

CITY COUNCIL MEETING
September 20, 1976
7 p.m.

COUNCIL CHAMBERS

1275th Meeting

The one thousand two hundred seventy-fifth meeting of the Council of the City of Milwaukie, Oregon, was held on the 20th day of September, 1976, with the following councilpersons present:

C. Mervin Englund	Jerry Hutchison
Charles E. Swan	Mayor Bill E. Hupp
Joy Burgess	

Also present:

Harold L. Schilling, City Manager	Myer Avedovech, City Attorney
Donald Jones, Police Chief	Dorothy E. Farrell, Secretary

The invocation was given by the Reverend C. Arthur Cobb, Faith Evangelical Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - July 6, July 19 and August 31 meetings
- b) Letters from Governor and legislators re Senate Bill 100
- c) Memo re 22nd and River Road
- d) Letter to Southern Pacific re trestle
- e) YAP minutes
- f) Letter from Penn re dead-end sign
- g) Letter from State Parks Department re Greenway
- h) Memo re Furnberg Park vandalism
- i) Letter re substandard building
- j) Memo re attorney for Milwaukie Lumber Co.
- k) Memo re rain drain petition - 44th and Howe

It was MOVED by Hutchison, SECONDED by Burgess, to adopt the consent calendar, with the exception of items c, e, h and j, requested for removal by Councilwoman Burgess. MOTION CARRIED unanimously and so ordered.

- b) Letters have been received from Governor Straub (dated 8/27), Representative Roger Martin (dated 8/30) and Kirk Braun, candidate for Representative, in answer to letter written by Council direction on the subject of Senate Bill 100.
- c) Public Works Director has written memo, dated September 15, in response to a question from Mrs. Burgess at the August 31 meeting, concerning a 22nd and River Road problem.
- d) Council has received copy of Manager's letter to Southern Pacific, dated September 10, concerning dangerous condition under the trestle at SE Lake Road at Main Street. Staff report and recommendation dated August 23 is also included.
- e) Youth Alternatives Program has sent minutes of Community Advisory Council meeting on August 25.
- f) Bill Penn, 12305 SE 67th Court, has written letter of thanks for dead-end sign installation.
- g) Department of Transportation, Parks and Recreation Branch, has acknowledged receipt of Milwaukie Resolution 12-1976 on Willamette Greenway.
- h) Dave Phelps, Administrative Assistant, has written memo dated August 18 concerning vandalism at Furnberg Park.

DDJ309

- i) Council has received copy of letter to owner of substandard building at 3747 SE Jefferson Street, dated August 19.
- j) Council has received copy of memorandum from City Recorder to Manager, dated September 16, regarding Milwaukie Lumber sign.
- k) Staff has written report, dated August 18, concerning petition signed by citizens concerning request to repair rain drains at SE Howe and SE 44th Avenue.

AUDIENCE PARTICIPATION

1. Ray Bartel and Jim Brayson, Jr., presented Award of Merit to the city by National Association of Home Builders and Pacific Coast Builders Conference, in recognition of "The Grove" subdivision.

NEIGHBORHOOD COUNCIL REPORTS

1. Clair Kuppenbender, Neighborhood Council No. 1, presented letter from Thelma Savage, 2405 Llewellyn Street, dated September 15, with request for street light at dead-end of Llewellyn Street.

CORRESPONDENCE

- 1. Mayor has received letter from James E. Redman, attorney for Milwaukie Lumber, dated September 8, submitting additional information in support of request for reconsideration of Council's decision on Milwaukie Lumber sign.
- 2. Council has received letter from Lillian Meyers, attorney for Mr. and Mrs. Dick Beatty of 11897 SE Wood, concerning driveway. The matter was referred to staff for research and recommendation.
- 3. CRAG has sent letter, dated September 15, 1976, concerning preliminary solicitation of Safer Off-system Road Projects. Councilwoman Burgess asked if this would be an appropriate funding source for city projects.
- 4. Councilwoman Burgess has received letter from Oregon Department of Transportation re Greenway Committee meeting September 23.

ANIMAL CONTROL REPORT

Council has received staff report, dated July 27, on animal control. Copies have been sent to Neighborhood Councils.

ESTATE OF JOSEPH W. SHOOK

Joseph Shook willed a piece of property to the City of Milwaukie for a city park. The property was outside the city limits; therefore, when Mr. Shook died, the estate was probated and the property sold. Probate attorney has sent decree of final distribution and check for \$3481.01. It was MOVED by Hutchison, SECONDED by Burgess, to accept the funds in the amount of \$3481.01 in the closing of the estate, and let it be known it is the intent of the Council it shall be used specifically for park-related purposes. MOTION CARRIED unanimously and so ordered.

PUBLIC HEARING - APPEAL OF FRED DIESS ON STEARNS ADDITION

Public hearing was declared open at 7:30 p.m. Notices published and mailed as required. Fred L. Diess Jr., 11632 SE Beckman Avenue, has appealed against Planning Commission approval of a preliminary plat for Stearns Addition (S-76-4). Future development of street between Stearns Addition, Beckman Terrace and Anna Addition will require a portion of Mr. Diess' property, and he

wants to know when the property will be taken, and what he will be paid.

No correspondence has been received either for or against the appeal.

Speaking for the appeal:

Fred L. Diess, Jr., 11632 SE Beckman Avenue

Speaking in general terms:

Janice Rose, 2823 SE Balfour

Bill Haglund, 11506 SE Beckman

Public hearing was declared closed at 8:25 p.m.

It was MOVED by Hutchison, SECONDED by Englund, to uphold the Planning Commission decision and deny the appeal. MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Burgess and Hutchison. NOES: Hupp.

Councilmembers mentioned their hope that staff and Neighborhood Councils could study the problem of street fragments throughout the city, and hopefully find a solution.

(Meeting recessed at 8:55 p.m., reconvened at 9:05 p.m. with all present.)

APPOINTMENTS TO PARKS AND RECREATION COMMISSION

The following appointments were made to the city's Parks and Recreation Commission:

George Van Bergen, 12366 SE Guilford Drive

Fred Kondo, 4207 SE Franklin Street

Eloise Hobson, 9416 SE Winsor Drive

Virginia Stabenow, 6605 SE Hemlock Street

Betty Haglan, 11506 SE Beckman Avenue

Bob Hay, 5213 SE Brookside Drive

Marian Beckman, 3200 SE Washington Street

Alternates:

Virginia Van Schoiack, 6915 SE Furnberg Street

David Graf, 10190 SE 38th Avenue

It was MOVED by Hutchison, SECONDED by Burgess that the appointees be notified of their appointment. MOTION CARRIED unanimously and so ordered.

MEMORANDUM RE ABANDONED STRUCTURES

Council had asked the Planning Commission to propose an ordinance to deal with abandoned structures. Planning Director and Building Director have written reports suggesting the Building Code covers the situation. Manager is to ask the Planning Commission to look at regulation of structures which have been vacant for a long time, and cause a blighting effect.

RIFE/FONTAINE/ LAIRD SEWER PROBLEM

Manager has written memo, dated September 16, stating Council has authorized gravity sanitary sewer service for the above properties, but that condemnation will be necessary to obtain one easement.

James Redman, representing the three property owners, requested discussion of adjustment of alignment of the sewer line.

It was MOVED by Burgess, SECONDED by Swan, that the Manager be asked to proceed with the meeting requested by Mr. Redman, and also to proceed with the development of the gravity flow project. The

DDJ309

motion was withdrawn, and it was MOVED by Burgess, the Manager be directed to meet with Mr. Redman for whatever meeting is requested, and to proceed with the gravity line project, and if condemnation would be necessary, that would be allowed. MOTION FAILED for lack of a second.

It was MOVED by Hutchison, SECONDED by Englund, that Council authorize condemnation proceedings providing after the meeting between the Manager and Mr. Redman, the Manager still believes it is appropriate and advisable. MOTION CARRIED unanimously and so ordered.

MEMO RE DRAINAGE PROJECTS

Public Works Director has written memo, dated September 13, on two drainage areas--Mason Lane at 47th, and Howe Lane at 44th. Manager has asked for estimates and bids, on Mason Lane. There was general discussion of whether or not dry wells will solve drainage problems, or if a master storm sewer system is needed. Public Works Director is meeting with people in the Howe Lane/44th Avenue area to discuss their problem. It was suggested their problem be submitted to the area neighborhood council, and to the people who signed the petition, to see if they have a suggestion.

REFUSE COLLECTION FRANCHISE FEE

Council has received the following staff reports from Finance Director: Garbage Fees and Rates (9/17/76); Impact of Garbage Rate Hikes on the Gross Revenue of Franchisees (9/16/76); Garbage Franchise Issues (9/17/76). It was MOVED by Hutchison, SECONDED by Swan, that staff put figures together and prepare a resolution for the next meeting, based on the city's costs of administering the franchises. MOTION CARRIED unanimously and so ordered.

(Meeting recessed at 10:20 p.m., reconvened at 10:30 p.m. with all present.)

MEMO FROM MAYOR RE LIBRARY ISSUE AND NORTH CLACKAMAS PARK

Mayor has written memo to Council on the above issues. It was MOVED by Swan, SECONDED by Hutchison, that a letter be prepared for Council signatures, addressed to County Commissioners, saying Milwaukie would like to take over control of North Clackamas Park. MOTION CARRIED unanimously and so ordered.

The State Librarian is meeting with county librarians, and has extended the resources of her office for efforts to solve the county library funding situation.

ORDINANCE NUMBER 1347 - RELATING TO ALARM SYSTEMS

It was MOVED by Hutchison, SECONDED by Burgess, to read Ordinance Number 1347 (AN ORDINANCE RELATING TO ALARM SYSTEMS, REQUIRING ALARM USERS TO OBTAIN PERMITS, PROVIDING FOR ISSUANCE OF PERMITS AND REVOCATION THEREOF, PROHIBITING CERTAIN INTERCONNECTIONS AND AUTOMATIC DIALING PRACTICES, ALLOCATING REVENUES AND EXPENSES, PROVIDING FOR ADMINISTRATION OF THE ORDINANCE AND ALL OTHER MATTERS PERTAINING THERETO) the first time by title only, with the following corrections: wherever the ordinance refers to

"over four false alarms," it be changed to read "over five false alarms," and that the effective date be January 1, 1977. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to read the ordinance the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Ordinance 1347. Ordinance 1347 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison, and Hupp. NOES: None. Ordinance 1347 passed the Council and was so declared by the Mayor.

DENIAL OF BUSINESS LICENSE APPLICATION - KEISER

Police Chief has written memorandum, dated August 13, 1976, recommending denial of business license application by Patricia Keiser for a business at 10665 SE McLoughlin Boulevard, on the basis of traffic safety. Applicant has been notified of the staff recommendation, and indicates agreement with the recommendation, and has no desire to contest the denial. It was MOVED by Hutchison, SECONDED by Englund, to deny the business license application described above. MOTION CARRIED unanimously and so ordered.

ORDINANCE NUMBER 1348 - CLEAR VISION ACROSS PROPERTY

Traffic Safety Commission is recommending the proposed ordinance. It was MOVED by Burgess, SECONDED by Hutchison, to read Ordinance Number 1348 (AN ORDINANCE REQUIRING CLEAR VISION ACROSS PROPERTY AT INTERSECTIONS, AND DECLARING AN EMERGENCY) the first time by title only, with the following corrections: 1) In Section 2 a, subsection 5, insert a period after the word "distance," and delete the rest of the sentence. 2) In Section 4 c, add the words "of notice of violation" at the end of the sentence. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, to read the ordinance the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, to adopt Ordinance 1348. Ordinance 1348 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1348 passed the Council and was so declared by the Mayor.

It was MOVED by Burgess, SECONDED by Hutchison, that the Council meeting be continued to 11:45 p.m. MOTION CARRIED with the following roll-call vote: AYES: Englund, Burgess, Hutchison and Hupp. NOES: Swan. Swan left the meeting at 11:35 p.m.

PETITION FOR ANNEXATION - PROPERTY SOUTH OF MONROE ON 60TH

Planning Director has written memorandum, dated September 15, 1976, recommending Council favor the annexation, based on the Planning Commission resolution on annexation in this area. It was MOVED by Burgess, SECONDED by Hutchison, that Resolution Number 34-1976 (A RESOLUTION FOR ANNEXATION OF CERTAIN TERRITORY AND CONCURRENCE FOR TRIPLE MAJORITY) be read by title only. MOTION CARRIED unanimously by those present. It was suggested Tax Lot 8600 be asked if they would like to participate. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolution 34-1976. MOTION CARRIED unanimously by those present.

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OTHER BUSINESS

1. State Highway Division has written, dated September 17, that the Federal Highway Administration's Region Office reports that Milwaukie's project was not recommended for further consideration to Washington DC for funding under the Federal Bikeway Demonstration Program.

2. As of October 1 mail will not be delivered to the old addresses within the city. Staff will check with the postoffice to see if this action could be delayed until the new telephone directory is delivered.

3. Manager will attend the ICMA conference from September 24 through September 29, and Cy Nims, Planning Director, will act as Manager pro tem.

4. Council has received copies of letters from Public Works Director to Timothy Deggendorfer, dated June 30, 1976 and September 13, 1976, letter from Mr. and Mrs. Darrel Morrison, 12660 SE Shell Lane, dated June 21, 1976, and response from Mr. Deggendorfer dated September 17, 1976. The Morrisons have a failing septic tank and need to connect to the sewer, but Mr. Deggendorfer refuses to grant an easement. It was MOVED by Hutchison, SECONDED by Englund, to direct city staff to proceed with condemnation for the easement across Mr. Deggendorfer's property. MOTION CARRIED unanimously by those present.

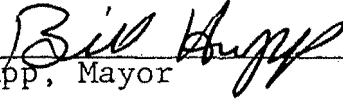
PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Englund, that the bills listed for September 20, 1976 payment be approved for payment. MOTION CARRIED unanimously by those present.

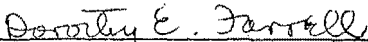
EXECUTIVE SESSION

Executive session was held under ORS 192.660 (2) ("Executive session may be held: (a) To conduct deliberations ... to negotiate a real property transaction.") to discuss proposed lease of a portion of city-owned parking lot on Main Street.

The meeting adjourned at 11:55 p.m.


 Bill Hupp, Mayor

ATTEST:


 Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA
September 20, 1976
7 p.m.

COUNCIL CHAMBERS1275th Meeting

1. CALL TO ORDER
 2. INVOCATION - The Rev. C. Arthur Cobb - Faith Evangelical Church
 3. PLEDGE OF ALLEGIANCE
 4. CONSENT CALENDAR
 - a) Approval of minutes - July 6, July 19 and August 31 meetings
 - b) Letters from Governor and legislators re Senate Bill 100
 - B -c) Memo re 22nd and River Road
 - d) Letter to Southern Pacific re trestle
 - B -e) YAP minutes
 - f) Letter from Penn re dead-end sign
 - g) Letter from State Parks Department re Greenway
 - B -h) Memo re Furnberg Park vandalism
 - i) Letter re substandard building
 - B -j) Memo re attorney for Milwaukie Lumber Co.
 - k) Memo re rain drain petition - 44th and Howe
 5. AUDIENCE PARTICIPATION
 6. NEIGHBORHOOD COUNCIL REPORTS
 7. CORRESPONDENCE
 - a) Letter re driveway situation
 - :30 p.m. 8. PUBLIC HEARING - Stearns Addition
 9. OLD BUSINESS
 - a) Report on animal control
 - b) Appointments to Parks and Recreation Commission
 - c) Letter re Shook Estate
 - d) Memo re abandoned structures
 - e) Memo re Rife/Fontaine/Laird sewer project
 10. CONSIDERATION
 - a) Memo re drainage projects
 - b) Memo re refuse collection
 - c) Memo re library and parks
 - d) Ordinance No. 1347 - Alarm systems
 - e) Recommendation for denial of business license
 - f) Ordinance No. 1348 - Clear vision
 - g) Annexation request - Resolution No. 34-1976
 11. OTHER BUSINESS
 12. ADJOURNMENT
 - 13.* EXECUTIVE SESSION - Parking lot
- * ORS 192.660 (2) .. Executive session may be held: (a) To conduct deliberations ... to negotiate a real property transaction.

ROBERT W. STRAUB
GOVERNOR



48
agenda

OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM 97310

August 27, 1976

Harold L. Schilling
City Manager
City of Milwaukie
City Hall
Milwaukie, Oregon 97222

Dear Mr. Schilling:

I am most grateful to you for sending me a copy of your letter to Mayor Hale. I thought your letter and the arguments therein were outstanding.

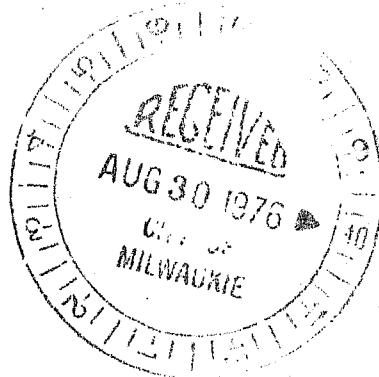
I would appreciate your conveying my thanks to the Council for their very responsible position on SB 100.

Sincerely,

A handwritten signature in cursive script that reads "Bob Straub".

Governor

RWS:mw



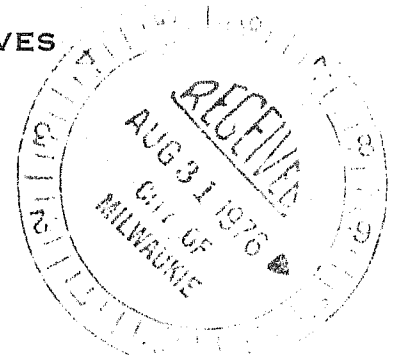
ROGER E. MARTIN
105 STATE CAPITOL
SALEM, OREGON
PHONE: 378-8772



agenda
HOME ADDRESS
13750 SW KNAUS ROAD
LAKE OSWEGO, OREGON 97034
CLATSOP COUNTY
DISTRICT 24

REPUBLICAN LEADER
OREGON HOUSE OF REPRESENTATIVES

August 30, 1976



Harold L. Schilling
City Manager
CITY OF MILWAUKIE
10722 S.E. Main Street
Milwaukie, 97222

Thank you very much for your letter of August 20th, Hal, and a copy of your response to the City of Coos Bay regarding support of the repeal of Senate Bill 100.

My position is almost identical to yours. I oppose the repeal of Senate Bill 100 because I recognize the need for State coordination of land planning and I also recognize that we cannot return to a situation that existed prior to the passage not only of Senate Bill 100, but of Senate Bill 10 in the 1969 session, which left every county to its own desires which meant that in some counties nothing was done.

On the other hand, I totally agree that we need to amend Senate Bill 100 so that more options and more control can be exercised at the local level without dictates directly from Salem.

As one example of an amendment I intend to offer in the 1977 session of the Legislature, I am attaching a copy of a bill I've had drafted which would allow any city along the Willamette River to designate the boundaries for the Willamette Greenway within its jurisdiction. This would mean, as an example, that if you had a park such as Lake Oswego has that is 500 feet deep, 500 feet could be put into the Willamette Greenway. However, if you had a dock or other commercial development right on the boundary or the bank of the river, no border would be necessary at that point. To me, it is nonsensical to demand that a minimum of 150 feet be included in the Willamette Greenway even though the actual use of the land makes no sense as a part of the Greenway.

More importantly, I would be extremely pleased to receive any other suggestions that your City Council may have for further changes of Senate Bill 100.

Thank you very much for writing.

Best regards,

A handwritten signature in cursive script that reads "Roger E. Martin".

Roger E. Martin

REM:mmc

48
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Rough Draft
LC 455
7/30/76
(41)

MEASURE SUMMARY

Provides that no land within territorial boundaries of city shall be included within boundaries of Willamette River Greenway unless governing body of city adopts resolution that such land shall be included therein.

Matter underscored in an amended section is new; matter [bracketed] is existing law to be omitted.

48
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Rough Draft
LC 455
7/30/76
(41)

A BILL FOR
AN ACT

Relating to lands along the Willamette River; amending ORS
390.314, 390.318 and 390.332.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 390.314 is amended to read:

390.314. (1) The Legislative Assembly finds that, to protect and preserve the natural, scenic and recreational qualities of lands along the Willamette River, to preserve and restore historical sites, structures, facilities and objects on lands along the Willamette River for public education and enjoyment and to further the state policy established under ORS 390.010, it is in the public interest to develop and maintain a natural, scenic,

48
5

historical and recreational greenway upon lands along the Willamette River to be known as the Willamette River Greenway.

(2) In providing for the development and maintenance of the Willamette River Greenway, the Legislative Assembly:

(a) Recognizing the need for coordinated planning for such greenway, finds it necessary to provide for development and implementation of a plan for such greenway through the cooperative efforts of the state and units of local government.

(b) Recognizing the need of the people of this state for existing residential, commercial and agricultural use of lands along the Willamette River, finds it necessary to permit the continuation of existing uses of lands that are included within such greenway; but, for the benefit of the people of this state, also to limit the intensification and change in the use of such lands so that such uses shall remain, to the greatest possible degree, compatible with the preservation of the natural, scenic, historical and recreational qualities of such lands.

(c) Recognizing that the use of lands for farm use is compatible with the purposes of the Willamette River Greenway, finds that the use of lands for farm use should be continued within the greenway without restriction.

(d) Recognizing the need for central coordination of such greenway for the best interests of all the people of this state,

finds it necessary to place the responsibility for the coordination of the development and maintenance of such greenway in the Department of Transportation.

48
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(e) Recognizing the lack of need for the acquisition of fee title to all lands along the Willamette River for exclusive public use for recreational purposes in such greenway, finds it necessary to limit the area within such greenway that may be acquired for state parks and recreation areas and for public recreational use within the boundaries of units of local government along the Willamette River.

(f) Recognizing the need for expansion of industrial, commercial and other land uses within some cities along the Willamette River, finds that the decision as to whether any land within the territorial boundaries of a city is to be included within the greenway shall be resolved by the governing body of each city.

Section 2. ORS 390.318 is amended to read:

390.318. (1) (a) Within one year after October 5, 1973, the Department of Transportation, in cooperation with units of local government that have lands along the Willamette River within their respective boundaries, shall prepare a plan for the development and management of the Willamette River Greenway as described in ORS 390.314. Such plan may be prepared for segments

46
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resolution that such land shall be included within the Willamette River Greenway boundaries. Such resolution shall:

(A) Be considered at a public hearing after notice as required for regular consideration of other resolutions by charter or ordinance;

(B) Describe the area to be included within the Willamette River Greenway boundaries;

(C) Be addressed to and filed with the department; and

(D) Be irrevocable.

(2) The plan prepared pursuant to subsection (1) of this section, shall depict, through the use of descriptions, maps, charts and other explanatory materials:

(a) The boundaries of the Willamette River Greenway.

(b) The boundaries of lands acquired or to be acquired as state parks and recreation areas under ORS 390.338.

(c) The lands and interests in lands acquired or to be acquired by units of local government under ORS 390.330 to 390.360.

(d) Lands within the Willamette River Greenway for which the acquisition of a scenic easement, as provided in ORS 390.332, is sufficient for the purposes of such greenway.

46
8

(3) The plan shall include the location of all known subsurface mineral aggregate deposits situated on lands within the boundaries of the Willamette River Greenway.

Section 3. ORS 390.332 is amended to read:

390.332. (1) Except as otherwise provided in subsection (4) of this section, immediately after October 5, 1973, the Department of Transportation may acquire scenic easements on any lands situated within the boundaries of the Willamette River Greenway and 150 feet from the ordinary low water line on each side of each channel of the Willamette River and on any lands situated within the boundaries of the Willamette River Greenway and 150 feet from the ordinary low water line of each island within the Willamette River. The department may acquire such easements by any method, including but not limited to the exercise of the power of eminent domain.

(2) Each scenic easement acquired under subsection (1) of this section shall:

(a) Be designed to preserve the vegetation along the Willamette River and the natural and scenic qualities of the lands subject to such easements and authorize the department, at its own expense, to engage in natural vegetative landscaping on such lands to enhance the natural and scenic qualities of such lands.

40
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(b) Require the owner of the lands subject to such easement to carry on the use of such lands in a manner to preserve the existing vegetation and natural and scenic qualities of such lands and require the repair by the department, at its own expense, of any damage resulting from natural causes to vegetation on such lands.

(c) Not provide for public access or use of the lands subject to such easement, if such easement was acquired by the department through the exercise of the power of eminent domain.

(d) Provide that any subsequent farm use, as defined in subsection (2) of ORS 215.203, of the land subject to such easement is compatible with the purposes of the Willamette River Greenway and that any restrictions on the use of the land under such easement are suspended while such land is devoted to such farm use.

(e) Prevent the change in use of the lands subject to such easements except with the consent of the department and in accordance with the conditions imposed with such consent. The consent of the department and the conditions imposed therewith shall be in accordance with the intent and purposes of the Willamette River Greenway.

(3) Each scenic easement acquired under this section on lands that, on the date of the acquisition of such easement, were a

46
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part of a larger tract of land not subject to a scenic easement under ORS 390.310 to 390.368, shall provide for the right of the department to acquire fee title to the lands subject to such easement upon a change in the use of the lands in the remainder of such tract that is inconsistent with such scenic easement under ORS 390.310 to 390.368.

(4) The department may not acquire, through the exercise of the power of eminent domain, scenic easements under subsection (1) of this section on any lands that on October 5, 1973, are devoted to farm use, as defined in subsection (2) of ORS 215.203 or are a portion of a larger tract of land under single ownership that is devoted to such use. Upon a change in the use of any such lands from farm use, the department may acquire scenic easements in such lands as provided in ORS 390.334. Nothing in this subsection is intended to limit the power of the department to acquire, by any means other than the exercise of the power of eminent domain, a scenic easement on lands described in this subsection while such lands are devoted to such farm use.

Kirk Braun For Representative

Agenda

48
11

The Kirk Braun Team
Jerry Rothenfluch, Campaign Chairman, 10750 S.E. 102nd, Portland, OR 97336

Sept. 7, 1976

Harold Schilling, City Manager
City of Milwaukie
10722 SE Main St.
Milwaukie, Oregon

Dear Mr. Schilling,

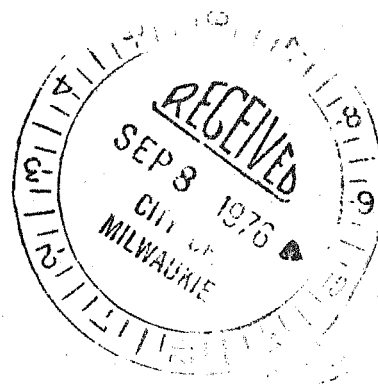
In answer to your letter of August 20 regarding Senate Bill 100, I agree also with the principles of good land use planning, both at state, county and city level. I feel however, that Land Use Planning in Oregon has been a bit chaotic largely due to the fact that we have tried to solve too many problems at once and have created too many agencies to do the job, resulting in considerable conflict of authority. SB 100 is a beautiful "concept" but unfortunately, its implementation and interpretation was left to the bureaucrats, therefore I feel considerable amendments and changes must be adopted.

