

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
MARCH 5, 2013**

CALL TO ORDER

Mayor Ferguson called the 2145th meeting of the Milwaukie City Council to order at 7:19 p.m. in the City Hall Council Chambers.

Present: Mayor Jeremy Ferguson, Council President Dave Hedges, and Councilors Scott Churchill, Mark Gamba, and Mike Miller

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, Assistant to the City Manager Teri Bankhead, City Recorder Pat DuVal, Interim Community Development Director Steve Butler, Associate Planner Kari Svanstrom, and Engineering Manager Jason Rice

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Street Surface Maintenance Program Sixth Annual Report

Mr. Rice provided the annual Report on the Street Surface Maintenance Program (SSMP) which took effect July 2007. He reviewed the recently completed projects and discussed projects planned for fiscal year 2014 that included the reconstruction of Harrison Street from Hwy 99E to Hwy 224 and rehabilitation of a portion of Main Street between Scott and Washington Streets. He updated the Council and public on a recent Department of Justice (DOJ) clarification of issues related to paving projects and compliance with American Disabilities Act (ADA) pedestrian ramps. Staff was working on how to address this problem and looking at the feasibility of leveraging Community Development Block Grant (CDBG) funds to bring the City's ramps into compliance.

The Program was funded by three revenue sources: a street maintenance fee, local gas tax, and PGE privilege tax. The primary SSMP goal was to obtain an average Pavement Condition Index (PCI) of 75 on arterials and collectors. Although those streets were in better condition, the overall condition of the network was falling. A majority of the longer streets were in better condition than the shorter streets. There may be some future adjustments to address Milwaukie's local streets and to plan projects that would better maintain the network as a whole.

Council President Hedges discussed the condition of Railroad Avenue which was not scheduled for work until fiscal year 2016. It would probably not last two more years without substantial repair work.

Councilor Churchill appreciated staff's attention to the ADA issue and understood it could be very expensive.

Councilor Miller asked if there had been any thought to perhaps rotating streets and making sure some of the local streets were repaired.

Mr. Rice discussed modifying the program when it got to year 10. He added residents were paying for the program yet residential streets were not on the list. Arterials and collectors were mainly used by those living outside the City.

Councilor Churchill asked if there was contingency in the event issues came up during street repairs such as the Spring Creek culverts under Harrison and Monroe Streets. When getting down to base, some conditions could be found that would require emergency repairs.

Mr. Rice replied there was no funding. He noted they were getting ready to do some core samples on Harrison Street.

Mayor Ferguson hoped there was an opportunity for bike lanes on Railroad Avenue.

CONSENT AGENDA

Mayor Ferguson announced item A, Consider Contract for Harrison Street Water Improvements, Phase II was removed and would be considered on the March 19, 2013, City Council agenda. A member of the audience wished to comment on item F, Adopt Conditions for Expedited Annexation of 10025 SE Wichita Ave, File #A-12-06, so it was removed for a separate discussion

It was moved by **Council President Hedges** and seconded by **Councilor Gamba** to approve the consent agenda items B - E.

A. Appoint Kellogg Good Neighbor Committee Members:

1. **Resolution 15-2013:** A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Sarah Baden as a Citizen at Large Representative of the Milwaukie Community to the Kellogg Good Neighbor Committee;
2. **Resolution 16-2013:** A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Neil Hankerson as a Representative of the Milwaukie Downtown to the Kellogg Good Neighbor Committee;
3. **Resolution 17-2013:** A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Gary Klein as a Representative of the Historic Milwaukie Neighborhood District Association (NDA) to the Kellogg Good Neighbor Committee;
4. **Resolution 18-2013:** A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Dion Shepard as a Representative of the Historic Milwaukie Neighborhood District Association (NDA) to the Kellogg Good Neighbor Committee;
5. **Resolution 19-2013:** A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Charles Bird as a Representative of the Island Station Neighborhood District Association (NDA) to the Kellogg Good Neighbor Committee; and
6. **Resolution 20-2013:** A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Karin Power as a Representative of the Island Station Neighborhood District Association (NDA) to the Kellogg Good Neighbor Committee

B. Appoint Audit Committee Members:

1. **Resolution 21-2013:** A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Macy Ray to the Milwaukie Audit Committee;
2. **Resolution 22-2013:** A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Troy Reichlein to the Milwaukie Audit Committee; and
3. **Resolution 23-2013:** A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Jon Stoll to the Milwaukie Audit Committee

C. City Council Minutes

1. January 15, 2013 Work Session;
2. January 15, 2013 Regular Session; and
3. January 22, 2013 Work Session; and

D. Approve Amendment to Intergovernmental Agreement (IGA) with Oregon Department of Transportation (ODOT) for Tacoma Station Area Plan; and

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

Scott Ohman, spoke on item F. From his perspective the City Council took time to look at the project and ruled fairly and justly. He thought the Mayor and Councilors should be commended.

It was moved by Councilor Gamba and seconded by Council President Hedges to adopt the conditions drafted for Ordinance 2060 which annexed one tax lot at 10025 SE Wichita Ave. Motion passed with the following vote: Churchill, Hedges, Gamba, and Miller and Mayor Ferguson voting "aye." [5:0].

AUDIENCE PARTICIPATION

Mr. Monahan reported there were no comments from the previous meeting that required follow up.

Jean Baker, Milwaukie, agreed with Mr. Ohman that the City Council was diligent with a hands on approach and noted the SSMP was phenomenal. She discussed a situation with a neighbor now on her third deployment who had planned to remodel her house. They had spent a lot of money, and Ms. Baker felt it would be a good gesture to extend the amount of time people could use their applications and permits in special cases such as this when there were extenuating circumstances.

Mr. Monahan would ask Mr. Butler to speak with the Building Official to determine the options and what criteria there were for a valid extension.

Council President Hedges would like situations considered under this type of circumstance.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS**A. Expedited Annexation of Six Properties, File #A-13-02**

Ms. Alligood provided the staff report in which the City Council was requested to adopt the ordinance annexing six properties on Stanley Ave and Hazel PI into the City limits of the City of Milwaukie. The properties were in the Northeast Sewer Extension (NESE) project area, and the owners wished to annex to the City to access services. Four of the properties were developed with single family residences, one property was vacant, and one was developed with a commercial building. The commercial building was a nonconforming use with respect to current zoning but has been used as a commercial building since 1920 and predated Clackamas County zoning.

All necessary parties, interested persons, and residents and property owners within 400 feet of the subject sites had been notified along with the Lewelling Neighborhood District

Association (NDA) and the Southgate Planning Association. The City did not receive comments from any necessary parties with objections to the proposed annexation.

It was moved by Councilor Gamba and seconded by Councilor Miller for the first and second readings by title only and adoption of the ordinance annexing multiple tracts of land into the City limits of the City of Milwaukie and withdrawing the tracts from service districts as described, File #A-13-02. Motion passed with the following vote: Councilors Churchill, Hedges, Gamba, and Miller and Mayor Ferguson voting "aye." [5:0]

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

Ms. DuVal polled the City Council: Councilors Churchill, Hedges, Gamba, and Miller and Mayor Ferguson voting "aye." [5:0]

ORDINANCE NO. 2061:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING MULTIPLE TRACTS OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACTS FROM SERVICE DISTRICTS AS DESCRIBED BELOW. (FILE #A-13-02)

WITHDRAWAL OF THE FOLLOWING TRACTS OF LAND IDENTIFIED BELOW BY TAX MAP ID NUMBER AND STREET ADDRESS FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS:

1. 12E30DA04500 9604 SE Stanley Ave
2. 12E30DA04600 9616 SE Stanley Ave
3. 12E30DA04700 5803 SE Hazel Pl
4. 12E30DA04900 5811 SE Hazel Pl
5. 12E30DB00800 9615 SE Stanley Ave
6. 12E30DB00900 9623 SE Stanley Ave

B. Expedited Annexation Petition for 5910 SE Maple St, File #A-13-03

Ms. Allgood provided the staff report in which the City Council was requested to adopt the ordinance approving the expedited annexation of one tax lot at 5910 SE Maple St. The annexation was initiated by the property owner who wished to access City services. The subject property was developed with a single family dwelling used as a residence and would be zoned R-10 upon annexation. It was in the NESE project area and the Urban Growth Management Area (UGMA).

All necessary parties, interested persons, and residents and property owners within 400 feet of the subject site had been notified along with the Lewelling Neighborhood District Association (NDA) and the Southgate Planning Association. The City did not receive comments from any necessary parties with objections to the proposed annexation.

It was moved by Council President Hedges and seconded by Councilor Churchill for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as 5910 SE Maple St into the City limits of the City of Milwaukie and withdrawing the tract from the territory of Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights, File #A-13-03. Motion passed with the

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APPROVED MINUTES

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following vote: Councilors Churchill, Hedges, Gamba, and Miller and Mayor Ferguson voting "aye." [5:0]

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

Ms. DuVal polled the City Council: Councilors Churchill, Hedges, Gamba, and Miller and Mayor Ferguson voting "aye." [5:0]

ORDINANCE NO. 2062:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS 5910 SE MAPLE ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS. (FILE #A-13-03)

C. American Federation of State, County, and Municipal Employees (AFSCME) Contract

Mr. Monahan reviewed the opportunity to maintain the existing contract language with AFSCME for a two year extension with the exception of a 2% cost of living wage adjustment effective July 1, 2013 and 2.5% effective July 1, 2014. The union membership had ratified the contract extension.

It was moved by Councilor Miller and seconded by Council President Hedges to authorize the Mayor and City Manager to enter into an agreement with AFSCME for a two year extension to the current collective bargaining agreement. Motion passed with the following vote: Councilors Churchill, Hedges, Gamba, and Miller and Mayor Ferguson voting "aye." [5:0]

D. Council Reports

Councilor Miller had no report.

Councilor Churchill met informally with Clackamas County Commissioner Paul Savas who indicated his support for Milwaukie's efforts.

Councilor Gamba attended the Metro Policy Advisory Committee (MPAC) meeting, the 1000 Friends of Oregon Tom McCall Legacy Gala, and the Klein Point tree planting.

Council President Hedges with Councilor Miller and Mr. Monahan met with Fire District Board members to explore ways to work together and perhaps save some funds. He also attended the monthly NDA Leadership meeting. He met with various citizens to explore how to separate willing donors and their money for a new police dog.

Mayor Ferguson and Councilor Churchill conducted interviews for the Audit Committee and the Kellogg Good Neighbor Committee. He met with the North Clackamas Chamber of Commerce and discussed how to engage downtown Milwaukie businesses, and spent a half day shadowing the Seth Lewelling School principal. He announced a number of upcoming community events including the Cultural Forum and the Emergency Preparedness Forum featuring Milwaukie Police Officer Ulli Neitch. He attended a meeting regarding coal exporting and Day at the Capital in Salem.

ADJOURNMENT

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

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

Respectfully submitted,



Pat DuVal, Recorder

Stauffer, Scott

From: DuVal, Pat
Sent: Tuesday, February 11, 2014 3:17 PM
To: Stauffer, Scott
Subject: FW: TSP item on tonight's work session agenda

From: Lisa Batey [mailto:lisabatey@msn.com]
Sent: Tuesday, March 05, 2013 4:13 PM
To: DuVal, Pat
Cc: Butler, Stephen
Subject: TSP item on tonight's work session agenda

Pat -- could you please distribute hard copies of this to the Mayor and Council members for tonight's work session?

Thanks! --Lisa

Dear Mayor Ferguson and City Councillors:

I see the Transportation System Plan (TSP) is on your work session agenda for this evening. I work until 6pm, so cannot be there in time for this discussion. I know a few people have called for some kind of large-scale revisiting of the 2007 TSP, and wanted to share my views as to why the staff's proposed "light touch" is the way to go.

Appendix A to the TSP outlines the substantial public outreach process that was undertaken starting in late 2006 and continuing throughout 2007. City staff made substantial efforts to invite *anyone in the community* who wanted to participate to do so, and participants could opt to serve on a single working group of interest, or on multiple working groups. Notices of the effort were in the Pilot, the Oregonian, the Clackamas Review, and in countless e-mails from the City, which I distinctly recall forwarding to the Island Station e-mail list on multiple occasions, both at the outset and periodically throughout the process (latecomers were allowed to join in, too). The Advisory Committee, which oversaw the process, included representatives from every neighborhood except, alas, my own -- no one from Island Station stepped up to serve.

When we approach the ten-year mark, another substantive and broad review will be warranted -- among other things, as assessments of the impacts of light rail will be important to conduct. But I think that at this juncture the Planning Director's recommendation of a "light touch" is the way to go. A light touch does not mean no changes -- indeed, the update is done specifically because changes are warranted, and staff has already begun outreach to the neighborhoods, and is meeting with interested parties. It is an opportunity to move some things up in priority and other things down. Parties with recommendations in this regard will have the opportunity to make their case to staff, and to comment at public hearings both before the Planning Commission and the City Council.

But I do think calling for some extensive public process beyond that is unwarranted and ill-advised, for a number of reasons. First off, while the TSP document needs to reflect, for example, the light rail alignment

under construction, the impacts of that were assessed in the light rail Final Environmental Impact Statement, and although there are undoubtedly tweaks to that, there will be no basis for large-scale revisiting of that until the line is up and running and real data on impacts can be collected. The TSP provides a useful framework for the City to address other issues, such as downtown parking and deterring commuter parking when light rail opens, but I see no reason the particular details of that (for which the solutions may take some time in any event) have to be part of the TSP chapter. Indeed, although many of us differ on what the priorities should be, the City's fiscal reality is such that the things that are likely to get done in the next five years will be done as a result of either (a) development or (b) grant funding. I have yet to see anyone point to anything major on the near horizon that is in conflict with the TSP, which as noted in its opening paragraph, is a long-range planning document -- not a restrictive year-to-year blueprint.

Moreover, the Planning Department has many more crucial things on their plate behind this one -- revisiting downtown code, planning around the downtown and Takoma station areas, planning for the "neighborhood main streets" areas (32nd/42nd), and updating our woefully out-of-date Comprehensive Plan (to say nothing of things like tree ordinances and historic preservation issues). The more time they take with TSP, the less time they have to devote to these other projects -- and the more funding we spend on consultants and public meetings, the less money we have to spend on other projects.

But my concerns are not just about prioritizing Planning Department workload -- I also think we need to be selective about trying to focus our collective energies so as to avoid resident burnout. A big outreach effort is planned in connection with the downtown process, and we will want to involve Milwaukians in that, as well as as the neighborhood main streets project. It's hard enough to get residents to participate in the open houses now -- we got only a handful of people at the residential design standards open house a year ago, which is something that has potential impact for every homeowner. Moreover, the Takoma Station Area Planning process has not yet come to a close. Let's not risk burnout -- or confusion -- between trying to conduct big outreach efforts on multiple projects at the same time.

Thank you for the opportunity to comment. These comments are made on my own behalf, and have not been shared with the Planning Commission, but are drawn on my experience serving on the Planning Commission and the understanding that service gives me of the many other things waiting to be addressed in the City.

Sincerely,
Lisa Batey

REGULAR SESSION

Date: 3/5/2013

I wish to address City Council on Agenda Item # 3-F ✓

Name: Scott Ohman

Organization: [Redacted]

Address: [Redacted]

Phone: [Redacted]

E-mail: [Redacted]

- Speaking in support Speaking in opposition
 Providing neutral comments / or asking questions of clarification

Comments: Expedited Annexation of
10025 SE. White File A-12-06

Date: 3-5-13

I wish to address City Council on Agenda Item #

Citizen Participation ✓

Name:

Jean Baker

Organization: _____

Address: _____

Phone: _____

E-mail: _____

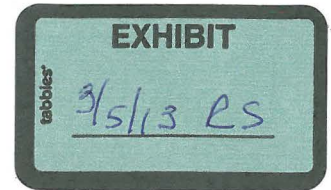
Speaking in support

Speaking in opposition

Providing neutral comments / or asking questions of clarification

Comments:

ON BUILDING PERMITS



To: Mayor and City Council
Through: Bill Monahan, City Manager
From: Gary Rebello, Human Resources Director
Subject: AFSCME Contract Extension
Date: March 5, 2013

Action Requested

To pass a motion authorizing the Mayor and City Manager to enter into an agreement (attached) with American Federation of State, County and Municipal Employees (AFSCME) for a two year extension to the current collective bargaining agreement.

Background

The City's current collective bargaining agreement with AFSCME expires June 30, 2013. On November 8, 2012 AFSCME approached the City with a proposal to maintain the existing contract language for two years with the exception of cost of living adjustments. The City was receptive to the offer and began to discuss acceptable cost of living rates for the additional two years of the contract.

Concurrence

The proposed terms of the contract extension were previously discussed in Executive sessions with City Council. The City and AFSCME tentatively agreed on a contract extension to include a 2% cost of living wage adjustment effective July 1, 2013 and 2.5% effective July 1, 2014. The Union has sense ratified the contract extension with a unanimous vote of the members.

Fiscal Impact

The cost of living adjustments of 2% and 2.5% are within the City's current biennium budget. Additionally, the City will not need to spend the budgeted allocation for contract negotiations.

Work Load Impacts

The contract extension would mean no labor or cost to bargain a new contract.

Alternatives

Decline to ratify the contract extension and move to full contract bargaining. This would cause ill will with the union and would not be in the City's best interest.

REVISED

AGENDA

**MILWAUKIE CITY COUNCIL
REGULAR SESSION
MARCH 5, 2013**

MILWAUKIE CITY HALL
10722 SE Main Street

2145th MEETING

- | | Page # |
|---|---------------|
| 1. CALL TO ORDER
Pledge of Allegiance | |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS | |
| A. Street Surface Maintenance Program Annual Update
Staff: Jason Rice, Engineering Manager | 2 |
| 3. CONSENT AGENDA <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i> | |
| A. Consider Contract for Harrison Street Water Improvements, Phase II – Resolution | 14 |
| B. Appoint Kellogg Good Neighbor Committee Members – Resolutions
1. Sarah Baden, Citizen at Large
2. Neil Hankerson, Downtown Representative
3. Gary Klein, Historic Milwaukie Neighborhood
4. Dion Shepard, Historic Milwaukie Neighborhood
5. Charles Bird, Island Station Neighborhood
6. Karin Power, Island Station Neighborhood | 23 |
| C. Appoint Audit Committee Members – Resolutions
1. Macy Ray, CPA
2. Troy Reichlein, CPA
3. Jon Stoll, Budget Committee Member | 29 |
| D. City Council Minutes
1. January 29, 2013 Study Session
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| E. Approve Amendment to Intergovernmental Agreement (IGA) with Oregon Department of Transportation (ODOT) for Tacoma Station Area Plan | 48 |
| F. Adopt Conditions for Expedited Annexation of 10025 SE Wichita Ave, File A-12-06 | 60 |

4. **AUDIENCE PARTICIPATION** *(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are “not on the agenda” may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, “all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous.” The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)*

5. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

None scheduled.

6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

- | | | |
|----|--|-----|
| A. | Expedited Annexation of Six Properties, File #A-13-02 – Ordinance
Staff: Li Alligood, Associate Planner | 72 |
| B. | Expedited Annexation Petition for 5910 SE Maple St , File #A-13-03 – Ordinance
Staff: Kari Svanstrom, Associate Planner | 114 |
| C. | American Federation of State, County and Municipal Employees (AFSCME) Contract Extension
Staff: Gary Rebello, Human Resources Director | |
| D. | Council Reports | |

7. **INFORMATION**

8. **ADJOURNMENT**

Public Information

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment pursuant to ORS 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

2.

PROCLAMATIONS,
COMMENDATIONS,
SPECIAL REPORTS,
AND AWARDS



Agenda Item: RS 2.A.
Meeting Date: March 5, 2013

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Sixth Annual Report on the Street Surface Maintenance Program

Prepared By: Jason Rice, Engineering Manager

Dept. Head Approval: Stephen Butler, Interim Community Development Director

City Manager Approval: Bill Monahan

Reviewed by City Manager:

ISSUE BEFORE THE COUNCIL

This report is the sixth in a series of required updates to Council that presents the status of the Street Surface Maintenance Program (SSMP).

STAFF RECOMMENDATION

This informational update does not contain a staff recommendation.

KEY FACTS & INFORMATION SUMMARY

The program is on pace for meeting its goal of bringing major streets up to a Pavement Condition Index (PCI) rating of 75 by the year 2017.

Improving pedestrian ramps at impacted crosswalks to meet current ADA standards is something that this program may need to implement.

OTHER ALTERNATIVES CONSIDERED

Simply addressing major streets isn't necessarily the most efficient way to manage an entire street network. Broadening the program to include other road classifications to spend money where it gets the most "bang for its buck" is something that should be considered.

CITY COUNCIL GOALS

The goal of the City's SSMP is to bring all major streets to a point where the cost efficiencies of preventative maintenance are enjoyed and maintained at that level.

ATTACHMENT LIST

1. Street Surface Maintenance Program Map
2. Updated SSMP Project Budget Tracker

FISCAL NOTES

The program goals can be met as its current funding level. Additional funding would help bring the network PCI up to a "good" rating at a faster rate, but is not necessary at this point to maintain the program.



To: Mayor and City Council

Through: Bill Monahan, City Manager
Stephen Butler, Interim Community Development Director

From: Jason Rice, Engineering Manager

Subject: Sixth Annual Report on the Street Surface Maintenance Program

Date: January 29, for the February 19, 2013 Meeting

ACTION REQUESTED

None. This is the annual update on the Street Surface Maintenance Program (SSMP) as required under the enacting ordinance (No. 1966) and is for information only.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

February 7, 2012: Staff presented the fifth annual SSMP report to Council

February 1, 2011: Staff presented the fourth annual SSMP report to Council

February 2, 2010: Staff presented the third annual SSMP report to Council

December 16, 2008: Staff presented the second annual SSMP report to Council

December 18, 2007: Staff presented the first annual SSMP report to Council

January 2, 2007: The City of Milwaukie's Street Surface Maintenance Program was adopted by Ordinance No. 1966, effective on July 1, 2007.

BACKGROUND

The City of Milwaukie's Street Surface Maintenance Program ("SSMP") was adopted by ordinance on January 2, 2007 and took effect on July 1, 2007. The ordinance provided the basis for determining a street maintenance fee, and instituted an electric utility privilege tax and local gas tax – the proceeds of which are to be used for improving the street surfaces (paving) on Milwaukie's larger streets.

As a requirement of the program, the Public Works Director provides an annual report to the City Council regarding the state of the street network and the Program¹. This is the sixth annual report and is organized into the following sections:

- A. Recently Completed Projects
- B. Upcoming Projects
- C. Overall Condition of the Network
- D. Workload Impacts and Overall Program Progress
- E. Revenue Summary
- F. Achievement of Program Goals

A. Recently Completed Projects

In an effort to minimize overhead, Staff combined two years of program funding into one contract. By doing so, a benefit was observed in a lower cost of the construction as well as in the amount of time required by Staff to manage a single contract versus multiple contracts. In program year five (FY 2012), International Way was rehabilitated by inlaying new asphalt and spot repairing.

After the completion of International Way in FY 2012, reconstruction of Harrison Street from Campbell Street to 42nd Avenue commenced in program year six under the same contract. Harrison Street required a different sort of treatment, which involved rebuilding the base of the road prior to laying new asphalt. This similar method of reconstruction to that of King Road and Roswell Street was chosen for its cost effectiveness and minimal impacts to the public.

Also under program year six, and the same contract, Monroe Street from Oak Street to 60th Avenue was reconstructed just as Harrison Street was. As the construction under this contract was nearing its end, Staff calculated that there was approximately \$160,000 of unspent money remaining. Within this remaining budget, Staff was able to fulfill Council's request to complete paving on Freeman Way ahead of schedule. This benefits the SSMP program as it purchases asphalt at current pricing ahead of material cost increases in the future. In addition, if the City continues to receive competitive bids for paving, the program will be able to pave additional streets near its 10-year program end.

¹ MMC Section 3.25.020C, 3.25.040

B. Upcoming Projects

Year seven (FY 2014) will include the second phase of Harrison Street reconstruction, and rehabilitation of a portion of Main Street.

Harrison Street Phase 2, from Highway 99E to HWY 224 is estimated to cost \$480,000. Due to a number of anticipated conflicts, including Light Rail construction and other capital projects, this phase was moved several years later than the original schedule. This will ensure proper coordination for the planning and construction with the light rail project.

Main Street from Scott Street to Washington Street is estimated to cost \$250,000. This project will include removal of the surface via grinding, repair of damaged base and repaving. This type of treatment is considered a rehabilitation project similar to International Way's treatment, rather than a reconstruction like Harrison and Monroe Street received.

As a result of many questions surrounding paving streets and their impacts to pedestrian ramps, an important clarification was recently made regarding the American Disabilities Act (ADA) by the Department of Justice (DOJ). It has been clarified to the public that when performing any pavement improvement, except for fixing potholes or slurry sealing, municipalities are required to make sure pedestrian ramps along the project limits meet current ADA standards. This is significant since 91% (693 of 762) of the existing ramps within the City do not meet current ADA standards.

