kwapichb@ci.milwaukie.or.us

Such policies or certificates must be delivered prior to commencement of the work.

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

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

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

<b>City</b>	<b>Contractor</b>
City of Milwaukie	Company: Angelo Planning Group
Attn: Accounts Payable	Attn: Frank Angelo
10722 SE Main St., Milwaukie, Oregon 97222	Address: 921 SW Washington Street, Suite 468
Phone: 503-786-7524	Phone: 503-227-3664
Fax: 503-786-7528	Fax: 503-227-3679
Email Address: finance@ci.milwaukie.or.us	Email Address: frangelo@angeloplanning.com

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

**10. MERGER**

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

**11. TERMINATION WITHOUT CAUSE**

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

**12. TERMINATION WITH CAUSE**

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

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

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

B. City, by written notice of default (including breach of contract) to Contractor, may terminate the whole or any part of this Agreement:

- 1) If Contractor fails to provide services called for by this agreement within the time specified herein or any extension thereof, or
- 2) If Contractor fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from City, fails to

correct such failures within ten (10) days or such other period as City may authorize.

- 3) If Contractor fails to eliminate a conflict as described in Section 11 of this agreement.

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

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

13. **ACCESS TO RECORDS**

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

14. **FORCE MAJEURE**

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

15. **NON-WAIVER**

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

16. **NON-DISCRIMINATION**

Contractor agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Contractor also shall comply with the Americans with Disabilities Act of 1990, ORS 659.425, and all regulations and administrative rules established pursuant to those laws.

17. **ERRORS**

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

18. **EXTRA (CHANGES) WORK**

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

19. **WARRANTIES**

All work shall be guaranteed by Contractor for a period of one year after the date of final acceptance of the work by the owner. Contractor warrants that all practices and procedures, workmanship and materials shall be the best available unless otherwise specified in the profession. Neither acceptance of the work nor payment therefore shall relieve Contractor from liability under warranties contained in or implied by this Agreement.

20. **ATTORNEY'S FEES**

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

21. **GOVERNING LAW**

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

22. **COMPLIANCE WITH STATE AND FEDERAL LAWS/RULES**

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

23. **CONFLICT BETWEEN TERMS**

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument in the proposal of the contract, this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

24. **AUDIT**

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

25. **SEVERABILITY**

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

26. **COMPLETE AGREEMENT**

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

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

**CITY OF MILWAUKIE**

\_\_\_\_\_  
By: Mike Swanson, City Manager

\_\_\_\_\_  
Date

**CONTRACTOR**

\_\_\_\_\_  
By: Frank Angelo, Principal

\_\_\_\_\_  
Date

# EXHIBIT A

## CITY OF MILWAUKIE TRANSPORTATION CODE UPDATE SCOPE OF WORK

February 2008

### Project Description

The City of Milwaukie recently updated its Transportation System Plan (TSP), which contains the City's long-term transportation goals and policies. Now that the TSP has been adopted, the City needs to update its transportation regulations and street design standards so that they accurately reflect and implement the goals and policies contained in the TSP. In particular, the City needs to evaluate what types of development projects should trigger public improvements, and, when triggered, which public improvements the City should encourage and/or require. The City also needs to ensure that all of its regulations and standards are consistently described and referenced in order to avoid conflicts and confusion. To that end, this project involves a thorough review and possible reorganization of all relevant regulations and standards. The City's transportation regulations and standards are currently dispersed among the following documents, namely:

- Milwaukie Municipal Code (MMC) Chapter 19.1400 (which applies to the entire city);
- MMC Section 19.312.5 (which applies only to downtown);
- MMC Title 12 (which deals with streets and sidewalks generally);
- MMC Chapters 17.28 and 17.32 (which deal with land division improvements);
- Transportation Design Manual (TDM);
- Milwaukie Downtown and Riverfront Plan (Downtown Plan) Public Area Requirements;
- Public Works Standards (PWS).

Chapter 19.1400 is the City's main regulatory document that outlines the City's requirements for transportation improvements. Chapter 19.1400 and the TDM were adopted in 2001, with the understanding that they would be updated after an initial implementation period. During the last few years, the City has identified several ways in which this chapter should be refined to ensure that transportation improvements are implemented in a way that is fair, proportional, predictable, and effective. Fairness, in this context, is meant broadly, as in applying to all possible stakeholders such as developers, neighboring property owners, the public, the City, and the natural environment. In general, Chapter 19.1400 has proved to be rigid and exacting, and key portions of this chapter and the TDM conflict with one another.

Additionally, now that the City has adopted a set of Public Works Standards (PWS), the City would like to: (1) eliminate the TDM as a separate document and (2) include all TDM standards in the PWS so that all City standards are consolidated into one document. This project does not include an update to the standards currently contained in the TDM. It does, however, include a thorough review of this document and an identification of which elements to include in the PWS and which to incorporate into Chapter 19.1400. The City intends to update the TDM under separate contract, with the hope that this project and the TDM update project would overlap. As a result, coordination between the two projects may be necessary.

Section 19.312.5 and the Downtown Plan were adopted in 2000 when the City rezoned downtown Milwaukie. Section 19.312.5 has been a challenge to implement due its brevity and proportionality analysis oversight. This project includes code changes to Section 19.312.5; however, the City does not intend to update the Downtown Plan at this time.

## **Project Objectives**

- Continue to require land use and development applications to implement transportation improvements, when warranted, to help make Milwaukie's infrastructure safe and complete.
- Ensure that the Transportation Plan Review application and approval process is predictable, clear, and defensible, thereby reducing unnecessary process, expense, and confusion for applicants and staff.
- Give the Engineering Director more discretion to apply a variety of design solutions during the Transportation Plan Review process.
- Refine City policy so that exactions are made in a way that is fair, proportional, and effective.
- Eliminate confusing and inconsistent language within and between documents to strengthen the City's ability to bring about transportation improvements and to limit the City's liability exposure.
- Make the City's standards and regulations easier to understand by reorganizing Chapter 19.1400, eliminating the TDM, and adding tables, graphics, and references as appropriate.
- Ensure compliance with the Transportation Planning Rule and Metro Title 13 Nature in Neighborhoods.

## **Transportation System Plan (TSP) Policy Direction**

The 2007 TSP process helped the City clarify and develop policy regarding:

- Green streets (use of swales and non-curb & gutter drainage approaches)
- Skinny streets (especially for local streets)
- Alternative pedestrian facilities

The TSP Street Design chapter provides policy guidance for developing a more sustainable, flexible, and nuanced approach to designing infill street improvements. Specifically, it directs the City to develop a design prioritization approach for street cross sections based on functional classification that identifies which street design elements to reduce and/or eliminate when sufficient right-of-way width is not available. Additionally, it directs the City to identify:

- The circumstances under which green street treatments and skinny street designs would be required or recommended.
- The circumstances and the process by which one pedestrian design alternative is chosen or required over another.

## **Preliminary Problem Identification**

- Chapter 19.1400 and Section 19.312.5 use arbitrary project cost thresholds as the triggers for requiring substantial right-of-way improvements. This approach has resulted in inordinate requirements for small projects, particularly for tenant improvement and substantial redevelopment residential projects.
- Chapter 19.1400 and Section 19.312.5 do not adequately reflect the City's responsibility to consider a project's impacts prior to requiring exactions.
- Section 19.312.5 does not provide enough guidance on how to "comply" with or "meet the requirements" of this section. It has a purpose and applicability section but not an implementation section.
- The fee-in-lieu-of improvements section (19.1404.D.2) in Chapter 19.1400 does not provide enough guidance on how to manage and implement a fee-in-lieu-of program.
- Chapter 19.1400 does not contain public utility requirements or standards.
- The Engineering Director is not given enough discretion to find common sense solutions to street and sidewalk improvements when such improvements are triggered by development.
- Traffic Impact Study requirements (TDM Table 3) have resulted in inordinate requirements for small projects.

- The City's transportation regulations do not consistently support a sustainable approach to development. They do not encourage innovative "green street" practices.
- The City's transportation regulations and street design standards are not packaged in a way that is user friendly. They are dispersed among many documents, are often not consistently or clearly referenced, and conflict with one another.

## SCOPE OF WORK

### Milwaukie Planning staff will:

- Work directly with Engineering staff and Consultants to ensure completion of all tasks in a timely manner.
- Prepare staff reports and presentations to brief the Planning Commission and City Council, except as specifically noted below.
- Coordinate and discuss proposed amendments with City Attorney and Engineering staff.
- Conduct public outreach, including posting proposed changes on City website, communicating with the neighborhood Land Use Committees, and meeting with stakeholders.
- Research past land use applications, building permits, and code amendments, as needed.
- Identify problems with existing regulations and standards.
- Identify potential solutions.
- Review draft code amendments.

### Milwaukie Engineering staff will:

- Research past land use applications, building permits, and code amendments, as needed.
- Locate and identify problems with existing regulations and standards.
- Recommend an approach to “dissolving” the TDM.
- Identify potential solutions.
- Review draft code amendments.
- Assist with “test-driving” proposed code amendments.

### **Task 1: Develop Preliminary Project Schedule & Stakeholder Involvement Plan (City)**

---

- A. Create preliminary project schedule that identifies key tasks and milestone dates and maps out how overlapping and related tasks will be effectively coordinated. (Susan)
- B. Identify all stakeholders: City staff, PC, CC, DLC, developers, property owners, NDAs, citizens, public agencies, etc. (Susan)
- C. Develop an involvement plan for each type of stakeholder that is realistically reflected in the project schedule: (Susan)
  - Stakeholder meetings and interviews.
  - Public information.
  - Planning Commission work sessions.
- D. Consult with the City Attorney, Metro, and DLCD on an as needed basis about potential legal or regulatory hurdles to consider. (City)

### **City Deliverables:**

- Preliminary Project Schedule (Susan)
- Stakeholder Involvement Plan (Susan)

## **Task 2: Conduct Background Research & Develop Preliminary Problem Definition (City)**

---

- A. Document and compile known problems and suggested changes, including, but not limited to: Gary Firestone and Zach Weigel's suggested edits, recent discussions with City Attorney, draft PAR scope, and staff meeting notes on FILO, PAR, and 19.1400. Prepare a Preliminary Problem Identification Memo to accompany the material listed above for consultant's use and reference. (Susan & Bob)
- B. Research past transportation-related Code and Comp. Plan amendments (Susan & Bob) Prepare a memo summarizing 19.1400 and 19.312.5 code history that, at a minimum, identifies any "sacred cows" and hard fought decisions:
- Review adopting ordinance, staff reports, and other project documents.
  - Review all relevant PC/CC minutes.
  - Review the Comprehensive Plan (including ancillary documents) to identify existing policy guidance. Determine if the proposed amendments support or contradict the Comprehensive Plan and if amendments to the Plan should be considered.
  - Contact John Gessner to discuss 2001 19.1400 project and what he would have kept/changed.
- C. Review entire MMC, TDM, PWS, Downtown Plan, and TSP. (Zach)  
Prepare a memo summarizing the following:
- Locate all public improvement and transportation-related standards and regulations in MMC, TDM, PWS, and Downtown Plan (include all references, standards, etc.). Identify all conflicts and redundancies between and within these documents and the TSP.
  - Identify which TDM elements to delete and which to include in the PWS or elsewhere.
  - Identify which MMC code sections to delete and which to relocate. Identify where relocated code sections should be moved and why.
  - Find and review adopting ordinance and staff reports to understand and resolve code conflicts, as necessary. Coordinate research with Planning staff.
- D. Identify case studies to illustrate the problems that have arisen when staff applied the existing regulations. (Zach & Bob)
- Identify 3-4 case studies from previous Transportation Plan Review applications. (Zach)
  - Identify 3-4 case studies from previous permits or applications that triggered public area requirements. (Bob)
- E. Review entire MMC and identify all code sections and references that will likely need to be updated as a result of this project. (Marcia)

### **City Deliverables:**

- Preliminary Problem Identification Memo (Susan & Bob)
- Planning Memo re: Code History (Susan & Bob)
- Engineering Memo re: Conflicts, Redundancies, & Proposed Reorganization (Zach)
- Case Studies (Zach & Bob)
- List of Affected Code Sections (Marcia)

### **Task 3: Finalize Problem Definition and Research Solutions (Consultant)**

---

- A. Conduct background research.
  - Review all existing identified transportation regulations and standards.
  - Research other cities' practices as they relate to project objectives and preliminary problem identification as outlined in this scope. Specifically, identify any models for addressing Dolan responsibilities in code language, and other approaches to key problems, such as triggers for exactions. Prepare brief memo summarizing this research.
- B. Review results of Task 2. Verify accuracy and completeness of City-identified conflicts and redundancies. Develop final list of problems. This list should be in the form of a detailed code-based matrix that will serve as the technical attachment to the Problems and Solutions Memo (Task 3E).
- C. Compile list of potential solutions (from Task 2 and consultant knowledge) and identify additional research needs. This list should be in the form of a detailed code-based matrix that will serve as the technical attachment to the Problems and Solutions Memo (Task 3E). Conduct additional research on potential solutions, including tools/code language used by other jurisdictions.
- D. Meet with Planning and Engineering staff.
  - Review Technical Attachment detailing problems and potential solutions (Task 3B and 3C). Revise document based on staff comment.
  - Get staff direction on preparing Problems and Solutions Memo (Task 3E).
- E. Prepare a Problems and Solutions Memo to the Planning Commission that outlines 1) the problems to be addressed by the amendments and 2) the types of potential solutions (i.e., add Engineering Director discretion, clarify existing language, add new section, etc.). For each identified problem, identify which solutions are recommended, which aren't, and why. Prepare draft memo for staff review and comment. Revise memo based on staff comment. Conduct additional research as needed.
- F. Present Problems and Solutions Memo (Task 3E) and Technical Attachment (Task 3B and 3C) to project staff and City attorney. Revise documents based on staff comment. Conduct additional research as needed.
- G. Present Problems and Solutions Memo to Planning Commission at a work session.

#### **Consultant Assumptions:**

- Attend one 2-hr meeting with staff.
- Attend one 2-hr meeting with project staff and City attorney.
- Attend one 2-hr Planning Commission work session meeting.

#### **Consultant Deliverables:**

- Meeting notes (at a minimum to include decisions made, assignments, next steps)
- Preliminary Research Memo
- Technical Attachment to Problems and Solutions Memo
- Problems and Solutions Memo

### **Task 3: Finalize Problem Definition and Research Solutions (Continued)**

---

#### **City Assumptions:**

- Review all Consultant deliverables.
- Attend two 2-hr meetings with the Consultant.
- Attend one 2-hr Planning Commission work session meeting.

#### **City Deliverables:**

- Verbal and consolidated written comments on Technical Attachment and Problems and Solutions Memo

## Task 4: Draft Code Amendments and Alternatives (Consultant)

---

City to provide existing code document for Consultant's use in preparing and formatting draft amendments and related commentary. (Marcia)

- A. Draft code amendments and alternatives for Chapter 19.1400 and Section 19.312.5. Consider incorporating Section 19.312.5 into Chapter 19.1400 and relocating sections of Chapter 19.1400 into other chapters (e.g. Chapter 19.500 Off-Street Parking) and documents (e.g. PWS). See Preliminary Reorganization Matrix on page 11. (City staff will take responsibility for relocating code sections out of Chapter 19.1400 that will otherwise remain unchanged.)
- Identify issues for which alternative approaches may exist, and for which policy guidance is required. For such issues, outline the alternatives and their implications. Prepare Alternatives Analysis Memo. City staff will use this to seek policy guidance at briefings with Planning Commission and City Council.
  - Prepare draft of proposed code amendments. Draft must include underline/strikeout text changes, outline of proposed tables/graphics, and also a Commentary document that explains the proposed changes.
- B. Draft code amendments and alternatives for Title 12 and Chapters 17.28 and 17.32, as needed. Consider incorporating Chapters 17.28 and 17.32 into Chapter 19.1400. See Preliminary Reorganization Matrix on Page 11.
- Prepare draft of proposed code amendments. Draft must include redline/strikeout text changes, outline of proposed tables/graphics, and also a Commentary document that explains the proposed changes.
- C. Provide a memo that documents which TDM elements were incorporated into Chapter 19.1400 and why, which should be moved to PWS at a later date and why, and a list of any remaining conflicts and redundancies that exist between the TDM and any other City regulation or standard.
- D. Review draft amendments.
- Test proposed amendments on case studies to determine the potential results of the revised code.
  - Meet with Planning and Engineering staff to review "test drive" results and draft code amendments. Revise amendments to reflect staff comment and discussion.
  - Present draft code amendments to stakeholder committee. Revise amendments per staff direction based on comment and discussion.
  - Present draft code amendments to Planning Commission at a work session.

### Consultant Assumptions:

- Attend four 1-2 hr meetings with staff.
- Attend one *potential* 2-hr meeting with stakeholder committee.
- Attend one 2-hr Planning Commission work session meeting.

### Consultant Deliverables:

- Meeting notes (at a minimum to include decisions made, assignments, next steps)
- Alternatives Analysis Memo
- Proposed Code Amendments and Commentary, with 4 rounds of revisions
- Brief TDM Memo (documenting TDM status)
- Brief "Test Drive" Memo (summarizing outcome of "test drive")

## Task 4: Draft Code Amendments and Alternatives (Continued)

---

### City Assumptions:

- Review all Consultant deliverables.
- Conduct Planning Commission and City Council briefings, as needed.
- Prepared and distribute public information, as needed.
  - Attend four 1-2 hr meetings with the Consultant.
- Attend one *potential* 2-hr meeting with stakeholder committee.
  - Attend one 2-hr meeting with Planning Commission.

### City Deliverables:

- Verbal and consolidated written comments on all versions of proposed code amendments and commentary
- Proposed Code Amendments and Commentary for code sections that will be relocated but otherwise unchanged

## Task 5: Adoption Process (City & Consultant)

---

- A. Prepare and process land use application submittal. (Susan & Bob)
  - Prepare detailed adoption schedule.
  - Prepare all necessary land use applications.
  - Send proposed amendments to identified stakeholders for review and comment.
  - Post proposed amendments on Planning website.
- B. Prepare and submit legal notices (Susan & Bob)
  - DLCD notice – at least 45 days prior to 1st PC hearing
  - DLCD post-adoption notice – 5 days after adoption
  - Metro notice – at least 45 days prior to 1st CC hearing
  - Metro Functional Plan analysis – 15 days prior to 1st CC hearing
  - Legal notices 20 days prior to each public hearing
- C. Prepare “final” version of proposed amendments and commentary that have been independently reviewed for consistency, clarity, and readability. (Consultant)
- D. Prepare staff report that addresses MMC 19.904.1 and summarizes proposed amendments. Present amendments at Planning Commission and City Council hearings. (Susan)
- E. Attend public hearings. (City & Consultant)
- F. Revise proposed amendments as needed in response to comments. (Susan)
- G. Following commission approval, proofread amendments for consistency with Milwaukie Municipal Code references and standards. (Marcia)
- H. Prepare and distribute public information (City)
  - Friday Memo announcements (before and after hearings)
  - Post amendments, commentary, and staff report on Planning Department webpage under “Current Projects.”

### Consultant Assumptions:

- Attend Planning Commission & City Council adoption hearings (two 3-hr mtgs.).

### Consultant Deliverables:

- Final Proposed Code Amendments and Commentary

### City Assumptions:

- Proofread amendments.
- Coordinate public review of amendments.
- Provide adoption hearing announcements.

### City Deliverables:

- Adoption Schedule
- Land Use Applications
- Staff Report(s) & Hearing Presentation(s)
- Revised Proposed Amendments and Commentary (if necessary)
- All Legal Notices (DLCD, Metro, Public)

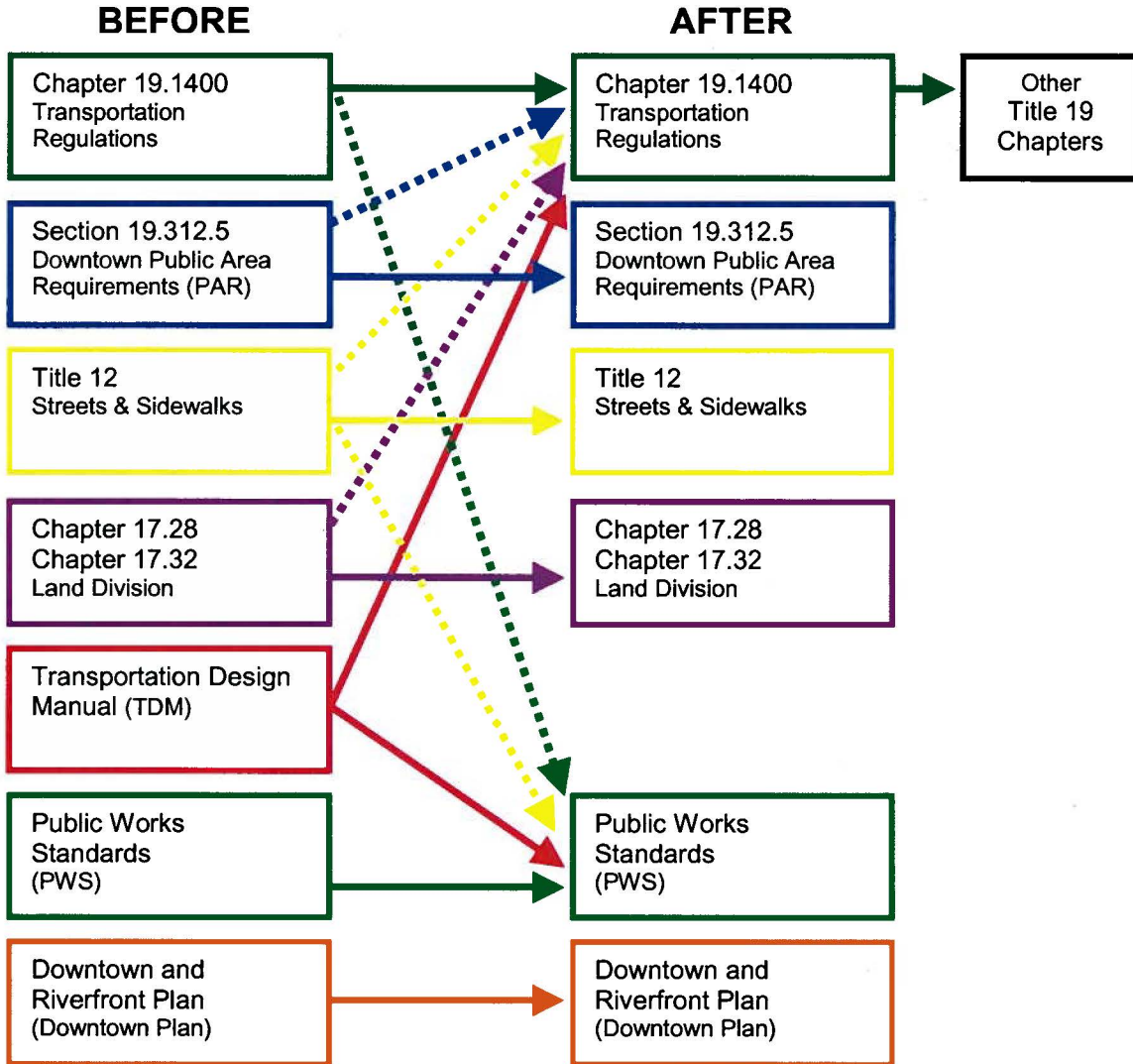
### **Task 6: Post-Adoption Process (City)**

---

- A. Prepare finalized version for publication. (Marcia)
- B. Provide interim update code pages when amendments take effect 30 days following adoption. (Marcia)
- C. Coordinate with code publisher to update online and hard copy versions of the code. (Marcia & Pat)
- D. Review and distribute new code pages when available from publisher. (Marcia)

# CITY OF MILWAUKIE PRELIMINARY REORGANIZATION MATRIX

Transportation Code Update Project



Note: Dashed lines indicate where code sections may end up. Solid lines indicate where code sections should end up.