Looking at it politically, however, if SB 100 is not repealed, those personally committed to it, such as Sen. Hallock, not to mention Gov. Straub, would view that as a mandate from the people and no amendments or changes would be made. Therefore, I reluctantly support its repeal, which would force the legislature to come up with better land use legislation, rather quickly, I suspect.

While on the subject, I feel much more strongly about the authority of CRAG which I consider much more detrimental to Clackamas County than LCDC. The idea of Mayor Goldschmidt and Mel Gordon controlling land use decisions in rural Clackamas County is repulsive, to say the least.

Sincerely,

Kirk Braun
Kirk Braun



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MEMORANDUM

September 15, 1976

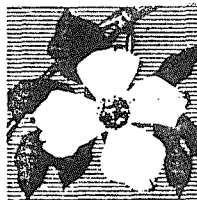
TO: CITY MANAGER
FROM: Director of Public Works
SUBJECT: 22nd and River Road problem

Ron Bennett and I talked to Mr. Buzan some time ago about the transfer of noise and thump on 22nd Avenue. We repaired at his house; however the problem was up the street. When a truck or bus passes over a sewer cut at a certain position there is a transfer of noise, etc. We will attempt to repair this section of the street by September 10th.

There is no mound in the street.

JWD:msh

CITY OF MILWAUKIE



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OFFICE OF THE CITY MANAGER
in the City Hall • phone 659-5171

September 10, 1976

Mr. R. L. Johnston
Engineering Department
Southern Pacific Transportation Company
800 NW 6th Avenue
Portland, Oregon 97209

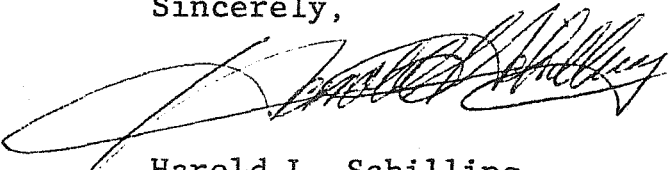
Dear Sir:

I wish to call your attention to the existence of an attractive nuisance and safety hazard on property assigned to and the responsibility of Southern Pacific Transportation Company. The area in question is located beneath the railroad trestle on SE Lake Road at Main Street in Milwaukie. The problem is one of erosion, due apparently to the steep incline, surface drainage into Kellogg Lake and pedestrian use down the incline. These factors have all contributed to the erosion and resultant trenches. Should the conditions be allowed to deteriorate further, the stability and safety of the trestle footings may become jeopardized.

The city has estimated a cost of less than \$500 to temporarily correct the erosion problem. Should you so desire and so direct, the city will make necessary repairs and bill your company for actual costs. The installation of barricades, signs and crosswalks to control pedestrian traffic will be done by the city, at our expense.

I await your response, and look forward to your cooperation in resolving this problem in short order. Please feel free to call on the Public Works Director, Wayne Daigle, for more information on the existing problem.

Sincerely,



Harold L. Schilling
City Manager

HLS:df

cc: City Council
Traffic Safety Commission

CITY OF MILWAUKIE
M E M O R A N D U M

Date: 23 AUG 76

TO: CITY MANAGER

FROM: DAVE PHELPS 

SUBJECT: SPRR TRESTLE

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Problem: Who has the responsibility for the eroded earth and pedestrian hazard on SE Lake Road at Main Street?

Discussion: The railroad's trestle crossing Lake Rd was built on a permanent franchise given by the City of Milwaukie in 1909. (See attached Exhibits A, B and C)

In 1972, SPRR granted to the City of Milwaukie a beautification lease. A map is attached as Exhibit D. The area experiencing erosion is not within the beautification lease area.

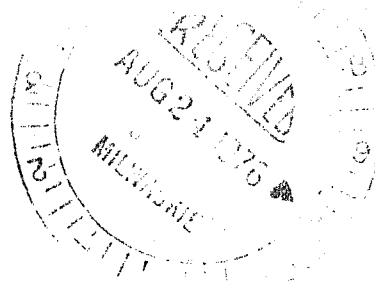
No sidewalk exists under the southerly portion of the trestle, the area in question. The steep incline, coupled with surface drainage and apparent pedestrian use down the incline, has caused wear on the soils and earth surface. All contribute to the erosion and resultant trenches and pit.

The erosion had to commence at a specific location, and that was not in the public right-of-way, but on SPRR property. Not maintaining the top soil or providing for drainage has contributed to the present eroded condition -- all being compounded by pedestrian traffic and rain runoff down the incline toward Kellogg Lake.

The resulting condition is an attractive nuisance and safety hazard requiring, at a minimum, retainage and fill material. If the condition is permitted to continue, within a short time the trestle footings could be sufficiently eroded to question the serviceability of this trestle.

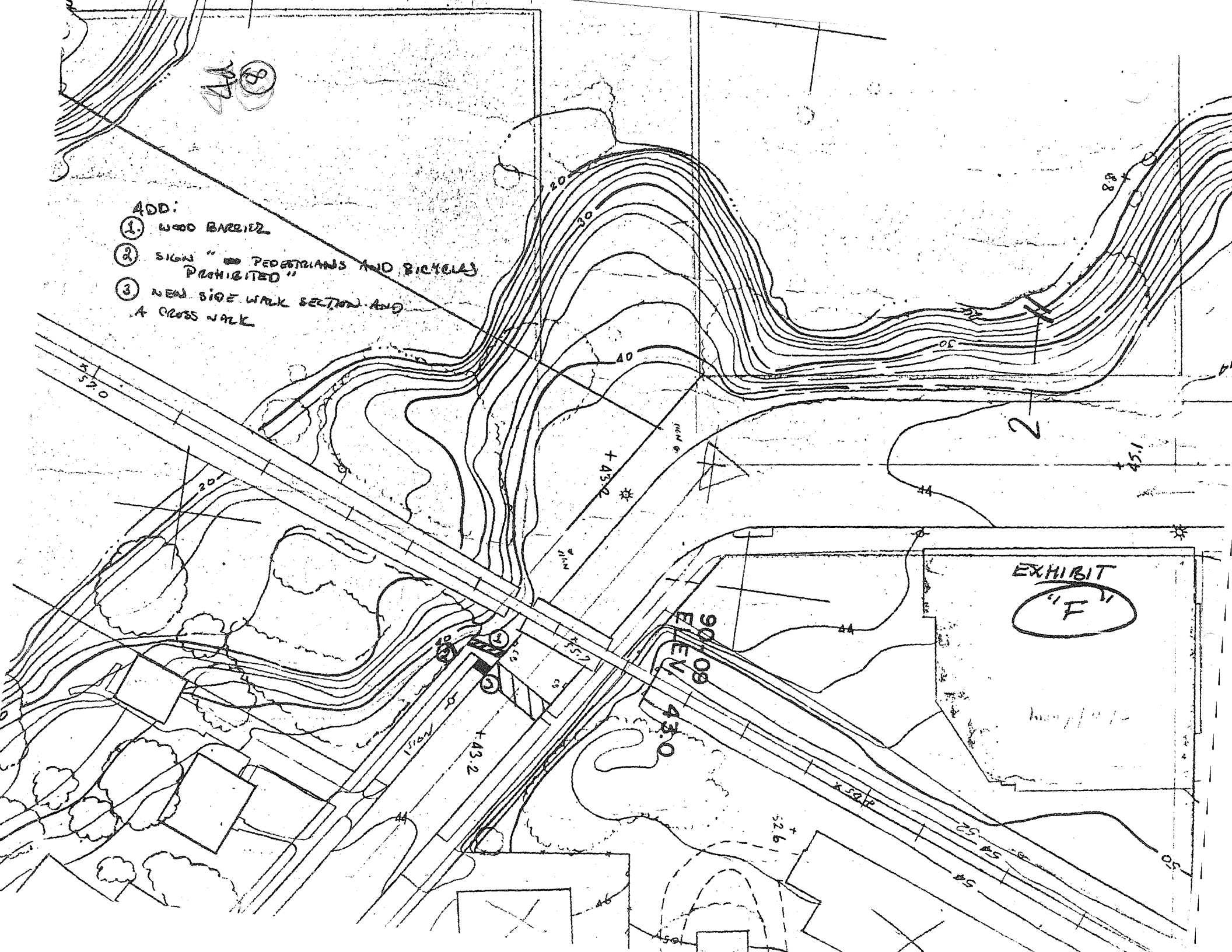
Recommendation: That a letter be written to SPRR informing them of the nuisance and safety hazard. Point out to them the possible structural failure if the condition is allowed to continue uncontrolled. Give them a deadline for the correction to be made, or the City will correct the hazard and submit a billing.

That pedestrian traffic be re-routed and be prohibited from passing under the trestle at its southerly end. Exhibits E and F illustrate the existing and the proposed pedestrian traffic pattern.



ADD:

- ① WOOD BARRIER
- ② SIGN "PEDESTRIANS AND BICYCLES PROHIBITED"
- ③ NEW SIDE WALK SECTION AND A CROSS WALK





YOUTH ALTERNATIVES PROGRAM

4510 SE LAKE ROAD · MILWAUKIE, OREGON 97222 · 659-9350

Hal

agenda
4E

Community Advisory Council Meeting

August 25, 1976 7:00 p.m.

(Rescheduling of July 27, 1976 and August 10, 1976 meetings due to non-attendance)

Present

Karen Ritzer
Harvey Hazen
Kay Lattos

Absent

Steve Sims - resigned 8/25/76
Alice Ronck
Don Christilaw - resigned 7/76
Joan Boettcher
Jim Bushback

Place: Youth Alternatives Program Facility

The new director, Kay Lattos, introduced herself to attending members. She informed them that Steve Sims had just called to resign his membership due to other commitments.

The director stated that a clean-up campaign had begun with the bathroom already being painted, new tile laid, and new curtains hung as well as painting, windows washed, floors scrubbed and grounds maintained already in process.

No neighborhood problems were reported by council members.

The City of Milwaukie has not acted upon the request for \$3500 as of yet. City Manager Hal Schilling will call us when a final action has been taken.

North Clackamas County School District is still reviewing the school proposal. The director has met with several administration personnel during the past month.

A discussion was held to determine whether or not the Community Advisory Council was still needed. The feedback received by the two attending council members as well as those contacted by phone indicated that the initial purpose of the Council has been served and is no longer needed at this level. Suggestions offered were: open door policy for neighborhood, neighborhood council affiliations, newsletter/brochure/communique. It was stated that meetings are usually non attended and that most if not all of the major issues have been satisfactorily handled.

The director stated that she will gather data or suggestions so that the council can decide. No next meeting was scheduled. Meeting adjourned at 7:20 p.m.

Respectively submitted

Kay Lattos

4f
agenda

9-1-76

12305 SE 67th CT
MILWAUKIE, ORE. 97222

FROM THE MAYOR'S DESK
For AG-en d 2
Sept 20th

MAYOR Bill Hupp
MILWAUKIE, ORE

DEAR SIR:

A FEW DAYS AGO WE ATTENDED A COUNCIL MEETING TO REQUEST
A DEAD END SIGN FOR OUR STREET (67th CT.)

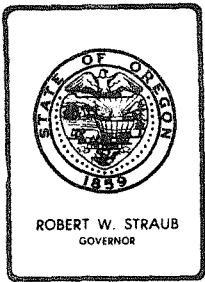
YESTERDAY THE SIGN WAS INSTALLED AND I AND EVERY
FAMILY ON THIS STREET WOULD LIKE TO THANK YOU, AND THE COUNCIL,
FOR THE EXPEDIENT AND FRIENDLY WAY IN WHICH THE MATTER WAS
HANDLED.

I AM VERY HAPPY THAT I HAD A CHANCE TO MEET YOU
AND THE COUNCIL MEMBERS AND VERY HAPPY TO BE A MEMBER
OF A COMMUNITY IN WHICH THE OFFICIALS AND THE COMMUNITY MEMBERS
SEEM TO GET ALONG SO WELL.

THANK YOU AGAIN FOR YOUR CONSIDERATION:

SINCERELY YOURS

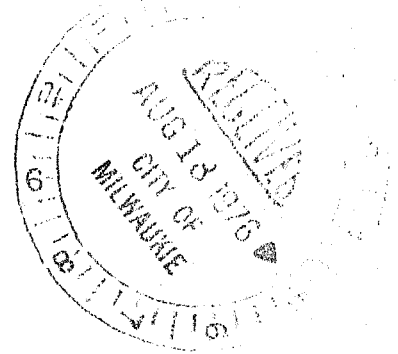
BILL PENN



Department of Transportation
PARKS AND RECREATION BRANCH
525 TRADE STREET S.E., SALEM, OREGON 97310

August 13, 1976

Dorothy E. Farrell
City of Milwaukie
City Hall
Milwaukie, OR 97222




Dear Ms. Farrell:

Thank you for your 6 August 1976 letter transmitting Resolution Number 12-1976 concerning the City of Milwaukie's recommendation for a Willamette Greenway Boundary.

Your letter, resolution and map will be made part of the formal record to be considered by the Transportation Commission and the Governor's Willamette River Greenway Committee.

Very truly yours,


Wallace A. Hibbard
Assistant Administrator
River Programs

WAH:1b

CITY OF MILWAUKEE
M E M O R A N D U M

4R

Date: August 18, 1976

TO: CITY MANAGER
FROM: DAVE PHELPS *Paul*
SUBJECT: VANDALISM - FURNBERG PARK

The city's park caretaker reported to me that sometime over the weekend of August 14-15 Furnberg Park was vandalized. This is the present disposition of the vandalized items:

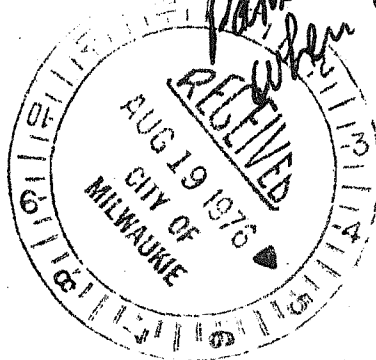
1. Four swings were removed from the arch swing. All four were recovered from the pond and three have been re-installed. One swing swivel bracket was not found and needs replacement prior to final installation.
2. Five pop-up lawn sprinklers were removed; only three were recovered, and those were found in the pond. Repairs may have to be contracted.
3. Mountain climber play structure was approximately 50% dismantled. All parts and bolts have been found and the structure is assembled.
4. One light has been torn loose from tree and needs to be tacked up.

Cost to the city in terms of manpower and materials is approximately \$150.

Spot welding of all bolts, etc. can be either contracted or done by the city. Cost to do such a thing will be obtained and a recommendation forwarded.

/b
cc: Police

Copies to city and Council - info - and Park Commissioner when approved



City of
file

42
P

August 19, 1976



Betty J. Cole
c/o Fred McFee
221 N. E. 69th
Portland, Oregon 97213

Dear Ms. Cole:

re Substandard Building at
3747 S. E. Jefferson Street
TL 10000, T1S, R1E, Sec. 300A

As a result of an inspection by the Clackamas County Health Department and the letter from them to the City of Milwaukie, this department also inspected the residence at 3747 S. E. Jefferson Street (formerly 3005 S. E. Jefferson), Milwaukie, 97222 and found it to be substandard under the provision of Section 1001(a) and 1001(b)(2) of the Uniform Housing Code, 1973 edition, adopted by the City of Milwaukie by Ordinance 1290.

This is your official notice to vacate the premises immediately and the items as stated in the letter from the Health Department be complied with prior to occupancy of the building again.

Any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Housing Advisory and Appeals Board, provided the appeal is made in writing and filed with the Building Official within 30 days from the date of service of such notice and order. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

Sincerely,

CITY OF MILWAUKIE

James R. Nishler
Building Inspector

jrn/bb

encl: Ltr of 8/17/76 from Clackamas Health Dept.
Sec. 1001(a) and (b)(2), UDC

cc: Sandy Bailey, 3747 S.E. Jefferson
City Manager

City Attorney

R. H. Whitmore, Clackamas Co. Health Dept.



41
②

August 17, 1976

Mr. Coy Humphrey
Code Enforcement Officer
City of Milwaukie
10722 S.E. Main
Milwaukie, OR 97222

Re: Rodent complaint at
3747 (formerly 3805), S.E.
Jefferson St.
Milwaukie, OR 97222

Dear Mr. Humphrey:

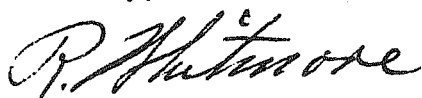
This private home is rat-infested. Living conditions here are very poor. There are rodent droppings on the food contact surfaces in the kitchen. Rats have gnawed passageways at the baseboard.

Outside basement door and windows are not rodent proofed.

There are many cardboard boxes of rags and soiled clothing which encourage rodent harborage.

I recommend that this premise be vacated, cleaned up, rodent proofed and a professional rodent exterminator hired to rid the property of rats.

Sincerely,



Robert H. Whitmore, R.S., Director
Environmental Health

RHW:ah

cc: Betty Jean Cole
Robert Varvel

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Chapter 10 SUBSTANDARD BUILDINGS

Definition

Sec. 1001. (a) General. Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(b) Inadequate Sanitation. Inadequate sanitation shall include but not be limited to the following:

1. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit.
2. Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
3. Lack of, or improper kitchen sink.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
6. Lack of adequate heating facilities.
7. Lack, or improper operation of required ventilating equipment.
8. Lack of minimum amounts of natural light and ventilation required by this Code.
9. Room and space dimensions less than required by this Code.
10. Lack of required electrical lighting.
11. Dampness of habitable rooms.
12. Infestation of insects, vermin or rodents as determined by the health officer.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(c) Structural Hazards. Structural hazards shall include but not be limited to the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

MEMORANDUM

September 16, 1976

TO: CITY MANAGER
FROM: EXECUTIVE SECRETARY/CITY RECORDER
SUBJECT: Milwaukie Lumber sign

On August 16, 1976, Mr. James E. Redman, Attorney for Milwaukie Lumber Company, appeared before the Council at their meeting under "AUDIENCE PARTICIPATION," and made the following statement:

Redman: "I am here representing Oregon Sign and Milwaukie Lumber Company. As you know, we have a sign that has been of some concern to the city. We have been granted the opportunity for a rehearing on your decision on this. We hoped to be prepared this evening, but we have not been able to do so, and would ask that this be continued to the following meeting."

Englund: "Mr. Redman indicated that a hearing had been granted. My memory was that we asked that the new evidence be presented so we can make a decision as to whether a hearing would be appropriate."

Redman: "That is correct, that was the interpretation I made from the letter I received -- then when I called City Hall last week, they said they hoped we would be able to appear this evening. Maybe I assumed some things I shouldn't have. I spoke with a lady -- I don't want to get her into trouble. We were concerned we might be facing a deadline and whether or not there was a hearing."

There have been problems in the past because citizens have quoted an unnamed city employee as having given false information. I am therefore giving you the following detail about my conversation with Mr. Redman concerning the Milwaukie Lumber Company sign:

On June 28, 1976 James Redman wrote to the City Council, saying that he had further information on the subject of the Milwaukie Lumber sign, and wished Council to reconsider their denial of the conditional use application for the non-conforming sign.

On June 30, 1976, the Council directed that a letter be written to Mr. Redman, asking him to submit the further information in writing, and the Council would consider that information and make a decision as to whether or not they would reconsider the Council action. That letter was sent on July 8, 1976.

The City Manager asked me to call Mr. Redman and ask him if he intended to submit the further information requested by the Council. I did so and left messages on July 27 and August 2. On August 4 his secretary told me that he was on vacation. On Friday, August 13, Mr. Redman called and said he hoped to have the information in writing by Monday. He said he was waiting for an affidavit from the employee who filled out the original

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sign application. Mr. Redman also asked to have Myer Avedovech call him, to discuss "exactly how the sign was in violation." I told Mr. Redman that the agenda had already been printed, therefore the item could not be put on the printed agenda, but if he had a letter to us during the day Monday it could be brought up under "OTHER BUSINESS." At no time did I indicate to Mr. Redman that the matter would be scheduled for a hearing before the Council.

Dorothy

Dorothy E. Farrell

DEF:msh

4 J

REDMAN, CARSKADON & KNAUSS

ATTORNEYS AT LAW

11050 S. E. 21ST AVENUE

MILWAUKIE, OREGON 97222

JAMES E. REDMAN
JAMES R. CARSKADON, JR.
ARTHUR B. KNAUSS

TELEPHONE
659-5335
AREA CODE 503

September 8, 1976

Mr. Bill Hupp, Mayor
City of Milwaukie
10722 SE Main Street
Milwaukie, Oregon 97222

Dear Mayor Hupp:

We represent Oregon Sign Corp. and Milwaukie Lumber Co. concerning the sign on the premises at 10998 SE 21st Avenue.

We previously requested reconsideration of the City Council's decision concerning this sign, and thereafter the Council requested that we submit in writing the additional information we referred to in asking for reconsideration.

On behalf of our clients we respectfully request that you consider the following information set out in this letter and the attached affidavits of Jack C. Clark and Robert Cathman of the Oregon Sign Corp.

1. The sign covers approximately the same area on the front of the building as was previously covered by a painted-on sign;

2. A city employee, Tim Holder, checked the application for the sign permit. He advised me that he was aware of the roof sign on the building but did not think of it at the time the application was presented. In addition, he has told me that he believes that Mr. Jack C. Clark, the applicant on behalf of Oregon Sign Corp., did not intentionally omit reference to the roof sign when filling in the application;

3. There has been no opposition to this sign from adjoining property owners;

4. The particular sign in question is hybrid in nature in that it neither projects from the building at

the usual 90 degree angle, nor is it flush or parallel to the surface on which it is mounted -- instead, it projects at an angle of approximately 45 degrees. As far as is known, there are no other signs of this type within the City of Milwaukie;

5. The cost of this sign is \$6,000, and its removal would result in a hardship on the applicant;

6. The sign was applied for on December 19, 1975, approved at that time and installed on January 23, 1976. The City, by letter dated February 4, 1976, notified our client that the sign was contrary to the sign ordinance No. 1310.

Would you please present the above information to the Council along with the attached affidavits. It may be that the sign can be permitted under Section 20, Variance Procedure, or Section 15, Paragraph 2.

In addition, we would ask you to consider our clients' past excellent reputation with the City over a period in excess of 40 years. This is the first time there has been a question of noncompliance with a City Ordinance on the part of our clients, and they have on numerous occasions provided labor, material and equipment while working with the City on mutual endeavors.

Very truly yours,


James E. Redman

JER/mt

Enclosures

cc: clients

REDMAN, CARSKADON & KNAUSS
ATTORNEYS AT LAW
11050 SE 21ST AVENUE
MILWAUKIE, OREGON 97222
(503) 659-5335

AFFIDAVIT

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STATE OF OREGON)
) ss.
County of Clackamas)

I, Jack C. Clark, being first duly sworn, make this affidavit in support of a request for the City Council's reconsideration of its decision concerning the Milwaukie Lumber Co. sign located at 10998 SE 21st Avenue, Milwaukie, Oregon.

I prepared the application for the sign permit at City Hall with the assistance of Tim Holder, an employee of the City of Milwaukie.

Mr. Holder was consistently courteous, polite and cooperative in assisting with the preparation of this application.

I had not been to Milwaukie Lumber Co. except immediately prior to preparation of the application, and was not aware of the existing roof sign.

At the time I prepared this application on behalf of Oregon Sign Corp. and Milwaukie Lumber Co. I was age 66, semi-retired and working part time only.

Had I been aware of the roof sign at the time at the time I presented the application to the City of Milwaukie I would have so included it on the application.

Jack C. Clarke

Subscribed and Sworn to before me this 8TH day of September, 1976.

Joe F. Russigno
Notary Public for Oregon
My Commission Expires 5-30-78

REDMAN, CARSKADON & KNAUSS
ATTORNEYS AT LAW
11050 SE 21ST AVENUE
MILWAUKIE, OREGON 97222
(503) 659-5335

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AFFIDAVIT

STATE OF OREGON)
) ss.
County of Clackamas)

I, Robert Cathman, being first duly sworn, make this affidavit in support of a request for the City Council's reconsideration of its decision concerning the Milwaukie Lumber Co. sign located at 10998 SE 21st Avenue, Milwaukie, Oregon.

At the time of preparation of the application for a sign permit by Mr. Jack C. Clark, he was a part time semi-retired employee of Oregon Sign Corp. He was paid on an hourly basis, and received no compensation by way of commission.

The investment in this sign is \$6,000, and our company was unaware of any potential violation of City Ordinance 1310 until the City's letter dated February 4, 1976. The sign was installed on January 23, 1976.

Robert C. Cathman

Subscribed and Sworn to before me this 9th day of September, 1976.

Joe F. Rousseau
Notary Public for Oregon
My Commission Expires 5-30-76

CITY OF MILWAUKIE
M E M O R A N D U M

AR ①

Date: August 18, 1976

TO: CITY MANAGER
FROM: DAVE PHELPS *[Signature]*
SUBJECT: HOWE AND 44th AVE. RAIN DRAIN - PETITION

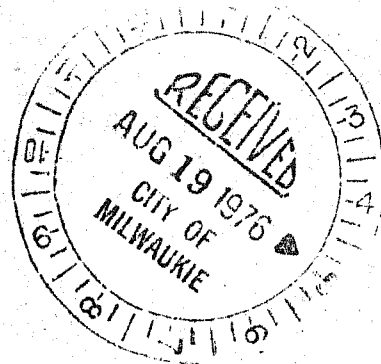
Attached petition was received by registered mail today. The citizen's request is to "repair, correct or replace the rain drains".

At this time there are 8 to 10 dry wells which service the storm water run-off in this area. The service life and usefulness of these dry wells has most likely ended.

Estimated cost for a dry well 6" x 35" is approximately \$1200. It is the opinion of this department that the ground in this area is saturated and that adequate locations for effective dry wells no longer exist. A subsurface system is the only feasible answer to the drainage problem. Thus, the longer term solution is the only solution this department recommends, especially in this area.

Petitioners should be made aware of this situation and that very little can be done short of a storm drain system. Each petitioner could be invited to a neighborhood council meeting to discuss this issue, both for their area and within the city.

/b
attachment



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PETITION TO REPAIR RAIN DRAINS AT SE HOWE
AND S. E. 44th AVE, MILWAUKIE, ORE.

COMPLAINT: Water lays in the street on S. E. 44th Ave midway on S. E. 44th Avenue to the South to Howe Street. The water goes from curb to curb after every rain and last for two days or so depending on how much rain occurs.

On dry days the drains still have water in them which does not drain off.