What does this mean for the SSMP program? While the ordinance enacting the SSMP program does not address pedestrian ramps, the City needs to take this clarification seriously. Communities such as the City of Bend have been hit with lawsuits that have forced drastic changes to how their budgets are spent to meet Federal deadlines for compliance. As an example, Bend was given 10 years (until 2014) to bring 6000 ramps into compliance, regardless of paving projects. At a cost of about \$5,000 per ramp, this is an expense of \$30,000,000.

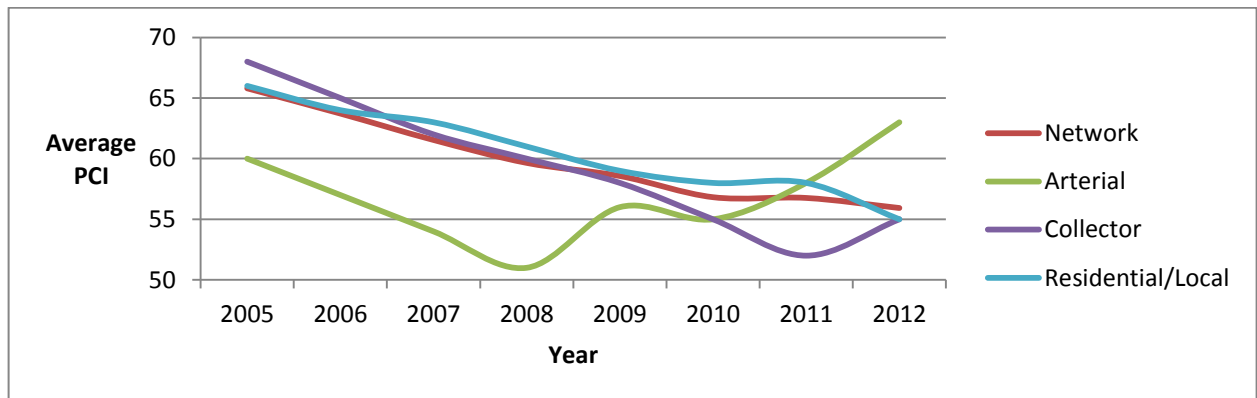
To address the ramps affected by this year's projects, staff is looking to combine a \$150,000 grant the City received last year from Clackamas County's Community Development Block Grant (CDBG) program for upgrading ADA ramps into the SSMP contract. If the contracts cannot be combined, and the program cannot absorb the cost of the ramp upgrades, the SSMP contract may need to wait for the completion of the CDBG work that is planned to occur in July of 2013. In future years, the ADA clarification may result in less paving by the SSMP with some funds instead paying for ramp upgrades to stay in compliance. If this occurs, the City would need to increase SSMP revenue in order to meet the program goals.

C. Overall Condition of the Network

The Engineering Department maintains a Pavement Condition Index (PCI) database of the entire network. This database is updated every 3-5 years based on a visual inspection of the network, and every 10 or so years based on more extensive “deflection” testing. The SSMP includes funds to keep this data current, so to inform the project selection criteria. The assessment is typically done by consultants who travel along every street and rate the condition of the pavement and assign a PCI rating reflecting its condition. This data is then processed to provide information on the overall state of the street network so that a scheduled maintenance program can be generated to suit budgetary constraints. This data also allows Staff to coordinate with other scheduled capital projects and to take advantage of opportunities to leverage other funds.

The last comprehensive evaluation of the street network was completed in 2011. At that time, the average PCI for the entire network was rated at a 57 on a scale of 100 and has since slipped to a 56. In the 2 years since that assessment was conducted, assuming no improvement to the network at all, the network PCI would have dropped about 7 points to 50.

Please note that the average condition of the network includes Arterial, Collector, Neighborhood Routes and Local classified streets. The primary goal of SSMP is to obtain an average PCI value of 75 for its Arterial and Collector routes only.



While the SSMP program has begun to increase PCI values for both Arterial and Collector streets, the overall condition of the network is falling. The reason this will continue to be the case is that the program focuses primarily on major streets which only account for a small fraction of the entire network. While slurry and crack seals are helping PCI values of local streets, many of Milwaukie’s Residential/Local streets are beyond the point of applying any sort of surface treatment. While it does not make sense to completely switch focus solely to local streets, those PCI values are pulling the entire network average down.

If the SSMP program were to continue beyond its 10-year program life, staff suggests modifying the method for which streets are selected for treatment, based on their overall benefit to the network PCI in the most cost effective way available. As an example, a street that can be treated with a grind and asphalt inlay today at a fraction of the cost of having to rebuild it in 5 years could make it a stronger candidate for treatment than a street in worse condition that needs to be rebuilt because it has already failed.

D. Workload Impacts and Overall Program Progress

The workload to implement and manage SSMP projects is substantial for the Engineering Department. Design of all SSMP projects occurs in-house, and includes surveys, design, and project management. Project design typically begins in the winter months for projects slated to begin in late spring, with additional project design in the spring for summer projects. It can take up to 3 months to complete a bid-ready set of contract documents for each project.

Members of the Engineering, Community Development, and Operation Departments form a SSMP Project team, which coordinates the ten-year paving schedule with the Capital Improvement Plan, Public Improvement Projects, and other City projects. These project team meetings require staff time for preparation and plan review. These meetings also become more frequent as design periods approach. Although these meetings require additional workload for each department, they are necessary to ensure departmental consensus regarding design decisions for upcoming projects. Furthermore, coordination within Engineering and the utilities (Storm, Water, and Sewer) is necessary to make decisions regarding timelines of upcoming projects prior to paving a particular street. The utilities can then construct their respective projects prior to a paving project.

To meet the Engineering workload need during the construction phases, a contracted inspector has been used. This inspector coordinated with both the City staff and the contractors to ensure that all applicable City standards are met or exceeded during paving operations. Use of this inspector has freed up time for City staff to perform other essential City duties while incurring minimal financial impact on the yearly Program fund (see "Revenue Summary.") The Engineering Department anticipates continuing to design and manage projects with current staffing levels and contracting for project inspection.

E. Revenue Summary

The SSMP resides in the City's Transportation Fund (fund 320-420), wherein revenues are collected specifically and exclusively for expenditures described in the Program. The three revenue sources are: (1) a street maintenance fee, (2) a local gas tax, and (3) an electric utility privilege tax.

1. **Street Maintenance Fee**

Revenue from the Street Maintenance Fee for fiscal year 2011-2012 was projected at \$590,000. The actual revenue collected was \$608,678, 3% higher than projected. Revenue for the current fiscal year is projected at \$601,000. As of January 21, 2013, the revenue received from this fee was \$304,124 which matches the year-to-date projection.

2. **Local Gas Tax**

The two-cent per gallon local gas tax was implemented beginning July 1, 2007. For fiscal year 2011-2012, gas tax revenue was projected at \$161,000 and \$178,995 was collected. The current fiscal year projection for gas tax revenue is \$176,000. Actual year-to-date revenue (as of January 21, 2013) is at \$61,093, 35% lower than expected. Reduced driving rates may be the cause.

3. **Electric Utility Privilege Tax**

The Electric Utility Privilege Tax is a consumption-based tax that fluctuates with electrical usage and is collected in the spring. Staff predicted that the City would collect \$318,000 in the 2011-2012 fiscal year, but found a surplus of nearly 2% as \$324,000 was collected. This year the budget estimate is \$327,000.

Year Five (FY 2011-2012) total revenue was \$1,077,000, which was 7% less than the projected (and budgeted) amount of \$1,158,000.

Year Six (FY 2012-2013) revenue is projected at \$1,104,000. Year-to-date revenues are lagging about 20% lower than projected.

F. Achievement of Program Goals

The Program goals, described within the Council adopted document "Street Surface Maintenance Program" (Resolution No. 35-2006): include (1) an average minimum PCI value of 75 for major streets; (2) a reduction of the deferred maintenance backlog for major streets; (3) preventative maintenance of major streets to avoid costly reconstruction; (4) continuance of city-wide emergency stopgap maintenance; and (5) Program revenue and expenditure goals. Each program goal is discussed separately below.

1. **Major Street PCI Value Goal**

The SSMP PCI Index Goal is to bring all major streets to a rating of 75 or better, with adequate maintenance to sustain this level of pavement quality.

Staff finds that progress made to date as a result of this program is satisfactory.

2. Deferred Maintenance Goal

Nine of the eleven street projects were pavement overlays. These projects were done prior to the street sections reaching a point of deterioration that would have required reconstruction. This strategy of overlaying the pavement prior to deterioration is needed to reduce the amount of deferred street maintenance.

3. Preventative Maintenance Goals

This goal is to prevent any street from deteriorating to the point of requiring reconstruction and has been satisfied to date. Streets such as Linwood Avenue, River Road, and 27th Avenue all have been rehabilitated to avoid more costly repairs in the future. Furthermore, certain local streets will undergo treatments of crack and slurry sealing.

4. Continuance of City-wide Emergency Stopgap Maintenance Goal

Stopgap methods of street maintenance are street patching and pothole filling. Current street fund revenues are adequate to perform needed stopgap repairs throughout the City without the need for SSMP funds. As the program continues, there will be less and less need for stopgap measures.

5. Program Cost Goals

The overall revenue goal is \$1.2 million per year for the first 10 years of the program. The average annual revenue for the program is \$1.1 million. The difference has not affected the program goals related to street maintenance so far because project costs have overall been less than estimated.

SSMP projects are designed in-house with staff responsible for project surveys, design, and project management. This in-house work provides savings to the fund compared to more costly outside project design by engineering firms.

As discussed previously, an on-call inspector is now being used to inspect SSMP projects. This current on-call inspector contract is effective through fiscal year 2013 and has a not-to-exceed amount of \$50,000 per year. Having spent a total of \$27,577.40 this fiscal year, this contract work is complete.

6. Additional Benefits

The SSMP program has additional benefits than improving the pavement condition throughout the City. These side benefits include improvement of bike routes by the removal of obstacles, improving street grades to allow for improved drainage, and improving street striping for bike facilities, pedestrian crossings, and needed adjustments in roadway alignment.

CONCURRENCE

This report was prepared by SSMP staff which includes employees from the Engineering, Community Development, Finance and Public Works Departments.

The Citizen's Utility Advisory Board (CUAB) received a briefing at their February meeting. The Board remains pleased with the program and the work that has been done. Concern was expressed over the increasing transfer amount leaving the fund. While not questioning the appropriateness of transfers, the program was implemented with a promise to apply funds to pavement maintenance.

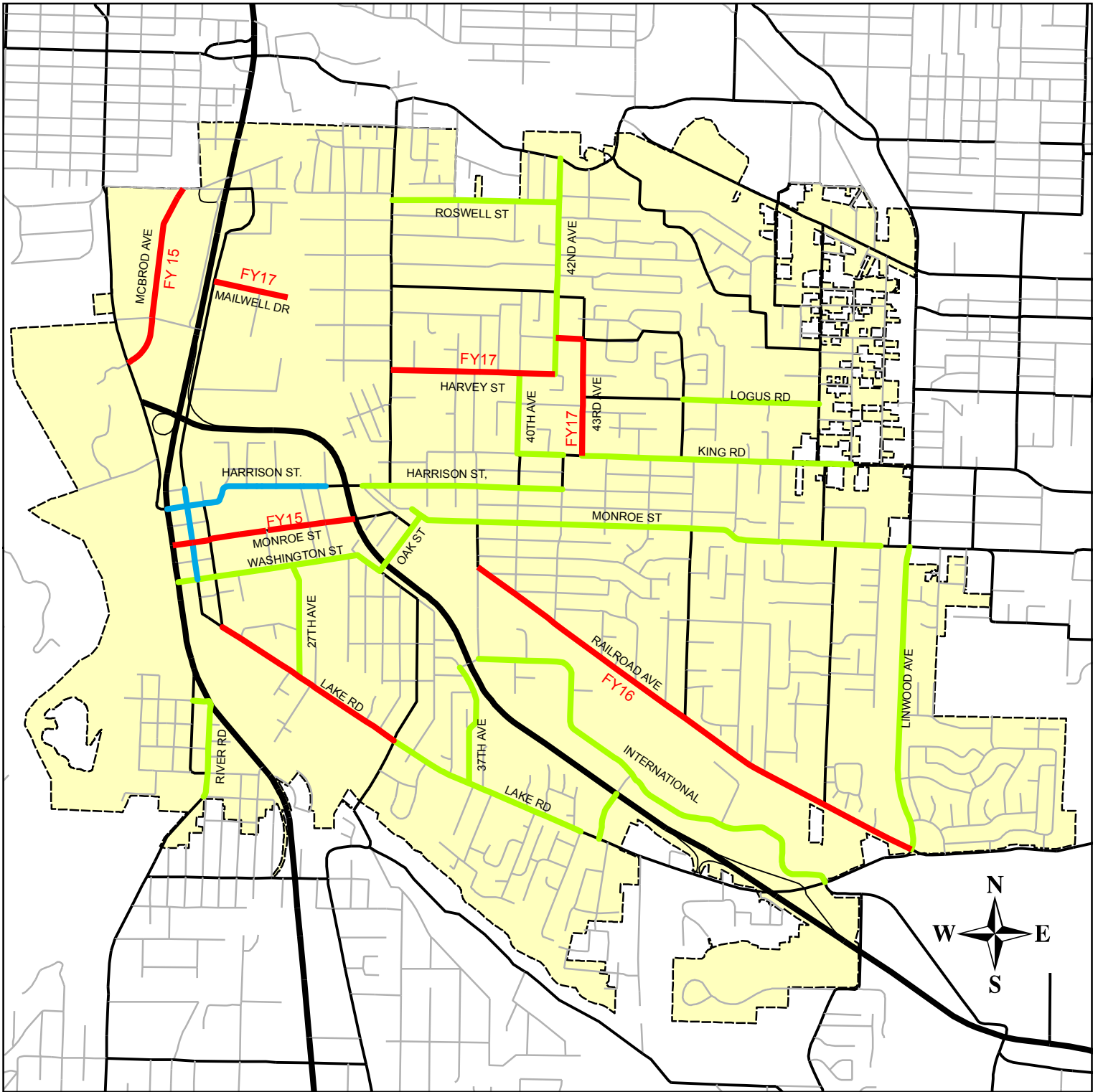
ALTERNATIVES

The 2011 assessment provided information on the efficiency of the SSMP at the halfway point in the program. As noted, the program goal focuses on major street improvement, with only crack sealing and slurry sealing treatment for the non-major streets. An alternative approach for the maintenance of the entire street network would be to focus on those streets with a "surface in good condition", regardless of functional class. With this approach, assuming the same program funding level, the overall PCI would increase by 3 points to 59 over the next 5 years, rather than holding at 56. Obviously, increasing program funding shortens the time needed to raise the PCI. However, it is not required for the SSMP to reach its current goals.

The major street focus of the program was adopted as it provides the greatest benefit to City residents as everyone uses major streets. This objective remains an important factor and as most of the major streets are resurfaced, the program may be able to incorporate some local streets without lessening the major street care.





ATTACHMENTS

1. Street Surface Maintenance Program Map
2. Updated SSMP Budget Forecaster



Street Surface Maintenance Program Map

Legend

-  Streets07 selection
-  Future Projects
-  FY 2014 Projects
-  Completed Projects

0 1,000 2,000 3,000

Feet

ATTACHMENT 2

February 2013
Updated Budget Schedule

FY	Account #	Budgetary Title	Activity Type		Estimate	Actual	
Year 5 11/12		Street Maintenance Fee			598,000	608,678	
		Franchise fees (privilege)			318,000	324,400	
		Local Gas Tax			161,000	178,995	
		Revenue			1,077,000	1,112,073	
		Fund Balance/Working Capital			1,352,865	1,352,865	
		Total Revenue			2,429,865	2,464,938	
		420-6060-0000	Contractual Services	Testing, Inspection		40,000	22,956
		420-6180-0000	Operation Equipment, Repair & Maint.			2,000	1,500
		420-6530-0000	Bad Debt Expense			3,000	
			General Administrative Services	Inspection Services		40,000	
		Pavement Assessment (Visual)	Road Network Assessment		20,000		
		Crack/Slurry/Fog Seals	Preventive Maintenance		100,000		
	420-7510-0000	Lake Road	Transfer to ODOT	T02	490,000	90,525	
	420-7510-0000	International Way (37th to Harmony)	Overlay/Rehab		400,000		
	420-7510-0000	Harrison/Monroe/International		S01		221,837	
	420-7510-0000	Quiet Zone		T03		12,388	
	420-9500-0000	Transfer to General Fund				212,000	
	634-8720-0000	Transfer to Fund 650 (Engineering)	Transfer		100,000		
	634-8730-0000	Transfer to Fund 600 (CD)	Transfer		67,000		
	634-8740-0000	Transfer to Fund 600 (Public Works)	Transfer		37,000		
	634-9510-0000	Contingencies	Contingencies		133,500		
			FY Expenses		1,432,500	561,206	
			FY Revenue		2,429,865	2,464,938	
			FY Fund Balance		997,365	1,903,732	
FY	Account #	Budgetary Title	Activity Type	Project Code	Estimate (as of 1/21/2013)	Actual	
Year 6 12/13		Street Maintenance Fee			601,000	304,124	
		Franchise fees (privilege)			327,000		
		Local Gas Tax			176,000	61,093	
		Revenue			1,104,000	365,217	
		Fund Balance/Working Capital			997,365	1,903,732	
		Total Revenue			2,101,365	2,268,949	
		420-6060-0000	Contractual Services	Testing, Inspection		2,500	2,500
		420-6500-0000	Utility Billing Expenses			15,000	6,174
			Operation Equipment, Repair & Maint.			2,000	
			Crack/Slurry/Fog Seals	Preventive Maintenance		65,000	
	420-7510-0000	International Way					
		Harrison Phase 1 (32nd to 42nd)					
		Monore Street (Oak to Linwood)					
		Freeman Way (Lake to 224)	Construction	S01	1,400,000	1,332,239	
	420-7510-0000	McBrod	Survey	S07	12,375	12,375	
	420-7510-0000	Lake Road	Transfer to ODOT		12,950	12,950	
	420-9500-0000	Transfer to General Fund			202,000	101,000	
			FY Expenses		1,711,825	1,467,238	
			FY Revenue		2,101,365	2,268,949	
			FY Fund Balance		389,540	801,711	
FY	Account #	Budgetary Title	Activity Type		Estimate	Actual	
Year 7 13/14		Street Maintenance Fee			601,000		
		Franchise fees (privilege)			330,000		
		Local Gas Tax			178,000		
		Other					
		Revenue			1,109,000	-	
		Fund Balance/Working Capital			389,540	801,711	
		Total Revenue			1,498,540	801,711	
		420-6060-0000	Contractual Services	Testing, Inspection		50,000	
		420-6500-0000	Utility Billing Expenses			15,000	
			Operation Equipment, Repair & Maint.			2,000	
		General Administrative Services	Inspection Services		40,000		
		Crack/Slurry/Fog Seals	Preventive Maintenance		65,000		
	-	Harrison Phase 2 (99E to 32nd)					
		Main Street (Scott to Adams)	Construction	S06	855,000		
	420-9500-0000	Transfer to General Fund	Transfer		212,100		
			FY Expenses		1,239,100	-	
			FY Revenue		1,498,540	801,711	
			FY Fund Balance		259,440	801,711	

3.

CONSENT AGENDA



Agenda Item: RS 3.A.
Meeting Date: Mar 5, 2013

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Contract Approval for Harrison Street Water System Improvements Phase II

Prepared By: Zachary Weigel, Civil Engineer

Dept. Head Approval: Stephen Butler, Interim Community Development Director

City Manager Approval: Bill Monahan, City Manager

Reviewed by City Manager:

ISSUES BEFORE THE COUNCIL

Award contract to Jim Smith Excavating, Inc. for construction of Harrison Street Water System Improvements Phase II project between Main St and Highway 224

STAFF RECOMMENDATION

Authorize the City Manager to sign the Harrison Street Water System Improvements Phase II public improvement contract.

KEY FACTS & INFORMATION SUMMARY

- The construction project consists of replacement of approximately 2500 lineal feet of the existing 8" lead joint, cast iron main on Harrison St between Main St and Highway 224 with 8" ductile iron water line.
- The project will replace the existing aging water system. This is needed prior to construction of the Harrison Street Street Surface Maintenance Program (SSMP) Phase II project scheduled for Summer 2013.
- Jim Smith Excavating, Inc. submitted the lowest, responsible bid as part of the City's competitive bidding process.

OTHER ALTERNATIVES CONSIDERED

None

CITY COUNCIL GOALS

This project is included in the 2013-17 CIP and 2012/13 Budget adopted by the City Council in June 2012

ATTACHMENT LIST

- Staff Report
- Resolution
- Vicinity Map

FISCAL NOTES

- The Harrison Street Water System Improvements Phase II project is part of the 2012/13 budget.
- Project funding includes \$404,000 in the Water Capital Fund.
- The remainder of the project funding includes \$81,000 in Water System Development Charges.
- The recommended bid amount for construction is \$479,107.20.



To: Mayor and City Council

Through: Bill Monahan, City Manager
Stephen Butler, Interim Community Development Director

From: Zachary Weigel, Civil Engineer

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

Date: February 20, 2013 for March 5th Regular Session

ACTION REQUESTED

Authorize the City Manager to sign a contract for the construction of the Harrison St Water System Improvements Phase II project (between Main St and Highway 224) with Jim Smith Excavating, Inc. in the amount of \$479,107.20.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

June 2012: City Council adopted the 2013-2017 Capital Improvement Plan and the 2012/2013 Budget, including the Harrison St Water System Phase II Improvements.

BACKGROUND

The 2013-2017 Capital Improvement Plan identifies the Harrison St Water System Improvements Phase II as a project to be completed in the 2012/13 fiscal year. The project includes the work shown on the Project Vicinity Map (Attachment 2) and the elements as described below:

- A. Replace approximately 2500 lineal feet of existing 8" lead joint, cast iron water main on Harrison St with 8" ductile iron water line.
- B. Replace approximately 26 water services on Harrison St with new copper water service pipe.
- C. Bore 170 lineal feet of 20" steel casing and install new 8" High Density PolyEthylene (HDPE) water main undercrossing Highway 224 on Harrison St.

The Water Operations Division has identified a need to replace the Harrison St water main due to its age and material. According to Milwaukie records, the existing water line on Harrison St was constructed prior to 1940 and was constructed with cast iron pipe and lead packed joints. The expected useful life of this type of water piping is between 40 and 50 years. With a current age of at least 70 years, the existing pipe on Harrison St has greatly exceeded its expected life.

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

The Harrison St Street Surface Maintenance Program (SSMP) Phase II is scheduled to be constructed this Summer. Upon completion of this street reconstruction project, Harrison St will have a new paved surface between McLoughlin Boulevard and Highway 224. Due to the likelihood of a future water line leak and repair within the new street construction limits, the existing water line on Harrison Street needs to be replaced prior to completion of the Harrison St SSMP project.

The Milwaukie Water System Master Plan does not specifically list replacement of the existing 8” water line on Harrison St. The Water Master Plan gives priority to projects that replace older water mains that do not meet current fire flow requirements. Generally, small water lines of 4” and 6” diameter do not meet current fire flow requirements and are giving priority for replacement. Although the Master Plan states that all water lines within the City of Milwaukie should be on a replacement schedule, only projects given the highest priority are called out as specific projects. These projects include all existing 4” and 6” water lines constructed prior to 1960. However, the Water Master Plan also states that projects should be moved ahead on the priority list if a street is scheduled for resurfacing. As a result, the Harrison St Water System Improvement project was moved up on the priority list.

The Harrison St Water System Improvement Phase II project originally went through a competitive bidding process in July 2012. The City received only two bids, the lowest being \$50,000 more than the amount budgeted for this project. The low number of bids and high cost of the work was attributed to Contractors having filled their construction schedules for the construction season. All bids were rejected and the project bid was

rescheduled for February 2013, with the anticipation of a more favorable bidding climate.

The February 2013 competitive bidding process for the Harrison St Water System Improvement Phase II project was completed in accordance with Chapter 30 of the City's Public Contracting Rules. The City received 9 bids before the February 14, 2013, 2:00 PM bid opening. The following table is a summary of all bid amounts as well as the engineer's estimate.

	Contractor	Bid Amount
1	Jim Smith Excavating	\$479,107.20
2	Landis & Landis Construction	\$487,414.25
3	Candy Excavating	\$505,500.00
4	Jeff Kersey Construction	\$515,232.74
5	Nutter Corporation	\$515,466.22
6	D & T Excavation	\$560,073.58
7	Paul Lambson Contracting	\$568,000.00
8	C & M Excavation & Utilities	\$638,879.00
9	3 Kings Environmental	\$668,650.00
**	<i>Engineers Estimate</i>	<i>\$478,598.00</i>

The lowest submitted bid from the July 2012 competitive bidding process was \$528,370. Rejecting bids at the time and rebidding the project in February 2013 resulted in a bid that is within the amount budgeted for the project and a cost savings of approximately \$49,000.