## PROJECT BUDGET & MILESTONE DATES

### **Project Budget:**

This project is expected to span two fiscal years, the latter part of fiscal year 07/08 and the first part of fiscal year 08/09. Budget for this project shall not exceed \$37,000, except by written consent of the project manager.

### **Milestone Dates:**

- Task 3 shall be completed by June 30, 2008, which is the last day of the 07/08 fiscal year.
- Task 5 shall be completed no later than November 30, 2008.

These milestone dates may change upon written agreement by both the City and the Consultant.



March 10, 2008

City of Milwaukie  
Planning Department  
6101 SE Johnson Creek Blvd.  
Milwaukie, Oregon 97206  
Attention: Susan P. Shanks

RE: Transportation Code Update Project Request for Qualifications (RFQ)

Dear Susan:

Angelo Planning Group (APG) is pleased to submit our qualifications to provide the City of Milwaukie with consulting services for the Transportation Code Update project. APG offers deep and varied experience with updating land use codes, particularly related to implementing transportation regulations and design standards. Additionally, APG offers recent and relevant experience with the City of Milwaukie on code chapters that will be the focus of this project:

- In 2000, Mary Dorman worked with staff to draft new zones to implement the Milwaukie Downtown Plan, including specific code provisions for “public area requirements” as outlined in the Downtown Plan.
- In 2001, Mary Dorman worked with staff to draft the Chapter 1400 provisions that were adopted as part of the prior Transportation System Plan. This is the key regulatory chapter that outlines the City’s requirements for transportation improvements.
- In 2005, APG completed focused research for the City on how other cities in the Metro area were addressing incremental transportation improvements associated with modifications or expansion of existing buildings.

Because of her experience and familiarity with Milwaukie’s code framework, Mary Dorman, AICP, will serve as our Project Manager and will be supported by myself, DJ Heffernan, and Serah Overbeek. Our staff has a broad understanding of development codes and procedures, having worked with jurisdictions throughout Oregon developing and updating zoning codes. We offer specific experience in evaluating and implementing transportation provisions in development codes and design standards through our work on incorporating the Transportation Planning Rule (TPR) requirements in local transportation system plans.

The RFQ outlines an aggressive schedule for Milwaukie staff and the consultant team to complete the technical review and recommendations by June 30, 2008. APG will give the Transportation Code Update Project the attention that it deserves to assure that the City of Milwaukie’s Project Objectives identified in the Scope of Work move toward a Code that is better organized and formatted, with language that is clearly written and easier to use by staff, citizens, developers and decision-makers.

# ATTACHMENT 3

Susan P. Shanks  
City of Milwaukie Planning Dept.  
Transportation Code Update RFQ  
March 10, 2008  
Page 2



As a principal of APG, I am authorized to represent the firm in negotiations and sign any resulting contracts or agreements. APG accepts all terms and conditions contained in the RFQ and the City of Milwaukie's Agreement for Services Contract. As Principal-in-Charge of this project I will provide overall quality control, as well as participate in work related to implementing requirements of the TPR and transportation policy implementation.

Our Statement of Qualifications is organized as follows:

- Part I Key Staff Information
- Part II Approach to Code Revision Projects
- Part III Firm Description / Relevant Project Descriptions
- Part IV Fee Chart and Order of Magnitude Cost Estimate
- Part V References
- Part VI Resumes

Again, we are very excited by the opportunity to continue our work with the City of Milwaukie on this important project. We look forward to the opportunity to discuss our proposal in greater detail or to respond to any questions.

Sincerely yours,

Frank Angelo  
Principal



**To: Mayor and City Council**

**Through: Mike Swanson, City Manager**

**From: Kenneth Asher, Community Development and Public Works Director  
Alex Campbell, Resource & Economic Development Specialist**

**Subject: Enterprise Zone Re-Designation**

**Date: March 14 for April 1, 2008 Regular Session**

**Action Requested**

Approve resolution in support of joint Clackamas County-City of Milwaukie application for designation of the Milwaukie/North Clackamas Enterprise Zone. Approve resolution in support of acceptance of an Inter-Governmental Agreement with the County regarding administration of the Enterprise Zone.

**Background**

*The Enterprise Zone Program*

The Oregon Enterprise Zone (EZ) program was established in 1986 to encourage private sector investment, primarily for industrial uses, in areas with lagging economic performance. Firms making qualifying investments in a designated zone can receive abatements on property taxes on those new investments for a period of three or five years. The total number of zones is capped by statute; there are currently 55 Enterprise Zones around the state.

To be eligible for the program, a firm must :

- Increase full-time, permanent employment by a minimum of 10% within the first year.<sup>1</sup>

---

<sup>1</sup> The requirement to increase employment by 10% increase can be waived by the local zone sponsor if (a) the total investment exceeds \$25 million or (b) the firm can demonstrate a large productivity increase, commits to spending 25% of the abatement value on employee training, and there is no net decrease in employment.

- Make new investments within an established zone.
- Sign a “first-source” hiring agreement, committing to advertise the new openings with, and consider applicants from, the Oregon Employment Department.
- Be engaged in a qualifying business activity, generally industrial or “traded sector” activities, i.e., not retail, health care, services or similar activities.

### *The Milwaukie/North Clackamas Enterprise Zone*

Clackamas County, the City of Milwaukie and the City of Portland have co-sponsored the Milwaukie/North Clackamas EZ since 1997. The zone is made up of 5 sub-areas: the Milwaukie North Industrial area; International Way; Johnson Creek Area (along Johnson Creek Boulevard from the PCC Structurals facility and east to 76<sup>th</sup> Dr.); the Clackamas area (west of I-205, just north of Highway 224); and the “McLoughlin Boulevard Area” (west of 99-E in the area of Roethe Road). The City of Portland is a co-sponsor because a key industrial site straddles the Milwaukie/Portland border. The zone covers all industrially-zoned land within the City of Milwaukie. (See Attachment 1 for a map of the existing zone.)

In addition to the basic requirements described above, Milwaukie/North Clackamas EZ firms must pay their new hires a minimum of \$11.25 per hour to qualify for the three-year abatement; in order to qualify for the 5-year program, the pay requirement is 150% of the average County wage (about \$27 per hour). (Benefits can be included in the calculations to meet these requirements.)

Over the life of the Milwaukie/North Clackamas EZ, the program has provided tax abatements to eleven companies, nine of which were within city limits. Several companies that have made new investments in the North Milwaukie Industrial Area have received abatements through the program, including Cornerstone, Hygrade, and Grand & Benedicts. The International Way Business center, which was constructed in 2006-2007 at the east end of International Way, used the EZ extensively in its marketing program. Two of the eventual purchasers/end-users of International Way Business Center buildings (Day Wireless and TPR Safety Products) qualified for EZ abatements. The largest investment qualified under the Milwaukie/North Clackamas EZ was an expansion by PCC Structurals, which is currently underway. PCC expects to invest \$25 million, primarily on new equipment, over the next several years, expanding employment by approximately four hundred full-time positions.

### *EZ Designation Process*

The Milwaukie/North Clackamas Enterprise Zone is due to expire June 30, 2008. The annual EZ designation process began January 7; applications for new designations and re-designations are due April 4, 2008. The application process requires public meetings with affected taxing districts and a resolution of support from the sponsoring jurisdictions (City of Milwaukie and Clackamas County). Because all property taxes are abated, all

taxing jurisdictions forego revenue under the program. However, the school district is largely insulated from local property tax base changes by the state formula for allocating operational funding. Designation or re-designation is for a period of 10 years.

Both the Clackamas Board of County Commissioners and the City of Milwaukie City Council expressed an interest in making a special effort to communicate with Clackamas County Fire District 1 (CCFD1), to make sure that the district's concerns are understood and to explore possible steps to mitigate those concerns. County and City staff briefed CCFD1 staff on the upcoming decision and requested input.

In addition, all of the over-lapping taxing jurisdictions were invited to a public meeting on March 14, 2008. Representatives of Clackamas River Water (CRW), Oregon City School District, North Clackamas School District, and CCFD1 attended. (A summary of the meeting is provided as Attachment 2.) CRW requested that early notice be provided to them of substantial development plans that come to the County's attention through the EZ application process. Both school districts supported the application. They asked for and received confirmation that the EZ would have no impact on local-option school district construction excise taxes.

CCFD1 restated their skepticism of the effectiveness of the overall program. They requested that:

- A fee or charge be established to compensate the fire district some percentage of the fire district's abatement, to be paid to the fire district to cover any additional service burden.
- Given that such a fee or charge for services would only be allowed on 5 year abatements by the governing statutes, CCFD1 requested that the governing bodies consider only allowing 5 year abatements (similar to City of Portland's practice).
- CCFD1 also requested that the City and County never waive the employment increase requirement, even on very large capital investments, such as the recent PCC Structurals application. City and County staff noted that (a) the waiver is only available for very large investments where there may be a barrier to achieving the 10% increase within the time period required; (b) PCC Structurals has, it appears, met the 10% increase goal even though it was not required; and (c) the enterprise zone program supports several goals, such as increasing wages, in addition to expanding employment.

At a March 18, 2008, study session, this input was presented to the Clackamas Board of County Commissioners (BCC). CCFD1 staff reported the results of a recent CCFD1 Board discussion of the issue. CCFD1 staff noted that emergency services have a service margin required to allow for adequate response, but that increased plan review and inspection activities generated by enterprise zone expansions do place a greater burden on the district. BCC members requested an estimate of what those costs are and expressed an interest in working to develop a mechanism to reimburse the district

for such costs. Staff will continue those discussions. A final resolution of this issue is not necessary prior to submission of the designation application.

The new zone, as proposed, would be expanded to include all industrially-zoned land in the Clackamas Industrial Area. (See last page of Attachment 1.)

### *Staff Recommendation*

As discussed with Council at the February 19 Work Session, staff believes that the City should seek re-designation of the local EZ. The City of Milwaukie has a number of industrial locations that are functional but can benefit from a small marginal boost in competitiveness provided by the short-term tax incentive. In addition, the EZ is a central marketing tool in the City's economic development efforts. Enterprise Zones are publicized in county and state business recruitment efforts. In addition to being an important marketing tool, the presence of the Enterprise Zone is an important indicator to the business community that Milwaukie is willing to actively support private investment.

### **Concurrence**

The Clackamas Board of County Commissioners have voiced their support for re-designation and are scheduled to adopt a resolution in support of the application prior to April 1. EZ approval clearly supports Objective 1 of Chapter 4 of the City's Comprehensive Plan: "The City will encourage an increase in the overall economic development activity within the City, will strive to retain existing businesses as well as actively attract new businesses, particularly those identified as having growth potential." City Council expressed a clear consensus to move forward with an application for re-designation at the February 19, 2008, Work Session.

### **Fiscal Impact**

Although the EZ abates City of Milwaukie taxes, the program is structured to induce additional new investment that would not have occurred absent the program. However, due to the difficulty in establishing which tax-abated investments would have occurred even without the abatement, staff cannot definitively state whether the program is net positive to City finances. At worst, the program would temporarily forego new tax revenues (because only new investments qualify for abatement). The total City abatement in 2007 was \$16,250. Based on previous experience, the maximum amount of local taxes abated in any one year is not likely to exceed \$150,000.

### **Work Load Impacts**

Staff work on the program is absorbed in the regular duties of the Resource and Economic Development Specialist.

**Alternatives**

Re-negotiating the EZ framework prior to the application would not be timely at this point. However, over the next 6 months the zone sponsors can continue to pursue agreements with other impacted taxing districts. In addition, adjustments to the zone area/boundary can be made after the new zone is in place.

**Attachments**

- Attachment 1. Packet Sent to Other Taxing Districts
- Attachment 2. Taxing District Meeting Summary
- Attachment 3. Resolution in Support of Enterprise Zone Designation Application
- Attachment 4. Resolution Authorizing the Mayor to Sign Inter-Governmental Agreement on Zone Management



**Gary Barth**  
Deputy Director

**BUSINESS AND ECONOMIC DEVELOPMENT**

**SUNNYBROOK SERVICE CENTER**  
9101 SE SUNNYBROOK BLVD. | CLACKAMAS, OR 97015

February 21, 2008

Alex Campbell  
City of Milwaukie  
6101 SE Johnson Creek BOULEVARD.  
Milwaukie-OR-97206

**Subject: Re-Designation and Expansion of the Milwaukie / North Clackamas County Enterprise Zone**

This letter is to inform you that the City of Milwaukie and Clackamas County are seeking designation of a Milwaukie / North Clackamas County Enterprise Zone and would continue to be joint “zone sponsors”.

The Oregon Economic and Community Development Department will review the application for designation, and it may be subject to competitive consideration relative to other localities. The application deadline is April 4, 2008. Additional information is provided below, and at the department’s website <http://www.oregon.gov/ECDD/thezones/call.shtml>

**Notice and Invitation to Public Meeting**

Your district is being notified of this application because the Milwaukie / North Clackamas County Enterprise Zone, as proposed, would include all or parts of one or more tax code areas, in which your district has levy authority for the taxation of the property. In an enterprise zone, certain types of business firms that create new jobs may get limited-duration exemptions on certain new property that they invest in the zone.

In particular, we are asking yours and other local taxing districts to send one or more representatives to a special public meeting to discuss this application, address issues about the enterprise zone, and achieve better understanding. At the meeting, there will be a map of the proposed zone boundary and other information for presentation and review.

**The meeting will be on Friday, March 14<sup>th</sup> at 1:30 - PM**  
**In Conference Room 406 at the Sunnybrook Service Center**  
**9101 SE Sunnybrook Boulevard, Clackamas OR 97015**  
**A preliminary agenda and proposed enterprise zone map is enclosed.**

Besides or in addition to sending participants to this meeting, your district is welcome to submit written comments. For submitting comments or questions, contact:

Renate Mengelberg, Business and Economic Development Coordinator  
9101 SE Sunnybrook Boulevard  
Clackamas, OR 97015  
Phone: (503) 353-4327, E-mail: [renatem@co.clackamas.or.us](mailto:renatem@co.clackamas.or.us)

## **Resolutions**

At least seven days after this meeting, the sponsoring governments would adopt the requisite resolutions for seeking designation of the enterprise zone. The following are the anticipated times and dates for the consideration of these resolutions:

- **April 1, 2008 Milwaukie City Council Meeting: 7:00 p.m. @ the City Council Chambers located @ the Milwaukie City Hall – 10722 SE Main Street**
- **March 27<sup>th</sup> Clackamas County Commission Meeting: 10 AM at the Commission Hearing Room located at the Public Services Building - 2051 Kaen Road, Oregon City**

## **Enterprise Zone Overview**

Enterprise zones are distinct areas up to 12 square miles in size that are sponsored by one or more local governments. Oregon's enterprise zones offer a unique resource to local communities, unmatched by any other business incentive.

Many communities have successfully used enterprise zones since 1986. By forgiving the local property taxes on new plant and equipment for at least three years, enterprise zones have led to thousands of new jobs through investment by eligible business operations. This incentive for new private investment and employment may be critical for healthy employment growth and business diversification in many areas.

Besides tax abatement, an enterprise zone lends visibility and focus to local economic development efforts. They are intended to offer tax and other incentives to induce additional investment and employment by non-retail businesses in area meeting certain measures of economic hardship.

*The proposed Milwaukie / North Clackamas County Enterprise Zone areas would consist of about 4.28 square miles, incorporating all industrial land within the city limits of Milwaukie and unincorporated areas of North Clackamas County.*

## **Exemptions from Property Taxes**

The proposed zone would exempt only qualifying new property that an eligible business firm might build or install within the designated district. A qualifying investment also entails increasing its permanent, full-time employment in the zone by 10% and maintaining it annually for an average of three years. Wages for new jobs created within the enterprise zone must be at least 150% of the state minimum wage (\$11.93/hour).

The enterprise zone exemption is temporary, lasting only three years, after which property induced by these incentives is available for future assessment. In some cases, an exemption period for up to five years may be awarded subject to an agreement of the local government sponsoring the zone, a high compensation for new employees, and additional requirements.

## **Policy and Economic Reasons for Seeking Enterprise Zones**

The City of Milwaukie and Clackamas County has decided to apply for enterprise zone designation in an effort to continue to promote industrial growth and employment opportunities in the Milwaukie / North Clackamas County area based on their success with the current enterprise zone in terms of creating family wage jobs and increased investment.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Renate Mengelberg  
Milwaukie / North Clackamas County Enterprise Zone Coordinator

Encl.: Preliminary Agenda  
Proposed Enterprise Zone Map

Cc: Art Fish, Oregon Economic & Community Development Department



**Renewal and expansion of the  
Milwaukie / North Clackamas County Enterprise Zone**

**Public Meeting – March 14, 2008 at 1:30 PM  
Conference Room 406 Sunnybrook Service Center  
9101 SE Sunnybrook Boulevard, Clackamas OR 97015**

**Enterprise Zone Overview:** This proposed renewal and expansion of the Enterprise Zone is a tax abatement program that would provide a financial incentive for industrial businesses to expand their facilities or build a new building, invest in machinery, and hire new employees at higher wages. The program is available to companies or sites located on industrially zoned land in Milwaukie and North Clackamas County unincorporated areas. Qualified firms include manufacturing, assembly, fabrication, processing, distribution, maintenance, warehousing, or other industrial firms. To be eligible, these firms must increase their permanent, full time employment by 10% and maintain it annually for three to five years, Pay the new employees at least 150% of the state minimum wage (\$11.93/hr.) and sign a First Source Hiring Agreement committing the company to consider local applicants for new positions.

**AGENDA**

- Welcome and Introductions
- Review of *Draft* Enterprise Zone Boundary Map
- Discussion and Explanation of the Enterprise Zone Proposal
- Questions and Answers for Local Taxing Districts
- Recognition of Written Comments
- Statements by Taxing District Representatives
- Next Steps / Follow-up
- Consideration of Resolution
- Adjourn



## **Proposed Renewal and Expansion of the Milwaukie / North Clackamas County Enterprise Zone Tax Abatement Program Overview**

This *proposed* tax abatement program provides a financial incentive for industrial businesses to expand their facilities or build a new building, invest in machinery and hire new employees at higher wages.

The program is available to companies or sites located on industrially zoned land in the city limits of Milwaukie or unincorporated North Clackamas County.

Eligible firms include manufacturing, assembly, fabrication, processing, distribution, maintenance, warehousing, or other industrial firms that meet the criteria listed below.

### **Highlights of the three year tax abatement program:**

A company will not pay taxes on its new investment if it can:

- ◆ Increase its permanent, full time employment by 10% and maintain it annually on average for three years.
- ◆ Pay the new employees at least 150% of the state minimum wage (\$11.93 per hour). *Benefits can be used to reach this pay level.*
- ◆ Sign a First Source Hiring Agreement committing the company to consider local applicants for these new positions.
- ◆ Pay a filing fee of 0.1% of the proposed investment.

*(See reverse side for information on the application process)*

### **Additional requirements for a five year tax abatement:**

A company must meet all of the requirements of the three year program and also:

- ◆ Pay 150 percent of the average county wage (at least \$27.15 per hour) for the new jobs created. *The value of benefits can be used to achieve this pay level.*
- ◆ Maintain the higher wages and employment levels for at least five years.

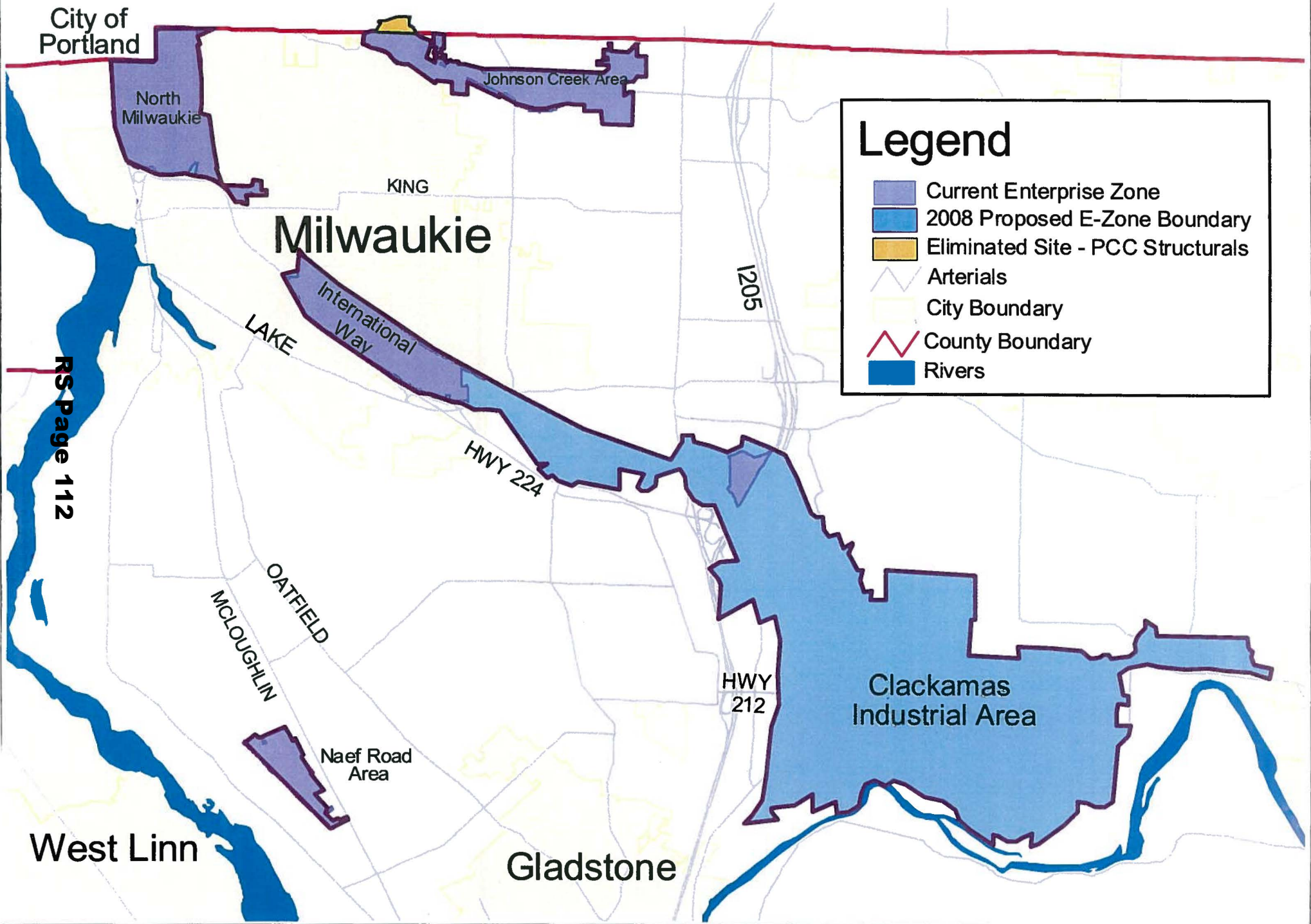
***Proposed***  
***Milwaukie / North Clackamas County Enterprise Zone***  
**Application Process**

- 1) Please contact the Zone Manager to discuss the project and to determine eligibility.
- 2) Once it is determined that a company meets the job creation, investment and location requirements, they are encouraged to fill out the *Oregon Enterprise Zone Authorization Application*. The form can be found at:  
<http://www.oregon.gov/DOR/PTD/docs/303-029.pdf>
- 3) The company should submit the application form and a check for the application fee (0.1% of the investment) made out to "Clackamas County".
- 4) The company will be invited to a meeting with representatives from the Tax Assessor Office, Oregon Employment Department, Clackamas County, and the City of Milwaukie to discuss the project and address any concerns.
- 5) If all agree that the applicant meets the criteria of the program, the Zone Manager and Assessor officially approve and sign the *Oregon Enterprise Zone Authorization Application*. The First Source Hiring Agreement can be signed then as well.
- 6) The company proceeds to expand its existing facility, construct a new facility or install eligible equipment.
- 7) In January the following year, all pre-certified companies that have completed construction by the end of December will receive a reminder notice and *Oregon Enterprise Zone Tax Exemption Application Form*. Or see:  
<http://www.oregon.gov/DOR/PTD/docs/310-075.pdf>
- 8) The pre-certified company files the *Oregon Enterprise Zone Tax Exemption Application Form* paperwork with the County Assessor by April 1 following each year of the tax abatement period.
- 9) The business receives the tax exemption from the County Assessor for the tax year beginning the following July 1<sup>st</sup>.