Tri-Met and School buses pick up and drop off passengers at the corner of S. E. Howe St. and S. E. 44th Ave and the pedestrians must walk over the lawns of the property owners since the water is curb high.

PETITION: The City of Milwaukie to repair, correct or replace the rain drains before January 1, 1977.

Property Owner	Address
Mrs + Mrs Don Olivero	9656 S E 44 Ave
Mr + Mrs Paul R. Brewer	9625 S.E. 44th AVE
Mr + Mrs Joe W. Bernard	9657 S.E. 44th Ave
E. W. Decker	9612 S E 44th Ave
Mrs. Eric W. Beckel	9612 S.E. 44th Ave.
Mrs. Winifred M. Pommerehne	4405 S.E. Rockwood.
Mrs J. H. Beecher	9624 S E 44th Ave
Mr + Mrs Walter Stabo	9613 S E 44th Ave
Mr + Mrs Fay Spruenser	9226 SE 49th
Mr + Mrs Raymond Smith	9678 SE 49
John H. Dunbar	4403 SE Howe St
John H. Dunbar	4402 S E Howe St
John H. Dunbar	4355 SE Howe St
Mr + Mrs Edw. Tomerunke	4410 S.E. Rockwood St.
Ralph Long	4577 SE Rockwood
May Long	4577 SE Rockwood
Clive Long	4577 SE Rockwood
Lynn Myhman	4526 - S E Rockwood

We have called time and time again on this issue but it has fallen on deaf ears. We hope you will see to it that steps will be taken to correct this terrible inconvenience and health hazard to our children. Thank you

LILLIAN MEYERS
ATTORNEY AT LAW

P. O. BOX 357
9150 S.E. ST. HELENS STREET
CLACKAMAS, OREGON 97015
TELEPHONE (503) 655-9134

659-9167
Copy of Staff Report
be submitted to Dick

7A
agenda ①

August 18, 1976

City Council
City of Milwaukie
Bill Hupp, Mayor
Chick Swan, Councilman
Merv Englund, Councilman
Jerry Hutichison, Councilman
Joy Burgess, Councilwoman
City Hall
10722 SE Main Street
Milwaukie, Oregon 97222

Milwaukie Concrete
10271 SE 66th Avenue
Milwaukie, Oregon 97222

Mr. and Mrs. Dick Beatty of 11897 SE Wood, Milwaukie, Oregon have consulted me concerning the installation of their driveway to their home. This driveway was installed by Milwaukie Concrete. The determination of the approach and the forms to the driveway were approved by the City of Milwaukie.

Mr. and Mrs. Beatty advise me that the driveway is impassible by cars in that the approach way was installed with a high center. The Beatty's have requested Milwaukie Concrete to tear up the defective approach way and install a proper one. Milwaukie Concrete has failed and refused to do so.

Demand is hereby made upon you, and each of you, for the damages which Mr. and Mrs. Beatty have sustained as a result of your negligence in determining the approach, installation of the forms and final installation of the driveway in the amount of \$500.00. If this amount is not paid to them within 10 days from the date of this letter, it is their intention to take whatever further action they deem necessary to recover their damage. In the event that a court action is necessary, the Beatty's will request that attorney fees be awarded to them.

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As an alternative to the payment of their damages, Mr. and Mrs. Beatty would be willing for the City of Milwaukie and Milwaukie Concrete to redo the approach to the driveway in the proper manner.

Very truly yours,

Lillian Meyers
Lillian Meyers

LM:rh

cc: Mr. & Mrs. Beatty

How about the Oleson's being notified?

CITY OF MILWAUKIE

8

September 9, 1976

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NOTICE OF PUBLIC HEARING

Dear Property Owner:

Notice is hereby given that the Milwaukie City Council at its meeting at 7:30 p.m. on Monday, September 20, 1976, in the Council Chambers, City Hall, 10722 SE Main Street, Milwaukie, Oregon, will consider the appeal

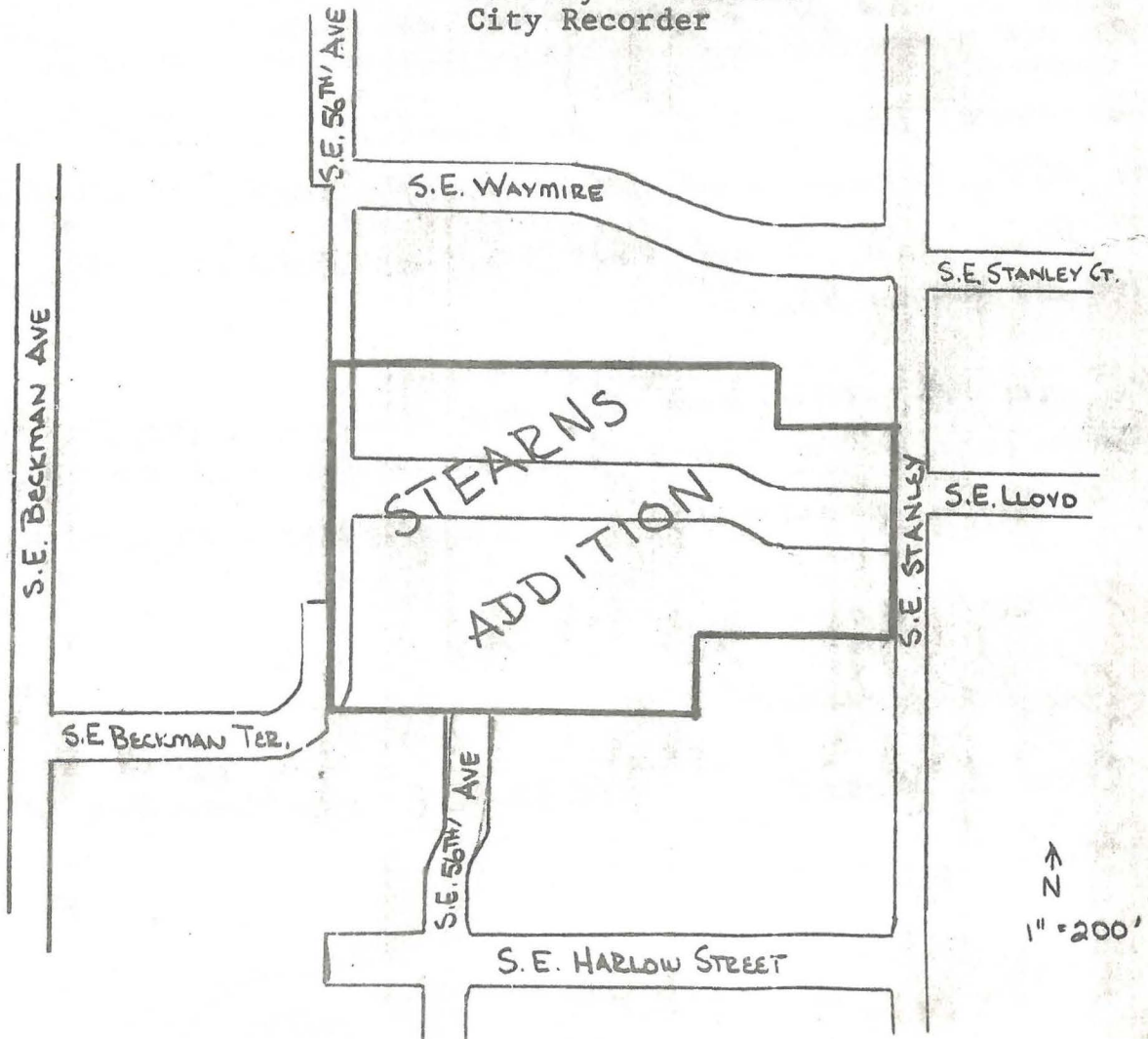
OF: Fred L. Diess Jr.
11632 SE Beckman Avenue, Milwaukie, Oregon

AGAINST: Planning Commission approval of a preliminary plat for Stearns Addition (S-76-4)

LOCATION: Between SE 56th Avenue and Stanley Avenue, south of SE Waymire and north of SE Harlow Streets

Interested citizens and the general public are invited to attend the meeting.

Dorothy E. Farrell
Dorothy E. Farrell
City Recorder



Milwaukie City Council
City Hall
926 Main Street
Milwaukie, Oregon

8a2

Subject: STEARNS ADDITION
PRELIMINARY PLAT S-76-4

Gentlemen:

The undersigned hereby appeal(s) 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 27, 1976.

Please set a date for the required public hearing at your earliest convenience. The appeal fee of ~~\$20~~ is attached.

\$35

The reasons for this appeal are:

I want the Planning Commission to make a decision on when my 25' will be taken, and at what price I will receive? before any construction is to begin, it's not fair for them to know where they stand and I don't, if the city is going to take my 25' x 142' I want it done now and the city or developer to make and pay me now. Because I was here first (addresses) not them

further more the way I understood it 56th st. was originally to go kitty corner and miss my property completely so I pray you send the Stearns Addition project back to the drawing board.

or take my property and pay me now, a price to be agreed upon ~~now~~ together & the city or developer pay all improvements, so I know exactly where I stand & when it will happen

Thank you
Fred L. Diess Jr.

Fred L. Diess Jr.

11632 SE Beckman Ave Milw Oregon



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

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3

September 16, 1976

TO: City Manager
FROM: Public Works Director
Planning Director
SUBJECT: Appeal of Stearns Addition Preliminary Plat

The answers to questions raised in the appeal of Stearns Addition preliminary plat require a review of the history of development and involvement of the City in this area.

1. Various individual houses were built along Beckman and Stanley prior to the mid-1950's.
2. In 1956, the lots along Waymire Street were created in a plat known as Waymire Addition. At that time, the property was not in the City of Milwaukie. Part of this plat included the dedication of 50 feet of right of way for Waymire Street and 24 feet of north-south right of way on the west end of Waymire. Rock and oil improvements were made on Waymire, but no improvements were made on the north-south dedication.
3. In 1956 and 1958, the lots along Harlow and 56th (formerly Thorne) were created in a plat known as Stanley Park.
4. Most of the area in question was annexed to Milwaukie in the period of 1961 to 1964.
5. On May 27, 1975, a preliminary plat for Beckman Terrace, a seven lot subdivision, was approved by the Planning Commission on the condition that a 75 foot turning radius be shown as required by the Subdivision Ordinance street design standards.

The subject on connecting streets was generally discussed at the time. However, it was not until the summer of 1976 that the Planning Commission was fully aware of how the dedication of Beckman Terrace right of way implied future right of way on properties that were already developed.

6. On August 26, 1975, the Planning Commission approved a preliminary plat for an eight lot subdivision, Anna Addition. The applicant was encouraged to include property to the north and south for final platting.
7. On October 28, 1975, a final plat for Anna Addition was approved. A tax lot to the north of the area considered in August was added; this allowed for an 11 lot subdivision instead of 8. A variance from the 60 foot lot width requirement for one lot was granted.
8. On November 3, 1975, the Public Works Director sent letters to owners of record of property near Waymire between Beckman and Stanley, notifying them of a meet-

8a (9)
September 16, 1976

ing then on land development in the area (see attached letter). The concept of extending Beckman Terrace right of way north to connect with dedication of 56th Avenue between Anna Addition and Waymire was discussed. Also, the concept of a local improvement district was discussed. Neither the Planning Commission nor City Council was involved with this informational meeting.

9. On November 25, 1975, the Planning Commission approved the final plat for Beckman Terrace, a seven lot subdivision.
10. On June 22, 1976, the Planning Commission considered a preliminary plat for Stearns Addition, a 20 lot subdivision, in combination with a conditional use application for a duplex on one of the lots. The Planning Commission denied the duplex and asked for resubmission of the preliminary plat. At this meeting, numerous people raised the question of property owned by the Olesen's. The Planning Commission requested a report on the alternatives for realignment of Beckman Terrace extension with respect to the Olesen property (see attached).
11. On July 13, 1976, the Planning Commission considered Stearns Addition preliminary plat with the modifications as requested. At that time, the Planning Commission tabled the request until their meeting of July 27 at the request of the City Manager (see memo).
12. On July 27, 1976, the Planning Commission approved Stearns Addition preliminary plat.
13. On August 6, 1976, Mr. Diess filed an appeal of the Planning Commission decision to approve Stearns Addition preliminary plat.

Questions of Alignment of 56th Avenue in Appeal Filed by Mr. Diess

Mr. Diess raised the question of why 56th Avenue does not extend north from Harlow to Waymire. Beckman Terrace is a subdivision with a "stub" street extending north just as Stanley Park was a subdivision with a "stub" extending north. One of the requirements of the Subdivision Ordinance is that blocks not be longer than 1,200 feet long. This is one of the reasons Beckman Terrace was approved. The distance of Beckman from Railroad to Park is about 2,200 feet and Beckman Terrace is the only street that provides access off Beckman. Completing the access from Beckman Terrace to Stanley via 56th, Lloyd and Waymire logically meets the intent of the Subdivision Ordinance. The road system connecting the several parcels of property along the proposed 56th is intended to connect and provide access to all the parcels of property and to provide a cross link between Beckman and Stanley. This is the logic behind staff's recommendation to the Planning Commission for approval of Stearns Addition as submitted.

Memorandum to City Manager
 SUBJECT: Appeal of Stearns Addition Preliminary Plat

September 16, 1976

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Question of Property Acquisition Raised in Appeal Filed by Mr. Diess

Mr. Diess wants to know when his property will be taken and at what price. The area in question is 25 foot by 142 foot portion on the eastern side of his property abutting the proposed Stearns Addition to the east and Beckman Terrace to the south. This area is a link in the right of way that would provide north-south access in the area.

City Budget

At this point, the City has no funds budgeted for acquisition of such property by the City. Some funds exist budgeted for other items that might be used for acquisition.

Local Improvement District

One possibility for provision of right of way for public access and utilities from Beckman Terrace to north of Waymire is to form a local improvement district. The L. I. D. could be arranged so that each property owner would pay according to the potential benefits that would be received from the improvements. If no benefits were to be received or actual losses incurred for a particular owner, then compensation could be made under provisions of the L.I.D.

Piecemeal Development

Each property that would have frontage on an extension of 56th Avenue (Mr. Diess' property and the three lots to the north) have sufficient area to build another house. In the case of Mr. Diess' property, the area is sufficient to create two lots, one with the existing house and another lot to the east and dedicate right of way for 56th. However, a variance from the 80 foot lot depth requirement of the Zoning Ordinance would be necessary. In similar situations where minor land partitions are filed, dedication of right of way and road, curb and sidewalk improvements are required.

Each subdivision - Beckman Terrace, Anna Addition and Stearns Addition - have been or will be committed to making public dedication and public facility improvements on the original tract of land being subdivided as the subdivision has been filed. To complete the 56th Avenue improvements, one way would be to require dedication and improvements along 56th as minor land partitions are filed or houses constructed. The disadvantage of this alternative is that public improvements are incomplete and may remain that way for some time.

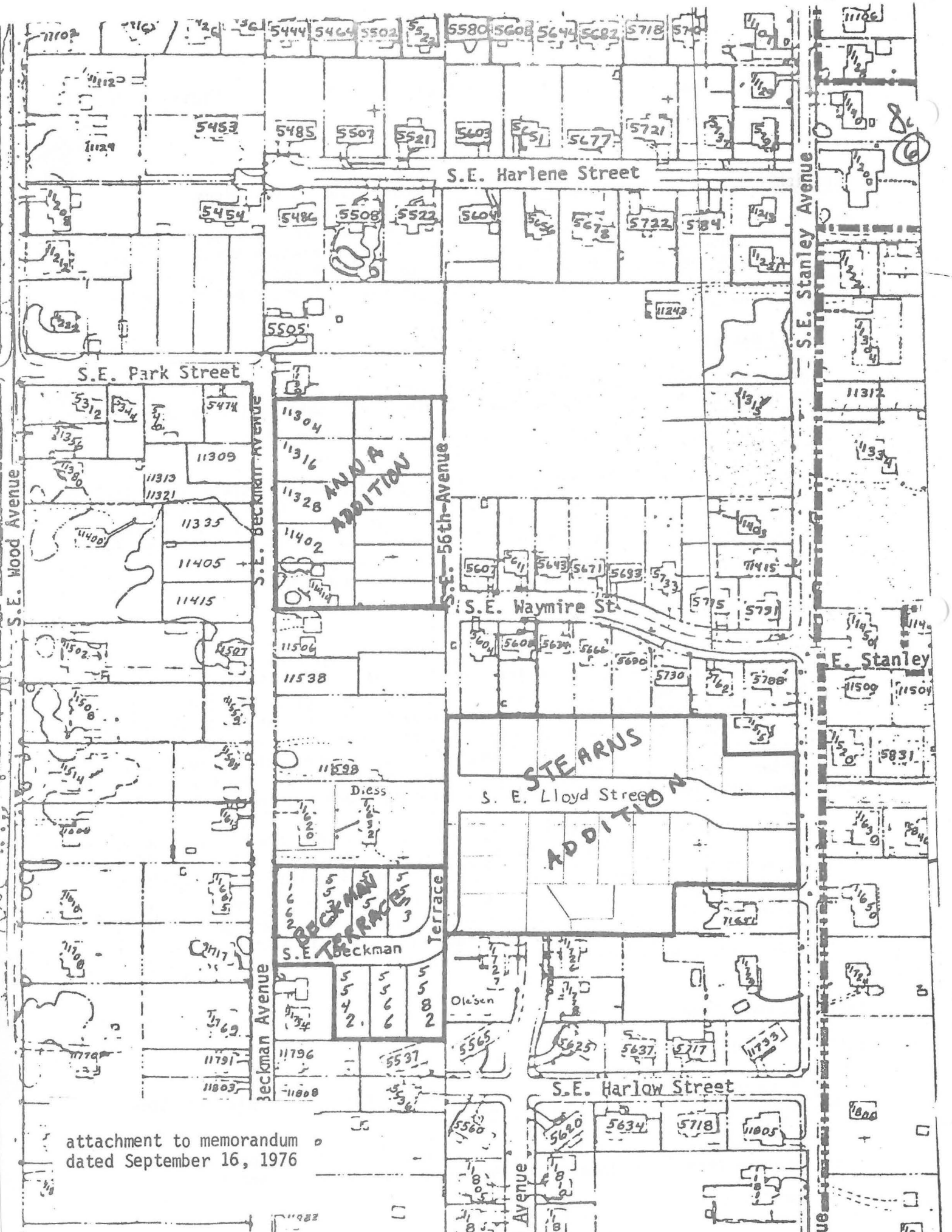
Staff Recommendation

Staff recommends that:

1. The Planning Commission decision to approve the preliminary plat for Stearns Addition, S-76-4, be upheld by the Council.
2. Public improvements and dedications of rights of way on adjacent properties be required when minor land partitions or building permits are filed.

CRN/JWD/TH/me

THH gku CRN-JWB



attachment to memorandum
 dated September 16, 1976

AND A
 ADDITION

STEARNS
 ADDITION

BECKMAN
 TERRACE

Beckman Avenue

S.E. 56th Avenue

S.E. Stanley Avenue

S.E. Wood Avenue

th Avenue

Avenue

S.E. Harlene Street

S.E. Park Street

S.E. Waymire St.

S.E. Lloyd Street

S.E. Harlow Street

E. Stanley

S.E. Beckman

Olesen

Dies

attachment to memorandum
 dated September 16, 1976

May 27, 1975

Planning Commission
Regular Meeting

3

SUBDIVISIONS - PRELIMINARY PLAT APPROVALS

S-75-5 Beckman Terrace. Gunter R. Dinger, applicant. Ronald and Terri Mundt, property owners. Request for eight lots in R-7, Single Family Residential, zone on east side of Beckman Road approximately 1,150 feet north of Railroad Avenue (Tax Lots 100, 200 and 201, T1S, R2E, Section 31DB)

Staff report, recommending approval based on the Planning Department's report, was given by Tim Holder. The Commission was informed that the turning radius would be increased to 75 feet as required by the Subdivision Ordinance on the final plat. IT WAS MOVED by Landis, seconded by Davis, to approve the preliminary plat of Beckman Terrace. MOTION CARRIED and so ordered.

Milwaukie City Planning Commission
Regular Meeting

2

November 25, 1975

SUBDIVISION FINAL PLAT APPROVAL

S-75-5 Beckman Terrace. Gunter R. Dinger, applicant. Request for seven lots in R-7, Single Family Residential, zone on east side of Beckman Road approximately 1,150 feet north of Railroad Avenue (Tax Lots 100 and 200, T1S, R2E, Section 31BD)

Staff report, recommending approval with condition, was given by Tim Holder. It was stated that one lot included in the preliminary plat with an existing house was excluded on the final plat, that a 15 foot corner radius would be added to the north intersection of Beckman Terrace and Beckman Road, and that DEQ had not yet approved the sanitary sewers regarding the amount of fill required. IT WAS MOVED by Kennedy, seconded by Marquette, to approve the final plat of S-75-5 subject to the approval of the Director of Public Works. MOTION CARRIED unanimously (Casale not present), and so ordered.

Milwaukie City Planning Commission
Regular Meeting

2

June 22 1976

C-76-7 Robert F. Stearns, applicant. Request to construct duplex in proposed subdivision in R-7, Single Family Residential, zone at the northerly terminus of Thorne Street north of Harlow

S-76-4 Stearn's Addition. Preliminary Plat Approval. Robert F. Stearns, applicant. Proposed 19 lot subdivision in R-7, Single Family Residential, zone on the west side of Stanley Avenue west of its intersection with Lloyd Street

Public hearing opened at 7:30 p.m., with notices mailed as required and mailed to residents of property within 250 feet of the subject property. Staff report, recommending approval, was given by Tim Holder.

Speaking in favor: Robert F. Stearns, applicant

Speaking in opposition
to C-76-7:

Dave Bilby, 6715 S. E. Madrona (representing Neighborhood Council 5) (presented petition with 71 signatures in opposition to the duplex C-76-7)
Ed Roby, 11756 S. E. 56th Avenue
Willard Cox, 11825 S. E. 56th Avenue
Jack Majors, 5536 S. E. Harlow
Orvil Couch, 5762 S. E. Waymire

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Speaking in opposition
to acquisition of pro-
perty owned by Lars
Olesen for extension of
Beckman Terrace, 56th
Avenue:

Bill Hupp, 2626 S. E. Washington
Rod Johnson, 5637 S. E. Harlow
Jim Lotz, 5537 S. E. Harlow

Questions raised:

Bill Hupp, 2626 S. E. Washington
Judy Majors, 5536 S. E. Harlow
Joanne Schnell, 5833 S. E. Lloyd
Eugene Owens, 11805 S. E. 56th Avenue
Rod Johnson, 5637 S. E. Harlow
Dave Bilby, 6715 S. E. Madrona
Lars Olesen, 11727 S. E. 56th Avenue
William Blaumer, 11462 S. E. Stanley Court
Mrs. Olesen, 11727 S. E. 56th Avenue
Dick Foster, 11977 S. E. 56th Avenue

Rebuttal for the applicant was given by Robert Stearns. Hearing was declared closed at 8:45 p.m. IT WAS MOVED by Foeller, seconded by Landis, that we ask for a resubmission on Stearns' Addition preliminary plat and that we reject C-76-7, which is the developer's request to construct a duplex in that subdivision. MOTION CARRIED unanimously, and so ordered. The applicant was instructed to return with a revised preliminary plat with two single family lots on the terminus of 56th Avenue instead of a duplex lot and to show the proposed L-shaped turn-around at the terminus of 56th Avenue. Staff was requested to present a report on the alternatives for re-alignment of Beckman Terrace extension with respect to the Olesen property.

Milwaukie City Planning Commission
Special Meeting

2

July 13, 1976

- b) S-76-4 Stearns Addition. Preliminary Plat Approval. Robert F. Stearns, applicant. Proposed 20 lot subdivision in R-7, Single Family Residential, zone on the west side of Stanley Avenue west of its intersection with Lloyd Street

Memorandum dated July 6, 1976, Regarding Status of Beckman Terrace Subdivision and Acquisition of Related Property

Memorandum dated July 13 from the City Manager was distributed requesting that the Planning Commission defer action on the preliminary plat of Stearns Addition until he had met with the Olesen's. Staff report was given by Tim Holder. Mrs. Olesen was present. It was the CONSENSUS to table this item until the July 27 regular meeting.

Milwaukie City Planning Commission
Regular Meeting

2

July 27, 1976

OLD BUSINESS

S-76-4 Stearns Addition. Preliminary Plat Approval. Robert F. Stearns, applicant. Proposed 20 lot subdivision in R-7, Single Family Residential, zone on the west side of Stanley Avenue west of its intersection with Lloyd Street

Report from City Manager regarding Olesen property

Memorandum dated July 27, 1976, from the City Manager, Public Works Director and Planning Director regarding Stearns Addition and the alignment of 56th Avenue was distributed. Staff report, recommending approval of the preliminary plat, was given by Tim Holder.

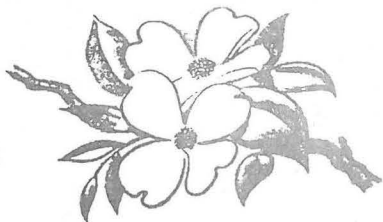
Questions raised: Fred Diess, 11632 S. E. Beckman
Lars Olesen, 11727 S. E. 56th Avenue
Mrs. Olesen, 11727 S. E. 56th Avenue
Jan Rose, 2823 S. E. Balfour (Neighborhood Council 2)
Several other unidentified persons spoke regarding the proposed extension of 56th Avenue

(Monetti entered meeting - 7:44 p.m.)

IT WAS MOVED by Landis, seconded by Marquette, to approve the preliminary plat of Stearns Addition with the condition that the developer provide the fence requested by Mr. Diess along the east boundary of his property. MOTION CARRIED, with the following roll call vote: AYES: Landis, Nickel, Marquette. NAYES: Kennedy, Monetti. ABSTAINING: Foeller. The appeal procedure was explained to those present.

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CITY OF



MILWAUKIE, OREGON
"The Dogwood City of the West"
FOUNDED 1848—INCORPORATED 1903

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⑪

November 3, 1975

Dear Property Owner:

According to the County Tax Assessor's records you own property in Milwaukie between Beckman and Stanley Avenues near Waymire.

Two subdivisions have been approved recently by the Milwaukie City Planning Commission. Several parcels of property lie between these two subdivisions.

Considerable money can be saved by future home owners, by the City and its taxpayers, and by you if certain utilities are put in place at one time. Public rights of way not presently dedicated will be necessary.

Cooperation in the dedication of rights of way is necessary.

You are invited to a meeting to discuss this matter:

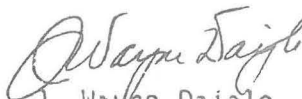
City Hall, Council Chambers, 2nd Floor
10722 S. E. Main Street
Milwaukie, Oregon

Thursday, November 13, 1975
7:30 p.m.

