

CITY COUNCIL MEETING  
September 19, 1977  
7 p.m.

COUNCIL CHAMBERS

1298th Meeting

The one thousand two hundred ninety-eighth meeting of the Council of the City of Milwaukie, Oregon, was held on the 19th day of September, 1977, with the following councilpersons present:

Allen Manuel	Jerry N. Hutchison
Charles E. Swan	Mayor Bill E. Hupp
Joy Burgess	

Also present:

Harold L. Schilling, City Mgr.	Myer Avedovech, City Atty.
Steven Hall, Dir. of P.W.	Dorothy E. Farrell, Sec'y.

The Pledge of Allegiance was recited, and the invocation was given by the Reverend Robert O. Jackson, First Church of the Nazarene.

CONSENT CALENDAR

- a) Approval of minutes - September 6, 1977
- b) Progress payment - Traffic Safety Management Program
- c) Johnson Creek Drainage Basin map
- d) Invitation to Oregon Economic Development Conference
- e) Final billing - 17th Ave/Milport Bikeway
- f) Progress payment - Lake Road Bikeway

It was MOVED by Burgess, SECONDED by Hutchison, to accept the Consent Calendar. Mrs. Burgess asked about item c, which was intended to show the areas in the Johnson Creek drainage basin which are unsewered. The map did not reproduce well, and a different map will be provided to Council. MOTION CARRIED unanimously.

- b) City Manager and Public Works Director recommend payment of \$4774.01 to Transportation Planning and Management, Inc., for engineering services in August, 1977, on the Milwaukie Roadway and Traffic Safety Management Program.
- c) Johnson Creek Drainage Basin map.
- d) Department of Economic Development, State of Oregon, invites Council to a conference at Bowman's on October 7, 1977.
- e) City Manager and Public Works Director recommend final payment of \$28,495.95 to Cascade Construction Company Inc. on 17th Avenue/Milport Bikeway.
- f) City Manager and Public Works Director recommend progress payment No. 5, in the amount of \$1755.60, to Wes Notz Excavating, Inc., on Lake Road Bikeway.

AUDIENCE PARTICIPATION

1. Eloise Hobson, Chairman of Parks and Recreation Commission, presented the Commission's annual report.
2. Kenneth J. Levstone gave a presentation on Northwest Oregon Health Systems.

PUBLIC HEARING - APPEAL ON C-77-11 - CONDITIONAL USE APPLICATION FOR FIVE-PLEX - 32ND NEAR MALCOLM

Planning Commission approved conditional use application for a five-plex on the west side of 32nd Avenue approximately 120 feet south of Malcolm Street. Appeal was filed on August 11. Public hearing will be based on evidence provided at the hearing, not on the transcript record, in accordance with an amendment to zoning procedures adopted August 1, 1977.

Public hearing was declared open at 7:30 p.m. Notices mailed as required. Staff report was given by City Attorney. No correspondence was received either for or against the appeal, other than that received during Planning Commission consideration.

Speaking in favor of appeal:

Don Graf, 2949 SE Boyd, representing Neighborhood Council 2  
 K. E. Grow, 3039 SE Malcolm Street  
 Herb Nissen, 3002 SE Malcolm  
 Mrs. Roy E. Johnson, 9147 SE 29th  
 Theresa Hale, 3024 SE Malcolm

Speaking against the appeal:

Karen Tindall, 18014 S. Skylands Circle, Lake Oswego, applicant  
 for conditional use permit.

Public hearing was declared closed at 8:30 p.m.

It was MOVED by Hutchison, SECONDED by Burgess, to uphold the appeal and overturn the decision of the Planning Commission, based on the fact we have set aside in the current comprehensive plan this general area as limited commercial, and the thought that is exactly what it should be, and to allow continued development for residential purposes in this zone will negate the possibility of reasonable commercial development at a future date. MOTION CARRIED unanimously.

(Meeting recessed at 8:50 p.m., reconvened at 9 p.m. with all present.)

#### NEIGHBORHOOD COUNCIL REPORTS

Letter has been received from Joanne Baker, dated August 29, 1977, resigning from the board of Neighborhood Council No. 1.

#### LETTER FROM DEPARTMENT OF COMMERCE RE DROUGHT RELIEF APPLICATION

Offer of Loan and Grant has been received from Economic Development Administration, Department of Commerce; grant not to exceed \$7000, and loan not to exceed \$28,000, under the Drought Relief Act of 1977.

It was MOVED by Burgess; SECONDED by Hutchison, to accept the Acceptance of Offer of Loan. After discussion, the motion was WITHDRAWN, and it was MOVED by Burgess, SECONDED by Hutchison, to read Resolution Number 45-1977 (ACCEPTANCE OF OFFER OF LOAN) by title only. MOTION CARRIED unanimously. It was MOVED by Swan, SECONDED by Hutchison, to adopt Resolution 45-1977. MOTION CARRIED unanimously.

It was MOVED by Burgess, SECONDED by Hutchison, to accept the grant in the amount of \$7000. MOTION CARRIED unanimously.

#### CORRESPONDENCE

1. Norman C. Battaglia, in letter dated September 14, 1977, has resigned from Civil Service Commission and Budget Committee.
2. Nova Young, Chairman of Senior Citizen Advisory Council, in letter dated September 19, 1977, requests joint meeting with City Council. It was decided to meet with the Senior Citizen Council at 7 p.m. September 26, and at 8 p.m. have a work session on proposed Charter changes.

3. Mel Paulson, Chairman of newly-formed Committee for a Greater Milwaukie Community Center, in letter dated September 16, 1977, asks for Council's position the question: "...when funding is available and actual plans go forward, what will be the definite place of Senior Citizens in the Community Center?" Staff was asked to respond to the committee, assuring them of the Council's support, and that the community center will be adequate for all senior citizen activities in the Milwaukie area.

PARK AND RECREATION COMMISSION REPORT ON APPOINTMENTS.

Council has asked for a report from the Park and Recreation Commission on appointments to vacancies, but the Commission has not had a meeting, so will report at the next Council meeting.

WATER TOWER PARK PLAN

Manager has written report, dated September 19, on Water Tower Park, showing estimated project cost as \$34,166.75. The report also spells out principal resources for Parks and Recreation during fiscal 1977-78, as well as proposed project expenditures.

RESOLUTION NUMBER 46-1977 - ECONOMIC DEVELOPMENT ADVISORY COMMISSION

It was MOVED by Swan, SECONDED by Manuel, to read Resolution Number 46-1977 (A RESOLUTION ESTABLISHING AN AD HOC ECONOMIC DEVELOPMENT ADVISORY COMMISSION) by title only. MOTION CARRIED unanimously, with Council agreement that the number of members should be five. It was MOVED by Hutchison, SECONDED by Swan, to adopt Resolution 46-1977. MOTION CARRIED unanimously. It was suggested that Manuel and Schilling suggest appointees to the committee.

ORDINANCE ON EMPLOYEE RESIDENCY

Employee groups have been asked to comment on the proposed ordinance, but nothing has been received yet.

LETTER FROM EPA RE REDUCED SEWER RATE CHANGES

United States Environmental Protection Agency has written letter, dated September 9, 1977, saying the city can't fund the reduced sewer rates for low-income users on a rate basis. The user charge system, the letter states, must result in the distribution of the cost of operation and maintenance of treatment plant to each user in proportion to each user's contribution to the total wastewater loading of the treatment works. Other requirements are also spelled out in the letter. Staff was asked to prepare a letter to the city's congressional delegation complaining about the Federal Government being able to subsidize low income persons, but not allowing the city to do so.

USE OF HOUSE ON KELLER PROPERTY

Jerry and Jean Lenhardt have offered to provide park and grounds maintenance services to the city in return for rental possession of the city-owned dwelling on Keller Park property. It was Council consensus that an agreement be prepared for signature.

RESOLUTION NUMBER 47-1977 - CERTIFYING CITY PROVIDES MINIMUM SERVICES

It was MOVED by Hutchison, SECONDED by Burgess, to read Resolution Number 47-1977 (A RESOLUTION CERTIFYING THAT THE CITY OF MILWAUKIE PROVIDES AT LEAST FOUR OF THE REQUIRED SERVICES TO BE ENTITLED TO PARTICIPATE IN STATE-SHARED REVENUES IN LIQUOR, CIGARETTE TAX AND CERTAIN HIGHWAY FUNDS) by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Swan, to adopt Resolution 47-1977. MOTION CARRIED unanimously.

OTHER BUSINESS

1. Manager reported the PGE rate surcharge would have a financial impact on the city.
2. Council asked whether Community Development funds would be available for Water Tower Park. Manager stated it may be possible some money can be diverted.
3. Manager reported on problems with present house trailer at North Clackamas Park. Staff has been looking at used trailers for a replacement. It was MOVED by Swan, SECONDED by Hupp, to authorize Manager to look at used trailers quickly, and make the best deal possible. MOTION CARRIED unanimously.
4. Public Works Director reported on progress on street projects.
5. Manager stated there is a regional wastewater treatment study in progress. One option being considered would effectively shut down the Oak Lodge treatment plant and divert sewage to Milwaukie. The CRAG board of directors will be discussing this Thursday night. It was MOVED by Hupp, SECONDED by Burgess, for the city to write CRAG asking them to hold up any decision until the environmental, economic and social impacts are made available. MOTION CARRIED unanimously.
6. It was MOVED by Hutchison, SECONDED by Burgess, to read Resolution No. 48-1977 (A RESOLUTION HONORING RUTH GREEN AND GRANTING SPECIAL PRIVILEGES) by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolution 48-1977. MOTION CARRIED unanimously.
7. A letter has been received from Congressman Duncan, dated September 14, 1977, concerning EDA funds.
8. Letter has been received from EDA, dated September 16, 1977, concerning EDA drought assistance funds.
9. Nova Young, Chairman of Senior Citizen Advisory Council, has received letter from Senator Hatfield, dated September 15, 1977, concerning EDA funds.
10. Copies of proposed community survey questionnaire were given to councilmembers, with request they fill them out, and make comments.
11. John Palmer, 6224 SE Aspen, asked if it would be feasible to declare a moratorium on any conditional use applications for residential development in a commercial zone, until the comprehensive plan revision is finished. It was decided to ask the Planning Commission to study the question.
12. Mayor stated there is a rat problem at the library pond. Staff will request help from the county.