Selection of the Contractor for the February 2013 competitive bid was based on the lowest responsive bid submitted in conformance with the Contract Documents. The lowest responsive bid was submitted by Jim Smith Excavating, a construction firm from Oregon City, Oregon. Jim Smith Excavating has worked with the City on recent construction projects, including Harrison St Water System Improvements Phase I and Harrison St Quiet Zone Improvements projects. The firm has shown to be experienced in the type of work required as part of the Harrison Street water line work.

Construction is expected to begin the last week of March. The project should last 90 days, with an expected completion date at the middle of June. During construction, the Contractor will maintain local access to properties within the construction limits at all times. One-way traffic with flaggers can be expected on Harrison St during construction hours, but restored to two-way traffic on weekends and evenings. Also, side streets off of Harrison St will be closed to through traffic during construction hours during certain portions of the work. Disruptions to traffic will be minimized as much as possible.

There will be interruptions of water service for short periods during service connections and water main connections. A communications plan regarding construction notification, water service interruption, and traffic control will be developed and implemented in coordination with the Milwaukie Public Affairs Coordinator.

CONCURRENCE

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

FISCAL IMPACTS

This project is part of the 2012-13 Budget. The approved Water Fund budget includes \$404,000 in Water Capital Fund and \$81,000 in Water System Development Charges for construction. The recommended bid for total construction cost for this project is \$479,107.20, which is within the budgeted amount.

WORK LOAD IMPACTS

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

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

Construction inspection will be provided by “in-house” Engineering staff for the duration of this project. While performing these inspections does limit overall cost of the project, it does however reduce Engineering staff availability for additional workload.

Construction inspection duties include ensuring the work is performed in accordance with City construction specifications by visually inspecting the materials and installation processes during construction operations. Also, inspection duties include documenting the work by providing detailed written reports, photographic evidence, and measurement of quantities on a daily basis. Engineering staff work load to provide project management and inspection duties will require approximately 60%-70% of one staff engineer’s time or 0.6 FTE – 0.7 FTE. This level of effort is typical for this type of project and is included in the Engineering Department work plan.

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

ALTERNATIVES

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

ATTACHMENTS

1. Resolution
2. Project Vicinity Map

RESOLUTION NO. _____

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

WHEREAS, the existing 8" waterline on Harrison St between Main St and Highway 224 is deficient in structure and service reliability; and

WHEREAS, water system improvements were approved for funding in the 2012-2013 budget and 2013-2017 Capital Improvement Plan; and

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

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie authorizes the City Manager to sign a contract for the construction of Harrison St Water System Improvements Phase II with Jim Smith Excavating in the amount of \$479,107.20.

Introduced and adopted by the City Council on March 5, 2013.

This resolution is effective on March 5, 2013.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

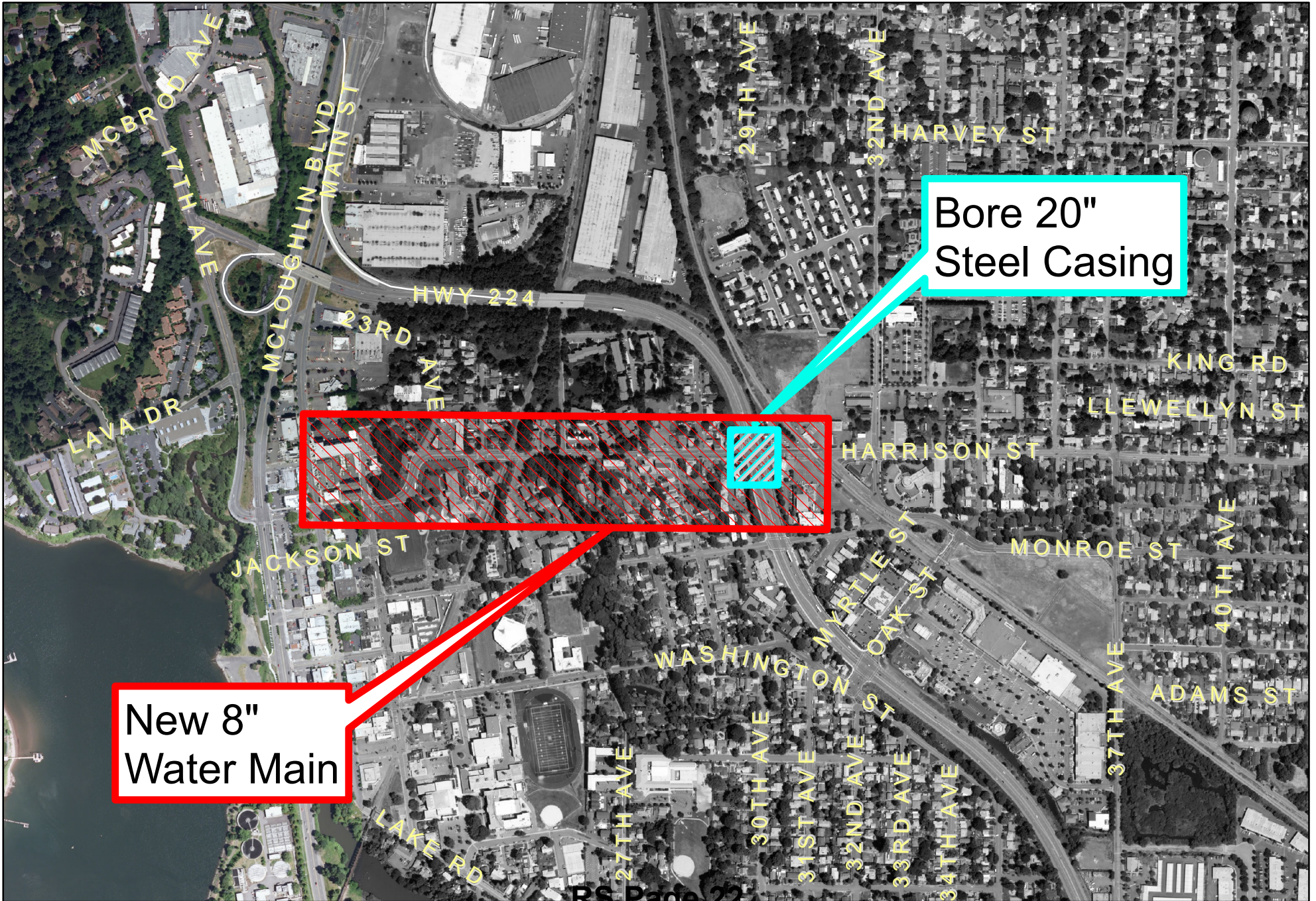
City Attorney

Document2 (Last revised 09/18/07)



Harrison St. Waterline Improvements Phase II Project Overview

Attachment 2



New 8"
Water Main

Bore 20"
Steel Casing

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING SARAH BADEN AS A CITIZEN AT LARGE AS REPRESENTATIVE OF THE MILWAUKIE COMMUNITY TO THE KELLOGG GOOD NEIGHBOR COMMITTEE.

WHEREAS, the Kellogg Good Neighbor Committee was created February 5, 2013 by Resolution 06-2013; and

WHEREAS, the Committee was established to make recommendations to Council on funding priorities of the Good Neighbor Fund, established by the Intergovernmental Agreement between the City of Milwaukie and the Clackamas County Service District #1 (CCSD#1) to mitigate the impacts of the Kellogg Plant on the surrounding neighborhoods; and

WHEREAS, a vacancy exists on the Kellogg Good Neighbor Committee for a citizen at large who resides within the city limits; and

WHEREAS, Milwaukie Municipal Code Section 2.10.030(G) provides that Board, commission, and committee vacancies are filled by appointment of the Mayor with the consent of Council; and

WHEREAS, Sarah Baden possesses the necessary qualifications to serve on the Committee, is a resident and has indicated her desire to serve on the Kellogg Good Neighbor Committee.

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

SECTION 1: That Sarah Baden is appointed to the Milwaukie Kellogg Good Neighbor Committee as a citizen at large and represents the Milwaukie community.

SECTION 2: That her term of appointment shall commence immediately and shall expire March 31, 2015.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 5, 2013.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING NEIL HANKERSON AS A REPRESENTATIVE OF THE MILWAUKIE DOWNTOWN TO THE KELLOGG GOOD NEIGHBOR COMMITTEE.

WHEREAS, the Kellogg Good Neighbor Committee was created February 5, 2013 by Resolution 06-2013; and

WHEREAS, the Committee was established to make recommendations to Council on funding priorities of the Good Neighbor Fund, established by the Intergovernmental Agreement between the City of Milwaukie and the Clackamas County Service District #1 (CCSD#1) to mitigate the impacts of the Kellogg Plant on the surrounding neighborhoods; and

WHEREAS, a vacancy exists on the Kellogg Good Neighbor Committee for a representative who owns a business or property in Milwaukie downtown between the boundaries of Scott St. to the North, 99E to the West, Lake Rd. to the south, and 21st St. to the east and who's business or property fronts such boundary; and

WHEREAS, Milwaukie Municipal Code Section 2.10.030(G) provides that Board, commission, and committee vacancies are filled by appointment of the Mayor with the consent of Council; and

WHEREAS, Neil Hankerson possesses the necessary qualifications to serve on the Committee and has indicated his desire to serve on the Kellogg Good Neighbor Committee.

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

SECTION 1: That Neil Hankerson is appointed to the Milwaukie Kellogg Good Neighbor Committee as a representative of the downtown.

SECTION 2: That his term of appointment shall commence immediately and shall expire March 31, 2014.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 5, 2013.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING GARY KLEIN AS A REPRESENTATIVE OF THE HISTORIC MILWAUKIE NEIGHBORHOOD DISTRICT ASSOCIATION (NDA) TO THE KELLOGG GOOD NEIGHBOR COMMITTEE.

WHEREAS, the Kellogg Good Neighbor Committee was created February 5, 2013 by Resolution 06-2013; and

WHEREAS, the Committee was established to make recommendations to Council on funding priorities of the Good Neighbor Fund, established by the Intergovernmental Agreement between the City of Milwaukie and the Clackamas County Service District #1 (CCSD#1) to mitigate the impacts of the Kellogg Plant on the surrounding neighborhoods; and

WHEREAS, a vacancy exists on the Kellogg Good Neighbor Committee for a representative of the Historic Milwaukie NDA; and

WHEREAS, Milwaukie Municipal Code Section 2.10.030(G) provides that Board, commission, and committee vacancies are filled by appointment of the Mayor with the consent of Council; and

WHEREAS, the Historic Milwaukie NDA has voted and recommends Gary Klein's appointment to the Kellogg Good Neighbor Committee to represent the NDA; and

WHEREAS, Gary Klein possesses the necessary qualifications to serve on the Committee and has indicated his desire to serve on the Kellogg Good Neighbor Committee.

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

SECTION 1: That Gary Klein is appointed to the Milwaukie Kellogg Good Neighbor Committee as the Historic Milwaukie NDA representative.

SECTION 2: That his term of appointment shall commence immediately and shall expire March 31, 2014.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 5, 2013.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING DION SHEPARD AS A REPRESENTATIVE OF THE HISTORIC MILWAUKIE NEIGHBORHOOD DISTRICT ASSOCIATION (NDA) TO THE KELLOGG GOOD NEIGHBOR COMMITTEE.

WHEREAS, the Kellogg Good Neighbor Committee was created February 5, 2013 by Resolution 06-2013; and

WHEREAS, the Committee was established to make recommendations to Council on funding priorities of the Good Neighbor Fund, established by the Intergovernmental Agreement between the City of Milwaukie and the Clackamas County Service District #1 (CCSD#1) to mitigate the impacts of the Kellogg Plant on the surrounding neighborhoods; and

WHEREAS, a vacancy exists on the Kellogg Good Neighbor Committee for a representative of the Historic Milwaukie NDA; and

WHEREAS, Milwaukie Municipal Code Section 2.10.030(G) provides that Board, commission, and committee vacancies are filled by appointment of the Mayor with the consent of Council; and

WHEREAS, the Historic Milwaukie NDA has voted and recommends Dion Shepard’s appointment to the Kellogg Good Neighbor Committee to represent the NDA; and

WHEREAS, Dion Shepard possesses the necessary qualifications to serve on the Committee and has indicated her desire to serve on the Kellogg Good Neighbor Committee.

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

SECTION 1: That Dion Shepard is appointed to the Milwaukie Kellogg Good Neighbor Committee as the Historic Milwaukie NDA representative.

SECTION 2: That her term of appointment shall commence immediately and shall expire March 31, 2015.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 5, 2013.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING CHARLES BIRD AS A REPRESENTATIVE OF THE ISLAND STATION NEIGHBORHOOD DISTRICT ASSOCIATION (NDA) TO THE KELLOGG GOOD NEIGHBOR COMMITTEE.

WHEREAS, the Kellogg Good Neighbor Committee was created February 5, 2013 by Resolution 06-2013; and

WHEREAS, the Committee was established to make recommendations to Council on funding priorities of the Good Neighbor Fund, established by the Intergovernmental Agreement between the City of Milwaukie and the Clackamas County Service District #1 (CCSD#1) to mitigate the impacts of the Kellogg Plant on the surrounding neighborhoods; and

WHEREAS, a vacancy exists on the Kellogg Good Neighbor Committee for a representative of the Island Station NDA; and

WHEREAS, Milwaukie Municipal Code Section 2.10.030(G) provides that Board, commission, and committee vacancies are filled by appointment of the Mayor with the consent of Council; and

WHEREAS, the Island Station NDA has voted and recommends Charles Bird’s appointment to the Kellogg Good Neighbor Committee to represent the NDA; and

WHEREAS, Charles Bird possesses the necessary qualifications to serve on the Committee and has indicated his desire to serve on the Kellogg Good Neighbor Committee.

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

SECTION 1: That Charles Bird s appointed to the Milwaukie Kellogg Good Neighbor Committee as the Island Station NDA representative.

SECTION 2: That her term of appointment shall commence immediately and shall expire March 31, 2014.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 5, 2013.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING KARIN POWER AS A REPRESENTATIVE OF THE ISLAND STATION NEIGHBORHOOD DISTRICT ASSOCIATION (NDA) TO THE KELLOGG GOOD NEIGHBOR COMMITTEE.

WHEREAS, the Kellogg Good Neighbor Committee was created February 5, 2013 by Resolution 06-2013; and

WHEREAS, the Committee was established to make recommendations to Council on funding priorities of the Good Neighbor Fund, established by the Intergovernmental Agreement between the City of Milwaukie and the Clackamas County Service District #1 (CCSD#1) to mitigate the impacts of the Kellogg Plant on the surrounding neighborhoods; and

WHEREAS, a vacancy exists on the Kellogg Good Neighbor Committee for a representative of the Island Station NDA; and

WHEREAS, Milwaukie Municipal Code Section 2.10.030(G) provides that Board, commission, and committee vacancies are filled by appointment of the Mayor with the consent of Council; and

WHEREAS, the Island Station NDA has voted and recommends Karin Power's appointment to the Kellogg Good Neighbor Committee to represent the NDA; and

WHEREAS, Karin Power possesses the necessary qualifications to serve on the Committee and has indicated her desire to serve on the Kellogg Good Neighbor Committee.

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

SECTION 1: That Karin Power is appointed to the Milwaukie Kellogg Good Neighbor Committee as the Island Station NDA representative.

SECTION 2: That her term of appointment shall commence immediately and shall expire March 31, 2015.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 5, 2013.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:

Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING MACY RAY TO THE MILWAUKIE AUDIT COMMITTEE.

WHEREAS, the City Council of the City of Milwaukie believes that it is critical to ensure that audits of the City’s financial statements are completed annually in accordance with Oregon state law; and

WHEREAS, City Council initially created the Milwaukie Audit Committee by Resolution 43-2012 and revised the compilation by Resolution 10-2013; and

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

WHEREAS, Macy Ray is a Certified Public Accountant and possesses the necessary qualifications to serve on the Milwaukie Audit Committee,

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

SECTION 1: That the Audit Committee shall consist of one member of the City Council and one member of the City Budget Committee each appointed by the Council for two-year staggered terms and two citizen members with an interest in City government financial operations, with preferences first given to Certified Public Accountants residing within City limits and second to Certified Public Accountants with City affiliation, also for a two year term.

SECTION 2: That Macy Ray is appointed to the Milwaukie Audit Committee.

SECTION 3: That her term of appointment shall commence immediately and shall expire on March 31, 2015.

SECTION 4: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on **March 5, 2015**.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING TROY REICHLIN TO THE MILWAUKIE AUDIT COMMITTEE.

WHEREAS, the City Council of the City of Milwaukie believes that it is critical to ensure that audits of the City's financial statements are completed annually in accordance with Oregon state law; and

WHEREAS, City Council initially created the Milwaukie Audit Committee by Resolution 43-2012 and revised the compilation by Resolution 10-2013; and

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

WHEREAS, Troy Reichlein is a Certified Public Accountant and possesses the necessary qualifications to serve on the Milwaukie Audit Committee,

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

SECTION 1: That the Audit Committee shall consist of one member of the City Council and one member of the City Budget Committee each appointed by the Council for two-year staggered terms and two citizen members with an interest in City government financial operations, with preferences first given to Certified Public Accountants residing within City limits and second to Certified Public Accountants with City affiliation, also for a two year term.

SECTION 2: That Troy Reichlein is appointed to the Milwaukie Audit Committee.

SECTION 3: That his term of appointment shall commence immediately and shall expire on March 31, 2014.

SECTION 4: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on **March 5, 2015**.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Resolution No. _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING JON STOLL TO THE MILWAUKIE AUDIT COMMITTEE.

WHEREAS, the City Council of the City of Milwaukie believes that it is critical to ensure that audits of the City's financial statements are completed annually in accordance with Oregon state law; and

WHEREAS, City Council initially created the Milwaukie Audit Committee by Resolution 43-2012 and revised the compilation by Resolution 10-2013; and

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

WHEREAS, Jon Stoll currently serves on the Milwaukie Budget Committee and possesses the necessary qualifications to serve on the Milwaukie Audit Committee,

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

SECTION 1: That the Audit Committee shall consist of one member of the City Council and one member of the City Budget Committee each appointed by the Council for two-year staggered terms and two citizen members with an interest in City government financial operations, with preferences first given to Certified Public Accountants residing within City limits and second to Certified Public Accountants with City affiliation, also for a two year term.

SECTION 2: That Jon Stoll is appointed to the Milwaukie Audit Committee.

SECTION 3: That his term of appointment shall commence immediately and shall expire on March 31, 2015.

SECTION 4: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on **March 5, 2015**.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Resolution No. _____

MINUTES
MILWAUKIE CITY COUNCIL STUDY SESSION
JANUARY 29, 2013

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

Council Present: Council President Hedges and Councilors Scott Churchill, Mark Gamba, and Mike Miller

Staff Present: City Manager Bill Monahan, Assistant to the City Manager Teri Bankhead, City Recorder Pat DuVal, Program Coordinator Beth Ragel, Parks and Sustainability Director JoAnn Herrigel, Human Resources Director Gary Rebello, Assistant Finance Director Rina Byrne, and IST Director Esther Gartner

Electronic Communication

Ms. DuVal and **Ms. Gartner** provided the City Council with information on public records and email usage and retention. Ms. Gartner discussed the different types of emails and the tools to help manage electronic files. She reviewed City policies related to use of internet, email, and IT resources and discussed the pros and cons of using one's own electronic device for City business versus the City's purchasing iPad2s for City Council.

Councilor Churchill suggested that perhaps all employees, whether or not they had access, should sign the policies.

Mr. Monahan reported that West Linn had recently gone through this process and identified the costs and benefits. When one leaves office, emails can be downloaded into the City system for the records department to manage.

Ms. Gartner discussed the possible carriers and recommended 3G service.

It was City Council concurrence that IT purchase six iPad2s for City Council and City Manager use.

Riverfront Capital Campaign

Ms. Herrigel and **Dave Green**, Riverfront Task Force member, updated the City Council on the Riverfront Park Capital Campaign strategy. She introduced Mark Sherman and Betsy Wright of C3 Strategies and discussed the company's fundraising efforts. The process involved a six-member Steering Committee that included Dave Green and Gary Klein from the City's Riverfront Task Force, Jonathan Nicolas from ODS Companies, Mike Richardson of Dark Horse Comics, Craig Van Valkenburg of Willamette View, and Tom Kemper of KemperCo. Ms. Herrigel reported to date there was \$9,100 in seed money. Key issues were resolution of Park access, permitting, and initiation of the grant application process with the Oregon Marine Board and Oregon Parks and Recreation Department. She discussed the importance of the City's making a commitment to encourage and energize others to donate to Riverfront Park.

Mayor Ferguson hoped to have direction on the use of Good Neighbor wastewater funds by April. He recommended a discussion of a funding package as the City Council went through its goal setting process.

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Councilor Churchill expressed concerns about C3 Strategies' month-by-month billing.

Ms. Herrigel said the contract, which had lapsed, identified an amount not to exceed \$5,000 per month. A certain number of donations had been committed, but it was not a positive cash flow at this time. To date commitments totaled about \$43,000 with a little over \$9,000 in the bank. Expenditures were over \$70,000.

Mr. Green noted C3 had done a good job at outreach and urged continuing the work as the project was on the cusp of completing the design.

Councilor Hedges asked Ms. Herrigel how much she thought would be donated total.

Ms. Herrigel replied about half of the project or \$4 million.

Councilor Hedges had issues with the contract and asked if C3 would work on a percentage fee. Right now the City had \$9,000 and \$43,000 in commitments and has paid out \$70,000.

Councilor Churchill thought there should be some skin in the game with an appropriate return on compensation. He urged transparency in the matter.

Councilor Miller said his biggest concern was to show the City's commitment. He suggested a report in several months. A lot of time and energy have gone into the Riverfront Park, and it was important to push it forward.

Councilor Gamba was surprised even that amount had been raised without permits and an approved plan. Once those were accomplished, he anticipated more interest in the project.

Mayor Ferguson commented on the amount of work that needed to be done in the City when the capital campaign started including the recently settled wastewater treatment agreement and Park access issues. He was pleased with the relationships that were being built and saw a lot of benefits once the City's house was in order.

Ms. Wright understood the Council concerns. She felt things would begin to change in the spring and discussed ethics in fundraising.

Mr. Sherman underscored problems related to ethical standards and conflicts of interest when fundraising was done on percentage basis. The initial strategy was that significant donations would follow public funds, and there were outstanding issues to be resolved.

Councilor Churchill commented on the contract in the amount of \$18,000 and asked if that was for the purpose of gathering funds or gathering interest.

Mr. Sherman replied it was to organize a draft campaign strategy, identify likely champions, and determine feasibility. The subsequent phase went from feasibility to early implementation. In spring 2012 there was a setback with permitting and other issues that needed to be resolved. He felt it sent the wrong message if the campaign were stopped and recommended work go into generating advocacy. The contract was in an amount not to exceed \$5,000 per month, and he felt it was important to follow up on opportunities as they arose. The first significant money would be from State and local funds.

Councilor Churchill asked if the City were in compliance with its purchasing policy.

Mr. Monahan replied the City could extend the contract based on time and materials.

Study Session Schedule

The group discussed options and agreed on the Thursday following the second regular session of the month starting in March.

Tourism Grant

Ms. Bankhead discussed the Clackamas County Tourism Grant and the request from the Milwaukie Museum for a part-time curator. County staff explained the intent of the grants were to draw people into the community and not to fund a position like the Museum curator. Similarly, the Adams Street Connector Project and funding the beacons/lanterns would not fit the criteria. She asked if the City Council would be interested in seeking a grant for the mural project in combination with something like a walking tour. She described the County program and eligibility criteria.

Councilor Miller discussed how the program funds were awarded last year. He left the meeting at 7:25 p.m.

Special Events

Ms. Ragel discussed her role in coordination and support of community events including the Umbrella Parade, Tree Lighting, and the Winter Solstice and related costs and attendance. The City provided support for Milwaukie Daze, First Friday, and a number of small events such as neighborhood parades and fun runs. Celebrate Milwaukie Inc. (CMI) announced it would only pay for the fireworks this year for Festival Daze. Some events took a lot of staff time and others took considerable Police Department resources. Key questions were should the City continue to coordinate/support events at the current level? Should the City work to reduce or increase its expenses when participating in events? What kind of information or reciprocity should the City require from community event organizers to define the events and to clarify expectations of all parties? She felt the City would be well-advised to have a formal agreement for larger community events.

Ms. Bankhead added the question before the City Council was how it viewed partnerships in community events and at what level it wished to support these events.