**For More Information Contact:**

**Renate Mengelberg, Enterprise Zone Coordinator**  
Clackamas County Business and Community Services  
9101 SE Sunnybrook Boulevard • Clackamas, OR 97015  
Phone: 503-353-4327 • Fax: 503-794-8005  
E-mail: [renatem@co.clackamas.or.us](mailto:renatem@co.clackamas.or.us)

# 2008 Proposed Milwaukie / North Clackamas Enterprise Zone



## Legend

- Current Enterprise Zone
- 2008 Proposed E-Zone Boundary
- Eliminated Site - PCC Structurals
- Arterials
- City Boundary
- County Boundary
- Rivers



### Meeting Summary - Renewal of the Milwaukie / N. Clackamas County Enterprise Zone

March 14, 2008 at 1:30 PM

Sunnybrook Service Center Room 406 - 9101 SE Sunnybrook Boulevard, Clackamas OR

#### Attending:

- Bob George – Clackamas River Water - [bgeroge@crwater.com](mailto:bgeroge@crwater.com)
- Ted Thonstad Oregon City School District – [ted.thonstad@orecity.k12.or.us](mailto:ted.thonstad@orecity.k12.or.us)
- Jim Langstraat – N. Clackamas School District – [langstraat@nclack.k12.or.us](mailto:langstraat@nclack.k12.or.us)
- Barbara Cartmill – Development Agency – [bargc.@co.clackamas.or.us](mailto:bargc.@co.clackamas.or.us)
- Kyle Gorman CC Fire District 1 – [kylegor@ccfd1.com](mailto:kylegor@ccfd1.com)
- Gary Barth – Clackamas County – [garybar@co.clackamas.or.us](mailto:garybar@co.clackamas.or.us)
- Alex Campbell – City of Milwaukie - [CampbellA@ci.milwaukie.or.us](mailto:CampbellA@ci.milwaukie.or.us)
- Renate Mengelberg – Clackamas County – [Renatem@co.clackamas.or.us](mailto:Renatem@co.clackamas.or.us)

**Enterprise Zone Introduction:** Renate Mengelberg, Clackamas County enterprise zone coordinator provided a brief overview of the goals and accomplishments of the program, the results to date and a summary of tax impacts, job creation and increased assessed value. Over the 10 year history of the program 11 companies have participated and have or will collectively retain 2,223 jobs, create 634 jobs, and increase investment by \$32+ million. The Zone will sunset this June. The county and City propose reapplying to continue the enterprise zone and expand its boundaries to include the Clackamas Industrial Area. Renate reviewed the Map of the proposed boundary.

**Background:** The Enterprise Zone is a tax abatement program that provides financial incentives for industrial businesses to expand their facilities or build a new building, invest in machinery, and hire new employees at higher wages. The program is available to companies or sites located on industrially zoned land in Milwaukie and North Clackamas County unincorporated areas. To be eligible, these firms must increase their permanent, full time employment by 10% and maintain it annually for three to five years, Pay the new employees at least 150% of the state minimum wage (\$11.93/hr.) and sign a First Source Hiring Agreement committing the company to consider local applicants for new positions.

#### Discussion:

- Is it would be possible for taxing districts to get information about companies and when proposed investments are anticipated to happen at the beginning of the process so they can plan accordingly. Companies creating 100+ employees would have service impacts for them. Response: That is easily done and can be part of zone management procedures in the next round.
- Does the Enterprise zone have any impact on the construction excise tax? Response: No it does not – it is a completely separate program.
- How are wages and benefits calculated? Response: Benefits include health insurance, retirement, and any other typical fringe benefits.
- Are businesses evaluated the same way in terms of depreciation schedules and tax impacts on taxing districts? Response: No – values fluctuate by size of company, type of machinery, and timing of investments.

- How has employment increased in the area without the enterprise zone? Response: That information is not easily available for small sub areas of the county and the analysis has not been done for this program.
- What is the assessed value back on the tax rolls? That varies by company and when they entered the program. A few companies are now back on the tax rolls including Anacomp in 2004-05 at \$156,869. Depreciation rates vary greatly by company and type of investment and are determined by the assessor's office and Oregon Department of Revenue – not by the company. Activity was relatively slow early on in the program but a number of firms are currently enrolled and will be over the next few years.
- It is important to know if investments are being made in bricks and mortar vs. machinery and equipment because equipment typically depreciates in value and land / buildings can appreciate – building increased assessed value to the community and taxing districts. What is the remaining value after 3 or 5 years? Response – Aggregated information is provided annually by the assessors' office. Companies also provide a breakdown of investments during the precertification process.
- Kyle Gorman wished we had more industrial land, he liked the city of Portland business incubator and accelerator programs as a tool to encourage business growth and voiced concern that there is no definitive empirical evidence showing that enterprise zones create more jobs, higher wages and increased investment. He feels that investment might have happened anyway without the program.
- Fire District 1 would like to recover its costs of serving enterprise zone businesses and asked about other models. Staff shared examples of the City of Portland and Gresham's approach. Portland offers only 5 year abatements and charges up to 30% of abated taxes for General Fund "Cost of Service" if new business license and other fees the businesses pay do not cover that cost.
- Staff asked if the fire district could provide information on a cost per call basis. Kyle said that they could not break it out that way.
- Kyle suggested that the County and City offer only 5 year abatements. Staff responded that the three year abatement was by far the most popular. The wage levels required in the five year abatement are high and harder to reach. Of the eleven companies only two opted for the five year abatements. Having only five year abatements might not be a strong incentive for most companies.
- Mr. Gorman also requested that the City and County never wave the 10% increase in employment requirement, as had been done in the case of the recent PCC Structural's abatement. Staff noted that (a) the waiver is only available for very large investments where there may be a barrier to achieving the 10% increase within the time period required; (b) PCC Structural's has, it appears, met the 10% increase goal even though it was not required; and (c) the enterprise zone program supports several goals, such as increasing wages, in addition to expanding employment.
- The North Clackamas School District and Oregon City School Districts are fully supportive of the enterprise zone program because it provides an incentive to create well paying jobs locally for their students and graduates. They are not impacted by changes in assessed values since the state provides their revenues on a per student basis.
- The Clackamas River Water district was supportive as well because it increased jobs and wages and encouraged traded sector job creation.

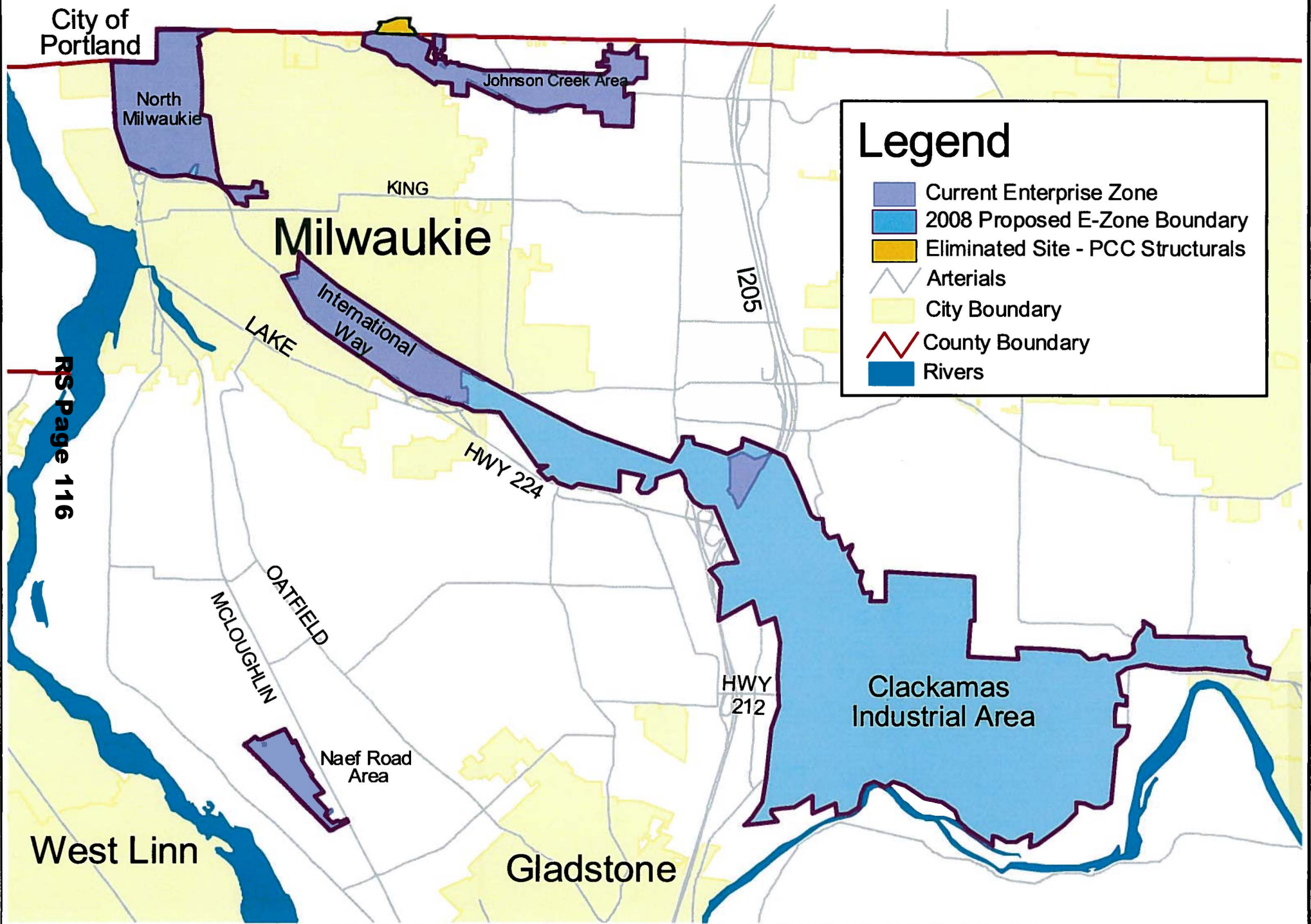
**Input for consideration by the Milwaukie City Council and Clackamas County Commission.**

- Provide information about precertified firms to taxing districts early in the process to help them in their planning processes.
- Consider offering only five year abatements.

- Require that businesses in the five year program to offset fire district costs for years four & five at 25 or 30% of Fire District #1 taxes abated.
- Adopt a policy to not waive job creation requirements.

The meeting adjourned at 2:35 pm.

# 2008 Proposed Milwaukie / North Clackamas Enterprise Zone



ATTACHMENT 3

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF A CO-SPONSORED APPLICATION WITH CLACKAMAS COUNTY FOR DESIGNATION OF THE MILWAUKIE / N. CLACKAMAS COUNTY ENTERPRISE ZONE.**

**WHEREAS**, The City is committed through the Comprehensive Plan “to encourage an increase in the overall economic development activity within the City, [to] strive to retain existing businesses as well as actively attract new businesses, particularly those identified as having growth potential”; and

**WHEREAS**, The proposed expanded enterprise zone has a total area of 4.28 square miles, and it meets other statutory limitations on size and configuration; it is depicted on the drawn to scale map (Exhibit A) and described in (Exhibit B); and

**WHEREAS**, The proposed enterprise zone contains significant land that is reserved for industrial use, as indicated by land use zoning map(s) with the application, consistent with Comprehensive Plan(s) acknowledged by the Land Conservation and Development Commission, such industrial sites are accessible, serviced or serviceable, and otherwise ready for use and further development; and

**WHEREAS**, The designation of an enterprise zone does not grant or imply permission to develop land within the Zone without complying with prevailing zoning, regulatory and permitting processes and restrictions for applicable jurisdictions; nor does it indicate any intent to modify those processes or restrictions, except as otherwise in accordance with Comprehensive Plans; and

**WHEREAS**, The City appreciates the impacts that the continuation of the current designated enterprise zone would have and the property tax exemptions that eligible business firms might receive therein, as governed by Oregon Revised Statutes (ORS) Chapter 285C and other provisions of Oregon Law; and

**WHEREAS**, All of the other municipal corporations, school districts, special service districts and so forth, other than the sponsoring governments, that receive operating revenue through the levying of ad valorem taxes on real and personal property in any area of the proposed enterprise zone were sent notice and invited to a public meeting regarding this proposal, in order for these sponsoring governments to effectively consult with these other local taxing districts. Follow up arrangements as agreed to with these consultations will be completed with affected districts within six months of the proposed enterprise zone’s designation in a manner that preserves the effective functioning of the enterprise zone as intended;

**NOW, THEREFORE, BE IT RESOLVED** that the City proposes and applies for an Oregon enterprise zone to continue to be named: The Milwaukie / North Clackamas County Enterprise Zone, and requests that the director of the state Economic and Community Development Department order the designation of this enterprise zone.

1. A Clackamas County Business and Economic Development Staff person is authorized to submit the enterprise zone application for the County and City and to make any substantive or technical change to the application materials, as necessary, after adoption of this resolution.
2. The County will give priority to the use in the proposed enterprise zone, if designated, of any economic development or job training funds received from the federal government, consistent with ORS 285C.065(3)(d).
3. The County and City of Milwaukie jointly commit, upon designation, to appoint Renate Mengelberg, Clackamas County Business and Economic Development Services Department as the local enterprise zone manager.
4. The County and City of Milwaukie will jointly comply with the requirements and provisions of ORS 285C.105 and otherwise fulfill its duties under ORS 285C.050 to 285C.250.
5. The County and City of Milwaukie commit, within six months of designation, to implement and to confirm for the department its fulfillment of such duties, as specified in OAR 123-065-0210, including but not limited to preparation of a list or map of local lands and buildings owned by the state or by municipal corporations within the enterprise zone that are not being used or designated for a public purpose and that have appropriate land use zoning, and to efforts for making such real property available for lease or purchase by authorized business firms under ORS 285C.110.

Introduced and adopted by the City Council on April 1, 2008.

This resolution is effective on April 2, 2008.

---

Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

---

Pat DuVal, City Recorder

---

City Attorney

# 2008 MILWAUKIE / NORTH CLACKAMAS COUNTY EZ TAX LOTS & PROPERTY OWNERS

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
EAST SIDE PLATING INC	3.31	11E25BA03500	NO SITUS	012-002
CITY OF PORTLAND	0.35	11E25BA23600	NO SITUS	012-002
PENDLETON WOOLEN MILLS	2.86	11E25BB00100	8500 SE MCLOUGHLIN BLVD	012-002
PENDLETON WOOLEN MILLS	0.74	11E25BB00100	8500 SE MCLOUGHLIN BLVD	012-002
PATRLJ NEDILJKO & IVANKA	11.69	11E25BB00400	8603 SE MCLOUGHLIN BLVD	012-002
PATRLJ NEDILJKO & IVANKA	0.14	11E25BB00500	2420 SE CLATSOP ST	012-002
WAGNER HELEN V TRUSTEE	0.76	11E25BB00600	NO SITUS	012-002
SUMMIT PROPERTIES INC	0.17	11E25BB00700	8545 SE MCLOUGHLIN BLVD	012-002
SCHIESS MICHAEL	2.07	11E25BB00800	2405 SE CLATSOP ST	012-002
WAGNER HELEN V TRUSTEE	9.40	11E25BB00900	2323 SE CLATSOP ST	012-002
JONES JIM & JANET L	2.50	11E25BB01100	2305 SE CLATSOP ST	012-002
YORK STREET LLC	1.01	11E25BB01200	NO SITUS	012-002
YORK STREET LLC	2.84	11E25BB01300	NO SITUS	012-002
YORK STREET LLC	8.76	11E25BB01301	2318 SE CLATSOP ST	012-002
YORK STREET LLC	1.09	11E25BB01400	NO SITUS	012-002
YORK STREET LLC	1.87	11E25BB01500	NO SITUS	012-002
YORK STREET LLC	1.12	11E25BB01600	2316 SE CLATSOP ST	012-002
YORK STREET LLC	2.26	11E25BB01601	2340 SE CLATSOP ST	012-002
PHELPS KEITH B TRUSTEE	4.34	11E25BB01700	2101 SE MOORES ST	012-002
CANFIELD DANIEL	1.64	11E25BB01800	2107 SE MOORES ST	012-002
CANFIELD DANIEL G & JENNIFER G	1.07	11E25BB01900	2149 SE MOORES ST	012-002
CANFIELD DANIEL G	1.35	11E25BB02000	2171 SE MOORES ST	012-002
HATCH INVESTMENTS LLC	4.45	11E25BB02200	8989 SE MCLOUGHLIN BLVD	012-002
HATCH INVESTMENTS LLC	1.75	11E25BB02300	8881 SE MCLOUGHLIN BLVD	012-002
ROLLINS RANDY	5.87	11E25BB02400	8750 SE MCLOUGHLIN BLVD	012-002
NORRIS & STEVENS INC	2.28	11E25BB02500	2389 SE MOORES ST	012-002
ANDERSON GEORGE C & KATHLEEN M	1.60	11E25BB02800	2415 SE MOORES ST	012-002
ANDERSON GEORGE C & KATHLEEN M	0.09	11E25BB02900	2425 SE MOORES ST	012-002
BEAVER HEAT TREATING CORP	1.21	11E25BB03100	2487 SE MOORES ST	012-002
BEAVER HEAT TREATING CORP	2.18	11E25BB03200	2505 SE MOORES ST	012-002
BEAVER HEAT TREATING CORP	0.71	11E25BB03300	NO SITUS	012-002
ANDERSON GEORGE C	0.15	11E25BB03500	8772 SE 25TH AVE	012-002
ANDERSON GEORGE C	0.75	11E25BB03600	8794 SE 25TH AVE	012-002
ANDERSON DIE&MFG CO	2.53	11E25BB03700	8806 SE 25TH AVE	012-002
ANDERSON DIE&MFG CO	0.11	11E25BB03800	NO SITUS	012-002
ANDERSON DIE&MFG CO	0.11	11E25BB03900	NO SITUS	012-002
ANDERSON DIE&MFG CO	0.63	11E25BB04000	2479 SE OCHOCO ST	012-002
ANDERSON GEORGE C & KATHLEEN M	0.29	11E25BB04100	8827 SE 25TH AVE	012-002
ANDERSON GEORGE C & KATHLEEN M	0.11	11E25BB04200	8805 SE 25TH AVE	012-002
ANDERSON GEORGE C & KATHLEEN M	0.11	11E25BB04300	8793 SE 25TH AVE	012-002
ANDERSON GEO C & KATHLEEN	0.11	11E25BB04400	NO SITUS	012-002
ANDERSON GEORGE C & KATHLEEN M	0.11	11E25BB04500	NO SITUS	012-002
ANDERSON GEORGE C & KATHLEEN M	0.46	11E25BB04600	NO SITUS	012-002
ANDERSON GEORGE C & KATHLEEN M	0.15	11E25BB04700	2448 SE MOORES ST	012-002
IVANOV ALEKSANDR	0.02	11E25BB04800	2467 SE OCHOCO ST	012-002
ANDERSON GEORGE & KATHLEEN M	1.45	11E25BB04900	NO SITUS	012-002
ANDERSON GEORGE C & KATHLEEN M	1.67	11E25BB05000	NO SITUS	012-002
ANDERSON GEORGE C & KATHLEEN M	0.23	11E25BB05100	2425 SE OCHOCO ST	012-002