City Council Meeting September 19, 1977

Page 5.

PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Burgess, that the bills listed for September 19, 1977 payment be approved for payment. MOTION CARRIED unanimously.

The meeting adjourned to executive session at 11:05 p.m., under ORS 192.660 (2)(a), to discuss acquisition of property. At 11:30 p.m. it was MOVED by Burgess, SECONDED by Hutchison, to extend the meeting for another 10 minutes. The meeting returned to regular session at 11:30 p.m.

ORDINANCE NUMBER 1372 - MUNICIPAL WATER SYSTEM FACILITIES

It was MOVED by Hutchison, SECONDED by Manuel, to read Ordinance Number 1372 (AN ORDINANCE PROVIDING FOR DEVELOPMENT OF A MUNICIPAL WATER SYSTEM FACILITIES AND PARK SPACE ON THE MEDICA PROPERTY, CLACKAMAS COUNTY, OREGON, AS MORE PARTICULARLY SET FORTH IN THE LEGAL DESCRIPTION AND DECLARING AN EMERGENCY) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Burgess, for second reading by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Ordinance 1372. Ordinance 1372 was put on its passage with the following roll-call vote: AYES: Manuel, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1372 passed the Council and was so declared by the Mayor.

It was MOVED by Hutchison, SECONDED by Burgess, to continue the meeting to 7 p.m. Monday, September 26, 1977. MOTION CARRIED unanimously.

The meeting adjourned at 11:45 p.m.

Bill Hupp  
Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell  
Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA  
September 19, 1977  
7:00 p.m.

COUNCIL CHAMBERS1298th Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend Robert O. Jackson, First Church of the Nazarene
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
  - a) Approval of minutes - September 6, 1977
  - b) Progress payment - Traffic Safety Management Program
  - c) Johnson Creek Drainage Basin map
  - d) Invitation to Oregon Economic Development Conference
  - e) Final billing - 17th Ave./Milport Bikeway
  - f) Progress payment - Lake Road Bikeway
5. AUDIENCE PARTICIPATION
  - a) N.W. Oregon Health Systems Presentation by Ken Levstone
- 6) NEIGHBORHOOD COUNCIL REPORTS
  - a) Letter of resignation from Joanne Baker, NC 1
- :30 p.m. 7. PUBLIC HEARING - Appeal - C-77-11 - Conditional use permit
8. CORRESPONDENCE
  - a) Letter from U.S. Dept. of Commerce regarding Drought Relief Application
9. OLD BUSINESS
  - a) Park & Recreation Commission report on appointments
  - b) Water Tower Park plan
  - c) Resolution No. \_\_\_\_\_ - Creating Economic Development Commission
  - d) Ordinance No. \_\_\_\_\_ - Employee residency
  - e) Letter from EPA regarding reduced sewer rate changes
10. CONSIDERATION
  - a) Letter regarding rental of house on Keller property
  - b) Resolution No. \_\_\_\_\_ - Certifying City provides minimum services
11. OTHER BUSINESS
12. PAYMENT OF BILLS
13. ADJOURNMENT
14. EXECUTIVE SESSION under ORS 192.660 (2) (a)

CITY OF MILWAUKIE

Inter-Department Memorandum

*Agenda*  
4E  
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Date: 14 September 1977

TO: City Manager/City Council

FROM: Public Works Department *J.M. Zell*

SUBJECT: Final Billing - 17th Avenue/Milport Bikeway

Attached is the bill from Cascade Construction Company Inc. for payment on the above referenced project.

The project has been constructed in accordance with the plans and Specifications of the City of Milwaukie and has been inspected and accepted by this Department.

Value of completed work	\$29,995.74
Less 5% retainage	<u>1,499.79</u>
Total amount now due contractor	\$28,495.95

SMH:js

APPROVAL RECOMMENDED

*Harold L. Schilling* 9/15/77  
HAROLD L. SCHILLING

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②

August 31, 1977

RECEIVED

SEP 7 1977

CITY OF MILWAUKIE  
DEPT. OF PUBLIC WORKS

City of Milwaukie  
Public Works Department  
10722 S. E. Main Street  
Milwaukie, Oregon 97222

Job No. 7-59

TERMS: CASH

Final billing re 17th Avenue/Milport Bikeway for City of Milwaukie, Oregon -

Total of schedules A, B, and C

1.	Type B asphalt	478.050 tons @ \$ 21.00 ✓	\$ 10,039.05
2.	Furnish and install curbing	457 l. ft. @ \$ 4.50 ✓	2,056.50
3.	10" diam. traffic buttons, installed	220 @ \$ 7.20 ✓	1,584.00
4.	Painting and striping	4864 l. ft. @ \$ .10 ✓	486.40
5.	Cut curb and bike ramp	1 @ \$ 352.00 ✓	352.00
6.	Bridge ramps	4 @ \$ 189.00 ✓	756.00
7.	Clearing and grubbing	Lump sum	9,411.00
8.	3/4"-0 crushed rock, in place	375.195 tons @ \$ 20.25	5,310.79
			<u>7,597.70</u>

Total Schedules A, B, and C

~~\$22,282.65~~

*bid item # 20.25/yd  
NOT PER TN.*

*OK for 29,995.74 @ 20*

*375,195 TN x .699 TN @ 20.25 = 29,995.74*

*28495 95*

## CITY OF MILWAUKIE

## Inter-Department Memorandum

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①

Date: 15 Sept. 1977

TO: City Manager/City Council

FROM: Public Works Department *J.M. Hall*SUBJECT: Progress Payment No. 5  
Lake Road Bikeway

Pursuant to the requirements of the contract between the City of Milwaukee and Wes Notz Excavating, Inc. this progress payment is submitted indicating the amount due this Contractor.

	PREVIOUS P'mts	TOTAL TO DATE	AMOUNT NOW DUE
Work Completed	\$41,936.90	\$43,784.90	\$1,848.00
Less 5% retainage	2,096.85	2,189.25	92.40
TOTALS	\$39,840.05	\$41,595.66	1,755.60

Respectfully submitted,

Steven M. Hall  
Public Works Director

APPROVAL RECOMMENDED

*[Signature]* 9/15/77  
HAROLD L. SCHILLING

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REVISED-June 6, 1977

SCHEDULE OF PRICES

for

CONSTRUCTION OF BIKEWAY

LAKE ROAD

MILWAUKIE, OREGON

ITEM NO.	DESCRIPTION	UNIT	TOTAL UNITS	UNIT COST	TOTAL FOR ITEM
1.	Type B Asphaltic Concrete	ton		<u>29.50</u>	
2.	10" Diameter traffic buttons	each		<u>6.50</u>	
3.	Painting and striping	lin.ft.		<u>.06</u>	
4.	3/4" - 0" Crushed rock - in place	cu.yd.	1429.70	<u>7.00</u>	<u>\$10,007.90</u>
5.	Clearing and grubbing	Lump sum		<u>1850.00</u>	
6.	Curb Ramps	each		<u>70.00</u>	
7.	6' wide Side walk	lin.ft.		<u>1.00</u>	
8.	Curbing	lin.ft.		<u>3.25</u>	
9.	12" Storm Drain	lin.ft.	1377	<u>7.00</u>	<u>9,639.00</u>
10.	15" Storm Drain	lin.ft.	797	<u>8.00</u>	<u>6,376.00</u>
11.	18" Storm Drain	lin.ft.	1078	<u>9.00</u>	<u>9,702.00</u>
12.	Manholes, complete	each	7	<u>600.00</u>	<u>4,200.00</u>
13.	Catch Basins, complete	each	12	<u>275.00</u>	<u>3,300.00</u>
	Extra Work: 14 hours @ \$40/hr.				560.00
	Total work completed to date				<u>\$43,784.90</u>

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12232 S.E. 36th Avenue  
Milwaukie, Oregon 97222  
August 29, 1977

City Council  
Milwaukie, Oregon

Please accept my resignation from the board of Neighborhood Council #1 as of September 1, 1977. It has been my pleasure to be involved in this way with the city and its various interests.

  
Joanne N. Baker



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City of Milwaukee  
M E M O R A N D U M

September 14, 1977

TO: City Manager  
FROM: Planning Director  
SUBJECT: Appeal, Conditional Use C-77-11

On June 28, the Planning Commission considered an application for a conditional use for a five-plex.

On July 21, this matter was reviewed by Neighborhood Council 2.

On July 26, the Planning Commission approved the conditional use with the following conditions:

- 1) Recommend to the Design Review Board that four specimen trees on the property be preserved if possible.
- 2) That parking and maneuvering be entirely on the site. If this cannot be accommodated on the site, the number of units is to be reduced accordingly.

On August 11, an appeal was filed. The public hearing scheduled for September 19 will be based on evidence provided at the hearing, and not upon the transcript record. This is in accordance with an amendment of zoning procedures adopted August 1, 1977.

If the conditional use is upheld, the project can be reviewed by the Design Review Board on October 11.