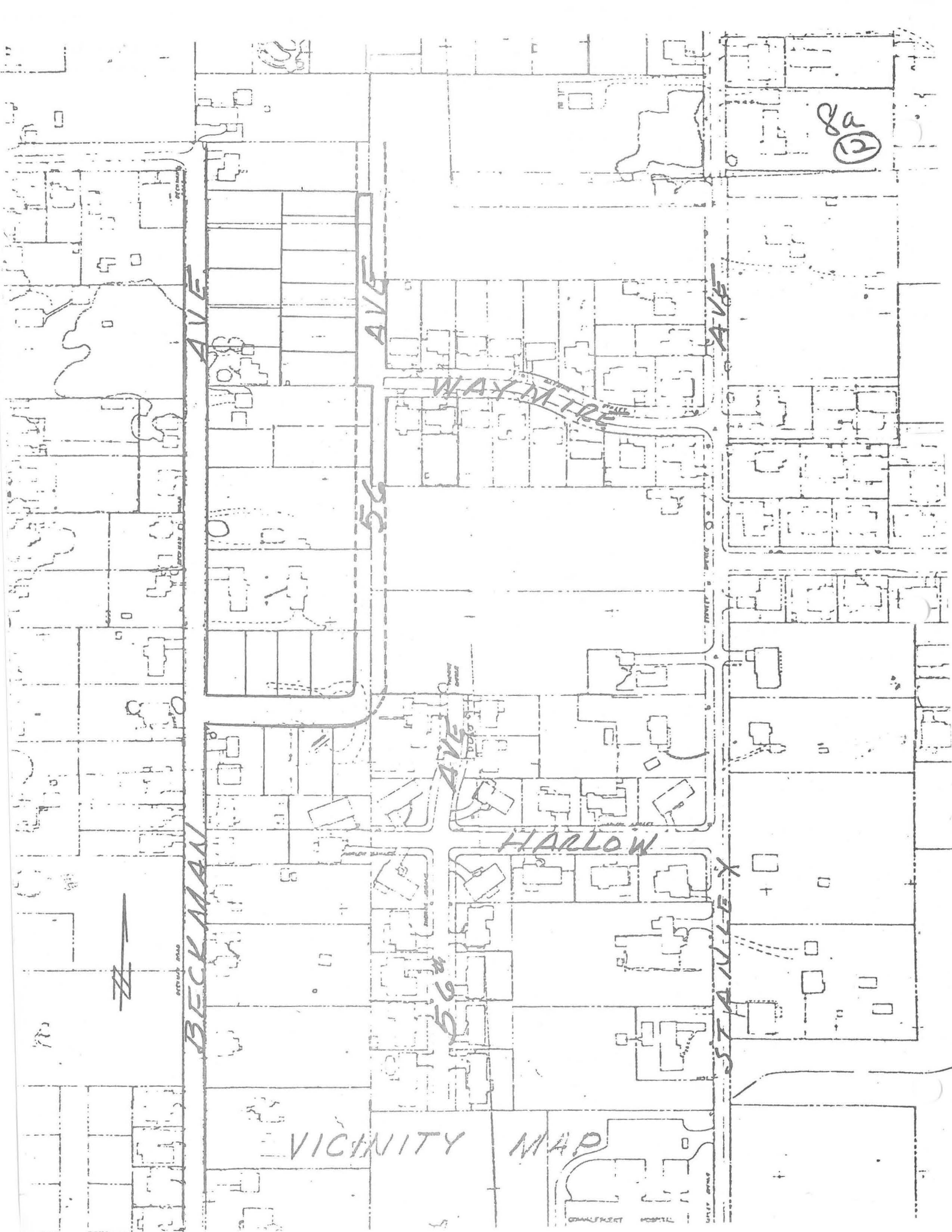
Please see attached map.

Sincerely,

CITY OF MILWAUKIE


J. Wayne Daigle
Director of Public Works

JWD/TH/ me



BECKMAN AVE

56 AVE

WAYMORE

56 AVE

HARLOW

STAINLEY X

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VICINITY MAP

COMMERCIAL DISTRICT HOSPITAL

Milwaukie City Planning Commission
STAFF REPORT - Preliminary Plat of Stearns Addition, S-76-4
June 22, 1976

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Application

Subdivision application S-76-4 for property on the west side of Stanley at Lloyd Street.

Applicant - Robert Stearns.

Application is for approval of a preliminary plat for a 19 lot subdivision of approximately 4.354 acres. (Lot 11 has a conditional use application for a duplex, C-76-7, in conjunction with this subdivision application.)

This preliminary plat is being heard by the Planning Commission for the first time at this meeting.

Planning Staff Report

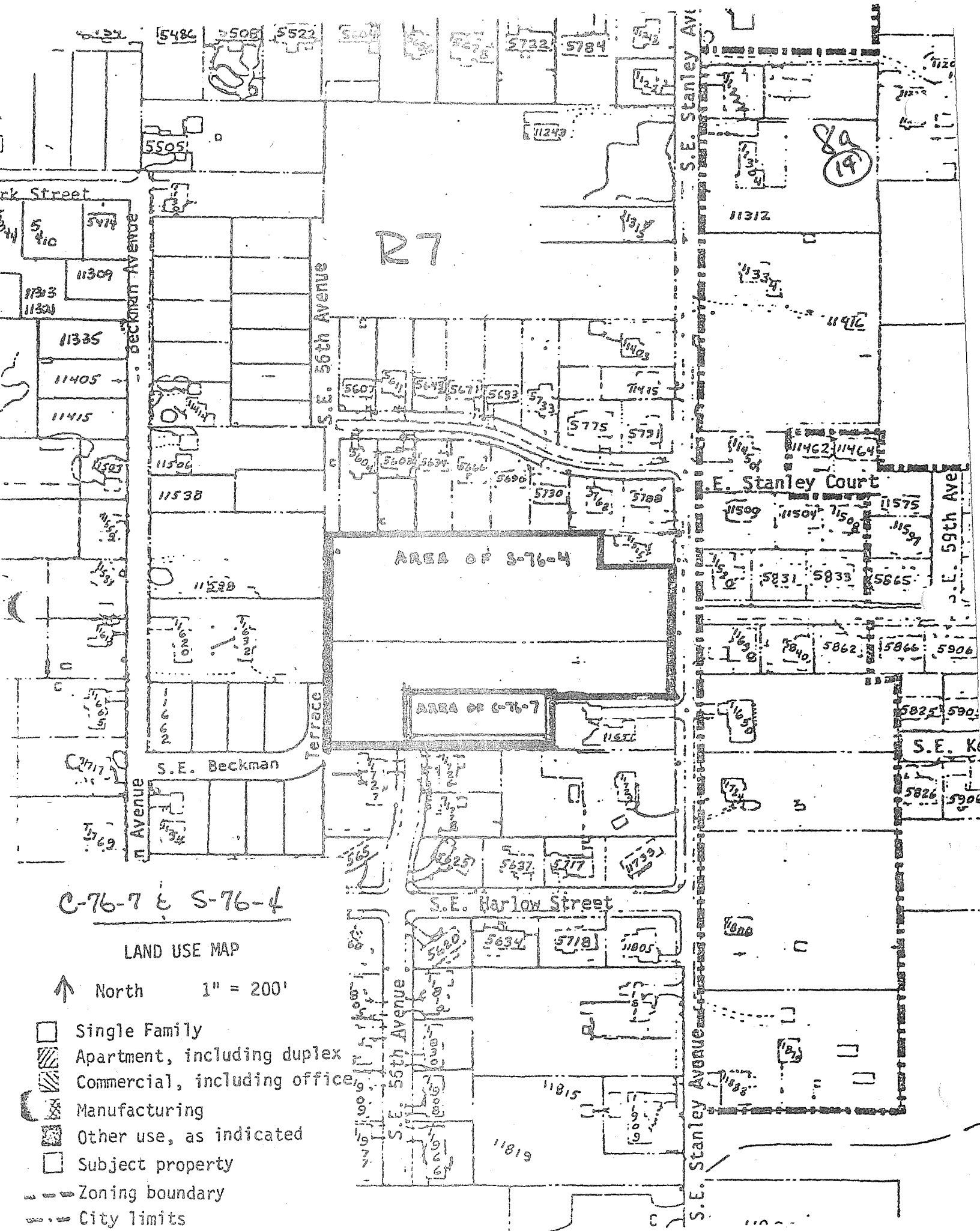
1. Impact on Surrounding Area: The area is developed or being developed primarily as single family residential.
2. Zoning: The area is zoned R-7, Single Family Residential. The lot sizes and dimensions conform with the requirements of the zone.
3. Comprehensive Plan: The Comprehensive Plan designates the area as Medium Density Residential, for which the R-7 zone is the primary zone.

Engineering Staff Report

1. Topography: The variations in grade present no problems for development or installation of public improvements.
2. Drainage: Facilities will be provided as approved by the City Engineer.
3. Access will be from Stanley Avenue and the future 56th Avenue.
4. Streets Within the Plat: Lloyd Street extended through the property is the primary access. The centerline of Lloyd on the plat is offset from the centerline of Lloyd on the east side of Stanley. This is undesirable, but acceptable. The alternative of putting a turn-around on the plat at the north end of Thorne was considered. However, this resulted in three double-fronting lots and one triple-fronting lot which is quite expensive and undesirable. Other street patterns were considered, but this seems to be the most acceptable.
5. Sewer connections, water connections, fire hydrants, lighting, undergrounding of utilities, and sidewalks are required. Plans will be approved by the City Engineer.
6. Utility easements will be required as submitted.

Staff Recommendation

Approval of the preliminary plat for S-76-4 as submitted on the condition that an extension of Thorne Street be dedicated at Lot 11 in order to provide an L-type turn-around.



C-76-7 & S-76-4

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

Milwaukie City Planning Commission
STAFF REPORT ADDENDUM - Preliminary Plat of Stearns Addition, S-76-4
July 13, 1976

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See Staff Report of June 22, 1976, for basic information.

Planning Commission Meeting of June 22

The preliminary plat submitted June 22 had a duplex conditional use (C-76-7) applied for in conjunction with the plat for Lot 11. The Planning Commission denied C-76-7 and requested resubmission of the preliminary plat for two lots where Lot 11 was and dedication of area for turn around on the west end of Lot 11.

The revised preliminary plat has been redrawn as requested.

Stearns Addition is adjacent to Beckman Terrace and the Olesen property. If Alternative 4 is pursued, no change in the configuration of Lot 10 would be necessary. If Alternative 1 is pursued, the configuration of Lot 10 could also remain the same.

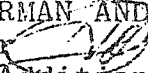
In the revised plat, Lot 11 does not have sufficient lot area. The easterly lot line of Lot 11 should be moved to the east sufficiently to bring Lot 11 up to 7,000 square feet. Lot 12 as drawn has 8,550 square feet, not including the area in the flag.

Staff Recommendation

Approve revised preliminary plat of S-76-4 subject to adjustment of Lot 11 to meet 7,000 square foot area requirement.

MEMORANDUM

July 13, 1976

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: City Manager 
SUBJECT: Stearns Addition

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You have under consideration at your meeting this date a preliminary plat approval for the Stearns addition, S-76-4. This proposed 19 lot R-7 subdivision was initially considered at your last regular meeting of June 22, 1976 and continued to this meeting with the interim direction that the Planning staff explore alignment alternatives for Beckman Terrace which would avoid a property taking from the Olesen residence on 56th Street.

As I understand it, a taking of approximately 240 square feet from the northwest corner of the Olesen property is necessitated by the street alignment included in the Beckman Terrace final plat as approved by the Planning Commission last year. On Saturday morning, July 10, 1976 I met in my office with Mr. and Mrs. Olesen together with a representative from Neighborhood Council #5, Mr. David Bilby. As a result of that meeting, I committed to research several alternative solutions and possibilities. These possibilities are beyond the scope of the Planning Commission's direction to staff for alternative street alignments. I expect to be in a position to confer with the Olesen's on my findings later in the week and respectfully request that the commission continue action on the matter of Beckman Terrace street alignment until my meeting with the Olesen's.

Further, I would like to suggest a critical assessment of any northerly Beckman Terrace alignment that would result from the approval of the proposed Stearns addition.

Finally, this present issue surfaces a serious policy deficiency. The crazy quilt pattern of truncated streets, half streets and street remnants must in the interest of public health and safety be fashioned into a systematic circulation plan. We are in desperate need of public policy in this area. I would like to suggest that the commission at an early time take up the question of policies and at resolving this problem.

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

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July 27, 1976

TO: Planning Commission

FROM: City Manager
Public Works Director
Planning Director

SUBJECT: Stearns Addition
Alignment of 56th Avenue Extension

In order to develop, over time, an acceptable road along proposed S. E. 56th Avenue, we suggest the following:

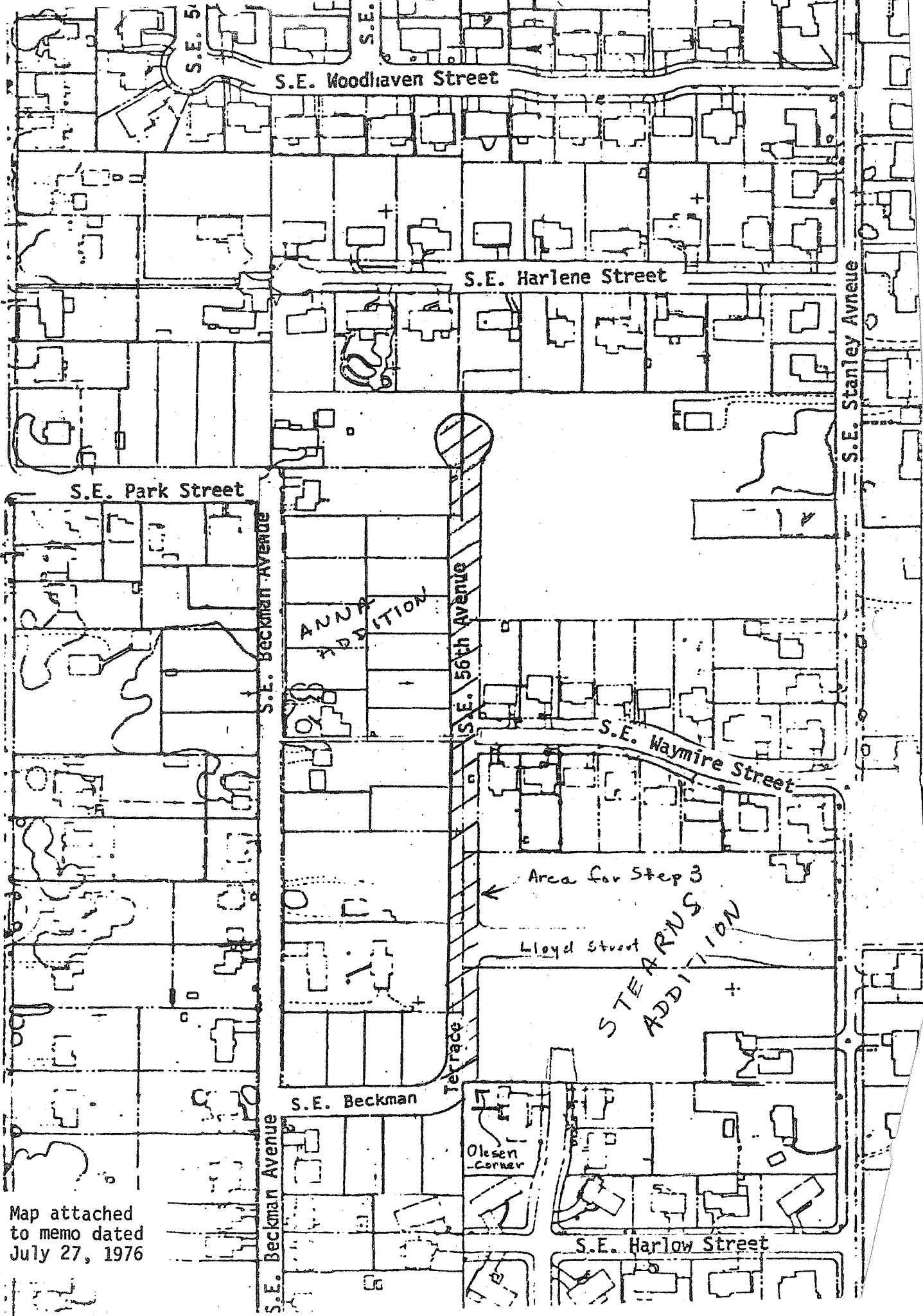
1. Planning Commission approve Stearns Addition preliminary plat as submitted.
2. City proceed to purchase the 240 square feet from the northwest corner of the Olesen's property at the intersection of Beckman Terrace and 56th Avenue.
3. Public Works staff explore alternative means of providing right of way and improvements along 56th Avenue as indicated on the attached map.

TH/me

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S.E. Wood Avenue

S.E. Wood Avenue



Map attached to memo dated July 27, 1976

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

July 6, 1976

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TO: Planning Commission

FROM: City Engineer
Assistant Planner *ML*

SUBJECT: Status of Beckman Terrace Subdivision and Acquisition of Related Property

Background

At the Planning Commission June 22 meeting, a preliminary plat of S-76-4, Stearn's Addition, was considered. The issue of the City acquiring street right of way on an adjacent property was raised at the meeting. This acquisition would be for approximately 250 square feet on the northwest corner of property owned by Mr. and Mrs. Olesen. This acquisition would provide for connection of a right of way between the proposed Stearn's Addition and Beckman Terrace. The Planning Commission asked for alternatives. Whichever alternative is thought to be an optimum choice, it will be the responsibility of the Public Works Department to pursue the policy described for the alternative.

Alternative 1

Alternative 1 would realign the right of way so that it completely avoids the Olesen's property. In Beckman Terrace, the realignment would reduce the size of Lot 3 slightly from 7,099.2 square feet to 7,087 square feet and Lot 4 from 7,830 square feet to 6,642 square feet. Lot 4 would have less than the 7,000 square foot lot size required by the Zoning Ordinance and lose a total of 1,188 square feet. A building permit for a house on Lot 4 was issued May 25, 1976, and is being constructed. An outline of the foundation of the house on the map shows that a corner of the house would project into the 20 foot front and side yard setback if the right of way were realigned. The corner of the house would be 9 feet from the right of way line.

The most significant problem with this alternative is that curbs and pavement have been laid up to the line indicated on the map. Paving and roadway for a length of approximately 60 feet would therefore have to be realigned in Beckman Terrace. The City would have to pay the cost of the realignment and acquisition of property from the owners of Lots 3 and 4 in Beckman Terrace (about 1,200 square feet) and grant variances from lot size and setback requirements.

Alternative 2

This alternative would leave the alignment of right of way of Beckman Terrace as platted and acquire no property from Olesen's. This would result in a roadway missing a triangular piece that would have been on the Olesen's property and a disconnected sidewalk. The City would pay no costs for acquisition, but vehicular and pedestrian movement would be impaired.

July 6, 1976

Alternative 3

This alternative would leave Beckman Terrace as platted and acquire only enough of Olesen's property to lay the road and curbs with no sidewalk. Approximately 100 square feet of the Olesen's property would be acquired for this with no sidewalk or right of way for utilities if necessary. The City would pay costs for acquisition of about 100 square feet. Pedestrian movement would be impaired.

Alternative 4

Acquire about 250 square feet of the Olesen's property so that the road alignment, sidewalks and right of way would fit the roadway and right of way pattern that is started under the approved plat of Beckman Terrace. The City would have to pay for the costs of acquiring the 250 square feet and pedestrian and vehicular access would not be impaired.

Selection of Alternatives and Recommendation

Alternatives 2 and 3 are the least desirable of the four, because vehicular and pedestrian movement and safety would be impaired.

Alternative 1 involves the acquisition of 1,188 square feet from Lot 4 of Beckman Terrace (or 15 percent of the lot), realignment of the pavement and variance from setback requirements.

Alternative 4 involves acquisition of 250 square feet (or less than 2 percent of the lot), no pavement realignment, and no variance from required setbacks.

Staff recommends Alternative 4.

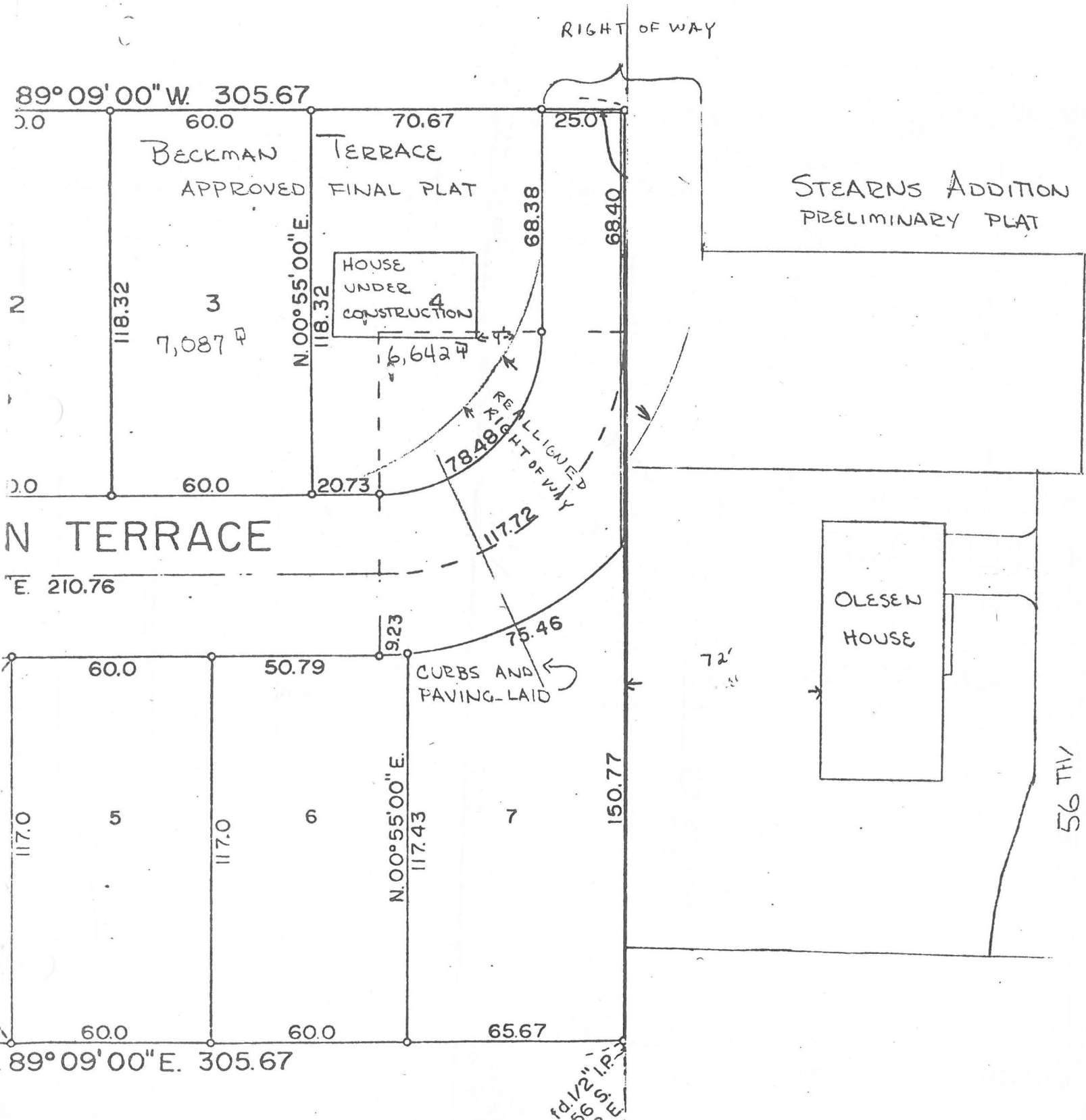
Local Improvement District Concept

After the approval of a final plat for Stearn's Addition, the City Engineer intends to contact property owners along the future 56th Avenue to see if they are interested in establishing a local improvement district (LID). The LID would include acquisition of right of way for some properties, street improvement, and sewer, water and drainage facilities.