Mayor Ferguson discussed tourism grants to help fund a number of events and added it was important for neighborhoods to have money to grant. He did not have a problem with staff time and in-kind contributions.

Councilor Churchill was interested in having a better understanding of the Clackamas County Tourism Commission's Mission but appreciated Ms. Bankhead's explanation.

Councilor Hedges supported money going to neighborhood concerts as they brought people into the community.

Ms. Bankhead reviewed the grant application intended to stimulate tourism. Information would be posted on the City's website to encourage people and groups to apply for funding. The competitive grant would be reviewed by a committee of City staff and tourism-related business owners from the community. Grants would be made about mid-March.

Councilor Gamba suggested seed money for the mural program.

Mr. Monahan suggested running the City's criteria by the County before inviting applications.

Mural Program

Ms. Ragel sought guidance on establishing a mural program in Milwaukie and talked about potential legal challenges and possible associated costs. The 2006 Sign Code amendments did not address mural issues and acknowledged the need to balance free speech and some kind of community review at some time in the future. Currently five groups were interested in putting murals in Milwaukie. She discussed program options. One was discretionary with some grant funds, and the other was objective and handled by the Planning Department. Ms. Ragel was seeking City Council direction before finalizing the code and putting up seed money for the program. The City of Portland had a budget of \$30,000 for mural grants, and the City of Beaverton awarded \$7,000 - \$10,000 and got one to three murals annually. She felt Milwaukie could start with a budget of \$10,000 and get one to three murals. If the program were popular, some donations could be generated.

Mayor Ferguson thought people might be willing to put in some seed money. He would like to see the code options come before the City Council. He commented on the biennial budget and the challenges of starting a new program in the face of budget cuts.

Councilor Hedges supported going ahead with the code work and looking at proposals for funding options.

Councilor Gamba felt the addition of murals would eventually pay for the program. He supported continuing with the code process and work at sorting out the money issue. He suggested the artMOB look at a 1% for art program.

Personnel Policy Updates

Mr. Rebello reported on the project to review the City's 87 policies, many of which had not been reviewed for 5 to 10 years. Attorneys at Jordan Ramis reviewed the policies for legal compliance, and City staff reformatted and indexed the documents. Some of the policies proved to be procedures, and 13 were eliminated. The purpose of his report was to update the City Council on the project, and no action was necessary on the part of City Council. Those policies that were subject to bargaining would be reviewed by MPEA and AFSCME. Human Resources planned to develop a regular review schedule and pull out critical policies to create an employee handbook.

Councilor Churchill suggested that employees sign off electronically on an annual basis to keep current on any amendments.

The group discussed some changes TriMet was making along the light rail alignment, and City staff was researching the conditions of approval to make sure they were being met and not being unilaterally changed.

Mayor Ferguson adjourned the study session at 8:08 p.m.

Respectfully submitted,

Pat DuVal, Recorder

MINUTES
MILWAUKIE CITY COUNCIL WORK SESSION
FEBRUARY 5, 2013

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

Council Present: Council President Hedges and Councilors Mark Gamba, Scott Churchill, and Mike Miller

Staff Present: City Manager Bill Monahan, Assistant to the City Manager Teri Bankhead, City Recorder Pat DuVal, Finance Director Casey Camors, Assistant Finance Director Rina Byrne, Human Resources Director Gary Rebello, Interim Community Development Director Steve Butler, Associate Planner Kari Svanstrom, and Parks and Sustainability Director JoAnn Herrigel.

City Manager's Report

Mr. Monahan reviewed the evening's agenda. He provided written testimony from Paul Graham regarding the downtown code amendments and a letter from Scott Ohman opposing the expedited annexation of the property located at 10025 SE Wichita Ave.

Ms. Bankhead discussed the upcoming board and commission vacancies and the recruitment and interview process. It was agreed Councilors would be on a six-month rotation on the interview panels beginning with Councilor Position #1, Scott Churchill.

Mr. Monahan reported that Mr. Ramis would arrive at 6 p.m. to discuss the ballot measure process and light rail responsibilities. He commented on customer responses to utility bill increases. He would report on the Les Poole request to combine two contiguous properties into an entity named Kronberg Park and William Corti's concerns about access to his property being impacted by light rail construction. He announced the February Clackamas Cities Dinner hosted by the City of Tualatin.

Community Development, Engineering and Planning Active Projects

Mr. Butler reported there was a land use application going before the Planning Commission to allow a veterinary office in the Clackamas Federal Community Credit Union building as the proposed use did not conform to the zoning. He added the clinic was highly specialized and had no outdoor runs or overnight stays. The Tacoma Station Area Plan (TSAP) will go to the Planning Commission next week, and the project consultants were completing a draft plan and associated code amendments. The Metro Construction Excise Tax (CET) grant for the Commercial Core Enhancement Project (CCEP) was moving forward, and Planning Department staff was working with a group of Portland State University students to kick off the public engagement piece.

In the Engineering Department, the quiet zone implementation was moving forward and construction was anticipated to start in August. The Citizens Utility Advisory (CUAB) would review the draft Stormwater Master Plan in March. Staff was designing the next Walk Safely Milwaukie Program (WSMP) project chosen by the Public Safety Advisory Committee (PSAC) which was the Washington Street crosswalk between Milwaukie High School and St. John the Baptist Catholic Church. He provided a status report on the 17th Avenue Bike/Pedestrian Path project.

In the Parks and Sustainability department **Ms. Herrigel** would meet with NCPRD staff to discuss Milwaukie's funding allocation. **Mayor Ferguson** discussed the grant

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program and the opportunity for Milwaukie to be awarded \$1.6 million by the Oregon State Marine Board for Riverfront Park. Good Neighbor funds from Water Environment Services (WES) could be used for grant matching.

Ms. Herrigel reported the City and WES had reached a tentative agreement on Riverfront Park access.

Business Tax/Registration Program

Ms. Camors sought direction from Council on the program which currently brings in about \$200,000 in revenue. She discussed making minor adjustments to the program, analyzing alternative structures, and adjusting the program completely and offering some service or benefit to business owners.

Mayor Ferguson thought it would be beneficial to consult with some businesses that had strong ideas about the structure. Some would likely be in favor of a higher fee if they felt they were getting additional services such as a microsite.

Councilor Gamba encouraged further research and suggested a system that gave a discount for each employee that was a Milwaukie resident to incentivize hiring locally.

Councilor Miller asked that the Finance Department look at a tiered fee schedule in which small home businesses with limited revenue paid less. He was concerned about discouraging home businesses or home businesses simply not registering. He did not believe the current system was equitable.

Council President Hedges cautioned that some businesses might locate in Clackamas County and asked why the City charged for doing business. He felt people should get some services for the fee.

Councilor Churchill was concerned about pushing businesses out of the City of Milwaukie. He suggested being on par or slightly below what the County charged. He thought the fees might be of a more proportionate scale for smaller businesses perhaps based on revenue or number of employees.

Council President Hedges understood Clackamas County did not charge for a business license.

Mayor Ferguson discussed the importance of funding a position supporting business relationships and making Milwaukie a place that was welcoming to businesses. He believed there was value in demonstrating that the City supported business by online payments and developing a microsite. He discussed value and placemaking.

Councilor Gamba did not feel a tax was a make or break decision if Milwaukie was shown to be a better place. Given budget constraints he felt only by charging businesses more could such a position be funded.

Ms. Camors would work on business outreach and how value might be added to the program.

Kellogg Good Neighbor Committee

Ms. Bankhead pointed out the resolution creating the Kellogg Good Neighbor Committee was on the consent agenda for approval and discussed the composition and boundaries. If approved, she would begin recruitment immediately and schedule appointments for the March 5, 2013 City Council meeting.

Mayor Ferguson discussed expiration dates and outreach to the Island Station and Historic Milwaukie NDAs.

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Adams Street Connector Lantern/Beacon Project

Ms. Svanstrom provided a brief overview of the design and reviewed the project schedule which was dependent on TriMet's completing improvements at the top of Adams Street. Construction was anticipated to begin at the end of summer. The base Adams Street Connector project design and construction were funded through a \$450,000 Metro grant. She reviewed the existing conditions and referred to the South Downtown Plan and said staff hoped to achieve as many implementation measures as possible that included at some time in the future a plaza that connected through to Dogwood Park for an easy pedestrian connection to Main Street. Engineering was working with TriMet on water quality matters that included a bulb out and curb out elements. Unfunded at this time were the crossover to Dogwood Park and the lanterns. She discussed the steps and ADA access.

Councilor Gamba noted in all the concepts Adams and Main Streets were to be finished the same as the plaza. He was concerned about tearing up the stamped concrete.

Ms. Svanstrom was not sure if there was funding for the tile and discussed the perspective from Dogwood Park to the station. The materials and form will shape the striking architecture in the area. The post office can be accessed by its existing door, and there will be additional parking on the east side of Main Street.

Councilor Churchill discussed engineering the walking surface with a substrate about the depth of a brick to avoid a total teardown in the future.

Ms. Svanstrom reviewed the lantern design and material was ironwood and sustainably harvested. The end caps reflected current industries in the City with a stainless steel wrap and punched metal with LED lights. Other design aspects included the ability to hang banners, tarps, and lights to make it a celebratory space. Staff reviewed the design and historic image selection process with the Design and Landmarks Committee in January, and it was well received. There will be an online survey in March that would be subsequently reviewed by the Design and Landmarks Committee in April. The placement of the lanterns would be considered in the baseline design. Power and water would be available.

Councilor Gamba noted in the depictions the punched metal looked brown.

Ms. Svanstrom replied the skin around the lanterns would be stainless steel and silver colored.

Councilor Churchill observed that a patina could be added.

The group discussed the potential for the Farmers' Market to move to the south end of Main Street and building heights in the area.

Mayor Ferguson announced the City Council would meet in executive session pursuant to ORS 192.660(2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions.

Mayor Ferguson recessed the work session at 6:29 p.m. and reconvened it at 9 p.m.

Bond Measure

The Mayor and Council discussed the resolution adopted regarding the settlement agreement with TriMet and the language related to placing a funding measure on the May ballot. **Mr. Ramis** discussed the wording of a ballot measure.

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Councilor Gamba noted there was a finite list of what we as a City wanted to get done that included paying the light rail obligation. Also important were Riverfront Park, neighborhood parks, and creating a pool of money to leverage grants.

Council President Hedges felt the City should ask for money for all of the parks. There was a potential to save money in interest.

Mr. Monahan said the earliest the Library expansion could be ready for the ballot was November. He discussed parks master plans and developing a concept that that allocated a certain amount of money to each park.

Councilor Churchill understood the estimated average tax for a \$10 million bond was \$92 annually. He was concerned the average citizen would not go for more than that. He felt rather than building a bucket, projects should stand on the own merits.

Mr. Monahan distributed a letter dated February 5, 2013, from the Board of County Commissioners Chair John Ludlow to Bruce Warner, TriMet Board Chair. It stated the Board of County Commissioners intended to put a measure on the May ballot seeking voter approval of funds for light rail to Park Avenue.

Mr. Ramis discussed sources of power that included condemnation and the Land Use Final Order (LUFO). He felt TriMet could go to court to enforce a contractual agreement with Clackamas County and the LUFO enforced judicially.

Council President Hedges was concerned the line might stop in Milwaukie and that if it did not go to Park Ave the Island Station Neighborhood had already been chopped to bits. He hoped there was a way to make them restore it.

Mayor Ferguson discussed the feasibility of annexing the property owned by TriMet.

Councilor Gamba felt the City should hold off going out in May and take time to do polling to find out how much people want the parks.

Councilor Miller would like a more realistic figure as to how much park development would cost.

Mr. Monahan discussed funding park designs to give the voters better information.

Councilor Churchill asked in what position Milwaukie would be if TriMet stopped at Tacoma.

Mr. Monahan discussed the agreements between the City and TriMet outlining certain obligations. He understood the number to work from to cover this year's payment to TriMet was \$192,000. The City could start working on a measure for November 2013 by looking at a public process and cost of park design and development.

It was the consensus of the City Council to wait until November 2013 to put a measure on the ballot.

Mayor Ferguson adjourned the work session at 9:48 p.m.

Respectfully submitted,

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
FEBRUARY 5, 2013**

CALL TO ORDER

Mayor Ferguson called the 2143rd meeting of the Milwaukie City Council to order at 7:04 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Hedges, and Councilors Scott Churchill, Mark Gamba, and Mike Miller

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Interim Community Development Director Steve Butler, Senior Planner Ryan Marquardt, and Associate Planner Kari Svanstrom,

PLEDGE OF ALLEGIANCE

Mayor Ferguson welcomed the Scouts from Troop 143 and their leader Dennis Rainville.

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

None scheduled.

CONSENT AGENDA

It was moved by Council President Hedges and seconded by Councilor Churchill to approve the consent agenda as presented.

- A. Resolution 06-2013: A Resolution of the City Council of the City of Milwaukie, Oregon, Creating the Kellogg Good Neighbor Committee; and
- B. OLCC Application for Casa de Tamales/Think Soon Tienda, 10609 SE Main Street. Off-premises, new outlet, greater privilege

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

AUDIENCE PARTICIPATION

Mr. Monahan reported on an issue raised at the last meeting by William Corti, Milwaukie, who owned a house on Monroe Street. He was concerned about access to his property being impacted by light rail construction making it landlocked. He asked for a meeting with TriMet to discuss driveway construction. The meeting was successfully organized by Mr. Butler.

Mr. Monahan reported that staff looked at Les Poole's request to combine contiguous properties into an entity called Kronberg Park. Staff felt it was not in the best interest of the City and recommended not combining them because of potential consequences to the removal of Kellogg Dam. This matter would be discussed at another time in more detail.

Dion Shepard, Milwaukie, discussed the Transportation System Plan (TSP) update and suggested there were a number of areas that needed more than a light touch. More

CITY COUNCIL REGULAR SESSION – FEBRUARY 5, 2013

DRAFT MINUTES

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than 100 projects were identified in the Plan, and many had been completed. She urged a review of priorities and projects particularly in the context of light rail and its previously unanticipated impacts. She noted the bike boulevard concept had greater consequences than just putting bikes on the streets and should be considered in greater depth.

Jean Baker, Milwaukie, commented on Monroe Street and bike lanes. No one had the goal of taking cars or parking off Monroe Street although making it safer was desirable. She discussed the feasibility of residential parking permits, re-educating motorists, and reducing the amount of cut-through traffic. She felt the TSP needed to incorporate that type of language and felt she had gotten a lot of pushback from the Planning staff. She looked forward to more flexibility and cooperation. Some things needed to be adjusted based on the coming of light rail. In talking with bike advocates, their interest seemed to be in safe movement along the full length of Monroe Street. People were interested in working with staff on this matter and in finding a way to share the road between bikes and cars and those who were parking their vehicles. Diverting traffic and parking on side streets was not a good plan.

JoAnne Bird, Milwaukie, was a member of the Public Safety Advisory Committee (PSAC) and noted the Walk Safely Milwaukie Program (WSMP) and the TSP were not necessarily meshing. She urged a thorough review of the TSP.

PUBLIC HEARING

Downtown Code Amendment – Ordinance, File #ZA-12-02.

Mayor Ferguson called the public hearing on the legislative zoning ordinance amendment initiated by the City of Milwaukie to order at 7:23 p.m.

The purpose of the hearing was to consider an ordinance to adopt proposed amendments to the zoning ordinance that include Milwaukie Municipal Code (MMC) Title 19. He reviewed the standards and policies upon which the amendments were based and reviewed the order of business in the conduct of the hearing.

No member of the Council declared potential or actual conflicts of interest as defined by ORS §244. No member of the audience challenged any Council member's ability to participate in the decision.

Mr. Marquardt provided the staff report. The current zoning was implemented in 2000, and City Council discussions about downtown zoning and particularly public area requirements (PAR) ensued 2008 – 2012. He described the PARs that comprised the streetscape and provided a walkable environment. PARs were triggered by a broad range of development types. In the current code a change of uses could trigger street frontage improvements, and he reviewed the amendments that addressed minor improvements. The proposed amendments also established a reimbursement program for expenditures incurred after August 1, 2012.

Mr. Marquardt discussed groundfloor uses on Main Street that attracted pedestrian usage. The current code was perceived as stringent and a problem for those wishing to locate in the Downtown Office (DO) Zone. The Planning Commission discussed the matter and decided it was not causing a great number of vacancies, and it did not feel comfortable revising the policy at that time. The proposed language retained the regulation requiring retail/restaurant use and limited allowance for personal/business services and added minimum internal space dimensions for new construction.

He reviewed the standalone retail/restaurant in the DO zone issue. Current code allowed retail/restaurant only as part of a mixed use development. The proposed

amendments allowed retail/restaurant, limited the standalone size limit to 5,000 square feet of ground floor area, and allowed additional area for associated manufacturing. Examples of the broader use for manufacturing might include a restaurant with a brew pub or retail with manufacturing such as handbags. Day care would be allowed outright with a 3,000 square foot limit.

Mr. Marquardt reviewed the outreach process that began in September 2012 with the Neighborhood District Association (NDA) and property and business owners. M-56 notices were sent, and a second round of outreach was conducted in December 2012. The Planning Commission held three hearings on the proposed amendments.

Staff recommended that the City Council adopt the proposed amendments as recommended by the Planning Commission. He reviewed alternatives.

Correspondence had been received on the matter not included with the packet from Paul and Teri Graham, owners of the property at 11049 SE Main Street in support of the proposed amendments.

Public Testimony – There were no comments.

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

Mayor Ferguson closed the public testimony portion of the hearing at 7:40 p.m.

Councilor Miller referred to packet page 13, paragraph 3. He was concerned that expansions would be limited to one every ten years. He felt the timeframe was too long. He thought it might reference changes in ownership to allow new owners the opportunity to make changes.

Mr. Marquardt explained the limitation was to prevent people from circumventing the code by doing a series of additions. The City would evaluate multiple expansions in order to determine required frontage improvements. He added that ownership can change rapidly. The basic point was that one could not circumvent the code by doing a series of additions without some staff evaluation.

Councilor Churchill commented a new buyer may not know what additions had been made but could get a title report.

Council President Hedges understood originally 3,000 square feet was discussed and asked if the 10-year clause had been taken into consideration at the time.

Councilor Gamba replied that he had considered that. An addition of 1,500 square feet was not a significant investment and perhaps that was when the PARs should kick back in. He felt the line had to be drawn somewhere.

Councilor Churchill, using Enchante' as an example, said a 2,500 square foot footprint would be a significant change. The Commissioners were mostly concerned about scale.

Council President Hedges thought 10 years was a long time and a lot of changes could take place. He thought a 5-year period might be more reasonable; 10-years seemed too restrictive.

Councilor Gamba added the Planning Commission felt the downtown needed to have a more in-depth look and assumed that would happen in the next couple of years. He hoped to approach PARs in a different way.

Councilor Churchill understood there was interest in shortening the term to less than 10 years pending a more complete review.

Councilor Miller asked if there were a waiver one could seek if someone, for example, bought Enchante' and the Dusty Tiger and wanted to change storage to retail.

Mr. Marquardt said there was a variance request process through the Planning Commission. Change of use was exempt and did not trigger PARs. Things that increased floor area were potentially subject to PARs. Frontage improvements would be contingent upon the type of use. Not that many development projects added floor area but rather renovated existing space. Combining different uses, for example, would be exempt. Businesses that expanded their sizes by adding square footage would fall under this code language. He addressed comments from Enchante' and Dark Horse Comics related to efforts to reduce glare. Storefront policies would not change, but business could install awnings or interior shades. He briefly commented on the regulations around ground floor windows and doors and related standards.

It was moved by Council President Hedges and seconded by Councilor Miller to modify the language limiting building expansions from the 10 year restriction to 5 years. Motion passed with the following vote: Councilors Miller, Churchill, and Hedges voting "aye" and Councilor Gamba and Mayor Ferguson voting "no." [3:2]

Councilor Miller asked if there were a variance provision for someone who had two tenants in a possible five tenant facility.

Mr. Marquardt replied that if an existing office on Main Street did not go away for more than a year, then that variance can be maintained.

It was moved by Council President Hedges and seconded by Councilor Miller for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code Title 19, Zoning Ordinance regarding uses allowed in downtown zones and public facilities improvements required for certain types of development in the downtown, File #ZA-12-02 as amended by previous motion. Motion passed with the following vote: Councilors Miller, Churchill, and Hedges and Mayor Ferguson voting "aye." Councilor Gamba voting "no."

Mr. Monahan read the ordinance for the first time by title only. As the vote was not unanimous, the second reading and adoption was set for February 19, 2013.

OTHER BUSINESS

A. Assisted Annexation Batch #4 Northeast Sewer Extension Project Area – Ordinance, Second Reading

Ms. Svanstrom provided background on the previous City Council action.

It was moved by Councilor Gamba and seconded by Councilor Churchill for the second reading by title only and adoption of the ordinance annexing multiple tracts of land into the City limits of the City of Milwaukie and withdrawing them from several service districts as described, File #A-11-06. Motion passed with the following vote: Councilors Gamba, Miller, Churchill, and Hedges and Mayor Ferguson voting "aye." [5:0]

Mr. Monahan read the ordinance for the second time by title only.

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

ORDINANCE NO. 2057:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING MULTIPLE TRACTS OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THEM FROM SEVERAL SERVICE DISTRICTS AS DESCRIBED (FILE #A-11-06)

WITHDRAWAL OF THE FOLLOWING TRACTS OF LAND IDENTIFIED BELOW BY TAX MAP ID. NUMBER AND STREET ADDRESS FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS:

1. 12E30DA09400 9778 SE Hollywood Ave
2. 12E30DD04000 9938 SE Hollywood Ave
3. 12E30DA05400 5906 SE Hazel Pl
4. 12E30DA04000 5925 SE Cedar St
5. 12E30DA03300 5810 SE Firwood St
6. 12E30DA11500 9934 SE Wichita Ave
7. 12E30AD02700, 3300, 3400, & 3401 5815 SE Morris St
8. 12E30AD06100 6004 SE Laurel St
9. 12E30DD04200 9911 SE Hollywood Ave
10. 12E30AD08200 9420 SE Wichita Ave
11. 12E30DD06000 10049 SE Hollywood Ave
12. 12E30DD03900 10002 SE Hollywood Ave
13. 12E30DD05300 5887 SE Hector St
14. 12E30AB06300 8903 SE 55th Ave
15. 12E30DA10400 9715 SE Wichita Ave
16. 12E30DA10000 6020 SE Hazel Pl
17. 12E30AB00800 5608 SE Westfork St
18. 12E30DD08900 10124 SE Hollywood Ave
19. 12E30DA04100 5914 SE Cedar St
20. 12E30AD05600 5921 SE Firwood St
21. 12E30AD04301 9340 SE Stanley Ave
22. 12E30AB01000 & 1100 5604 SE Westfork St
23. 12E30AD03100 5801 SE Morris St
24. 12E30DA01400 9533 SE Wichita Ave
25. 12E30AC00800 9405 SE Stanley Ave
26. 12E30DA12300 9710 SE Wichita Ave
27. 12E30AD03200 5805 SE Morris St
28. 12E30DA05200 5909 SE Hazel Pl
29. 12E30AD07300 9411 SE Wichita Ave
30. 12E30DB00400 9515 SE Stanley Ave
31. 12E30DB00200 No situs

B. Expedited Annexation of 10025 SE Wichita Avenue – Ordinance, File A-12-06

Ms. Svanstrom provided the staff report in which the City Council was requested to approve by ordinance an expedited annexation for one tax lot at 10025 SE Wichita Avenue (Tax Map 12E30DD03400). She explained the property owner sought annexation in order to connect to City sewer services and added this property was not

eligible for the assisted annexation program. The owner did not wish to connect to the sewer at this time but did want to participate in the City's Reimbursement Fee and System Development Charge (SDC) financing program that was due to expire on March 15, 2013. The owner planned to continue using the single family dwelling as a residence. Any issues with surrounding properties were considered private matters. It will be a legal use subject to the City's zoning review and approval for alterations. The application met all relevant criteria and interested persons, necessary parties, and residents and property owners within 400 feet of the site were notified.

Scott Ohman, 10021 SE Wichita Ave., owned the property adjacent to the subject site and was concerned about possible damage to the roots of trees on his property when the applicant connected to sewer. The expedited annexation did not give him time to seek legal counsel on the matter, and he did not wish to incur the cost of removing the cherry tree and Douglas fir. He was told by two certified tree companies that the excavation would compromise the roots to the point that the trees might have to be removed. He discussed the feasibility of using an alternative method of excavating using water. When asked by Council President Hedges if he had spoken with the applicant, Mr. Ohman indicated they had had a previous issue. He was concerned about not having sufficient time to seek solutions to protecting the trees.

Ms. Svanstrom said the property owner would be required to apply for permits, and nothing could be done until the annexation process was complete. The last possible date for adoption of the expedited annexation ordinance was March 5, 2013.