Attached are:

- 1) Staff report on C-77-11 dated June 28, 1977.
- 2) Excerpt from June 28 Planning Commission minutes relative to C-77-11.
- 3) Copies of correspondence received for June 28 Planning Commission hearing.
  - a) Kenneth and Luella Grow, 3039 S. E. Malcolm, dated June 27.
  - b) Lawrence and Frieda Burnett, 9327 S. E. 32nd, dated June 28.
- 4) Excerpt from July 21 Neighborhood Council 2 minutes relative to C-77-11.
- 5) Memo from staff regarding C-77-11 dated July 26.
- 6) Excerpt from July 26 Planning Commission minutes relative to C-77-11.
- 7) Copies of correspondence received for July 26 Planning Commission meeting.
  - a) Kenneth and Luella Grow, 3039 S. E. Malcolm, dated July 21.
  - b) Mr. and Mrs. John Pelly, 3007 S. E. Malcolm, dated July 21.
  - c) Mr. and Mrs. John Pelly, 3007 S. E. Malcolm, dated July 14.
  - d) Petition with 17 signatures in opposition, received July 26.
- 8) Memo from Neighborhood Council Office re C-77-11, dated August 5.
- 9) Letter dated August 11 from Kenneth Grow, 3039 S. E. Malcolm.
- 10) Appeal form dated August 11 with 31 signatures.

Civ/me

# CITY OF MILWAUKIE PLANNING DEPT. STAFF REPORT

DATE: June 28, 1977

FILE NO: C-77-11

APPLICATION	▪	Conditional Use
APPLICANT	▪	Ronald and Karen Tindall
PROPERTY OWNER	▪	Stuart and Jewell Brokenshire
LOCATION	▪	West side of 32nd Avenue approximately 120 feet south of Malcolm Street

## PROPOSAL

Request to construct five unit apartment.

## SITE CONDITIONS

Zoning: C-L, Limited Commercial.

Present Land Use: Single family residence to be removed.

## Public Facilities:

- a. Sanitary sewer is available.
- b. Storm sewers are located in 32nd Avenue.
- c. Public water is available.
- d. Thirty-second Street east of the property has 40 feet of right of way, 23 feet of asphaltic concrete pavement, no curbs or sidewalks. It is expected that a HUD block grant program will improve 32nd Avenue with curbs and a sidewalk on one side.

Access: Access is from 32nd Avenue.

Suitability of Site for Proposed Use: The lot is 9,300 square feet in area, nearly large enough for two single family houses. Although the lot is only 62 feet wide, the site is relatively flat and development would be easy for almost any residential or commercial purpose.

Topography: The property has an approximate eight percent slope, rising from north to south.

Parking: A ten car parking lot is proposed, which meets Zoning Ordinance requirements for a five unit apartment.

## VICINITY CONDITIONS

Surrounding Zoning and Land Use: (see Land Use Map attached)

**NORTH:** C-L, Limited Commercial, supporting a cabinet shop adjacent to the property.

**EAST:** R-7, Single Family Residential, along the east side of 32nd Avenue.

supporting single family residences on over-sized lots.

SOUTH: C-L supporting single family residences.

WEST: R-7, supporting single family residences on narrow deep lots.

Trends of Development: A commercial C-L zoned strip extends for some 1,400 feet along the west side of 32nd Avenue and for one block on the east side between Floss and Wake Streets. In this area two properties have been developed since adoption of the Zoning Ordinance. A six unit apartment complex was built on a vacant parcel, and a parcel with two single family residences was redeveloped with apartments.

Of the approximate 20 properties in this commercial strip, (including one property in an A-3 zone) three properties are used commercially, three are apartments, one is a combination commercial with walk up apartments, one is cabinet manufacturing, and 12 are single family residences. Of the four properties with some commercial activity, three are in poor condition, and in need of redevelopment. The commercial property in good condition has recently been converted from a food store to sale of locker beef.

Recent development trends suggest that this area is not being converted to commercial uses as anticipated in the Comprehensive Plan, but is rather undergoing a slow conversion to higher density housing. The cabinet manufacturing establishment next door at the corner of Malcolm and 32nd is in an old and unsightly building. As a non-conforming use, the intent of the zoning ordinance would be that this operation would give way in time to a conforming use, possibly additional apartments.

#### CITY PLANS, POLICIES, REGULATIONS

Comprehensive Plan Map Designation: Commercial

Primary Land Use: A wide range of existing or anticipated retail and service businesses are provided space in areas identified as Commercial. Highway-oriented business will tend to locate in areas already substantially developed for that purpose along McLoughlin Blvd. and 82nd Avenue, while those that are more community or neighborhood oriented will generally find locations in the vicinity of downtown Milwaukie or in outlying suburban centers.

#### Policies of the Comprehensive Plan Related to this Proposal

- \* That, insofar as possible, residential districts or neighborhoods be protected from heavy through traffic, conflicting land uses, or such other encroachments that would impair a safe, quiet living environment. (Planning Guidelines, Land Use and Housing, page 5)
- \* That, although residential densities in Milwaukie should generally be relatively moderate and fairly uniform, variety in lot sizes, housing types, and street patterns be encouraged. (Planning Guidelines, Land Use and Housing, page 5)
- \* That the most suitable locations for higher density housing are generally those convenient to shopping or activity centers, but that other areas may be appropriate such as along arterial streets, in districts where housing and neighborhood conditions can be significantly improved through redevelopment or where special features of the land make clustered or compact building development

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advantageous. (Planning Guidelines, Land Use and Housing, page 5)

- \* That business activities be located generally in groups or clusters rather than scattered or mixed in with non-commercial land uses. (Planning Guidelines, Land Use and Housing, page 5)
- \* That, in certain special circumstances with appropriate safeguards, low traffic generating commercial land uses such as professional or business offices or small neighborhood grocery stores may be suitably located in close association with residential uses. (Planning Guidelines, Land Use and Housing, page 6)
- \* That the scattering at frequent intervals of commercial uses be discouraged along arterial streets and highways and that where highway commercial strips already exist, emphasis be placed on the use of frontage roads, single access, joint off-street parking, special set-back requirements, and sign limitations. (Planning Guidelines, Land Use and Housing, page 6)

Conformance with Plan Policies: Comprehensive Plan policies allow for higher residential densities along arterials such as 32nd Avenue. Residential uses are to be separated from commercial uses, except that in certain special circumstances with appropriate safeguards, low traffic-generating commercial land uses, such as those allowed outright in the C-L zone, may be located in close association with residential uses. Conformance with plan policies can be insured if the proposed apartments are adequately buffered from existing and potential commercial uses.

The City is currently in the process of updating its Comprehensive Plan, including an economic study of the need for residential and commercial land. As part of this update process, the commercial strip along 32nd Avenue will be studied.

Zoning Ordinance Provisions: In January 1977, the Zoning Ordinance was amended to require conditional use approval for residential and other non-commercial uses in commercial zones. The purpose of the amendment was to provide some control over the limited amount of available commercial land.

Design Review Provisions: If approved by the Planning Commission, the proposal will be reviewed by the Design Review Board. The Board will consider various aspects of design, with special emphasis on site, landscape and environment, relationship between structures and open spaces, circulation, and protection of neighbors.

#### ANALYSIS AND EVALUATION

Details of Proposal: The applicant proposes to construct a five unit apartment on a 9,300 square foot parcel. Two units on the first floor contain living, dining and kitchen areas, two bedrooms, one bath. The three units on the second floor contain living, dining and kitchen areas, one bedroom, and one bath. (See plans submitted by the applicant.)

#### Impacts and Implications:

- a. Aesthetic - Aesthetic considerations will be reviewed by the Design Review Board. There are three large trees in the rear yard, and one in the front. The site plan should be designed to preserve as many of these trees as possible.
- b. Economic - The reason for the recent zoning ordinance amendment which treats

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non-commercial uses in commercial zones as conditional uses was, in part, to preserve, when necessary, available commercial land for business uses, and to maintain conditions favorable to business. The desirability of retaining a commercial strip along this portion of 32nd Avenue will be studied during the up-date of the Comprehensive Plan.

Commercial needs of residents in the vicinity of 32nd Avenue are apparently largely satisfied by the general commercial areas at 32nd and Harrison, 42nd and King Road, and downtown. The immediate trade area for 32nd Avenue is well built up and it is not expected that the market for local business will increase significantly. It therefore does not appear that the use of the subject property for apartments will inhibit needed commercial growth.

- c. Social - The livability of the units is another factor to be considered. This strip seems destined for a mixture of residential and business uses. Buffering of the proposed living units from adjacent single family industrial and commercial uses is important. If approved by the Planning Commission, the buffer review will be handled by the Design Review Board.

#### Applicant's Justification:

The applicant provides the following reason for this request: "The light commercial use (cabinet manufacturing) of property abutting the north boundary of the subject property and the low density residential neighborhood abutting the southerly boundary and facing the easterly boundary across 32nd indicate that medium density development would be a logical use of the property providing a buffer between the light commercial and existing residential property."

Development Alternatives: Current zoning would allow professional offices, shelf goods retail store, or personal service business as outright uses. However, recent trends suggest that these kinds of commercial activity are probably not feasible in this location. A new home could be built, but the lot is not large enough for two homes under minor partitioning.

#### STAFF RECOMMENDATION

Recommendation: APPROVAL, with conditions

#### Reasons for Recommendation:

1. Growth and development trends suggest that there is an insufficient market for new commercial uses and that higher density housing is a greater local need. Although this question will be studied during the update of the Comprehensive Plan, the use of the subject property for apartments is justified since there is ample C-L zoned property.