TH/JWD/me

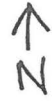
ALTERNATIVE 1

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1" = 40'

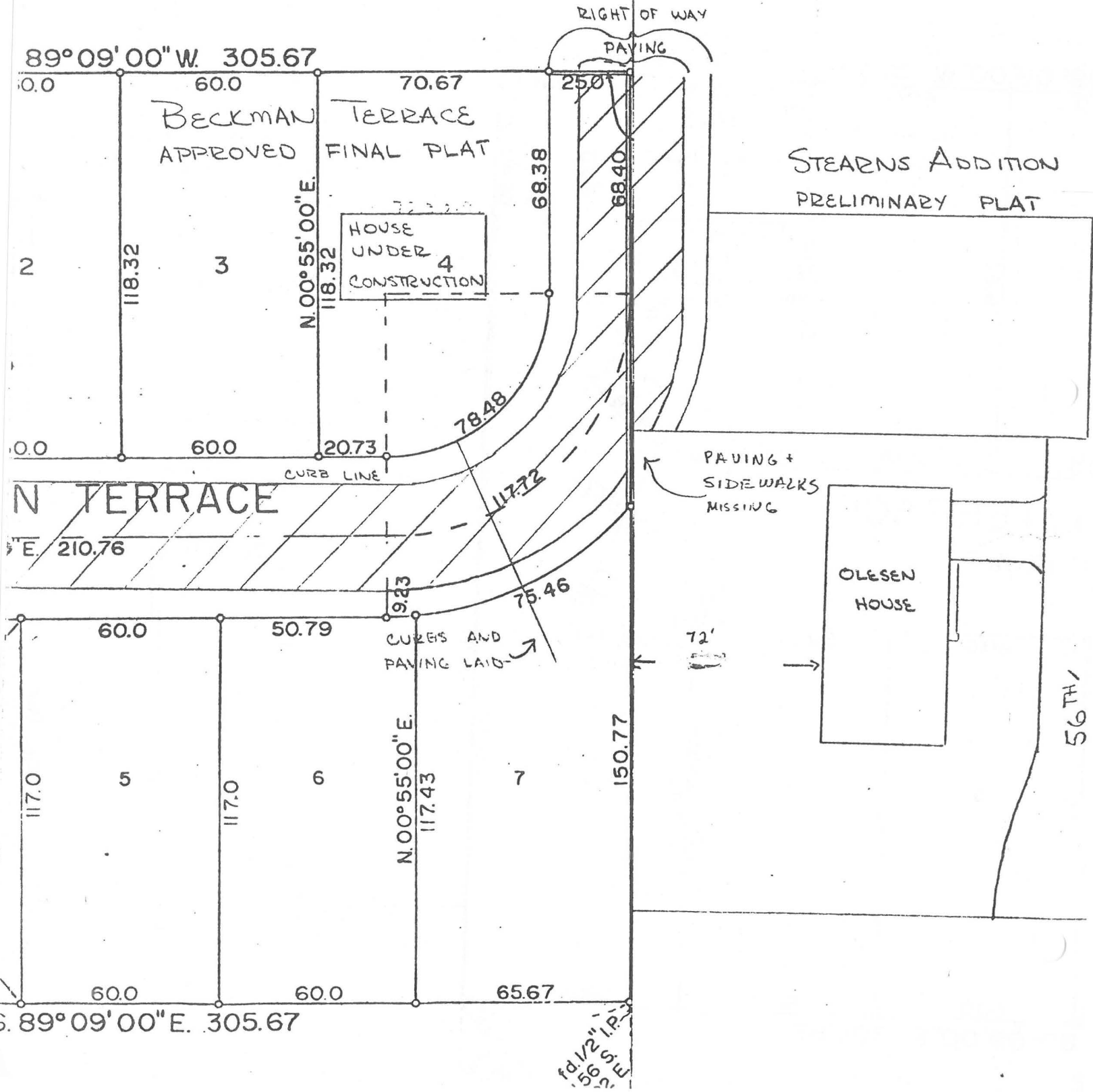


ALTERNATIVE 2

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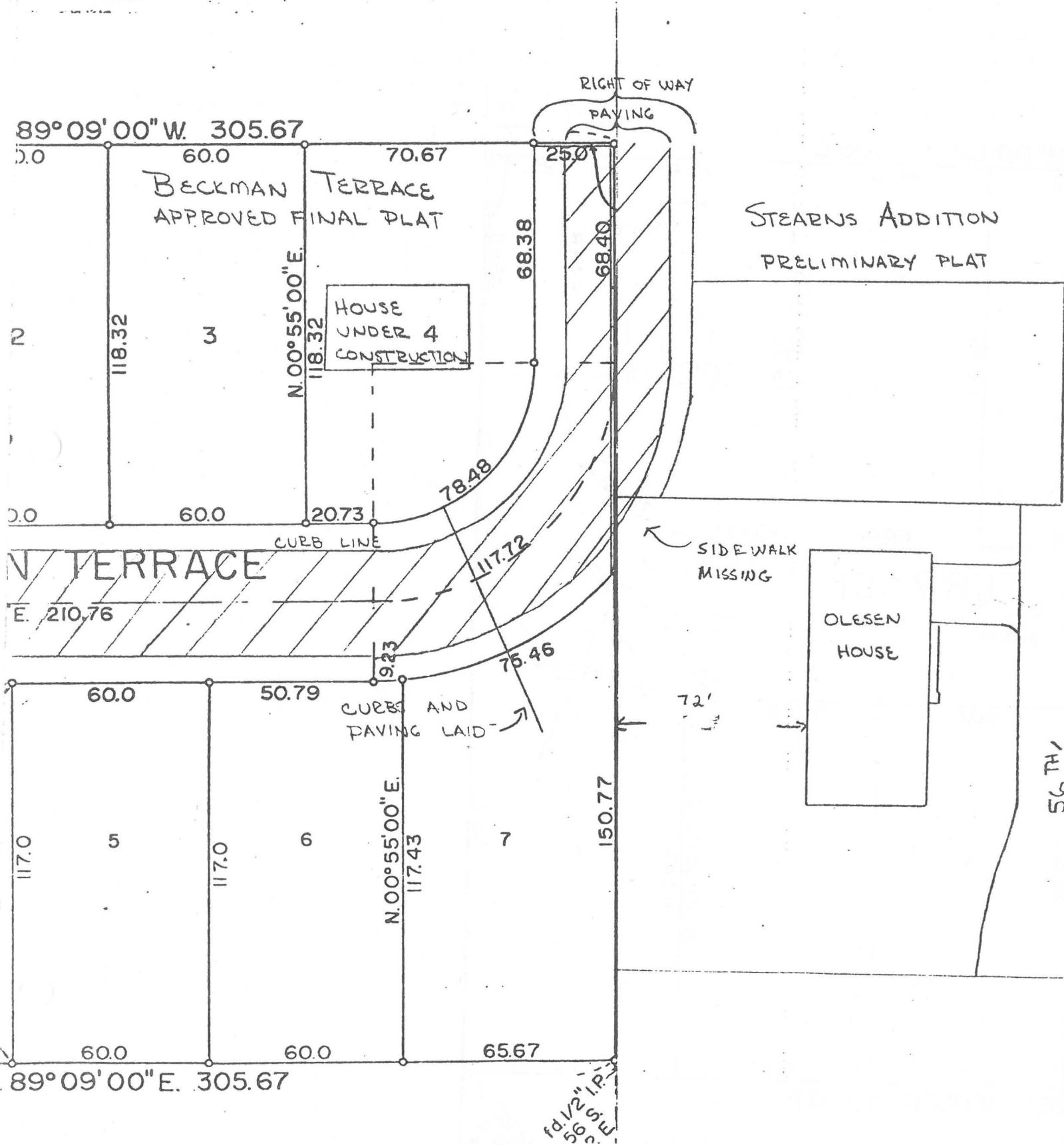


1" = 40'



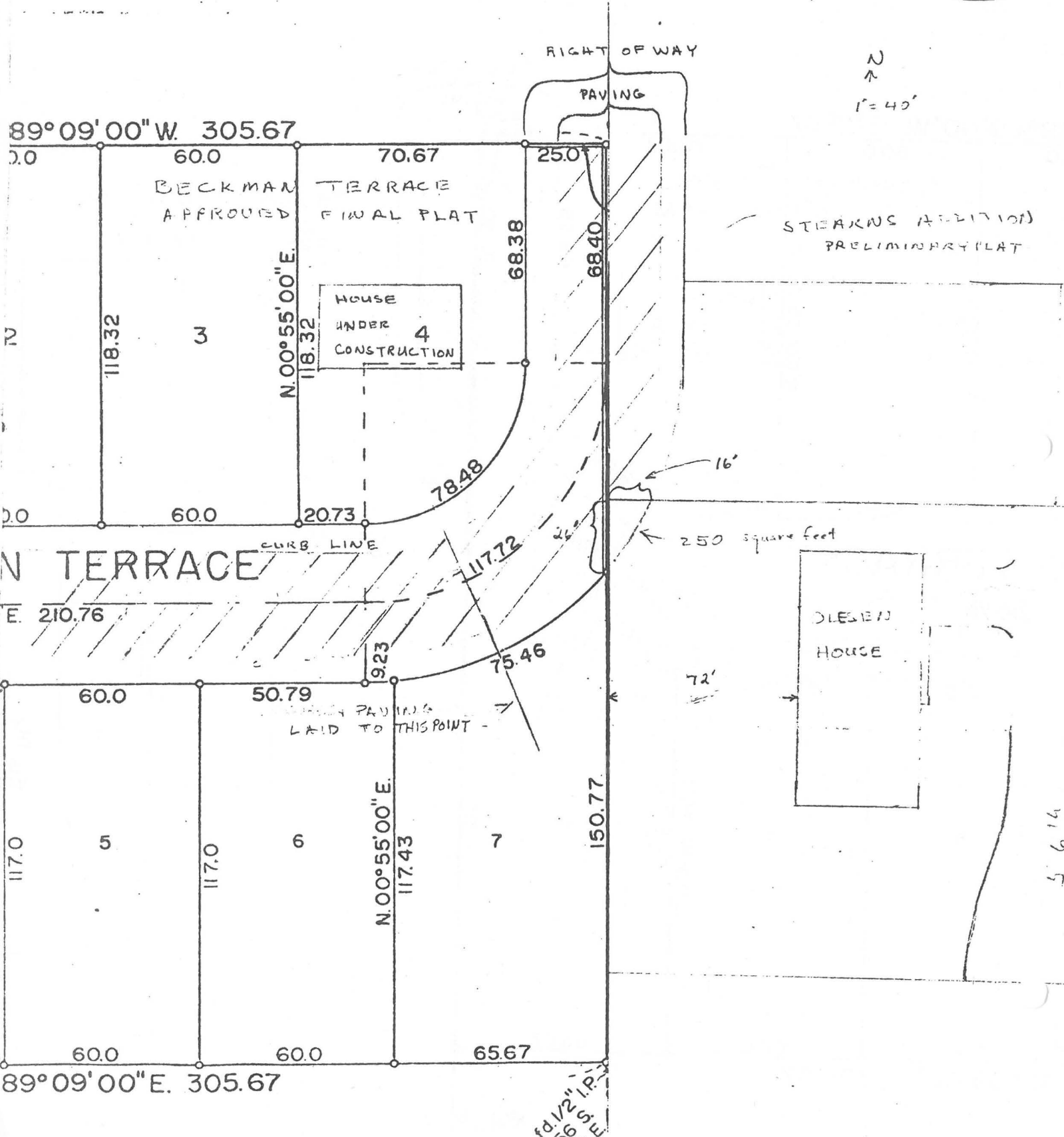
ALTERNATIVE 3

↑
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1" = 40'
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ALTERNATIVE 4

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*Copy with Costs be Submitted
To All 5 Councils Prior to Final Action*

STAFF REPORT
Animal Control
July 27, 1976



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RELEVANT INFORMATION:

- City Ordinance #736 "Dogs at Large"
- City Ordinance #1028 "Nuisances"
- City Ordinance #1025 "Offenses"
- Oregon Revised Statutes Chapter #609 "Dogs and Cats"

BACKGROUND:

City ordinances provide regulations on the accepted behavior of animals, the conditions which allow their possession, and enforcement procedures.

State statutes provide for the development of "dog control districts" and detail the establishment and authority of such a district.

- ORS 609.030 -
 1. The county court of any county may declare the county a dog control district.
 2. Upon declaration of the dog control district the county court shall appoint a board of three resident supervisors...
 3. The board may issue licenses and enforce all of the laws relating to the control of dogs within the county, including that of making arrests... The board may hire an enforcement officer for such time as is deemed necessary for the effective enforcement of the laws relating to dogs...

- ORS 609.060 -
 3. License fees and the penalty for violation of subsection 2 of this section, ORS 609.100 or 609.120, when collected, shall be paid into the county treasury of the county within which the precinct or city is situated, and kept in a special fund. From such fund all costs of prosecution and damages done by dogs in such a county, precinct or city shall be paid.

- ORS 609.090 -
 1. When any dog is found running at large in any county, precinct or city,... every chief of police, constable, sheriff or deputy or either, or other police officer shall impound it or cite the owner or keeper to court...
 2. All dogs taken up and impounded under this section and ORS 609.300 shall be held in an adequate and sanitary pound to be provided by the county court from the general fund or out of funds obtained from dog licenses and from the redemption of dogs so improved.

The preceding citations highlight the state law which is the basis for the current administrative structure in Clackamas County that affects Milwaukie. In essence, the county issues dog licenses which provide economic support to the program which is administered to comply with the state law. The program provides (limited) service through the utilization of three "dogcatchers", three vehicles and a pound with a capacity of 10 animals. The services are open 8 hours a day, 7 days a week with only emergency service on Saturday and Sunday. The resources and manpower available, coupled with the large land area of the county have necessarily caused service priorities to be established. The county relies on the mutual assistance of other local jurisdictions either through written agreements or implied understandings, to manage the program. At the moment, county staff are only able to pick up dead animals on county roads, receive lost animals at the pound, provide pick-up service for strays apprehended by local law enforcement agencies, and respond to dangerous situations such as dogs on school grounds or dogs killing livestock. The county has no capability to actively enforce county licensing requirements, which is evident in that only 28,000 tags are outstanding in the county this year (county population is 200,000; dog population perhaps 45-50,000).

Lacking county general fund support beyond that provided from licenses and fines, the ability of the county dog control office to provide expanded service to Milwaukie is limited. The state law does provide a "remedy" for this situation which is beneficial to both the city and the county in managing the control program. The cities of Gladstone, Lake Oswego, Oregon City West Linn and Canby have implemented various programs under this authority to handle their local programs.

The legislation critical to this arrangement is:

- ORS 609.120 1 a. When any incorporated city with a population of less than 100,000 applies to the county court or dog control district board of the county in which the city is located, for an agreement between the court or board and such city whereby such city shall undertake to diligently enforce the collection of the license imposed under ORS 609.100 within it, the county court or such board shall thereupon enter into the agreement and direct the appointment of any person or officer of such city recommended by the governing body thereof, as a deputy charged with, but with authority limited to the enforcing of such sections within such city. Such deputy's services shall be paid for by the city.
- 1 b. While the agreement is in effect, the city is entitled to receive an amount equal to 80 percent of each license fee collected for a dog kept within the city, to be determined by the residence of the owner of the dog...
- 3 All incorporated cities may require by ordinance the purchase of the license imposed by ORS 609.100 for dogs within their corporate limits, and impose a penalty for failure to comply with such sections..

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- 3 All incorporated cities may require by ordinance the purchase of the license imposed by ORS 609.100 for dogs within their corporate limits, and impose a penalty for failure to comply with such sections..

In less breath, what this means is that a city with an active animal control program (namely a unique personnel classification and supportive services) is eligible for economic support for those activities. The city can enforce a combination of state, county and local laws governing animal control to provide such services to the community.

9a
③

While reference is made most often and directly to "dogs" the City should make note that various other animals (cats, goats, horses, etc.) are also potential problems and have either been addressed separately in ordinances or probably should be. Without knowing the degree of activity an enforcement officer would have to direct exclusively to dogs, any position should be inclusive of attention to any animal which could present a problem, i.e., the classification should provide for enforcement of all pertinent ordinances.

SUMMARY:

Given the structure of animal control activities in the county, and the City's desire to provide such services to the community, there are several methods this could be accomplished. The three basic components of any program are: (1) personnel, (2) facilities and equipment, and (3) funding. Each one has various options in the way it could be accomplished.

1. Personnel

- a) New full-time position: would qualify the City to receive reimbursement from dog license fees.
- b) New part-time position: might possibly qualify the City to receive reimbursement from dog license fees; would likely limit service capabilities to a single function.
- c) Current staff: reassignment of a current staff position to animal control would result in situation described previously in (a) and (b). Reassignment would of course eliminate some other City service.

2. Facilities and Equipment:

- a) Vehicle: should be capable of holding at least two large dogs separately.
- b) Temporary holding facility: to be used while waiting for county personnel to pick up and transport animals to county pound. Such facility should be able to hold a minimum of two large dogs. To meet standards, will have to be safe, clean and certain size; food and water must be available; some supervision will be necessary; noise, odors, and public interference must all be contended with. The City would receive the impoundment fee (\$5.00) when the dog is claimed either at the facility or the county pound.
- c) A complete animal shelter: would include items mentioned in (b), with increased requirements for supervision (must be constant while facility is open). Facility would have to be much larger to accomodate public waiting, veterinarian

station, etc.; City would be responsible for taking care of unclaimed dogs; besides the impoundment fee (\$5.00) the City would receive boarding fee (\$1.25/day) and licensing fines (if any).

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3. Funding:

a) License revenue: with a program that "diligently enforces the collection of the (county) license fee" the City would receive 80% of such fees. The present fee schedule is \$5.00 for neutered or spayed dogs and \$10.00 for unneutered or unspayed dogs. The City would receive \$4.00 and \$8.00 respectively. While only a dog census would reveal the actual number, research indicates there is (approximately) one dog for every six persons. Assuming a population of 18,000, we can assume there are 3,000 dogs in the City. Various levels of compliance with the license requirements would produce:

<u>% of dogs</u>	<u># of dogs</u>	<u>license revenue*</u>
100%	3,000	\$15,000
75%	2,250	11,248
50%	1,500	9,000
25%	750	3,752

*Note: Assumes 25% of dogs licensed are unspayed.

I would speculate no more than 50% compliance the first year, perhaps 75% in succeeding years, depending in direct proportion on the effort made to sell licenses and enforcement of an ordinance requiring licensing.

b) Impoundment fee: Currently set at \$5.00, the City would be eligible to receive the fee for each dog we would apprehend and place in either a holding facility or transport to the pound. Remember, the fee is only collected when someone claims a dog. There will certainly be many unclaimed dogs (about 75%). Again it is hard to estimate the number of dogs that might be impounded and claimed. Assume perhaps an average of two per day, 20 days a month and we could project revenue of \$200 per month. There are many theories and various programs concerning the priority that is given to actual "capture" of dogs by animal control programs. One must remember that most dogs have four legs, dog catchers only two. A most successful program receiving national attention is in Vancouver, Washington, which is based on the premise that the dog "owners" are responsible for the problems, and most likely to alleviate them. The owners are ticketed (the officer follows the dog home) on an escalating scale for violations. This procedure eliminates the cost (and offsetting revenue) of impounding dogs with owners. (This whole subject is worthy of separate discussion and analysis, but is more pertinent to the methodology of a program, and would be more appropriately done after the concept of animal ((dog)) control is adopted.)

c) Fines and Penalties: The current City ordinance (#736)

allows for a fine not to exceed \$40.00 upon conviction (for allowing a dog to run at large). With the establishment of a more structured enforcement program, thought should be given to restructuring the violations and fines. Something along the order of \$5.00 first time, \$10.00 second time, and \$25.00 for the third time is common in other cities. The violations are issued much like parking tickets eliminating court costs in most cases. (Ordinance #736 requires a court appearance and conviction prior to any fine.)

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RECOMMENDATIONS:

1. A new full-time position be funded: classification should be as animal control officer (perhaps code enforcement officer so other ordinances could be attended to in slack time). Position should be in Police Department and coordinated from the Police Station. A typical salary level is about \$800/month. With fringe benefits, an annualized cost would be between \$11,500 and \$12,500.
2. A vehicle for the exclusive use of the officer be provided: a pick-up would be preferable, to separate the driver from the irritating characteristics of an upset animal (barking, vomitting, etc.). Vehicle and modification costs (cages and canopy) would run \$5,000-\$6,000.
3. Radio Equipment: the vehicle should be outfitted with standard police radio equipment. Estimated cost of \$1,000.
4. Holding facility: a pen adequate to hold two to four dogs would cost about \$500. Shelters about \$240. A concrete floor about \$50. A waste disposal unit about \$75. Miscellaneous, \$50.
5. Operating expenses: mileage: average 50 miles a day, 20 days per month = 1,000 miles a month @ .15 = \$150 a month. Food: about 50# a month @ \$10.00 (restaurant scraps could possibly eliminate this expense, although labor and vehicle costs would be incurred in collecting such scraps).
6. Lodging and euthanasia: approximately 75% of impounded dogs are not claimed and must be disposed of (perhaps one in ten is adopted). The costs for these animals is the responsibility of the City. Lodging @ \$1.75/day x 5 = \$8.75; \$2.75 for euthanasia; total - \$11.25. Assume 50 dogs per month, cost of \$563.
7. The City enter into an agreement with Clackamas County to utilize their animal shelter. Dogs would be kept in City holding facility and picked up by the County personnel and delivered to the shelter at least once a day.
8. The City adopt a licensing ordinance which requires the annual purchase of licenses. The ordinance should also include a fine schedule for late licenses.

10. The City conduct an extensive public information program outlining the new ordinances, operating procedures of the new program and education on the need for and benefits of such a program.
11. The City prepare the program for implementation on January 1, 1977.
12. The location of the holding facility would be a major concern. It should be somewhat removed from public access to limit complaints of noise and order, and to restrict tampering with the animals or facilities. (One perhaps ideal location would be in the Kellogg Sewer Treatment Plant complex, which has limited access and is isolated from residential areas.)

9a
 (6)

EXPENSE SUMMARY (Annualized)

	1st year	2nd year	3rd year	4th year	5th year
PERSONNEL (1 FTE)	\$12,000	\$13,500	\$15,000	\$16,500	\$18,000
VEHICLE	5,500	50	50	50	50
RADIO	1,000	-0-	-0-	-0-	-0-
HOLDING FACILITY	925	-0-	-0-	-0-	-0-
OPERATIONS	1,920	2,200	2,500	2,800	3,100
LODGING	6,756	6,000	5,000	5,000	5,000
TOTAL	\$28,101	\$21,750	\$22,550	\$24,350	\$26,150

REVENUE OFFSET

	1st year	2nd year	3rd year	4th year	5th year
License fees (1)	\$6,000	\$9,000	\$9,000	\$9,000	\$9,000
Impoundment fees (2)	2,400	1,800	1,800	1,800	1,800
Fines (3)	3,600	3,600	3,600	3,600	3,600
TOTAL	\$15,000	\$14,400	\$14,400	\$14,400	\$14,400

NOTES AND ASSUMPTIONS:

- (1) First year, 50% compliance; Second-Fifth year, 75%. Over the five years the dog population remains constant, and the license fee structure is the same.
- (2) Assumes two dogs are claimed a day, 20 days a month. Also that impoundment fee remains the same.
- (3) With the adoption of a licensing ordinance and an escalating fine structure of \$5.00 first time, \$10.00 second, and \$25.00 third. Assume five \$5.00 fines a week, two \$10.00, and one \$25.00.

REDMAN, CARSKADON & KNAUSS
ATTORNEYS AT LAW
11050 S. E. 21ST AVENUE
MILWAUKIE, OREGON 97222

JAMES E. REDMAN
JAMES R. CARSKADON, JR.
ARTHUR B. KNAUSS

9c
TELEPHONE
659-5335
AREA CODE 503

September 7, 1976

Left for "Banks" "As I Remember"
Not Gen. Fund


Mr. Myer Avedovech
City Attorney
10722 SE Main Street
Milwaukie, Oregon 97222

Re: Estate of Joseph W. Shook, Deceased

Dear Mr. Avedovech:

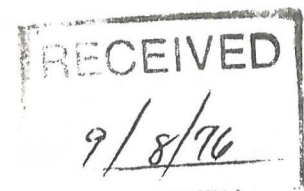
Enclosed for your records is a conformed copy of the Decree of Final Distribution in this estate. Also enclosed is an estate check in the amount of \$3,481.01, together with an original and copy of Receipt. Would you please sign the original receipt and return it to us so that we may present it to the Court along with a petition to close this estate.

Very truly yours,



Arthur B. Knauss

ABK:js
Enclosures



9c
92

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF CLACKAMAS

3 Department of Probate

4

5 In the Matter of the Estate)
6 of) NO. 18703
7 JOSEPH W. SHOOK, Deceased.) DECREE OF FINAL DISTRIBUTION

8

9 The personal representative filed his final account on
10 August 23, 1976, and the time for filing objections thereto having
11 been waived by the sole devisee of this estate, and the Court find-
12 ing that:

13 1. All Oregon income, inheritance and property taxes
14 have been paid and appropriate receipts, releases and clearances
15 therefor have been filed herein.

16 2. The personal representative is also the attorney for
17 the estate and is entitled to a total fee of \$1,874.56, being
18 \$419.89 for one-half of the statutory personal representative's
19 fee and \$1,454.67 for attorney fees. There are no other claims
20 or expenses to be paid from this estate.

21 3. The remainder of the estate assets after payment of
22 the fees set forth above consists only of cash in the amount of
23 \$3,481.01 and is vested in the City of Milwaukie, the sole devisee
24 under decedent's will.

25 4. Proof of mailing the notice of the time for filing

26 * * *

REDMAN, CARSKADON & KNAUSS
ATTORNEYS AT LAW
11050 SE 21ST AVENUE
MILWAUKIE, OREGON 97222
(503) 659-5335

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1 objections to the final account and petition for decree of final
2 distribution has been filed herein.

3 IT IS ORDERED AND DECREED:

4 1. The final account is approved except as it may
5 be modified by this order.

6 2. The personal representative-attorney is allowed
7 the total sum of \$1,874.56 for his services as such personal repre-
8 sentative and attorney.

9 3. The personal representative is directed to make
10 distribution of the remaining estate property to the sole devisee
11 and in the amount set forth in paragraph 3 above, and said property
12 is vested in said sole devisee in the amount set forth.

13 DATED this 3 day of SEPTEMBER, 1976.

14
15
16 W/ WINSTON L. BRADSHAW

17 JUDGE

18
19
20
21 Arthur B. Knauss
22 Personal Representative and Attorney
23 11050 SE 21st Avenue
24 Milwaukie, Oregon 97222
25 659-5335

REDMAN, CARSKADON & KNAUSS
ATTORNEYS AT LAW
11050 SE 21ST AVENUE
MILWAUKIE, OREGON 97222
(503) 659-5335

City of Milwaukee
MEMORANDUM

Agenda
9d
①

August 25, 1976

TO: City Council
FROM: Planning Commission
SUBJECT: Abandoned Structures Ordinance

This is in response to a Council request that the Planning Commission study and recommend some type of regulation to deal with abandoned structures.

As stated in the attached memorandum from the Building Inspector, the "Uniform Code for the Abatement of Dangerous Buildings" adopted by the City as Ordinance No. 1290 on February 25, 1974, sets forth procedures for the abatement of dangerous buildings. The Inspector notes that the Code deals mainly with dangerous buildings, and that an abandoned building may not always be a dangerous one.

It was the CONSENSUS of the Planning Commission that the processes outlined in the "Uniform Code for the Abatement of Dangerous Buildings" would satisfy the intent of an abandoned structures ordinance.

Any questions regarding the "Uniform Code for the Abatement of Dangerous Buildings" could be answered by Jim Mishler, Building Inspector.

m

cc: Jim Mishler

Would it take care of our Filling Station Problem?



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

9d
②

September 7, 1976

TO: City Manager/City Council
FROM: Planning Director
SUBJECT: Abandoned Structures

The City Council recently requested the Planning Commission to study the possibility of legislation to control abandoned structures. The report from the Building Inspector explains the existing authority in the Building Code on this matter. Relevant to the question of abandoned structures is a project that is part of the 1976 Housing and Community Development Program. The description of Project 4 in the 1976 grant application reads:

Property acquisition, demolition of deteriorated housing and sale for re-development for residential use or use for some public purpose such as parks in Census Tract 209 (Ardenwald area). This would involve four lots. The project would be initiated with \$20,000, which would be replenished with income from sale of property through the course of the project. The money would be put in a revolving fund and reused as often as possible in succeeding years. For relocation assistance, loss of rental income and disposition of real property \$15,000 will be needed. Administrative costs are \$5,000. (Additional administrative costs will be provided by the City.) Total cost is \$40,000.

Every effort would be made to use the project on abandoned residential structures. The long-term objective of the project is to demolish structurally deficient residential structures so that safety hazards are removed and neighborhood blight is arrested. The project should be administered in 1977, assuming the grant application is approved.

Project 4 is to be funded under the Housing and Community Development Act of 1974. Among other purposes, the intent of the Act is the elimination of slums and blight and the prevention of blighting influence. One of the eligible activities is code enforcement in delineated areas which are deteriorated or deteriorating and in which such enforcement, together with public improvements and services, may be expected to arrest the decline in the area.

Possibly in the 1977 application, a project can be developed for code enforcement to complement other housing and community development projects.