EXHIBIT B

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
ANDERSON GEORGE C & K	0.87	11E25BB05200	2417 SE OCHOCO ST	012-002
ANDERSON GEORGE C & KATHLEEN M	0.18	11E25BB05300	NO SITUS	012-002
ANDERSON GEORGE C & KATHLEEN M	0.07	11E25BB05400	NO SITUS	012-002
ANDERSON GEORGE C & KATHLEEN M	0.22	11E25BB05600	NO SITUS	012-002
LEOPOLD IRVING J TRUSTEE	0.73	11E25BB05800	2383 SE OCHOCO ST	012-002
LEOPOLD IRVING J TRUSTEE	0.43	11E25BB05900	NO SITUS	012-002
LEOPOLD IRVING J TRUSTEE	0.02	11E25BB06000	8890 SE MCLOUGHLIN BLVD	012-002
LEOPOLD IRVING J TRUSTEE	0.21	11E25BB06100	8890 SE MCLOUGHLIN BLVD	012-002
STATE OF OREGON	0.55	11E25BB06200	NO SITUS	012-002
STATE OF OREGON	0.10	11E25BB06300	8999 SE MCLOUGHLIN BLVD	012-002
STATE OF OREGON	0.29	11E25BB06400	NO SITUS	012-002
EKERSON JON M	0.22	11E25BB06500	2100 SE OCHOCO ST	012-002
TRENT WILVA A TRUSTEE	0.29	11E25BB06600	2106 SE OCHOCO ST	012-002
STATE OF OREGON	0.20	11E25BB07000	8900 SE MCLOUGHLIN BLVD	012-002
TMD INVESTMENTS LLC	0.10	11E25BB07100	2366 SE OCHOCO ST	012-002
DEBLOCK LAWRENCE	0.44	11E25BB07300	2384 SE OCHOCO ST	012-002
STATE OF OREGON	0.18	11E25BB07400	NO SITUS	012-002
HENDERSON PROPERTIES LLC	0.18	11E25BB07500	2437 SE STUBB ST	012-002
HENDERSON PROPERTIES LLC	0.53	11E25BB07600	2441 SE STUBB ST	012-002
THE CUSTOM KITCHEN INC	0.16	11E25BB07800	2505 SE STUBB ST	012-002
ANDERSON DIE&MFG CO	0.11	11E25BB07900	2525 SE STUBB ST	012-002
METRO	0.34	11E25BB08000	NO SITUS	012-002
METRO	0.28	11E25BB08000	NO SITUS	012-002
BEAVER HEAT TREATING CORP	0.11	11E25BB08100	NO SITUS	012-002
STATE OF OREGON	0.12	11E25BB08300	NO SITUS	012-002
STATE OF OREGON	0.24	11E25BB08400	NO SITUS	012-002
TRENT WILVA A TRUSTEE	0.23	11E25BB08500	NO SITUS	012-002
OREGON DEPT OF TRANSPORTATION	0.23	11E25BC00100	NO SITUS	012-002
OREGON DEPT OF TRANSPORTATION	0.30	11E25BC00200	9002 SE MCLOUGHLIN BLVD	012-002
OREGON DEPT OF TRANSPORTATION	0.11	11E25BC00300	9002 SE MCLOUGHLIN BLVD	012-002
HAWTHORNE INVESTMENT CO	0.13	11E25BC00400	2300 SE BETA ST	012-002
HAWTHORNE INVESTMENT CO	0.18	11E25BC00490	NO SITUS	012-002
KELLOGG PARK LLC	0.37	11E25BC00700	2515 SE MAILWELL DR	012-002
G & B CAPITAL LLC	0.18	11E25BC00800	9304 SE MAIN ST	012-002
INTERNATIONAL AIRPORT CENTERS LLC	0.10	11E25CA03401	2600 SE MAILWELL DR	012-002
INTERNATIONAL AIRPORT CENTERS LLC	0.17	11E25CA03402	2620 SE MAILWELL DR	012-002
INTERNATIONAL AIRPORT CENTERS LLC	0.13	11E25CA03403	2660 SE MAILWELL DR	012-002
INTERNATIONAL AIRPORT CENTERS LLC	0.12	11E25CA03404	2700 SE MAILWELL DR	012-002
PENDLETON WOOLEN MILLS	0.02	11E25CB00100	2516 SE MAILWELL DR	012-002
OREGON TRANSFER CO	0.27	11E25CB00200	9696 SE OMARK DR	012-002
RUDIE WILHELM WAREHOUSE INC	0.05	11E25CB00400	2400 SE MAILWELL DR	012-002
MAILWELL INVESTMENTS LLC	0.16	11E25CB00500	2200 SE MAILWELL DR	012-002
TENNANT INVESTORS	0.23	11E25CB00600	9510 SE MAIN ST	012-002
MONSON WILLIAM	0.37	11E25CB00700	9592 SE MAIN ST	012-002
TRI-COUNTY MET TRANS DIST	0.23	11E25CB01000	9600 SE MAIN ST	012-002
ST CROIX TEXTILE MILLS INC	0.30	11E25CB01100	9850 SE MAIN ST	012-002
CNS PROPERTIES LLC	0.82	11E25CB01400	2323 SE HANNA HARVESTER DR	012-002
H B&B ENTERPRISES LLC	0.33	11E25CC00100	2300 SE HANNA HARVESTER DR	012-002
FINANCIAL GROWTH TECHNOLOGIES LLC	0.29	11E25CC00200	2000 SE HANNA HARVESTER DR	012-002
MURPHY COMPANY	0.33	11E25CD05800	10505 SE 31ST AVE	012-002

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
THE MURPHY CO	0.16	11E25CD06000	NO SITUS	012-002
MURPHY COMPANY	0.15	11E25CD06100	10409 SE 32ND AVE	012-002
MURPHY COMPANY	0.31	11E25CD06200	10427 SE 32ND AVE	012-002
THE MURPHY CO	0.10	11E25CD06300	NO SITUS	012-002
THE MURPHY CO	4.49	11E25CD06400	NO SITUS	012-002
THE MURPHY CO	1.73	11E25CD06600	NO SITUS	012-002
THE MURPHY CO	2.50	11E25CD06700	NO SITUS	012-002
PROVIDENCE HEALTH SYSTEM-OREGON	7.52	11E25DC05600	10330 SE 32ND AVE	012-002
PROVIDENCE HEALTH SYSTEM-OREGON	0.41	11E25DC05800	NO SITUS	012-002
PROVIDENCE HEALTH SYSTEM-OREGON	6.60	11E25DC05900	NO SITUS	012-002
PROVIDENCE HEALTH SYSTEM-OREGON	4.17	11E25DC06000	NO SITUS	012-002
OREGON STATE LIQUOR CONTROL COMMISS	1.68	11E26AA00100	9201 SE MCLOUGHLIN BLVD	012-002
OREGON STATE LIQUOR CONTROL COMMISS	7.83	11E26AA00100	9201 SE MCLOUGHLIN BLVD	012-002
UNION PACIFIC CORP	2.61	11E26AA00200	NO SITUS	012-002
THOMAS INVESTMENTS LLC	1.64	11E26AA00400	1952 SE OCHOCO ST	012-002
NELSON JAY S & MICHELE M	1.00	11E26AA00401	1976 SE OCHOCO ST	012-002
WESTERN STATES ELEC INC	1.30	11E26AA00402	9111 SE MCBROD AVE	012-002
S & F PROPERTIES NORTHWEST LLC	8.54	11E26AA00403	1904 SE OCHOCO ST	012-002
SAMUELS RICHARD A	3.93	11E26AA00405	9001 SE MCBROD AVE	012-002
HELECO DISTRIBUTION CENTER	4.66	11E26AA00500	1702 SE OCHOCO ST	012-002
TENNANT JOE	2.80	11E26AA00501	1780 SE OCHOCO ST	012-002
TENNANT JOE	7.29	11E26AA00600	1780 SE OCHOCO ST	012-002
ARTHUR MARIAM B TRUSTEE	5.17	11E26AA00700	9255 SE MCBROD AVE	012-002
ART MTG BORROWER PROPCO 2006-IC LP	5.85	11E26AD00100	9501 SE MCLOUGHLIN BLVD	012-002
ART MTG BORROWER PROPCO 2006-IC LP	6.53	11E26AD00100	9501 SE MCLOUGHLIN BLVD	012-002
WESTERGRREN E C TRUSTEE	3.29	11E26AD00200	9333 SE MCBROD AVE	012-002
HELECO DIST CENTER	2.34	11E26AD00300	NO SITUS	012-002
HELECO DIST CENTER	4.78	11E26AD00400	NO SITUS	012-002
DIXIE ANN LLC	0.14	11E26AD00501	1887 SE MILPORT RD	012-002
OREGON LIQUOR CONTROL COMMISSION	0.24	11E26AD00600	1777 SE MILPORT RD	012-002
OREGON WORSTED CO	0.33	11E26DA00100	1900 SE MILPORT RD	012-002
OREGON WORSTED COMPANY	0.30	11E26DA00101	9701 SE MCLOUGHLIN BLVD	012-002
6710 LLC	0.33	11E26DA00200	9800 SE MCBROD AVE	012-002
6710 LLC	0.16	11E26DA00600	9800 SE MCBROD AVE	012-002
6710 LLC	0.16	11E26DA00601	9800 SE MCBROD AVE	012-002
CORAL SALES CO	0.14	11E26DA00700	9840 SE 17TH AVE	012-002
WHITMORE JUDITH BRAUN TSTE	0.10	11E26DA00800	1850 SE MILPORT RD	012-002
INNESS DARYL E & DANIELLE	0.19	11E26DA00801	1776 SE MILPORT RD	012-002
CITY OF MILWAUKIE	0.22	11E36AD03800	NO SITUS	012-002
CITY OF MILWAUKIE	1.72	11E36AD03900	NO SITUS	012-002
WETLANDS CONSERVANCY INC	2.70	11E36AD05800	NO SITUS	012-002
WETLANDS CONSERVANCY INC	0.70	11E36AD06000	NO SITUS	012-002
PAGE STEPHEN W & JUDITH P	7.17	11E36AD06501	11400 SE 37TH AVE	012-002
SHURGARD-MILWAUKIE #38010	2.24	11E36AD06502	3701 SE INTERNATIONAL WAY	012-002
PNWP LLC	0.03	11E36AD06503	4011 SE INTERNATIONAL WAY	012-002
PNWP LLC	0.94	11E36AD06504	4103 SE INTERNATIONAL WAY	012-002
WETLANDS CONSERVANCY INC	0.10	11E36AD06505	NO SITUS	012-002
WETLANDS CONSERVANCY INC	0.41	11E36AD06600	NO SITUS	012-002
DAY GORDON D	0.15	11E36AD07200	NO SITUS	012-002
HEGAR ENTERPRISES LLC	0.42	11E36AD07202	11551 SE 37TH AVE	012-002

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
PUBLIC STOR PROP VII INC	0.49	11E36DA00100	4000 SE INTERNATIONAL WAY	012-002
KEHLER BYRON W & VICKIE J	0.58	11E36DA00200	11630 SE 40TH AVE	012-002
MAYES WILLIAM E & SHIRLEY L	0.64	11E36DA00300	11625 SE 40TH AVE	012-002
INTERNATIONAL WAY PARTNERS LLC	1.94	11E36DA00400	3850 SE INTERNATIONAL WAY	012-002
PLANK M GERARD & VIRGINIA M	1.63	11E36DA00401	3990 SE INTERNATIONAL WAY	012-002
JOHNS KEITH D	3.63	11E36DA00500	NO SITUS	012-002
JOHNS KEITH	1.06	11E36DA00501	3716 SE INTERNATIONAL WAY	012-002
JOHNS KEITH D	0.58	11E36DA00502	NO SITUS	012-002
JOHNS KEITH	1.37	11E36DA00600	3716 SE INTERNATIONAL WAY	012-002
PACIFIC NW PROP LTD PRTNR	0.52	11E36DA01300	11707 SE 40TH AVE	012-002
SANCHEZ CAYETANO & ANGELA	0.90	11E36DA01400	NO SITUS	012-002
AMATO FRANK W	1.12	11E36DA01600	11716 SE 40TH AVE	012-002
AMATO FRANK WILLIAM & GAYLE MARIE	0.45	11E36DA01700	4040 SE WISTER ST	012-002
PUBLIC STORAGE PROP V1 INC	0.19	11E36DA01800	4020 SE INTERNATIONAL WAY	012-002
PUBLIC STORAGE PROP LTD	1.45	11E36DA05100	11800 SE 40TH AVE	012-002
AMERICAN OFFICE PK PROP LP	0.02	11E36DA05101	11800 SE 40TH AVE	012-002
PUBLIC STORAGE PROP LTD	0.19	11E36DA05200	11800 SE 40TH AVE	012-002
PUBLIC STORAGE PROP LTD	0.53	11E36DA05200	11800 SE 40TH AVE	012-002
ANKARBERG BRUCE	0.47	12E29AB02103	NO SITUS	012-230
ANKARBERG BRUCE	0.23	12E29AB02203	NO SITUS	012-230
HILDRETH VENDING LLC	0.32	12E29AB02501	8900 SE 73RD AVE	012-230
ANKARBERG BRUCE	0.13	12E29AB02502	8910 SE 73RD AVE	012-229
ANKARBERG BRUCE & K SCHREIBER-ANKARB	0.11	12E29AB02503	8920 SE 73RD AVE	012-229
FUGATE MERRILY JEAN	0.44	12E29AB03601	8961 SE 76TH DR	012-229
GULSONS LLC	0.15	12E29AB03602	8951 SE 76TH DR	012-229
BLISS ARTHUR L CO-TRUSTEE	0.38	12E29AB03603	8971 SE 76TH DR	012-229
EXCELO PRODUCTS INC	3.06	12E29AB03604	8710 SE 76TH DR	012-229
DANKRIS COMPANY	0.31	12E29AB03607	8850 SE 76TH DR	012-229
DANKRIS COMPANY	0.30	12E29AB03608	8860 SE 76TH DR	012-229
EMMERT TERRY W	0.12	12E29AB03609	8855 SE 76TH DR	012-229
EMMERT TERRY W	0.57	12E29AB03700	8855 SE 76TH DR	012-229
EMMERT TERRY W	0.21	12E29AB03800	NO SITUS	012-229
ANKARBERG BRUCE	0.16	12E29AB04100	NO SITUS	012-230
BARR DOUGLAS H & GLORIA J	0.35	12E29AC00600	8981 SE 76TH DR	012-229
JOHNSON CREEK LANDOWNRS ASN	0.23	12E29AC00601	NO SITUS	012-229
BARR DOUGLAS H	0.15	12E29AC00602	8975 SE 76TH DR	012-229
JOHNSON CREEK LANDOWNRS ASN	0.39	12E29AC00700	NO SITUS	012-230
M HANSONS ENTERPRISES INC	0.10	12E29AC00800	7575 SE JOHNSON CREEK BLVD	012-229
JOHNSON CRK L-OWNRS ASSN	0.12	12E29AC00801	NO SITUS	012-229
SAWYER PHILIP	0.46	12E29AC00900	7445 SE JOHNSON CREEK BLVD	012-229
SAWYER PHILLIP	1.11	12E29AC00901	7415 SE JOHNSON CREEK BLVD	012-229
WRIGHT TY	0.26	12E29AC01000	7411 SE JOHNSON CREEK BLVD	012-229
WRIGHT TY	6.84	12E29AC01000	7411 SE JOHNSON CREEK BLVD	012-229
LEWIS SPEED R	0.37	12E29AC01100	7321 SE JOHNSON CREEK BLVD	012-229
LEWIS SPEED R	0.28	12E29AC01100	7321 SE JOHNSON CREEK BLVD	012-229
LEWIS SPEED R	0.14	12E29AC01200	9011 SE 74TH AVE	012-229
HARTMAN DOROTHY	0.27	12E29AC01300	7531 SE JOHNSON CREEK BLVD	012-229
WRIGHT TY M	0.79	12E29AC01301	7413 SE JOHNSON CREEK BLVD	012-229
SCHLAPPI CORAL D CO-TRUSTEE	0.21	12E29AC01400	9160 SE 74TH AVE	012-230
KIRCHEM FAMILY LTD PTRNRSHIP	0.78	12E29AC01500	9180 SE 74TH AVE	012-229

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
SEVEN DEES	0.22	12E29AC01700	7222 SE JOHNSON CREEK BLVD	012-230
FEDERAL NATIONAL MORTGAGE ASSN	0.23	12E29AC01701	NO SITUS	012-229
KIRCHEM WESLEY F	0.08	12E29AC01800	7400 SE JOHNSON CREEK BLVD	012-229
KIRCHEM FAM LTD PRTNSHP	1.47	12E29AC01900	NO SITUS	012-229
KIRCHEM FAM LTD PRTRNSHP	0.35	12E29AC02000	7410 SE JOHNSON CREEK BLVD	012-229
BRUNDIDGE MARILYN	0.31	12E29AC02100	7354 SE JOHNSON CREEK BLVD	012-230
KIRCHEM FAM LTD PRTRNSHP	2.32	12E29AC02200	7402 SE JOHNSON CREEK BLVD	012-229
RAMSEY STEPHEN T	0.24	12E29AC02300	NO SITUS	012-230
RAMSEY STEPHEN T	0.50	12E29AC02400	7600 SE JOHNSON CREEK BLVD	012-230
HOWELL INVESTMENTS LLC	0.26	12E29AC02401	7491 SE OVERLAND ST	012-230
ARBINI ROY	0.56	12E29AC02404	7499 SE OVERLAND ST	012-230
HOWELLS DAVID J & BARBARA L	0.16	12E29AC04600	7609 SE OVERLAND ST	012-230
RAMSEY STEPHEN T	0.48	12E29AC04700	NO SITUS	012-229
KIRCHEM WESLEY F	1.96	12E29AC04800	NO SITUS	012-229
CROSSWHITE ENTRPR INC	0.52	12E29BC00100	9169 SE 67TH AVE	012-230
CROSSWHITE BERT	0.72	12E29BC00101	6480 SE CROSSWHITE WAY	012-230
THOMPSON ELEANOR	0.38	12E29BC00103	9120 SE 64TH AVE	012-230
MD GROUP LLC	0.37	12E29BC00104	6521 SE CROSSWHITE WAY	012-230
CROSSWHITE BERT	0.10	12E29BC00105	6451 SE JOHNSON CREEK BLVD	012-230
CROSSWHITE ENTRPR INC	0.97	12E29BC00106	6465 SE CROSSWHITE WAY	012-230
CROSSWHITE ENTRPR INC	0.08	12E29BC00107	9122 SE 67TH AVE	012-230
CROSSWHITE ENTRPR INC	0.11	12E29BC00108	9256 SE 67TH AVE	012-230
ANDERSON JAMES J & LOIS J	1.05	12E29BC00109	9144 SE 67TH AVE	012-230
CROSSWHITE ENTRPR INC	0.03	12E29BC00110	6651 SE CROSSWHITE WAY	012-230
CROSSWHITE ENTRPR INC	2.55	12E29BC00111	6667 SE JOHNSON CREEK BLVD	012-230
CROSSWHITE ENTRPR INC	0.23	12E29BC00112	6641 SE JOHNSON CREEK BLVD	012-230
CROSSWHITE ENTRPR INC	1.49	12E29BC00113	6532 SE CROSSWHITE WAY	012-230
CROSSWHITE ENTRPR INC	2.25	12E29BC00114	6654 SE CROSSWHITE WAY	012-230
ETON LANE LLC 3/4	5.77	12E29BC00203	6411 SE CROSSWHITE WAY	012-230
CROSSWHITE BERT	1.05	12E29BC00206	6440 SE CROSSWHITE WAY	012-230
KENDIG LORNA J	0.78	12E29BC00301	NO SITUS	012-230
CROSSWHITE ENTERPRISES	3.33	12E29BC00302	9101 SE 64TH AVE	012-230
CROSSWHITE BERT	2.00	12E29BC00400	9125 SE 64TH AVE	012-230
SKUTT CERAMICS INC	0.79	12E29BC00401	6391 SE JOHNSON CREEK BLVD	012-230
KAPTEYN PROP LTD PRTRNSHP	0.11	12E29BC00402	6445 SE JOHNSON CREEK BLVD	012-230
KENDIG LORNA J	0.14	12E29BC00403	6449 SE JOHNSON CREEK BLVD	012-230
SKUTT CERAMICS INC	1.26	12E29BC00404	6441 SE JOHNSON CREEK BLVD	012-230
CROSSWHITE BERT	0.19	12E29BC00405	9299 SE 64TH AVE	012-230
CROSSWHITE BERT	2.31	12E29BC00406	9293 SE 64TH AVE	012-230
GIZOWSKI JERZY & GRAZYNA	0.06	12E29BC00500	6500 SE JOHNSON CREEK BLVD	012-230
GIZOWSKI JERZY & GRAZYNA	0.14	12E29BC00600	6500 SE JOHNSON CREEK BLVD	012-230
GIZOWSKI JERZY & GRAZYNA	0.19	12E29BC00700	NO SITUS	012-230
PORTLAND GEN ELEC CO	0.23	12E29BC00800	NO SITUS	012-230
PORTLAND GEN ELEC CO	3.61	12E29BC00900	NO SITUS	012-230
PORTLAND GEN ELEC CO	2.50	12E29BC00990	NO SITUS	012-230
CROSSWHITE ENTRPRS INC	0.23	12E29BC07200	NO SITUS	012-230
CROSSWHITE ENTRPRS INC	0.23	12E29BC07300	9239 SE BELL AVE	012-230
CROSSWHITE ENTRPRS INC	0.02	12E29BC07400	NO SITUS	012-230
CITY OF PORTLAND	0.24	12E29BD00100	NO SITUS	012-229
ROSE CITY LABEL CO	0.46	12E29BD00200	7235 SE LABEL LN	012-229

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
RAM INVESTMENTS	2.06	12E29BD00300	7355 SE JOHNSON CREEK BLVD	012-230
RAM INVESTMENTS	0.20	12E29BD00400	7225 SE LABEL LN	012-230
RAM INVESTMENTS	6.01	12E29BD00500	7221 SE JOHNSON CREEK BLVD	012-230
RIGBY INVESTMENTS	1.53	12E29BD00600	NO SITUS	012-229
RIGBY INVESTMENTS	3.47	12E29BD00700	6803 SE JOHNSON CREEK BLVD	012-229
VANNOY LENA DOROTHY	7.57	12E29BD01900	6821 SE JOHNSON CREEK BLVD	012-229
CLACKAMAS COUNTY	0.51	12E29BD02000	6919 SE JOHNSON CREEK BLVD	012-229
CLACKAMAS COUNTY	0.87	12E29BD02100	7001 SE JOHNSON CREEK BLVD	012-229
CLACKAMAS COUNTY	0.56	12E29BD02100	7001 SE JOHNSON CREEK BLVD	012-229
DIXON RUTH	2.60	12E29BD02200	7007 SE JOHNSON CREEK BLVD	012-230
DIXON RUTH	22.11	12E29BD02200	7007 SE JOHNSON CREEK BLVD	012-230
LANGE JACK FAMILY TRUST	0.73	12E29BD02300	7205 SE JOHNSON CREEK BLVD	012-230
LANGE AGNESS TRUSTEE	2.18	12E29BD02400	7207 SE JOHNSON CREEK BLVD	012-230
SEVEN DEES	2.08	12E29BD02600	7222 SE JOHNSON CREEK BLVD	012-230
SEVEN DEES	0.52	12E29BD02601	7222 SE JOHNSON CREEK BLVD	012-230
CLACKAMAS COUNTY	1.45	12E29BD02602	NO SITUS	012-230
CLACKAMAS COUNTY	3.23	12E29BD02603	NO SITUS	012-230
TURNER DOUGLAS H	4.00	12E29BD02700	7200 SE JOHNSON CREEK BLVD	012-230
SEVEN DEES	1.15	12E29BD02701	7222 SE JOHNSON CREEK BLVD	012-230
CLACKAMAS COUNTY	1.00	12E29BD02702	NO SITUS	012-230
TURNER DOUGLAS H	1.17	12E29BD02800	7006 SE JOHNSON CREEK BLVD	012-230
BURKE TURNER CORPORATION	2.63	12E29BD02900	7004 SE JOHNSON CREEK BLVD	012-230
GREY BRUCE D & LYNN A	3.00	12E29BD03000	7000 SE JOHNSON CREEK BLVD	012-229
COPP JAMES M CO-TRUSTEE	2.41	12E29BD03100	9308 SE 70TH AVE	012-230
KLINE HOUSTON R & JOAN M	6.80	12E30AA06900	5812 SE WESTFORK ST	012-231
KLINE HOUSTON R & JOAN M	1.28	12E30AA06990	5812 SE WESTFORK ST	012-229
ADVANCED POWDER COATING INC	2.79	12E30AA07000	8969 SE 58TH AVE	012-118
BERNTSON GENE & GAIL	6.83	12E30AA07100	5821 SE JOHNSON CREEK BLVD	012-118
TRUCK RACK & ACESSORIES INC	0.09	12E30AA07200	5819 SE JOHNSON CREEK BLVD	012-118
TRUCK RACK & ACESSORIES INC	1.10	12E30AA07300	5815 SE JOHNSON CREEK BLVD	012-118
FORA PETRU	2.01	12E30AA07400	5811 SE JOHNSON CREEK BLVD	012-118
MURRAY FRANK O TRUSTEE	1.71	12E30AA07500	8940 SE STANLEY PL	012-118
MURRAY FRANK O TRUSTEE	0.97	12E30AA07600	NO SITUS	012-002
MURRAY FRANK O TRUSTEE	6.95	12E30AA07690	8900 SE STANLEY PL	012-118
EVANSON JOHN W	3.80	12E30AA07700	NO SITUS	012-002
EVANSON JOHN W	4.12	12E30AA07790	8901 SE STANLEY PL	012-118
SHAW DENISE GALE	2.35	12E30AA07800	8935 SE STANLEY PL	012-118
SHAW DENISE GALE	1.51	12E30AA07900	NO SITUS	012-002
SHAW DENISE GALE	1.96	12E30AA07990	5803 SE JOHNSON CREEK BLVD	012-118
CARTER ROY C	1.43	12E30AB01100	NO SITUS	012-231
HIGHLAND DOUGLAS K	1.46	12E30AB01200	NO SITUS	012-002
HIGHLAND DOUGLAS K	2.63	12E30AB01300	5721 SE JOHNSON CREEK BLVD	012-118
HIGHLAND DOUGLAS K	1.25	12E30AB01301	5721 SE JOHNSON CREEK BLVD	012-118
MILLS ERNEST E TRUSTEE	0.99	12E30AB01400	5619 SE JOHNSON CREEK BLVD	012-118
ANDERSON JAMES R TRUSTEE	7.04	12E30AB01500	5615 SE JOHNSON CREEK BLVD	012-118
ANDERSON JAMES R TRUSTEE	1.40	12E30AB01600	5611 SE JOHNSON CREEK BLVD	012-118
ANDERSON JAMES R TRUSTEE	1.30	12E30AB01700	5607 SE JOHNSON CREEK BLVD	012-118
BROSTOSKI DONALD S & SUSAN M	0.82	12E30AB01900	5505 SE JOHNSON CREEK BLVD	012-229
BROSTOSKI DONALD S & SUSAN M	0.60	12E30AB01902	NO SITUS	012-229
VERRINDER ROBERT FRANCIS	3.80	12E30AB04300	5425 SE JOHNSON CREEK BLVD	012-229