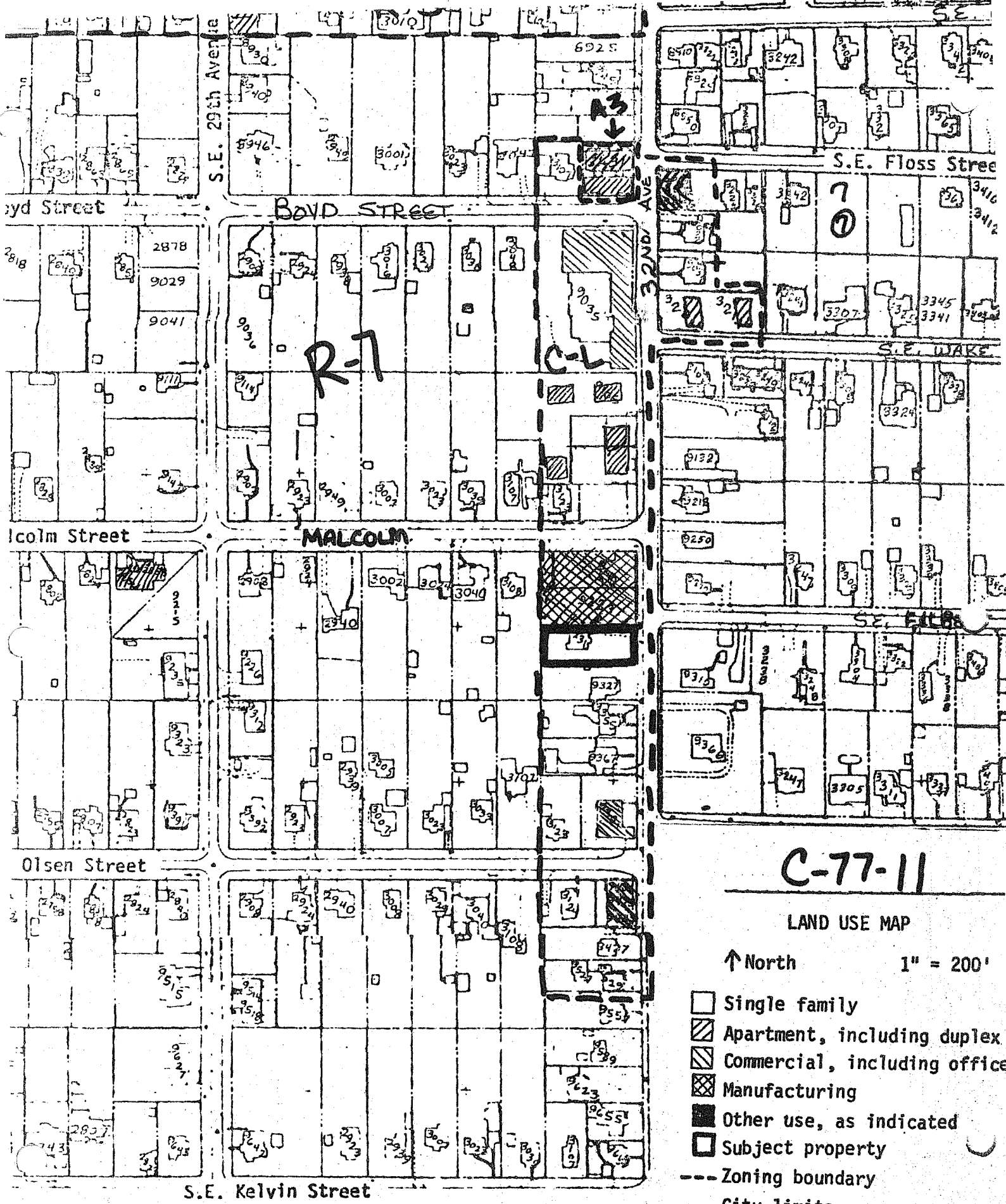
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2. In design review, landscape and environment, relationship of structures and open spaces, circulation, and protection of neighbors will be taken into account.
3. Commercial needs of area residents can be satisfied elsewhere in this C-L zone and in three other major commercial areas.

Conditions of Approval Should Include:

1. Recommend to Design Review Board that four specimen trees on the property be preserved if possible.



**C-77-11**

LAND USE MAP

↑ North      1" = 200'

- Single family
- ▨ Apartment, including duplex
- ▩ Commercial, including office
- ▧ Manufacturing
- Other use, as indicated
- ◻ Subject property
- Zoning boundary
- City limits



June 27, 1977.

Milwaukie Planning Commission,

Milwaukie, Ore.

Greetings:

Regarding your notice of June 17th regarding the application to build an apartment house on the west side of 32nd Av. ~~St.~~ approximately 150' south of Malcolm St.

We oppose allowing this request.

What this neighborhood needs is not another apartment house, but to get rid of the existing one 150' NORTH of Malcolm St.

We would attend this meeting in person if smoking in the meeting room was prohibited.

Respectfully,

Kenneth E. and Luella L. Grow,

3039 S. E. Malcolm St.,

*Kenneth E. Grow  
Luella L. Grow*

6-28-77

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Milwaukie City Planning Commision, Sir, s my name is Laurence E. Burnett  
I Live and own the property at 9327 S.E.32nd Ave. Milwaukie.  
I have lived there for 25 year, s . My property run, s along side Mr.  
Brokenshire.

And i do not want a apartment of any kind built next to my property.  
I have a beautifull private back yard.

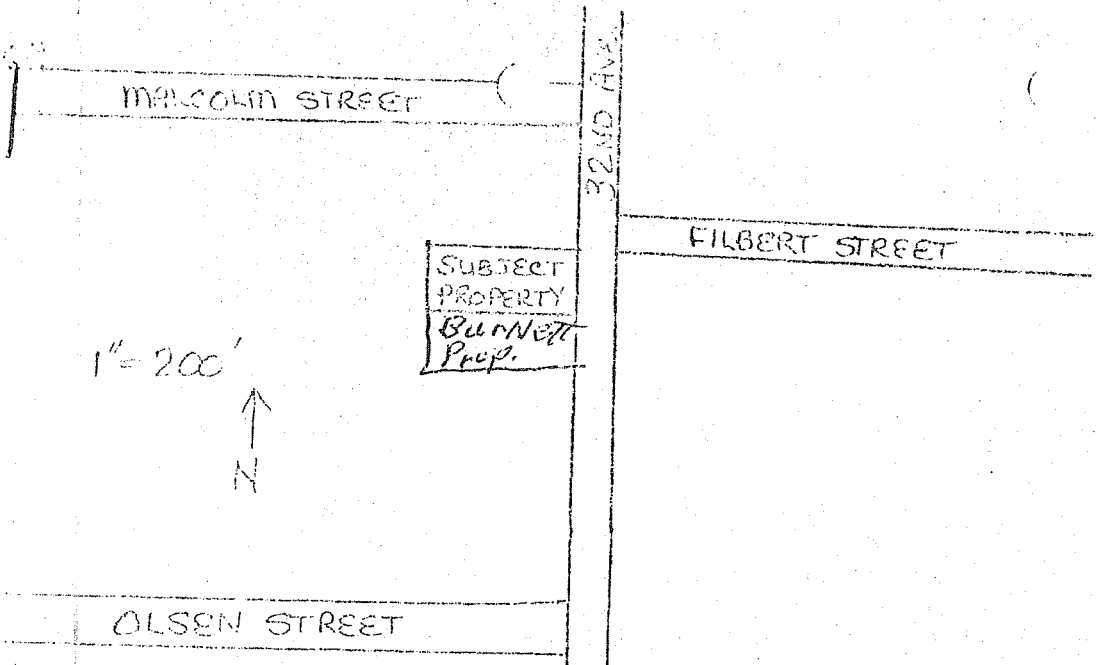
My privacy will be no mogx. Plus the resale of my property would go down  
and i have no intention of liveng next to an apartment,

So to reclaim my loss, there would have to be litigation.

I have many more reasons to list as to why i do not want an apartment  
built next to my property.

Thank you.

*Laurence E. Burnett*  
*Mrs. Faida Burnett*



received 6/28/77

Neighborhood Council #2 general meeting  
July 21, 1977, 7 p.m., Dogwood Lodge

ATTENDANCE: Board: Fred Liddell, James Miller, Ellen Wiseman  
Staff: Mandaville, Nims  
Total at meeting: 25

Chairman Fred Liddell opened meeting and introduced Cy Nims, City Planning Director who explained proposal for 5 apartment units on 32nd south of Malcolm as well as zoning and comprehensive plan designations, and Design Review Process. Copies of staff report were distributed. Announcements for September regional land use conference, Pioneer Picnic in August, Comprehensive Plan tabloids, and EDA information were also distributed.

DISCUSSION ABOUT APARTMENTS

1. Noise (especially at night), wild children, garbage, etc. Concern about types of people to live here. Noted that this not a legal finding, noted that all property owners protected in using their property as they see fit.
2. Traffic onto 32nd.
3. Parking problems on Malcolm Street (Liddell will call police re: parking enforcement). Separate question raised about cabinet shop.
4. Request that Planning Commission investigate traffic and parking at area of this intersection.
5. Concern for properly fenced site for protection of neighbors.
6. Feeling that an apartment will encroach even more than is presently done on rest of area that is single family residential.
7. Children and pedestrians on 32nd; it's already hazardous.
8. Inadequate parking on site for turning around to come out to 32nd front first.
9. Improper enforcement of current commercial uses in that area.
10. Keep building adequately spaced from property line and adjacent buildings and with adequate firewalls.

Is anyone in favor of apartments? Property owner 75 feet from proposal says she has no objection. Those opposed numbered 15 when show of hands requested.

Complaint made that no planning commissioners out at Neighborhood Council meeting. Complaint that applicant not here at this meeting nor has she visited any neighbors as was discussed at last Planning Commission. Fred will go to Planning Commission next Tuesday.

City of Milwaukee  
M E M O R A N D U M

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⑫

July 26, 1977

TO: Planning Commission  
FROM: Planning Staff  
SUBJECT: C-77-11

Background

At your June 28 regular meeting, the Planning Commission held a public hearing on a request to construct a five unit apartment in the C-1, Limited Commercial, zone on the west side of 32nd Avenue approximately 120 feet south of Malcolm Street. The request was tabled until the July 26 meeting in order to find out details of street and storm sewer improvements in this area, and for referral to the Neighborhood Council for input.