Mr. Ramis added the applicant would be entitled to the monetary advantage if the City Council were to move for the first reading of the ordinance at this meeting.

The City Council discussed the methodology by which the trench was dug and how a particular process might be required.

Mr. Ramis replied certain limitations could be imposed through the process and suggested it might be most expeditious for the City Council to move for the first reading and craft conditions prior to the next meeting.

Mr. Ohman offered copies of his records to this point; however, those were declined.

It was moved by Council President Hedges and seconded by Councilor Churchill for the first reading by title only and adoption of the ordinance annexing a tract of land identified as 10025 SE Wichita Avenue into the City limits of the City of Milwaukie and withdrawing the tract from the territory of Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights (File #A-12-06). Motion passed with the following vote: Councilors Gamba, Miller, Churchill, and Hedges and Mayor Ferguson voting "aye." [5:0].

Mr. Monahan read the ordinance one time by title only. The second reading and adoption of the ordinance would be on the February 19, 2013 agenda.

C. Expedited Annexation of 9433 SE Wichita Avenue – Ordinance File #A-13-01

Ms. Svanstrom provided the staff report in which the City Council was requested to approve by ordinance an expedited annexation for one tax lot at 9433 SE Wichita Ave (Tax Map 12E30AD07400). The property owner sought annexation in order to connect to City sewer services and added this property was not eligible for the assisted annexation program. The owner did not wish to connect to the sewer at this time but did want to participate in the City's Reimbursement Fee and System Development Charge (SDC) financing program that was due to expire on March 15, 2013. The owner

plans to continue using the single family dwelling as a residence. It will be a legal use subject to the City's zoning review and approval for alterations. The application met all relevant criteria and necessary parties, interested persons, and residents and property owners within 400 feet of the site were notified.

It was moved by Councilor Gamba and seconded by Council President Hedges for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as 9433 SE Wichita Avenue into the City limits of the City of Milwaukie and withdrawing the tract from the territory of Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights (File #A-13-01). Motion passed with the following vote: Councilors Gamba, Miller, Churchill, and Hedges and Mayor Ferguson voting "aye." [5:0].

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

Ms. DuVal polled the City Council: Councilors Gamba, Miller, Churchill, and Hedges and Mayor Ferguson voting "aye." [5:0].

ORDINANCE NO. 2058:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS 9433 SE WICHITA AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS (FILE #A-13-01).

D. Council Reports

Councilor Miller met with the North Clackamas Parks and Recreation District (NCPRD) Board twice since the last City Council meeting that in part addressed what the City wanted in terms of park development. He encouraged citizen involvement when these types of decisions were being made.

Councilor Gamba attended the Metro Policy Advisory Committee (MPAC) meeting and got confirmation of a grant opportunity that would help fund the Monroe Street Greenway. He briefly discussed his interaction with 1000 Friends of Oregon.

Councilor Churchill attended the roundtable meeting with US Representative Kurt Schrader along with Mayor Ferguson and Councilor Gamba. He also attended weekly Rotary meetings.

Council President Hedges attended the NDA leadership meeting and provided information on his involvement with the Clackamas County Coordinating Committee (C4) and the removal of Kellogg Dam. He thanked those who had contributed to the K-9 fundraising efforts and helped the Public Safety Foundation surpass its goals.

Mayor Ferguson was invited to be on a radio program to talk about things going on in Milwaukie. He met with business owners to discuss downtown improvements; introduced Rep. Schrader at a community town hall at the Milwaukie Center, and cut the ribbon at the grand opening of Breakside Brewery and Tasting room. Meetings continued with the Oregon Department of Transportation (ODOT) to discuss passenger rail. He noted that the Oregon Passenger Rail Leadership Council had voted unanimously to remove the Oregon Electric line from the alternatives. He announced the upcoming Emergency Preparedness Forum and Ledding Library Cultural Forum.

ADJOURNMENT

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

Mayor Ferguson adjourned the regular session at 8:52 p.m.

Respectfully submitted,

Pat DuVal, Recorder



Agenda Item: RS 3.E.
Meeting Date: 3/5/13

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Amendment to Intergovernmental Agreement for TSAP Project

Prepared By: Ryan Marquardt, Senior Planner

Dept. Head Approval: Steve Butler, Planning Director & Interim Community Development Director

City Manager Approval: Bill Monahan, City Manager

Reviewed by City Manager: 2/26/13

ISSUES BEFORE THE COUNCIL

Amendment of intergovernmental agreement (IGA) for the Tacoma Station Area Plan

STAFF RECOMMENDATION

Approve the proposed amendments to the IGA.

KEY FACTS & INFORMATION SUMMARY

The City and ODOT propose an amendment to the IGA for the Tacoma Station Area Plan (TSAP). The amendment would add \$2,910 from ODOT to the overall project. It would also reallocate contingency funding within the original scope of work to allow additional public and stakeholder review of the plan, and to produce additional graphics and other deliverables for the final product.

OTHER ALTERNATIVES CONSIDERED

None considered by staff. Council may decide to deny the amendments or suggest modifications.

CITY COUNCIL GOALS

N/A

ATTACHMENT LIST

1. Amended Intergovernmental Agreement between the Oregon Department of Transportation and the City of Milwaukie

FISCAL NOTES

No fiscal impacts.



To: Mayor and City Council

Through: Bill Monahan, City Manager

**From: Steve Butler, Planning Director & Interim Community Development Director
Ryan Marquardt, Senior Planner**

Subject: Amendment to Intergovernmental Agreement for the Tacoma Station Area Plan Project

Date: February 26, 2013, for March 5, 2013, Regular Session

ACTION REQUESTED

Approval of an amendment to the intergovernmental agreement between the Oregon Department of Transportation (ODOT) and the City of Milwaukie for the Tacoma Station Area Plan project.

Approval of the amendment will result in an additional \$2,910 of project funding from ODOT and revisions to the project scope of work.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

February 2013: Council was briefed on the land uses envisioned for the Tacoma Station Area and the implementation of the plan through zoning regulations.

January 2013: Council was briefed on the preferred land use scenario for the Tacoma Station Area Plan.

March 2012: Council was briefed in a worksession about the Tacoma Station Area Plan (TSAP), the project study area, and the scope of work for creating the plan.

March 2011: Council adopted Resolution 30-2011 that endorsed the City's grant application for Transportation and Growth Management (TGM) funding to develop a Tacoma Station Area Plan.

February 2011: Council directed staff to prepare a TGM grant application for the Tacoma Station Area Plan project.

BACKGROUND

In April 2011, the City entered into an intergovernmental agreement (IGA) with ODOT for work on the Tacoma Station Area Plan (TSAP). The IGA describes the work to be done for the TSAP project, committed ODOT to providing project funding of \$145,000, and commits the City to providing \$25,000 of in-kind matching contributions, most or all of which will be staff time.

The amendments would effect the following changes to the IGA:

1. An increase in the total project budget of \$2,910, resulting from an increase in the amount of funding from ODOT.

	Original IGA	Amended IGA
ODOT Contribution	\$145,000	\$147,910
City in-kind match	\$25,000	\$25,000
Total Budget	\$170,000	\$172,910

2. Changes to tasks identified in the project scope. One of the tasks in the original IGA was a contingency task of \$16,400 to complete a traffic impact analysis to study the impact of the proposed land uses. After consultation with ODOT staff, it was determined that the task as described in the IGA is not necessary. The contingency task would be deleted, and the following tasks would be added to the scope of work.

Task	Budget
Technical Advisory Committee (TAC) Meeting #4 <i>Additional meeting of TAC to review proposed code changes and other implementation measures</i>	\$1,940
Stakeholder Advisory Committee (SAG) Meeting #4 <i>Additional meeting of SAG to review proposed code changes and other implementation measures</i>	\$1,570
City Council Meeting #4 <i>Additional briefing for City Council prior to adoption process</i>	\$900
Transportation Impact Analysis Memo <i>Simplified version of the original contingency task that may help ease the traffic study requirements for future development in the area</i>	\$2,510
Transportation Improvement Conceptual Designs <i>Graphics illustrating key transportation projects for the TSAP area</i>	\$7,000
Expanded Project Management Team Meeting #7 <i>Review of zoning amendments by the project management team</i>	\$30 (in addn. to \$550 in original IGA)
Contingency meetings <i>Contingency meetings with individual property owners/stakeholders to address issue specific concerns that may arise.</i>	\$1,800
Development Code Graphics <i>Graphics of zoning code building and site design requirements.</i>	\$3,240
Total Cost	\$18,990

Overall, staff believes that these amendments to the IGA are beneficial in providing a better finished product. It also provides more opportunity for review by the project team, stakeholders, the public, and City Council prior to adoption hearings. There are minimal workload impacts resulting from these changes.

CONCURRENCE

The Planning Department has worked with ODOT staff and the project consultant to draft the amended scope of work. All 3 parties concur with the proposed amendments.

FISCAL IMPACTS

The amended scope of work does not commit the City to any additional in-kind matching contribution to the project. Staff calculates that the City has met approximately 80% of its required match. There are 4 months of more intensive work on the TSAP project, and staff anticipates that the City will easily meet the match amount required for the IGA.

WORK LOAD IMPACTS

Workload impacts will include additional public meetings, a briefing for City Council, and possible meetings with individual stakeholders. Staff anticipates approximately 40 hours of staff time to be expended on these meetings and their preparation. All other tasks for the amended IGA will be handled primarily by the project consultants.

ALTERNATIVES

Council may deny the IGA amendment. ODOT would not contribute additional funds for the TSAP project. The tasks described above would not proceed, and we would cancel 2 meetings for which staff and the project consultant have already begun to prepare. The scope for the project would proceed as described in the original IGA.

Council may also recommend changes to the proposed IGA amendments. Changes would necessitate further discussion and review from the City, ODOT, and project consultant. This may result in delay or cancellation of some of the tasks described above.

ATTACHMENTS

1. Amended Intergovernmental Agreement between the Oregon Department of Transportation and the City of Milwaukie

AMENDMENT NO. 1

The State of Oregon, acting by and through its Department of Transportation, hereinafter referred to as “ODOT” or “Agency”, and City of Milwaukie, hereinafter referred to as “City”, entered into an intergovernmental agreement on April 25, 2012, (“Agreement”). Said Agreement covers a Transportation and Growth Management grant for City of Milwaukie, Tacoma Station Area Plan.

It has now been determined by ODOT and City that the Agreement referenced above, although remaining in full force and effect, shall be amended to revise the statement of work. Except as expressly amended below, all other terms and conditions of the Agreement, as previously amended, are still in full force and effect.

Exhibit A, the Statement of Work, shall be amended to add Addendum to Statement of Work.

Paragraph B of Section 2 (Terms of Agreement); which currently reads:

“Grant Amount. The Grant Amount shall not exceed \$145,000.”

Shall be amended to read:

“Grant Amount. The Grant Amount shall not exceed \$147,910.”

Paragraph D of Section 2 of (Terms of Agreement); which currently reads:

“Consultant’s Amount. The Consultant’s Amount shall not exceed \$145,000.”

Shall be amended to read:

“Consultant’s Amount. The Consultant’s Amount shall not exceed \$147,910.”

Paragraph E of Section 2 of (Terms of Agreement); which currently reads:

"City's Matching Amount. The City's Matching Amount is \$25,000 or 14.71% of the Total Project Costs."

Shall be amended to read:

"City's Matching Amount. The City's Matching Amount is \$25,000 or 14.46% of the Total Project Costs."

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

On December 1, 2010 the Director of the Oregon Department of Transportation approved DIR-06, in which authority is delegated from the Director of the Oregon Department of Transportation to the Operations Deputy Director and Transportation Development Division Administrator, to approve agreements with local governments, other state agencies, federal governments, state governments, other countries, and tribes as described in ORS 190 developed in consultation with the Chief Procurement Officer.

STATE OF OREGON, by and through
its Department of Transportation

By _____
Division Administrator, Transportation
Development Division

Date _____

City of Milwaukie

By _____
Official's Signature

Date _____

Project Contacts

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Addendum to Exhibit A
Milwaukie, Tacoma Station Area Plan

Contingency Subtask 4.5 shall be deleted in its entirety and replaced with the following:

- 4.5 Transportation Impact Analysis Memorandum** - Consultant shall prepare a brief memorandum (approximately 4 pages) to reiterate the determination of no significant impact (based on proposed Tacoma Station Area Plan) and to summarize options for reducing or streamlining requirements for preparation of traffic impact analyses in the Tacoma Station Area for development proposals that conform to the zoning and Tacoma Station Area Concept Plan. Options and issues to be discussed in the Transportation Impact Analysis Memorandum must include topics on how individual developments would affect the need for specific off-site improvements including to improve safety, ODOT's role in reviewing development applications and impacts on OR 99E, and the potential for reducing requirements associated with the evaluation off-site impact based on prior work and findings. The Transportation Impact Analysis Memorandum must provide options and directions to help the City decide whether it should proceed with allowing for a streamlined traffic impact analyses in the TSAP area and if so, how it should do so.

Task 4 Consultant Deliverable list shall be deleted in its entirety and replaced with the following:

Consultant Deliverables

- 4A PMT Meeting #5
- 4B Expert Panel Review
- 4C Refined Redevelopment Scenarios and Evaluation
- 4D Redevelopment Scenarios Future Traffic Conditions Technical Memoranda
- 4E Traffic Impact Analysis Memorandum
- 4F Scenarios Evaluation Executive Summary
- 4G TAC Meeting #3
- 4H SAG Meeting #3
- 4I Planning Commission Work Session #2
- 4J City Council Work Session #2

Subtasks 5.7 through 5.9 shall be added as follows:

- 5.7 TAC Meeting #4** - City shall organize and arrange and Consultant shall conduct TAC Meeting #4 to address public comment from Community Meeting #2; to gain input on proposed implementation measures with emphasis on development code change concepts and to present solutions to outstanding issues associated

with the draft Tacoma Station Area Plan. Consultant shall draft a meeting agenda, including a list of proposed discussion questions for PMT approval prior to be distributed. City shall distribute materials to the TAC at least one week in advance of TAC Meeting #4. Consultant shall provide meeting summary notes within one week after TAC Meeting #4.

5.8 SAG Meeting #4 - City shall organize and arrange and Consultant shall conduct SAG Meeting #4 to address public comment from Community Meeting #2; to gain input on proposed implementation measures with emphasis on the development code change concepts and to present solutions to outstanding issues associated with the draft Tacoma Station Area Plan. Consultant shall draft a meeting agenda; including a list of proposed discussion questions for PMT approval prior to being distributed City shall distribute materials to the SAG at least one week in advance of SAG Meeting #4. Consultant shall provide meeting summary notes within one week after SAG Meeting #4.

5.9 City Council Briefing #4 - City shall provide logistics, arrange, and conduct City Council Briefing #4; Consultant shall attend to present results of TAC and SAG meetings #4 and Community Meeting #2 and to present any resulting suggested changes to the draft Station Area Plan or implementing Plan or code amendments. City shall prepare meeting summary notes and distribute to PMT within one week of City Council Briefing #4 and post notes or a summarized version on City website.

Task 5 City and Consultant Deliverables lists shall be deleted in their entirety and replaced with the following:

City Deliverables

- 5A PMT Meeting #6 attendance
- 5B Comments on Draft Tacoma Station Area Plan (preliminary and draft)
- 5C TAC Review
- 5D Planning Commission Work Session #3 – organize and conduct
- 5E City Council Work Session #3 – organize and conduct
- 5F Community Meeting #2 - organize and attend
- FG TAC Meeting #4 - organize and attend
- FH SAG Meeting #4 - organize and attend
- FI City Council Briefing #4

Consultant Deliverables

- 5A PMT Meeting #6

- 5B Draft Tacoma Station Area Plan (preliminary and draft)
- 5C TAC Review (review comments)
- 5D Planning Commission Work Session #3
- 5E City Council Work Session #3
- 5F Community Meeting #2
- FG TAC Meeting #4
- FH SAG Meeting #4
- FI City Council Briefing #4

Subtask 6.1 shall be deleted in its entirety and replaced with the following:

- 6.1 PMT Meeting #7** - Consultant shall arrange and conduct PMT Meeting #7, as a three to four hour meeting held to review further revisions to draft code language, debrief about work to date including Community Meeting #2 and work sessions from Task 5, any policy implications, and to provide Consultant with guidance for Task 6 direction. Consultant shall prepare and distribute revised draft code language based on Task 5 meetings, a meeting agenda including a refined set of key questions and issues at least one week before PMT Meeting #7. Consultant shall provide meeting summary no later than one week following PMT Meeting #7.

Subtask 6.5 through 6.7 shall be added as follows:

- 6.5 Conceptual Design of Proposed Transportation Improvements** - Consultant shall develop sketch-level conceptual design graphics for two proposed transportation improvement projects to show the approximate physical footprint of the improvements. One of the proposed transportation improvement project designs must be a conceptual but dimensionally correct, design graphics for a pedestrian undercrossing under the Springwater Corridor and associated, roundabout at the terminus of Main Street north of Moores Street. A conceptual design layout for the length of Main Street (from OR224 boundary to the northern roundabout terminus) must be the second transportation improvement project illustrated to show the street elements that are dimensionally correct, including type of and recommended locations of amenities; and the locations where dimensional changes (i.e. street width) occur distinguished on a plan view drawing that accompanies the conceptual design layout. Designs must be conceptual in nature but generally, dimensionally correct and include graphic illustrations and notes to help describe proposed improvements for design and PE stage. Consultant shall update cost estimates previously prepared for the projects described above and included in the draft Station Area Plan.
- 6.6 Development Code Graphics** - Consultant shall prepare three development code graphics to illustrate code requirements such as window coverage, building articulation or fenestration, or other requirements as determined by the City PM.

Consultant shall prepare up to two drafts of each graphic, including a draft for review by the PMT and a final which incorporates comments from the PMT. Development Code Graphics must be computer generated, black and white illustrations, and may be plan, section, elevation, or perspective drawings, as recommended by Consultant but determined by the City PM. Deliverable does not include attendance at any meetings with PMT or other City staff members to carry out deliverable.

- 6.7 Contingent Meetings** - Consultant shall conduct up to three meetings with property owners or other key stakeholders to discuss issues or concerns associated with the draft Station Area Plan with written WOCPM approval for each meeting (email acceptable). City shall organize and make logistical arrangements for the meetings. Consultant shall provide summary notes describing the outcome of the meetings within one week after each meeting.

Task 6 City and Consultant Deliverables lists shall be deleted in their entirety and replaced with the following:

City Deliverables

- 6A PMT Meeting #7 - attendance
- 6B Comments on Recommended Plan – 45-day notice
- 6C Plan Adoption Hearings logistics, arrangement, and public outreach
- 6D Final Plan Documents
- 6G *Contingency Meetings* – organize meetings

Consultant Deliverables

- 6A PMT Meeting #7
- 6B Recommended Plan
- 6C Plan Adoption Hearings
- 6D Final Plan Documents
- 6E Conceptual Design of Proposed Transportation Improvements
- 6F Development Code Graphics
- 6G *Contingent Meetings*

Consultant Amount per Deliverable Table shall be deleted in its entirety and replaced with the following:

Consultant Amount per Deliverable Table

Task	Description	Total Fixed Amount Per Deliverable	Schedule
1	Project Organization		
1A	Project Schedule	\$ 1,350	
1B	Draft Project Goals and Objectives	\$ 1,750	
1C	Manufacturing Zone Revisions	\$ 550	
1D	Comments on Policy and Regulatory Framework Technical Memorandum	\$ 250	
1E	Public Involvement Plan (coordination)	\$ 250	
1G	PMT Meeting #1	\$ 550	
	Subtotal - Task 1	\$4,700	June 2012
2	Existing Conditions, Forecast Conditions and Opportunities and Constraints		
2A	Comments on Draft Stakeholder Interview Questions	\$ 200	
2B	Preliminary Draft Baseline Traffic and Forecast Conditions, Opportunities and Constraints Report	\$ 8,100	
2C	Draft Tacoma Station Conditions Opportunities and Constraints Report	\$ 16,050	
2D	Draft Evaluation Measures	\$ 2,050	
2E	PMT Meeting # 2	\$ 1,300	
2F	TAC Meeting #1	\$ 1,350	
2G	SAG Meeting #1	\$ 1,700	
2H	Planning Commission Work Session #1	\$ 400	
2I	City Council Work Session #1	\$ 400	
2J	Final Goals, Objectives and Evaluation Measures	\$ 600	
2K	Final Tacoma Station Conditions, Opportunities, and Constraints Report	\$ 5,050	
	Subtotal - Task 2	\$37,200	August 2012
3	Develop Redevelopment Scenarios		
3A	Draft Redevelopment Scenarios Report	\$ 21,900	
3B	PMT Meeting #3	\$ 2,600	
3C	TAC Meeting # 2	\$ 1,350	
3D	SAG Meeting # 2	\$ 1,700	
3E	PMT Meeting # 4	\$ 600	
3F	Community Meeting #1	\$ 3,350	
	Subtotal – Task 3	\$31,500	November 2012

Task	Description	Total Fixed Amount Per Deliverable	Schedule
4	Evaluate Redevelopment Scenarios		
4A	PMT Meeting #5	\$ 550	
4B	Expert Panel Review	\$ 2,100	
4C	Refined Redevelopment Scenarios and Evaluation	\$ 6,900	
4D	Redevelopment Scenarios Future Traffic Conditions Technical Memoranda	\$ 7,050	
4E	Traffic Impact Analysis Memorandum	\$ 2,510	
4F	Scenarios Evaluation Executive Summary	\$ 2,100	
4G	TAC Meeting #3	\$ 1,600	
4H	SAG Meeting #3	\$ 600	
4I	Planning Commission Work Session #2	\$ 500	
4J	City Council Work Session #2	\$ 1,700	
	Subtotal – Task 4	\$25,610	February 2013
5	Draft Tacoma Station Area Plan		
5A	PMT Meeting #6	\$ 2,100	
5B	Draft Tacoma Station Area Plan	\$ 13,650	
5C	TAC Review	\$ 400	
5D	Planning Commission Work Session #3	\$ 500	
5E	City Council Work Session #3	\$ 500	
5F	Community Meeting #2	\$ 3,350	
5G	TAC Meeting #4	\$ 1,940	
5H	SAG Meeting #4	\$ 1,570	
5I	City Council Briefing #4	\$ 900	
	Subtotal – Task 5	\$24,910	April 2013
6	Recommended Plan, Implementing Ordinances and Adoption Hearings		
6A	PMT Meeting #7	\$ 580	
6B	Recommended Plan	\$ 6,200	
6C	Plan Adoption Hearings	\$ 3,100	
6D	Final Plan Documents	\$ 1,750	
6E	Conceptual Design of Proposed Transportation Improvements	\$ 7,000	
6F	Development Code Graphics	\$ 3,240	
6F	<i>Contingent Meetings (Maximum of 3 meeting at \$600 per meeting)</i>	\$ 1,800	
	Subtotal – Task 6	\$23,670	June 2013
	TOTAL	\$147,590	



Agenda Item: 3.F.
Meeting Date: 3/5/13

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Conditions for Expedited Annexation for 10025 SE Wichita Ave – File #A-12-06

Prepared By: Kari Svanstrom
Dept. Head Approval: Stephen Butler
City Manager Approval: Bill Monahan
Reviewed by City Manager: 2/26/13

ISSUES BEFORE THE COUNCIL

Conditions have been drafted for Ordinance 2060, which annexed 1 tax lot at 100025 SE Wichita Ave.

STAFF RECOMMENDATION

Approval

KEY FACTS & INFORMATION SUMMARY

Council completed the second reading and approved this ordinance with conditions at its February 19, 2013, regular meeting. The requested conditions from that meeting are included at the end of Attachment 1 (Conditions and Findings).

OTHER ALTERNATIVES CONSIDERED

None

CITY COUNCIL GOALS

N/A

ATTACHMENT LIST

1. Conditions and Findings for Ordinance 2060

FISCAL NOTES

Approval of these conditions will allow staff to move forward with finalizing the annexation prior to the March 15 financing program deadline for the applicant.

ORDINANCE NO. 2060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS 10025 SE WICHITA AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS. (FILE #A-12-06).

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Zoning and Land Use Designations. The tract of land annexed by this ordinance and described in Section 2 is hereby assigned a Comprehensive Plan land use

designation of Low Density Residential (LD) and a zoning designation of Residential Zone R-10 (R-10).

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

Read the first time on 2/5/13, and moved to second reading by 5-0 vote of the City Council.