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
DAVIDSON DONNA L	1.37	12E30AB04400	5421 SE JOHNSON CREEK BLVD	012-229
PERKINS BRIAN ALLEN	1.00	12E30AB04800	8687 SE 55TH AVE	012-229
MOE BROTHERS PARTNERSHIP	0.85	12E30AB04900	NO SITUS	012-229
PCC STRUCTURALS INC	0.41	12E30AB05500	NO SITUS	012-002
HENDERSON ALAN D & ETHEL M	0.21	12E30AB05600	5110 SE JOHNSON CREEK BLVD	012-002
HENDERSON ALAN D & ETHEL M	0.25	12E30AB05700	5120 SE JOHNSON CREEK BLVD	012-002
RENNELLS CHARLES S & SANDRA K	1.17	12E30AB05800	5150 SE JOHNSON CREEK BLVD	012-002
RENNELLS CHARLES S & SANDRA K	0.72	12E30AB05900	5160 SE JOHNSON CREEK BLVD	012-169
UNKNOWN OWNER	0.26	12E30AB06000	NO SITUS	012-002
RENNELLS CHARLES S	0.53	12E30AB06100	NO SITUS	012-002
RENNELLS CHARLES S	8.27	12E30AB06200	5300 SE JOHNSON CREEK BLVD	012-002
MCCLURE DELMAR H	3.85	12E30AB06300	8903 SE 55TH AVE	012-229
PORTASH FRANK D & PATRICIA L	1.29	12E30AB06500	8909 SE 55TH AVE	012-229
PORTASH FRANK D & PATRICIA L	4.97	12E30AB06600	8915 SE 55TH AVE	012-229
MCCLURE INDUSTRIES INC	1.09	12E30AB06700	9051 SE 55TH AVE	012-002
MCCLURE INDUSTRIES INC	2.07	12E30AB06800	9051 SE 55TH AVE	012-002
8904 SE 55TH AVENUE LLC	1.69	12E30AB06900	8904 SE 55TH AVE	012-229
BLACKFORD WILLIAM C	2.17	12E30AB07000	8908 SE 55TH AVE	012-229
NASE RICHARD E TRUSTEE	5.73	12E30AC00100	9101 SE STANLEY AVE	012-229
SCRUTTON GENE	3.15	12E30AC00200	9201 SE STANLEY AVE	012-229
SPRINGWATER PROPERTIES LLC	2.77	12E30AC00300	9301 SE STANLEY AVE	012-229
HANNAN DAVID R	1.15	12E30AC00400	5700 SE JOHNSON CREEK BLVD	012-229
FRANK JEAN	5.06	12E30AD00100	8910 SE FLAVEL DR	012-229
ROONEY BRIAN & AIMEE	1.61	12E30AD00101	8904 SE FLAVEL DR	012-229
CITY OF MILWAUKIE	2.79	12E30AD00200	6101 SE JOHNSON CREEK BLVD	012-118
BARRITT DELMAR V	7.33	12E30AD00900	8910 SE 58TH DR	012-229
ENG HENRY B & SOPHIA S	1.06	12E30AD01000	8926 SE 58TH DR	012-229
CASSINELLI SARAH H	1.34	12E30AD01100	9100 SE 58TH DR	012-229
CASSINELLI ANTHONY M 50%	1.56	12E30AD01300	6089 SE JOHNSON CREEK BLVD	012-118
PHELPS KEITH B	0.95	12E30AD01500	NO SITUS	012-118
SMITH LEWIS E JR	3.00	12E30AD01600	6021 SE JOHNSON CREEK BLVD	012-118
STURSA JOHN D & SHARILYNN	1.97	12E30AD01700	9203 SE 58TH DR	012-118
SMITH LEWIS E JR	1.43	12E30AD01900	8931 SE 58TH DR	012-118
STAPLETON RUBY C	0.81	12E30AD02100	8920 SE 58TH AVE	012-118
MOLZAN BETTY	1.52	12E30AD02200	9022 SE 58TH DR	012-118
SMITH LEWIS E JR	1.06	12E30AD02300	6001 SE JOHNSON CREEK BLVD	012-118
PCC STRUCTURALS INC	0.64	12E30BA00101	NO SITUS	012-019
PCC STRUCTURALS INC	0.96	12E30BA00500	5001 SE JOHNSON CREEK BLVD	012-002
PCC STRUCTURALS INC	1.16	12E30BA00800	NO SITUS	012-002
PCC STRUCTURALS INC	0.44	12E30BA01000	4600 SE HARNEY DR	012-019
PCC STRUCTURALS INC	3.41	12E30BA01200	4740 SE JOHNSON CREEK BLVD	012-002
GEORGE ROBERT E & LADONNA	0.66	12E30BA01500	4906 SE JOHNSON CREEK BLVD	012-002
PCC STRUCTURALS INC	8.30	12E30BA01600	4938 SE JOHNSON CREEK BLVD	012-002
BATTIN JOHN E	1.13	12E30BA01900	5004 SE JOHNSON CREEK BLVD	012-002
EDMAR INC	0.73	12E30BB00100	4536 SE JOHNSON CREEK BLVD	012-169
CLACKAMAS COUNTY	2.35	12E30BB00200	NO SITUS	012-002
PCC STRUCTURALS INC	1.90	12E30BB00300	4708 SE JOHNSON CREEK BLVD	012-002
INDUSTROLOGICAL LLC	0.29	12E30BB00400	4684 SE JOHNSON CREEK BLVD	012-002
LARSON ARLENE C TRUSTEE	1.03	12E30BB00500	4646 SE JOHNSON CREEK BLVD	012-002
LORD KIM A	0.13	12E30BB00600	4622 SE JOHNSON CREEK BLVD	012-002

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
RIVELLI PATRICK S	1.47	12E30BB00700	4540 SE JOHNSON CREEK BLVD	012-002
JOHNSON CREEK DENTAL BUILDING LLC	0.44	12E30BB00800	4450 SE JOHNSON CREEK BLVD	012-002
JOHNSON CREEK DENTAL BUILDING LLC	1.44	12E30BB00801	NO SITUS	012-002
JOHNSON CREEK DENTAL BUILDING LLC	5.37	12E30BB00801	NO SITUS	012-002
RENNELLS CHARLES S & SANDRA K	1.22	12E30BD00100	NO SITUS	012-002
HENDERSON ALAN D & ETHEL M	1.36	12E30BD00200	NO SITUS	012-002
SANCHEZ JOSE A & IRMA	0.77	12E30BD00201	5118 SE JOHNSON CREEK BLVD	012-002
SANCHEZ JOSE A & IRMA	0.91	12E30BD00202	NO SITUS	012-002
BLOUNT INC	1.57	12E31C 00100	4909 SE INTERNATIONAL WAY	012-002
CRITERION CUSTOM FLOORS	1.74	12E31C 00200	NO SITUS	012-002
CRITERION CUSTOM FLOORS	10.59	12E31C 00300	NO SITUS	012-002
SHEPHARD STANLEY V	0.50	12E31C 00400	NO SITUS	012-002
SHEPHARD STANLEY V	0.91	12E31C 00401	NO SITUS	012-002
MALLARD WAY BUILDING LLC	0.17	12E31C 00500	4500 SE CRITERION CT	012-002
BLOUNT INC	2.09	12E31C 00701	NO SITUS	012-002
CLACKAMAS COMMUNICATIONS IN	0.76	12E31C 00703	4700 SE INTERNATIONAL WAY	012-002
DAY MANAGEMENT CORP	0.08	12E31C 00704	4630 SE INTERNATIONAL WAY	012-002
4560 INTERNATIONAL WAY LLC	0.72	12E31C 00706	4560 SE INTERNATIONAL WAY	012-002
CHEYENNE PROPERTIES	0.04	12E31C 00707	4382 SE INTERNATIONAL WAY	012-002
CHEYENNE PROPERTIES	0.58	12E31C 00708	NO SITUS	012-002
CHEYENNE PROPERTIES	0.32	12E31C 00709	4330 SE INTERNATIONAL WAY	012-002
CARTER PROPERTIES LLC	0.70	12E31C 00710	NO SITUS	012-002
CARTER PROPERTIES LLC	1.16	12E31C 00711	4288 SE INTERNATIONAL WAY	012-002
WATUMULL PROPERTIES CORP	0.21	12E31C 00712	4252 SE INTERNATIONAL WAY	012-002
LINCOLN WATUMULL LLC	0.25	12E31C 00714	4243 SE INTERNATIONAL WAY	012-002
LINCOLN WATUMULL LLC	1.98	12E31C 00718	4287 SE INTERNATIONAL WAY	012-002
SCHLESINGER RALPH 35%	0.60	12E31C 00720	NO SITUS	012-002
SCHLESINGER RALPH 35%	0.55	12E31C 00721	NO SITUS	012-002
SCHLESINGER RALPH 35%	0.61	12E31C 00722	4607 SE INTERNATIONAL WAY	012-002
SCHLESINGER RALPH 35%	0.32	12E31C 00723	NO SITUS	012-002
WATUMULL PROPERTIES CORP	0.98	12E31C 00724	4265 SE INTERNATIONAL WAY	012-002
HOFFMAN KENNETH M & CAROLYN C	0.22	12E31C 00725	4400 SE INTERNATIONAL WAY	012-002
TRIAD RETAIL LLC	0.90	12E31CD00100	5000 SE INTERNATIONAL WAY	012-002
JARCO PROPERTY MANAGEMENT	1.58	12E31CD00101	5188 SE INTERNATIONAL WAY	012-002
OMARK PROPERTIES INC	1.36	12E31CD00300	4909 SE INTERNATIONAL WAY	012-002
OMARK PROPERTIES INC	0.43	12E31CD00300	4909 SE INTERNATIONAL WAY	012-002
INTERNATIONAL WAY LLC	0.30	12E31CD00400	5209 SE INTERNATIONAL WAY	012-002
BLOUNT INC	0.20	12E31D 00700	NO SITUS	012-002
BLOUNT INC	0.18	12E31D 00800	NO SITUS	012-002
ILLIG INVESTMENT CO LLC	0.06	12E31D 00801	5687 SE INTERNATIONAL WAY	012-002
GRAMARK COMPANY LLC	0.26	12E31D 00802	5365 SE INTERNATIONAL WAY	012-002
CCI ENTERPRISES INC	1.76	12E31D 00804	5285 SE MALLARD WAY	012-002
GRAMARK COMPANY LLC	0.77	12E31D 00805	NO SITUS	012-002
GRAMARK COMPANY LLC	1.45	12E31D 00806	5505 SE INTERNATIONAL WAY	012-002
HAYTER FAMILY LTD PRTRNSHP	0.37	12E31D 00902	5226 SE INTERNATIONAL WAY	012-002
WESTFALL JACK W TRUSTEE	2.29	12E31D 00903	5272 SE INTERNATIONAL WAY	012-002
JARCO PROPERTY MANAGEMENT	0.57	12E31D 01000	5410 SE INTERNATIONAL WAY	012-002
STANDARD FIN LTD PRTRNSHP	1.75	12E31D 01100	5675 SE INTERNATIONAL WAY	012-002
STANDARD FIN LTD PRTRNSHP	6.21	12E31D 01300	5675 SE INTERNATIONAL WAY	012-169
LUKOVICH DUSHAN TRSTEE 5/6	0.60	12E31D 01400	5777 SE INTERNATIONAL WAY	012-118

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
BACH GEORGE E	1.39	12E31D 01401	5759 SE INTERNATIONAL WAY	012-118
WIRELESS CONNECTIONS LLC	0.86	12E31D 01502	5811 SE INTERNATIONAL WAY	012-002
KNOCKOUT PROPERTIES LLC	0.49	12E31D 01503	5821 SE INTERNATIONAL WAY	012-002
BOWEN DESIGNS INC	0.53	12E31D 01504	5831 SE INTERNATIONAL WAY	012-002
COOK SECURITY GROUP INC	1.45	12E31D 01505	5841 SE INTERNATIONAL WAY	012-002
VIOLICH CHARLIE	0.29	12E31D 01600	5885 SE HARMONY RD	012-169
BENTZ GENEVIEVE HOLTON	0.41	12E31D 01800	5900 SE HARMONY RD	012-169
HT PROPERTIES LLC	0.43	12E31D 01900	6011 SE HARMONY RD	012-169
HUNTER SUSAN V	0.65	12E31D 02000	6019 SE HARMONY RD	012-169
HUNTER SUSAN V	0.55	12E31D 02100	5989 SE HARMONY RD	012-169
CONIFER GROUP INC	0.20	12E31D 02200	6115 SE HARMONY RD	012-169
REEDE TERRY F	0.03	12E31D 02300	6125 SE HARMONY RD	012-169
MATILE DAVID D DMD & BETH M DMD	0.49	12E31D 02301	6201 SE HARMONY RD	012-118
INTERNATIONAL WAY INVESTORS LLC	0.29	12E31D 90000	NO SITUS	012-002
JF/DMP LLC	0.29	12E31D 9010A	5851 SE INTERNATIONAL WAY UNIT A	012-002
MATYLINSKI CLINT M & DENISE M	1.53	12E31D 9010B	5851 SE INTERNATIONAL WAY UNIT B	012-002
D2B2 DEVELOPMENT CO	0.13	21E13A 00720	3811 SE NAEF RD	012-057
JRD ENTERPRISES LLC	0.05	21E13A 00721	3701 SE NAEF RD	012-057
CARLTON COMPANY	0.10	21E13A 00722	3901 SE NAEF RD	012-057
D2B2 DEVELOPMENT COMPANY	0.12	21E13A 00723	3777 SE NAEF RD	012-057
DUEMMER WERNER F	0.32	21E13A 00724	3815 SE NAEF RD	012-057
CARLTON COMPANY	0.41	21E13A 00731	NO SITUS	012-057
CONCRETE HOLDINGS LLC	0.18	21E13A 00734	16750 SE KENS CT	012-057
HEDDON CHARLES B	1.17	21E13A 00735	16600 SE KENS CT	012-057
NORTH CLACKAMAS PARK & REC DIST	1.45	21E13A 00800	NO SITUS	012-057
NORTH CLACKAMAS PARK & REC DIST	0.14	21E13A 00800	NO SITUS	012-057
NORTH CLACKAMAS PARK & REC DIST	0.01	21E13A 00800	NO SITUS	012-057
LOEN-KASSIS INC	0.01	21E13A 02600	3800 SE NAEF RD	012-057
LOEN-KASSIS INC	0.40	21E13A 02690	3800 SE NAEF RD	012-057
US POSTAL SERVICE	0.03	21E13A 02700	3860 SE NAEF RD	012-057
CHERRY ENTERPRISES LLC	0.30	21E13A 02800	4287 SE ROETHE RD	012-057
CONCRETE HOLDINGS LLC	0.30	21E13AB02100	16735 SE KENS CT	012-057
CONCRETE HOLDINGS LLC	0.22	21E13AB02200	16745 SE KENS CT	012-057
GRADT MICHAEL R	0.15	21E13AD00500	4203 SE ROETHE RD	012-057
HERMAN STANLEY R	0.43	21E13AD00600	NO SITUS	012-057
LOWEN EVA L	0.18	21E13AD00700	4111 SE ROETHE RD	012-057
HALDORS MELVYN N & WENDY M	0.98	21E13AD00800	4001 SE ROETHE RD	012-057
N&T PROPERTY LLC	0.01	21E13AD01600	NO SITUS	012-057
WARREN&KOESSLER INV	0.12	21E13AD01603	NO SITUS	012-057
STORAGE EQUITIES INC	0.13	21E13AD01604	NO SITUS	012-057
KASCH ERICH	1.13	21E13AD01700	3990 SE ROETHE RD	012-057
ET PROPERTIES LLC	0.23	21E13AD01701	4100 SE ROETHE RD	012-057
PRECISION PROPERTIES LLC	0.92	21E13AD01800	4150 SE ROETHE RD	012-057
CLACKAMAS RIVER WATER DIST	0.62	22E03C 00400	NO SITUS	012-094
POTTRATZ WILBUR A & JOSEPHINE	0.43	22E03CC00400	10311 SE MATHER RD	012-094
CLACKAMAS EDUCATION SERVICE DISTRICT	0.48	22E04 00204	NO SITUS	012-051
COOLEY SUE D	0.18	22E04B 00300	NO SITUS	012-124
CLACKAMAS COUNTY	16.72	22E04B 01102	NO SITUS	012-124
COSTCO WHOLESALE CORP	0.87	22E04B 01601	13130 SE 84TH AVE	012-124
COSTCO WHOLESALE CORP	0.37	22E04B 01601	13130 SE 84TH AVE	012-124

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
SCOTLEASECO INC	0.52	22E04B 01702	13101 SE 84TH AVE	012-124
STATE OF OREGON	1.60	22E04B 01801	13309 SE 84TH AVE	012-124
PCC STRUCTURALS INC	0.25	22E04B 01900	13340 SE 84TH AVE	012-051
PCC STRUCTURALS INC	1.04	22E04B 01980	NO SITUS	012-124
COSTCO WHOLESALE CORP	2.76	22E04B 06000	NO SITUS	012-124
COSTCO WHOLESALE CORP	4.45	22E04B 06000	NO SITUS	012-124
FJS INC	3.35	22E04CB00100	13690 SE AMBLER RD	012-051
EXCEL EQUIPMENT LLC	1.17	22E04CB00400	NO SITUS	012-051
EXCEL EQUIPMENT LLC	2.25	22E04CB00401	13600 SE AMBLER RD	012-051
EXCEL EQUIPMENT LLC	61.31	22E04CB00402	NO SITUS	012-051
LMRK GROUP LLC	11.40	22E04CB00500	13517 SE AMBLER RD	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	7.67	22E04CB00600	13621 SE AMBLER RD	012-051
ALAMO PAVING CAMPANY	0.44	22E04CB00700	13595 SE AMBLER RD	012-051
BUSS PRECISION MOLD INC	8.99	22E04CB00701	13581 SE AMBLER RD	012-051
STATE OF OREGON	4.76	22E04CB00800	NO SITUS	012-051
GIVEN WILLIAM E	0.08	22E04CB00900	13651 SE AMBLER RD	012-051
CLACKAMAS CEMETERY	1.13	22E04CB01000	NO SITUS	012-051
NEPTUNE SWIMMING POOL CO	0.05	22E04CB01100	8561 SE ALICE CT	012-051
WRIGHT STEVEN D	8.58	22E04CB01200	13831 SE AMBLER RD	012-051
FJS INC	3.69	22E04CB01300	13770 SE AMBLER RD	012-051
LANDIS FAY H	0.07	22E04CB01400	NO SITUS	012-051
LANDIS FAY H	0.26	22E04CB01401	13850 SE AMBLER RD	012-051
LANDIS FAY H	0.10	22E04CB01402	NO SITUS	012-051
STATE OF OREGON	1.28	22E04CB01500	NO SITUS	012-051
STATE OF OREGON	1.13	22E04CB01600	NO SITUS	012-051
DAWES TERRY L	2.17	22E04CD00100	NO SITUS	012-051
CLACKAMAS COUNTY	2.74	22E04CD00200	NO SITUS	012-051
DAWES TERRY L	4.92	22E04CD00300	14242 SE 82ND DR	012-051
DAWES TERRY L	2.15	22E04CD00400	NO SITUS	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	3.07	22E04CD00403	9001 SE LAWNFIELD RD	012-051
CLACKAMAS PARTNERSHIP	24.34	22E04CD00500	14600 SE 82ND DR	012-051
GEISLER FAMILY LTD PRTRNSHP	2.34	22E04CD00600	9180 SE LAWNFIELD RD	012-051
KEITH L WILSON CONST CO INC	7.35	22E04CD00601	9160 SE LAWNFIELD RD	012-051
CLACKAMAS PARTNERSHIP	12.21	22E04CD00700	14600 SE 82ND DR	012-051
CLACKAMAS PARTNERSHIP	2.60	22E04CD00800	14570 SE 82ND DR	012-051
PACIFIC NW PROPERTIES INC	2.86	22E04CD00801	14646 SE 82ND DR	012-051
DIETRICH JOHN H & KATHRYN H	3.20	22E04D 00600	9825 SE LAWNFIELD RD	012-051
UTILITY TRAILER SALES OF OREGON INC	0.28	22E04D 00602	9797 SE LAWNFIELD RD	012-051
KARIE INVESTMENTS LLC	1.94	22E04D 00603	9801 SE LAWNFIELD RD	012-051
PALMER JACK A & LINDA K	0.47	22E04D 00604	9811 SE LAWNFIELD RD	012-051
GREAT AMERICAN TV&R CO INC	0.30	22E04D 00700	9415 SE LAWNFIELD RD	012-051
GREAT AMERICAN TV&R CO INC	3.26	22E04D 00702	NO SITUS	012-051
GREAT AMERICAN TV&R CO INC	0.22	22E04D 00800	NO SITUS	012-051
GREAT AMERICAN TV&R CO INC	0.38	22E04D 00900	NO SITUS	012-051
LANOUE MARK CO-TRUSTEE	0.24	22E04D 01000	14434 SE INDUSTRIAL WAY	012-051
OREGON DEPT OF TRANSPORTATION	7.00	22E04D 01001	9200 SE LAWNFIELD RD	012-051
OREGON DEPT OF TRANSPORTATION	1.96	22E04D 01005	9200 SE LAWNFIELD RD	012-051
OREGON DEPT OF TRANSPORTATION	4.07	22E04D 01005	9200 SE LAWNFIELD RD	012-051
UNION PACIFIC CORP	42.41	22E04D 01100	NO SITUS	012-051
LIITAA DEVELOPMENT LLC	1.11	22E04D 01200	9700 SE LAWNFIELD RD	012-051