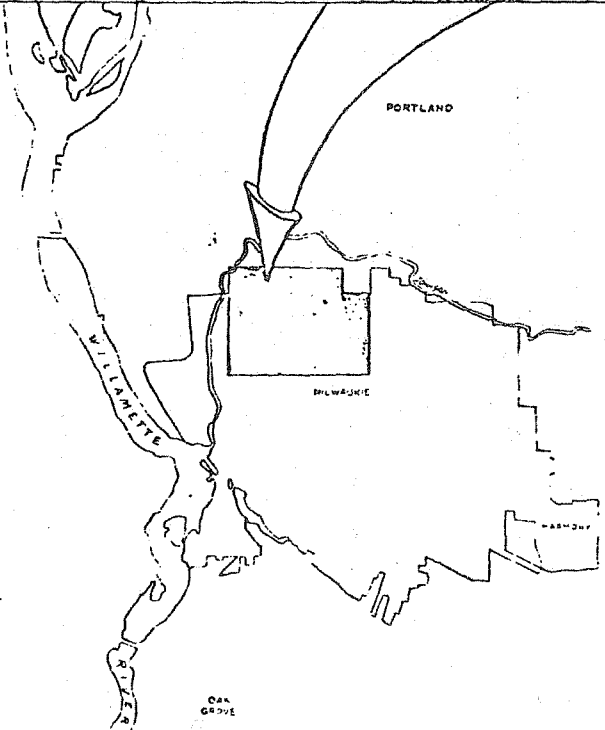
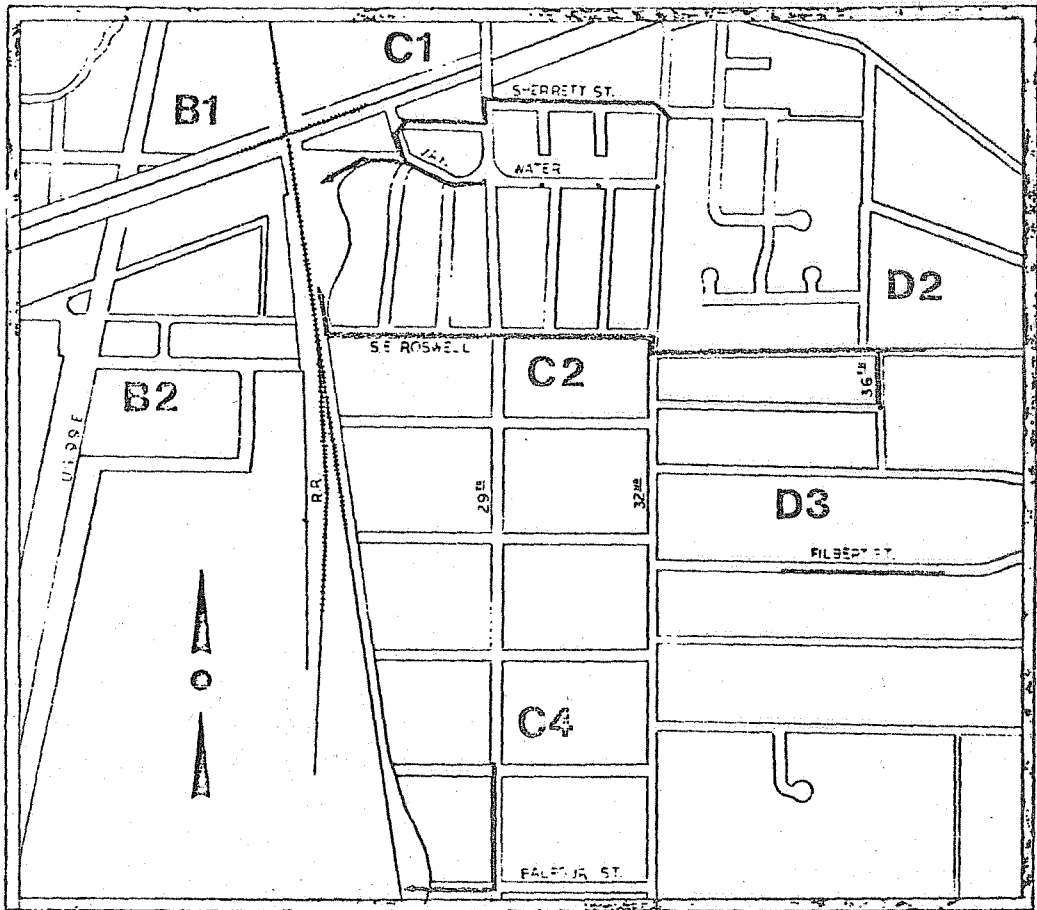
Street and Storm Sewer Improvements

The City has received funds from the federal government under the Housing and Community Development Act to provide storm sewer improvements in the Ardenwald area. The location of these lines is shown on the attached map.

The City has made application for other improvements in this area, including a proposed resurfacing of the entire length of 32nd Avenue, with curbs and sidewalks on the east side. No widening or acquisition of right of way is anticipated. We will be notified by September 20 whether this project has been approved.

Neighborhood Council

A special meeting of the Neighborhood Council was held July 21 to consider the matter. The results of this meeting will be reported at the meeting.



# STORM SEWER IMPROVEMENTS: ARDENWALD AREA

HUD. GRANT NO. B-76-DS-41-C  
CITY PROJECT NO. 202

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City of Milwaukee  
PLANNING COMMISSION REGULAR MEETING  
July 26, 1977

The regular meeting of the Milwaukee Planning Commission was held on the 26th day of July, 1977, in the Council Chambers of City Hall. The meeting was called to order by Mark Landis, President, at 7:00 p.m.

Members present:        Mark Landis                                Jim Lotz  
                             Tom Foeller                                 Bob Kennedy  
                             Bob Gudge1                                 Bruce Marquette

OLD BUSINESS

- a) C-77-11     Ronald and Karen Tindall, applicants. Stuart and Jewell Brokenshire, property owners. DECISION on request to construct a five unit apartment in C-L, Limited Commercial, zone on the west side of 32nd Avenue approximately 120 feet south of Malcolm Street

This item was continued from the June 28 regular meeting. Staff report addendum was given by Cy Nims. Although not a public hearing, testimony was accepted as follows:

Correspondence in opposition:     Mr. and Mrs. John Pelly, 3007 S. E. Malcolm (two separate letters)

Other correspondence:                Minutes of July 21 Neighborhood Council meeting

Speaking to the issue:                Fred Liddell, 3416 S. E. Kathryn Court (gave Neighborhood Council report)  
    Kenneth Grow, 3039 S. E. Malcolm (in opposition)  
    Karen Tindall, applicant (rebuttal)

After considerable discussion of the issues, IT WAS MOVED by Kennedy, seconded by Foeller, to approve C-77-11 for the reasons given in the staff report, subject to the following conditions: 1) Recommend to the Design Review Board that four specimen trees on the property be preserved if possible; 2) That parking and maneuvering be entirely on the site. If this cannot be accommodated on the site, the number of units is to be reduced accordingly. MOTION CARRIED, and so ordered, with the following roll call vote: AYES: Foeller, Kennedy, Marquette. NOES: Gudge1, Lotz.

Foeller requested a staff report to be presented at the next regular meeting delineating enforcement procedures in light of problems that were brought to the Commission's attention during this hearing, including sight-obscuring fencing of parking for an existing apartment on 32nd Avenue north of Malcolm, and vehicle and material storage in the public right of way by Kings Kustom Cabinets north of the subject site.

July 26, 1977

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TO: Milwaukee Planning Commission

RE: Proposed apartment house on 32nd Avenue south of Malcolm Street.

Some apartment house builders construct attractive establishments and will not tolerate tenants who are not considerate of the property and rights of their neighbors. However, even the best of them frequently sell the property, and in many cases the new owners do not care how their tenants behave so long as they pay the rent. Therefore, although the present applicant may have the highest ideals for this property, the neighborhood has no assurance as to how long this attitude will prevail. A five-unit establishment squeezed onto a 62' lot with a factory wall on one side is not going to be very attractive to a good class of tenants.

Nearly all families now have at least two cars. Parking is planned for ten cars. This would take care of family cars in most cases, but how about when they have company? Mr. King, of the cabinet shop, has prohibited his employees from parking on 32nd Avenue since it was called to his attention that it was a hazard because of blocking vision of approaching traffic from the south. If an apartment building is built as proposed, some of the tenants and all of their guests will use this space and the hazard will return. Also, the parking space proposed on the 62' lot is inadequate and some of those cars will undoubtedly be forced to back out into the traffic on 32nd Avenue. Another hazard.

Your staff report says on Page 2, "The cabinet manufacturing establishment next door.....is in an old and unsightly building. As a non-conforming use, the intent of the zoning ordinance would be that this operation would give way in time to a conforming use, possibly additional apartments." This building may be old but is no longer unsightly, and, in spite of its faults, King's Cabinet shop is a hundred times more desirable than more apartments.

Briefly, let me tell you some of the things that have happened as a result of the Willow Grove apartments, which were built seven years ago just north of Malcolm Street. Their parking lot adjoins the north end of our property.

First: Garbage. Apartment buildings have lots of garbage. County sanitary laws require garbage containers to be covered. The only time these have been covered was for a couple of weeks after the county inspector I called ordered them to keep covers on the cans. They now have only one container and it is too small and never covered. The sanitary service picks up this mess three times a week and the whole neighborhood is awakened every Monday, Wednesday and Friday at 6:15 A.M. by the racket made in dumping this big can in their truck.

Second: The fence. After a long delay they finally built a flimsy fence. The first wind storm blew one section over onto our property. Since then I have had to prop up two other sections from my side to keep them from falling down.

Third: Kids. Many of the tenants have them. Many of the parents both work and the kids are without supervision and at times plenty wild. For the first five years they came over the fence and constantly raided not only our garden but

TO: Milwaukie Planning Commission - Page 2

that of the Pelly's next door west, and the Fetterling's on the east. They were not satisfied to just steal the produce, but each year have maliciously pulled up large quantities of plants and thrown them on the ground on all three of the properties. We now have a nice thick row of wild blackberries all along the fence and no more kids on our side, but Fetterlings didn't have quite as many blackberries as we did last year and they lost almost their complete garden.