Read the second time and adopted by the City Council on 2/19/13

Signed by the Mayor on 2/19/13

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal

Pat DuVal, City Recorder

City Attorney

Document1 (Last revised 09/18/07)

CONDITIONS AND FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 10025 SE Wichita Ave, the “Annexation Property”), the Milwaukie City Council finds:

1. The Annexation Property consists of one tax lot comprising 0.30 acres (Tax Map 1S2E 30DD 03400). The tax lot is contiguous to the existing city limits via Wichita Ave. The Annexation Property is also within the City’s urban growth management area (UGMA).
Tax Map 1S2E 30DD 03400 is developed with a single family dwelling. The surrounding area consists of residential uses.
2. The property owner seeks annexation to the City to access City services, namely sewer services.
3. The annexation petition was initiated by Consent of All Owners of Land on December 21, 2012. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1102.2.A.1.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC Section 19.1104.
5. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.
6. The expedited annexation process provides for automatic application of City land use and zoning designations to the Annexation Property based on its existing land use and zoning designations in the County, which are Low Density Residential (LDR) and Residential Zone R-10 (R-10) respectively. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use designation for the Annexation Property is Low Density Residential (LD), and the automatic zoning designation is Residential Zone R-10 (R-10).
7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
 - A. The subject site must be located within the City’s urban growth management area (UGMA);
The Annexation Property is within the City’s UGMA.
 - B. The subject site must be contiguous to the existing city limits;
The Annexation Property is contiguous to the existing city limits along Wichita Ave.
 - C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;

The Clackamas County Assessment and Tax Department and Clackamas County Elections Department have verified that that the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the “Consent of All Owners of Land” initiation method, which requires consent by all property owners and a majority of the electors residing at the Annexation Property.

- D. The proposal must be consistent with Milwaukie Comprehensive Plan Policies;

Chapter 6 of the Comprehensive Plan contains the City’s annexation policies. Applicable annexation policies include: (1) delivery of City services to annexing areas where the City has adequate services and (2) requiring annexation in order to receive a City service. City sewer service is available to the Annexation Property on Wichita Ave. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.

- E. The proposal must comply with the criteria of Metro Code Sections 3.09.050(d) and, if applicable, (e).

The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as detailed in Finding 8.

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

- A. Find that the change is consistent with expressly applicable provisions in:

- (1) Any applicable urban service agreement adopted pursuant to ORS 195.205;

There are no applicable urban service agreements adopted pursuant to ORS 195 in the area of the proposed annexation. The City, however, has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. Pursuant to this agreement, the City completed construction of a public sewer system in this area in 2010. The proposed annexation is in keeping with the City's policy of requiring property to annex to the City in order to connect to City services such as the new sewer line.

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

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

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

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

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

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

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

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

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

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

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

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

- (5) Any applicable comprehensive plan.

The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous page. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. It does, however, contain the City-County UGMA agreement, which identifies the area of the proposed annexation as being within the City's UGMA. The UGMA agreement requires that the City notify

the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has already annexed and taken jurisdiction of the Wichita Ave right-of-way adjacent to the proposed Annexation Property.

B. Consider whether the boundary change would:

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

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

The City has recently expanded City sewer service into this area via Wichita Ave. The area is currently served by CRW, and the City does not propose to duplicate CRW's water system to serve the Annexation Property.

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

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

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

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

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

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

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

Water: The Annexation Property is currently served by Clackamas River Water (CRW). Pursuant to the City's IGA with CRW, the site should not be withdrawn from this district at this time.

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

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

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

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

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

The Council approves the proposed annexation based on the following conditions:

1. Sewer excavation to be hand dug in the areas of the Douglas Fir and Cherry tree roots, with reasonable care taken to avoid damage to roots.
2. Any damage to tree roots shall be properly sealed in accordance with International Arborist Society (ISA) standards.
3. If the neighbor at 10021 SE Wichita (the "objector") wishes to have an arborist oversee the sewer construction, the arborist will be at the objector's expense.
4. If the oversight of an arborist is desired by the objector, a neutral ISC-certified arborist shall be retained and given access to the site during actual sewer excavation and installation. An arborist not currently known to either party and mutually agreeable to both parties shall be selected.

5. The excavation work shall be reasonably documented by the owner's contractor with photos showing the trench and tree roots, and such images shall be distributed to both the owner and objector.

Exhibit B

Annexation to the City Of Milwaukie
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-12-06

Property Address: 10025 SE Wichita Avenue, Portland, OR 97222

Tax Lot Description: 1S2E30DD 03400

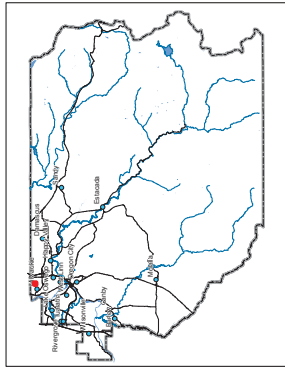
Legal Description: Part of the Hector Campbell D.L.C. No. 41 in the Southeast One Quarter of the Southeast One Quarter of Section 30, T1S, R2E, W.M., Clackamas County, Oregon, more particularly described as follows.

Beginning on the Westerly line of Wichita Road which is 794 feet Northerly from the Southeast corner of that tract conveyed to School District No 119 in Book 109, page 128, deed records, said point being the Southeast corner of that tract sold to Brian C. Kincaid, ET UX, by contract recorded Nov. 4, 1981, as Recorder's Fee No. 81-38085 Deed Records. From the true point of beginning thence N 0-56-09 W 15.00 feet to an iron rod; thence S 89-43-00 W parallel with the Southerly line of the Kincaid Tract, 158.60 feet to an iron rod; thence N 0-48-25 W 68.00 feet to an iron rod on the Northerly line of the Kincaid Tract; thence S 89-43-00 W along the said Northerly line 125.26 feet to an iron rod at the Northwest corner of the said tract; thence S 0-48-25 E 83.00 feet to a P.K. nail and washer at the Southwest corner; thence along the South line of the Kincaid Tract, N 89-43-00 E 283.90 feet more or less to the true point of beginning of the tract herein described. Containing 12,755 square feet more or less.

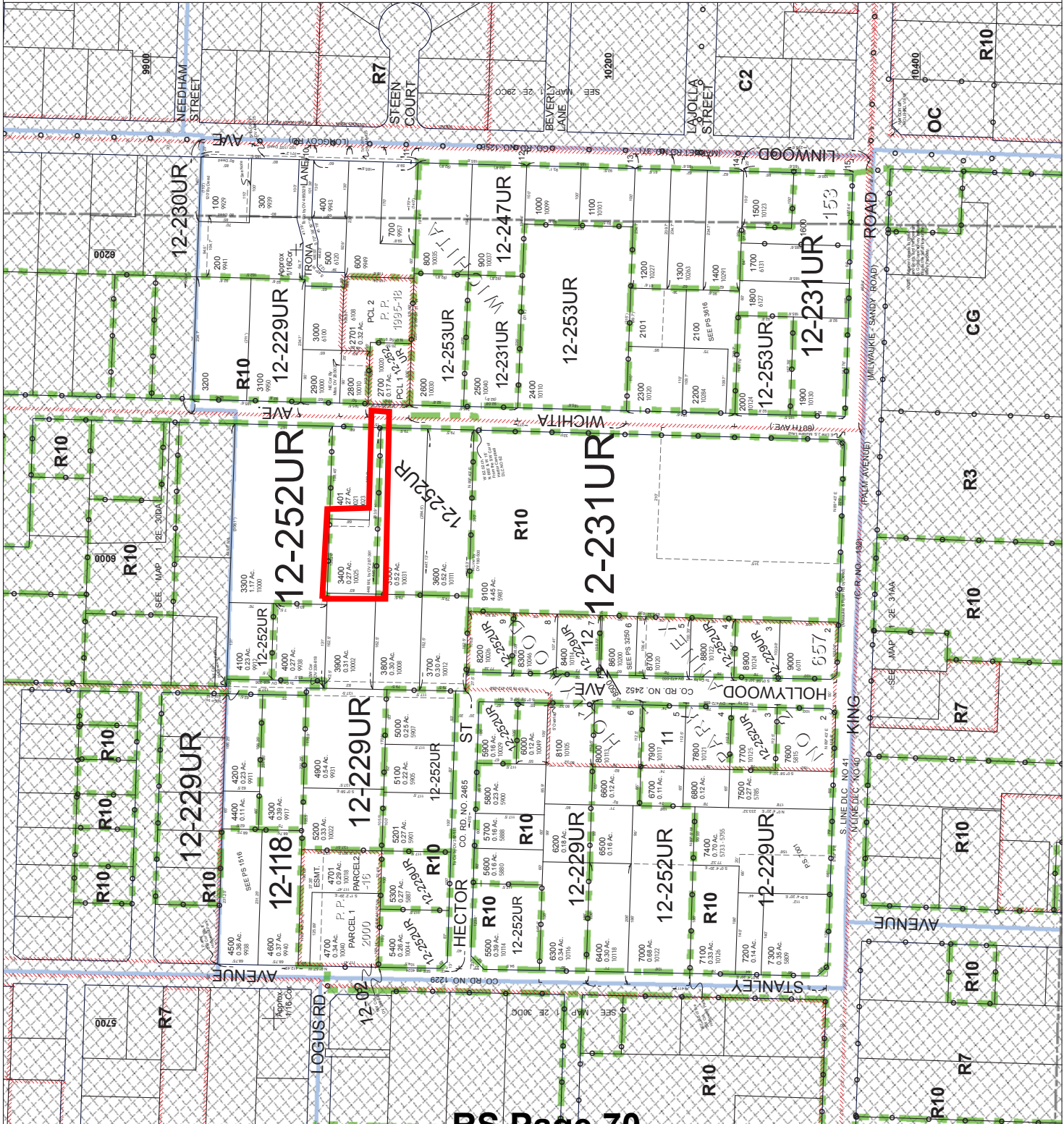
D. L. C.
 HECTOR CAMPBELL NO. 41

Cancelled Taxlots
 4800
 5401
 6100
 6800
 7401

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



THIS MAP IS FOR ASSESSMENT
 PURPOSES ONLY



6.
OTHER BUSINESS



Agenda Item: RS 6.A.
Meeting Date: 3/5/13

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Expedited Annexation – Multiple Properties (File #A-13-02)

Prepared By: Li Alligood, Associate Planner
Dept. Head Approval: Stephen Butler, Planning Director
City Manager Approval: Bill Monahan, City Manager
Reviewed by City Manager: 2/22/13

ISSUE BEFORE THE COUNCIL

Approval of expedited annexation of six properties on Stanley Ave and Hazel Pl.

STAFF RECOMMENDATION

Approval

KEY FACTS & INFORMATION SUMMARY

The site is composed of six properties, which are under the same ownership. The owners would like to annex all six properties to allow for future development of one vacant lot and sewer connection for five developed lots.

OTHER ALTERNATIVES CONSIDERED

Council can approve or deny the requested annexation.

CITY COUNCIL GOALS

Not applicable.

ATTACHMENT LIST

1. Annexation Ordinance
2. Annexation Site Map
3. Applicant's Annexation Application

FISCAL NOTES

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



To: Mayor and City Council

Through: Bill Monahan, City Manager
Stephen Butler, Planning Director & Interim Community Development Director

From: Li Alligood, Associate Planner

Subject: File #A-13-02 – Expedited Annexation of 6 Properties

Date: February 26, 2013, for March 5, 2013, Regular Session

ACTION REQUESTED

Approve application A-13-02, an expedited annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation of six properties (0.98 ac) at 9604, 9615, 9616 & 9623 SE Stanley Ave and 5803 & 5811 SE Hazel PI (Tax Map 1S2E30DA04500, 4600, 4700 & 4900 and 1S2E30DB00800 & 0900) (the "Annexation Properties") into the City.
- Application of a Low Density (LD) land use designation and Residential zone R-10 zoning designations to the Annexation Properties.
- Amendments to the City's Land Use Map and Zoning Map to reflect the City's new boundary and the Annexation Properties' new land use and zoning designations.
- Withdrawal of the Annexation Properties from the following urban service providers and districts:
 - Clackamas County Service District for Enhanced Law Enforcement
 - Clackamas County Service District No. 5 for Street Lights

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

- **June 2010:** Council approved the first annexation of property in the Northeast Sewer Extension (NESE) Project Area, at 5840 SE Morris St (file #A-10-01). Since then, Council has approved the annexation of 140 additional properties in the NESE area.
- **January 2010:** Council annexed the rights-of-way in the Northeast Sewer Extension (NESE) Project Area making all properties in this area contiguous to the City limits and eligible for annexation (Ordinance 2010).

- **September 2009:** Council initiated annexation of the rights-of-way in the NESE Project Area by resolution (Resolution No. 58-2009).
- **August 2009:** Staff briefed Council on the status of the NESE Project and the need to annex the rights-of-way in this area.
- **July 1990:** Clackamas County Order No 90-726 established an Urban Growth Management Agreement in which the City and County agreed to coordinate the future delivery of services to the unincorporated areas of North Clackamas County. With respect to Dual Interest Area —A,the agreement states: “The City shall assume a lead role in providing urbanizing services.”

BACKGROUND

Proposal

The owner of the properties proposes annexation of the properties to the City. The owner wishes to annex to the City to access City services, namely sewer service. The owner does not wish to connect to the sewer at this time, but does wish to participate in the City’s Reimbursement Fee and System Development Charge Financing Program, which expires March 15, 2013.

The properties at 9604, 9515, and 9623 SE Stanley and 5811 SE Hazel PI are developed with single-family homes. The property at 5903 SE Hazel PI is vacant. The property at 9616 SE Stanley Ave is developed with a commercial building.

The commercial use is non-conforming with respect to current zoning. It has been a commercial building since 1920, and predates county zoning which came into effect in 1959. The commercial use would be subject to the City’s regulations regarding non-conforming uses upon annexation.

Table 1 below summarizes the Annexation Properties’ current zoning designations in the County and the City-equivalent land use and zoning designations that would automatically be applied to the Annexation Properties upon annexation.

Table 1: City-Equivalent Zoning and Land Use Designations

Tax Map ID	Address	County Zoning	City-Equivalent	
			Zoning	Land Use
12E30DA04500	9604 SE Stanley Ave	R10	R-10	Low Density
12E30DA04600	9616 SE Stanley Ave	R10	R-10	Low Density
12E30DA04700	5803 SE Hazel PI	R10	R-10	Low Density
12E30DA04900	5811 SE Hazel PI	R10	R-10	Low Density
12E30DB00800	9615 SE Stanley Ave	R10	R-10	Low Density
12E30DB00900	9623 SE Stanley Ave	R10	R-10	Low Density

Site and Vicinity

The Annexation Properties are contiguous to the existing city limits as a result of the NESE right-of-way annexation in 2010. The Annexation Properties are within the City's urban growth management area (UGMA) and the NESE project area. The area surrounding the site is primarily developed with single-family residential uses.

Annexation Petition

The petition is being processed as an expedited annexation at the request of the Annexation Properties' owners. Under the expedited process, a City land use and zoning designation is automatically applied to the Annexation Properties upon annexation. Any property that is within the UGMA and contiguous to the city limit may apply for an expedited annexation so long as all property owners of the area to be annexed and at least 50% of registered voters within the area to be annexed consent to the annexation.

Clackamas County has certified that these thresholds are met for the Annexation Properties. The expedited annexation process automatically assigns City land use and zoning designations to the Annexation Properties based on the existing Clackamas County land use and zoning designations. The existing County land use designation for the Annexation Properties is Low Density Residential (LDR), which would assign the city's Low Density Residential (LD) Comprehensive Plan designation to them upon annexation. The current county zoning designations are Residential R10, which would assign a city zoning designation of Residential zone R-10 upon annexation.

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

Expedited Annexation Approval Criteria

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

Utilities, Service Providers, and Service Districts

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

- Wastewater: The Annexation Properties are within the City's sewer service area and served by the City's 8-inch sewer lines.
- Water: The Annexation Properties are currently served by Clackamas River Water (CRW). Pursuant to the City's IGA with CRW, CRW will continue to serve these properties, and they should not be withdrawn from this district at this time.
- Storm: The Annexation Properties are not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.
- Fire: The Annexation Properties are currently served by Clackamas County Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.
- Police: The Annexation Properties are currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the sites. In order to avoid duplication of services, the sites should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.
- Street Lights: The Annexation Properties are currently within Clackamas County Service District No. 5 for Street Lights (the "District"). As of July 1, 2011, an intergovernmental agreement between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area, though the properties themselves remain in the District until they annex to the City. The Annexation Properties should be withdrawn from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services.
- Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the sites upon annexation. The Annexation Properties will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, etc.

CONCURRENCE

All City departments, necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Sites were notified of these annexation proceedings as required by City, regional, and State regulations. The Lewelling

Neighborhood District Association and the Southgate Planning Association also received notice of the annexation petition and meeting.

The City did not receive comments from any necessary parties with objections to the proposed annexation.

FISCAL IMPACT

The annexation will have minimal fiscal impact on the City. Costs of providing governmental services will likely be off-set by the collection of property taxes. Per Clackamas County Assessor data, the total assessed value of the annexation properties in 2012 was \$443,327. Total property tax collections in the range of \$1,800 are anticipated for the Annexation Properties.

WORK LOAD IMPACTS

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

ALTERNATIVES

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

The City Council has two decision-making options:

1. Approve the application and adopt the ordinance and findings in support of approval.
2. Deny the application and adopt findings in support of denial.

ATTACHMENTS

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING MULTIPLE TRACTS OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACTS FROM SERVICE DISTRICTS AS DESCRIBED BELOW. (FILE #A-13-02).

WITHDRAWAL OF THE FOLLOWING TRACTS OF LAND IDENTIFIED BELOW BY TAX MAP ID NUMBER AND STREET ADDRESS FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS:

1. 12E30DA04500 9604 SE Stanley Ave
2. 12E30DA04600 9616 SE Stanley Ave
3. 12E30DA04700 5803 SE Hazel PI
4. 12E30DA04900 5811 SE Hazel PI
5. 12E30DB00800 9615 SE Stanley Ave
6. 12E30DB00900 9623 SE Stanley Ave

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

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

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

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

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

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

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

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

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

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

Section 2. Property Descriptions. The tracts of land described and depicted in Exhibit B are hereby annexed to the City of Milwaukie.

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

Section 4. Zoning and Land Use Designations. The tracts of land annexed by this ordinance and described in Section 2 are hereby assigned the following Municipal Code zoning and Comprehensive Plan land use designations.

	Tax Map ID	Address	Zoning	Land Use
1.	12E30DA04500	9604 SE Stanley Ave	R-10	Low Density
2.	12E30DA04600	9616 SE Stanley Ave	R-10	Low Density
3.	12E30DA04700	5803 SE Hazel Pl	R-10	Low Density
4.	12E30DA04900	5811 SE Hazel Pl	R-10	Low Density
5.	12E30DB00800	9615 SE Stanley Ave	R-10	Low Density
6.	12E30DB00900	9623 SE Stanley Ave	R-10	Low Density

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

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

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

Signed by the Mayor on _____.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 9604, 9615, 9616 & 9623 SE Stanley Ave and 5803 & 5811 SE Hazel Pl (the "Annexation Properties"), the Milwaukie City Council finds:

1. The Annexation Properties consist of six tax lots comprising 0.98 acres (Tax Map 1S2E30DA Lots 04500, 4600, 4700 and 4900 and Tax Map 1S2E30DB Lots 00800 and 0900). The tax lots are contiguous to the existing city limits on Stanley Ave and Hazel Pl. The Annexation Properties are also within the City's urban growth management area (UGMA).

Tax Lots 4500, 4900, 0800 and 0900 are developed with single-family homes. Tax Lot 4700 is vacant. Tax Lot 4600 is developed with a commercial building. The surrounding area consists primarily of single-family dwellings.
2. The property owners seek annexation to the City to access City services, namely sewer service. The owner does not wish to connect to the sewer at this time, but does wish to participate in the City's Reimbursement Fee and System Development Charge Financing Program, which expires March 15, 2013.
3. The annexation petition was initiated by Consent of All Owners of Land on January 31, 2013. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1102.2.A.1.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC Section 19.1104.
5. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.
6. The expedited annexation process provides for automatic application of City land use and zoning designations to the Annexation Properties based on their existing land use and zoning designation in the County, which are Low Density Residential and Residential R10 respectively. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use designation for the Annexation Properties is Low Density Residential, and the automatic zoning designations are Residential zone R-10.
7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
 - A. The subject site must be located within the City's urban growth management area (UGMA);
The Annexation Properties are within the City's UGMA.
 - B. The subject site must be contiguous to the existing city limits;

The Annexation Properties are contiguous to the existing city limits along Stanley Ave and Hazel Pl.

- C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;

The Clackamas County Assessment and Tax Department and Clackamas County Elections Department have verified that that the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors residing at the Annexation Property.

- D. The proposal must be consistent with Milwaukie Comprehensive Plan Policies;

Chapter 6 of the Comprehensive Plan contains the City's annexation policies. Applicable annexation policies include: (1) delivery of City services to annexing areas where the City has adequate services and (2) requiring annexation in order to receive a City service. City sewer service is available to the Annexation Properties in Stanley Ave and Hazel Pl. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.

- E. The proposal must comply with the criteria of Metro code Sections 3.09.050(d) and, if applicable, (e).

The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as detailed in Finding 8.

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

- A. Find that the change is consistent with expressly applicable provisions in:

- (1) Any applicable urban service agreement adopted pursuant to ORS 195.205;

There are no applicable urban service agreements adopted pursuant to ORS 195 in the area of the proposed annexation. The City, however, has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. Pursuant to this agreement, the City completed construction of a public sewer system in this area in 2010. The proposed annexation is in keeping with the City's policy of requiring properties to annex to the City in order to connect to City services such as the new sewer line.

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

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

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

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

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

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

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

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

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

Storm: *The Annexation Properties are not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.*

Transportation: *The City will require public street improvements along the frontage of the Annexation Properties when new development occurs.*

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

- (5) Any applicable comprehensive plan.

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

B. Consider whether the boundary change would:

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

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

The City has recently expanded City sewer service into this area via Stanley Ave and Hazel Pl. The area is currently served by CRW, and the City does not propose to duplicate CRW's water system to serve the Annexation Properties.

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

The Annexation Properties are composed of six tax lots, five of which are developed and one of which is vacant. Annexation of the properties is not expected to affect the quality or quantity of urban services in this area, given the surrounding level of urban development and the existing level of urban service provision in this area.

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

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

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

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

Wastewater: The Annexation Properties are within the City's sewer service area and are served by the City's 8-inch sewer line in Stanley Ave and Hazel Pl.

Water: The Annexation Properties are currently served by CRW. Pursuant to the City's IGA with CRW, the sites should not be withdrawn from this district at this time.

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

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

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

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

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

**Annexation to the City Of Milwaukie
LEGAL DESCRIPTION**

Milwaukie Annexation File No. A-13-02

Property Address: 9604 SE Stanley Ave, Milwaukie, OR 97222

Tax Lot Description: 1S2E30DA 04500

Legal Description: Parcel 1:

Lot 1, Block 4, Hollywood Park, Clackamas County, State of Oregon.

Property Address: 9616 SE Stanley Ave, Milwaukie, OR 97222

Tax Lot Description: 1S2E30DA 04600

Legal Description: Parcel 2:

The West Half of Lot 10, Block 4, Hollywood Park Addition.

Property Address: 5803 SE Hazel Pl, Milwaukie, OR 97222

Tax Lot Description: 1S2E30DA 04700

Legal Description: Parcel 3:

The East Half of Lot 10, Block 4, Hollywood Park Addition, according to the duly recorded plat thereof on file.

Property Address: 5811 SE Hazel Pl, Milwaukie, OR 97222

Tax Lot Description: 1S2E30DA 04900

Legal Description: Parcel 4:

Lot 8, Block 4, Hollywood Park Addition.

Property Address: 9615 SE Stanley Ave, Milwaukie, OR 97222

Tax Lot Description: 1S2E30DB 00800

Legal Description: Parcel 5:

Part of the Hector Campbell D.L.C. in Section 30 in Township 1, South, Range 2, East of the Willamette Meridian described as: Beginning at a point on the West line of said Campbell D.L.C. 171.25 feet North of the Southeast corner of the George Wills D.L.C. thence North along the West line of said Campbell Claim, which is the East line of the Wills Claim 151.25 feet to a point; thence East 168.00 feet to the most Northerly Northeast corner of that tract of land conveyed to Ira Wayne Mansfield et ux by deed recorded in Book 482, Page 475; which point is also the true point of beginning of the tract herein described; thence south 71.25 feet; thence East 120 feet to the center of Stanley Avenue; thence North in the center of said Stanley Avenue 71.25 feet to the Northeast corner of that tract of land conveyed to Peter S. Jamerson et ux by Deed recorded in Book 402 of Deeds, Page 400; thence West along the North line of the same Jamerson tract 120.00 feet, more or less, to the true point of beginning.