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
LIITAA DEVELOPMENT LLC	1.33	22E04D 01300	NO SITUS	012-051
IRON PARTNERS LLC	0.48	22E04D 01303	14285 SE 98TH CT	012-051
NACO LAND II LLC	0.23	22E04D 01304	NO SITUS	012-051
FOR-MOR ENTERPRISES	0.49	22E04D 01305	NO SITUS	012-051
NACO LAND COMPANY II LLC	2.22	22E04D 01306	14235 SE 98TH CT	012-051
CLACKAMAS V	2.13	22E04D 01307	9760 SE LAWNFIELD RD	012-051
HARSCH INVESTMENT PROPERTIES LLC	0.97	22E04D 01400	9812 SE EMPIRE CT	012-051
BISHOP BRIAN C	2.01	22E04D 01403	14200 SE 98TH CT	012-051
HARSCH INVESTMENT PROPERTIES LLC	1.93	22E04D 01404	9866 SE EMPIRE CT	012-051
KLEENAIR PRODUCTS CO INC	0.50	22E04D 01405	14230 SE 98TH CT	012-051
RUDNITSKY ANATOLY	0.04	22E04D 01500	10130 SE BRITTANY CT	012-051
CYPRESS REAL ESTATE CO INC	6.73	22E04D 01502	14510 SE 98TH CT	012-051
VOLANTE 98 LLC	0.00	22E04D 01503	14450 SE 98TH CT	012-051
BLISS LLC	1.92	22E04D 01504	14430 SE 98TH CT	012-051
ABC PROPERTY INVESTMENTS LLC	2.85	22E04D 01505	10123 SE BRITTANY CT	012-051
REIN MARK	0.22	22E04D 01506	10101 SE BRITTANY CT	012-051
HANEL GROUP INC	1.23	22E04D 01507	NO SITUS	012-051
UNION PACIFIC CORP	2.15	22E04D 01600	NO SITUS	012-051
EMMERT TERRY W	2.09	22E04D 01700	NO SITUS	012-051
INTERNATIONAL AIRPORT CENTERS LLC	4.10	22E05A 00900	13501 SE JOHNSON RD	012-051
UNION PACIFIC CORP	1.99	22E05A 00901	NO SITUS	012-051
INTERNATIONAL AIRPORT CENTERS LLC	2.28	22E05A 00902	13541 SE JOHNSON RD	012-051
WARREN INDUSTRIES INC	4.54	22E05A 01000	13270 SE PHEASANT CT	012-051
INTERNATIONAL AIRPORT CENTERS LLC	1.00	22E05AD00200	13475 SE JOHNSON RD	012-051
MCFARLANE DANIEL F & LAURIE A 1/2	8.76	22E05AD00202	NO SITUS	012-051
BROPHY C R	3.26	22E05AD00203	NO SITUS	012-051
BROPHY C R	1.50	22E05AD00204	NO SITUS	012-051
BROPHY C R	3.00	22E05AD00300	NO SITUS	012-051
MCFARLANE DANIEL F & LAURIE A 1/2	10.15	22E05AD00400	NO SITUS	012-051
BROPHY C R	1.07	22E05AD00401	NO SITUS	012-051
MCFARLANE DANIEL F & LAURIE A 1/2	0.05	22E05AD00402	13345 SE JOHNSON RD	012-051
BROPHY CARL	1.18	22E05AD00500	13377 SE JOHNSON RD	012-051
BROPHY CARL	0.45	22E05AD00600	NO SITUS	012-051
MCFARLANE DANIEL F & LAURIE F 1/2	1.09	22E05AD00803	NO SITUS	012-051
GREMAR PROPERTIES 34.32%	0.49	22E05AD00900	13350 SE JOHNSON RD	012-051
GREMAR PROPERTIES 34.32%	1.22	22E05AD00901	NO SITUS	012-051
PHOENIX INVESTMENT GROUP INC	1.17	22E05B 00200	NO SITUS	012-051
PHOENIX INVESTMENT GROUP INC	0.72	22E05B 00300	6201 SE LAKE RD	012-051
UNIFIED WESTERN GROCERS INC	2.63	22E05B 00400	6433 SE LAKE RD	012-051
EDERER INVESTMENT COMPANY	1.92	22E05B 00600	13521 SE PHEASANT CT	012-051
DOMENICO JOSEPH J	0.29	22E05B 01900	6641 SE LAKE RD	012-051
LUKOVICH FAMILY LLC	0.89	22E05B 02000	6707 SE LAKE RD	012-051
REED GROVER A JR	0.17	22E05CA00600	13410 SE PHEASANT CT	012-051
GREMAR PROPERTIES 34.32%	2.31	22E05DA02100	NO SITUS	012-051
LESLIE ENTERPRISES & PROPERTY 1 LLC	0.34	22E05DB00400	13580 SE PHEASANT CT	012-051
LUKOVICH DUSHAN	0.43	22E05DB00500	13520 SE PHEASANT CT	012-051
LESLIE ENTERPRISES & PROPERTY 2 LLC	2.00	22E05DB00501	NO SITUS	012-051
PHOENIX INVESTMENT GROUP INC	0.06	22E06AA00100	6201 SE LAKE RD	012-051
PORTLAND GEN ELEC CO	4.85	22E06AA00200	6005 SE LAKE RD	012-169
TLC PROPERTIES INC	0.16	22E09A 00100	10281 SE MATHER RD	012-051

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
LEATHAM LEROY A TRUSTEE	1.08	22E09A 00200	10215 SE MATHER RD	012-051
R S DAVIS RECYCLING INC	5.37	22E09A 00300	10105 SE MATHER RD	012-051
LEATHAM LEROY A TRUSTEE	0.84	22E09A 00301	NO SITUS	012-051
HANEL GROUP INC	2.83	22E09A 00400	10037 SE MATHER RD	012-051
LIITAA DEVELOPMENT LLC	2.88	22E09A 00600	NO SITUS	012-051
INTL WOOD PRODUCTS LLC	1.64	22E09A 00602	14421 SE 98TH CT	012-051
ESTACADA OIL COMPANY INC	3.91	22E09A 00603	9885 SE MATHER RD	012-051
AL-HADI FAROUK	17.67	22E09A 00604	NO SITUS	012-051
FAL PARTNERS LLC	1.41	22E09A 00605	NO SITUS	012-051
FAL PARTNERS II LLC	1.16	22E09A 00606	NO SITUS	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	2.38	22E09A 00800	9200 SE MATHER RD	012-051
STATE OF OREGON	0.21	22E09A 00900	9801 SE CLACKAMAS RD	012-051
STATE OF OREGON	1.99	22E09A 00901	NO SITUS	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	0.90	22E09AB00100	9200 SE LAWNFIELD RD	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	0.95	22E09AB00100	9200 SE LAWNFIELD RD	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	1.90	22E09AB00101	NO SITUS	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	2.44	22E09AB00200	9651 SE MATHER RD	012-051
SANDNESS LEONARD C & CHRISSE JEANNE	2.77	22E09AB00300	14830 SE 82ND DR	012-051
BMDA PROPERTIES LLC	10.61	22E09AB00400	14920 SE 82ND DR	012-051
GALLANT DAVID N & KATHLEEN M	1.41	22E09AB00500	14950 SE 82ND DR	012-051
CLAYTON HAROLD R & LINDA L	0.69	22E09AB00600	14940 SE 82ND DR	012-051
UNION PACIFIC CORP	0.27	22E09AB00800	NO SITUS	012-051
UNION PACIFIC CORP	1.17	22E09AB00900	NO SITUS	012-051
KPDM PROPERTIES	0.40	22E09AC00100	9500 SE MATHER RD	012-051
CONVEYCO MFG CO	0.50	22E09AC00200	15151 SE INDUSTRIAL WAY	012-051
PACIFIC NW PROPERTIES LTD PRTRNSHP	44.94	22E09AC00300	15140 SE 82ND DR	012-051
TAYLOR EMMA E	0.90	22E09AC02900	15355 SE INDUSTRIAL WAY	012-051
CONVEYCO MFG CO	0.33	22E09AC02901	NO SITUS	012-051
UNION PACIFIC CORP	1.51	22E09AC03100	NO SITUS	012-051
BOESCHEN TIMOTHY J TRUSTEE	2.45	22E09BA00200	8921 SE HERBERT CT	012-051
GEISLER FAMILY LIMITED LIABILITY CO	4.50	22E09BA00400	8811 SE HERBERT CT	012-051
NORDAK LLC	7.43	22E09BA00600	8810 SE HERBERT CT	012-051
ALLEN PROPERTIES LLC	3.07	22E09BA00700	8830 SE HERBERT CT	012-051
LIZER GEORGE M	0.32	22E09BA00900	14625 SE 82ND DR	012-051
NUSZBAUM JERRY DAYTON	0.28	22E09BA01000	14721 SE 82ND DR	012-051
PACIFIC NW PROPERTIES LTD PRTRNSHP	2.43	22E09BA01200	14692 SE 82ND DR	012-051
SANDNESS LEONARD C	2.17	22E09BA01300	14726 SE 82ND DR	012-051
COLUMBIA RUBBER MILL INC	1.82	22E09BA01400	14830 SE 82ND DR	012-051
WARREN FAMILY PROPERTIES LLC	1.11	22E09BA01700	9039 SE JANNSEN RD	012-051
WARREN FAMILY PROPERTIES LLC	0.72	22E09BA01702	14735 SE 82ND DR	012-051
LANOGA CORPORATION	0.16	22E09DA01700	15877 SE 98TH AVE	012-051
KAHUT FRED A TRUSTEE	0.21	22E09DA01701	NO SITUS	012-051
LUMBERMENS OF OR INC	0.70	22E09DA01703	NO SITUS	012-051
NORTHWEST RESTAURANT OR INC	0.34	22E09DA08900	9839 SE ELON ST	012-051
CARSON OIL CO INC	2.52	22E09DA09300	9911 SE ELON ST	012-051
FV PROPERTIES LLC	3.04	22E09DA09700	9980 SE HWY 212	012-051
RAPP HANS & ANNA E	3.73	22E09DA09800	16011 SE EVELYN ST	012-051
SOFICH ROCKY L & JOLENE M	0.30	22E09DA10300	NO SITUS	012-051
SOFICH ROCKY L & JOLENE M	0.13	22E09DA10400	NO SITUS	012-051
STATE OF OREGON	0.16	22E09DA10500	NO SITUS	012-051

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
SPITZNAGEL FAMILY LLC	0.20	22E09DA10600	NO SITUS	012-051
LANOGA CORPORATION	0.83	22E09DB00100	15897 SE 98TH AVE	012-051
LUMBERMENS OF OR INC	0.23	22E09DB00102	NO SITUS	012-051
KAHUT FRED A TRUSTEE	0.73	22E09DB00200	NO SITUS	012-051
KAHUT FRED A TRUSTEE	0.14	22E09DB00300	9602 SE CLACKAMAS RD	012-051
INTERNATIONAL AIRPORT CENTERS LLC	0.13	22E09DB01902	16201 SE 98TH AVE	012-051
INTERNATIONAL AIRPORT CENTERS LLC	0.14	22E09DB02100	16151 SE 98TH AVE	012-051
UNION PACIFIC CORP	0.14	22E09DB02201	NO SITUS	012-051
UNION PACIFIC CORP	0.23	22E09DB02202	NO SITUS	012-051
INTERNATIONAL AIRPORT CENTERS LLC	0.03	22E09DC00100	16251 SE 98TH AVE	012-051
INTERNATIONAL AIRPORT CENTERS LLC	0.11	22E09DC00101	NO SITUS	012-051
CP CLACKAMAS PROPERTIES INC	0.16	22E09DC00302	NO SITUS	012-051
UNION PACIFIC RAILROAD CO	0.22	22E09DC00401	NO SITUS	012-051
INTERSTATE MEAT DIST INC	0.50	22E09DC00901	9550 SE LAST RD	012-051
THORNTON MARVIN G & IRENE G	0.11	22E09DC01100	16345 SE EVELYN ST	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	0.18	22E09DC01104	16469 SE EVELYN ST	012-051
CLACKAMAS CO SERV DIST #1	0.18	22E09DC01105	16561 SE EVELYN ST	012-051
ANDERSON FAMILY PROP LLC	0.23	22E09DD00100	10000 SE ELON ST	012-051
ELON PROPERTY LLC	0.32	22E09DD00300	9812 SE ELON ST	012-051
MILLER GLENN R	0.11	22E09DD00500	16100 SE 98TH AVE	012-051
ELON PROPERTY LLC	0.28	22E09DD00600	9881 SE VIOLET AVE	012-051
MILLER GLENN R & LELA L	0.26	22E09DD01100	16077 SE EVELYN ST	012-051
RIEHL INDUSTRIES INC	0.11	22E09DD01200	16081 SE EVELYN ST	012-051
RHODES JOCK E	0.69	22E09DD01300	16087 SE EVELYN ST	012-051
GOODWIN LARRY & BONNIE	0.44	22E09DD01400	9910 SE VIOLET AVE	012-051
GOODWIN LARRY	0.23	22E09DD01500	NO SITUS	012-051
LAHTI EN DELORES & TARMO	0.92	22E09DD01600	16125 SE 98TH AVE	012-051
SIMMONS T GARY&DE ANNA	4.46	22E09DD01800	16187 SE EVELYN ST	012-051
MILLER GLENN R	3.48	22E09DD01900	16183 SE EVELYN ST	012-051
GOODWIN LARRY	0.23	22E09DD02000	16119 SE EVELYN ST	012-051
RIEHL JOHN & DOROTHY	0.23	22E09DD02100	16076 SE EVELYN ST	012-051
JOHNSON JAN DAVID & JOANNA M	0.43	22E09DD02300	16070 SE EVELYN ST	012-051
JOHNSON JAN DAVID & JOANNA MARIE	0.07	22E09DD02400	16064 SE EVELYN ST	012-051
JOHNSON JAN D & JOANNA M	0.18	22E09DD02500	16042 SE EVELYN ST	012-051
JOHNSON JAN D & JOANNA M	0.32	22E09DD02600	NO SITUS	012-051
JOHNSON JAN DAVID & JOANNA M	3.63	22E09DD02700	16020 SE EVELYN ST	012-051
SOFICH DAVID J & DONNA MAE	0.29	22E09DD02800	16012 SE EVELYN ST	012-051
JOHNSON JAN DAVID & JOANNA M	0.07	22E09DD03000	16022 SE EVELYN ST	012-051
JOHNSON JAN DAVID & JOANNA MARIE	1.82	22E09DD03100	16062 SE EVELYN ST	012-051
BURNS BRUCE	4.10	22E09DD03701	16198 SE EVELYN ST	012-051
BURNS BRUCE	5.50	22E09DD04100	16131 SE EVELYN ST	012-051
EVELYN STREET LLC	3.84	22E09DD04104	NO SITUS	012-051
SOFICH ROCKY L & JOLENE M	1.85	22E09DD04200	16010 SE EVELYN ST	012-051
FURNESS RICHARD W	1.25	22E09DD04201	16036 SE EVELYN ST	012-051
JOHNSON JAN D & JOANNA M	7.12	22E09DD04203	NO SITUS	012-051
SOFICH DAVID J & DONNA MAE	5.52	22E09DD04204	NO SITUS	012-051
NEVEDALE THELMA J TRUSTEE	9.63	22E09DD04205	15930 SE EVELYN ST	012-051
FRIEDRICH RONALD E	2.90	22E09DD04206	NO SITUS	012-051
NORTH PACIFIC SUPPLY CO	4.55	22E09DD04400	16250 SE EVELYN ST	012-051
SAFEWAY STORES INC	2.76	22E09DD04401	NO SITUS	012-051

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
SAFEWAY INC	1.71	22E09DD04402	16300 SE EVELYN ST	012-051
ECONOMIC DEV STATE OF OR	0.47	22E09DD04403	NO SITUS	012-051
INTERNATIONAL AIRPORT CENTERS LLC	1.84	22E09DD04800	16101 SE 98TH AVE	012-051
STATE OF OREGON	4.42	22E10 00601	NO SITUS	012-094
STATE OF OREGON	3.57	22E10 00602	NO SITUS	012-051
STATE OF OREGON	5.16	22E10 00602	NO SITUS	012-051
B & F HOLDINGS LLC	0.84	22E10 00701	10240 SE MATHER RD	012-051
MCDONALD DONALD W TRUSTEE	121.09	22E10 00702	10400 SE MATHER RD	012-051
POTTRATZ WILBUR & JOSEPHINE	1.91	22E10 00703	10311 SE MATHER RD	012-094
B & F HOLDINGS LLC	0.42	22E10 00791	10204 SE MATHER RD	012-094
PIAZZA STEPHEN A	0.90	22E10C 00302	15841 SE HWY 212	012-051
DYCK JOHN P TRUSTEE	30.96	22E10C 00303	15800 SE PIAZZA AVE	012-051
TWO JS INVESTMENTS LLC	33.15	22E10C 00304	15501 SE PIAZZA AVE	012-051
GOTTSACKER WILLIAM & PATRICIA J	3.26	22E10C 00305	15750 SE PIAZZA AVE	012-051
GOTTSACKER WILLIAM	1.56	22E10C 00306	15660 SE PIAZZA AVE	012-051
MUTUAL MATERIALS CO	0.69	22E10C 00307	15791 SE PIAZZA AVE	012-051
STEINMAN BROS DRILL CO	0.69	22E10C 00309	15530 SE PIAZZA AVE	012-051
TWO JS INVESTMENTS LLC	0.46	22E10C 00310	NO SITUS	012-051
DEFRANCE-FAZZOLARI DENISE	1.42	22E10C 00311	15506 SE PIAZZA AVE	012-051
HILGER INVESTMENTS LLC	0.46	22E10C 00313	15484 SE PIAZZA AVE	012-051
BARRETT INVESTMENTS LLC	0.46	22E10C 00315	15440 SE PIAZZA AVE	012-051
HENSTEIN JOHN & KATHLEEN E	0.44	22E10C 00316	15445 SE PIAZZA AVE	012-051
K&Y ENTERPRISES INC	12.07	22E10C 00317	15420 SE PIAZZA AVE	012-051
BALLARD ROBERT J TRUSTEE	1.54	22E10C 00318	15421 SE PIAZZA AVE	012-051
DAS FULL ENTERPRISES LLC	1.50	22E10C 00319	15550 SE PIAZZA AVE	012-051
WORK WOODWARD EQUIP CO	5.61	22E10C 00320	15790 SE PIAZZA AVE	012-051
PESZNECKER RICHARD L	0.46	22E10C 00400	NO SITUS	012-051
FORKER ENTERPRISES	1.18	22E10C 00401	15500 SE 102ND AVE	012-051
FORKER ENTERPRISES	4.14	22E10C 00402	NO SITUS	012-051
SUHOR INDUSTRIES INC	4.64	22E10C 00501	15520 SE 102ND AVE	012-051
SUHOR INDUSTRIES INC	0.16	22E10C 00600	15502 SE 102ND AVE	012-051
FORKER ENTERPRISES	0.57	22E10C 00701	NO SITUS	012-051
L AND V PROPERTIES LLC	0.11	22E10C 00702	15628 SE 102ND AVE	012-051
H D FOWLER COMPANY INC	0.46	22E10C 00800	15670 SE 102ND AVE	012-051
LUNDBOM GERALDINE E L-TRUST	6.11	22E10C 00801	15650 SE 102ND AVE	012-051
GHOES PROPERTIES LLC	1.75	22E10C 01000	10433 SE HWY 212	012-051
MILLER STEVEN L & LORNA L	1.00	22E10C 01002	10345 SE HWY 212	012-051
CANAMORE JACQUELINE E	0.76	22E10C 01003	10315 SE HWY 212	012-051
GHOES PROPERTIES LLC	2.00	22E10C 01100	NO SITUS	012-051
HAWTHORNE INVESTMENT CO	1.53	22E10C 01502	NO SITUS	012-051
PAYNE DONALD	1.74	22E10C 01600	11496 SE HWY 212	012-051
HAWTHORNE INVESTMENT CO	0.46	22E10C 01702	NO SITUS	012-051
GOLL EARL L	2.00	22E10C 01800	10890 SE HWY 212	012-051
WAIBEL JULIE D	2.51	22E10C 01900	10834 SE HWY 212	012-051
WESTON INVESTMENT CO	4.52	22E10C 02000	10712 SE HWY 212	012-051
FRED MEYER STORES INC	0.59	22E10C 02001	NO SITUS	012-051
WAIBEL JULIE D	2.62	22E10C 02100	10600 SE HWY 212	012-051
PACIFIC SCALE CO INC	2.03	22E10C 02300	16002 SE 106TH AVE	012-051
PHOENIX INVESTMENT GROUP INC	1.12	22E10C 02400	16074 SE 106TH AVE	012-051
PHOENIX INVESTMENT GROUP INC	0.64	22E10C 02500	16088 SE 106TH AVE	012-051