Fourth: Noise. Wild parties lasting until 2 or 3 A.M. Kids playing in the parking lot until midnight in the summer when we need our windows open for ventilation. Cars without mufflers at all hours.

Fifth: Property depreciation. Even though our new assessed valuation has just been raised 57%, the actual value is less because of this nuisance.

We do not need another apartment house south of Malcolm Street.

What we do need is to get rid of the one north of Malcolm Street.

This is primarily a one family residential community. Let's keep it that way.

Respectfully submitted,

Kenneth E. Grow.  
Luella L. Grow

Kenneth E. Grow  
Luella L. Grow  
3039 S. E. Malcolm Street

received 7/26/77

July 21, 1977

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Mr. & Mrs. John M. Pelly ~~etc~~  
3007 S.E. Mableton  
Milwaukie, Oregon

Milwaukie City Planning Commission  
10722 S.E. Main St.  
Milwaukie, Oregon

Dear Commission,

This letter is in regards to the petition for the Apartments on 32<sup>nd</sup> street across from Herbert St.

We are very definitely against putting apartments in this area. We have had only problems with the apartments that are already in the area. They think the gardens are for anybody who comes over and they have no regards for other people's property.

It will almost definitely raise the City Taxes, so therefore will raise our taxes, which are already too high.

Another point I would like to make

distributed 7/26/77

our neighbors. I would think that this would concern the whole neighborhood, not just the people within so many feet of the property in question.  
Thank you for listening.

Sincerely  
Mr. & Mrs. John M. Selby  
3007 S.E. Malcolm  
Milwaukie, Oregon

Mr. & Mrs. John M. Pelly Jr.

3023 S. E. Malcolm

Milwaukie, Oregon 97202

July 14, 1977

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Milwaukie City Planning Commission

10722 S. E. Main Street

Milwaukie, Oregon 97222

Dear Commission;

This letter is in regard to the application of Ronald and Karen Tindall and property owners Stuart and Jewel Brokenshire to have a conditional use (C-77-11) to construct a five unit apartment in a C-L zone on the west side of 32nd approximately 120 feet south of Malcolm Street.

We will be on vacation when the neighborhood hearing is to take place therefore we wish to send our written disapproval of this change.

The area involved is very busy. 32nd is too narrow, too busy. The corner of Malcolm and 32nd has "King" business now which has cars, trucks, semies, fork-lifts keeping the corner crowded, dangerous, impassable at times.

We now have the apartments on 32nd north of Malcolm on the west side. The back part is next to our neighbor Mr. Grow, then our property. The fence has fallen down into his property and he propped it up with boards for months until the owner decided to fix it. Open garbage container is in the back. The emptying of this garbage container extremely early in the morning between five and six a.m. The children seem to think the gardens belong to who ever wants them. To keep people out of our yards beyond the fence Mr. grow has allowed black berries topped with barbed wire to be on the top side to discourage them.

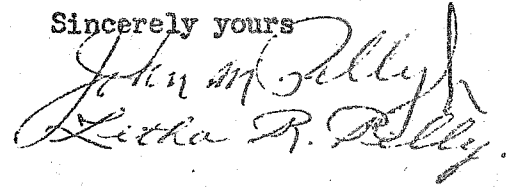
( page 1 of 2 )

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Unless you have lived next to or near an apartment you can not imagine what it can do to a neighborhood.

When we moved here in 1952 the frontage on 32nd was commercial limited but since a variance was allowed it has worked back into a property meant for homes and families. How can you get a conditional use when it becomes a permanent installation.

Sincerely yours



Mr. & Mrs. John M. Pelly Jr.

Property owners and

Concerned citizens.

*distributed 7/26/77*

We the undersigned wish to register our objection to the request to build a five unit apartment in C-L, zone, location on the west side of 32nd Avenue approximately 120 feet south of Malcolm Street.

- Ika E Greeley Johnson 9147 SE 29<sup>th</sup>
- Roy E Johnson 2756 and 2824 SE Malcolm
- Leta R. Billy 3023 S.E. Malcolm
- John M. Billy 3023 SE Malcolm
- Tom Sampson 9391 SE 32nd
- Shirley Davis 9132 S.E. 32<sup>ND</sup> ST
- John Davis 9132 S.E. 32<sup>ND</sup> SE
- John M. Billy 3007 S.E. Malcolm
- Shirley Hale 3021 SE Malcolm
- Edward D. Hale 3029 S.E. Malcolm
- Rita + Sarah Fetterling 3107 SE Malcolm
- Luella L. Brown 3039 SE Malcolm St
- Kenneth E. Brown 3039 SE Malcolm
- Suzanne L. Pely — 3007 S.E. Malcolm
- Lawrence E. Burnett 9327 S.E. 32<sup>ND</sup> St.
- Estacia E. Rambo 3123 S.E. Malcolm
- Jimmy Rambo 3123 SE Malcolm

714  
MEMORANDUM  
August 5, 1977

TO: Neighborhood Council # 2 - July general meeting participants  
FROM: Neighborhood Council Office  
SUBJECT: Conditional use in Limited Commercial Zone on 32nd Street

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Enclosed are the minutes of the July Neighborhood Council meeting which you attended.

Also the relevant excerpt from the minutes of the Planning Commission of July 26th is attached.

As you may note, the Planning Commission has allowed the apartment usage in this Limited Commercial zone, but some of the restrictions placed upon the project are a direct result of the Neighborhood Council report of residents' concerns. The main example is the parking and maneuvering being entirely on site rather than allowing rear-end backing out into traffic of 32nd. It is unlikely that the Planning Commission would have added this as a restriction without the input of the Neighborhood Council.

The Planning Commission is also pursuing the matters related to enforcement which were brought before the Commission regarding other nearby properties during the course of these hearings.

While some of you may be disappointed in the result, many of you will realize that the opportunity we had to gather neighborhood opinion did bring about some conditions and produce some results.

Several persons at the meeting expressed concern that the members of the Planning Commission did not attend our neighborhood meeting. We discussed at that meeting the many other commitments of time which the volunteer members of the Commission have. It has been brought to our attention by the City Attorney that it would jeopardize the Planning Commissioner's legal right to vote on this matter had they participated in any outside discussions with neighborhood members or the applicants.

In other words, a Planning Commissioner is not legally allowed to attend a meeting outside the regular Planning Commission ones when a particular matter is at stake.... nor to participate in any discussions outside with applicants, etc.

Another matter of concern at our NC 2 meeting was that the applicants were not present. We checked on this matter after the meeting and with deep chagrin found that they were notified of the NC meeting due to a mix-up in communications between the Planning Dept. and our office. It is therefore wholly our responsibility that they were not there, and we apologize most sincerely.

JHM

August 11, 1977.

TO: City Council

FROM: Concerned residents of the area affected by C-77-11.

SUBJECT: C-77-11 Apartment development on 32d Av. south of Malcolm St.

We are presenting the attached appeal to the City Council of the Planning Commission decision, based in large part on the information contained in Planning Commission meetings of June 28 and July 26.

However, there are these points which we feel should be made even more clear. The first is that Milwaukie's Comprehensive Plan of 1969 states on page 27 that one of the major north-south traffic arterials through the city is 32nd Avenue. It further states that statistics show that accident rates are directly related to the amount of traffic flow. Our Neighborhood Council meeting of July was most concerned about the additional traffic generated as housing densities increase along this street.

We also feel that the development of additional strip of apartments and commercial uses along 32nd will eventually mean that this street will be a barrier dividing this historic neighborhood in half. For the sake of neighborhood preservation and conservation and the continuance of the identity of this area, we would like very much to see any developments of this nature delayed until after the completion of studies related to the revision of the Comprehensive Plan.

Supporting our belief that we need to preserve neighborhood identity is the prior Comprehensive Plan which notes the 450% increase of apartment units between 1960 and 1969, while single family units increased by only 90 %. This trend needs to be carefully studied.

Respectfully,

*Kenneth E. Grow*  
Kenneth E. Grow

3039 S. E. Malcolm St.

11111

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9-76

Date August 11, 1977

Milwaukie City Council  
City Hall  
10722 SE Main Street  
Milwaukie, Oregon 97222

Subject: C-77-11 Conditional use for five unit apartment on 32d Av. 150' South of Malcolm St.

Gentlemen:

The undersigned hereby appeal (x) the decision of the Planning Commission concerning the subject case, The decision to (approve)-(deny) the application was made at the meeting held on July 26th 1977.

Please set a date for the required public hearing at your earliest convenience. The appeal fee of \$40.00 is attached.

The reasons for this appeal are: recorded in Planning Commission minutes and correspondence.

<i>Lawrence E. Burnett</i>	<i>9327 SE 32nd</i>
<i>Patricia Rambo</i>	<i>3123 E.E. Malcolm</i>
<i>Ann Rambo</i>	<i>3123 SE Malcolm</i>
<i>Kenneth Brown</i>	<i>3039 SE Malcolm</i>
<i>Julia L. Brown</i>	" " "
<i>Edward Hale</i>	<i>3024 S.E. Malcolm</i>
<i>Shirley Hale</i>	<i>3024 SE Malcolm</i>
<i>Walt Nissen</i>	<i>3002 SE Malcolm</i>
<i>Carolyn Nissen</i>	<i>3002 SE Malcolm</i>
<i>Dorothy Dillon</i>	<i>2940 SE Malcolm</i>
<i>Stephen M Dillon</i>	<i>2940 SE Malcolm</i>
<i>J. J. [unclear]</i>	<i>9138 S.E. 39th</i>
	<i>M. M. [unclear], etc.</i>

Sincerely,

(signatures)

(addresses)

continued on page 2.

Appeal to Milwaukie City Council re: Planning Commission decision on C-77-11.