TH/me

Tbl for CRN

MEMORANDUM

Date: Aug. 19, 1976

TO: Planning Director
FROM: Building Inspector
SUBJECT: ABANDONED STRUCTURES

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1. Ordinance No. 1290, adopted 25th of February, 1974, in part adopts the "Uniform Housing Code," 1973 edition and the "Uniform Code for the Abatement of Dangerous Buildings," 1973 edition.

2. The condemnation of a building can be very time consuming, depending on the owner's receptiveness. Inspections and letter writing as well as appeals take time.

Define + How does it Apply To Non Dangerous Tilly Station ?

The "Uniform Code for the Abatement of Dangerous Building" sets forth orderly procedures for remedy of dangerous buildings. It follows due process provisions which reflect the latest court decisions in such matters. This code covers all structures and may be used to supplement the Uniform Housing Code and the Uniform Building Code.

The code deals mainly with dangerous buildings and an abandoned building may not always be a dangerous building.

The purpose of the provisions of this code is to provide a just, equitable, and practicable method whereby buildings or structures which, from any cause, endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished.

Jim Mishler

Jim Mishler/b

CITY OF MILWAUKIE

Inter-Department Memorandum

TO: Hal Schilling

Date: September 16, 1976

FROM: Don Oblander

SUBJECT: Impact of Garbage Rate Hikes on the Gross Revenue of Franchisees.

I recently discussed with Mayor Hupp the effect upon the citizens of increased garbage collection rates, indicating that each 1¢ increase would cost Milwaukie residents about \$1000. Actually, the cost is over \$1000.

Upon Mr. Harlan's estimate that total revenues are \$330,000, each 1¢ increase over the current \$3.25 residential charge represents a .308% overall revenue increase. An increase of .308% on revenue of \$330,000 produces \$1016.40 in new revenue for our franchisees.

The franchisees have been quoted as demanding an increase of at least 50¢. Simple multiplication indicates such an increase would generate \$50,820 of new revenue for them through imposing the same amount of costs upon Milwaukians.



Agenda
10/15

TO: City Council
FROM: The mayor
SUBJECT:

The issue of the "Sanitary Engineers" franchise fee should be dealt with as soon as possible. I have requested Hal to prepare a summary of the material we have received from BOTH sides in a short and concise form for our evaluation of both sides. This to be included in our agenda for the meeting of Sept. 20th.

From this summary we will have time to evaluate & ask any questions we might have and get answers which will help us to arrive at a decision which hopefully will be fair and equitable to the city, to the "Engineers" and to the citizens of Milwaukie. I would hope this would be our goal.

It is also quite important to me, that there IS a relationship between the decided upon franchise fee (if any) and the next request they will bring to us, a rate increase for the sanitary service.

One of the questions I have, relative to any proposed rate increase, has to do with a statement made to me by Don Oblander which was that "For every 1¢ rate increase, the income to the "engineers" amounted to \$1000. I would hope staff could develop the figures for us which would show actually, the relationship between the "rate" increase and the "net" return to the engineers AND to what degree the franchise fee (if any) will have on the user's charge for service. From our citizen's standpoint this is certainly important because "they" are going to pay all costs ultimately and we must remember this,

At this point, we have given NO direction whatever to staff. This means that until we provide them with some council direction this whole issue will remain in limbo. Let us ask whatever questions we may have so that we can make a determination all can live with on this important issue.

TO: City Council
FROM: The Mayor
SUBJECT: The library issue and N.C. Park aquisition

*agenda
10e*

Councilwoman Burgess has proposed that WE assume the leadership role in helping resolve both the library and the park issue which was defeated in the recent election. Since we are the precipitators, if I may use that word, of a part of the present problem. I would hope we could, as a council, with the assistance of Miss Green and staff, at least offer a fair and hopefully equitable solution to us as well as to the out of city library users.

One option would be to initiate first, a meeting of the staffs of the "cooperating" libraries and their respective city officials. If a fair and equitable solution can be arrived at, one acceptable to all parties, then demand a meeting with the county officials and library staff. Object, a program we can all support the next time around.

Since it was the City of Milwaukie's voters who decided the fate of the county's plan I feel that we should at least take the initiative in finding the solution, if for no other reason than that of "public relations" with all who are blaming us for the defeat.

Relative to the N.C. Park issue, we might again attempt to get the county to reverse its position and consider letting us take it over. I am quite certain we would have the support we would need, at the local level, and the adoption of the N.C. Park would, I feel, go far to improve our present, almost parkless, status. What is your feeling and opinion on this?

We Pay Dearly in Taxes for Police Service
we Also Pay Dearly for the Systems

108
Agenda ①

CITY OF MILWAUKIE

Inter-Department Memorandum

July 29, 1976

TO: Myer Avedovech, City Attorney
FROM: Donald R. Jones, Chief of Police
SUBJECT: AN ORDINANCE RELATING TO ALARM SYSTEMS

OK [Signature] BUT NOT BY ME

Myer:

Please find the attached proposed ordinance to govern burglary and robbery alarm systems requiring permits, establishing fees and providing for handling of violations and misuse of alarm systems.

We have discussed ^{No} ~~this~~ ordinance in the past, ^{when} and we have made the necessary changes that you have required. Page 5, Section 7(viii) now reads: "In situations, permitting summary of revocation under Section 7(ii) or 7(vii), revocations shall be effective on the fifth day following the mailing by certified mail by the Chief of Police of notice of revocation."

Will you again go over the ordinance and make certain of all the information being valid and pertinent to the regulation of the silent alarm systems. Thank you for your immediate attention in this matter.

What's the HURRY?
Respectfully,

Donald R. Jones
CHIEF OF POLICE

Let's Not be Rash
of Pass something we may
Be Sorry for

CITY OF MILWAUKIE

Inter-Department Memorandum

April 26, 1976

10d
②

TO: Harold L. Schilling, City Manager
FROM: Donald R. Jones, Chief of Police
SUBJECT: AN ORDINANCE RELATING TO ALARMS SYSTEMS, REQUIRING PERMITS,
REVOCATION OF PERMITS, PROHIBITING AUTOMATIC DIALING PRACTICES,
AND PROVIDING ADMINISTRATION OF THE ORDINANCE

Mr. Schilling:

Please find attached a proposed ordinance to govern burglary and robbery alarms systems, requiring permits, establishing fees, and provides for handling of violations and misuse of alarm systems.

During the first three quarters of fiscal year 75-76, we have experienced 487 alarms from various locations within and outside the City of Milwaukie. During the first three quarters of 74-75 fiscal year we experienced 240 alarms. This is an increase of 102.9%! Statistics reveal that 97% of all alarms that we receive are false alarms, and are attributed to owner-operator error, inclement weather conditions, or just plain carelessness. ** Phone Company workers*

In each instance we dispatch at least two police vehicles and two investigators if they are available. The average time is approximately 15 minutes to return operations of the Police Department to normal. This is a total average time of 121.75 hours per year. With four officers responding, it's a total of 487 hours. The average salary of responding officers is approximately \$7.50 per hour. This is a total cost of \$3,652.50 expended answering alarms. Since 97% of those alarms received are false, a total of approximately \$3,542.92 has been expended for an unneeded service. *Not once in memory*

We have also learned that automatic dial alarm systems have been placed in locations causing the Milwaukie Police emergency telephone lines to be activated when the alarms are tripped. Since we have only four incoming emergency telephone lines on a rotary basis, four such alarms activated simultaneously would cause a blockade of incoming police lines. Many alarms are activated by power loss, inclement weather, low flying aircraft, loud noise, and many other unusual events. This ordinance

This is A Totally Diff Ball of wax

Inter-Department Memorandum to Harold L. Schilling
from Donald R. Jones

April 26, 1976
Page 2

re: AN ORDINANCE RELATING TO ALARMS SYSTEMS, REQUIRING PERMITS,
REVOCATION OF PERMITS, PROHIBITING AUTOMATIC DIALING PRACTICES,
AND PROVIDING ADMINISTRATION OF THE ORDINANCE

10d
③

specifically prohibits placing automatic dialing alarm systems on the emergency telephone lines at the Milwaukie Police Building. We have no way of knowing how many automatic dialing systems are now in operation that will cause a call to be placed to our communications center.

I have not indicated nor do I believe that there is a need for an emergency clause to be attached to this ordinance. It is respectfully requested that this ordinance be forwarded to the Council for their consideration at the earliest possible time.

Respectfully submitted,

Donald R. Jones
Donald R. Jones
CHIEF OF POLICE

*It will take
Time + Notification
even A Pub Hearing*

DRJ/ck

AN ORDINANCE RELATING TO ALARM SYSTEMS, REQUIRING ALARM USERS TO OBTAIN PERMITS, PROVIDING FOR ISSUANCE OF PERMITS AND REVOCATION THEREOF, PROHIBITING CERTAIN INTERCONNECTIONS AND AUTOMATIC DIALING PRACTICES, ALLOCATING REVENUES AND EXPENSES, PROVIDING FOR ADMINISTRATION OF THE ORDINANCE AND ALL OTHER MATTERS PERTAINING THERETO. 10d
④

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

SECTION 1, Title.

This ordinance shall be known as "The Burglary and Robbery Alarm Ordinance."

SECTION 2. Purpose and Scope.

- (a) The purpose of this ordinance is to protect the emergency services of the City of Milwaukie from misuse.
- (b) This ordinance governs burglary and robbery alarm systems, requires permits, establishes fees, provides for allocation of revenues and deficits, provides for revocation of permits, provides for punishment of violations and establishes a system of administration.

SECTION 3. Definitions.

- (a) "Alarm Business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.
- (b) "Alarm System" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police are expected to respond.
- (c) "Alarm User" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.
- (d) "Automatic Dialing Device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.
- (e) "Communications Center" is the City facility used to receive emergency and general information from the public to be dispatched to the police department field officers and Detective Bureau.
- (f) "Burglary Alarm System" means an alarm system signaling an entry or attempted entry into the area protected by the system.

- (g) "Coordinator" means the individual designated by the Chief of Police to issue permits and enforce the provisions of this ordinance.
- (h) "False Alarm" means an alarm signal, eliciting a response by police when a situation requiring a response by the police does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.
- (i) "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.
- (j) "Primary Trunk Line" means a telephone line servicing the Milwaukie Police Department that is designated to receive emergency calls.
- (k) "Robbery Alarm System" means an alarm system signaling a robbery or attempted robbery.
- (l) "Chief of Police" means Director of Police Services for the City of Milwaukie or his designated representative.

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SECTION 4. Alarm Users Permits Required.

- (a) Every alarm user shall obtain an alarm user's permit for each system from the coordinator's office upon the effective date of this ordinance or prior to use of an alarm system. Users of systems using both robbery and burglary alarm capabilities shall obtain separate permits for each function. Application for a burglar or robbery alarm user's permit and an \$8.00 fee for each shall be filed with the coordinator's office each year. Each permit shall bear the signature of the Chief of Police and be for a one year period. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the Chief of Police.
- (b) A revoked user's permit shall be obtained from the coordinator's office by filing an application and paying a fee as follows:

First revoked user's permit in the permit year.....	\$ 40.00
Second revoked user's permit in the permit year.....	\$100.00
Third and each additional revoked user's permit in the permit year.....	\$180.00

Each permit shall bear the signature of the Chief of Police and shall bear the same expiration date as the revoked permit. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the Chief of Police.

- 10d
⑥
- (c) If a residential alarm user is over the age of 65 and is the primary resident of the residence and if no business is conducted in the residence, a user's permit may be obtained from the coordinator's office according to Section 4(a) without the payment of a fee.
 - (d) A \$25.00 charge will be charged in addition to the fee provided in Section 4(a) to a user who fails to obtain a permit within sixty (60) days after the effective date of this ordinance, or who is more than sixty (60) days delinquent in renewing a permit.
 - (e) An alarm user required by federal, state, county, or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system shall be subject to this ordinance; provided:
 - (i) A permit shall be designated a special alarm user's permit;
 - (ii) A special alarm user's permit for a system which has four (4) or more false alarms in a permit year shall not be subject to revocation under Section 7, but the holder of the permit shall pay a fee of \$100 with the submission of the report required by Section 7(b)(i);
 - (iii) For each false alarm over four (4) in a permit year, upon written demand therefor by the Chief of Police the holder of a special user's permit shall pay a fee of \$25;
 - (iv) The payment of any fee provided for in paragraphs (ii) and (iii) of this subsection shall not be deemed to extend the term of the permit.
 - (f) An alarm user which is a governmental political unit shall be subject to this ordinance; but a permit shall be issued without payment of a fee and shall not be subject to revocation, payment of additional fees or the imposition of any penalty provided herein.

SECTION 5. User Instructions.

- (a) Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this ordinance shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.
- (b) Standard form instructions shall be submitted by every alarm business to the Chief of Police within 60 days after the effective date of this ordinance. If he reasonably finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions to comply with Section 5(a) and then to distribute the revised instructions to its alarm users.

SECTION 6. Automatic Dialing Device: Certain Interconnections Prohibited. 10d
①

- (a) It is unlawful for any person to program an automatic dialing device to select a primary trunk line; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve (12) hours of receipt of written notice from the coordinator that it is so programmed.
- (b) Within sixty (60) days after the effective date of this ordinance, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.
- (c) It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the City of Milwaukie; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.

SECTION 7. False Alarms: Permit Revocation.

- (a) Any alarm system which has four (4) or more false alarms within a permit year shall be subject to permit revocation as provided herein.
- (b) If the Communication Center records four (4) or more false alarms within a permit year for any alarm system:
 - (i) The Chief of Police shall notify the alarm user and the alarm business providing service or inspection to the user by certified mail of such fact and direct that the user submit a report to the Chief of Police within ten (10) days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.
 - (ii) If the alarm user submits a report as directed, the Chief of Police shall determine if the actions taken or to be taken will prevent the occurrence of false alarms; if he determines that the action will prevent the occurrence of false alarms, he shall notify the alarm user and the relevant alarm business in writing that the permit will not be revoked at that time and that if one more false alarm occurs within the permit year, the permit will be summarily revoked.
 - (iii) If no report is submitted, or if the Chief of Police determines that the actions taken or to be taken will not prevent the occurrence of false alarms, the Chief of Police shall give notice by certified mail to the user that the permit will be revoked without further notice on the tenth day after the date of the notice if the user does not file within that period a written request for a hearing.
 - (iv) If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the Chief of Police by certified mail at least ten (10) days prior to the date set for the hearing, which date shall not be more than twenty-one (21) nor less than ten (10) days after the filing of the request for hearing.

- (v) The hearing shall be before the Milwaukie City Council, and the Chief of Police and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the Council determines that four (4) or more false alarms have occurred in a permit year, and that the user has not taken actions which will prevent the occurrence of false alarms, the Council shall issue written findings to that effect and an order revoking the user's permit. 10d
⑧
- (vi) An alarm user shall immediately discontinue use of the alarm system upon being notified by certified mail of the revocation of a permit pursuant to Sections 7(iii) or 7(v).
- (vii) An alarm user whose permit has been revoked may apply for a revoked user's permit as provided in Section 4(b). The Chief of Police shall not be required to issue a revoked user's permit, unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Chief of Police may impose reasonable restrictions and conditions upon the user, before issuing a revoked user's permit, which restrictions and conditions shall be written on the permit and shall provide for summary revocation on the occurrence of four (4) false alarms in the permit year.
- (viii) In situations permitting summary revocation under Sections 7(ii) or 7(vii), revocations shall be effective on the fifth day following the mailing by certified mail by the Chief of Police of a notice of revocation. There shall be no appeal of a summary revocation.

SECTION 8. Confidentiality; Statistics.

- (a) All information submitted in compliance with this ordinance shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to state statute; and any violation of confidentiality shall be deemed a violation of this ordinance. The coordinator shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this ordinance.
- (b) Subject to the requirements of confidentiality, the coordinator shall develop and maintain statistics having the purpose of assisting alarm system evaluation for use by members of the public.

SECTION 9. Allocation of Revenues and Expenses.

- (a) All fees, fines and forfeitures of bail collected pursuant to this ordinance shall be general fund revenue of the City of Milwaukie.

SECTION 10. Enforcement and Penalties.

- (a) Enforcement of this ordinance may be by civil action as provided in ORS 30.315, or by criminal prosecution.
- (b) Violation of this ordinance shall be punished upon conviction by a fine of not more than \$500.

(c) The failure or omission to comply with any section of this ordinance shall be deemed a violation and may be so prosecuted, subject to the penalty provided in paragraph (b) of this section.

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Read the first time this _____ day of _____ 1976, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this _____ day of _____ 1976.


Signed by the Mayor this _____ day of _____ 1976.

Bill E. Hupp, Mayor

Attest:

Dorothy Farrell, Recorder

Approved as to form:



Myer Avedovech, City Attorney

Milwaukie Police Department



DONALD R. JONES
CHIEF

10d
(10)

916 Miller Drive

Telephone 659-2345

Milwaukie, Oregon 97222

CRIME PREVENTION UNIT

According to our records, on _____ at _____ your alarm system elicited police response and was deemed to be a false alarm not justifying emergency police response.

On ~~May 11~~, 1976, an ordinance was enacted by the City of Milwaukie requiring all alarm users in the City of Milwaukie to obtain a permit to operate an alarm system which elicits police response. (See attached letter and permit application for ordinance objectives and alarm system performance standards.)

Our records indicate you have not obtained a permit.

The deadline for obtaining a permit was ~~July 5~~, 1976. Failure to obtain a permit by that date subjects the user to a \$25 late fee. Willful failure to obtain a permit subjects the user to a \$500 fine.

Perhaps you were unaware of the new ordinance. If so, you have five working days to apply before the late fee of \$25 will be assessed. If you were aware of the Ordinance, please remit the \$25 late charge with your application.

The ordinance allows four false alarms per permit year. We request that you attempt to avoid false alarms by careful use of your alarm system. If repair is necessary, we suggest you contact a reliable alarm company for servicing.

If you have any questions regarding this matter, you may contact the Alarm Ordinance Coordinator's Office at 659-2345, 2566 S. E. Harrison Street, Milwaukie, Oregon 97222.

Your cooperation in reducing false alarms will be greatly appreciated.

Sincerely,

Donald R. Jones, Chief
Milwaukie Police Department

FL-1

Milwaukie Police Department



DONALD R. JONES
CHIEF

10d
11

916 Miller Drive

Telephone 659-2345

Milwaukie, Oregon 97222

CRIME PREVENTION UNIT

NOTICE OF FALSE ALARM

Dear

Our records indicate your alarm activated falsely:

Date:

Time:

Location:

Permit No:

This false alarm is the _____ during your current alarm permit year.

Permits are revoked after four false alarms. Alarm users are required by the Burglary and Robbery Alarm Ordinance to document efforts taken to eliminate the source of false alarms before applying for a revoked user's permit costing \$40.00.

We request that you attempt to avoid false alarms by careful use of your alarm system. If repair is necessary, we suggest you contact a reliable alarm company for servicing. If you have any questions regarding this matter, you may contact the Alarm Coordinator's Office, 659-2345, 2566 S. E. Harrison Street, Milwaukie, Oregon 97222.

Your cooperation in reducing false alarms will be greatly appreciated.

Sincerely,

Donald R. Jones, Chief
Milwaukie Police Department

FL-2

Milwaukie Police Department



DONALD R. JONES
CHIEF

10d
12

916 Miller Drive

Telephone 659-2345

Milwaukie, Oregon 97222

CRIME PREVENTION UNIT

Notice of False Alarms

According to our records, you have had four false alarms on the following dates:

- 1.
- 2.
- 3.
- 4.

As required by Ordinance _____, you are hereby given notice to submit a report to the Alarm Coordinator's Office, 2566 S. E. Harrison Street, Milwaukie, Oregon 97222, within ten days describing actions taken or to be taken to discover and eliminate the cause of the false alarms. Failure to submit this report will result in revocation of your alarm permit. Operating an alarm system with a revoked permit subjects the alarm user to a \$500 fine.

If you have any questions regarding this matter, you may contact the Alarm Ordinance Coordinator's Office at 659-2345.

An immediate reply will be appreciated.

Sincerely,

Donald R. Jones, Chief
Milwaukie Police Department

CC: City Attorney's Office
Milwaukie, Oregon

Milwaukie Police Department



DONALD R. JONES
CHIEF

10d
13

916 Miller Drive

Telephone 659-2345

Milwaukie, Oregon 97222

CRIME PREVENTION UNIT

Notice of Alarm Permit Revocation, Right to Hearing

The Alarm Coordinator's Office has received your report as required by Milwaukie City Ordinance _____ describing efforts taken or to be taken to discover and eliminate the cause of false alarms at your premise.

Your report is not satisfactory. See attachment for details.

You are hereby given notice your alarm permit will be revoked without further notice on _____, unless you request a hearing before the City Council to present testimony why your alarm permit should not be revoked.

You must file a written request for a hearing with the Alarm Ordinance Coordinator's Office, 2566 S. E. Harrison Street, Milwaukie, Oregon 97222, before the above listed date or your alarm permit will be summarily revoked.

Use of an alarm system after permit for the same has been revoked subjects the alarm user to a \$500 fine.

If you have any questions regarding this matter, you may contact the Alarm Ordinance Coordinator's Office at 659-2345.

Your immediate action regarding this matter will be appreciated.

Sincerely,

Donald R. Jones, Chief
Milwaukie Police Department

CC: City Attorney's Office
Milwaukie, Oregon

Milwaukie Police Department



DONALD R. JONES
CHIEF

916 Miller Drive

Telephone 659-2345

Milwaukie, Oregon 97222

CRIME PREVENTION UNIT

Notice of Failure to File Report

The Alarm Ordinance Coordinator's Office did not receive a report from you as required by Milwaukie City Ordinance _____ describing efforts taken or to be taken to discover and eliminate the cause of false alarms at your premise.

You are hereby given notice your alarm permit will be revoked without further notice on _____, unless you request a hearing before the City Council to present testimony why your alarm permit should not be revoked.

A written request for a hearing must be submitted within 10 days to the Alarm Ordinance Coordinator's Office, 2566 S. E. Harrison Street, Milwaukie, Oregon 97222.

Use of an alarm system after the permit has been revoked subjects the user to a \$500 fine.

If you accept the revocation you may apply for a revoked user's permit by writing or calling the Alarm Ordinance Coordinator's Office for a revoked user's permit application. Telephone: 659-2345.

Your immediate action regarding this matter will be appreciated.

Sincerely,

Donald R. Jones, Chief
Milwaukie Police Department

Milwaukie Police Department



DONALD R. JONES
CHIEF

10d
15

916 Miller Drive

Telephone 659-2345

Milwaukie, Oregon 97222

CRIME PREVENTION UNIT

Notice of Satisfactory False Alarm Correction Report

The Alarm Ordinance Coordinator's Office has received your report, as required by Milwaukie City Ordinance _____, describing efforts taken or to be taken to discover and eliminate the cause of the false alarms at your premise.

Your report is satisfactory and your permit will not be revoked at this time. However, if an additional false alarm is recorded during your current alarm permit year, your permit will be summarily revoked. If that occurs you must terminate the use of your system until you apply for and obtain a revoked user's permit.

Your cooperation in reducing false alarms will be greatly appreciated.

Sincerely,

Donald R. Jones, Chief
Milwaukie Police Department

Milwaukie Police Department



DONALD R. JONES
CHIEF

916 Miller Drive

Telephone 659-2345

Milwaukie, Oregon 97222
CRIME PREVENTION UNIT

NOTICE OF SUMMARY REVOCATION

According to our records, your alarm system activated on _____ at _____ m. It was deemed a false alarm.

Your alarm permit is therefore summarily revoked as mandated by Milwaukie City Ordinance _____. Continued use of your alarm system will result in a misdemeanor citation being issued. This citation will require you to appear in court and subject you to a \$500 fine.

You may apply for a revoked user's permit by contacting the Alarm Ordinance Coordinator's Office at 659-2345 or by writing 2566 S. E. Harrison Street, Milwaukie, Oregon 97222.

Your immediate compliance regarding this matter will be appreciated.

Sincerely,

Donald R. Jones, Chief
Milwaukie Police Department

CC: City Attorney's Office
Milwaukie, Oregon

Milwaukie Police Department



DONALD R. JONES
CHIEF

10d
17

916 Miller Drive

Telephone 659-2345

Milwaukie, Oregon 97222

CRIME PREVENTION UNIT

Dear

As of _____ it is illegal to program or have programmed any automatic telephone dialing device to alert the police of a burglary or robbery at your home or business.

Automatic telephone alarm dialing devices tie up city telephone lines.

If any pre-recorded telephone messages terminate on city phone lines after _____, the user will be subject to a \$500.00 fine if the device is not reprogrammed or disconnected within twelve hours of notice that it is so programmed.

Alternate terminations might include your alarm company, neighbors, friends, relatives, telephone answering services, employees, or anyone who can relay the message to us in person.

Your cooperation regarding this matter will be greatly appreciated.

Sincerely,

Donald R. Jones, Chief
Milwaukie Police Department

10d
18

ALARM PERMIT

Non-Transferable

Number _____

Expires _____

Alarm Ordinance
Coordinator's Office
659-2345

Donald R. Jones
CHIEF OF POLICE

Coordinator

MILWAUKIE POLICE DEPARTMENT

2566 S. E. Harrison St.
Milwaukie, Oregon 97222

MEMORANDUM

98

September 16, 1976

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: Rife/Fontaine/Laird (Martinez) gravity sewer line

At your regular meeting July 6, 1976, you authorized proceeding on gravity sanitary sewer service for the subject properties-- you will recall that the three were subject of lengthy discussion over many months (gravity line vs. pumping station vs. individual in-dwelling pump installations. On July 6 you allowed that the gravity line should proceed at a cost not to exceed \$12,000, and that the staff should proceed to acquire the necessary easements. Easements over two private ownerships--other than Rife/Fontaine/Laird--are essential to provide gravity access to King Road. Finally, you stipulated that if project cost was expected to exceed \$12,000 that the matter should be brought back for further Council consideration.

We cannot be sure as to final project cost at this point, but want to advise the Council that one of the required easements is not expected to be freely available. The owner in question has offered the easement in return for high-density zoning. Such an arrangement would be both improper and illegal, and the staff has responded accordingly. It would appear that the city will have to resort to condemnation if gravity sewer service is to be provided the Rife/Fontaine/Laird properties.