Property Address: 9623 SE Stanley Ave, Milwaukie, OR 97222

Tax Lot Description: 1S2E30DB 00900

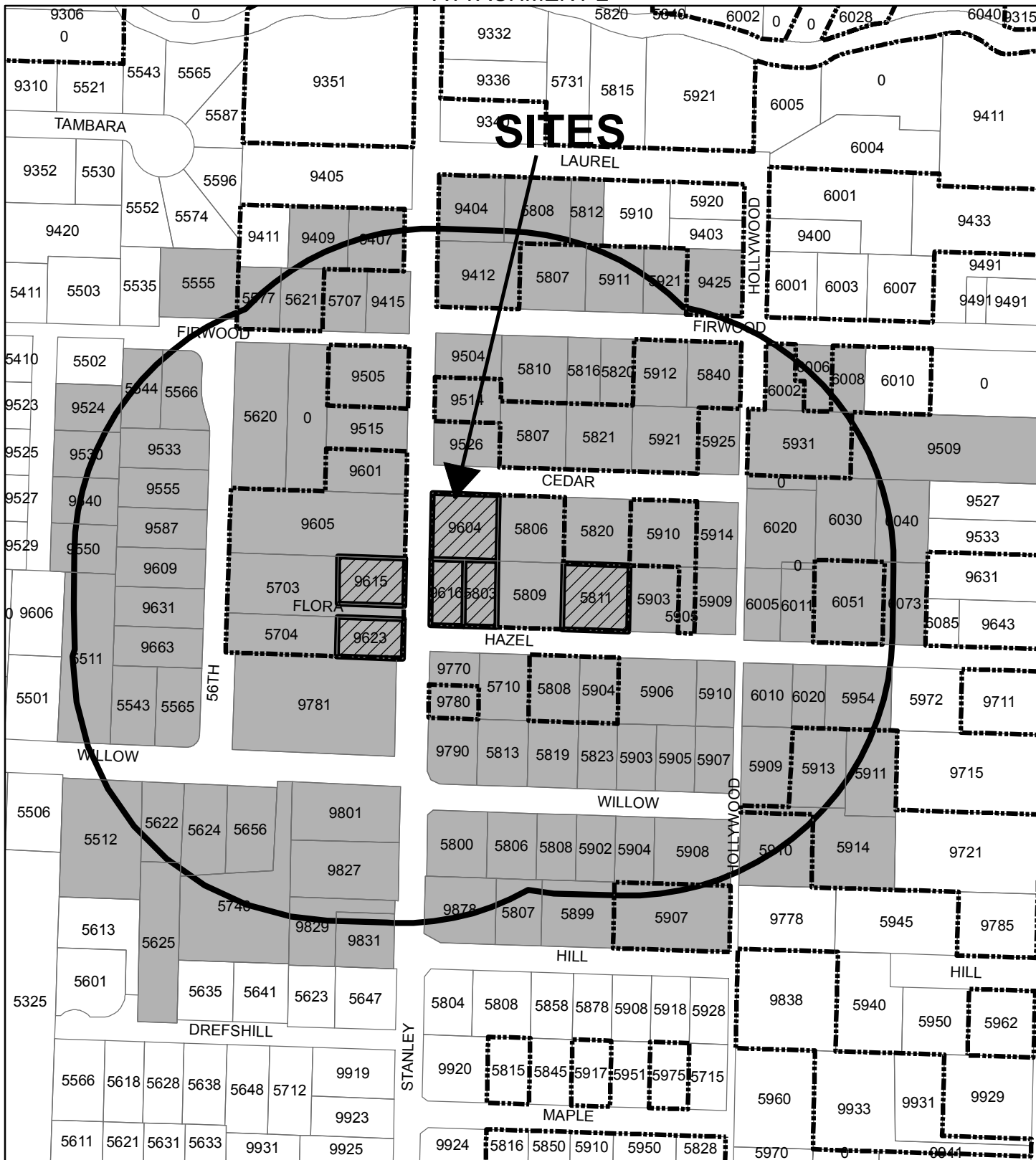
Legal Description: Parcel 6:

Being a part of the Hector Campbell D.L.C. in Section 30, T. 1 S., R. 2 E., of the W.M., beginning at a point in the west line of the said Campbell Claim 171.25 feet north of the southeast corner of the George Wills D.L.C.; running thence north along the west line of said Campbell claim, said west line being the east line of said Wills Claim, 60 feet; thence east 288 feet to the center line of the public road running north and south and known as Stanley Avenue; thence south along center line of said road 60 feet to a point east of the point of beginning; thence west 288 feet to the point of beginning, subject to the rights of the public in Stanley Avenue, in the County of Clackamas and State of Oregon.

Excluding Book 482 Page 530, described as follows:






Being a part of the Hector Campbell D.L.C. in Section 30, T.1.S., R.2.E., beginning at a point in the West Line of the said Campbell Claim 171.25 feet North of the Southeast corner of the George Wills D.L.C.; running thence North along the West Line of said Campbell Claim, said West line being the East line of said Wills Claim, 60 feet; thence East 168 feet; thence South 60 feet; thence West 168 feet to the point of beginning.

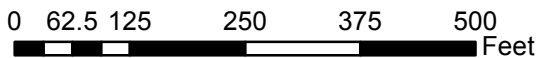
ATTACHMENT 2



Site Map
Multiple Sites
(12E30DB00800 & 0900
12E30DA04500, 04600, 04700 & 04900)
File#A-13-02

Legend

-  400 ft Buffer
-  A-13-02 Sites
-  City Limit
-  Tax Lots
-  Notices





PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

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

Expedited Annexation Application

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant): MANSFIELD Properties, LLC
 Mailing address: 7522 SE 152nd Avenue Portland OR zip: 97236
 Phone(s): 503-761-6711 E-mail: MANSFIELD Properties@hotmail.com

APPLICANT'S REPRESENTATIVE (if different than above): RITA DRAKE
 Mailing address: SAME Zip: _____
 Phone(s): SAME E-mail: SAME

SITE INFORMATION:

Address(es): 9623 + 9615 SE Stanley Map & Tax Lot(s): 12 E 30 DB Property size: 93AC
5703 + 5704 SE Flora 700, 800, 900, 1000 20

Existing County zoning: R-10 Proposed City zoning: _____
 Existing County land use designation: Residential Proposed City land use designation: _____

PROPOSAL (describe briefly):

to obtain discounts on Sewer Project

LIST OF ALL CURRENT UTILITY PROVIDERS:

Check all that apply (do not list water or sewer service providers)

Cable, internet, and/or phone: Comcast CenturyLink (formerly Qwest)

Energy: PGE NW Natural Gas

Garbage hauler: Waste Management Mel Deines Hoodview Disposal and Recycling
 Wichita Sanitary Oak Grove Disposal Clackamas Garbage

Other (please list): _____

SIGNATURE:

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

Submitted by: Rita Drake

Date: 1/31/13

CONTINUED ON REVERSE

SECTION FOR OFFICE USE ONLY:

File #: A-13-02	Fee: \$ 150	Receipt #:	Rcd. by: CSA	Date stamp:
Associated application file #'s:				RECEIVED JAN 31 2013 CITY OF MOWAUKIE PLANNING DEPARTMENT
Neighborhood District Association(s):				
Notes (include discount if any):				



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

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

Expedited Annexation Application

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant): Mansfield Properties, LLC

Mailing address: 7522 SE 152nd Ave Portland OR Zip: 97236

Phone(s): 503-761-6711 E-mail: MANSFIELDPROPERTIES@hotmail.com

APPLICANT'S REPRESENTATIVE (if different than above): RITA DRAKE

Mailing address: SAME Zip: _____

Phone(s): SAME E-mail: SAME

SITE INFORMATION:

Address(es): 9604 & 9616 SE Stanley Map & Tax Lot(s): 1 2E 30 DA Property size: .69 ac

5803 + 5811 SE HAZEL

Existing County zoning: R-10 Proposed City zoning: _____

Existing County land use designation: Residential Proposed City land use designation: _____

PROPOSAL (describe briefly):

to obtain discounts on Sewer Project.

LIST OF ALL CURRENT UTILITY PROVIDERS:

Check all that apply (do not list water or sewer service providers)

Cable, internet, and/or phone: Comcast CenturyLink (formerly Qwest)

Energy: PGE NW Natural Gas

Garbage hauler: Waste Management Mel Deines Hoodview Disposal and Recycling

Wichita Sanitary Oak Grove Disposal Clackamas Garbage

Other (please list): _____

SIGNATURE:

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

Submitted by: Rita Drake

Date: 1/31/13

CONTINUED ON REVERSE

THIS SECTION FOR OFFICE USE ONLY:

File #: A-13-02 Fee: \$ 150 Receipt #: 15 Rcd. by: 189	Date stamp:
Associated application file #'s: —	RECEIVED JAN 31 2013 CITY OF MILWAUKIE PLANNING DEPARTMENT
Neighborhood District Association(s): Llewelling	
Notes (include discount if any):	

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

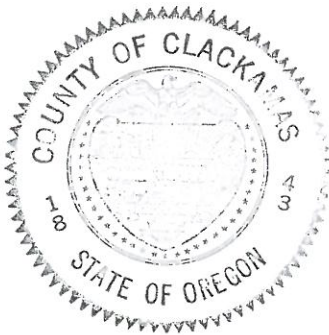
I hereby certify that the attached petition contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

Name Mary Neigel
Title Cartographer II
Department Assessment & Tax
County of Clackamas
Date 01.31.2013

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

CERTIFICATION OF REGISTERED VOTERS

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



Name FLOYD THOMAS

Title DEPUTY CLERK

Department ELECTIONS

County of CLACKAMAS

Date 1-31-13

Floyd Thomas

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

PETITION SIGNERS

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

SIGNATURE <i>Nellie Anderson</i>	PRINTED NAME Nellie Anderson	I AM A:*			DATE 1/31/13
		PO	RV	OV	
PROPERTY ADDRESS 5704 SE Flora Dr.	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE <i>Billy Wheat</i>	PRINTED NAME Billy WHEAT	I AM A:*			DATE 1/31/13
		PO	RV	OV	
PROPERTY ADDRESS 9623 SE Stanley	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE <i>Rita Drake</i> ^{Manager of} _{Properties}	PRINTED NAME RITA DRAKE	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS 9623 + 9615 SE Stanley 5703 + 5704 SE Flora	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

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

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

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

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

PETITION SIGNERS



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

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
<i>Rita Drake / Maxfield Property LLC</i>	Rita Drake	X			1/31/13
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
9604 + 9616 SE Stanley 5803 + 5811 SE Hazel	15	2E	DA	4500, 4600, 4700, 4900	

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

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

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

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

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

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

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E30DB 700,800,900 & 1000) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name Mary Neigel
Title Cartographer II
Department Assessment + Tax
County of Clackamas
Date 01-31-2013

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E30DA 4500, 4600, 4700 & 4900) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name Mary Neigel
Title Cartographer II
Department Assessment & Tax
County of Clackamas
Date 01.31.2013

**EXPEDITED ANNEXATION
PETITION OF OWNERS OF 100% OF LAND AREA
AND PETITION OF A MAJORITY OF REGISTERED VOTERS**

TO: The Council of the City of Milwaukie, Oregon

RE: Petition for Annexation to the City of Milwaukie, Oregon

We, the petitioners (listed on reverse), are property owners of and/or registered voters in the territory described below. We hereby petition for, and give our consent to, annexation of this territory to the City of Milwaukie.

This petition includes a request for the City to assign a zoning and land use designation to the territory that is based on the territory's current zoning designation in the County, pursuant to the City's expedited annexation process.

The territory to be annexed is described as follows:

(Insert legal description below OR attach it as Exhibit "A")

see attached Exhibit "A"

15
20
11

Clackamas County Official Records 2004-033440
 Sherry Hall, County Clerk

00686888200400834400320038
 \$36.00
 04/19/2004 02:05:53 PM

D-D Cnt# DIANNAW
 \$15.00 \$11.00 \$10.00

After Recording Return To:
 Michael R. Sandoval
 1123 S.W. Yamhill St.
 Portland, OR. 97205

Until a change is requested,
 all tax statements shall be
 sent to:

No Change.
 Tax Acct No. 00081958

BARGAIN AND SALE DEED

FOR THE CONSIDERATION HEREINAFTER STATED, the undersigned,
 FLORA JANE MANSFIELD ("Grantor"), does hereby grant, bargain, sell,
 and convey unto: MANSFIELD PROPERTIES, LLC, an Oregon limited
 liability company ("Grantee"), all of Grantor's right title and
 interest in and to the real property and improvements having the
 street address: 9615 S.E. Stanley Ave., Milwaukie, OR., and the
 legal description set forth on the attached Exhibit A incorporated
 herein by this reference.

The true and actual consideration for this transfer,
 stated in terms of dollars is \$-0-. This transfer is for estate
 planning purposes.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY
 DESCRIBED ON THIS INSTRUMENT IN VIOLATION OF APPLICABLE
 LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
 ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE
 TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR
 COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO
 DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR
 FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the Grantors, have executed this
 instrument this 22nd day of July, 2003.

Flora J. Mansfield
 Flora Jane Mansfield

"A"

2004-33440

EXHIBIT A TO BARGAIN AND SALE DEED

12E 30 DB 00800

The following described property situated in the County of Clackamas and State of Oregon:

Part of the Hector Campbell D.L.C. in Section 30 in Township 1, South, Range 2, East of the Willamette Meridian described as: Beginning at a point on the West line of said Campbell D.L.C. 171.25 feet North of the Southeast corner of the George Wills D.L.C. thence North along the West line of said Campbell Claim, which is the East line of the Wills Claim 151.25 feet to a point; thence East 168.00 feet to the most Northerly Northeast corner of that tract of land conveyed to Ira Wayne Mansfield et ux by deed recorded in Book 482, Page 475; which point is also the true point of beginning of the tract herein described; thence South 71.25 feet; thence East 120.00 feet to the center of Stanley Avenue; thence North in the center of said Stanley Avenue 71.25 feet to the Northeast corner of that tract of land conveyed to Peter S. Jamerson et ux by Deed recorded in Book 402 of Deeds, Page 400; thence West along the North line of the same Jamerson tract 120.00 feet, more or less, to the true point of beginning.

[Note: The street address of the subject property is: 9615 S.E. Stanley, Milwaukie, OR.; See prior Warranty Deed recorded on or about August 9, 1957, in Book 529, Page 162.]

01/31/13 (MJD)

"A"

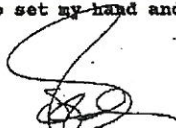
(5)

STATE OF OREGON)
) ss.
County of Multnomah)

ON THIS 2nd day of July, 2003, before me appeared Flora
Jane Mansfield, who acknowledged that she executed the foregoing
Bargain and Sale Deed for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.




NOTARY PUBLIC FOR OREGON
My commission expires: 9.18.06

A

2

9334

BOOK 459 PAGE 179

KNOW ALL MEN BY THESE PRESENTS, That Peter S. Jamerson and Stella Jamerson, husband and wife

in consideration of Ten and No/100 Dollars,

to them paid by Will See and Edna See, husband and wife,

do hereby grant, bargain, sell and convey unto the said grantees, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Being a part of the Hector Campbell D. L. C. in Section 30, T. 1 S., R. 2 E., of the W.M., beginning at a point in the west line of the said Campbell Claim 171.25 feet north of the southeast corner of the George Wills D. L. C.; running thence north along the west line of said Campbell claim, said west line being the east line of said Wills Claim, 60 feet; thence east 288 feet to the center line of the public road running north and south and known as Stanley Avenue; thence south along center line of said road 60 feet to a point east of the point of beginning; thence west 283 feet to the point of beginning, subject to the rights of the public in Stanley Avenue, in the County of Clackamas and State of Oregon.

EXCLUDING BOOK 482 PAGE 530

To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever.

And the grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all incumbrances.

12E 30 DB 00900

01/31/13 (MN)


"A"

VOCATIONAL NUMBER		INDEX		INDEX		INDEX		INDEX	
126	127	128	129	130	131	132	133	134	135
126	127	128	129	130	131	132	133	134	135

OFFICE OF THE COUNTY CLERK
CLACKAMAS COUNTY, OREGON

00081976

10/15
10/15

Clackamas County Official Records Sherry Hall, County Clerk	2004-033442
	\$36.00
00686870200400334420020034	04/19/2004 02:05:53 PM
D-D Cnt#1 SIn#8 DIANNAW	
\$15.00 \$11.00 \$10.00	

After Recording Return To:
 Michael R. Sandoval
 1123 S.W. Yamhill St.
 Portland, OR. 97205

Until a change is requested,
 all tax statements shall be
 sent to:

No Change.

Tax Acct No. 00081976

BARGAIN AND SALE DEED

FOR THE CONSIDERATION HEREINAFTER STATED, the undersigned, FLORA JANE MANSFIELD ("Grantor"), does hereby grant, bargain, sell, and convey unto: MANSFIELD PROPERTIES, LLC, an Oregon limited liability company ("Grantee"), all of Grantor's right title and interest in and to the real property and improvements having the street address: 5704 S.E. Flora Drive, Milwaukie, OR., and the legal description set forth on the attached Exhibit A incorporated herein by this reference.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$-0-. This transfer is for estate planning purposes.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED ON THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the Grantors, have executed this instrument this 2nd day of July, 2003.

Flora Jane Mansfield
 Flora Jane Mansfield

"A"

2004-33442

EXHIBIT A TO BARGAIN AND SALE DEED

The following described property situated in the County of Clackamas and State of Oregon:

12E30DB 01000

Being a part of the Hector Campbell D.L.C. in Section 30, T.1.S., R.2.E., beginning at a point in the West Line of the said Campbell Claim 171.25 feet North of the Southeast corner of the George Wills D.L.C.; running thence North along the West Line of said Campbell Claim, said West line being the East line of said Wills Claim, 60 feet; thence East 16 feet; thence South 60 feet; thence West 168 feet to the point of beginning.

50
168'

[Note: The street address of this property is 5704-5706 S.E. Flora Drive, Milwaukie, OR.; See prior Warranty Deed, dated June 8, 1954, recorded in Book 482, Page 530.]

01/31/13 (M)

A

3

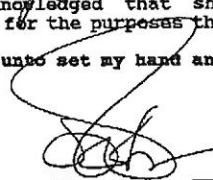
2004-33442

STATE OF OREGON)
) SS.
County of Multnomah)

ON THIS 3rd day of July, 2003, before me appeared
Flora Jane Mansfield, who acknowledged that she executed the
foregoing Bargain and Sale Deed for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.




NOTARY PUBLIC FOR OREGON
My commission expires: 9-18-06

"A"

Clackamas County Official Records 2003-103687
Sherry Hall, County Clerk



\$31.00

00538219200301036870010021

08/08/2003 10:01:34 AM

D-D Cnt=1 SIn=1 MIKE
\$10.00 \$11.00 \$10.00

After Recording Return To:
Michael R. Sandoval
1123 S.W. Yamhill St.
Portland, OR. 97205

Until a change is requested,
all tax statements shall be
sent to:

00080977

No Change.

Tax Acct No. 00080977

BARGAIN AND SALE DEED

FOR THE CONSIDERATION HEREINAFTER STATED, the undersigned, DAVID W. MANSFIELD ("Grantor"), does hereby grant, bargain, sell, and convey unto MANSFIELD PROPERTIES, LLC, an Oregon limited liability company, and unto Grantee's successors and assigns, all of Grantor's right title and interest in and to the real property and improvements having the street address: 9604 S.E. Stanley Ave., Milwaukie, OR., and the following legal description:

"Lot 1, BLOCK 4, HOLLYWOOD PARK, Clackamas County, State of Oregon."

12E 30 DA 04500

The true and actual consideration paid for this transfer, stated in terms of dollars is \$-0-. This transfer is for estate planning purposes.

BS

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED ON THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the Grantors, have executed this instrument this 1 day of August, 2003.


David W. Mansfield

"A"

01/31/13 (MN)

00080986

1/2

Clackamas County Official Records Sherry Hall, County Clerk	2004-033441
	\$31.00
0066688200400834410010022	04/19/2004 02:06:53 PM
D-0 Cnt=1 Sln=9 DIANNAW	
\$10.00 \$11.00 \$10.00	

After Recording Return To:
 Michael R. Sandoval
 1123 S.W. Yamhill St.
 Portland, OR. 97205

Until a change is requested,
 all tax statements shall be
 sent to:

No Change.

Tax Acct No. 00080986

2004

BARGAIN AND SALE DEED

FOR THE CONSIDERATION HEREINAFTER STATED, the undersigned, FLORA JANE MANSFIELD ("Grantor"), does hereby grant, bargain, sell, and convey unto: MANSFIELD PROPERTIES, LLC an Oregon limited liability company ("Grantee"), all of Grantor's right title and interest in and to the real property and improvements having the street address: 9616 S.E. Stanley Ave., Milwaukie, OR., and the following legal description:

"The West Half of Lot 10, Block 4, HOLLYWOOD PARK ADDITION, and the East Half of Lot 10, Block 4, HOLLYWOOD PARK ADDITION, according to the duly recorded plat thereof on file in the office of the county clerk of Clackamas County, State of Oregon."

12E 30DA 04600,
04700
POST

The true and actual consideration paid for this transfer, stated in terms of dollars is \$-0-. This transfer is for estate planning purposes.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED ON THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the Grantors, have executed this instrument this 20 day of July, 2003.

Flora Jane Mansfield
 Flora Jane Mansfield

01-31-13 (Mw)

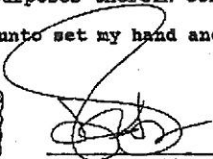
"A"

STATE OF OREGON)
) ss.
County of Multnomah)

ON THIS 3rd day of July, 2003, before me appeared Flora
Jane Mansfield, who acknowledged that she executed the foregoing
Bargain and Sale Deed for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.




NOTARY PUBLIC FOR OREGON
My commission expires: 7-18-06

"A"

②

2
1
10
10
11

Clackamas County Official Records 2004-030539
Sherry Hall, County Clerk



\$21.00

0066292220400306390010027

04/09/2004 02:15:07 PM

D-D CM=1 Sm=2 SEVL
\$10.00 \$11.00 \$10.00

After Recording Return To:
Michael R. Sandoval
1123 S.W. Yamhill St.
Portland, OR. 97205

Until a change is requested,
all tax statements shall be
sent to:

No Change.

Tax Acct No. 00080995 & 00081011

BARGAIN AND SALE DEED

FOR THE CONSIDERATION HEREINAFTER STATED, the undersigned,
FLORA JANE MANSFIELD ("Grantor"), does hereby grant, bargain, sell,
and convey unto: MANSFIELD PROPERTIES, LLC, an Oregon limited
liability company ("Grantee"), all of Grantor's right title and
interest in and to the real property and improvements having the
street address: 5803 S.E. Hazel Place, Milwaukie, OR., and the
following legal description:

00080995
00736118
00736127

12E30DA04700
"Lot 8, Block 4, HOLLYWOOD PARK ADDITION, and the East
Half of Lot 10, Block 4, HOLLYWOOD PARK ADDITION,
according to the duly recorded plat thereof on file in
the office of the County Clerk of Clackamas County, State
of Oregon."

27E32DA0660906700
Lots 12 and 13, Block 7, GREENWOOD PARK, Clackamas
County, Oregon."

The true and actual consideration paid for this transfer,
stated in terms of dollars is \$-0-. This transfer is for estate
planning purposes.

BS

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY
DESCRIBED ON THIS INSTRUMENT IN VIOLATION OF APPLICABLE
LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE
TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR
COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO
DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR
FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the Grantors, have executed this
instrument this 2nd day of July, 2003.

Flora J. Mansfield
Flora J. Mansfield

"A"

01-31-13 (MN)

KNOW ALL MEN BY THESE PRESENTS, That I, IRA WAYNE MANSFIELD

hereinafter called the grantor, for the consideration hereinafter stated,
to grantor paid by FLORA JANE MANSFIELD

65
does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

Lot 8, Block 4 Hollywood Park Addition, and the East half of Lot 10, Block 4, Hollywood Park Addition, according to the duly recorded plat thereof on file in the office of the County Clerk of said County in the State of Oregon.

Lots 12 and 13, Block 7, Greenwood Park, Clackamas County, Oregon.

1 2E 30DA 4900 4700 ⁰¹²⁻⁰⁴⁵

2 7E 32DA 6600 6700

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, excepting such as may appear of record.

01-31-13 (MN)

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$10.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which):

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 13th day of October, 1976.

x *Ira Wayne Mansfield*

STATE OF OREGON, County of Clackamas) ss. October 13, 1976
Personally appeared the above named IRA WAYNE MANSFIELD

and acknowledged the foregoing instrument to be his voluntary act and deed.