Lillian R. Pelly	3023 S.E. Malcolm	Milwaukie
John M. Pelly	3007 S.E. Malcolm	Milwaukie
Suzanne L. Pelly	3007 S.E. Malcolm	Milwaukie
Scott Rasmussen	2710 S.E. MALCOLM	Milwaukie
Doreen Rasmussen	2710 SE malcolm	Milwaukie
William Rambo	3236 SE Harney #32	Milwaukie
Linda Rambo	3236 S.E. Harney #32	Milwaukie
Shirley Davis	9132 S.E. 32 <sup>ND</sup>	
Don Davis	9132 S.E. 32 <sup>ND</sup>	
Ed Couderdell	9212 S.E. 32 <sup>ND</sup>	Milwaukie
Sherry Couderdell	9212 S.E. 32 <sup>ND</sup>	"
Edward A. Reynolds	9310 S.E. 32 <sup>ND</sup>	Milwaukie 55
Fred M. Liddell	3416 SE Kathryn Ct	Milwaukie
Donna J. Liddell	3416 SE Kathryn Ct.	Milwaukie
Raymond Sliger	8629 S.E. 34 <sup>th</sup> Ave	Milwaukie
Don Sliger	8629 S.E. 34 <sup>th</sup> Ave.	Milwaukie
Wilfred Fox	3140 S.E. MALCOLM ST	Milwaukie
<del>Sharon Gouvard</del>	2808 SE Boyd	MILWAUKIE
Sharon Gouvard	2808 SE Boyd	MILWAUKIE

September 8, 1977



**U.S. DEPARTMENT OF COMMERCE  
Economic Development Administration**

Drought Relief Program  
Room 2362, Federal Building  
915 Second Avenue  
Seattle, Washington 98174

(206) 442-7263

Project No. 07-81-02069

8a  
①

*Agenda*

Mr. Harold L. Schilling  
City Manager  
City of Milwaukie, Oregon  
10722 SE Main Street  
Milwaukie, Oregon 97222

Dear Mr. Schilling:

We are pleased to enclose three copies, two of which have been signed, of an Offer of Grant and Loan issued pursuant to your request for Federal assistance under the Community Emergency Drought Relief Act of 1977 (P.L. 95-31). The total project cost is based on the line item estimates contained in Attachment No. 1 hereto.

Your acceptance should be indicated by the signature of your authorized official on the acceptance page of one of the signed copies of the Offer. The accepted copy should be returned to me by the date noted on the Offer.

In order to insure that the project funds are made available in a timely manner, the following forms should be submitted after contractual bids have been opened:

1. The attached ED-120 form.
2. A revised project budget and revised financial plan.
3. A certified bid tabulation.

Enclosed for your information are copies of Federal Management Circulars 74-4 and 74-7.

You are cautioned not to make any commitments in reliance on this Offer, nor to enter into negotiations relative hereto, until you have carefully reviewed the terms and conditions and have determined that you are in compliance or that you can comply therewith. Any commitments or undertakings entered into prior to obtaining the approval of the Government in accordance with its terms and conditions will be at your own risk.

With warm regards,

C. Mark Smith  
Regional Director

Enclosures

RECEIVED  
SEP 12 1977  
U.S. DEPT. OF COMMERCE  
ECONOMIC DEVELOPMENT ADMINISTRATION  
MILWAUKIE

8a  
②

OFFER OF LOAN AND GRANT


Subject to the Standard Terms and Conditions, (Exhibit "A") and the Special Terms and Conditions (Exhibit "B") which are incorporated by reference, the Economic Development Administration (hereinafter referred to as the "Government"), acting pursuant to the Community Emergency Drought Relief Act of 1977 (Public Law 95-31) hereby offers to make a grant of not to exceed \$7,000 and a loan not to exceed \$28,000 to the City of Milwaukie, Oregon (hereinafter called the "Grantee/Borrower") in order to aid in financing drought emergency projects, presently estimated to cost \$35,000 (hereinafter referred to as "Total Project Cost") consisting of installing a service connection intertie and the purchase of water and other items described in the Grantee/Borrower's application, acceptable to the Government (hereinafter called the "Project"). In the event the actual cost of the Project, as determined by the Government, is less than Total Project Cost, the Grant and Loan shall be reduced in accordance with the terms and conditions of this Agreement.

The loan herein provided for shall be evidenced by an evidence of indebtedness in form satisfactory to the Grantee/Borrower and the Government, but shall bear interest at a rate of 5% per annum and shall be for a term not in excess of 40 years.

This Offer, the Acceptance, the Special Conditions, and the Standard Terms and Conditions shall constitute the Loan and Grant Agreement. Acceptance of this Offer must be returned to the Economic Development Administration, Drought Relief Program by September 16, 1977.

ECONOMIC DEVELOPMENT ADMINISTRATION

By

  
C. Mark Smith  
Western Regional Office

U.S. DEPARTMENT OF COMMERCE  
ECONOMIC DEVELOPMENT ADMINISTRATION

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EXHIBIT "B"

---

Community Emergency Drought Relief Program

City of Milwaukie, Oregon

Project No.: 07-81-02069-0

SPECIAL CONDITIONS

1. Prior to first disbursement, a copy of the signed agreement will be provided to EDA Drought Office between Wichita Water District and the City of Milwaukie, Oregon.
2. Prior to first disbursement, a title opinion will be provided to EDA for the required site.
3. Prior to first disbursement, an engineer's report will be provided covering any construction.

DROUGHT RELIEF PROJECT LINE ITEM ESTIMATED COSTS

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④

EDA PROJECT NO. 07-81-02069-0 STATE Oregon COUNTY Clackamas

<u>Line Items</u>	<u>Proposed</u>	<u>Approved</u>
Administrative Expense	\$ 500	\$ 500
(a) Interest		
(b) Other		
Preliminary Expense		
Land, structures, and Rights-of-Way		
Architectural/Engineering Basic Fees	500	500
Other Architectural Engineering Fees		
Project Inspection Fee		
Relocation Expenses		
Relocation Payments to Individuals and Businesses		
Demolition and Removal		
Construction and Project Improvement	2,000	2,000
Equipment	500	500
Purchase of Water	30,000	30,000
Miscellaneous		
Contingencies	1,500	1,500
<b>Total Estimated Costs</b>	<b>\$ 35,000</b>	<b>\$35,000</b>

Remarks: None.

ACCEPTANCE OF OFFER OF LOAN

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WHEREAS the City of Milwaukie, Oregon has made application for Federal assistance under the Community Emergency Drought Relief Act of 1977 (P.L. 95-31) in connection with the above project, and, pursuant to such application, the Economic Development Administration, U. S. Department of Commerce, has transmitted for acceptance an Offer to make a loan in connection with such project; and

WHEREAS said Offer of Loan, including the attached exhibits, has been fully considered in accordance with all pertinent rules of procedure and legal requirements and has been made a part of the Borrower's public records; and

WHEREAS, it is deemed advisable and in the public interest that said Offer be accepted.

NOW, THEREFORE, be it resolved by the City Council, the governing body of the Borrower, that said Offer be and it hereby is accepted without reservation or qualification.

Adopted by the aforesaid governing body of the Borrower on the

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Signature of Accepting Official

Date \_\_\_\_\_

\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

MEMORANDUM  
September 19, 1977

9b  
①

TO: Honorable Mayor and City Council  
FROM: City Manager  
SUBJECT: Water Tower Park

At our last meeting you asked that the final plans and cost estimates on Water Tower Park at 40th and Harvey (City reservoir site) be presented at your 19 September meeting. We will have a plan for your review Monday night. The components of estimated project cost are as follows:

Structure (sitting area)	\$ 2,816.00
Concrete	6,497.75
Blacktop	1,989.00
Fencing	3,420.00
Drainage (play areas)	480.00
Grading	240.00
Topsoil	1,000.00
Lawn	800.00
Planting	1,638.00
Irrigation	5,841.00
Shavings	45.00
Play Equipment & Four Picnic Tables	<u>9,400.00</u>
	\$34,166.75

The following represent the principal resources available for Parks and Recreation during fiscal 1977-78:

City Funds

1. Parks capital outlay general fund (acquisition and development)	\$ 22,750
2. Revenue sharing earmark to parks development	125,000
Total available City funds	<u>\$147,750</u>

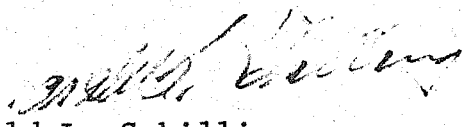
Grant Funds

1. BOR (50% match)	
a) Furnberg Park	\$ 8,850
b) Clackamas Ball Diamond	67,000
c) Scott Park	3,050
2. State Marine Board Boat Launching Ramp	<u>20,350</u>
Total expected Grant Funds	<u>\$ 99,250</u>
Total funds	\$247,000.

Against the above outlined fund sources are the following conditional and proposed project expenditures:

1. Furnberg Park	\$ 17,700
2. Boat Launch Ramp/Parking	
a) Expected to date on ramp (Engineering, floats, ramp construction)	17,200
b) Piling, float installation	18,000
c) Paving, grading, curbing, parking lot, storm drain	14,500
3. North Clackamas ball diamond	134,000
4. Tennis Court - Seth Lewelling	25,000
5. Scott Park	6,100
6. Water Tower Park	34,200
7. Keller Park - Brushing, grading maintenance road, survey	<u>2,000</u>
Total Estimated Expenditures	<u>\$268,700</u>
Total Resources	247,000
Resource Shortfall	<u>\$ 21,700</u>

In both resources and expenditures there are possibilities for alternative approaches and adjusted priorities. These will be discussed with the Park and Recreation Commission and they should be reporting to you their recommendations soon.

  
Harold L. Schilling  
City Manager

kw

9b  
②

My Project

RESOLUTION NUMBER

46-1977

9c  
①

A RESOLUTION ESTABLISHING AN AD HOC ECONOMIC DEVELOPMENT ADVISORY COMMISSION.