Harold L. Schilling
City Manager

How Much? Cost

Milwaukie Police Department

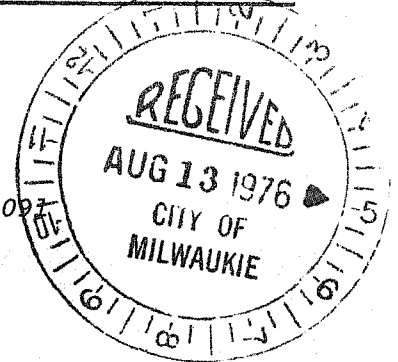
MEMORANDUM

Date: August 13, 1976

TO: Harold L. Schilling, City Manager

FROM: Donald R. Jones, Chief of Police

SUBJECT: BUSINESS LICENSE APPLICATION
APPLICANT - PATRICIA KEISER, ADDRESS UNKNOWN, PHONE: 243-2097
LOCATION: 10665 MCLOUGHLIN BLVD., MILWAUKIE, OREGON



Mr. Schilling:

On 8-11-76, I received a business license application from Mrs. Patricia Keiser to operate a business at 10665 McLoughlin Blvd., that business being Mexican Imports sale of fruits and vegetables and flowers. The location is the former Exxon Service Station located at Harrison and McLoughlin Blvd., in the City of Milwaukie. Approximately one week ago, I spoke with Mr. Keiser prior to receiving the business license application and determined at the time that the type of business would be to have open air sales of plaster of paris figurines, rugs, and Mexican imported baskets, and fruits and vegetables and freshly cut flowers. Mr. Keiser stated at the time that the items for sale would be placed in open view so that they could be viewed by passing motorists. Mr. Keiser stated that the building which was a former service station lubrication area and office space would be used to store the merchandise overnight and that they would be brought back out to open view during the day light hours. I asked Mr. Keiser if he had contacted Franko Oil, owner of the property, and he stated that he had done so and had not yet signed a lease agreement with the owners of the property however he was in the process of doing so. He stated that the agreement with Franko Oil was for a month by month lease and that if Franko Oil Company were successful in their litigation with the City of Milwaukie and were able to reopen the service station that he would have to remove himself immediately and allow the service station to continue at this location.

In further conversations with Mr. Keiser, I advised that I felt that the traffic flow on McLoughlin Blvd. was extremely heavy and particularly during the peak traffic hours persons attempting to enter onto the property leased by Mr. Keiser would cause further traffic congestion at an already congested location. The same situation would exist as we described in the recommendation for denial for Franko Oil Company in re-establishing a service station at this location. To further complicate matters I believe that with the plaster figurines, various colored markings of hand painted rugs, and hand made basket materials imported from Mexico would detract the motorists attention traveling on McLoughlin Blvd. so that it could in fact cause traffic accidents to occur at this location. Mr. Keiser was extremely concerned about the traffic being able to enter and leave the location since all of his business would be solicited from passing motorists.

An inquiry to the Oregon State Highway Department indicates that the most recent count on McLoughlin Blvd. was in 1975 and at that time there was 32,400 vehicles per day traveling McLoughlin Blvd. This is an average of 1,350 cars per hour. Experience has shown us that from approximately midnight to 6:00AM there is extremely limited traffic on McLoughlin Blvd. which would indicate that our heavy peak traffic hours are from 6:00AM until midnight. It is estimated that there is approximately 300 vehicles using McLoughlin Blvd. between midnight and 6:00AM or an average of 50 vehicles per hour. If this be the case between 6:00AM and midnight, there would be traffic of 32,100 vehicles per day or an average of 1,783 vehicles per hour.

Memorandum to Harold L. Schilling
Subject: BUSINESS LICENSE APPLICATION - PATRICIA KEISER
DATE: August 13, 1976

Our most recent investigation revealed that the heaviest traffic hours on McLoughlin Blvd. were between 6:00AM and 6:00PM. This would be the time that the business would be open for business and merchandise displayed along the side of the road on private property for sale, again distracting motorists from attention to their driving. It might be noted that there is no place to store vehicles south bound on McLoughlin Blvd. at the Harrison intersection except in the south bound traffic lanes. We have filmed the location on a previous investigation and learned that the time difference from the time the vehicle stops at River Road for a red light on McLoughlin Blvd. and the time the vehicle starts from the green light on River Road onto McLoughlin Blvd. is an average of 5.5 seconds, and further that by the time the vehicles reach the intersection of Harrison and McLoughlin Blvd. from the stop light at River Road the 5.5 seconds have diminished and the vehicles are again bumper to bumper for vehicles stopped at the traffic signal on McLoughlin Blvd. at Jackson Street intersection.

It is recommended that the business license be denied for this type of business at the location indicated. The primary reason for the recommendation is traffic congested area will not allow for safe ingress and egress from the property location. Secondly, the items placed for sale open public view will detract the attention of the driver of a vehicle traveling on a major state highway.

Respectfully submitted,

Donald R. Jones
Donald R. Jones
CHIEF OF POLICE

CITY OF MILWAUKIE
 10722 S.E. Main St.
 Milwaukie, Oregon 97222

Date July 28, 1976

*was Lic issued? yet?
 IF so why*

FOR CITY USE ONLY

License No. _____
 Date Issued _____
 Amount Paid \$ 7.50
 Receipt # 644505
 Date 7-29-76

APPLICATION FOR BUSINESS LICENSE OR RENEWAL DUE
 AND PAYABLE ON JANUARY 1.

NOTE: A 5 PER CENT PENALTY WILL BE ASSESSED AFTER FEBRUARY 1, DELINQUENT DATE

108
 (3)

Application is required by Ordinance No. 489, as amended, for a BUSINESS LICENSE from the City of Milwaukie, Oregon, and applicant hereby represents that he is conducting a business, profession, pursuit or occupation in Milwaukie, Oregon, and will conduct such business in such a manner that it will comply with all the laws of the State of Oregon and the Ordinances of the City of Milwaukie, Oregon.

call before issuing license

BUSINESS NAME No Name Tel Phone No. 243-2091

BUSINESS ADDRESS 10665 McLoughlin
 (Street) (City) (Zip)

TYPE OF BUSINESS Mexican Importer fruit & Veg & flowers STATE LICENSE NO. _____

Authorized Representative Patricia Keiser

Businesses operating from regular places of business in the City shall pay the City Rate, and the businesses not operating from regular places of business in the City shall pay the Outside Rates as listed below:

	INSIDE RATE	OUTSIDE RATE
(a) 1 or 2 individuals	<u>\$15</u> 7.50	\$22.50
(b) 3 to 5 individuals	25	37.50
(c) 6 to 10 individuals	40	60.00
(d) 11 to 20 individuals	55	82.50
(e) 21 to 30 individuals	75	112.50
(f) 31 to 50 individuals	115	172.50
(g) 51 or more	150	225.00

NUMBER OF EMPLOYEES

Owners or Proprietors (working in Milwaukie)	<u>2</u>
Other Employees (working in Milwaukie)	_____
GRAND TOTAL	<u>2</u>
AMOUNT REMITTED	22.50 7.50

APPROVED	By	Date	Remarks
Zoning	<u>m</u>	<u>7-27</u>	<u>C.L.</u>
Building		<u>7-30</u>	<u>SHOULD HAVE APPROVAL</u>
Fire		<u>8-30</u>	<u>B. Muffenlin</u>
Police		_____	<u>NO - TRAFFIC ONTO & OFF OF AREA WILL CREATE PROBLEM</u>

BY CITY COUNCIL FOR STREET CORNER TYPE BUSINESS. SHOULD HAVE APPROVAL LETTER FROM FRANKO OIL CO. FOR USE OF PARKING LOT. Jim

*NO - TRAFFIC ONTO & OFF OF AREA WILL CREATE PROBLEM
 w/ TRAFFIC FLOW - DANGEROUS CONGESTED INTERSECTION -*

CITY OF MILWAUKIE
M E M O R A N D U M

10/1

Date: 16 SEPT 1976

TO: CITY MANAGER/CITY COUNCIL
FROM: TIM HOLDER
SUBJECT: CLEAR VISION

*Has this been Reviewed +
Approval by Safety Comm.?*

PROBLEM: Clear vision across private property at intersection to insure sight distance for traveling motorists is provided for in the Zoning Ordinance. Last fall the Code Enforcement Officer started to actively enforce clear vision provisions. Several problems were encountered:

1. The definition of a clear vision area is arbitrary and does not account for the numerous variables (controlled vs uncontrolled intersections, topography, traffic speeds, etc.)
2. Relief from arbitrary enforcement under the Zoning Ordinance requires filing of a variance application, a \$65.00 filing fee.
3. Variances under the Zoning Ordinances are heard by the Planning Commission, but the issues of clear vision are traffic safety and would better be heard by the Traffic Safety Commission.

DRAFT OF NEW CLEAR VISION ORDINANCE: The Traffic Safety Commission has met several times to consider how to resolve many of the administrative difficulties, arbitrariness for property owners, and onerous appeal procedures. The Traffic Safety Commission has drafted a new clear vision ordinance. The suggestion is made that the clear vision provisions of the Zoning Ordinance be deleted. This requires a hearing by the Planning Commission. The draft of the clear vision ordinance (attached) provides the following:

1. Discretion is given to a staff traffic safety engineer to determine the boundaries of a clear vision area under a given set of standards.
2. The arbitrary 30 foot "triangles" are deleted.
3. Fences and vegetative type materials are specifically controlled.
4. Appeals are made to the Traffic Safety Commission.

EXISTING PROVISIONS IN ZONING ORDINANCE

Section 4.030. Clear Vision Areas. A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

1. A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this Section, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides.
2. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 30 inches in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except:
 - a. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of 8 feet above the grade; and
 - b. Open wire fencing that does not obscure sight more than ten per cent may be a maximum of 36 inches high.
3. The following requirements shall govern clear vision areas:
 - a. In a residential zone the minimum distance shall be 30 feet, or 10 feet at intersections which include an alley.
 - b. In all other zones except C-C zones the minimum distance shall be 10 feet, except that when the angle of intersection between streets other than an alley is less than 45 degrees the distance shall be 25 feet.

Passed

10 of
3

AN ORDINANCE REQUIRING CLEAR VISION ACROSS PROPERTY AT INTERSECTIONS, AND DECLARING AN EMERGENCY.

SECTION 1. Purpose: The purpose of this ordinance is to maintain clear vision areas at intersections so that vehicle and pedestrian safety can be maximized.

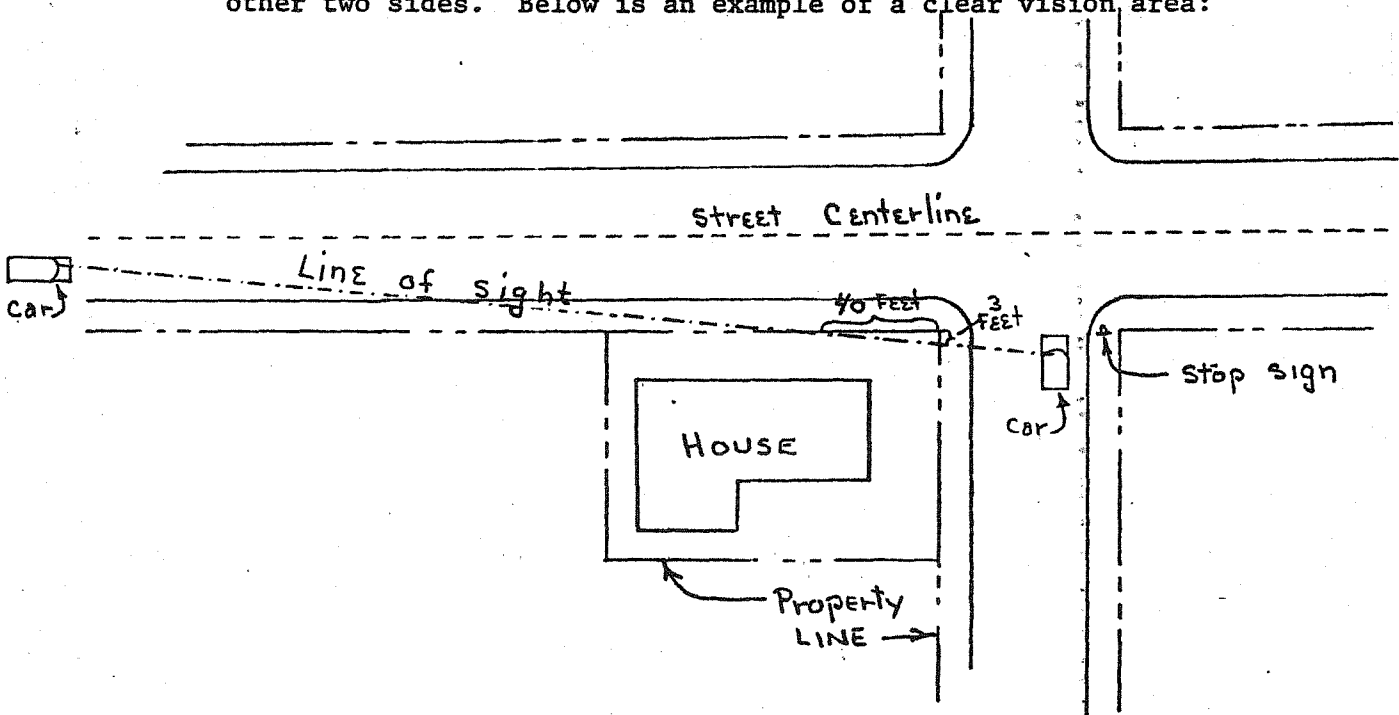
SECTION 2. Definitions:

a. A "clear vision area" means a triangular area at the intersection of two streets or a street and a railroad, the area of which is to be determined by the Public Works Director, or his designee, using the following criteria:

1. Type of intersection.
2. Site characteristics.
3. Types of vehicle controls.
4. Vehicle speed.
5. Traffic Volumes.

The Public Works Director shall also take into consideration the standards set forth in the "Traffic Engineering Handbook" on intersection sight distance, ~~(page 607-608 of the 1971 edition) and any other standards he deems appropriate.~~ *cut deleted*

The clear vision area is in the form of a triangle, two sides of which are lot lines measured from the corner intersection of the street lines. Where the lot lines have rounded corners, the lot lines are extended in a straight line to a point of intersection; the third side of the clear vision area is a line across the corner of the lot joining the nonintersecting ends of the other two sides. Below is an example of a clear vision area:



Ordinance Number _____

- b. "Fence" means a barrier intended to prevent escape or intrusion or to mark a boundary. A fence may consist of wood, metal, masonry, or similar materials or a hedge or other planting arranged to form a visual or physical barrier. 100"
④
- c. "Street" means the entire width between right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road," "highway," "lane," "place," "avenue," "alley," and other similar designations.

Section 3. Requirements: A clear vision area shall contain no vegetation or fences exceeding 30 inches in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except:

- a. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight (8) feet above the grade; and
- b. Open wire fencing that does not obscure sight more than ten percent may be a maximum height of six feet.

Section 4. Variances:

- a. Variances from the provisions of this ordinance may be granted by the Traffic Safety Commission.
- b. Vehicle and pedestrian safety shall be the primary factors in decisions when variances are considered. The type of intersections, site characteristics, types of vehicle controls, vehicle speed, traffic volumes, and other similar items are factors to be considered. The standards set forth in the "Traffic Engineering Handbook" on intersection sight distance (pages 607-608 of the 1971 edition) and any other appropriate standards shall be considered. Esthetics and length of time fences or vegetation have existed are not relevant factors.
- c. A property owner or the owner's agent may initiate a request for a variance by filing an application with the City within ten (10) working days. *at office of violation*
- d. Any decision of the Traffic Safety Commission may be appealed to the City Council without fee within ten (10) working days of receipt of the Traffic Safety Commission's written decision.
- e. Fees for variance application to the Traffic Safety Commission shall be \$15.00.

Section 5. Conflicts: All ordinances, or parts thereof, in conflict herewith are repealed insofar as they shall conflict with this ordinance.

Section 6. Declaring an emergency: It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate

Ordinance Number _____

preservation of the public health, peace, safety and best interest of the inhabitants of the City of Milwaukie, Oregon, therefore an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage by the Council and signing by the Mayor.

108
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Read the first time this _____ day of _____ 1976, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this _____ day of _____ 1976.


Signed by the Mayor this _____ day of _____ 1976.

Bill Hupp, Mayor

ATTEST:

Dorothy Farrell, Recorder

Approved as to form:


Myer Avedovech, City Attorney

108
 (6)

Intersection Sight Distance. At signalized intersections, no special sight distance is required except that which would be considered adequate to see the signals. However, at Yield and Stop sign intersections, longer sight distances must be established across the corners to aid safe stopping and crossing. At uncontrolled and Yield sign intersections, the area of unobstructed view across each corner should be that formed by a triangle whose sides, measured along the lane center line of each approach from the point of intersection, are as shown in Table 17.9 (see page 608). The absolute minimum values shown in Table 17.9 provide 2 sec for drivers to perceive and react to the hazard of a vehicle on the other road and an additional second to change speed to avoid collision. The desirable minimum values in Table

17.9 are safe-stopping sight distances. The speeds shown in the table are assumed intersection approach speeds.

Table 17.9—Minimum Intersection Sight Distances* for Yield or Uncontrolled Intersections

Approach speed (mph).....	20	30	40	50
Absolute minimum distance (ft).....	90	130	180	220
Desirable minimum distance (ft).....	--	200	275	350

* Measured along lane center lines to point of intersection.

Source: *A Policy on Geometric Design of Rural Highways*, American Association of State Highway Officials, Washington, D. C., 1934, p. 314.

At intersections where traffic is controlled by Stop signs on the minor road, the stopped driver must see enough of the major road to safely cross before a vehicle on it reaches the intersection. Table 17.10 shows the minimum sight distance along the major road from the intersection (as viewed by a driver in the normal stopped position on the minor road) that is recommended for safe crossing.

The width of medians is not accounted for in Table 17.10 and may be ignored unless the median is wide enough for a two-step crossing. Somewhat shorter sight distances (through elimination of perception-reaction time) than shown in Table 17.10 are recommended for major city streets.⁽⁹⁾ Assuming passenger vehicles and a speed of 30 mph on the major street, the following sight distances are indicated:

Number of Lanes	To Left	To Right
2	180 ft	200 ft
6	220 ft	280 ft

Table 17.10—Sight Distance at Stop-Controlled Intersections

Type of Waiting Vehicle	Distance in Feet Along Major Road from Intersection to Allow Side-Road Vehicle to Cross Safely								
	Design Speed of 30 mph			Design Speed of 40 mph			Design Speed of 50 mph		
	Pavement Width			Pavement Width			Pavement Width		
	2 lanes	4 lanes	6 lanes	2 lanes	4 lanes	6 lanes	2 lanes	4 lanes	6 lanes
Passenger car.....	300	350	400	400	450	500	500	600	650
Single-unit trucks and buses.....	400	475	525	550	625	700	675	775	850
Truck combinations.....	525	600	650	700	775	875	850	975	1,075

Source: *Standards for Street Facilities and Services*, Procedure Manual 7A, National Committee on Urban Transportation, Public Administration Service, Chicago, 1958, p. 22.

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

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September 15, 1976

TO: City Manager/City Council
FROM: Planning Director
SUBJECT: Petition for Annexation - Property South of Monroe on 60th

Petition for Annexation

A petition for annexation of property south of Monroe on 60th has been filed. The parcel has two acres, has two existing houses. The intent is to annex to the City so the property can be served with City sewer and to subdivide the property with a total of eight lots under the provisions of the City's subdivision and zoning ordinances. This petition is filed under the triple majority method. The petition is filed by 100 percent of the properties, 100 percent of the acreage, and 100 percent of the assessed value. The property under petition has one owner, Kathryn Dewey.

Policy on Annexation in the Area of 60th South of Monroe

This property is located on 60th in an unincorporated area that is bounded by the City of Milwaukee on three sides. Recently the City Council requested the Planning Commission to evaluate another annexation petition (Sundial Court) in this area. The Planning Commission passed a resolution recommending that petitions for annexation in this area be given favorable review. This resolution was based on information in a staff report on Sundial Court Annexation dated July 13, 1976. The points raised in the staff report about Sundial Court are applicable to the Petition before the City now.

Recommendation

Based on the Planning Commission resolution on annexation in this area, favorable review and adoption of the attached resolution by the Council is appropriate.

Attachments

1. Petition for Annexation.
 2. Map indicating area proposed for annexation.
 3. Boundary Data Sheets
 4. Staff Report - annexation in area south of Monroe in vicinity of 60th Avenue dated July 13, 1976.
 5. Planning Commission Resolution PC-4-76 and accompanying map.
 6. Resolution for annexation.
- CN/TH/me

PMALGBC FORM #8

109
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PETITION FOR ANNEXATION TO THE
CITY OF Milwaukie, OREGON

TO: The Council of the City of Milwaukie, Oregon

We, the undersigned property owners of the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Milwaukie. If approved by the city, we further request that this petition be forwarded to the Portland Metropolitan Area Local Government Boundary Commission for the necessary procedures as prescribed by ORS 222.170 and ORS 199.490(3).

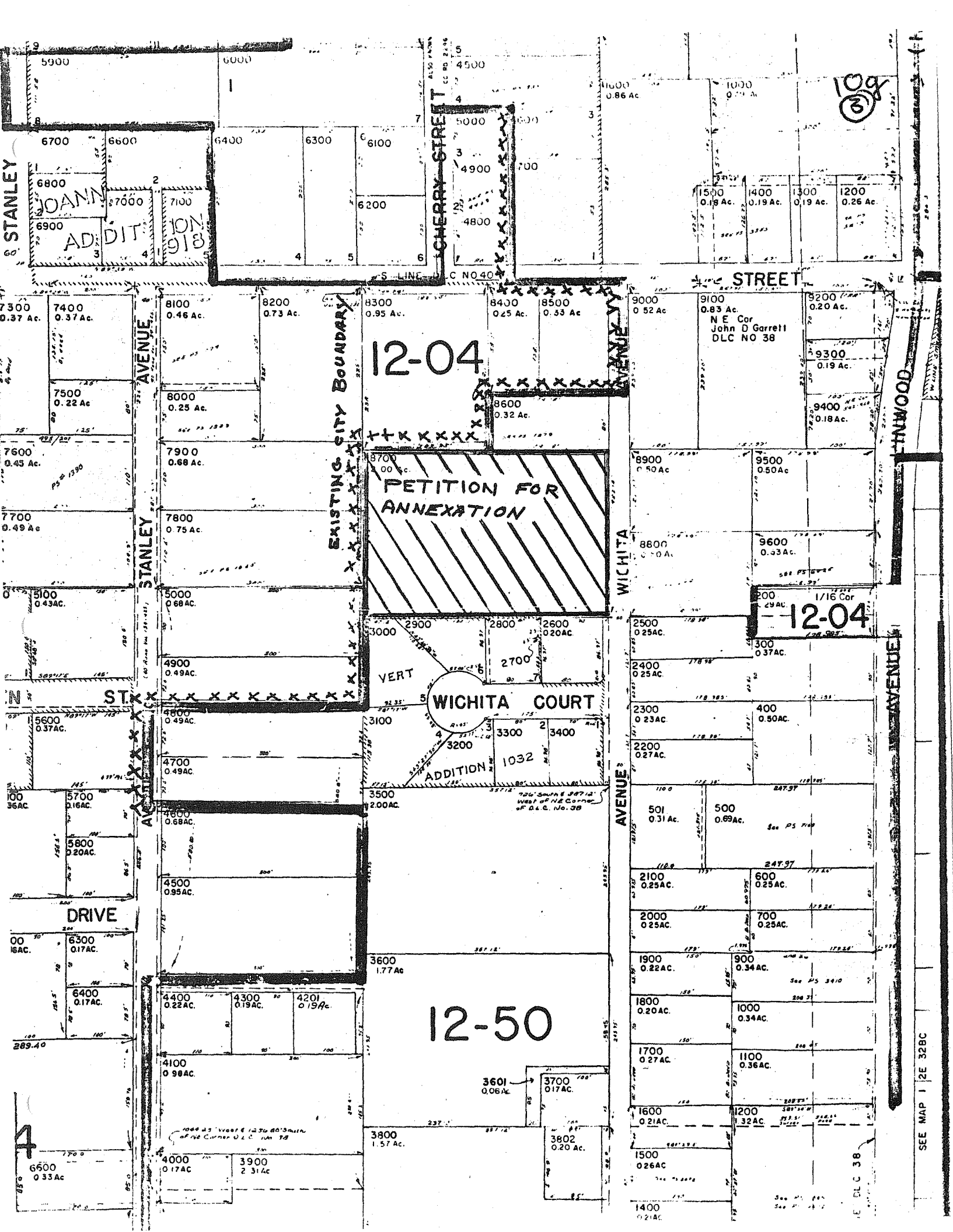
The property to be annexed is described as follows:

Tax Lot 8700 in the NE 1/4 of the NE 1/4 of Section 31, T.1S., R.2E., W.M., Clackamas County, Oregon and more particularly described as follows;

Beginning 387.12 feet West and 482.05 feet South of the Northeast corner of the J. D. Garrett Donation Land Claim in Township one (1) South, of range two (2) East of the Willamette Meridian, thence northerly on the West line of 30 foot right-of-way 243.95 feet; thence West at right angles 357.12 feet; thence South at right angles 243.95 feet, thence East 357.12 feet to the place of beginning, containing two (2) acres.

PETITION SIGNERS

Signature of Legal Owner(s)	Address	Tax Lot Numbers				
		Lot #	1/4	Sec.	Twp	R
<i>Kathryn Dewey</i>	10915 S. E. 60th Ave. Milwaukie, Oregon	8700	NE	NE	31	1S. 2E.



12-04

PETITION FOR ANNEXATION

WICHITA COURT

12-50

12-04

SEE MAP 12E 32BC

BOUNDARY CHANGE DATA SHEET

109
4

I. EXISTING CONDITIONS OF TERRITORY DESCRIBED IN BOUNDARY CHANGE

A. Land Area: Acres 2.00 or Square Miles _____

B. General Description of Territory: (include topographic features such as slopes, vegetation, drainage basins, flood plain areas which are pertinent to this proposal) Gently sloping ground - grassy cover - no drainage basins or flood plain area.

C. Existing Land Use:

Number of single family units 2
Number of multi-family units None
Number of commercial structures None
Number of industrial structures None
Public facilities or other uses (please describe)
None

D. Total Current Year Assessed Valuation \$ 42,690.00

E. Total Estimated Population 4

F. Current County Zoning Status (if territory contains more than one land use zone, please indicate tax lot numbers and existing zoning designation for those tax lots) R - 7

G. Is the area adjacent to the territory to be annexed (and not in the city or district) of the same general character or degree of development as the territory to be annexed? Yes X No _____

If yes, why isn't the adjacent area included in the proposal?
Not owned by applicant

If no, how does the adjacent area differ?

II. PROPOSED DEVELOPMENT OF TERRITORY DESCRIBED IN BOUNDARY CHANGE

109
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- A. If the property is entirely or substantially undeveloped, what are the plans for future development? (Be specific--if site or development plans have been prepared please submit a copy.)

See attached single family residential Tentative Subdivision Plan (8Lots)

- B. Can the proposed development be achieved under current county zoning?