Stephen D. Murray
(OFFICIAL SEAL)

Before me: *Stephen D. Murray*
Notary Public for Oregon
My commission expires 10-17-77

NOTE—The sentence between the brackets [] if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED

TO

633
No. AFTER RECORDING RETURN TO
Flora J. Mansfield
10545 SE Fuller Pd
Melv. 97222

STATE OF OREGON)
County of Clackamas) ss.
I, George D. Poppen, County Clerk, do hereby certify that the within instrument of writing was received for and recorded in the records of said county at

80 APR 29 3:11



Witness my hand and seal this 13th day of October, 1976.
George D. Poppen
George D. Poppen
Recording Certificate 80 15881
CCP-R4

By _____ Deputy

80 15881



Agenda Item: RS 6.B.
Meeting Date: 3/5/13

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Expedited Annexation – 5910 SE Maple St (File #A-13-03)

Prepared By: Kari Svanstrom, Associate Planner
Dept. Head Approval: Stephen Butler, Planning Director
City Manager Approval: Bill Monahan, City Manager
Reviewed by City Manager: 2/22/13

ISSUE BEFORE THE COUNCIL

Approval of expedited annexation for 1 tax lot at 5910 SE Maple St

STAFF RECOMMENDATION

Approval

KEY FACTS & INFORMATION SUMMARY

The site is composed of 1 tax lot which the owner would like to annex to allow for future connection to City services, namely City sewer services.

OTHER ALTERNATIVES CONSIDERED

Council can approve or deny the requested annexation.

CITY COUNCIL GOALS

Not applicable.

ATTACHMENT LIST

1. Annexation Ordinance
2. Annexation Site Map
3. Applicant's Annexation Application

FISCAL NOTES

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



To: Mayor and City Council

Through: Bill Monahan, City Manager
Stephen Butler, Planning Director

From: Kari Svanstrom, Associate Planner

Subject: Expedited Annexation Petition for 5910 SE Maple St
(File A-13-03)
Applicant: Robert Walsh III
Address: 5910 SE Maple St
Legal Description (Map & Tax Lot): 1S 2E 30DA 08600
NDA: Lewelling

Date: February 26, 2013 for March 5, 2013 Regular Session

ACTION REQUESTED

Approve application A-13-03, an expedited annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation of one tax lot (0.16 ac) at 5910 SE Maple St (Tax Map 12E30DA 08600) (the "Annexation Property") into the City.
- Application of a Low Density Residential (LD) land use designation and Residential Zone R-10 (R-10) zoning designation to the Annexation Property.
- Amendments to the City's Land Use Map and Zoning Map to reflect the City's new boundary and the Annexation Property's new land use and zoning designations.
- Withdrawal of the Annexation Property from the following urban service providers and districts:
 - Clackamas County Service District for Enhanced Law Enforcement
 - Clackamas County Service District No. 5 for Street Lights

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

- **June 2010:** Council approved the first annexation of property in the Northeast Sewer Extension (NESE) Project Area, at 5840 SE Morris St (file #A-10-01). Since then, Council has approved the annexation of 140 additional properties in the NESE area to date.

- **January 2010:** Council annexed the rights-of-way in the Northeast Sewer Extension (NESE) Project Area making all properties in this area contiguous to the City limits and eligible for annexation (Ordinance 2010).
- **September 2009:** Council initiated annexation of the rights-of-way in the NESE Project Area by resolution (Resolution No. 58-2009).
- **August 2009:** Staff briefed Council on the status of the NESE Project and the need to annex the rights-of-way in this area.
- **July 1990:** Clackamas County Order No 90-726 established an Urban Growth Management Agreement in which the City and County agreed to coordinate the future delivery of services to the unincorporated areas of North Clackamas County. With respect to Dual Interest Area —A, the agreement states: “The City shall assume a lead role in providing urbanizing services.”

BACKGROUND

Proposal

The owner of the property proposes annexation of the property to the City. The owner wishes to annex to the City to access City services, namely sewer service, and to participate in the City’s Reimbursement Fee and System Development Charge Financing Program, which expires March 15, 2013. The tax lot at 5910 SE Maple St is developed with a single-family dwelling, which was legally established in the County. The owner intends to continue using the single-family dwelling as a residence. Upon annexation, the residential use will be a legal use and will be subject to the City’s zoning review and approval for alterations.

Site and Vicinity

The Annexation Property is contiguous to the existing city limits as a result of the NESE right-of-way annexation in 2010. The Annexation Property is within the City’s Urban Growth Management Area (UGMA) and the NESE project area. The area surrounding the site includes single-family dwellings.

Annexation Petition

The petition is being processed as an expedited annexation at the request of the Annexation Property’s owner. Under the expedited process, a City land use and zoning designation is automatically applied to the Annexation Property upon annexation. Any property that is within the UGMA and contiguous to the city limits may apply for an expedited annexation so long as all property owners of the area to be annexed and at least 50% of registered voters within the area to be annexed consent to the annexation.

Clackamas County has certified that these thresholds are met for the Annexation Property. The expedited annexation process automatically assigns City land use and zoning designations to the Annexation Property based on the existing Clackamas County land use and zoning designations. The existing County land use designation for

the Annexation Property is Low Density Residential (LDR), which would assign the city's Low Density Residential (LD) Comprehensive Plan designation to the Annexation Property upon annexation. The current county zoning designation is Residential Zone R-10 (R-10), which would assign a city zoning designation of Residential Zone R-10 (R-10) upon annexation.

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

Expedited Annexation Approval Criteria

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

Utilities, Service Providers, and Service Districts

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

- Wastewater: The Annexation Property is within the City's sewer service area and is served by the City's 8-inch sewer line in Maple St.
- Water: The Annexation Property is currently served by Clackamas River Water (CRW). Pursuant to the City's IGA with CRW, the sites should not be withdrawn from this district at this time.
- Storm: The Annexation Property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.
- Fire: The Annexation Property is currently served by Clackamas County Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.
- Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately

serve the site. In order to avoid duplication of services, the Annexation Property should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

- Street Lights: The Annexation Property is currently within Clackamas County Service District No. 5 for Street Lights (the “District”). As of July 1, 2011, an intergovernmental agreement between the City and the District transfers operational responsibility to the City for the street lights and street light payments in the NESE area, though the properties themselves remain in the District until they annex to the City. The Annexation Property should be withdrawn from the District upon annexation, as the City provides street lighting for properties within the City as part of its package of city services.
- Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, etc.

CONCURRENCE

All City departments, necessary parties, interested persons, and residents and property owner within 400 feet of the Annexation Site were notified of these annexation proceedings as required by City, regional, and State regulations. The Lewelling Neighborhood District Association also received notice of the annexation petition and meeting.

The City did not receive comments from any necessary parties with objections to the proposed annexation.

FISCAL IMPACT

The annexation will have minimal fiscal impact on the City. Costs of providing governmental services will likely be off-set by the collection of property taxes. The total assessed value of 5910 SE Maple St in 2012 was \$103,339. Total property tax collection anticipated for the Annexation Property is \$1,968, and the City will receive approximately \$420 of this total. No incremental costs in the general fund are anticipated as a result of the annexation of this property.

WORK LOAD IMPACTS

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

ALTERNATIVES

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

The City Council has two decision-making options:

1. Approve the application and adopt the ordinance and findings in support of approval.
2. Deny the application and adopt findings in support of denial.

ATTACHMENTS

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS 5910 SE MAPLE ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS. (FILE #A-13-03).

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Zoning and Land Use Designations. The tract of land annexed by this ordinance and described in Section 2 is hereby assigned a Comprehensive Plan land use

designation of Low Density Residential (LD) and a zoning designation of Residential Zone R-10 (R-10).

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

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

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

Signed by the Mayor on _____.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Document1 (Last revised 09/18/07)

FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 5910 SE Maple St (the “Annexation Property”), the Milwaukie City Council finds:

1. The Annexation Property consists of one tax lot comprising 0.16 acres (Tax Map 12E30DA 08600). The tax lot is contiguous to the existing city limits via Maple St. The Annexation Property is also within the City’s urban growth management area (UGMA).

Tax Map 12E30DA 08600 is developed with a single family residence. The surrounding area consists of residential uses.
2. The property owner seeks annexation to the City to access City services, namely sewer services.
3. The annexation petition was initiated by Consent of All Owners of Land on January 31, 2013. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1102.2.A.1.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC Section 19.1104.
5. The annexation petition is being processed as an expedited annexation at the request of the property owners. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.
6. The expedited annexation process provides for automatic application of City land use and zoning designations to the Annexation Property based on its existing land use and zoning designations in the County, which are Low Density Residential and Residential R-10 respectively. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use designation for the Annexation Property is Low Density LD and the automatic zoning designation is Residential R-10.
7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
 - A. The subject site must be located within the City’s urban growth management area (UGMA);
The Annexation Property is within the City’s UGMA.
 - B. The subject site must be contiguous to the existing city limits;
The Annexation Property is contiguous to the existing city limits along Maple St.
 - C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;

The Clackamas County Assessment and Tax Department and Clackamas County Elections Department have verified that that the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors residing at the Annexation Property.

- D. The proposal must be consistent with Milwaukie Comprehensive Plan Policies;

Chapter 6 of the Comprehensive Plan contains the City's annexation policies. Applicable annexation policies include: (1) delivery of City services to annexing areas where the City has adequate services and (2) requiring annexation in order to receive a City service. City sewer service is available to the Annexation Property on Maple St. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.

- E. The proposal must comply with the criteria of Metro Code Sections 3.09.050(d) and, if applicable, (e).

The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as detailed in Finding 8.

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

- A. Find that the change is consistent with expressly applicable provisions in:

- (1) Any applicable urban service agreement adopted pursuant to ORS 195.205;

There are no applicable urban service agreements adopted pursuant to ORS 195 in the area of the proposed annexation. The City, however, has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. Pursuant to this agreement, the City completed construction of a public sewer system in this area in 2010. The proposed annexation is in keeping with the City's policy of requiring property to annex to the City in order to connect to City services such as the new sewer line.

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

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

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

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

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

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

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

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

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

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

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

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

- (5) Any applicable comprehensive plan.

The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous page. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. It does, however, contain the City-County UGMA agreement, which identifies the area of the proposed annexation as being within the City's UGMA. The UGMA agreement requires that the City notify

the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has already annexed and taken jurisdiction of the Maple St right-of-way adjacent to the proposed Annexation Property.

B. Consider whether the boundary change would:

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

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

The City has recently expanded City sewer service into this area via Maple St. The area is currently served by CRW, and the City does not propose to duplicate CRW's water system to serve the Annexation Property.

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

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

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

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

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

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

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

Water: The Annexation Property is currently served by Clackamas River Water (CRW). Pursuant to the City's IGA with CRW, the site should not be withdrawn from this district at this time.

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

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

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

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

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

Exhibit B

Annexation to the City Of Milwaukie
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-13-03

Property Address: 5910 SE Maple St, Portland, OR 97222

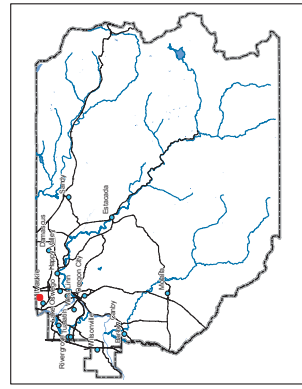
Tax Lot Description: 1S2E30DA 08600

Legal Description: Lot 4 and the West 6 feet of Lot 5, Block 8, HOLLYWOOD PARK,
in the City of Portland, County of Clackamas and State of Oregon.

D. L. C.
 HECTOR CAMPBELL NO. 41

Cancelled Taxlots
 500
 701
 900
 7101
 7201
 7801
 8401
 8701
 13000

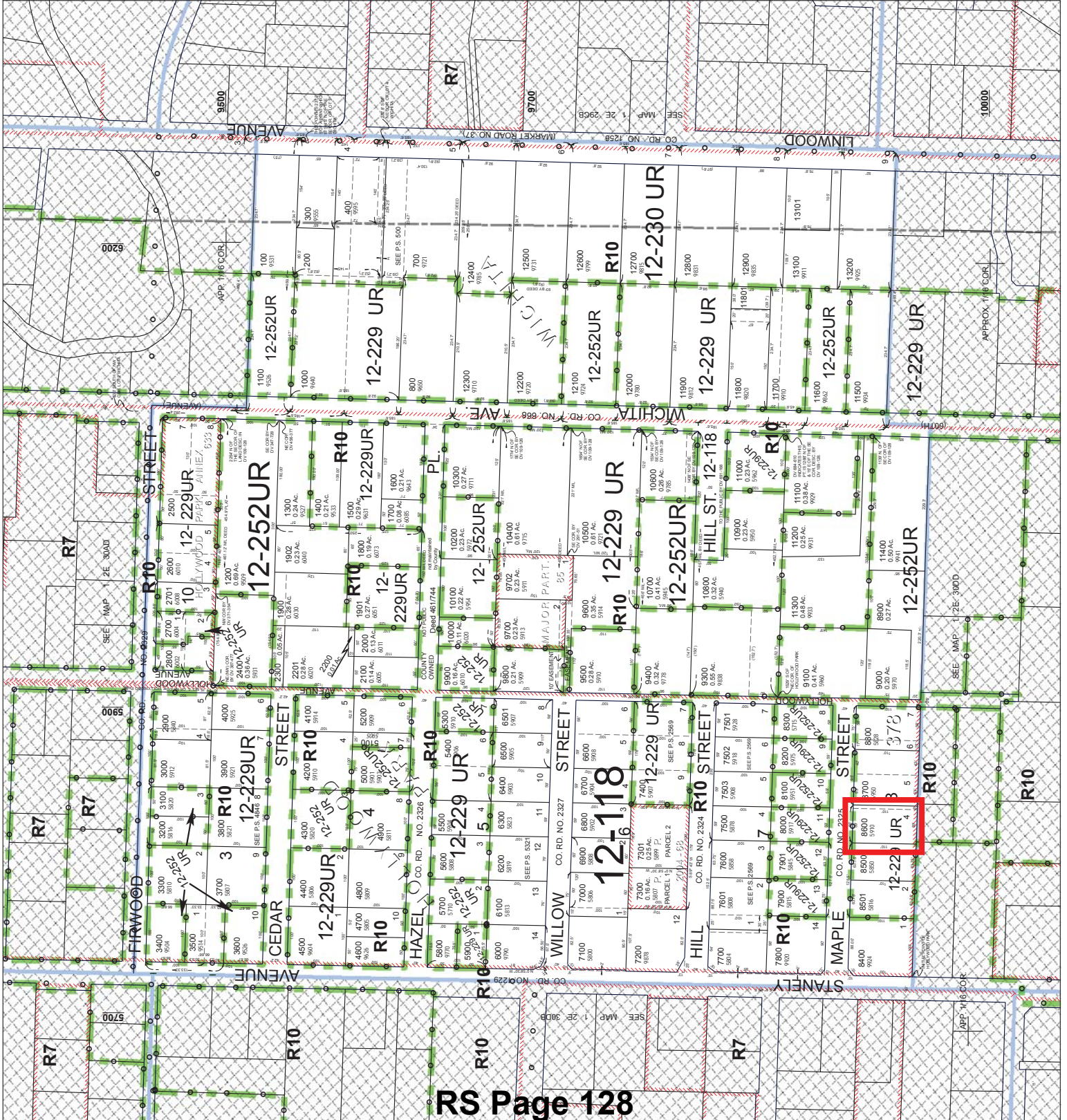
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centreline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Center
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor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



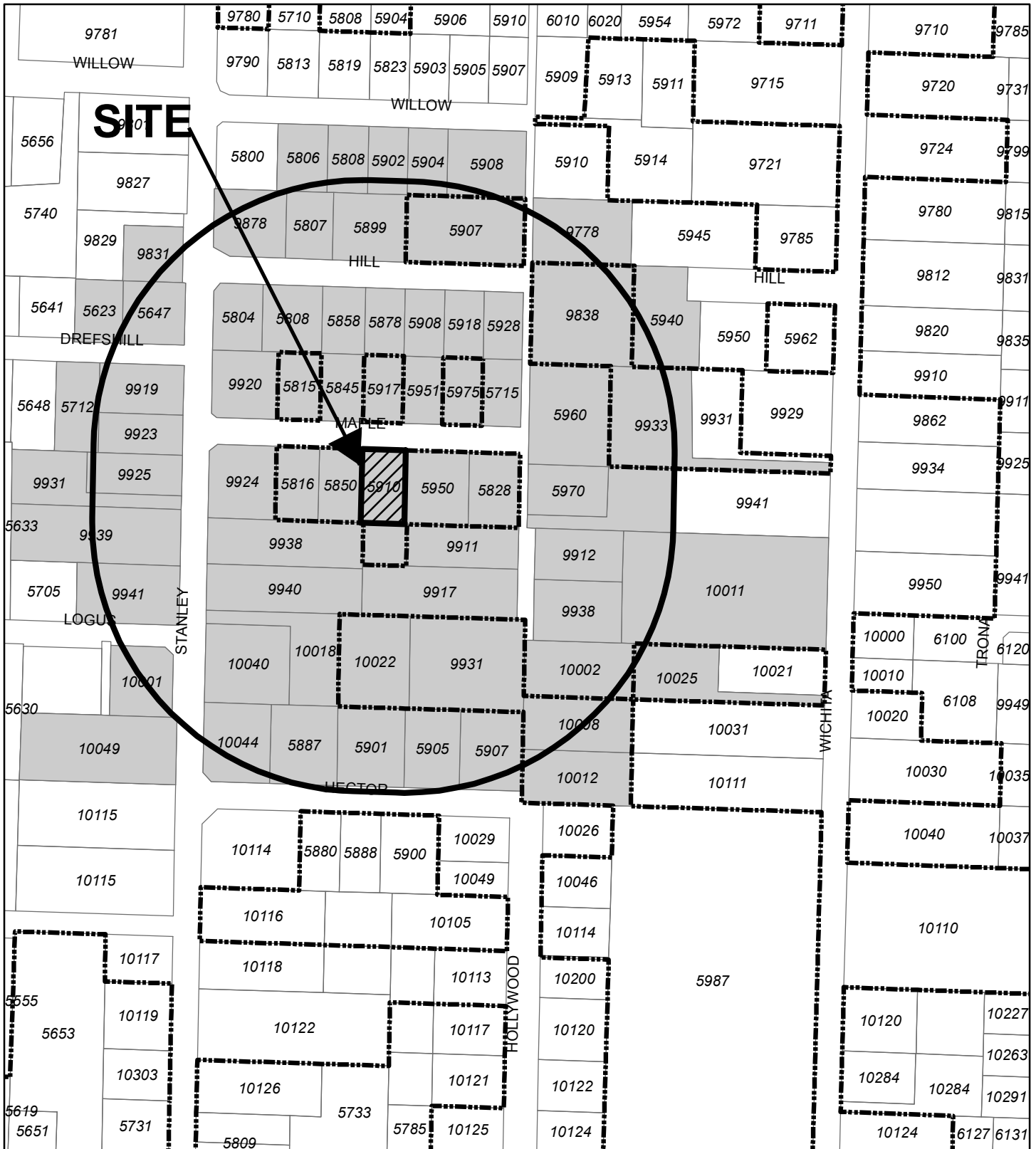
THIS MAP IS FOR ASSESSMENT
 PURPOSES ONLY



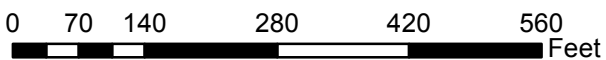
6/20/2012








ATTACHMENT 2



Site Map
5910 SE Maple St
(Tax Lot ID 12E30DA 08600)
File#A-13-03



Legend

-  400 Foot Buffer
-  Site
-  City Limit
-  Notice Properties
-  Tax lots



PLANNING DEPARTMENT
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206

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

Expedited Annexation Application

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant): ROBERT E. WALSH III

Mailing address: 5910 SE. MAPLE ST. MILWAUKIE, OR. 97222 Zip:

Phone(s): 503-793-7658 E-mail: RWALSHLANDSCAPE@YAHOO

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: 5910 SE. MAPLE ST. MILWAUKIE, OR. Zip:

Phone(s): E-mail:

SITE INFORMATION:

Address(es): 5910 SE. MAPLE ST. Map & Tax Lot(s): 1ZE30 DA 08600 Property size:

Existing County zoning: R-10 Proposed City zoning: R-10

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

PROPOSAL (describe briefly):

Expedited annexation

LIST OF ALL CURRENT UTILITY PROVIDERS:

Check all that apply (do not list water or sewer service providers)

Cable, internet, and/or phone: Comcast CenturyLink (formerly Qwest)

Energy: PGE NW Natural Gas

Garbage hauler: Waste Management Mel Deines Hoodview Disposal and Recycling

Wichita Sanitary Oak Grove Disposal Clackamas Garbage

Other (please list):

SIGNATURE:

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

Submitted by: [Signature]

Date: 1/31/2013

CONTINUED ON REVERSE

THIS SECTION FOR OFFICE USE ONLY:

File #: A-B-03 Fee: \$ 150 Receipt #: Rcd. by: USA Date stamp:	
Associated application file #'s: —	RECEIVED JAN 31 2013 CITY OF MILWAUKIE PLANNING DEPARTMENT
Neighborhood District Association(s):	
Notes (include discount if any):	

**EXPEDITED ANNEXATION
PETITION OF OWNERS OF 100% OF LAND AREA
AND PETITION OF A MAJORITY OF REGISTERED VOTERS**

TO: The Council of the City of Milwaukie, Oregon

RE: Petition for Annexation to the City of Milwaukie, Oregon

We, the petitioners (listed on reverse), are property owners of and/or registered voters in the territory described below. We hereby petition for, and give our consent to, annexation of this territory to the City of Milwaukie.

This petition includes a request for the City to assign a zoning and land use designation to the territory that is based on the territory's current zoning designation in the County, pursuant to the City's expedited annexation process.

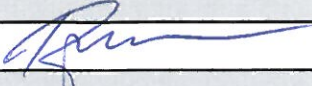
The territory to be annexed is described as follows:


(Insert legal description below OR attach it as Exhibit "A")

~~LOT 4 AND THE WEST 6~~

PETITION SIGNERS

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

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
		<input checked="" type="checkbox"/>			
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5910 SE MAPLE ST. MILWAUKEE, OR. 97222					

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	HEATHER B WASH		<input checked="" type="checkbox"/>		
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5910 SE MAPLE ST. MILWAUKEE, OR					

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

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

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

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

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

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

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

Name Mary Neigel
Title Cartographer II
Department Assessment & Tax
County of Clackamas
Date 01-31-2013

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

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E30DA 08600) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name Mary Neigel
Title Cartographer II
Department Assessment & Tax
County of Clackamas
Date 01.31.2013

CERTIFICATION OF REGISTERED VOTERS

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



Name FLOYD THOMAS

Title DEPUTY CLERK

Department ELECTIONS

County of CLACKAMAS

Date 1-31-13

Floyd Thomas

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

NOTICE LIST

(This form is NOT the petition)

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

	Mailing Street Address		Property Address	
	Name of Owner/Voter	Mailing City/State/Zip	Property Description <small>(township, range, ¼ section, and tax lot)</small>	
1	ROBERT E. WALSH III	5910 SE. MAPLE ST.	5910 SE. MAPLE ST.	
		MILWAUKEE, OR. 97222	MILWAUKEE, OR. 97222	
2	HEATHER B. WALSH	SAME		
3				
4				
5				
6				
7				
8				
9				
10				



Clackamas County Official Records 2006-018202
Sherry Hall, County Clerk



\$26.00

00946499200600182020010018

02/28/2006 03:52:03 PM

D-D Cnt=1 Stn=5 BEVL.
\$5.00 \$11.00 \$10.00

After Recording, Return to:
Robert E. Walsh, III
5910 SE Maple St
Milwaukie OR 97222

Until a change is requested, tax statements
shall be sent to the following address:
SAME AS ABOVE

STATUTORY WARRANTY DEED
(Individual)

(Above Space Reserved for Recorder's Use)

John W. Lane and Juanita M. Lane, as tenants by the entirety

conveys and warrants to
Robert E. Walsh, III, a married man

the following described real property in the State of Oregon and County of Clackamas
free of encumbrances, except as specifically set forth herein:

Lot 4 and the West 6 feet of Lot 5, Block 8, HOLLYWOOD PARK, in the City of Portland,
County of Clackamas and State of Oregon.

Verified Legal Description for Annexation
01/31/2013 (MN)

Tax Account Number(s): 00081404

This property is free of encumbrances, EXCEPT:
Covenants, conditions, restrictions, rights of way, easements and reservations now of
record.

The true consideration for this conveyance is \$189,900.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE
PERSON'S RIGHTS, IF ANY UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT WILL NOT
ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH
THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON
LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF
NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated this 21 day of FEBRUARY, 2006.

John W. Lane

John W. Lane

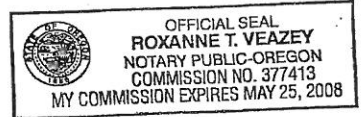
Juanita M. Lane

Juanita M. Lane

STATE OF OREGON, COUNTY OF WASHINGTON) ss.
The foregoing instrument was acknowledged before me this 21st day of FEBRUARY, 2006, by
John W. Lane and Juanita M. Lane.

Roxanne T. Veazey

Notary Public for Oregon
My Commission Expires: _____



Order No.: 30y0001974c

TRANSACTION 30y 0001974c