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
PETERSON KAREN L	0.94	22E10C 02600	16110 SE 106TH AVE	012-051
HASSON ROBERT JAMES	3.70	22E10C 02700	16162 SE 106TH AVE	012-051
PETERSON KAREN L	1.00	22E10C 02900	16178 SE 106TH AVE	012-051
PETERSON KAREN L	0.68	22E10C 03000	16164 SE 106TH AVE	012-051
SOWLE PROPERTIES LLC	0.91	22E10C 03100	16169 SE 106TH AVE	012-051
PHOENIX INVESTMENT GROUP INC	0.85	22E10C 03200	16111 SE 106TH AVE	012-051
ADMIRABLE PROPERTIES LLC	0.85	22E10C 03300	16075 SE 106TH AVE	012-051
PRIEST ROGER K	0.87	22E10C 03400	16015 SE 106TH AVE	012-051
SAME DAY AUTO SERVICE	1.93	22E10C 03600	16009 SE 106TH AVE	012-051
STEIN & STEIN 2 LLC	1.23	22E10C 03700	10596 SE HWY 212	012-051
DANIELS DOUGLAS P	1.00	22E10C 03800	10560 SE HWY 212	012-051
DANIELS DOUGLAS P	0.46	22E10C 04000	10538 SE HWY 212	012-051
CONSOLIDATED METCO INC	0.38	22E10C 04100	10448 SE HWY 212	012-051
GREENTREE DEVL P CO LLC	1.24	22E10C 04200	10320 SE HWY 212	012-051
ARDEN INC	0.48	22E10C 04500	16333 SE SAFEWAY ST	012-051
ARDEN INC	0.98	22E10C 04503	NO SITUS	012-051
FABRENE CORP	1.22	22E10C 04504	NO SITUS	012-051
PACIFIC REALTY ASSOC LP	0.76	22E10C 04600	10145 SE JENNIFER ST	012-051
CUPPLES PAPER BAG CO	4.65	22E10C 04601	NO SITUS	012-051
PACIFIC REALTY ASSOC L P	5.65	22E10C 04602	NO SITUS	012-051
PACIFIC REALTY ASSOCIATES LP	1.09	22E10C 04700	10315 SE JENNIFER ST	012-051
PACIFIC REALTY ASSOC L P	1.08	22E10C 04701	NO SITUS	012-051
JENNIFER STREET LLC	0.36	22E10C 05500	10497 SE JENNIFER ST	012-051
JENNIFER STREET LLC	1.11	22E10C 05501	NO SITUS	012-051
FABRENE CORP	2.86	22E10C 06000	16225 SE 106TH AVE	012-051
FABRENE CORP	0.57	22E10C 06001	NO SITUS	012-051
HAWTHORNE INVESTMENT CO	1.04	22E10C 06100	10755 SE JENNIFER ST	012-051
FRED MEYER STORES INC	74.90	22E10C 06101	NO SITUS	012-051
HAWTHORNE INVESTMENT CO	4.70	22E10C 06102	NO SITUS	012-051
FRED MEYER STORES INC	0.56	22E10C 06103	NO SITUS	012-051
BMZ PARTNERSHIP	0.27	22E10D 00100	11951 SE HWY 212	012-051
SOFICH TERRY	0.63	22E10D 00101	11985 SE HWY 212	012-051
SOFICH TERRY	0.51	22E10D 00200	11901 SE HWY 212	012-051
SOFICH VIRGINIA TRUSTEE	0.48	22E10D 00300	NO SITUS	012-051
MOLL W MICHAEL	0.42	22E10D 00302	11857 SE HWY 212	012-051
FRED MEYER STORES INC	0.61	22E10D 00600	11500 SE HWY 212	012-051
FRED MEYER STORES INC	0.96	22E10D 00602	NO SITUS	012-051
HAWTHORNE INVESTMENT CO	0.59	22E10D 00900	11205 SE JENNIFER ST	012-051
HAWTHORNE INVESTMENT CO	0.27	22E10D 00902	NO SITUS	012-051
HAWTHORNE INVESTMENT CO	1.30	22E10D 01002	NO SITUS	012-051
HAWTHORNE INVESTMENT CO	2.18	22E10D 01300	11401 SE JENNIFER ST	012-051
HAWTHORNE INVESTMENT CO	0.48	22E10D 01302	NO SITUS	012-051
EMMERT TERRY W	2.02	22E10D 01400	11767 SE HWY 212	012-051
W W GRAINGER INC	0.48	22E10D 01402	11767 SE HWY 212	012-051
EMMERT TERRY W	0.40	22E10D 01501	11811 SE HWY 212	012-051
EMMERT TERRY W	5.87	22E10D 01590	11805 SE HWY 212	012-051
EMMERT TERRY W	0.44	22E10D 01600	11811 SE HWY 212	012-051
EMMERT TERRY	0.19	22E10D 01703	12441 SE HWY 212	012-051
CLEAR CHANNEL WORLDWIDE	0.21	22E10D 01704	12441 SE HWY 212	012-051
MASTER FIRE CONTROL INC	2.78	22E10D 01705	12125 SE HWY 212	012-051

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
EMMERT TERRY	4.52	22E10D 01792	NO SITUS	012-051
NELSON FRED R & MELINDA E	3.16	22E10D 01900	12128 SE HWY 212	012-051
HUGHES PROP LTD PARTNERSHIP	0.21	22E10D 02000	15927 SE 122ND AVE	012-051
PICKTHORN DANIEL S & CINDY L	0.07	22E10D 02100	15981 SE 122ND AVE	012-051
BUSSE WILLIAM B	5.93	22E10D 02200	16007 SE 122ND AVE	012-051
ADEL PROPERTIES INC	0.11	22E10D 02300	16121 SE 122ND AVE	012-051
HAWTHORNE INVESTMENT CO	4.94	22E10D 02402	NO SITUS	012-051
HAWTHORNE INVESTMENT CO	0.51	22E10D 02502	NO SITUS	012-051
HAWTHORNE INVESTMENT CO	0.04	22E10D 02601	NO SITUS	012-051
FRED MEYER STORES INC	0.18	22E10D 02700	16253 SE 122ND AVE	012-051
FRED MEYER STORES INC	3.10	22E10D 02702	NO SITUS	012-051
FRED MEYER STORES INC	0.21	22E10D 02800	12000 SE HWY 212	012-051
HAWTHORNE INVESTMENT CO	0.00	22E10D 03000	12001 SE JENNIFER ST	012-051
HAWTHORNE INVESTMENT CO	6.48	22E10D 03000	12001 SE JENNIFER ST	012-051
HAWTHORNE INVESTMENT CO	0.51	22E10D 03001	NO SITUS	012-051
HAWTHORNE INVESTMENT CO	0.31	22E10D 03201	NO SITUS	012-051
LAIRD NORTON TYEE TRUST CO	0.33	22E10DB00100	NO SITUS	012-051
LAIRD NORTON TYEE TRUST CO	0.80	22E10DB00200	11465 SE HWY 212	012-051
CALDWELL WORTH W JR & BARBARA L	11.15	22E10DB00300	11481 SE HWY 212	012-051
IMPERIAL PLAZA LLC	0.59	22E10DB00400	15875 SE 114TH AVE	012-051
IMPERIAL PLAZA LLC	0.40	22E10DB00500	15865 SE 114TH AVE	012-051
IMPERIAL PLAZA LLC	0.40	22E10DB00600	15635 SE 114TH AVE	012-051
IMPERIAL PLAZA LLC	0.49	22E10DB00700	15648 SE 114TH AVE	012-051
IMPERIAL PLAZA LLC	7.80	22E10DB00800	15792 SE 114TH AVE	012-051
EMMERT TERRY W	0.38	22E10DB01000	NO SITUS	012-051
EMMERT TERRY W	0.42	22E10DB01100	NO SITUS	012-051
NEW POWER TRUST CO MEPT	7.81	22E10DB01200	11241 SE HWY 212	012-051
CLACKAMAS VENTURES LLC	0.13	22E10DB01300	11235 SE HWY 212	012-051
EMMERT TERRY W	0.13	22E11A 00700	15251 SE 142ND AVE	012-051
OBRIST DAVE & LINDA	8.99	22E11A 00903	13605 SE HWY 212	012-051
OBRIST DAVE & LINDA	0.35	22E11A 00993	13605 SE HWY 212	012-051
EMMERT TERRY W	2.37	22E11A 01200	NO SITUS	012-051
EMMERT TERRY W	0.72	22E11A 01202	NO SITUS	012-051
OBRIST LINDA	0.54	22E11A 01203	13611 SE HWY 212	012-051
EMMERT TERRY W	0.51	22E11A 01300	NO SITUS	012-051
KERON COMPANY LLC	10.73	22E11AC02400	15312 SE HUBBARD RD	012-094
KERON COMPANY LLC	7.79	22E11AC02490	15350 SE HUBBARD RD	012-051
KERON COMPANY LLC	0.65	22E11AC02500	NO SITUS	012-094
KERON COMPANY LLC	0.34	22E11AC02590	NO SITUS	012-051
HINES DONALD D & MYRA L	1.80	22E11AC02800	NO SITUS	012-051
HINES DONALD D & MYRA L	1.01	22E11AC02890	13601 SE HWY 212	012-051
CELORIE JEFFREY A	1.83	22E11AC02900	13585 SE HWY 212	012-051
FAZZOLARI M V & D A DEFRANCE-FAZZOLARI	7.82	22E11AC03000	13565 SE HWY 212	012-051
EMMERT TERRY W	20.90	22E11AC03100	13499 SE HWY 212	012-051
EMMERT TERRY W	2.24	22E11AC03200	13489 SE HWY 212	012-051
EMMERT TERRY W	1.37	22E11AC03300	NO SITUS	012-051
LEEK GEORGE W	1.30	22E11AC03400	13273 SE HWY 212	012-051
EMMERT TERRY W	3.94	22E11C 00100	13171 SE HWY 212	012-051
HUPFER WILLIAM W & MARY E	0.99	22E11C 00101	13163 SE HWY 212	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	1.30	22E11C 00200	13141 SE HWY 212	012-051

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
CLACKAMAS RIVER MINI STORAGE LLC	2.00	22E11C 00300	13003 SE HWY 212	012-051
BELLES NADINE D TRUSTEE 1/3	0.21	22E11C 00302	13111 SE HWY 212	012-051
CLACKAMAS RIVER MINI STORAGE LLC	0.43	22E11C 00303	13003 SE HWY 212	012-051
HUPFER WILLIAM W & MARY E	1.12	22E11C 00304	13163 SE HWY 212	012-051
MDF PROPERTIES LLC	2.06	22E11C 00400	15525 SE FOR MOR CT	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	0.50	22E11C 00402	15351 SE FOR MOR CT	012-094
AMERICAN WOOD DRYERS INC	0.12	22E11C 00403	15495 SE FOR MOR CT	012-051
GLADSTONE MACHINE INC	0.94	22E11C 00404	15451 SE FOR MOR CT	012-051
LEGACY WIRELESS PROPERTIES LLC	0.37	22E11C 00405	15580 SE FOR MOR CT	012-051
HEGAR TERRENCE L & MARJORIE M	1.33	22E11C 00413	15600 SE FOR MOR CT	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	1.79	22E11C 00492	15401 SE FOR MOR CT	012-051
TREE OF LIFE NW REGION	1.67	22E11C 01000	NO SITUS	012-094
BEAGLEY NORMA L TRUSTEE	0.64	22E11C 01001	12209 SE HWY 212	012-051
TREE OF LIFE NW REGION	0.38	22E11C 01090	12601 SE HWY 212	012-051
ELTING JAMES A & CATHERINE I	0.43	22E11C 01100	NO SITUS	012-051
KNEZ REALTY GROUP LLC	1.32	22E11C 01101	12301 SE HWY 212	012-051
RAIMER GEORGE W	2.81	22E11C 01102	15651 SE 125TH CT	012-051
RAIMER GEORGE W	5.14	22E11C 01103	NO SITUS	012-051
BEAGLEY NORMA L TRUSTEE	0.83	22E11C 01200	NO SITUS	012-051
RED SHOP LLC	0.38	22E11C 01300	12275 SE HWY 212	012-051
BLUE OFFICE LLC	1.17	22E11C 01400	12211 SE HWY 212	012-051
WHITE SHOP LLC	0.85	22E11C 01500	12249 SE HWY 212	012-051
PACIFIC REALTY ASSOC L P	1.17	22E11C 02201	12900 SE HWY 212	012-051
PACIFIC REALTY ASSOC L P	6.00	22E11C 02202	12710 SE HWY 212	012-051
PACIFIC REALTY ASSOC L P	2.43	22E11C 02203	12500 SE HWY 212	012-051
PACIFIC REALTY ASSOC L P	1.58	22E11C 02204	12500 SE HWY 212	012-051
PACIFIC REALTY ASSOC L P	6.60	22E11C 02205	12300 SE HWY 212	012-051
PACIFIC REALTY ASSOC L P	0.67	22E11C 02206	12300 SE HWY 212	012-051
TNT REDDAWAY TRUCK LINE INC	1.68	22E11C 02207	12250 SE FORD ST	012-051
USF REDDAWAY INC	1.84	22E11C 02210	NO SITUS	012-051
PENSKE TRUCK LEASING CO	0.84	22E11C 02211	15975 SE 130TH AVE	012-051
MAJESTIC SUNRISE LLC	3.92	22E11C 02212	16277 SE 130TH AVE	012-051
USF REDDAWAY INC	0.60	22E11C 02213	NO SITUS	012-051
MARTINI PROPERTIES LTD PRTRNSHP	3.03	22E11C 02800	15450 SE FOR MOR CT	012-051
MARTINI PROPERTIES LTD PRTRNSHP	1.68	22E11C 02890	15450 SE FOR MOR CT	012-094
BROOKTRAUT PROPERTIES LLC	1.24	22E11D 01400	16213 SE 135TH AVE	012-051
BROOKTRAUT PROPERTIES LLC	2.24	22E11D 01500	NO SITUS	012-051
ARENT MARYLEE TRUSTEE	0.98	22E11D 01902	15815 SE 135TH AVE	012-051
ML MOWAT PROPERTIES OR LLC	2.02	22E11D 01903	NO SITUS	012-051
DELOITTE & TOUCHE	1.69	22E11D 02000	NO SITUS	012-051
PORTLAND GEN ELEC CO	0.98	22E11D 02001	NO SITUS	012-051
DELOITTE & TOUCHE	0.98	22E11D 02005	13019 SE JENNIFER ST	012-051
DELOITTE & TOUCHE LLP	6.72	22E11D 02006	13013 SE JENNIFER ST	012-051
G&K REAL ESTATE LLC	3.23	22E11D 02100	13150 SE HWY 212	012-051
PORTLAND GEN ELEC CO	0.49	22E11D 02101	NO SITUS	012-051
PORTLAND GEN ELEC CO	0.49	22E11D 02200	16566 SE 130TH AVE	012-051
G&H LAND CO LLC	19.60	22E11D 02202	13012 SE HWY 212	012-051
DELOITTE & TOUCHE	1.95	22E11D 02203	13009 SE JENNIFER ST	012-051
DELOITTE & TOUCHE	11.02	22E11D 02204	13011 SE JENNIFER ST	012-051
SAFETY KLEEN CORP	7.26	22E11D 02300	NO SITUS	012-051

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
SAFETY KLEEN CORP	6.99	22E11D 02301	NO SITUS	012-051
C J S PROPERTIES	1.10	22E11D 02302	15760 SE 130TH AVE	012-051
HNIDEY THEOFIL	3.78	22E11D 02303	NO SITUS	012-051
HNIDEY THEOFIL	1.09	22E11D 02305	15800 SE 130TH AVE	012-051
P&A METAL FAB INC	1.40	22E11D 02306	16300 SE 130TH AVE	012-051
PORTLAND GEN ELEC CO	1.03	22E11D 02307	16782 SE 130TH AVE	012-051
CLACKAMAS CO FIRE DIST #1	0.97	22E11D 02310	15990 SE 130TH AVE	012-051
CLACKAMAS CO FIRE DIST #1	1.00	22E11D 02311	16100 SE 130TH AVE	012-051
HNIDEY THEOFIL	0.27	22E11D 02313	15830 SE 130TH AVE	012-051
SAFETY KLEEN CORP	3.25	22E11D 02323	16540 SE 130TH AVE	012-051
CLACKAMAS CO FIRE DIST #1	3.23	22E11D 02325	16170 SE 130TH AVE	012-051
P&A METAL FAB INC	6.17	22E11D 02326	16300 SE 130TH AVE	012-051
PORTLAND GEN ELEC CO	0.65	22E11D 02327	NO SITUS	012-051
SCCO LLC	2.53	22E12B 03000	15270 SE 142ND AVE	012-051
OUTBACK PROPERTIES LLC	0.20	22E12B 03100	15202 SE 142ND AVE	012-051
EZ STORAGE INC	1.59	22E12B 03200	15434 SE 142ND AVE	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	3.81	22E12B 03500	NO SITUS	012-051
CLACKAMAS COUNTY DEVELOPMENT AGENCY	4.09	22E12B 03501	14489 SE HWY 212	012-051
REDYNS LTD	2.95	22E12B 03600	14763 SE MORNING WAY	012-051
EMMERT TERRY W	15.73	22E12B 03601	14801 SE MORNING WAY	012-051
GERNHART CLACKAMAS LLC	1.22	22E12B 03608	14505 SE HWY 212	012-051
EMMERT TERRY W	1.85	22E12B 03609	14801 SE MORNING WAY	012-051
MORNING WAY LLC	4.05	22E12B 03700	14850 SE MORNING WAY	012-051
ROCK CREEK PROPERTIES LLC	1.83	22E12B 03703	15000 SE MORNING WAY	012-051
LUCINDA ARSEN LLC	1.50	22E12B 03704	NO SITUS	012-051
GILBERT BRAD & M LYNN	0.93	22E12B 03800	15431 SE 152ND DR	012-051
GILBERT BRADLEY W&MARY L	1.04	22E12B 03900	15481 SE 152ND DR	012-051
KETTNER KATHY M & GREGORY L	1.59	22E12B 04000	15501 SE 152ND DR	012-051
ASAP INVESTMENTS LLC	0.48	22E14A 00801	16940 SE 130TH AVE	012-173
ASAP INVESTMENTS LLC	0.39	22E14A 00891	16940 SE 130TH AVE	012-166
MUTUAL MATERIALS CO	0.48	22E14A 01000	16800 SE 130TH AVE	012-051
MUTUAL MATERIALS CO	0.93	22E14A 01002	NO SITUS	012-051
DULCICH REALTY LLC	3.50	22E14B 00100	16795 SE 130TH AVE	012-051
KOMFORT CORP	45.61	22E14B 00103	NO SITUS	012-051
ELLIS GLEN	0.05	22E14B 00104	NO SITUS	012-051
KOMFORT CORP	3.34	22E14B 00200	NO SITUS	012-051
PELZER KATHRYN E TRUSTEE	4.65	22E14B 01102	12717 SE CARPENTER DR	012-051
PELZER KATHRYN E TRUSTEE	4.56	22E14B 01103	12761 SE CARPENTER DR	012-051
SASSE JERRY A & VIRGINIA E	0.99	22E14B 01104	12805 SE CARPENTER DR	012-051
WILLIAMS BAKERY	8.05	22E14B 01105	12877 SE CARPENTER DR	012-051
FAURE PROPERTIES LLC	8.47	22E14B 01107	12727 SE CAPPS RD	012-051
FAURE PROPERTIES LLC	2.78	22E14B 01200	12805 SE CAPPS RD	012-051
BELLES NADINE D TRUSTEE	3.39	22E14B 01201	16969 SE 130TH AVE	012-051
WISHART THOMAS W & DOROTHY M	3.92	22E14B 01600	12670 SE CAPPS RD	012-051
RAYSON PROPERTIES LLC	1.90	22E14B 02100	12310 SE CAPPS RD	012-051
MURPHY PATRICK L & DYAN M	1.82	22E14B 02203	12250 SE CAPPS RD	012-051
MUELLER PAUL N	1.60	22E14B 02206	17140 SE WILDE RD	012-051
WRIGHT ELDEN D & NAOMI R	1.01	22E14B 02207	17150 SE WILDE RD	012-051
SMITH JAMES H	0.89	22E14B 02304	17316 SE WILDE RD	012-051
SF PACIFIC PROPERTIES INC	1.92	22E14B 02401	NO SITUS	012-051

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
WARN INDUSTRIES INC	3.83	22E14B 02402	12990 SE CAPPS RD	012-051
CARPENTER STREET LLC	3.00	22E14B 02600	12533 SE CARPENTER DR	012-051
CARPENTER STREET LLC	10.32	22E14B 02601	NO SITUS	012-051
TUMAC LUMBER CO INC	18.39	22E14B 02700	12301 SE CARPENTER DR	012-051
SIERRA CONSTRUCTION CO NW INC	3.32	22E14B 02701	NO SITUS	012-051
TENNANT INVESTORS	2.86	22E14B 02800	12100 SE JENNIFER ST	012-051
TENNANT INVESTORS	2.41	22E14B 02801	NO SITUS	012-051
PACIFIC REALTY ASSOCS LP	0.83	22E14B 02901	NO SITUS	012-051
PACIFIC REALTY ASSOCS LP	0.96	22E14B 03000	12402 SE JENNIFER ST	012-051
PACIFIC REALTY ASSOC LP	3.60	22E14B 03001	NO SITUS	012-051
HEATHCOTE FAMILY LLC	2.15	22E14B 03002	12424 SE JENNIFER ST	012-051
WILBUR-ELLIS COMPANY	4.08	22E14B 03101	12530 SE JENNIFER ST	012-051
ECONOMIC DEV STATE OF OR	0.89	22E14B 03102	NO SITUS	012-051
WYMORE TRANSFER CO	2.07	22E14B 03200	12400 SE CARPENTER DR	012-051
WYMORE TRANSFER CO	2.76	22E14B 03201	NO SITUS	012-051
SANTA FE PACIFIC RLTY CORP	0.59	22E14B 03301	NO SITUS	012-051
WYMORE TRANSFER CO	6.11	22E14B 03400	12651 SE CAPPS RD	012-051
SANTA FE PACIFIC RLTY CORP	0.43	22E14B 03401	NO SITUS	012-051
WYMORE TRANSFER CO	4.21	22E14B 03500	12399 SE CAPPS RD	012-051
WYMORE TRANSFER CO	3.34	22E14B 03501	NO SITUS	012-051
HAWTHORNE INVESTMENT CO	5.22	22E14B 03600	NO SITUS	012-051
HAWTHORNE INVESTMENT CO	3.89	22E14B 03601	NO SITUS	012-051
INVESTMENT DEVELOPMENT MANAGEMENT	1.76	22E14B 03700	12438 SE CAPPS RD	012-051
CLACKAMAS COMMONS PROP MGMT LLC	4.00	22E14B 03800	12482 SE CAPPS RD	012-051
CLACKAMAS COMMONS LLC	2.27	22E14B 03900	NO SITUS	012-051
INVESTMENT DEVELOPMENT MANAGEMENT	2.78	22E14B 04000	12430 SE CAPPS RD	012-051
INVESTMENT DEVELOPMENT MANAGEMENT	12.10	22E14B 04100	12458 SE CAPPS RD	012-051
INVESTMENT DEVELOPMENT MANAGEMENT	3.68	22E14B 04200	12450 SE CAPPS RD	012-051
SMITH JAMES H	1.50	22E14C 01400	17418 SE WILDE RD	012-051
ADEL PROPERTIES INC	2.29	22E15A 00200	16700 SE 120TH AVE	012-051
WYMORE TRANSFER CO	4.09	22E15A 00302	NO SITUS	012-051
WYMORE TRANSFER CO	2.77	22E15A 00400	16766 SE 120TH AVE	012-051
WYMORE TRANSFER CO	8.13	22E15A 00500	16810 SE 120TH AVE	012-051
WYMORE TRANSFER CO	1.05	22E15A 00600	16854 SE 120TH AVE	012-051
CAPPS PROPERTY LLC	1.91	22E15A 00700	11681 SE CAPPS RD	012-051
STATFORD GATE	1.02	22E15A 00701	16935 SE 120TH AVE	012-051
CSB HOLDINGS LLC	1.30	22E15A 00706	11711 SE CAPPS RD	012-051
CMT PROPERTIES LLC	1.49	22E15A 00800	16791 SE 120TH AVE	012-051
ELTING JAMES A	1.00	22E15A 00802	NO SITUS	012-051
ELTING INC	2.49	22E15A 00900	16755 SE 120TH AVE	012-051
T & J COLLIER LLC	4.55	22E15A 01001	11774 SE JENNIFER ST	012-051
KNUTSON ANNELIA M	13.15	22E15A 01002	NO SITUS	012-051
PPG INDUSTRIES INC	4.15	22E15A 01006	11900 SE JENNIFER ST	012-051
KNUTSON ANNELIA M	1.00	22E15A 01100	11550 SE JENNIFER ST	012-051
KNUTSON ANNELIA M	0.61	22E15A 01101	11550 SE JENNIFER ST	012-051
EMMERT TERRY W	1.08	22E15A 01200	16590 SE 114TH AVE	012-169
JENNINGS JERRY M	5.15	22E15A 01300	11627 SE CAPPS RD	012-169
BONSTAN CONSTRUCTION CO	7.41	22E15A 01400	11627 SE CAPPS RD	012-169
EMMERT TERRY W	19.43	22E15A 01500	NO SITUS	012-169
GABRIEL PETER L & DELORES A	0.47	22E15A 01501	16569 SE 115TH AVE	012-169