WHEREAS, the City Council of the City of Milwaukie is committed to a rational comprehensive planning process that is nurturing and respectful of the community's economic environment and institutions; and

WHEREAS, the City Council believes that development of sensitive and intelligent strategies for maximizing community economic potentials will facilitate long range planning while protecting the public interest; and

WHEREAS, the most practical and expedient means for identifying and pursuing enlightened economic development strategies is through enlistment of Milwaukie business and industrial community leadership;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milwaukie that there is hereby created an economic development commission, whose duties and responsibilities shall be as follows:

1. To review the economic analysis of Milwaukie as prepared by the city's economic consultant and propose short, intermediate and long range strategies for enhancement of the city's economic profile.
2. To advise the City Council on the economic strengths and weaknesses of the community.
3. To identify areas and opportunities for future industrial and commercial expansion.
4. To define the advantages and disadvantages to business and industries of Milwaukie residency.
5. To propose inducements within the authority of the Council for encouraging business and industrial investment in the city.

BE IT FURTHER RESOLVED that the Economic Development Commission of the City of Milwaukie shall consist of \_\_\_\_\_ members appointed by the City Council. All members shall be actively engaged and experienced in major industrial and business development, investment or operations. The commission shall appoint its own chairman and such officers as it deems appropriate and determine the time, place and frequency of its meetings. The commission shall submit its report and recommendations to the City Council by or before April 1, 1978. The City Manager or his designee, and the City Attorney shall be ad hoc members of the committee and provide such staff support as may be reasonably required.

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Be it so resolved.

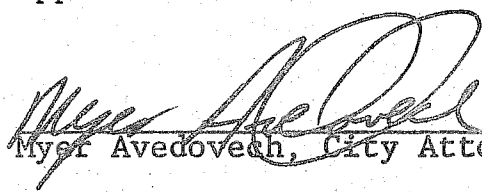
Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on the 19th day of September, 1977, at a regular meeting of the City Council.

\_\_\_\_\_  
Bill Hupp, Mayor

ATTEST:

\_\_\_\_\_  
Dorothy E. Farrell, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Myer Avedovech, City Attorney

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

OREGON OPERATIONS OFFICE

1220 S.W. MORRISON STREET, RM. 310

PORTLAND, OREGON 97205

*Agenda*  
*OLD BUSINESS*  
9 E  
D



REPLY TO 10000  
ATTN OF:

RECEIVED

SEP 14 1977

SEP 9 1977

CITY OF MILWAUKIE  
DEPT. OF PUBLIC WORKS

Mr. Steven M. Hall  
Public Works Director  
City of Milwaukie  
926 Main St.  
Milwaukie, Oregon 97222

Re: City of Milwaukie  
C-410388

Dear Mr. Hall:

We have reviewed ordinance No. 1371 and Resolution No. 40-1977 which establishes sewer user charges. We are unable to approve the ordinance and resolution because the ordinance contains a provision to allow certain low-income utility customers reduced sewer rates. The user charge system must result in the distribution of the cost of operation and maintenance of treatment works within the grantee's jurisdiction to each user in proportion to each user's contribution to the total wastewater loading of the treatment works. Thus the rates must be equitable among various users. If a refund is made to certain low-income customers, the refund should be made from a General Fund which does not include monies for operation and maintenance of the sewerage facilities.

In addition, a statement should be added to the user charges that provides for annual review and periodical revision to reflect actual treatment works operation and maintenance costs. Also, please submit your income balance sheet which compares the proposed revenue to be derived from sewer user charges to the operation and maintenance costs (including replacement) of your wastewater treatment facility.

We still need the industrial cost recovery provisions of your grant to be satisfied. If there are no industrial users, please adopt and submit for our approval the attached ICR resolution.

Sincerely,

*William J. Sobolewski*  
William J. Sobolewski  
Project Officer

cc: DEQ  
ST&R

INDUSTRIAL COST RECOVERY RESOLUTION

Be it resolved by the (City, Village, etc., of \_\_\_\_\_)  
that at such time as industrial wastes as defined under Section 35.905-3  
of the Construction Grant Regulations 40 CFR Part 35, are discharged to  
the facilities constructed under EPA Grant No. C000000, the (City, Village,  
etc.) shall develop and adopt an industrial cost recovery system acceptable  
to the U. S. Environmental Protection Agency. This cost recovery system  
shall comply with the requirements of P.L. 92-500 and all regulations and  
guidelines pertaining thereto.

MEMORANDUM  
September 16, 1977

10a  
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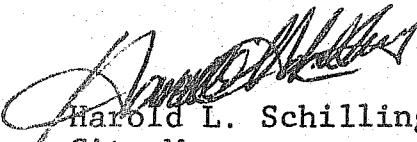
TO: Honorable Mayor and City Council  
FROM: City Manager  
SUBJECT: Keller Park property

We have been approached by Mr. & Mrs. Lenhardt offering to provide park and grounds maintenance services to the City of Milwaukie in return for rental possession of the city owned dwelling located on the Keller Park property. This dwelling has been vacant for some time and has been exposed to vandalism and deterioration characteristic of a vacant structure. We have tried previously without success to attract renter interest in the property.

The Lenhardts are involved in church related social work and have excellent references. I have a recommendation from the Park staff that we accept a rental arrangement such as that outlined in the attached intent agreement.

Recommendation:

The Council authorize the staff to draft an appropriate rental agreement which would allow an arrangement as proposed by the Lenhardts while preserving the City's options for some alternate disposition of the property.

  
Harold L. Schilling  
City Manager

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②

INTENT AGREEMENT:

We the undersigned are submitting this intent agreement to Milwaukie City Hall under the direction of the City Park Bureau.

Our intentions are as follows:

To take possession of City House on 1881 S.E.Lark at a rent value of \$224. per month. We will work in like value for that rent under the direction of the director of Parks.

We will submit 64 hrs. of park maintenance at \$3.50 per hr. to equal 100% of the rent value.

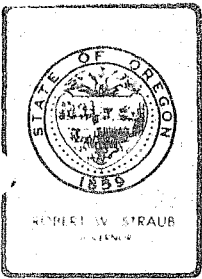
We will pay all utilities and furnishings.

We will also give or receive at least a 30 day notice on vacating the premises.

We will not be liable for any damage done to persons or possessions on the park premises.

Our general purpose will be to maintain and to watch over the park supplying the park management a labor force equal to rent.

*J. E. ...  
Jean A. ...*



Executive Department

INTERGOVERNMENTAL RELATIONS DIVISION

ROOM 306, STATE LIBRARY BLDG., SALEM, OREGON 97310

*Council Agenda 9/19/77*

*(Handwritten initials)*

106  
①

August 31, 1977

Mayor Bill Hupp  
2045 S. E. Washington Street  
Milwaukie, Oregon 97222

Dear Mayor Hupp:

Oregon law (ORS 221.760) provides that cities located in counties having more than 100,000 inhabitants must provide a minimum of municipal services in order to be eligible for state-shared revenues in liquor, cigarette tax and certain highway funds.

Each city must provide at least four of the following services:

1. police protection
2. fire protection
3. street construction, maintenance and lighting
4. sanitary sewers
5. storm sewers
6. planning, zoning and subdivision control
7. one or more utility services

The Executive Department, Intergovernmental Relations Division, has the responsibility for annually certifying that cities do meet this requirement before funds can be disbursed.

We are asking each city to certify by ordinance that the minimum services are provided. Enclosed is a sample ordinance which you may wish to follow.

We will need to receive a copy of this resolution before September 30, 1977. Please send them to:

State Executive Department  
Intergovernmental Relations Division  
Room 306, State Library Building  
Salem, Oregon 97310

If you have any questions, please contact Mike Burton on the IRD staff at 378-3732.

Sincerely,

Donald L. Jones  
Administrator

Attachment

106  
②

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

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more the following services:

- (1) Police protection
- (2) Fire protection
- (3) Street construction, maintenance and lighting
- (4) Sanitary sewers
- (5) Storm sewers
- (6) Planning, zoning and subdivision control
- (7) One or more utility services

and

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760, now, therefore,

BE IT RESOLVED, that the city of \_\_\_\_\_, Oregon hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

<u>Service</u>	<u>Performed by</u> (if by contract with another agency, state name of agency)
----------------	--

Approved by the City of \_\_\_\_\_, Oregon  
this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

/s/ \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_

A RESOLUTION CERTIFYING THAT THE CITY OF MILWAUKIE PROVIDES AT LEAST FOUR OF THE REQUIRED SERVICES TO BE ENTITLED TO PARTICIPATE IN STATE - SHARED REVENUES IN LIQUOR, CIGARETTE TAX AND CERTAIN HIGHWAY FUNDS.

WHEREAS, ORS 221.760 provides that the officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- 1) Police protection
- 2) Fire protection
- 3) Street construction, maintenance and lighting
- 4) Sanitary sewers
- 5) Storm sewers
- 6) Planning, zoning and subdivision control
- 7) One or more utility services

and;

WHEREAS, the City Council of the City of Milwaukie recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760, and,

WHEREAS, the City Council of the City of Milwaukie is desirous of participating in the state-shared funds above mentioned,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, that the City of Milwaukie, Oregon, hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

- 1) Police protection
- 2) Fire protection
- 3) Street construction, maintenance and lighting
- 4) Sanitary sewers
- 5) Planning, zoning and subdivision control

Be it so resolved.

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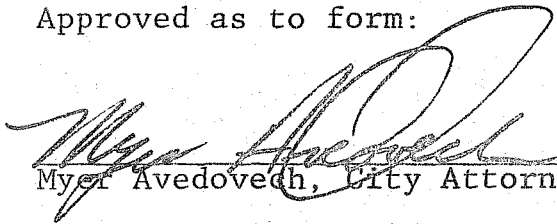
Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on the 19th day of September, 1977, at a regular meeting of the City Council.

\_\_\_\_\_  
Bill Hupp, Mayor

ATTEST:

\_\_\_\_\_  
Dorothy E. Farrell, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Myer Avedoveh, City Attorney