Yes X No

If no, has a zone change been sought from the county either formally or informally for the property under consideration.

Yes No

Please describe outcome of zone change request if answer to the above question is "yes".

- C. If the boundary change is for annexation to a city, is the proposed development compatible with the city's Comprehensive Land Use Plan for the area?

Yes X No City has no plan for the area

Has the proposed development been discussed either formally or informally with any of the following: (please indicate)

- City Planning Commission
- City Planning Staff X
- City Council
- City Manager

Please describe the reaction to the proposed development from the persons or agencies indicated above.

Staff assisted with information and annexation proceedures - no unfavorable comments

III. REASON FOR BOUNDARY CHANGE

- A. ORS 199.462 of the Boundary Commission Act states: "When reviewing a boundary change, a boundary commission shall consider economic, demographic, and sociological projections pertinent to the proposal, and past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change." Considering these points, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary. The environment created will be an

extension of the surrounding residential area and will provide needed reasonably priced home sites. The proposed subdivision is compatible in design with adjacent "VERT ADDN." and "SUNDIAL COURT" to the South. Development of the site is compatible with the City's Comprehensive Land Use Plan and is efficient use of land and municipal services.

109
69

B. If the reason is to obtain specific municipal services such as water service, sewerage service, fire protection, etc., please indicate the following:

1. Proximity of facilities (such as water mains, sewer laterals etc.) to the territory to be annexed. (Please indicate location of facilities--for example: 8" water main in Durham Rd. 500 ft. from east edge of territory.) 8" sanitary sewer on S. E. 60th Ave.,

13' East of the Property Line -

4" water main on S. E. 60th Ave. on East side of property line

2. When the service or services can be reasonably provided by the city or district. Upon request .

3. What is the estimated cost of extending such facilities and/or services and what is to be the method of financing? (Attach any supporting documents). \$10,300 sanitary sewer and

\$2,000 water - estimated by the City of Milwaukie

4. If any other unit of local government can provide the desired service (Please indicate the government).

IV. EXISTING GOVERNMENTAL SERVICES IN THE TERRITORY

A. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved:

City	Rural Fire Dist. No. 56
County Service Dist.	Sanitary District Milwaukie
Hwy Lighting Dist.	Water District Wichita No. 7
Park & Rec. Dist.	

B. If any of the above units are presently servicing the territory (for instance, are residences in the territory hooked up to a public sewer or water system), please so describe.

Water hook-up to existing houses on property @ 10915 and 11019 S. E. 60th Ave. -
Sanitary Sewer hook-up to existing house @ 11019 S. E. 60th Ave.

NAME: David C. Webb and
Walter S. Brown (Title)

ADDRESS: 10735 S. E. Foster Blvd.
Portland, Oregon 97226

AGENCY: _____

DATE: September 10, 1976

Milwaukie City Planning Commission
STAFF REPORT - Annexation in Area of 60th South of Monroe
July 13, 1976

109
78

Background

On March 23, 1976, the Planning Commission reviewed a plat known as Sundial Court. This plat was for land on 60th Avenue outside the City of Milwaukie and was forwarded to the City by the Clackamas County Planning Department. The Planning Commission instructed the City Engineer to cooperate with the Clackamas County Planning Department in arriving at a subdivision design that would be acceptable.

The subdivision must be served with City sanitary sewer. Since Sundial Court is outside the City, a request had to be made to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC) for extraterritorial sewer service. Sundial Court is contiguous to the City boundary. The PMALGBC requested the property owner to apply for annexation to the City.

The City Council received a request for annexation of Sundial Court on July 6. The Council has requested a response from the Planning Commission and Neighborhood Council 5.

Sundial Court Surrounding Land and City Boundary

Sundial Court is on the west side of 60th Avenue, north of Lloyd Street approximately 300 feet. Sundial Court is contiguous to the City at its southeast corner. Sundial Court and several other parcels of land are surrounded by the City boundary on three sides and nearly a fourth at Monroe and Linwood. The map (attached to the resolution) indicates that the unincorporated area almost completely surrounded by the City. Also prominent is the feature of having one lot in the City and the next out which results in a jogged boundary line.

The configuration of the City boundary in this area causes several problems in the delivery of City, County and special district services. City police and fire department personnel are careful to serve City residents. (The fire department does have mutual aid with Rural Fire District 56.) Provision of water, sewer, drainage and road improvements and maintenance are complicated and hindered by the boundary configuration. Any jurisdiction will have to cooperate with adjacent surrounding and overlapping jurisdictions and agencies. However, the boundary configuration in question makes matters unnecessarily complicated. The cost of providing public services to this area is certainly increased due to the configuration of the boundary.

Sundial Court is part of a larger area nearly surrounded by the City with the same service problems. Because of this, consideration of annexation of Sundial Court should be considered in light of the larger area.

Annexation, Property Owners, Property Taxes

Often persons who own property and live outside a City do not desire to be annexed for several reasons. They may not care for the controls on their life and land, the possibility of higher taxes, the concept of being in the City, the political system, or other aspects. Other persons may desire annexation for possibly better police protection, public works services and other benefits. Staff is not prepared to give detailed cost-benefit analysis of these aspects of annexation. Some of

July 13, 1976

109
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these aspects are difficult to quantify, thus making accurate analysis difficult. The staff recognizes these values, but is not prepared to give answers on these issues. Neighborhood Council 5 presumably will make a recommendation to the City Council based on some or all of these values.

Staff Recommendation

Adoption of the attached Resolution.

RESOLUTION NUMBER PC-4-76

109
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A RESOLUTION RECOMMENDING ANNEXATION POLICY TO THE CITY COUNCIL FOR PROPERTY IN THE VICINITY OF 60TH AVENUE SOUTH OF MONROE.

WHEREAS, certain property in the vicinity of 60th Avenue and Monroe Street indicated on the attached map is in the unincorporated area of Clackamas County and almost completely surrounded by the City of Milwaukie; and

WHEREAS, in the above described area the provision of public services such as police, fire, sewer, water, drainage, and planning is rendered complicated, inefficient, and possibly injurious to the health, safety and welfare of the public due to configuration of boundaries.

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Milwaukie recommends to the City Council a policy that applications for annexation of property in the vicinity of 60th Avenue, south of Monroe, indicated on the attached map, be given favorable review.

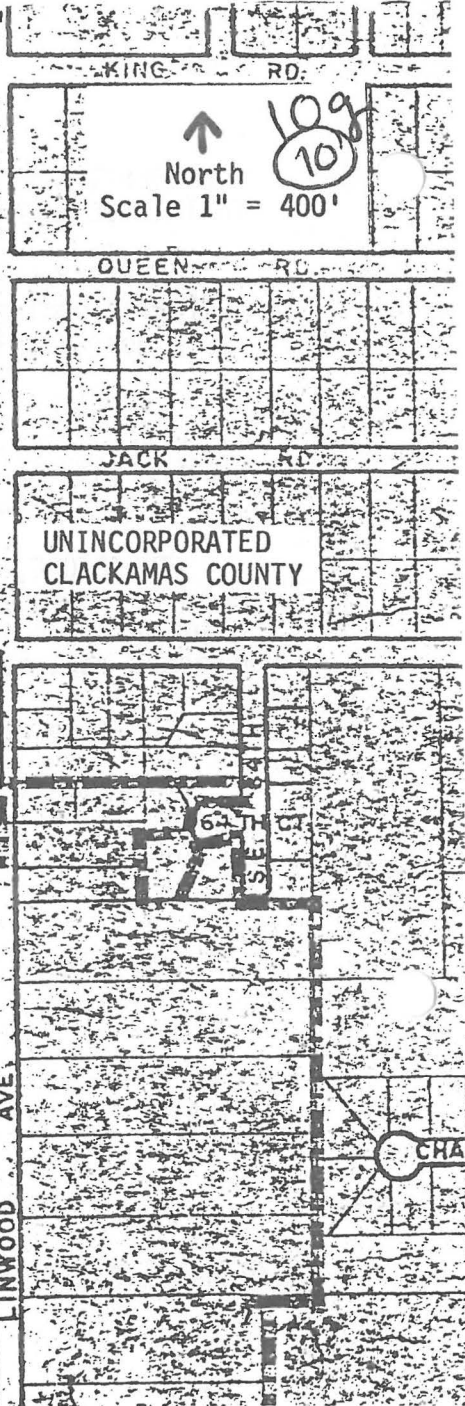
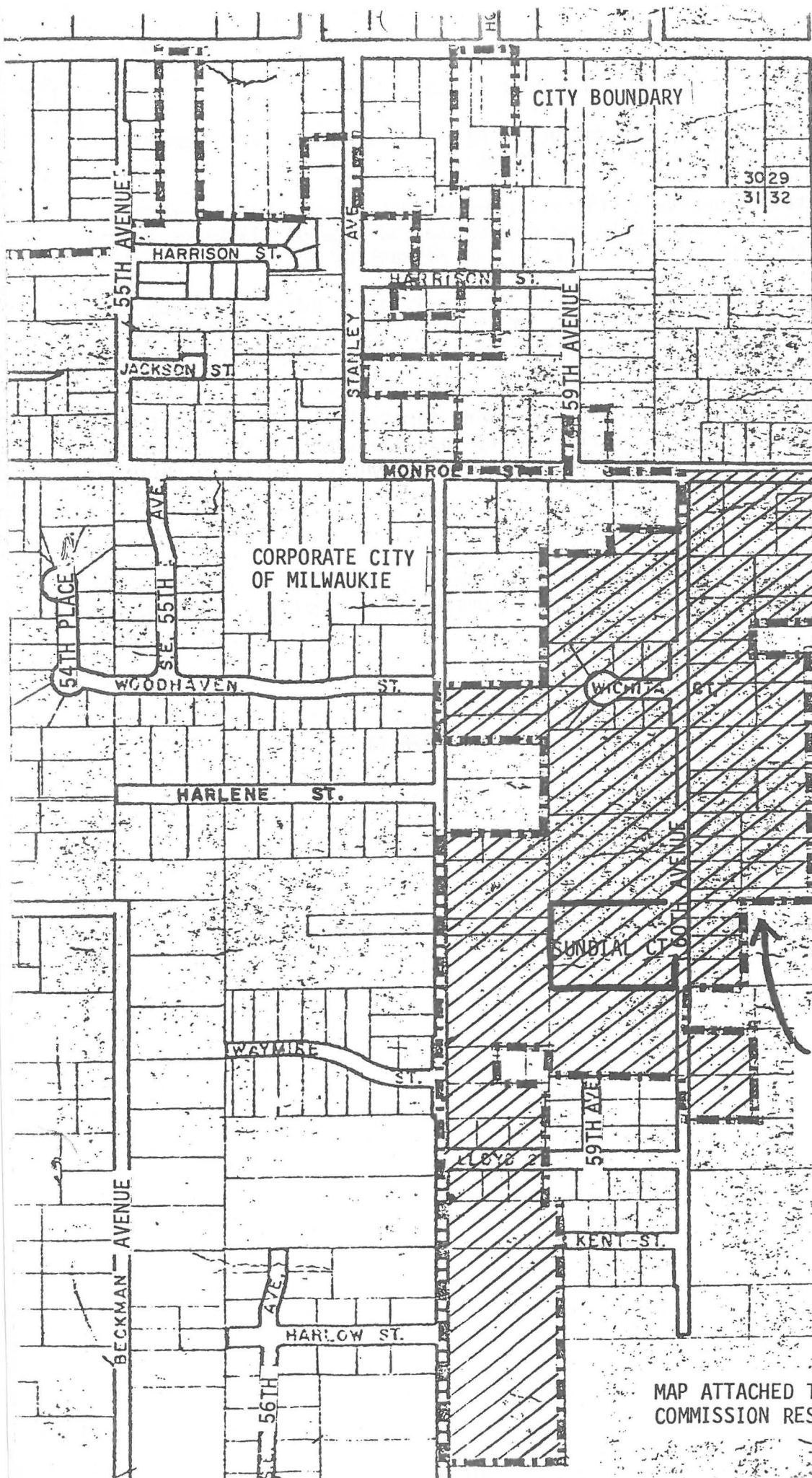
Be it so resolved.

Introduced and adopted by the Planning Commission of the City of Milwaukie, Oregon, on the 13th day of July, 1976, at a special meeting of the Planning Commission.

Jon Nickel, President

ATTEST:

Michelle Eaton, Secretary



North
Scale 1" = 400'

UNINCORPORATED
CLACKAMAS COUNTY

Crosshatch indicates subject area referenced in Resolution Number PC-4-76.

MAP ATTACHED TO PLANNING
COMMISSION RESOLUTION NO. PC-4-76

FURNER

Hupp

CITY OF MILWAUKIE
MEMORANDUM

August 20, 1976

TO: ALL INTERESTED PERSONS

FROM: CITY MANAGER

SUBJECT: Questions concerning annexations

In future, all questions concerning annexation will be forwarded to the Planning Director. All processing of annexation requests, including correspondence, staff reports, Boundary Review Commission forms, etc., will be focussed in the Planning Department and coordinated under the direction of the Planning Director.



Harold L. Schilling
City Manager

- cc: City Council ✓
- Planning Commission
- Neighborhood Councils
- City Staff
- Boundary Review Commission

Passed

109
(11)

A RESOLUTION FOR ANNEXATION OF CERTAIN TERRITORY AND CONCURRENCE FOR TRIPLE MAJORITY.

A Resolution furthering annexation to the City of Milwaukie of the territory described as follows:

Tax Lot 8700 in the NE ¼ of the NE ¼ of Section 31, T.1S., R.2E., W. M., Clackamas County, Oregon, and more particularly described as follows:

Beginning 387.12 feet West and 482.05 feet South of the Northeast corner of the J. D. Garrett Donation Land Claim in Township one (1) South, of Range two (2) East of the Willamette Meridian, thence northerly on the West line of 30 foot right-of-way 243.95 feet; thence West at right angles 357.12 feet; thence South at right angles 243.95 feet, thence East 357.12 feet to the place of beginning, containing two (2) acres.

WHEREAS, the annexation of the territory to the City has been initiated by landowners' statements of consent, in accordance with ORS 222.170, and would therefore constitute a so-called "triple majority" annexation under ORS 222.170 and a "minor boundary change" under the boundary commission law, ORS 199.410 to 199.510; and,

WHEREAS, the part of the territory that lies in the Rural Fire District 56 would, by operation of ORS 199.510 (2), be automatically withdrawn from that district immediately upon consummation of the annexation;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milwaukie, a municipal corporation of the State of Oregon, at a regular session held on the 20th day of September, 1976, that:

Section 1. The Council hereby approves the proposed annexation and requests the Boundary Commission to approve it and effect it as soon as possible.

Section 2. The City Recorder is hereby directed to file certified copies of the statements of consent and of this Resolution with the Portland Metropolitan Area Local Government Boundary Commission at once.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on the 20th day of September, 1976, at a regular meeting of the City Council.

Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell, Recorder

Approved as to form:

Myer Avedovech

Myer Avedovech, City Attorney

CITY OF MILWAUKIE
BILLS PAYABLE ON SEPTEMBER 20, 1976

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
1. A & B Texaco	56.00	1-5	45.00
		4-	11.00
2. Act 1 Uniform Service	54.30	1-3	13.40
		1-4	23.90
		1-5	3.40
		1-6	13.60
3. Allen's Press Clipping	16.35	1-2	16.35
4. American Business Machines	130.00	1-4	130.00
5. American Scientific & Chemical	22.50	20-	22.50
6. American Society of Building & Construction Inspectors	25.00	1-10	25.00
7. Arvey Paper & Supplies	148.80	1-2	148.80
8. Myer Avedovech	75.45	1-12	75.45
9. Badger Meter	276.00	30-	276.00
10. Baker & Taylor	102.11	1-6	102.11
11. John Bassett	160.00	1-8	160.00
12. Arnold Bernhard & Company	268.00	1-6	268.00
13. Bruce Bischof	400.00	1-1	400.00
14. Boise Cascade	329.80	1-2	106.65
		1-5	157.98
		1-10	1.45
		1-13	63.72
15. Kathy Brophy	15.00	1-2	15.00
16. Tonina Brunz, CPS ? <i>seminar</i>	140.00	1-5	40.00
		1-6	20.00
		1-9	20.00
		1-10	20.00
		1-12	20.00
		1-13	20.00
17. Care Custodians	800.00	1-3	350.00
		1-5	450.00
18. Cessco, Inc.	10.86	4-	5.43
		30-	5.43
19. Charlie Helwig	167.54	1-2	55.13
		1-4	37.60
		1-5	24.88
		1-9	9.60
		1-10	2.36
		1-13	7.14
		1-14	30.83
20. Clackamas Community College	9.95	1-6	9.95
21. Clackamas County <i>Prisoner Bd</i>	1,026.75	1-5	1,014.75
		1-10	12.00
22. Clackamas County Clerk's Office	9.00	1-2	3.00
		4-	6.00
23. Clackamas County Fire District #1	2,140.79	1-4	2,140.79

CITY OF MILWAUKIE
BILLS PAYABLE ON SEPTEMBER 20, 1976 (cont.)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
24. Clackamas County Legal Secretaries Association	30.00	1-8	30.00
25. Clackamas County Serv. District #1	14,243.35	20-	14,243.35
26. Clackamas County Surveyor	3.00	4-	3.00
27. Commercial Business Supply	421.30	1-5	421.30
28. Consolidated Supply	930.39	30-	930.39
29. Coopers and Lybrand	150.00	1-1	150.00
30. Council of State Government	19.50	1-6	19.50
31. Daytimers	8.95	1-12	8.95
32. Diversified Industries	15.13	4-	15.13
33. Dr. James Donkle	96.00	1-14	96.00
34. Electromatic Associates	76.00	1-2	22.00
		1-4	54.00
35. Dorothy Farrell	9.05	1-14	9.05
36. Gene B. Franklin	60.00	1-8	60.00
37. Fred Meyer, Inc.	47.52	1-13	47.52
38. Gaylord Bros.	22.00	1-6	22.00
39. General Battery Corporation	97.52	1-4	97.52
40. General Spray Service	165.00	1-7	165.00
41. Graham's	178.18	1-5	42.68
		1-9	135.50
42. Gil Hebard Guns	72.00	1-5	72.00
43. Himber's Books	128.99	1-6	128.99
44. Neal Van Horn	22.48	1-9	22.48
45. Hydronix, Inc.	289.82	20-	289.82
46. Imperial Office Machines	22.50	1-9	22.50
47. International City Management	113.00	1-2	113.00
48. International Personnel Management Association	6.00	1-2	6.00
49. Johnson's Paint Center	15.84	1-2	15.84
50. Josten's Catalog Corporation	582.60	1-6	582.60
51. Jury Fees	320.00	1-8	320.00
52. K & K Color Lab	215.52	1-1	5.86
		1-5	116.58
		1-9	2.38
		1-10	90.70
53. Karn Repair Service	6.92	30-	6.92
54. Landeen Medical Gas & Eqpt.	18.00	1-4	18.00
55. Larry's Sport Center	103.06	1-5	103.06
56. Lavelle Landfill	19.00	4-	19.00
57. Janet Mandaville	6.95	1-2	6.95
58. McNaughton Book Service	167.36	1-6	167.36
59. M. Meghrig & Sons, Inc.	13.89	1-6	13.89
60. Milwaukie Auto Parts	12.36	1-4	12.36

CITY OF MILWAUKIE
BILLS PAYABLE ON SEPTEMBER 20, 1976 (cont.)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
61. Milwaukie Automotive Service	297.09	1-5	297.09
62. Milwaukie Hardware	53.39	1-2	10.05
		1-3	3.09
		1-5	6.24
		1-7	13.29
		4-	14.71
		20-	6.01
63. Milwaukie Police Reserve	44.00	1-8	44.00
64. Milwaukie Postmaster	20.02	1-4	20.02
65. Minnesota Mining & Mfg.	14.40	4-	14.40
66. Mobil Oil Corporation	1,502.02	30-	1,502.02
67. Mobile Radio Communication Service, Inc.	29.50	1-5	29.50
68. Moore's Audio Visual Center	39.07	1-9	39.07
69. Multigraphics	20.90	1-13	20.90
70. Multnomah County Stores	177.70	1-13	177.70
71. John C. Murray	144.00	1-6	144.00
72. Bob Nagel	49.40	1-3	49.40
73. National Fire Prot. Assoc.	30.00	1-4	30.00
74. David Nemo	6.90	1-2	6.90
75. Northwest Natural Gas	23.05	1-6	8.99
		4-	4.53
		30-	9.53
76. Nudelman Brothers	633.70	1-5	633.70
77. L. R. Ohlson	67.50	1-13	67.50
78. State of Oregon/ Dept. of M.V.	60.00	1-8	60.00
79. State of Oregon Procurement Division	20.00	1-5	20.00
80. Oregon Association of Women Highway Safety Leaders	9.00	4-	9.00
81. Oregon City Laundry	77.67	1-4	77.67
82. PM Printing	65.00	1-4	65.00
83. Pacific Coast Industrial Laun.	67.25	4-	22.50
		20-	22.50
		30-	22.25
84. Pacific Northwest Bell	1,596.75	1-3	617.54
		1-4	6.00
		1-5	791.54
		1-6	88.17
		1-10	9.00
		4-	35.47
		20-	10.73
		30-	38.30
85. Pacific Waterworks Supplies	104.03	30-	104.03
86. Pixler Auto Parts	107.41	4-	107.41
87. Platt Electric Supply	10.01	4-	10.01

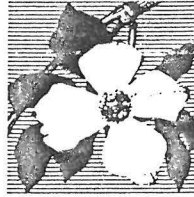
CITY OF MILWAUKIE
BILLS PAYABLE ON SEPTEMBER 20, 1976 (cont.)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
88. R.L. Polk & Company	97.00	1-6	97.00
89. Portland General Electric	7,630.62	1-1	5,005.53
		1-3	264.47
		1-4	19.61
		1-5	114.47
		1-6	177.84
		1-7	5.02
		4-	113.31
		20-	82.04
		30-	1,848.33
90. Portland Road and Driveway	356.54	1-6	15.00
		4-	281.54
		30-	60.00
91. Revenue Sharing Advisory Serv.	25.00	1-1	25.00
92. Review	91.69	1-1	28.00
		1-2	58.36
		1-9	5.33
93. Robben Oil Company	95.14	4-	95.14
94. Royal Air Brake	6.75	1-4	6.75
95. Rub-A-Dub Car Washes	47.25	1-5	47.25
96. Sears Roebuck & Co.	82.78	4-	82.78
97. Shell Oil Company	67.98	1-7	30.98
		30-	37.00
98. Southern Pacific Trans.	100.00	6-	100.00
99. Southgate News Agency	64.20	1-2	64.20
100. Sparling	25.75	30-	25.75
101. Spring Creek Apts.	56.00	1-5	56.00
102. Stevens Thompson & Runyan	23.10	30-	23.10
103. Subpoena Fees	30.00	1-8	30.00
104. Chuck Swan	16.60	1-1	16.60
105. John R. Toll	165.60	1-5	165.60
106. Town Concrete Pipe	62.00	20-	62.00
107. Traffic Safety Supply Co.	460.40	4-	460.40
108. Tri County Training Officers Association	35.00	1-4	35.00
109. Water Metrics	100.65	30-	100.65
110. Waterworks Supplies	651.59	30-	651.59
111. Wilco Fire Equipment	75.78	1-4	61.68
		4-	4.70
		20-	4.70
		30-	4.70
112. Willamette Western	676.48	4-	676.48
113. Womble & Wyers	165.00	1-8	165.00
114. Woody Froom Tire Co.	1,304.00	1-4	1,304.00
115. Gary Worth Inc.	41.10	1-5	41.10
		TOTAL	\$42,917.14

CITY OF MIWLAUKIE
BILLS PAYABLE ON SEPTEMBER 20, 1976 (cont.)

1-1	GENERAL GOVERNMENT	\$5,630.99
1-2	ADMINISTRATION	648.23
1-3	CITY HALL	1,297.90
1-4	FIRE	4,139.90
1-5	POLICE	4,694.12
1-6	LIBRARY	1,879.00
1-7	PARKS AND GROUNDS	214.29
1-8	MUNICIPAL COURT	869.00
1-9	PLANNING	256.86
1-10	PUBLIC WORKS	160.51
1-12	LEGAL	104.40
1-13	FINANCE	404.48
1-14	CIVIL SERVICE	135.88
4-	STREET	1,991.94
6-	STREET IMPROVEMENT	100.00
20-	SEWER	14,743.65
30-	WATER	5,645.99

CITY OF MILWAUKIE



OFFICE OF THE CITY MANAGER
in the City Hall • phone 659-5171

August 25, 1976

Mr. T. Ned Takasumi
First State Bank of Oregon
P.O. Box 22085
Milwaukie, Oregon 97222

Dear Sir:

At its meeting of August 23, 1976, the City Council appointed Finance Director Don Oblander and myself to serve as a "negotiating team" for final discussions on your lease proposal of August 6.

I have tentatively set 2:30 p.m. Friday, August 27, to meet with you and discuss the First State Bank's proposal. (We have scheduled our meeting with Oregon Mutual Savings Bank for 9:30 a.m. the same date.) This meeting will be conducted privately in my office. It's my guess that we shouldn't need much more than an hour or so.

So that you will know in advance, we will be focusing on determining whether the terms of your proposal now filed with the city represent your best and final position, and if not, what that best and final position might be. Results of individual discussions will be considered privileged, available directly to the City Council only.

Very truly yours,

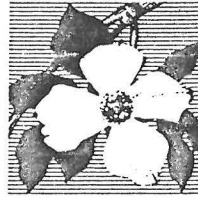
A handwritten signature in dark ink, appearing to read "Harold L. Schilling".

Harold L. Schilling
City Manager

HLS:df

cc: City Council
Oregon Mutual Savings Bank

CITY OF MILWAUKIE



OFFICE OF THE CITY MANAGER
in the City Hall • phone 659-5171

August 25, 1976

Mr. Donald F. Plympton
Oregon Mutual Savings Bank
234 SW Broadway
Portland, Oregon 97205

Dear Sir:

At its meeting of August 23, 1976, the City Council appointed Finance Director Don Oblander and myself to serve as a "negotiating team" for final discussions on your lease proposal of July 30.

I have tentatively set 9:30 a.m. Friday, August 27, to meet with you and discuss the Oregon Mutual Savings Bank's proposal. (We have scheduled our meeting with First State Bank for 2:30 p.m. the same date.) This meeting will be conducted privately in my office. It's my guess that we shouldn't need much more than an hour or so.

So that you will know in advance, we will be focusing on determining whether the terms of your proposal now filed with the city represent your best and final position, and if not, what that best and final position might be. Results of individual discussions will be considered privileged, available directly to the City Council only.

Very truly yours,

Harold L. Schilling
City Manager

HLS:df
cc: City Council
First State Bank