PROPERTY OWNER	EST. ACRES	TAX LOT NUMBER	SITE ADDRESS	TAX CODE
TRI-FAB MFG INC	1.90	22E15A 01502	11490 SE JENNIFER ST	012-051
HOLMAN DIST CNTR OF OR INC	7.76	22E15A 01600	11420 SE JENNIFER ST	012-051
EMMERT TERRY W	7.07	22E15A 01700	16710 SE 114TH AVE	012-169
EMMERT TERRY W	0.08	22E15A 01800	11436 SE CAPPs RD	012-051
EMMERT TERRY W	3.58	22E15A 01900	11678 SE CAPPs RD	012-051
EMMERT TERRY W	6.50	22E15A 02100	11950 SE CAPPs RD	012-051
EMMERT TERRY W	4.72	22E15A 02101	11820 SE CAPPs RD	012-051
EMMERT TERRY W	2.67	22E15A 02200	12000 SE CAPPs RD	012-051
EMMERT TERRY W	11.12	22E15A 02202	12000 SE CAPPs RD	012-051
EMMERT TERRY W	0.14	22E15A 02301	12020 SE CAPPs RD	012-051
EMMERT TERRY W	0.15	22E15A 02500	12030 SE CAPPs RD	012-051
CARLI SILVIO L	9.10	22E15B 00100	NO SITUS	012-169
GLACIER NORTHWEST INC	0.48	22E15B 00102	11340 SE JENNIFER ST	012-051
PORTLAND RD&DRIVEWAY CO INC	0.49	22E15B 00200	10500 SE JENNIFER ST	012-169
PORTLAND RD&DRIVEWAY CO INC	0.47	22E15B 00300	10500 SE JENNIFER ST	012-169
PORTLAND RD&DRIVEWAY CO INC	4.41	22E15B 00390	10500 SE JENNIFER ST	012-171
PORTLAND RD&DRIVEWAY CO INC	0.15	22E15B 00400	10500 SE JENNIFER ST	012-169
PORTLAND RD&DRIVEWAY CO INC	3.12	22E15B 00470	10500 SE JENNIFER ST	012-171
PORTLAND RD&DRIVEWAY CO INC	0.49	22E15B 00480	10500 SE JENNIFER ST	012-171
PORTLAND RD&DRIVEWAY CO INC	0.13	22E15B 00490	10500 SE JENNIFER ST	012-169
PORTLAND ROAD&DRIVEWAY CO	0.97	22E15B 00500	10500 SE JENNIFER ST	012-051
PORTLAND RD&DRIVEWAY CO INC	4.77	22E15B 00600	10500 SE JENNIFER ST	012-051
PORTLAND RD&DRIVEWAY CO INC	4.34	22E15B 00700	10500 SE JENNIFER ST	012-051
PORTLAND ROAD&DRIVEWAY CO	0.82	22E15B 00800	10500 SE JENNIFER ST	012-173
JONES ROBERTA B TRUSTEE	0.73	22E15B 00900	16760 SE ROBERT AVE	012-171
MARSH METAL TECHNOLOGY INC	0.98	22E15B 01000	10300 SE JENNIFER ST	012-051
MARSH DAVID W	1.84	22E15B 01001	10264 SE JENNIFER ST	012-051
CLACKAMAS RIVER WATER DIST	2.55	22E15B 01002	NO SITUS	012-051
CLACKAMAS RIVER WATER DIST	0.16	22E15B 01100	16681 SE ROBERT AVE	012-051
CLACKAMAS RIVER WATER DIST	4.80	22E15B 01101	NO SITUS	012-051
HORDICHOK MONTY NOLAN & VALORY A	17.08	22E15B 01102	16821 SE ROBERT AVE	012-173
CLACKAMAS RIVER WATER DIST	0.36	22E15B 01103	16845 SE ROBERT AVE	012-173
CLACKAMAS RIVER WATER DIST	0.32	22E15B 01191	16871 SE ROBERT AVE	012-173
UNION PACIFIC CORP	0.32	22E16 00100	NO SITUS	012-051
SAFEWAY CANADA HOLD INC	1.54	22E16A 00100	16800 SE EVELYN ST	012-051
CLACKAMAS RIVER WATER DIST	1.22	22E16A 00200	9100 SE MANGAN DR	012-169
CLACKAMAS RIVER WATER DIST	4.00	22E16A 00300	NO SITUS	012-169
SAFEWAY #8111	6.33	22E16A 00500	NO SITUS	012-051
SAFEWAY STORES	2.96	22E16A 00600	9800 SE MANGAN DR	012-051
SAFEWAY #8111	1.97	22E16A 01200	9450 SE MANGAN DR	012-051
BERREY MIKE	0.02	22E16A 01500	16795 SE EVELYN ST	012-051
BERREY MIKE	6.63	22E16A 01500	16795 SE EVELYN ST	012-051
SAFEWAY STORES INC	0.23	22E16A 02300	8800 SE MANGAN DR	012-051
SAFEWAY STORES INC	0.29	22E16A 02390	8800 SE MANGAN DR	012-169
PORTLAND GEN ELEC CO	1.84	22E16A 02400	17104 SE EVELYN ST	012-169
FRENZ PAUL C & DELORES E	6.42	22E16A 02500	17316 SE EVELYN ST	012-169
FRENZ PAUL C & DELORES E	0.56	22E16A 02600	17350 SE EVELYN ST	012-169
STORAGE EQUITIES INC	5.24	22E18CB00801	17501 SE MCLOUGHLIN BLVD	062-011

ATTACHMENT 4

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DIRECTING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH CLACKAMAS COUNTY REGARDING MILWAUKIE / N. CLACKAMAS COUNTY ENTERPRISE ZONE MANAGEMENT.**

**WHEREAS**, The City is committed through the Comprehensive Plan “to encourage an increase in the overall economic development activity within the City, [to] strive to retain existing businesses as well as actively attract new businesses, particularly those identified as having growth potential”; and

**WHEREAS**, The City has jointly sponsored with Clackamas County and application for designation of the Milwaukie / N. Clackamas County Enterprise Zone for a period of 10 years, effective July 1, 2008; and

**WHEREAS**, The City of Milwaukie and Clackamas County will require a structure under which their shared interests in efficient and effective management of the zone can be accomplished; and

**WHEREAS**, Clackamas County staff have efficiently and effectively served as “Zone Manager” in the past; and

**WHEREAS**, Clackamas County has offered to continue to provide such services;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor is directed to contract with Clackamas County through the IGA attached as Exhibit A, for Clackamas County to provide zone management services, and for City of Milwaukie staff to support those activities.

Introduced and adopted by the City Council on April 1, 2008.

This resolution is effective on April 2, 2008.

\_\_\_\_\_  
Susan Stone, Council President

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

**Draft**  
**INTERGOVERNMENTAL AGREEMENT**

BETWEEN THE CITY OF MILWAUKIE AND CLACKAMAS COUNTY  
 FOR MILWAUKIE / N. CLACKAMAS COUNTY ENTERPRISE ZONE MANAGEMENT

THIS AGREEMENT, authorized by ORS 190.010, is made this \_\_\_\_ day of March 2008, by and between the CITY OF MILWAUKIE, an Oregon municipal corporation (hereinafter referred to as "CITY"), and CLACKAMAS COUNTY, an Oregon municipal corporation (hereinafter referred to as "COUNTY"), the promises and agreements of each being in consideration of the promises and agreements of the other.

The parties agree as follows:

**Recitals.** The Milwaukie / North Clackamas County Enterprise Zone was designated on December 4, 1997 for 10 years. The city and county are applying to reauthorize and expand the zone boundaries to include the Clackamas Industrial Area. If approved, the zone would expire on June 30, 2013. The zone is part of a tax abatement program created and administered by the Oregon Economic and Community Development Department. Clackamas County and the City of Milwaukie are joint sponsors of this enterprise zone. Businesses located in the enterprise zone are eligible for a three or five year tax abatement if they can demonstrate that they:

1. Pay above average wages as outlined in Scope of Services 2B below;
2. Increase employment by 10%; and
3. Sign a First Source Agreement with the Oregon Employment Department that commits them to consider hiring local workers first.

This tax abatement program provides a financial incentive for redevelopment and job creation.

1. **Term.** The term of this Agreement begins on the \_\_\_ of April 2008 and can be amended from time to time by mutual agreement commemorated by letter.
2. **Scope of Services.**
  - A. The COUNTY will designate a zone manager and administer the program on behalf of the City of Milwaukie. Services the zone manager will provide include assistance with setting up the enterprise zone program, marketing, business outreach, preauthorization meetings, follow-up, annual reporting, revisions to agreements and zone boundaries. Enterprise zone applications fees will be collected by Clackamas County and will compensate the County for zone management services.
  - B. In order to be eligible for the three-year abatement, an employer must pay new employees a minimum wage of 150% of Oregon Minimum wage for three years. Benefits can be used to reach this pay level. To be eligible for the five-year abatement the employer must pay 150% of average County wages for Clackamas County. Benefits can be used to achieve this salary. The COUNTY agrees to provide the CITY with regular reports as required by ORS 285C.050 to 285C.240.

- C. The COUNTY shall keep the CITY informed of all new developments, issues, or concerns affecting Enterprise Zone operations. The COUNTY shall endeavor to notify the CITY in advance of any public announcement that is to be made on the subject. The CITY shall endeavor to notify the COUNTY of any developments or issues concerning the Agreement in advance of any public announcements on the subject.

Every duty and every act to be performed by either party imposes an obligation of good faith on the party to perform such. Each party shall give the other immediate notice of any action or suit filed or any claim made against a party which may result in litigation in any way related to this agreement.

- D. Unless otherwise specifically prescribed in this Agreement, the following provisions shall govern its interpretation and construction:
- E. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.
- F. Time is of the essence of this Agreement. Neither the COUNTY nor the CITY shall be relieved of its obligation to comply promptly with any provisions of this Agreement by any failure of the other party to enforce prompt compliance with any of its provisions.
- G. Unless otherwise specified in this Agreement, any action authorized or required to be taken by the CITY may be taken by City economic development staff, the Council or by the City Manager.
- H. Duties of City. Potential actions required of the city could include arranging meeting locations and notice as needed, participating in preauthorization conferences with businesses, promoting the program to potentially eligible businesses, distributing marketing information at city hall, and coordinating business assistance with the county business and economic development team.
- I. Modifications. Modifications to the agreement are valid only if made in writing and signed by all parties. The director of the Clackamas County Business and Economic Development Services Department may on behalf of the County approve any modification by amendment that does not increase the County's financial payment or cost.
- J. Notices. All notices, reports, or demands required to be given in writing under this Agreement shall be deemed to be given when delivered personally to the person designated below, or when five (5) days have elapsed after it is deposited in the United States mail in a sealed envelope, with registered or certified mail postage prepaid, or on the next addressed business day if sent by express mail or overnight air courier to the party to which the notice is being given, as follows:

For CITY

For COUNTY

Michael Swanson  
City Manager  
10722 S.E. Main  
Milwaukie, Oregon 97222

Jon Mantay  
County Administrator  
2051 Kaen Road  
Oregon City, Oregon 97045

Such addresses may be changed by either party upon written notice to the other party given as provided in this section.

3. **Hold Harmless.** Each party agrees to release, defend, indemnify and/or hold harmless the other, its officers, commissioners, councilors, employees, and agents from and against all damages, claims, injuries, costs or judgments which may in any manner arise as a result of the party's performance under this contract, subject to the limitations set out in the Oregon constitution and statutes.
4. **Termination.** This Agreement may be terminated by either party as of the 30<sup>th</sup> day of June of any year during the term of this Agreement by giving notice six (6) months prior.
5. **Disputes.** Disputes regarding this agreement, which cannot be resolved by respective managers, shall first be directed to each party's counsel. Failing resolution, parties shall mutually agree upon a third party mediator.
6. **Discrimination.** The parties agree not to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, or source of income in the performance of this Agreement.
7. **Waiver of Breach.** A waiver of any breach of any provision of this Agreement by either party shall not operate as a waiver of any subsequent breach of the same or any other provision of this Agreement.

City of Milwaukie, an Oregon municipal corporation

Clackamas County, a political subdivision of the State of Oregon

by: \_\_\_\_\_  
James Bernard, Mayor

by: \_\_\_\_\_  
Lynn Peterson, County Commission Chair

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
County Counsel

# 7. INFORMATION

North Clackamas Parks and Recreation District  
MILWAUKIE CENTER/COMMUNITY ADVISORY BOARD  
Minutes of February 8, 2008

MEMBERS PRESENT: Joan Staley, Chuck Petersen, Joy Estes, Molly Hanthorn, Jane Hanno, Ben Horner-Johnson, Eleanor Johnson

MEMBERS EXCUSED: Carolyn Mills, Katie Rudfelt, Ben Tabler, Kim Buchholz

STAFF PRESENT: Joan Young, Donna Lugibihl, Beth Meyer

GUESTS: None

CORRESPONDENCE: None

CALL TO ORDER: Joan Staley called the meeting to order at 9:33 am. Motion was made to correct the minutes by hyphenating Horner Johnson. Chuck asked that the minutes be approved as corrected and was seconded by Molly. Minutes were approved unanimously.

#### BOARD/COMMITTEE REPORTS

##### NC DISTRICT ADVISORY BOARD MEETING

The Board met on Thursday, Feb 7, at the Milwaukie Center. Molly reported:

- Jerry Foy, Macy Gast and Eric Shawn were appointed to the Budget Committee by the District Advisory Board.
- Joe Loomis presented the NCPRD Field Policies, Procedures and Fees Recommendation. Board members were pleased with the rental revenues generated for the first season and agreed to recommend them for the 2008 season. There was discussion about getting all the policies together in one document. Changes will be made and will be brought back to the Board. Eleanor Johnson had concerns about scheduling of the fields and parking availability. Joan Y. reassured her that Rose Hunt and Joe Loomis are working together very closely especially when tournaments are going on. They are still working out some of the kinks.
- A video was shown advertising the Great NW Challenge Tournament which will take place here this summer. Fifteen girls' softball fast pitch teams are expected from around the area. Molly passed around a book mark that will be used to advertise this event as well as the website: [www.clackamas.us/sportspage](http://www.clackamas.us/sportspage)
- The IGAS have been signed with the School District to install stadium fields at Rex Putnam and Milwaukie High Schools and improve the upper fields at Alder Creek Middle School. The Board members are pleased with this continuing partnership.
- Tonia Burns has been hired as the new Environmental Coordinator. She has worked in Rainier National Park and for the Forest Service.

- Joan Young presented posters and flyers for the March for Meals and March for Mutts events. Molly put on a March for Mutts hat that was passed out to the Advisory Board members.

#### NC PARK STEWARDSHIP COMMITTEE

Eleanor reported that they have developed a priority list for future issues. It was noted that the lighting issue in the park is ambient lights. The lights are covered which focuses the light down where it then bounces back up. The lights turn off at 10 pm. Some other issues on the list are the dog run and the horse arena. Parking problems might arise when they have horse shows because of the big trailers. Eleanor still has concerns about the traffic in front of the Center.

The question was raised about how long the chairman should serve in office. Eleanor thought that maybe JoAnn Herrigel, who is presently vice chair, might be willing to serve in that capacity. Joan Y. also mentioned that she received an e-mail from Stacy Hammond, Assistant to Michelle Healy, that Kathi Schroeder could no longer serve as an alternate because she's a staff member. Molly made a motion to have Joan Staley serve as an alternate for the Stewardship Committee and Chuck seconded it. It passed unanimously.

#### FUTURE VISION TASK FORCE

Joan Y. reported that the group met on Thursday afternoon, Feb 7, for a brainstorming session. Key areas for focusing on the future were determined what we currently do and should consider doing. Next meeting is Thu, March 13.

#### FRIENDS OF THE MILWAUKIE CENTER, INC.

Eleanor was not able to attend the last meeting. She reminded the Board that the Famous Spaghetti Dinner is coming up on Sat, Feb 23 with the Texas Hold'em Tournament starting at 3 pm. She reported there will be good prizes for the winner. At the next Friends' board meeting (3<sup>rd</sup> Wed of the month), they will be honoring Julia Bolke, who will be retiring as the volunteer bookkeeper with the Friends for 18 ½ years.

#### GOVERNOR'S COMMISSION

Joan Staley said they have been reviewing prospective members and have selected 3 very qualified candidates. They would really like to get an African/American member but so far, none have applied. Right now 21 people are serving on the Commission and they'd really like to see more minorities serving in this group.

#### CENTER REPORT

Joan Y. introduced Beth Meyer, the new Recreation Supervisor. Beth started 4 weeks ago and is based at the Aquatic Park. She oversees adult and kids recreation programs. Her first big event is the Daddy Daughter Dinner Dances, which will be held on Fri and Sat, Feb 8 and 9 at the Milwaukie Center.

Joan mentioned that Clackamas County, the City of Lake Oswego and the University of California at Berkeley have come together to put on presentations for creating aging-friendly communities. Several national experts will be represented. The conference dates are Wednesdays Feb 20, 27 and March 5 at Clackamas County Public Services Building, Oregon City. These presentations can also be accessed on-line. Brenda Durbin, 503-655-8641, is the contact person, if anyone is interested.

Joan handed out Ethics Rules to the Board for their review. She noted that anyone who acts on behalf of the government, from the governor down through volunteers, should be aware of these rules and how they apply.

Joan reported that we are now heading into the 3<sup>rd</sup> Annual March for Meals fund-raising program. The kick off date is Sat, March 1, for the March for Mutts in North Clackamas Park. Each board member was given a March for Mutts hat to wear to promote the event. Posters were also handed out for people to get the word out. Joan mentioned that we have twice as many partners this year as last year. The fund-raising goal this year is \$25,000.

Joan noted that they are in the process of getting a replacement for Cheryl Nally's position. Cheryl is presently working 18 hrs a week and will help train the person when they are hired. So far, 72 applications have been received which will then be weeded down to 30. The interview process is scheduled to begin in March.

#### INFORMATION/ANNOUNCEMENTS

Donna reported that the tax program is going strong and appointments started Feb 1. Taxes will be done on Mondays and Fridays and occasional Wednesdays through April 15.

Jane Hanno commented that the Travel Program is doing a very good job! She's been on some of the trips and plans on going on more. She feels that the trip selections have been great.

Ben reported that the insurance adjuster had come out to look at the damaged canopy in front of the Center and Larry Bumbar is waiting to hear back from him.

#### AGENDA FOR NEXT MEETING

Joan Y. said that the Center, Recreation and Nutrition/Transportation budgets will be the focus next meeting.

ADJOURN –The board meeting was adjourned by Chair Joan Staley at 10:25 am.

Minutes prepared by: Donna Lugibihl

North Clackamas Parks and Recreation District  
**Milwaukie Center**  
Monthly Report for February 2008

***Programs/Services***

More than 115 people attended the February 12 kick off for the Keep on Trekkin' Program. The number of registered walkers has swelled to 136, twice as many people as the prior term. Weekly Trekkin' meetings are well attended and participants are diligent about reporting their steps and successes.

The 39er's Travel Program is offering something for everyone. Guided walks are especially of interest to the Trekkin' group, recently touring downtown Milwaukie and enjoying a talk by one of the city's representatives. The Travel Program also had full busses of folks who enjoyed trips to the Oregon Historical Society, Jewell Meadows and the Charthouse.

The Center has distributed over two dozen emergency "911 only" cell phones this fiscal year to seniors in our area. Phones are donated to the Center by the District Attorney's Victim's Assistance Program. They are available for anyone who would feel safer with a portable phone to access emergency 911 calls when needed.

The Center currently has a wonderful gallery of student art for public viewing. Over 40 pieces are on display by 19 of Milwaukie Center students in oil painting, drawing, watercolor and acrylics classes.

The number of Meals on Wheels recipients continues to grow. The Nutrition Program has provided 44,745 meals through January 2008, averaging 320 meals per day prepared from our kitchen. Fundraising is ongoing and necessary for this program since government reimbursements cover about half of the cost of providing the meals.

***Fundraising***

The Friends of the Milwaukie Center hosted the Spaghetti Dinner and Texas Hold 'Em Tournament in collaboration with Milwaukie Rotary. Over 275 people enjoyed Dale's famous sauce and music from the Rose City Accordion Club. More than 30 people participated in the poker tournament. Both of these events have been successful fundraisers for the Friends and the Milwaukie Rotary.

The Milwaukie Center Transportation Program held a very successful See's Valentine Candy Fundraiser, grossing over \$2,500. The See's Easter Candy Fundraiser will be March 10-21.

***Coming Up***

The 3<sup>rd</sup> annual March for Meals fundraiser and awareness-raiser for Meals on Wheels in North Clackamas County kicks off with a March for Mutts in North Clackamas Park on March 1. Support Milwaukie Center Meals on Wheels in a variety of fun ways throughout the month of March.

Health Aging Seminar: Drug/Herb/Nutrient Interactions workshop, Fri. Mar. 7, 10:30am.

Easter See's Candy Sale March 10-21. See's candy can be purchased at Milwaukie Center, North Clackamas Aquatic Park and Clackamas Federal Credit Union.

The 14<sup>th</sup> Annual "Airing of the Quilts" Show, Fri. & Sat. Mar. 21 & 22. Saturday, March 22, Denise Clausen, of Vladimir Quilts and Textiles, will speak on the show's theme this year, Milestone Quilts.

**CUAB MEETING MINUTES**  
**Wednesday, February 6, 2008**  
**Johnson Creek Facility Conference Room**  
**6101 SE Johnson Creek Blvd.**

**Members Present**

Bob Hatz, Chair  
Betty Chandler  
Charles Bird, Vice Chair

**Members Absent**

Ed Miller

**Staff Present**

Gary Parkin, Engineering Director

I. CALL TO ORDER

Chair Hatz called the meeting to order at 6:10 p.m.

II. INTRODUCTIONS—None.

III. CONSENT AGENDA

Minutes from the last meeting (1/9/08) were approved.

IV. REPORTS

A. Wastewater Master Plan

Gary reported that Parametrix was selected as the engineering firm to complete the master plan update. Charles mentioned that a hosting fee for Kellogg would be his recommendation as treatment options are evaluated. The group also agreed that SDCs need to cover the cost of growth.

B. Capital Improvement Plan

Schedule for budgeting purposes is fast approaching. A detailed accounting of the proposed project will be available for next meeting.

V. DISCUSSION

A. Work Plan

This will be discussed at a future meeting

B. Recruitment

A brief notice that was prepared by Gary was reviewed. The purpose of the notice was to provide information to potential members and aid in recruitment. The Board also reviewed and commented on a set of proposed by-laws (apparently no by-laws have been adopted by this Board).

VI. MATTERS FROM THE BOARD

Bob made a point of mentioning that he felt Rock Island should be in the City of Milwaukie's jurisdiction (instead of Portland's). It should be preserved as a wildlife refuge. He also discussed the development of Main/Monroe, remembering some of the history there.

VII. OTHER—None.

VIII. INFORMATION SHARING—None.

IX. FUTURE MEETING DATE/AGENDA ITEMS

Wednesday, March 5, 2008

Review work plan

X. ADJOURN

The meeting adjourned at 8:30 p.m.

  
\_\_\_\_\_  
Bob Hatz, Chair

  
\_\_\_\_\_  
Gary Parkin, Scribe